CHAPTER 6

The United Nations in Afghanistan: Policy as Protection?

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1 Introduction: The United Nation’s History of Protecting Civilians

Although the UN is able to participate in the establishment of norms on the protection of civilians during peace-keeping missions, the record of missions actually protecting civilians from harm has been decidedly mixed. In fact, the Security Council has often struggled to uphold its own norms, as the United Nations oversight body recently reported, noting that only in a minority of cases did UN peace-keeping missions with civilian protection mandates respond to direct attacks on civilians.¹

Events in the 1990s precipitated greater attention to the scope of permissible use of force by UN missions, and ultimately resulted in an express mandate to protect civilian populations. In response to failures to prevent atrocities against civilians by United Nations peace-keeping missions in the 1990s, including the Rwanda genocide and the massacre at Srebrenica, the Security Council first delved into the protection of civilians as a separate thematic area of concern in two Secretary-General’s reports in 1998.² The following year, the

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¹ Evaluation of the implementation and results of protection of civilians mandates in the United Nations peace-keeping operations. UN Doc. A/68/787 (2014) para. 18 at 7. Peace-keeping missions intervened in only 20 percent of cases between 2010–2013 despite being authorised to do so by the U.N. Security Council. The report indicated that this was often due to troop-contributing countries’ own restrictions on the use of force. ‘There is a persistent pattern of peace-keeping operations not intervening with force when civilians are under attack’, the report by the Office of Internal Oversight Services said. ‘Peace-keepers are absent from many locations when civilians come under attack, and when they are present, are unable or unwilling to prevent serious physical harm from being inflicted’. ‘Force was mostly likely to be used to protect civilians when troops were engaged in self-defense or defense of U.N. personnel and property’.

Security Council adopted a Presidential statement that expressed the Security Council's readiness to respond to situations in which combatants had targeted civilians.\(^3\) Putting theory into practice, the Secretary-General issued a report\(^4\) seven months later, which contained forty recommendations for the Security Council's future work, subsequently followed up days later by the Security Council's first resolution on the protection of civilians.\(^5\)

Resolution 1265 marked the Security Council's first clear effort to mandate peace-keeping missions to protect civilians by providing support to national authorities to fulfil their international legal responsibilities in the protection of civilians in armed conflict.\(^6\) In it, the Security Council noted ‘that civilians account for the vast majority of casualties in armed conflict and are increasingly targeted by combatants and armed elements’.\(^7\) It also stated its ‘willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations’—an explicit indication of the willingness to use force when necessary. Stressing the need to ensure compliance with international humanitarian law, the resolution called for addressing impunity and improving access and safety of humanitarian personnel.

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\(^3\) UN Doc. S/PRST/1999/6 (1999).


\(^7\) UN Doc. S/RES/1265 (1999), at 1.