

Protection of Civilians in 2010

Facts, figures, and the UN Security Council's response

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Escorted by peacekeepers, Sudanese women IDPs collect firewood. © UN Photo/Albert Gonzalez Farran.

In 2010, millions of men, women, and children were killed, raped, displaced, injured, or recruited by force in armed conflicts throughout the world. Whether caught in the crossfire or deliberately targeted, civilians too often suffer disproportionately as a result of conflict.

The primary obligation to protect civilians affected by conflict lies with national governments and parties to conflict. However, when these actors are unable or unwilling to fulfil this obligation, the international community, in particular the UN Security Council (UNSC) has a responsibility to recognise the plight of civilians caught up in conflict and to take action to protect them. This paper reviews the impact of armed conflicts on civilians in 2010, and challenges the UNSC to be more informed and consistent in its approach to protecting civilians in armed conflict.

Executive Summary

The impact of conflict on civilians around the globe

Worldwide, civilians continue to bear the brunt of armed conflict. In 2010, millions of men, women, and children were threatened, injured, killed, raped, displaced, recruited by force, or deprived of safe water and food. While the impact of conflict and the extent of the harm experienced by civilians can never fully be measured, examining what little is known about deaths and casualties, displacement, sexual violence, and threats to children provides some indication of the scale of violence against civilians. This report reviews the available information on the impact of conflict on civilians in 2010 and explores the response of the UN Security Council (UNSC) to protecting civilians in armed conflicts. Building on recommendations made by the UN Secretary-General in 2010 for more detailed information on protection of civilians to be provided to the UNSC, and for a less selective approach to protecting civilians in armed conflicts, this paper highlights two challenges for the UNSC to overcome: the lack of reliable and detailed information and analysis on threats to civilians and the need for consistent consideration for all crises based on the level of threat and risk to the well-being of civilians.

A look at the last year:

- Reported civilian fatalities in Afghanistan stood at 2,777 for 2010, representing an increase of 15 per cent on 2009 figures.¹ As in previous years, Afghanistan remained the most dangerous place to work for aid workers: 29 of them were killed while 71 were abducted. This corresponded to a 153 per cent increase on 2009, and was roughly eight times the 2008 figure.²
- Last year, **Sudan** had both the highest level overall of people remaining internally-displaced – around 5 million – and the highest number of people newly displaced by conflict.³ In 2010, over 532,000 people were displaced within the country: over half of these were in Darfur and the remainder in Southern Sudan.⁴
- **Somalia** was further engulfed in fighting and a severe humanitarian crisis. According to UNHCR, 2010 was the worst year in a decade for civilian casualties, with at least 7,600 people reporting weapons-related injuries.⁵ Other reports indicate at least 2,100 civilian deaths recorded in Mogadishu alone.⁶
- In **Colombia**, 2010 saw roughly 280,000 people displaced as a result of internal conflict.⁷ Colombia continues to have, after Sudan, the largest number of internally-displaced persons (IDPs) in the world.
- In **Iraq**, the positive trend over the past three years of declining civilian casualties continued, but civilian deaths still exceeded 4,000,⁸ making it the conflict-affected country with the highest number of civilian fatalities.

- The ethnic conflict that flared up in **Kyrgyzstan** in June 2010⁹ claimed the lives of at least 400 people and displaced around 300,000 others.¹⁰
- The escalation of post-electoral tensions in **Côte d’Ivoire** had already seen the deaths of more than 200 people by the end of 2010, with violence escalating sharply in the first four months of 2011.¹¹
- Following spikes in violence in 2009 in the **Occupied Palestinian Territories and Israel** (OPTI) and **Chad**, 2010 saw significantly fewer civilian casualties, although the protection of civilians remains an overall concern in those areas.
- The **Lord’s Resistance Army (LRA)**, operating in the Democratic Republic of Congo (DRC), Central African Republic (CAR), and Sudan, continued to regularly attack civilians across these countries, displacing tens of thousands of people. In 2010, 306 known LRA attacks resulted in 355 deaths and 680 abductions.¹²

Protection of Civilians by the UN Security Council

There are many different ways to address protection threats, and numerous actors play important roles in protecting civilians.

National governments bear the primary responsibility for ensuring that their populations are effectively protected, and all parties to conflict – governments and armed groups – have an obligation to prevent harm to civilians in the conduct of hostilities. Actors at local level also play an important role, particularly where rights activists, civil society organisations (CSOs), women’s groups, and communities speak out on abuses and work to prevent violence.

When states are unable or unwilling to protect their population, international actors, such as individual member states, regional organisations, intergovernmental organisations (such as the International Committee of the Red Cross (ICRC)), or the United Nations Security Council (UNSC), may become engaged in efforts to remind parties of their obligations to protect civilians, and may take measures to prevent abuses and protect people from harm. The tactics and tools they can adopt include international, regional, and bilateral diplomacy, the use of sanctions and embargoes, monitoring and reporting on the protection of civilians and human rights abuses, and the establishment of, or referral to, appropriate justice mechanisms. The UNSC may also consider establishing a UN political or peacekeeping mission, and, as a last resort, authorise the use of military force. These numerous tools can be employed in varying combinations in different contexts to address different threats. Out of these actors and mechanisms, this paper will focus predominantly on the role of the UNSC, as an important international body involved in the protection of civilians.

The core mandate of the UNSC is to maintain international peace and security. Since 1999, and in the aftermath of the failure of the international community to take effective action to prevent or address large-scale civilian atrocities in Sierra Leone, Rwanda, and the former Yugoslavia, the UNSC has progressively identified the protection of civilians in armed conflict as being a core part of this mandate. The first UN Presidential Statement on protection of civilians, in February 1999, recognised that large-scale human suffering can fuel conflict and

that, because of the potential impact on international peace and security, the international community should act to protect civilian populations affected by conflict.¹³ While this recognition was important in placing the protection of civilians within the UNSC's mandate to maintain international peace and security, the UNSC should consider the protection of civilians based on the need to prevent harm to civilians, and not only because civilian suffering may cause more violence.

Over the past 12 years, the range of protection issues covered in the UNSC has included displacement, children affected by conflict, and the use of sexual and gender-based violence as a weapon of war. The most recent Security Council Resolution on the Protection of Civilians, UNSC Resolution 1894 (2009), calls for comprehensive and detailed information relating to the protection of civilians in armed conflict and for protection activities to be made a clear priority for peacekeeping missions with protection of civilian mandates.¹⁴ However, more than a year after the Resolution was adopted, there have been only minimal advances in the area of improved reporting on protection incidents, and translating protection mandates into effective protection of civilians on the ground remains a challenge.

UNSC Resolution 1973 (2011) on Libya has been the most visible, and arguably most controversial, action of the UNSC in the name of civilian protection.¹⁵ The authorization of military force to protect civilians by international forces outside of UN peacekeeping missions, and without the consent of the host government, is a vastly different context from the way protection of civilians has been discussed in the UNSC prior to this year. Using military means to protect civilians is risky and challenging and must be based on thorough assessment of civilian vulnerability to threats of violence; it must not be reduced to only attacking belligerents. While it is too early to assess the full implications of Resolution 1973 for the normative and operational development of civilian protection, it will no doubt have a lasting impact.

UNSC: an uneven and inconsistent response

While national governments, regional organisations, and the ICRC may sometimes be better placed to monitor specific crises and respond to protection concerns, this does not remove the UNSC's responsibility to monitor crises and regularly assess the effectiveness of the various efforts by regional bodies and national governments, in order to decide whether it needs to become directly engaged itself.

When the UNSC does demonstrate greater willingness to protect civilians in crises, where governments are unable or unwilling, the appropriate international action needs to be considered carefully. As a first step, parties to conflict need to be engaged with, and the UNSC has an important role to play in constantly urging all actors to minimize civilian harm and refrain from excessive force in hostilities. Working with other international, regional, or national actors is also important. Whichever approach it chooses, the UNSC must juggle the political calculations of individual member states with concern for civilians at risk of violence and potential rights abuses, and should endeavour to do so regardless of whether situations in question are on or off the UNSC agenda.

In 2010, the Report of the Secretary-General on the protection of civilians in armed conflict stressed the need for a less selective approach by the UNSC to conflicts, including finding ways to address contexts not formally on its agenda.¹⁶ Any action by the UNSC should correspond to the protection needs on the ground, be based on reliable information and analysis of threats to civilians, and should be designed to protect those civilians in greatest need. However, the UNSC is an inherently political entity and member states are influenced by domestic political pressures, international interests, media, and advocacy groups active on a range of issues and conflicts. Member states are hampered by the fact that they do not have enough access to, or are not forced to take into account, comprehensive information on the threats that civilians face in conflict countries. This combination of sometimes competing demands and patchy information too often results in actions that vary greatly between one crisis and another.

- Certain countries, notably Somalia, Sudan, Iraq, the DRC, Côte d'Ivoire, Afghanistan, CAR, and Chad, maintained a presence on the UNSC agenda throughout 2010. Resolutions were passed on these countries and Presidential Statements issued. Only around half of the resolutions mentioning these countries, however, made explicit reference in operational paragraphs to the protection of civilians.
- The situation in Colombia failed to register on the agenda at all, and there was no formal statement or action in response to the crisis in Kyrgyzstan.
- Despite ongoing conflicts in India, Thailand, the Philippines, and Turkey, these countries were also not on the UNSC agenda in 2010. High numbers of casualties in Pakistan, amongst both civilians and combatants, failed to produce any concrete actions or statements.
- Afghanistan and Iraq remained the two countries with the largest numbers of international troops deployed (by the US and/or NATO). These countries have among the highest levels of civilian casualties, for which anti-government groups bear much of the responsibility.¹⁷
- The UNSC could not agree to more than a Presidential Statement on the situation in the OPTI, while the legally binding Resolution 1860 it adopted in January 2009 remained largely unimplemented, in particular its urgent call for 'the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment'.¹⁸

The figures in this report suggest that the response from the UNSC is uneven: in some cases where civilians were under threat, the UNSC acted, whereas in others contexts it did very little or nothing at all.

The lack of information

Findings in Section 2 of this report reveal that, for certain countries and issues, there is very little or no data publicly available on protection threats to civilians. The lack of information is not just technical but also political, related to what can often be a refusal by governments to acknowledge the level of violence within their countries.

Credible information allows for better judgements on which of the above tactics and tools to use when responding to threats to civilian populations. For all conflicts, except those in Afghanistan and OPTI, only sporadic information is openly available on civilian casualties from UN sources.¹⁹ There is little reliable or timely consolidated information on rape and sexual violence, despite these being severe and persistent threats faced by women, as well as by children and men, in conflict. Improved information flow to the UNSC should also be accompanied by reporting not just on protection threats but also on what steps are being taken by parties to conflict to meet their obligations to protect civilians under International Humanitarian Law.

Missing or partial data, combined with a lack of appropriate criteria for monitoring the situation of civilians affected by conflict, risks limiting the international community's objective and impartial understanding of the nature and level of threats against civilians. This affects decision-making on how, where, and when to engage to protect civilians. Data collection, analysis, and reporting are not, and cannot be, a substitute for effective action. However, they are the first steps to identifying a situation of concern before it has escalated, identifying a situation where engagement is needed and, ideally, informing an appropriate and measured response to protect civilians.

Recommendations

Recommendations to national governments

- At the national level, **individual member states have the primary responsibility to protect their civilians** through refraining from excessive force and minimizing harm to civilians during any hostilities.
- **States, whether hosting conflicts or not, should actively work to protect civilians from armed conflict and grave violence** by using mediation and diplomatic tools to prevent violence and by acting at the earliest stage of a foreseeable crisis. This requires investment in early-warning capabilities to monitor and respond to rising threats before they erupt.

Recommendations to the UN Security Council

At a global level, the UNSC must provide clear leadership in protecting civilians affected by conflict by:

- **Acting consistently to protect civilians**, particularly when the authorizing the use of force, **ensuring that such authorization is based on a clear articulation of threats and risks to civilians**, and indicating how the proposed actions will minimize and address such threats.
- Encouraging individual permanent UNSC members to **renounce the use of their veto when the Council is discussing situations of grave protection of civilian concern**, including actual or incipient war crimes, crimes against humanity, ethnic cleansing, and genocide.
- Continuing **the expansion of sanctions which address various**

protection of civilian threats, as has already been done in the case of sexual violence and forced child recruitment.

- **Seeking ways to formally or informally increase engagement of the UNSC with civil-society actors**, particularly those from communities experiencing or at risk of war crimes, genocide, ethnic cleansing, and crimes against humanity.

The UNSC should support better quality of information, analysis, and action on civilians affected by armed conflicts by:

- Urging the UN Secretary-General to make further progress in providing **systematic and timely information about the threats faced by civilians** – including sexual and gender-based violence and the denial of the right to assistance – in country and thematic reports.
- **Ensuring that mechanisms exist, whether formal or informal, for the UNSC to be informed of grave civilian protection violations and challenges in countries not on the UNSC agenda**, so that these can be discussed and the Council can be engaged where needed. **Quarterly reports by the Emergency Relief Coordinator (ERC)** on forgotten or emerging crises present one possible solution.
- **Making better use of the informal Expert Group on Protection of Civilians** by supporting the expansion of its agenda to thematic discussions and encouraging full participation by member states.
- Requesting **all peacekeeping and political missions to systematically collect, aggregate, and analyse data relevant to the protection of civilians**, including killings, displacements, rapes, forced recruitment, looting, and destruction of property, to ensure an accurate and timely assessment of the situation on the ground. In countries where there is no mission and a high risk for civilians exists, this task could be undertaken by an independent monitoring mechanism. This data should include analysis of how the situation is changing and the impact of efforts to protect civilians and prevent further violations.
- **Encouraging the ERC through the UN Office for the Coordination of Humanitarian Affairs (OCHA) to continue developing indicators and criteria for reporting on protection of civilians** and, to this end, linking up with other organizations and NGOs working to establish international standards in reporting on civilian casualties and protection of civilians threats in conflicts.
- Supporting the role of the ERC as the **OCHA focal point on protection of civilians**, by requesting they regularly report to the UNSC on all **situations where civilians face grave harm**.
- **Requesting more regular briefings by**, or informal consultations with, the Department of Peacekeeping Affairs regarding their progress in implementing country-specific protection of civilians mandates, and requesting briefings on a more regular basis from the Department of Political Affairs and the Special Representatives to the Secretary-General, for example on Children and Armed Conflict, Sexual Violence, the Prevention of Genocide, and the Responsibility to Protection.

Ultimately, the UNSC must adopt a more consistent approach to protecting civilians in armed conflict, regardless of whether countries are on or off the UNSC agenda, based on as reliable as possible assessments of threats and risk to civilians.

Protection of Civilians according to Oxfam

Protection of Civilians (PoC) refers to efforts made by any actor to reduce the vulnerability of women, men, and children caught in conflict to violence, coercion, and deprivation of aid. This includes minimising threats of violence and ultimately preventing violence and grave abuses from occurring. The question of 'if, when, and how' force is used to protect civilians must be thoroughly explored along with the political and socio-economic aspects of protection.

PoC can take many forms:

- Humanitarian assistance aimed at saving lives, providing basic services, and keeping people safe;
- Diplomatic initiatives to prevent or resolve conflicts;
- Military action when peaceful means fail;
- Challenging violations of human rights and ending poverty, disease, and environmental degradation ;
- Control of the arms trade and reducing the danger posed by guns and explosive weapons.

Endemic poverty and inequality, poor governance, the proliferation of arms, increased stresses from climate change and human rights abuses will all continue to fuel future conflict. Conflict has devastating consequences for people, with ordinary men, women, and children suffering disproportionately.

During World War One, an average of one in every ten casualties was a civilian. A century later, contravening the most basic principles of warfare, civilians account for the vast majority of casualties, and possibly fatalities, in situations of armed conflict.²⁰ Civilians suffer as a result of indiscriminate attacks and, in many cases, are deliberately targeted. In 2010, almost half a million people were displaced in Sudan,²¹ more than 4,000 civilians were killed in Iraq,²² and there were at least 15,000 cases of sexual violence in the Democratic Republic of Congo (DRC).²³ In insurgency and counter-insurgency contexts, civilians have become part of military strategy used by anti-government and pro-government forces alike. Armed groups employ tactics of coercion and often violence against civilians in order to intimidate and control of parts of the population and undermine the government, while pro-government forces seek to 'win hearts and minds' in the community. This creates increased difficulties in discerning fighters from civilian populations and puts those populations at a greater risk, as either way civilian support becomes part of the battleground amongst fighting forces.

Though the primary responsibility for protecting civilians lies with national sovereign states and parties to the conflict, when these are unwilling or unable to protect civilians, then action from the international community is crucial in reminding parties of their obligations and taking action to prevent further harm. Article 24 of the UN Charter states that the 'primary responsibility' of the UN Security Council (UNSC) is 'the maintenance of international peace and security'.²⁴ In the wake of numerous atrocities against civilians in the 1990s, the first Secretary-General's Report on the Protection of Civilians in 1999 reflected that the plight of civilians and their protection in conflict are fundamental to the central mandate of the UN and stated '...large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict ... Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict.'²⁵

The protection of civilians (PoC) has its roots in International Humanitarian Law, but has expanded over the last decades drawing from International Human Rights and Refugee Law. At the UNSC, protection of civilians over the past 12 years has focused on the role of UN peacekeeping missions and has further expanded to address more civil wars, children affected by conflict, and the use of rape and sexual violence as a weapon of war. Of the 15 UN-mandated peacekeeping missions functioning during 2010, eight included PoC mandates and activities,²⁶ and the UN has stressed the obligation of warring parties

to protect civilians in the conduct of hostilities, even in instances where forces do not have a specific PoC mandate.

Despite these norms and precedents, too often the response of the UNSC has not been sufficient or balanced, or has not been implemented. In the DRC, the UN Security Council has clearly tasked the peacekeeping mission (known by the acronym MONUSCO) with a priority PoC mandate but MONUSCO has not yet provided the UNSC with adequate or reliable data on the threats and abuses experienced by civilians in the east of the country. Although in Kyrgyzstan inter-ethnic violence displaced 300,000 people last year, that conflict did not even reach the UNSC agenda. In the case of the DRC, the UNSC needs to do more to encourage MONUSCO to provide more timely information on threats to civilians in order that they can consider the most effective measures to protect people. The lack of UNSC action on Kyrgyzstan illustrates an unbalanced and inconsistent approach that leaves civilians in harm's way.

Methodology

Eighteen countries were selected for review, based on ongoing conflict and grave human-rights concerns,²⁷ their presence in conflict databases and reports,²⁸ and their prominence in UNSC debates and resolutions in the years 2008–10. Attention has also been given to the particular cross-border threat posed by the Lord's Resistance Army (LRA). The events which have unfolded in the Middle East and North Africa at the beginning of 2011, in particular the situation in Libya with regards to Resolution 1973, have not been addressed in detail, since the focus of this paper is on 2010. The scope of this report is limited to armed conflicts as opposed to armed violence more generally,²⁹ threats to civilians directly related to conflict rather than those which are more indirect (for instance malnutrition and disease), and the role of the UNSC.

The report draws on existing sets of data and reports on armed conflict and civilian casualties, including studies by the Swedish Institute for Peace Research, Project Ploughshares, Uppsala Conflict Database, Oxford Research Group/Iraq Body Count, the International Institute of Strategic Studies Armed Conflict Database, the UN High Commissioner for Refugees (UNHCR), and the UN Office for Coordination of Humanitarian Affairs (OCHA). It also draws on Oxfam's experience of the impact of armed conflicts on civilians, both through its partners and its direct presence on the ground.

This briefing paper challenges the UNSC to take a more informed and consistent response to protection crises. It provides a snapshot of a limited number of issues and conflicts, and questions the extent to which the UNSC has responded to them.

Section 2 considers the situation on the ground in terms of threats to civilians, including the problem of data collection and analysis, while Section 3 considers the response of the UNSC to these realities. Finally, the paper offers conclusions and recommendations on how the UNSC can offer more meaningful protection to civilians caught up in armed conflict.

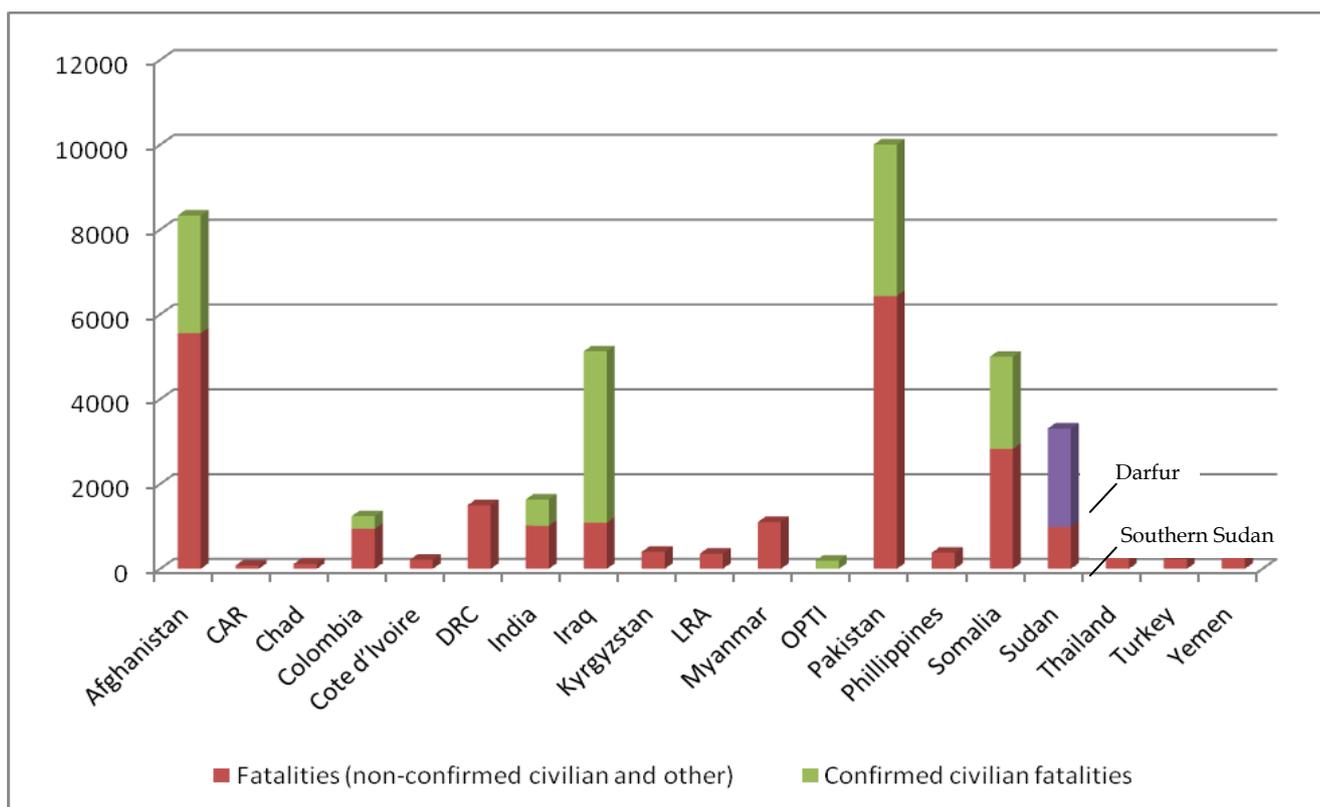
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Civilians trapped in conflict in 2010: key trends and figures

Civilians: targets in conflict

In 2010, the UNSC affirmed that ‘civilians continue to account for the vast majority of casualties in situations of armed conflict, including as a result of deliberate targeting, indiscriminate or disproportionate attacks, and sexual and gender based violence...’³⁰ Oxfam has compiled available data from the UN, in addition to a range of conflict databases and news reports on fatalities in conflict. These figures do not always disaggregate information specifically on civilians, and some datasets refer to casualties (deaths and injuries) while others refer specifically to fatalities. Wherever possible, Oxfam has tried to make distinctions between civilians and combatants; however, given the complexity of this distinction in a number of conflicts, and different approaches to reflecting this distinction in databases, this has not always been possible. Numbers of fatalities show an important, though limited, aspect of the impact of armed conflict generally on a population. In cases such as Afghanistan and Pakistan combatant and unconfirmed civilian deaths are higher than confirmed civilian deaths, here it must be noted that the impact of conflict on civilians is much broader than the traditional measure of body counts and includes injury, rape and sexual violence, and displacement. Also, raw numbers only tell a limited story: for every single casualty there is a family bereaved, a wife or husband widowed, or children left without a parent – psychological harm as well as economic impact and hardship.

Figure 1. Total number of conflict fatalities³¹



* Very low fatality figures could be a result of missing or impartial collection of data in the sources used. Figures for Sudan, disaggregated for Southern Sudan and Darfur, are 'non-confirmed civilian or other' fatalities.

Main trends of conflict fatalities and civilian casualties in 2010³²

- In Afghanistan, over 2,700 civilians were killed in 2010, up 15 per cent on the year before.³³ There was a 21 per cent increase in child deaths, while casualties (deaths and injuries) among women rose 6 per cent.³⁴
- In Somalia, the International Committee of the Red Cross (ICRC) reported more than 6,000 people wounded based on records from Mogadishu's two main hospital; of these, 40 per cent were women and children.³⁵ According to UNHCR, at least 7,600 people reported weapons-related injuries,³⁶ while other reports indicate that at least 2,100 civilian deaths were recorded in Mogadishu alone.³⁷
- In Pakistan, it was estimated that conflict-related incidents killed 10,003 people, of whom 3,570 were civilians.³⁸
- Renewed intense fighting in Darfur caused the deaths of at least 2,300 people.³⁹
- The ethnic conflict that flared up in Kyrgyzstan last June claimed the lives of at least 400 people.⁴⁰
- In the immediate aftermath of the post-electoral tensions in Côte d'Ivoire, more than 200 people had already been killed by the end of December 2010.⁴¹
- Although Iraq continued to see the trend of declining numbers of

Commitments to addressing protection of children in conflict

In June 2010, a regional conference on ending recruitment and use of children by armed forces and groups brought together representatives of the governments of Chad, Cameroon, the Central African Republic, Niger, Nigeria, and Sudan, resulting in the N'Djamena Declaration. An action plan to implement the Declaration was adopted in August, and a follow-up meeting in October provided the opportunity to discuss the establishment of a mechanism to monitor and share information on child-rights violations. For now, these developments amount to little more than rhetoric. However, they indicate a step in the right direction, which, if followed by appropriate action, could see important regional safeguards being put in place for children in conflict situations.

civilian casualties evident over the past three years, civilian deaths were still high at over 4,000.⁴²

- After a deadly and dreadful year in 2009, estimates showed fewer civilian casualties in Southern Sudan, the DRC, and the Occupied Palestinian Territories and Israel (OPTI) in 2010 although rights abuses against civilians remained a concern.
- The LRA is active across a vast geographical area straddling the borders of the DRC, the Central African Republic (CAR), Uganda, and Southern Sudan, and presents a particular cross-border threat. In 2010, a total of 306 LRA attacks were reported in these three countries, which resulted in 355 deaths.⁴³

As demonstrated by the gaps of information in Figure 1, particularly missing data on confirmed civilian fatalities, it can be very difficult to obtain accurate and timely quantitative data on fatalities and on the various forms of violence against civilians in most conflict-affected countries. In certain contexts, such as Iraq, Afghanistan, or the OPTI, fairly effective and reliable monitoring mechanisms on civilian casualties, threats to civilians, and serious human-rights abuses are in place – for example, independent national bodies such as the Afghan Independent Human Rights Commission, UN institutions, such as the United Nations Assistance Mission in Afghanistan (UNAMA),⁴⁴ OCHA in the OPTI,⁴⁵ or NGOs such as Iraq Body Count. Through their efforts, reliable information on the number of deaths and injuries as well as incidents of wider violations against civilians is regularly available, including specific figures for civilians. Whilst this information is by no means comprehensive and, for instance in the case of Afghanistan, concerns remain even within the UN that access constraints depress these figures,⁴⁶ the mechanisms put in place are an important move towards starting to effectively monitor conflict situations, and thus be able to formulate appropriate responses.

Conversely, in many places such as the DRC, Sudan, or Somalia, the availability of timely and trustworthy information is scarce, in spite of significant international presence and interest. For example, in Sudan and the DRC, which both have large military and civilian UN resources on the ground with a clear ‘protection’ mandate, reporting on civilian threats, and in particular detailed statistical data, is still minimal. In Somalia, local rights groups, the ICRC, and the UN Protection Cluster collect limited information on civilian casualties, but this information does not always reach the UNSC.

In countries such as the DRC or Colombia, where violations by sections of government forces remains widespread, there is also clearly a political, and potentially a security, constraint to documenting and reporting on such abuses.⁴⁷ Indeed, the reporting of abuses, casualties, and PoC threats may be contentious in some situations, and great sensitivity will be needed to ensure the protection of communities and those documenting incidents. In spite of the difficulties, such documentation and reporting, particularly by the UN system, undertaken in an impartial and objective way, could greatly improve understanding of the threats faced by civilians, generate more informed options

to prevent violence, and improve the planning of appropriate responses.

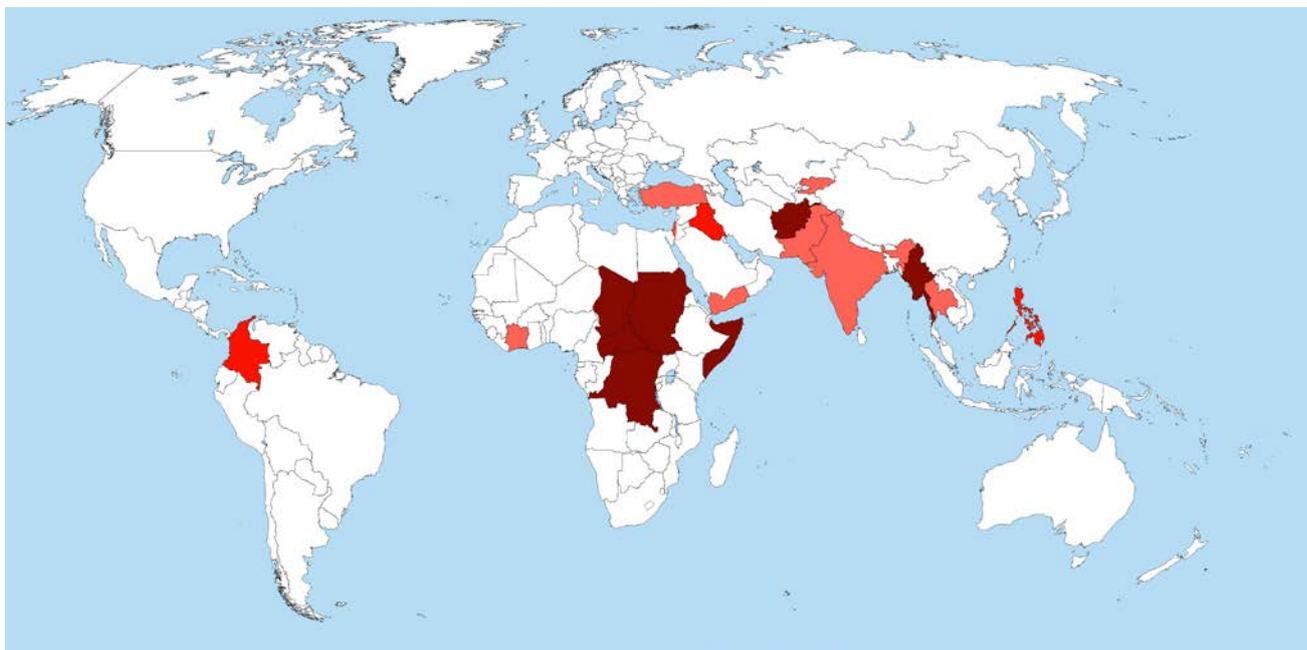
Protection of children in armed conflict

Radhika Coomaraswamy, the UN Under-Secretary-General and Special Representative for Children and Armed Conflict, presenting her 2010 Annual Report on Children in Armed Conflict, stated '[t]here is no child in the world today more vulnerable than a child internally displaced by armed conflict, forced to leave home and community behind.'⁴⁸ Children are especially vulnerable to the effects of armed conflict and are frequently used as labourers, soldiers, and sexual objects by those who exploit this vulnerability. UNSC Resolution 1612 on Children and Armed Conflict (2005) initiated the establishment of monitoring, reporting, and verification mechanisms (MRMs), which are intended to provide more detailed information from the Country Task Force composed of national governments, UN agencies, and civil-society actors on six grave violations perpetrated against children in armed conflict, including recruitment of children or use as child soldiers.⁴⁹ This information is included in the annual reports of the Secretary-General on Children in Armed Conflict.

Figure 2 indicates the countries that the Secretary-General identified in his 2010 report as having armed forces (government and non-government) that recruited children.⁵⁰ Groups that, in addition, committed acts of sexual violence against children included notably the LRA and all the armed groups active in the DRC which recruited child soldiers (FDLR, FRPI, FNI, and PARECO), as well as sections of the Congolese army, FARDC.⁵¹ The 2010 report also identified groups that had made or taken action towards developing an action plan with the UN regarding children in armed conflict. These included the Moro Islamic Liberation Front and the Sudan People's Liberation Army, in those countries included in this report, and talks have also commenced with parties in Afghanistan, the DRC, and CAR.

Collecting data on child soldiers is particularly challenging due to the largely clandestine manner in which children are recruited and the reluctance of armed forces or opposition groups to admit to the use of children within their ranks. While numbers tend to be available on ex-combatants due to the fact that the UN is frequently involved in initiatives encouraging the demobilisation of child soldiers, it is far more difficult to identify current numbers of child soldiers. One of the challenges in tracking child soldiers is that using only government data on recruitment is insufficient, as the use of child soldiers and other children recruited in fighting forces is spread across multiple armed groups, including national armed forces and illegal armed groups.⁵²

Figure 2. Recruitment of children in armed conflict ⁵³



Countries analysed where recruitment of children was identified in both governmental and non-governmental armed groups/forces (including government-funded militias):

Afghanistan, CAR, Chad, Sudan, the DRC, Myanmar, and Somalia

Countries analysed where recruitment of children was identified in non-governmental armed groups only:

Iraq, Philippines, and Colombia

Countries analysed with no reported recruitment of child soldiers:

Côte d'Ivoire, India, Kyrgyzstan, OPTI, Pakistan, Turkey, Yemen, and Thailand

Sexual violence⁵⁴

Sexual violence, rather than being simply a by-product of conflict, is increasingly being used as a tool of conflict itself.

Statistics regarding sexual violence and rape are notoriously unreliable and incomplete and at best any available numbers only show the instances of rape that were reported to authorities, rather than actual occurrences, and therefore represent only a small proportion of potential incidents. As a result, an increase (or indeed decrease) in the numbers from any given year to the next could merely be indicative of an increased or decreased willingness of victims to report, or indeed of the willingness or ability of governments and organisations to collect these facts with the necessary diligence and sensitivity.

Rape and other forms of sexual violence have been explicitly

Commitments to addressing sexual violence in conflict

During a regional event in Zambia which took place during December 2010, sponsored by the UN Development Programme, the Presidents of Burundi, the DRC, the Republic of Congo, Namibia, Tanzania, and Zambia, as well as Ministers of Great Lakes countries, pledged to ensure an effective regional mechanism to address sexual violence against women and children. In collaboration with the International Conference of the Great Lakes Region (ICGLR), a three-day event was held to discuss ways of building the capacities of men and women leaders in conflict prevention, mediation, negotiation, and peace-building, including addressing gender-based violence, using best practices and sharing experiences. A declaration was submitted to the Heads of State seeking their commitments and, though this is not tied to an enforcement mechanism, it represents an important step forwards.

recognised as war crimes and crimes against humanity in international criminal law, including in the Rome Statute of the International Criminal Court (ICC) and by the International Criminal Tribunals for Rwanda and Yugoslavia. In current conflicts, rape has been described as a 'weapon of war'.⁵⁵ Margot Wallström, the UN Special Representative on Sexual Violence in Conflict, has claimed that in 2010, rape was used in Côte d'Ivoire 'to political ends',⁵⁶ and has called the DRC 'the rape capital of the world'.⁵⁷ Rape has been said to have been used in countries such as Myanmar as a tool in long running conflicts.⁵⁸ Five of the countries/territories included in this report (the DRC, Darfur, CAR, Colombia, and Côte d'Ivoire) are particular focus areas for the UN regarding sexual violence in conflict.⁵⁹

- Following the pattern of 2009 figures, which indicated over 15,000 cases of rape in the DRC, by mid-2010 a total of 7,685 new cases had been identified.⁶⁰
- In Kyrgyzstan, according to the UN, at least 600 people were identified as having survived physical and psychological sexual violence during the clashes from early June until December 2010.⁶¹
- In CAR, an estimated one-third of all women in Bambouti and Mboki were victims of sexual violence.⁶²

Rape and sexual violence figures will always rely ultimately on victims' willingness to report; however, in the absence of such information, public health data if it exists may also point to the scale of the problem in conflict-affected areas.⁶³

In 2009, UNSC Resolution 1888 called for better monitoring, analysis, and reporting arrangements on conflict-related sexual violence, and in 2010, UNSC Resolution 1960 called on the Secretary-General to include in his annual reports detailed information and lists of perpetrators for targeted sanctions for acts of sexual violence and rape.⁶⁴ Both initiatives are welcome; however, improved information and reporting are not enough by themselves, and sanctions on rape and sexual violence have yet to prove effective. Initiatives, including prevention and awareness-raising campaigns, must be linked to the broader analysis of violence against civilians in conflict situations in order for effective action to be taken and for its impact to be seen.⁶⁵

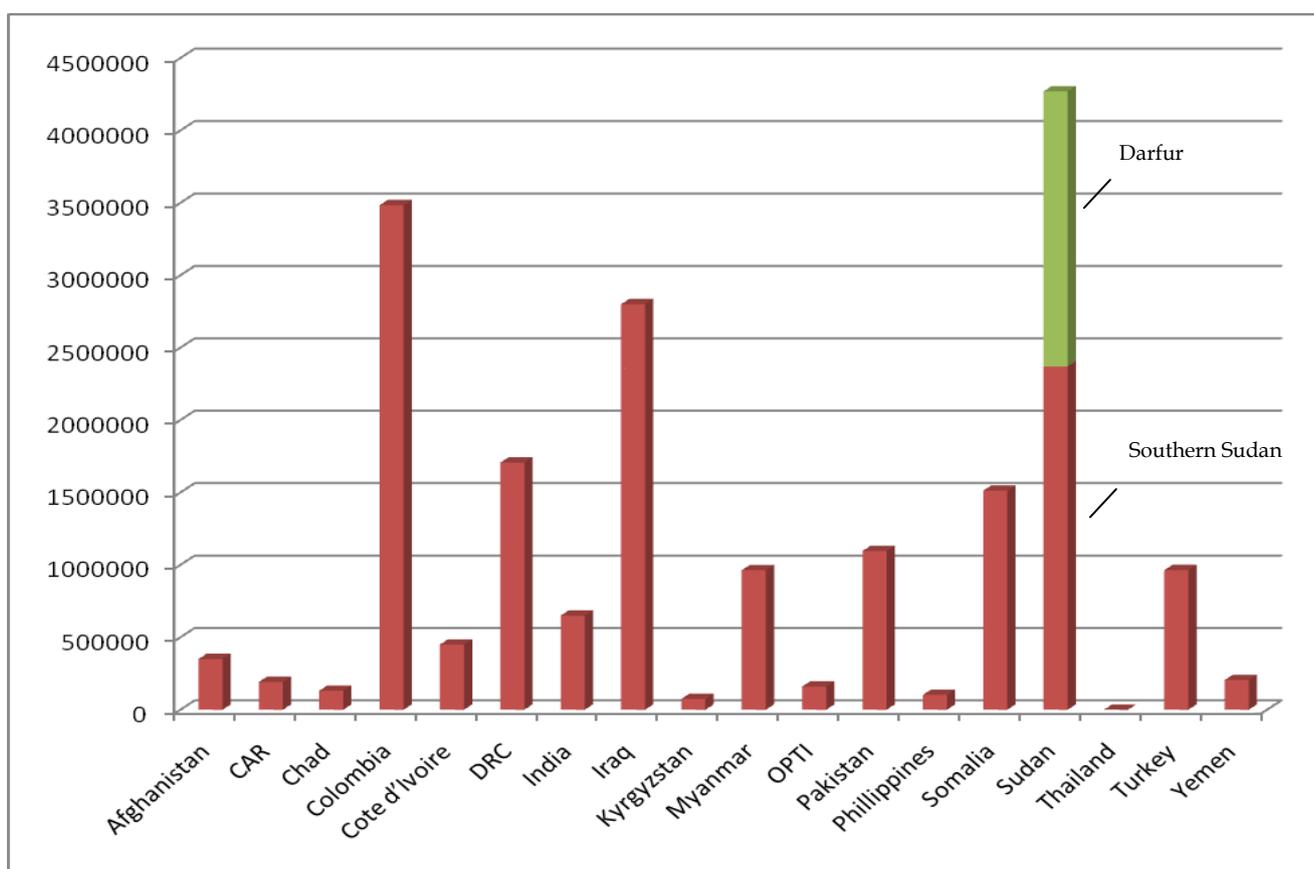
Displacement

Displacement regularly occurs as the result of generalised violence within conflict, as well as due to more targeted persecution and abuse. Displacement is both a consequence of protection threats and human-rights violations, and a cause of increased vulnerability to further abuses. Refugees and internally-displaced persons (IDPs) face heightened protection risks, such as increased vulnerability to armed attack and abuse, family separation, risk of sexual violence, and deprivation of land and property; where displaced into inhospitable environments they suffer stigma, discrimination, and harassment.⁶⁶ Depending on the context, displaced persons can also suffer greater vulnerability to food insecurity and poor health, in part due to limited livelihood opportunities and, sometimes, reduced access to assistance. Both refu-

gees and IDPs have specific protection needs; however, IDPs face particular risks, as they often remain in the vicinity of an ongoing conflict and have fewer legal safeguards.⁶⁷

Host communities often play an important role in supporting IDPs, even when the former are themselves struggling to survive. At other times tensions arise between displaced and host communities, or those who had occupied land left vacant while others had fled. Displaced communities may experience various protection threats over time and while moving from one location to another: from the time they flee, in IDP or refugee camps, in settlements or with host families, and then if and when they return or resettle into communities.

Figure 3. Total number of IDPs in 2010⁶⁸



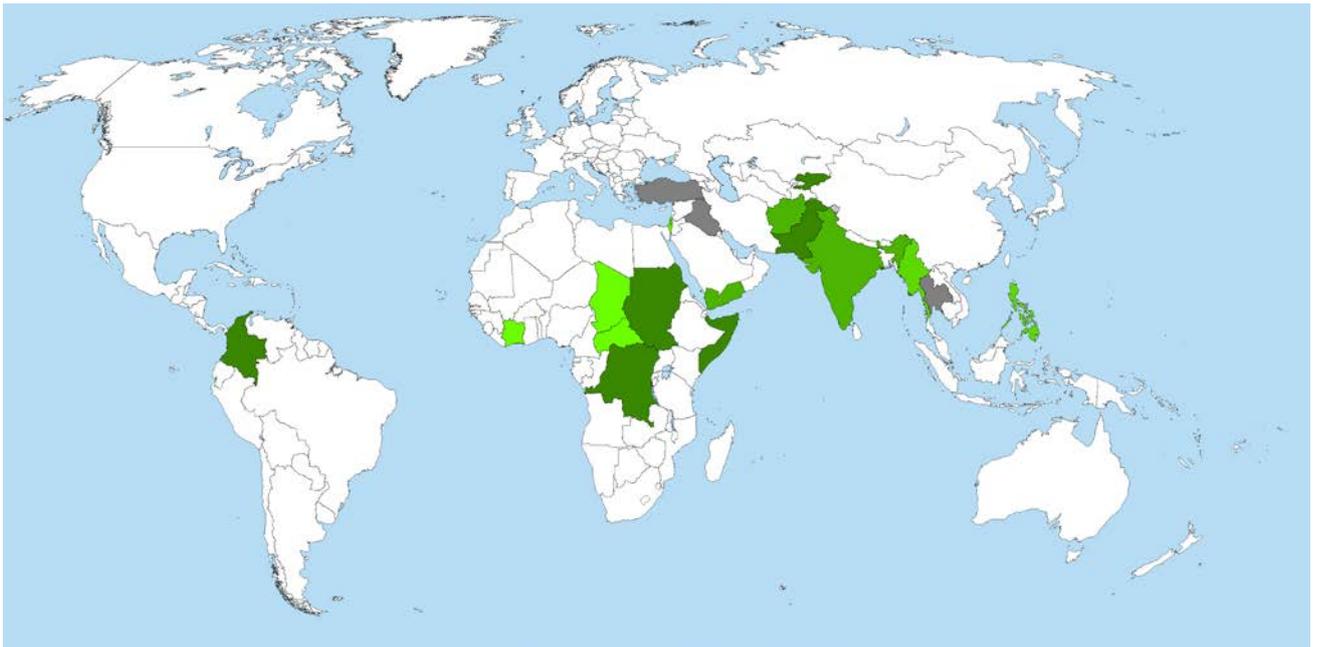
- In 2010, Sudan had both the highest overall number of people remaining internally displaced – around 5 million – and the highest number of people newly displaced that year, with over 500,000 IDPs – roughly 60 per cent of which were in Darfur and the remainder in Southern Sudan.⁶⁹
- The violence in Kyrgyzstan uprooted around 300,000 people in 2010 alone.⁷⁰
- At the end of last year, around 2.8 million people remained displaced in Iraq, 1.7 million in the DRC, and 1.5 million in Somalia.⁷¹
- In Somalia, around 200,000 people were displaced in 2010. However, drought, and not specifically conflict-related insecurity, was the

main reason for new displacements.⁷²

- In Colombia, 2010 saw another wave of roughly 280,000 people displaced, continuing the trend of the two previous years.⁷³
- In the Philippines, 2010 saw a decline in new displacements compared with previous years due to the ceasefire agreement between the Moro Islamic Liberation Front and government-armed forces involved in the conflict in Mindanao.⁷⁴ There was also an overall decline in the number of people remaining displaced, with the figure standing at just over 102,000 by November 2010.⁷⁵
- Due to LRA-related activities, at least 380,950 people remained internally displaced at the end of 2010 across the DRC, CAR, and Southern Sudan.⁷⁶

Looking at the ratio of IDPs to total country populations also shows, in many cases, a grave situation: in Sudan and Colombia, the countries with the highest absolute IDP numbers, the percentages of the population made up of IDPs were 10 per cent and 7.5 per cent respectively. Meanwhile, over 16 per cent of the population of Somalia was displaced, representing the highest displacement ratio of all of the countries under study.⁷⁷

Figure 4. Newly internally displaced persons in 2010⁷⁸



Countries with 0-50,000 people newly displaced:

CAR, Chad, Côte d'Ivoire, and OPTI

Countries with 50,000-100,000 people newly displaced:

Myanmar and Philippines

Countries with 100,000-200,000 people newly displaced:

Afghanistan, India, and Yemen

Countries with 200,000+ people newly displaced:

The DRC, Somalia, Sudan, Kyrgyzstan, Colombia, and Pakistan

Countries with unknown new displacement:

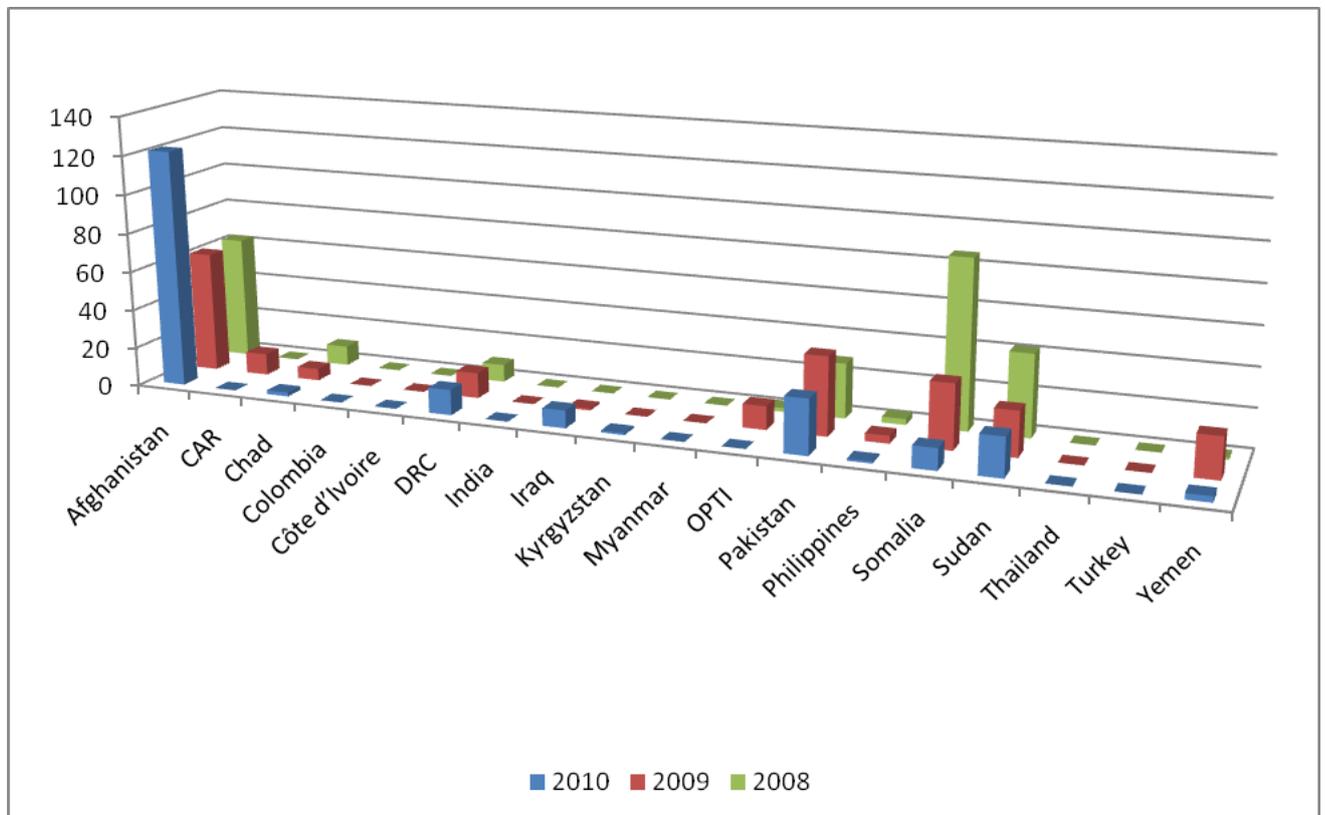
Turkey, Iraq, and Thailand

Violence against humanitarian personnel

The obligation under the Geneva Conventions to ensure the protection of civilians in armed conflict includes the provision of medical and humanitarian personnel. Despite this, attacks on aid workers remain a concern in situations of conflict. Targeting aid workers can also result in the denial of assistance to populations in need. Studies reveal that the increase of aid worker killings and abductions is particularly concentrated in, though by no means confined to, a handful of states including Afghanistan and Iraq.⁷⁹

- As in 2009, Afghanistan remained the most dangerous place to work for aid workers last year: 29 were killed, while 71 were abducted. This corresponds to a 153 per cent increase over 2009, and is roughly eight times the 2008 figure.⁸⁰
- Violence against aid workers decreased significantly both in Somalia and Sudan, due in large part to the reduced presence of aid workers in the most volatile parts of both countries. Nevertheless, both remain dangerous for humanitarian personnel, with respectively six and twelve aid workers killed or abducted.⁸¹

Figure 5. Victims of attacks on aid workers⁸²



Violence against aid workers is comparatively better monitored and documented than many other protection threats in almost all the countries studied. Analysing evolving security conditions on the ground can be an invaluable tool to protect aid workers and improve their access to populations, and can also help provide a better understanding of the range of threats against the civilian population more generally.

Aid worker casualties, whether as a result of deliberate targeting or more generalised violence, can have a damaging impact on the access of vulnerable populations to humanitarian assistance. For the majority of conflicts studied, little data was available on the overall level of effective humanitarian access to people in need (be it for security, logistical, or disaster-related reasons). OCHA's assessments of 'affected people' and humanitarian access constraints were available only for a limited number of conflicts and therefore could not give a satisfactory picture of overall need.⁸³

Lack of access for humanitarian workers, governments, or civil-society actors to conflicted-affected populations also means less understanding of the hardships faced by such populations or their coping mechanisms and levels of resilience. For example, the Transitional Federal Government (TFG) in Somalia, which is fighting anti-government forces, has limited or no access to most of south-central Somalia. This lack of presence means that it is unable to monitor or report on violence against civilians and aid workers outside of Mogadishu, let alone respond appropriately to these threats. In Darfur, the government has failed to secure adequate access for UN staff and NGOs to reach displaced populations in need. In East Jebel Marra, for example, the government allows services to operate in those areas that it controls but prevents access in rebel-controlled areas.

Developing a better global picture of humanitarian access, the extent to which vulnerable populations can access aid, and the extent to which parties block aid would provide a clearer idea of protection needs and strategies and would help with designing appropriate humanitarian responses.

‘The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices. I urge the Security Council to commit itself to this task.’

Report of the Secretary-General to the UNSC on the Protection of Civilians in Armed Conflict, 8 September 1999.

The role of the UN in protecting civilians in armed conflicts

National governments have the primary responsibility for protecting and upholding the rights of their populations, including in times of conflict and war. The Geneva Conventions and additional protocols set out the obligations of all parties to conflict, including non-state actors, to refrain from targeting civilians and civilian property and to minimise any harm to civilians in the conduct of hostilities. While these core obligations are binding on to states and parties to conflict, countries which are signatories to the Geneva Conventions have formally committed to respect these, and to ensure that respect for the conventions is upheld around the world. This includes consistently reminding parties to conflict of their obligations to protect civilians.

At the 2005 UN World Summit, world leaders in the General Assembly collectively recognised that states have a primary responsibility to protect their own populations from genocide, ethnic cleansing, war crimes, and crimes against humanity, and that the international community has a responsibility to act when governments fail to protect their populations from such grave abuses.⁸⁴ The Summit statement recognised the roles of prevention and early warning, diplomacy, mediation, and negotiation, the importance of building state capacity, and the option of using force under Chapter VII of the UN Charter.⁸⁵

Since 1999, in the aftermath of large-scale civilian atrocities in Sierra Leone, Rwanda, and the former Yugoslavia, the UNSC has progressively identified PoC in armed conflict as being a core part of its mandate. The first Presidential Statement on Protection of Civilians in February 1999 recognised that large-scale human suffering can be a contributing factor to further conflict, and there is therefore an additional need for the international community to protect civilian populations affected by conflict.⁸⁶ The statement clearly recognized the connection between the UNSC’s mandate to maintain international peace and security and PoC in armed conflict. Twelve years on, PoC is recognized as an important part of the UNSC’s agenda and has broadened to include issues around adherence to International Humanitarian Law, as well as the role and mandates of UN peacekeeping missions, children affected by conflict, and the use of sexual and gender-based violence as a tactic of war.⁸⁷

In its most recent Resolution on PoC in 2009, the UNSC once again noted that ‘...the deliberate targeting of civilians ... and the commission of systematic, flagrant, and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and *reaffirms in this regard* its readiness to consider such situations and, where necessary, to adopt appropriate steps.’⁸⁸

The UNSC is by no means the only body which endeavours to promote PoC. In addition to the capacities of the UN General Assembly and troop- and police-contributing member states, regional organisations such as the African Union and the European Union, the ICRC (and IFRC), humanitarian NGOs, and other UN agencies⁸⁹ all have important roles to play in PoC. National, regional, and international courts and tribunals, including where appropriate the ICC, also have a strong role in protecting civilians by promoting accountability and justice. However, as the body tasked with maintaining international peace and security, and with the power to authorise international use of force, the UNSC has a key role in making decisions that either promote or fail to promote PoC.

The UNSC has a range of mechanisms through which to become informed on protection crises, and a range of tools through which to respond to threats to civilians. Although the availability of tools does not necessarily mean that responses are effective, it is a first step towards the UNSC seeking to improve protection for civilians affected by conflict. (See Annex 1 for ‘soft tools’ and below for ‘hard tools’.)

Where the UNSC acted, and where it failed to act, in 2010

The decisions made by UNSC members on if, when, where, and to what extent specific countries or issues should appear on the UNSC agenda are often essential in ensuring (or failing to ensure) civilians in these situations are protected. While the capacity of people and communities to protect themselves from violence should not be underestimated, in grave situations such ability is often overwhelmed. The role of the international community, in particular the UNSC, then becomes a critical factor in influencing international action to protect people from violence. However, in too many conflicts, the plight of those who are suffering does not even come to the formal attention of the UNSC.

- As in previous years, in 2010 the UNSC kept on its agenda and again adopted a number of Resolutions on countries such as Afghanistan, Chad, the DRC, Somalia, and Sudan.
- Of the 18 countries addressed in this report as being those with significant threats to civilians, only ten appeared on the UNSC’s formal agenda.⁹⁰ As in previous years, the Council did not discuss – nor adopt a Resolution or a Presidential Statement on – ongoing armed conflicts in Colombia, Myanmar, Pakistan, the Philippines, Yemen, or LRA-affected areas.⁹¹
- The UNSC undertook missions to Afghanistan, the DRC, and Sudan.

In a welcome development, the reports that were subsequently published all included explicit references to PoC concerns.⁹²

- Of the 26 relevant UNSC Resolutions, just ten included PoC in their operational paragraphs; of these, three were related to Côte d'Ivoire and two each to Sudan and the DRC. Resolutions on Afghanistan, Chad, CAR, and Somalia also included language explicitly on PoC. None of the four Resolutions on Iraq included any operational commitments to protect civilians.
- Although Council members received two briefings during informal consultations on Kyrgyzstan in June 2010,⁹³ the UNSC failed to take any action or even make a statement on a crisis which saw the country come after only the DRC and Sudan for the highest number of newly-displaced people last year.
- The UNSC could also not agree to more than a Presidential Statement on the Israeli-Palestinian conflict, while Resolution 1860 from January 2009 remained largely unimplemented, in particular its urgent call 'for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel, and medical treatment'.

It is not clear why the UNSC did not engage in some situations, though it is likely that the international and domestic pressures of member states had some influence. A lack of reliable information on the extent of threats to civilians may be another reason. What is clear is that the UNSC has a selective and inconsistent approach to responding to crises affecting civilians. According to the conflict fatality numbers used in this report, Pakistan had the highest number of total fatalities, with some 10,000 documented deaths last year, of which 3,570 were reportedly civilians, making Pakistan second only to Iraq for civilian fatalities.⁹⁴ Despite this, Pakistan remains off the UNSC's agenda. Darfur had over 2,300 fatalities recorded by the UN in 2010⁹⁵, but with no indication of civilian deaths. Similarly, Colombia, the DRC, and Myanmar each experienced over 1,000 fatalities,⁹⁶ but Myanmar and Colombia remain off the UNSC's agenda. Kyrgyzstan – with some 300,000 people displaced in 2010 – also remains off the UNSC's agenda.

While direct UNSC engagement on a country may not always be the most effective mechanism to protect civilians, the UNSC nevertheless has a role to play in considering the plight of civilians in all conflicts and in ensuring that effective action is taking place, if not by the UNSC itself.

A well-informed UNSC: the need for better reporting

The UNSC obtains most of its data through the Secretary-General's reports on particular countries or thematic issues, as well as via briefings from key UN actors, in particular Special Representatives of the Secretary-General (SRSGs) covering particular countries or thematic issues, and the Under Secretary-General's for humanitarian affairs, political affairs, and peacekeeping. These written and verbal reports are generally only made on countries or issues that are formally on the UNSC's agenda. Therefore, the decisions made about which countries

to discuss and what issues or countries are on or off the agenda are extremely important.⁹⁷

When information is made available to the UNSC, however, there remains the challenge of the quality and level of detail of the information obtained, particularly in circumstances where the UN has limited access to parts of a country, preventing it from obtaining or verifying information about protection threats.

The lack of reliable data on civilian casualties and protection threats across conflicts creates a challenge for accurate and effective UNSC discussions on protection. For example, credible estimates of numbers of civilians harmed in Somalia are absent, due to poor access to areas affected by conflict and insecurity, and limited reporting on civilian casualties. As a result, understanding of which casualties are attributable to pro-government forces, to the AU peacekeeping mission, or to opposition groups is limited, making it difficult for the UNSC, the AU, and others to identify how best to prevent civilian casualties and better protect civilians. In some conflicts, contested numbers on civilian casualties can make understanding the extent of the crisis harder and can therefore also limit options for action. On the other hand, consistent reporting by UNAMA on PoC in Afghanistan has been accompanied by a decrease in civilian casualties caused by the International Security Assistance Forces (ISAF).⁹⁸

In Resolution 1894 (2009), the UNSC acknowledged the need for systematic monitoring and reporting on progress to protect civilians in armed conflict. The resolution called for the Secretary-General to develop guidance for peacekeeping and other relevant missions on the reporting of PoC and to include in his reports on country-specific situations more comprehensive and detailed information on PoC in armed conflicts.⁹⁹ More recently, in 2010, the Report of the Secretary-General on the Protection of Civilians in Armed Conflict reiterated the need for systematic monitoring and reporting in all relevant situations and further urged the need for a less selective approach by the UNSC to conflicts by finding ways to address contexts not formally on its agenda.

One year on, some improvement has been made on reporting and guidance, but much more remains to be done. There has been little concrete improvement in monitoring threats or progress on the ground, or, moreover, in relaying this information to the UNSC. Although peacekeeping missions, such as MONUSCO, UNMIS, or MINURCAT (though the latter has now withdrawn), have systematically included in their regular reports a specific section on PoC, this has not been the case for other missions, such as UNAMID. And in almost all cases, mission reports include a generic description of actions undertaken by the mission itself (such as the number of patrols undertaken), not a detailed analysis of recent trends and statistics regarding the main protection threats to civilians, actions taken to address these threats, or whether there has been any improvement as a result of these actions.

The UN system, along with regional organisations, national governments, parties to conflict, intergovernmental organisations, NGOs, and other actors must make concerted progress in providing

credible information on protection situations to the UNSC. The UNSC, for its part, must request such information regularly and must aim to be 'seized of' all situations of concern regarding threats and harm to civilians.

Putting protection before politics: the need for a more consistent response

The way that the UNSC addresses PoC in armed conflict may be influenced by the political interests of its members, rather than being driven by humanitarian concern for civilians at risk. The controversy or perceived challenge to national sovereignty within certain situations means that they can be put to the side in UNSC debates, whilst other events (such as, for instance, the specific threat presented by the LRA) are disregarded due to a lack of interest. Member states are influenced by domestic political pressures, global geo-strategic interests, the media, and advocacy groups – all of which can lead to competing and conflicting demands for action in conflicts. Various advocacy groups and actors engaging with the UNSC and its members, including NGOs like Oxfam, must also do their part in working in a way that puts the vulnerability of civilians at risk first, based on need and the extent of threats and violence against them.

The different political and geo-strategic considerations, particularly from permanent members, means that the UNSC's overall attention and its specific actions tend to focus on certain conflicts and leave aside others. The lack of systematic and credible information on civilians harmed further undermines consistent, needs-based action. The use, or threat of use, of their veto by the five permanent members is also a challenge to ensuring a consistent response by the UNSC to situations with significant protection concerns. Conflicts currently on the UNSC agenda, such as those in the DRC, Sudan, and Côte d'Ivoire, rightly justify engagement based on protection threats, such as high levels of internal displacement and sexual violence. However, similar engagement should be considered for other conflicts with similarly serious impacts on civilians.

In the most recent Report on the Protection of Civilians, the Secretary-General stated:

'It is imperative that we move away from the current selective approach to the protection of civilians in armed conflict. In Resolution 1894 (2009), the UNSC reiterated its willingness to respond to situations of armed conflict where civilians were being targeted or humanitarian assistance was being deliberately obstructed ... It would also be important for the Council to consider extending this willingness to act to conflicts of which it is not already seized, as they often raise many of the same, and sometimes more acute, protection concerns that are seen in those situations that are already on the Council's agenda. Such conflicts may equally warrant or, by their very nature, demand Council attention, condemnation and action...'¹⁰⁰

The events throughout the Middle East in early 2011, particularly in Libya, demonstrate that the UNSC has the ability to act quickly to respond to crisis situations, including threats to civilians, in countries on which it is not regularly seized. And yet, the controversy around protection action in Libya speaks to the problem of inadequate timely and reliable data on protection threats to civilians. For example, the lack of credible reports of civilian casualties and threats to civilians from the outset of the crisis in Libya has led to accusations and counter-accusations from all parties to the conflict. Worse, there is little information on the threats to civilians needed to actually inform operations on the ground and to ensure measures are taken by all actors to minimize harm to civilians. Suspicion that political imperative is driving UNSC action in Libya remains strong among some actors. This perception has been reinforced by the significantly less attention given to serious threats to civilians in Yemen, Syria, and Bahrain.

UNSC tools to promote better protection of civilians

As a first step, the UNSC has an important role to play in constantly reminding parties to conflict of their obligations to refrain from excessive force and to minimize harm against civilians in hostilities. The UNSC has a range of 'soft tools' and 'hard tools', formal and informal, that it can use to inform itself on crisis situations and the impact on civilians, and to take preventative, diplomatic, or coercive action.

Soft tools include mediation missions undertaken by the Special Envoys of the Secretary-General to help resolve crises and de-escalate violence (for more soft tools, see Annex 1). Hard tools include sanctions, arms embargoes, ad hoc tribunals and referrals to the ICC, UN-led peacekeeping missions, and the authorisation of force. Though these 'hard tools' can be recommended by many actors (the Secretary-General, Special Envoys, etc.), they need to be decided within a legally-binding Resolution of the UNSC. Prevention of conflict and human-rights violations is always preferable. As such, the UNSC should first seek ways to engage with parties to conflict, encouraging them to uphold their obligations to protect civilians, and consider force as a last resort if and when preventative action fails.

Prior to the authorization of force, a number of 'hard tools' are available to the UNSC:

Sanctions: These can either be aimed at individuals or at various actors, entities or areas, in the form of arms and trade embargoes, travel bans, a freeze of financial assets, or diplomatic restrictions. When sanctions have been effectively targeted, such as in the case of Charles Taylor's Liberia in 2001, they can be effective. Implementation is administered by sanctions committees authorised through the Resolution invoking the sanction measures. Currently, there are 11 country-specific sanctions regimes, including for Somalia, the DRC, Côte d'Ivoire, and Libya.¹⁰¹ Though still in their early stages, the expansion of sanctions regimes to explicitly address protection threats such as sexual violence and child recruitment is commendable and should be explored for further application to other forms of protection threats against civilians.

Arms embargoes: Embargoes, when rigorously designed, monitored and complied with,¹⁰² can contribute significantly to the promotion of international peace and security, and to the protection of civilians, by reducing the overall flow of those arms fuelling abuses and prompting parties to achieve a negotiated settlement. However, the authority of the UNSC is greatly undermined by persistent violations of UN embargoes and the impunity of violators. Many states have not made violating an embargo a criminal offence in domestic law. To overcome the systemic shortcomings of UN embargoes, and often regional ones as well, UN member states should provide a more effective framework of national controls, including the rapid negotiation of a robust Arms Trade Treaty, to more effectively prevent the continued flow of weapons and equipment fuelling conflicts or destabilizing regions at risk of conflict.¹⁰³

Ad hoc courts, tribunals, commissions of inquiry, or referrals to the ICC: Ending impunity and ensuring proper accountability and redress for crimes against civilians in armed conflict are important not only to help secure justice for victims, but also as a deterrent in preventing similar crimes from being committed in the future. The UNSC has directly responded to this need by setting up ad hoc courts such as the International Criminal Tribunals for the former Yugoslavia and Rwanda. The Rome Statute of the ICC gives the UNSC, acting under Chapter VII of the UN Charter, the power to refer a situation to the Prosecutor of the ICC if one or more crimes defined under the statute appear to have been committed.¹⁰⁴ So far, the UNSC has used its power of referral to the ICC only twice, for Darfur and Libya.

Chapter VI peacekeeping and other missions: Peacekeeping missions can be authorised under Chapter VI of the UN Charter, which guides the 'peaceful settlement of disputes' focusing on negotiation, mediation, judicial settlement, and other peaceful means.

Chapter VII peacekeeping and other operations authorized to use force: Under Chapter VII, the UNSC has a range of options to authorize force. These include UN mandated and led 'blue helmet' missions authorized to use force, including for the purpose of protecting civilians. The UNSC can also authorize the use of force by non-UN troops and entities such as regional organizations like the AU¹⁰⁵ or multinational coalitions such as ISAF in Afghanistan.¹⁰⁶ While UN peacekeeping missions usually involve the consent of the host-state, the UNSC can also authorize non-consensual military action, such as that in Libya, which does not include host-state consent.¹⁰⁷ Any authorisation of the use of force should be as a last resort, after peaceful means have been tried, and in combination with other tools to resolve conflicts and protect civilians.¹⁰⁸ The use of force should be strictly monitored by the UNSC, be proportionate to identified threats, complementary to other means, and in full compliance with international humanitarian law.

Making Peacekeeping effectively protect civilians

The first PoC Resolution was authorised in October 1999 for the mission in Sierra Leone (UNAMSIL), 'to afford protection to civilians under imminent threat of physical violence'.¹⁰⁹ This mandate enabled,

and indeed instructed, peacekeepers to use force if civilians faced violence, whereas previously they were often left powerless to use force unless they themselves were attacked – this was largely the case in Srebrenica and Rwanda. One of the first references to protect civilians ‘...by all necessary means...’ emerged in 2003 with regard to MONUC in DRC.¹¹⁰ The now familiar ‘by all necessary means’ language increased the level of robustness generally associated with UN peacekeeping missions, and broadened the scope of military action to protect civilians and undertake other core mandate tasks.

In 2010, the mandates of eight of the 15 peacekeeping missions on the ground referred to PoC, and two included the ‘all means necessary’ language required for the most robust operations.¹¹¹ Peacekeeping operations in Côte d’Ivoire, the DRC, Sudan, Darfur, and Chad (wound down in 2010) all included explicit protection mandates. However, the level of robustness and scope of activities to protect civilians were different in each. By far the most comprehensive protection mandate in 2010 was that of MONUSCO (previously MONUC) in DRC which, with the UN-led mission in Côte d’Ivoire, was one of only two mandated to use all means necessary to protect civilians and to fulfil core mandate tasks (see Annex 2 for UN-mandated missions). However, these mandates do not necessarily translate to effective action on the ground as seen in the failure of UN peacekeepers (and national government actors who bear the primary responsibility) to prevent mass rapes in Walikale, DRC in September 2010.

The deployment of a peacekeeping mission when carried out under a mandate from, and supplied with adequate resources by, the UNSC (ideally in support of a viable peace process), and if focused on PoC, can make a difference to the lives of people caught up in conflict. Where the will exists, missions can find a way to protect civilians against attacks, assassinations, lootings, and rapes, among many other forms of harm. For instance, firewood patrols conducted by peacekeepers in Darfur proved effective in allowing hundreds of women at risk of attack to collect firewood more safely.¹¹²

Matching mandates with action: a look back at 2010

Mandates on PoC do not necessarily translate into effective action, or impact, on the ground. Though some progress has been made by the Department of Peacekeeping Operations (DPKO) to develop an Operational Concept on PoC, and individual protection strategies have been developed for MONUSCO, UNMIS, UNOCI and UNAMID,¹¹³ soldiers and civilians deployed in missions are sometimes still unclear as to the exact duties linked to these mandates. Missions frequently lack adequate resources in order to enhance civilian protection. Female staff or troops are important for engaging with women, who may face different protection threats from men, yet very few peacekeeping missions have female troops. Tactical resources such as helicopters, essential for reaching remote areas quickly, are too often scarce. Comparing the 130,000-strong international presence in Afghanistan with the 123,000 personnel across all 15 UN peacekeeping operations¹¹⁴ is indicative of the fact that adequate resourcing of UN missions often comes far behind other priorities for individual governments. This leaves many UN operations under-resourced in rela-

tion to their authorised mandates. The bottom line is that gaps in protection practice mean less safety for civilians, and so peacekeeping missions are not always able to effectively address threats.

- In 2010, MONUSCO patrols on a market road in North Kivu in DRC allowed hundreds of people to move in greater safety.¹¹⁵ However, despite having the most robust mandate to protect civilians from imminent violence by all means necessary, MONUSCO was unable to prevent events in Walikale in August, when some 303 people were raped over four days.¹¹⁶
- At the end of December 2010, the MINURCAT mission fully withdrew from both Chad and CAR, despite underlying sources of insecurity and civilian protection threats remaining largely unaddressed in Eastern Chad.
- Worryingly, the LRA has extended its presence and its abuse of civilians to CAR. Meanwhile in DRC, despite the fact that the LRA has killed more people than any other armed group over the past two years, only 1,000 of its 18,000 troops have been deployed in the high-risk areas of Haut-Uélé and Bas-Uélé.¹¹⁷
- It took more than three years after the initial Security Council Resolution 1769 which created UNAMID for this mission to receive 90 per cent of its planned resources and deployment.

At present, it is difficult to assess the extent to which the scope of the PoC mandates authorised corresponds with the severity of crisis and threats against civilians on the ground. The mandate for UNAMID stops short of 'all means necessary', while the situation in Darfur remains extremely volatile, and probably on a par with DRC and the situation in Côte d'Ivoire in early 2011 in terms of violence against civilians. Recognising that sometimes national governments may refuse to support strong protection mandates, and that it is important that mandates are realistic and achievable, the Council must nevertheless evaluate whether the design and implementation of peacekeeping mandates responds in a consistent way to the severity of protection threats on the ground.

Conclusions and recommendations: a call for better reporting and a fair response

A look back at 2010 shows that civilians affected by conflict do not receive fair attention from the UNSC based on the level of harm to them. Conflicts are addressed selectively, likely depending on their geo-strategic value, with some lower-profile conflicts neglected entirely, despite high levels of abuses against, and harm to, civilians.

Data available remains patchy at best. While information on protection threats and civilian casualties is available for high-profile conflicts in Afghanistan, Iraq, and the OPTI, it is lacking or only partially available for the majority of current conflicts. An absence of reliable data, analysis, and reporting on protection threats is one obstacle to well-informed and effective UNSC decisions. Good-quality information and analysis are essential in order to be able to understand protection concerns adequately and to respond appropriately. Recognising the sensitivity of reporting on conflicts, reports to the UNSC should at a minimum indicate the nature and source of the key threats to civilians, identify who is most vulnerable, and why.

Of course, monitoring and reporting alone will not improve protection for civilians affected by conflict. In countries such as Iraq, Afghanistan, and the OPTI where monitoring is most effective, protection concerns remain and civilian casualties are high. However, an important step to understanding and addressing abuses on the ground must be the collection, monitoring, and reporting of necessary information, on which a measured response can be based. While some situations necessitate urgent action, determining the most appropriate and effective response requires understanding the nature and extent of threats to civilians.

There is no 'one-size-fits-all' response to PoC in conflict-affected areas. An important role of the UNSC is to constantly remind parties to conflict of their obligations to refrain from excessive force and to minimize harm against civilians in hostilities. A peacekeeping operation may be suitable in one context while in another comparable situation it could be entirely inappropriate, with a more effective response being the use of sanctions or a mediation mission. Ultimately, the UNSC must adopt a more consistent approach to protecting civilians in armed conflict, based on as reliable as possible assessments of threats and risk to civilians, regardless of whether countries are on or off the UNSC agenda.

Recommendations

Recommendations to national governments

- At the national level, **individual member states have the primary responsibility to protect their civilians** through refraining from excessive force and minimizing harm to civilians during any hostilities. **All states, whether hosting conflicts or not, should actively work to protect civilians from armed conflict and grave violence** by using mediation and diplomatic tools to prevent violence and by acting at the earliest stage of a foreseeable crisis. This requires investment in early-warning capabilities to monitor and respond to rising threats before they erupt.

Recommendations to the UN Security Council

At a global level, the UNSC must provide clear leadership in protecting civilians affected by conflict by:

- **Acting consistently to protect civilians**, particularly when the authorizing the use of force, **ensuring that such authorization is based on a clear articulation of threats and risks to civilians**, and indicating how the proposed actions will minimize and address such threats.
- Encouraging individual permanent UNSC members to **renounce the use of their veto when the Council is discussing situations of grave protection of civilian concern**, including actual or incipient war crimes, crimes against humanity, ethnic cleansing, and genocide.
- Continuing **the expansion of sanctions which address various protection of civilian threats**, as has already been done in the case of sexual violence and forced child recruitment.
- **Seeking ways to formally or informally increase engagement of the UNSC with civil-society actors**, particularly those from communities experiencing or at risk of war crimes, genocide, ethnic cleansing, and crimes against humanity.

The UNSC should support better quality of information, analysis, and action on civilians affected by armed conflicts by:

- Urging the UN Secretary-General to make further progress in providing **systematic and timely information about the threats faced by civilians** – including sexual and gender-based violence and the denial of the right to assistance – in country and thematic reports.
- **Ensuring that mechanisms exist, whether formal or informal, for the UNSC to be informed of grave civilian protection violations and challenges in countries not on the UNSC agenda**, so that these can be discussed and the Council can be engaged where needed. **Quarterly reports by the ERC** on forgotten or emerging crises present one possible solution.
- **Making better use of the informal Expert Group on Protection of Civilians** by supporting the expansion of its agenda to thematic discussions and encouraging full participation by member states.

- Requesting **all peacekeeping and political missions to systematically collect, aggregate, and analyse data relevant to the protection of civilians**, including killings, displacements, rapes, forced recruitment, looting, and destruction of property, to ensure an accurate and timely assessment of the situation on the ground. In countries where there is no mission and a high risk for civilians exists, this task could be undertaken by an independent monitoring mechanism. This data should include analysis of how the situation is changing and the impact of efforts to protect civilians and prevent further violations.
- **Encouraging the ERC through OCHA to continue developing indicators and criteria for reporting on protection of civilians** and, to this end, linking up with other organizations and NGOs working to establish international standards in reporting on civilian casualties and protection of civilians threats in conflicts.
- Supporting the role of the ERC as the **UN focal point on protection of civilians**, by requesting they regularly report to update the UNSC on all **situations where civilians face grave harm**.
- **Requesting more regular briefings by**, or informal consultations with, the Department of Peacekeeping Affairs regarding their progress in implementing country-specific protection of civilians mandates, and requesting briefings on a more regular basis from the Department of Political Affairs and the Special Representatives to the Secretary-General, for example on Children and Armed Conflict, Sexual Violence, the Prevention of Genocide, and the Responsibility to Protection.

Ultimately, the UNSC must adopt a more consistent approach to protecting civilians in armed conflict, regardless of whether countries are on or off the UNSC agenda, based on as reliable as possible assessments of threats and risk to civilians.

Annex 1: The UNSC's PoC 'soft' toolbox

In addition to the 'hard tools' such as sanctions and peacekeeping missions mentioned in the report, the UNSC has a range of options to inform itself of, and respond to, crisis situations.

UNSC Resolutions: The decisions of the UNSC are made as Resolutions which are legally binding for all UN member states.

Statements made by the UNSC: Presidential Statements can be a form of diplomatic/political pressure, and a statement of will and agreement by the Council, but are not legally binding.

Security Council visits: Members of the UNSC can visit countries or regions to assess the situation, engage in diplomacy, draw attention to a situation, or simply as a show of interest and commitment to a country or issue.

Briefings by the Emergency Relief Coordinator (ERC): The UNSC can ask to be briefed by the ERC/Under-Secretary-General on Humanitarian Affairs on humanitarian situations. The ERC is the lead within the UN system on PoC. The ERC can also be a powerful moral voice in the UN to speak out on abuses against civilians.

Briefings by the Department of Political Affairs (DPA): The UNSC can ask to be briefed by the Under-Secretary-General for Political Affairs. Over the past year, DPA has restarted informal briefings to the UNSC on a range of issues.

Briefings by the country specific or thematic Special Representatives of the Secretary-General (SRSGs): The UNSC can be asked to be briefed by any number of SRSGs, including those on Children and Armed Conflict, Sexual Violence, the Responsibility to Protect, and Prevention of Genocide.

The Expert Group on Protection of Civilians: This is an informal mechanism for the UNSC to obtain detailed information on PoC in a given country/region. The group convenes the country specific and thematic experts from UNSC missions, to be briefed by OCHA on the range of protection issues in a given country under discussion. Since the Group's inception, briefings have happened before every renewal of a peacekeeping mandate in the Council.

Arria Formula meetings¹¹⁸ and informal briefings: These are opportunities for open dialogue between Council members and others (UN and NGOs) on specific country or thematic issues.

Annex 2: Protection mandates of UN peacekeeping missions

2010 mandate	Protection language
The DRC (MONUSCO)	<ul style="list-style-type: none"> • Stabilisation mission mandated to help improve the capacity of the government to protect civilians. • Calls for PoC to be given top priority in decisions about the use of available capacity and resources. • Authorises all necessary means. • Requires comprehensive strategies throughout the UN system to protect people from harm.
Côte d'Ivoire (UNOCI)	<ul style="list-style-type: none"> • Calls upon all Ivorian parties with the continued support of UNOCI to ensure PoC. • Calls on all parties to take measures to refrain from, prevent, and protect from sexual violence. • Allows UNOCI all necessary means to carry out its mandate. • Reiterates the importance of UNOCI implementing its PoC mandate in light of human rights risks.
Darfur (UNAMID)	<ul style="list-style-type: none"> • Makes full use of its mandate and capabilities, giving priority in decisions about the use of available capacity and resources to the protection of civilians across Darfur. • Calls for the development of comprehensive strategies on PoC, ensuring safe humanitarian access and protecting women and children from sexual violence.
Sudan (UNMIS)	<ul style="list-style-type: none"> • Mandates 'the importance of UNMIS making full use of its authority and capabilities ... to take necessary action to provide improved security to the civilian population ... under imminent threat of violence...' • Extends to protecting civilians from militias and armed groups, including the LRA. • Calls for a mission-wide protection strategy.
Chad (MINURCAT)	<ul style="list-style-type: none"> • Provides an example of transitioning PoC responsibilities from a UN peacekeeping mission to government authorities. • Now fully drawn down.
Haiti (MINUSTAH)	<ul style="list-style-type: none"> • Encourages MINUSTAH to continue assisting the Government of Haiti in providing adequate PoC.

Notes

- 1 United Nations Assistance Mission in Afghanistan (UNAMA) and Afghanistan Independent Human Rights Commission (AIHRC) (2011) 'Afghanistan Annual Report 2010: Protection of Civilians in Armed Conflict', UNAMA: Kabul, p.i, p.46.
- 2 'Violence against humanitarian personnel' in Section 2 of this report; see also the Aid Worker Security Database at www.aidworkersecurity.org.
- 3 IDMC Sudan country page, <http://www.internal-displacement.org> (last accessed April 2011).
- 4 The exact number of displaced people cited is 532,208. Figures for Darfur come from the UN Office for the Coordination of Humanitarian Affairs (OCHA) (2010a) 'Sudan: Humanitarian Snapshot', OCHA Sudan, <http://ochaonline.un.org> (last accessed April 2011), 2 November, with 268,500 displacements cited, in addition to 40,000 newly displaced people in December cited in OCHA (2011a) 'Sudan Humanitarian Update 4th Quarter 2010', OCHA Sudan, <http://www.unsudanig.org> (last accessed April 2011), p.6; figures for Southern Sudan come from OCHA (2011a) op. cit.
- 5 See UN News Centre (2011) 'UN disappointed by three-year extension of Somalia's transitional parliament', <http://www.un.org> (last accessed April 2011), 4 February 2011.
- 6 The figure for civilian fatalities is based only on figures for Mogadishu from the Lifeline Africa Ambulance Service, Shabelle Media Network (2010) 'Somalia: Lifeline Africa Displays Death Toll', <http://www.allafrica.com/stories> (last accessed April 2011), 23 November 2010.
- 7 Consultoría para los Derechos Humanos (CODHES) (2011) '¿Consolidación de qué?: Informe sobre desplazamiento, conflicto armado y derechos humanos en Colombia en 2010', CODHES: Bogotá.
- 8 See Iraq Body Count, www.iraqbodycount.org.
- 9 International Crisis Group (2010) 'The Pogroms in Kyrgyzstan', Asia Report 193, 23 August 2010.
- 10 IRIN (2010) 'Kyrgyzstan: Violence victims prepare for winter', <http://www.irinnews.org> (last accessed April 2011), 1 December 2010, and Internal Displacement Monitoring Centre (IDMC) (2011) 'Kyrgyzstan: Unsustainable situation for IDPs and returnees', Norwegian Refugee Council: Geneva, p.1.
- 11 Norwegian Refugee Council (2010) 'Violence and population displacements increase', <http://www.nrc.no> (last accessed April 2011), 21 January 2010.
- 12 OCHA (2011b) 'LRA: Regional Overview & Update: Jan–Dec 2010'; OCHA Regional Office for Southern and Eastern Africa, <http://ochaonline.un.org> (last accessed April 2011), 4 February 2011; see also Ellie Kemp and Verity Johnson (2010) 'Ghosts of Christmas Past: Protecting Civilians from the LRA', Joint NGO Briefing Paper, Oxfam International: Oxford.
- 13 S/PRST/1999/6 (12 February 1999) states: '...large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict ... Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict.'
- 14 S/RES/1894 (11 November 2009).
- 15 S/RES/1973 (17 March 2011).
- 16 S/2010/579 Report of the Secretary-General on the protection of civilians in armed conflict (11 November 2010), pp. 21-22.
- 17 For civilian casualties in Afghanistan disaggregated by responsible parties, see UNAMA and AIHRC (2011) op. cit.
- 18 S/RES/1860 (8 January 2009); for Resolutions and Presidential Statements see the UN Security Council website at www.un.org/Docs/sc/.
- 19 The notable exceptions are the UNAMA and AIHRC reports on 'Protection of Civilians in Armed Conflict', op. cit., and OCHA 'Protection of Civilians: Casualties Database' for the OPTI, available at www.ochaopt.org.
- 20 This was most recently reflected in the last UNSC Presidential Statement on Protection of Civilians in Armed Conflict, S/PRST/2010/25 (22 November 2010).
- 21 IDMC Sudan country page, <http://www.internal-displacement.org> (last accessed April 2011).
- 22 See Iraq Body Count, www.iraqbodycount.org.
- 23 United Nations Population Fund (2010) 'Cas incidents de violences sexuelles enregistrées en RDC Janvier–Juin 2010', Cluster Protection meeting 6 October 2010. This documents 7,685 incidents in the first half of 2010, following the 2010 trend, which resulted in around 15,000 reported cases of rape. See IDMC (2010a) 'Democratic Republic of the Congo: IDPs pay an unacceptable price', Norwegian Refugee Council, <http://www.internal-displacement.org> (last accessed April 2011), 21 December, p.6.
- 24 See Chapter V of the United Nations Charter, at www.un.org.

- ²⁵ S/1999/957 (8 September 1999).
- ²⁶ These eight do not include the UNAMA political mission (United Nations Assistance Mission in Afghanistan), which also includes protection of civilians in its mandate. Five of the peacekeeping operations with protection mandates were operating in the countries relevant to this report: MONUC (United Nations Mission in the Democratic Republic of Congo), replaced mid-year by MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo), UNOCI (United Nations Operation in Côte d'Ivoire), UNMIS (United Nations Mission in Sudan), UNAMID (African Union - United Nations Hybrid Operation in Darfur), and MINURCAT (United Nations Mission in the Central African Republic and Chad) and MONUC/MONUSCO and UNOCI included 'all necessary means' language. The other operations with PoC mandates were UNMIL (United Nations Mission in Liberia), MINUSTAH (United Nations Stabilisation Mission in Haiti) and UNIFIL (United Nations Interim Force in Lebanon). See the Department of Peacekeeping Operations (DPKO) website at www.un.org/en/peacekeeping.
- ²⁷ The 18 countries chosen for inclusion were Afghanistan, the Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of Congo, Iraq, India, Kyrgyzstan, Myanmar, the Occupied Palestinian Territories/Israel, Pakistan, the Philippines, Somalia, Sudan, Thailand, Turkey, and Yemen. Though Sri Lanka passed the criteria for inclusion in this report, due to disputed information, difficulties in verification, and reporting sensitivities, it was finally excluded from the countries under study.
- ²⁸ Specifically those of Project Ploughshares (www.ploughshares.ca), the Stockholm International Peace Research Institute (www.sipri.org), and the Uppsala Conflict Data Program (www.ucdp.uu.se).
- ²⁹ There is no clear definition of 'armed conflict' offered by the Geneva Conventions, and so here conflicts have been chosen based on those included in the reports and databases mentioned in the Methodology, between 2008 and 2010. The focus of this report is the physical aspect of protection, and threats which are directly related to conflict rather than those which are more indirect (for instance malnutrition and disease).
- ³⁰ PRST S/PRST/2010/25 (22 November 2010).
- ³¹ Figure 1 shows figures found on conflict-related deaths; totals include both combatant and civilian fatalities, and where fatalities are specified as civilian this is indicated (though where they are not this does not indicate that fatalities were combatants). Disaggregated civilian fatalities were not available for CAR, Chad, Côte d'Ivoire, DRC, Kyrgyzstan, Myanmar, the Philippines, Sudan, Thailand, Turkey, or Yemen, whilst estimated total fatality numbers were not available for the OPTI. Where numbers are low this could indicate impartial or missing data in the sources used. Data for *total* fatalities in Afghanistan (8330), Chad (115), Colombia (1240), Democratic Republic of Congo (1500), India (including conflicts in Assam (139), Manipur (118), Tripura (8), Nagaland (6) and Kashmir (364), in addition to the Naxalites conflict(1,000)), Myanmar (1,100), Philippines (380), Somalia (5,000), Thailand (408), Turkey (230) and Yemen (470), and civilian fatalities in Colombia (297) and India (620), were taken from the International Institute for Strategic Studies Armed Conflict Database, <http://acd.iiss.org> (last accessed March 2011). Data for total and civilian fatalities in Pakistan (10,003/ 3570) were obtained from Pak Institute for Peace Studies (PIPS) (2011) 'Pakistan Security Report 2010', PIPS: Pakistan, for civilian casualties in Afghanistan (2,777) from UNAMA and AIHRC (2011) op. cit., for total fatalities in CAR (80) from OCHA (2011c) 'Central African Republic: Humanitarian access constraints (as of 11 February 2011)', <http://hdptcar.net/> (last accessed April 2011), for total and civilian fatalities in Iraq (5127/4043) from the Iraq Body Count database at www.iraqbodycount.org, for total fatalities in Kyrgyzstan (400) from IRIN (2010) op. cit., for civilian casualties in the OPTI (192) from OCHA 'Protection of Civilians: Casualties Database', op. cit., for total fatalities in Sudan (986 in Southern Sudan and 2,321 in Darfur) from OCHA (2011a) op. cit., for civilian fatalities in Somalia (2,171 in Mogadishu alone) from Shabelle Media Network (2010), op. cit., and for civilian fatalities in Côte d'Ivoire from Norwegian Refugee Council (2010), op. cit.
- ³² 'Conflict fatalities' aggregates all conflict-related deaths, for both combatants and non-combatants, whereas 'civilian casualties' looks only at civilians but combines both deaths and injuries that are directly related to conflict. However, it should be noted that conflict can also generate many more indirect casualties as a result of various factors such as forced displacement and lack of access to water, food, or medicine, etc.
- ³³ UNAMA and AIHRC (2011) op. cit. For more information on the situation in Afghanistan see Ashley Jackson (2010) 'Nowhere to Turn: The Failure to Protect Civilians in Afghanistan', Joint Briefing Paper, Oxford International: Oxford. UNAMA and AIHRC (2011).
- ³⁴ Ibid.
- ³⁵ ICRC, quoted in Stephanie Nebehay (2011) 'Somalis wounded in fighting surged in 2010', Reuters, 27 January 2011.
- ³⁶ See UN News Centre (2011) op. cit.
- ³⁷ Shabelle Media Network (2010) op. cit.
- ³⁸ PIPS (2011) op. cit. Conflict-related incidents in this case refer to terrorist attacks, clashes between security forces and militants, operational attacks by security forces, drone attacks, border clashes, ethno-political violence, and inter-tribal clashes (as set out by PIPS). These include incidents outside the direct fighting between the Pakistan government and militias in Northern Pakistan and the border areas. Regarding drone attacks, 2010 proved more fatal than any previous year, with 961 people killed and 383 injured.
- ³⁹ The exact figure given is 2,321, in OCHA (2011a) op. cit., p.6.
- ⁴⁰ IRIN (2010), op. cit.
- ⁴¹ Norwegian Refugee Council (2010), op. cit.

- ⁴² See www.iraqbodycount.org
- ⁴³ OCHA (2011b) op. cit.; see also Ellie Kemp and Verity Johnson (2010) op. cit.
- ⁴⁴ The UNAMA bi-annual 'Protection of Civilians' reports regularly provide the UNSC with a consistent and reliable picture of the latest trends on the impact of conflict on civilians, including differentiating between women and children, injuries and deaths, impacts of explosive weapons, which fighting forces are causing casualties, and their choice of weapons.
- ⁴⁵ OCHA 'Protection of Civilians: Casualties Database' for the OPTI, op cit.
- ⁴⁶ UNAMA and AIHRC (2011), op. cit., p. i.
- ⁴⁷ In particular, in the case of Colombia many 'fatalities' are not recorded as such because of the prevalence of forced disappearances.
- ⁴⁸ UN press release reported by Scoop World (2010) 'Internally Displaced Children Must be Protected', <http://www.scoop.co.nz/stories> (last accessed April 2011), 15 September 2010.
- ⁴⁹ S/RES/1612 (26 July 2005).
- ⁵⁰ A/64/742-S/2010/181 (14 April 2010).
- ⁵¹ FDLR: Forces Democratiques de Liberation du Rwanda/Democratic Forces for the Liberation of Rwanda; FRPI: Forces de Résistance Patriotique d'Ituri/Front for Patriotic Resistance of Ituri; FNI: Front Nationaliste et Intégrationniste/Nationalist and Integrationist Front; PARECO: Coalition des Patriotes Résistants Congolais/Coalition of Congolese Patriotic Resistance; FARDC: Forces Armées de la République Démocratique du Congo/Armed Forces of the Democratic Republic of Congo.
- ⁵² Barry Ames (2007) 'Methodological Problems in the Study of Child Soldiers', Ford Institute for Human Security: University of Pittsburgh. Moreover, it is important to note that reports by the Secretary General and Personal Representatives only include verified data which can sometimes be based on limited resources. Hence there are few estimates of total recruitment amongst children in any given conflict situation, and where there are NGOs and other UN agencies often indicate far higher numbers (see Coalition to Stop the Use of Child Soldiers (2009) 'Child Soldiers Global Report 2008').
- ⁵³ Child recruitment information is based upon the latest comprehensive report from the Secretary General, published in April 2010 and valid up to the beginning of 2010 (A/64/742-S/2010/181 14 April 2010). The practice of child recruitment by these same groups was reiterated in the 'Annual report of the Special Representative of the Secretary-General for Children and Armed conflict, Radhika Coomaraswamy' (A/HRC/15/58 3 September 2010).
- ⁵⁴ This section focuses on sexual violence, including rape. However, a wider analysis of sexual and gender-based violence would include sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, trafficking, inappropriate medical examinations, and strip searches. See UNIFEM (2010) 'Addressing Conflict-related Sexual Violence: An Analytical Inventory of Peacekeeping Practice', United Nations: New York.
- ⁵⁵ Paula San Pedro (2009) 'Sexual Violence in Colombia: Instrument of War', Oxfam International Briefing Paper, 9 September 2009.
- ⁵⁶ Statement by Special Representative of the Secretary-General on Sexual Violence in Conflict Margot Wallström (2011) 'Concern over Sexual Violence in Côte d'Ivoire', 26 January 2011.
- ⁵⁷ BBC (2010) 'UN official calls DR Congo "rape capital of the world"', <http://news.bbc.co.uk/2/hi/8650112.stm> (last accessed April 2011), 28 April.
- ⁵⁸ UN Committee on the Elimination of Discrimination Against Women (2008) 'Concluding Observations of the Committee on the Elimination of Discrimination against Women: Myanmar', CEDAW/C/MMR/CO/3 (7 November 2008).
- ⁵⁹ Elisabeth Roesch (2011) 'Confronting rape as a weapon of war', International Rescue Committee, 8 March 2011.
- ⁶⁰ UNICEF (2011) Correspondence with Oxfam GB in DRC.
- ⁶¹ IDMC (2011), op. cit.
- ⁶² Humanitarian and Development Partnership Team, Central African Republic (2010) 'Bulletin d'information 07-21 décembre 2010', Bulletin 160.
- ⁶³ S. Swiss and J. E. Giller (1993) 'Rape as a crime of war: a medical perspective', *The Journal of the American Medical Association* 270(5): 612-15.
- ⁶⁴ S/RES/1888 (30 September 2009); S/RES/1960 (16 December 2010). Perpetrators are 'parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence'.
- ⁶⁵ See Swedish International Development Cooperation Agency (2010) 'The Complexity of Violence: A critical analysis of sexual violence in the Democratic Republic of Congo (DRC)', Working Paper on Gender Based Violence, SIDA: Stockholm, for a criticism of the current standards of reporting on sexual violence.
- ⁶⁶ Inter-Agency Standing Committee (2010) 'Handbook for the Protection of Internally Displaced Persons'.

- ⁶⁷ We have chosen here to focus on internally displaced persons, and not refugees, who have also fled their homes but have crossed an international boundary and are therefore protected by the 1951 Refugee Convention. However, in practice, refugees often face much similar threats to IDPs
- ⁶⁸ Total IDP figures for CAR, India, Iraq, Kyrgyzstan, the OPTI, Myanmar, the Philippines, Sudan (including Darfur) taken from the IDMC website at <http://www.internal-displacement.org> (last accessed April 2011). Figures for Colombia, Pakistan, Somalia, Turkey, Yemen taken from UNHCR Planning Figures, <http://www.unhcr.org> (last accessed April 2011). Figures for Chad taken from OCHA (2011) 'Chad Thematic Bulletin', February 2011 available at <http://ochaonline.un.org> (last accessed April 2011). Figures for Afghanistan taken from IRIN (2011) 'Afghanistan: Call for help for IDPs, deportees in Helmand', 10 January, <http://www.irinnews.org> (last accessed April 2011). Figures for Côte d'Ivoire taken from OCHA (2011) 'Côte d'Ivoire: Post-electoral crisis Humanitarian update #4', OCHA: Côte d'Ivoire, 3 January. Figures for DRC taken from UNHCR (2011) 'Factsheet DRC: 31 December 2010' <http://www.rdc-humanitaire.net> (last accessed April 2011). Figures for Thailand were not available.
- ⁶⁹ IDMC Sudan country page, op. cit.; OCHA (2010a) op. cit.; OCHA (2011a) op. cit.
- ⁷⁰ IDMC (2011), op. cit.
- ⁷¹ For Iraq, see IDMC (2010b) 'Iraq: Political wrangling leaves around 2.8 million displaced Iraqis with no durable solutions in sight', Norwegian Refugee Council. For DRC, see UNHCR (2010) 'D.R. Congo Fact Sheet: 31 December 2010'. For Somalia, see UNHCR planning figures, UNHCR (2010) 'Global Appeal 2011', available at www.unhcr.org, p.78.
- ⁷² UNHCR; see also OCHA (2011d) 'Somalia Humanitarian Overview' 4(3), <http://reliefweb.int> (last accessed April 2011).
- ⁷³ CODHES (2011), op. cit.
- ⁷⁴ IDMC puts displacement at 70,000, mostly due to clan disputes; see IDMC Philippines Country Page at www.internal-displacement.org (last accessed March 2011).
- ⁷⁵ IOM estimate, November 2010: see IDMC Philippines Country Page, op. cit.
- ⁷⁶ OCHA (2011b) op. cit.
- ⁷⁷ Population figures come from OCHA (2010) 'OCHA in the Field 2011', available at ochaonline.un.org, and IDP figures are from UN sources where possible, or IDMC.
- ⁷⁸ For the figures on displacement, the principal sources used were the IDMC, OCHA, and UNHCR.
- ⁷⁹ See for example Abby Stoddard, Adele Harmer and Victoria DiDomenico (2009) 'Providing aid in insecure environments: 2009 Update, Trends in violence against aid workers and the operational response', Humanitarian Policy Group Policy Brief 34, Overseas Development Institute: London.
- ⁸⁰ UNAMA and AIHRC (2011), op. cit.; see also: www.aidworkersecurity.org.
- ⁸¹ www.aidworkersecurity.org
- ⁸² Information on violence against humanitarian personnel is taken from the Aid Worker Security Database, op. cit. This website, used by the Secretary General in his most recent Report on the Protection of Civilians in Armed Conflict (S/2010/579 11 November 2010), collects incident data from public sources, complementing this with internal information provided directly to the project by aid organisations and a number of regional and field-level security consortiums. The data is crosschecked and verified with the relevant agencies on a quarterly basis. [Aidworkersecurity.org](http://www.aidworkersecurity.org) collects data on killings, kidnappings, and armed attacks that result in serious injury of the employees and associated personnel of not-for-profit aid agencies (both national and international staff) that provide material and technical assistance in humanitarian relief contexts. Figure 5 shows all of the victims of attacks on aid workers, as documented in this database.
- ⁸³ Detailed figures on conflict-affected people or populations were found regarding Afghanistan, CAR, Chad, DRC, OPT, Pakistan, Somalia, and Sudan (including disaggregated information for Darfur and Southern Sudan). The humanitarian access maps for Somalia and Yemen show especially good practice in reporting on humanitarian access (see OCHA (2011e) 'Humanitarian Access Report: Cumulative January and February 2011' for Yemen, <http://reliefweb.in> (last accessed April 2011); OCHA (2010c) 'OCHA Somalia-Humanitarian Access: Update 01-31 August 2010', OCHA Somalia, <http://ochaonline.un.org/somalia> (last accessed April 2010), August). For examples of good reporting on humanitarian access and 'affected people', see OCHA (2011c) op. cit.; OCHA (2010d) 'Côte d'Ivoire: Humanitarian Crisis', Humanitarian Report No. 4.
- ⁸⁴ See the World Summit Outcome Document, A/RES/60/1 (24 October 2005), especially paragraphs 138 and 139; note also S/RES/1894 (11 November 2009), reaffirming the relevant provisions of the 2005 World Summit Outcome Document.
- ⁸⁵ In 2006, UNSC reaffirmed in Resolution 1674 'the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document'; see S/RES/1674 (28 April 2006).
- ⁸⁶ PRST: S/PRST/1999/6 (12 February 1999): '...large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict ... Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict'.
- ⁸⁷ PRST S/PRST/2010/25 (22 November 2010): 'The Security Council remains committed to addressing the impact of armed conflict on civilians, in particular women and children', S/RES/1820 (19 June 2008)

- ⁸⁸ S/RES/1894 (11 November 2009).
- ⁸⁹ Within the UN system, there are a range of actors and entities engaged with PoC. In addition to the UN General Assembly and the UNSC, the Human Rights Council (HRC) can play a strong role in speaking out on human rights abuses and conducting fact-finding missions. However, this report focuses on the role of the UNSC, in particular its role in authorising political and military action to protect civilians. On humanitarian issues, OCHA, UNICEF, and UNHCR help to ensure that the right of vulnerable populations to receive assistance and protection are upheld. The DPKO is essential for operationalising protection tasks for peacekeepers, and the Office for the High Commissioner for Human Rights plays an important role in responding to serious rights abuses. Indeed, to effectively protect people in harm's way, co-ordinated and complementary action across the UN system is needed, as well as engagement with regional and national governments and institutions.
- ⁹⁰ Inclusion in the UNSC agenda here refers to references made in either UNSC Resolutions, UNSC Presidential Statements, or reports of the Secretary-General produced by the UNSC. Those countries which appeared on any one of these three categories are: Afghanistan, Chad, Central African Republic, Côte d'Ivoire, DRC, Iraq, OPT, Philippines, Somalia and Sudan. No mention was made to Colombia, India, Kyrgyzstan, Myanmar, Pakistan, Thailand, Turkey or Yemen, hence their classification as being 'off' the UNSC agenda.
- ⁹¹ One Resolution listed did mention Yemen, but only incidentally through S/RES/1950 (23 November 2010) on Somalia, with reference to piracy.
- ⁹² For mission reports see the UN Security Council website, op. cit.
- ⁹³ Security Council Report (2010) 'UNRCCA Kyrgyzstan', available at www.securitycouncilreport.org.
- ⁹⁴ PIPS (2011), op. cit.
- ⁹⁵ However with no indication of civilian deaths
- ⁹⁶ According to the International Institute of Security Studies Armed Conflict Database, though there is no indication of numbers of civilians harmed for these three countries. The UN, however, was not able to produce any consolidated figure regarding conflict-related deaths for many countries, including these three.
- ⁹⁷ In 2010, of the countries under study here the Secretary General produced reports to the UNSC on the ongoing situations in Afghanistan, CAR, Somalia and Sudan, reports on Children in Armed Conflict in DRC and the Philippines, and reports on the ongoing operations in Côte d'Ivoire, CAR and Chad, Darfur, DRC and Sudan. Other reports commented on developments in the OPT and Iraq, as well as more general questions of PoC in armed conflict. In addition to the mission of several countries included in this report, it is notable that no specific report was produced considering LRA-related risks, despite the appearance of LRA-affected countries in the SG Reports.
- ⁹⁸ UNAMA (2010) 'Afghanistan Annual Report on Protection of Civilians in Armed Conflict, 2009', op cit.
- ⁹⁹ S/RES/1894 (11 November 2009).
- ¹⁰⁰ S/2010/579 (11 November 2010).
- ¹⁰¹ Current sanctions regimes include Somalia and Eritrea – Resolutions 751 (S/RES/751 24 April 1992) and 1907 (S/RES/1907 23 December 2009); Taliban and Al-Qaida – Resolution 1267 (S/RES/1267 15 October 1999); Iraq and Kuwait – Resolution 1518 (S/RES/1518 24 November 2003); Liberia – Resolution 1521 (S/RES/1521 22 December 2003); DRC – Resolution 1533 (S/RES/1533 12 March 2004); Côte d'Ivoire – Resolution 1572 (S/RES/1572 15 November 2004); Sudan – Resolution 1591 (S/RES/1591 29 March 2005); Lebanon – Resolution 1636 (S/RES/1636 31 October 2005); Democratic People's Republic of Korea – Resolution 1718 (S/RES/1718 14 October 2006); Iran – Resolution 1737 (S/RES/1737 23 December 2006); and Libya – Resolution 1970 (S/RES/1970 26 February 2011).
- ¹⁰² States have a legal obligation to comply with UN arms embargoes under the authority of Chapter VII of the United Nations Charter.
- ¹⁰³ Oliver Sprague (2006) 'UN arms embargoes: an overview of the last ten years', Control Arms Briefing Note, Oxfam International: Oxford.
- ¹⁰⁴ UN General Assembly (1998) 'Rome Statute of the International Criminal Court' (last amended January 2002), Article 13(b)
- ¹⁰⁵ The AMISOM Resolution 1964 (S/RES/1964 22 December 2010) stressed for the first time in 2010 '...the responsibility of all parties and armed groups in Somalia to comply with their obligations to protect the civilian population from the effects of hostilities, in particular by avoiding any indiscriminate or excessive use of force'. While not a proactive PoC mandate per se, the reference reflects growing concern regarding civilian casualties in Somalia and recognises the role of AMISOM and other parties to protect civilians.
- ¹⁰⁶ Though the ISAF mandate does not include protection considerations in any of its operational paragraphs, the preamble urges ISAF and other international forces to undertake enhanced efforts to prevent civilian casualties and encourages after-action reviews where civilian casualties have occurred. ISAF is authorised to take 'all necessary measures to fulfil its mandate'. While outside the scope of this study, it should be noted that NATO has issued tactical directives addressing civilian protection issues for ISAF. The UNAMA mandate, although not a peacekeeping mission, includes provisions on reporting on the situation of civilians. See S/RES/1943 (13 October 2010).
- ¹⁰⁷ In 2011, a new precedent on protection was set in the UNSC with Resolution 1973 on Libya (S/RES/1973 17 March 2011) using language both on protecting civilians from imminent violence and by all means necessary.

Exceptionally, the use of force to ensure protection is authorized not through a UN mission or a specific regional entity, but for any member state or regional organisation that notifies the Secretary-General of its intention to act under the mandate

- ¹⁰⁸ It is interesting to note that Resolution 1973 concerning Libya (op. cit.) is the first UN-authorized use of force to protect civilians which allows for intervention without consent from the government of the country concerned.
- ¹⁰⁹ S/RES/1270 (22 October 1999).
- ¹¹⁰ S/RES/1493 (July 28, 2003).
- ¹¹¹ Five of the peacekeeping operations with protection mandates were operating in the countries relevant to this report (MONUC/MONUSCO, UNOCI, UNMIS, UNAMID, MINURCAT). MONUC/MONUSCO and UNOCI included 'all means necessary' language.
- ¹¹² Clea Kahn (2010) 'Engaging with Communities: The next challenge for peacekeeping', Oxfam Briefing Paper 141, Oxfam International: Oxford, p. 4.
- ¹¹³ In 2010, the development of an Operational Concept on the Protection of Civilians also represented a significant step in outlining guidelines for protection, though the document remains in draft form. Moreover, a Strategic Framework providing guidance to peacekeeping operations on how to develop a mission-wide strategy has been introduced to UN General Assembly's Special Committee on Peacekeeping Operations and is currently under consideration by member states.
- ¹¹⁴ Department of Peacekeeping Operations (2011) 'Peacekeeping Fact Sheet', <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>.
- ¹¹⁵ Oxfam interviews with MONUSCO and INGOs, 17–18 July 2010, in Kitchanga, North Kivu, DRC, as referred to in Clea Kahn (2010) op. cit., p.12.
- ¹¹⁶ See 'Briefing by the Special Representative of the Secretary-General on Sexual Violence in Conflict to the Special Session of the Human Rights Council on the Democratic Republic of the Congo', 27 September 2010. Precise figures given for rapes over the four days were 235 women, 52 girls, 13 men, and three boys.
- ¹¹⁷ Ellie Kemp and Verity Johnson (2010) op. cit.
- ¹¹⁸ 'Arria formula' an informal consultation process which affords members of the Security Council the opportunity to hear persons in a confidential, informal setting. These meetings are presided over by a member of the Council as service facilitator for the discussion and not by the President of the Council.

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This paper was written by Hannah Cooper, Kirsten Hagon, Surendrini Wijeyaratne, Nicolas Vercken, and Francisco Yermo. It is part of a series of papers written to inform public debate on development and humanitarian policy issues. Special thanks to Eva Smets, Astrid Forberg Ryab, Alison C. Giffen, Helena Gronberg, and colleagues in Protection and Displacement team at OCHA for their input.

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The information in this publication is correct at the time of going to press.

Published by Oxfam GB for Oxfam International under ISBN 978-1-84814-850-5 in May 2011. Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

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