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**Humanitarian
Policy Group**

Twenty years of protection of civilians at the UN Security Council

Sarah Adamczyk

Sarah Adamczyk is a Research Fellow with the Humanitarian Policy Group (HPG) at the Overseas Development Institute.

Key messages

- Twenty years on from the first UN Security Council (UNSC) thematic resolution addressing protection of civilians in armed conflict (PoC), it would be difficult to argue that civilians are better protected today than they were then. Civilians account for the vast majority of conflict casualties, both as collateral and as direct targets of conflict violence.

- Twenty years on from the first UN Security Council (UNSC) resolution on the protection of civilians in armed conflict (PoC), civilians continue to account for the vast majority of conflict casualties. The problem lies not with the current normative framework, but with the translation and implementation of these policies into practice.

- The UNSC has a range of mechanisms and procedures for engaging with the PoC agenda along with enforcement tools to ensure compliance with international law, yet often lacks the political will to do so.

- PoC faces substantial challenges, related both to changes in the geopolitical context in which conflicts take place, and to more specific difficulties around definitional clarity, fragmentation of the PoC agenda and the lack of inclusive and sustained engagement.

- To translate the normative progress made over the past 20 years into demonstrable improvements in civilian protection outcomes, the UNSC and the wider international community must advocate for stronger reporting on civilian harm, more robust accountability and enforcement, consistent and transparent use of vetoes within the UNSC and implementation of national level policy frameworks.

- Regarding UN peacekeeping operations, the UNSC should provide greater support through increased clarity in mandates and expectations, matched by commensurate resources and funding.

Cover photo: A boy among ruins caused by fighting in Sana'a, Yemen. © S.N./ICRC

Introduction

A century ago, civilians represented approximately 10%–15% of total casualties in armed conflict. By the Second World War, this had risen to nearly 50%, and by the 1990s civilians accounted for between 80% and 85% of casualties in armed conflict, a trend that has continued, if not intensified, into the twenty-first century (Kaldor, 2013). Civilians are not simply being caught up in fighting, but are increasingly directly targeted.

Twenty years on from the first UN Security Council (UNSC) thematic resolution addressing protection of civilians (PoC), it would be difficult to argue that civilians are better protected today than they were then. Despite broad commitment to the PoC agenda, as the UN Secretary-General recently noted, 'the state of the protection of civilians today is tragically similar to that of 20 years ago' (UNSC, 2019b). A record 41.3 million people are forcibly displaced inside their own countries, with another 25 million refugees outside their country of origin (IDMC, 2019). The problem lies not with current normative frameworks, including international humanitarian and human rights law and UNSC Resolutions and practice, but with the translation and implementation of these practices into systematic protection.

This HPG Policy Brief explores the current state of the PoC agenda and proposes constructive steps to help close the gap between law and action and prepare for the next 20 years of PoC policy and practice. The analysis draws on an initial literature review, including primary and secondary sources, in particular the Aide Memoire prepared by the UN Office for the Coordination of Humanitarian Affairs (OCHA, 2018) and relevant geographic and thematic UNSC Resolutions. The research also included interviews with more than 35 stakeholders engaged in PoC discussions and policy, including UNSC members, other UN member states, UN staff, local and international non-governmental organisations, human rights and peacebuilding organisations and key experts and academics.

Background

In 1999, the UNSC introduced protection of civilians in armed conflict as a thematic agenda item through Resolution 1265 (UNSC, 1999b) and, pursuant to Chapter VII of the UN Charter, for the first time authorised the use of force by UN peacekeepers 'to afford protection to civilians under imminent threat of physical violence' (UNSC, 1999c). Since then, UNSC policy and practice on PoC has significantly expanded, including in the mandates of UN peacekeeping operations – of the 14 current UN peacekeeping missions, eight operate under an express PoC mandate – as well as through thematic and country-specific Resolutions. These developments in the normative framework, however, have yet to fully translate into systematic and consistent protection of civilians on the ground. On the occasion of the twentieth anniversary of Resolution 1265, it is important to both reflect on what has been achieved, but also to critically examine where progress has fallen short.

The changing nature of armed conflict

The number of armed conflicts around the world has grown substantially, from fewer than 30 non-international armed conflicts in 2001 to more than 70 in 2016 (ICRC, 2018b). Conflict has also become more complex: according to the International Committee of the Red Cross (ICRC), only a third of today's armed conflicts are between two belligerent parties; 44% are between three and nine different forces and 22% involve more than 10 different belligerents (ibid.). By one estimate, more than 1,000 armed groups were active in Syria alone in 2014 (Carter Center, 2015).

The conduct of hostilities has also changed significantly over the past 20 years. Urban warfare and the growing use of explosive weapons in populated areas have substantially increased civilian harm and civilian casualties (UNSC, 2017b). Recent ICRC research found that urban warfare in Syria and Iraq resulted in eight times more civilian fatalities than other forms of armed conflict (ICRC, 2018a). More than 90% of civilians killed or injured by explosive weapons in populated areas are civilians (UNGA, 2016). Civilians are also dying from the indirect effects of conflict, including lack of essential infrastructure, disease and famine (Stewart and FitzGerald, 2001).

The evolution of the UNSC protection of civilians agenda

The failure of UN peacekeeping operations in the 1990s to prevent atrocities in Srebrenica, Rwanda and Somalia served as a catalyst for the emergence of the PoC agenda. At the time, the initial focus was largely on UN peacekeeping operations, in particular authorisation of the use of force, though this widened considerably as successive Resolutions emphasised specific PoC priorities for women (UNSC, 2000b) and children (UNSC, 2005), and the risks associated with conflict-related sexual violence (UNSC, 2008).

Box 1: Defining 'protection of civilians'

'Protection of civilians' is a broad term for which there are frequently differing understandings, particularly between military, peacekeeping and humanitarian actors (Metcalfe, 2012). When the PoC agenda was initiated in the late 1990s, the emphasis was largely on protection against physical violence. Although differences in priorities and perspectives persist, PoC is now relatively readily understood as covering all measures aimed at limiting the effects of armed conflict on civilians, in accordance with international humanitarian law (IHL), international human rights law (IHRL) and refugee law, and is generally accepted to encompass 'the broader spectrum of human security and human dignity' (HPG/ICRC, 2011).

The language of subsequent UNSC Resolutions – including Resolution 1894 (2009) marking the tenth anniversary of the agenda – supports such a broad conceptualisation, highlighting not just protection against physical violence, but also humanitarian access, training of national authorities and security forces, data collection and investigation related to breaches of conduct, as well as other accountability mechanisms to end impunity for serious violations of international law (UNSC, 2009). Throughout this Policy Brief, unless otherwise indicated, protection of civilians is understood in its broadest sense and in line with the letter and spirit of UNSC Resolution 1894, as well as evolving UNSC practice on the issue.

During the Canadian presidency in February 1999, the UNSC held the first open debates on PoC, leading to the landmark publication of a set of 40 recommendations in September 1999. These focused on ratification of and compliance with relevant international legal instruments; ensuring accountability; gaps in the existing normative framework; the safety of humanitarian personnel; conflict prevention; humanitarian access; specific problems facing women and children; peacekeeping; targeted sanctions; and disarmament (UNSC, 1999a).

Policy progress within the PoC agenda focused on building understanding of the concept among member states, laying the foundation for expanding and strengthening the normative framework around the protection of civilians and addressing protection concerns in specific country contexts. To help familiarise itself with the PoC agenda, in 2001 the UNSC asked the Secretary-General to prepare an Aide Memoire, a summary and breakdown of important aspects of PoC concepts and policies. The Aide Memoire, which was adopted on 15 March 2002 (UNSC, 2002), identified the most prevalent and serious PoC concerns, grouped in three sections according to general protection concerns and concerns specific to children and to women.

Subsequent editions of the Aide Memoire adopted since 2009 have become increasingly detailed and specific, including proposed UNSC actions related to UN peacekeeping mandates, targeted sanctions and ad hoc commissions of inquiry or referral to the

International Criminal Court (ICC). An annex to the Aide Memoire compiles language from previous UNSC Resolutions and Presidential Statements, helping to ensure consistency in language and avoid lengthy negotiations on new language. The creation of the Security Council Informal Experts Group on the Protection of Civilians in 2009 expanded the ways in which the UNSC was able to receive and process information. Other initiatives highlighted PoC issues related to journalists (UNSC, 2015), medical personnel and facilities (UNSC, 2016) and food insecurity and starvation (UNSC, 2018b).

Mechanisms and procedures for engagement on the PoC agenda

This section briefly outlines the key mechanisms and procedures for engagement, participation and information dissemination on the PoC agenda, both at the UNSC level and in other fora.

The *Aide Memoire*
In terms of UN agencies, OCHA has lead responsibility for drafting the UN Secretary-General's periodic reports to the UNSC; preparing the Emergency Relief Coordinator (ERC)'s briefings for the UNSC annual open debates on the protection of civilians; compiling country-specific briefings to the Security Council Informal Experts Group on the Protection of Civilians; and updating and maintaining the *Aide Memoire* (Gillard and Piacibello, 2015). The *Aide Memoire* has progressively expanded and, as it now exceeds 200 pages, is available through a searchable online interface. As noted above, the

Aide Memoire prepared by OCHA – the most recent (seventh) edition of which was last updated in 2018 (OCHA, 2018) – provides a key reference tool for the UNSC on thematic and sub-thematic areas, as well as verbatim language from previous UNSC Resolutions or statements to aid in consistency.

The Secretary-General's annual report and country-specific and thematic reporting

In advance of the now annual UNSC open debate on PoC, the UN Secretary-General submits a report providing an overview of the state of protection of civilians globally, including issues related to civilian harm, humanitarian access, forced displacement, threats to humanitarian workers, threats to medical missions, missing persons and accountability (UNSC, 2018a). The report was initially issued at 18-month intervals, though this was modified to annual reporting in 2016; to date, 14 have been issued, containing more than 200 recommendations (UNSC, 2019b). For the past two years, the report has included a number of recommendations focused on the civilian impact of urban warfare, enhanced compliance by non-state armed groups and the development of national PoC policy frameworks (OCHA, 2019). Monitoring of the implementation of and progress towards the recommendations has been minimal, though in September 2018 the UNSC President requested that, in his next annual PoC report, the Secretary-General include 'an update on progress made against the recommendations set out in his reports of 2017 and 2018' (UNSC, 2018c).

Outside the Secretary-General's annual reporting, the UNSC further engages on PoC concerns through regular country-specific and thematic reports and briefings. On an ad hoc basis, the UNSC has occasionally requested context-specific PoC reporting, such as with Chad and the Central African Republic (CAR) (UNSC, 2010b), which has allowed the UNSC to explore the full extent of PoC concerns as they arise in a given conflict.

Security Council Informal Expert Group on the Protection of Civilians

The Informal Expert Group on the Protection of Civilians was established in response to a recommendation from the Secretary-General's 2007 protection of civilians report. While not a formal UNSC subsidiary body, the Group meets regularly, receives briefings and provides guidance related to PoC concerns prior to the renewal of UN peacekeeping mandates and UN special political missions, such as the UN Assistance Missions in Iraq (UNAMI) and Afghanistan (UNAMA). There was initial concern that the Expert Group might increase workloads or create duplication in terms of sources feeding information to the UNSC, though efforts were made to address these concerns by making clear that participation was not mandatory, and that written materials need not be produced (Gillard and Piacibello, 2015). Most UNSC members consistently attend meetings of the Informal Expert Group, with the exception of China, which does not attend at all, and Russia, which does so only sporadically (Security Council Report, 2016). Prior to 2013, the only UN agencies to attend were OCHA and the Department of Peacekeeping Operations (DPKO), though on a case-by-case basis this has expanded to include participation from the UN High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF) and UN Mine Action (ibid.). On rare occasions, the Informal Expert Group will discuss matters unrelated to mandate renewal, including on thematic issues such as humanitarian access. Meetings are held regularly and are generally well attended.

Arria-formula meetings

Arria-formula meetings provide an informal and flexible format where the UNSC can raise PoC issues and receive information and briefings (Security Council Report, 2019). Such meetings enable direct dialogue between UNSC members, international and local non-government organisations and civil society representatives. Recent meetings have examined PoC concerns including the protection of children, medical care in armed conflict, atrocity prevention and the situation for persons with disabilities in armed conflict (Security Council Report, n.d.).

Special Committee on Peacekeeping Operations of the United Nations

At the UN General Assembly level, the Special Committee on Peacekeeping Operations of the United Nations (C34) – established in 1965 under UN General Assembly Resolution 2006 (XIX) – reviews and provides recommendations on issues specific to UN peace operations (UNGA, 1965), though it only began using PoC language in its annual reporting in 2009 (Wilmot and Sheeran, 2013). Following the most recent annual debate of the C34, members approved a technical summary, though were unable to reach consensus on substantive elements and recommendations (UNGA, 2019).

Group of Friends of PoC

Established in 2007, the Swiss-led Group of Friends of PoC is an informal group of like-minded countries.

It issues joint statements, helps to keep up momentum around PoC outside the annual debates and provides a key platform for non-permanent UNSC members. A January 2019 letter to the UNSC President from members of the Group outlined key recommendations for the UNSC and UN member states to enhance UNSC working methods and situational awareness on PoC matters, including proposals to convene more Informal Expert Group and *Arria*-formula meetings (Permanent Representative of Australia to the UN et al., 2019). The Group of Friends also supports UN member state initiatives – frequently championed by non-permanent UNSC members – which has historically proved critical in developing and advancing the PoC agenda. Initially, the Group was composed predominantly of Western states, but it now includes more diverse representation with the inclusion of Brazil, Côte d'Ivoire, Indonesia, Japan, Kuwait and Uruguay.

Additional fora which have been utilised to raise PoC concerns include the NGO Working Group on PoC and the UN Interagency Working Group on PoC.

PoC in UN peace operations

UN peacekeeping operations have made considerable and commendable progress in the protection of vulnerable populations since 1999, though their effectiveness remains at times hampered by a lack of political support, unclear mandates, unrealistic expectations and inadequate resources and funding from the UNSC level (International Peace Institute, 2017).

Unclear mandates
Internal UN reviews over the past 20 years have identified the same fundamental gaps in UNSC support to peacekeeping missions, in particular related to clarity of mandates and expectations. Mandates are often deliberately vague as a result of political compromise and to secure UNSC agreement (Autessere, 2019). In 2000, the *Report of the panel on UN peace operations*, also known as the Brahimi Report, called for the UNSC to adopt 'clear, credible and achievable mandates', and noted that 'operations given a broad and explicit mandate for civilian protection must be given the specific resources needed to carry out that mandate' (UNGA, 2000). Fifteen years later, in 2015, the report of the High-level Independent Panel on Peace Operations (HIPPO) concluded that PoC mandates 'must be realistic and linked to a wider political approach. Closing the gap between what is asked of missions to protect civilians

and what they can provide demands improvements across several dimensions: assessments and planning capabilities, timely information and communication, leadership and training, as well as more focused mandates' (UNSC/UNGA, 2015).

Inadequate resources and funding
In the context of peacekeeping, UN missions are being given an ever-expanding list of tasks in relation to protection of civilians, but fewer resources and means to carry them out (UN Peacekeeping, n.d.). In a review of UN peacekeeping missions between 2009 and 2013, OCHA found that the number of tasks included under PoC mandates had increased substantially, as had the prescriptive nature in which the UNSC instructs peacekeepers to undertake these tasks (OCHA, 2014). Troop contributing countries (TCCs) are increasingly critical of the growing list of responsibilities associated with their operations, including with regard to their PoC mandates, which have not been matched by corresponding increases in resources or funding.

In 2017, the annual UN peacekeeping budget was cut by $600 million, to $7.3 billion (Nichols, 2017). In January 2019, the UN Secretary-General wrote to member states expressing concern that active peacekeeping operations were nearly $2 billion in arrears, with many TCCs owed millions in backpay (Nichols, 2019). While an overall budget of over $7 billion annually may seem significant, this represents less than 0.5% of global military spending (Autessere, 2019). The result of under-funding is often too few peacekeepers to effectively carry out their mandates; for example, an individual UN peacekeeper in Western Sahara covers an area of roughly 400 square miles, 50 in the Democratic Republic of Congo (DRC) and 30 in South Sudan (ibid.). Lack of resources means that UN peacekeepers may be inadequately trained, poorly paid and poorly equipped. A further divide exists between the main sources of funding for UN peacekeeping and the primary TCCs. Nearly 55% of the UN peacekeeping budget for 2018–19 comes from assessed contributions from permanent UNSC members – more than 28% of which is from the US alone (UN Peacekeeping, n.d.). By contrast, the main TCCs are almost exclusively from the Global South; Italy is the only European or North American country among the top 30 TCCs (Kasturi, 2018).

Views of PoC mandates, particularly with regard to the use of force, differ between the UNSC and the primary TCCs. Despite UNSC authorisation for the use of force, TCCs are typically risk-averse regarding physical threats to their own troops and the possibility

of liability should actions go awry. While peacekeepers are often specifically mandated to use force to protect civilians, a 2014 UN study found that the use of force was 'routinely avoided' (UNGA, 2014). For UN peacekeepers, there may frequently be a double line of command reporting between UN leadership and direction from their home countries (Popovski, 2014).

Issues and challenges in the PoC agenda

The decade preceding Resolution 1265 and the formal adoption of the PoC agenda was marked by post-Cold War optimism and confidence, resulting in ground-breaking normative legal developments around accountability, including through the establishment of the ad hoc International Criminal Tribunals for Rwanda (UNSC, 1994) and the former Yugoslavia (UNSC, 1993), as well as the ratification of the Rome Statute for the ICC in 1998. The UNSC additionally established a hybrid criminal tribunal for Sierra Leone (UNSC, 2000a), which ultimately led to the conviction of Liberian President Charles Taylor, the first head of state to be found guilty before an international criminal tribunal. It was against this backdrop that the PoC agenda initially arose as a new framework in which to counter the direct targeting of civilians in armed conflict and prevent the erosion of respect for international humanitarian law.

The challenge facing PoC today is that the initial enthusiasm and momentum behind such international criminal justice mechanisms have not been sustained. The attacks on 11 September 2001 played a role in this shift away from multilateral consensus as counter-terrorism and counter-insurgency took priority over international justice, while persistent deadlock at the UNSC has impeded accountability; even UNSC members themselves have expressed concern at the possible impact on the 'remaining credibility' of the UNSC, particularly in the context of chemical weapons use in the Syrian crisis (UNSC, 2017a). Meanwhile, the erosion of international consensus has enabled a growing number of parties to armed conflict to 'openly disregard long-established rules of international humanitarian law, especially with regard to the conduct of hostilities and the protection of civilians' (Lauber, 2017). Failure to hold violators accountable has contributed to the normalisation of such breaches, the perpetuation of impunity and a retreat from the multilateral, rules-based international order.

Within this broader geopolitical context, a number of more specific challenges facing the PoC agenda need to be addressed in order to make tangible progress towards improved protection outcomes for civilians caught up in conflict. This section outlines a number of these key gaps; the following section proposes some concrete recommendations to address these shortcomings.

Unclear definitions
Different actors have different understandings of the breadth and objectives of the PoC agenda depending on their perspective, whether from a peacekeeping, human rights, humanitarian, development, military, political or diplomatic viewpoint. A 2009 study found that 'the UN Secretariat, troop- and police-contributing countries, host states, humanitarian actors, human rights professionals, and the missions themselves continue to struggle over what it means for a peacekeeping operation to protect civilians, in definition and practice' (Holt and Taylor, 2009). Not only are the differences in definitional understanding across sectors: even within the same organisation common definitions may be elusive. The existence of different understandings or priorities regarding PoC is not inherently problematic as the focus of different actors will vary given their mandate and scope of work. The difficulty arises, however, when different actors use PoC language assuming a shared, common understanding, and not fully appreciating their dissimilar interpretations of the same concept.

Fragmentation of the UNSC PoC agenda
The introduction of PoC as a thematic agenda item in 1999 marked a departure from most prior UNSC practice, which typically focused on country-specific concerns rather than thematic matters. Over the past two decades, the number of thematic and sub-thematic PoC-related issues before the UNSC has grown (OCHA, 2019). In many ways, this demonstrates the success of the PoC agenda as an over-arching umbrella category, enabling the UNSC to highlight and respond to specific threats facing humanitarian personnel, health providers and journalists, or issues such as starvation and conflict-related sexual violence as weapons of war. The evolution of the normative framework and the recognition of these specific types of harms are fundamentally positive developments, and have allowed the UNSC to provide more detailed and targeted PoC recommendations, both in substance and implementation.

At the same time, the enumeration of more specific PoC issues risks fragmenting the PoC agenda (OCHA, 2019). In the course of this research, concerns were expressed that the expansion of sub-thematic PoC-related issues may have diluted the focus on more holistic discussions related to PoC; increased competition for space and bandwidth; and possibly created fatigue around PoC discussions more broadly (International Peace Institute, 2017). While the identification of threats

to certain categories of civilians raises attention to their specific vulnerabilities in armed conflict, such classifications may also overlook civilians under threat who do not neatly fit within such categories. Different categories of civilians may also receive different levels of attention unrelated to their actual level of need or vulnerability, or member states may cherry-pick specific areas of interest without embracing the full scope of the PoC agenda (OCHA, 2019). While PoC benefits considerably from complementary and intersectional work under the Children and Armed Conflict (CAAC) and Women, Peace and Security (WPS) agendas, at times the ways of working of these separate but interrelated spheres have contributed to a silo effect, with limited coordination and information-sharing.

The test for PoC as a broad umbrella remains how to create a shared agenda that is more than the sum of its parts, and not just an agglomeration of the respective components under its remit. The twentieth anniversary discussions offer an opportunity to revisit how best to unify the work of related UNSC discussions and normative developments, to ensure that overarching issues of accountability and compliance with international law remain at the forefront, and are adaptable enough to respond to the changing nature of armed conflict.

Lack of political will to implement and enforce the PoC agenda

As a political body, UNSC engagement on PoC is subject to political considerations. The UNSC has a number of tools at its disposal to enforce the obligations on UN member states regarding PoC, though it is often unwilling to bring them to bear. Targeted sanctions are one clear option, though these are often implemented inconsistently and risk unintended humanitarian consequences. Of the 14 sanctions regimes currently in force, eight expressly include PoC-related listing criteria (OCHA, 2019). Referrals to the ICC are a powerful tool, though this authority has only been exercised twice, in relation to Darfur (UNSC, 2005a) and Libya (UNSC, 2011). Engagement on PoC is further complicated in situations where UNSC members may themselves be the perpetrators of civilian harm. In Syria, for example, it has been reported that airstrikes by Russia and the US-led coalition – which includes the UK and France – have been responsible for nearly 6,000 civilian casualties over the past five years (AOAV, 2019).

Since October 2011, Russia and China have exercised their veto powers 12 and six times, respectively, in relation to resolutions on Syria condemning crimes against humanity and war crimes and referring to the ICC (Sungupta, 2014; Global Centre for the Responsibility to Protect, n.d.). A UNSC Resolution on sexual violence in armed conflict, passed in April 2019, omitted references to sexual and reproductive health after the US threatened to exercise its veto (UNSC, 2019a). Increased uniformity and, in particular, transparency in UNSC responses to protect civilians could improve the acceptance and perception of UNSC decision-making in this regard.

Interviewees expressed concern that the rhetoric surrounding PoC lacks political follow-through and commitment to implementation. As an example, UNSC Resolution 2286 (UNSC, 2016) related to attacks on health services in armed conflict was welcomed by a large number of UN member states, including through the establishment of an informal Group of Friends of 2286. Three years on, however, few states have implemented its recommendations in national policy and legislation. Meanwhile, the Safeguarding Health in Conflict Coalition documented 973 attacks on health workers and facilities in 2018, an increase from 701 in the previous year (Safeguarding Health in Conflict, 2019); in Syria, attacks on health workers rose nearly 50% between 2017 and 2018 (Debuf, 2017).

Finally, UN member states are often unwilling to openly and candidly discuss challenges and shortcomings in implementing the PoC agenda. As Jonathan Allen, Deputy Permanent Representative of the UK to the UN has noted, member states may feel pressured only to report 'the little positives', 'giving the Secretariat what it wants' rather than 'confront[ing] what we need to be doing' (International Peace Institute, 2017).

Inadequate data on civilian casualties

Despite the recognised impact of modern warfare on civilians, official efforts to conduct or support effective casualty recording are still routinely absent. While the UNSC has advocated for and welcomed civilian casualty tracking initiatives, including the Civilian Casualty Tracking, Analysis and Response Cell with the African Union Mission in Somalia (UNSC, 2018c) and the International Security Assistance Force in Afghanistan (ISAF) Civilian Casualties Tracking Cell (UNSC, 2013), this is not done consistently across UN peace operations or special political missions, and remains the exception rather than the rule. Information that is collected is often not systematically consolidated, and UN entities often still operate largely within their

own information silos (OCHA, 2019). The lack of consistent, comprehensive recording and reporting of all types of harm to civilians makes it difficult for governments and UN entities to fully understand – and in turn respond to – the impact of a given conflict on civilians. It also means that states expend time and effort in political disputes over the credibility of ad hoc reports, instead of reacting in an effective and timely manner to objective facts on the ground.

Lack of inclusive and sustained engagement
Aside from the annual reporting of the Secretary-General and UNSC open debates on PoC, there is little ongoing engagement at the broader, more holistic level, as opposed to country-specific situations or discussions regarding specific threats or vulnerabilities. The regular meetings of the Informal Expert Group have been effective and are broadly seen as beneficial, but these have largely been limited to discussions related to the renewal of UN peacekeeping mandates.

The UK serves as the 'penholder' for the PoC agenda at the UNSC level, a position whereby a member state, frequently from three of the five permanent UNSC members – France, the UK and the US, referred to as the P3 – takes the lead on UNSC activities on a given issue, drafting outcome text, chairing negotiations, organising open debates and holding emergency debates (Security Council Report, 2018). Elected UNSC members have questioned the penholder system, arguing that it deepens the divide between permanent and elected members, though attempts to modify the system have not resulted in significant change (Svoboda and Gillard, 2015).

Working towards improved protection outcomes for civilians

Notwithstanding the challenges identified above, the introduction of the PoC agenda at the UNSC has resulted in progress at the normative and policy level over the past 20 years. For the next decade, the focus should shift to translating these normative developments into demonstrable improvements in civilian protection outcomes. This final section outlines proposals to work towards these goals, organised according to the primary target for each recommendation.

To UNSC members:
Strengthen reporting mechanisms for monitoring and tracking civilian harm. Without baseline information on civilian harm in a given context, it is impossible to ascertain whether PoC responsibilities are being met, or whether PoC policies are effective. The

UNSC has effective reporting mechanisms, including the Monitoring and Reporting Mechanism (MRM) for the six grave violations against CAAC (UNSC, 2005b) and the Monitoring, Analysis and Reporting Arrangements (MARA) in response to sexual violence in armed conflict (UNSC, 2010a), which have had demonstrable impact. Comparable mechanisms for civilian harm not currently tracked under the MRM and MARA, particularly on civilian casualty recording or the use of explosive weapons in populated areas, would provide standards and a clear methodology to track, mitigate and reduce civilian harm. Such casualty recording must additionally include disaggregation of data by, at a minimum, gender, age and cause, as already required under UN Sustainable Development Goal (SDG) indicator 16.1.2. Similar mechanisms for comprehensively recording and reporting on all types of serious civilian harm, including casualty recording as a priority, should be established. These should work to existing best practice and agreed standards where these are available. The data produced by such mechanisms would provide the fundamental evidence base for all PoC initiatives and evaluations. The detailed recording of civilian casualties by UNAMA was used effectively to advocate for changed military approaches by parties to the conflict in Afghanistan, with a corresponding reduction in civilian fatalities (Oxford Research Group, 2014).

Utilise all available accountability and enforcement mechanisms. The development of and progress in the PoC normative framework may be to no purpose if the UNSC is unwilling or unable to better utilise the accountability mechanisms at its disposal. This includes not only referrals to the ICC or formal sanctions, but also informal, ad hoc fact-finding mechanisms, including commissions of inquiry (CoIs), as well as the International Humanitarian Fact-Finding Commission (IHFFC) established under Article 90 of Additional Protocol I to the Geneva Convention. UNSC members should commit to greater transparency and to making the reports of such mechanisms publicly available. The UNSC's failure to use existing enforcement and accountability mechanisms with regard to PoC has contributed to the increasing culture of impunity in which parties to armed conflict openly breach their IHL obligations, with little to no consequence.

Expand and systematise holistic discussions of PoC beyond the annual open debate. Moving PoC discussions beyond annual meetings and anniversaries and towards ongoing dialogues on substantive issues related to implementation will allow the PoC agenda

to retain relevance and purpose going forward. The 2019 Secretary-General's report noted the 'need for ongoing and sustained Member State engagement and dialogue that goes beyond … the open debate in May' (UNSC, 2019b). Both the UNSC and the Secretariat can lead in taking these conversations forward, including by using the Informal Expert Group more regularly and systematically to discuss broader thematic issues related to PoC, and not simply discussions on the renewal of UN peacekeeping mandates or special political missions. Country-specific and sub-thematic discussions should additionally clarify how these matters fit within and reinforce the broader PoC agenda. Additional steps could include expanded use of *Arria*-formula meetings as well as greater coordination with the UN Human Rights Council, UN General Assembly and Special Procedures Mandate Holders. As members of the Group of Friends on PoC have recommended, PoC could be added as a standing agenda item for the UNSC Presidency wrap-up sessions (Permanent Representative of Australia to the UN et al., 2019). To the extent possible, and to foster greater transparency, as many of these meetings as possible should be made open and accessible to all UN member states.

Refrain from using the UNSC veto in situations of mass atrocity. France has led an initiative for permanent UNSC members to voluntarily and collectively agree not to wield their veto power in situations of mass atrocity (French Ministry of Europe and Foreign Affairs, 2018). This could help break the deadlock within the UNSC in certain cases and increase the use of ICC referrals for serious IHL violations. In addition, in 2013, the Accountability, Coherence and Transparency (ACT) agenda called for increased transparency by asking that UNSC members provide detailed explanations whenever their veto authority is used; as of 2018, 115 UN member states had signed the ACT Code of Conduct, which calls on all UNSC members, whether permanent or elected, to refrain from voting against any Resolution intended to prevent mass atrocities (Global Centre for the Responsibility to Protect, n.d.).

Explore co-chairing or rotating the chair of the Informal Expert Group or co-penholdership. The UK serves both as the penholder on the PoC agenda, and has chaired the Informal Expert Group for the past ten years. One suggestion may be for the penholder role on PoC to be delegated or shared with a non-permanent UNSC member, as is the case with Sweden on the Children and Armed Conflict portfolio or Bolivia on the non-proliferation of weapons of

mass destruction (Resolution 1540). In particular, a co-penholder role with a non-Western member state could help ease concerns regarding PoC as a Western agenda or priority. Similarly with the Informal Expert Group, and as is case with the Chair of the UNSC Working Group on Children and Armed Conflict, a temporary and rotating chair could allow for greater geographic representation and could avoid situations where the Chair might be a party to a given armed conflict (Gillard and Piacibello, 2015).

Adopt and monitor implementation of recommendations from the Secretary-General's annual report. Over the past 20 years, the Secretary-General has produced 14 PoC reports containing more than 200 separate recommendations. To advance the PoC agenda, UNSC members should adopt and endorse these recommendations and monitor progress against their implementation and achievement. While the recommendations from the 2018 Secretary-General's report were 'note[d] with appreciation' by the UNSC President in September (UNSC, 2018b), the UNSC can play a greater role, including by calling on the Secretary-General to report back on the status and implementation of the recommendations in the annual reports, as was expressly noted in the 2018 UNSC Presidential Statement (UNSC, 2018d).

Streamline and adequately resource PoC mandates for UN peace operations. UN peacekeeping operations would benefit from greater strategic direction in their PoC mandates, including by allowing for greater operational flexibility and fewer but more strategic priorities, matched by commensurate resources and funding (Debarre and Di Razza, 2019).

To the UN Secretariat:
Unify and recommit to the PoC agenda more broadly. The UN Secretary-General could play a role in advancing and unifying the PoC agenda, particularly to reiterate the PoC agenda as an overarching umbrella under which a number of complementary and mutually reinforcing issues sit. This would help to reframe the PoC agenda and ensure consistency across thematic and sub-thematic components. The UN Secretariat can additionally play a key role in continuing the dialogue on PoC more broadly outside the annual report, as well beyond country-specific or more specialised issues. As the PoC agenda does not have a dedicated Special Representative like CAAC or sexual violence, more strategic leadership is critical to take the agenda forward. Such an arrangement might also reduce perceptions or risks of politicisation (Svoboda and Gillard, 2015). The UN Secretariat

could potentially explore whether the appointment of a Special Representative is justified or how best to take a leading role into the PoC agenda's third decade.

Engage with UN peace operations and national militaries on changing narratives. There is scope for greater engagement with UN peacekeeping as well as national militaries, not only on IHL training and protection of civilian mandates, but also on gradually changing mindsets when it comes to civilian protection. Military thinking in many places still interprets civilian protection as secondary to the overall military objective, without understanding how these are intrinsically connected. Data could be presented that demonstrates that stronger approaches to PoC can be carried out without compromising military effectiveness. By examining tactical directives and policies by ISAF in Afghanistan and AMISOM, OCHA research in 2017 on military policies and practices related to explosive weapons in populated areas did exactly that; additional quantitative data could further these discussions (OCHA, 2017).

To UN member states:

Develop, adopt and implement national PoC policies. Both the 2018 and 2019 reports by the Secretary-General recommended that member states develop national policy frameworks on PoC, and included an annex detailing the minimum elements to be included in any such policy framework, including civilian harm tracking. Civil society can play a key role in supporting and advocating for national PoC policies, as evidenced by CIVIC's work in Afghanistan, Nigeria and Ukraine (Borello, 2018). Guidance in developing national frameworks might also be derived from Women, Peace and Security (WPS) National Action Plans (NAPs), which serve as a tool for governments to articulate their national implementation plans for UNSC Resolution 1325 (UNSC, 2000b).

Support political declarations and voluntary commitments on PoC-related issues. Political declarations on PoC-related issues, such as the Safe Schools Declaration led by Norway and Argentina in 2015 (Global Coalition to Protect Education from Attack, 2015) provide states with an opportunity to express their political commitment, as well creating a platform for information-sharing and best practices and to encourage other states to follow suit. In 2017, France led a similar political declaration related to the protection of humanitarian and medical personnel (French Ministry of Europe and Foreign Affairs, 2018). An emerging initiative led by Austria and the civil society coalition International Network on Explosive

Weapons (INEW) is developing a non-binding political declaration on explosive weapons in populated areas (INEW, 2017). Additional voluntary commitments include the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers and the Kigali Principles on the Protection of Civilians, issued in May 2015 and now endorsed by 47 countries (US Institute of Peace, 2016).

Support and champion the efforts of non-permanent UNSC members. Non-permanent UNSC members have played a key role in championing areas of concern and have contributed to the emergence of new norms. While elected UNSC members should continue to take forward the most pressing issues, there may also be a need to increase efforts to ensure that issues continue to be advocated beyond their two-year UNSC term, possibly by developing informal Group of Friends initiatives with like-minded states or working to hand over responsibility to incoming elected UNSC members at the end of each term.

Support and advance the PoC agenda outside the UNSC. Where the UNSC is unwilling or unable to effectively respond to protect civilians, UN member states should explore alternative opportunities within the UN. For example, while stronger UNSC support to the recent Resolution on sexual violence in armed conflict, in particular with regard to reproductive health, would have been welcome, UN member states should simultaneously pursue ambitious policies on conflict-related sexual violence through the UN General Assembly, the UN Human Rights Council, UN Special Procedures and elsewhere.

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