This is Security Council Report’s seventh Cross-Cutting Report on the Protection of Civilians in Armed Conflict, continuing a series that began with the publication of our first report on the issue in 2008. The purpose of these reports is to systematically track Security Council involvement in the protection of civilians since it emerged as a separate thematic agenda item in 1999. The present report covers developments at the thematic level since our December 2013 Cross-Cutting Report and analyses all Council decisions on country-specific situations relating to the protection of civilians during 2013 and 2014. South Sudan is used as a case study to examine some of the issues in-depth. The report discusses Council dynamics and outlines some possible options that could help strengthen the Council’s work on this important thematic issue. Our key conclusion this year is that while the existing normative framework on protection of civilians is strong, an enhanced focus on implementation on the ground is needed.
Summary and Conclusions

During the period covered in this report, since our last report on this topic was published in December 2013, the deterioration of existing crises and the emergence of new ones had a devastating effect on civilians. Throughout 2014, the Council spent considerable time managing these crises and their protection of civilians challenges, with limited results. The case study on South Sudan describes the Council's engagement on a now intractable protection crisis. It offers a more comprehensive and in-depth analysis than the country-specific statistical analysis in the report can provide.

Some of the key findings of the report include:

- The Council continued in 2013 and 2014 systematically to include protection language in nearly all of its relevant country-specific decisions. In some cases, it also expanded on the protection language that had existed in previous similar decisions.
- Elected members played a key role on protection issues. They helped to ensure that relevant protection language was incorporated into Council outcomes in 2013-2014. Perhaps most notably, Australia, Jordan and Luxembourg spearheaded the Council's efforts to promote humanitarian access in Syria in 2014. In 2015, with Australia and Luxembourg rotating off the Council, Jordan has been joined by New Zealand and Spain as the humanitarian leads on Syria.
- The increased level of activity in terms of outcomes in 2014 (91 formal decisions, that is, resolutions and presidential statements) compared to 2013 (69 formal decisions), many of which had important protection elements, frequently did not translate into concrete results on the ground.
- Difficult Council dynamics in 2014 hindered efforts to protect civilians in Darfur, Gaza, Syria and Ukraine, among other cases.
- Building on a trend that began in earnest in 2013, the Council continued to take decisions in 2014 supporting robust peacekeeping as a means to protect civilians, as evidenced by its authorisation of a peacekeeping force in the Central African Republic (CAR), its reauthorisation of UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and its reauthorisation of the intervention brigade in the Democratic Republic of the Congo (DRC). There are currently ten UN peacekeeping missions with an explicit protection of civilians mandate.
- In 2014, as in recent years, the trend toward more frequent briefings in the Council on country-specific situations by high-level officials from the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the High Commissioner for Human Rights (OHCHR) continued to develop.
- A growing protection challenge that the Council addressed in numerous outcomes in 2014 was the threat posed by terrorist groups that occupy territory and commit atrocities against civilians, such as the Islamic State of Iraq and al-Sham (ISIS) and Boko Haram.
- The informal expert group on the protection of civilians continued to provide a useful forum to discuss protection language prior to the consideration of mandates, although there were no fundamental changes in the operation of the group in 2014. It had a total of nine meetings in 2014, compared to 11 meetings in 2013 and ten meetings in 2012. It continued to meet to discuss the renewal of relevant UN mandates, as well as one new mandate, the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).
- Continuing a practice begun in mid-2013, the UK as chair invited representatives from various UN entities to participate in the meetings to answer questions. (Previously, in addition to OCHA, the UN Department of Peacekeeping Operations was the only other UN entity in these meetings.)

The case study on South Sudan provides a mixed picture of the Council’s engagement on this issue. On the one hand, it contends that the Council took action to protect civilians in the aftermath of the outbreak of the civil war in December 2013, albeit with limited effect and not always as swiftly and decisively as might have been required. Most notably, it increased the troop and police ceiling of the UN Mission in South Sudan (UNMISS) and narrowed the mandate to
focus specifically on protection tasks. On the other hand, the case study argues that prior to the crisis, critical mistakes were made that left the Council unprepared and inhibited its ability to respond more effectively. Along with many other actors, it underestimated the depth of the growing political crisis in the country throughout 2013 and the potential that this could lead to violence. It is also clear that the initial force structure authorised by the Council for UNMISS could not provide country-wide protection of civilians, given the size of the country, the limited infrastructure, the weak state capacity and the history of intercommunal violence. Throughout 2014 and into early 2015, another problematic decision the Council made was to consistently support a faltering mediation process led by the Intergovernmental Authority on Development (IGAD).

At press time, it remained unclear how the situation will unfold in South Sudan, but the signs are not encouraging. The fighting continues, the parties appear to have little appetite to make difficult concessions to bring about peace, and it is not clear how well efforts to reinvigorate the faltering mediation process will fare. While all Council members are appalled by the violence in South Sudan, the Council is not unified in how to deal with the conflict. Meanwhile, civilians continue to suffer enormously as the conflict rages on.

The final section of the report provides some options for the way forward. The general thrust of this section is that while the normative framework on protection issues is now quite strong, more thought needs to be put into how to translate this progress into concrete results on the ground. We argue that efforts need to be made to strengthen the interactions between field-level personnel and Council members, so the members can better understand the protection challenges facing respective missions and come up with more informed strategies to address them. Along these lines, we also present some ideas about how to improve the timeliness and quality of information the Council receives. Finally, while recognising the constructive role that the informal expert group on protection of civilians plays, we offer some options for how the work of this group might be strengthened.

Background and Normative Framework

The Security Council first addressed protection of civilians as a distinct thematic issue in 1999. Its involvement came after a period in which the international community had witnessed a series of particularly violent events around the world—including those in Bosnia, Rwanda, Sierra Leone and Liberia—where civilians had suffered disproportionately and where there was at the time considerable Council involvement. 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 on the universally accepted rules of international humanitarian law, human rights and refugee law that 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 the 1977 Additional Protocol I relating to the Protection of Victims of International Armed Conflicts and Additional 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 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the 1994 Convention on the Safety of UN and Associated Personnel and its 2005 Optional Protocol; and
- the 1998 Rome Statute of the ICC; 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 on 12 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 (S/PRST/1999/6). It requested a report from the Secretary-General with recommendations for the Council’s future work. The first landmark report, containing 40 recommendations, was issued on 8 September of that year (S/1999/957). On 17 September 1999, 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. 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, although only one such open debate was held in 2014. Between 2000 and 2009, the Council adopted three additional thematic resolutions—resolutions 1296, 1674 and 1894—reaffirming its initial commitment to the issue and strengthening provisions in certain areas. In addition, resolution 1502...
Background and Normative Framework (cont’)

adopted on 26 August 2003 in the wake of the attack on the UN compound in Baghdad, reinforced previous Council decisions on the protection of humanitarian personnel and of UN and associated personnel. On 23 December 2006, the Council adopted resolution 1738 on the protection of journalists and other media professionals. And on 29 August 2014, it adopted resolution 2175 that—building on resolution 1502 on the protection of UN and humanitarian personnel in conflict zones—condemned violence and intimidation against those involved in humanitarian operations, urged states to ensure accountability for crimes against humanitarian workers and asked the Secretary-General to include information on the safety and security of humanitarian workers in his reports on country-specific situations.

The Council has adopted 11 presidential statements on the protection of civilians. The second presidential statement, of 15 March 2002, endorsed an aide-mémoire proposed by the Secretary-General to guide Council consideration of protection of civilians issues in country-specific situations, in particular relating to peacekeeping mandates (S/PRST/2002/6). It listed key objectives for Council action and specific questions for consideration in meeting those objectives. The fifth edition of the aide-mémoire was endorsed by the Council in its 12 February 2014 presidential statement (S/PRST/2014/3).

Based on a recommendation from the Secretary-General, the Council created an informal expert group on the protection of civilians in January 2009 at the initiative and under the chairmanship of the UK. This group meets regularly at the working level in connection with the renewal of relevant UN mandates, receiving briefings by OCHA on key protection issues for consideration in the drafting of country-specific resolutions. Over the years, the Council, through a variety of means such as resolutions, presidential statements or a letter from its president, has requested periodic reports from the Secretary-General, at intervals ranging between a year and 18 months. Since 1999, the Secretary-General has issued ten reports on the protection of civilians.

In its 12 February 2013 presidential statement, the Council asked that the Secretary-General submit his next report by 15 November 2013 and every 18 months thereafter (S/PRST/2013/2), thus creating for the first time a regular reporting cycle on this theme. The 10th report was issued on 22 November 2013 (S/2013/689). At press time, the 11th report was expected in late May or early June 2015.

Key Developments at the Thematic Level Since January 2014

In the period since the publication of our last cross-cutting report, the Council has held several events focused on the overall issue of protection of civilians in armed conflict or on specific, important aspects of the theme.

The 12 February 2014 Protection of Civilians Open Debate and Adoption of Presidential Statement with Updated Aide-Mémoire

The Council held an open debate on 12 February 2014 on the protection of civilians under the presidency of Lithuania (S/PV.7109). It focused on effective implementation of protection of civilians mandates in UN peacekeeping operations. The briefers included the then-High Commissioner for Human Rights Navi Pillay; Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos; Under-Secretary-General for Peacekeeping Operations Hervé Ladsous; and the Director General of the ICRC, Yves Daccord. In addition to Council members, 45 member states, the EU and the Observer State of Palestine also spoke.

Pillay, using examples from several situations on the ground where her office worked alongside the Department of Peacekeeping Operations (DPKO), highlighted the areas where she believed the Council and member states could provide greater support with regard to protecting civilians in peacekeeping operations. She stressed that there needed to be a stronger connection between the human rights and protection of civilians elements in peacekeeping mandates and asked the Council to appropriately resource the human rights elements of missions. She underscored the importance of enhanced human rights access, noting that having quality “human rights information and analysis must be at the core of strategies to protect civilians.” Pillay added that access to “remote and at-risk areas is also critical for deterrence.” She furthermore urged the Council to act boldly and quickly in situations in which civilians are at risk and mission personnel are intimidated or expelled. (Pillay may have been referring to the November 2012 expulsion of an UNMISS human rights officer by the government of South Sudan.) Pillay underscored also the importance of combating impunity, saying that “impunity allows gross human rights violations to thrive”. Finally, observing that civilians are subjected to violence in situations in which peacekeeping missions do not exist, she called on the Council to refer the situation in Syria to the ICC.

Amos noted the hardship facing civilians in Syria, the CAR and South Sudan, while also recognising the risks that humanitarian workers are subjected to by operating in such dangerous environments. Regarding peacekeeping operations, she highlighted the need for strong coordination between missions and humanitarian actors, underscored the importance of peacekeepers’ maintaining their impartiality so that the civilians they are trying to protect are not endangered and emphasised the importance of the civilian elements of peacekeeping operations to the protection of civilians. Amos also enumerated the impact of explosive weapons on civilian populations in conflict zones, noting the high age of civilians who are killed and maimed by such weapons and the damage the weapons do to civilian infrastructure.

Ladsous highlighted the fact that 95 of peacekeepers serve in missions with a Council mandate to protect civilians. He argued that strengthening capacities to do early warning and to react quickly to crises is a key goal of UN peacekeeping. Ladsous also referred to the effectiveness of unmanned, unarmed aerial drones in the DRC, arguing that the use of new technologies in peacekeeping will be essential moving forward.
Daccord described a global context in which humanitarian work is becoming increasingly challenging for a variety of reasons, including the use of humanitarian aid as a political tool, administrative restrictions placed on the delivery of humanitarian aid and the lack of respect shown by armed groups for the impartiality of humanitarian activities. In this context, he reiterated the need to uphold international humanitarian law, emphasising the responsibility of states and non-state actors “for the safety and well-being of populations in territories under their control” and noting that under international humanitarian law the parties to a conflict are not permitted to hinder the impartial delivery of humanitarian aid.

At the meeting, following the briefings but prior to the interventions by Council members and other member states, the Council adopted a presidential statement (S/PRST/2014/3) that “recognises the contribution of an updated Aide Memoire”, which was attached to the statement as an annex. (The aide-memoire had last been updated in 2010 and endorsed by the Council in a 22 November 2010 presidential statement [S/PRST/2010/25].) New language was added to the 2014 aide-méméoire condemning the impediments to the fulfilment of the mandates of UN peace operations, such as attacks on mission personnel and bureaucratic obstacles, and calling on the Council to consider the use of “targeted and graduated measures” against those violating international humanitarian and human rights law. The addendum to the aide-méméoire—“Selection of agreed language”—was revised to reflect decisions on protection matters made by the Council since the 2010 version. (The addendum provides a list of resolutions and presidential statements relevant to protection issues addressed by the Council over the years, while highlighting important protection language from a select number of these outcomes.) The 12 February 2014 presidential statement also:

- underscored the need to end impunity for violations of international humanitarian law;
- reaffirmed support for the efforts of the Secretary-General to review peacekeeping operations and to provide enhanced planning for peacekeeping operations in collaboration with troop- and police-contributing countries;
- reiterated the Council’s determination to upgrade the strategic oversight of peacekeeping operations; and
- reaffirmed the need for peacekeeping operations to ensure that they implement their protection of civilians mandates and stressed the role of senior mission leadership in this regard.

The 16 April 2014 Briefing on “Threat to International Peace and Security: Prevention and Fight Against Genocide”

To commemorate the 20th anniversary of the 1994 genocide in Rwanda, the Nigerian presidency of the Council organised on 16 April 2014, a briefing on the prevention of and the fight against genocide (S/PV.7155). Including Council members, 43 member states took part in the debate. Deputy Secretary-General Eliasson and Ambassador Colin Keating of New Zealand, who served as president of the Council in April 1994 when the genocide began, briefed the Council.

Eliasson cautioned that there exists a potential threat of genocide in all parts of the world. As a result, he said, “All societies should assess their vulnerability and work at every level to build resilience, tolerance and vigilance in detecting early warning signals of crises to come”. He also added that preventing atrocities requires, among other things, the creation of inclusive, accountable and credible national institutions, the management of diversity and the protection of human rights.

Keating observed that progress had been made and important lessons learned in combating atrocity crimes. He noted as examples of this the Council’s effective response to the Côte d’Ivoire post-2010-election crisis, the development of the “responsibility to protect” and recent Council engagement in the CAR, Mali and the DRC. He emphasised the importance of political will in confronting atrocities and reflected that the failure to deal effectively with the genocide in Rwanda led to the humanitarian crisis in the DRC the following year and then to the ensuing civil wars in the DRC. Keating said, “If we truly want prevention to work, then we need better political, operational and financial mechanisms for the Council and the wider UN system to achieve better outcomes”.

During the briefing, the Council adopted resolution 2150, calling upon states to recommit to preventing and fighting genocide and other serious crimes. The resolution reaffirmed paragraphs 138 and 139 of the 2005 World Summit Outcome Document (A/60/L.1) regarding the responsibility to protect, condemned any denial of the genocide in Rwanda, welcomed states’ efforts in investigating and prosecuting people responsible for the genocide in Rwanda, requested the Secretary-General to ensure enhanced collaboration among early warning mechanisms and called on states that had not ratified or acceded to the Genocide Convention to consider doing so.

The 30 May 2014 Arria-Formula Meeting

On 30 May 2014, at the initiative of Chile and Australia, Council members convened an Arria-formula meeting on the protection of internally displaced persons (IDPs). The purpose of the meeting was to underscore that internal displacement is an important factor in the Council’s work, especially in relation to the protection of civilians. The meeting likewise sought to assess how the Council can address the protection of IDPs more effectively in its resolutions, including in the design and review of peacekeeping operations and political missions’ mandates.

The context for the meeting was the upsurge in IDPs in recent years, with 33.3 million displaced by the end of 2013, including 8.2 million newly displaced during the course of that year. A number of participants referred to the fact that protecting IDPs was a significant challenge in many cases on the Council’s agenda, including the CAR, the DRC, Mali, South Sudan, Sudan, Syria and Ukraine.

Presentations were made by several panels, including Hansjoerg Strohmeyer, Chief of the OCHA’s Policy Branch; Chaloka Beyani, Special Rapporteur on the Human Rights of IDPs; Udo Janz, Director of the New York Office on the UN High Commissioner for Refugees; Elizabeth Cafferty, Senior Advocacy Officer of the Women’s Refugee Commission; Alfredo Zamudio, Director of the Internal Displacement Monitoring Centre/Norwegian Refugee Council; and Costantinos Berhutesfa, Trustee of Africa Humanitarian Action. After the panel presentations, Council members were invited to make interventions, followed by other member states.
Panellists and member states emphasised a number of themes during the meeting. One was the need for a holistic approach that focuses on physical protection, humanitarian needs and psycho-social support to ensure that durable solutions are provided to IDPs. Combating sexual violence against IDPs was also highlighted, as was the importance of implementing the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), which came into force in 2009. Regarding UN peacekeeping operations, one speaker noted the need to ensure that the rules of engagement for peacekeeping missions are aligned with the mandate provided by the Council to ensure that IDPs are protected.

The 19 August 2014 (World Humanitarian Day) Briefing and Resolution on the Protection of Humanitarian Workers

The Council held a briefing on the safety and security of humanitarian workers in armed conflict on 19 August 2014, coinciding with World Humanitarian Day, which honours the efforts of aid workers and takes place on the anniversary of the 2003 bombing of the UN Baghdad compound, in which 22 people were killed (S/PRST/2003/39). The briefers included Deputy Secretary-General Jan Eliasson, ICRC President Peter Maurer and Masood Karokhail, director and co-founder of The Liaison Office, a Kabul-based NGO that works to promote good governance in Afghanistan.

Eliasson noted that 2013 had a particularly high human toll for humanitarian workers (155 were reportedly killed, 171 were wounded and 134 kidnapped, a 66 per cent increase in relation to 2012). He also observed that violence against humanitarian workers has serious consequences for those who would otherwise be helped by them—“the children who do not get vaccinated...the sick and wounded who go untreated...[and] those forced from their homes and left without shelter”. Eliasson offered the Council four suggestions for action. First, he asked that the Council regularly call on parties to a conflict to honour their legal commitments and condemn them when they fail to do so. Second, he emphasised that the Council be careful not to conflate political, military and humanitarian goals in its efforts to maintain peace and security. Third, he suggested that targeted measures (i.e. sanctions) could be placed on parties who do not adhere to commitments to protect civilians, including humanitarian workers. Finally, Eliasson noted that several tools are available to the Council to promote accountability, including commissions of inquiry, fact-finding missions and special criminal tribunals.

Maurer painted a troubling picture of the context in which humanitarian workers are forced to operate, stating that “some of the inherent dangers are being exacerbated by the sheer number of high-risk combat zones in which organizations are...active” and referring to the “resurgence of religious fundamentalism and the spreading of terror and violence” as an emerging factor confronting humanitarianism. Maurer affirmed that under international humanitarian law parties to a conflict have a responsibility to protect humanitarian workers. He also argued that humanitarian action should be clearly distinguished from political and military endeavours to maintain its neutrality and impartiality and to enhance the security of humanitarian workers. Maurer added that humanitarian workers need to be accepted in order to carry out their work safely.

Karokhail noted that national aid workers in Afghanistan are disproportionately affected by violence. He said that this happens because international aid agencies often employ local staff or local organisations to minimise the risk to their international staff. While heightened security measures to protect international staff curtail their movements, local staff are forced to assume greater risks to serve populations in dangerous areas. Regarding what could be done by the Security Council and the UN system more broadly, he suggested that the risks facing local aid workers should be monitored, the level of protection for local staff should be enhanced and humanitarian access should be negotiated in a more systematic, less ad hoc way that addresses the needs of both local and international staff. Finally, Karokhail added that the Security Council must ensure that those who attack humanitarian workers are held accountable for their actions.

During the briefing, the UK announced that it would propose a new draft resolution on how the Council can better protect humanitarian workers. On 29 August, the Council adopted resolution 2175, which built on resolution 1502 of August 2003 on the protection of UN personnel, associated personnel and humanitarian personnel in conflict zones, adopted in the aftermath of the attack on the UN compound in Iraq. Among other things, resolution 2175:

- strongly condemned violence and intimidation against those involved in humanitarian operations;
- urged parties to armed conflict to allow complete, unhindered humanitarian access;
- urged states to ensure that they hold accountable those who commit crimes against humanitarian workers on their respective territories; and
- requested the Secretary-General to include in his reports on country-specific situations and other relevant reports information regarding the safety and security of humanitarian workers and to present recommendations on how to strengthen their protection.

The 30 January 2015 Protection of Civilians Open Debate

The Council held an open debate on the protection of civilians on 30 January during Chile’s presidency, with a particular focus on the protection challenges of women and girls in conflict and post-conflict settings (S/PRST/7374). Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator Kyung-wha Kang, Director of International Law and Policy for the ICRC Helen Durham and Ibdow Elman, a Somali women’s rights activist, briefed the Council. Aside from Council members, an additional 47 member states, the EU and the Permanent Observer Mission of the Holy See to the UN spoke.

Kang argued that despite some positive institutional developments within the UN system, violence against civilians in armed conflict has continued to rise. She highlighted areas of particular concern: the fact that there are now more displaced persons than at any time since World War II; the use of explosive devices in populated locations; and the devastating impact of sexual violence on women and girls. Kang emphasised that women and girls bear the brunt
of armed conflict. She noted that most of those displaced by conflict are women and children and that “in most conflicts, women and girls continue to be disproportionately affected by sexual violence, and the brutalization of women remains a...persistent feature of conflict”. Kang argued that women should participate “in rule-of-law processes and protection mechanisms”, adding that the use of women protection advisers in UN peace operations helps to promote such efforts. She also said that the Security Council and other international actors need to combat impunity, as perpetrators of violence against civilians are emboldened when not held accountable.

Durham echoed Kang’s pessimistic assessment of the current status of protection of civilians, stating that she “cannot report any significant progress in the way armed conflicts are being waged, or any significant alleviation of their impact on civilians throughout the world”. She focused her remarks largely on the impact of sexual violence on women and girls, arguing that there must be accountability for perpetrators while victims must be provided with medical and mental health care. Durham also argued that “domestic laws, regulations, policies, reparation schemes and processes of restorative justice should respond to the many different needs of victims and must fully comply with international law”.

Elman said that she had witnessed “first-hand the catastrophic consequences of violence against civilians and of protection strategies that are gender-blind”. She referred to women having to travel to difficult-to-access areas to get food, water and firewood for their families, thus risking being raped or abducted. She also noted that latrines are built without locks, prejudicing the safety of women. Elman urged the Council to develop gender-sensitive strategies building on consultations with women at an early stage in the mandate-formation process. She also advocated for increased numbers of female military and police personnel in UN peacekeeping missions and urged the Council “as a matter of priority to insist on accountability for atrocities committed by all armed groups and security forces, including addressing sexual and gender-based violence and civilian casualties”.

The 27 March 2015 Open Debate on the Protection of Minorities in the Middle East
The Council convened a high-level open debate on 27 March on the situation of persecuted ethnic or religious minorities in the Middle East, which was chaired by French Foreign Minister Laurent Fabius (S/PV.7419). The briefers were Secretary-General Ban Ki-moon; High Commissioner for Human Rights Zeid Ra’ad Zeid Al Hussein; Louis Raphael I Sako, the head of the Chaldean Catholic Patriarch of Babylon; and Vian Dakhil, an Iraqi parliamentarian of the Yazidi faith. Aside from Council members, an additional 47 member states, the EU, the Organization of Islamic Cooperation to the UN and the Permanent Observer Mission of the Holy See to the UN participated in the meeting.

Ban observed that ISIS fighters were “systematically killing ethnic and religious minorities, those who disagree with its warped interpretation of Islam and anyone who opposes its apocalyptic visions.” He added that the UN was creating an action plan against violent extremism that would be launched in September. Zeid said that an investigation by his office concluded that the attacks by ISIS against the Yazidis in Iraq “may amount to genocide.” He urged the Council to “unanimously and decisively” end the Syria and Iraq conflicts and refer the situations in these countries to the ICC. Zeid also said that the Council must end the conflicts in Libya, Yemen and other countries as well.

Sako called for international protection of cities in Iraq where civilians were displaced by fighting. He expressed concern that the millions of children and youth living in refugee camps, without educational or economic opportunities, could become frustrated and fall prey to extremist influences. As such, he stated that there is a “need to provide care for these refugees by responding to their needs and alleviating their suffering.”

Dakhil argued that “Iraqis of all backgrounds and ethnicities are on the front line in facing [the] threat” posed by ISIS and shared details of the crimes committed against her group, the Yazidis, by ISIS. Among other things, she requested the Council to adopt a resolution categorising as a genocide ISIS’s crimes against the Yazidis, called for the international campaign to eradicate ISIS to be expedited, and asked the international community to help rebuild the cities that had been destroyed by the terrorist group.

The Informal Expert Group on the Protection of Civilians
The informal expert group on the protection of civilians was formed in 2009, at the initiative of the UK, the lead on the protection of civilians. The group, which continued to meet regularly in 2014, receives briefings from OCHA and asks questions of OCHA and other UN entities on relevant protection concerns prior to the mandate renewals of peace operations.

On rare occasions, the expert group has met to discuss issues not related to mandate renewals. For example, in February 2012 the group held a thematic meeting on the challenges related to humanitarian access, while it also met in December 2012 to discuss the proposed African-led International Support Mission to Mali (AFISMA) and in November 2013 to discuss UN support for the AU International Support Mission to the CAR. However, in 2014, all the expert group’s meetings focused on mandate renewals.

OCHA acts as secretariat for these meetings and remains the sole briefier. Prior to mid-2013, DPKO was the only other UN entity apart from OCHA to participate in these meetings, but at that time, the UK started to invite other relevant UN representatives to the meetings to answer questions from Council members. Currently, representatives from various UN entities—DPKO, the Department of Political Affairs (on discussions on political missions), OHCHR, UN Children’s Fund, UN High Commissioner for Refugees, UN Mine Action Services, UN Office of the Special Representative for Children and Armed Conflict, UN Office of the Special Representative on Sexual Violence in Armed Conflict and UN Women—frequently participate in these meetings.

OCHA’s briefings focus on the most important protection concerns in the situations under consideration, actions taken on the ground to address such concerns and suggestions for Council action. Suggestions include possible language for inclusion in resolutions based on the aide-mémoire. Suggested language—as well as relevant precedents for such language in other country-specific cases—is included in a “building-blocks” document focusing on the situation under...
consideration and circulated to Council members in hard copy at the outset of each expert group meeting. The presence of representatives from other UN entities at these meetings is critical because that makes it possible for Council members to receive informed answers to questions they may have on particular aspects of a mandate from personnel with relevant expertise.

It is worth noting that resolutions are not negotiated at these meetings. Rather, the meetings are designed to lay the groundwork for upcoming negotiations, preparing diplomats with the knowledge required to understand relevant protection considerations and options before they enter into discussions on the mandates of peace operations.

Expert-level Council diplomats whose portfolio includes the country under discussion, as well as those covering the thematic “protection of civilians” issue, are invited to participate. China is the one Council member whose diplomats do not attend these meetings.

In 2014, the expert group considered the mandates of the following missions:
- UN Assistance Mission in Afghanistan (UNAMA) (February 2014);
- UN Organization Stabilization Mission in the DRC (MONUSCO) (March 2014);
- UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) (March 2014);
- UN Mission in South Sudan (UNMISS) (March 2014);
- UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) (June 2014);
- UN Assistance Mission for Iraq (UNAMI) (July 2014);
- AU/UN Hybrid Operation in Darfur (UNAMID) (August 2014);
- AU Mission in Somalia (October 2014) (AMISOM); and
- UN Mission in South Sudan (UNMISS) (November 2014).

The group’s nine meetings in 2014 appear relatively consistent with its level of activity in recent years, including 2011 (10 meetings), 2012 (10 meetings) and 2013 (11 meetings).

Other Protection-Related Thematic Developments in the Council

Children and Armed Conflict Debates
On 7 March 2014, the Council held an open debate on children and armed conflict (S/PV.7129). During the debate, the Council adopted resolution 2143 with a key focus on the need to respect and protect schools from attacks and use by armed forces or groups. The resolution also stressed the importance of integrating child protection issues when undertaking security sector reform, including through age-assessment mechanisms to prevent underage recruitment and establishment of child protection units in national security forces. The resolution also highlighted the role of child protection advisers in integrating child protection in relevant peace operations. In addition, it focused on the role of regional organisations in child protection and the need to incorporate child protection provisions in peace agreements.

On 8 September 2014, the Council held an open debate (S/PV.7259) on children and armed conflict to consider the 15 May 2014 report on the issue (S/2014/339). The debate featured briefings by Special Representative of the Secretary-General for Children and Armed Conflict Leila Zerrougui, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, Deputy Executive Director of UNICEF Yoka Brandt, Special Envoy for Peace and Reconciliation of UNESCO Forest Whitaker and Sandra Uwiringiyimana, a 20-year-old woman from the DRC who survived an attack on her family and friends in a refugee camp in Burundi. Other than Council members, 44 member states participated in the meeting.

During 2014, there was some progress in getting parties to commit to action plans to end the recruitment and use of child soldiers. Yemen signed such an action plan on 14 May, leaving Sudan as the last of the eight countries with government forces listed in the Secretary-General’s annexes that have yet to sign an action plan. Both Afghanistan and South Sudan reconfirmed their commitment to action plans in 2014, with Afghanistan on 1 August endorsing a road map towards compliance with the plan.

On 25 March 2015, the Council held an open debate on children and armed conflict, focused on the issue of child victims of non-state armed groups (S/PV.7414), following the 7 March release of the Secretary-General’s annual report on children and armed conflict (S/2014/339). Secretary-General Ban Ki-moon, Special Representative of the Secretary-General for Children and Armed Conflict Leila Zerrougui and Deputy Executive Director of UNICEF Yoka Brandt briefed on behalf of the UN system. A field perspective was provided in briefings by the Child Protection Advisor from Save the Children in the Central African Republic, Julie Bodin, and Junior Nziwa Nzuiami, a former child soldier who heads the NGO Paix pour l’enfance in the DRC.

Women, Peace and Security Debates
On 25 April 2014, the Council considered the annual report of the Secretary-General on sexual violence in conflict (S/2014/181) during an open debate (S/PV.7160). The briefers included Secretary-General Ban Ki-moon, Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Bangura and Rhoda Misaka of the NGO Working Group on Women, Peace and Security. In addition to Council members, 41 member states, the EU Delegation to the UN and the Permanent Observer Mission of the AU to the UN participated in the debate.

The Council held its annual open debate on women, peace and security on 28 October 2014 (S/PV.7289) and considered the Secretary-General’s annual report on implementation of resolution 1325 (S/2014/693). (In the resolution, which was adopted on 31 October 2000, the Council expressed its willingness to incorporate a gender perspective into peacekeeping missions, and called on all parties to protect women and girls from gender-based violence and to put an end to impunity for such crimes.) As president of the Council for that month, Argentina circulated a concept note on the effects of displacement.
on women, including both refugees and IDPs, to guide the discussion (S/2014/731). Briefers included the Executive Director of UN Women, Phumzile Mlambo-Ngcuka, Special Rapporteur on the Human Rights of IDPs Chaloka Beyani and Suuad Allami, an Iraqi lawyer and the founder and director of Sadr City Women’s Centre and Legal Clinic.

During the debate, the Council adopted a presidential statement (S/PRST/2014/21). Among other things, the statement addressed the particular needs of displaced women, highlighted the impact of violent extremism on women and welcomed the Secretary-General’s commissioning of a global study in preparation for the 2015 high-level review of the implementation of resolution 1325. In addition to Council members, 49 member states participated in the debate, as well as the delegation of the EU to the UN, Special Representative of the Secretary-General of NATO for Women, Peace and Security Mariët Schuurman and Senior Adviser on Gender Issues of the OSCE Miroslava Beham.

On 15 April 2015, the Council considered the annual report of the Secretary-General on conflict-related sexual violence (S/2015/203) during an open debate (S/PV.7428). Bangura and Hamsatu Allamin, a civil society representative from Nigeria, briefed. In addition to Council members, 50 member states, the EU Delegation to the UN, the Permanent Observer Mission of the AU to the UN and the Observer State of the Holy See to the UN participated in the debate.

Other Key Initiatives

Human Rights Up Front
On 17 December 2013, Deputy Secretary-General Jan Eliasson presented to member states a new initiative called “Human Rights Up Front” (initially “Rights Up Front”) during an informal session of the General Assembly. The initiative was a response to the recommendations of the November 2012 report of the internal review panel on UN action in the final stages of the civil war in Sri Lanka in 2008-2009, which found significant failings by the UN system in the face of human rights violations against civilians. Addressing the lessons of the past, the main purpose of the initiative was to ensure that the UN system does everything in its power to prevent serious violations of human rights and international humanitarian law as mandated by the UN Charter, the General Assembly and the Security Council. The “Human Rights Up Front” action plan, which was developed by an inter-departmental and inter-agency UN working group, consists of six elements:

- integrating human rights into the lifeblood of staff so that they understand their own and the UN’s human rights obligations;
- providing member states with candid information with respect to peoples at risk of, or subject to, serious violations of international human rights or humanitarian law;
- ensuring coherent analysis and strategies of action on the ground that leverage UN capacities to respond in a concerted manner;
- adopting at headquarters a “One-UN approach” to facilitate early coordinated action;
- strengthening the UN’s human rights capacity, particularly through better coordination of its human rights entities; and
- developing a common UN system of information management on serious violations of human rights and humanitarian law.

As presented by Eliasson, “Human Rights Up Front” aspires to achieve three main changes to the UN’s work from cultural, operational and political standpoints. Culturally, it means that all staff members must strive to meet the human rights ideals enshrined in the UN Charter, which purports to “reaffirm faith…in the dignity and worth of the human person, in the equal rights of men and women”.

Operationally, it entails striving to translate early warning signs of human rights violations into early action and concrete results on the ground. The operational objective is to ensure the UN system has an informed and coherent understanding of the human rights challenges in situations of concern and for an effective system-wide response that is tailored to the particular scenario. Regarding the response, the goal is for the UN system to be better prepared—and ideally to have the resources and agility required—to adapt to the specific situation.

From a political standpoint, “Human Rights Up Front” calls on the UN system to proactively use the tools at its disposal in a coordinated way to ensure member states have the information they need to make decisions and to leverage effective engagement by member states, regional organisations and civil society.

As part of the “Human Rights Up Front Initiative,” the UN system has set up a senior level group, led by the Deputy Secretary-General, intended to ensure accountability at the highest level for UN action. This is designed to establish a new and more effective practice for how the UN system works together to analyse situations, determine UN strategies and actions and implement those strategies.

“Human Rights Up Front” has garnered limited to moderate attention from Council members. It was referred to in Lithuania’s concept paper for the 12 February 2014 open debate on the protection of civilians (S/PV.7109) and four Council members—Australia, Chile, Luxembourg and the UK—referred to the concept during the debate. However, it was not mentioned in the presidential statement adopted during that debate (S/PRST/2014/3). In the Council’s most recent open debate on the protection of civilians on 30 January 2015, none of the current Council members referred to “Human Rights Up Front,” although Assistant Secretary-General for Humanitarian Affairs Kyung-Wa Kang and several members states—Belgium, Canada, Ireland, Italy, Pakistan and Switzerland—made reference to the initiative.

UN Office of Internal Oversight Services Report
On 7 March 2014, the UN Office of Internal Oversight Services (OIOS) published a report titled “Evaluation of the implementation of protection of civilians mandates in United Nations peacekeeping operations”.

Cross-Cutting Report

Security Council Report
The report found that there is “a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack”. This occurs, the report argued, for a variety of reasons, including:

- dual chains of command in national contingents, with the result that they adhere to input from capitals rather than orders from the mission’s force commander;
- differing interpretations of protection mandates among Council members and troop contributors, with some troop contributors being risk adverse;
- perceptions within peacekeeping operations that the necessary resources to “respond to force with force” are not available;
- a lack of understanding that peacekeeping operations are obliged to act when host governments do not fulfil their responsibilities to protect civilians; and
- concerns among troop contributors about the potential consequences of using force if it is later considered to be a mistake.

The report made three recommendations: strengthening the command and control of peacekeeping missions over national contingents, providing improved tactical guidance to peacekeepers in the field about what is expected of them with regard to protecting civilians and enhancing relations between peacekeeping operations and humanitarian actors on protection issues.

DPKO and the Department of Field Support (DFS) commented on the OIOS report in an annex to the report. They argued that the report focused too narrowly on the use of force as a means to protect civilians, thus devaluing “the importance of political solutions and other aspects of the comprehensive approach peacekeeping operations take in implementing their protection mandate.”

They also said that the “use of force” was too narrowly defined in the report, as it excluded activities such as “supporting local security forces, securing areas and facilities, evacuating and escorting civilians to safety…[and] creating security conditions conducive to humanitarian assistance.” Finally, DPKO and DFS stated that where command and control challenges arise in peacekeeping operations, it would be questionable to raise these particular “performance issues” with the Council, as recommended by the report; instead, they noted that such issues are dealt with expeditiously through dialogue with the member states.

In the Council’s most recent open debate on the protection of civilians on 30 January 2015, the OIOS report was referred to by the US, as well as non-Council members Belgium and Ireland (S/PV.7374).

**High-Level Independent Panel on Peace Operations**

On 31 October 2014, Secretary-General Ban Ki-moon launched the High-Level Independent Panel on Peace Operations. The 16 member panel, chaired by José Ramos-Horta, is conducting the first independent comprehensive review of UN peace operations since 2000. Among the issues that the Panel is exploring are: the changing nature of conflict, evolving mandates, good offices and peacebuilding challenges, managerial and administrative arrangements, planning, partnerships, human rights and protection of civilians, uniformed capabilities for peacekeeping operations and performance. To inform its work, the Panel has consulted widely, interacting with the UN Secretariat, the Security Council, member states, regional organisations and civil society actors.

Among these interactions have been regional consultations in Africa, Asia, Europe, Latin America and the Middle East. The Panel has also consulted with those participating in the Global Study and High-Level Review of resolution 1325 and the review of the UN’s peacebuilding architecture to ensure that the findings of the Panel take into account the other studies underway.

The work of the peace operations panel will culminate in a report to the Secretariat that is expected to be finalised in June 2015. Using the Panel’s report as a basis, the Secretary-General in turn will submit his implementation report to the General Assembly and the Security Council, possibly by September 2015.

**High-Level Review of Resolution 1325 and Global Study**

In resolution 2122 of 18 October 2013, the Council invited the Secretary-General, in preparation for the High-Level Review of resolution 1325, to commission a global study.

With former Special Representative of the Secretary-General on Children and Armed Conflict Radhika Coomaraswamy serving as the main author, the global study is designed to focus on examples of good practice, gaps and challenges, and priorities in the implementation of resolution 1325. The Global Study will inform the High-Level Review of resolution 1325 expected to be undertaken in October 2015. On 28 October 2014, the Council adopted a presidential statement in which it reiterated its intention to carry out the High-Level Review and welcomed the Global Study (S/PRST/2014/21).

**Analysis of Decisions in Country-Specific Situations**

As in previous cross-cutting reports, we continue our analysis of Council decisions on protection of civilians in country-specific situations with a review of all relevant resolutions and presidential statements adopted by the Council in 2013 and 2014. In examining Council resolutions and presidential statements, we highlight the protection language that has been incorporated in these outcomes. We do not analyse press statements, as they are not considered formal outcomes of the Council.

Our general conclusion is that in both 2013 and 2014 protection language by and large continued to be consistently incorporated in relevant Council outcomes. **Resolutions in 2013 and 2014**

In 2013, the Council adopted 47 resolutions, and 41 of these dealt with country-specific situations. Twenty-nine of the 41 resolutions on country-specific cases could reasonably be expected to have protection language, as they pertain to situations in which active armed conflict is occurring or in which a
UN peacekeeping mission is operating and has a mandate to protect civilians. According to our analysis, all these resolutions had such language.

In 2014, the Council adopted 64 resolutions, with 49 of them focused on country-specific cases. Of these 49 resolutions, 41 could reasonably be expected to have protection language, as they pertain to situations in which active armed conflict is occurring or in which a UN peacekeeping mission is operating and has a mandate to protect civilians. According to our analysis, 39 of these 41 resolutions included such language. The two country-specific resolutions that might have included protection language but did not were: resolution 2146, adopted on 19 March 2014, which expressed concern with the illegal transport of crude oil from Libya and imposed measures to restrict vessels from engaging in such activity, and resolution 2181, which reauthorised EUFOR in the Central African Republic on 21 October 2014. However, both resolutions 2146 and 2181 referred to prior resolutions that did have significant protection language, including resolutions 1970 and 1973 in the case of Libya and resolution 2134 in the case of the Central African Republic.

Several key themes and developments have emerged from a protection standpoint in resolutions in 2013 and 2014. These are highlighted in this section.

There has been a trend toward robust peacekeeping as a means to protect civilians with the authorisation of the intervention brigade in the DRC and the establishment of peacekeeping missions in Mali and the Central African Republic.

**DRC**

On 28 March 2013, the Council adopted resolution 2098 extending MONUSCO’s mandate and authorising the deployment of an intervention brigade to neutralise and reduce the threat to state authority and civilian security posed by armed groups active in the DRC. Operating under MONUSCO’s umbrella, the brigade was also mandated to perform all the regular mission tasks, including protecting civilians. The adoption of this resolution came about largely in response to the violence of the M23 rebel group, which had been strongly condemned by the Council for attacks against civilians and other violations of international humanitarian and human rights law in resolution 2076 on 20 November 2012. The authorisation of the intervention brigade was extended for an additional year with the adoption of resolution 2147 on 28 March 2014. While the M23 has been defeated, the Forces démocratiques de libération du Rwanda (FDLR), among other armed groups, has continued to destabilise the eastern DRC. In a presidential statement adopted on 8 January (S/PRST/2015/1), the Council reiterated the need for the Forces Armées de la République Démocratique du Congo and MONUSCO through the intervention brigade to “put into sustained action the plans...to neutralize the FDLR by commencing military operations immediately.” At press time, MONUSCO had yet to engage in operations against the FDLR.

**Mali**

Adopted on 25 April 2013, resolution 2100 authorised the establishment of MINUSMA for an initial 12 months, replacing African-led International Support Mission to Mali (AFISMA). The mandate of the mission includes stabilising key population centres, including taking active steps to prevent the return of armed elements, and supporting the reestablishment of state authority throughout Mali; protecting civilians and UN personnel; promoting and protecting human rights; and supporting humanitarian assistance, cultural preservation and national and international justice. The resolution also called for the mission to support the implementation of the transitional roadmap in Mali.

On 25 June 2014, the Council reauthorised the mandate of MINUSMA for an additional year (S/RES/2164). While the resolution maintained core elements of MINUSMA’s mandate from the 2013 resolution (S/RES/2100), it introduced some updates designed to bring the mandate in line with the fluid political and security situation. The resolution requested the Secretary-General to facilitate the swift creation of the international commission of inquiry called for in the ceasefire agreement of 23 May 2014 to investigate the 16-17 May violence in Kidal which resulted in the killing of eight civilians, and gave the mission a role in providing support to the activities of this international commission. (At press time, nearly one year after the adoption of resolution 2164, the formation of the commission is still pending.)

When the Council authorised the intervention brigade in the DRC and MINUSMA in quick succession in 2013, a debate ensued regarding the dilemmas facing robust peacekeeping operations. On the one hand,
robustness is viewed as a means of protecting civilians more effectively and leveraging compliance from intransigent actors. On the other hand, it has been argued that it puts peacekeepers at greater risk and can undermine the impartiality of UN peace operations. This tension is an ongoing source of discussion among Council members, the wider membership, and Secretariat officials and may be addressed by the High-Level Independent Panel on Peace Operations, whose report is expected to be finalised by the end of May 2015.

Central African Republic

On 10 April 2014 (S/RES/2149), the Council established the Multidimensional Integrated Stabilisation Mission in the CAR (MINUSCA), another peacekeeping operation with a robust protection mandate. It was authorised to take over responsibilities from the African-led International Mission to the CAR (MISCA) as of 15 September 2014. Its key tasks, as outlined in the resolution, are the protection of civilians (including by disarming armed groups); supporting the implementation of the transitional political process and the restoration of state authority; facilitating humanitarian assistance; promoting and protecting human rights; supporting national and international justice and rule of law efforts; and supporting security sector reform and disarmament, demobilisation, reintegration and repatriation efforts.

While the catastrophic humanitarian and security situation in Syria continues unabated, the Council adopted important resolutions to eradicate Syria’s chemical weapons and to address the humanitarian situation.

The resolution required the verification and destruction of Syria’s chemical weapons, called for the convening of a new round of Geneva peace talks and endorsed the establishment of a transitional governing body in Syria with full executive powers. Regarding language relevant to the protection of civilians, the resolution condemned the killing of civilians resulting from the 21 August 2013 chemical attack in rebel-held areas near Damascus, affirmed that using chemical weapons violates international law, and stressed that there needs to be accountability for the use of chemical weapons. Although parts of the resolution were not successfully implemented—i.e. the new round of the Geneva peace talks failed and a credible transitional process was not established in Syria—its core objective of eliminating Syria’s stocks and use of chemical weapons has mostly been achieved, with the exception of reported continued use by the regime of chlorine bombs.

At the initiative of elected members Australia, Luxembourg and Jordan, the Council adopted three important resolutions on humanitarian access in Syria in 2014. Adopted on 22 February 2014, resolution 2139 demanded that all parties, in particular the Syrian authorities, allow humanitarian access in Syria across conflict lines, in besieged areas and across borders, and it expressed the intent to take further steps in the case of non-compliance. Adopted on 14 July 2014, resolution 2165 authorised cross-border and cross-line access for the UN and its partners to deliver humanitarian aid in Syria without state consent. Finally, resolution 2191 of 17 December 2014 renewed authorisation for cross-border humanitarian access until 10 January 2016.

The three humanitarian resolutions are replete with detailed protection language. Among other things, the Council underscored its concerns with the high levels of violence, the deteriorating humanitarian situation and the hindrances to humanitarian access, the widespread displacement, the attacks on civilian infrastructure such as schools and hospitals and the indiscriminate use of weapons. While the impact has been limited, especially considering the extreme suffering of civilians in Syria and the appalling scale of the humanitarian crisis, as a result of the Council’s authorisation of cross-border access without the consent of Syrian authorities, some humanitarian assistance has reached people in need.

Beginning with the adoption of resolution 2139 in February 2014, these three resolutions created a monthly reporting requirement on humanitarian access (as required by these humanitarian resolutions) in Syria. Resolution 2118 regarding Syria’s chemical weapons also established a monthly reporting requirement on the implementation of the resolution.

The Council established sanctions regimes for the Central African Republic and Yemen and modified the sanctions regime for Libya through resolutions containing significant protection elements.

Central African Republic

On 5 December 2013, the Council adopted resolution 2127, which established an arms embargo on the supply, sale or transfer to the Central African Republic of arms and a sanctions committee as well as a panel of experts to assist the committee. The Council warned in the resolution that targeted measures, including travel bans and assets freezes, might be considered in the future against those undermining peace, stability and security in the country. This would include those obstructing the transitional political process or fuelling violence, by violating human rights and international humanitarian law, recruiting and using children in conflict, illegally exploiting natural resources, or violating the arms embargo. (At press time, two people—former President François Bozize and Séléka leader Adam Nourreddine—had been listed.)

Yemen

Adopted on 26 February 2014, resolution 2140 created a sanctions regime for Yemen. Through the sanctions regime, targeted measures (i.e. an assets freeze and travel ban) would be imposed on those threatening the peace, security or stability of the country. Responsibility for human rights abuses in Yemen is one of the designation criteria; other designation criteria include impeding the implementation of the final report of the National Dialogue Conference and undermining the successful completion of the political transition. (At press time, five people: Abdullah Yahya Al Hakim (Houthi military commander); Abdulmalik al-Houthi (Houthi
In addition to the designation criteria related to human rights abuses, there are several other references to the protection of civilians in resolution 2140. The Council expressed concern about media used to foment violence, reported abuses of human rights and violence against civilians. It looked forward to efforts taken by Yemen to implement Republican Decree No. 140 of 2012, which created an investigatory committee to look into alleged human rights violations in 2011. Through the initiative of Luxembourg, language was incorporated in the resolution expressing the Council’s concern with the recruitment and use of children by the Yemeni government and armed groups. Based on a proposal by Australia, the resolution also expressed the Council’s concern with the illegal transfer, accumulation and misuse of small arms and light weapons and called for continued efforts by Yemen’s government to address the threat of such weapons through measures such as safe and effective management and storage.

**Libya**

With the adoption of resolution 2174 on 27 August 2014, the Council tightened the arms embargo on Libya and expanded the designation criteria established in resolution 1970 of 26 February 2011, by deciding that targeted sanctions would also apply to individuals and entities obstructing or undermining the successful completion of the political transition. The designation criteria outlined in resolution 2174, some of which have relevance to the protection of civilians, include: involvement in violations of applicable international humanitarian and human rights law and human rights abuses in Libya; attacks against “any air, land, or sea port in Libya or against a Libyan State institution or installation, or against any foreign mission in Libya”; supporting armed groups or criminal networks by illegally exploiting crude oil or other natural resources in the country; and acting for or at the behest of designated individuals or entities. (Previously, under resolution 1970, the designation criteria applied to individuals and entities “involved in or complicit in ordering, controlling, or otherwise directing the commission of serious human rights abuses against persons” in Libya, or those “acting for or on behalf of or at...[their] direction.”) Currently there are 20 individuals and two entities on the Libya Sanctions Committee list; all of these designations are related to the Qaddafi regime.

There is additional protection language in resolution 2174. The Council deplored the increasing violence in Libya and expressed deep concern at its effect on civilians and civilian institutions. It used agreed language from resolution 2144, which renewed the mandate of UNSMIL on 14 March 2014, to recall the Council’s referral of the situation in Libya to the ICC and to stress the importance of the government’s cooperation with the ICC. Likewise, the resolution reaffirmed the importance of holding accountable those who have violated international humanitarian law and abused human rights in the country, “including those involved in attacks targeting civilians.” A short operative paragraph also “condemns the use of violence against civilians and civilian institutions and calls for those responsible to be held accountable.”

The Council responded to the growing threat to civilians posed by ISIS and Al-Nusra Front with pronounced counter-terrorism language in some country-specific contexts.

**Iraq**

When the Council adopted resolution 2169 renewing the mandate of UNAMI for an additional year on 30 July 2014, it was clear that the security, humanitarian, and human rights situation had deteriorated significantly in the prior months, with the Islamic State of Iraq and al-Sham (ISIS) seizing vast amounts of Iraqi territory (including the city of Mosul in early June 2014), committing atrocities and causing widespread displacement of civilians. Resolution 2169 did not change the mandate of UNAMI, other than authorising increased reporting, but language was incorporated to reflect the realities on the ground. In the resolution, the Council expressed grave concern at the threat to Iraq’s sovereignty and territorial integrity posed by ISIS and affiliated groups and emphasised the importance of united political leadership in addressing this threat.

The protection language in resolution 2169 was significantly strengthened in comparison with resolution 2110, which renewed UNAMI’s mandate in 2013, both in the preambular and operative paragraphs. In the preambular paragraphs, the Council expressed grave concern with the “heavy human casualties, including children, the displacement of more than one million Iraqi civilians, and the threats against all religious and ethnic groups.” It further condemned attacks by terrorist and associated armed groups against the Iraqi people, and strongly condemned kidnapping and hostage-taking by ISIS, Al-Nusra Front and other groups and individuals associated with Al-Qaida. It reaffirmed the Council’s perspective that there must be accountability for those violating international humanitarian law and committing human rights abuses in Iraq and Syria. Finally, it underscored that member states have the primary responsibility to protect civilians on their territory and urged all parties to protect civilians, especially women and children.

The second and third operative paragraphs reiterated and added to the strong messages regarding the protection of civilians in the preambular part. The second operative paragraph “strongly condemned the indiscriminate killing of civilians,” kidnappings of civilians, forced displacement of minority groups, the recruitment and use of child soldiers and attacks on schools and hospitals. It also condemned the destruction of cultural and historical sites. In the third operative paragraph, the Council recalled that “widespread or systematic attacks directed against any civilian populations because of their ethnic or political background, religion or belief may constitute a crime against humanity.” As in the preambular part, it reiterated that there must be accountability for violations of international humanitarian law and human rights abuses.

**Syria**

In the three humanitarian resolutions on Syria (S/RES/2139 of 22 February 2014, S/RES/2165 of 14 July 2014 and S/RES/2191 of 17 December 2014), the Council clearly signalled its concern at the influence of extremist groups in Syria. In resolution 2139, it strongly condemned “the increased terrorist attacks resulting in numerous casualties and destruction,” while demanding that “all foreign fighters immediately withdraw from Syria”. In resolution 2165, the
Council expressed its “grave alarm at the spread of extremism and extremist groups, [and] the targeting of civilians based on their ethnicity, religion and/or confessional affiliations.” Lastly, in resolution 2191, the Council expressed grave concern at the control that ISIS and Al Nusrah Front exercised over areas of Syria, noting that these groups had displaced hundreds of thousands of people.

**UN Disengagement Observer Force (UNDOF)**
The Council adopted resolution 2192 on 18 December 2014, renewing the mandate of UNDOF for an additional six months. The resolution condemned the detention of 45 UNDOF peacekeepers by Al Nusrah Front, and it reaffirmed the Council’s preparedness to designate those supporting ISIS, Al Nusrah Front or Al Qaida affiliates under the Al-Qaida sanctions regime.

The Council narrowed the mandate of UNMISS, focusing it on protection-related tasks and eliminating peacebuilding and statebuilding functions.

After a political dispute inside the ruling Sudan People’s Liberation Movement/Army plunged South Sudan into a civil war beginning on 15 December 2013, on 24 December the Council adopted resolution 2132, which significantly increased the force structure of the mission, initially on a temporary basis, to support the mission’s efforts to protect civilians and provide humanitarian assistance. Although short (at under two pages, a length almost never seen in recent mandate renewals), resolution 2132 is nonetheless replete with protection language, condemning targeted violence against civilians, including against specific ethnic and other communities, and attacks against UN personnel and commending UNMISS for the assistance it was providing to civilians in the midst of the conflict.

Resolution 2155 on 27 May 2014 focused the mandate of the mission on four core tasks: protection of civilians; monitoring and investigating human rights; creating the conditions for the delivery of humanitarian assistance; and supporting the implementation of the cessation of hostilities agreement. The UNMISS mandate was reauthorised on 25 November 2014 for an additional six months (S/RES/2187).

The Council established UN Assistance Mission in Somalia (UNSMOH), a new political mission with several protection-related responsibilities.

The Council authorised UNSOM through the adoption of resolution 2102 on 2 May 2013. Several aspects of the mandate are relevant to the protection of civilians. The mission was authorised to build the Somali government’s capacity to promote child protection and implement the government’s action plans on children and armed conflict. UNSOM was also mandated to strengthen the government’s ability to prevent conflict-related sexual and gender-based violence and ensure accountability with regard to crimes against women and children. The mission was given a role in monitoring and investigating violations of human rights and international humanitarian law, including abuses against women and children. UNSOM’s mandate stresses the need for the government to hold accountable those who commit serious violations of human rights or international humanitarian law.

The mandate of UNSOM was renewed on 29 May 2014 for an additional year. Resolution 2158 preserved the key protection-relevant elements of the UNSOM mandate from 2013: government capacity building on human rights; and human rights monitoring and reporting. Additional human rights language was added to the resolution in 2014 at the initiative of two elected members. The resolution expressed concerns at reports of human rights violations, reiterated the importance of adherence to the Secretary-General’s Human Rights Due Diligence Policy and the UN Zero-Tolerance Policy on Sexual Exploitation and Abuse, and called on the government to protect human rights and ensure accountability for violations (including those within the context of military operations).

The Council added protection language to the resolutions on UNDOF to reflect insecurity in the separation zone.

The spillover of the Syrian civil war into the separation zone between Syria and the Israeli-occupied Golan Heights sparked concern about the safety and security of UN peacekeepers and civilians in the area. (Already when the Council adopted resolution 2084 renewing UNDOF on 19 December 2012, it strengthened the language regarding the safety and security of UN personnel.) In early 2013, the presence of Syrian armed forces carrying out operations against armed elements of the Syrian opposition in the UNDOF area of separation continued and significantly interfered with the safety of UNDOF personnel and the mission’s freedom of movement. In three separate incidents—on 6 March 2013 and on 7 and 15 May 2013—Syrian opposition forces temporarily detained UN personnel.

When the Council adopted resolution 2108 on 27 June 2013, the protection language was strengthened to reflect the realities on the ground. The resolution concurred with the Secretary-General’s finding that the fighting in the area of separation posed “a risk to the local civilian population and United Nations personnel on the ground,” in addition to potentially escalating tensions between Israel and Syria and threatening the ceasefire between them. The resolution specifically referenced the detention of UNDOF personnel on 6 March and 7 May and UN Truce Supervision Organization observers on 15 May. It also endorsed recommendations by the Secretary-General to enhance UNDOF’s self-defence capabilities, and explicitly requested the Secretary-General to ensure that UNDOF has the necessary capacity and resources to carry out its mandate in a more safe and secure way.

The UNDOF mandate was renewed for an additional six months on 25 June 2014 (S/RES/2163) and again on 18 December 2014 (S/RES/2192). In both resolutions, the Council reiterated its concerns about the fighting in the separation area and its threat to the safety of civilians and peacekeepers.

The Council endorsed the revised strategic priorities of UNAMID enhancing elements relevant to the protection of civilians.

Resolution 2148, adopted on 3 April 2014, endorsed the revised strategic priorities of UNAMID, as proposed in the Secretary-General’s 25 February 2014 special report on UNAMID’s strategic review (S/2014/138). These include: (1) mediation between Sudan and rebel groups on the basis of the Doha Document for Peace in Darfur (DDPD); (2) the protection of civilians, the facilitation of the delivery of humanitarian assistance and...
the safety and security of humanitarian personnel; and (3) support to mediation of community conflict. The revised strategic priority relating to the protection of civilians and humanitarian issues clearly overlaps with the previous priorities outlined in resolution 2063. However, the other two priorities represent a departure in that they emphasise the importance of mediation processes, both between the government and rebel groups and among communities. (While these were not originally among the mission’s priorities, the Council has in past UNAMID resolutions demanded that all parties reach a peace agreement based on the DDPD.) The revised priorities are in keeping with the analysis of the Secretary-General’s report, which stated that “the political and economic marginalization of Darfur by Khartoum continue to fuel the armed rebellion” while inter-communal conflict. The revised strategic priorities demanded that all parties reach a peace agreement based on the DDPD. The revised strategic priorities represented a departure in that they emphasise mediation processes, both between the government and rebel groups and among communities. In 2014, the Council adopted 28 presidential statements, 20 of which focused on country-specific cases or conflict-affected regions and could reasonably be expected to address protection issues. All 12 of these statements did in fact contain protection-related language.

In 2014, the Council adopted 28 presidential statements, 20 of which focused on country-specific cases or conflict-affected regions and could reasonably be expected to address protection issues. Eighteen of these statements contained protection-related language. The two statements that did not include protection language that could have plausibly done so were the 28 July 2014 statement prohibiting the illicit oil trade as a source of revenue for terrorists in Iraq and Syria (S/PRST/2014/14) and the 29 May 2014 presidential statement expressing disappointment that Lebanon’s presidential elections were not completed within the constitutional time-frame and calling on all parties in Lebanon to refrain from any involvement in the Syria crisis (S/PRST/2014/10). With regard to the 29 May 2014 statement on Lebanon, it should nonetheless be noted that the Council did emphasise the importance of implementing resolution 1701, which accorded UNIFIL with a protection of civilians mandate.

Some key trends that are relevant to the protection of civilians can be observed in the presidential statements in 2013 and 2014 and we discuss them below.

**Presidential Statements in 2013 and 2014**

In 2013, the Council adopted 22 presidential statements, 12 of which focused on country-specific cases or conflict-affected regions and could reasonably be expected to address protection issues. All 12 of these statements did in fact contain protection-related language.

In some instances, presidential statements served as a signalling device to conflict parties that more decisive action could ensue if their behaviour did not change.

**Yemen**

The Council adopted a presidential statement on 15 February 2013 in which it reiterated its readiness to consider sanctions against individuals who interfere in the political transition process in Yemen (S/PRST/2013/3). The Council followed through on its threat when it adopted resolution 2140 in February 2014 which established a Yemen sanctions regime involving targeted measures (i.e. an assets freeze and travel ban) against those threatening the peace, security or stability of the country, with human rights abuses included as one of the designation criteria.

**South Sudan**

The Council adopted two presidential statements on South Sudan in 2014, which both contained considerable protection language. The first of these, adopted on 8 August, expressed the Council’s readiness to consider, in consultation with relevant partners, all appropriate measures, including targeted sanctions, against those undermining the peace, security and stability of the country (S/PRST/2014/16). Among other things, the statement also condemned ongoing human rights abuses and violations of international humanitarian law, underscores the need for accountability for serious abuses and violations, and called for safe, unhindered and complete humanitarian access. On 15 December 2014, the Council adopted a statement marking the one-year anniversary of the outbreak of hostilities in South Sudan (S/PRST/2014/26). In the statement, the
Council also reiterated its intention to “commence consideration, in consultation with relevant partners, including the IGAD and the African Union, on all appropriate measures, including targeted sanctions, against those impeding the peace process.” While it has yet to designate any individuals or entities, the Council followed through on its warning regarding targeted sanctions with the adoption of resolution 2206 on 3 March 2015. Among the designation criteria outlined in the resolution are targeting civilians and recruiting and using child soldiers.

Syria
It should be noted that the resolutions calling for humanitarian access in Syria in 2014 were preceded by a presidential statement adopted on 2 October 2013 that focused on the need for humanitarian access in Syria (S/PRST/2013/15). The statement—drafted by Australia and Luxembourg—urged the government to take immediate steps to allow for expanded relief operations and to lift bureaucratic obstacles.

As with resolutions, several presidential statements addressed the protection needs of civilians subjected to violence perpetrated by terrorist groups in country-specific (or sub-regional) contexts.

Iraq and Syria
Three presidential statements adopted in 2014 focused on the threat of ISIS or related terrorist groups. All three included clear protection language. The first of these, adopted on 10 January 2014, supported the Iraqi government’s efforts “to help meet the security needs of the entire population of Iraq” while condemning attacks by ISIS against the country’s people (S/PRST/2014/1). In the statement, the Council welcomed the government’s commitment to the protection of the “civilian population in Fallujah and elsewhere and to the provision of humanitarian relief.” The Council expressed its concern about the “impact of the violence on civilians, and encourage[d] the safe passage of civilians trapped in conflict areas, as well as the safe return of internally displaced persons.” The statement also called for those responsible for terrorist acts to be held accountable.

After Iraq established a new government in early September 2014, the Council welcomed this development in a 19 September presidential statement while also condemning the trade of oil from Iraq and Syria by terrorist groups (S/PRST/2014/20). Urging international support for Iraq’s fight against ISIS and related groups, the statement expressed outrage about the recruitment and use of children by ISIS and about the Iraqis and other nationals who had been “killed, kidnapped, raped or tortured” by ISIS. It emphasised the need for accountability of those responsible for violations of international humanitarian law or human rights abuses in Iraq. The statement welcomed efforts by the government to combat terrorism against all Iraqis, “including against ethnic and religious minorities, notably Yazidis and Christians, and women from all communities who have been particularly targeted by ISIL.” The Council further demanded in the statement that ISIS, and all parties, must adhere to international humanitarian law, including with regard to protecting civilians.

On 19 November 2014, the Council adopted a presidential statement that focused on international cooperation in combating terrorism and addressed the interrelated threats posed by foreign terrorist fighters, violent extremism, Al-Qaida and ISIS (S/PRST/2014/23). While primarily focusing broadly on international counter-terrorism measures, the Council reiterated its concern about the negative impact terrorists have had on the “stability of Iraq, Syria, and the region, including the devastating humanitarian impact on the civilian populations... and about their acts of violence that foment sectarian tensions.” The Council also condemned hostage taking and kidnapping conducted by ISIS, Al Nusrah Front and other terrorists.

Central African Region (Boko Haram and the Lord’s Resistance Army)
There were two presidential statements in 2014 on the Central African region focusing mainly on the Lord’s Resistance Army (LRA). While addressing the LRA threat, the first of these, adopted on 12 May 2014, also expressed concern about the spread of Boko Haram’s activities in the Central African region. Adopted on 10 December 2014, the second statement expressed concern at the grave security situation in Central Africa, again referring to the ongoing threat of the LRA and the spread of Boko Haram’s terrorist activities in the sub-region (S/PRST/2014/25). The references to the Boko Haram threat were more extensive in the 10 December statement than in the 12 May statement, with a full paragraph devoted to the loss of life and displacement caused by the terrorist group.

Mali/Sahel Region
In 2013, the Council adopted two presidential statements on Mali/Sahel region, on 16 July 2013 (S/PRST/2013/10) and 12 December 2013 (S/PRST/2013/20). Both statements condemned human rights abuses and violence against civilians, especially women and children, perpetrated by extremist groups in the region.

Afghanistan
On 25 June 2014, the Council adopted two presidential statements on Afghanistan, one on the Afghan elections (S/PRST/2014/11) and another on counter-narcotics (S/PRST/2014/12). The statement on the elections condemned “actions of those who attempted to disrupt elections, such as terrorist attacks against civilians.” It also condemned “violent and terrorist activities by the Taliban, Al-Qaida and other violent and extremist groups and illegal armed groups aimed at destabilizing the situation in the country.” The counter-narcotics statement drew a direct link between terrorism and drug production, trafficking and trade, noting the threats this posed to women and children.

Yemen
The Council adopted a presidential statement on 29 August 2014 on Yemen that expressed grave concern at the country’s deteriorating security situation (S/PRST/2014/18). The Council condemned “the growing number of attacks carried out or sponsored by Al-Qaeda in the Arabian Peninsula,” while expressing “its determination to address this threat.”

Somalia
The Council adopted a presidential statement on 6 June 2013 that welcomed the 7 May 2013 Somalia Conference in London and expressed support for the deployment of UNSOM (S/PRST/2013/7). In the statement, the Council recognised the threat to peace and security represented by Al-Shabaab and condemned attacks targeting civilians in Somalia.
The Council reached its first formal decision on Israel/Palestine in over five years.

In its first formal outcome on Israel/Palestine since the adoption of resolution 1860 on 8 January 2009, the Council adopted a presidential statement on 28 July 2014 that expressed grave concern about civilian deaths and casualties resulting from the Gaza crisis; called for full respect of international humanitarian law, including by protecting civilians; and called on the parties to work toward a durable ceasefire (S/PRST/2014/13). Additional protection language in the statement underscored that civilian and humanitarian facilities (including those belonging to the UN) should be respected and protected. In order to get consensus, the presidential statement contained neutral language regarding the conflict that would be acceptable to all members, particularly the US, which has repeatedly vetoed resolutions critical of Israel.

Observations on Country-Specific Reporting to the Council

The Council has provided the Secretary-General with clear instructions to report on the protection of civilians in country-specific cases. It asked him, in resolution 1894 of 11 November 2009, to develop guidelines for UN operations and other relevant missions on protection “with a view to streamlining reporting and enhancing the Council’s monitoring and oversight.” Furthermore, in the presidential statement on the protection of civilians adopted on 12 February 2013, the Council recognised the need for systematic monitoring and reporting on progress to protect civilians in armed conflict, and reaffirmed its practice of requiring mission-specific benchmarks, as and where appropriate, to measure and review progress made in the implementation of peacekeeping mandates (S/PRST/2013/2).

In light of these Council decisions, we made some observations about the protection language in the Secretary-General’s reports in 2013 and 2014. In 2013, there were 102 Secretary-General’s reports submitted to the Council. Of these, 63 focused on country-specific or sub-regional situations with a protection dimension that were relevant to our study, including 32 on peacekeeping missions with a protection of civilians mandate. One hundred and six Secretary-General’s reports were submitted to the Council in 2014. Of these, 72 focused on country-specific or sub-regional situations with a protection dimension relevant to our study, including 37 on peacekeeping missions with a protection of civilians mandate.

In 2013 and 2014, the Secretary-General’s reports on country-specific cases with a protection dimension did not always contain a separate section on the protection of civilians. However, protection issues were often addressed under other headings, frequently in a comprehensive way. For example, none of the UNAMI reports in 2013 and 2014 had a separate section on protection of civilians, but protection issues were addressed in all of these reports. Likewise, none of the UNISFA reports in 2014 included a separate section on the protection of civilians—after all of them had such a section since the establishment of the mission in June 2011—but all of the 2014 reports focused on protection matters under other headings.

A number of the 2014 reports reflected considerable thinking in the Secretariat about how to improve the protection capabilities of peacekeeping missions, which led at times to thoughtful assessments of the shortcomings of these missions and their contingents. This was demonstrated in the strategic reviews of missions (e.g. UNAMID, MONUSCO, and UNISFA) summarised in the Secretary-General’s reports. One notable example of this is the Secretary-General’s 30 December MONUSCO report in which he argued that “MONUSCO’s framework brigades must play a more active role...in deterring and, if necessary, preventing and stopping armed groups from inflicting violence on the population” (S/2014/957). He noted as well that troops should be prepared to use lethal force to protect civilians, while stating that troop- and police-contributing countries must ensure that their personnel received training in protection of civilians prior to their deployment. In addition, while underscoring the importance of physical protection, the Secretary-General argued that enhanced “focus should be placed on protection through political and civilian processes, reconciliation efforts at the community level and the establishment of a protective environment.”

Given the Council’s recognition of the importance of measuring progress in the implementation of peacekeeping mandates, we looked at protection-related benchmarks in peacekeeping operations with protection of civilians mandates (i.e. MINUSCA, MINUSMA, MONUSCO, UNAMID, UN Mission in Liberia [UNMIL], UNMISS, UNIFIL, UNISFA and UNOCI). (It should be noted that two of these missions were established during the time period studied: MINUSMA was established through resolution 2100 of 25 April 2013 and MINUSCA was created through resolution 2149 of 10 April 2014.)

Our general conclusion is that the reporting on benchmarks (protection-related or otherwise) in the country-specific cases reviewed was inconsistent. In a number of reports, there is little, if any, mention of progress made against benchmarks. Often these reports focus on how respective missions implement their mandate, largely describing tasks conducted, rather than substantively assessing how fulfilling the mandate contributes toward overall protection goals.

The 2013 UNAMID reports were the only ones that clearly analysed the progress (or in this case, lack of progress) against benchmarks; they all contained a section called “Progress against benchmarks” that usually indicated the difficulties the mission encountered in achieving its benchmarks. However, after UNAMID adjusted its benchmarks as a result of the strategic review of the mission in early 2014, the issue of progress toward benchmarks was addressed in the last two 2014 UNAMID reports (S/2014/515 of 22 July and S/2014/852 of 26 November) under a section entitled “Achievements and impact of the mission,” in which the Secretary-General largely recounted activities undertaken...
by the mission in an effort to achieve its strategic priorities. (As outlined in the annex of the Secretary-General’s 15 April 2014 report [S/2014/279], the benchmarks for UNAMID are: “inclusive peace process through mediation between the government and non-signatory armed movements on the basis of the Doha Document for Peace in Darfur,” “protection of civilians and unhindered humanitarian access and the safety and security of humanitarian personnel,” and “prevention or mitigation of community conflict through mediation and, in conjunction with the United Nations country team, measures to address its root causes.”)

MINUSMA offers a notable example of how the development and presentation of benchmarks can be delayed. Resolution 2164, adopted on 25 June 2014, well-over a year after the mission was established, requested that the Secretary-General report to the Council on, among other issues, benchmarks to assess the mission’s progress in implementing its priority tasks. In his 22 September 2014 report, the Secretary-General stated that MINUSMA was collaborating with the government of Mali to develop benchmarks on priority actions for the mission, which would be included in his next report expected in December 2014 (S/2014/692). This did not occur; in the report issued on 23 December 2014, the Secretary-General stated that the government of Mali and MINUSMA had agreed on benchmarks, and he again stated that these would be incorporated in his next report, this time in an annex (S/2014/943). Although the next report, of 27 March 2015, stated that the mission had developed a protection of civilians strategy, it did not include an annex on benchmarks, nor were benchmarks mentioned (S/2015/219).

The above suggests that while there is significant focus on protection issues in the Secretary-General’s reporting, the quality and approach to the reporting varies. Sometimes it is difficult to distinguish whether the goal in the reporting is to recount relevant protection developments or to measure progress toward a desired end state. Likewise, the approach to benchmarking varies from mission to mission, as reflected in the reporting. While recognizing that each country-specific situation is unique, it seems that there could be a more consistent approach to how protection issues are addressed in the reports.

**Observations on Country-Specific Reporting to the Council (con’t)**

**Briefings by OCHA and OHCHR in Country-Specific Situations**

In our last Cross-Cutting Report on the Protection of Civilians in Armed Conflict, we noticed a developing trend that began in 2011 toward more frequent briefings by the Under-Secretary-General for Humanitarian Affairs and the High Commissioner for Human Rights. The trend of high-level OCHA and OHCHR officials briefing the Council continued during 2013 and 2014, increasing significantly in 2014.

In 2013, Under-Secretary-General for Humanitarian Affairs Valerie Amos briefed in 10 meetings on country-specific contexts, including six informal consultations and four briefings. She briefed:

- on 18 January in consultations on Syria, highlighting the indiscriminate nature of the violence, the distressing reports of sexual violence and the need for unhindered humanitarian access;
- on 27 February in consultations on the humanitarian situation in Syria;
- on 18 March in consultations on Mali, stressing that the impartiality of humanitarian work and the protection of civilians must be a top priority for the UN;
- on 18 April on Syria, describing the situation in the country as a “humanitarian catastrophe” (S/PV.6949);
- on 20 June on Syria in consultations under “any other business,” telling Council members that, unless there was a genuine political solution to the crisis, the humanitarian situation would continue to deteriorate with increasing regional instability and calling on Council members to consider alternative forms of aid delivery, including cross-border operations;
- on 16 July on Syria, saying that humanitarian organisations had not been able to gain consistent and unimpeded access to Syrians in need (S/PV.7000);
- on 14 August on the Central African Republic, stating that the humanitarian situation had deteriorated dramatically (S/PV.7017);
- on 25 October on the implementation of the presidential statement of 2 October (S/PRST/2013/15) on humanitarian access in Syria, expressing deep disappointment that access had not improved and that there had not been a breakthrough in getting the Syria government to lift bureaucratic obstacles (S/PV.7049);
- on 4 November in consultations on humanitarian access in Syria, reiterating her deep disappointment that access had not improved; and
- on 3 December in consultations on humanitarian access in Syria, reporting that no progress had been made in gaining cross-line access in hard-to-reach areas.

On three additional occasions, John Ging, OCHA’s Director of Operations, briefed Council members, twice in consultations and once in an Arria-formula meeting:

- on 8 January in consultations on Sudan/South Sudan, describing the humanitarian crisis in South Sudan’s South Kordofan and Blue Nile states;
- on 1 November in an Arria-formula meeting cohosted by France and Rwanda on “the human rights and humanitarian situation in the Central African Republic”, warning in the meeting, along with Special Adviser on the Prevention of Genocide Adama Dieng, of the looming threat of a future genocide in the country, with religious communities of Christians and Muslims being incited against one another by armed groups; and
- on 11 November in consultations on Sudan/South Sudan, referring to the lack of progress in efforts to gain humanitarian access to rebel-held areas of South Kordofan and Blue Nile and stating that Sudan and the Sudan People’s Liberation Movement-North rebel group had not been able to reach agreement on the implementation of a polio vaccination campaign.
In 2013, then-High Commissioner for Human Rights Navi Pillay briefed Council members in consultations once, while Assistant Secretary-General for Human Rights Ivan Šimonović provided two formal briefings, participated in one Arria-formula meeting and gave an informal expert-level briefing on country-specific cases.

On 18 January 2013, Pillay briefed Council members in consultations on the situation in Syria. During the meeting, Pillay reiterated her call for the Council to refer the situation in Syria to the ICC.

Šimonović briefed four times on country-specific situations in 2013:
• on 15 January on his mission to Côte d’Ivoire during an informal expert-level meeting;
• on 16 July on Syria, calling for the situation there to be referred to the ICC and telling the Council that serious human rights violations, war crimes and crimes against humanity were now the rule in Syria with several reports of massacres by the government and affiliated militias (S/PV.7000);
• on 14 August on the Central African Republic, stating that both Séléka and former government forces had committed serious international human rights and humanitarian law violations, including extrajudicial killings, summary executions, torture, sexual violence and grave violations against children (S/PV.7017); and
• on 1 November in an Arria-formula meeting cohosted by France and Rwanda on the human rights and humanitarian situation in the Central African Republic.

These numbers increased considerably in 2014. The significant increase in OCHA briefings in 2014 was partly because resolution 2139 of 22 February 2014 and resolution 2165 of 14 July 2014 required monthly reporting on the humanitarian situation in Syria. This meant that Under-Secretary-General for Humanitarian Affairs Valerie Amos or Assistant Secretary-General for Humanitarian Affairs Kyung-wha Kang were briefing the Council at least once per month on Syria. Amos briefed in 10 meetings on Syria with the Council, while Kang briefed in three in 2014.

The multiple other human rights and humanitarian crises that unfolded or deepened in 2014—e.g. in the Central African Republic, South Sudan, Ukraine, Iraq and elsewhere—prompted the Council to call for country-specific briefings from both OCHA and OHCHR.

In addition to her Syria briefings, Amos briefed seven further times in 2014:
• on 11 February in consultations on South Sudan, sharing insights from her 27-29 January visit to the country;
• on 6 March on the Central African Republic, describing the collapse of state institutions and the need for enhanced security to facilitate humanitarian access (S/PV.7128);
• on 16 June in consultations on Ukraine, discussing the challenging humanitarian situation in the country;
• on 16 July in consultations on South Sudan, telling members that food security assessments in May and June had demonstrated an acute food and livelihood crisis in Jonglei, Unity and Upper Nile states;
• on 31 July on the situation in Gaza, stating that the “parties to the conflict have an obligation...to protect civilians from direct or indiscriminate attacks” (S/PV.7232);
• on 22 October under “any other business” in consultations on Somalia, describing the deteriorating humanitarian situation; and
• on 18 November on Iraq, describing the deteriorating humanitarian situation and telling the Council that the “crisis in Iraq is first and foremost one of protection, with intense violence and brutality being meted out to civilians from all religious and ethnic backgrounds” (S/PV.7314).

Other OCHA briefings in 2014 were held:
• on 22 January on the Central African Republic, with Kang describing large scale displacement and violence against civilians (S/PV.7098); and
• on 5 August on Ukraine, with OCHA Director of Operations John Ging telling the Council that fighting was “increasingly occurring in more-densely populated urban areas” and that the humanitarian situation was getting worse (S/PV.7234).

The High Commissioner for Human Rights briefed three times on country-specific cases in 2014. Then-High Commissioner Navi Pillay briefed:
• on 8 April in consultations on the Central African Republic, Syria and other cases, reiterating calls for the Council to refer the situation in Syria to the ICC; and
• on 2 May on South Sudan, along with Special Adviser on the Prevention of Genocide Adama Dieng, stating her view that the parties exhibited “little or no regard for the appalling suffering” the conflict had caused.

Pillay’s successor as High Commissioner, Zeid Ra’ad Zeid Al Hussein, briefed the Council on 18 November on the human rights dimension of the conflict in Iraq (S/PV.7314). He reported severe and systematic violations of international humanitarian and human rights laws perpetrated by ISIS and associated armed groups in northern Iraq.

Assistant Secretary-General for Human Rights Šimonović briefed 10 times on country-specific situations in 2014:
• on 23 January in consultations on South Sudan on the humanitarian crisis in the country;
• on 19 March on Ukraine, describing his 7-18 March trip to the Council and expressing concerns about “chronic human rights violations” in Ukraine (S/PV.7144);
• on 16 April on Ukraine, telling the Council that the insecurity in eastern Ukraine could potentially destabilise the entire country (S/PV.7157);
• on 23 April in consultations on South Sudan in a meeting apparently focusing on attacks on civilians in Bor and Bentiu earlier in April;
• on 21 May in consultations on Ukraine, shortly after his 14-19 May trip to the country;
• on 24 June on Ukraine on the third monthly report of the UN Human Rights Monitoring Mission in Ukraine (S/PV.7205);
• on 10 July in consultations on his 25-27 June visit to the Burundi;
• on 8 August on the fourth monthly report of the Human Rights Monitoring Mission in Ukraine (S/PV.7239);
• on 24 October on the sixth monthly report of the Human Rights Monitoring Mission in Ukraine (S/PV.7287); and
• on 22 December on the Democratic People’s Republic of North Korea (DPRK), describing the findings of the Human Rights Council’s Commission of Inquiry on the DPRK (S/PV.7353).
We decided to use South Sudan as our case study for this cross-cutting report to examine in-depth Council action as it relates to the protection of civilians in a specific conflict situation. The Council followed regularly the situation in South Sudan since the country came into being and became a UN member state in July 2011. The level of attention increased considerably when the young country descended into civil war on 15 December 2013. Yet, in spite of the heightened engagement of the Council and other international actors, the situation on the ground for civilians continues to be alarming, with large-scale displacement, food insecurity and civilian casualties in the midst of a conflict that continues to unfold. Consequently, it seems worthwhile to explore how the Council has addressed protection of civilians issues in South Sudan, how its approach has evolved in relation to developments on the ground and how well it has handled the resulting protection issues.

The analysis is structured around the following challenges: enhancing protection through peacekeeping, enhancing humanitarian access and enhancing accountability for violations of international humanitarian law and human rights law. These represent three of the five core challenges outlined by the Secretary-General in his reporting on the protection of civilians since 2009. (The other two are enhancing compliance with international law by conflict parties and enhancing compliance by non-state armed groups.) This framework allows us to highlight how the Council has engaged with South Sudan on protection issues in recent years. While the case study deals with the Council’s work on South Sudan since UNMISS was mandated in July 2011, the analysis focuses largely on the Council’s engagement on the issue since the outbreak of the current hostilities in December 2013. A final section will include some conclusions and observations about the Council’s handling of South Sudan with a focus on protection of civilians.

Enhancing Protection of Civilians through UN Peacekeeping: The Case of UNMISS

When South Sudan became independent on 9 July 2011, it faced challenges that posed significant risks to the safety and security of civilian populations. South Sudan had a history of inter-communal violence, there were rebels fighting government forces upon the creation of the new country and there was limited state capacity to address security threats in several parts of the country.

Given such concerns, UNMISS was accorded a strong protection of civilians mandate at the outset. Resolution 1996, the founding resolution adopted on 8 July 2011, on the eve of the country’s becoming independent, authorised the mission as a Chapter VII operation, with a focus on strengthening the capacity of the government, consolidating peace and security and protecting civilians. Among its protection tasks, the mission was mandated to:

- provide advice and assistance to government military and police so they could protect civilians while adhering to international humanitarian, human rights and refugee law;
- deter violence by proactively patrolling “areas at high risk of conflict, within its capabilities and in its areas of deployment” and protecting civilians “under imminent risk of physical violence”; and
- providing security for UN and humanitarian staff and equipment and installations required to conduct mandated tasks.

The mission was authorised with a force level of 7,000 troops and 900 police personnel. At the time, these force levels were a topic of debate among Council members. Some thought that the numbers were too low for the new mission to fulfil a Chapter VII protection of civilians mandate effectively. Others believed that the numbers were too high, given that the new mission would have a smaller area of operation than its predecessor, the UN Mission in Sudan (UNMIS), which had authorised force levels of up to 10,000 military and 715 police personnel. Members with budgetary concerns also indicated that they wanted the mission to be considerably cheaper than UNMISS. And there were also some members that believed it would be best to limit the size of the new mission so that the UN would not take on functions that should be the responsibility of the newly sovereign state.

The Council decided in resolution 1996 that it would review the mission’s strength within three months and again within six months to determine if the troop ceiling could be reduced from 7,000 to 6,000. But the Council ultimately decided to maintain the level at 7,000, in keeping with the recommendation of the Secretary-General, who in November pointed to the “high levels of insecurity in many areas of South Sudan and the nascent capacities of the government to extend state authority in remote areas” (S/2011/678).

There has been a great deal of attention on the challenges that the mission has faced in protecting civilians since the civil war erupted in December 2013. However, it should be noted that UNMISS’s ability to fulfil its protection responsibilities was tested well before the outbreak of the civil war, perhaps most notably with regard to the inter-communal violence in Jonglei state and at least in part because of the mission’s limited size and resources.

The retaliatory attacks between the Lou Nuer and Murle communities in Jonglei state in late 2011-early 2012 stretched the capacity of the mission to fulfil its protection tasks. On 8 December 2011, UNMISS began to receive reports that Lou Nuer youth were preparing for a large attack on Murle-populated areas. An UNMISS police patrol detected a group of Lou Nuer moving southward into Murle territory on 13 December. The mission informed the South Sudanese authorities of the column of heavily armed Lou Nuer youth, but the government was unable to respond quickly and effectively, due in large part to the poor roads. By the time the Lou Nuer column had descended on the towns of Likuangole and Pibor in late December, its numbers had reached 3,000 to 5,000. UNMISS proceeded to deploy half of its infantry personnel to the area; that it was able to do so despite the mission’s limited aerial capacity and the poor roads was impressive. UNMISS troops, in conjunction with South Sudanese security forces, were able to provide early warning and some deterrence, which allowed most of the population of Pibor and nearly all of the population of Likuangole to leave before the attacks. Still, hundreds of civilians perished in the attacks by Lou Nuer against Murle and in retaliatory attacks by Murle against Lou Nuer. The subsequent Secretary-General’s report noted that “inter-communal violence in Jonglei state displaced more than 140,000 people, causing destruction of property, loss of cattle and livelihoods and the separation of 150 children from their families” (S/2012/140). But the situation could have been worse, and
the mission played a part in mitigating the impact of the violence on civilians.

On 5 January 2012, Council members received a briefing in consultations from Ladsous on the inter-communal violence in Jonglei. Following the briefing, they issued a press statement (SC/10514) in which they: • called on communities in Jonglei to end the cycle of violence and engage in reconciliation; • commended the early response of UNMISS to the situation in order to protect civilians; and • expressed concern with the mission’s shortage of air transport capacity, noting that this “seriously impacts its ability to carry out its mandate”. 

At the time, some Council members noted in private that the mission frequently seemed to be reacting to violence, rather than addressing it in a systematic and strategic way. (Council members had been sensitised to the phenomenon of inter-communal violence, cattle raids and child kidnapping as this was the focus of its brief visit to a small village in Jonglei in May 2011.) More often than not, the mission was unable to deter inter-communal attacks effectively and provide sufficient early warning, notwithstanding the fact that the December 2011-January 2012 Jonglei violence would likely have been worse if not for UNMISS.

The ability of the mission to respond to inter-communal violence would continue to be tested. Inter-ethnic violence between the Lou Nuer and Murle communities engulfed parts of Jonglei and clashes involving these groups claimed hundreds of lives in late 2012 and early 2013. According to Jongolei Boyoris, a member of the Jonglei State Assembly, more than 320 Murle, mainly women and children, died as a result of this violence.

Human Rights Watch reported that between December 2012 and July 2013 the Sudan People’s Liberation Army (SPLA, the South Sudan government’s army) killed 74 civilians in Jonglei who were likely targeted because they were Murle. (A powerful rebel group in Jonglei, the South Sudan Democratic Movement/Army, consists of Murle fighters. It should also be noted that a high number of the SPLA in the area were from the Nuer ethnic community.)

A major challenge confronting UNMISS was the lack of troops and resources. With only 7,000 troops and limited resources, it was operating in a country the size of France with poor infrastructure and extremely low state capacity. When then-UNMISS Special Representative Hilde Johnson briefed the Council and met with the members in consultations on 8 July 2013, she said that the mission was suffering from a mobility crisis, limiting its capacity to protect civilians (S/PV.6993). She pointed to “aerial surveillance capability, deterrence and supplementary heavy-lift capabilities” as areas of need. Her point was well-taken. At the time, the mission only had three military helicopters. Furthermore, numerous, time-consuming authorisations at various levels had to be received from the government before each flight, following the downing of an UNMISS helicopter that resulted in the deaths of its four Russian crew members in December 2012. (South Sudan claimed that it shot down the helicopter because it mistook it for a Sudanese aircraft supplying rebels in the area.)

While noting that most of South Sudan was stable, Johnson also highlighted the troubling security situation in Jonglei state, where conflict between the SPLA and Murle rebel leader David Yau Yau’s South Sudan Democratic Movement/Army (SSDM/A) had displaced thousands of civilians.

The Council issued a press statement (SC/11103) on 23 August 2013 on South Sudan that, inter alia: • condemned the violence against civilians in Jonglei; • noted that South Sudan holds the primary responsibility to protect civilians; • expressed concern at human rights violations committed in Jonglei by armed groups and the SPLA; and • emphasised the importance of holding perpetrators of such acts accountable for their actions.

On 20 October 2013, at least 70 people were killed in an attack in Twic East County, Jonglei, while scores were wounded, children were kidnapped and hundreds of cattle were stolen. South Sudan’s government accused Yau Yau’s SSDM/A of carrying out the attack, although Yau Yau denied involvement.

On 25 October 2013, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed Council members in consultations on the 20 October outbreak of violence. (The briefing had been requested the day before by Russia.) Ladsous said that the attacks were likely carried out by Murle and that the victims were members of the Dinka community. While some reports indicated that Yau Yau was responsible, Ladsous said that this could not be confirmed. He added that UNMISS and its UN partners were assessing the humanitarian and human rights implications of the attacks, while reinforcing the area to provide added protection to civilians. Contrary to some prior attacks, Ladsous noted that there had been no early warning and that the civilians had been caught off guard.

Until late 2013, inter-communal violence was often an important focus of the discussion when the Council met on South Sudan. However, throughout 2013, the Council began to focus increasingly on other protection concerns, including human rights violations committed by the government, attacks on UN personnel and violations of the Status of Forces Agreement (SOFA) that would increase after the December 2013 start of the civil war.

The genesis of the current civil war in South Sudan was the political crisis inside the SPLM that had been building for several months. To this day, it remains unclear how the fighting commenced on 15 December 2013. The government claims that it was sparked by a coup attempt led by former Vice President Riek Machar, an accusation denied by the opposition. Another version of the story is that the initial spark was fighting between Dinka and Nuer units in the presidential guard. Whatever the case may be, the political dispute within the SPLM led to large-scale inter-ethnic violence, largely pitting Dinka against Nuer. (Kiir is a Dinka, while Machar is a Nuer.) From 16 to 18 December, government security forces carried out targeted killings of Nuer civilians in Juba, and the violence then spread outside the capital in a vicious cycle of inter-ethnic retaliatory attacks.

Some have argued that the Council did not adequately appreciate the severity of the growing political and governance crisis that was brewing in 2013 and that led to the outbreak of civil war that December. There were warning signs that in retrospect could have garnered greater attention, and knowledgeable South Sudan experts became increasingly alarmed at the government’s behaviour in 2013. In a public letter to President Kiir addressed from “Friends of South Sudan” in
July 2013, Roger Winter, Eric Reeves, John Prendergast and Ted Dagne—men who had been supporters of southern Sudan for many years—expressed their concerns. They told Kiir that they had concluded that “without significant changes and reform, your country may slide toward instability, conflict and a protracted governance crisis.” They described “a campaign of violence against civilians [by government security forces] simply because they belonged to a different ethnic group or they are viewed as opponents of the current government.” President Kiir’s dismissal of his cabinet in July 2013, including Vice President Machar, also heightened divisions in the SPLM and displayed Kiir’s authoritarian tendencies.

While the Council could have reacted more strongly to these warning signs, it was not alone in underestimating the potential for massive violence to result from the rift in the ruling party. It also could have received more frank assessments from the UN Secretariat. On 11 November 2013, in her last briefing to the Council before the start of the civil war, then-Special Representative Johnson told Council members that while there were “initial concerns over the risk of instability” following the restructuring of the cabinet, the transition had been “smooth” and the members of the new cabinet had “shown a commitment to reform and are determined to improve performance and service delivery” (S/PV.7062). In addition, for Council diplomats who had spent the previous two years trying to prevent Sudan and South Sudan from returning to war, reports that the new South Sudan cabinet was more inclined to negotiations with Khartoum must have been welcome news. In fairness to Johnson, she did indicate during the 11 November 2013 briefing that, as the SPLM was preparing for its upcoming national convention, “internal party dynamics [would] need to be monitored very carefully”; however, these concerns were not emphasised to Council members.

Despite the Council’s failure to foresee the crisis, the Council focused intensively on the unfolding violence during its early weeks. The Council was briefed on South Sudan under “any other business” on 17 December 2013, as fighting that started in Juba on 15 December had already begun to expand to other parts of the country. Council members held further consultations on the matter on 20, 23 and 30 December 2013 and on 9 and 23 January 2014. On 17 December, members issued a press statement in which they expressed concern over the fighting, which had “reportedly resulted in large numbers of casualties, as well as over the risk of targeted violence against certain communities” (SC/11221). The statement also “underscored the vital importance of protection of all civilians, regardless of their community of origin” while commending UNMISS for seeking “to provide shelter, protection and humanitarian assistance to affected people.” In the ensuing five weeks, it issued an additional four press statements on South Sudan (SC/11227, SC/11236, SC/11244 and SC/11261).

Most significantly, the Council adopted resolution 2132 on 24 December 2013, increasing the troop ceiling from 7,000 to 12,500 troops and the police level from 900 to 1,323, to support UNMISS’s protection of civilians and provision of humanitarian assistance. The additional troops and police, as well as force enablers, were to come temporarily to UNMISS through inter-mission cooperation.

On 8 May 2014, approximately three weeks before the Council adopted resolution 2155 revising the mandate of UNMISS, UNMISS released a report on the human rights situation in South Sudan entitled Conflict in South Sudan: Human Rights Report. The report found “that from the very outset of the violence, gross violations of human rights and serious violations of humanitarian law…[had] occurred on a massive scale.” Among the violations it described were “extrajudicial killings, enforced disappearances, rape and other acts of sexual violence, arbitrary arrests and detention, targeted attacks against civilians not taking part in hostilities, violence aimed at spreading terror among the civilian population, and attacks on hospitals as well as personnel and objects involved in a peacekeeping mission.” The report further noted that civilians had been directly targeted, frequently because of their ethnic backgrounds. Given this violence against civilians, the report stated “efforts to protect civilians must be enhanced,” and it urged the deployment of the additional troops that the Council had authorised.

When the Council renewed UNMISS on 27 May 2014 (S/RES/2155), it narrowed the mandate to focus on four key tasks: the protection of civilians, human rights monitoring and investigating, creating conditions for delivering humanitarian assistance and supporting the implementation of the cessation-of-hostilities agreement (which has been repeatedly violated). The Council made clear in the resolution that protecting civilians should take priority in terms of how the mission’s resources and capacities were to be used. It maintained the troop and police ceiling, authorised in resolution 2132, at 12,500 and 1,323, respectively.

During the negotiations on resolution 2155, amidst reports that cluster munitions had been used in Bor county’s Malek area on 7 February 2014, elected members Lithuania and Chile, supported by others, requested that language be incorporated expressing concern about the use of the cluster munitions and urging the parties to the conflict to refrain from using them in the future. Some members, uncomfortable with the proposal and believing that using cluster bombs is legally permissible in certain contexts, preferred instead that the “inappropriate use of cluster munitions” be the language employed. However, this was deemed unacceptable to those members who believed that the use of cluster bombs in any context is inappropriate. As a compromise, resolution 2155 noted with serious concern “reports” by the UN Mine Action Service of the “indiscriminate use of cluster munitions,” while urging parties to refrain from using them in the future. (Some have noted that South Sudan and Uganda, fighting beside the government’s forces, had the aerial capacity to deliver such weapons; however, both South Sudan and Uganda denied using cluster bombs.)

Another interesting aspect of the resolution was that it included, under the protection of civilians heading in the operative part of the resolution, oil installations—in addition to schools, hospitals and places of worship—as among the “areas of high risk of conflict” where civilians might need protection. This appears to reflect the fact that permanent member China has significant investments in the country’s oil industry and its nationals have worked at South Sudanese oil facilities. Several Council members requested that schools, hospitals and places of worship be added to this paragraph as “areas of high risk of conflict” in order to take some of the focus away from the oil installations.
The revised UNMISS mandate eliminated peacebuilding and state-building tasks that had been included in the original mandate. (There is, however, brief mention of coordination with “police...in relevant and protection-focused” tasks in order to provide a safe environment when conditions permit IDPs and refugees to return home [S/RES/2187].) This was done in part to make the mission’s tasks more manageable and focused on key priorities in a time of crisis. More important, it reflected the widespread view among Council members that a UN mission should not be supporting a state whose security institutions have been accused of committing atrocities. Reports of the massacres of Nuer civilians in Juba by South Sudanese security forces at the onset of the conflict were particularly shocking to many members of the Council. During the Council’s trip to Juba on 16 August, US Ambassador Samantha Power, speaking on behalf of the Council, responded to accusations by a member of South Sudan’s cabinet that the SPLM in Opposition had committed atrocities by noting that there were reports of government forces committing atrocities as well.

UNMISS’s decision to allow displaced persons seeking refuge from the fighting into its camps has been hailed by UN Secretariat officials and member states as a success story, an act that entailed considerable risk to UN personnel and saved thousands of lives. In a preambular paragraph of resolution 2132, the Council commended “the active steps taken by UNMISS to implement its mandate and give refuge in premises and other forms of assistance to the civilians caught in the fighting”. It was certainly a far cry from the days of Srebrenica in July 1995 when UN Protection Force peacekeepers were complicit in facilitating the removal from UN-established “safe havens” of thousands of men and boys who were later slaughtered by the Bosnian Serb military. At press time, nearly 118,000 civilians remain in the UNMISS facilities (which have been called “protection of civilians sites”), and many more have circulated in and out during the past year and half.

Nonetheless, the overall picture for civilians in South Sudan is disturbing. Those people living in the “protection of civilians sites” represent only a small fraction of the nearly two million people who have been displaced by the conflict, comprising the 1.5 million people who have been internally displaced and the over 500,000 refugees who had fled to neighbouring countries. Many of the displaced face hunger, disease and the threat of physical violence. While there are no precise numbers, the International Crisis Group estimated in January 2014 that nearly 10,000 people had perished in the initial weeks of the conflict. Many experts believe that the death toll at this point is significantly higher, and on 15 December 2014, the Council itself referred to the “death of tens of thousands of civilians” (S/PRTST/2014/26) in the conflict. Even those who are “lucky” enough to benefit from the relative protection of the protection of civilians sites live under difficult conditions. Many of these camps are overcrowded and unsanitary, a point that registered clearly with Council members when they visited the UN camp in Malakal on 12 August 2014. Inter-communal tensions, sexual violence and the spread of disease have been challenges in the camps.

Despite the Council’s authorisation of additional UNMISS troops and police, DPKO had difficulty in generating the mandated personnel. Initially, UNMISS attempted to achieve the surge capacity authorised in resolution 2132 through inter-mission cooperation. But very quickly it was clear that the inter-mission cooperation had very limited success—as, for several months, did subsequent efforts to generate additional peacekeepers and enablers—largely because of logistical difficulties, the need to acquire the consent of troop contributors and administrative obstacles put in place by the host government. As of 13 April 2015, there were 11,238 troops and 1,099 police out of the mandated 12,500 and 1,323, respectively. At these force levels, UNMISS has struggled to provide effective security in and around the protection of civilians sites, while active patrolling, as called for by the mandate, has been limited given conditions on the ground.

The mission is enmeshed in a hostile operating environment. It has had to contend with government violations of the SOFA, which have hindered the ability of UNMISS to fulfil its mandate. UNMISS personnel and staff contracted by the mission have faced violence, harassment, detentions and robberies at the hands of government security forces. Government-imposed restrictions have also caused significant delays in the deployment of contingent-owned equipment, which has in some cases been stopped at the border or impounded. The opposition, too, has been accused of threatening and assaulting UNMISS personnel, attacking UNMISS premises and restricting the movements of the mission.

On a periodic basis, the Secretariat has been providing confidential reports to Council members detailing the status-of-forces violations and other obstructive actions by government and opposition forces. Since the outbreak of the civil war, the Secretary-General has included a section in his quarterly reports to the Council entitled “Violations of the status-of-forces agreement, international humanitarian law and security of United Nations staff”. These violations have been consistently condemned by the Council in its outcomes.

It is unlikely that UNMISS will be able to do a much better job of fulfilling its protection mandate, given the difficulties it is facing—i.e. the size of the country, the poor road system, the shortage of aerial assets, the fact that an active conflict is ongoing and the impediments imposed on its operations by the government and the opposition. Some actors with a presence in South Sudan have argued that the mission could deploy its forces more effectively, making better use of its equipment or engaging more effectively with local communities. This may be true, but even if the mission were doing all these things well and performing at peak efficiency, it would still be “a Band-Aid on a gaping wound”, as one well-placed expert observed. From the outset, Council members have recognised that the best way to protect civilians is through a political solution that stops the fighting.

**Efforts to Enhance Humanitarian Access in South Sudan**

Since the outbreak of the civil war in December 2013, the humanitarian situation has deteriorated significantly in South Sudan and has been called a “catastrophe” by the Council (S/PRTST/2014/16). Shortages of food and water have been rife, exacerbated by the large-scale displacement caused by the ongoing fighting. Access to health services, a problem before the start of the fighting, is limited at best in many parts of the country.

In addition to poor infrastructure and the difficulties of transport during the rainy season, humanitarian access has been curtailed by numerous impediments.
Case Study: South Sudan (con’t)

According to the UN’s 2015 South Sudan Humanitarian Response Plan, these include conflict-related insecurity, the plundering of humanitarian supplies, harassment of and assaults on humanitarian workers and bureaucratic obstacles imposed by government and opposition forces.

Recognising the vast humanitarian needs facing South Sudan, the Council has included facilitating humanitarian assistance as a key aspect of UNMISS’s revised mandate. “Creating conditions for delivery of humanitarian assistance”, in the language of resolution 2187 of 25 November 2014, is one of the four core elements of the current UNMISS mandate—along with protection of civilians, human rights monitoring and investigating and supporting the implementation of the cessation of hostilities.

Calls for humanitarian access have also featured prominently in presidential statements and press statements since December 2013. As early as 20 December 2013, just five days after the outbreak of hostilities, members expressed deep concern with the rising numbers of displaced persons by issuing a press statement which “called on all parties to allow and expedite the safe, unhindered access of humanitarian organizations and the timely delivery of humanitarian assistance to populations in need” (SC/11227).

In the ensuing months, Council members highlighted the urgency of the humanitarian crisis and the importance of humanitarian access in additional press statements. A statement was issued shortly after Under-Secretary-General Amos’s briefing to Council members on 11 February 2014. In it, Council members “condemned...the far-reaching interference in humanitarian activities by all parties to the conflict, including the looting of humanitarian property and supplies” (SC/11278). In a press statement released on 25 July 2014 (following a 16 July briefing in consultations by Amos), members stated that “the catastrophic food insecurity situation in South Sudan is now the worst in the world” and urged UN member states to fulfil pledges made at the Oslo Conference, co-hosted by Norway and OCHA on 20 May 2014, to raise funds to address the humanitarian crisis in South Sudan (SC/11493). The Council has also reiterated its calls for humanitarian access in the three presidential statements it has adopted on South Sudan since the beginning of the civil war (S/PRST/2014/16 of 8 August 2014, S/PRST/2014/26 of 15 December 2014 and S/PRST/2015/9 of 24 March 2015).

Despite the Council’s calls for better access, there have been few improvements on the ground in this regard. NGOs and UN agencies provided assistance to some 3.5 million people in 2014. Humanitarian actors and the financial support provided by international donors helped to avert a famine last year. Nonetheless, OCHA estimates that approximately 2.5 million people in South Sudan are currently facing food insecurity at emergency levels. The needs remain enormous and access continues to be hindered by the fighting, as well as by intimidation of and violence against humanitarian workers.

Efforts to Enhance Accountability in South Sudan
From the outset of the civil war, Council members have stressed the importance of combating impunity in South Sudan. When the Council adopted resolution 2132 on 24 December 2013 increasing UNMISS’s troop ceiling in response to the crisis, it emphasised that “those responsible for violations of international humanitarian law and international human rights law must be held accountable”. It has reiterated the importance of accountability in every decision on South Sudan since then (i.e. S/RES/2155 of 27 May 2014, S/PRST/2014/16 of 8 August 2014, S/RES/2187 of 25 November 2014, S/PRST/2014/26 of 15 December 2014, and S/PRST/2015/9 of 24 March 2015).

The need for accountability has also been highlighted by a number of Council members during various meetings that have been held on South Sudan since December 2013, as well as by High Commissioner for Human Rights Pillay and Adama Dieng, the Special Adviser of the Secretary-General on the Prevention of Genocide, during their 2 May 2014 briefing (S/PV.7168) to the Council, and by Secretary-General Ban Ki-moon during his 12 May 2014 Council briefing (S/PV.7172). During the 2 May briefing, Australia, France, Jordan, Lithuania and Luxembourg floated the possibility of a Council referral of the situation in South Sudan to the ICC, although Australia and France placed some caveats on such a referral. Australia said that consideration of an ICC referral should begin once the Council had considered the recommendations of the AU Commission of Inquiry on South Sudan, and France argued that an ICC referral should be considered “within the framework of a dialogue with IGAD and the African Union”.

Despite calls by these Council members to consider a potential ICC referral of the situation in South Sudan, this option is wrought with significant difficulties in the current political climate. Several key Council members are not state parties to the ICC and share the AU position that the ICC is a political tool unjustifiably targeting African leaders. Over the past decade, the Council’s handling of its referral of the situation in Darfur to the ICC (S/RES/1593) is a classic example of how political divisions can lead to the type of paralysis that prompted the ICC prosecutor to declare in her semi-annual briefing on 12 December 2014 (S/PV.7337) that the ICC was suspending its investigations in Darfur and applying its limited resources elsewhere.

When the Council visited South Sudan on 12 August 2014, it underscored the importance of accountability in its various meetings with government officials and civil society. In a meeting with South Sudan’s cabinet at the Ministry of Parliamentary Affairs in Juba, US Ambassador Samantha Power, speaking on behalf of the Council, urged the government to signal that it would hold perpetrators of human rights violations to account for their actions in the conflict. She concluded her remarks with a warning that the Council was prepared to impose consequences on spoilers to the peace process, a warning that she reiterated on at least one other occasion during the Council’s visit. Later that day, UK Ambassador Mark Lyall Grant told a group of IDPs at the UNMISS camp in Malakal that the Council was conveying a clear message to Kiir and Machar that there would be consequences if they did not earnestly pursue the path of peace and reconciliation. (While in South Sudan, Council members met privately with Kiir and held a video teleconference session with Machar, delivering stern messages about the need to end the fighting.)

In a 13 August 2014 meeting that Council members held with the IGAD Council of Ministers in Nairobi, Kenya, Lyall Grant emphasised the Council’s resolve to compel the parties to comply with their agreements to cease fighting and form a government...
of national unity. He read from the Council’s 8 August presidential statement (S/PRST/2014/16), in which it expressed “its readiness to consider, in consultation with the relevant partners, including IGAD and the African Union, all appropriate measures, including targeted sanctions, against those who take action that undermines the peace, stability and security of South Sudan”.

In addition to being a potential conflict-resolution tool, targeted sanctions have been viewed as an option to combat impunity and promote accountability in South Sudan. Several Council members talked about the use of targeted sanctions against spoilers in South Sudan throughout much of 2014 and into early 2015, but there were political obstacles. The US, the penholder on South Sudan, seemed to be waiting for IGAD to initiate targeted measures first, believing that it was important to have the support of countries in the region before pursuing a Council resolution. A related calculation was likely that the compliance of countries in the region would be a key factor in implementing the resolution. However, IGAD, facing its own internal divisions on the matter, did not impose its own targeted sanctions, and for several months, the US delayed circulating a targeted sanctions draft in the Council. (Outside the Council, however, it should be noted that the US and the EU have adopted bilateral targeted sanctions on some spoilers in South Sudan.)

There was another complicating factor. Several members also espoused an arms embargo on South Sudan, but a number of other members did not appear supportive. There were even divisions on this issue among the P3. While France and the UK clearly supported an arms embargo, there were reportedly disagreements within the US administration on the matter.

When the Council adopted a presidential statement in December 2014 marking the one-year anniversary of the outbreak of hostilities in South Sudan, it was only able to “reiterate its intention to commence consideration...on (sic) all appropriate measures, including targeted sanctions, against those impeding the peace process” (S/PRST/2014/26). This language revealed the tensions among members on sanctions because several members had already “commenced consideration” several months earlier.

Indeed, this presidential statement watered down the language of the August 2014 presidential statement, in which the Council indicated that it would “consider” rather than “commence consideration” of appropriate measures (S/PRST/2014/16).

When the US finally circulated a draft creating a framework for individually targeted measures (but not an arms embargo) during UNMISS consultations on 24 February 2015, members expected the ensuing negotiations to be contentious. Several members expressed their support for the draft during the consultations, and China appeared to signal a willingness to engage. However, Russia—along with Venezuela—said that sanctions would be counterproductive, but during the negotiating session on 26 February 2015, Russia surprised some by also demonstrating a desire to engage. While unclear, one possible explanation was that Russia was showing deference to the African members of the Council, Angola and Chad in particular, which were supportive of the draft. (The other African member, Nigeria, was also not opposed to the draft.)

There were differences of perspective on the Council over the timing of the resolution. Some members believed that it was important to adopt the resolution expeditiously, arguing that this would put pressure on the parties to negotiate in earnest prior to the 5 March 2015 deadline by which President Kiir and opposition leader Machar agreed to finalise a peace agreement. Others, however, were concerned that adopting the resolution at that time could have the opposite effect, reducing the willingness of the parties to come to an agreement because of what they perceived as unfair treatment.

In the end, resolution 2206 was unanimously adopted on 3 March 2015, with the Council choosing to act quickly rather than wait for the 5 March deadline for a peace agreement to be achieved. (Ultimately, progress in the negotiations was not achieved by 5 March.) The resolution specified that the Council was acting under Article 41 of Chapter VII of the UN Charter. (Article 41 empowers the Security Council to impose generalised or targeted sanctions.) Through the resolution, the Council underscored its willingness to impose a travel ban and an assets freeze for an initial period of one year on individuals and entities designated by a sanctions committee that would be established. (The travel ban would apply to individuals while the assets freeze would apply to individuals as well as entities such as government, opposition or militia groups.)

No designations were made at the time, but the sanctions would apply to those responsible for, complicit in or engaged directly or indirectly in actions or policies threatening the peace, security or stability of South Sudan. These actions or policies—many of which are related to the protection of civilians—include:

• expanding or extending the conflict or obstructing reconciliation and peace talks or processes;
• threatening transitional agreements or undermining the political process;
• planning, directing or committing acts that violate applicable international humanitarian and human rights law and human rights abuses;
• targeting civilians or attacking hospitals, religious sites, schools or locations where civilians seek refuge;
• recruiting or using children by armed forces or groups;
• obstructing the work of international peacekeeping, diplomatic or humanitarian missions or hindering the delivery and distribution of humanitarian aid or access to such aid;
• attacking UN missions, other peacekeeping/international security presences or humanitarian personnel; and
• acting directly or indirectly for or on behalf of individuals or entities listed by the Sanctions Committee.

The resolution set up a Panel of Experts to assist the Sanctions Committee. Among other tasks, the Panel is responsible for collecting and analysing information regarding the flow of arms and related military assistance to those undermining the peace process and committing violations of international humanitarian and human rights law in South Sudan. The extent to which oil resources are being used to fuel the conflict could also be an issue of investigation for the panel; during consultations on Sudan/South Sudan issues on 24 March, one Council member apparently underscored that this was a task the Panel should undertake.

China, Nigeria, Russia and the US made explanations of vote following the adoption of
resolution 2206 (S/PV.7396). The US statement highlighted its view that the sanctions were both a conflict resolution tool and an accountability tool. Ambassador Power said, “The parties need to know not only that they will be held to account if they fail to compromise to reach agreement, but also that they will be held accountable on the back end if they do again as they have done so many times before by failing to implement that to which they have signed.” Although it voted in favour of the resolution, the Russian delegation expressed its ambivalence about the sanctions. Ambassador Peter Iliichev, the Deputy Permanent Representative of Russia to the UN, argued that “the practical implementation of the measures planned for by the sanctions regime would be counter-productive, at least so long as there is still hope to resolve the conflict through negotiations”. He added that the decision was “being taken without a clear and unambiguous signal of support from key African players, first and foremost the Intergovernmental Authority on Development and the African Union”.

Moving forward, this position could make it difficult for the Sanctions Committee to list individuals or entities as such decisions need to be made by consensus.

On 24 March, more than two weeks after the 5 March deadline passed without progress in the peace talks, the Council adopted another presidential statement on South Sudan. The statement expressed profound disappointment over the failure of President Kiir, opposition leader Machar and other parties to reach agreement on transitional arrangements for a government of national unity by the 5 March deadline set by IGAD. It also reiterated the Council’s intent to impose any sanctions that may be appropriate, including an arms embargo or targeted measures against senior figures who have threatened South Sudan’s peace, security and stability, as well as to adjust the measures in resolution 2206 based on the actions and choices of the parties. It further expressed concern with the suffering caused by the conflict, including through death and displacement, and highlighted the need to fight impunity.

Likely in recognition that the IGAD process had reached an impasse, the presidential statement included a paragraph welcoming “IGAD’s intention, joined by the friends of South Sudan from Africa and abroad, including the United Nations, to implement a common plan and to table a reasonable and comprehensive solution to end the crisis” (S/PRST/2015/9). This appears to signal that there will be enhanced political and technical support for the mediation process from the UN, the AU and non-IGAD states once a new plan for the mediation is produced. After the 5 March deadline passed, there were reports about an “IGAD-plus” — consisting of IGAD, non-IGAD AU member states (Algeria, Chad, Nigeria, Rwanda and South Africa), the UN, the EU, China and the Troika (Norway, the US and the UK) — taking a reinvigorated mediation process forward. According to the AU Peace and Security Council Report’s 25 March 2015 article “PSC to discuss South Sudan amid consultation about a new process”, it is anticipated that this new approach “is expected to address the weaknesses of IGAD in terms of overcoming the divergent security and economic interests of its member states and applying unified pressure on the warring parties”. At press time, it was unclear what role, if any, the Council would have in supporting this process.

In addition to establishing a sanctions regime, the Council has been keen to support another accountability tool, the AU Commission of Inquiry on South Sudan. The Council has welcomed or recognised the work of this Commission in several formal decisions (i.e. S/RES/2155 of 27 May 2014, S/PRST/2014/16 of 8 August 2014, S/RES/2187 of 25 November 2014, S/RES/2206 of 3 March 2015 and S/PRST/2015/9 of 24 March 2015). The AU requested the establishment of the Commission in a communiqué (PS/AGH/COMM.1 (CDXI)) adopted at an AU Peace and Security Council summit in Banjul, The Gambia, on 30 December 2013, just two weeks after the start of the conflict in South Sudan. The Commission, the first of its kind authorised by the AU, was mandated to “investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all Sudanese communities”.

The AU Commission was formally launched in March 2014 and completed an interim report on its preliminary findings in June 2014. The report, which was made public, indicated that the Commission was still investigating claims of violations of human rights and international humanitarian law and said that it “is not yet in a position to pronounce on whether some of these amount to international crimes”.

In resolution 2187, which was adopted on 25 November 2014 and reauthorised UNMISS’s mandate until 30 May 2015, the Council announced that it was “anticipating with interest its [the Commission’s] findings and recommendations”. Olusegun Obasanjo, the commission’s chair, was expected to present the report to the AU Peace and Security Council (PSC) at a heads of state and government summit on 30 January 2015 in Addis Ababa. There was discussion among some UN Security Council members of the possibility of receiving a briefing from Obasanjo on the findings of the report in an interactive dialogue — an informal, closed-meeting format — in February after he first presented the report to the AU PSC. However, Obasanjo never presented it to the PSC; when the time came for Obasanjo to discuss the report at the PSC meeting, Ethiopian Prime Minister Hailemariam Desalegn, the chair of IGAD, proposed that discussion and publication of the report be postponed to give the IGAD-mediated peace process more time to bear fruit, a proposal supported by President Jacob Zuma of South Africa and President Yoweri Museveni of Uganda.

There has been strong pressure on the AU to publicly release the report. The Security Council encouraged “the public release of (the Commission’s) final report as soon as possible” in resolution 2206 and again in the presidential statement adopted on 24 March 2015 (S/PRST/2015/9). Additionally, on 3 March 2015, a group of 76 South Sudanese and international NGOs urged the PSC “to immediately consider, publish and disseminate the report of the AU Commission of Inquiry on South Sudan”. Nonetheless, at press time, the PSC has yet to do so.

Although the report has yet to be publicly released, a version was leaked to Reuters in early March. According to a 5 March 2015 Reuters article titled “Bar South Sudan leaders from transition— inquiry draft”, the report recommends that neither Kiir nor Machar should take part in a transitional government and calls “for an AU-appointed and U.N.-backed three-person panel to oversee a five-year transition and the creation of a
transitional executive that would place all oil revenue in an escrow account overseen by the African Development Bank”.

If Reuters’ description of the contents of the report is accurate, this would be contrary to the Council’s approach to resolving the conflict, which has been to support an IGAD mediation process that has tried to incentivise Kiir and Machar to form a transitional government of national unity that includes both of them. It remains to be seen whether and how the mediation blueprint and process will shift once IGAD and its regional and international partners “implement a common plan and…table a reasonable and comprehensive solution to end the crisis”, in the language of the Council’s 24 March 2015 presidential statement (S/PRST/2015/9). It should also be noted that the AU has challenged the veracity of the leaked report. In a 16 March 2015 press release (No 066/2015), AU Commission Chairperson Nkosazana Dlamini Zuma said “categorically that the so-called report that is said to have been leaked is NOT that of the Commission of Inquiry” (emphasis in the original).

In addition to the AU Commission of Inquiry’s efforts, the UN Secretariat has been developing options for accountability at the request of the Council. In resolution 2187, the Council asked the Secretary-General to provide two written reports by 16 February and 30 April, “which could include the issues of accountability in South Sudan”. The Secretary-General alluded to the Secretariat’s efforts on this matter in his 17 February 2015 report when he noted that he had “asked the Secretariat to develop possible options for the establishment of criminal accountability and transitional justice processes for South Sudan, based on past experiences, to address the gravity and scope of the serious human rights atrocities committed in the country since the beginning of the crisis” (S/2015/118).

When Assistant Secretary-General for Human Rights Ivan Šimonović briefed the Council on 24 February 2015, he argued that “meaningful accountability for serious human rights violations committed during the conflict is the only way to prevent their reoccurrence” (S/PV.7392). Šimonović noted that the parties themselves had outlined “the creation of a hybrid criminal court and the establishment of transitional justice processes, including truth and reconciliation measures and a reparations commission” in the 21 January 2015 Arusha communiqué and in the 1 February 2015 Addis Ababa agreement.

In keeping with the Council’s request in resolution 2187 and the Secretary-General’s reference to options for accountability and transitional justice processes in South Sudan in his 17 February 2015 report, the UN Office of Legal Affairs (OLA), DPKO, OHCHR and the Office of the Special Adviser on the Prevention of Genocide collaborated in the preparation of a report detailing such options. At press time, Council members expected to be briefed in consultations on 12 May on options for criminal accountability and transitional justice in South Sudan by Under-Secretary-General for Legal Affairs and UN Legal Counsel Miguel de Serpa Soares and Šimonović. Members had received a confidential note on 11 May from the Secretariat discussing possible options.

Conclusions and Observations
The Council, having invested significant energy and time seeing through the creation of the UN’s youngest member and ensuring a strong protection of civilians mandate for the mission it established in South Sudan, in the next seventeen months considered the situation there regularly but in a perhaps somewhat routine fashion. Since the outbreak of the civil war on 15 December 2013, the level of attention shot up and the number of briefings, discussions and decisions increased significantly. Eight months after the outset of the civil war, the Council conducted a visit to South Sudan, gathered first-hand information about conditions on the ground and interacted directly with key political actors. And yet there has been little to show for these efforts. The complex security and political environment has made protecting civilians and finding a solution to the conflict extremely difficult. The fighting has continued to rage, with attendant consequences for the civilian population, including increased displacement, rising casualties estimated to be in the tens of thousands and significant food insecurity.

To its credit, within ten days of the onset of hostilities, the Council adopted resolution 2132 that enhanced the force structure of UNMISS to support the protection of civilians and the provision of humanitarian access. It has consistently commended UNMISS for offering refuge to civilians seeking protection in its camps, which provide relative safety and security for more than 100,000 people. When the Council reauthorised the mandate in resolution 2155 in May 2014, it prioritised the protection of civilians and eliminated state-building and peacebuilding tasks, given concerns about supporting a government that had committed atrocities against its own people. When the Council went on a visiting mission to the country in August 2014, it delivered stern messages to the government and the opposition, underscoring the need to stop the violence and emphasising its readiness to hold spoilers accountable.

Nonetheless, there have been shortcomings in the Council’s approach. It is now clear that the original UNMISS authorisation of 7,000 troops and 900 police could not be expected to provide country-wide protection of civilians, given the size of the country, the poor road infrastructure and the recognised pre-existing inter-communal tensions. Although some Council members believed that this force structure was insufficient when the mission was established, others actually thought it might have been too large. This was reflected by the fact that in the original authorisation (S/RES/1996) on 8 July 2011, the Council decided to review the number of military personnel after three and then six months to determine if the level could be reduced from 7,000 to 6,000 troops. In addition, some of the permanent members, who were paying a significant part of the UN peacekeeping budget, wanted to keep costs down, and were amenable to a smaller force structure that in retrospect was inadequate for the volatile circumstances on the ground. In the months before the outbreak of the civil war in December 2013, without the benefit of sufficiently ominous assessments from the Secretariat on the severity of the political crisis brewing in Juba, Council members also failed to foresee the outbreak of the violence.

Ultimately, as Council members have recognised, the best way to protect civilians in South Sudan is for the parties to arrive at a political solution that stops the fighting. In this sense, the Council’s engagement at the political level since December 2013 might have been stronger. Although Council diplomats performed well during their visiting mission to South Sudan, questions could be raised about the timing of the visit. One Council ambassador called the trip
“an emergency visit”. However, it could be argued that an earlier visit might have had a greater chance of exerting leverage on the parties, with whom the Council had in the past interacted directly and who had benefited from the Council’s attention and support in the period prior to the establishment of South Sudan as a state. By the time the August 2014 visiting mission occurred, the positions and animosities of the parties had become increasingly entrenched following eight months of fighting, impunity and rising casualties.

The Council also marginalised its role in South Sudan through the considerable deference it paid to regional processes. In retrospect, it is unclear if the Council’s support for the IGAD-led mediation was the appropriate approach, considering that Uganda, an influential member of IGAD, has been a party to the conflict from the start. Furthermore, following months of fruitless negotiations, the Council nonetheless continued to reiterate its support for the IGAD mediation in several outcomes. It remains to be seen whether the IGAD-plus process, with the inclusion in the mediation of actors outside the sub-region, will fare any better. The Council also consistently expressed support in its decisions for the AU Commission of Inquiry, whose final report has yet to be made public, much to the chagrin of several Council members.

In hindsight, of course, things could always have been done better, and there needs to be reasonable expectations of what the Council is able to do. Although the Council has given UNMISS a strong protection mandate, there have been problems in translating this mandate into effective action on the ground for reasons not directly related to the Council. For example, UNMISS has had difficulty reaching its authorised force levels and acquiring requisite aerial assets to improve the mobility of mission personnel. There have also been disparities in the quality of the personnel deployed and in their levels of risk tolerance. These issues are not unique to UNMISS but rather challenges facing several UN peacekeeping missions; they are certainly not insignificant in the case of South Sudan.

The host government and the opposition have also hindered the effectiveness of the mission, other UN entities and NGOs in their efforts to protect civilians. Violations of the SOFA are common, humanitarian access has been restricted and UN personnel and other aid providers have been intimidated and assaulted. Calls for improved access and condemnations of SOFA violations by the Council in several outcomes have gone unheeded. Strains in relations between the government and the Council, which deteriorated when the Council withdrew statebuilding functions from the UNMISS mandate, became even worse after the adoption of resolution 2206 setting up the South Sudan sanctions regime.

Council dynamics on South Sudan have been another impediment to decisive and timely action. While Council members have been united in their understanding of the crisis, they have not always shared a unified vision of how to approach it. This has been reflected in the discussions of targeted sanctions. As early as 2 May 2014, France, the UK and Lithuania—along with then-Council members Australia and Luxembourg—publicly called for targeted sanctions in South Sudan (S/PV.7168). But others on the Council disagreed, while dynamics in the sub-region complicated matters as well. It was not until early March 2015 that the Council established a sanctions regime. It remains unclear whether the consensus that was achieved to adopt resolution 2206, which formed the sanctions regime and threatened targeted measures against spoilers, can be maintained in order to designate individuals and entities, as required in sanctions committees.

**Council Dynamics**

There is broad support on the Council for the protection of civilians as a concept. This is reflected by the fact that protection language has been incorporated into nearly every relevant resolution and presidential statement in recent years, although some members are less amenable to the inclusion of detailed references to protection issues in these decisions than others.

Despite this normative progress, fundamental fault lines continue to divide the Council on this agenda item in terms of concrete implementation in some instances at the country-specific level. Some members, notably China and Russia, emphasise the need to respect state sovereignty as an element in any decision to ensure civilian protection and therefore are generally reluctant to authorise measures under Chapter VII of the UN Charter. Others give less weight to the sovereignty argument and thus have a lower threshold for when the Council should act to protect civilians. This divide has complicated Council efforts to protect civilians in South Sudan, Sudan and Syria, among other cases.

More important, the strategic interests of the veto-wielding permanent members play a key role in how the Council addresses protection challenges. It is likely that Russia’s support for the Assad government is primarily based on its economic and political interests in Syria, even more so than on its traditional views of sovereignty. Similarly, the strategic interests of the US prevented the Council from responding more decisively to civilian casualties in the 2014 Gaza crisis, while Russia’s interests in the Ukraine have limited the Council’s ability to protect civilians there.

The importance of national interest in Council decision-making is also reflected in the tepid response of the other four permanent members to France’s call to refrain from using the veto to block Council action when atrocity crimes are committed, except in cases in which vital national interests are in play, and its proposal to elaborate a code of conduct to guide these decisions. More than 18 months after this proposal was floated by French Foreign Minister Laurent Fabius, none of the other permanent members has explicitly supported the initiative, although some of them have engaged in dialogue about it.

Despite the influence of the permanent members, events over the past couple of years have also demonstrated that creativity and hard work on the part of the elected members can make a difference with regard.
to protection issues. Several elected members have made contributions to the development of the normative framework on the protection of civilians, ensuring that important protection-related language has been incorporated into Council outcomes. More concretely, the leadership of Australia, Luxembourg and Jordan on the humanitarian track in Syria has had a degree of impact on the ground in terms of cross-border access, despite the ongoing humanitarian tragedy in Syria and the continued impediments placed on access by the government.

It is still too early to determine what mark the members elected for the 2015–2016 term will leave on the Council’s protection efforts. Nonetheless, there are some early indications of the interests and perspectives of these new members. When they ran for the Council, New Zealand and Spain in particular underscored their support for protection issues as part of their campaigns. With Australia and Luxembourg ending their terms at the end of 2014, New Zealand and Spain have joined Jordan as the current leads on the humanitarian track in Syria. Malaysia, which serves as the chair of the Working Group on Children and Armed Conflict, appears keen to highlight the issue of the abduction of children by non-state armed groups and may attempt to add child abductions as a trigger for listing in the annex in the Secretary-General’s report on children and armed conflict. Although Venezuela notes its support for the protection of civilians, it appears to espouse a traditional view of sovereignty focusing on the importance of non-interference. This is reflected by its highly critical view of the responsibility to protect, which it states is “nothing more than a political statement on which there is no consensus within the Organization [i.e. the UN]” (S/PV.7374). Angola has emphasised the importance of conflict prevention and provides an important African perspective on how to manage protection crises on the continent.

Dynamics on the Council continue to marginalise the utility of the ICC as an accountability tool. While ten Council members are states parties to the Rome Statute (Chad, Chile, France, Jordan, Lithuania, New Zealand, Nigeria, the UK, Spain and Venezuela), five are not (Angola, China, Malaysia, Russia and the US), including three veto-wielding permanent members. The AU position that the ICC is a political tool targeting African leaders complicates matters as well; that Sudanese President Omar al-Bashir, who has been indicted by the ICC for war crimes, crimes against humanity and genocide, has travelled in recent years to ICC states parties and current Council members Chad and Nigeria without being apprehended is a reflection of this.

In the past year, two incidents in particular have demonstrated the Council’s inability to make effective use of the ICC. On 22 May 2014, China and Russia vetoed a draft resolution that was co-sponsored by 65 states and would have referred the situation in Syria to the ICC. ICC Prosecutor Bensouda also underscored the Council’s gridlock on ICC matters during her semi-annual briefing to the Council on the court’s work in Darfur in December 2014 (S/PV.7337). Deeply frustrated by the Council’s lack of support for executing the court’s decisions over the years, she announced that the ICC would suspend its investigations in Darfur.

Finally, it should be noted that a more general challenge affecting the Council’s ability to deal with protection issues is simply a matter of limited capacity to deal with several crises at the same time. When the Council is caught up in an immediate crisis, it will inevitably be less engaged in other situations on its agenda although conditions for civilians in those situations may be equally grave. This conflict-management challenge has been especially relevant over the past few years with the emergence of new crises, such as in Ukraine or the Boko Haram-affected areas, and the deterioration of situations already under the Council’s consideration, such as the CAR, Darfur, Iraq, Libya, South Sudan, Syria and Yemen. The fact that it is overwhelmed with managing so many conflicts is perhaps the best argument for the Council to invest more in its conflict prevention efforts.

**Observations and Options for the Council**

In addition to normative advances, there have been some successes in the Council’s protection efforts in recent years. The deployment of the intervention brigade in the DRC, cross-border aid deliveries in Syria and the strengthening of the UN peacekeeping mission in South Sudan are among the Council initiatives that may have saved lives. However, the Council’s impact has been marginal when one looks at the overall plight of civilians caught in the crosshairs of conflict.

Conflict continues to have a devastating impact on civilians. More than 50 million people are internally displaced, refugees or asylum seekers worldwide—the highest level since World War II. The majority of them are women and children. In Syria, approximately 7.6 million people are now internally displaced and more than three million people are refugees, accounting for roughly 20 of the world’s displaced population. In February 2014, it was estimated that 100,000 people had perished in the Syrian conflict; now that figure stands at more than 200,000. Since the civil war in South Sudan started in December 2013, two million people have been forcibly displaced, either internally or as refugees in bordering countries, and tens of thousands of people have died. Terrorist groups such as Boko Haram and ISIS have killed thousands of civilians in the past year. Displacement, sexual violence, killings and other significant violations of international humanitarian and human rights law continue to be key features of conflicts in the CAR, Darfur, the DRC, Iraq, Syria, Somalia, Sudan and South Sudan, among others.

Amidst this gloomy landscape, there needs to be an understanding of why the Council has not accomplished more in protecting civilians in recent years. First, it should be underscored that when the interests of the permanent members are not aligned or collide—as exemplified by Darfur, Syria or Ukraine—it is hard to make substantive progress on protection issues. Second, although the Council consistently reiterates that national governments have the primary
Observations and Options for the Council (con’t)

Responsibility to protect civilians, host countries that are expected to partner with UN peacekeeping missions and other international actors sometimes obstruct their activities or, worse yet, target civilians. As described in the case study in this report, this is an issue that the Council has had to grapple with in South Sudan, among other cases. Third, even a well-crafted Council mandate may have little impact on the ground if requisite forces cannot be generated to achieve mandated levels, if the peacekeepers are not properly trained, if they lack the necessary equipment and enablers, and if they are constrained by national caveats. Finally, there needs to be reasonable expectations about how many conflicts the 15-member body can manage at one time, given the rapid growth in the quantity and types of threats to international peace and security that it is has been forced to confront in recent years.

Several Council members will likely continue to focus on ensuring that protection language remains strong in outcomes and that protection mandates are clear. While maintaining and building on the normative advances that have been achieved, however, the Council might consider focusing its activities more acutely on implementation challenges. In this sense, it would be helpful if the Council received more fine-grained analyses of protection issues on the ground in country-specific situations that could serve as springboards for enhanced strategic thinking about how to overcome these issues. Increased interactions with field-level personnel would be helpful in this regard.

In light of these factors, the Council members could consider:

• increasing the frequency of the annual briefings by force commanders to twice per year to enable more of them to brief the Council;
• requesting that force commanders be on hand, on an as-needed-basis, to answer questions during briefings by the Special Representatives of the Secretary-General;
• requesting regular briefings from the Secretariat on the implementation of the “Human Rights Up Front” action plan in country-specific cases;
• integrating into all relevant sanctions committees the request for the High Commissioner for Human Rights and the Special Representatives on Sexual Violence and Children and Armed Conflict to provide pertinent information to the respective committees; and
• continuing the practice of inviting relevant UN officials, such as the High Commissioner for Human Rights and the Under-Secretary-General for Humanitarian Affairs, to brief on relevant country-specific situations.

To help peacekeepers enhance dialogue with local communities and get timely information about potential threats, the Council could more consistently call for relevant missions to make use of community liaison assistants, as has been done constructively in MONUSCO.

The Council might consider giving representatives from the UN system other than OCHA greater input into the work of the expert group by enabling them to brief the group as well (and not only answer questions as is the current practice) if called for in a specific situation. While giving the expert group a more system-wide character, the Council could adapt its role beyond refining peacekeeping mandates to include:

• monitoring progress in the implementation of peacekeeping protection mandates;
• organising briefings on situations where there is no UN mission or that are not even on the Council’s agenda, in which there is a high risk of violations of international humanitarian or human rights law and preventive measures might be called for;
• performing lessons-learned exercises to study previous Council actions with a view to applying these lessons to future situations; or
• conducting visiting missions, similar to the Working Group on Children and Armed Conflict, to assess how protection mandates are being implemented.

Other options with respect to the expert group include:

• inviting military advisors of troop- and police-contributing countries, who might offer valuable insights on the military aspects of protection, to the meetings; and
• creating a rotating chairmanship to encourage a greater sense of shared ownership of the group, foster new ideas and allow elected members with protection of civilians as a key priority to play a greater role.

Lastly, in terms of improving the timeliness and quality of information it receives and ultimately, actions it takes, the Council might consider:

• supporting the practice of civilian casualty recording as an important way to measure progress;
• requesting more systematic human rights reporting in UN missions, in line with UNAMA and MONUSCO as examples of best practices; and
• dispatching emergency missions at early stages of situations with great risk to civilian populations.
Annex I: UN Documents

SECURITY COUNCIL THEMATIC RESOLUTIONS

S/RES/2175 (29 August 2014) condemned violence and intimidation against those involved in humanitarian operations.

S/RES/2143 (7 March 2014) urged parties to armed conflict to respect the civilian character of schools and to protect schools from attacks and use.

S/RES/2122 (18 October 2013) was on women, peace and security and addressed persistent gaps in the implementation of this issue.

S/RES/2106 (24 June 2013) was on women, peace and security and focused on accountability for perpetrators of sexual violence in conflict.

S/RES/2068 (19 September 2012) was on children and armed conflict and expressed the Council’s commitment to deal with persistent perpetrators of violations against children.

S/RES/1994 (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 on journalists, media professionals and associated personnel and requested the Secretary-General to include the issue of the safety and security of journalists, media professionals and associated personnel as a sub-item in his next reports on protection of civilians.

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), the Council’s first thematic resolution on protection of civilians, condemned targeting of civilians, called for respect for international humanitarian, refugee and human rights law and expressed willingness to take measures to ensure compliance and to consider how peacekeeping mandates might better address the negative impact of conflict on civilians.

SECURITY COUNCIL THEMATIC PRESIDENTIAL STATEMENTS

S/PRST/2014/21 (28 October 2014) addressed the particular needs of displaced women, highlighted the impact of violent extremism on women and welcomed the Secretary-General’s commissioning of a global study.

S/PRST/2014/3 (12 February 2014) reiterated the Council’s commitment to the protection of civilians and contained an annex an updated aide mémoire.

S/PRST/2013/8 (17 June 2013) was on children and armed conflict and reiterated the Council’s commitment to deal with persistent perpetrators of violations against children.

S/PRST/2013/2 (12 February 2013) reconfirmed the Council’s commitment to the protection of civilians and requested the Secretary-General to submit his next report on protection of civilians by 15 November 2013 and then every 18 months thereafter.

S/PRST/2012/23 (31 October 2012) was on women, peace and security.

S/PRST/2010/25 (22 November 2010) endorsed an updated aide-mémoire and requested a report from the Secretary-General by May 2012.


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/2002/41 (20 December 2002) underscored the importance of the aide-mémoire, expressing the Council’s willingness to update it annually, and addressed in particular issues related to humanitarian access, refugees and IDPs 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.

SECRETARY-GENERAL’S REPORTS

Thematic Reports on Protection of Civilians


Other

S/2013/245 (15 May 2013) was an annual report on children and armed conflict.

S/2013/149 (14 March 2013) was an annual report on sexual violence in conflict.

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.

SECURITY COUNCIL MEETING RECORDS

Open Debates on Protection of Civilians

S/PV/7374 (30 January 2015); S/PV/7109 (2 February 2014); S/PV/7019 (19 August 2013); S/PV/6917 and Res. 1 (12 February 2013); S/PV/6790 and Res. 1 (25 June 2012); S/PV/6650 and Res. 1 (9 November 2011); 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/5470 (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) and Corr. 1; S/PV/4130 and Res. 1 (19 April 2000) and Corr. 1; 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

S/PV/7428 (15 April 2015) was the most recent open debate on women, peace and security.

S/PV/7419 (27 March 2015) was a ministerial-level open debate on the situation of persecuted ethnic or religious minorities in the Middle East.

S/PV/7414 (25 March 2015) was the most recent open debate on children and armed conflict.

S/PV/7244 (19 August 2014) was a briefing on the protection of humanitarian workers in recognition of World Humanitarian Day.

S/PV/7003 and Res. 1 (17 July 2013) was an open debate on the protection of journalists.

S/PV/6984 (24 June 2013) was an open debate on sexual violence.

S/PV/6980 (17 June 2013) was an open debate on children and armed conflict.

S/PV/6948 (14 April 2013) was an open debate on sexual violence.

S/PV/6849 and Res. 1 (17 October 2012) was an open debate on the promotion and strengthening of the rule of law with a special focus on the Council’s relations with the ICC.

CASE STUDY ON SOUTH SUDAN: SELECTED DOCUMENTS

Resolutions

S/RES/2206 (3 March 2015) created a sanctions regime for South Sudan.

S/RES/2187 (25 November 2014) renewed the mandate of UNMISS for six months.

S/RES/2155 (27 May 2014) revised the mandate of UNMISS to focus on protection of civilians, facilitation of humanitarian access and human rights
Annex I: UN Documents (con’t)

verification and monitoring.
S/RES/2132 (24 December 2013) increased the military and police capacity of UNMISS.
S/RES/1999 (13 July 2011) recommended that South Sudan be admitted as a member of the UN.
S/RES/1996 (8 July 2011) established UN Mission in South Sudan.

Presidential Statements
S/PRST/2015/9 (24 March 2015) reiterated the intent to impose sanctions, including an arms embargo or targeted measures against senior figures who have threatened South Sudan’s peace, security and stability.
S/PRST/2014/26 (15 December 2014) marked the one year anniversary of the outbreak of South Sudan’s civil war.
S/PRST/2014/16 (8 August 2014) expressed concern at the political, security and humanitarian situation in South Sudan and expressed readiness to consider, in consultation with relevant partners, all appropriate measures, including targeted sanctions.

Meeting Records
S/PV.7413 (24 March 2015) was a meeting to adopt a presidential statement that reiterated the intent to impose sanctions, including an arms embargo or targeted measures against senior figures who have threatened South Sudan’s peace, security and stability.
S/PV.7396 (3 March 2015) was a meeting adopting resolution 2206, creating a sanctions regime for South Sudan.
S/PV.7172 (12 May 2014) was a briefing by Secretary-General Ban Ki-moon on his trip to South Sudan.
S/PV.7168 (2 May 2014) was a briefing by High Commissioner Pillay and Special Adviser Dieng on their trip to South Sudan.
S/PV.7062 (18 November 2013) was a briefing on UNMISS by Special Representative Johnson.
S/PV.6993 (8 July 2013) was a briefing on UNMISS by Special Representative Johnson.

Press Statements
SC/11631 (5 November 2014) expressed “alarm and outrage” at the resumption of fighting in Unity and Upper Nile states.
SC/11512 (6 August 2014) condemned attacks that led to the deaths of at least six humanitarian workers in Upper Nile state.
SC/11493 (25 July 2014) expressed grave concern at food insecurity in South Sudan.
SC/11492 (25 July 2014) condemned the fighting in Nasir town.
SC/11963 (24 April 2014) was on the attacks in Bentiu and Bor.
SC/11359 (18 April 2014) was on the attack on the UN base in Bor.
SC/11278 (13 February 2014) expressed strong support for the IGAD mediation.
SC/11261 (23 January 2014) welcomed the signing of the cessation of hostilities agreement.
SC/11244 (10 January 2014) reiterated support for IGAD’s mediation and welcomed the AU PSC’s decision to establish a commission of investigation.
SC/11236 (30 December 2013) called for an immediate cessation of hostilities and for President Salva Kiir, former Vice President Riek Machar and other political leaders to engage urgently in direct talks without preconditions.
SC/11227 (20 December 2013) expressed grave alarm at the security and humanitarian crisis in South Sudan, strongly condemning the fighting and targeted violence against civilians and called on President Salva Kiir and former Vice President Riek Machar to begin a dialogue.
SC/11221 (17 December 2013) was on the outbreak of violence in South Sudan.
SC/11103 (23 August 2013) condemned the violence in South Sudan’s Jonglei state.
SC/10873 (21 December 2012) deplored the shooting down of an UNMISS helicopter by the SPLA.
SC/10514 (9 January 2012) was on the inter-communal violence in Jonglei State.

USEFUL ADDITIONAL SOURCES
Conflict in South Sudan: A Human Rights Report, UN Mission in South Sudan, 8 May 2014
PSC to discuss South Sudan amid consultation about a new process, AU Peace and Security Council Report, 25 March 2015

Annex II: Methods of Research

SCR published its first cross-cutting report on protection of civilians in October 2008. This report provided background on relevant provisions of international law and Security Council involvement in the issue 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 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 in order to identify key trends and suggest possible options for the Council’s consideration aimed at enhancing its effectiveness. Each report looks at important developments at the thematic level over the previous year, including in the context of UN peacekeeping.

The reports also analyse Council decisions on protection of civilians in country-specific situations during the previous one or two full calendar years. In addition, each report includes one or more case studies allowing for an in-depth examination of the Council’s commitment to protection issues, such as this year’s case study on South Sudan.

In this seventh cross-cutting report on the protection of civilians, the statistical analysis focuses on Council decisions during all of 2013 and 2104 to allow for a meaningful comparison year-by-year. In other parts of the report, however, there is also an emphasis on developments through April 2015, so as to provide as up-to-date a picture as possible of current trends relating to the protection of civilians.

It should be noted that the statistical analysis only covers country-specific situations that 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 of the conflict. Thematic decisions were excluded from the statistical analysis but are referred to in other parts of the report when relevant.

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
Annex II: Methods of Research (con’t)

in separate SCR cross-cutting reports. 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, the UN Secretariat 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 December 2014)

Abyei
UNISFA (2011-)
S/RES/1990 (27 June 2011)
- To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel in coordination with relevant Abyei Area bodies as defined by the Agreement.
- To ensure the security and freedom of movement of UN personnel, humanitarian personnel and members of the Joint Military Observers Committee and Joint Military Observer Teams.
- To protect civilians in the Abyei Area under imminent threat of physical violence without prejudice to the responsibilities of the relevant authorities.

Central African Republic
MINUSCA (2014-)
S/RES/2149 (10 April 2014)
- To protect, without prejudice to the primary responsibility of the CAR authorities, the civilian population from threat of physical violence, within its capabilities and areas of deployment, including through active patrolling.
- To provide specific protection for women and children affected by armed conflict, including through the deployment of Child Protection Advisers and Women Protection Advisers.
- To identify and record threats and attacks against the civilian population, including through regular interaction with the civilian population and working closely with humanitarian and human rights organisations.
- To design, implement and deliver, in close consultation with humanitarian and human rights organisations and other relevant partners, a mission-wide protection strategy.
- To contribute, including through effective civil-military coordination and in close coordination with humanitarian actors, to the creation of a secure environment for the immediate, full, safe and unhindered, civilian-led delivery of humanitarian assistance, in accordance with UN guiding humanitarian principles and relevant provisions of international law, and for the voluntary safe, dignified and sustainable return of IDPs and refugees in close coordination with humanitarian actors.
- To monitor, help investigate and report publicly and to the Security Council on violations of international humanitarian law and on abuses and violations of human rights committed throughout the CAR, in particular by different armed groups, including the former Seleka and the anti-Balaka, and to contribute to efforts to identify and prosecute perpetrators, and to prevent such violations and abuses, including through the deployment of human rights observers.
- To monitor, help investigate and report specifically on violations and abuses committed against children as well as violations committed against women, including all forms of sexual violence in armed conflict, and to contribute to efforts to identify and prosecute perpetrators, and to prevent such violations and abuses.
- To support the International Commission of Inquiry and the implementation of its recommendations.
- To assist the CAR authorities in the effort to protect and promote human rights.
- To support and work with the Transitional Authorities to arrest and bring to justice those responsible for war crimes and crimes against humanity in the country, including through cooperation with States of the region and the ICC.
- To help build the capacities, including through technical assistance, of the national judicial system, and of the national human rights institutions and assist with national reconciliation efforts, coordinating with the Independent Expert as appropriate.
- To provide support and to coordinate international assistance to the police, justice and correctional institutions to reinstate the criminal justice system, within the framework of the UN global focal point on rule of law, including through assistance in the maintenance of public safety and basic law and order, in a manner that emphasizes civilian oversight, impartiality and the protection of human rights and to support the restoration and maintenance of public safety and the rule of law including through the presence and assistance of UN police.
- To support the Transitional Authorities in developing and implementing a revised strategy for the DDR and DDRR of former combatants and armed elements to reflect new realities on the ground, while paying specific attention to the needs of children associated with armed forces and groups, and support for the repatriation of foreign elements.
- To support the Transitional Authorities in developing and implementing community violence reduction programmes.
- To regroup and canton combatants and confiscate and destroy, as appropriate, the weapons and ammunition of elements of personnel who refuse or fail to lay down their arms.

Côte d’Ivoire
UNOCI (2004-)
S/RES/2162 (25 June 2014)
- To protect, without prejudice to the primary responsibility of the Ivorian authorities,
the civilian population from threat of physical violence, within its capabilities and areas of deployment and encourages UNOCI to move to a more preventive and pre-emptive posture in pursuit of its priorities and in active defence of its mandate, building on positive steps taken so far, without prejudice to the agreed basic principles of peacekeeping.

- To implement the comprehensive strategy for the protection of civilians in coordination with the UN Country Team.
- To work closely with humanitarian agencies, particularly in relation to areas of tensions and with respect to the return of displaced persons, to collect information on and identify potential threats against the civilian population and bring them to the attention of the Ivorian authorities as appropriate.
- To provide good offices and political support for the efforts of the Ivorian authorities to address the root causes of the conflict and establish lasting peace and security in Côte d’Ivoire, including in the priority areas of the SSR, DDR, and reconciliation processes at both the national and local levels.
- To support, within its existing authorities, capabilities, and its areas of deployment, the national authorities in stabilising the security situation in the country, with a special attention to providing support for the provision of security through the October 2015 presidential election.
- To monitor and deter the activities of militias, mercenaries and other illegal armed groups and to support the Government in addressing border security challenges consistent with its existing mandate to protect civilians, including cross-border security and other challenges in the border areas, notably with Liberia, and to this end, to coordinate closely with UNMIL in order to further inter-mission cooperation, such as through undertaking coordinated patrols and contingency planning where appropriate and within their existing mandates and capabilities.
- To assist the Government, in close coordination with other bilateral and international partners, in implementing without further delay the national programme for the DDR of former combatants and dismantling of militias and self-defence groups, taking into account the rights and needs of the distinct categories of persons to be disarmed, demobilised and reintegrated, including children and women.
- To support the registration and screening of former combatants and assist in assessing and verifying the reliability of the listings of former combatants.
- To support the disarmament and repatriation of foreign armed elements, where relevant in cooperation with UNMIL and UN Country Teams in the region.
- To assist the national authorities, including the National Commission to fight against the Proliferation and Illicit Traffic of Small Arms and Light Weapons, in collecting, registering, securing and disposing of weapons and in clearing explosive remnants of war, as appropriate, in accordance with resolution 2153 (2014).
- To coordinate with the Government in ensuring that the collected weapons are not disseminated or re-utilised outside a comprehensive national security strategy.
- To support the Government in providing effective, transparent and harmonised coordination of assistance, including the promotion of a clear division of tasks and responsibilities, by international partners to the SSR process.
- To advise the Government, as appropriate, on SSR and the organisation of the future national army, to facilitate the provision of training, within its current resources and as requested by the Government and in close coordination with other international partners, in human rights, child protection and protection from sexual and gender-based violence to the security and law enforcement institutions, as well as capacity-building support by providing technical assistance, co-location and mentoring programmes for the police and gendarmerie and to contribute to restoring their presence throughout Côte d’Ivoire and to promote trust and confidence within and between the security and law enforcement agencies and to offer support to the development of a sustainable vetting mechanism for personnel that will be absorbed into security sector institutions.
- To contribute to the promotion and protection of human rights in Côte d’Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual- and gender-based violence, in close coordination with the Independent Expert established under the Human Rights Council’s resolution, A/HRC/17/26.
- To monitor, help investigate, and report to the Council, on abuses and violations of human rights and violations of international humanitarian law, including those against children in line with resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014), in order to prevent such abuses and violations and to end impunity.
- To bring to the attention of the Council all individuals identified as perpetrators of serious human rights violations and to keep the Committee, established pursuant to resolution 1572 (2004), informed of any significant developments in this regard when appropriate.
- To support the efforts of the Government in combating sexual- and gender-based violence, including through contributing to the development of a nationally owned multisectoral strategy in cooperation with UN Action Against Sexual Violence in Conflict entities.
- To provide specific protection for women affected by armed conflict to ensure gender expertise and training, as appropriate and within existing resources, in accordance with resolutions 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013).
- To facilitate, as necessary, unhindered humanitarian access and to help strengthen the delivery of humanitarian assistance to conflict-affected and vulnerable populations, notably by contributing to enhancing security for its delivery.
- To support the Ivorian authorities in preparing for the voluntary, safe and sustainable return of refugees and IDPs in cooperation with relevant humanitarian organisations, and in creating security conditions conducive to it.
- To continue to use UNOCI’s broadcasting capacity, through ONUCI FM, to contribute to the overall effort to create a peaceful environment, through the October 2015 presidential election.
- To monitor any public incidents of incitement to hatred, intolerance and violence, and bring to the attention of the Council all individuals identified as instigators of political violence, and to keep the Committee established under resolution 1572 (2004), informed of any significant developments in this regard when appropriate.
Annex III: Current Protection Mandates in UN Peacekeeping Operations (as of December 2014) (con’t)

Democratic Republic of the Congo

MONUSCO (2010–)
S/RES/2147 (28 March 2014)

• To ensure, within its area of operations, effective protection of civilians under threat of physical violence, including through active patrolling, paying particular attention to civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and mitigate the risk to civilians before, during and after any military operation.

• To ensure the protection of UN personnel, facilities, installations and equipment and the security and freedom of movement of UN and associated personnel.

• To work with the Government of the DRC to identify threats to civilians and implement existing prevention and response plans and strengthen civil-military cooperation, including joint-planning, to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual- and gender-based violence and violations and abuses committed against children, and requests MONUSCO to ensure that child protection and gender concerns are integrated into all operations and strategic aspects of MONUSCO’s work and accelerate the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence and the swift deployment of Women Protection Advisers as called for in resolutions 1960 (2010) and 2106 (2013), in order to seek commitments on the prevention and response to conflict-related sexual violence.

• To support and work with the Government of the DRC to arrest and bring to justice those responsible for war crimes and crimes against humanity in the country, including through cooperation with States of the region and the ICC.

• To monitor, report and follow-up on human rights violations and abuses, including in the context of elections, and support the UN system in-country to ensure that any support provided by the UN shall be consistent with international humanitarian law and human rights law and refugee law as applicable.

• To provide good offices, advice and support to the Government of the DRC to enable the development and finalisation of a clear and comprehensive SSR implementation roadmap including benchmarks and timelines to establish effective and accountable security institutions, including vetting mechanisms.

• To provide good offices, advice and support to the Government of the DRC for the design and implementation of DDR and DDRRR plans for foreign and Congolese combatants not suspected of genocide, war crimes, crimes against humanity or gross violations of human rights, aimed at integration into a peaceful civilian life, contributing to stable communities in eastern DRC, while paying specific attention to the needs of children formerly associated with armed forces and groups.

• To provide good offices, advice and support to the Government of the DRC for the development and the implementation, in accordance with the Congolese strategy for justice reform, of a multi-year joint UN justice support programme in order to develop independent criminal justice institutions and processes, the police, the judiciary and prisons in conflict-affected areas.

• To provide good offices, advice and support to the Government of the DRC to promote 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 international humanitarian law violations, committed by elements of the security sector.

• To continue to collaborate with the Government of the DRC in the swift and vigorous implementation of the action plan to prevent and end the recruitment and use of children and sexual violence against children by FARDC, and continue dialogue with all listed parties to obtain further commitments and work towards the development and implementation of time bound action plans to prevent and end the recruitment and use of children in violation of applicable international law and other violations of international humanitarian law.

Haiti

MINUSTAH (2004–)
S/RES/1542 (30 April 2004)

• To 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.

• To 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.

• To monitor and report on the human rights situation, in cooperation with the OHCHR, including on the situation of returned refugees and displaced persons.

• To provide advice and assistance within its capacity to the Transitional Government in the investigation of human rights violations and violations of international humanitarian law, in collaboration with the OHCHR, to put an end to impunity.

• To 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.

Lebanon

UNIFIL (1978–)
S/RES/1701 (11 August 2006)

• To 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.

• To help ensure humanitarian access to
Annex III: Current Protection Mandates in UN Peacekeeping Operations (as of December 2014) (con’t)

Liberia
UNMIL (2003-)
S/RES/2190 (15 December 2014)
• To protect, without prejudice to the primary responsibility of the Liberian authorities, the civilian population from threat of physical violence, within its capabilities and areas of deployment.
• To facilitate the provision of humanitarian assistance, including in collaboration with the Government of Liberia, and those supporting it, and by helping to establish the necessary security conditions.
• To assist the Government of Liberia in developing and implementing, as soon as possible and in close coordination with bilateral and multilateral partners, its national strategy on SSR.
• To assist the Government of Liberia in extending national justice and security sector services throughout the country through capacity-building and training.
• To carry out promotion, protection and monitoring activities of human rights in Liberia, with special attention to violations and abuses committed against children and women, notably sexual- and gender-based violence.
• To support the strengthening of efforts by the Government of Liberia to combat sexual- and gender-based violence, including its efforts to combat impunity for perpetrators of such crimes.

Mali
MINUSMA (2013-)
S/RES/2164 (25 June 2014)
• To stabilise, in support of the Malian authorities the key population centres, notably in the North of Mali, and, in this context, to deter threats and take active steps to prevent the return of armed elements to those areas.
• To protect, without prejudice to the responsibility of the Malian authorities, civilians under imminent threat of physical violence.
• To provide specific protection for women and children affected by armed conflict, including through the deployment of Child Protection Advisers and Women Protection Advisers, and address the needs of victims of sexual- and gender-based violence in armed conflict.
• To expand its presence, including through long-range patrols and within its capacities, in the North of Mali beyond key population centres, notably in areas where civilians are at risk.
• To exercise good offices, confidence-building and facilitation at the national and local levels, in order to anticipate, prevent, mitigate and resolve conflict, including by enhancing negotiation capacity and promoting the participation of civil society, including women’s organisations.
• To support the cantonment of armed groups, as an essential step leading to an effective DDR process, in the context of a comprehensive peace settlement.
• To assist the Malian authorities, and to coordinate international efforts, towards developing and implementing DDR programmes of former combatants and the dismantling of militias and self-defence groups, consistent with the provisions of the Ouagadougou Preliminary Agreement and taking into account the specific needs of demobilised children.
• To support, as feasible and appropriate, the efforts of the Malian authorities, without prejudice to their responsibilities, to bring to justice those responsible for serious abuses or violations of human rights or violations of international humanitarian law, in particular war crimes and crimes against humanity in Mali, taking into account the referral by the transitional authorities of Mali of the situation in their country since January 2012 to the ICC.
• To assist the Malian authorities, through training and other support, for the removal and destruction of mines and other explosive devices and weapons and ammunition management.
• To assist the Malian authorities in their efforts to promote and protect human rights.
• To monitor, help investigate and report to the Council specifically on violations and abuses committed against children and women, including all forms of sexual violence in armed conflict.
• To contribute, in support of the Malian authorities, to the creation of a secure environment for the safe, civilian-led delivery of humanitarian assistance, in accordance with humanitarian principles, and the voluntary, safe and dignified return or local integration or resettlement of IDPs and refugees in close coordination with humanitarian actors.
• To take fully into account gender considerations as a cross cutting issue throughout its mandate and to assist the Malian authorities in ensuring the full and effective participation, involvement and representation of women at all levels and at an early stage of the stabilization phase, including the SSR and DDR processes, as well as in the national political dialogue, reconciliation and electoral processes.
• To take fully into account the need to protect civilians and mitigate risk to civilians, including, in particular, women, children and displaced persons and civilian objects in the performance of its mandate, where undertaken jointly with the Malian Defence and Security Forces, in strict compliance with the Human Rights Due Diligence Policy on UN Support to non-UN Security Forces (S/2013/110).

South Sudan
UNMISS (2011-)
S/RES/2187 (25 November 2014)
• To protect civilians under threat of physical violence, irrespective of the source of such violence, within its capacity and areas of deployment, with specific protection for women and children, including through the continued use of the Mission’s Child Protection and Women Protection Advisers.
• To deter violence against civilians, including foreign nationals, especially through proactive deployment, active patrolling with particular attention to displaced civilians, including those in protection sites and refugee camps, humanitarian personnel and human rights defenders, and identification of threats and attacks against the civilian population, including through regular interaction with...
the civilian population and closely with humanitarian, human rights and development organisations, in areas at high risk of conflict including, as appropriate, schools, places of worship, hospitals and the oil installations, in particular when the Government of the South Sudan is unable or failing to provide such security.

- To implement a mission-wide early warning strategy, including a coordinated approach to information-gathering, monitoring, verification, early warning and dissemination and response mechanisms, including response mechanisms to prepare for further potential attacks on UN personnel and facilities.
- To maintain public safety and security within and of UNMISS protection of civilians sites.
- To exercise good offices, confidence-building, and facilitation in support of the mission’s protection strategy, especially in regard to women and children, including to facilitate inter-communal reconciliation in areas of high risk of conflict as an essential part of long-term State-building activity.
- To foster a secure environment for the eventual safe and voluntary return of IDPs and refugees including, where compatible and in strict compliance with the HRDPP, through monitoring of, ensuring the maintenance of international human rights standards, and specific operational coordination with the police services in relevant and protection focused tasks, in order to strengthen protection of civilians.
- To monitor, investigate, verify, and report publicly and regularly on abuses and violations of human rights and violations of international humanitarian law, including those that may amount to war crimes or crimes against humanity.
- To monitor, investigate, verify and report specifically and publicly on violations and abuses committed against children and women, including all forms of sexual- and gender-based violence in armed conflict by accelerating the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence and by strengthening the monitoring and reporting mechanism for grave violations against children.
- To contribute to the creation of the conditions for the delivery of humanitarian assistance, including by helping to establish the necessary security conditions and by exercising its good offices, confidence-building and facilitation, so as to allow, in accordance with relevant provisions of international law and UN guiding principles of humanitarian assistance, the full, safe and unhindered access of relief personnel to all those in need in South Sudan, and timely delivery of humanitarian assistance, in particular to IDPs and refugees.

Sudan (Darfur)
UNAMID (2007-)
S/RES/1769 (31 July 2007)

- To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur.
- To 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.
- To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of IDPs and refugees.
- To contribute to the promotion of, respect for and protection of human rights and fundamental freedoms.
- To 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.

S/RES/2173 (27 August 2014)

- To continue to give priority in decisions about the use of available capacity and resources to: (a) the protection of civilians across Darfur, including women and children, through, and without prejudice to the agreed basic principles of peacekeeping, inter alia, continuing to move to a more preventive and pre-emptive posture in pursuit of its priorities and in active defence of its mandate; enhanced early warning; proactive military deployment and active and effective patrolling in areas at high risk of conflict and high concentration of IDPs; more prompt and effective responses to threats of violence against civilians, including through regular reviews of the geographic deployment of UNAMID’s force; securing IDP camps, adjacent areas and areas of return, including development and training of community policing; and (b) ensuring safe, timely and unhindered humanitarian access, and the safety and security of humanitarian personnel and activities, in accordance with relevant provisions of international law and the UN guiding principles of humanitarian assistance; and requests UNAMID to maximise the use of its capabilities, in cooperation with the UNCT and other international and non-governmental actors, in the implementation of its mission wide comprehensive strategy for the achievement of these objectives.
- To deliver its core tasks to protect civilians without prejudice to the primary responsibility of the Government of Sudan.
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