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A UN soldier stands with displaced people in the yard of the Duekoue town council in Abidjan, Côte d'Ivoire.

Protection of Civilians in Armed Conflict

This is Security Council Report's fourth *Cross-Cutting Report on Protection of Civilians in Armed Conflict*. Nine months have passed since our third report came out in late October 2010, but much has happened in the area of protection of civilians during this period. The crisis in Libya and the post-electoral violence in Côte d'Ivoire stand out as two of the most important protection challenges for the Security Council. But there were also continuing protection concerns in other situations such as in the Democratic Republic of the Congo, Haiti, Somalia and Sudan. Most recently, the situations in Syria and Yemen have caused growing concern among many Council members.

The present report involves a change to our cycle of reporting. (Our previous cross-cutting reports were published every 12 months towards the end of the year.) The rationale for changing the cycle flows from the fact that our statistical analysis compares calendar years, so it seemed that an earlier publication date each year would make more sense and be more useful to our readers. (Our intention had also been to publish this report in time for the Security Council's open debate on protection of civilians in May. But unfortunately this became impossible when the date of the debate was moved forward at the last minute.) The result of this change in timing is that the present report covers less ground than our previous ones on this issue, although the statistical analysis still covers one full calendar year. In the future, we will be publishing a report every 12 months. Our next cross-cutting report on protection of civilians can therefore be expected in the first half of 2012.

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1. Summary and Conclusions

In addition to reviewing developments relating to protection of civilians as a thematic issue on the Security Council's agenda, including in the context of UN peacekeeping, the present report includes a statistical analysis of Council decisions in country-specific situations in 2010 and how protection issues were addressed. The Secretary-General's reporting on protection of civilians, as well as the Council's use of sanctions against individuals or entities committing violations against civilians are also reviewed. The two case studies—on Côte d'Ivoire and Libya—are actually from 2011. They were included, however, because of their obvious importance. They offer contrasting perspectives on recent Council action to protect civilians and a more in-depth and comprehensive analysis than what the statistical analysis is able to provide.

Some of the key findings of the report include:

- The Council continued during 2010 to systematically include protection language in most of its relevant country-specific decisions. In some cases it also expanded or added new language compared with previous similar decisions.
- There were no major changes in peacekeeping protection mandates in 2010 or in benchmarks to measure progress in the implementation of mandates. The Council decided to terminate one peacekeeping operation with a protection mandate—the UN Mission in the Central African Republic and Chad (MINURCAT). At the end of 2010 there were seven UN peacekeeping operations with an explicit protection mandate. (These are listed in annex III.)
- There were no significant changes in 2010 in the level of the Secretary-General's reporting on the protection

of civilians, despite Council resolution 1894 on protection of civilians adopted in November 2009, which asked for more detailed and comprehensive reporting on protection of civilians. The resolution asked the Secretary-General to develop guidance for such reporting, but this has yet to be finalised.

- The Council demonstrated a greater willingness to use targeted sanctions against perpetrators of violations of international human rights or humanitarian law. It made additional listings based on criteria related to such violations under existing sanctions regimes and in 2011 established a new sanctions regime for Libya that includes among its listing criteria attacks against civilians. Five of the Council's 12 sanctions regimes now include listing criteria related to violations of international human rights or humanitarian law.
- In May 2010, the Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, was for the first time invited to brief one of the Council's Sanctions Committees—the Committee on the Democratic Republic of the Congo (DRC). This resulted in a revision of the DRC sanctions listings to include recruitment and use of children in the designation justifications for nine individuals.
- Four of the current seven UN peacekeeping missions with a protection mandate have developed comprehensive protection of civilians strategies. These are the UN Organisation Stabilisation Mission in the DRC (MONUSCO), the AU/UN Hybrid Mission in Darfur (UNAMID), the UN Mission in Sudan (UNMIS) and the UN Mission in Côte d'Ivoire (UNOCI). In March 2011 the Secretariat finalised the framework for drafting comprehensive protection of civilians strategies in UN peacekeeping operations requested by the 2010



session of the General Assembly's Special Committee on Peacekeeping Operations. This may facilitate further progress in developing such strategies as requested by resolution 1894.

- There were no major changes in the functioning of the Council's informal expert group on the protection of civilians. The group held a total of 12 meetings in 2010 compared with seven meetings over the course of 2009. It continued to meet in connection with the renewal of relevant UN mandates to receive briefings by the Office for the Coordination of Humanitarian Affairs (OCHA) on key protection issues for consideration in the drafting of country-specific resolutions. It is noteworthy, however, that the group held a meeting on Côte d'Ivoire in March 2011 which was not linked to the regular mandate renewal schedule. It was requested by OCHA to convey concerns about the impact on civilians of the post-electoral crisis in the country. China still does not participate in the meetings of the expert group.

The first case study, on Libya, provides an example of swift and decisive protection action by the Council. The Council first condemned the violations against civilians, demanded compliance with international law, imposed an arms embargo and targeted sanctions and referred the situation to the International Criminal Court (ICC).

The Council subsequently authorised the use of military force to protect civilians in Libya. This was among its most significant decisions in recent years. However, the divisions among Council members and in the wider UN membership over the military action which has followed, demonstrate that significant differences still remain in terms of the appropriate response to attacks against civilians. In particular, there are concerns with regard to the use of military

means as opposed to political solutions to stop violence against civilians. The dividing lines (as the subsequent discussions in the Council on Syria showed) as to what kind of violations constitute a threat to international peace and security and what should be considered an internal matter, were sharpened. One of the main criticisms is how quickly the narrative by those countries most involved in the military response switched from protection of civilians to regime change, and how quickly events on the ground morphed into a civil war.

At the time of writing it was unclear how the Council's decisions on Libya might impact on future support for the protection of civilians agenda over the long term. An important test was the tenor of the open debate in the Council on protection of civilians of 10 May 2011. Contrary to expectations of some observers, the pushback against the protection of civilians agenda was more muted than expected. The Council decisions in March on Libya demonstrated more than anything else, that this was a special case.

Our other case study, Côte d'Ivoire, provides an interesting contrast. In Côte d'Ivoire the crisis played out over a more extended period, opening the window for the Council to use wider tools, such as subregional and regional mediation rather than coercive efforts to solve the post-electoral crisis at the outset. When these tools failed to produce results, the Council finally used its Chapter VII powers, signalling to UNOCI that its longstanding mandate to use force if necessary to protect civilians should be implemented so as to stop heavy weapons being used against civilian targets. This was significant because it marked a new and robust implementation role for UN peacekeeping in clear contrast to the inability of the Council, the UN and troop contributors to find

the political will to act robustly in 1994 in Rwanda. As in the case of Libya, however, (although to a much lesser degree), there is some residual controversy over the Council's actions on Côte d'Ivoire. Some seem to question whether UNOCI's protection of civilians operation in April could have been avoided by more astute political efforts at an earlier stage.

Finally, the present report also outlines some possible options regarding future Council action on protection of civilians. Key challenges remain, including how to ensure compliance with the normative framework, including through effective political prevention tools, and how to establish accountability for violations. Some practical options to improve the Council's own working methods, in particular with regard to monitoring and oversight, are suggested.

Future action on the protection of civilians, both thematic and country-specific, will depend on political will and the unity of the Council. On the one hand, some argue that the Council's robust action to protect civilians both in Côte d'Ivoire and Libya have in fact set a new high water mark for future cases. On the other hand, as noted above, others continue to see the Libya case, in particular, as controversial.

It remains to be seen what the long term impact will be of these developments. Much may depend on how the end game in Libya plays out. But the May open debate on protection of civilians seemed to indicate that in spite of the prevailing differences there is still overwhelming support for the protection of civilians agenda and a convergence of views on many important issues. Looking ahead to the next open debate on protection of civilians, this seems to suggest that there is still some room to further advance this important thematic agenda.

2. Background and Normative Framework

The Security Council first addressed protection of civilians as a thematic issue in 1999. The Council's involvement came at the end of a period in which the international community had witnessed a series of violent events around the world, including those in Bosnia and Rwanda, where civilians had suffered disproportionately. This led to increased international awareness of the need to strengthen the protection of civilians caught in armed conflict. Ensuring such protection came to be seen by many as a key element of the Council's responsibility to maintain international peace and security.

The concept of protection of civilians is founded in the universally accepted rules of international humanitarian, human rights and refugee law which are set out in a range of international legal instruments. They include:

- The Geneva Conventions of 12 August 1949, in particular the Fourth Convention, and their 1977 Additional Protocol I relating to the Protection of Victims of International Armed Conflicts and Protocol II relating to the Protection of Victims of Non-International Armed Conflicts;
- The 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the 1966 International Covenant on Civil and Political Rights;
- The 1951 Convention Relating to the Status of Refugees and its 1967 Optional Protocol;
- The 1989 Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;
- The 1994 Convention on the Safety of UN and Associated Personnel and

its 2005 Optional Protocol;

- The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The 1998 Rome Statute of the International Criminal Court; and
- customary international humanitarian law.

Protection of civilians as a separate conceptual thematic issue for Council consideration was first articulated in 1998 in two Secretary-General's reports—on the causes of conflict and promotion of peace in Africa (S/1998/318) and on protection of humanitarian assistance to refugees and others (S/1998/883).

The Council's first thematic decision on protection of civilians in armed conflict was a presidential statement adopted in February 1999 which condemned attacks against civilians, called for respect for international humanitarian law and expressed the Council's willingness to respond to situations in which civilians had been targeted by combatants. It requested a report from the Secretary-General on recommendations for the Council's future work. The first landmark report containing forty recommendations was issued in September that same year. Later that month the Council adopted its first resolution on the protection of civilians. Resolution 1265 stressed the need to ensure compliance with international humanitarian law, address impunity, and improve access for and safety of humanitarian personnel, and it also emphasised the importance of conflict prevention and cooperation with regional and other organisations.

Since that time, the Council has remained engaged on the issue of protection of civilians, both at the thematic level and in country-specific situations. It is now established practice for the Council to hold biannual open debates on the protection of civilians.

The Council has adopted three additional thematic resolutions—resolutions 1296, 1674 and 1894—reaffirming its initial commitment to the issue and strengthening provisions in certain areas.

In resolution 1502 adopted in August 2003, in the wake of the attack on the UN compound in Baghdad, the Council reinforced its previous decisions on the protection of humanitarian and UN and associated personnel and in 2006, the Council adopted resolution 1738 on the protection of journalists and other media professionals.

The Council has adopted a total of nine presidential statements on the protection of civilians. The second presidential statement of 15 March 2002 endorsed an aide-mémoire proposed by the Secretary-General as an instrument of guidance to facilitate the Council's consideration of issues pertaining to the protection of civilians in country-specific situations, in particular relating to peacekeeping mandates. It listed key objectives for Council action and specific questions for consideration in meeting those objectives. The aide-mémoire was last revised on 22 November 2010. This revision was endorsed by the Council in a November 2010 presidential statement on the protection of civilians.

Another tool the Council has invoked to facilitate protection discussions in country-specific situations is the informal Council expert group on protection of civilians. This was established in January 2009 under UK chairmanship. It meets regularly at working level in connection with the renewal of relevant UN mandates to receive briefings by OCHA on key protection issues for consideration in the drafting of country-specific resolutions.

At the request of the Council, the Secretary-General has issued a total



of eight reports on the protection of civilians, providing more than one hundred recommendations to the Council. The established reporting cycle is every 18 months, but each report is explicitly requested by the Council in a presidential statement. The ninth report is due in May 2012.

3. Key Developments at the Thematic Level

3.1 The Secretary-General's 2010 Report on the Protection of Civilians

The Secretary-General's eighth thematic report on protection of civilians was published in November 2010 just in time for the Council's open debate on this issue that same month. The report focused on the five core protection challenges that were identified in the Secretary-General's previous protection report of May 2009 (S/2009/277). Those were:

- enhancing compliance with international law by parties to conflict;
- enhancing compliance by non-state armed groups;
- strengthening protection of civilians by UN peacekeeping and other missions;
- improving humanitarian access; and
- enhancing accountability for violations of international law.

The report reviewed progress in responding to these challenges. It noted that a comprehensive normative framework was now in place and suggested that in the future the focus should be on making practical progress on the ground in specific cases. The Secretary-General recommended to the Council:

- the systematic application of the aide-mémoire on the protection of civilians;
- active use of the informal protection expert group to discuss peacekeeping and other mission mandates

as well as other Council protection action; and

- monitoring implementation of Council resolutions.

The Secretary-General also recommended that other UN actors become more effective in coordination, strategy setting, prioritising, monitoring and candid reporting to all relevant bodies, including the Council.

Other key recommendations in the report included:

- UN members states and international organisations should consider the impact on civilians of explosive weapons of war, including through systematic data collection and analysis of human costs;
- a comprehensive approach should be developed to improve compliance with international law by non-state armed groups, including the development of strategies for engaging such groups in seeking enhanced protection of civilians; and
- specific benchmarks should be developed, with the Council's support, to measure and review progress in the implementation of peacekeeping protection mandates, in particular in advance of the drawdown of a mission.

The Secretary-General called on the Council to:

- take a more consistent and comprehensive approach to addressing humanitarian access constraints and ensure accountability for grave instances of denial of access;
- request that situations where humanitarian operations are deliberately obstructed be brought to its attention;
- take action to enhance compliance with international humanitarian law, including by enforcing cooperation with the International Criminal Court (ICC), requesting investigations of possible violations or mandating commissions of inquiry with a view to imposing targeted measures or refer

situations to the ICC (In this context, the Secretary-General expressed his intention to request the Secretariat to undertake a review of the UN's experience with commissions of inquiry in order to identify how they might be used on a more consistent and less politically-influenced basis.); and

- call on states to establish or mandate mechanisms to receive claims from individuals alleging to be the victims of violations of international humanitarian law and human rights law.

Finally, the report outlined three additional areas for action:

- ensuring a comprehensive approach by finding ways to address situations not formally on the Council's agenda where protection concerns exist;
- ensuring a consistent approach including by considering ways to make further use of the informal expert group on protection of civilians through briefings on thematic protection issues such as peacekeeping and on progress made against established benchmarks; and
- ensuring an accountable approach by developing indicators for systematic monitoring and reporting on the protection of civilians.

3.2 Open Debate and Adoption of Presidential Statement on the Protection of Civilians in November 2010

The Council discussed the Secretary-General's report during a 22 November 2010 open debate on the protection of civilians. The debate featured briefings by Under-Secretary-General for Humanitarian Affairs Valerie Amos, Under-Secretary-General for Peacekeeping Operations Alain Le Roy, UN High Commissioner for Human Rights Navanethem Pillay and Director General of the International Committee of the Red Cross (ICRC) Yves Daccord. More than fifty member states also spoke.

Amos said in her statement that the Secretary-General's report "paint[ed] a very bleak picture of the state of the protection of civilians", but acknowledged that there had been some progress at Council level in the normative approach. She drew particular attention to the humanitarian impact of explosive weapons of war and called for a closer consideration of this issue. She also highlighted in particular the need for drawdown of peacekeeping missions to be conditioned on the achievement of clear protection benchmarks, the need for improved coordination between all actors on the ground to implement protection mandates and the importance of involving local communities in all protection strategies. Humanitarian access was another key concern and Amos called on the Council to ensure accountability for obstruction of access.

Le Roy, while underlining that peacekeeping operations cannot protect all civilians at all times and cannot act as a substitute for state authority, said the Departments of Peacekeeping Operations (DPKO) and Field Support (DFS) were working to improve the UN's performance in protecting civilians along five tracks:

- development of a strategic framework to provide guidance to missions for comprehensive protection strategies;
- development of pre-deployment and in-mission training modules;
- evaluation of resource requirements for implementation of protection mandates;
- evaluation of protection planning processes; and
- capability development efforts to better understand the requirements for the performance of protection tasks.

Pillay pointed out that human rights are integral to UN peace missions and that there are currently 17 missions with human rights components. She said

the approach to protection by her office was above all to prevent the commission of violations through human rights monitoring and reporting, citing the report on the mass rapes that took place in August 2010 in Walikale in the Democratic Republic of the Congo (DRC) as an important way to expose protection gaps.

Pillay noted that access for human rights officers is often severely limited for security or other reasons and called on the Council to give missions the mandate to ensure better access for human rights monitoring. She highlighted the role of her office in promoting accountability and expressed satisfaction that it had been invited to participate in the review of the UN's experience with commissions of inquiry proposed by the Secretary-General. Finally, she expressed her readiness to participate in less formal meetings with Council members such as Arria formula meetings or expert-level meetings to discuss protection issues.

ICRC's Yves Daccord said the fundamental protection problem was the lack of respect for international humanitarian law together with the "prevailing culture of impunity". He highlighted ICRC's role in ensuring respect for the law and urged all parties to conflict and the Council "to show the necessary political will and good faith to turn legal provisions into reality".

The Council adopted a presidential statement (S/PRST/2010/25) during the debate that endorsed an updated version of the aide-mémoire that was first adopted in March 2002 to facilitate consideration of protection issues. The revisions incorporate agreed Council language on protection issues and developments since the previous revision of January 2009.

The presidential statement also reaffirmed the Council's commitment to the

protection of civilians and its condemnation of all violations of applicable international law. It emphasised in particular the need to fight impunity, the importance of humanitarian access and implementation of protection mandates in peacekeeping operations. (It did not contain any direct reference to the ICC, but took note of the "stock-taking of international criminal justice" undertaken by the review conference of the Rome Statute held in May-June 2010 in Kampala.)

The presidential statement contained several specific requests by the Council which:

- called for the continuation of systematic monitoring and analysis of constraints on humanitarian access;
- welcomed the proposals, conclusions and recommendations on the protection of civilians included in the 2010 report of the General Assembly's Special Committee on Peacekeeping Operations;
- stressed the importance of ensuring engagement by senior peacekeeping leadership on protection;
- emphasised the importance of improving pre-deployment training on protection for peacekeeping personnel;
- underlined the need for peacekeepers to communicate effectively with local communities to carry out protection mandates;
- reaffirmed the importance of benchmarks to measure progress in the implementation of peacekeeping mandates and the need to include protection indicators in such benchmarks; and
- reiterated its request to the Secretary-General to include more detailed and comprehensive reporting on protection issues in his reports to the Council and develop guidance to UN missions on such reporting.

The statement also noted the Montreux document on international legal



obligations and best practices of private military and security companies during armed conflict, adopted in September 2008, and emphasised that all civilians affected by armed conflict deserve assistance.

3.3 Open Debate on Protection of Civilians in May 2011

The next open debate on protection of civilians was held on 10 May 2011 and featured briefings by Amos, Le Roy and Assistant Secretary-General for Human Rights Ivan Šimonović. (This position was created in May 2010.) It took place with the ongoing crises in Libya and Syria as well as recent developments in Côte d'Ivoire as an important backdrop. Many speakers referred to these situations in their statements.

Amos appeared to question the Council's consistency of approach on Libya and Côte d'Ivoire, seeming to suggest it might have been helpful to have imposed sanctions at an earlier stage in the conflict in Côte d'Ivoire. She emphasised that implementation of Council decisions "must be exclusively limited to promoting and ensuring the protection of civilians" and reiterated that the Council must be "comprehensive and consistent in its approach and consider all situations requiring attention."

On Libya, Amos called for a temporary cessation of hostilities against Misrata on humanitarian grounds to allow the delivery of humanitarian assistance and for people to leave if they wished to do so. She expressed concern about the use of cluster munitions by the Tripoli regime and reiterated the Secretary-General's call on all parties to conflict to refrain from the use of such weapons in densely populated areas.

Other situations of concern highlighted by Amos were Côte d'Ivoire, Somalia, the DRC (including the threat posed by the Lord's Resistance Army), Sudan, Colombia, Gaza and Afghanistan. She

also expressed concern about the violence against civilians in Bahrain, Yemen and Syria and emphasised the need for an investigation as a follow-up to the recent report of the Secretary-General's panel of experts on accountability in Sri Lanka.

Le Roy said there had been significant developments relating to protection mandates in peacekeeping operations since the previous thematic debate, in particular in the General-Assembly's Special Committee on Peacekeeping Operations. The Secretariat had finalised the framework for drafting comprehensive protection strategies as well as protection training modules and would soon consult with troop-contributing countries on protection of civilians resource requirements. Le Roy addressed in particular concerns expressed by some member states regarding the respective roles of UN missions and host governments. He underlined that protection mandates are not meant to replace the responsibilities of governments, but to supplement them. He stressed the role of the Council in providing political support for missions as well as the necessary capabilities to implement protection mandates.

Šimonović said that denial of human rights was among the root causes of violent conflict. With regard to Libya, he said that any use of force should be limited to military targets and highlighted the important role of the commission of inquiry established by the Human Rights Council. He also called for the prevention of further violence in Syria and announced that the Office of the High Commissioner for Human Rights (OHCHR) was preparing to send a mission there to investigate allegations of violations of international human rights law. Šimonović welcomed the Secretary-General's report on Sri Lanka and urged the Sri Lanka government to

implement its recommendations. He emphasised the importance of ensuring accountability in Côte d'Ivoire and the DRC and the need to strengthen protection of civilians in Somalia and South Sudan. Finally, Šimonović expressed his willingness to interact with the Council's informal expert group on the protection of civilians.

3.4 The Council's Informal Expert Group on the Protection of Civilians

The Council's informal expert group on the protection of civilians has held six meetings since our last cross-cutting report. It met twice in December, first in connection with the termination of the UN Mission in the Central African Republic and Chad (MINURCAT) as of 31 December and then to discuss the renewal of the authorisation of the AU Mission for Somalia (AMISOM).

In March 2011 the group met for the first time to receive a briefing not related to a mandate renewal when it discussed the situation in Côte d'Ivoire. OCHA had asked for the briefing to convey the UN's growing concern about the impact on civilians of the continuing post-electoral crises in the country. In March, in addition to the briefing on Côte d'Ivoire, there was a briefing on Afghanistan to prepare for the mandate renewal for the UN Assistance Mission in Afghanistan (UNAMA).

In May 2011, the group met to discuss protection challenges in South Sudan in preparation of the establishment of a mission there to succeed UNMIS. In June there was a meeting on the DRC focusing on the mandate renewal of the UN Organisation Stabilisation Mission in the DRC (MONUSCO) at the end of the month.

The format of the meetings has stayed the same. OCHA plays a secretariat role for the group and is the only briefer. DPKO is present, however, to answer

questions. Briefings focus on the most important protection concerns in the situation under consideration. OCHA also reports on actions taken on the ground to address such concerns, and makes suggestions for Council action, including possible language for inclusion in resolutions based on the aide-mémoire endorsed by the Council.

It is worth mentioning that invitations to the expert group meetings were initially sent to Council members' protection experts only, although geographic experts were encouraged to attend. However, starting in March 2011 with the meeting on UNAMA, geographic experts now receive separate invitations. This seems to have increased attendance in the briefings on a regular basis by geographic, as well as thematic experts.

A total of 12 meetings were held in 2010 compared with seven meetings over the course of 2009. This seems to indicate an increasing level of activity. As noted in our last cross-cutting report, in 2010 the agenda of the group expanded slightly to include mandate renewals not only of UN peacekeeping operations with a protection aspect or a UN political mission involved in protection tasks, but also of UN mandated missions such as AMISOM or the International Security Assistance Force in Afghanistan (ISAF). So far in 2011 (as of June 2011) the group has met four times.

3.5 Other Developments

There was an interesting new initiative on protection of civilians under the Brazilian presidency of the Council in February 2011. Council members met in informal consultations on 18 February to discuss all three thematic protection-related items on its agenda: protection of civilians; women, peace and security; and children and armed conflict. The aim of the consultations, as outlined by Brazil in a concept note, was to help ensure that the Council dealt with the

three related protection frameworks in a coherent way and that work undertaken by the Secretariat is mutually supportive.

Brazil suggested some specific issues to be discussed, including:

- how to ensure that the various mechanisms in place for monitoring and reporting reinforce each other and that complementarities are taken advantage of to most effectively inform the Council;
- implementation of peacekeeping mandates and assessment of remaining protection gaps;
- sexual violence as a cross-cutting issue and how to ensure its mainstreaming in all relevant areas; and
- the reporting and discussion calendar for protection issues and whether it would make sense to adjust reporting and debating cycles in order to ensure that reports and debates are more evenly distributed throughout the year.

Under-Secretary-General for Humanitarian Affairs Valerie Amos, Assistant Secretary-General for Peacekeeping Operations Atul Khare, Special Representative on Children and Armed Conflict Radhika Coomaraswamy and Special Representative on Sexual Violence in Conflict Margot Wallström were invited to brief.

There was no formal decision arising from the consultations. However, the discussions seemed to strengthen the understanding among Council members that the current frameworks for Council involvement in the three protection issues function well and should be retained. At the same time members generally agreed that coordination could be improved, in particular in the field. Most members seemed to find the consultations useful though some would have liked the High Commissioner for Human Rights to have been among the briefers.

A significant new development in the wider area of protection was the Council's decision in December 2010 to establish a new mechanism for monitoring sexual violence in conflict situations. Following an open debate on the Secretary-General's latest report on sexual violence in conflict featuring briefings by Margot Wallström, Alain Le Roy and the former force commander of the UN Mission in the DRC, Lieutenant Colonel Babacar Gaye, the Council adopted resolution 1960 that established a monitoring, analysis and reporting mechanism on conflict-related sexual violence in situations on the Council's agenda.

Resolution 1960 calls on parties to armed conflict to make specific, time-bound commitments to prohibit and punish sexual violence and asks the Secretary-General to monitor those commitments. The Council requested the Secretary-General to include in his annual reports on conflict-related sexual violence (next report is due in December 2011) an annex listing the parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council's agenda, using the same listing and delisting criteria as the current annexes prepared for children and armed conflict reports. The Council indicated its intention to use the annex list as a basis for decisions on sanctions.

4. Analysis of Council Action in Country-Specific Situations

4.1 Resolutions

Building on our previous cross-cutting reports, this report continues our analysis of Council action on protection of civilians with a review of all resolutions on country-specific situations adopted in 2010.

Compared to 2009, the overall number of Security Council resolutions increased quite significantly from 48 to 59. But as has been the case in recent years, the share of resolutions that could reasonably be expected to address protection issues was much less. We found that 31 of the total number of resolutions adopted in 2010 fell into this category. Our analysis of these decisions revealed the following:

Did the Council address protection issues in relevant resolutions?

About 20 percent of the resolutions that might be expected to contain protection language (or about six out of 31) did not in fact include any protection language. This may seem like a significant number when compared to our 2009 analysis which concluded that the Council included protection language in all relevant resolutions. (See chart.) However, a closer look at the six resolutions in question reveals that they were of a rather technical nature. Three of the resolutions authorised technical roll-overs of peacekeeping missions for a few months while discussions on substantive mandate revisions continued. (This was the case for the UN Missions in Côte d'Ivoire and in the Central African Republic and Chad.) Two dealt with technical authorisation of troop increases or a temporary deployment. The last case was a resolution on Somali piracy requesting a report from the Secretary-General on options to strengthen the prosecution of pirates.

Our overall conclusion, therefore, is that the Council in 2010 was again fairly consistent in addressing protection issues when adopting relevant resolutions.

Did protection concerns continue to be a major focus for the Council in the substance of specific cases?

In Council resolutions on Afghanistan, the DRC and Somalia, protection of civilians continued to be a major substantive focus. In Chad there was a

heightened focus on implementation of MINURCAT's protection mandate as a result of the Chadian government's request early in 2010 for the UN to leave. The growing crisis in Côte d'Ivoire as well as preparations for the referendum in South Sudan towards the end of the year resulted in an increasing UN protection focus which was also reflected in Council decisions.

One UN peacekeeping Mission with a protection mandate was terminated in 2010

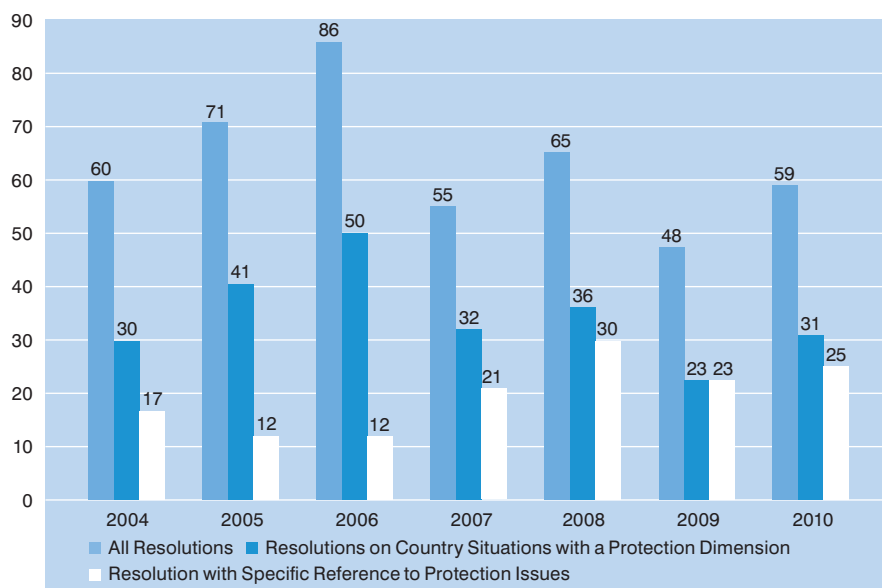
In May 2010 the Council decided in resolution 1923 to withdraw MINURCAT by the end of 2010 following a request from the Chadian government for the UN to leave. The mission was established in 2007 with protection of civilians, particularly refugees and displaced persons, as its main objective. With the closing down of MINURCAT in December 2010, there are now seven UN peacekeeping missions left with a mandate to protect civilians under imminent threat of physical danger. (For more in depth analysis on the protection issues in Chad and the decision to close the mission, please see

the case study on Chad in our 2010 Cross-Cutting Report.)

Did the Council continue to strengthen its protection language in 2010 when compared with similar decisions in 2009?

Almost all of the resolutions adopted in 2010 pertained to mandate renewals for UN peacekeeping operations with a protection mandate, UN missions or UN mandated operations. When looking at the substance of the language adopted, it appears that, apart from the decision to close down MINURCAT, there were no major revisions in protection mandates. There was, however, some interesting new language that seemed to indicate that the Council is paying closer attention to protection issues.

In 2010 the Council adopted six resolutions on UNOCI, including a technical rollover and authorisations for a temporary increase in authorised strength and a temporary deployment from the UN Mission in Liberia (UNMIL) to support UNOCI in connection with the holding of elections in Côte d'Ivoire. While there were no significant changes in UNOCI's protection mandate, the Council did



add a provision when revising UNOCI's mandate in resolution 1933 adopted in June 2010 requesting the mission to "work closely with humanitarian agencies, particularly in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner". This provision seemed to reflect a growing depth of awareness in the Council of the need for early warning systems following a series of protection failures in the DRC and elsewhere.

In the case of Haiti, following the catastrophic earthquake that struck the country in January 2010, the Council first adopted resolution 1908 increasing the number of authorised military and police personnel for the UN Mission in Haiti (MINUSTAH) in order to support immediate recovery, reconstruction and stability efforts. In June the Council authorised a strengthening of MINUSTAH's police component while recognising in particular the need to assist the Haitian government in "providing adequate protection for the population, with particular attention to the needs of internally displaced persons and other vulnerable groups, especially women and children". When MINUSTAH's mandate was renewed in October, the Council used similar language to once again emphasise the mission's role in ensuring protection of civilians.

In the mandate renewals both for the UN Mission in Sudan and UNAMID in Darfur, the Council appeared to strengthen language on small arms (which are often the principal source of civilian casualties—please see our *Cross-Cutting Report on the Security Council's Role in Disarmament and Arms Control: Conventional Weapons and Small Arms* of 24 September 2009).

In its resolution on UNMIS, the Council underlined the detrimental impact of the proliferation of arms, in particular small arms, on the security of civilians and encouraged UNMIS to continue its support for the government's disarmament process. It also expressed concern over the proliferation of small arms in Darfur.

Somalia continued to be a focus for Council action in 2010 with the adoption of five resolutions. Two of the resolutions were on Somalia piracy and had some references to humanitarian access. However, the two resolutions relating to the authorisation of AMISOM saw a significant strengthening of protection language. Prior to the renewal of AMISOM's authorisation in January 2010, the Council's informal expert group on protection of civilians discussed this mission for the first time. (The group, although established in January 2009, did not meet prior to the extension of AMISOM's authorisation in May that year.)

Subsequently, the Council, in resolution 1910 relating to AMISOM, strengthened the protection language both in the preambular and operative parts. It expressed serious concern at the worsening humanitarian situation and attacks against journalists and condemned obstruction of humanitarian assistance, targeting of humanitarian workers and violations of human rights and international humanitarian and human rights law. It stressed the legal obligations of all parties and reaffirmed the importance of the fight against impunity. It emphasised in particular the importance of humanitarian access, calling on the parties to "take appropriate steps to ensure the safety and security of humanitarian personnel and supplies" and "ensure full, safe and unhindered access". This language was further strengthened when the Council extended the authorisation in December 2010 in resolution 1964.

Did the Council address implementation of protection strategies and measuring progress against benchmarks in peacekeeping missions?

The trend that was noted in our last cross-cutting report towards a greater emphasis on comprehensive protection strategies and benchmarks in peacekeeping operations in 2009 continued in 2010. This corresponds with the emphasis given to these two elements in resolution 1894 on protection of civilians which was adopted on 11 November 2009.

When the Council decided to terminate MINURCAT in resolution 1923, a key consideration was the prospect for implementation of the Chadian government's commitment to take over the responsibility for the protection of civilians. The resolution established a set of protection benchmarks that would bind the government, including:

- voluntary return of displaced persons;
- demilitarisation of refugee camps; and
- improvement in the authorities' capacity to protect civilians in eastern Chad.

The resolution also called for the establishment of a joint UN/Chad high-level working group to monitor the situation on the ground for civilians as well as progress towards achieving the benchmarks. This was the first time that the Council established clear benchmarks against which to measure a government's performance relating to the protection of civilians.

In the case of MONUSCO, implementation was a major focus. Implementation of a "UN system-wide protection strategy" was made part of the mission's mandate when it was revised in May 2010 in resolution 1925. The mandate also specified detailed protection measures such as joint protection teams, community liaison interpreters, joint investigation teams, surveillance centres and women's protection

advisers. The resolution established benchmarks for the future configuration of MONUSCO among which is the improved capacity of the Congolese government “to effectively protect the population”.

In the mandate renewal of UNMIS in Sudan, the Council in resolution 1919 called for the mission to implement a mission-wide civilian protection strategy. It also requested the Secretary-General to report on progress in meeting benchmarks, although there was no direct reference to protection indicators.

When it renewed UNAMID’s mandate in Darfur in July 2010, the Council requested that the mission develop a “comprehensive strategy for the achievement” of the protection of civilians and requested the Secretary-General to report on progress made in implementing the mandate, including “on progress towards and obstacles to the implementation” of this strategy.

The resolution renewing MINUSTAH’s mandate in Haiti in October 2010 contained no request for a protection strategy, or direct reference to benchmarks. However, it did request that the Secretary-General provide a “comprehensive assessment” of threats in Haiti, in particular relating to the protection of women and children, and on progress in the resettlement of displaced persons.

4.2 Presidential Statements

2010 saw a further decline in the number of presidential statements adopted by the Council compared with past years. The Council adopted 30 such statements in 2010 compared with 35 in 2009 and 48 in 2008. (It seems that in part the reduction in the number of presidential statements may be reflecting a growing practice of issuing press statements on several issues where previously formal decisions would have been adopted, for example condemning specific terrorist incidents.)

According to our analysis, only nine of the statements adopted in 2010 could reasonably be expected to address protection issues and of these, seven in fact did. The two statements that did not include protection language were a statement on Iraq focusing on the political situation and a statement on Somali piracy.

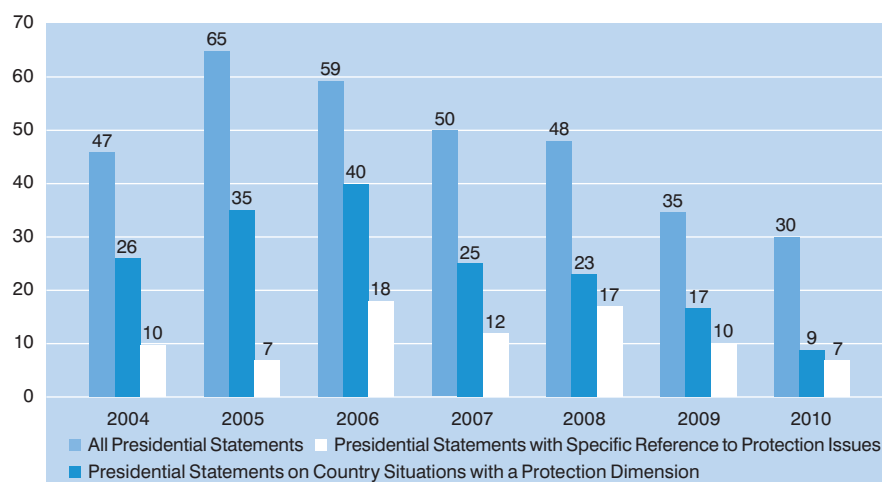
The fact that presidential statements often respond to specific developments and tend to focus on certain issues means that it is not always appropriate to draw clear conclusions in terms of trends related to the protection of civilians. This is even truer given the limited number of statements with a protection dimension adopted in 2010. Overall, however, the Council seemed to strengthen its focus on protection issues in the relevant statements which were adopted.

Two statements on the referendum in South Sudan, while focusing on the political processes, also included clear language on the protection of civilians, expressing concern about the increase in violence against civilians, including humanitarian personnel, and called on all parties to protect civilians.

In September 2010, the Council issued a statement condemning the mass

rapes which occurred in the Walikale region in eastern DRC in July and August. It urged the government to swiftly prosecute the perpetrators of the rapes and expressed the Council’s readiness to consider all appropriate actions, including targeted measures against the perpetrators. It also reiterated its call on the Congolese government to end impunity, in particular for human rights violations, and underlined the need for MONUSCO to improve relations with host communities to improve information about threats to civilians. Finally, it requested a briefing on MONUSCO’s protection of civilians strategy “and the overall challenges the mission faces in implementing this strategy”.

Another noteworthy decision which focused almost entirely on protection issues, was the Council statement adopted in connection with the termination of MINURCAT in December 2010. The Council affirmed its intention to continue monitoring the situation for civilians in Chad by requesting the Secretary General to report by the end of MINURCAT’s liquidation phase on 30 April 2011 on progress made in eastern Chad on the protection of civilians in terms of meeting the benchmarks previously established by the Council.



4.3 Developments in Council Sanctions Regimes

The Council has shown an increasing willingness to use targeted sanctions as one of the tools available to it to respond to situations where civilians are under attack. There were relatively few changes in Council sanctions relating to the protection of civilians in 2010. But the beginning of 2011 saw some significant developments. The first was the establishment of a new sanctions regime in response to the crisis in Libya with its list of 20 individuals. The second was the decision shortly thereafter to add five new listings under the sanctions regime for Côte d'Ivoire. In both cases violence against civilians was referred to as the justification for some of the listings.

Five of the Council's 12 sanctions regimes now include listing criteria related to violations of international human rights or humanitarian law. In all of these five cases, the listing criteria have in fact been used as a basis for some of the designations of individuals for targeted sanctions. The following analysis provides further details on developments in Council sanctions regimes since January 2010.

Côte d'Ivoire

The Côte d'Ivoire sanctions regime, initially established in 2004, imposes an arms embargo and also travel restrictions and asset freeze on any persons responsible for serious violations of human rights and international humanitarian law. In 2006, the Council's Côte d'Ivoire Sanctions Committee designated three individuals for the travel restrictions and asset freeze, including one for human rights and humanitarian law violations.

The escalation of violence in Côte d'Ivoire resulting from the disputed presidential elections held in November 2010, led to renewed discussions

about additional sanctions designations to target those found to be responsible for violations against civilians in the country. As a preventive step the Council, when renewing the sanctions regime in October 2010 in resolution 1946, again reiterated that it was fully prepared to impose targeted measures against anyone involved in "serious violations of human rights and international humanitarian law committed in Côte d'Ivoire."

The 2010 final report of the Group of Experts monitoring the sanctions regime was submitted to the Sanctions Committee in September 2010, but was only released publicly in April 2011, apparently because of the sensitive nature of its content, in particular in the context of the election dispute, although it should be noted that this report did not contain any suggestion of human rights or international humanitarian law violations.

Widespread reports of violations committed against civilians in Côte d'Ivoire did begin to emerge subsequently from many other sources. The prosecutor of the ICC issued a statement in December 2010 expressing deep concern about the situation. The EU in December 2010 and the US in January 2011 imposed targeted sanctions against former president Laurent Gbagbo and some of his associates.

The Council initially seemed reluctant to follow up its October warning that it would consider additional listings in response to violations against civilians. But on 30 March 2011 it adopted resolution 1975 imposing targeted sanctions against Gbagbo, his wife and three associates. The justification for some of these listings referred to "public incitement to hatred and violence" and "participation in violent repressions of popular movements". (For more details on resolution 1975, please see the case study on Côte d'Ivoire below.)

Democratic Republic of the Congo (DRC)

The DRC sanctions include provisions imposing a travel ban and asset freeze on individuals found to have committed serious violations of international law involving the targeting of children or women or obstruction of access to or the distribution of humanitarian assistance in the eastern part of the country. (Originally established in 2003, the sanctions regime was expanded twice in 2008.)

In 2010 widespread attacks against civilians continued, especially against women. A major atrocity took place in North Kivu Province's Walikale region over a four-day period from 30 July through 2 August when armed men raided some 13 villages and committed mass rape of more than three hundred women. The Group of Experts monitoring the DRC sanctions regime continued to report extensively on such violations in both its mid-term and final reports to the Council in 2010 (S/2010/252 and S/2010/596).

Some important steps were taken by the Council in response. In May 2010 the Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, briefed the DRC Sanctions Committee. This was her first interaction with any of the Council's sanctions committees. On 13 August 2010, the Committee updated the list of individuals subject to targeted sanctions by adding to the designation justification in nine cases recruitment and use of children "according to the office of the Special Representative for Children and Armed Conflict." In one case, it also added that the individual had been accused of serious crimes involving sexual violence. (It was one of five names whose case had been brought to the Congolese government's attention during the Council visit to the DRC in 2009.)



In December 2010, the Sanctions Committee designated four additional individuals to the sanctions list, one of them for having participated in operations resulting in the massacre of civilians, including women and children and being responsible for child recruitment. Of the 24 individuals listed by the DRC Sanctions Committee as of July 2011, two are designated exclusively on the basis of having committed violations of international humanitarian law whereas the justifications for 11 others are partially based on such violations.

When renewing the sanctions in resolution 1952 in November 2010, the Council added new language specifically requesting the Group of Experts to focus its activities, among other things, on “perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces” operating in the eastern DRC. It also called on the Congolese authorities, in their fight against impunity, to specifically focus on such violations.

Libya

The sanctions regime for Libya was established in February 2011 by unanimous adoption by the Council of resolution 1970 in response to widespread evidence that the Libyan leader Muammar al-Qaddafi was using military force against the civilian population. The resolution imposes targeted sanctions on individuals or entities “involved in or complicit in ordering, controlling, or otherwise directing the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities”.

Resolution 1970 also established a sanctions committee (but no monitoring

group) and designated ten individuals as subject to the travel ban and six individuals as subject to both the travel ban and asset freeze. Part of the justification for six of the designations was either violence against demonstrators or dissidents, repression of demonstrations or human rights abuses.

In resolution 1973 adopted in March 2011 in response to intensified military attacks against civilians, the Council designated two additional individuals to the travel ban list and five entities to the asset freeze list. It also designated seven of the individuals previously listed only on the travel ban list as subject to the asset freeze as well. Only one of these listings, however, referred directly to violations against civilians (“repression of demonstrations”). The resolution also asked the Secretary-General to establish a panel of experts for an initial period of one year to monitor implementation of the sanctions regime. (For more background on these two resolutions, please refer below to the case study on Libya.)

Somalia

The Somalia sanctions regime imposes targeted measures on individuals or entities designated by the Eritrea/Somalia Sanctions Committee “as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.”

In 2010, the humanitarian access situation in Somalia worsened. In a report to the Sanctions Committee submitted in March 2010, the Monitoring Group for Somalia concluded that one of the main obstacles to the delivery of humanitarian assistance in Somalia was the diversion of food aid, in some cases of as much as 50 percent, to contractors and insurgents in control of the territory where aid was distributed. It also highlighted kidnappings of humanitarian workers as a serious problem.

When the Council subsequently extended the mandate of the Monitoring Group for another 12 months in resolution 1916 of 19 March 2010, it decided that the asset freeze provisions of resolution 1844 would not apply to funds “necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia” and requested the UN humanitarian coordinator for Somalia to report to the Council every 120 days on implementation of the provision and other access issues. Such a provision had never been adopted by the Council before. It was apparently added at the request of the US to ensure that humanitarian agencies operating in insurgent-controlled territory would not be seen as violating the sanctions regime if forced to enter into any kind of transaction with the insurgents.

It should be noted that while the targeted sanctions regime for Somalia was initially established by the Council in November 2008, the Sanctions Committee did not act promptly to implement the measures. It was not until 16 months later, in April 2010, that the Sanctions Committee finally announced its first nine designations for targeted sanctions. Obstruction of humanitarian assistance was the justification for the designation of the Islamist rebel group Al-Shabaab. (The other eight designations were of individuals accused of either violating the arms embargo or of acts threatening the peace, security and stability of Somalia.) There have been no additional designations since.

Sudan

The sanctions regime for Sudan includes targeted measures against those “who commit violations of international humanitarian or human rights law or other atrocities” in Darfur. The Council has placed specific individuals on the sanctions list only once, in April 2006. Four individuals were listed through a separate Council resolution

rather than a consensual decision of the Sudan Sanctions Committee. One of these was designated for violations of international humanitarian law.

The security situation in Darfur remained perilous for civilians in 2010. Violence targeting civilians continued. This was confirmed by the Panel of Experts monitoring the sanctions in its report to the Council in October 2010. The report concluded that “human suffering [] continues through violations of international humanitarian law and human rights” including attacks against civilians, peacekeepers and humanitarian aid workers. According to the report, there was also evidence that sexual and gender-based violence had continued unabated. In its recommendations, the Panel of Experts noted its earlier listing proposals for targeted sanctions and recommended that the Council act on these recommendations.

In spite of these recommendations, there has been no movement towards additional sanctions. The only recent Council action was the renewal in October 2010 of the mandate of the Panel of Experts for one year. (China abstained in the vote, but this was apparently due to concerns that were unrelated to the protection of civilians.)

5. Country-Specific Reporting on Protection of Civilians by the Secretary-General

SCR first started looking at how protection of civilians issues were addressed in the Secretary-General’s country-specific reporting in our 2009 Cross-Cutting Report (which looked at reports issued in 2008). Our approach was based on the Council’s request in resolution 1674, adopted in 2006, for the Secretary-General to provide relevant information and analysis and specifically to include in his written

reports to the Council “observations relating to protection of civilians in armed conflict”.

Since then, the Council has expanded the requirement for reporting from the Secretary-General on protection of civilians. In resolution 1894, adopted in November 2009, the Council asked the Secretary-General for more detailed and comprehensive reporting on protection of civilians. It also requested the Secretary-General to develop guidance for UN operations and other relevant missions on protection reporting “with a view to streamlining such reporting and enhancing the Council’s monitoring and oversight”. The Council reiterated these requests in its November 2010 presidential statement on protection of civilians. The Secretary-General’s reporting on protection of civilians as a key element in the Council’s decision-making process therefore seems to have become even more relevant.

In light of these more recent developments, our analysis in this report focuses on whether the new reporting requirement of resolution 1894 in fact had an impact during 2010 on the kind of information provided to the Council. While we attempted already in our last cross-cutting report to provide a preliminary analysis, it was still too early to expect any major changes. (We concluded that there had been little or no change in the way protection issues were dealt with when compared with reports issued in 2008 and 2009. Very few reports had a separate section on protection of civilians which might have brought more attention to the issue and facilitated monitoring of progress. While the reports still provided valuable information on the situation for civilians, the type of information and the level of detail varied significantly.)

Now, more than a year since resolution 1894 was adopted, one might expect to

see evidence of some impact from the new reporting requirements. However, it seems that there are still no significant changes in the way the Secretary-General’s reports have dealt with protection of civilians in 2010.

The number of reports presented by the Secretary-General to the Council in 2010 was comparable to that of 2009. The Council received a total of 90 reports. Forty-five of these dealt with country-specific situations with a protection dimension and could therefore reasonably be expected under resolution 1894 to address protection issues. (In 2009 there were 98 reports of which 51 were relevant.)

As in previous years, we found that in 2010 almost all of the 45 reports which could be expected to address protection issues did in fact do so. The more interesting question, however, was the quality of the information provided. For the purposes of our analysis, we focused on those situations where protection of civilians is a key concern, including Afghanistan, Chad, Côte d’Ivoire, the DRC, Haiti, Somalia and Sudan.

Overall the conclusions are very similar to those in our last Cross-Cutting Report. There was a wide range in the kind of information provided. We were unable to detect any noticeable increase in the amount of relevant information provided. There seemed to be a trend, however, towards a greater emphasis on benchmarks and indicators to measure progress. And there was information on progress with the development of comprehensive protection of civilians strategies. (Resolution 1894 had specifically requested the Secretary-General to ensure that all relevant peacekeeping missions with protection mandates incorporate comprehensive protection strategies into the overall mission implementation plans.)

As in previous years, the reports on Afghanistan provided the most detailed



information on civilian casualties of any of the reports to the Council and this was used to measure progress against a set of benchmarks. While none of the Afghanistan reports had a separate section on protection of civilians, in sections on human rights they provided detailed information on the exact number of civilian casualties and the percentages that could be attributed to government forces and anti-government forces respectively. A March 2010 report (S/2010/127) provided a detailed assessment of progress measured against a protection related benchmark using as an indicator “reduction in the number of incidents of unlawful use of force and in related intimidation involving civilians, and mitigation of the impact of the armed conflict on civilians, through compliance by relevant actors with international law”. It indicated that there had been a 14 percent increase in civilian deaths from 2008 to 2009, but a 28 percent reduction in recorded deaths caused by international military forces.

The Secretary-General's 2010 reports on Chad focused on benchmarks as well. Following the Council's decision to transfer responsibility for the protection of civilians from MINURCAT to the government of Chad as of 16 May 2010, the reports focused to a large extent on progress made towards the benchmarks established to measure the government's performance. They therefore contain interesting information on the kinds of concrete indicators used, such as number of day and night patrols in and around refugee camps, the number of security escorts for humanitarian actors or incidents of recruitment of children (S/2010/611).

Also starting in 2010, the structure of the reports on Darfur was revised according to the benchmarks endorsed by the Council at the end of 2009 to focus on four areas: the political process; the security situation; the rule of law,

governance and human rights; and the humanitarian situation.

As indicated above, resolution 1894 had requested development of protection of civilian strategies and these began to be reflected in the Secretary-General's reporting. An October 2010 report on MONUSCO focused on “Progress towards the achievement of the mandate of MONUSCO” with implementation of the mission's protection of civilians mandate as an important element, in particular its protection strategy. Reports on UNMIS also seemed to provide more information relating to the mission's protection of civilians strategy than before. A November 2010 report on UNOCI informed the Council that the mission and the United Nations country team had developed a comprehensive civilian protection strategy, which reaffirmed “UNOCI's mandate to intervene to protect civilians under imminent threat of physical violence, within its capacities and areas of deployment”, but did not provide more details on the strategy's key elements.

The fact that the Secretary-General has yet to develop guidance on protection reporting as requested by the Council seems to explain why more than a year after resolution 1894 there had still been no significant change in the quality of the reporting on protection of civilians. It is still unclear when such guidance is likely to be finalised and whether it can be expected to result in any major structural changes in the Secretary-General's reporting.

6. Special Issues Involving UN Peacekeeping Operations

As noted in our last Cross-Cutting Report, there were significant developments in 2010 in dealing with the challenges related to implementation of

protection mandates in UN peacekeeping operations, in particular with regard to implementation of the provisions of resolution 1894 relating to protection mandates as well as the recommendations from the 2010 session of the General Assembly's Special Committee on Peacekeeping Operations. This momentum continued.

The Secretariat has now finalised the framework for drafting comprehensive protection of civilians strategies in UN peacekeeping operations that was requested by the Special Committee last year. It was presented at this year's session of the Committee (which was held from 22 February to 18 March 2011). The framework provides the elements and key considerations deemed essential for missions to ensure “the most effective implementation of protection mandates” authorised by the Council. It contains a detailed template for comprehensive protection strategies which requires a mission to:

- articulate protection risks in the mission area and identify activities to be undertaken to address those risks;
- analyse resources and capacities necessary to implement protection mandates;
- provide an overview of protection actors and the capacity of the local government to protect itself;
- clarify roles and responsibilities within the mission and with key partners and identify coordination mechanisms;
- ensure that monitoring and reporting mechanisms are in place; and
- ensure there is a system in place to conduct reviews and lessons learned exercises when missions fail to protect civilians.

The Secretariat also recently finalised a series of protection of civilians training modules for peacekeeping personnel, as requested by the Council in resolution 1894. In addition, the Secretariat

has made progress on developing a resource and capability matrix on the protection of civilians to facilitate the planning of missions with such mandates and also to serve as a basis for discussions with troop and police contributing countries, as requested by the 2010 session of the Special Committee. At press time, the Secretariat had announced that it would shortly start consultations on the matrix with police and troop-contributing countries (PCCs and TCCs).

The final report of the 2011 session of the Special Committee took note of the framework for drafting comprehensive protection of civilians strategies in UN peacekeeping operations and requested the Secretariat to continue consulting with member states and others in order to improve it. It also recognised the need for “baseline guidance” on the protection of civilians from which peacekeeping missions would develop their own mission-specific guidance. Furthermore, the Committee reaffirmed the importance of adequate resources for the implementation of protection mandates, called on the Secretariat to finalise the resource matrix in close consultation with TCCs and recognised the importance of protection strategies. With regard to benchmarks, the Committee requested further information on how these could be helpful for peacekeeping operations.

As of the time of writing, four of the current seven UN peacekeeping operations with a protection mandate (please see annex I for a list of these seven missions and their protection mandates) had developed comprehensive strategies on the protection of civilians: MONUSCO, UNAMID, UNMIS and UNOCI. The UN mission in Lebanon is in the process of developing such a strategy.

In spite of these positive developments, challenges in the field continue. Over the past year, UNAMID and MONUSCO have continued to experience difficulties in implementing their protection mandates. A key issue therefore is whether the new policy documents developed in New York have a real impact on how peacekeeping operations are conducted on the ground. In this regard, the establishment of the new UN mission in South Sudan which includes a protection of civilians mandate, will be an important test case for UN peacekeeping.

7. Case Studies: Libya and Côte d’Ivoire

For the present report, it seemed important to take a closer look at the Council’s handling of the crises in Libya and Côte d’Ivoire and the differences in approach in the two cases. Our case studies therefore focus on these two situations which have clearly been among the most challenging on the Council’s agenda in terms of protection issues since our last cross-cutting report. They have taken up a major part of the Council’s work load over the past few months and led to some significant new Council decisions to strengthen the protection of civilians.

7.1 Libya

Libya stands out as a case where the Council acted swiftly and decisively with the stated intention of ensuring the protection of civilians. The international intervention was based on a clear and credible threat by the government against its own population. However, the events that followed have raised, for a number of countries, questions about the use of military force to protect civilians. The future implications for the wider protection of civilians agenda were unclear at the time of writing, but some pushback in other areas was already occurring.

The Council first considered the current crisis in Libya on 22 February 2011 in response to a letter from Libyan Deputy Permanent Representative Ibrahim Dabbashi requesting an urgent meeting to discuss the situation in his country. Earlier in the month, the popular demonstrations and calls for reform sweeping through much of the Arab world had spread to many Libyan cities. There was clear evidence, including direct threats from Libyan leader Muammar al-Qaddafi, of a brutal repression of antigovernment protests. A high number of civilians were killed. Dabbashi held a press conference on 21 February publically breaking from Qaddafi’s regime and calling on the Council to institute a no-fly zone and refer the situation in Libya to the ICC to investigate war crimes being committed by Qaddafi’s regime.

There was widespread international condemnation of the Libyan regime. In a statement on 21 February, the Secretary-General expressed outrage at press reports that the Libyan authorities had been firing at peaceful demonstrators from war planes and helicopters. He said such attacks against civilians would constitute “a serious violation of international humanitarian law” and called for an immediate end to the violence.

On 22 February, the Arab League condemned the use of force against civilians and suspended Libya’s participation in the League until it had met demands to immediately stop all violence.

On 23 February the AU issued a statement condemning the use of force against civilians, urging the regime to desist from making statements that could escalate the situation and decided to send a mission to Libya to assess the situation.

The Secretary-General’s Special Advisers on the Prevention of Genocide,



Francis Deng, and on the Responsibility to Protect, Edward Luck, said in a joint statement on 22 February that “widespread and systematic attacks against civilian populations by military forces, mercenaries, and aircraft are egregious violations of international human rights and humanitarian law...if the reported nature and scale of such attacks are confirmed, they may well constitute crimes against humanity, for which national authorities should be held accountable.”

There were also calls from an international coalition of human rights organisations, citing the UN’s responsibility to act based on the provisions in the 2005 World Summit Outcome Document on “Responsibility to Protect”. They called for the Security Council to convene in order to protect the people of Libya. They also asked for an Emergency Special Session of the Human Rights Council to address violations of human rights.

The Council acted quickly. On 22 February, in a press statement on Libya (SC/10180), Council members condemned the use of force against civilians, expressed deep regret at the deaths of hundreds of civilians, called on Libya to meet its responsibility to protect civilians and respect international humanitarian law, called for humanitarian access, stressed the importance of accountability, expressed concern for the safety of foreign nationals and stated the Council’s intention to follow the situation closely.

On 25 February the Human Rights Council, at a special session on Libya, condemned the “recent gross and systematic human rights violations committed in Libya” including attacks against civilians, and decided to dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law committed in the

country and also recommended that the General Assembly suspend Libya from the Council.

In a briefing on the situation in Libya to the Security Council on 25 February (S/PV.6490), the Secretary-General said that more than a thousand people were estimated to have been killed in the recent violence in the country and called on the Council to act.

The following day, on 26 February (late on a Saturday evening), the Council adopted by consensus resolution 1970 under Chapter VII, calling for an immediate end to the violence in Libya. Key provisions of the resolution included:

- a referral of the situation in Libya since 15 February 2011 to the ICC, inviting the ICC prosecutor to address the Council within two months of the adoption of the resolution and then every six months on any actions taken;
- an arms embargo;
- targeted sanctions (travel ban and assets freeze) on individuals and entities designated and establishment of a new sanctions committee with power to designate individuals “involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities” or having acted “on behalf of or at the direction of” such individuals or entities; and
- a call on member states to facilitate humanitarian assistance.

There was also a provision that any national of a state not party to the Rome statute would be subject to the exclusive jurisdiction of that state for all acts related to operations in Libya under the resolution.

The resolution designated ten individuals as subject to the travel ban and six individuals as subject to both the travel ban and the assets freeze. “Violence against demonstrators” or “repression of demonstrations” were among the justification criteria for nine of these listings.

The resolution was historic for several reasons. It was only the second time that the Council referred a situation to the ICC. (The first time was the Council’s referral of the situation in Darfur.) It is also only the second time that the Council has used violence against the civilian populations as a sanctions criterion. (The first time was in Côte d’Ivoire in 2004.)

The resolution was adopted by consensus. It seems the decisive factor bringing about this consensus was a letter from the Libyan ambassador to the Security Council on the same day that the resolution was adopted calling for a referral to the ICC. However, the negotiations also revealed some of the differences among Council members. Russia and China were opposed to any language that could be seen as authorising military intervention, a point that Russia also made in its explanation of vote, arguing that such outside intervention would only make the situation worse.

India had reservations about the ICC referral. (It is not a party to the Rome statute.) Brazil expressed concern about the exclusive jurisdiction clause for states not party to the Rome statute. But in the end it voted for the resolution.

The Council’s decision appeared to have no impact on the Qaddafi regime. Attacks against civilians and disproportionate use of force by government forces continued. On 6 March, the Secretary-General expressed deep concern about the fighting in western Libya and its impact on civilians. This

was echoed by the ICRC on 10 March. It said there had been a sharp increase in the number of casualties in Libya that seemed to indicate an intensification of conflict and expressed concern that civilians were bearing the brunt of the violence. During this period Qaddafi continued to issue statements directly threatening civilians that were protesting against his regime.

There was growing pressure on the Council to impose a no-fly zone to stop the feared massacres as the Libyan army advanced towns held by protesters. Most importantly, the Arab League on 12 March issued a statement which noted Libyan authorities' use of military aircraft, mortars and heavy weaponry against civilians and called on the Security Council to impose a no-fly zone. The AU Peace and Security Council (PSC), which met on 10 March, also condemned the indiscriminate use of force by Libya although it stopped short of supporting a no-fly zone and rejected foreign military intervention.

The UK and France supported Council action to impose a no-fly zone. By contrast, the US warned that imposing a no-fly zone carried the risk of an escalated military operation. Other Council members were also cautious and seemed to believe that strengthened economic sanctions and better enforcement of the arms embargo might still be effective in isolating the Qaddafi regime and bringing about an end to the violence. India and Brazil had serious reservations about military action and seemed to argue that the Council should focus its energy on implementation of resolution 1970 and more proactive use of the Council's conflict prevention tool-box, including calling for a ceasefire to give space for a political solution. China and Russia also continued to have strong reservations.

In the end strong support from the Arab League seemed to play a decisive

role in convincing a majority of Council members to support a no-fly zone. Another important factor which was clearly on the minds of those pushing for further action, was the UN's historic failure to prevent large scale atrocities in places such as Rwanda and Bosnia. There seemed to be a real concern that if the Council did not take further steps, there was a high probability of large scale killing of civilians. As forces loyal to Qaddafi advanced on the eastern city of Benghazi there was a sense of an acute threat against the civilian population that seemed to have a galvanising impact on Council members.

On 17 March the Council adopted a further resolution, resolution 1973, which:

- demanded an immediate ceasefire and complete end to violence against civilians;
- established a no-fly zone over Libya, authorising the use of "all necessary means to enforce it";
- authorised member states also "to take all necessary measures [] to protect civilians and civilian populated areas under threat of attack" in Libya, but explicitly excluded an occupation force;
- expanded the assets freeze provision of resolution 1970 to apply to all funds, assets or economic resources "owned or controlled, directly or indirectly by the Libyan authorities", as designated by the Libya Sanctions Committee;
- designated another two individuals to the travel ban list and seven individuals and five entities to the assets freeze list (the justification for one of the listings referred to involvement in repression of demonstrations, but there was no other direct reference to abuses committed against civilians); and
- established a panel of experts to monitor implementation of the sanctions regime.

The resolution was controversial. It was adopted with only ten votes in favour. But the key fact was that there was no veto.

Brazil, China, Germany, India and Russia abstained. Their reasons for abstaining differed. In its explanation of vote Brazil expressed concern that the provision authorising military force might exacerbate tensions on the ground and have a negative impact on the situation for civilians. Germany seemed to have similar concerns about the impact of the use of force and the fact that it might come under pressure to contribute forces. China, India and Russia on the other hand suggested that too little information had been provided, both relating to the situation on the ground and on how the no-fly zone would be enforced, what the rules of engagement would be and what limits on the use of force there would be.

It seems that some of these complaints were related to the fact that the language authorising the use of all necessary means to protect civilians had been proposed by the US late in the evening on the day before the resolution was adopted. The crux of the controversy over this language, which is still ongoing, was whether its interpretation would allow member states to support Benghazi's offensive against Tripoli and whether it would allow attacks against those ordering attacks on rebel-held towns, i.e. whether Qaddafi would be a military target. Also, there was uncertainty and concern as to whether resolution 1973, while it excludes an "occupation force", would not necessarily exclude "boots on the ground" for some purposes.

Two days after the adoption of resolution 1973, on 19 March, France, the UK and the US began to carry out air strikes in Libya under the provisions of the resolution to enforce a no-fly zone and protect civilians. It seemed to have the immediate effect of stopping the



advance of Qaddafi's forces on Benghazi, the rebel held town in the eastern part of Libya.

Also on 19 March, the ICRC issued a press release noting the intensification of the fighting in Libya and the consequent risk to civilians and called on all the parties involved, including the international forces, to abide by their obligations under international law. Amnesty International also stressed that civilians must be protected during any international military action.

As fighting continued, the Council was kept informed by the Secretary-General on the implementation of resolution 1973. In a briefing to the Council on 24 March (S/PV.6505) the Secretary-General said the international community had acted to avert a potentially large-scale crisis. Referring to claims by Libyan authorities that they had instituted a ceasefire as called for by resolution 1973, he said there was no evidence that this was the case as fierce attacks were still ongoing. The Secretary-General also said that the UN continued to have serious concerns about the protection of civilians, abuses of human rights, violations of international humanitarian law and the access of the civilian population to basic commodities and services and confirmed that more than 335,000 people had fled Libya since the beginning of the crisis.

In another briefing to the Council on 4 April (S/PV.6509) the Secretary-General's Special Envoy for Libya, Abdel-Elah Mohamed Al-Khatib, said that despite the international military action, forces loyal to Qaddafi seemed to be gaining ground. While information about the humanitarian situation was limited, there still appeared to be significant protection concerns such as landmines, gender-based violence and human rights violations. He also said the situations for civilians remained

especially grave in areas close to where fighting was taking place.

Meanwhile, there were indications that the situation in Libya was moving closer to civil war as citizens in areas being attacked by Qaddafi's forces started to organise to defend themselves and push back against the regime.

On 29 March a conference was convened in London to discuss the situation in Libya. An International Contact Group on Libya was formed and, quite quickly, it seemed to shift the political focus of discussions to find a long term solution to the crisis in Libya away from the Council. The Contact Group members wanted to use the Group to provide leadership and overall political direction to the international effort to solve the crisis in Libya, provide a forum for coordinating the international response and provide a focal point in the international community for contact with the Libyan parties. It held its first meeting on 13 April. According to media reports, France and the UK were pushing for even more forceful military air strikes and a wider coalition to protect civilians as well as tighter sanctions on Qaddafi and his supporters, while other participants instead seemed to emphasise political solutions.

In subsequent discussions, there seemed to be a clear shift in the political rationale for international action in Libya expressed by leading Contact Group members. There was an increasing focus on regime change and on the need for intervention to support the rebels fighting against Qaddafi, both materially and financially.

In April, Council members were briefed several times in informal consultations on the situation in Libya and implementation of resolution 1973. On 3 May, and following the alleged death of one of Qaddafi's sons, Saif Al-Arab, and some of his grandchildren as a result of a

NATO bombing, al-Khatib again briefed the Council.

On 4 May, the Council was briefed by the ICC prosecutor Luis Moreno-Ocampo on the court's implementation of its mandate under resolution 1970. He described the incidents of crimes against humanity that his office had investigated and said the evidence confirmed the Council's concerns expressed in resolution 1970. Moreno-Ocampo said that within a few weeks he would request the ICC to issue an arrest warrant for three individuals deemed to bear the greatest responsibility for crimes committed in Libya since 15 February. (On 16 May Moreno-Ocampo requested the arrest of Qaddafi and one of his sons as well as Abdullah al-Senussi, the head of Libyan intelligence—at press time this request was under review in the pre-trial chamber of the ICC.)

On 9 May, the Council was briefed by Amos on the humanitarian situation in Libya. She expressed serious concerns and called on all parties to agree to a temporary halt in the fighting in Misrata and other areas that would enable the delivery of humanitarian assistance, allow for an independent assessment of the humanitarian situation and enable those who wished to leave to do so.

At the time of writing, the crisis in Libya was still unresolved. The fighting continued and even seemed to intensify, especially in the West with increasingly desperate attempts by the Qaddafi regime to recapture cities like Misrata and Zintan. The international air strikes continued with increasing focus on "command and control" sites in Tripoli – which some interpreted as attempts to remove Qaddafi directly. No meaningful efforts to bring about a ceasefire were apparent.

While it was still too early to assess the implications of resolutions 1970 and

1973 for the wider protection of civilians agenda, it seemed at the time of writing that the differences that were evident during the adoption of resolution 1973 had been reinforced by subsequent events on the ground. Brazil, China, Russia and India, who abstained on resolution 1973, as well as South Africa, who supported it, continued to raise concerns about the way the NATO air strikes were carried out, including in the Council's May open debate on protection of civilians. Some questioned whether the NATO operation had gone beyond the mandate authorised by the Council and was now aimed at regime change rather than protection of civilians. Similar concerns were also expressed by countries outside the Council.

These differences point to some of the possible long term implications for future Council action to protect civilians. A key question seems to be whether the experience in the case of Libya will lead to some kind of counter-reaction from countries, that have only reluctantly agreed to the Council's continuing expansion of the legal framework to protect civilians and place a particular emphasis on respect for national sovereignty and non-intervention in matters they consider to be of primary of an internal nature.

Recent developments relating to Syria, where Council members have been divided on whether to condemn the government's violence against its own population that has resulted in estimates of over 1,000 killed, seem to indicate that the experience in Libya is already having an impact on the Council's approach to protection of civilians in other situations. No Council member seems to feel that another resolution 1973 Libya-style response is appropriate or necessary. But many find the silence on Syria and other similar issues, such as Yemen, to be problematic. This seems to have led to

renewed criticism of political selectivity in the Council's approach to protection of civilians.

When it comes to the long term impact of Libya on the Council's protection agenda, however, much is likely to depend on how the end game plays out. Few if any members of the UN have sympathy for Qaddafi. But a number are concerned about the precedent of robust military action leading to regime change. For some, there are perhaps fears that it will encourage wider political dissent. Others are more concerned about the force of the intervention—especially since its leadership is in the hands of the two major former colonial powers in Africa. Others again seem to believe that high-level leadership to broker a political solution has been absent and that the political track should be pursued with more vigour.

Questions on the interpretation of resolution 1973 seem less focused—or at least the points made in this regard seem to be more a way of expressing concern about the extent of the military enforcement measures as opposed to their legitimacy and to be a way of suggesting that they should be scaled down in favour of a greater focus on mediation and political dialogue. In light of the continuing divergence of views among Council members on the best approach to ending the conflict, some difficult discussions may still lie ahead.

7.2 Côte d'Ivoire

UNOCI is one of the current seven UN peacekeeping missions that are mandated to protect civilians under imminent threat of physical violence. Protection of civilians has been part of UNOCI's mandate since its establishment in 2004 to facilitate the implementation by the Ivorian parties of the peace agreement signed by them in January 2003. In recent years the security situation had improved and protection of civilians was less of a

concern. However, this changed dramatically with the escalation of the political crisis in Côte d'Ivoire that followed the disputed run-off presidential elections in the country held on 28 November 2010. The crisis led to a significant increase in security threats against the population and subsequently much greater focus among Council members on the protection of civilians.

The Council's approach on Côte d'Ivoire was to proceed in an incremental manner, employing many of the political resolution tools available. A succession of regional mediation initiatives by the AU and the Economic Community of West African States (ECOWAS) were encouraged. It was only as each of these failed and the threats to civilians became more acute that the Council moved to more robust tools, including targeted sanctions and eventually use of force. In the following case study we will take a closer look at how the Council addressed the protection of civilians challenges related to the crisis in Côte d'Ivoire.

The Council was initially divided on how to respond to the elections results in Côte d'Ivoire. While the differences were unrelated to protection issues, they seemed to have an impact on the Council's ability to effectively address the escalating violence against civilians. On 3 December 2010 the Secretary-General's Special Representative for Côte d'Ivoire, Choi Young-jin, certified the results of the elections announced by the Ivorian Independent Electoral Commission (IEC) which recognised Alassane Ouattara as the winner. (In resolution 1765 of 2007 the Council had asked the Special Representative "to certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards".) Also on 3



December, however, the Ivorian Constitutional Council disputed the results announced by IEC, saying incumbent Laurent Gbagbo had won the presidential run-off.

Most Council members, including the African members, the US, the UK and France wanted a clear Council statement on 3 December expressing support for Choi's certification of the election result, believing that this would head off risks of violence. Russia and China were reluctant to agree and argued that the elections were an internal matter for Côte d'Ivoire as a sovereign state.

Tensions rose when on 4 December both Ouattara and Gbagbo separately took oaths of office. That same day, the AU PSC, by contrast to the UN Security Council, warned that there could be "incalculable consequences" if Côte d'Ivoire did not follow the IEC and UN assessment.

On 7 December ECOWAS recognised Ouattara as the legitimate winner of the polls, suspended Côte d'Ivoire from the organisation and asked Gbagbo to step down.

On 8 December, the Council reached agreement on a press statement welcoming the decision of ECOWAS, expressing support for the Special Representative and UNOCI and calling on all Ivorian stakeholders to respect the outcome of the elections. It also expressed support for AU and ECOWAS mediation initiatives. But it was a much weaker and more ambiguous Council response than many had hoped for.

Tensions continued to rise between supporters of Gbagbo and Ouattara and violence against civilians began to occur. On 16 December forces loyal to Gbagbo were responsible for an incident in which more than 50 people were killed and 200 wounded. On that same day, the ICC prosecutor Luis Moreno-

Ocampo cautioned that the Court would pursue the perpetrators of any deadly violence in Côte d'Ivoire.

The violence prompted a much stronger and more united Council response. On 16 December, the Council issued a press statement expressing concern about violence, especially against civilians and warned all stakeholders that they would be held accountable and would be brought to justice, "in accordance with international law and international humanitarian law."

When on 20 December the Council renewed the mandate of UNOCI for six months, it authorised the Secretary-General to extend until 31 March the temporary deployment of up to 500 additional personnel, as well as the temporary redeployment to UNOCI for up to four weeks of troops and an aviation unit from UNMIL that had been authorised in preparation for the elections. It also condemned human rights and humanitarian law violations against civilians, called on all Ivorian parties, with the continued support of UNOCI, to ensure the protection of civilians and stated that the perpetrators must be brought to justice. It stressed the importance for UNOCI to implement its protection of civilians mandate and reaffirmed its readiness to impose measures including targeted sanctions against persons who threatened the peace process, or commit serious violations of human rights and international humanitarian law.

Also on 20 December, the Council issued a press statement expressing concern about continued reports of acts of violence in Côte d'Ivoire. It condemned violence against UNOCI and warned that perpetrators of attacks against civilians and peacekeepers would be brought to justice in accordance with international law and international humanitarian law.

Meanwhile, the situation for civilians in Côte d'Ivoire continued to deteriorate. On 29 December the new Ivorian Ambassador to the UN, Youssoufou Bamba (appointed by Ouattara in late December 2010), warned that his country was on the verge of genocide. At the end of December, the EU and the US both separately imposed sanctions on Gbagbo and his regime.

In January, the number of civilians killed in violent incidents was estimated to be in the hundreds. Some 25,000 civilians had fled to neighboring Liberia. The renewed mediation efforts undertaken by AU and ECOWAS failed to produce any results.

On 7 January, the Secretary-General wrote a letter to the Council expressing concern about the deterioration in the security situation and requesting the Council to authorise reinforcements of UNOCI to enable it to meet the new security challenges, including the protection of civilians. He emphasised that "the precarious security situation could quickly degenerate into widespread conflict".

On 10 January the Council issued another press statement supporting the AU and ECOWAS efforts to find a peaceful resolution to the crisis in Côte d'Ivoire and also expressing concern about continued violence and human rights violations while condemning attacks against peacekeepers and civilians.

On 19 January, in response to the Secretary-General's 7 January request, the Council adopted resolution 1967, authorising the deployment of an additional 2,000 military personnel to UNOCI until 30 June and extending once again the temporary deployment of troops from UNMIL. It also reiterated its authorisation and its full support given to the Special Representative to use all necessary means to carry

out UNOCI's mandate, including the protection of civilians.

As the situation continued to deteriorate, there was growing pressure for more forceful international intervention. On 19 January, the Secretary-General's Special Advisers on the prevention of genocide, Francis Deng, and the responsibility to protect, Edward Luck, expressed concern about "the possibility of genocide, crimes against humanity, war crimes and ethnic cleansing in Côte d'Ivoire." They expressed the belief that urgent steps should be taken in line with the responsibility to protect, to avert the risk of genocide and ensure the protection of all those at risk of mass atrocities.

On 24 January, the foreign minister of Nigeria, the current chair of ECOWAS, Odein Ajumogobia, wrote an editorial in his country's local press stating that "ECOWAS requires unequivocal international support through an appropriate United Nations Security Council resolution to sanction the use of force...to legitimise the use of external force to effectively contain the increasingly volatile internal situation and ensure an enduring peace in Côte d'Ivoire and the West African subregion."

Most Council members seemed uncomfortable with authorising a military operation by ECOWAS states. There were concerns about the risks involved, including the possible impact on civilians and likely refugee flows, and the possible setback to the larger issue of peace consolidation in the country. Discussions about sanctions as a possible alternative were unproductive.

The Council instead encouraged further initiatives by regional players. On 28 January the AU PSC decided to set up a high-level panel for the resolution of the crisis in Côte d'Ivoire "in conditions that preserve democracy and peace" and requested the panel to

submit its findings within a month. The panel's conclusions were to be endorsed by the AU and would then be binding on all Ivorian parties. Subsequently, Council members seemed to be mainly in a wait-and-see mode, awaiting the outcome of the work of the AU panel.

The Secretary-General's Special Representative Choi briefed Council members in informal consultations on 4 February. There was no agreement on a press statement. The president of the Council instead conveyed "elements" to the press indicating that members had "welcomed the ongoing efforts by ECOWAS, the AU and the UN" and in this context "acknowledged the relevant decisions of the AU Peace and Security Council of 28 January on Côte d'Ivoire and encouraged all parties to extend their full cooperation to the African Union high-level panel". He also said members remained deeply concerned about the continued violence and human rights violations in Côte d'Ivoire and urged all parties to exert maximum restraint and to refrain from violence.

Meanwhile, the security situation in Côte d'Ivoire and the situation for civilians continued to steadily deteriorate. There were growing concerns about the risk of resurgence of civil war as military clashes escalated between Gbagbo's forces and Ouattara supporters, resulting in considerable civilian casualties and a sharp deterioration in the humanitarian situation. The UN estimated that approximately 450 people had been killed and, according to the Office of the UN High Commissioner for Refugees (UNHCR), up to a million persons had been displaced since the November elections.

On 3 March the Council issued a press statement in which it condemned the threats, obstructions and acts of violence by Gbagbo's forces against

UN personnel and violence by all parties against civilians and urged UNOCI "to use all necessary means to carry out its mandate, in particular to protect the civilians".

On 10 March, the AU PSC endorsed the recommendations of its high-level panel for the resolution of the Ivorian crisis. The PSC confirmed that Ouattara was the sole legitimate president of the country. It decided that he should lead a unity government, including pro-Gbagbo elements. The PSC also requested the Chair of the AU Commission to appoint a High Representative for the implementation of the overall political solution proposed by the panel. The Council welcomed this decision in an 11 March press statement. The PSC conclusions also opened the way in the Council for including language in the statement reiterating its willingness to impose targeted measures "against all parties who obstruct the attempts of a speedy and peaceful resolution of the crisis, further obstruct the work of UNOCI and other international actors in Côte d'Ivoire, and commit serious violations of human rights and international humanitarian law."

On 17 March mortars were fired by forces loyal to Gbagbo into a market area in the Abobo district of Abidjan, resulting in the killing of more than 25 civilians with more than 40 wounded. The Secretary-General condemned the attack and urged the Council "to take further measures with regard to the Ivorian individuals who are instigating, orchestrating and committing the violence."

On 21 March the president of the Council conveyed to the press its "indignation" over the 17 March attacks on the market in Abobo (again, these were "elements" rather than a full statement to the press, agreed on Friday 18 March but formally delivered on Monday 21 March). The Council reiterated its



“determination to impose measures, including targeted sanctions, against those who impede the peaceful resolution of the crisis, obstruct the work of UNOCI and other international actors in Côte d’Ivoire or commit violations of human rights and international humanitarian law.”

Following the Council’s decision on 17 March to authorise the use of force to protect civilians in resolution 1973 on Libya, there was mounting pressure on the Council to act more decisively also on Côte d’Ivoire. The Nigerian foreign minister on 21 March criticised the international community for its “contradictions” in imposing a no-fly zone to protect the population in Libya while just “watching seemingly helplessly” as innocent civilians were being slaughtered in Côte d’Ivoire. On 24 March, ECOWAS formally requested the Security Council to strengthen the mandate of UNOCI, to enable the “mission to use all necessary means to protect life and property, and to facilitate the immediate transfer of power to Ouattara”, as well as to “adopt more stringent international targeted sanctions” against Gbagbo and his associates.

On 30 March, the Council adopted resolution 1975 imposing targeted sanctions against Gbagbo, his wife and three of his associates and reinforcing the authorisation for UNOCI to use force to protect civilians. The resolution, which was drafted by France and Nigeria, focused in particular on the possible use by Gbagbo of heavy weapons against civilian targets. It reiterated the Council’s condemnation of all violence committed against civilians and stressed its full support for UNOCI to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence, “including to prevent the use of heavy weapons against the civilian population”.

Resolution 1975 also called for full cooperation with an independent international commission of inquiry established by the Human Rights Council on 25 March 2011 to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential elections, and requested the Secretary-General to transmit this report to the Security Council and other relevant international bodies. It welcomed AU and ECOWAS political initiatives towards finding a solution to the situation in Côte d’Ivoire and called on all parties to pursue the overall political solution of the AU.

The differences of view among Council members on the prospects of a political solution were eventually overcome when it became clear that Gbagbo and his circle would never agree to negotiate. The US and European members had long been convinced of Gbagbo’s obduracy and favoured additional sanctions at an early stage—as noted above they had already imposed such measures on a national basis. However, Russia and China continued to have reservations and seemed to question the rationale for additional sanctions even as late as on 25 March. Of the Council’s African members, Gabon and Nigeria were supportive of the ECOWAS position which called for sanctions. South Africa on the other hand had sympathy for the Gbagbo camp, fearing that the “winner takes all” election might throw the country into chaos and that accordingly a deal with Gbagbo should be pursued as long as possible. In the end, it seems that South Africa’s position changed when the AU High Level Panel recommended recognition of Ouattara as the winner of the presidential elections.

The negotiations on resolution 1975 also revealed differences on how best

to strengthen the protection of civilians by UNOCI, with some members emphasising the need to prevent the use of heavy weapons against civilians and others, such as China and Russia, emphasising the need for UN impartiality so as not to prejudice its role in a political solution. The final text was therefore a compromise reflecting these different views.

Shortly after the adoption of resolution 1975, on 4 April, the Secretary-General announced that he had instructed UNOCI, in accordance with the provisions of the resolution, “to take the necessary measures to prevent the use of heavy weapons against the civilian population, with the support of the French forces”. (These forces operate in Côte d’Ivoire under UN mandate.) He informed the Council in a separate letter that the security situation in Abidjan had deteriorated dramatically only over the past few days and that forces loyal to Gbagbo had intensified their use of heavy weapons against civilians and had also attacked UNOCI patrols dispatched to protect civilians. Subsequently, UNOCI announced on 5 April that it had launched operation “Protect the Civilian Population.” UN attack helicopters were used on several occasions to destroy heavy weapons.

A week later, on 11 April, Gbagbo, who had been hiding in the basement of the presidential palace, was captured by forces loyal to Ouattara and brought into custody. Alain Le Roy, the Under-Secretary-General for Peacekeeping Operations, stressed that the UN operations had focused strictly on the protection of civilians. He also said that while UNOCI might have cleared the way for the capture of Gbagbo by destroying heavy weapons, there had been no coordination with Ouattara’s forces. The Secretary-General also stressed that the UN had acted strictly within the mandate of resolution 1975.

Following a briefing on the situation in Côte d'Ivoire on 13 April by Choi, the Secretary-General's Special Representative as well as Under-Secretary-General for Humanitarian Affairs Valerie Amos, High Commissioner for Human Rights Navi Pillay and Permanent Representative of Côte d'Ivoire Youssoufou Bamba, Council members issued a press statement welcoming that Ouattara was "now in position to assume all his responsibilities as Head of State" of Côte d'Ivoire. It also:

- urged all Ivorians to abstain from any reprisals, revenge and provocation and to work together to achieve national reconciliation;
- commended Ouattara's call for justice and reconciliation in Côte d'Ivoire and his decision to establish a truth and reconciliation committee and encouraged the Ivorian government to cooperate closely with the independent international commission of inquiry on Côte d'Ivoire established by the Human Rights Council (HRC);
- called upon the Ivorian government to ensure the security of Gbagbo and fair and just treatment for him and his associates;
- expressed concern about reports of widespread violence and intimidation in Abidjan and urged illegal combatants to immediately turn in their weapons to the relevant authorities;
- called on UNOCI and the French forces to continue to protect civilians; and
- expressed appreciation for the valuable roles played by the UN, AU and the Economic Community of West African States in resolving the post-election conflict and called for their continued engagement in the overall political process.

At press time, the security situation in Côte d'Ivoire was still fragile and protection of civilians seemed likely to continue to be a challenge. An

important issue will be how to promote reconciliation and ensure accountability for the violence committed against civilians. Another important issue for the Council is ensuring that UNOCI continues to be able to protect civilians.

Analysing the events in Côte d'Ivoire, two other questions arise. The first is the notable contrast between the Council's approach to the protection of civilians in Côte d'Ivoire compared with Libya. In Libya there was a more immediate move to robust Chapter VII action, whereas there was a much more cautious response to the crisis in Côte d'Ivoire, in particular with regard to the imposition of sanctions.

As noted above, there had earlier been differences among Council members on the certification of the outcome of the presidential elections and this resulted in the initial Council hesitation in responding to the post-electoral crisis in Côte d'Ivoire. It is also true that the Council did adopt some important protection of civilians decisions prior to resolution 1975, first by authorising in December 2010 an extension of the temporary deployment of 500 peacekeepers, as well as the temporary redeployment of personnel from UNMIL and then in January 2011 authorising the reinforcement of UNOCI with 2,000 troops. It also issued six press statements, as noted above, reiterating its concerns relating to the protection of civilians.

It seems there were two key differences between the situations faced by the Council in Côte d'Ivoire and Libya, (apart from the obvious fact that there already was a UN peacekeeping mission with a protection mandate in one country). The first was the credible and imminent threat by Qaddafi personally to commit mass atrocities. The second was the regional dimension. In the case of Libya, there was a unanimous request from the Arab League for the Council

to act under Chapter VII, reflecting a widespread feeling that there were no realistic opportunities for political negotiations with Qaddafi to ensure protection. The leadership of the then Libyan UN ambassador (who defected along with a number of other Libyan diplomats) and his call for a referral of the situation in his country to the ICC were other important factors.

By contrast, in the case of Côte d'Ivoire the Council was hearing mixed signals from the region on the best way to address the crisis. Some key AU members, (including South Africa), seemed to believe that a political solution based on mediation could work. ECOWAS, the subregional organisation, judged that Gbagbo would not compromise and argued for the imposition of sanctions and authorisation of outside military intervention. These differences were also apparent among African Council members, with Nigeria and Gabon supporting the ECOWAS position and South Africa arguing for more time to pursue a negotiated solution. Ultimately, the ECOWAS analysis was proven to be right and the way was opened for Council action.

The second question relates to the wider implications of the UN's robust use of force in Côte d'Ivoire to implement its protection mandate. Just as in the case of Libya, there was at the time of UNOCI's protection of civilians operation in April some concern that the UN had overstepped its mandate and risked losing its impartial status. This might have had implications for future Council protection mandates if the conflict had become protracted with the UN being perceived by some as a partisan player. However, in light of the quick solution of the issue, it seems doubtful that this will indeed be the case. To the contrary, the experience gained in Côte d'Ivoire may instead become a model case for the UN and regional organisations



carefully working in tandem to exhaust all peaceful possibilities while ensuring robust implementation of protection of civilians mandates if one party remains entrenched and compromise becomes impossible.

8. Council Dynamics

Recent Council responses to threats against civilians in country-specific situations (in particular in the crisis in Libya as described in the case study above) clearly demonstrate some of the divisions on protection of civilians that still exist among members. This was also evident in the most recent open debate on protection of civilians on 10 May this year where a majority of speakers referred to Libya in their interventions and several also raised the situation in Syria as an important protection of civilians issue. These differences seem to go back, ultimately, to what constitutes an internal matter and what constitutes a threat to international peace and security when violence against civilians is being committed. However, what does seem clear is that over the past two decades, that threshold for most states has moved significantly in favour of action to protect civilians. The divergence of views now seems to be much more over which tools should be used and how to ensure compliance with the normative framework.

China and Russia, which are often aligned on protection issues, continue to emphasise respect for national sovereignty in their positions. They are therefore reluctant to authorise measures to protect civilians under Chapter VII other than in exceptional cases. What was significant with regard to Côte d'Ivoire and Libya is that China and Russia clearly considered that there were exceptional circumstances in both cases.

China also regularly calls for greater attention to be paid to the root causes of conflict and preventive diplomacy as a way to protect civilians as well as greater involvement by UN actors other than the Security Council. Russia tends to focus on issues related to the conduct of hostilities and the impact on civilians of the indiscriminate and disproportionate use of force, such as in the context of the situation in Afghanistan. China still does not attend meetings of the Council's informal expert group on protection of civilians. Russia participates on an ad hoc basis and sometimes questions the value of the group and the information provided in the briefings.

India seems to some extent to share China and Russia's cautious approach. A particular focus for India, however, is the protection of civilians in the UN peacekeeping context. India is currently the largest contributor of UN peacekeeping troops. According to India, the main challenge for the implementation of protection mandates is the lack of adequate resources. UN peacekeepers cannot perform if they do not have enough troops or the right equipment or military capacities. India also believes there needs to be a closer dialogue between the Council and troop-contributing countries as they can provide valuable information about the situation on the ground.

On the other side of the spectrum are a number of Council members who share the view that the Council can and should be more active to protect civilians. This group comprises the European members and also the US. They are generally more willing to contemplate robust action, including use of military force in some cases. They also in general seem to favour the development of more systematic monitoring mechanisms, such as indicators and benchmarks relating to the implementation of

Council decisions on protection of civilians and a more ambitious agenda for the informal protection expert group.

At the thematic level, the UK as chair of the informal expert group on protection of civilians and lead country on this issue in the Council seems to have taken a somewhat cautious approach in 2010. It is still trying to convince China to participate in the expert group meetings, and also has to contend with the different and competing interests in the Secretariat as to who should be allowed to brief the group. There seems to be a sense among some other Council members, however, that it is time for a more ambitious agenda for the expert group—perhaps based on the principle that at a time when the country-specific cases are particularly sensitive, there is value in rebuilding consensus on a more technical level.

Germany, while generally supportive of the Council's protection agenda, has preferred to embrace the thematic rather than the country-specific. Its main priority is the protection of children given its role as chair of the Working Group on Children and Armed Conflict. Similarly, the US has concentrated its efforts on the thematic issue of strengthening the protection of women, in particular relating to sexual violence. It is the lead country on this issue and has been able to push through important decisions in this area such as resolutions 1820 and 1888.

Brazil, Colombia, Lebanon and the African members of the Council seem to place themselves in the middle in terms of Council positions and are generally supportive of the protection framework in principle. Both South Africa and Nigeria are important troop-contributing countries and therefore have similar concerns as India when it comes to UN peacekeeping and the need for adequate resources and clear mandates. They

are both motivated by the clear terms of the AU Constitutive Act mandating action to prevent atrocities. But South Africa in particular is resistant to robust action initiated by former colonial countries and therefore prefers preventive diplomacy and political reconciliation.

Colombia has in the past expressed concern about the impact of small arms and the need for more effective controls over trafficking in such arms as an important element in protecting civilians.

Brazil seems supportive of the Council playing an active and constructive role on protection of civilians. It is a strong supporter of the ICC. The protection role played by UN peacekeepers and the need to provide them with adequate resources as well as the question of how to ensure that states have the ability to protect civilians are two other important issues for Brazil. It appears to question, however, whether the development of protection indicators as proposed by OCHA would be useful. This is a view shared by Lebanon. Brazil also appears concerned about the long-term implications of the use of military force to protect civilians and sees the risk of a backlash that may negatively impact the wider protection agenda.

Prior to the May open debate on protection of civilians there were concerns that divisions over the Council's approach to recent country-specific situations, Libya in particular, would dominate the debate and further entrench positions. A majority of speakers, as noted above, referred to Libya either directly or indirectly. Some expressed support for resolution 1973 while some expressed concern about the military intervention and whether it was being carried out in accordance with the resolution. However, there seemed overall to be a willingness to engage constructively on the issues

relating to the protection of civilians. Important issues were raised, including the need for a more consistent Council approach to protection of civilians, the need for better information, the importance of prevention and other political tools, the continuing challenges with regard to implementation of peacekeeping protection mandates, humanitarian access concerns, and the need to strengthen accountability (with several speakers calling for implementation of the recommendations of the Secretary-General's panel of experts on accountability in Sri Lanka and welcoming the recent establishment of commissions of inquiry in the cases of Libya and Côte d'Ivoire).

Looking ahead, it seems likely that the next open debate on protection of civilians will take place during Portugal's Council presidency in November this year. Portugal has indicated that protection of civilians is among its Council priorities and may choose to use this occasion to try to advance the thematic agenda. While it still remains to be seen how the continuing crisis in Libya and recent developments in Syria and elsewhere will impact on Council and wider dynamics at the thematic level, an initial assessment of the recent open debate on protection of civilians seems to suggest that there might be some room for further progress.

9. Looking Ahead: Some Future Options for the Council

In our 2010 Cross-Cutting Report we outlined a set of options for future Council action on the protection of civilians in the following five areas:

- Continuing to develop the informal expert group on protection of civilians as an important tool at the Council's disposal.

- Ensuring implementation of resolution 1894.
- Improving the effectiveness of UN peacekeeping operations.
- Enhancing compliance with international legal obligations by parties to conflict and strengthening accountability mechanisms.
- Addressing new and emerging issues, such as the impact on civilians of explosive weapons of war, compensation for damages to civilian victims of conflict and compliance with international humanitarian law by non-state armed groups.

(For more details, please refer to our 2010 *Cross-Cutting Report on Protection of Civilians*.) Furthermore, a wide range of options for Council action on protection of civilians, have also been outlined in the Secretary-General's successive reports on protection of civilians. When looking ahead, in particular to the Council's next open debate on protection of civilians, many of the Secretary-General's recommendations deserve further consideration.

In the immediate term, however, the Council could focus on some more practical options on a case by case basis to improve some of the tools at its disposal. In particular, there seems to be a sense that the information available to the Council is often inadequate. The Council has now established monitoring mechanisms relating both to children and armed conflict and to sexual violence. It is perhaps time to consider how to improve the Council's information base also in the area of the protection of civilians. Some possible options for the Council include:

- Organising field missions for Council experts similar to those undertaken by the Working Group on Children and Armed Conflict which would focus on the protection of civilians on the ground in a particular case. Such



missions could provide an opportunity to get a better understanding of the implementation of protection of civilians strategies and challenges.

- Requesting, on a more consistent basis, briefings on country-specific protection concerns, inviting not only OCHA to brief, but also DPKO, the Offices of the High Commissioners for Refugees and Human Rights and the Special Representatives on Children and Armed Conflict and Sexual Violence in order to get a comprehensive picture of the protection challenges involved. Briefings following recent field visits could be particularly valuable.
- Continuing on a regular basis the informal consultations initiated by Brazil in order to ensure greater coherence and coordination between the three protection issues, but also get more direct involvement by permanent representatives. An additional option would be to establish a practice of presenting some kind of a brief record from these consultations. Informal conclusions in a note by the Council president would be an option. (As noted above, the understanding from the February 2011 consultations was that the Council's current protection framework functions well, but this is not recorded anywhere.) There seems to be some interest in continuing to discuss the reporting cycles and timing of debates for the three different issues. Humanitarian access is another possible topic that could benefit from a similar approach.
- In regards to reporting by the Secretariat, clarifying the Council's request to the Secretary-General (perhaps in a letter from the Council President to the Secretary-General) as to the structure and kinds of information the Council would like to see on protection of civilians in his

country-specific reporting, including on the issue of humanitarian access, in order to improve oversight and better monitor developments on the ground.

- Asking OCHA to consult with the Council regarding the work being done to develop indicators for the protection of civilians. A further option would be to endorse such indicators and call for their systematic application in benchmarks to monitor progress.
- The informal expert group on protection of civilians taking responsibility for getting comprehensive and up-to-date information about existing and developing situations of concern. Such an option could involve discussions on more general protection issues, such as humanitarian access or protection of civilians strategies in peacekeeping operations and also briefings by representatives from parts of the UN system other than OCHA
- Deciding to give the informal expert group a mandate to monitor progress made vis a vis protection indicators and benchmarks in specific cases.
- Expressing support for the review initiated by the Secretary-General of the UN's experience with commissions of inquiry with the aim of identifying how they might be used on a more consistent and less politically-influenced basis and requesting for the result of this review to be shared with the Council.
- Requesting the Secretary-General to strengthen the capacity within the UN Secretariat relating to the protection of civilians including through the establishment of a focused and adequately resourced protection capacity within DPKO, a strengthening of existing structures and better coordination.

Annex I: UN Documents and Useful Additional Sources

Security Council Resolutions

Thematic Security Council Resolutions on Protection of Civilians

- S/RES/1894 (11 November 2009) focused on compliance, humanitarian access and implementation of protection mandates in UN peacekeeping.
- S/RES/1738 (23 December 2006) condemned intentional attacks against journalists, media professionals and associated personnel, and requested the Secretary-General to include as a sub-item in his next reports on protection of civilians the issue of the safety and security of journalists, media professionals and associated personnel.
- S/RES/1674 (28 April 2006) *inter alia* reaffirmed the responsibility to protect as formulated in the 2005 World Summit Outcome Document and expressed the Council's intention to ensure that protection is clearly outlined and given priority in peacekeeping mandates.
- S/RES/1502 (26 August 2003) condemned all violence against humanitarian and UN and associated personnel, recalled obligations to protect such personnel under international humanitarian, refugee and human rights law, and called for unimpeded humanitarian access.
- S/RES/1296 (19 April 2000) reaffirmed the Council's commitment to protection of civilians and requested another report on the issue from the Secretary-General.
- S/RES/1265 (17 September 1999) was the Council's first thematic resolution on protection of civilians, condemning targeting

of civilians, calling for respect for international humanitarian, refugee and human rights law, expressing willingness to take measures to ensure compliance and to consider how peace-keeping mandates might better address the negative impact of conflict on civilians.

Other Thematic Resolutions

- S/RES/1960 (16 December 2010) established a monitoring, analysis and reporting mechanism on conflict-related sexual violence in situations on the Council's agenda; and also called upon parties to armed conflict to make specific, time-bound commitments to prohibit and punish sexual violence and asked the Secretary-General to monitor those commitments.
- S/RES/1889 (5 October 2009) reaffirmed previous decisions on women, peace and security and requested the Secretary-General *inter alia* to ensure that all country reports to the Council provide information on the impact of situations of armed conflict on women and girls.
- S/RES/1888 (30 September 2009) requested the Secretary-General to appoint a Special Representative to provide leadership and strengthen UN coordination of action on sexual violence in armed conflict and to ensure more systematic reporting on sexual violence to the Council, and decided to include specific provisions on sexual violence in UN peacekeeping mandates.
- S/RES/1882 (4 August 2009) expanded the criteria for inclusion on the Secretary-General's list of violators in his reports on children and armed conflict beyond the recruitment of children to include

the killing and maiming of children and/or rape and other sexual violence against children.

- S/RES/1820 (19 June 2008) addressed sexual violence in conflict and post-conflict situations and asked the Secretary-General for a report by 30 June 2009 with information on the systematic use of sexual violence in conflict areas and proposals for strategies to minimise the prevalence of such acts with benchmarks for measuring progress.
- S/RES/1325 (31 October 2000) was the landmark first resolution on women, peace and security, expressing in particular the Council's willingness to incorporate a gender perspective into peacekeeping missions, calling on all parties to protect women and girls from gender-based violence and to put an end to impunity for such crimes.

Sanctions Regimes Targeting Violations of International Humanitarian Law

- S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions on individuals and entities designated as "involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities".
- S/RES/1857 (22 December 2008) expanded the DRC sanctions regime to include "individuals obstructing the access to or the

distribution of humanitarian assistance in the eastern part of the DRC".

- S/RES/1844 (20 November 2008) established a targeted sanctions regime for Somalia imposing measures on individuals or entities designated "as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia."
- S/RES/1807 (31 March 2008) expanded the DRC sanctions regime to include "individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women".
- S/RES/1698 (31 July 2006) expanded the DRC sanctions regime to include in the designation criteria "political and military leaders recruiting or using children in armed conflict in violation of applicable international law" and also "individuals committing serious violations of international law involving the targeting of children".
- S/RES/1672 (25 April 2006) designated four individuals as subject to the targeted measures imposed on Darfur.
- S/RES/1596 (18 April 2005) established a targeted sanctions regime for the DRC.
- S/RES/1591 (29 March 2005) established a targeted sanctions regime for Darfur which included in the designation criteria individuals who commit violations of international humanitarian law or other atrocities.
- S/RES/1572 (15 November 2004) established a sanctions regime for Côte d'Ivoire imposing targeted measures on persons "determined as responsible for serious violations of human rights and international humanitarian law".



Other Country-Specific Resolutions

- S/RES/1975 (30 March 2011) imposed sanctions on former Ivorian president Laurent Gbagbo and his circle.
- S/RES/1973 (17 March 2011) authorised all necessary measures—excluding an occupation force—to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime and established a panel of experts to monitor the regime.
- S/RES/1968 (16 February 2011) extended the mandate of troops temporarily deployed from UNMIL to UNOCI for another three months.
- S/RES/1967 (19 January 2011) authorised an increase of 2,000 troops in the overall strength of UNOCI and extended the mandate of troops temporarily deployed from the UNMIL to UNOCI.
- S/RES/1962 (20 December 2010) renewed the mandate of UNOCI until 30 June 2011, authorised the temporary redeployment of troops from UNMIL to UNOCI, as well as the extension until 31 March 2011 of the temporary deployment of up to 500 additional military personnel to UNOCI, which was approved by resolution 1942.
- S/RES/1952 (29 November 2010) extended the DRC sanctions and the mandate of the Group of Experts until 30 November 2011.
- S/RES/1951 (24 November 2010) authorised the temporary deployment of troops from UNMIL to UNOCI.
- S/RES/1946 (15 October 2010) extended both the Côte d'Ivoire sanctions regime and the mandate of the Group of Experts until 30 April 2011.
- S/RES/1945 (14 October 2010) renewed the mandate of the Panel

of Experts for the Sudan sanctions regime for 12 months.

- S/RES/1944 (14 October 2010) renewed the mandate of MINUSTAH for 12 months.
- S/RES/1942 (29 September 2010) authorised the deployment of 500 additional troops to UNOCI to help with security during the election period.
- S/RES/1935 (30 July 2010) renewed UNAMID for one year.
- S/RES/1933 (30 June 2010) extended the mandate of UNOCI until the end of 2010.
- S/RES/1927 (4 June 2010) authorised the deployment of 680 additional officers for the police component of MINUSTAH.
- S/RES/1925 (28 May 2010) extended the mandate of MONUC until 30 June 2010 and decided that from 1 July 2010 the mission would be named the UN Organization Stabilization Mission in the DRC (MONUSCO) and that MONUSCO should be deployed until 30 June 2011.
- S/RES/1924 (27 May 2010) was a one month technical rollover of UNOCI's mandate.
- S/RES/1923 (25 May 2010) decided that MINURCAT should be terminated by 31 December 2010.
- S/RES/1919 (29 April 2010) renewed UNMIS for one year.
- S/RES/1917 (22 March 2010) extended UNAMA's mandate until 23 March 2011.
- S/RES/1916 (19 March 2010) extended the mandate of the Monitoring Group for Somalia for another 12 months and decided that the asset freeze provisions of resolution 1844 should not apply to funds "necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia".

- S/RES/1911 (28 January 2010) extended the mandate of UNOCI until 31 May 2010.
- S/RES/1910 (28 January 2010) renewed the authorisation of AMISOM for another 12 months until 31 January 2011.
- S/RES/1908 (19 January 2010) increased the force levels of MINUSTAH.
- S/RES/1765 (16 July 2007) renewed UNOCI's mandate and asked the Secretary-General's Special Representative to certify all stages of the electoral process.

Security Council Presidential Statements

Thematic Presidential Statements on Protection of Civilians

- S/PRST/2010/25 (22 November 2010) endorsed an updated aide-mémoire.
- S/PRST/2009/1 (14 January 2009) reaffirmed previous decisions on protection of civilians and endorsed an updated aide-mémoire.
- S/PRST/2008/18 (27 May 2008) reaffirmed previous decisions on protection of civilians and requested a report from the Secretary-General by May 2009.
- S/PRST/2005/25 (21 June 2005) expressed concern about limited progress on the ground to protect civilians, stressed in particular the need to provide physical protection for vulnerable groups, and invited the Secretary-General to address challenges related to peacekeeping.
- S/PRST/2004/46 (14 December 2004) reaffirmed the Council's commitment to protection of civilians.
- S/PRST/2003/27 (15 December 2003) contained an updated aide-mémoire.
- S/PRST/2002/41 (20 December 2002) underscored the

importance of the aide-mémoire, expressing its willingness to update it annually, and also addressed in particular issues related to humanitarian access, refugees and internally displaced persons and gender-based violence.

- S/PRST/2002/6 (15 March 2002) contained an aide-mémoire to assist Council members in their consideration of protection of civilians issues.
- S/PRST/1999/6 (12 February 1999) was the first thematic decision on protection of civilians which also requested the first report from the Secretary-General on the issue.

Other Thematic Presidential Statements

- S/PRST/2010/22 (26 October 2010) supported taking forward the indicators proposed by the Secretary-General as an initial framework for the UN system and member states to track implementation of resolution 1325; requested the Secretary-General to propose a strategic framework to guide the UN's implementation of resolution 1325 over the next decade; and expressed its intention to convene a high-level review in five years.
- S/PRST/2010/11 (29 June 2010) was on justice and the rule of law in which the Council recognised respect for international humanitarian law as an essential component of the rule of law in conflict situations.
- S/PRST/2010/10 (16 June 2010) was on children and armed conflict in which the Council expressed its readiness to adopt targeted and graduated measures against persistent violators, invited the Working Group on Children and Armed Conflict to exchange

pertinent information with relevant sanctions committees and for sanctions committees to regularly invite the Special Representative on Children and Armed Conflict to provide briefings.

- S/PRST/2010/8 (27 April 2010) welcomed the Secretary-General's latest report on women, peace and security and the appointment of Margot Wallström as the new Special Representative on Sexual Violence in Conflict.
- S/PRST/2010/2 (12 February 2010) was on peacekeeping operations in which the Council confirmed the importance of taking into account the protection of civilians "throughout the lifecycle of UN peacekeeping and other relevant missions" in accordance with resolution 1894.

Country-Specific Presidential Statements

- S/PRST/2010/29 (20 December 2010) reaffirmed the Council's intention to continue monitoring the situation for civilians in Chad and requested the Secretary General to report by the end of MINURCAT's liquidation phase on 30 April 2011 on progress made in eastern Chad on the protection of civilians in terms of meeting the benchmarks previously established by the Council.
- S/PRST/2010/28 (16 December 2010) reaffirmed Council support to the efforts of both parties to the full and timely implementation of the peace agreement ahead of the Southern Sudan referendum scheduled for 9 January and called on all parties to protect civilians.
- S/PRST/2010/24 (16 November 2010) expressed the Council's readiness to act as necessary in support of full implementation of the Sudan peace agreement and

called for the protection of civilians.

- S/PRST/2010/17 (17 September 2010) urged the DRC government to prosecute the perpetrators of the mass rapes that occurred in eastern DRC in late July and August.

Security Council Press Statements

- SC/10224 (13 April 2011) welcomed that Alassane Ouattara was "in position to assume all his responsibilities as head of state."
- SC/10196 (11 March 2011) welcomed AU's 10 March decisions on the crisis in Côte d'Ivoire.
- SC/10191 (3 March 2011) condemned the threats, obstructions and acts of violence by Gbagbo's forces against UN personnel and violence by all parties against civilians and urged UNOCI "to use all necessary means to carry out its mandate, in particular to protect the civilians".
- SC/10180 (22 February 2011) condemned the use of force against civilians in Libya, called on Libya to meet its responsibility to protect civilians and stressed the importance of accountability.
- SC/10149 (10 January 2011) expressed support for AU and ECOWAS efforts to find a peaceful resolution to the crisis in Côte d'Ivoire and also expressed concern about continued violence and human rights violations.
- SC/10135 (20 December 2010) reiterated the Council's concern over the continued violence against civilians in Côte d'Ivoire.
- SC/10124 (16 December 2010) expressed concern about the increase in violence against civilians in Côte d'Ivoire.
- SC/10105 (8 December 2010) called for respect for the outcome of the 28 November elections in Côte d'Ivoire.



Reports of the Secretary-General

Thematic Reports on Protection of Civilians

- S/2010/579 (11 November 2010) was the eighth (and latest) report.
- S/2009/277 (29 May 2009)
- S/2007/643 (28 October 2007)
- S/2005/740 (28 November 2005)
- S/2004/431 (28 May 2004)
- S/2002/1300 (26 November 2002)
- S/2001/331 (30 March 2001)
- S/1999/957 (8 September 1999) was the landmark first report on the issue.

Other

- S/2010/611 (1 December 2010) was a report on MINURCAT providing information on the kinds of indicators used to measure progress in the protection of civilians.
- S/2010/600 (23 November 2010) was a report on UNOCI which informed the Council about the development of a protection of civilians strategy for the mission.
- S/2010/512 (8 October 2010) was a report on MONUSCO which included an assessment of implementation of the mission's protection of civilians mandate and strategy.
- S/2010/498 (28 September 2010) was on women, peace and security and included a revised set of indicators to track implementation of resolution 1325.
- S/2010/173 (6 April 2010) outlined measures to track the implementation of resolution 1325.
- S/2010/127 (10 March 2010) was a UNAMA report providing a detailed assessment of progress made in reducing the impact of conflict on civilians.
- S/1998/883 (22 September 1998) was on protection of humanitarian assistance to refugees and others in conflict situations.
- S/1998/318 (13 April 1998) was

on the causes of conflict and the promotion of durable peace and sustainable development in Africa.

Meeting Records

Thematic Debates on Protection of Civilians

- S/PV.6531 and Res. 1 (10 May 2011)
- S/PV.6427 and Res.1 (22 November 2010)
- S/PV.6354 and Res.1 (7 July 2010)
- S/PV.6216 and Res. 1 (11 November 2009)
- S/PV.6151 and Res. 1 (26 June 2009)
- S/PV.6066 and Res. 1 (14 January 2009)
- S/PV.5898 and Res. 1 (27 May 2008)
- S/PV.5781 and Res. 1 (20 November 2007)
- S/PV.5703 (22 June 2007)
- S/PV.5577 and Res. 1 (4 December 2006)
- S/PV.5476 (28 June 2006)
- S/PV.5319 and Res. 1 (9 December 2005)
- S/PV.5209 (21 June 2005)
- S/PV.5100 and Res. 1 (14 December 2004)
- S/PV.4877 (9 December 2003)
- S/PV.4777 (20 June 2003)
- S/PV.4660 and Res. 1 (10 December 2002)
- S/PV.4492 (15 March 2002)
- S/PV.4424 (21 November 2001)
- S/PV.4312 and Res. 1 (23 April 2001)
- S/PV.4130 and Res. 1 (19 April 2000)
- S/PV.4046 (16 September 1999) and Res. 1 and 2 (17 September 1999)
- S/PV.3980 and Res. 1 (22 February 1999)
- S/PV.3977 (12 February 1999)
- S/PV.3968 (21 January 1999)

Other Council meetings

- S/PV.6509 (4 April 2011) was a briefing by the Secretary-General's Special Envoy for Libya, Abdel-Elah Mohamed Al-Khatib.
- S/PV.6508 (30 March 2011) was the adoption of resolution 1975 on Côte d'Ivoire.
- S/PV.6505 (24 March 2011) was a briefing by the Secretary-General on implementation of a no-fly zone as imposed by resolution 1973 on Libya.
- S/PV.6498 (17 March 2011) was the adoption of resolution 1973 on Libya.
- S/PV.6491 (26 February 2011) was the adoption of resolution 1970 on Libya.
- S/PV.6490 (25 February 2011) was a briefing on Libya by the Secretary-General.

Other

- A/65/19 (12 May 2011) was the Report of the Special Committee on Peacekeeping Operations and its Working Group from the 2011 substantive session.
- S/2011/221 (4 April 2011) was a letter from the Secretary-General informing the Council that he had instructed UNOCI, pursuant to resolution 1975, to use all necessary means to prevent the use of heavy weapon against civilians.
- S/2011/111 (8 March 2011) was a note from the President of the Council circulating the final report of the Panel of Experts of the Sudan Sanctions Committee dated 20 September 2010.
- A/HRC/S-15/2 (25 February 2011) was a Human Rights Council resolution condemning the systematic human rights violations in Libya, deciding to dispatch a commission of inquiry and asking the General Assembly to

suspend Libya from the Human Rights Council.

- S/2011/102 (21 February 2011) was the request by the Libyan chargé d'affaires for an urgent meeting of the Council.
- S/2011/5 (7 January 2011) was a letter from the Secretary-General to the Council recommending the authorization of additional military capacity for UNOCI.
- SC/10099 (1 December 2010) was a press release from the DRC Sanctions Committee announcing the designation of an additional four individuals to the sanctions list.
- S/2010/596 (15 November 2010) was a letter from the chair of the DRC Sanctions Committee submitting the final report of the Group of Experts on the DRC to the President of the Council.
- SC/10018 (31 August 2010) was a press release from the DRC Sanctions Committee updating the list of individuals subject to targeted sanctions by adding recruitment and use of children to the designation justification for nine individuals.
- S/2010/252 (21 May 2010) was a letter from the chair of the DRC Sanctions Committee submitting the interim report of the Group of Experts on the DRC to the President of the Council.
- SC/9904 (12 April 2010) was a press release from the Sanctions Committee for Somalia and Eritrea announcing its first designations of individuals and entities for targeted sanctions under resolution 1844.
- A/64/19 (24 March 2010) was the Report of the Special Committee on Peacekeeping Operations and its Working Group from the 2010 substantive session.
- S/2010/91 (10 March 2010) was a letter from the chair of the Somalia

Sanctions Committee transmitting the final report of the Monitoring Group on Somalia to the Council.

Useful Additional Sources

- *Protection of Civilians in 2010: Facts, Figures and the UN Security Council's response*, Oxfam, 9 June 2011
- *Popular Protest in North Africa and the Middle East: Making Sense of Libya*, International Crisis Group, 6 June 2011
- *They Looked at His Identity Card and Shot Him Dead – Six Months of Post-Electoral Violence in Côte d'Ivoire*, Amnesty International, May 2011
- *Protection of Civilians in UN Peacekeeping: Reform Requests and Initiatives of the Secretariat*, the Stimson Center, 6 May 2011
- *Côte d'Ivoire: Is War the Only Option?* International Crisis Group, 3 March 2011

Annex II: Methods of Research

Security Council Report (SCR) published its first cross-cutting report on protection of civilians in October 2008. It provided background on relevant provisions of international humanitarian law and on Security Council involvement in the issue of protection of civilians starting in the 1990s. It also analysed the way that the Council had implemented its thematic decisions on protection of civilians in specific cases following the adoption of its first thematic decisions in 1999 through to the end of 2007 and examined protection issues in the context of implementation of UN peacekeeping mandates.

Following this first report, SCR has published a cross-cutting report on protection of civilians annually. The aim of this series of reports is to systematically track the Council's involvement in

protection of civilians both at the thematic and at the country-specific levels. Each report looks at important developments at the thematic level over the previous year, analyses Council decisions on protection of civilians in country-specific situations, reviews developments in Council sanctions regimes and offers options for the Council's consideration to more effectively address protection issues.

In this fourth cross-cutting report on the protection of civilians, the statistical analysis focuses on Council decisions and reports of the Secretary-General for the year 2010 in order to allow for a meaningful comparison year-by-year. In other parts of the report, however, we have included references also to developments in 2011 so as to provide an up-to-date picture as possible of current trends relating to the protection of civilians. This is particularly true for the case studies on Côte d'Ivoire and Libya.

It should also be noted that the statistical analysis only covers country-specific situations which can reasonably be assumed to have a protection dimension either because of the existence of a relevant mandate for a UN peacekeeping mission, or because of the nature or history of the conflict. As a result, Council decisions of a purely technical nature were excluded. Furthermore, thematic decisions were also excluded from the statistical analysis, but where relevant, are referred to in other parts of the report.

In this regard it is important to point out that the present report does not analyse in-depth Council action on children and armed conflict or sexual violence. While these are important protection issues, they are discussed in separate SCR reports. (Our most recent *Cross-Cutting Report on Children and Armed Conflict* was published on 6 July 2011 and our first *Cross-Cutting Report on Women, Peace and Security* was published on 1 October 2010.) However, any



substantive language on these issues in country-specific Council resolutions is accounted for in the statistical analysis section.

Information was obtained through research interviews with members of the Council, UN experts and NGO representatives, as well as from publicly available documents. It should be noted

that SCR does not have any field presence, and that no field missions were conducted as part of the research for this report.

Annex III: Current Protection Mandates in UN Peacekeeping Operations as of June 2011*

| Situations | Operation/ Relevant Council Decisions | Protection-Related Mandate |
|------------------|---|---|
| 1. Côte d'Ivoire | UNOCI (2004-) S/RES/1933 (30 June 2010) | <ul style="list-style-type: none">• Observe and monitor the implementation of the Ouagadougou Political Agreement of March 2007 as far as the armed groups are concerned, to prevent, within its capabilities and its areas of deployment, any hostile action, including against civilians, and to investigate and report on any act of violence.• Protect, without prejudice to the primary responsibility of the Ivorian authorities, civilians under imminent threat of physical violence [], on the basis of the comprehensive protection of civilians strategy.• Work closely with humanitarian agencies, particularly in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner.• Contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violations committed against children and women and to all forms of sexual violence, to monitor, help investigate and report on human rights and humanitarian law violations with a view to ending impunity, including as called for in resolutions 1612 (2005) and 1882 (2009), to support the efforts all parties should take pursuant to paragraph 13 above, to bring to the attention of the Council all individuals identified as perpetrators of serious human rights violations and to keep the Committee established under resolution 1572 (2004) regularly informed of developments in this regard.• Facilitate the free flow of people, goods and humanitarian assistance, inter alia, by contributing to enhance security and taking into account the special needs of vulnerable groups, especially women, children, elderly people, persons with disabilities and displaced persons. |
| 2. DRC | MONUSCO (2010-) S/RES/1925 (28 May 2010) | <ul style="list-style-type: none">• Ensure the effective protection of civilians, including humanitarian personnel and human rights defenders, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict.• Ensure the protection of United Nations personnel, facilities, installations and equipment.• Support the efforts of the Government of the Democratic Republic of the Congo to ensure the protection of civilians from violations of international humanitarian law and human rights abuses, including all forms of sexual and gender-based violence, to promote and protect human rights and to fight impunity, including through the implementation of the Government's "zero-tolerance policy" with respect to discipline and human rights and humanitarian law violations, committed by elements of the security forces, in particular its newly integrated elements.• Support national and international efforts to bring perpetrators to justice, including by establishing Prosecution Support Cells to assist the FARDC military justice authorities in prosecuting persons arrested by the FARDC.• Work closely with the Government to ensure the implementation of its commitments to address serious violations against children, in particular the finalization of the Action Plan to release children present in the FARDC and to prevent further recruitment, with the support of the Monitoring and Reporting Mechanism. |

| Situations | Operation/ Relevant Council Decisions | Protection-Related Mandate |
|-------------------|--|---|
| | | <ul style="list-style-type: none"> Implement the United Nations system-wide protection strategy in the Democratic Republic of the Congo, operationalising it with MONUSCO's protection strategy built on best practices and extend useful protection measures, such as the Joint Protection Teams, Community Liaison Interpreters, Joint Investigation Teams, Surveillance Centres and Women's Protection Advisers. Support the Government's efforts, along with international partners and neighbouring countries, to create an environment conducive to the voluntary, safe and dignified return of internally displaced persons and refugees, or voluntary local integration or resettlement. Support the efforts of the Government of the Democratic Republic of the Congo to bring the ongoing military operations against the FDLR, the Lord's Resistance Army (LRA) and other armed groups, to a completion, in compliance with international humanitarian, human rights and refugee law and the need to protect civilians, including through the support of the FARDC in jointly planned operations, as set out in paragraphs 21, 22, 23 and 32 of resolution 1906 (2009). Support, including through its political mediation efforts, the completion of activities of DDR of Congolese armed groups or their effective integration in the army, which would remain subject to prior adequate training and equipment. Support activities of DDRRR of foreign armed groups members, including the FDLR and the LRA, and support strategies towards a sustainable solution of the FDLR issue, including repatriation, reinsertion or resettlement in other areas, or judicial prosecution as appropriate, with the help of all countries, especially those in the region. Coordinate strategies with other United Nations missions in the region for enhanced information-sharing in light of the attacks by the LRA and, at the request of the Government of the Democratic Republic of the Congo, may provide logistical support for regional military operations conducted against the LRA in the Democratic Republic of the Congo, in compliance with the international humanitarian, human rights and refugee law and the need to protect civilians. |
| 3. Haiti | MINUSTAH (2004-) S/RES/1542 (30 April 2004) | <ul style="list-style-type: none"> Protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the government and of police authorities. Assist in disarmament, demobilisation and reintegration programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures. Support efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims. Monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons. Coordinate and cooperate with the Transitional Government as well as with their international partners, in order to facilitate the provision and coordination of humanitarian assistance, and access of humanitarian workers to Haitian people in need, with a particular focus on the most vulnerable segments of society, particularly women and children. |
| 4. Lebanon | UNIFIL (1978-) S/RES/ 1701 (11 August 2006) | <ul style="list-style-type: none"> Take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure the security and freedom of movement of UN personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence. Help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons. |



| Situations | Operation/ Relevant Council Decisions | Protection-Related Mandate |
|-------------------------|---|--|
| 5. Liberia | UNMIL (2003-) S/RES/1509 (19 September 2003) | <ul style="list-style-type: none"> • Without prejudice to the efforts of the government, to protect civilians under imminent threat of physical violence, within its capabilities. • Facilitate the provision of humanitarian assistance, including by helping to establish the necessary security conditions. • Contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children and demobilised child soldiers, within UNMIL's capabilities and under acceptable security conditions. • Ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities. |
| 6. Sudan: | North-South UNMIS (2005-) S/RES/1590 (24 March 2005) | <ul style="list-style-type: none"> • Take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to ensure the security and freedom of movement of UN personnel, and humanitarian workers, and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence. • Assist in the establishment of the disarmament, demobilisation and reintegration programme as called for in the Comprehensive Peace Agreement, with particular attention to the special needs of women and child combatants, and its implementation through voluntary disarmament and weapons collection and destruction. • Assist in promoting the rule of law, including an independent judiciary and the protection of human rights through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Comprehensive Peace Agreement to develop and consolidate the national legal framework. • Ensure an adequate human rights presence, capacity and expertise within UNMIS to carry out human rights promotion, protection and monitoring activities. • Facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons and humanitarian assistance, inter alia, by helping to establish the necessary security conditions. • Assist with humanitarian demining assistance, technical advice, and coordination. • Contribute towards international efforts to protect and promote human rights in Sudan, as well as to coordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups including internally displaced persons, returning refugees and women and children. |
| 7. Sudan: Darfur | UNAMID (2007-) S/RES/1769 (31 July 2007) S/2007/307/Rev.1 (5 June 2007) The resolution refers to this document, a joint report by the Secretary-General and the Chairperson of the AU Commission, for details about UNAMID's mandate.) | <ul style="list-style-type: none"> • Take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities to ensure the security and freedom of movement of its own personnel and humanitarian workers, and protect civilians, without prejudice to the government's responsibility. • Contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur. • Contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment. • Contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees. • Contribute to the promotion of respect for and protection of human rights and fundamental freedoms. • Assist in the promotion of the rule of law in Darfur including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the legal framework. |

* The UN mission in Chad and the Central African Republic (MINURCAT), which had a protection mandate, was terminated on 31 December 2010.

Annex IV: Meetings of the Council's Informal Expert Group on Protection of Civilian and Related Council Decisions in 2009 and 2010

| Mission discussed | Meetings in 2009 | Council decision on mandate | Meetings in 2010 | Council decision on mandate |
|---------------------------------|----------------------|-----------------------------|---------------------------|------------------------------|
| UNOCI | 2 (January and July) | S/RES/1865 S/RES/1880 | 2 (January and June) | S/RES/1911 S/RES/1933 |
| AMISOM | | | 2 (January and December) | S/RES/1910 S/RES/1964 |
| MINURCAT | | | 2 (February and December) | S/RES/1913 S/PRST/2010/29 |
| UNAMA | 1 (March) | S/RES/1868 | 1 (March) | S/RES/1917 |
| UNMIS | 1 (April) | S/RES/1870 | 1 (April) | S/RES/1919 |
| MONUSCO | 1 (December) | S/RES/1906 | 1 (April) | S/RES/1925 |
| UNAMID | 1 (July) | S/RES/1881 | 1 (July) | S/RES/1935 |
| UNAMI | 1 (July) | S/RES/1883 | 1 (July) | S/RES/1936 |
| ISAF | | | 1 (September) | S/RES/1943 |
| Total number of meetings | 7 | | 12 | |

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