

Seminar Report

UNITED NATIONS PEACEKEEPING DAY

United Nations Response to Protection of Civilians: Challenges in Emerging Conflict Situations

May 29, 2018



Centre for Land Warfare Studies
New Delhi



KNOWLEDGE WORLD
KW Publishers Pvt Ltd
New Delhi

Seminar Co-ordinators : Col Rohit Sehgal (CUNPK), Col Amit Bohra (CUNPK),
Nikita Kohli (CLAWS)
Rapporteur : Nikita Kohli and Ankit Kumar



Centre for Land Warfare Studies

RPSO Complex, Parade Road, Delhi Cantt, New Delhi 110010

Phone: +91.11.25691308 Fax: +91.11.25692347

email: landwarfare@gmail.com • website: www.claws.in

CLAWS Army No. 33098

The Centre for Land Warfare Studies (CLAWS), New Delhi, is an independent think tank dealing with contemporary issues of national security and sub-conventional conflicts and terrorism. CLAWS conducts research that is futuristic in outlook and policy-oriented in approach.

© 2018, Centre for Land Warfare Studies (CLAWS), New Delhi

All rights reserved

The views expressed in this report are sole responsibility of the speaker(s) and do not necessarily reflect the views of the Government of India, or Integrated Headquarters of MoD (Army), or the Centre for Land Warfare Studies.

The content may be reproduced by giving due credits to the speaker(s) and the Centre for Land Warfare Studies, New Delhi.

Printed in India by



KNOWLEDGE WORLD

KW Publishers Pvt Ltd

4676/21, First Floor, Ansari Road, Daryaganj, New Delhi 110002

Phone: +91.11.23263498 / 43528107

email: kw@kwpub.com • website: www.kwpub.com

CONTENTS

Executive Summary	4
Introduction	5
Sessions	6
Inaugural Session	6
Session 1: UN Responses to Unfolding Crisis	7
Session 2: Addressing Protection of Civilians— Challenges and Way Forward	11
Programme	15

EXECUTIVE SUMMARY

On May 29, 2018, the Centre for Land Warfare Studies (CLAWS), in collaboration with the Centre for United Nations Peacekeeping (CUNPK), New Delhi, organised a seminar to commemorate the 70th anniversary of the United Nations Peacekeepers Day. The overall theme of the seminar was the United Nations Response to Protection of Civilians: Challenges in Emerging Conflict Situations. The topic was dealt with in detail by experts from the UN System and the military in two sessions—the first session was on the UN Responses to Unfolding Crisis, and the second on Addressing Protection of Civilians: Challenges and Way Forward.

Some of the salient points mentioned were:

- While peacekeeping is an invention of the UN Secretariat to respond to a number of inter-state conflicts post the Second World War, the institution and practices must now evolve to respond to the emerging conflict situation marked by hybrid warfare and intra-state conflicts.
- Multiple speakers advocated a whole-of-mission approach, which would get together the various UN agencies, humanitarian organisations, and the UN Peacekeepers.
- Responsibility to Protect (R2P) rests primarily with the state. However, in situations where the state is unable to do so, and peacekeepers are called upon, Protection of Civilians (PoC) must become their foremost responsibility.
- Protection of Civilians (PoC), while always featuring as the central focus for peacekeeping missions, must change and adapt according to the local situation. Gender-based sexual exploitation and abuse (SEA) must always be accounted for, and adequate steps taken towards its prevention, within any PoC mandate.

INTRODUCTION

On May 29, 2018, the Centre for Land Warfare Studies (CLAWS), in collaboration with the Centre for United Nations Peacekeeping (CUNPK), New Delhi, organised a seminar to commemorate the 70th anniversary of the United Nations Peacekeepers Day. Against the backdrop of multiple emerging and evolving conflict situations around the world, a need was felt to understand the changing nature of conflicts, and how we can address the issues and concerns faced by the civilians in such situations. Keeping this in mind, the Centre for United Nations Peacekeeping (CUNPK) and the Centre for Land Warfare Studies (CLAWS) organised the conference to reflect the current situation and the responses from the United Nations System towards the protection of the people. The seminar brought together senior military officials, junior officers, journalists, defence attaches, scholars, and officials from the United Nations (UN).

The seminar had an inaugural session, which was followed by two full sessions. The inaugural session saw the DGSD giving the opening remarks, followed by the reading out of the UN Secretary General, António Guterres' message by the Director of the UN Information Centre (UNIC) and the keynote address by Lt General Satish Nambiar. Session 1 on "UN Responses to Unfolding Crisis" had on its panel Ambassador D. P. Srivastava (retd.), Lt General Sanjiv Langer (retd.), Ambassador Asoke Kumar Mukerji (retd.), and Lt General Asit Mistry. Session 2 on "Addressing Protection of Civilians: Challenges and Way Forward" had Lt General Asit Mistry, Lt General J. S. Lidder (retd.), and Dr. Jean D'Cunha on the panel as speakers.

The following sections of the report encapsulate the important points discussed by the presenters in each of the sessions.

SESSIONS

Inaugural Session

The inaugural session commenced by noting that the seminar was commemorating the 70th anniversary of the international day of United Nations (UN) Peacekeepers, and marking the anniversary of the first peacekeeping mission to the Middle East during the Arab-Israel War. Since then 3,733 peacekeepers have been killed when they were deployed in peacekeeping operations. In keeping the sacrifices of the peacekeepers in mind, the long transition from the first-generation peacekeeping to that of the current multidimensional peace-making forces was looked at, including the role and integration of the militaries, police forces, and the civilians, who today work in tandem towards achieving the goals of peace and stability under the UN flag. However, it is the protection of the innocent civilians in such dire conflict situations that remains the prime purpose for the existence of the peacekeeping forces. In the same vein, the message of the UN Secretary-General António Guterres recognized “a legacy of service and sacrifice around the world” and recommitted to not only “make our operations safer and more effective in today’s challenging environment,” but also to “reinforcing the important role our forces must play in promoting human rights and addressing sexual exploitation and abuse.”

The keynote address focused on how to effect improvement in the planning and conduct of peace operations by taking into account the origins of UN peacekeeping and its evolution over the years. It was argued that UN peacekeeping has been affected over the last couple of decades by the marginalization of the UN over regional and subregional organisations, which have come to assume more importance. In making a distinction between collective security and peacekeeping in the international environment, it was noted that *peacekeeping* is an invention of the UN Secretariat as a non-coercive instrument of conflict control, and thus does not have any specific provisions within the UN

Charter. However, it was argued that with the changing reality of war shifting to mostly intra-state conflicts, the use of force may well be called for as a catalyst for peaceful resolution. Furthermore, it was argued that UN peacekeepers should only be inserted after an agreement with the belligerents has been arrived at, and that the missions should be provided with the resources to use adequate force for maintaining and restoring peace.

The keynote speech further regarded the three main principles of UN peacekeeping to be under severe strain: consent of parties to the conflict for UN peacekeeping mission, impartiality of the peacekeepers, and minimum use of force only in self-defence. The former Under Secretary General Hervé Ladsous was quoted in support of the argument: “Missions are also increasingly deployed to places where there is no peace to keep and no peace agreement to support. This means that many missions must first attempt to bring about the cessation of hostilities, while also providing protection to civilians, before they can focus on long-term sustainable peace.” That is to say that the Responsibility to Protect (R2P) rests primarily with the state, and that should it fall onto the UN peacekeepers, the use of force and the operationalisation of R2P should be decided in consultation with the troop contributing countries, as was the case in the ‘intervention brigade’ in the Democratic Republic of Congo. The keynote address concluded with the suggestion for the senior leadership and the command and control aspects to assume added significance such that they can adapt the conduct of peacetime operations in a manner adequate to the requirements of the situation on the ground.

Session 1: UN Responses to Unfolding Crisis

The chairperson in his opening remarks noted that the UN through its Peacekeeping Operations has been dealing with intra-state conflict since its engagement in Congo, something that has today become the hallmark of the conflicts of the 21st century. He noted that the UN Peacekeeping that we know of today has its beginning in the end of the Cold War. However, with the recent changes in great-power relations, the erstwhile P5 congeniality has given away to conflict management that goes beyond the ambit of

the UN, as could be seen in the Arab Spring and the continuing Syrian conflict. At the same time, UN is now facing increasing threats from non-state armed groups, i.e., terrorist groups, which engage in asymmetrical conflicts along with their affiliate groups, thereby challenging the UN system and the possible responses under the peacekeeping operations possible by the mandate of the states. Despite these challenges, actions taken by the UNPKO retain greater legitimacy than multi-national operations that are not mandated by the UN or come under and use the principles of UN engagement, while also remaining the most cost-effective use of force. Finally, it was noted that we are seeing the increasing use of Chapter 7 mandates for UNPKO, thereby allowing for the use of force in face of the changing nature of conflicts. The chairperson called for better confluence between the mandate given and the amount of resources dedicated to it for better results in the future, along with increase in political engagement at the national and regional levels.

The first presentation in this session was on ‘Changing Nature of Conflict in the 21st Century and its Implications on United Nations’. The speaker focused his presentation on the changing environment of conflict that the missions are facing, their challenges, and the way ahead. It was underlined that UNPKO was based on the principles of sovereignty, national integrity, impartiality and consent. However, even by 1995, with the crisis in Somalia, these principles came under attack, and came to be called ‘the crossing of the Mogadishu line’. This new type of emerging conflicts have a few things in common:

- The destruction, deprivation and exploitation of the population as being considered well within the rights of a ‘sovereign’ nation;
- Mashing of traditional security concerns with large-scale humanitarian crisis;
- Engagement of multiple state and non-state actors in the conflict;
- Exploitation of the gifts of information age such as communication, web, media, remote financing and global logistics by anyone;
- Little to no inhibition to violence against or in the face of UN.

In noting the multiple changes that have been made in the conduct of UNPKO, it was understood that these have not been in tandem with the changes in the type of conflicts and the increasing intensity of violence that is being witnessed on the field. The speaker argued for better political engineering within the UN family and the NGOs that serve in conflict situations. Reorientation of the UNPKO towards becoming more focussed, speedy, result-oriented and accountable was taken as a positive solution. To this end, it was recommended to have two mandates—one for the peacekeeping operations, and the other for the UN agencies and NGOs. It was also noted that in complex conflict situations, the UN mandate should be for at least two years, and that the tenure of the critical persons involved, such as the force commander, should be the same length (i.e. two years). It was also felt that the P5 members of the UNSC should be stripped of their veto powers for assigning UNPKO and for proper investigation of the war crimes in complex conflict situations such as Syria.

The next presentation was on ‘UN Responses to Contemporary Conflict and Addressing Protection Issues’. The presentation started by noting that out of the 51 contemporary conflicts before the UN Security Council, almost half of those are in Africa, that is, 26 conflicts, with the rest being 17 conflicts in Asia, five in Europe and three in the Americas, including Haiti. Out of these 51 conflicts, 14 of them have been designated under the UN Peacekeeping Operations. These operations have impacted over 65 million people, the highest since the Second World War. With these new conflicts, the three main priorities for UNPKO are now the protection of civilians; women, peace and security; and children and armed conflict. The presentation then looked at the conflict dynamics that the peacekeepers of today have to engage with in seven missions: Democratic Republic of Congo, South Sudan, Central African Republic, Mali, Golan Heights (Israel/Syria), Lebanon, and Yemen.

Moving to the second part of the presentation, the speaker argued that the UN is addressing protection issues in four ways: included in the mandates of the security council, lack of resources to implement these mandates, Protection of Civilians (PoC) with the cooperation of the

host government, and linking governance issues with PKOs. However, due to the divergence of viewpoints on PKOs and the centrality of the notion of PoC between the P5 members, most of these protection measures are not effective. Moreover, it must be understood that the peacekeepers are deployed to maintain peace and be a catalyst towards nation-building, but they cannot be seen as replacements for actual governments of the country. Finally, the presentation looked at the HIPPO Report and the Cruise Report, and the difference in the manner in which they address the use of force in defence of the mandate. Despite these differences, PoC is seen as being critical to all mandates as per the reports.

The final presentation on the panel was on ‘Peacekeepers Dilemma: Adapting to the Changing Nature of Conflict’. The speaker started by noting that there is insufficient importance given to diplomacy for conflict prevention. However, should conflict prevention not be possible, attention needs to be given to conflict management and resolution. The speaker then shifted the focus to peace enforcement and robust peacekeeping, with the latter being described as more strategic in nature. These were looked at against the backdrop of the evolution of peacekeeping. A special mention was made of the UN Mission to Congo (ONUC), which in 1960 was the first large-scale mission. Despite the surge in the number of complex missions in the post-Cold War period, the 1990’s provided a reality check with the UN Missions in Somalia, Rwanda, and Former Yugoslavia. The failures of these missions have since then played on the consciousness of the world and the UN.

Looking next to the measures to adapt UN Peacekeeping to changing nature of conflict, the speaker analysed in depth a number of reports from the organisation on the matter: Brahimi Report (2000), Capstone Doctrine (2008), New Horizon: Review of Major Policy and Strategies, Dilemmas Facing UN Peacekeeping (2009), Revision of Reimbursement Rates for Troop Contributing Countries (TCCs) (2011), High Level Panel on Tech & Innovation (2013). The issue of resource allocation, PoC, and the strict adherence to not having any counter-insurgency and counter-terrorism operations in the UN Missions was highlighted.

The speaker noted that in recent years, the nature of conflict have changed from inter-state to intra-state to now hybrid wars. The range of mandates for the UN Missions have increased dramatically as a consequence. While a regional approach to conflict management is a good choice, there remain multiple challenges to it. With the increasing financial crunch, there is a need to do more with less. However, despite all such challenges, the speaker argued that UNPKO remains the most important tool available with the international community to help conflict-ridden societies to move to a post-conflict peace.

Session 2: Addressing Protection of Civilians—Challenges and Way Forward

In his opening remarks, the chairperson noted that the Protection of Civilians (PoC) is the most crucial and visible part of peacekeeping. It invites maximum scrutiny and examination by the international community as the success or failure of a mission is often determined on this basis. It was the UN Mission to Sierra Leone (UNAMSIL) in 2000 that PoC was first mandated. Since then, 16 UN Missions have been given a PoC mandate. Despite years of having PoC mandated and incorporated in the UNPKOs, there remains conceptual ambiguity in defining the concept, often due to the range of activities that come under the umbrella of PoC.

The first presentation on this panel was on ‘Designing of the Force, Training and Equipping the UN Peacekeepers to meet the Protection Challenges’. The speaker started by noting the increasing confluence of multiple traditional and non-traditional security threats in conflict zones, such as sectarian/tribal violence, conflict driven sexual violence, climate change, displacement/migration, drug-trafficking, proliferation of small arms and IEDs, etc. These threats cross geographical boundaries in a very short period of time. This has resulted in the blurring of lines between conflict and post-conflict societies, along with the shifting of space for UN interventions, with the mandates uneasily shifting between Chapter 6 and 7. UNPKO must keep up with the challenges faced from these new hybrid conflicts. The speaker then delved into the three pillars of PoC—political security, physical security, and protective environment. It was stressed that for actual implementation of the PoC

in the mandates, a joint civil-military agenda is crucial. Towards this end, certain measures were suggested:

Allow the troop-contributing countries to have ownership of the mandate;

- Develop coherent heterogeneity among the forces deployed;
- Allow for lesser number of troops by building reserves for intra-theatre mobility;
- Depending on the conflict situation, allow for the use of special forces and specialized equipment;
- Better pre-deployment training for mitigating PoC risks and challenges;
- Incorporate in-mission training for better function of command.

The next presentation was on ‘Sexual Violence in Conflict, Women, Peace and Security (WPS) and Gender Mainstreaming in UN Peacekeeping Operations’. The presentation focused on the gender-based effects of war, gender-based contributions to peace, and the impact of UN Resolution 1325 on UN Peacekeeping. The speaker started by mentioning that men, women, boys, and girls, all experience conflict differently. Given this difference, the responses must be tailored by accepting and understanding the difference of lived reality of conflict based on gender. These differences pertain to access to resources during and post-conflict, position in a household, and sexual exploitation and abuse. It was noted that men primarily regard their contribution during conflict situations as being armed fighters, while women primarily regarded themselves as peacemakers. However, womens’ contribution to peace is often invisibilised, and seen as an add-on, rather than as a deliberated act. In order to change this, the UN in 2000 adopted Resolution 1325 on Women, Peace and Security, and sister resolutions that came after. This package of resolutions looked at the role of women in peace and security, while noting that sexual violence during conflict is a deliberate act of war. The speaker then focused on the role of women in peacebuilding, focusing on their ability to rely on their networks, ability to compromise, and most importantly, their ability

to be able to best represent their interests and hopes for a post-conflict society. Looking to positive examples in the area, the role of India's all-women police contingent to Liberia was analysed. Due to the high success rate of such experiments, the UN through resolution 2242 has therefore now called for more women peacekeepers to join, allowing for a wonderful opportunity for women peacekeepers to break the glass ceiling.

The final presentation of the day was on 'Addressing Challenges of Protection of Civilians and Way Forward'. The presentation started by noting that PoC is primarily a state responsibility. Peacekeepers are there merely to assist the state in that endeavour. At the same time, PoC is fundamental to a Peace Operation's credibility and legitimacy, to the extent that a mission's success is being judged primarily on this criteria. There remains, however, a lack of consensus at the strategic, tactical, and mandate level about PoC, thereby posing as a major challenge to its successful implementation. There is also a discernible theory-practice gap on the issue, which is added to by a lack of sufficient resources and inadequate capabilities for proper implementation of PoC. The speaker stressed that at the heart of what is going wrong is the inadequate political-military construct. Despite these challenges, a steady progress is being made towards better coordination between humanitarian and security actors engaged in the peacekeeping process. Finally, the speaker made several recommendations for bettering the protection of civilians:

- Allow for senior mission leadership to own the PoC mandate;
- Harmonise the protection agenda with the political negotiation process;
- Develop multiple partnerships and collaboration with the humanitarian and political sectors for better protection of civilians;
- Develop consensus on use of force to be used in peacekeeping missions;
- Comprehensive training for peacekeepers pre-deployment and in-mission;

- Create a protective environment along with the UN country team.

The speaker concluded by saying that PoC is fundamentally about leadership. Adopting the whole-of-mission approach was emphasized, and inclusivity in response was advocated. Finally, the importance of contextualizing PoC to reflect the local conditions was stressed upon.

The Director highlighted the salient aspects of the seminar and thanked the panelists and the participants.

PROGRAMME

Time	Theme	Speakers
0900-0930h	Registration and Tea	
0930h	Arrival of the Chief Guest	
0930-1030h	Inaugural Session	Ashoka Auditorium, Manekshaw Centre
0930-0940h	Opening Address	Lt Gen Ajae Kumar Sharma, UYSM, YSM, SM, DGSD
0940-0950h	Reading out of UN Secretary Generals message and observance of two minutes silence	Mr Derk Segaar, UNIC Director
0950-1020h	Keynote Address by the Chief Guest	Lt Gen Satish Nambiar, Padma Bhushan, PVSM, AVSM, VrC (Retd)
1020-1050h	Tea	
Session I: UN Response to Unfolding Crisis Ashoka Auditorium		
1050-1220h	Opening Remarks by Chair	Amb DP Srivastava, Senior Fellow & Cluster Leader at Vivekananda International Foundation
	Changing Nature of Conflict in the 21st Century and its Implications on United Nations	Lt Gen Sanjiv Langer, PVSM, AVSM (Retd), Former Administrative Member of Armed Forces Tribunal Principal Bench, Former Chief of Plans for Africa, UN HQ, New York
	UN Response to Contemporary Conflicts and addressing Protection Issues.	Amb Asoke Kumar Mukerji, Former Ambassador of India to the United Nations
	Peacekeepers Dilemma: Adapting to Changing Nature of Conflict	Lt Gen Asit Mistry, AVSM, SM, VSM, Former Deputy Force Cdr, UNMISS, GOC, Delhi Area
	Concluding remarks by the Chair and Q & A Session	

Session II: Addressing Protection of Civilians Challenges and Way forward Ashoka Auditorium		
1220-1350h	Opening Remarks by Chair	Lt Gen Asit Mistry, AVSM, SM, VSM, Former Deputy Force Cdr, UNMISS, GOC, Delhi Area
	Designing of the Force, Training and Equipping the UN Peacekeepers to meet the Protection Challenges	Lt Gen JS Lidder, UYSM, AVSM (Retd), Former Force Commander and Deputy SRSG, UNMIS
	Sexual Violence in Conflict, Women, Peace and Security (WPS) and Gender Mainstreaming in UN Peacekeeping Operations	Dr Jean D' Cunha, Head UN Women, Myanmar on Special Assignment to UN Women, MCO, India
	Addressing Challenges of Protection of Civilians and Way Forward	Lt Gen JS Lidder, UYSM, AVSM (Retd), Former Force Commander and Deputy SRSG, UNMIS
	Concluding remarks by the Chair and Q & A Session	
1350-1400h	Closing Address	Director CLAWS
1400h onwards	Lunch and Interaction	