<u>DPKO/DFS Lessons Learned Note on the Protection of Civilians</u>
<u>In UN Peacekeeping Operations:</u>

Dilemmas, Emerging Practices and Lessons

Introduction

1.   As requested in paragraph 128 of the report of the Special Committee on Peacekeeping Operations and its Working Group (A/63/19) for its substantive session (23 February – 20 March 2009), DPKO and DFS have started to gather lessons learned from mission personnel and troop and police contributors on the provision of resources, training and concepts of operations in existing peacekeeping missions with respect to the implementation of the protection of civilians (POC) mandates. Over the course of 2009, DPKO and DFS have reviewed a wide range of internal lessons learned documents, including end of assignment reports from senior civilian, military and police mission leaders, and undertaken consultations with missions, troop and police contributors, and other partners within the UN system. DPKO and OCHA also jointly commissioned an independent study to help explore lessons regarding the implementation of the POC mandates by UN peacekeeping operations (hereafter referred to as POC report). The independent study yielded a great deal of useful information in this respect.

2.   This note is designed to index a number of the good practices and lessons that have come to light thus far, as well as to capture some of the principal policy and strategy dilemmas that impact on the international community's efforts to protect civilians in the context of UN peacekeeping operations. While some of the good practice and lessons that have emerged can be applied or replicated within different missions implementing the POC mandates, there remain a number of outstanding questions which will require focused policy consideration to guide future POC efforts. Given that lessons learning is an ongoing process, this note should be seen as a living document that will continue to be updated as new lessons and good practices are revealed.

3.   These emerging lessons also provide the basis for the DPKO/DFS draft operational concept on the protection of civilians in UN peacekeeping operations. The draft operational concept builds on lessons and experience to (i) arrive at a shared understanding of the implementation of POC mandates by United Nations peacekeeping operations, and (ii) identify and organize the range of POC mandated tasks undertaken by missions into a clear conceptual framework to support their practical implementation. Once agreed and finalized, the operational concept will assist in identifying the necessary guidance, training and resources required to strengthen the capacity of UN peacekeeping to deliver the protection of civilians activities envisaged in that basic concept. Continued development of this operational concept must be informed and accompanied by a broader dialogue among Member States on these and other related matters.

A. Policy and Strategy Dilemmas

4.   The protection of civilians by UN peacekeeping operations presents a number of policy and strategy dilemmas that must be addressed in order to bring clarity to this endeavor. Many of these issues have persisted for several years and have been left to the senior mission leadership to grapple with. This has contributed to the *ad hoc* approach to POC taken by UN peacekeeping operations, and has left missions without the strategic guidance they require to undertake these extremely complex mandated tasks. Some of these areas include the interpretation of the imminent threat clause" in protection of civilians mandates, the interpretation of the "within capabilities and within areas of deployment" caveats, the challenge of prioritizing protection tasks over other mandated tasks, the application of force to protect civilians, balancing the responsibility of the host authorities to protect civilians with the mission's mandate to protect civilians, as well as the importance of communicating protection tasks and limits at the international and local levels. In all cases, these dilemmas must be considered in light of the particular circumstances of each mission, given the context-specific challenges that missions face.

5.   These enduring policy dilemmas (detailed below) bring to light a number of the complexities surrounding the implementation of the POC mandates by UN peacekeeping operations. In particular, these dilemmas underscore that:

    a)   It is evident that early, preventive action is the best form of POC.
    b)   To this end, action is required from a range of stakeholders, not just the military component of UN peacekeeping operations.
    c)   Missions have to adapt their actions and policies to specific situations given the unpredictable nature of POC.
    d)   Traditional peacekeeping instruments need to be strengthened. Innovative ways of using military and police deployments need to be conceptualized as a part of this effort.
    e)   Other elements of the mission, which can play a significant role in POC, need to be strengthened. The public information, human rights and civil affairs components of a mission are one example.

Interpreting "Imminent Threat"

6.   The mandate to protect civilians from physical violence is most often couched in the "protect civilians under imminent threat of physical violence" formulation, which has become nearly standard since its first adoption for UNAMSIL in 1999 (Operative paragraph 14 of Security Council Resolution 1270). However, the interpretation of what constitutes "imminent threat" has varied widely. Some missions have abided by a narrow interpretation of the phrase, believing that "imminence" is a state which presents itself at the moment that an aggressor confronts a civilian, or group of civilians, with the immediate intent of doing them harm. Others have taken a broader interpretation, believing that imminence manifests itself at an earlier stage. Under this rendering, a public pronouncement of hostile intentions by one group towards another, or a pattern of hostilities against civilians and clear indications that it may be repeated, could suffice as

imminent threat of physical violence.

7. The lack of a common interpretation of this phrase has led to *ad hoc* approaches to POC across missions, and has generated considerable confusion within missions as to what constitutes imminent threat. All actors directly engaged in the mission need to arrive at a consensus on the threshold at which missions should act to protect civilians from imminent threat of physical violence.

Prioritizing the Protection of Civilians

8. Security Council Resolution 1894 (2009), building on similar language under Security Council Resolution 1674 (2006) regarding the prioritization of protection efforts, has mandated that protection activities must be given priority in decisions about the use of available capacity and resources. The present Security Council Resolution for MONUC [S/RES/1906 (2009)], explicitly makes the protection of civilians the first priority, in its operative paragraph 5 (a). This was the first peacekeeping mission to have received such a clear articulation of the priority that should be given to POC, and has brought much needed clarity for senior mission leadership who often have to grapple with the prioritization of mission-critical tasks.

9. Nonetheless, concern has been raised over the conflicting tasks that exist in the mandate of MONUC. While being mandated to prioritize protection efforts, the mission has also been mandated to undertake joint operations with the national army, the FARDC, in the eastern part of the DRC. This has been problematic for MONUC given the FARDC's record of human rights violations against civilians, especially when moving into areas previously held by rebel groups.

10. Given that the protection of civilians is an endeavor that necessarily includes the participation of other actors, particularly the host government, an additional challenge for missions will be to ensure that the national authorities and other protection stakeholders resource and prioritize protection. This is difficult given the complex and politically sensitive settings in which most missions operate and where the overall goal of many operations is to ensure the peace process remains on track. In UNMIS, for example, reallocating the mission's finite resources from efforts to support the CPA to activities that prioritize protection of civilians has been extremely challenging given the critical importance of both areas.

Managing Relations with the Parties

11. . While peacekeeping operations contribute to the protection of civilians, the Security Council has made clear that these mandates are to be taken forward without prejudice to the host government's fundamental responsibility in this respect. Indeed, the security forces of the host government have the primary responsibility to protect civilians, and peacekeeping operations generally have an important role in supporting national security actors to that end. The responsibility for protection of civilians also extends to non-state parties with control over territory. The strategic consent of the host government, as well

as of the main parties to the conflict, is a principle of United Nations peacekeeping. Without that consent, UN peacekeeping operations are not in a position to effectively carry out their mandates. Nevertheless, at the tactical and operational levels, armed elements of the main parties may be responsible for threatening civilians with physical violence, and peacekeeping operations are mandated to respond. Missions that have faced this challenging situation have had to manage considerable political and operational challenges as a result.

12. It is important that missions engage from the outset with the main parties through political channels to convey a clear message of the mission's mandate and intent to protect civilians, and of the possible consequences for those who threaten civilians. Institutional structures to ensure information exchange and liaison between the mission and the national authorities at all levels, including between political and security officials, are critical. If the situation worsens or escalates to unmanageable proportions, the mission must raise its concerns to the level of the UN Headquarters and/or the Security Council. If the strategic consent of the main parties, especially the host government, is withdrawn, a peacekeeping environment no longer pertains. In such circumstances, any further action by the international community would be determined by the Security Council.

Robust Peacekeeping and Protection of Civilians

13. As outlined in the Draft Operational Concept on the Protection of Civilians, POC by UN peacekeeping operations is an effort in which all components of the mission must be engaged. In this respect, missions mobilize their civilian, police, and military resources with the aim of preventing protection incidents from occurring in the first place. There are times when, as a last resort, missions must use force[1] in order to respond to attacks on civilians. A discussion between the Security Council, troop and police contributors, and the Secretariat is needed on the nature of this challenge, including issues of national caveats, commitment to rules of engagement and the directive on the use of force, and the use of scenario-based planning. The DPKO/DFS draft concept note on Robust Peacekeeping will also have relevance in this area.

14. The Security Council authorizes mandates under Chapter VII when mandating the protection of civilians, while other mandated tasks of the same mission are not clearly authorized under Chapter VI. This has sometimes generated confusion within missions. Some missions and troop and police contributors contend that couching this protection mandate in Chapter VII without providing the requisite resources to implement this

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[1] The use of force, which is envisaged within the draft DPKO/DFS Operational Concept in the crisis response phase of providing protection from physical violence may be one option to be contemplated in protecting civilians under imminent threat of physical violence. The use of force in peacekeeping is understood as being employed in accordance with the basic principles of UN peacekeeping. Force is only used in accordance with the Security Council mandate, agreed Rules of Engagement and Directives on the Use of Force, in accordance with the applicable international humanitarian law, human rights and refugee law, and employed at the tactical and operational level. The use of force should be calibrated in a proportional and appropriate manner, and with the minimum force necessary to achieve the desired effect. DPKO is developing a concept on robust peacekeeping, which, *inter alia*, will further address this issue.

mandated task does not equip missions to meet their obligations, and ultimately sets the mission up to fail to meet expectations. Missions also express concern about managing escalation when resources for military and police action are limited. Some also point to the difficulty in reconciling Chapter VI mandate tasks, which for the most part require them to assist the parties, including the host government, with the potential for confrontation with the parties at the operational and tactical level under Chapter VII.

B. Capability and Resources Issues

15. Many stakeholders have identified that there are capability and resource constraints in the implementation of the protection of civilians mandate. Such constraints have been identified as one of the key challenges facing peacekeeping operations more broadly and the New Horizon non-paper proposes initiatives to build capacities and address gaps. The elaboration of a workable operational concept and guidance for protection of civilians by UN peacekeepers must recognize from the outset the resources available and the capabilities that must be sourced to deliver on the protection of civilians mandates in order to make it realistic and achievable.

16. In mandating peacekeeping operations to protect civilians under imminent threat, the Security Council has often built in caveats of "*within capabilities and within their areas of deployment*." Both of these caveats are provisions that recognize that peacekeeping operations have finite resources and cannot be expected to protect civilians from physical violence in all areas of a theatre of operations. In many protection situations, missions will simply not have the resources to respond, nor will they be able to have a presence in all areas in which protection incidents may occur. It is an oft-stated lesson in UN peacekeeping that the mission and Secretariat should report frankly to the Council what limitations are being faced in implementing the POC mandates, and what additional resources would be required to achieve them. However, a number of senior leaders have noted that there is always likely to be a deficit in resources, and that mission leaders must therefore be prepared to make decisions on how to prioritize the use of certain key capabilities, such as aviation assets.

Sufficient Resources to Meet the Task

17. A common critique leveled at UN peacekeeping missions is that they are simply not resourced for the complexity and scale of some of the operations they are mandated to undertake. Troop contributors in particular regularly cite that that the ambition of mandates are not matched by the means, and identify the protection of civilians task as a salient example of this. At the current global scale of operations, the Secretariat and missions face challenges in receiving authorized numbers of staff sufficient to do the job and in mobilizing sufficient numbers of capable and experienced military, police and civilian personnel. Peacekeeping operations require staff with a diverse, but specific skill set and background.

18. This need to match mandates and means remains an important lesson for mission planners and decision-makers alike. A critical step in determining the resource

requirements needed for protection of civilians efforts in the future will be a greater degree of agreement around the basic operational concept. This in turn will help with the analysis and planning required to produce clearer mission-specific concepts for protection, and estimates of resources to deliver the task.

Requirement for Mobility Assets

19. Within the broad range of resource requirements, perhaps the most often cited is the need for, and the current shortfall in mobility assets, particularly aviation assets. UNAMID remains the starkest example of this challenge. 24 months into mission deployment, none of the key air assets—eight attack helicopters and 18 military utility helicopters—required to achieve the mission's quick reaction and air-mobility goals have been deployed.   Numerous other examples from the field reinforce the often cited and reasonable concern that there is frequently insufficient quick response capacity, or rapid medical evacuation capacity, to support peacekeepers who face danger or are caught in an insecure position. At times this will be a major factor in a commander's reluctance to engage in more expeditionary or dangerous activity including in support of a protection of civilians mandates. There are also numerous examples of peacekeepers experiencing failure of critical equipment and transportation, which hinders even their own defence.

Training

20. While training on POC cannot be viewed as a panacea for effective implementation of this mandated task, its importance should not be under-estimated. As highlighted in the POC report, there has been minimal reference to POC issues as a distinct topic in senior leadership training programmes and most troop and police contributors provide their contingents with little or no pre-deployment training on POC. In many cases, the training that the TCCs/PCCs provide focuses on international humanitarian law, human rights and refugee law, rather than the measures that troops and police should take in order to pro-actively protect the civilian population of the country to which they will deploy. There is also a need for greater mainstreaming of protection issues, in particular matters related to the protection of civilians from physical violence, into existing senior leadership training programmes.

21. Accordingly, there is not sufficient POC material for trainers to draw on. However, one of the principal objectives behind developing the operational concept and evolving a set of lessons learned and good practices, is to create a basic framework for training different techniques and approaches that may be required in UN missions charged with the mandates to protect civilians. Further elaborating good practices and clarifying a number of the outstanding dilemmas related to POC will assist in preparing troops and police for the range of situations that they may encounter in the theater of operations. It will also allow for the development of scenario-based training for the mission's senior leadership.

22. Training should take into account the lessons and innovations described in this note and the operational concept.   Field personnel have made it abundantly clear that they

require practical exercises that are directly relevant and applicable to the situation they face in the field, rather than classroom presentations. In particular, contingent commanders have asked for well developed scenario training exercises to practice planning and critical incident decision making at Mission HQs and sector levels using MAPEX or CPX methodologies. These should ultimately be made available in mission and pre-deployment training. Collective and individual training interventions for integrated and civilian structures will therefore also need to be developed based on lessons learnt in the field.

23. Access to resources for contingents and sector and force commanders to conduct exercises in missions –also can have a deterrent effect by showing the preparedness of a mission to respond and serve as a show of force.

24. In order to fill in some of the existing gaps in training, MONUC and the Protection Cluster developed an 11-page booklet entitled "Protection in Practice: Practical Protection Handbook for Peacekeepers" and accompanying training materials. The Handbook is organized around broad categories of situations commonly encountered by the mission. The Handbook provides a list of dos and don'ts for each situation; the simplicity and clarity of the guidelines and the effectiveness of the format have been well received by those in the field.

Information gathering

25. Troop and police contributors commonly cite the difficulty of conducting complex operations, including under the banner of protecting civilians, with the lack of information and intelligence resources[2] available to UN missions. Senior commanders in the field highlight the difficulties in the gathering of intelligence mainly because of lack of qualified/competent personnel, specific equipment and resources for intelligence acquisition. There is a heavy reliance on human intelligence which in most cases is diluted by the level of training or skill of personnel in the FHQ and in the sectors. In addition, this relies also on adequate resources including funds to provide incentives for information sharing to build the necessary contacts. Missions have even greater difficulty in obtaining the resources for the collection of intelligence through technological means such as electronic collection of information. Nonetheless, most missions have developed good directives on intelligence collection and reporting procedures as standard military practice. Intelligence requirement and collection plans are regularly issued and forwarded to the units in accordance with the evolving situation in the country and threat assessment.

26. Intrinsic to an effective intelligence capacity is the ability to communicate and build trust with the host population and key protagonists and antagonists in areas of

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[2] OP 19 of Security Council resolution S/RES/1894 (2009) stresses that mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates.

deployment. Many field personnel have reported success in protecting civilians is through establishing open lines of communication with the communities in their areas of deployment. Despite this, lessons-learned studies frequently reveal **a lack of basic ability among uniformed contingents to communicate with local populations and, therefore, to understand local contexts**.   In particular, the lack of uniformed personnel with either a common language or the backup of adequate numbers of translators is often raised as a serious issue. In Francophone contexts in particular, the challenge is significant, with some missions reporting in the past as few as 30 per cent of military observers (often called "the eyes and ears of the military component") able to speak French, let alone the indigenous languages that are spoken by most civilians beyond elite groups in the host country.

27. Increased numbers of translation and interpretation personnel would help alleviate some but not all of these challenges. For many contingents, even if more translators/interpreters were provided, the challenge is compounded in that mission translators may speak the official language of the country and the UN mission (French or English for example) but perhaps not local dialects. There is the added challenge that enlisted personnel and junior officers in many contingents do not speak the mission language. For individually deployed personnel such as UN police officers and military observers, the ratio of translators/interpreters to personnel at team sites and at mission headquarters, the problem is equally severe. In times of crisis, this communication gap is felt even more acutely. For example, in November 2008, following the crisis in Kiwanja, it became apparent that the MONUC military component in the area had been without a dedicated interpreter for a month prior to the crisis and only had occasional access to a translator working with the DDR section of the mission, making it difficult, if not impossible, to gather information from the local population during a time of severe crisis.

28. TCCs/PCCs have also stated that the objective of communicating with the local population was not only about being able to obtain information from them, but also to be able to build trust so as to enable the mission to work with the local population. Through their interaction, the local population would also have to be sensitized as to when and how to respond when they are attacked so that they could also be part of the solution.

Effective Public Information of Protection Tasks and Limits

29. Missions rely upon the perceptions of their credibility and legitimacy with the parties to the peace process, the local civilian population and external observers, to help build and maintain political momentum behind a peace process. Moreover, wherever peacekeepers deploy, they raise expectations among the local population—and among those who view missions from afar— that a central reason for their presence is to support people at risk. Expectations have continued to grow as UN peacekeeping operations have been increasingly mandated with the protection of civilians as one of the core elements of

their mandates. As experienced in Rwanda, Former Yugoslavia, Somalia, Sierra Leone, DR Congo and Darfur, among others, peacekeeping operations that are so often ill-equipped to address large-scale violence directed against civilians may falter and fail in the eyes of the local population and international public opinion, even if technically the mission is achieving its other mandated tasks.

30. TCCs have expressed concern that the UN Secretariat and Security Council have not been proactive in the past about informing both the international and local public of the capabilities and limitations of peacekeeping vis-à-vis the protection of civilians. They also feel that the positive efforts made by peacekeepers are overlooked while negative experiences are emphasized. They report that persistent negative media and inability to counter unrealistic expectations can serve to heighten the domestic perception of reputational or political risk to sending personnel at times may sap the commitment of their government and public opinion of their peacekeeping contributions. An important lesson has emerged around the need for sustained information lines or public campaign about what peacekeepers can and cannot realistically do within existing capabilities and resources.

31. At the mission level, a similar lesson has been identified. Missions must have sound information campaigns that define and delimit clearly the role of the mission and other actors in protection of civilians. It should clearly state to civilian populations what the mission is able and not able to do. In crisis situations, too, effective use of mission and the media can help inform the local population about the unfolding crisis and response. The direction of this information effort should be derived from an overall protection of civilians strategy for the mission and be made part of the core work of the public information component. A notable example of this is the *UNMIS POC Strategy-Security Concept. This concept* consists of the *security concept* itself and ten annexes. Of the ten annexes, two of them relate to expectation management: (i) Role of [public information office] and media-handling guidelines in situations involving 'protection of civilians under imminent threat', and (ii) Identification of areas of uncertainty, shortfalls in capability or will, or differences in expectation.

Broader Approach to Knowledge Building on Protection Activities

32. The operational experience and national guidance adhered to by PCCs and TCCs that participate regularly in these missions has not been sufficiently tapped for reflection on missions directed to protect civilians; what strategies they used; and what they found worked and did not work as part of a mission-wide approach. This knowledge needs to be applied, and the challenges faced by many countries providing personnel must be better understood. DPKO's knowledge management capacity is low and operates on collection of experience in mission, predominantly from senior levels, with limited ability to reach into existing reservoirs of knowledge within troop and police contributing countries.

33. In order to strengthen institutional learning vis-à-vis the UN's efforts to protect civilians in the context of peacekeeping operations, DPKO must continue to build the

knowledge base and index of good practices for this mandated task. As a part of this effort, it will be essential to broaden the base of contributors to this exercise – particularly among troop and police contributors – and improve the way that critical information regarding POC is disseminated among stakeholders.

C.   Operational Issues and Lessons

34.   Missions have tackled many of the dilemmas raised above by employing a range of operational and tactical approaches in the field. A number of these practices are detailed below in an effort to index lessons that might be replicated within or across missions. Some of the principal themes that have already emerged in this regard are the importance of an early focus on POC, planning for POC from the outset of mission planning, anticipating POC incidents through threat analysis and early warning, a joint and integrated approach to POC with protection partners, and an emphasis on communicating protection tasks and limitations, among other things.

35.   This list is far from exhaustive and will continue to be built upon based on feedback and future lesson learning. These and other lessons should be further analyzed within the context of the proposed DPKO/DFS operational concept and be considered for incorporation into future training materials and guidance, as appropriate. Given that good practices in one location may not always be transferable to another, these operational approaches must be assessed against the situation on the ground, and as part of ongoing mission planning and implementation..

Integrating Protection of Civilians into Military CONOPs and Other Planning Tools

36.   The DPKO/OCHA commissioned independent study on POC examined 12 military CONOPS for the following 6 missions:

(1)   UNAMID (2007);
(2)   MONUC (2005; 2009); MONUC Ituri Brigade (2003);
(3)   MINUSTAH (2004; 2005; 2008);
(4)   UNOCI (2004; 2006);
(5)   UNIFIL (2006; 2009);
(6)   ONUB (2004)

37.   Out of the 12 military CONOPS reviewed by the study, only three explicitly referenced POC in the mission statement: UNAMID, the 2003 MONUC Ituri Brigade, and the 2009 iteration of MONUC. In some cases, the study found that POC was not referenced at all in these CONOPS, other than in a brief restatement of the mandate. While the above illustration is one example out of many other planning tools (USG's Planning Directive and Technical Assessment Mission Reports), the POC study recommends that all mission planning tools and mechanisms should be reviewed to ensure that the protection of civilians mandates are built into the mission architecture from the earliest possible stage. To date, protection of civilians has been covered in the Integrated Strategic Frameworks for Cote d'Ivoire (as a stand-alone priority) and in DRC

(mainstreamed across the priorities).

Comprehensive Mission Strategies for Protection of Civilians

38.   Once on the ground, mission strategies need to be updated based on a deeper understanding of the situation and the capabilities available to the mission to achieve mandate tasks. In the past, few mission plans have contained any express reference to protection objectives or activities. More recently, however, missions have begun to develop mission-wide strategies to operationalise the protection of civilians mandates. Comprehensive strategies have evolved in MONUC and UNMIS as a reflection of the multifaceted nature of protection of civilians, and taking into account the necessity of coordinating action with multiple mission components and mission partners. Some protection strategies have gone a step further to elaborate on specific responsibilities for particular mission components, to identify the nature of the threats to civilian populations, to lay out the options and approaches for protecting civilians and the potential operational consequences of such action.

39.   Missions have been developing such strategies and associated tools on an ad-hoc basis. Despite their significant differences in approach and form, these strategies are considered to be valuable tools in bringing a coherent approach to protecting civilians. This was one of the key findings from the POC report. Drawing on lessons learned to date, a set of minimum considerations for mission-wide strategies is emerging for future consideration in developing mission strategies:

- The strategy should be comprehensive. It should detail tasks, roles and responsibilities and the linkages between activities and actors operating with a joint and integrated approach; It should also articulate coordination arrangements with other protection actors;

- The strategy should articulate senior leadership understandings of the protection challenges facing the mission, and the mission's concept for handling these;

- It should provide the mission leadership's interpretative guidance at the operational level about the application of the mandate language on protection of civilians and its associated caveats. This must be reflected in component planning documents and in the interpretation of these documents by commanders, staff and contingents;

- The mission strategy should assign high level ownership of the strategy and define the respective roles of mission leadership;

- It should be clear on mission roles and responsibilities vis-à-vis government responsibilities, and should contain guidance on engaging government actors on protection issues;

- It should also provide clarity on engaging with non-state actors on protection of civilians issues as required;

- It must be realistic in light of available resources and capabilities. It must be linked to the mission's budgeting and planning documents to ensure that it is implemented and that sufficient resources are assigned. If major capability and resource gaps are identified, these should be signaled early to UN Headquarters;

- The mission strategy should include direction for a communications and public information campaign plan on protection of civilians, to be driven at the national and local level by the mission, and internationally by UN Headquarters; and

- The mission strategy may identify priorities for conducting threat assessments, coordinating operational planning and monitoring and reporting.

- It should be linked into broader Mission and Mission/UNCT strategies (e.g. Mission Concept, Integrated Strategic Framework)

The Importance of a Joint Approach

40.   Many stakeholders have highlighted that protection of civilians is greatly enhanced when all components of the mission are engaged, rather than relegating it as an activity of the military component. In addition to the mainstreaming effect that the joint approach engenders within missions, it assists them in maximizing their operational reach, so that their capabilities and areas of deployment are as expansive as possible.

41.   Some successful protection initiatives have been conceived based on this approach, such as the Joint Protection Teams, which are now widely used in MONUC. Broader efforts to fuse information management (for example through the Joint Operations Centers [JOCs] and the Joint Mission Analysis Centers [JMACs]) and run operations and assign support assets (through the Integrated Support Service [ISS] and the Joint Logistics Operations Centers [JLOCs]) are all supporting a more collaborative approach in missions. Integrated planning processes (IMPP and the new integrated strategic framework concept) and integrated training techniques (using Integrated Mission Training Centers [IMTCs]) also support collaboration in plans and operations within multidimensional missions. This broader effort has an important beneficial effect for intrinsically cross-cutting mandate tasks such as protection of civilians. Joint structures will be critical tools in pursuing the comprehensive protection strategies described above.

42.   The requirement for a joint Mission-UNCT approach to peace consolidation through an Integrated Strategic Framework with priority tasks is an opportunity to prioritize POC and assign timelines, roles and responsibilities to actors within the UN system. However, the initial ISF case studies in Cote d'Ivoire and DRC have reiterated that senior leaders and field staff are struggling with this and require more guidance, support, and opportunities for lateral learning. The new IMPP field guidelines also require integrated field coordination fora to support implementation of an ISF at the strategic, coordination, and planning levels. These coordination bodies are another opportunity to improve coordination and follow-through on POC tasks.

43.   Joint teams at the sub-office and sector levels further strengthen this approach, which has been the particular added value of the MONUC JPTs, which share information and coordinate responses between all mission components at the local level. This is obviously facilitated as it is an integrated mission. Created in early 2009 in response to the POC emphasis in the Security Council resolution 1856 (2008), the Joint Protection Team (JPT) concept was the product of the evolving thinking about POC within MONUC, driven in large part by the Civil Affairs section and the DSRSG/RC/HC's office. JPTs are designed to help military outposts—Company Operating Bases—to better understand the socio-political context around them and the threats to civilians. Composed of staff from the offices of Civil Affairs, human rights, political affairs, child protection, public information and sometimes the Disarmament, Demobilization, Repatriation, Resettlement and Reintegration (DDRRR) Section (as well as humanitarian agency staff), they are deployed on a temporary basis not only to provide information gathering and analytical support, but also to help design context-specific civil and military measures to protect civilians and liaise with local authorities. Civil Affairs plays a key role in organizing JPTs and in drafting 'protection planning' matrices with other protection partners to assist prioritize the military activities related to POC. The JPTs and joint planning matrices follow on from an established pattern in MONUC of civil–military cooperation and a 'joint protection' concept in operation since at least 2006.

44.   While a qualitative assessment conducted on the JPTs in October 2009 highlighted the positive impact that it has had on the protection of civilians, there are also challenges on this approach due to limits in capacities, budget and personnel to achieve its objectives.

45.   In crisis situations, joint analysis and response at the sector level becomes all the more critical. Following the Abyei violence in May 2008, a lesson for UNMIS was that the lack of a joint operations room at Sector VI Headquarters hindered the mission's response. Such an operation room could act as a hub of information-gathering and decision-making, particularly during a crisis. Lessons revealed that while the civilian and military leadership of the Sector made a number of sound decisions, they were reached in an uncoordinated fashion owing to compartmentalized work and information flow between mission components.

Coordination with other protection actors

46.   No single actor has access to all of the information or expertise required to plan and conduct the wide range of protection activities that can be used to support civilians in conflict and post-conflict settings. In addition to better joint functioning of components within missions, senior mission leadership has to establish effective coordination and communication arrangements with UN and other agencies on protection activities. The development of joint protection strategies between peacekeeping missions and humanitarian actors are important in this regard, as is the role of the Protection Cluster. Humanitarian protection actors often have useful information and analysis which contribute to the peacekeeping operation's efforts to protect civilians.

47.   A good practice is the use of the Protection Cluster to enhance and inform the protection activities by peacekeeping missions. The Protection Cluster is the standard forum through which the humanitarian community coordinates on protection issues. For example, in North Kivu in DRC, the peacekeeping mission has used since 2008 a protection matrix developed and regularly updated by the Protection Cluster to help prioritize the deployment of the mission's peacekeepers to areas where there are known to be protection problems.

48.   A protection 'network' was established by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Côte d'Ivoire in June 2005 with a view to 'respond more systematically and coherently' to the protection needs of the civilian population. The network's aim was to 'collect and validate protection information' and to provide analysis 'on which early warning action, advocacy and denunciation can be undertaken by the Humanitarian Coordinator, the Inter-Agency Humanitarian Coordination Committee, the Emergency Relief Coordinator or the Special Representative of the Secretary-General. The network encompassed prominent international NGOs, mandated UN protection agencies, UNOCI's Human Rights Division, and advisers from the Child Protection and Gender units, as well as International Committee of the Red Cross in its customary 'observer' role. The network included two subgroups, the Child Protection Forum as of March 2006 and the IDP Protection Cluster as of April 2006. The network was credited with 'preventive and responsive action', as well as with improving collaboration and information exchange, and organizing inter-agency assessment missions.

49.   In another example, in the Sudan, a network of some 15 inter-agency Protection Working Groups were established country-wide under UNMIS protection of civilians unit's lead, with the support of the inter-agency Protection Steering Group at the central level and under the Regional protection working group in Juba. These working groups were used to organize field assessments, follow-up on individual protection cases, monitor the protection of returnees, support UN-peacekeeping components and authorities in identifying threats due to the presence of uncontrolled armed groups, and support the search for and the release of child soldiers. These have been regarded as useful fora by the UN mission and by partners alike, and appear to be useful practices for the future.

Protection by Presence

50.   A number of missions and troop contributors have pointed to a simple but at times overlooked lesson in protection: presence. Projecting mission presence, including through standing military and police patrols and other force deployments, is a measure that has been implemented by all peacekeeping operations, and is one of the most visible and reassuring forms of security that a mission can provide to the local populace. In addition to acting as a deterrent to potential aggressors, it allows mission personnel to build familiarity with the environs and better understand the concerns of the population.

51.   UN missions now have a strong history of deploying well-trained human rights

observers in missions, whose presence throughout the mission area increases the protection by presence effect. These components have been able to play an important information and analysis role, in addition to their advisory and advocacy roles.

52.	A number of humanitarian actors have at times espoused a protection by presence approach. For example, assessments of the humanitarian response in Darfur have underscored the 'protection by presence' approach which has been adopted by a number of humanitarian agencies and organizations, particularly when other forms of protection were not available. Of course, a posture predicated on static presence has its limits since it remains unknown whether presence in one area simply displaces violence to another area, or if there is an increase in potential for violent incidents when peacekeepers or others leave. Moreover, the sheer size of some operational contexts such as the DRC, the Sudan or Chad, and the extent of inaccessible areas place real constraints on protection by presence.

Move Towards Proactive Presence

53.	Partly in response to the limitations of static presence-based tactics of the past, a number of missions have moved towards more mobile and 'expeditionary' postures. For example, MONUC has set up Mobile Operating Bases (for period of up to 7 days manned by 50-70 soldiers). This system has improved the reach of a limited number of troops and in doing so has enhanced their deterrence and response capability in support of protecting civilians. There are significant constraints for UN peacekeeping operations in pursuing these options on a large scale owing largely to resources-related and logistical reasons, which are covered in the next section.

54.	Improving the capability of UN peacekeeping operations to operate at night can be a major factor in improving civilian security. Spurred by an intensifying series of attacks on civilians in the area that began in mid-2005, Operation Nightflash in the Walungu area of South Kivu, DRC, was identified as a relatively successful protection operation and credited with improving security in the villages it covered. Initiated in early 2006, it involved the creation of static checkpoints from positions that overlooked clusters of villages and the main routes in and out of them. They were occupied through the night by 30-50 troops with night vision goggles who also conducted limited foot patrols in the area. , Limitations in the availability of night vision equipment, training in the conduct of night operations and obtaining the necessary flight clearance present some real limitations.

55.	The firewood patrols initiated by UNAMID are now a familiar concept to many. They involve the dispatch of uniformed peacekeepers to create a protective cordon around women who venture from IDP camps to gather firewood from surrounding areas. Conceived initially in coordination between the African Union Mission in Sudan and humanitarian actors in Darfur in response to a pattern of attacks, firewood patrols have proven to be a good practice under the right circumstances. In some areas where UNAMID operated with a team site and no civilian presence, humanitarian actors reported that firewood patrols allowed IDPs from one tribal group to collect wood of a

neighbouring group, diminishing their resources and potentially exacerbating tensions. This reveals again the context specific nature of certain techniques and the importance of understanding the underlying factors that should be borne in mind in designing mission responses.

56.   There are other patrolling techniques to help protect civilians in areas where they may be exposed to threats. Many missions undertake similar protective activities for example in ensuring that regular patrols route through locations such as rivers where women or children wash clothes, or locations where civilians travel to collect water; or to and from markets and where crops are tended, Such patrolling decisions have been improved in missions such as MONUC where JPTs have allowed for greater information sharing and planning around vulnerability and threat assessments.

Utilizing Assessment and Early Warning Tools

57.   Regular assessments of potential threats and the establishment of early warning systems have emerged as critical elements to help protect civilians before a crisis erupts. In this respect, these tools are essential to develop prevention strategies, and shape contingency plans for situations in which civilians may be under threat. This has the added effect of enabling missions to demonstrate a more proactive posture with respect to POC. A number of missions have in place assessment and warning mechanisms that have been valuable in analyzing situations of particular concern for civilians and have allowed missions to respond early with preventative measures. In UNMIL, the Reintegration, Rehabilitation and Recovery (RRR)component of the mission jointly with JMAC has been preparing Hotspot Assessments to monitor the level of threat posed by remaining command structures among ex-combatant groups and other reintegration challenges. The Hotspot Assessment links the identification of potential threats to mission activities in order to address and defuse emerging security threats. Based on the assessments, RRR has been in a position to develop a series of initiatives with partners, such as livelihood projects and programmes to advance reintegration and community recovery in troubled areas with high risk groups.

58.   Such assessments also feed into efforts to identify conflict prevention opportunities. Preventative and mitigating measures that can quell tensions before they flare are perhaps the best form of protection. As an example, in Darfur, UNAMID's Civil Affairs section has mapped migration routes as part of a conflict prevention strategy.   This project has involved early negotiations with nomads and farmers who could come into conflict, thus initiating mitigation strategies months in advance.   In another example, MINURCAT has sought to ease tensions in the Wadi Fira region of Chad over land use between refugees and the host community in Mile, near Guéréda.

Early warning

59.   Stakeholders have stressed that early warning systems, particularly when bolstered by a rapid response capacity, can help manage situations before they escalate to unmanageable proportions. The DSRSG-RoL in MONUC, for example, has established an

Early Warning and Rapid Response Cell, a forum that brings together the full spectrum of protection actors inside MONUC, including the military component, police, the human rights division, civil affairs, child protection, and the Joint Mission Analysis Cell. The MONUC public information office is also present to help with any needs to communicate on the protection mandates and activities. The cell meets regularly and reports to the Senior Management Group, providing both updates on emerging threats and suggestions for possible action.

60.   Early warning and response measures are likely to work best when they are well coordinated with the local authorities.   For example, after fighting erupted in Malakal early 2009, leaving 60 dead and 103 injured, UNMIS drew a number of lessons including the importance of establishing close liaison with local authorities who can act as an early warning entity. The mission also established a 24 hour Crisis Coordination Center for coordinating information to better analyse and respond to early information received across UNMIS components.

61.   Inclusion of local communities in early warning efforts is equally important. MONUC for example has worked with villages that have been under threat of attack to establish village watch groups who can raise the alarm through simple means such as creating loud noises or using flares or cell phones. In other situations such as in Timor-Leste, hotlines have been established for civilians and local authorities to contact the mission quickly. In Sudan, UN police and UNDP have worked with the authorities to help empower the IDPs to play a role in enhancing their safety and security and work with the national police in crime prevention and maintenance of law and order in camps. The programme was piloted in Al Baraka IDP Camp and has since been extended. UNPOL and UNDP developed a training curriculum and trained representatives of IDP communities, camp authorities, local police and the Popular Police. Community Safety Committees were selected by the IDP communities.

Support to Refugee and IDP camps

Contingency planning for displacement near UN bases

62.   During 2009, UNAMID began to face a logistics challenge familiar to other peacekeeping missions: civilians gathering around bases and team sites for protection from attack. For example, ongoing clashes and intense aerial bombardment of the South Darfur town of Muhajiriya resulted in as many as 10,000 individuals gathered around the perimeter of the UNAMID camp, placing considerable strain on the mission's protection capacity. In another instance, during fighting at Umm Barru in Northern Darfur in June 2009, roughly 350 civilians sought refuge inside the UNAMID team site, which came under fire repeatedly. While the mission's willingness to accept civilians into its team site at Umm Barru provided them with protection, it raised significant concerns and questions about how to respond to civilians seeking shelter in or around team sites prior to the event.

63.   UNMIS and MONUC encountered similar problems in 2008 in Abyei and the

Kivus, respectively. It has become evident that mission sites will likely become a magnet for displaced persons seeking protection or assistance in the midst of conflict. This is an eventuality for which missions should develop contingency plans. Missions have generally implemented ad hoc responses to these sorts of crises and the resources to provide even minimal support, such as protective wire perimeters, have been extremely difficult to put in place in the absence of contingency plans which have already identified these requirements. MONUC has produced some guidance in a Handbook on Protection of Civilians for eventualities where civilians and IDPs gather around a UN base for protection. It includes practical guidance such as working with IDP representatives to assess the main physical security threats, and establishing an emergency communications system. This sort of practical guidance will be collected and assessed for good practice and disseminated through training or other guidance materials developed by DPKO.

IDP camp protection

64.   In Darfur, UNAMID police and Formed Police Units set up lights and cameras around the perimeter of camps for Internally Displaced Persons (IDP) in order to deter attacks and record information on those who would harm civilians. Furthermore, eight Community Policing Centers have been established around IDP camps to date to ensure consistent protection.

Establishing a Protective Environment

Security Sector Reform (SSR)

65.   The establishment of security in a nation is ultimately the responsibility of the Host Government. Peacekeeping operations may be called upon to assist the national authorities in strengthening their security sector. A critical element for the long-term protection of civilians includes building an effective and accountable security sector staffed by competent national forces. The MINURCAT mandate underscores this by tasking the mission to assist in the establishment of a dedicated national security force to protect civilians at risk.

66.   In April 2009, the Government of Chad, with the support of MINURCAT, completed the full deployment of the Détachement intégré de sécurité (DIS) [endorsed by the Security Council in S/RES/1778 (2007)] (850 elements) to 12 refugee camps and 6 key towns in eastern Chad, as well as the command centre in N'Djamena. From October 2008 to May 2009, DIS provided more than 2,600 security escorts to humanitarian actors between key towns and refugee camps. DIS has also performed investigative functions. However, DIS investigators often lack the necessary qualifications and training to perform their investigative duties, and none of the DIS stations or posts has detention cells. MINURCAT has established a programme for in-service training to enhance the investigative capabilities of DIS officers.

67.   MINURCAT police are currently monitoring, mentoring and providing technical advice to DIS. To this end, MINURCAT police are co-located with DIS and assist them in all their activities. The co-location is generally limited to daytime, however, due to

security concerns. In order to strengthen the capacity of DIS to carry out its mandated tasks, MINURCAT police are currently providing on-site and in-service training to DIS in the areas of community policing, firearm use, crowd control, escort techniques, judicial police and the use of radio communications.

Rule of Law

68.   The justice and corrections components of peacekeeping operations assist national authorities in strengthening their judicial, legal and corrections systems. Such assistance contributes to the protection of civilians by helping to deter violence, provide remedies to victims, and hold perpetrators criminally accountable. In Liberia, for example, UNMIL has reconstructed 9 courts, trained over 600 judges and helped to establish the Law Reform Commission. In Sudan, UNMIS has provided basic training for 1,800 corrections officers (ex-combatants) in the South and helped rehabilitate the prison for women in Khartoum. Without well-functioning courts and prisons, the impact of actions taken by United Nations police and military to implement protection of civilians mandates may be limited. For example, the police and military components of some peacekeeping operations are engaged in the temporary detention of individuals as a means for implementing protection of civilians mandates. Such individuals are subsequently handed over to national authorities or released. The absence of fair and effective courts as well as humane and secure detention facilities and prisons may mean that individuals who should continue to be detained may be released instead of, or after, being handed over to the national authorities.

Disarmament, Demobilization, and Reintegration (DDR)

69.   Although DDR processes primarily target ex-combatants, successful DDR programmes can help ensure the protection of civilians through reducing the number of armed combatants and the sustainable socio-economic reintegration of former combatants, who have less reason to resort to violence. For instance, in 2009 alone, in the DRC, MONUC's Disarmament, Demobilization, Repatriation, Resettlement and Reintegration (DDRRR) program contributed directly to POC by repatriating approximately 3,800 elements of the Democratic Liberation Forces of Rwanda (FDLR), a foreign armed group operating illegally in the DRC, and whose members have been committing acts of violence against local civilian populations.

70.   New approaches to DDR further enhance its protection benefits through, for example, community approaches to security and violence reduction that help to eliminate the main drivers of violence and build social cohesion within regions (Southern Sudan's community security fund; community violence reduction in Haiti; or the Disbandment of Illegally Armed Groups in Afghanistan) and weapons management and reduction approaches which help to manage, organize and control the proliferation of arms. In Côte d'Ivoire the implementation of reinsertion programmes for ex-combatants and youth at risk has been credited with bringing greater security and stability to areas where this work

is being implemented. Furthermore, during a recent planning exercise for a DDR programme in Darfur, it was noted that future activities will require a community-based approach to DDR that also addresses the overall humanitarian situation, in particular with regard to security concerns in and around IDP camps.

Mine Action as a protection of civilians tool

71.   The mine action capacity of missions is often seen as an operational demining capacity that opens access routes and clears mines and ordnance to allow safe passage by mission personnel. However, in many situations the spare mine actions capacity of a mission has made significant contributions to protection of civilians both through mine and UXO clearance and in mine education for civilians. When combined with the capabilities of civilian mine action capabilities in a peacekeeping context, the impact can be substantial. In South Lebanon. UNMAS received the UNHCR Nansen award in 2008 for its cluster munitions clean-up operations in civilian areas (orchards, etc) which allowed civilians to regain control of land, ensure freedom of movement, and therefore ensure their safe return to their place of origin. As another example, in UNMEE significant demining capacity was used for area clearance to allow for return of IDPs/Refugees. In MONUC too, the current mine action effort is focused largely on area clearance and minimizing the threat to civilians and to allow for resettlement.

Responding In Extremis to Protection Crises

Political advocacy in times of crisis and mission leadership throughout

72.   While an operational response from the mission's security components is often required, political advocacy is one of the mission's most effective and readily available tools to resolve protection crises. The engagement of mission leadership with their national counterparts, the parties to the conflict, or with those that threaten civilians, has in many cases assisted in de-escalating protection crises already underway, or helped to obviate situations in which civilians would have faced physical violence.

73.   Strong mission leadership has proven to be critical in order to manage and avoid protection crises. Senior mission leaders are not only key in raising protection concerns or coordinating responses with the national authorities, but also in setting the tone within the mission. To this end, senior mission leaders must drive the protection agenda both within the mission and with key stakeholders external to the mission.

Mission posture

74.   Experience in some peacekeeping operations has shown that a firm and decisive stance by the mission when protection crises unfold has led to protecting the population from attacks or preventing them from occurring in the first place. This was illustrated

during clashes and intensive aerial bombardment at the beginning of February 2009 in Muhajeriya/Darfur. While UNAMID was called on by the Sudanese authorities to relocate personnel out of the team site in order to prevent any mission casualties due to possible government activities, intense negotiations with the authorities at the highest level resulted in receiving reassurance that they would abide by existing agreements, including with respect to the safety and security of AU-UN personnel. This not only enabled the mission to continue implementing its mandated activities in the area, including monitoring, reporting and investigation of incidents, but the presence of the mission also provided protection to the population. At one point, as many as 10,000 individuals gathered around the perimeter of the UNAMID camp seeking protection.