



Australian Government

**Asia Pacific Civil-Military
Centre of Excellence**

**Enhancing the Protection of civilians in Peace
Operations: From policy to practice**

Civil-Military Affairs Conference 2011

Summary Report

Queanbeyan, New South Wales, Australia

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Executive Summary

The mission to build a body of expertise for the Protection of Civilians (POC) has become a major challenge to peace operations throughout the world. The last ten years have brought to the fore a focus on the rights of civilian populations. In this time, the United Nations (UN) and the African Union have made considerable progress to strengthen POC effectiveness. Yet challenges remain. Armed conflict is still prevalent around the world, civilians comprise the majority of casualties, and the need for global POC strategies is vital. Protection is a broad term and activities falling under it require a comprehensive approach involving all actors involved in an operational area. These include international organisations, national governments, local communities, non-governmental organisations, military, police, and civilian personnel.

Considerations on POC policy was the theme of the Asia Pacific Civil-Military Centre of Excellence's inaugural Civil Military Affairs Conference (CMAC), held in Queanbeyan from 24-26 May 2011. *Enhancing the Protection of Civilians in Peace Operations: From Policy to Practice* considered the latest developments to improve POC effectiveness and the impact they have on the security and rights of civilians in conflict zones, including those of women and children.

CMAC brought together approximately 200 international protection experts – including both policy makers and practitioners – to discuss and understand the implications of recent protection reforms and build a shared understanding for catalysing POC in peace operations. The conference took stock of recent developments in UN policies and their implementation, sought an understanding of the protection responsibilities of civilian, military and police actors in peace operations, and attempted to identify best practices and confirm capabilities required for effective implementation of protection of civilian strategies.

In 2010, the UN Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) drafted an operational concept on the protection of civilians in peace operations.¹ This paper outlines dilemmas, emerging practices and lessons learnt from recent missions. The paper introduced a framework for the role of UN peace operations under three tiers of protection², but did not provide a definition of POC. CMAC was particularly timely, as DPKO had recently released the *Framework for Drafting Comprehensive Protection of Civilian Strategies in United Nations Peacekeeping Operations* to provide guidance to mission leadership on the development of protection strategies.³ This framework provides the parameters and key considerations for drafting comprehensive

¹ *Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, United Nations, DPKO/DFS, 2010

² Tier one: protection through political process

Tier two: providing protection from physical violence

Tier three: establishing a protective environment

³ *Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations*, United Nations DPKO/DFS, 2011.

strategies for missions with POC mandates authorised by the Security Council. The framework is important particularly as international actors deliver protection in various ways and have differing understandings of the concept of protection.

Each session during CMAC raised numerous considerations and stressed the importance of understanding the many meanings that POC may have and that actors must recognise situations vary in accordance to need and context. Communicating and working co-operatively throughout the many levels on which actors in the field operate is crucial in preventing duplication and overlap, addressing gaps and building relationships with other missions. Examples of good practices identified throughout the conference often concentrated on the importance and successes behind information sharing among actors at all stages, from local community dialogue with ground troops through to evaluations and public information campaigns.

Discussions on translating POC policy into practice highlighted the operational challenges on the ground and the need for strategies that put in place adequate systems backed by adequate resources. Central to this is assessing risk. Early warning and crisis response is part of this; however, missions must understand resource and capability restrictions as well as linguistic, cultural, and gender barriers.

Conference participants identified training as a vital part of the pre-deployment of missions to the field so that peacekeepers are prepared for the nature of the challenges awaiting them. In the past, peacekeepers have received training on POC, but that has tended to concentrate more on legal obligations rather than on what they actually must do in the process of protecting civilians. The development of a series of training modules by the UN Department of Peacekeeping Operations (DPKO) and UN Women is one approach to establishing a common understanding of what protection means in clarifying the different roles and responsibilities of all protection actors, and supporting the planning of more effective protection strategies.

Discussion on gender issues, sexual violence and children in conflict zones highlighted the many barriers for peacekeepers and the work still needed to improve coordination and advocacy, and enhance accountability for perpetrators. The conference also heard about the advances and leadership the UN has provided over the past decade with particular respect to the work of UNICEF and UN Women. Sexual violence in conflict is now taken seriously as a war crime, a crime against humanity, and most definitely a protection of civilians issue. Children's issues have also progressed with the implementation of a number of key recommendations and action plans.

The conference identified a range of considerations for the future. These included better matching resources to mandates, integrating mission leadership and planning that combines the military and the police, better coordination between all actors in the field, and recognising the need to involve local communities in protection strategies. As well, discussions called for greater international efforts and an increased respect for international humanitarian law as well as the need to address impunity.

A number of common themes emerged. These included the need for one overarching goal for all actors, which means that POC is not just limited to security aspects, but to all protection needs as outlined in DPKO's three-tiered strategy of supporting the political process, protection from physical violence and providing a protective environment. Thus, any approach must be holistic and comprehensive in analysis and response as well as one that understands the complexities of the different needs among different groups of people facing different risks.

The conference outcomes demonstrated the extent of the progress on POC in peacekeeping operations, while acknowledging that more work and improvement was needed. It also highlighted areas for further consideration, deliberation and decision-making.

Background

The inaugural Civil Military Affairs Conference, entitled '*Enhancing the Protection of Civilians in Peace Operations: From Policy to Practice*', brought together approximately 200 participants from a wide range of organisations and nations. Participants included representatives from UN organisations, the African Union, troop and police contributing countries, African peacekeeping training centres, NGOs, academic institutions, and the Australian Government. The two-day conference covered six distinct but related themes:

- the political-strategic context of POC;
- POC in peacekeeping missions – realities and requirements in field;
- the role of non-mission actors including the humanitarian community in protecting civilians;
- POC and security and rights of women and children in conflict zones;
- POC training initiatives; and
- the next steps for progressing comprehensive POC strategies.

Presentations included speeches from the United Nations High Commissioner for Human Rights Ms Navanethem (Navi) Pillay, Deputy Military Adviser to the Secretary-General Major General Abhijit Guha, and Minister for Foreign Affairs, the Hon Kevin Rudd MP. An additional highlight was a keynote address by international relations expert Professor Ramesh Thakur at a dinner hosted by the Minister for Defence, the Hon Stephen Smith MP.

This report summaries discussion on overarching concepts, important developments, and major challenges identified during the two days of presentations. Because conference sessions had considerable overlap in subject matter, this report focuses on themes rather than sessions. The report concludes with a list of documents and resources referenced.

The Meaning of POC

There is no single understanding of what ‘protection of civilians’ means and different examples provide different meanings. Developing concepts without coherent definitions can be problematic, involving difficulties in defining POC at a conceptual level and relating it operationally. CMAC participants raised this issue numerous times throughout the conference, often stressing that it was impossible to separate the wider meaning from political realities and that questions of overlap would continue. For example, was POC one task among many, or one completely overarching concept? Moreover, could one answer such a question when individual peacekeeping missions have many distinct and different operations and objectives?

An increase in actors working in POC furthers the debate on what protection of civilians actually is. The opinion of many in the non-governmental organisation (NGO) sector is that increased NGO activity in POC requires an internationally agreed definition of ‘protection’. The International Committee of the Red Cross (ICRC) believes protection is the primary responsibility of states, rather than non-governmental or humanitarian actors. States can achieve protection in a number of ways, such as becoming party to treaties, recognising international norms, disseminating laws and norms, adapting rules of engagement accordingly, assisting victims of violations and other persons affected by hostilities. In addition, human rights and humanitarian actors must also conduct protection activities.

An agreed definition of ‘protection’ during an ICRC-NGO protection workshop in 1999 has become the most widely accepted and endorsed by the Inter-Agency Standing Committee of the United Nations for coordination of humanitarian assistance (IASC), the Global Protection Cluster,⁴ and NGOs. It states that the definition is a broad one, encompassing protection from violence, coercion and exploitation, deprivation and neglect. In addition, access to assets is essential for a person’s capacity to protect themselves and reduce their vulnerability to exploitation, abuse, and risky situations:

The concept of **protection** encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law.

Human rights and humanitarian actors must conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender.

A **protection activity** is any activity – consistent with the above-mentioned purpose – aimed at creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.⁵

⁴ UNHCR chairs the Global Protection Cluster (GPC), which is the global lead agency for protection. The role of the GPC is to co-ordinate protection efforts by human rights, humanitarian and development agencies and organisations.

⁵ See ICRC, ‘Workshop on Protection for Human Rights and Humanitarian Organisations: doing something about it and doing it well’, report of the workshop held at the International Committee of the Red Cross, Geneva, 18-20 January 1999.

While the above presents a broad definition of what protection is it arguably begs the questions:

- 1) protection from what? After all, this might encompass violence, coercion and exploitation, neglect or even economic deprivation.
- 2) Protection from whom? As this could include states, armed militia groups, individuals, families, social networks, communities, NGOs, UN agencies, and peacekeepers.
- 3) Protection by whom? This applies to all levels from international and state actors through to the individual, family and community.

Some of the answers to these questions might contain legal responsibilities such as those covered by international human rights law, customary law, regional and national law. However, these responsibilities are not just part of a legal system, but concern the many other actors involved in protection such as families and communities.

The UN Structure and Peacekeeping Missions

For the UN, peace and security are the ultimate goal, and protecting civilians is an integral component of this. Where a host nation cannot protect its own civilians, peacekeeping mandates aim to fill this gap. The UN considers co-operation of a host country important as well as that of regional actors and UN member states. However, a lack of co-operation, coordination, coherence, and differing perspectives can result in strategic challenges.

Within the UN, a number of areas assume responsibility for POC. In particular, the Department for Peacekeeping Operations (DPKO), the Department of Field Support (DFS), and the Office for the Coordination of Humanitarian Affairs (OCHA) work extensively in this area. DPKO and DFS provide political and executive direction to UN peacekeeping operations around the world. DPKO has developed a three-tiered conceptual framework within which to operate,⁶ and believes that preventative action is a priority. However, those at DPKO acknowledge that sometimes a mission must use force, in which case, these missions must distinguish between neutrality and impartiality,⁷ and in particular must not violate international law. OCHA's role is to bring together humanitarian actors in response to crisis and promote effective coordination between UN peace operations and humanitarian actors.

Since 2007, a holistic approach has been a key strategy for the UN, aiming to integrate all levels within peacekeeping missions. The importance placed on co-operation between UN agencies resulted in the commissioning by OCHA and DPKO in 2009 of an independent study on this issue.⁸ One specific finding was recognition of the need for close coordination

⁶ See note 2 above.

⁷ See the Humanitarian Principles in United Nations General Assembly Resolution 46/182 (1991).

⁸ Victoria Holt and Glyn Taylor, *Protecting Civilians in the Context of Peacekeeping Operations*, Independent study jointly commissioned by United Nations DPKO/OCHA, 17 November 2009.

between the two agencies. Developments such as Security Council Resolution (SCR) 1894⁹ and within the C-34¹⁰ also reflected this move towards recognising closer working relationships, as did a proposal to develop guidelines for enhanced co-ordination between the Protection Cluster and UN peacekeeping missions. These developments recognise that peace operations and humanitarian actors conduct separate, but coordinated, protection strategies.

Other priorities for the future included being consistent in approaches, acknowledging the importance of resources, recognising the need to monitor progress and to introduce protection benchmarks, and emphasising the importance of the host country and conditions for UN support of national forces.

While there are many problems to address within peacekeeping missions, how best to protect civilians in countries where no missions have been deployed, such as in Sri Lanka, provides an even greater challenge, especially when political issues affect expectations. One participant argued that there is a lack of consistency between the recent international response to Libya and Sri Lanka. In Libya, action was fast, rightly or wrongly, but in the case of Sri Lanka, attitudes towards a possible UN intervention were quite different; and an issue in many other parts of the world as well.

Realities and Requirements in the Field

While POC is a 'work in progress' on a conceptual level, it does capture common ground among all actors in the field, namely that action needs to be taken to move away from the idea of 'business as usual'. To do this, POC at the strategic level must be a shared goal and must address all protection needs such as security, freedom from hunger and basic health. It is an integral part of all UN activities and requires a combined effort from all actors in all related areas. CMAC participants identified as a priority the need to recognise common threats and to share information and intelligence.

Peacekeeping missions encounter many challenges in exercising POC mandates. Financial concerns often drive peacekeeping priorities rather than operational necessities. Support and consent of local populations are important, and peacekeeping troops need to understand the concerns of the people they seek to protect, and respond appropriately to those needs. Engagement with the host nation is also one of the most difficult challenges for peacekeeping operations, especially when there is a breakdown in community confidence in the host government that then requires a decision on when a mission should intervene, and on how mission forces can engage with the local population.

⁹ Adopted by the Security Council at its 6216th meeting, on 11 November 2009, reaffirming that all parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians.

¹⁰ The Special Committee on Peacekeeping Operations (C-34) was established in 1965 under the General Assembly Fourth Committee in order to review and provide recommendations on United Nations Peacekeeping Operations. Guidelines of co-ordination were the main finding of OCHA/DPKO independent study and important part of the C-34.

The UN is responding to the operational challenges in the field and to principle requests from the C-34 to guide work on POC and the recently finalised *Framework for Drafting Comprehensive Strategies for Protecting Civilians in UN Peacekeeping Operations* sets out how to develop such strategies in a peacekeeping mission. It is a practical guideline for missions on how to interpret their mandate and how to use their resources. By providing a template for these strategies, the framework establishes a common approach for senior mission leaders and is composed of three parts. The first articulates the approach through a consultation process. The second contains an annotated template for the strategy, and the third a matrix that will identify the priority risks and how they are to be treated. The later phase is key in developing a comprehensive protection strategy, as it is vital that all UN actors in the mission area share a common POC risk assessment. Other important elements of the framework include early warning and crisis response to ensure that a mission has set-up relevant mechanisms, identifying resources and capacities required, and identifying various POC roles and responsibilities of mission actors and UN country team actors.

The conference highlighted some of these operational challenges during presentations of three case studies from different UN missions. These three case studies, while different missions deployed in different parts of the world all presented common themes: they all experienced resource shortages, operational inconsistencies, and coordination problems.

i. The African Union/United Nations Hybrid Mission in Darfur (UNAMID)

UNAMID is a peacekeeping operation jointly authorised by the African Union and the United Nations. However, despite its larger size and stronger mandate, it has faced a number of challenges to its operations.

The international community's initial military response to the crisis in Darfur came in the form of AMIS, the African Union Mission in Sudan. AMIS troops were few in number, poorly equipped, had no clear mandate, and inadequate funding. AMIS then transformed to UNAMID with the protection of civilians as the core mandate of the mission.¹¹ It was the first hybrid operation anywhere in the world.

In terms of protection activities, UNAMID has 150 daily patrols to protect civilians – especially women and children – to go about their daily tasks. It also provides military escorts for aid workers and humanitarian convoys throughout Darfur. However, government forces or rebel groups sometimes restrict the mission's patrols, which can limit the ability of peacekeepers to access communities and provide protection. These restrictions of movement are part of the mission's constraints, along with resource problems such as troop and equipment size, and the need to coordinate activities with the Government of Sudan. Additional constraints for UNAMID involve engagement with leaders of armed movements, trying to enhance and facilitate an understanding with the international community, and provide support for the Doha peace process.

¹¹ See SCR 1769 (2007).

The UNAMID mission has to maintain a constructive and appropriate working relationship with the Sudanese Government, as well as other parties to the conflict. Resources should match mandates, an understanding with the international community is essential, greater coordination between all actors in the field is imperative, local communities must also be involved in protection strategies, and there needs to be a greater emphasis on pre-deployment and in-mission training of troops. In addition, a greater international effort to enhance respect for international humanitarian law and addressing impunity is necessary.

ii. The UN Mission in the Central African Republic and Chad (MINURCAT)

MINURCAT had to operate with critical shortfalls and inadequacies. Fortunately, the mission did not have to intervene to counter large-scale violence against civilians, as has been the case in other missions. It started as a political mission in 2007¹² and then, in 2009, mandated as a peacekeeping mission with forces.¹³ The host government never wanted the mission in Chad and in January 2010 requested that its termination. At the end of that year, the mission was withdrawn after less than 22 months, making it one of the shortest peacekeeping missions ever.¹⁴

The mission covered two countries – Chad and the Central African Republic – it was a war zone, had hostile terrain, no infrastructure (only poorly constructed dirt roads), there were 300,000 refugees and 200,000 internally displaced persons (IDP). MINURCAT's task was to transform this environment to a safe and secure one. However, available capacities and resources restricted MINURCAT's ability to undertake its protection mandate. There were critical shortfalls, in particular a lack of troops on the ground and it took a full year to deploy 65 per cent of its forces. There were also restrictions on Chapter VII¹⁵ mandates and air capability was limited. In addition, there was no border monitoring, no forces present in refugee camps and IDP sites.

iii. The police mission in Haiti (MINUSTAH)

MINUSTAH provides many examples of challenges facing police missions. Generally, when police replace military forces, it implies an improved situation and a tangible indicator of improved security, progress to a sustainable peace process, and mission success. However, police units also face many challenges. An overarching one is the question of how to fit a police role into DPKO's three-tiered approach. The ultimate goal for the purpose of a police mission must be to provide security and ensure the rights of the civilian population. In any mission, the police assume a wide variety of operational, training, development and capacity building roles, which means they can contribute across these UN-defined tiers of activity.

MINUSTAH's predecessor was the Multinational Interim Force (MIF) that was authorised by the Security Council and provided a Chapter VII mandate to provide a protection

¹² See SCR 1778 (2007).

¹³ See SCR 1861 (2009).

¹⁴ See SCR 1923 (2010).

¹⁵ Chapter VII is part of the Charter of the United Nations, which is the founding treaty of the United Nations, signed in 1945. Chapter VII describes the Security Council's power to authorise economic, diplomatic, and military sanctions, as well as the use of military force, to resolve disputes.

environment in Haiti.¹⁶ This force executed the mandate with considerable success, which then set the stage for the MINUSTAH mission.¹⁷ The role of the police was important to MINUSTAH's mandate but did not include executive authority as the Haitian National Police held that.

The mandate identified an array of threats to civilians, including human rights violations, and those posed by the impunity of violators and the absence of an independent judiciary. One major problem for MINUSTAH, however, was a gap of six months between the departure of MIF and its arrival in Haiti. Thus, the impact of the successful MIF mission was lost during this time. With the deterioration of the security environment, the civilian population experienced threats to freedom of movement, the closure of schools and other institutions, as well as a deteriorating economy.

Early on in the mission, there was poor integration of the mandate. The mission lacked an intelligence apparatus; whilst troops were ill-equipped and trained. The police mission had no assistance with the Creole language and almost no one in the mission had received French language training. The UN police had no executive authority and there was no confidence in the justice system in terms of prosecutions. Haitian police often acted extra-judiciously. Weather factors also added to the problems with the onset of the hurricane season.

Important changes came with the implementation of a common operational strategy, joint planning, and shared responsibilities. The integrated mechanisms of the Joint Operations Centre then supported the mission, the Joint Logistics Co-ordination, and the Joint Mission Analysis Centre. Intelligence-led operations became the key to preventative action, pre-deployment training was considered, police with specialised skills were recruited, and a decision was made to operate independently of the host state where necessary.

Progress towards the establishment of a more secure environment was thus underway when the earthquake of January 2010 devastated Haiti. All mission operations then turned to the protection of surviving civilians.

The MINUSTAH mission captured a number of lessons on the role of the UN police in protecting civilians including the complexity of the mandate, the range of potential contributions, and the importance of mission integration and intelligence-led operations. Gaps are being addressed, but progress always seems uncertain and slow. What is apparent is that the police role in POC is essential and that the presence of civilian police in any mission is ultimately about protecting civilians. The mission in Haiti supports these concepts. Haiti is also an example of a 'new conflict type' environment where organised crime and terror-type organisations are ongoing problems.

¹⁶ See SCR 1529 (2004).

¹⁷ See SCR 1542 (2004).

Non-mission Actors

In the 1990s, most NGOs would have seen protection as delivering life-saving relief services, peacebuilding, and security. The concept was not characterised as ‘protection’ *per se*. Ten years on, this has changed. Consequently, NGOs are involved with a number of activities, such as advocacy and assistance, and a number have budgets of billions of dollars that provide them with significant capacities to deliver protection services. They currently conduct approximately half of UNHCR activities, and the scope of NGO protection work has increased.

Conference participants heard from three humanitarian organisations on a number of approaches to protection now commonly used. One such, ‘Do No Harm’, stresses the need to avoid harm in delivering international assistance. Another approach is protection mainstreaming and integration, which focuses on the adaptation of programs to incorporate and address risk better. Specialised programming is another approach that has protection as the main object. Another common approach is rights-based, where international human rights are considered the starting point while states are viewed as ‘duty bearers’ who have responsibilities to protect and fulfil such rights. Finally, the community-based approach to protection recognises that people are the main actors for their own protection and have their own coping strategies.

Humanitarian organisations undertake a range of protection activities, which must vary in accordance to need and context. Every activity has an element of risk, which is considered whenever a program is designed. To find out about risks and needs, organisations talk with communities. The latter often request better engagement and protection from peacekeepers. In particular, communities have identified key aspects, namely the lack of communication and ability to report threats and abuse, and that people tend to trust person-to-person contact and discussion.

Organisations often work with communities to create protection committees, protection surveys, and identify threats. They conduct training on laws and human rights, improve relations with authorities, and present basic information about referral services, advocacy, and assessment of impact/results. Other protection activities include community surveys, the appointment of community liaison personnel to work with peacekeepers, the analysis of good practice, and the dissemination and sharing of information.

The presentations highlighted a number of challenges. For example, in the field there are often very high expectations in the host community of what peacekeepers can or cannot do and therefore, there is a need for ongoing communications to explain mandates, constraints, and objectives. However, the needs of communities and risks they face must also be identified, which is not always easy as there are often linguistic, cultural, and gender barriers. Therefore, protection should be holistic and comprehensive in both analysis and response while at the same time considering that there are different needs among different groups of populations facing different risks. These include identifying diversity among communities, identifying threats, causes and consequences, mapping vulnerabilities and

resilience, then ranking risk and considering priorities and solutions expressed by the community. This is where a rights-based approach accompanies a needs-based approach.

Complementary roles are also necessary. For example, some organisations have the capacity for rapid response and are often present before a humanitarian crisis develops, as many crises have been ongoing for years and even decades, so there are already actors on the ground. Other programs, on the other hand, are not concentrated on short-term responses, as the organisation prefers to operate within an extended period and concentrate on a 'sustainable development' approach to protection.

Several participants agreed that actors in the field must acknowledge there is not one clear protection perspective. Therefore, it is valuable to understand what all different actors mean by protection, understand each other's language, roles and perspectives, as well as the challenges each face. NGOs cannot provide physical protection that many communities ask for and this highlights the importance of conversation and comprehension of the different roles each actor has.

POC and the Security and Rights of Women

Protection of women has become a key subset of POC. This is due to the recognition of the large numbers of women and children affected by violence in conflict zones. In a 2007 report, the Security Council pointed to the lives destroyed every year and the failure to protect women against sexual violence in conflict.¹⁸ In these situations, sexual violence holds many communities hostage. Often viewed as collateral of war, sexual violence in conflict has been eclipsed by sexual exploitation in the peacekeeping arena. Statistics on sexual violence are notoriously unreliable; however, what is far more telling than plain numbers is that women in conflict zones often say rape is normal.

Sexual violence is a war crime and a crime against humanity. Sexual violence is not a women's matter but a POC issue. The UN has created a dedicated Special Representative of the Secretary-General (SRSG) to highlight the issue in public debate. It has also created training tools for peacekeepers to give them a deeper understanding of the phenomenon from the perspective of the victims to the motivation of the perpetrators, and to look at armed groups that have adopted a code of conduct and have managed to rein in forces and prevent sexual violence.

The first SCR to link women's specific experiences of conflict to the maintenance of international peace and security came in 2000 with SRC 1325. Following this, in 2008, SRC 1820 was the first resolution to recognise conflict-related sexual violence as a tactic of war. This latter resolution is a critical component of the maintenance of international peace and security, requiring a peacekeeping, justice, and peace negotiation response. In 2009, SRC 1888 strengthened tools for implementing SRC 1820 by assigning leadership, building judicial response expertise, and reporting mechanisms. Succeeding this was SCR 1889,

¹⁸ Report of the Secretary-General on the Protection of Civilians in Armed Conflict, UN Doc. S/2007/643.

which set out new issues in women's role in peacebuilding. It addressed women's exclusion from early-recovery and peacebuilding and lack of adequate planning and funding for their needs. The following year, in 2010, SRC 1960 provided an accountability regime for addressing conflict-related sexual violence. As a result, sexual violence as an issue is increasingly being included in peacekeeping mandates.

Examples of the progress being made were presented in two specific cases. In 2009, in Guinea-Conakry, the response to the use of rape as a tool of political repression was swift condemnation from the Security Council¹⁹ and political support for an International Commission of Inquiry. The second was the reaction to a mass rape in Walikale in the Democratic Republic of Congo in 2010. The response was an open Council briefing, a closed consultation resulting in recommendations, three press statements, and targeted measures against the perpetrators.²⁰ To build on this progress, priorities for the future include a number of initiatives. In particular, these will include the roll out of a new analysis and reporting structure to move from advocacy to action and accountability, work with TCCs to include sexual violence training. Further efforts are under way to develop early warning systems for quick response, and strengthen the political will of host authorities.

Sexual violence in conflict has existed as long as there has been warfare, yet reporting of rapes is unreliable and usually women do not receive any reparations for sexual violence. For example, reports of sexual violence actually increase as a security environment improves which indicates more confidence in reporting, though it is not always helpful in preventing future cases of violence. Information should not just be an aim in itself, but rather there has to be information feedback and appropriate responses.

CMAC participants stressed that recent progress on the protection of women and children must continue; it must build protection legislation and policies, strengthen social and protection services, communicate for social change, build local expertise, and create codes of conduct. However, these changes are continually challenged by the complexities of the many layers of governance. While the UN has played an important role in establishing and articulating global norms, there is sometimes a need for new institutions or reforms of existing ones. Compliance of norms is the most difficult task and is often not easy to achieve at national or local levels.

Children in Conflict Zones

Child protection is another important subset of POC. Children must also be protected against abuse and exploitation and be ensured in a protective environment. During the 1990s, conflict orphaned or separated approximately one million children from their families.

¹⁹ See Presidential Statement S/PRST/2990/27.

²⁰ See Presidential Statement S/PRST/2010/17.

Child Protection in situations of armed conflict was born out of the 1996 UNGA-commissioned Graca Machel study, report, and recommendations.²¹ It is a ground-breaking report on conflicts and their impact on civilians generally and children particularly. Children were identified as victims of war; they were identified as targets in warfare and not incidental casualties, with the situation of child soldiers identified as a major concern.

The Machel Report makes ten recommendations:

1. Conflict resolution and peacekeeping should put children and women first (and should promote child rights).
2. UN (and other agency) field personnel should monitor and report violations;
3. Health, (community-centred) psychosocial wellbeing and education of children should be the pillars of all humanitarian assistance for children in emergencies.
4. Ensure protection and care of adolescents to enhance their personal development and community participation.
5. Prohibition of gender-based violence perpetuated by either soldiers or other officials, and the training of humanitarian agency workers on their obligation to children and women.
6. There should be a lead agency for protection (including for internally displaced persons) for every emergency; with UNICEF spearheading the protection of internally displaced and unaccompanied children (especially to prevent family deportation and promote family tracing).
7. Ban child soldiers.
8. Ban the use, production, trade and stockpiling of land mines.
9. Monitor and ban arms transfers to conflict zones. Address root socio-economic causes of conflict and support social infrastructure that protects children.
10. Appoint a Special Representative of the Secretary-General (SRSG) to monitor the implementation of this report and ensure that issues of children and war are kept high on the international human rights, peace, security and development agendas.

These 10 recommendations formed the basis for the appointment of a SRSG for the UN protection agenda for children affected by armed conflict in 1997, and the establishment of the Monitoring and Reporting Mechanism (MRM) in 2005. The MRM was to 'provide timely, objective, accurate and reliable information on recruitment and use of children in violation of international humanitarian law and on other violations and abuses committed against children in armed conflict.'²²

The MRM gathers information on six grave violations:

1. killing and maiming children;
2. child abduction;
3. rape and other sexual violence against children;
4. recruitment and use of children by armed forces and armed groups;
5. attacks on schools and hospitals; and

²¹ *Impact of Armed Conflict on Children*, UN Document A/51/306 (1996).

²² SCR 1612 (2005).

6. denial of humanitarian access.

Of these six grave violations, three are listed in the annual Secretary-General's Report to the Security Council on Children and Armed Conflict:

1. recruitment or use of children;
2. killing and maiming; and
3. rape or other sexual abuse.

UN country teams in countries listed by the Secretary General are required to establish MRM country task forces that work within partnerships at all levels, such as field level, country level, and external agencies. The task forces include UN agencies, International and sometimes national NGOs.

MRM implementation has made progress resulting in the release and re-integration of children to their families and communities while facilitating more systematic dialogue and action planning between the UN country-level task forces and parties involved in a particular conflict. Between 2008 and 2010, over 20,000 children, including over 4,500 girls, were released from armed forces and groups. Most of them have been provided with reintegration support including education, skills training, livelihoods and psycho-social support.

To date, achievements include improved coordination and advocacy for children affected by armed conflict, enhanced accountability for perpetrators of grave violations against children, increased engagement with parties of armed conflict and opportunities for dialogue, and better linkages and interface with GBV monitoring and reporting.

POC Training

Since publication of the Brahimi Report in 2000,²³ the international community has recognised that the protection of civilians is central to the legitimacy and credibility of the UN, and that POC is a core responsibility for peacekeepers. Therefore, peacekeeping operations require new thinking, greater implementation, strengthened capabilities, and new tools to complement comprehensive and integrated strategies for missions such as new training for personnel.

Conference participants were told about the importance of looking at training, as there is a need to make sure that peacekeepers are prepared for the nature of the challenges awaiting them. In the past, peacekeepers have received POC training, but that had concentrated on legal obligations, such as the Geneva Conventions of 1949,²⁴ rather on what they actually must do in the process of protecting civilians.

²³ Report of the Panel on United Nations Peacekeeping Operations, UN Document A/55/305-S/2000/809 (2000).

²⁴ The Geneva Conventions is the body of international law that sets the standard for the humanitarian treatment of people during armed conflict.

The Asia-Pacific Civil-Military Centre of Excellence in collaboration with the United Nations Institute for Training and Research (UNITAR) has produced a documentary that articulates challenges facing peacekeepers. Conference participants were shown two 'teasers' for the documentary to gain a sense of its approach, which is to explain the importance and meaning of POC as it appears in UN peacekeeping mandates. The principle tool for communicating this in the documentary was a series of interviews with experts in numerous locations, from wide ranging backgrounds and from different agencies including high-ranking UN and military personnel with significant experience of the issues and actions surrounding POC. The documentary was released in October 2011.

OCHA is developing training for civil-military coordination and interfaces between actors. It focuses on how to support the military in the humanitarian context with the aim to look beyond natural disaster settings and to integrate POC into all humanitarian issues.

For DPKO, developing training for peacekeepers on POC is also underway. CMAC participants heard that implementing POC and peacekeeping on the ground is a difficult task. Military forces tend to train for a very different job – as fighting is not the same as protection – and this needs addressing before devising training methods. Although, the divide between fighting and peacekeeping is not always clear; however, important differences remain that must be addressed.

DPKO's main aim is to streamline training so that peacekeepers are not overwhelmed by the many overlapping areas. In developing a series of POC training modules, DPKO's objectives are to:

- establish a common understanding of what protection means,
- articulate UN institutional standards with regards to planning and implementation,
- clarify the different roles and responsibilities of all protection actors, and
- support more effective protection planning by improving awareness of threats and vulnerabilities.

UNITAR conducts diverse training programs along with research on knowledge systems, including learning approaches, methods and tools and their application to different settings. Currently UNITAR has ten training programs. POC training is a specialised program within its Peace, Security, and Diplomacy Unit, which provides systematic and comprehensive preparations to civilian, military and police personnel serving in peacekeeping operations. Its mission is to deliver innovative and results-oriented training, developed in accordance with DPKO guidelines and standards, and to contribute to the effectiveness of peacekeeping operations by strengthening the knowledge and skills of the personnel deployed. UNITAR's main method is a 'train the trainers' approach. The objective is to transfer knowledge and provide skills and techniques on how best to pass that knowledge on to individuals.

Since 1999, the UN Security Council has directed peacekeeping personnel to support national authorities to fulfil their responsibilities in protecting civilians. The Brahimi Report further stressed this mandate and the moral imperative of UN missions not to stand by

during attacks on civilians. However, the implementation of POC is complex and the impact on the perceived legitimacy, credibility and success of missions greatly increases when all actors are involved, and promote national and local ownership.

In 2008, DPKO, UN Women, and UN Action compiled an inventory of promising practices to address the issue of sexual violence.²⁵ It was launched officially at a high-level event on 30 June 2010, marking the start of a process designed to translate these practices into pre-deployment and in-country training for UN military and police personnel.

The idea for this specific training came out of a conference in 2008 that pointed out it has become more dangerous to be a woman rather than a soldier in conflict. At the conference, there were calls for scenario-based, rather than theoretical-based training. This would first, generate awareness in military and police planning circles of pragmatic and effective steps to address the growing use of sexual violence as a tactic of war; and second, to support the 'operational readiness' of peacekeeping personnel.

At a strategic level, the aim of this training would be to provide the audience with an understanding of the nature of sexual violence in contemporary conflicts, as well as the implications of sexual violence for planning and implementing protective tasks at the strategic, operational and tactical levels. The Learning outcomes are that the audience will have a better understanding of the challenges and dilemmas facing military and civilian decision-makers in the field. At the operational level, the aim is to provide an understanding of sexual violence as part of POC mandates, and the requirements for the preparation of contingency plans and appropriate courses of action.

Future challenges include problems between the conceptual, strategic and ground levels. DPKO's approach is that an important element in training will be that there has to be leadership and initiative; however, this must not interfere with utilising instincts on the ground. Therefore, it is necessary to balance ideas with practice – to provide for expectations and conduct training, but also to be consistent with the message that is behind the purpose of the training exercises. One participant pointed out that there cannot be a 'one size fits all' approach, but must still be some overarching principles. Standards are important, but there has to be agreement on those standards, and much still depends on the will of the independent forces themselves as opposed to a standard best practice.

Many issues are important to ensuring that missions do their utmost on deployment, to avoid queries about the purpose of those missions. For example, addressing issues of how to bring together all units involved in protecting civilians – military, police, civilian personnel – to prevent duplication is crucial. Other settings should be consideration for scenario-based training, such as natural disasters and urban contexts. Moreover, gaps in resources must be identified, as there are never enough resources to meet all needs, which is why responsible management must oversee whatever resources are available.

²⁵ *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice*, New York, 30 June 2010.

Implementing POC

Support for comprehensive protection strategies requires human and operational resources. CMAC participants heard from two examples of implementation of policies and resources, that of the military and the police.

The Australian Defence Force's (ADF) approach to doctrine and training include initiatives to protect civilians, provide preparedness and education. The idea of safeguarding civilians is not new – it is a fundamental concept when ADF deploys missions, and is an accepted concept in counter-insurgency operations. However, protecting civilians has always been viewed within wider aims, rather than an aim in itself. Nevertheless, the work of the UN in the field of POC is regarded as best practice and military doctrine continues to evolve to incorporate new ideas as a response to new emerging concepts. Because of this, Australia is developing a POC doctrine for the ADF. Other Australian agencies have an interest in this process, which is not solely a military task, but as one that involves all actors including civilians and the police, underscoring the need for all Australian Government agencies to respond.

The ADF is a supporter of UN peacekeeping. It has contributed to missions, and a commitment to international peacekeeping is part of its history. Currently, the ADF is conducting training, and underlining this training is UN doctrine. It is a rigorous process and elements include cultural and language training, ethics training, counter-insurgency, scenario-based training using role-play.

For Formed Police Units (FPUs) protecting civilians is a core mission. In early 2011, a workshop at the Centre of Excellence for Stability Police Units sought to identify field practices in a number of countries. The workshop addressed the issues of the nature of the threat to civilians, the POC functions performed, and how these functions should be performed.

The types of gaps missions face were explained to conference participants. For example, a deployment gap is when the military turns up and asks where the police are - police take time to deploy. An enforcement gap is when the use and type of force has not been identified, and an institutional gap happens when there is inadequate training and strategic development.

Recommendations for addressing these gaps included:

- Integrated mission leadership and planning – combining military and police and deciding the dividing line between them.
- Situation awareness and intelligence - any mission with a POC mandate should be deployed with a properly resourced Joint Mission Analysis Centre (JMAC). Permanent JMAC positions should be established within DPKO to avoid inordinate delays in establishing JMACs, as missions need the capacity to conduct intelligence-based operations.

- Pre-emptive force – POC strategies should address the source of threats to civilians by developing doctrine for confronting these threats.
- Filling the void in the rule of law – properly assess the criminal justice system, identify voids, and seek authorities to fill them.

One participant asked if military police could fill the security gap. However, one problem is that the military police are not always available for civilian policing as military tasks take priority, thus becoming an issue of capacity. This same problem applies to civilian police who are also over committed, and overseas deployments can cause a disruption to domestic civilian policing.

Conclusion

The aim of CMAC 2011 was to help bridge concepts with practice regarding the protection of civilians in peacekeeping operations. The conference identified a range of good practices, many of which are dependent on good communication and dialogue between various actors at all levels – the international community, military and police units, humanitarian organisations, national governments, local communities and individuals. While challenges remain, conference participants presented possible solutions, and spoke positively about the potential to move forward on all the issues facing civilians in conflict zones, in particular training, and mission deployments. There was consensus on the need for all actors to develop common understandings of the meaning and importance of POC and to work co-operatively to develop comprehensive policies so that they are then translated into effective practice.

Documents and Resources

United Nations Documents

Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice, New York, 30 June 2010.

Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations, United Nations DPKO/DFS, 2011.

Impact of Armed Conflict on Children, A/51/306 (1996).

Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, United Nations, DPKO/DFS, 2010.

Report of the Panel on United Nations Peacekeeping Operations, A/55/305-S/2000/809 (2000).

Report of the Secretary-General on the Protection of Civilians in Armed Conflict, S/2007/643.

Victoria Holt and Glyn Taylor, *Protecting Civilians in the Context of Peacekeeping Operations*, Independent study jointly commissioned by United Nations DPKO/OCHA, 17 November 2009.

UN General Assembly Resolutions

46/182 (1991)

UN Security Council Resolutions

1325 (2000)

1529 (2004)

1542 (2004)

1612 (2005)

1769 (2007)

1778 (2007)

1820 (2008)

1861 (2009)

1888 (2009)

1889 (2009)

1960 (2010)

1923 (2010)