

# United Nations Special Political Missions and Protection: A Principled Approach for Research and Policymaking

DIRK DRUET



**Cover Photo:** UNAMA launches its annual report on the protection of civilians in armed conflict in Kabul, Afghanistan, February 6, 2017. UN Photo/Fardin Waezi.

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**IPI Publications**

Albert Trithart, *Editor and Research Fellow*

**Suggested Citation:**

Dirk Druet, "United Nations Special Political Missions and Protection: A Principled Approach for Research and Policymaking," International Peace Institute, July 2021.

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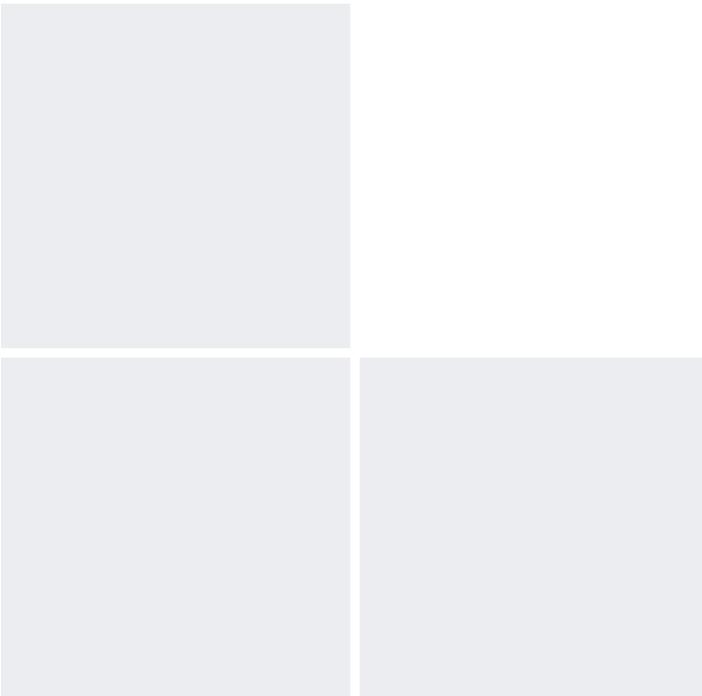
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**ACKNOWLEDGEMENTS**

The author would like to thank Mauricio Artiñano, Simon Bagshaw, Richard Bennett, Regina Fitzpatrick, Daniel Forti, Jared Kotler, Damian Lilly, Youssef Mahmoud, Ralph Mamiya, Renato Mariani, Salvatore Pedulla, Emily Paddon Rhoads, Simon Russell, Agathe Sarfati, Ljiljana Setka, Jake Sherman, and Albert Trithart, all of whom provided meaningful and constructive guidance and feedback on this study.

IPI owes a debt of gratitude to its many donors for their generous support. This publication was funded by the government of the Netherlands.



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## ABBREVIATIONS

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DFS	UN Department of Field Support (now the Department of Operational Support)
DPA	UN Department of Political Affairs (now DPPA)
DPKO	UN Department of Peacekeeping Operations (now DPO)
DPO	UN Department of Peace Operations
DPPA	UN Department of Political and Peacebuilding Affairs
FARC-EP	Revolutionary Armed Forces–People’s Army
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
ISSG	International Syria Support Group
LAS	League of Arab States
OHCHR	Office of the UN High Commissioner for Human Rights
POC	Protection of civilians
SPM	Special political mission
SRSO	Special representative of the secretary-general
UNAMID	African Union–United Nations Hybrid Operation in Darfur
UNAMA	UN Assistance Mission in Afghanistan
UNHCR	UN High Commissioner for Refugees
UNITAMS	UN Integrated Transition Assistance Mission in Darfur
UNSMIS	UN Supervision Mission in Syria



## Executive Summary

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UN special political missions (SPMs) regularly operate in conflict and post-conflict settings in which local civilian populations face the ongoing threat of violence from armed actors—a trend that is likely to continue if an apparent increased preference for SPMs over peacekeeping operations persists. Despite this trend, understandings of the roles of SPMs in protection have remained vague and ambiguous, leaving a conceptual and operational gap that urgently needs to be filled.

Developing protection policy for SPMs is especially difficult because of their wide variety of mandates, structures, and operational profiles, ranging from headquarters-based special envoys to field-based missions with complex, multidimensional mandates. Moreover, any new discussion of protection must contend with distinct and overlapping conceptions of protection roles in the UN system, especially: (1) protection in humanitarian settings, which centers on the moral imperative of parties to armed conflict to prevent the suffering of innocents; (2) human rights protection, which centers on the obligation of states to individuals, regardless of whether they are in a state of conflict; and (3) the protection of civilians by peacekeeping operations.

The role of SPMs in protection cuts across all three of these conceptions and can be broken down into a rough typology. SPMs engage in protection by:

- Influencing the behavior of conflict parties during hostilities, including by reporting on human rights and protection;
- Engaging in early warning, atrocity prevention, preventive diplomacy, and local mediation;
- Supporting national protection strategies, including through capacity-building support;
- Managing protection during transitions by planning for the reconfiguration of protection responsibilities;
- Protecting through physical presence in the field;
- Advocating for humanitarian access and assistance;
- Coordinating political and protection activities with UN peacekeeping operations; and
- Executing UN-wide human rights principles and normative agendas.

The challenges faced by SPMs in planning and executing this wide range of protection functions calls for greater conceptual and operational analysis and guidance. As it looks ahead to articulate a system-wide agenda for prevention as foreseen by the 2020 Call to Action for Human Rights, the Secretariat has an opportunity to articulate a more explicit and structured vision for the role of SPMs in protection. In doing so, however, it needs to avoid exposing SPMs to the “dark side” of protection mandates that has been revealed by many peacekeeping missions: the tendency for the Security Council to give missions protection mandates without giving them the political backing or tools they need to implement them. Toward this end, the UN should:

- Enrich conceptual and operational understandings of protection tasks under Chapter VI of the UN Charter within existing terminology and frameworks;
- Compile good practices, dilemmas, and lessons learned on protection in SPMs;
- Only issue SPMs an explicit protection mandate where doing so would add value;
- Not let SPMs be drawn into the gulf of political will between protection and political solutions in the Security Council;
- Identify best practices for coordination across humanitarian and prevention or peacemaking tools in politicized humanitarian-access negotiations; and
- Broaden SPM monitoring and public reporting on protection as a core component of political strategies.



## Introduction

On June 3, 2020, the Security Council adopted Resolution 2524 establishing the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS), a special political mission (SPM). The mission deployed as the United Nations–African Union Hybrid Operation in Darfur (UNAMID), the large multidimensional peacekeeping operation mandated to protect civilians in the unstable western region of Darfur, was drawing down.<sup>1</sup> While UNAMID’s departure had been a matter of discussion in the Security Council since 2014, its liquidation at this moment was precipitated by the installation of a transitional government in Sudan following the ouster of President Omar al-Bashir in April 2019. The transitional authorities, keen to turn the page on almost two decades of conflict and international security responses in Darfur, were adamant that a new operation to support the transition should be an exclusively civilian SPM authorized under Chapter VI of the UN Charter.<sup>2</sup> Physical protection responsibilities, they insisted, would now fall squarely with the national security services.

As it began to plan the transition from UNAMID, the UN Secretariat struggled to imagine how an SPM would—or could—ensure that the UN continued to address the considerable ongoing protection threats in Darfur. What mandate language would appropriately describe such a role for a mission lacking uniformed components or significant operational capacity outside of Khartoum? Would civilians at risk of violence understand the shift in protection responsibilities and adjust their expectations accordingly? What would happen if the transitional authorities’

commitment to protection wavered or, worse, if elements of the transitional government continued to be complicit in attacks against civilians? And how would Darfuris and the international community react in the event of a large-scale atrocity in Darfur under the UN’s watch? While protection issues of one kind or another were by no means new for SPMs, the extent of what Damian Lilly has referred to as the “physical security cliff” in Darfur created by the impending departure of UNAMID presented uniquely daunting challenges.<sup>3</sup> The competing visions for what form the new mission’s protection efforts should take revealed the limits of the Secretariat’s conceptual and operational understanding of the roles SPMs can and should play in protecting civilians from violence.

## The Need for a Politically Calibrated Policy Agenda on Protection in SPMs

For political, institutional, substantive, and budgetary reasons analyzed in this report, the UN Department of Political and Peacebuilding Affairs (DPPA) has traditionally eschewed broad policy pronouncements on the role of SPMs in executing protection tasks, though it has engaged on more specific protection matters such as conflict-related sexual violence and children and armed conflict. The UNITAMS planning quandary and the evolution of the international political and institutional context suggest there is now an urgent need to deepen our understanding of these questions.

SPMs regularly operate in conflict and post-conflict settings in which significant levels of violence are ongoing and local civilian populations are targeted

<sup>1</sup> UN Security Council Resolution 2148 (April 3, 2014).

<sup>2</sup> Daniel Forti, “Walking a Tightrope: The Transition from UNAMID to UNITAMS in Sudan,” International Peace Institute, February 2021, p. 6. Special political missions, which are usually managed by the Department of Political and Peacebuilding Affairs (DPPA), are mostly mandated by the Security Council under Chapter VI of the UN Charter, which relates to the “peaceful settlement of disputes.” Chapter VI empowers the council to take action to encourage a peaceful resolution to disputes that may pose a threat to international peace and security through, for example, mediation, conciliation, or arbitration. By contrast, peacekeeping operations with POC tasks, which are managed by the Department of Peace Operations, are mandated under Chapter VII. Chapter VII empowers the council to authorize activities carried out by armed forces to compel parties to abide by Security Council resolutions and to maintain or restore international peace and security.

<sup>3</sup> Damian Lilly, “Considering the Protection of Civilians During Peacekeeping Transitions,” International Peace Institute, January 2021. This was not the first use of the term “civilian protection,” which has also appeared in several other contexts, including in academic and policy literature as a more elegant equivalent to “the protection of civilians” (see, for example: Lisa Hultman, Jacob Kathman, and Megan Shannon, “United Nations Peacekeeping and Civilian Protection in Civil War,” *American Journal of Political Science* 57, no. 4 (October 2013)); as a description of a narrower set of armed activities undertaken by military actors (see, for example: Andrea L. Everett, *Humanitarian Hypocrisy: Civilian Protection and the Design of Peace Operations* (Ithaca: Cornell University Press, 2017), p. 23); and as a broad and often vague term covering a range of protection activities, including human rights protection, atrocity prevention, humanitarian protection, and the protection of civilians by peacekeeping operations (see, for example: Melissa T. Labonte, “Whose Responsibility to Protect? The Implications of Double Manifest Failure for Civilian Protection,” *The International Journal of Human Rights* 17, no. 7 (2012)). However, the UNITAMS mandate is the first modern use of the term with the intent to mandate a peace operation with this task, implying a concept or set of tasks that, while poorly defined, is distinct from the protection of civilians.

by a range of state and non-state armed actors. In settings such as Afghanistan, Iraq, and Libya, SPMs have supported waxing and waning political processes while contending with the human costs of ongoing armed conflict. In other settings, such as Sierra Leone, Burundi, Haiti, and Sudan, SPMs have deployed amid ongoing threats of violence following transitions from peacekeeping operations that had robust mandates and uniformed capabilities to protect civilians. And in Nepal, Colombia, and Yemen, the Security Council has embraced a more flexible approach, tailoring the structures and roles of missions to the wishes of the parties in line with the concept of a “variable geometry of peace operations.”<sup>4</sup> An apparent increased preference among conflict-affected states for special political missions over peacekeeping operations suggests that the political, policy, and operational challenges encountered during the UNITAMS planning process could foreseeably reproduce themselves in, for example, the Democratic Republic of the Congo in the near future.

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In this context, this paper sets out the parameters for a policy and research agenda on SPMs and protection. At the same time, it considers how SPMs can avoid some of the negative political consequences of the protection agenda experienced by peacekeeping operations, especially the delinking of protection mandates from broader political frameworks and political engagement by the Security Council—what might be termed the “dark side” of protection mandates. The paper begins by analyzing the legal, structural, and operational characteristics of SPMs and how recent policy and institutional shifts in the UN system have affected them in ways relevant to protection. It then describes the origins and evolution of different conceptions and operational modes of protection in the international system and how they apply to SPMs. The paper then analyzes the protection mandates and roles of the SPMs in Afghanistan, Syria, Colombia, and Sudan, describing the tools they have employed, the

dilemmas they have encountered, and their impact. Based on these case studies and a broader review of the literature, the paper presents an initial, non-exhaustive typology of the protection roles of SPMs. Finally, it makes several recommendations for a policy and research agenda on SPMs and protection and for the judicious use of protection language in Security Council mandates for SPMs.

## Terminology

Several approaches to the alleviation of harm to human beings have evolved over the years into a set of distinct yet interlinked concepts centered on the term “protection”—usually applied to humanitarian and human rights-related efforts—and “the protection of civilians” (POC)—usually applied to peacekeeping operations. More recently, the Security Council has introduced the term “civilian

protection” to describe UNITAMS’s role. This latest term appears to have been motivated by a desire to distinguish between the role of the new mission and the concept of POC adopted by UNAMID.

Indeed, the intense political and policy focus on POC in peacekeeping operations has led that term to become associated with a specific conceptual and operational framework in which the use of force is a central component.

In fact, the Security Council’s thematic agenda item on “the protection of civilians in armed conflict” provides a much broader framework for international engagement on protection, ranging from the protection of medical workers to the protection of critical civilian infrastructure to the conduct of hostilities. Since 2018, the secretary-general has submitted an annual report to the council on this agenda item in which he reports on this comprehensive range of activities to protect civilians, including the activities of SPMs.<sup>5</sup>

In this messy linguistic context, applying one term to the role of SPMs is inevitably fraught. To avoid

<sup>4</sup> This approach has been advocated by successive senior UN officials and was conceptualized in detail in the 2015 report of the High-Level Independent Panel on Peace Operations. See: United Nations, “Opening Remarks for USG Jean-Pierre Lacroix: Chief of Defence Conference, 6–7 July 2017”; and UN General Assembly and Security Council, *Report of the High-Level Independent Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership and People*, UN Doc. A/70/95—S/2015/446, June 17, 2015.

<sup>5</sup> For the most recent report, see: UN Security Council, *Report of the Secretary-General: Protection of Civilians in Armed Conflict*, UN Doc. S/2021/423, May 3, 2021.

prejudicing its arguments, this paper deliberately uses the more generic term “protection,” understood to consist of the collective set of activities SPMs undertake to protect people in settings in which they are deployed, pursuant to all relevant mandates across the UN system.

## The Legal, Political, and Operational Context for Protection in Special Political Missions

The asymmetry between peacekeeping operations and SPMs in the academic, political, and public discourse has led to a tendency for SPMs to be discussed first and foremost in contrast to peacekeeping operations. This paper strives to avoid a peacekeeping-derived conceptual framework, instead borrowing pragmatically from examples, policy and guidance, and lessons from across the UN system wherever useful as points of reference or comparison. To begin doing so, this section sketches the legal, political, and operational features of SPMs and how they fit into the UN’s evolving normative frameworks. This will serve as a starting point for considering how varying understandings of protection apply, or do not apply, to SPMs.

### All in the Service of Political Settlements: The Characteristics of SPMs

The diversity of mandates, structures, and operational profiles of SPMs renders them a more difficult candidate for doctrinal development or department-wide heuristics than peacekeeping operations. However diverse, SPMs nevertheless share a common set of substantive characteristics that set them apart as a subset of UN peace operations. As described by Richard Gowan, “They are largely or solely civilian missions, bringing together international officials and experts... [and]

although they may be involved in humanitarian or development issues, their primary purpose is fostering sustainable political settlement between or (much more frequently) within states.”<sup>6</sup> Career officials in SPMs and DPPA share a strong ethos grounded in Chapter VI of the UN Charter, and their overriding approach to managing SPMs is closely associated with the department’s lead role in implementing the UN’s global conflict-prevention mandate. DPPA oversees political analysis and conflict-prevention efforts in non-mission settings around the world, where the UN’s political space and resources are often tightly constrained. DPPA is the UN system’s intellectual leader on mediation and preventive diplomacy and provides mediation support to a broad array of headquarters and field entities.<sup>7</sup>

SPMs are generally divided into three broad categories:

1. **Special and personal envoys, advisers, and representatives of the secretary-general** are usually headquarters- or regionally based eminent persons who, with a small staff, serve as high-level mediators in situations where the secretary-general has offered to play a good offices role. Most missions that fall under this category are established on the initiative of the secretary-general and formally mandated through an exchange of letters with the Security Council, though the General Assembly can also mandate envoys, as was the case for Syria. Prime examples of SPMs that fall under this category include the personal envoy of the secretary-general for Western Sahara, the special envoy of the secretary-general for Syria, and the special envoy of the secretary-general on Myanmar.
2. **Sanctions and monitoring teams, groups and panels, and other entities and mechanisms** primarily include panels of experts that report on the implementation of Security Council sanctions regimes.<sup>8</sup> Substantively, these entities report directly to the Security Council and are

<sup>6</sup> Richard Gowan, “Multilateral Political Missions and Preventive Diplomacy,” United States Institute of Peace, December 2009, p. 2.

<sup>7</sup> UN Department of Political Affairs (DPA), “United Nations Conflict Prevention and Preventive Diplomacy in Action: An Overview of the Role, Approach and Tools of the United Nations and Its Partners in Preventing Violent Conflict,” 2018.

<sup>8</sup> “Other entities and mechanisms” refers to several unique bodies such as the Counter-Terrorism Committee Executive Directorate that are not relevant to this study.

not part of DPPA's policy- and decision-making ecosystem in the same manner as the first and third categories. These missions are thus not considered in detail in this study.<sup>9</sup>

3. **Regional offices, offices in support of political processes, and other missions** are often, but not always, the largest of the three categories in terms of budget, personnel, and operational footprint. Regional offices such as the UN Office for West Africa and the Sahel (UNOWAS) and the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) cover multiple countries and are responsible for early warning, conflict prevention, preventive diplomacy, and peace consolidation. Country-based missions such as the UN Assistance Mission in Afghanistan (UNAMA), the UN Support Mission in Libya (UNSMIL), and the UN Assistance Mission in Iraq (UNAMI) usually advance a political framework endorsed by the Security Council to achieve peace in the country. These missions often have complex, multidimensional mandates and have diverse capabilities in thematic areas such as gender, the rule of law, and human rights.<sup>10</sup>

Compared to several other types of UN operations, intergovernmental policy dialogue on SPMs is fairly light. SPM policy matters are an agenda item of the General Assembly's Fourth Committee and consist primarily of an annual report of the secretary-general on "overall policy matters pertaining to special political missions"; a briefing by the under-secretaries-general for political and peacebuilding affairs and operational support; and an open debate that is followed by the negotiation and adoption of a brief report. The report adopted at the conclusion of the most recent Fourth

Compared to peacekeeping operations, intergovernmental policy dialogue on special political missions is fairly light.

Committee debate on SPMs in October 2020, like those before it, makes no overt reference to protection.<sup>11</sup> The secretary-general's report, submitted annually in advance of the debate, covers a narrow array of policy issues, including women, peace, and security and peacebuilding and sustaining peace, making no explicit reference to a protection role for SPMs. The report does, however, highlight the protection functions performed by individual missions, such as the work of the special envoy of the secretary-general on Myanmar to advocate for "all sides to uphold civilian protection obligations."<sup>12</sup>

### "Principled Approaches" and the Evolving Institutional Context for Protection

Institutional approaches to the protection of human rights over the past two decades have increasingly prompted DPPA and SPMs to engage more formally on protection issues. In the wake of the UN's catastrophic failures in Rwanda and Srebrenica in the mid-1990s, Secretary-General Kofi Annan's tenure saw a push for greater integration of human rights into peace operations. These inroads were solidified under Secretary-General Ban Ki-moon with the publication in 2011 of a Policy on Human Rights in United Nations Peace Operations and Political Missions. This policy provides for the integration of human rights offices into peace operations and spells out the human rights responsibilities of all other mission components.<sup>13</sup> In response to multiple perceived failures to take a principled approach to violence against civilians in the mid- to late-2000s—including in the final phases of the Sri Lankan civil war in 2009—Ban implemented several system-wide agendas intended to prioritize human rights across the organization. These included the Human

9 This second category of SPMs should not be wholly discounted from the protection discourse, however. For example, some observers have suggested using targeted sanctions as part of efforts to protect civilians from violence. See Thomas J. Biersteker, Sue E. Eckert, and Marcos Tourinho, eds. *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge: Cambridge University Press, 2016).

10 For a full list of missions currently deployed under these three categories, see: UN General Assembly, *Overall Policy Matters Pertaining to Special Political Missions: Report of the Secretary General*, UN Doc. A/75/312, August 13, 2020, Annex A.

11 UN General Assembly, *Comprehensive Review of Special Political Missions*, UN Doc. A/C.A/75/L.6, October 28, 2020.

12 UN Doc. A/75/312.

13 Office of the UN High Commissioner for Human Rights (OHCHR), UN Department of Peacekeeping Operations (DPKO), UN Department of Political Affairs (DPA), and UN Department of Field Support (DFS), "Policy on Human Rights in United Nations Peace Operations and Political Missions," Ref. 2011.20, September 1, 2011.

Rights Up Front initiative and the Human Rights Due Diligence Policy. Both of these initiatives sought to constrain the range of options available to individual political decision makers to ensure that they could not trade off the UN's responsibility to prevent and respond to serious violations of human rights as part of a political calculus to achieve narrower objectives.

These types of corporate initiatives have become only more central to individual departments' strategic direction under Secretary-General António Guterres, who, unlike his predecessor, has shown little deference to the long-standing ethos of individual departments. The "Vision of the Secretary-General on Prevention," released shortly after his swearing-in in 2017, describes a broad, system-wide commitment to "doing everything we can to help countries to avert the outbreak of crises that take a high toll on humanity, undermining institutions and capacities to achieve peace and development."<sup>14</sup> More recently, in 2020, the secretary-general issued a "Call to Action for Human Rights," calling for a recommitment of the international community and refocusing of the UN system around international human rights principles and mechanisms. In addition to essentially restating the commitments of Human Rights Up Front, which had languished under the new secretary-general's program of reforms, the Call to Action foresees an "Agenda for Protection" that "articulates a common UN vision, policy and cross-pillar concept of operations for prevention and protection that aims to ensure the enjoyment of all human rights and includes all relevant bodies of international law."<sup>15</sup>

While this Agenda for Protection is still being developed, its system-wide aspirations for a unified approach to protection present an important opportunity for DPPA and SPMs. Seizing on the momentum generated by the challenges highlighted during the UNITAMS planning process, DPPA has the chance to articulate a distinct vision for the role of SPMs in protection. DPPA can clearly state what functions SPMs can and cannot undertake, lay out markers for mandate

language and political expectations in the Security Council, and create the institutional space to develop and hone the tools required to implement mandates to protect civilians in the political and operational environments in which SPMs are deployed.

## Approaches to Protection across the UN System and Their Relevance to SPMs

Coherently applying different conceptions of protection to a new category of tools in the UN's peace and security toolkit is challenging because the conceptions themselves are difficult to define. As Ralph Mamiya has noted, the protection of civilians "simultaneously encompasses an enormous array of activities and yet appears elusive at times, consistently confounding attempts at concrete definition."<sup>16</sup> Nevertheless, it is important to distinguish between these conceptions of protection because they interact differently with SPMs than with other types of operations. From their origins in the codification of international humanitarian law (IHL) in the nineteenth and early twentieth centuries, understandings of protection as an activity of the international community have evolved into three distinct yet interlinked conceptual approaches that are dominant today.

### Protection in Humanitarian Settings

A first branch of protection retains the original focus on the moral imperative to prevent the suffering of innocents in armed conflict. With its emphasis on human suffering, humanitarian protection is rooted in the principles of humanity, neutrality, and impartiality, which prohibit the conditionalization of assistance on the basis of the political affiliation of those in need. The practice of humanitarian protection emerged as a set of functions carried out by specific protection-mandated agencies such as the UN Refugee Agency (UNHCR). However, protection is increasingly seen as central to humanitarian

<sup>14</sup> United Nations, "The Vision of the Secretary-General on Prevention," May 2017.

<sup>15</sup> United Nations, "The Highest Aspiration: A Call to Action for Human Rights," February 2020.

<sup>16</sup> Ralph Mamiya, "A History and Conceptual Development of the Protection of Civilians," in *Protection of Civilians*, Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller, eds. (New York: Oxford University Press, 2016).

responses more generally and applicable to all humanitarian actors.<sup>17</sup>

The definition of humanitarian protection used today originated in a policy of the Inter-Agency Standing Committee (IASC)—a body made up of UN and non-UN humanitarian actors that makes decisions on global humanitarian policy—on the protection of internally displaced persons (IDPs). The policy defines protection as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of relevant bodies of law (i.e., [human rights] law, [international humanitarian law], refugee law).”<sup>18</sup>

Operationally, the humanitarian approach to protection has two areas of focus: (1) constraining the behavior of parties to hostilities to prevent or mitigate their harm to noncombatants; and (2) directly providing assistance to civilians affected by conflict. In most conflict situations, these activities are coordinated on the ground by a protection cluster, often led by UNHCR, which reports to the humanitarian coordinator. UN peace operations engaging in protection activities typically coordinate with the protection cluster on strategy and operations, though the mechanisms for this coordination vary widely.<sup>19</sup>

## Human Rights Protection

Whereas international humanitarian law is concerned with the relationship between parties to a conflict and the civilians they impact, international human rights law is concerned with the obligations of national authorities to individuals under this jurisdiction, regardless of whether they are in a state of conflict. The emergence of international human rights law in the post-World War II era coincided with an emerging norm around the role of the international community in protecting the enjoyment of human rights, notwithstanding norms related to respect for sovereignty and

noninterference in domestic affairs. As intrastate violence emerged as the dominant form of conflict in the post-Cold War period, “conflict parties” and “duty-bearers” increasingly overlapped, raising the salience of the protection of human rights during armed conflict.

Human rights protection has a broader application to special political missions than humanitarian protection. It applies not only to conflict management but also to efforts to prevent, build, and sustain peace in pre- and post-conflict settings, and it extends to a range of civil, cultural, economic, political, and social rights.<sup>20</sup> Human rights are thus relevant to the full breadth of peace operations’ mandated tasks. Moreover, the Security Council generally mandates peace operations to both “protect” and “promote” human rights, implying a spectrum of activities ranging from more adversarial, accountability-focused activities to capacity-building assistance for the host-state government and civil society actors. Critically, most human rights mandates include monitoring and reporting functions that have provided missions with an important basis and avenue for protection work.

The UN’s “specialized protection mandates” addressing children and armed conflict and conflict-related sexual violence are a hybrid of humanitarian and human rights protection traditions. They provide for the protection of two specific groups of people, regardless of their combatant status, from a specific set of human rights violations that occur during armed conflict. For example, Resolution 1612 (2005) calls upon parties to a conflict to take action to stop and prevent six grave violations against children in armed conflict, such as the killing and maiming of children and the recruitment or use of child soldiers by parties to a conflict.<sup>21</sup> Both mandates involve specific sets of protection practices, often performed by dedicated child protection and women’s protection advisers in peace operations.

17 Inter-Agency Standing Committee, “The Centrality of Protection in Humanitarian Action: Statement by the Inter-Agency Standing Committee (IASC) Principals,” December 17, 2013.

18 Inter-Agency Standing Committee, “Policy: Protection of Internally Displaced Persons,” December 1999. This definition, in turn, was derived from a series of workshops led by the International Committee of the Red Cross (ICRC) from 1996 to 1999.

19 Interview with UNHCR officials, March 2021.

20 OHCHR, DPKO, DPA, and DFS, “Policy on Human Rights in United Nations Peace Operations and Political Missions,” Ref. 2011.20, September 1, 2011.

21 UN Security Council Resolution 1612 (July 26, 2005).

## Protection of Civilians by Peacekeeping Operations

With the catastrophic failures of Rwanda and Srebrenica still fresh in mind, the Security Council issued the first POC mandate for a peacekeeping operation in 1999 for the UN Mission in Sierra Leone (UNAMSIL).<sup>22</sup> The concept has since evolved, with the UN Department of Peace Operations (DPO) now defining POC as follows:

Without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all civilian and uniformed mission components to prevent, deter or respond to threats of physical violence against civilians within the mission's capabilities and areas of deployment through the use of all necessary means, up to and including deadly force.<sup>23</sup>

The reference to the use of force invokes Chapter VII of the UN Charter, under which all peacekeeping missions with explicit POC mandates have been authorized.

The DPO Policy on the Protection of Civilians divides the types of activities undertaken in the execution of POC mandates into three tiers. Tier I, "protection through dialogue and engagement,"

consists of activities related to advocacy, dialogue, and conflict resolution with and among state and non-state actors to address specific risks, as well as human rights monitoring and reporting. It is grounded in the logic that sustainable political solutions are the fundamental precondition for protection. Tier II, "provision of physical protection," consists of actions to physically protect civilians at risk, including the threat or use of force, the establishment of a protective presence, interpositioning, or the facilitation of safe passage or

It should not be assumed that the careful balancing of language in the crafting of peacekeeping policy fits neatly into the political discourse around special political missions.

refuge. It necessitates a visible, proximate action to address a specific threat. Tier III, "establishing a protective environment," encompasses a broad range of activities, many programmatic, to foster a political, economic, and social environment in which threats to civilians are minimized. Many of these activities support host-state authorities and the fulfillment of their responsibility to protect civilians, including through security sector reform and capacity building.<sup>24</sup>

As DPO guidance makes clear, all three tiers of POC are to be closely linked to a mission's political tasks and strategies. DPO's 2020 POC handbook recommends that missions adopt an approach that "strategically aligns POC with the broader political context and aims of the mission."<sup>25</sup> This guidance is grounded in the understanding that "the most effective and sustainable way of protecting civilians is to ensure stability, peace and security through inclusive political processes and sustainable solutions to conflict, and to support host states to fulfil their responsibility to protect civilians on their territory."<sup>26</sup>

In practice, however, the links between peacekeeping POC strategies and political outcomes are often tenuous and incomplete due to the weak international consensus in support of political solutions in peacekeeping environments. A 2021 independent review of peacekeeping led by former Assistant Secretary-General El-Ghassim Wane argued that political disagreements among Security Council members have led the body to increasingly mandate peacekeeping missions with onerous protection tasks but without clear political roadmaps. This gap between protection and politics, the review argued, "plays a significant role in reducing prospects of success in some missions by endorsing impossible expectations on the ground while avoiding decisive

22 UN Security Council Resolution 1270 (October 22, 1999), para. 14.

23 DPO, "Policy on the Protection of Civilians in United Nations Peacekeeping," Ref. 2019.17, November 1, 2019, para. 18.

24 Ibid., para. 40. A core logic of tier III is summarized in the findings of a 2018 United Nations–World Bank study, which argues that sustainable reductions in violence require investment in inclusive development solutions that reduce marginalization and exclusion in society and address specific grievances around the distribution of power, security, justice, and resources. See: United Nations and World Bank, "Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict," 2018.

25 DPO, "Protection of Civilians in United Nations Peacekeeping Handbook," 2020, pp. 135–136.

26 DPO, "Policy on the Protection of Civilians in United Nations Peacekeeping," Ref. 2019.17, November 1, 2019, para. 13.

action on the determinants of mission success.”<sup>27</sup>

It is sometimes suggested that an operational concept for protection by SPMs should simply consist of tiers I and III of POC, discarding tier II since, the logic goes, it is concerned exclusively with the use of force. Such an approach is insufficient for at least three reasons. First, the three tiers of the DPO policy have been so designed to contextualize and blend the use of force into a whole-of-mission and civilian-led approach. This is not necessary for SPMs, which are not mandated to use force, and thus it should not be assumed that cutting out tier II and dividing an SPM’s functions according to tiers I and III is the best way to conceptualize POC in a Chapter VI mission.

Second, it is reductive to consider tier II as relating exclusively to the threat or use of force; there are many examples of SPMs playing roles described under tier II, as is made clear in the case studies below. For the same reason, the concept of “civilian protection” in the UNITAMS mandate, understood to exclude “physical protection,” is inadequate.

Third and finally, as Conor Foley notes, peacekeeping’s POC concepts have evolved as part of an intricate, highly politicized conversation between “robust peacekeeping” and the three “core principles” of peacekeeping—consent, impartiality, and the non-use of force except in self-defense and defense of the mandate.<sup>28</sup> The High-Level Independent Panel on Peace Operations affirmed that it was “convinced” of the continuing importance of the “core principles of UN peacekeeping” in “guiding successful UN peacekeeping operations” but that “these principles must be interpreted progressively and with flexibility in the face of new challenges” and “should never be an excuse for failure to protect civilians.”<sup>29</sup> It should again not be assumed that this careful balancing of language in the crafting of

peacekeeping policy fits neatly into the political discourse around SPMs, collectively or individually.

## Mandates, Roles, and the Interplay of Politics and Protection in Select Special Political Missions Today

In the absence of a unified concept for protection in SPMs, a conceptually and operationally diverse array of protection roles has evolved in missions in recent years. In taking on these roles, missions have drawn on a variety of mandate language as a legal basis and have adopted terminology and concepts from across the spectrum of UN approaches to protection. An analysis of the context and mandates, structures and functions, and impacts of the protection roles of a diverse selection of missions can help parse and categorize the different protection roles played by SPMs.

### UN Assistance Mission in Afghanistan (UNAMA)

#### Context and Mandate

UNAMA’s first mandate was issued by the Security Council in March 2002. It was primarily focused on supporting the establishment and functioning of the Afghan Interim Authority created by the Bonn Agreement and, following the Emergency Loya Jirga in June 2002, the Transitional Authority in Afghanistan. While at this stage the mission was given a mandate “to investigate human rights violations,” the escalation of the conflict in subsequent years prompted the mission to focus on protection more explicitly.<sup>30</sup> In 2007, citing “the collateral damage caused by combat operations to the civilian population,” the secretary-general recommended a strong role in monitoring the

27 El-Ghassim Wane et al., “Review of Peacekeeping Responses in Four Critical Missions” (on file with author), March 2021.

28 Conor Foley, *UN Peacekeeping Operations and the Protection of Civilians: Saving Succeeding Generations* (New York: Cambridge University Press, 2017). In the Special Committee on Peacekeeping Operations (C-34), for example, language on the protection of civilians is often the result of a compromise among several groupings of stakeholders. These stakeholders variously seek to maximize expectations for the role of peacekeeping operations in the protection of civilians; minimize the role or contextualize it in terms of efforts to promote the safety, security, capabilities, and capacities of uniformed peacekeepers; or subjugate it to concerns for the principles of sovereignty and host-state consent.

29 UN Doc. A/70/95—S/2015/446, p. x.

30 UN General Assembly and Security Council, *Report of the Secretary-General: The Situation in Afghanistan and Its Implications for International Peace and Security*, UN Doc. A/56/875—S/2002/278, March 18, 2002. The Security Council authorized the mission “with the mandate and structure laid out in the report of the Secretary-General” in UN Security Council Resolution 1401 (March 28, 2002).

situation of civilians in armed conflict.<sup>31</sup> The council subsequently mandated UNAMA “to contribute to human rights protection and promotion, including monitoring of the situation of civilians in armed conflict.”<sup>32</sup> This language provided the basis for what has become known as UNAMA’s “protection of civilians” mandate.

With the adoption of the new mandate, a former senior UNAMA human rights official recalled, “The human rights unit went from the smallest in the mission to the biggest” and soon became a flagship function of the mission.<sup>33</sup> In the intervening years, this mandate has remained essentially the same, but with additional references to the role of the Office of the UN High Commissioner for Human Rights (OHCHR) and a continued emphasis on building national capacity, especially of the Afghanistan Independent Human Rights Commission. The mission has also been explicitly mandated to support national capacity to protect civilians in general, as well as to protect children specifically.

### Structure and Functions

UNAMA was established as an integrated mission, meaning that the special representative of the secretary-general (SRSG) would oversee the “planning and conduct of all United Nations activities in Afghanistan.”<sup>34</sup> The mission hosts a joint UNAMA-OHCHR human rights office which, since the addition of the protection of civilians mandate in 2007, has produced annual and, more recently, quarterly public reports on “the protection of civilians in armed conflict.” Initially consisting exclusively of an accounting of civilian

casualties caused by the parties to the conflict, the reports have evolved to cover specific violations against women and children, qualitative descriptions of the harm caused by civilian casualties, and analysis of measures recommended to or taken by the parties to protect civilians from harm. The 2020 annual report described a range of activities undertaken by UNAMA “aimed at minimizing the impact of the armed conflict on civilians including independent and impartial monitoring of incidents involving loss of life or injury to civilians; advocacy to strengthen the protection of civilians affected by the armed conflict; and initiatives to promote compliance among all parties to the conflict with international humanitarian law and international

UNAMA’s reports on the protection of civilians have built the credibility of the mission’s good offices and opened space for dialogue.

human rights law and the Constitution and laws of Afghanistan, including in particular respect for rights to life and physical integrity.”<sup>35</sup>

### Impact

UNAMA’s protection of civilians reports have often been cited as having built the credibility of the mission’s good offices and opened space for dialogue with the parties. A 2020 study by OHCHR on the contributions of human rights components to UN field missions found that the comprehensive, structured, and fact-based approach of the reporting served to project the mission’s impartiality. By not only covering the Taliban’s human rights violations—such as indiscriminate killings—but also being responsive to Taliban concerns—such as the torture of Taliban detainees by government and coalition forces—the reporting helped build the Taliban’s confidence in the mission as a counterpart.<sup>36</sup> The dialogue established by UNAMA’s human rights reporting method-

31 UN Security Council, *Report of the Secretary-General on the Situation in Afghanistan and Its Implications for International Peace and Security*, UN Doc. S/2007/152, March 15, 2007.

32 UN Security Council Resolution 1746 (March 23, 2007).

33 Interview with former UNAMA human rights official, February 2021. UNAMA’s human rights section had begun to grow prior to the 2007 mandate, but Resolution 1746 was the defining moment that elevated its profile in the mission.

34 UN Security Council Resolution 1401 (March 28, 2002), para. 2.

35 UNAMA and OHCHR, “Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2019,” February 2020. UNAMA has used a consistent methodology to systematically document civilian casualties attributed to parties to the conflict in Afghanistan since 2009, which allows for credible trend analysis. The methodology includes only “verified” civilian casualties in mission reports. This means that UNAMA has determined, based on the totality of information reviewed by the mission (but requiring at least three different and independent sources) that there is “clear and convincing” evidence that civilians have been killed or injured. A set of primary and secondary information-gathering techniques is used for this purpose. Responsibility is attributed, where possible, to either pro-government forces or anti-government forces. UNAMA then shares information about recorded incidents with the parties to ensure accuracy in its reporting. This information sharing is also part of its advocacy efforts around the harm caused by armed conflict.

36 In addition to its regular civilian casualty reporting, since 2009 the mission has produced a biennial report on the treatment of detainees. For the most recent report, see: UNAMA and OHCHR, “Preventing Torture and Upholding the Rights of Detainees in Afghanistan: A Factor for Peace,” February 2021.

ology and advocacy activities thus opened the door for broader political dialogue, one of “only a handful of diplomatic initiatives that the Taliban maintained” prior to the 2020 talks between the United States and the Taliban in Doha.<sup>37</sup>

While UNAMA’s protection monitoring and reporting had a significant impact on the mission’s political space, it was secondary to the primary intent of the protection of civilians mandate, which was to tangibly impact the behavior of all parties to the conflict, thereby reducing the harm to civilians caused by the war. A 2017 study of human rights public reporting by UN peace operations contended that “in deeply polarised crisis environments where reliable and impartial information is scarce, [credible investigations] can help dispel self-serving narratives and compel actors to acknowledge problems and take remedial action.” For example, they can compel international military forces to acknowledge concerns related to airstrikes and adapt their tactics.<sup>38</sup> Others have been more skeptical of UNAMA’s lasting impact on the behavior of the parties in Afghanistan, pointing instead to the political process as the primary driver.<sup>39</sup>

There is some evidence that UNAMA’s reporting helped the mission pursue its mandated task to build the capacity of the Afghan government to protect human rights. The 2017 study quotes senior military and police officials as having used the reports to uncover false or under-reporting on civilian casualties and human rights abuses such as the torture of detainees, allowing them to take remedial action and feeding into security sector oversight mechanisms.<sup>40</sup> The human rights section’s investigations may have also supported the mission’s efforts to promote local conflict resolution and reconciliation. For example, by

investigating and reporting on allegations of the government’s role in a 2016 bombing of a public protest in Kabul that killed many civilians from the Hazara community, the mission might have helped mitigate tensions.<sup>41</sup>

## Office of the Special Envoy of the Secretary-General for Syria

### Context and Mandate

The Office of the Special Envoy of the Secretary-General for Syria has its origins in a February 2012 resolution of the General Assembly. The resolution, in the face of deadlock in the Security Council, called on the secretary-general to appoint a special envoy to make his good offices available to support efforts of the League of Arab States (LAS) to resolve the crisis in Syria.<sup>42</sup> Kofi Annan was appointed UN-LAS joint special envoy on Syria later that month, with a mandate tied to the General Assembly resolution.<sup>43</sup> Annan began reporting directly to the Security Council from the outset of his mission, leading to the adoption of a resolution endorsing his six-point plan. Among other things, this plan called for the parties to commit to a UN-supervised cease-fire, grant access to humanitarian actors, and release persons who had been arbitrarily detained.<sup>44</sup> After the Syrian government agreed to a cessation of hostilities in March 2012, the Security Council authorized the deployment of the UN Supervision Mission in Syria (UNSMIS)—a peacekeeping mission—with a mandate to monitor the implementation of all aspects of the six-point plan, including the granting of humanitarian access.<sup>45</sup> In June 2012, an international Action Group for Syria met in Geneva to endorse the plan and issue an agreed set of steps for a political transition—the Geneva Communiqué.<sup>46</sup>

37 OHCHR, “Going Further Together: The Contribution of Human Rights Components to the Implementation of United Nations Field Missions,” October 1, 2020, p. 9.

38 OHCHR, DPA, and DPKO, “Public Reporting on Human Rights by United Nations Peace Operations: Good Practices, Lessons Learned and Challenges,” November 2017; Interview with former UNAMA human rights official, February 2021.

39 Interview with former UNAMA human rights official, February 2021.

40 OHCHR, DPA, and DPKO, “Public Reporting on Human Rights by United Nations Peace Operations.”

41 OHCHR, “Going Further Together,” p. 11.

42 UN General Assembly Resolution 66/253 (February 21, 2012).

43 “Kofi Annan Appointed Joint Special Envoy of United Nations, League of Arab States on Syrian Crisis,” UN News, February 23, 2012.

44 See, for example: UN Security Council, *Letter Dated 10 April 2012 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2012/206, April 10, 2012; UN Security Council Resolution 2042 (April 14, 2012); and UN Security Council Resolution 2042 (April 14, 2012), Annex.

45 UN Security Council Resolution 2043 (April 21, 2012).

46 UN Security Council, *Final Communiqué of the Action Group for Syria, 30 June 2012*, UN Doc. A/66/865-S/2012/522, July 6, 2012.

The inclusion of both political and humanitarian commitments in the six-point plan sowed the seeds for the special envoy to play an enduring role on protection issues. Had the plan been implemented, and had a political transition proceeded in line with the terms spelled out in the Geneva Communiqué, subsequent transitional agreements and Security Council resolutions might have established a more permanent UN mission for monitoring the transition and a separate, potentially integrated, track for coordinating humanitarian access and protection. Instead, the cease-fire fell apart, UNSMIS withdrew, and the communiqué remained the basis of the framework for the ongoing negotiation of both a political solution to the crisis and humanitarian access.<sup>47</sup>

After Annan and his successor, Lakhdar Brahimi, failed to make further progress on the implementation of the communiqué, the third special envoy for Syria, Staffan de Mistura, supported the creation of an International Syria Support Group (ISSG). Created in Vienna in November 2015, the group was composed of key international and regional actors and served as the platform for further negotiations on the implementation of the communiqué.<sup>48</sup> In addition to supporting a political transition in Syria, ISSG members committed to “press the parties” to immediately cease attacks on civilians and civilian objects. This was noted by the Security Council in a resolution acknowledging the role of the group, in which it also called on states in the ISSG “to use their influence immediately” to ensure that the parties grant access to humanitarian actors and release arbitrarily detained persons. The resolution updated the mandate of the special envoy from the original General Assembly and LAS resolutions cited in Annan’s appointment.<sup>49</sup>

### Structure and Functions

On the basis of the Vienna talks and Resolution 2254, the special envoy began convening two ISSG task forces, one focused on supporting the cease-

fire and another on humanitarian access. The humanitarian task force was chaired by Jan Egeland, who was appointed senior humanitarian adviser to the special envoy, and met for the first time in February 2016.<sup>50</sup> UN personnel who participated in the task forces described them as providing a forum for raising cease-fire violations and denials of humanitarian access and urging member-state participants to use their influence with actors on the ground. While the two task forces have continued to meet regularly since their inception—even after the US and Russia formally stopped co-chairing the cease-fire task force, leaving this task to the UN—the special envoy’s concurrent efforts to facilitate intra-Syrian talks stalled and were overcome by events on the ground in late 2016. Meanwhile, Russia, with the support of Turkey and Iran, established the Astana group as an alternate forum for negotiating cease-fires and so-called “de-escalation zones.” From there, as one former member of de Mistura’s staff recalled, “the UN was a sideshow to big-power diplomacy on the cease-fire side.”<sup>51</sup>

After 2016, humanitarian and protection issues took on even greater prominence for the UN. The subject matter discussed in the ISSG humanitarian task force centered on access priorities that humanitarian actors on the ground communicated to the task force either through its secretariat, which is part of the Office of the Special Envoy, or through their participation as task-force members. The secretariat of the envoy’s office was uniquely placed to relay information on the humanitarian situation by virtue of the fact that it also convened the Civil Society Support Room, a forum with the broad participation of actors from across Syrian civil society established under de Mistura’s leadership to make the peace process more inclusive. This positioned the secretariat to become a direct point of contact for civil society actors on the ground with unique information on the humanitarian situation, especially in besieged or hard-to reach places, which could then be relayed to task-force

47 The framework was later supplemented by separate council decisions on humanitarian access and a political roadmap. See: UN Security Council Resolutions 2139 (February 22, 2014); 2164 (June 25, 2014); and 2254 (December 18, 2015).

48 Federal Foreign Office of Germany, “Statement of the International Syria Support Group, Vienna, November 14, 2015,” November 14, 2015.

49 UN Security Council Resolution 2254 (December 18, 2015).

50 Interview 1 with DPPA official, April 2021.

51 Interview 2 with DPPA official, March 2021. A third task force, the Working Group on the Release of Detainees/Abductees, the Handover of Bodies and the Identification of Missing Persons, was established in December 2017. It includes Iran, Russia, Turkey, and the UN, with ICRC as an observer.

members in Geneva.<sup>52</sup>

The humanitarian task-force secretariat also served as a hub for discussion on how to engage particular member states and elevate issues to the special envoy and UN emergency relief coordinator when they could not be solved within the task force. The special envoy routinely made statements urging respect for international humanitarian law, for example in press releases following his attendance at Astana-format meetings or at press encounters following briefings to the Security Council.<sup>53</sup> De Mistura also regularly became involved when diplomatic negotiations on humanitarian access rose to the highest levels of the US and Russian governments.<sup>54</sup> De Mistura's replacement as special envoy, Geir Pedersen, has largely retained the structure of the humanitarian task-force secretariat. However, he has elected not to seek the appointment of another high-level senior humanitarian adviser after Jan Egeland's departure in 2018, preferring a lower-profile approach. The task force is instead chaired at the senior working level.<sup>55</sup>

## Impact

De Mistura's engagement in negotiating humanitarian issues is a matter of much debate, both on principled grounds and in relation to his impact. As Milena Dieckhoff points out, the complexity of the Syrian crisis has prompted even the International Committee of the Red Cross (ICRC) to waver on these issues. In a 2017 speech, ICRC President Peter Maurer called for humanitarian-access negotiations to be separated from both cease-fire talks and mediation efforts aimed at addressing the root causes of the crisis. Maurer argued that "humanitarian, military and political solutions should not—and cannot—

The role of the special envoy for Syria in negotiating humanitarian issues is a matter of much debate, both on principled grounds and in relation to his impact.

be dependent on one another."<sup>56</sup> By 2017, however, he acknowledged that the "power realities on the ground" skewed humanitarian-access negotiations and "led to a certain imbalance" in the distribution of aid.<sup>57</sup> Dieckhoff argues that the Syrian conflict epitomizes a new reality of modern conflict, in which "a dual process of politicization of humanitarian actions and a 'humanitarianization' of political negotiations is at work, creating a complex interdependence between the humanitarian and political spaces."<sup>58</sup> As a senior UN official argued, "In a conflict as complex as Syria that has been happening in a difficult geopolitical environment and where attitudes towards [international humanitarian law] have been nonchalant, I could not imagine *not* using political leverage for the purpose of diffusing humanitarian crises or enhancing protection." The idea that the political and humanitarian tracks should be completely separate from each other, he therefore suggested, is unrealistic in a place like Syria.<sup>59</sup>

This complexity is made clear in some of the best-known work of the former head of office of the special envoy's Damascus office, Khawla Mattar (now the deputy special envoy). While posted in the Syrian capital, Mattar traveled periodically to opposition-held areas and often leveraged the unique assets of her office—for example, military advisers with liaison relationships with state military actors—to facilitate humanitarian arrangements such as medical evacuations from besieged areas and family reunifications across front lines.<sup>60</sup> In 2016, Mattar was recognized for this work with the secretary-general's Award for Courage, which "[honors] her work in accomplishing her tasks and upholding the

52 Sarah Hellmüller and Marie-Joëlle Zahar, "Against the Odds: Civil Society in the Intra-Syrian Talks," International Peace Institute, March 2018.

53 See, for example: Office of the UN Special Envoy of the Secretary-General for Syria, "Statement on Behalf of the UN Special Envoy for Syria, Staffan de Mistura," December 22, 2017.

54 Interview 1 with DPPA official, April 2021.

55 Ibid.

56 ICRC, "The Four Things We Must Do to Reduce Suffering in Syria," April 4, 2017.

57 David Kenner, "Syria Is Threatening to Break the Aid World," *Foreign Policy*, March 27, 2018.

58 Milena Dieckhoff, "Reconsidering the Humanitarian Space: Complex Interdependence between Humanitarian and Peace Negotiations in Syria," *Contemporary Security Policy* 41, no. 4 (2020).

59 Interview 1 with DPPA official, April 2021.

60 Interview with OCHA official, February 2021.

values of the United Nations in a physically dangerous environment.”<sup>61</sup>

Mattar and the Office of the Special Envoy also received criticism from some, however, for their role in these types of arrangements, particularly in negotiating the Four Towns Agreement of September 2015. The agreement provided for reciprocal evacuations: the evacuation of civilians and military personnel from two rebel-held, primarily Sunni towns on the outskirts of Damascus besieged by pro-Assad forces, on one side, and of civilians in two predominantly Shia towns encircled by Sunni rebel groups in Idlib province, on the other.<sup>62</sup> The deal, one academic has argued, “exacerbated an already asymmetric aid distribution and medical evacuation logic of the Damascus-based humanitarian aid industry” and constituted “the weaponization of humanitarian aid.”<sup>63</sup> On the other hand, in a situation where humanitarian aid is already being weaponized, it could be argued that the UN’s political engagement may have produced the least bad outcome. After all, the Astana process readily combined humanitarian and political negotiations, including in agreements on the creation of de-escalation areas in 2017, which included references to (never-realized) arrangements on humanitarian access and the rehabilitation of civilian infrastructure.<sup>64</sup>

Critics also differ in their assessment of the impact of the special envoy’s engagement depending on their understanding of the causal relationship between the politicization of aid and the UN’s political engagement in negotiations over humanitarian issues on the ground. For example, one humanitarian policy expert opined that while de Mistura’s engagement in negotiating individual issues related to humanitarian access often yielded successful outcomes, the collective impact was negative in that it further politicized the humani-

tarian space in the long term. More helpful, the expert suggested, would have been for the special envoy to simply echo statements issued by humanitarians themselves.<sup>65</sup> As noted above, others have suggested that humanitarian issues were so fundamental to the politics of the conflict, and humanitarian actors had such little leverage with the parties and their backers, that the intervention of the special envoy was necessary to make progress.<sup>66</sup> The dilemmas, trade-offs, and most successful practices under these conditions warrant deeper study.

A second line of analysis relates to the impact of the special envoy’s engagement in humanitarian-access negotiations on the UN’s political space to influence the peace talks. Pinar Akpınar, for example, finds that the negotiation of agreements on relatively small, piecemeal issues improved the climate for mediation by the special envoy, even if mediation efforts ultimately failed to produce a settlement.<sup>67</sup> Moreover, the Civil Society Support Room, an important driver of the Office of the Special Envoy’s engagement in humanitarian diplomacy, served as an important vector of the UN’s political engagement.<sup>68</sup>

## UN Verification Mission in Colombia

### Context and Mandate

The UN Mission in Colombia and its follow-on mission, the UN Verification Mission in Colombia, are prime examples, as one UN official put it, of “demand-driven involvement of the UN” in international peace and security.<sup>69</sup> The comprehensive peace agreement signed by the government and the Revolutionary Armed Forces–People’s Army (FARC-EP) on November 24, 2016, foresaw clear and circumscribed roles for a UN SPM in

61 UN Economic and Social Commission for Western Asia, “Khawla Mattar Receives United Nations Secretary-General Award for Courage,” October 27, 2016.

62 Emma Beals, “Syria’s Cruel ‘Reconciliations,’” *Daily Beast*, April 21, 2017.

63 Annabelle Böttcher, “Large-Scale Forced Population Transfers in Syria: Details of the Recent ‘Four Towns Agreement,’” Syddansk University Centre for Contemporary Middle East Studies, May 2017.

64 Dieckhoff, “Reconsidering the Humanitarian Space.”

65 Interview with OCHA official, February 2021.

66 Interview 2 with DPPA official, March 2021.

67 Pinar Akpınar, “The Limits of Mediation in the Arab Spring: The Case of Syria,” *Third World Quarterly* 37, no. 12 (2016).

68 Rim Turkmani and Marika Theros, “A Process in Its Own Right: The Syrian Civil Society Support Room,” London School of Economics Conflict Research Programme, June 16, 2019.

69 Interview 3 with DPPA official, March 2021.

supporting implementation.<sup>70</sup> In a letter to the Security Council in January 2016, the government and the FARC-EP requested that an SPM be tasked with chairing a tripartite mechanism to oversee the verification of the cease-fire agreement and for the mission alone to oversee the laying down of arms with the help of “unarmed and non-uniformed observers.”<sup>71</sup>

Once the process for the laydown of weapons concluded in June 2017, the parties requested that a new mission be mandated with two additional tasks foreseen in sections 3.2 and 3.4 of the peace agreement: the facilitation and verification of the reintegration of FARC-EP members into economic, social, and political aspects of civilian life; and security guarantees for ex-combatants.<sup>72</sup> In July 2017, the Security Council authorized the establishment of the UN Verification Mission in Colombia, whose mandate included the verification of “personal and collective security guarantees [for former FARC-EP combatants] and comprehensive programmes on security and protection measures for communities and organizations in the territories.”<sup>73</sup> In May 2021, the Security Council mandated the mission with a third task foreseen under the agreement: the verification of compliance with sentences handed down through the transitional justice process.<sup>74</sup>

The comprehensive peace agreement conceived of protection challenges in two broad categories, one covering former combatants and one covering the broader civilian population in conflict-affected areas. The first category concerned the protection of ex-FARC-EP combatants, including from threats posed by the armed groups and criminal organizations that continue to operate in Colombia. To address this concern, the agreement mandated the creation of a specialized sub-directorate in the National Protection Unit specifi-

cally to protect former combatants. It also included guarantees for the security and rights of former combatants now engaged in political activities.

The second category provided for the protection of communities and organizations in territories affected by violence more generally. Specific provisions were made for the protection of women, children, and adolescents from armed groups and criminal organizations and for community leaders, human rights activists, and other civil society representatives, especially those involved in the implementation of the peace agreement. The agreement foresaw the creation of several national mechanisms for the implementation of these protections. These included a national commission for the dismantling of criminal organizations, a special unit in the Office of the Attorney General, and an elite corps in the police force to investigate acts of violence against former combatants, social leaders, and human rights defenders.<sup>75</sup>

### Structure and Functions

The work of the UN Verification Mission in Colombia is structured around what the mission refers to as a “proactive approach to verification” that includes monitoring and reporting on the implementation of sections 3.2 and 3.4 of the peace agreement. It also includes “advocacy, good offices, [and] support for and the coordination of tripartite and territorial outreach mechanisms” to promote the successful implementation of the agreement.<sup>76</sup> At the national level, the mission participates in a variety of fora established to oversee the implementation of the peace agreement. These provide ongoing opportunities for the mission to advocate for state actors to implement security measures both for civilians in conflict-affected areas and for former FARC-EP combatants in the “territorial areas of training and reintegration.”

70 UN Security Council, “Final Agreement for Ending the Conflict and Building A Stable and Lasting Peace,” in *Letter Dated 29 March 2017 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2017/272, April 21, 2017.

71 UN Security Council, *Identical Letters Dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations Addressed to the Secretary-General and the President of the Security Council*, UN Doc. S/2016/53, January 22, 2016.

72 UN Security Council, *Identical Letters Dated 5 June 2017 from the President of Colombia Addressed to the Secretary-General and the President of the Security Council*, UN Doc. S/2017/418, June 8, 2017.

73 UN Security Council Resolution 2366 (July 10, 2017).

74 UN Security Council Resolution 2574 (May 11, 2021).

75 UN Doc. S/2017/272.

76 UN General Assembly, *Proposed Programme Budget for 2021: Part II—Political Affairs, Section 3—Political Affairs, Special Political Missions, Thematic Cluster III—Regional Office, Offices in Support of Political Processes and Other Missions*, UN Doc. A/75/6 (sect. 3)/add. 4, June 5, 2020, p. 99.

At the local level, the mission deploys teams of civilian experts and unarmed, ununiformed observers in “territorial teams” across the country. These teams cover municipalities jointly designated as priorities for the provision of security and community protection, including all the territorial areas for training and reintegration. Alongside other monitors from OHCHR, the Catholic Church, and civil society, among others, the mission envisions the teams as “trusted facilitators, proposing solutions to local-level implementation challenges.”<sup>77</sup> The mission reports its findings through the secretary-general’s reports to the Security Council, which assess the implementation of institutional and collective security measures and report on verified attacks against ex-FARC-EP combatants, social leaders, and human rights defenders.<sup>78</sup>

Colombia has hosted one of the largest OHCHR field presences in the world since 1997, with sub-offices across the country. Early in the planning process for the new mission, some suggested that maintaining such a robust presence would require integrating the office into the mission. This proposal was ultimately rejected, and the two presences operate in parallel. OHCHR’s reporting on the situation largely complements that of the mission, and OHCHR takes the lead in reporting on threats against and killings of human rights defenders and massacres of civilians. It also focuses on strengthening institutional capacity for the protections for human rights defenders and human rights related to the peace process, such as the fight against impunity.<sup>79</sup> A similarly robust, nonintegrated presence of humanitarian actors in Colombia assists the large number of IDPs and, more recently, Venezuelan migrants and refugees.<sup>80</sup>

The UN’s presence in Colombia provides an opportunity for civil society actors to pursue strategies that are not dependent on state structures.

## Impact

As many analysts and officials have argued, the implementation of a peace agreement in an upper-middle-income country like Colombia presents a unique set of conditions and challenges for a UN peace operation because the host-state institutions are more capable of implementing the agreement on their own.<sup>81</sup> In this context, as one DPPA official noted, the government is broadly responsive to the UN’s “clamor for effective action” and other international actors’ advocacy at the national level, even if its security measures are not always effective.<sup>82</sup>

At the community level, the work of the territorial teams places them in close proximity to the daily protection threats facing civilians. As illegal armed groups and criminal organizations enter the vacuum left by the FARC-EP, the mission has verified and reported consistently high numbers of killings of former combatants, assassinations of human rights defenders and community leaders, and massacres of civilians.<sup>83</sup> Despite the presence of “blue vests” in the countryside, however, neither UN personnel nor civil society researchers report widely held expectations among local populations that UN personnel will intervene to provide physical protection in response to specific threats, nor is the UN blamed when violence occurs. Instead, most agree, there is a widespread understanding that bearing witness to the violence, advocating for solutions to local-level challenges, and bringing concerns about the implementation of security guarantees directly to the government contribute to the mission’s longer-term security objectives. It is also understood that the mere presence of monitoring teams may deter

<sup>77</sup> Ibid.

<sup>78</sup> For the most recent report, see: UN Security Council, *Report of the Secretary-General on the United Nations Verification Mission in Colombia*, UN Doc. S/2021/298, March 26, 2021.

<sup>79</sup> See, for example: UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, UN Doc. A/HRC/43/3/Add.3, May 8, 2021. The mission’s configuration in relation to OHCHR’s presence is similar to the UN’s configuration in Nepal in 2007.

<sup>80</sup> Interview 1 with OHCHR official, March 2021.

<sup>81</sup> See, for example: Santiago Leyva and Pablo Correa, “The Complexity of the Organizational Design for the Implementation of a Peace Accord: A Predictable Obstacle to the Peace Agreement with the FARC?” in *As War Ends: What Colombia Can Tell Us about the Sustainability of Peace and Transitional Justice*, James Meernik, Jacqueline H. R. DeMeritt, and Mauricio Uribe López, eds. (New York: Cambridge University Press, 2019).

<sup>82</sup> Interview 4 with DPPA officials, June 2021.

<sup>83</sup> For the most recent report, see: UN Doc. S/2021/298 and accompanying infographic.

violence.<sup>84</sup>

For civil society actors, the UN's presence provides an opportunity to pursue strategies that are not dependent on state structures that they may distrust or that are unresponsive to their needs. For example, in the face of what Julia Zulver refers to as a "patriarchal backlash" against the mobilization of women activists in support of the peace process, some women's organizations have kept a low profile in their communities while generating awareness and support at the international level. With a strong gender component, the mission's advocacy with government and other security actors reinforces these efforts at the national level. Similarly, the secretary-general's reports to the Security Council and the council's meetings and statements complement the approach of these women's organizations at the international level by amplifying their priorities for the peace process.<sup>85</sup>

In addition to contributing to the substantive interests of civil society actors, the UN can also contribute to their security interests. Some civil society leaders, such as those working to address threats of conflict-related sexual violence, may feel uncomfortable receiving individualized protection from bodyguards from the government's National Protection Unit, as they perceive the national security services as having been complicit with some of the illegal armed groups and criminal organizations responsible for much of the ongoing violence.<sup>86</sup> In such cases, the presence and engagement of UN monitors may provide a more welcome form of security.

## UN Integrated Transition Assistance Mission in Sudan (UNITAMS)

### Context and Mandate

As noted at the outset of this paper, the design of the mandate for the new mission in Sudan was constrained by challenging, bookended imperatives. On the one hand was the Sudanese transitional government's insistence that the mission be a "Chapter VI peace support operation in the form of a special political mission" and that UNAMID withdraw as soon as possible.<sup>87</sup> This took the wind out of the sails of council members advocating for a large, robust follow-on mission.

On the other hand were the serious ongoing threats to civilians in Darfur. Government-sponsored attacks on local communities and IDP camps, which had been common under the leadership of Bashir, had subsided since the coup d'état of April 2019 and a subsequent cessation of hostilities between several armed groups and the transitional authorities. However, attacks on civilians by non-state armed groups, intercommunal clashes, and armed conflict between non-state groups and Sudanese government forces continued unabated, with dozens of civilian and combatant fatalities reported over the three months from September to November 2020.<sup>88</sup> Concerns for the security of civilians in Darfur were by no means new; UNAMID's capacity and performance in protecting civilians had come under international criticism for years.<sup>89</sup> Nevertheless, on the eve of the

<sup>84</sup> Interview with academic researcher, March 2021; Interview 3 with DPPA official, March 2021.

<sup>85</sup> Julia Margaret Zulver, "The Endurance of Women's Mobilization During 'Patriarchal Backlash': A Case from Colombia's Reconfiguring Armed Conflict," *International Feminist Journal of Politics* 23, no. 3 (March 2021).

<sup>86</sup> Interview with academic researcher, March 2021.

<sup>87</sup> UN Security Council, *Letter Dated 28 January 2020 from the Chargé d'Affaires a.i. of the Permanent Mission of the Sudan to the United Nations Addressed to the President of the Security Council*, UN Doc. S/2020/77, January 28, 2020.

<sup>88</sup> UN Security Council, *Report of the Secretary-General on the Situation in the Sudan and the Activities of the United Nations Integrated Transition Assistance Mission in the Sudan*, UN Doc. S/2020/1155, December 1, 2020.

<sup>89</sup> See, for example: International Crisis Group, "The Chaos in Darfur," April 22, 2015.

mission's departure on December 31, 2020, Amnesty International stated that "national security forces' failure to step up and protect civilians from attacks in recent months" raised fears that "a security vacuum may arise with disastrous consequences for the people of Darfur." In Darfur, a group of IDPs staged a sit-in in front of UNAMID's office in its Kalma camp to demand that the mission remain to protect them.<sup>90</sup>

There was a heated debate within the Secretariat on how to reconcile the government's wishes with the situation on the ground. As Daniel Forti noted in a recent paper, this debate was heavily influenced by the severe reputational risks of deploying a mission with a traditional "protection of civilians" mandate without the resources to execute it.<sup>91</sup> As a representative of one of the five permanent members of the Security Council put it, "We were faced by a lack of language precedent for the protection role of the mission."<sup>92</sup> Some council members reportedly pressed the Secretariat to include several former police units to conduct protection operations. However, one person involved in the planning processes described this proposal as "ridiculous"; such a token uniformed presence would raise local expectations of protection while lacking the means to meet these expectations, serving mainly to shield the council from moral outrage in the event of a mass atrocity.<sup>93</sup>

The Sudanese transitional government's commitment to protecting civilians in Darfur, spelled out in a new national protection of civilians strategy, also presented a quandary. "The baseline now," said one Secretariat official involved in the planning processes, "is that the violence is problematic and

there is a protection problem, but there is a nominally willing government interested in responding to incidents of large-scale violence."<sup>94</sup> It remains unclear, however, whether the government can or will follow through on this commitment given the state's operational limitations, the pressing economic, humanitarian, and political challenges facing the country, and the continued presence of individuals associated with attacks on Darfuri civilians in transitional institutions.<sup>95</sup>

The secretary-general's resulting proposal included the notion of "civilian protection" as a function of the mission, noting that, short of a large-scale deployment, the mission would not be in a position to provide physical protection "and should not be expected to do so."<sup>96</sup> Instead, the secretary-general suggested, the mission could provide advisory and capacity-building support to the state in the execution of its national protection of civilians strategy.<sup>97</sup> The report also

suggested that the mission should explore "other protection modalities" such as advocacy and collaboration with civil society actors, including those practicing unarmed approaches to civilian protection.<sup>98</sup> Ultimately, UNITAMS's mandate, adopted by the Security Council on June 3, 2020, adopted the "civilian protection" terminology—renaming the Sudanese national plan in the process. It called on the mission to advise and support the government in establishing:

a secure and stable environment... by providing effective support to national and local authorities on civilian protection, in particular IDPs, in the conflict-affected areas, supporting the Government of Sudan in

The UN Security Council had to reconcile the grave protection situation in Darfur with the Sudanese authorities' vision for the mission.

90 "Darfur Sit-In against UNAMID Withdrawal Continues," Radio Dabanga, December 14, 2020.

91 Daniel Forti, "Walking a Tightrope."

92 Interview with Security Council delegate, March 2021.

93 Interview 5 with DPPA officials, February 2021.

94 Ibid.

95 UN Security Council, "The National Plan of the Sudan for Protecting Civilians after the Exit of the African Union-United Nations Hybrid Operation in Darfur (UNAMID)," in *Letter Dated 21 May 2020 from the Permanent Representative of the Sudan to the United Nations Addressed to the President of the Security Council*, UN Doc. S/2020/429, June 1, 2020; "Can a Former Janjaweed Commander Determine Sudan's Future?" France24, June 5, 2019.

96 The term "civilian protection" had been used by UN protection actors before in Darfur but to refer to strategies related to the controversial notion of "civilian self-protection" and international support thereto.

97 UN Doc. S/2020/429.

98 UN Security Council, *Special Report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the African Union-United Nations Hybrid Operation in Darfur and a Follow-on Presence*, UN Doc. S/2020/202, March 12, 2020.

implementing the National Plan for Civilian Protection and developing measurable benchmarks, and through deploying mobile monitoring teams, facilitating local crisis mediation, early warning mechanisms, including Women Protection networks, communications and outreach strategies with affected populations.<sup>99</sup>

### Structure and Functions

Despite the hard boundaries on UNITAMS's protection role, the mission's structure indicates that it is prioritizing this issue. An Office of Support to Civilian Protection, led by a senior director, oversees the mission's rule of law, human rights, and child and women's protection sections. The mission has established a police advisory unit of individual police officers tasked with providing capacity-building and advisory support to the Sudanese police, including on protection issues.<sup>100</sup> One UN human rights official observed that, because of the lack of conceptual clarity around the mandate, many of UNITAMS's activities seem to fall within the protection rubric, including anything to do with human rights.<sup>101</sup> The mission is integrated with the UN country team, which has deployed significantly more protection officers. The country team's protection-related work is coordinated by the interagency protection cluster for Sudan, which has taken over a number of UNAMID's protection functions.<sup>102</sup>

### Impact

While it is too early to assess the impact of UNITAMS's approach to protection, it was put to the test early on in its start-up phase. In late January 2021, the situation in Darfur was raised in the Security Council after more than 80 people were killed and 100,000 displaced by intercommunal violence in West Darfur. The event served as a barometer for the secretary-general and Security Council's tolerance for criticism that the UN might

be failing civilians in Darfur under the mission's current configuration. In its briefing to the council, the Secretariat reportedly used the opportunity to remind council members that responsibility for physical protection lies firmly in the hands of the Sudanese government. Discussions in the council instead focused on strategies to respond to future instances of violence.<sup>103</sup>

## A Non-exhaustive Typology of SPMs' Protection Functions

From these four case studies, as well as a wider review of the many functions played by SPMs in recent years, we can identify a stylized typology of the (often overlapping) roles SPMs play in protection under different mandates and in different contexts. While inevitably reductive, such a typology can help in devising a cohesive understanding of how SPMs contribute to the protection of civilians, the value they bring, and the challenges they face.

### Influencing the Behavior of Conflict Parties during Hostilities

As seen in the case of UNAMA, reporting on human rights and protection can influence the behavior of conflict parties with respect to civilian harm. This reporting can also have the secondary effect of reinforcing a mission's legitimacy in the eyes of the parties and opening space for broader political dialogue. The joint human rights office of the UN Assistance Mission in Iraq (UNAMI) and OHCHR performs a similar function, producing both periodic and event-specific reports.<sup>104</sup> As the findings of a 2017 joint UN study of public reporting on human rights highlighted, a high degree of rigor, impartiality, and broad-based

99 UN Security Council Resolution 2524 (June 3, 2002), para. 2.(iii)(c).

100 UN Security Council, *Report of the Secretary-General: Situation in the Sudan and the Activities of the United Nations Integrated Transition Assistance Mission in Sudan*, UN Doc. S/2021/470, May 17, 2021, para. 45.

101 Interview 2 with OHCHR officials, March 2020.

102 UNAMID, "UNAMID Protection of Civilians Vision, November 2019–March 2020" (on file with author).

103 Interview 5 with DPPA officials, February 2021.

104 UNAMA and OHCHR, "Report on the Protection of Civilians in the Context of the Ninewa Operations and the Retaking of Mosul City, 17 October 2016–10 July 2017," November 2, 2017.

consultations with the parties are crucial to maximizing the impact of this reporting.<sup>105</sup> Where the UN is mandated to provide support to national or international armed forces, the UN Human Rights Due Diligence Policy is another formal mechanism for engaging with armed forces and can directly contribute to the implementation of measures to address violations or risks.<sup>106</sup>

## Engaging in Early Warning, Atrocity Prevention, Preventive Diplomacy, and Local Mediation

In line with DPPA's global conflict-prevention mandate, all SPMs play a role in monitoring—albeit a very small one in some cases. This role can be crucial in raising international awareness of risks of violence and atrocities and activating conflict-prevention efforts such as quiet diplomacy or public advocacy. SPMs play this role across a range of situations, including where there is a high risk of atrocities such as in Myanmar, where the special envoy of the secretary-general can bring high-profile visibility to developments that pose serious risks to civilians. The special envoy on Myanmar performed this function as recently as March 26, 2021, highlighting the military's use of deadly force against peaceful protesters, including children, after taking power in a coup.<sup>107</sup> This role is particularly important where other human rights and humanitarian protection actors have been denied access to the country, as is the case in Myanmar, in which case the special envoy can in some cases act as a stand-in. In the case of

All special political missions can raise international awareness of risks of violence and atrocities through formal reporting, quiet diplomacy, and public advocacy.

Myanmar, the special envoy's monitoring functions also include engagement at the regional level with the Association of Southeast Asian Nations (ASEAN) to advocate for stronger diplomatic efforts to de-escalate the crisis.<sup>108</sup> At the same time, without a Security Council resolution mandating concrete engagement with the parties or a clear path toward the resolution of the Rohingya crisis or the domestic political crisis, the role of the special envoy is considerably circumscribed, and she has been denied access to the country since the coup.<sup>109</sup>

SPMs can also play crucial roles in monitoring and reporting on lower-profile risks and crises that have the potential to escalate into mass atrocities or armed conflicts. In 2013, for example, the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) monitored and reported to the Security Council on the widespread human rights violations that followed the seizure of power by Michel Djotodia and the Séléka armed group and the risks of armed conflict posed by a counter-rebel movement, the anti-balaka.<sup>110</sup> The report contributed to a growing fear of mass atrocities in the country, prompting a statement by the UN special advisers on the prevention of genocide and the responsibility to protect, a series of regional and international military interventions, and a transition from the SPM to a peacekeeping operation.<sup>111</sup> The UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) played a similar role in Kyrgyzstan in 2010, when a national political crisis and tensions in the south of the country threatened

105 OHCHR, DPA, and DPKO, "Public Reporting on Human Rights by United Nations Peace Operations," pp. 18–22.

106 UN General Assembly and Security Council, *United Nations Human Rights Due Diligence Policy on United Nations Support to Non-UN Security Forces*, UN Doc. A/67/775-S/2013/110, Annex.

107 UN Office of the Special Envoy of the Secretary-General on Myanmar, "Statement Attributable to the Special Envoy of the Secretary-General on Myanmar," March 26, 2021.

108 Association of Southeast Asian Nations Secretariat, "Chairman's Statement on the ASEAN Leaders' Meeting," April 21, 2021.

109 While the Security Council has been briefed repeatedly on the situation in Myanmar by UN political, humanitarian, and development officials since the mass flight of Rohingya refugees from widespread violence in Rakhine state in August 2017, it has issued only two presidential statements in response. The first, in November 2017, called on the government of Myanmar to cooperate with all actors, including OHCHR, and encouraged the secretary-general to consider appointing a special adviser on Myanmar. The council subsequently remained silent until the 2021 military coup, at which point it expressed its support for the special envoy's efforts, including her good offices. See: UN Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2017/22, November 6, 2017; and UN Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2021/5, March 10, 2021.

110 See, for example: UN Security Council, *Report of the Secretary-General on the Situation in the Central African Republic*, UN Doc. S/2013/261, May 3, 2013.

111 UN Office on Genocide Prevention and the Responsibility to Protect, "Statement by Mr. Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, and Ms. Jennifer Welsh, United Nations Special Adviser on the Responsibility to Protect, on the Situation in the Central African Republic," October 1, 2013.

to escalate into widespread violence. These risks prompted the SRSG, Miroslav Jenča, to provide the interim Kyrgyz government with political and technical support on political stabilization, the reestablishment of government authority in the south, and interethnic reconciliation.<sup>112</sup>

Finally, as the missions in Colombia have demonstrated, there is considerable scope for local mediation, whether conducted by SPM personnel or through support to local mediators, to de-escalate localized conflict that, in the context of broader instability, could result in violence against local populations. As a recent OHCHR analysis points out, localized mediation activities by SPMs involving groups that do not fit into the traditional definition of organized combatants, such as community militias, have been particularly effective in complementing more political negotiations with conflict parties.<sup>113</sup>

## Supporting National Protection Strategies

In view of the primary responsibility of host states to protect their populations, support to national protection strategies and activities is often cast as SPMs' paramount protection role. As the case studies examined in this paper highlight, support to a host-state government's protection activities can take a variety of forms. At the national level, a mission's participation in political fora, security mechanisms, or coordination meetings can provide ongoing opportunities to advocate for protection priorities or actions. Through these avenues, the mission can regularly emphasize the priorities and concerns of the international community. At the same time, these mechanisms can enable the mission to assess and report on the host government's commitment, technical capacity, and effectiveness in responding to protection threats at the policy level.

Operationally, SPMs participate in a wide variety of capacity-building work to enhance the technical quality and effectiveness of government and other domestic actors' protection activities. Missions regularly support assistance schemes aimed at

government ministries and the armed forces to improve their understanding of and compliance with, for example, the rule of law, human rights standards, standards on sexual and gender-based violence, and protection strategies. Assistance on security sector reform is often aimed at shortcomings related to command and control, accountability, and administrative and budgetary matters that the national security services need to address in order to respond to threats to civilians in the medium to long term. Capacity building for civil society actors can complement these efforts by providing organizations the tools to engage with the government on protection risks and hold it accountable for its responses. As many of these activities are programmatic in nature, they often involve close cooperation with the UN country team.

## Managing Protection during Transitions

In several instances, SPMs have been deployed to follow on from UN peacekeeping operations as part of the process of consolidating and sustaining peace in post-conflict countries. In each case, the Secretariat and Security Council have had to contend with transferring responsibilities for POC and managing expectations for the UN's role. Beginning with the UN Policy in the Context of Mission Drawdown or Withdrawal of 2013, the Secretariat has developed operational guidance and provided support to assist missions in planning for the reconfiguration of protection responsibilities in a follow-on mission or the UN country team. However, transition planning has only recently begun to focus on protection tasks and the expectations of national stakeholders.

In many cases, decision making on the timing of the transition and format of the UN's follow-on presences has been relatively smooth and largely based on the consensus that threats to civilians had decreased to an acceptable level. This was the case, for example, for the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), which took over from a peacekeeping operation in 2008 and whose

112 DPA, "United Nations Conflict Prevention and Preventive Diplomacy in Action," 2018.

113 OHCHR, "Going Further Together," p. 19.

mandate did not feature unique protection language.<sup>114</sup> Situations in which the timing or format of a transition is driven first and foremost by the desires of the host-state government can be much higher-risk, as in the case of UNITAMS.

## Protecting through Physical Presence in the Field

The case studies analyzed in this paper suggest that, under certain conditions, the physical presence of SPMs in the field can have a protective effect for civilians. This was clear, for example, for the missions in Colombia, in which the presence of UN verification teams and other UN field personnel appears to have had a tangible deterrent effect.<sup>115</sup>

SPMs engaged in conflict-prevention efforts can also afford physical protection to civilians under threat of violence. Following the contested presidential elections in Gabon in 2016, for example,

Abdoulaye Bathily, the then-head of the Libreville-based UN Regional Office for Central Africa (UNOCA), personally visited opposition candidate Jean Ping after he was besieged in his party headquarters by government security forces, symbolically conferring the UN's protection on him.<sup>116</sup> SPM personnel can also use their presence to deter torture and killings in custody through prison monitoring and to deter election-related violence through support to election observers.<sup>117</sup>

However, the presence of UN actors alone is not guaranteed to have a protective effect. On the contrary, the effect of a UN presence is heavily dependent on the parties' priorities and their assessment of the potential negative implications of committing violence in the presence of, or of directly harming, UN personnel. This assessment will invariably be influenced by the international community's willingness to hold the parties to account, highlighting again the important links between the protection roles of UN missions and

political unity and action in the Security Council.

## Advocating for Humanitarian Access and Assistance

As discussed above in the case of Syria, SPMs may participate in or lead efforts to negotiate access for humanitarian agencies to reach civilians affected by organized violence. Such efforts are controversial in that they risk clashing with humanitarian principles, and they should be approached with caution and in close coordination with humanitarian actors. Such strategies seem to have been most effective in situations in which humanitarian assistance has already become heavily politicized or in which humanitarian actors lack influence and

require high-level engagement to make their voices heard. Integrated SPMs, such as those in Afghanistan, Libya, and Sudan, are more routinely involved in negotiating humanitarian issues.

While the physical presence of special political missions can have a protective effect, this is not guaranteed.

## Coordinating Political and Protection Activities with UN Peacekeeping Operations

In a few situations, SPMs are deployed alongside UN peacekeeping operations with POC mandates. Between 2011 and 2018, for example, the Office of the Special Envoy for Sudan and South Sudan coordinated closely with the UN Mission in South Sudan (UNMISS), the UN Interim Security Force for Abyei (UNISFA), and UNAMID. The same is true for the Office of the UN Special Coordinator for Lebanon and the UN Interim Force in Lebanon (UNIFIL). In such situations, SPMs and peacekeeping operations may coordinate their engagement with conflict parties on issues related to protection to maximize their collective impact. After the resurgence of the civil war in 2016 and the subsequent degradation of UNMISS's relationship with the South Sudanese government, for example,

114 UN Security Council Resolution 1829 (August 4, 2008).

115 OHCHR, "Going Further Together," p. 19.

116 Rebecca Brubaker and Dirk Druet, "Back from the Brink: A Comparative Study of UN Preventive Diplomacy in West and Central Africa," UN University Centre for Policy Research, 2020, p. 17.

117 On prison monitoring, see, for example: UNAMA and OHCHR, "Preventing Torture and Upholding the Rights of Detainees in Afghanistan." On election observation, see: DPA, "Policy Directive on Preventing and Mitigating Election-Related Violence," Ref. FP/01/2016, June 1, 2016.

the SRSG of UNMISS and the special envoy coordinated their messaging closely. This allowed the nonresident special envoy to be more critical in his messaging to the government on its treatment of civilians while the SRSG took a softer approach to protect his relationships.<sup>118</sup>

## Executing UN-Wide Human Rights Principles and Normative Agendas

Where they are deployed, SPMs routinely play a variety of roles that are consistent with legal obligations and normative commitments such as the Call to Action for Human Rights that apply to any UN presence. Such tasks include intervening to protect refugees from refoulement in violation of a host country's obligations under international human rights law, protecting civilians at risk of violence by allowing them to enter UN premises in some circumstances, and promoting the humane treatment of prisoners and detainees. In carrying out these tasks, SPMs face similar challenges as resident coordinators in non-mission settings. They thus benefit from the growing body of literature and internal research on best practices in conflict prevention and the protection of human rights in these settings, notably for UN regional political offices working with resident coordinator's offices to develop strategies for sustaining peace that would create conditions for "protective environments."<sup>119</sup>

The UN must strengthen guidance on the protection roles of special political missions while avoiding the "dark side" of protection mandates.

DPPA has an opportunity to articulate a clear vision for the role of SPMs in protection. This vision could state what functions SPMs can and cannot undertake, lay out markers for mandate language and political expectations in the Security Council, and create the institutional space to develop and hone the tools required to implement protection mandates in the political and operational environments in which SPMs are deployed.

In adopting a more explicit and structured approach to protection in SPMs, the Secretariat must balance two competing priorities. On the one hand, it has an opportunity to seize on this moment of heightened interest in the protection roles of SPMs. This, in turn, could lead to strengthened guidance on, and execution of, the lifesaving protection activities undertaken by SPMs. On the other hand, more concerted engagement on protection could expose SPMs to the "dark side" of protection mandates that is increasingly seen in peacekeeping operations. This occurs when the Security Council issues protection mandates but lacks the political consensus and will either to provide missions the tools to effectively implement these mandates or to genuinely pursue the sustainable political resolution necessary to guarantee the protection of the population. As the Secretariat continues to consider the protection roles of SPMs, balancing these two priorities will be paramount. The following are recommendations for how the UN can adopt such a balanced approach:

## Conclusion and Recommendations

As this paper has demonstrated, the challenges highlighted during the UNITAMS planning process have made a compelling case for greater conceptual and operational analysis and guidance on the protection roles of SPMs. As it looks ahead to articulate a system-wide agenda for prevention,

**Enrich conceptual and operational understandings of protection tasks under Chapter VI of the UN Charter within existing terminology and frameworks:** Developing new, distinct protection terminology for SPMs will create unnecessary conceptual and operational confusion, as seen with the UNITAMS mandate. Further, new terminology would run contrary to the principles of the UN's peace and security reforms and trends in the mandating and deployment of peace operations.

<sup>118</sup> Interview 6 with DPPA official, February 2020.

<sup>119</sup> See, for example: Sebastian von Einsiedel et al., "What Works in UN Resident Coordinator-Led Conflict Prevention: Lessons from the Field," UN University Centre for Policy Research, 2018.

Instead, the Security Council and Secretariat should adapt the objectives, principles, and terminology of existing protection mandates to the legal parameters, political contexts, and operational tools common to Chapter VI mandates. Such a conceptualization would complement DPO policy, and, together, these policies would provide comprehensive operational guidance for the UN's peace and security pillar and help situate SPMs in a UN-wide agenda on protection.

**Compile good practices, dilemmas, and lessons learned on protection in SPMs:** As the findings of this paper lay bare, there is a substantial body of practice on protection in SPMs, yet the area is heavily understudied. DPPA should build a repertoire of good practices, strategies, and dilemmas that SPMs have grappled with in performing protection activities. Challenges that would benefit from further study and guidance include strategies for senior leaders to leverage SPMs' protection roles to open political space; best practices for engaging host-state governments on protection priorities and concerns; tools and mechanisms for collaborating with UN country teams on protection issues and programs; and the use of national and international accountability mechanisms as dissuasive tools as part of protection strategies. In studying these challenges, DPPA should draw on good practices and lessons learned from other protection actors, including the rich literature on DPO's policy and practice on POC in peacekeeping operations. Equally, it should consider how emerging policy areas might apply to SPMs, including the burgeoning literature on best practices and risks in supporting "civilian self-protection" strategies, gender-responsive prevention and protection tools, and DPPA's own knowledge base on local mediation, preventive diplomacy, and the humanitarian-development-peacebuilding nexus.

**Only issue SPMs an explicit protection mandate where doing so would add value:** The UN's legal obligations and normative commitments around conflict prevention and the protection and promotion of human rights provide the basis for the protection activities routinely performed by many, if not all, SPMs. As described in the secretary-general's annual reports to the Security Council on the "Protection of Civilians in Armed

Conflict," SPMs work toward many of the council's objectives under this agenda item. The council should thus not assume that an explicit mandate is necessary to ensure SPMs will perform protection functions and should consider the conditions under which an explicit mandate would add value. That protection tasks are often performed without a mission-specific Security Council mandate, however, does not lessen the importance of better understanding and continuously strengthening SPMs' engagement on these tasks. There is a need, for example, to learn more about the conditions under which the presence of mission personnel in the field can have a protective effect and how this effect can be maximized. In connection with the growing research agenda on conflict prevention and human rights strategies in non-mission settings, DPPA should explore, document, and encourage these types of activities in SPMs.

**Do not let SPMs be drawn into the gulf of political will between protection and political solutions in the Security Council:** As stakeholders debate how SPMs can adopt a more systematic approach to protection, they should be mindful of the importance of protecting and elevating SPMs' political focus. Indeed, consistent with the "primacy of politics" advocated by the High-Level Independent Panel on Peace Operations, they should seek to better understand the links between protection and political solutions in the contexts where SPMs are deployed and help missions leverage these links more effectively. Equally, a greater prominence of SPMs in the political and legislative discourse on protection should not make it easier for the Security Council to mandate SPMs with unrealistic protection functions as a way of dispatching its moral duty when the political will to implement a political solution to a conflict is lacking. Staving off this risk will require DPPA to include explicit language on the management of protection in relation to political activities in any guidance it produces on protection. The secretary-general will also need to set and hold firm to boundaries on feasible tasks for SPMs in his communications to the council on thematic issues and proposals for new peace operations. Finally, council members will need to commit to being judicious in their use of protection language in mandates and confining it to situations in which a

mission's engagement on protection adds value and is feasible.

**Identify best practices for coordination across humanitarian and prevention or peacemaking tools in politicized humanitarian-access negotiations:** While distinctions between international humanitarian assistance and political engagement should remain, the reality of modern conflict is that humanitarian assistance is increasingly politicized, while mediation and preventive diplomacy are increasingly impacted by normative agendas.<sup>120</sup> As part of actions to implement the recommendations of the 2021 Review of UN Integration commissioned by the Executive Committee, the Secretariat should identify and leverage the ways in which the dominant context, tools, and skill sets of SPMs give them comparative advantages in performing protection tasks. In particular, it should examine ways to more closely bind conflict-prevention, preventive-diplomacy, and mediation tools to the objectives of protection while continuing to honor humanitarian principles. Mindful of the experience of the Office of the Special Envoy of the Secretary-General on Syria, the Secretariat should consider and articulate its perspective on when the politi-

cization of humanitarian access warrants direct engagement by an SPM. When it does, the Secretariat and humanitarian actors should explore developing expanded and, if warranted, more systematized mechanisms for political coordination between SPMs and protection clusters.

**Broaden SPM monitoring and public reporting on protection as a core component of political strategies:** Building on the findings of the 2020 OHCHR study on the contribution of human rights components to the implementation of the mandates of UN field missions, and in particular the experiences of UNAMA, the Secretariat should consider expanding SPMs' protection monitoring and reporting efforts. It should also standardize the inclusion of these efforts in missions' work on opening political space and facilitating dialogue. In doing so, the Secretariat should review its implementation of the recommendations of the 2017 joint UN study on public human rights reporting by peace operations. It should also examine new opportunities for data-driven approaches to monitoring, reporting on, and communicating about violence against civilians and civilian casualties in armed conflict.

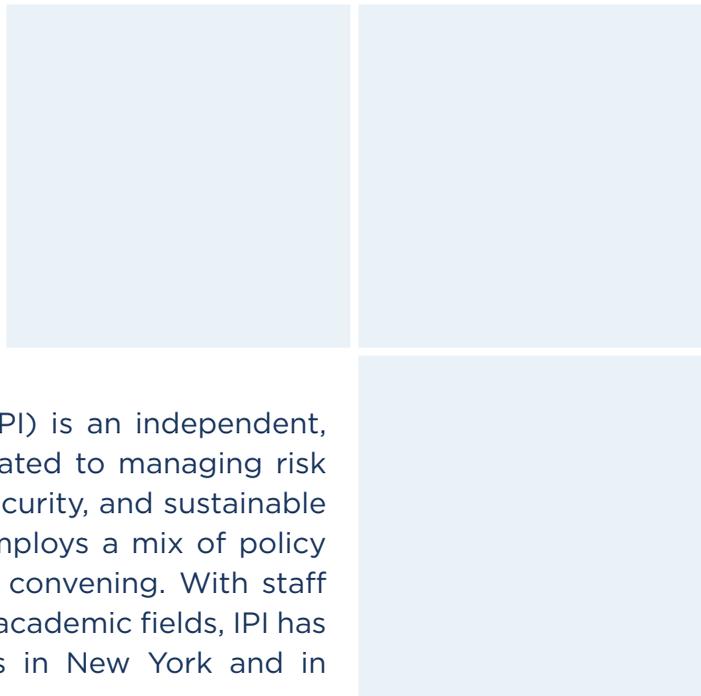
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120 Interview 3 with DPPA official, March 2021.









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