INTER–AGENCY STANDING COMMITTEE WORKING GROUP
59th MEETING

22-23 November 2004
UNHCR - Geneva

Sudan: Protection of Civilians – A Strategy for Darfur

Circulated: 9 November 2004

PROTECTION OF CIVILIANS

A STRATEGY FOR DARFUR[1]

I. Overall objective

Darfur has been characterized as an ongoing crisis of protection, manifested by the prevailing high level of insecurity in many parts of Darfur and the concurrent lack of confidence of displaced populations and other civilians into the ability of local law enforcement authorities (i.e. police, courts) to provide adequate protection and address impunity[2]. Attacks on villages and its civilian populations, acts of harassment and assault, occurrences of sexual gender based violence, and other human rights violations are ongoing and being reported frequently. There are now an estimated 1.6 million internally displaced persons spread out in camps and settlements throughout Darfur[3]. Their timely return to their homes of origin, based on voluntariness and with the legal, material, and physical safety required to sustain such returns, constitutes one of the paramount objectives of the United Nations, and the international community at large, in Sudan[4].

While it is recognized, and should be recalled in all official contacts, that the Government of Sudan and its relevant authorities bear the primary responsibility for the protection of all civilian populations on its territory[5], the paradigm for the international response in Darfur is that of "protection by presence". Accordingly, it appears that a further increased presence of international agencies, including human rights observers, in Darfur would already, in and of itself, add a measure of protection

---

[1] The current paper focuses on Darfur as protection activities and coordination arrangements are most advanced there. It is fully recognized, however, that a wider protection strategy is necessary to include other areas of Sudan. While the coordination arrangements outlined in this paper should equally apply to those areas, protection priorities will have to be defined separately for every context and its specific requirements (see in this context IRC study, "Promoting Human Security for the Return and Reintegration of Displaced in Sudan – A Protection Assessment", May 2004).

[2] See Security Council resolution 1564 (2004) of 18 September 2004, preambular paragraph 9 and operative paragraph 7; also joint mission report of the High Commissioner for Human Rights and the Secretary General's Special Advisor on the Prevention of Genocide ("Enhancing the protection of human rights in Darfur"), of 27 September 2004.

[3] See United Nations, Humanitarian Profile for Sudan, No.7, October 2004.

[4] See Security Council resolution 1564 (2004), operative paragraph 6;

[5] See Security Council resolution 1564 (2004), preambular paragraph 10;

to civilian populations, and lead to a reduction of attacks on communities and individual human rights violations[6]. In addition, a strengthened and more robust AU monitoring presence (AMIS)[7] will be critical in contributing to that stronger sense of presence and thereby support agencies' protection activities. Given the size of the territory, the magnitude of the crisis and the multifaceted nature of its needs, however, only a collaborative, mutually reinforcing, and fully complementary approach of all relevant actors in Darfur - UN agencies, NGOs, other international organizations, the enhanced presence of the African Union as well as civil society - will help ensure an adequate response throughout Darfur.

With that in mind a task team of key agencies with relevant activities in the area of protection[8] has developed the present paper in order to strengthen ongoing protection efforts in three critical areas:

(i)   priority setting;
(ii)   information management;
(iii)   coordination arrangements.

II. Priority setting

<u>Common understanding of protection</u>

The basis for the development of any strategy in this area must be a common understanding of the protection challenges faced by international and national actors in Darfur. Protection is context-specific. Hence, our understanding of protection must be defined by the concrete protection needs and priorities discerned in each of the three Darfur states. The standards developed within the Inter-Agency Standing Committee[9] and the Security Council[10] in recent years is useful guidance in this respect.

It is recognized that the protection of civilians goes beyond only the protection of displaced populations; it includes measures and activities aimed at enhancing the

---

[6] Mindful of efforts to expand and extend the AU CFC monitoring presence and its mandate, and of calls for a civilian police presence, the present strategy focuses on a strengthening of the international civilian presence in Darfur, including by expanding the presence of agencies with a protection mandate or protection related activities, and the number of international human rights monitors, pursuant to SC resolution 1564 (2004), op. 12.

[7] See Communique of the Seventeenth Meeting of the Peace and Security Council of the African Union, PSC/PR/Comm.(XVII), of 20 October 2004, paragraphs 4 and 6. According to paragraph 7 of the Communique, AMIS will consist of 3,320 personnel, including 2,341 military personnel, among them 450 observers, up to 815 civilian police personnel (…).

[8] The present paper is the result of a consultative and fully collaborative effort of a cross-section of UN Country Team agencies, including UNICEF, UNHCR, OHCHR, OCHA, UNDP as well as the Offices of the SRSG and DSRSG/RC/HC of UNAMIS. The content of the paper was discussed with the Khartoum-based protection working group and with the chairs of the field-based protection working groups in Darfur. The paper has been approved as the UN's joint overall protection strategy for Darfur by the UN Country Team on 26 October 2004.

[9] Protection has been defined as "*all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law; international humanitarian law and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)*"

[10] See Security Council resolution 1265 (1999) and 1296 (2000) as well as the Statement of the President of the Security Council of 15 March 2002 adopting the *aide memoire* on the protection of civilians in armed conflict (S/PRST/2002/6).

protection of all civilian populations affected by conflict[11]. Thus, only a broad-based inter-agency effort that allows a multitude of agencies to contribute activities to shared objectives and priorities will succeed in adequately addressing the array of protection needs emanating from complex emergencies.

<u>Darfur protection priorities</u>

Notwithstanding the specific activities that agencies will continue to discharge pursuant to their specific mandates (i.e. UNHCR on refugee protection; OHCHR on monitoring and reporting of human rights violations), five priorities for a collaborative, mutually reinforcing, and complementary protection strategy have been identified, based on information received from the field:

- Protection of in-camp populations;
- Protection of non-camp populations;
- Sexual Gender Based Violence (SGBV);
- Involuntary Return/Relocations;
- Child protection.

Within these five priority areas, the following examples of operational protection requirements have been identified[12]:

   (i)   *<u>Protection of in-camp populations</u>*

- Security through law enforcement:
    - training of police (i.e. new GoS police forces identified for service in Darfur should receive training before deployment);
    - vetting of police;
    - monitoring, provision of technical advice, mentoring;
    - protection from attack (including freedom of movement);
    - administration of traditional justice.
- Establishment of complaint centers in camps
    - Access to justice: provision of redress assistance/legal aid;
    - intermediary for IDPs in dialogue with authorities (=confidence building measure);
- Other confidence building measures with IDPs (i.e. advocacy, awareness raising; anger management);
- Monitoring of violations, reporting, and follow up to address impunity;
- Registration of IDP's (critical to support protection efforts);
- Ensuring the civilian character of camps

---

[11] As recent incidents have shown (i.e. shelling of Gulu; bus incident near Nertiti), civilian populations living in their villages of origin both in GoS and SLM/JEM controlled areas are still at risk of being harmed, intimidated, or displaced.

[12] The list of priorities and protection requirements is not final and will, by definition, be a "living document" subject to regular review against the realities on the ground and be adapted accordingly. The present document does not list the specific activities carried out by specialized UNAMIS units such as Human Rights, DDR, or Rule of Law that also have a protection dimension. It is understood, however, that many of these issues are cross-cutting and will have to be coordinated closely with those partners when implementing this protection strategy (through early coordination with the protection unit and through the UNAMIS internal Steering Committee, see chapter III of this paper on coordination arrangements).

- i.e. monitoring of arms availability and recruitment into combat forces;
- taking appropriate measures to address the occurrences thereof;
- Permanent (24/7) international presence with camps.

(ii) *Protection of non-camp populations*

- Identification of potential risk areas (for future attacks, displacement, or intimidation), including areas of spontaneous return from Chad;
- Monitoring of violations, reporting, and follow up to address impunity (heightened alertness through more presence/regular visits of international agencies; AU CFC monitors);
- Protection from displacement;
- Alert AU CFC Monitors to incidents (regular information exchange);
- Monitor maintenance of safe and secure access and report on occurrences of denial;
- Engage with parties to conflict
    - in GOS controlled areas: engage with local authorities on protection concerns and incidents, including compliance with national and international law and possibility of police deployment or law enforcement measures;
    - in SLM/JEM areas: inform on principles of humanitarian and human rights law; humanitarian principles;
- Confidence building with local host communities
    - i.e. through provision of assistance;
    - local and national capacity-building;
    - by expanding international presence into more remote areas;
- Livelihood protection.

(iii) *Sexual Gender Based Violence*

- Firewood collection in IDP camps
    - i.e. prevention: energy saving stoves/provision of firewood
- Income generation for IDP populations;
- Trauma treatment (medical/psychio-social response)
    - training to IDP communities on immediate care measures;
    - reproductive health measures for victims;
    - establishment of "safe havens" for victims (in each camp; "protected" by camp communities);
    - service centers to allow victims the reporting of abuse (i.e. Health Centers; Youth Clubs; Children's Spaces);
- Monitoring of violations, reporting, and follow up to address impunity;
- Access to justice: assistance in redress
    - legal response (i.e. see above: complaints center/legal aid);
    - work with and engage the "rape commission";
- Enhancement of support to victims and offspring
    - i.e. community sensitization: solicit community acceptance, prevention of stigmatization and social/legal persecution, prevention of abandonment;
- Family protection: occurrences of sexual gender based violence within families;

- Promote code of conduct for UN staff, and enforce adherence to it.

(iv) *Involuntary Return/Relocation*

- Establish constant presence in camps;
- Implementation of GOS/IOM Memorandum of Understanding[13]
    - reinforce principle of voluntariness of any return with authorities;
    - ascertain conditions conducive to return (with dignity and with legal, material, and physical safety);
    - promote standard operating procedures for verification process;
    - notify MCM of any areas identified by local authorities for return;
    - provide protection support for voluntary return processes;
    - accompany any return by providing international presence in target areas;
- Monitoring and reporting of instances of return
    - verify voluntariness with MCM;
    - redress involuntary or forced returns with authorities;
- Profiling:
    - solicit IDP's views on voluntariness of return through survey (give voice to IDPs independent from sheikhs or camp administration);
    - develop an IDP population profile across Darfur;
- Involuntary Relocations:
    - manage relocation through dialogue between authorities, IDPs and agencies.

(v) *Child Protection*

- Monitoring and Reporting
    - monitoring and reporting of occurrences of recruitment of child soldiers;
    - acts of violence against "street children": monitoring of violations, reporting, and follow up to address impunity.

- Advocacy
    - advocacy measures (i.e. on international principles, in particular Optional Protocol to the CRC);
    - engagement with parties to the conflict;
    - release/removal of child soldiers from combat forces, without peace accord as a prerequisite.

- Care and Assistance

---

[13] While IOM, under the MoU, has been given overall responsibility for the return of IDPs in Darfur, it is understood that following the clarification of the UN Secretary-General of 16 October 2004 and further consultations among agencies and with the DSRSG/RC/HC, UNHCR will discharge responsibility for the protection and voluntary return of IDPs to their villages of origin in West Darfur, in partnership with other UN agencies and NGOs, as agreed by the IASC Principals in December 2003. It is also understood that this effort will be made under the leadership of the DSRSG/RC/HC and consistent with the work of the Management Coordination Mechanism.

- provide appropriate education/livelihood opportunities for children and youth;
- provide care and assistance to "street children" and children in detention;
- ensure that measures be taken during return/relocation to prevent the separation of families;
- identification, registration, tracing, care, monitoring and reunification of separated and unaccompanied children with their families;
- provide care and assistance to unaccompanied and separated children;
- redress acts of violence against street children and children in detention;
- support to women/girls pregnant as a result of rape, including prevention of legal/social persecution;
- support to women/girls raising children as a result of rape to prevent abandonment.

Implementation matrix

It is recognized that not all of the above protection requirements can be addressed immediately due to capacity, resource, access or security constraints. However, the list serves as a statement of objectives and a point of orientation for agencies' to adjust their own workplans and programme planning exercises for the next year accordingly. An implementation matrix will help in this respect. The above listed examples of protection requirements are currently being mapped out in a matrix that will match priorities and requirements with ongoing and potential activities of agencies. The matrix will serve as a coordination tool, helping agencies to focus their protection activities around actual (geographic or thematic) areas of need and determining (geographic or thematic) areas of protection needs that, so far, have gone unaddressed. Generally, such protection activities should revolve around the following three categories:

- *Responsive Action:* prevents or puts a stop to a specific pattern of abuse and/alleviates its immediate effects;

- *Remedial Action:* restores people's dignity and ensure adequate living conditions through reparation, restitution and rehabilitation;

- *Environment Building*: fosters an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law.

III. Coordination

Coordination concept

The protection of civilians concept developed in recent years through the IASC and the Security Council is based on the assumption that no one agency "owns" protection; rather, agencies (UN, NGOs, ICRC, ao) should complement each others activities along thematic and geographic lines, and in line with their specific areas of expertise, mandate, and programmes.

Hence, coordination of protection related activities should be guided by the following principles:

- *Collaboration:* As in the case of assistance, protection is an area that requires good coordination among the various UN agencies, NGOs, and other international organizations with protection mandates and activities, in order to take full advantage of every agency's protection capacities, mandates and expertise and to ensure an adequate and equitable response to all protection needs; as appropriate and feasible, coordination is also required with local and national protection capacities, including civil society. Close and early collaboration is also required with the leadership of UNAMIS to ensure adequate political responses and initiatives to enhance the protection of civilians in Darfur, including by addressing critical issues, at the appropriate level, with the Government of Sudan, local authorities, or the African Union.

- *Multifaceted Approach:* Protection goes beyond only legal or IDP protection; it includes the protection of all civilian populations at risk of harm due to armed conflict. Measures to address their protection needs, thus, should include a wide gamut of immediate, medium and long-term activities ranging, for example, from camp management activities, such as registration, to rule of law programmes, including police training and capacity-building measures, to even disarmament and de-mining activities. Ultimately, any protection strategy needs to be firmly embedded in the overall political approach and strategy of the UN mission vis-à-vis the parties to the conflict.

- *Complementarity*: An enlarged presence of staff from a range of relevant agencies (dedicated to and skilled in protection) is needed and should not result in competition; rather the complementarity of expertise and mandate should be managed well.

- *Field-driven*: The development of protection priorities and strategies should follow the guidance of field-based coordination mechanisms and be based on information obtained from the field.

Coordination arrangements

In order to (i) create the necessary synergies between the different protection actors, (ii) allow for systematic information gathering and analysis, (iii) have a common understanding of the protection priorities, and (iv) carry out protection-related activities within a well-coordinated and complementary strategy, and (v) ensure, as necessary, adequate political follow-up at the appropriate level, it is essential to have a dedicated and non-operational management capacity on protection.

- *Headquarters level*: the protection of civilians component of UNAMIS would constitute a coordination and clearinghouse facility that would be headed by a designate of the DSRSG/RC/HC and report directly to him. The head of unit should be an individual with solid expertise in managing protection of civilians issues, including in Sudan. Key agencies would be asked to consider the secondmend or at least temporary assignment of staff to that unit to allow for joint agenda and priority setting, ready exchange of information, and coherent policy-making. The unit would be supported by the Inter-Agency Working Group on the Protection of Civilians in Khartoum, a regular

forum of and for all relevant operational agencies in the area of protection (UN, NGOs, ao) and an opportunity to participate in the work of the UNAMIS protection of civilians unit. A main focus of both the work of the unit and the working group would be to actively coordinate the work of all relevant agencies through the implementation matrix, including by prioritizing needs and focusing activities around these needs, identifying operational gaps in the implementation of this strategy and ensuring that they be addressed adequately and in a timely manner, and liaising with donors, as appropriate. The unit would also support agencies by providing examples of best practices and lessons learned from other crisis situations to agencies and the protection working groups, in particular those in the field, and ensure critical information exchange on protection issues arising in the region (i.e. Chad).

- *Field level:* the already constituted protection working groups in all three capital cities of Darfur would continue their work and constitute the bedrock of all headquarters-based protection efforts. Each of the field-based working groups should be chaired/co-chaired by the senior-most protection officer(s) (i.e. could come from the agency with the strongest presence in a particular area and should be identified in close consultation with the DSRSG/RC/HC) and should be supported by a dedicated secretariat function (which could continue to be performed by OCHA).

- *Sub-working groups:* due to the specific vulnerability, there will be sub-working groups on child protection (already in existence; chaired by UNICEF) and SGBV (chaired by UNFPA), at both headquarters and field level. The sub-working groups would be managed by the chairs, and closely consult their work programmes and share their findings with the general protection working group in their area.

- *Steering Committee on Human Rights and Protection:* the steering committee would be an internal UN mechanism to coordinate better the response of the UN in the areas of human rights (currently under DSRSG/Political) and protection (currently under the DSRSG/RC/HC). The senior-level Steering Committee would be chaired by the DSRSG/Political and ensure coherent policy development and decision making between the two components and with other relevant components of the mission such as Civil Affairs, Civilian Police, DDR, or Rule of Law. The Steering Committee would also ensure that, as necessary, protection and human rights concerns are brought to the attention of the SRSG for follow-up with relevant governmental or international actors (i.e. Joint Implementation Mechanism, AU, UN Security Council). As for the critical coordination with external actors such as the ICRC or NGOs this would continue to be carried out primarily through the protection of civilians working groups at both headquarters and field level.

IV. Information Management

Collecting and analyzing reliable and well-corroborated information in a timely manner is the cornerstone of any meaningful protection strategy. It allows for political action and initiatives, and high-level advocacy, including reporting to inter-governmental fora. Hence, the gathering, analysis, and presentation of information must be managed systematically. This requires participation and information sharing by all relevant protection actors, a dedicated information management capacity both

in the field and at headquarters, and the provision of that systematized information back to all participating actors (quasi as a "common service").

Depending on the envisaged follow-up (primarily "legal" or primarily "political/security"), two distinct information requirements need to be managed:

- *Individual cases:* a list of incidents and individual cases for follow-up and redress by mandated agencies. Specific confidentiality requirements must be observed (database driven by names, incidents, dates). Such a data base could be maintained by an enlarged human rights monitoring presence with very clear rules as to the accessibility of that information.

- *Trends/patterns:* compilation of information from multiple sources of information (i.e. security, military, political) into a system-wide database. Information received would be categorized and analyzed in order to allow political decision makers and programme managers to formulate adequate responses and means of redress (database along thematic/geographic areas). The trends and patterns database could be maintained separately for each of the three Darfur states by the Secretariat of each of the Protection Working Groups. At headquarters level, the information provided through the field-based databases could be compiled and maintained with the support of the Humanitarian Information Center (HIC).

It is understood that to the extent possible both databases must ensure a regular flow of information to guarantee consistency. To enable the protection working groups to coordinate and help guide agencies' protection activities, allow for quick and well-informed programming, and facilitate redress action, it is critical that shared information will not be "owned" exclusively by the managing agent.

V. Other

In order to standardize protection approaches, develop databases, compare lessons learned, etc. it is recommended to organize, soon, a retreat of all heads of field-based protection working groups and their secretariat staff with the Khartoum-based protection of civilians component, and other experts as appropriate.

***

Prepared by: OCHA, October 2004