How António Guterres Can Advance the UN's Protection Agenda[1]

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Introduction: The UN's Unfulfilled Protection Promise

Originally established to address inter-state conflicts, today the relevance, legitimacy, and credibility of the United Nations is widely seen as a function of its efforts to end civil wars and prevent the worst mass atrocities. Considering the ever-growing global expectations of the UN to protect civilian populations from large-scale violence, these issues will naturally feature highly on the agenda of António Guterres when he takes office as Secretary-General in January 2017.[2]

Rooted in a wide set of human rights and humanitarian norms, the development of the UN's civilian protection agenda has been driven by efforts to avoid a repeat of the massive failures in Srebrenica and Rwanda in the early 1990s, as well as the Security Council's inability to act in response to ethnic cleansing in Kosovo in 1999. Civilian protection[3] has since emerged as the UN's overarching framework binding together its peacekeeping, political, and humanitarian activities. In a major milestone, this framework has been greatly invigorated by the adoption of the "Responsibility to Protect" (R2P) concept at the 2005 World Summit, which committed "the international community" to action where "national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."[4]

The UN's protection agenda has become increasingly operationalized in recent years. Twice, the Security Council authorized the use of force under the banner of R2P – in Côte d'Ivoire and Libya. Since a protection of civilians provision was first included in the mandate of a UN peacekeeping operation in 1999 (Sierra Leone), they have become a standard feature of such missions. Security Council-mandated sanctions regimes are increasingly aimed at advancing civilian protection.[5] The UN's intensifying preventive diplomacy and mediation practice is increasingly sensitized towards atrocity prevention.[6] The establishment in 2002 of the International Criminal Court and the ability of the Security Council to refer cases to the Court (so far acted upon twice)[7] has provided the UN with important tools to enforce accountability for atrocity crimes. Protecting human life and health underlies UN humanitarian action, which has dramatically expanded over the past two decades.[8] A growing number of UN Special Representative and Adviser positions – including those on the Prevention of Genocide, R2P, Sexual Violence in Conflict or Children and Armed Conflict – have been established over the past twenty years to advocate and mobilize around certain aspects of protection. And the UN human rights machinery has become more robust and operational in its response to mass atrocities, through new mechanisms to monitor and advocate for human rights, and to investigate and report on serious abuses.[9]

Despite these advances, the UN's protection record over the past decade is mixed. In Kenya in the wake of the December 2007 electoral dispute, in Guinea following the 2009 coup d'Etat, in Kyrgyzstan in 2010 following the ouster of the former president and the subsequent outbreak of inter-ethnic violence, and in Southern Sudan in 2011 in the run up to the independence referendum, the UN's preventive diplomacy efforts (sometimes in support of and often alongside regional or subregional organizations) have likely prevented escalation of violence or outbreak of full-fledged conflict.[10] However, the UN's failure to raise alarm and mobilize action over mass killings of civilians during the Sri Lankan government's final military campaign against the Tamil Tigers in 2009 was widely seen as an abdication of its responsibility,[11] reminiscent of its 'terrible silence'[12] in the face of UN field reports of organized atrocities and ethnic cleansing in Darfur in 2003 and 2004. In 2011, Security Council-mandated intervention in Libya to prevent an impending genocide in Benghazi was initially celebrated as the R2P concept's coming of age, but euphoria has since given way to disillusionment in the face of the country's subsequent disintegration. The UN's years-long inability to devise meaningful responses to the civil war in Syria constitutes its most shameful failure since the Rwandan genocide and casts a dark shadow over the organization.

Meanwhile, UN peacekeepers, in places such as South Sudan (UNMISS), Darfur (UNAMID), or the Democratic Republic of the Congo (MONUSCO), have been notoriously reluctant to use force in the pursuit of protection mandates.[13] UNMISS's decision to shelter well over 150,000 threatened civilians in its compounds since 2013 has drawn much praise, but the mission has since been marred by its failure to prevent incidents of mass violence within these camps.[14] In 2012 and 2013, the UN's response to the escalating crisis in the Central African Republic, where it had a political mission deployed since 2010, was marked by early warning failures and delayed action.[15] Even worse, disclosures of sexual abuse of children by peacekeepers in that country showed that blue helmets had at times themselves become a threat to the local population.[16]

The main blame for the UN's unfulfilled protection promise no doubt lies with its member states, and in particular the UN Security Council, which has all too often failed to take the necessary steps to protect civilians from atrocity threats or deployed UN missions in the absence of a viable political strategy.[17] Most glaringly, the UN's inaction in the face of the mass slaughter in Syria is primarily a function of the deadlock among the Council's permanent members. The Council also tends to task UN operations with ambitious protection mandates while failing to provide the necessary resources to carry them out. And troop-contributing countries, many of which remain uncomfortable with robust civilian protection mandates, tend to link their deployments to numerous caveats, which limit UN missions' ability to provide protection.

The shortcomings on the side of member states, however, do not take away from the Secretary-General's central responsibility in realizing the UN's protection agenda. It was, after all, norm-entrepreneurship by former Secretary-General

Kofi Annan that drove the emergence and solidification of the UN's protection agenda in the first place. After some initial hesitation, his successor Ban Ki-moon has wholeheartedly embraced this advocacy role on behalf of protection norms. The next Secretary-General will thus be expected to act as the guardian of international protection norms and his performance will likely be judged by his success in advancing them.

When he assumes the post in January 2017, António Guterres will be facing a number of daunting challenges in this respect. First, protection risks have grown in recent years. After a stark decline in armed conflicts during the 1990s and early 2000s, partly thanks to the UN's success in helping to end civil wars, the number of major civil wars has tripled since 2007 and the risk of mass atrocities has consequently increased dramatically.[18] In parallel, we have witnessed in recent years a worrying increase in the occurrence of mass killings which deliberately target civilians, reversing a declining trend observed since the mid-1990s.[19]

Second, as a result of proliferating crises, the UN's crisis management activities have significantly grown, leading to rising concerns of UN overstretch, not unlike that faced by the organization in the early 1990s, which contributed to the breakdowns in Srebrenica and Rwanda. With over 125,000 civilian and military personnel currently deployed in 16 peacekeeping operations and 13 political field missions, the UN leadership is forced to split its time and attention among a growing array of trouble spots. It is thus less able fully to focus on any one of them and there are nagging doubts about its ability to provide adequate management and oversight of the deployed personnel. Raising and maintaining the necessary troops and getting them on the ground quickly have also become a constant headache for the organization, forcing the UN to make compromises and favor quantity requirements over quality concerns, infringing on its ability to provide effective protection.

Third, R2P is in crisis and UN politics have become less conducive to norm-entrepreneurship by the Secretary-General. R2P faces a dual challenge. On the one hand, the traditional advocates of R2P, in particular the United States – war weary after unsuccessful interventions in Iraq, Afghanistan, and Libya – have become a reluctant (military) implementer of the norm. On the other hand, skepticism of the norm has grown among a number of non-western member states as a result of lingering resentment around what they saw as NATO's pursuit of regime change under the guise of R2P in Libya.[20] And advocating for the upholding of the R2P principle around Syria placed the Secretary-General increasingly at odds in particular with Russia, which had vetoed, alongside China, a series of Security Council resolutions in response to the escalating crisis.[21]

Fourth, there is a growing tension between the Secretary-General's operational and normative roles. On the one hand, the Secretary-General relies on member states for funding, troops, and cooperation for implementation of its mandates. On the other hand, the office holder is increasingly expected to act as guardian of a growing set of human rights norms, and investigate and condemn their violations. In recent years, this has resulted on occasion in outright blackmail against the Secretary-General from countries such as Rwanda (threatening to withdraw its blue helmets from Sudan unless the UN drops allegations of human rights violations in eastern Congo),[22] Saudi Arabia (threatening to withhold UN funding unless the UN removes it from a blacklist of armed forces accused of abusing children in war),[23] or the US (exerting pressure on the Secretary-General to prevent Israel's inclusion on that same blacklist).[24]

And fifth, the UN's internal systems to ensure upholding of protection norms continue to suffer from serious deficiencies. This is particularly the case for non-mission settings, in which the UN has neither a presence nor a mandate to engage in matters that are considered "political". These deficiencies became blatantly clear in the context of the UN's failure to adequately respond to the evolving situation during the final stages of the Sri Lankan conflict. Secretary-General Ban Ki-moon's Human Rights Up Front Initiative (HRUF), launched in 2013, was meant to address some of these shortcomings but there is reason to doubt that it has brought about the "cultural change" that was called for within the UN System "so that human rights and the protection of civilians are seen as a system-wide core responsibility."[25]

The next Secretary-General will thus face the difficult task of overcoming these challenges to ensure that the UN realizes its protection promise and restores the organization's damaged credibility in this area. To achieve this, he will need to make progress on three fronts in particular: first, fostering a renewed consensus around the R2P norm; second, strengthening the ability of peace operations to implement protection mandates while ensuring that expectations are in line with what blue helmets can deliver; and third, improving the UN's response to severe human rights violations in non-mission settings.

Rebuilding Consensus Around "the Sharp End" of R2P[26]

In Russia, China, and parts of the global south, suspicion of R2P as a smoke-screen for Western interventionism has remained strong even after its adoption at the 2005 World Summit. The Summit's emphasis on "case-by-case" consideration of each situation foreshadowed the selective nature of its application. The Council's dithering in the face of unfolding mass killings in Darfur and, a few years later, its complete inaction in Sri Lanka, illustrated this reality early on.

This does not mean that R2P turned out to be inconsequential. Indeed, the Council and the UN Secretariat have shown an increasing willingness to muster robust yet risky responses to crises in the DRC in 2012 and in Mali in 2013. And in 2011,

the R2P norm underpinned the Council's mandating of the use of force in Côte d'Ivoire to remove the regime of Laurent Gbagbo, which had refused to accept its electoral defeat a few months earlier. The preventive and capacity-building aspects of R2P, as laid out in the three-pillar approach conceptualized by Ban Ki-moon in 2009,[27] have been widely embraced by the UN membership and have reinforced the robust preventive diplomacy by the UN and others in response to violent crises in Kenya, Guinea, Kyrgyzstan, and elsewhere.

Despite this track record of R2P, consensus around its sharp end, that is the "hard cases where tough measures have to be considered",[28] has always been frail. Lingering reservations about R2P were revived in the wake of Security Council Resolution 1973 on Libya – the Council's first mandate to use military force against the de jure authorities of a UN member state specifically on the basis of R2P. NATO's decision to interpret the resolution as authorizing military attacks against the Qaddafi regime in Tripoli, rather than just the protection of civilians in and around Benghazi, led to accusations of mandate overreach and a major dust up among member states.[29] This episode played into the hands of Moscow, which was opposed – for reasons largely unrelated to Libya – to any robust Council measures in response to the escalating civil war in Syria, largely condemning the body to inaction in the face of the worst humanitarian crisis in the 21st century.

Advocates of R2P tend to direct much of the blame for the Security Council's fecklessness on Syria at Russia (and to a lesser degree China, which joined Russia in a series of vetoes on Syria-related draft resolutions). However, it is likely that the Council's response would have fallen short of the steps needed to decisively affect the course of events on the ground even if Moscow and Beijing had been more accommodating. Indeed, the US was highly reluctant to get involved militarily, chastened by its experiences in Kosovo, Afghanistan, Iraq, and Libya, which have proved the difficulty of establishing and stabilizing a new order after forceful regime change.

The UN's paralysis on Syria thus reflects a deeper crisis of credibility of the R2P concept. As US-led interventionism over the past decade and a half brought about poor outcomes while causing deep rifts within the UN membership, support for R2P's sharp end has been eroding both among the sovereignty hawks as well as among the concept's advocates. In Moscow and Beijing, the interventions in Kosovo, Iraq, and Libya are widely seen as assaults on world order, which has led to hardened opposition not only to the notion of humanitarian intervention but to any moves in the Security Council that could be seen as paving the way to such an intervention.[30] Meanwhile, in the US, the ruinous Iraq war in particular has fueled a retrenchment from world affairs undermining the appetite for using force for humanitarian purposes.[31] Coupled with growing doubts in allied capitals on the utility of force more broadly, this could leave the UN short of implementers of the military dimensions of R2P in the future.

Against this background, helping restore a degree of consensus around and some confidence in coercive R2P will be an important task for the new Secretary-General. No doubt, the Security Council has always been and will continue to be an organ in which realpolitik reigns. Council-mandated humanitarian action will always be unlikely if it is seen by any veto-holding member to run against its strategic interests, in which case any Secretary-General would have minimal ability to change that member state's calculus. However, the next Secretary-General, building on past office-holders' norm entrepreneurship, could try to nudge member states to resume a more constructive debate around the norm that would help strengthen its foundations.

An obvious starting point for the incumbent would be to draw a clear line between R2P and 'the regime change agenda,' which has become highly toxic in the UN context (and beyond) ever since the 2003 Iraq war. The US-led pursuit of regime change in Iraq and Libya in the name of humanitarian norms has reinforced member state suspicions of R2P as a fig leaf for ulterior motives and lastingly undermined coercive Council action against governments responsible for mass atrocities. What made NATO's intervention in Libya particularly objectionable in the eyes of a number of governments was NATO's direct involvement in the death of Muammar Qaddafi. It was thus little surprise that Ban Ki-moon encountered strong headwinds from key capitals when he declared that NATO's intervention was 'strictly within the limits' of the authorizing Council resolution.[32] Against this background, the Obama administration's stated goal for regime change in Syria (even though never backed up by any credible means) fed Russian and Chinese suspicions, complicating the forging of a consensus around the crisis in the Council. While one must acknowledge the practical difficulty, in any given case, of drawing the line between military "regime change" and protective military action against governmental forces committing atrocities, the next Secretary-General should still distance himself, as a matter of principle, from the regime change agenda. This will help the incumbent establish a credible platform from which to pursue broader advocacy for R2P.

The next Secretary-General should also try to foster a renewed debate among member states around the rules and principles under which the application of R2P should take place. This requires, first, confronting head-on the "erosion of international human rights and humanitarian law"[33] in all war settings. The Council's own credibility has been undermined by the growing disregard and the flouting by the US of established human rights and humanitarian norms in the pursuit of its counterterrorism agenda,[34] Russia's alleged targeting of civilians in Syria,[35] and the repeated attacks on health-care facilities and medical personnel in Afghanistan, Syria and Yemen.[36] This raises legitimate concerns over the great powers' willingness to respect any limits when it comes to enforcing coercive R2P mandates. The next Secretary-General may be able to help bring about a renewed

commitment to these "cardinal rules"[37] by promoting accountability for violations through the establishment of fact-finding mechanisms or Commissions of Inquiry[38] and the systematic condemnation of violations.

Second, when it comes to rules and principles more narrowly related to R2P implementation, the Brazilian proposal of a "responsibility while protecting" (RWP),[39] launched in the wake of the NATO intervention in Libya, and meant to establish safeguards for future R2P interventions, would constitute a helpful reference point for such a debate. Regrettably, at the time Brazil submitted the RWP concept, the UN leadership, prodded by the negative reactions it received from Washington, Paris, London, and Moscow, failed to seize on it as an opportunity to constructively engage critics of the Libya intervention on the basis of the explicit endorsement of R2P that RWP represented.[40]

That is all the more regrettable as RWP raised legitimate and unresolved concerns about how to operationalize R2P, resonated strongly among the wider UN membership and continues to "offer a potential bridge to bring skeptical governments back to the R2P fold."[41] Drawing on the so-called "legitimacy criteria" originally proposed by the 2001 report of the International Commission on Intervention and State Sovereignty (which were themselves inspired by well-established just war criteria),[42] the proposal called for a set of "principles, parameters and procedures" that should govern the exercise of R2P. These included the principles of proportionality and last resort; agreement around the legal, operational, and temporal limitations of the use of force; greater accountability of the implementation of R2P under the delegated authority of the Security Council; and the importance of what the ICISS panel called the "balance of consequences," i.e. an imperative for such operations to not generate more harm than authorized to prevent.[43] This last criterion is particularly relevant in light of the Libya intervention where the lack of post-war planning and engagement by the intervening countries significantly contributed to the country's current woes.[44]

At the same time, as noted by Secretary-General Ban Ki-moon, "historically, our chief failing as an international community has been the reluctance to act in the face of serious threats."[45] In order to counter widespread doubts regarding the utility of force for humanitarian purposes, the Secretary-General will therefore have an important role to highlight in his strategic communications that military action can be, and has been at times, a force for good. With quick and robust action, as Gareth Evans and Ramesh Thakur have pointed out, "the 8,000 men and boys murdered outside Srebrenica and most of the 800,000 men, women, and children hacked to death in Rwanda would be alive today."[46] Robust yet risky UN responses to crises in the eastern DRC in 2003 and 2012 helped contain crises that constituted significant threats to civilian protection. And the use of force in Côte d'Ivoire in 2011 surely helped avoid renewed civil war in that country.

Even if it will always remain a last resort, if used smartly and legitimately – that is respecting the "legitimacy criteria" highlighted above – military action will always remain an essential protection tool.

Strengthening Protection of Civilians in Peace Operations Settings

Alongside the development of the R2P norm, the Security Council has granted, since the late 1990s, 'protection of civilians' (PoC) mandates to an increasing number of peacekeeping missions, starting with the UN mission in Sierra Leone in 1999. While R2P and PoC emerged in parallel and belong to the UN's broader protection agenda, they are two distinct concepts with different scopes of application. Indeed, while R2P applies only to cases of mass atrocities and genocide, the PoC concept includes a much wider variety of threats and violations of international humanitarian and human rights law in situations of armed conflict.[47]

Of the sixteen peacekeeping operations deployed as of September 2016, ten had a mandate to protect civilians and those that did not were carry-overs from earlier times. Over 95% of UN peacekeepers are today working in missions with such a mandate.[48] The US, UK, and France, in particular,[49] are now insisting that the protection of civilians must be the number one priority of the blue helmets and even erstwhile skeptics such as China have warmed up to the idea. A key component of the UN's wider protection agenda, PoC has become one of the most high-profile manifestations of UN action on the ground against which the UN's legitimacy and credibility is increasingly evaluated.

However, UN peace operations are recurrently dogged by accusations of failing to carry out their protection mandate. In one recent such episode, blue helmets deployed with the UN Mission in South Sudan (UNMISS) ran from fighting and refused to use their weapons to protect civilians sheltered in so-called "protection of civilians sites" in Malakal in February 2016, resulting in killings inside UN camps. Five months later, they passively stood by during a major outbreak of violence in South Sudan's capital, Juba, and failed to respond in a timely manner to calls for help while government soldiers engaged in mass killings and gang rapes of local civilians and international aid workers.[50]

Such episodes illustrate the gap between the expectations around protection among local populations and the limits of UN peacekeeping on the ground. To a degree this gap reflects constraints and limitations that are difficult to overcome. First, peacekeepers are today expected to protect civilians across an area more than twice the size of the Roman Empire at its peak (11 million square kilometers) with a total of only 125,000 troops, police, and civilian personnel.[51] The UN's limited ability to deploy the necessary troop numbers and military hardware in order to provide effective civilian protection or establish a credible deterrent against rebel groups runs the risks of inviting

spoilers to call the UN's bluff, potentially with terrible outcomes – as in Srebrenica over two decades ago.[52]

Second, peacekeepers are increasingly deployed to situations with acute protection threats, either because there is an ongoing civil war or because of the mushrooming presence, in various mission settings, of Islamist terrorist groups which are difficult to engage around humanitarian norms.[53] Also, the UN has increasingly become a target of such groups, which has led it to ever greater focus on protecting itself rather than local civilians.[54]

And third, major non-African troop-contributing countries remain deeply suspicious of robust peacekeeping in the pursuit of civilian protection and resent the prospect of seeing their soldiers placed in the line of fire in carrying out Council mandates that they have little input in formulating.[55] This partly explains the finding of a 2014 report of the UN Office of Internal Oversight Services that "there [was] a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack."[56]

Notwithstanding the constraints under which UN peacekeeping operations operate, the UN could doubtless do better to prevent the worst protection failures. The next Secretary-General will therefore need to promote, at the highest level, a range of efforts that would reduce the widening gap between expectations and limitations on the ground. Key elements of the required steps are outlined in the 2015 report of the High-Level Independent Panel on Peace Operations (HIPPO), which leaves no doubt regarding the moral obligation of "each and every peacekeeper" to act when civilians face imminent threats to their lives.[57] To ensure blue helmets are equipped to carry out this obligation, the HIPPO report calls in particular for improvements in the resources at peacekeepers' disposal (with a premium placed on adequate infantry, enhanced mobility assets, and rapid deployment capabilities) and for greater emphasis on their performance, including a recommendation that force commanders treat any "national caveats beyond the national restrictions expressly accepted by the Secretariat at the outset" as disobedience of lawful command.

Ensuring availability of adequate resources and enhancing performance will require direct leadership and engagement by the Secretary-General – and a willingness to speak truth to power and stand up to influential member states. The hippo report refers back to the famous dictum of the 2000 Brahimi Report on peacekeeping operations, which stated that when it comes to resources, the Secretary-General needs to tell the Council what it needs to know, not what it wants to hear:[58] "By self-censoring in that manner, the Secretariat sets up itself and the mission not just to fail but to be the scapegoat for failure."[59] This implies, in its ultimate consequence, that the UN Secretariat should be willing to refuse deploying a mission if member states deny it the necessary resources to carry out the task or resist the

elaboration of clearly under-resourced mandates it will find impossible to implement. This lesson remains to be fully internalized.

Meanwhile, gaining leverage on peacekeepers' performance will ultimately require the dismissal of troops who fail in their most basic PoC duties. Following the February 2016 events in Malakal, the Department of Peacekeeping Operations promised to send troops home for their failure to protect civilians, a measure that had long been advocated by NGOs such as the Center for Civilians in Conflict.[60] While this would send a helpful signal if carried out,[61] it is also difficult to consistently implement, as the UN, chronically stretched thin for blue helmets, finds itself again and again in the quandary that beggars can't be choosers. Playing tough with non-performing contingents (as well as with militaries who fail to enforce accountability measures to address abuses by peacekeepers) will therefore depend heavily on the ready availability of some potential excess supply of capable troops to replace them. This in turn places a premium on further progress in the area of strategic force generation, which received an important boost as a result of the peacekeeping summit convened by US President Obama in September 2015. This is not a technical matter but an exercise of political mobilization that the next Secretary-General will have to lead by engaging closely with member states and the Security Council.

At the same time, the strong focus on physical protection by peacekeepers tends to eclipse the significant contributions to protection of civilians efforts made by non-military components, tools, and measures of UN peace operations, both in support of military responses and in their own right. The next Secretary-General could render an important service by highlighting the relevance of those civilian approaches that have been shown to yield the most significant protection outcomes and call for their strengthening. These include, in particular: local mediation and conflict resolution efforts by missions' civil affairs components, engagement of armed non-state actors around respect of international norms and, most importantly, human rights monitoring and reporting.[62] In light of the proven protection potential of civilian missions and components, the Secretary-General might also wish to consider whether and how Special Political Missions (SPMs) could be equipped with Chapter VI protection of civilians mandates and corresponding non-military capacities.[63]

With respect to human rights monitoring and reporting, UN missions have been repeatedly found wanting as they downplay abuses out of fear of losing the host government's consent. UNAMID, for instance, has been heavily criticized in recent years for its failure to report – to the Security Council and the wider public – strong circumstantial evidence of a series of deliberate attacks against Darfur's civilians by the Sudanese government.[64] Similarly, UNMISS has been accused of a lack of public reporting on attacks against its bases and personnel, "which may have contributed to more violations of the status

of forces agreement and decreased the mission's capacity to act on its mandate."[65] Yet, the Secretary-General's Human Rights Up Front Action Plan, discussed below, which commits the UN "to systematically gather information on violations of international human rights and humanitarian law and to present it to member states with full impartiality"[66] suggests that the duty to report should override concerns regarding consent.

Yet, no matter how effectively peace operations carry out their protection responsibilities, or how well equipped they are, they will always have their limits. The hippo report highlighted the prevalence of unrealistic expectations, noting that "even with best efforts, no mission can protect all civilians at all times."[67] This means the next Secretary-General would be well advised in leading a wider effort to manage expectations by raising awareness about the limits of peace operations. The objective should not be to lower ambitions in the sphere of protection but to ensure that the UN does not convey promises of protection it cannot keep. For example, the proliferation of the "protection of civilians sites"[68] terminology in Secretary-General reports and mission mandates ominously echoes the "safe haven" areas in Srebrenica which, due to lack of preparedness and resources conveyed a false sense of security with tragic consequences. Similar terminology has been used in the context of the DRC through reference to "islands of stability" that the Force Intervention Brigade was supposed to control and protect by carrying out offensive operations against non-state armed groups. The Secretary-General can play an instrumental role in managing expectations with a frank assessment of the realities and challenges on the ground and the raising of alarm bells in cases in which the UN fears it may not be able to fulfill its protection promise.

Finally, protection of civilians cannot serve as a substitute for stable political settlements. The Secretary-General thus has an important responsibility to ensure that "protection mandates [are] linked explicitly to political solutions."[69] As the hippo report states, "absent a serious political strategy for resolving the armed conflict that gave rise to the threats to civilians in the first place, a mandate focused exclusively or even predominantly on the protection of civilians is likely to lead to a long, drawn-out and ultimately unwinnable campaign."[70] In too many settings, from the DRC to South Sudan and Darfur, the efforts by UN peacekeeping missions to protect civilians are counteracted by their limited ability to push the political process forward. The UN will therefore need to move away from an understanding of protection of civilians as a merely technical exercise towards one that places the quest for political and negotiated solutions at the heart of peace operations' objectives, including with respect to their protection strategies.

Strengthening UN Response to Human Rights Violations and Abuses in Non-Mission Settings

A final area that will require active leadership by the Secretary-General to better deliver on the UN's protection promise

relates to the organization's response when faced with grave human rights violations or political crises in so-called "non-mission settings", which is UN-speak for countries in which the UN has no peacekeeping or political mission deployed, nor a resident Special Envoy. Those settings pose a particular challenge for the UN's crisis response because it lacks both the physical presence and the political mandate to actively engage in conflict resolution and prevention efforts. Instead, the UN has to rely primarily on its (explicitly non-political) development and humanitarian agencies deployed in any such country, which are united under the umbrella of the UN Country Team and led by a Resident Coordinator.[71]

Resident Coordinators, who often come from development or humanitarian backgrounds, can lack specific expertise in political crisis management or human rights issues. They also have the tendency to be particularly attuned to the preferences and sensitivities of the host government as their presence and the implementation of their programmes depend on close working relationships with the local authorities. As a result, they tend to bend over backwards in order not to offend government authorities out of fear of being declared 'persona non-grata' and left without a job. These incentive structures have often led Resident Coordinators and Country Teams to respond in overly passive ways to situations in which governments were responsible for mass atrocities or other serious human rights violations.

Starting around 2009, renewed efforts have been underway to establish mechanisms and policies that would enhance the capacity of Resident Coordinators deployed in politically complex non-mission settings to serve as crisis managers and ensure the exchange of real-time conflict-relevant information and the coordination of analysis between the field and UN Headquarters. These efforts include 1) Secretary-General-led initiatives to put in place mechanisms and policies that would ensure close cooperation between UN entities at UN headquarters, in particular between the UNDP and the UN Secretariat's Department of Political Affairs (DPA), which serves as the UN's lead department on issues relating to conflict prevention (the relationship between which is traditionally fraught), in order to provide better support to Resident Coordinator offices in crisis situations;[72] 2) renewed investments in the "Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention," first launched in 2004, under which UNDP and DPA work together to assist relevant Resident Coordinators through the deployment of mid-level "Peace and Development Advisors" to Resident Coordinator offices to advise them on conflict-sensitive development programming and possible conflict prevention or facilitation initiatives; and 3) system-wide efforts that would ensure placement of politically experienced Resident Coordinators in conflict-prone countries.

While the development of such operational systems did somewhat improve conflict prevention capacities, ultimately these efforts only tinkered at the margins of an institutional

structure that remained incentivized against genuine cooperation in non-mission settings between the UN's political and human rights actors, on the one hand, and the UN development actors, on the other. The most high-level relevant UN policy document, a January 2012 decision by the Secretary-General's Policy Committee on "Special Circumstances in non-mission settings," which was meant to fix the broken system, amounted to no more than "an internal peace treaty between DPA and UNDP," while containing "very little ... guidance on the response to [any] crisis."[73]

Impetus for more fundamental reform came when the UN was forced to confront its "systematic failure" to adequately respond to the mass slaughter of tens of thousands of civilians by governmental forces during the last stages of the conflict in Sri Lanka in 2008–09. Criticism of UN inaction led to the appointment, by Secretary-General Ban Ki-moon, of an "Internal Review Panel on United Nations Action in Sri Lanka". The panel's 2012 report (known as the Petrie Report after the panel's chair, Charles Petrie) criticizes what it describes as the UN's unwillingness to take a strong and public stand against the Sri Lankan government's indiscriminate use of force and the ensuing violations of human rights and humanitarian law. This passive approach, the report says, was pursued by UN humanitarian and development entities out of concern that any criticism of the government would endanger the UN's ability to deliver humanitarian aid – even though humanitarian space had already been drastically curtailed by the government.

Other systemic shortcomings in the UN's crisis response revealed by the report included the lack of a shared sense of responsibility for preventing human rights violations across the UN system, an incoherent internal crisis management structure, ineffective mechanisms to coordinate UN action addressing international human rights and humanitarian law violations, the absence of adequate leadership and expertise in the field, a misplaced prioritization of diplomatic relationships with the government over protection concerns, and human rights advocacy, as well as inadequate political engagement on the part of the UN Secretariat.[74]

Against this background, the Petrie Report called for a renewed vision of the UN, to be led by the Secretary-General, embedding a human rights perspective across the UN (including across the Resident Coordinator system) and promoting accountability and responsibility of all UN Staff and highlighting the role of the Secretary-General to speak out about situations of grave emergency, including at the Security Council (which, in the case of Sri Lanka, remained very much uninformed of the situation on the ground).

In response to the Petrie Report, Secretary-General Ban Ki-moon launched, in late 2013, the "Human Rights Up Front" initiative aimed at transforming the UN's organizational culture, by integrating human rights as the "lifeblood" of the UN across its entities and making protection against serious violations a priority at the operational level.[75] It established two new coordination mechanisms aimed at providing greater support to UN Country Teams under the principle of shared responsibility, strengthened the Office of the High Commissioner for Human Rights in New York, co-located human rights entities in country offices, established a common information system on human rights violations, and established guidance on human rights for Resident Coordinators and UN Country Teams.[76]

In some recent crisis situations, the new mechanisms set up by the HRUF initiative have contributed to a convergence of assessments, among relevant UN entities, of protection threats, which in turn helped foster concerted action.[77] Some progress notwithstanding, a recent independent review found that the new culture of human rights has yet to take root.[78] Among the challenges identified by the review are ongoing interagency rivalry, the lack of operational skills in the area of human rights protection across relevant UN entities, and limited availability of human rights personnel that can be deployed on short notice to trouble spots. Another recent report noted that "the most serious gap in the [HRUF] system appears to be a lack of consistent, systematic follow-up, at both the headquarters and field levels, to identified threats of potential mass atrocities."[79]

Ongoing shortcomings reflect the fact that Human Rights Up Front cannot fully compensate for the more structural limitations of the Resident Coordinator system in crisis situations. Yet, a major overhaul of that system – one in which Resident Coordinators would be imbued with explicit political, human rights, and protection responsibilities and capacities – is about as unrealistic as reforming the veto system in the UN Security Council. Indeed, many member states within the Group of 77 are vehemently opposed to any overt "politicisation" of the role of Resident Coordinators, notwithstanding the call for a better integration of UN action across the three pillars of development, peace and security, and human rights implicit in the 2030 Agenda for Sustainable Development.[80]

With no magic bullet in sight, the next Secretary-General will thus have no choice but to push the UN forward in the long, hard slog of "trying to fix the non-mission settings conundrum through band-aid solutions"[81] that will moderately strengthen UN Country Teams' expertise in political analysis and human rights, while, at the same time, trying to build space for the UN's good offices and mediation roles. With respect to that latter point, the next Secretary-General should continue on the path laid by Ban Ki-moon who invested great effort to bolster the UN's capacity for preventive diplomacy and mediation, including in non-mission settings.[82]

Ultimately, whether or not bureaucratic fixes will make any difference in the UN's protection performance will depend on the Secretary-General's leadership. For human rights to be up front, the next Secretary-General will need to show his personal investment in human rights and ensure that

serious protection crises receive immediate and highest-level attention within the organization. When it comes to mass atrocities, the buck stops with the Secretary-General.

Equally critical, the Secretary-General will need to signal that staff who speak out on human rights abuses can count on the organization's institutional support. Too often, senior UN officials who have criticized national governments' human rights violations only to get expelled from their host countries by national governments, end up being side-lined within the organization. However, for Human Rights Up Front to have meaning, the UN carries a responsibility to ensure job security for those UN officials who are declared persona non-grata in the pursuit of the UN's human rights agenda, rather than left hanging out to dry, as has sometimes been the case. Moreover, the UN must ensure that UN staff who intervene when human rights violations occur and expose the UN's failure to act upon those do not suffer from retaliation from the organization. Rather, UN staff should be encouraged to do so as an "integral part of the practice of following up on human rights violations".[83] The necessary counterpart of demanding increased accountability for staff is to ensure

those who successfully stand up for UN principles and values do not see their careers suffer as a result. On the contrary, such courage in pursuit of the UN's values should, ideally, be seen as a career-boosting achievement.

Conclusion

When António Guterres assumes office in January 2017, there will be no shortage of protection challenges awaiting him. He will often be operating within narrow confines set by member states, running up against sovereignty barriers, bereft of the appropriate resources, or denied the necessary mandates. These constraints notwithstanding, this article argued that he can take a number of key steps that would improve the UN's ability to provide protection. By being a strong advocate for civilian protection and human rights, by sending unequivocal messages to UN staff, by standing up against powerful member states, and by promoting constructive debates around protection norms, rules and principles, the next Secretary-General can make a lasting contribution to the realization of the UN's protection promise and help restore the damaged credibility of the UN in this respect.

ENDNOTES

1   An earlier version of this article was published in the journal *Global Responsibility to Protect*. See: Sebastian von Einsiedel and Louise Bosetti, "Realizing the UN's Protection Promise: A Central Challenge for the Next Secretary-General", *Global Responsibility to Protect*, Volume 8, Issue 4, 2016. The authors would like to thank James Cockayne, Alexandra Fong, Eiko Ikegaya, Stephen Jackson, Renato Mariani, Menaal Munshey, and Anthony Yazaki for their helpful comments on earlier versions of this paper. Any mistakes or shortcomings are the sole responsibility of the authors.

2   Acting on the recommendation of the UN Security Council, the UN General Assembly formally appointed António Guterres as the next Secretary-General on October 13, 2016. He will take his post on January 1, 2017, for five years. See: http://www.un.org/apps/news/story.asp?NewsID=55285#.WAXr9Pl9670.

3   Though 'civilian protection' and 'protection of civilians' are used almost interchangeably in this article, the former carries a broader scope than the latter, which is often only used in peacekeeping settings.

4   United Nations General Assembly, "2005 World Summit Outcome," A/60/L.1, 15 September 2005, paras. 138–139.

5   Alexandra dos Reis Stefanopoulos and George A. Lopez, "From Coercive to Protective Tools: the Evolution of Targeted Sanctions," in Mónica Serrano and Thomas G. Weiss (eds), *The International Politics of Human Rights: Rallying to the R2P Cause?* (London: Routledge, 2014), pp. 48–66.

6   United Nations Secretary-General, "Preventive Diplomacy: Delivering Results," S/2011/552, 26 August 2011.

7   See Security Council resolution 1593 (2005) referring the Darfur situation to the ICC, as well as resolution 1970 (2011) referring the Libya situation to the ICC.

8   Over the past 10 years there has been a five-fold increase in UN humanitarian appeals.

9   Sebastian von Einsiedel, "Non-Military Protection of Civilians in UN Peace Operations", UNU Centre for Policy Research, Occasional Paper 3, May 2015.

10 For Kenya, see Elisabeth Lindenmayer and Josie Lianna Kaye, "A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya", International Peace Institute, August 2009; For Guinea and Kyrgyzstan see Richard Gowan, "Multilateral Political Missions and Preventive Diplomacy," United States Institute of Peace (USIP) Special Report 299, December 2011; For Southern Sudan see Jon Temin and Lawrence Woocher, "Learning from Sudan's 2011 Referendum," USIP Special Report 303, March 2012; See also United Nations Secretary-General, "Preventive Diplomacy: Delivering Results", S/2011/552, 26 August 2011.

11 United Nations, "Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka," November 2012.

12 James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* (London: Bloomsbury, 2006), p. 217.

13   See for instance, UN Office of Internal Oversight Services, "Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations," Report to the UN General Assembly, A/68/787, 7 March 2014, p. 7

14   Center for Civilians in Conflict, "A Refuge in Flames. The February 17–18 Violence in Malakal PoC", 2016.

15   Evan Cinq-Mars, "Too little, too late: Failing to prevent atrocities in the Central African Republic," Occasional Paper, Global Center for the Responsibility to Protect, September 2015.

16   UN General Assembly, "Special measures for protection from sexual exploitation and sexual abuse," Report of the Secretary-General, A/70/729, 16 February 2016.

17   The Report of the High-Level Independent Panel on Peace Operations recalls the need for protection mandates to be "linked explicitly to political solutions", Report of the High-Level Independent Panel on Peace Operations, "Uniting Our Strengths for Peace, Politics, Partnerships and People", 16 June 2015, para. 100.

18   Sebastian von Einsiedel et al., "Major Recent Trends in Violent Conflict," UNU Centre for Policy Research Occasional Paper 1, November 2014.

19   See data compiled by the Centre for Systemic Peace and analyzed in Erik Melander, "Organized Violence in the World 2015: An Assessment by the Uppsala Conflict Data Program", Uppsala, Sweden: Uppsala Conflict Data Program, 2015.

20   R2P advocates tend to point to the increasing reference to R2P language in UNSC resolutions (over 40 resolutions included mention of R2P between 2006 and 2015) as well as the growing number of UN member states speaking up in support of R2P at the annual informal interactive dialogues on R2P as a sign of growing acceptance of R2P within the wider UN membership. While it may be true that rhetorical acceptance of R2P has grown among a number of member states, several powerful member states, in particular Russia and China, have become more hostile towards coercive implementation of R2P, with references to R2P in Security Council resolutions often serving as a substitute for robust action. For a list UNSC resolutions including reference to R2P, see: International Coalition for the Responsibility to Protect, "References to Responsibility to Protect in Security Council Resolutions: 2006–2015."

21   Sam Jones, "Ban blames Russia for Collapse of Syria Talks", *The Financial Times*, 5 February 2016.

22   Chris McGreal, Xan Rice, and Lizzy Davies, "Leaked UN report accuses Rwanda of possible genocide in Congo," *The Guardian*, 26 August 2010.

23   Colum Lynch, "U.N. Chief Says He Went Soft on Saudi Arabia and Allies to Avoid Aid Cut," *Foreign Policy*, 9 June 2016.

24   Colum Lynch, "Israel's Shield," *Foreign Policy*, 1 June 2015.

25   United Nations Development Group, "Human Rights Up Front Initiative" available at: https://undg.org/home/guidance-policies/ country-programming-principles/human -rights/rights-up-front-initiative/ See also: United Nations, "Rights Up Front: Detailed Plan of Action," 10 July 2013, available at https://undg.org/wp-content/uploads/2015/04/ Detailed-Plan-of-Action.pdf; UN Secretary-General, "The Secretary-General: Renewing our commitment to the peoples and purposes of the United Nations", 21 November 2013.

26   Expression borrowed from Gareth Evans in Alan Philips, "Interview with Gareth Evans" for *The World Today*, Chatham House, October 2012.

27   Within the three-pillar framework, it is primarily the responsibility of sovereign states to protect their own populations (pillar 1). The international community has a responsibility to assist states in meeting those obligations through international assistance and capacity-building activities (pillar 2). The third pillar refers to "timely and decisive response", including the use of force. However, pillar 3 also includes provisions related to preventive diplomacy, mediation and non-military enforcement tools such as sanctions and arms embargoes. These are all avenues that should be explored before forceful intervention is tabled. See: UN Secretary-General, "Implementing the Responsibility to Protect", Report to the General Assembly, a/63/677,12 January 2009.

28   Gareth Evans, op. cit.

29   Alex J. Bellamy and Paul D. Williams, "Libya", in Sebastian von Einsiedel, David M. Malone & Bruno Stagno Ugarte (eds), *The UN Security Council in the 21st Century* (Boulder: Lynne Rienner Publishers, 2016).

30   See the chapters by Dmitri Trenin on "Russia" and by Zhu Wenqi and Leng Xinyu on "China" in von Einsiedel, Malone, Ugarte (eds), *The UN Security Council in the 21st Century* (Boulder: Lynne Rienner Publishers, 2016)

31   Jeffrey Goldberg, "The Obama Doctrine," *The Atlantic*, April 2016.

32   United Nations Secretary-General Ban Ki-moon, "Press Conference at UN Headquarters," UN Doc. SG/SM/14021, 14 December 2011, www.un.org/News/Press/docs/2011/sgsm14021. doc.htm. For the Russian reaction to the SG's statement, see: Louis Charbonneau, "Russia urge probe of Libya civilians killed by NATO", *Reuters*, 19 December 2011, http://www .reuters.com/article/us-libya-civilians-russia-idUSTRE7BI29920111219.

33   United Nations Secretary-General, "One humanity: shared responsibility," A/70/709, 2 February 2016, para. 46.

34   See for instance Kenneth Roth, "Obama & Counterterror: The Ignored Record," *The New York Review of Books*, 5 February 2015; also OHCHR and OSCE, "Open Letter to the Government of the United States of America on the occasion of the 14th anniversary of the opening of the Guantánamo Bay detention facility," 11 January 2016.

35   Amnesty International, "Civilian Objects were Undamaged: Russia's Statements on its Attacks in Syria Unmasked," December 2015, at https://www.amnesty.org/en/documents/mde24/3113/2015/en/.

36   See: MSF President Statement to the UN Security Council Briefing, "Stop These Attacks", 3 May 2016 at: http://www.msf.org/en/ article/msf-president-un-security-council-stop-these-attacks; ICRC President Statement at the UN Security Council Briefing, 3 May 2016

at: https://www.icrc.org/en/document/hcid-statement.

37 United Nations Secretary-General, "One humanity: shared responsibility", page 14.

38 Over the past 16 years, the Secretary-General has established numerous such Commissions of Inquiries or investigative Panels of Experts out of his own initiative (and within his authority rooted in Article 99 of the UN Charter). For instance in 1999 to review the prosecution of serious violations of human rights in Timor-Leste (then East Timor) that year; in 2000, to look into allegations of extrajudicial killings in Togo; in 2009, to investigate the facts and circumstances of the mass violence in Conakry, Guinea on 28 September 2009; in 2010, to investigate the circumstances of the Israeli flotilla raid on 31 May 2010, in which nine passengers lost their lives; in 2010, to advise him on accountability for war crimes committed in Sri Lanka the previous year; and in 2013, to investigate the alleged use of chemical weapons in the Ghouta Area of Damascus on 21 August 2013.

39 See United Nations, "Letter Dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations Addressed to the Secretary-General", A/66/151–S/2011/701, November 2011.

40 Marcos Tourinho, Oliver Stuenkel and Sarah Brockmeier, "'Responsibility while Protecting': Reforming R2P Implementation," *Global Society*, Issue 1, Volume 30, 2016. See also: Bruce Jones, *Still Ours to Lead: America, Rising Powers and The Tension Between Rivalry and Restraint* (Washington D.C.: Brookings Institution Press, 2014), pp. 131–138.

41 Stewart Patrick, "R2P on Life Support: Humanitarian Norms vs. Practical Realities in Syria," Council on Foreign Relations blog post, 12 June 2013, http://blogs.cfr.org/patrick/2013/06/ 12/R2P-on-life-support-humanitarian-norms-vs-practical-realities-in-syria/.

42 The International Commission on Intervention and State Sovereignty formulated the original R2P concept in 2001. See: International Commission on Intervention and State Sovereignty, "The Responsibility to Protect" (Ottawa, IDRC, December 2001).

43 See United Nations, "Letter Dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations Addressed to the Secretary-General", A/66/151–S/2011/701, November 2011.

44 See Joe Becker and Scott Shane, "The Libya Gamble," Parts 1 & 2, *The New York Times*, 27 and 28 February 2016.

45 UN Secretary-General Ban Ki-moon's address to the Stanley Foundation Conference on the Responsibility to Protect (R2P), New York, 18 January 2012.

46 Gareth Evans and Ramesh Thakur, "Humanitarian Intervention and the Responsibility to Protect: Correspondence with Robert Pape," *International Security*, Vol. 37, No. 4 (Spring 2013), pp. 199–214.

47 See Ian Johnstone, "Normative Evolution at the UN: Impact on Operations Activities" in Bruce D. Jones, Shepard Forman, Richard Gowan (eds), *Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changing U.S. Security Policy* (Cambridge University Press, 2009).

48 DPKO Factsheet on UN Peacekeeping available at: http://www.un.org/en/peacekeeping/ resources/statistics/factsheet.shtml.

49 For instance, the French permanent representative to the UN, Ambassador Gérard Araud, asserted at a Council debate on peacekeeping in June 2014 that "peacekeepers' operational priority must always be the protection of civilians." See UN Security Council, "Provisional Verbatim Record of the 7196th Meeting," S/PV.7196, 11 June 2014.

50 Human Rights Watch, "South Sudan: Killings, Rapes, Looting in Juba: Arms Embargo, Additional UN Sanctions Needed," 15 August 2016, https://www.hrw.org/news/2016/08/15/ south-sudan-killings-rapes-looting-juba.

51 Report of the High-Level Independent Panel on Peace Operations; DPKO Factsheet on UN Peacekeeping.

52 Jean-Marie Guéhenno, "Robust Peacekeeping," in von Einsiedel, Malone, Stagno Ugarte (eds), *The UN Security Council in the 21st Century* (Boulder: Lynne Rienner Publishers, 2016).

53 Sebastian von Einsiedel, "Non-Military Protection of Civilians in UN Peace Operations," page 7.

54 Sebastian von Einsiedel et al., "Major Recent Trends in Violent Conflict," UNU Centre for Policy Research, Occasional Paper 1, November 2014.

55 At a thematic Council debate in June 2014 on UN peacekeeping, the member states who took the floor to voice their concern over the trend toward robust peacekeeping included India, Pakistan, China, Guatemala, Thailand, the Philippines, Peru, Uruguay, and Indonesia. See United Nations Security Council, "Provisional Verbatim Record of the 7196th Meeting."

56 Report of the Office of Internal Oversight Services, "Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations," A/68/787, 7 March 2014.

57 Report of the High-Level Independent Panel on Peace Operations, "Uniting Our Strengths for Peace, Politics, Partnerships and People", 16 June 2015, para. 90.

58 United Nations, Report of the Panel on Peace Operations, A/55/305-S/2000/809, 21 August 2010, p. x. See also: Report of the Secretary-General, "Mobilizing collective action: the next decade of the Responsibility to Protect", A/70/999-S/2016/620, 22 July 2016, para. 60.

59 Report of the Panel on Peace Operations, para. 59.

60 See: Center for Civilians in Conflict, "A Refuge in Flames. The February 17–18 Violence in Malakal PoC", 2016.

61 At the time of writing, two commanders have been repatriated and the UNMISS Force Commander has been fired. See: Kevin Sieff, "Where Will We Run This Time?", *The Washington Post*, 6 August 2016; Colum Lynch, "U.N. Chief Fires His Top Peacekeeping Commander in South Sudan", *Foreign Policy*, 1 November 2016.

62 Sebastian von Einsiedel, "Non-Military Protection of Civilians in UN Peace Operations: Experiences and Lessons," UNU Centre for

Policy Research, Occasional Paper 3, May 2015.

63   Unlike the majority of current peacekeeping operations, none of the SPMs has a mandate to use all necessary means to protection civilians. However, the protection of civilians is invoked in a number of their mandates and many of them carry out tasks that in peace-keeping operations are characterized as PoC. For instance, Security Council Resolution 2145 (2014) includes a reference in the mandate of the UN's Assistance Mission in Afghanistan (UNAMA) "to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of [...] fundamental freedoms and human rights [...]." UNAMA itself states that it undertakes a range of activities 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 protection of civilians affected by the armed conflict; and initiatives to promote compliance with international humanitarian and human rights law, and the Constitution and laws of Afghanistan among all parties to the conflict. See Sebastian von Einsiedel, "Non-Military Protection of Civilians in UN Peace Operations."

64   Colum Lynch, "They Just Stood Watching," *Foreign Policy*, April 7, 2014.

65   Human Rights Watch, "South Sudan: Killings, Rapes, Looting in Juba: Arms Embargo, Additional UN Sanctions Needed," 15 August 2016.

66   UN Development Group, "'Rights Up Front' Detailed Plan of Action", January 2014, para. 1.1.

67   Report of the High-Level Independent Panel on Peace Operations, para. 103.

68   "The term 'PoC Sites' (...) came into use after December 2013 to describe IDPs [Internally Displaced Persons] residing in UNMISS peacekeeping bases for protection" (International Organization for Migration, "If We Leave We Are Killed. Lessons Learned from South Sudan Protection of Civilian Sites 2013–2016", 2016).

69   Report of the High-Level Independent Panel on Peace Operations, para. 102.

70   Report of the High-Level Independent Panel on Peace Operations, para. 100.

71   The Resident Coordinator acts as the leader of the country teams of all UN development agencies. It is usually a responsibility that is performed by the Resident Representative of the UN Development Programme (UNDP). In countries where there is no Special Political Mission or peacekeeping operations, the Resident Coordinator is the highest UN official in the country. S/He is the designated representative of the Secretary-General for development operations and often combines the functions of UN Humanitarian Coordinator in case of an emergency. The geographical scope covered by the RC system is much broader than UN missions and covers over 130 countries.

72   A demand for better coordination was, inter alia, enshrined in a May 2009 decision by the Secretary-General's Policy Committee. A further Policy Committee decision on "Special Circumstances in Non-Mission Settings" issued in January 2012, outlined that in situations of armed conflict, heightened political instability or social unrest, the Secretary-General may decide to declare activation of a special circumstances mode for a limited period of time. Within 48 hours of the designation of special circumstances, an inter-agency task force co-chaired by the appropriate DPA senior official and the chair of the relevant regional UNDG team should be established.

73   Michele Griffin, *The Exercise of Influence: The Secretary-General and Decision-Making at the United Nations*, unpublished draft Research Report completed in context of UN Sabbatical Leave Programme, September 2016, page 116.

74   "Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka," November 2012, para. 80.

75   The Human Rights Up Front Initiative features a great deal of overlap with the previously mentioned UN policy on "Special Circumstances." While the relationship between the two policies was never formalized, HRUF, in practice, came to supersede the "Special Circumstances" policy. That is slightly problematic because the latter covered not only situations with a risk of large-scale human rights violations or atrocity crimes but any kind of political crisis in non-mission settings.

76   See: United Nations Development Group, "Guidance Note on Human Rights for Resident Coordinators and UN Country Teams", 2015.

77   Burkina Faso in the run-up to the 2015 election was mentioned as one example. Interview with Alexandra Fong, Senior Political Affairs Officer at the UN Secretariat, 1 September 2016.

78   Gerrit Kurtz, "With Courage and Coherence: The Human Rights Up Front Initiative of the United Nations," Global Public Policy Institute, Policy Paper, July 2015.

79   Richard Gowan, Lawrence Woocher and Daniel Solomon, "Preventing Mass Atrocities: An Essential Agenda for the next UN Secretary-General," United States Holocaust Memorial Museum, 2016.

80   UN General Assembly, "Transforming Our World: The 2030 Agenda for Sustainable Development," A/RES/70/, 25 September 2015.

81   Interview with Alexandra Fong, Senior Political Affairs Officer at the UN Secretariat, 1 September 2016.

82   These efforts included most prominently the establishment of the Mediation Support Unit and the Standby Team of Mediation experts at UN Headquarters; the establishment of UN regional offices in West Africa, Central Africa and Central Asia; and efforts to strengthen partnerships with regional and sub-regional organizations.

83   This was most recently illustrated in the case of Anders Kompass. After sharing information regarding abuses committed by French forces under UN command in car to French authorities, Kompass was placed on administrative suspension for several months and asked to resign from his position as Field Operations Director for the Office of the UN High Commissioner for Human Rights in Geneva. The panel appointed by Ban Ki-moon to investigate the UN's response to these abuses exonerated Kompass of any wrongdoings while pointing to numerous "egregious and improper abuses of authority" from his hierarchy. See Marie Deschamps, Hassan B. Jallow, Yasmin Sooka, "Taking Action on Sexual Exploitation and Abuse by Peacekeepers," Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, 17 December 2015.