



CHALLENGES FORUM REPORT 2010

CHALLENGES OF PROTECTING CIVILIANS
IN MULTIDIMENSIONAL PEACE OPERATIONS



Australian Government
Asia Pacific Civil-Military
Centre of Excellence

International Forum for the
Challenges of Peace Operations

Challenges Forum Report 2010

Challenges of Protection Civilians
in Multidimensional Peace Operations

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Printed by Edita Västra Aros AB in Stockholm, Sweden, 2010.

Suggested citation: International Forum for the Challenges of Peace Operations, Challenges Forum Report 2010, Challenges of Protection Civilians in Multidimensional Peace Operations. Edita Västra Aros AB, Stockholm, 2010 (ISBN: 978-91-633-7825-6).

Also available on the World Wide Web at <http://www.challengesforum.org>:

1. International Forum for the Challenges of Peace Operations, Challenges Forum Report 2009, A New Horizon for Peace Operations Partnerships – What are the next steps? (ISBN: 978-91-633-7824-9).
2. International Forum for the Challenges of Peace Operations, Challenges Forum Report 2008, Partnerships – The United Nations, The European Union and Regional Dimensions of Peace Operations: Examples of Cooperation within the Framework of Chapter VIII of the UN Charter (ISBN: 978-91-663-4770-2)
3. The Challenges Project, Meeting the Challenges of Peace Operations: Cooperation and Coordination, Phase II Concluding Report 2003-2006 (ISBN: 978-91-633-4769-6)
4. The Challenges Project, Meeting the Challenges of Peace Operations: Cooperation and Coordination, Phase II Concluding Report 2003-2006, Executive Summaries: English (ISBN: 978-91-663-4822-8) Arabic, Chinese, English, French, Russian, Spanish (ISBN: 978-91-633-4861-7)
5. The Challenges Project, Challenges of Peace Operations: Into the 21st Century – Concluding Report 1997-2002 (ISBN: 91-89683-00-5)
6. The Challenges Project, Challenges of Peace Operations: Into the 21st Century – Concluding Report 1997-2002, Executive Summaries: English (ISBN: 91-89683-01-3) Arabic, Chinese, English, French, Russian, Spanish (ISBN: 91-89683-02-01)
7. Challenges Project International Seminar Reports 1997-2006 and recent Challenges material can also be downloaded from the web-site.

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International Forum for the
Challenges of Peace Operations

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The success or failure of multidimensional peace operations is increasingly measured by the protection afforded to communities under threat of violence. The responsibility for enhancing the protection of civilians (POC) in multidimensional peace operations ultimately rests with the host government and those deployed to the field. But equally, deployed peacekeepers can only implement POC effectively if they are provided with the necessary policies, guidelines, knowledge, training and resources. POC is a cross-cutting issue that all components of a mission must understand and contribute to in a comprehensive approach. For these reasons, POC is a priority issue in current deliberations on how to improve the planning and conduct of modern peace operations.

The purpose of the International Forum for the Challenges of Peace Operations is to enhance the effectiveness of multidimensional peace operations, and to widen and strengthen the international network of actors involved in complex peace operations. As part of this global effort, our Australian Challenges Partners, the Asia Pacific Civil-Military Centre of Excellence, generously hosted the International Forum for the Challenges of Peace Operations 2010 in Queanbeyan, Australia, on the crucial theme of how better to protect civilians through peace operations in conflict and post-conflict environments. The Challenges Forum 2010 stimulated much thought and many recommendations, the record of which forms the content of this Challenges Forum Report 2010.

On behalf of the Challenges Partnership, we would like to express our thanks to the Government of Australia and our Hosts, The Honourable Dr. Mike Kelly, Parliamentary Secretary for Defence Support, and Maj. Gen. (Retd.) Michael G. Smith, Executive Director of the Asia Pacific Civil-Military Centre of Excellence. As Dr. Kelly stated at the International Forum for the Challenges of Peace Operations 2010: “We know that the tragic reality is that civilians, innocent men, women and children, comprise the vast majority of casualties in conflict zones ... we are likely to see an increasing requirement for the United Nations to undertake protection tasks as part of peacekeeping mandates. As Challenges Partners and Forum participants, we are here this week to pursue a common purpose of ‘fleshing out’ the issues that may assist the United Nations in addressing the challenges to better protect civilians under threat. ... the protection of civilians, is often what a mission is all about – in the end it is the true measure of success.” Gen. Smith suggested that “while the protection of civilians has become an increasingly important element in UN peacekeeping missions, successful implementation has proven difficult.” At a very fundamental level, securing the civilian population, providing them with a

"peace dividend" and building their confidence in the processes of peace, is the very foundation upon which long term peace is built.

Participants of the Challenges Forum 2010 raised a series of difficult issues and elaborated on their possible solutions. Under the able leadership of Dr. Kelly and Gen. Smith, many individuals contributed to making the Forum successful. At the Centre, they included Dr. Jim Rolfe, Maj. Gen. (Retd.) Timothy Ford, Ms. Alison Chartres, Superintendent Nigel Phair, Mr. Brad Ebert and Lieutenant Barbara Butler. In New York, valuable support was extended by the Permanent Mission of Australia to the United Nations and H.E. Amb. Gary Quinlan, Col. Robert Manton, and Ms. Lisa Sharland. Much appreciated also was a visit to the Australian Federal Police International Deployment Group outside Canberra, as was the reception hosted by the Swedish Ambassador to Australia, H.E. Amb. Sven-Olof Pettersson.

We are most grateful for the continuing engagement of Australia as a Challenges Partner, spanning more than a decade and including the hosting of a Challenges Seminar in Melbourne in 2002, an effort pursued by Dr. Kelly in cooperation with Dr. Bruce Oswald and Prof. Timothy McCormack at the Melbourne University. The Challenges Partner Organizations, as listed in Annex 1, lie at the heart of the Challenges Partnership. The Partners' active and sustained commitment to our common effort is a precondition for achieving our commonly defined objectives. The United Nations and key regional organizations are proactively involved in the Challenges initiative, both as stake holders and contributors.

We would also like to thank the Patron of the Challenges Forum, Mr. Jean-Marie Guéhenno, for his commitment and insightful contributions to our work. Thanks also goes to our Swedish diplomatic, military, police and prison and probation service colleagues supporting the coordination of Challenges Forum with their complementary perspectives, expertise and financial support.

The Challenges Forum Report 2010 is a common undertaking. We would like to high-light, in particular, the useful contributions made by the Chairs, Speakers, and Working Group Co-Facilitators. We are most grateful for the excellent Background Paper prepared by Dr. William Durch and Ms. Allison Giffen, and the comprehensive Rapporteur's Summary Report prepared by Ms. Haidi Willmot. The editing and finalization of this report has also been contributed to by Maj. Gen. Michael Smith, Ms. Annika Hilding Norberg, Dr. Jibecke Jönsson, Maj. Gen. (Retd.) Robert Gordon, Mr. Andreas Sugar, Ms. Anna-Linn Persson and Ms. Anna Wiktorsson.

The present report contains both thoughtful analysis by presenters and participants as well as tangible and concrete recommendations. Now it is up to us all to seek the implementation of the recommendations, by promoting understanding and effective action and by timely decision-making, and policy development, within academia, government, training centres, headquarters and in the field.

Mr. Henrik Landerholm
Director General
Folke Bernadotte Academy

Ms. Annika Hilding Norberg
International Coordinator
Challenges Forum

Introduction

The Australian Government's Asia Pacific Civil-Military Centre of Excellence hosted the 3rd International Forum for the Challenges of Peace Operations in Queanbeyan, Australia, from 27 to 29 April 2010. The Challenges Forum, held annually, is organized by the Challenges Partnership, a diverse network of civilian, military and police organizations from 17 countries, coordinated by the Forum Secretariat at the Folke Bernadotte Academy, Sweden. The Partnership is dedicated to enhancing an understanding of peace operations – particularly UN-mandated peacekeeping missions – and to improving operational outcomes that contribute to sustainable peace.

The theme of the 3rd International Forum was the Challenges of Strengthening the Protection of Civilians in Multidimensional Peace Operations. Since 1999, the UN Security Council has mandated ten peacekeeping missions to conduct 'protection of civilians' (POC) tasks. Yet, while POC has become an increasingly important element in UN peacekeeping missions, successful implementation has proven difficult. Indeed, the findings of the 2009 Independent Study, commissioned jointly by the Under-Secretary-General for Peacekeeping Operations and the Under-Secretary-General for Humanitarian Affairs, concluded that there were significant gaps in POC policy guidance, planning, preparedness and implementation that needed to be addressed.¹

The 3rd International Forum brought together over 200 civilian, military and police participants from 45 countries, including senior officials from governments, the UN, the African Union, the European Union, major troop and police contributing countries, former and current peacekeeping practitioners, and peacekeeping experts and scholars from think tanks, training institutions and academia. The Challenges Forum's deliberations were guided by the background paper on this year's theme, Challenges of Strengthening the Protection of Civilians in Multidimensional Peace Operations, prepared by Dr William Durch and Ms Alison Giffen of the Henry L. Stimson Center.

In opening the Challenges Forum, Dr. Mike Kelly AM MP, the Australian Government's host and Parliamentary Secretary for Defence Support, noted that 'no UN mission to date has had a clear operational definition of POC'. Yet, as he rightly observed, POC is the true measure of a mission's success. Mr Jean-Marie

1 Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, independent study jointly commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, United Nations, 2009.

Guéhenno, Patron of the Challenges Forum, and former Under-Secretary-General for Peacekeeping Operations, co-launched the Challenges Forum by raising four critical and difficult questions:

- How do you mitigate the gap between what is needed and the resources that are available?
- How do you prioritize if you do not want to be in a reactive mode?
- How do you protect your impartiality?
- How do you empower civilians?

The Challenges Forum generated stimulating debate through nine plenary sessions and six parallel working group sessions. The plenary sessions examined a range of POC issues, notably: the impact of POC on contemporary peace operations; the importance of POC in UN peacekeeping missions; regional and non-UN approaches to POC; military and police requirements for effective implementation of POC; and linkages between POC and conflict prevention, human rights and the rule of law. The working group sessions enabled focused discussion and derived recommendations on specific POC issues, notably: the responsibilities and priorities of the UN Security Council, Secretariat and senior mission leadership; military and police responsibilities and requirements; challenges for international humanitarian law, refugee law and human rights law; and the relevance of the rule of law. A Plenary session also considered the preparation of a Challenges Partnership project document aimed at assisting senior leadership in UN peacekeeping missions.

The Challenges Forum participants' recommendations to help strengthen POC in peacekeeping missions² are covered in the Summary Report in these proceedings. They address, among other issues, improvements to the mandate-creation process; more focused POC training for senior mission leadership teams; better training and preparation for military and police components; consideration of compensation mechanisms for victims; and greater attention to culturally sensitive rule of law strategies. In reviewing these recommendations, the participants considered that a number of operational improvements could be undertaken immediately. In his closing remarks, Dr Mike Kelly noted that 'there are simple tactics, techniques and procedures' that can be adopted to enhance the implementation of POC.

As Mr Jean-Marie Guéhenno declared in his summation, POC is not only a very important issue, it is also a very difficult one. This record of the Challenges Forum's proceedings is intended to assist the UN and Member States in addressing the challenges to better protect civilians under threat. With this in mind, the recommendations will be shared with the UN Secretariat, which is not alone in

² These recommendations built on the specific recommendations contained in the Background Paper, as well as new recommendations arising from Forum consideration.

its responsibility to improve POC implementation. All Member States have a role in protecting civilians. The increasingly integrated nature of peace operations has created unprecedented interdependencies, as well as requirements for coordination and partnership amongst diverse actors. It is these collaborative partnerships that are essential for realizing effective protection mechanisms. In a memorable 14-point personal reflection on peacekeeping, HRH Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, eloquently noted that 'we have to believe in this organization [the UN] and the good that it is doing on behalf of humanity'. The Challenges Partnership believes in the UN and in the importance of UN peacekeeping. The Partnership offers this report as proof of that belief.

Michael G. Smith
Executive Director
Asia Pacific Civil-Military Centre of Excellence
Australia

Challenges of Strengthening the Protection of Civilians in Multidimensional Peace Operations³

Dr. William J. Durch and Ms. Alison C. Giffen

Introduction – Context and Challenges

Last year marked the tenth anniversary of United Nations Security Council (UNSC) attention to the protection of civilians (POC) in armed conflict and the 60th anniversary of the Geneva Conventions of 1949. The reform of peacekeeping and humanitarian assistance to better protect the fundamental rights of individuals and populations was catalyzed by failures in Rwanda, Srebrenica and other crises where international operations were unable to prevent or adequately respond to widespread and systematic abuses – including genocide – unfolding around them. The changing character of conflict and the failure of UN (and other) peacekeeping efforts to deal with it adequately led first to the Brahimi Report⁴ and a decade of structural and doctrinal reforms intended to make peacekeeping more effective. The Brahimi Report argued for the presumed responsibility of UN peacekeepers to stop violence against civilians when they encountered it, but also cautioned that operations needed to be given the necessary means to do so.⁵ The Security Council did include protection language in the mandates of most operations launched in

- 3 This Challenges Forum Study is an independent “think piece” produced at the invitation of the organizers of the 3rd International Challenges Forum. The authors are, respectively, the Dr William Durch, Director and Ms. Allison Giffen, Dep. Director of the Future of Peace Operations program at the Stimson Center, Washington, DC. As with all Challenges Forum studies, the views expressed are those of the authors and do not necessarily reflect the views of the Challenges Partnership or the Forum hosts. For references used when developing the study, please see the paper as it is posted on the Challenges Forum web-site: www.challengesforum.org
- 4 United Nations, “Identical letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council,” *A/55/305-S/2000/809*, 21 August 2000, forwarding the Report of the Panel on United Nations Peacekeeping Operations (the “Brahimi Report”).
- 5 The Brahimi Report referred bluntly to the need for POC (at paras. 62–63) but also expressed concern about mission capabilities and unmet expectations: “[P]eacekeepers – troops or police – who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles and, as stated in the report of the Independent Inquiry on Rwanda, consistent with ‘the perception and the expectation of protection created by [an operation’s] very presence’ (see *S/1999/1257*, p. 51). However, the Panel is concerned about the credibility and achievability of a blanket mandate in this area. There are hundreds of thousands of civilians in current United Nations mission areas who are exposed to potential risk of violence, and United Nations forces currently deployed could not protect more than a small fraction of them even if directed to do so. Promising to extend such protection establishes a very high threshold of expectation. The potentially large mismatch between desired objective and resources available to meet it raises the prospect of continuing disappointment with United Nations follow through in this area. If an operation is given a mandate to protect civilians, therefore, it also must be given the specific resources needed to carry out that mandate.”

the following nine years, but neglected the means and the methods (the doctrines, strategies, training, and equipment) needed to implement that mandate language.

In this century, civilians continued to suffer as a result of armed actors – state and non-state – failing to uphold International Humanitarian Law (IHL), international human rights law, international refugee law, or domestic criminal law so as to minimize the direct and indirect impact of their actions on civilian populations. UN peacekeeping operations have deployed into such environments, where there is little or no peace to keep.⁶

Multiple groups have targeted civilians in UN peacekeeping missions’ areas of operation. Some have political, strategic, or ideological aims; others seek new soldiers (often children) and forced labor (often women); while still others are little more than vicious criminal bands. Sometimes they are proxies of the host government or other signatories to a peace agreement. Sometimes their supply lines or safe havens can be found in neighboring states.

There is growing consensus, in the UNSC and the General Assembly’s Special Committee on Peacekeeping Operations (the “Special Committee”), that UN peacekeeping operations must address POC and that peacebuilding initiatives must include POC as a cross-cutting issue. Multiple motivations leaven this consensus. Morally, no one wants to be complicit in abuse through failure to act, and the moral imperative requires operational follow-up – doctrine, training, and contingency plans. Moreover, communities where peacekeepers deploy expect them to be proactive in POC, so their ability to protect directly affects their credibility and legitimacy and thus the mission’s ability to reach its overarching goals. The question, in short, is no longer whether to protect but how.

Efforts over the last year to identify “how” – including the Department of Peacekeeping Operations and Department of Field Support (DPKO/DFS) New Horizon non-paper, July 2009;⁷ the DPKO- and Office for the Coordination of

6 For the purposes of this study, “[p]eacekeeping is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police, and civilian – working together to help lay the foundations for sustainable peace.” Further, peacekeeping operations are “deployed to support the implementation of a cease-fire or peace agreement, they are often required to play an active role in peacemaking efforts and may also be involved in early peacebuilding activities. United Nations peacekeeping operations may also use force at the tactical level, with the authorization of the Security Council, to defend themselves and their mandate, particularly in situations where the State is unable to provide security and maintain public order.” See United Nations Department of Peacekeeping Operations and Department of Field Support (DPKO/DFS), *United Nations Peacekeeping Operations Principles and Guidelines* (the “Capstone Doctrine”), January 2008, p. 18.

7 DPKO/DFS, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* (“New Horizon”), non-paper, July 2009.

Humanitarian Affairs (OCHA)-commissioned independent study, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*,⁸ November 2009; UNSC Resolution 1894, November 2009;⁹ the DPKO/DFS Draft Operational Concept on POC,¹⁰ January 2010; and the March 2010 report of the Special Committee¹¹ – all contribute to the momentum for change.

This paper builds on these efforts and others within and beyond the United Nations system to give participants in the 3rd International Challenges of Peace Operations Forum an up to date assessment of progress on POC in UN peacekeeping operations from an array of normative and operational perspectives. It offers observations and recommendations aimed at making POC in UN peacekeeping more effective. Designed to follow the structure of the Forum, Part I addresses the UN strategic level and Part II strategic humanitarian and regional perspectives. Part III moves to the operational level of UN peacekeeping operations, and Part IV examines the particular roles and requirements in POC of the uniformed components of these operations (military and police). Part V addresses civilian POC stakeholders, with emphasis on conflict prevention and human rights, and Part VI addresses the importance of the rule of law for POC.

8 Victoria Holt and Glyn Taylor with Max Kelly. *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*. Independent study jointly commissioned by the DPKO and the UN Office for the Coordination of Humanitarian Affairs (OCHA), 17 November 2009 (“*Protecting Civilians in the Context of UN PKOs*”).

9 Forthcoming Special Committee on Peacekeeping 2010 Annual Report.

10 “Draft DPKO/DFS Operational Concept on the Protection of Civilians in UN Peacekeeping Operations,” January 2010.

11 United Nations General Assembly (UNGA) Special Committee on Peacekeeping Operations (“Special Committee”), 2010 Annual Report, Advanced Unedited Version, 20 March 2010.

UNDERSTANDING PROTECTION CONCEPTS, ACTORS AND RESPONSIBILITIES

In what contexts should missions consider the protection of civilians (POC): The UNSC and others refer to the “protection of civilians in armed conflict.” In fact, UN peacekeeping and other operations often face protection threats in a broader spectrum of environments including generalized violence and post-conflict situations that may not qualify as international or non-international armed conflict and where the term “civilian” may lose its legal distinction. For the purposes of this background paper and the Challenges Forum, the term protection of civilians will apply to the broader spectrum of environments.

Who contributes to POC: A number of actors within a conflict contribute to POC. Vulnerable individuals and populations under threat employ diverse strategies to protect themselves. In addition, other state authorities or domestic non-governmental agencies often contribute to efforts to protect. Finally, many international humanitarian, human rights, and development entities, as well as non-UN military and multidimensional operations may contribute to POC in any given setting. The Challenges Forum will focus primarily on the contributions of the United Nations to POC, and on the relationship of the UN peacekeeping mission with the host state and key international (third-party) actors. This focus in no sense diminishes the importance of the protection work of other actors and will, we hope, encourage exploration of how protection actors can best complement one another’s work.

Who is responsible for POC: Under international humanitarian and human rights law, host state governments hold the primary responsibility for ensuring the security of their civilian population. This requires states to both refrain from committing violent human rights abuses and to fulfill their positive obligations to secure civilians from other threats. Although it is generally accepted and understood that international or third-party actors should refrain from committing human rights abuses, there is not yet consensus about whether they are legally obligated to secure civilians from threats. This paper does not seek to establish whether third-party actors are legally obligated to protect, but rather to discuss what they can do to better protect civilians under threat, given the moral, operational, and pragmatic imperatives to protect.

Part I:

Protection of Civilians in UN Peacekeeping Operations – Common Strategic View?

SUMMARY OF PART I

A Decade of Reform

For over a decade, the UN Security Council and many UN actors and agencies have aspired and worked to enable UN peacekeeping operations to better protect civilians. Since 1999, the UN Security Council has authorized ten peacekeeping missions to use force to protect civilians under imminent threat of violence; issued a number of thematic resolutions on the protection of civilians and in particular vulnerable populations, and addressed POC in other official and unofficial mechanisms. During this time, the tasks related to protecting civilians, and the number of actors within and outside a peacekeeping mission tasked with contributing to POC, have proliferated. Despite this attention to the issue, there is no common strategic view among stakeholders within or outside the UN on the definition of POC or how peacekeeping missions are expected to implement it. The absence of a strategic view has undermined the planning and training for and implementation of POC by peacekeeping missions.

New Opportunities for Progress

In 2009 and 2010 respectively, the Security Council and the Special Committee requested that the Secretariat take steps to address this gap in guidance and training. As such, the Secretariat has taken steps in consultations with troop- and police-contributing countries to develop a “strategic framework,” guidance, and training on POC. This guidance should ensure that POC is integrated in the Technical Assessment Missions and other planning processes from the beginning and ensure that peacekeeping missions are gathering lessons learned and best practices. Moreover, the Secretariat should develop benchmarks for POC success and continue to assess whether current Concepts of Operations and resources are adequate and appropriate to missions mandated to protect.

A Decade of Reform

UN peacekeeping operations before 1999 included objectives and tasks to uphold human rights, but in 1999 the UNSC issued the first specific mandate “to afford protection to civilians under imminent threat of physical violence” when it authorized the United Nations Mission in Sierra Leone (UNAMSIL).¹² The Security Council continued to address POC in subsequent years along three tracks: other resolutions mandating peacekeeping operations to protect; thematic resolutions on POC; and other official and unofficial mechanisms of the Security Council such as presidential statements, informal expert groups, and Arria Formula sessions.¹³

Altogether, ten UN peacekeeping operations have included mandates similar to UNAMSIL’s. In 2009, eight such missions were in operation (Text Box 2), involving a majority of UN peacekeepers.

MISSION-SPECIFIC MANDATES THAT INCLUDE THE PROTECTION OF CIVILIANS

Mandate language for missions mandated to protect civilians often includes a variant of the phrases “to protect civilians under imminent threat of physical violence,” “within its capabilities and its areas of deployment,” and “without prejudice to the responsibility of the host government.”

MINURCAT	Chad and Central African Republic
MINUSTAH	Haiti
MONUC	Democratic Republic of the Congo
UNAMID	Darfur, Sudan
UNIFIL	Lebanon

Security Council thematic resolutions include Resolutions 1674 (2006) and most recently 1894 (2009), on the protection of civilians in armed conflict, which provide the overarching framework for UNSC consideration of POC; Resolutions 1325 (2000) and 1889 (2009) on women, peace, and security; Resolutions 1612 (2005) and 1882 (2009) on children and armed conflict; and Resolutions 1820 and 1888 (2008) on sexual and gender-based violence. These thematic resolutions often shape the strategies, roles and responsibilities of UN peacekeeping mission components and the work of specialized UN agencies on the ground.

¹² S/RES/1270 of 22 October 1999, OP 14.

¹³ “The Arria Formula is an informal arrangement held outside the Council chambers that allows the Council to be briefed by one or several experts in a matter of concern to the Council.” United Nations Non-Governmental Liaison Service.

Presidential Statements include an Aide Mémoire, developed by OCHA, outlining issues that the UNSC had addressed on POC in its resolutions, issued by the Council in March 2002.¹⁴ The most recent version of the *Aide Mémoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict* was issued in January 2009.¹⁵ In the same month, an informal Security Council ‘Expert Group’ on POC was formed that serves as a forum for discussions of POC-specific matters in advance of Security Council action on UN peacekeeping mandates.

This progress over the past decade has contributed to a concept of POC for UN peacekeeping missions and UN agencies that is broad and evolving. The 2009 independent study, *Protecting Civilians in the Context of UN PKOs*, found that the breadth and evolving nature of the concept has contributed to confusion on the ground.

“[T]he UN Secretariat, troop- and police-contributing countries, host states, humanitarian actors, human rights professionals and the missions themselves continue to struggle over what it means for a peacekeeping operation to protect civilians, in definition and practice.”¹⁶

The study found that “protection” has been used to describe a broad spectrum of activities undertaken by UN peacekeepers and other stakeholders, from immediate protection from physical violence to the full range of peacebuilding, human rights, and capacity-building activities that may contribute to POC in the longer term. Further, the Security Council has previously characterized the authorization to protect civilians under imminent threat of violence both as an operational-level objective and as a tactical-level task.¹⁷ Over the last decade, with the notable exceptions of Resolutions 1865 and 1906 for MONUC in the Democratic Republic of the Congo (DR Congo), UNSC mandates failed to indicate clearly how the objectives and/or tasks should be implemented or prioritized against other objectives and tasks. Res. 1906 (relevant excerpts in Text Box 3) followed the latest Security Council thematic resolution on POC (S/Res/1894), which stressed that “mandated protection activities must be given priority in decisions about the use of available capacity and resources.”¹⁸

14 S/PRST/2002/6, 15 March 2002.

15 S/PRST/2009/1, 14 January 2009.

16 Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 4.

17 Holt et al., *Protecting Civilians in the Context of UN PKOs*, pp.6–7. Security Council resolutions including Chapter VII authorization to protect civilians have also used the phrases “take necessary action” or “use all necessary means”—which have been interpreted with considerable variation in rules of engagement and other guidance for missions.

18 S/Res/1894, OP 19.

**UN SECURITY COUNCIL RESOLUTION 1906:
GIVING HIGHEST PRIORITY TO PROTECTION**

5. Decides that, from the adoption of this resolution, MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, shall have the following mandate, in order of priority: (a) Ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities [...]

7. Emphasizes that the protection of civilians, as described in paragraph 5 (a), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks [...];

Source: UN Security Council Resolution 1906, S/RES/1906 (2009), 23 December 2009.

Priority is not strategy, however. Security Council mandates have regularly included caveats that, while intended to limit expectations or circumscribe mission responsibilities, have not assisted the implementation of POC in practice.¹⁹ Instead these caveats have at times been used as loopholes or excuses for inaction. Attempts to define these caveats more precisely within mandates may be less beneficial than efforts to develop the standing operational concepts and procedures to meet the mandates' intended objectives, and the resources and training to get the job done.

Moreover, these caveats do little to achieve their intended affect of managing the expectations of communities on the ground and communities watching the United Nations' performance around the world. Regardless of the mandate or the resources and assets, a peacekeeping mission will not be able to protect all of the civilians within its area of operation all of the time. Given a mission's ability to protect civilians goes to its credibility and legitimacy, the United Nations must review and develop better systems for managing public information campaigns and expectations. Implicit in expectation management and improving effectiveness is the need to develop indicators for success. Without a clear strategy that a) prioritizes protection among other operational-level objectives, b) prioritizes various protection needs within the mission's area of operation, c) undertakes contingency planning, and d) sets benchmarks for success, the mission may not be able to set realistic objectives and meet its commitments to protect civilians.

¹⁹ Holt et al., *Protecting Civilians in the Context of UN PKOs*, pp. 11, 44.

New Opportunities for Progress

The Special Committee, Security Council, and Secretariat each have taken steps over the past year to address the POC guidance gap at the strategic level. The 2009 annual report of the Special Committee asked the Secretary-General to provide a note on the lessons learned from peacekeeping operations mandated to protect civilians; the DPKO/DFS non-paper *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* asserted that DPKO/DFS would produce a draft strategic guidance note on robust peacekeeping for discussion with member states;²⁰ and Security Council Resolution 1894 recognized:

the need for comprehensive operational guidance on peacekeeping missions' tasks and responsibilities in the implementation of protection of civilians mandates and requests the Secretary-General to develop in close consultation with Member States including troop and police contributing countries and other relevant actors, an operational concept for the protection of civilians, and to report back on progress made....²¹

In response, the Secretariat developed three documents: 1) "DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations: Dilemmas, Emerging Practices and Lessons Learned;" 2) "Draft DPKO/DFS Concept Note on Robust Peacekeeping;"²² and 3) "Draft DPKO/DFS Operational Concept on the Protection of Civilians in UN Peacekeeping Operations." Troop- and police-contributing countries (TCCs and PCCs, respectively) were consulted in early 2010 on these notes. The Special Committee's 2010 annual report asked the Secretary-General to further develop a "strategic framework" on the protection of civilians and training modules on the subject for all peacekeeping personnel.²³

The Draft Operational Concept is an important first step in addressing gaps in guidance at the strategic level, organized around three "tiers" of protection:

1. Protection through political process;
2. Providing protection from physical violence; and
3. Establishing a protective environment.²⁴

This framework was developed based on current understandings of and activities undertaken by UN peacekeeping operations to promote POC. DPKO and DFS did

20 DPKO/DFS, *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, p. 42 (para 14).

21 S/Res/1894, OP 22.

22 "Draft DPKO/DFS Concept Note on Robust Peacekeeping," January 2010.

23 Special Committee, 2010 Annual Report, Advanced Unedited Version, paragraphs 149–150.

24 "Draft DPKO/DFS Operational Concept," p 1.

not adopt the same framework as humanitarian actors. Peacekeeping is a political enterprise usually engaged in encouraging the brokering or implementation of a peace agreement – a political document – which may require an operation to partner with the host-state government (engaging in reconstruction of the host state’s security services) and/or use force to stop spoilers. Such activities may contradict the principles of neutrality, impartiality and independence that guide humanitarian work (discussed in Part II, below).

The first tier captures the political and advocacy efforts that mission leadership and personnel should undertake in regard to POC. The second tier outlines different actions that the mission will need to consider to prevent and pre-empt violence against civilians as well as respond to and finally consolidate a situation following an incident. The third tier captures activities such as promoting legal protection, facilitating humanitarian assistance, and supporting effective national institutions.²⁵ The Draft Operational Concept offers some strategic-level guidance but additional guidance will be needed at both the strategic and operational levels to effectively implement the Concept, as discussed in Part III: Applying Protection in UN Missions.

The Special Committee’s 2010 annual report acknowledged that the Secretariat should continue to develop guidance, or a strategic framework for UN peacekeeping missions. However, the Special Committee’s annual report did not acknowledge that additional guidance is needed in relation to robust peacekeeping. This lack of consensus translates into a lack of clarity on how proactive peacekeeping missions should be in defending their mandate, and correlatively, what guidance and resources peacekeeping missions may require.

Recommendations for UN Peacekeeping Operations, a Strategic View:

- Effective 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 UNSC should reflect the cross-cutting protection requirements identified by the TAM team, and assign sufficient resources to ensure that protection can be achieved.²⁶

²⁵ “Draft DPKO/DFS Operational Concept,” pp 8–10.

²⁶ See S/Res/1894 paragraphs 20–21.

- 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 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.²⁷ 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.

27 S/Res/1894 and forthcoming UN Special Committee on Peacekeeping 2010 Annual Report, paras 148–149.

Part II:

Humanitarian and Regional Protection Perspectives

SUMMARY OF PART II

Humanitarian Protection Initiatives

The mass atrocities of the 1990s challenged humanitarian organizations to look in the mirror and review how the provision of humanitarian assistance may have exacerbated or could have prevented the violence perpetrated against civilians. As a result, the humanitarian community began developing a significant body of guidance, principles, manuals, strategies and programs to the physical protection of individuals and populations. Humanitarian protection has continued to evolve as actors strive to reduce the vulnerabilities of civilians and eradicate the causes of violations. The concept is now applied to situations of armed conflict, ongoing generalized violence, natural disasters, and post-conflict situations. The ICRC, the UN's Inter-Agency Standing Committee (IASC) and OCHA have developed frameworks and coordination mechanisms for a diverse set of humanitarian actors contributing to POC.

Unfortunately, as the humanitarian concept of protection has evolved alongside reforms in peacekeeping, fault lines have arisen between humanitarians and the parties that grant them access to vulnerable populations as well as between humanitarians and integrated peacekeeping missions. As such, additional guidance is needed to increase communication and coordination within humanitarian protection actors, between humanitarian protection actors and peacekeeping missions and within peacekeeping missions to ensure all actors are able to implement protection activities safely and effectively in the same area of operation.

Regional Peace and Security Initiatives: A Spotlight on the African Union

Regional peace and security organizations have long been involved in addressing violence against civilians through political pressure and mediation to end violations, in efforts to prevent and respond to violence and in contributing to peacekeeping and establishing a protective environment. The African Union, North Atlantic Treaty Organization and the European Union have all conducted field operations relevant to POC and each has some strategic-level guidance related to POC, although the African Union has taken the lead in developing comprehensive guidance for peace support operations. Inasmuch as regional force deployments may precede, succeed, or occur in parallel with UN peacekeeping operations, it behooves the United Nations and regional organizations to coordinate the development of POC policy, strategy and guidance for avoidance of misunderstanding at a minimum and better prospects of success where deployments are close, in time or space.

Humanitarian Protection Initiatives

Generally speaking, guidelines for humanitarian protection are more advanced than equivalent POC guidelines for UN peacekeeping missions. Humanitarian entities – including UN agencies – have developed a significant body of guidance, principles, and manuals to help improve protection mechanisms for those affected by conflict and injustice.

In 1999, the International Committee of the Red Cross (ICRC) convened a series of workshops engaging humanitarian and human rights actors. The initiative resulted in a definition of “protection”²⁸ and a framework for providing protection, widely known as the “egg model,” which included responsive, remedial, and environment building activities that contribute to individual and community protection.²⁹ The workshops were in part a reaction to the mass atrocities of the 1990s that challenged humanitarian organizations to look in the mirror and review how the provision of humanitarian assistance may have exacerbated or could have prevented the violence perpetrated against civilians. As a result, the humanitarian community became more aware of the importance of avoiding “the well-fed dead” by addressing the physical protection of individuals and populations as well as providing other life-saving assistance.

Since the 1990s, humanitarian protection has continued to evolve as actors strive to reduce the vulnerabilities of civilians and eradicate the causes of violations. The concept is now applied to situations of armed conflict, ongoing generalized violence, natural disasters, and post-conflict situations.³⁰ Humanitarian activities that operationalize the concept include, but are not limited to, the following:

- Programming guided by the principle of “do no harm,” which seeks to ensure that humanitarian assistance does not worsen the vulnerabilities of individuals and communities. This may entail conflict and situation analysis to emphasize program designs that reduce the vulnerabilities of communities (e.g., placing latrines, water points, clinics and schools in areas that reduce the probability of sexual and gender based violence (SGBV)).

28 The International Committee of the Red Cross (ICRC) definition of protection included efforts to: ensure that authorities and other actors respect their obligations and the rights of individuals; prevent or put a stop to actual or potential violations of international humanitarian law and other relevant bodies of law; eradicate the causes of violations and the circumstances that lead to them; and reinforce the security of individuals and reduce threats. ICRC, “Enhancing Protection for Civilians in Armed Conflict and other Situations of Violence,” September 2008, p. 9–10.

29 Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 67.

30 For example, although not discussed in this report, the scope of humanitarian protection has evolved to include populations displaced or at risk as a result of ‘organised armed conflict, ongoing generalized violence, natural disasters and post-conflict situations.’ See SORCHA O’CALLAGHAN and SARA PANTULIANO, *Protective Action: Incorporating Civilian Protection into Humanitarian Response*, HPG Rpt. 26. London: Overseas Development Institute, Humanitarian Policy Group, December 2007, p. 1.

- Protection-specific programming that can be preventive or responsive. Preventive activities include educating communities about their rights or helping to organize coordinated firewood collection. Responsive activities include providing medical services or helping survivors access legal systems.
- Outreach and advocacy (directly or through appropriate intermediaries) to armed actors to raise awareness of their responsibilities under international human rights and humanitarian law and to dissuade them from perpetrating abuses.

The UN's Inter-Agency Standing Committee (IASC) and OCHA have undertaken reviews and developed frameworks and coordination mechanisms for the humanitarian community on protection. The IASC developed *Growing the Sheltering Tree* in 2002, which gathered and categorized best practices of protection. Of note, the UN Emergency Response Coordinator commissioned the 2005 Humanitarian Response Review, largely in reaction to failures to protect in Darfur. The review resulted in the creation of the “humanitarian cluster” approach which seeks to define roles and responsibilities and provide a coordination mechanism for all humanitarian activities, including protection, at the global, operational, and local level.³¹ In 2008, the IASC Protection Cluster Working Group released a “Discussion Note on Collection of Good Practices in Protection,” which collected best practices.³² Further, the ICRC has developed a number of very helpful tools on designing and implementing protection activities in armed conflict and situations of violence, a useful tool that can be applied to diverse and complex environments by numerous protection actors.³³

These initiatives have resulted in a more coherent operational concept of humanitarian protection and a framework to encourage the evolution of the concept toward the shared objective of reducing vulnerabilities. Nevertheless, the concept is dynamic and contentious. Some governments assert that protection work and some of its components – conflict analysis, outreach to armed actors and sometimes media and advocacy – are outside the bounds of humanitarian mandates.³⁴

As the humanitarian concept has evolved alongside reforms in peacekeeping, additional fault lines have arisen. Over the last decade, for example, UN peacekeeping has moved toward “integrated missions” intended to pull together

31 Holt et al., *Protecting Civilians in the Context of UN PKOs*, pp. 36, 67–68.

32 Inter Agency Standing Committee, Protection Cluster Working Group, “Discussion Note on Collection of Good Practices in Protection.”

33 See ICRC, “Enhancing Protection for Civilians.”

34 See Sorcha O’Callaghan and Sara Pantuliano, “The ‘protection crisis’: A review of field-based strategies for humanitarian protection in Darfur.” Overseas Development Institute, HPG Discussion Paper, December 2006, pp. 21–22.

UN activities. Such missions may include political, electoral, judicial, corrections, human rights, and other elements in addition to police and military components. Some have included humanitarian components but humanitarian agencies often operate outside of the mission, at varying levels of communication and coordination with the mission. Integration has led to a more coherent approach on protection within the United Nations but humanitarian actors (including UN humanitarian agencies) worry that working alongside and/or in coordination with UN peacekeeping missions – which may be partnering with current or former parties to a conflict or may be associated locally with the political agendas of regional or global powers – could compromise the humanitarian principles that guide their work. The move toward integrated missions is not the only issue that has emerged between humanitarian actors and UN peacekeeping missions, but is an important fissure that merits further attention.

Humanitarian operations depend on the understanding that their work is independent of any government, that services are distributed in an impartial way (based on need) and that they remain neutral from any party to a conflict. These principles contribute to their effective work with communities, the protection of their beneficiaries, and their own protection in the midst of conflict. Unfortunately, these concerns have contributed to a lack of communication between actors. Given that effective protection often hinges on the coordination and leveraging of numerous actors within the same area, lack of communication and respect for different stakeholders' purposes and contributions can undermine protection.

There are a number of humanitarian guidelines on civil-military coordination,³⁵ but they do not focus explicitly on POC. Similarly, the evolving policies, tools, and approaches on humanitarian protection have made minimal reference to how humanitarian actors should engage and coordinate with peacekeeping missions on protection despite their increasingly important role in this area. Existing humanitarian guidelines and frameworks could be reviewed or supplementary guidelines could be created to focus on communication and, when appropriate, coordination related to POC between humanitarian actors and those responsible for military, police, and political components.³⁶

35 See Civil-Military Guidelines and References for Complex Emergencies, United Nations (UN) and the Inter-Agency Standing Committee (IASC), January 2009; Guidelines on The Use of Foreign Military and Civil Defence Assets in Disaster Relief – Oslo Guidelines, OCHA-November 2006, Revision November 2007, January 2009; United Nations Humanitarian Civil-Military Coordination – Concept Paper, United Nations (UN) and the Inter-Agency Standing Committee (IASC), March 2005; and the IASC Principles on Military-Civilian Relations, January 1995.

36 Holt et al., *Protecting Civilians in the Context of UN PKOs*, pp. 69–73.

Recommendations Related to Humanitarian Protection Initiatives:

- Guidelines for humanitarian protection are based on 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 IASC civil-military guidelines,³⁷ 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 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.³⁸

Regional Peace and Security Initiatives: A Spotlight on the African Union

Regional peace and security organizations have long been involved in addressing violence against civilians through political pressure and mediation to end violations, in efforts to prevent and respond to violence and in contributing to peacekeeping and establishing a protective environment.

³⁷ See Civil-Military Guidelines and References for Complex Emergencies, United Nations (UN) and the Inter-Agency Standing Committee (IASC), January 2009, section 1 *Civil-Military Relationship in Complex Emergencies – An IASC Reference Paper*, June 24, 2004, Part 3, pp. 13–14.

³⁸ Holt, et al., *Protecting Civilians in the Context of UN PKOs*, pp. 69–73.

The African Union's (AU's) peace and security architecture was in part designed to address the shortcomings of the Organization of African Unity (OAU) and to prevent a repeat of crises like those in Rwanda and Burundi in the 1990s. As a result, the AU is particularly concerned with early warning and conflict prevention and mitigation. One of the AU's founding principles is "non-indifference," in contrast to the OAU's principle of "non-interference."³⁹ As a reflection of this commitment to prevent and respond quickly to atrocities, the AU included the authority within its Constitutive Act to, "intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."⁴⁰

The AU has deployed peace support operations⁴¹ under UN mandate to Darfur and Somalia, tasked to undertake POC. AU member states also contribute heavily to UN peacekeeping missions with POC mandates in Africa. The AU had set 30 June 2010 as the deadline for the second phase development of its African Standby Force (ASF), by which time it planned to have the capacity to manage a complex peacekeeping operation.⁴² The ASF is multidimensional, comprising civil and police as well as military components from each of its five economic regions.

From 2 to 5 March 2010, the AU convened an international symposium in Addis Ababa, supported by the Government of Australia, to consider *Draft Guidelines for the Protection of Civilians by Peace Support Missions*. The draft guidelines were considered by AU officials, representatives from its member states, key UN stakeholders, and international experts. The draft guidelines recognize that peace support operations in Africa are increasingly tasked with POC and that the AU's ability to protect civilians will impact the AU's legitimacy and credibility. The draft guidelines primarily outline principles and best practices by addressing three areas:

- Fundamental concepts and principles, including the definition of key terms;
- Best practice in relation to planning, mandating, and supporting peace support operations; and
- Guidance in relation to the operationalization of a protection mandate at the mission level, in particular through a mission-wide protection strategy to be developed by a head of mission.

Should comparable guidelines be adopted by the AU, additional guidance and correlative training would be needed for AU headquarters personnel,

39 International Peace Institute (IPI). "Operationalizing the African Standby Force," meeting notes, January 2010, p. 5.

40 African Union Constitutive Act, article 4(h).

41 Note that the African Union and North Atlantic Treaty Organization use the term *peace support operation* versus *peacekeeping operation*. This paper uses their terminology in referring to their operations.

42 Note that the AU delayed this deadline to late 2010.

regional ASF military brigades,⁴³ and other regional components. The AU's initiative to develop protection guidance at the strategic and operational level is the only regional initiative of its kind, and is going forward in close collaboration with the United Nations and ICRC. This collaboration is in recognition of the fact that AU peace support operations would benefit from greater interoperability with UN peacekeeping efforts, a lesson learned from Darfur and Somalia.

The North Atlantic Treaty Organization and the European Union have also conducted field operations relevant to the protection of civilians and each has some strategic-level guidance related to POC,⁴⁴ although neither has gone as far as the AU in taking steps to develop comprehensive guidance for peace support operations. Inasmuch as regional force deployments may precede, succeed, or occur in parallel with UN peacekeeping operations – with or without close coordination – it behooves the United Nations to coordinate the development of POC policy and strategy with regional actors, for avoidance of misunderstanding at a minimum and better prospects of success where deployments are close, in time or space.

Recommendations in Relation to 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 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.

43 For example, additional doctrine and training for militaries will be needed. Some recent doctrine has begun to address the protection of civilians from violent threats. British, NATO, and African Union peace support operations doctrine contain references to addressing widespread human rights abuses, ethnic cleansing, and (in the case of the latter) genocide. However, while acknowledging or even emphasizing the importance of protecting civilians, these publications have provided limited guidance on how to actually go about doing so, leaving it to those planning and implementing such operations to develop the conceptual approaches required to turn ambition into reality.

44 Further discussion of NATO and the European Union activities may be found in the Annex.

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

SUMMARY OF PART III

The Prioritization of Protection

With the exception of a few cases—involving large scale war crimes, ethnic cleansing, or genocide—POC will rarely be the primary objective of a mission. Rather, peacekeeping operations will likely continue to have an overall objective of contributing to sustainable peace and development, which requires a multiplicity of efforts. However, POC should be one of the operational-level objectives of a mission, not simply a set of tasks carried out at the tactical level. The establishment of effective protection mechanisms contributes directly to the desired end-state and exit strategy of a mission, while enabling sustainable peacebuilding initiatives to prosper.

Tensions and Trade-Offs

Given that POC will likely be one of many mission objectives, mission leadership will need to determine and clarify how the mission will prioritize protection in relation to other operational-level objectives, which will lead to inherent tensions and trade-offs. Mission leadership and staff will need to identify and manage the risks and consequences of taking action to protect and of failing to act. For example, establishing a protective environment could entail working closely alongside host state security forces. If the host state forces were (or are) involved in abuses, the mission may have to choose between working with them or prioritizing the prevention of further physical violence.

Implications for UN Peacekeeping Operations

As such, additional guidance is needed to assist UN missions in prioritizing and managing the risks and consequences of action and inaction in protecting civilians. Heads of missions should develop comprehensive mission-wide protection strategies in consultation with appropriate stakeholders. Missions should also ensure effective communication and coordination mechanisms which seek to provide a framework for protection stakeholders within the mission. 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. Finally, effective leadership is critical to POC. 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.

The Prioritization of Protection

Recent discussions at the United Nations and African Union⁴⁵ demonstrate that there is a lack of clarity and consensus about whether the recent attention to POC is an effort to make it the highest priority or overarching objective of a peacekeeping (or peace support) operation. With the exception of a few cases – involving large scale war crimes, ethnic cleansing, or genocide – POC will rarely be the primary objective of a mission. Rather, peacekeeping operations will likely continue to have an overall objective of contributing to sustainable peace and development, which requires a multiplicity of efforts. However, POC should be one of the operational-level objectives of a mission, not simply a set of tasks carried out at the tactical level. This is because the establishment of effective protection mechanisms contribute directly to the desired end-state and exit strategy of a mission, while enabling sustainable peacebuilding initiatives to prosper. POC, therefore, is essential to reinforce the nexus between security, development, and governance efforts that aim to build a sustainable peace.

In addition to contributing to the desired end-state and exit strategy of a mission, there are other pragmatic reasons why missions should include POC as an operational-level objective. These include but are not limited to the following:

- Effective POC is a product of leveraging – and, where possible, coordinating – various actors contributing to protection within and outside the mission. This requires guidance and direction from the operational level to ensure coordination and communication horizontally across the mission, as well as vertically down through cascading levels of responsibilities.
- POC crises and mission response at the tactical level could have direct implications for the mission at the operational and even strategic level. This is especially true in cases where the host state government or main parties to the conflict are actively or passively (through proxies) involved in abuses. As a result the mission's leadership and coordination mechanisms at the operational level need to understand the risks and consequences of action and inaction at the tactical level and empower mission leadership down to the local level to manage these decisions and risks within certain limits and/or when time is of the essence.
- Situations on the ground are fluid and can deteriorate quickly, especially in the context of active conflict and fragile peace where a lack of effective POC can be the catalyst for an outbreak of violence. Missions need to maintain a birds-eye view at the operational level to monitor and assess

45 Australia-Uruguay Roundtable of the Protection of Civilians, January 19, 2010, Millennium UN Plaza Hotel; and African Union Commission International Symposium on the Protection of Civilians in Conflict Zones, 2–5 March, Addis Ababa Ethiopia.

situations and quickly reprioritize resources to prevent, pre-empt, and/or respond to potential crises.

Given that POC will likely be one of many mission objectives, mission leadership will need to determine and clarify how the mission will prioritize protection in relation to other operational-level objectives. The UNSC may help provide this guidance as it did in the most recent resolution on the situation in the DR Congo (S/Res 1906; Text Box 3). However, in the absence of specific guidance and in recognition that a situation could change more quickly than the Security Council is able or willing to issue an updated resolution, mission leadership should be empowered to reprioritize within principal operational-level objectives as needed.

Tensions and Trade-Offs

The prioritization of POC has implications for UN peacekeeping missions. As discussed in Part I, the Draft DPKO/DFS Operational Concept is a step towards organizing protection around a three-tiered framework:

1. Protection through political process;
2. Providing protection from physical violence; and
3. Establishing a protective environment.⁴⁶

The Draft Operational Concept asserts that the tiers are mutually accommodating and should be taken forward simultaneously. However, this does not recognize that there are inherent tensions and trade-offs within these tiers. For example, establishing a protective environment could entail working closely alongside host state security forces. If the host state forces were (or are) involved in abuses, the mission may have to choose between working with them or prioritizing the prevention of further physical violence. The Draft Operational Concept says that DPKO will work with missions to identify roles and responsibilities at the operational level, but additional strategic and operational guidance will be needed on how peacekeeping operations are expected to balance and prioritize POC responsibilities against multiple other tasks, often with inadequate resources. Additional guidance also will be needed to assist missions in identifying and managing the tensions that may arise between the various mission components as a POC strategy is implemented, and managing the trade-offs required to implement the three tiers simultaneously.

Finally, the Draft Operational Concept was not intended to and does not address one of the most critical issues in UN peacekeeping missions mandated to protect civilians: how missions are expected to identify and manage the risks and

⁴⁶ “Draft DPKO/DFS Operational Concept,” p 1.

consequences of prioritizing and implementing protection objectives and tasks (taking action or inaction). This issue is explored further in Part IV in relation to the military component but will need to be addressed for other components as well. In particular, guidance will be needed to help UN peacekeeping missions address situations where host state and main parties to the conflict may be complicit in abusing civilians. Further, guidance and tools could be used to help missions identify/manage risks of taking action to deter or compel actors who may be affiliated in different ways with those that grant strategic consent. This critical issue is addressed to some extent in the DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, but should be addressed in subsequent guidance from the strategic and operational level.

Implications for UN Peacekeeping Operations

Implications for operational-level guidance

A number of independent and UN reports and resolutions (especially UNSC Resolution 1894 on the protection of civilians in armed conflict and the 2010 Annual Report of the Special Committee) have recommended that missions develop comprehensive protection strategies;⁴⁷ or, more specifically, that Heads of Missions develop comprehensive mission-wide protection strategies.⁴⁸ A “comprehensive” or “mission-wide” strategy should be developed a) horizontally across a mission’s various components; b) vertically between the strategic level (UN headquarters), operational, and local levels; and c) with protection actors (UN agencies, NGOs, beneficiaries, and host state governments as appropriate) external to the mission. The recent UNSC resolution on POC in armed conflict requested the Secretary-General to ensure these strategies are developed:

Request[ing] the Secretary-General to ensure that all relevant peacekeeping missions with protection mandates incorporate comprehensive protection strategies into the overall mission implementation plans and contingency plans which include assessments of potential threats and options for crisis response and risk mitigation and establish priorities, actions and clear roles and responsibilities under the leadership and coordination of the SRSG, with the full involvement of all relevant actors and in consultation with United Nations Country Teams.⁴⁹

47 *Statement by the President of the Security Council*, (S/PRST/2009/1), 14 January 2009, p. 8; Holt, et al., *Protecting Civilians in the Context of UN PKOs*; DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, p. 11.

48 Alison Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians, A Workshop Report*, The Stimson Center, Spring 2010; African Union Commission, “Draft Guidelines;” and International Forum for the Challenges of Peace Operations, “Considerations for Mission Leadership in UN Peacekeeping Operations,” draft of 22 March 2010, pp. 19–20.

49 S/Res/1894, OP 24.

A comprehensive or mission-wide POC strategy that involves various actors also acknowledges that diverse groups are often involved in perpetrating threats against civilians for different reasons in the same area or across the mission's area of operation. Similarly, different individuals and/or populations are likely to have diverse vulnerabilities. Although best practices and lessons learned could go a long way to informing strategies, each of these threats and vulnerabilities is likely to require a tailored response. Finally, the diverse actors contributing to POC are likely to be addressing these threats and vulnerabilities in different ways. A comprehensive or mission-wide strategy could capitalize on the need for and the application of diverse strategies at the local level, while ensuring a) that POC remains a priority for mission resource allocation and capacity across the mission; and b) that adequate management of the risks of both action and inaction at the local level occurs so as not to undermine operational and strategic objectives.⁵⁰

Moreover, mission-wide strategy or guidance should reflect a proactive approach to protection. One of the fundamental differences between effective POC as a mission objective and traditional peacekeeping practices is a proactive stance, which will require patrolling, mobility, and connectivity with the people – potentially a substantially reconfigured operation that may need the added guidance noted earlier to help it balance and manage tensions and trade-offs between tiers of protection and other mission goals.

Implications for resources and planning

A proactive strategy including but not limited to patrolling, mobility, and connectivity with the people will require appropriate and adequate assets and logistics. Most critical are mobility assets that allow missions to identify, monitor, and address protection needs across more of their operating area. These include helicopters and improved logistics systems and are particularly important when pre-empting or responding to threats and perpetration of physical violence.⁵¹ Similarly, reviews have identified the importance of effective information collection and analysis of timely, reliable, and widely-sourced information, with particular attention to special needs groups; the motivations behind abuses and the types and perpetrators of abuse; and the protection efforts of host state authorities, other protection actors, and local communities.⁵² This information should be shared as broadly as possible with other protection actors to the extent that security protocols and confidentiality measures allow.

50 MONUC, UNMIS, and UNAMID have begun to develop guidance at the operational level, which should be reviewed for best practices and lessons learned in the development of comprehensive strategies.

51 International Forum for the Challenges of Peace Operations, "Considerations for Mission Leadership in UN Peacekeeping Operations," draft of 22 March 2010, p. 50.

52 Holt et al., *Protecting Civilians in the Context of UN PKOs*; DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, pp. 6–8; African Union Commission, "Draft Guidelines."

Best practices and guidelines are emerging to ensure that information collection, analysis and sharing does not put individuals and/or organizations at risk.⁵³ The ICRC’s guide to protection for civilians provides useful tools on a) data gathering on protection problems and needs and b) data gathering on specific events and their follow-up.⁵⁴ Although the gathering and sharing of all information can be sensitive, the latter category is of particular concern to individuals and communities under threat and other protection actors external to the mission and will therefore require particular attention in guidelines and training on information collection and sharing (see Part II, Humanitarian Protection). The way in which these ICRC tools are applied would depend on who is using them. For example, police, military, humanitarians, and human rights monitors will all have different purposes for collecting POC related information, unique protocols and diverse training. Entities would need to take this diversity into account when developing and implementing POC guidelines.

This operational-level approach also has implications for planning. Former and current mission leaders have asserted that missions aren’t always deployed in a way that allows for mobility and flexibility in responding to changing protection threats. Moreover, given that situations can deteriorate quickly and violence against civilians can escalate, missions should engage in contingency planning.

Implications for leadership and training

The above comprehensive and proactive strategy has implications for leadership and training. On the one hand, it invests greater responsibilities in the mission leadership to develop, implement, and be accountable for mission-wide comprehensive strategies. On the other hand, it implies a decentralization of decision-making regarding a) the application of mission resources to activities that contribute to protection as well as b) managing risks of action and inaction related to vulnerabilities and threats. As a result, mission leaders across mission components, from the operational down to the local level, will require training on identifying protection vulnerabilities and threats; effective information collection, analysis and sharing; and on identifying and managing risks of action and inaction.⁵⁵ Security Council Res. 1894:

Requests the Secretary-General, in consultation with relevant actors, to ensure that peacekeeping missions with protection of civilians’

53 African Union Commission, “Draft Guidelines.”

54 ICRC, “Enhancing Protection for Civilians,” pp. 63–68.

55 Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians, A Workshop Report*, and International Forum for the Challenges of Peace Operations, “Considerations for Mission Leadership in UN Peacekeeping Operations,” draft of 22 March 2010, p. 50.

mandates, in keeping with the strategic plans that guide their deployment, conduct mission-wide planning, pre-deployment training, and senior leadership training on the protection of civilians.⁵⁶

Training should occur before deployment – for example, in Senior Mission Leadership seminars – as well as during deployment. The latter training would raise awareness about the mission-wide protection strategy and context-specific issues and allow for scenario training involving diverse protection actors within and external to a mission.

Recommendations Related to Applying Protection in UN Missions:

- 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.

⁵⁶ S/Res 1894, OP 23.

- 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

SUMMARY OF PART IV

Requirements and Issues Common to Military and Police Components

The legitimacy and credibility of a UN peacekeeping operation will often hinge upon the ability of the mission to improve security for civilians. Whether a mission is mandated to protect civilians or authorized to use force in doing so, communities on the ground and around the globe expect uniformed personnel to provide protection during crises. As such, uniformed personnel must improve planning, guidance and training specific to police and military components as well as between police and military components of missions.

A number of recommendations are common to both police and military. First, uniformed mission components must engage in effective planning that includes protection of civilians operations from the earliest point in the process. Consideration of the threats to civilians and the mission's role in protecting them is essential in: (a) early mission planning, (b) development of the CONOPS, (c) force generation and briefings to T/PCCs, (d) information gathering and analysis, and (e) contingency planning. Second, 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. Third, 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. Fourth, uniformed personnel are critical actors in effective intelligence gathering and analysis and should identify common mechanisms for analyzing and sharing information. Finally, effective protection requires flexibility and reserve military and FPU capacity for rapid response.

Military-specific Elements

Military components of peacekeeping operations are most identified with the provision of protection from physical violence, although this is the responsibility of many actors. Military strategies and actions should always be nested within a political strategy and used primarily to complement political lines of effort. Within this strategy, the military's posture and actions will likely change in relation to the situation, the level of threat to elements or on its own. Such variable roles and responsibilities have implications for military leadership,

assets and training. Leadership training specific to POC, including scenario-based training, can be critical to effective military support of POC. Military components need integrated capacity to gather a variety of intelligence, analyze it, and inform superior commanders and the JMAC. Military units also require high mobility, operational flexibility, and substantial local language capabilities to implement POC mandates effectively.

Military-related issues that could use further clarification and guidance include: postures and activities appropriate to protecting civilians under imminent threat, the meaning of imminent threat, better linkages between tactical actions and strategic consequences, and how to manage protecting civilians with other mission priorities including liaising with parties to a conflict or peace agreement and building host state military capacity, when these actors are perpetrating violence against civilians or opposing the mission's role in protecting civilians.

Police-specific Elements

Police components of an operation may be the elements most commonly visible to the local population. They come in two varieties: formed units tasked with public order and crowd control that may offer higher firepower and mobility against heavily-armed criminals, but less capacity for community policing, mentoring and training, information-gathering, and relationship-building critical for mission relations with its local police counterparts and the local community. This balance between collective and individual policing must be struck early in the mission planning process. Police peacekeepers need a comprehensive doctrinal framework, a generic concept of operations that can readily be adapted to specific mandate environments, higher-quality and more-specialized officers who are permitted by their sending states to engage in POC operations, secure police communications and databases, and effective disciplinary measures, as police in missions often fall between the stools of sending state and local state jurisdiction with regard to serious allegations of misconduct.

Police requirements specific to supporting and building the local capacity in civilian protection include improved local language capabilities, adaptation of mentoring programmes to civilian protection, and ensuring that local police are paid regularly, to minimize corruption and shakedowns.

Uniformed Personnel: Foundational Requirements and Key Processes Leading to Effective Protection

As discussed earlier, the legitimacy and credibility of a UN peacekeeping operation will often hinge upon the ability of the mission to improve security for civilians and live up to local and international expectations. Therefore, it is not a question of whether to protect, but how to protect. In order to effectively protect civilians from violence, the military and police components must better utilize a number of processes that help the force to understand threats to civilians, and prepare for the operating environment. Consideration of the threats to civilians and the mission's role in protecting them is essential in a number of key processes, including: (a) early mission planning, (b) development of the CONOPS, (c) force generation and briefings to T/PCCs, (d) information gathering and analysis, and (e) contingency planning.

Early mission planning

Protecting Civilians in the Context of UN PKOs asserts that POC should be considered within the earliest stages of the planning process. The study identifies several critical junctures within the Integrated Mission Planning Process (IMPP) where threats to civilians should be analyzed and the implications for the force considered: the Strategic Assessment, the Under-Secretary-General's Planning Directive, the TAM, and the Secretary-General's report to the Security Council.⁵⁷ Throughout the process, it is absolutely necessary for the mission to assess threats to civilians, the potential for mass and/or systematic violence, the motivations and capabilities of perpetrators, the role for military and police in preventing/responding to such violence, and the tensions/constraints/tradeoffs that will deeply affect decision-making in the face of violence against civilians.

Development of Concept of Operations

The CONOPS, developed simultaneously by military and police components, outline each component's strategy and provide "a concise explanation of how a mission will apply its military and police resources to achieve its objectives as derived from the Security Council mandate."⁵⁸ CONOPS outline the basic force structure, describe the role that each component will play pursuant of the strategy, and serve as the basis for planning at the tactical level. To better implement POC mandates, the CONOPS should clearly describe, among other things, that POC is

⁵⁷ Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 234; DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, Chapter 3.

⁵⁸ Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 234; DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, p. 131.

an operational level objective, the nature of the threats to civilians, the challenges and dynamics of the security environment, expected tactical tasks and how the protection objective influences the execution of those tasks, and how activities are to be woven together in pursuit of the protection objective.

Force generation and pre-deployment briefings to T/PCCs

Throughout the force generation process it is critically important that T/PCCs be briefed and understand the nature, risks, and operational capabilities that are required by the mission. As noted in *Protecting Civilians in the Context of UN PKOs*, “In the past, contingents and TCCs have sometimes refused to carry out operations designed to protect civilians because those operations exceeded the role they had agreed to assume. In other cases, contingents did not possess the operational flexibility and capacities required to execute the CONOPS.”⁵⁹ In order for uniformed personnel to be able to perform protection duties, they must have a clear understanding of their role, the operational environment, and the posture they are to assume.

Contingency planning

Military and police components must understand the options and limitations of action when faced with large-scale violence. Missions must plan in advance for outbreaks in violence, including a range of scenarios and options for the forces involved. This should involve the development of scenarios and possible courses of action as well as scenario-based training. Similar to other planning, this should be coordinated with (and done jointly as appropriate) with other components of the mission and external protection actors (humanitarian actors in particular). Options available will largely depend on consent and capacity, two issues that require further political-military guidance, doctrine, and training in order for on-scene commanders to make decisions.

Information gathering and analysis

In order to effectively implement a mandate to protect civilians, missions must develop a systematic approach to collecting and analyzing information. Methods for all-sources information collection are still nascent within the United Nations; however, this is an area that should be further developed. Analysis should map civilian vulnerabilities, potential threats to civilians, and escalatory dynamics and patterns, as well as perpetrators’ motivations and capabilities.⁶⁰ Military observers

59 Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 234; DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, p. 141.

60 Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 234.

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). They should also have reliable and secure communications and secure databases for trend tracking. In order to prevent violence against civilians, as well as minimize collateral damage, operations must be intelligence-led.

Differentiation of mission police and military protection roles

The military and police components of a mission must coordinate their POC approaches and reach decisions – taking into account both the circumstances of a given mission and the capacities of the two components – on what thresholds of disorder indicate military lead of joint operations and which indicate police lead. Intelligence from both components should be routed through the JMAC. Joint command and control arrangements for managing public disorder should be worked out in advance and built into both components’ CONOPS. Military units that are dual-hatted for public order functions – that is, intended to supplement police in operations that remain under police lead – should be properly trained and equipped for those tasks before they deploy, and periodically exercised and proficiency-tested in those tasks after deployment.

Reserve/surge requirements

A military strategic reserve with rapid response capabilities should be maintained within the mission area to safeguard against breakdowns in POC mechanisms and to respond quickly to outbreaks of violence beyond the threshold capacity of local units of peacekeepers or host state forces. Similarly, the Formed Police Unit (FPU) element of a mission should maintain a rapid response reserve to assist individual UN Police (UNPOL), whether they are operating on their own or embedded with host state police, when UNPOL encounter situations of imminent physical threat to themselves or civilians on a scale that risks growing unmanageable without backup. A comparable military reserve force should be available on short notice to back up FPUs that encounter levels of violence that are approaching the triggering threshold for military command of the situation.

Use of force

As explored more fully below, military ROEs and police Directives on Use of Force should include authorization to respond to imminent physical threats toward civilian third parties (generally and specific to mission). Additional guidance and training is needed on when and how to use force and what imminent threat means in context.

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.

Military-Specific Requirements, Dilemmas, and Areas Needing Further Guidance

The roles and responsibilities of the military component of a mission in the POC can vary widely. For example, military components may be requested at the operational level to accompany political lines of effort to facilitate or maintain peace, through liaison with parties to the conflict/peace agreement and serving as observers to processes and mechanisms that implement the security protocols of peace agreements. The military is also often called upon to perform tasks that establish a protective environment, such as supporting national institutions in disarmament, demobilization, and reintegration processes and in security sector reform. The military can also play an important role in facilitating the

work of humanitarian actors by providing security to aid agencies and protection programming to vulnerable populations. Moreover, it should be emphasized that at all times the military component, and particularly military observers, will serve an important function in gathering and analyzing information that could inform the effective development and implementation of a mission-wide protection strategy as well as the actions of protection actors external to the mission. This role is critical, even when there may be only low-levels of violence against civilians.

Military components are most identified with the provision of protection from physical violence. Military actions should be nested within a political strategy and used primarily to complement political lines of effort. However, the military's posture and actions will likely change in relation to the situation, the level of threat to civilians, and the intensity of violence.

The Draft DPKO/DFS Operational Concept captures the changing roles and responsibilities of various components of a UN peacekeeping mission in four phases (see Text Box 4) which illustrate that physical protection is not the sole responsibility of the military component, and that the military may be used in different combinations with non-military mission elements or as a standalone component. These variable roles and responsibilities have implications for the leadership, assets and training of the military component of a peacekeeping operation.

Military Requirements

As the Brahimi Report explains, "United Nations operations . . . do not deploy into post-conflict situations so much as they deploy to create such situations."⁶¹ Troops must be prepared to operate within the contexts of an ongoing low-level conflict where actors may target mission personnel and civilians. This requirement affects training, strategy, intelligence, mobility, flexibility, and language capabilities.

Pre-deployment and, if possible, in-mission training

Leadership training specific to the POC should be developed, including scenario training. Contingents must be trained in tasks they are likely to undertake and should fully understand the environment within which they are operating.

Strategy

In conjunction with the mission-wide strategy to be developed by the Head of Mission, the military component should develop a military strategy that considers

61 "Report of the Panel on United Nations Peacekeeping Operations," para. 20.

the nature of threats to civilians, and coordinates military activities to prevent and respond to those threats. The strategy, to be conveyed in the CONOPS or Force Commander directives with correlative standard operating procedures, should communicate the commander's intent down to the lowest levels.

Intelligence⁶² and analysis capabilities

Military components should be capable of gathering human, signal, and imagery intelligence from the field to inform superior commanders and the JMAC. Ideally, deployed contingents should have their own organic intelligence ability and structure, led by experienced intelligence officers that guide the process of information collection. Contingents should contain a dedicated HUMINT field collection capability, at minimum guided by a HUMINT orientation and training program offered in pre-deployment training. Force headquarters requires competent and experienced information officers to analyze and vet information. To secure this information, security firewalls and systems of classification must be in place during mission start-up. 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.

Mobility requirements

Rapid reaction, air assets, and tactical mobility are critical if military components are to prevent and respond to violence. Units should be capable of long-range patrols and short-term deployments as well.

Flexibility and reconfiguration

Military contingents should be able to operate in small highly mobile units (company) for long periods of time with sufficient logistical, medical, and other assets. This must be communicated within the Memorandum of Understanding with each TCC.

Language capabilities and auxiliary equipment (communications)

POC mandates bring military forces into close and regular proximity to the local population, making local language facility even in lower ranks critical (platoon, section, or squad). A lack of translators and language capabilities limits these units' ability to communicate with and gather valuable information from the population that they are trying to protect.

62 Although intelligence gathering in PKOs is a contentious issue, it is not unprecedented, and it is necessary for analyzing threats to civilians and the UN force. See for example: A. Walter Dorn, "Intelligence-led Peacekeeping: The United Nations Stabilization Mission in Haiti (MINUSTAH), 2006-7," *Intelligence and National Security* 24, No. 6 (December 2009), pp. 805-835.

Draft DPKO/DFS Operational Concept: Military Tasks and Others

In [the provision of protection from physical violence], tasks include patrolling, ensuring freedom of movement and route security for both humanitarian aid and refugees/internally displaced persons (IDPs), evacuation of non-combatants, public order management, conflict mediation and support to inter-community dialogue, monitoring (including of the human rights situation) and early warning measures, and political engagement, among many others. This tier requires close coordination between—and concerted action from—the civilian and uniformed components of the mission. It is important to note that these phases do not necessarily occur in sequential order, as a mission may have to respond to rapidly unfolding circumstances.

Phase 1 – Assurance and Prevention: The measures in this phase are aimed at reassuring the local population of the mission’s intent to protect them, largely through routine, passive measures. They may also include assessing the intent of and signaling to potential aggressors or perpetrators of human rights violations that they will be held accountable. Standing police and military patrols, deployment of human rights and other civilian staff, conflict prevention, mediation, active liaison and advocacy with government and non-government armed actors and potential parties to a conflict, as well as monitoring and early warning measures are fundamental elements of this phase.

Phase 2 – Pre-emption: Where measures under Phase 1 prove insufficient, or when heightened risks are detected, more active pre-emptive measures may be required. Increased liaison with government and non-government armed actors, and potential parties to a conflict, enhanced human rights monitoring, reporting, and advocacy, as well as heightened political pressure are engaged during this phase in order to deter violence against civilians. The increased involvement of other civilian elements of the mission, including civil affairs and public information, among others, should be considered. With regard to the military and police component, the deployment of forces and an increase in proactive, high-visibility patrolling could be employed.

Phase 3 – Response: When the threat of physical violence to civilians is apparent, and if actions under Phases 1 and 2 are not sufficient, more active measures aimed at deterring potential aggressors from conducting hostile acts may be necessary. Deployment of police and/or direct military action should be considered as an option, such as the interposition of peacekeepers between a vulnerable population and hostile elements or the use of force as a last resort when the population is under imminent threat of physical violence. Heightened political engagement, including at the international and regional level, must be employed here.

Phase 4 – Consolidation: This range of activities addresses the stabilization of a post-crisis situation. The aim is to assist the local population and host authorities to return to a state of normalcy, and create the conditions in which a return to crisis is diminished. Liaison with the parties to the conflict, and dialogue with the conflict-affected members of the community and investigation into human rights violations committed during the crisis are essential elements of this phase. Re-establishing ties between the population and governance structures, including the police, where they have been broken, will be central.

Military Dilemmas and Areas for Further Clarification and Guidance

There are a number of issues touched on previously that would benefit from further clarification and guidance. The lack of definition and/or guidance may be the result of a lack of consensus on the limits of the application of military components of peacekeeping operations and/or a lack of recognition of the tensions and trade-offs that arrive within multidimensional peacekeeping operations with multiple and broad operational level objectives.

Use of force

One of the enduring challenges of military components is the lack of understanding of when and how they can use force in self-defense or in defense of the mandate. The DPKO/DFS Lessons Learned Note asserts that “There are times when, as a last resort missions must use force in order to respond to attacks on civilians.”⁶³ The Draft Concept Note on Robust Peacekeeping sought to clarify that missions will need to depend on credible deterrence which is based on the readiness to use force. This means that troops will need to be willing to assume postures and take actions that will require them to use force if tested. Additional guidance (ideally doctrine) and training is needed to clarify the spectrum of postures and activities that a military may employ in protecting civilians and how the use of force may differ when protecting civilians versus undertaking other traditional military or peacekeeping activities.

Defining imminent threat

Similarly, *Protecting Civilians in the Context of UN PKOs* and the DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict emphasized that even though mandate language is consistent, the phrase “protect civilians under imminent threat of physical violence” is not well understood. This lack of

63 DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict, p. 4.

clarity puts commanders and troops at risk of being held responsible for action and inaction in upholding the mandate.

Scenario-based training

Protecting Civilians in the Context of UN PKOs advised that troops receive pre-deployment and if possible in-mission training on protection issues and that this should include scenario-based training.⁶⁴ Research gathering best practices and lessons learned from military and civilian leaders of peacekeeping operations mandated to protect civilians indicates that UN peacekeeping missions need improved guidance and training in the following contexts: protecting civilians in dispersed rural areas, protecting civilians in densely populated urban areas, and protecting IDPs in camps when the threat exceeds the threshold of individual and/or formed police units.⁶⁵

Managing the risks and consequences of action and inaction at every level

As discussed in Part III, action and inaction at the tactical level can have implications at the operational and strategic level. This is particularly true when actors threatening and targeting civilians are more affiliated with the host state government and/or main parties to the conflict. Additional guidance and training is needed to provide military leaders at the sector, battalion, and company level with tools to a) understand the protection environment, b) identify risks of action and inaction, and c) manage tradeoffs when deciding when and how to act.

Managing short-term vs. long-term objectives and tasks

The same mission may be tasked with the short-term objective of protecting civilians under imminent threat of violence at the same time as it is tasked with longer-term objectives of security sector reform and/or monitoring implementation of peace agreements. This combination of tasks could give rise to conflicts, tensions and trade-offs.⁶⁶ For example, MONUC has been tasked with supporting the government's army (FARDC). However, the FARDC has been implicated in committing human rights abuses. It took nearly a year for MONUC to disengage its logistics support from even the most abusive FARDC units. How are UN military components at every level meant to manage such conflicts, tensions, and trade-offs?

64 Holt et al., *Protecting Civilians in the Context of UN PKOs*, p. 220.

65 Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians, A Workshop Report*.

66 International Forum for the Challenges of Peace Operations, "Considerations for Mission Leadership in UN Peacekeeping Operations," draft of 22 March 2010, p. 56.

Hard Cases

Leaders and planners of UN missions have identified a number of scenarios that UN peacekeeping missions have struggled to tackle effectively. These scenarios include situations of protection threats such as tribal violence in dispersed rural areas and providing protection in densely populated urban areas or IDP camps when the level of violence exceeds the threshold that a police unit can handle. Best practices and lessons learned should be sought in this area and translated into guidance and training.

Recommendations for the 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, signal, 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.

Police-Specific Roles, Responsibilities, and Requirements

United Nations police, both individual police officers and FPU, can play critical roles in POC if properly trained and equipped for those roles. Police personnel, particularly individual officers, are far more likely than military personnel to have been protection-focused in their operations at home, but the mission area of operations may be less stable and more violence-prone than what they are accustomed to. Moreover, the great majority of individual UN police deploy unarmed. Missions with executive policing authority or heavily-armed “assistance” missions like MINUSTAH, in Haiti, have been the historical exception. FPUs, on the other hand, are always armed. Mission planners, in considering the role of UNPOL in POC, need to take such considerations into account. A higher proportion of FPUs in a police component offers more crowd control, mobility, and firepower against heavily-armed criminals, but less capacity for community policing, mentoring, information-gathering, and relationship-building that may be crucial for the mission’s interface with both its local police counterparts and the local community. This balance between collective and individual policing is one that must be struck early in the mission planning process, not just with respect to POC, but POC considerations may be important drivers of police component structure.

Constabulary-style Protection Roles

FPUs can be used, as can military units, to provide perimeter security for camps against organized external threats of a criminal rather than military nature (e.g., raiding parties). Such activities may be preventive or deterrent in nature. Preventive action becomes deterrent action when a potential threat materializes and police operational posture alters to indicate willingness and ability to confront the threat.

Appropriately-trained and disciplined FPUs also can be used for intra-camp or neighborhood security against, for example, criminal gang violence, subject to appropriate mandates.

Note that UN police can be authorized to use force pro-actively against imminent threats and even to detain such persons briefly, preparatory to handing over them to host state authorities, without an “executive” mandate. Use of force should not be confused with the power to hold, try, convict, and imprison; to tax; or to apportion the spending of taxes, which are the sorts of powers that an executive mandate can convey. The UN mission in Haiti (MINUSTAH) does not have an executive mandate but engaged in heavy use of force, with the concurrence of the government and in cooperation with the Haitian National Police, against violent

criminal gangs that had controlled significant areas of at least three Haitian cities for up to five years.⁶⁷

Community-based Policing Protection Roles

To achieve ‘quick wins’ in civilian protection by host state police that do not entail major formal restructuring or retraining programs, UNPOL advice and mentoring at the strategic, operational, and tactical levels should encourage local police to pay greater attention to public needs, fears, and input. Much serious crime is solved based on tips from the public and the public may be more forthcoming if it sees the police meeting its daily needs for security – which may have more to do with police control of persistent harassing or nuisance behavior (gang activity, drug sales) than with solving more serious but less frequent types of crime. A public that sees real-time utility in police actions – and feels respected by the police – will be more likely to report more serious crime and provide essential evidence to police investigations.⁶⁸ Police can best protect the public by preventing common crime through presence or patrolling, by collaborating with neighborhood watch groups, and by establishing emergency call numbers that empower average citizens to summon police presence. Developing a culture of response to such calls is a critical step in transforming a police service, in fact and in public perception, from a protector of the state to a protector of the people.⁶⁹ In prior decades, such systems could not have been set up without an unwieldy prior infrastructure of telephone landlines feeding elaborate switching facilities, whereas cell networks permit police and other law enforcement, in this realm at least, to jump ahead several generations and facilitate self-reporting of threats.

Police-Specific Requirements

In addition to the need for experienced and competent leadership, discussed earlier, mission police components require appropriate doctrine and CONOPS, competent seconded officers who are permitted by their governments to engage in POC operations, local language proficiency or access to interpretation, good police intelligence gathering and analysis capability, and good discipline.

Police peacekeeping doctrine

A strategic doctrinal framework for international police peacekeeping is presently being developed with UN Police Division lead and cooperation from Member

67 United Nations, “Report of the Secretary-General on the United Nations Stabilization Mission in Haiti,” S/2007/503, 22 August 2007, pp. 5–6.

68 David Bayley, *Changing the Guard: Developing Democratic Police Abroad*. Oxford and New York: Oxford University Press, 2006, pp. 59–60.

69 Bayley, *Changing the Guard*, pp. 21.

States and other regional and professional organizations such as Interpol, AU, and EU. A Ministerial-level Action Plan to support this is due to be completed by the end of 2010.

UN Policy for FPUs in particular has been recently updated and, as re-promulgated, requires operational proficiency and periodic re-testing of that proficiency while on UN deployment. FPUs are also subject to verification of unit and personal equipment before deployment and after arriving in the mission area, as the UN defrays wear and tear on FPU equipment as it does military contingent equipment.

Police Concept of Operations

Police CONOPS should be consistent with higher-level DPKO Policy and/or strategic guidance to mission leadership on POC. For effective police POC, directives on use of force (including coercive tactics, less-lethal weapons, temporary detention, and use of firearms, in extremis) must include authorization to respond to imminent physical threats directed toward civilian third parties and not just the force itself or mission staff or facilities. Police CONOPS should build-in preventive as well as responsive measures.

Competent police personnel provided by Member States

Competence is defined here as meeting UN standards for international police, either as individual officers or as FPUs, and as such is a minimum standard of professionalism.

A barrier to recruitment of quality police personnel with appropriate skills is the present lack of UN compensation to contributing police agencies for the individuals they provide. Although sending states are compensated for provision of FPUs at rates standard for provision of military contingents, states or police agencies continue to pay salaries and benefits of individual officers who are released for UN duty. However, the officers themselves receive substantial UN per diem to defray their cost of living in mission and as a form of hazard pay. (FPU members received substantially smaller allowances.)

All police personnel deployed to UN missions should have undergone the now standardized UN Police Pre-Deployment Training which includes basic familiarization training with UN command structures and procedures. There often still remains a need for mission-specific training on the area of operation, and training on the Police CONOPS for the mission and its rules for use of force and firearms. Additional training on mission-specific protocols and mission-wide strategy for POC is provided as UN Induction Training upon arrival in the mission area.

Police contributing country concurrence with operations to protect civilians

Where PCCs are reluctant to allow their officers and units to engage in POC operations owing to force protection concerns, their willingness to do so may increase if they see competent mission (including police) leadership, effective mission planning, a careful and thorough CONOPS, and focused training on POC both prior to and after deployment.

Mission language proficiency sufficient to allow effective direction of deployed personnel

Knowledge of mission (operational) language is necessary if UNPOL are to react swiftly and effectively to rapidly evolving tactical situations in response to Mission HQ direction. The new FPU doctrine requires mission language proficiency in the FPU leadership capability down to the section leader level (a section has ten police and is the smallest permitted deployable unit of operation of an FPU).

Police component intelligence-gathering and analysis capacity sufficient to track organized crime and other potential sources of public insecurity

Mission-based police intelligence should be shared and integrated with mission military and other intelligence and situational reporting via the mission JMAC. Appropriate data security measures are essential to safeguard such information, especially once integrated into operational intelligence. Any arrangements for intelligence sharing between the mission and supported host state entities, especially police command staff in capital and key provincial centers, must be carefully designed and incorporate mechanisms intended to identify any misuse of shared intelligence at an early stage. At present, however, neither Police Division at UN Headquarters nor police components in missions have dedicated police intelligence capacity, nor is there standardized doctrine on the collection, collation, analysis, or use of police-related information/intelligence. Police officers assigned to the mission JMAC thus lack the requisite supporting structures and a mission police component that has no intelligence collection or processing capacity of its own may lack credibility in attempting to advise the host state in building such capacity or using it consistent with international human rights norms, for example.

Reliable and secure police communications technology

For effective POC, the mission police component will require a secure operational communications center staffed continuously to manage communications and to forward threat indications from and to officers and units on patrol, to the JMAC, and to operations planners.

Reliable and secure police incident-tracking database

Tracking patterns of crime and of threats to civilians is necessary to develop more effective protection strategies with limited resources. Such “evidence-based policing” is also necessary to demonstrate whether the police component is meeting its objectives for direct operations and/or support of host state police. Any such database needs to be tied in with JMAC.

Procedures for maintaining discipline and responding rapidly to alleged misconduct

UN policy at present relegates all disciplinary responsibility for UNPOL (individual and FPU) to the sending state, regardless of the availability of extraterritorial criminal jurisdiction on the part of the sending state, or the sending state’s record of response to prior instances of substantiated allegations of serious misconduct on the part of its nationals. DPKO maintains a database of named individuals who are not to be allowed to work in UN operations in future owing to prior substantiated allegations, but has no means of disciplining any UNPOL beyond basic administrative sanctions, which are especially weak in the case of police, as UN provides only per diem and transport to and from the mission area for most officers. Only a handful of police component personnel are UN staff and thus on UN salary. UN investigative competence also ends when an individual of concern leaves the mission area.⁷⁰ Better ability to discipline police personnel in UN operations will be particularly important as UNPOL become more directly involved in POC. The local population, especially its most vulnerable groups, must see UN police as a source of protection and not exploitation or threat.

Police Requirements for Support of Host State Police Services

Police requirements specific to supporting and building the capacity of host state police services to protect civilians include improved local language capabilities, adaptation of mentoring programmes to civilian protection, and ensuring that local police are paid regularly, to minimize corruption and shakedowns.

Sufficient local language capability in police component to enable effective interaction with the local population on the street in real time

Local language facility is a difficult standard to meet for UNPOL mentoring local police, except where the officers’ native language and the national language are roughly the same (as, English, French, Spanish, Arabic). At least one interpreter/language assistant should be available per FPU section, for FPUs that do not have

⁷⁰ William J. Durch, Katherine N. Andrews and Madeline L. England, with Matthew C. Weed, *Improving Criminal Accountability in United Nations Peace Operations*, Report 65, rev. 1. Washington, DC: Stimson Center, 2009.

colloquial capability. (This equals roughly 17 interpreters/language assistants per FPU; more if FPUs have to operate at full strength on multiple shifts.) Numbers and ratios of interpreters/language assistants needed for non-native-speaking individual officers will be highly task-dependent.

Using mandates to advise or mentor local police to advance protection concepts

Any advisory activities should be consistent with the mission mandate and with UN norms and standards (rather than those of contributing countries), and should be built into those elements of the peace agreement dealing with police structure and responsibilities. That said:

UNPOL should convey to host state police their own institutional and individual interest in being seen by the public as impartial guardians of public order

In the short run, a guardian role may generate greater ‘gifts’ from the public but also greater public respect and higher social status for the police. Services that buy-into the guardian role will keep their populations safer.

UNPOL should encourage host state police to interact with civil society groups at several levels to encourage two-way communications

UNPOL should collaborate with Mission Civil Affairs in such efforts to initiate informal, no-fault interactions between police and community leaders that can grow into the community stabilization and crime-fighting relationships discussed earlier.

Using high-level demarches with the host state and donors to ensure that police are paid

The costs of police salaries are trivial by comparison to the costs of widespread bribery and corruption, predatory police behavior, or collaboration with criminal groups. Salary costs are also trivial by comparison to the benefits to the national economy of externally-perceived social stability for investment, entrepreneurship, and wealth-generation.

Recommendations for the Police

- In using mission 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.
- PCC's caveats on UN operational employment of their personnel must allow their engagement in POC operations.
- Appropriately trained, proficient and disciplined 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 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

SUMMARY OF PART V

Conflict Prevention and Protection

One of the greatest protective benefits that a mission can bring to ordinary people is preventing a country's relapse into war, in whole or in part. Effectiveness of conflict prevention by peace operations varies with the level of political attention given prevention by great powers, regional powers, and the host government; by mission strategy, commander's intent, and force capability; and by the rapidity of force turnover and consequent loss of institutional memory. Peacebuilders may face a trade-off between peace and justice but the contrast is not always sharp, and lack of peace rarely leads to justice. Peace therefore appears to be the dominant goal—but at what price, and for whom?

Human Rights and Protection

This section looks at the need to deal with sexual and gender based violence (SGBV) and at human rights monitoring, investigation, and witness protection. SGBV is a scourge not only of wartime but of the “post-war” period as not only former fighters are socialized to such predatory violence, which too often carries no consequences for the perpetrators. Peacekeeping operations must target this vicious phenomenon through military and police strategies and political pressure on host governments to recognize, investigate and punish SGBV. DDR must build counter-predatory features into its processing of ex-combatants and give communities the ability to manage those who are accustomed by war to deriving pleasure from the uninhibited infliction of pain. Conversely, the higher the pre-war social status of women, the higher the probability of successful peacebuilding while peacekeepers are present, pointing to the urgency of protecting and empowering women in pre- and post-war settings a necessity for sustainable peace.

Peace operations' human rights components can promote accountability through direct monitoring and investigation of human right abuses and by organizing victim and witness protection programmes in conjunction with civil society organizations to facilitate prosecution of human rights abusers.

Conflict Prevention, Peacebuilding, and United Nations Missions

One of the greatest protective benefits that a mission can bring to ordinary people is preventing a country's relapse into war, in whole or in part. Debate continues among scholars about the rate of relapse, the conditions that favor relapse, and the role of peacekeeping operations in reducing that rate (or not).⁷¹ That debate tends to view war-torn states as undivided wholes; whereas, at least in the larger places where UN operations deploy, parts of the state may be stable while others are not. Chad, Sudan, and DR Congo are three examples of states with variable violence.

The DR Congo has had successive episodes of severe ethnic militia violence in its north, northeast, and east since country-wide peace agreements were reached in 2002, causing UN troop deployments, in particular, to become successively larger over time but with highly variable impact on levels of violence. Some of this variability may be traced to the capacities (training, mobility) of troops and constraints placed on their use by contributing governments. Some can be blamed on the second-order level of political attention paid to Central Africa by great powers pre-occupied with conflicts elsewhere and thus the lack of political pressure on local and regional leaders who are intent on strip-mining the DR Congo's abundant mineral resources for private or non-Congolese national gain.⁷² Some can be traced to variability in the acumen and risk-taking propensities of UN military commanders, who at all times have had command of the air and a number of attack helicopters. These assets have been, at times, used against violent militias but MONUC has had relatively poor intelligence to guide its operations and no clear policy to bridge the transitions from one rotation of military forces and commanders to the next. Effective conflict prevention to protect civilians is similarly affected in other missions by similar combinations of political inattention, strategy deficit, varying commander's intent, varying force capability, relatively rapid force turnovers, and consequent lapses of institutional memory.

In war-peace transitions, peacebuilders may face a trade-off between peace and justice; that is, between buying the cooperation of war-time wielders of power and confronting that power on behalf of those that it abused. Buy-outs may take the form of post-war power sharing arrangements or deferral of "transitional justice." Confrontation may be direct, as with the indictment of Liberian president

71 Paul Collier, et al., *Breaking The Conflict Trap*. Washington, DC: World Bank, 2003. Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations*. Princeton: Princeton Univ. Press, 2006. Virginia Page Fortna, *Does Peacekeeping Work?* Princeton: Princeton Univ. Press, 2008. Astri Suhrke and Ingrid Samset, "What's in a Figure?" *International Peacekeeping* 14, No. 2, April 2007, pp. 195–203. Lawrence Woocher, "Preventing Violent Conflict: Assessing Progress, Meeting Challenges," Special Report 231. Washington, DC: US Institute of Peace, September 2009.

72 Global Witness, *War and the Militarization of Mining in Eastern Congo*, July 2009.

Charles Taylor by the Special Court for Sierra Leone, or indirect, as in the case of commissions empanelled to search for and expose the truth but not to try or imprison (or grant amnesty to) the subjects of their investigations. But the contrast between peace and justice is not always sharp: the Taylor indictment hastened peace in Liberia and the arrest of senior and mid-level military or militia leaders in Sierra Leone by the Special Court did not reignite that country's conflict; on the other hand, indictment by the International Criminal Court (ICC) of Sudan's sitting president probably has not hastened peace. Yet a general lack of justice in eastern DR Congo has not facilitated peace in that region. Buy-outs focused on political and military status have come unraveled in part because a third factor – economics – has outweighed them in value and not been matched by sufficient international counterweight. In places like Eastern DR Congo, therefore, without peace or justice, protection of civilians by any measure is extremely difficult. Peace can take hold without transitional justice but justice cannot take hold without peace. (Justice deferred may lose some of its memory but careful and contemporary documentation can reduce that loss.) Peace therefore appears to be the dominant goal – but at what price, and for whom?

Recommendations Regarding 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.

Human rights

The plague of sexual violence in wartime and transitional settings

In the past two decades, rape and other sexual violence have been used as systematic weapons of war as in the Bosnian civil war of 1992–95, or as punishment for cooperation with the wrong group(s) as in the anarchy and mercenary militia

violence of the eastern DR Congo. There, sexual violence also “appears to increase once fighting stops and the situation is [otherwise] stabilized.” It is committed “on a widespread scale,” including by demobilized combatants and as “continuation of inter-group conflict by other means,” reflecting a legacy of impunity and constituting a “war within a war” that carries no consequences for its perpetrators.⁷³ When comparable predation is visited upon civilian population by government forces to which the United Nations gives logistical support, the resulting damage is not just to the government but to the UN itself. Peacekeeping operations must target this vicious phenomenon not only through military and police strategies but through political pressure in collaboration with major donors to get host governments to recognize, investigate and punish such predatory behavior, laying out consequences for failure to do so. Disarmament, demobilization, and reintegration programming for ex-combatants must also build counter-predatory features into its processing and use its “Second Generation” concepts to give receiving communities the abilities to manage the influx of former fighters who are accustomed by war to coercing pleasure, much of which draws from the uninhibited infliction of pain. Like other forms of torture, this is not some cultural variation to be accepted as inevitable but deeply and destructively aberrant behavior that must be stopped.

For peacebuilding, however, there is another side to women’s status and war. Recent research indicates that the pre-conflict social status of women significantly affects the probability of successful peacebuilding *when a peacekeeping operation is present*, even when the impact of many other plausible war- and peace-contributing variables is taken into account. The higher the pre-war social status of women, the higher the probability of successful peacebuilding within five years of the end of conflict. In other words, protecting and empowering women in post-war settings, often cast as a moral imperative, can also be considered as an operational necessity for achieving sustainable peace. Moreover, it only has the opportunity to generate such positive effects together with peacekeeping. Pre-war status of women has no effect on peacebuilding when no peace operation deploys.⁷⁴ In Resolution 1888 (September 2009), the Security Council deplored these and other instances of sexual and gender-based violence, but directed the

73 Anne-Marie Goetz and Letitia Anderson, “Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?” Conference Summary, Wilton Park Conference No. 914, 27–29 May 2008, Sussex, UK. Ledio Cakaj, “LRA Attacks and Congolese Army Abuses in Northeastern Congo,” Enough Project, March 2010.

74 Theodora-Ismene Gizelis, “Gender Empowerment and United Nations Peacebuilding,” *Journal of Peace Research* 46, 2009, p. 518. The author used the pre-war ratio of women’s to men’s life expectancies, which is largely unrelated to other common measures of well-being such as GDP per capita, as a measure of women’s relative social status. The UN Human Development Report for 1998 (at p. 133) gives the DR Congo a life expectancy ratio of 1.06 in 1995. This would give the country a probability of peacebuilding success of just 10% five years after conflict ends, with a peacekeeping force present and a fully-functioning democracy. Without peacekeepers, the probability is nearly zero.

Secretary-General to deal with the issue within existing UN personnel resources and with voluntary contributions from Member States.⁷⁵

Human rights monitoring, investigation, and witness protection programmes

Many current UN operations have human rights components to monitor host nation compliance with international human rights law. Because of its size and range of activity, we use the Human Rights Division of MONUC, in the DR Congo, as an example of what the human rights components of missions can do to protect civilians. The Division's Special Investigations Unit, formed in 2002, investigates allegations of major human rights violations, including mass atrocities, either to support an eventual Truth and Reconciliation process or to document violations that may eventually find their way to a war crimes tribunal or the ICC. HRD's Justice Support Unit has supported the ICC. After 2005, the HRD integrated into its ranks the work and the personnel of the High Commissioner for Human Rights in DR Congo, with a peak joint staff of about 150, nearly half Congolese, spread over 19 field offices. HRD's Analysis and Information Unit began to track (and periodically publicize) human rights violations by the Congolese Army (FARDC) in 2007. Its Victims, Witnesses and Human Rights Defenders Protection Unit collaborated with other elements of MONUC and a large network of Congolese NGOs to protect victims or witnesses of human rights violations who are judged to be under imminent threat of violence, from either unofficial or official sources. Protection measures range from close observation of the beneficiary to their physical relocation within DR Congo, using MONUC assets when necessary, and drawing on a voluntary Protection Trust Fund to help manage several hundred protection cases, over time.

Recommendations Regarding Human Rights Components

- 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 government security forces.
- DDR should build counter-predatory and other appropriate counseling (counseling should address armed actors that were perpetrators and/or victims of violence) 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.

⁷⁵ United Nations Security Council, S/RES/1888, September 2009, op. 8.

- Peacekeeping operations should reinforce the status of women in post-war settings, since the higher the status of women where peacekeeping missions work, the higher the probability of peacebuilding success.
- 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

SUMMARY OF PART VI

Peace operations seeking to promote the rule of law may be struggling not only to rebuild/create formal institutions of governance but also to demonstrate that these institutions are or will soon be worthy of people's faith and trust. At the earliest feasible point in the life of an operation, police, judicial, and corrections can contribute to a sense of protection via training for host state personnel and, in collaboration with development organizations and donors, begin rebuilding the facilities and functions of those institutions. Short-term goals with police should include reconstitution of pay systems with close accounting of allotments, "evidence-based management," accountability to non-police higher authority; and responsiveness to the community. Protection for judges and other court officials may have a high multiplier effect on the functionality of courts; and training for local defense lawyers to petition for release of detainees held in violation of host state law can reduce the prison crowding endemic to fragile and post-conflict states. Better sanitation and perimeter security can both improve conditions inside detention facilities and prisons. Basic literacy programs for police and corrections personnel can promote better reporting and record keeping essential to detainee/prisoner protection.

Creating a fully working criminal justice system after armed conflict that enjoys full public trust may take a generation. The international community needs minimum standards of practice in criminal justice support designed to reduce violations of human rights while marginally improving institutional effectiveness in the immediate post-war period. Countering serious organized crime may require further, supportive international deployments, intelligence and communications capacities. Informal processes for dispute settlement may be the most familiar institutions of justice for most persons living outside large urban areas and can promote local protection in the early post-conflict period, including reintegration of demobilized fighters. Localized institutions offer localized stability, however, and mirror the fragmentation of society.

Rule of Law and POC

“The rule of law” is a concept that binds the state as well as the individual to a set of common rules for behavior in society. These rules should be *generated* in a transparent manner widely viewed as legitimate by the governed; *bind* the governed and the government alike; be *enforced* without discrimination by professional and apolitical institutions of justice; and be *believed in* by large majorities of the population, such that compliance with the law is mostly voluntary, most of the time. The effectiveness of the rule of law depends, in other words, not only on institutional structure and process and the content of the law but the *faith and trust* of the people and their conclusion that adherence to the law on a daily basis is in their best collective and individual interests.⁷⁶ Building up that faith and trust, post-war, is difficult enough where there is some reservoir of it left from pre-war days. Where such faith and trust in government was weak, pre-war, or the authority of the government never reached, those seeking to promote the rule of law will be struggling not only to rebuild or to create formal institutions of governance but also to demonstrate to people that these institutions are or will soon be worthy of their faith and trust, and that the laws they attempt to enforce are worthy of voluntary compliance. In many of the places where peacekeeping operations deploy, the rule of law in the above sense, that not only meets standards of procedural fairness and efficiency but standards of content or justice consistent with international human rights law, does not exist and likely did not exist even prior to conflict and “a realistic timeframe for re-creating a working criminal justice system following serious armed conflict with formal courts, trained judges and a retrained police force is close to twenty years.”⁷⁷

There may be localized alternatives. Informal or traditional processes for the settlement of disputes on the basis of local custom likely were the prevailing forms of pre-war justice in many places where peacekeeping operations deploy, at least outside major urban areas. If they or their leaders survived the war, they may be the prevailing form of post-war justice as well.⁷⁸ Such localized institutions can offer localized social stability. On the other hand, they also mirror the continued fragmentation of society and do not sum up to a whole that can interact with neighboring states or the broader international community; engage in trade; or meet formal international treaty obligations. Nor can they “bind people through

76 Jane Stromseth, et al., *Can Might Make Rights? Building the Rule of Law After Military Intervention* (Cambridge, UK: Cambridge Univ. Press, 2006), chs. 3, 8. Comparable support for the rule of law must, of course, be simultaneously built up within institutions of governance.

77 Kirsti Samuels, “Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learnt,” World Bank Social Development Papers, Conflict Prevention and Reconstruction Paper no. 37, October 2006, p. 18.

78 Bruce Baker and Eric Scheye, “Multi-layered justice and security delivery in post-conflict and fragile states,” *Journal of Conflict, Security & Development* 7, No. 4 (2007): 503–527.

shared values and identity across the borders of province, district, clan, [or] family.” That is the function of “a strong, credible state apparatus providing justice and the rule of law that is perceived as fair, fast and effective ...that gives people a real, tangible reason to buy into that state.”⁷⁹ If building such apparatus may take twenty years, are there nonetheless some things that peacekeeping operations and other international implementing partners can do to promote the beneficial *effects* of the rule of law, in the near term, to protect civilians in post-conflict settings and start that process of buy-in? Yes, there are.

Speed Counts: Rule of Law vs. Embedded Impunity

“We have learned that supporting a transition based on a concept of postponing justice – in the hope of securing a fragile peace – may lead to an unintentional contribution to the culture of impunity.” *UN Mission Human Rights Director, 2008*

Complex UN peacekeeping operations deploy either to help implement peace agreements arising from battlefield stalemate (Sierra Leone, 1999–2005; DR Congo 1999+; Burundi 2004; South Sudan 2005) or to help stabilize fragile states (Côte d’Ivoire or Haiti 2004+). Only rarely have their mandates risen to the level of governance itself (Timor Leste 1999–2002 and Kosovo 1999–2008). The fact that not just the state but the peace itself may be fragile, with dominant political roles filled by the former wartime leaders from all surviving sides of the conflict, leads to the notion of tension between “peace” and “justice,” at least to the extent that the latter refers to “transitional justice” or accountability for war crimes or crimes against humanity alleged to have been committed by these same leaders’ forces in the recent war.

As noted earlier, however, implementing peace need not derail justice. On the contrary, justice is often, if not always, a necessary contribution to sustainable peace. The question is not whether, but when and how justice will be implemented. The process of rebuilding institutions of justice – those which serve and protect ordinary people, and consequent respect for those institutions cannot wait until peace is completely assured or those responsible for war have been brought to bar. People need to see the law respected and enforced, fairly, impartially and consistently, in order to feel protected and secure in their daily lives.

The police, judicial, and corrections components of peace operations can contribute to such a sense of protection via the training provided and, in collaboration

⁷⁹ Antonia Potter, “The Rule of Law as the Measure of Peace? Responsive Policy for Reconstructing Justice and the Rule of Law in Post Conflict and Transitional Environments,” paper for UNU-WIDER Conference on Making Peace Work, Helsinki, 4–5 May 2004.

with development organizations and donors, the facilities and capacities made operational at the earliest feasible point in the life of an operation.

Following the Money: Close Oversight of Recipients' Use of International Reconstruction Funds

In September 2005, the World Bank launched the Governance and Economic Management Assistance Program (GEMAP) for Liberia, designed to promote transparency and accountability in government by embedding international monitors at several levels of key institutions of the government of Liberia to both mentor local counterparts and exercise binding co-signing authority on all government spending, deterring corruption while building administrative capacity.⁸⁰ While an indirect measure for civilian protection, such a structure helps to ensure that funds meant for services and institutions engaged in the POC actually reach their intended destinations, so the institutions can function and their personnel are paid. Complementary measures include public transparency of budgets and budget allocations (variations on “publish what you pay”) and training for civil society organizations to monitor the use of public funds in both central and outlying districts.

Promoting Effective and Impartial Host State Law Enforcement

If the police, courts, and prisons of a host state have been rendered dysfunctional by war or by the long-term institutional decay that is characteristic of fragile or failing states, then strategies for international support must include plans for interim public security, justice and corrections or alternative institutions serving comparable purposes. Historically, the international community has not been very creative or very organized in its approaches to interim justice and security. The best thing it could do, then, to improve what is acknowledged to be a meager track record in criminal justice support,⁸¹ 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. The suggested minimum standards and fallbacks would be intended to reduce violations of human rights while marginally improving institutional effectiveness, but likely would not suffice to enable them to gain the upper hand against large criminal gangs or internationally-linked

80 World Bank, “Governance and Economic Management Assistance Program” (GEMAP basic document). Program implementation was overseen by an Economic Governance Steering Committee chaired by Liberia’s president. A vice-chair is appointed by the International Contact Group for Liberia (the United Nations, ECOWAS, African Union, European Union, International Monetary Fund, World Bank, Ghana, Nigeria, and the United States). Cited in Alix J. Boucher, et al., *Mapping and Fighting Corruption in War-Torn States*. Washington, DC: The Stimson Center, February 2007, 50–52.

81 Samuels, “Rule of Law Reform in Post-Conflict Countries.” David Bayley and Robert Perito, *The Police in War*, Boulder, CO: Lynne Rienner Publishers, 2010.

organized crime. For that they would need the pro-active assistance of international deployments, intelligence, and communications. The intent of the standards would be to start the process of building public trust in formal justice institutions and lay the groundwork for longer-term institutional development assistance.

Promoting Protection by the Police

Short-term goals with 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); promotion of “evidence-based management” that keeps records of crime; police action to *prevent* as well as react to it; and the results in terms of crime rates and public perceptions of police effectiveness. All assistance programming should be act in the service of four basic principles: respect for the rule of law; respect for human rights; police accountability to non-police higher authority; and police responsiveness to the community they serve.⁸²

Court-related Protection Activities

In many post-conflict environments, the courts may malfunction in part because their personnel, especially judges, are subject to threats to sway their decisions, which may do so or drive them out of the country. Missions should consider the potentially high multiplier effect on justice system functionality of offering close protection to judges and their immediate families until threats to judges subside. Similar protection – or at minimum, assurance of steady pay – may need to be offered to court registry officials, and assistance with record keeping and basic administration may be more valuable as protection for accused persons than other, more elaborate and costly measures to enhance court performance such as new courthouses or computerized records.

Given the high percentage of persons detained in over-crowded host state prisons who are awaiting preliminary hearings or trials, 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. Bail-jumping could be deterred by providing employment to those released from detention, contingent on their being available for trial when scheduled (unless charges are dismissed). Pilot programs in Haiti were successful in reducing pre-trial detention from over 80 percent to roughly 50 percent of the jail population. Offer training for court clerks to improve record-keeping on cases so that individuals are less likely to be lost in the system.

82 Bayley, *Changing the Guard*, ch. 5.

Corrections Advisory and Remediation Activities

Work with corrections leadership to improve record-keeping on detainee and prisoner populations. Interview detainees and prisoners and record their stories. Compare with jail/prison records, if they exist. Refer mismatches to public defender program, above. Offer basic literacy programs for corrections officers who lack functional literacy. Establish and fund feeding programs for detainees and prisoners under contract with local firms; promote basic sanitation; and improve prison perimeter security to ease lock-down conditions within facilities.

Utility of Customary and Informal Justice Arrangement

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. Collaboration should discourage discriminatory as well as human-rights-violating processes and outcomes. Engage and encourage the empowerment of informal community justice arrangements to promote reintegration of, and/or transitional justice measures for, ex-combatants.⁸³

Recommendations for Rule of Law and POC:

- 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.
- 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.
- 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.

⁸³ Peacebuilding Initiative, “Judicial and Legal Reform/(Re)construction and Peacebuilding Processes,” HPCR International (Brussels) and the UN Peacebuilding Support Office, updated 7 May 2009.

- 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.

Conclusions and Recommendations

There is a growing consensus that UN peacekeeping operations must address the protection of civilians. As evidence, the last decade has been characterized by peacekeeping reforms related to POC, a proliferation of protection actors within and outside peacekeeping missions, and a dynamic concept of protection. Guidance clarifying what POC means in practice, what effective POC requires, how diverse protection actors should coordinate for greater impact, how missions should manage potential risks in the protection of civilians, and what success looks like for peacekeeping missions has lagged behind the consensus. New momentum within the UNSC and UNGA Special Committee on Peacekeeping has enabled the Secretariat to take laudable steps forward in beginning to address these gaps. However, additional work to gather best practices and lessons learned and to translate these learnings into guidance is needed at the strategic, operational, and tactical level. This paper has sought to take note of progress made and point to remaining gaps and possible next steps.

It should be noted that although additional guidance, resources, and training are essential to enabling UN peacekeeping missions to protect civilians more effectively, these tools will not serve as a panacea. Greater consensus is needed in regard to the obligations and responsibilities of actors to domestic and international norms, and in particular whether third-party actors are legally obligated to protect – an issue which this paper did not seek to address. Without this consensus, peacekeeping operations will continue to struggle to implement their mandates, fulfill expectations, and ultimately protect civilians. Similarly, it must be acknowledged that despite reforms, peacekeeping operations will remain but one, often inadequate, tool to prevent and respond to protection crises. The United Nations and other stakeholders must continue to identify and develop other complementary methods to address the root causes of conflicts and the underlying motivations of belligerents targeting civilians.

Challenges Forum Study Annex 1

Additional Experiences of Regional Peace and Security Initiatives

The European Union (EU) has developed specific guidelines related to POC, although it has not gone as far as drafting a concept or framework for protection similar to the AU.⁸⁴ The EU has contributed to protection efforts of peace operations through operations in the DR Congo (Operation Artemis in 2003 and EUFOR RD Congo in 2006) and in Chad. The most recent operation, in Chad, was an example of why effective protection often requires a multidimensional approach and the combination of both short-term and longer-term strategies. The UN strove for a multidimensional mission, combining the deployment of EUFOR as the military component alongside MINURCAT (a UN police training force) and the *Detachement Intégré de Sécurité* (DIS) (a Chadian police/gendarme force trained by MINURCAT). The components were intended to “create security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons ... by contributing to the protection of refugees, displaced persons and civilians in danger.”⁸⁵

While EUFOR was deployed, it reportedly made positive efforts to work with various actors to promote protection. For example, EUFOR established good information sharing and working relationships with humanitarian actors also engaged in protection work.⁸⁶ However, the overall initiative was criticized for its inability to fulfill its protection mandate, given the slow deployment of MINURCAT and training of the DIS, which delayed engagement of the prominent protection threats of “banditry, criminality, and forced recruitment, all exacerbated by an underlying culture of impunity.” Although EUFOR contributed to protection through “patrolling, destroying unexploded ordnance, and positioning themselves around camps and sites during rebel and government fighting,” EUFOR was not a police force, and thus “ill suited to deal with banditry and criminality;” and it

84 EU related guidelines include, Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL), published in the Official Journal of the European Union 15.12.2009 C 303/12; EU Guidelines on Human Rights Dialogues (approved by the Council on 13 December 2001, updated on 19 January 2009); Guidelines for EU Policy towards Third Countries on Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (approved by the Council on 9 April 2001, updated on 29 April 2008); EU Guidelines on Children and Armed Conflict (approved by the Council on 8 December 2003, updated on 17 June 2008); EU Guidelines on the Promotion and Protection of the Rights of the Child (approved by the Council on 10 December 2007); Guidelines on Violence against women and girls combating all forms of discrimination against them (approved by the Council on 8 December 2008) and Council Common Position 2003/444/CFSP of 16 June 2003 on the ICC (OJ L 150, 18.6.2003, p. 67).

85 Oxfam, “Mission incomplete: why civilians remain at risk in eastern Chad,” Briefing Paper, September 2008, p. 2.

86 Erin Weir, “Greater Expectations: UN Peacekeeping & Civilian Protection,” Refugees International, Washington DC, July 2009, p. 17.

was “not mandated to act within the camps and sites.”⁸⁷ The overall initiative’s lack of a political component to promote an inclusive peace process or address the cross-border issues fueling the conflict meant that it did not have the tools to end the active conflict or contribute to a secure environment going forward.⁸⁸

EUFOR ended after 12 months as originally stipulated, but the date was arbitrary with respect to the state of conflict and insecurity in the area of operation. Some EUFOR contingents stayed on with an expanded MINURCAT, but the force never reached full deployment and in early 2010 the government of Chad invited MINURCAT to leave. Despite the fact that EUFOR was always meant to be a bridging force, its exit should have been based on milestones and/or a more reasonable time for handover, than by the calendar; and/or the UN mission should have been authorized earlier, giving at least six months for handover. Despite these challenges, EUFOR has received accolades for establishing a “strong foundation” for MINURCAT.⁸⁹ Further, despite some reports of lack of discipline by the DIS, the MINURCAT-trained DIS has generally been welcomed and is reportedly helping to address the criminality and banditry that EUFOR and MINURCAT were ill-equipped to address, which may serve as a lesson-learned for future missions.⁹⁰ The sustainability of this success in training may be in jeopardy if support is discontinued following the potential withdrawal of MINURCAT.

Overall, the absence of an agreed peace process within Chad and the ongoing instability and proxy wars over the border with Sudan (despite agreements between the two countries) meant that EUFOR and subsequently MINURCAT would always be a temporary and inadequate response to the crisis. Second, neither EUFOR nor MINURCAT had the mandate to try to address these political issues or the border-issue with Sudan. Finally, although the DIS is potentially a best practice for future missions, its ability to protect came long after the deployment of EUFOR and MINURCAT, and earlier attention to the protection threats of criminality and banditry may need to be explored if the model is to be replicated.

In addition to the AU and EU, the North Atlantic Treaty Organization (NATO) has also been involved in operations to protect civilians. In the 1990s, NATO monitored operations in the Adriatic in support of the UN arms embargo against republics of the former Yugoslavia. NATO also monitored and enforced the UN no-fly zone over Bosnia and Herzegovina and provided close air support to the UN Protection Force (UNPROFOR). NATO authorized air strikes to open humanitarian access to Sarajevo and UN Safe Areas, including Srebrenica, which later fell to Serbian

87 Oxfam, “Mission incomplete,” p. 2.

88 Ibid, p. 3.

89 Weir, “Greater Expectations,” p. i.

90 Ibid., pp. 18-19.

forces.⁹¹ Following the 1995 Dayton peace accords, NATO established the Implementation Force (IFOR) and subsequently the Stabilization Force (SFOR) to support and monitor the peace agreement and contribute to a secure environment. Although the Security Council resolutions and NATO directives that authorized these operations did not explicitly include the term “protection of civilians,” their mandates included a number of tasks that would contribute to the security of populations and respect for international humanitarian law and justice.⁹²

Just four years later, citing an international humanitarian emergency, NATO launched Operation Allied Force, a bombing campaign in the Federal Republic of Yugoslavia, without endorsement of the UNSC and despite vocal objections of some of its permanent members, in part to halt alleged war crimes by Serbian forces against Kosovar civilians. Although criticized for the collateral damage that it caused,⁹³ the operation was an example of a regional military operation launched to protect civilians from systematic and wide-spread abuses. NATO also assisted in the set-up of refugee camps, the delivery of humanitarian assistance to those fleeing the violence, and later helped to establish Kosovo Force (KFOR), a NATO-led force responsible for establishing a safe and secure environment in Kosovo. Although it did not explicitly use the term “protection of civilians,” NATO cites the following as objectives for its involvement in KFOR: “a verifiable stop to all military action and the immediate ending of violence and repression and the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations.”⁹⁴

From August 2009, “protecting the Afghan people” became the stated primary mission of NATO’s International Security Assistance Force (ISAF) in Afghanistan.⁹⁵ Violence against civilians spiked in 2009 and continues to rise, with 67 percent of civilian deaths attributable to “anti-government elements,” including the Taliban; and 25 percent attributable to “pro-government forces,” including ISAF.⁹⁶ Of those civilian deaths attributable to pro-government forces, a majority resulted from aerial attacks. The UN Assistance Mission in Afghanistan also criticized pro-

91 Elizabeth Cousens and David Harland, “Post-Dayton Bosnia and Herzegovina,” in *Twenty-First-Century Peace Operations*, ed. William J. Durch. Washington, DC: United States Institute of Peace, 2006, pp. 59–60.

92 UN Security Council Resolution, S/Res/1031, 1995.

93 Amnesty International. NATO/Federal Republic of Yugoslavia: “Collateral Damage” or Unlawful Killings?: *Violations of the laws of War by NATO During Operation Allied Force*. New York, Amnesty International, 2000.

See also Benjamin S. Lambeth, *NATO’s Air War for Kosovo, A Strategic and Operational Assessment* (Santa Monica, CA, RAND Project Air Force, 2001), p. 139.

94 NATO Handbook, updated 17 January 2004.

95 Headquarters, International Security Assistance Force, “ISAF Commander’s Counterinsurgency Guidance,” Kabul, August 2009, p. 1.

96 United Nations Assistance Mission in Afghanistan (UNAMA), “Afghanistan Annual Report on Protection of Civilians in Armed Conflict,” 2009, p. 1. UNAMA could not attribute 8 percent of civilian deaths to either pro- or anti-government forces.

government search and seizure operations for what it deemed “excessive use of force.”⁹⁷ However, civilian deaths attributable to pro-government forces dropped 28 percent in 2009 compared to 2008, in a deteriorating security situation in which civilian deaths attributable to anti-government forces increased roughly 40 percent. NATO faces the dual challenge of continuing to curtail civilian casualties due to its own and Afghan government actions, per its obligations under IHL, while at the same time developing strategies to protect the population from increasingly violent opposition tactics. Although NATO involvement in ISAF was not specifically mandated for POC, there may be lessons from its operations that can be applied in future peacekeeping operations. A detailed analysis of the relevance of these NATO operations to improved POC is yet to be undertaken.

97 UNAMA, “Afghanistan Annual Report on Protection of Civilians in Armed Conflict, 2009,” pp. 1, 6, 16.

Introductory Remarks

Ms. Annika Hilding-Norberg, International Coordinator, International Forum for the Challenges of Peace Operations, Folke Bernadotte Academy, Sweden

Excellencies, Ladies and Gentlemen, Partners, good morning. On 12 January this year, tragedy hit the people of Haiti. Many thousands died. Our sympathy goes to all those affected, to the families and friends that were left behind. Many of Haiti's peacekeeping friends, who had been working side by side with Haitian colleagues to enable a better life for ordinary Haitians, also died. They were peacekeepers, who 'lived their value'; the expression used by the Chaplain at the moving ANZAC commemoration service held here in Canberra two days ago.

Many of our dear friends and colleagues died in Haiti. Among them was the UN SRSG Mr. Hedi Annabi, who over the years has generously shared invaluable advice and expertise with the Challenges Partnership. His deputy, the D/SRSG Mr. Luis da Costa also died and we remember him in particular for having played a critical role in securing the participation of the UN Secretary-General in the first Challenges event at which the UN Secretary-General received the Concluding Report of the Challenges Partnership. Mr. Doug Coates, the Acting Police Commissioner for MINUSTAH, who had contributed so much from his police perspective to our Canadian Challenge's partners, the Pearson Peacekeeping Centre in their work for our common effort. The list continues: many of our Partners have lost their friends and colleagues in Haiti, too many to name here.

The tragedy of 12 January 2010 reminded us that with every human endeavour, it is the human dimension, the individuals and the partnerships, that makes the effort worthwhile, cooperation feasible, and peace more, if at all, possible.

At the opening of Challenges events, I normally present facts, figures and flags to explain the purpose, Partners and structure of the Challenges initiative. However, this time, I would like to focus on and highlight the Challenges Partners, this global yet personal Partnership, and the importance and uniqueness of every Partners' engagement and contribution to our common effort. Beginning here in Canberra:

Australia continues to make a determined, systematic, focused and tangible contribution in support of international peace operations. Australia has contributed over the years to the Challenges initiative with a results-oriented and 'can do' approach which has been most appreciated. Today, the central role of rule

of law in peace operations is obvious, as reflected by the important mandate and mission of the UN Office of Rule and Law and Security Institutions established by Assistant Secretary- General Dmitry Titov in 2007. However, this was not the case at the turn of the century when Australia hosted the Challenges seminar in 2002 which focused on the rule of law challenges for peace operations, and which generated important conclusions and insights concerning the responsibilities that peacekeepers have in relation to the rule of law in peace operations. Australia subsequently followed up in various ways, including in political fora and the UN Special Committee for Peacekeeping Operations. These efforts and the contribution by Dr. Mike Kelly in particular, played a central role in developing and presenting the rule of law findings of the second Challenges Concluding Report, presented to the UN Secretary-General in 2006. Moreover, Australia hosted one of the UN Principle and Guidelines development workshops, which eventually became the UN Principles and Guidelines document signed off on 18 January 2008 and which still remains the key document of reference for modern peace keeping operations. Australia has been a consistent proponent in Challenges of developing effective civil/military relations as a central tenet of peace operations, also demonstrated by the establishment of the Asia Pacific Civil-Military Centre of Excellence. Mr. Henrik Landerholm will elaborate further on this impressive development and not least the leadership provided by Michael Smith. So thank you for hosting this third Challenges Forum here in Australia.

I will briefly highlight our other Partners and a sample or two of their respective important contributions to our common effort.

The Russian Federation is one of the founding Partners of Challenges. Our Russian Partners have translated Challenges Concluding Reports and findings into Russian, organized a follow-up seminar about findings in cooperation with the UN Information Centre in Moscow. In the margins of a Challenges seminar, the first larger exchange between the peacekeeping training centres in Sweden and the Russian Federation was agreed. Our Russian Partner from the Diplomatic Academy of the Russian Federation, who was to participate here in Canberra, had to be present today in Arusha for current duties as one of the Permanent Judges for the International Tribunal for Rwanda. However, Mr. Bakhtiyar Tuzmukhamedov sends his best regards to the “Challenges family”, a phrase coined by Dr. Mike Kelly some years ago.

The Hashemite Kingdom of Jordan is also a founding Partner and has translated Challenges Reports into Arabic to share with the broader Middle East and Arab community. Jordan, in cooperation with the Pearson Peacekeeping Centre and the Folke Bernadotte Academy, hosted one of the UN Principles and Guidelines Document development workshops, bringing together the top five troop- and

police-contributing countries (several of which are Challenges Partners) to discuss the emerging doctrine with the UN DPKO leadership and key experts.

In South Africa, the Institute for Security Studies, in addition to hosting a Challenges seminar, held, with participation of the South African Ministry for Foreign Affairs and Ministry of Defence, a final workshop for the development of the Challenges Study titled “Considerations for Mission Leadership in UN peacekeeping operations.” More of that anon. In 1998, in the margins of the Challenges seminar, the establishment of an early warning centre for Africa was enabled through an agreement for launching finance of the project. This Centre has today become a leading source of information for the latest news regarding developing situations and emergencies in Africa.

The United States and the US Army Peacekeeping and Stability Operations Institute early turned our focus toward doctrine development for their Challenges seminar. They hosted one of the UN Principles and Guidelines workshops gathering technical doctrine writers from across the globe, and they have also been one of the Co-Chairs for the Considerations Study. In addition, our American Partners have printed additional copies of Challenges material for broader internal usage, briefed about Challenges results in the United States Congress, and it is good to see the United States Assistant Secretary of State, Ms. Victoria Holt, a former Challenges seminar participant, now here in her new capacity in order to share her unique expertise on the challenges of protecting civilians with us. The United States Institute of Peace, also a Challenges Partner, launched the proposal of the International Network for the Promotion of Rule of Law (INPROL) as part of a Challenges seminar.

India has been involved in the Challenges efforts from its very beginning, through the presence of Lt.Gen. Satish Nambiar, a Challenges Senior Adviser. The Indian Challenges seminar also launched the Centre for United Nations Peacekeeping which today hosts the Secretariat of the International Association of Peacekeeping Training Centres (IAPTC). Our Indian Partners at the United Services Institution of India, through Lt.Gen. Peekay Singh, have contributed to the development of the Considerations Study as one of the Co-Chairs.

Canada’s Pearson Peacekeeping Centre hosted the Challenges partnership together with the military and police communities from New York for a seminar on gender perspectives and human rights in peace operations long before gender perspectives was an accepted theme of relevance for peacekeeping. Canadian Chairs of the UN Special Committee on Peacekeeping Operations Working Group have been involved in the Challenges effort in various ways providing a bridge between the policy community in New York and the Challenges Forum effort and Partnership.

The Pearson Centre hosted an extra workshop for the finalization of the first Concluding Report presented to the UN Secretary-General. Pearson invited and hosted the humanitarian community to contribute to the UN Principles and Guidelines development workshop, and has also been a Co-Chair of the Consideration Study.

Argentina. One year after the milestone Brahimi Report was published, our Argentinean Partners engaged Ambassador Brahimi and other leading experts, including the then UN Military Adviser Maj. Gen. Tim Ford, for an in-depth discussion on some of the key challenges of peace operations identified in the Brahimi Report. Argentina also generously hosted a ten-day working group session for the Partners to finalize the first phase Concluding Report to be presented to the UN Secretary-General, which covered fourteen specific areas of study and put forward 69 practical recommendations. Argentina has translated the full Challenges Reports into Spanish for broad utility, including by the member community of the Conference of American Armies.

Turkey and the Centre of Strategic Research of the Ministry of Foreign Affairs addressed the challenges of change in peace operations, a seminar hosted in the broader aftermath of 9/11. Our Turkish Partners have raised Challenges work in the UN Special Committee on Peacekeeping and as a result, the C34 Committee in its annual Report 2006 encouraged the UN Secretariat to make full use of the research and findings of the Challenges Project. Turkey has also raised the profile and engagement of NATO in the Challenges effort and vice versa.

Nigeria, Chair of the UN Special Committee for Peacekeeping, has been one of Challenges focal points in the New York environment. As a major contributing country, Nigeria has raised issues addressed in Challenges seminars and meetings in various other fora. The focus on regional peacekeeping efforts in Africa and the active engagement of the AU and the Economic Community of West African States in our Challenges effort has been crucial. The Challenges seminar in Abuja was led by General Agwai, then Chief of Defence, at which the Challenges Partners visited a pre-launch of the peacekeeping training centre that was under establishment in Jaji.

The Peoples Republic of China organized its first high-level international seminar on peacekeeping as a high-profile Challenges event in 2004, looking to the future with a specific focus on capacity-building, education and training. Since then, the Chinese peacekeeping contribution has grown and China has now established itself as a major contributor to UN peacekeeping. As a Permanent Member of the Security Council, it also contributes with a strategic perspective to our deliberations. In addition, our Chinese Partners have been a model to all

of us in translating Challenges material into Chinese, and printing extra copies of Challenges material for broader distribution and use.

The United Kingdom hosted a Challenges seminar during their European Union Presidency in 2005, bringing attention to key issues affecting cooperation between the UN and regional organizations. The seminar was hosted at a time when the EU was becoming involved in crisis management and the EU relationship with the UN was becoming more established. Further, at the instigation of the British Partners, HRH Prince Zeid Ra'ad Zeid Al-Hussein of Jordan, one of our Challenges Partners, engaged in a dialogue with the Challenges Partnership on the challenges of sexual exploitation and abuse in UN peacekeeping operations shortly prior to the finalization of the milestone so-called "Zeid Report" undertaken at the request of the UN Secretary- General.

France. When Challenges moved from hosting a series of seminars to a more long-term engagement, the Partners decided to launch the International Forum for the Challenges of Peace Operations. France hosted the first so-called Challenges Forum in 2008 as part of their EU Presidency Programme, exploring ways in which to enhance cooperation between the UN and regional organizations. Our French Partners hosted one of the UN Principles and Guidelines development workshops, engaging the global Francophone expertise community with a particular focus on Africa. Following up on the New Horizon discussions in 2009 and the Challenges Forum in 2009, France hosted a workshop on robust peacekeeping in support of t UN DPKO and paving the way for further and future work in that area.

Pakistan is a top troop contributing country and has contributed to a number of key Challenges initiatives. The National Defence University is one of the Co-chairs of the Challenges Considerations study. Pakistan co-hosted the International Forum for the Challenges of Peace Operations 2009 with Sweden on the theme of: A New Horizon for Peacekeeping Partnerships – What are the Next Steps? The Forum 2009 aimed to tackle key challenges identified by the UN New Horizon process, to build bridges between the different regional perspectives and to generate practical solutions. Cooperation between Challenges and Pakistan began in 2007, when Pakistan hosted its first high-level seminar on peacekeeping with the participation of the Challenges Partners. General Nambiar, our then Indian Partner, was the first Indian military representative, serving or retired, to be invited to speak at the National Defence University of Pakistan, a result which both countries commented on in positive terms.

Egypt is also a major troop-contributing country and political actor on peacekeeping matters. The Cairo Regional Centre for Training in Conflict Resolution and Peacekeeping in Africa (CCCPA) has been involved as one of the Co-Chairs of

the Considerations study, which they will translate into Arabic to share with the broader Arab community. We look forward to the CCCPA's hosting of the International Forum for the Challenges of Peace Operations 2011 in cooperation with the Ministry of Foreign Affairs of the Arab Republic of Egypt in Cairo 8–12 of May.

Sweden. Since the initiation of the Challenges effort in 1996, there has been Swedish coordination of the Challenges Project and since 2008, the Challenges Forum. Beginning in 2003, the Folke Bernadotte Academy has hosted the Secretariat in association with the Swedish Armed Forces, the National Police, the National Prison and Probation Service, the National Defence College, and supported by the Ministry of Foreign Affairs. In addition to hosting the first Challenges seminar in 1997, Sweden has contributed in various ways to support the overall effort of the Challenges initiative, which at times has involved hosting required workshops or seminars or other targeted ways of empowering the partnership as a whole to make a collective, and positive contribution to the international peace operations effort.

Partners and Colleagues, as we in our cooperation tend to be focused on the current and the future, this is actually the first time in that we take a pause and share an ultra brief summary of contributions and some of the collective outcomes of the Challenges Partners cooperative effort. The Partners and the Partnership are the real value-added of the Challenges initiative.

Finally, I would like to come back to where I started, namely the human dimension, the individuals and organizations in the Challenges Partnership that make an effort worthwhile, cooperation feasible and peace more possible.

Japan. You will have noticed that Mr. Takahisa Kawakami, former Chief of Staff in Afghanistan and UN DSRSG in Timor- Leste, is no longer in our Challenges Forum 2010 programme. He died very recently, while on mission, but due to natural causes. Mr. Kawakami was key to engaging Japan in the Challenges Project. He also managed to establish the first cooperative project effort between the UN DPKO and the Challenges effort by co-hosting the Tokyo Challenges Seminar in cooperation with DPKO. The findings of the seminar on safety and security for UN peacekeepers and associated personnel was made into one of the chapters in the UN Secretary-General's report to the UN Special Committee for Peacekeeping Operations that year. Challenges findings were also raised by our Japanese Partners in the Security Council and the General Assembly. Japan has also been an important Partner suggesting and creating linkages to the work of the UN Security Council Working Group on Peacekeeping.

This is the essence of Challenges – unique contributions from leading Partner organizations contributing with complementary comparative advantages and generously sharing best practices. Initiated some fourteen years ago, we repeatedly ask ourselves: “How can we bring out the best in each and every one of us? How can we think creatively and outside the box, while staying focused on the target to improve the way in which we plan and conduct multidimensional peace operations?”

Our Australian partners and hosts, Hon Dr. Mike Kelly and Maj. Gen. Michael Smith have provided us with this timely and important opportunity to move issues and solutions forward. Now it is up to all of us, to make it all happen!

Partners, Ladies and Gentlemen, I am very much looking forward to some intensive and productive days ahead. Thank you very much.

Maj.Gen. (Retd.) Michael Smith, Executive Director, Asia Pacific Civil-Military Centre of Excellence, Australia

Distinguished Guests, Ladies and Gentlemen, Colleagues, my name is Michael Smith and I think I know almost everybody and if I don't know you personally please come up and introduce yourself if I don't get to you first, because I look forward to meeting you.

The great thing about being the Executive Director of a centre like the Civil-Military Centre of Excellence is that by the time you get to this stage there is really not that much for me to say, as I've managed to delegate just about everything, which is good. First, I would like to express a great big thank you to all the Partners, the chairs, speakers and panelists. We have assembled an excellent group of speakers and experts to discuss the protection of civilians. In particular, I would like to thank the Patron of Challenges, Jean-Marie Guéhenno for taking the time to come to Australia, and General Satish Nambiar who's been associated with Challenges for so long. It's a pleasure to have you both with us. I would also like to thank Ambassador Sven-Olof Petersson for hosting the remarkable dinner last night. I would like to thank Bill Durch and Alison Giffen from the Stimson Center for their excellent background paper on the protection of civilians, which will largely guide our deliberations. I would also like to thank Robert Gordon and Andreas Sugar for putting together the current draft of the paper on Consideration for Senior Mission Leadership. It is a critical document that needs to go forward.

I would like to thank the UN Secretariat, and particularly DPKO, but also the Office for the Coordination of Humanitarian Affairs (OCHA). In preparation for

this Forum and also many other of Challenges' activities, the Secretariat has been most helpful, assisting and sharing information with us, which enables the work of the Partners to proceed much better and for us to interact with the Secretariat, it's been terrific. I have to express a special thank you to the Australian Permanent Mission in New York represented here by Col. Rob Manton and Ms. Liza Sharland. Ambassador Gary Quinlan desperately wanted to be here, but other duties prevented him from attending. The Asia Pacific Civil-Military Centre of Excellence works very closely with the Permanent Mission in New York. We could not do our work without their assistance, so thank you very much.

In addition, I would like to express a personal thank you to Haidi Willmot, the Forum 2010 Rapporteur, who made it from Cambridge University. I would like to thank my own team, particularly Superintendent Nigel Phair for all the work that has been done. I would also like to thank the Folke Bernadotte Academy and the Challenges group led by Annika Hilding-Norberg, and including Anna-Linn Persson and Anna Wiktorsson, and the huge amount of work that has been done despite the time differences. It has been a real pleasure working with 'Field Marshal' Annika, so thank you very much.

The Challenges Partnership has some real strengths. First, its diversity of membership. Second, its incredible experience both in terms of policy and from the practitioners' perspective. Third, the partnership takes on very relevant topics, topics that are really fundamental to the future of peace operations. Fourth, it has a genuine willingness to discuss issues openly, sharing and learning from each other. And finally, the Partnership is a growing partnership. Yesterday at the Partners meeting, it was fantastic to see the line-up of countries who wanted to join Challenges, which is a great sign. So through this week, to the Partners in particular, but also everybody else who is attending, I really encourage everybody to participate, to discuss robustly both in working groups and in plenary, to not be afraid to say that dumb comment that everybody else really wants to make. Please come forward and contribute.

There are two specific issues that I especially hope the Forum will contribute to. The first is of course the theme, notably the protection of civilians, based in particular on Bill Durch's and Alison Giffen's paper and the recommendations that it makes. The aim in our working groups and sessions is to focus on one or two key issues that you think can help move this critical area forward. Secondly, in our discussions on considerations for senior mission leadership, please consider the key issues that are raised in the excellent draft paper that has been prepared for us. As the paper is close to finalization, your feedback is very important. Finally, there is also the un-stated benefit of these activities in the incredible networking that the Forum enables.

It is my great pleasure now to invite the Parliamentary Secretary for Defence Support, the Hon Dr. Mike Kelly AM, MP. to officially welcome everybody and give the opening address. As the Executive Director for the Centre of Excellence. I could not wish for a better parliamentarian to have the portfolio responsibility for the Centre. Its creation has been largely Dr. Kelly's vision and I am pleased to say that the Prime Minister of Australia shares that vision. Thank you.

Opening Address and Welcome

The Hon. Dr. Mike Kelly, Parliamentary Secretary for Defence Support, Australia

I would like to extend a warm welcome to the Challenges Forum Patron and former Under-Secretary-General for UN Peacekeeping Operations, Mr. Jean-Marie Guéhenno; to all of our Challenges family, our partners over these many years; the Challenges Secretariat; Forum speakers, chairs and panelists; distinguished ministers; ambassadors; military and police officers; our civilian peace-builders; Queanbeyan City councillors, who have been so generous in their hospitality; UN officials; the President of the UN Association of Australia, Robert Hill; regional and national representatives; officials from the International Committee of the Red Cross, another great organization that I've had the pleasure of working with over the years; representatives of international and non-governmental organizations; Australian Government representatives; and Ladies and Gentlemen. It is fantastic to have you all here.

I would like to begin by acknowledging the traditional owners of this land and say how grateful I am for the wonderful welcome to the country that we had. This area where we are meeting in is called 'Queanbeyan', which in Aboriginal means 'the meeting of waters', reflecting the confluence of the rivers in this area. It is an area of great spiritual significance and I am honoured to represent this region in the Australian Parliament. I hope you will take the opportunity, while you are here, to visit our National Museum and to learn more about our indigenous culture, which is one of the oldest and most venerable cultures on the planet. This land that we are on today is of great significance to Australia's indigenous community. Being welcomed to the country by indigenous Australians of this area, prompts us to reflect on the themes of this conference, and in particular the essence of the protection of civilians. At the end of the day, the protection of civilians is about tolerance and respect. What we seek to achieve, the road we seek to build through this conference, is the road to tolerance and respect, which is ultimately what will achieve the protection of civilians.

There are a number of other important lessons we can learn from Australia's indigenous community. The community that lived here used to assemble in the lowlands and make, as a group, possum coats to come up into the high country to hunt the Bogong Moth. The making of the possum coats was a strong communal activity that built strong social cohesion. The Challenges family is reflective of that tradition, as the family attempts to weave a cloak of peace for this planet and bring together the international community in dialogue.

Another important lesson that we need to take from all our deliberations at this conference is that whatever solutions we develop in terms of protection of civilians, they have to be solutions that are culturally relevant to the environments in which we work. It is like an organ transplant, which in order to give life must be accepted by the body in which it has been transplanted into. If our solutions are not culturally in tune, they will be rejected. This is something that we need to take on board from the lessons learned from our operations.

It is my great honour to welcome you to our region, our country, for this, the 3rd International Forum for the Challenges of Peace Operations. Having been at the first Forum in Paris in 2008, and also because of my long association as member of the Challenges family, I am particularly pleased to open this Forum. It has been a wonderful experience to be involved with people of such great intellect, experience and passion. It really sustains you when you work with people of passion who want to make a difference, and at the end of the day, that is really what it is all about – making a difference.

Australia attaches high value to being a Challenges Partner because like many of our fellow Challenges Partner countries, we have a proud history of supporting peacekeeping operations. Indeed, since 1948 more than 90,000 Australians have served in more than 50 UN and other multilateral peacekeeping missions. The Challenges Partnership has a history of sustained engagement with UN DPKO. In 2006 and 2007 the Partners were actively involved in organizing and facilitating a series of workshops to help develop the 'UN Peacekeeping Operations Principles and Guidelines,' commonly known as the 'Capstone Doctrine.' In fact, it was one of my last acts in uniform to participate in the Capstone Doctrine workshop in Singapore. It is great to see that this is one very practical way in which the Challenges Partnership has managed to put some flesh on the bones of the concepts that were raised and promoted during the early years of the Challenges project.

Since 2008, the Partners have sought to understand the scope, nature and challenges of contemporary peace operations, and in particular their impact on the protection of civilians. I am pleased that through this Forum, not only are the Challenges Partners continuing their close association with DPKO, but they

are also deepening their engagement with other critical departments of the UN Secretariat, Agencies, Funds and Programmes. One of the key lessons that we have learned over the years of multidimensional peace operations is that we need to create an essential dynamic between the military, police and civilian components of a mission. In order to reach a successful end-state, in partnership with the other agencies, funds and programmes in the field, we need to be able to strategize within cohesive and coherent partnerships. That critical dynamic is at the heart of why Australia created the Asia Pacific Civil-Military Centre of Excellence (APCMCOE).

The multidimensional nature of peace operations reflects a critical linkage between peace enforcement, peacekeeping and peacebuilding. That linkage is particularly evident in the theme of this Forum, the challenges of protecting civilians in multidimensional peace operations. We know that the tragic reality is that civilians, innocent men, women and children, comprise the vast majority of casualties in conflict zones. Moreover, if the past decade is indicative of future conflict trends, then we are likely to see an increasing requirement for the UN to undertake protection tasks as part of peacekeeping mandates. As Challenges Partners and Forum participants, we are here this week to pursue a common purpose of ‘fleshing out’ the issues that may assist the UN in addressing the challenges to better protect civilians under threat. Not only is it important for UN missions to try to prevent such threats from occurring, but also to respond appropriately when they do, and to work with the host government, if indeed there is a host government, and other actors to help lay the foundations for sustainable protection measures after the mission departs. What we need to reflect upon is that this essential element, the protection of civilians, is often what a mission is all about – in the end it is the true measure of success.

This Forum has brought together some of the world’s most experienced protection experts, practitioners, policy-makers and scholars. In advance of the Forum, we have all received Bill Durch’s and Alison Giffen’s excellent and comprehensive background paper prepared by the Stimson Center. It has been great working with Bill over the years, a wonderful intellectual component of the whole Challenges effort. Early in this Forum, we will also receive an update on the global state of peace operations. Both of these assist our understanding of how far the UN has progressed in peace operations, and how much more the Member States still have to do to assist the UN in its ambitious reform programme. Significant practical capacity is needed to operationalize some of the concepts that the UN has been struggling with in recent years.

There is certainly a growing body of literature on peace operations, providing analysis on the broad spectrum from peace enforcement to peacekeeping and

peacebuilding. It is clear that traditional peacekeeping, while still relevant, has transformed to tackle the challenging demands of the international security environment, including intrastate conflict and international terrorism, which have certainly become more prevalent in recent times. These developments could not have been foreseen by the founders of the UN at the conclusion of World War II. When I was in Somalia in 1993, issues such as the rule of law, policing, security sector reform (SSR), the protection of civilians and peacebuilding were not prominent on the UN's agenda. These were seen to be sovereign tasks and any attempt to discuss them would have been seen as intruding on sovereign jurisdiction. However, much has changed since then, particularly since the Brahimi Report on Peace Operations in 2000. Many more challenges lie ahead and unfortunately the demand for UN peacekeeping is likely to continue to outstrip supply.

The challenges of maintaining peace and security are enormous and daunting. While there have been demonstrably successful UN missions, others have been less effective. It is great to see General Sanderson participating in our efforts. General Sanderson led one of the most successful UN missions, the UN Transitional Authority in Cambodia, in which a lot of lessons were learned, and then promptly forgotten. One important aspect that UN missions have been mandated to address is the protection of civilians. However, the UN and its Member States are only at the early stages of addressing this critical issue systematically, despite protection having been included in mission mandates for more than ten years. Since POC was first included in the mandate of the UN Mission in Sierra Leone (UNAMSIL) in 1999, there have been ten UN missions with a mandate to protect civilians. Over 50 per cent of UN Security Council statements and resolutions in 2008 contained references to protection.

In addition, there have been numerous reports calling for more action on protection, both from within and external to the UN. Despite all these calls, it remains true that no UN mission to date has had a clear operational definition of POC. This is a fundamental flaw for any military planner, or indeed for any form of planner. There are, however, encouraging signs of activity. In July 2009, DPKO and the Department of Field Support issued a non-paper on Charting a New Horizon for UN Peacekeeping, which identified protection as one of three main cross-cutting challenges of UN peace operations. In November 2009, DPKO and the UN Office for the Coordination of Humanitarian Affairs commissioned an independent study, 'Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, setbacks and remaining challenges'. The UN is now building on these initiatives and this Forum will contribute to those and other international efforts to enhance the protection of civilians in conflict zones.

The programme for this Challenges Forum concentrates on the protection of civilians, and includes a range of perspectives from peace operations that will undoubtedly generate stimulating debate. While the Challenges Partnership is a family, it hasn't prevented us from engaging in robust discussions like any family – such discussions have often been incredibly productive. One of the aspects of the Challenges Forum, that is of great benefit, is that with the opportunity for rigorous engagement it provides, if something can be agreed by the Challenges Partners then it's very likely to get traction in the broader peacekeeping community, including the UN.

I don't want to single out any of the sessions in this conference as being of particular importance, because they are all important. However, I will be particularly interested to learn of the outcomes from the session on 'Considerations for Senior Leadership in UN Peacekeeping Missions'. Success on issues such as POC often stems from the top, particularly through the setting of attitudes. I well remember the wonderful approach taken by the Thai Force Commanders in the UN Mission in East Timor (UNTAET), in which I was privileged to serve. General Winai Phattiyakul and General Boonsrang Niumpradit both clearly identified that the centre of gravity for that mission was the civilian population. That sort of conceptual breakthrough is extremely important for a leader to achieve.

Australia is committed to assisting the UN to enhance mission effectiveness through continuous improvement in mission leadership. I think that the six parallel working groups on Thursday morning, which focus on specific protection issues and report back to plenary, will be very important for future developments in the protection space. After all, what we really aim to achieve here is starting to put some practical flesh on the bones of the emerging protection concepts. In light of my previous experiences in the field including in a number of UN missions, that is certainly a particular focus of mine. I certainly look forward to the outcomes of those working groups.

Overall, the Forum has a particularly rich programme of discussion and activity, and I'm sure that everyone here will leave with an enhanced understanding of the issues surrounding POC. The strength of the Challenges project rests on the willingness of its partners to robustly discuss and debate issues to improve our collective understanding. The fact that Challenges has no executive authority or policy mandate adds to the integrity and usefulness of its deliberations. I'm sure that the panel chairs will do all they can this week to encourage and stimulate the airing of different views, although there probably won't be much encouragement required. I look forward to that discussion.

As most of you will know, the Australian Government has contributed to enhancing the protection of civilians in conflict zones. In partnership with the Permanent

Mission of Uruguay to the UN, we have convened two seminars in New York, and more recently we have assisted the African Union (AU) to develop draft guidelines for protection. It was a great privilege to be in Addis Ababa in early March to see that process begin for the AU. There is certainly a real hunger for this concept and the development of capacities to meet these requirements within the AU. We are conscious of the sensitivities of UN Member States and the valid concerns of some countries regarding sovereignty issues, as well as the demands that protection places on troop- and police-contributing countries. Accordingly, we think that for effective protection mechanisms to be realized, collaborative partnerships are essential. The Challenges Forum provides one venue for such partnership. However, I believe that regions and sub-regions really need to develop capacities together, in order to be able to meet the challenge, given to its size, dimensions and nature. That makes it even more important that we have sound mutual understanding and common concepts and doctrine to underpin the development of the necessary capacities.

Partnership is about dialogue and it's about action. This Forum is a practical example of partnership dialogue. Through our discussions this week, a greater shared understanding of the protection dilemmas will hopefully emerge. Shared understandings are the basis of any partnership and it is no less so in the UN. Shared understanding helps inform policy. The strength of the Challenges Project has been reinforced by continual interaction between Partners, linking international agencies, government departments and research centres. These interactions reinforce Partners' relationships and ultimately help enhance the conduct of peace operations.

The APCMCOE, the host of this Forum, and for which I have portfolio responsibility, has as its mission to support the development of Australia's civil/military capabilities to prevent, prepare for and respond more effectively to conflicts and disasters overseas. The Centre can only achieve this through developing active international partnerships. Consequently the centre is developing an impressive programme of partnership development to ensure that Australia can both learn from and contribute to international efforts to make POC more effective. This will certainly assist us in the many, many missions that we are engaged in around the world at the present time, from Afghanistan to the Solomon Islands, East Timor, Sudan, and many other locations. This effort of course is within a range of wider activities designed to ensure international partnerships are effective across the whole spectrum of conflict and disaster response.

On behalf of the Australian Government I wish to acknowledge the Challenge's Partnership for its commitment to global peace and security and thank the Challenge's Secretariat for their hard work. I know how much work actually goes

into these things, and certainly you often wonder how energy levels are maintained. I wish to acknowledge the dedication particularly of Michael Smith, the Executive Director of the APCMCOE and his hardworking team, for their commitment in supporting the development of Australia's civil-military capabilities. I couldn't have been more heartened by the wonderful team that we have put together, the 22 people working at the Centre under Michael's terrific leadership. Michael was the perfect leader to bring into the Centre with his previous wonderful military experience and also his experience leading a prominent non-government organization – exactly the type of synergy and cross-fertilization we want to achieve with the Centre. Michael is backed by a team of great passion and great experience, they have been a sheer delight to work with.

I commend the efforts that have gone into developing the programme for this Forum and the impressive list of speakers that has been assembled. I hope that the photo that will shortly be taken will stand as a reminder of a purposeful week of deliberations and a strengthening of our family. Many thanks also to the Council and people of Queanbeyan who are very happy to be playing a small, but not insignificant, part in hosting the Forum in this excellent facility. It is wonderful to be able to bring you here to this town. It's a very old country town – you have come to the real Australia. In fact, every morning when I look out the window of my home on the Queanbeyan River, I see a mob of kangaroos. You might come to Sydney expecting to see them hopping down the main street; well here, you do. I'm sure also that the people of this town will be delighted to have you here. It's a joy to them to see so many wonderful foreign visitors.

To you, our participants and guests from overseas, please make the most of your visit to Australia. I hope that you will leave Australia having enriched your knowledge of the challenges of peace operations and with fond memories of the 'land down under'. I look forward to attending the Forum dinners, continuing the discussion of these important issues more informally, and to returning to this venue on Thursday for the concluding sessions. Thank you very much for coming. It's a pleasure to have you here.

International Forum for the Challenges of Peace Operations – Objectives and Issues

Mr. Henrik Landerholm, Director General, Folke Bernadotte Academy, Sweden

Excellencies, dear Partners and Colleagues, Ladies and Gentlemen, it is thanks to the devoted work of our Australian Partners on the protection of civilians in armed conflict that we are here today. Our hosts' strong commitment to the protection of civilians (POC) in peace operations has been demonstrated by

Australia's comprehensive and systematic effort, involving Australian practitioners, policymakers, academics, and drawing on lessons learned from the field. I believe that the International Forum for the Challenges of Peace Operations 2010 is an important and timely opportunity to generate concrete recommendations in order to tackle some of the key challenges associated with the protection of civilians that today face the international community.

Developments in this field are often driven by horrifying facts. An Oxfam study recently found that rape in the Democratic Republic of Congo (DRC) has risen 17-fold in the past few years. Approximately 56 per cent of these sexual assaults were committed by armed men, in homes, in the presence of the victim's families, including the children. At the same time, 38 per cent of rapes were committed by civilians, this compared with less than one per cent in 2004. This Oxfam study reported that rape among the civilian population had become frighteningly common. The brutality of the conflict has now infiltrated society as a whole and further increased the problem. The relative safety of civilian life and society has almost disappeared.

A few months ago, I visited our seconded personnel posted in Goma, in eastern DRC. It was evident that the UN Security Council and the UN Mission in the DRC (MONUC) have given highest priority to the POC task. Simultaneously, it was evident how immensely difficult it is to fulfil this objective in practice.

It is now ten years since the milestone Security Council resolutions on the protection of civilians and on women, peace and security were adopted. Since then, ten UN peacekeeping operations have included the protection of civilians explicitly in their mandates, starting with UNAMSIL in Sierra Leone. In the last couple of years, important progress has been made. The UN's New Horizon non-paper and the DPKO/OCHA-commissioned independent study, 'Protecting Civilians in the Context of UN Peacekeeping Operations', have both proved crucial to putting POC issues high on the international community's agenda.

The International Forum for the Challenges of Peace Operations 2009 was held in the very same week that the POC study was presented. Focused on the recommendations in the New Horizons paper, Pakistan, a top contributor to UN peacekeeping, in cooperation with us, hosted an important and substantive Challenges Forum, which progressed our common Challenges' efforts. Pakistan undertook their hosting role even at a time of significant challenges at home. The need for the international community to take a closer look at effectively protecting civilians became evident during our deliberations. Moreover, and more recently, the Special Committee on Peacekeeping Operations (C-34), in its 2010 draft report, encouraged the UN Secretariat to continue developing guidance and a

strategic framework for protecting civilians. Finally, the UN Secretary-General has appointed a Special Representative on Sexual Violence in Conflict, Ms. Margot Wallström, whose work could, and should, bring further and necessary attention to certain parts of the POC challenges.

Having said that, much remains to be done. Given the harsh realities manifested in the Democratic Republic of the Congo, Darfur, Somalia, Afghanistan and elsewhere, we still have a long way to go. Concepts and definitions are still at an early stage, and their effective implementation has proven to be a real challenge for the international community. We must not forget that whatever the mandate is, and however the task is formally defined, the legitimacy of a peace operation is in the eyes of the beholder.

Our ability to protect civilians is decisive for that legitimacy in the eyes of the local population, as well as in the eyes of public opinion in general. Paragraph 147 of the 2010 draft report of the C-34 states: *“The Special Committee appreciates the efforts of the Secretariat to provide Member States with the input to enhance common understanding regarding the implementation of protection of civilians mandates by relevant UN peacekeeping missions”*. The last sentence reads: *“The Special Committee encourages the Secretariat to engage with Member States, host countries, regional organizations and troop and police-contributing countries to further advance in this endeavour.”*

These words underscore why the Challenges Partnership is particularly engaged on these issues, and highlight why we have been invited by our Australian hosts to tackle them at this Forum. We need insightful and complementary contributions from different countries, from academics, diplomats, the police, the military, the humanitarian community and, not least, from the political level. Everyone here has important expertise to contribute.

As a former Member of Parliament and Chair of the Swedish Parliamentary Committee for Defence, I recognize how important it is to connect political determination with practical implementation. Words should be followed by appropriate action. It is therefore particularly appropriate that a senior political, military, humanitarian, academic, peacekeeper like Mike Kelly, first establish the Asia Pacific Civil-Military Centre of Excellence the purpose of strengthening the civil/military peacekeeping agenda, and then mobilize both national and international support for this endeavour. Equally important was his decision to recruit a senior military, humanitarian, diplomat, writer, and peacekeeper like Michael Smith to run and develop the Centre for him. Congratulations to both of you for what you have achieved already in such a short time!

I would also like to raise another Challenges effort, the independent Challenges study on ‘Considerations for Mission Leadership in UN Peacekeeping Operations’ which will also be discussed during this Forum. Your conference material includes a copy of the draft study. This series of workshops around the world was initiated about one-and-a-half years ago. Four workshops involved the Partnership as a whole, and another three involved Partners, both military and civilian, as Co-Chairs of the process. In addition, extensive input into, and review of this work has been generously provided by a significant number of Secretary-General’s Special Representatives (SRSGs), Force Commanders and Police Commissioners. The work is a genuinely collaborative effort, and it represents an example of the synergies and strengths of multidimensional cooperation.

One clear message in the study is that personal leadership and the ability to create an inclusive environment within the mission leadership team that is conducive to learning, is crucial. The study highlights that this should include constructive management of cultural and professional differences, and the ability to critically assess the mandate and the changing interpretations and expectations of the international community and the host government. Successful mandate implementation requires mastering the eternal challenge of limited and varying resources. This must always be at the heart of the leadership deliberations. The more subtle aspect of peacekeeping leadership concerns the continuous balancing act, sometimes bordering on the impossible, between mandate, resources and political and practical realities, an insight that is shared by many, but articulated by few. The content of the study will hopefully be useful also to regional organizations operating in similar, or the same environments, and with comparable leadership challenges.

In relation to the initiatives that I have mentioned and the Challenges Forum in general, it is essential to highlight the invaluable and close cooperation with the UN that we enjoy, including senior level participation in, and active contribution to, this week’s activities. We are particularly grateful to Assistant Secretary-General Mr. Dmitry Titov; Director of the Division for Policy, Evaluation and Training (DPET), Ms. Izumi Nakamitsu; and Chief of the Policy Development and Studies branch of OCHA, Mr. Hansjoerg Strohmeyer; and their respective colleagues. Thank you, all of you, on behalf of the Challenges Partnership. The Challenges Partners are particularly grateful for the patronage of Mr. Jean-Marie Guéhenno, including his active involvement in, and valuable support for the work and activities of the Partnership. Your unique expertise and generous sharing of advice continues to be a critical and appreciated, qualitative component of our joint endeavour.

Finally, Ladies and Gentlemen, let me turn to our hosts. I would like to emphasize how grateful we are for your generous and professional hosting of

the approximately 220 participants registered. The background papers are of the highest standard, the venue ideal for the occasion, and the hospitality and warmth have already overwhelmed us, including the gripping experience of the Anzac Day dawn service. I am sure that our week ‘down under’ will definitely be above and beyond. Thank you for your attention.

Mr. Jean-Marie Guéhenno, Patron, Challenges Forum, and former Under-Secretary-General for Peacekeeping Operations, United Nations, France

Dear Friends, I am delighted to be here to discuss a very important and very difficult issue – the protection of civilians. It is important that we discuss this issue in this strong community of practice that the Challenges Forum is. As Annika reminded us, it has incredible diversity. We heard the long list of countries that have made the Challenges Forum such a strong network. It is strong because it has the commitment of states that believe that it is important to have this kind of informal interaction. Today, I want to pay particular tribute and express my gratitude, and I think the gratitude of all the participants, to Australia for their gracious welcome and such professional organization. I would like to thank the Hon. Mike Kelly, General Michael Smith and the APCMCOE, because without them, this Forum would not be what it is going to be. The strength of the Challenges Forum is based on hard work. There is the hard work of the Folke Bernadotte Academy (FBA) and all those who prepare the meetings.

There have already been several mentions of the background papers that have been specifically prepared for this meeting. The background paper should be read carefully by everyone, as it has very practical recommendations and each recommendation raises a whole set of issues. There are particular considerations for senior leadership, and I am one who believes that peacekeeping succeeds or fails on the quality of its leadership. Accordingly, it is very important that that leadership be helped by solid documents. I am confident that we are going to deal with the difficult issue of protection of civilians because the meeting has been well prepared.

Protection of civilians (POC); what is more important? If you work for the United Nations, POC starts with “We, the peoples.” What would the UN be if the notion of protecting people, of allowing people to sleep safely at night without feeling threatened, wasn’t at the centre of the work of all UN personnel? Unfortunately we know now that civil wars are more about control of people than control of territory, which too often makes people the central target. They are no longer the collateral victims of conflict, they are the targets of conflict. So the question of the protection of civilians has taken on a much more central role than it had in the

earlier phases of peacekeeping. In some ways, it is the ultimate goal. When I had the honour of leading DPKO, I gave on some occasions a very high priority to the protection of civilians. These were some of the most difficult moments in my eight years at DPKO, but they were, in a way, some of the most rewarding ones, when I could feel that a difference was being made, and that civilians, thanks to the work of the UN, would feel less threatened than if the UN had not been there. That is why our discussions in the coming days are so important.

‘Protection of civilians’, those three words, can lead to a lot of confusion. As is rightly noted in studies that I have mentioned, and also in other great studies that have been produced by the Stimson Center, ‘protection of civilians’ can mean many things to many people. Are we talking about the physical protection of civilians by armed forces or the police? Are we talking about a broader concept where civilians feel safe because they have the institutions of a functioning state to support them, and there is a functioning rule of law? It is not clear. There has been some work to begin to clarify the concept, but for the people confronted by the very difficult situations in the field, there are still a lot of questions unanswered. Do we need tactical guidance, which I would say is also basic moral guidance? If you see a civilian in danger and you don’t do anything about it, you are in the wrong whether there is a sentence in the Security Council mandate or not. Do we need strategic direction? As rightly noted in one of the background papers, we talk about protection of civilians as ‘a priority’, but a priority is not a strategy. When we see the difficulties we take precautions – we talk about ‘imminent threats’, we talk about ‘within capacities’.

Let us be honest, when we talk about these caveats we do not resolve the issue, because these apply to the easy cases. Of course, if you have the capacity you should do something about civilians being threatened. Of course, if someone is going to be killed in front of you and you can stop it, you should do so. However, the real difficulties come when you start to examine the grey areas that too often peacekeepers have to confront. What about a gathering threat, a threat that is not imminent, but if left unattended can become a mortal threat to civilians? What do you do about that? What about a situation where you may or may not have the capacity? It’s a judgement call. That is the most frequent situation. You are not so sure whether, depending on the dynamics of the situation, you can confront it or not. What about the priority between force protection versus protection of civilians? How often are you going to patrol at night, putting your troops at greater risk than if they just patrolled during the day? How often are you going to establish mobile operating bases in environments that will be less well-protected than a well-established camp? These are the difficult situations. What about the balance between protecting the mission and protecting the civilians? And the balance between being static, protecting your installations or reaching out? That

is where the difficulties begin. These grey areas exist because peacekeeping is dynamic and takes place in changing environments.

It's not about ticking boxes. It's about managing situations which are continuously evolving, where your actions will change the dynamics of the situation, and in doing so your capacity to protect. The capacity you might have if you act early, may disappear if you are in a purely reactive mode. That is what is so difficult. Tactically, protection of civilians can become a dangerous recommendation if it just puts the mission in a reactive mode, waiting for civilians to come under imminent danger and then taking action. It can set the mission up for failure if it is understood as just the physical protection of civilians, because the mission will never have adequate numbers. Personally, I prefer talking about 'the empowerment of civilians' rather than the protection of civilians, because I think, at the end of the day, if you turn the protection of civilians from an immediate recommendation to a more strategic concept, it is really about the empowerment of civilians.

Finally, I would like to address a few questions arising from the inevitable gap, which we must acknowledge, between what we would like to do and the resources we have to do it with. I recently looked at the number of police officers in New York, a city at peace, a city that is not a war zone, a city with a good infrastructure.

There are more than 35,000 police officers in New York City and that is just New York Police Department personnel. That does not include Federal Bureau of Investigation personnel, nor does it include the variety of government agencies that contribute to the security of New York. So you can do the maths on the ratio existing in an orderly place, which is not recovering from a civil war, where there is trust in government and the institutions of state. That is the ratio to ensure the physical protection of civilians so that the people of New York sleep well at night, not in fear that they are going to be killed or robbed. And yet there are still crimes occurring in New York City. So, in peacekeeping, in places where there is no trust in the state, where such trust is yet to be built, where the infrastructure is often lacking and where our ratios are way below the ratio I just mentioned, the physical protection, the blanket protection of civilians is just not possible. So what do we do? Do we give up? Do we say 'No, we can't do anything about it'? Certainly not. First, you have to think about how you can mitigate this gap between what is needed, and what is going to be on offer. Even if we were successful in raising more troops and convincing the Security Council to give us more troops, we will never bridge that gap. The current \$8 billion budget would be only a fraction of what would be needed to do so.

So how do you mitigate the gap? Well, there are questions of intelligence; the need to know where the threats are going to come from before they manifest

themselves. There are questions of mobility; the ability to quickly modify your posture depending on where the threat is. There are questions of training; I think training issues are particularly important for our discussions in the coming days.

When I say ‘training’ I am not just talking about the training of the military, but the police as well, so that they know how to act and react in a range of situations.

I like to say that peacekeepers they are not ‘soldiers minus’, they are ‘soldiers plus’, that is, they are soldiers who can face the most difficult military challenges of high intensity warfare, but they can also face a spectrum of different situations in which they will not use full force. It is much harder to withhold fire than to use fire. This high discipline makes the job of a military peacekeeper so much more difficult. There are many facets to the necessary training: training the military to be able to face a range of unpredictable situations; training civilians to play a role so that they multiply, by their very presence, the deterrent effect of the military; and training civilians so that they contribute to establishing the trust essential to reconnecting the fabric of society. A functioning society is the first line of defence for the people – helping to create that functioning society is the way to mitigate, although not annihilate, the gap.

The second question is, how do you prioritize if you do not want to be in a reactive mode? How do you use force in a way that is not reactive, strategically astute, that combines the tactical immediacy of protecting civilians in danger with the strategic goal of building a state that will inspire the trust of the people? That requires solid interaction between the military and the political components. It requires from the political leadership an understanding of what the military can do; and from the military an understanding that their actions will have a political impact and need to be considered in a broader context.

The third question is, how do you protect your impartiality? That is a very difficult issue, because there are trade-offs. As you use force, or show force (but sometimes a show of force is not credible unless there is an obvious preparedness to use force), as you run the risk of having to use force against a particular group, there is a trade-off. Your use of force may render you less able to mediate. So you have to consider whether you want to go down that path. There are situations, again the easy cases, where it is obvious. There are other situations where you have to think through the trade-off between the mission playing a conflict mediation role, of listening to all actors, or of really clamping down on the spoilers. The answer is seldom obvious. Again, it requires very close interaction between the political and the military components of the mission, and the problem becomes even more difficult if civilians are being threatened by government forces. You are dependent on the host country. You are not going to go to war with the host

country, but you are not sure whether the actions of a few soldiers is just the result of a lack of discipline, of a weak chain of command, or whether there is something more to it? How do you make that judgement? How do you manage the consequences of possibly not acting against government forces and further jeopardizing the perception of impartiality, potentially being perceived as an auxiliary of a government that sometimes can become a threat to its own people? In such circumstances you may lose a lot of credibility as a political actor trying to bring the country together under a broader tent.

The fourth question is how, at the end of the day, do you empower civilians? If protection of civilians is fundamentally about empowering the people so that they have trust in each other, how do you do it? How do you build trust in justice?

How do you build trust in security institutions? How do you build trust in the state as an accountable entity so that when you leave it will be the real source of protection? Such questions relating to the protection of civilians are reflective of questions relating to development aid. What you want to do, at the end of the day, is to make yourself irrelevant, unnecessary by having empowered the people to undertake their own protection, to be their own protectors, so that they are no longer a threat to each other. But how do you do that? That is the key challenge of developing the rule of law and security institutions. I am glad that in DPKO there is an integrated Office of Rule of Law and Security Institutions (OROLSI), because the rule of law and security institutions are essential parts of one and the same thing. How do you make sure that judges will have the trust of the population; that the police, if they arrest people, will have a tribunal to try the people; that corrections will be decent, that they will respect basic human rights and standards? It is difficult because you are talking about issues that are at the heart of the sovereignty of a state.

The UN is an organization of sovereign states, and a UN mission is not in a country to challenge its sovereignty. In any case, there would be no consensus among Member States to go down such a path. The UN has to base its work on respect for the sovereignty of the state. However, sometimes, to help consolidate that sovereignty, the UN may have to take action that in the past would have seemed an infringement of sovereignty. Clearly it is not, as UN activity has to be negotiated, it has to be discussed with the country the UN has come to help.

However, the selection of justices, the vetting processes, the vetting of the leadership in the security institutions, all requires a very sensitive balance between respecting the state's sovereignty, without which there will not be any sustainable effort, and at the same time recognizing that that sovereignty, to be consolidated, may require some international help.

These are issues that are at the heart of the challenges of today's peacekeeping. There are not yet fully-developed answers to the questions I have posed. There are different perspectives around the world on what the answers should be.

What makes a country stable? What is the role of the rule of law? I think that is why the Challenges Forum is such an important forum for the discussion of those issues, precisely because it brings together people from countries that have different outlooks. We will not succeed, if we pretend to impose one outlook.

We will succeed only if, confronted by the practicalities of those issues, with our different perspectives, our different backgrounds, our different perception of what the rule of law represents, we manage to build a consensus that respects the sovereignty of states, but that keeps as its fundamental motivation the notion that we, the peacekeepers, we are there to help people sleep at night without feeling threatened. That is what gives meaning to the work of the UN, and is beyond any discussion of the rule of law, sovereignty or anything. It is what makes the UN's work worthwhile and, I am sure, what will make these discussions so fruitful. Thank you.

The Global State of Peace Operations

Focus: What are the scope, nature and challenges for contemporary peace operations and their impact on the protection of civilians?

Lt.Gen. (Retd.) Satish Nambiar, Member, High Level Panel on Threats, Challenges and Change / Former Force Commander, UNPROFOR / Member of Advisory Group, Security Council Report / Senior Adviser, Challenges Forum, India

Good morning, Ladies and Gentlemen, let me start by thanking the APCMCOE, particularly Michael Smith, for inviting me. It is a pleasure to be here beside my friends and colleagues from the Challenges Forum. It is a particular pleasure to be here with a couple of people I've had the pleasure to have a great association with over the years: my old friend and colleague John Sanderson, we were contemporaries in different parts of the world; and of course Mike Kelly with whom I've had a great association through the Challenges project.

We have three distinguished panelists here to speak on the main subject, 'The Global State of Peace Operations', with a focus on the scope, nature and challenges of contemporary peace operations and their impact on the protection of civilians. Mr. Dmitry Titov, the Assistant Secretary-General for Rule of Law and Security Institutions at the UN will be speaking on the scope and challenges of UN peacekeeping operations. Jake Sherman, Associate Director, at the Center on International Cooperation (CIC) at New York University will speak on trends, facts and figures based on the CIC publication, the 'Annual Review of Global Peace Operations'. Finally, my old friend and colleague, General Tim Ford, former DPKO Military Adviser, and former UN Truce Supervision Organization (UNTSO) Chief of Staff will speak on the key issues for effective protection of civilians in armed conflict.

I would like to make three points before I hand over to Dmitry. The first point is that, in my view, the major problem that we face today, insofar as the maintenance of international peace and security is concerned, is that most international structures, including the UN, were set up in the aftermath of World War II to deal with interstate conflict and not intrastate conflict. Therefore, the international community is in fact still trying to grapple with the new situation using, in my view, the old tools by making some adjustments and modifications to the manner in which they were earlier used.

The second point is that almost all reports on POC start with a phrase along the lines of the following: ‘The failures of missions to provide security in complex crises, such as Somalia, and to protect civilians from mass atrocities in Rwanda and Bosnia tested the fundamental principles and capabilities of UN peacekeeping operations and demonstrated that reform was urgently required.’ I would like to suggest that these analyses start with the wrong premise, and that is why the ability to address the core issue is subject to question. In almost all cases, the failure to protect civilians was not the failure of the mission, but it was the failure of the international community of Member States of the UN – and most importantly the more powerful ones – to take adequate action. That was the root of the problem.

This leads me to the third and final point that I wish to make. All the reports we come up with after all the discussions we have engaged in will have little or no meaning unless the more powerful countries, particularly those in the developed world, re-engage in the vital activity of UN peacekeeping. They are the ones that have the political clout that will make the difference in the effective application of force. They are the ones who have the trained manpower which, together with others from the developing world, will be able to convey to the belligerents in mission areas that the international community will not tolerate any activity that places innocent civilian populations at risk. This, I believe, is vital. With that, Ladies and Gentlemen, I hand you over to the first panelist, Mr. Dmitry Titov.

Scope and Challenges of UN Peacekeeping Operations

Mr. Dmitry Titov, Assistant Secretary-General for Rule of Law and Security Institutions, United Nations

Thank you very much, General. First and foremost, thank you to our Australian hosts who have been very generous in providing us with this venue and all kinds of assistance in preparation for the conference. Much appreciation goes to General Smith and his team but also to Henrik and his extraordinary team, which has been with us throughout. I also have to acknowledge the Patron of Challenges, Jean-Marie Guehenno, who made quite an impressive presentation at the outset, making our task much more difficult. I would also like to stress how much DPKO as a whole, and the new Under-Secretary-General, Alain Le Roy, is dedicated to the issue of POC. He has been very eager to promote this vital area of peacekeeping responsibility, including through the DPKO New Horizon effort. We in the OROLSI are also very committed to moving forward on this issue in the context of UN operations, and we are very much looking forward to the results of this meeting.

I participated in the Anzac Day commemoration on Sunday, which serves to all of us as a reminder that we are still living in a demanding and dangerous world. We in DPKO are particularly keen to acknowledge the contribution that Australia has made to UN peace operations over many years.

I have been asked to open this panel by setting the scene, examining the scope of the challenges that UN peacekeeping operations are facing, and identifying their linkages to the protection of civilians

Today, UNDPKO and DFS are managing sixteen field missions, fifteen peacekeeping operations and one special political mission. As we speak, the UN has a peacekeeping strength of 124,000 personnel, comprising nearly 88,000 military, 13,000 police and 20,000 civilian personnel deployed in the field. One hundred and fifteen countries contribute personnel to this vast global partnership and many are contributing generously through financial contributions assessed in other ways. It must also be mentioned that DPKO and DFS manage over 270 aircraft, almost 20,000 vehicles and move approximately one million passengers each year. By any measure, this is a complex and multidimensional undertaking on a grand scale. Only one country in the world compares with this operational platform. Yet, with the prospect of missions downsizing and even closing in the near future, the peacekeeping budget and the number of personnel we deploy may have peaked. There is pressure to start drawing down our operation in DRC. We have handed over the UN mission in Burundi to our peacebuilding partners. In Timor-Leste, the UN has proceeded with a careful drawdown schedule, as police functions are handed over to the police force of Timor-Leste. In Kosovo, the UN has already handed over most of its functions to the EU.

Despite this new trend towards transition and consolidation, UN peacekeeping is far from slowing down or diminishing in significance. In fact, while important adjustments are being made to the focus and composition of several peacekeeping missions, the operational tempo in 2010 remains very high. For example, greater focus will be given to how to better implement mandates, to plan effective transitions and develop self-sustaining peace processes. In this broader context, the rule of law and security institutions have a key role in the effective entry, the reliable implementation and early exits, as well as in smarter bridging of peacekeeping and peacebuilding efforts. As the UN Secretary-General stated in the Security Council on 16 April, peacekeepers are in an important sense early peace-builders. However, the nature of our business is more operational than we would like it to be, and the complexity of running sixteen major operations puts considerable pressure on both DPKO and DFS. The international community has learnt time and again that, in volatile settings, it is a matter of days, if not hours, in which an operational landscape can be transformed.

The horrific earthquake in Haiti on 12 January was a shock to all and placed unprecedented stress on the whole UN system. It was a disaster that along with over 200,000 Haitians took the lives of 101 UN staff, including our very dear colleagues and friends Hédi Annabi and Luiz Carlos da Costa. Since then, much of the Department's energy has been focused on supporting the Haitian people and on bringing the UN Stabilization Mission in Haiti (MINUSTAH) back to its full capacity. MINUSTAH is deeply involved in designing a new strategy to address vulnerabilities, including protection challenges that face the Haitian people. The last report of the Secretary-General indicates the UN's long-term commitment and the very robust role it will continue to play across the whole agenda of issues that we continue to face in Haiti.

These are far from the only current peacekeeping challenges. Our missions are confronting a wide range of daunting mandated tasks, including quite different protection of civilians issues. In Afghanistan, the security situation remains our top priority, while a busy electoral calendar lies ahead. The Mission's new leadership is working closely with the Government and international partners to chart a way forward. In addition, we are to prepare for major realignments and adjustments, which we all may face in 2011. The protection mandate of the UN Assistance Mission in Afghanistan (UNAMA) relates only to monitoring and reporting. But even this has proven to be a very delicate and demanding assignment. The targeting of civilians by anti-government elements has continued, and the intensity of conflict has resulted in significant loss of life among the civilian population. At the same time, good governance, accountability and the fight against corruption will remain key elements of international and national efforts.

In Sudan, the first electoral process has been completed, with the announcements made yesterday. But it is not without political and technical complications. The timelines for preparing the country for a referendum in 2011 on the future status of Southern Sudan are diminishing rapidly. The UN Mission in Sudan (UNMIS) is revisiting its strategies for supporting the country's electoral calendar, while at the same time planning for contingencies, including a possible surge in violence against the civilian population. An enhanced pre- and post-referenda strategy is required. In Southern Sudan, it will be critical to build local capacity to execute this important protection responsibility and lay down sustainable foundations for good governance and the rule of law. In Darfur, there have been some advances in the political process, but political commitments must be backed by real decisions and real action on the ground. In support of the immense camps which have been established in Darfur and across the border in Chad, the UN missions on both sides of the border (UNAMID and MINURCAT) are working very closely with humanitarian colleagues to provide protection, but our space is already

diminishing. In Chad for example, we have just negotiated a drawdown of the mission to the level of 1,900 military personnel.

In the Democratic Republic of the Congo (DRC), MONUC has made progress in helping to stabilize large parts of the country. Sixty-five million people live in a densely forested area approximately the size of Western Europe, but without any road linking west to east, or north to south. The discussions that have been underway with the government about the future of MONUC have at times been very tense. We in the Secretariat, however, remain convinced that a precipitous drawdown of MONUC may undermine security. Therefore, any drawdown should be conducted against critical, realistic benchmarks. With the remnants of the Lord's Resistance Army and other rogue factions still at large, and the absence of a developed security sector and the rule of law, especially in the east, it is difficult to address the protection of civilians. We intend to strengthen our efforts in this area. We will be prepared to train the national police, support the justice sector and other indispensable elements of the security system to make them as reliable as possible under the circumstances.

Elsewhere, we are seeing important missions transitioning from peacekeeping intervention to operations that have their centre of gravity in peacebuilding activities, including good governance, respect for human rights and institution-building. Through our police programmes, programmes related to justice and corrections, mine action and security sector reform, OROLSI, and the DPKO as a whole, is contributing to those peacebuilding efforts in a major way. For example, in the case of the UN Mission in Liberia (UNMIL), progress has been achieved in advancing the reform of the security sector and the creation of economic opportunities. The United Nations Integrated Mission in Timor-Leste (UNMIT), which I have just visited, has started handing over increased primary policing responsibilities to the national police. However, it is a very delicate process, which must enhance and not diminish the security and protection of the population. In each of these settings, the task of protecting civilians has evolved from one of providing area protection and deterring armed groups to that of fostering the capacity and centre of responsibility within state institutions. Again, promoting good governance and the rule of law is key. These are long-term, resource-intensive activities that require the commitment of all involved; local governments, local authorities as well as the international community. In short, whether in the deserts of Chad and Darfur or on the transitional settings of Liberia and Timor-Leste, the jungles of the DRC or in southern Sudan, UN peacekeeping is determined to persevere while facing a very complex and cold wind of challenges, including on the issue of protection.

Confronted with these operational demands, accompanied by open and realistic expectations and the pressures from the Security Council, DPKO and DFS decided

to make POC one of the key features of the New Horizon agenda. This agenda also focuses on building dialogue among UN partners. In my view, this dialogue is one of the most formidable challenges peacekeeping has faced throughout its history. The result of the dialogue, the many recommendations we are expecting this year and maybe next, will have a major impact beyond peacekeeping, including for the humanitarian community, national armies in non-UN operations, as well as international law. We all have to be particularly careful and cognizant of the challenges before us.

The New Horizon agenda provides several simple, yet important messages which are relevant to the protection of civilians. First, deploying uniformed UN personnel is always vital, but is not necessarily the only, or a sufficient response. Peacekeeping can only succeed in a lasting manner if it is part of a wider political strategy to end the conflict and one that draws on the will and generates the support of all parties involved. The international community needs to find better ways to encourage contributors, including donor countries and regional arrangements, to invest in the overall delivery of the strategy – delivery on the ground, delivery on mandates, including through the deployment of adequate, prepared, equipped and fully integrated military and civilian staff.

Second, we need greater clarity, and it is probably the task of this Forum to seek that clarity, on critical roles and expectations of modern-day peacekeepers amid the growing complexity of our mandates. Critical to this effort is achieving greater clarity on protection, but there are also other important issues, such as clarity of peace-building tasks entrusted to peacekeeping missions. In addition, we require clarity regarding the limits of peacekeeping, of which Jean-Marie was speaking so eloquently, and the use of force as part of the equation. It is vital to have adequate and timely resources for all early peace-building tasks, including, if necessary, rapid deployment of police, justice, corrections and other civilian capacities.

Third, we must ensure that necessary capabilities are actually in place to implement the clearly stated tasks. We need clearly definable performance frameworks and to ensure that all international partners are rallied around the peace processes and committed to delivery within those processes. ‘Delivering as One’ for the whole UN family, as it is suitably known, should be translated into daily operational reality.

Fourth, the New Horizon non-paper suggests that DPKO and DFS must have comprehensive, adaptable support systems to enable effective performance in the field.

Fifth, peacekeeping must be served through very effective integrated planning, management and oversight mechanisms and command and control systems, which are reliable, give confidence and provide a framework for today's high-tempo operations.

Sixth, contributions from the credible and experienced nations are vital, especially as it is becoming increasingly difficult to obtain some of the critical peacekeeping capacities, ranging from helicopters to hospitals, and specialists in areas of policing, justice, institution-building and so on. Very often we have a terrible feeling that DPKO and the whole UN system is scraping the bottom of the barrel, trying to bring the most-needed capacities into play.

Turning to the protection of civilians, it has been long recognized that UN missions play a major role in protection. Over the years, we have seen that attacks against civilians are not incidental. Regrettably, they have become very much a part of modern conflict and are used tactically, sometimes even strategically, to destabilize peace, humiliate people, and undermine the legitimacy and credibility of any new government or a UN mission. Indeed, as Jean-Marie was saying, today's conflicts are increasingly characterized by a fight over population, over communities, over economic activity. They are not about territory. That makes our task tremendously difficult.

The international community has also learned the challenges and pitfalls of getting things wrong. Let us all remind ourselves of the tragic experiences of the 90s, including Srebrenica and Rwanda. Yet, despite all that, in 1999 the first specific protection mandate was given to a UN operation, following horrific crimes conducted against civilians in Sierra Leone. Since then, we have seen a decade of ever-growing protection mandates. Today, at least eight UN missions have such explicit mandates: in Sudan, Darfur, Côte d'Ivoire, Haiti, Lebanon, Liberia and Chad. In the case of DRC, the Security Council unequivocally prioritized protection as the Mission's core business.

In parallel to these mandates, the Security Council has built a strong thematic policy framework around the issue of protection of civilians in armed conflicts through a series of resolutions and presidential statements adopted over the last several years. This has contributed to the existing normative framework, the existing humanitarian and human rights law that are already serving as good guidance for UN peacekeepers to perform their tasks.

Ten years ago, the Brahimi Report emphatically restated the basic rationale for peacekeepers playing a protective role. It stated that: *"Peacekeepers – troops or police – who witness violence against civilians should be presumed to be*

authorized to stop it, within their means, in support of basic UN principles.” However, the Brahimi panel also expressed very serious concern *“about the credibility and achievability of blanket mandates in this area and the potentially large mismatch between desired objective and resources available.”* These words from the landmark report remain fully relevant for us today. In the coming days, I hope that the Challenges meeting will explore the key elements of the protection dilemma.

In my view, there are several important issues identified by Lakhdar Brahimi and his team. In identifying these, once again I would like to build on Jean-Marie’s very forceful presentation of key issues, and I would like to expand on some of them and perhaps even weave them into different areas. First, peacekeepers must understand what they can do to protect and how much protection they can offer. The question is how can we achieve greater clarity on the responsibility of the host government? We often focus on ourselves as peacekeepers, but what about the host government, local authorities, regional organizations, coalitions of the willing, who are much more capable of addressing those issues through rapid deployment? What can each of us be expected to reasonably deliver? How can we elaborate a protection doctrine together with protection capacity-building which is realistic and at the same time proactive?

Second, the challenge of expectation management is a real issue, and the public judgement and pressures with regard to presumed or real peacekeeping failures are often swift and harsh. We must ensure that peacekeeping mandates do not continue to set UN peacekeeping up to fail.

Third, the dangers of mandating protection mandates or resolutions without adequate human material and over-the-horizon resources have often been recited, but are we actually much stronger today than in 1999 when the process was set in motion? What kind of new techniques, strategies and resources can we all pursue?

Above all, efforts to protect civilians must continue to strengthen the world peace and security architecture. In my view, we should not forget that the security architecture, the world security architecture, is under tremendous pressure as we speak. In addition, there are new and ever-growing threats to address. The UN is not, in my personal view, keeping pace with the asymmetrical and high-tech nature of new threats as they emerge. Therefore, while exploring the new horizons, we should anticipate new challenges that may require new studies and strategic recommendations, including from the Challenges Forum.

In conclusion, let me once again emphasize that DPKO very much welcomes the opportunity to once again meet with good friends and colleagues, who know

peacekeeping not just through theoretical debate, but by serving in the field and being associated with this core activity of the UN. I have the privilege to be associated also with Izumi Nakamitsu who will be speaking later during the seminar. She will no doubt expand on many items I have been trying to cover. Let me stress that DPKO is looking forward to your input in the coming days, input which is so important for us, in addition to the excellent studies, which we have read and admired and will be ready to comment on: the study on ‘Challenges of Strengthening the Protection of Civilians in Multidimensional Peacekeeping Operations’ prepared by the Stimson Center, and the Challenge Partnership’s own study, ‘Considerations for Mission Leadership in UN Peacekeeping Operations’. I do know that the feedback on both papers received from the field, and from senior officials in peacekeeping operations, has been overwhelmingly positive. Thank you.

Trends, Facts and Figures – Annual Review of Global Peace Operations

Mr. Jake Sherman, Series Editor, Annual Review of Global Peace Operations / Associate Director, Center on International Cooperation, New York University, United States

On behalf of the Centre for International Cooperation, let me first offer my sincere thank you to the Challenges Forum and to our hosts here in Australia for the opportunity to present a strategic overview of the 2010 edition of the ‘Annual Review of Global Peace Operations.’

Just over a year ago, in the previous Annual Review, we cautioned that peacekeeping was entering a period of strategic uncertainty. Military and political breakdowns in the most high profile theatres, coupled with the global financial crisis, strongly suggested that a withdrawal of resources from peacekeeping was likely if not imminent. But contrary to expectations, peacekeeping levels did not contract in 2009. In fact, deployment of military personnel again surpassed record levels, rising by nearly nine per cent over the year with over 200,000 UN and non-UN military, police and civilians in the field.

As Dmitry Titov stated, the UN alone currently fields more than 100,000 uniformed personnel, including over 87,000 troops and military observers, and some 13,000 police, as well as 23,000 civilian personnel, in fifteen peacekeeping operations and one special political mission. The five largest missions, in DRC, Timor-Leste, Lebanon, Liberia and Sudan account for 77 per cent of total UN troop deployments. By comparison, the total number of peacekeepers employed by the UN in these fifteen missions was roughly equal to the total of NATO’s

deployment in Kosovo and Afghanistan during 2009. If one excludes the UN-mandated International Security Assistance Force in Afghanistan (ISAF), the UN accounted for 77 per cent of all military personnel and 87 per cent of the total of uniformed and civilian UN personnel deployed in peace operations during 2009.

Meanwhile, compared to 2008-2009, military deployments under the command of regional organizations and ad hoc arrangements fell by 36 percent relative to UN and NATO deployments. This was primarily due to the re-hatting of EUFOR Chad troops to MINURCAT, and the withdrawal of a significant portion of the French troops operating in Operation Licorne in Côte d'Ivoire.

It would be premature to mistake overall growth in deployment numbers for an overall improvement in the state of the health of peace operations, though. Peacekeeping continued to suffer from the same political and operational challenges that hindered operations in 2008: overstretched resources, weak or non-existent peace agreements and minimal or absent consent. In fact, the challenges facing the hardest cases are as acute today as they were one year ago. Violence in these theatres still overwhelmingly targets civilian populations, as well as peacekeepers, while political support for continued deployment is waning in many missions.

In DRC, violence in the east did not diminish during 2009, exposing the limits of the Mission's ability to protect civilians and to extend the authority of the Congolese Government without stronger international engagement. MONUC's mandate renewal emphasized POC but provided little operational clarity on how and when the Mission was to do so. By the end of February 2010, just under half of the additional 2785 troops authorized in November 2009 had arrived in the country, and the UN's partnership with the abusive FARDC has further undermined security in the east, damaging the mission's credibility. With MONUC into its tenth year, the Congolese Government is now pushing for a drawdown of the Mission, despite significant on-going violence.

In Chad, MINURCAT was provided with neither a mandate to impact the political situation nor sufficient troop levels. Over a year into authorization, its military component remains only two-thirds deployed, and of those troops on the ground, half were already in theatre, re-hatted from EUFOR. Following a peace agreement between the Justice and Equality Movement and the Sudanese Government in February of this year, the Chadian Government is significantly more stable than it was even at year's end. As a result, this Mission too is now under considerable pressure to withdraw.

In Darfur, open conflict has abated, but criminal activity has risen sharply, impacting on the delivery of humanitarian aid and overall civilian security. Yet

only about 65 percent of UNAMID's mandated police force is on the ground. Some two years since its mandate was authorized, its military strength stands at three-quarters of what has been authorized by the Council. In the south of Sudan, it's not immediately clear what the impact of yesterday's announcement of President Bashir's victory will have. However, the referendum next year is almost certain to result in an independent south which, whether peaceful or violent, will require the support of the UN.

In Somalia, only 60 per cent of the AU's UN-supported force is deployed, but it is questionable whether any military force in the country could have a measurable impact as a political solution to the conflict seems ever more remote. The authority of the transitional government is continually rebuffed and peacekeepers are often the target of insurgent violence.

It was not only large-scale operations that faced difficulties in 2009. Division within the Security Council shut down the UN's observer mission in Georgia in July. Stalled reconciliation in Côte d'Ivoire delayed elections there, yet again further extending the stay of nearly 7,000 UN troops. Nepal entered a new period of political crisis in which the mismatch between the limited mandate of UNMIN and the reality on the ground became increasingly clear. In Kosovo, the EU's rule of law mission (EULEX) saw political constriction of its ability to manoeuvre as Kosovo further embraced independence.

As many of these cases illustrate, what happens when consent – particularly host country consent – is limited or withdrawn, is a growing challenge facing contemporary peace operations. It is a trend that has obvious implications for peace operations in the field, and one with broader implications for the very viability and purpose of peacekeeping.

Despite this seemingly gloomy picture, this year's Annual Review also noted positive developments in peacekeeping. Several long-standing missions have achieved interim stability, including in Liberia and in Timor-Leste. Haiti too, had shown signs of progress prior to the devastating earthquake. Rapid deployments in the wake of the earthquake have helped to maintain order, facilitating urgent humanitarian relief. These successes have brought a separate challenge. Overstretch has generated increased pressure from some Member States for mission drawdown and eventual closure.

Withdrawal of peacekeepers could contain rising costs – with the peacekeeping budget up above \$8 billion this year – and it could make troops available for other missions, provided the necessary conditions are in place for both a responsible and sustainable exit. This pressure has focused attention on the linkages between

peacekeeping and peacebuilding and between the Security Council and the Peacebuilding Commission (PBC). A major contributing factor to such an exit is the initiation of an effective system to support the rule of law in post-conflict settings. While establishing the rule of law through the development or reform of security and justice sectors is often associated with longer-term peacebuilding activities, over the course of the past decade, it has emerged as a core peacekeeping task, one with significant bearing on the ability of the UN to ensure the longer term protection of civilians. Support to rule of law, including deployment of police, has also taken on a new saliency in contexts like Haiti, West Africa and Kosovo where drug trafficking, organized crime and other transnational threats pose a challenge to nascent state institutions, one which could undermine stability.

Finally, broad recognition of the importance of peacekeeping as a means of responding to global insecurity has elicited several reform initiatives over the past year, from the UN Secretariat, the Security Council and individual Member States. These have included efforts to improve planning, management and oversight mechanisms for peacekeeping operations, efforts to expand the base of troops, police and civilian peacekeepers and to strengthen the capacity of those willing to contribute. It would be unrealistic to expect reform efforts to improve peacekeeping within a year, but there was progress in the most critical area, notably the relationship between key stakeholders. Despite differences in approach, these initiatives rightly recognize that the problems affecting peacekeeping are, at their centre, political in nature and that greater consensus is needed among troop and police providers, financial contributors, the UN Secretariat and the Security Council in order to sustain the complex and ambitious multidimensional peacekeeping operations currently deployed and into the future. Thank you.

Key Issues for the Effective Protection of Civilians in Armed Conflict

Maj. Gen. (Retd.) Tim Ford, Former Military Adviser, Department of Peacekeeping Operations, United Nations / Former Chief of Staff, UNTSO, Australia

Good morning Ladies and Gentlemen, I thank the Challenges Partnership and the APCMCOE for the opportunity to speak today. Building on the previous two presentations, I will outline key issues for the protection of civilians in peace operations and consolidate the framework in which to discuss these. Many of the challenges have already been described in great detail in the excellent background papers, and by the earlier presenters, in this respect, all of this session, including my presentation, consolidates the framework for our considerations over the next three days. I will provide you with some background information on POC versus the responsibility to protect – because I think we need to be a little clearer on that as we go forward – some of the issues that have emerged at the strategic level;

some of the issues that have emerged at the operational level; and I will then identify a couple of challenges that this Forum might address.

We are all aware of the challenges faced by peace operations over the years and of the atrocities that have occurred, particularly in the 1990s in the Balkans, Rwanda and other places, while international peace operations were present. To quote from the Forum background paper: *“There is a growing consensus in the UN Security Council and the General Assembly’s Special Committee on Peacekeeping Operations, that UN peacekeeping operations must address the protection of civilians and that peacebuilding initiatives must include the protection of civilians as a cross-cutting issue.”* It goes on to say: *“Multiple motivations leaven this consensus: morally, no one wants to be complicit of abuse through the failure to act, and the moral imperative requires operational follow-up – doctrine training and contingency plans. Finally, communities where peacekeepers deploy expect them to be proactive in protecting civilians, so their ability to protect directly affects their credibility and their legitimacy and thus the mission’s ability to reach its overarching goals. The question, in short, is no longer whether to protect but how.”*

The UN Security Council first mandated a UN mission to protect civilians under imminent threat of physical violence in Sierra Leone in 1999. The Brahimi Report in 2000 expanded upon that issue emphasizing the resources required to carry out that mandate. Since then, the Security Council has frequently reaffirmed its commitment to the continuing and full implementation of POC through a wide range of mission-specific and thematic resolutions, presidential statements, reports and directions. UN committees, such as the C-34, have sought a response from the Secretariat on the actions required to effectively support mandated tasks including POC. The issue has been studied and analysed by many bodies. As early as 2006, the Stimson Center issued a report on the issue, and one of the authors of that report, Victoria Holt, is here at this Forum and will speak tomorrow on her conclusions and follow-on activities since then.

The scope of this issue in the international peace and security debate today is huge. The UN Security Council has now authorized ten missions under Chapter VII of the Charter to take all necessary measures to fulfil the protection of civilian mandate. Over 50 per cent of the Security Council’s resolutions and statements in 2008 commented on the issue of POC. Today, over 100,000 peacekeepers are deployed with mandates that emphasize protection of civilians. Nevertheless, we continue to see horrific actions against civilians; men, women and children, and against vulnerable groups in areas where the UN and other multinational operations are deployed – in DRC, in Sudan and in Darfur to mention just a few. Speakers with intimate knowledge in these areas, such as Martin Agwai, Andy

Hughes and Patrick Cammaert, will speak on their experiences in the field later in the Forum.

Much has been done over the last few years to try to address the issue of protection of civilians. 2009 saw an increased focus within the UN and regional arrangements on POC. Some missions have decided to develop their own practical guidance and testing techniques for responding to civilian protection challenges, such as MONUC with their protection cluster handbook, 'Protection in Practice', which was issued in May 2009. We've heard about the UN DPKO/DFS New Horizon non-paper, which clearly identifies POC as one of the three most important cross-cutting challenges, the other two being robust peacekeeping and peacebuilding.

The Security Council considered a major cross-cutting report on the Protection of Civilians in Armed Conflict on 30 October 2009. The OCHA/DPKO jointly-commissioned independent study 'Protecting Civilians in the Context of UN Peacekeeping Operations', a 384-page report, was issued in December 2009. That report noted that no missions had a clear operational definition of POC. Many faced shortfalls in capacity, particularly linked to information-gathering and analysis, mobility and pre-deployment training. It noted that the tensions inherent in integration had prevented even the most protection-focused missions from developing coherent cross-mission strategies. The AU has been active in addressing the issue as well. It conducted a symposium and planning workshop on POC in conflict zones in Addis Ababa in October 2009. This was again followed up by the AU workshop here in Queanbeyan in conjunction with our hosts in December 2009.

The momentum has continued in 2010 with the recent release of several important documents. DPKO and DFS have released a draft Lessons Learned Note on the Protection of Civilians. That document identifies several dilemmas, and examines emerging practices and the lessons from recent missions. DPKO and DFS also released a draft Concept Note on Robust Peacekeeping in January 2010, which discusses the need for action and deterrence in UN operations. This issue has created much discussion in the C-34, and there is much discussion yet to be had regarding the use of force associated with POC. DPKO and DFS have also developed a draft protection of civilians Operational Concept, which provides practical approaches to be followed at the mission level – I believe that document will soon be released in its final format. The DPKO Office of Military Affairs (OMA) is preparing draft guidelines for protection of civilians by military components in UN peace operations, which we understand will be released this year. The AU is also active in preparing detailed guidelines which will assist this whole process. And of course, we now also have this excellent Challenges Forum Background Paper, which will

help us understand the issues. So this Forum comes at a very appropriate time to build on the on-going process aimed at developing POC in peace operations.

Let me briefly touch on the distinction between POC and the responsibility to protect (R2P). R2P is an emerging norm, or set of principles, based on the idea of sovereignty as a responsibility, the idea that each state has a responsibility to protect its population from genocide, war crimes, etc. This responsibility entails the prevention of such crimes. If a state is manifestly failing to carry out its responsibility to protect its civilians from mass atrocities, or if peaceful measures are not working, then the international community has a responsibility to intervene – at first diplomatically, then more coercively, and, perhaps as a last resort, using force. The protection of civilians is different. It is a concept that relates to actions that must be taken under international humanitarian and human rights law in order to protect civilians. Protection of civilians is an integrated range of international, national and local measures in a mission area aimed at protecting; supporting and ensuring security; and supporting actions that eliminate the ability of perpetrators and potential perpetrators to threaten a population. Protection of civilians is an accepted, mandated, peacekeeping task that occurs with the consent of the host nation. While one concept can influence the other, the mandated task of POC is what we are focused on in this Forum.

Let me now draw attention to the main issues that have been identified over the last couple of decades. First, the need to clarify the intent of a Security Council mandate, which includes, under Chapter VII, provision for POC. What exactly is intended? What are the flow-on effects? What is the transition from the Security Council, through planning at the strategic level by the Secretariat and Member States, through to implementation of POC at the operational and the tactical level? How does POC affect peace-making, peacekeeping and peacebuilding? What is the relevance of the political support of the host nation? How do we strengthen cooperation with external protection actors?

The second key point is the importance of recognizing the need for a multidimensional and transitional approach to POC. The protection of civilians is not just an issue for the military or the police. It is an issue for the whole mission. Everybody must be involved from the very start when considering how to respond to such challenges. It is about partnership between the Member States and the organizations. Effective implementation of protection mandates requires the development of strategic policy and guidance. Despite recent efforts, there is still an absence of overall protection guidelines, we must ensure there is a response to the Security Council's intention, expressed in resolution 1674, to ensure that missions have clear guidelines on the implementation of protection of civilians mandates. The development of those guidelines is essential for the

consolidation of international will, to allow Member States, international and regional organizations, partners and NGOs to understand the essence of the Security Council mandate.

Education, training and better preparation by Member States of both military and police components on the use of force and the rules of engagement is another critical point. This preparation should include direction on the use of force, including preparation and planning, as well as scenario training to ensure personnel really understand how they might respond to a particular issue.

At the operational level, the main challenges are faced by the mission leadership team. It is mission leadership teams who are going to drive the issue within their missions. They need a mission-wide strategy, including crisis planning, with a fully integrated approach involving all components and supporters. It is a critical role of the mission leadership team to develop a comprehensive and integrated strategy, to give clear direction, and to drive the implementation process throughout the mission. The documents described earlier set out a tiered approach, highlighting that strategy development and implementation doesn't just happen at one level, it happens on a number of levels. In fact, the AU is considering four levels. It doesn't really matter how many levels we look at, the point is that we need to recognize that there is a political process that surrounds the whole action in any particular area. There are actions that can be taken to prevent physical violence and there are actions that can be taken to develop a protective environment, using all the actors, including NGOs and humanitarians, in an area.

Effective mission posture and preparation are also very important. It is important for a mission to look like it is going out there to do the job and to be properly prepared to do it. In this respect early-warning processes, and a properly working Joint Mission Analysis Centre (JMAC) are very important. Joint and integrated tactical concepts are also required. We need mobility, we need bases and we need reserves. I remember, as UN Military Adviser, having to argue to get any reserve troops into a mission. Now I think there is a recognition that missions need a reserve in order to be able to respond effectively. There is recognition that you can't have 492 people deployed and everyone know exactly what everyone else is doing. You need reserves and capabilities, both from the police side and the military side. Responsive reserves and effective joint protection teams, including not just military and police, but also civilian elements and humanitarians, are essential to the effective implementation of protection of civilians mandates.

Protection of civilians challenges can be summed up in several ways: planning, preparation and posture. These challenges can be addressed if we plan, and think it through from the very start at the strategic level right down to the tactical level;

if we prepare our people properly by issuing directives, getting the training and the proper activities done before people are deployed. We need to think ahead, to plan for contingencies. Mission posture is also critically important, looking like you're going to respond, being a deterrent – the first time something happens, responding strongly, in the right way, will be very important. It is important for the mission to have the will of the people to carry out their work and to have the skill to do it. This impacts upon the legitimacy and credibility of the mission, which are two of the major success factors identified in the Capstone Doctrine. If you don't protect civilians, you lose credibility and you lose legitimacy.

So, what are some of the challenges we are likely to face over the next few days? I think we have to try and make sure that we emphasize the link between POC and the principles of consent, impartiality and non-use of force except in self-defence and in defence of the mandate. We should not lose sight of the success factors of legitimacy, credibility and local ownership. These are very important aspects and we must establish the link with POC. We must identify the guidance gaps that exist and provide support to progress the work being done on this by DPKO and the AU. Finally, we must clarify what actions are required by Member States, in order to follow up on the efforts to date and to prepare their personnel for protection activities in peace operations. We must also identify the operational priorities for the mission leadership team that will facilitate the effective implementation of protection of civilians mandates. Thank you very much.

Discussion

One participant commented that the main challenge for the effective protection of civilians was not military, but it is to ensure robust political action on the issue, including by the host government. In his experience as Force Commander of MINUSTAH, threats to civilians were generated by poor governance, cultures and traditions that perpetuated misery and violence.

A humanitarian participant posed a question about the tactical implementation of UN Security Council resolution 1325. Noting Gen. Ford's comments regarding the need for tactical guidance, she raised the concern that women are often particularly affected by protection of civilians issues, but that most military personnel deployed in peacekeeping operations are men. She noted that resolution 1325 highlights the need for more female peacekeepers at all levels of peace operations. The participant posed the question: "Do we need to have more women at the tactical level and how do we do that in order to maintain the mandated task of protecting civilians?"

Gen. Ford agreed that there is a need for as many women as possible in military, police and civilian components of missions because they bring an atmosphere and a culture that are very important. They can interact with over 50 per cent of the local population. Gen. Ford indicated that he had encouraged increased participation by women when he was the UN Military Adviser. He asserted that the participation of women is a critical imperative that should be supported, as it will assist in ensuring that the international community understands protection issues better.

With respect to the comments on robust action, Gen. Ford reinforced points he had made earlier, highlighting the importance of the training and preparation of military, police and civilian contingents. He underscored the importance of peacekeepers understanding the rules of engagement as they provide the responsibility to use force in a measured and correct way. He asserted that rules of engagement are not restrictive, but developed in a way to ensure that the mandate is properly carried out. He stressed the importance of proper training, including scenario training and contingency planning, to better prepare personnel for missions.

In response to comments on the link between POC and political action, Mr. Titov, indicated that while POC is treated as an operational concept, it is, one way or another linked to R2P. It is the operational tools that are part of a bigger philosophical picture and moral obligation. He asserted that the international community has to understand that the protection of civilians is political – it is military; human rights; a humanitarian issue; it is child protection; economic empowerment; and development of communities. It is everything blended into the concept of civilian protection. It included robust UN approaches and the ability and readiness to respond. He stressed that the political aspects are not only the responsibility of the mission itself – mission leadership, military, police and other colleagues working on the ground – first and foremost they are the responsibility of host governments. Host governments have to be held accountable. The notion that internationals will come in and protect civilians is not realistic. Without local communities and local governments actively participating, the UN will not be able to protect each and every one who needs such protection. That is also linked to the issue of what action other international partners can and will take, including in the Security Council. Will there be warning signs to local governments who, for whatever reason, are not willing to protect their population? Will there be the possibility to deploy any over-the-horizon assistance or a reserve force in theatre? Holding local governments and local authorities accountable is critical and the Security Council should be involved. It is not only a mission's responsibility.

On the issue of incorporating a gender perspective into POC, Mr. Titov highlighted that there have been many studies which indicate that women bring a unique, and

very positive dynamic to conflict settlement. He indicated that DPKO is trying very hard, although without a great deal of success, to bring as many women peacekeepers into theatre as possible. The interaction of female peacekeepers with the population, whether in a unique cultural context or otherwise, is absolutely indispensable. Women feel the environment better, they feel more acutely and sometimes have better solutions based on gender perspectives. He asserted that DPKO is also trying to increase the number of female police officers serving in peacekeeping, both in the field and at headquarters. He noted that Andrew Hughes, when he was the Police Adviser at the UN in New York, made a particular effort in this regard. He noted that the level of female police officers in UN roles has risen to 8–9 per cent.

Mr. Titov also acknowledged the role of female civilian and non-civilian peacekeepers in joint protection teams. ‘Protection teams’ were, several years ago, a visionary attempt to prepare a small gathering of civilian officers, who would be willing to go to the most difficult, challenging circumstances, to the front lines of peacekeeping. In his view, those teams are an inspiring innovation. Today joint protection teams, comprising teams of UN military, police, civilians and humanitarians, are out on the front lines of conflicts, working together to address grassroots issues

Mr. Sherman noted that if one looks at the nature of the types of missions that have predominantly been deployed during the last ten years, since the Brahimi Report, there has been a tendency, almost a default, on the part of the Security Council to send fairly large, predominantly military missions to the field. In his view this has created a false sense that the presence of troops on the ground equates to the protection of civilians, when in fact sending a large mission is not a substitute for robust political engagement yet often that is precisely what it has been. He asserted that as we look at what is happening in Chad and the DRC, where governments are starting to push back against the presence of missions, an issue arises regarding the residual obligation and responsibility of the Security Council towards a particular situation when a mission ceases to be viable and there is continuing mass violence against civilians. Peacekeeping is only one tool at the disposal of the Security Council, utilizing that tool does not end the responsibility of the Council.

Based on experience from overseeing the civilian aspects of the peace processes in Mindanao, the Philippines, a participant inquired on the operational and pre-operational need for engaging the civilians who are supposed to be protected. Thus far, the trend has been for missions to engage with the host government and the Security Council, but they may forget the needs of civilians. He sought the panel’s views on the operational and pre-operational value of continually engaging the civilians the mission is supposed to protect.

A diplomat from a developing country asked whether the code of conduct for peacekeeping personnel provides for POC. He also asked how peacekeeping missions address criminal activity in the host nation, specifically whether it is left to the host government to deal with, and what the mission can do in instances when there is no functioning government.

In response, Mr. Titov acknowledged the importance of the issue of how to engage the local population. He noted that populations in distress often do not wait to be approached, but usually approach the UN. The network of humanitarian actors and NGOs are also in constant contact with the local population. He asserted that what is of key importance is to get information as early as possible, and act on that information. The information could come locally or from major states that have access to imagery with the potential to detect violations early, and on a larger scale. The network exists; however, it is important to bring it all into one stream and be able to react in a proactive manner. He noted that, as always, there will be a need to balance responding to attacks on civilians with other operational responsibilities.

On the code of conduct, Mr. Titov, asserted that it has been an important innovation, including for dealing with discipline in peacekeeping operations. He noted that DPKO is trying to reinforce its policy of ‘zero tolerance’ of sexual exploitation and abuse. He highlighted that the conduct of UN personnel (uniformed and civilian) is critical for the credibility, not only of peacekeeping, but of the whole Organization.

Addressing the question regarding criminal activity, Mr. Titov noted that there are many ways of dealing with crimes conducted by the population in a war zone. He explained that if a peacekeeping mission has an executive function, the issue will be dealt with primarily through the police component, with the support of others.

When the UN has no executive mandate, it is important to focus on building local capacity from the outset – capacity of local authorities, police, justice, and corrections. Without that, the UN will not be able to look into every major crime perpetrated by civilians in such a distrustful environment. Therefore, the international community must be prepared to launch capacity-building projects from the beginning of the deployment, not just to have ‘boots on the ground’. He indicated that unfortunately this is often not the case. However, it is only through local enforcement capacity, training police, empowering judges, creating basic prison services, that we can all succeed.

Mr. Sherman added that the question of addressing criminal activity touched more on the medium- to long-term building of the rule of law rather than immediate

physical protection issues. He noted that when looking at many countries, Haiti, Afghanistan or the DRC, outside of the capital, or outside of provincial centres, it is usually not formal state institutions (the police for example) that most people rely on and trust to provide security. He indicated that a large challenge for the UN and major donors was to support security and justice providers of a sort that local populations want, that they find legitimate, that they can access and understand on their own terms. This is not to say that states will not need functioning police, justice and prison systems, but it means that the international community may need to think about whether and how we can support parallel systems of traditional providers, for example, and whether we are in fact capable of doing that.

Mr. Titov added that, sometimes, there is a dichotomy between longer-term and shorter-term rule of law provisions. He asserted that a lack of rule of law components at the beginning of a UN operation or a lack of action from the outset, creates tremendous delay in establishing a rule of law sector. Therefore, the day after the deployment of troops there should be programmes launched to support local police, corrections and justice. It does not necessarily mean that all of the projects launched in the early phases will be long-term. For example, in Haiti, the day after the earthquake there was an imperative to contact local police officers, many of whom remained on duty and were willing to come. On the second day, the only Haitian institution available in the post-earthquake environment was the police trained by the UN. The officers came, without money, without uniforms – as some of their uniforms were either stolen or ruined – and they didn't have police stations. Such immediate rule of law concerns need to be addressed the day after the introduction of troops on the ground. In addition, the state of prisons and the availability of justice (basically, the ability to prosecute) are critically important. Mr. Titov stressed that the rapidly deployable rule of law model, which several Member States use, should be available and applicable to the UN.

Gen. Ford offered one final comment regarding the code of conduct. He asserted that it is absolutely essential when an international force is deployed into an area that they show maximum respect for the local community. It demonstrates straight away that they understand the local community and that protection of civilians will be enhanced by the standards they set. It means the mission leadership must begin setting those standards from the very outset of the mission and ensure they are applicable to everybody. There are very clear instructions set out in the UN peacekeepers' code of conduct regarding the use of conduct and discipline support within missions. The instructions are very clear on the UN's 'zero tolerance' policy, and missions must adhere to the highest standards. The UN must demonstrate from the start that the mission has been deployed to assist the host country and that mission personnel respect the population. He stressed that this is an important issue and links to the issue of POC.

Protection of Civilians in United Nations Peacekeeping Operations

Focus: What are the political requirements and limitations that influence the effective protection of civilians in UN peacekeeping? What are the challenges for the UN in being able to agree and implement a unified protection strategy from the Security Council, the General Assembly and Member States? Can protection be effective in situations where a peace to keep is ambiguous or non-existent?

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, Jordan

Ladies and Gentlemen, good afternoon, I am Zeid Ra'ad Hussein, the Jordanian Ambassador to Washington, formerly at the UN, and I'm delighted to be here. We hope to further our understanding of the protection of civilians with the next panel, all very distinguished speakers.

The first speaker is Ambassador Mahiga, a very prominent ambassador in New York, a highly respected member of the permanent representative community, someone who was previously an official with the UN and who has a great deal of field experience. He also led the advisory group on the OCHA/DPKO jointly commissioned, independent study on POC. I have the distinct pleasure to invite him to address us. We will then continue with the other two speakers, following which we will hopefully have a provocative and stimulating discussion.

The subject matter under discussion is the political requirements and limitations that influence the effective protection of civilians in UN peacekeeping. How can we agree on the terms that we apply to POC? And then, even if we were to agree, in those circumstances where the situation is nebulous or fast-moving and fluid, how can we ensure that our activities are effective?

Protection Successes, Setbacks and Challenges

H.E. Dr. Augustine P. Mahiga, Permanent Representative of Tanzania to the United Nations and Chair of the DPKO/OCHA Jointly-Commissioned Independent Study on 'Protection of Civilians' Mandates in UN Peacekeeping Operations, Tanzania

Thank you Prince Zeid, and thank you for the generous introduction. My name is Augustine Mahiga and I am the Permanent Representative of Tanzania to the UN. What has specifically brought me here today is my present role as the Chairperson of the independent study group on POC, which was commissioned jointly by DPKO and OCHA. Shortly after the study was released, I toured several major TCCs in Africa and Asia to exchange views with key actors in various capitals, particularly from ministries of foreign affairs, defence and the interior (in some countries called ministries of home affairs), because these are the major actors in troop and police contribution to UN peacekeeping.

I should begin by acknowledging that indeed there is a consensus that protection of civilians is important to peacekeeping missions. In fact, Mr. Guéhenno went to the extent of saying, it is central to peacekeeping missions. This was recognized by the UN when POC was first explicitly mandated by the Security Council in Sierra Leone in 1999. It is gratifying that not only has the Security Council recognized the importance of POC, but UN Member States are increasingly supporting this role in peacekeeping missions, as are civilian populations and the media. There is a fundamental recognition that POC is based on international humanitarian law (IHL), human rights law and refugee law. There is also acknowledgment that POC is not always being effectively carried out – challenges remain. Vulnerable groups in various countries are subjected to all kinds of physical and other threats, which need to be addressed. This has been the case in DRC, despite the presence of one of the UN's largest peacekeeping forces.

We also witness threats to civilians in Darfur, where peacekeeping has not fully addressed the protection of civilians. We also witness threats to civilians in places, like Somalia, where there is, as yet, no peace to keep, where there is a fragile peace or the political process for a peace settlement has not yet been concluded. Further, there is a nagging inadequacy in integrated peace missions, that despite the effort to diversify peacekeeping by not only having the military, but also police and civilian elements, still the protection of civilians leaves a lot to be desired. It was in response to this situation that DPKO and OCHA thought they should commission an independent study. One of the researchers, Victoria Holt, is with us here. I was requested to chair the study advisory group, comprising five other colleagues. I must acknowledge that the study is part of an on-going global effort, not only at

the UN, to address the issue of POC – and that is precisely what has brought us here this afternoon.

Previous presentations have identified a whole list of initiatives that have been undertaken by different countries and institutions to better understand and enhance operational effectiveness on POC. As it was said, the question is not whether to protect, but how to protect. In the independent study, we identified a UN protection of civilians architecture or chain. The chain begins with planning a peacekeeping mission, followed by deliberations and crafting of the mandate by the Security Council. Then the next step is for the Secretariat to interpret that mandate and give it significance in terms of operational concepts and rules of engagement. The chain then moves down to the field, focusing on how the commanders, political leadership and the other actors in the field, develop and implement a field-wide strategy for POC. I may add that another important player in this architecture is the group of UN Member States. Our study found that, at all stages, this chain needs to be fixed. In fact, we use a very strong word – we say the chain is broken. This may convey the meaning that the chain is not working.

A more moderate way of describing the situation is that the process needs to be addressed, it needs to be streamlined, so that we can achieve a modicum of success in the implementation of POC.

Starting with the issue of planning – when the Security Council is seized with a problem, often following a peace agreement in a given conflict, and they are contemplating whether to initiate a debate and deploy peacekeepers, we found that (with all due respect) there is a lack of institutional memory in the Council, and that it could do better by being better informed and undertaking more analytical work in advance of planning missions. This may come in the form of additional intelligence and information, which often is provided by the Secretariat. We are convinced that that could be enriched and improved if the information that goes into the planning process were more inclusive, involving more interaction between Council members and other Member States, especially Member States from the C-34.

The concept of POC is still vague. And indeed, when the Security Council has crafted this mandate over the past ten years, what it means by POC does not come out very clearly. Mr. Guéhenno this morning shed some light on the fact that protection of civilians can be a complicated exercise, with not only the physical protection but other short-term, long-term, environmental and political considerations. When developing such mandates, the Security Council needs to be informed regarding what it means to protect civilians in one situation which may be different from another. No size fits all, requiring very careful analysis and

understanding of different situations. We also felt that the Security Council in its mandates, some of which have been very elaborate, including the latest MONUC mandate, could also allude to and shed light on the kind of resources that are required. In other words, we think there is room for improvement in the way the Security Council drafts its mandates to bring clarity to what POC is, to reckon with different conflict situations, and to understand the nature of the environment in which peacekeepers are going to be operating.

The relationship between the military, police and civilians is important and they need to be deployed in the appropriate combination in order to meet the specific protection demands of a particular situation. Recalling my own experience in the Security Council in 2005/2006, sometimes I felt helpless. I didn't have the institutional memory that the Permanent Five (P-5) had. I didn't have the kind of information required to make a substantive contribution. However, I think that both permanent and non-permanent members should be given the wherewithal to increase the prospects of contributing more significantly. More interaction with Member States, particularly at the political level, and certainly more input from the field, would go a long way to improve the quality of the mandates and the relevance of those mandates.

The second stage is the Secretariat. This is very important. I acknowledge that commissioning the independent study was a very modest way of admitting that the Secretariat, which interprets the mandates crafted by the Security Council, could improve the framework for the field to be able to operate properly. One of our recommendations was that the Secretariat should be much clearer in its operational concepts, something which they are already working on through rules of engagement and training requirements. Harmonization of training is needed for the troops to be effectively deployed.

When we took the report to capitals, much was said about the Security Council and the Secretariat. Most of the capitals were of the view that the Secretariat should issue guidelines to help the troops to perform better, and in a coordinated and synchronized way with other players in the field. Most of the governments also expressed the view that although different countries have had experience in training their troops and using the legal foundations of humanitarian, human rights and refugee law, there was a need for standardizing the training and preparation of troops that go to the field. It was very interesting that most capitals were so explicit on this. When it came to the C-34 debate at the political level in New York, the word 'guidelines' was considered as potentially tying the hands of field commanders, so they used the word 'framework'. However, the content is more or less the same as what we were advocating.

What should this framework consist of? It should contain the elements of a field strategy that would enable the leadership in the field to have a comprehensive strategy on how to protect civilians that is all-encompassing and inclusive of the different players, including the host government. Secondly, the framework should have an element of the necessary training components. I was looking at the list of the countries that are contributing troops to UN operations and saw my country, Tanzania, which had just finished deploying a battalion in Darfur.

When you consider experienced countries like India, Pakistan and Jordan that have been contributing to peacekeeping for over 60 years, you certainly see how newcomers, like Tanzania, would require a standardized way of preparing their troops in order to be effective and synchronized in the field. When our study group visited DRC, I was amazed by the diversity of the countries contributing troops there. It makes you wonder how even a platoon commander, let alone a company or a brigade commander, could bring together these troops that have come from different countries, from diverse traditions and maybe some of which have not been through a preparatory process. There is obviously a need for some kind of training that the Secretariat can facilitate for potential and actual troop contributors.

The C-34 also considered the issue of resources. It is one thing to craft a mandate and another to provide a framework or guidelines, but when it comes to implementation in the field, resources are a tough and essential aspect of the mandate. Take Darfur: the mandate calls for the protection of civilians in their thousands, in an environment which is hostile – not only in terms of climate, but also because it is politically fragile due to the absence of a peace agreement – and there is a force, without assets like helicopters, that is expected to protect civilians. Mobility is limited, as are all other things that a field commander needs to perform a good job. So resources and capabilities are something that the Secretariat, in conjunction with Member States, can argue that the mandate from the Security Council has to address.

Then, moving to the field. Most of the commanders are heroes of their work. No situation is the same and they are constantly faced with difficulties including the absence of host country participation. Although politically the host country should be part of the protection of civilians, a country or a government emerging from conflict which has just signed an agreement, may not have the necessary resources to provide and work with the peacekeepers. In such cases you need leadership. These are complex environments – you have civilians, you have police, you have a multiplicity of armed groups. Take DRC, the Eastern Congo – you have armed troops from neighbouring countries, you have internal militias, you have less-than-satisfactory discipline in the national army, you have situations

where the presence of the government itself in some areas is questionable. For the last 30 years, the government has been absent from many places – it just comes and goes. And then you have MONUC, and you need to protect civilians. Some rape cases do take place in areas where, not only is there a contest for population control, but also an absence of an authority. In such cases, the UN needs a field-wide strategy, and the commanders need to be adequately supported. They need intelligence, they need a way of empowering those who need to be protected.

The concept used by Mr. Guéhenno of empowering the civilians can begin by involving those to be protected in the development of the protection strategy. They may become involved by volunteering information or exposing spoilers. Those who need to be protected must be part of the protection strategy.

In the final analysis, POC is not only an operational issue but a political exercise. I think POC, coming in different shapes and challenges, at the end of the day needs to have a political solution that brings together the host country, the troop contributors and the Security Council. And of course we, as parties interested in the protection of civilians (as the APCMCOE is), we need to contribute. The debate continues. We have come a long way. We still have a long way to go and I am confident that this forum, the Challenges Forum, will make a significant contribution to POC alongside our independent study, which is a modest contribution to that effort. Thank you.

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, Jordan

Thank you, Augustine. When one works at the UN as an ambassador, you realize very quickly that out of the 193 ambassadors there, there are about 30 who actually do all the work, chairing the meetings, coordinating, facilitating, getting involved in working groups. The real challenge for us is how do we get them involved and interested in peacekeeping? Those who participate in the discussions in the C-34 number maybe three or four a year. Of those, maybe one of two really know these issues in the form that Augustine Mahiga does. If these ambassadors are meant to form the bridge between the Secretariat on the one hand and governments on the other, together with the Military Advisers, is it sufficient that we only have two or three out of 193, who show an interest? The great challenge when trying to put together some kind of political consensus on such an issue is how do we get governments to be more involved, to be really involved? And so the person who is going to answer this question is Amr Aljowaily from Egypt. As you know Egypt is a very important TCC, is Vice-Chair of the C-34 and now head of the Non-Aligned Movement (NAM). Amr, you have the floor.

Challenges in Applying Protection Mandates

Mr. Amr Aljowaily, Director of United Nations Affairs, Ministry of Foreign Affairs, Egypt

Thank you very much, Mr. Chairman. I begin by expressing my appreciation to the organizers, the Challenges Forum, beginning with the Patron, Mr. Guéhenno, Mr. Landerholm and, of course, Ms. Norberg. Thanks also to the host Gen. Michael Smith of the APCMCOE. It is a privilege to be with the chair, Prince Zeid, who has served as a peacekeeper and is an authority in the field. I am of course very happy to be part of this panel with Ambassador Mahiga, whom I am getting used to seeing once a month, including in Egypt, and of course Dr. Durch.

So what is the reason for inviting me to speak? It is still unknown to me. An attempt to challenge the conventional thinking? I don't think so. Because Egypt is the host of the next Challenges Forum and the fastest-growing provider of peacekeepers? Maybe. Probably. Michael Smith, you have invited me probably because you need someone to take on the heat, so let me volunteer for that job. We are in a session of the Challenges Forum, and the title of this presentation challenges us to discuss peacekeeping and POC. I promise to use the word challenges a record number of times during this presentation. I am here in an international community of practice. We have a saying in Arabic, 'How could anyone dare to provide jurisprudence (informed judgement and opinion) when Malek is in town' – Malek was one of the founders of the schools of thought of jurisprudence in Islam. I see 200 Maleks or more here now – how can I speak amongst them? I'll give it a try.

Challenges to peacekeeping and protection of civilians – the first challenge I will identify is what I would describe as the normative, or the paradigm challenge. We have a feeling in my part of the world, correct or not, that there is an asymmetry in the contribution from the developing countries in the peacekeeping literature. In fact, statistics say that Spain alone produces more books than all of Africa and the Arab world combined. So you can imagine how that makes policy-makers feel if the contribution to the literature itself is as minimal as that comparison suggests – including on issues of POC. There is a multiplier effect if one focuses on the contribution to normative debates. In fact, the Global Capacity Clearinghouse of Peacekeeping Operations meeting that Egypt hosted on 20–21 December identified this as one of the major capacity gaps in peacekeeping, and we devoted a working group to it. We do not yet have results, but there were some very practical ideas that were discussed and I am happy to share them with you and to see how all of you can contribute to bridge that gap which forms part of the paradigm challenge.

Maybe one of the ways to bridge that gap is with input from the UN Secretariat. At some point in time, the Secretariat used to fill in that gap by contributing its intellectual works and ideas – I know this from the UN Intellectual History Project. The UN Conference on Trade and Development (UNCTAD) also used to fill that gap. I wonder if we can fill the gap on peacekeeping issues, normative and paradigm challenges, learning from other examples, such as in the economic and development field? Local ownership of the debate and process also contributes to addressing the normative paradigm challenge.

There is a correlation between POC and other non-consensual issues, such as R2P and human security. Regardless of what we think about these concepts, we must recognize that they are not consensual – at least not yet. And hence the linkage which we put between protection of civilians and those other non-consensual concepts is a normative and a paradigm challenge, because those who come not from the donor side, but from the recipient side, are a little bit worried. I participated in the AU symposium in Addis that was sponsored by the Australian Government. I recall that the Chair of the meeting kept on repeating: “This is not about R2P.” However, when we came to discuss the final report, we found that despite the Chair’s assurances, time and again the linkage was evident – an issue on which my delegation commented.

This morning, Tim Ford again emphasized the distinction between R2P and POC, and yet the next speaker, Assistant Secretary-General Titov, reasserted the linkage. So you can see the less distinct the concepts are, the more POC presents a paradigm challenge or a normative challenge to us. Much of the literature links POC to robust peacekeeping, which itself is a concept that is not consensual. In fact, the word has not even been used in the final report of the C-34. If we keep on linking a vague concept to another vague concept, it exacerbates the normative and paradigm challenge. Overall, the concept of protection of civilians falls within the debate on the role and the duty of the international community – particularly that of external actors – on the one hand, and preserving the fundamentals regarding state authority and integrity on the other. Again, a debate that is very challenging on its own.

Another challenge is what I would call the decision-making challenge or the elaboration challenge, and it relates to the paradigm challenge or normative challenge. It concerns mandate-making versus mandate implementation; and meaningful involvement of TCCs/PCCs versus the practices and the composition of the UN Security Council. Now, the mandate-making takes place in the UN Security Council by its ‘five plus ten’ members, although some would argue it is ‘one plus four plus ten’ and others ‘two plus three plus ten’. So, you can imagine who the main mandate-makers are. Meanwhile, the implementers are physically, if

not formally, outside of the decision-making process. That is the decision-making challenge.

There is also the issue of conceptual development versus, what I would call, mandate-involvement. Again we are talking about the role of the C-34 versus the role of the UN Security Council. The Council is increasingly holding thematic debates and tackling conceptual issues, whereas, in the view of many of the 192 Member States, that is actually the primary role of the C-34. Is it an encroachment of the Security Council or should it be rather a reinforcement of the C-34? Again the decision-making or the elaboration challenge is one that faces us as well. During its most recent session, the C-34 did address the elaboration or decision-making challenge, and it did emphasize that there should be close cooperation between the Security Council and TCCs, particularly in the area of mandate elaboration and implementation.

Another conceptual challenge is definition. If we break protection of civilians into its two components, the two basic words ‘protection’ and ‘civilians’, I wonder if we have a defined meaning for each of them, let alone them qualifying each other. When we say ‘protection of civilians’, we are talking about civilians under imminent threat – in fact the background paper does address the need to define what is ‘imminent threat’ in this context. If we bring that to a longer list of required definitions such as ‘external protection actors’, it becomes even more challenging for us. I remember when Egypt participated in the African Standby Force (ASF) Rapid Deployment Capability (RDC) and we were wondering about who the ‘external protection actors’ were with whom the RDC operational concept advocated full involvement. Again, this is a conceptual challenge that we are yet to face.

The Secretariat has tried to clarify some of these concepts through the development of the Lessons Learned Note and draft Operational Concept on POC. The C-34 appreciated the Secretariat’s efforts, but was still quite conservative regarding the two documents, stating that they did not create any legal obligations for Member States. You can see how the challenge is reflected in the thinking of Member States in that regard. The language originally proposed for the C-34 Report concerning these Secretariat documents was much more progressive, but it was not adopted. The language called for the documents to be further refined and translated into guidelines. The original language welcomed the documents; however, the language that could be agreed in the C-34 (paragraph 147) was significantly less strong than that originally proposed by some.

Still in the conceptual challenge, or maybe we could find a better term for it, there is an inherent tension between perceiving peacekeeping as primarily a tool of conflict resolution, while protection is primarily a tool of justice. And of course, there is

the whole peace versus justice debate. Some would claim they are complementary, others that there is more tension between them. All of this when we are talking about peace in general and justice in general, let alone talking about sustainable peace or some of these other growing and emerging concepts.

Still within those conceptual challenges is the question of how protection of civilians would impact the fundamentals of peacekeeping. We have three main peacekeeping principles, no need to repeat them, and we do have an outcome from following them – there is a rich heritage of successful peacekeeping. There is a danger in perceiving the three main principles as dynamic, as they risk becoming variables rather than principles, hence defying the very logic of identifying them as principles in the first place. What would be the impact on those three principles if we include POC in a way that does not necessarily conform with them? Obviously there is an impact on impartiality. If we do increase information-gathering activities, if we do resort to inappropriate use of force that is not sensitive to the context of the operation, will the UN be perceived as a party to the conflict rather than an agent of its resolution? The C-34 again addressed that issue and came up with very clear language – consensual language of the 192 countries of the UN. The C-34 agreed that peacekeeping tasks, including POC, are to be implemented in accordance with the purposes and principles of the Charter, as well as the guiding principles (paragraph 143). Paragraph 143 of the C-34 Report also highlights that implementation should be underpinned by national ownership.

An even bigger challenge within the conceptual challenge, and one on which the C-34 Report is very clear, is that POC is without prejudice to the primary responsibility of the host government. How are we going to translate all of our discussion in this Forum into action without prejudicing the primary responsibility of host governments? This is a challenge for all the thinkers in this room – to encapsulate whatever ideas there are and to project them without undermining that particular principle. There is further language on the issue in paragraph 143 of the C-34 Report. Even when civilians are under imminent threat of physical violence, the UN's actions should not prejudice the primary responsibility of the host government; there should be cooperation with the national authorities. In this regard, it is very interesting to look closely at the very perceptive study on protection of civilians, which Ambassador Mahiga led. There is a reference on page 38 noting that it was the US and UK that stressed this aspect, when UNAMSIL was first provided the mandate to protect civilians. Now we see that those who stress this particular issue are from the NAM rather than the US and UK. It is interesting to see and to trace that evolution of positions.

There is also, what I would call, a legal or doctrinal challenge regarding which body of law applies – IHL or human rights law. Some would argue that the law of

occupation would have to be applied if we are talking about the UN increasingly being perceived as a party to the conflict. The Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA), hosted a seminar in which several San Remo experts projected that the law of occupation would apply if the UN was increasingly involved in this way. Egypt introduced a resolution in the Human Rights Council on ‘The Protection of the Human Rights of Civilians in Armed Conflicts’, which was adopted quite a few years ago. In this resolution it was necessary to separate human rights from humanitarian law. If we start to introduce a law of peace and a law of occupation, then the whole paradigm challenge becomes bigger.

There is also a bureaucratic challenge. The UN has done well by, for example, DPKO and OCHA jointly commissioning the study on POC. As Member States, we face bureaucratic challenges within our governments – our human rights departments want to have their say, our legal departments, our foreign affairs departments, our UN and peacekeeping departments, etc. The fusion of communities from different backgrounds is a challenge to us all. One of the other elements of the bureaucratic challenge is the fusion between the civilian, the military and the police. The protection of civilians study says that effective implementation of POC requires more civilian peacekeepers. There is a perception, rightly or wrongly, within the NAM that they are under-represented in high-level civilian posts, so this too may impact on the debate.

With regard to the operational challenge, one of the biggest elements is the issue of prioritization of tasks in cases of tension or conflict between them. The background paper refers to conflicts, tensions and trade-offs. The NAM has a very clear position on this issue – POC should not be elevated above other tasks as it is not a silver bullet and does not solve the whole problem. Prioritization presents a particularly important operational challenge.

Of course the use of force is another element of the operational challenge. The background paper recognizes that the majority of UN police are actually unarmed and there is a balance between individual and police contingents. If we increase the role of police in POC, then we must probably rethink the delivery of UN policing in the field as well.

Another element of the operational challenge is strategy. I invite you to look at the language that the C-34 adopted on the issue of strategy (paragraph 146). You will first see that it does recognize the need for a coordinated response, but it does not use the word ‘strategy’. It talks about comprehensive protection strategies in general, but again it emphasizes the host government, local authorities, TCCs and the like. Finally, let us talk about a strategic framework, as Ambassador Mahiga

mentioned. It would be interesting also for researchers to see the language that was agreed on this issue (paragraph 149) compared to the much more ambitious language that was proposed.

Related to this operational challenge is the issue of how to develop best practices. Again, it is interesting to compare the language on best practices finally agreed by the C-34 (paragraph 144) with that originally proposed. The original language on best practices indicated appreciation for the innovative and often sophisticated measures that certain peacekeeping operations in the field are taking. This language was not adopted. The language that was, in fact, adopted was very general language. Does this indicate that there is some degree of uneasiness with some of these measures? I am asking this question because in the background paper and in other documents distributed at this and other seminars, there is this attempt to institutionalize those practices even though they have not been given the stamp of approval by the Member States, who theoretically have the right to do so.

A further challenge is the capabilities challenge. These are some of the biggest challenges we are facing, and the background paper does refer to them – long-range patrolling, connectivity and mobility of assets. We feel this is a crucial challenge to address if we are to improve POC. We believe that the issue of enablers needs more study both in academic and research circles, and probably in the Secretariat as well. We hope that, during the Challenges Forum in Egypt next year we will be able to deal with these issues in more detail. Related to the capabilities challenge is what I would call a capacity challenge, and I would put training very much in that category. The training language in the C-34 Report (paragraphs 144 and 150) is not controversial. I do not think there was more progressive or ambitious language initially proposed.

Related to capabilities challenge is the whole issue of resources. The C-34 is very clear that missions must be provided with the necessary resources including personnel, mobility assets and capabilities for information gathering (paragraph 145). A key issue relating to capabilities and resources is whether the mandate is commensurate with the resources. The C-34 agreed that there must be this correlation (paragraph 145). It comes back to one of the issues we discussed in Addis Ababa; should we be either less ambitious with the mandate according to the resources we have or should we provide more resources? The chicken and the egg. Should we adjust the mandate? That is one of the issues we have to deal with. Again, it was the US and UK, when UNAMSIL was mandated in 1999, that emphasized the correlation between the resources and mandate, noting that UNAMSIL would not be in a position to take effective action unless it had sufficient resources. It is interesting to see that what some of the P-5 were saying then is what some of the NAM are saying now.

If we are to overstretch the capability of current peacekeeping contributions that could lead to another challenge – the contribution or supply challenge. The NAM already provides 87 per cent of deployed personnel. All the top ten TCCs are from the NAM or observers to the NAM. What would be the impact of a normative shift or a doctrinal shift on the composition and list of contributors? There is already a shortage of TCCs and there has been a lot of talk about expanding the base. But if we put an additional challenge to the current fatigued contributors, how would that impact on their participation in peacekeeping operations? Would it result in a change in the nature of the contributors? Would you find that the personnel involved have a higher stake in, and hence are more politically biased towards one solution over another? This is a challenge to consider. Related to this very important issue is a concern, reflected in the C-34 Report, that already deployed troop formations are being stretched to cover geographic areas that exceed their capacities. If we add POC to the list of tasks that they have to do, they will be stretched not only geographically, but also functionally, with a possible adverse effect on their performance and the ability to command. This is not an Egyptian position, it is consensual language in the C-34 Report (paragraph 40), so we need to consider that issue when we talk about adding even more daunting tasks.

One of the last points I would like to make relates to what I call a credibility, or consistency challenge. As we know since 1999 there have been peacekeeping operations with protection of civilians mandates. However there are also peacekeeping operations that do not have protection of civilians in their mandates. Is there a realistic possibility of streamlining POC across the sixteen missions? If there won't be a streamlining of POC, within and across the sixteen missions, will that create two classes of civilians – civilians that are 'protectables' and civilians that are 'non-protectables'? This is not a theoretical debate, because there are quite a few peacekeeping operations without protection of civilians mandates right now. Let me give you an example. During the 9th Special Session of the Human Rights Council, a resolution was adopted on 'The grave violations of human rights in the Occupied Palestinian Territories, particularly due to the recent Israeli military attacks against the occupied Gaza Strip'. Paragraph 9 of that resolution calls for immediate international protection of the Palestinian people in the Occupied Palestinian Territories in compliance with international human rights law and IHL. Is there any role for UNTSO, the UN's oldest peacekeeping operation, in pursuing this task? And if there is not, are we creating two categories, 'the protectables' and the 'non-protectables'? This is the consistency challenge, the credibility challenge. The reverse consistency challenge is that we have some regions that are more progressive on these issues, such as the AU due to their Constitutive Act, while in the UN we have a different paradigm.

There is an additional challenge – a sequencing challenge. That relates to how to spread the protection of civilians across the different dimensions of a peacekeeping operation to ensure that it is part of a larger political strategy aimed at the restoration of stability and authority.

Finally, a challenge closely related to the credibility and consistency challenge concerns the rising expectations placed upon peacekeepers. What is the cost of failure for those presumably under protection? What if the UN fails to meet the expectations it has created? In order to manage expectations, mandates need to be clear and achievable accompanied by a robust public information strategy. Again this is an issue addressed in the C-34 Report (paragraph 151).

So what are the critical success factors for POC? I don't speak for the NAM at the moment, as this presentation would have to be cleared via the coordinating bureau, however, much of it resonates with what the NAM has been advocating. The NAM has tried to identify some elements of a successful protection of civilians mandate:

- The protection of civilians must be mandated by the UN Security Council and use the appropriate language;
- The protection of civilians must remain the primary responsibility of the host state;
- Resources and capabilities must match the mandate;
- The mandate must be clear and achievable.

Now, consensus may be the lowest common denominator, but it is the closest to receiving the highest form of commitment within the UN. So please do not dismiss the consensual language of the C-34. It may be less than your ambitions, but it is the most likely to be achieved and committed to by all the parties. If we have no memory, it may delay the right start, but if we have selective memory it may put us on the wrong start. It is important to start right, even if late, rather than starting wrong from the beginning.

For more challenges to POC please email me and I'll be happy to converse with you.

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, Jordan

Thank you, Amr, for that very informative presentation. While much of it is very familiar to me, having coordinated the NAM in the C-34 for many years, I cannot help but feel that one of the drawbacks in the C-34 is that hardly any of

the diplomats, who were participating in these drafting exercises had ever had any field experience. And I often thought that if we held our meetings, where bullets were flying, we would quickly put aside dogma on all sides and find agreement.

We will now turn to Dr. Bill Durch, the lead author of the background paper who, as you have seen, has drafted a masterful summary of where we are on protection of civilians, with a whole series of very thoughtful recommendations. Bill is known to all of us in the field of peacekeeping, having participated in the comprehensive review soon after the production of the Brahimi Report and as someone who is very active on UN peacekeeping issues in the Stimson Center.

Protection of Civilians: A UN Cross-Cutting Issue

Dr. William Durch, Senior Associate, Henry L. Stimson Center, United States

Thank you, Prince Zeid. My remarks will draw on the background paper which was a joint effort by Alison Giffen and myself, standing in turn on the shoulders of others, including Prince Zeid, Ambassador Mahiga, Dep. Assistant Secretary Holt and the men and women of UN peacekeeping who gave their time and views for the DPKO/OCHA independent study. But if I mess this all up, it's just me talking.

My job is to address POC as a cross-cutting issue for the UN and, as such, I will touch upon each of the subject areas of this conference in a way that I hope sets the stage for more thorough discussions and conversations in the subsequent panels.

Starting with the strategic level – the failure of UN peace operations in the 1990s to provide for protection of civilians, reports on those failures, and the prospect of more to come in Sierra Leone and DRC was the genesis of the Brahimi Report in 2000. Since that report was issued, threats to civilians have not diminished.

Multiple groups have targeted civilians in conflicts in peacekeeping areas of operation. Some have political, economic or ideological aims. Others seek new soldiers (often children) or forced labour (often women), while still others are little more than vicious criminal bands or rape gangs. Sometimes they are proxies of the host government or other signatories to a peace agreement. Sometimes their supply lines or safe havens are across neighbouring borders.

Morally, no-one wants to be complicit in abuse through failure to act, and the moral imperative to act requires operational follow-up. Communities to which peacekeepers deploy, expect protection: so the peacekeepers' ability to provide it

- and equally important not to contribute to problems with their own misconduct
- directly affects the operations’ legitimacy and hence their ability to reach their overarching goals.

‘Protection’ has been used to describe a broad spectrum of activities undertaken by UN peacekeepers and other stakeholders, from immediate shielding of persons from physical violence to the full range of peacebuilding, human rights and capacity-building activities that may contribute to protection in the longer term. For my purposes here, protection of civilians applies to this broader range of activities, including generalized violence in post-conflict situations that may not qualify as ‘armed conflict’ and where ‘civilian’ may be a mutable concept in terms of how it applies to any person at any given time in a setting of general disorder, vendetta or intergroup strife.

Under international humanitarian and human rights law, governments hold the primary responsibility for ensuring the security of their civilian population and are obliged both to refrain from violent abuse of human rights and to fulfil their obligations to secure their civilians from other threats. There is not yet consensus about whether third parties – states and organizations – are legally obligated in general to secure civilians from such threats if their own governments do not. The background paper did not delve into this issue, focusing instead on what third party actors can do to better protect civilians under threat, given moral and mandated duties to do so.

In November 2009, the Security Council adopted resolution 1894 which stressed that mandated protection activities must be given priority in decisions about the use of available capacity and resources. This was the first time the Council specified a priority for POC. In subsequent resolution 1906, as Assistant Secretary-General Titov noted, the Council specified that the first priority for MONUC, the operation in DRC, shall be to “ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities” and that “protection of civilians must be given priority in decisions about the use of available capacity and resources over any other tasks”. In the context of DRC and the wholesale violence against civilians there, this priority makes sense.

But people, institutions and operations still need the mind-sets, the plans, the organizational response, the routines and the tactical capability to do something that fulfils this priority. And here we begin to hit the complexity and difficulty of this issue, which in part reflects politics and political risk assessments, and in part reflects differences in institutional and professional perspective: ‘protection’ implies different things to military, police and humanitarian actors for example.

Troop and police contributing countries may be reluctant to expose their personnel to the assumed and real force protection risks that protection of civilians in faraway places may entail. And even if they were willing to commit those forces without national caveats, a peacekeeping mission, regardless of mandate or resources, will not be able to protect all of the civilians within its area of operations all of the time. Yet, as noted in the first panel, if the security expectations of a host population are not met, mission credibility and leverage will diminish. Those who are concerned about exaggerated local expectations of UN protective capacities argue for expectation management, but what that should entail is not really clear. Should it be cast in terms of thresholds of violence ('Sorry, we only deal with incidents involving five or more persons'), with areas of violence ('Sorry, we're only dealing with the Kivus this month, we'll deal with Equateur in May') or perhaps about duration of violence ('Sorry, call back if this continues for more than two days'). These are all forms of triage. The default form is, 'Sorry, I just don't have the manpower . . . or the transport, or the backup or the sustainment or the reserves', and these may all be true. They may not be fully resolvable problems, but the degree of resolution will be heavily influenced by the protection strategy adopted by a mission.

For any given setting, these resource issues mean that a mission will be least likely to provide retail protection, that is of every person, in every place, at every time. That is the job of a competent government and its public security services, which is why early local capacity building is so important, as Dmitry Titov stressed in his remarks earlier today. But even competent legitimate governments depend on voluntary compliance with social norms and applicable laws by 99 per cent of their people, 99 per cent of the time. That is, even the best governments rely on wholesale protection, doing retail at the margins in response to emergency calls. The ultimate goal of a peace operation is to help a government reach the plateau of wholesale protection. Until it can do so, the real and serious dilemmas of retail protection will remain to be grappled with by meetings like this and by missions on the ground.

Continuing on the strategic level, humanitarian entities – including UN agencies – have developed a significant body of principles and guidance on protection for people affected by conflict and injustice, including the principle of 'do no harm', educating communities about their rights, providing medical services or promoting access to legal systems and outreach and advocacy (directly or through appropriate intermediaries) to armed actors.

Some governments object that the activities encompassed within this framework go beyond the bounds of humanitarian action. But humanitarian work necessarily carries political implications – that is, power implications – wherever political

power is being contested by violence, and to say that humanitarian aid may not be given to those in need under such circumstances is to take the Athenian position in the Melian dialogue of Thucydides, that ‘The strong do what they can, and the weak suffer what they must’. To accept that proposition is to throw over the entire edifice of international human rights law as developed over the past half-century and more.

UN peacekeeping’s movement toward ‘integrated missions’, intended to pull together UN activities and ‘deliver as one’, leave humanitarian actors either uneasily associated with UN missions or uneasily detached from them. UN humanitarian agency guidelines on civil-military coordination do not (as yet) focus explicitly on the question of protection, but if humanitarian actors and agencies do not engage and coordinate with missions, then both sides of the conversation miss out on what the other side can offer to help them make their respective protection efforts more effective.

Dropping to the operational level the priority of POC on a list of a mission’s priorities will depend on the context. In initially unstable settings in particular, POC is essential to reinforce connections between security development and governance. Effective protection mechanisms can also contribute directly to peacekeeper drawdown, which is why troop and police contributors should be willing to take measured risks with their forces on behalf of civilian protection if they are willing to contribute personnel to a mission at all, and why organizations that mandate and manage peace operations should have well-developed field assessment capacity for POC, against which police and troop contributors can train, gauge the risks of deployment, and guard against them.

Different components of the mission will see protection in different ways which is why a mission-wide POC strategy is needed that both takes these differences into account and is proactive in nature – part preventive, part deterrent – to the extent permitted by its mandate. Assuming the availability of trained personnel and political will, the most critical resources for a proactive strategy are then: a) good field intelligence and rapid intelligence analysis capabilities; and b) mobility assets, such as transport helicopters that facilitate response to both threats and occurrences of physical violence at mission locations.

Military and police components to make protection work, mission military and police components must collaborate in mission planning, in developing the mission concept of operations, in information gathering and analysis, in contingency planning for a range of possible scenarios and options for the forces that would be involved in responding to those scenarios.

Missions need improved guidance and training, especially with regard to protecting civilians in dispersed rural areas – and the opposite – densely populated urban areas, and in IDP/refugee camps. Guidance and training are needed to help commanders, at the sector, battalion and company level, understand the protection environment, identify the risks of action and inaction and to manage trade-offs when deciding when and how to act. These include trade-offs between short and long-term objectives, for example, attempting to protect civilians while supporting the reform and perhaps the operations of host state military forces, especially when some of those forces themselves pose threats to civilians, as in DRC.

Police personnel, particularly individual officers, are more likely than military personnel to have been protection-focused in their operations at home, but the mission area of operations may be less stable and more violence-prone than what they are accustomed to. And, as noted just before, the majority of individual UN police deploy unarmed. Missions with executive authority or heavily-armed assistance missions are the exceptions.

A growing percentage of UN police are, however, members of formed police units (FPUs) which are always armed (and sometimes dangerous). A higher proportion of FPUs in a mission offers more crowd control, mobility and firepower against heavily-armed criminals but proportionally less capability for community policing, mentoring, information gathering and relationship-building that may be crucial for the mission's interface with both its local police counterparts and the local community.

Armed or unarmed, a mission's police components require appropriate doctrine and concepts, competent seconded officers who are permitted by their governments to engage in protection operations, good police intelligence, good discipline and good local language proficiency or the access to good interpretation. And – I would like to stress this – how local demands, needs, or reports are interpreted on the spot, or up the chain of command, may have a huge impact on how the mission understands the situation that it faces and how it chooses to respond. Misinterpretation can be far more costly than the price of interpreters.

Even in the wealthiest of countries offering police to peacekeeping, there tends to be more volunteers than government budgets to support their deployment. And a perennial problem is getting the system to generate the specialist talent that police mandates require – by which I do not mean heavily-armed weapons and tactics squads, but instructors and trainers, experienced mentors, administrators,

planners and crime intelligence analysts and managers, all of whom are needed to help transfer an ethic of protection to the police services that UN operations support.

Conflict prevention, justice and human rights one of the greatest protective benefits that a peace operation can provide to the local population is preventing a country's relapse into war. Debate continues among scholars about the rate of relapse of countries that have suffered civil war, the conditions that favour relapse and the role of peacekeeping operations in reducing that rate. The debate, however, tends to view all war-torn states as undivided wholes; whereas, at least in the larger places where UN forces deploy, parts of the state may be stable while others are not.

In war-peace transitions, peace builders may face trade-offs between peace and justice, for example, by buying the cooperation of wartime wielders of power, and confronting that power on behalf of those it has abused, more or less simultaneously. It's not clear however, that transitional justice necessarily upsets peace processes. But it is clear, that a complete lack of justice may keep open the road to war. I am thinking in the first case of the indictment of Charles Taylor, and in the second case of violence, particularly sexual violence, in eastern DRC, which must not be seen as an inevitable cultural by-product of war, but as deeply and destructively abhorrent behaviour and a form of torture that must be stopped.

For peacebuilding, there is also another side to women's status and war. Recent research indicates that the pre-conflict social status of women significantly affects the probability of successful peacebuilding when there is a peace operation deployed, even with the impact of many other war- and peace-contributing variables are taken into account. The higher the pre-war social status of women, the higher the probability of successful peacebuilding within five years of the end of conflict. These findings have lessons for development and conflict prevention, as well as for peacekeeping and peacebuilding. Protecting and empowering women in post-conflict settings, often cast as a moral imperative, may also be an operational necessity for sustainable peace.

I will note only briefly here but call your attention to the part of the background paper that talks about victim, witness and human rights defender protection efforts by MONUC and the network of Congolese NGOs with which it works. This work closely links protection and justice.

Finally, the effectiveness of the rule of law and the institutions of justice depends not only on institutional process and the content of law but on the faith and trust

of the people and their conclusion that adherence to the law, on a daily basis, is in their best collective and individual interests. Where such faith and trust in government was weak pre-war, or where the authority of the government never reached, those seeking to promote the rule of law will be struggling not only to rebuild or create formal institutions of government, but also to demonstrate to people that these institutions are, or soon will be, worthy of their faith and trust, and especially that the laws that they attempt to enforce are worthy of voluntary compliance.

Conclusions and recommendations

In sum, guidance is needed clarifying what POC means in practice, what effective protection of civilians requires, how diverse protection actors should coordinate for greater impact, how missions should manage potential POC risks, and what success looks like for peacekeeping when POC is factored in.

New movement at the political level has let the UN Secretariat take laudable steps toward addressing these gaps. Still, additional work is needed to gather best practices and lessons learned and to translate this work into guidance at the strategic, operational and tactical level.

Consensus also remains to be built on whether third party actors are legally obligated to protect – an issue that the background paper, as I noted – did not seek to address. But without this consensus, peacekeeping operations will continue to struggle to implement their mandates, fulfil expectations and protect civilians. Peacekeeping operations are but one tool to prevent and respond to protection crises. Complementary methods and tools are needed to better address the root causes of conflict, and underlying motivations of those who target civilians in conflict. And at the political and strategic level, peacekeeping operations need to be assured that they will receive the political support that they deserve for a task that is difficult and complex, but critical to achieving so much that peacekeeping strives to achieve. Thank you.

Discussion

HRH Prince Zeid posed the first question, likening the lack of activity on POC to failure to treat an illness, he questioned how we were to achieve agreement on the finer diagnosis of the problem and then act upon it. “Are we not waiting for the next massive catastrophe to happen before it’ll shake us to doing something?” He indicated concern that Member States look to the Security Council and the Secretariat and do not look enough at themselves, as governments.

Dr. Durch responded noting the parallels regarding action on POC and the healthcare debate in the US. He indicated that, even when there is great political will, there are resource limitations that must be dealt with. He noted that just as 30,000 police officers in New York can't prevent all crime, 16,000 peacekeepers in the DRC are not going to prevent all death and damage from determined actors.

Therefore, protection of civilians is part of a much larger structural problem that is not going to be resolved in short order, but towards which steps can be taken. This will include the necessity for governments to get past certain ideological roadblocks to cooperation.

HRH Prince Zeid asserted that the weakness in the argument 'that you cannot provide protection for everybody and therefore it is dangerous to assume you could', is that, in reality, if there was a good demonstration of protection, then the ripple effect would carry. If there is a forthright demonstration of protection in one area, just as if there is a perpetration of a massive crime in a particular village, the terror spreads and arcs outward, it radiates to all parts of the country, the fear radiates. By the same token, if in the first hours of the Rwanda genocide, the UN had been able to decisively blunt the effect of what was happening, then perhaps it could have mitigated the further execution or commission of that crime. He acknowledged that his hypothesis needed to be tested, but indicated his concern that there is an over-abundance of very accurate analyses, but the challenge is to get governments to really appreciate the issues. He noted that he, along with Ambassador Mahiga, Mr. Aljowaily, Ms. Nakamitsu and Mr. Guéhenno met with Security Council members in Austria in August 2009 to discuss protection issues, and he had experienced a sense of alarm at how little the Council members knew about this issue. He questioned how, if Council members are not familiar with the issues, we are going to translate the analysis into effective policy on the ground. He noted that there is great reliance on the Secretariat, but that governments also bear an important responsibility.

Amb. Mahiga concurred, noting that governments move, when their respective constituencies move. Governments would be ready to take action, political action, if there was a groundswell of opinion and activity on the issue. In the case of civilian protection issues, he highlighted that it was not until the media splashed headlines about the atrocities being committed in the Kivus and Darfur that governments began to take action. Governments are very sensitive, especially around election time. It is important that civilian constituencies are aware of what is happening and are asking pertinent questions. In his view, institutions like the Challenges Forum, have a great responsibility for sensitize populations and civil society on issues of violence against civilians. He suggested that Forum recommendations should include identifying ways to sensitize constituencies that will act on

governments and to reach out to parliamentary representatives who might seek to address these issues. Politicians do not move if they are not prodded along by their constituencies. In his view, such prodding should be part of a comprehensive strategy to advance action on POC.

Amb. Mahiga explained that, during visits to various capitals, he had sensed that some governments that were not themselves plagued by conflict but which were neighbours of those that were, were very sensitive to the situation and would not only look to the Security Council and the Secretariat, but were seeking regional approaches to deal with the conflict. He noted that, in the OCHA/DPKO jointly-commissioned independent study on POC, not a great deal of time was spent focusing on regional organizations. He was very pleased that the AU had invited the APCMCOE to work with it on developing guidelines on POC for the African Standby Force.

Mr. Aljowaily also offered some comments on the diagnosis metaphor. He acknowledged that there is no objection to the concept of protection of civilians – it is needed. However, in his view, the challenge is how best to undertake POC within the current system, and how to improve the system in order to be able to respond better in the future. He cautioned that if the current system is overloaded it may result in adverse effects. He indicated that in his role as Executive Secretary of the Egyptian National Committee on Peacekeeping, he hears from Egyptian defence representatives day after day about the challenges that face troops on the ground in achieving the current mandates. This is exacerbated by mandates that are not well-defined or are too ambitious compared to the available resources, highlighting that the resources issue is extremely important.

Mr. Aljowaily also stressed that there is no better indicator of a government's commitment to peace than actually sending their own men and women in uniform to the field. In this respect, he referred to the importance of broadening the base of troop contributors, highlighting the importance of encouraging countries with the resources to deploy in UN peacekeeping operations in order to improve civilian protection.

H.R.H. Prince Zeid concurred with an earlier assertion by Mr. Aljowaily regarding the need for a common appreciation of protection of civilians issues. He explained that, when he was chairing the NAM there were various countries who would object to the inclusion of language on these issues, but that he would remind them, one by one, that at certain times in the Security Council, they themselves had spoken of the need for protection in specific situations. The AU and League of Arab States often speak of the need to protect civilians, yet there had been a very public siding with the President of Sudan in respect of the indictment by the

International Criminal Court (ICC) relating to events in Darfur. In his view there is a need to have thorough discussions about the issues and agree on a uniform principle that has applicability in all situations.

A participant offered some comments on the presentations and discussion. He stressed that if the international community seeks a system and legal framework for the effective protection of civilians it is necessary to agree general, well-defined rules. He stated that POC is a duty and a legal obligation for any international arrangement, including the UN and the AU. He also noted that there needs to be flexibility in fulfilling protection mandates. In some cases, there will be little participation by national governments, because the central authority do not exist or is very weak. In this respect the development of the ASF is important for achieving civilian protection. Finally, he concurred that, while POC was essentially a humanitarian concern, it was also a political issue and a lack of political consensus could hamper progress on the issues.

Amb. Mahiga reminded participants that two-thirds of the Security Council's agenda concerns peace and security issues in Africa. He asserted that Africa was evolving a very elaborate structure for conflict prevention and conflict resolution, which included the formation of five African Standby Brigades as well as a structure for conflict resolution. It was in that context that POC featured prominently in conflict resolution, conflict prevention and even peacebuilding in Africa. Africa had moved from a situation in which the concept of non-interference in each other's internal affairs had been accepted, to embracing the concept of non-indifference to the conflicts within Africa. Since most of the conflicts in Africa are intrastate conflicts, the issue of POC loomed very large. Intrastate conflicts were predominantly a fight for the loyalty of groups of civilians within a given state, and that was why POC had to be very central in African conflict resolution, peacekeeping and eventually peacebuilding efforts.

Protection of Civilians – Regional Approaches

Focus: What regional and non-UN approaches to the protection of civilians in armed conflicts are being, or have been, applied? Can protection be effective in situations where the peace to keep might be ambiguous or non-existent?

H.E. Ms. Sylvie-Agnès Bermann, Director, United Nations, International Organizations, Human Rights and Francophonie, Ministry of Foreign Affairs and European Affairs, France

I would like to thank the APCMCOE, Challenges and FBA for organizing this very interesting meeting on such a central issue.

Regional actors, and in particular the AU and the EU, are more and more involved in peacekeeping operations. The first International Forum for the Challenges of Peace Operations hosted two years ago in Paris was mainly dedicated to the partnership between the UN and regional organizations under Chapter VIII of the Charter. So it is logical today to address the question of regional approaches to POC to ensure the implementation of UN principles and develop operational guidelines for partnership to occur, such as the current case of the UN and the AU in Sudan.

We were reminded this morning that situations in Africa comprise two thirds of the Security Council agenda, an area which will be focused on by two speakers. One speaker will discuss POC efforts in the South Pacific. But first, I would like to say a few words about the activities of the EU in the area of protection of civilians.

The EU commitment to the protection of civilians in armed conflicts

Context. The EU has been playing a major role in crisis management and peacebuilding, particularly in the last year, both in the Balkans and also in Africa. Its operational strategy towards POC should be placed in a global humanitarian context:

- restriction of humanitarian access by governments and non-state actors, who disregard norms set by International Humanitarian Law;

- indiscriminate and disproportionate recourse to the use of force and the use of brutal warfare methods, including systematic use of rape and sexual violence, such as in Kivu;
- targeted assaults, expulsions and assassinations of humanitarian workers;

The types of missions, whether military or civilian, carried out by the EU require high sensitivity and awareness of the protection gaps for civilian populations. The EU commitment in this area has translated into a number of normative and operational developments.

Normative tools. Since 2003, the EU Common Security and Defence Policy (ESDP) has developed significantly, and the number of missions and operations has risen. The EU has developed a set of instruments to frame its doctrine and interventions. We have the ‘Guidelines on the protection of civilians in EU-led crisis management operations’ since 2003. In 2009, we updated our guidelines on Promoting Compliance with IHL – the purpose of which is to set out operational tools for the EU and its institutions and bodies to promote compliance with IHL.

Operational translations. Translating the normative guidance to the operational level is a key objective for the EU. In Chad and the Central African Republic, EUFOR sought to provide a safe and secure environment for refugees and IDPs. Our civilian missions, such as EUMM Georgia and EUPOL DRC, also have an important monitoring and reporting role in this regard. I would like to give a specific illustration.

A specific illustration: the EU and the “women peace and security agenda”

An EU priority. Often women are the most vulnerable group in a conflict situation. As General Cammaert has said in the past: “being a woman is more dangerous now than being a soldier in a state of war.” I would add: not even just in a war, but in a crisis or in any conflict. The EU has particular policy commitments with respect to promoting the role of women in peacebuilding and enhancing the implementation of relevant UN Security Council resolutions – 1325, 1820, 1888 and 1889. During the French EU Presidency, a conference was co-organized, in October 2008, with the UN and the European Commission to increase understanding of the subject matter. The result of this conference was a key policy document, elaborated in December 2008, which sets out a common EU approach to the implementation of resolutions 1325 and 1820. And it provides comprehensive guidance to ensure that the EU’s external actions are shaped to protect women from violence, and that they contribute to increased equality

between women and men during and after armed conflict and in situations of fragility.

Operational translation in mandates, recruitment, training and reporting.

Definition of mandates for EU missions. The European Council adopted an operational paper on implementing an integrated agenda perspective at all stages of the ESDP's missions and operations – from planning to reporting and lessons learned. Resources are earmarked for gender work and accountability, and monitoring mechanisms are established. Security and judicial aspects of the SSR missions directly relate to sexual exploitation and abuse and gender-based violence, as well as ensuring women's security, human rights, and a chance for recourse to judicial process for punishment.

Recruitment of gender advisers in ESDP missions/operations. All civilian and military missions/operations in which the EU is engaged today have one or several gender advisers. This is an experience which could be shared with the UN. Pre-deployment training. The European Security and Defence College incorporates a gender perspective in all relevant training activities and gender sensitivity must be assured throughout the chain of command. A gender component will systematically be included in all the training courses related to all relevant sectors, such as DDR, SSR and electoral observation. The European Council has a zero tolerance policy towards sexual exploitation.

Reporting instruments. The EU is developing a set of indicators to track its performance. Draft indicators were tested against the EU action in DRC and Afghanistan.

EU action on gender issues is complementary to the actions and strategies also developed by EU member states.

Perspectives. With the combination of EU civil and military resources, the EU is particularly well-placed for securing an integrated approach to POC, both at the political level and in carrying out mission mandates. The question of impunity is also vital – it must be understood that accountability is not contrary to peace. Justice is not contrary to peace. This issue needs to be adequately addressed. In this regard, we think ratification of the ICC Rome Statute should continue to be encouraged. The EU could also engage more closely with non-state actors in the process. The EU should strengthen its cooperation with other bodies – this has started with the AU in the field of training. The EURO RECAMP provides training, including on POC, for African forces. I think there should be more

and more cooperation between the EU and those regional organizations, since they work together on the ground, so it is important now to have a regional view.

I give the floor first to Mr. Olabisi Dare, a political analyst for the AU Commission. Mr. Dare is also the focal point for Somalia – a very important operation in which the AU is operating with the support of the UN, but where the EU has not decided to set up a real peacekeeping operation.

The African Union Approach to the Protection of Civilians in Darfur and Somalia

Mr. Olabisi Dare, Political Analyst and Focal Point for Somalia, African Union Commission, African Union

Thank you very much, Madam Chair. Excellencies, distinguished Ladies and Gentlemen, I would like to start by thanking the APCMCOE, and in particular General Michael Smith, for giving me the opportunity to reflect on the AU's approach to POC in Darfur and in Somalia. I would also like to thank FBA of Sweden for back-stopping the Centre in delivering this particular Challenges Forum. I should also like to take this opportunity to thank Mr. Guéhenno for putting this Forum in the proper perspective, particularly with regard to regional experience in these endeavours of POC. His piece this morning helped to set my tone appropriately in that regard.

From its inception in 2002, the AU has been saddled with the responsibility of having to respond to numerous conflicts on the continent as a consequence of its obligations within the provisions of its Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council (PSC), including the provisions of the Charter of the United Nations on the role of regional arrangements (or agencies) in the maintenance of peace and security.

It is the recognition of that responsibility that has guided the response of the relevant organs of the AU in dealing with the issues of peace and security and in defining the nature and type of mandates issued to the peace support operations that have so far been established to support the restoration of peace and stability in countries afflicted by conflicts. It is important to note that some of these conflicts, such as Darfur and Somalia, have been very prolonged – the conflict in Somalia has lasted almost 20 years. It is also important to note that these conflicts are high-level in nature. They jeopardize the well-being of civilians and have many humanitarian implications. This has resulted in humanitarian concerns being at

the fore of the *raison d'être* of continental intervention through peace support operations, and informing the overall shape of the African Peace and Security Architecture (APSA).

At the same time, the experience of the continent, exemplified by the horrors of the Rwandan genocide and the atrocities perpetrated in Sierra Leone, informed the resolve of the continent never to allow such occurrences to take place again. This was given concrete expression in the Constitutive Act of the AU and the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the AU, which state that the Union has a right to “intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity”. This far-reaching provision of both the Constitutive Act and the Protocol is an expression of the continental abhorrence for impunity and a commitment to combat the phenomenon.

It is in this light that the challenges of meeting the protection needs of civilians during armed conflict on the continent can be situated. Protection sits at the crossroads of political, humanitarian, judicial and fiscal security efforts undertaken by many different and sometimes adversarial international, regional and national non-state actors. It is unfortunate that one of the characteristics of the future of these endeavours in Darfur and Somalia is a lack of understanding, as well as coordination amongst these actors.

Humanitarian Considerations as Key Concerns in Darfur and Somalia

From the outset, it is important to state that POC has never really been a factor in mandate formulation by the AU. It is difficult to directly identify elements of POC in AU mandates. However, humanitarian considerations have always been key concerns in the formulation of mandates by the AU.

It is instructive to note that the conflicts in Darfur and Somalia have resulted in the most devastating human catastrophes on account of their effects on the civilian populations. They have resulted in great humanitarian crises which led the AU PSC to mandate peace support missions to primarily, among other reasons, support the alleviation of the suffering of the civilian population in these zones.

In Darfur, for instance, the conflict, which has as part of its root causes violence induced by environmental considerations, led to a humanitarian crisis of unprecedented proportions. It was this humanitarian crisis that brought the conflict to the attention of the international community in general and the AU in

particular. The violence visited by one group against the other, of which the latter seemed to enjoy the backing of the central government of Sudan, raised so much concern it culminated in the authorization of a peace support operation and the establishment of the AU Mission in Sudan (AMIS) in 2004.

The PSC of the AU, in April 2004, created as a first step a ceasefire commission and kick-started AMIS with the Observer Mission to Darfur. By July 2004, the Observer Mission transformed into a peace support operation, with a robust mandate to ensure the effective implementation of the ceasefire agreement, including a major part on the protection of the civilian population of Darfur. The intention of the Mission's mandate was to achieve the disarmament and neutralization of the Janjaweed militia, POC, and the facilitation of the delivery of humanitarian assistance, as well as granting access of humanitarian workers to communities in dire need. The Mission was to increase, in the first instance, the number of its military observers. This was to be followed by the deployment of a force that would have as its mandated task the capability of providing full-scale physical protection to this civilian population, before it eventually assumes a more robust posture in terms of strength.

On the whole, AMIS had as part of its mandate to give protection to the civilian population, including humanitarian operations that are under imminent threat and in danger in the Mission's immediate vicinity. The formulation of the Mission's mandate was informed by the fact that there was an increase in the violence against civilians and humanitarian workers, including AMIS personnel. This has been linked directly to the fact that there was a lack of adequate equipment and resources (including helicopter gunships) to maintain and enforce peace in this particular region. This situation was further compounded by the sheer size of Darfur and the inadequate number of troops to monitor, observe and carry out effective operations. In short, the Mission lacked the requisite operational capacity to deliver effectively on its mandate, particularly as it concerned meeting the humanitarian objective of providing protection and assistance to populations in need against the risk of violence and other forms of abuse.

With regard to the AU's involvement in Somalia, again humanitarian considerations and the need to support a central authority was at the heart of the intervention. It is perhaps necessary to point out that the initiative to intervene in Somalia, after several years of conflict as well as neglect by the international community, including the AU, was taken by the Intergovernmental Authority on Development (IGAD) in 2005. This was a measure taken to address the protracted crisis and the desperate situation that the conflict had created. IGAD, however, lacked the basic

institutional framework for effective conflict management beyond employing preventive diplomatic means, which was not appropriate in the conflict situation that had lasted about fourteen years prior to that intervention. The sub-regional organization had, however, brokered a political agreement which had resulted in the establishment in 2004 of a Transitional Federal Government (TFG) based on an agreed formula by Somali stakeholders that were representative of all the clans, including the minorities. IGAD's bid to authorize a peace support operation was born out of two considerations – first, to allow for the TFG it had helped to establish to exercise national authority inside Somalia, and second, to relieve the unprecedented human suffering the protracted conflict had visited on the civilian population. However, in the absence of institutional and legal frameworks, the mission did not take off.

It was against this backdrop, as well as the deepening and worsening humanitarian situation in Somalia, that the AU PSC, at its 69th session in January 2007, undertook to transform the IGAD mission in Somalia to the AU Mission in Somalia, AMISOM. The PSC, in authorizing its mandate, was mindful of the need to back a central authority as a prerequisite of re-establishing national authority and rebuilding the requisite structures of governance in Somalia in the face of attempts to bring down law and order, which had resulted in the collapse of the state. The effect was the evolution of an unprecedented humanitarian catastrophe. Over 300,000 Somalis are displaced in various camps around the country, while many more are refugees in neighbouring states and elsewhere.

The mandate of AMISOM was:

- to protect the TFG of Somalia and its institutions;
- to assist in the delivery of humanitarian relief and access for workers; and
- to establish the necessary conditions for post-conflict reconstruction in Somalia.

It is, however, unfortunate, that though humanitarian contributions were very high on the list of considerations, when reaching the decision to establish AMISOM and subsequently to deploy, the tasks of the Mission made relatively little specific provision for the protection of civilians. This lacuna in the development of the mandate (as well as supporting directives) in the area of protection of civilians, was a major concern for the Mission's operators. It was ill-prepared to deal with the nature of the conflict, which was not only unconventional, but one of urban warfare – broadly dictating that responses by AMISOM troops to attacks would automatically affect non-combatants and increase the difficulty in distinguishing between combatants and civilians in such situations.

Challenges of Protection of Civilians

Both Darfur and Somalia created many challenges for conventional ideas of POC in conflict zones. It is important to recognize the fact that POC in conflict situations necessarily involves activities undertaken to improve the security of the population and people at risk, and to ensure the full respect for the rights of groups and the individuals recognized under several international instruments, including the African Charter on Human and Peoples Rights, the Kampala Convention on Internally Displaced Persons and the Convention Governing Specific Aspects of Refugee Problems in Africa. Furthermore, it is also important to note that POC remains the primary and on-going responsibility of host state authorities and that the AU's actions in relation to POC are to complement the efforts of host state authorities and their capacity to deliver on security and prevent abuses, including threats to physical protection.

The principal challenge to the AU fulfilling its role of POC in conflict zones is the lack of clarity of the missions' directives in this area. The mandate was not clearly understood, particularly by commanders at all levels of the operation. There was no pre-deployment training and orientation, particularly for commanders, who were basically in the direct line of authority with the troops. Again, even the civilian components of the mission had no clear training regarding what the protection requirements and needs of the mission would be, as well as regarding their responsibilities toward the civilian population. At the level of interaction with other international actors, there was little understanding of each other's role, and therefore an absence of co-ordination of activities. The net effect of this was also the fact that the civil populace could not base their expectation on a realistic understanding of the role of AMISOM. For example, there was no clear-cut mandate for the police component of the mission in AMISOM due to insufficient pre-deployment assessment and planning, a reflection of the insufficient appreciation of the role of the police in most peacekeeping missions, as key to the physical civilian protection that law and justice efforts.

This is also clearly the case in Somalia, where the physical protection of the civil population is sometimes at stake due to the nature of the conflict and the activities of the insurgency that operates from populated sections of urban areas and responds to attacks, including with threats to the civilian population. Due to this particular challenge, the pre-deployment training of AMISOM troops now has to include these aspects, while TCCs are encouraged to train their forces in counter-insurgency in urban settings. It was not mentioned that the EU is currently starting a training mission in Kampala, Uganda to specifically address this aspect of training for our troops in AMISOM, to teach

them new methods in urban guerrilla warfare and hand-to-hand combat, and to enable them to mitigate the response of attacks by the insurgency. These measures are aimed at reducing to the barest minimum the collateral damages of counter-attacks. All peace support operation personnel should be given core individual and collective training aimed at heightening their awareness of, and responsiveness to, protection threats and needs, particularly, the protection of vulnerable groups.

Another challenge is the lack of effective coordination between the military, police and civilian components of AU missions in dealing with protection issues in general. Missions lack a multi-faceted and coordinated approach with clear differentiated responsibilities for military, police and civilian components. The absence of adequate information on emerging or existing conflicts does not allow for adequate planning and mandate formulation that clearly defines roles and responsibilities between mission components. It is assumed that such definitions will take into account and consider threats to and protection needs of civilians, including groups with special needs, such as women, children, IDPs and refugees. There should be training that will address the roles and responsibilities of different components, including ways of working with other actors engaged in protection. This should in fact inform the scope of the POC mandate. This will equally be guided by incorporating it into the drafting of all additional strategic documents of the mission including concepts of operations, use of force directives, directives to heads of mission, status-of-force agreements and memoranda of understanding between the AU and TCCs or regional standby mechanisms. At the moment, an appropriate code of conduct has been developed to govern the behaviour of mission personnel in mission theatre areas.

In Somalia, the slow pace of political developments within the peace process has impacted negatively on the protection of civilians. This is also coupled with the fact that the security situation is worsening by the day, with increased activities by the insurgency. The most crucial point here is the inability to expand the scope of reconciliation and deepen dialogue to the level where political gains, capable of moving the peace process forward in a positive direction, are achieved. The absence of this positive development means that security and stability remain elusive. The resulting effect of this on POC is that it is not high on the agenda of the mission. The issues are perceived to be long-term in nature and not always of high priority in the face of the desire to first defeat the insurgents as an immediate measure towards establishing a more secure and stable environment.

Conclusion

In conclusion, it is noteworthy to state that the AU has at the core of the APSA human security considerations, with POC issues encapsulated therein. However, in practical terms, recent experiences have shown that the willingness to protect civilians in conflict situations has yet to be matched by the capacity to effectively do so. This has led to considerable tension at the operational level between the different actors in these conflict zones on the continent. The situation is further worsened by the mistrust between the parties to the conflict, including by those that are driven by an ideological premise, who lack the knowledge of international humanitarian and other bodies of law, and who, through their actions create unsafe situations for the affected population. Again, we talk about the issue of the lack of resources, and lack of equipment – underfunding comes to the fore because the AU mission in Somalia, for instance, is not fully equipped.

During the last year, the UN Security Council (through resolution 1063) mandated the UN Support Office for AMISOM to backstop and provide logistic assistance to the Mission. However, we still hope that more assistance will be forthcoming in order to allow the mission to robustly perform and implement its mandate. It is in this light that, in addition to the challenges I related earlier, it is important to highlight the need for greater coordination and collaboration between the international community at large and the local community, with regard to local awareness-raising on the concept of protection. It is equally important to bring to the fore the role of heads of mission in actualizing POC in the mission area and ensuring the effective implementation of the mission's mandate in this regard. It is envisaged that heads of missions will be tasked directly to develop a mission-specific and mission-wide strategy for achieving and maintaining POC, which indicates the mission's protection activities in consultation with the mission's senior leadership, the civilian population, other protection actors and, as appropriate, host authorities.

It is therefore envisaged that when the AU Guidelines on POC, which are being developed with the support of the Australian Government, are finalized and adopted as an AU document, it will be given wide publicity amongst Member States, and thereby encourage them to incorporate it in their domestic training programmes for their peacekeeping forces, as well as for the regional economic communities and the ASF. Thank you.

H.E. Ms. Sylvie-Agnès Bermann

Thank you very much for your very interesting intervention, which traced the humanitarian consideration of the AU when setting up an operation, highlighted

some of the challenges currently faced and offered some solutions in the areas of training, assistance and guidelines. Of course, the UN is facing similar problems regarding the meaning of the POC mandate and how it can be translated to the operational level.

I now give the floor to General Agwai, who was the Force Commander of UNAMID, a mission which faces many POC challenges.

A Field Perspective

Gen. Martin Agwai, former Force Commander, UNAMID / former Chief of Defence, Nigeria / former Dep. MILAD, Department of Peacekeeping Operations, United Nations, Nigeria

Distinguished Guests, Ladies and Gentlemen, I would like to join others in thanking the APCMCOE for their organization of this seminar, and for giving me the opportunity to meet some of my old friends and also to make new ones.

The first peacekeeping mission I participated in was UNAMSIL in Sierra Leone, a mission in which the issue of POC arose. I arrived in Sierra Leone following the May [2000] crisis during which several peacekeepers were captured and held hostage – an event which led to the re-organization of the mission. An agreement was signed between the rebel group, the Revolutionary United Front (RUF), the Economic Community of West African States (ECOWAS), and the UN. This done, there was a major challenge whereby each time the governments and its allies – the Civil Defence Forces (CDF) and Donso – complained of violations by RUF, the Mission would be quick to go and investigate. However, when the RUF complained, nobody went to investigate. At one of the senior management meetings, I raised this issue and we agreed that, while we were not supposed to be neutral, we should be impartial, and in this case impartiality meant that, when the RUF complained, we should be doing something about it. So I was tasked to do something about it. I met with the RUF and we decided to start meeting regularly. We went to listen to their complaints.

I met a group in a rural area in central Sierra Leone, around Kono, a diamond mining area. They made it clear to me that until, I met their boss, who was responsible for directing attacks against civilians, they would continue with this activity. So I held discussions with their boss. In the end, I was able to get Issa Sesay and Allieu Kondewa to meet face-to-face. It was during these meetings that the ‘hot spot’ disarmament was agreed. I challenged both saying that anywhere there was a fight, we would go with them and, as they were the leaders, they should be able to order their boys to stop fighting and hand over their weapons.

After two or three weeks of interaction with them, a relationship of credibility and confidence had been developed, and we were able to start the disarmament process. In one month we were able to disarm 5000 fighters from the RUF and the CDF.

Even ECOWAS found it a good thing to involve these leaders. There was a meeting in Kono, where the then President of Sierra Leone, Siaka Stevens, never visited. However, President Konaré of Mali and President Obasanjo of Nigeria, came to Kono, where we met with the RUF. That meeting and subsequent dialogue built confidence, and disarmament started in Kono too.

In Sierra Leone, we had interactions with Muslim populations. When I was deployed to Darfur as Force Commander, I thought it was going to be easy, coming from Nigeria which has a predominantly Muslim population and having been schooled at an institution where only 25 per cent of us were Christian. But I found that in Darfur religion was not the only complexity; added to this were weather extremes and a plethora of actors. In Darfur, the groups in conflict had split into sub-groups, that were and everybody was fighting everybody. The government was fighting all of the movements; the Janjaweed was fighting all the other movements; the Justice and Equality Movement (JEM) was fighting all the other movements – everybody was fighting everybody else. In addition were centuries-old tribal rivalries. Before I left last year, even the Janjaweed were fighting the government. Those of you who follow the Darfur situation know that the division of groups has gone far beyond this.

I believe that if you can get the leadership to cooperate, as we did in Sierra Leone, they can convince their followers to do so as well. So we tried this approach in Darfur. However because the groups were splintering into smaller and smaller factions, the leaders really had no command or control. Nevertheless, we made an effort to meet the Sudan Liberation Movement (SLA)-UNITY, the fighters under command of Abdul Wahid. Unfortunately, because of the conflict dynamics in Darfur, it was very difficult to get commitment from anybody, and that made the process difficult.

Early last year, there was a fight between JEM and SLA-UNITY and over 3000 locals moved to our camp in Labado for protection. They came with livestock and everything. The same thing happened at our camp in Muhajeria. You may be aware that the UN almost vacated Muhajeria, but thanks to an understanding between UNHQ and the Mission, we were not required to vacate. I strongly believe it would have been a tactical, operational and strategic error to have left Muhajeria. Thank God we did not.

How do you deal with POC in this type of situation? The civilians came to our camp with everything, including their camels and donkeys. Since livestock is a critical part of the lives of these people, are we then also expected to provide protection to the animals? How were we expected to get the necessary food and water to provide for the people and their animals? In Muhajeria, we had over 7,000 human beings with hundreds of cattle. I ask; when we talk about POC theoretically, with good definitions that have been well crafted, words that have been debated – how does it apply practically on the ground? What strategy or plans do you have for a platoon or company commander who finds he must provide protection to 7,000 people as well as their cattle, goats and camels? What do you want him to do? What happens when humanitarians decide to dump hospital patients, even amputees, in our camp? What is in place for that company commander or that battalion commander to deal with that kind of situation? Instead of focusing on the definitions and theories, we need to look at the practical questions. Practically on the ground, what do you do?

I almost had a very ugly situation in Muhajeria, when an NGO brought patients to the camp. The company commander asked the NGO not to leave the patients, as the camp had no capacity and nothing with which to take care of them. In the end, we were able to negotiate with the government to allow a helicopter into the area and we flew those wounded to our hospital in Nyala, and later transferred them to the local authority. These are the challenges on the ground.

The people flock to UN camps for protection, and sometimes, when they have no food, water or medical supplies, they seek support from the mission. These are the challenges on the ground. And then, how do the people perceive UNAMID or any peacekeeping mission? In the case of IDPs, some saw UNAMID as a source of security, food and shelter. When you fail to provide them with these things, they do not understand that you cannot provide them. When there is no food they see UNAMID as responsible for that, and the credibility of the mission starts to fade. Some, militias and even the government, saw UNAMID as an imperial tool sent to come and conquer them or subject them to international rules and laws. Because of that, the Mission has suffered casualties. Based on that perception, our camp at Haskanita was attacked and we suffered casualties. So what do we do? We try to liaise with the people, we try to sensitize them, we try to have grass-roots communication. We tell them about our mandate, what we are supposed to do. We tell it so that they understand what we can do and what we cannot do, to both sides: the rebels (or the movements as they call themselves), and the government.

And then we have an issue related to the deployment itself. We have troop contingents without females. In Darfur, the relationship between males and females is not like in some Muslim countries, such as Sierra Leone. We faced

a problem as to how to conduct roadblocks or checks by contingents without women. We resolved this problem by incorporating civilian police women into these operations. Sometimes, instead of doing the mentoring or other tasks that are part of their job, they work jointly with the military. We even incorporated civilians. We also had joint teams go out, and that helped a lot.

POC includes an element of humanitarian assistance. We escorted women to fetch firewood and water. Then we must ask: Having cut down all the trees in the desert, what are we doing to replace them? These are all the challenges of POC.

What I really want to leave you with is this thought: POC is why the UN is there – we are there to provide protection. But some contingents have a different understanding of the purpose of the deployment. It is the duty, and a challenge, for the Force Commander to get everybody on board – to ensure that everyone understands the tasks in the same way and performs to the Force Commander's or the SRSG's expectations. We work with NGOs, we support NGOs and other UN agencies. However, some NGOs refuse to work with us, seeking to distance themselves from the Mission and the military contingent in particular. But interestingly, when the attack occurred in Muhajeria, the very same NGOs, who had distanced themselves from us, ran to our camp, even abandoning patients they had been treating. That was the interesting practicality on the ground.

As a force commander, you have the task of preparing your troops for their work. It is very important to have dialogue with all your troops to ensure that everyone is on board – that everyone is pursuing the same approach. To make the mission easier, when you go out to the camps you try to address as many troops as possible. When I was the Chief of Defence Staff in Nigeria, I would address the troops of Nigeria that were about to deploy on a mission. Even back home, we had prepared the troops, both mentally and physically; prepared them properly to go to the mission area to do what was expected. That is the challenge, we all have to face. And at every opportunity, even at our medal parades, we have to encourage our troops not to forget the mandate, the rules of engagement (RoE), why we are in Darfur, or why we are in the mission areas and what is expected of us. We also must remind them that there will be casualties and, of course, there were casualties in Darfur. We had a few of them at Haskanita – ten peacekeepers were killed and two later died in hospital. At Umm Hagiba 25 of our peacekeepers were injured and seven were killed. And so on and so forth. We also lost peacekeepers through criminality, such as carjacking, which has reached high levels in Darfur. However, as Force Commander you have a responsibility to get those still in theatre to move on, and to encourage their government not to withdraw them, because of casualties. I am happy that no government withdrew its forces because of casualties, while I was in Darfur.

Then, in the midst of all that, there is the debate of peace and justice. Which comes first? Do they walk hand in hand? An earlier speaker also raised this issue today. The issues that arose from the ICC indictment of President Bashir had operational consequences for the mission. When many NGOs left, we had to take their vehicles into our camp for protection. We had to task troops to guard warehouses filled with NGOs' equipment. These are some of the challenges we faced on the ground. Some such decisions will affect the Mission and divert you from your tasks. As a force commander, I believe the issues of justice can wait. We can always catch up with them after there is peace. But when you walk with the two issues together it is difficult, and it did bring a lot of operational complications for us in Darfur.

Finally, let me conclude by saying that for effective POC, we need improved situational awareness. That cannot be the responsibility of one segment of the mission. You need the cooperation of everybody, including humanitarians and NGO. You need to bring even the host government on board. In addition, the troops deployed need to be aware of the situation where they are going and what they will be expected to do. There should be joint effort, teamwork, and operational preparedness. Troops need to be prepared to act robustly. They must be prepared for the prospect of taking casualties in the course of protecting civilians.

We also have to be creative on the ground. In Darfur, on many occasions when NGOs did not want us to go out with them, we would ask them which route they were taking and then send a patrol on that route from the opposite direction to ensure the security of that route without following behind them. To be creative you need confidence. If you do not have the confidence of the people you are working with, if they do not approve of what you are doing, you will have a big challenge to keep the peace. We did make efforts to look locally and solve little local problems. They never became headline news but they saved a lot of lives in Darfur. And I believe that the way forward is to have all hands on deck. All UN Member States should contribute troops and all UN Member States should provide funding, so that there is no dichotomy between those who are producing the money and those who are producing the troops. If you have your personnel on the ground you will not only criticize, you will listen to them tell you the reality of the challenges on the ground and not the paper definitions that are coming from all over the world. Thank you.

H.E. Ms. Sylvie-Agnès Bermann

Thank you very much, General Agwai, for your description of the very complex situation with which you were dealing. Thank you also for your recommendations as an expert on peacekeeping operations, with experience in Sudan and Sierra

Leone. We will take due consideration of all those recommendations. I now give the floor to Dr. Lesi Korovavala, who is the protection officer in the UNHCR Regional Office in Canberra. Dr. Korovavala will describe the situation of POC in the context of the South Pacific.

A Regional Approach to the Protection of Civilians in the South Pacific

Dr. Lesi Korovavala, Protection Officer, UNHCR Regional Office, Canberra, Australia

I thank the APMCOE and the Challenges Partners for giving me the opportunity to be part of this Forum. The views I will share with you this afternoon are not necessarily the views of my employer, UNHCR, but perspectives derived from my previous life as a soldier, civil servant, diplomat and peacekeeper, particularly in missions in Bougainville, Solomon Islands, and those in the Middle East.

It is a reflection of the times in which we live, the important theme of this Forum, particularly for the Pacific region. One would be hard-pressed to think that the Pacific is still pacific, if it ever was. Policy analysts and observers have characterized an arc of instability from Papua New Guinea to Solomon Islands, through Vanuatu and ending in Fiji. There are troubles echoed right through the arc, including ethnic conflicts and disputes over resources – with some variations of course. But to many, it is a reflection of transition and the pains of adjusting to social change, although some embrace the ‘victim’ view and point to decolonization as the cause. But generally, if protection in the Pacific is viewed as a reflection of peace, then what constitutes being protected? Pacific islanders see protection, and being at peace, as including a prominent role for indigenous rights and cultural values and traditions. Evolution of Pacific cultures is slow, but progressing. Rushed changes are rejected.

Almost all the crises in the Pacific to date have been driven by cultural and ethnic factors. The region was largely unprepared for the crises in Bougainville and Fiji in 1987 and 1988. But with Australia’s leadership and support from New Zealand, the Pacific Islands deployed what was called a South Pacific Peacekeeping Force to Bougainville, in Papua New Guinea, to provide the physical environment for the warring factions to have their first peace conference in 1994. It was the lack of protection, among other reasons, that led to the establishment of another group in Bougainville called ‘The Resistance’. Nonetheless, civilians bore the brunt of the violence. Pro-peace voices pleaded that those who do not agree with the militants’ modus operandi and methods of operation must not be targets. The search for a solution in Bougainville continued. An observer mission, with the leadership of Australia and New Zealand and supported by Papua New Guinea, Fiji and Vanuatu, was deployed in 1998.

Growing instability in the Pacific urged the Pacific Islands Forum (PIF), which is the primary regional political and economic policy organization, to adopt, in 2000, what was called the 'Biketawa Declaration' (Biketawa being the place where the Declaration was adopted). The Declaration outlined the guiding principles for good governance and courses of action for response in this kind of situation in the region. Australia is the current chair of the PIF. Biketawa drew its direction from three other Leaders' Decisions: the 'Eight Principles of Good Governance' and what is called the 'Aitutaki Declaration' which contains the 'Guiding Principles for Regional Security Cooperation'. The 'Leaders Vision' in 1995 also formed the basis for a regional approach. One of the four components of that vision, which is particularly related to a regional response, is that they seek a region, which is respected for the quality of its governance, the full observance of democratic values and the promotion of human rights. The leaders saw that it was in governance, in democracy, in human rights, and in the rule of law that protection of the Pacific people can be realized.

At the same time, ethnic violence in the Solomon Islands was heading toward explosion point. Lack of protection was one of the reasons that compelled those who were on the receiving end of violence to take up arms. As we all know, arms in untrained hands exacerbate violence, as payback reinforces ethnic motivations. As was earlier seen in Bougainville, the lack of state protection compelled individuals to take on the responsibilities themselves. But unfortunately, this leads to a situation of more violence, forced displacements, asylum seekers and, eventually, refugees.

Following a request from Solomon Islands, and having learned lessons from earlier crises and responses, the PIF met in Sydney in 2003 and agreed to a regional assistance mission, called RAMSI, in brief, under the Biketawa Declaration. To understand the regional approach to the crisis, it is important that we understand the Biketawa Declaration. I will abbreviate it into just a number of guidelines:

- Commitment to good governance;
- Belief in the liberty of the individual under the law, and equal rights for citizens;
- Upholding democratic processes and principles;
- Recognizing the importance and respect for indigenous rights, cultural values, traditions and customs; and
- Recognizing the importance of averting the causes of conflict, reducing, containing and resolving conflicts by peaceful means.

PIF leaders recognized the need for action to be taken and that it should be on the basis of all members of the PIF being part of the response. The PIF was prepared to go further, recognizing that it must constructively address difficult and sensitive issues, including causes of conflict and tensions – often based on ethnicity, social

and economic disparities, the lack of good governance, land disputes and erosion of cultural values. The PIF leaders also undertook that if, after taking their proposed actions, the crisis persists, they would call a special meeting to consider other options, including, if necessary, targeted measures.

Before explaining the operationalization of the Biketawa Declaration in RAMSI, and the role of the Solomon Islands' in the mission, in order to understand the way the mission performed, it is important to understand the Solomon Islands. At the time of the RAMSI deployment, the Solomon Islands was 25 years into independence. The people of Solomon Islands speak almost 1,000 different languages. The 'wantok' system (essentially tribal linkages) is very important and very strong in Solomon Islands society.

Initially, the RAMSI intervention was a mission with one primary objective. But for that stability and security to be sustained, more needed to be done. So the PIF leaders extended the mandate of RAMSI, in 2006, to include development; transforming RAMSI into a multidimensional mission. Prominent in the expansion of development activities was the inclusion of capacity-building for all facets of state institutions and functions.

There was no specific mention of POC in the mandate, but embedded in the three pillars of the mandate – law and justice, economic governance, and strengthening of the machinery of government – was the protection agenda. The mandate took into account the root causes of the conflict, and new challenges in the post-conflict Solomon Islands where peace was non-existent – both of which made governance a high priority. The intention of the original response was to assist the receiving state, the Solomon Islands, to enhance governance and development and reinstate the capacity to resume full sovereign responsibilities for its citizens. Underpinning the original response was the rule of law and its partners – human rights and democracy. RAMSI therefore carried the responsibility of demonstrating the very principles and practices it sought to impart. Through an independent body, RAMSI conducted what was called the Annual People Survey to get feedback from Solomon Islanders on its activities. Through that process, ordinary Solomon Islanders now have a say in the activities of RAMSI. The People Survey also provides downward accountability of RAMSI. Important also is that an independent group now assesses RAMSI's performance on an annual basis. The Survey and the performance assessment were critical to demonstrating transparency and maintaining the legitimacy of the regional response.

Recognizing the changing situation in the Solomon Islands and the operations of RAMSI, the PIF leaders required a review of RAMSI in 2007. The aim was to assess and recommend a way to guide the operations of RAMSI in the best interests

of the people of the Solomon Islands. The recommendations helped reshape the structure and guided the operational focus. Among the recommendations was the enhancement of the consultation structure, reporting format and exit policy. The report also established the PIF Ministerial Standing Committee to provide regional oversight of RAMSI's operation and then report to the Pacific leaders. The report also established what was called a triumvirate – a three-way consultation team comprising the PIF's representative to Solomon Islands, on behalf of the PIF; the Special Secretary to RAMSI, on behalf of the Solomon Islands' Government; and the Special Coordinator, on behalf of RAMSI. The group consults on operational matters on a day-to-day basis. They tease out issues and expose avenues to enhance consensus-building as well as interoperability. The triumvirate reports to the cabinet of the Solomon Islands through the Minister for Foreign Affairs; it prepares the joint report for the PIF leaders – it is, in essence, the work horse of RAMSI and sits at the base of the regional consultation mechanism.

I would be lying if I said the relationship between RAMSI and the Solomon Islands was cordial all the time. There have been moments of strain and tension between the two. The members of the triumvirate made a commitment to themselves that, whatever happens, they would hold their meetings and consult on difficult issues before taking the next step. That, in a way, held together the relationship between RAMSI and the Solomon Islands. At times, there have been rumours, claims and counterclaims – the triumvirate's duty is to sort out the issues and clarify which are facts and which are merely rumours.

The RAMSI and Solomon Islands' Government Partnership Framework was signed last year. Negotiations were started in 2007 and the agreement was signed in 2009. It has now become the main reference document for RAMSI. It is indirectly referred to as the 'exit strategy', proposed by the RAMSI report. However, the departure of RAMSI is based on jointly agreed indicative conditions-based timelines. There are indicators for completion and success and it requires joint implementation between the PIF, Solomon Islands and RAMSI. The sector targets mean that RAMSI is drawing down on a progressive basis, with Solomon Islands taking over at the same time. The robust consultation mechanisms enable adjustments to reflect changing circumstances. In effect, RAMSI's exit mechanisms started some years ago when law and order was restored and there was a scaling down of the military component from 2,000 to 200 troops. At this particular juncture, I would like to acknowledge the good work of former Special Coordinator Tim George, who is now Australia's High Commissioner to Pakistan, for his good work and leadership during the preparation of the Partnership Framework.

RAMSI has been hailed a success. However, in the region we enjoy the success with a guarded stance, as a lot more still needs to be done to ensure sustainability.

Nevertheless, the success so far has been guided by a number of factors. The Solomon Islands wanted the mission. It asked for assistance. It desires peaceful solutions. It desires the rule of law. It incorporated others, in this case the region, in the formulation of the problems and implementation of the solutions. The PIF and the Solomon Islands agreed on the nature and the scope of the problem and the desired outcomes. Lines of communications were kept open. All stakeholders are involved in the consultation, the triumvirate taking the lead on consultation at the ground level. The PIF acts together as a region. The combination of law and justice, democracy and good governance is the platform from which the original response was launched and has been sustained. PIF countries understand that they operate with the consent of the host, and respect within the Pacific family is strong.

The leadership and the commitment of resources from Australia has enabled the mission and the region to do what has been achieved. At this juncture, I would like to honour those that have led the mission since its inception in 2003, and in so doing also honour the leadership of Australia and the good offices of the Special Coordinators James Batley, Tim George and now Graeme Wilson. On the law and order side we acknowledge the work of the commanders of the participating police force Ben McDevitt, Sandi Peisley, Will Jamieson, Denis McDermott and now Wayne Buchhorn. I pay tribute now to the late Greg Urwin, former Secretary-General of the PIF, who was tireless in his work in support of RAMSI and the region.

The men and women of the PIF – in uniform, judges, lawyers, accountants, advisers, support personnel and their families – all played their part. Now the Solomon Islands is taking the lead and understands that the resolution of crisis through law enforcement, sound and strong democratic processes and the observance of human rights restores dignity. For these achievements to be sustainable, the Solomon Islands needs to do much more.

There remain places in the Pacific where people are exposed to persecution, domestic violence and abuse of human rights of various kinds and degrees. The fact that the Pacific is a region characterized by low ratification of UN human rights conventions – instruments that uphold the dignity of life – remains a concern. The limited, informal commitment to these instruments, and cooperation with international mechanisms to implement them, remains a challenge. Dialogue on the increase of humanitarian and protection spaces is slow but progressing. The Pacific Leaders' Vision – seeking a region that is respected for the quality of its governance through the full observance of democratic values and promotion of human rights – remains a work in progress.

An important element in the region's ability to successfully respond to the crisis in Solomon Islands was the host's consent not only regarding the invitation to assist, but also in the definition of the problem (or problems), and the required response measures and the circumstances under which they may be applied. Denial of the problem exacerbates suffering while limiting the usefulness of the region's response capacity. However, providing protection, building capacities and increasing the humanitarian space comes at a cost. RAMSI has claimed the life of an Australian serviceman. Through Australia's leadership, to date the region has provided about \$1 billion for RAMSI's seven years of operations. This cost excludes the basic support from New Zealand and Pacific countries. The outcomes of this investment show a remarkable achievement.

Through RAMSI, the Solomon Islands has today put together the constituent components of what it will look like. It has been able to establish these new approaches to protection by experiencing first-hand a strong emphasis on the rule of law, justice, good governance and human rights. The journey is not complete.

Rebuilding the economy, creating jobs, the reconciliation process, dealing with the root causes and compensation are still underway. Challenges remain, but there is no doubt that RAMSI has laid the path that can lead, hopefully, to the new normality and new peace for Solomon Islanders. That is, if the Solomon Islands is willing to take advantage of the situation and stay the course. It is in that new direction that we believe protection has a prominent place in Solomon Islands.

A key lesson learned from working in the region is that there is not a logical sequence to engaging military before the police. Another is that gender perspectives should be fully incorporated through proper consultation. For the longer term, investment in human rights, humanitarian work and development is important for preventing a back-slide into situations of chaos and conflict – the region has a history of unresolved issues and patch-up work. Thank you.

H.E. Ms. Sylvie-Agnès Bermann

Thank you very much for your presentation and your description of the recipe for success in RAMSI. It is sometimes more difficult in other parts of the world, in other countries, but it shows the importance of having the notion of rule of law and protection of civilians as a key element to achieve a successful mission. As General Agwai said – it is why the peacekeepers are there.

Discussion

A participant acknowledged that the inclusion of provision for POC in peacekeeping mandates derived from a specific historical genesis in which peacekeepers did not feel empowered to intervene to use force for the protection of civilians. However, she noted that once included in a mandate, POC had opened the issues that Secretary-General Ban covered in his report, including implementation of human rights and humanitarian law, access by humanitarian agencies and accountability of actors for breaches of human rights and humanitarian law. She asserted that often discussion of POC was unduly limited by focusing on military responses rather than approaching the issues from a perspective of identifying the threats to civilians and asking how an organization can best respond to them. She indicated that there had been some flexibility in regional approaches, such as RAMSI, which was police-led rather than military-led. However, the UN seemed to still have a military-led concept of a mission. She questioned whether this was consistent with the broader theoretical approach to POC, and whether the UN was supply-driven in terms of the availability of personnel, when responding to conflict situations.

Amb. Bermann concurred with the assertions of the participant stating that the military could not do everything and there needed to be a continuum of crisis management including, conflict prevention. However, she noted that when it was decided to deploy a peacekeeping operation, it was because there was a crisis occurring, and the military, at this stage, were the most useful personnel on the ground. In such cases, the military should have not only the capability, but also the will and instructions to react when civilians are being threatened. In the Kivus, for instance, the population was in danger, attacks were being carried out, on women in particular. She indicated that in that instance, she was not convinced that UN personnel reacted properly, suggesting that it was important to deal with the continuum of crisis management, including the capacity of the military on the ground to react in order to protect civilians.

Gen. Agwai added that while armed conflict was still occurring, the presence of the military is critical and the military should be in the lead. At this time, it was the military that was, responsible for protection – physical protection of themselves, other peacekeepers, the mandated force and civilians. After progress had been made on the peace process, once there was political will to end the conflict, it would be possible to move to a phase of disarmament as was seen in Sierra Leone. It was at that time that civilian and police components should take the lead with the military supporting them. At that stage, the mission should be seeking to consolidate the rule of law, improve governance and build institutional capacity. An essential part of this work would be winning the hearts and minds of the people. If a country reached the stage of elections, as in Sierra Leone, then

the military component could provide communications, mobility – transporting electoral officials and materials – and protection, because even at that time, there would still be spoilers, who would want the situation to revert to what it had been, because of their own ambitions and the potential for personal gain. The final phase was the process of stabilization, consolidating rule of law, good governance and the institutional capacities and capabilities that the new government required. At this stage, SSR was able to take place and stability and order return. Once stability was evident, the first to drawdown should be the military, then the police, and lastly the civilians, who would be there to help build capacity for some time.

Dr. Korovavala agreed with the assertion of the participant that mission planning should be demand- not supply-led and also highlighted RAMSI as a good example of this approach. He suggested that several questions should be addressed, namely; who needs protection? How many and where are they? What type of protection is required? What capacities do we need to be able to provide that protection? And where are these capacities best employed in order to provide the level of protection required? He explained that in the Pacific, regional leaders recognized that the violence was only the tip of the iceberg, that problem areas were elsewhere and the root causes needed to be addressed in order that the protection provided was of the kind and at the level needed.

Mr. Dare asserted that conflicts could be viewed through a number of perspectives. He agreed with the participants' assertion that the question of POC should not be restricted to physical protection alone, but highlighted that various conflicts must be viewed differently. He provided the example of Somalia, asserting that the traditional sequencing described did not lend itself to Somalia, a case requiring thinking outside of the box. There was a need to have physical protection provided by the military, but at the same time, there was a broader requirement of actually helping the state to function again. A collapsed state, like Somalia, required the structures of governance to be revived and in doing so, it was important to take into account broader issues of civilian protection in light of the fact that state institutions were there to give protection in terms of humanitarian security in general. He suggested that, traditional sequencing and methods did not apply in Somalia. However, Somalia was a peculiar case as there was no peace to keep. Dare stressed that while there might not be a peace to keep, the international community should not abandon Somalis to their fate. He stressed that the international community must do what it could in the circumstances. He explained that although AMISOM was the only military force on the ground, the Mission had developed mechanisms to ensure the protection of civilians. These ranged from protecting workers in Mogadishu to working on leadership of the people. Different methods were being used to ensure that it was not just a military response, but a civilian and a police response too. The

AMISOM mandate included provision for mentoring and training the police force of Somalia. It was precarious work, but achievable. Success in this area would lead to a modicum of protection for civilians in Somalia.

Challenges for Peace and Security in Africa

Deputy Police Commissioner Peter Drennan, Australian Federal Police, Australia

My name is Peter Drennan. I am the Dep. Commissioner for National Security with the Australian Federal Police (AFP). Fortunately for me, the AFP's International Deployment Group (IDG) sits within my portfolio and allows me to be intimately involved with peacekeeping work. It is a pleasure to be here tonight. I would like to say a few words in relation to the IDG, and, more importantly, to introduce our guest speaker, Mr. El Ghassim Wane.

The AFP very strongly supports the concept of protecting civilians in a time of conflict and to enhance civil and military police cooperation in peacekeeping missions. The AFP recognizes the unique opportunities the Challenges Forum 2010 offers in providing a platform for sharing best practice on the conduct of peace operations.

As we know, the role of police in peace missions is to work towards enhanced POC through the rule of law, which is a fundamental cornerstone of democracy. In this role, Australia has a unique capability in the AFP's IDG. Drawn from state and federal law enforcement agencies, members of the IDG deploy overseas in response to crises and disasters, to perform peacekeeping, stabilization and capacity development roles. The IDG was established in February 2004 to manage the deployment of Australian police overseas, particularly in our immediate region – at that time in the Solomon Islands and Timor-Leste. Since that time, the AFP has expanded its areas of deployment. We are currently deployed to Cyprus, where we have been since 1964, as well as to Solomon Islands, Sudan, Timor-Leste, Nauru, Cambodia, Vanuatu, Tonga and Afghanistan, where we are currently increasing our numbers.

The AFP is committed to working alongside our overseas neighbours to achieve long-term law enforcement results in maintaining a safe, stable and secure region. We are acutely aware that regional and global stability depends on well-trained and equipped police agencies working together to ensure the rule of law exists throughout developed and developing countries alike. In supporting this objective, the AFP developed a peacekeeping pre-deployment course which, in 2008, was the first of its type in the world to be recognized by the UN as a suitable course for members deploying to UN missions.

It is through these AFP deployments and the lessons learned that the AFP can contribute to, and more importantly learn from, forums of this nature. In this way, the AFP can learn much from the experiences of others particularly people of the calibre of our Guest speaker tonight Mr. El Ghassim Wane.

Mr. Wane is the Head of the African Union Conflict Management Division and the Acting Director of the AU Peace and Security Department. In this capacity, he has played a leadership role in the AU's engagement and management activities of regional conflicts. He has been involved in the AU's efforts to resolve conflicts between Ethiopia and Eritrea and within Burundi and Liberia. He has also contributed to the formulation of the overall strategy of the Peace and Security Department for conflict prevention, management and resolution – the framework to make operational the continental early warning system as well as the policy on post-conflict reconstruction and development. In addition, he has played an instrumental role in the formulation and implementation of the AU project on small arms in Africa. He has contributed to the publication of a book entitled 'Towards a Landmine-Free Africa: The OAU and its legacy of anti-personnel mines'. El Ghassim Wane has served as spokesperson for the AU Commission. He has published a book: 'The Continental Early Warning System: Methodology and approach'. He is a graduate of International Law and Relations, and a graduate in European Studies from the University of Lille Deux in France. Mr Wane, I'd certainly like to welcome you and thank you very much for your time and for being here tonight. Thank you.

Mr. El Ghassim Wane, Acting Director for Peace and Security, African Union

Thank you. I also would like to express my gratitude to the APCMCOE, General Michael Smith together with Parliamentary Secretary Mike Kelly, for the invitation extended to attend this Forum. It is an excellent opportunity for me to learn more about the issues we are discussing.

I was requested to speak about the peace and security challenges in Africa. This is a wide subject and I was happy with it because there is so much I could say that would fit within the subject.

On the African continent, we face many challenges to peace and security. True, over the past few years, the number of conflicts on the continent has significantly reduced, but yet we still face a number of challenges. It is estimated that in 2006, half of the high-intensity conflicts worldwide were in Africa. And in 2007, about 78 per cent of conflicts in the world were in Africa. This morning I believe one of the speakers made reference to the fact that half, or 60 percent of the UN Security

Council agenda focuses on Africa. I would like to add that eight of the sixteen UN peacekeeping operations are also found on the African continent. That speaks a lot about the challenges we are facing on the continent.

We need to go beyond these statistics, because peace and security challenges are not only limited to conflicts as we understand them. They are also about a number of incidents of armed violence that do not fit neatly into the category of ‘armed violence between military forces or parties’. This morning, two people highlighted the relevance of that assessment to the issue of POC. There are also a number of other situations that are of concern, linked to electoral violence and other election related aspects. The causes of these situations are many, and in the AU context, we have made a frank assessment about the reasons why Africa is facing such challenges. These have been listed as, among others: the issue of poor governance on the continent; the issue of corruption; violation of human rights; fighting over resources; and the circulation and proliferation of small arms and light weapons. All reasons that explain why Africa is facing such a great number of conflict situations. To this I also add the issue of transition from war to peace. As we progress from a continent that is faced with violence to a continent that is more peaceful, we need to assess the progress made through post-conflict reconciliation and development. I also add among the challenges we are facing, the issue of election-related violence. Recently, in countries such as Kenya, Togo, and many African countries, elections have been marred with violence. This is a new threat to the continent, and one to which we are paying due attention. I will speak about the kinds of measures we are taking at the AU level to deal with those situations later.

Another threat to peace and security in Africa has to do with the manipulation of constitutions, which is a trend we have seen on the continent. With manipulation of constitutions, I mean the modification of constitutions without respecting the amendment provisions provided for in those constitutions. Niger, in West Africa, was one example where the Constitution was manipulated in violation of the very provision that governed amendment of the Constitution.

Another issue of concern to us has to do with border disputes. You know that the AU, or the Organization of African Unity (OAU) rather, made a decision in 1963 to respect borders inherited from colonial powers. That was a wise decision – not necessarily the best one – but it was a wise decision. And yet, over the past few years, we have noticed an increase in border disputes, on land but also offshore with the discovery of oil. Often, it just so happens that valuable resources are discovered in border areas. They end up being a source of problems, because less than a quarter of African borders are delimited and demarcated, and even where borders are demarcated, people have problems finding out where they lie on the ground.

Another issue of concern to us has to do with climate change. We definitely need to deepen our understanding of the impact of climate change on conflict and on security, but we can already say that changing weather patterns and rising sea levels will have an impact on peace and security on the African continent.

Now what is the cost – what is the impact of all the challenges we are facing on our daily life, on Africa’s social, economic and political progress? Armed conflicts kill thousands of people every year in Africa. For many more, they destroy any hope for a better future. There are a number of studies over the past few years that have concluded that Africa is losing \$18 billion a year as a result of violence. Of course, there is also the humanitarian impact. Africa has many more displaced people than any other continent on earth. We have many more refugees than any other continent on earth. That gives you an idea of the impact of conflict situations on the continent.

Now, what are we doing to deal with this situation? I will first discuss APSA and then give examples of what we are doing on the ground to try to deal with the issues.

The APSA is provided for in the AU PSC Protocol, which was adopted in July 2002 in Durban, South Africa, and then came into force in December 2003. Prior to the Protocol we had a peace accord. The OAU established a mechanism for conflict prevention, management and resolution which was adopted in Cairo in June 1993. The mechanism provided for the establishment of an organ called the ‘Organ for Conflict Prevention Management and Resolution’ (Central Organ) made up of seventeen African countries that met once every month. The seventeen countries were not elected, they were chosen from the Bureau of the Assembly each year. When the heads of state meet for yearly submissions, they form a bureau for protocol purposes, and the members of the Bureau became, *ipso facto* members of the Central Organ.

The problem is that some states found themselves to be members of the Central Organ without realizing that by being members of the Bureau, they were automatically members of the Central Organ. As a result, there was no real commitment from their end. The second problem with the mechanism adopted in Cairo in 1993 was that it did not provide for the deployment of peacekeeping operations. The OAU was authorized to deploy small peace support operations, limited in scope, size and duration. And we did deploy a few missions – of 40 to 60 people – in Rwanda, before the genocide, and Burundi, after the assassination of President Ndadaye in 1993. The other element of the shortcoming of the mechanism was that it was an open organ. True, we had seventeen member states, but all OAU Member States could sit in the Organ, and as a result we found

ourselves in a situation where non-members were playing a more important role than members of the Central Organ.

Some of the members did not have embassies in Addis Ababa, and as a result could not even participate in the work of the Central Organ. Another shortcoming had to do with the fact that countries experiencing conflict were members of the Organ, and of course that meant that when the Organ dealt with Sudan, for example, and Sudan was a member of the Organ, it was difficult for the OAU to make balanced decisions in dealing with the issues. And this is the reason why, in 2002, when the AU came into being to replace the OAU, we were requested to come up with a much more effective mechanism for dealing with conflict situations on the continent. Work started immediately and led to the adoption of the Protocol Relating to the Establishment of the PSC of the AU.

The Protocol marked a new chapter in the life of the AU. First of all, what the Protocol did was to establish the PSC, which, to some extent is the equivalent of the UN Security Council – made up of fifteen member states, ten elected for a mandate of two years and five elected for a mandate of three years. Initially, some were proposing that we should include in the membership of the PSC a permanent membership similar to what we have in the UN Security Council.

That was rejected outright, especially by the so-called ‘small countries’. We have fifteen member states elected on certain criteria, among others: their capacity to contribute to peace and security on the continent; their capacity to contribute to peacekeeping operations; their respect of the principles of the AU, including democratic governance’ and the existence of an embassy in Addis Ababa. The last criteria might seem a bit too particular, but towards the end of the functioning of the Central Organ, we had countries who did not have an embassy in Addis Ababa and could not contribute to the work of the Central Organ, so it was made mandatory for every single AU Member State, that wanted to sit in the PSC to have an embassy in Addis and a mission in New York. Now all AU Members have a representation in New York, and all, except three or four, have embassies in Addis.

The PSC was given the power, *inter alia*: to deal with peace and security issues; to authorize the deployment of peace support operations (not only small operations of limited duration, scope and size); to recommend to the Assembly intervention in an AU Member State in case of genocide, crimes against humanity, crimes of war; and to recommend intervention in an AU Member State to restore peace and security at the request of that Member State. It is the power of forceful intervention that is new and derives from the AU Constitution Act, which prescribes provisions for forceful intervention into AU Member States in particular circumstances.

The PSC Protocol also provided a complex set of institutions to support our peace and security agenda. We have the PSC, but also other organs to support it, all of them put together form what we call the African Peace and Security Architecture (APSA).

First, the Panel of the Wise comprises five permanent African personalities to assist in conflict prevention. The concept is simple; no matter how proactive and dynamic the PSC is, there are issues with which they would deal with great caution, because the PSC is comprised of governments. We felt that having an organ comprising independent people, who no longer seek a political career or any other advantage, would help us, because they would be able to say loudly the thoughts that we all share, but often are unable able to say openly. We call them the ‘Panel of the Wise’, however some say they should be called the ‘Panel of the Crazy’, because they need to be people who can speak out their mind openly, without any fear.

The second organ is the Continental Early Warning System, which is the system linking the AU and the original economic communities on the continent. It tries to bring any conflict or potential leadership development to the attention of the AU and the PSC.

The third organ of APSA is the African Standby Force (ASF). I think reference was made to the ASF this morning. The ASF is comprised of five brigades, centrally coordinated and designed to deploy to peace support operations, but also to intervene according to the provisions of Article IV of the AU Constitution Act – meaning against the will of a Member State in cases of genocide, crimes against humanity, and crimes of war.

The last element has to do with the AU’s relationships with the original economic communities. They too play a key role in Africa. We have SADC in Southern Africa, ECOWAS in Western Africa, EAC in East Africa, AMU in North Africa and ECCAS in Central Africa. Over the years, they have all played a critical role in dealing with peace and security issues. You would all remember the role of SADC in Zimbabwe, Lesotho and Madagascar, of ECOWAS in Liberia and Sierra Leone, and the role of ECCAS in Sudan. We felt that the AU peace and security architecture had to rely as much on the AU as on the original economic communities. It was important to build strong relationships with the original economic communities. For that reason a Memorandum of Understanding was completed in January 2008, clearly outlining the responsibilities of the AU and of the original economic communities.

The last element of the APSA is the Peace Fund. Peace is about money, so there was a need to mobilize resources for our peace operations. The peace fund is made

up of a mandatory transfer from the AU regular budget to the Peace Fund – 6 per cent of the budget this year and 8 per cent from next. It is not a big amount of money – about six to eight million dollars a year. In addition, the Peace Fund is made up of voluntary contributions, both from within the continent and also from our partners. I will come back to that later, because it has its own complications.

This is the architecture put in place to help us deal with peace and security issues. Over the past few years, we have made tremendous progress in putting in place the key components of the APSA. The PSC has been functional since March 2004 and has met close to 225 times, dealing with literally all conflicts on the continent, from Sudan (where it authorized the deployment of the AU Mission to Sudan) to Somalia, Burundi, Côte d'Ivoire, Madagascar and Comoros (where we deployed seven or eight missions). The Panel of the Wise is also functional with five elected members. They have met seven times, dealing not only with specific conflict situations, but also with systematic issues that have relevance to conflict prevention. The Panel produced an excellent report on election-related disputes and violence, the follow-up to which is being done at the level of the Department. They are also in the process of producing a report on justice, reconciliation and peace in Africa, and you will realize that this issue is especially relevant. I believe General Agwai made reference to the issue of the ICC in Sudan – the purpose of the report is to see how best the AU could address issues of justice, peace and reconciliation in a complementary manner.

The Continental Early Warning System has also made a lot of progress from the technical perspective. However, what is missing is the analytical capability. It is one thing to collect information, but another to make sense of that information in order to advise decision makers – we have yet to make progress on that element. We are currently recruiting five analysts to staff our Department appropriately, so that we can provide better analysis and advice to our leadership. Much progress has also been made with the ASF, although we are not on schedule for getting the force fully operational by 2010. However, the brigades are more or less in place, the continental planning element is also in place. We are planning to have an exercise in October, which will make it possible to look at the state of readiness of the Force. Progress has also been made on relationship building with the original economic communities. Of course we could always improve the relationships, but having been in this area for fifteen years, we have never worked as closely together as we are doing today.

Based on the APSA, we have initiated a number of actions to deal with conflict situations on the ground. I would make a distinction between what I would call strategic prevention of conflicts and the operational prevention, conflict resolution, conflict management and post-conflict reconstruction issues. On

strategic prevention of conflicts, you are all aware of the issues – to deal with the root causes of conflict by addressing issues of governance and human rights from a long-term perspective. The AU has adopted a number of instruments over the years to address those issues. I can just list a few of them.

We have the AU Charter of Human and People’s Rights, supported by the Commission on Human and People’s Rights, and by the African Court of Justice on Human and People’s Rights, based in Arusha – the Court will soon become fully functional.

The second instrument also has to do with the issue of elections, democracy and governance. A number of instruments have been adopted over the years, the most recent being the African Charter on Democracy, Elections and Governance, which was adopted in 2007, but has yet to enter into force – fifteen ratifications are needed and so far, there are three.

There are other efforts pursued to deal with the issues of governance. Recently, a wave of coup d’états, including in (my own country) Mauritania, Guinea, Madagascar and before that Comoros, as well as in a number of other African countries, have taken place. African leaders have made a clear choice that we will no longer accept coup d’états and other means of seizing power by force. As early as 2000, a decision was adopted in Togo providing, among other things, for the automatic suspension from the AU of any country, where a coup is taking place, and also for targeted sanctions if, after six months, there is no progress towards the return to constitutional order. These measures have been implemented consistently since 2000.

In 2008–2009, after the wave of coup d’états and popular upheaval that took place in Guinea, Mauritania and Madagascar, our leaders felt it necessary to strengthen the tools we had to deal with the constitutional problems of government. During the AU summit this year, a decision was adopted, which strengthens our framework for dealing with such situations. The leaders agreed that the AU will have zero tolerance for coup d’états and for undemocratic policies and actions that lead to coup d’états – I think this is quite new. This means that the AU will deal, not only with people, who stage coups, but also with people, who manipulate constitutions or who violate democracy in a way that could lead to coup d’états. That decision was taken in January and is now being worked towards its implementation.

Regarding refugees and IDPs, as early as 1969, the OAU adopted a convention on refugees. Last October, in Kampala, the heads of states and governments of the AU adopted a convention on IDPs. That is the first convention in the world dealing with IDPs.

The Pelindaba Treaty creates an African Nuclear Weapon Free Zone. The treaty came into force last July and we are working towards putting into place the African Nuclear Commission.

Equally important are the efforts we have made to deal with the issue of landmines. We adopted a number of decisions on the issue at the OAU in 1996. The OAU was one of the first organizations to promote a total ban on landmines, and played a key role in the Ottawa Conference. We currently have close to 50 African countries who are parties to the Ottawa Convention.

Regarding post-conflict reconstruction, a policy framework was adopted in Banjul, the Gambia, in 2006. As we made progress toward solving the conflicts facing us, we needed to make more effort to address issues relating to peace consolidation. The policy adopted in 2006 provides a framework for AU countries, and for the AU itself, to assist African countries emerging from conflicts. A number of actions have taken place since then toward the implementation of the policy.

In order to deal with terrorism, the AU convention on terrorism was adopted in 1999 and was followed up by a protocol. In addition, we have established an African Centre for Study and Research on Terrorism, which is based in Algiers and aimed at providing policy advice and capacity-building support to AU Member States.

The last element I would like to highlight is the instruments we have on border issues and which are extremely important in Africa. There are a number of simmering border disputes on the continent. Only last March, the second meeting of African Ministers in Charge of Border Issues, was held to facilitate the implementation of the AU border program. The AU program is focused on three issues: border delimitation and demarcation, which can fix border disputes; cross-border cooperation to build sustainable peace; and capacity-building for African countries and African regional economic communities.

The list of instruments all geared to prevent conflicts is considerably longer. These are being handled by a number of different departments within the Commission.

Beyond the strategic prevention of conflicts, we are also very active on the ground. Being active is a challenge. Even though our APSA is not yet fully functional, we have to deal with issues as they emerge. It is a challenge to continue to build up our capacity, while at the same time dealing with conflicts on the ground. Yet the AU has done much over the past few years. I will give a few examples of what we are doing.

First, Darfur – where the AU deployed its first peacekeeping operation – AMIS, from 2004-2007, before it was replaced by the AU/UN hybrid mission, UNAMID. Often AMIS is referred to as an ineffective mission – cash-strapped and inefficient on the ground. Having been involved myself in the preparation of the deployment of AMIS, I think people have been a bit unfair to the AU. In my view, which may not be totally objective, AMIS has done a great job. It had 7,000 ill-equipped troops working in a territory the size of France. They have done a great job in the circumstances. Any peacekeeping operation put into that same situation would have faced similar difficulties. And still, the most important aspect for me was that the deployment of the AU made it possible to set the stage for the UN operation. Had we not deployed, it would have been literally impossible to get the UN operation off the ground.

In addition to deploying in Sudan, we were also quite active in dealing with the political aspects of the crisis. We conducted a series of negotiations that led to the Darfur Peace Agreement concluded in Abuja in May 2006. Unfortunately, that was not implemented for a number of reasons. The AU is still quite active in the political process, working with the UN and the UN's Chief Negotiator Ahmed Tugud. After the indictment of President Bashir by the ICC, we put in place what we called an AU High-Level Panel on Darfur, chaired by former President Thabo Mbeki of South Africa, and comprising former President Abubakar of Nigeria and President Pierre Buyoya of Burundi. They produced a report that was submitted to, and endorsed by our PSC last October. We have also established a High-Level AU Implementation Panel, chaired by former President Mbeki, which is working not only on Darfur, but also on the Sudanese Comprehensive Peace Agreement. The Panel is currently on the ground trying to address issues relating to the post referendum period, because they will be key in the process of dealing with the issues in Darfur.

Another example of the AU's high level of activity is in Somalia, where we deployed a mission in March 2007, following a decision taken in January that year. We have close to 5,800 troops in that mission and are shortly expecting another Burundian battalion to arrive. However, we are still short of the authorized strength of the mission which is 8,000 people. Despite the fact that we are not at full capacity, despite all the challenges, we still believe we are doing a great job. We have so far lost 60 to 70 people and have had almost 200 wounded. Yet we have made a deliberate decision to stay on the ground, to stay with the Somalis and to help them to the extent possible. Of course, it is not an easy task and we believe that the UN should take over the mission in order to support the long-term reconstruction and stabilization of Somalia. However, as long as the UN is not there, the AU is on the ground. The mission mandate has been renewed until January 2011.

We have also been quite active in Burundi, where we played a key role in the peace process. We joined a mission that was later taken over by the UN. In the end, we were deployed in the south with a battalion providing security for 700 rebels returning to Burundi.

We have been quite active in Comoros. We have deployed close to seven missions, usually 20-40 personnel, but at one point up to 1,000 South African troops, to provide security for elections.

We have situations where we are working with the UN and the original economic communities, for example in Côte D'Ivoire, in DRC and also in Madagascar. In some instances, we are dealing with issues of the constitutionality of government, such as in Madagascar, Guinea and recently, in Niger. There is hardly any conflict in Africa today in which the AU is not somehow involved.

This is not to say that we are not facing challenges – there are many. The first challenge has to do with the issue of funding. I did make a reference to the AU Peace Fund and indicated that the bulk of the funding was provided by our partners. AU peace support operations, Somalia for instance with a budget of about \$400 million, is currently overwhelmingly, if not totally, provided by our partners – the UN, the EU (through their African Peace Facility) as well as other bilateral partners. Clearly, when you rely on external funding, there is often a lack of predictability. There is predictability attached to funding from the UN and a level of predictability attached to funding from the EU African Peace Facility. However there is no predictability with regards to the bilateral and other military support.

We believe it is important that, as the AU tries to address issues of peace and security on the continent, the UN should provide some funding for AU-led peace support operations, because it is our conviction that acting in Somalia, Sudan and elsewhere, we are acting on behalf of the UN Security Council, which has the primary responsibility for the maintenance of peace and stability of life on the continent. This is why the AU made a request to the UN to consider the possibility of providing funding, from assessed contributions, to AU-led peace support operations deployed with the consent of the UN. This led to the establishment of a panel (the Prodi Panel), which made a number of recommendations on the issue. Unfortunately, there is reluctance on the part of some members of the UN Security Council to endorse and follow the recommendations of the panel. However, in the case of Somalia, they did accept to provide limited support to the AU based on assessed contributions. So, this is an issue we need to pursue – we need to see how we can mobilize more funding for AU-led peace support operations.

Another challenge has to do with capacity-building. Successful peace support means having the capacity to carry out your agenda. We are limited in numbers in AU HQ. Just to give you an example, under the AU regular budget, the Peace and Security Department of the AU has an approved staff of 58 people. This includes secretaries, messengers and everyone else – 58 people in total. There is no way you can run peace support operations and be active on the ground with 58 people, you just cannot do it. We do have a total strength of about 170, but that means that the bulk of our staff are paid from extra-budgetary contributions. We are currently in the process of making recommendations to our members on how best to enhance the AU Peace and Security Department, but clearly, personnel is a constraint. There is no way that we can deliver on our agenda with such a limited number of people. To give you an example, when we started deploying the mission in Sudan, we had three people working on it – three people in total.

Another challenge relates to what I would call our relationship with the international community. It is a deep challenge. Let me explain. Over the years, we have tried to build strong partnerships with the UN, including the UN Security Council. There are now yearly meetings between the AU PSC and the UN Security Council. We also have yearly meetings with the EU Peace and Security Committee, and with organizations such as La Francophonie and the League of Arab States. But when I refer to partnership, it means that our partners should accept and acknowledge Africa's leadership in dealing with peace and security issues in Africa. As an example, General Agwai made reference to the indictment of President Bashir. It is the AU's view that the ICC process is not helpful to the Sudanese peace process. It's not helpful to the search for an everlasting solution in Sudan. Of course, the AU is not condoning impunity and we believe that people involved in numerous violations should be brought before the Court, no doubt about it. But at the same time, we believe that in dealing with the issue you must look at the stage Sudan is at.

Elections were just held (however we may judge them), a referendum is scheduled for January 2011 – there are already so many things happening in such a short period of time. We need to be very careful when dealing with such a situation, because if Sudan was to implode, the first victims would be the neighbours of course, but it could also be the African continent. When the AU made the request to the UN Security Council for the indictment process to be deferred, based on Article 16 of the ICC Statute, the UN Security Council did not give a positive response and we felt that was not helpful. And that is why I refer to Africa's leadership and the need for our partners to try, as much as possible, to align themselves with the AU position; because, at the end of the day, we are close to the ground and if things go wrong, we will be the first victims of the situation.

The last element of challenges we are facing is that to do with political will within our own Member States. We do have nice documents – wonderful ones – among the best in the world. What we must do, though, is follow through on them. There is still a lot to be done.

Overall, over the past few years, I would say that we have made a lot of progress. Compare where we were in the 1980s and where we are today, it is a totally different landscape. There are many challenges ahead. Last August in Tripoli, our Heads of State decided to declare 2010 the Year of Peace and Security in Africa. We are undertaking a series of activities in connection with this. The motto for 2010 is: ‘Make peace happen – in 2010 and beyond.’ We invite you all to join us in making peace happen in Africa. Thank you.

Considerations for Senior Leadership in UN Peacekeeping Missions

Focus: Presentation and forum on the key findings of a Challenges Partners' project aimed at identifying and advancing concepts to help improve senior mission leadership in UN multidimensional peacekeeping operations, building on the "United Nations Peacekeeping Operations – Principles and Guidelines."

H.E. Ms. Sylvie-Agnès Bermann, Director, United Nations, International Organizations, Human Rights and Francophonie, Ministry of Foreign Affairs and European Affairs, France

Good morning Partners, Ladies and Gentlemen. This morning we are going to discuss Considerations for Senior Leadership in UN Peacekeeping Operations. As Jean-Marie Guéhenno reminded us yesterday, peacekeeping operations succeed or fail on the quality of their leadership. So this is a very important session, focused on a very important study. I'm particularly glad to chair this session, which I hope will be very interactive, since those who wrote the study have already had much useful feed-back, but are also seeking your comments today. Your contribution will help the partners finalize the study, a study which I believe will be very useful for the leadership in peacekeeping operations.

The idea is to professionalize peacekeeping. France, alongside the United Kingdom, took an initiative in January 2009 aimed at professionalizing peacekeeping operations. The initiative focused on improving planning and interaction between headquarters and the field. It also stressed that the Security Council, which decides upon mandates, should be better informed of what is happening on the ground.

Coming to the study that we are focusing on today, it has already received good feedback in peacekeeping missions. One recipient noted: *'It is an excellent formulation and presentation of the subject. It is well written and easy to follow. It does what it sets out to do. It is a basic guide to the business of the management of peacekeeping.'* I won't quote everything that has been said, but it is important to note that it is not just an academic study, but is a work which is appreciated by people in the field. It really draws lessons from the field and analyzes the

risks and challenges, as well as making some recommendations. If the leadership follows all these recommendations, the operation should be a success.

I will now give the floor to my Co-chair, Maj.Gen. Robert Gordon for the presentation of the study. Gen. Gordon was the Force Commander in UNMEE, he has also led recent academic work on peacekeeping operations, including playing one of the central roles in the drafting of the United Nations Principles and Guidelines document, or the Capstone Doctrine, which is now a fundamental text in the UN. He is also a Senior Adviser for the Challenges Forum.

Maj.Gen. (Retd.) Robert Gordon, Senior Adviser, Challenges Forum, United Kingdom

Amb. Bermann, thank you for your words of introduction. What I have been asked to do is to take us through, as a Forum, the development of the Considerations for Senior Leadership in UN Peacekeeping Missions Study. I will discuss how we got to where we are before handing over to the good people sitting on the sofas, who are the Co-chairs of this process, and without whom none of this would have happened. It is due to their engagement as Challenges Partners that we have got to where we are today.

Annika Hilding Norberg and other speakers have described the work that Challenges over the years has undertaken in support of best practice in peacekeeping. The Considerations Study is the latest articulation of that process. The aim of the study is: ‘To contribute to conceptual thinking and understanding of the core functions of multidimensional peace operations in order to assist the development of operational level guidance for DPKO’s peacekeeping practitioners in the field.’ The genesis of the study was in 2008. As we’ve heard, the Challenges Partnership was most helpful to DPKO in facilitating the workshops and the research that went into the development of the UN Principles and Guidelines document, the so-called “Capstone Doctrine”. Following the publication of the Capstone Doctrine, DPKO indicated to the Challenges Partnership that it would be really helpful if we could look at the next layer of the Capstone Doctrine, which entailed an articulation of, what we called at that time, the ‘core functions’ of peacekeeping. So we developed this aim, which was to assist DPKO, in order for DPKO at some later time to develop its own guidance, building upon the Capstone Doctrine.

It is probably worthwhile, at this stage, to remind ourselves what the ‘core business’ of peacekeeping, as articulated in the Capstone Doctrine, actually is, as that is what the study is based on. The three strands of ‘core business’ are:

- Creating a secure and stable environment, while strengthening the State's ability to provide security with full respect for the rule of law and human rights;
- Facilitating the political process by promoting dialogue and reconciliation and supporting the establishment of legitimate and effective institutions of governance; and
- Providing a framework for ensuring that all UN and other international actors pursue their activities at the country level in a coherent and coordinated manner

Those were the core functions identified in the Capstone Doctrine, but it was recognized that the Doctrine itself, because of the level at which it was pitched, did not go into much detail for senior mission leaders on how to actually carry out that business. What was asked of Challenges was to try and develop some concepts and principles to allow guidance to be developed to operationalize those three core functions. The focus of the study, therefore, was and is at the operational level – the level that links the Capstone Doctrine and the strategy articulated at UNHQ in New York, with the tactical level for which there is a burgeoning amount of doctrine and guidance being developed within DPKO. It is in this linking area, the bridging area, the operational level, where all the various activities that need to be undertaken in the field are knitted together by the leadership team to produce a mission plan. The production of a mission plan is a significant point in mission development. The mission leadership team is trying to deal a large variety with post-conflict tasks from the immediate post- conflict situation through to the beginning of transition, when they must try to hand over to those organizations, most importantly the national organizations, that are needed for a self-sustaining peace. At the same time, they are working with a large complex of actors, who have to undertake a wide array of post-conflict tasks. Just how do you put all this together as the leadership team? What are the considerations for the leadership team to help them in this process? So, that is where we are pitching this work, given the fact that, although being the largest organizations representing the international community in a mission area, a peacekeeping mission does not necessarily have the resources, responsibilities or competencies to undertake all these activities. And yet, they all need to be knitted together coherently.

There were several milestones that got us to where we are today. The process started at the first International Forum for the Challenges of Peace Operations in Paris, in October 2008, where the Partners agreed that this body of work was something that they wished to take on. The next step was taken in Carlisle, where one of our Partners, the US Army Peacekeeping and Stability Operations Institute (PKSOI), hosted an event during which the Partners developed the study process and divided up into working groups. The working groups fitted the three core

functions: Working Group One focused on security and stabilization; Working Group Two focused on facilitation and the political process; and Working Group Three addressed coherence and the coordinating framework for all in-country activity. Work continued via the internet.

There were two meetings of the Co-chairs of the Working Groups in Stockholm last summer, during which we reviewed the methodology and decided that using the core functions as units of analysis needed to be supported by a focus on the objectives that the mission leadership has to look at and undertake. So we refined the methodology, which at first caused some problems, but in time facilitated an understanding of the logic. We refined our methodology by developing matrices. In doing so, we tried to identify all the things we needed to look at and cover; the resources at our disposal; the project timelines; the key benchmarks. Continued participation of United Nations representatives in the process was indeed most important.

By the time we met in New York in November last year we had a body of papers, developed by the Chairs and Partners working with them, which looked at, in matrix form, all the things that needed to be knitted together, resourced, responsibilities allocated and benchmarks provided for. Then the working groups went away and wrote up their material, with an informal Partners Meeting checking progress during the International Association of Peacekeeping Training Centres Annual Conference in Sydney in later November. It wasn't until January this year that we first put all the work of the working groups together into one document, warts and all. It was, at that stage, a slightly bitty document. We then shared the document with UN DPKO and other interlocutors.

The first consolidation of work was done in a workshop in Pretoria, in February 2010. This led to three further iterations of the study, with continued inputs from Partners, which led to the Challenges Forum 2010 draft. It has been a process of constant refinement, with much consolidation in the last two months as we put the various working group results together.

Turning to the working groups:

- Working Group One, established to look at security and stabilization, was co-chaired jointly by the National Defence University of Pakistan and the United States Army Peacekeeping and Stability Operations Institute.
- Working Group Two was co-chaired jointly by the Pearson Peacekeeping Centre of Canada and the United Services Institution of India, with Egypt's Cairo Regional Centre on Conflict Resolution and Peacekeeping Training in Africa coming in latterly to Co-chair that working group as well.

- Working Group Three, looking at the co-ordination framework and mechanisms, was co-chaired by Australia's Asia Pacific Civil-Military Centre of Excellence and the Institute for Security Studies of South Africa.

The methodology we undertook, with the agreement of the Partners, was to look at this in terms of identifying the things that need to be done, almost in a planning sense, by the mission leadership team. In order to do that, we first had to identify the key objectives that are generic and constant for most multidimensional contemporary peacekeeping missions. We did a thorough analysis of all the mandates that had been given to recent missions, we took much guidance from papers like the Capstone Doctrine, and we came up with some fairly generic objectives. We then identified various outputs – things that need to be achieved to support the objectives – and the activities which support those outputs. We then tried to benchmark all those activities against those outputs, in terms of prioritization, and associate with those outputs the responsibilities, the resources, the challenges, the risks, the trade-offs, and the considerations. Of course, this can only be used as guidance for the things that are likely to be undertaken. But where the real help comes is in identifying the considerations. So that was the methodology. As I said, initially done in matrix form and then translated into words. Whether we keep the matrix for the future is something we should consider.

The key objectives we identified are generic to almost every single mandate that missions undertake. These are:

- Facilitating the Political Process – we believed this was at the heart of mission leadership responsibilities.
- Creating a Secure and Stable Environment
- Strengthening Rule of Law with Full Respect for Human Rights – we have heard from Dmitry Titov how important this is.
- Promoting Socio/Economic Recovery and Development – while these issues are not necessarily the missions' immediate responsibility, they provide the environment within which a peacekeeping mission and leadership team have to work.

The initial work allocation therefore, was done in this way:

- Introduction: Genesis and Methodology
- Chap 1: Leadership and Mission Integration (WG 3)
- Chap 2: Cross-Cutting Considerations (WG 3)
- Chap 3: Concepts and Considerations on Facilitating the Political Process (WG 2)
- Chap 4: Concepts and Considerations relating to the Establishment of a Secure and Stable Environment (WG 1)

- Chap 5: Concepts and Considerations on Strengthening Rule of Law (WG 2)
- Chap 6: Concepts and Considerations on the Promotion of Socio/economic Recovery and Development (WG 2)

The first two chapters cover those coordinating and coherence mechanisms, such as leadership and integration, as well as those cross-cutting issues which do not fit neatly into a planning matrix treatment, but which nevertheless are essential for an understanding of the responsibilities at the mission leadership level. And then, after Chapter Three and onwards, we looked at the objectives, with Working Group Two covering the political process, Working Group One looking at the secure and stabilizing environment, and Working Group Two looking at the rule of law issues and the recovery issues that need to be undertaken at the same time as all the other objectives.

Now, just a few words about the Study, before I hand over to the Co-chairs. First, the Study is very much a product of a partnership representative of international peacekeeping – it is based on the combined expertise of the Challenges Partnership, which as we all know includes political, academic, military and police institutions. It is a study that has been developed, and benefited from the input, review and comments from dozens of experts from the entire UN system at the working level and at the very senior practitioner level. As Sylvie Bermann said, the list of commentators on the Study is lengthy and their validation of the process has been important. Nevertheless, that commentary is still coming in, because we spread the document quite widely, and so the process of adapting to the commentary is a dynamic process.

We undertook, as Partners, to produce the draft as complete as we could for this Forum, and I think we can say it's about 80 per cent right. The last bits, we recognize, do need to be completed and therefore we are using this Forum, both formally and informally, to scoop up those other issues we have not yet been able to cover, or that we have not articulated clearly enough to get it right. But we will never get it 100 per cent right, and we have to draw the line somewhere. So we are going to draw the line quite soon after this Forum, and produce what we have.

To the extent possible, the study is as current as it can be. We have looked at the recent developments and papers, directives and reports that are coming out of the international peacekeeping community generally and DPKO specifically. We do believe it has currency as far as it can, given the fact that we have to balance currency with length. However, we are aware that the debate about peacekeeping (part of which we are involved in at this Forum) is a very dynamic

debate and changes will keep on taking place. So, at the suggestion of DPKO, the Partners have undertaken to revisit this whole study in the next few years, so that we can bring the next edition of the Study out, which will scope all the changes that may take place in the intervening period. In other words, the Partnership will remain committed to this project.

A clear direction we received from our DPKO interlocutors was that we should really highlight the primacy of the political process. And I think as you read through the Study, you will see that that political primacy – that responsibility for dealing with the political issues which falls to the senior leadership team, particularly the head of mission – comes through strongly in the paper.

Finally, we have tried to harmonize the paper as much as possible. As I mentioned, its genesis was in separate working groups, but putting the excellent work of those working groups together, and then having a harmonizing process, we believe put the accent where it should be. However, you may have different views on that and we welcome you to share them, if, for example, you think we should stress various points more strongly elsewhere.

And the last point is, that we believe this Study has traction. This has been confirmed by many commentators and senior practitioners, who have commented on the study. We believe it can be used as an introduction to those ingénue who do not understand peacekeeping. We believe it can be used as an instruction for those who need to know more. We believe it can be used as a reference, for those in a senior leadership position. And we certainly believe it will have huge value in senior mission leadership training. Meanwhile, Partners themselves have expressed the utility of the Study for the training of their people, at a national level, in multidimensional peacekeeping.

Now, having described that process which I, as the Senior Adviser to the Challenges Project on the Considerations Study was very lucky to oversee, I want to introduce the man who did most of the work in putting it together and in harmonizing the work into a single coherent document. Andreas Sugar, who many of you will know, has had a long career (even though he is still looking quite young) in DPKO. He has excellent credentials for understanding these issues, having been an officer in DPKO's Office of Operations. He was recommended to us by Izumi Nakamitsu's Division of Policy, Evaluation and Training, as someone that they would have confidence in, who could take up the role of putting much of this paper together, and be the point of contact with his former colleagues in DPKO. So I'm now going to pass you to Andreas, who was brought into this process just before the Pretoria meeting in February. Andreas came on board in January and has worked full-time on the Study since then.

Mr. Andreas Sugar, Considerations Study Project Coordinator, Challenges Forum, Denmark

Thank you very much, Robert, for your kind words. As Robert mentioned, I only joined the process at its tail end in January this year, when the three working groups were finalizing the bulk of the work on the various chapters. However, in these last few months, as we have consolidated the work of the Partners into one document, it's been a tremendous pleasure to be part of such a collaborative process. Given the Study's diverse composition, it's been possible to draw on the wide range of expertise of the Challenges Partnership at all stages of the process. We've gone back to Partners for their input several times over the last few months. We also turned to the UN system and we received much very useful input and perspectives from many colleagues in all the relevant departments of the UN Secretariat, and also from some of the relevant UN agencies. And finally, we have benefited greatly from the experience and views of more than a dozen senior level peacekeeping practitioners, both former and still serving. Working on this Study, it has been really great to see how the Study has been gaining and improving with each comment, with each piece of inside information, each piece of suggested formulation, and each new perspective. So it really has been a tremendous collaborative endeavour.

The other thing I wanted to mention is about the utility of the study. It is called 'Considerations for Mission Leadership,' and of course it's primarily intended for senior mission leaders, who need to grapple with and make decisions on a wide range of issues and challenges on a daily basis. However, I really think it could be useful for staff at all levels. Having worked as a desk officer myself, as Robert mentioned, I can see how, at the working level, you can get sucked into your own area of focus and you tend to look at a mission, or its role in a peace process, from one perspective only. This tool can really serve as a useful study for everybody working in peacekeeping to gain a better understanding of all the challenges and multitude of issues facing a mission. With peacekeeping being as complex and multidimensional as it is today, working level staff need to know and understand the challenges facing the mission as a whole. Really, everybody should know what other components are doing, what their concerns are. Sometimes, there are conflicting priorities in a mission, so it's very important that everybody understands the overall objectives and challenges of the entire mission. So, should the study fall into the hands of working level people, I don't think it would be a disaster. On the contrary, I think it would be very useful. Thank you.

Maj.Gen. (Retd.) Robert Gordon, Senior Adviser, Challenges Forum, United Kingdom

The Partners met on Monday and discussed where we go from here. As mentioned, we think we've got the Study about 80 per cent right, but to what extent do we need to modify it further, and when and where do we draw the line? What format do we want it in? Clearly we are going to produce a published document, but are there alternative methods of using this Study and this information? We would welcome your views on that.

We are conscious that best practice shows that using case studies and examples to illustrate is a powerful teaching and learning process. We are slightly constrained by length. We set ourselves a target of keeping this study under 100 pages so it took much effort to get it to 99-and-a-half pages and we've cut it quite a lot. But we kept it under 100. So we are considering producing a sister document to it, which will comprise case studies and illustrations to the Study.

We also need to consider how we are going to launch the Study, how we are going to utilize and implement it. Who is going to do it? Again we would very much welcome your views as the members of the Forum. Meanwhile, the Partners will meet again on Friday to firm up our plans, post-Forum.

Now, I would like to introduce the Co-chairs and invite a few words from them. However, before I do that I must acknowledge that there is a Partner, who is not one of the Co-chairs, a Partner without whom none of this would have taken place, and that is the Folke Bernadotte Academy (FBA) of Sweden. Without the energy, vision, engagement, and, most importantly, without the resourcing of the FBA, the Study would not have taken place at all. So those of us who think this is a good bit of work owe a huge debt to FBA generally, and to Annika Hilding-Norberg and her wonderful team specifically, because without your support, vision and energy, none of this would have happened. Annika, in your inimitable way, you have corralled, bullied and hectored all the Co-chairs to produce the Study we have before us. So FBA, thank you very much indeed on behalf of the international community, because I think you have done a great job in getting this to where it is.

I want to turn now to the Co-Chairs, and they will share their experience and their views on this Study with you. We will do it in the order of the chapters, so I'm going to ask Tim Ford, who was the Co-chair appointed by Michael Smith's APCMCOE to help us on Chapters One and Two.

Maj.Gen. (Retd.) Tim Ford, Adviser, Asia Pacific Civil-Military Centre of Excellence, Australia

Working Group Three of the consolidated project was co-chaired by the APCMCOE from Australia and the Institute for Security Studies from South Africa – two of the Challenges Partners. I was appointed, post-Stockholm, by the APCMCOE to represent them in the writing team. My colleague in that team was Henri Boshoff from South Africa. Together we developed the first couple of drafts. Between us we had a pretty good mixture of both operational and strategic practical experience in UN operations.

Chapters One and Two represent best practice for senior mission leaders – for the mission leadership team (the MLT), as it is now commonly being called. There have been some different groupings and names for that group of people – senior leadership team, mission leadership team. I think we are now agreed that ‘mission leadership team’ is the term that is going to be used, and that is the term used throughout the Study. The term incorporates the Head of Mission, component leaders and other senior people that run the mission.

The Study reflects the experience that has been developed by the UN in peace operations over 60-plus years. Chapter One looks at leadership. It looks at coordination and integration and is based on current policy, which has emanated from the UN. We looked at all the documents that have come out of the UN recently, particularly the New Horizon document, and also those emanating from regional arrangements. The chapter talks about the role and the responsibilities, particularly of the Head of Mission, to really lead the mission, with the support of his/her mission leadership team, in an integrated multidimensional manner. It stresses the importance of the mission leadership team actively focusing on mandate implementation. It discusses various integration processes, the substance of which are outlined. It talks about the issues covered on the DPKO senior mission leadership course, particularly about the need for cooperation, coordination, communication and consensus amongst the mission leadership team. All of which are needed to ensure that they take a collaborative, flexible approach and that they have a shared vision and shared understanding of where the mission is going. They should all be aware of the shared vision and knowhow within the mission that should be led by the mission leadership team. Thus Chapter One is about the responsibility and accountability of the people who lead the mission to get on with the job, and to do it properly.

Chapter Two addresses the cross-cutting issues which arise in all integrated, multidimensional missions, and which affect all the people in the mission leadership team and all the components. It particularly picks up on, and discusses in some

detail, POC as one of those cross-cutting issues. It talks about how human rights considerations impact the whole mission and the way it approaches its work in this area; gender and the impact of that, both within and outside the mission. It talks about the DDR and SSR tasks that are often given to missions today, and it talks about mine action. It ends by highlighting the critical management issues for all missions. It talks about safety and security, which is critical to the running of the mission in all respects. It talks about public information, the media and getting the mission's message across and its vision out. It talks about conduct and discipline, including the importance of allocating mission resources to deal with that.

We were informed very much by the work of and consultation with Partners. Chapters One and Two represent about a quarter of the document – 25 of the 100 pages. We did look at including case studies, but they have been edited out at this stage. However, they could very well be included later in some other form.

In summary, Chapters One and Two represent best practice for leaders and provide a lead-in to Chapters Three to Six, which look at more specific issues.

Maj.Gen. (Retd.) Robert Gordon, Senior Adviser, Challenges Forum, United Kingdom

I would now like to turn to Working Group Two, which, dealing with the initial core business of facilitating the political process with respect to the rule of law and human rights, seemed to cover a vast array of tasks. Working Group Two eventually settled on having three Co-chairs. I turn first to Dr. Ann Livingstone from the Pearson Peacekeeping Centre.

Dr. Ann Livingstone, Vice President, Pearson Peacekeeping Centre, Canada

When Working Group Two realized the enormity of the task before us, we wisely divided our work. My responsibility is to talk about Chapter Five, my colleagues from India and Egypt will then deal with our other chapters. The PPC was responsible for dealing with the Chapter on strengthening the rule of law with respect for human rights.

First, I would like to publicly acknowledge the tremendous work and support we received from Lisa Löfquist of the Swedish National Department for Criminal Police. Her generosity of time and expertise in the area of rule of law gave the subject the depth that it deserved. It was a pleasure to work with her and I continue to learn from her.

When we began to frame Chapter Five on Strengthening the Rule of Law with Respect for Human Rights we used the following guidelines in constructing the chapter:

1. The nature of rule of law requires that the relationships among and between the police, justice and corrections, horizontally and vertically, be integrated. Strengthening the rule of law with respect for human rights means linking the processes with, and to, the host governments and civil society.
2. The absence of a strengthened rule of law with respect for human rights can and will have a negative impact on long-term sustainability, and thus on the transition from peacekeeping to peacebuilding.
3. The relationship of the mission leadership team with the host government and local population is political. If the institutions of police, justice, corrections, and courts are to be built or reframed in a culturally sensitive manner that will support sustainability, this political reality must be addressed by the mission leadership team from the get-go.
4. The mission leadership team and the donors will have to be in for the long term as strengthening a rule of law with respect for human rights takes an enormous time, commitment and resources – both financial and human. These resources, we know, are very hard to find, but critical, if rule of law is to be strengthened.

As you read the chapter, I think you will find some of the following recurring themes:

1. The process is neither linear nor sequential and one size certainly does not fit all; i.e. the police cannot be supported exclusive of the courts, corrections and justice. So the coordination and prioritization by the mission leadership team becomes a critical factor in their mentoring, advising and success.
2. The inclusion of women and minorities in strengthening the rule of law with respect to human rights is emphasized throughout the chapter as a means of increasing accessibility to equitable justice mechanisms.
3. The mission leadership team is encouraged to appreciate that, in the absence of a strengthened rule of law environment, traditional mechanisms and other non-state actors can provide an alternative that is viewed as credible and legitimate by the local population and host government. Understanding the culture, and cooperating with these systems can be of benefit as the mission leadership team works to influence how quickly and firmly a state is able to recover and demonstrate its authority, its legitimacy and its capacity to apply equitable laws in a fair manner.
4. By improving the host government's judicial reform efforts, the mission can add to the government's and its own credibility and legitimacy.

The process we used to ensure rigour was the one Robert outlined. We conducted a fairly deep analysis of mandates from over a ten-year period. We spent a lot of time analysing lessons learned, best practices and going into academic research reports. We consulted with a variety of practitioners (DPKO, DPA, rule of law specialists, subject matter experts and cultural communication and legal scholars). We were also fortunate, at PPC, to have members of our staff who were UN Police Commissioners in Haiti, Timor-Leste and Western Sahara, and they provided a great deal of input that kept this chapter from becoming too theoretical. And of course, working with the Partners and this marvellous group of Co-chairs made the task ever easier.

So how will we use this study? At the Pearson Peacekeeping Centre, for example, we will use it to continue developing scenario-based training modules that will challenge planning, decision-making and critical thinking practices in our projects across Africa and Latin America. This document will also be a foundational piece for the advanced planning for the integrated mission course and the executive senior level management course.

We will be seeking support to have the document translated into French, to respond to our Francophonie projects. We anticipate that this study will provide a tremendous resource for those who are being groomed as future leaders. As a colleague of mine noted in reviewing the document, ‘This is great. I wish I’d had this document to read and absorb before I went to my mission. I would have been a better leader and I would have made fewer mistakes.’

Lt.Gen. Parmendra Singh, Director, United Service Institution of India, India

I would like to place on record that Dr. Ann Livingstone has been the anchor of Working Group Two. Although we have been split up, all the work has been anchored by her. We owe much to her for having helped us prepare our chapter. Before outlining the chapter, I would like to mention how I see this work of ours being used at our institution, the United Service Institution of India, where we have a Centre for UN Peacekeeping. Although the study is supposed to help the senior mission leadership, which it will, I intend using it also during the conduct of courses for staff officers, for contingents, as well as for the senior mission leaders.

We believe that whatever the senior mission leader desires will be fulfilled by the staff down below, and they need to have a good idea of what is expected from the mission leadership. So first, I feel this is going to be a very useful study, which we will use not only for our own Indian contingents, but also for training officers from other countries. I don’t know if many of you are aware, but so far

we have trained officers from 74 countries at the Centre for UN Peacekeeping in the United Services Institution of India.

Moving onto the study proper – we looked at facilitating and supporting the political process – that is, Chapter Three. Today’s multidimensional peacekeeping operations are both driven by, and are the drivers of the political process. This central feature underlies and impacts every aspect of the mission mandate. I think that is the core thing that everybody must understand – that the mission is part of the political process.

In Chapter Three, we have tried to highlight the role of peacekeeping operations in facilitating the political process. Although everything that one does in the host country will come under the heading of ‘political process’, we have highlighted five outputs that contribute towards this objective. And these five outputs are:

1. Supporting the political process that is already under way when the mission Arrives;
2. Promoting national reconciliation;
3. Holding peaceful and credible elections;
4. Strengthening the state authority and legitimate institutions; and
5. Helping revitalize civil society and an independent media.

What I would request from the Forum is to help us cover the 20 per cent gap which Robert was talking about, and which we are still trying to fill. Of course, your comments are welcome on any subject you’d like to speak on. However, there are common threads in the five issues we have highlighted, and we would be grateful for your views on some of the dilemmas they raise:

- How do we balance the short-term needs with the long-term needs?
- How do we reconcile international norms and standards with local customs and the needs of the host country?
- How do we bring humanitarian development actors into the political process?
- How do we help the host country to hasten the process of taking over the provision of security, rule of law and sustainable governance etc.?

We would be delighted to have your views on these issues, as they will help us refine our study further. Thank you.

H.E. Ms. Soad Shalaby, Director, Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa, Egypt

I must also acknowledge the work of Dr. Ann Livingstone in Working Group 2, because she has done a tremendous job in putting the different parts of the working group together. This study has been brought together by all the Partners, all the working groups, and of course particularly by Robert and Andreas. We have ended up with a very valuable document that not only senior leaders will be using, but also centres of excellence, and centres like mine (the CCCPA). At the CCCPA, we do two courses per month including courses for senior mission leaders. Other courses can also use this as reference material, because there is a lot of information contained therein.

In order to put the Study in context, listening to General Agwai's presentation yesterday, based on his experiences in Darfur, I felt it very much reflected the Considerations and issues raised in Chapter Three. General Agwai spoke of the many challenges faced in the mission that are part of the political process. He described various aspects of the importance of engaging the different factions and moving them together towards peaceful reconciliation and how this can strengthen state authority and the legitimate institutions. He also spoke about peace versus justice and balancing international norms and human rights standards with local customs, and about promoting international advocacy while supporting national ownership. All these issues are included in the Considerations Study. I invite your comments and feed-back on the study as I feel that it is a very valuable piece of work. I hope that we can make full use of it. Thank you very much.

Prof William J. Flavin, Director of Doctrine and Concepts, United States Army Peacekeeping and Stability Operations Institute, United States

Thank you. I just want to thank our working group Co-chair from Pakistan, because this was indeed a fully collaborative effort, from the beginning and throughout the entire process. I would also like to thank the other members of the Working Group, as well as UN DPKO, in particular the DDR and other sections that provided invaluable input to the process.

How does one think about preparing for an operation? The thought that immediately came to mind is that you're sitting at home in your living room, enjoying the world floating by, when you have a phone call from the Secretary-General saying: 'Congratulations. Next week, you'll be flying to Somalia to create a secure and stable environment. Have a nice evening.' And the next thing you

say is: ‘What do I do now?’ What you do now is you pick up this document, because it is like a friendly mentor that will sit down alongside you and say: ‘You’ve just been given an opportunity to excel on the world stage.’ Now, how do you think about this? How do you put your mind into this game? How do you frame the problems? How do you understand what the preconditions for success may be? What outputs should you consider? What are the benchmarks that might be useful out there? How should you consider your resources and who should you be coordinating with? What are the challenges and risks, and the considerations and trade-offs? This document is not an answer, it is a beginning. It is a beginning framework to address the problems you’ve just been handed.

In none of the doctrine or concepts of any of our nations does such a document exist, and I think this is, therefore, a valuable tool. And the valuable part of the tool, I believe, is in the challenges, risks and considerations it identifies. What are the challenges and risks and what are the trade-offs that you will face in trying to put your arms around this? The challenges, risks and considerations are, in fact, a list of gaps – a list of gaps that can drive a research agenda. For example, in one of the known gaps in the challenges and risks, it says: ‘What happens when the local security elements oppose the peace process?’ Now what do you do? That’s a fairly good research agenda, to go out there and take a look. Identifying gaps: ‘Do we know what the drivers of conflicts are, the structural weaknesses, the mitigating factors and the resiliency in this society that we can capitalize upon?’ There is another agenda to go ahead and continue the research. So we look at this as an opportunity to look inside and continue the research, continue to take a look at what are the known gaps and what are the unknown risks that this document identifies.

How do we do this? We are taking a look at having a follow-on series of case studies to describe how the senior commanders, the senior political leaders, the senior humanitarian leaders out there, how they address similar issues, how they address their trade-offs and what guidance they can offer. I will now hand over to my Pakistani colleague.

Maj.Gen. (Retd.) Muhammed Tahir, Former Dep. Force Commander, UNMIL / Senior Adviser, United Nations Matters, National Defence University, Pakistan

Thank you very much. First, I would like to thank the Challenges Forum and the APCMCOE for providing me with my first opportunity to attend a UN conference in my five years of UN experience – first in Somalia and then in Liberia. At the outset, I would like to thank Brigadier General Muhammed Feyyaz of the National Defence University of Pakistan, who has been the main

player in the Co-chairing of this Working Group and development of the draft Chapter as it stands today. Thank you also to Annika Hilding-Norberg, who sent all the studies to me for my review. It is really a great honour for me to be here with great people. I would also like to thank Mr. Guehénno, whose introductory speech really set the stage.

I will not go into everything that is included in Chapter Four, I will just touch upon two areas. The first is information. As a Deputy Chief of Operations in Somalia, and also as Deputy Force Commander in Liberia, I felt that there was an absence of a formal mechanism for the gathering and analysis of information at mission headquarters. We get information from all over the place, but there was no formal mechanism in the mission to deal with it. I feel this is very important. When you are deployed in vast areas like Sudan, Liberia, Côte d'Ivoire and Sierra Leone, there are problems of movement related to time and space. If you've got information, you can be proactive rather than reactive. When we are in a reactive mode, we are confronted with one problem after the other. As Mr. Guehénno said about POC, if you can know when and where an attack is going to happen, then you can act and stop the incident from taking place.

In West Africa, where there are three missions, there are many simmering problems and all the missions are affected. For this reason, when a TCC enters into an agreement with UNHQ, it should include provision for the troops to be moved from one mission to another for short periods of time, like we did in January 2007, when there was trouble in Abidjan. We sent one company to Abidjan to the mission, and they were extricated after about 40 days. It is important to have this flexibility, because for the people who create trouble there are no borders. They can move anywhere, anytime. Liberia, for instance, has 500 crossing points. You cannot man all of them. So information, contingency and flexibility are very important. As has been said, the Study and Chapter is evolving and developing. A year or two after it is published, we can again sit down and see where the holes are and what gaps we need to fill. Thank you very much.

Discussion

H.E. Ms. Bermann made the first comment, which was in relation to the first chapter and the issue of the relationship between UNHQ and the field. She indicated that, during the Kivu crisis, it became evident that neither DPKO nor the Security Council had sufficient information about what was happening on the ground. She suggested that it might be helpful for the Study to be more precise about the need for information at the UNHQ level, and the importance

of the relationship between UNHQ and the field. HE Ms. Bermann also made a comment on the importance of the need for missions to have informed public information strategies. She reminded the group that in Rwanda, the UN did not close down Radio Mille Collines, something that maybe should have been done immediately. That station should have been replaced by UN radio broadcasts. This was contrasted with the setting up of 'Radio UN' in Cambodia, which proved an important tool for the mission.

A participant congratulated the Partnership on a highly valuable piece of work and offered a suggestion on Chapter Two. She suggested that the section on POC in Chapter Two should include a reference to Security Council Resolution 1820 on sexual violence in armed conflicts. She highlighted that the resolution was not gender specific, that it addressed all victims of sexual violence. However, the importance of keeping in mind that in conflict, and post-conflict situations, women are more targeted than men and girls more so than boys. She asserted that while sexual and gender-based violence should be part of a mission-wide strategy for POC, there needed to be a proper gender analysis in that strategy, and this should be carried through to strategies at the operational and tactical levels. The gender analysis should also be conflict and context specific. It should inform very practical issues such as camp location and patrol routes and personnel. She noted that General Agwai had mentioned that he had had to think creatively about including women in his patrol teams. She suggested that the Study include a reference to resolution 1820, but that it should also address the need for a proper gender analysis.

Another participant and academic from a major donor country provided several comments. He noted that one of the key success factors for a UN peacekeeping mission was local ownership of the mission's agenda. He suggested that local ownership considerations should be better emphasized as a cross-cutting issue in the Study. In this regard, he asserted that the Study seemed to be donor-driven and indicated that he would be interested to hear how it was received by host States.

The same participant asserted that one of the biggest challenges for the UN was cooperation between the peacekeeping missions and other UN Agencies, Funds and Programmes. He indicated that he would be very interested to hear how the UN Country Teams evaluated the approaches in the Study, and how the Study was received by humanitarian and development communities. He reminded the group that General Agwai had pointed out that one of the most important factors in mission success was understanding the local complexities – the religious context, the cultural context, etc. He suggested that the Study should recognize that, on the ground, these contextual elements might dominate a lot of considerations.

Another academic participant posed a question relating to Chapter Three dealing with facilitation of the political process. ‘What political process? Which political process are you talking about?’ He explained that in any particular mission setting, there was a political context, not just a process. The context might consist of various processes. He suggested that Chapter Three should reflect the fact that there might be several political processes on-going and that they might be conflicting. It should acknowledge that there might be people on the ground, who were actively resisting the process – those often characterized as spoilers. The Chapter should acknowledge the difficulty in discriminating between spoilers and people who had legitimate different opinions. He asserted that ignoring this richness and complexity of the political context might prevent the mission’s effective engagement.

A participant from the humanitarian community asserted that the Study should place greater emphasis on the need for analysis to determine what kind of protection issues the mission would work on. He stressed that in the area of POC there was a very rich balance of activities that could be deployed, and what might work well in one circumstance might be inadequate in another. It was difficult to decide what made sense where, but a systematic reproduction of activities should be avoided. He noted that the analysis should go beyond determining what the main protection issues were, and should look at the elements behind the issues. Because it was only by understanding those elements that the mission would be able to properly determine the right activities to address them.

The same participant suggested that it would be helpful to establish a mechanism whereby people undertaking the kind of considerations outlined in the Study could exchange opinions and experiences. He noted that in the area of POC, Protection Coordinators, who were in charge of developing POC strategies, would benefit from such a mechanism – somewhere they could refer to colleagues for guidance and learn about past experiences. He suggested that such a mechanism might be of greater value than a sister-Study focusing on case studies. The participant also remarked that the Study should provide greater clarity on the IHL obligations of non-state actors.

A senior police representative complimented the working groups on producing an excellent paper, particularly commending the extensive consultative and collaborative approach to leadership which the paper promoted, consistent with integrated missions. He addressed the question posed regarding how to hasten local ownership of a mission’s policing and law enforcement activities. He explained that UN police were present in eighteen DPKO- and DPA-led missions. Of those missions, fifteen included tasks relating to reform of local police and law enforcement agencies. He suggested that hastening local ownership could be achieved through two things. First, it was critical for the UN to identify lead

nations. Often, the personnel that PCCs send were generalists, they might be excellent police officers, excellent general duty officers, but that did not mean they would be good at doing the rather complex tasks required of the mandate. In Timor-Leste, for example, New Zealand had taken on a lead community policing role, while the Portuguese Republican National Guard FPU had taken on crowd control training for their host nation equivalents. Japan had also expressed an interest in developing maritime policing for the country. He stressed that, at the very early stages, it was important to identify lead nations to send in teams to do work relevant to their specific skills – they could then take on ‘lead nation’ status for that particular component of law enforcement. It was also critical that the officers they sent were experienced and skilled in the relevant area. Second, it was also important to better coordinate donor activities. Donors must be linked in with what the mission was trying to accomplish and what the local needs were. He explained that when local needs were about notebooks and pencils, but donors (with the best of intentions) parachute in computers, that created its own dilemmas. The situation was similar when vehicles were provided in the absence of logistics and knowhow to maintain them.

The police representative concluded by noting that the importance of developing the ‘back room’ or support capacities of law enforcement and justice agencies was often overlooked. He stressed the importance of agencies developing human resources, financial and logistics capacities. The officers needed to be paid and know when they could take their leave, and there must be a fair and transparent promotion system – things which were often overlooked. He suggested that the reason why the Liberian National Police were not ready to take on policing in Liberia was largely because the back room capacities had not been developed, and the situation was the same in many other countries.

An academic participant posed two questions. The first related to how the discussion and recommendations of the Forum on POC were going to be incorporated into the Study. She indicated that she was pleased to see that the risks and consequences of host State displeasure with the mission’s actions were covered. However, she noted that there were a number of issues being raised at the Forum that were not reflected in the Study. She asserted that issues of consent of the parties to the conflict, and capability of both the host State and the mission were particularly important in considering how to approach POC.

She also asserted that the section on humanitarian assistance, early recovery and development portrays activities very much in a linear or sequential way. She expressed her concern that that might give the perception that it was a linear process, noting that quite a few case studies had shown that if the process was perceived in a linear fashion the result could be the under-resourcing of

OCHA and other important agencies providing humanitarian assistance. That then undermined important services later.

Another academic participant posed a question related to national and local ownership. She remarked that the work of a peacekeeping mission was very similar to state-building, but that the key difference was really national and local ownership of the mission. She asserted that the Study focused on how to initiate, establish and maintain the mission, but less on how to end the mission. She recommended that more focus be given to how to gradually hand over mission responsibilities to local and national authorities.

A participant suggested that more thought be given to describing POC in the Study in a manner more consistent with DPKO's Operational Concept. She asserted that the description provided in Chapter Two, the cross-cutting section, was multi-faceted but did not pick up on every aspect that was commonly accepted to fall within the POC concept, while Chapter Four was very much focused on physical protection. Chapter Four contained an explicit statement that POC extended beyond physical protection, but there was no guidance as to what it actually did cover.

Another participant from a training centre, suggested that the study might recognize more explicitly the challenges that traumatized and deeply damaged populations bring to missions, and the fact that trauma, as a pervasive issue in a population, can fundamentally undermine much of what the mission was attempting to achieve. She asserted that the issue was an unrecognized driver and a perpetuator of conflict. Drawing on the example of East Timor, she questioned how people could be re-taught when there was a culture and a history of violence, and resort to violence was a common measure for resolving conflict. She questioned the message being sent by the international community by pouring money, time and effort into the institutions that legitimately monopolize violence. She questioned what this might encourage in leaders. At the political level, she noted that there were leaders who were trying to educate and reform, but whose entire experience had been grabbing what they could, because the situation was fleeting. She stressed that a lack of local capacity was not about populations necessarily being uneducated, it was often about the fact that they were unable to absorb what the international community was trying to put into them, because they were so deeply traumatized and damaged and the international community could not permeate the reality of that experience. She suggested that this issue should be addressed in the Study, because it had the potential to fundamentally undermine everything a mission was trying to do.

Another participant with a research background made a comment on the utility of the Study for regional organizations. He suggested that the study should be

crafted in such a way that regional organizations could also benefit from it. He indicated that the AU and its regional mechanisms would find the Study useful. He asserted that wide utilization of the Study could help the international community work towards common standards across the globe regarding the conduct of peacekeeping and crisis management. He indicated that this might also be a useful way to address the issues of cultural peculiarities which Working Group One considered. He suggested that some of the information on issues of local culture that had to be edited out of the Study for reasons of length, might be included in the proposed sister publication.

A diplomat offered two suggestions. He suggested that, on the issue of POC, reference to, and analysis of Security Council resolution 1894 (2010) in the Study might clarify some of the questions surrounding POC and improve the usefulness of the document. He also suggested that a reference to the Peacebuilding Commission and discussion on the nexus between peacekeeping and early peacebuilding efforts should be added to one of the earlier chapters, because it was one of the big gaps currently existing within UN thinking. He noted that the only reference to the Peacebuilding Commission in the current document was in the very last line.

A final participant made a request that the Study, once complete, be translated into Spanish.

Gen. Gordon thanked the participants for their comments and made three key points. First, he confirmed that the outcomes of the Forum would be incorporated into the sections of the Study on POC, and that these sections would also be strengthened. Second, he acknowledged that the section on ‘transition’ in the chapter on ‘recovery’ (Chapter 6) was the weakest part of the study. He explained that, although the Study team had undertaken significant consultation on the issue, the section was weak, because the international community had not done a great deal in the area. Nevertheless, he acknowledged that this was a section that required more work. Three, he acknowledged the importance of ‘national ownership’ and ‘cultural awareness’ as cross-cutting issues, noting that while the team had included these issues, the focus was obviously not strong enough, so the issues would be elevated. He also confirmed that references to the peacekeeping-peacebuilding nexus, and to Security Council resolution 1820 and accompanying analysis, would be included. Finally, he invited all participants to approach the Study team with any further comments or suggestions.

Applying Protection in United Nations Missions

Focus: What guidance and resources are required to ensure that protection of civilians is implemented effectively?

Ms. Victoria K. Holt, Co-Author of the DPKO/OCHA Jointly-Commissioned Independent Study on 'Protection of Civilians' Mandates in UN Peacekeeping Operations, and Dep. Assistant Secretary, Bureau of International Organization Affairs, Department of State, United States

What I thought I might do is set the stage with some core points and then we can get into the practical discussions. We have a phenomenal panel and I will introduce them at the end of my remarks. It is a personal pleasure to be able to invite them to speak on this subject. First, let us just recall why POC is so important.

Protection of civilians, in some ways, is what populations expect when blue helmets show up. They haven't all read the mandate. It's just an instinct. And so, in some ways we could say: 'Well, we have to manage expectations.' That is obviously completely true. But on the other hand, POC is not just an idealistic aim that missions have, because if civilian insecurity grows to a level and the mission is not seen as being able to effectively address it, either with the host nation or on their own terms, it will undermine the mission's overall ability to move forward on the peace agreement or the peace process that it was sent in to support in the first place, and its ability to shepherd the country to a more stable environment. So although sometimes we think that POC is only an ideal, and it certainly has idealistic elements, there is a very practical reason that POC gets to the core of the legitimacy and credibility of missions, and certainly no-one knows that better than people who have served in the field, people who are in the Secretariat today and those who look at Council mandates and try to make sense of them.

I would like to inject a little bit of urgency into this conversation, to move beyond the theoretical. Right now in New York, the Security Council is negotiating the mandate for UNMIS in southern Sudan. What is that mandate going to look like? What is the mission's POC role, particularly looking down the road to a place that is, and could become, increasingly unstable? How about Haiti, where the Secretary-General has just delivered a new report on the way forward for

MINUSTAH? We know MINUSTAH is thinking about POC issues and we will have an excellent discussion about it in this session. Haiti is a place with a high level of dislocated persons and a significant lack of housing. What is the POC role for a mission in such circumstances? That is not a theoretical case.

The UN is also experiencing missions receiving pushback. In Chad, MINURCAT was designed primarily to protect civilians and IDPs, and yet it never even reached full deployment before discussions shifted quite rapidly to how fast it could draw down to very low numbers. The UN is also experiencing pushback with regard to MONUC in the DRC. MONUC is a mission we have all known and thought about for over a decade. Its mandate expires in May and yet we are in a situation where the stability in the east is still at risk, civilians face daily threats and expectations of the mission are sky-high. On the one hand it has done more than any other peacekeeping mission in the world, and yet the world still thinks more needs to be done. All of this means that those human beings deployed in these missions grapple with these issues right now, today, yesterday and tomorrow.

One reason why I think this panel today is so important is that these people will talk to us about what we need to do to move from a theoretical concern to more practical actions to address the challenges. They will also help to situate this conversation in what has been over a year's effort to try and grapple with concurrent overstretch in peacekeeping missions. It is not exactly an easy time for a lot of operations to add a new strategic focus or to try and put additional attention on POC. On one hand, there has been amazing work going on, as seen with the UK-French initiative; with the launch of New Horizon; with Canada's roundtables; with Japan's revitalization of the chairmanship of the Security Council Working Group on Peacekeeping; with increased consultations with TCCs/PCCs; with the work of the C-34; and the work of the NGOs, scholars and other government officials here in this room. That focuses progress. However, on the other hand, I think that events of recent days show that we still have some way to go.

Let me perhaps identify one, rather than a list of every challenge we have. Just one more framing piece before we get to the specifics of our panelists. There has been a debate over whether POC is part of a peacekeeping mission. I think, from all the speakers today, we see that the answer is 'yes'. But the question is, on what scale, what scope and with what priority? In a way, what we probably need most to do is to figure out how we can help peacekeeping missions to have a better sense of what they are able to do, either in concert with the government or on their own. So perhaps a couple of ideas about how to grapple with this.

First, perhaps a mechanism to assess civilian insecurity needs to be built into the systems that contribute to analyzing future missions, to supporting them and

designing their structure. That could include incorporating into briefings to the Security Council and Technical Assessment Missions (TAMs) information on how force generations works, how TCCs/PCCs understand their future mission, how the dialogue goes with the host nation and with the political leadership that will eventually deploy to the field. If civilian insecurity and the assessment of what that looks like isn't part of that conversation, then we're setting up missions to start the conversation once they all deploy.

What else do we need? We also need the analytic capabilities of missions themselves to accurately assess the main threats of physical violence to civilians and to identify what it means in terms of mobilizing leverage against perpetrators. This is also not just a technical thing. This is the mission itself. Whether across the mission or through its political leadership, how do you help leverage, reduce and dissuade those who would use violence to achieve aims? There have been many creative initiatives to help support missions to do this. We will hear about some of them today.

How do we have missions better identify potential flashpoints that are either calendar-specific, location-specific or around a particular political event? This is necessary because peacekeepers cannot be everywhere and they cannot protect everybody from everything. These are exactly the sort of points of analysis we need, so that missions are better designed to understand what their day job is, and better designed to understand what potential challenges there are that go beyond what they are prepared to handle. Only then can we have a very honest conversation about what is truly beyond what a mission can take on. I think if we could help have a better analysis from the beginning, of the range of insecurities, the scenarios that these involve, and the responsibilities of Member States to support the mission (both regionally and through the UN), I think we would have a better chance of the mission's day job being much more successful and the crises being much more infrequent.

As I said, I am excited about the panel here today. These people have personally invested their careers and their time in thinking about this issue. To quote Prince Zeid, I think almost all of them have experienced the 'flying bullets'. They've been in the field. They know what they're talking about. First, I will introduce Ms. Izumi Nakamitsu, who is currently the Director of the Division for Policy, Evaluation and Training (DPET) within DPKO. As many of you know, she has considerable experience and expertise from a career that spans academic, government, the UN and NGOs, including UN posts, such as head of UNHCR offices in Sarajevo and Mostar in the former Yugoslavia during a pivotal time. She will focus on guidance from UNHQ in applying protection in UN missions, and I think she will be particularly useful to us in being able to explain what DPKO is able to do and

move forward on, the range of efforts being made to provide support to TCCs/PCCs and the sort of definitional work that we have been talking about.

Next I'll introduce Mr. Hansjoerg Strohmeyer. He is the Chief of the Policy Development and Studies Branch in OCHA. Many of you know his vast experience. He has been a principal policy adviser to the Emergency Relief Coordinator, but he has also had experience in the field and served previously in UN missions in Lebanon, Sudan, Bosnia, Kosovo, East Timor and Liberia. He too has many times taken me aside and told me what he's seen first-hand in some of these places.

And then finally, with great pleasure, I would like to introduce Lt.Gen. Carlos dos Santos Cruz, who was the Force Commander of the MINUSTAH mission in Haiti from January 2007 to April 2009. Many of you know that, even while he was Force Commander, he was engaged in these questions. Today, he serves as the Commander of the 2nd Army Division in Sao Paulo, Brazil, and has 42 years of experience and service in the Brazilian Army.

So without further ado, I would like to invite our speakers to address you, and then we will open the floor to, hopefully, a very lively conversation. Thank you.

Guidance from United Nations Headquarters in Applying Protection in United Nations Missions

Ms. Izumi Nakamitsu, Director, Division for Policy, Evaluation and Training, Department of Peacekeeping Operations, United Nations

Excellencies, Ladies and Gentlemen and Dear Friends, first let me extend my gratitude to the Government of Australia, particularly to the Asia Pacific Civil-Military Centre of Excellence, and also the Folke Bernadotte Academy for organizing this Forum around this very important topic. In fact, the Challenges Forum Partners have been vital partners in our efforts. I would dare say that you almost exist just to support us, strengthen us, and we really like that. We are very pleased that you have taken up the important issue of the protection of civilians (POC), which is currently one of the most relevant subjects in New York and elsewhere. As you know, in the Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS), we view POC as one of our core mandated tasks and we are also relatively certain that those whom we are deployed to protect feel similarly. That being said, the results of our efforts to protect civilians over the last decade have been mixed. We have had both major successes and significant setbacks along the way. Peacekeeping

operations have quietly succeeded in protecting civilians every day through strong leadership, proactive mission staff and the innovative approaches that missions have developed, at all levels, to protect civilians. Likewise, the protective effect that missions have, simply by virtue of their presence, and through the routine tasks that they undertake in most cases does not receive the recognition that it really deserves. At the same time, there have been numerous occasions in which missions could have acted more swiftly and decisively to protect civilians under threat.

In any case, it has become clear that many of the deficiencies that the international community collectively faces in its efforts to protect civilians from physical harm are systemic and must be addressed holistically. The Security Council has an important role to play in ensuring sustained political support for our efforts in the field and also in garnering the resources and capabilities that are required for the implementation of this mandated task. Troops and police have to arrive in the mission area with the required training, capabilities and awareness that their lives may be put on the line to protect civilians in the theatre of operations. Missions, through their planning and strategy efforts, must be clear about the resources they require to implement POC mandates. They must show steadfast leadership and commitment to POC and must ensure that all relevant mission components are oriented towards this task.

DPKO and DFS must provide missions with the guidance and support that they need for this extremely complex undertaking. And it is on this last point that I am asked today to provide some focus. Over the past two years, DPKO and DFS have been looking closely at the way we implement POC mandates. As part of this effort, DPKO and OCHA commissioned an independent study on protection of civilians in UN peacekeeping operations, which you are all aware of. The Study examined what Victoria Holt and her team referred to as ‘the whole protection chain’, from the Security Council to peacekeeping missions, and developed a number of very useful recommendations, some of which we have already begun to implement. This was the first in-depth study, surprisingly, of the way that peacekeeping operations protect civilians, and it contains many instructive insights that will assist us in improving our performance in this area.

DPKO and DFS also concluded a lessons learned exercise over the course of 2009 at the request of the C-34. The Lessons Learned Note that we produced, which I hope you have all received and perhaps read, illuminated a number of innovative practices and approaches that missions and mission personnel have taken towards implementing POC mandates. The note also highlights a number of policy and strategy dilemmas that the missions continually confront in their implementation of POC mandates. Some of these include:

- the interpretation of the imminent threat clause, and ‘within capabilities’ and ‘within areas of deployment’ caveats in the Security Council mandates;
- the challenge of balancing the prioritization of POC tasks and the implementation of other mandated tasks;
- the consequences of the use of force (and here the impartiality question comes into picture) or failure to use force in protecting civilians;
- balancing the responsibility of the host authorities to protect civilians with the mission’s mandate to do the same; and
- managing situations in which affiliates of the host government are responsible for attacks on civilians.

These dilemmas, while fundamental to implementing the POC mandate, have been left to the senior mission leadership to address in the field as they arise. As we move forward in addressing these dilemmas, we will engage with our partners and our senior mission leaders to capture the lessons learned and to identify good practices so that they feed into our broader efforts to improve our POC mandate implementation.

I hope our discussions here will help us grapple with these dilemmas in greater detail. Additionally, in order to help a chain of protection actors arrive at a shared understanding of POC, and as an important step in building the conceptual architecture, if you will, for POC in peacekeeping, DPKO and DFS developed an Operational Concept. The Concept aims to identify and organize a range of POC activities undertaken by the missions into a rather comprehensive, three-tiered framework.

1. Protection through political process;
2. Providing protection from physical violence; and
3. Establishing a protective environment, including through establishment of rule of law.

Both the Operational Concept and the Lessons Learned Note will be useful in forming our next steps for improving POC in UN peacekeeping. We provided both of these documents to the C-34 for their deliberations this year. They were the basis for some rich, although I must admit at times difficult, discussions surrounding POC. Ultimately, the C-34 gave us the clearance to move forward with our efforts. In particular, they have asked that we pursue three distinct tracks. First, they asked that we develop a strategic framework for mission-wide strategies. This has also been requested by the Security Council in its Resolution 1894. Second, the C-34 requested that we develop POC training modules. And then third, the Committee asked DPKO and DFS to outline the resource and capability requirements for the implementation of POC mandates. We have already begun our work on two of these tracks.

With respect to developing a strategic framework for mission-wide protection strategies, we will be conducting a workshop with a number of missions and representatives of the UN country team at the end of May in Addis. The objective of that workshop will be to develop a template for developing those strategies at the mission level, which includes the minimum considerations that the missions must take into account as they orient their missions towards executing this mandated task. While MONUC, UNMIS and UNAMID have developed their own POC strategies, they differ dramatically in form and also approach. Realizing that mission strategies must necessarily differ in light of the varied operational contexts in which they implement their mandates, there are a number of elements that strategies should reflect, irrespective of the operating environment. Without prejudging the outcome of this workshop, some of these baseline elements could include:

1. The purpose and the scope of the strategy. There needs to be a clear statement by the mission leadership regarding the mission's role vis-à-vis POC and its principal objectives in this regard.
2. Protection threat assessments and early warning mechanisms that are critical for any mission with a POC mandate. Understanding the threats and vulnerabilities of civilians and establishing mechanisms that alert the mission of impending threats to them are essential. These are critical components for preventing attacks on civilians from occurring in the first place, which really should be the mission's overriding priority in addressing POC.
3. Mission-wide POC strategies would continue to rest on the understanding that the primary responsibility to protect civilians lies with the host government but would identify areas where the mission could provide support to the government towards this end. Strategies will have to clearly articulate the roles and responsibilities of the mission vis-à-vis the host government and other protection actors in the mission area.
4. Agreed mechanisms for coordinating and consulting with POC partners are critical and would have to be identified in the strategy.
5. A systemic monitoring and reporting system would ensure that there is a feedback loop to the decision-makers, including the Security Council, to inform them of the realities on the ground and the possible limitations that the missions may face in implementing the POC mandate. Expectation management should be an important aspect of the POC debates, which I will come back to at a later stage.

Once this exercise is finished and we have an agreed basic template, Headquarters will begin to draft the strategic framework, which will include more detailed instructions for senior mission leaders regarding how these strategies should be developed on the ground. For the time being, the strategic framework will be

geared towards the production of internal mission-wide POC strategies as opposed to the UN system-wide strategies that encompass the efforts of all UN actors in the mission area. But discussions in New York are going on with the Agencies, Funds and Programmes to determine how best to move forward on the UN system-wide approach towards POC.

The strategic framework and mission-wide POC strategies will be an important aspect of our efforts to improve the implementation of POC mandates. However, we will need to continue developing guidance for those who plan, resource and execute the POC mandate. Notwithstanding the fact that the ability of peacekeeping missions to implement its POC mandate is essential to its credibility and legitimacy, there is at the moment no guidance dedicated to this mandated task. For example, planners joining a TAM might need guidance in terms of appropriate planning questions to ask regarding POC and what data to gather. Equally important, many of the senior mission leadership, including the commanders on the ground, have been requesting guidance on how to manage the policy and strategy dilemmas highlighted earlier. They desire clarification on the roles and responsibilities with regard to POC and more training tailored for that task.

So let me turn to training issues. Our Integrated Training Service in my Division has begun to develop the architecture for POC training, based on the Operational Concept and findings from the Independent Study and from our Lessons Learned efforts. The training will be geared towards different target audiences, including senior mission leaders, civilians, police and military personnel dealing with planning, supporting and implementing protection tasks in the mission, and also at UNHQ. This training will include modules on the political, operational, legal, humanitarian and physical protection dimensions of POC and will eventually also include a complement of scenario-based exercises. At the moment, we are considering a number of scenario-based exercises and those scenario-based exercises include situations such as development of political and military activities indicating likelihood of the emergence of violence in the near future, a huge influx of refugees or IDPs, an intense political environment requiring protection measures, sudden deterioration of law and order requiring protection measures against bandits and other types of armed groups, intense violence by belligerents against populations requiring immediate and robust measures, supporting the affected civilians in the immediate aftermath of violence during a consolidation phase to bring them back to normalcy, etc.

Based on the target audience, issues related to different dimensions of POC will be mainstreamed into the existing pre-deployment training programmes and courses, while some of the scenario-based exercises will be undertaken in the missions in order to reflect the different protection challenges that that particular mission

faces. And of course, we will make these exercises available to TCCs/PCCs. We're aiming to have some of those training modules finalized by the end of this year. Once finalized, they will be piloted with Member States and in the missions. We will require the support of TCCs/PCCs that have accumulated experience and expertise in implementing POC mandates over the years. I will also take this to the International Association of Peacekeeper Training Centres (IAPTC) later in the year as a follow-up to the proposal which I made last year. Peacekeeping training centres are indeed important partners in realizing some of those training exercises. We will also need additional temporary resources during these surge efforts.

Finally, we will be taking forward our work on outlining the resource and capability requirements for POC in the larger context of a capability-driven approach, which forms a very important part of our New Horizon agenda and was also discussed by the C-34. This will be an important step in ensuring that peacekeepers are adequately outfitted to prevent and to respond to situations in which the safety of civilians is at risk. As you all know, the C-34 strongly endorsed the work of the capability development strategy.

In reflecting on the state of the POC debate only a few years ago, I believe that we have made significant progress towards understanding how we can improve our implementation of mandated tasks, thanks in large part to the active engagement of the Member States and key partners like yourselves. We are encouraged that the Security Council has been so forward-leaning on this topic, as illustrated by resolution 1894, and we're happy that the C-34 gave us clear instructions to move forward with our efforts.

One final word on expectation management; achieving a realistic understanding of what can be expected of UN peacekeeping in protecting civilians needs to be an important aspect of our future guidance. At the operational and tactical levels, a better understanding by the local population of the limitations of peacekeeping is crucial for our overall relationship with the local community and may even optimize our effectiveness in mandate implementation by co-operating with local communities on prevention and mitigation measures. At the political level, it will be important to bear in mind that this is an endeavour that belongs to the entire chain of protection actors including the host government, TCCs/PCCs and the Security Council. While the strategic framework, the training efforts and capability development can indeed make improvements, concerted action from DPKO, DFS and the peacekeeping missions alone will not suffice. Some of the strategic and policy level dilemmas, which I mentioned earlier and which have been brought up in earlier sessions by a number of speakers, need to be thought through seriously by the Security Council and the Member States. We are all in this together. Thank you.

Ensuring a Humanitarian Approach in Applying Protection in United Nations Missions

Mr. Hansjoerg Strohmeyer, Chief, Policy Development and Studies Branch, Office for the Coordination of Humanitarian Affairs, United Nations

Thank you. I will start by thanking Folke Bernadotte Academy and the Challenges Project, and of course Michael Smith and the Asia Pacific Civil-Military Centre of Excellence for hosting us. Thank you also to Victoria Holt for heading up the fantastic and excellent Study, Protecting Civilians in UN Peacekeeping Operations, which I think, in terms of the buy-in and interest that it has received, has really surpassed our expectations – so much for expectation management. Victoria, that is of course, a lot thanks to you. In terms of expectations, we now have enormous expectations of you in your new post, expectations of you leading the United States back onto a good peacekeeping path.

Why did we do this study? Perhaps just a few words to put the study into context: considerations of the issue go back quite a number of years. I have personally been involved in the drafting of the Secretary-General's reports on Protection of Civilians (POC) from their inception, including the very first report presented by the late Sergio Vieira de Mello in 1999. I then had the opportunity to be involved in Liberia and Sudan with the very fledgling attempts to develop some kind of a system-wide and more coordinated approach to protection. These early initiatives tried to bring different agencies and actors (within and outside the mission) into a more coherent approach to 'who was doing what, where?' They tried to connect the dots that were not even there, between the military side of the house, the political side of the house, the SRSG and the many agencies, including those outside the UN. So the intent of the Study was to demonstrate that, while working on the large and systemic issues (including those that Izumi pointed to and others before), there is already a lot that we can do. There is a lot that we can do better even within existing structures, by having, for example, more coherence within a mission, having better tactical understanding of the issues, better capacities, capabilities and guidance for uniformed personnel. When we talk about uniformed personnel, the police sometimes get forgotten – unfairly so. Policing in peacekeeping is one of the major growth areas. From a humanitarian perspective, we very much look towards the policing capacity to be more developed.

So it was clear from the start that this was a study that needed to be done jointly, not only by the humanitarian side of the house, but by peacekeeping as well. The study was also an opportunity to highlight why protection does matter. A few of these reasons we have heard over the past few days: first, it is critical for the credibility of the UN and of the mission. The credibility of a mission sometimes

very directly relates to its security and acceptance. By the way, that is equally true for humanitarian actors. Secondly, it is at the heart of the UN's work and at the heart and spirit of the UN Charter. Lastly, it is not only about the credibility of the UN as an organization as a whole, it is also about the credibility of the Security Council, of Member States, including TCCs and others. In this global world, where atrocities are being reported, Darfur is a household name around the world. We cannot be oblivious to these challenges anymore. So there has, over the years, been a positive momentum, particularly at the normative level. Yet, we all realize that the key is what we do in the field.

It is not for me to go into the details, but just to point out that there is a concern that current efforts to downsize missions in Chad, Central African Republic and DRC (from a humanitarian point of view, a worryingly premature downsizing), may come at the expense, specifically, of the protection mandates. There is concern that premature downsizing may even jeopardize some of the many positive experiences and results that have been created over the years.

The other key issue is not to hide behind capacity or definition or a lack of political will. There is much more that we can do. Even if the major political will is not there, a proactive attitude of mission leadership that percolates throughout the mission can show that there are things that can be done. Don't hide behind mandates, interpreting them in a limiting way, if there are tactical opportunities to do things differently. Don't hide behind definitions when it is not the definitions that matter in the field, it is the doing that matters in the field. Many of the lessons learned in best practices will show that there actually is good practice out there. One of the things I have always felt is that there is a big story to be told, but that it hasn't really been told. Of course, the criticism and introspection at the end of the 1990s was right. But unfairly so, peacekeeping is still associated with the failures of Srebrenica and Rwanda. That prevents us from taking a much more thorough look at the operational level and seeing the many positive examples. Such examples occur every day, they need to be recognized because it is encouraging to show that it actually can be done. Something can be done. It is not only either/or. Either the big politics are being fixed, either the big systems are being fixed or nothing. And lastly, capacity – don't hide behind lack of capacity. The paradigm shift we are all working on is for us to say: what are the protection concerns in the country? It is to identify them across the board. Then you look at your capacities, capabilities and both of these things taken together, inform your strategy. Let's not say: 'We don't have this or that equipment so, we cannot do patrolling around an IDP camp.' Let's see what our capacities are and what we can do in spite of our limited capabilities and other things missing. I think there's a lot more that is happening and that can be done beyond the big capacity questions.

My plea again: when talking about protection and peacekeeping, the tendency is to limit the review at the imminent threat clause. POC is not only about physical protection and imminent threat. That is why the Study we carried out is titled 'Protection of Civilians in Peacekeeping Contexts'. What this means is that there is the uniformed personnel aspect that DPKO needs to provide operationally – with police and the military – but there is also a conceptual framework and a coherence that needs to arise out of the leadership, to bring along those many other actors who deliver protection-related services in one form or another – those being UN humanitarian agencies, NGOs, human rights organizations and others.

Regarding the context of protection missions, the first Secretary-General's report on POC, presented to the Security Council in 1999 by Sergio Vieira de Mello, contained 40 recommendations. These recommendations stretched across the board – what more could be done on the legal front, in the humanitarian field, human rights and so on and so forth, but also on the peacekeeping side. It recognizes that the ultimate guarantee for protection is the absence of violence and fighting, which leads you to place particular importance on political efforts in a protection strategy and concept. So what we have developed over the ten years – what we refer to as an 'umbrella concept' – is to say protection really depends on the context; as Ambassador Mahiga said yesterday. However, in all of these cases you need to take a broader look at what might be possible, encompassing humanitarian activities, human rights approaches, demining, rule of law activities, political initiatives and certainly the invaluable role – sometimes in very difficult circumstances – of the uniformed personnel. What has this done in terms of the Study? It has formed the broad concept of POC that underpins the Study. There are several definitions of protection, the Interagency Standing Committee of the humanitarian world, has offered one. For me, while defining the concept is important, it is more important to build an understanding around some of the key parameters just mentioned.

A pragmatic understanding suggests that if we were to go and review best practices and lessons learned from what has been done successfully in peacekeeping environments, we would be surprised that it would offer very good guidance to many of the field commanders and force commanders and other protection personnel that rotate in and out of missions. In my experience it has often been the force commanders that say: 'It's our own credibility that is at stake. We cannot just sit here and do nothing or stay in our barracks. We would like you, the humanitarians, the mission senior leadership and others, to tell us what it is that we can do.' It's for those people dealing with these issues practically in the field that guidance needs to be developed.

In my view, the Study highlights five critical areas and we've touched upon all of them. The first one is leadership. The study highlights, and discussions since have concurred, that where the senior mission leadership (starting with the SRSG) display a proactive attitude, take protection seriously – not only in word, but also in deed – and help bring together the mission internally (the political side of the house, the military side, as well as the many activities of the UN country team) we have fared relatively better on protection and that has been noted by the constituencies. Leadership matters. It is important. The protection analysis needs to be requested, the threat analysis, the threat assessment, the reporting all has to do with the appetite, if I can formulate it that way, of an SRSG, of the leadership to really put POC at the centre of the mission's activities.

The second part that emanates from that is coordination. Coordination is critical. Even where an SRSG takes protection seriously, you cannot have him/her say: 'So you do this and you do that and you don't do that'. It is important to recognize that in these environments you have organizations that precede the deployment of a peacekeeping operation, agencies that have mandates and will likely be there after the mission leaves. I am sure our International Committee of the Red Cross (ICRC) colleague will say something on that a little later. We also have some organizations who do not want to be integrated into the mission body, but who do not mind being part of a wider coherent strategy – who does what, where. Coordination is critical to identifying what priorities we have, for identifying what capacities we have and for obtaining contribution from the different parts. In the DRC and in many places where we have exercised coordination, where IDP movements or refugee return has been helped by peacekeeping, where patrols have been used in a very tactical and specific manner – we have achieved very positive results indeed.

Third, strategies do matter. I still find it shocking that when it comes to strategy development we are still in kids' shoes, both in the peacekeeping and the humanitarian communities. Attempts at developing an integrated, coherent POC strategy have been made in MONUC, UNMIS and UNMIT. There aren't many more examples and the picture in the humanitarian world is not dissimilar. It is very important that developing an integrated strategy becomes standard. An SRSG, a Resident or Humanitarian Coordinator needs to know that when s/he is in a specific situation, it is expected that they will devise structures and take action to devise integrated strategies, which will then help inform planning at headquarters level and for TAMs.

The fourth issue is sensitive and concerns benchmarking. It is something that was picked up in Security Council resolution 1894, sponsored by the Austrian Security Council Presidency last November – I warmly recommend those of you who haven't

yet read that resolution to do so. Benchmarking is very difficult, however, it is an issue that we need to approach somehow. We need to know what our criteria for success are. We need to identify the minimum things that need to be achieved. These things need to come out in mission POC strategies. Benchmarking also provides an opportunity to keep both Member States and the Security Council included and involved in the delivery of protection beyond just producing a mandate and then opting out or leaning back or providing peacekeeping troops to see how they figure out the situation. I am not saying yes or no, but I think there's more opportunity than danger in benchmarking. Finally, the issue of reporting. Security Council resolution 1894 makes a very strong request for earlier, better and more inclusive reporting. The reality of many sector journal reports, particularly the early ones that help inform mandate discussions, is still that POC concerns are relatively underrepresented for one reason or another. This may be due to a desire not to spoil the relationship with the host government, or simply an absence of analytical capacity. The result of this is that, from the outset, references to POC in Security Council mandates are very often unrealistic or don't reflect reality. Hence in 2009, the Security Council created an informal working group, an expert group on POC, to help remedy some of these problems. The Working Group provides the opportunity for the Secretariat to inform Security Council members of protection concerns whenever there is a mandate extension. However, it is a band aid for the real issue, which is about early and better reporting of protection concerns.

To conclude, I would like to support fully what others have said before me on the issue of guidance and training. However let us not assume that we draft some formal booklets or hand-outs for people to take with them to the field, to consult the handbook and figure it out. The most convincing training comes from best practices and lessons learned. Let us look at what has already been done, what has worked, what hasn't worked? This is very often what people at the operational level, including leaders, would like to see. In the humanitarian field, if you have a Resident Humanitarian Coordinator in Somalia, that person is able to share their lessons with the Resident Humanitarian Coordinator in Pakistan or in Afghanistan and vice versa. The same thing needs to happen for good practices and lessons learned in peacekeeping operations. Guidance, understood as something that will actually help peacekeeping in prioritizing protection, rather than shy away, because of political sensitivities, will help TCCs to be consistently involved. It will help the Security Council and, over time, will contribute to learning, training and standardization.

There are many more things that one could say. However, I will make a final plea: Let's use these opportunities to really focus on how we can improve POC in peacekeeping contexts. I know that there are many, many, many other issues

that peacekeeping needs to fix, or the humanitarian world needs to fix, but this is a great opportunity to actually look at POC in the peacekeeping context. I think it would be almost fatal to this more coherent approach that we're trying to promote and that we desperately need on the ground, if we zeroed in and reduced our view of the role of protection in a peacekeeping environment just to physical violence and physical protection and the mandate of imminent threat. Thank you.

Case Study: Protecting Civilians in the United Nations Stabilization Mission in Haiti

Lt.Gen. Carlos dos Santos Cruz, Former Force Commander MINUSTAH, Brazil

Good morning. It is an honour for me to be here with so many important people; Mr. Guéhenno, Ms. Holt, Mr. Titov, ambassadors and force commanders, directors and academics.

In the short time I have, drawing upon my own experience in MINUSTAH, I will try to identify the key things for successfully carrying out a POC mandate. The first time I heard discussions on POC, I was rather surprised because I think it is a natural obligation we have since God created the world. However, I appreciate that it is very important to reinforce this obligation, because it seems that some people, governments, institutions and organizations don't recognize it.

In 2007, MINUSTAH was in Haiti to create a secure and stable environment, the classic mission mandate. However, the environment was neither secure nor stable. The main problem was in the Cité Soleil area of Port-au-Prince. The Soleil became the face of Haiti in the international media. Since independence, Haiti has had a trend of creating gangs and most of the famous street gangs were concentrated in the Soleil. There were 200,000 people living in 40 square kilometres, it was overpopulated with poor infrastructure. There were five or six big armed gangs, with the main crimes being rape, assassination, extortion and kidnapping. It was a very complex environment. We needed to occupy the Soleil and we needed to carry out our work without injuring innocent people.

The first key element of the mission's success was that we had high quality troops. Even if you have high quality civilian staff in a mission, if you don't have high quality troops, the mission will fail, because it is the troops who have the right to use force. An operation can be complicated if you have incompetent people.

The second key to mission success was training. I was lucky – I had a very good Brazilian brigade in my first contingent. The UN must ensure that troops are properly trained before deployment. Before deploying to a mission with a robust

protection mandate, a soldier should use no less than 1,000 rounds during training. With this kind of training, if he needs to shoot, he will be accurate and he will not shoot innocent people. He will not be nervous. During the operations in the Soleil, many times we found ourselves in the middle of a mess – women and children would suddenly appear on the streets. In such circumstances, you need to stop, you need to be calm. Only men with good training will be calm in that moment. Of course, training must encompass a range of activities – that was just one example.

The third key to mission success was good relationships within the mission. While it is important to have leadership within the mission, you need more – you need friendship. Ninety per cent of the problems in this world we solve around a table, drinking a beer. I was lucky, I had many good friends around the table giving me ideas. Mr. Edmund Mulet, Mr. Hédi Annabi, Mr. Luis Carlos da Costa, Mr. Andrew Greene – these were all smart people. When you have friendship, people bring ideas. The UN should focus more on building relationships within the mission. Leadership, friendship, consideration, respect for other people – these are all very important for a mission.

The fourth key to mission success was intelligence. We need to know who is who, we needed pictures of key players, we need to know their addresses, etc. How do you get this information? We had a very well-functioning Joint Mission Analysis Cell (JMAC) and an excellent relationship between the JMAC and the military component. The chief of the MINUSTAH JMAC was a great man, retired from the American Army. He was also a great friend. We used to talk all the time and often he had some very good information. The JMAC would prepare very good information packages on targets, which we would use in our operations. Sometimes he would go straight to the battalion without talking to me, but that was no problem. A mission needs to have freedom to collect intelligence. The JMAC, the military, NGOs, they all need to be able to collect intelligence. We had very good relationships with a number of NGOs. However, NGOs must be dealt with in a special way, because they must be protected. At times NGOs would phone or email me providing information on gang members. NGOs are in the middle between the mission and the population. If an NGO provided information on a gang member, we couldn't go the next day and put pressure on the bad guys, because they would take it out on the NGOs. It took some time to build a relationship of trust with the NGOs necessary to facilitate the flow of information, but over time such a relationship was built.

The fifth key to mission success was understanding the Government. The DPKO Operational Concept states that we need to support the Government, that they will protect the NGOs, they will protect the civilians. This is not the case. While we may follow the book, they do not. The mission needs to know who is who in

a practical way. Many politicians and policemen wanted to know when we were planning an operation. I forgot to call. I'm not criticizing Haiti. I have problems in my own country. It is natural I think, everywhere. But just to say that we need to know who is who. In terms of sequencing, in the beginning, the fighting was heavy. It was urban warfare and only suitable for military combat units. As our operations progressed, the confrontation lessened and we were able to bring the UN police in. Following this, when the environment was more stable, then we included the national police.

The sixth key to mission success was legal support. We had sufficient legal support, we had a mandate. What we needed was a positive interpretation of that mandate. We didn't have a POC mandate, but we didn't need to. In order to achieve effective POC some people point to a need to refine the mandate, but what we really need is to have people on the ground working with a positive interpretation of the mandate.

Motivation, initiative, a trusting environment within the mission, quality of troops – all are important. However one of the most important things is leadership – I need to trust my chief. I had the good luck to have Mr. Edmund Mulet and Mr. Hédi Annabi.

The civilian population should be the focus of the mission. People are the most important thing in the mind of a soldier. It's very easy to put soldiers in close contact with the population, because soldiers come from the middle class, from the poor class. Our profession is not attractive, because we don't earn very much money. It's not too attractive to people from the high class. However, because of this, soldiers know how to deal with the people.

When we had to protect civilians from the gangs during our operations, it was very important to know to separate the population and the criminals. Some people have a tendency to confuse poor people with criminals. Except for the one per cent who are criminals, people of the Soleil are fantastic people. They are well educated, peaceful, but poor and miserable. However, the force must only attack the one per cent who are criminals.

Further, we need to have determination. It must be clear to the population (including spoilers) that the mission will protect civilians, forcibly, if necessary. The civilians, the criminals, the armed groups, the militias, they will not read all of our well-crafted documents, they need to receive a very strong message from the UN mission, from the SRSG, from the Force Commander. They may not watch television, they may not have electricity and radio. We need to be strong in our interactions with them. They understand two languages, English and French. They

understand money and force. We need to use that kind of tool. We need to be very nice with the people and very hard during the fight.

Translation is very important – translation of guidance for soldiers and civilians in the field, translation of intelligence, and also translation of messages for the local population. We need to prepare the population, we need to inform them that there might be a major fire fight and they should keep their children inside. They need to know if you are going to occupy their neighbourhood. They need to know that you are going to attack, but not the population, not their Soleil. They are very proud, because they live in their Soleil. We need to say that we are going to attack the gangs, the criminals. We need to separate things.

We need to be willing to use force. We need to make a show of overwhelming force. The force must be ready to react proportionally when attacked. But when you are going to attack, you need to make a show of overwhelming force, because they will fear reaction. If they fear such a reaction, they may not attack and the problem will be solved without having to use force at all. We must know when the use of force is necessary, and not hesitate to use it. And when we are going to use force, we need to be very precise and use all the force we have. I'm talking about, in one night receiving more than 20,000 rounds, and using more than 12,000.

It is also important to select the right time for an operation. In Brazil, I've seen the police go up against a gang in a slum in Rio de Janeiro in the middle of the day. At 8 o'clock in the morning, there will be people going to school and going to work. We need to attack at midnight, one or two o'clock in the morning, because we don't have women or children on the streets. We have many ways to prevent collateral damage for innocent people.

The support of the population will depend on your actions. After a long time, the population offered us much support. As we killed the criminals and gang members, they would come forward with more and more information to help us in our work. Troops should be educated to help the population with small things. Because the population is not sophisticated, they will be very grateful to you if you give them a hand with small things. We dedicated a portion of our time to working together with some NGOs, institutions, agencies. This is very important, because we had the means – we had the trucks, the doctors, we had everything. I think the UN should do more to integrate certain NGOs with the work of the mission. When we were planning a major operation, we sometimes needed to warn Médecins Sans Frontières and the Red Cross, because they needed to mobilize their people during the night. They may have needed to go to the hospital to provide help for the wounded. In no instance did they ever break confidentiality. The mission needs to have this type of contact with NGOs.

The challenge is that after robust operations we needed to provide something for the population. We need to help them rebuild their lives. Not because of ‘hearts and minds’ concerns – I don’t like this. But because they are people like us, they need attention. If you end up winning hearts and minds, that is a fortunate consequence. But the motivation should be more because they are human beings like us, and they are living in very bad conditions.

In my experience, violence is usually generated by misery. In Haiti, this misery is generated not by lack of money or lack of support. There are more than 3,000 NGOs in Haiti. There are agencies from Canada, the US, the EU, the World Bank, and the International Development Bank. In Haiti, this misery is generated mainly by a lack of the public authorities’ concern for the people – poverty, exploitation, corruption, mismanagement of resources. If we don’t attack this problem at the first pillar, the violence will return in a moment. It’s very important to believe that Haiti will solve the problem of poverty and misery.

All the leaders in the field – the SRSG, the Force Commander – they need to take some risks. We are not deploying on mission to be home by 5 o’clock. If we wanted to do that we could stay in Rio de Janeiro, at the beach – Ipanema or Copacabana – much better. We need to take some risks. But to take risks you need to believe that your chief in DPKO will support you. And you need to know that it’s possible to do so and to remain inside the law, respect human rights, everything. It’s possible to do what we want under the law and respect human rights.

Congratulations for addressing the subject of POC. I think this work will have very good consequences. But even with these actions you are taking, sometimes some organizations and government institutions will really only protect civilians if they want, if they have the will to do so.

Finally, I would like to use this opportunity to express my admiration and gratitude for Mr. Edmond Mulet, my first chief in Haiti, Mr. Hédi Annabi, for almost two years my chief in Haiti, Mr. Luiz Carlos da Costa, DPKO police and civilians and all the institutions working in Haiti. Thank you to all the people there who completed the mission under the law with determination and in accordance with the mandates. Thank you.

Discussion

A former Force Commander picked up the reference by Mr. Strohmeier to the work of Sérgio Vieira de Mello, and commented that were Mr. Vieira de Mello still alive today, he would be extremely energized and excited about the attention

being focused on POC and also on policing in UN peacekeeping missions – two issues he was particularly passionate about. However, privately, Mr. Vieira de Mello would probably also be inclined to voice his frustration at the glacial pace at which progress was being made. The participant noted that he, like Mr. Vieira de Mello, was impatient for things to happen faster.

The same participant reflected on the workshop ‘Halting Widespread and Systematic Attacks on Civilians: Military Strategies and Operational Concepts’, hosted by the Stimson Center at the Kofi Annan Peacekeeping Training Centre in 2006. During the workshop, force commanders and other experts had examined what a mission should do in a POC situation, which was then scenario-played. What came out very clearly from the scenario exercise was that force commanders did not have a united view or understanding of what they were supposed to do. It depended on the individual. Another issue that arose from the scenario exercise was the difficulty of the military, police and humanitarian pillars developing a coordinated protection plan. In his view, progress had been made since then, but he warned against assuming that military commanders have a good understanding of POC. He confessed that when he was deployed to East Timor, he did not have a good understanding of POC but that was what he was deployed to do, under a more general security banner.

The same participant also made a comment on training. He asserted that in his view training on POC was absolutely critical, and he was pleased to hear about DPKO’s progress in this area. However, he noted that the UN must be careful not just to produce a handbook on POC. He suggested that the first step was for DPKO, OCHA and UNITAR to collaborate closely on POC. At the moment, POC concepts were starting to be included in courses on civil-military coordination, and UNITAR was also developing a course on POC. He noted that while each course might have a different slant on POC, it was important that they share the same concept of POC. He also highlighted the importance of developing training in line with a unified POC concept in the regions, especially through regional peacekeeping training centres. He stressed that pre-deployment training would never be enough, that it needed to be followed up with effective in-mission training as the mission progressed and learned from the experience of other missions which was fed into the training cycle. He concurred with the assertion of Mr. Strohmeyer that lessons learned were a critical element of the training cycle.

The same participant made a final point on the need for effective and collaborative POC in missions. First, he asserted that it was critical for Technical Assessment Missions (TAMs) to really focus on protection needs otherwise POC might be approached in a stove piped manner, which must be avoided. He suggested that DPKO might need to identify a number of very senior protection advisers

on whom they could call to be part of TAMs, because at the end of the day, it was the preceding TAM that was going to shape a mission mandate. Second, he asserted that consideration should be given to including a senior protection manager in UN peacekeeping mission leadership teams to try and ensure that the protection directive was disseminated, understood and implemented by the mission in a collaborative manner. He stressed that not every SRSG would have a great understanding of POC, and there needed to be someone to ensure a unified POC strategy was collaboratively implemented. If the SRSG went to the most senior OCHA person, the Force Commander or the Police Commissioner, they were likely to get a different emphasis in a POC strategy. They needed somebody capable of pulling it all together.

Another participant and former Force Commander offered several comments, the first was on the use of force. He commented that Gen. dos Santos Cruz was fortunate to have had his own brigade in MINUSTAH and agreed that at times force needed to be used in an urban environment. However, he disagreed with Gen. dos Santos Cruz with regard to the use of force more generally. He asserted that the use of minimum force with maximum effects should be the objective, because once the first round was fired, commanders often lost control of the situation and over their men. He stated that this was his experience. He believed that others who had been in the military and in the UN would agree that once the first bullet had been fired, it was very difficult to know from where the fire was coming.

He also commented on the need for the POC concept to incorporate aspects other than just physical protection. He related an example from his time in Liberia during which the UN force was tasked to provide security to the election process. In his view, that was a very well conducted election. Not a single incident took place, even though the UN force was not able to provide protection to each and every polling booth. He stated that this illustrated his point that a military force could radiate protection by its effects. It was not necessary to be present everywhere. He suggested that at times NGOs and others did not understand the approach and conduct of operations, and failed to appreciate the broader effects that these could have. He asserted that in the final analysis, it was evident that most of the time, the presence of a body of troops at one place could radiate protection effects throughout a larger area.

The same participant made a final comment, agreeing with Gen. dos Santos Cruz that it was not necessary that POC should be spelled out in a mission mandate. He asserted that if you distilled every task in a peacekeeping mission, each task, at its essence, it was about POC. In the end, all tasks revolved around the protection and security of civilians.

Ms. Nakamitsu responded to a number of the comments made. She noted that the question of whether UN peacekeeping missions should have a delegated capacity to oversee protection functions was an interesting one, and one that DPKO was considering. She explained that DPKO was currently taking the approach that POC needed to be mainstreamed into the main functions of a peacekeeping operation, especially at the senior management level. In answering the question of the need for a focal point to oversee protection functions, she suggested that it could be of assistance to look at a similar situation. She provided the example of DPKO's approach to sexual violence. She explained that DPKO had tried different approaches to sexual violence issues in different missions. In the case of MONUC, through the UN action framework, the Mission had recently incorporated a specific focal point, a senior adviser, on sexual violence issues. That had had a very positive effect, with the mission developing a comprehensive strategy to deal with sexual violence issues. However, at the same, it had resulted in an approach developing among some senior mission leaders, that sexual violence issues were now dealt by the focal point, so they did not need to pay as much attention to such issues themselves. So, in her view, there were two sides to having a delegated capacity for particular issues. There was a need to balance those different effects. The findings of the Independent Study on this issue should also be considered.

Ms. Nakamitsu concurred with the participant's comment on the critical role played by the TAM in ensuring an effective approach to POC. She indicated that DPKO was considering how the TAM process could become more strategic. From recent experiences, including the TAM to MONUC and some of the other key missions, it had become evident that a functionally-fragmented approach was often taken. More thought needed to be given to how the TAM process could be more strategic. Part of that required an understanding of the linkages between various sectors and different functions. DPKO needed to consider the essential function of the TAM and how it differed from a Strategic Assessment. She indicated that DPKO had begun to consider these issues internally and would perhaps be able to offer more clarity on them in the future.

Ms. Nakamitsu highlighted that DPKO's approach to training was to work with others. She explained that it was the role of DPKO to set policies and standards together with the Member States. She indicated that consultation with Member States was a very important part of developing policies and standards. She asserted that more should be done with DPKO's partners with relation to developing training modules and delivering courses. She said she was particularly engaged with DPKO's peacekeeping training partners through the IAPTC and was currently involved in discussions with UNITAR as to how they might be able to work together in the area of peacekeeping training.

Mr. Strohmeyer addressed several of the participants' comments. He concurred with the point regarding a lack of understanding of POC issues among force commanders and asserted that all of the force commanders consulted during the Independent Study were convinced that more needed to be done on POC and were impatient for more support to be offered from UNHQ. He stated that it was the force commanders, at the end of the day, who wanted to do more. In this regard, he made several pleas. First, he appealed to Member States (particularly TCCs) to support their force commanders do the job they assumed and to figure out quickly what they needed to do. He stated that without guidance, force commanders would not be able to do their work as well as they could. To the humanitarian community he appealed not to be afraid of the force commander. Second, he explained that many NGOs were often the first to call for military deployments (this was the case in Darfur and many other contexts) yet once the forces were deployed, the same NGOs were afraid of engaging in both direct and indirect ways that would jeopardize their role. Third, he appealed to SRSGs and the 'politicos' in a mission to listen to their Force Commander. He asserted that all of these things needed to come together. Finally, he stressed that the Force Commander was a very critical, if not the most critical, pillar of a protection strategy – but he was not the only one.

Mr. Strohmeyer then turned to the TAM and the planning process. He indicated that he did not have a firm opinion on whether there should be protection advisers within DPKO or not. He noted that it might or might not be useful, and was something that needed to be considered. He stressed that TAMs were very important opportunities for the system to come together. He indicated that he was convinced that if the UN family did not operate coherently on the ground, it might not only do no good, but might on occasion do damage. If those people who were responsible for returning IDPs and returnees did not engage with those who were responsible for security at the military or police level or with the political leadership, the UN would not succeed. There needed to be coherence and that coherence needed to start through the TAM process. He asserted that rather than just replicating the multiplicity of functions within DPKO, there was an argument for devising the structures and the processes in a way that it allowed the many humanitarian agencies and others to actually bring their expertise into the process.

On the issue of including a senior protection adviser in the mission, he noted that the Independent Study had struggled with this question. He explained that in the end there was a recognition that missions were different and a prescriptive model might not be appropriate to all, and therefore the missions needed to figure it out. However, he noted that one sense that the Independent Study group did take away from their discussions on the issue was that a person, like the Chief of Staff, who was very close to the SRSG and the rest of the mission leadership team, needed to oversee the implementation of the POC mandate. It was this horizontal and

vertical coordination that needed to happen. The Chief of Staff was at the centre of the mission and should be ensuring that between the SRSG, his political deputy SRSG, his development/humanitarian deputy SRSG and the Force Commander, there was no space in terms of understanding and coherence of POC strategy and activity. He asserted that the Chief of Staff, whether s/he did the job her/himself or had a capacity to assist her/him, was another one of those functions critical to effective POC.

Mr. Strohmeyer reiterated the importance of incorporating lessons learned in the training cycle. He asserted that lessons learned allowed the UN to standardize and institutionalize good practices that had been developed, not in an abstract manner, but by people who could operationally attest that the practices were both doable and valuable. Lessons learned were not just stories from policy people who dreamed up a better world, they demonstrated that certain practices were doable. However, he cautioned that the lessons learned process must have a built-in mechanism of constant review. He asserted that if the UN was to go down one path, for instance very proactive / aggressive / robust peacekeeping, there must be the opportunity to review what impact that robust peacekeeping was actually having on POC.

Finally, Mr. Strohmeyer emphasized that POC was a skill. It had to do with not doing harm. It had to do with reviewing what harm had actually been done to a certain population. It was important to recognize that those people within the mission, be they civilian, military or police, who claimed that they carried out protection activities, needed to be skilled and trained sufficiently to do this. He stressed that in this regard lessons learned, best practices and evaluations were critical. He ended by indicating that he hoped that in ten years it would be evident that the UN had institutionalized some of the good practical experience on POC through the lessons learned and best practices process.

Gen. dos Santos Cruz also responded to the participants' comments. He reiterated the importance of having one approach to POC, noting that if all mission personnel were clear about the approach it should render good results. On the issue of the use of force, he clarified his earlier comments explaining that when he used the term 'overwhelming force' he meant an overwhelming show of force. For example, even if he needed only a platoon to execute an action, he would put a whole company before the enemy for the purposes of intimidation. He stressed that it was better to intimidate the enemy into not reacting, and therefore have less damage to the environment.

A participant posed the question of what successful POC would look like? He acknowledged that POC was a complex task comprising many strands (rule of

law, humanitarian, physical protection) and suggested that military people might adopt a campaign plan approach to it, viewing each strand as a line of operation. This would raise the question ‘What does success look like in a POC-mandated mission?’ He explained that trying to define POC, particularly in the New York context, was all but impossible. He stated that debates and discussions on POC tended to steer clear of definitions due to the difficulty of achieving consensus on them. However, he suggested that a way to circumvent the definition problem would be for all of the lines of operation to have a common end-state, what might otherwise be termed an effects-based approach. Clearly defining the effects trying to be achieved for all those lines of operation, may facilitate a better understanding of what was trying to be achieved in a POC-mandated mission. He suggested that the effects could be described both as effects on civilians designated to be protected (e.g. basic needs met, a degree of civil liberty, an ability to go about daily duties without fear, etc.) and effects on a host nation (e.g. encourage and facilitate that host nations better look after its civilians). From the perspective of the UN, there were international and local expectations to be met. Expectation management was partly about different ways of viewing what success looked like. He suggested that the UN should determine the effects that it was trying to achieve and then work from there, applying those effects across different mission elements.

Another participant posed a question relating to tactical intelligence in UN peacekeeping missions. He indicated that he was interested in Mr. Strohmeyer’s ‘five concepts of leadership’, but disappointed that there was no reference to tactical intelligence in support of the mission. He stated that whether in a military or police context, tactical intelligence was going to be one of the benchmarks that determined the success or failure of most operations, and certainly any operation in the field of POC, because the operation needed to move from a reactive phase to a proactive phase. He indicated that he was well aware that intelligence in the UN context was a very sensitive issue. It brought up matters relating to trust, to sovereignty, to methodology and a number of other concerns. He asserted that the UN community had been ‘sort of’ addressing these issues over the past ten years. He then posed the question ‘What initiatives have been or are being taken by DPKO to truly develop some sort of philosophy on tactical intelligence in UN peacekeeping operations? Is it going to be regarded as a UN contextual intelligence mission? Is it going to be concerned with what component parts of the peacekeeping mission staff can provide to the mission or what other measures can be used?’ He concluded, asserting that it was difficult to see how the UN could be effective in dealing with POC unless it had the basic knowledge on which to operate proactively.

Dep. Assistant Secretary Holt also posed a question to the panel. She asked Ms. Nakamitsu to reflect on the next steps for the Capstone Doctrine, and to what

extent that would take into account some of the recent debates and discussions on POC. She also posed a question to Mr. Strohmeyer. She recalled the situation in MONUC where the humanitarian elements worked closely with the Force Commander, but noted that the needs were so great with such a ‘rights-based’ approach, that it could quickly exhaust a force that had multiple other aims and objectives (something some might contest is currently happening in the DRC). In light of this, she asked Mr. Strohmeyer whether Joint Protection Teams (JPTs) were the way forward, or whether they were a tactical answer to a strategic problem?

Ms. Nakamitsu responded to a number of the comments. She agreed that there was value in identifying the desired effects of POC. In addition to those effects described by the participant she added empowerment of local communities to begin protecting themselves. She stressed that in addition to the state and local institutional aspects of POC, empowerment of the population itself was very important. Adding a gender perspective, she asserted that one of the biggest impacts of the all-women Formed Police Units (FPU) in Liberia was the psychological impact it had on women there. She indicated that women in Liberia also had to take matters into their own hands and start protecting themselves, so the psychological effect feeding into an overall protection strategy that was given by these all-female units could not be over-emphasised.

Ms. Nakamitsu also affirmed the critical role of intelligence in the effective implementation of POC mandates. She highlighted that both the DPKO/DFS Lessons Learned study on POC identified the need for intelligence as one of the key issues. She indicated that in the draft Operational Concept there was significant emphasis on proactive rather than reactive implementation of a POC mandate. She stressed that for the UN to be really successful on the ground, it should not let the situation escalate. UN peacekeeping was going to be able to function much better if the mission took those proactive measures much earlier, and for that to happen, intelligence was key. She explained that there had been an easing of the sensitivity surrounding the issue, with TCCs/PCCs and the C-34 recognizing the importance of intelligence. She indicated that it was important that the UN take this opportunity and move forward. Intelligence was crucial in a POC strategy.

In response to the question on the Capstone Doctrine, Ms. Nakamitsu reminded the Challenges Forum that 2010 was the year designated to review the Capstone Doctrine. However, she indicated that DPKO/DFS felt that if they were able to implement all or most of the agenda under the New Horizon process, that would effectively amount to reviewing the Capstone Doctrine and its principles. DPKO/DFS would like to take the New Horizon strategic framework forward, including the agenda relating to POC, and then integrate relevant elements into the Capstone Doctrine, working together with Member States.

Mr. Strohmeyer also addressed a number of the comments starting with the question on Joint Protection Teams (JPTs). He indicated that the jury was still somewhat out on JPTs. He noted that one-and-a-half to two years ago, JPTs were hailed as the way forward. In his view this was part of an underlying move towards a more integrated understanding of and approach to POC that accepted that in order to do protection right a mission had to have a more coherent approach across the divide. However, particularly on the humanitarian side, there were also now lessons emerging that suggested some of the agencies felt that such close integration impacted on their ability to get close to the populations of communities at risk, particularly in environments (such as eastern DRC) where, for better or for worse (probably for better), the peacekeeping force took a very robust stance and was perceived by some as a party to the conflict. He made clear that he was not criticizing this – that it was just a factual statement and the issue was under review. However, in his view, the underlying sentiment was the right one. This provided an example of why the UN must constantly review and adjust its ways of being creative. The UN must be able to try initiatives like the JPTs, review them and adjust their activity to address unintended side effects.

Mr. Strohmeyer also provided a comment on tactical intelligence and the use of the ‘I’ word within the UN community. He noted that the UN had found many synonyms for the concept to avoid the word intelligence in the past and that he was glad some progress had been made on that front. He asserted that everyone accepted the need for what is, effectively, intelligence, when agreeing that there needed to be a sound basis for threat assessments. He explained that there were many facilities that dealt with intelligence in the field, the JMAC (a concept that was a great step forward, but still too military-owned in practice) the Security Information and Operations Centre (SIOC), and in instances where OCHA had a separate office, it almost served as the information pool for the humanitarian community. He indicated that the difficulty was to bring the different lines together – the military information, the security information and the information from humanitarian agencies, primarily NGOs – because in some regions (for example Darfur) NGOs operate in areas, where even the UN agencies were not allowed. All of this needed to be brought together. He indicated that this had been tried in Sudan with mixed success. In that instance, it was called a Unified Mission Assessment Centre. In his view, this was the right approach.

Finally, Mr. Strohmeyer addressed the issue of effects-based success evaluation. He indicated that it was currently standard practice in the humanitarian community to focus on impact of activities. Humanitarian actors were carrying out evaluation of whether their activity was actually having the desired impact. He indicated that these evaluations found that in some situations, it was not, and that was important for the actor to know. He stated that against the background of the

much more politically sensitive environment in which peacekeeping resided, he hoped that these evaluations, lessons learned and benchmarks would actually lead to much more understanding and buy-in of what was possible on POC in a mission environment.

Gen. dos Santos Cruz made a final remark on intelligence. He indicated that in his experience in MINUSTAH, the military units had deployed intelligence specialists, and in some instances specialist materials. In addition, there were people with intelligence experience within UNPOL (he recalled in particular personnel from Spain, France and Canada). He explained that during MINUSTAH operations they employed technical intelligence behaviour: they filmed in many places; they collected pictures for identification purposes during operations; and they had real-time transmission of images with support helicopters. In addition, the operations were always supported by JMAC personnel. The technical expertise of the personnel sometimes resulted in disagreements, because they were all so familiar with and focused on activities in the sector. He stressed that during the difficult times the mission was very well supported by the excellent work of the people working in intelligence functions.

Military and Police Requirements for Effective Implementation of Protection of Civilians Mandates

Focus: What protection tasks should military and police forces undertake? What capabilities and training do they require?

Amb. Robert Hill, President of the United Nations Association of Australia and Former Permanent Representative of Australia to the United Nations

Welcome everyone. This is going to be a particularly interesting session, from both a police and a military perspective, because the focus is going to be on ‘boots on the ground’. It will focus on the practical issues and experiences of the interaction between police and military in executing their mission responsibilities, particularly in relation to POC. It will also focus on their interrelationship with civil society and the political world and the challenges that come from that.

I will now introduce our three speakers. First: Mr. Andrew Hughes, an Australian, has a police background. He has held various roles in the Australian Federal Police, including heading their International Division. Mr. Hughes was deployed to Fiji, where he served for two years in the role of Fiji Commissioner of Police, and ended up not staying as long as we had anticipated. However, his shortened stay was a benefit in some ways, because he was selected as the UN Police Adviser at UNHQ, a position he took up during a time of great expansion in policing in peacekeeping in missions, requiring his focus on both conceptual and practical issues. So Andrew, thank you for being prepared to contribute today. We look forward to hearing what you have to say.

Policing Considerations

Police Commissioner (Retd.) Andrew Hughes, Former Police Adviser, Department of Peacekeeping Operations, United Nations, Australia

Peacekeeping is a political endeavour, but ultimately it’s about the people. We are people, we are all members of the same human race. And all our frailties and foibles are there, whether we’re on the peacekeeping side or the recipient side. I’ve tried to capture some of those to lighten up my presentation a little bit.

Mr. Chairman, Excellencies, distinguished guests, ladies and gentlemen, I want to start my presentation by stating something which, on the face of it, would seem to be, at least to most of us, common sense. Protecting civilians is core business for police services around the world. Protecting people from themselves (through public safety campaigns, for example road safety), or from others (for example criminal law enforcement), or from the elements (in the case of recovery from natural disasters). If a security incident occurred at this venue today, I venture to suggest that police would be the first responders. Unless the incident was the most extreme imaginable, they may well be the only responders on the security front.

When we deploy police to peacekeeping missions, however, things aren't so obvious or clear-cut in respect of the role of police in protecting civilians. This has been touched upon by other speakers. Why is this? There are a number of factors at play, which I believe contribute to a rather blurred state of affairs.

First, peacekeeping has been, and continues to be, to a large extent a military-dominated endeavour. Now there are good reasons that this is so and I will explore one of them shortly. But the result of this is, quite understandably, that so many things are seen through a military prism. The primacy of the police in protecting citizens in domestic settings is frequently lost in international, multidimensional peacekeeping settings, if not in practice, then certainly in most policy and planning processes. There are notable exceptions to this. RAMSI, on which we had a presentation yesterday, is one example. RAMSI was a regional, not a UN peacekeeping mission. Another significant difference is that the police were in the lead on the security; the military provided a supporting role.

Second, it's only in exceptional circumstances that international police are mandated to have executive policing powers and authority. The UN Police in Kosovo and Timor-Leste were, for a time, the international police. The UN Police had executive policing responsibility. These are two of the most recent examples. In the absence of clear authority to execute the law, and to be first-line providers of security, how can international police be expected to fully and unreservedly translate their professional instincts to protect civilians in this new environment?

Third, and this is the most important point, one must consider the nature of the threat to civilians. I want to quickly explain to those who may not be familiar with how international policing, certainly under the auspices of the UN, is configured. Basically, there are two principal ways police are deployed. First, as individual officers deployed with the status of experts on mission. They almost invariably deploy as part of a national contingent, but their status as individual police officers remains unaffected. Currently, 100 countries contribute police to UN peacekeeping missions, an enormously diverse group. Usually, you can

identify them by the national flag or the national police emblem. These individual officers have different conditions on the ground, usually translating into higher mission allowances as they usually live off the economy. They are also covered by Department of Safety and Security rules in respect of their own personal security.

The role of individual police officers is as varied as the mandates under which they serve, but can be clustered into three categories. First, interim law enforcement, such as in Kosovo and Timor. Second, close operational support, where UN police do not have executive authority themselves but they work shoulder to shoulder with local counterparts. Haiti is another example of this type of mandate where the UN police provide close operational support to the Haitian National Police. Third, the third major pillar of activity for UN police is reform, restructuring and rebuilding. Under these mandates UN police work with other international donors and actors to rebuild police services which are all too often destroyed or severely weakened as a direct result of the conflict which gave rise to the peacekeeping mission.

The importance of female police officers in post-conflict setting and for POC cannot be overstated. Many of the innocent victims of the atrocities associated with conflict are women and children. There are many instances, where women and children respond much better to female officers than to their male counterparts.

The second principal way a police officer may be deployed is as a member of a Formed Police Unit (FPU). An FPU is made up of police officers from one country, who deploy as a homogenous unit. They are self-sufficient, to a large degree, deploying with armoured personnel carriers and mechanics, automatic and other weapons up to around 50-calibre, their own logistics support and even their own cooks. Their primary function, and this depends upon the mandate, can and usually does include crowd control from large scale peaceful public gatherings to full-blown riots. It can also include protection of UN personnel and assets. In some missions with a capacity-building mandate, FPUs develop local capabilities in their areas of specialization (e.g. crowd control).

Returning to the third issue confronting international police in POC – is the nature of the threat. If the threat to civilians is of a criminal nature, then it makes sense that international police should have a part to play. If it is a mission in which they have an executive mandate, that is they are to function as the international police, they should respond in a similar fashion to the way one would expect the police to respond in most countries around the world. But what if the criminal threat is posed by heavily armed militia, who are criminals today and armed combatants again tomorrow? Can even an FPU, which is relatively lightly armed compared to many militias, be expected to confront them for a criminal act or the threat of

a criminal act, or is this a job for the UN military? I believe it is a job for the UN military. You can see things become blurred. We heard from General dos Santos Cruz a very detailed coverage of how he managed the situation in Haiti. I'll offer a few comments from a police perspective, which will complement much of what the General had to say. As he mentioned, only a few years ago, armed gangs essentially had primacy and ruled many areas of the capital (including Cité Soleil) and other parts of the country. Drug trafficking, robberies, kidnappings, murders and extortion were all commonplace. These gangs were very serious by any measure – they were not the type of people you'd invite home for tea and cakes. Certainly the actions of these groups were beyond the capacity and capabilities of the Haitian National Police to deal with, so the UN moved in. FPU's and UN military, in a series of well-planned and coordinated actions, over time, involving the national police, broke the back of the criminal gangs. Some were shot and, regrettably, killed as they violently resisted. Others were arrested.

The operation in Haiti was successful, as the General very accurately described, and shows what can be achieved when there is strong political will and support. SRSRG Edmond Mulet demonstrated both. What we saw in Haiti, in respect of organized crime as a major spoiler of peacekeeping and peacebuilding efforts, also occurred in Kosovo. Similarly in West Africa, where there are three peacekeeping missions managed by DPKO and two political missions managed by DPA, organized crime is widely regarded as the biggest threat to peace, security and stability, including by the highest political levels in ECOWAS. This manifests itself in international drug trafficking, fire arms trafficking, people trafficking. There is no doubt that organized crime has a major impact, because the corrupting influence of organized crime undermines everything we try to do as an international community in rebuilding these countries after conflict. It also promotes other things like the exploitation of natural resources and the illegal dumping of toxic waste. Corruption is endemic.

Returning now to the role of the military component in peacekeeping missions in protecting civilians from organized and serious crime – in my humble opinion, military components and political decision-makers in the field need to be certain that the mandate authorizes, and that the prevailing circumstances justify, a military intervention in the fields of law enforcement and civil control. Arresting civilians, especially when force is used, is a serious matter for any peacekeeper. Any actions along these lines must be fully coordinated with the UN police component and, where there is trust, especially with the relevant local authorities – usually the police.

My first key issue for consideration and discussion is that protecting civilians is core business for the police and this should be recognized in policy and in mission

planning and mandate design. My second key issue, rising from the first, is that in tasking police to protect civilians from criminal threats, decision makers must be mindful of the capability of the criminal actors. Police should not be deployed to confront a threat for which they are not properly equipped or trained. Linked with this is that law enforcement must be the exception and not the rule for military components. When the threat has passed or subsided they should revert to their central role and leave law enforcement to the police. I have one other key issue and that concerns the capabilities of FPU vis-à-vis the military. FPU are an often misunderstood element of contemporary peacekeeping, but if they are properly trained, equipped, lead and supported, they have the potential to do much more in the protection of civilians.

Let me lay a few things on the table with regard to FPU. First, a review of FPU, conducted in 2008, revealed very serious deficiencies in training, equipment, command and control and operational readiness. Steps have been taken to overcome these deficiencies, but when I left the UN six months ago, there was still a long way to go. Too many FPU are simply military personnel re-badged as police, with little or no police training. They could not reasonably be expected to understand and execute graded and commensurate use of force principles, when confronted with a violent threat (e.g. shooting as a last option rather than a first response). While it is a requirement that FPU commanders speak the mission language, all too frequently none of the section leaders can. This leads to problems when the FPU is deployed as smaller teams. It's very rare that an FPU is able to communicate in the local language, so giving clear instructions in crowd control situations is usually problematic, so the FPU have many problems. The international community must make every effort to assist FPU to reach the required standards, particularly FPU from developing countries as this is where nearly all of the FPU are currently drawn from. 'Make FPU Safe' was a theme within the Police Division, when considering these issues.

As the capabilities and capacities of FPU are gradually improved, how far should the concept be taken? If one considers a typical peacekeeping mission as having a green box of military-provided security (including POC), within which sits a blue box of police-provided security (also including POC), how big should each of these boxes be? In other words how capable should FPU become? Is there an alternative? Should modern military peacekeepers be trained and equipped to have more interface with civilians in a traditional policing sense? Where does one draw the lines of the boxes? Now is the time to be having these discussions. There are now well over 50 FPU mandated by the Security Council in UN peacekeeping missions. They have been the fastest growing component in modern peacekeeping missions and this shows no signs of abating.

The final key issue for consideration in POC so far as the police are concerned, is basically how far should police be militarized to counter military-type threats to civilians, or how far should militaries be re-fashioned into police forces to better handle criminal threats to civilians from combatants? Thank you very much.

Amb. Robert Hill , President of the United Nations Association of Australia and Former Permanent Representative of Australia to the United Nations

Thanks, it did remind me, that when we, as a Government, took the decision that the role of the military would be to support the police in RAMSI, I had the job of explaining that to the military. But it was taken well.

Our second speaker is Gen. Patrick Cammaert, who was the Force Commander of UNMEE, in many ways a very challenging part of the world. He then was the UN Military Adviser in UNHQ, during the time of Kofi Annan. Subsequently, Gen. Cammaert went to the DRC to be a Division Commander in MONUC in about 2005-06, which was the time of the election which, in the context of the history of the DRC, was an extraordinary success. It is an interesting career move to go from being the boss in New York out to the field, but he did it of course because there was a job to be done. So, General, welcome.

Military Considerations

Maj.Gen. (Retd.) Patrick Cammaert, Former Division Commander MONUC / Former Military Adviser, Department of Peacekeeping Operations, United Nations / Former Force Commander, UNMEE, Netherlands

Thank you Michael Smith, the APCMCOE and the Challenges Forum for the invitation to participate and to speak at the Challenges Forum. I am very happy to see so many old friends and colleagues, including my old Force Commander, General Sanderson, again. I served as battalion commander, a sector commander under General Sanderson from 1992-1993 in Cambodia. It was my first UN mission, and his leadership, his example inspired me, when I became a Force Commander myself.

Ladies and gentlemen, I have enjoyed reading the excellent background paper by Bill Durch and Alison Giffen and the Considerations Paper under the galloping leadership of Robert Gordon. I also enjoyed listening to and learning from the various interventions starting yesterday with Jean-Marie Guéhenno.

Many papers are now available on the subject of POC and robust peacekeeping. In 2005 and 2006, discussion on POC flared up after the violence in MONUC.

Since that time DPKO, TCCs and many other actors have been struggling to find answers about what the task of POC is – what is needed and how to do it. We have been reading and have been reminded today that the conceptualization of the role of UN peacekeeping operations in POC can be seen under three tiers, and there are strong links between the activities of the three. These activities are mutually reinforcing, mutually accommodating and should be taken forward simultaneously. POC is a complex and multi-actor effort involving the host government, local communities, parties to the conflict, humanitarian, human rights and other partners. As Jean-Marie Guéhenno said yesterday, there is still confusion among TCCs and DPKO regarding what POC entails.

I have been asked to speak on the military requirements and would like to concentrate on tier number two: protection from physical violence. On this tier, there should be, in my view, no confusion. I will explain why. Many policy papers have been produced on the subjects of robust peacekeeping and POC, and, as requested by the C-34, more are to come. Many seminars and workshops have been organized with undoubtedly more to follow. But does taking action on the ground have to wait until more papers are produced? Or are we waiting, as Prince Zeid said yesterday, until the next catastrophe occurs before realizing that immediate action is required.

I will say a few words as someone with a pragmatic approach, very much influenced by my experience as a Force Commander, a Military Adviser and the General Officer Commanding the Eastern Division in MONUC. The last job in the DRC was very much focused on POC and sexual and gender-based violence. I could talk for days on the subject, but today I will concentrate on three issues: leadership, dilemmas and challenges. I will try to give some suggestions on what can be done and what is needed to be done better. With this presentation, I hope to give answers to the questions relating to what tasks military and police protection forces should undertake, and what capabilities and training they require.

First, on leadership, many words have been said and written on the importance of leadership. I don't think we have a disagreement on that. Guiding documents for senior leaders are available, and this morning we learned about the Considerations Study with chapters on leadership. But if leadership is so important, what are we doing to improve it other than providing and writing guidance and doctrine? In my country, they say the fish starts smelling at the head. That applies also for the UN. To find, recruit and prepare senior mission leaders for a mission is a complex, politically-influenced process. Is the UN successful in that? UN mission preparation

has made progress with senior mission leadership courses, senior leader induction programs, and guiding papers. But more needs to be done in terms of finding and recruiting the right people to lead the mission, including the military and police components. Leading a multinational organization, under difficult circumstances, in a volatile environment with so many different languages, nationalities, cultural and religious differences is a challenge. But the right people in the lead are key for the POC (and not only on that issue). They are more key than developing another framework. Outsourcing to find and recruit the senior mission leader should be considered. New ways have to be discovered and tried, because the present practice does not work satisfactorily and has, on several occasions, resulted in damage to the credibility of missions, and to the UN. Leadership is automatically linked to accountability and evaluation of performance. It is sad to observe that this is hardly applicable for the senior leaders of UN missions. That has to change if you want to be serious about successful missions.

On this issue, I would like to suggest two things. First, to have regular 360-degree evaluation carried out by an institute or agency from outside the UN system, to evaluate the senior leaders. And second, DPKO should consider providing new SRSBs and/or Force Commanders with a mentor – a retired former SRSB or a retired General or Admiral – during the beginning of their tour, as is done in NATO with the Senior Officer Mentor Programme.

A few words on dilemmas and challenges – regarding the prioritization of protection, I agree with Bill Durch and Alison Giffin that POC is not the overarching priority of a peacekeeping mission. Their objective is to contribute to a secure environment and sustainable peace and development. POC is an operational objective, not a set of tasks at the tactical level. But let us not forget, where UN peacekeepers are deployed, and the local population is harassed and feel unsafe, they will run. They don't know anything about mandates, robustness or priorities. They know one thing – they will flee to the nearest UN compound, because the local population have an expectation that the UN will provide protection, whatever the priorities given at the mission or UN Security Council level.

In 2006, MONUC had the incredible, almost impossible task of supporting the presidential and parliamentary elections in the DRC – an enormous logistic and security task to undertake with limited resources. In the eastern Division, I had 15,000 troops and a lot of other goodies under my command. I can tell you we struggled with balancing the priority of POC and the important task of protecting electoral personnel and equipment and making the elections a success. It was difficult keeping all the balls in the air and not letting the civilian population down in their expectation of protection. In my view there is no need, in a Security Council resolution, to specifically give the POC task priority. Let the mission leadership

decide on that. Let the UN Security Council not indicate in our mandates how the missions should implement the mandate or prioritize against other objectives and tasks. Let them say what to do and why.

I cannot avoid talking briefly about robust peacekeeping, certainly not after the C-34 report and lots and lots of talking about definitions and concepts. In my view, robust peacekeeping is not a concept. During a workshop in Wilton Park, we discussed the subject of robust peacekeeping. Some of you were present there. We all, military and civilian high-ranking officials from the major TCCs, we all agreed that in any peacekeeping operation – Chapter VI or VII, armed or unarmed, – military, police and civilian personnel should be determined, resolute, effective, disciplined and active, and not be intimidated. That posture is found between the ears. It's not a concept. It's between the ears. The posture will give the confidence to the local population, the international community and the host government. It will make spoilers think twice before spitting a peacekeeper in the face. And the message of that posture is: 'Don't mess around with the United Nations. The United Nations will not be intimidated.' So let's delete the word robust. Delete!

However, if at the strategic level, there is so much discussion and confusion on even the definition of 'robust', what about the operational and tactical level? On the protection of civilians from physical violence, we are deployed within our capabilities. The military component is confronted with situations in which as Jean-Marie Guéhenno said, it should be obvious that peacekeepers will take action, or are confronted with events in the grey areas. However, in my experience, even the obvious is not always obvious. For example, you have heard about the massacre in Kisangani in the eastern part of the Congo, where 150 people, civilians, were killed – systematically killed during the night – when there was a UN compound around the corner. They didn't act at all. Another example, a local man (a husband) knocking on the door of a UN compound saying: 'My wife is going to be gang-raped by rebels in an IDP camp'. And the answer was: 'Go away, because we cannot enter an IDP camp'. The next morning the woman was found, more dead than alive, after a gang rape of ten rebels. Obvious – I would say so – but no action was taken. It was very damaging for the mission and the UN. And once something like that has happened, it is not easy to regain the confidence and trust of the local population.

However, again, if there is so much debate at the strategic and operational level, what about the orders and instructions and the other actors on this issue at the tactical level? People are patrolling as we sit here and speak. It is not only the senior commander, who should understand POC. Equally, or maybe even more important, is the junior leader, the Corporal, the Sergeant, the Lieutenant, a 24-year-old, who goes on patrol during the night. It's not the Brigadier-General

who's going on patrol during the night (maybe once in a while to set the example). So what is the role of this Lance-Corporal when confronted with a 13-year-old girl being gang-raped by four FARDC Government soldiers. What should he do? How well does the leader understand his responsibilities? How well is he prepared for this situation? I thought I had seen it all in my career – all the atrocities that you can think of. I was not prepared for sexual and gender-based violence as we saw in the DRC. So, is the Lance-Corporal going to be prepared for that? He's not, and why? – Because we are not preparing him during the pre-deployment training.

Another example of the dilemmas is the hamlet in the eastern part of the Congo where 47 women and children were locked up in their huts and burned alive. We knew the next day where the perpetrators were in the bush. Now you have your mandate to protect civilians under imminent threat. What are you going to do as the battalion commander, the company commander? You know where they are. You know they have done it in the past and you are completely convinced they will do it again. Are you going to go after them or are you waiting until they do it somewhere and you will rush to the scene? It's a dilemma. Just as all the human rights abuses by the FARDC soldiers are.

The bond between the SRSG and the Force Commander is vital – they should be hand-in-glove. It's a political-military bond. Maybe I can give you a small example of a very serious discussion I had with the SRSG, Bill Swing, at the height of the problems in 2006 with a dissident, a very unpleasant character, in the eastern part of the Congo. I discussed with Bill my ultimate plan if everything was to fail – how I would deal with the situation. That ultimate plan had very strong political consequences. So you discuss it with the SRSG and you come to an understanding and you know you are both in it together. But why is it that so many commanders do not take action in the grey areas, even when it is obvious that they should? Beside the possible negative instructions from their capital, it very much depends on the commander's personality, and remember that the mandate is as strong as the will of the commander to implement it. I had very good commanders, who were very successful. As Prince Zeid said, their actions caused ripples in the water. I also had weak commanders, who needed a lot of my time – explaining, pushing and checking. Some, even very senior, had to be removed and sent back to their country. Several times people said 'Yes' when I gave them orders, and the moment I boarded the helicopter, they thought: 'Thank you very much', and didn't do it.

What kind of activities are required to carry out the POC task? Of course, it all depends on what kind of environment the mission is operating in – permissive, non-permissive or a combination of the two. Most of the activities are aimed at preventing, deterring and responding to a situation in which civilians are under

threat of physical violence. The starting point is a firm proactive posture by the troops and the police, a flexible deployment and high visibility. This goes simultaneously with communication to the spoilers to warn them to stop their negative activities, and with communications to the local elders, tribal leaders, leading females and to the population to explain what the force is doing, what their limitations are and that they need their help and assistance.

It's important to operate in particular during the dark hours, to be highly mobile, operate as much as possible on foot, communicate with the local population and take decisive action when needed, using force according to the Rules of Engagement (RoE). Experience has shown that peacekeeping and peacebuilding go hand in hand, that the peacebuilding activities start right at the beginning of an operation, as the SSR effort should do. It is not sequential. It is a concurrent process. The military component should be aware that more activities are needed to support the peacebuilding efforts, thereby primarily concentrating on providing a secure environment. In that environment, peacebuilding activities can flourish. Activities that go beyond crisis intervention, such as long-term development and building of governance structures and institutions are very important. These include building the capacities of NGOs of peace making and peacebuilding actors. And secondary, to use military means to carry out urgent peacebuilding activities in dangerous areas or in remote places.

So what is needed to be able to do that? First, I would like to underline what the background paper presented us. I cannot say it better. But I would like to add what Mr. Brahimi wrote in his report, and I quote:

The troops must be prepared to confront belligerent forces of war and violence with the ability and the determination to defeat them.

I learnt several times, again and in particular during my time as the Division Commander in MONUC, that the opponent knows the terrain better than anybody else, is highly mobile and most of the time, uses weapons not heavier than an 81mm mortar. Africa is not Afghanistan. Second, they show respect for determined, decisive UN troops. Unfortunately, the peacekeeping force is many times too heavy, too static, reluctant to operate by night, ill-prepared for Chapter VII operations and lacks communication with the local population and with civilian colleagues. Shortage of resources cannot be an excuse for not taking action and I'm not talking about the lack of helicopters that Martin Agwai had to suffer in Darfur. In order to reach out to the local population, and in particular to the females, there is a need to have experts, military and/or civilian female personnel, not a female driver or a cook only, because she's a female. They should be trained and prepared for the job.

In 2003, the then MONUC Dep. SRSG Lena Sund had the idea of a project to have civilian civil affairs and human rights personnel (male and female) to join the military observer teams, working as Joint Protection Teams. It was important that more and more females should be added to those teams. The US forces in Afghanistan are trying this concept now as well, calling it Female Engagement Teams. Peacekeeping forces lack reliable intelligence.

In order to operate, taking these lessons and best practices into account, the force that's generated should be tailor-made for every mission, not a standard framework. That means a need for:

- battle groups with a light footprint and with own engineering capacity to do immediate reconstruction;
- a reconnaissance and sniper capacity to respond with minimum collateral damage to aggression against people that should be protected;
- a need for trained female officers who can deal with sexual and gender-based violence;
- a need for logistic sustainability to operate during long-range multiple day patrols and patrol bases;
- a need for units fully equipped with night-vision capability;
- a need for helicopter capacity to carry out air mobile operations and dedicated medical evacuation capability; and of course
- a proper force reserve and a strategic reserve ready to move if called forward.

However, above all, there is a need for troops that are prepared properly during pre-deployment training, to be in the right frame of mind for the mission. That means Chapter VI and Chapter VII scenario training during pre-deployment training; preparing to work closely with civilian colleagues and understand the military role; and decisive leadership, including junior leadership, starting at the top with the selection and recruiting of the head of the military component, force commanders and SRSGs. TCCs and the C-34 should understand that in order to keep the peace, one has to enforce it sometimes. Everybody should understand that guidance is important, yes, but as Hansjoerg said this morning, it is about personal judgement, competence, guts and taking responsibility. Thank you very much.

Amb. Robert Hill, President of the United Nations Association of Australia and Former Permanent Representative of Australia to the United Nations

Thank you, General, for your long contribution to UN peacekeeping. Reflecting on your question about who is best-equipped to deal with issues of sexual violence,

I wonder whether sometimes it might be the police that are best equipped? But of course, if the violence is being perpetrated by military actors, by soldiers, then that will require a response from soldiers. So from an outsider's perspective, it illustrates the need for teamwork and leadership across the different services.

Our third speaker, Colonel Brian Cox, has also had a lot of practical experience. He was the leader of the Australian-New Zealand force in Bougainville, at the time that mission was completed. I remember that, even though it was pouring rain, the Bougainvilleans were extraordinarily excited to be, in effect, regaining full control of their state, their island – better not say state, it would upset PNG. It was a very successful mission and what's been particularly good is that the violence hasn't returned to Bougainville. There are still lots of challenges, but the violence hasn't returned. Colonel Cox has also worked as a force leader in Timor, at the time the UN completed its mission – to be followed not much later by a crisis in mid-2006 and the decision to return to Timor. I remember going to see Mr. Guéhenno to say the ADF was going back – which they did within 24 hours. On that occasion, we didn't have a debate on whether it would be green-hatted or blue-hatted. Colonel Cox then went back to Timor to lead the civil-military coordination of the mission, so who better to talk about the practical issues on the ground than Col Cox? Thanks for participating.

Case Study: Protection and Timor-Leste 2006

Col. Brian Cox, Australian Army, Australia

Good afternoon, ladies and gentlemen, I'll be talking about some of my practical experiences on the ground in the Civil-Military Coordination Office as part of the Joint Task Force (JTF) in Timor-Leste (not the UN mission) in 2006. My experiences were at that tactical level. I'll briefly cover the background to the POC problem in Timor-Leste. I'll then talk about how we collectively assessed the situation once we got on the ground and I'll then highlight some of the judicial and IDP challenges that we faced, and how we tried to deal with them from a collective perspective.

First, to set the scene, the crisis in Timor-Leste escalated over a period of six months starting with the sacking of 595 soldiers. The main area of the violence was Dili and its surrounds. It was very much an urban environment we had to deal with. There was wide-spread looting, arson, shootings, knifings and many people were killed or displaced from their homes. The Government requested urgent military and civil police assistance in May 2006. Very shortly thereafter, the Australian Defence Force (ADF) and others responded. Within 24 hours we had troops in Timor-Leste – boots on the ground – to support the people. No specific mandate was given to us stating POC, but I can tell you it was certainly implied in

our planning for operations that the population needed to be protected from the violence. This was a given.

One issue working with the range of agencies and organizations, was how to implement effective plans between the various military and police elements that were sent in to help. The UN was already in Timor-Leste and they had a very good framework.

The key issue facing the people of Dili at the time was security – protection from the cycle of violence that was spreading throughout the capital and the surrounding suburbs. Because of the lack of security, locals ran to where they felt safe – churches, government building or just huddling together in open spaces, which quickly became IDP camps. At one point the UN recorded 150,000 IDPs in over 56 camps and they were growing. The military were not fully prepared to provide security, or indeed resourced to provide protection, to the wide range of camps and also to respond to the issues occurring within Dili and its surrounds.

What we needed to do very quickly was to rapidly assess the situation. We did this by assessing quite simply the local environment and the supporting environment. In terms of the local environment, as the Civil-Military Coordination Office, we sought to better understand the social structures that were still intact. We also looked at the various church groups and government organizations that were still intact and we tried to get an understanding of the key issues.

Getting the military and police to work well together was initially difficult, because we didn't have effective coordination means to share information and ideas for planning or operational activities. This was something that we hadn't done in our peace time training, so we were learning on the run. And there was pressure to get things done, so we often acted first and then evaluated the consequences of our actions later.

We needed to get a better understanding of the issues that caused the violence and that were prolonging that violence. Just continuing to respond with the wide range of individual actions did not help solve the deep-seated tensions and complex social issues. Perhaps a better exchange of information and ideas between the police and the military in the early stages could have helped a lot to develop better plans, to identify and then address some of those issues.

From a community perspective, we started to identify some of the key issues that were affecting the communities, both within the camps and outside the camps. These issues needed to be assessed and analyzed together, not just between the police and the military, but also between the national and local government and

community groups. POC is not just a military and police task, as has already been pointed out, but a national and local government responsibility.

There were some issues from a judicial perspective, including that the Ministry of Justice was not fully functional; FFDTL (Military) and PNTL (Timor Police) fighting with each other and amongst themselves; communities, authorities fighting amongst themselves; and corrective services disrupted – as well as underlying institutional corruption. Without the Ministry functioning effectively, we didn't get that strategic guidance. We couldn't rely on the national military or national police, because they were part of the problem. There was also an issue about an east/west divide between the FFDTL and the PNTL. According to the locals, this was an issue relating to accusations about who did what during the period of Indonesian governance. The issue which had started at the political level had permeated down to communities at the local level, who were now fighting against each other. The corrective services were never completely robust, and with the fighting going on, they were in further disarray. So these were some of the significant challenges presented to the combined military and police forces at the outset.

We had to look at the supporting environment, everyone who had come in to provide support. We asked: Who has come in? What is their role? What is their responsibility? How are they going to conduct their task? From a policing perspective, you might see a law and order problem. From an economist's perspective, you might see a market or trade problem. From a social worker's perspective you might see opportunities for youth programmes. From a military perspective, you might see the need to either capture or neutralize. A coordination framework was needed to bring these ideas and perspectives together, but there were some challenges. Initially, the JTF had deployed without some of the key coordination mechanisms, such as a civil-military cooperation system, and that's because when we rapidly deploy, we often can't really assess the situation until we are on the ground. That prevented early coordination between the UN and NGOs. From a military and civil police perspective, we simply just lacked that coordinated approach to understanding the civil police capabilities, roles, responsibilities and what they could actually do on the ground. It's interesting to note some of Andrew Hughes' comments in this regard. What's the difference between an FPU patrol and a military patrol from a law and order perspective?

This was another lesson learned, so we now have AFP officers as part of the team – working with the ADF – and we conduct training together. We learned as we went along. An example is, in the absence of anyone else doing it, the military were arresting people. However, when we arrested them, we quickly realized that we also needed someone to hand them over to. Without the structure being there,

we had to bring in the military police and legal officers to help run a detention management unit. Then we realized we had to have them charged, otherwise they had to be released within a certain timeframe. The people that were doing that were the Portuguese prosecutors, but they didn't want to do it, because they were being threatened and intimidated. We had to bring in support services to do close personal protection for them. So we did all that, and were able to have the people we arrested charged and then incarcerated. At times, they were put into corrective services facilities, where sometimes they were released the day after. We couldn't fix that particular problem, but it had an impact on the JTF, because the perception from the local perspective was that it was our fault. They were dobbling people in, we were arresting them, but then they were being released.

Now some of these issues could have been addressed with a better understanding of the support environment before we left, but it was a rapid deployment. If we had better gap analysis, it may have identified gaps between the police and the government agencies in which the critical services needed to shore up the judicial system.

I would now like to focus on the IDP camp issue. We sought to provide protection to the growing number of IDPs and their respective camp areas. Both the military and the police quickly realized we couldn't protect all people. However, in our cultural background studies, we realized that, prior to the conflict, the community traditionally had significant control over the youth through family and tribal groups, village leaders and the church. However, the significant cultural and traditional control framework was now displaced by the growing number of IDP camps that were being constructed in and around Dili. Although the camps were providing an element of safety, they were also exacerbating some social and economic problems through mixing different communities and tribal groups causing tension in the camps, leaving villages empty for groups of militia and martial arts groups to roam unchecked and creating a dependant society.

The question was then simply posed to the UN, community groups, government and non-state actors: Which model do you want to go to? The answer to that question was obvious. The difficulty was how to actually affect the change safely, noting POC was a key issue here. In true military fashion, we came up with a plan. We love our matrices. So we adopted a cause-and-effects matrix, and tried to brainstorm the issues and identify solutions with a wide range of stakeholders. This fed into a stakeholder matrix which led to an engagement schedule on a weekly basis. It was also able to influence requirements and linkages to other initiatives being done in-country. Simply put, it enabled us to identify a range of stakeholders, address the issues in question and then let us brainstorm those ideas further with our key partners. It maximized outcomes from limited resources. It

also enabled us to identify who should be in the lead, and who needed to assist or support a process. There was no lead for the police or ADF in some of these areas, but the outcomes would benefit POC, even though the assistance or support may not seem a policing or security task in the first instance.

The outcome was an agreed Timor-Leste strategy. It was aimed at community reintegration led by the Timor-Leste Government. It was supported by many stakeholders. From a military perspective, the strategy was seen as a key step and a positive turning point in the crisis.

The first pilot programme was indeed a success. It established a protective security environment within the community that empowered traditional leaders and supported families in controlling their youth. The village control of the people was far more effective, and had a longer shelf life than ours. However, the root causes of the violence still have to be effectively addressed. And until they are addressed, we must always wonder when the next outbreak of violence will occur.

Some of the lessons learned included, first of all, coordination mechanisms become absolutely vital, not just for us to reach out to those within the area, but for others to reach out to us. We need to have a better understanding of each other's capabilities and capacities prior to deployment of operations, not just the police, but all those other government agencies or actors that might be in that space. And of course, developing operating procedures or doctrine that supports better understanding of the issue of POC and the divide in roles and responsibilities is important. One of the key lessons I've learned as a CIMIC officer, and as a military officer, is that it is not about trying to impose unity of command, but about developing unity of effort. Thank you very much.

Discussion

Amb. Hill posed a question to Commissioner Hughes. He stated that it was probably easier to identify the line for when the role of the military was complete, than when the role of the police was complete, because police work entered into early peacebuilding. He asked Commissioner Hughes how he would define the line for when the role for the police was complete. Commissioner Hughes responded that in contemporary peacekeeping operations, the police were amongst the first to arrive and indeed, amongst the last to leave. He explained that starting under the leadership of Mr. Guéhenno, the approach in DPKO was that peacekeeping and peacebuilding needed to be synchronized. It's not a case of having peacekeeping, the mission stops, then peacebuilding starts. The peacekeeping and peacebuilding activities needed to get in synch very much earlier than that, in fact, in the early days

of the mission life. He indicated that the diverse roles that police play, including and most especially the developmental role of local police, explained why they were there for the longer haul. In his view, one of the indicators of success for police reform was the ability for the UN military to downsize – this was a sign that the security environment was improving, because of the collective effort from the UN across all the components. He explained that sometimes, as in Liberia, there might be more FPUs needed to fill the vacuum left by the military downsizing. If the security environment was such that an FPU could deal with it, then that was an option. He concluded by stating that across the spectrum of police activity, their development role saw UN police in a country for the long haul, transitioning right across peacekeeping through peacebuilding.

Amb. Hill then posed a question to Gen. Cammaert, noting that the Government in DRC wanted MONUC to withdraw the following year. Following on from his question to Commissioner Hughes he asked Gen. Cammaert whether, in light of his experience and taking into consideration the terrible incidents of violence against civilians that were still continuing, he had any thoughts on when it might be an appropriate time for MONUC to withdraw.

Gen. Cammaert responded that the situation in the DRC posed a very difficult dilemma. He noted that President Kabila had made it clear that the UN should withdraw by 1 August 2011. He stated his hope that during the negotiating phase, the UN would try to convince President Kabila that there should be a very gradual withdrawal. Gen. Cammaert asserted that a very clear signal should be made that the UN was serious about that. A very gradual withdrawal was necessary, because the security situation was such in the eastern part of the DRC that it was not wise to terminate the mission. Drawing on the comment that Commissioner Hughes had made about Liberia, he reiterated that when a mission started to draw down its military component, there should be an increase in the police effort, because the build up of security – the security sector reform, the reform of the police – was still at a very early stage. This was also the situation in the DRC. He indicated his support for the comment by Mr. Titov that security sector reform and other rule of law activities should start at the very beginning of a peacekeeping operation. This would help convince the host government to contain the troops and to have the police do the internal security work.

A participant made a comment to Gen. Cammaert. He indicated that he disagreed with Gen. Cammaert's assertion that the Security Council ought not to prioritize the tasks of a peacekeeping mission. He stressed that the mandates that the Council asked missions to fulfil were often very complex and, in his view, prioritizing mandated tasks did two things: First, it provided the future mission leadership with a clear understanding of the political, strategic imperatives that the Council

wanted that mission to fulfil. Second (probably even more importantly), in the context of TCC engagement and their understanding and expectation of what their troops would be required to do, if a task was prioritized, such as POC had been in the MONUC mandate, then those TCCs were well aware of the expectation that was being placed on their troops should they contribute to that particular mission.

Gen. Cammaert responded making two points. First, he explained that the reason why the MONUC mandate had been altered to give priority to POC was because of complaints from the Mission. They complained that the previous mandate and the RoE had been vague. However, he stressed that in his view, those were just arguments to hide behind to avoid taking action. As a result there was now a mandate, of ten to twelve pages, which provided a lot more clarity. Nevertheless, there was still debate on the clarity of certain tasks. He indicated that in his view there was nothing wrong with the earlier mandate, there was nothing wrong with the RoE – they could have been implemented. Second, he picked up the issue of expectations. He indicated that as the UN Military Adviser many times he had briefed TCCs and potential TCCs in advance of starting up or expanding a mission. In those briefings the TCCs and potential TCCs were clearly informed of the risk analysis, the threat assessment and what they could expect. When Member States claimed that they were not aware of these things, it was a false argument. He reiterated that no one could say they didn't know. They knew. They knew they were not going to Club Méditerranée, when they deployed their forces to the North Kivus. On many occasions, TCCs were extremely eager to provide troops for the Congo, having just been briefed on the threat assessment and the risk analysis, and regularly they were updated.

A participant and academic made a comment reiterating an earlier point that a mission should not be determining its protection activities based on capability, but rather based on an assessment of what the vulnerabilities and needs were. She commended the example of this provided in the case study. However, she added that an issue that had not been fully addressed was about the risks and consequences of the action, or inaction of a mission. She then posed a question to Gen. Cammaert picking up on his comment regarding the need for junior commanders to understand when to act, and inquired about how to empower junior commanders to also understand what the risks and consequences of their actions were at the tactical, operational and strategic levels. She also requested Col. Cox to elaborate on the risks and consequences incorporated in his decision-making on how the mission was going to carry out protection tasks.

Col. Cox responded that his team had attended a series of forums. They did not sit in a military planning room, planning in isolation. Sometimes he went to

up to eight meetings a day to brief about the military's activities to UN cluster groups that were already established and working quite well. In each meeting, the group would clearly point out the consequences of the military actions. Each time they pointed out a consequence he would ask: What can we do to mitigate that consequence? What do we need to do as a risk management strategy to address that issue or concern? Sometimes the consequences could not be addressed and they had to determine if the community was willing to accept that risk. To make that determination, they would go to the community, for example an IDP camp, set out the risks, for example in relation to their return home, and ask whether they were willing to accept those risks. They would then explain what measures they had put in place to try and mitigate those risks. He stressed that it was very much a process of community engagement. He went on to explain that they had sought input from NGOs in their planning, but there were times when they had had to limit the input from certain groups who were only interested in their issue. He recalled one meeting when there were 60 people all wanting to make a decision. In such cases, he found the best approach was to work with the heads of the UN clusters.

Gen. Cammaert responded stressing the importance of scenario-based training in the empowerment of junior leaders. In this regard, he indicated that he was encouraged by what Ms. Nakamitsu had said about DPKO's training plans. However, he stressed that he was impatient for these things to be done. In his view, such training could occur now. All it would take would be to get a small team together, write a number of scenarios and go to the major TCCs to brief them, from the highest level of the Staff Colleges to the junior leaders undergoing pre-deployment training. Every commander should be briefed so they were in the right frame of mind when they deployed to a mission. People from the highlands in Kashmir or the lowlands of the Netherlands, when they show up in a mission and are faced with those impossible, sometimes very disturbing situations, and they are not prepared, they will turn around and walk away instead of taking action. He stressed that this is the importance of briefing them, explaining to them, and continuing to do that in the mission. However, he highlighted that in the mission, often there was a lack of time to do such briefing and training because of the enormous amount of tasks that had to be carried out. This is why such briefing and training must not be left until after deployment, it must be done before deployment. He reiterated that scenario training and briefing were so important. From the division commander to the junior commanders, they must be pushed and encouraged to think about certain situations. A scenario should be put on the table and they must be asked: 'You are the patrol commander, what are you going to do next?'

Another participant and academic posed a question to Gen. Cammaert picking up on his mention of the need for a strategic reserve, she explained that this was

an issue that had come up on a number of occasions in the past, including in the C-34. However, UN Member States had not been able to reach agreement on such issues in the C-34 Working Group on an Enhanced Rapidly Deployable Capacity. She asked whether Gen. Cammaert had any bright new ideas on how this issue might be approached or the political problems overcome.

Gen. Cammaert responded noting that UN Member States had been discussing the issue of an over-the-horizon strategic reserve for some time. One of the options that were discussed was that a Member State or a few Member States might be willing to have a unit on standby, and be reimbursed for being on standby. In the UK, they call that a 'Spearhead Battalion'. He explained that when he was on exchange with the Royal Marines, he was in the 'Spearhead Battalion', to be deployed to respond to a situation in Hong Kong on 24 hours' notice. He highlighted that such deployments were possible, but they came with a price tag. In the UN context, the Membership had to be willing to reimburse a Member State to have such a unit on call. A Member State could have a unit on call for six months or three months and then hand over the responsibility to another unit. If the membership was not willing to pay for this kind of arrangement, then they would continue to face the kind of problems as those faced in the DRC when, in November 2008 the EU was asked to provide a battalion for short-term support, and three months later the mission was informed they were not able to do so. Having an over-the-horizon reserve capacity was possible, but it was an idea that had been slowly killed within the UN by Member States not being willing to pay for it. He stressed that, nevertheless, he thought it was a good idea.

Another participant asked the panel to expand on the measures they adopted for getting feedback from the communities they were protecting. In his view the feedback element completed the cycle, so he was interested to hear more about that. Commissioner Hughes responded that it was important for a mission to measure successes and failures right from the very early days. He indicated that in policing, it was possible to get the law enforcement in place, get security in place, get the justice system working, but if the people still did not feel safe, then the activities had failed. Feedback from the population was critically important. It could be obtained through engaging with the population at community group meetings and other influential organs of society (like the church in many instances), through public surveys, media, NGOs – all were valuable resources to tap into what was considered a critically important element.

Amb. Hill concurred, stating that if the goal was nation-building, the mission was seeking to encourage the population to take responsibility for their own safety, and that was not going to occur unless there was an effective relationship between

the mission and the people they were there to help, and that they were working with. He reiterated the idea of the importance of ultimately empowering people to take responsibility for their own safety, noting that if the mission was simply there doing the job for them, they were not going to leave having achieved that objective.

Protection of Civilians, Conflict Prevention & Human Rights

Focus: What protection mechanisms can be applied by United Nations missions to promote conflict prevention and human rights?

Mr. Richard Towle, UNHCR Regional Representative for Australia, New Zealand, Papua New Guinea and the South Pacific, United Nations

It is a great pleasure to be here. United Nations High Commissioner for Refugees (UNHCR) finds this an incredibly rich and important opportunity to compare notes on how to better protect civilians. I would like to express our thanks, as an organization, for the huge amount of work that has gone into organizing this Forum, especially on the part of the APCMCOE with which we work very closely in the Australian context on similar kinds of events.

The focus of this session is the protection mechanisms that can be applied by UN missions to promote protection and human rights. Because of the composition of the panel changing a little over time, the emphasis of the discussions will not be so much on the prevention aspects but more the perspectives of three agencies, which are not UN agencies and which do not come from a military or peacekeeping background. What the three presenters have in common is that they are involved with POC and the protection and promotion of human rights, both before, during and long after the peace missions have come, delivered and gone. I think that is certainly a point that we, as a UN humanitarian organization, would like to make – that much of the protection work done globally takes place in the absence of peacekeeping missions.

UNHCR, as an organization charged by the General Assembly to do protection, has a very well-developed sense of what protection means. However, the discussions that we have had over the meaning of protection are not superfluous to the conversation, they are extremely important. The existence of UNHCR, and our role in protecting more than 13 or 14 million refugees (more than double that if we include people who don't have to cross an international border to get protection) shows, in a sense, that we are a litmus test of the collective failure to provide POC before conflict and grotesque human rights violations break out.

The question of promoting and reporting on human rights is an extremely challenging one. Conceptually, I would suggest there is the challenge of the link between human rights and protection. However, if we don't fully understand and agree on what protection means, it is difficult to see the linkage and the important associations between POC and the very wide body of human rights law that we have at our disposal. There are questions of the accountability of states, governments and state actors, but also the accountability of missions and other actors including UNHCR and other organizations. The human rights protection mechanisms are out there. We don't have any shortage of human rights standards. We have a massive shortage in terms of implementation. We will hear, I hope, from some of our panellists shortly about the efforts to identify human rights issues, and to monitor them. At the international level we have quite an armoury of instruments: the Human Rights Council; the whole system of Special Representatives and Special Rapporteurs of the UN; and specialist treaty bodies. They are all there waiting to receive, analyze and report on human rights situations in countries and in difficult situations. I think the critical questions for all of us are: How effective are those mechanisms? When should they be used? What are the difficulties associated with using those mechanisms? And of course, at the national, customary and even sub-national level we do have extremely important mechanisms for protecting and resolving human rights issues which are not fully exploited.

In our view, dealing with impunity requires honest, vigorous reporting. The question is: By whom and to whom? As we've heard both yesterday and today, in relation to the tension with other aspects of missions, there is a tension in how you analyze and report on protection of human rights issues without compromising other important aspects of your work – the political and security relationship with states, relationships with other actors, perceptions of neutrality. How do we avoid the risk of self-censoring given those other pressing priorities? We heard also about benchmarking. All of these issues are critical to the understanding and analysis of how human rights and protection fit.

The three panellists we have reflect three diverse interests. What they have in common is that they're not UN, they're not peacekeepers or involved with the military. The first speaker Pierre Gentile is from the ICRC. He is the head of the unit working on POC, based in Geneva. He has a wealth of field experience of some eleven years in the Balkans, Afghanistan, Colombia, Peru, Israel, Ethiopia – the list goes on in terms of his experience. He will look at some of the internal strategies and activities of the ICRC and how the ICRC itself, as a humanitarian organization, largely autonomous and independent of the work of others, defines and uses the notion of protection.

The second speaker is Anneke Van Woudenberg, who is a Senior Researcher for Human Rights Watch. As a human rights activist myself many years ago, I have enormous respect for the work of these independent bodies who research, often in incredibly difficult and dangerous circumstances. Without the work of Human Rights Watch and Amnesty, I think a lot of our work would be severely compromised. Anneke will take a gender focus, looking at gender violence issues with her particular expertise from the DRC. I don't think she's going to spare MONUC in her comments on how human rights violations are dealt with in that context.

And lastly, Pastor Reu Montecillo is the Chairman of the Mindanao People's Caucus in the Philippines – an NGO network trying to take the broader context of a national peace process and work out how one operationalizes protection of human rights and monitoring down at the grass roots and community level. So we've got a very rich, diverse panel and without further ado, I'll invite Pierre Gentile to make the first presentation.

The International Committee of the Red Cross Approach to the Protection of Civilians

Mr. Pierre Gentile, Head of Protection of Civilians Unit, International Committee of the Red Cross, Geneva, Switzerland

Thank you to the organizers for inviting the ICRC to this Challenges Forum. It is a pleasure to be addressing such an audience. Over the last few days, the debates have been really interesting and shows how the debate has progressed.

I will try to discuss how to improve our understanding of protection, and the different conceptions of protection we can have looking at it from different angles. My presentation will be in two parts. The first part will quickly go through how, within the ICRC, we conceive protection activities and how we ask our coordinators to think when putting in place protection strategies. This part of the analysis will be slightly repetitive. The second part will be quite different, it will try to explore what we can understand about protection by looking at it from a different perspective.

When we speak about protection in the ICRC context, we are talking about three different, major areas of work. The first area is the re-establishment of families and people, who have been separated. This can range from a phone call made from an IDP camp to people who stayed and didn't leave the area, to the more difficult issue of people who are unaccounted for, the missing in many countries, issues that we have to work on for years and years after the end of hostilities. The

second major category is all the activities that are linked to detention. Here the ICRC has a long history and much experience visiting different types of places of detention. On detention issues, some modalities are the same world-wide, which is not necessarily the case with the third aspect. The third aspect is the activity linked to the protection of the human population. Although we have quite clear guidelines on how to conceive these activities, we don't have one way of doing them, and I'll talk about why.

First, a reminder, the 'Protection Egg' is something that came out of series of workshops in the 1990s involving participants from different organizations, where we tried to think about how protection can be conceived in terms of what was needed, and then afterward what activities might achieve this. The idea was basically that when you have a pattern of abuse that you have identified, then you need to construct your response strategy at three levels. 'Responsive action', 'remedial action' and 'environment building' should all be part of the strategy. The first level, responsive action, concerns what you can try to do to put an end to the pattern of abuse where it's happening, right now. The second aspect, remedial action, is what you can try to do, if possible with local authorities, to alleviate the effect, re-establish people to be self-sufficient. The third aspect, environment building, is about trying to identify elements you can address in the environment that make it more likely that such patterns could reoccur – this element may be at the national level, or it may be at a regional level.

The ICRC tried for years to develop a unique set of guidelines on POC. The process took seven years. It took so long because the idea was not to start from conceptual thinking but really from the ground. There was a lot of research carried out on what we are actually doing – a bit similar to what we heard yesterday regarding peacekeeping missions and protection. We looked at different activities already being carried out and sought to draw lessons from them. All our relevant activities can be put into two categories. The first category is all the activities that engage the responsibility of the authorities, while the second category tries to deal with exposure to risk, with the threat that people might be facing, and looks at how to diminish this exposure.

For the ICRC, the first category is our preferred way of acting. You will probably find that all our strategies start with bilateral representations to the authorities responsible for providing protection; representations to third parties, these could be religious leaders, union leaders or a person, who may have influence or authority with the armed group you want to address; and finally, public representation. It is not only denunciation. It can also be a representation on humanitarian consequences. For example, if you go to our website, you will see that there is a report on the situation of civilians in Gaza a year after the 'Cast Lead' operation.

It is a public document and a good illustration of something we would publicly say, because we feel that the humanitarian situation is an open debate. However, discussion on the conduct of hostilities during the same operation would be part of a bilateral and confidential dialogue with the authorities.

Then you have a series of activities linked to legal instruments – trying to see if there is, within the national legal framework, some aspects that either do not correspond to IHL or are framed in such a way as to create a loophole. This can be one of the reasons why certain types of abuses are occurring. For example, the law may exist, but it is not being implemented, it is not well known and being transformed into a tactical manual. We look at different aspects and try to ensure that the law is followed and respected. We also carry out intermediary activities – acting as a neutral intermediary. These activities typically include, for example, assisting in the release of hostages in Colombia or Afghanistan, or engaging with the authorities (e.g. the Taliban) to ensure access for vaccination, such as a polio campaign. This is the sort of activity where we try to help both sides, we try to reach an agreement that the health team can reach the most remote areas.

In the second category, the focus is on specific individuals at risk – following up on detainees that we know might be at risk, using our presence to lower risk, heightening risk awareness through mine education etc. One example of the power of our presence is in the area of prisons accompaniment. Presence can be extremely powerful.

The ICRC might also become involved in specially protected areas and in evacuations in problematic areas. Very often communities have to resort to evacuation, but this involves a lot of dilemmas and clear guidance is needed on when, where and how to evacuate people. You can easily be accused of participating in ethnic cleansing in some circumstances. In others, if you remove the population from an area of conflict, you may open the way for one of the parties to use means of war that they wouldn't have been able to, had the population been there. At the same time, some people need to be evacuated. You have to find a balance.

The fact is that an activity that makes sense in one context may be extremely dangerous in another one, and we should really be careful not to approach a context solely based on our former experiences. It is dangerous to think: 'Okay, I just came out of Congo and this worked, so let's do the same thing here.' In Colombia, villages move in and out of alliances with conflicting parties. The population might face risks from one or the other parties in the conflict, so we have to re-evaluate the situation in any given village every six months.

You can imagine a country that was at war with its neighbour, but has some minorities in the villages along the border. If you keep going to these villages you might exacerbate tension, you might provoke a negative reaction from the neighbouring villages that also think they have some assistance needs. You might provoke a reaction from others who don't understand why you are always going to those villages and not to theirs. Or you might provoke the authorities, who might find it a lot easier to have the minorities cross the border and then they are rid of them. There are situations where you have to think twice before applying something that might sound like a good idea.

The strategy cycle starts with problem analysis and setting priorities. This is not only something that should be done when we establish a presence in an area. It should be done at least annually, if not more often, when circumstances are changing. This means that you have to be sure you understand the protection issues the population really is facing. To do that, you have to be aware of different types of vulnerability, different types of population and their specific needs. Some aspects might be more visible than others. You have to be sure that you take into consideration different potential types of violation. Then you will have a kind of list that will show you what relief would look like from the point-of-view of the population. It also shows the main typologies of abuses and violations. It does not mean that you will have to respond to everything. But it is a good starting point to determine, given your capacity, what you might do.

The analysis should address questions including: What are the reasons behind the violation? What are the motivations of the actors? What environmental factors explain the violations? That will help you determine whether there are some factors on which you can try to act, and once you identify those factors, then you can establish your priorities. It's essential that you understand not only the issue (e.g. sexual violence or displacement) you must understand the factors beyond it. You need to determine what the different triggers are. There are always several. There is not only one trigger to a pattern of violation. You need to understand what are the triggers on which your organization can act. Then you can put in place your strategy.

By following this process, you have very specific objectives, which will allow you to monitor and evaluate your activities. If you don't have that, you will end up trying to act on the global phenomena of displacement or sexual violence. You might have good activities. You might have bad ones. If you have not focused on a specific factor you are trying to target, then surely evaluation would be extremely difficult, because what will you evaluate? The number of cases that are occurring? Today in the DRC there are at least 50 organizations working on sexual violence. So if tomorrow there is less sexual violence, does that mean that all 50 were

right? That conclusion could certainly not be drawn. If a peace agreement goes into place and the number of violations goes down, was everybody right? What if the violence continued and there were more violations, was everybody wrong? You can see that it is quite important that our coordinator takes time focusing on specific targets, when designing a strategy. This then needs to be reviewed because you can also make a mistake and think you have identified a key factor, but find out a year later, it is not the case and need to alter your strategy.

Let's move to the second part. Let's look at the different roles and responsibilities of different actors working on protection. From an agency perspective, it is extremely important to distinguish clearly these roles and responsibilities. There is a different role for the military, for the police, for the political authority, for the judiciary, and for each of the main actors. It does not mean that they cannot meet, that there is not synergy that can be found. However, we do think it is particularly important that we have clarity on responsibilities.

Unfortunately, depending on to whom you talk, there are still different definitions of protection, and this can contribute to blurring the understanding of who is responsible for what. It can also contribute to blurring the discussion about what type of recourse is needed. If we, in the humanitarian community, have difficulty conducting some of our activities we should find a way to get resources, to get our own house in order. I don't think that asking others to literally support us doing our tasks will improve the situation. We have to be clear on what our responsibilities are and what resources we need to carry them out.

This will lead to clarity on what we understand by the global notion of protection. Are we speaking about a set of legal obligations? Protection is defined in a variety of different legal frameworks – are we speaking of the way it is defined? Are we speaking of an objective we want to reach – the objective of people being safe and secure? Or are we speaking of protection as a set of activities carried out by different personnel? During the discussion over the last two days we have been speaking about the third aspect, undertaking a range of protection activities.

When it comes to protection and peacekeeping, and here I would be happy to be challenged, I think it is important to distinguish three different big categories. The first category is related to codes of conduct, personal behaviour of the troops, of humanitarian workers, what is expected of us once we are on the field. You all know the content of these codes of conduct. The second aspect is ensuring that when troops are engaged in operations where they use force, that they respect the framework on which the use of force is based – IHL, if it's a situation of conflict (and yes, UN troops can be part of the conflict); or international human rights law if it is a law enforcement operation. Abiding by these rules is the way to protect civilians.

It is true of the first category, that even fully complying with the code of conduct can still bring no answer to the threat that, in the first place, invited your presence. They are important rules, but if you limit the sense of protection to that aspect, you are not answering to the needs you were sent in to respond to, in the first place. That is the third category – what to do to improve the protection for the civilians?

I reviewed the different texts on POC coming out of the humanitarian and human rights organizations and protection clusters in order to compare them with what we find in UN peacekeeping, to see how protection is understood. From a humanitarian perspective, very often we have a distinction between working with communities at risk and mainstreaming protection into other activities, such as development assistance activities. In the latter case, the aim of these activities is still development assistance, but you take into account protection issues to ensure that you do no harm. The former involves working with communities to reduce exposure to risk – monitoring, advocacy, persuasion, name and shame, representations, documenting case and then publicly discussing them or privately discussing them with the authorities. We are also involved in activities that strengthen the environment.

From a peacekeeping perspective there is the physical protection aspect. From our point of view, physical protection should be linked not only to humanitarian access, but also to access to infrastructure and services vital for the community. Priorities have to be made, but let's not make them only for the humanitarians. In peacekeeping, there are also protection elements concerned with strengthening the environment – monitoring, advocacy and engaging in the political process. So there are areas where we meet, areas where coordination is needed more than other areas. But it is also important to see the differences. From the ICRC perspective, those areas would really be physical protection and engagement in the political process, because that is where we, as humanitarians, are extremely weak. They are the things we cannot do, and they are the things we really count on the peacekeeping mission to be doing. If you go down that line you then need to have the necessary training, equipment, the RoE, procedures and so on, that correspond to the different types of situation and the different types of issues that you have identified, and therefore the activities that you want to carry out.

Finally, it is important in this discussion to keep in mind the importance of the perspective of the population. What do they expect from us? In my experience in the field we are usually surprised. People have quite a good understanding of what they expect. They still expect the police to do their work in terms of finding people who have attacked them or at least securing the area in terms of law and order. They have a clear expectation that the military would come and protect them physically. They also have an expectation regarding human rights.

We should measure our results against these expectations. We should maintain the right basic approach. Yes, protection is defined, and we have to be clear whether we are speaking of a situation where IHL applies or where human rights laws apply – there might be some differences. We should safeguard each other's role and try to find synergy that will result in more protection for the people, but will also enhance each other's capacity to act. This means being clear, not only among ourselves, but with the population and authorities. That is why, from an ICRC perspective, we are quite critical of the combined teams in the field. For us, this is something that creates confusion among the local authorities and the population, and this is something we are susceptible to. Thank you.

Protecting Women

Ms. Anneke Van Woudenberg, Senior Researcher, Human Rights Watch, Netherlands

I am Anneke Van Woudenberg. It is very rare I am at a conference where there is another Annika, so I am Anneke with an 'e' at the end as opposed to Annika with an 'a' at the end. As was outlined by Richard, I am from Human Rights Watch and it is a real pleasure to be here as a non-UN person and as a non-military person.

You are going to have a slightly different perspective coming from me. I am going to talk specifically about the case of the DRC and MONUC. I have had the dubious pleasure of working on Congo for over eleven years now, which means that I was there when the UN mission first arrived in Congo. I may even be there when the UN mission leaves Congo. I have seen a lot throughout that eleven-year period, both seeing a peacekeeping mission gear up, seeing it through its various ups and downs, its difficulties and its successes. Basically from a Human Rights Watch perspective, we have seen both a lot of innovative and interesting actions taken by MONUC and also some important failures.

As it is the Challenges Forum, I am going to put out some challenges as well, as to what I think could have been done better and where we can learn and where we need to have improvements in peacekeeping. I say all of this, of course, as a friend of peacekeeping. Human Rights Watch and many organizations like ours, we want it to work, we want the UN to work, and we want to see an improvement in the field. Although we are sometimes seen as outside critics, sometimes very vocal critics, we do such things in the hope of improving peacekeeping. So I would very much like to think we are amongst friends here.

I too am very impatient for progress. After eleven years of seeing what is today the largest UN peacekeeping mission in the world, often seen as the flagship

programme, I am still struck, shocked, saddened, by the failures that continue. And that is not always the fault of the peacekeeping mission. It is often the fault of the politics of the situation. I am going to touch on that a bit in my presentation, but it is very good that we sit around in meetings, such as this, discussing POC. I would very much urge that we start to see implementation of a lot of these things in the field. I very much agree with my colleague from OCHA, who suggested that there is much we can do already despite the glacial pace sometimes of trying to determine what POC means. From my perspective, and you would expect this from someone who comes from a human rights organization, I see very close interlinkages between POC and the basis of human rights and human rights law. What are we protecting civilians from? We are protecting civilians in respect of the very basic things such as the right to life. I think also we need to increasingly protect civilians and especially women and girls from rape. So part of what I am going to be talking about today is sexual violence.

Congo is often a country situation spoken about today in terms of the immense sexual violence that the women and girls of Congo have suffered. It is not unique to Congo. It is not the first time it has happened in war. I often want to remind people of that, because I think we sometimes do not want to recognize that this is not a uniquely African problem. Is it not a problem unique to the Congo. There was immense use of sexual violence by troops at the end of the Second World War, especially in Germany. This is by no means something unique, but it is on a worrying and troubling scale in Congo.

As always, it is important for us to remember the facts. Two hundred thousand, at least, women and girls have been raped in Congo since 1998. The vast majority were adolescent girls between the age of twelve and seventeen years. The vast majority of those women and those girls have been gang-raped – and we are seeing, in fact, an increase in the gang-rapes. We used to document roughly an average of three or so perpetrators raping one woman or girl. This seems to now be increasing to seven. The vast majority, or I would say the average, of cases we are documenting is that women or girls are raped by seven perpetrators, usually in a single incident, one after the other. Less than 15 per cent of funds that go towards the overall programmes trying to deal with questions of sexual violence go towards prevention. The vast majority of funding in programmes relating to sexual violence goes towards helping the victims. Rightly so, in many ways. It is right that we want to help the victims, we want to help those who have suffered this horrific crime. But we need to remember that we also want to stop more women and girls from becoming victims, and often there is this really strange skewing of where we provide our help and assistance.

In Congo there has been an increase in cases of sexual violence where perpetrators are being held to account. Almost all of them are at very low-ranking levels, either

in the Congolese army or amongst members of armed groups. No military general in Congo has been held to account for rape, for either himself raping, for allowing his troops to rape, or for ordering his troops to rape.

Of course when we talk about the questions of sexual violence all of us in this room will know it has an immense impact on a community and on a society. I cannot over-emphasize that. Imagine a situation where women and girls are raped publicly, in the centre square in front of their husbands, in front of their children, in front of family members. The impact that that has on the destruction of a society is immense and I think we have yet to fully understand what the impact of that is going to be in Congo.

The UN Security Council has taken important actions in relation to sexual violence. Resolution 1820 of June 2008 was ground-breaking, as this was the first time that rape as a weapon of war was recognized as a threat to peace and security. It was a very important resolution and we should all be thinking about how we can follow it up. In September 2009, just six or seven months ago, Security Council resolution 1888 took that a step further, this time specifically calling for investigations to look into cases of sexual violence, and to bring perpetrators to account. MONUC itself took important steps. This occurred particularly following resolution 1820, when for the first time ever, a peacekeeping mission developed a comprehensive policy on sexual violence. That was put in place in April 2009. It was an important step forward but, my goodness, why did it take nearly ten years into the mission for that policy to have been developed? Cases of rape had been coming to light in Congo back in 2000, 2001 and 2002. Human Rights Watch wrote a huge report in 2002 about the massive use of rape in eastern Congo. It did take a considerable amount of time before MONUC put in place a comprehensive strategy, but it does exist and it is important that it is there.

Despite these efforts – the resolutions of the Security Council and MONUC's own sexual violence strategy – rape in eastern Congo has increased. It has not decreased. In 2009 rape increased and that should give us all pause for thought. How is it possible that with the largest UN peacekeeping mission in the world, with the Security Council itself saying it wants further actions against this, with many of us now knowing and often hearing in the press the stories about rape in Congo, that all of those actions indeed have not even led to the stabilization of instances of rape. We have actually seen an increase. I find it very troubling that I continue, in the documenting that I do in Congo, to constantly be documenting rape. These days the cases I document seem to be increasingly violent. It is not just rape. It is rape and it is shooting women in the vagina. It is using incredible violence – beating and cases of torture, as well as rape.

What do we do about that? And how do we tackle that when we look at the overall question of POC? I don't think we should necessarily tackle the issue of rape separately. It does deserve special attention, but it has to be seen as part of an overall question of what do we do about human rights violations. What do we do about rape as part of that bigger picture. Here I think there are three fundamentals. The three fundamentals ought to be part of any POC strategy and attempt to reduce the cases of sexual violence, or the cases of human rights violations. There ought to be a kind of framework or architecture to deal with these issues. That is somewhat reflected in the chapter on the rule of law and respect for human rights in the background paper for this conference, I was glad to see that. However, some of it has not come out as clearly as it should. So let me touch a bit on what I think those three fundamentals are. They are nothing new, but they are worth repeating.

The first is demanding compliance. International humanitarian law ought to be applied across the various conflicts in the world including in Congo. It is absolutely crucial to ending these abuses that the UN Security Council, Member States and UN peacekeeping missions demand compliance with IHL from all parties to a conflict. We sometimes do see that reflected. Many of you will have seen in the preamble of many Security Council mandates, including the mandates of MONUC, the standard phrase condemning all violations of IHL by the various different parties. Helpful – but it's certainly not enough, it needs to be followed up on. Follow up needs to be done regularly, both in public and in private through demarches. There is one constant – whenever I ask individual Member States or UN peacekeeping missions (MONUC in this particular case) to continue to demand compliance from the parties, during my eleven years of working in Congo I have repeatedly been told, and have repeatedly heard the phrase: 'yes, we know but it's a bit delicate at the moment, not today, maybe next week, maybe next month.' That fear of rocking the boat, the fear of making those difficult pronouncements or of asking for compliance means that violations are often not followed up on. The number of doors I have knocked on in my eleven years, the number of ambassadors I have gone to or SRSGs to say, 'you need to reiterate again to this armed group (or perhaps to the national army) that they have to comply with IHL' – it has been a tricky issue.

The second is reporting on violations. This was also touched on earlier today. This is an issue we really need to start taking into account. It is of course a crucial component to trying to deal with the questions of human rights violations and POC. We need to know what the attacks are, where they happened, who did them. If we are going to end them we have to have that information. And that means reporting on those violations. It means reporting of them by the different components of the peacekeeping mission, reporting on them by the different sections of the machinery that are responsible for doing so. Now MONUC was,

in fact, very interesting on this. MONUC had one of the strongest human rights sections of any UN peacekeeping mission that we have seen for many years, especially in its early years. From 2000 to probably 2006, I would say were the glory days, if I can call them that, of really strong human rights reporting by the mission. A strong team, a team, if I recall at the height of it, perhaps was about 30 or 40 staff members regularly reporting on, and doing special reports on the human rights violations taking place in the Congo. I will give you one example – one of the ground-breaking reports that the MONUC human rights section did was on the question of Ituri in north eastern Congo – often called one of the bloodiest corners of Congo. Some very innovative reporting was done, sometimes directly to the UN Security Council. And that was essential in putting on the table what violations were taking place and what could be done about them.

The mission's human rights reporting has tailed off since 2006, in part because often it is considered sensitive, it's politically tricky, it's considered inconvenient on occasion. What we are seeing more – and I fear that this is a problem of integrated missions – is that human rights reports done by the human rights section of an integrated mission (which is often the Office of the High Commissioner for Human Rights (OHCHR) together with the peacekeeping mission's own staff) is that either those reports are not made public, the mission does not encourage such reporting be done, or no investigations take place. I am concerned about the trend that is happening on this. I am also concerned about the increasing trend that we have seen, in MONUC in particular, of the decrease in human rights reporting in Secretary-General's reports. Now it is often down to a few small paragraphs, which do not reflect the seriousness of the situation.

I want to give you one specific example on this just so that you get a flavour of what this has meant and what the implications are. In Kinshasa, in March 2007 – some of you in this room may remember this particular incident – President Joseph Kabila, newly-elected president of the Congo launched a brutal military operation in the capital city (Kinshasa) against his electoral rival Jean- Pierre Bemba. It played itself out at 11 o'clock during the day, so during the height of morning activities in the downtown centre of Kinshasa. Troops opened fire and the bodyguards of the electoral rival responded. It ended up in a massive fire fight between the different soldiers reporting to each of those two individuals. Hundreds of people were caught in the crossfire. Hundreds died. The fighting raged for four days. To date, no one knows exactly how many people were caught in the crossfire, but probably 600-700 died. A further 125, if not more, civilians were arrested and summarily executed.

We know this because some of their bodies turned up in the Congo River, hands tied behind their back, tape over their mouths and often still with the bands

over their eyes. They tended to get washed up on shore or got washed up on the rocks, evidence for all to see. There was a huge attempt by President Kabila to cover up his crimes. Burials took place late at night, in an attempt to keep UN peacekeepers from seeing the burials, from seeing the bodies. It happened in front of the international community. It happened in front of MONUC and MONUC responded. The MONUC human rights section responded quickly. Immediately trying to document the incident by visiting the morgues, trying to find out what had happened and they wrote a fantastic report on the incident. The report was close to one hundred pages long, well documented, timely, done in a good and efficient manner and it was ready to publish about two months after the incident. Many of you will know that is pretty fast in UN terms. The report was buried. It was not allowed to be published and it was suppressed because it was considered to be too delicate, too difficult. It would rock the boat. It would make the situation so hard if those particular human rights difficulties were reported on. It eventually was leaked, as many of these documents are, but more than a year later and only in French and to this date that report has not been made public in English.

The consequences, the knock-on consequences of that further down the line were actually tremendous for Congo. Not reporting on the violations that President Joseph Kabila had carried out allowed him to continue in a very repressive manner, which he has continued to do over time, and so much so that increasing reports are coming out about his repression. I think that if it had been caught early, even though it was difficult, I think it might have been a very different situation. It is important to put those markers out there, and to put them out there quickly and in a timely fashion.

A second example that I would give, and that many of you would have followed, occurred last year in eastern Congo. The human rights violations and sexual violence actually increased last year. The MONUC human rights section and OHCHR did not put out a single report on the human rights situation in eastern Congo. One that had become increasingly brutal and in fact saw some of the worst crimes we have seen in a number of years. There were 1,400 civilians killed, thousands of women were raped, and yet not a single report was published. So reporting on violations I think is critical if we are going to improve protection of civilians and reduce the incidents of such abuses.

The third of the fundamentals is demanding accountability. Again many UN peacekeeping mission mandates are couched in language both demanding accountability and assisting national and international justice efforts. Those are the words used in the MONUC mandate. But again when it comes down to doing what needs to be done to demand accountability, UN peacekeeping missions and

the UN Security Council often shirk away. Again in Congo, we had a very flagrant case of that over the past year. And that was the case of General Bosco Ntaganda. It is worth mentioning this case because it has been a real black mark against UN peacekeeping and against the question of accountability. For those of you who do not know, General Bosco Ntaganda is a former warlord from northern Congo, and is sought on an arrest warrant from the ICC for crimes that he committed between 2002 and 2004. He was an individual who was a member of an armed group, but had since been integrated into the Congolese army. Today he is a General in the Congolese army. The arrest warrant against him was originally sealed but it was unsealed in late to mid-2008, so it is now public that he is wanted on an arrest warrant from the most important criminal court in the land. Bosco Ntaganda last year participated in UN-backed military operations in eastern Congo. In fact he was the de facto deputy commander of those operations. It created immense difficulties for the UN peacekeeping mission to have this individual very visible in Goma, very visible in the restaurants that many UN peacekeepers frequent, very visible on the tennis courts of eastern Congo, walking around without a care in the world, and more importantly clearly giving orders and commanding troops that the UN peacekeepers in MONUC were backing with logistics, with food, with rations, with fuel and other such things.

It provided both a legal difficulty for MONUC, who really should not have been participating in any of the operations in which this individual played a role, but also a huge moral difficulty. How do you claim to be wanting to instil the rule of law, to end the culture of impunity, when an individual wanted by one of the most important criminal courts in the land, the ICC, is seeking him on an arrest warrant? It is the lack of pressure by MONUC and by others to ensure his arrest that is, I think, a very strong black mark against the mission. – By the way, he remains on the tennis courts and in the fancy restaurants of Goma or eastern Congo. He has still not been arrested and it is an issue that I think is going to haunt us for a while to come.

Those are the three important fundamentals. It is easy to blame peacekeeping missions. I want to now turn the tables a little bit on something we have touched on, but I think not enough. I want to go one step up and look at the UN Security Council and UN Member States, because they are the ones who grant those mandates. They are the ones who create peacekeeping missions. They are the will of the international community. In our discussions on POC, I feel we have not adequately looked at the responsibilities of Council members – especially the P-5 – to follow up on the mandates that they approve and to support those missions. We need to be more strategic, more clever, more creative on the requirements on UN Member States – and on the Council in particular – to follow up, to assist, to support what the peacekeeping missions are meant to be doing.

I specifically remember talking to UN Security Council members at the time when the 2008 mandate renewal for MONUC was due. I was doing the rounds in New York and impressing upon UN ambassadors this question of accountability and the need to hold to account those perpetrators of human rights abuses. ‘Yes, yes, yes’ they all said and indeed language was strengthened in the mandate. Then there were a number of incidents that happened afterwards, and one concerned Bosco Ntaganda. I rang up one of the P-5 members, when it became clear that this was becoming a huge issue, specifically saying to this P-5 member it would be very useful if they would also make public statements about the need for him to be arrested. The response initially was, ‘let me think about it, let me check with our capital and I will get back to you.’ I was called back about an hour later and told: ‘Actually, we’ve decided it’s not very useful for us to do this bilaterally, we think it’s better that the peacekeeping mission does this’. The passing of the buck, right? The not wanting to upset bilateral relations and rather push those difficult positions to the peacekeeping missions. I think that is a cop-out that we need it to stop.

I want to touch finally on what I think has been an important watershed moment for MONUC that we need to take into consideration when we are looking at POC. And it is something that happened in 2009 – the military operation known as KIMIA 2. Some of you in this room may know about it, a military operation where UN peacekeepers decided to launch joint military operations with the Congolese Army against a rebel group. It is one of the rare times that UN peacekeepers, (I think it is probably one of the first times actually), have decided to actively engage in this kind of offensive operations jointly with a national army. In this particular case of course the national army was one of the most abusive, corrupt and ill-disciplined armies in Africa, responsible for many of the human rights abuses that the MONUC human rights section themselves had been documenting, that Human Rights Watch and many international NGOs had been documenting.

The reasoning for going into those operations was complex. I will not go into those reasons in huge detail but the decision was made, in a very short period of time, in fact, in a matter of weeks, that UN peacekeepers were going to become involved with the Congolese army in those joint operations. In that short period of time, they had not adequately set out the conditions for the support, nor the conditions for how IHL would be ensured, nor exactly how the joint planning and how the joint management of those operations would occur. And of course, lo and behold, the operations brought about some catastrophic results. From a human rights and a humanitarian perspective, those operations were indeed very violent and catastrophic. They resulted in a dramatic spike in human rights violations, a dramatic spike in rape as well as a huge humanitarian fall-out, new displacement and lots of targeting of civilians, including those newly displaced. It had some

other impacts as well (which MONUC would want me to point out) specifically, there was a reduction in the numbers of combatants in this particular rebel group.

The question that it also raised for MONUC concerned their own involvement in violations of the laws of war. And it has really become a very troublesome time for MONUC, to have themselves possibly charged for violations of the laws of war, to perhaps have been complicit in those human rights abuses. And those questions arose because the UN peacekeepers in MONUC continued to support military operations, despite growing concerns that those operations were resulting in widespread human rights violations.

Out of that particular incident has come something called the ‘conditionality policy’, the ‘human rights conditionality policy’, setting out the steps that UN peacekeepers should take in the future before they decide to launch into these kinds of military operations with a national force. I think there are really important lessons to be learned from the question of those military operations in eastern Congo last year. It has, I think, really harmed the reputation of UN peacekeeping. It has undermined the question of neutrality of UN peacekeeping and I think it has really, in the eyes of the Congolese people, put the perception of MONUC, which was already quite low in the eyes of many Congolese people, even lower.

Concluding, the three key points of all of that is, first, any framework on POC has to include the fundamentals of: demanding compliance; reporting on human rights violations; and demanding accountability – publicly, privately and through a variety of means. Second, that there needs to be proactive measures on POC that need to be taken earlier, even if it is uncomfortable. It is important to fully understand short-term versus long-term consequences. I very much urge that what often is considered uncomfortable on human rights issues must be done in a timely fashion. And lastly, we really need to focus on the responsibility of Security Council members and thinking creatively about how we can work with them, to ensure that these issues are supported by Council members and other UN Member States – because they are the ones who authorize these missions, they need to back them up. I really think that we have to look at the framework of POC by also giving them some of the responsibility. Thank you.

Civilian Protection in the Mindanao Conflicts – An Emerging Consensus

Pastor Reu Montecillo, Chairman, Mindanao People’s Caucus

Ladies and Gentlemen, first of all I’d like to extend my heartfelt thanks to the Australian Government, the Australian Embassy in the Philippines, AusAID and the APCMCOE, who invited me to attend this Forum. I would like also to

acknowledge my colleagues from the Philippines, the Chairman of the Mindanao Human Rights Action Centre, and the Chairman of the Muslim Organization of Government Officials and Professionals.

I am Pastor Reu Montecillo, Chairman of the Mindanao People's Caucus, a tri-people organization that is based in Mindanao, in the southern part of the Philippines. It is composed of leaders from our Muslim brothers, the indigenous people and also Christians, who have been settled on the island of Mindanao for almost 100 years.

The people of Mindanao in the southern Philippines have been suffering the effects of violence and conflict for over 40 years, at a cost of at least 100,000 people dead and an estimated 2 million people displaced. There was a peace agreement signed by the Government and the Moro Islamic Liberation Front (MILF) in 1996, but the agreement failed to secure a lasting peace on our island. At present, the Government is negotiating an interim agreement with the MILF, despite the hurdles in achieving a politically negotiated final peace agreement with the Muslim rebel group. That group had waged conflict because of colonization and political assimilation during the genuine ascension of the Bangsamoro people's right to self-determination. They wanted to say at last: 'We the people of Mindanao have suffered the best and the worst of times in our history.' The conflict, which shattered the foundation of our united communal relationship, diverse cultures and inter-religious dynamics, has become the source of our inspiration to move on, to do well in our faith and to keep on believing that in situations of conflict, we have to still work as people of Mindanao – women, men, children, IDP and the elderly – united in a common spirit of diversity and commonality.

Allow me therefore to highlight emerging issues in need of immediate action for ensuring civilian and humanitarian protection in the context of Mindanao conflict. Following the October 27 2009 agreement on a framework for a Civilian Protection Component of the International Monitoring Team (which is lead by the Malaysian Government), the Mindanao People's Caucus initiated the drafting of operational guidelines for the Civilian Protection Component. The guidelines included scope of work, areas of operation, membership, tasks and responsibilities. This was developed in line with the Terms of Reference agreed by the Government of the Philippines and the MILF to include a Civilian Protection Unit in the International Monitoring Team. The Government of the Philippines and the MILF agreed that we would conduct this work, addressing the needs of the people and protecting civilians. Under the guidelines the Civilian Protection Component is to:

First, support the authorities that have the formal duty and mandate to ensure the safety and security of the communities, including all non-combatants. Conduct

investigative missions and submit reports on cases involving coercion, deprivation and violence against civilians. Conduct regular monitoring of war-affected communities, including the immigration centre. Conduct a quick response during emergency situations. Provide a proactive presence to deter the threat of violence, deprivation and coercion of civilians. And coordinate with the security component of the International Monitoring Team in conducting clearing operations regarding unexploded ordnance and others.

Second, monitor the compliance of the parties' commitment to respect the sanctity of mosques, churches and religious places, as well as schools, hospitals and places of a civilian nature. Monitor, document and report specific cases of violation of the sanctity these places. Coordinate with school leaders, religious leaders, those in communities key to the protection effort and make appropriate referral to the relevant bodies and authorities for remedial action to be provided including follow-up.

Third, monitor compliance with the international standard of fair, equitable and just conduct of relief efforts in the communities affected by conflict in Mindanao, by monitoring relief operations. Ensure they are conducted fairly and without negative outside intervention or interference. Perform regular and immediate assessment of our deepest needs and communicate them to the partners in the peace process and relevant relief and humanitarian agencies. Accompany the returning IDPs safely back to their respective communities. Provide timely and accurate information to IDPs so they can make an informed decision on whether to return, resettle or integrate. Monitor IDPs and their needs after their resettlement, provide a proactive presence when necessary, and coordinate validation of data on IDPs.

Fourth, prevent violence in vulnerable communities by providing a protective presence – regular mobile monitoring in the most vulnerable communities especially in the Basilan or other volatile areas. Work in close coordination with the formal ceasefire mechanism, and provide accurate and timely information on the conflict dynamic. Prevent the spreading of rumours and disinformation.

Fifth, strengthen the connection and information-sharing amongst stakeholders. Facilitate regular dialogue on protection issues with local government units, paramilitaries, police, civil society organizations and communities to address violations, grievances and progress in the civilian protection world.

Even before the passage of the Republic Act 9851, otherwise known as The Philippine Act on Crimes Against IHL, Genocide and Other Crimes Against Humanity, the Mindanao People's Caucus had initiated efforts and supported campaigns in pursuance of the objectives of the new law.

Allow me to say that peace is achieved in Mindanao because we the people, the Muslims, the Christians and the indigenous people yearn for it after centuries of struggle, after centuries of deprivation, after centuries of alienation, after centuries of colonization. But we will triumph because we have faith in reconciliation, dialogue and in peace. Thank you very much and may God bless us all.

Discussion

An academic participant posed two questions, one to Mr. Gentile and one to Ms. Van Woudenberg. Noting that in many conflicts there might be a lack of governmental authorities, he asked Mr. Gentile how the ICRC reached out to soldiers and rebel groups in order to protect civilians, and how effective their approach was. To Ms. Van Woudenberg he indicated that he was interested in her response to the question she posed: ‘What can we do to convince the members of the Security Council to implement their own mandates?’

Another participant posed a question to Ms. Van Woudenberg. She indicated that in her view empowering the population to protect themselves, rather than a mission just protecting the population, was a brilliant idea. However she noted that in the context of sexually-based violence, rape was often a crime of power and about power. She asked for Ms. Van Wouenberg’s views on empowering the population to protect themselves as a way of preventing sexually-based violence.

A further participant posed a question to Mr. Gentile. He indicated that he was encouraged to hear that the ICRC guidelines were built from the ground up, based on practice. He stated that, in his experience, one of the ICRC protection services he had found most useful was visitation services in detention facilities. Those serviced offered victims protection simply by having the presence of an internationally reputable institution like the ICRC. It served as a strong deterrent to whoever was holding the victim captive. However, he highlighted that a problem had arisen with this practice – there were now instances in which the ICRC, because of its own security protocol, could not conduct visitation rights. He asked what the options were in instances in which the ICRC personnel did not feel it safe to conduct these visitations. He noted that in many of the internal conflicts it happened a lot. He suggested that there might be an opportunity for the ICRC to engage a local NGO (who might not be subject to a similar stringent security protocol) to do the visitations. He indicated that he would appreciate Mr. Gentile’s thoughts on that issue.

On the issue of ICRC engagement in circumstances where there was a lack of authority, Mr. Gentile responded that where there was either a lack of authority,

or where there was authority but the pattern of violation was not linked to it, the ICRC tried to maintain contact with all the actors in the violence – those directly implicated, but also those who might have influence on them. Building up a network of interlocutors was actually one of the ICRC's main tasks – not a task of the protection delegate, but of the heads of office at all levels. It was a task that would usually take about one third to 50 per cent of that delegate's time. It was one of his/her main responsibilities, so that all the time he/she was able to access key actors. He explained that this required an understanding of who was who among the different interlocutors – among the authorities, among the armed groups. For the ICRC's protection work, it was extremely important for them to develop a good understanding of the structure of the different authorities. He explained that they had no constraints in terms of who they could or could not address. Their constraint was much more linked to the willingness of the relevant actors to engage with the ICRC, therefore the organization needed to build their own legitimacy to encourage the relevant actors to engage with them.

Mr. Gentile continued, explaining that the ICRC's legitimacy had several aspects. The first was the legal mandate. The organization had a strong legal mandate that created legitimacy for them to engage with a lot of actors. The second aspect of legitimacy was about experience. The ICRC had over 100 years of experience visiting different types of detention facilities. That created a legitimacy among detaining authorities. The third type of legitimacy derived from knowledge of the context and contact with the population. It was very important for the ICRC to be able to analyze the immediate consequences of the violence and conflict in an area, and to be able to bring that analysis to their interlocutors by being present. He explained that these were three forms of legitimacy that the organization hoped would open doors for them to create contact with relevant actors. He also highlighted that such contact should not be one-time contact. Not much would be exchanged, no real confidence would be built during such contact, it needed to be work that was done over time. This also meant that protection work, in terms of trying to influence the different parties and actors in a situation of violence, demanded time. He stressed that protection solutions did not come quickly in the ICRC's activities – possibly physical security could achieve a result quicker – but when it came to convincing parties to a conflict, time was required.

Mr. Gentile went on to address the question regarding access to detention facilities. He explained that in rare situations when the ICRC was denied access they to an area, they might go directly to the detention facility. For example, when they had difficulties with access in Iraq, they went directly to the military bases by helicopter or by other means. He highlighted that this was not the best way of doing things, that it was quite rare, and did not allow the organization to visit the very small police station and small areas. He indicated that the strategy would

usually be to regain access as soon as possible. He explained that access was one of the main problems they take into account when designing protection activities. However, he noted that if the organization had no access then there were still many other activities they could carry out, and therefore the idea of having a table that showed different types of potential activities allowed them to adapt their resources and capacities in any particular situation.

Mr. Gentile then posed a question to Ms. Van Woudenberg. He indicated that he appreciated her point that the ICRC needed to report but questioned whether at some point there was not a difference between activities done for the record, out of our moral obligation, and activities done out of efficiency. He noted that there had been much reporting on certain subjects, such as sexual violence in Kivu, and it had raised the profile of the issues to some degree. However, he questioned whether the reporting had changed things on the ground, and, suggesting that it had not, he questioned whether more emphasis should be put on reporting at the expense of efficiency.

Ms. Van Woudenberg first addressed the questions from participants. With regard to the issue of what the Council should do to implement their own mandates, Ms. Van Woudenberg indicated that it was a difficult question that needed to be approached creatively and collectively. She then went on to offer a few ideas. She asserted that there was an obvious need to constantly remind Council members of their responsibilities. In her view neither DPKO nor SRSGs went back to Council members on these particular issues to clearly remind them of where and what kind of support was needed. She suggested that tasks for UN Security Council members were one of the things that should be included in POC strategies. It would be necessary to constantly revise the tasks as conditions changed, but it was important to clarify protection responsibilities, including those of the Council. She suggested that both DPKO and missions needed to be more proactive in setting out what the Council's responsibilities were, and what was expected of them.

Ms. Van Woudenberg continued on the same issue, suggesting that it might be a good idea to look again at Council members' visits to the field or to missions. She explained that the UN Security Council members travelled to the DRC generally about once every 18 months. Their visit was often very quick (24-48 hours) and highly orchestrated. In her view it was a visit of a large group of people, which was not very effective in helping them really come to terms with what was happening in the mission. She suggested that those visits should be reconsidered. Perhaps they should be split up so that Council members came in smaller groups, or perhaps visits should be made by the Africa experts of Council member's delegations. She indicated that P-5 members were often better informed on the issues, but that the other ten Council members, because they were only on the Council for

two years, had much less information, and usually fewer capabilities to gather that information, about peacekeeping missions. She suggested that serious consideration should be given to encouraging visits for Council members' Africa experts, since they were the ones who did most of the negotiation of mandates. She indicated that a similar thing had been done for staff members of US senators and the outcome had been interesting. She asserted that when staff members of senior level officials were informed, involved and aware of the realities, the result was often much better policy making. She concluded on the issue indicating that those were just some ideas, but that others could be developed if 'we put our minds together.'

Ms. Van Wodenberg then turned to addressing the issue of empowering women in the context of sexual violence. She noted that one of the interesting things that had come out of the horrific scourge of sexual violence in Congo was a women's movement. She explained that women themselves had started to take matters into their own hands and it had been extraordinary to see. In part it occurred because the rape had been so public. So many women had not been able to hide it, as they had done in the past. If it was done in front of your husband, your family or the community, it was, per definition, public. People knew, and because the scale had been so huge, women were increasingly talking about it and coming forward. She explained that out of that had come a whole women's movement. Initially the movement was single-issue based (sexual violence), but it was now growing into multiple other issues. Those women's groups had recognized that they could really only effectuate change on this issue if they were in positions of power, and so they were pushing for more candidates in local and national elections. They were pushing for positions of mayor as well as local level positions. They were pushing for more police women in the police force. It had been quite extraordinary. So, in her view the international community needed to support that kind of women's empowerment, because through that you get much better application of, what are increasingly good, laws in Congo against rape. She explained that the DRC had one of the most wide-ranging, proactive and good sets of laws against rape, better than in some developed countries. However, these laws were not applied and women now realized they had to lobby for application, and to do that they had to be in positions of power.

On the question of reporting, Ms. Van Wodenberg indicated that one of the key things she learned in the Congo was that a public report about an incident focused the mind and it focused policy makers. She indicated that she agreed that sometimes the same horrific atrocities were reported over and over again – different village, same modus operandi. However, she stressed that what she had seen was that if the reporting stopped, the focus on the overall issue often disappeared. She agreed that part of reporting was about documenting the record, ensuring that the truth

got out, but it was also a way of focusing policy-makers on again looking at what needed to be done to stop such incidents. She concluded stressing that reporting had multiple uses.

A participant offered a few thoughts on supporting the Security Council on protection issues. He reminded the Forum that there were already guides for Council members. There was the Aide Memoire on POC, which was updated last year and was available to the Council and there was also the Security Council Expert Group on POC, which was to be called upon by Council members, to advise them on protection issues when they were considering mandates. He also picked up on Ms. Van Wodenberg's point about the reputation of MONUC, noting she had hit upon one of the key dilemmas for uniformed personnel. While stressing that he did not, for one minute, condone inaction when action should have been taken, he indicated that it was important to recognize that the mission was in a country on the basis of the consent of the host government and that raised a dilemma. At what point did a UN peacekeeping mission, particularly the uniformed component, step in and take on government forces risking the withdrawal of consent for the mission's presence. Those decisions were very political. He stressed that the peacekeepers, in the main, tried to do the right thing, but often times were caught in that dilemma which made life difficult.

Ms. Van Wodenberg acknowledged that it was a difficult dilemma, but asserted that it was precisely in such circumstances that MONUC or peacekeeping missions should act. If not, the UN was in the uncomfortable situation of either a) turning a blind eye to abuses, or b) supporting a host army's abusive behaviour. She indicated that there were different ways of approaching the problem, of demanding accountability and reporting on violations. She explained that, often in DRC, violations would occur by soldiers of the Congolese Army and senior people of the Army or the President himself would say: 'We didn't know, we weren't aware, we didn't give these orders.' She stressed that this again went back to the issue of why it was so important to report. Nevertheless, she recognized the difficulty of those issues, but reiterated that UN peacekeepers should not be found in a situation where they were supporting abusive armies. That was not what peacekeeping was about, that was not what the UN Charter was about. That did on occasion mean the UN might have to make difficult decisions. In her view senior level leadership in DPKO and in the missions had to be increasingly prepared to make those difficult decisions, and to be tough with host governments.

A researcher addressed a comment to Ms. Van Wodenberg. He noted that in an age of integrated missions, in host communities that were still conflict-ridden, a lot of actors were involved in POC (even if only in terms of reporting) and it was therefore necessary to have a robust and integrated approach to addressing the

problems. He questioned whether she had looked at cooperation and coordination among non-UN actors (e.g. in the humanitarian community) to support the UN, particularly in areas in which the UN did not have much expertise, such as psychological trauma. He indicated that research he had undertaken on sexual violence in Liberia had indicated that despite an apparent rise in sexual violence, the incidences of sexual violence had not actually increased, it was an increase in reporting and willingness to come forward about the issues due to a good and sustainable humanitarian campaign that had revealed the actual levels of sexual violence. He indicated that the relationship among non-UN actors was very important for informing the policy recommendations they could make to the UN for properly enhancing UN strategies on POC.

Ms. Van Wodenberg replied noting that a very important question in the DRC was whether there had been an increase in rape or just an increase in reporting. She asserted that in eastern Congo it was absolutely clear that there had been an increase in cases of rape between last year and this year. She explained that the reporting on rape cases in eastern Congo had been overhauled about two or three years ago and there had been an increasing effort to try and collect better statistics. So it was very clear that between 2008 and 2009 there was an increase in the reported cases of rape. However, she highlighted that it was important to recognize that there were still many cases unreported, and of course in many conflict situations trying to get accurate statistics was incredibly difficult. It was a problem that many UN agencies had faced not just on questions of rape, but on many other types of incidents and on other kinds of human rights violations.

She agreed that it was critical to look at how, together with UN peacekeeping missions, humanitarian agencies could do more to provide assistance to victims and help develop strategies to combat rape. She explained that the new sexual violence strategy in MONUC was not just for MONUC, it was for UN agencies and it incorporated the Congolese Government and some NGOs. In her view it was a very interesting and innovative concept and a good way to take things forward. She felt that the way the process of consultation on the strategy had proceeded had been good and useful. On the issue of psycho-social support she indicated that the international community did not do enough on that issue and it was critical that more be done. She explained that it was one of the most under-funded and under-supported aspects of supporting victims, especially victims of sexual violence.

Mr. Gentile made a final remark. He indicated that the point the participant had made about statistics and how trends were understood was a very interesting point in the sense that actors often relied on their own recording of events, the ones they documented. He suggested that organizations should be honest and

clear that this very often did not provide a full picture of the reality. In the case of the ICRC, the number of cases recorded of the different types of violation that were occurring on the ground really showed what the organization was focused on, and the organization decided to focus on different types of violations in different countries. He noted that sometimes a change of Coordinator could result in a change of statistics because the new Coordinator directed the team a bit differently, or a change of statistics might be due to a change in the thematic focuses in a country or a focus on a certain aspect, a certain issue, or because the organization did not have access everywhere. He indicated that there were many reasons why the numbers coming out could not be used for data-mining, which had another priority. He highlighted that to make a proper assessment of a situation it was essential to go and discuss, to spend time with the community, to understand their needs as they perceived them.

Mr. Gentile provided an example. He indicated that the ICRC had recently done an exercise in one country, preparing a report for the Ministry of Defence. He explained that the team went into hundreds of villages trying to understand their concerns. The themes that came out did not necessarily correspond with the violation abuses the ICRC had been documenting, they were more linked to the fact that troops were stationing themselves within the villages, therefore potentially provoking an attack from the opposition group. The ICRC had documented, maybe, ten cases where this had occurred and in which there had been casualties. The important thing was that in hundreds of villages this was the fear. This was what prevented people, from their perspective, from continuing a normal life and having trust in the authorities. So this was something the ICRC had to take into account in their communication as a priority for the authorities – to be sure to respect IHL when deciding where to locate their forces. He indicated that this kind of consultation could take place, but it took time. He stressed that it was essential for a team to spend time discussing with people, not to just allocate a half hour among other activities. It was important to assess what an agency is able to offer and then consult to find the answers for that agency's programming. For example, the ICRC had a programme for researching family links, so they asked questions including: Do you have family abroad? Do you have family somewhere? Have you lost someone? But he stressed that if an agency wanted to go further, to understand what people felt they needed, then much time must be invested, and, in his view, that was often what was missing.

Personal Reflections on Peacekeeping

Lt.Gen. (Retd.) John Sanderson (Host)

I want to acknowledge our host for this evening, Senator the Honourable John Faulkner, Australian Minister for Defence, then our guest speaker, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, and particularly the people representing the Challenges Partners and Coordinators, especially the Folke Bernadotte Academy and the Asia Pacific Civil-Military Centre of Excellence. I think you have done a wonderful job bringing this group together. I think the Challenges Forum is a vital gathering of people, both practitioners and people who are theorists in this area. Let me also add my personal welcome to the international visitors to Australia who have joined us in addressing a subject of fundamental importance to our humanity, that of protecting civilians in regions of conflict. To my great pleasure I note that there are many colleagues with whom I have shared past peacekeeping endeavours and also forums like this over the last two decades, where we have looked at this issue of how to reconcile people and protect them from the deprivation of war.

For that is really what we are all talking about here, the subject of international attention since the advent of the liberal nation-state back in the 19th century and the beginning of the Geneva Conventions. These problems have been around for a long time, although peacekeeping as an international endeavour has been around only since the Second World War and the advent of the United Nations in 1945. It was not until the end of the Cold War in 1989, however, that we could comprehend the international community engaging within national boundaries and beginning to share, with what were often fragile sovereign bodies, some of questionable legitimacy, the responsibility for the rights and the wellbeing of their civilian populations. Let me remind you that only 50 nations signed the Charter in 1945, the majority of today's Member States being colonies or vassal states of what were large European empires at the time. Indeed, I think you would all agree that the most significant characteristic of the second half of the 20th century was the growth of nation-states, the membership of the United Nations growing from 50 to nearly 200 over this time. I believe this is a staggering fact – 150 new nations taking on sovereign status and becoming members of the international community of nations. While we have had many conflicts over this period, the fact that we have not had a major and absolute conflict over this time of great and emerging complexity, represents a great triumph for the United Nations and its members.

I remind you all, and I probably do not need to do this, that it's not over, there's more to come and the complexity is likely to increase in magnitude rather than diminish. Now, having commanded one of the first of these complex post-Cold War missions in Cambodia, I can assure you that I am starkly aware that many people have suffered throughout this transition. I am also aware of the struggle that goes on between what I would describe as criminal and progressive forces to determine who will exercise which prerogatives in these new nations. I have participated in many discussions about who is responsible for what in these confused jurisdictions and agreed on many occasions that it is a question of clear mandates and strong leadership from the Security Council, particularly its inner core of the P-5. That has been the state of the game for many years now, and although there have been a number of regional initiatives to protect civilians in conflict zones, primarily because of the potential for those conflicts to spill over borders and across continents, it remains the prerogative of the P-5 to negotiate the conditions that make this possible. We are all in the business therefore, of arousing the humanitarian conscience of these global leaders in a way that provides a proper balance between national self-interest and the stated commitment of the international community to the rights of individual human beings.

Now, as you all know, these are very fine arguments for us all to be having in strategic fora far from the grisly day-by-day reality that faces young men and women who perform peacekeeping duties on the ground. I am sad to say it is they who often bear the brunt of criticism for what are, when all is said and done, the failures of the international community. We ask a great deal of our peacekeepers. They are the very essence of the moral authority of the United Nations. Without their eyes and ears and their physical presence on the ground, you could go so far as to say that the United Nations has no moral authority.

What do I mean by this? It is simply that, without a physical presence, all the expressions of concern and resolutions of the international community have no meaning whatsoever to those people who are directly affected by the deprivations of conflict and with whom the international community has to build an alliance in order to achieve its aims. This need often means spreading forces and observers thinly across the terrain in vulnerable dispositions and asking them to stay there with the people in the face of mutual threats to their survival. How often in my command of the UN force in Cambodia, for example, did I have cause to reflect on this fact. Taking risks with the lives of those you command, many from different cultures and not armed for conflict is a very salutary command experience. You come to realize very quickly how dependent you are on their professionalism, their integrity, their courage and their capacity to identify with the people whose security depends on their presence. This is what I mean when I say that the moral

authority of the international community is totally dependent on the way they, military and civilians, perform their tasks.

There is a price to pay for this. Peacekeepers do die at their posts or are deeply wounded in the course of their duties in very dangerous terrain. Many carry deep psychological scars back to their countries of origin, particularly when they are confronted with the consequences of their failures and the deaths, in large numbers, of their fellow human beings such as we have seen in places like Rwanda, Somalia, the Sudan and the former Yugoslavia. This has been part of the price of peace over the last half-century. It will be the price of peace for the next half-century, which is potentially more tumultuous and dangerous than anything we have experienced so far. Helping people to solve population and resource problems of great magnitude without resorting to the uncontrollable dimensions of absolute war will be a great challenge. It is important therefore that we recognize how dependent we have been and will be in the future on the sacrifice of our peacekeepers.

As you have seen over the last weekend, in this country, Australia, we have a very powerful commitment to remembering those who have died in war, often wars of long ago on behalf of different international constructs. I am very happy to say that we are now beginning to recognize our peacekeepers in the same way. Major-General Tim Ford and his committee of dedicated former peacekeepers of the Australian Peacekeeping Memorial Project, have gone a long way to establishing a peacekeepers' memorial here along ANZAC Parade. This is in an honoured place alongside all those memorials to the men and women who have taken part in conflicts since Australia became a nation at the beginning of the 20th century. What we are talking about here is a national memorial that recognizes the sacrifices and services of over 60,000 Australian men and women – civilian, military and police – who have served in nearly 60 different international peace operations over the last 60 years. Together with my fellow patrons Tony Negus and Geraldine Doogue and our Patron-in-Chief, the Governor-General of Australia, Her Excellency Quentin Bryce, I am delighted that Australia has taken this initiative to give prominence to the service of peacekeepers – that is peacekeepers past, present and future – I hope that similar recognition will be given to peacekeepers the world over. It would be a valuable contribution to the spirit of international engagement that we are all talking about.

I am pleased to tell you that the memorial site on ANZAC Parade has been approved by the Canberra National Memorials Committee and that an outstanding design will be a high-quality, enduring landmark that has been selected from an international competition. We are ready to go on this. This is a shovel-ready project. The winning design features two polished monoliths separated by a golden passage of light leading to a courtyard for individual reflection and commemorative activities

in which the story of Australian peacekeeping will be portrayed. This will be both a powerful memorial to Australian peacekeeping and an appropriate reminder of the importance of peacekeeping to our mutual futures. The memorial will be used for national ceremonies as well as provide a place for group and individual reflection on days such as the International Day of Peacekeepers, United Nations Day and Australia's Peacekeepers Day, which is on 14 September every year. In fact, it is planned to be opened on one of those days, marking the 65th anniversary of Australian peacekeeping, 14 September 2012. I recommend that you look at the concept of the Australian Peacekeeping Memorial. I hope that you will all agree that this memorial can be an inspiration to those who have and will contribute to peace operations. It will send a message to our own community and to the world of Australia's commitment to international peace and security and to the United Nations.

The project is ready to go, but it still needs further support from Australians to complete the project. There can be no question of building an inferior product, one that will not capture the story of the last 60 years, nor inspire the commitment to peacekeeping as a calling of high honour. While some support has already come from government and industry, significantly more is required to make sure this memorial capture those aims and stand powerfully alongside the other memorials in our national capital. The Australian Peacekeeping Memorial Project team, under Tim Ford's leadership, is dedicated to ensuring that this is so and I ask all Australians to support them. Thank you very much.

The Hon. Senator John Faulkner, Minister for Defence, Australia (Host)

Ladies and Gentlemen, let me begin by acknowledging the traditional owners of this land and by paying my respects to their elders, past and present. Let me also acknowledge my parliamentary colleague, Dr. Mike Kelly, the Parliamentary Secretary for Defence Support, our two guest speakers for this evening, His Royal Highness Prince Zeid, who I will formally introduce in a moment and Lieutenant-General John Sanderson, who you have heard from already. I would also like to acknowledge the Patron of the Challenges Forum, Mr. Jean-Marie Guéhenno and of course all the Challenge's Partners who are here, the speakers, the chairs and the panelists – many of whom have given their time to make the trip here to Australia to share their key insights. Of course, I would also like to welcome the representatives from many countries and regional and international organizations, who have shown the commitment to join this important dialogue in Australia. So welcome to all distinguished guests and to you all, ladies and gentlemen.

It has been 65 years since the foundation of the United Nations. The United Nations Charter, negotiated and signed at San Francisco in 1945, declared the organizations aim 'to save succeeding generations from the scourge of war.' As well as the defence of Member States against aggression, the pursuit of this goal led to the concept of impartial, multinational forces to bring peace, stability and rebuilding to areas in crisis. Since the first peacekeepers left Australia for Yogyakarta Indonesia in September 1947, tens of thousands of Australians have been involved in well over 50 UN and multi-lateral peacekeeping missions. Additional security and civilian personnel have been engaged in a range of regional missions providing forces and leadership for peace observation, weapons destruction, de-mining, training and disaster relief all over the world. Ladies and gentlemen, while peacekeeping operations are intended to fulfil the goal of the UN to protect civilians from war, like every armed conflict, peacekeeping operations also put civilians at risk. Increasing the effectiveness of peacekeeping operations to improve the lives of those affected by conflict must be a constant undertaking. This Challenges Forum is an opportunity for us to harness and share our experiences and expertise as part of those on-going efforts.

I too would like to congratulate the team from the APCMCOE for their efforts in making this year's Challenges Forum happen. The Centre has, since its establishment, made a valuable contribution to lifting the profile of peacekeeping and peacebuilding issues across government, and to promoting a comprehensive whole-of-government and whole-of-nation approach to meet the challenges of establishing and maintaining peace and stability in today's world. It is, I think, fitting that this dinner tonight is being held here in the Australian War Memorial, and that the Challenges Forum is being held in the days after ANZAC Day. ANZAC Day is a day when Australians remember and honour the men and women in uniform, who have served our country over the past 110 years. But it is also a day when we remember and mourn the price of war, the lives lost and ruined, the families torn apart, the communities scarred. It is a day here in Australia to renew our commitment to peace, a commitment that the participants, all the participants in this Forum, are demonstrating.

Ladies and gentlemen, my task tonight, and let me say it really is a pleasure, is to welcome a very distinguished guest speaker to address us: His Royal Highness Prince Zeid of the Hashemite Kingdom of Jordan, currently Jordan's Ambassador to the United States and non-resident Ambassador to Mexico. Jordan, ladies and gentlemen, is one of the biggest contributors to UN operations. In fact, it ranks as the international community's ninth-largest contributor with 3,630 personnel deployed. Currently, Australia and Jordan are both contributors to the UN Assistance Mission in Afghanistan, the UN Assistance Mission in Iraq and the UN Integrated Mission in Timor-Leste. Australia and Jordan have a long history of

cooperating in UN missions, particularly in East Timor. Jordan provided over 700 personnel to INTERFET and Jordan's support for UN efforts in East Timor has continued with its involvement in the UN Transitional Authority in East Timor and the UN Integrated Mission for support to East Timor. Prince Zeid was the Hashemite Kingdom of Jordan's Permanent Representative to the United Nations for over six years, and as an expert in the field of international justice played a central role in the establishment of the International Criminal Court. Prince Zeid, as I'm sure you all know ladies and gentlemen, is very highly regarded and widely acknowledged for his passion, his commitment and his pragmatic approach to highly complex peacekeeping issues. He is well known to many of you here tonight and of course, he has had a very long association with the Challenges Project.

Ladies and gentlemen, it is my pleasure, on your behalf, to officially invite Prince Zeid to address us.

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, Jordan

Minister Faulkner, thank you so much for that warm welcome. To me lies the unenviable task to keep you, and myself, awake through one final talk. It is not easy for me to do this because the last time I was compelled to speak at the end of the day, there was a gentleman sitting in front of me who fell asleep – not unusual – but the trouble was that the person started to snore and I was forced to stop. I turned to a friend of the gentleman who was sitting next to me and I said to him, 'Can't you wake your friend up?' and the man looked at me and said: 'You put him to sleep – you wake him up.' So, to Senator Faulkner, General Sanderson and my colleagues, to be speaking at this most extraordinary location before such a distinguished community of men and women is a real honour for me. Now, for you on the other hand, to have to endure me opine on subjects of my choosing, at length, is nothing but sheer pleasure of course. Am I not right General Smith?

A few days ago, as Minister Faulkner so eloquently put it, this memorial was the focus of the annual commemoration of ANZAC Day, where two nations in particular remember the courageous spirit and sacrifice of their heroes and their war dead. It began with the Gallipoli campaign and that campaign has some meaning to my family as well, as my great grandfather was a General in the Ottoman Army at the time. My grandfather within months following the Dardanelles campaign fought on the side of the Allies as a General as well. It was a war of unprecedented scope and impact. It was a war, to paraphrase a dear friend who passed away a few days ago, Whitney Harris, that forced into the hidden recesses of our consciousness this rather dismal, uncomfortable feeling

that we would be forever lashed against the mast of self-debasement and self-destruction and this notwithstanding all the noble sacrifices undertaken by the common soldier on all sides. A war to end all wars was only a horrific lie, for we were all placed in Albert Camus' age of murder, as the Second World War made sure to emphasize to us. Then there was of course Hiroshima and Nagasaki and the world changed forever. We simply could not risk a third world war and human annihilation. So we entered a period of enlightenment. We saw the establishment of the United Nations and entered a period of enormous creativity when it came to the establishment of new treaties and treaty bodies. Enter Hammarskjöld, enter Bunch and Pearson and the instruments they have created for us since.

Now for tonight's reflections please allow me to have the privilege to present you with some miscellaneous thoughts, some connected to the protection of civilians issue and others not. The first reflection I have is that you simply cannot navigate the currents of peacekeeping unless you have spent some time in the field to recognize what peacekeeping is and what it is not. Ninety five per cent of what I know about peacekeeping comes from my two years in UNPROFOR. My strong appeal would be to the Security Council, that its members would do well to do less talking and more visiting. The same is also applicable to the C-34. We can decide who has the privilege to go and say this to them formally at some stage.

The second reflection that I often comment about is that protection of civilians did not really begin with resolution 1270 and Sierra Leone at the close of 1999. It began with Security Council resolution 161 and the empowering of the first Congo operation to undertake the very issues that we today yearn for. It was an utterly robust mission. It used force to ensure the protection of civilians. There were dramatic episodes, where battalions would garrison IDP camps, the refugee camps, and use force to defend them. There were jet fighter escapades. An Ethiopian jet fighter was used to harry and harass another aircraft that was itself upsetting humanitarian access. And all of this was done with quite a simple resolution. If you look at 161, there is no express language in it. The implication though is very transparent.

The third lesson, which we can derive from ONUC, the first Congo operation, is something that was commented on today by Izumi Nakamitsu, is that everyone must be involved in peacekeeping. When one looked at the peacekeeping operation in Croatia for instance in the early 1990s, there were thirteen countries participating with fifteen battalions and every corner of the globe was represented. Now, and for the last twelve years or so, the picture has been very different and I would maintain that there really is no excuse for it. We hear from various colleagues from countries, especially in the North with clear capabilities, that they are simply overstretched. My own country has quite a heavy foot print in

Afghanistan. It is not really something widely known, but we have about 1,200 troops in Afghanistan. We are larger than some of the NATO participants and even with that commitment, which we pay for ourselves (we are not being reimbursed by anyone for this), we still are committed to UN peacekeeping as well. So there really is no excuse for not involving the entire international community in this joint effort.

The fourth reflection as all the force commanders who spoke today mentioned and they are absolutely right, is how the mission carries itself. It is a collaborative or collective attitude that often will determine the success and failure of the mission. In the case of UNPROFOR, every determined action that was undertaken met with success. There was this wonderful episode, the Sava Bridge affair, and those who were in UNPROFOR would remember this, where there was an armoured column approaching a bridge manned by two Nepalese soldiers and the commander of this column approached the soldiers together with a group of soldiers from the Bosnian Serb Army and demanded access across the bridge. The Nepalese soldier refused. Eventually there was an exchange of gunfire. The Serbs fired at the leg of the Nepalese soldier and the Nepalese soldier responded with a round that went over their heads, and they left the scene. They did not push forward.

Fifth, on other occasions, you could sense that the operation itself was so terrified, perhaps of unintended consequences, that we telegraphed this and the first time that the officer commanding UNPROFOR was stopped at a checkpoint by two drunken Bosnian Serb soldiers was a time when the mission was half over. What the officer commanding should have said to these soldiers is, 'I am giving you a minute to leave and if not, then we are coming through and we will use force to make our point.' In other missions where this has been done to clear access, generally it has proven to be successful.

The sixth reflection that I have, and this was something that Patrick Cammaert mentioned, is that national governments must refrain from the temptation to interfere in dangerous situations. We are all guilty and it is utterly disgraceful that we do this because if it continues like this, eventually we will have to come to the conclusion that we are not trustworthy. We cannot leave the chain of command pristine and untouched. We have to have our own impact on it and if we are not trustworthy, then we must explore the possibility of a standing UN force to help us do the things that we are incapable ourselves of doing.

The seventh reflection is that we must also deal with our own hypocrisy and cowardice. In 2007, the Fifth Committee took the lamentable decision to take the UN out of any investigation of abuse by UN military personnel. The argument was that the law follows every contingent. Contingents have the soldiers to investigate

then deal with the miscreants of any abuse. The problem is that this has always been the case. You used to have boards of enquiry put together by the contingents, and we simply could not do a good job of it. The natural inclination on the part of all our countries, and really there is no country that could claim a pristine record, was to cover it up, to stick it to one side and not confront it. That really has to change. The other is that there is a draft convention that is stuck in the UN, because we have no resolve to push it forward, Spearhead battalion that deals with jurisdiction and coverage for civilian peacekeepers in the event that abuse occurs. The reason why this is so important is that we cannot speak of POC and demand that others do this, if we are not willing to hold our own peacekeepers to a very high standard. At the moment we are still not, and that needs to change.

Which leads to the eighth reflection, again commented on today, that we need to put the victims at the centre of every discussion. What we tend to do at the UN is that there's a thematic debate, the ambassadors will say the victims are important, POC is important, but when juxtaposed against other things, the victims slide to the edge of the argument and before you know it, they are off the table altogether. We must grasp, as Victoria Holt said this morning, that they are absolutely at the core of everything that we do and if we do not understand it, we should not be in the Security Council, because we do not then know what conflicts are about and how they can be resolved.

The ninth reflection deals with an attendant issue and that is, we can throw all the cement we like at a post-conflict situation – we can train police, we can train military, we can train bureaucrats, we can set up a central bank, institutions – but what is really, really tough and what we don't know how to resolve, is to deal with issues of memory. It is quite extraordinary to me that no-one has thought of them. We have not worked on them in a comprehensive manner, the establishment of archives. When you look at most countries around the globe, there is no archive in evidence. You have buildings with documents, but no national memory of the state. So when you collapse into civil war and well-meaning UN officials come to assist you rebuild the state, they do not find the right documents, which allow you to fashion a single narrative upon which you can build something stable.

The tenth reflection is that, if we do not push forward, circumstances will push us back. If you look at the human rights and corruption indices globally, we are in regression. There are some bright spots – the Universal Periodic Review at the Human Rights Council is a bright spot – but generally everything is sliding in the wrong direction which is not heart-warming. We have exceptions. My association with the ICC allows me to perhaps mention briefly that the ICC is an unparalleled step in enlightened thinking. There is no equivalent to it, because under Article 27 all the countries that are party to the ICC have placed all their officials – heads of

state, head of government, parliamentarians, all of them have voluntarily forfeited their customary right of sovereign immunity in respect of all the four crimes that fall under the ICC statute. It is simply unprecedented and we are in a phase of transition to a new world which is a very encouraging thing. And the more we adapt to it, the better it is.

The next reflection, reflection eleven, is that as we refine our knowledge and find practical solutions, analyses of new emerging problems become even more fine-grained. As was mentioned today there is potentially a problem where we might find ourselves sliding toward a future of interminable problem-solving at the atomic level without making any measurable impact on the ground. I remember in UNPROFOR, we had this discussion once about the rules of engagement and a few of the commanders wanted to know in exactly what situations they could and could not use force. As we began the discussion it became patently obvious that you have billions of variables here and many different scenarios and you couldn't orchestrate an answer for every type of scenario. Now, we can agree I think with General Cammaert that you need to give local commanders some sort of flavour for the sorts of situations they will have to deal with. I came across this a few years ago, when I was in eastern Congo. There was a very unfortunate incident in which a UN military observer was killed, a Kenyan national, and there was a BTR armoured personnel carrier filled with UN peacekeepers right behind the car in which the UNMO was in. This BTR just turned around and fled the scene, and the militia responsible for killing this soldier then cannibalized this UN military observer. So there is no doubt that greater understanding is required of what happens in the field. But at the same time, we must resist the temptation to find prescriptions for everything and there must be a role for common sense in what it is that we do. Now, in talking about common sense obviously we must also, as was said today, recruit the finest people.

Which leads me to my twelfth reflection, that governments must stop the habit of forcing rubbish onto the UN. Should I say that again? Governments must refrain – I will mention a second anecdote. In 1995, I was visiting, with the head of mission, a European country and we were having problems with a certain commander and we said to the Chief of the Defence Staff, 'Now why on earth did you send us this particular officer?' and the response was, 'Well, he had nothing better to do. We had no job for him, so we sent him to you.' I think I spent most of my time in New York saving the UN, in acts of supreme mercy, from incompetent Jordanian candidates. And we need to do this. Jean-Marie Guéhenno is laughing because at one stage we had a conversation about a candidate for a particular military position and I was very clear that he should reject him. We need to do this. It brings our country no pride if we put forward someone who only then brings us shame for lack of competence.

The reflection number thirteen therefore centres on that foremost quality required in peacekeeping and that is courage. We need moral and physical courage from top down and bottom up, because even if you do everything else, if we have a uniform understanding of what these terms mean, if we have pre-positioned equipment, if our mandate is absolutely crystal clear that we are in a position to use force in defence of civilians, in the final analysis you have to stand before your own maker and take the decision to do it. And that is the critical point. Will we be in a position to take that decision?

Because it is bad luck to stay on reflection thirteen, I will move to the final reflection and that is that the UN is filled with the most extraordinary and outstanding officials, senior and junior. I only wish we could groom the junior officials so that we know that in ten years' time, fifteen years' time, these people are going to be SRSGs, because they are there. Rather than fish around for some incompetent diplomat like me to do the job, you can groom these people early on and you know that you have someone in whose hands you can place this great responsibility. The other thing that I thought was a very novel undertaking during the Secretary-Generalship of Pérez de Cuéllar was the appointment of ambassadors that have dual hats.

They would have a UN appointment, but at the same time they would remain an ambassador of their country. The most notable of whom was Jan Eliasson, who was Sweden's Ambassador to the UN, but at the same time was a Special Envoy of the UN to the Iraq-Iran conflict that was occurring at the time.

Finally, I would like to just reinforce the point made by Lieutenant General dos Santos Cruz this morning that we are a community; that we have to be bound by a friendship grounded in a common belief. And we have to believe in this organization and the good that it is doing on behalf of humanity. That is the major point that has to be underscored. Around the UN you will find people who believe and people who do not believe and are just doing a regular job, and we need more people to believe in it. So with that I hope I have been merciful enough in keeping it short. Thank you for your attention.

The Rule of Law and the Protection of Civilians

Focus: What are the key rule of law considerations for protection of civilians in United Nations peacekeeping missions?

Mr. Dmitry Titov, Assistant Secretary-General for Rule of Law and Security Institutions, Department of Peacekeeping Operations, United Nations

Thank you very much for staying with us these two very interesting and fascinating days. I think finally we have made it to the main topic. It is not because the title reflects that of my Office – the Office of Rule of Law and Security Institutions – but because this is the way forward, and I'm sure you will see the light through these presentations. I have no doubt about it.

One thing is obvious, we have discussed many issues and there has evidently been considerable conceptual progress, however, there are still fundamental things to tinker with, including balancing mandates and responsibilities of governments; limitations of the use of force; interpretation of various concepts (including 'imminent threat'); limitations imposed by the areas of deployment; and availability of means. And yet, at the same time, there have been no questions about the fact that an international force alone, or in cooperation with our humanitarian partners, is not able to ensure POC. Almost all agree that restoring or rebuilding a government's capacity in the area of rule of law together with a political process, and with a deployment of troops, could help protection.

Yesterday, Izumi Nakamitsu reminded us of the three-tier concept of the comprehensive framework for POC, which includes protection through political process, provisional protection against physical violence, and obviously, creating a protective environment. I am also very grateful that both papers presented at the Challenges Forum (the Challenges Forum 2010 background paper and the Considerations Study) at this time concentrate, or have big sections devoted to, the rule of law concept which, as one of the papers says, binds the state and its individuals.

Therefore, it is my pleasure to chair this session on Rule of Law and POC and speak together with excellent panelists, Professor Charles Sampford and Mr. Ahmed Nader Nader. The discussion is very close to the heart of what we are doing in UN DPKO OROLSI.

Before starting, I would like to pay tribute to the late Takahisa Kawakami. He served as the Dep. SRSG in Timor-Leste, and before that in Afghanistan and Cambodia – he served in the most challenging and difficult circumstances. Mr. Kawakami is still with us through his name being on the programme of this event. He contributed to the Challenges Forum and he was extremely devoted to international service.

This session is specifically focused on what the key rule of law considerations are for POC in peacekeeping missions. I would like to give a few preliminary remarks to remind all of you what the definition of rule of law is according to UN documentation. This definition is primarily fixed into the reports of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict in Societies. The rule of law is a concept, it is a principle of governance in which all persons, institutions and entities – public and private, including the state itself – are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated. It is a complicated, but still rather elegant description. It is very rewarding that none among the UN Member States are challenging this formula.

In addition, most of the work of the UN is guided by the principle of the rule of law, which itself is embedded in the UN Charter and is regularly considered by the General Assembly since 1992, as a special agenda item. The Security Council has also had several thematic debates on the rule of law and adopted resolutions stressing the importance of this issue in the context of women, peace and security, including all the resolutions that you know – 1325, 1612 – and POC in armed conflict, for example, resolution 1674. All Member States, whether experiencing difficulty internally or not, have assumed voluntary obligations to respect the Charter, because they volunteered to join the UN.

Further, most of the peacekeeping missions nowadays have a mandate to protect civilians with elements of rule of law. In Sudan, for example, the mission's mandate derives from Security Council resolution 1590 adopted in 2005, and sets out that UNMIS shall have the mandate to assist the parties to the comprehensive peace agreement in promoting the rule of law, including independent judiciary and protection of human rights of all people in Sudan through a comprehensive and coordinated strategy. In the DRC, Security Council resolution 1906 mandates MONUC to provide support for, and I quote, 'building effective rule of law capacity including justice and corrections.' If you look at, for example, resolution 1956, approximately one-third of that resolution is devoted to the rule of law.

Turning to MINURCAT, our mission in Chad and the Central African Republic (CAR), the enabling resolution 1778 asks the mission to liaise with the judicial

authorities and prison officials in Chad and CAR to contribute to the creation of a more secure environment and to assist both governments in the promotion of the rule of law. The link between the rule of law and POC is set out in the DPKO/DFS Concept Note, which was prepared after the DPKO/OCHA-commissioned Study. It stresses that activities, such as SSR and DDR are part of POC, because they are focused on establishing an enabling environment, which constitutes the third tier of protection and, as such, all of these activities enhance the safety and support of the rights of civilians. These activities are primarily entered into to empower the civilians, as Jean-Marie Guéhenno rightly said at the beginning of our meeting.

To give a brief overview, to protect civilians, UN police operations must have a discrete, but robust mandate and tasks that are (frankly) distinct from those of the UN troops and that entail not only monitoring, reporting and preventing, but also capacity-building of the national police. UN rule of law assistance programs should also aim to address impunity for crimes against civilians through the building and strengthening of the national functional courts, legal and legislative reform and locally-driven approaches to justice. Consideration must be given to prison issues including ensuring the respect for the rights of persons deprived of liberty, whether detained or accused or convicted. Further consideration should also be given to related activities, I mentioned already DDR and SSR. This is because essential SSR initiatives, include training (such as training of the security sector in various aspects of humanitarian and human rights law), possibly legislative reform, creation of oversight mechanisms, stronger role of society, as well as support in the area of professional training, primarily done by bilateral donors.

Let us remind ourselves that most peace agreements explicitly pledge the need for good governance, free and fair elections, integration of the armed groups and capacity building, including in the justice sector. Moreover, at the stage of negotiations, the parties, most probably psychologically driven or politically motivated, invariably pledge themselves to work to improve this vital sector. This gives the UN, in my view, a unique and powerful opportunity, to interact, engage and leverage. And yet, we have seen time and again, the situation where after years of international presence not much has been done to tackle the rule of law and security sector governance, thus undermining the situation with POC. The most striking case is the DRC. After ten years into peacekeeping operations, our mission MONUC and the DRC Government has just agreed this year, in the tenth year, the need to train the police (20 battalions of the Congolese police) and restore justice – civilian and military justice – in the eastern part of the country. I repeat, ten years into the operation and, to my estimate, almost \$30 billion spent on MONUC operations, on humanitarian, bilateral and other assistance.

From my perspective, there is no alternative than to jumpstart these processes very early on in any peace operation, if the protagonists agree. This should be done by removing, initially from the outset, the most notorious elements who, by well-established records have been implicated in gross violations in the past. That would serve as a confidence-building measure for the population to accept the peace process and the new rule of law dispensation. For this to happen, there should be minimum standards established and agreed with former protagonists, by which all will abide and which will be implemented with the assistance of the UN. Police officers, local courts, including traditional ones, should be functional the next day after we celebrate the deployment of our mission and celebrate the beginning of the very hard and long-term work, which has to be done to bring the security sector up and professionalize it. This will invariably require a plan, call it a strategy, call it a coordinated response, it doesn't matter. Such a plan should become an integral part and mainstream at the stage of peace negotiations and mission planning, and it should be done in a very integrated manner together with all UN agencies involved. The same should apply to security sector discussions while the iron is still hot, because as we move into implementation of the peace process, positions become hardened and it is very difficult to talk to protagonists about these, very sensitive, very delicate and very sovereign-based issues.

Based on the existing and pre-peace process institutions, such a plan should provide for interim or early peacebuilding security, justice, corrections with the participation of even the traditional institutions that are active in the area of conflict resolution and settlement. Such a plan should definitely be based on local and national ownership as much as possible. This is particularly true if we are operating in a non-enforcement environment. Plans should also address cultural and historical backgrounds and sensitivities. These first steps of creating normalcy will invariably require considerable dedicated expertise and resources, from the boots and t-shirts for the police, to salaries, practices and papers in the court, as well as protection of justice officials. It is so sad to see, very often years into the peace process, that this is not delivered. Obviously, records should be saved, this is rightly mentioned in one of the papers, and preserved, and basic administration of justice sector should be created. Provision could be made, if protagonists were in agreement, to invite in expatriate lawyers and defence counsels, and this could be mobilized in a coordinated manner, the way it was and is in Timor-Leste and in the past in Sierra Leone.

Despite the stigma associated with prisons, they are an indispensable element of the interim security system. This requires attention to fundamental rights and fundamental needs. Some of the prisons in war-torn societies are security threats, they are humanitarian threats, and they are health threats. Not much is being done, unfortunately, in this sector which sometimes is situated in the heart of the

justice system. Overcrowding of prisoners is a major element in most post-conflict societies. In DRC for example, the pre-trial population in prison exceeds 80 per cent. Simultaneously, basic refresher courses could and should be organized based on national laws as well as international practices and international humanitarian, refugee and human rights laws. And let us remember that most of the states, whatever they sometimes claim, have acceded to international instruments in these areas. This gives all of us, and the recipient nation, another opportunity to improve and strengthen this sector.

All of the above has to be linked as early as possible to the longer term national vision and framework, which should be assisted by UN agencies and bilateral donors. Usually this is not an easy process. It takes years and most probably is linked to constitutional issues that require months if not years to sort out. Should peacekeeping wait to address basic security, justice and corrections until that happens? I think it would be an opportunity lost.

Lastly, I would like to stress that a mission's approach to the rule of law and POC must be based on clear stabilization strategies, or peace consolidation and early peacebuilding that support the peace processes and define the roles and responsibilities of all, and leverages the necessary resources. These strategies must be comprehensive, they should prioritize specific tasks, but also ensure delivery – because that is a weak point with many of us. Such strategies should, in addition to a rule of law, ensure deliverables in the areas of food, medical support, restoration of education, community development, agriculture, micro-financing and many other things. I think that the international community knows what and how early stages of rule of law development should proceed.

Therefore, to sum it up, for me supporting the development of rule of law is not a question of 'should' or 'should not.' It is a question 'who', 'how' and 'where the resources are coming from.' That is an important area in post-conflict situations which still has to be addressed. Our office, OROLSI, is committed to producing recommendations later this year about the priorities in the area of rule of law in early post-conflict situations and how to sequence those priorities. We are very grateful for the support we receive on that from various players, including the Folke Bernadotte Academy.

We are also committed to continuing to build up, within DPKO, methodology for training a cadre of professional people, who could produce quick delivery formulas at the early stages of peacekeeping and assist those stages by stabilizing and protecting. I think there is growing awareness among Member States first and foremost about the importance of that area. I am particularly grateful to the vision of Jean-Marie Guéhenno and some others, including former Police Commissioner

Mark Kroeker who created the entity. It was a strange innovation at that time, but I think it is getting more and more attractive. It is increasingly understood that this is a vital and forward-looking area of conflict management, which deserves careful study, support and mainstreaming.

To conclude, I am pleased to introduce our panelists. Speaking first is Professor Charles Sampford, Director of the Institute of Ethics, Governance and Law, which is a joint initiative of the UN University, Griffith University, Australian National University and Queensland University of Technology. He is also a Convenor of the Australian Research Council and Governor's Research Network. He has extensively written articles on constitutional law, legal philosophy, legal education and politics. The Professor will give us a research perspective on the rule of law and POC. Subsequently, we will have Mr. Ahmed Nader Nadery, Commissioner of the Afghanistan Independent Human Rights Commission. He has served as the spokesperson of the Afghan National Assembly, the Loya Jirga. He has written extensively on politics and human rights in Afghanistan. He is a recipient of numerous international awards, and I am looking forward to hearing from Mr. Nadery about his extensive experience in Afghanistan and the tremendous challenges that country is still facing in the area of protection and rule of law.

A Research Perspective

Dr. Charles Sampford, Director, Institute for Ethics, Governance & Law (a joint Centre of the UN University, Griffith University, Australian National University and Queensland University of Technology), Australia

During the last decade there has been a growing agreement that the rule of law is critical in both domestic and international affairs. At the 2005 UN World Summit, Member States unanimously agreed on the need for the universal adherence to and implementation of the rule of law at both national and international levels. This resolves something of the impasse in which some Western countries were pressing for improvements in the rule of law in developing countries, and others were pressing some Western countries to adhere to the international rule of law especially in regard to missions involving the deployment of troops.

One of the problems of this very welcome consensus is that the rule of law is subject to a range of interpretations, perspectives and dimensions that are affected by context as well as theory. Even within the UN, the variety of interpretations is considerable and influenced by the perceived missions of various UN agencies. 'Protection missions' which I will use as the shorthand for UN missions whose mandates include POC, now typically involve police, military and civilian components from a range of countries, as well as NGOs and several UN agencies.

Most recognize the critical importance of the rule of law but often have different conceptions of what the rule of law means and, more importantly, what it requires. What is interesting here is that protection missions raise issues of both international and domestic law and the rule of both international and domestic law, and so form one of the intersecting points between the domestic rule of law and the international rule of law. These overlapping rule of law issues should be addressed concurrently and consistently rather than divorcing the international rule of law issues from the domestic rule of law issues. If they are divorced it means that missions and participants may appear hypocritical.

This talk will draw on work we have been doing on the domestic rule of law going back 21 years, work on peace missions and the rule of law going back a dozen years to when we engaged in the issue with Lieutenant Colonel Mike Kelly (as he then was), and ten years of work on the international rule of law, including a major project which we are currently conducting with the UN University, the UN Rule of Law Unit and the Centre of International Governance Innovation on building the rule of law in international affairs.

The key link between domestic work on the rule of law and peace missions was made when Mark Plunkett, the UN Special Prosecutor in Cambodia, came to one of our workshops in 1995 and told me that he was in the middle of what he saw as the practical version of ‘the rule of law 101’. He did not think he had been taught the theory very well and thought that we needed to link the theory and practice rather better. In fact, the practical version of ‘the rule of law 101’ that was being developed by some of those engaged in peace missions was very promising. Indeed, when he introduced me to Mike Kelly, Mike actually had a very Hayekian justification for the rule of law. He said if you state clearly, firmly and convincingly, in advance, how you will use force, then others will adapt their behaviour to avoid that which will generate the use of force. Thus, this central idea that the rule of law does not begin after the elections have been held, but begins the moment the first blue helmet lands on the ground, that you must start the way you intend to finish and that you will be more effective if you do. Accordingly, what we are going to be doing, what I will be doing today, is to try to look at the various meanings given to the rule of law in domestic affairs which is, I suppose, the concept with which we are most familiar. I will briefly apply these to the international rule of law and apply them both to protection missions, which of course include both international and domestic rule of law issues.

Firstly, I want to start with the domestic rule of law, as I will call the rule of law at the national level. The rule of law is a majestic phrase with many largely reinforcing and supporting meanings, perspectives and dimensions. It is alternatively characterized as a fundamental value or ideal, an ethic for lawyers and officials,

the basic principles of constitutionalism and a set of institutions to support its attainment. While these multiple meanings and dimensions may occasionally serve to confuse, they are generally congruent and mutually supportive and the partial achievement of each supports the fuller achievement of all.

In fact, what I want to argue is that this actually, this multiplicity of dimensions, is essential to the effectiveness for the rule of law at the domestic level and must also be necessary for the achievement of the rule of law domestically and internationally in protection missions. In fact, the multiplicity of meanings, in perspectives and dimensions, reflects the multifaceted nature of the rule of law and the necessity for it to be embedded in the minds of officials and the actions of institutions.

However, it is important to keep the various meanings and dimensions distinct to avoid confusion. I also want to emphasize that although some like to say that there are differences between different cultures and traditions on the rule of law, I tend to very much doubt that. Not least, because when it comes to peace agreements everybody seems to be able to agree with it, at least in theory.

We did a major project for the Open Society Institute on various governance values among Islamic and Western conceptions of governance, democracy, liberty, equality, fraternity and so forth. Of course, Islam and Western cultures have common Abrahamic roots, and it was very interesting that we actually found that there was, in the end, no room between the fundamental concepts of the rule of law within Islamic and Western societies. That is true for most societies. There are differences between people on their views of the rule of law, but they tend to be not so much culturally-based. We found that liberals in the West and Islam tended to share a lot of views, and in fact the powerless generally liked to think that those who exercise power should exercise power for their benefit and according to the rules that establish it. Some of those who exercise power actually do not like to be so restrained and so therefore the differences are not so much between cultures as within cultures, and those who like to have power untrammelled by the rule of law. So that if there are differences there are not, as far as I could see, fundamental differences between cultures.

One of the biggest differences between supporters of the rule of law is often a matter of classification of what is included within the rule of law and what is listed under the different governance values. Some of the most popular definitions of the rule of law mix an ideal or value with institutional prerequisites for the achievement of that ideal. One of the ones that I found most useful, which is very much reflected in the Secretary-General's definition but a little longer, lists the following elements for the rule of law:

- Laws should be prospective, open, clear and relatively stable;
- Their creation should be guided by open, stable, general, clear rules;
- The independence of the judiciary must be guaranteed;
- Principles of national justice should be observed;
- Courts should have review powers to review the exercise of powers by others; and
- Courts should be easily accessible; and finally,

Discretion in crime and policing agencies should not be perverted by political or other differences, so that prosecutions and the decisions to prosecute should actually be determined by general principles rather than by political allegiance.

There is also an overlapping principle that sanctions, especially involving the use of force, should be applied to others according to clear rules publicized in advance. I have described this as a ‘thin’ theory of the rule of law whereas others that I recall are ‘thick’ theories of the rule of law that seek to incorporate within the rule of law, other governance values and virtues concerning the content and provenance of law. In particular, some want to include within the rule of law the requirement that the rules be made by democratic institutions and that they incorporate a full measure of human rights.

Those who adhere to thin theories, such as myself, are just as supportive of democracy and human rights but prefer to keep these governance values distinct recognizing that they can sometimes conflict and that they are rarely introduced at the same time. And indeed, in all longstanding societies in which the rule of law has been effective or largely effective, the rule of law has come first. One also must recognize that it is possible to secure agreements to the development of the rule of law before all agreements can be reached on other matters such as democracy. There is also of course the very real issue in peace missions that the rule of law can and must start when the first soldier or policeman lands in the host country. Whereas issues of democracy and the full realization of human rights law must of necessity come later, albeit as soon as possible. Therefore definitions that incorporate within the rule of law issues of democracy and human rights can serve to confuse and de-legitimize the necessary early achievement of the rule of law. And the Secretary-General’s definition clearly is a form of thin theory.

But this theoretical or philosophical list of values and institutional arrangements does not reflect the degree of embeddedness where the rule of law is effective. And this is why often, in order to be embedded within society the rule of law requires that it be treated as a fundamental governance value and constitutional principle, that it is found within the ethics of officials, and it involves a wide set

of institutions which are mutually supportive. I want to go, very briefly, through these.

First, the idea that it is a fundamental governance value. The rule of law is now seen as one of the fundamental values underpinning liberal democratic states, along with human rights, democracy, citizenship, and the famous trinity of 'liberté, égalité, fraternité'. It is important to realize this was not always so. The Treaty of Westphalia I have called several times a tyrant's charter. It was made largely by and for the absolute rulers of the day and I apologize to the Netherlands because that was one of the few countries that signed the Treaty of Westphalia that were not run by tyrants. The Treaty of Westphalia recognized the set of formally independent and equal states whose sovereigns were recognized on the basis of their ability to effectively control the territory of a state. It was not about protection of civilians. Brutal enforcement of their rule was proof of sovereignty. If people went around massacring anyone who disagreed with them, this was the criterion and determinant of sovereignty, not of its negation which is how we would now largely see it.

However, once life and civil peace were more secure in the 18th century, more was demanded of those states by philosophers, lawyers and revolutionaries who saw themselves as citizens in whose interest sovereigns should rule according to the above-mentioned values. As they sought and gained concessions, the post-Westphalian state was gradually civilized by the institutionalizing of those values. The rule of law was the first of these values in many states and many states were states long before they even had a modicum of democracy or human rights. So the key thing to see is that there are a set of governance values. The rule of law is fundamental to the achievement of others, but it cannot be the only one.

Second, the rule of law is a basic constitutional principle. The rule of law underlies and is supported by basic constitutional principles such as constitutional rule and the separation of powers. It does not actually require a written constitution, although that is desirable, and the concept of rule of law clearly dates the creation of such instruments. What it does absolutely require as a constitutional principle is the separation of judicial power from registered executive power, and that independent determination of what texts are recognized as laws and how they should be interpreted in specific instances.

Even more importantly I want to emphasize that the rule of law is an ethic for officials of state and other organizations exercising power. Although the Secretary-General's definition does refer to a common set of rules which bind individuals and the state, it is very important that law is not just about criminal law and about the conduct of individuals which of course should apply to all

persons, whether they are citizens, members of strong private organizations or state organizations.

However, much of law is directed towards officials especially the laws which set out what powers officials have and the purposes for which they should exercise them. There is one thing that struck me in societies in which the rule of law is embedded. It is that for most key officials – judges and lawyers (of course the rule of law is seen by some as the religion of lawyers) but also really importantly civil servants, the military and elected officials and within other organizations, including corporations – the rule of law is central to the exercise of power and so forth. It is important to say in fact that the development of rule of law in Western countries was very much a product of lawyers and judges and certainly, very importantly, soldiers who accepted that it was part of the constitutional rule central to their role, to their ethics, to their very sense of honour. It was not their job to decide to second-guess the institutions of government, especially democratic institutions. The acceptance by the soldiers that it was not their role has been central to the formation of the rule of law, and of course the violation of it, because of standing armies producing coup d'états is one of the great weaknesses of modern sovereign states.

It is very important that where the rule of law is going to be effective that the key officials, and most of the key officials, do accept it personally and centrally. There is a difference. Whereas obviously the law, to be effective, needs most people to follow most of the law, most of the time, one can have some limited obedience to some laws by the citizenry and even civil disobedience. But when it comes to officials, it is central that they ask themselves as civil servants generally do: What is the source of my power? What are the limitations of that? What should I do with that power? What is the purpose for which it is used, what are the purposes I may not use it for and what are the limitations of that power? I think that is absolutely central in the rule of law as it has been developed effectively.

It is not just a normative phenomenon. The rule of law is also an institutional phenomenon. There are of course the institutions we are talking about, such as courts, prosecutors, an independent bar, NGOs, and of course, corrections. And as Ann Livingstone said, it is very important that these are vertically and horizontally linked. However, not all the relevant institutions are institutions of the state. Traditionally the church, and now lawyers, NGOs and corporations, are essential institutions as part of the powerful institutions within the state which must be followed. And also it must be remembered that the rule of law was not just about taming state institutions. In the 17th century in Europe many of those controlling the use of force were local barons and bands of mercenaries as well as royal officials. Now we look at other sources of power – corporations, war lords

and private military companies. It is essential if the rule of law is to be effective that these institutions are also bound by the rule of law and work within it.

The last point I want to make about the rule of law in domestic affairs is that of the rule of law and nascent integrity systems. Since the late 1990s, it has become increasingly accepted that the way to avoid corruption and other abusive powers requires a so-called integrity system – a set of norms, formal and informal, institutions and practices that serve to promote integrity and inhibit corruption. These institutions, practices and so forth must be vertically and horizontally integrated and networked in order to be effective. All effective integrity systems involve basic institutional arrangements associated with the rule of law especially courts and the legal profession that determine whether or not actions are within power. It's very interesting that Assistant Secretary-General Titov just mentioned the relationship between the rule of law, integrity, good governance and anticorruption and POC. Fundamentally, they are linked and if we see, those of us who worked in good governance and talk about the necessity of integrity systems to support the rule of law and good governance and preventing corruption, there is an essential unity between the institutions that promote the rule of law, those that promote good governance and those that promote POC.

The international rule of law is the subject of a major project we are engaging in. I just want to emphasize, though, at the international level there are strong elements for keeping a 'thin' theory of rule of law, and treating democracy and human rights as other values to be developed simultaneously, or in the case of democracy almost certainly later on. But I do want to emphasize that if we are going to build the rule of law in international affairs we are not necessarily just going to agree to a set of principles, but also it will be absolutely vital that they are seen as fundamental governance principles and governance values for the international community. This means that power should be used for the purposes for which it is given and not abused, and that it is very important they be built into the ethics of all relevant officials whether they be of multinational institutions, sovereign states or soldiers or lawyers working for their own governments.

It is very important in building these ethics for officials is to realize that very often there is a conflict – should our power be exercised under the rule of law and according to international law or should it be exercised for a *raison d'être*? And so there is compromise. When it comes to the military, is their primary loyalty to the military and the mission itself, or to the sovereign state that sends them? There are answers most people would give on the international side, but there is clearly more room for tension in the ethics of relevant officials within the international system than within effective domestic rule of law systems. This is something that is going to be critical to the development of the international rule of law. And in fact, just

as lawyers, soldiers and civil servants became critical to the development of the rule of law domestically, so they will be critical of the rule of law internationally. Of course when it comes to missions we will see all three of them involved and needing to be mutually supportive.

Of course everybody looks at the international system and they say the biggest problem is lack of institutions that create, interpret and enforce international law. The lack of effective institutionalization inhibits the development of the rule of law in other senses. The lack of a legislature is not a fundamental problem for the rule of law, but the lack of a court which can give regular interpretation to the meanings of norms is very important. Of course the court exists. The only question is whether parties accept jurisdiction on the matters in front of them. I will come back to that later.

Now to the rule of law in peace missions, which involves the attempt to strengthen and rebuild the rule of law and POC within the sovereign state, but is also an international action and therefore the rule of law in both senses is absolutely critical. Traditionally, the goals of peace missions were largely directed towards the ending of mass violence. Democracy and the rule of law were initially seen as the business of the relevant state or states in which or between which the mission operated. Early peacekeeping missions were aimed at keeping the warring parties apart and it was assumed that the relevant sovereign states should and would protect their citizens once the main threat was passed. Over the last 20 years many peacekeeping missions have been mounted in states which lack either the capacity or the will to protect civilians, and in some cases have constituted a major threat to civilians on their own territories. In other missions civilians have been deliberately targeted by combatants. Accordingly it has been recognized that keeping the warring parties apart does little or nothing to protect civilians and so POC has become a key part of UN missions. But when the holding of elections became part of UN mandates, initially the assumption seems to have been that security would come first, followed by elections and the governance and rule of law would be left to the incoming regime. This was the critical aspect of recognition in the early 1990s that the rule of law had to start with the first troops not the first elections, as well as the fact that you needed more than troops to re-establish the rule of law. This is critical for the success as well as the legitimacy of missions.

If we follow the same set of dimensions, perceptions and perspectives for the rule of law domestically when we apply it to peace missions, it provides a useful way of structuring our thinking. If we look at the various aspects to the domestic rule of law, all are highly relevant to protection missions and their limited scope and close relationship. Protection missions must of course pursue a thin theory of the rule of law which can be expanded as 'stability is secured'. However, protection missions

must be exemplars in respecting human rights in their own activities, but generally cannot expect to force the incorporation of human rights into the content of all local laws, certainly not immediately and certainly not by themselves. I bear in mind that some definitions of POC are very wide although not those included in the papers for this conference. The ICRC originally saw POC 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. This struck me as an extraordinarily broad goal which is probably not achieved in any country in the world. It is certainly beyond the immediate ambitions of any protection mission. It also might lead to suspicions, because if it was taken literally, once the mission is in there, if there is any breach of the letter or spirit of any human rights instrument within any country in which a protection mission operates then a protection mission has the right to go ahead and enforce that human right. That this goes beyond POC to promoting rights and better societies – highly desirable – but perhaps not central to protection missions. The key thing to recognize is that that definition of POC is appropriate as a general definition, but as the primary responsibility for POC is within the sovereign state that is a definition of POC for the sovereign state.

The primary responsibility of the international community is not to deliver that broad measure of human rights but to support the host state in fulfilling its responsibility for POC when it needs assistance to do so. Generally, that assistance will be requested and it is only in extremely rare cases, both in theory and certainly in practice, that this involves taking over some aspects of that responsibility when a state is unwilling to do so. However, because the prime responsibility for POC lies with the relevant sovereign state, protection missions would tend to concentrate on protecting civilians from the more immediate threats; the very most significant threats to physical security. Once the threats to physical security have been removed with the assistance, and I emphasize *the assistance*, of the protection mission, then the fuller protection of civilians needs to be supported or can be supported by the international community, generally through the UNDP and other development agencies.

So, it is important to recognize that when it comes to protection missions involving international assistance of military and police, that this is part of a process for the respect of human rights. However, they certainly should be a little bit careful if there is concern that protection missions would have the ultimate mission creep to achieve every single human right that is incorporated within international law.

I emphasize, though, that protection missions should seek to incorporate as many dimensions of the rule of law as possible. This is not just a matter of incorporating the thin theory, but again we should be looking at the broadest building of the rule of law in the broadest possible sense into protection missions. The first thing is the

mission advises and assists the host country in the rule of law principles and how to administer them, and the rule of law as a governance value. The mission should especially look at assistance to build the rule of law into the ethics of government and other officials, and look at the sets of institutions and especially the building of integrity systems.

But I want to emphasize that the rule of law must also be built into the mission itself. It is not just about advising the host country. The standard of rule of law principles must be built into the mission itself. The rule of law should be a fundamental governance value of the mission. The mission must have clear authority, generally from the host country and always from the international community. It must have the right authority and must have continuing authority. We cannot have those who are given authority under protection missions just continuing on their own motion. It must be continuing. The independent adjudication of the limits of the powers given to the mission. I know countries do not actually like the idea. It's not going to happen now, but ultimately, I would like to live to a time when the Security Council gives authority to a mission to act within another country, with or without the country's approval (that should be within the Council's powers), and that it should be happy for the ICJ (International Court of Justice) to determine the extent of that power (whether it is within the Council's powers).

I would also like to see a time where every country which partakes in such a protection mission says: 'We are doing this as members of the international community, we are seeking to help develop the domestic rule of law in the host country. We respect and fully abide by the international rule of law. We are good international citizens. If in fact we make a mistake about the extent of our powers, we are very happy for the ICJ to interpret that and to tell us if we are wrong.' Just like any civil servant or minister worth their salt will say the same thing domestically. Well, they have to say that domestically because they don't have an alternative. I would like to see a time come that the rule of law is so built into missions that the Security Council will only give authority to those who are prepared to accept this basic rule of law principle, that the powers given and the purpose of the exercise is subject to independent adjudication of the relevant power. The mission should have this, and again I think it has to be built into the ethics of the officials of the soldiers, the policemen, the lawyers, the doctors, the nurses.

There is a lot more I could talk about and I will not do so. There are a lot of research questions we could talk about. I do want to say one thing about the preconditions that are set out in chapter five of the paper. There is a list of preconditions for achieving the rule of law in protection missions and they are all incredibly desirable. You know: agreement, peace and so forth. I am glad that no one gave that list to those who actually promoted and achieved the rule of law in

Western countries. If somebody had said to Lord Coke, who stood up to James I in making three critical decisions which heralded the foundation of the rule of law in England, that not only did he need a whole lot of blue helmets, that he needed blue helmets and he needed the agreement of the relevant parties and so forth, he never would have done it. He knew it was a near-run thing. It *was* a near-run thing. He was actually thrown in the Tower temporarily. But in fact there is a great deal of courage in developing the rule of law and it is not always done in ideal conditions. In fact, by definition it will not be done in ideal conditions. And so I think that we want to avoid establishing as many pre-conditions as possible when we are supporting those who are developing the rule of law, and supporting those who try to protect civilians, as it will not always be ideal.

The last thing I want to say is drawing an analogy to our work in integrity systems. We talked about integrity systems as really important for the rule of law, for good governance, for anti-corruption. It is also essential to POC. All of them are related to each other. One of the interesting things we did when looking at integrity systems, we discovered there is a huge variety around the world. There are significant variations. There is no one model. The integrity systems perform similar functions within different institutions, similar institutions have different integrity systems and so forth. There is a great deal of variation. Outcomes are rarely achieved by single actors, but generally by what Ann Livingstone talked about, the networking vertically and horizontally. I think we should think similarly of civilian protection systems. This is a very important perspective. We say that we recognize in most countries that there is a civilian protection system. The reason why people feel relatively secure and have a justification for feeling relatively secure is because of a mixture of institutions and practices. It is certainly the police, it is certainly other armed forces, it is the courts and corrections and prosecutions and lawyers. But often it is private organizations, it is kinships, tribes. It is simple things like having locks on doors, neighbours with overlooking windows.

In most countries, the protection system is more or less effective. What we are actually seeing is that if there is a need for a protection mission, this protection system has broken down, but not completely. Even when the first troops come in, which is not the day the violence commences, but often when a lot of citizens are in camps in that country or another country, there is actually some protection system that has been developed. It may be a protection system similar to Chicago, the boys with guns running around exacting protection, but there is actually some protection. And what we should see when a protection mission comes in is not that they are providing protection, because the protection systems will not be completely broken down, there will be elements still there. What the international community should see itself as doing is to recognize that there are gaps, weaknesses, and often chasms within the existing protection systems and

it is their job to help temporarily fill those and then help to build the institutions that can fill them permanently. This makes protection systems more limited, more focused, more possible, and leads to a transition to a post-intervention society. It is very important that we recognize that the international community is not doing it, it is helping. It needs to recognize what the gaps are, how it can fill them, how it can help the host country fill them afterwards and then leave.

An Afghan Perspective

Mr. Ahmed Nader Nadery, Deputy of the Afghanistan Independent Human Rights Commission, Afghanistan

Let me join other speakers in thanking the APCMCOE, Mike and Annika for actually adding a local voice from outside of the UN – the voice of a civilian from a host country to the discussion. I think this discussion is very critical and very important, especially from the perspective of those people who host these missions. The protection of civilians has always been one of the major issues of discussion in Afghanistan, and it is continuing to be one of the major issues in terms of the success or the failure of both the international community's activities in the country and especially the UN's activities on the ground. General Gordon and his panel yesterday talked about guidelines for the leadership of UN peacekeeping missions. I found the guidelines very interesting and helpful. I wish those tools had been available at the time of the UN intervention and the international community's intervention in Afghanistan in 2002 and afterwards. Because there were many lessons that could be learned from the mistakes that were committed in the last few years in Afghanistan.

Let me begin with the UN intervention in Afghanistan, which started right after the Taliban's collapse in 2001. On 28 March 2002 the UN Security Council adopted resolution 1401 in which the Council mandated the UN Assistance Mission in Afghanistan (UNAMA) with very broad multidimensional peacebuilding tasks. This resolution and this new mandate were based on recommendations made in the UN Secretary-General's Report on the situation in Afghanistan, which was published on 18 March 2002. Among other elements, the mandate included provision for reconciliation and development activities, the rule of law and justice. The mandate asked the mission to fulfil the tasks and responsibilities, including those related to human rights, the rule of law and gender issues, entrusted to the UN in the Bonn Agreement which was endorsed by the Security Council in resolution 1383 adopted in 2001.

Prior to the adoption of UN Security Council resolution 1401, UN Security Council resolution 1386 of December 2001 authorized the deployment of an international

security assistance force (ISAF). Its mandate was to assist the Afghan Interim Authority in maintaining security in Kabul and its surrounding areas so that the Afghan Interim Authority and UN personnel could operate in a secure environment. Since then the mandate has been extended each year, with slight changes. The Council also authorized Operation Enduring Freedom – the US-led coalition forces.

The mandate of ISAF is quite different from a classic UN peacekeeping mission mandate. The centre of its focus has not been POC and helping with the police and law and order in the host country, but rather fulfilling a military task under Chapter VII of the UN Charter, to remove a security threat to international peace, rather than POC and protection of the peace in the country. This kind of mandate hindered, to a large extent, until recently ISAF's ability to directly assist in establishing the rule of law in Afghanistan. There have been instances where, in the absence of a foundation of functioning police and law-enforcement authorities, civilians were attacked and their rights were violated by local war lords in the presence of the ISAF forces. When they were asked for support, especially in the first few years, they would simply say: 'This is not part of our mandate, providing rule of law is not part of our job.'

Before discussing the role of ISAF and their ethics on rule of law initiatives in Afghanistan, let me highlight some of the key elements of the rule of law that the Afghans expected to be strengthened by the UN mission, and let me discuss how the mission has handled these expectations. In December 2001, when the Interim Administration, through the UN-negotiated Bonn Agreement, took charge of the country, the country was devastated. The state had collapsed almost a decade before and the institutions of civil service, army, police, judiciary existed only nominally (if at all) and were non-functional. The task of state-building was, of course, colossal and the expectations of the population from the UN and the international community were very high also. Managing the expectation at that time became, and still is, one of the very important challenges of the UN leadership and the rest of the international community. It was decided under Security Council resolution 1383 that the task of state-building would be equally shared between the newly appointed Afghan Interim Administration and UNAMA. Since then many surveys and studies showed that the people's prime concerns are: protection from the abuses of warlords; accountability; and the establishment of judicial process that can deliver justice in a fair manner.

Once in Afghanistan, the senior leadership of UNAMA focused entirely on achieving the political benchmarks of the Bonn Agreement. As a result, the rule of law aspects of its mandate were undermined or mostly pushed aside by the stronger current of the political process and the focus on achieving a number of

important political benchmarks that were scheduled to be met within the course of two years. This was a very limited and narrow timeline with very ambitious political development benchmarks.

Subsequently the political side of the mission grew bigger and stronger and that attracted major parts of the resources that were allocated to UNAMA. Meanwhile the rule of law department remained under-resourced, under-staffed. The position of the Head of the UNAMA Rule of Law Unit has remained vacant for months, and at one point even a year, even at a time when it was attractive for international expatriates to come and work in Afghanistan. In an operation where the political side of the mission was much stronger and closer to the UN SRSG, the rule of law and human rights departments were put under the humanitarian and development branch of the mission so they reported to the DSRSG for Humanitarian and Development Affairs, a position that could not always and easily have the ear of the SRSG. However, UNAMA had some success in the first few years, especially in the field of DDR. That carving out of the DDR part of the overall rule of law package was probably one of the very few precise achievements of the mission at the time.

UNAMA's mandate also included coordination. It was expected to coordinate and ensure coherence among the international community's civilian and military activities. A task that was already very difficult having big donors with a lot of money and significant presence (both military and civilian in the country). In addition to these challenges, the coordination did not take place because of the long absence of senior rule of law officers within UNAMA to make sure that the rule of law was placed higher on the agenda of the senior leadership, and also to be able to bring together, and use the leverage of authority to bring together, the donors and coordinate them. In this situation each donor started their own project, as I am sure is common in many other post-conflict countries. There was duplication of tasks by different donors, and the application of various approaches exacerbated the situation further. There were donors with different methodologies, each applying their own way of handling issues. For example, there were at least three different training programmes for Afghan police, one was led by Norway another by Germany. Both were promoting civilian police, mostly related to the rule of law task. Meanwhile, the third group of trainers were brought in by the US, funded through USAID and implemented by a contractor like DynCorp. Their training was much more oriented towards military aspects, providing security and carrying out military operations. It was less focused on POC and providing that kind of protection.

Lack of unanimous leadership and coordination gave way to the creation of 'lead donors' or 'lead nations' in each of the sectors. A successful example of this, in

East Timor, was discussed yesterday. Unfortunately in Afghanistan it was not such a success. The rule of law sector went to Italy, which took leadership and became the 'lead donor'. Unfortunately to this day there has not been much coordination, and there has not been much substantial progress on rule of law and justice sector activities. The inability of the mission to carry out its task was primarily a result of the light footprint policy that the then SRSG decided. That then resulted in the lesser and limited deployment of UN personnel and international experts into different sectors, and that resulted in further limiting resources to the rule of law and justice section in the mission.

Another major drawback with UNAMA was the considerable influence that the SRSG, Lakhdar Brahimi, had on the future of any activities regarding justice and accountability issues. Despite clear outcries of civil society and general public for accountability and justice, he preached for 'peace first then justice'. He was afraid that a push for justice would upset the peace process. This fear was ungrounded because the warlords that were the primary source of the fear of the SRSG and the international community were, at that time, very weak, and their ability to challenge the peace and international forces was very limited. This fear led the mission, and also the newly established Interim Government and later on the elected Government, to adopt a policy of accommodating all the warlords. These warlords soon became a source of instability, they became the spoilers within the system and they are now massively engaging in corruption and disturbing the fragile peace.

Contrary to its mandate, UNAMA did not engage in serious transitional justice activities and was not actively engaged in promoting accountability. This has resulted to an institutionalization of impunity in a country where civilians continue to be subject to the abuse of the warlords and the powerful. In addition, there is a large number of civilians directly killed or wounded by the parties of the conflict – both Taliban and international forces. Just in the last three months more than 370 civilians have lost their lives. This, in itself, further affected the credibility of UNAMA and its ability to protect civilians in that conflict zone. This was because until recently, the coalition and international forces involved in the operations that resulted in civilian casualties, were not forthcoming in acknowledging that there were civilians who lost their lives. This lack of acknowledgement and the lack of further information delivered to the people following the investigation of each incident led to a situation where people were questioning both the credibility and purpose of the UN, and the credibility of the international forces in Afghanistan. This was because none of these institutions were seen to be there for the provision of protection to civilians against the violence directed at them by the Taliban insurgency and also by the military operations. This was coupled with the fact that the different Security Council resolutions mandating and authorizing UNAMA

and ISAF were not published widely. There was little public outreach to ensure that the people understood the difference between the two mandates (UNAMA and ISAF) and the linkages and relations between them. It is only in the last year that POC was announced to be the centre of ISAF's operation – and we can credit General Stanley McChrystal for that.

I will end here offering a few lessons that could be learned from Afghanistan. First, even if there are guidelines, rule of law and POC may not be focused on as a priority in practice on the ground, as it was seen in Afghanistan. The political side of the mission was under immense time pressure to deliver on the political benchmarks of the Bonn Agreement, and the mission mandate set two years for the colossal task of state-building. There were a large number of political development benchmarks to be met, such as establishing the transitional government; establishing the new constitution; and holding presidential and parliamentary elections. So in those two years, under immense pressure, all of the resources and the attention of the mission went to achieving the political benchmarks of the mandate. The mandate, and in the case of peace agreements, the peace plan, needs to encompass a long-term, equally important holistic plan and benchmarks that are developed through proper consultation with the host country's civil society and relevant sectors.

Second, the strengthening of the rule of law in post-conflict societies or as part of peacebuilding cannot be coordinated with international or external actors and may not be successful, unless a proper mapping of the justice sector and its needs is conducted.

Third, no final decision should be made on the question of transitional justice and its modality of approaches unless the proper national consultation has been conducted to determine the views of the population of the host country. In some cases it may be possible, at the outset, to create an environment where victims' suffering can be acknowledged and the most notorious offenders can at least be barred from the election processes. This could occur during the first few years while transition is conducted by the UN. In addition, during this time some sort of documenting should be possible, even if prosecutions cannot take place. Ruling out transitional justice efforts entirely at the outset will only promote impunity and will undermine any reconciliation efforts in the future.

Finally, do not hire private security companies for the security of the UN compounds. Because private security companies, especially the local private security companies, can be sources of instability and commit civilian abuses. They are armies of the former warlords that are quick to modify themselves into private security companies and register themselves under the new system. They benefit from the money the UN provides but also pose the risk of becoming the

main sources of instability the minute the UN reduces its operation or leaves the country, thus undermining what has been achieved.

If I may say another final word and that is please look internally to coordinate among different UN agencies, because there are tools on the rule of law that were developed by OHCHR which could be used for this initiative also. Thank you.

Discussion

A participant and former force commander offered two observations. He suggested that it was idealistic to assert that people with records of human rights abuses could be removed at the outset of the mission. He noted that unfortunately the UN was often forced to accept people as interlocutors who were very unpleasant characters with very unpleasant backgrounds. Very regularly rebels or leaders of armed groups were integrated into the new army or police service once the fighting had been stopped by the UN or a cease-fire was reached, and then suddenly the UN found that those people were their interlocutors. The UN found itself in a position where it had been trying to protect civilians against those characters and suddenly they were sitting at the same table. He provided an example from his time in MONUC. During that time several Nepalese peacekeepers had been killed and others wounded by rebels. Suddenly those people were full colonels legitimized in the FARDC, continuing with their dirty business, but sitting at the same table as the UN. He stressed that trying to implement, support and build the rule of law with those people was very difficult. He indicated that this was an element of the peace versus justice discussion – and an important question that needed to be addressed. In his view organizations like Human Rights Watch were a very important tool for continuing to put pressure on and expose violators, and to build cases so that at a certain moment those people could be brought to justice.

The same participant also indicated that he was interested in learning more about Prof. Sampford's thesis, so that the UN could consider how it might be translated into reality.

A participant posed a number of questions regarding the impact of the balance of power situation in a certain environment upon developing the rule of law. He explained that in places like Afghanistan, behind security, behind the rule of law there was a fundamental question about how one survived on a daily basis. Survival often did not depend upon the state, it depended upon some fairly Faustian deals with people in your immediate environment. So, he asserted, the balance of power in those situations was obviously a huge consideration. He indicated that he was interested in the preferences of the people in Afghanistan in this regard and asked

Mr. Nadery to comment on their preferences regarding the kind of stability they sought, given the balance of power that affected their daily life. He asked what prospects Mr. Nadery saw of the Afghan Government cooperating in ways that might make rule of law advancement possible in the short to medium term.

Another participant posed a question focused on what the relationship between the rule of law and protection meant and required. He noted that much had been said about the importance of early capacity building, cultural relevance and national and local ownership for ensuring a sustainable solution. His question focused on traditional justice systems, customary or informal providers of rule of law services which might equate to policing, justice and restoration – whether manifested through tribal or religious systems. He explained that these systems had both strengths and weaknesses. Strengths included geographic penetration and local legitimacy. Weaknesses included asymmetries and bias towards kin groups, political elites and men. He indicated that he was interested in the panel's views on engaging with the traditional providers in the early peacebuilding phase, how the UN might partner with and engage the support of informal networks to provide protection in a way which avoided predatory behaviour and perpetuation of problems. He also asked whether the recommendations Mr. Titov had indicated would be forthcoming were likely to tackle this challenge.

A further participant and academic made two comments. In relation to the interaction of the range of protection actors with a peacekeeping mission, he suggested that more thought should be given to expanding this interaction beyond humanitarian organizations to include deeper interaction with, for example the host nation, NGOs and, sometimes in appropriate circumstances, armed groups that might in effect provide some sort of protection to some civilians. He recognized that there were sensitivities in terms of complementarity and the sharing of information, but suggested that these issues needed to be fleshed out.

The same academic also commented that in his view, the relationship between POC and the rule of law had not been sufficiently explained. He agreed with Mr. Titov's assertion that rule of law activities needed to happen the moment an intervention began. He asserted, however, that rule of law activities were not part of POC, they were separate. Perhaps POC needed to be integrated, to an extent, into rule of law activities, but he did not see them as part of POC as such. In his view the POC strategy to be developed by the head of mission was the obvious place for these issues to be fleshed out. He invited comments from the panel on how they perceived the relationship between POC and the rule of law. He concluded by noting that effective rule of law was obviously critical to POC, but in his view rule of law projects were the first step towards the normalization of governance and the foundation for good governance. He stressed that what was done in the early

stages needed to be thought through so that it worked with the longer-term plans for the state concerned.

A participant posed a question to Mr. Nadery, picking up on his comment about a culture change in ISAF and Gen. McChrystal's emphasis on POC. He asked whether that culture change at the strategic level had filtered down to the operational level and the tactical level – whether it was changing the culture of the soldiers on the ground, and how that was impacting POC in Afghanistan.

Mr. Nadery responded to a number of points. On the balance of power issue, he indicated that in Afghanistan, the situation had been quite different from that described by Gen. Cammaert (in respect of MONUC) in which the UN was forced to sit with people who had committed serious atrocities. He explained that in Afghanistan the scenario was totally different. There were no winners of the war. The authority, the Taliban, was toppled and thrown out of power by the international intervention, and the local warlords were much weakened. When the Taliban and the warlords were brought to the table, they were brought there along with politicians, and they had to ask for others to be brought back to Afghanistan and given a share of the power. They were not in a position to challenge the new set-up, the benchmarks, the peace agreement or what the international community or ordinary Afghans wanted. The balance of power between the warlords and even the limited number of international troops that were in place was very much different from what was often seen in other countries. He explained that the inability of the Government to cooperate was initially due to a lack of capacity within the Government. The UN mission had a light footprint, and that resulted in a lack of mentoring and other international support to the Government at the time. He explained that there was significant interest in the truth and reconciliation initiative, but because the entire transitional justice initiative in Afghanistan was pushed to the side, there had been little discussion about either truth and reconciliation or transitional justice initiatives among the policy makers, and even less among the ordinary public.

In response to the question on Gen. McChrystal making POC the centre of ISAF's operations, Mr. Nadery noted that the first discernable change was a reduction in air strikes. He explained that use of air power had been one of the major sources of civilian casualties throughout the years, so ISAF had reduced their reliance on the use of air power. Second, he noted that when the senior leadership emphasize POC, the rest of the troops could not deny their strategy so they tried to behave accordingly. He indicated that there had been a major change in terms of acknowledgement of civilian casualties, which was something not often seen in the past. Now, whenever there was a civilian casualty, either General McChrystal or one of his senior officials acknowledged what had happened and made a public

apology. He highlighted that that shift in behaviour had significantly affected the way the people looked at the operations.

Prof. Sampford responded with a number of comments. He noted that several of the participants' observations and questions had dealt with the confrontation between ideals and reality. He stressed that it should not be a question of abandoning ideals because of reality. The international community needed to look at the success stories of building the rule of law and achieving security for civilians. He noted that often to achieve such success took a long time. He indicated that when looking at the relationship between ideals and reality it should be a question of recognizing how quickly one could make reality conform to ideals. Sometimes it would take a very long time. Thought must also be given to the extent and timing of changing the reality.

On the issue of transitional justice and 'sitting down with the bad guys', Prof. Sampford noted that looking back at countries that had developed the rule of law and security for civilians, it often took a very long time. It was not pretty, it was not quick and it involved compromises – some of which worked, some of which did not. He highlighted that it might be 50 years before it could be known whether the compromise was actually worth it or not. He asserted that sometimes the bad guys were allowed to stay in power – they were called 'kings'. Sometimes they were executed in an exercise of transitional justice that led to chaos rather than the rule of law and safe citizens. The difference, he asserted, was whether those who had been part of the problem could actually become part of the solution, and whether incentives could be structured such that they saw it as in their interest to become part of the solution. Whether the international community could do that depended upon the extent to which it was willing to use force and support those people of courage who were trying to build the rule of law and better governance which would provide a secure environment for the citizens. In his view, the extent to which the international community was willing to provide support to those 'people of courage' could change the balance of incentives for the bad guys. He asserted that one of the most difficult issues in the area of transitional justice was dealing with corruption. He believed that you cannot get rid of all the corrupt guys and girls in many countries because there would not be enough leaders, or potentially competent people left. In his view, that was why the international community needed to create the structure and incentives to ensure that enough of those people were part of the solution, then the worst offenders could be properly dealt with.

Prof. Sampford asserted that when considering issues of balance of power, survival and incorporation of various protection actors (such as warlords) to ensure security, the conceptualization of a civilian protection system was quite useful. He

stated that in any stable society the security of citizens was dependent on a mixture of state and non-state institutions, tribal, formal and informal mechanisms. It was important to acknowledge these mechanisms because the state rarely provided security by itself and sometimes states broke down or became feral. The international community should look at the protection system that existed before the conflict. They should look at how citizens protected themselves during the conflict. They then needed to identify the gaps. It might be that certain elements were interacting with or supporting others. Understanding that could then help the international community decide whether to 'take out' a certain warlord or provide him an incentive. He concluded by stating that, in his view, the approach of looking at civilian protection systems – what had been there, what was there, what gaps needed to be filled and how the international community could help the host country fill those gaps – was a useful way of balancing power and dealing with the various actors.

Mr. Titov made two final remarks. He stated that the art of peacekeeping was the art of compromise. He asserted that the UN had to compromise, but that it must start with some basic principles attached. In his view, seeing the same police officer, who perpetrated major crimes, in a position of power the day after the peace process had begun should not be acceptable, and the UN had to say that and say it openly.

He acknowledged that a reality check might be required, but that during the negotiation of a peace agreement the UN must mainstream the notion that there should be justice after the peace process and then force that idea through to implementation. He acknowledged that sometimes there were very painful choices to be made and sometimes these came very late in the game. He noted that in the past the UN had negotiated with Charles Taylor, with Jonas Savimbi and many others, but in the end justice should prevail.

On the issue of traditional customary justice, he noted that this was an undeveloped area in peacekeeping, but that the UN was determined to make headway on the issue because it was important and the UN had been working with some traditional justice systems. He explained that he had been told that even in the most developed systems the concept of rule of law was realized up to 80 per cent by non-formal justice. He highlighted that UN engagement with traditional justice systems would have to be developed very carefully and further studies would be required. However, he noted that the UN was already using local chiefs, tribal leaders and religious leaders in many settings – it was something quite unavoidable.

Working Groups – Six Parallel Sessions

Focus: Addressing specific protection issues the Working Groups should seek to identify a limited number of recommendations.

Mr. Shigeki Takizaki, Director, International Peace Cooperation Division, Ministry of Foreign Affairs, Japan

Welcome back to the plenary session. I hope that you all had vivid and lively discussions in the working groups. The working group I was part of forgot to move into the dining hall for lunch, because of the very interesting discussions we were having. I would now like to ask the co-facilitators from the six Working Groups to present their recommendations.

Working Group I: Protection of Civilians: Responsibilities and Priorities of the UN Security Council and the UN Secretariat

Focus: What are the responsibilities of the UN Security Council and UN Secretariat in enhancing the protection of civilians and what are the priorities?

Dr. Alexandra Novosseloff, Senior Policy Adviser, United Nations Issues, Ministry of Defence, France (Co-Facilitator with HRH Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, Jordan)

Ours was the working group on the Security Council and the Secretariat and the relationship between those two in implementing POC mandates. We can divide the recommendations of the discussion that we had into two main issues.

The first one is related to the decision-making process in the Council. We had a discussion on the issue of working methods and the inclusiveness of the preparation of a mandate, particularly consultation between the Council and the other actors involved in peacekeeping, namely TCCs and interested countries. We thought about the possibility of external experts being brought in to provide their opinion on various crises, the role of groups of friends, etc. In the end, what is at stake is a better assessment of the overall situation of a particular crisis. We also had some discussion on the issue of adequate resources – how to get the necessary resources after getting a good assessment of the situation. And there you have the issue of

expanding the base of TCCs. After the working methods, we also touched upon the attitude of each Security Council member, and we considered that they should hold themselves to a higher level of conduct. However, that touches upon the issue of national interests. The Security Council is a political body whether we like it or not, but there is also an issue of the global responsibility of all Member States in the Council. We thought there was room for improvement in that area.

Then the issue of elaborating mandates. Should those mandates be more flexible, less flexible? Should they have more benchmarks as an accountability mechanism? Then there is the conundrum that if you have more benchmarks, it is difficult to also have more flexibility. This is something that needs more discussion. There have been some improvements in the way the Security Council crafts mandates: in the preparation of the mandate, political and military meetings are held before discussion in the Council; meetings are held with TCCs; Permanent Representatives of Council members go on field missions. But again, there is still room for improvement in the dialogue that should take place with all peacekeeping actors. There could also be more dialogue between the Security Council, when it is formulating a mandate, and the Secretariat, when it comes to interpreting the mandate. During these periods, there should be more back and forth consultations.

The second main aspect of our discussion was of course about implementation of mandates. The issue of the role of the Fifth Committee came up. The Security Council decides on a mandate without having a budget to do so, and that exacerbates the problem of resources. So there were some concerns that were raised on the need for better dialogue between the Security Council and the Fifth Committee. Also, particular concern was raised about the lack of awareness of members of the Fifth Committee regarding issues related to POC.

We also looked at the issue of TAMs. Of course there is a TAM deployed before a mandate is decided upon. We discussed whether there is a need for a specific point of contact on POC to create more awareness of POC issues within the TAM. There was a broad understanding among the group that the guidelines would be needed first, before making a decision about the need for a specific POC focal point. Perhaps the idea should be tested by creating a focal point as a temporary measure, and seeing how effective it is. However, we all agreed that this person should be an exceptional person that would get the approval of all members of this particular working group. So that's one of the very concrete recommendations that we can put forward.

To conclude, I will talk about the question of integrity, which comes back to the question of the global responsibility of all members of the Security Council. The Security Council needs to be clearer about the risks related to the deployments it mandates. It needs to be clearer about the risks that should be taken, that the blue

helmets should be ready to take, if a crisis situation emerges. We consider that this is one issue that has to be reflected upon and that is most of the time at the heart of the effectiveness of peacekeeping operations. Thank you very much.

Working Group II: Protection of Civilians: Responsibilities and Priorities for UN Senior Mission Leadership

Focus: What are the responsibilities of the UN senior mission leadership teams in implementing protection in the field, and what are the priorities?

Maj.Gen. (Retd.) Robert Gordon, Senior Adviser, Challenges Forum, United Kingdom (Co-Facilitator with Ms. Izumi Nakamitsu, Director, Division for Policy, Evaluation and Training, United Nations)

Working Group II was looking at the responsibilities of the UN leadership team in implementing POC in the field, and we were asked to try and come up with what we think the priorities for those responsibilities should be. We were also asked to affirm the recommendations in the background paper provided to Forum participants. We looked at the paper and the recommendations with care, and we were broadly comfortable with all of the recommendations. We have three others, that I will come to, which we think should be in that particular batch of recommendations which, loosely, are recommendations under part three of the paper. Concerning our discussions, and given the fact that we were looking at the senior leadership team generally, there is overlap in other areas, especially when it comes to the leadership of the military and police components, so we tried not to get too much into that level of detail. We've grouped our priorities into six big areas which reflect our discussions.

The first big area we can call 'competence'. It will be no surprise that we all agreed in our group that this starts and finishes with leadership. Unless we have competent leaders who are appropriately selected, who are well-educated in the issues, and, importantly, who are trained in the issues, then we are starting with a major handicap in our mission. We identified that it's the individual leaders' responsibility to get themselves qualified, and then the institutional responsibility of the organization to ensure the selection process. We felt that training in this process was important. There were discussions that UNDP for instance do these things better, where you have to pass a programme to be a Resident Coordinator, and maybe DPKO should think of some sort of programme like that, built on, to say, the senior mission leadership course. We did discuss evaluation of the leadership; although that is not necessarily a POC issue, it is of interest. So the issue of competence, competent leaders, was discussed and felt to be important.

And on that, there is nothing about training in the recommendations and that is the first point we would want to have in the recommendations, an additional point that we do need to train these people.

The second point lies all around the word ‘understanding’. And we were concerned that as a second priority the leadership team should have a good understanding of the issues: a good understanding of the context relevant to POC; an understanding of the causes of civilians not being protected; an understanding of the needs assessment; the gap analysis between what should be there and what is there; a shared understanding (and we felt this really important) between the mission’s leadership and UNHQ, because again that nexus sometimes was not always in place; and an understanding by the leadership of the complex of actors that it was important to engage with in this field generally. This understanding has to be an iterative process. It’s not just an understanding at the beginning, because situations change and, most importantly, people change. So that mutual understanding has to be progressive, iterative and sustainable – which puts the burden both on the mission and the Secretariat.

The third area of discussion was loosely under the words of ‘engagement with the complex of actors.’ So the third priority is engaging with those within the mission and outside the mission, particularly within the areas of UN Funds, Agencies and Programmes, the Country Team, key NGOs who are experts in these fields, donors, etc. And all that engagement is covered in the recommendations, which recommend that we have coordination mechanisms to progress that engagement. We felt that was the next priority.

The subsequent priority we felt was close engagement with the host nation. Again we have discussed that here in this Forum. Articulation and advocacy to the host nation of their responsibilities for POC, and support to these responsibilities, and a mentoring of their activities in support of those responsibilities was seen to be a very important function of the mission leadership team. And in many ways, you can encapsulate that by what Jean-Marie said earlier, this is all focusing on the empowerment of civilians and civil society within the community. But we see that political engagement at various levels as a high priority, the fourth priority of the mission leadership team.

The fifth priority was guidance. The responsibility of the mission leadership to give guidance – to make sure that these issues are incorporated in the mission plan, based on the strategic framework guidance that will be coming out in due course. We reckoned, and we had quite a long discussion on this, that although there is a mission plan, there is a need for a discrete plan for POC. This is because the issue of POC is so multidimensional and crosses over into players outside the mission, for

whom the mission leadership team has no responsibility but upon whose delivery success is dependant. There is a need for a discrete plan, overseen by the mission leadership team, but with a close focus on how you pull those different strands of security and humanitarian support together to make POC sustainable in the long term. And that was a theme that we kept coming back to. Everything that we did had to be sustainable, had to be long term and had to address transitional issues for when the mission was no longer there. So all that we grouped under planning and that's our second big area where we felt there needed to be something in the recommendations because it isn't spelt out. There has to be planning for POC, at a mission and senior mission level.

And the final area we grouped under the word 'communication'. We understand that obviously we need to communicate our intent to address these issues, both internally – within the mission – and externally – with all those players who are outside the mission. And we felt that the primary goal of the mission leadership should be to create an environment, an atmosphere within the mission, where everybody cared about this issue, where there was passion about the issue of POC and where every person in the mission area went to bed at night measuring what he or she had done to achieve better protection for civilians. Now this is straight leadership and it comes down to that leadership. We felt that was the principal responsibility, at the end of the day, of the mission leadership team – to engender that atmosphere, that attitude, that passion for ensuring civilians in their mission area were protected. Those were our conclusions. I hope that was helpful.

Working Group III: Protection of Civilians: Military Responsibilities and Requirements

Focus: What tasks should the military perform to enhance the protection of civilians, and what does the military require to implement these tasks? What capabilities and training do they require?

Maj.Gen. (Retd.) Muhammed Tahir, National Defence University, Pakistan (Co-Facilitator with Lt.Col. Nunez, Chief of Doctrine and Concepts, CAECOPAZ, Argentina)

This was quite a heavy working group, ably supported by a lot of Generals and Brigadiers. So it was collective wisdom and very few disagreements. I'll not go in any order, so these were the points as we went along.

The first regarded the use of the word 'intelligence'. Whether you use 'information' or 'intelligence', it doesn't matter as long as it meets the purpose. In the military,

there is a methodology in which we carry out ‘intelligence appreciation’. The first requirement is to have the essential element of information. Once the information is acquired, we use our intelligence to make sense of it. So there should not be too much concern about the use of this word ‘intelligence’. In respect of its usage, I think the military will continue to use it and this is what we agreed, but other than that, in this area of activity we said that all the relevant information should be shared more vertically and horizontally. A part of this is the JMAC. JMACs, as we all know, are led by a civilian who has an analytical background, and he has a deputy who is military – just to keep a link with the larger part of the mission which is generally military. There is nothing wrong with the composition and the working system of the JMAC; all we need to do is reinforce to people that the JMAC is the place where all the data and analytical work is carried out, and it is very important for all the actors and players in the mission to feed the JMAC. That feeding part, we thought, needs much improvement.

The next point concerns the chain of command. There needs to be an articulation of the command relationship between the police and the military. This is an area that has created some problems in the past when confronting situations where both police and military elements of the mission were employed. In such instances, who will command what? So it was agreed that the larger body of force, and this is what has been decided in New York, would be the one. It is very important for the TCCs to know that this is the arrangement, because at the spur of the moment we have found that there are certain commanders who feel very uneasy, especially from the military, to work under police. With all due respect to police, I know they do a great job, but it is just that the working relationship needs to be improved.

Then we came to the pre-deployment scenario training which we agreed was very important. DPKO is doing much work on that, and soon the missions and those TCCs who contribute to those missions will get a package which should have visual as well as audio material to train their contingents that are coming into the mission. These should be wholly encompassing so that everybody is on the same page when they land in the mission area – this is a very important element.

The next point was the need for interpreters or translators. We felt that there is a lack of budget for these critical capacities. As for the organization of a unit, or sub-unit, it is important for UNHQ to include in the organizational organigram the number of interpreters being deployed to a certain region where a specialized skill is required to interpret. If it’s DRC, the need is French. Instead of banking on those people who are required to translate, but are not trained, it is better to have a pool of people in each headquarters that can be shared. This is something we

used to do in one of my missions. From all the people deployed along the border with Guinea, I used to identify all the French speakers and we used to deploy them there, which made it much easier for us to get information.

The next point concerns the mandate. There was a suggestion that the Council resolution mandating the mission should also spell out the resources required to be given to the mission to carry out that mandate. Many of the officers in our working group indicated that they were not given all the resources necessary to carry out the mandate. It is very important that those who are framing the mandates, those who are preparing the management and resourcing of the mission, ensure a timely provision of the required resources.

The other point was that we don't want to give too many definitions of POC as it leads to people in command positions to sometimes hide behind the definitions. So we'd like to keep some of the things open.

There was a paragraph in the background paper, in the recommendations, to which some of us had an objection. I would like to read this paragraph.

Military leaders at every level of the 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 prescribed from targeting civilian populations and from indiscriminately 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.

We felt that this paragraph needs to be reworded. It is very strong and I'm sure the majority of military personnel who are deployed to peacekeeping operations are clear on their tasks and what they have to do. So we request this to be slightly modified.

And finally, one of General Cammaert's points – as long as everybody understands the intent of the UN mandate, then leave it to the commanders on the ground to determine how to accomplish that intent of the mission. In the intent are many hidden tasks, they need not all be spelled out in the mandate. If the intent is clear, and if that is clearly spelled out, the mission can be accomplished. Thank you very much.

Working Group IV: Protection of Civilians: Police Responsibilities and Requirements

Focus: What tasks should the police perform to enhance the protection of civilians, and what do the police require to implement these tasks? What capabilities and training do they require?

Police Commissioner (Retd.) Andrew Hughes, Former Police Adviser, Department of Peacekeeping Operations, United Nations, Australia (Co-Facilitator with Dr. William Durch, Director, Future Peace Operations Program, Stimson Center, United States

Consistent with the notion that no one likes the police until you need them, we had a small, but very engaged working group, with representatives from academia, policy and experienced police officers. I started the ball rolling going over some of the UN policing issues that had arisen relatively recently, during my time in DPKO, touching again on the FPU Review and the need for the international police community to maintain the momentum, including the political will, to sustain the strengthening and development of FPUs. I also highlighted the on-going work on the formulation of an international policing doctrine so that when you have police from 100 countries working together in a foreign country, in a different cultural, social, and political setting, that they at least have the basic underpinnings to work together. I explained the enduring dominance of military thinking in DPKO, which at times becomes a challenge to understanding what capacity-building for police in missions really means. In the same way if you were looking at reforming an army, a police-dominated culture may not be particularly helpful either. This isn't a criticism of the military, just a reality.

We were fortunate to have in our working group Dr. Bill Durch who, of course, is one of the authors of the background paper. Injecting some discipline into our thinking, he highlighted to us that the recommendations in the background paper are in two dimensions in relation to police: firstly, the operational requirements of police for POC, and secondly, how police reform can indeed emphasize and support POC.

We had a very interesting lesson from the field from one of our group members, Supt Gyergyak from the Australian Federal Police, drawing on his experience in Sudan, Timor and other places. He indicated that in Sudan the police had no explicit mandate for POC or SSR but they did both, and had been doing so for a long time.

Looking at some of the big issues that confront police, one of the key issues is language challenges, which of course are picked up in the recommendations in the paper. This affects reporting and communications from the field as well as interaction with the local community.

Another issue is the culturally relative perception of threats to civilians of individual officers. Depending on their own experiences in their own countries, different officers will have different sorts of thresholds regarding what protection civilians need or what sorts of activities or actions from aggressors amount to a need to protect them from that action. It depends a lot on a cultural perspective.

Training and preparation is another issue, which is again highlighted in the recommendations in the background paper. There is a problem with a lack of sufficiently trained UN police, or police who are well trained but in an area that is irrelevant to the task they are required to perform in the mission. Managing expectations on joint patrols, where UN police are with the local police, is also an issue. There is confusion as to who are the police – is it the international police or is it the local police? Again, linking to the recommendations in the background paper, national caveats and the realities of national contingents' motivations for being on a mission affects both their ability and their willingness to conduct risky POC activities.

The second point that was drawn from lessons in the field is that often police are responding to violence or reporting on human rights abuses – these are POC activities, POC is part of the fabric of policing. It's what we do – protect life and property. But a lot of the POC activities in the field are not actually physical protection, importantly, they include prevention rather than just responding and reporting after the incident. And on that note, we must ask are policing activities fulfilling POC if they are not preventing abuses or threats to civilians? In relation to intelligence, the group highlighted a need to ensure that the best of the best are the ones being seconded to JMACs and JOCs in the field, rather than it being a punishment station for non-performers – a dumping ground.

The strength of most PCCs is 'followship', not leadership. There are not enough contributions from Member States whose police have a different way of looking at leadership. There needs to be a proper balance, and at the moment there are too many followers in the field and not enough leaders – there is an imbalance there. Our group felt that the arrangements currently in place where there is a sum of money paid to governments to deploy an FPU can lead to inappropriate, unprepared deployments without the necessary equipment. The funds just get lost in consolidated revenue or the equivalent. Because of the rapid changeover of police in the field – usually three, six or 12 month deployments – there is a

corporate memory loss. There's a need to overcome this lack of continuity and paucity of institutional knowledge.

It was discussed that there is a need to reconfigure and augment mission support capacities within the UN Police Division of DPKO. There is a need for more specialists. This is partly because within the C-34, within the Military and Police Adviser Community among the Permanent Missions to the UN in New York, there are only nine (or thereabouts) Police Advisers compared to well over 80 Military Advisers. So of the 100 PCCs, only around ten per cent are actually providing Police Advisers to Permanent Missions to engage in some of these technical discussions around issues like police reform.

Any basic concept of adequate policing is often hampered by constraints – structural, operational, resourcing and preparedness. The group recognized the centrality of the on-going project to develop an international policing doctrine, which should and must articulate the UN position on human rights, POC, gender mainstreaming, etc.

A consistent theme throughout was the necessity for appropriate pre-deployment preparation (which may be carried out regionally) as a precursor to deployment in UN missions in order to overcome challenges in driving skills, firearms, cultural awareness and so on. There was also discussion about a disconnect, at times, between UNHQ and the field in terms of tangible improvements in the mission. The take of UNHQ is not always accurate in terms of how things are progressing in the field. That is something that needs to be addressed.

Finally, our group identified a need for countries to redirect resources to build capacity for strategic policing reserves above and beyond the UN's current Standing Police Capacity. Member States must develop this capacity. Member States have the capacity to deploy large numbers of troops to UN peacekeeping because they are a reserve capacity, the same rationale must be applied to policing. There must be a reserve that they can deploy to fulfil the necessary demands in the field in the area of peacekeeping, POC, rather than Member States just sending the military to do what may in fact be a job more appropriate for the police. Thank you.

Working Group V: Protection of Civilians: Challenges for International Humanitarian Law, Refugee Law and Human Rights Law

Focus: What are the key challenges in applying international humanitarian law, refugee law and human rights law to enhance the protection of civilians? Are there new challenges?

Mr. Pierre Gentile, Head of Protection of Civilians Unit, ICRC, Geneva, Switzerland (Co-Facilitator with Ms. Anneke Van Woudenberg, Senior Researcher, Human Rights Watch, Netherlands)

In Working Group V, we were also largely in agreement, with only very few disagreements. We started to say that when we speak of the legal framework, we should distinguish between discussing what type of laws and framework apply to the mission itself, versus the framework that applies in a given situation and how it impacts the activity of the mission. So our first remarks are related to the mission itself, and the second part to the extent to which the legal framework has an impact on the relations of the mission with others.

We started by saying that it is important that there is a good understanding of the legal framework that is applicable. When troops are engaged in a conflict situation as belligerents, they have to comply with IHL. But in other circumstances, the appropriate legal framework might be international human rights law and other legislation. The difficulty is, of course, when a situation is fluid, then some areas might be covered by IHL due to a high level of tension, other provinces may be calm, and the situation can change rapidly. Therefore, our first recommendation is to make sure that, in the mandate, there is an affirmation of the applicability of human rights law and IHL. The senior mission leadership needs to be clear from the beginning on this applicability, but then to be able to assess regularly which of the legal frameworks applies, and make sure that that understanding is shared by everyone in the mission, including the troops.

We then discussed another type of difficulty, linked to the fact that there is a tendency for some troops to use the law and internal discipline existing in their own country when they are deployed. Depending on the country the troops come from, these internal discipline rules can be quite different and have integrated human rights standards to different extents. Therefore our second recommendation is that more work needs to be done in relation to the regulation of the conduct and discipline of troops – this was seen to be an unfinished area of work. We are aware that certain efforts have been undertaken, but these have to be continued.

We discussed aspects of how the legal framework existing in a given context influences the activities of the mission. First, we discussed how it applies to actors, especially non-state actors, involved in the violence. When there is a situation of armed conflict, all parties have legal obligations relating to POC under IHL. However, when the IHL framework is not applicable then non-state actors are not bound in terms of POC. The way a mission sees non-state actors, either as a party to the conflict abiding by IHL or as mere criminals that should be treated under

national law, will impact the type of activities that could be undertaken *vis-à-vis* those groups.

It's also important to understand the synergies between the mission and other protection actors that can be influenced by the legal framework that applies. The legal framework will have an implication for how the mission is able to relate to these other actors.

We had a lot of discussion on whether the concept of POC covers every aspect of human rights law. It is clear that it covers IHL (when applicable), it is clear that it incorporates human rights law when it comes to the use of force and detention. But there was a bit of a discussion about whether the concept should also integrate social and economic rights. I would say the discussion is still open.

Speaking of detention, we all agreed that the concept of POC applies in situations of detention and this has consequences for the mission, especially when they are confronted with a situation in which they arrest and have to, or would like to, transfer detainees, but the authority to which they would transfer does not respect human rights. Clearly, there are obligations on the part of the mission. But it's not clear how the mission should deal with this kind of situation.

We then discussed what kind of accountability victims of abuse can expect in terms of compensation. We discussed whether this compensation should be individual and/or collective and whether it should adhere to a different practice than that which exists today. There was the feeling that there is a need for a mechanism to redress grievance from victims.

From there, the discussion went into the question of impunity. There was consensus that clearly impunity must be central to the work of the mission when it comes to protection. It's an important element. But then we also discussed that it has to be adapted to local circumstances, there might be different ways of dealing with impunity, depending on the context – for example, a truth commission.

We then moved from there to discuss the link with traditional justice, taking note that in many presentations this was seen as something positive. Over the last days, there was mention of the fact that the missions recognize the need to integrate and work with traditional and customary judicial systems. We felt that this, although being a very good move, would also probably require that thought be given to developing some standards and guidance on how missions should work with traditional justice systems in order to clearly set out standards they would need to respect in a different cultural setting. Thank you.

Working Group VI: Protection of Civilians: The Relevance of the Rule of Law

Focus: What are the key rule of law considerations for UN peacekeeping missions in implementing mechanisms to enhance the protection of civilians?

Dr. Istifanus Zabadi, Dean, African Centre for Strategic Research and Studies, National Defence College, Nigeria (Co-Facilitator with Dr. Ann Livingstone, Vice President and Head of Training and Research, Pearson Peacekeeping Centre, Canada)

Working Group VI dealt with the question of the relevance of rule of law in the protection of civilians. We looked at the recommendations in the background paper and our position was that generally they were okay, but we also came up with some suggestions to reinforce those recommendations and in some cases, hopefully, to make them clearer than they are at the moment.

We spent a lot of time dealing with the first, which has to do with speed. Speed counts, but we are also advised that speed kills. So there is a need to maintain a healthy balance in terms of the speed that the mission takes in dealing with the issue of rule of law as it relates to POC. That sense of balance is absolutely necessary, so that you don't have a situation where in the pressure to get things started, a lot of mistakes are made from the beginning.

We thought that the senior leadership of the mission should actually set the right context to carry out this aspect of their work. Always in the back of their mind they must keep a watch over the cultural sensitivities that exist in the environment of the peace mission. We thought that would require the leadership of the mission having a thorough understanding, right from the beginning, of the peacekeeping environment, in all its complexities – cultural and the rest. As part of this process of gaining understanding, they must decide what they are to do with the resources available to them to bring back rule of law as a means of protecting civilians. We thought that it is important from day one, from the beginning, from the onset of the mission, that the leadership decides that it will work with the local population, the village headman, the police and the judges, because the entire mission is about the local population, and the mission needs to signal from the beginning that it is ready to work with them, to help them redeem their situation. That will set the right context for subsequent work. The other side of this is to send strong signals from the beginning that they will not work with criminals. That will help gain the confidence of the majority who have suffered at the hands of people who have perpetrated crimes against humanity. We recognize that, in the context of speed,

there's always an emergency phase, and the mission leadership will have to take action to ensure that immediately some relief is brought to the people in terms of protection but must prepare for a greater quality of justice to be brought to them later.

As part of setting the context, we also advised that the mission leadership needs to understand that it is not stepping into a vacuum. There are existing laws and practices, although these may not have been properly implemented, may have been set aside, and so on. This is to help avoid a situation where the mission leadership comes with the baggage of solutions they consider to be better than what they think they will find on the ground. Just again to caution them to take into account the fact that there may be laws, there may also be institutions, correctional, police and court systems that may have just been disrupted and so they need to factor that into the equation. That should help to start them off on the right footing.

We also thought there was a need for the mission leadership to ask itself what the locals really want from rule of law? We have some ideas which we thought should help in this respect. Locals want government that delivers on the basics: safety, health, food and issues like that. We advise that if that is kept at the back of the leadership's mind, it will help them in the process of dealing with this issue. Locals also need to have hope restored, hope that stability will return because there is a peace mission on the ground.

The leadership must also ensure that abuses are corrected, that the rule of law should engender the confidence of the people. Remnants of the structures, even in terms of rule of law, of the system may be responsible for some of the problems that led to the peace support operation – that is something that should also be factored in. Leadership is reminded, and must remember at all times, that the UN is there to fill the gaps. We are not necessarily there to go and create a new world. That is very important to remember because they will need to use that to engage openly and transparently with the local population.

So with this in mind, we thought that there is a need for the leadership, in collaboration with the international community, to act with speed while planning for action. And as a result of that we also came up with a number of key issues that should help in this process.

Obviously, in a situation of grave violations of civil rights and where the rule of law has virtually collapsed, the leadership of the mission needs to have moral courage – the right dose of moral courage to act in such situations. So the moral courage of the leadership is very important. The mission must plan and provide for backup in terms of measures to take. For instance, if you were dealing in the area of the police,

you must have backup, even in terms of numbers, so that the local population can see that you are adequately prepared to provide the safety that they need at all times. We felt that all this will depend on the quality of personnel – Prince Zeid made this point yesterday, about sending the right people. We had agreement on the emphasis on the need to have the right quality of personnel. Another key issue also to consider is speedy response. In this context, consideration has to be given to the time it takes for a peace mission to be deployed to the field, and subsequently, the speed with which that mission responds to various situations.

The group also felt that, in order to help effective and efficient service delivery by the mission, adequate preparation is absolutely essential – here we are talking about research and intelligence. It is important that the mission leadership has as accurate as possible knowledge of the environment, even before they get to the mission area. That will help them in deciding what to do. For instance, a key issue that they will have to deal with is that they will have to pick up bits of the old system that are useful to making it work. There may be prison wardens, there may be police officers, there may be judges that are out there, and the mission leadership will have to fish those people out and try to rehabilitate them rather than just setting aside what was there and what is familiar to the people – even though the system may have been used wrongly to harm them. That is a key issue we believe the leadership should consider.

A lot has been said about empowering people. In presenting all these recommendations that we have, we think that people must be empowered – we are particularly talking about the police, the courts and the correctional systems. In some cases you might find there are individuals who are operating these institutions who don't have the right kind of education and therefore need to upgrade the level of knowledge and competence and that is a form of empowerment for them to carry out their work in the way we expect.

We also suggested that there is a need to build *esprit de corps* among the locals who are in this sector. Because they are dealing with an environment where consensus has broken down, there is a lot of suspicion and so on. Mission leadership should work hard to build this *esprit de corps* so that a system can be seen to be up and running again.

Now we took some time to look at the issue of money – ‘following the money’ is the way it has been captured in the background paper. Our position is that the international community, in this case the peacekeeping mission, should pair with the locals in ensuring that processes be put in place to ensure that funds are applied in such a way that they reach their targeted purposes. And some of the things that need to be done here are clear, like building an integrated system, often

by upgrading or helping to put in place a new system that ensures that funds are properly applied. Now to do this also, we recommend that, as much as possible, the mission must try to avoid quick fix solutions which may reinforce, for instance, corruption in the system. It is a situation that will require deliberate steps being taken to build the necessary structures of accountability and of management of these funds. And one key suggestion that was made was that mission leadership must consider paying existing government officials, judges and so on, because if they are not paid, you are not going to get the right kind of service. In fact, you might not even get them to cooperate in this area. And if you don't pay them reasonably then you may have perversion of justice. I think an example was given of a situation in Liberia, for instance, where a judge had to try somebody for possession of drugs worth millions of dollars while his own salary was just \$500. Now in a situation like that, that judge could easily be swayed by those who have more money to pay him to set the suspect free.

Now, concerning money, we also advised that one way the international community can help is by ensuring that when funds come into the country they are not transferred away, that because of corruption they are not diverted and transferred out of the country. We think that ensuring funds are kept within the country and with a system of integrity in place, they will be better applied.

In all this, we thought that the main task of the mission is to actually support the nurturing and the building of institutions that will help to maintain the rule of law. And one of the things to note here is to ensure that this is built on the cultural foundations of the country. The point was made that in terms of rule of law, cultures may have variance but there are commonalities in terms of what we understand rule of law to be, and that an understanding and a use of such knowledge will help in building the right institutions.

And another point was the importance of being aware of the traditional or informal norms and laws that are there in the society, and using them to ensure that they are also able to protect the rule of law. Donors were advised by the group to not set key performance indicators as the basis for funding work in this area, because this is not a process that will take place overnight. It will take a long time. As much as there is a need for immediate action, once you've passed that emergency phase, it's a long walk to a situation where we will be satisfied that rule of law exists to the standard where it will protect civilians.

The group also advised those who go to these mission areas, donors and all, to take note that there isn't a perfect system. The task is not to create a perfect system of rule of law in the country. Indeed we are advised to take a healthy dose of humility as we go into these operations because we ourselves are coming from

systems that are far from perfect. And that dose of humility will help us to see some of the positive elements that are on the ground but were neglected, and will enable us to harness those and use them to help the local community to rebuild a system of rule of law, and then to subsequently be able to take care of themselves.

One final word about language, the word ‘informal’ is subject to misinterpretation. The word was discussed in our group and we came to the understanding that ‘informal’ referred to what traditional systems were able to deal with in terms of justice and so on. It is the state system, the formal sector that often has laws covering the critical issues of murder and things like that, from which no traditional system can claim autonomy. So we thought that, in crafting mandates, care should be taken in the use of language so that we do not create more confusion in the field when people are implementing such mandates. By and large, this is what the group discussed. Thank you.

Discussion

An academic participant commented that there might be scope for the directive to the head of mission to include some guidance on what was expected to be done in terms of POC. He suggested that ideally there would be some kind of benchmarking, although that might be too far down the track. However, he stressed that in his view, an important element of effective POC was that in some way the head of mission was held accountable for some POC activities. He explained that he was not suggesting a separate accountability mechanism, but mainstreaming POC issues into the existing accountability mechanism for the head of mission. He suggested that such an initiative would fit in with the idea of the mission reporting back to UNHQ so that the information circuit was completed – the direction to the head of mission, accountability and reporting back up to headquarters.

Gen. Gordon responded affirming that his working group did believe that the senior leadership team should be judged on their effectiveness on POC issues. However, he explained that what they found difficult was determining how to build in evaluations of the effectiveness of the senior leadership against whatever benchmarks were used. – ‘Well done, you’ve protected ten civilians today, you’re a good senior leader.’ That was quite a difficult thing to do. That did not mean that it was not important. The group just did not pursue the issue because they could see the difficulties that it would cause in the evaluation of senior leadership under POC mechanisms.

Ms. Nakamitsu also responded, adding that the group had discussed the issue, not specifically, on the implementation of POC per se, but generally how the UN might

be able to have some sort of accountability framework, performance assessment type of mechanisms for senior leaders, in particular SRSGs. She highlighted that it was one of DPKO's priority issues within the New Horizon agenda. She indicated that there had, in fact, been discussion on the issue at last year's SRSG's annual conference. She reiterated that DPKO was still looking at how best to address this issue, not specifically in relation to the POC portion of the mandate, but of course if POC was an important part of the mandate for a particular mission, it would definitely have to be part of that assessment. She reiterated Gen. Gordon's point that it was very difficult to work out how to link the performance of the SRSG with the implementation of the mandate and the actual impact on the ground. More thinking needed to be done on this. She also highlighted that the issue of benchmarking for the entire mission for mandate implementation was a central issue in Security Council discussions. Those discussions must be considered as well.

Another participant posed a question to Mr. Gentile, the Co-Facilitator of Working Group V. He asked whether the working group had considered politics as an obstacle to the application of IHL, particularly in missions that did not have a robust mandate, or in areas where there was a UN presence but no DPKO-led operation. Given the place of IHL at the heart of protection, he asked whether the working group had thought about what interim measures could be adopted while the politics of the mission was being sorted out.

Mr. Gentile responded, noting that the working group had distinguished two aspects of the application of IHL. The first was IHL as part of the legal framework applicable to a given context – independent from the action or the inaction of a UN force and the mission. He explained that if a mission was in a situation where IHL applies, even if the UN forces were not involved in any type of hostilities, then IHL had to be considered in terms of POC and the mission's relations with the state and the different parties of the conflict in respect to their adherence to IHL, which would be different from the obligations to which they would have to adhere if the situation was such that it would only be covered by human rights law. The second aspect concerned the application of IHL in regards to the UN's own forces. Mr. Gentile explained that in this case it was not a question of politics, but of the reality of the type of the mission. If they were involved in a military mission then IHL would apply to them, if not, if they only using force for law enforcement operations or were just on an observation mission, then IHL would not apply to them in respect of those activities. He highlighted that it was important to distinguish between the UN's relations with the authority, the armed groups – reminding them or working with them on their IHL obligations – and the IHL obligations upon the UN's own troops. Deciding on the application of IHL was not a political decision, it was about reality.

A researcher offered a comment about an issue raised in Working Group I. She noted that when looking at the roles and responsibilities of different POC actors, the Forum had focused on TCCs/PCCs, the humanitarian community, the Security Council, and the Secretariat. She asserted that it was very important to recognize that the roles and responsibilities for POC concerned the entire UN membership, i.e. all UN Member States were responsible for the effective implementation of UN peacekeeping mission mandates. She stressed that it must not be forgotten that there were roles and responsibilities for the General Assembly as well – not just in the C-34, but also in the Fifth Committee, because it was the Fifth Committee that determined funding and resources – two elements that were critically important to effective POC.

Mr. Takizaki concluded the session noting that the Challenges Secretariat would compile the suggestions raised in the Forum Report. He also hoped that all Forum participants would take the suggestions back to their home countries. Since as Japan was the Chair of the Security Council Working Group on Peacekeeping, he would certainly take the suggestions back to colleagues in Tokyo and the Japanese Mission in New York.

Concluding Session

Maj.Gen. (Retd.) Michael G. Smith, Executive Director, Asia Pacific Civil-Military Centre of Excellence, Australia

Where does one start? What a symposium, very rich and most rewarding – something for us all. I think we have moved the cheese forward a little bit in this area.

I'm going to start by thanking some very important people, although there are some other very important people I'm going to thank at the end. Firstly, I want to thank all the Partners, because clearly without the Partners, this would be impossible and I think that the work the Partners do, both between Forums and at the Forums, is exceptional. So, thanks to all of them.

Next of course, the Folke Bernadotte Academy, which we all know is really the engine room behind the Challenges, always pushing people in front. We all know that without the FBA, nothing would really happen. So Henrik, Jonas and particularly Annika, Anna-Linn and Anna, thank you so much for all of your hard work. It's been a great pleasure. Of course, without a Patron like Jean-Marie Guéhenno, the Challenges Forum would not have the signature or the intellectual clout and practical experience that it does. And the two senior advisers, Satish Nambiar and Robert Gordon, I think we profit greatly from their expertise.

I would like to thank particularly our three wonderful guest speakers, in order probably of regal seniority rather than order of precedence: His Royal Highness Prince Zeid. All I've heard all day is, 'Where can we get those 14 points?' As the Defence Minister said last night, 'I'm glad you didn't leave it at 13.' So thank you very much. Amb. El Ghassim Wane from the AU. I think our knowledge of the AU was greatly enriched by your excellent presentation. I would also like to thank Lt General John Sanderson for his presentation, which went into much more than just the peacekeeping memorial and gave us all food for thought. I'd like to thank all the chairs and all the panelists. They all did a fantastic job.

We have had some very distinguished visitors from the UN, led by Dmitry Titov, Izumi Nakamitsu and Hansjoerg Strohmeyer and others. The support and interaction Challenges gets from DPKO, and now also OCHA and hopefully other elements of the Secretariat in the future, have been outstanding. This is one of the things that enables us to move forward so well. And thank you to all the

participants, because clearly without your participation, a Forum like this would not be possible.

My personal thanks to the Minister for Defence, John Faulkner, who gave up his time so graciously last night and then went back to do another eight hours of work afterwards. And to Dr. Mike Kelly, who not only opened and is closing the Forum, but I can tell you, wants to know exactly what's happening at Challenges all the time. We couldn't want for a better politician to be involved in this. Today, he has raced back from Cooma to be with us, so thank you Dr. Kelly.

Before I hand over to our Patron, Jean-Marie Guéhenno, I do just want to tell you quickly about some follow-ups, and invite even further comments from the audience to embellish what I'm about to say. First, there will be a Partners' meeting tomorrow and there will be more things that will come out of that. The Considerations for Senior Mission Leadership Study – you can expect a further, almost final, version in the near future. I think there really is a great consensus to move that document forward as quickly as we can. So keep an eye out for that, and if you have any supplementary comments that you want considered, please do forward them. The summary report that Ms. Haidi Willmot is preparing will be out in a few weeks. All the papers and speeches will be on the website, as soon as we get them. There will also be a full report of proceedings prepared and presented in due course.

A few other events that are coming up soon – in June, the Folke Bernadotte Academy is hosting an international lessons learned conference with POC being one of the items on the agenda. I'm told UNITAR is doing a course on POC soon. There is also the AU draft guidelines, which are proceeding through the AU. Our Centre will continue to liaise with the AU and to assist in any way we can. The Stimson Center is just about to publish the proceedings of the Shrivenham seminar on protection of civilians last year and then build on that with a body of work. Certainly the APCMCOE is happy to be engaged and I'm sure others will be as well. The Permanent Missions of Australia and Uruguay have already hosted two well-attended seminars on POC in New York. I don't know exactly what's planned, but certainly I know both of those countries are keen to try and keep the momentum going. The UN itself is continuing its work, convening a very important workshop in Africa with the missions.

I think that gives everyone a sense that this ain't the end of the story, it's a journey, not a destination. So without any further ado, I invite our Patron, Jean-Marie Guéhenno, to speak.

Challenges Forum 2010 – Summary of Key Issues

Mr. Jean-Marie Guéhenno, Patron, Challenges Forum, and Former Under-Secretary-General for Peacekeeping Operations, United Nations, France

I first want to thank our Australian hosts, the Right Honourable Mike Kelly and General Smith, for their superb hospitality and extraordinary organization. I think this conference has been extremely rich and it has run like clockwork. Things that run like clockwork, you don't know what work is behind them, it's like a good watch. But there is a lot of work behind this Forum and I think we are all very grateful to the FBA and to Australia. Personally, I feel terrible that this is my first visit to Australia – now I want to catch up and come very regularly.

In the programme it is mentioned that I am going to summarize the proceedings. If I did that, you would have to be prepared to have dinner around ten at night, since this has been such a rich seminar that it's impossible to summarize. It's been rich, I think, because of the nature of the Challenges Forum, which has the right mix of practitioners, academics, observers, commentators. It has practitioners from different horizons – practitioners from the NGO world, practitioners from the military, from the police, from the diplomatic world – and it is that mix that enables discussions that combine the very practical, the very tactical, with the very strategic. This combination is also the nature of the beast, the nature of the topic we were discussing, which, in a way is very illustrative of peacekeeping. Protection of civilians, at a certain level, is in a way, a very strategic issue. How do you manage a political process so that you remove the incentive to harm civilians? It's a very operational issue in the sense of how you build institutions that are going to build a trust between the people and that are going to help repair the fabric of society? It's a very tactical issue. How do you address and end the abuse, how do the military and the police perform in such a situation? So it combines all in between both ends of the spectrum.

I will not try to address all the issues, but will just pick a few points that, in my view, stand out. One is the mind-set. Many of you throughout the proceedings stressed how important it is to have the right mind-set for POC. And in a way, a mandate is a ceiling – if you have the wrong mind-set, you can remain very close to the floor and that is wrong. The mind-set is the understanding that the civilians, as we said time and again during the Forum, are at the centre of our work. It means that you have to ask yourself: 'What is the default position?' Is the default position to be passive, to do just enough to be seen to be doing one's job? Or is the default position to do as much as you can without being reckless? That is a question of mind-set.

Of course my second point, training, can help mind-set. I think on training, the emphasis that was placed on case studies is very important. There is the theory of POC and there are the real dilemmas of POC, which are not just the operational dilemmas of physical protection. Do I have enough force, not enough force? There are also the political dilemmas. How much do I push the envelope? When am I going to antagonize some of my interlocutors to the point where my actions will backfire rather than help the issue? So training does matter and I think training based on very concrete cases is what we need to aim for. The peacekeeping centres, along with UNITAR and DPKO can help develop a library of case studies – the instances where we got it wrong, the instances where we got it right, why we got it wrong, why we got it right. What were the dilemmas? What were the decisions that we made with imperfect knowledge? That is the reality of action. In hindsight, we're all very wise. But decisions have to be made with insufficient knowledge. I think that's the best training, to put people in that environment where the choices are wide open, where you don't know all the factors, you don't have full knowledge of all the factors. That is good training.

Now let me come to a point that I think was, in a way, not the main point, but behind many of the main points. And that is the simple point that if you take POC seriously, it entails some risks. There are risks in taking your mandate of protection seriously. And the risks are manifold, because they are the risks of peacekeeping. There is a political risk, which is the risk that you are going to antagonize your host country. Let's take an example and these are the examples that were mentioned by Anneke Van Woudenberg with regard to the DRC yesterday. If you push the envelope, if you raise awareness on an issue, which is a way to protect civilians, you're not going to make everybody happy. How unhappy are you prepared to make your interlocutors? There is no ready-made formula for that. But what I am sure of is that if the default position is to take no political risk, you won't get anywhere. The risk is not just about reporting. It's also about the political process. As you push the envelope in the political process, you are going to make some of the actors unhappy. How prepared are you to push? I sometimes say to SRSGs that there are many ways to fail, but there are two main avenues of failure, so to speak. One is to break your relations with the parties, and then you are ineffective. And the other is to be so careful not to break your relations that you are irrelevant, because you are nice to everybody but nobody pays attention. Finding that narrow path where you stop short of destroying your relations with the parties, but make sure you are not irrelevant because you push, that is very difficult. And that's very relevant for POC. And it's an issue that is there for the SRSG but also at many levels in the mission, maybe not at the bottom level, but at many levels of responsibility as you interface with your interlocutors. You can have your default position of being passive, or you can push. But how far do you push?

The second risk is a major risk, it is the reputational risk. In my opening remarks, I noted that we will never have the resources that we need, and the point was again made this afternoon of the importance of financial resources, not just military or police resources. But let's be realistic. If we shout, if we are energetic, maybe we will get a little more resources, but we will never have all the resources we would like to have. That's why benchmarking the performance of leaders in missions is so difficult. There are so many factors that are beyond their control, because the main factors in the success or failure of missions, beyond what the mission does, is what the parties do. You can influence them, but at the end of the day, they will make the decisions. So there is a high reputational risk, because in peacekeeping, and for POC, which is at the heart of peacekeeping, we cannot have a 100 per cent success rate. If we have a 60 per cent success rate, we can count ourselves lucky.

Napoleon used to say that he would only hire generals who were lucky. I think in peacekeeping we need to hire lucky peacekeepers, because there is an element that we don't control. Of course, the default position in that sense is just to be very cautious and to leave the mission just before all hell breaks loose. That is not the right way, we know it. But if you push and if you stay the course, maybe things will turn out wrong. Do you want to get involved in that? Some countries don't. Some people don't. There is a reputational risk that you have to be prepared to take.

Then there is the risk that we discussed during the seminar and that is the physical risk. To be honest, if you have a very proactive force that is there in the middle of the night, that goes in difficult places – yes, there is a risk of more casualties. There will be more casualties. You can be very professional and try to mitigate that. But a force that stays ensconced in its barracks is at less risk than a force that is around, proactive and pushing the envelope. There is a physical risk in being very proactive in the physical dimension of POC.

That brings me to my last point, which is the issue of burden-sharing. For me, there are two aspects of burden-sharing. There is a political dimension of burden-sharing, and there is a military and police dimension of burden-sharing. Let me address first the political dimension of burden-sharing, because it wasn't discussed enough, although it was raised in this seminar. It is the issue of the role of the Security Council. The real issue is the sharing of risk and burdens between the Security Council and the missions. We discussed in the working groups earlier today how mandates can become 'Christmas tree' resolutions. How the Security Council puts in all sorts of things. Let's be candid about this. It is a way for the Security Council to distance itself from the mission, to turn what is essentially political engagement into a series of discrete technical and tactical actions. But the reality is that the Security Council, in the political risks and in the reputational

risks that I have mentioned, needs to be fully engaged. Yesterday, the issue of reporting was discussed. Is it for the mission to be always the bad cop and for the Member States to be the good cops? In reality, in difficult situations, the only viable way is for the mission to be the good cop and for the Member States to be the bad cop – to deliver the tough messages – because the UN has no power. The UN can be kicked out. The powerful Member States, they are the ones who have the leverage. And so, if one is serious about POC, about a proactive understanding of one's own role, one needs the backup of the Member States, and in particular the most powerful of the Member States. Without that backing, the UN mission is in a kind of limbo, it's floating, but it can be crushed very easily. If we want to make more progress on POC, we need more commitment of the key members of the Security Council, particularly of the permanent members .

I'm not passing the buck there, because the Secretariat has its responsibilities too. It has heavy responsibilities. It has to push the Member States, because too often there is a sort of discreet deal between the Secretariat and the Member States, where the Secretariat will not embarrass the Member States and the most powerful among them, on the understanding that the states themselves will not ask too much. That is the wrong deal if one is serious about POC, because the civilians are the people with no power. If the UN is not for those who have no power, what is it for? It was said in the Brahimi Report that the Secretariat must 'Tell the Council what it needs to know, not what it wants to hear.' The Secretariat has a responsibility for pushing the Member States and it doesn't always execute that responsibility. I didn't always. It's not because I'm out; I wasn't always the brave person that I'm saying the Secretariat should be. However, I think we always need to be reminded of that.

Then there is the military and police burden-sharing. Yes, we have troops and police. However, as Patrick Cammaert, Carlos dos Santos Cruz and others have stressed, it is important to push the troops, to have professional troops. The better equipped you are, the more professional, the better trained you are, the more you can be proactive while mitigating the risks. There is a political issue in asking a limited number of countries to take an inordinate share of the burden of risk. In the most difficult missions in Africa, you have no troops from the most developed countries and that is not good. That creates justified resentment among the countries that carry the risk. Frankly, that also sends the wrong political message, because if one thing is true in a post-conflict or in a semi-conflict situation, it is that you may have a lot of thugs, you may have a lot of bandits and they may not all have PhDs, but they have a practical PhD in balance of power. They know very well where power is. And so the message that is sent when you have a very imbalanced distribution of forces is: 'Okay, these situations matter, but they don't matter to the point where we would risk the lives of our boys.'

So the bandits figure they can get up to a bit of mischief. Because let's be frank, if the soldiers with some flags on their shoulders are killed it will create more political waves than if other soldiers are killed. That is abominable to say, but that is the political reality of our world. So I think in the future, if we seriously believe in POC, we do need to consider how to have a more evenly distributed burden-sharing among military contributors in particular. I think it's possible. I think it's not a question of numbers. There are big armies in the developing world which are sometimes much bigger than the armies of the developed world. However, we have seen when sometimes a very focused capacity, a quick reaction force like the Swedish-Irish quick reaction force that was deployed in Liberia, can help a lot. In that instance, it had a great deterrent value. It's not about numbers. It's about commitment and a targeted capacity that really enhances the military capacity of the mission.

Concluding, I will just say that through the discussion of POC I think we have, in a way, addressed many of the key issues of peacekeeping. I think with the documents which will come out of the Challenges work, like the Considerations Study, informed by the background paper that was developed for this meeting, we have a lot of very good material. The peacekeepers of tomorrow will not be able to say: 'Oh, we don't know what needs to be done.' They will know. But then they will need to have the will to do it. Thank you.

Closing Remarks and Looking Ahead

Ms. Annika Hilding-Norberg, International Coordinator, Challenges Forum, Folke Bernadotte Academy, Sweden

Excellencies, Ladies and Gentlemen, Partners and Friends, if I may join the previous speakers welcoming you to this last session of the International Forum for the Challenges of Peace Operations 2010.

It has been a tremendous week. Our deliberations have been rich, thoughtful and result-oriented. I believe it's been an excellent Forum. I would like to pay tribute to our Host, to the commitment of Australia, to the issue of POC, and the way in which you have pursued the protection challenge over the past few years diplomatically, and much longer, in practice. Many of you will recall that before the UN Special Committee on UN Peacekeeping 2009 session last year, the issue of POC was internationally a very divisive question.

Thanks to important developments, such as the launch and impact of the New Horizon process, work undertaken by the African Union, also in cooperation with the APCMCOE, and initiatives by Member States, not least Australia through

your Mission in New York, your capital here, and including the APCMCOE, much progress has been made. Fortunately, the time for contesting the imperative or responsibility of protecting civilians seems to be over. Having said that, there is still much to be done. Now it's a matter of figuring out when, how and by what means, international peacekeepers should act in order to protect civilians in their areas of responsibility. I think we could not have found a more timely, or better, theme for this year's annual Challenges Forum.

We have had many issues to tackle over the last few days, and I will not try to comment on the discussions in detail. However, it has been a dynamic and thought-provoking session. It was particularly rewarding to hear that the working groups were so fruitful and productive. I will concentrate my comments on the Study on Considerations for the Senior Mission Leadership in UN Peacekeeping Operations.

As we move forward to finalize the work of the Considerations Study, I would like to express our sincere appreciation for your valuable comments, inputs and insights provided on our work over the last few days. Your views and input will be carefully assessed and integrated into the final document. As you know, this year the UN Special Committee on Peacekeeping Operations requested the UN Secretariat to develop a strategic framework for POC to, among other things, guide senior mission leadership in elaborating comprehensive protection strategies – something which Ms Nakamitsu also briefed us about. So we look forward to cooperating with DPKO to make sure the Study is finalized in line with these developments.

At the beginning of the Challenges Considerations Study effort, r. Edmund Mulet, then United Nations Assistant Secretary-General for Peacekeeping Operations, spoke to the Partners at the meeting in New York last January. We are very pleased with the useful input and feedback received from DPKO on the Considerations Study, and look forward to receiving further comments for the finalization of the document. The most important feedback received this week was from our colleague from Afghanistan, Mr. Ahmed Nader Nadery. Your supportive comments mean very much to us indeed. Thank you. We are equally pleased that our Partners have committed to translate the Considerations Study into the official languages of the United Nations. Thank you.

On behalf of the Challenges Partnership, it is my privilege to express our thanks, first and foremost to our Australian hosts. We have very much appreciated our Australian journey of culture, institutions and values here in Canberra and Queanbeyan. Canberra means 'meeting place' in the Aboriginal language. Where could be a better place for a Challenges Forum than this meeting place – of cultures

and different experiences. Beginning with the ANZAC Day commemorations, moving to the Parliament and the War Memorial before concluding here in Queanbeyan, thank you for your generous hospitality! It has been immensely appreciated. I would like to thank Mike Kelly for his steadfast commitment to peacekeeping and unwavering support of, and contributions to, Challenges, over the years and across the issues. Thank you to Michael Smith for his results-oriented enthusiasm and resolve. It has been a great pleasure working together – we look forward to our continuing partnership in the future. To Nigel Phair for having been our central point of contact for the effort from start to finish, always with good humour; and Brad Ebert, who joined in on the finishing stretch and made a great contribution.

Thanks also to Barbara Butler, the strategic communications officer, for having generated such great interest in peacekeeping and the Challenges effort also outside the peacekeeping community. The Working Group Facilitators and Rapporteurs have been essential. Haidi Willmot is making sure that we will have an Executive Summary of the Forum – which is great and a new development. Thank you. There are many, many more of course from the APCMCOE to thank – Helen Leayr and Felicity Cliff who you all know by email, face and of course by their effectiveness.

Thank you, equally, distinguished colleagues from the United Nations. Your engagement is invaluable to us, of course. We appreciate your cooperation immensely and continue to learn a lot from you. In particular, thank you Mr. Titov and your office, the Office of the Rule of Law and Security Institutions, and s.. Nakamitsu and your division, the Division of Policy, Evaluation and Training. Our re-established cooperation with UN Office for the Coordination of Humanitarian Affairs, and the office of Mr. Hansjoerg Strohmeyer, is also most appreciated.

Every speaker has quoted our Patron, so rather than trying to mention the last and only sentence, which has not yet been quoted, I just say thank you, on behalf of the Challenges Partnership, for being our Patron, for being so insightful and for being with us here at our Australian Partners' International Forum for the Challenges of Peace Operations 2010.

It is also a great pleasure to have His Royal Highness Prince Zeid with us here in Australia. Prince Zeid has generously provided crucial advice, input and made insightful presentations at our Challenges events from the very founding stages of the Project in the mid-1990s. Jordan is one of the founding partners of Challenges and we continue to be immensely grateful for their effort. I would also like to express our appreciation to the Swedish Ambassador to Australia, Sven-Olof Petersson, for his generous hosting of the Partners Reception. Thank you. And there would not have been such a productive Forum without the excellent background paper

– thank you Bill Durch and Alison Giffen for your exceptionally useful study. We look forward to continuing working with the study, as it will form a central part of the Challenges Forum Report 2010.

Thank you Senior Adviser Satish Nambiar for your commitment to the issues and your invaluable advice over the years. We are also tremendously indebted to Senior Adviser Robert Gordon for his leadership and coordination on the Considerations Study. It would definitely not be here without you, or Andreas Sugar who also made an extraordinary contribution to our project as it was coming to fruition. Thank you. Thank you also to all the Co-chairs, Mohammed Tahir, Bill Flavin, Soad Shalaby, Ann Livingstone, P.K Singh, Tim Ford and Henry Boshoff.

Of course, I would like to thank Michael for having so generously promoted me on day one. Field-Marshal is far beyond any rank the Swedish Army has and I'm not sure what that makes my fantastic bosses, Henrik and Jonas, but we'll sort that out later. However, as a consequence, it gives me double pleasure in introducing and thanking my Army Corps: Lieutenant-General Anna-Linn Persson and Major-General Anna Wiktorsson. They are the Challenge's rapid reaction force – 'soon coming to a theatre near you.'

Thank you for the interest in the Challenges Forum shown by you, potential Challenges Partners, everyone participating in this meeting. The Partnership is strong, we are alive and we are moving forward. It has been wonderful to see our new peacekeepers of the modern age taking part in the Forum. For example, we have a number of corrections officers here with us – great that you could come!

What each and every one of us takes away from here and applies in our own work, that is of course most important. Please share your thoughts on the relevance and outcomes of the Forum with us by using the evaluation form you have been given. Also, feel encouraged to let us know what you think anytime and in whatever way. Let there be a dialogue between Forums, about the range of issues, strategic or tactical. We appreciate your comments and input to our background papers. So make sure that we have received all your insightful comments and issues, as this is what the Challenges Forum is all about, putting our collective wisdom into our joint effort. Challenges papers are developed when there is a gap to be filled. We are broad-based and inclusive. This is what Challenges is in a nutshell.

Egypt is taking our Challenges Forum forward. We are already looking forward to the Challenges Forum 2011, which will be hosted by our Partners in Egypt, the Cairo Regional Centre for Conflict Resolution and Peacekeeping Training in Africa (CCCPA) in cooperation with the Ministry of Foreign Affairs. As you know, Egypt is a major TCC to United Nations peacekeeping and, not least,

has recently demonstrated the greatest increase in contribution levels. Egypt is a leading voice in the UN Special Committee on Peacekeeping as well as the Non-Aligned Movement.

Egypt is also a member of a number of key international organizations. All of which will no doubt contribute to making also the next Challenges Forum a truly important and fruitful event. It is with great pleasure that I will shortly hand over to Ambassador Soad Shalaby, who will speak to us about the Challenges Forum 2011. I would just like to add that, as you know, I am a great fan of challenges, so I could not help but be impressed by Mr. Amr Aljowaily's identification of some 30 challenges, all of them I think before lunch on the first day. I would like to think that we have come up with some of the solutions to them during the last few days.

Now, all we need to do is to mobilize our political colleagues' will to make things happen, to make peace happen, as Ambassador Wane said. Mr. Strohmeyer stressed that we, not a single one of us, should hide behind a lack of political will as there is still much we can do if we have the tactical opportunities to do something. Challenges was a tactical opportunity first pursued some fourteen years ago. Now, thanks to the dedication and sustained engagement and support to the Challenges initiative over the years by the ever-increasing and outstanding Partner organizations and the individuals in those organizations, the United Nations and leading experts on modern peace operations, I would argue that Challenges has become something more than a tactical effort. Like my fellow Forum participant Anneke (but with an e), I am also impatient for progress, and yes, Mr. Titov, I think that we are moving slowly, but surely, towards a future where at least in some aspects, if not all, we might begin to see a little of that light you spoke about. Now we just have to take that decisive leap forward in a positive and constructive direction.

Thank you very much – I look forward to seeing you soon in Egypt!

Closing Remarks by Host of Challenges Forum 2010

The Hon. Dr. Mike Kelly, Parliamentary Secretary for Defence Support, Australia

Thank you very much for those closing remarks, Annika and Jean-Marie. It's been a very special week for us all, and I must say that it's wonderful to have you all here in our little corner of the world, particularly Jean-Marie, Prince Zeid, El Ghassim Wane and all of our distinguished guests. Here in Australia, we have additional cause to be grateful to Jean-Marie, actually. Apart from his wonderful service to the UN and now his stewardship of the Challenges Project, he advised

me last night that his mother was a member of the Résistance during the Second World War and in that capacity rescued Allied servicemen, including Australian airmen. So thank you for what your family has rendered in the cause of peace and freedom over these many years.

It's also wonderful to have Prince Zeid here. Prince Zeid always impresses – a man of education, of erudition, experience, charm, and good humour. Whenever you have Prince Zeid involved in any project, you can guarantee you'll be taken seriously. And I do hope your fourteen points are more successful than Wilson's fourteen points – we will aim to make that so. It was one of the great pleasures of my career to have worked with Prince Zeid to present the rule of law segments of the Challenges Project Phase II Concluding Report Phase at the UN Secretariat, which we know had good results. So it is wonderful to have you here too.

In a week like this, it's hard to sum it all up. We've heard some great things. I guess the issue of POC is a bit like the old alcoholic principle that, at first, you have to recognize you have a problem. So there's a conceptual leap you have to make. Certainly, this has been a journey to make that conceptual leap. But in these few days we have also made the transition to putting flesh on the bones following that conceptual leap. And I think, from what we've heard, we can see that in many ways operationalizing what we need to do is not actually an expensive undertaking in many ways. There are simple things that can be done. Simple things that can be done right now in terms of improving our training, the awareness of our people, the way they are able to work together, in particular to produce cohesive plans. It can be as simple as producing checklists for planning purposes. The questions you ask yourself before you begin a mission, about what might be needed to be deployed or involved. Some of these things can be dealt with quite simply – the simple tactics, techniques and procedures that we employ. Often, we're in a situation where we have to move into a high-threat environment, where we need to provide a high level of intervention, and then we have to transition, obviously, to other civilian international actors and then to the indigenous capacity. How do we manage those transitions? There is so much that can be happening concurrently.

Often, in that public security space, where we are talking about POC, the ability of the military to work in conjunction with policing authorities is so important. We have seen successful models of this in situations such as in Northern Ireland, where British troops and police operated together. It is so important that we understand That, in these environments, often the measure of effectiveness is that rule of law is restored and there are successful prosecutions for those that need to be dealt with by a justice system. There are simple tactics, techniques and procedures that we can adopt to enhance, value-add and make effective the work of the people that do already appear on the ground.

There are extra capacities as well and forums like this help to concentrate the minds of those who need to develop and finance those sorts of capacities. And certainly, the Australian Government will take very seriously what emerges from this Forum, so I'm very much looking forward to Haidi Wilmot's work – we will pay close attention to it.

I must say that the Challenges experience has been a fantastic one for me over these last fourteen years or so. I've lost count now, but it has been a golden thread for a couple of particular reasons. One is that it has been a way to make a difference and for us to bring together our combined experiences and intellect to achieve that. But also, it's said of course that 'it is only necessary for evil to triumph that good men and women do nothing,' and by being able to work through the Challenges Forum we have been able to assemble the good men and women, to keep the flame burning, to try and do something. Getting Challenges together every so often replenishes your motivation, your will and your commitment to go on and to continue to try and do something. I'm sure that, after your few days here, your inspiration and your ideas will have been stimulated to go ahead and do something.

So it only remains for me to thank you all for coming. It has been an honour for us to have you attend, to make that effort to get here. We have greatly enjoyed your company and we will be better armed from the product of your combined intellect and experience. And so I hope from here you go in peace and enjoy our land for however long that you are here. We will count the hours until we see you all again. Thank you very much.

Invitation to the International Forum for the Challenges of Peace Operations 2011

H.E. Ms. Soad Shalaby, Director, Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa, Egypt

Excellencies, distinguished partners, participants, guests, ladies and gentlemen. It is a great pleasure and privilege to be here in this lovely country Australia, the beautiful capital Canberra, and the Queanbeyan Centre.

I would like to address you today on the final session of this very important conference to congratulate the organizers, the Asia Pacific Civil-Military Centre of Excellence, the Folke Bernadotte Academy and the Challenges Secretariat for the excellent job they have done of bringing together the finest academics and excellent practitioners from around the world to address this high-level gathering, with the excellent papers submitted and the very informative and focused panel discussions. It has been a great learning and networking experience.

After becoming the seventeenth Partner of Challenges, we have been actively attending all the meetings and recently Co-chairing one of the working groups of the very important document on Considerations for Senior Leadership in UN Peacekeeping Missions. I think if this document is going to be translated into all the official languages of the UN, we are pleased to translate it into Arabic in order for it to be accessible to all Arabic-speaking peacekeepers around the world.

During these last two years, many developments occurred within the Cairo CCPA. We have had extensive international and regional exposure; for us, the Challenges Forum has become a major engagement among the various activities that we are involved with. For a brief on the achievements of the CCCPA, please visit our website: www.cairopeacekeeping.org.

At this point, I would like to highlight the contribution of Egypt to UN peacekeeping operations, which has increased considerably during the last two years. We have jumped from the rank of the 23rd to the fifth largest contributor, with 5,500 Egyptian personnel deployed in ten missions, including all the UN missions in Africa. Egypt is the biggest contributor amongst the Francophone and Arab countries.

With all this said, it gives me great pleasure to extend to you a formal invitation from the CCCPA and the Ministry of Foreign Affairs of Egypt, to the next International Forum for the Challenges of Peace Operations, which will be held in Egypt from 8 to 12 May 2011. The venue, the theme, the exact dates, etc., will be communicated to all of you in due course. I hope to see you all in 2011. Thank you.

Closing Remarks

Maj.Gen. (Retd.) Michael G. Smith, Executive Director, Asia Pacific Civil-Military Centre of Excellence, Australia

So, we are finally here, and I do just want to do some final thank-you's to some people who really deserve it. Annika did mention Haidi, our Rapporteur, and to all the moderators and rapporteurs who came from the universities to help us – thank you very much.

This would not have been possible without the support of the Mayor's Office, and in particular the Centre's staff here at 'the Q' who have been most accommodating. So thank you to Steve and to all the staff of 'the Q'. Corporal Ray Vance, who has had his camera clicking on and off. Thank you in advance for the brilliant memories we will all have.

To my own Centre staff. We are multi-agency and multi-function group – everything from strategic thinking to bus monitors. Thank you to everybody at the Centre. There are a few people who stand out – I first want to thank my deputy, Dr. Jim Rolfe, who really assisted me greatly and took a load off my mind. Brad Ebert, the worker – thank you Brad. Barbara Butler, I said I needed a media expert and I really got one. Thank you Barbara, left and right arm person as you are.

I would also like to thank the conference organizers, who we outsourced this to – Helen, Felicity, and please pass on our thanks to Louise too. They have just gone way above what we have asked them to do and have been so accommodating.

Now, as we know peacekeeping always has casualties – that’s the sad effect of peacekeeping. The Centre has its first casualty tomorrow. Alison Chartres is the Centre’s Chief of Staff and will be replaced. We started it off with three people, However, it was at that stage the Chief of the Defence Force and the Secretary of the Department and I decided that we needed to make people understand that this Centre was not a military organization. So we approached AusAID and said: ‘Can we have a Chief of Staff from you?’, and they said, ‘It depends. Who do you want?’, and I said, ‘I want Alison Chartres.’ Alison had worked in Bougainville, the Solomon Islands and really understood civil-military relations. Alison’s going off to New York as the Counsellor for Development. Alison, on behalf of everyone in the Centre, we just want to say farewell to you publicly before we have our private ceremony for you.

Maj Gen (Retd) Michael G. Smith, Executive Director, Asia Pacific Civil-Military Centre of Excellence, Australia

So, ladies and gentlemen, we are finally here, and I do just want to do some final thank-yous to some people, who really deserve it. Annika did mention Haidi, our Rapporteur, and to all the moderators and rapporteurs who came from the universities to help us – thank you very much. This would not have been possible without the support of the Queanbeyan Mayor’s Office, and in particular staff here at ‘the Q’, who have been most accommodating. So thank you to Steve and to all the staff of ‘the Q’. Corporal Ray Vance, thank you in advance for the brilliant memories, we will all have.

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There is a few people who stand out – I first want to thank my deputy, Dr Jim Rolfe, who really assisted me greatly and took a load off my mind. Brad Ebert,

the worker – thank you Brad. Barbara Butler I said I needed a media expert and I really got one. Thank you Barbara, left and right arm person as you are. I would also like to thank the conference organisers, who we outsourced this to – Helen, Felicity and please pass on our thanks to Louise too. They have just gone way above what we have asked them to do and have been so accommodating.

Now, as we know peacekeeping always has casualties – that’s the sad effect of peacekeeping. The Centre has its first casualty tomorrow. Alison Chartres is the Centre’s Chief-of-Staff and will become Councillor for Development at the Permanent Mission of Australia in New York. The Chief of the Defence Force and the Secretary of the Department and I decided that we needed to make people understand that this centre was not a military organisation. So we approached AusAID to engage Ms Alison Chartres. Alison had worked in Bougainville, the Solomon Islands and really understood civil-military relations. On behalf of everyone in the Centre, we just want to say farewell to you publicly and look forward to staying in contact.

Finally, I would like to thank Nigel Phair, because he has done a fantastic job for the Centre in getting this thing up, and it has just run like clockwork. If I ever had to go on a peacekeeping mission, I know who I would want in my side pocket. So, Nigel, thanks, mate.

If we were in New Guinea, I would say ‘em tasol’- that’s all. Safe travels to everyone. Thank you.

Challenges Forum Partner Organizations

- Argentina: Argentine Armed Forces Joint Staff and CAECOPAC in cooperation with the Ministry of Foreign Affairs
- Australia: Asia Pacific Civil-Military Centre of Excellence
- Canada: Pearson Peacekeeping Centre
- China: China Institute for International Strategic Studies in cooperation with the Ministry of National Defence
- Egypt: Cairo Regional Center for Training on Conflict Resolution and Peacekeeping in Africa in cooperation with the Ministry of Foreign Affairs of Egypt
- France: Ministry of Foreign and European Affairs (United Nations and International Organizations Department) and Ministry of Defence (Policy and Strategic Affairs Department)
- India: United Service Institution of India
- Japan: Ministry of Foreign Affairs
- Jordan: Institute of Diplomacy
- Nigeria: National Defence College in cooperation with the Nigerian Army, Ministry of Defence and Ministry of Foreign Affairs
- Pakistan: National Defence University in cooperation with the Ministry of Foreign Affairs and Ministry of Defence
- Russian Federation: Diplomatic Academy of the Ministry of Foreign Affairs
- South Africa: Institute for Security Studies
- Sweden: Folke Bernadotte Academy, coordinators and in cooperation with the Armed Forces, National Police Board, Swedish Prison and Probation Service and National Defence college
- Turkey: Center for Strategic Research of the Ministry of Foreign Affairs in cooperation with the National Police Force, Armed Forces and the University of Bilkent
- United Kingdom: Foreign and Commonwealth Office in cooperation with the Ministry of Defence and the Department for International Development
- United States: United States Army Peacekeeping and Stability Operations Institute in cooperation with the United States Institute of Peace

ANNEX 2

List of Participants International Forum for the Challenges of Peace Operations 2010

Title	Family Name	First Name	Position	Organization	Country
Gen. (Retd.)	Agwai	Martin Luther	Fmr. Force Commander, UNAMID, Fmr. Chief of Defence, Nigeria, Fmr. Deputy MILAD, Department of Peacekeeping Operations of the United Nations	United Nations	Nigeria
Ms.	Akila	Suzanne	Legal Officer	Attorney-General's Department	Australia
Mr.	Alberth	Jonas	Deputy Director General	Folke Bernadotte Academy	Sweden
Mr.	Aljowaily	AMr.	Director, United Nations Affairs	Ministry of Foreign Affairs	Egypt
Mr.	Allouch	Abdelkader	Minister-Counsellor	Embassy of the Kingdom of Morocco in Australia	Marocco
Lt. Col.	Andersen	Chris	Deputy Director, United Nations Commitments	Department of Defence	Australia
Col. (Retd.)	Andersen	Jens Winther	Head, Policy, Doctrine and Liaison, Office of Military Affairs	Department of Peacekeeping Operations of the United Nations	United Nations
Dr.	Aning	Kwesi	Head, Conflict Prevention Management and Resolution Department	Kofi Annan International Peacekeeping Training Centre	Ghana
Ms.	Baillie	Harriet	Assistant Director, Australian Civilian Corps	Australian Government Overseas Aid Program	Australia
Supt.	Bellicanta	Jamey	Adviser, Governance and Rule of Law	Asia Pacific Civil-Military Centre of Excellence	Australia
Amb.	Bermann	Sylvie-Agnès	Director, United Nations and International Organizations	Ministry of Foreign and European Affairs	France
Mr.	Boshoff	Henri	Head, Peace Missions Programme	Institute for Security Studies	South Africa
Prof.	Braithwaite	John	Professor	Australian National University	Australia
Prof.	Bronitt	Simon	Director	Centre of Excellence in Policing and Security	Australia
Dr.	Butler	Barbara	Strategic Communications Adviser to the Executive Director	Asia Pacific Civil-Military Centre of Excellence	Australia
Maj. Gen. (Retd.)	Cammaert	Patrick	Fmr. Division Commander, MONUC, Fmr. Military Adviser, Department of Peacekeeping Operations, Fmr. Force Commander, UNMEE	United Nations	Netherlands
Col.	Campitelli	Juan Adrian	Defence Attache	Embassy of Argentina in Australia	Argentina
Mr.	Carey	Michael	Assistant Military Affairs Adviser	Asia Pacific Civil-Military Centre of Excellence	Australia
Col.	Carlsson	Bengt	Director, Joint Concept and Development Centre	Swedish Armed Forces	Sweden
Ms.	Chartrres	Alison	Chief of Staff	Asia Pacific Civil-Military Centre of Excellence	Australia
Ms.	Chiriboga Allnutt	Susan	Deputy Chief of Mission	Embassy of Ecuador in Australia	Ecuador

Mr.	Chung-Lim	Eric	Political Officer, Office of Rule of Law and Security Institutions	Department of Peacekeeping Operations of the United Nations	United Nations
Ms.	Coghlan	Amanda	Multi-Agency Engagement and National Capability	Asia Pacific Civil-Military Centre of Excellence	Australia
Ms.	Conley Tyler	Melissa	National Executive Director	Australian Institute of International Affairs	Australia
Col.	Cox	Brian	Australian Army	Australian Army	Australia
Col. (Retd.)	Crawford	Richard	Coordinator, United States Pacific Command Regional Office	United States Center For Excellence in Disaster Management	United States
Lt.Col.	Gross	Stephen	DCOMDT POTC	Joint Warfare, Doctrine and Training Centre	Australia
Amb.	Daly	David	Ambassador, Head of the Delegation	Delegation of the European Union to Australia and New Zealand	European Union
Mr.	Dare	Olabisi	Political Analyst	African Union Commission	African Union
Amb.	de Mello Barreto	Fernando	Ambassador	Embassy of Brazil in Australia	Australia
Dr.	Dee	Moreen	Research Coordinator	Asia Pacific Civil-Military Centre of Excellence	Australia
Dr.	Devereux	Annamarie	Assistant Secretary, Office of International Law	Attorney-General's Department	Australia
Lt.Gen.	dos Santos Cruz	Carlos	Fmr. Force Commander, MINUSTAH	FMr. Force Commander, MINUSTAH	Brazil
Dep. Com.	Drennan	Peter	Deputy Police Commissioner	Australian Federal Police	Australia
Mr.	Dudgeon	Ian	President	Australian Institute of International Affairs ACT Branch	Australia
Mr.	Dunbar	Garry	Civil-Military Specialist	Australian Agency for International Development	Australia
Dr.	Durch	William	Director, Future of Peace Operations Programme	Henry L. Stimson Center	United States
Maj.	Durrant	Cheryl	Reservist, Australian Defence Force	Asia Pacific Civil-Military Centre of Excellence	Australia
Mr.	Ebert	Brad	Business Management	Asia Pacific Civil-Military Centre of Excellence	Australia
Mr.	El Ghassim	Wane	Director, Peace and Security	African Union Commission	African Union
Amb.	Elbanhawey	Mohamed S.	Ambassador	Council of Foreign Affairs	Egypt
Lt.Gen.	Evans	Mark	Chief of Joint Operations, Australian Headquarters Joint Operations Command	Australian Defence Force	Australia
Mr.	Farrugia	Greg	Financial Compliance Officer	Asia Pacific Civil-Military Centre of Excellence	Australia
Sen. The Hon.	Faulkner	John	Minister of Defence	Ministry of Defence	Australia
Prof.	Flavin	William	Director, Doctrine and Training	Peacekeeping and Stability Operations Institute	United States

Mr.	Flick	Gregory	Manager, Disaster Management Program	Center of Excellence in Disaster Management & Humanitarian Assistance	United States
Maj. Gen. (Retd.)	Ford	Tim	Adviser, Fmr. Military Adviser, Department of Peacekeeping Operations, United Nations, Fmr. Chief of Staff, UNTSO	Asia Pacific Civil-Military Centre of Excellence	Australia
Dr	Francis	Angus	Senior Lecturer	Queensland University of Technology	Australia
Lt Col.	Froggatt	Fleur	Directing Staff, Australian Command and Staff College	Australian Defence Force	Australia
Amb.	Gangotena	Raul	Ambassador	Embassy of Ecuador in Australia	Ecuador
Mr.	Gentile	Pierre	Head, Protection of Civilians Unit	International Committee of the Red Cross	Switzerland
Ms.	Giffen	Alison	Deputy Director, Future of Peace Operations Program	Henry L. Stimson Center	United States
Supt.	Glyn	Lewis	Police Officer	Australian Federal Police	Australia
Prof.	Goldsmith	Andrew	Executive Director, Centre for Transnational Crime Prevention	University of Wollongong	Australia
Maj. Gen. (Retd.)	Gordon	Robert	Senior Adviser to Challenges Forum, Fmr. Force Commander, UNMEE	Challenges Forum	United Kingdom
Ms.	Goussac	Netta	Legal Officer	Attorney-General's Department	Australia
Lt Col.	Graham	Sue	G9 HQ 1 DIV	Australian Army	Australia
Col.	Greet	Neil	Military Affairs Adviser	Asia Pacific Civil-Military Centre of Excellence	Australia
Mr.	Guéhenno	Jean-Marie	Patron of Challenges Forum, Arnold Saltzman Professor of Professional Practice in International & Public Affairs, Columbia University, Fmr. Under-Secretary-General for Peacekeeping Operations	Challenges Forum and Columbia University	France
Supt.	Gyergyak	Romi	Coordinator, International Deployment Group, Operations Response Group	Australian Federal Police	Australia
Mr.	Hadjiev	Valentin	Senior Research Assistant, Law and Justice Research Centre	Queensland University of Technology	Australia
Dr.	Hagan	Patrick	Deputy Director, Defence, Science and Technology Organisation	Department of Defence	Australia
Mr.	Haines	Trevor	Business Manager	Asia Pacific Civil-Military Centre of Excellence	Australia
Dr.	Hawksley	Charles	Senior Lecturer	University of Wollongong	Australia

Ms.	Hilding Norberg	Annika	International Coordinator of the Challenges Forum	Challenges Forum, Folke Bernadotte Academy	Sweden
Amb.	Hill	Robert	President, United Nations Association of Australia, Fmr. Permanent Representative of Australia to the United Nations	United Nations Association of Australia	Australia
Dr.	Hirono	Miwa	Research Fellow	University of Nottingham	United Kingdom
Mr.	Hoffman	Richard	Director	Center for Civil Military Relations	United States
Ms.	Holroyd	Christine	Executive Assistant	Asia Pacific Civil-Military Centre of Excellence	Australia
Ms.	Holt	Victoria	Deputy Assistant Secretary of State	Department of State	United States
Mr.	Hughes	Andrew	Fmr. Police Adviser, Department of Peacekeeping Operations of the United Nations	United Nations	Australia
Mr.	Hunt	Charles	Program Leader, Protection of Civilians	Asia-Pacific Centre for the Responsibility to Protect	Australia
Lt.Gen.	Hurley	David	Vice Chief, Defence Force	Department of Defence	Australia
Ms.	Hutchinson	Susan	Graduate Researcher	Department of Defence	Australia
Lt.Col.	Hydro	Ronald	Program Manager	Global Peace Operations Initiative, United States Pacific Command	United States
Amb.	Jaafar	Adnan	High Commissioner	High Commission of Brunei Darussalam in Canberra	Brunei Darussalam
Ms.	James	Claire	Senior Policy Officer	Australian Government Overseas Aid Program	Australia
Mr.	Jeffrey	Peter	Associate Director	Asia-Pacific Centre for Military Law	Australia
Mr.	Jensen	Peter	Director, Australian Civilian Corporation Branch	Australian Government Overseas Aid Program	Australia
Col.	Johansson	Ulf R	Chief of Staff, Joint Concept and Development Centre	Swedish Armed Forces	Sweden
Rt.Hon. Dr.	Kelly	Milke	Parliamentary Secretary for Defence Support	Australian Government	Australia
Mr.	Kimberley	Mat	Manager, Conflict Prevention, Stabilisation and Recovery Group	Australian Agency for International Development	Australia
Dr.	Kondoch	Boris	Director	Asia Center for Peace and Security Studies	South Korea
Mr.	Konobelj	Simon	First Counsellor	Ministry of Foreign Affairs	Slovenia
Dr.	Korovavala	Lesi	Protection Officer	United Nations High Commissioner for Refugees	United Nations
Mr.	Kovac	Michal	Deputy Head Of Mission	Embassy of the Slovak Republic in Australia	Slovakia
Dr.	Kraishan	Ali	Counsellor	Embassy of Jordan in Australia	Jordan

Mr.	Landerholm	Henrik	Director General	Folke Bernadotte Academy	Sweden
Mr.	Lenemar	Brahim	Charge d'Affaires	Embassy of the People's Democratic Republic of Algeria in Australia	Algeria
Lt.Gen.	Lindström	Anders	Director of Operations	Swedish Armed Forces	Sweden
Ms.	Lindström	Kamilla	Counsellor	Embassy of Sweden in Australia	Sweden
Ms.	Lipner	Michele	Adviser, Non-Governmental Organizations	Asia Pacific Civil-Military Centre of Excellence	Australia
Dr.	Livingstone	Ann	Vice-President, Research, Education and Learning Design	Pearson Peacekeeping Centre	Canada
Supt.	Ljungwald	Mats	Head, Peace Support Operations Training	Swedish National Criminal Police	Sweden
Ms.	Löfquist	Lisa	Policy Officer, Peace Support Operations	Swedish National Criminal Police	Sweden
Ms.	Loughlin	Suzanne	Humanitarian Programme Manager	Ministry of Foreign Affairs and Trade	New Zealand
Amb./Dr.	Mahiga	Augustine P.	Permanent Representative of Tanzania to the United Nations	Permanent Mission of Tanzania to the United Nations	Tanzania
Prof.	Malley	William	Director, Asia-Pacific College of Diplomacy	Australian National University	Australia
Col.	Manion	Rob	Military Adviser	Permanent Mission of Australia to the United Nations	Australia
Mr.	Maslamama	Abunawas	Member, Peace Panel	Moro Islamic Liberation Front	Philippines
Mr.	Maspoch Heins	Salvador	Deputy Head of Mission	Embassy of Spain in Australia	Spain
Mr.	Maybee	Larry	Regional Delegate, Armed and Security Forces	International Committee of the Red Cross	Switzerland
Dr.	McDougall	Carrie	Research Fellow	University of Melbourne	Australia
Mr.	McFarlane	John	Lecturer, Centre for Policing, Intelligence and Counter-Terrorism	Macquarie University	Australia
Ms.	McKay	Jennifer	Consultant	Minter Ellison Lawyers	Australia
Ms.	McRae	Rowan	Legal Officer, Office of International Law	Attorney-General's Department	Australia
Ms.	Melloul	Karene	Senior Adviser, Development and Design, International Development Group	Australian Federal Police	Australia
Lt.Col.	Merkel	Klaus	Counsellor, Deputy Military Adviser	Permanent Mission of Germany to the United Nations	Germany
Amb.	Mervally	Omar	Ambassador	Embassy of Egypt in Australia	Egypt
Ms.	Monaghan	Suzanne	President	Pearson Peacekeeping Centre	Canada
Pastor	Montecillo	Reu	Chairman	Mindanao People's Caucus	Philippines
Ms.	Moore	Sue	Program Manager	Australian Government Overseas Aid Program	Australia
Mr.	Mori	Mikio	Minister	Embassy of Japan in Australia	Japan

Amb.	Muchanga	Albert	Ambassador	Zambian Ambassador to Ethiopia and the African Union	Zambia
Mr.	Murad Hassan	Sami	Counsellor	Embassy of Egypt in Australia	Egypt
Dr.	Murney	Tony	Manager, Design and Evaluation	Australian Federal Police	Australia
Mr.	Mwepu	Jacques	Project Manager, European Union and United Nations Affairs	Swedish Prison and Probation Service	Sweden
Mr.	Nadery	Ahmad Nader	Commissioner	Afghanistan Independent Human Rights Commission	Afghanistan
Capt.	Nagai	Kazushige	Defence Attache	Embassy of Japan in Australia	Japan
Ms.	Nakamitsu	Izumi	Director, Division for Policy, Evaluation and Training	Department of Peacekeeping Operations of the United Nations	United Nations
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Summary Report

Summary

The 3rd International Forum for the Challenges of Peace Operations, hosted by the Asia Pacific Civil-Military Centre of Excellence (APCMCOE), was held in Australia at the Queanbeyan Centre for Performing Arts, 27-29 April 2010. The Forum focussed on the theme ‘Challenges of Protecting Civilians in Multidimensional Peace Operations’. Discussion was guided by the background paper ‘*Challenges of Strengthening the Protection of Civilians in Multidimensional Peace Operations*’ (Background Paper) prepared by Dr. William Durch and Ms. Alison Giffen of the Henry L. Stimson Center. The Forum also considered progress on the Challenges Partnership project ‘Considerations for Mission Leadership in UN Peacekeeping Operations’.

Despite current trends toward transition and contraction of missions, United Nations (UN) peacekeeping is not diminishing in significance. Peacekeeping, in its many dimensions, remains a critical tool of international peace and security, and the UN peacekeeping operational tempo continues to remain high. In recent years the protection of civilians (POC) has become an increasingly important element in UN peacekeeping missions. Although UN peacekeepers have been protecting civilians since the authorization of the use of force in the UN Mission in the Republic of the Congo (ONUC) in 1961, the Security Council first explicitly mandated UN peacekeepers to ‘protect civilians under imminent threat of physical violence’ in Sierra Leone (UNAMSIL) in 1999. Since then specific POC language has been included in ten UN mission mandates. The imperative of civilian protection is particularly strong in the UN context given the centrality of human rights in the UN Charter. With wide recognition of the importance of protecting civilians and the increased international focus on the issue, it is likely to remain a feature of UN mission mandates.

UN peacekeepers cannot protect everyone, everywhere, all of the time. However, significant improvements can be made to current protection efforts. There is a requirement for improved system-wide strategies on POC, for appropriate guidelines and doctrine, for better training, and for the allocation of appropriate resources. There is also a need for stronger leadership, sustained commitment and greater political support from the whole peacekeeping community including the Security Council, troop and police contributing countries (TCCs/PCCs),

major financial contributors and host states. While much is needed to effectively implement POC mandates, the international community should not wait for more studies to be done or for future atrocities to occur. Much can be achieved now. It is incumbent upon the spectrum of peacekeeping actors to take immediate action to improve POC practices in the field.

A universal understanding of the meaning of POC remains elusive and there is lack of clarity on Security Council mandate language. However, there is general agreement that the spectrum of actors present in conflict and post-conflict environments all have important roles to play in protecting civilians. These include humanitarian and development actors (both within and external to a peacekeeping mission), mission military, police, political, human rights and rule of law components, and critically the host government and their security institutions, as well as the civilian population. It is important for international actors to understand the existing civilian protection system and build their efforts on the foundations already in place. In broadly conceiving the POC mandate it is imperative that a UN mission not lose sight of the physical protection element. Peacekeeping missions have a special responsibility for this element, as they (or multinational coalition forces) are likely to be the only international actor responsible for playing a role in the physical protection of civilians.

There are several key challenges to the effective implementation of POC mandates by peacekeeping missions. These challenges exist both at the strategic and operational levels, and cut across the activities of most protection actors. In addition, each set of protection actors faces various specific challenges. These challenges are outlined below, as are the recommendations of the Challenges Forum for meeting each of these difficulties.

Introduction

The Challenges Partnership is an international network of civilian, military and police partner organizations from 17 countries, representing all continents, major TCCs/PCCs and the five permanent members of the UN Security Council. It is coordinated and administered by a secretariat based at the Folke Bernadotte Academy in Sweden. The purpose of the Challenges Partnership and its International Forum is to contribute to the enhancement of the planning, conduct and evaluation of multidimensional peace operations. The Partnership aims to generate practical recommendations and encourage their effective implementation at the international, regional and national levels.

The 3rd International Forum attracted a line-up of eminent speakers and over 200 participants from 45 countries. Participants included senior officials from governments, the UN, the African Union (AU) and the European Union (EU); former and current peacekeeping practitioners, civilian, military and police officers; and peacekeeping experts and scholars from think tanks, training institutions and academia.

Over the course of three days participants undertook comprehensive consideration of the spectrum of issues related to the challenges of protecting civilians in multidimensional peace operations. Following intensive engagement, the Forum generated a number of recommendations to help facilitate progress on addressing the effective implementation of POC mandates. Separately, Forum participants also engaged upon the ongoing Challenges Partnership project ‘Considerations for Mission Leadership in UN Peacekeeping Operations’ (see Box 1). While relevant to POC, this project covers a much broader range of issues of importance to mission leadership. The project report, when finalized and published, will provide a valuable contribution to enhancing UN peacekeeping.

Considerations for Mission Leadership in UN Peacekeeping Operations

The Challenges Partnership is committed to engaging with DPKO in support of the doctrinal development of UN peacekeeping. In 2008 the Partnership embarked upon a project to identify some of the principles and concepts underpinning the three core functions of UN peacekeeping as articulated in the Capstone Doctrine. The intention was to make a contribution to developing a deeper understanding of the issues facing senior mission leadership by identifying and discussing the concepts needed to ‘operationalize’ the three strands of core business.

During 2009, Challenges partners hosted broad-participation workshops on each of the strands. On the basis of these consultations, a study ‘Considerations for Mission Leadership in UN Peacekeeping Operations’ (Considerations Study) was crafted. The draft Considerations Study was provided to Forum participants for discussion and comment. The Study was widely commended as an invaluable tool for the spectrum of UN peacekeeping personnel. Several participants offered comments on the draft Study, which, along with considerations associated with POC arising from the Forum, will be incorporated into the final report. The Challenges Partnership intends to publish the finalised Considerations Study in late 2010 and to translate the study into the six official languages of the United Nations.

Summary of Thematic Discussions

The importance of protecting civilians

One of the key features of the changing nature of armed conflict since the end of the Second World War has been the role of civilians. While civilians have always been adversely impacted by armed conflict (highlighted by the need for the Geneva Conventions), with the increase in civil wars they have increasingly become the victims of such conflicts. In many recent and ongoing armed conflicts non-combatant fatalities have been very high, with civilians often directly targeted for political, strategic, ethnic or ideological reasons. In addition to direct targeting, in many instances civilian populations have been used as a protective shield, for access to resources and as a pool for recruitment and forced labour. In addition, the power to manipulate populations by terrorizing civilians through such means as rape and the infliction of serious injury, has become a frequently employed weapon of war. In civil wars, which account for the majority of conflicts today, control over populations has become more important and more powerful than control of territory.

The failure of the international community to protect civilians during the crises in Rwanda and Bosnia (Srebrenica) in the mid-1990s caused international reflection on the responsibilities associated with POC and the instruments available to carry out protection activity. UN efforts in this regard made dramatic progress in 1999 with the introduction of thematic debates on POC in the Security Council, the publication of the first Secretary-General's report on the issue, and the mandating of POC by UN peacekeepers in UNAMSIL. Early UN efforts were bolstered by the publication of the landmark *Report of the Panel on UN Peace Operations* (the Brahimi Report) in 2000 which, among other things, argued for a presumed responsibility of UN peacekeepers to protect civilians in support of UN principles.

While significant progress has been made on the protection agenda in humanitarian policy and practice over the past years, progress in the wider peacekeeping context has been slower. However, the POC responsibilities of peacekeepers has now become a critical focus of the international community. The issue has commanded international attention following high profile civilian protection challenges in the Democratic Republic of Congo (MONUC), the centrality of protection in the mandate of the AU/UN Hybrid Operation in Darfur (UNAMID) and the focus of civilian protection by the International Security Assistance Force in Afghanistan. Heightened concern has been accompanied by increased activity on the issue at the political and strategic level, including:

- Intensified Security Council activity through the adoption of a number of key resolutions (1820 (2008), 1882, 1888, 1889 and 1894 (2009)), the establishment of a Security Council ‘Expert Group’ on POC, and the adoption of the revised *‘Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict’*.
- Discussions on POC in the UN Special Committee on Peacekeeping Operations (C-34), and reference to the issue in the reports of the 2009 and 2010 substantive sessions of the C-34 (A/63/19 and A/64/19), including a request for further Secretariat work on POC.
- Identification of POC as one of the key elements for peacekeeping effectiveness in the UN Department of Peacekeeping Operations (DPKO)/Department of Field Support (DFS) non-paper *‘A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping’* (New Horizon non-paper).
- The development by the Secretariat of the DPKO/DFS *‘Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations: Dilemmas, Emerging Practices and Lessons Learned’* (Lessons Learned Study), the draft DPKO/DFS *‘Operational Concept on the Protection of Civilians in UN Peacekeeping Operations’* (Concept Note) and the draft DPKO/DFS *‘Concept Note on Robust Peacekeeping’*.
- The publication of a groundbreaking report *‘Protecting Civilians in the Context of UN Peacekeeping Operations’* (Independent Study), an independent study jointly commissioned by DPKO and the Office for the Coordination of Humanitarian Affairs (OCHA).
- The hosting of a series of workshops on POC by the Australian and Uruguayan Permanent Missions to the United Nations in New York.
- Inclusion of protection issues in broader peacekeeping reform initiatives, such as the UK-French Security Council initiative and the Canadian thematic series *‘Building More Effective UN Peace Operations’*.
- The holding of an International Symposium on POC, co-hosted by the AU and the Australian Government, to consider draft guidelines for POC in AU peace support operations .
- Influential work by the Henry L. Stimson Center’s Future of Peace Operations Program on Increasing Global Preparedness to Protect Civilians from Mass Atrocities.

While host state governments have primary responsibility for ensuring the security of their civilian populations, the international community has a moral duty to protect civilians from violence. The UN has a special responsibility in this regard as the protection of individuals, through human rights, is at the heart of the Charter. While 1999 was a landmark year for progress on civilian protection with the Security Council specifically mandating POC by UN peacekeepers, ‘Blue Helmets’ have been entrusted with civilian protection since 1961, when the

Council mandated the use of force to prevent the occurrence of civil war in the Republic of the Congo in Resolution 161.

Beside fundamental moral and UN constitutional considerations lie practical imperatives regarding the effectiveness and viability of international peacekeeping instruments. The '*UN Peacekeeping Operations Principles and Guidelines*' (the Capstone Doctrine) identified 'legitimacy' and 'credibility' as key success factors for UN peacekeeping operations. The ability and willingness of UN peacekeepers to protect civilians is critical to achieving and maintaining both the legitimacy and credibility of the mission. Given the centrality of effective civilian protection for the success of a mission the moral duty becomes an operational imperative. Even in cases where the mission mandate does not specify POC as a mission task, wherever UN peacekeepers deploy there is an expectation on the part of civilian populations (and often the international community) that they will act to protect civilians from violence. The failure of UN peacekeepers to protect civilians can have dire consequences for the civilian population in question, and significantly erode the credibility, reputation and effectiveness of peacekeepers, particular missions, and UN peacekeeping in general. This loss of confidence in UN peacekeeping was evidenced following the failures of the mid-1990s, and more recently the violent protests against MONUC following the failure to protect civilians in Bukavu (2004) and Dungu (2008).

There is general consensus among the international community regarding the *importance* of POC, but less agreement regarding the appropriate role for the UN and other external actors in its implementation. The former consensus has manifested in the heightened profile of the issue and the intensified level of activity among the international community as outlined above. It seems that the question is no longer *whether* to protect, but *how*. There is recognition that much work remains to be done on developing a common understanding of what POC by peacekeepers entails, the roles and responsibilities of various actors, the need for a coherent strategy, the need for operational guidance and a better understanding of the capabilities and resources required. There is also a strong feeling that much can and *must be* done now. The international community should not wait for more studies and greater clarity before mobilizing on this issue. It is essential that recent momentum on POC is maintained and that the international community rapidly takes concrete steps towards improving the ability of peacekeepers to protect civilians.

The challenges of protecting civilians

The protection of civilians is an important, but complex and difficult issue. It is fraught with challenges on many fronts, including conceptual, political, practical

and legal challenges. These challenges have posed significant difficulties for closing the gap between mandate language and effective implementation.

Strategic challenges

Conceptualizing POC. There is neither a universal understanding of the concept of POC nor of the specific Security Council mandate language, even among the UN institutional family. The humanitarian community, human rights professionals, TCCs/PCCs, the UN Secretariat, senior mission leadership, General Assembly bodies, and even Security Council members, have struggled with the practical meaning of the language.

Protection can be viewed in many ways: as a set of legal obligations; as an objective; and as a set of activities. The Security Council has characterized POC both as an operational-level objective and a tactical-level task. Some view POC as the *raison d'être* of a mission, noting that everything a UN mission does should enhance human security. Others focus tightly on the physical protection aspect of the mandate. Some promote a concept of protection which is realized through robust institutions and a functioning state to support civilians, while others advocate a related concept of protection being achieved through the comprehensive application and promotion of international humanitarian, human rights and refugee law. The protection of civilians will rarely be the primary objective of a UN peacekeeping mission, and should be viewed as one of the operational-level objectives of a mission, not just a set of tasks carried out at the tactical level.

DPKO and DFS have attempted to address this conceptual challenge (at least from a UN peacekeeping perspective) through developing the '*Draft DPKO/DFS Operational Concept on the POC in UN Peacekeeping Operations*'. The Concept Note describes three non-hierarchical, mutually reinforcing tiers of protection: (i) protection through political process; (ii) providing protection from physical violence; and (iii) establishing a protective environment. The authors describe the Concept Note as a "basic organizing framework for how [primarily existing] multiple lines of activity can support the POC". Activities identified in the first tier relate to the facilitation and promotion of the peace process, activities in second tier focus on preventing and responding to physical violence, and activities in the third tier concern supporting the rights of civilians through humanitarian activity, legal protection and institution building. In approaching POC in this way DPKO/DFS have taken a broad, but differentiated approach. They have essentially conceptualized POC as being achieved through a broad spectrum of tasks that must be appropriately coordinated, prioritized, resourced and implemented as part of an overarching political strategy. They begin by recognizing that POC is

primarily the responsibility of the host state, and highlight the role a peacekeeping mission can play in supporting a state to execute that responsibility. In an attempt to articulate the limits of a UN peacekeeping mission's protection capabilities, the Concept Note reiterates the traditional principles of UN peacekeeping (consent, impartiality and non-use of force except in self-defence and defence of the mandate), and highlighting the importance of the strategic consent of the host state in order to maintain the kind of environment in which a UN peacekeeping mission can operate.

While the DPKO/DFS Concept Note provides much needed strategic clarity, there are several critical 'grey areas' (explored below) that the Concept Note does not address. In addition there is a need for more specific guidance to flesh out the overarching framework set out in the Concept Note. Although the Concept Note articulates how DPKO/DFS, and therefore UN peacekeeping missions, will approach the issue, it is not yet a UN system-wide strategy, although discussions are underway within the UN on how to move forward with developing such a comprehensive coherent institutional approach. While the Concept Note was well received by the UN Membership, in the 2010 Report of the C-34, the Committee underscored that the Concept Note does "not create legal obligations for Member States or their contingents". The DPKO/DFS Concept Note represents a critical contribution to developing a common understanding of POC by UN peacekeepers, however there is still a long way to go in developing a universal understanding of the concept, particularly in situations where the host state is unable or unwilling to assume its responsibilities for POC, and/or where UN missions are required to operate where there is no effective peace to keep.

Political Will. Security Council mandates which authorize POC by UN peacekeepers are distinct from the principle of the Responsibility to Protect endorsed at the 2005 World Summit. However they derive from the same genus and both touch upon political sensitivities regarding intervention and the preservation of sovereignty. While there may be general consensus regarding the importance of POC, the same consensus is not evident regarding the appropriate role for the UN and other external actors in protecting civilians. The debate on the balance to be struck between the role and duty of the international community to protect civilians and respect for state authority and territorial integrity remains live.

The composition of the Security Council and that of the major TCCs/PCCs reflects incongruence between those who create mandates and those who implement them. A number of major TCCs/PCCs feel they have little meaningful involvement in the mandate-making process, and seek to influence the development of peacekeeping policy through the C-34. The language on POC in the 2009 and 2010 C-34 reports reflects compromise, toned down from that proposed by advocates of POC by

UN peacekeepers. This compromise reflects an unease that several Non-Aligned Movement (NAM) members feel at embracing a central role for the UN in POC. Some NAM members express concern regarding the related concept of robust peacekeeping, suggesting that there is a danger of UN peacekeeping moving too far from the traditional guiding principles, which they believe have served the UN well over the years. They suggest that such a doctrinal shift may cause a change in the composition of contributing states. A number of major TCCs/PCCs also question why they should be required to implement POC when non-contributing countries who advocate for this have not yet developed POC guidelines and doctrine for their own forces. The political sensitivities associated with POC by UN peacekeepers put the Secretariat in the difficult position of bridging the gap created by the political disharmony. For this reason it is essential that the Secretariat work in partnership with the spectrum of Member States (host states, TCCs/PCCs, funders, Security Council members) every step of the way.

The difficulty underlying all of the key operational challenges (examined below) is that of political commitment. A peacekeeping mission will not be able to effectively protect civilians in the absence of the commitment of the host state and the warring parties to a viable peace process, and to the presence of the peacekeeping operation. It will not be able to protect civilians without the willingness of the governments of TCCs/PCCs to put their people in harm's way to protect civilians. It will not be able to protect civilians without the commitment from those funding peacekeeping operations to provide the level and type of resources required. The international community needs to focus greater sustained effort on supporting peace processes. Host states should not provide consent to the deployment of a peacekeeping mission and then pose obstacles to its work. In the UN context, TCCs/PCCs need to cease imposing caveats on the activities of their personnel, and the contribution base of troop and police contributors needs to be broadened through greater reengagement by 'Western' Member States. The Security Council, the C-34, the Administrative and Budgetary (Fifth) Committee and the Secretariat need to work together to ensure that the various parts of the UN Organization are all moving in the same direction with a commensurate level of commitment.

Another element of political commitment is the willingness of Member States to demand compliance with international humanitarian and human rights law and to pursue accountability for breaches of relevant obligations. Long term sustainable POC must include the pursuit of accountability for violence against civilians and fighting impunity of those who should be held responsible. However, due to political sensitivities, Member States often shirk away from making pronouncements, and when such declarations are made they are rarely followed up. Similar political sensitivities can also hinder early and rigorous reporting by

the Secretariat on POC issues. Timely and frank reporting on protection issues is critical for mobilising resources and political support to address the challenges, and for managing expectations.

Operational challenges

Even when the strategic, conceptual and political challenges can be overcome or minimised, many practical challenges remain to effectively implement POC mandates. These include coordination of efforts among the spectrum of protection actors, the need for clear doctrine and guidance, the need for adequate training, and the need for the requisite quantity, quality and type of resources.

Coordination of Protection Actors. There is wide recognition of the need for the spectrum of protection actors (humanitarian, human rights, military, police, political and rule of law) to work in a coordinated, coherent, and mutually reinforcing manner. In many instances protection actors have gone about undertaking their activities in an uncoordinated manner, at times undermining each others work. Strong, proactive, well-informed leadership, willing to promote coordinated efforts on effective implementation of POC mandates, is perhaps the most crucial factor in successful coordination. In this regard, senior mission leadership should be held accountable for failure to act. It is also critical that the Under-Secretary-General's Planning Directive and the Technical Assessment Mission (TAM) report comprehensively address POC requirements and provide a strategy for coordinating the activity of protection actors.

A key aspect of coordination is distinguishing different roles and responsibilities and understanding and safeguarding the role, mandate and competencies of various actors. The sharing of information among protection actors (with the imperative of protecting vulnerable sources) is a key area where vast improvement could be made. The relationship between the peacekeeping mission and external humanitarian actors could, in many instances, be improved to increase the understanding of the protection activities of each, and in doing so enhance the delivery of both. There needs to be a better understanding of the critical role that police components can play in POC in peacekeeping missions. An appreciation of the role of rule of law actors in developing sustainable POC is only now coming to the fore and needs to be incorporated into mission-wide protection strategies. At the request of the Security Council and the General Assembly, DPKO is developing a 'strategic framework' for the development of UN mission-wide protection strategies.

Civilian Protection Systems. Understanding and building upon existing (or pre-conflict) civilian protection systems is critical to the spectrum of protection activities,

from robust physical protection to the delivery of humanitarian assistance, to long term sustainable protection underwritten by the rule of law. This entails understanding the roles of the host government and state institutions, all mission components, international NGOs, local civil society, and local tribe and kinship groups. It also requires gaining an appreciation of relevant social norms and physical factors. This understanding is particularly important to promoting long term, sustainable protection through the rule of law and the practical challenges associated therewith.

Doctrine and Guidelines. Clear doctrine and/or guidelines have consistently been identified as critical for the effective implementation of POC mandates. To some protection actors, such as the military, POC does not have operational meaning and needs to be broken down into clear tasks and objectives. Such guidance is especially important to allow junior personnel to confidently make important, and sometimes immediate protection-related decisions in the field. It would also assist mission leadership to make critical decisions regarding the prioritization and coordination of mission activities. While the DPKO/DFS Concept Note provides a helpful strategic framework, more detailed and focussed UN guidance is necessary. Progress has been made on this front with the development of the draft AU ‘*Guidelines for the Protection of Civilians by Peace Support Missions*’ (developed by the AU with the support of the Australian Government). In addition, the Henry L Stimson Center’s Future of Peace Operations Program, through their work *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians*, is developing doctrinal principles for military components tasked to protect civilians.

Training. The importance of appropriately trained personnel is another key challenge to the effective implementation of protection mandates. Scenario-based training is a particularly important tool in this area. The issue of sequencing is pertinent as training usually follows the development of policy and doctrine, being informed by both. However, given the immediate need for appropriately trained personnel in missions, there is an imperative to develop training concurrently with the advancement of policy and guidance. The DPKO Integrated Training Service (ITS) has begun to develop the architecture for POC training, based on the DPKO/DFS Concept Note, the Lessons Learned Note and the Independent Study. DPKO is working on developing scenario-based exercises and may work with the UN Institute for Training and Research (UNITAR) to deliver some POC training.

The transformation from traditional to multidimensional peacekeeping has required changes in training. Peacekeepers no longer merely man check points and

report on cease fire violations, although these tasks remain important. Modern peacekeeping requires TCCs/PCCs to be able to demonstrate a proactive and at times forceful posture to ensure the effective implementation of their mandates. This requires effective pre-deployment and in-mission training, including on the appropriate implementation of rules of engagement (ROE) and of the measures required to contribute to a mission-wide POC mandate.

Benchmarking. A key challenge in implementing civilian protection mandates is knowing what success looks like. Security Council Resolution 1894 recognised the need for benchmarking in order to measure and review progress made in the implementation of protection mandates. Evaluation is an important part of effective implementation. Identifying criteria for success and progress indicators is important not only to guide mission leadership in their work, but also to keep Member States in the Security Council involved and invested in mandate implementation.

Resources. One of the greatest challenges to effective POC by UN peacekeepers is the commitment of adequate resources. This includes the appropriate quantity and quality of personnel, key enablers and critical capabilities. While resources necessary for effective protection will differ from mission to mission and throughout the stages of a mission lifecycle, a clearer appreciation of the resource requirements of each mission is necessary. At the request of the C-34, DPKO and DFS have undertaken to outline the resource and capability requirements for the implementation of POC mandates. This will be an important part of the capability-driven approach outlined in the New Horizon non-paper.

Effective implementation of protection mandates requires not only the appropriate quantity of personnel, but also the right quality of personnel. It is essential that deployed personnel have the experience, training and capability to perform the necessary functions. The inclusion of female military and police personnel, able to engage with the host society and deal with sexual and gender-based violence, is very important. The deployment of personnel with appropriate language skills is key to facilitating urgent and sometimes complex communication between local populations and peacekeepers. In addition, personnel with specialist skills in counter-insurgency, intelligence and forensics might all be called for in a mission-wide strategy.

Certain enablers are also key to effectively implementing a protection mandate. A mission needs mobility assets (particularly helicopters) to enable urgent prevention of and response to attacks in instances where peacekeepers are spread over vast distances. These assets are also needed to carry out critical air operations and medical evacuations. Missions require night vision capabilities to facilitate and

encourage more night patrols. They also need remote surveillance and information collection equipment, to improve situational awareness.

Two capabilities that have been consistently identified as critical for effective POC are an intelligence capability and a rapidly deployable reinforcement capacity. A detailed understanding of the conflict dynamics, robust situational awareness and a dynamic early warning mechanism are all critical to enabling peacekeepers to prevent, deter and effectively respond to violence against civilians. Intelligence is also critical to facilitating effective community policing, preventing criminal threats and to assisting with post-conflict criminal indictments. There is broad recognition of the fundamental need for effective mission-wide information collection, analysis and dissemination capabilities. While the UN Joint Mission Analysis Centres (JMACs) have the ability to play a central role in this, more effort needs to be focussed on supporting their work and on developing broader mission capacities. On the issue of reinforcement capacity, UN missions are generally not resourced to provide a sustained response to widespread violence against civilians. Often the mission will need to be reinforced to deal with an increase in violence. Options for rapidly deployable strategic reserves for UN missions need to be revisited among the UN membership.

‘Grey areas’, dilemmas, tensions and trade-offs

Protection of civilians mandates are sensitive and can be complex to implement. There are many tensions inherent in undertaking POC in the UN context. Despite the progress being made on improving the implementation of POC, there remain a number of critical ‘grey areas’ at the strategic level. These comprise a range of unresolved tensions and trade-offs that often translate into operational, and sometimes tactical, dilemmas for those in the field. Truly effective implementation of POC mandates will require that these issues are properly addressed. Critical ‘grey areas’ include the following:

- Interpreting the Security Council’s ‘imminent threat’ clause, and caveats such as ‘within capabilities and areas of deployment’
- Balancing the responsibility of the host authorities to protect civilians with the responsibilities of the mission
- Managing immediate protection objectives within the wider political strategy and broader objectives of the mission
- Distinguishing between force protection and POC, and prioritising both
- Prioritising POC and other mandated tasks
- Determining the appropriate posture (proactive vs reactive) for a POC mandated force

- Dealing with the consequences of using force and of failing to use force to protect civilians
- Determining triggers and processes for using force and seeking strategic reinforcement
- Maintaining strategic consent while responding to situations in which affiliates of the host government are committing attacks against civilians
- Balancing the short term objective of protecting civilians with the long term objective of reforming and supporting host states' armed forces, which may themselves pose a threat to civilians
- Balancing broader concerns of peace and justice, particularly in relation to the indictment of leaders and the integration of former combatants into state armed forces
- Ensuring that humanitarian protection activity doesn't increase the vulnerability of those it seeks to assist
- Balancing engagement with customary justice systems with the imperative of promoting the rule of law and international human rights standards
- Deciding how far police should be militarised to counter threats to civilians, or how far militaries should be refashioned into police forces to better handle criminal threats to civilians from combatants
- Managing the expectations of local and international communities in a logical and consistent manner, without shirking responsibility for POC

Summary of actor-specific discussions and resulting recommendations

The Background Paper provided a number of specific recommendations (see Annex), the vast majority of which were generally or specifically endorsed by various participants throughout the course of the Forum. In addition, Forum Working Groups developed the supplementary recommendations articulated below.

POC: Responsibilities and Priorities of the UN Security Council and the UN Secretariat

Given its key role in the maintenance of international peace and security, the Security Council has a unique responsibility for POC. Essentially this responsibility comprises being consistent in identifying attacks against civilians as threats to international peace and security, and responding in a way that facilitates the effective action of the international community. One of the primary challenges for the Security Council in this regard is the development of clear and achievable mandates that will attract the required resources for their implementation.

However, the role of the Council is not limited to the mandating of peacekeeping missions and must extend to the spectrum of tools at their disposal, key among which are those associated with peacemaking and maintaining international focus and support for peace processes. One of the most difficult challenges the Security Council faces is executing its residual responsibilities for POC in circumstances in which a protection mission has failed. The effectiveness of the Security Council would be improved if its members regularly undertook field visits to ensure familiarity with the situation on the ground.

The role of the UN Secretariat is critical to translating mandate language into effective protection activity in the field. Key challenges include ensuring that appropriate attention is paid to protection considerations at the outset of mission conception and throughout planning, including in the Strategic Assessment, the Under-Secretary General's Planning Directive, the TAM report, the Secretary-General's report to the Security Council, the ROE and the Concept of Operations (CONOPS). Further challenges include: encouraging protection focussed integrated mission planning among all mission components; determining the required resources for effective protection; providing appropriate policy, guidance and training to steer and underwrite the protection activity of all mission components; ensuring coordination of protection approaches at the UN-system level; and facilitating comprehensive mission-wide protection strategies. A continuing challenge is ensuring early, consistent, frank and rigorous reporting on POC issues by the Secretariat to the Security Council and broader UN membership.

In addition to the recommendations provided in the Background Paper, the Working Group on Responsibilities and Priorities of the UN Security Council and the UN Secretariat developed the following recommendations:

- The mandate creation process should be inclusive and consultative to ensure the contribution of adequate resources and the requisite political support.
- Mandates must be flexible but should incorporate benchmarks for effective civilian protection.
- There is a need for improved dialogue between the Security Council and the Fifth Committee, in order to increase the level of understanding of protection resource requirements among Fifth Committee members.
- The Security Council should be explicit about the risks it expects UN peacekeepers to take.

POC: Responsibilities and Priorities of UN Senior Mission Leadership

The team of senior leaders in a UN mission bear an important responsibility for implementing protection mandates. This responsibility centers around developing and implementing a mission-wide protection strategy. They are responsible for prioritizing and directing mission activities towards effective POC and ensuring the coordination of all mission components' protection activities. Perhaps the greatest challenge senior mission leaders face is the responsibility for making the hard decisions on issues arising from the 'grey areas' identified above. They have to exercise their judgement on the dilemmas and compromises, they have to manage delicate consent issues, and perhaps most critically they have to be courageous in encouraging and taking responsibility for a strong, proactive mission posture and ultimately, the robust use of force when necessary.

There are certain priorities for ensuring the effective execution of mission leadership responsibilities. Senior mission leaders must be competent, they should be properly qualified, carefully selected and sufficiently trained. There is a cadre of international civil servants within the Secretariat who should be groomed for field leadership positions. Senior mission leaders should have a deep and comprehensive understanding of the protection context and the issues, actors and capabilities relevant to POC. They must engage with the complex of protection actors within and external to the mission, with particular emphasis on close engagement with the host state. Mission leadership must provide guidance to relevant protection actors to pull all the strands of activity together and ensure the mission is working towards long term sustainable protection goals. Mechanisms for evaluating mission leadership performance will be important.

In addition to the recommendations provided in the Background Paper, the Working Group on Responsibilities of UN Senior Mission Leadership developed the following recommendations:

- Senior mission leadership must be appropriately trained for executing their responsibilities for POC. Such training could be based on the UN Development Programme (UNDP) mission leadership training or build upon the DPKO/DFS Senior Mission Leadership course.
- Planning for POC must take place in missions with the involvement of senior mission leaders.
- Senior mission leaders must communicate to external actors the mission's intent to address POC. They are responsible for creating an environment in which POC is at the center of the mission's work.

POC: Military Responsibilities and Requirements

The military component of a peacekeeping mission plays a unique and critical role in POC. With its capacity to use force it plays a central role in preventing, deterring and responding to attacks against civilians. However the role of the military extends beyond the physical protection aspects of the mandate, and includes: providing security and support to other protection actors (particularly humanitarian and development actors); observation and facilitation of security protocols in peace agreements/processes; and involvement in a mission's disarmament-demobilisation-reintegration (DDR), security sector reform (SSR) and demining activities. In order to effectively execute these responsibilities there are several key requirements of military components. Military personnel must have the requisite training, equipment, psychological preparation and support from their government to undertake the necessary tasks. The military component of a peacekeeping mission needs a POC CONOPS that coordinates the protection activities of sub-components and communicates the Force Commander's intent down to the lowest levels. The military component must have the capacity to gather, analyse and disseminate information, and to connect into mission-wide information capabilities. Sub-component military configurations must be able to operate in small, highly mobile units able to self-sustain for long periods, and contain the professional skills (including language and information collection) required for POC.

The military component is at the forefront of dealing with many of the 'grey areas' and dilemmas identified above. This is because many of the issues are intimately related to the use of force. As a result military personnel, from the Force Commander through to junior officers, face dilemmas such as what posture to adopt, when to use force, how much force to use, and how to manage the risks and deal with the consequences of action (and inaction) in any given circumstance.

In addition to the recommendations provided in the Background Paper, the Working Group on Military Responsibilities and Requirements developed the following recommendations:

- The professional collection, analysis and dissemination of information is critical to POC. It should be standard operating procedure for military components to carry out an intelligence estimate, identify information gaps and use assets to fill those gaps. All relevant information should be shared both vertically and horizontally throughout the military component and the mission. The role of the JMAC should be reinforced and its work supported by all mission components.

- The chain of command within the mission must be clear. The role of police within that chain should be clarified.
- Scenario training for POC is essential. Visual and audio tools should be used to assist in the delivery of pre-deployment training.
- Local language skills are essential for effective POC. DPKO/DFS should retain a pool of language specialists in UNHQ who can be deployed as interpreters/translators, as required.
- In order for the military component to achieve effective mandate implementation, resources must be provided in a timely manner.
- The peacekeeping community must move beyond discussions on the definition of POC, and commanders must not be allowed to ‘hide behind’ ambiguous definitions.
- The intent of the mandate must be clear, and commanders must be given flexibility to determine how to achieve that intent on the ground.

POC: Police Responsibilities and Requirements

Protecting civilians is core business for police. Police components in missions can execute their protection responsibilities in a number of ways. They can provide collective protection through the provision of security against criminal threats to internally displaced persons (IDPs) and refugee camps, or other population centres. They can also contribute to longer-term individual protection through community policing involving developing community partnerships, facilitating organisational transformation and problem solving. One of the most important roles that police can undertake in POC is developing a local policing culture which engenders the confidence of the local population and their willingness to provide information to the police and participate in the maintenance of law and order.

There are several crucial requirements for the successful execution of the police component’s protection responsibilities. Key among these is the requirement for competent personnel, appropriately trained, with the necessary professional and language skills and the support of their government to undertake protection work. There is also a need for police peacekeeping doctrine and police component CONOPS providing the necessary guidance on the use of force and measures for preventive, as well as responsive activities. In order to effectively problem solve, police components must have sufficient intelligence collection, analysis and dissemination capacity to track organised crime and other potential sources of public insecurity, they must have reliable and secure communications and a secure incident-tracking database. One of the enduring POC challenges for police is determining how far police should be militarised to counter military-type threats to civilians, or how far militaries should be refashioned into police forces to better handle criminal threats to civilians from combatants.

In addition to the recommendations provided in the Background Paper, the Working Group on Police Responsibilities and Requirements developed the following recommendations:

- There is a need for UN Member States to redirect resources to develop strategic policing reserves. This is essential for PCCs to be in a position to deploy large numbers of police to fill demands in the field, rather than sending the military to do police work on POC.
- There is a need to augment the police capacity within DPKO.
 - More work is required to determine the operational requirements for police in implementing POC tasks.
 - There is a need for police peacekeeping doctrine. This should articulate DPKO's position on POC, human rights and gender mainstreaming.
- Lessons learned studies need to be carried out on the protection experiences of UN police. These are likely to highlight the language challenges and the varied protection approaches that will be required in differing cultural circumstances.
- More thought needs to be given to how policing reform can contribute to long term POC.
- More work needs to be done on policing activities that contribute to the prevention of threats to civilians, rather than just responding to such threats.
- There is a need for more Police Advisers in the Permanent Missions in New York to enhance engagement on technical discussions, including on POC.
- UNPOL officers need to be properly trained for protection activities.
- The reimbursement situation for Formed Police Units (FPUs) can lead to underprepared deployments. There is a need to maintain political will to train and sustain FPUs.
- There needs to be an improved leadership capacity within FPUs.
- Member States must avoid placing caveats upon the work of their police, as they inhibit the ability and willingness of police to conduct protection activity.

POC: Challenges for International Humanitarian Law, Refugee Law and Human Rights Law

The policy and practice of protection is generally more advanced within the humanitarian community than in the broader peacekeeping community. However the humanitarian community continues to struggle with several protection challenges. The two key challenges are ensuring that their activities don't increase the vulnerability of populations they are trying to assist, and focusing their work

and coordinating their activities to ensure that they are able to maintain, and be seen to be maintaining humanitarian principles.

The protection of civilians has an intimate link with human rights law. To many the protection objective is the fulfilment of certain human rights. Legal concepts of the right to life and freedom from torture (often manifesting in sexual and gender-based violence) are highly relevant. Human rights actors undertaking protection activity face many challenges particularly in the area of sexual and gender-based violence perpetrated against civilians, and in the important areas of human rights monitoring, investigation and witness protection programs. Any robust framework on POC must include pursuing compliance with international humanitarian and human rights law, reporting on human rights violations and demanding accountability for breaches of human rights obligations.

In addition to the recommendations provided in the Background Paper, the Working Group on the Challenges for International Humanitarian Law, Refugee Law and Human Rights law developed the following recommendations:

- It is important that the legal framework in which a mission is operating and the relevant bodies of law applicable in various situations are clear and well understood.
 - Senior mission leadership needs to be clear about which body of law (international humanitarian/human rights/refugee law) is applicable to whom and in what circumstances.
 - The legal approach of the mission will influence the way it interacts with other actors, particularly whether actors are dealt with as combatants or criminals.
- There is a tendency of troops and police to operate under the assumption of the application of the laws of their own countries. More needs to be done on regulating the conduct and discipline of troops and police.
- There is a need for greater accountability for perpetrators of attacks against civilians, and a need for a compensation mechanism (individual or collective) for victims.
- It is commendable that missions are recognising the need to integrate traditional and customary justice systems into their work. Standards and guidance are needed on how missions can best work with traditional justice systems.

POC: The Relevance of the Rule of Law

Establishing and/or consolidating the rule of law in a host state is critical to promoting long term, sustainable POC, and is a key element of an effective civilian

protection system. This entails not only building robust institutions and processes, but building the faith and trust of the people, so that they believe adherence to the law is in their individual and collective interests. Rule of law actors face many practical challenges in undertaking their protection activities. Key among these challenges is developing integrity systems that promote the positive value of integrity among rule of law officials rather than merely preventing its opposite – corruption. Another key challenge is ensuring the early establishment of rule of law projects, as rule of law must start with the first troops moving in, not after the first elections. Other important practical challenges include: certifying that rule of law funding is transparently applied to its intended purpose; ensuring that rule of law officers are regularly paid and therefore less likely to be open to bribery; facilitating the personal safety of court and judicial staff to avoid intimidation and encourage sustained judicial work; and encouraging professional and efficient administration of corrections facilities. An additional challenge for a peacekeeping mission is balancing utilization of customary and informal justice arrangements with the imperative of promoting the rule of law and international human rights standards. While promoting the rule of law UN peacekeepers must demonstrate their own compliance with relevant laws, particularly those relating to conduct and discipline.

The Forum Working Group on the Relevance of the Rule of Law reiterated and endorsed many of the recommendations in the Background Paper, particularly those relating to the proper application of funding to avoid corruption. In addition to the recommendations provided in the Background Paper, the Working Group developed the following recommendations:

- A mission's rule of law strategy should build upon the existing civilian protection systems.
- A mission's rule of law actors must work with the local population from the outset and ensure that the strategy is culturally sensitive and built upon local needs and national ownership.
- Senior mission leaders should send strong signals that the mission will not work with criminals, in order to gain the confidence of the population who suffered at their hands.
- Senior mission leaders must demonstrate moral courage in promoting the rule of law.
- The mission's rule of law strategy should focus on providing immediate rule of law relief to people (interim public security, justice and corrections) and the quality of justice later.
- Donors should not set key performance indicators for funding work in this area, as building the rule of law is a long term process.

Conclusions

The Rapporteur drew the following conclusions from the Forum proceedings, summarized above. These general conclusions do not represent a formal Forum consensus and may not represent the views of all Forum participants.

In an effort to contribute to enhancing multidimensional peace operations the Forum undertook a critical review of the spectrum of challenges to the effective implementation of POC mandates. The Background Paper provided a number of concrete recommendations for addressing these challenges, most of which were generally or specifically endorsed by Challenges Forum participants. In addition, the Challenges Forum working groups developed a number of supplementary recommendations.

Separately, the Forum also considered the ongoing Challenges Partnership project 'Considerations for Senior Mission Leaders in UN Peacekeeping Operations'. The draft Considerations Study was widely commended and welcomed by Forum participants as a valuable contribution to efforts to improve UN peacekeeping. The input from Forum participants will be incorporated into the Considerations Study, the finalized version of which will be published in late 2010.

The Forum recommendations on POC will be presented to DPKO/DFS and OCHA. However, the international community must not pass the entire burden of improving protection mandate implementation to the Secretariat. Each member of the international peacekeeping community has a part to play – all have recommendations to consider and to act upon. The next challenge is prioritizing the recommendations, developing a coherent burden-sharing strategy for acting upon them, and for individual actors to take responsibility for the role they must play.

Priorities

- Priorities for the *Security Council* should include: ensuring sustained political support for peacemaking efforts; pursuing timely and consistent responses to threats to civilian populations; and ensuring mandate creation is inclusive. The Council should also make a concerted effort to ensure that mandates are achievable given the resources available and should consider the inclusion of benchmarks in mandates. Importantly, Council members should undertake regular field visits.
- Priorities for the *Secretariat* should include: ensuring early, consistent, frank and more rigorous reporting on civilian protection issues; the development of system-wide protection strategies; and ensuring the inclusion of protection

issues in the Strategic Assessment, Under Secretary-General's Planning Directive, TAM, Secretary-General's Report, ROE and CONOPS. Other priorities should include undertaking POC capability needs assessments and the further development of doctrine and training.

- Priorities for *Mission Leadership* should include: developing a mission-wide protection strategy; ensuring the inclusion of protection in mission component CONOPS; developing requisite intelligence processes and capabilities; and ensuring a comprehensive understanding of and commitment to protection issues throughout the mission. Mission leadership should also ensure that missions with POC mandates have personnel with the requisite POC expertise.
- Priorities for *UN TCCs/PCCs* should include: ensuring their personnel are appropriately prepared, trained and equipped for protection activity; removing national caveats; and ensuring national political support for the participation of personnel in robust protection activity when necessary. TCCs/PCCs should develop national doctrine on POC. Other priorities should include bolstering the participation of female personnel and officers with specialist skills.
- Priorities for *non-UN TCCs/PCCs* should include contributing personnel (contingents, niche or strategic reserve) or material resources to UN missions, and supporting existing UN TCCs/PCCs in their preparation and training. Non-UN TCCs/PCCs should also develop national doctrine on POC.
- Priorities for *C-34 members* should include: supporting the Secretariat in their development of policy and guidance; supporting Secretariat efforts on generating and building requisite intelligence capabilities; and renewing discussions on strategic reserves.
- Priorities for *Fifth Committee members* should include engaging with the Security Council and the Secretariat to ensure a comprehensive understanding of the resource requirements for POC.

To effectively meet the civilian protection challenge the international community needs to demonstrate moral and physical courage from the top down and the bottom up. The international peacekeeping community has reached a point where the challenges associated with POC have been identified, and a collection of recommendations for meeting these difficulties have been articulated. What remains is for the community to prioritize the actions to be taken and mobilize the political support to move forward. Wherever UN peacekeepers deploy there is an expectation that they will protect civilians. The international peacekeeping community needs to focus its efforts not only on managing those expectations, but on meeting them.

Acronyms

AFP	Australian Federal Police
AMISOM	AU Mission in Somalia
AMU	Arab Maghreb Union (AMU) / Union du Maghreb Arabe (<u>UMA</u>)
APCMCOE	Asia Pacific Civil-Military Centre of Excellence
ASF	African Standby Force
AU	African Union
AUPSA	AU Peace and Security Architecture
C-34	UN Special Committee on Peacekeeping Operations
CAR	Central African Republic
CCCPA	Conflict Resolution and Peacekeeping in Africa
CIC	Center on International Cooperation
CIMIC	Civil-Military Cooperation
DDR	Disarmament, Demobilization and Reintegration
DFS	UN Department of Field Support
DPET	UN DPKO Policy, Evaluation and Training Division
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community Of West African States
ESDP	EU Common Security and Defence Policy
EU	European Union
EUFOR	EU Force
FARDC	Forces Armées de la République Démocratique du Congo / Armed Forces of the DRC
FBA	Folke Bernadotte Academy
FFDTL	Falintil-Forças de Defesa de Timor Leste/Forças Defesa Timor Lorosae/Timor Leste Defence Force)
FPU	UN Formed Police Unit
IAPTC	International Association of Peacekeeping Training Centres
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDG	AFP International Deployment Group
IDP	Internally displaced person
IGAD	Intergovernmental Authority on Development
ISAF	International Security Assistance Force
JMAC	Joint Mission Analysis Centre

JEM	Justice and Equality Movement
JOC	Joint Operations Centre
JPT	Joint Protection Team
JTF	Joint Task Force 631 deployed to Timor-Leste
MILF	Moro Islamic Liberation Front
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSTAH	UN Stabilization Mission in Haiti
MONUC	UN Mission in the DRC
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	UN Office of the High Commissioner for Human Rights
OMA	UN DPKO Office of Military Affairs
OROLSI	UN DPKO Office of Rule of Law and Security Institutions
P-5	Five permanent members of the UN Security Council
PCC	Police-contributing country
PIF	Pacific Islands Forum
PKSOI	US Army Peacekeeping and Stability Operations Institute
PNTL	Policia Nacional de Timor-Leste/National Police of East Timor
POC	Protection of civilians
PPC	Pearson Peacekeeping Centre
PSA	AU Peace and Security Council
R2P	Responsibility to Protect
RAMSI	Regional Assistance Mission to Solomon Islands
ROC	African Standby Force Rapid Deployment Capacity
RUF	Revolutionary United Front
RoE	Rules of Engagement
SADC	Southern African Development Community
SIOC	Security Information and Operations Centre
SLA	Sudan Liberation Army
SRSG	UN Secretary-General's Special Representative
SSR	Security sector reform
TAM	Technical Assessment Mission
TCC	Troop-contributing country
TFG	Transitional Federal Government in Somalia
UN	United Nations
UNAMA	UN Assistance Mission in Afghanistan
UNAMID	AU/UN Hybrid operation in Darfur
UNAMSIL	UN Mission in Sierra Leone
UNCTAD	UN Conference on Trade and Development

UNHCR	UN High Commissioner for Refugees
UNIFIL	United Nations Interim Force in Lebanon
UNMIL	UN Mission in Liberia
UNMIN	United Nations Mission in Nepal
UNMIT	United Nations Integrated Mission in Timor-Leste
UNMIS	UN Mission in Sudan
UNPOL	UN Police
UNTAC	UN Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
UNTSO	UN Truce Supervision Organization

