



Protection of Civilians

– LEARNING FROM DARFUR

Learnings

Introduction	3
Darfur and the many protection firsts	4
Responsibility to Protect and the quiet revolution	5
Protection at a cross roads – the many spheres of protection	6
• The need for clear leadership and frameworks in the humanitarian sphere	6
• Human rights specialists need access to fulfil their role	7
• New political actors and an over emphasis on military solutions	8
The African Union in Darfur	9
• An overdue focus on the role of the police	9
• The AU and an elusive peace process	10
More focus on prevention	11

Recommendations

Protection System	12
Prevention	12
• Prevention through awareness of protection measures	12
• Working with and building on community-driven processes and structures	14
The Role of the Police in Protection	15
• Ensuring an effective framework for a police component in peace-keeping missions	15
• Improved training of police participating in peace-keeping missions	16
Evaluation	17
Political Dialogue	17

Annexes

A. The programme of the seminar	18
B. Opening Address, the Danish Minister for Development Cooperation, Ulla Tørnæs	
C. More actors in protection - for Better and for Worse	

Introduction

From September 10 – 11 2007, the Ministry of Foreign Affairs of Denmark and DanChurchAid hosted an international seminar 'Protection of Civilians – Learning from Darfur in Copenhagen. The seminar had a rich diversity of speakers and participants including both field practitioners to policy representatives. By bringing together experts with different backgrounds, the seminar fostered a fruitful and open exchange of views, experiences and ideas on obstacles, weaknesses and strengths in the field of protection of civilians in armed conflict. The humanitarian situation and protection crisis in Darfur was a case study for the discussion.

The aim of the seminar was to examine practical experiences with protection of civilians in Darfur in order to learn lessons for future protection work in Darfur and in other humanitarian crisis. Specifically the seminar was aimed to:

- Clarify roles, responsibilities, mandates and capacities of humanitarian, political and military actors in protection work,
- Discuss obstacles, weaknesses and strengths with protection work, and
- Develop recommendations on how to enhance the implementation of protection measures, improve cooperation between actors and strengthen protection strategies.

The second day involved a smaller group of the panellists, facilitators and organisers reflecting on the presentations, views, experiences and collective thinking of the previous day, with a view to translating these into concrete recommendations for future actions. The agreed criteria for choosing the subjects for further work were that they were Darfur and protection-centred, urgent, feasible, and that there appeared to be room to make a tangible difference.

The final recommendations are available at the end of this report. The programme, including the names and topics covered by the speakers on the first day is available at Annex A. Annex B contains the full transcript of the opening speech by the Danish Minister for Development Cooperation Ulla Tørnæs. A condensed list of some of the positives and negatives that have, or may arise from so many new actors taking up protection activities can be found in Annex C.

In order to promote the frank exchange of views and experiences between the participants, the seminar was conducted under "Chatham House" rules, and as such, there are few direct quotes in this report apart for which permission was sought and granted by specific individuals. Overall, the report aims to provide a short synthesis of the main topics discussed during the seminar and the subsequent recommendations drafted by the smaller group of resource persons on the second day.

The organisers would like to thank the moderator and all the panellists as well all those who participated from the floor for their many unique contributions to make this seminar a valuable learning and professionally enriching experience.

Darfur and the many protection “firsts”

TARGETED ATTACKS, FORCED DISPLACEMENT, SEXUAL VIOLENCE, FORCED CONSCRIPTION, INDISCRIMINATE KILLINGS, MUTILATION, HUNGER, DISEASE AND LOSS OF LIVELIHOODS ARE COLLECTIVELY USED AS MEANS OF WAR. TODAY'S SEMINAR TAKES OUTSET IN THE CONFLICT IN DARFUR. THE CONFLICT HAS LED TO TREMENDOUS SUFFERING BY THE CIVILIAN POPULATION. IN DARFUR, THOUSANDS OF CIVILIANS HAVE BEEN KILLED, RAPED OR WOUNDED. OVER TWO MILLION PEOPLE ARE DISPLACED, AND TWO THIRDS OF THE POPULATION IS DEPENDENT ON INTERNATIONAL AID FOR FOOD AND BASIC NEEDS. THE CIVILIAN POPULATION IN DARFUR HAS BEEN SUBJECTED TO FORCED DISPLACEMENT ON AN UNPRECEDENTED SCALE, AS WELL AS WIDESPREAD PHYSICAL AND SEXUAL VIOLENCE. HENCE, THE CONFLICT IN DARFUR WAS THE FIRST EMERGENCY TO BE CHARACTERISED AS A “PROTECTION CRISIS”.

Danish Minister for Development Cooperation, Ulla Tørnæs.

Not only is the crisis in Darfur the first to be labelled a 'protection crisis' but as speakers in the seminar illustrated, the response in Darfur has seen a great many “firsts” for protection. And whilst all speakers acknowledged that the majority perceived these new “firsts” as important steps towards achieving increased protection for the civilian population.

One of the most important “firsts” in Darfur was, and continues to be, the insistence - time and again - by a significant proportion of the at-risk civilian population, that whilst food, medicine and blankets are important, their foremost and most urgent need is protection from targeted violence, harassment and displacement. This is often articulated as physical security, in the form of an outside force, to stand between them and their attackers.

This insistence - or maybe the fact that in Darfur the humanitarian community for the first time ever really took note of it - has been, and continues to be, at odds with the perception of the de-facto powers, who see protection as an issue of national sovereignty - and indeed one not to be surrendered to international control. The international community, be it the African Union Mission in Sudan (AMIS), the UN or humanitarian actors, have with limited success tried to practise protection of civilians in the resulting murky waters between a genuine need for physical protection, the political manipulation of this need (particularly by some factions) and ultimately a national government and local authorities that do not want an internationally executed and monitored “protection regime” in Darfur.

Some of the other more prominent “Protection Firsts” that were listed during the debate were:

- It has been the first time for the African Union (AU) to lead on physical protection in a major conflict and humanitarian crisis;
- A first hybrid UN-AU mission (UNAMID) will soon be leading on protection of civilians in Darfur and UNAMID will be operating under a UN Security Council mandate with direct reference to its role and responsibility in protection of civilians;
- It is the first time where 40 plus humanitarian actors have stated that they are undertaking protection activities on the ground;
- UN OCHA for the first time led on civilian protection in (parts of) Darfur until 1 January 2006;
- It was the first time the UN housed and significantly resourced the coordination of civilian protection activities within a UN integrated mission after 1 January 2006; and
- It is the first crisis of its kind to spur such a widespread and sustained international advocacy and media campaign for the protection of civilians, including numerous major celebrities and large campaigning organisations, with tangible impacts on the policies of some governments.

Responsibility to Protect and the quiet revolution

The Danish Minister for Development Cooperation, Ulla Tørnæs, stressed in her opening address:

WE, THE INTERNATIONAL COMMUNITY, HAVE A POLITICAL AND A MORAL RESPONSIBILITY TO ACT WHEN SYSTEMATIC ATTACKS ON CIVILIANS ARE TAKING PLACE IN ARMED CONFLICTS.

The Minister's statement is backed by the 'quiet' or 'paper revolution' that has occurred over the last fifteen years regarding the international communities' many commitments to protect civilians in conflict environments and affirmation of its 'Responsibility to Protect'. For example, commitments are evident in the 2005 UN Global Summit Declaration, several Security Council Resolutions and the regular reports to the Security Council by the Emergency Response Coordinator. The Minister stressed in her presentation that the establishment of the International Criminal Court is a concrete example of the commitment to end impunity for the most serious crimes, and thereby protect the rights of civilian populations affected by conflict. In the case of Darfur, there is UN Security Council Resolution 1706, which evokes 'Responsibility to Protect', and Security Council Resolution 1593, which authorised the International Criminal Court to begin investigations in Darfur.

Yet, whilst there may be no lack of support on paper, in International Humanitarian Law and UN resolutions and declarations for, the 'Responsibility to Protect' there is still a very long way to go before it can be said to have taken root in international practise. As one speaker put it:

THE PROTECTION CRISIS AFFECTING CIVILIANS CAUGHT UP IN ARMED CONFLICT AND OTHER SITUATIONS OF VIOLENCE TODAY IS NOT DUE TO AN INADEQUATE LEGAL FRAMEWORK, BUT TO POOR COMPLIANCE.

Lack of compliance and the failure of the international community and nation states to implement their commitments, is not unique to protection or to Darfur. This failure is evident in many other areas of international public law, especially in the human rights and humanitarian arenas. But for the people facing protection threats, the quiet paper revolution is not yet changing the reality that they are facing, or addressing their immediate protection needs. And as stated by Minister Tørnæs in respect of Darfur:

DESPITE THE EXPRESSED COMMITMENT TO PROTECT CIVILIANS, THE IMPACT OF ARMED CONFLICT CONTINUES TO DISPROPORTIONATELY AFFECT THE CIVILIAN POPULATION - ESPECIALLY WOMEN AND CHILDREN.

Protection is first and foremost the responsibility of the national authority and the other conflicting parties. When they deliberately and repeatedly fail to fulfil this responsibility, the experience of the last four years in Darfur shows that relevant international actors - despite the 'paper revolution' and invoking 'Responsibility to Protect' - remain very far from having the 'protection tools', which can effectively address such a situation and ensure a reasonable degree of security and protection in a conflict zone.

Another concern raised in the seminar was the so-called 'buyer's remorse', as some nation states appear to be distancing themselves from 'Responsibility to Protect' or back-tracking on previous commitments. This trend is evident to differing degrees with the problems experienced by international and regional actors, especially at the UN in New York and in Northern capitals. Political actors have also generally failed to agree on a shared assessment of the civilian protection threats and needs in Darfur to ensure a unified and timely approach, or to address the crisis with the tools they have or could have available to them, given the urgency demanded by the realities in Darfur.

Protection at a cross roads – the many spheres of protection

When trying to differentiate between the new – and old – actors now active in protection, one speaker made the following distinctions:

WE CAN DISTINGUISH THE POLITICAL SPHERE, THE MILITARY OR SECURITY ONE, THE LEGAL AND JUSTICE ONE, THE ECONOMIC ONE AND THE HUMANITARIAN SPHERE. ALL THESE SPHERES INTERACT IN ONE WAY OR ANOTHER.

Meeting the protection needs of civilians during armed conflict is a tremendously difficult task. Protection sits at the cross roads of political, humanitarian, judicial and physical security efforts undertaken by many different, and sometimes adversarial, international, regional, national and non-state actors. During conflict situations, no single actor can meet all of the protection needs of the civilian population alone. Yet a common understanding or agreement amongst all the different actors of what civilian protection actually means in practice, or what measures are appropriate to use to secure civilian protection, by whom, and in what situations, is lacking. This is further complicated by protection efforts often being carried out in complex and heterogeneous societies and situations such as Darfur.

Throughout the seminar one old humanitarian truth was repeatedly echoed: One sphere cannot substitute for the other. And in particular, humanitarian endeavours can never be a substitute or alternative to political solutions. All actors need to fulfil their distinct roles within their own sphere – humanitarian, political, human rights, judicial, economic and security. Whilst it is necessary to ensure complementarities, debate and understanding between the different actors, substitution of roles is generally inappropriate and potentially even dangerous.

In many conflict and crisis situations, including Darfur, complications arise when roles and responsibilities are ill-defined or actors do not fulfil their role. In such situations 'role creep' can occur, for example, when humanitarians have access to the vulnerable population and information concerning violations that others do not. There can be enormous pressure on individuals and organisations to take up roles that they are not the most qualified, experienced or formally authorised to fulfil.

A lack of clarity and a failure to implement can lead to differing, and sometimes unrealistic expectations of the roles and responsibilities of other actors. When expectations are not met then trust can be lost, whether from the actors themselves or the civilian population. This has been seen in the area of the AMIS losing the trust of some of the civilian population when their expectations of physical protection were not met, or in the case of NGOs losing trust in the UN agencies when they did not receive the support that they thought they would when targeted. An unhealthy environment can develop, where actors turn on each other and morale becomes low. In an already difficult environment such as Darfur this is especially destructive, given the suspicions and hostility of the conflicting parties towards protection actors, which can lead to actors distancing themselves from protection work.

The need for clear leadership and frameworks in the humanitarian sphere

In Darfur role creep has occurred in the camp management and coordination and protection sectors. Due to the lack of clear leadership, adequate resourcing, definitions of roles and responsibilities and frameworks for implementation, non-mandated actors have, in some situations, taken up roles that they are not qualified to do or do not have the necessary clout with the authorities to undertake. This is especially in relation to reporting on allegations of sexual gender based violence and directly interfacing with the government in camp management and coordination, rule of law and access to justice areas. NGO observers felt that weak leadership in the protection sector had generally left non-mandated protection actors vulnerable to harassment, and at the same time tempted or forced them to fill gaps for which they did

not have the mandate, resources or authority to fill. Other speakers were hesitant to accept this perception fully, but all agreed that more needed to be done.

Given the degree of complexity and interdependency in protection work, a substantial part of the discussions focussed on the need for a strong, clearly designated and sufficiently resourced leadership for coordinating the many civilian protection actors.

Most speakers agreed that, with regard to the UN system, this leadership should rest within the civilian part of the UN system and primarily focus on:

- Developing a common understanding/definition of protection of civilians and facilitate clear frameworks, setting out agreed and distinct roles and responsibilities and the measures that can be employed for implementation,
- Providing coordination at all relevant levels between the main protection actors and ensure effective liaison with UN/AU political leadership as well as the police and military components of AMIS and the incoming UNAMID,
- Be a primary and effective liaison body vis-a-vis all relevant Sudanese authorities, armed groups, etc., and act as an effective buffer for non-mandated protection actors such as national and international NGOs from intimidation, harassment, expulsion and so on.

The seminar was informed of how analysis of experiences from a number of emergencies had led the UN system to review its practice in the humanitarian field. In December 2005 and following the Humanitarian Response Review, the UN established its new humanitarian cluster approach. Global cluster leads were designated in nine sectors and areas with the main task to provide enhanced leadership, accountability and predictability in all sectors/areas of response.

UNHCR has the lead for the global protection cluster, but this mechanism has so far only been activated in three complex emergencies (Uganda, Liberia and Lebanon). At the time of the conference, the role of the cluster approach and the specific role for UNHCR in protection in Darfur remained subject to discussion between the different stakeholders in Sudan. The current lead on civilian protection in Darfur rests with UNMIS but that mandate expires with the introduction of the new UNAMID structure. Thus, at the time of the conference, the future lead on civilian protection within the UN structures in Sudan remained undecided. All speakers agreed that resolving this lack of leadership was urgent.

For more details, see the particular recommendation on Protection Systems.

Human rights specialists need access to fulfil their role

Several speakers warned non-mandated and non-specialised humanitarian actors not to take on specialised protection efforts for which they do not have the competences, experience or the internationally recognized mandates.

Equally donors were warned not to 'lure' such actors into protection efforts for which they were not suited. In a crisis as complex as Darfur, protection needs to be integral to both the design and the execution of most if not all humanitarian efforts – but this should not lead actors specialised in basic service delivery into pursuing specialised human rights monitoring. "Stay within your role" was the phrase heard several times during the seminar.

However, during the seminar specialist human rights groups pointed out that it is extremely difficult for them to monitor human rights performance in Darfur as they cannot gain permission to enter Sudan. For example, the blocking by the Sudanese government of the 2007 UN CHR mission or the inability of the staff from human rights NGOs to be granted visas and travel permits. Without these groups on the ground in Darfur, pressure is placed on other actors to fulfil their specialist roles. Yet only the relevant authorities can remedy this situation of access, and this appears to be unlikely unless this area is prioritised by the political actors with influence.

New political actors and an over emphasis on military solutions

During the seminar the performance of political actors was questioned during analysis of how well they have fulfilled their roles and responsibilities with regard to the protection of Darfur's civilian population. As discussed above, several speakers insisted on the importance of all actors needing to fulfil their roles in their own spheres. When one fails it has negative impacts on all actors and role creep can occur. The discussion in this section is not comprehensive and recommends the need for more analysis in this important area.

Speakers raised concern with the failure of some political actors to use their influence over the conflicting parties to push for improved civilian protection in Darfur. As already stated the 'Responsibility to Protect' was invoked by the UN Security Council in Resolution 1674. Yet a year later violations continue and Darfur is a less secure environment today than it was then. The political actors with influence over the conflicting parties are not just the traditional power houses of North America and Europe, but large economic investors such as China, India, Malaysia, and regional players such as Libya, Eritrea, Egypt, Chad and other African nations. The seminar acknowledged the need for more research and evaluation of the actions taken (or not taken) by old and new political actors and the impact that this has had on civilian protection in Darfur.

Speakers also discussed the well documented negative repercussions from the failure by political actors to secure the signatures of two of the three rebel factions to the Darfur Peace Agreement (DPA) in May 2006. All operational actors in Darfur were negatively impacted as the security situation significantly deteriorated. Humanitarians could not intervene as polarisation increased and conflicts intensified, the humanitarian space shrank and aid workers experienced a significantly worsened operating environment. Key players such as the AU and UN seemed to lose political direction, clout and motivation, which intensified following the Government of Sudan's later rejection of UN Security Council Resolution 1706 and the expulsion of the Special Representative of the United Nations Secretary General, Mr. Jan Pronk. This left national and international NGOs exposed to a worsening security situation on the ground and more vulnerable to increased pressure from hostile national and state authorities. In the perspective of many NGOs as discussed above in Section 3(a), the weakening of the UN/AU missions severely impacted their ability to intervene or act as a buffer between the national authorities and the NGOs when things got tough.

The intense pressure to secure a peace agreement for Darfur in May 2006 was partially – and only partially – due to one of Darfur's 'firsts' – the considerable influence of external campaigning groups and coalitions in North America and Europe. These campaigning groups and coalitions have been an important factor in keeping Darfur a high priority with political actors and avoiding the 'forgotten emergency' syndrome that other equally important crises suffer from. Because they are not operational in Sudan, they have also been able to speak out on issues that other actors cannot, due to fear of reprisal.

Both a new phenomenon and new actors in respect of humanitarian crisis, the campaigning groups have used large-scale and highly professional popular mobilisation and media campaigns to secure millions of supporters and dollars to influence the protection solutions prioritised by mainly North American and European political actors. Their messages on occasion become over-simplified, such as 'stop the genocide', 'send in UN troops' or 'get the UN in and AU out.' Whilst well-meaning and sincere in their beliefs, criticism was expressed during the seminar that this influence has helped to push political actors to be too heavily focused on simplistic solutions involving the UN and military intervention and at the expense of the AU, an inclusive peace process and humanitarian space. It is possible that the Darfur campaign may also have inadvertently impacted negatively for how the concept of 'Responsibility to Protect' is portrayed and viewed – more as a device for military intervention rather than its other important (civilian) components.

More analysis and evaluation is required into the impact that the campaigning groups and coalitions and their interactions with some INGOs have had on other actors and civilian protection in Darfur, both positive and negative.



The African Union in Darfur

UNDERSTAFFED, UNDER RESOURCES, UNDER EQUIPPED.....UNDERRATED.

Speakers described how the AU's mission in Darfur was tasked with implementing the impossible through AMIS. It was also put forward that despite all the set-backs, the AU and its member states showed sustained commitment, endured significant loss of life and made a positive contribution to protecting civilians in Darfur.

AMIS initially deployed 200-odd monitors that increased to a force of only 3,000 to cover a territory the size of France, with a rather weak mandate, very little in terms of equipment and no real long term financial commitment to back up the mission. The deployment was first and foremost an act of African solidarity and as such, in the eyes of many involved, deserves more credit and appreciation than has been the case.

The seminar heard how AMIS would have benefited from a clearer mandate (including on protection) as well as on rules of engagement, a significantly stronger force, sound and predictable funding. Equally, AMIS would have benefited from a more realistic understanding and expectation of what could be achieved with international actors and, not least, the population and the political and military actors in Darfur.

An overdue focus on the role of the police

The seminar discussions focused on the deployment of AMIS' police component. Even though the police should have been a significant contribution to civilian protection in Darfur, the way it was set up and managed was described as 'an ill-conceived add-on.' The police never had a specific mandate within the mission, and there was insufficient pre-deployment assessment and planning. In the recruitment process more stringent selection criteria would have been beneficial, such as prior relevant work experience in a peacekeeping mission, gender sensitivity and language skills. Once deployed, staff found little preparation around the most basic issues such as accommodation, transport, communications equipment liaison and information sharing protocols within the mission.

A lack of clarity and some contradiction with the mandate of the AMIS police was also not helpful and raised key questions such as how a force which is mandated to monitor and thus maintain a delicate independence can also be actively engaged in identifying and investigating alleged violations and suspects.

The seminar acknowledged that the role of police components within peacekeeping missions has not always been sufficiently valued, planned for or resourced. This is despite the police being recognised as a crucial component of the physical

civilian protection and law and justice efforts. With Darfur some of the important lessons of the AMIS police component were recognised as also being applicable to the military sector, and the challenges faced by police engaged in civilian protection functions globally. This is especially the case with respect to those conflicts with severe protection issues.

For more details see the particular recommendation on the role of the police in protection.

The AU and an elusive peace process

An important point made by several was that security and civilian protection will only ultimately come as a result of a legitimate political solution or real peace – not as a result of military action.

Several speakers stressed that the AU's challenges and problems had been significantly compounded by the AU's stewardship of the Darfur peace processes. Negotiation under time pressure, lack of inclusiveness and to some extent, insufficient political analysis and understanding on the part of some actors (including foreign diplomats, the AU itself and external advocacy/campaigning groups) undermined the AU's leadership in the process. Once the resulting Darfur Peace Agreement (DPA) of May 2006 proved unworkable, other international actors were quick to defer criticism and blame the AU. As a result, and due to some of AMIS' own miscalculations, AMIS lost crucial trust and credibility with significant parts of the population as well as with several conflicting parties in Darfur. Some of the negative impacts that arose for other actors in Darfur following the DPA are discussed above in Section 3(c).

Looking towards a renewed peace process, several speakers stressed the importance of ensuring rapid and marked improvement in the immediate security situation, but also of providing sufficient time to allow for an inclusive peace process. It was suggested that the model used in Sudan's North-South peace process could serve as inspiration. This involved an initial framework (Declaration of Principles) coupled with an immediate cessation of hostilities. Subsequently a ceasefire agreement was worked out and implemented while a detailed technical peace agreement was negotiated in a process that allowed for inclusiveness of all relevant sectors of the populace and not just the conflicting parties. This process took several years and was preceded by a protracted reconciliation process between the southern rebel groups (as would be required in Darfur) and preparatory work to enable them to engage in meaningful peace talks with the Khartoum government.

Several speakers underlined that sustainable peace in Darfur can only come about as the result of a broad-spectrum engagement amongst the Sudanese people. It is not a process that can be restricted only to the armed parties, but needs to take into account the political realities and complexities of all of Sudan. It is also important to ensure sequencing throughout the peace process, which is not currently evident in Darfur. This means that a cessation of hostilities should be implemented in Darfur, and large scale violations should cease, before the parties to the conflict receive so called peace dividends and before commencement of significant early recovery activities and funding.

If started too early, when active conflict is still occurring and civilians are still suffering large-scale harassment and violations as they are in Darfur, recovery activities and similar types of support can end up as a conflict dividend for the parties and become a mechanism to force return and further disenfranchise the most vulnerable. Speakers also cautioned that in any peace process, it is important to ensure that protection of civilians in its widest sense is part and parcel of both the process and how it is being carried out as well as to ensure that protection considerations are reflected and incorporated in actual agreements, be they short (ceasefire) or long term (peace agreements).

For more details, see the particular recommendation on Political Dialogue.

More focus on prevention

Throughout the seminar it was acknowledged that prevention is an extremely important, but often neglected, part of protection. Prevention activities are unfortunately not always prioritised in emergency situations, including with the Darfur crisis, as they are perceived to be long term activities that are difficult to resource and prioritise in emergencies with short time frames and immediate demands. Prevention covers a broad area from underlying causes through to solutions and beyond.

There was considerable discussion about how prevention activities could be instrumental in reducing tension and conflict between the different actors in Darfur. Mistrust between the different parties to the conflict, as well as lack of knowledge and respect for International Humanitarian Law (IHL) and other bodies of law creates a very unsafe situation for the affected population. It is also not helpful to have lack of coordination and collaboration between the international community and local civil society with regard to messages and awareness-raising on the concept of protection.

As spelled out in more detail in the recommendations, one part of the discussion focussed on prevention through raising awareness of protection measures. This would require drafting a standardised package of guidelines on protection to be distributed to a large number of relevant actors, authorities and affected groups. Another part of the debate focused on working with and building on community driven processes and structures that could help unlock local knowledge, understanding and coping mechanisms with potential for promoting protection of affected populations.

In order to be constructive, all such preventive measures must be informed by a thorough understanding of the political context and the roots of the conflict, and even then it may turn out to be difficult to reach the necessary consensus on many such prevention actions. For instance, previous attempts at reaching agreements on standardised humanitarian guidelines in Darfur failed among other reasons due to a fundamental lack of trust between the different actors.

At a more general level, the seminar touched on the validity of developing some kind of agreed standards for humanitarian efforts to protect civilians. Such standards could be developed within – or at least draw inspiration from – the already widely accepted SPHERE standards for humanitarian activities. The seminar did not reach any clear conclusion on this subject but there was an agreement that it warrants further follow up.

One example of where, among others, preventive actions has been relatively successful in Darfur are on the issues surrounding the return of displaced populations. Ensuring a strong and competent lead and coordination in this area, along with a joint framework of understanding including both humanitarian actors and relevant national authorities, has indeed contributed to limiting the forced or manipulated return of IDPs significantly – at least so far.

When a peace process in Darfur makes progress, it will be very important to maintain this relative success informed basically by the understanding that, as one speaker put it, “return is the result of peace - not a means to reach it”. As a peace process makes progress, it is likely that some conflict parties would see it in their interest to promote an early and in many cases equally pre-mature return of IDPs to areas still insecure. In such a situation it will be vital to have a lead coordination agency and clear frameworks in order to ensure that principles of voluntary return are upheld.

For more details see the particular recommendation on the role of prevention in protection.



Recommendations

The seminar was a collective process with agreement and consensus on many topics but also differences of opinions on some issues. Hence, the recommendations should be seen in this light and viewed as a product of collective thinking rather than associated with a single individual or representing the official view of their respective organisations.

Protection System

The deployment of UNAMID to and the withdrawal of UNMIS from Darfur, will bring about fundamental changes in the operational environment for the protection of civilians. These changes entail both the potential for increased physical security for the civilian population and the risk of confusion of protection roles and mandates.

In order to minimise the risks and maximise the potential for the protection of civilians in Darfur's post 1 October 2007 environment:

- UNAMID should clearly and publicly articulate the operational mandate of the mission regarding the physical protection of civilians under threat. This should be undertaken with local Darfurians and international actors in the field.
- As previously committed in various UNSC Resolutions relating to Darfur, governments should further support, by political and diplomatic measures, activities and accountability mechanisms, including the International Criminal Court, to end the impunity of those who take part in, or provide for an environment that causes violations of the rights of civilians and humanitarian actors.
- Humanitarian agencies with a global protection mandate, such as UNHCR, UNICEF and ICRC, should exercise these mandates proactively.
- The designation of an agency to replace UNMIS as leading the coordination of civilian protection is urgently required. Coordination should be field-based and adapted to capacities on the ground, rather than top-down. Effective coordination on protection activities within the UN system is a key prerequisite for effective implementation. Likewise, coordination amongst international NGO's should be strengthened in order to optimise efforts and avoid duplication.
- Strong political backing by the UN system on coordination and leadership in protection is essential, as are the implementation of frameworks setting out clear mandates, roles and responsibilities. The UN lead agency for coordinating civilian protection should receive sufficient funds and resources with a focus on supporting and strengthening programme delivery in the field, especially ensuring that definitions and frameworks are properly operationalised.



Prevention

Preventive efforts that are focused on enhancing stability and reducing the number of displaced are important civilian protection activities in times of armed conflict. These efforts should be informed by a thorough understanding of the changing political context and the roots of the conflict. In order to reduce suspicion and build trust regarding protection activities and enhance stability during the conflict the following preventive measures are recommended:

Prevention through awareness of protection measures

Drafting and use of a package of practical guidelines setting out core protection messages and measures is urgently required. This package should be used by operational humanitarian field workers with the different actors in Darfur. The success of this preventive measure will depend on coordinated efforts; how widely this package is agreed on and used by the humanitarian actors in Darfur. An objective of this initiative will be awareness raising amongst the different parties to the conflict and the affected population on basic protection activities/measures.

Consideration should be given to the following:

- The core protection messages and measures should be kept simple, operational and based on relevant instruments of international humanitarian, human rights and other bodies of law.

- The package should be a practical resource for both protection and non-specialist humanitarian workers in the field.
- The articulation of protection within sensitive areas such as SGBV and return, recovery and reintegration will be important – for example voluntariness of return and other important international legal principles must underpin this work. As such, this package can utilise and build on some of the existing frameworks already in use within Darfur, such as the UNCT Framework for Returns.
- Training of both mandated and non-specialist humanitarian field workers will be crucial, as well as training of trainers.
- A carefully developed dissemination strategy and roll-out by trainers will be important. This should include training trainers and awareness-raising for the parties to the conflict, local and native authorities and all parts of the civilian population not actively participating in the conflict, particularly women and youth. It is crucial that these efforts are informed and guided by a detailed contextual understanding.
- Distribution should be resourced and coordinated at the local/State/Federal levels by the lead UN mandated protection coordination agency and monitored to ensure accuracy and validity of the messages.
- It will be necessary to ensure close coordination and collaboration with other mandated and non-mandated actors that are engaged in awareness-raising on IHL and protection who may not choose to be part of this initiative.

Working with and building on community driven processes and structures

There should be increased prioritisation by humanitarian actors on supporting community driven preventive measures and structures that are currently, have been or could be, utilised by conflict affected populations in Darfur. Conflict affected populations often better understand which preventive measures are most appropriate for their environment and may have developed their own coping mechanisms for mitigating the impact of the conflict. With the conflict becoming more of a protracted emergency, it is important to build on local understanding and reinforce such preventive measures, rather than just focusing on short-term immediate response.

Consideration should be given to the following:

- The link between protection and self-reliance/livelihoods programming within the Darfur conflict should be better researched. Efforts should be made to better understand how conflict-affected populations respond to crisis in Darfur and how protection and self-reliance /livelihoods strategies are connected.
- In particular, the role of humanitarian agencies in supporting local strategies to withstand the crisis, in both rural and urban settings, should be reinforced. Support should include the collection of best practice case studies on the important work already being undertaken by some INGOs and NNGOs that utilise this empowerment and long-term approach in their humanitarian programming. This is focused on how the humanitarian response can incorporate a livelihood approach, rather than just being focused on immediate assistance.
- Despite the massive disruption of Darfur's society by the conflict, communities within camps, urban populations and rural settings still have social groups being used for decision-making and discussion. These groups should be supported and reinforced wherever possible, and prioritised as an important component of the humanitarian response.
- Whilst undertaking this work, it is important to recognise that Darfur is still in a state of conflict and that the affected population has not identified return as appropriate without a significant improvement. Voluntariness of return and other important international legal principles must underpin this work.



The Role of the Police in Protection

As discussed above, it is important to acknowledge that most of the challenges faced by the AMIS police component in Darfur, have been and continue to be faced in other UN and regional missions. In order to strengthen the role of police engaged in protection in Darfur and beyond, it is recommended:

Ensuring an effective framework for police component in peace-keeping missions

Given the experiences with the deployment of AMIS police and the UNAMID formal take-over on 1 October 2007, and recognising the recommendations and planning already completed, the following recommendations are made:

- The UNAMID police component requires a clear mandate translated into clear and specific rules and procedures in English and Arabic. These rules and procedures should be publicly known and effectively communicated to all affected and relevant population groups, the conflicting parties and other relevant entities in Darfur and Sudan.
- The police need to operate within a clear and comprehensive rule of law framework that covers areas such

as access to justice and judicial reform. UN agencies and their partners engaged in this area should be strengthened and supported to ensure that they can better work with UNAMID and local and regional authorities.

- Whilst establishing clear command structures, information flows and effective coordination, a clear physical distinction between the military and the police component within UNAMID should be established and maintained.
- A clearly defined and led coordination/liaison mechanism should be established for protection of civilians at relevant levels across Darfur, including designated and trained officers from UNAMID police, military and human rights components, as well as relevant representatives of the humanitarian community. Such a liaison mechanism should be led by a relevant civilian UN entity.
- The police component within UNAMID should be adequately staffed, resourced and equipped to fulfil their mission and mandate, including maintaining a gender balance, which is adequate and relevant to the situation and tasks to be performed in Darfur. This is also especially important with respect to transportation and communications equipment to support high mobility and flexibility of the police. This will assist in issues such as maintaining a 24/7 presence in vulnerable locations over sustained periods of time.
- Personnel are recruited through a process that includes pre-selection according to agreed minimum standards and bearing in mind the particular professional and personal skills and experience required to fulfil the mission and mandate. This is especially important in areas such as the recruitment of personnel with skills and experience in dealing with sexual gender based violence cases – including understanding confidentiality, victim support, translation and related issues.
- Whilst the police component of UNAMID should be equipped and staffed in order to be able to train and accompany national police units, the concept of community policing should be closely scrutinized and approached with caution by experienced and skilled experts. Reasons for caution include the risks of undermining existing authority structures and fostering vigilante groups within certain sections of the population in Darfur. Due to issues relating to perception and independence, there is a need to separate those entities that train local authorities from those undertaking investigations or similar civilian protection activities. All activities must be conducted within a rule of law framework.

Improved training of police participating in peace-keeping missions

The UN Department of Peacekeeping Operations, DPKO, should develop training packages and a training support initiative for police deployed in peacekeeping operations. The training should be focused on the role and responsibilities of police in civilian protection, the basics of international humanitarian, human rights and other bodies of law, as well as rule of law frameworks. This initiative should be coordinated with and complementary to the security sector reform project being currently undertaken by DPKO.

- The training should first be developed and piloted with UNAMID police.
- This initiative could include a review of past experience, conceptual developments, methodology and practical guidelines and intensive training modules that could be made available for in-mission training.
- Support from like-minded countries should include pre-deployment and on-going training once deployed, as well as expert advice as required.
- The training should also address the roles, responsibilities and ways of working with other actors engaged in protection within the humanitarian response, and the peacekeeping mission.
- Special focus should be placed on areas such as working with cases of sexual and gender based violence, confidentiality and working with parties to the conflict.

Evaluation

At this stage in the crisis in Darfur and in order to feed into UNAMID and the broader humanitarian reform and the international Responsibility to Protect discourse, it is recommended that there should be an intergovernmental review of the actions of the international community in its response to the protection crisis in Darfur.

- The meeting of this review should occur on the 5th anniversary of the crisis in March 2008. The review should focus on the activities of the UNSC, UNGA, UN agencies, DPKO, donor governments, international organisations, regional players such as the African Union (especially the PSC), the League of Arab States and international NGOs.
- The purpose would be to review but also ensure follow up on recommendations and commitments for action on Darfur, the humanitarian reform process and for current and future international response efforts.

Consideration should be given to the following:

- A lead government/or group of governments to coordinate the review.
- The Great Lakes evaluation 'The International Response to Conflict and Genocide: Lessons from the Rwanda Experience', to be used as a model.
- Potential partnership with African institutions or governments.
- How the international community has/has not engaged with and actively involved (or not) local actors and civil society in the response.
- The need to involve issues covering the political, accountability and judicial aspects of protection and the role of the international community.
- The purpose would be to review but also to secure recommendations and commitments for action for Darfur, for the humanitarian reform process and current and future international responses.
- In order to reduce the burden on all involved, the review should start of drawing together learning already documented from previous evaluations and only supplement with new field research where significant gaps are identified.

Political Dialogue

A dialogue on relevant protection issues in Darfur with the signatories and non-signatories to the Darfur Peace Agreement should be undertaken as soon as possible. This dialogue should occur in separate forums for the different groups. This could assist to better place civilian protection concerns - including the rights of returnees, operating security and other humanitarian concerns - within the political negotiations.

Consideration should be given to the following:

- Separate dialogue sessions with the signatories and non-signatories should take place in Arusha/ and another neutral location between November 07- January 08.
- The groups involved in the dialogue should involve senior field-level military commanders and counterparts as well as representatives from local Sudanese authorities and representatives from civil society including women's groups.
- Careful preparation of documents is important. Suitably qualified and experienced institutions should support and facilitate this
- Careful thinking about how these dialogue sessions will feed into the peace negotiations in order to avoid or minimise that this process will be used for political ends by any of the parties
- In order to ensure follow up and consistent prioritisation of civilian protection and humanitarian issues in the peace process, a sufficiently experienced protection and humanitarian professional should be seconded to the UN-AU peace process task force.



Annexes

Annex A

The programme of the seminar

Annex B

Opening Address, The Danish Minister of Development Cooperation, Ulla Tørnæs

Annex C

More actors in protection - for Better and for Worse

For this document in pdf-format along with more information on the seminar and its outcome please visit www.R2P.eu

THIS DOCUMENT WAS COMPILE BY INGRID MACDONALD, MALENE HAAKANSSON AND NILS CARSTENSEN BASED ON INPUT FROM THE RESOURCE PERSONS AND THE ORGANISERS OF THE SEMINAR.