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Non-Military Protection of Civilians in UN Peace Operations: Experiences and Lessons

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1. Introduction

This research paper on non-military aspects of Protection of Civilians (PoC) was prepared to inform the work of the UN Secretary-General's High-level Independent Panel on Peace Operations. Non-military aspects of PoC deserve attention for three reasons: First, it is now well understood that PoC is not just a task for soldiers. The Security Council regularly includes references to non-military tasks in PoC mandates.² And the UN Department for Peacekeeping Operations (DPKO) defines PoC as a "whole-of-mission" concept with key roles for both military and civilian components along all three tiers of action: (1) protection through dialogue and engagement; (2) provision of physical protection; and (3) establishment of a protective environment.³ Second, civilian missions (and mission components) have shown they can provide crucial protection functions. In this respect, it is worthwhile to explore the degree to which PoC lessons may be applicable to Special Political Missions (SPMs).⁴ According to some, "there was no reason why SPMs should not have specific PoC mandates, too."⁵ And third, the notorious reluctance of peacekeepers to use force in the pursuit of PoC mandates warrants a closer look at what non-military tools missions have at their disposal.⁶

The research for this paper was conducted as a desk-based review of relevant academic and think tank literature, media

reports, and public and internal UN documents, complemented by a handful of informal interviews with mid-level UN staff. This paper adopts a narrow interpretation of PoC, looking primarily at tools and activities that provide more immediate protection from specific and imminent threats, including local conflict resolution and peacemaking efforts, human rights monitoring and advocacy, engagement with armed groups, and creating security conditions conducive to provision of humanitarian assistance. By contrast, this paper does not cover more "upstream" aspects of PoC that are difficult to distinguish from structural conflict prevention efforts such as capacity building in the areas of rule of law or security sector reform (SSR).

2. Ensuring PoC Coordination and Overcoming Information Silos

The UN's whole-of-mission concept of PoC requires coordinated approaches that need to be reflected in the structure and operations of UN peace operations, starting with their PoC strategies.⁷ Such strategies will need to clarify the PoC role and responsibilities of all mission components and ensure coherence of effort in light of the deployment area's identified risks. Seven of the ten peacekeeping operations with a PoC mandate currently have such strategies in place, with an eighth being in the process of developing its strategy.

A 2012 UN DPKO/Department of Field Support (DFS) lessons learned study on PoC coordination mechanisms identified 10 fundamental protection tasks that require joined-up approaches, including planning; early warning and situational awareness; and engagement with international partners, local communities, and national authorities. The study also found that putting in place a dedicated PoC Coordinator function (whether a senior individual, a group or a substantive section) tended to improve PoC mandate implementation – if imbued with sufficient authority, resources and expertise.⁸ Several peace operations, such as the ones in South Sudan, Central African Republic, and Mali, have also deployed PoC Advisers to field outposts to ensure adequate coordination at the sub-national level.

The study also noted that a PoC coordination unit was no substitute for a dedicated PoC policy body responsible for strategic policy and operational decisions on PoC issues in exigent circumstances. However, such crisis management mechanisms tended to work better where they could build on the mechanisms developed in PoC coordination bodies.

Joined-up approaches are particularly important with respect to multidimensional threat analysis and early warning and response. In 2009, a major study on PoC in UN peacekeeping concluded that “most missions do not have sufficient capacity to collect and analyze the information needed to address day-to-day threats nor to predict potential crises that could lead to rapid escalations of violence.”⁹

Since then, some missions have developed their Joint Mission Analysis Centers (JMACs) into critical elements of integrated PoC analysis and early warning mechanisms (e.g. UNMISS in South Sudan and MONUSCO in the DRC).¹⁰ Overall, however, the ability of JMACs to fulfill coordination functions for PoC analysis is uneven across missions. JMACs had difficulties translating high volumes of information into PoC action, tended to lack a “PoC lens,”¹¹ and were insufficiently linked up with response mechanisms.¹² Because they typically serve senior management, and often deal with sensitive information, they are inherently limited in their ability to ensure mission-wide sharing of analysis. Consequently, MONUSCO, for instance, has established a separate Early Warning and Rapid Response Cell, which is a multidisciplinary working group composed of representatives from Child Protection, Civil Affairs, Human Rights, UN military and UNPOL, in addition to JMAC.¹³

A 2014 Office of Internal Oversight Service (OIOS) report on PoC singles out the MONUSCO early warning model as exemplary but notes that in most other missions early warning remains a problem with missions on occasion caught by surprise as a result of persisting “information ‘silos’ and fragmentation..., especially between the uniformed and civilian components.”¹⁴ Indeed, the lack of joined-up analysis and insufficient information-sharing among mission components remains one of the biggest challenges for missions to

carry out their PoC mandates. Improving cooperation and information-sharing between civilian and military staff, in particular, remains a work in progress due to the very different professional cultures between both groups.

3. Conflict Analysis: improving local embeddedness and situational awareness

Any effective protection strategy will have to be based on a sound analysis of the patterns and risk of abuse and the dynamics leading up to such abuses, including broader conflict dynamics, the interests and strategies of conflict parties, the behavioral patterns and characteristics of both perpetrators and victims or persons at risk, and local, social relationships of paramilitary gangs in a town.¹⁵ Recent analysis emphasizes in particular the importance of understanding the perceptions of affected communities, and the need to reinforce self-protection efforts that may already be in place.¹⁶

A growing number of researchers and practitioners point to UN missions’ common failure to understand local conflict dynamics, which tends to undermine their ability to tailor appropriate protection responses. The UN’s deficiencies in this area is rooted, inter alia, in the following factors:

- A risk-averse staff security culture that discourages presence in potential trouble spots;¹⁷
- Recruitment and promotion practices that favour the-matic over local expertise;¹⁸
- Scarcity of UN staff with local language skills;
- Lack of logistical and financial resources;¹⁹
- A tendency of international UN staff to socialize among themselves rather than seek interaction with the local population.²⁰

This “lack of local embeddedness” at times prevents UN staff from building trust and personal networks, and inhibits the ability to collect in-depth information and produce high-quality analysis.²¹ These deficits are all the more problematic, as recent scholarship has 1) identified local-level conflicts as a key driver of violence against civilians in civil wars (see Section 5 on Local Conflict Resolution) and 2) emphasized the importance of local-level political economy analysis in the effort to understand PoC risks.²²

Analysts have offered a number of recommendations to address the UN’s shortcomings, including greater recruitment of international staff with proven country expertise; increased reliance on local staff, especially in missions’ civil affairs and human rights sections;²³ and adoption and implementation of staff security strategies that favour presence in potential trouble spots (while making it as safe as possible).²⁴

To a degree the UN has internalized the need for greater proximity to and better understanding of trouble spots away from the host country’s capital. Both the SG’s Human Rights

Up Front (HRUF) initiative and the Programme Criticality Framework (both meant to be UN-wide initiatives guiding UN country teams as well as peace operations) put a premium on continued UN operations in crisis contexts.²⁵ While it is too early to assess the effectiveness of HRUF, a recent independent review of the Programme Criticality Framework suggests that while it has had a moderately positive influence on the UN's ability to "stay and deliver", the extent to which it was integrated into UN entities' way of working and to which it informs decisions on acceptable risk remained limited.²⁶ (The review also concluded that it was seen as more relevant by staff of SPMs than of PKOs, which have security assets and therefore – at least in theory – greater risk tolerance).²⁷

Over the past decade, UN humanitarian agencies have been at the forefront of efforts to adopt enabling security approaches that shifted from risk avoidance to risk management, focusing on 'how to stay' as opposed to 'when to leave.'²⁸ In situations of extreme insecurity, some humanitarian agencies have successfully experimented with "remote management programming," relying on localised staff structures for field offices, recruiting staff members in consultation with their communities, and appointing nationals from the diaspora as international staff.²⁹ Yet, in spite of these efforts, Médecins Sans Frontières, in a widely noticed recent report ("Where is Everyone?"), lamented UN agencies' increasing absence from crises areas, noting that in many of today's acute emergencies "international staff of humanitarian agencies are rapidly evacuated or go into hibernation, and programmes downgrade to skeleton staff or are suspended."³⁰

Meanwhile, individual peace operations have adopted new approaches to improve their situational awareness and analysis on protection issues in hard to reach locations, lessons from which may be helpful for other missions. MONUSCO has deployed around 200 local civilian Community Liaison Assistants (CLAs) in more than 70 military bases across the eastern DRC to build reliable networks with local communities. (This model has since been replicated in a number of other peace operations, including MINUSCA in CAR, UNMISS and – in modified form – in UNISFA in Abyei.)

MONUSCO's Community Liaison Assistants are complemented by multidisciplinary Joint Protection Teams (JPTs) that are deployed for a few days to remote and volatile areas to investigate and analyze protection risks and propose military and civilian responses. Drawing in members from all civilian sections in MONUSCO,³¹ the JPT mechanism embodies the whole-of-mission approach to PoC and has somewhat improved situational awareness and engagement with remote communities. At the same time, an internal lessons-learned study identified a range of weaknesses, in particular the JPTs' limited ability to properly assess local dynamics and devise appropriate responses given their short

deployments.³² However, scaling up such initiatives harbors the risk that very visible information gathering efforts at the local level create protection expectations among the local populations that the UN may have a hard time to fulfill.³³ Similarly, a mission's visible civilian presence (discussed in greater detail in Sections 5 and 6) can create resentment if that presence comes mainly in the form of white, air-conditioned 4x4 Land Rovers.

Meanwhile, UNMISS had established three dozen County Support Bases (CSBs) throughout South Sudan, a network of light footprint offices and accommodations for mission staff in rural areas, designed to expand the mission's presence and facilitate the work of the UN Country Team in remote areas.³⁴ However, since the outbreak of the crisis in late 2013, UNMISS had to largely reconsolidate its presence again around a handful of force sector headquarters. Similar consolidation of troop deployments recently occurred in MONUSCO and MINUSCA in the face of instability, inevitably reducing the geographical coverage of the civilian components, which depend on peacekeepers for security.

Initiatives such as CLAs, JPTs, and CSBs are laudable innovations that have addressed specific shortcomings, and may – in some cases – have led to improved protection outcomes. However, ultimately, there is still insufficient understanding of what works why in what context and what does not. For instance, an internal MONUSCO Review, while noting the value of CLAs for the successful implementation of the PoC mandate, also pointed to the difficulty of ensuring adequate and timely information gained from CLAs across different mission components.³⁵ An external review of this and other innovative PoC tools set up within MONUSCO noted that "the practical impact of these activities was deeply questioned by nearly all respondents, including many within MONUSCO itself, but whether MONUSCO's protection strategies are mistaken or insufficiently implemented was less clear."³⁶

4. Early Warning: the need for better alert systems

Closely linked to the question of conflict analysis is that of early warning, where UN missions' disconnect from remote hotspots has proved problematic. Here again, it is MONUSCO, one of the missions with the most acute protection challenges, that has made the most concerted effort to build early warning mechanisms, which are often invoked as models for implementation by other missions.³⁷

Initially piloted in December 2010, MONUSCO's Community Alert Networks (CANs) are a scheme that provides for the distribution of mobile phones to individuals in at-risk communities allowing them to alert the mission or national authorities to PoC threats. While seemingly a good initiative, internal reviews cast some doubt on CANs' effectiveness. A 2014 MONUSCO review concluded that most CAN alerts

were not in response to PoC threats and mostly took place after the incidents had taken place and perpetrators had fled.³⁸ A joint 2013 DPKO-OHCHR review pointed out that the CAN project was hobbled by “unreliable equipment, maintenance expenses, the reliability of community focal points and the staff-time associated with managing the project,” leading it to recommend to reconsider the initiative.³⁹ UNAMID staff conveyed similar concerns with respect to safety of individuals involved in CANs, noting that possession of a mobile phone in Darfur potentially increases the threat to one’s life. UNAMID’s civil affairs section therefore set up CANs using communication devices other than cell-phones.⁴⁰

5. Conflict resolution: Going local

A growing body of scholarly work has questioned the view that civil wars and conflicts are primarily a result of the breakdown of authority at the central level, suggesting instead that local conflict dynamics play an important role not only in the outbreak but also the duration of civil wars, with widespread violence often continuing even after peace agreements have been signed.⁴¹ Leading scholars focusing on micro-level conflict dynamics contend that violence in civil wars is primarily driven by local agendas, at the level of individuals, families, clans, ethnic groups and communities.⁴²

This suggests that the UN’s overwhelming focus on national, capital-based peace processes may need to be complemented by greater local-level conflict resolution efforts, including with respect to PoC. It also puts a premium on the efforts (and proper resourcing) of missions’ civil affairs components, which are working on the frontlines of local violence prevention.⁴³

Indeed, a number of DRC experts argued that the reason for the UN’s limited peacebuilding success in that country is that it was too focused on statebuilding at the central level while paying too little attention to the root causes of the violence in the eastern region: local disputes over land and power.⁴⁴ Similar analysis has been offered with respect to UN efforts elsewhere,⁴⁵ with a lack of proper funding for civil affairs components often compounding the problem.⁴⁶

But here too, we see meaningful learning and adaptation by the UN in an effort to reinforce conflict resolution efforts at the local level, sometimes in partnership with UN development agencies. Starting in 2013, MONUSCO has re-deployed much of its civilian personnel to the eastern provinces (leading to criticism that this has led to the mission’s neglect of other conflict-affected parts of the country). UNMISS, its wider troubles notwithstanding, has been widely praised for its contributions to mitigating and resolving local conflicts, and in particular the facilitating

role of the mission’s civil affairs section.⁴⁷ In Nepal, UNMIN civil affairs officers in 2007-08 successfully mitigated local conflicts at key moments, some of which were becoming communal in character, while others were initiated by spoilers keen on derailing the peace process.⁴⁸ In Darfur, UNAMID has launched a wide range of local mediation and reconciliation initiatives aimed at defusing tension arising from cattle raids, disputes over land use, and conflicts between farming communities and nomadic groups, several of which led to local cessation of hostilities agreements and decline in violent incidents.⁴⁹ And in Afghanistan, UNAMA facilitated a traditional assembly of elders in Jalalabad resolving a century-old conflict between two tribes, leading to an agreement to stop planting landmines and explosives, the rebuilding of homes destroyed due to the conflict and the establishment of a mechanism to resolve land and property disputes.⁵⁰

Finally, UNMIL’s experience in Liberia suggests that flexibility in resource allocation for local conflict resolution initiatives should be encouraged. There, civil affairs officers used a portion of funds designated for water and food expenses for staff, towards transportation costs to enable implementation and attendance at consultative forums. By bending the rules, civil affairs was able to facilitate the forums which led to the establishment of the first community based peace committee and resulted in peace committees being established in all 15 counties throughout the country.⁵¹

6. Human Rights: Ensuring protective presence and effective advocacy

Protection is also the ultimate objective of human rights field-work.⁵² In the 1990s, human rights monitoring missions were repeatedly deployed in advance, in parallel or in the aftermath of UN Peace Operations (e.g. in El Salvador, Haiti, Guatemala, Rwanda, and Burundi). It was especially the absence of a human rights mandate within UNAMIR in Rwanda that spurred the trend towards including human rights monitoring and capacity building provisions in the mandate of UN peace operations. (The OHCHR mission in Nepal deployed two years before UNMIN constitutes a recent exception.)⁵³ Arrangements have since been put into place such that human rights components within UN missions are designed and run in cooperation with OHCHR.⁵⁴ The human rights community initially expressed concerns that integration of human rights into peace operations would marginalize human rights by subordinating the issue to political considerations. However, there has been recent acknowledgement that human rights components are making their weight felt within missions and are receiving adequate logistical support.⁵⁵ As of late 2014, six SPMs and nine PKOs were equipped with a human rights monitoring mandate,⁵⁶ and the human rights components of some missions (e.g. MONUC and UNAMID) numbered well over 100 staff at their peak.⁵⁷

6.1. Monitoring and Proactive Presence

Experience has shown that UN Human Rights monitoring and reporting can contribute to the furthering of the protection of civilians. The potential of unarmed international field missions to deter abuses by being visibly present has been well documented.⁵⁸ In many conflict situations, both state actors and non-state armed groups tend to be more concerned with their reputation than is generally assumed, with international scrutiny often moderating their behavior: "International presence moves the border between acceptable and unacceptable action, and thus provides real protection."⁵⁹ In El Salvador, Guatemala and Nepal, international monitoring and advocacy helped reduce violence, created a positive climate for an overall peace agreement, and paved the way for a UN peace operation with the mandate to help implement such an agreement.⁶⁰ In Haiti, MICIVIH helped to mitigate temporarily human rights abuses (and helped create the international will to oust the military regime through force).⁶¹ More recently, in Mali, the deployment of mobile human rights teams helped prevent further escalation of violence in some places.⁶² The abuse-inhibiting effect of unarmed international field missions could even be observed in the case of UN electoral monitoring missions (e.g. UNAMET in East Timor), or ceasefire monitoring missions (such as the Kosovo Monitoring Mission).⁶³

It has been pointed out that high profile events or crises can be "moments when a very focused and intense short-term presence," for instance through temporary installation of local offices or short visits "can have a particularly notable protective impact."⁶⁴ In the run-up to the Constituent Assembly elections in Nepal in 2008, UNMIN arranged for a visible and concentrated presence by Civil Affairs, Electoral Affairs, and Human Rights staff in districts and localities that were identified as being at particular risk of violence in careful vulnerability assessments. These deployments proved to make an important conflict resolution contribution and allowed UNMIN to issue, together with OHCHR, public reports in the weeks prior to the election highlighting incidents of violence and other breaches of the Ceasefire Code of Conduct.⁶⁵ In spite of these instances illustrating the preventive and deterrent value of human rights monitoring, it is mistakenly perceived to be mostly geared towards accountability processes addressing past violations, leading to human rights components of field missions being insufficiently resourced.⁶⁶

UN peace operations could also benefit from experience by the growing number of civil society groups around the world employing unarmed civilian protection techniques, such as Peace Brigades International in the field of proactive accompaniment of threatened individuals.⁶⁷

Meanwhile, UN Police, including through their monitoring functions, are becoming an increasingly important tool in the implementation of PoC mandates.⁶⁸ Today,

the UNPOL contingents in 12 UN peacekeeping operations have received a police-specific PoC mandate from the Security Council.⁶⁹ In South Sudan, UNPOL provides internal security in nine camps that are sheltering some 100,000 internally displaced persons. In CAR, under its mandate to adopt urgent temporary measures to maintain basic law and order and fight impunity (resolution 2149), MINUSCA is not only supporting the creation of a national special investigative cell and a national special criminal court to investigate, prosecute and adjudicate serious violations of human rights and international humanitarian law, but its police units are tasked with arresting and detaining individuals accused of such crimes.⁷⁰ Indeed, UNPOL is fully responsible for public security in the country's capital Bangui from 4pm – 8am.⁷¹ One potential protection challenge pointed out by William Durch is that, while the UN's approach to policing has become increasingly sensitive to human rights, "most of the UN's seconded police personnel come from countries with at best indifferent human rights records themselves."⁷²

It is important to point out, however, that the deterrent effect of international presences can be undermined (or even counter-productive) in two types of situations: First, protective presence will fail to work where armed groups, such as Al Qaeda and affiliated groups, have subscribed to an ideology that legitimizes violence against civilians, including (or even perhaps, particularly) UN officials. Indeed, there are instances when an international presence actually placed local populations in greater danger as was witnessed in Afghanistan (particularly in Kandahar) where Al-Qaeda and the Taliban specifically targeted Afghans working with foreign aid agencies, media, and organizations. And second, many of the incentives that lead rebel groups (including their rank and file) to alter their behavior under international scrutiny may be negated where factions of such groups have developed independent sources of illicit income from external markets. Indeed, such illicit profits reduce their incentives to appeal to the hearts and minds of putative supporters and tend to attract recruits who are motivated by the prospect of financial gain rather than the cause the rebel group claims to represent. In combination, the ability of rebel groups to offer recruits material benefits and income independent of their social base make such groups more likely to randomly target civilians.⁷³

6.2. Public Advocacy and Reporting

In recent years, a number of peace operations, in particular UNAMI in Iraq and UNAMA in Afghanistan, adopted the practice of issuing, jointly with OHCHR, regular public reports on Protection of Civilians which detail violations of international human rights and humanitarian law in the context of the armed conflict. Other missions, such as UNSMIL

in Libya, UNAMID, and MONUSCO produce similar periodic public reports, that include PoC violations but have a broader human rights-focus.

There is good evidence that the UN's protection advocacy and reporting have had significant effects on the conduct of operations of government forces, their associated militia, and rebel groups, preventing, deterring and ending violations. However, even governments – such as the one in Iraq - that display the political will to ensure protection of civilians often face limitations in implementing their commitments in the face of poor command and control arrangements and poorly trained troops.

Human Rights advocacy by UN peace operations faces the inherent challenge that public denunciation of the host government's human rights performance potentially threatens the consent of the mission.⁷⁴ In 2007, one major study lamented missions' self-censorship when it came to transmitting human rights information to headquarters.⁷⁵ At least in some missions this problem has continued to persist until recently. UNAMID, for instance, has been criticized for its failure to report – to the Security Council and the wider public – strong circumstantial evidence of a series of deliberate attacks against Darfur's civilians by the Sudanese government.⁷⁶ (Khartoum has thanked UNAMID for its kid-glove approach by calling for its withdrawal.)

Some commentators have argued that the fear of reprisals or withdrawal of consent is overstated.⁷⁷ However, while host government may indeed often be reluctant to suffer the political cost of expelling a credible international presence, it is also true that there are multiple recent cases where mission heads or chiefs of human rights components were expelled, partly because of their public criticism of the government.⁷⁸ Yet, the SG's Human Rights Up Front Action Plan, which commits the UN "to systematically gather information on violations of international human rights and humanitarian law and to present it to Member States with full impartiality" suggests that the duty to report should override concerns regarding consent. By implication, the UN carries a responsibility to ensure job security for those UN officials who are declared *persona-non-grata* in the pursuit of the UN's human rights agenda, rather than left hanging out to dry, as has sometimes been the case.

In this respect, the dual reporting line of missions' human rights components (to the SRSG and to OHCHR) has been identified as an asset and OHCHR has worked closely with SRSGs to determine on a case-by-case basis in what situations it would be best for a mission to issue public human rights reports in its name, as joint reports with OHCHR, or, in cases where the mission may not want to draw the ire of host governments, as OHCHR-only reports.⁷⁹ Thematic HQ-based human rights SRSGs and Special Advisors (for instance on children and armed conflict, sexual violence in armed conflict, Prevention of Genocide, and the Respon-

sibility to Protect) as well as Special Rapporteurs of the UN Human Rights Council can also increasingly be drawn upon for public human rights advocacy in ways that protects the mission on the ground.

One prerequisite for effective public human rights reporting is proper data collection on violations. The most recent Secretary-General's Report on PoC in Armed Conflict recommends "a common UN system to systematically record civilian casualties as part of broader efforts to monitor and report on violations of IHL and IHRL."⁸⁰ OHCHR's introduction, in 2007, of a centralized Human Rights Case Database for use by human rights offices in all UN missions has somewhat improved the UN's ability to do so. However, the OHCHR database is not widely accessible to other mission components, and OHCHR's high verification standards (generally a good thing!) may prevent relevant information from being channeled into early warning and response planning in a timely manner. Also, the fact that there are no uniform criteria applied across human-rights presences that would determine which incidents are included (or not) in the database, undermines its value and limits its use (which also seems to have been hampered in some missions by slow internet connectivity).⁸¹ DPKO's Situation Center (SitCen) has therefore developed a database system for missions' Joint Operations Centers (JOCs), which allows for the reporting and tracking of PoC incidents, and for this information to swiftly inform PoC response planning.

6.3. Quiet Advocacy and Engagement with Non-State Armed Groups

Complementing public reporting, UN missions often resort to quiet engagement and protection advocacy in the theatre of deployment, although there seems to be room for expansion of such activities. Indeed, "opportunities to influence are everywhere, every day, and a field officer should take advantage of them. When mission personnel are out in public, travelling to remote rural areas, talking to the local mayor or priest or commander, everyone is paying attention and calculating the consequences. And that changes things."⁸²

Studies on quiet advocacy emphasize the need for coherent and coordinated strategies that are based on careful analysis of local dynamics. Coordination is not least warranted to avoid the recurrent problem of "inconsistent interventions... undertaken by mission elements unfamiliar with each other's initiatives."⁸³

One specific type of non-public human rights advocacy is the engagement with armed non-state actors (ANSAs) on the respect for international norms. The fact that over the past 25 years rebel groups have become increasingly responsible for violence against civilians, accounting for close to 70% of fatalities since 2000,⁸⁴ illustrates the importance of these efforts.

Both NGO and UN experience demonstrates that such engagement can be effective and yield tangible protection benefits.⁸⁵ The International Committee of the Red Cross (ICRC) has long emphasized the importance of maintaining and strengthening dialogue with armed groups on their obligations. Other NGOs, such as Geneva Call, Human Rights Watch or the Centre for Humanitarian Dialogue have also successfully engaged armed non-state actors on international norms.⁸⁶ And the UN Secretary-General himself has noted that experience in Afghanistan, Colombia, the DRC, the occupied Palestinian territories, Pakistan, Somalia, the Sudan, Uganda, and Yemen showed that “lives can be saved by engaging armed groups in order to seek compliance with international humanitarian law.”⁸⁷ In mission settings such engagement is mostly carried out by peace operations’ DDR, Human Rights and Child Protection sections as well as humanitarian partners.

Indeed, the UN and NGOs have shown they can leverage a number of positive (and often self-interest-based) incentives for armed groups to comply with international norms, which include: the need for popular support, the desire to have their group and cause be recognized as legitimate, avoidance of international criminal sanctions and other coercive measures, the self-image and beliefs of the group, reciprocity, concern about their reputation, and family ties with the population.⁸⁸ Experience shows that once groups decide to officially enter commitments, they tend to live up to them and even accept external monitoring.⁸⁹

For instance, since the adoption of a 2004 Security Council resolution (1539) encouraging UN field presences to prompt conflict parties to adopt action plans with commitments to take concrete measures to end recruitment and use of children in conflict, more than 20 parties to conflict with a pattern of recruiting, raping or killing children have entered into such action plans.⁹⁰ MINUSCA, MINUSMA, UNOCI in Cote d’Ivoire and UNAMID, for instance, have all successfully extracted pledges from rebel groups prohibiting the recruitment of child soldiers. According to the Special Representative of the Secretary-General for Children and Armed Conflict, the majority of listed parties who have fulfilled the requirements of their action plans are non-state actors.⁹¹

The Geneva Academy conducted a two-year study into ways to enhance compliance by armed non-state actors with international norms, especially those protecting civilians. It found that greater engagement with ANSAs was needed and it proposed ten “rules of engagement”, according to which such engagement, to maximize success, would be based on proper analysis, embrace the broadest range of armed groups, be initiated as early as possible, leverage positive incentives, emphasize ANSAs international legal obligations, be reflected in writing wherever possible, promote codes of conduct, and include monitoring arrangements.⁹²

Yet, in spite of the encouraging experience of engagement with armed non-state actors, the practice remains controversial. In some integrated mission settings, for instance in Somalia (2009) and the DRC (2007-08), SRSs have, due to political considerations, tried to limit UN humanitarian engagement with non-state armed groups, including with respect to protection advocacy.⁹³ Such concerns are particularly pronounced with respect to violent Islamist extremist groups that may be on national or regional terrorism designation lists or under UN sanctions. And according to recent US Supreme Court jurisprudence (the “Holder decision”), engagement of armed groups that are included on the US-list of “Foreign Terrorist Organizations” can lead to prosecution for material support for terrorism under US law. (While UN personnel are protected from such prosecution under the 1946 Convention on the Privileges and Immunities of the UN as well as humanitarian exemption clauses in relevant UN Security Council resolutions, no such protections exist for the UN’s partners among humanitarian and mediation NGOs.)

The ICRC and others have criticized as unhelpful, from an international humanitarian Law (IHL) perspective, the recent tendency of States to de-legitimize rebel groups by labeling them as “terrorist.” The Geneva Academy points out that “the designation of certain ANSAs as ‘terrorists’ may even, in certain instances, encourage the violation of international norms.”⁹⁴

These insights notwithstanding, there may be legitimate doubts regarding the effectiveness (and, in light of security concerns, feasibility) of engaging extremist Islamist violent groups on the respect of relevant norms. UNAMA claims that its engagement of the Taliban with respect to violations of their own code of conduct is having an effect in terms of the group’s targeting decisions and messaging, with a stated commitment to ensure the protection of civilians.⁹⁵ Other close observers of Afghanistan are more skeptical noting the highly limited interaction of UNAMA with the Taliban as well as the fact that while the Taliban may have adopted human rights language in their propaganda’s criticism of western military forces or the government in Kabul, they have not showed noticeable reticence in their attacks of civilians. And while it is true that the Taliban, in 2010, adopted a “code of conduct of operations”, in which it prohibited fighters from taking boys into the battle field (largely motivated by criticism emanating from Pashto communities), it is worth noting that they consider boyhood to end at age thirteen. But more fundamentally, the Taliban and other jihadi groups (including ISIS and Boko Haram) view their (distorted) interpretation of Islamic law as overriding other normative frameworks and are consequently not susceptible to human rights advocacy or concerns about their international reputation. This is, inter alia, illustrated by their desire to see their atrocities publicized online by video footage as they believe this proves they are living by Islamic principles.

7. Gender-sensitizing Protection

In recent years, the Security Council has drawn increasing attention to the special protection needs of women, which have grown particularly acute in light of the fact that 2014 saw an all-time high in the number of displaced people around the world with 70% of them women and children.⁹⁶ Moreover, women and girls continue to be disproportionately affected by conflict-related sexual violence (CRSV).

Mission activities reflect increased sensitization to the special protection needs of women. UNMISS regularly engages with displaced women in the PoC sites through consultation groups that have been formed.⁹⁷ In Haiti, MINUSTAH established, together with the National Police and the Women's Affairs Ministry, special reception areas for victims of CRSV in some of the most at risk camps. UNOCI distributed cell phones through women's organizations to enable women to contact local authorities in cases of CRSV.

Yet, some advocates argue that there was a need for more responsive channels for women to communicate with peacekeepers about their immediate protection concerns.⁹⁸ This communication is often dramatically enhanced when women themselves are serving in roles of protection providers.

Yet, here the UN continues to display severe shortcomings. While many missions have strengthened their expertise at mission HQ (seventeen women protection advisors have been deployed to six peacekeeping operations and embedded in the offices of SRSGs, in addition to working-level advisers integrated into Gender units and Human Rights sections)⁹⁹ there is inadequate participation of women in UN-led protection mechanisms, including non-military ones such as civil affairs or UNPOL.¹⁰⁰ For instance, 90% of MONUSCO's Community Liaison Advisers are male, with the 10% females largely located in urban centres.¹⁰¹ In particular the role of female police officers is essential to creating an environment in which victims of rape or sexual violence can feel a sufficient level of trust to come forward and report the crimes.

8. Strengthening Civil-Military Relations and Information-sharing Between Missions and Humanitarians

Protection of civilians has increasingly become an objective humanitarians share with UN peace operations. Interaction between peace operations and humanitarian actors is necessary to ensure better protection outcomes by exchanging information and analysis on protection issues, and seeking ways to maximize synergies in areas of mutual concern (including advocacy with conflict parties, engagement with armed groups, child protection, return and integration of displaced populations etc.).¹⁰² Moreover, the UN princi-

ple of "integration" calls for shared strategic assessment and planning between UN peace operations and other UN actors on the ground with regard to peace consolidation activities of the UN (even where missions are not structurally integrated, as in the case of MINUSCA), which is an opportunity for the UN system to come together on PoC issues.

However, complementarity of effort between humanitarians and peace operations on PoC continues to face numerous challenges. Especially in situations where the impartiality of peace operations is widely questioned on the ground, humanitarians have legitimate concerns that even the perception of cooperating with such missions may negatively affect humanitarian space. Key issues relate to concerns about the security of humanitarian workers, the risk of seeing humanitarian access restricted by conflict parties, a possible negative impact on how humanitarian actors are perceived by local communities, and a subordination of humanitarian principles and action to political aims of a mission.¹⁰³ These concerns are particularly acute in situations, such as the DRC, where the UN peace operation is both mandated to conduct offensive operations against spoilers and to militarily support government forces with highly problematic human rights records (an issue meant to be at least partly addressed through the UN's Human Rights Due Diligence Policy in 2012).

As a result, ensuring tighter cooperation between UN peace operations and humanitarian actors in protecting civilians remains difficult. Former SRSG Alan Doss contends that "bringing the wider humanitarian community into protection planning remains a significant challenge."¹⁰⁴ Even the sharing of PoC-relevant information is impeded out of "fear it will not remain confidential or may be used for military purposes – thereby putting sources and victims, or the wider humanitarian response at risk."¹⁰⁵

Yet, a 2011 Stimson Center study commissioned by the UN Integration Steering Group concluded that integration of effort between UN peace operations and UN humanitarian actors "have had both positive and negative impact" on humanitarian space.¹⁰⁶ Specifically, it was unable to establish direct links between UN integration arrangements and attacks on humanitarian workers (although it could be a risk factor) and found that UN integration arrangements have helped foster complementary advocacy on the protection of civilians and supported access by facilitating humanitarians' "use of mission logistical assets, the provision of area security by UN peacekeeping forces and the use of UN military escorts."¹⁰⁷ That said, humanitarians contend that while negative perceptions of humanitarians resulting from integration arrangements may not necessarily translate into attacks, it could still constrain humanitarian space through an increase in threats or by complicating engagement with relevant parties.

These challenges notwithstanding, Metcalfe points to positive examples of improved interaction and strategic coordination between humanitarians and peace operations, which have been increasingly structured. Indeed, dedicated PoC coordination fora have been set up in the majority of peacekeeping operations with PoC mandates. Often these include a strategic and a technical level forum in mission headquarters, along with sub-national fora where relevant. In the DRC, for instance, MONUSCO's Senior Management Group for Protection, a high-level decision-making forum that operates both at the capital and provincial level, includes UNHCR and OCHA.¹⁰⁸ (The earlier model in the DRC, which saw a co-chairing arrangement of the Protection Cluster between UNHCR and MONUC – was abandoned due to concern by humanitarians.)

Field protection clusters offer a complementary forum that can provide for a constructive interaction between humanitarian actors and peace operations.¹⁰⁹ In Darfur, for instance, there has been sustained interaction between UNAMID and the protection cluster, facilitating the sharing of protection assessments and threat analysis. Coordination through these clusters is particularly important in the few mission settings where no dedicated strategic coordination mechanisms exist. In the DRC and CAR, protection clusters are helping to inform the missions' priority areas for deployment through matrices prioritizing locations according to threat. It should be added that the absence of a common definition of protection of civilians across UN entities hampers coordinated and comprehensive approaches, including in the context of protection clusters, with different actors emphasizing legal, humanitarian and physical aspects of protection.

A NUPI study on mission-wide PoC strategies noted how deeply rooted the tensions of security and humanitarian dimensions were but that "past experience had shown that this tension can be managed through ongoing coordination, joint training, joint planning, and joint monitoring and evaluation... Future mission strategies should ... be explicit about the efforts they will apply to address and manage these tensions."¹¹⁰

9. Conclusions

This research paper reviewing the UN's experience and lessons of non-military aspects of protection of civilians highlights five overarching points:

First, non-military components, tools and measures of UN peace operations have shown to make significant contributions to their protection of civilians efforts, both in support of military responses and in their own right. While as recently as five years ago, studies of PoC in UN

peace operations highlighted civilian components' limited understanding of their role in supporting PoC implementation,¹¹¹ nowadays there is widespread awareness of PoC as a whole-of-mission concept. The introduction of comprehensive PoC strategies for missions with such mandates have helped as have efforts to improve intra-mission coordination and information, although the latter remains a work in progress with information silos within missions proving an enduring challenge that can only be overcome through dedicated coordination mechanisms and persistent leadership.

Second, significant learning and adaptation has taken place within missions in efforts to enhance the effectiveness of non-military protection approaches, building on the work of human rights and other civilian components, with much innovation taking place in missions with the most acute protection challenges (in particular MONUC/MONUSCO and UNMISS). New mechanisms were developed (such as CANs, CLAs, and JPTs), which aimed at improving missions' early warning, situational awareness, and local embeddedness, and which have been emulated by other missions. Early assessments suggest that many of these innovations constituted improvements but displayed significant shortcomings requiring some fine-tuning. Yet ultimately, there is still insufficient understanding of what works and why, and what does not. To ensure this learning process will continue, "trial and error" approaches and further experimentation should be encouraged, which will need to be accompanied by frank evaluations and assessment, the lessons of which should be disseminated across missions.

Third, the fact that missions' PoC strategies are comprehensive does not automatically mean they are strategic in terms of setting clear priorities, nor does it necessarily mean they clarify how PoC activities fit within missions' overall strategic concept. There may be tradeoffs between the pursuit of the three tiers of DPKO's PoC Concept (protection through dialogue and engagement, provision of physical protection, and establishment of a protective environment) and, consequently, trade-offs between weight accorded to civilian activities as opposed to military ones. Specifically, in recent years some missions (such as MONUSCO, UNMISS, and MINUSCA) seem to have struggled with getting the balance right between, on the one hand, the need to consolidate forces in light of instability and efforts to focus on hotspots, and, on the other, the desire to contribute to local conflict resolution efforts, which would require broader geographic coverage. Missions (and the Security Council) may thus need to be more clear about where PoC activities fit within their strategic concept and, in particular, answer questions such as whether PoC is a crisis response activity, or part of the broader strategic effort of the mission; whether it

is something the mission does in 'exceptional' or 'normal' circumstances; and whether PoC is about mitigating harm when things go wrong, or whether it also about changing norms and identities as well as creating leverage within the political process the Mission is trying to shepherd.

Fourth, missions should expand greater efforts to protect the space and support those civilian approaches that have shown to yield the most significant protection outcomes: 1) local mediation and conflict resolution efforts, often led by missions' civil affairs components; 2) proactive civilian presence and human rights monitoring and reporting, to which a number of civilian mission components can contribute; 3) engagement of armed non-state actors (in particular with respect to respect of international norms), which is mostly led within missions by Child Protection, Human Rights and DDR sections and is also undertaken by humanitarian actors; and 4) facilitating security conditions for provision of humanitarian assistance efforts carried out by UN agencies as well NGO partners. Indeed, the space to pursue these activities is often under threat through a combination of overly risk averse security approaches, logistical and financial constraints, mission leaderships' concerns about host country consent, at times inappropriate subordination of some of these activities to political considerations, and some missions' overwhelming focus on capital-based peace processes to the detriment of local efforts. Missions and UNHQ will therefore need to expand additional efforts to foster enabling security approaches; ensure proper resourcing of and adequate political support to these activities; and continue to refine policies and coordination mechanisms that seek to

maximize protection outcomes while preserving humanitarian space. Enhancing missions' support to these activities is all the more important as the job is getting harder as a result of external factors, in particular the fact that missions are increasingly deployed in countries with non-permissive security environments, as well as the spread of jihadi groups who are largely unreceptive to human rights monitoring and advocacy and consider the UN an enemy.

Fifth, in light of the proven protection potential of civilian missions and components, the UN may wish to explore whether and how Special Political Missions could be equipped with Chapter VI protection of civilians mandates. Unlike the majority of current peacekeeping operations, none of the SPMs has a mandate to use all necessary means to protect civilians. However, the protection of civilians is invoked in a number of their mandates and many of them carry out tasks that in peacekeeping operations are characterized as falling under PoC. And with respect to peacekeeping operations, the Security Council regularly includes references to non-military tasks in PoC mandates. Yet, within the UN Department of Political Affairs (DPA) there is great reluctance to see SPMs be imbued with protection of civilian tasks, which is seen there primarily as a military activity. While this is true for situations in which protection requires the "use of all necessary means", this paper highlights that in a wide range of situations, civilian actors can (and already do!) perform important protection functions in the absence of blue helmets.

ENDNOTES

- 1 I am very grateful to Alexandra Ivanovic for the research support she provided for this paper. I would also like to thank James Cockayne, John de Boer, and Hannah Cooper as well as colleagues from DPKO, OHCHR, OCHA, and DPA for helpful comments on this paper. Any mistakes in or shortcomings of this paper are the sole responsibility of the author.
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- 3 UN Department of Peacekeeping Operations, "DPKO/DFS Operational Concept on the Protection of Civilians in UN Peace Operations," 2010. In contrast, only a few years ago, many civilian mission components in major UN peacekeeping operations saw PoC as primarily a task for troops, to which they had little to contribute. See, for instance, Ingrid Breidlind and John Harald Sande Lie, "A Cacophony of Ideas and Practices: UNMIS and the Protection of Civilians in Jonglie State, South Sudan," in *The Protection of Civilians in UN Peacekeeping* (Nomos Verlagsgesellschaft, n.d.).
- 4 Unlike the majority of current peacekeeping operations, none of the SPMs has a mandate to use all necessary means to protection civilians. However, the protection of civilians is invoked in a number of their mandates and many of them carry out tasks that in Peace Ops are characterized as PoC. For instance, Security Council Resolution 2145 (2014) includes a reference in UNAMA's mandate "to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights." UNAMA itself states that it undertakes a range of activities aimed at minimizing the impact of the armed conflict on civilians including: independent and impartial monitoring of incidents involving loss of life or injury to civilians; advocacy to strengthen protection of civilians affected by the armed conflict; and initiatives to promote compliance with international humanitarian and hu-

- man rights law, and the Constitution and laws of Afghanistan among all parties to the conflict.
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 - 10 Ralph Mamiya and Haidi Willmot, "Early Warning, the Protection of Civilians and United Nations Peacekeeping Operations," *African Security Review* 22, no. 2 (May 2013): 70. In the case of MONUC, JMAC has been asked to take the lead on two specific protection tasks: developing a mission-wide database of protection risks and incidents and giving support to efforts curtailing illicit exploitation of natural resources in high risk priority areas. See Stian Kjeksrud and Jacob Aasland Ravndal, "Emerging Lessons From MONUC," in *The Protection of Civilians in UN Peacekeeping* (Nomos Verlagsgesellschaft, 2014); Alison Giffen et al., "Will They Protect Us of the next 10 Years? Challenges Faced by the UN Peacekeeping Mission in South Sudan" (The Stimson Center and Sudd Institute, 2014), 18.
 - 11 DPKO/DFS, "Protection of Civilians: Coordination Mechanisms in UN Peacekeeping Missions," 16.
 - 12 Mamiya and Willmot, "Early Warning, the Protection of Civilians and United Nations Peacekeeping Operations"; Giffen et al., "Will They Protect Us of the next 10 Years? Challenges Faced by the UN Peacekeeping Mission in South Sudan," 19.
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 - 21 *Ibid.*, 250.
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 - 24 Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, 115.
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