

# Protection of Civilians in 2010

Facts, figures and the UN Security Council's response

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Escorted by peacekeepers, Sudanese women IDPs collect firewood. © UN Photo/Albert Gonzalez Farran.

**In 2010, millions of men, women, and children were killed, raped, displaced, injured, or recruited by force in armed conflicts throughout the world. Whether caught in the crossfire or deliberately targeted, civilians too often suffer disproportionately as a result of conflict.**

**The primary obligation to protect civilians affected by conflict lies with national governments and parties to conflict. However, when these actors are unable or unwilling to fulfil this obligation, the international community, in particular the UN Security Council (UNSC) has a responsibility to recognise the plight of civilians caught up in conflict and to take action to protect them. This paper reviews the impact of armed conflicts on civilians in 2010, and challenges the UNSC to be more informed and consistent in its approach to protecting civilians in armed conflict.**

# Executive Summary

## The impact of conflict on civilians around the globe

Worldwide, civilians continue to bear the brunt of armed conflict. In 2010, millions of men, women, and children were threatened, injured, killed, raped, displaced, recruited by force, or deprived of safe water and food. While the impact of conflict and the extent of the harm experienced by civilians can never fully be measured, examining what little is known about deaths and casualties, displacement, sexual violence, and threats to children provides some indication of the scale of violence against civilians. This report reviews the available information on the impact of conflict on civilians in 2010 and explores the response of the UN Security Council (UNSC) to protecting civilians in armed conflicts. Building on recommendations made by the UN Secretary-General in 2010 for more detailed information on protection of civilians to be provided to the UNSC, and for a less selective approach to protecting civilians in armed conflicts, this paper highlights two challenges for the UNSC to overcome: the lack of reliable and detailed information and analysis on threats to civilians and the need for consistent consideration for all crises based on the level of threat and risk to the well-being of civilians.

### A look at the last year:

- Reported civilian fatalities in Afghanistan stood at 2,777 for 2010, representing an increase of 15 per cent on 2009 figures.<sup>1</sup> As in previous years, Afghanistan remained the most dangerous place to work for aid workers: 29 of them were killed while 71 were abducted. This corresponded to a 153 per cent increase on 2009, and was roughly eight times the 2008 figure.<sup>2</sup>
- Last year, **Sudan** had both the highest level overall of people remaining internally-displaced – around 5 million – and the highest number of people newly displaced by conflict.<sup>3</sup> In 2010, over 532,000 people were displaced within the country: over half of these were in Darfur and the remainder in Southern Sudan.<sup>4</sup>
- **Somalia** was further engulfed in fighting and a severe humanitarian crisis. According to UNHCR, 2010 was the worst year in a decade for civilian casualties, with at least 7,600 people reporting weapons-related injuries.<sup>5</sup> Other reports indicate at least 2,100 civilian deaths recorded in Mogadishu alone.<sup>6</sup>
- In **Colombia**, 2010 saw roughly 280,000 people displaced as a result of internal conflict.<sup>7</sup> Colombia continues to have, after Sudan, the largest number of internally-displaced persons (IDPs) in the world.
- In **Iraq**, the positive trend over the past three years of declining civilian casualties continued, but civilian deaths still exceeded 4,000,<sup>8</sup> making it the conflict-affected country with the highest number of civilian fatalities.

- The ethnic conflict that flared up in **Kyrgyzstan** in June 2010<sup>9</sup> claimed the lives of at least 400 people and displaced around 300,000 others.<sup>10</sup>
- The escalation of post-electoral tensions in **Côte d’Ivoire** had already seen the deaths of more than 200 people by the end of 2010, with violence escalating sharply in the first four months of 2011.<sup>11</sup>
- Following spikes in violence in 2009 in the **Occupied Palestinian Territories and Israel** (OPTI) and **Chad**, 2010 saw significantly fewer civilian casualties, although the protection of civilians remains an overall concern in those areas.
- The **Lord’s Resistance Army (LRA)**, operating in the Democratic Republic of Congo (DRC), Central African Republic (CAR), and Sudan, continued to regularly attack civilians across these countries, displacing tens of thousands of people. In 2010, 306 known LRA attacks resulted in 355 deaths and 680 abductions.<sup>12</sup>

## Protection of Civilians by the UN Security Council

There are many different ways to address protection threats, and numerous actors play important roles in protecting civilians.

National governments bear the primary responsibility for ensuring that their populations are effectively protected, and all parties to conflict – governments and armed groups – have an obligation to prevent harm to civilians in the conduct of hostilities. Actors at local level also play an important role, particularly where rights activists, civil society organisations (CSOs), women’s groups, and communities speak out on abuses and work to prevent violence.

When states are unable or unwilling to protect their population, international actors, such as individual member states, regional organisations, intergovernmental organisations (such as the International Committee of the Red Cross (ICRC)), or the United Nations Security Council (UNSC), may become engaged in efforts to remind parties of their obligations to protect civilians, and may take measures to prevent abuses and protect people from harm. The tactics and tools they can adopt include international, regional, and bilateral diplomacy, the use of sanctions and embargoes, monitoring and reporting on the protection of civilians and human rights abuses, and the establishment of, or referral to, appropriate justice mechanisms. The UNSC may also consider establishing a UN political or peacekeeping mission, and, as a last resort, authorise the use of military force. These numerous tools can be employed in varying combinations in different contexts to address different threats. Out of these actors and mechanisms, this paper will focus predominantly on the role of the UNSC, as an important international body involved in the protection of civilians.

The core mandate of the UNSC is to maintain international peace and security. Since 1999, and in the aftermath of the failure of the international community to take effective action to prevent or address large-scale civilian atrocities in Sierra Leone, Rwanda, and the former Yugoslavia, the UNSC has progressively identified the protection of civilians in armed conflict as being a core part of this mandate. The first UN Presidential Statement on protection of civilians, in February

1999, recognised that large-scale human suffering can fuel conflict and that, because of the potential impact on international peace and security, the international community should act to protect civilian populations affected by conflict.<sup>13</sup> While this recognition was important in placing the protection of civilians within the UNSC's mandate to maintain international peace and security, the UNSC should consider the protection of civilians based on the need to prevent harm to civilians, and not only because civilian suffering may cause more violence.

Over the past 12 years, the range of protection issues covered in the UNSC has included displacement, children affected by conflict, and the use of sexual and gender-based violence as a weapon of war. The most recent Security Council Resolution on the Protection of Civilians, UNSC Resolution 1894 (2009), calls for comprehensive and detailed information relating to the protection of civilians in armed conflict and for protection activities to be made a clear priority for peacekeeping missions with protection of civilian mandates.<sup>14</sup> However, more than a year after the Resolution was adopted, there have been only minimal advances in the area of improved reporting on protection incidents, and translating protection mandates into effective protection of civilians on the ground remains a challenge.

UNSC Resolution 1973 (2011) on Libya has been the most visible, and arguably most controversial, action of the UNSC in the name of civilian protection.<sup>15</sup> The authorization of military force to protect civilians by international forces outside of UN peacekeeping missions, and without the consent of the host government, is a vastly different context from the way protection of civilians has been discussed in the UNSC prior to this year. Using military means to protect civilians is risky and challenging and must be based on thorough assessment of civilian vulnerability to threats of violence; it must not be reduced to only attacking belligerents. While it is too early to assess the full implications of Resolution 1973 for the normative and operational development of civilian protection, it will no doubt have a lasting impact.

### **UNSC: an uneven and inconsistent response**

While national governments, regional organisations, and the ICRC may sometimes be better placed to monitor specific crises and respond to protection concerns, this does not remove the UNSC's responsibility to monitor crises and regularly assess the effectiveness of the various efforts by regional bodies and national governments, in order to decide whether it needs to become directly engaged itself.

When the UNSC does demonstrate greater willingness to protect civilians in crises, where governments are unable or unwilling, the appropriate international action needs to be considered carefully. As a first step, parties to conflict need to be engaged with, and the UNSC has an important role to play in constantly urging all actors to minimize civilian harm and refrain from excessive force in hostilities. Working with other international, regional, or national actors is also important. Whichever approach it chooses, the UNSC must juggle the political calculations of individual member states with concern for civilians at risk of violence and potential rights abuses, and should endeavour to do so regardless of whether situations in question are on or off the UNSC agenda.

In 2010, the Report of the Secretary-General on the protection of civilians in armed conflict stressed the need for a less selective approach by the UNSC to conflicts, including finding ways to address contexts not formally on its agenda.<sup>16</sup> Any action by the UNSC should correspond to the protection needs on the ground, be based on reliable information and analysis of threats to civilians, and should be designed to protect those civilians in greatest need. However, the UNSC is an inherently political entity and member states are influenced by domestic political pressures, international interests, media, and advocacy groups active on a range of issues and conflicts. Member states are hampered by the fact that they do not have enough access to, or are not forced to take into account, comprehensive information on the threats that civilians face in conflict countries. This combination of sometimes competing demands and patchy information too often results in actions that vary greatly between one crisis and another.

- Certain countries, notably Somalia, Sudan, Iraq, the DRC, Côte d'Ivoire, Afghanistan, CAR, and Chad, maintained a presence on the UNSC agenda throughout 2010. Resolutions were passed on these countries and Presidential Statements issued. Only around half of the resolutions mentioning these countries, however, made explicit reference in operational paragraphs to the protection of civilians.
- The situation in Colombia failed to register on the agenda at all, and there was no formal statement or action in response to the crisis in Kyrgyzstan.
- Despite ongoing conflicts in India, Thailand, the Philippines, and Turkey, these countries were also not on the UNSC agenda in 2010. High numbers of casualties in Pakistan, amongst both civilians and combatants, failed to produce any concrete actions or statements.
- Afghanistan and Iraq remained the two countries with the largest numbers of international troops deployed (by the US and/or NATO). These countries have among the highest levels of civilian casualties, for which anti-government groups bear much of the responsibility.<sup>17</sup>
- The UNSC could not agree to more than a Presidential Statement on the situation in the OPTI, while the legally binding Resolution 1860 it adopted in January 2009 remained largely unimplemented, in particular its urgent call for 'the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment'.<sup>18</sup>

The figures in this report suggest that the response from the UNSC is uneven: in some cases where civilians were under threat, the UNSC acted, whereas in others contexts it did very little or nothing at all.

### **The lack of information**

Findings in Section 2 of this report reveal that, for certain countries and issues, there is very little or no data publicly available on protection threats to civilians. The lack of information is not just technical but also political, related to what can often be a refusal by governments to acknowledge the level of violence within their countries.

Credible information allows for better judgements on which of the above tactics and tools to use when responding to threats to civilian populations. For all conflicts, except those in Afghanistan and OPTI, only sporadic information is openly available on civilian casualties from UN sources.<sup>19</sup> There is little reliable or timely consolidated information on rape and sexual violence, despite these being severe and persistent threats faced by women, as well as by children and men, in conflict. Improved information flow to the UNSC should also be accompanied by reporting not just on protection threats but also on what steps are being taken by parties to conflict to meet their obligations to protect civilians under International Humanitarian Law.

Missing or partial data, combined with a lack of appropriate criteria for monitoring the situation of civilians affected by conflict, risks limiting the international community's objective and impartial understanding of the nature and level of threats against civilians. This affects decision-making on how, where, and when to engage to protect civilians. Data collection, analysis, and reporting are not, and cannot be, a substitute for effective action. However, they are the first steps to identifying a situation of concern before it has escalated, identifying a situation where engagement is needed and, ideally, informing an appropriate and measured response to protect civilians.

## Recommendations

### Recommendations to national governments

- At the national level, **individual member states have the primary responsibility to protect their civilians** through refraining from excessive force and minimizing harm to civilians during any hostilities.
- **States, whether hosting conflicts or not, should actively work to protect civilians from armed conflict and grave violence** by using mediation and diplomatic tools to prevent violence and by acting at the earliest stage of a foreseeable crisis. This requires investment in early-warning capabilities to monitor and respond to rising threats before they erupt.

### Recommendations to the UN Security Council

At a global level, the UNSC must provide clear leadership in protecting civilians affected by conflict by:

- **Acting consistently to protect civilians**, particularly when the authorizing the use of force, **ensuring that such authorization is based on a clear articulation of threats and risks to civilians**, and indicating how the proposed actions will minimize and address such threats.
- Encouraging individual permanent UNSC members to **renounce the use of their veto when the Council is discussing situations of grave protection of civilian concern**, including actual or incipient war crimes, crimes against humanity, ethnic cleansing, and genocide.
- **Continuing the expansion of sanctions which address various**

**protection of civilian threats**, as has already been done in the case of sexual violence and forced child recruitment.

- **Seeking ways to formally or informally increase engagement of the UNSC with civil-society actors**, particularly those from communities experiencing or at risk of war crimes, genocide, ethnic cleansing, and crimes against humanity.

**The UNSC should support better quality of information, analysis, and action on civilians affected by armed conflicts by:**

- Urging the UN Secretary-General to make further progress in providing **systematic and timely information about the threats faced by civilians** – including sexual and gender-based violence and the denial of the right to assistance – in country and thematic reports.
- **Ensuring that mechanisms exist, whether formal or informal, for the UNSC to be informed of grave civilian protection violations and challenges in countries not on the UNSC agenda**, so that these can be discussed and the Council can be engaged where needed. **Quarterly reports by the Emergency Relief Coordinator (ERC)** on forgotten or emerging crises present one possible solution.
- **Making better use of the informal Expert Group on Protection of Civilians** by supporting the expansion of its agenda to thematic discussions and encouraging full participation by member states.
- Requesting **all peacekeeping and political missions to systematically collect, aggregate, and analyse data relevant to the protection of civilians**, including killings, displacements, rapes, forced recruitment, looting, and destruction of property, to ensure an accurate and timely assessment of the situation on the ground. In countries where there is no mission and a high risk for civilians exists, this task could be undertaken by an independent monitoring mechanism. This data should include analysis of how the situation is changing and the impact of efforts to protect civilians and prevent further violations.
- Encouraging the **ERC through the UN Office for the Coordination of Humanitarian Affairs (OCHA) to continue developing indicators and criteria for reporting on protection of civilians** and, to this end, **linking up with other organizations and NGOs working to establish international standards in reporting on civilian casualties** and protection of civilians threats in conflicts.
- Supporting the role of the ERC as the **OCHA focal point on protection of civilians**, by requesting they regularly report to the UNSC on all **situations where civilians face grave harm**.
- **Requesting more regular briefings by**, or informal consultations with, the Department of Peacekeeping Affairs regarding their progress in implementing country-specific protection of civilians mandates, and requesting briefings on a more regular basis from the Department of Political Affairs and the Special Representatives to the Secretary-General, for example on Children and Armed Conflict, Sexual Violence, the Prevention of Genocide, and the Responsibility to Protection.

Ultimately, the UNSC must adopt a more consistent approach to protecting civilians in armed conflict, regardless of whether countries are on or off the UNSC agenda, based on as reliable as possible assessments of threats and risk to civilians.

# Notes

- 1 United Nations Assistance Mission in Afghanistan (UNAMA) and Afghanistan Independent Human Rights Commission (AIHRC) (2011) 'Afghanistan Annual Report 2010: Protection of Civilians in Armed Conflict', UNAMA: Kabul, p.i, p.46.
- 2 'Violence against humanitarian personnel' in Section 2 of the full report; see also the Aid Worker Security Database at [www.aidworkersecurity.org](http://www.aidworkersecurity.org).
- 3 IDMC Sudan country page, <http://www.internal-displacement.org> (last accessed April 2011).
- 4 The exact number of displaced people cited is 532,208. Figures for Darfur come from the UN Office for the Coordination of Humanitarian Affairs (OCHA) (2010a) 'Sudan: Humanitarian Snapshot', OCHA Sudan, <http://ochaonline.un.org> (last accessed April 2011), 2 November, with 268,500 displacements cited, in addition to 40,000 newly displaced people in December cited in OCHA (2011a) 'Sudan Humanitarian Update 4th Quarter 2010', OCHA Sudan, <http://www.unsudanig.org> (last accessed April 2011), p.6; figures for Southern Sudan come from OCHA (2011a) op. cit.
- 5 See UN News Centre (2011) 'UN disappointed by three-year extension of Somalia's transitional parliament', <http://www.un.org> (last accessed April 2011), 4 February 2011.
- 6 The figure for civilian fatalities is based only on figures for Mogadishu from the Lifeline Africa Ambulance Service, Shabelle Media Network (2010) 'Somalia: Lifeline Africa Displays Death Toll', <http://www.allafrica.com/stories> (last accessed April 2011), 23 November 2010.
- 7 Consultoría para los Derechos Humanos (CODHES) (2011) '¿Consolidación de qué?: Informe sobre desplazamiento, conflicto armado y derechos humanos en Colombia en 2010', CODHES : Bogotá.
- 8 See Iraq Body Count, [www.iraqbodycount.org](http://www.iraqbodycount.org)
- 9 International Crisis Group (2010) 'The Pogroms in Kyrgyzstan', Asia Report 193, 23 August 2010.
- 10 IRIN (2010) 'Kyrgyzstan: Violence victims prepare for winter', <http://www.irinnews.org> (last accessed April 2011), 1 December 2010, and Internal Displacement Monitoring Centre (IDMC) (2011) 'Kyrgyzstan: Unsustainable situation for IDPs and returnees', Norwegian Refugee Council: Geneva, p.1.
- 11 Norwegian Refugee Council (2010) 'Violence and population displacements increase', <http://www.nrc.no> (last accessed April 2011), 21 January 2010.
- 12 OCHA (2011b) 'LRA: Regional Overview & Update: Jan–Dec 2010'; OCHA Regional Office for Southern and Eastern Africa, <http://ochaonline.un.org> (last accessed April 2011), 4 February 2011; see also Ellie Kemp and Verity Johnson (2010) 'Ghosts of Christmas Past: Protecting Civilians from the LRA', Joint NGO Briefing Paper, Oxfam International: Oxford.
- 13 S/PRST/1999/6 (12 February 1999) states: '...large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict ... Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict.'
- 14 S/RES/1894 (11 November 2009)
- 15 S/RES/1973 (17 March 2011)
- 16 S/2010/579 Report of the Secretary-General on the protection of civilians in armed conflict (11 November 2010), pp. 21-22.
- 17 For civilian casualties in Afghanistan disaggregated by responsible parties, see UNAMA and AIHRC (2011) op. cit.
- 18 S/RES/1860 (8 January 2009); for Resolutions and Presidential Statements see the UN Security Council website at [www.un.org/Docs/sc/](http://www.un.org/Docs/sc/).
- 19 The notable exceptions are the UNAMA and AIHRC reports on 'Protection of Civilians in Armed Conflict', op. cit., and OCHA 'Protection of Civilians: Casualties Database' for the OPTI, available at [www.ochaopt.org](http://www.ochaopt.org).

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