



Protection of Civilians in the United Nations: A Peacekeeping Illusion?

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INTRODUCTION

After the experiences of Rwanda and Srebrenica in the 1990s, and the United Nations' (UN) failure to act, the protection of civilians (POC) has taken an increasingly prominent role in international peace operations. The first mission to be mandated with an explicit POC-mandate was the UN Mission in Sierra Leone (UNAMSIL) in 1999. While the emphasis on POC may initially have been met with reluctance, both from traditional troop and police contributing countries (T/PCCs) and from within the system, the concept has increasingly taken a central role in UN peace operations after the Brahimi Report (UN 2000). More than 98% of military and police personnel currently deployed in peace operations have a mandate to protect civilians, as part of integrated mission-wide efforts.

Although the Security Council (UNSC) has recognised the progressive consideration of POC in armed conflict as a thematic issue since 1999 (UN 1999), for a number of years there was limited guidance on

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how such mandates should be implemented. In an independent report on the protection of civilians in UN peacekeeping operations, it was made clear that missions largely lacked a clear definition of POC, and suffered from poor planning and implementation of protection mandates (Holt and Taylor 2009). That same year, the Security Council adopted a resolution that requested all UN missions with protection mandates to incorporate comprehensive protection strategies into overall mission implementation and contingency plans (UN 2009). This, together with other developments, led to an increased focus on guidance to the field, trying to improve the understanding and application of POC mandates. In 2010, an operational concept on POC was published by the UN Department of Peacekeeping Operations/Department of Field Support (DPKO/DFS), and the following year a Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations (UN 2010, 2011).¹

Following this guidance framework and additional focus on POC by the Security Council, a POC Policy has been developed by DPKO/DFS (UN 2015a). The intention was to strengthen POC implementation in the field, making sure that there will be a common standard across the system, and that the capacities both on the civilian and military side are fit for purpose. In all these guidelines and policy documents, as well as in most Security Council Resolutions mandating missions with POC mandates, it is emphasised that the primary responsibility for the protection of civilians rests with the respective governments. The presence of a UN mission or other protection actors does not diminish the obligation of host governments to make every effort to protect their own civilians. However, the responsibility of the host government does not dilute the obligation of UN missions to act within their capabilities when the host governments are not willing or able to protect its citizens. There are many situations when governments do not take on their POC responsibility or lacks the capacity to do so. This poses significant challenges to UN missions.

This chapter provides an overview of the implementation of POC mandates in UN peace operations, drawing on my experience from the UN Mission in South Sudan (UNMISS) between 2011 and 2014 as Special Representative and Head of Mission. UNMISS had a broad

¹See UN (2010, 2011), which sets out the full range of activities that fall within this mandated task.

POC-mandate, covering both military, police and civilian components. I will start with a focus on the capacity to protect through non-military means, and then move on to the capacity to provide physical protection. Third, I will address the responsibility of the host government. To conclude, I will offer a few recommendations for strengthening the protection of civilians in UN peace operations.

PROTECTION OF CIVILIANS: POLICY AND PRACTICE

Protection of civilians has for many years primarily been understood in military terms, and the ultimate test confronting peace operations has been to which extent they were able to physically protect civilians under imminent threat. It is important, however, to emphasise that the UN framework provides guidance on several aspects of POC, and include prevention through political action, as well as other civilian protection measures. This is also linked to capacity- and institution-building and is included in the following three tiers:

- *Tier I: Protection through dialogue and engagement:* Activities include dialogue with a perpetrator or potential perpetrator,² conflict resolution, and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians.
- *Tier II: Provision of physical protection:* Activities by police and military components involving the show or use of force to prevent, deter, pre-empt, and respond to situations in which civilians are under threat of physical violence.
- *Tier III: Establishment of a protective environment:* Activities to help create a protective environment for civilians, for example through the rule of law, human rights, and protection cluster activities, as well as Security Sector Reform (SSR) and Disarmament, Demobilization, and Reintegration (DDR). Many of these activities are undertaken alongside or in coordination with programmes by the United Nations Country Team or Humanitarian Country Team (UN 2015a).

²This may be a state actor, non-state actor, groups of actors or individuals, or all of the above.

While UN policy and guidance frameworks on the protection of civilians have been strengthened, no specific policy has been developed for UN Police, which is quite surprising given the focus on POC in almost all peace operations. Nevertheless, as the UN High-Level Independent Panel (HIPPO) observes in its Report (UN 2015b), significant progress has been made in promoting norms and frameworks for the protection of civilians.

Furthermore, the new 2015 POC Policy represents a more comprehensive approach and advises POC operations to be implemented along four operational phases: (i) prevention, (ii) pre-emption, (iii) response, and (iv) consolidation (UN 2015a, p. 9). This should be reflected in a comprehensive POC Action Plan, including all relevant components of missions.

Despite conceptual progress, results on the ground are at best mixed. The gap between what is asked for and what peace operations can deliver has widened, especially in the more difficult environments (UN 2015b, p. ix). In the following, I will analyse some of the reasons.

Protection Through Non-military Means

In South Sudan, UNMISS developed a POC strategy with interventions along all three tiers outlined above in consultation with the UNHQ and the Humanitarian Country Team, and every state office was obliged to do the same. The POC strategies at the state level helped the mission have a more systematic approach to threat assessments and a more coherent approach to the extensive protection work the mission engaged in.³

UNMISS tried to reduce the threat to civilians by engaging actively on multiple fronts to prevent inter-communal conflict; it supported mediation to end such conflicts, and, to prevent the communities from relapsing into violent conflict, it supported peace consolidation efforts where agreements were reached. The mission supported several institutions relevant to the POC Policy's 1st Tier, such as the Peace Commission of South Sudan and the National Reconciliation Committee, as well as peace advisors at different administrative levels.

³UNMISS Protection of Civilian Strategy, final draft approved by SRSG, 4 June 2012, since then replaced by the UNMISS Protection of Civilians Strategy, approved by SRSG, 15 September 2014.

However, it proved difficult to build the capacity of the host nation institutions to take responsibility for Tier 1 protection tasks.

Although some progress was made, the best results were not achieved in the formal institutions of Juba, but locally. It was most rewarding to work with leaders at state and county level, community leaders and also with religious leaders where conflicts were brewing, emerging, and in some cases escalating. The UN's collective efforts in trying to prevent or resolve inter-communal conflict bore fruit in several instances, for example in the Equatorial States and the Tri-State Area between Unity, Warrap and Lakes States. In one instance in the latter area a large-scale attack of thousands of armed youth was prevented. In another, significant efforts were invested in the peace process in Jonglei on multiple fronts. But despite signed peace agreements, the cycle of violence proved intractable and extraordinarily challenging to resolve. This frustration resulted in heavy-handed disarmament campaigns and military operations by the Sudan People's Liberation Army (SPLA) (UN 2012a, b). They were not successful, and only led to more tensions, unrest and eventually, conflict, in particular in the Pibor area. Only when an UNMISS-supported Church-led peace process succeeded was it possible to achieve some stability.⁴ Later, however, also this peace process imploded, impacted by the ongoing civil war.

Creating a protective environment, an objective in Tier 3 of the POC Policy, was another major challenge in a country awash with weapons, and with significant security challenges including inter-communal violence and ill-disciplined and at times violent and abusive security services. Some training in international humanitarian law and POC was provided to the SPLA and police, but the scale in terms of numbers receiving courses was too limited to have any real impact. Similarly, such courses are less effective when the illiteracy levels of the participants are very high (UN 2015c).

While UNMISS was from the outset mandated to support the police and rule of law institutions, strengthening them and their protection role was necessarily a long-term effort. The current timelines and methodologies of military and police personnel in peace operations are not conducive for such capacity-building processes. The rotation of personnel is but one of the impediments in this regard. The supply-driven blue-print

⁴See Jonathan Agensky's chapter in this volume.

approaches usually applied in UN peace operations seldom deliver good and sustainable results in reforming and building the capacity of national police. Only through fundamental reforms in the way the UN Police operates can better outcomes be achieved. These points are reflected in the HIPPO report recommendations (UN 2015b, pp. 41–43) and in the UN Police review from end-May 2016.⁵

Despite these challenges, the mission found new ways of using existing UN Police mechanisms to provide capacity-building in some areas. Through unique, pre-negotiated arrangements with Uganda and Rwanda, training teams were deployed as UN Police to the Police College in Juba, providing training modules in key policing areas. We also used specialized teams from Kenya to help develop livestock police.

Throughout its first years, UNMISS worked on multiple fronts to create a more protective environment for people, amongst others by working to increase respect for human rights, and through partnerships with, for example, the Protection Cluster that brought together the humanitarian agencies working on protection as well as some NGOs. However, UN capacity-building efforts of government institutions delivered limited results. The human rights and humanitarian institutions of the country faced great challenges in making a real impact, despite the best efforts of the entire UN family in building their capacity. It would primarily be through Security Sector Reform and a transformation of both the SPLA and the Police Service that one could hope to see an improvement.

Tier 1 steps range from the local to the national, from dealing with inter-communal conflicts to national-level tensions. For instance, in UNMISS, the mission leadership took Tier 1-type preventive steps concerning the SPLM-leadership, starting already 18 months before the political crisis escalated in the country. The Sudan People's Liberation Movement (SPLM)-leaders and regional leaders also tried to prevent such an escalation. However, none of these attempts succeeded, and the country exploded into violent conflict on 15 December 2013 (UN 2014a).

⁵An independent review team was appointed on 28 December 2015 to follow up on many of these HIPPO recommendations. The Independent Core Review Team was tasked with assessing the UN's Police Division and its operations and delivered its report *External Review of the Functions, Structure and Capacity of the UN Police Division* on 31 May 2016. The report confirmed these systemic deficiencies in how UN Police operates, hence recommending capacity building and police reform. Hilde F. Johnson and Abdallah Wafy were co-chairs of the UN Police review.

Although the UN Security Council, UNMISS, and the international partners must shoulder some responsibility for failing to prevent the outbreak of violence in South Sudan, in the final instance, the lapse into conflict and then civil war was primarily caused by the high-risk behaviour of the South Sudanese leaders on all sides, across the core of the SPLM-leadership. It was the decisions of the two leaders, President Salva Kiir and former Vice President Riek Machar and their supporters, however, that led to the loss of thousands of lives, to the rape and torture of thousands more, to the disruption of the livelihoods of thousands, and later millions of civilians, who had to flee their homes in search of safety in UN compounds, or flee South Sudan all together to towards Ethiopia, Uganda, or Sudan.

The government and the warring parties in South Sudan completely failed to protect non-combatants, as required under International Humanitarian Law, and instead engaged in systematic targeting of civilians, as also documented by the UN Panel of Experts on South Sudan in their Final Report (UN 2016). As we shall see, when the fighting started in 2013 in Juba, the physical protection challenges were far beyond the capacity of UNMISS.

Opening the Gates: A Last Resort

As the fighting within the security forces spread into neighbourhoods, civilians of Nuer origin were in danger. For UNMISS to have intervened in the conflict by using force in a situation of active combat between two belligerent forces, would have required a new mandate from the Security Council. Even if we did get such a mandate, our resources were too limited given the scale of violence raging in Juba, to intervene militarily.⁶ Almost all our UN forces had been deployed elsewhere in the country, not least to Jonglei, where, until then, civilians had been under greatest threat. Although our planning exercises had included worst-case scenarios for Juba in the event of a crisis, our forces located there were few and lightly armed—they were mainly soldiers guarding UN assets and staff, as well as engineering, aviation, logistics, and transport units and had

⁶Redeployment from Jonglei, of for example one battalion of 850 troops, would take 7–9 days. Adrian Foster from New York Headquarters remained at the Mission and made three recommendations: (i) political engagement, (ii) documentation of human rights violations, and (iii) protection of people seeking refuge.

limited capacity and equipment. We had only about 120 infantry soldiers who could engage in military operations outside the two UNMISS bases in Juba.⁷

It was my firm decision that leaving civilians to their fate where they were likely to be killed, was out of the question. In the early morning hours, thousands had flocked to us at the UN House in Tonyping, an area in Juba and outside the other UN compound in the Jebel area. They were screened for weapons, and let in. During the morning of 16 December, approximately eight thousand sought refuge at Tonyping, and at UN House in Jebel five-to-six thousand poured in. During the afternoon, the total number approached 14,000, and increased the following day.⁸ Two days later, we realized that people would not return home soon, and we established a unique partnership with the humanitarian actors. Soon, they administered the Protection of Civilian-sites within our bases, providing lifesaving humanitarian aid.

Within four to five months, 85,000 civilians had sought protection in eight UNMISS compounds around the country (UN 2014a). Internally Displaced People (IDP) seeking refuge in UNMISS POC sites during times of violent surges, and reached 100,000 before my departure from the Mission in July 2014 (UN 2015c; UNMISS 2015). At the end of 2015, the number had doubled.

Protection within UNMISS-bases were never meant to be a long-term solution. Despite the establishment of additional POC-sites within and adjacent to these bases, the camps were unbearably over-crowded. Conditions were very bad, in particular during the rainy season, and people were suffering. Given the fighting and insecurity, they were too afraid to leave the bases. This put the Mission in a very difficult situation.

It has become clear that the civilians will not leave the POC-sites in the UN-bases unless they have a sense of peace and protection outside the bases. Cessation of hostilities has been promised repeatedly. Yet, these have been empty promises, as was a peace agreement signed in 2015, which later collapsed. Indeed, peace still seems to be far away.

⁷Some 250 Rwandan soldiers protected UN Headquarters and the two large bases and another company (150 soldiers) had guard and commando-post functions, transport, logistics and administrative tasks.

⁸The neighbourhoods of New Site, Manga, Mangaten, Mia Saba and Eden were all attacked by government forces (UNMISS 2014; Human Rights Watch 2014).

People will not return home until there is a new and credible peace agreement which appears to last. Civilians need to feel reassured that a lapse into violent conflict is unlikely. They will also need to see a protective environment, to be able to trust the peace. This implies that building a new police service will be critical for people to be willing to return to their communities.

In summary, and to relate to civilian protection strategies, active engagement under Tier 1 and 3 is critical and usually more effective than other protection work. Yet, the traditional focus of peacekeeping operations has been to rely on the deployment of uniformed personnel, often with mixed results. As was pointed out in the HIPPO-report, there are serious deficiencies in the assessment, analysis, and planning of missions to enable political primacy and to make sure that the right resources are deployed at the right time. This has serious consequences for the capacity of mission leadership to engage in the protection of civilians under Tier 1 and Tier 3. This also negatively impacts the implementation of POC-strategies. As the local capacity to protect civilians is very low at all levels, a lot of responsibility rests with UN peace operations. It is even more important, therefore, that missions have the capacity to act along all three Tiers.

Before reverting to these issues, I will analyse the possibilities to provide physical protection of civilians under threat through the use of force.

PHYSICAL PROTECTION: A PEACEKEEPING ILLUSION?

Both prior to the crisis and during the civil war, the mismatch between the UNMISS' mandate and its resources were glaring, making it close to impossible for the mission to deliver on its mandate to provide physical protection to civilians under threat. However, as the HIPPO points out (UN 2015b, para. 93–94), UNMISS is not the only peace operation to face this problem. It is, therefore, imperative to address these challenges.

While a blanket protection of civilians mandate in military terms is not possible for any UN-mission—resources will never be adequate—there is still a strong expectation that military contingents act robustly and pro-actively when civilians are under threat. An evaluation conducted by the UN Office of Internal Oversight Services (UN OIOS 2014) has shown that these expectations are often not met, and that far too many missions are viewed as not acting to protect civilians quickly and robustly enough. While I have some methodological concerns with the

evaluation, its findings still warrant attention and discussion: many UN missions are perceived to fail in the implementation of their physical protection-mandates. Whether this is the reason for the revised definition of the protection of civilians mandate in the new POC policy, is not known. The definition now contains the additional “and including the use of deadly force” (UN 2015a, para. 12–13). It reads as follows:

In light of the above, the protection of civilians mandate for civilian, military and police components in United Nations peacekeeping is defined as follows: all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government. (UN 2015a, para. 13) (underscored by author)

The impact that this revised definition will have on the performance of the contingents, will largely depend on capabilities and the contingents’ own willingness to take risk.

Physical protection is about resources, including the numbers of troops compared to the challenge and the military capabilities available, as well as ensuring that these are fit for purpose and with adequate mobility in difficult terrain. In classic military thinking, one would need two to three times the number of forces as the enemy to successfully counter the threat. One can compensate for the lack of numbers of troops with force multipliers such as attack helicopters and more advanced weaponry or high-performance mobile and technologically advanced military units. In most cases peace operations have neither; both troops and force multipliers are lacking.

It is not without reason, therefore, that larger peace operations deployed to small countries are more likely to succeed than those deployed to large countries, where the protection needs in many cases are in remote areas. As the HIPPO also pointed out, the resource constraints of many UN missions are dire, particularly in countries that are vast, with a difficult topography, poor infrastructure, and difficult climatic conditions, such as in the Democratic Republic of the Congo (DRC), Mali, and South Sudan (UN 2015b, paras. 93 and 210). All these missions are struggling to deliver.

UNMISS, for one, suffered major deficits on all of the abovementioned fronts. The challenges in South Sudan were grossly underestimated from

the outset, despite the previous six-year UN-mission—UNMIS from 2005 to 2011. The number of troops in UNMISS were wholly inadequate for the task. The mission had one soldier per 100 km, almost three times fewer peacekeepers compared to other comparable UN missions.⁹ Some would say that this is not a relevant comparison; it all depends on where one positions the troops and their mobility. In the case of South Sudan, however, the mobility constraints were even worse than in many comparable missions, constituting a major impediment to a timely response.

Sixty percent of the country's territory is inaccessible for six to eight months per year during the rainy season. The mission therefore needed a much more diverse set of mobility assets to have a chance to deliver on its mandate. Without means of river transport and without all-terrain vehicles that could move in the mud and the swamps, the mission was largely dependent on aviation. We were literally stuck in the mud. The lack of proper airstrips implied that the only realistic means of transport was helicopters.¹⁰ This limited the numbers of troops that could be deployed and retained in remote locations significantly. The mission often suffered from a mobility crisis due to these aviation constraints. UNMISS saw columns of 5–8000 armed youth in military formation attack particular communities. The maximum number of troops the mission could deploy over time to face such a threat was 300–400. The resource deficits were particularly exposed in Jonglei, but the mission continued to have major challenges all over the country.

In April 2013, during a military capability review, UNMISS had problems convincing visiting colleagues of the urgent need for strengthening

⁹Johnson (2016, p. 326, footnote 75): UNMISS' ratio was 98:1 in late 2012. In 2011–2012, the figure was even lower. As the comparator for UN Stabilization Mission in the DRC (MONUSCO), the Eastern DRC was used as this is the primary area of operations for this mission, and the ratio of territory to soldier in 2012 was 17:1. For The UN-African Union Mission in Darfur (UNAMID), it was 29:1, and for UN Operation in Cote d'Ivoire (UNOCI) it was 35:1. These comparators also do not account for the fact that UNMISS had less infantry and more engineering companies than most other missions. Even if all forces were moved to Jonglei state, UNMISS would have had a ratio of 1:19, which was worse than what MONUSCO already had as its presence in Eastern DRC.

¹⁰Constructing air-strips was high on the mission's agenda, but the engineering companies were delayed in their deployment to the mission, and had to concentrate on building military bases, which also were lacking. This implied that the construction of new airstrips were delayed.

the capabilities of the mission on several fronts, despite the threats to thousands of civilians. Only after the crisis hit in December 2013 was it possible to obtain the approval for a significant strengthening of the mission's capabilities, although the surge then took unacceptably long, an equally important obstacle in the UN deployment system.

The HIPPO makes strong recommendations that would, if implemented, enable missions to deliver better on their POC mandate. For example, the proposal to change the mandating process to a two-step process, in which any mandate would be revisited six months after the mission onset, would make it possible to tailor mandates to the needs on the ground. It is critical to make sure that the resources and capabilities match the mandates. If the necessary resources will not arrive, the mandates should change accordingly (UN 2015b, pp. 47–48).

Beyond lacking resources, another challenge is the performance of the contingents and their willingness to engage pro-actively in confronting threats to civilians with force. While some UNMISS contingents were more risk averse, with mission leadership at times having to directly instruct a more robust response, others delivered on the mandate pro-actively and effectively. When the crisis hit in December 2013, these differences became even more evident. The national caveats that had been applied by some contingents were later expanded and amplified, with new constraints, for example on mobility, positioning of assets and posture. Other contingents were on the other hand undeterred and engaged in protecting civilians through impressive and courageous efforts.

One example of the latter were the efforts of the UN forces in Bentiu, Unity State, where civilians were hiding in hospitals, churches, and mosques. More than 400 civilians were rescued from these locations by the Mongolian contingent whilst under fire. A safe corridor was also established to bring an additional 1000 or more people into safety. In Bentiu, this happened several times while the fighting was raging, in addition to the protection of 40,000 civilians within the UN-base. This shows that results on POC can be achieved, even by an overstretched and under-resourced mission and under dire circumstances. The degree to which troops are willing to engage robustly and proactively within their means when they are seeing civilians under threat, can thus make a huge difference.

The HIPPO panel also used strong language on the performance of peacekeepers, stating that national constraints imposed on contingents from their own capital or military headquarters were not acceptable

and should be treated as disobedience of lawful command (UN 2015b, p. 28). It is incumbent upon the UN-leadership in New York to make sure that Troop and Police Contributing Countries do not get away with mediocre performance and the introduction of new caveats when the contingents are deployed to UN missions.

Resources and performance are key to the implementation of a POC-mandate. While expectations are often unrealistic, experience from both UNMISS and other peacekeeping operations shows that it is at times possible to deliver on POC-mandates even with such shortcomings.

Another aspect that has become of increasing concern, however, is the many cases where host governments are blocking access for UN peacekeepers to areas where civilians are at risk, preventing them from fulfilling their POC-mandate. Even worse are situations when security forces of host government themselves are the primary perpetrators of violence against civilians, or when they support non-state actors constituting similar threats. In South Sudan, for example, UNMISS has been barred access from a number of locations. Numerous UN-reports have also documented that the government's security forces have been a major perpetrator against civilians.

While the protection mandate is the same whoever the perpetrator is, UN guidelines are not clear on which actions a mission should take in situations when the host government is the primary perpetrator of violence against civilians. References are often made to the Status of Forces Agreement, which the UN signs with the host government to facilitate the presence and operations of the relevant UN Mission. If a peace operation were to confront the armed forces of the host government militarily, there is fear that the mission may find itself without a SOFA and be asked to leave the country. Most Troop Contributing Countries will have major problems with confronting host governments in such situations. In many cases they would be instructed by their respective governments to refrain from engaging with the security forces of the host government.

To many civilians subject to such threats, the UN peacekeepers' ability to protect them from threats to their lives will therefore remain an illusion. This dilemma is not being discussed openly in the UN system. The Security Council has also avoided this sensitive issue. With the increased complexity of conflicts in a number of countries, often involving host government forces, it is likely that more UN missions will be faced with this dilemma. In the case of UNMISS, for example, the lives peacekeepers could save through direct protection in situations where

civilians are under threat by SPLA-forces (or non-state actors supported by them) would have to be weighed against the risks to the lives of more than 200,000 civilians under UNMISS' protection in the event that the Mission would be forced to leave.

This is also related to the interpretation of the Security Council mandate of peace operations. It is not made clear to missions what is expected of them in situations where host governments are the primary perpetrators of violence against civilians. It appears that direct engagement with government security forces would normally imply a peace enforcement mandate from the Security Council. Rather than leaving such difficult assessments to mission leadership, guidance should be developed which provides clarity to people in the field.

POC BY THE HOST GOVERNMENT: RHETORIC OR REALITY?

As stated in the introduction, and despite what is stated above, the main responsibility for the protection of civilians rests unequivocally with the host government. When a civil war is raging, one must respect the Geneva Conventions; to clearly distinguish combatants from non-combatants (i.e. civilians). This is currently not the case in South Sudan, where violations of these conventions appear to be the rule and not the exception. In more stable settings, one should expect the uniformed forces of a host government to do their utmost to actively protect civilians. This, however, is not the case in most countries where the UN is deployed with a POC mandate. Here lies one of the greatest paradoxes in the UN's approach to POC in its peace operations.

Most peace operations deploy into countries emerging from conflict where the UN is faced with state and non-state armed actors. One can hardly talk about a professional army. Nevertheless, the principle is clear; any government has the primary responsibility to protect its own population. But very few government armies, whether professional conventional armies or those that have originated from liberation movements, militia, or guerrilla warfare, have experience in operations that involve the protection of civilians. Military operations are usually focusing on gaining control over territory and dominating it and protecting territory when this control is threatened. And in doing so, armed forces of all categories have often been the predators of the civilian population and not their protectors.

The more static *modus operandi* of traditional military operations is also different from protecting civilians. Hardly any traditional military unit

has been trained in these types of mobile operations. Most armies see this typically as a job for police forces, formed police units, or gendarmerie. The tactics and operations of protecting civilians usually involve highly mobile units much more similar to the more robust armed police units, such as those conducting crowd control and riot control in highly professional police forces. Although there are differences, it is mostly this type of mobility—and that of counter insurgency units—that have certain similarities. Military contingents of peacekeepers are therefore not used to such operations, either. This has not been a topic of much discussion, however.

What is even more surprising is that there is no systematic investment enabling host governments to take civilian protection seriously. Hardly any efforts are being made to train forces of host governments to enable them to better conduct operations to protect civilians. Very limited investment is being made in developing the numbers of formed police units that more effectively could take on such tasks. Not even UN formed police units are being properly trained in a systematic manner for such operations according to agreed standards. Few have experience in POC related operations from their home countries.

That training of uniformed forces in the specifics of POC operations, whether military or police, is not given higher priority is surprising. But more importantly, it is a great paradox that host governments are not assisted with such training programmes to enable their police and military units to develop and build the type of capacities and institutions that are needed to better protect civilians. This is a serious concern. After all, host governments are supposed to have the primary responsibility for the protection of civilians. But without such support, the principle will remain an empty slogan.

Such POC training programmes can only succeed when they are developed as part of an overall SSR process, where fundamental issues such as professionalisation, command and control, competence and performance, and discipline and accountability are mainstreamed through the uniformed forces. It is also necessary to apply the UN's Human Rights Due Diligence Policy and other instruments (UN 2013). Civilians will not be protected by forces and institutions that are dysfunctional and of questionable quality and where behaviour will depend on the individual commander's whims. POC training, which would be a natural area for the UN to invest in, will therefore never work as a stand alone-measure, but will have to be imbedded in the strengthening of the institutions of the armed forces and the police.

To consolidate and sustain peace in a country, SSR may be the most critical intervention. As the HIPPO panel has highlighted, the security sector can be the greatest spoiler of peace (UN 2015b, p. 40). Yet, this is maybe one of the largest gaps in international peace efforts. While bilaterals engage in Defense Sector Reform (DSR), often in accordance with their own strategic interests, and with minimal transparency, hardly anyone, including the UN, supports overall SSR effectively, making sure there is a holistic approach, with coherence and coordination between the reform efforts in the different security sectors.

The HIPPO panel identified this as a major gap. While the more technical aspects of DSR is not an area where the UN is well positioned to engage, the UN can support aspects related to oversight and accountability. It is one of the biggest actors in police development and DDR. The HIPPO panel therefore stated that more efforts should be made to support SSR in a more effective and coordinated way. The *UN can and should play a convening and coordinating role in SSR*, if so requested by the government (UN 2015b, p. 40). This implies making sure coherent reform efforts take place in all security sectors.¹¹ This is also affirmed in a recent Security Council Resolution on this issue (UN 2014b).

A lot will have to be done to change the way UN peace operations work, if such efforts are to succeed. Fundamental reforms are needed (UN 2015b, p. 41, para. 156–157, recommendations 1, 2, 5, and 6). Moreover, in order to develop advisory functions in the SSR area there is a need to change the way that UN peace operations support institution-building. This is about capacity-building in one of the most difficult, yet most critical sectors.

The lack of reform in the SPLA in South Sudan was one of the main contributing factors to the escalation of violence in December 2013. While the origin of the crisis was political, it spun out of control largely due to the implosion in the security forces, and its rapid escalation was in no doubt caused by an institutionally weak and ethnically fragmented army. The responsibility for this rests squarely with the SPLM leadership, but it also illustrates how fundamental security sector reform is.

One of the core issues for any peace process in South Sudan going forward will be the total transformation of the country's security

¹¹For such reform efforts in SSR to succeed, local ownership is critical. A convening and coordinating role for the UN should therefore not substitute such ownership and should be at the national authorities' request.

forces, integrating units and elements from all sides. The engagement of third party actors, across all security organs, whether army or police, will be imperative, such as the UN, the AU and regional actors. If such a transformation of the security sector is not implemented and coordinated effectively, it will have an immediate impact on the prospects for peace. The security sector is the lynchpin in these countries, not only for the protection of civilians, but also for peace itself.

CONCLUSION

UN peace operations must be significantly reformed in order to more effectively protect civilians. As reflected in HIPPO, this is related both to the selection of mission leadership, the way the mandate is formed, the capacities involved and not least, the emphasis on the primacy of politics. When the political dynamics are at the centre, capacity on the political and civilian side, preventive diplomacy and Tier 1-efforts must be given much higher priority. This is critical and usually a far more effective way to protect civilians than protective actions in the field through Tier 2-operations.

To be able to do the latter, however, we also need to see major reforms on the military and police side. For the military to act more robustly, a series of measures need to be undertaken, both with regard to appropriate resources and the strengthening of capacities, systemic deficiencies and the willingness of TCCs to act. On the police side, a series of necessary reforms are listed in the UN police review that was undertaken in 2016 (UN 2016). In order to deliver on protection mandates UN peace operations must have both the necessary means and the will to act. The Security Council should also contribute to further clarity on what a POC-mandate implies in situations when host governments are the primary perpetrators of violence against civilians.

Given the scale of the challenge, and the fact that there are limits to what UN peace operations can do to physically protect civilians, investment in security sector reform and providing training in POC operations to uniformed forces of host governments is critical. It can help make protection a reality for civilians in many countries. And it can help prevent these forces from becoming perpetrators.

The security sector is too important for achieving and sustaining peace to be left to random arrangements, depending on the situation in each country. At the very least, a significant effort must be made to make

sure that there is coherence in reforming the different security actors by competent third parties. The current status of affairs cannot continue. If invested in, the UN is well positioned to engage in a convening and coordinating role in this area. The Security Council needs to take this concern seriously.

With the UN in such a role, one would kill two birds with one stone, both for the efforts to consolidate peace and in relation to strengthening the protection of civilians. After all, uniformed forces of host governments are supposed to be the primary protectors of the citizens. Without making this a priority, physical protection is likely to remain an illusion for the vast majority of civilians, even where the UN is present with its blue helmets. And even worse, if the UN continues its rather hesitant approach to support comprehensive security sector reform, it will be at risk of failing in its overall mandate in the achievement of peace and security.

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