

Challenges to Implementing the Protection of Civilians Agenda

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Summary

The successful implementation of the Protection of Civilians (PoC) agenda still depends on whether the UN will be able to overcome a number of challenges at headquarters, in peacekeeping missions and in terms of addressing the conceptual meaning and interpretations of PoC. While protecting civilians under imminent threat is largely accepted today as a guiding principle behind peacekeeping missions, there are still divergences as to the meaning of PoC and its application. At the mission level, there is still no agreement as to the meaning of PoC, its applicability, and how it ought to relate to local context and sensitivities. There is also a tension between those tasked specifically with protection and those simply assumed to have to address it. At UN headquarters level, PoC still seen as belonging to UN OCHA and not UN DPKO.

Only through gaining an understanding across different UN agencies and departments can PoC become successfully implemented. Finally, in terms of training for protection, the standing of PoC vis-à-vis related concepts such as R2P must be clarified. While PoC enjoys great legitimacy and acceptance today, associating the concept to R2P through discursive turns such as the “responsibility to protect civilians” can easily come to associate PoC with the controversy related to R2P. Conceptual clarity and emphasizing what PoC entails conceptually and in practice must be a key issue when training personnel for peacekeeping operations.

In January 2009, ten years after the issue of Protection of Civilians (PoC) came onto the agenda of the UN in questions relating to peacekeeping, the UN Security Council (UNSC) adopted its third version of the *Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict (S/PRST/2009/1)*. This Aide Memoire reaffirms the commitment of the UNSC to implement all issues pertaining to the PoC, including all previous resolutions of the matter.

While “protection” and the “Protection of Civilians” (PoC) have almost become buzzwords when addressing specific UN strategies and policies dealing with how to provide effective protection, the concept of PoC is relatively recent, as it was not until 1998 that then UN Secretary General (UNSG) Kofi Annan coined the term in his report on *The causes of conflict and the promotion of durable peace and sustainable development in Africa* report (UNSG 1998) in which he identified protecting civilians in situations of conflict as a “humanitarian imperative”. Rwanda and Srebrenica had crudely exposed the lack of proper tools for reacting to this type of situations. Furthermore, not only has the civilian toll relative to that suffered by combatants in situations of armed conflict increased dramatically, but civilian casualties in conflicts today are increasingly the result of deliberate targeting by fighting parties rather than indirect victims. As head of UN OCHA John Holmes stated to the UNSC in 2009, “[...] the potential vested in peacekeeping missions with protection mandates is still not being realized. One reason is that these missions are not being provided, on a consistent basis, with the capacity required to fulfil those mandates” (UN Radio 2009).

Against this backdrop, many actors supported the emerging concept of PoC. Since 1999 the standard phrase “protect civilians under imminent threat of

physical violence” has become an integral part of almost all UN mandated peace operations – challenges remain, however, how to translate this language into practice. In February 1999, the UN Security Council (UNSC) addressed a set of issues which subsequently became the core of the PoC concept. These initial issues were: (i) the need to ensure the safety of civilians, (ii) the unimpeded and safe access of the UN and other humanitarian personnel to those in need, (iii) the situation of children in armed conflict, (iv) the need for justice, (v) and the proliferation of small arms. Today, after the adoption by the UNSC of the latest version of the *Aide Memoire*, PoC counts 49 issues listed under three main headings, namely “General Protection Concerns Pertaining to the Conflict-Affected Population”, “Specific Protection Concerns Arising from Security Council Discussions on Children Affected by Armed Conflict”, and “Specific Protection Concerns Arising from Security Council Discussions on Women Affected by Armed Conflict”. The first of these headings is divided under “Protection of, and assistance to the conflict-affected population”, “Displacement”, “Humanitarian access and safety and security of humanitarian workers”, “Conduct of hostilities”, “Small arms and light weapons, mines and explosive remnants of war”, “Compliance, accountability and the rule of law”, and “Media and information”.

The intention behind the *Aide Memoire*, rather than being to provide a blueprint for action, was to provide a list of issues for the consideration of the UNSC when drafting or renewing peacekeeping mandates on a case-by-case basis.

Challenges to PoC

However, as pointed out elsewhere (see Lie and de Carvalho 2008), while we can speak of a shared “culture of protection” between actors involved in peacekeeping, PoC still has along way to go before becoming implemented as a central concept in peacekeeping missions at all levels, as the recent *Capstone Doctrine (United Nations Peacekeeping Operations. Principles and Guidelines)* adopted by UN DPKO stresses: “The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a United Nations peacekeeping operation and must be mainstreamed into the planning and conduct of its core activities.” (UN 2008)

At headquarter level, PoC suffers from not being implemented throughout different agencies, as it is largely UN OCHA that claims and demonstrates ownership to the policy “franchise” of protection of civilians. UN DPKO has a part-time PoC officer, and knowledge of PoC issues is limited to the reporting from missions. While PoC issues have become increasingly taken into account in UNSC mandates, individual drafters from involved member states still pay only scant attention to the concept, and see it as either too broad, or largely irrelevant.

In-mission, there is a balance between giving a specific section responsibility for PoC issues (e.g. in UNMIS in Sudan) and having the concept and issues pertaining to it as a broader framework for action. With the former, there is a danger that PoC issues becomes overlooked by other elements of the mission as it is seen as the dedicated responsibility of the Protection Unit, and with the latter there is a danger that no-one attends to it as it does not have an institutional anchorage. Furthermore, to complicate issues, the frequent rotation of UN personnel makes it difficult for PoC issues to settle into the institutional framework and practices, as well as to adapt it to local contexts and needs.

Finally, at the conceptual level, there is a fair amount of confusion as to what PoC entails. As the concept is wide, it can be difficult to grasp the core of what the concept entails apart from the fact that is supposed to place the needs of vulnerable populations and access to these at the core of the aims of UN missions. The blurred nature of PoC also makes the distinction between PoC and the related “Responsibility to Protect” (R2P) difficult to grasp, a fact not made easier by a number of actors interested in making use of the momentum PoC has enjoyed in order to promote the much more controversial R2P. All these issues make it more difficult to train personnel in what PoC entails, which in turn makes it difficult for those involved in PoC in missions struggle to grasp what protection entails and how it relates to other fields tangential to it, such as human rights.

Protection in UN Missions

As PoC is broad and entails most protection tasks taken up in UNSC resolutions, and since the *Aide Memoire* is intended as guide or menu from which to pick the issues pertinent to any given case, much interpretation is left to UN personnel in the field. It usually is the SRSG, the Force Commander or other further down the chain to “deem” it to be within the scope of the mission’s “capabilities”. What is not clear is if the capabilities, from the beginning, were deemed sufficient to protect civilians or were planned to be so (cf. Holt 2005).

In this regard, the Force Commander and other military commanders play a crucial role. Especially in terms of deciding when a protection issue requires the use of force from the UN. As PoC is broad and largely left to the interpretation of commanders, and these commanders –often due to restrictions from either troop contributing countries (TCC) or host government – often shy forceful engagement, there is a danger that protection situations in the field remain unattended to by the UN. In order to remedy this, the UNSC and the UN centrally must take a more forceful stance on PoC issues when mandating an operation, stating clearly which situations require the use of force. The same situation applies to many of the top-level management of missions, where SRSG and



DSRSG not necessarily have knowledge of what PoC entails. This becomes problematic when decisions and interpretations of when PoC issues arise and how to address them still largely remain the prerogative of the mission leadership.

UN missions, like most large organizations, are compartmentalized. PoC issues at the mission level are often the responsibility of UN OCHA, but depending on which UN agency is present in the field, it can also be the responsibility of for instance UNHCR or UNICEF. PoC then becomes easily the subject of intra-organizational jealousies, which in turn hampers the streamlining of these concerns into the whole mission, and hinders the UN's ability to act in harmony and "deliver as one."

Protection Officers at mission level also struggle at many levels with the concept. The increasing number of Protection Officers within the mission makes it a specialized area, which in turn makes the system-wide awareness which is the goal of PoC difficult. When some personnel have protection as their job, why do others need to take it into account, and if they do, how should they do it? Finally, the UN suffers from dire staffing problems, not only in the sense that getting qualified personnel can be difficult, but in that the frequent rotation of personnel and short contracts (often only six months) makes it difficult for those involved with PoC to understand local contexts, situations and needs, which get further ramifications when PoC issues are not institutionalised at mission level but rather are the responsibility of dedicated staff on short-term contracts. Awareness to context is a central element of PoC and as such, ensuring that such knowledge is available and transmitted within the organization is a fundamental challenge which needs to be overcome if PoC is to be effective. With the current levels of rotation, neither local sensitivity nor PoC awareness are allowed to settle in missions.

Protection at UN Headquarters

At UN headquarters, there is a sense in which the realm of PoC is with UN OCHA. OCHA has also been the agency which has largely driven the PoC agenda forward, including attempts at making PoC more tangible through the *Aide Memoire* and the expert group of the UNSC.

While this has doubtless allowed PoC to gain momentum institutionally, as UN OCHA have acted as advocates of the concept, this nevertheless represents challenges as well. When being the responsibility of UN OCHA alone, there is a danger that the concept may not gain the system-wide legitimacy it needs if it is to serve as an overarching framework for UN involvement in conflict situations. And while the Security Council Expert Group on the Protection of Civilians which was finally established on January 14, 2009, may ensure that PoC issues are taken into account

by the Council in discussions of mandates, the working group may work to further establish PoC as the responsibility of UN OCHA alone. It should here be noted that although PoC is enhanced at UN headquarters level, the responsibility to deem relevant whether to act on issues pertaining to PoC or not is still vested in the mission level. This can come to hinder views of other UN agencies in these deliberations. While PoC is meant to be all-encompassing, it does not follow from this that it covers all issues and perspectives. Head of UN OCHA John Holms summarized the aim of the working group as "an informal forum that brings together Council Member States for transparent and timely consultation with OCHA on protection concerns, particularly in the context of the establishment or renewal of peacekeeping mandates" (UNSC 2009). Interviewees at other UN agencies in New York raised concern that the establishment of the working group would give UN OCHA too much power in setting the agenda of the Council on matters of peacekeeping.

The mainstreaming of PoC concerns at headquarter level also requires other agencies and departments to play an active part and being aware of these issues. One example is the UN DPKO, which counts little expertise on protection of civilians. Especially in reporting from missions, PoC issues must be included. If UN DPKO officers in charge of reporting from the missions have little awareness of what PoC consists of, there is a danger that the reporting on PoC which comes from missions is ignored or not forwarded. PoC must be more strongly embedded within UN DPKO if the concept is to be successfully implemented in UN peacekeeping.

Protection of Civilians as a Concept

PoC is broad and still elusive to many involved in peacekeeping. This fact is exacerbated by the broadness of the concept and the lack of tangibility. As PoC requires situational and cultural awareness as well as intimate knowledge of the challenges facing populations in conflict areas, streamlining the concept is difficult. In this sense, PoC faces a paradox. While its mainstreaming would seem to require a simplification of the concept, so to speak, in order to make it more tangible, this in turn would run the risk of undermining the aim of the PoC concept, which is to be malleable enough as to provide protection in all situations.

Providing training in protection issues to both military and civilian personnel involved in peacekeeping is therefore a challenge. PoC cannot be written down to a checklist or handbook which can be carried around in the field, as protection may mean different things in different contexts. When a concept can mean everything, in mission, it can easily come to mean nothing. Consequently, institutionalising PoC awareness is paramount.

PoC must therefore become a larger component of mission training. This training cannot focus on the concept alone, as memorizing the issues covered by PoC can only be counterproductive. The imperative of having protection of host populations as the core of peacekeeping is the best way to convey the core meaning of PoC to personnel involved in peacekeeping. This core, together with understanding the needs of local populations, the scope of action allowed by any mandate, and the willingness to act upon it ought to be key elements of any training for peacekeeping. The key to understand PoC in any given mission is to understand how the concept translates into practice, and the extent to which its application addresses the needs on the ground.

4 Finally, PoC must be understood in relation to other related concepts. Of fundamental importance is the differentiation between PoC and R2P (Lie 2008). R2P, has since 2005 become increasingly subject to contestation, and as such, associating the two can easily come to hinder the implementation of PoC. While R2P in the last instance is interventionist, PoC as championed by UN OCHA is not, making humanitarian personnel afraid the PoC–R2P amalgam might narrow the humanitarian space and neutrality deemed so necessary to implement PoC. Moreover, PoC addresses the role and function of a peacekeeping *already agreed to* or an ongoing mission. As a concept, PoC does not provide a rationale for intervention. This distinction is important to maintain in order for PoC not to be entangled in the R2P controversy. Already, the two concepts are being entangled. The UNSC re-

affirmed R2P in its resolution 1674, which thematically is a resolution belonging to the realm of PoC. The R2P–PoC nexus is also illustrated through expressions such as the “responsibility to protect populations” or the “Responsibility to Protect Civilians”. Training for protection must concentrate on how to apply PoC in the field. For this aspect to be the core of protection training, PoC must not be turned into the *Responsibility to Protect Civilians, R2PoC or R2PC*.

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