



## I. Protection of Civilians in Armed Conflicts

Within this Update the current conflicts around the World will be introduced. With the Russian aggression war against Ukraine, the United Nations stated the aggression against Ukraine as unlawful. This Conflict adds difficulty to comprehend situations to conflicts that have been smoldering for a long time. COVID-19 also poses difficulties for aid workers and the support of civilians.<sup>1</sup>

The Protection of Civilians (POC) in Armed Conflicts is a key principle of international humanitarian law.<sup>2</sup> This principle dictates that parties to a conflict must take all feasible precautions to protect civilians and civilian objects from the effects of hostilities.<sup>3</sup> This includes avoiding locating military targets in or near densely populated areas and providing advance warning of attacks that may affect civilians. Violations of this principle can result in war crimes and other serious abuses of international law.<sup>4</sup>

The situation of POC can vary greatly from country to country and from conflict to conflict and is therefore hard to compare.<sup>5</sup> In general, however, armed conflicts in areas with weak governance, high poverty levels, and deep-seated social and political tensions are often characterized by a lack of civilian protection. Examples of such conflicts include those in Syria, Yemen, Afghanistan, and the Democratic Republic of Congo. In these conflicts, civilians are often caught in the crossfire and are at high risk of harm from both state and non-state armed groups. Especially the Situation in Myanmar has risen to international attention. The Situation of Civilians in armed conflicts is continuing to decline but the war in Ukraine opened new areas which have to be monitored. One of them is the current Russian tactic to target civilian infrastructure, due to the fact that these could pose a violation of international law.<sup>6</sup>

In 2021, the POC in Yemen remained a major concern.<sup>7</sup> The ongoing conflict in the country has led to widespread violence and human rights abuses, including attacks on civilians and civilian infrastructure. According to the United Nations, the conflict has resulted in the displacement of millions of people and has had a devastating impact on the country's economy and infrastructure.<sup>8</sup> In Afghanistan, the situation remained a similar concern as in Yemen.<sup>9</sup> The ongoing conflict in the country has led to widespread violence and human rights abuses, including attacks on civilians and civilian infrastructure.<sup>10</sup> According to the United Nations, the conflict has resulted in the displacement of millions of people and has had a devastating impact on the country's economy and infrastructure.<sup>11</sup> The situation has been further complicated by the involvement of multiple foreign powers and non-state armed groups in the conflict.<sup>12</sup> Further conflicts are the Israeli settlements in Arabic parts of Palestine. POC is an important issue in the Israeli-Palestinian conflict, as the region has seen

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<sup>1</sup> United Nations, Security Council. *Protection of civilians in armed conflict: Report of the Secretary-General (S/2020/366)*. 2020.

<sup>2</sup> Breakey. Griffith University. *The protection of civilians in armed conflict: Four concepts*. 2013, pp. 43-44.

<sup>3</sup> Ibid. p. 44.

<sup>4</sup> Ibid. p. 44.

<sup>5</sup> Reliefweb. *Civil Society Organisations Calls for Immediate Protection of Civilians in Armed Conflict in Myanmar*. 2020.

<sup>6</sup> United Nations, UN News. *Russian attacks on civilian targets in Ukraine could be a war crime: UN rights office*. 2022.

<sup>7</sup> Council on Foreign Relations. *War in Yemen*. 2022.

<sup>8</sup> Ibid.

<sup>9</sup> Afghanistan. *Staying and delivering through challenging times*. 2021.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.



significant violence and armed conflicts over the years.<sup>13</sup> Additionally, parties to the conflict are required to respect and protect the lives, dignity, and personal property of civilians, and to allow and facilitate rapid and unimpeded passage of humanitarian assistance to those in need. However, in practice, POC in the Israeli-Palestinian conflict has been a challenging issue. Both Israeli and Palestinian authorities have been accused of violating the rights of civilians and failing to adequately protect them during armed conflicts.<sup>14</sup> In particular, the Israeli military has been criticized for using excessive force and for failing to distinguish between combatants and civilians, while Palestinian armed groups have been accused of using civilians as human shields and launching attacks against Israeli civilians.<sup>15</sup> However, the ongoing conflict and lack of a political resolution have made it difficult to effectively address the issue of civilian protection in the region.

The International System continues to work with the problems of POC. The UN Peacekeeping Missions that focus on POC, rely on the support of the international community and the hosting Member States.<sup>16</sup> It is important to note that while these mechanisms can be effective in protecting civilians in armed conflicts, they are not always able to prevent or mitigate harm to civilians. It is highly important for the UN and its Member States to continue working on strengthening these mechanisms and addressing the challenges they face in protecting civilians. Peacekeeping missions still count as one of the most effective ways the International System is able to deal with conflicts in which civilians are targeted.<sup>17</sup> The Security Council released a Resolution addressing the situation of Children in armed conflicts in 2021.<sup>18</sup> Other Resolutions for current Peacekeeping Missions were adopted in 2021 and 2022. One of which, the Security Council Resolution 2594 (2021) in which the Security Council highlighted the need for Member States to introduce measurements for POC.<sup>19</sup> Also, the Security Council passed the Security Council Resolution 2668 (2022), which recognized the importance of UN personnel to work in conflict areas.<sup>20</sup> Within these Resolutions, the UN Security Council recommended continuing to work with Peacekeeping missions to prevent damage and harm to civilians.

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<sup>13</sup> United Nations, General Assembly. *Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories (A/77/400)*. 2022.

<sup>14</sup> Kampeas. Forward. *US officials blast UN rapporteur on Palestinian rights over past 'Jewish lobby' and other comments*. 2022; Levinthal. I24 News. *Palestinian authorities accuse Israel of foul play over death of terrorist*. 2022.

<sup>15</sup> Israel Ministry of Foreign Affairs. *Hamas exploitation of civilians as human shields: Photographic evidence*. 2021.

<sup>16</sup> United Nations Peacekeeping. *Protection of Civilians Mandate*.

<sup>17</sup> BBC. *What are Sanctions on Russia and are they hurting its economy?* 2022.

<sup>18</sup> United Nations, Security Council. *The Children and armed conflict (S/RES/2601(2021))*. 2021.

<sup>19</sup> United Nations, Security Council. *United Nations Peacekeeping Operations (S/RES/2594 (2021))*. 2021.

<sup>20</sup> United Nations, Security Council. *United Nations peacekeeping operations (S/RES/2668(2022))*. 2022.



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## II. The Situation in the Democratic Republic of the Congo

The most recent developments in the Democratic Republic of the Congo (DRC) between September and late November 2022 were marked by new violence, displacement, and an aggravation of the humanitarian situation in the eastern provinces of the DRC, working progress on stabilisation and development projects as well as coordinated action with other African nations, and measures to facilitate the execution of the general election scheduled 20 December 2023.<sup>21</sup> These issues are subject to the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and under regular review of the Secretary General pursuant to paragraph 55 of Security Council resolution 2612 (2021).<sup>22</sup>

The security situation remains tense, particularly in the Ituri, North Kivu, South Kivu, and Maniema Provinces of the DRC due to numerous attacks that also target civilian populations amounting to at least 346 unlawfully killed people.<sup>23</sup> The March 23 Movement (M23) launched attacks specifically targeting the Armed Forces of the DRC as well as MONUSCO in which one international peacekeeper was killed.<sup>24</sup> Meanwhile, the humanitarian situation deteriorated as well.<sup>25</sup> While the Congo is the nation with the largest amount of internally displaced people already, another 1.5 million people were displaced in 2022 alone and 80% of these displacements occurred due to armed conflict.<sup>26</sup>

For the 36<sup>th</sup> time, the National Assembly extended the state of siege in North Kivu and Ituri for a 15-day period in response to the on-going violence.<sup>27</sup> The Congolese government renewed its accusations against the Rwandan government of providing M23 with support, leading to the expulsion of the Rwandan Ambassador on 29 October and declaring M23 a terrorist group on 8 November stating that the organization would not be regarded as a party in negotiations regarding the state of security.<sup>28</sup> The tensions reactivate a sensitive ethnic cleavage between the Tutsi and the Hutu in the Congo as these were the two enemy ethnic groups in the Rwandan genocide, however, President Felix Tshisekedi met with delegations of the two minorities in the Congo and reaffirmed his will to retain peaceful cohesion between the ethnic groups.<sup>29</sup>

The East African Community (EAC), that the Congo joined only in March of 2022, held another mini-summit to discuss the security situation in the eastern provinces of the Congo while the Rwandan Foreign Minister was also present; it was decided that the planned two-track approach (political and military) to respond to the security situation in the eastern DRC and the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region will be supplemented by a EAC regional force headquarters from 5 November on.<sup>30</sup>

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<sup>21</sup> UN Security Council. *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General (S/2022/892)*. 2022. p. 1.

<sup>22</sup> UN General Assembly. *On Extension of the Mandate of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 20 Dec. 2022 (S/RES/2612)*. 2021. p. 19.

<sup>23</sup> UN Security Council. *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General (S/2022/892)*. 2022. p. 5.

<sup>24</sup> Africanews. *Protesters in DRC set fire to UN vehicles in Goma*. 2022; UN Security Council. *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General (S/2022/892)*. 2022. p. 5.

<sup>25</sup> UN Human Rights Council. *Technical Assistance and Capacity-Building in the Field of Human Rights in the Democratic Republic of the Congo (A/HRC/RES/51/36)*. 2022. p.3-4.

<sup>26</sup> UN Security Council. *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General (S/2022/892)*. 2022. p. 5-6.

<sup>27</sup> *Ibid.* p. 1.

<sup>28</sup> *Ibid.* p. 2.

<sup>29</sup> *Ibid.* p. 2.

<sup>30</sup> *Ibid.*, p. 3.



Following its latest budgetary consultations in the National Assembly, a total of \$7.5 million have been approved for the Disarmament, Demobilization, Community Recovery and Stabilization Programme (P-DDRCS) and the Stabilization Coherence Fund.<sup>31</sup> These funds are the foundation of the implementation of the first pilot phase of P-DDRCS projects in the regions Ituri, North Kivu and South Kivu provinces as prioritised zones for disarmament, particularly in the eye of the most recent violent clashes.<sup>32</sup>

Furthermore, the National Assembly approved \$441 million for the 145-territory Development Programme, securing the funding for a program that pursues the goal of integrating the Sustainable Development Goals (SDGs) by targeting populations at the local level by focusing on six SDGs in particular, including health, education, water, infrastructure as well as the construction of administrative buildings.<sup>33</sup>

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<sup>31</sup> Ibid. p. 1, 7.

<sup>32</sup> Ibid. p. 9.

<sup>33</sup> Congolese News Agency, *The Development Program of the 145 territories is in line with the MDGs*, 2022; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General (S/2022/892)*, 2022, p. 1.



### III. The Use of Robust Mandates in Peacekeeping

Robust Mandates in Peacekeeping are multidimensional and give peacekeepers the freedom to use any necessary means to uphold the mission's mandate in certain volatile situations.<sup>34</sup> United Nations (UN) Peacekeeping fatalities, that can be attributed to intentional malicious acts, are on the rise in recent years, after being on a decline previously.<sup>35</sup> Jean-Pierre Lacroix, the UN Peacekeeping commander, has stated the need for more robust or proactive mandates for Peacekeeping troops.<sup>36</sup>

In September 2022 the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism submitted a report on the Impact of counter-terrorism on peacemaking, peacebuilding, sustaining peace, conflict prevention and resolution.<sup>37</sup> In this report she addresses the challenges that arise where States are engaged through a terrorism lens, which often leads to displacing core international frameworks and the ability to engage in local-level peacebuilding and human rights work.<sup>38</sup> The report further notes that the shift in the growth of the UN counter-terrorism architecture leads to assistance programs, which do not consider how this programming supports the people of the States in which they are implemented.<sup>39</sup> The report recommends to Member States to ensure that the diplomatic role of the UN is preserved through robust mandates that are aimed at preventing and resolving conflicts through dialogue and mediation.<sup>40</sup>

The Responsibility to Protect (R2P) is an essential aspect of robust mandates.<sup>41</sup> In May 2022 the Secretary-General submitted the report "Responsibility to protect: prioritizing children and young people" in which he emphasizes the grave impact of atrocity crimes on children and young people.<sup>42</sup> Member States in the General Assembly frequently stress the need for prevention of these crimes during debates on R2P.<sup>43</sup> Since R2P focuses on prevention, there is a need for data and early warnings to prevent atrocities against children and other people as well.<sup>44</sup>

A report published by the Swedish agency for peace, security and development in 2022 addresses the role of gender in Disarmament, Demobilization and Reintegration (DDR).<sup>45</sup> Since the 1980s only one-third of DDR programs have included women as a targeted group for the programs.<sup>46</sup> The report found that there is little research on how to integrate women in DDR programs.<sup>47</sup> In December 2021 the European Union (EU) adopted a new policy to support DDR efforts.<sup>48</sup> The EU recognizes the complexity of building and keeping peace and therefore implements an Integrated Approach to work

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<sup>34</sup> United Nations Peacekeeping. *Principles of Peacekeeping*.

<sup>35</sup> Amruta. Prepp. *U.N. Peacekeepers Need 'Robust' Mandates, To Be Able To Go After The Armed Groups (UPSC Current Affairs)*. 2022.

<sup>36</sup> Ibid.

<sup>37</sup> United Nations, General Assembly. *Promotion and protection of human rights and fundamental freedoms while countering terrorism (A/77/345)*. 2022.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Sartre. *Making UN Peacekeeping More Robust: Protecting the Mission, Persuading the Actors*, International Peace Institute. 2011. p. 11.

<sup>42</sup> United Nations, General Assembly. *Responsibility to protect: prioritizing children and young people(A/76/844)*. 2022.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Donnelly. Folke Bernadotte Academy. *Gender and DDR: Lessons Learned from DDR Research*. 2022.

<sup>46</sup> Ibid. p. 7.

<sup>47</sup> Ibid. p. 7.

<sup>48</sup> European Commission. *A new EU policy to support Disarmament, Demobilisation and Reintegration of former combatants*. 2021.



towards a sustainable peace.<sup>49</sup> The new DDR process relies on political engagement, coordination between the EU and its Member States, and cooperation with partners, including the UN, regional organizations, and civil society organizations.<sup>50</sup>

Robust peacekeeping involves the use of force when it is necessary and only with the authorization of the Security Council and the consent of the main parties to the conflict.<sup>51</sup> However, a UN peacekeeping operation should only use force as a last resort and with the principle of the minimum force to achieve the desired effect.<sup>52</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> United Nations Peacekeeping. *Principles of Peacekeeping*.

<sup>52</sup> Ibid.