

OHCHR Aide-Memoire

For the
Consideration of Issues
**Pertaining to the
Protection of Civilians**

Office for the
Coordination of
Humanitarian Affairs
Policy Development
and Studies Branch
New York, 2004

Aide Memoire

For the Consideration of Issues Pertaining to the Protection of Civilians

This document reflects the first update of the Aide Memoire on the protection of civilians in armed conflict since it was first adopted by the Security Council in March 2002 in Presidential Statement S/PRST/2002/6. At that time, the Council undertook to regularly review and update the Aide Memoire to reflect the latest protection of civilians concerns, trends and measures to address them.

The Aide Memoire is intended to be a diagnostic tool that reflects evolving protection priorities and assists the Security Council in ensuring that the protection needs and rights of civilians are reflected in relevant resolutions and the mandates of peace-keeping operations. It can also be used in the field as a tool that provides a systematic basis for analysis and reporting during humanitarian crises.

The document is the product of wide consultation throughout the United Nations system, with extensive reference to the Implementation Group on the Protection of Civilians in Armed Conflict of the Executive Committee on Humanitarian Assistance.

Prepared under the direction of Mark Bowden, Chief, Policy Development and Studies Branch, OCHA, and by the Field Action Coordination Unit.



United Nations
New York, 2004

Aide Memoire

For the Consideration of Issues Pertaining to the Protection of Civilians

Protection of Civilians in Armed Conflict is at the core of the work of the United Nations Security Council for peace and security. On 15 March 2002, the Security Council adopted an Aide Memoire (S/PRST/2002/6) as a practical guide for its consideration of protection issues and agreed to review and update its contents periodically. This document provides the first update of this important operational tool, adopted as an annex to Presidential Statement S/PRST/2003/27 on 15 December 2003.

In the letter dated 21 June 2001 from the President of the Security Council addressed to the Secretary-General (S/2001/614), the members of the Security Council welcomed the Secretary-General's report of 30 March 2001 (S/2001/331) on the protection of civilians in armed conflict, and were of the view that further advice of the Secretary-General would be useful in the Council's consideration of the issues contained in the report.

In order to facilitate due consideration, whenever appropriate, of issues pertaining to the protection of civilians in its deliberations on the establishment, change, or close of peacekeeping operations, the members of the Council suggested that an Aide Memoire listing those issues that are relevant in this regard be drafted in close cooperation with the Council.

This Aide Memoire is the result of an inter-active consultation between the Security Council and the Secretariat, and comprises the experiences of a wide range of agencies within the United Nations, including the Inter Agency Standing Committee (IASC). The document is based on the Council's previous consideration of these issues, including resolutions 1265 (1999) and 1296 (2000). It highlights primary objectives for Security Council action, offers specific issues for consideration in meeting those objectives, and lists previous Security Council resolutions and presidential statements that make reference to such concerns.

Bearing in mind that each peacekeeping mandate has to be designed on a case-by-case basis, the document is not intended as a blueprint. The relevance and practicality of each issue described has to be considered and adapted to the specific conditions in each situation.

As highlighted in the Secretary-General's report "No Exit Without Strategy" (S/2001/394), the Security Council should reach agreement on clear and achievable mandates for peace operations based on a common understanding of the conflict. In this respect, mobilization, from the outset, of necessary funding and adequate resources needs to be an integrated part of the Security Council's overall consideration.

Most frequently civilians are caught in circumstances of dire need where a peacekeeping operation has not been established. Such situations may require the Council's urgent attention. This Aide Memoire may therefore also provide guidance in circumstances where the Council may wish to consider action outside the scope of a peacekeeping operation.

As a practical tool, the Aide Memoire is without prejudice to the provisions of Security Council resolutions and other decisions by the Council. The document is regularly reviewed and updated to reflect the latest concerns pertaining to the protection of civilians in armed conflict, including new trends and measures to address them.

Aide Memoire

Primary Objectives

Issues for Consideration

Precedents

Security for Displaced Persons and Host Communities

1 Prioritize and support the immediate protection needs of displaced persons and civilians in host communities through:

- Measures to enhance security for displaced persons, support the location of camps in secure areas, and facilitate return under safe and dignified conditions.
- Measures to enhance security for civilians who remain in their communities and for host communities living in or around areas where refugees or internally displaced persons take shelter.
- Provision of appropriate and rapid international assistance.

S/RES/1509(2003), OP3j & l, 6
S/RES/1508(2003), OP10
S/RES/1493(2003), OP27
S/RES/1484(2003), OP1
S/RES/1479(2003), OP10
S/RES/1470(2003), OP16
S/RES/1427(2002), OP12
S/RES/1419(2002), OP11
S/RES/1393(2002), OP11
S/RES/1355(2001), OP14
S/RES/1346(2001), OP7, 8, 9
S/RES/1319(2000), OP1
S/RES/1296(2000), OP12, 14
S/RES/1286(2000), OP12
S/RES/1270(1999), OP19
S/RES/1244(1999), OP9c, 11k, 18
S/RES/1208(1998), OP4, 12

Security for Displaced Persons and Host Communities

2 Prioritize and support the maintenance of the humanitarian and civilian character of camps and settlements for displaced persons through:

- Provision of external and internal security (screening procedures to separate armed elements from civilians; demobilization and disarmament measures; technical assistance and training by international civilian police and/or military observers; location of camps at a significant distance from international border and risk zones; regional and sub-regional arrangements).
- Cooperation with host State in provision of security measures, including through technical assistance and training.
- Deployment of multi-disciplinary assessment and security evaluation teams.
- Regional approach to massive population displacement, including appropriate security arrangements.

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Primary Objectives

Issues for Consideration

Precedents

Access to Vulnerable Populations

Facilitate safe and unimpeded access to vulnerable populations as the fundamental prerequisite for humanitarian assistance and protection through:

- Appropriate security arrangements (role of multinational force; safe corridors; protected areas; armed escorts).
- Engagement in sustained dialogue with all Parties to the armed conflict.
- Facilitation of the delivery of humanitarian assistance.
- Compliance with obligations under relevant international humanitarian, human rights and refugee law.
- Counter-terrorism measures (legislation, training, enforcement, regional and international cooperation) in full compliance with all obligations under international law, in particular international human rights, refugee and humanitarian law.

S/RES/1509(2003), OP OP3j, 5, 8
S/RES/1502(2003), OP4, 5b
S/RES/1494(2003), OP25
S/RES/1493(2003), OP12, 15, 25
S/RES/1479(2003), OP10
S/RES/1456(2003), Annex OP6
S/RES/1445(2002), OP14
S/RES/1419(2002), OP12
S/RES/1417(2002), OP7
S/RES/1405(2002), OP1
S/RES/1379(2001), OP4, 5
S/RES/1378(2001) OP2
S/RES/1314(2000), OP7, 14
S/RES/1296(2000), OP8, 10, 12, 15
S/RES/1286(2000), OP9, 10
S/RES/1279(1999), OP5e, 7
S/RES/1272(1999), OP2d, 10, 11
S/RES/1270(1999), OP8(d&g), 13, 14, 22
S/RES/1265(1999), OP7, 8, 10
S/RES/1264(1999), OP2
S/RES/1244(1999), OP9h
S/PRST/2000/4

Primary Objectives

Issues for Consideration

Precedents

Safety and Security of Humanitarian and Associated Personnel

Ensure the safety and security of humanitarian, United Nations and associated personnel through:

- Respect by all parties to the conflict for the impartiality and neutrality of humanitarian operations.
- Support for a safe and secure working environment for humanitarian personnel.

S/RES/1509(2003), OP OP3j, 5
S/RES/1502(2003), OP1, 3, 4, 5(a-c), 6
S/RES/1494(2003), OP25, 26
S/RES/1493(2003), OP25
S/RES/1445(2002), OP14
S/RES/1417(2002), OP7
S/RES/1378(2001) OP2, 5
S/RES/1319(2000), OP1
S/RES/1296(2000), OP12
S/RES/1286(2000), OP9
S/RES/1272(1999), OP10
S/RES/1270(1999), OP8d, 13, 14
S/RES/1265(1999), OP7, 8, 9, 10
S/RES/1244(1999), OP9h
S/PRST/2000/4

Aide Memoire

Primary Objectives

Issues for Consideration

Precedents

Security and the Rule of Law

Strengthen the capacity of local police and judicial systems to physically protect civilians and enforce law and order through:

- Deployment of qualified and well-trained international civilian police as a component of peacekeeping operations, to enhance the capacity of the United Nations and to assist the host State with law enforcement.
- Technical assistance for local police, judiciary and penitentiaries (mentoring; legislative drafting; integration of international personnel).
- Reconstruction and rehabilitation of institutional infrastructure (salaries; buildings; communications).
- Mechanisms for monitoring and reporting of alleged violations of humanitarian, human rights and criminal law.

S/RES/1509(2003), OP3n
S/RES/1493(2003), OP7
S/RES/1401(2002), OP4
S/RES/1400(2002), OP7
S/RES/1378(2001), OP3, 4
S/RES/1315(2000), OP4
S/RES/1272(1999), OP2 (a-c, e), 3a, 13
S/RES/1270(1999), OP23
S/RES/1265(1999), OP15
S/RES/1244(1999), OP9d, 11(i-j)

Primary Objectives

Issues for Consideration

Precedents

Disarmament, Demobilization, Reintegration, and Rehabilitation

Facilitate the stabilization and rehabilitation of communities through:

- Programs for disarmament and demobilization of combatants, including special measures for women, children and dependents (amnesties; weapons buy-back; economic and development incentives).
- Programs for reintegration and rehabilitation of ex-combatants within their communities, including special measures for women and children (community service; counseling services; appropriate education/skills training; family reunification; employment opportunities).
- Encouragement of full participation of armed groups in disarmament, demobilization, reintegration and rehabilitation programs.
- Measures to address the regional dimensions affecting disarmament, demobilization, reintegration and rehabilitation programmes.

S/RES/1509(2003), OP3(f & g), 17, 18
S/RES/1479(2003), OP3(para.6), 9
S/RES/1460 (2003), OP13
S/RES/1445(2002), OP4, 5, 6
S/RES/1417(2002), OP9
S/RES/1400(2002), OP6
S/RES/1379(2001), OP11(c,d,f), 12a
S/RES/1376(2001), OP12
S/RES/1366(2001), OP 16
S/RES/1325(2000), OP8a, 13
S/RES/1318(2000), Annex OPV
S/RES/1296(2000), OP 16
S/RES/1270(1999), OP 3, 4, 8 (b & c), 9, 20
S/RES/1265(1999), OP12
S/RES/1261(1999), OP15
S/PRST/2000/10
S/PRST/1999/28

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Primary Objectives

Issues for Consideration

Precedents

Small Arms and Mine Action

Facilitate a secure environment for vulnerable populations and humanitarian personnel through:

- Mine-action (coordination centers, land-mine clearance; mine awareness training; victim assistance).
- Measures to control and reduce the illicit traffic in small arms and light weapons (voluntary moratoria; arms embargoes; sanctions; regional and sub-regional approaches).
- Involvement of ex-combatants and local communities, in particular women, in the collection and destruction of small arms and light weapons and in de-mining and other mine-action activities.

S/RES/1479(2003), OP13
S/RES/1460(2003), OP7
S/RES/1433(2002), OP3B(2)
S/RES/1379(2001), OP6, 9d
S/RES/1318(2000), OPVI (para.1)
S/RES/1314(2000), OP8
S/RES/1296(2000), OP10, 20
S/RES/1286(2000), OP12
S/RES/1265(1999), OP17
S/RES/1261(1999), OP14, 17a
S/RES/1244(1999), OP9e
S/PRST/1999/28

Primary Objectives

Issues for Consideration

Precedents

Effects on and Contribution of Women

1 Address the specific needs of women for assistance and protection through:

- Special measures to protect women and girls from gender based discrimination and violence, rape and other forms of sexual violence (access to legal redress; crisis centers; shelters; health care; counseling and other assistance programs; monitoring and reporting mechanisms).
- Implementation of measures for reporting on and prevention of sexual abuse and exploitation of civilians by humanitarian workers and peacekeepers.
- Mainstreaming of gender perspective, including by integration of gender advisers in peace operations.

2 Strengthen the role of women as constructive actors in developing and implementing appropriate responses to protecting civilians through:

- Expansion of the representation, role and contribution of women in United Nations field-based operations (among military observers; civilian police; humanitarian and human rights personnel).
- Increased and more equitable participation of women at all decision-making levels (political processes; organization and management of refugee and IDP camps; design and distribution of assistance; local governance; education; rehabilitation policies).

S/RES/1509(2003), OP11
S/RES/1493(2003), OP9
S/RES/1479(2003), OP5
S/RES/1460(2003), OP10
S/RES/1436(2002), OP15
S/RES/1400(2002), OP14
S/RES/1379(2001), OP4
S/RES/1325(2000), OP1,4,5,8a,10,13,15
S/RES/1314(2000), OP13, 16e
S/RES/1296(2000), OP9, 10
S/PRST/2001/31

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Primary Objectives

Issues for Consideration

Precedents

Effects on Children

Address the specific needs of children for assistance and protection through:

- Prevention of and putting an end to the recruitment of child soldiers in violation of international law.
- Initiatives, where appropriate, to secure access to war-affected children (days of immunization; temporary ceasefires; days of tranquility).
- Negotiated release of children abducted in situations of armed conflict.
- Effective measures to disarm, demobilize, reintegrate and rehabilitate children recruited or used in hostilities.
- Specific provisions for the protection of children, including where appropriate, the integration of child protection advisers in peace operations.
- Implementation of measures for reporting on and prevention of sexual abuse and exploitation of civilians by humanitarian workers and peacekeepers.
- Family reunification of separated children.
- Monitoring and reporting on the situation of children.

S/RES/1509(2003), OP9, 10
S/RES/1493(2003), OP13
S/RES/1479(2003), OP15
S/RES/1460(2003), OP3, 9, 10, 12, 13
S/RES/1436(2002), OP15
S/RES/1400(2002), OP14
S/RES/1379(2001), OP2, 4, 8e, 10c, 11(c,d,f), 12a
S/RES/1314 (2000), OP 11, 12, 13, 14, 16, 17
S/RES/1296(2000), OP 9, 10
S/RES/1270(1999), OP18
S/RES/1261(1999), OP 2, 8,13, 15, 17a
S/PRST/1998/18

Primary Objectives

Issues for Consideration

Precedents

Justice and Reconciliation

1 Put an end to impunity for those responsible for serious violations of international humanitarian, human rights and criminal law through:

- Establishment and use of effective arrangements for investigating and prosecuting serious violations of humanitarian and criminal law, at the local and/or international level (from the outset of the operation).
- Cooperation of States for the apprehension and surrender of alleged perpetrators.
- Technical assistance to strengthen local capacities for apprehension, investigation, and prosecution of alleged perpetrators.
- Exclusion of genocide, crimes against humanity and war crimes from amnesty provisions.
- Referral of situations, where possible and appropriate, to international courts and tribunals.

S/RES/1509(2003), OP10
S/RES/1479(2003), OP8
S/RES/1436(2002), OP11, 15
S/RES/1400(2002), OP5
S/RES/1398(2002), OP14
S/RES/1379(2001), OP9a
S/RES/1325(2000), OP11
S/RES/1319(2000), OP2, 3
S/RES/1318(2000), Annex OPVI (para.3)
S/RES/1315(2000), OP1-3, 8
S/RES/1314(2000), OP 2, 9
S/RES/1272(1999), OP16
S/RES/1270(1999), OP17
S/RES/1265(1999), OP4, 6
S/RES/1261(1999), OP 3
S/RES/955(1994), OP1, 2
S/RES/827(1993), OP2, 4

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Primary Objectives

Issues for Consideration

Precedents

Justice and Reconciliation

2 Build confidence and enhance stability within the host State by promoting truth and reconciliation through:

- Requests for troop-contributing States to investigate and prosecute, when appropriate, their peacekeepers and security personnel suspected of violating criminal law while in a host State.
- Appropriate locally adapted mechanisms for truth and reconciliation (technical assistance; funding; amnesties for lower level perpetrators; just reinstatement of civilians within communities).
- Measures for restitution and reparations (trust funds; property commissions).

Primary Objectives

Issues for Consideration

Precedents

Training of Security and Peacekeeping Forces

Ensure adequate sensitization of multinational forces to issues pertaining to the protection of civilians through:

- Appropriate training in humanitarian and human rights law, civil-military coordination, codes of conduct, negotiation and communication skills, child protection and child rights, gender and cultural sensitization, and the prevention of HIV/AIDS and other communicable diseases.

S/RES/1460(2003), OP9
S/RES/1445(2002), OP18
S/RES/1379(2001), OP10b
S/RES/1325(2000), OP6
S/RES/1318(2000), Annex OPIII (para.2)
S/RES/1308(2000), OP 3
S/RES/1296(2000), OP19
S/RES/1270(1999), OP15
S/RES/1265(1999), OP14
S/PRST/2001/31
S/PRST/2001/16
S/PRST/1998/18

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Primary Objectives

Issues for Consideration

Precedents

Media and Information

1 Counter occurrences of speech used to incite violence through:

- Establishment of media monitoring mechanisms to ensure effective monitoring, reporting and documenting of any incidents, origins and contents that incite 'hate media'.
- Responsive steps to media broadcasts inciting genocide, crimes against humanity and/or serious violations of international humanitarian law, including, as a last resort, consideration of closing down such media broadcasts.

2 Promote and support accurate management of information on the conflict through:

- Technical assistance to draft and enforce anti-hate speech legislation.
- Establishment of media coordination centers to facilitate accurate and reliable information management on, and awareness of, the conflict.
- Establishment and assistance of local and international media and information outlets, in support of peace operations.

S/RES/1509(2003), OP16
S/RES/1417(2002), OP4, 5
S/RES/1353(2001), Annex I, B - OP 10,11
S/RES/1296(2000), OP17, 18

Primary Objectives

Issues for Consideration

Precedents

Natural Resources and Armed Conflict

Address the impact of natural resource exploitation on the protection of civilians through:

- Investigation of the linkages between illicit trade in natural resources and the conduct of the conflict.
- Measures to address the direct or indirect import of natural resources where proceeds are used to fuel conflict (sanctions; regional and sub-regional approaches).
- Measures against corporate actors, individuals and entities involved in illicit trade of natural resources in violation of relevant Security Council resolutions and the Charter of the United Nations (legislation; penalties for dealers; certification and registration systems; embargoes).

S/RES/1509(2003), OP3r
S/RES/1493(2003), OP28
S/RES/1460(2003), OP16b
S/RES/1436(2002), OP8
S/RES/1417(2002), OP15
S/RES/1379(2001), OP6, 9d
S/RES/1376(2001), OP8
S/RES/1318(2000), Annex OPVI (para.2)
S/RES/1314(2000), OP8
S/RES/1306(2000), OP1, 2, 9,19a

Primary Objectives

Issues for Consideration

Precedents

Humanitarian Impact of Sanctions

Minimize unintended adverse side effects of sanctions on the civilian population through:

- Humanitarian exemptions in sanction regimes.
- Targeted sanctions (sanctions limited in scope and targeted at specific individuals, groups, or activities).
- Relevant assessment and review of the humanitarian impact of sanctions, and the behaviour of those targeted by the sanctions.

S/RES/1478(2003), OP18, 19
S/RES/1409(2002), OP4, 5, 6
S/RES/1408(2002), OP16
S/RES/1379(2001), OP7
S/RES/1343(2001), OP5(a-d), 6, 7(a&b), 13a
S/RES/1333(2000), OP5(a-c), 7, 8(a-c), 10, 11, 12, 14, 15d, 23
S/RES/1325(2000), OP14
S/RES/1314(2000), OP15
S/RES/1298(2000), OP6, 7, 8, 16
S/RES/1296(2000), OP21
S/RES/1267(1999), OP4
S/RES/1265(1999), OP16
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S/RES/1417(2002) on the Extension of the Mandate of the UN Organization Mission in the Democratic Republic of the Congo (MONUC)
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S/RES/1379(2001) on Children and Armed Conflict

S/RES/1378(2001) on the Situation in Afghanistan

S/RES/1376(2001) on the Situation in the Democratic Republic of the Congo

S/RES/1366(2001) on the Role of the Security Council in the Prevention of Armed Conflicts

S/RES/1355(2001) on the Situation in the Democratic Republic of the Congo and Extension of the Mandate of the UN Organization Mission in the Democratic Republic of the Congo (MONUC)

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S/RES/1353(2001) on the on the Strengthening Co-operation with Troop-contributing Countries

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S/RES/1318(2000) on Ensuring an Effective Role for the Security Council in the Maintenance of International Peace and Security, particularly in Africa

S/RES/1315(2000) on the Situation in Sierra Leone

S/RES/1314(2000) on Children and Armed Conflict

S/RES/1308(2000) on the Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peace-keeping Operations

S/RES/1306(2000) on the Situation in Sierra Leone

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S/RES/1296(2000) on the Protection of Civilians in Armed Conflict

S/RES/1286(2000) on the Situation in Burundi

S/RES/1279(1999) on the Situation in the Democratic Republic of the Congo

Resolution Index:

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S/RES/1270(1999) on the Situation in Sierra Leone
S/RES/1267(1999) on the Situation in Afghanistan
S/RES/1265(1999) on the Protection of Civilians in Armed Conflict
S/RES/1264(1999) on the Situation in East Timor
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S/RES/1244(1999) on the Situation in Kosovo
S/RES/1208(1998) on the Situation in Africa: Refugee Camps
S/RES/955(1994) on the Establishment of an International Criminal Tribunal for Rwanda
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S/PRST/2001/16 on the Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peace-keeping Operations
S/PRST/2000/10 on the Maintenance of Peace and Security and Post-conflict Peace-building
S/PRST/2000/4 on the Protection of United Nations Personnel, Associated personnel and Humanitarian Personnel in Conflict Zones
S/PRST/1999/28 on Small Arms
S/PRST/1998/18 on Children and Armed Conflict

**The Security Council has also recognized the relevance of GA/RES/55/2(2000) and GA/RES/46/182(1991) in the broader context of protection of civilians and the root causes of conflicts.

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