The evolution of civilian protection in peacekeeping mandates: the reality of UNMISS operations in South Sudan

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ABSTRACT

The protection of civilians is one of the items on the growing list of responsibilities assigned to peacekeepers, as these evolve into more complex, longer-term operations involving a wider range of actors. A civilian protection mandate can however take peacekeepers into direct conflict with armed elements, and calls for a new set of skills. In many cases, the requirement to protect civilians is expressed in highly qualified terms in the mandate. This research looks at the response to these challenges by UNMISS, the UN mission in South Sudan, where a third of the population (more than four million people) is displaced by violent conflict. It considers the way Protection of Civilian (PoC) sites have become a key part of the response by the UN, where more than a tenth of the internally displaced population is now given some degree of protection from attack. The challenges – such as difficult relations with the government – and failings of the mission are also discussed. The research is primarily based on field work in South Sudan, and is also informed by field work in Mali and earlier experience in Darfur.

INTRODUCTION

The protection of civilians (PoC) has emerged as one of the most significant challenges for peacekeeping missions deployed by the United Nations. It was already a problem for the first generation of peacekeepers, who were sent to monitor and physically separate parties who had actually agreed a ceasefire, and where the use of force by UN personnel was a last resort. Peacekeeping has changed completely, and now sees missions deployed into ongoing conflict with multiple armed actors, where civilians are directly targeted (sometimes even by a host government which barely tolerates the presence of the UN). For this latest generation of complex,

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multidimensional mission, protection of civilians is even more central to the task – and yet more challenging. The way in which protection is becoming institutionalised as a primary objective has been described as the 'humanitarization of security' rather than the securitisation of humanitarian operations.[2] The typical definition of protection of civilians within the UN system is primarily based on preventing or responding to direct physical violence against civilians, rather than a broader understanding of structural violence, or the effects of forced displacement. However, actions to enhance protection go well beyond patrolling by troops or the potential to use force; missions understand that dialogue and support for political and peace processes, and respect for human rights, are also central to protecting civilians. Hence the task is complex and shared by wide variety of actors within a UN mission.[3]

In many ways, the idea of preventing direct violence against civilians goes to the heart of peacekeeping, and is certainly part of the public perception of the UN's role. Peacekeepers' obligation to include this task has gradually increased since 1999, when the first tentative steps were taken to add it to the mandate of the mission in Sierra Leone.[4] It is now standard practice to include the protection of civilians in peacekeeping mandates issued by the UN Security Council, and these authorise the use force.[5] There are inevitably a variety of qualifications, and the way and timeframe in which these have changed is significant. They usually relate to capacity on the ground and location, and recognise the sovereignty and responsibility of the host government to protect its civilians. The mandates themselves have also become much bolder, as the caveats, qualifications and limits placed on protection have gradually been reduced. This also reflects the way in which peace support operations have become multi-dimensional missions involving military, police, and civilian personnel, who together are tasked to take on security, political, and civic activities. The changes are described by Holt and Taylor:

> UN peacekeeping mandates have changed, as the Council has shifted peacekeeping well beyond its traditional role of monitoring the implementation of peace agreements over the last decade. Modern peacekeeping missions are multidimensional, addressing the full spectrum of peacebuilding activities, from providing secure environments to monitoring human rights and rebuilding the capacity of the state. Increasingly, such mandates also instruct peacekeeping missions to put an emphasis on the physical protection of civilians.[6]

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[2] Benjamin de Carvalho and Ole Jacob Sending, 'Conclusions', in Benjamin de Carvalho and Ole Jacob Sending (eds), *The Protection of Civilians in UN Peacekeeping: Concept, Implementation and Practice*, (Baden Baden, 2013).

[3] Interview with civilian protection officer in UN mission, who explained that a significant part of their task was explaining to other staff how their work was in fact already linked to protection.

[4] Security Council Resolution 1270 (1999), relating to UNAMSIL (United Nations Mission in Sierra Leone).

[5] Lisa Hultman, 'UN peace operations and protection of civilians: Cheap talk or norm implementation?', *Journal of Peace Research*, 50 (59) (2013), pp 59–73.

[6] Victoria K Holt, Glyn Taylor and Max Kelly, 2009, *Protecting civilians in the context of UN peacekeeping operations: Successes, setbacks and remaining challenges*, (New York, 2009).

This still leaves the question of how the mandates are interpreted and implemented in practice by the mission on the ground. The mission concept, rules of engagement, and protocols will determine what civilian protection means in reality, not to mention the culture and the 'custom and practice' of the mission. Policy and guidelines exist at the level of UN headquarters, but individual missions ultimately work out how (and to what extent) civilian protection will be put into practice. Individual country strategies are developed locally.[7] One of the issues is the number and kind of patrols which UN forces should carry out. The limited number of patrols, undertaken via armoured vehicles, was criticised in the 2016 UN report on the failure of its mission in South Sudan (UNMISS) earlier that year.[8] Changes to the mandate of MINUSMA in Mali in 2015 called for 'a more proactive and robust posture' including 'active and effective patrolling'.[9] There was also significant strengthening in the wording: the mandate the previous year had called for protection civilians 'under imminent threat of physical violence'.[10] However, the word 'imminent' was dropped when the mandate was renewed and strengthened in 2016. This change did not come about by accident.

These developments illustrate that the gap between the mandate and practice on the ground can be enormous. It can be extremely difficult for UN missions in complex, insecure situations with ongoing hostilities, finite resources, and sometimes a host government which wants to limit its action (or is indeed the source of the violence against civilians). Shelter and immediate protection has been provided to hundreds of thousands in some situations, while significant failings have also occurred, resulting in loss of life and displacement. Policy has evolved gradually, while at the same time practice has been developing – sometimes as a reaction to quickly unfolding events. This article looks at the way the mandate has been interpreted by the UN Mission in South Sudan (UNMISS), including the establishment of Protection of Civilians camps in a number of locations around the country. These currently accommodate more than 200,000 people, who fled the violence since December 2013. The situation is then briefly contrasted with two other missions with a civilian protection mandate: the Democratic Republic of Congo (DRC), and Darfur in Sudan.

In terms of the literature on protection of civilians, this has evolved as the challenges have emerged over the last decade in particular[11]. These have been analysed along with the development of peacekeeping itself, and the greater involvement of new actors[12]. A number of case studies have highlighted specific issues, such as the experiences and lessons from the Democratic Republic of

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[7] See for example: MINUSMA, *MINUSMA Strategy for the Protection of Civilians in Mali*, March 2015.

[8] UN, Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response, (Executive Summary only released by UN Sec General), (New York, 2016).

[9] UN, Security Council Resolution 2295 (June 2016), updating the mandate for MINUSMA in Mali.

[10] UN, Security Council Resolution 2227 (2015).

[11] See for example Ralph Mamiya and Haidi Willmot, 'Early Warning, the Protection of Civilians and United Nations Peacekeeping Operations', *African Security Review* 22 (2) (2013), 68–77; and Haidi Willmot and Scott Sheeran, 'The Protection of Civilians Mandate in UN Peacekeeping Operations: Reconciling Protection Concepts and Practices', *International Review of the Red Cross* 95 (891–892) (2014), 517–38.

[12] John Karlsrud, Cedric de Coning, and Linnea Gelot (eds), *From Janjaweed to Boko Haram: Strategic Options for African Peace Operations*, (London, 2016).

Congo, Darfur, and other conflicts[13]. The importance of training in building the capacity of peacekeepers to protect civilians has been considered[14], and also the use of force in protecting civilians and the implications of 'robust' peacekeeping[15].

Methodology

The research is based on field work in South Sudan (2017) and Mali (2016), during which a wide variety of stakeholders was interviewed. They included civil society organisations, military authorities from the host country, staff of international agencies, and civilian and military staff from the respective UN missions. Residents of the camp for displaced people seeking UN protection in Juba, South Sudan, were also interviewed. The format used was semi-structured interviews. UN reports and policy documents were also reviewed, along with publications from civil society actors and the academic literature.

SOUTH SUDAN

The violence in South Sudan broke out in December 2013, a little over two years after the country achieved independence from Sudan through a struggle lasting many years. It erupted first in the capital, Juba, as a power struggle flared between Dinka and Nuer-led elements of the government. A feature of this conflict is that civilians from a number of groups have been explicitly targeted on the basis of their ethnicity. Elements of the SPLA (Sudan People's Liberation Army), which is the national army and is dominated by the Dinka group, are significant among the armed actors responsible for attacks on civilians[16]. The fact that the government is a major player in the violence against civilians, while also being in a position to withhold consent for a UN presence in South Sudan, is a significant factor. The initial violence in Juba saw Nuers being targeted and fleeing spontaneously in large numbers to UN sites to seek protection. Word of the ethnic nature of the violence spread quickly through social media and other means. Some days later, an even larger movement of people

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[13] Cedric de Coning, Walter Lotze and Andreas Øien Stensland, *Mission-Wide Strategies for the Protection of Civilians: A Comparison of MONUC, UNAMID and UNMIS,* (NUPI Working Paper 792), (Oslo, 2011); Arthur J Boutellis, 'From Crisis to Reform: Peacekeeping Strategies for the Protection of Civilians in the Democratic Republic of the Congo', *Stability: International Journal of Security & Development* 2 (3) (2013), 48; and Alex J Bellamy and Paul D Williams, 'The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect', *International Affairs* 87 (4) (2011), 825–50.

[14] David Curran, 'Muddling on through? Cosmopolitan Peacekeeping and the Protection of Civilians', *International Peacekeeping,* 24 (1) (2017), 1–23.

[15] Alex J Bellamy and Charles T Hunt, 'Twenty-First Century UN Peace Operations: Protection, Force and the Changing Security Environment', *International Affairs,* 91 (6) (2015), 1277–98; and Lars Müller, 'The Force Intervention Brigade - United Nations Forces beyond the Fine Line Between Peacekeeping and Peace Enforcement', *Journal of Conflict and Security Law* 20 (3) (2015), 359–80.

[16] UNMISS and Office of the High Commissioner for Human Rights, 'Indiscriminate attacks against civilians in Southern Unity, April-May 2018' (10 July 2018), available at www.ohchr.org/Documents/Countries/SS/UNMISSReportApril_May2018.pdf (13 July 2018).

was seen in Malakal, when more than 20,000 people overran the UN base on December 24th in a mass attempt to find safety.[17]

Innovation: PoC sites

The reaction in South Sudan to these large numbers seeking protection has at times been flexible, innovative, and responsive to extremely difficult and insecure situations. There can been enormous logistical challenges in providing protection and basic amenities – even water and sanitation – for large numbers of people. It also highlights the way policy and practice emerge under duress. This can require establishing new ways of working very rapidly, which become an accepted procedure in due course. Responding to a quickly deteriorating situation sometimes required individual staff to take on responsibility and act locally on their own initiative to unprecedented scenarios.

There is in fact a long tradition of people seeking refuge at UN sites in many countries, ranging from UNIFIL in South Lebanon, when civilians were given shelter from Israeli shelling, to the more infamous case of Srebrenica in Bosnia Herzegovina in 2005. But South Sudan's experience represents a new departure, due to the numbers involved, the organised nature of the resulting camps, and the fact that they have become long-term homes for displaced people. Running of the camps has been assigned to the International Organisation for Migration (IOM), which in turn delegates particular roles to specific international agencies. With the armed conflict continuing, more than a third of the country's population had fled their homes by 2017. (Together with the ongoing insecurity, this has enormous implications for livelihoods and survival: the World Food Programme described 'alarming' levels of food insecurity, with some communities just 'a step away from famine'. In all, 7.1 million people faced severe food insecurity by the middle of 2018, amounting to almost two-thirds of the population[18].) Some of these 4.35 million people are internally displaced within South Sudan (1.88 million), while 2.48 million have fled to neighbouring countries.[19] Uganda has received the largest number of refugees (about one million), with 52,000 arriving in January 2017 alone.[20] Of those who are internally displaced, more than a tenth are living in PoC sites (camps, in effect) which adjoin UN bases. (One exception to the pattern was in Wau, where about 40,000 civilians sought safety at the cathedral and other locations within the town.) The total figure in PoC sites in 2018 was 202,000[21],

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[17] Interviews by author with former UN staff members, 2016 and 2017; Michael J Arensen, *If We Leave We Are Killed: Lessons Learned from South Sudan Protection of Civilian Sites 2013–2016,* (International Organization for Migration, Juba, 2016), available at https://publications.iom.int/system/files/pdf/if_we_leave_0.pdf (16 January 2017).

[18] World Food Programme, 'Situation Report #223', 6 July 2018, available at https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20Situation%20Report%20%23223%20-%2006%20July%202018.pdf (13 July 2018), p 1.

[19] UN High Commission for Refugees, 'South Sudan Situation: Regional overview of population of concern as of 30th June 2018', available at https://data2.unhcr.org/en/documents/download/64731 (12 July 2018).

[20] UNOCHA, *South Sudan Humanitarian Bulletin*, Issue 2, 3 Feb 2017.

[21] UNOCHA, 'South Sudan: Humanitarian Snapshot (June 2018)', available at https://reliefweb.int/sites/reliefweb.int/files/resources/SS_20180718_Humanitarian_Snapshot_June_final.pdf (12 July 2018).

having stood at more than 222,000 people the year before according to the IOM.[22] The PoC site at Bentiu quickly became the third largest city or settlement in South Sudan, with more than 120,000 people living in it in January 2017.[23]

The camps represent an important development in providing immediate protection to many, even if they can only ever be part of the solution. It would be hard to estimate how many lives have been saved through their existence, but the number would not be insignificant. As discussed later, the camps have not been free of violence, and dozens have been killed in attacks despite being under UN protection at the time. There is also a problem with ensuring that weapons are not brought into them, and even that residents are not also members of a militia.

There are tensions over their very existence, and concerns in some quarters within the UN that they will become a permanent feature and somehow distract from other objectives of the mission.[24] Even the fact that they are consistently and specifically referred to within the UN as 'PoC sites' rather than 'camps' indicates a reluctance to make them more permanent. Conditions in the camps can be difficult, and they do not meet the minimum standards for the amount of space available per person.[25] However, it is significant that other UN missions (such as MINUSMA in Mali) have made detailed contingency plans for the location, management and protection of PoC sites at particular mission bases, in the event that violence leads to an influx of civilians seeking protection.[26]

But even if protection could be guaranteed, resources were adequate, and the camps were run perfectly, they can only be a short-term or partial response to violence against civilians. Residents usually lose their livelihood and access to agricultural land, their property may be looted, and ethnic cleansing may become a reality. In some cases, residents can continue to go to work while staying in the camps at night. Although schools are set up in the PoC sites, education is inevitably disrupted. The relationship of PoC sites to the wider area of civilian protection might be described with an analogy: the PoC sites are like emergency departments in hospitals (which are of course necessary and should be run effectively), but are ultimately only a part of the overall health system which is needed.

The UN's own policy on PoC defines the tasks involved much more broadly than physically shielding those who seek shelter at its bases. This more holistic understanding is a three-tiered approach. Besides direct protection from physical violence, it extends to the general peace process and political situation, and also to the wider context or environment.[27]

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[22] International Organisation of Migration (IOM), '2017 Consolidated Appeal', 2017.

[23] International Organisation of Migration (IOM), 2017, 'CCCM Cluster Bi-weekly Situation Report, South Sudan', 2–22 January 2017.

[24] Interview with camp management, Juba, January 2017

[25] This refers to the Sphere standards for camp design and management, which apply in refugee and IDP camp settings.

[26] Interview, MINUSMA officer, Bamako, Mali, in August 2016.

[27] MINUSMA, *MINUSMA Strategy for the Protection of Civilians in Mali*, March 2015.

Attacks on PoC sites

Compared with the almost impossible task of trying to provide protection across an enormous territory with a limited number of troops, protection in these sites might seem to be easier, since the civilians at risk are concentrated in one place. However, there has been serious loss of life in a number of attacks at PoC sites over the years.[28] The ethnic basis for the conflict means that sites (or parts of them) used by one particular group can become a target in themselves. The violence includes the attack on an UNMISS base in Jonglei State in April 2014 in which nearly 50 internally displaced people died.[29]

The attack on the PoC site at Malakal in February 2016 highlights the problem of sites where people from rival ethnic groups are located in distinct parts of what was effectively a segregated camp. It also underlines the limited capacity of UN forces to effectively police the camps, where their authority to act may be constrained by their mandate and the legal basis on which their presence is accepted by a host government.[30] In the outbreak of violence in February 2016 at the PoC site in Malakal, the attack followed shortly after disturbances between Nuer and Dinka groups, and came from both inside the camp and outside it, in which firearms were used. In a clearly targeted attack lasting almost a full day, nearly a third of the camp was burned to the ground,[31] including all of the Nuer shelters, and much of the Shilluk area, while the Dinka section was untouched.[32] At least 30 people were killed according to one estimate, and members of South Sudan's army (the SPLA) were seen taking part in the attacks on non-Dinka civilians.[33] The response by the UN forces was criticised for being slow and limited. The difficulties included that fact some of the attackers were seen to be wearing SPLA uniforms (although the government did not accept its forces were involved), some were partly in uniform, and others were in civilian clothing. Perceptions about failures by the UN among sections of the population have seriously undermined confidence in the mission to protect civilians, especially when the attacks happened in presence of the UN. Anger has been directed at specific troop contributing countries in some cases, with different levels of risk aversion being attributed to various contingents.

Less than five months later, there was a significant outbreak of violence in the capital, Juba, which marked the collapse of the peace process. The fighting in July 2016 once again involved a breakdown of trust between rival groups in what was supposed to be a national government, where each side's ethnic allegiance was a significant factor. The situation was extremely difficult not just for civilians,

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[28] Damian Lilly, 'Protection of Civilians sites: a new type of displacement settlement?', *Humanitarian Exchange*, No 62 (September 2014), pp 31–33.

[29] Michael Keating and Richard Bennet, 'The Contribution of Human Rights to Protecting People in Conflict', in Haidi Willmot, Ralph Mamiya, Scott Sheeran and Marc Weller (eds), *Protection of Civilians*, (Oxford, 2016).

[30] Aditi Gorur and Nils Carstensen, 2016, 'Community Self-protection', in Haidi Willmot, Ralph Mamiya, Scott Sheeran and Marc Weller (eds), *Protection of Civilians*, (Oxford, 2016), p 423.

[31] Center for Civilians in Conflict, *A Refuge in Flames: The February 17-18 Violence in Malakal POC*, Washington DC, 2016), available at http://civiliansinconflict.org/uploads/files/publications/ViolenceMalakalPOC_LowResSingle.pdf (9 January 2017).

[32] Michael J Arensen, *If We Leave We Are Killed*.

[33] Center for Civilians in Conflict, *Refuge in Flames;* Arensen, *If We Leave We Are Killed,* however puts the death toll at 19.

but for UNMISS itself. Both its base in Juba and the adjacent PoC site were directly attacked. Small arms and artillery were used, while helicopter gunships were in the area. Two Chinese peacekeepers lost their lives. Where civilians came under attack at the PoC sites, the response was varied. While some contingents actively helped civilians, others abandoned their post or used tear gas on those who fled into the UN base when the PoC site became too dangerous.[34]

In addition, the mission failed to respond to sexual violence taking place within their sight immediately outside the PoC site: women were attacked when they had been forced to leave the camp in search of food. There was also no response to repeated calls for help during an attack on a compound used by humanitarian workers, during which rapes and murder were carried out over a period of many hours. A Quick Reaction Force which was supposed to have been mobilised never left the base.[35]

The UNMISS operation has been closely analysed by the Washington-based Center for Civilians in Conflict. It says: 'Throughout the July crisis, peacekeepers demonstrated confusion regarding the Mission's mandate to protect civilians, asking for the rules of engagement or seeking guidance over the radio about whether and how they could respond to specific situations',[36] It adds that these are the same failings which had already been identified by the UN itself in the Malakal attack five months earlier, including a refusal to follow orders, abandoning positions, and lack of understanding or the will to follow the mission's rules of engagement on civilian protection.

The executive summary of the UN's investigation into the failures is damning, with many important lessons for civilian protection. It says there were timely warning signs that hostilities would resume, but that the mission did not prepare properly for foreseeable scenarios, and later faced artillery, helicopter gunships and tanks.[37]

It goes on to say: 'Lack of leadership on the part of key senior Mission personnel culminated in a chaotic and ineffective response to the violence'.[38] It says a 'culture of reporting and acting in silos inhibited effective action [when] swift, joint action was essential' and that the 'force did not operate under a unified command, resulting in multiple and sometimes conflicting orders'.[39]

The experiences in Malakal and Juba highlight many of the challenges, tensions, and shortcomings faced by UN operations tasked with civilian protection. These include very difficult relations with a sometimes-hostile government, risk aversion, difficulties or uncertainty about operationalising the mandate, and unwillingness to act as instructed (possibly due to conflicting orders from the

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[34] Center for Civilians in Conflict, *Under Fire: The July 2016 Violence in Juba and UN Response*, (Washington DC: 2016).

[35] Center for Civilians in Conflict, *Under Fire*.

[36] Center for Civilians in Conflict, *Under Fire*, p 6.

[37] UN, 'Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response', (New York, 2016). (Executive Summary only released by UN Sec General). This is sometimes referred to informally as the Cammaert Report.

[38] UN, 'Summary of the Special Investigation', p 2.

[39] UN, 'Summary of the Special Investigation', p 3.

contingent's national headquarters). It also underlines weaknesses in the selection and training of forces, and the number of women deployed as peacekeepers. The seriousness with which gender-based violence was taken has to be questioned as well.

Relationship with host government

Another aspect which is fundamental to how UNMISS interprets its mandate is its relations with the government of South Sudan. As already highlighted, government forces have attacked both the UN mission and civilians[40], sometimes with a clear ethnic agenda. The extent to which this is sanctioned from the top might be debated, but the reality is that relations between the mission and the government have been difficult (while NGOs operating in South Sudan also face restrictions, expulsion of staff, and the threat of being de-registered).[41] The availability of land to expand UN facilities, visas for key personnel, refusal to allow the use surveillance drones, and other administrative obstacles can have an enormous impact on an operation. Clearly a force of about 12,000 cannot effectively patrol or impose peace across all parts of a large country, however one response by the UN Security Council to the July 2016 violence was deployment of an additional contingent. The proposed Regional Protection Force (RPF) of about 4,000 troops was to have a more robust mandate.[42] However months after it was agreed by the Security Council and the government, it was still unable to be deployed. Contradictory statements from cabinet ministers suggested a deep ambivalence. These included saying that there was no longer a need for them (while refugees arrived in Uganda at the rate of more than 10,000 per week), or that a new Security Council mandate would be needed because of the delays. UN forces are in the country with the explicit permission of the government, unless there is to be a full-scale military intervention, with all the immediate and long-term costs such as civilian and military casualties, loss of national sovereignty, mission creep, and eventual political reconstruction. Since the host government can withdraw its permission for a UN mission at any time, it holds a trump card and has the potential to hinder or undermine peacekeepers in any number of ways. Trying to manage relations with a government and minimise antagonism is a further reason why peacekeepers or the UN as a whole may be reluctant to act to protect civilians, especially where this means coming into direct conflict with government forces who are a source of the threat to the population and to the mission itself.

CONTRASTING CASES: DARFUR AND DRC

There are some useful comparisons to be made with two other operations. The first of these is the joint UN-AU Mission in Darfur (UNAMID) in neighbouring Sudan. This took over the previous African Union (AU) operation there in 2007, which had first been deployed in 2004 but faced enormous logistical challenges. Firstly, some similarities. The attitude from the host government was

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[40] United Nations, 'Letter dated 12 April 2018 from the Panel of Experts on South Sudan addressed to the President of the Security Council', S/2018/292, available at www.undocs.org/S/2018/292 (13 July 2018).

[41] Interviews with several agency staff in Juba and other locations.

[42] Lauren Spink, 2016, *Challenges and conditions for deploying an effective regional protection force to South Sudan*, 31 Oct 2016, (Washington DC: Center for Civilians in Conflict, 2016).

hostile, though in this case the resistance was clear from the start. Later, Sudan strongly opposed converting the AU operation (which it had been unhappy about) to a 'double-hatted' joint mission led by the UN. Also, the number of troops covering such a large geographical area meant that it would simply never be present in most of the region. As opposition groups fragmented and began to fight each other, the conflict dynamics became complex and more localised.

A significant difference is that the UN mandate, which initially used the language of the AU Peace and Security Council's resolution for the African Union mission, was far weaker in terms of civilian protection.[43] This reflected the more tentative approach to the still-novel idea of civilian protection in general. Recognition of the sovereignty of the host state was much more apparent. It was, after all, just two years after the UN had first endorsed the separate but related concept of Responsibility to Protect.

The mission in the Democratic Republic of Congo (DRC), meanwhile provides and important contrast in another sense. MONUSCO (the current acronym) was the first mission to undertake 'robust' peacekeeping by directly targeting the M23 militia which had been preying on the civilian population. The innovation is not without critics and it carries significant risks and other implications.[44] It came in the form of the Force Intervention Brigade (FIB), with its own command structure and attack helicopters. Clearly this can have significant consequences in terms of civilian casualties, and the safety of UN personnel themselves. There are also many actors in the conflict, and while those directly attacking civilians will be highly relevant, how many of them could realistically be confronted? MONUSCO's initiative makes it stand out from other peacekeeping operations where civilians are targeted, but there seems to be no rush to repeat the experience. The FIB effectively neutralised the M23 in 2013, which had previously taken over the city of Goma, so that it could no longer commit atrocities against civilians. That in itself sent a clear signal. But it leaves many other armed actors (including the national army of the DRC itself) which can continue to prey on the civilian population. If the UN was to take on even the non-state armed actors one by one, how would this differ from a military intervention? The dilemma is that while the costs of acting are high, the costs of deciding not to act can be high as well. Solutions are not of course limited to military action, but civil and political options operate within the available space: they are themselves constrained by ongoing insecurity and attacks on civil society.

CONCLUSIONS

It is important that the very real challenges and contradictions in protecting civilians are recognised. The use of force by UN missions changes not only the conflict dynamic, it also determines its relationship with the host government, which can be one of the parties threatening civilians. Even where the usual constraints such as resources and training are managed, there are many obstacles, and

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[43] UN Security Council Resolution 1769 (S/RES/1769), 31st July 2007

[44] John Karlsrud, 'The UN at war: examining the consequences of peace-enforcement mandates for the UN peacekeeping operations in the CAR, the DRC and Mali', *Third World Quarterly* Volume 36, Issue 1 (January 2015), pp 40-54; Charles T Hunt, 'All necessary means to what ends? the unintended consequences of the 'robust turn' in UN peace operations', *International Peacekeeping*, 24 (1) (2017), pp 108-131.

indeed serious implications which follow from taking action. These should not be minimised. They include the risk of becoming a principal party to the conflict;[45] of civilian casualties during 'robust' operations; and of reducing the appetite of risk-averse troop contributing countries to get involved. It would be easy to make a facile critique of UN operations by ignoring these difficulties. There can be very real consequences for taking action, as well as serious ones for failing to act.

The way in which policy and practice are evolving is significant, as is the range of actors responsible. While policy is developed incrementally at UN headquarters, individual missions on the ground continue to innovate, especially when confronted with new challenges such as the mass movement of civilians into UN bases.

Some of the key constraints include the level of awareness and understanding of the issue at the UN Security Council, which drafts and approves the mandates. This may not be fully aligned with the experiences on the ground. The issue is also not yet internalised or indeed adopted as a priority among some troop contributing countries (TCCs). This, together with risk aversion regarding their own casualties, is linked to the fact that orders issued from military headquarters in the TCC may actually contradict direct orders to act from the UN chain to command.[46] Even a delay while waiting for national headquarters to approve an order from within the UN command structure can be significant in a fast-moving scenario such as the fighting in Juba in July 2016. The short periods of deployment (often six months at a time) work against developing a deeper understanding of the context and the particular responses required.

Capacity constraints of force include its numbers, ability to conduct night operations, transport, even before considering helicopter support or any offensive capability. But just as significant are the training and selection of personnel (including the number of women), and the focus of the mission's intelligence gathering and scenario planning with regard to protecting civilians. There can be a genuine commitment to protection of civilians at senior levels in both the military and civilian of the mission. But unless it is seen as a mission-wide concern and new norms are internalised, it will be hard to translate this into practice. Similarly, the internalisation of a gender-aware approach is essential if specific vulnerabilities, forms of violence, experiences, and opportunities are to be recognised.

The new practice of providing PoC sites is significant as an innovative response to a particular short-term crisis. Despite the loss of life in attacks on the sites, they have in fact provided protection to hundreds of thousands of people, some of whom might otherwise have become casualties of the conflict too. But these are not a solution in themselves. The projection of force, active patrols, and presence of UN troops are important but protection cannot be separated from wider conflict dynamic or peace process. This can only be addressed holistically on multiple levels (not just military), and

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[45] Karlsrud, 'The UN at war'.

[46] Interviews with current or former UN personnel in Mali and South Sudan. UN, 'Summary of the Special Investigation', also refers to 'sometimes conflicting orders' (p 3) to different contingents due to the lack of a unified UNMISS command.

will ultimately have to involve locally-owned processes where there is genuine dialogue[47]. Protecting civilians can help to keep more people alive while working towards the goal of an inclusive process, and perhaps create more space for that engagement by attenuating the cycles of violence, grievance, or revenge. Ultimately, responsibility for protecting civilians still lies with government of the state, which may or may not have the willingness or capacity to act (presuming it is not the source of the violence itself).[48] The protection of civilians remains at the heart of some of the hardest and most challenging issues in human security; even if protection is defined narrowly in terms of direct physical violence, the range of responses required is broad.

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[47] Christian Aid, *In It for the Long Haul? Lessons on Peacebuilding in South Sudan*, (London and Juba, 2018), available at www.christianaid.org.uk/sites/default/files/2018-07/In-it-for-the-long-haul-lessons-peacebuilding-south-sudan-jul2018.pdf (13 July 2018).

[48] While violence by Dinka militias or indeed state forces has been highlighted in this paper, this does not mean that the violence has been one-sided. There are more than 60 ethnic groups in South Sudan, and none has a majority. Several of these have been attacked on the basis of their ethnicity.