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Protection of Civilians – Implementation in UN Peace Operations

In light of the new policy by the UN Department of Peacekeeping Operations on protection of civilians (POC), this brief looks at the latest operationalization of POC in field missions by civilians, military and police. Over the past decade the UN Security Council has gradually moved POC to the centre of mandates of peacekeeping operations. Missions have been at the forefront of developments of multifunctional POC structures and mechanisms. Drawing on these lessons learned, the UN headquarters have developed strategic guidance that is now consolidated in the new policy on POC. This brief focuses on the connection between the policy and operational level, how the implementation of POC mandates materializes in today's peace operations.

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AT THE CENTRE OF PEACEKEEPING

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With mass atrocities in places such as Srebrenica and Rwanda during the 1990s in hindsight, and with increasingly challenging conflicts in which civilians account for the majority of casualties, the UN Security Council now positions POC at the centre of mandates for peacekeeping operations.

The ten largest peace operations today have mandates to protect civilians, when host governments are unable or unwilling to do so.¹ The report by the High-level Independent Panel on Peace Operations (HIPPO)² describes POC as a core obligation of the UN. The Under-Secretary-General for peacekeeping operations, Hervé Ladsous, calls POC the DNA of peacekeeping. Several POC planning, coordination and response mechanisms have been developed in field missions in recent years.

MULTIFUNCTIONAL AND COMPREHENSIVE APPROACH

This brief discusses POC in the context of peacekeeping operations, stemming from the new policy on POC by the UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS)³ and its operationalization in current missions. It may be of interest to practitioners, academics, policymakers and others.

1. MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, MINUSMA: United Nations Multidimensional Integrated Stabilization Mission in Mali, MONUSCO: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, UNMISS: United Nations Mission in South Sudan, UNAMID: African Union-United Nations Hybrid Operation in Darfur, UNISFA: United Nations Interim Security Force for Abyei, MINUSTAH: United Nations Stabilization Mission in Haiti, UNOCI: United Nations Operation in Côte d'Ivoire, UNIFIL: United Nations Interim Force in Lebanon, and UNMIL: United Nations Mission in Liberia.

2. United Nations, Report of the High-level Independent Panel of Peace Operations, "Uniting our Strengths for Peace: Politics, Partnerships and People", A/70/95-S/2015/446, 17 June 2015

3. United Nations Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS), Policy, "The Protection of Civilians in United Nations Peacekeeping", July 2015

While some publications on the subject tend to highlight POC as a military assignment, this brief embraces three components – civilian, military and police – in peacekeeping operations with the task to protect civilians. Unarmed POC strategies and measures are underlined by the new policy and the HIPPO report. It equally acknowledges the importance of a comprehensive approach and to understand all protection actors' mandates, roles and responsibilities in the mission area.

The POC concept is linked to the FBA's work within leadership and cooperation in peace operations. The new policy and the HIPPO report stress these elements, as well as timely, reliable and actionable information and political process and engagement, as crucial for effective POC in missions.

The brief draws upon the author's experience in MONUSCO where several POC mechanisms have been developed, as well as this year's POC pilot training by the FBA (see information box).

The outline of the brief starts and ends with key considerations regarding the implementation of POC. It looks at the new policy-level definition and conceptual and strategic framework of POC. Subsequently, it looks at the planning, coordination and implementation of POC activities with an emphasis on risk analysis, information management and political commitment. Finally, mission POC structures and tools are exemplified, and challenges discussed.

POLITICAL PROCESS AND ENGAGEMENT

Lessons learned often note that the mission's (sometimes overly technical) POC measures will remain ineffective unless the mandate is connected with a political process, as well as other efforts addressing the root causes of the conflict. Consistent political engagement by the mission, in particular the senior leadership, is essential, stressing the primary protection responsibility of the host government.

Political advocacy strategies should be tailored for each identified threat and community at risk, with the objective to change behaviour. If applicable, activities should preferably be conducted in support of authorities' capacities, in conjunction with broader accountable security, judicial and administrative sectors and civil society.

Challenges may involve resistance of the host government to these reforms whereby the mission usually starts "bottom-up" by focusing on empowering communities and local enabling actors to protect civilians. Coping mechanisms are often already in place and should be supported, as described below, however, all levels need to be engaged for a sustainable impact.

POLICY DEFINITION AND OPERATIONAL CONCEPT

The term "protection of civilians" has diverse meanings for different protection actors. To clarify what constitutes POC activities of peacekeeping operations, DPKO has defined POC in the new policy: "All necessary means up to and including the use of deadly force⁴, aimed at preventing and responding to threats of physical violence⁵ against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government." Unlike the (humanitarian) Inter-Agency Standing Committee's definition⁶, this definition is

4. The mission has the possibility to use force (at the tactical level), along with the host government that has the primary responsibility to protect its civilians. It is permitted for missions in self-defence and as otherwise authorized by the UN Security Council, including to protect civilians under threat.

5. According to the policy, threats of physical violence include "all hostile acts or situations that are likely to lead to death or serious bodily injury, including sexual violence, regardless of the source of the threat".

6. The Inter-Agency Standing Committee's definition of POC, i.e., "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law" is an adoption of the International Committee of the Red Cross protection concept. It is based on the Geneva Conventions and humanitarian principles such as neutrality and independence, and has been endorsed by the wider humanitarian community.

POC PILOT TRAINING BY THE FBA

The FBA works with concept, doctrine and method development, research, training and deployment within the area of peace operations. Together with the Swedish Armed Forces and the Swedish Police, the FBA developed a pilot training on POC in 2016, with the aim to enhance the capacity of civilian, military and police components in UN peacekeeping operations to jointly implement POC mandates. The training was chaired, according to this triple concept, in planning, implementation and evaluation, focusing on cooperation amongst the components in the operational environment. The design was based on DPKO modules that the FBA updated and incorporated with substantive civilian components and the new policy on POC (mandatory for all peacekeepers in POC mandated missions). Participants, including POC Advisers, welcomed the concept, emphasizing the importance of components training together.

tailored to peacekeeping mandates and encompasses the three tiers of the POC operational concept, i.e., “Protection through Dialogue and Engagement”, “Protection from Physical Violence” and “Establishing a Protective Environment”.

STRATEGIC GUIDANCE AND DIRECTIVES

Based on the mandate from the UN Security Council⁷ as well as the mission concept, the concept of operations, the integrated strategic framework, the POC field mission strategy and other aligned directives from the leadership, mission personnel develop their work to address POC risks, together with stakeholders and other contributors.

The new policy highlights the coordination of POC activities of the senior mission leadership. The POC team in the mission, headed by the Senior POC Adviser, reports directly to the Special Representative of the Secretary-General (SRSG) or her/his deputies.

The overall aim should be articulated mission-wide in terms of efficiency and impact for sustainable peace and security. Lessons learned talk about the importance of forward-looking POC analysis, including reliable and actionable information, preventive action as well as rapid reaction, political commitment and local ownership of the process.

STRUCTURED PLANNING AND RISK ASSESSMENT

The POC work is founded on in-depth risk analysis, identifying and prioritizing threats as well as vulnerabilities of the civilian population and then assessing the mission’s abilities to reduce them, unilaterally or jointly with others.

In relation to the threats, the analysis considers factors such as their nature, history, mode of action, structure and relations. The relative probability of the threats is assessed, e.g., by looking at the incentive, capacity and opportunity to inflict damage; if the violence is indiscriminate/opportunistic or targeted for political/military strategic or survival reasons, and if it has potential to accelerate vicious or block virtuous cycles, provoke or sustain animosities, and so on.

For the analysis of the vulnerabilities of the civilian population, individual and community characteristics as well as environmental factors, such as access to assistance, may play a role. Traditionally, missions tend to automatically direct their protection at “vulnerable groups” such as internally displaced persons (IDPs), refugees, minorities, women, elderly and children without specific assessment of the actual communities at risk in the area. For instance, an IDP camp does not have to be vulnerable or at risk just because it is an IDP camp. If under imminent threat, however, the IDP camp must be prioritized for protection measures.

As part of the POC planning, actions are prioritized and tailored for threats with the most impact and populations at imminent risk to the threats, the highest likelihood and impact of the risks. Consequences of violence such as effects on livelihoods assets and life-saving civilian objects such as water and sanitation facilities could also constitute priorities for POC actions.

The risk analysis estimates the effect the mission’s activities could have on each given risk based on capabilities, and considers possible negative consequences of action or inaction. The willingness and capacity of the host government, that has the primary responsibility to protect its civilians, is an essential parameter as well as the comparative advantage vis-à-vis other protection actors in the area to address the most likely and worst case scenarios.

7. UN Security Council resolutions mandating the mission, milestone thematic resolutions such as on women, peace and security, on children and armed conflict, on protection of civilians, etc.

THE THREE TIERS OF DPKO'S POC OPERATIONAL CONCEPT

Tier I: “Protection through Dialogue and Engagement” such as the support to political processes with respect for human rights and the rule of law, governance, institution-building, conflict resolution and reconciliation

Tier II: “Protection from Physical Violence” such as the establishment of a deterrence by deployments or patrols, inter-position, offensive or defensive operations, proactive presence, monitoring and reporting, dialogue and mediation processes and political pressure

Tier III: “Establishing a Protective Environment” such as safe and secure environments for the delivery of humanitarian and development assistance and the return of internally displaced persons, reforms of civil administrations, the security sector and the whole penal chain, disarmament, demobilization and reintegration and the promotion of human rights

At the strategic level, medium to long-term threats are incorporated in the POC field mission strategy and linked with the mission threat assessment by the Joint Mission Analysis Centre (JMAC). At the operational and tactical level, shorter term risks are regularly revised in the POC threat matrix. Examples of mission planning and coordination structures and response tools are described further below.

INFORMED ACTION AND TWO-WAY COMMUNICATION

To conduct the POC risk analysis, the mission needs reliable information and appropriate resources to collect, process and disseminate this information. DPKO is currently developing capacities for informed decision-making, including an intelligence doctrine, policy and secured information system for peace operations. The last years have seen evolvments within the area of intelligence assets, e.g., MONUSCO has been provided with unmanned aerial vehicles and MINUSMA with an all-sources information fusion unit, including intelligence, surveillance and reconnaissance capabilities.

Missions still have limited modern technology for information-collection though. Human intelligence remains crucial for the mission-wide collection plans as well as the methods applied by the analysts.

Analysis units such as JMAC, composed of civilian, military and police analysts, are pertinent to fuse information from different sources into actionable intelligence for missions. Although generally tasked with identifying medium to long-term threats to mandate implementation, this resource has become increasingly involved in supporting missions' POC work. For instance, it assists in analysing power dynamics, land issues or other rationale behind POC threats. The Joint Operations Centre (JOC) monitors operations round-the-clock and produces situation reports on shorter term issues from all sections. Some missions, such as MONUSCO, UNMISS and MINUSCA, are now establishing tactical JOCs for local level situational awareness and coordination of operations.

The sharing of information requires considerable knowledge of mandates of different actors in the mission area. Humanitarian actors, for instance, may have reservations on disclosing information related to their ability to operate independently in the area. Not exposing sources, communities or partners to more risk is essential to be able to create and maintain trustworthy relationships. Similarly, missions have to manage expectations and strategically communicate and convey achievements, efforts and lessons learned according to mandates and capabilities.

PROACTIVE PRESENCE AND RAPID RESPONSE

The policy indicates four "phases" of POC line of activities; prevention, pre-emption, response and consolidation. These operational phases can happen simultaneously and involve mission activities in all three tiers of the DPKO operational concept, sometimes depending on whether the threat is latent, identified or mitigated. Again, the approach should be multifunctional, involving civilian, military and police components, as well as comprehensive and coherent with local, national, sub-regional and other international protection actors.

Prevention of violence against civilians requires a credible and proactive approach at all levels, including a tailored system for early warning and rapid decision and response. Proactive field presence, such as deployments of civilian monitors, individual police officers and military observers and operating bases, facilitates the building of trust between the local population and the mission, enables the exchange of vital information and enhances rapid response capabilities.

Considering the constraints of not being able to protect all civilians at all times⁸, missions strive for proactivity and prevention over reaction. Forward-looking risk assessments, based on integrated intelligence as described above, serve to assist missions to deploy to the right location at the right time.

However, if the violence has not been anticipated, pre-emptive measures, active deterrence and support to offensive operations may be required. Political pressure and condemnation, intensified human rights monitoring and advocacy and conflict resolution could be other actions if the threat is apparent.

In the consolidation phase the threat has been mitigated, violence against civilians is decreasing, and activities could include stabilization, reconciliation and the creation of other forms of viable options contrary to the resumption of violence. These activities are often conducted alongside or in coordination with the UN Country Team (UNCT) and the host state and aim to create an environment conducive to long-term peacebuilding and development.

Some of the operational challenges are related to the principles of peace-keeping operations such as impartiality and consent of the host nation, for instance, when missions assist host governments which themselves constitute the threat to civilians. Mitigating measures by the missions include, e.g., standards such as the human rights due diligence policy on UN support to non-UN security forces. Other challenges are linked to capabilities, mobility and willingness such as national caveats on troops impeding proactivity, “robustness” and the use of force when necessary to protect civilians. In such circumstances, dialogue with contributing countries in New York as well as clear concepts of operations, rules of engagement and directives on the use of force from the senior mission leadership have to be enforced. The criticism of inaction or “bunkerization” is linked to accusations of missions’ prioritization of force protection or safety and security of UN personnel over protection of the local population. These dilemmas speak to the importance of managing expectations and implementing strategic and two-way communication addressed above.

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EXEMPLIFIED: COORDINATION AND DECISION-MAKING STRUCTURES

Integrated structures to monitor risks and decide and deliver responses should be developed at all levels in all missions with a POC mandate. The mission peculiarities differ but the structures are often composed of existing mechanisms with authorities, communities or civil society, mission multifunctional units and other protection partners in the UNCT or Humanitarian Country Team (HCT) such as the UNHCR, UNICEF and OCHA. Coordinating with the HCT led by the Protection Cluster is pertinent as humanitarians often have a broader understanding of POC (see definition in Note 6) and may assess risks and responses differently. Likewise, there are often community-based protection mechanisms that should be built upon for inclusive results.

At the strategic level the decision-making structure often entails the Senior Management Group on Protection (SMG-P) chaired by the SRSG, at the operational level, the Operations Planning Team (OPT) and Protection Working Group (PWG) composed of the strategic planning cell, mission support, military, police, JMAC, JOC, and other substantive sections such as political affairs, civil affairs, mediation team, gender, human rights, women and child protection, conflict-related sexual violence (CRSV), security sector reform, disarmament, demobilization and reintegration, justice and corrections as well as UN agencies, and at the tactical level, the Sector SMG-P is co-chaired by the Head of Office and the Sector Commander and supported by the Sector JOC.

8. Compare, for instance, the size of the D.R. Congo with the number of personnel in MONUSCO as well as the difficult topography and infrastructure of the mission area.

The latest developments with Senior POC Advisers in the offices of the SRSG in all missions with POC mandates, as per the Secretary-General's report, to coordinate the development of mission-wide strategies and guidance for all components, and the cooperation between POC Advisers, JMAC and JOC are deemed fruitful for the POC work in missions.

The POC system in UNMISS involves the POC Adviser, JMAC, heads of other mission components, state operational coordinators and the UNCT to jointly develop priority information requirements and a mission-wide collection plan for approval by the mission leadership.

In MONUSCO the POC work gathers the full spectrum of protection actors in-mission, i.e., military, police and substantive sections mentioned above as well as the Protection Cluster that provide the SMG-P with information on POC risks and recommendations for actions.

Mission POC resources are allocated based on assessment of available resources and POC risks into a protection matrix with must/should/could protect areas. Joint or Integrated Protection Teams (J/IPTs) composed of personnel from sections such as the military, police, civil affairs, human rights, including child and women protection, and CRSV, and sometimes JMAC, gender, political affairs, public information, disarmament, demobilization and reintegration, military observers and the UNCT, are temporarily deployed to the field to analyse POC risks. They develop joint protection planning matrices, with other protection partners, to assist the mission, in particular the military, with POC responses. The Community Liaison Assistants (CLAs), national civil affairs officers, deployed alongside field commanders, assist the mission to take a proactive stance and reach out to local actors. Other early warning mechanisms include the development of Community Protection Plans (CPPs) to guide tactical military and police officers on the security situation, POC risks and planned actions, and Community Alert Networks (CANs), assisted by CLAs and J/IPTs, with reliable focal points and processes to transmit alerts.

In UNAMID similar mechanisms to the MONUSCO ones have been developed such as Sector Joint Protection Groups, Field Protection Teams, Mission Protection Maps, and community-based early warning systems.

Also in MINUSCA the POC structure entails the SMG-P that develops the Protection Strategy, the joint OPT does the planning and the PWG creates the POC Action Plan, all in liaison with the Protection Cluster, local security committees and host government structures.

SUSTAINABLE PEACE AND SECURITY

In line with DPKO efforts to assist missions in effectively implementing POC mandates, it is currently leading a process together with member states to develop integrated POC training materials.

The conceptual and strategic framework in the new POC policy applies a whole-of-mission and comprehensive approach in development and implementation, involving civilian, military and police elements. Tailored multifunctional structures and response mechanisms, with an emphasis on prevention and proactivity, are to increase the impact of POC activities in missions.

Peacekeeping operations are mandated to protect civilians when the government, who has the primary responsibility, is unable or unwilling to do so. Without political commitment such as implementation of governmental reforms as well as support of the international community, the POC actions of the missions risk becoming toothless. Hence, the leadership has an important role to advocate for the primacy of accountable structural and political processes.

Aiming for sustainable peace and security, POC in peacekeeping operations should be inclusive, driven by local needs and directed at building resilient societies. When applicable, efforts should focus on enabling local protection actors, such as state, community or civil society representatives, to protect civilians.

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