

Protection of Civilians in Conflict Environments: Challenges and Recommendations

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Abstract

In this era of increasing geopolitical multilateralism and questions being raised on the continued relevance of United Nations (UN) peacekeeping, one central fact remains indisputable. There is no better option available to the international community. The UN peacekeeping is as credible, politically neutral, and cost-effective as it gets for addressing global conflicts. Given the enormous difficulties in achieving the ultimate political purposes of UN peacekeeping missions, 'Protection of Civilians' (PoC) in the conflict-affected countries becomes the central and immediate purpose of UN peacekeeping missions while efforts to achieve political objectives continue. There are, however, several critical challenges that confront effective PoC actions by UN peacekeeping missions. They include non-unanimous 'Over Ambitious' mandates, 'Underresourcing' by member states, lack of genuine commitment by host government in supporting the UN peacekeeping missions, peacekeepers, and contingents that are not fully free from operational caveat, civilian, and military mindset issues, and an inability to adapt to emerging threats, amongst other challenges. The need of the hour is to confront these challenges, implement mitigating measures, and strengthen the faith that the world has in UN peacekeeping as the most credible,

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politically neutral, and effective instrument for addressing global conflicts, rather than 'Throwing the baby out with the bathwater'.

Introduction

The world today is witnessing multiple concurrent conflicts leading to questions being raised about the relevance of the United Nations (UN). However, this criticism overlooks the critical facts that the UN alone cannot prevent and mitigate conflicts without the active participation of other stakeholders. Despite these challenges, UN peacekeeping remains the most credible, politically neutral, and a cost-effective tool available to the international community for addressing global conflicts.

There is also a growing realisation that the lofty political objectives of UN missions will take significantly longer to achieve than the typical duration of these missions. Protection of Civilians (PoC), an intermediate but equally important objective, has thus emerged as the most significant and central purpose of most UN peacekeeping missions.

The PoC in conflict environments is critical to the legitimacy and credibility of UN peacekeeping missions, the peace agreements they are deployed to implement and the institution of UN itself. Past mission failures in providing security during complex crises and protecting civilians from mass atrocities have tested the fundamental principles and capabilities of UN peacekeeping operations. Irrespective of whether a mission is mandated for peacekeeping or peace enforcement, the expectation of the community in the host country is that they would be protected by the missions from all threats that affect their lives significantly. Former Secretary-General Ban Ki-moon stated that PoC is the defining purpose of UN peacekeeping in the 21st Century.¹ The current Secretary-General António Guterres states, "Civilians have suffered the deadly effects of armed conflict for too long. It is time we live up to our promise to protect them".² The President of Rwanda, Paul Kagame stated in 2015 at the International Peace Conference at Kigali that "The central purpose of peace operations is the protection of civilians. It is not the protection of peace agreements or UN mandates, even peacekeepers for that matter, much less the protection of politicians. The mission is to protect the ordinary people most at risk".³ Given the importance of PoC to

all missions and the legitimacy and credibility of the UN, there is a need to constantly discern and evaluate the challenges to effective PoC and find and implement mitigating measures.

Evolution of Protection of Civilians

PoC was first mentioned in the Operational Directive of 08 Feb 1961, during the UN Operation in Congo. It was later briefly referenced in the mandates of the UN Assistance Mission for Rwanda (1993–96) and the UN Protection Force (1992–95). However, the first explicit and unambiguous mention of PoC in a mandate appeared in the UN Mission in Sierra Leone (1999) under Chapter VII of the UN Charter. Over the years, 16 UN peacekeeping missions have received explicit PoC mandates. Of the 11 current missions, five (South Sudan, the Democratic Republic of Congo, the Central African Republic, Abyei, and Lebanon) have specific PoC mandates. However, rather than focusing solely on the number of missions with explicit PoC mandates, it is more telling that approximately 90 per cent of peacekeepers across all current UN missions operate under some form of PoC mandate. Meanwhile, during the same period, civilian casualties have increased as a proportion of overall casualties in civil wars and sub-national conflicts. PoC mandates also ensure that communities in host countries become tangible beneficiaries of the missions' efforts.

Without prejudice to the primary responsibility of host governments towards PoC, peacekeeping missions perform their PoC tasks within their capabilities and areas of deployment through use of all necessary means, up to and including use of deadly force. Typically, PoC in all peacekeeping missions has evolved to be a 'Whole of Mission' responsibility with three clear domains, which are concurrently addressed in all PoC situations.⁴ While the policy on PoC in UN peacekeeping describes the PoC actions in terms of tiers, it is useful to treat them as domains, as these actions are non-linear and occur concurrently.

- **Domain 1. Dialogue and Engagements.** Engagements by all relevant mission components with political and military leadership of the host government, armed forces/factions, police, communities, religious groups, and traditional leaders to prevent conflicts or to prevent escalation of ongoing conflicts.
- **Domain 2. Physical Protection.** Predominantly done by the force supported by the UN Police.

- **Domain 3. Creating a Protective Environment.** Supporting holistic capacity building of host government in terms of building institutions and legislative framework by all components of the mission.

Protection of Civilians: Challenges and Recommended Mitigation Measures

Mandates.

- Mandates should ideally be unanimous, consistent, and realistic in relation to the resources available for peacekeeping missions. Non-unanimous mandates may create the perception, particularly among host governments, that certain aspects are negotiable. Inconsistent mandates with significant year-on-year changes make adaptation difficult and hinder the ability of missions to build on previous gains. However, the fundamental challenge often lies in the ‘Mandate-to-resources Gap’, where member states are under-resourced in relation to their mandates, sometimes setting them up for failure. Financing PoC initiatives should be prioritised, with certain non-PoC aspects of the mandate taking secondary importance until a reasonable level of civilian protection has been achieved.
- There is a view that mandates raise high expectations among the communities served, the host government, and the international community by setting expansive and often utopian objectives that cannot be realistically achieved. While there is some truth in this view, in the face of the overwhelming suffering of communities in war-torn nations—where missions are often the last resort and hope for civilians caught in conflict—high expectations are inevitable and justified for peacekeeping missions. However, expectations of the communities are not solely dictated by mandates. The legitimacy, credibility, and the track record of UN peacekeeping, built over years, heighten community expectations the moment the blue helmets enter conflict zones. Furthermore, mandates with high expectations can also be seen as empowering peacekeepers on the ground, as they enable the prioritisation of all capacities and resources within missions toward PoC.

- Mandates should, therefore, clearly indicate priorities while listing the expectations from missions. In the absence of such prioritisation, limited resources are divided uniformly across all sections of a mission, thereby, affecting mandate delivery in priority sectors. Thus, there is a need for optimal and efficient preparation and allocation of resources in alignment with mandate priorities, while also ensuring leadership accountability within missions.

Commitment of Host Government to Peace Agreements.

- Mandates require proactive actions by peacekeeping missions in PoC situations to address imminent physical threats to civilians, irrespective of the source, while respecting the host government's primary responsibility for responding to such threats. However, when such threats originate from host government forces or their allies, peacekeeping actions may impact the core UN principle of 'Consent'. While consent pertains to all parties in a conflict, it is often more closely associated with the host government's approval. Moreover, taking action contrary to the host government's stance in PoC situations—even when its forces are not directly involved—can result in restrictions on other mission activities. To some extent, losing host government's consent may hinder PoC effectiveness, particularly by limiting Freedom of Movement (FoM), exposing peacekeepers to targeting, and increasing the risks of misinformation, disinformation, or hate speech. Balancing PoC effectiveness while maintaining host government's consent presents a significant leadership challenge for missions, especially given that most host governments lack a genuine commitment to fully implement peace agreements.
- Peacekeeping missions may also, at times, lack the capacity to confront host government's security forces. In such scenarios, missions must ensure strict and unwavering adherence to the core UN principles of consent, impartiality, and non-use of force, except in cases of self-defence and defence of mandates. To uphold these principles, missions should establish clear red lines in advance. If stakeholders or parties to the conflict cross these red lines in violation of the foundational agreement that authorised the UN mission, robust

action should be taken. While this approach is challenging in practice, it remains the only viable course of action.

Robust Status of Forces Agreement (SOFA). Whenever missions are established and SOFA are prepared and signed, a few mandatory provisions must be explicitly mentioned:

- Freedom to induct/de-induct and deploy forces within the area of responsibility of the mission, within the mandated ceiling must be a mission prerogative. Any restriction in this regard by the host government should not be acceptable.
- Freedom to move to and deploy forces to any location within the area of responsibility of the mission temporarily or permanently must be a mission prerogative. Interference in this regard by the host government must be explicitly prohibited.
- Availability and employment of appropriate aerial surveillance resources such as drones and aerial photography or employing helicopters must be a non-negotiable requirement.
- This freedom of movement must be for both day and night and for using any mode of transport—ground, sea, river, or air.

Conceptual Clarity of Protection of Civilians. It is imperative that ground commanders and peacekeepers tasked with executing the mandate have a clear conceptual understanding of the scope of PoC. Currently, the definition of PoC primarily addresses threats of physical violence. However, its scope must be expanded to include threats to life arising from physical violence, Conflict-Related Sexual Violence (CRSV), and the impacts of climate change. Additionally, there must be clarity on the definition of a 'Civilian' who merits protection. A civilian is an unarmed individual who does not aid or abet conflict in any way and is a helpless victim of war.

Mindset of Uniformed and Civilian Peacekeepers: Caveat-Free Mandate Delivery.

- PoC responsibilities require commanders at all levels to make timely and proactive decisions without constantly looking over their shoulders. While the safety and security of

peacekeepers are of paramount importance, being risk-averse to the extent of inadequate or improper implementation of the mandate is unacceptable and poses a reputational risk for the UN. Over the last few decades of peacekeeping, a risk-averse, non-proactive mindset has taken root among some civilian and military peacekeepers, which needs to be shifted towards a proactive, dynamic, and responsive approach. Ensuring accountability of the mission in this regard must be strictly enforced. That said, shaping an appropriate mindset is also a dynamic leadership function. Many civilian substantive and support sections must develop a proactive mindset regarding the prioritisation of all resources and capacities of the mission towards PoC, ensuring robust aviation, engineering, and logistical support for forces on the ground.

- Declared or undeclared caveats by troop contributing countries/police contributing countries, if any, may also derail PoC effectiveness. There is always an apprehension that, in times of conflict, member states may impose declared or undeclared caveats on their contingents and Integrated Unit Patrols concerning deployment locations, execution of certain tasks, and conflict-related PoC actions. Even in the absence of conflict, some contingents refer to their national doctrines, and resist certain actions. Additionally, many countries stipulate specific deployment locations for their personnel or units, a practice that must be strongly discouraged. The mission cannot allow country-specific concessions. Furthermore, there is a need for full operational freedom for the mission and force leadership to make appropriate decisions without being encumbered by caveats.

Freedom of Movement. FOM, both from the perspective of host government restrictions (access denials) and environmental restrictions on mobility, are serious challenges that need to be considered when assessing the impact or lack, thereof, of actions taken by the mission in any conflict situation. Addressing host government's restrictions on FOM is a priority Domain 1 Key Leadership Engagement action for peacekeeping missions. To this end, missions must establish mechanisms at national and local levels to continuously push the envelope toward greater FOM over land, river, and air. Missions must systematically follow up on each access denial with the host country authorities and UN

Headquarters (HQ). UNHQ and the Security Council must seek accountability from the host government in this regard. In the case of environmental limitations on mobility, missions rely on robust aviation support and enhanced land mobility options, such as all-terrain vehicles. These resources should be prioritised and provided for PoC.

Decision Dilemma on Prioritising Protection of Civilians Efforts by Ground Commanders.

- Peacekeeping commanders on the ground often face a decision dilemma in conflict situations. There is a need to prioritise responses when addressing different possible PoC options, such as directly intervening in clashes between armed factions, protecting the movement of civilians fleeing from the area of conflict, creating a temporary protection area where civilians escaping conflict can be congregated and safeguarded, or securing areas/locations where the conflict may escalate next. The guiding rule in peacekeeping missions is that the option facilitating the protection of the maximum number of civilians should be chosen. This decision must be taken in a timely manner by relatively junior commanders on the ground amid the fog of conflict. Regardless of the option chosen, there may be retrospective criticism about why other alternatives were not adopted. Tactical commanders should be insulated from retrospective inquiries and punitive actions if decisions were taken in good faith. Missions often lack the resources to address all PoC options and must prioritise. In such decision-making dilemmas, 'The best is the enemy of the good' should be the guiding principle, as the timeliness of the decision is of paramount importance.
- The primacy of the host government's role in PoC should not be compromised. If and when the host government's intentions and actions do not indicate a commitment to fulfil this responsibility, peacekeeping missions should not hesitate to step in. Mindlessly targeting armed groups with whom UN missions face a resource asymmetry, especially when no PoC purpose is being served, is detrimental to the safety and security of peacekeepers. There is an important leadership role to be played in this regard in every situation. Tactical commanders should be empowered and trained intensively

to make timely decisions without hesitation. The top leadership of the mission/forces should take proactive decisions to prevent contingents from being subjected to unnecessary risks when there are no corresponding PoC requirements. To quote General John J Pershing, “A competent leader can get efficient service from poor troops while an incapable leader can demoralize the best of troops”.

Mindful Integration and Effective Command and Control (C2).

The need of the hour is integration. However, integration is not a panacea for all requirements. It can be counterproductive to efficiency and robustness when accountability and the empowerment of tactical commanders are obscured. Integration should primarily occur during the planning stages. Tactical commanders must exercise full command over all elements participating in an operation. Any dilution of command authority can be perilous. Establishing the C2 structure well before operations are undertaken is half the battle won. However, this is often a challenge in integrated missions. There is a pressing need for a UN-wide policy on the leadership of tactical operations, including all types of patrols.

Inadequate Early Warning and Inherent Drawbacks of Peace Keeping Intelligence (PKI).

PKI cannot be clandestinely acquired. Missions cannot use obtrusive or intrusive means, nor can they offer incentives to sources for acquiring PKI. These are restrictive conditions that must be accepted to ensure that PKI remains within the boundaries of the UN’s principles and norms. However, this constraint leads to inadequate early warning at tactical levels, which may be compensated through technological advancements, intensified community engagement, enhanced language proficiency of peacekeepers, allocation of quick impact projects under tactical commanders, and other related measures.

Gap Between Situational Awareness and Situational Understanding.

While force personnel have good situational awareness of ongoing events, they often lack adequate situational understanding of the background and rationale behind these incidents due to short tenures and the consequent lack of institutional memory. This gap can be mitigated through the seamless integration of civil affairs personnel with intelligence officers and military observers. Staying ahead of the curve through

effective situational awareness and understanding is the key to ensuring proactive PoC.

Gap Between Early Warning and Early Action. The absence of the right mindset among peacekeepers, both uniformed and civilian, host country restrictions, inadequacy of appropriate air and surface mobility resources, insufficient training, and deficiencies in leadership contribute to a gap between early warning and early action, in both temporal and physical domains, crippling PoC effectiveness. Additionally, there is a need for conceptual clarity on the prioritisation of PoC, the protection of UN personnel, the priority protection of the mandate, and the protection of key leaders of the host country.

Absorption of Relevant Technology. In the fields of integrated databases, predictive analysis, Geographic Information System utilisation, base defence, aerial surveillance, and digital surveillance, missions still have a long way to go to align with contemporary threat scenarios. While efforts are ongoing, they are resource and fund-intensive and require substantial support from member states.

Genuine Gender Parity and Responsiveness. The need for an adequate number of women peacekeepers in contemporary missions is well established. However, ensuring that all peacekeepers meet the required job descriptions for full and meaningful employment across all domains of peacekeeping is sometimes overlooked in the pursuit of meeting quantitative targets. This focus on numbers can prove counterproductive. It is also crucial that all decision-making and policy formulation be gender responsive. Both women and men peacekeepers must be provided with an enabling environment, free from any form of harassment. A zero-incidence and zero-tolerance approach to sexual exploitation and abuse must be upheld in both letter and spirit through a combination of sensitisation, training, audits, and punitive measures. These requirements must be genuinely fulfilled, avoiding any form of tokenism.

Off the Bases and Into the Communities. Peacekeeping forces are often burdened with a large number of static and force protection duties, reducing the 'Boots on Ground' for mobile PoC operations. There is a need to incorporate technology to minimise reliance on personnel for static duties. As a general principle, at least two-thirds of personnel in each base should be 'Off the base and into

the community' at all times. Maintaining a strong presence within communities is not only operationally effective but also reflects a proactive mindset, the creation and sustenance of which is a critical leadership function.

Inadequate Language Assistance. Contingents operating in the field in most missions face a critical deficiency in the availability of language assistants, which affects their operational efficiency. To address this, contingents should be empowered to hire language assistants and receive reimbursement for the same. Additionally, sector HQs should be provided with funding to hire language and community liaison assistants to enhance communication and engagement with local populations.

Contingent Level Quick Impact Projects (QIPs). In order to endear the local communities to the contingents operating in their areas, contingent commanders must be empowered to execute small but relevant QIPs at their level. The current model of centralised planning and implementation of QIPs does not empower the contingent commanders who are the face of the missions in the field.

Need for Contemporary Protection of Civilians Doctrines. While extensive theoretical guidance exists, the evolving nature of PoC threats necessitates continuous refinement of concepts and procedures, customised for each mission. Past reports of expert committees may not always remain fully relevant to the current PoC environment. Therefore, a dynamic approach is required to align theoretical guidance with practical ground realities. A reasonable timeframe for the relevance of expert committee reports should be five years. At present, the focus should be on clarifying the scope of PoC, identifying the threats that need to be countered, defining who qualifies as a civilian, determining the appropriate course of action against armed factions (particularly those affiliated with or part of the host government), and establishing the priority between protecting civilians, peacekeepers, and key local leaders.

Tactical Operations to Counter Conflict-Related Sexual Violence. Current measures to counter CRSV primarily focus on monitoring, reporting, investigation, and ensuring accountability. However, these measures are largely reactive, addressing incidents post-occurrence rather than emphasising prevention. There are no customised tactical operations specifically designed to prevent

CRSV. In 2024, the UN Mission in South Sudan introduced the concept of Patrols to Combat CRSV (PTCC) to address this gap. PTCCs consist of two types: Base PTCCs and Deliberate PTCCs. Base PTCCs serve as a proactive measure, with patrols visiting every village and settlement within a 10 km radius of the base almost daily, at random times, focusing on locations and routes where abductions and sexual violence are likely to occur. These patrols, often referred to as 'Twilight Patrols', are conducted at dawn and dusk when CRSV incidents are more probable. Deliberate PTCCs are deployed to known or predicted CRSV hotspots across the area of responsibility. Their objectives include deterring CRSV, enhancing the capability of communities and security forces to prevent such crimes, and generating early warnings through community alert systems. This emerging concept merits further refinement and development to enhance its effectiveness in preventing CRSV.

Conclusion

PoC remains the central purpose of most peacekeeping endeavours, either directly or indirectly. UN peacekeeping continues to be the most credible, reliable, and cost-effective tool for achieving effective PoC in conflict environments. The challenges outlined in this article are illustrative rather than exhaustive. The key requirement is to discern, recognise, and comprehend these challenges, and implement appropriate mitigation measures. Substituting the central character of UN peacekeeping or diluting its core principles must be avoided—ensuring that the essence of UN peacekeeping remains intact while addressing its evolving challenges.

Endnotes

¹ Secretary-General's address to Stanley Foundation Conference on the Responsibility to Protect, 18 Jan 2012, accessed 02 Jan 2025

² Secretary-General's remarks to the Security Council - on the Protection of Civilians in Armed Conflict, 23 May 2023, accessed 01 Jan 2025

³ Remarks by President Kagame at The International Conference on The Protection of Civilians, 28 May 2015, accessed 31 Dec 2024

⁴ DFS, USG, "The protection of civilians in United Nations peacekeeping", (2015), accessed 30 Dec 2024