

A framework for a holistic approach to UNSC Resolutions on Protection of Civilians, Children and Armed Conflict, and Women, Peace and Security

Liam Mahony and Roger Nash, Fieldview Solutions

**Prepared for the
Swiss Mission to the United Nations**

10 November 2008

(this paper does not necessarily reflect the views of the Swiss Federal MFA)

FIELDVIEW SOLUTIONS

advancing field protection and human rights

Methodology

The analysis and opinions presented here are based on a survey of existing documents related to these themes, and a series of interviews with 45 people actively working in the area, including representatives of Permanent Missions, relevant UN departments and agencies and several key NGOs. We included interviews with a number of UN and NGO field practitioners around the world in order to adequately reflect the practical realities on the ground. This discussion paper was contracted and completed over a very short timeline, during July and August when a number of key contacts were unavailable, with the goal of distribution prior to the start of the October UN sessions.

This paper does not aim to present “the answers,” but rather to provoke discussion. In a process this rapid, there will undoubtedly be important gaps in information and analysis, and consequent errors in the conclusions reached. If these discussions and recommendations, even the flawed ones, provoke increased dialogue and coordinated action on these protection themes, they will have served their purpose. The conclusions and opinions expressed in this paper are our own, and do not represent positions of the Swiss Mission or other individuals who assisted in the research.

Acknowledgements

This paper would not have come to be but for the initiative of Jean-Daniel Vigny, Minister Counsellor at the Permanent Mission of Switzerland in New York, and his ongoing advice greatly enriched its content. We are grateful to all of those who agreed to be interviewed; this paper is largely based on the frank analysis and opinions of that broad range of experts committed to these issues, working in Permanent Missions, UN agencies and NGOs. We would also like to thank David Petrsek for his careful reading and feedback on the initial drafts. The research was funded by the Swiss Federal Department of Foreign Affairs, Political Division IV.

Acronym List

CAAC	Children and Armed Conflict	PKO	Peacekeeping Operation
CAAFAG	Children Associated with Armed Forces and Armed Groups	PRST	Presidential Statement
DPA	UN Department of Political Affairs	R2P	Responsibility to Protect
DPKO	Department of Peacekeeping Operations	SG	Secretary General
ERC	Emergency Relief Coordinator	SRSR	Special Representative of the Secretary General
GA	General Assembly of the UN	UNFPA	UN Population Fund
HCHR	High Commissioner for Human Rights	OCHA	Office for the Coordination of Humanitarian Affairs
ICRC	International Committee of the Red Cross	UNHCR	High Commissioner for Refugees
MONUC	UN Mission in the Democratic Republic of Congo	UNICEF	UN Fund for Children
MRM	Monitoring and Reporting Mechanism	UNIFEM	UN Development Fund for Women
NGO	Non-Governmental Organization	UNSC	Security Council
OHCHR	Office of the High Commissioner for Human Rights	UNSCR	Security Council Resolution
OSAGI	Office of the Special Advisor on Gender Issues	WG	Working Group
POC	Protection of Civilians	WHO	World Health Organization

Table of Contents

1. Introduction	4
2. Conceptual overview	5
<i>A systems approach: Complementarity from high-level decisions to field impact</i>	5
<i>How is protection achieved?</i>	6
<i>Military protection</i>	7
<i>The role of the UN Security Council</i>	7
3. Where are we now? A status quo overview	9
<i>Protection of civilians</i>	9
<i>Children and armed conflict</i>	10
<i>Women, peace and security</i>	13
Resolution 1820	15
<i>The current role of key UN organs pursuing these agendas</i>	15
4. Discussions and proposals	19
<i>The political environment: Working in the UNSC</i>	19
<i>Helping practice catch up with policy – strengthening weaker links</i>	21
Balanced and reasonable data collection processes	22
<i>Promoting longer-term coherence</i>	23
The challenge of proportionality	23
Taking advantage of opportunities – but limiting fragmentation	23
Human Rights Tools and Political Tools	25
<i>Next steps in each thematic area</i>	26
Protection of Civilians – Next Steps	26
Children and Armed Conflict – Next Steps	27
Next steps for UNSCR 1820	28
5. Conclusion	31

1. Introduction

This discussion document was commissioned by the Permanent Mission of Switzerland to the United Nations, to promote further discussion and collaboration regarding the Security Council role in issues of protection in conflict. Specifically, we surveyed the developments related to UNSC Resolutions 1265, 1296 and 1674 (“Protection of Civilians”), resolutions 1261, 1379, 1460, 1539 and 1612 (“Children and Armed Conflict”) and resolutions 1325 (“Women Peace and Security”) and 1820 (Violence Against Women in Conflict). The advances reflected in these thematic resolutions are further reflected in the wording of numerous country-specific UNSC resolutions.

The phrase “holistic approach” in our title requires some clarification and qualification. “Holistic” implies focusing on complete systems rather than only on their component parts. A truly holistic approach would not focus only on UNSCR resolutions and their implementation, as these resolutions themselves are only a small subset of the many components of a much broader interactive protection system. Our approach will nevertheless attempt to be holistic within this smaller UNSC-related protection universe, while also making an effort to place it within a broader perspective.

Each of the thematic areas we address have already benefitted from detailed studies by qualified experts. This paper attempts to complement other analysis by looking at the commonalities, differences and interactions among the three groups of resolutions and their current modes of implementation. The research took into consideration the legal framework supporting each resolution, the different groups protected by the resolutions, the range of actors concerned (including governments, non-state actors, United Nations Institutions, peace missions, international and regional organizations, the ICRC, non-governmental organizations, and others), the implementation mechanisms in place, and the actions expected of these diverse actors, the intersections and interactions between or among these different resolutions. By examining the strengths, weaknesses, gaps, and overlaps in the treatment of the three themes, we aim to provide a framework for reflection – which will contribute to a more coherent approach to future developments. We use this analysis to develop proposals and recommendations of possible steps to improve the implementation of these resolutions in ways that also contribute to the overall longer-term protection of civilians on the ground.

The analysis assumes a shared goal: to prevent and alleviate human suffering. To do this, we all aim to make the system work better; to better use and develop the tools we have for more protective impact on the ground. Although this study examined specific mechanisms at work around certain themes, we found that several broader issues and corresponding recommendations had to take precedence, and should form the framework within which more specific decisions should be made. In particular, we emphasise that:

- The value of any initiative or investment must be judged according to its ultimate impact on those needing protection, often via influencing those carrying out abuses.
- End results and impact can come from many sources. The international protection “system” needs to be understood as a complex web of many actors and their interactions. A high-level body such as the Security Council should always consider the entire system-wide impact of its actions.
- Individual and short-term decisions about institutional mandates and responsibilities should be taken with a long-term view to improving overall coherence and impact.
- Action taken in New York needs to anticipate complex ground realities and act as an effective complement to, and support for, work done in the field.

- High-level political progress to strengthen future UNSC action on these themes requires new and creative steps to strengthen dialogue and consensus.

The analysis begins by suggesting a conceptual framework for understanding the mechanics of the global protection system and the role of the Security Council and New York actors more broadly, followed by a brief summary of our sense of the “status quo” within each thematic area and among key UN actors. We then lay out a series of discussions and proposals developing the key ideas listed above and applying them directly to the immediate issues at hand.

2. Conceptual overview

A systems approach: Complementarity from high-level decisions to field impact

A key protection contribution of New York-based Permanent Missions and their respective governments, UN departments and agencies leadership, and NGO leadership, is the creation and maintenance of systems: advocating for and creating structures and posts, defining what people do on the ground, giving them tasks, and influencing the political leaders where they work. Such high-level political guidance is also emanating from other sources, including Geneva, Brussels and other key political centres of influence.

An efficient protection system requires that its parts function together. This demands a complementary approach, not only between institutions but also along the chain between high-level decisions and the actions that they ultimately cause. Effective fieldwork needs appropriate high-level decision-making, just as high-level decisions need the appropriate field resources if they are to have their intended impact.

This “system” is not a well-oiled machine with clear rules and leadership. It is not an institution, nor even a clearly coordinated group of institutions. It might be compared to an “eco-system” – a dynamic association of organisms each operating with a somewhat different set of objectives and processes, with relative autonomy in their decision-making and yet very high levels of interdependence, together with some competition. It involves governments, sub-entities of governments, individual people, NGOs, the ICRC, UN bodies and their many parts and factions, local communities, other multi-lateral institutions, religious organizations, ad-hoc bodies of all shapes and sizes and much more. Unlike an eco-system, though, this complex protection system does have a unifying objective: that of protecting people, and many of its actors (but not all) are guided by some unifying norms, laid out in international law. This does not yield an “organized” system with any undisputed governance structure. On the contrary, this system contains many sources of power. Achieving synergies depends on constant interactive analysis and multi-actor negotiation.

In an efficient protection system, the different layers in the system will be working in harmony, each layer effectively leveraging the work of the others. This is not an easy thing to achieve. It’s a long way from the Security Council to an interview with a rape survivor, and the path from decision to impact is not always direct or easy to see. Important local information will not be visible in New York. End results will depend on the actors and individuals along the way, each adapting their role, resources and skills to the particular context they face.

To understand the efficiency of such a system, it is necessary to see it from end to end. It is only then you can analyze where it is working well, where it is stuck, where there is a gap, and where there is a lot of effort in one place, for little result at another. A chain is only as strong as its weakest link, and we

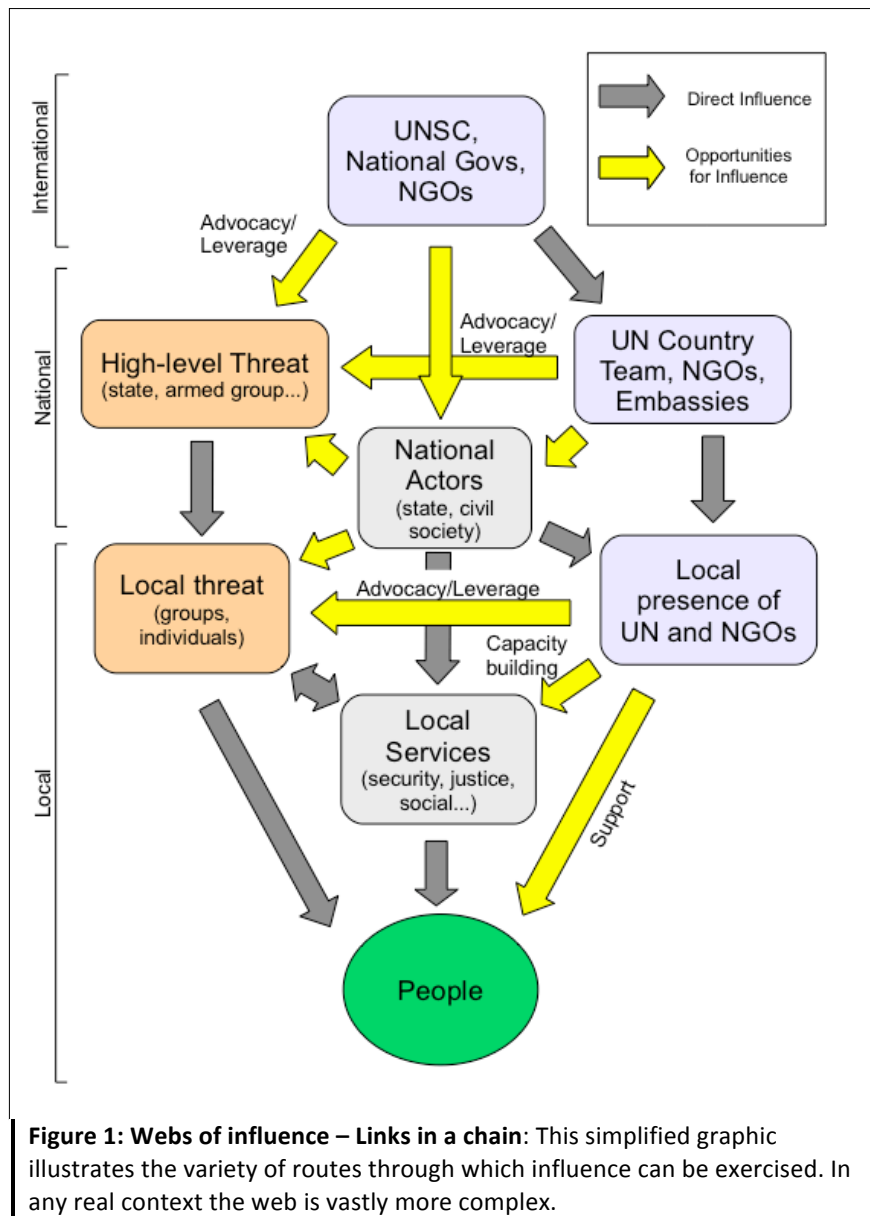
need to identify that link in order to focus our attention there. Looking at the full system, we can diagnose what is going on, where resources should go, and what changes should be made.

How is protection achieved?

International law and norms, and global political policies like UNSC resolutions, are an important part of this global protection “system”. International Human Rights Law and International Humanitarian Law both apply in conflict situations, and although they largely lack coercive means of enforcement, they carry with them the political force and legitimacy represented by their broad acceptance by member states. Many elements of both Human Rights and Humanitarian law are now considered to have become part of International Customary Law and thus binding on all states. In addition, Security Council resolutions on these themes create new obligations and additional accountability towards already binding norms.

For this legal framework to protect individuals at risk, it requires a concrete manifestation at the national and local levels. In the best of situations, international norms are embodied in national law, and these laws are respected and enforced. In most of the conflict situations to which the resolutions under discussion apply, this is not happening, or at best the local legal protection is inadequate. Consequently, a wide range of political and humanitarian mechanisms emerge to try to fill this gap, to reinforce this legal framework, pressure for compliance, and serve and protect the victims.

Protection is achieved by influencing the actions of people on the ground: influencing abusers to stop, or to carry out abuses less frequently, hurt fewer people, or reduce the severity of their abuses. It is also achieved by influencing and supporting potential victims and communities to better analyze their situation and build capacity to protect themselves; and by creating national and local systems to better protect victims from initial abuses and from further suffering or secondary impacts.



The possibilities for influencing abusive actors can easily be underestimated. Rarely does any actor want to be monitored, named, listed in an annex, or prosecuted as an abuser either under international law or via one of the existing mechanisms of international justice. Even when they profess indifference, most armed actors (whether state or non-state) are consciously aware of these risks and attempt to ameliorate them. They take into account the expected level of impunity or accountability, and consider whether risks of stigmatisation, sanctions or prosecution will hurt them. They calculate as best they can the impact of their actions on their own personal or institutional reputations and ambitions.

Even if the potential for influence exists, it still must be exercised effectively. This necessarily involves many actors and many institutions, and requires the transmission of influence through complex webs of relationships (see Figure 1). Those who plan or carry out abuses are influenced by their superior offices, their political leaders, their business/trade networks, their religious leaders, their communities and their families. Those who ultimately “pull the trigger” are influenced by international diplomacy only when this diplomacy works its way through the web to get to them. Intergovernmental and NGO field presence plays an essential role in increasing the effectiveness of this chain of influence by reinforcing the link between the local, the national and the international.

Military protection

Sometimes, but very rarely, an armed actor is influenced to refrain from abuse of civilians due to the threat of a military response from an intervening force, such as for instance, a Chapter VII UN PKO. Even in Chapter VI operations, the visible presence of military force is a symbolic signal of such a possibility, and this has influence as well. In particularly risky violent situations, military escorts can provide access for other actors to engage in diverse protection advocacy and programming.¹

But even in these military contexts, the broader web of interactions forms part of the potential abuser’s calculation. Peacekeeping Operations, no matter how robust, have their best protective influence when they are highly politically and societally connected and mobilized to communicate pressure and to signal a deterring message through a variety of channels. Peacekeeping operations that treat communities, women and children with respect and actively work with them can project a sense of legitimacy that itself has protective value. Military observers and other officers can engage in vital protection advocacy in all their contacts with their local military counterparts. Close collaboration and communication between the military and civilian components of a mission can maximize the synergies of their different roles.

The role of the UN Security Council

The Security Council has a very significant role in delivering protection outcomes on the ground, and its influence can be demonstrated in many parts of the world. There exists a diverse array of mechanisms through which this influence can be exerted. Security Council engagement on a human rights issue raises the level and the stakes of the discourse, gives it more visibility, and more urgent attention, which in turn can fuel stronger advocacy initiatives.

- Authorizing direct (and sometimes coercive) protective action in the field: peacekeeping and other large operations

¹ In a 2008 conference at Wilton Park organized by UNIFEM on the potential role of UN military peacekeepers in the protection of women in conflict, a number of tactics were discussed, including: presence and patrols (around gathering of firewood, water, market trips, harvests, checkpoints and other vulnerable settings), Quick Impact Projects, rescue operations (for instance of trafficked women and children), ambulance and evacuation support, support for community self-protection initiatives, and more.

- Implementing targeted sanctions (economic, arms export, etc); referrals to the ICC
- Monitoring compliance (field monitoring operations, human rights monitoring within peacekeeping operations, investigatory commissions, thematic SRSR roles, calling for report-backs from the SG, etc.)
- Disseminating and legitimizing protection concerns, keeping them on the international agenda, helping sustain their momentum
- Allocating resources both to thematic mechanisms and to relevant country-based field staffing²
- Including specific thematic protection concerns in country-focused UNSC resolutions and PKO mandates; making specific demands for action steps in these resolutions
- Putting diplomatic pressure on abusers reputations (naming non-compliers in annexes of SG reports, calling attention to non-compliance in floor debates, Presidential statements, just talking about a country in an UNSC debate.)
- The UNSC can ask the SG to enter into dialogue with parties to armed conflict to ask them to attend to their breaches of international norms.
- UNSC member interaction with other actors in the UN system, with the ICRC, NGOs and through bilateral relationships among states can further reinforce these impacts.

This list suggests that the UNSC, despite being a politically-driven body primarily focused on international security concerns, has a considerable – and steadily increasing – role in promoting human rights protection, and an even greater potential still to be tapped. This reality is controversial, and disturbing to some states, but undeniable. Human rights is a “pillar” that is already “mainstreamed.” International Humanitarian and Human Rights Law are already a fundamental guiding basis for peacekeeping operations in conflict. The themes of Children in Armed Conflict, Protection of Civilians and Sexual Violence have been explicitly linked to international security in past resolutions. This cannot be undone. Despite temporary political setbacks, and even though UNSC decisions are frequently disregarded or circumvented and their legitimacy sometimes questioned, the Security Council role in protection is nevertheless growing in strength over time. There are some signs that this expansion of its role is gaining acceptance by states beyond the Security Council.³

Clearly the UNSC is powerful, but it exercises its influence at a distance, through transmission by other actors. It is always very difficult to demonstrate ultimate ground impact, and this promotes a tendency to judge our effectiveness by the processes we set in motion rather than their results. In reality, analysis of UNSC processes cannot be considered in isolation but always in the context of their connections with the field. For example, a series of UNSC Presidential Statements might be worthwhile, but does not by itself imply a protective impact; deploying field staff in conflict does not achieve protection unless it they

² Although in most cases UNSCR does not formally allocate funds, the implicit impact of its decisions affects budgets of the Secretariat, DPKO in particular, and affects bi-lateral donor choices as well.

³ Consider, for example, the ‘approval’ of the UNSC role by the GA in last year’s Omnibus resolution on the Rights of the Child (OP 44 Res. 62/141): “Notes with appreciation the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations.”

are resourced and strategically trained to do just that; issuing a report on compliance improves protection only to the extent that there exists a mechanism to use that report for advocacy and pressure to change behaviour.

We also need to accept that every UNSC member state will always have its own national agenda which drives its positions. The importance of human rights or protection⁴ concerns on these agenda varies hugely, so UNSC resolutions result from hard-nosed, political deal-making among these states. When we consider the country-focused resolutions, the politics of these negotiation processes will change depending on the state under consideration, with the result that in some situations it will be easier to achieve strong language on protection than for others. Protection and human rights themes have to struggle for consideration, sometimes facing outright opposition or implicit obstruction. A consistent performance by the UNSC in their defence is therefore unlikely. Instead, progress must happen in very uneven spurts, depending on the theme, and depending on specific country debates and the complex political alliances and give-and-take that affects them.

3. Where are we now? A status quo overview

In order to put subsequent discussions in context, we start with a brief summary of the status of each of these thematic areas, the linkages among them and the varying roles of key UN organs in their implementation.

Protection of civilians

The UNSC resolutions and consequent DPKO action represent one of several important areas of advance in protection in recent years. Two other key recent developments should also be taken into account. The first of these is the Humanitarian Reform process within the UN system and its attempt to assert some order and accountability into the actions of humanitarian agencies towards better protection. The second is the re-focusing of the OHCHR strategy since 2005, expanding its field presence and putting greater emphasis on active advocacy in the field for protection of human rights. These and other major strands of protection work interact and reinforce each other, so even as we consider the direct UNSC role of promoting the implementation of its own resolutions on protection, we need also to acknowledge the indirect impact of these resolutions in strengthening other protection initiatives by other actors.

The several POC resolutions (1265, 1296, and 1674) engage UNSC attention on a broad range of general and specific issues, including: condemning deliberate targeting of civilians, torture, gender-based and sexual violence, violence against children, recruitment and use of child soldiers, forced displacement, trafficking in humans, and denial of humanitarian assistance; calling for preventive measures; urging compliance with International Humanitarian, Human Rights and Refugee Law; ending impunity for genocide and crimes against humanity; calling for unhindered access and security for UN personnel; disarmament, demobilization and reintegration; calling attention to the problems of incitement to violence, small arms and light weapons, illicit exploitation and trafficking of natural resources, and rule-of-law gaps.

⁴ “Human rights and protection” is arguably a redundant phrase, since in conflict, the human rights agenda and protection agendas overlap almost completely. By using both terms, the authors do not intend to imply a separation between the two. But the recent history of debate on “protection of civilians” and “human rights protection in conflict” has been marred by substantial divisiveness, turf wars, and battles over terminology, and there are distinct discourses used by different actors, not all of whom acknowledge the near-equivalence of the two in practical terms. We therefore use both phrases, and call attention to this overlap.

The wording of these resolutions is quite powerful. Consider for instance, paragraph 19 of UNSCR 1674, which condemns ALL forms of violence, and *“undertakes to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place.”* As *enabling legislation*, this offers DPKO the greatest of flexibility to engage in protective measures.

The breadth of these POC commitments is often seen as a problem, especially if it is viewed as an obligation which any one agency might be expected to implement – or even just keep track of. However, the expectation that any single body could or should attempt to implement or even effectively coordinate such a wide-ranging list of commitments is deeply flawed – these themes all overlap with too many others, many of which are already being implemented by a wide range of actors.

What people often miss in their critiques of the breadth and “lack of focus” of the POC agenda, is that these are the very qualities that give these resolutions their strategic power. The wording of the POC resolutions almost says: *“Go out into each conflict, figure out in each context what the most pressing protection problems are, do your best to prevent them and protect and help the victims, and these resolutions back you up.”* We know, of course that many UNSC members did not intend anything so bold, but if more of the leadership of UN agencies and peace operations had the strategic vision to take these words at their face value and actually do this, these resolutions could be far more effective political tools. The wording of country specific mandates is often broad and ambiguous, but this too creates a potential for good field leadership to exercise flexibility and proactively pursue efficient protection strategies. Unfortunately, there are few incentives in the UN system for creative leadership.

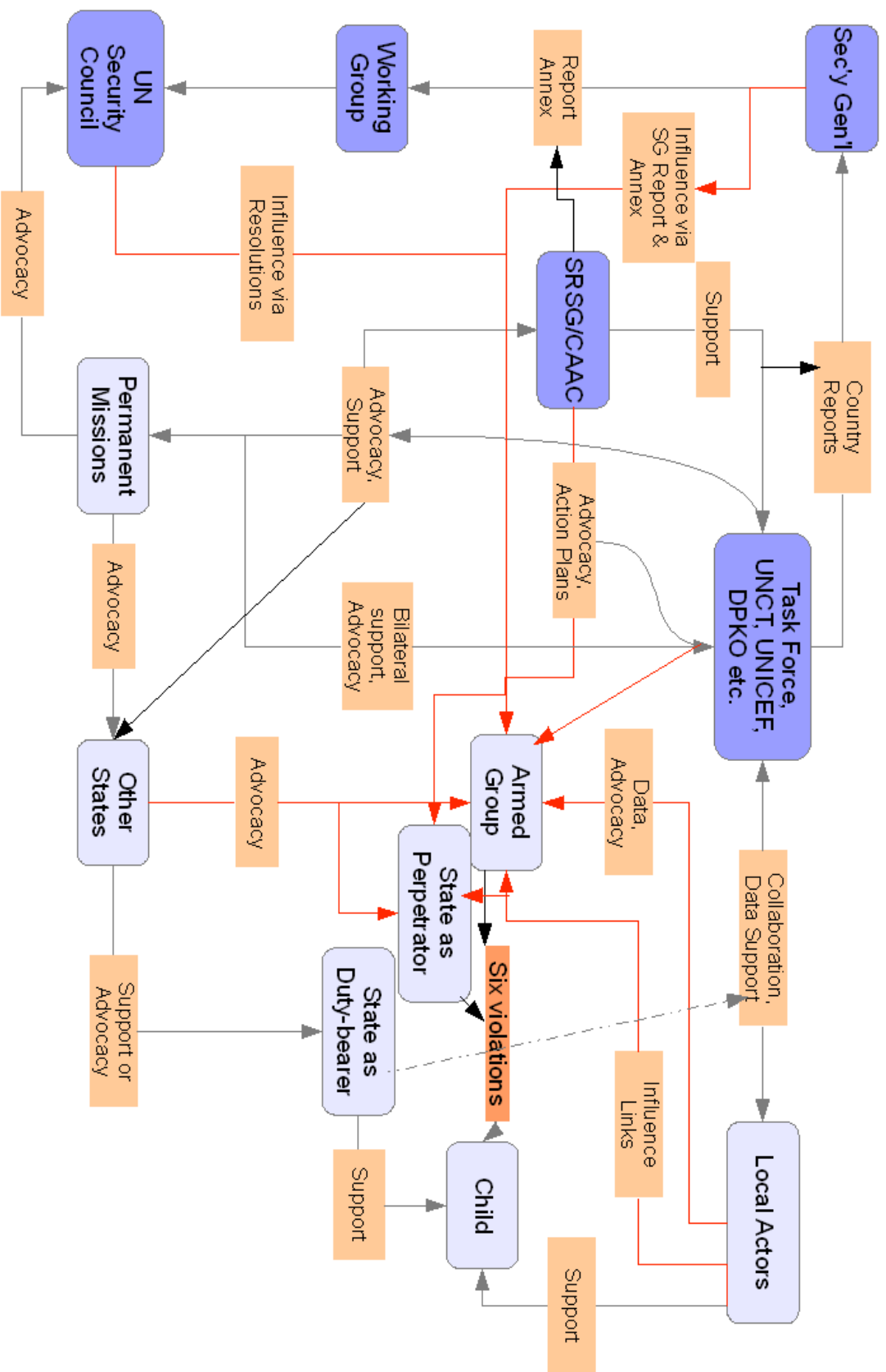
As far as implementation, the resolutions allows for such tools as SG reports, International Fact-Finding Committees, and “any measures at the Council’s disposal” – including peace operations. They call for better training, capacity building, inclusion of protection in country operation mandates, the possibility of establishing ‘safe corridors,’ steps to respond to incendiary media broadcasts, and more. In practice, the SG produces a regular report for the UNSC, and the Emergency Response Coordinator regularly addresses the Council. Most Peacekeeping Operation mandates have some level of POC wording, although follow-through on the ground is erratic.

Children and armed conflict

The integrated mechanisms supporting the CAAC processes include a dedicated SRSG with staff⁵, the annual SG report with its two annexes, a field-based monitoring and reporting process, a UNSC Working Group, a process of “action plan” development with listed violators, country-specific reports of the Secretary General, formal recommendations of the Working Group, and the eventual possibility of “de-listing” from the Annex to the SG’s report. These efforts also interface with the role of the Committee on the Rights of the Child within the framework of State parties’ reporting obligations under the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. With its implicit access to political and financial resources⁶ and its focus on accountability, this elaborate system is seen by some as a model for other initiatives (see figure 2).

⁵ The OSRSG office was not established by the UNSC resolutions, but through prior action of the General Assembly, but it currently serves a central role in promoting the implementation of the CAAC resolutions. In addition to reporting to the SG and UNSC, the OSRSG submits reports to the Human rights Council and general Assembly.

⁶ Although UNSCR 1612 implementation is not explicitly allocated any resources by the UNSC, donors have provided resources to UNICEF and other UN operational actors as well as NGOs involved in the mechanism.



Each year, the Secretary General issues a report with information regarding six specific types of violations against children, including two annexes⁷ listing parties responsible for child recruitment. Country specific reports are also produced for the Security Council Working Group. Field-based multi-agency taskforces gather data for these reports, sometimes in collaboration with NGOs. The reports are drafted with the help of the SRSO office. The Working Group, energetically led by France, serves as a forum for detailed SC debate on the issue, resulting in concrete recommendations for action, direct letters of concern, or potentially targeted sanctions.⁸

The key strengths of this system include:

- Its focus on a relatively limited number of verifiable violations
- The presence of field partners able to “own” the process and collect data credible enough for effective use at the UNSC level
- The existence of the Annexes, and named parties’ aversion to being listed (a motivation for compliance)
- The predictable emission of solid country reports that name names
- The direct UNSC treatment of the reports via the CAAC Working Group.
- The action plan process that encourages and supports steps towards improvement, with the “carrot” possibility of getting de-listed from the annex.
- The strong and consistent leadership of France in the Working Group
- The voice, visits and coordination of a well-resourced and proactive SRSO with strong diplomatic skills

This prolific evolution of resolutions and mechanisms resulted from many factors: the appeal of “children” as a protection issue on which there is little controversy or disagreement, well-planned seizing of political opportunities, well-constructed resolutions, smart strategic-minded individuals, and institutional commitment, aided by a certain amount of luck. Few expected such far-reaching results 5-10 years ago. “Annex 2,” for example, represents a remarkable and unique achievement, as it enables UNSC consideration of country situations that are *not* on the UNSC agenda⁹. This “back-door” to the agenda is quite controversial, resisted by several key SC states.

Data Collection

The SRSO office and several permanent Missions stressed the importance of credible rigorous data, citing the tough scrutiny given to the reports and how unassailable data can be a negotiating tool enabling better decisions. In practice the quality of data is erratic. In some cases it is collected by staff with human rights monitoring skills, but in others the process is more ad hoc, limited by resource and access constraints, or a by-product of existing service-delivery, or extracted from data originally collected to target programme interventions. Even with dedicated monitoring staff, it is expensive, sometimes prohibitively so, to collect and verify large volumes of sensitive and geographically-dispersed data in a conflict zone, and expectations from New York of what this field effort can produce may be excessive.

⁷ Annex one covers countries on the Security Council agenda, while Annex 2 includes other countries.

⁸ See S/2006/724 for details of the CAAC Working Group “toolkit” which lists a menu of options for Working Group action in response to reports.

⁹ [list all annex states here]

Field Use of the CAAC monitoring and reporting mechanism

Use of the reporting data and the collection process for direct field impact at a country-level has been largely ad-hoc. In some cases data has been used to target programme delivery, and in others for advocacy purposes. There is considerable potential to make more conscious use field trips, meetings and interviews for awareness raising and advocacy about the issue and the mechanism. This in turn requires a greater institutional emphasis on the relevant analysis and advocacy skills in recruitment and training,

Workload and resources

Implementing all this takes a great deal of time and money, despite any initial decision wording that it should occur “within existing resources.” Some in Permanent Missions criticize the investment required in time-consuming Working Group deliberations. Even more striking, though less visible in New York, is the labour-intensive field effort put into Monitoring and Reporting Mechanism and CAAC Taskforces, which in some cases has required new dedicated staff roles, or eaten into the work plans of existing staff in the many partner institutions doing the work. It has also required significant funding, currently provided by a limited number of donors.¹⁰ Within the larger peacekeeping operations, the post of child protection advisor was created, and many peacekeeping personnel have been trained on child protection issues.

Women, peace and security

UNSCR 1325 was passed in 2000 after a considerable effort from a broad coalition of UN entities, states and non-governmental groups. This is the first UNSCR to explicitly address the impact of conflict on women, and the contributions of women to sustainable peace, and represented a genuine breakthrough in terms of the visibility of gender issues in the Security Council. It promotes participation of women in decision-making regarding prevention, management and resolution of conflicts, particularly within the UN and in the context of peace negotiations. A second thread of the resolution calls on parties to armed conflict to take special measures to protect women and girls from gender based violence, and requests peacekeeping missions to mainstream a gender perspective into their operations. UNSCR 1325 has undoubtedly played an important role in opening the UNSC to the possibility of including further Human Rights issues and gender-related concerns in its agenda, perhaps clearing the way for later and more demanding resolutions. Follow-up to UNSCR 1325 has been through reports of the Secretary-General, Presidential Statements of the Security Council (PRSTs) and “National Action Plans” of member states. NGOs have played a considerable role in maintaining the momentum of UNSCR 1325 in New York.

Despite some encouraging response, the resolution lacks concrete accountability mechanisms. While significant *procedural* progress was noted (such as gender concerns being more frequently and prominently noted in Security Council documents) commensurate practical differences on the ground have been difficult to identify. Numbers of women in peace talks have remained negligible, and no women mediators have been appointed to high-profile peace processes¹¹. The frequency and severity of sexual violence during and after conflict seems to be on an increase. UNFPA and OSAGI are currently developing a set of field indicators to better assess implementation of 1325. Overall, both the

¹⁰ Monitoring and reporting were of course already happening prior to the passage of 1612, but the formal MRM created a much higher expectation of rigorous data from the field.

¹¹ UNIFEM October 2008 brief: “Women’s Participation in Peace Negotiations:Where are the Numbers?”

participation and protection agendas of 1325 are perceived to have suffered from a failure to build momentum, although the recent passage of UNSCR 1820 was a strong positive step for the protection agenda.

This study deals only with protection aspects of 1325. Despite this limited research scope, we would emphasize that the importance of 1325's comprehensive agenda should not be forgotten as momentum is built behind UNSCR 1820. Concurrent efforts will be needed to propel the participation agenda, and processes established for UNSCR 1820 should not overlook or negatively impact the participation elements of 1325.

Gender in NY

A large number of UN bodies include gender issues in their daily work, notably UNIFEM, UNFPA, and UNICEF but also DPKO, OHCHR, UNHCR, WHO, UNDP, UNAIDS, OCHA, OSRSG/CAAC and others. These entities have significant differences between their thematic foci, their working methods and the resources at their disposal. While this reflects a conscious mainstreaming of the issue across all UN entities, it also poses a risk of duplication, underfunding and tensions. Gender equality and women's rights work is widely seen as suffering from turf battles because of the lack of clarity on who leads on various elements of the gender agenda within the UN system. Respondents consistently used words such as "hopeless", "paralysed" and "dysfunctional" to describe the current state of collaboration in New York.

Under the current humanitarian reform process, the protection cluster has designated UNFPA and UNICEF as co-leads of the Gender-Based Violence area of responsibility. However, as in many other aspects of protection, agencies very often have neither the funds nor the human resources to carry out their assigned roles. The typical humanitarian funding response in individual emergencies has been insufficient for even the field action and certainly does not support the institutional capacity building required for those agencies to be able to deploy the trained, experienced staff required as needed or to do the preparedness with local counterparts.

The Independent Expert's Assessment of the impact of conflict on women (led by Ellen Johnson Sirleaf and Elisabeth Rehn in 2002) found extraordinary levels of sexual violence in many conflict settings and work by the UN agencies intensified after their study. In 2006, the International Symposium on Sexual Violence in Conflict in Brussels brought together governments, NGOs, UN agencies, and civil society to open up discussion on the dynamics and responses required at local, national and global levels. One outcome of the Brussels Symposium was the launch in March 2007 of UN Action, a network of 12 UN system entities working together to intensify UN agency collaboration on sexual violence in conflict, namely: DPA, DPKO, OCHA, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNIFEM, WFP and WHO. It is supported by a small Secretariat.

Gender units in the field

Most peacekeeping operations now have dedicated Gender Advisors or gender units. The mere existence of such units owes a lot to Resolution 1325. DPKO respondents noted such positive examples of impact as the creation of a rape bill or support for a national action plan on gender-based violence in Liberia and a study on the causes and consequences of rape in Burundi. But gender work has had to struggle to gain respect in the field. Some doubt that gender issues are taken seriously at senior levels within peacekeeping operations of DPA negotiation processes. Others question whether the commitment to field staffing has resulted in either the quantity or quality of personnel needed to garner greater respect in the face of this challenge. In one instance, UN Action sponsored a D-1 Senior Advisor position within MONUC in the DRC to focus solely on sexual violence, with the potential to raise the institutional status of gender issues within the mission, but the impact still depends on the degree of political, logistical and administrative support from the mission as a whole. Despite these limitations, there have been some increasing commitments to field staffing addressing gender concerns and sexual violence within the

humanitarian community. For example, a pool of gender advisors to provide surge capacity (GenCap), managed by the Norwegian Refugee Committee and the IASC, began deployment in 2007 to support Humanitarian Coordinators and Country Teams in ensuring gender is well integrated in humanitarian response.

Resolution 1820

UNSCR 1820 was just passed in July 2008, surprising most observers in both its content and speed of passage.¹² Although the final resolution was not as strong as that initially attempted, and does not include provision for a Working Group or dedicated country-reports, the prevalent opinion is that it was far stronger than could have been expected, given the current political climate.

A number of respondents commented on three key features of UNSCR 1820:

- That it makes an explicit link between the use of rape and sexual violence as a tactic of war in some contexts and the issue of international peace and security, thus legitimizing the consideration of violence against women by the Security Council.
- That it contemplates the use of “targeted and graduated measures” against parties that commit rape and other forms of sexual violence in an armed conflict
- That it includes a reporting requirement of the Secretary-General, including information about country-specific situations¹³

The different elements of UNSCR 1820 vary slightly in the scope of the sexual violence they include. Importantly, the Secretary-General’s report on country-specific situations is not limited to sexual violence that is perpetrated by a party to an armed conflict. Rather, it may describe all conflict situations in which sexual violence has been widely or systematically employed against civilians.

The momentum of interest in addressing sexual violence represented by the approved language in 1820 has cross-over potential for supporting other protection themes as well. For example, it might reinforce efforts to open the Children and Armed Conflict gateway to include sexual violence as an entry point to the annexes of the Secretary General’s reports.

The current role of key UN organs pursuing these agendas

DPKO

DPKO is big and complicated. It is dominated by a military frame of mind, with overwhelming military logistical and administrative challenges. Issues such as gender, children and even civilian protection are marginalized and struggling for attention within it. Nevertheless, because it is so big, even a small commitment for DPKO results in a larger field commitment than most others can muster: yielding substantial Human Rights components, Gender units and in some cases Child Protection units or advisors. The practical operation and impact of these commitments plays out differently in each operation, since non-military thematic work in DPKO is fairly ad-hoc, under-staffed and under-trained, and substantially constrained or reinforced by the strategic quality of the peacekeeping operation management and SRSG.

¹² 1820 appears to have been strongly driven by the intense personal interest of the US ambassador. Also, one respondent intimately involved in the 1820 negotiation process remarked that “transparently” emphasizing the severity of sexual violence in the field was an effective way to remove objections and helped avoid prolonged line-by-line debate of the resolution. The focus on the “ground reality” over political considerations heightened the potential embarrassment of obstructing a UNSCR with this content.

¹³ Notably, unlike the CAAC process, reporting on the resolution implementation is currently limited to countries on the agenda of the Security Council.

The potential of the protection impact of its civilian staff is largely unrecognized. OCHA and DPKO are currently initiating a major field study to track the implementation of protection resolutions in peacekeeping mandates, rule-of-engagement and operations.

OCHA

The Office of Coordination of Humanitarian Affairs, OCHA, plays a specific role in New York of promoting the Protection of Civilians UNSC Resolutions, preparing the corresponding SG reports and the regular briefings to the UNSC on protection by the Emergency Response Coordinator¹⁴. OCHA has produced other guidance on protection for the UNSC, including an Aide-Memoire which is currently being updated for consideration later in 2009. But this is a small part of OCHA's much broader coordination role covering a huge scope of issues. Through its Geneva offices, OCHA also works on the implementation of the complex humanitarian reform process, including assisting UNHCR with coordination of the 'protection cluster.' OCHA field staff serve a key function of advising the Humanitarian Coordinators or DSRSGs, and are often involved in coordinating protection working groups. OCHA also coordinates the "Protection Stand-by Capacity" project which provides P-5 senior protection officers to fill specific strategic needs in the field, as well as training 'experts-on-mission' for a variety of other protection-related roles.

Despite a dynamic presence in the field, OCHA is allegedly a non-operational, purely 'coordinating' body, and its very ambitious and active role filling an evident gap in protection work has been a source of concern and turf-battling with other actors. Its attempt to address a broad scope of protection issues has been a source of confusion to many others. In OCHA's defense, frequently the same actors demanding that OCHA be non-operational are expecting OCHA to take on protection advocacy challenges that they would rather avoid. But "advocacy" at the field level, is in fact one of the most fundamental and challenging *operational* tasks of any effective protection strategy. Within this broad scope, the ERC in New York has usually chosen a few focal issues for its limited staff capacity – currently these include SGBV and humanitarian access.

OHCHR: Office of the High Commissioner for Human Rights

The High Commissioner for Human Rights has a broad mandate from the General Assembly covering the protection of all human rights, inclusive of all the protection concerns in this discussion. It has the most highly developed practices of field monitoring and reporting. OHCHR's expansion and reform begun in 2005 reinvigorated a proactive approach to protection combining monitoring with greater field-based advocacy. OHCHR field presences together with the DPKO Human Rights Components (which also liaise with OHCHR and have a dual reporting line to the High Commissioner for Human Rights), have over 700-800 human rights officers in the field.

However, OHCHR's recent transitions and modest expansion are unknown to many, and it is perceived as operationally weak in the field and politically weak in New York. The High Commissioner could potentially be a more powerful voice to the UNSC on these issues, but member states seldom invite her to address them. OHCHR Field operations tend to get strong marks where they are larger, well-resourced, for instance in Nepal and Uganda.

With respect to women and children, OHCHR in Geneva backstops the work of the Special Rapporteur on Violence Against Women, the Special Rapporteur on Trafficking, as well as the Committee on the Rights of the Child. OHCHR has been actively engaged in the study on violence

¹⁴ Although OCHA is not specifically mandated to carry out this task, and presentation to the UNSC of the SG's report on Protection of Civilians has in some cases in the past been done by the High Commissioner for Human Rights, in more recent practice this role has been fulfilled by OCHA and the ERC.

against children and its follow up, including the establishment of an SRSG on violence against children.

There are gender focal points and child rights focal points in most operations, but some who work more actively with these sectors criticize OHCHR's weak political and resource commitment, and its historic tendency to cede the "child rights" territory almost entirely to UNICEF, rather than more effectively complementing UNICEF's 'program-oriented' approach with OHCHR's 'monitoring and accountability' focus.

UNICEF

According to some respondents, UNICEF data-collection and advocacy work in Sri Lanka was a partial model for the later development of the 1612 monitoring and reporting mechanism (MRM). It has played a key role with the SRSG office in promoting 1612. In many countries UNICEF co-chairs the 1612 Taskforce together with DPKO or DPA or the resident coordinator,¹⁵ if they are present. UNICEF local implementing partners are often responsible for collecting a large proportion of primary MRM data. Many of these partners are not specialised in monitoring and reporting human rights violations and generally collect 1612 data incidentally to their other work. Several respondents suggested that human rights monitoring is really not UNICEF's area of expertise. In some cases, UNICEF has hired dedicated monitors to report on 1612, which has reportedly resulted in significantly greater data quality. UNICEF has emphasised that this data is used programmatically. Others have suggested that they have focused on service provision at the expense of perpetrator-centred advocacy efforts. UNICEF has been less visibly active on UNSCR 1325 and at New York level has largely left this space to others, but they are currently examining how to more effectively integrate 1325 into their work. As mentioned earlier, UNICEF is co-lead with UNFPA on Gender-based violence through the humanitarian cluster system.

UNHCR

The United Nations High Commissioner for Refugees (UNHCR) was originally mandated to provide protection to refugees – including supervision of the application of the refugee conventions. Its role has evolved to include stateless persons as well as internally displaced persons (IDPs). UNHCR takes the lead in advocacy and developing refugee/ stateless persons protection standards and in refugee protection programming and operations, while in regard to IDPs, it works within the cluster approach serving as the lead in the global cluster for protection. In those capacities, UNHCR has taken upon protection of civilians, including women and children as key priorities. UNHCR's spread of operations at the field level through its field offices enable the Organization to reach out and work with grass roots NGOs, as well as refugee and IDPs, and also local communities and civil society groups in monitoring and reporting on protection issues.

UNHCR representatives provide input into Security Council resolutions to ensure that aspects of refugee protection find their way into peace keeping mandates. UNHCR also works with peace missions at the country level, in order to capitalize on complementarities of mandates and expertise.

OSRSG – Office of the Special Representative of the Secretary General on Children and Armed Conflict

The SRSG serves as an independent advocate for the protection and well-being of boys and girls affected by armed conflict. The OSRSG does not have a field presence but undertakes humanitarian and diplomatic initiatives to facilitate the work of operational actors on the ground with regard to children and armed conflict. This role includes: direct addresses to the Security Council as well as informal lobbying and advocacy and advocacy with individual states other multilateral bodies and NGOs. The office also

¹⁵ In Nepal and Uganda, the key taskforce role of OHCHR was cited, and in Myanmar, the ILO.

collaborates with other UN bodies to strengthen responses: for instance, a key partnership between the OSRSG and DPKO has resulted in the incorporation of children's issues in peacekeeping operations through child rights and protection in training for peacekeepers and the deployment of over 60 child protection advisors in peacekeeping missions.

The OSRSG is tasked with the coordination of the reports from the Secretary-General to the SC Working Group on Children and Armed Conflict, which are intended to trigger action by the Council. By October 2008 the Working Group had considered 21 of these country reports.

In the past three years, the Special Representative has undertaken 12 country visits, a central element of her advocacy strategy. These visits aim to assess the situation of children in the conflict, facilitate dialogue with parties to the conflict to conclude action plans to end recruitment, assess the implementation of UNSCR 1612, and engage the state and NGOs. These visits also provide an important advocacy opportunity for local groups and other institutions to highlight the concerns of children in the conflict.

UNDP, UNFPA and UNIFEM

UNDP has a wide range of activities that intersect with the protection issues in these resolutions. In the humanitarian reform “cluster” process, for instance, UNDP co-chairs with OHCHR the Rule of Law area of responsibility within the Protection cluster. On a broader level, in the context of gender mainstreaming, the participation issues of resolution 1325 are reflected in a range of UNDP efforts. For the purpose of this research, our interviews with UNDP focused on the UN’s efforts around violence against women, its role in UN Action to Stop Rape, and the related activities of the two UNDP-associated funds, UNFPA and UNIFEM.

UNFPA works on gender-based violence (protection, prevention, response and rule of law) in most of its regular country programmes, including in conflict and post-conflict settings. It places a special emphasis on health response for survivors but also deals with protection, such as work with police and in reintegration programmes. UNFPA also has GBV programmes within several DDR programmes. UNFPA organized the Brussels Symposium and led the Brussels Call to Action on Sexual Violence in Conflict. At the global level, UNFPA work in the GBV area of responsibility in the humanitarian Protection cluster and also the Gender aspects of Early Recovery. In this role, it has been active in developing norms, standards and interagency guidelines, organizing training of UN and NGO GBV field coordinators and working with UNHCR and IRC on development of an integrated data collection system for sexual violence. Given the level of responsibility the agency has assumed, it has limited resources to carry out all the field support as well as building its own capacities for this support. Although UNFPA has implemented joint programming on sexual violence with UNICEF and UNHCHR, capacities to do effective coordination have been limited.

UNIFEM, as one of the smallest UN funds, has limited operational capability in conflict and post-conflict countries, though in some contexts it has a substantial field presence. It supports implementation of 1325 and 1820 through advocacy work -- bringing women’s experience of conflict to the attention of intergovernmental bodies at the UN and also working in partnership with UN agencies such as UNDP, DPA or DPKO to ensure that gender equality issues are addressed in DDR, post conflict needs assessments, early recovery efforts, mediation efforts, transitional justice mechanisms, etc. It also engages in ‘catalytic’ or pilot programming on women peace and security such as supporting gender-sensitive institutional reform in the police or judiciary in post-conflict contexts, or capacity-building for women in public office after conflict. UNIFEM recently lead an initiative to review the role of military peacekeepers in preventing widespread and systematic sexual violence in conflict, in partnership with DPKO and UN Action against Sexual Violence in Conflict. Its Wilton Park Conference of May 2008 resulted in a compilation of best practices of peacekeeping operations in preventing sexual violence and protecting women and children.

Within New York, UNIFEM is seen as committed and active, but with little power and resources and lacking an effective voice to the UNSC. Their field presence is generally weak.

OSAGI

The Office of the Special Advisor on Gender Issues (OSAGI) was established to promote the effective implementation of the Millennium Declaration, the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women. Within this broader mandate, it has also engaged in follow-up on resolution 1325, but the office is utterly under-resourced for such a responsibility. It has struggled to coordinate among the diverse array of institutions pursuing gender-focused objectives.

4. Discussions and proposals

The political environment: Working in the UNSC

The mood in around the United Nations in New York is, according to most respondents, “bad.” Respondents spoke repeatedly of mistrust and backlash: “1612 is a victim of its own success,” and “its intrusiveness is prompting greater resistance to other protection agendas”. “It’s a sneaky “back-door to the Security Council agenda”.

‘Western legitimacy is at a low point, damaged by Iraq and Afghanistan.” “G-77 troop-contributing nations see a double-standard when rich nations approve robust peacekeeping mandates but expect the poorer nations’ troops to take the risks.” Protection of civilians is sometimes seen as a dangerous step towards R2P, which in turn is seen as a synonym for uninvited intervention. Pessimistic assessments of this environment dominate the current debate in New York.

This pessimism itself acts to inhibit new protection initiatives. Based on anticipated resistance, new initiatives and proposals may be dismissed untried. Fear of “losing ground” can pit different protection agendas against each other. Resolution drafts may be watered down to eliminate human rights language even before they are circulated for debate. Such self-censorship may be a logical attempt to economise time, to avoid endless or hopeless debate, or not to burn the limited store of ‘goodwill’ one may have with supposedly ‘non-cooperative’ states. These are reasonable concerns, calling for tough judgment calls, but excessive pessimism should not blind us to the opportunities that remain.

The current negative political moment needs to be kept in context and the difficulty of moving forward should not be exaggerated. Many of the concerns above have existed for some time and yet, considered over a longer time-frame, all three protection agendas have steadily gained ground. In fact, according to several observers, the political environment has been perceived to be similarly difficult at least since 2001, yet many of the protection advances discussed in this paper have been achieved despite these perceptions. Security Council politics is not as predictable as this pessimism would suggest and there have been many surprises. Some advocates ten years ago for children and armed conflict never expected anything as good as the current monitoring, reporting and working group process, and support for these mechanisms were echoed again in the most recent SC debates. Protection of civilians resolution 1674 was more powerful than its predecessors. Most recently, the rapidity and strength of resolution 1820 caught everyone by surprise. Even those who are perceived as resisting these processes are not consistent, sometimes supporting specific resolutions when they find it in their interest, or when they can be influenced by the strength of universally-accepted values – for instance regarding protection of children and women.

Recommendation 1: Such positive surprises are not achieved unless they are attempted and promoted. The most productive response to the current situation is not to wait passively for an improved

environment. Instead, initiatives should continue to be attempted in creative and diplomatic ways, making the most of transient opportunities.

Even more importantly, efforts must be made to improve the political environment through dialogue, moving to reduce tensions and build a stronger consensus. It is necessary to move beyond collective generalizations of the “reluctant” or “unfriendly states”, the “G-77”, the “Non-aligned movement,” or the “troop contributing states.” Every state is different, and it is essential to understand the nuanced national agendas and dynamic interests guiding their positions. If the protection debate is to shift in a more positive direction, it is going to require a significantly greater investment in one-on-one dialog. Protection proponents need to sit down with different actors from these different states, listen to their interests, forget generalizations and devise individualized strategies for building new alliances and a stronger consensus, one at a time. In the short run, the composition of the UNSC will change somewhat for 2009, and both the current and future members should be engaged in such dialog as soon as possible.

The sensitivities around “Responsibility to Protect” (R2P) pose a special challenge to such dialog. Many respondents expressed concern that the inflammatory rhetoric for and against R2P hinder progress on protection. Some argue that R2P language should be avoided altogether, as it is too sullied by association with threats of intervention by force, and it closes too many doors to dialog. Another approach, though, would be to use dialog opportunities to calm fears and emphasize the limits of the UN’s commitment – the approved World Summit document merely allows for the UNSC to consider Chapter VI and Chapter VII missions in extreme cases, an authority the UNSC already had.

Recommendation 2: It would help if both the proponents of R2P and those who doubt its wisdom could agree that the R2P controversy should not be allowed to stop important protection efforts that have no interventionist component. The overall agenda for protection of the human rights of civilians in conflict should be allowed the leeway to proceed forward, keeping a prudent distance from the R2P controversy.

Recommendation 3: Using open and non-polarizing discourse, pursue more inclusive and individualised dialog with states outside the “groups of friends”, especially Russia, China and G-77 states, to better understand the fundamental roots of their concerns about these themes, and seek out common ground around which new proposals could emerge in the future. Such dialog takes considerable time, and will require an increased investment of human resources and political capital.

At a much more practical level, and independent of these political tensions, the level of consensus that already exists could be better taken advantage of by making sure that existing thematic protection commitment are reflected in individual country-focused UNSC resolutions. In too many cases, the necessary language to appropriately reflect protection themes in peacekeeping mandates is not getting there,¹⁶ often because it is not even proposed in the initial drafts. Different actors try to make this happen, but the result, currently, is very ad-hoc and incomplete.

OCHA attempts to follow each country resolution process and lobby member states to push this process along. The coordination problem, however, also lies within and among the permanent missions themselves. Regional experts, for example, may not always benefit from the inputs of all the relevant thematic experts while working on resolutions or debate positions. As this paper is being finalized, OCHA is revising an ‘Aide-Memoire’ on Protection of Civilians to present to the UNSC, which also aims to bring greater consistency to the process of PKO mandates and renewals, including explicit operative paragraph text from prior resolutions that have successfully integrated these protection concerns.

¹⁶ See, for instance, Security Council Report’s recent thematic report on Children in Armed Conflict which charts the inclusion and omission of child protection concerns in UNSC country-focused resolutions.

This is not just a word-game - having the right references to thematic issues in the mandating resolutions for country missions can be a key resource for staff *within* these missions. These few words can result in a stronger thematic staffing commitment on the ground and puts proponents of human rights, child protection and protection of women in a much stronger position to prioritise this work.

Recommendation 4: For each country-focused resolution, the right contacts and steps must occur to ensure that the SC member who is drafting the initial resolution has the information, expertise and commitment to include the right language in the first draft. Further contacts need to be made to brief other SC members to be in a position to support and defend this language in SC debates.¹⁷

Helping practice catch up with policy – strengthening weaker links

In all of these thematic areas, the existing international law and the existing commitments in UNSC resolutions are already advanced far beyond current capacity and practice. Taking into account the complex web of influences that actually yields a protective output, the decisions about resolutions, policies and resource allocation in New York need to take into account this bigger picture: where can we best target our efforts to strengthen our influence on the ground?

Recommendation 5: In many cases, the biggest opportunities to improve influence and impact will be through strengthening field-based activities.

A great many efforts can be advanced by member states to better implement these existing norms, independent of work towards new resolutions and despite the current negative political climate. Respondents stressed how much can be achieved with steps carried out “under-the-radar” of the UNSC.

- Make more resources available for field-based initiatives: encourage decisions to expand relevant institutional budgets and qualified staffing within the Secretariat central budget and elsewhere, while also promoting increasing bilateral voluntary contributions to institutional initiatives for protection. Those agencies involved in field protection need more posts authorized, and higher-status posts for greater impact. More resources are needed for field-based protection programming, taking into account the higher costs of field staffing in conflict situations.
- Support the expansion and improved training of monitoring units (human rights field operations and peace operation components, child protection advisers and units, gender units, etc.). Assist in the development and dissemination of existing effective field implementation resources.
- Encourage the effective reflection of protection mandates in the Rules of Engagement, standard operating procedures, workplans and training systems of all relevant key peacekeeping units.

¹⁷ Consider for instance, UNSCR 1756 extending the mandate of MONUC in the DRC in 2007, which gives prominence to the mandate to “*Protection of civilians, humanitarian personnel and United Nations personnel and facilities*”, including those under imminent threat of violence, protection of assistance delivery and voluntary returns of refugees and IDPs, disarmament of abusive armed groups and release of children, strengthening democratic institutions and rule of law, “promotion and protection of human rights, with particular attention to women children and vulnerable persons, investigate human rights violations with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law.” It authorizes MONUC to use “all necessary means” to fulfil these tasks. In addition UNSCR 1756 “welcomes MONUC’s policy to promote and protect the rights of women and to take into account gender considerations as set out in its resolution 1325 (2000) as a cross-cutting issue throughout its mandate. See <http://daccessdds.un.org/doc/UNDOC/GEN/N07/343/29/PDF/N0734329.pdf?OpenElement> for full text.

- Support the offices and travel budgets of all relevant special procedures and special representatives, including the SRSG/CAAC, the UN Special Rapporteur on Violence Against Women, the SRSG for Human Rights Defenders, and others. These field visits have consistently proven to be positive opportunities to mobilize advocacy and increase pressure for compliance with human rights norms.
- Advocate for the inclusion of protection concerns in the practical planning of new field operations.
- Encourage DPKO to expand the role of human rights and humanitarian experts, in its staff and management, and in country-focused consultations in order to broaden its protection perspective and create a more flexible range of field protection options within peacekeeping operations.
- Monitor and lobby with member states on the 5th committee in order to ensure that human rights and protection-focused initiatives and institutions are adequately financially supported and that relevant policy decisions are resourced.

Balanced and reasonable data collection processes

A focus on the real impact for people on the ground is particularly important in the design and implementation of field reporting mechanisms, where the length of the reporting chain can be formidable. Reliable and comprehensive data collection in the field is often highly labour intensive. Excessive reporting obligations take field staff away from other important tasks – including the very advocacy and programming tasks that give this reporting its immediate local protective impact. Data should always be collected with a clear idea of how it will be used, and this linkage needs to be understood by all involved in the collection process so they can focus their energies where they can contribute the most. Improperly managed data collection can put service providers and survivors at further risk. Often collection of additional data is not required, but the confidential and careful sharing of information available, by responsible parties, is sufficient to generate the required analysis.

Gathering comprehensive and reliable *statistical* information in a conflict zone is especially hard: it can absorb significant resources and yet produce statistics that remain incomplete and difficult to interpret. In contrast, often the clearest and more informative parts of a final report are the narrative, the analysis, and the concrete and verified cases. These elements can rarely be derived from incomplete statistics. A valuable narrative will require qualitative information gathered from a variety of sources, including NGO partners, interviews and dedicated field presence in affected areas. Patterns of abuse can thus be identified followed by explicit verification of key facts. Attempts to generate comprehensive statistical data will generally be exceedingly labour-intensive, and should only be considered after clear analysis that expected results represent effective use of the required resources.

Local and international NGOs are almost always in closer direct contact with abused individuals than UN staff and it is essential to systematically take advantage of their insights. Data provided by NGOs contributes to contextual analysis and helps the focus of the reporting process. It may also identify case studies for further investigation. UN agencies need to value and take advantage of these local resources, but also recognize the security risks that local people run when engaging in monitoring.

Monitoring processes do not exist simply to send data and reports to New York or Geneva. The field monitoring process should be consciously designed to maximize its effect on local actors, *before and after* the production of any high-level report. Data demands from New York should not overshadow or divert resources from in-country advocacy. Dedicated monitoring staff should be able to make the most of every opportunity to interact with all parties on the ground in order to induce reductions in abusive behaviour. In order for a monitoring mechanism to maximize its impact, resources need to be focused where they will bring greatest results. In the case of monitoring and reporting in the field, this will usually imply an

emphasis on dialogue, investigation, analysis, advocacy and verification, and these will be necessary skills for any monitoring and reporting operation

Recommendation 6: Be realistic about data and reporting demands, and have limited expectations of comprehensive statistical data. Make sure that onerous reporting demands do not divert resources from in-country protection advocacy. Be sure to take advantage of the analytical support available from NGOs.

Promoting longer-term coherence

The challenge of proportionality

Protection investment (of resources, labour and political collateral) should correspond in some proportional way to the severity and prevalence of abuses. Among the protection themes considered here, however, a lack of proportion is obvious. The investment in responding to a relatively small number of recruited children far outweighs the commitment to larger problems. In conflict, far more women are raped than children are recruited. In different contexts, some other violations may be even more prevalent and urgent. But political will and funding often respond to national agendas, donor preferences and the fleeting popularity of issues.

We can't expect to achieve a perfect balance, but we should be aware of these discrepancies and take conscious measures to ameliorate their effects. Donors and crosscutting institutions such as OCHA, OHCHR and DPKO should promote system-wide prioritisation of resources towards the most pressing needs. In particular, we should take advantage of the strength of high-profile issues such as the recruitment of children to open doors for more politically difficult ones, through precedent, advocacy openings, and other linkages. Those concerned that such linkage may "hold back" the CAAC agenda should consider that this risk may be worthwhile in the long run. This suggestion not only refers to proportionality comparisons among these three thematic areas, but also between these areas and other protection and human rights concerns that have not even found their way on to the Security Council agenda. Just as the political leverage of children's issue can help pull concern about women and civilians forward, the advances of all three issues on the UNSC agenda should be a wedge for pulling additional concerns on to that agenda as well.

Lack of proportion is also evident in terms of *geographic commitment*. The world is not made up of the short list of countries on the UNSC "agenda." Numerous conflicts and crises with significant human costs receive relatively little attention, because they are deliberately kept off the international and UNSC agenda by powerful states. If we are seeking a systematic approach based on needs, we also need to look for other ways to ensure that these forgotten conflicts get the political and resource attention they deserve. The expansion of the Security council agenda represented by the inclusion of other countries in 'annex 2' of the CAAC process, is one promising example of this, and should be considered a precedent rather than an exception.

Recommendation 7: Seek ways to compensate for disproportionate progress among different themes or different countries, not by holding back the stronger initiatives, but by preferential strengthening of the weaker ones. Recognizing the potential positive synergies between different themes, initiatives on stronger themes should be deliberately constructed in ways the pull the others forward.

Taking advantage of opportunities – but limiting fragmentation

There have been many advances over the last decade, and there is now far more presence and programming on the ground in conflict to address protection needs of civilians, including women and

children. But the existing structural arrangements in the UN for promoting protection are chaotic, resulting from an accumulated history of disconnected decisions in different places.

At the global level, OHCHR, DPKO, OCHA and UNHCR all have some responsibility for, or claim to, leadership on civilian protection, and whether they fight over it or work out friendly arrangements varies from place to place. The SRSG/CAAC office is separate and independent of these and the CAAC Monitoring and Reporting Mechanism in the field operates in parallel to other existing institutional processes, including other monitoring processes seeking similar data, and other institutional efforts dealing with child protection.¹⁸ DPKO has sub-units of varying capacity on each of these themes, arranged and deployed differently from one operation to another, with an acknowledged lack of internal coherence and varying levels of investment or capacity for coordination.

These are just examples – clearly it is all very messy. Sometimes this complexity can generate positive effects: Overlaps of mandate can result in functional complementarity. Ambiguity can be translated into flexibility. Sometimes it is necessary to take advantage of fleeting political will to advance on a protection issue when you can, even if the ideal coherent structure is not available to implement it. When the most thematically appropriate institution does not have the necessary capacity to act, others will stretch themselves to fill the gap. Committed staff and responsible institutions are not going to turn their backs on opportunities to help people, even if the long-term structural impact of their effort may have negative consequences.

It will almost always appear easier to start something new than to try to confront inertia and shift existing structures into a more efficient arrangement. But this incremental process of adding on a little piece at a time can lead to an accumulated decay in coherence and efficiency.

Recommendation 8: If we are trying to evolve and improve a system, we can't just consider each element in isolation, but need to understand that element's contribution to system-wide coherence. While we need to make progress where we can, we need the discipline to demand that each step – however urgent or expedient it may appear today – must be constructed in a way that will move us towards a more coherent structure tomorrow.

All too often fragmentation occurs, or is reinforced, for less justifiable reasons: turf battles, institutional and personal ambitions, ignorance of what other institutions are capable of, personality disputes, competition for resources, inability to resolve theoretical and terminological differences, donor loyalty to specific agencies or departments, and institutional inertia. The resulting disorganization, inefficiency and missed opportunities for advocacy and other protection action are tragic.

The turf battles and power struggles are particularly wasteful. It takes a good deal of courage to confront them, and most people choose to just cope and work around them. But a turf battle is not an immovable geological formation that we can build a structure on or around. It is a transient obstruction to the fulfilment of the protection objectives we aim to achieve.

Recommendation 9: These damaging turf battles are, in every case, problems that must be tackled and solved: a challenge that in each case will demand a different mixture of leadership, demands for accountability, and careful and quiet mediation. Potentially, the Groups of Friends member states could intervene and mediate to seek improvements in these relationships.

¹⁸ It is worth noting that the 1612 task forces are often highly consultative in the sense of involving actors across the spectrum in gathering data and policy input on the UNSC-driven CAAC agenda, but such collaboration is still highly focused on meeting the needs of the UNSC, and to some observers not sufficiently organically linked to other overlapping child protection efforts.

Human Rights Tools and Political Tools

The debate in New York around UNSC action often seems to ignore, or even block out, the role of human rights mechanisms, as if they were somehow a different subject and terrain altogether. But all of these agendas form a part of the broader objective of achieving better protection of human rights. This protection goal, as mentioned above, is a *political* challenge that requires the use of every potential tool and source of influence that can be mobilized. To some extent this paper is looking at how to mobilize the UN Security Council role in this process to be more effective. However, these efforts are all being pursued in a context of resistance or overt denial that human rights are part of the UNSC agenda. This historic resistance has created and sustained a series of obstructions between the human rights mechanisms – often oversimplified as “Geneva” and the UN’s political mechanisms, a.k.a. “New York.”

This dichotomy is not politically or logically sustainable: political decisions have implications for suffering people. Human rights protection requires political action. Geneva-based human rights mechanisms have considerable expertise on many protection themes, but need greater access to influencing the UNSC. The increasing inclusion of human rights concerns on the UNSC and GA agendas has been the trend for decades and, despite resistance to language, cross-Atlantic turf battles and some resistant SC member state policies, this is an unstoppable process that will continue. The question is not whether it can happen, but how to best propel the momentum of this existing long-term trend so that the power of the UNSC – in concert with actions of other parts of the system - helps more people more quickly. Steps we take to help people in need right now also need to contribute to this long-term momentum.

Recommendation 10: The human rights mechanisms, in particular OHCHR and the Special Procedures, need much stronger links to New York. This can be promoted in many ways, including:

- Encourage SC states, including those holding the Presidency month, to issue frequent and regular invitations to the High Commissioner for Human Rights to address the UNSC on specific country situations and broader thematic concerns. (Diagnosing and overcoming the current resistance to such invitations is a key first step – linked to the dialog proposal mentioned earlier.)
- Look for more opportunities to bring relevant Special Rapporteurs to address the UNSC or its working groups on corresponding issues, and on specific country situations.
- Urge OHCHR and the new High Commissioner to strengthen their presence and visibility in New York, and to resource the New York office sufficiently with more high-level staff with strong diplomatic and coordination skills to take on a greater role in country-focused and thematic processes in New York.
- OHCHR needs to disseminate a clearer vision of its field work to other UN actors, including its rigorous monitoring tools, its commitment to active advocacy for protection (rather than just “reports” as many believe), and its increasing field operationality.
- On the ground, DPKO human rights components and in a few cases stand-alone OHCHR operations sometimes have the largest and most highly skilled teams for monitoring, reporting and advocacy on protection. But they are all-too-often perceived as failing to share the information they gather in a way that it can contribute to the necessary mobilization of pressure for protection. In order to more fully take advantage of the potential of these human rights monitoring operations, there must be greater flexibility and collaboration to enable the effective and timely *use* – by multiple actors - of monitoring results for advocacy and influence.
- The experiences of some DPKO human rights components (e.g. MONUC, Burundi, and others) and OHCHR’s large stand-alone missions (e.g. Nepal, Uganda) suggests that when a human rights unit is sufficiently large and strategically flexible, it can make a substantial contribution to the objectives of protection on the ground, including on issues of women and children. The expansion of human rights

field presence is an ongoing trend, but it needs much greater political and financial support so that some of these positive models can be developed in more countries. Human rights field operations should be encouraged to include more gender and child specialists. The incoming HCHR should be encouraged to continue to field-based growth set in motion by the 2005 OHCHR Plan of Action under former HC Arbour.

Next steps in each thematic area

We have presented three overarching recommendations: a) to pursue greater consensus and coordination to strengthen action at the UNSC level, b) to strengthen “vertical” complementarity between high-level decisions and their field manifestations, and c) to insist that short-term decisions must contribute to long-term structural coherence. Each of these has specific implications for how we proceed in the three thematic areas in the near future.

Protection of Civilians – Next Steps

In the short term, and narrowly looking at UNSC influence, we can identify three major areas of potential progress that could be addressed in the near term.

The leadership gap and the UNSC focal point

There are widely perceived to be gaps in leadership and coordination regarding POC-related UNSC processes. Numerous respondents perceive both OCHA and the UK Permanent Mission as unable to provide sufficient leadership – and both acknowledge the weakness. OCHA has recently increased its New York POC staffing, and limited its focal issues to a few areas for the sake of practical achievements. The UK permanent mission is the unofficial “UNSC focal point” for the issue, a role that may be simultaneously advancing and inhibiting progress. Every state faces a complex national agenda with many forces at play, and cannot be expected to be able to champion a thematic issue with equal vigour at all times. The arrangement is informal, and other kinds of informal leadership models might also be possible, including shared thematic leadership among more than one UNSC member state, in order to allow for one state to take the lead when it is not convenient for the other.

Creation of a POC “Expert Group” or Working Group

OCHA and the UK are devising an informal “expert group” process aimed in part at improving coordination of the initial drafting of country-focused resolutions. Earlier this year, the Secretary General and the ERC urged the UNSC to take a much stronger approach – that of promoting a “working group” for protection of civilians, with all SC members involved. This could be a case in which the perceptions of a bad political environment have led the UK and OCHA to compromise on a less challenging – but perhaps insufficient – approach. One of the strengths of the CAAC Working Group, even though it demands torturous debates and its outputs may be constrained by the need for consensus, is that it creates a forum for dialogue with the other states and creates some level of shared commitment and buy-in around the process. The current attempt to create a “POC expert group” involves a voluntary invitation to all UNSC states to participate, but the question is, who will show up? If participation is broad, it might replicate this “working group” consensus-building strength. If, however, the participation reverts to the more limited “group of friends” the necessary dialog will not emerge, rather it risks building one-sided momentum around proposals that could appear to be imposed on opponents. It may help address the immediate coordination problem in resolution drafting, but not the ultimate need for greater consensus.

Recommendation 11: Every effort should be made to create an inclusive working group or expert group structure on Protection of Civilians, involving all key Security Council members, in order to maximize the consensus-building role of this dialogue.

An “annex” on access constraints

In his address to the UNSC in May, 2008, John Holmes announced that the next SG report on POC would include an analytical “annex” on access constraints in conflict settings. Access is a fundamental enabling step for all protection activity by other actors on the ground. OCHA has already done some very constructive work distinguishing the diverse contributing factors that obstruct access, looking more deeply at specific country situations and considering appropriate advocacy strategies – bringing this analysis to the attention of the UNSC is a logical next step. With the current mood of distrust, “annex” is one of those taboo words or modes that some feel can never be successfully repeated. But it will not be achieved if it is not tried.

Recommendation 12: Member states should support and defend this initiative to create an analytical SG annex on access constraints. After the first such annex is attached to an SG report, it may open the way for other more explicit UNSC measures for addressing the specific problems it describes.

Children and Armed Conflict – Next Steps

Impact Measurement

A number of respondents have mentioned the desirability of having clearer indicators of the impact of the Monitoring and Reporting Mechanism. This could help assess the cost-effectiveness of the large investment it takes, and give some indication whether similar kinds of labour-intensive mechanisms could serve well for other themes. Impact assessment is notoriously difficult with human rights protection, because too many causal factors contribute to final outcomes and contexts change significantly over time. This difficulty should be realistically assessed before additional investigatory demands are placed on already strained staff. Some work on impact assessment, though, is already being done, for instance by Watchlist. Such efforts should also try to assess the relative impact value of the different components of the CAAC process – in particular the relative energy being devoted to data-gathering and verification as compared with advocacy and follow-up.

Sexual Violence trigger

In many contexts the issue of sexual violence against children is a significantly more serious problem than child recruitment. Some have called for the “trigger” for annex listing to be expanded, to at least include sexual violence. Currently, however, the definition of the annex contents is explicitly limited to the recruitment of children.¹⁹ An expansion of the criteria may therefore require a new resolution.

This might be resisted, given the current sensitivity over the existing “invasive” monitoring and reporting process. But it may have potential. A limited – but important - expansion in the listing process might be just the kind of resolution needed to maintain Security Council momentum on CAAC issues. It would be difficult to sustain publicly that parties guilty of raping children should not be listed, simply because they are not also recruiting them. This is especially true in the context of the commitments contained in UNSC 1820.

Expanding the criteria for annex listing does not necessarily change the scope of data collection in the field. Monitoring on all six violations is already expected, and parties may already be listed as “guilty” of sexual violence against children in cases where they are also recruiting them. On the other hand, the expansion of the trigger criteria could act as an important driver to allow for greater dedication to monitoring of sexual violence against children in the field.

¹⁹ UNSCR 1379, para. 16

Recommendation 13: A limited expansion in the CAAC annex listing process to include sexual violence against children might be just the kind of resolution needed to maintain Security Council momentum on CAAC issues, and should be supported.

Next steps for UNSCR 1820

As a follow-up resolution to UNSC 1325 focussing on its protection aspect UNSC 1820 is brand new, and now is a key moment to influence the design of the follow-up structures that should be put in place for its implementation. Ideally, this resolution will help to strengthen the advocacy and support systems for women suffering from violence in conflict, and establish accountability mechanisms for those responsible. To do this it will need clear leadership and coordination, effective field presence for monitoring and advocacy, and an ongoing link to – and voice to – the UNSC.

Whatever processes are launched, it is essential that they define their scope as broadly as the resolution allows: not simply “sexual violence when used or commissioned as a tactic of “war” (para 1) and not only dealing with “parties to situations of armed conflict who commit rape” (para 5) but rather focusing on paragraph 9’s reference to the need for peace operations to “protect civilians, including women and girls, from all forms of sexual violence...”, and paragraph 10’s scope – which arguably exceeds the short list of countries on the SC agenda. Resolution 1820’s wording is ambiguous in enough places not to exclude a broader scope of action in the future.

Regarding implementation structures, some might seek to replicate all the structures and mechanisms of the CAAC system, but we would suggest that that is neither feasible nor optimal. Some recommend the process be “owned” by DPKO, but this is not optimal either: DPKO has field strength, but insufficient institutional buy-in on gender or human rights issues to provide a strong high-level advocacy voice. In fact, no single entity currently provides all the necessary elements, and for reasons of long-term coherence we do not recommend inventing new ones. A hybrid solution will be needed.

There is a future possibility that the ongoing debates on “gender architecture reform” will result in a new entity that could play a logical central role in this process. But it does not exist yet, and the implementation of 1820 cannot wait for it. Nonetheless, any structural arrangement chosen should be flexible enough to be re-arranged in the future to allow for such a new and stronger entity to play a key role if appropriate and feasible.

There may be several hybrid possibilities, but we would urge that they consider the vital need for effective human rights monitoring and advocacy capacity at the field level to fulfil the task. This need could logically be filled by DPKO Human Rights components in collaboration with its Gender Units, and by OHCHR where there is no DPKO presence - if OHCHR is resourced to do this, in each case with support from UN agencies on the ground with expertise on gender issues such as UNIFEM or UNFPA. This would put a human rights monitoring task in the hands of the field units most expert in this task, rather than establishing a parallel process. (see Figure 3)

At the same time, there are concerns that monitoring violence against women carries with it a concurrent responsibility to offer follow-up, referral or programmatic services. The UNICEF and UNFPA lead of the GBV area of responsibility is critical here and one or both could be better supported in their coordination role in conflict settings. This role should ideally be fulfilled by national actors, but if human rights monitoring operations are responsible for the monitoring role, they should be working in close collaboration with those international and local agencies who are best placed to follow-up on identified needs and to support the longer-term strengthening of national support networks.

The voice in New York and the synthesizing of reporting to the UNSC might also be led by a strengthened OHCHR, which already works organically with DPKO Human Rights components and has the established

practice of gathering such human rights data from field operations and producing reports for advocacy. UNIFEM, UNFPA, OSAGI and others with strong advocacy voices within the system in New York would be important partners. The High Commissioner for Human Rights herself is also a logical “big voice” to represent the issue of violence against women in conflict, and could be urged and invited to fill such a role by member states. Finally, it should not be forgotten that the Human Rights Council already has a Special Rapporteur on Violence Against Women, whose efforts should be linked with any process established to pursue 1820 (For instance, linking her field visits at the country level to 1820 follow-up work, or lobbying for invitations for the Special Rapporteur to address the UNSC on the issue.)

Some might argue that OHCHR and DPKO-Human Rights are not operationally strong enough, or not expert enough in gender issues to take the lead roles. Both of these weaknesses are fixable with the right internal institutional commitment and external support. If, in the short run, these human rights institutions were not in a position to take on such a commitment, they should nevertheless be built into the process in a way that allows them to grow into this role in the future.

A UNSC Working Group is an additional potential strategy for UNSCR 1820. By regularly considering country reports, a Working Group would provide an automatic link from the ground reality back to the Security Council and be a constant reminder of the wording in the original resolution. Significant political commitment would be needed to establish the Working Group and still more to maintain it with an active and influential chair. It may take a longer-term political strategy to overcome current political resistance, and there may be a need for a slightly different model of working group functioning, given concerns expressed about the workload the process implies for permanent missions.

In the short term, UNSCR 1820 asked the Secretary to report back to the UNSC within a year. This first year and first report are an important opportunity for advocates of protection of women in conflict to convene discussion with the Secretariat actors who will be producing this first report, in order to set in motion an ongoing process that could yield some of the outcomes discussed in this paper, including adequate monitoring, a clear voice to the UNSC, and longer-term institutional coherence.

Recommendation 14: Resolution 1820 should be implemented with as broad a scope as possible, with dedicated field monitoring and a pro-active voice to the UNSC. The lead organizations taking this responsibility need a combination of field capacity, advocacy capacity on human rights and gender issues, and clout with respect to the Security Council. No single UN organization currently possesses this combination, but an alliance of DPKO, OHCHR and the gender-focused programmes (UNFPA, UNIFEM or a new gender-entity) should work together to maximize their combined capacity. In the long run, a strengthened OHCHR with active monitoring of violence against women in conflict should be supported, and the future possibility of a UNSC working group on violence against women should not be discounted. In the short run, the process of reporting back to the SG after the first year should be closely monitored and supported by all actors concerned with the issue, to ensure that the momentum continues towards a more robust implementation.

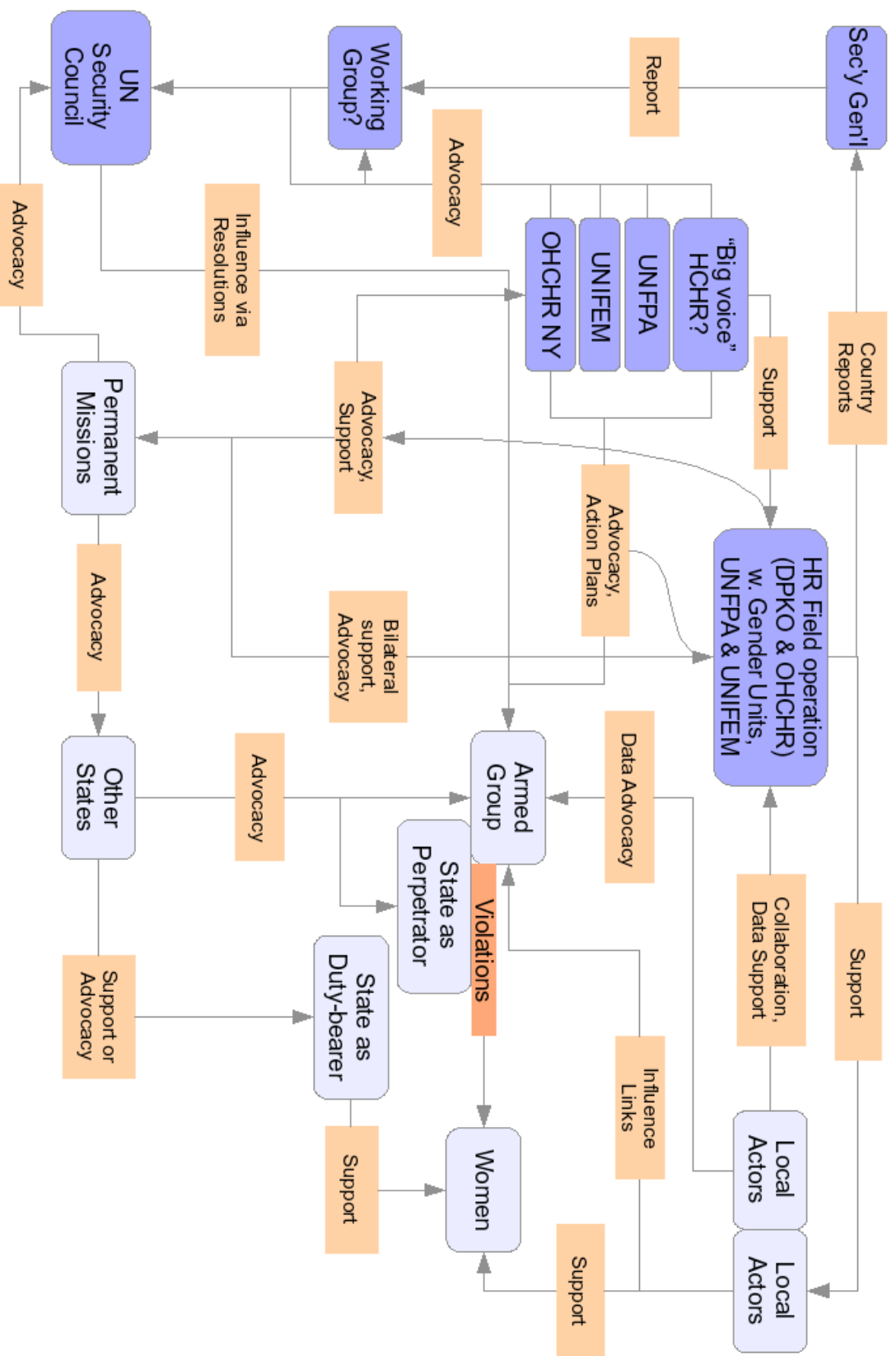


Figure 3: This graphic shows some of the routes of advocacy and information linked to the included proposal for UNSCR 1820. Interestingly, the needs for information flow and advocacy links are basically the same as in the earlier graphic for Children and Armed Conflict. The main differences here relate to who will carry out some of these key tasks.

5. Conclusion

At the beginning of this paper we compared a complicated “protection system” to an eco-system of semi-autonomous but interdependent parts, aided by some guiding norms and more-or-less shared objectives, engaged in constant multi-actor negotiations to improve their delivery of real protection to people on the ground. We must ask ourselves, after all the preceding analysis, what is the “holistic approach” we can achieve in this complexity?

There is no simple structural solution. Nothing we have learned in this process suggests that all these different actors could be brought under one neat governance structure, and all convinced to work together with the same priorities. Progress will continue to come from a string of fleeting (or occasionally more durable) collaborations of disparate forces and institutions. The UNSC itself is a complex multi-lateral collaboration which by its nature will shift priorities and lurch forward or backward unevenly. The constellations of forces around each of these themes, for instance, will continue to differ, yielding different levels of support, momentum and even different structures.

But this does not mean there is no holistic approach for advocates of improving the system. Structural unity is not an option, but incoherence is still very costly to all our efforts, and incremental steps can gradually improve coherence and reduce those costs. What we have argued in this paper is that advocates of more efficient protection, no matter what part of the system they serve, need to be holistic in their attitude and vision: they need to look at themes and initiatives outside their own small piece of the system and see the interactions and synergies, and sometimes be willing to give in a bit on their local or institutional priority for the good of the whole system. And they need to do this with a long-term view.

One of the challenges of slogging through the daily struggle of diplomacy and advocacy with UN member states and confronting the inertia of UN structures is that we can all too easily settle for small short-term gains while losing ambition and vision about what really needs to happen. We need to be thinking more about where we want to be in 2015 or 2020, and making our 2008 decisions in a way to strategically get there.

We could project ahead and envision a UN with a strong human rights field presence with the necessary thematic expertise wherever it is needed to do monitoring, reporting and advocacy for children, women and other vulnerable groups. Such field operations would work in collaboration with state and non-governmental organization to maximize the accountability impact on perpetrators, and coordinate with humanitarian organizations and local support mechanisms to ensure that monitoring is adequately followed up with the necessary supportive programming for victims. We could also envision a Security Council that is by that time dealing with human rights concerns arising in conflict as a matter of course rather than an exception. It will still not be a perfect system, but it will be better than what we have now.

Ambitious optimism is hard strategic work. It takes time, and requires both expert and high-level collaboration. If the capacity does not exist today to implement what should be done, we should set in motion the strategies to put that capacity in place later. If turf battles and institutional inertia are preventing progress, we need to take them on and get them out of the way, one by one. If today's political obstacles seem formidable, we should be planning – now – the consensus-building strategies to reduce them for the future. And we should be setting up structures that will make sense not only today, but later on when that greater capacity and political opportunity are ready for something more.

About the authors

Liam Mahony and Roger Nash are the co-founders of Fieldview Solutions (www.fieldviewsolutions.org). Fieldview Solutions helps organizations that deploy staff in conflict zones and regions of significant human rights abuse, by bringing a rigorous analysis of best field practice into planning, guidance materials and training. Civilian suffering in the face of conflict and human rights abuse places a tremendous obligation on United Nations and non-governmental organizations who try to confront it: an obligation to be efficient and effective; an obligation to get past words and rhetoric and find real solutions that make a difference. To meet this obligation, they need good analysis, well-trained staff and creative strategies. Fieldview Solutions consultants bring together practical field experience from NGOs and UN organizations. We specialize in best practices analysis, creative training development, and strategic advisory services.

Fieldview Solutions founder, Liam Mahony, has been doing fieldwork, analysis, advocacy and training focused on protection for over 25 years. The field manual, "Proactive Presence: Field strategies for civilian protection," authored by Mr. Mahony and published by the Centre for Humanitarian Dialogue, is now a fundamental resource for many institutions to assist in planning and training for the integration of protection into the ongoing work of a wide range of field operations. He is currently or recently involved in analysis and training development projects with the UN Office of Coordination of Humanitarian Affairs' Protection Standby Capacity project, the Office of the High Commissioner for Human Rights, the UN Department of Peacekeeping Operations, and the World Food Program.

Fieldview's co-founder, Roger Nash, brings to this initiative a field background of human rights and humanitarian work in Colombia, Afghanistan, Sri Lanka, and Sudan. This practical experience is complemented by academic work on human rights, focused on the efficient use of field presence for protection. Mr. Nash is currently a protection trainer for the OCHA ProCap program (Protection Standby Capacity) and WFP's "Protection in WFP operations" training roll-out.