

## Protection of Civilians in Armed Conflict



On 25 July 2012, UNAMID troops patrolled forested areas to protect women collecting firewood. (UNAMID Photo/Albert González Farran)

**2013, No. 3**  
20 December 2013

This report is available online at [securitycouncilreport.org](http://securitycouncilreport.org).

For daily insights by SCR on evolving Security Council actions please subscribe to our "What's In Blue" series at [whatsinblue.org](http://whatsinblue.org) or follow @SCRtweets on Twitter.

This is Security Council Report's sixth *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 subject in 2008. The purpose of these reports is to systematically track Security Council involvement in the protection of civilians over the years since this first emerged as a separate thematic agenda item in 1999. The present report covers relevant developments at the thematic level since our May 2012

*Cross-Cutting Report* and analyses Council action in country-specific situations relating to the protection of civilians, with a special focus on Sudan. It also discusses Council dynamics and outlines some possible options that could help strengthen the Council's work on this important thematic issue. One of the main conclusions of the report is that a stronger focus is needed on effective follow-up of Council decisions and implementation on the ground of the existing normative framework.

# Summary and Conclusions

## 2 Summary and Conclusions

### 3 Background and Normative Framework

#### 4 Key Developments at the Thematic Level since May 2012

The Secretary-General's Reports on Protection of Civilians

Open Debates on the Protection of Civilians

Informal Expert Group on the Protection of Civilians

Other Thematic Developments in the Council

Other Relevant Developments

#### 10 Analysis of Council Action in Country-Specific Situations

Resolutions

Presidential Statements and Press Statements

#### 14 Developments in Council Sanctions Regimes

#### 16 Country-Specific Reporting to the Council on Protection of Civilians

The Secretary-General's Reports

#### 17 Briefings to the Council on Protection of Civilians and Human Rights Issues in Country-Specific Situations

#### 17 Case Study on Sudan

Ensuring Compliance with International Humanitarian Law: The Case of Darfur

Enhancing Accountability: Follow-Up to the Referral to the ICC of the Situation in Darfur

Enhancing Protection of Civilians by UN Peacekeeping and Other Relevant Missions: The Case of UNAMID

Ensuring Humanitarian Access: The Case of Southern Kordofan and Blue Nile

Final Analysis and Conclusions

## 29 Council Dynamics

## 30 Looking Ahead: Some Future Options for the Council

## 32 Annex I

## 35 Annex II

## 36 Annex III

## 39 Annex IV

During the period covered by this report, the Council continued to grapple with a number of serious protection challenges in situations on its agenda, with mixed results. While the Council was able to respond to the crisis in Mali to stabilise the situation there and prevent further attacks against civilians, it remained deadlocked over the situation in Syria, where the killing of civilians continued unabated. (On the humanitarian front, there was some progress this year with the 2 October adoption of a presidential statement on humanitarian access, but its impact on the situation on the ground has so far been limited.) Divisions among Council members also hampered an effective response to continuing protection concerns in Sudan and South Sudan. In other cases, including Côte d'Ivoire, the Democratic Republic of the Congo (DRC) and Somalia, the Council was fairly united, but even so, its impact on the ground was sometimes limited. Most recently, the situation in the Central African Republic (CAR) has emerged as a key protection challenge that the Council is just starting to address seriously. Overall, there continued to be a significant gap between what the Council has committed itself to do in its thematic decisions on the protection of civilians and what it is actually able to do when faced with concrete protection challenges in country-specific situations.

At the thematic level, Council outcomes related to the protection of civilians continued to focus on women- and children-specific issues. The Council adopted a presidential statement (S/PRST/2013/8) and resolution (S/RES/2068) on children and armed conflict and a presidential statement (S/PRST/2012/23) and two resolutions (S/RES/2106 and S/RES/2122) on women, peace and security. The only thematic decision on the protection of civilians was a presidential statement adopted on 12 February (S/PRST/2013/2). In the open debates on the protection of civilians, there was an attempt to limit the scope of the discussions to focus on a more clearly defined set of key protection issues than had been the practice in the past. Both the Republic of Korea, in February, and Argentina, in August, circulated concept notes ahead of the debates they chaired, inviting Council members and other speakers to address such specific issues as accountability and implementation of peacekeeping

protection mandates. It was not clear, however, how much impact this had on the discussions.

Other relevant developments at the thematic level included an open debate on 17 October 2012 on the Council's relations with the International Criminal Court (ICC), under the agenda item justice and the rule of law. On 17 July 2013, the first open debate on the protection of journalists in armed conflict took place. The Council had not considered this issue separately since the adoption of resolution 1738 (2006) on the protection of journalists. There was no outcome in either of these cases, however.

At the country-specific level, our analysis shows that the Council continued to systematically include protection provisions in relevant resolutions and presidential statements adopted over the course of 2012, but for the most part it repeated language from the previous year. There were no significant changes in the protection mandates of existing Council-authorised missions. In 2013, the Council established a new peacekeeping operation with a mandate to protect civilians from physical violence, the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA). There are now nine missions with such a mandate. (Please refer to Annex III for a complete list of these missions and their protection-related mandates.) With regard to the Secretary-General's reporting on implementation of protection mandates, we found that the Council's request for benchmarks and indicators to measure progress has not yet been fully implemented.

The Council continued to use targeted sanctions against individuals or groups found to have committed violations of international humanitarian or human rights law, but the practice was inconsistent. In 2012, the 1533 DRC Sanctions Committee listed an additional four individuals and two entities for targeted sanctions based on violations against civilians. These were the only such designations made in 2012, however, despite widespread reports of violations against civilians in other situations where the Council has also imposed sanctions targeting violations against civilians, most notably in Darfur. At press time, no designations related to violations against civilians had been made in 2013.

As a case study, this time we decided to focus on Council action related to Sudan. In particular, we wanted to look specifically at

---

## Summary and Conclusions (con't)

what the Council has done to address the five core protection challenges identified by the Secretary-General in his most recent reports on the protection of civilians, all of which are relevant here: enhancing compliance with applicable international law, enhancing compliance by non-state armed groups, strengthening protection by UN peacekeeping and other missions, ensuring humanitarian access and promoting accountability. We also wanted to assess whether the Council's approach to the protection of civilians had evolved over time to reflect commitments made at the thematic level.

Our case study finds that the Council initially used all the right tools to strengthen the protection of civilians in Darfur, including referring the situation to the ICC, mandating an international commission of inquiry, imposing targeted sanctions against those responsible for violations against civilians

and establishing a peacekeeping operation with a protection mandate. At the same time, however, due to divisions among its members, the Council has been unable to agree on effective follow-up measures to ensure implementation of its decisions. The Council's effectiveness has also suffered from the absence of a coherent strategy. Concerted efforts to strengthen implementation of the protection mandate of the AU-UN Hybrid Operation in Darfur (UNAMID) seem to have been undermined by the Council's failure to act decisively to ensure compliance and promote accountability. More generally, our analysis of Council action in Sudan demonstrates how fundamental differences over national-sovereignty issues continue to hamper the Council's ability to deal effectively with protection challenges.

The final section of the report presents a list of options for consideration by the

Security Council. A constant theme in recent Council debates and other discussions on the protection of civilians has been that the real challenge does not so much lie in developing the normative framework, but rather in ensuring that existing norms are implemented on the ground. When looking ahead at possible options for the Council, we therefore decided to focus on what the Council can do to strengthen its ability to monitor progress on the ground and make sure that parties to conflict comply with their obligations to protect civilians, highlighting in particular the role of its informal expert group on the protection of civilians. Bearing in mind also the importance of political consensus for the Council to be able to act effectively, we suggest some mechanisms that might allow the Council to overcome traditional divisions among its members.

---

## Background and Normative Framework

The Security Council first addressed protection of civilians as a 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. 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, 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 their 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 1951 Convention Relating to the Status of Refugees and its 1967 Optional Protocol;
- the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the 1989 Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;
- the 1994 Convention on the Safety of UN and Associated Personnel and its 2005 Optional Protocol;
- the 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



---

## Background and Normative Framework (con't)

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

In addition, resolution 1502 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 UN and its associated personnel. On 23 December 2006, the Council adopted resolution 1738 on the protection of journalists and other media professionals.

The Council has adopted 10 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 aide-mémoire was last revised on 22 November 2010. The Council endorsed this revision in its 22 November 2010 presidential statement (S/PRST/2010/25).

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 the

Office for the Coordination of Humanitarian Affairs (OCHA) on key protection issues for consideration in the drafting of country-specific resolutions. In addition, OCHA gave a thematic briefing on humanitarian access in February 2012. (This is the only thematic briefing so far.)

At the request of the Council, the Secretary-General has issued 10 reports on the protection of civilians, providing more than 100 recommendations to the Council. In its most recent presidential statement on the protection of civilians adopted on 12 February 2013, the Council requested that the Secretary-General submit a report by 15 November 2013 and then every 18 months thereafter (S/PRST/2013/2). His 10th report was issued on 22 November (S/2013/689).

---

## Key Developments at the Thematic Level since May 2012

### The Secretary-General's Reports on the Protection of Civilians

Since our last *Cross-Cutting Report*, the Secretary-General has submitted two reports to the Security Council on the protection of civilians in armed conflict.

#### *The Secretary-General's Ninth Report*

This report was issued on 22 May 2012 (S/2012/376). It reviewed the state of the protection of civilians, including ongoing and emerging concerns, Council action and encouraging developments. It then went on to provide an update on progress made in responding to the five core protection challenges first elaborated by the Secretary-General in his 2009 protection report (S/2009/277): enhancing compliance with international humanitarian and human rights law, enhancing compliance by non-state armed groups, strengthening protection by UN peacekeeping and other missions, ensuring humanitarian access and promoting accountability.

With regard to protection concerns, the report highlighted in particular the situations in Afghanistan, the DRC, Somalia, Sudan, South Sudan, Syria, Gaza and southern Israel. It expressed particular concern about the continued violence against women and

children, attacks against health care facilities and staff, targeting of journalists and other media professionals and the plight of migrant workers. It also expressed concern about the impact of drones on civilians, calling on states to be more transparent about their use and ensure compliance with applicable international law.

In addressing the Council's working methods, the report welcomed the continuing role of the informal expert group on the protection of civilians. It urged the Council to continue and strengthen the practice of inviting the High Commissioner for Human Rights to brief on thematic as well as country-specific situations and also called on the Council to strengthen other practices, such as Arria formula briefings, to ensure that it was informed about protection challenges more fully and in a timely manner.

The report noted a growing acknowledgement of the need for improved recording of casualties and welcomed the decision by the AU Mission in Somalia (AMISOM) to establish a civilian casualty tracking analysis and response cell. Additionally, it noted that the UN was continuing efforts to improve monitoring and reporting on the protection of civilians, including by developing guidance on reporting as requested

by the Council in resolution 1894. It also said that OCHA was working on developing indicators in consultation with other UN partners for improved monitoring and reporting on protection trends.

In reviewing the five core protection challenges, the Secretary-General offered a number of recommendations aimed at strengthening protection on the ground while noting that the recommendations of his 2009 and 2010 reports remained valid. Recommendations specifically referring to the Council, focused on enhancing compliance and ensuring accountability.

On enhancing compliance with international humanitarian law, the recommendations to the Council included:

- calling for the systematic collection of information about attacks against, or other forms of interference with, health-care facilities, transport and providers and people seeking medical treatment;
- systematically condemning and calling for the immediate cessation of attacks against, or other forms of interference with, health-care facilities, transport and providers and people seeking medical treatment, as well as acts of displacement, in violation of international law;
- systematically calling for strict compliance

## Key Developments at the Thematic Level since May 2012 (con't)

by parties to conflict with applicable international law;

- imposing targeted measures against parties that attack or otherwise interfere with health-care facilities, transport and providers or displace civilians in violation of international law;
  - requesting the establishment of commissions of inquiry in situations involving the large-scale displacement of civilians in violation of international law or referring such situations to the ICC, or both; and
  - calling on parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.
- On promoting accountability, the recommendations included:
- encouraging and possibly assisting states to ensure accountability for violations of international humanitarian and human rights law at the national level; and
  - playing a more proactive role in ensuring an appropriate international response where national authorities fail to take the steps necessary to ensure accountability through such measures as requesting or mandating the establishment of international commissions of inquiry and fact-finding missions, supporting their operation, making greater use of the information resulting from their work and supporting the implementation of their recommendations, including such follow-up actions as the establishment of reparation regimes and referral to the ICC.

The Secretary-General also encouraged the Council to consider the recommendations from the 1 November 2011 workshop on accountability, co-hosted by the Permanent Mission of Portugal and OCHA (S/2012/373), and to begin a dialogue aimed at strengthening the role of the Council in enhancing accountability at both the national and international levels. (More background on the workshop can be found in our 2012 *Cross-Cutting Report*.)

With regard to the other core protection challenges, the report emphasised the need for consistent engagement with non-state armed groups to seek improved compliance with applicable law and reiterated the Secretary-General's concern about counter-terrorism legislation and other measures that criminalise contact between humanitarian actors and such groups or in other ways impede

humanitarian action.

Finally, the report contained an annex on humanitarian-access constraints, which addressed four main types of constraints:

- restrictions on the movement of humanitarian workers or goods;
- active hostilities;
- interference in humanitarian activities; and
- violence against humanitarian workers.

For each of these categories the report described concrete situations where access constraints had had a negative impact on humanitarian action.

### *The Secretary-General's 10th Report*

The Secretary-General issued his tenth report on the protection of civilians on 22 November 2013. It included an assessment of the current state of the protection of civilians, while highlighting key ongoing and emerging concerns, and provided once again an update on progress made in responding to the five core protection challenges outlined in previous reports.

The report asserted that “the current state of the protection of civilians leaves little room for optimism”, providing examples from Afghanistan, the Central African Republic (CAR), Côte d'Ivoire, the DRC, Iraq, Mali, Myanmar, the occupied Palestinian Territory, Pakistan, Somalia, Sudan, South Sudan and Syria and Yemen. It expressed particular concern about attacks against and other interference with health care facilities, personnel and transport as well as continuing attacks against journalists. Moreover, it expressed concern about reports of civilian casualties resulting from drone attacks and the lack of transparency surrounding such attacks. The use of autonomous weapons systems or so-called killer robots was also for the first time raised as an issue which needed further consideration.

In reviewing the five core protection challenges, the report highlighted in particular the need to strengthen the protection of civilians from the use of explosive weapons in populated areas and the importance of civilian casualty tracking and recording while announcing that an inter-agency task force would review UN monitoring and reporting mechanisms on humanitarian and human rights law violations and make

recommendations for the establishment of a common UN system to gather and analyse such information. Furthermore, the report reiterated concerns about the impact of counter-terrorism legislation on humanitarian operations with respect to contact with non-state actors and stressed the need to address such concerns.

The report also contained an assessment of “concrete measures taken by peacekeeping missions to implement their mandates to protect civilians and the impact of those measures” as requested by the Council in its 12 February presidential statement. With regard to humanitarian access, the report called for further discussions on the distinction between valid as opposed to arbitrary reasons for withholding consent to relief operations and also asserted that parties to conflict must allow cross-line as well as cross-border operations when necessary to ensure access to populations in need.

In terms of recommendations, the report focused on the use of new weapons technologies and explosive weapons, civilian casualty tracking and recording, engagement with non-state armed groups, the role of peacekeeping operations, humanitarian access and accountability. Recommendations directly addressed to the Council included:

- calling on parties to conflict to refrain from using explosive weapons with wide-area effect in populated areas whenever relevant;
- consistently condemning attacks against humanitarian workers and promoting accountability for such attacks;
- expanding its practice of imposing targeted measures on individuals obstructing access to or delivery of humanitarian assistance;
- insisting that member states cooperate fully with the ICC and similar mechanisms; and
- enforcing such cooperation, as necessary, through targeted measures.

### **Open Debates on the Protection of Civilians**

The Council has held three open debates on the protection of civilians since the publication of our 2012 *Cross-Cutting Report*. In addition, it held an open debate on the protection of journalists under the protection of civilians agenda item.

## Key Developments at the Thematic Level since May 2012 (con't)

### *Open Debate of 25 June 2012*

The first debate, on 25 June 2012, focused on the Secretary-General's ninth report on the protection of civilians and was held under the presidency of China. It featured briefings by the Secretary-General, Under-Secretary-General for Humanitarian Affairs Valerie Amos, Assistant Secretary-General for Human Rights Ivan Šimonović (on behalf of High Commissioner for Human Rights Navi Pillay) and International Committee of the Red Cross (ICRC) Director for International Law and Cooperation Philip Spoerri (S/PV.6790 and Resumption 1).

The Secretary-General emphasised in particular the need for greater focus on the growing use of explosive weapons in populated areas and attacks on health-care facilities as violations of international law and said there was an urgent need for a "more systematic engagement" with non-state armed groups. He also called on the Council to exercise strong leadership in guiding the international response to ensure justice for perpetrators of violations against civilians.

Amos expressed specific concerns relating to the situations in Afghanistan, Côte d'Ivoire, the DRC, Israel and the Occupied Palestinian Territories, Mali, South Sudan, Syria and Yemen. She echoed the Secretary-General's call for action to address the humanitarian impact of the use of explosive weapons and also called for a comprehensive and robust arms-trade treaty and more systematic recording of civilian casualties. On the issue of accountability, she said the Council had a responsibility to ensure justice and urged it to consider the recommendations from the 1 November 2011 workshop co-hosted by OCHA and Portugal.

Šimonović focused on the Council's responsibility for ensuring accountability. He reiterated his call for the Council to refer the situation in Syria to the ICC. While welcoming the Council's increased practice of referring to the findings of commissions of inquiry established by other bodies, Šimonović said it could do more to enhance the impact of such commissions by calling on parties to cooperate with them, making more use of their reports and itself establishing commissions. He also stressed that civilian casualty-tracking mechanisms could serve as an important tool to ensure greater accountability and welcomed the

UN due-diligence policy aimed at guiding UN support to non-UN security forces.

Spoerri focused on threats against the security and delivery of health care, the availability and use of arms and the failure to comply with international humanitarian law. He said the ICRC strongly supported the adoption of a global arms-trade treaty as a means to prevent the commission of serious violations of international humanitarian law and other relevant legal instruments.

### *Open Debate and Adoption of Presidential Statement on 12 February 2013*

The next open debate on the protection of civilians was held on 12 February 2013 (S/PV.6917 and Resumption 1). Foreign Minister Kim Sung-Hwan of the Republic of Korea (ROK) chaired the meeting, which featured briefings by the Secretary-General, Pillay and Spoerri. A record number of more than 70 member states also spoke. ROK had circulated a concept note on 4 February inviting participants to focus their discussions on bolstering accountability, strengthening implementation of protection mandates by peacekeeping and other relevant missions and ensuring compliance with international humanitarian and human rights law to protect civilians, in particular health-care providers, women and children (S/2013/75).

In his briefing, the Secretary-General deplored the continued suffering of civilians in conflict zones around the world. While highlighting in particular the acute situation in Syria, he also expressed concern about protection of civilians in Afghanistan, the CAR, the DRC, Mali, Myanmar, Somalia, South Sudan and Sudan. Referring to the internal review of UN action in Sri Lanka during the 2008-2009 conflict there, which was made public in November 2012, he said recommendations on how to strengthen protection of civilians would be presented later in the year based on the review. Furthermore, he reiterated some of the recommendations made in his earlier reports to the Council on how to enhance protection of civilians, including:

- calling on parties to conflict to avoid using explosive weapons with wide-area effect in populated areas and urging the Council to recognise and act on this as a humanitarian issue, while indicating that he would provide "concrete recommendations" in his next report;

- urging the Council to take a strong lead in protecting civilians and pursuing accountability for violations of international human rights and humanitarian law;
- asking states to recognise the need for consistent engagement by humanitarian actors with all relevant state and non-state actors;
- calling on relevant authorities to expedite administrative procedures to facilitate humanitarian access;
- urging the Council to make greater use of commissions of inquiry and fact-finding missions to investigate alleged violations of human rights and international humanitarian law; and
- calling on the Council to ensure that peacekeeping operations have adequate resources to protect civilians.

Pillay started out by drawing attention to the situation in Syria, describing the lack of consensus within the Council as disastrous and calling on it to refer the situation to the ICC immediately. She contrasted this with the political consensus achieved with regard to Mali, where she welcomed the provisions for human rights monitoring included by the Council. She also emphasised the importance of including human rights components in Council-mandated missions, citing as examples recent experiences from Afghanistan, the CAR, the DRC, Somalia and Abyei. Referring to the review of UN action in Sri Lanka, Pillay highlighted four areas where she believed there was a need for improvement:

- ensuring that the Council, UN member states and other policy makers have access to early and credible information on human rights and international humanitarian law violations;
- strengthening UN coordination and avoiding "compartmentalisation";
- making use of a wide range of tools for intervention, including small and discrete models of field operations with short lifespans; and
- enhancing support for political processes as a means to protect civilians.

Spoerri returned to the same three issues of concern that he had highlighted in the previous debate: threats against health care facilities and personnel, the availability and use of arms and the lack of compliance with international humanitarian law by both states and non-state actors. More specifically, he said

## Key Developments at the Thematic Level since May 2012 (con't)

that more than 80 percent of the almost 900 violent incidents against civilians recorded by the ICRC in 2012 had affected local health care workers, and he called for much stronger action to address this issue. With regard to the widespread availability of arms, he called for the adoption of a strong and effective international arms-trade treaty at the negotiations to be held in July 2012.

At the end of the debate, the Council adopted a presidential statement reaffirming its commitment to the protection of civilians, focusing in particular on the need to fight impunity for violations of international humanitarian and human rights law, the humanitarian impact of conflict and implementation of peacekeeping protection mandates (S/PRST/2013/2). The statement expressed particular concern about attacks against medical personnel and facilities; schools, teachers and other protected school personnel; and journalists and other media professionals. It requested the Secretary-General to submit his next report on the protection of civilians by 15 November and for reports to be submitted every 18 months thereafter. (The Council thus established a regular reporting cycle for protection of civilians as opposed to its previous practice of issuing an ad hoc request for each report.) It also asked that the next report include an assessment of concrete measures taken by peacekeeping missions to implement their mandate to protect civilians and the impact of those measures.

### *Open Debate of 19 August 2013*

The third open debate on the protection of civilians during the period covered by this report was held on 19 August 2013 under the presidency of Argentina (S/PV.7019). (It was held on the tenth anniversary of the bombing of the Baghdad headquarters of the UN Assistance Mission in Iraq, which claimed the lives of 22 people and wounded more than 100.) The Secretary-General, Pillay, Amos and Spoerri briefed the Council. Thirty-seven member states took the floor in addition to Council members.

Prior to the debate, Argentina circulated a concept note on 1 August aimed at guiding the discussions (S/2013/447). The note encouraged participants to focus on three of the five challenges identified by the Secretary-General, namely enhancing compliance

with relevant international law, ensuring humanitarian access and strengthening accountability for violations of the law. Many of the speakers therefore focused on these three issues.

The Secretary-General said he was particularly concerned about the use of explosive weapons with wide-area effect in populated areas and reiterated his call for the Council to act on this issue. He also expressed concern about the situation of civilians in the CAR, the DRC and Syria. With regard to the issue of compliance, the Secretary-General emphasised that the Council could play an important role in promoting member states' cooperation with the ICC and encouraging and assisting states to ensure accountability at the national level. Finally, he noted that "divisions have too often stood in the way of action" by the Council to protect civilians and that Syria was a particularly stark example.

Pillay first invited the Council to consider the recommendations concerning the protection of civilians from the 23 May Oslo conference ("Reclaiming the Protection of Civilians under International Humanitarian Law", organised by Norway in cooperation with Argentina, Austria, Indonesia and Uganda) and welcomed the recent adoption by the General Assembly of the Arms Trade Treaty (ATT, described in more detail below). She highlighted some of the country situations on the Council's agenda in which her office had been involved, including the CAR, the DRC and Mali, and noted its support for international commissions of inquiry in Syria and the Democratic People's Republic of Korea. Furthermore, Pillay stressed the need to fight against impunity, making specific references to the situations in the CAR, Guinea-Bissau, and Syria and calling on the Council to refer the latter situation to the ICC. She also expressed concern about the implications of armed drone strikes for the protection of civilians.

Amos (participating by video teleconference) highlighted Syria and Sudan as situations where the lack of humanitarian access was a serious problem. She also raised the issue of non-state actors and how restrictions on contact with such groups imposed by counter-terrorism laws and policies might have a negative impact on humanitarian access. In this connection she mentioned an

independent study launched earlier in the year that contained recommendations on how to reconcile counter-terrorism measures and humanitarian action. (See Annex I, Useful Additional Resources.) Furthermore, Amos echoed the Secretary-General in calling for measures to address the impact on civilians of the use of explosive weapons in populated areas and in stressing the need to ensure accountability for violations against civilians. Finally, with regard to humanitarian access, she stressed that the concept of arbitrary denial of consent by governments for humanitarian operations required greater legal development and policy attention, including from the Council.

Spoerri said that the most critical challenge among the five outlined by the Secretary-General was the need to ensure respect for international humanitarian law by states and non-state armed groups. As in his previous briefings to the Council, he expressed particular concern about violence affecting health care and called on Council members to support efforts to address this concern. Like Pillay, he welcomed the adoption of the ATT and called on states to swiftly ratify and implement it.

### *Open Debate and Arria Formula Meeting on the Protection of Journalists*

On 17 July 2013 the Council held an open debate on the protection of journalists under the presidency of the US (S/PV.7003 and Resumption 1). Ahead of the debate, the US had circulated a concept note stating that the aims were to demonstrate Council support for the protection of journalists and the need to ensure accountability for acts of violence against journalists and also to learn more about the frequency of such violence (S/2013/393). Deputy Secretary-General Jan Eliasson briefed the Council on UN activities related to the protection of journalists, including the UN action plan on the safety of journalists and the issue of impunity. Four prominent journalists—Richard Engel of US broadcasting network NBC, Kathleen Carroll of the Associated Press and vice chair of the Committee to Protect Journalists, Mustafa Haji Abdinur of the Agence France Presse and Ghaith Abdul-Ahad of the UK newspaper *The Guardian*—spoke about their personal experiences as journalists in conflict situations. In addition to Council members,



## Key Developments at the Thematic Level since May 2012 (con't)

29 member states participated in the debate. There was no outcome.

On 13 December, France and Guatemala co-hosted an Arria formula meeting on the protection of journalists with the participation of: Irina Bokova, Director-General of UNESCO; Fatou Bensouda, Prosecutor of the ICC; David Rohde, investigative journalist for Thomson Reuters; Christophe Deloire, Director General of Reporters Without Borders; Frank La Rue, Special Rapporteur on the Right to Freedom of Opinion and Expression; and Anne-Marie Capomaccio, Head of the Office of Radio France Internationale in Washington. The objective of the meeting was to take stock of the implementation of resolution 1738 and consider ways for the international community to ensure a safe environment for journalists, strengthen implementation of existing norms for the protection of journalists and better protect journalists also in non-armed conflict situations.

### The Informal Expert Group on the Protection of Civilians

The Council's informal expert group on the protection of civilians continued to meet regularly. Some changes were recently made to the format of the meetings, with OCHA still acting in a secretariat role for the group and as the only briefer, but more representatives from the UN system are now present to answer questions. In the past the Department of Peacekeeping Operations (DPKO) would be the only outside participant apart from OCHA, but this summer the UK started to invite other relevant UN representatives such as UN Women, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR).

OCHA's briefings still focus on the most important protection concerns in the situation under consideration, actions taken on the ground to address such concerns and suggestions for Council action, including possible language for inclusion in resolutions based on the aide-mémoire. While the focus is the same, it seems that OCHA has made an effort to be more concise in its messages to Council members.

In terms of scope, the expert group has continued to focus on renewals of UN-mandated missions, and no additional thematic briefings have taken place since the meeting

on humanitarian access in February 2012. In the period since the 2012 open debate, the group has considered the mandates of the following missions:

- AU Mission in Somalia (February 2013);
- UN Assistance Mission in Afghanistan (March 2013);
- UN Organisation Stabilisation Mission in the DRC (June 2012 and March 2013);
- UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) (April 2013);
- UN Mission in South Sudan (June 2012 and 2013);
- UN Operation in Cote d'Ivoire (July 2012 and 2013);
- AU-UN Hybrid Operation in Darfur (July 2012 and 2013);
- UN Assistance Mission in Iraq (July 2012 and 2013);
- International Security Assistance Force in Afghanistan (October 2012 and September 2013); and
- UN Interim Security Force in Abyei (May 2012 and November 2013).

In addition, the group 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 Central African Republic.

The group held 10 meetings in 2012, the same number as in 2011 and 11 meetings in 2013. (At press time, no further meetings were expected in 2013.)

### Other Thematic Developments in the Council

#### Children and Armed Conflict

On 19 September 2012, the Council held an open debate on children and armed conflict (S/PV/6838 and Resumption 1) and adopted a resolution focusing on persistent perpetrators of violations against children. More specifically, resolution 2068 expressed concern about persistent perpetrators, called on member states to bring them to justice and reiterated its readiness to adopt targeted measures against them. (The resolution was adopted by a vote of 11 in favour, none against and four abstentions—Azerbaijan, China, Pakistan and Russia—while all previous resolutions on this issue had been adopted by consensus.) The Council also called on

the Working Group on Children and Armed Conflict to consider, within one year, a broad range of options for increasing pressure on persistent perpetrators and asked the Special Representative on Children and Armed Conflict to brief on the delisting process.

On 17 June 2013, the Council held another debate on children and armed conflict (S/PV.6980), with the Special Representative Leila Zerrougui briefing on the Secretary-General's annual report on the issue (S/2013/245). During this debate, the Council adopted a presidential statement reiterating its commitment to deal with persistent perpetrators and its readiness to adopt targeted measures against them (S/PRST/2013/8). The presidential statement also highlighted the contribution of the ICC in the fight against impunity, encouraged the continuing inclusion of child protection in the policies and programmes of regional organisations and stressed the importance of engaging armed forces and armed groups on child-protection concerns during peace talks.

#### Women, Peace and Security

On 31 October 2012, the Council adopted a presidential statement on women, peace and security, which focused on the need for enhanced participation by women in conflict prevention, conflict resolution and peacebuilding (S/PRST/2012/23). As for specific protection issues, the Council condemned all violations of applicable international law against women and girls in conflict and post-conflict situations and reiterated its intention to continue to fight impunity forcefully and uphold accountability with appropriate means.

On 17 April 2013, the Council considered the Secretary-General's annual report on sexual violence in conflict (S/2013/149) in an open debate featuring a briefing by the Secretary-General and Zainab Bangura, his Special Representative on the issue (S/PV.6948). On 24 June 2013, the Council held another open debate focusing on sexual violence, this time at ministerial level, which featured briefings by the Secretary-General and Bangura among others (S/PV.6984). The Council adopted resolution 2106, which focused on accountability for perpetrators of sexual violence in conflict and stressed the political and economic empowerment of women as central to the long-term prevention of sexual violence.



## Key Developments at the Thematic Level since May 2012 (con't)

On 18 October, the Council held its annual open debate on women, peace and security under the presidency of Azerbaijan (S/PV.7044). Ahead of the debate, Azerbaijan had circulated a concept note proposing “women, rule of law and transitional justice in conflict-affected situations” as the theme for the debate (S/2013/587). The Council adopted resolution 2122, which addressed persistent gaps in the implementation of the women, peace and security agenda, as highlighted in the most recent Secretary-General’s report on this issue (S/2013/525).

### *Open Debate on the ICC*

On 17 October 2012, the Council held an open debate under the presidency of Guatemala on the promotion and strengthening of the rule of law in the maintenance of international peace and security with, for the first time, a special focus on the role of the ICC (S/PV.6849 and Resumption 1). Guatemala had circulated a concept note ahead of the debate setting out as an objective to explore how the ICC could assist the Council in carrying out its mandate to uphold the rule of law, maintain peace and security, combat impunity and ensure accountability for mass atrocities (S/2012/731). Briefers included the Secretary-General, the ICC President and a representative of the Office of the ICC Prosecutor. There was no outcome, however. (For more details on the debate, please see our January 2013 *Cross-Cutting Report on the Rule of Law*.)

### Other Relevant Developments

#### *Follow-up to the Internal Review of UN Action in Sri Lanka*

In November 2012, the Internal Review Panel on UN Action in Sri Lanka submitted its report to the Secretary-General. The Secretary-General created the panel in response to the 12 April 2011 report of the Panel of Experts on Accountability in Sri Lanka, which concluded that there was a need for the UN to review its actions during the final stages of the conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). (For more background on this conflict, please refer to the case study on Sri Lanka in our 2009 *Cross-Cutting Report on the Protection of Civilians*.)

The mandate of the Review Panel was to:

- provide an overview and assessment of UN actions during the final stages of the war in Sri Lanka in 2008 and 2009 and its aftermath, particularly regarding the implementation of its humanitarian and protection mandates;
- assess the contribution and effectiveness of the UN system in responding to the escalating fighting and in supporting the Secretary-General’s political engagement;
- identify institutional and structural strengths and weaknesses and provide recommendations for the UN and member states in dealing with similar situations; and
- make recommendations on UN policies or guidelines pertaining to protection and humanitarian responsibilities and on strengthening the system of UN Country Teams (UNCTs) and the capacity of the UN as a whole to respond effectively to similar situations of escalated conflict.

Given its broad mandate, the Panel’s findings are highly relevant for the Security Council as they relate to the Council’s efforts to enhance the protection of civilians. The report includes a critical assessment of the UN’s ability, both at headquarters and country level, to meet its protection and humanitarian responsibilities in Sri Lanka, as well as member states’ willingness to act and offers a number of detailed recommendations.

With regard to the role of the Council, the report noted the Council’s failure to intervene in any meaningful way due to divisions among its members. It concluded that “the single most effective UN action to protect civilians from gross human rights violations is early and robust political consensus among UN member states in favour of protection; the combined political will alone of the international community has dramatically positive effects in encouraging parties on the ground to change their conduct and protect civilians. [...] Reaching early and full political consensus among member states is vital to improving protection of civilian lives”. The report went on to emphasise the need to identify ways to allow member states to more easily reach consensus. These could include earlier and better information and offering “new models of UN action which protect the human rights of civilians but which also have a minimal impact on the wider concerns of member states”, the report said.

In terms of more specific recommendations, the report proposed that:

- the Secretary-General should develop a new vision of the UN’s responsibilities regarding large-scale violations of international human rights and humanitarian law in crisis, with a particular emphasis on the responsibility of senior staff;
- international human rights, humanitarian law and criminal law perspectives must be included in overall UN analysis and strategy in relevant situations (this also included a recommendation to significantly strengthen OHCHR in New York and give it an explicit oversight role for international human rights and humanitarian law in UN crisis response);
- the Secretary-General should strengthen management of the UN response to international crises that present large-scale risks to civilians, among other things by appointing one senior official to have direct overall responsibility and by strengthening coordination;
- the UN should promote accountability and responsibility through a “due diligence” policy of regularly requesting information from OHCHR on serious human rights concerns in countries where it operates;
- the Secretary-General should improve the UN’s engagement with member states and build political support through regular briefings and other methods; and
- the Secretary-General should review options for how to respond to violations of UN privileges and immunities by member states.

As a follow-up to the report, the Secretary-General asked the Deputy Secretary-General to identify ways to implement its recommendations. In a report submitted to the Secretary-General in July 2013, Eliasson proposed an action plan which was subsequently agreed as an internal UN document. Entitled “Rights Up Front”, the plan incorporates the following six pillars:

- reaffirm the UN’s responsibilities with respect to serious violations of international humanitarian and human rights law;
- reinvigorate UN engagement with member states by, among other things, informing states of what they need to know—rather than what they want to

## Key Developments at the Thematic Level since May 2012 (con't)

hear—using horizon-scanning briefings for the Council and, when needed, Article 99 of the UN Charter, which gives the Secretary-General the right to bring to the attention of the Council “any matter which in his opinion may threaten the maintenance of international peace and security”;

- strengthen the UN’s country presence, in particular with regard to human rights and political aspects;
- develop a more effective crisis response at UN headquarters-level based on strengthened and more streamlined coordination mechanisms;
- strengthen the UN’s human rights capacity, including OHCHR’s capacity in New York; and
- establish a common UN information management system on violations of human rights and international humanitarian law.

### *UN Human Rights Due-Diligence Policy on UN Support to Non-UN Security Forces*

On 25 February 2013, the Secretary-General submitted to the Council and the General Assembly the text of the human rights due-diligence policy on UN support to non-UN security forces (S/2013/110). It sets out measures that all UN entities must take in order to ensure that any support provided to non-UN forces is consistent with “the purposes and principles of the UN Charter and with its responsibility to respect, promote and encourage respect for international humanitarian, human rights and refugee law”.

The Secretary-General instituted the policy in July 2011; it was based on experience from the DRC where in 2009 the UN peacekeeping mission had developed a conditionality policy to guide its support to the DRC army. However, it had not been circulated as an official UN document before. The decision to do so was welcomed by many as a step towards ensuring more effective implementation. Core elements of the policy include:

- assessing the risks involved in providing or not providing UN support before it is given, in particular the risk of the recipient(s) committing grave violations of international humanitarian law, human rights law or refugee law;
- ensuring transparency with receiving entities about the UN’s legal obligations and the core principles governing the provision of support; and
- creating an effective implementation framework, including procedures for monitoring compliance with international humanitarian, human rights and refugee law, for determining when and how to intercede with a view to putting an end to grave violations and for deciding whether to suspend or withdraw support.

In his letter submitting the policy, the Secretary-General noted that “insofar as the General Assembly and the Security Council may decide to mandate UN entities to provide support to non-UN security forces, I trust that both the Assembly and the Council will take the policy into account in their deliberations.”

### *Arms Trade Treaty*

Another recent development relevant to the broader protection of civilians agenda was the adoption by the General Assembly on 2 April 2013 of an international arms-trade treaty (ATT, as referred to in the 19 August 2013 open debate noted above) aimed at regulating international transfers of conventional weapons.

With regard to the protection of civilians, the ATT requires states to assess whether a transfer could be used to commit or facilitate serious violations of international humanitarian and human rights law, terrorism or organised crime and to take into account the risk of serious acts of gender-based violence or acts of violence against women and children. If there is an overriding risk of any of these negative consequences, states are required not to authorise the export.

The treaty also prohibits transfers of arms or exports of ammunition or weapons parts and components if a state has knowledge that the transferred items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks directed against civilian objects or civilians or other war crimes.

In a statement welcoming the adoption, the Secretary-General called it a historic diplomatic achievement and said the treaty would be a powerful new tool in the international community’s efforts to prevent grave human rights abuses or violations of international humanitarian law.

## Analysis of Council Action in Country-Specific Situations

Building on our previous *Cross-Cutting Reports*, we continue here our analysis of Council action on protection of civilians in country-specific situations with a review of all relevant resolutions and presidential statements adopted by the Council in 2012, as well as press statements. We also review developments in Council sanctions regimes targeting violations of international humanitarian or human rights law. To present as up-to-date a picture as possible of recent Council action, we also refer to key decisions made

in 2013 although our statistical analysis only covers the last full calendar year.

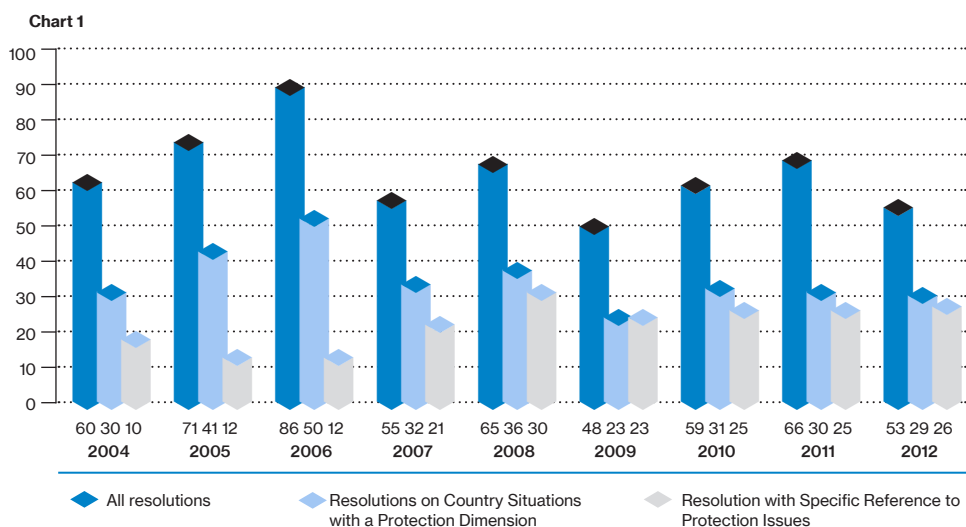
### **Resolutions**

In this section we will take a closer look at the relevant resolutions adopted in 2012 to see whether any changes in the Council’s approach to protection issues could be detected when compared with the previous year and more long-term trends. In 2012, the Council adopted 53 resolutions. This was a significant decrease from 2011 when

it adopted 66 resolutions, but the number of country-specific resolutions that could reasonably be expected to address protection issues was almost the same: 29 in 2012 compared with 30 in 2011. While there was thus a slight increase in the share of resolutions with a protection dimension, from 45.5 percent in 2011 to 49 percent in 2012, this was not significant when compared with previous years, as can be seen in chart 1 below. Our analysis of these decisions revealed the following:

*The Council continued to address protection*

## Analysis of Council Action in Country-Specific Situations (con't)



issues consistently in relevant resolutions.

Almost all of the resolutions that we expected would include protection language did in fact address relevant protection concerns. Of the 29 resolutions deemed to be relevant for our analysis (as referred to above), only three, or about 10 percent, did not contain any references to protection issues. One of these was resolution 2059, which extended the mandate of the UN Supervision Mission in Syria (UNSMIS) for a final 30 days, while the other two were so-called technical rollovers of the mandate of the AU Mission in Somalia (AMISOM). Resolution 2072 renewed AMISOM's mandate for only one week while resolution 2076 extended the mission for another four months as Council members were struggling to reach agreement on a more comprehensive text.

Of the remaining 26 resolutions that addressed pertinent protection issues, there were 18 renewals of existing UN mission mandates, sanctions panels of experts or other authorisations. In addition, the Council established one new UN mission without a protection mandate (UNSMIS) and authorised the deployment of an African-led International Support Mission in Mali (AFISMA). The remaining six resolutions addressed the situations in the DRC, Mali (two), Somalia, Sudan-South Sudan and Syria.

*There were no major changes in mandate renewals of existing Council-authorised missions.*

Following up on the analysis in our 2012 *Cross-Cutting Report*, we looked at the

mandate renewals of all existing UN and other missions to compare the protection language in these resolutions with previous mandate renewals. This time we found very few significant changes in terms of any new or strengthened protection provisions. On the other hand, we did not detect any noticeable weakening of relevant language either.

We found some substantive new protection language, however, in mandate renewals pertaining to the UN missions in Côte d'Ivoire, the DRC and South Sudan.

On 26 July 2012, in resolution 2062, the Council extended the mandate of the UN Mission in Côte d'Ivoire (UNOCI) for another 12 months. It contained a new operative paragraph on accountability, urging the government "to ensure in the shortest possible timeframe that (...) all those responsible for serious abuses of human rights and violations of international humanitarian law, notably those committed during the post-electoral crisis in Côte d'Ivoire, are brought to justice in accordance with its international obligations and (...) further encourages the Ivorian government to continue its cooperation with the ICC". It also included a new provision calling on the Côte d'Ivoire military and security forces to adhere to international humanitarian, human rights and refugee law while recalling the importance of relevant training and encouraged reconfiguration of the UN presence to strengthen the protection of civilians. Furthermore, it called on the Secretary-General to report on

the implementation of UNOCI's protection of civilians strategy.

In resolution 2053, adopted on 27 June 2012 to renew the mandate of the UN Organisation Stabilisation Mission in the DRC (MONUSCO), the Council added a new paragraph encouraging the mission to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities and to collect reliable information on violations and abuses of international humanitarian and human rights law perpetrated against civilians.

The mandate renewal of the UN Mission in South Sudan (UNMISS) in resolution 2057 of 5 July 2012 contained a new paragraph recalling protection of civilians as a priority for the mission. It urged UNMISS to deploy its assets accordingly, underscored the need for UNMISS to focus on capacity-building in this area, welcomed the development of a protection of civilians strategy and early-warning and response strategy and requested the Secretary-General to report on progress with regard to their implementation. The resolution also called on the government of South Sudan to take greater responsibility for the protection of civilians.

*While the Council's deadlock over Syria was temporarily broken in 2012, divisions among its members continued to hamper effective Council action to ensure the protection of civilians.*

On 14 April 2012, the Council adopted its first resolution on Syria since the outbreak of the conflict in 2011. In resolution 2042 it condemned the widespread violation of human rights in Syria while emphasising that those responsible must be held accountable. Furthermore, it called for the implementation of the Arab League-UN Joint Special Envoy's six-point plan for ending the conflict in Syria while noting that this was aimed at bringing an immediate end to all violence and human rights violations and securing humanitarian access. The resolution also called on Syria to allow "immediate, full and unimpeded access of humanitarian personnel (...) in accordance with international law" and called on all parties to cooperate fully with the UN and other relevant organisations.

On 21 April 2012, in resolution 2043, the Council established UNSMIS to monitor the ceasefire agreed to by the parties in Syria and to monitor and support the full implementation of the Arab League-UN Joint Special



## Analysis of Council Action in Country-Specific Situations (con't)

Envoy's six-point plan. The resolution condemned the widespread violation of human rights in Syria and emphasised that those responsible must be held accountable. It also reiterated its call for the implementation of the six-point plan to bring an end to the violence and human rights violations and secure humanitarian access and called for "immediate, full and unimpeded access of humanitarian personnel (...) in accordance with international law." In the absence of a ceasefire, however, UNSMIS was unable to implement its mandate, and the mission withdrew from Syria in August 2012 following a final extension of its mandate for 30 days in resolution 2059 adopted by the Council on 20 July.

More recent developments this year with the adoption on 27 September of resolution 2118 on the use of chemical weapons in Syria and on 2 October of a presidential statement (S/PRST/2013/15) calling on all parties in Syria to ensure humanitarian access, initially raised new hope for an end to the conflict. At press time, it appeared that the Council's statement had had little impact on the humanitarian situation, however. In a briefing to the Council on 25 October, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos expressed deep disappointment that, despite the rapidly deteriorating humanitarian situation, access had not improved and there had been no major breakthrough in getting the government to lift bureaucratic impediments and other obstacles (S/PV.7049). Subsequently, Amos briefed Council members on Syria in informal consultations on 4 November and 3 December, but reported very limited progress with regard to the access situation.

*In response to the crisis in Mali, the Council adopted three resolutions in 2012, all of which contained comprehensive protection language, including a resolution authorising an African-led mission in Mali.*

The Council first adopted two resolutions on the situation in Mali condemning attacks against civilians and expressing concern about the worsening humanitarian situation there. More specifically, resolution 2056 adopted on 5 July 2012 called on the parties in the north of Mali to cease all attacks against civilians and stressed that the perpetrators must be brought to justice. It also demanded that all parties ensure

humanitarian access. In its second resolution on Mali—resolution 2071 adopted on 12 October 2012, which called for a road map—the Council reiterated its demand that the parties cease all abuses of human rights and international humanitarian law.

Then, on 20 December 2012 in resolution 2085, the Council authorised the deployment of an African-led International Support Mission in Mali (AFISMA). Its mandated tasks included support to the transitional authorities in their primary responsibility to protect the population and create a secure environment for the delivery of humanitarian assistance and for the voluntary return of internally displaced persons and refugees. The Council also called on the new mission to support efforts, including those of the ICC, to bring to justice perpetrators of serious human rights abuses and violations of international humanitarian law in Mali.

In addition, the Council emphasised that any support provided by the UN, regional and subregional organisations and member states must be consistent with international humanitarian and human rights and refugee law, called on the Secretary-General to report on the situation of civilians in the north of Mali and advise on ways to mitigate any adverse impact of military operations on the civilian population.

In the same resolution, the Council also condemned any violence against civilians and emphasised that those responsible must be held accountable while noting that the transitional authorities had referred the situation in Mali since January 2012 to the ICC. Furthermore, the Council demanded that all parties should ensure the safety and security of humanitarian personnel and supplies and ensure unhindered humanitarian access.

The Council has remained engaged in the situation in Mali in 2013, and on 25 April in resolution 2100, it authorised the establishment of the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) for an initial period of 12 months, to replace AFISMA. The mandate of the mission, which has an authorised strength of 12,660 personnel, includes protection of civilians and promotion and protection of human rights. MINUSMA is also mandated to stabilise key population centres and support the reestablishment of state authority throughout Mali, support the implementation of the

transitional roadmap and support humanitarian assistance, cultural preservation and national and international justice.

*Facing rapidly deteriorating relations between Sudan and South Sudan and following a long period of inaction, the Council responded with a strong resolution including clear language on humanitarian access.*

On 2 May 2012, the Council adopted resolution 2046 in response to the growing tensions between Sudan and South Sudan, calling for the immediate cessation of all hostilities. The resolution contained several provisions addressing the protection of civilians. Among other things, it urged the parties to permit humanitarian access to the affected population in the two areas. It also called on all parties to promote and protect human rights and to comply with their obligations under international law, including international humanitarian and international human rights law, and said those responsible for serious violations of such law were to be held accountable.

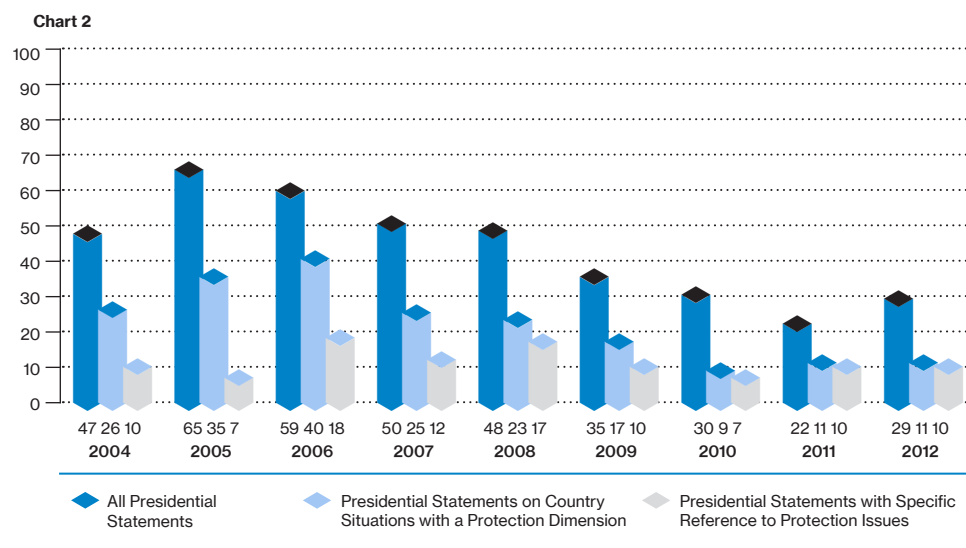
*A resolution on the end of the transition in Somalia contained comprehensive protection language.*

In resolution 2067, adopted on 18 September 2012, the Council emphasised that protecting and promoting human rights, investigating breaches of international humanitarian law and bringing those responsible for such breaches to account would be essential for the legitimacy of the new government in Somalia. Furthermore, it condemned violations and human rights abuses against the civilian population, including violence against, children, journalists and human rights defenders and sexual violence against women and children; called for the immediate cessation of such acts; and emphasised the need for accountability for all such violations and abuses. It also demanded that all parties ensure full, safe and unhindered humanitarian access.

*In response to attacks against civilians by the March 23 (M23) rebel group operating in the DRC, the Council adopted a resolution threatening to impose additional targeted sanctions.*

On 20 November 2012, the Council adopted resolution 2076 on the situation in the DRC, condemning attacks by the rebel group M23. It specifically condemned attacks against the civilian populations and all violations of international humanitarian

## Analysis of Council Action in Country-Specific Situations (con't)



and human rights law while calling for the perpetrators to be held accountable. Furthermore, the Council called on all parties to allow safe, timely and unhindered access to those in need, respect the civilian and humanitarian character of refugee camps and sites for internally displaced persons and stressed the need to prevent the forced recruitment of children. It also expressed its intention to consider additional targeted sanctions against the leadership of M23 and requested the Secretary-General to report on options for the possible redeployment of MONUSCO to improve its ability to implement its mandate, including with regard to the protection of civilians.

In 2013, as a follow-up to this resolution and options presented by the Secretary-General, the Council extended MONUSCO's mandate on 28 March in resolution 2098 and authorised an intervention brigade specifically mandated to neutralise and reduce the threat posed by armed groups operating in eastern DRC. As part of MONUSCO, the brigade was also mandated to perform all of the regular mission tasks, including the protection of civilians.

### Presidential Statements and Press Statements

Of the 29 presidential statements adopted by the Council in 2012, we found that there were 11 that could reasonably be expected to address protection issues and were therefore relevant for our analysis. All but one of these

statements, or about 90 percent, did in fact contain some protection-related language. This finding confirmed the trend we have seen in presidential statements adopted over the past few years, as is evident from Chart 2 above, with a greater focus on protection concerns in relevant situations.

There were two statements on the Central African region focusing on the Lord's Resistance Army (LRA) in which most of the text was on protection issues. In a presidential statement adopted on 29 June 2012, the Council strongly condemned violations of international humanitarian law and human rights abuses committed by the LRA and demanded an immediate end to all attacks (S/PRST/2012/18). It also noted the important role played by UN peacekeeping operations and the responsibility of states to protect civilians. Furthermore, the Council called on all states to cooperate with the ICC and Uganda in the implementation of the arrest warrants issued by the Court against three senior LRA leaders. Finally, it called on all parties to ensure safe and unhindered access for humanitarian organisations to the civilian population. Another statement on the LRA adopted on 19 December 2012 contained similar language (S/PRST/2012/28). In addition, it specifically urged MONUSCO and UNMISS to continue their efforts to protect civilians in LRA-affected areas and called for greater cooperation with UNAMID and the UN Integrated Peacebuilding Support Office in the CAR (BINUCA) related to the

regional threat posed by the LRA.

There was also a statement on the DRC that had a strong focus on protection of civilians (S/PRST/2012/22). The statement condemned attacks against the civilian population perpetrated by the rebel group M23 and demanded that it immediately cease all forms of violence. The Council also called for those responsible for the violence to be held accountable for violations of applicable international law and expressed its intention to apply targeted sanctions against the leadership of M23 while calling on all member states to submit listing proposals to the 1533 DRC Sanctions Committee. Furthermore, it expressed concern about the increasing number of displaced persons and refugees and called on all parties to allow safe, timely and unhindered humanitarian access.

There were three presidential statements addressing Sudan-South Sudan relations. While we would have expected all of these to have a clear focus on protection of civilians, only two of them did. They focused in particular on the humanitarian crisis in Southern Kordofan and Blue Nile states in Sudan. The first of these, adopted on 6 March 2012, emphasised "the grave urgency of delivering humanitarian aid" and demanded that the parties ensure humanitarian access (S/PRST/2012/5). In a statement adopted on 31 August 2012, the Council welcomed an agreement reached between the parties to enable the delivery of humanitarian aid and called for its urgent implementation (S/PRST/2012/19). A statement adopted on 12 April 2012 on the escalation of conflict between the two countries had a political focus and did not explicitly address any protection concerns (S/PRST/2012/12).

Also of note was a presidential statement on the conflict in Syria on 21 March 2012, in which the Council reiterated its full support for the Joint Arab League-UN Envoy's six-point plan for ending the conflict (S/PRST/2012/6). The Council reiterated its call for Syria to allow humanitarian personnel to have immediate, full and unimpeded access to all populations in need of assistance and for all parties in Syria to facilitate the provision of humanitarian assistance, calling specifically on all parties to immediately implement a daily two-hour humanitarian pause as called for in the six-point plan.

---

## Analysis of Council Action in Country-Specific Situations (con't)

Finally, there were two presidential statements on Mali, which, although they did not have a very strong focus on protection of civilians, expressed the Council's concern about the deterioration in the humanitarian situation following the 22 March 2012 coup (S/PRST/2012/7 of 26 March and S/PRST/2012/9 of 4 April). In the latter statement, the Council also called on all parties in Mali to allow "timely, safe and unimpeded access of humanitarian aid to civilians in need".

A presidential statement on Somalia adopted on 5 March 2012, while focusing mostly on political aspects, also emphasized the need for humanitarian assistance and demanded that all parties ensure unhindered humanitarian access (S/PRST/2012/4).

With regard to Council press statements, our findings were similar to those in our 2012 report. The upward trend in the total number of statements continued in 2012 with the Council issuing 78 compared with 74 in 2011, its highest number in recent

years. The majority of the statements were not relevant for our analysis since most of them addressed very specific issues. There were, however, 24 statements that we expected would address protection issues, and of these 20 or more than 80 percent, did in fact contain relevant language and often had a strong focus on protection. These numbers were similar to what we found in last year's analysis.

---

## Developments in Council Sanctions Regimes

Sanctions are among the Council's most powerful tools for enhancing compliance with international humanitarian law. In 2012, the Council was considerably less active in its use of sanctions than in 2011 when it imposed new measures or made additional listings relating to the situations in Côte d'Ivoire, the DRC, Libya and Somalia. The only significant sanctions-related development in 2012 of relevance to the protection agenda was the decision by the 1533 DRC Sanctions Committee to designate four individuals and two entities as subject to targeted sanctions on the basis of violations committed against civilians.

The Council's active use of sanctions in the context of the DRC contrasted sharply with its continued inaction vis-à-vis the situation in Darfur despite reports of widespread abuses continuing to be committed against civilians there and the fact that the listing criteria under the Council-imposed sanctions regime relating to the situation in Darfur calls for sanctions to be imposed against violators of international humanitarian and human rights law.

There are, therefore, relatively few changes to report when comparing the current status of Council practice on sanctions and the protection of civilians with what we wrote in the 2012 *Cross-Cutting Report*. Five of the 13 sanctions regimes currently authorised by the Council (with the Guinea-Bissau sanctions regime, created in 2012, being the most recent) include listing criteria linked to violations of international human rights or humanitarian law: Côte d'Ivoire, the DRC,

Libya, Somalia and Sudan (Darfur). In all of these situations, such listing criteria have in fact been used as a justification for some of the designations.

The analysis that follows offers additional details on developments in the sanctions regimes for the DRC, Somalia and Sudan. We decided this time not to include Côte d'Ivoire and Libya in the analysis since those sanctions regimes have evolved to a point where they are less relevant for our purposes.

### *Democratic Republic of the Congo*

The DRC sanctions regime includes provisions imposing a travel ban and asset freeze on political and military leaders found to have committed serious violations involving the targeting of children or women or recruitment and use of children in armed conflict. It also targets individuals or entities obstructing access to, or the distribution of, humanitarian assistance in the eastern part of the country (S/RES/2078 of 28 November 2012).

In 2012, the 1533 DRC Sanctions Committee added five individuals and two entities to the targeted sanctions list. The justification for all but one of these designations referred to violations against civilians.

The Group of Experts assisting the 1533 DRC Sanctions Committee with monitoring the sanctions regime reported extensively on violations against civilians in 2012, as it had in previous years. In its mid-term report, submitted to the Council on 21 June 2012, the Group noted that civilians continued to suffer abuses from armed groups as well as from the DRC security forces and that in

some parts of eastern DRC the situation for civilians had further deteriorated, especially with regard to attacks against women and children (S/2012/348).

In its final report to the Council in 2012, submitted on 12 October (S/2012/843), the Group reported that violence against civilians by all armed groups had increased, as had recruitment and use of child soldiers. It also reported that there had been several incidents of indiscriminate killings of civilians, including women and children, by armed groups. In an annex, the report contained detailed information about violations of international humanitarian and human rights law along with profiles of four senior rebel commanders responsible for some of the violations.

Subsequently, the Committee designated three of the four individuals named in the report as subject to targeted sanctions. On 12 November 2012, the Committee announced the designation of Sultani Makenga for serious violations of international law involving the targeting of women and children, as well as violations related to recruitment or use of children and atrocities against the civilian population (SC/10812).

On 30 November 2012, the Committee announced the designation of one individual, Baudoin Ngaruye, for "severe violations of human rights and international law" and another individual, Innocent Kaina, for "serious violations of international law and human rights" (SC/10842). The justifications also referred to their involvement in the recruitment and training of children.



## Developments in Council Sanctions Regimes (con't)

Furthermore, on 31 December 2012, the Committee designated the two armed groups M23 and *Forces Démocratiques de Libération du Rwanda* (FDLR), as well as a rebel military commander, Eric BADEGE, for serious violations of international law involving the targeting of women and children (SC/10876). The justification for BADEGE also referred to his involvement in indiscriminate killing of individuals.

At the end of 2012, the 1533 DRC Sanctions Committee had designated 31 individuals and 10 entities as subject to targeted sanctions. The justifications for 19 of the 31 individuals and two of the 10 entities referred to violations of international law, in most cases involving abuses against women and children.

At press time, no additional designations had been made by the Committee in 2013.

### *Somalia*

The sanctions regime for Somalia comprises targeted measures against individuals or entities designated by the 751/1907 Somalia and Eritrea Sanctions Committee as obstructing humanitarian assistance to Somalia, recruiting and using children in armed conflict in violation of applicable international law or being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

The provisions relating to the targeting of civilians were only added to the sanctions regime in July 2011 when the Council adopted resolution 2002. The 2012 report by the Monitoring Group assisting the Sanctions Committee, issued on 11 July, was therefore the first to specifically address such violations (S/2012/544). It contained separate sections on obstruction of humanitarian access and violations of international humanitarian law, including attacks on civilians, gender-based violence, child soldiers and forcible

displacement and confinement.

According to the Monitoring Group's July 2012 report, there were pervasive violations of international humanitarian law and human rights principles in Somalia in 2011 and 2012, but efforts to document such acts were rendered difficult by lack of access, insecurity, and, in some cases, a culture of denial on the part of Somali leaders. This denial was further aggravated by an overall tendency on the part of the international community—donors and UN agencies alike—to refrain from holding the Somali government, military and paramilitary forces and their supporters accountable for violations of applicable international humanitarian law. Despite the difficulties described with regard to documenting violations, the report did contain a confidential annex with a detailed inventory of attacks against civilians. It did not, however, make any recommendations to the Council specifically relating to violations of international humanitarian law and human rights law or obstruction of humanitarian access.

Over the course of 2012 the Committee added three individuals to the sanctions list for Somalia, but none of these was designated for obstruction of humanitarian access or violations of international humanitarian or human rights law. Of the 13 individuals and one entity that had been designated by the Committee at the end of 2012, only *Al Shabaab*, the one entity, had been designated on the basis of protection of civilians-related criteria.

So far in 2013, the Committee has not announced any additional listings.

### *Sudan*

The sanctions regime for Sudan includes targeted measures against those who commit violations of international humanitarian or human rights law or other atrocities in Darfur. Since the first designations in April 2006, which were made through a separate Council resolution rather than a consensual decision of the 1591 Sudan Sanctions Committee,

there have been no further listings. Of the four individuals on the sanctions list, one was designated for violations of international humanitarian law. Despite ongoing reports of widespread abuses against civilians, the Council has over the years been unable to agree on additional designations against perpetrators of abuses, and this was also the case in 2012.

As for developments in 2012, the Panel of Experts assisting the Sanctions Committee submitted its final report to the Council in February 2012, but the report was never made public. (Mainly, it seems, this was due to opposition from Russia unrelated to the protection of civilians.) Since the Panel did not produce a report in 2011 (due to delays in the appointment of experts), the most recent publicly available report prior to 2012 was the 2010 report, which was published on 8 March 2011 and which we referred to in our 2012 *Cross-Cutting Report* (S/2011/111).

In the absence of any publicly available information from the Panel in 2012 about violations against civilians, it is difficult to assess whether the Committee should have been more proactive. However, if we look at the Panel's 2013 report, which was submitted to the Committee on 22 January and therefore mostly covers developments in 2012, it seems clear that the situation with regard to violations of international humanitarian law had not improved (S/2013/79). According to this report, civilians continued to be killed and forcibly displaced. The report also noted that "the lack of capacity and will on the part of the judiciary to seriously prosecute perpetrators of international humanitarian law and human rights violations committed in relation to the conflict, and the resulting impunity, contribute to perpetuating a status quo where perpetrators are at large and civilians continue to bear the brunt of a protracted conflict".

# Country-Specific Reporting to the Council on Protection of Civilians

## The Secretary-General's Reports

As noted in our previous *Cross-Cutting Reports*, the Council has provided the Secretary-General with clear instructions to report on the protection of civilians in country-specific situations. It also requested him, in resolution 1894 of 11 November 2009, to develop guidance for UN operations and other relevant missions on protection reporting “with a view to streamlining such reporting and enhancing the Council’s monitoring and oversight”.

In its most recent thematic decision on the protection of civilians, the presidential statement adopted on 12 February (S/PRST/2013/2), the Council also addressed the issue of reporting. It requested that reporting from peacekeeping missions include information on the use and effectiveness of tools created to develop mission-wide protection of civilians strategies as well as recommendations on necessary updates and revisions, based on field experience. Furthermore, the Council recognised the need for systematic monitoring and reporting on progress to protect civilians in armed conflict, reaffirmed its practice of requiring mission-specific benchmarks to measure and review progress made in the implementation of peacekeeping mandates and underlined the importance of clear mission-specific benchmarks in the context of mission transition.

In our 2012 *Cross-Cutting Report* we already noted a slight shift in the Secretary-General’s reports towards a greater emphasis on implementation of mandates and protection strategies based on our analysis of his 2011 reports. This trend seemed to continue in 2012.

The Secretary-General submitted 85 reports to the Council in 2012. Of these, there were 43 reports on country-specific situations with a protection dimension that were relevant to our analysis. (This was similar to the numbers in 2011 when there were 88 reports, of which 37 had a protection dimension.)

As in previous years, with only a few exceptions, almost all of the reports included in our analysis did in fact contain information or observations relevant to the Council’s consideration of protection challenges. Although they did not necessarily contain a

separate section on the protection of civilians, protection issues were addressed under other headings, often in a comprehensive way.

In most cases there were no major changes in the reporting compared with the previous year. The reports on Afghanistan continued to provide some of the most detailed information on civilian casualties, including main perpetrators, types of victims, causes of death, trends and measures taken to prevent casualties. They could serve as an example of “best practice” for such reporting to the Council. With regard to other reports, it is worth noting that the first report on the situation in Mali, which was a new item on the Council’s agenda in 2012, contained a separate section on the human rights situation and protection of civilians (S/2012/894).

In light of the Council’s focus on the need for reporting on implementation of protection of civilians strategies and benchmarks in the context of UN peacekeeping missions as noted above, we decided to look more closely at developments in these two areas, focusing on reports relating to UNOCI, MONUSCO, UNAMID, UNMISS and the UN Interim Security Force for Abyei (UNISFA).

There were three reports on UNOCI. While they did not contain a separate section on the protection of civilians, there were sections on human rights and transitional justice, and the Secretary-General’s observations also had a clear protection focus, addressing key concerns such as sexual violence and accountability. One of the reports described the mission’s protection of civilians strategy, but not in a very detailed way. There was no reference to benchmarks in any of the reports.

There were also three reports on MONUSCO. All of these reports had a subsection entitled “Protection of Civilians” under the section describing mandate implementation. Two of the reports referred to the mission’s protection of civilians strategy, describing specific measures that had been implemented as part of the strategy, such as development of provincial-level protection plans. None of the reports contained benchmarks, although one 14 November 2012 report noted that MONUSCO was in the process of developing benchmarks to measure how disarmament, demobilisation,

repatriation, resettlement and reintegration were progressing and affecting the strength of foreign armed groups (S/2012/838).

There were also three reports on UNMISS that had a structure similar to the MONUSCO reports, with a subsection entitled “Protection of Civilians” under the description of the mission’s mandate implementation. Two of the reports also had information on the mission’s protection strategy. The second report of 26 June 2012 contained an annex with five benchmarks in response to the Council’s request in resolution 1996 of 8 July 2011, which established the mission (S/2012/486). Two of the benchmarks were of direct relevance to the protection of civilians: South Sudan “has developed sufficient capacity to prevent, mitigate and resolve conflicts and effectively carry out its responsibility to protect civilians” and South Sudan “monitors and prevents human rights violations”.

There were six reports on UNISFA. All of these reports had separate sections on the protection of civilians, focusing on mission activities. Three of the reports referred briefly to the mission’s protection strategy, but there was no mention of benchmarks.

The three reports on UNAMID were the only ones to report specifically on progress against established benchmarks of direct relevance to the protection of civilians: restoration of a stable and secure environment; strengthening the rule of law, governance and the protection of human rights; and stabilising the humanitarian situation and facilitating humanitarian access to populations in need of assistance. All three reports also had separate sections on the protection of civilians, and one report referred to the mission’s protection of civilians strategy. The third report, of 16 October 2012, had a much more comprehensive protection section than the previous two reports and described in great detail UNAMID’s response to specific protection challenges (S/2012/771).

The above analysis suggests that the Council’s request for benchmarks and indicators to measure progress in the implementation of peacekeeping protection mandates has not yet resulted in the adoption of such an approach across all relevant missions.

# Briefings to the Council on Protection of Civilians and Human Rights Issues in Country-Specific Situations

In our 2012 *Cross-Cutting report on the Protection of Civilians*, we pointed out that there had been a noticeable increase in the number of briefings on country-specific situations by the High Commissioner for Human Rights and also by the Under-Secretary for Humanitarian Affairs when comparing 2011 Council meetings with previous years. Over the course of 2011, there were five such briefings by the High Commissioner as compared to none in 2010, whereas the number of OCHA briefings increased from five to 10.

In 2012, this new Council practice of requesting country-specific humanitarian or human rights briefings continued. There were again five briefings by High Commissioner for Human Rights Navi Pillay and seven briefings by Under-Secretary-General for Humanitarian Affairs Valerie Amos.

Pillay briefed on the following occasions in 2012:

- on 25 January on the situation in Libya, emphasising the urgency of ending ongoing human rights abuses (S/PV.6707);
- on 2 July, in consultations, on the situation in the Occupied Palestinian Territories, stating that the settlement of Israeli citizens in the occupied territories was prohibited by international law and that settlement activity was linked to discriminatory policies and practices applying only to Palestinians;
- also on 2 July, again in consultations, on Libya, apparently focusing on the issue of civilian casualties resulting from NATO's air campaign in 2011 and on the detainees being held by different revolutionary brigades;
- in a third briefing on 2 July, in consultations, on the situation in Syria and the deliberate targeting by the government of medical facilities and use of some of those

facilities as detention centres; the arbitrary arrest, detention and systematic torture of detainees by the government; and rape and sexual violence against men, women and children in detention or during house raids; and

- on 3 July, in consultations, on Sudan-South Sudan relations, highlighting human rights violations occurring in Southern Kordofan and Blue Nile states in Sudan.

Amos briefed on the following occasions in 2012:

- on 17 January, in consultations, on the situation in Southern Kordofan and Blue Nile along with UN High Commissioner for Refugees Antonio Guterres following their trip to Sudan, painting a grim picture of the humanitarian crisis unfolding there;
- on 18 January, in informal consultations, on the humanitarian situation in the Occupied Palestinian Territories with a particular focus on the impact of settlement construction in the West Bank;
- on 10 February, in consultations, on her trip to South Sudan from 1-4 February, expressing concern at the alarming humanitarian situation in South Sudan, emphasising in particular the high levels of food insecurity;
- on 13 March, on her 7-9 March visit to Syria;
- on 17 May, in consultations, on her 8-11 May visit to Afghanistan, apparently highlighting the difficult living conditions in informal settlements, especially for women and children, and also emphasising the need for enhanced investment in Afghanistan's efforts to mitigate the impact of natural disasters;
- on 27 August, in consultations, on the humanitarian effects of the fighting in

eastern DRC, apparently focusing on the influx of internally displaced persons and refugees to Rwanda from eastern DRC and emphasising the need to address the root causes of the crisis; and

- on 17 December, in consultations, on the humanitarian situation in Syria following her 15 December visit to Damascus, reporting that Syria was on the edge of irreversible damage.

In addition to these briefings, on 16 May 2012 the Assistant Secretary-General for Human Rights, Ivan Šimonović, met informally with Council members' DRC experts to brief them on a recent visit to that country. He focused on the lack of progress on security sector reform in the DRC and the need to establish trustworthy security forces. He also noted that there had been no follow-up on post-election violence and human rights violations.

On 30 August 2012, France organised a high-level meeting on the humanitarian situation in Syria. It was chaired by French Foreign Minister Laurent Fabius while Deputy Secretary-General Jan Eliasson briefed the Council together with Guterres (S/PV.6826).

It should also be noted that on 7 February 2012 Council members attended a closed Arria formula meeting on human rights and peacekeeping. Taking advantage of a meeting in New York of the heads of the human rights components of 17 UN missions, Portugal organised the meeting in cooperation with Togo as Council president for February. The purpose of the meeting was to increase Council members' understanding of the work of the human rights components of relevant missions. Council members were briefed by Pillay and the human rights heads of the UN missions in Afghanistan, the DRC, Iraq and Liberia.

## Case Study on Sudan

For our case study this time, we decided to do a comprehensive review of Council action related to Sudan and look specifically at what the Council has done to address the five core protection challenges identified by

the Secretary-General, all of which are relevant here. The Council has devoted a considerable amount of time and resources on the various aspects of the situation in Sudan, but the results on the ground in terms of

improving the protection of civilians have often been limited.

In Darfur in particular, the situation for civilians appears to be as bad as ever, with recent reports of high levels of



## Case Study on Sudan (con't)

inter-communal violence and displacement. It therefore seemed worth taking a closer look at how the Council has dealt with the various protection challenges that are present in Sudan, in particular with regard to implementing its own commitments as expressed in various thematic decisions on the protection of civilians. We also wanted to assess whether the Council's approach has evolved over time.

In the following, we will first look at specific examples of how the Council has addressed the core protection challenges (although not considering compliance by non-state actors as a separate challenge) and will then at the end offer a final analysis with some conclusions.

(Our analysis will build on two earlier case studies on Darfur included in the October 2008 *Cross-Cutting Report on the Protection of Civilians* and the January 2013 *Cross-Cutting Report on the Rule of Law and Accountability*. Readers may therefore want to refer to these reports as well as our regular coverage in the *Monthly Forecasts* and *What's in Blue* for further background on Council involvement in the conflict in Darfur.)

### Ensuring Compliance with International Humanitarian Law: The Case of Darfur

In his reports, the Secretary-General has suggested three main areas for Council action to ensure compliance:

- Systematically condemn violations, remind parties of their obligations and demand compliance.
- Threaten and, if necessary, apply targeted measures against the leadership of parties that routinely violate their obligations to respect civilians.
- Systematically request reports on violations and consider mandating commissions of inquiry to examine situations where concerns exist regarding serious violations of international humanitarian law and human rights law, including with a view to identifying those responsible and prosecuting them at the national level or referring the situation to the ICC.

For its part, the Council has, in its thematic decisions on the protection of civilians, emphasised the importance of addressing compliance in country-specific situations on its agenda. It has also expressed its

willingness to take appropriate action in cases of non-compliance and called for timely, accurate and objective information in this regard. In the case of Darfur, the Council took early action along all of the tracks suggested by the Secretary-General to ensure compliance by both the government of Sudan and non-state armed groups involved in the conflict but later failed to follow up on its initial decisions, largely due to divisions among Council members.

The Council first began to address the conflict in Darfur in early 2004 under strong pressure from the Secretary-General and civil society. In April 2004, Council members were briefed on the situation by then-Under-Secretary-General for Humanitarian Affairs Jan Egeland. By then, there were already one million internally displaced persons and many reports of large scale atrocities against civilians, primarily committed by government forces or *Janjaweed* militia. On 25 May 2004, several humanitarian and human rights organisations briefed Council members on the situation on the ground during a three-hour Arria formula meeting. The Council subsequently adopted a presidential statement that urged all parties to put an end to violations of human rights and international humanitarian law (S/PRST/2004/18). It also took note of the recommendations of the High Commissioner for Human Rights in a 7 May report on Darfur (E/CN.4/2005/3). One of the recommendations was to establish an international commission of inquiry “to examine the situation, identify the crimes that have been committed and their perpetrators, assess the responsibility of the authorities and recommend measures for securing accountability”. Finally, the statement also called on the parties to protect civilians and allow the delivery of humanitarian assistance.

With the crisis deepening over the next few months, the Council requested regular Secretariat reporting on the humanitarian and human rights situation in Darfur and, acting under Chapter VII of the Charter, made several important and even ground-breaking decisions, using all of the most important tools at its disposal to ensure compliance with international humanitarian law and human rights law in Darfur:

- On 30 July 2004, in resolution 1556, the Council called on the government of Sudan to fulfil earlier commitments it had

made to facilitate international humanitarian assistance, advance an independent investigation in cooperation with the UN of violations of human rights and international humanitarian law and establish credible security conditions for the protection of civilians and humanitarian actors. It also demanded that the government “fulfil its commitments to disarm the Janjaweed ... and bring to justice Janjaweed leaders [responsible for] atrocities”, threatening sanctions in the event of non-compliance. Moreover, the resolution imposed an arms embargo on non-governmental actors in the Darfur region.

- On 18 September 2004, the Council adopted resolution 1564, declaring that the government of Sudan had not met its commitments and expressing concern at helicopter attacks and assaults by the *Janjaweed* militia against villages in Darfur. It asked that the Secretary-General establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine whether or not acts of genocide had occurred and to identify the perpetrators of such violations. It called on all parties to cooperate fully with the commission. The resolution was adopted by a vote of 11 in favour with four abstentions—Algeria, China, Pakistan and Russia.
- On 29 March 2005, in resolution 1591, the Council imposed targeted measures against individuals impeding the peace process, threatening the stability in Darfur and the region, committing violations of international humanitarian or human rights law or other atrocities, violating the arms embargo or ordering offensive military overflights. It also created a Sanctions Committee to oversee implementation of the new measures and a Panel of Experts to assist the committee.
- On 31 March 2005, in resolution 1593, the Council referred the situation in Darfur to the ICC. The Council thus acted on the recommendation of the international commission of inquiry that had been established in accordance with resolution 1564. In its 31 January 2005 report to the Secretary-General (S/2005/60), the commission had concluded that war

## Case Study on Sudan (con't)

crimes and crimes against humanity had been committed in Darfur and therefore recommended that the Council refer the situation to the ICC. The resolution was adopted by a vote of 11 in favour with four abstentions—Algeria, Brazil, China and the US. The Council also decided that the government of Sudan and all other parties to the conflict in Darfur should cooperate fully with the ICC Prosecutor, while urging other states and international organisations to do the same. It invited the ICC Prosecutor to brief the Council on its work related to Darfur on a bi-annual basis.

- On 25 April 2006, following failure to reach agreement in the Sanctions Committee on proposed designations under the targeted sanctions regime, the Council, through the adoption of resolution 1672, designated four individuals as subject to targeted measures, one of whom was designated for violations of international humanitarian law (Sheikh Musa Hilal, who at the time was identified as “paramount chief of the Jalul tribe in North Darfur”). It was adopted by a vote of 12 in favour with three abstentions—China, Qatar and Russia.

Although the Council was able to adopt a series of powerful resolutions, it is important to note that three of the five resolutions were not agreed by consensus. It soon became evident that without the full support of all Council members, effective implementation of these resolutions would not be possible.

Specifically with regard to ensuring compliance with international humanitarian and human rights law, divisions among members prevented the Council from taking full advantage of the sanctions measures to try to influence the behaviour of the parties. As described in our section on sanctions implementation, no additional designations have been made by the Council since 2006 despite the detailed information presented in the reports from the Panel of Experts assisting the Committee on violations committed against civilians and those responsible, along with concrete listing recommendations, as well as the bi-annual briefings by the ICC Prosecutor.

The Council has, however, continued to systematically call on the parties to comply with their legal obligations to protect

civilians in resolutions pertaining to the situation in Darfur and has also threatened to use the sanctions tool. In the context of the sanctions regime, the Council on 17 February 2012 added a provision to resolution 2035 extending the mandate of the Panel of Experts, which expressed regret that both sides in the conflict had continued to commit violations against civilians, reiterated the Council’s intention to impose targeted sanctions against those responsible and encouraged the Panel to make listing proposals. This resolution also expanded the listing criteria to include “entities”, a provision intended to give the Sanctions Committee the flexibility to list rebel groups. When the Council renewed the mandate in resolution 2091 adopted on 14 February 2013, it additionally urged the government of Sudan “to respond to the Committee’s requests on measures put in place to protect civilians in various parts of Darfur ...; investigations conducted and accountability measures undertaken for killings of civilians and perpetrators of human rights abuses and violations of international humanitarian law, including notably the killings of civilians in Abu Zereiga in June 2011, Hashaba in August 2012 and Sigili in November 2012; investigations conducted and accountability measures undertaken for attacks against peacekeepers and humanitarian personnel; and the situation of civilian populations in areas such as eastern Jebel Marra, where the Panel of Experts, UNAMID and humanitarian agencies and personnel have been denied access, and measures taken to allow unimpeded and regular access for humanitarian relief to these areas.”

In the context of the mandate renewals of UNAMID, the Council has also gradually strengthened the emphasis on compliance. When the Council initially established the mission in resolution 1769 of 31 July 2007, there was no direct reference to international humanitarian law in the operative part, although there were provisions demanding an end to attacks against civilians and calling on the parties to protect civilians and ensure humanitarian access. The 2008 mandate renewal in resolution 1828 of 31 July was more specific, demanding an end to violence and attacks on civilians, peacekeepers and humanitarian personnel by all sides and “to other violations of human rights and international humanitarian law”.

In the UNAMID mandate renewal in resolution 1881 of 30 July 2009, there was finally a direct reference to compliance in a provision demanding that all parties “comply with their obligations under human rights and international humanitarian law” and in a separate paragraph a new provision demanding that all parties create the conditions conducive to allowing the voluntary, safe, dignified and sustainable return of refugees and IDPs. The mandate renewal in resolution 2003 adopted on 29 July 2011, also asked the Secretary-General to include in his quarterly reporting to the Council information on violations of international humanitarian and human rights law and all parties’ compliance with their obligations.

Overall, our analysis suggests that the Council over the years has started to pay more attention to issues related to compliance. In only a couple of instances, however, did it actually threaten to take or take action against those responsible for violations of international humanitarian law and human rights law with a view to ensuring compliance with the law.

### Enhancing Accountability: Follow-Up to the Referral to the ICC of the Situation in Darfur

The Council has repeatedly expressed its intention to ensure accountability for violations of international humanitarian and human rights law, both in its thematic decisions and in country-specific situations. Most recently, in its 12 February 2013 presidential statement on the protection of civilians (S/PRST/2013/2), the Council:

- reaffirmed its strong opposition to impunity for serious violations of international humanitarian law and human rights law;
- emphasised states’ responsibility to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law;
- recognised international commissions of inquiry and fact-finding missions as valuable mechanisms to verify and investigate allegations of serious violations of international human rights and humanitarian law and, in accordance with their respective mandates, to make recommendations

## Case Study on Sudan (con't)

to advance accountability and justice and protection for victims;

- expressed its intention to consider using the International Fact-Finding Commission established in accordance with Article 90 of the First Additional Protocol to the Geneva Conventions;
- noted that the fight against impunity and accountability for the most serious crimes of international concern had been strengthened through the work of the ICC, ad hoc and “mixed” tribunals as well as specialised chambers in national tribunals, reiterated the importance of cooperation with these courts and tribunals in accordance with the states’ respective obligations and expressed its commitment to an effective follow-up of Council decisions in this regard;
- expressed its intention to “forcefully continue to fight impunity” while drawing attention to the full range of justice and reconciliation mechanisms, including truth and reconciliation commissions, national reparation programmes and institutional and legal reforms; and
- reaffirmed its readiness to adopt appropriate measures aimed at those who violate international humanitarian law and human rights law.

Despite this strong reaffirmation of its willingness to take action to promote accountability as expressed also in previous thematic decisions on the protection of civilians, the Council has not been willing to use the tools at its disposal effectively in the context of Sudan. As we just noted in our analysis of what the Council has done to ensure compliance in Darfur, the referral of that situation to the ICC was of major significance. However, the Council’s responsibilities do not end with a referral. It is also important to ensure that member states cooperate with the ICC for the Court to carry out its work effectively. As we shall see in the case of Darfur, the Council has failed to live up to its obligations in this regard.

Following the referral to the ICC in resolution 1593 on 31 March 2005, the ICC Prosecutor on 6 June 2005 officially opened an investigation into crimes committed in Darfur. It was evident from the beginning, however, that Sudan would not cooperate with the investigation, and it has since maintained a pattern of non-cooperation. When

the ICC on 27 April 2007 issued arrest warrants for Ali Kushayb, a *Janjaweed* commander wanted for war crimes, and former Interior Minister Ahmed Haroun, Sudan announced that it would not surrender them to the Court. (Indeed, Kushayb, who had been in government custody at the time, was released, and Haroun was soon chosen as head of an official human rights commission of inquiry.)

Relations between the ICC and Sudan further deteriorated when the ICC Prosecutor presented an application on 14 July 2008 for an arrest warrant against President Omar al-Bashir, alleging genocide, crimes against humanity and war crimes. Sudan launched a domestic and diplomatic campaign to counter the warrant request, and on 21 July, the AU Peace and Security Council issued a communiqué appealing to the Security Council to defer the proceedings in accordance with article 16 of the Rome Statute (PSC/MIN/Comm (CLXII) Rev. 1). (This provision grants authority for the Council to request that the Court defer proceedings for 12 months and to also renew the request.)

On 4 March 2009, the ICC issued an arrest warrant for Bashir for war crimes and crimes against humanity (a second arrest warrant was issued on 12 July 2010 for allegations of genocide), after which there was growing pressure on the Council from countries in the region to request a deferral of the proceedings (ICC-02/05-01/09). Council members were deeply divided over how to respond. Those who supported the request argued that the arrest warrant might put Sudan’s stability at risk and frustrate the Darfur peace process; those against it emphasised the importance of maintaining the independence of the Court. As Council members have remained deadlocked over this issue, there has been no formal Council response to the request for a deferral.

Council members have also been deeply divided over whether to enforce cooperation with the ICC. As will be recalled, resolution 1593 clearly obliges the government of Sudan and the other parties to the conflict in Darfur to cooperate with the Court while urging all other states to do the same. Not only has Sudan refused to cooperate with the Court, as noted above, it has also allowed ICC indictees to hold official posts. Despite the ICC arrest warrant against him, Haroun was appointed governor of Southern Kordofan

state on 8 May 2009. Defence Minister Abdelrahim Mohamed Hussein remained in his position after the ICC on 1 March 2012 issued an arrest warrant for him for crimes against humanity and war crimes allegedly committed between August 2003 and March 2004 in Darfur while he was serving as interior minister and special representative of the president in Darfur.

There have also been several instances in which Bashir was able to travel to countries that are states parties to the Rome Statute, notwithstanding their obligations under the Statute to cooperate with the Court in ensuring his arrest. The ICC formally complained to the Council about these visits, most recently on 27 March 2013 when the ICC President informed the Council in a letter that the Court had issued a decision of non-compliance against Chad following a visit by Bashir to that country on 15-16 February 2013 (S/2013/229).

The Council as a whole has been silent for the most part regarding the lack of cooperation with the ICC by Sudan and other parties despite repeated pleas from the ICC Prosecutor in the regular bi-annual briefings for Council action in support of the Court. On 20 September 2007, just after the first arrest warrants relating to Darfur were issued, the Prosecutor warned that Khartoum was likely to interpret silence on justice issues as a weakening of international resolve and that if justice was ignored, crimes would continue, affecting humanitarian and security operations. This seems indeed to have been the result.

In this case, as in so many other cases, the Council’s silence is the result of fundamental differences among its members. While many of them have wanted to support the ICC more actively as called for by the Prosecutor, others, in particular China and Russia, have been protective of Khartoum and have blocked most attempts to address issues of non-cooperation. There has been one exception: on 16 June 2008, at the initiative of Costa Rica (an elected Council member at the time) and following difficult negotiations, the Council adopted a presidential statement, which—invoking resolution 1593—urged Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court (S/PRST/2008/21). However, the statement did not contain any reference to possible further measures in the event of non-compliance.



## Case Study on Sudan (con't)

Meanwhile, the ICC Prosecutor has continued to assert that lack of implementation of arrest warrants manifests itself in negative developments on the ground. The current Prosecutor, Fatouh Bensouda, said in the latest briefing to the Council on 5 June that “it is with a deep sense of frustration, even despair, that my office presents its 17th briefing to the Council on the situation in Darfur, the Sudan, since the Council referred this situation to my office.... Regrettably, each briefing has been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse”. She noted that ICC indictees Rahman, Harun and Hussein continued to be involved in crimes against civilians in Darfur and elsewhere in Sudan and that this, as well as Bashir’s repeated travels abroad, required action on the part of the international community and should be dealt with by the Council. She noted in particular that it was of great concern to the ICC that the Council had failed to act on any of the seven formal communications from the Court on cases of non-cooperation (S/PV.6974).

Despite its recently stated commitment to fighting impunity in the 12 February 2013 presidential statement referred to above, the Council is unlikely to respond to Bensouda’s appeal for action, as members remain deeply divided with regard to the work of the ICC in Sudan. Several Council members continue to believe that the ICC’s work is motivated largely by political interest and is detrimental to the peace process.

It should be noted, however, that in 2014 there will be a majority on the Council of states parties to the Rome Statute, as described in our section on Council dynamics. In 2013 by contrast, only seven of the 15 Council members had ratified the Rome Statute (Argentina, Australia, France, Guatemala, the Republic of Korea, Luxembourg and the UK), while eight had not (Azerbaijan, China, Morocco, Pakistan, Russia, Rwanda, Togo and the US). It is unclear, however, whether the changes in the composition of the Council in 2014 will have an impact as long as the P5 remain divided. (For more background specifically on the Council and the Darfur ICC referral, please see our 2013 *Cross-cutting Report on the Rule of Law and Accountability*.)

### Enhancing Protection of Civilians by UN Peacekeeping and Other Relevant Missions: The Case of UNAMID

In resolution 1894 and, most recently, in the 12 February presidential statement on the protection of civilians (S/PRST/2013/2), the Council has expressed its intention to:

- include provisions regarding the protection of civilians in UN peacekeeping and other relevant missions;
- ensure that mandated protection activities are given priority in decisions about the use of available capacity;
- provide peacekeeping and other relevant missions with clear, credible and achievable mandates based on accurate and reliable information about the situation on the ground and a realistic assessment of threats against civilians and missions; and
- take into account the protection needs of civilians in the early phase of mandate drafting and throughout the lifecycle of UN peacekeeping and other relevant missions and consult with the countries concerned, the Secretariat and troop- and police-contributing countries.

It has also:

- reaffirmed its practice of requiring benchmarks, as and where appropriate, to measure and review progress made in the implementation of peacekeeping mandates and stressed the importance of including indicators of progress regarding the protection of civilians in such benchmarks for relevant missions;
- requested the Secretary-General to ensure that peacekeeping missions with protection of civilians mandates conduct mission-wide planning, pre-deployment training and senior leadership training on the protection of civilians and also ensure that troop- and police-contributing countries provide adequate training to their personnel; and
- requested the Secretary-General to ensure that all relevant peacekeeping missions with protection mandates incorporate comprehensive protection strategies into the overall mission implementation plans.

In the context of Sudan, we thought it would be interesting to see if these Council decisions have been carried out in practice, with UNAMID as an obvious test case, given the very difficult protection challenges this mission has had and continues to grapple

with. Since UNAMID was established in 2007, significant progress has been made at the UN peacekeeping-policy level through the development of new guidelines and other tools to improve implementation of protection mandates by relevant missions. (More background on this can be found in our 2012 *Cross-Cutting Report on the Protection of Civilians*.) This appears to have also led to a shift in Council practice on UNAMID over the years to bolster its protection mandate.

Council discussions on the possible deployment of a UN force in Darfur started in late 2005, but it was not until 31 August 2006, in resolution 1706, that a decision was made to authorise the expansion of the UN Mission in Sudan (UNMIS) into Darfur to take over from the AU Mission in Sudan (AMIS), which had been operating there since 2004 with limited resources under very difficult circumstances. From the beginning it was clear that the conditions for peacekeeping in Darfur were far from ideal. Resolution 1706 was never implemented because the government of Sudan refused to consent to the deployment of the operation. It was only on 31 July 2007, almost a year later, that the Council established UNAMID in resolution 1769—this time with the consent of Sudan—with the stated objective to support “the early and effective implementation of the Darfur Peace Agreement (DPA)”. The total authorised strength was 19,555 military personnel and 6,432 police. (For more background on the establishment of UNAMID, please refer to the case study on Darfur in our 2008 *Cross-Cutting Report*.)

UNAMID initially had a mandate to:

- monitor and verify the implementation of existing and future agreements;
- assist the political process;
- contribute to the promotion of human rights and the rule of law;
- monitor and report on the situation along the borders with Chad and the CAR;
- monitor the presence of arms in violation of peace agreements and the sanctions regime; and
- under Chapter VII, protect its personnel, facilities, installations and equipment and ensure the security and freedom of movement of its own personnel and humanitarian workers, support early and effective implementation of the DPA, prevent the disruption of its implementation and

## Case Study on Sudan (con't)

armed attacks and protect civilians without prejudice to the responsibility of the government of Sudan.

The Council also set up a timetable for UNAMID's deployment, which stipulated that the mission should reach full operational capability as soon as possible after 31 December 2007. It requested the Secretary-General to report to the Council every 30 days on the status of the deployment of the mission and every 90 days on the ceasefire and the situation on the ground in Darfur, the progress in the political process (including with regard to implementation of relevant agreements and commitments of the parties) and support for UNAMID. There was no specific request, however, relating to the implementation of UNAMID's protection mandate.

While UNAMID was given a mandate to protect civilians, this was not initially a prominent feature among its numerous other tasks. Neither was it clear that the protection mandate was a priority or was credible and achievable. Indeed, it soon became evident that the mission was facing serious challenges in its implementation. In particular, during the deployment phase the mission had to deal with serious troop and asset shortages, logistical challenges and continuing obstructionist behaviour by Sudan. In a 14 April 2008 report to the Council, the Secretary-General said he was extremely disappointed by the lack of progress on all fronts in the efforts to address the situation in Darfur (S/2008/249). He noted that the deployment of UNAMID was progressing very slowly and continued to face many challenges and that the humanitarian situation was not improving. He urged the international community to support the mission so it could implement its mandate and "improve the lives of civilians in Darfur".

The focus during UNAMID's first year of existence was thus very much on the need to expedite its deployment, and there was not much focus on its protection mandate. The Council's response to the situation was very limited. The initial draft of the resolution to establish UNAMID had contained a threat of further sanctions, a mandate for the Panel of Experts assisting the Sanctions Committee to verify compliance with the resolution and authorisation for the mission to use force to collect arms. This had been deleted, however, due to opposition from Council members sympathetic to Sudan.

As significant delays in the deployment of UNAMID persisted, there was a renewed effort in April 2008 to increase the pressure on the parties to fulfil their obligations, including in relation to facilitating deployment. The UK consulted about a draft presidential statement to this effect, with the possible inclusion of a chart detailing a timeline and benchmarks for the parties on the political process; UNAMID's deployment; and improving security, justice and accountability. However, no agreement was reached as Council members were divided over how to respond in the event of non-compliance.

Many Council members were, however, clearly concerned about the situation for civilians and the impact of limited resources on UNAMID's capacity to fulfil its mandate. As the Council was preparing to renew UNAMID's mandate, the mission had reached just under half of its authorised troop strength. When the Council renewed the mandate in resolution 1828 on 31 July 2008, it added several new provisions aimed at strengthening the protection mandate. In addition to urging the government of Sudan and all major stakeholders to support and facilitate the rapid deployment of UNAMID, the Council:

- underlined the need for UNAMID to make full use of its current mandate and capabilities with regard to the protection of civilians, ensuring humanitarian access and working with other UN agencies;
- demanded an immediate ceasefire and a more effective ceasefire commission, working closely with UNAMID to monitor the cessation of hostilities;
- demanded that the parties immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820;
- requested the Secretary-General to ensure that UNAMID implemented resolutions 1325 and 1820 and to include information on this in his reports; and
- expressed its readiness to take action against any party that impeded the peace process, humanitarian assistance or the deployment of UNAMID.

Over the next year, UNAMID's effectiveness continued to be hampered by attacks against the mission (more than 20 UNAMID personnel were killed), limited resources and

lack of cooperation by Sudan. Major logistical, infrastructure and bureaucratic problems contributed to the slow pace of deployment. The Secretary-General had set a deployment target of 80 percent by 31 December 2008, but by 30 June 2009 it had only reached 68 percent for military personnel and 41 percent for the police. Meanwhile, the humanitarian and security situation in Darfur deteriorated further with continuing attacks against civilians, growing displacement and lack of humanitarian access. (In March 2009, following the 9 March ICC arrest warrant for Bashir, Sudan expelled 13 international NGOs that collectively had delivered 60 percent of all humanitarian assistance in Darfur.)

During this time, discussions among Council members, troop- and police-contributing countries and the Secretariat on how to improve implementation of peacekeeping mandates had gained momentum. (For more details on this, please refer to our 2009 *Cross-Cutting Report on the Protection of Civilians*.) When the Council renewed UNAMID's mandate on 30 July 2009 in resolution 1881, it requested the Secretary-General for the first time to elaborate a set of benchmarks to measure progress in the mission's mandate implementation. More specifically, the Council stressed the importance of achievable and realistic targets against which the progress of UN peacekeeping operations could be measured. It requested the Secretary-General to submit, for the Council's consideration, a strategic work plan containing benchmarks to measure and track progress being made by UNAMID in implementing its mandate and to include in his next report an assessment of progress made against these benchmarks and recommendations regarding UNAMID's mandate and configuration. There was, however, no specific reference to the need for indicators relating to the protection of civilians.

In a 16 November 2009 report to the Council, the Secretary-General presented the strategic work plan requested by the Council (S/2009/592). It identified four main benchmarks:

- achievement of a comprehensive political solution;
- achievement of a secure and stable environment;
- enhancement of the rule of law, strengthened governance and human rights; and

## Case Study on Sudan (con't)

- achievement of a stabilised humanitarian situation.

The plan also contained indicators of progress for each of the benchmarks, many of which were linked to the protection of civilians, such as:

- reduction in criminal activity against civilians, including banditry, hijacking and kidnapping;
- decrease in attacks on humanitarian convoys;
- enhanced capacity of security institutions to manage violence against civilians, including prevention of sexual and gender-based violence;
- reduction in violations of international humanitarian and human rights law, including the end of recruitment and use of child soldiers and of sexual violence and other grave violations against children;
- implementation of measures by national authorities to improve standards of criminal prosecution and to reduce impunity in Darfur;
- improvement in access for the humanitarian community to populations in need throughout Darfur; and
- increased numbers of displaced persons returned to their homes in a sustainable, voluntary manner.

The Secretary-General also reported that UNAMID was “more than ever” focusing on the protection of civilians and had significantly expanded its protection activities, including patrolling, maintaining a continuous presence in camps and capacity-building to help the government address human rights violations. However, he emphasised that serious challenges remained.

Subsequent Secretary-General’s reports on UNAMID were organised along the four main benchmarks and had a stronger focus on protection issues than his previous reports. In a 14 July 2010 report to the Council, the Secretary-General noted that there had been significant progress towards full deployment (the mission had reached 88 percent of its authorised military strength) and said the focus had now shifted from deployment of the mission to implementation of its mandate (S/2010/382). He highlighted its achievements with regard to the protection of civilians but said that the mission continued to suffer from the imposition of restrictions on its freedom of movement by Sudan and

shortfalls with regard to key force enablers, such as helicopters.

Separately, UNAMID reported that the overall monthly death toll in May 2010 was the highest that had been recorded since the mission was deployed, with 440 people killed in fighting between rebel and government forces, 126 in intertribal violence and 31 in other violence.

When renewing the mandate for UNAMID on 30 July 2010 in resolution 1935, the Council once again underlined the need for UNAMID to make full use of its mandate and capabilities to protect civilians and ensure humanitarian access. In addition, it noted that these activities should be given priority in decisions about the use of available capacity and resources. Furthermore, it requested UNAMID to develop a comprehensive protection of civilians strategy and “to maximize the use of its capabilities in Darfur, in the implementation of that strategy”. Confirming the importance of monitoring implementation of UNAMID’s mandate, it specifically requested the Secretary-General to report on progress with regard to the protection strategy. Finally, the mandate renewal also included a new provision expressing concern about the proliferation of arms and their impact on civilians, and it requested UNAMID to continue to support local conflict-resolution mechanisms and to monitor the presence of arms in Darfur that violated the arms embargo.

During the following 12-month mandate period, the Council was very much focused on the preparations for the referendum to be conducted on the independence of South Sudan. It seemed to pay less attention to developments in Darfur although the situation there did not improve. While there was some reduction in the level of violence, the Secretary-General reported on 18 October 2010 that there had been little progress on any of the benchmarks relating to UNAMID’s mandate implementation, in particular on those most relevant to the protection of civilians: establishing a secure environment, stabilising the humanitarian situation and facilitating access (S/2010/543).

In a Secretary-General’s report on UNAMID submitted to the Council on 18 January 2011, there was for the first time a separate section on the protection of civilians (S/2011/22). It provided an update on

the protection of civilians strategy that had been requested by the Council in its 2010 UNAMID mandate renewal. In describing the strategy, the report outlined the following elements:

- Protection of civilians in Darfur is first and foremost the responsibility of the government, and the strategy identifies objectives and tasks for engagement with and assistance to the government in carrying out its responsibilities in accordance with its international obligations, including building the protection capacity of national, state, local and community actors.
- The mission will deter hostilities against civilians by engaging belligerents to cease hostilities and act in accordance with international humanitarian law and by maintaining a robust and integrated presence in areas of potential hostilities to deter violence, provide direct protection, secure humanitarian space and monitor and provide accurate, verified reporting based on engagement with all sides.
- The mission will provide area security through patrolling, particularly in targeted areas of humanitarian need; monitoring and verification of the security situation; and providing escorts as required.
- The strategy recognises that the mission must be more forceful in ensuring humanitarian access and outlines means for the mission to systematically track and follow up on restrictions at the local, state and national levels, including through better systems for information collection.

With regard to progress against mission benchmarks, the Secretary-General once again reported that there had been very few advances and even regression in some areas.

Subsequent Secretary-General’s reports on UNAMID also contained a separate section on the protection of civilians, providing updates on implementation of the protection strategy, as well as a section describing progress against mission benchmarks. As the Council was preparing for another UNAMID mandate renewal in July 2011, the Secretary-General reported that the mission had made “substantial strides in implementing its protection of civilians mandate” and described several mission initiatives aimed at improving protection (S/2011/422).

In their discussions, Council members were divided on a number of issues at the



## Case Study on Sudan (con't)

strategic level relating to the conflict in Darfur, such as the peace process and how to manage relations with Khartoum, but they were still able to agree on a stronger protection focus for the mission. When the Council renewed the mandate on 29 July 2011, it not only reiterated the need for UNAMID to make full use of its mandate to protect civilians but also provided detailed additional guidance (S/RES/2003). That guidance called on the mission to give priority to “proactive deployment and patrols in areas at high risk of conflict, securing IDP camps and adjacent areas, and implementation of a mission-wide early-warning strategy and capacity” and requested that it “maximise the use of its capabilities, in cooperation with the UN country team and other international and non-governmental actors” in the implementation of its mission-wide comprehensive protection strategy.

Moreover, in a new provision, the Council emphasised UNAMID’s Chapter VII mandate “to deliver its core tasks to protect civilians” and to ensure the freedom of movement and security of UNAMID’s own personnel and humanitarian workers. The Council also highlighted UNAMID’s mandate in relation to the promotion of human rights by emphasising the importance of ensuring the mission’s ability to monitor human rights violations, take action to promote human rights, bring abuses to the attention of the authorities and report gross violations to the Council. In addition, it requested that the Secretary-General specifically address human rights and violations of international humanitarian law and human rights law in his regular reporting to the Council on UNAMID.

In the second half of 2011 and at the start of 2012, the situation in Darfur seemed to improve as there was some progress in the peace process. (The Liberation and Justice Movement [LJM] signed the Doha Document for Peace in Darfur.) In his regular reports to the Council on UNAMID, the Secretary-General noted that the mission continued to enhance its capacity to protect civilians and that there had been some progress against most operation benchmarks. He also said, however, that progress was mixed, expressing concern about the human rights situation. In his last report to the Council before the UNAMID mandate renewal in July 2012, the Secretary-General concluded

that “in the four years since the deployment of the mission, the security situation in Darfur has improved (S/2012/548). Despite the many challenges that remain, UNAMID has made and is continuing to make contributions in this respect”. He recommended a substantive reduction in the mission’s authorised military strength from 19,555 to 16,200 and in the number of police officers from 3,772 to 2,312.

Subsequently, on 31 July 2012, resolution 2063 renewed UNAMID’s mandate with the reduced strength recommended by the Secretary-General. Compared with the previous resolution, the Council this time emphasised its intention to assess progress, based on the Secretary-General’s reporting, with regard to implementation of the mandate, cooperation by the government and armed groups with the mission and all parties’ compliance with their international obligations. It also requested the Secretary-General to provide updated benchmarks and indicators for UNAMID.

In the Secretary-General’s next report to the Council on 16 October 2012, he said there had been a marked deterioration in the security situation, with an increased risk of violence against civilians (S/2012/771). In his assessment of progress against benchmarks, he said there had been regression with regard to the security situation and very limited progress, if any, on the other benchmarks. The report also included an updated set of benchmarks and indicators, as requested by the Council, but there were no major changes in those related to UNAMID’s protection mandate.

Throughout the year, the Council continued to receive briefings and reports highlighting a resurgence in attacks against civilians in Darfur, including indiscriminate aerial bombardment, gender-based violence, murder and other serious human rights violations committed by both government and non-government forces. While the Council’s focus on Darfur seemed to be somewhat overshadowed by its dealings with Sudan-South Sudan issues, several Council members were clearly alarmed about the increasing violence, and at least some appeared to believe that the reduction in UNAMID’s force level authorised by the Council in resolution 2063 might have negatively impacted the mission’s effectiveness in protecting civilians. It seems

that the continuing challenges facing UNAMID more generally, and in implementing its protection mandate in particular, led to a discussion among Council members about the need for a strategic review of the mission.

As a result of these discussions, the Council requested in its renewal of UNAMID in resolution 2113 adopted on 30 July 2013, that the Secretary-General conduct “a detailed and forward-looking review of UNAMID’s progress towards achieving its mandate, including in light of major changes and developments in the situation in Darfur since UNAMID’s establishment, progress towards its benchmarks and consequences for UNAMID” and also requested that he present options and recommendations to the Council by 28 February 2014 on improving UNAMID’s effectiveness. As for other protection-specific language, there were no significant revisions or new language compared with the previous year’s mandate renewal, although there were some additions on sexual violence.

Our analysis of UNAMID mandate renewals over the years seems to indicate that there has been a clear change in the Council’s approach, reflecting the commitments it has made at the thematic level to enhance implementation of protection mandates, in particular in terms of developing a framework for measuring progress. The mission’s continuing problems also show very clearly, however, how other factors outside the Council’s control—such as troop and asset shortages, logistical challenges and the lack of cooperation on the part of Sudan—seriously undermined the mission’s ability to perform its mandated tasks. It is possible, however, that the Council could have done more in the earlier stages of the mission to support efforts to overcome resource shortages and remove bureaucratic constraints imposed by Khartoum. It is also clear that the Council has failed to follow through on its decisions (e.g., support for the ICC indictments) that could have contributed to a more secure environment in Darfur.

### Ensuring Humanitarian Access: The Case of Southern Kordofan and Blue Nile

The Council’s most recent thematic decisions on the protection of civilians have a strong focus on humanitarian access. More specifically, in resolution 1894 the Council:



## Case Study on Sudan (con't)

- reaffirmed its role in promoting an environment conducive to the facilitation of humanitarian access to those in need;
- stressed the importance for all parties to armed conflict to cooperate with humanitarian personnel in order to allow and facilitate access to civilian populations affected by armed conflict;
- expressed its intention to call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel and to mandate UN peacekeeping and other relevant missions to assist in creating conditions conducive to safe, timely and unimpeded humanitarian assistance;
- expressed its intention to consistently condemn and call for the immediate cessation of all acts of violence and other forms of intimidation deliberately directed against humanitarian personnel and to call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to respect and protect humanitarian personnel and consignments used for humanitarian relief operations;
- expressed its intention to take appropriate steps in response to deliberate attacks against humanitarian personnel; and
- invited the Secretary-General to continue systematic monitoring and analysis of constraints on humanitarian access and to include observations and recommendations as appropriate in his briefings and country-specific reports to the Council.

While we have so far been focusing on the conflict in Darfur—and ensuring humanitarian access certainly is among the key challenges there—we decided instead to include another, more recent example on the Council's agenda of this particular protection challenge, namely the lack of humanitarian access in Southern Kordofan and Blue Nile states, which border South Sudan. This is an issue that has been discussed in the context of Sudan-South Sudan relations. While much of the focus recently has been on the need for the two countries to resolve outstanding political and security issues that were not agreed under the 2005 Comprehensive

Peace Agreement (CPA), protection of civilians has also been among the key concerns, with the lack of humanitarian access to Southern Kordofan and Blue Nile among the most pressing issues. In the following section, we will take a closer look at the Council's response to these challenges and in particular its failure to take any meaningful action to ensure humanitarian access.

In June 2011, fighting broke out in Southern Kordofan between the government of Sudan and the Sudan People's Liberation Movement North (SPLM-N, widely seen to be supported by South Sudan) due to a dispute over implementation of key CPA provisions applicable to Southern Kordofan and Blue Nile. The UN reported on 15 June 2011 that close to 60,000 civilians had been displaced by the fighting. Under-Secretary-General for Humanitarian Affairs Valerie Amos said on 22 June 2011 that the treatment of civilians, including reported human rights abuses and targeting of people along ethnic lines in Southern Kordofan, was reprehensible. She also called for an end to movement restrictions to allow aid agencies to have free access to the civilian population and expressed concern that the inability of farmers in the Nuba Mountains to sow crops would cause food shortages.

As the fighting continued in July 2011, there were allegations of acts amounting to ethnic cleansing targeting the Nuba minority. A report by the human rights section of the UN Mission in Sudan (UNMIS) on the human rights situation during the violence in Southern Kordofan, which was leaked to the media on 14 July, contained first- and second-hand accounts of atrocities committed by the Sudanese Armed Forces (SAF). These included violations of international humanitarian law, such as not distinguishing between military and civilian targets. (The report was officially released in August 2011 by OHCHR.)

While the situation in Southern Kordofan seemed to deteriorate further, the Council authorised the withdrawal of UNMIS in resolution 1997 on 11 July 2011. The Secretary-General had recommended that the mandate be extended for another three months pending resolution of outstanding elements of the CPA, but Sudan was opposed and requested that the mission withdraw by 9 July, a request to which the Council acquiesced.

The withdrawal meant that there was no UN presence on the ground in Southern Kordofan that could independently monitor the security and human rights situation there. On 27 June, the Council authorised the establishment of a UN Interim Stabilisation Force for Abyei (UNISFA) in resolution 1990, and on 8 July created a new UN Mission in South Sudan (UNMISS) in resolution 1996. Neither of these missions, however, had any mandate related to the situation in Southern Kordofan.

Council members were briefed on the humanitarian situation in Southern Kordofan on 16 June 2011 by Assistant Secretary-General for Humanitarian Affairs Catherine Bragg and then again on 15 July by Amos. In remarks to the press following the consultations, the President of the Council, Ambassador Peter Wittig (Germany), said that during the consultations members of the Council:

- expressed their grave concern over the ongoing violence in Southern Kordofan;
- called on the government of Sudan and the SPLM-N to agree to an immediate cessation of hostilities, viable security arrangements and modalities for their implementation, in accordance with the 28 June framework agreement on Southern Kordofan;
- condemned in the strongest terms any violent or unlawful acts against civilians and UN personnel;
- demanded an immediate end to threats of harassment and attacks on civilians and UN personnel;
- stressed that those responsible for the violations of international human rights and humanitarian law should be held accountable;
- urged all parties to respect humanitarian principles and to allow humanitarian personnel timely and unfettered access to the affected civilian population; and
- called on all parties to refrain from unilateral actions and encouraged the parties to resolve the crisis in Southern Kordofan peacefully.

Wittig explained, however, that the remarks to the press did not constitute a formal press statement, as the Council had wanted to respond to the briefing in a timely way and negotiations on a more formal statement would have resulted in a delay. This seemed to reflect growing

## Case Study on Sudan (con't)

tensions among Council members over how to respond to the crisis, with some arguing that it was an internal matter and the Council should not intervene.

On 28 July 2011, Council members again received a briefing in consultations on the situation in Southern Kordofan, this time by the Assistant Secretary-General for Human Rights, Ivan Šimonović. The Council was unable, however, to agree on how to respond to the continuing violence, and several attempts to negotiate a statement were unsuccessful. While some members believed the Council should take a strong stance against Khartoum, condemning in particular aerial bombardments and human rights violations, other members argued that, as a sovereign country, Sudan had the right to defend its territory and that the SPLM-N shared considerable responsibility for the fighting. They also contested some of the information, in particular with regard to the aerial bombardments.

On 1 September 2011, the conflict spread to Blue Nile when fighting broke out there between the SAF and the SPLM-N. The Council met in consultations on 8 September on the situation in Sudan and South Sudan with Edmond Mulet, Assistant Secretary-General for peacekeeping operations, and Hilde Johnson, the head of UNMISS; Council members were also briefed on the humanitarian situation in Southern Kordofan and Blue Nile by Philippe Lazzarini, Deputy Director of the coordination and response division of OCHA. He said that the fighting in both regions had significantly curtailed humanitarian access. While difficult to verify, he estimated that the fighting in Blue Nile had displaced approximately 50,000 people, with many crossing the border into Ethiopia.

UN High Commissioner for Human Rights Navi Pillay also emphasised the gravity of the situation in the two regions in a statement on 12 September 2011 at the opening of the 18th Session of the Human Rights Council addressing both Sudan and South Sudan related issues. Referring to the previously mentioned report on Southern Kordofan released by her office in August, she strongly recommended the establishment of an international commission of inquiry into possible violations of international human rights and humanitarian law. She also urged the government of Sudan to allow

the deployment of human rights observers to monitor the situation on the ground.

The Council continued to regularly consider the situations in Sudan and South Sudan during the remaining months of 2011, and several members remained concerned about the deteriorating situation in South Kordofan and Blue Nile. The Council as a whole, however, stayed silent on the situations in these two states despite mounting evidence of the serious implications of the lack of humanitarian access and continuing reports that violations against civilians were being committed. According to NGOs operating on the ground in the region, Sudan was blocking humanitarian aid from reaching areas controlled by the SPLM-N.

In a 2 February 2012 letter to Ambassador Susan Rice (US), a group of NGOs urged the US government to take steps to “ensure the delivery of food and medical aid to civilian populations living in areas to which the Sudanese government has blocked humanitarian access in Southern Kordofan and Blue Nile”. More specifically, they suggested that in the absence of Khartoum’s acquiescence, cross-border aid should be considered.

Meanwhile, the UN, AU and Arab League on 9 February 2012 presented a proposal to the two parties—the SPLM-N and the government of Sudan—aimed at facilitating humanitarian access. Referred to as the tripartite proposal, it included the creation of a humanitarian oversight committee composed of representatives from the three organisations and the two parties, the formation of joint UN/AU/Arab League assessment teams and the initiation of steps to ensure the delivery of aid to populations in need in areas controlled by both the government and the SPLM-N. While the SPLM-N immediately accepted the proposal, Sudan would only accept it on certain conditions.

Subsequently, on 14 February 2012, the Council issued a press statement that for the first time specifically addressed the humanitarian crisis in Southern Kordofan and Blue Nile (SC/10543). In the statement, the Council expressed “deep and growing alarm” at malnutrition and food insecurity in parts of the two areas. The Council called on Sudan to allow immediate access for UN personnel to undertake a needs assessment. The statement also called on Sudan and the SPLM-N to ensure that the UN

and humanitarian organisations had “safe, unhindered and immediate access” to civilians affected by the fighting.

The agreement on the press statement seemed to signal a positive shift in Council dynamics and was followed by a period of sustained action on all aspects of the situations in Sudan and South Sudan, including the need for humanitarian access.

In a 6 March 2012 presidential statement expressing concern about cross-border violence between Sudan and South Sudan, the Council emphasised the “grave urgency” of delivering humanitarian aid to avert a worsening of the serious crisis in Southern Kordofan and Blue Nile and demanded that the two parties cooperate fully with the UN and other humanitarian agencies and ensure humanitarian access (S/PRST/2012/5). The Council also welcomed the acceptance by the SPLM-N of the tripartite proposal and encouraged Sudan to do the same.

Responding to a further escalation in tensions between Sudan and South Sudan, the Council issued a press statement on 27 March 2012 in which Council members, *inter alia*, reiterated the grave urgency of delivering humanitarian aid in Southern Kordofan and Blue Nile states (SC/10594). Despite this call for action, however, the government of Sudan continued its refusal to agree to the tripartite agreement, and there was no improvement in humanitarian access.

With fears growing that Sudan and South Sudan might return to war, the Council stepped up the pressure with the adoption on 2 May 2012 of resolution 2046 in which it decided that the two countries immediately cease all hostilities and take a series of other actions. It expressed its intention to take additional measures under Article 41 of the UN Charter (which include sanctions) in the event of non-compliance with the resolution. With regard to the humanitarian situation, however, it “strongly urged”—but did not demand—that both Sudan and the SPLM-N accept the tripartite proposal to permit humanitarian access.

Following adoption of resolution 2046, the Council started to meet twice a month to monitor implementation of the resolution. While the level of violence seemed to decrease and some elements of the resolution were implemented, several issues remained unresolved, including the situation

## Case Study on Sudan (con't)

in Southern Kordofan and Blue Nile. In an 18 June 2012 press statement that called on the parties to implement their obligations under resolution 2046 immediately, Council members reiterated their grave concern about the situation in the two regions and expressed disappointment that the parties had not implemented relevant provisions of the resolution (SC/10677).

The fact that the Council was now able to generate consensus to adopt some outcomes appeared to have an impact. In early August 2012, Sudan and the SPLM-N signed separate memoranda of understanding with the so-called tripartite partners to allow humanitarian access to Southern Kordofan and Blue Nile in accordance with the February 2012 proposal. In a presidential statement adopted on 31 August 2012 welcoming progress by Sudan and South Sudan in fulfilling their obligations under resolution 2046, the Council welcomed the memoranda of understanding (MoUs) and called on the two parties “to fully and faithfully” implement their terms in order to expedite the unhindered delivery of assistance as rapidly as possible. The statement also stressed the urgency of immediately delivering humanitarian relief supplies to the affected civilian populations. In addition, the Council reiterated its intention, initially expressed in resolution 2046, to take “appropriate additional measures under Article 41” as necessary, in the event of non-compliance by the parties (S/PRST/2012/19).

Despite the signing of the MoUs and the presidential statement, however, the tripartite proposal was not implemented and humanitarian access did not improve. In a briefing of Council members in consultations on 20 September 2012, Haile Menkerios, the Secretary-General’s Special Envoy for Sudan and South Sudan, said that significant fighting had taken place in Southern Kordofan and Blue Nile and that the violence had resulted in an increase in internally displaced persons and refugees fleeing to South Sudan and Ethiopia. Subsequently, in a 21 September 2012 press statement, Council members once again called on the parties to resolve outstanding issues outlined in resolution 2046 and reiterated their grave concern about the rapidly worsening humanitarian situation in the two areas (SC/10773). They also reiterated their call for the parties to “expedite all necessary steps to immediately

commence humanitarian relief operations” in accordance with the memoranda of understanding the parties had signed with the tripartite partners and stressed the urgency of immediately delivering humanitarian relief supplies to the affected civilian populations.

Also on 21 September 2012, 123 humanitarian organisations sent an open letter to the Council in which they expressed their deep alarm at “the ongoing lack of full and unhindered access for international humanitarian aid agencies to all areas within the Sudanese states of South Kordofan and Blue Nile, as well as Darfur”. The letter further asserted that Sudan had “exhibited no indication that it intends to allow the full and unhindered delivery of aid throughout South Kordofan and Blue Nile”. It also urged the Council “to move swiftly to impose consequences” on Sudan and “to consider alternative means for delivering aid” if Sudan “continues to ignore its obligations to allow humanitarian access” to these two regions.

On 6 November 2012, Sudan announced that it would withdraw from the tripartite initiative for the delivery of humanitarian assistance. It noted that the three-month period outlined for the implementation of assistance in the memorandum of understanding signed in early August that year had expired without progress. Sudan blamed the SPLM-N for the failure of the initiative, accusing it of “failing to respond to practical requests including ceasefire, opening of passages and allowing ... humanitarian workers to access the areas controlled by the rebels”. Meanwhile, the SPLM-N accused Sudan of purposely undermining the initiative through stalling tactics and placing obstacles before international actors facilitating the initiative.

Council members held consultations with Menkerios on 14 November 2012 during which the lack of progress in implementing the tripartite proposal was discussed. There was no formal reaction from the Council, however. Although there was widespread concern among Council members about the humanitarian crisis in the two regions, there continued to be clear differences of opinion on the nature of the conflict and the need for the Council to take further steps. While some Council members mainly blamed Sudan for the lack of humanitarian access, other members were more critical of SPLM-N, arguing that Sudan as a sovereign country must

defend itself against a rebel group that had vowed to overthrow its government.

While the humanitarian crisis continued, the Council remained divided and was unable to agree on any further action. However, Council members continued to hold consultations twice a month to be updated about progress in the implementation of resolution 2046. In a meeting on 8 January 2013, John Ging, the Director of Operations for OCHA, gave a detailed description of the humanitarian crisis in Southern Kordofan and Blue Nile, emphasising the impact that the lack of humanitarian access had on the civilian population and urging the Council to take action.

In February, there was a renewed push in the Council to respond to the humanitarian crisis. The US proposed a presidential statement that in addition to expressing concern about the delays in implementing political agreements between Sudan and South Sudan also addressed the humanitarian crisis in Southern Kordofan and Blue Nile. The Council remained divided, however. During consultations on 12 March, Russia proposed a press statement welcoming the signing of agreements between Sudan and South Sudan on 8 and 12 March. The Russian proposal seemed to further increase tensions among Council members. Speaking to media at the stakeout after the meeting, Rice argued that the proposed press statement was “divorced from the larger set of issues” as it did not mention the situations in Southern Kordofan, Blue Nile and Abyei, nor did it address recent cross-border incidents. The contentious 12 March consultations seemed to put an end to further attempts to reach agreement among Council members.

Meanwhile, on 4 April, the World Food Program (WFP) announced that it had been able to begin food distribution in some of the areas of Southern Kordofan most affected by the fighting between Sudan and the SPLM-N, characterising it as “a major breakthrough” in gaining access. The SPLM-N, however, downplayed the initiative and said that Sudan “allowed the WFP to work in a limited area controlled by Khartoum and they made big news out of that”. It also stated that Sudan had heightened its aerial and ground attacks in Blue Nile and noted that Sudan was denying access for humanitarian assistance to areas controlled by the SPLM-N in Blue Nile and Nuba Mountains.

## Case Study on Sudan (con't)

Over the next few months the Council was preoccupied by growing tensions between Sudan and South Sudan as well as an escalation of ethnic violence in Jonglei state in South Sudan and seemed less concerned with the situation in Blue Nile and Southern Kordofan. Sudan accused South Sudan of continuing to support rebel groups operating in its territory, including the SPLM-N, while South Sudan denied the accusations, making counter-accusations that Sudan was supporting rebels in South Sudan.

Meanwhile, there seemed to be some improvement in humanitarian access. Following a trip to Sudan on 20-23 May, Amos said in a statement to the press that, with regard to Southern Kordofan and Blue Nile, she was pleased to see that aid agencies had greater access to people in need in government-controlled areas than a year earlier and expressed concern about the situation for civilians in war-affected areas that were not under government control. She also noted that the international community had condemned Sudan for attacks against civilians but that rebel movements were responsible for similar crimes. In particular, she expressed shock about detailed reports she had received of attacks against civilians by rebel groups in Southern Kordofan. On 20 June, Amos met with Council members in consultations to brief them on her trip.

While the Council continued to focus on the increasing tensions between Sudan and South Sudan, many members remained concerned about the humanitarian crisis in Southern Kordofan and Blue Nile and tried to explore ways in which the Council could promote improved access to the two areas. The US, in particular, continued to bring up the issue in the regular consultations on Sudan-South Sudan issues among Council members. The Council remained deadlocked, however, as differences persisted on the nature of the conflict and on whether the government and the rebels were equally to blame for the lack of access. At the same time, there was tangible frustration among some members that divisions within the Council on numerous Sudan-South Sudan issues had inhibited its effectiveness, making it difficult for the Council to be proactive on these issues, and a growing sense that the Council needed to agree on a more strategic approach.

Perhaps because of this increasing

frustration with the Council's inability to act and a greater willingness to compromise, Council members were able to agree on 23 August on a presidential statement about Sudan-South Sudan issues, the first since August 2012 (S/PRST/2013/14). Among other things, the 23 August statement called on Sudan and the SPLM-N to cease hostilities and engage in direct talks to end the conflict in Southern Kordofan and Blue Nile. It also called on all parties to refrain from any acts of violence against civilians, to expedite safe and unhindered humanitarian access and to fully respect international human rights law and international humanitarian law. The statement emphasised that those responsible for violations of international humanitarian law and violations and abuses of international human rights law must be held accountable.

After the adoption, there were some signs that the message from the Council was being heard. The SPLM-N announced on 31 August a unilateral cessation of hostilities for one month to assist in humanitarian efforts related to flooding in the two regions. In early September, OCHA said that Sudan and the SPLM-N had consented in principle to permit a polio vaccination campaign in October for children under five in areas controlled by the SPLM-N. (The SPLM-N, which had demanded that the aid be delivered cross-border, was now willing to accept delivery across conflict lines.) The campaign was delayed, however, due to differences between the parties over its technical implementation. Subsequently, in an 11 October press statement, Council members expressed alarm and grave concern at the imminent threat that polio could spread through Southern Kordofan and urged the parties to resolve their differences to allow the vaccination campaign to go forward as planned on 5 November (SC/11145). At press time, despite this call from the Council, the campaign had yet to take place as the parties remained deadlocked over the terms of delivery. In November, the US, as the penholder on Sudan-South Sudan issues, pushed for a strong Council product given the failure of the vaccination effort. It seems that most Council members were supportive, but that Russia blocked further Council action, arguing that instead more time should be given to the parties to resolve outstanding issues.

Overall, our analysis shows that divisions

among Council members over the nature of the conflict in Southern Kordofan and Blue Nile and the duties of the parties involved have prevented an appropriate Council response to the humanitarian crisis there. Our analysis also suggests, however, that on the few occasions when the Council managed to come to an agreement, it did have an impact on the parties, albeit a limited one. The impact might have been greater if the Council had reacted more quickly and had managed to exert more sustained pressure on the parties over time.

### Final Analysis and Conclusions

In dealing with the protection challenges in Sudan, the Council appears to have used all the right tools: referring the situation in Darfur to the ICC; mandating an international commission of inquiry; imposing sanctions against those responsible for violations of international humanitarian or human rights law in one case (Darfur) and threatening to apply measures in the case of non-compliance in another case (Southern Kordofan/Blue Nile); and establishing a peacekeeping operation with a protection mandate. All of these measures are in accordance with the Secretary-General's recommendations aimed at strengthening the protection of civilians and also adhere to the commitments that the Council itself has expressed in its thematic decisions.

The case of Sudan also exemplifies, however, that it is not sufficient for the Council to put the right framework in place if it is not committed to ensure effective implementation. There continues to be a stark contrast between what the Council has expressed as its intention and what it is actually doing. The Council has made very strong commitments at the thematic level with regard to all five protection challenges identified by the Secretary-General, but the Council as a whole has been very reluctant to act forcefully on fighting impunity or ensuring humanitarian access when confronted with the same challenges in concrete situations, such as in Sudan.

One of the most striking features of the Council's involvement in Sudan is its lack of consistency and inability to take appropriate follow-up action to enforce its own decisions. This has perhaps been most obvious with regard to its referral of the situation in



---

## Case Study on Sudan (con't)

Darfur to the ICC, in which it has continuously failed to enforce cooperation with the Court. It seems difficult to deny the ICC Prosecutor's assertion that the Council's inaction has had a direct and negative impact on the situation for civilians on the ground. The Council's ineffectiveness has also been obvious with regard to the sanctions regime. While the Council has repeatedly threatened to take action against those who commit violations against civilians, it has not been able to follow through on these threats even when presented with compelling evidence about violators from the Panel of Experts assisting the Sanctions Committee.

Another problem related to Sudan seems to be the absence of a comprehensive protection of civilians strategy that could have allowed Council action in one area to reinforce or support action elsewhere. This is especially true with regard to the situation in Darfur, where there appears to be a real disconnect in the way the Council has approached the various protection challenges. In particular, the Council's unwillingness to act more forcefully to ensure compliance with international law and promote accountability has undermined its own efforts to enhance UNAMID's ability to protect civilians. While the Council has taken measures to strengthen the mission's

protection mandate and has also contributed to putting in place a much better system for monitoring progress in implementation of the mandate than when UNAMID was first established, it has failed to take action in other areas that could perhaps have improved the security environment and reduced attacks against civilians.

With regard to UNAMID, it should also be noted that a large number of peacekeepers have been killed in Darfur. While the Council has consistently condemned these attacks and called on Sudan to investigate the incidents and bring the perpetrators to justice, there is little evidence that the government has actually lived up to its responsibilities in this area. UNAMID's effectiveness has also continued to be hampered by Sudan's obstructionist behaviour, but the Council's reaction has been rather muted.

Yet another important obstacle that should not be overlooked and that seems to have prevented more effective Council action is the absence of a common understanding among Council members of the situation on the ground despite all the briefings and reports provided by the Secretary-General. This is particularly relevant with regard to the situation in Southern Kordofan and Blue Nile, where the absence of a UN presence has made it difficult for the Secretariat to

produce information about the situation for civilians that all Council members regard as reliable and unbiased. In the context of the continuing conflict in these two areas, the premature withdrawal of UNMIS in July 2011 seems particularly unfortunate. The Council had little choice but to withdraw the mission, however, in the absence of host-country consent.

In the end, this case study seems to illustrate above all how fundamental divisions among Council members continue to prevent more effective Council action to protect civilians. It also shows how Council inaction in one area can seriously undermine its initiatives in other areas. While the Council has some very powerful tools at its disposal that can be used to strengthen the protection of civilians, it is far too often unwilling to use them effectively. As noted in the report of the internal review panel on UN action in Sri Lanka, "the single most important UN action to protect civilians from gross human rights violations is early and robust political consensus among UN member states in favour of protection of civilian lives". In the case of Sudan, the lack of political will among Council members seems to be the single most important factor preventing a more effective Council response to all the protection challenges there.

---

## Council Dynamics

In our 2012 *Cross-Cutting Report*, we described how changes in the composition of the Security Council and controversy over implementation of the protection mandate in Libya had led to greater tension among Council members on issues related to protection of civilians. In the period since that report was published, Council dynamics have continued to be difficult and negotiations on protection issues, both at the thematic and country-specific level, have often been contentious and protracted.

What is interesting to note, however, is that in terms of outcomes, the Council has been quite productive. Despite the difficult dynamics, the Council adopted a series of new thematic decisions over the past year and a half reconfirming its commitment to

the protection of civilians agenda. In addition to the 12 February 2013 presidential statement on the protection of civilians, there was, as noted above, a new resolution and presidential statement on children and armed conflict and two resolutions and a presidential statement on women, peace and security. While compromises were made and some Council members abstained on the children and armed conflict resolution, it would seem that the protection agenda continued to move forward.

At the same time, what seems to have become perhaps even more apparent during this period than before is that the three main protection agenda items—protection of civilians; children and armed conflict; and women, peace and security—are moving

along on very different tracks. While there is a sense that progress has slowed down across the board, there seems to be more energy around issues related to women and children. The Council made a strong stand on the importance of fighting impunity for violations against women and children through the adoption of resolution 2068 on children and armed conflict on 19 September 2012 and resolution 2106 on women, peace and security on 24 June 2013, and also continued to incorporate these issues in relevant country-specific decisions.

By comparison, Council members seem less engaged on protection of civilians as a thematic issue. Efforts to push certain issues—such as then-elected Council member Portugal's initiative on accountability in

---

## Council Dynamics (con't)

November 2011 or recent attempts to have more focused discussions in the context of the open debates, as ROK and Argentina did when they circulated concept notes for the meetings they chaired this year—appear to have had a limited impact in terms of advancing the agenda. It seems to be easier for Council members to find common ground on more clearly defined issues such as women and children than on the much broader concept of protection of civilians, where Council members often have very different priorities. There also seems to be stronger civil society advocacy on these issues, through mechanisms such as the NGO working group on women, peace and security.

There are also differences between the three protection issues in terms of leadership on the Council. While an elected member normally has the lead on children and armed conflict, chairing the Working Group on Children and Armed Conflict and acting as a champion for the issue in general, the UK has the lead on both protection of civilians and women, peace and security. It is still possible for an elected member to take on a leadership role on the protection of civilians, as Austria did in 2009 when drafting resolution 1894, but it seems to be more difficult.

As noted in some of our previous reports, dynamics on protection issues at the country-specific level seem to play out differently as Council members often take a more pragmatic approach when focusing on concrete protection challenges. However, as we saw in the case study on Sudan, fundamental fault lines continue to divide the Council in discussions here as well, in particular on questions about national sovereignty. On one side are a group of Council members, led

by China and Russia, that emphasises the need to respect national sovereignty as a key element in any decision to ensure the protection of civilians and is therefore generally reluctant to take action, particularly when it comes to authorising measures under Chapter VII of the UN Charter, such as sanctions. On the other side are those members that give less weight to the sovereignty argument and have a lower threshold for when the Council should act to ensure the protection of civilians. When it comes to peacekeeping, there are also important differences between Council members based on whether they are troop contributors or not, in particular with regard to mandate implementation and issues related to resource constraints.

It should also be noted that a more general challenge affecting the Council's ability to deal with protection challenges is simply a matter of limited capacity to deal with several crisis situations simultaneously. 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.

Dynamics are likely to change in 2014 when the 2012-2013 elected members Azerbaijan, Guatemala, Morocco, Pakistan and Togo will be replaced by Chad, Chile, Jordan, Lithuania and Nigeria. Of the outgoing members, Pakistan in particular and to some extent Azerbaijan have been perceived as difficult on many protection issues. Of the incoming members, Chile and Lithuania are expected to be supportive of the wider protection of civilians agenda. When campaigning for a seat on the Council, both highlighted as a priority the nexus between security, development and human rights and expressed

their support for all of the protection issues, including women, peace and security and children and armed conflict. Also, Chile is a member of the Group of Friends of the Responsibility to Protect, and Lithuania is a member of the Group of Friends on Security Council Resolution 1325 (on women, peace and security).

As for the other three incoming Council members, their positions are less clear. Chad is on the Secretary-General's list of parties that recruit and use child soldiers and, as noted in our case study on Sudan, allowed Bashir to visit the country in February although it is a state party to the Rome Statute. Nigeria was on the Council quite recently—in 2010-2011—and at that time was not actively engaged on protection issues. However, it attaches particular importance to conflict prevention and, as one of the largest UN troop contributors, the need to provide missions with adequate resources to implement protection mandates. Jordan is also a large troop contributor and is likely to pay special attention to issues related to peacekeeping mandates.

It is also worth noting that all of the incoming elected members have ratified the Rome Statute. This means that in 2014 there will be 11 ICC states parties on the Council (Argentina, Australia, Chad, Chile, France, Jordan, Lithuania, Luxembourg, Nigeria, ROK and the UK) and only four non-states parties (China, Russia, Rwanda and the US). It remains to be seen how this will affect relations between the Council and the ICC. As noted above, Chad's relations with the ICC are difficult while Nigeria has expressed disappointment with the Court over its handling of matters affecting African leaders.

---

## Looking Ahead: Some Future Options for the Council

A constant theme in recent Council debates and other discussions on the protection of civilians appears to be that the real challenge is not primarily a question of developing the normative framework but rather of ensuring that existing norms are implemented on the ground. When looking ahead at possible options for the Council, we have therefore decided to focus on what the Council can do to strengthen its

ability to monitor progress on the ground and make sure that parties to conflict comply with their obligations to protect civilians. Bearing in mind also the importance of political consensus for the Council to be able to act effectively, we wanted to explore mechanisms that might allow the Council to overcome traditional divisions by, at least to a certain extent, “depoliticising” its approach to the protection of civilians.

In terms of promoting compliance, the Council has yet to make full use of the tools at its disposal as recommended by the Secretary-General and could do much more in this regard. As noted in our case study on Sudan, there are three main options for the Council to ensure compliance:

- Systematically condemn violations, remind parties of their obligations and

## Looking Ahead: Some Future Options for the Council (con't)

demand compliance.

- Threaten and, if necessary, apply targeted measures against the leadership of parties that routinely violate their obligations to respect civilians.
- Systematically request reports on violations and consider mandating commissions of inquiry to examine situations where concerns exist regarding serious violations of international humanitarian law and human rights law, including with a view to identifying those responsible and prosecuting them at the national level or referring the situation to the ICC.

While the Council now seems to more consistently condemn violations and demand compliance than in the past, it is still reluctant to use targeted measures against those who commit violations against civilians and has on only a few occasions mandated commissions of inquiry or referred situations to the ICC. There also seems to be a lack of awareness among Council protection experts about sanctions as a tool that can be used to ensure compliance. Greater cooperation and coordination between protection and sanctions experts might therefore be useful. Furthermore, greater transparency in the work of the sanctions committees in terms of making sure panel of experts reports are made public might also make it more difficult for Council members to ignore recommendations pertaining to violations being committed against civilians. One additional option the Council could explore would be to create a new thematic sanctions regime specifically aimed at violations of international humanitarian law.

Another option for the Council would be to focus its upcoming protection discussions on implementation challenges. The biannual open debates on the protection of civilians could be seen as an opportunity to have a much more action-oriented discussion. While there was an attempt in the two most recent open debates to focus the discussions on a few specific issues, a further narrowing down of the agenda to consider just one protection issue—such as humanitarian access or compliance with international humanitarian and human rights law by states and non-state armed groups alike—might be useful. The Council could also invite field practitioners, in addition to UN officials, to brief on specific challenges on the ground. In a similar vein, an additional option for the Council would be to

adopt more focused thematic decisions on the protection of civilians. It could, for example, adopt a presidential statement or resolution on humanitarian access addressing among other things some of the concerns raised by the Secretary-General about arbitrary denial of consent and bureaucratic obstacles.

When it comes to monitoring developments on the ground, there are several options the Council could consider. They include:

- requesting the Secretary-General to develop indicators for improved monitoring and reporting on protection trends and to report on progress in protecting civilians in relevant reports on country-specific situations based on these indicators;
- supporting the practice of civilian casualty recording as an important tool for monitoring compliance;
- making sure all relevant Council-mandated missions have a strong human rights monitoring mandate and adequate resources to implement the mandate;
- consistently requesting horizon-scanning briefings by the Secretariat and making sure that these include relevant updates on key protection concerns;
- consistently inviting relevant UN officials, such as the High Commissioner for Human Rights and the Under-Secretary for Humanitarian Affairs, to brief the Council on country-specific situations;
- making more frequent use of Arria formula meetings to increase Council interaction with civil society representatives, who often have the most complete knowledge about the situation on the ground in conflict situations;
- organising a field mission for Council experts similar to those undertaken by the Working Group on Children and Armed Conflict, which would focus on how protection is actually carried out on the ground by peacekeepers as well as other actors;
- supporting the UN action plan on the protection of civilians that was developed in response to the report of the internal review panel on UN action in Sri Lanka, including efforts to strengthen the capacity within the UN Secretariat to deal with protection crises, in particular by enhancing coordination and improving information-management systems; and

- using the informal expert group on the protection of civilians as a monitoring and early warning tool.

With regard to the informal expert group in particular, its role would have to be redefined to move beyond what it currently does, which is mainly refining peacekeeping mandates. At this stage no one is advocating for the expert group to take on a formal role similar to the Working Group on Children and Armed Conflict, but there are different ways in which its scope could be expanded to make it more useful to Council members. In fact, the expert group has yet to take full advantage of the benefits that come with informality, as it sometimes seems to operate within the same constraints as the Council's more formal mechanisms. Some possible options for the informal expert group include:

- creating a rotating chairmanship in order to encourage a greater sense of shared ownership of the group, foster new ideas and allow elected Council members with protection of civilians as a key priority to play a greater role, as is the case in the Working Group on Children and Armed Conflict;
- expanding the role of the expert group to include monitoring, not only with regard to looking at progress in the implementation of peacekeeping protection mandates but on other key protection challenges as well;
- organising more discussions on general protection issues similar to the one on humanitarian access held in February 2012 (which has been the only meeting of its kind so far);
- inviting representatives from the UN system other than OCHA to brief the group (and not only answer questions as is current practice) if called for in a specific situation;
- conducting lessons-learned exercises to study previous Council action with a view to applying these lessons to future situations and promoting greater consistency; and
- organising briefings on situations where there is no UN mission or even on situations that are not on the Council's agenda in cases where there is a high risk of violations of international humanitarian or human rights law and preventive measures may be called for.

Further options at the Council level could focus on the need to “depoliticise” action on the protection of civilians in order to overcome

## Looking Ahead: Some Future Options for the Council (con't)

traditional divisions among Council members. In this context, one option would be to consider the implications of the veto. France recently announced that it had submitted a proposal to the General Assembly that would call for the P5 to commit themselves to suspend their right to use the veto in Council decisions regarding mass crimes against civilians.

The Council could also explore ways to identify possible thresholds, past which the Council would need to act to address protection of civilians concerns. At a more general level, the Council could address issues of inconsistency of approach between different geographical contexts and perceptions of political selectivity, which are among frequently heard criticisms of the Council.

Another option for the Council would be to consider ways to “depoliticise” the relationship between the Council and the

ICC. The 1 November 2011 workshop on accountability offered an interesting recommendation in this regard. It called for the development of an indicative checklist to guide the Council’s engagement with the ICC which would include:

- reflections on when a situation constitutes a threat to international peace and security that warrants a referral to the ICC;
- considerations of funding for cases referred to the Court by the Council;
- exceptions in the referrals such as excluding certain nationals from ICC jurisdiction;
- the Council’s role in promoting cooperation with the Court; and
- the issue of article 16 deferrals.

A possible avenue for considering these issues was suggested in a 20 November 2012 joint letter to the Council from Costa Rica,

Jordan and Liechtenstein (S/2012/860). The letter proposed that the Council establish a subsidiary mechanism to address questions relating to the ICC or expand the mandate of the informal working group on international tribunals to this effect.

In addition to what is proposed here, the Secretary-General presented a number of concrete recommendations in his latest report to the Council on ways to strengthen the protection of civilians. It should also be recalled that many, if not most of the recommendations in the Secretary-General’s previous reports remain valid. There are therefore multiple options and avenues available to the Council to advance the protection of civilians agenda and have a credible impact on the ground in saving present and future generations of civilians from violence and abuse.

## Annex I: UN Documents and Useful Additional Sources

### Security Council Thematic Resolutions

[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/1894](#) (11 November 2009) focused on compliance, humanitarian access and implementation of protection mandates in UN peacekeeping.

[S/RES/1738](#) (23 December 2006) condemned intentional attacks against journalists, media professionals and associated personnel and requested the Secretary-General to include 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 Sanctions-Related Resolutions

[S/RES/2078](#) (28 November 2012) renewed the DRC sanctions regime until February 2014.

[S/RES/2002](#) (29 July 2011) expanded the targeted sanctions relating to Somalia to include violations of international law involving the recruitment and use of children in armed conflict and the targeting of civilians, including children and women.

[S/RES/1970](#) (26 February 2011) referred the situation in Libya to the ICC and imposed an arms embargo and targeted sanctions on individuals and entities designated as responsible for the commission of serious human rights abuses.

[S/RES/1857](#) (22 December 2008) expanded the DRC sanctions regime to include individuals obstructing humanitarian assistance in the eastern part of the DRC.

[S/RES/1844](#) (20 November 2008) established a targeted sanctions regime for Somalia, imposing measures on individuals or entities designated as obstructing humanitarian assistance in Somalia.

[S/RES/1807](#) (31 March 2008) expanded the DRC sanctions regime to include individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women.

[S/RES/1698](#) (31 July 2006) expanded the DRC sanctions regime to include in the designation criteria recruitment or use of children in armed conflict or the targeting of children.

[S/RES/1672](#) (25 April 2006) designated four individuals as subject to the targeted measures imposed on Darfur.

[S/RES/1596](#) (18 April 2005) established a targeted sanctions regime for the DRC.

[S/RES/1591](#) (29 March 2005) established a targeted sanctions regime for Darfur that included violations of international humanitarian law or other atrocities in the designation criteria.

[S/RES/1572](#) (15 November 2004) established a sanctions regime for Côte d’Ivoire, imposing targeted measures on persons responsible for serious violations of human rights and international humanitarian law.

### Other Country-Specific Security Council Resolutions

[S/RES/2100](#) (25 April 2013) established MINUSMA.

[S/RES/2098](#) (28 March 2013) renewed MONUSCO’s mandate with the inclusion of an intervention brigade.

[S/RES/2085](#) (20 December 2012) authorised the deployment of AFISMA.

[S/RES/2076](#) (20 November 2012) was on the



## Annex I: UN Documents and Useful Additional Sources (con't)

situation in the DRC, condemning attacks by the rebel group M23.

[S/RES/2071](#) (12 October 2012) was on the situation in Mali and demanded that the parties cease all abuses of human rights and international humanitarian law.

[S/RES/2067](#) (18 September 2012) was on the end of the transition in Somalia.

[S/RES/2062](#) (26 July 2012) extended the mandate of UNOCI.

[S/RES/2056](#) (5 July 2012) was on the situation in Mali and expressed concern about the worsening humanitarian situation there.

[S/RES/2057](#) (5 July 2012) extended the mandate of UNMISS.

[S/RES/2053](#) (27 June 2012) extended the mandate of MONUSCO.

[S/RES/2046](#) (2 May 2012) called for an immediate cessation of all hostilities between Sudan and South Sudan.

[S/RES/2043](#) (21 April 2012) established UNSMIS.

[S/RES/2042](#) (14 April 2012) was the Council's first resolution on Syria, which called for the implementation of the Arab League/UN Joint Special Envoy's six-point plan for ending the conflict.

### Security Council Thematic Presidential Statements

[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/2009/1](#) (14 January 2009) reaffirmed previous decisions on protection of civilians and endorsed an updated aide-mémoire.

[S/PRST/2008/18](#) (27 May 2008) reaffirmed previous decisions on protection of civilians and requested a report from the Secretary-General by May 2009.

[S/PRST/2005/25](#) (21 June 2005) expressed concern about limited progress on the ground to protect civilians, stressed in particular the need to provide physical protection for vulnerable groups and invited the Secretary-General to address challenges related to peacekeeping.

[S/PRST/2004/46](#) (14 December 2004) reaffirmed the Council's commitment to the protection of civilians.

[S/PRST/2003/27](#) (15 December 2003) contained an updated aide-mémoire.

[S/PRST/2002/41](#) (20 December 2002) underscored the importance of the aide-mémoire, expressing the Council's willingness to update it annually, and

addressed in particular issues related to humanitarian access, refugees and internally displaced persons and gender-based violence.

[S/PRST/2002/6](#) (15 March 2002) contained an aide-mémoire to assist Council members in their consideration of protection-of-civilians issues.

[S/PRST/1999/6](#) (12 February 1999) was the first thematic decision on protection of civilians, which also requested the first report from the Secretary-General on the issue.

### Security Council Country-Specific Presidential Statements

[S/PRST/2013/15](#) (2 October 2013) was on the humanitarian situation in Syria.

[S/PRST/2012/28](#) (19 December 2012) was on the Central African region and the LRA.

[S/PRST/2012/22](#) (19 October 2012) was on the DRC, condemning the activities of the rebel group M23.

[S/PRST/2012/19](#) (31 August 2012) welcomed an agreement between the government of Sudan and the SPLM-N to enable the delivery of humanitarian aid in Southern Kordofan and Blue Nile.

[S/PRST/2012/18](#) (29 June 2012) was on the Central African region and the LRA.

[S/PRST/2012/9](#) (4 April 2012) was on the situation in Mali and called for unimpeded humanitarian access.

[S/PRST/2012/7](#) (26 March 2012) was on the situation in Mali and expressed concern about the deterioration of the humanitarian situation there.

[S/PRST/2012/6](#) (21 March 2012) was on the situation in Syria.

[S/PRST/2012/5](#) (6 March 2012) was on Sudan/South Sudan relations and emphasised the urgency of delivering humanitarian aid to Southern Kordofan and Blue Nile.

### Secretary-General's Reports

#### Thematic Reports on Protection of Civilians

[S/2013/689](#) (22 November 2013); [S/2012/376](#) (22 May 2012); [S/2010/579](#) (11 November 2010); [S/2009/277](#) (29 May 2009); [S/2007/643](#) (28 October 2007); [S/2005/740](#) (28 November 2005); [S/2004/431](#) (28 May 2004); [S/2002/1300](#) (26 November 2002); [S/2001/331](#) (30 March 2001); and [S/1999/957](#) (8 September 1999), which was the landmark first report on the issue.

#### 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.

#### Country-Specific Reports

[S/2012/894](#) (28 November 2012) was the first report on Mali.

[S/2012/838](#) (14 November 2012) was a report on MONUSCO.

[S/2012/771](#) (16 October 2012) was a report on UNAMID.

[S/2012/486](#) (26 June 2012) was a report on UNMISS that contained an annex with benchmarks.

### Security Council Meeting Records

#### Open Debates on Protection of Civilians

[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.5476](#) (28 June 2006); [S/PV.5319](#) and Res. 1 (9 December 2005); [S/PV.5209](#) (21 June 2005); [S/PV.5100](#) and Res. 1 (14 December 2004); [S/PV.4877](#) (9 December 2003); [S/PV.4777](#) (20 June 2003); [S/PV.4660](#) and Res. 1 (10 December 2002); [S/PV.4492](#) (15 March 2002); [S/PV.4424](#) (21 November 2001); [S/PV.4312](#) and Res. 1 (23 April 2001) 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.7049](#) (25 October 2013) was a humanitarian briefing on Syria by the Under-Secretary-General for Humanitarian Affairs.

[S/PV.7044](#) (18 October 2013) was the most recent open debate on women, peace and security.

[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 a debate on children and armed conflict.

[S/PV.6948](#) (17 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.

[S/PV.6838](#) and Res. 1 (19 September 2012) was an open debate on children and armed conflict.

[S/PV.6826](#) (30 August 2012) was a high-level meeting on the humanitarian situation in Syria.

## Annex I: UN Documents and Useful Additional Sources (con't)

[S/PV.6707](#) (25 January 2012) was a briefing on Libya by the High Commissioner for Human Rights.

### Other

[S/2013/587](#) (3 October 2013) was the concept note circulated by Azerbaijan in preparation for the 18 October debate on women, peace and security.

[S/2013/447](#) (1 August 2013) was the concept note circulated by Argentina in preparation for the 19 August open debate on protection of civilians.

[S/2013/393](#) (3 July 2013) was the concept note circulated by the US in preparation for the 17 July open debate on protection of journalists.

[S/2013/110](#) (25 February 2013) was a letter from the Secretary-General addressed to the Security Council and the General Assembly on the due-diligence policy on UN support to non-UN security forces.

[S/2013/75](#) (4 February 2013) was the concept note circulated by ROK in preparation for the 12 February open debate on protection of civilians.

[S/2012/860](#) (20 November 2012) was a letter from Costa Rica, Jordan and Liechtenstein proposing that the Council consider establishing a subsidiary mechanism to address questions related to the ICC or expand the mandate of the informal working group on international tribunals to this effect.

[S/2012/731](#) (1 October 2012) was the concept note circulated by Guatemala in preparation for the 17 October 2012 debate on the ICC.

[S/2012/373](#) (18 May 2012) was a letter from Portugal submitting the report from the 1 November 2011 workshop on accountability co-hosted with OCHA.

### Other Sanctions Documents

[S/2013/79](#) (22 January 2013) was a report from the Panel of Experts assisting the 1591 Sudan Sanctions Committee.

[SC/10876](#) (31 December 2012) was a press release from the 1533 DRC Sanctions Committee announcing the listings of two armed groups, M23 and *Forces Démocratiques de Libération du Rwanda* (FDLR), as well as rebel military commander Eric BADEGE as subject to targeted sanctions.

[S/2012/843](#) (12 October 2012) was a final report from the Group of Experts assisting the 1533 DRC Sanctions Committee.

[S/2012/544](#) (27 June 2012) was a report from the Monitoring Group assisting the 751/1907 Somalia and Eritrea Sanctions Committee.

[S/2012/348](#) (18 May 2012) was a mid-term report from the Group of Experts assisting the 1533 DRC Sanctions Committee.

[SC/10842](#) (30 November 2012) was a press release from the 1533 DRC Sanctions Committee announcing the listings of Baudoin Ngaruye and Innocent Kaina as subject to targeted sanctions.

[SC/10812](#) (12 November 2012) was a press release from the 1533 DRC Sanctions Committee announcing the listing of Sultani Makenga as subject to targeted sanctions.

[S/2011/111](#) (12 November 2010) was a report from the Panel of Experts assisting the 1591 Sudan Sanctions Committee.

### CASE STUDY ON SUDAN

#### Ensuring Compliance with International Humanitarian Law: the Case of Darfur

##### Security Council Resolutions

[S/RES/2091](#) (14 February 2013) renewed the mandate of the Panel of Experts assisting the 1591 Sudan Sanctions Committee and called on the government of Sudan to respond to the committee's requests for measures put in place to protect civilians, investigate violations and ensure accountability.

[S/RES/2035](#) (17 February 2012) renewed the mandate of the Panel of Experts assisting the 1591 Sudan Sanctions Committee.

[S/RES/2003](#) (29 July 2011) was a UNAMID mandate renewal.

[S/RES/1881](#) (30 July 2009) was a UNAMID mandate renewal.

[S/RES/1828](#) (31 July 2008) was a UNAMID mandate renewal.

[S/RES/1769](#) (31 July 2007) established UNAMID.

[S/RES/1672](#) (25 April 2006) designated four individuals as subject to targeted measures under the sanctions regime relating to the situation in Darfur.

[S/RES/1593](#) (31 March 2005) referred the situation in Darfur to the ICC.

[S/RES/1591](#) (29 March 2005) imposed targeted sanctions in relation to the situation in Darfur and created a sanctions committee and panel of experts.

[S/RES/1564](#) (18 September 2004) established an international commission of inquiry for Darfur.

[S/RES/1556](#) (30 July 2004) endorsed plans for an AU protection force in Darfur, called on the government of Sudan to fulfil its obligations with respect to the protection of civilians and imposed an arms embargo.

##### Security Council Presidential Statement

[S/PRST/2004/18](#) (25 May 2004) was on the situation in Darfur, urging all parties to put an end to violations of human rights and international humanitarian law.

### Other

[S/2005/60](#) (31 January 2005) was the report from the commission of inquiry for Darfur.

[E/CN.4/2005/3](#) (7 May 2004) was a report on Darfur from the High Commissioner for Human Rights.

#### Enhancing Accountability: Follow-Up to the Council's Referral to the ICC of the Situation in Darfur

##### Security Council Presidential Statement

[S/PRST/2008/21](#) (16 June 2008) urged Sudan and all other parties to the conflict in Darfur to cooperate fully with the ICC.

### Security Council Meeting Record

[S/PV.6974](#) (5 June 2013) was the latest Council briefing by the ICC prosecutor on the situation in Darfur.

### Other

[S/2013/229](#) (27 March 2013) was a letter from the ICC president informing the Council of its decision of non-compliance against Chad.

[ICC-02/05-01/09-95](#) (12 July 2010) was the second ICC arrest warrant for Sudanese President Bashir.

[ICC-02/05-01/09-1](#) (4 March 2009) was the first ICC arrest warrant for Sudanese President Bashir.

[PSC/MIN/Comm \(CLXII\) Rev. 1](#) (21 July 2008) was a communiqué from the AU PSC requesting the Council to defer the ICC proceedings against Sudanese president Bashir.

#### Enhancing Protection of Civilians by UN Peacekeeping and Other Relevant Missions: the Case of UNAMID

##### Security Council Resolutions

[S/RES/2113](#) (30 July 2013) was a UNAMID mandate renewal.

[S/RES/2063](#) (31 July 2012) was a UNAMID mandate renewal.

[S/RES/1935](#) (30 July 2010) was a UNAMID mandate renewal.

[S/RES/1706](#) (31 August 2006) set a mandate for UNMIS to operate in Darfur.

##### Reports of the Secretary-General

[S/2012/771](#) (16 October 2012) was a report on UNAMID.

[S/2012/548](#) (16 July 2012) was a report on UNAMID.

[S/2011/422](#) (8 July 2011) was a report on UNAMID.

[S/2011/22](#) (18 January 2011) was a report on UNAMID.

[S/2010/543](#) (18 October 2010) was a report on UNAMID.

[S/2010/382](#) (14 July 2010) was a report on UNAMID.

[S/2009/592](#) (16 November 2009) was a report on UNAMID that contained benchmarks for measuring progress.

[S/2008/249](#) (14 April 2008) was a report on UNAMID.

#### Ensuring Humanitarian Access: The Case of Southern Kordofan and Blue Nile

##### Security Council Resolutions

[S/RES/1997](#) (11 July 2011) authorised the withdrawal of UNMIS.

[S/RES/1996](#) (8 July 2011) established UNMISS.

[S/RES/1990](#) (27 June 2011) established UNISFA.

##### Presidential Statements

[S/PRST/2013/14](#) (23 August 2013) reiterated, inter alia, the call for the government of Sudan and the

---

## Annex I: UN Documents and Useful Additional Sources (con't)

SPLM-N to expedite humanitarian access and fully respect relevant international law.

[S/PRST/2012/19](#) (31 August 2012) called on the government of Sudan and the SPLM-N to implement their obligations and expedite the unhindered delivery of humanitarian aid.

### Press Statements

[SC/11145](#) (11 October 2013) urged the government of Sudan and the SPLM-N to resolve their differences to allow a polio vaccination campaign in Southern Kordofan and Blue Nile to go forward as planned.

[SC/10773](#) (21 September 2012) reiterated the call on the government of Sudan and the SPLM-N to implement unresolved issues outlined in resolution 2046 and expedite the delivery of humanitarian aid.

[SC/10677](#) (18 June 2012) called on the government of Sudan and the SPLM-N to implement their

obligations under resolution 2046 immediately.

[SC/10594](#) (27 March 2012) called, inter alia, for humanitarian access to Southern Kordofan and Blue Nile.

[SC/10543](#) (14 February 2012) was on the humanitarian crisis in Southern Kordofan and Blue Nile.

### USEFUL ADDITIONAL RESOURCES

*A Call for Self-Restraint at the UN*, op-ed by French Foreign Minister Laurent Fabius published in The New York Times, 4 October 2013.

*Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action*, Kate Mackintosh and Patrick Duplat, July 2013

*Sudan's Spreading Conflict (II): War in Blue Nile*,

International Crisis Group, 18 June 2013.

*Sudan: Civilians Caught in Unending Crisis in Southern Kordofan*, Amnesty International, 17 April 2013.

*Sudan's Spreading Conflict (I): War in South Kordofan*, International Crisis Group, 14 February 2013.

*A Common Standard for Applying the Responsibility to Protect*, Sheri P. Rosenberg, Benjamin N. Cardozo School of Law, 6 October 2012.

*Have the Tripartite Partners Secured Humanitarian Relief for South Kordofan and Blue Nile?* Enough Project, August 2012.

---

## 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. It also analyses Council

decisions on protection of civilians in country-specific situations during the previous full calendar year and reviews developments in Council sanctions regimes. In addition, each report also includes one or more case studies allowing for an in-depth examination of the Council's commitment to protection issues.

In this sixth *Cross-Cutting Report on Protection of Civilians*, the statistical analysis focuses on Council decisions and reports of the Secretary-General for the year 2012 to allow for a meaningful comparison year-by-year. In other parts of the report, however, we have also included references to developments in 2013, such as in the case study on Sudan, so as to provide as up-to-date a picture as possible of current trends relating to the protection of civilians.

It should also 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 in separate SCR cross-cutting reports. (Our most recent cross-cutting reports on Children and Armed Conflict and Women, Peace and Security were published on 27 August 2012 and 10 April 2013 respectively.) 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 1 December 2013)

SITUATION	OPERATION/ RELEVANT COUNCIL DECISIONS	PROTECTION-RELATED MANDATE
1. Côte d'Ivoire	UNOCI (2004-)  S/RES/2112 (30 July 2013)	<ul style="list-style-type: none"> <li>• Protect, without prejudice to the primary responsibility of the Ivorian authorities, the civilian population from imminent threat of physical violence, within its capabilities and areas of deployment.</li> <li>• Implement the comprehensive strategy for the protection of civilians in coordination with the UN Country Team.</li> <li>• 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.</li> <li>• 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/17/27.</li> <li>• 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) and 2068 (2012), in order to prevent such abuses and violations and to end impunity.</li> <li>• Bring to the attention of the Council all individuals identified as perpetrators of serious human rights violations and keep the Committee established pursuant to resolution 1572 (2004) regularly informed of any significant developments in this regard when appropriate.</li> <li>• 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.</li> <li>• Provide specific protection for women affected by armed conflict, including through the deployment of Women Protection Advisors, to ensure gender expertise and training, as appropriate and within existing resources, in accordance with resolutions 1888 (2009), 1889 (2009), 1960 (2011) and 2106 (2013).</li> <li>• Facilitate, as necessary, unhindered humanitarian access and help strengthen the delivery of humanitarian assistance to conflict-affected and vulnerable populations, notably by contributing to enhanced security conducive to this delivery.</li> <li>• Support the Ivorian authorities in preparing for the voluntary, safe and sustainable return of refugees and internally-displaced persons in cooperation with relevant humanitarian organizations and in creating security conditions conducive to it.</li> </ul>
2. DRC	MONUSCO (2010-) S/RES/2098 (28 March 2013)	<ul style="list-style-type: none"> <li>• Ensure, within the area of operations, the effective protection of civilians under imminent threat of physical violence, including 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. Work with the Government of the DRC to identify threats to civilians and implement existing response plans 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 grave violations against children.</li> <li>• Ensure that child protection 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 as called for in resolution 1960 (2010), and employ Women Protection Advisors to engage with parties to conflict in order to seek commitments on the prevention and response to conflict-related sexual violence.</li> <li>• 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.</li> <li>• Monitor, report and follow-up on human rights violations and abuses and support the UN system in-country to ensure that any support provided by the UN in the eastern DRC shall be consistent with international humanitarian law and human rights law and refugee law as applicable.</li> <li>• 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 humanitarian law violations, committed by elements of the security forces, in particular its newly integrated elements.</li> <li>• 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 listed parties to obtain further commitments and work towards the development and implementation of time-bound action plans to end the recruitment and use of children and other violations of international humanitarian law.</li> </ul>



## Annex III: Current Protection Mandates in UN Peacekeeping Operations (as of 1 December 2013) (con't)

SITUATION	OPERATION/ RELEVANT COUNCIL DECISIONS	PROTECTION-RELATED MANDATE
3. Haiti	MINUSTAH (2004-) S/RES/1542 (30 April 2004)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons.</li> <li>• 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 Office of the High Commissioner for Human Rights, to put an end to impunity.</li> <li>• 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.</li> </ul>
4. Lebanon	UNIFIL (1978-) S/RES/1701 (11 August 2006)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.</li> </ul>
5. Liberia	UNMIL (2003-) S/RES/1509 (19 September 2003)	<ul style="list-style-type: none"> <li>• Without prejudice to the efforts of the government, to protect civilians under imminent threat of physical violence, within its capabilities.</li> <li>• Facilitate the provision of humanitarian assistance, including by helping to establish the necessary security conditions.</li> <li>• Contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children and demobilised child soldiers, within UNMIL's capabilities and under acceptable security conditions.</li> <li>• Ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities.</li> </ul>
6. Mali	MINUSMA (2013-) S/RES/2100 (25 April 2013)	<p>Protect, without prejudice to the responsibility of the transitional authorities of Mali, civilians under imminent threat of physical violence, within its capacities and areas of deployment.</p> <p>Provide specific protection for women and children affected by armed conflict, including through the deployment of Child Protection Advisors and Women Protection Advisors, and address the needs of victims of sexual and gender-based violence in armed conflict.</p> <p>Monitor, help investigate and report to the Council on any abuses or violations of human rights or violations of international humanitarian law committed throughout Mali and to contribute to efforts to prevent such violations and abuses.</p> <p>Support, in particular, the full deployment of MINUSMA human rights observers throughout the country. Monitor, help investigate and report to the Council specifically on violations and abuses committed against children as well as violations committed against women including all forms of sexual violence in armed conflict.</p> <p>Assist the transitional authorities of Mali in their efforts to promote and protect human rights.</p> <p>In support of the transitional authorities of Mali, contribute to the creation of a secure environment for the safe, civilian-led delivery of humanitarian assistance, in accordance with humanitarian principles, and the voluntary return of internally displaced persons and refugees in close coordination with humanitarian actors.</p> <p>Support, as feasible and appropriate, the efforts of the transitional authorities of Mali, without prejudice to their responsibilities, to bring to justice those responsible for 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 International Criminal Court.</p>

## Annex III: Current Protection Mandates in UN Peacekeeping Operations (as of 1 December 2013) (con't)

SITUATION	OPERATION/ RELEVANT COUNCIL DECISIONS	PROTECTION-RELATED MANDATE
7. South Sudan	UNMISS (2011-) S/RES/1996 (8 July 2011)	<ul style="list-style-type: none"> <li>• Support the Government of the Republic of South Sudan in exercising its responsibilities for conflict prevention, mitigation and resolution and protect civilians through:</li> <li>• exercising good offices, confidence-building and facilitation at the national, state and county levels within capabilities to anticipate, prevent, mitigate and resolve conflict;</li> <li>• establishment and implementation of a mission-wide early warning capacity, with an integrated approach to information gathering, monitoring, verification, early warning and dissemination and follow-up mechanisms;</li> <li>• monitoring, investigating, verifying and reporting regularly on human rights and potential threats against the civilian population, as well as actual and potential violations of international humanitarian and human rights law, working as appropriate with the Office of the High Commissioner for Human Rights, bringing these to the attention of the authorities as necessary, and immediately reporting gross violations of human rights to the UN Security Council;</li> <li>• advising and assisting the Government of the Republic of South Sudan, including military and police at national and local levels as appropriate, in fulfilling its responsibility to protect civilians, in compliance with international humanitarian, human rights and refugee law;</li> <li>• deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, protecting civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security; and</li> <li>• providing security for UN and humanitarian personnel, installations and equipment necessary for implementation of mandated tasks, bearing in mind the importance of mission mobility, and contributing to the creation of security conditions conducive to safe, timely and unimpeded humanitarian assistance.</li> <li>• Facilitating a protective environment for children affected by armed conflict, through implementation of a monitoring and reporting mechanism.</li> </ul>
8. Sudan (Darfur)	UNAMID (2007-) S/RES/1769 (31 July 2007)  S/2007/307/Rev.1 (5 June 2007) (The resolution refers to this document, a joint report by the Secretary-General and the Chairperson of the AU Commission, for details about UNAMID's mandate.)	<ul style="list-style-type: none"> <li>• Contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur.</li> <li>• 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.</li> <li>• Contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees.</li> <li>• Contribute to the promotion of respect for and protection of human rights and fundamental freedoms.</li> <li>• 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.</li> </ul>
9. Abyei	UNISFA (2011-) S/RES/1990 (27 June 2011)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Ensure the security and freedom of movement of United Nations personnel, humanitarian personnel and members of the Joint Military Observers Committee and Joint Military Observer Teams.</li> </ul> <p>Without prejudice to the responsibilities of the relevant authorities, to protect civilians in the Abyei Area under imminent threat of physical violence.</p>

## Annex IV: Meetings of the Council's Informal Expert Group on Protection of Civilians since its establishment in 2009

MISSION DISCUSSED	MEETINGS IN 2009	MEETINGS IN 2010	MEETINGS IN 2011	MEETINGS IN 2012
UNOCI	2 (January and July)	2 (January and June)	2 (March and June)	1 (July)
AMISOM		2 (January and December)	1 (September)	
MINURCAT (terminated on 31 December 2010)		2 (February and December)		
UNAMA	1 (March)	1 (March)	1 (February)	1 (May)
UNISFA				1 (May)
UNMIS (terminated on 7 July 2011)	1 (April)	1 (April)	1 (May)	
UNMISS			1 (May)	1 (June)
MONUSCO	1 (December)	1 (April)	1 (June)	1 (June)
UNAMID	1 (July)	1 (July)	1 (July)	1 (July)
UNAMI	1 (July)	1 (July)	1 (July)	1 (July)
ISAF		1 (September)	1 (October)	1 (October)
AFISMA				1 (December)
Other Meetings				
Thematic briefing on humanitarian access				1 (February)
Total Number of Meetings	7	12	10	10

The material in this publication is subject to copyright ownership. Material in this publication may be freely used as in the public domain. You are free to copy, distribute, or make derivative works of the work under the following conditions: you must attribute the work to Security Council Report, Inc.; you may not use this work for commercial purposes; if you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.

#### Security Council Report Staff

**Bruno Stagno**  
Executive Director

**Joanna Weschler**  
Deputy Executive Director &  
Director of Research

**Amanda Roberts**  
Coordinating Editor &  
Senior Research Analyst

**Shamala Kandiah Thompson**  
What's in Blue Editor & Senior  
Research Analyst

**Astrid Forberg Ryan**  
Senior Research Analyst &  
Development Officer

**Victor Casanova Abos**  
Research Analyst

**Charles Cater**  
Research Analyst

**Paul Romita**  
Research Analyst

**Eran Sthoeger**  
Research Analyst

**Benjamin Villanti**  
Research Analyst

**Robbin VanNewkirk**  
Publications Coordinator

**Laura Coquard-Wallace**  
Research Associate

**Dahlia Morched**  
Research Assistant

**Vladimir Sesar**  
Research Associate

**Maritza Tenerelli**  
Administrative Assistant

**Lindiwe Knutson**  
Research Intern

**Stevenson Swanson**  
Editorial Consultant

Security Council Report is a non-profit organisation supported by the Governments of Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Liechtenstein, Lithuania, Luxembourg, New Zealand, Norway, Saudi Arabia, Singapore, Sweden, Switzerland and Turkey, the Ford Foundation, the John D. and Catherine T. MacArthur Foundation, International Development Research Centre and the William and Flora Hewlett Foundation.

Design Point Five, NY

**Security Council Report**  
One Dag Hammarskjöld Plaza  
885 2nd Ave at 48th St, 21st Floor  
New York NY 10017

**Telephone** +1 212 759 6394  
**Fax** +1 212 759 4038  
**Web** [securitycouncilreport.org](http://securitycouncilreport.org)  
[whatsinblue.org](http://whatsinblue.org)



**Independent.  
Impartial.  
Informative.**