OCHA East Asia-Pacific Humanitarian Policy Workshop: "Humanitarian Challenges in Complex Emergencies"

Report of the workshop held on 14-15 November 2002 in Kobe, Japan

Background

The United Nations, its agencies and international humanitarian organizations are faced with an increasingly complex environment in which to operate and provide relief to civilians. Not only has the nature of conflict shifted toward internal battles fought more often by militias and armed groups than by national armies, but the means employed and the targets aimed at are having an increasingly devastating impact on civilians or non-combatants. Civilian deaths no longer occur primarily as a result of "collateral damage", but from deliberate targeting. In turn, this trend has made humanitarian efforts to protect civilians increasingly more complicated in recent years, particularly with the rise in indiscriminate terrorist attacks committed around the world.

Within this context, defining and implementing measures to protect civilians during and in the immediate aftermath of armed conflict have taken on a new urgency within the UN system. Since 1999, at the request of the Security Council, three UN Secretary-General's reports on the Protection of Civilians in Armed Conflict have been prepared by the Office for the Coordination of Humanitarian Affairs (OCHA) in consultation with all UN departments, agencies and the International Committee of the Red Cross (ICRC) and presented to the Security Council in 1999 (S/1999/957), 2001 (S/2001/331) and 2002[1] (S/2002/1300). In response, the Security Council has passed resolutions 1265(1999) and 1296(2000), and adopted presidential statements S/PRST/1999/6, S/PRST/2002/6 and S/PRST/2002/41.

S/PRST/2002/6 contains an "*Aide Memoire*" on the Protection of Civilians in Armed Conflict that OCHA developed for the Security Council, at its request, and which serves as a practical guide and a means to facilitate its consideration of issues pertaining to protection of civilians. The Security Council's adoption of the *Aide Memoire* in March 2002 is evidence that the 'culture of protection' called for by the Secretary-General in his first report and subsequently affirmed in the General Assembly's Millennium Declaration (A/RES/55/2) is beginning to take root. Intended to inform and guide humanitarian policies, this culture of protection is

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[1] On 10 December 2002, following the Pretoria workshop, a third report of the Secretary-General on the Protection of Civilians was presented to the Security Council, leading to the adoption of Presidential Statement S/PRST/2002/41.

seen to embrace concerns such as those relating to human rights, the rule of law, peacekeeping operations and humanitarian assistance. As part of the request by Member States that further work be done to mainstream protection issues into policy and decision-making processes, and in particular to ensure that Security Council mandates better address the need for protection of civilians, OCHA has been mandated to engage in regional consultation processes in order to gain vital and specific inputs on humanitarian protection priorities in conflict situations. The expectation is that recommendations raised during these regional consultations will inform the Security Council in subsequent briefings or reports on the Protection of Civilians in Armed Conflict, guide policy development within OCHA and stimulate initiatives on protection issues at national and regional levels.

Workshop Objectives

The policy workshop on **"Humanitarian Challenges in Complex Emergencies"** was held in Kobe, Japan from 14-15 November 2002. The workshop was organised by the UN Office for the Coordination of Humanitarian Affairs (OCHA) with the support of the Japanese Ministry of Foreign Affairs and the Hyogo Prefecture, and was the second in a series of regional workshops coordinated by OCHA on the protection of civilians.

The workshop brought together over 70 distinguished speakers and participants representing regional ministries of foreign affairs, defence and interior, leading academic institutions and non-governmental organisations (NGOs) from 10 countries that have experienced conflict either directly or indirectly, as well as a cross-section of UN agencies working on these issues. In particular, individuals from Cambodia, China, Indonesia, Japan, Laos, Philippines, Singapore, South Korea, Thailand and Viet Nam participated actively in the discussions and worked towards developing a number of regional priorities for coping with existing and future humanitarian challenges during complex emergencies.

The workshop had three primary objectives:

- To familiarize participants with the fundamental humanitarian challenges that arise during armed conflicts;

- To provide an opportunity for participants to gain experience in applying practical protection measures through a regionally-tailored crisis scenario exercise; and

- To identify strategies for mainstreaming acquired knowledge within domestic decision-making structures, set priorities for follow-up action, and develop a regional perspective

on the threats to the security and protection of civilians to form part of the Secretary-General's third report to the Security Council on the Protection of Civilians in Armed Conflict (presented on 10 December 2002).

Summary of Proceedings

Thursday, 14 November 2002

1. Opening Ceremony (public session)

Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs (OCHA) and Emergency Relief Coordinator, opened the workshop and expressed his appreciation towards those participating in the event, the organisers, as well as the support provided by the Japanese Ministry of Foreign Affairs, the Hyogo Prefecture and the UN University in Tokyo. The Under-Secretary-General commented on how OCHA's focus on the 'protection of civilians in armed conflict' has arisen from the intersecting thematic work of several UN bodies, notably the Economic and Social Council (ECOSOC), the Security Council and the General Assembly in conjunction with the trend of increasing civilian targeting during armed conflicts.

He noted that the scope of the concept of 'security' for the protection of civilians has broadened significantly to encompass a range of activities including, humanitarian access to vulnerable populations, deployment of sufficiently large and well-equipped peacekeeping and security forces that are trained and sensitive to the humanitarian requirements of protecting vulnerable populations in complex emergencies, ensuring that civilians are protected from armed elements within refugee and IDP camps, and shielding possible victims from the risk of sexual exploitation by those with power.

The Under-Secretary-General pointed to the collective responsibility that participants hold as representatives of various governments and organisations, to ensure not only that they are able to protect civilians should there be a need, but also that they are able to prevent the need from arising in the first place. In this regard, he challenged participants to strengthen the culture of protection within the East Asia-Pacific region by broadening their understanding of the particular threats to civilian security and protection during complex emergencies, and by searching for practical solutions and priorities at all levels of governance to reverse the trend of increasing civilian vulnerability and casualties. The Under-Secretary-General concluded his remarks by noting that the protection of civilians is one of the most important functions that his Office is called upon to perform, and a serious challenge to humanity, such that the

deliberations emerging from this workshop would be shared widely, including with the Security Council.

Welcoming remarks were made by **Takashi Ashiki, Director of Humanitarian Assistance, Multilateral Cooperation Department of the Japanese Ministry of Foreign Affairs**. He expressed his hope that the workshop would act as a driving force in the East Asia-Pacific region for government and non-government actors to work towards a culture of protection and enrich the Secretary-General's third report on the protection of civilians in armed conflict by providing an important regional perspective.

Tomio Saito, Vice Governor of the Hyogo Prefecture that hosted the workshop, echoed these sentiments and added that Hyogo identifies with the need to protect civilians from suffering, having experienced the direct effects of a massive earthquake in 1995 that affected the lives of thousands of Kobe citizens. He remarked on the multitude of conflicts that exist in the world today and suggested that greater coordination be focused upon to achieve peace and prevent future conflicts.

Yasushi Akashi, Chairman of the Japan Center for Conflict Prevention, was the first keynote speaker. His presentation focused on the changing nature of war and the deleterious effects this has had on civilians. With the recent close of one of the bloodiest centuries in history, he emphasised the importance of examining the underlying reasons for this alarming trend in order to prevent future conflicts, end on-going ones and ensure that civilian suffering is minimised to the extent possible.

Mr. Akashi noted how today's wars are no longer fought between professional armies where civilian populations are recognised as protected persons; rather, they tend to be ethnically-driven, often internal and increasingly target civilians with deliberate intent to terrorise and destroy them. In this regard, consideration must be given to the various contributors to the evolution of armed conflict, including technology and the media. Technological advances have led not only to enhanced communication abilities in recent decades but also to the production of atomic, biological, chemical and radiological weapons of mass destruction. Such weapons threaten vast civilian populations, particularly where used for the purposes of terrorism, and have heightened the risks associated with war. The media has also been manipulated at times, notably during the Rwandan genocide of 1994, to become a means of instigating and spurring on mass violence by one ethnic group against another.

Mr. Akashi impressed upon participants that the United Nations Charter states clearly that conflicts pose a threat to international peace and security, wherever they occur, and need to

be addressed by action under Chapters VI or VII, except in cases of self-defence (Article 51). Accordingly, conflicts cannot be ignored by countries that are not directly involved since the effects are inevitably felt at regional and international levels. In this regard, he called on the Government of Japan and other regional representatives to take a more active role in searching for concrete solutions to conflict situations, protecting minorities and promoting democracy. He concluded his presentation by noting that we cannot turn our backs on the suffering of civilians, for in working towards the protection of civilians in armed conflict anywhere or any place, we recognise our own humanity.

Ambassador Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, was the second keynote speaker and focused on the nature of humanitarian challenges during armed conflict with specific reference to the case of Mozambique. He outlined how Mozambique's population, economy and infrastructure suffered more than 16 years of devastation as a result of war, and how peace was finally achieved in a comprehensive agreement on 2 October 1992 following two years of negotiation between the Government of Mozambique and the rebel movement. This agreement was preceded closely by a historic Declaration on Guiding Principles on Humanitarian Assistance developed by the UN and other relevant international organizations, and accepted by both the Government and the rebel movement even before a peace agreement existed. The Declaration provided that there should be no discrimination in the deliverance of humanitarian assistance to affected Mozambicans, and that there would be freedom of movement throughout the country for humanitarian personnel and goods traveling under UN or ICRC flags. A follow-up mechanism chaired by the UN Special Coordinator for Emergency Relief Operations was established to ensure implementation of the Declaration. In addition, the Security Council established the UN Operation in Mozambique (ONUMOZ) with a comprehensive mandate encompassing political, military, electoral and humanitarian objectives.

In reflecting upon why the Mozambican peace process and ONUMOZ are often referred to as success stories, Ambassador dos Santos pointed to a number of factors, including (1) the effective process for disarmament and demobilization, which was facilitated by a Technical Unit of civilian personnel supporting military observers and working in collaboration with the UN Office for Humanitarian Assistance Coordination (UNOHAC); (2) achievement of one of the largest and most successful refugee and IDP returnee resettlement programmes in recent years as a result of close coordination between the Government, UNHCR , UNOHAC and other relevant actors; (3) the Government's establishment of a permanent and autonomous National De-mining Institute in charge of policy development, planning and coordination of mine-action efforts in conjunction with supporting partners; and (4) the Government's

establishment, with the assistance of the Government of South Africa, of community operations such as "Operation Rachel" to uncover and destroy hidden caches of small arms, and its support of civil society initiatives such as "Guns into Ploughshares" to exchange guns for agricultural implements.

While Ambassador dos Santos noted that each complex emergency is unique and there are no blueprints for best solutions, he suggested that certain factors and lessons learned from the Mozambican experience may be relevant to situations that exist or may arise in the East Asia-Pacific region. In particular, he proposed that officials take under consideration the following actions in preparing for and addressing civilian protection needs:

a) Establish a coherent and coordinated approach with OCHA playing a leading role in promoting a culture of protection and a climate of compliance. The objective of such coordination should be to meet the needs of civilians in as efficient and cost-effective a manner as possible using results-driven action that maximizes the comparative expertise and skills of each actor;

b) Focus on regional and national capacity-building to promote conflict prevention, timely responses to new armed conflicts or tensions, and bridge emergency relief with reconstruction and development so as to foster a nexus between peacekeeping and peacebuilding;

c) Promote adherence to and respect for international norms and instruments, including through accurate and timely reporting of egregious violations;

d) Ensure that non-state actors take responsibility for their actions and adhere to international norms;

e) Promote the establishment of national mechanisms and institutions for dealing with issues related to mine-action and control of small arms and light weapons;

f) Ensure that peacekeeping operations include in their mandates programs for effective disarmament, demobilization and sustainable reintegration of ex-combatants; and

g) Mobilise timely dispersal of resources to ensure that important opportunities are not missed.

Some countries are already benefiting from some of these lessons, including East Timor in the areas of military and civilian police coordination, Afghanistan in the area of de-mining and Angola and the Democratic Republic of Congo in their peace processes. Finally, Ambassador dos Santos highlighted that other important resources exist both within and outside the UN system that should be made use of, including the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC)

Guidelines on Conflict, Peace and Development[2] and the Stanley Foundation's project on strengthening the UN's humanitarian programs on the ground[3]. He re-emphasised the point that any policy framework that is arrived at during the workshop will require improved inter-agency coordination and collaboration, and a more coherent and cooperative approach among all actors, including government, non-governmental organizations, academia and the private sector.

2. Topic I: Humanitarian Action - Issues, Roles and Responsibilities in Protecting Civilians

The purpose of this panel session was to discuss the following issues:

- What are the key issues in protecting civilians?
- How should different roles and responsibilities be defined?
- How can protection be addressed outside of peacekeeping operations?
- To what extent can peacekeepers support the protection of civilian populations, and what are their responsibilities?

This session was chaired by **Mark Bowden, Chief of the Policy Development and Studies Branch of OCHA**, who noted the increasing vulnerability of civilians in the changing context of warfare, and outlined the 13 key issues of concern presented in the Security Council's *Aide Memoire* (S/PRST/2002/6) as a framework for discussion. He challenged the panel speakers and participants to consider the extent to which capacity and political will impact on the protection process, and whether an appropriate regional framework exists for meeting future humanitarian challenges with coordination and burden-sharing among the various actors. The session was addressed by the following panelists:

Anthony Craig, Liaison Officer in the Military Division of the UN Department of Peacekeeping Operations (DPKO) focused on the protection of civilians primarily through the multi-dimensional role of international peace and security operations, which may include peacekeeping forces, civilian personnel, and security sector assistance. While Craig noted that the military is a key player in the protection of civilians, it is not the only one. He emphasised the primacy of state action, for instance, in terms of motivating domestic political

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[2] Available at www1.oecd.org/dac/htm/pubs/p-cpdc.htm.

[3] Additional information on the "UN on the Ground" project is available at www.stanleyfoundation.org/programs/hrp/p1_unground/.

will, training security forces, and seeking outside assistance. He also highlighted the responsibilities under international humanitarian law of armed groups vis-à-vis protecting civilians under their control, and of regional entities in areas such as early warning, training of security forces and peacekeepers, and initiating preventive deployment. Within this framework, the UN's role is to assist with coordination, early warning, standard setting, training, rapid deployment and enforcement.

Craig contextualised these roles and responsibilities by identifying a number of limitations and challenges to their fulfillment. He noted how a lack of political will and/or capacity within a State or among States can impact on the overall ability to protect civilians. Not only does it affect the ability of international forces to deploy rapidly (i.e. within 90 days), but it also risks sending insufficient or ill-equipped forces into dangerous situations. Craig emphasised the crucial need to ensure that resources meet the operational mandates authorised by the Security Council under Chapter VII of the UN Charter. This requires open planning within the UN Secretariat and the Security Council to ensure that practical and viable actions are adopted. In particular, Craig encouraged OCHA to find means of standardising protection of civilian elements in the design and planning process of UN missions. Additional challenges include the need to negotiate with armed groups without legitimising their aims, and the need to coordinate work with humanitarian organisations without diminishing their impartiality and neutrality.

Bernard Doyle, eCentre Coordinator for the UN High Commissioner for Refugees (UNHCR), also stressed the need for practical and viable action vis-à-vis the protection of refugees. He emphasised that, by definition, refugee influxes are international problems: not only are displaced populations the result of armed conflict, but they can also be the cause. Such exoduses occur from a country that is either unable or unwilling to protect its civilians from persecution or armed conflict. Doyle noted that, notwithstanding that States bear primary responsibility for their citizens and host States bear primary responsibility for protecting refugees within their borders, UNHCR, by virtue of its mandate, has a larger role to play in the absence of assistance by others.

In the context of mass influxes of refugees to neighbouring States, Doyle pointed out a number of concerns raised by housing them in camps. Camps make refugees vulnerable to attack if situated too close to a border and to recruitment by armed groups, particularly where they are used for military purposes by armed groups. Camps also make refugees vulnerable to disease and social problems, and threaten the safety of humanitarian staff. Accordingly, they should only be used in emergency situations, and on the provision that they are civilian in nature.

Doyle presented a 'ladder of options' approach for possible responses by States, UNHCR and other actors to minimise the risks of refugee camps: 'lower rung' options include preventive contingency planning, locating camps at least 50 km from the nearest border and maintaining a multi-disciplinary presence in camps; 'middle rung' options include screening refugees and providing security assistance via training; and 'higher rung' responses involve disarming armed elements by peacekeeping forces. Among these options, the lower rung preventive measures tend to work faster than those at the higher level. Doyle also noted that UNHCR supports regional initiatives and pointed to the work of the eCentre, which is designed to promote a global 'agenda for protection' through general capacity building and training.

Ambassador Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, focused on the respective roles of Member States, the Security Council, the Economic and Social Council (ECOSOC) and civil society. He reiterated the primary responsibility of States for the protection of civilians, and stressed the need to overcome issues of political will, to avoid double standards, and to work through the Security Council when considering and taking action. Conflict prevention through peaceful settlement of disputes is always the preferred solution. While the Security Council is charged with maintaining international peace and security, dos Santos noted that it too has been hampered in its actions by a lack of political will and resources, particularly vis-à-vis conflicts in Africa, which have attracted less support than elsewhere. In part, this may explain the expanding role of ECOSOC in assisting States in their transition from conflict to peace. Lastly, while acknowledging the increasing role of civil society in protecting civilians, dos Santos heeded the need for greater awareness of the mandates and internal standards of NGOs, private corporations and other members of civil society in the interests of better accountability.

Following the presentations, the floor was opened for questions and comments. The discussion centred on the possibility that, at times, the responsibilities of various actors may clash. For instance, the UN may be prevented from carrying out its responsibilities when States take certain decisions, such as ordering evacuation of an area for security purposes. In such situations, it was noted that the inability of the UN to work does not take away the responsibility of the State to protect its civilians, nor does it end overall assistance to the State. A second potential 'clash' was identified between multilateral military operations and humanitarian organisations. While such organisations may have legitimate concerns that their neutrality not be compromised through interactions with military forces, the need to exchange information and coordinate activities was viewed as important to avoid duplication of efforts and ensure public accountability. In this regard, it was noted that Asia does not

have a regional security organisation to coordinate civil-military relations or to address emergent threats to the protection of civilians, such as terrorism, that have the potential to affect large civilian populations.

3. Topic II: Protection of Civilians - Operational Challenges in Complex Emergencies

The purpose of this panel session was to discuss the following issues:

- What humanitarian challenges exist to protecting civilians within the East Asia-Pacific region?
- How do military use and engagement of civilian populations affect protection efforts?
- How should the denial of humanitarian assistance and access to vulnerable populations be addressed?
- How can specific threats to vulnerable groups be addressed (i.e. abduction, recruitment, sexual exploitation)?

This session was chaired by **Ed Tsui, Director of OCHA's New York Office**, who introduced the subject matter by noting that a number of the issues raised in the previous discussion lead to serious operational challenges to the effective protection of vulnerable populations during complex emergencies. These include coordination with NGOs, management of civil-military relations, negotiation with armed groups, and determination of methods for protecting internally displaced persons. He asked participants to take into account the practical realities on the ground and to begin considering feasible means for addressing these complicated and politically sensitive challenges. The session was addressed by the following panelists:

Dr. Sharad Sapra, UNICEF Designated Representative to Afghan Country Office, focused his presentation on the closely coordinated consortium of UN agencies and NGOs that make up Operation Lifeline Sudan (OLS), established in 1989 on the basis of a tripartite agreement between the Sudanese Government, the Sudan People's Liberation Movement (SPLM) and the United Nations to provide humanitarian assistance to vulnerable populations affected by war and famine in the context of the 40-year internal armed conflict. The consortium is composed of 5 UN agencies (OCHA, UNICEF, WFP, WHO, FAO), each taking the lead in their respective area of expertise, and 43 NGOs, with people working in as many as 80 locations throughout Sudan.

As one of the longest operating humanitarian operations, Sapra used OLS as a case study for the protection of civilians and drew from it a number of lessons that could be applied elsewhere. In particular, he noted that the operation's key strengths lie in its cooperation with both the Government and the rebel forces, the level of coordination it has achieved among its participants through divided responsibility and respect for the framework rules, and its ability to predict emergencies before they occur and pre-position humanitarian assistance for maximum effectiveness. While these strategies have allowed OLS to provide timely and effective assistance to vulnerable populations, including internally displaced persons, women and children, Sapra noted as a major constraint the unwillingness of donors to fund emergency preparedness planning and pre-positioning programs because the benefits are often invisible. This is despite their ability to save lives, lower overall operational costs and prevent emergencies from escalating to crises.

Sapra also highlighted two additional strategies that the operation has adopted to gain humanitarian access and ensure the security of humanitarian and associated personnel. Specifically, the consortium of partners has been able to access vulnerable populations using various modalities including regular negotiations, monthly approvals, periods of tranquility and humanitarian ceasefires. Particular challenges occur where approved locations remain insecure or where large areas remain under a blanket denial of access. To this, Sapra proposed the establishment of approval and review mechanisms by a security advisory group with representatives from the Government, the armed groups and the UN, and emphasised the need for development of an international norm establishing limitations to the length of time that humanitarian access can be denied to a vulnerable population. With respect to the protection and security of humanitarian workers, Sapra pointed to the operation's reliance on written security agreements and protocols with the Government and rebels, its regular contact with military commanders and local leaders, the establishment of a 'watchdog group' for monitoring security issues and its zero tolerance policy for neglecting security directives. Again, he noted the challenge of inadequate international norms and enforcement mechanisms for ensuring the safety and protection of such workers.

Finally, Sapra cautioned participants that any humanitarian response framework must be dictated by the assessed needs on the ground and should push beyond immediate life-saving measures towards building confidence among the population, reducing resource disparities and promoting peace at all levels of society. He argued that where competition for resources lies at the root of war, peace can be fostered through local capacity building, for instance, with the provision of basic social services, education, training in humanitarian principles and human rights, and trauma counseling, as well as disarmament, demobilization, rehabilitation and reintegration (DDRR) programs. As such, they should not be considered to be purely

post-conflict activities. At the same time, in the context of complex emergencies, the challenge lies in finding financial support for such activities which are often associated with development, particularly given the existing difficulty in raising sufficient funds for core emergency programs.

Michael Elmquist, Deputy to the Humanitarian Coordinator and Chief OCHA Representative in Indonesia, used the examples of 'vertical', 'religious' and 'ethnic' conflicts in Indonesia to illustrate the operational challenges, first in distinguishing civilians from combatants and then in providing them with protection. While noting that national authorities, specifically the civil service, military and police, bear the primary responsibility for protection and are best situated for this task, UN agencies and NGOs can provide important marginal international assistance. Elmquist emphasised that the key to making this joint arrangement work is coordination between the provincial government on the one hand and the UN and NGOs on the other hand. This linkage is being achieved in Indonesia via a coordination centre that facilitates access and advocacy, centralises information gathering and dissemination, and acts as a focal point for security.

Elmquist identified internally displaced persons (IDPs) as a critically vulnerable population in need of protection in Indonesia and highlighted how an advocacy campaign based on coordinated dissemination of and education on the Guiding Principles on Internal Displacement has led to their endorsement by the Government and to improved protections. He cautioned, however, that a real concern remains regarding the protection of non-IDPs - a largely neglected group that tends to fall into the category of "others affected by conflict", and includes communities that host IDPs. Too much emphasis on IDPs to the neglect of other vulnerable groups can create new tensions and lead to resentment. To this end, non-IDPs have become the focus of a new Consolidated Humanitarian Action Plan in Indonesia. Finally, Elmquist suggested that the way forward in the Indonesian context is to end the vertical conflict, strengthen the judicial system, and emphasize reconciliation, reconstruction and return.

Following the presentations, the floor was opened for questions and comments. The issue was raised as to who is responsible for protecting IDPs. Participants seemed to agree that while the onus is on the government in the first instance, it becomes ad hoc and dependent on capacity in the absence of national protection. It was pointed out that experienced UN agencies and NGOs draw attention to gaps in the protection of IDPs in 'orphan' conflicts and pool together resources to fill such gaps. The Consolidated Appeals Process (CAP) is one means that OCHA uses to achieve this. A concern was raised as to how NGOs can protect their neutrality in UN operations involving military officials, such as OLS in Sudan. It was

noted that a certain amount of compromise on the part of NGOs is required in the interests of coordination and the security of humanitarian personnel. One participant highlighted the link between poverty and conflict, and suggested that more attention should be given to the elimination of poverty. Finally, a number of participants expressed concern as to how governments can protect their civilians against terrorist attacks such as those that occurred recently in Indonesia and Yemen.

Friday, 15 November 2002

4. Topic III: Response Coordination - Enhancing Protection through Peacebuilding Efforts

The purpose of this panel session was to discuss the following issues:

- To what extent can peacekeepers support peacebuilding efforts, and what are their responsibilities?
- How can disarmament, demobilization, reintegration and rehabilitation (DDR&R) be better addressed in terms of identifying responsibilities and appropriate skills?
- How can small arms and mine action be better addressed for long-term recovery?
- What are the viable options for addressing justice and reconciliation?

Professor Ando Nisuke of Doshisha University in Japan introduced the third topic, noting the links between peacebuilding efforts and the protection of civilians.

Konrad Huber, UNICEF Emergency Project Officer (Peacebuilding) in Indonesia, focused on the conflict in the Malukus, Indonesia and the role of UNICEF in the protection of civilians there, particularly children. He noted that while the conflict had polarised along religious lines, its origins could be found in a competition for resources among the belligerent parties. Huber viewed the strengthening of civil society - through interaction between Muslim and Christian children, awareness of rights and the provision of skills and opportunities - as keys to building peace. He recommended the use of both formal and non-formal education, child rights workshops and training for adult child advocates as means to achieve these objectives. In terms of challenges, Huber raised the issues of assistance as a possible source of future competition, and the ability to sustain and follow up on gains made.

Wandia Gichuru, Policy Adviser with the Bureau for Crisis Prevention and Recovery (UNDP), challenged the notion that development is a post-conflict activity, emphasising that

economic activity is a key to preventing and resolving conflict at all stages, and that appropriate and early development assistance can be a critical factor in achieving peace. She pointed out that development programs such as those involving demobilizations, disarmament, reintegration and rehabilitation (DDR&R) show people the dividends of peace and fill gaps both before and after peacekeeping activities, for instance, with jobs for former combatants and assistance for the most politically and economically excluded segments of the population. For this reason, it is important to view development as a continuous process prior to, during and following conflict, whereby governments and communities develop the capacity to cope with instability, conflict, and natural disasters. Gichuru also echoed the words of previous speakers in warning of the dangers of providing assistance only to IDPs. Instead, she advocated an approach that takes into consideration the needs of IDPs, host communities and those who remain in their communities.

Marco Kalbusch, Associate Political Affairs Officer, Department of Disarmament Affairs (DDA), provided an outline of the threats that landmines pose to the protection of civilians and the frameworks that exist for their prohibition and clearance. He noted that, by design, landmines are intended to maim individuals indiscriminately and to prevent economic development such as subsistence farming. Two international treaties are particularly important in this regard: (1) Amended Protocol II on Mines, Booby Traps and Other Devices of the 1980 Convention on Certain Conventional Weapons (CCW), which prohibits, among other things, their direct use against civilians or civilian objects and requires parties to remove them following the end of active hostilities; and (2) the 1997 Mine Ban Convention (so-called Ottawa or Oslo Convention), which provides a total ban on the use, stockpiling, production and transfer of mines. Combined, these treaties provide a strong legal framework for the protection of civilians from landmines and have attracted broad ratification. At the same time, more effort is needed to ensure compliance with the treaties' terms. Lastly, Kalbusch discussed the importance of coordination among UN agencies in mine action, including the marking, clearing and destruction of landmines, and in providing training therein, through the Inter-Agency Coordination Group for Mine Action (IACG-MA). In this regard, the UN Mine Action Service (UNMAS) of DPKO plays a critical role as the UN's lead agency in this field by conducting needs assessment missions and providing necessary technical assistance.

Following the presentations, the floor was again opened for questions and comments. The discussion was dominated by the issue of coordination among the agencies and actors on the ground. Participants agreed that this issue is of vital importance and that improvements could be made by using umbrella organisations to foster cooperation and interaction among UN agencies and local NGOs. It was noted that it is often difficult for the UN to find good local

counterparts since conflict tends to drive away skilled and capable people and funding may be tenuous for small-scale organisations. Participants also noted another issue of importance, in particular, ensuring that Resident Coordinators and Special Representatives of the Secretary-General are sufficiently familiar with local dynamics. This can be achieved through leadership training and knowledge tests of the area and local system. Undertaking greater contingency planning was also seen as a means of enhancing coordination leadership on the ground.

5. Topic IV: Practical Application of a Protection Framework

Participants were divided into three working groups to examine a crisis scenario exercise (CSE) entitled 'Blue Elephant' that was based on events in the fictitious country of 'Darlan'. The CSE was designed to provide an opportunity for participants to apply the key concepts involved in the protection of civilians to a neutral regional context that reflected issues that might arise during armed conflicts within the East Asia-Pacific region. The *Aide Memoire* was used as a framework to guide their deliberations and recommendations for a series of practical and concrete solutions to the problems associated with the protection of civilians in Darlan's conflict.

Each group was assigned four specific issues drawn from the *Aide Memoire*. The first group was asked to focus on issues of access, separation of civilians and combatants, DDRR, and small arms and mine action; the second on justice and reconciliation, effects on women and children, and the media; and the third on security, law and order, training of security and peacekeeping forces, safety of humanitarian and associated personnel, and the humanitarian impact of sanctions. Groups were requested to focus on these issues in completing the following tasks: (1) analysing the primary threats to the safety and security of civilians within Darlan and neighbouring countries; (2) advising the Special Humanitarian Envoy as to the responsibilities and necessary actions of the United Nations in responding to the crisis; and (3) advising the Special Humanitarian Envoy on key elements for inclusion in the Security Council Resolution on Darlan that will promote the protection of civilians. Participants were provided with a dossier of materials, including background information on the conflict in and around Darlan, briefing notes for the recently appointed Special Humanitarian Envoy of the UN Secretary-General to Darlan, and a draft Security Council resolution on the situation in Darlan.

Following extensive consultations, each group presented their findings and recommendations in plenary. Some recommendations included creating framework declarations for access and DDRR, creating ASEAN fact-finding and monitoring missions, promoting the accurate

management of information, and the provision of training, education and military advice for peacekeeping forces.

6. Topic V: Building the Culture of Protection - Paving the Way Forward

The final session of the workshop involved a plenary discussion of the key issues for the protection of civilians within the East Asia-Pacific region. A number of general observations and recommendations emerged from this discussion:

1) State Responsibility: As the primary holders of responsibility for the protection of civilians, national authorities need to overcome issues of political will, avoid double standards, and work through the Security Council when considering and taking action on existing or potential complex emergencies.

2) Regional Cooperation: The East Asia-Pacific region does not have a strongly developed multilateral framework for coordination on security and protection issues, which in turn, leads to little sharing of experience in the areas of training, UN peacekeeping operations, conflict prevention, contingency planning and peacebuilding. Closer regional cooperation is required to institutionalise protection of civilians concepts within domestic procedures.

3) Training: A common regional approach is required for peacekeeper training programs. Mainstreaming of the protection of civilians standards into training materials would ensure that peacekeeping personnel are fully aware of the challenges and responsibilities involved in protecting civilians during complex emergencies. The Aide Memoire could be used as the basis for a common code of training and development of standard training modules. Standardization and greater cooperation would also be facilitated if the United Nations were to develop a comparative database on training and codes of conduct within Member State armed forces and national police.

4) Refugees & IDPs: Spill-over effects from refugees and IDPs pose a major concern to countries within the region who lack capacity for coping with large influxes or shifts in populations. The situation in East Timor in recent years was cited as an example where States were unprepared to manage and adequately protect sudden refugee flows. One consideration should be greater attunement to the needs of host communities and those who remain in their communities, in addition to the needs of refugees and IDPs, to avoid inequalities in the provision of assistance and subsequent resentment. The UN system and NGOs are well positioned to draw attention to and help fill gaps in the protection of IDPs

5) Terrorism: The recent Bali bomb attacks underscore that terrorism is a major threat to the protection of civilians within the region. Terrorism not only threatens the physical security of civilians, but counter-terrorist measures risk subjugating civilian rights with the increased blurring of civilian status. Greater cooperation is required on multiple levels among regional governments and with the UN system to address this challenge. Areas cited for potential cooperation are in internal capacity-building, contingency planning and the drafting of new counter-terrorist legislation that is consistent with overall responsibilities for the protection of civilians. Participants noted that differences exist in the protection of civilians during conventional conflicts and in the aftermath of terrorist attacks, which need to be reflected in such legislation.

6) Civil-Military Relations: Coordination is further challenged by the desire on the part of some humanitarian entities to keep a distance from the military aspects of peacekeeping, in order to maintain their neutrality. A number of participants cited the need for greater government awareness of the standards and codes of conduct to which international NGOs, private corporations and other civil society actors are held to improve transparency. Participants agreed that interaction between agencies, and cooperation with NGOs could be improved through reliance on umbrella organisations.

7) Peacekeeping Mandates: The UN Security Council must ensure that peacekeeping operations are adequately supported in terms of mission size, resources and mandate if they are serious about fostering a culture of protection.

Key Documents

1) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/1999/957) (8 September 1999)
[available at www.un.int/canada/html/s1999957.htm]

2) Security Council Resolution 1265 (1999) on the Protection of Civilians in Armed Conflict (S/1999/1265) (17 September 1999)
[available at www.un.org/Docs/scres/1999/sc99.htm]

3) Security Council Resolution 1296 (2000) on the Protection of Civilians in Armed Conflict (S/2000/1296) (19 April 2000)
[available at: www.un.org/Docs/scres/2000/sc2000.htm]

4) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/2001/331) (30 March 2001)
[available at www.un.org/Docs/sc/reports/2001/sgrep01.htm]

5) Statement by the President of the Security Council on the Protection of Civilians in Armed Conflict (S/PRST/2002/6) and Annexed "*Aide Memoire*" (15 March 2002)
[available at www.un.org/Docs/sc/statements/2002/prst2002.htm]

6) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/2002/1300) (26 November 2002)
[available at www.un.org/Docs/sc/reports/2002/sgrep02.htm]

7) Statement by the President of the Security Council on the Protection of Civilians in Armed Conflict (S/PRST/2002/41) (20 December 2002)
[available at www.un.org/Docs/sc/statements/2002/prst2002.htm]