The Protection of Civilians in UN Peacekeeping Operations: Recent Developments

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The frequency with which peacekeeping operations have proved inadequate to protect civilians has prompted substantial reform of peacekeeping mandates and practice. But it has also led to significant normative developments within the wider UN system—not just in peacekeeping mandates and practice. This article charts the normative, institutional and operations contours of the protection of civilians in armed conflict within the UN, highlighting the particular contributions of the Australian government to that agenda. It concludes by identifying four pathways through which efforts to protect civilians can be improved.¹

In his report that coincided with Remembrance Day 2010, the Secretary-General of the United Nations (UN), Ban Ki-Moon, reinforced the central importance of the ‘protection of civilians’ (PoC) to UN peacekeeping, thereby confirming protection as a key measure of UN effectiveness and credibility:

we must focus our efforts on enhancing protection where and for whom it matters most—on the ground, in the midst of conflict and for the hundreds of thousands of civilians who are, on a daily basis, at risk of, or fall victim to, serious violations of international humanitarian law and human rights law.²

Armed conflict has tragic consequences for civilians. Too often in recent conflicts, armed groups have intentionally targeted civilians as a tool of war—including many in which UN peacekeepers were deployed. In Rwanda in 1994, the United Nations system and its hopelessly inadequate peacekeeping force were “almost paralysed in the face of a wave of some of the worst brutality humankind has seen in [that] century”.³ In 1995, peacekeepers in the tragically named UN Protection Force oversaw the establishment of ‘safe areas’ which were anything but for up to 20,000 civilians killed in and around Srebrenica, Sarajevo, Bihać, Goražde, Žepa, and Tuzla.⁴ And in the Democratic Republic of Congo, Major General Patrick Cammaert reflected on the abhorrent prevalence of rape, noting that

¹ The views expressed in this paper are those of the authors alone; they do not necessarily reflect the position of the Australian government.
“[i]t has probably become more dangerous to be a woman than a soldier in armed conflict.”\(^5\)

The frequency with which peacekeeping operations have over the past two decades proved inadequate to protect civilians has prompted substantial reform of peacekeeping mandates and practice. But it has also led to significant normative developments within the wider UN system—not just in peacekeeping mandates and practice. An emerging priority for field operations, PoC is also becoming a focal point within the UN security system: an embryonic coordinating *raison d’être* among the UN’s central organs—the Security Council, the General Assembly and the Secretariat—and its member states and agencies.

In official statements, policy discourse and scholarly contributions, the credibility of the UN is increasingly argued to hinge on its ability to protect civilians. In his remarks at the 2010 UN Security Council open debate on the protection of civilians in armed conflict, UN Secretary-General Ban Ki-Moon stated that “saving and protecting people from the horrors of armed conflict” is a central component of the UN’s ‘cardinal mission’. The UN’s *New Horizon* agenda notes that consensus on policy and requirements for civilian protection is “central to the success of current and future UN peacekeeping operations”\(^6\). Paul Williams goes even further, arguing that PoC is critical to the “legitimacy and success of individual peacekeeping operations but also to the credibility of the entire UN system”\(^7\).

Indeed, the protection of civilians is a core component of the UN’s contemporary efforts to save generations from the scourge of war, echoed in regional organisations and by national governments around the world. Nowhere is this more evident than within the multidimensional peace operations that today integrate protection as a cross-cutting issue to be addressed by military, civilian and policing components acting *in concert*—not by any one component alone. Yet the protection agenda within the UN system is far outpacing the development of practical, operational methods for actually fulfilling protection obligations in the field.\(^8\) As Dennis McNamara noted in 2009, while the last decade saw “major—and even quite radical”

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progress at the institutional level, “this has not led to more effective protection in the field for most civilians caught-up in today’s wars”.9

The Normative and Practical Contours of PoC

A task increasingly assigned to peacekeeping operations by the Security Council, PoC is, at its roots, based on international humanitarian law, human rights law and refugee law. The moral imperative to protect civilians is grounded in inherent principles of humanity and codified in international law.10 For humanitarian actors, the touchstone definition of humanitarian protection is that developed by the International Committee of the Red Cross and endorsed by the Interagency Standing Committee:

all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law. Human rights and humanitarian organisations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender).11

The norm that civilians are not legitimate targets in war and should be protected from the consequences of violent conflict is subject to little contestation. As an operational objective and a practical task, however, protecting civilians is a more challenging endeavour. The operational implementation of civilian protection can and does mean different things to different actors. In this way, conceptual debates regarding the ‘protection’ resemble those of other contested terms such as ‘security’—which may refer to practices across a wide span of traditional national defence, international collective security or broad human security, entailing distinctive policy instruments and desired outcomes. Civilian protection can and does exist outside of peacekeeping operations, which adds to the confusion. Further, actions to ‘protect’ are not immune from unintended consequences.

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10 See Charles Sampford, this volume. These normative foundations of PoC are shared with the related norm of the Responsibility to Protect (R2P), endorsed by UN member states at the 2005 World Summit. However, where R2P is limited in application to preventing civilians from four specific mass atrocity crimes—genocide, war crimes, crimes against humanity, and ethnic cleansing—PoC has much broader application: to protect civilians from conflict-related grave harms, which may include the R2P atrocity crimes, but which also extend to serious human rights violations and the broader human costs of armed conflict. For more on the relationship between PoC and R2P, see Global Centre for the Responsibility to Protect, ‘The Relationship between the Responsibility to Protect and the Protection of Civilians in Armed Conflict’, Policy Brief, 9 May 2011, <http://responsibilitytoprotect.org/The%20Relationship%20Between%20POC%20and%20R2P-%20Updated.pdf> [accessed 23 September 2011].
As it exists in debates before the Security Council, and as it will be considered here, the PoC agenda focuses primarily on the implementation of protection through the mandates of UN peace operations. At the heart of contemporary PoC debates is a difficult practical challenge: how should protection mandates be operationalised? How can protection be implemented in practice?

In this context, civilian protection is now broadly understood to be an inherent objective of contemporary peacekeeping. For the authors of the independent study commissioned by the UN's Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA), PoC is intrinsic to peacekeeping and “[m]issions are presumed to deploy to protect civilians, which is an enduring, implicit goal of operations”.

Importantly, where UN peacekeepers are deployed with protection mandates, current guidance prescribes the adoption of multidimensional strategies: just as peacekeeping is no longer the sole domain of soldiers, protection can only be achieved through the concerted efforts of integrated civil, military and police components within the peace operation, working in collaboration with the UN Country Team when deployed, and with the host state that retains ultimate responsibility for the protection of their citizens.

PoC straddles the traditional ‘3D’ divisions between diplomacy, defence and development. It requires a fundamentally integrated approach, for which the security forces and civilian structures of contributing states are often ill-suited. It stands to reason that if multidimensional UN peacekeeping missions are effectively to implement PoC, then countries contributing troops, police and civilian personnel must also develop their own integrated national approaches; it is unrealistic to expect that the United Nations can implement PoC when its member states lack the necessary capabilities. New approaches and ad hoc coordination mechanisms within contributing member states are required to breakdown and re-link traditional silos of effort, including for the development of national PoC doctrine.

The Evolution of PoC in UN Peacekeeping

The personnel of today’s peace operations face more difficult PoC challenges than did ‘traditional’ peacekeepers. Developed during the Cold War, traditional peacekeeping operations were deployed primarily to address inter-state conflicts. Designed to implement agreed conflict settlements,

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these operations were charged with monitoring ceasefires and buffer zones, in largely consensual environments populated by state-controlled militaries.

To the extent that traditional peacekeeping missions helped to manage or end conflict, they coincidentally may have contributed to protecting civilians. However, PoC was neither the core concern nor the explicit mandate of these earlier operations. Some earlier precedent can be found in the wording of a leaflet, signed by Special Representative of the Secretary-General Ralph Bunche and Force Commander General Carl Van Horn, distributed to troops of the United Nations Operation in the Congo (ONUC), deployed in 1960:

You serve as members of an international force. It is a peace force, not a fighting force ... Your task is to help in restoring order and calm in this country which has been so troubled recently ... Protection against acts of violence is to be given to all the people, white and black. You carry arms, but they are to be used only in self-defence. You are in the Congo to help everyone, to harm no one.13

Deployed within a state and authorised to use force if necessary, ONUC stands out from the UN’s other early peacekeeping endeavours, not least for its demonstration of the fundamental tensions between sovereignty, consent, impartiality, human rights and the broader maintenance of peace and security.

These tensions continue to plague contemporary peacekeeping, with the political, analytical and practical challenges of civilian protection at their core. There is nothing ‘new’ about the human cost of conflict, nor anything distinctly modern about the deliberate targeting of civilians as a tactic of warfare. But for the UN, and for its constantly evolving instrument of peacekeeping, the challenge of confronting these wrongs remains a relatively new demand on the organisation. In Cambodia, Rwanda, Bosnia, Haiti, East Timor, and in a host of African states, UN peacekeepers have been deployed in settings where civilians have tragically been targeted in deliberate attacks by armed parties. Mechanisms such as ceasefire monitoring and interposition forces are no longer sufficient to address the conditions of insecurity into which peace operations are deployed, where often fragmented armed groups wage conflict across invisible ‘frontlines’ that can too easily be concealed within communities. Peacekeepers are now more often authorised to use all necessary means, including deadly force, in the pursuit of their mandates.

Notably, there is no explicit mention of civilian protection in Boutros-Ghali’s landmark An Agenda for Peace, which in 1992 laid out a new manifesto for the post-Cold War United Nations, nor its 1995 Supplement, released after

the tragedy of Rwanda. In October 1995, DPKO released its ‘General Guidelines for Peacekeeping’, which mentions civilian protection only once, to question the feasibility and desirability of ‘safe areas’ that damage the impartiality of peacekeepers.14

By 1998, however, the demand for peacekeeping reform had seized UN headquarters. In that year, the Secretary-General Kofi Annan marked an important step in the UN’s emerging protection agenda by identifying PoC as a ‘humanitarian imperative’. Outlining his justification for prioritising civilian protection on the Security Council’s agenda, Annan characterised the significance of PoC in a manner that continues to shape its debates today:

In recent decades, there has been a dramatic and unacceptable deterioration in the level of adherence to humanitarian norms in crisis situations … In the past, civilian populations were chiefly indirect victims of fighting between hostile armies. Today, they are often the main targets, with women suffering in disproportionate numbers while often also being subjected to atrocities that include organised rape and sexual exploitation … Adherence to international humanitarian and human rights norms by all parties to a conflict must be insisted upon, and I intend to make this a priority in the work of the United Nations.15

In the years that followed, the United Nations progressively embedded PoC as a peacekeeping objective. In 1999, the Security Council established the United Nations Assistance Mission in Sierra Leone (UNAMISIL), authorising it “within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence”.16 The Security Council has now authorised twelve UN peace operations with PoC mandates, eight of which remain active at the time of writing in 2011: UNOCI in Cote d’Ivoire; MONUSCO in the Democratic Republic of Congo; MINUSTAH in Haiti; UNIFIL in Lebanon; UNMIL in Liberia; UNMISS in South Sudan; UNISFA in Abyei; and UNAMID in Darfur.17

The release in 2000 of The Report of the Panel on United Nations Peacekeeping Operations, known as the Brahimi Report, catalysed significant shifts in the UN’s approach to peace operations, including with regard to PoC. The report identified numerous problems in UN peacekeeping; among its many recommendations was the call for “robust doctrine and realistic mandates”. The Brahimi Report observed that the UN had often been unable to respond effectively to challenges on the ground

17 The UN mission in Sudan (UNMIS) completed its operations in July 2011; its successor mission, the UN mission in South Sudan (UNMISS) also has a PoC mandate.
and it stressed the need for peacekeepers, once deployed, to carry out their mandates “professionally and successfully”. Moreover, UN peacekeepers, whether troops or police, who witness violence against civilians “should be presumed to be authorised to stop it, within their means, in support of basic UN principles”.¹⁸

As PoC gained prominence within UN peacekeeping debates, in 2002 UN OCHA submitted to the Security Council an Aide Memoire, intended as a practical diagnostic tool for the Security Council’s consideration of PoC issues during deliberations on peacekeeping mandates. The Aide Memoire is regularly updated; its fourth edition, published in 2011, identifies seven general areas of protection concern:

1. Parties’ responsibilities to protect and assist the conflict-affected population;
2. The protection of refugees and internally displaced persons;
3. Humanitarian access and safety and security of humanitarian workers;
4. The conduct of hostilities;
5. Small arms and light weapons, mines and explosive remnants of war;
6. Compliance, accountability and the rule of law; and
7. Media and information, inc. protection of journalists, countering occurrences of speech used to incite violence, and promoting and supporting accurate management of information on the conflict.¹⁹

The Aide Memoire also details protection concerns related to two specific conflict-affected populations: women and children. Finally, it includes an appendix of protection language used in Security Council resolutions to address the spectrum of issues listed above.

Two cross-cutting protection themes have emerged in Security Council debates over the past decade: the protection of women and children in conflict. In 2000 the Security Council specifically linked women’s experience of conflict to the maintenance of international peace and security.²⁰ In 2008,

UN Security Council Resolution 1820 recognised conflict-related sexual violence as a tactic of war;\(^{21}\) tools for addressing the issue were articulated in UN Security Council Resolution 1888 of the following year, which included issues of leadership, judicial response expertise and reporting mechanisms.\(^{22}\) UN Security Council Resolution 1889 built upon these by setting out issues related to the role of women in peacebuilding.\(^{23}\) Finally, in 2010, UN Security Council Resolution 1960 established an accountability regime for addressing conflict-related sexual violence.\(^{24}\)

In 1996, the UN General Assembly released a report on child protection in situations of armed conflict. Authored by Graca Machel, the study set a powerful agenda within the UN system.\(^{25}\) In 1997, the Secretary-General appointed a Special Representative for children affected by armed conflict, and in 2005 the Security Council authorised the establishment of an operational-level monitoring and reporting mechanism.\(^{26}\) A series of Security Council resolutions has established system-wide concern for the child protection in armed conflict; as with PoC more broadly, however, troubling gaps remain between such institutional-level progress and real impact in the field.\(^{27}\)

That the institution of UN peacekeeping has evolved is not in itself significant: indeed, peacekeeping has always been an \textit{ad hoc} instrument, repeatedly redesigned and adapted to meet the changing demands of international peace and security. That protection is so central to the agenda of today’s peacekeeping, however, does reflect an important development in UN security-related affairs: the achievement of broad political consensus—from civil society to the UN’s member states and key organs—regarding the moral legitimacy and practical imperative of protecting civilians from conflict-related grave harms.

**Recent Developments in the UN System**

In 2008, PoC featured in the UN’s ‘Capstone Doctrine’ for peacekeeping, which noted that:

> The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a United Nations


In November 2009, an independent study commissioned by DPKO and OCHA found substantial gaps between the Security Council’s intentions to protect civilians and the capacity of the UN (and its peace operations) to do so in practice. *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* identified a series of grave weaknesses in the protection system, including the lack of adequate connections between early warning and mandate development, guidance gaps, confusion regarding Security Council intentions, and insufficient mission-wide protection strategies. The report made a number of recommendations, including the urgent development of guidance on PoC by the UN Secretariat. It also emphasised the need for ‘partnerships’ between major troop- and police-contributing countries and members states in the UN Security Council. Operationally, the report urged all actors to manage expectations in the host country.

In the same year as the independent study was released, the Special Committee on Peacekeeping Operations (C-34) included language in its report for the first time on protection of civilians. It was in response to requests from the C-34 that DPKO and the Department of Field Support (DFS) developed first an operational concept of PoC and then a Strategic Framework, designed to bring coherence in approach, minimise gaps, avoid duplication and maximise the ability of peacekeeping operations to enhance the implementation of PoC. The Framework operationalises PoC through three tiers of implementation: protection through a political process; protection from physical violence; and contributing to a protective environment. Attention is now focused on the much larger task of populating these tiers with policy initiatives that work in practice.

The combination of the Strategic Framework and the continuing development of mission-wide PoC strategies have seen significant improvement in the UN’s ability to conceptualise and implement effective PoC strategies. Significant work remains, however, in the area of pre-deployment and in-mission training for PoC, and in the allocation of necessary resources to ensure effective implementation on the ground. Further, it is recognised that, in practice, peacekeeping missions will not be able to protect all civilians, everywhere, all of the time; for this reason, the management of expectations with regard to civilian protection is a critical task, particularly when it comes to resource allocation.

Emerging progress in the area of training has been notable in recent years. A number of UN agencies are now involved in protection training, including

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DPKO, UNITAR, UN Women (through the Analytical Inventory), and the humanitarian protection agencies—OCHA, UNHCR and UNICEF. Of particular note, DPKO has developed training strategies that include four modules and twelve scenario-based packages. Further, across national governments, regional organisations and peacekeeping training centres, training for PoC is acquiring greater significance.

**Australia’s Contribution to PoC**

The Australian Government has been working with the international community to support the better operationalisation of PoC by advocating for language requesting the development of guidelines for peacekeepers on PoC in the Special Committee of Peacekeeping Operations (C-34), and assisting the UN develop and implement its reforms. During 2009 and 2010, the Permanent Missions of Australia and Uruguay co-hosted three workshops in New York to improve understanding of PoC, providing a forum for the peacekeeping community, particularly troop- and police-contributing countries, to discuss initiatives to improve the implementation of PoC mandates. During this period, the Australian Government also supported the drafting of the proposed *Guidelines for the Protection of Civilians in African Union Peace Support Operations*, the first initiative by a regional peace and security organisation to create strategic and operational-level guidance on PoC in peace operations. The AU Commission is currently developing a ‘comprehensive AU approach’ towards protection of Civilians and has set up a working group.  

Australia is also an active participant in the International Forum for the Challenges of Peace Operations, established to promote global dialogue and generate practical recommendations for reform, and in 2010 hosted the 3rd Forum, focused specifically on PoC.

Australia, through AusAID, provided support to key UN agencies to develop an inventory of best practice in preventing sexual violence during conflict, which provides practical examples of peacekeeping tactics that have been used to reduce sexual violence and improve the safety of women during conflict. DPKO and UN Women have developed training modules and scenarios based on the inventory to generate awareness in military decision-making and planning circles and to support pre-deployment training of uniformed personnel.

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In partnership with the United Nations Institute of Training and Research (UNITAR), the Australian Government has produced a 40-minute training documentary entitled *Mandated to Protect: Protection of Civilians in Peacekeeping Operations*. Secretary-General Ban Ki-Moon introduces the documentary and interviewees provide insights on PoC in conflict zones, both past and present. This documentary will complement the UN’s scenario-based training.

Finally, in response to the identified need for more operational guidance, the Australian Government is developing a PoC doctrine note for the Australian Defence Force.

**The Road Ahead**

PoC is now a core requirement of modern peacekeeping. Despite the significant progress outlined above, more work lies ahead if UN peacekeepers are to be more effective in their implementation of PoC mandates. The future success of PoC will depend largely on the correlation of four civil-military capabilities: knowledge management; training and research; the allocation of appropriate resources; and the development of national PoC doctrine and guidance.

Knowledge management can enable civilian, military and police actors to understand the requirements of PoC, as well as the respective roles and responsibilities of each actor, and of the host state and local communities. At the heart of knowledge management is a willingness and commitment to share information and to break down the traditional silos that still obstruct better practice. In the field, knowledge management requires an effective early warning system tailored to community needs in order to facilitate timely decision-making and pre-emptive action to prevent (or at least limit) conflict-related grave harms.

Second, while the UN has made important progress on PoC training and research, much more needs to be done to develop PoC courses, to link PoC with training on sexual and gender-based violence, and to evaluate the effectiveness of these efforts. Importantly, training must involve civilian, military, and police leaders, and should be conducted in both pre-deployment and in-mission modules, adapted to the specific circumstances of a particular operation. More applied research can help to capture lessons that can improve PoC strategies and their implementation.

Third, civilian protection requires the appropriate allocation of resources—and the careful management of expectations. It is a long-standing and, unfortunately, enduring critique that member states too often fail to provide peacekeeping operations with the necessary resources to prevent atrocities and ensure adequate standards of protection. PoC demands agile peacekeeping characterised by reliable presence and appropriate posture to
deter the perpetrators of violence. Beyond the necessary authorisation of robust rules of engagement, resources are required that enable:

- the ability to acquire and act on information in a proactive manner;
- the creation of joint civil-military-police protection patrols within the mission;
- the field deployment of more women peacekeepers to meet the needs of women and children at risk;
- sufficient transportation assets to ensure effective presence and response;
- appropriate communications systems that readily connect peacekeepers to communities at risk;
- police and military patrols capable of operating effectively at night and maintaining an irregular 24-hour presence in areas frequented by miscreants;
- appropriate mentoring skills to ensure effective liaison with local security forces and to coordinate joint protection plans;
- sufficient interpreters at field level to enable peacekeepers to communicate effectively with local populations, and accurately report critical information in a timely manner; and
- public information systems capable of keeping the population informed and of managing unrealistic expectations.

The final capability, and perhaps the most important for civilian protection, is the development of specific PoC guidelines and doctrine by member states at the national level. While it must be consistent with UN principles, such national guidance is crucial to prepare peacekeepers for the difficult, crucial task of protecting civilians in armed conflict.

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