UN Perspectives: The Future of Civilian Protection and the Responsibility to Protect

INTRODUCTION

On 18 and 19 February 2016 the Global Centre for the Responsibility to Protect, in partnership with the Ministry of Foreign Affairs of Sweden, hosted a workshop in New York on the *Future of Civilian Protection and the Responsibility to Protect* (R2P). The workshop brought together selected representatives from the United Nations (UN) - including from the Department of Peacekeeping Operations, Department of Political Affairs (DPA), Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the High Commissioner for Human Rights (OHCHR) – as well as non-governmental organizations and academia.

The workshop was motivated by the pressing challenges facing the UN in delivering on the Protection of Civilians (POC) and the Responsibility to Protect populations from mass atrocity crimes at a time of unprecedented humanitarian crises. Recent institutional developments, such as the tenth anniversary of the adoption of R2P, the three major reviews initiated by the UN Secretary-General in 2015, and the UN's *Human Rights up Front* initiative, provided further impetus for an operational discussion aimed at advancing the civilian protection agenda.[1]

Dr. Edward C. Luck, the former UN Special Adviser on the Responsibility to Protect, opened the workshop with a keynote address. Dr. Luck discussed the commonalities and distinctions between POC and R2P, noting that POC provides tactical and operational guidance, whereas R2P is an overarching political commitment to prevent atrocity crimes. However, emphasis was placed on the common objective of saving civilian lives. The keynote also assessed challenges and progress in advancing and implementing R2P since 2005 and encouraged participants to continue working to strengthen POC and R2P within the UN system.

Participants were divided into three groups to identify at varying levels within the UN the challenges and best practices in preventing mass atrocity crimes and protecting civilians from their occurrence. The three groups were based on the following types of UN field presence: Country Teams (UNCT), Special Political Missions (SPM), and Peacekeeping Operations (PKO). Participants devised strategies to more effectively translate early warning into effective action in the context of their respective groups. The workshop concluded with participants highlighting shared challenges and suggesting practical ways forward.

The proceedings were held under the Chatham House rule. This summary is intended to highlight enduring challenges and best practices observed during the workshop and to provide recommendations to meaningfully advance the Responsibility to Protect within the UN system.

UN COUNTRY TEAMS

The UN is faced with several unique challenges in protecting civilians and upholding R2P in situations where its presence is limited to a UNCT. Led by Resident Coordinators, who are managed by the UN Development Program, UNCTs include various agencies or offices, such as OCHA, OHCHR, or the UN Refugee Agency, and are present in 136 countries. UNCTs are, in some instances, supported by a Peace and Development Adviser.[2]

Participants emphasized that UNCTs do not focus primarily on human rights, atrocity prevention or civilian protection. Monitoring human rights and protection issues is potentially challenging for UNCTs, and concerns were expressed over the appropriateness of taking on this role given the potential to compromise the UN presence on the ground with some governments. In this respect, participants highlighted that without a formal mandate,

clear support was needed from the Secretariat for UNCTs to deliver on tasks related to human rights, atrocity prevention and civilian protection.

Challenges were also identified with respect to establishing clear lines of reporting and defining responsibilities for follow-up on protection issues within UNCTs, as well between UNCTs and the Secretariat. This was especially noted in the context of the UN's response to the situation in Sri Lanka in 2009. In other situations, reporting delays often result in atrocity risks evolving to a crisis point before information is relayed to appropriate decision-makers. The UN's *Human Rights up Front* initiative was discussed in this context, and participants noted the need to refine and mainstream the initiative throughout the system.

Participants identified ways in which UNCTs could more effectively realize their potential as early warning actors. Strengthening the role of Peace and Development Advisers was cited in this regard. Heads of UNCT agencies or offices, such as OHCHR or OCHA, could participate in briefings to policy makers, particularly in situations where growing risks of mass atrocity crimes are evident. Participants also mentioned the importance of non-governmental actors in this regard, as well as alternative mechanisms for reporting and information-sharing. Overall, however, the orientation of UNCTs is not conducive to atrocity prevention in imminent risk situations, and UNCTs are not equipped to provide protection from physical violence.

UN SPECIAL POLITICAL MISSIONS

Participants identified a number of challenges regarding SPMs, including those operating in complex environments where mass atrocity crimes are either threatened or occurring. While noting that POC was perceived to be within the remit of UN PKOs, there was consensus that SPMs engage in tasks that directly contribute to the objective, such as through human rights monitoring and reporting or facilitating political dialogue. However, participants noted a lack of overall guidance from the Secretariat on how SPMs can systematically contribute to POC and the prevention of mass atrocity crimes.

In order for SPMs to embrace POC and R2P as "mission-wide" priorities, clear and comprehensive guidance would need to be provided by the Secretariat. In this regard, participants recommended the development of detailed "protection timelines" to clearly articulate roles and responsibilities for SPMs. While the primacy of UN Security Council mandates was noted with respect to SPM priorities, participants also highlighted the necessity of principle-driven action by mission leadership, particularly in situations where there are early warning indicators of potential mass atrocity crimes.

A further challenge noted in the discussion was the lack of adequate security guarantees or mission protection for SPMs in complex environments where host state capacity is limited or where the UN is targeted. Participants noted that certain missions do not adequately establish their presence beyond country capitals due to strict security protocols. Ensuring that SPMs have the necessary resources to protect UN personnel and facilities and conduct mandated tasks is therefore crucial, particularly to ensure SPMs can be more proactive with in-country deployments and assessments.

Finally, an overarching challenge noted by participants was the general expectation by member states that SPMs – and the UN system at large – "do more with less." Charged with substantive tasks, SPMs often face significant resource constraints that hinder the effective implementation of measures that could contribute to the prevention of mass atrocity crimes and the protection of civilians. Resolving this is a perennial challenge, but is crucial if SPMs are to assist in translating early warning into timely action.

Despite these challenges, a number of best practices were identified. Participants noted that SPMs face limitations in providing direct physical protection to populations at risk, but can play a constructive role in providing protection through presence, as well as through supporting political processes aimed at conflict resolution.

Pre-conflict assessments led by DPA, as well as support from DPA Regional Offices, were cited as important initiatives that could enhance the effectiveness of SPMs in complex security environments. SPMs could also be enhanced by greater coordination with the UN Office on Genocide Prevention and R2P, including through joint assessment missions with the Special Advisers, mission leadership and expert-level staff.

Operationally, Joint Analysis Units that coordinate and integrate information as well as Civilian Casualty Tracking Mechanisms or Cells, can enhance the analytical capacity for early warning. Outfitting SPMs with Joint Operations Centres was also cited as an

opportunity to improve information and analysis. Finally, dual-track reporting, particularly between SPMs and OHCHR was noted as an important practice that can ensure that SPMs act in accordance with clear principles while not compromising relationships with host governments.

UN PEACEKEEPING OPERATIONS

Participants in the PKO group discussed the challenge of translating POC and R2P mandates into action on the ground, focusing largely on UN missions operating in countries that have experienced mass atrocity crimes, such in the Central African Republic, Democratic Republic of the Congo (DRC) and South Sudan.

Citing weaknesses in rapid response capacity, participants noted that gaps remain in resourcing missions for adequate civilian protection in the midst of a crisis that could involve the commission of mass atrocity crimes. At the start of the civil war in South Sudan during December 2013, for example, the UN mission in South Sudan (UNMISS) was commended for "opening the gates" and creating POC sites within bases. However, UNMISS lacks capacity to provide adequate protection for populations beyond those sites. Others noted that the mission's lack of preparedness also resulted from overemphasizing certain triggers of conflict to the detriment of more comprehensive risk assessment planning.

Participants noted that training peacekeepers for POC and R2P continues to be somewhat neglected in pre-deployment and in-theatre training. This was noted as particularly worrying given the expansion of POC mandates – ten of sixteen UN PKOs currently have such mandates. Participants noted that the UN should ensure that its *Framework of Analysis for Atrocity Crimes*, developed by the UN Office on Genocide Prevention and R2P, is mainstreamed into pre-deployment and in-theatre training packages. The *Framework* should also be integrated into mission planning, including scenario-based exercises, to enhance situational awareness and early warning capabilities.

The group also discussed challenges in evaluating new approaches to peacekeeping, specifically citing the Force Intervention Brigade in the DRC and information sharing mechanisms between the UN and other missions in Mali. It was noted that while these "innovations" resulted in some positive changes, significant hurdles remained to

institutionalizing similar mechanisms in other missions, and participants cautioned against one-size-fits-all approaches. Concerns were also raised with respect to potential consequences of more robust postures taken by UN PKOs, particularly around the ability to deliver on expectations of protection and the neutrality of the UN in complex environments.

Participants recommended making monitoring and reporting on protection threats a shared mission-wide responsibility in order to make POC and R2P actionable tasks. This should include ensuring that UN police, military personnel and civilian staff all have clearly defined responsibilities connected to POC and R2P. The group also emphasized empowering Community Liaison Assistants (CLAs) and further institutionalizing community interaction. CLAs better understand the unique context within the country and can act as crucial early warning actors within PKOs. Strengthening community interaction also helps to clarify mandate expectations and the capacity of the PKO to protect populations. These interactions can help PKOs in empowering populations to support their own protection, including through encouraging community policing.

COMMON CHALLENGES

Three themes emerged across all group discussions regarding the ability of the UN to protect civilians and prevent mass atrocity crimes.

Information

Participants identified critical gaps in communication that hinder the UN system's ability to respond to situations where populations may be at risk of mass atrocity crimes. The first area for improvement is coordination. While acknowledging that there are clear political and operational reasons for various UN agencies to have separate mandates, participants argued that inter-agency coordination needs to be enhanced to ensure more effective information sharing.

The lack of clear communication from the Secretariat concerning its prioritization of POC and R2P in specific cases was also cited as a cause of ineffective responses to some mass atrocity situations. It was noted that because such messaging is sometimes unclear, Resident Coordinators, Special Representatives of the Secretary-

General (SRSGs) and UN staff may not interpret POC and R2P as priorities of their mandates.

Several participants also reflected on the need to address misconceptions around R2P, namely that the principle is tantamount to the use of force. Participants noted hesitancy to utilize the R2P framework within some sections of the UN system, citing the response to the situation in Libya in 2011 as overshadowing the concrete normative gains since 2005 as well as the benefits of mainstreaming a mass atrocity prevention lens. The importance of outreach by the UN Office on Genocide Prevention and R2P was highlighted in this regard, particularly in emphasizing that R2P and preventing atrocities is a core priority of the UN.

The challenge of contingency planning in emerging risks situations was also discussed. The importance of clear directives from the highest levels of the UN was emphasized as a necessity for the success of multi-actor contingency planning exercises. Participants urged greater flexibility in managing the array of tools and assets at the UN's disposal, such as Special Envoys, Regional Offices, SPMs and inter-mission cooperation involving PKOs. The need for improved analysis of regional dynamics was cited.

Leadership

The issue of leadership featured prominently in several of the discussions throughout the workshop. Resident Coordinators and SRSGs play a critical role in communicating the objectives of the UN, consistent with their mandates, and in determining the overall efficacy of the UN presence on the ground. These officials are also responsible for maintaining the UN's relationship with host governments, which requires a delicate balancing of those relationships and the need to adopt a principled approach to protection issues. Recently, some UN PKOs have encountered significant government pressure to cease POC activities as a result of vocal criticism by the SRSG of violations or abuses of human rights. Other SRSGs have been accused of suppressing reports of human rights violations in order to preserve relationships with host governments. Concerns were also raised about evaluation of leadership performance, particularly regarding POC.

Participants contributed three recommendations towards addressing these concerns. First, there is a need to empower UN officials to act in accordance with POC and R2P principles. Second, UNCTs, SPMs and PKOs

should utilize alternative reporting mechanisms, such as by OHCHR or relevant Panels of Experts, in order to highlight potential indicators or trends, particularly in situations where the relationship with the host government is under strain. Third, there should be clear performance benchmarks for Resident Coordinators and SRSGs, including monitoring and evaluation of delivery on POC and R2P objectives. Accountability was highlighted as important for ensuring the UN meets its core objective of putting human rights up front.

Politics

The primacy of politics featured significantly in the workshop. Participants stressed the constraining nature of political realities, especially at the UN Security Council, on the ability of the organization to successfully meet POC and R2P objectives in country-specific situations. An increasing trend of non-compliance with international law by both state and non-state actors in the context of armed conflict was emphasized as particularly detrimental to the efforts of the UN in this regard. Despite this, participants noted that UN staff need to find ways of adapting to political realities and acting on clear principles, including avoiding self-censorship in situations where there are risks of mass atrocity crimes. Support for potential human rights "whistleblowers" was also highlighted as crucial.

RECOMMENDATIONS

The workshop raised many questions surrounding POC and R2P efforts by the UN. There is significant opportunity for improvement and participants made concrete recommendations emphasizing this. The following points emerged from the discussion:

- The prevention of mass atrocity crimes requires a whole-of-system approach. Appropriate guidance should be developed across relevant UN agencies, departments and offices, in cooperation with the UN Office on Genocide Prevention and R2P, that clearly articulates how R2P factors into organizational mandates.
- *The Framework of Analysis for Atrocity Crimes* can be a crucial tool for UN agencies, departments and offices in applying a mass atrocity prevention lens to their respective functions and mandates. Greater efforts should be made to mainstream the *Framework* within the system, including by

developing specific training packages for UN personnel.

- The Secretary-General should convene the UN's Senior Management Group to address the status of R2P and the broader POC and human rights agendas within the system and re-invigorate organizational commitment before the end of his term.

- The Secretary-General should continue to mainstream the *Human Rights up Front* initiative with a focus on articulating its value as an aspirational vision and refining its implementation as an operational directive. Appropriate planning should be initiated to ensure that *Human Rights up Front* remains a core priority of the UN under the new Secretary-General.

- Finally, in the absence of regularized horizon-scanning sessions, the UN Security Council should call for more regular briefings from SRSGs and Under-Secretary-Generals whose agencies, offices or departments operate in emerging mass atrocity risk situations. The Council should also regularly include the Special Advisers on the Prevention of Genocide and R2P in its briefings, for the purpose of providing early warning.

[1] The three major reviews were on Peace Operations, the Peacebuilding Architecture, and implementation of Security Council Resolution 1325 and the broader Women, Peace and Security agenda.

[2] Peace and Development Advisers provide strategic and analytical support to Resident Coordinators, including through identifying areas of engagement with national stakeholders related to conflict prevention, as well as strengthening the capacity of the UN Development Programme and the UNCT to undertake conflict analysis and mainstream conflict sensitivity in regular programming, among other tasks.