

## **MINURCAT'S ROLE IN SUPPORTING CHAD IN ATTAINING THE OBJECTIVES OF THE RESPONSIBILITY TO PROTECT**

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It is said that following the 2005 World Summit outcome, despite detailed provisions for implementing the responsibility to protect, little was done in 2006 and 2007 to turn the words of responsibility to protect into doctrine, policy, or practice. We are gathered here today motivated by the Secretary General's initiative, who, concerned by this lack of movement, took concrete action towards operationalizing the responsibility to protect. It is my pleasure to present the United Nations Mission in the Central African Republic and Chad (MINURCAT) as a concrete example of how the United Nations can and has mobilized its organs to fulfill its responsibility to protect the people of Chad in need, and most importantly, to work in full conjunction with regional systems such as the European Union.

In this regard, and keeping in mind the recommendations of the Secretary General in his report titled "Implementing the responsibility to protect", I will elaborate on how MINURCAT is implementing the responsibility to protect via the three pillars described in the report.

### **1. The situation in Chad**

Since its independence in 1960, Chad has faced recurrent violent conflict and political instability, which have hindered the emergence of strong State institutions and democratic governance in the country. Successive military coups have contributed to a culture of violence that is still prevailing in the country. In 2006 rebel and criminal activities as well as interethnic clashes increased in eastern Chad, with looting and pillaging. This brought the Government of Chad to the decision to declare in November 2006 a state of emergency in the eastern part of the country and a state of war with the Sudan, accusing it of providing support to the rebels. Despite signed agreements and continuous diplomatic efforts by intermediate countries, both countries have continuously failed to respect their commitments.

### **2. The UN Security Council's decision to deploy a UN Mission with a mandate to protect (pillars I and III)**

In this context, after viewing the situation in Darfur in August 2006, the Security Council saw the need to address the issue through a more regional scope. Thus, it adopted resolution 1706 (2006) which provided for the possibility of establishing a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including internally displaced persons

(IDP) sites and refugee camps.<sup>1</sup> Concerned by the alarming situation and crisis in Darfur, the United Nations, under the Security Council's resolution, acted "timely and decisively" and within the framework of article 34 of the Charter by dispatching a multidisciplinary technical assessment mission to Chad and the Central African Republic to assess and report on the protection of refugee camps and internally displaced persons sites in Chad and on how to improve the security situation on the Chadian side of the border with Sudan. At the same time, the Government of Chad, despite political reservations out of the concern not to have Chad used as a rear base for a UN intervention in Darfur without the prior consent of Sudan assumed its responsibility to protect. In view of the clashes occurring in the east of Chad during November 2006, the Government of Chad called for a UN force along the borders with Sudan to effectively implement resolution 1706 (2006), to strengthen security in the area and ensure protection of refugees and internally displaced persons.

A continuously aggravated security situation was assessed by a second UN technical team mission still acting under article 34 of the Charter, showing evidence of rebel movements that destabilized the area and were aimed at overthrowing the Government. At the same time, the technical team found that the focus of the Chadian Army on addressing the rebel threats affected its ability to provide protection to the civilian population and to ensure the maintenance of law and order in the eastern part of the country. Some of the additional findings that further influenced the decision in favor of a UN mission, as well as its overall design and scope, were the incursions of Sudanese militia groups in eastern Chad; inter-community tensions and violence over scarce water and land sources; and Sudanese rebel groups operating and recruiting children and adults inside refugee camps at the border with Sudan.

Despite the final consent of the Government of Chad for the deployment of a UN mission in Chad to support the protection of refugees, IDPs and the civilian population, the option of a military component for the mission was put on hold. Parallel to this, international diplomacy and mediation provided by regional groups of states continued intensively in order to reconcile Chad and the Sudan by diplomatic and peaceful means and to commit them to refraining from supporting opposition groups against the other state's government. At the same time, the situation in Chad related to the protection of civilians was urgent as hostilities and ensuing criminality had forced humanitarian agencies to repeatedly evacuate staff from eastern Chad, shifting security to phase IV and, as a result, reducing humanitarian assistance to the 260,000 Sudanese refugees, 50,000 refugees from the Central African Republic (CAR), 166,000 IDPs as well as approximately 700,000 persons from the host population. Despite Chad's reservations, a preventive deployment of military forces to provide an overall security umbrella next to the police and civilian personnel was seen as an essential requirement to develop conditions of safety in which negotiations could continue, ensuring at the same time protection of civilians and preventing a possible spill-over of the Darfur crisis with possible consequences to Chad.

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<sup>1</sup> UN Security Council resolution 1706 (2006) of 31 August 2006, UN Doc. S/RES/1706 (2006), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/484/64/PDF/N0648464.pdf?OpenElement> (accessed on 22 January 2010).

Intensive diplomatic efforts led to the agreement of a European force deployment. High-level diplomacy, the acceptance of the regional group to assume a responsibility to protect by providing the required means, and good cooperation between the civilian component of the UN mission and EU forces proved to be constructive and essential for today's United Nations mission in Chad which has an explicit mandate to provide protection and security to the population in need.

Under SC resolution 1778 (2007), the Security Council established a multidimensional presence in eastern Chad and in the north-eastern Central African Republic to help create security conditions conducive to voluntary, secure and sustainable return of refugees and IDPs.<sup>2</sup> It also established an explicit mandate of Security and Protection of Civilians, Human Rights and the Rule of Law. Acting under Chapter VII of the UN Charter, the Security Council authorized the European Union to deploy, for a period of one year, a military operation entrusted with the responsibility to protect civilians in danger, facilitate the delivery of humanitarian assistance and movement of humanitarian personnel. As the overall responsibility for physical protection was entrusted to our partners from the European Forces, I will further concentrate on the ways in which MINURCAT contributes to the protection of civilians under pillars I and II of the UN Secretary-General's report "Implementing the Responsibility to Protect".<sup>3</sup>

### **3. MINURCAT's contribution to Human Rights and Rule of Law (Pillars I and II)**

Although continuous diplomatic efforts to bring the different opposition groups and governments to the negotiating table are ongoing, the UN recognized that that responsibility to protect is the primary obligation of the state itself. Thus, it assumed a supportive role to assist the state of Chad in fully meeting this responsibility. After the Security Council assessed the lack of the state's capacity to protect its population effectively as well as the presence of a threatening armed opposition that is also responsible for crimes and human rights violations, it decided to deploy a Human Rights component to help the state of Chad meet its responsibility to protect as described under pillar II. Under SC Resolutions 1612 (2005)<sup>4</sup> and 1820 (2008),<sup>5</sup> child recruitment and sexual and gender based violence constitute war crimes and crimes against humanity, and monitoring of these resolutions has been incorporated and underscored in MINURCAT's mandate. Child recruitment, sexual and gender-based violence, forced marriage, prolonged arrest and impunity are indeed few examples of

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<sup>2</sup> UN Security Council resolution 1778 (2007) of 25 September 2007, UN Doc. S/RES/1778 (2007), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/516/15/PDF/N0751615.pdf?OpenElement> (accessed on 22 January, 2010).

<sup>3</sup> Implementing the responsibility to protect, report of the UN Secretary-General, UN Doc. A/63/677, 12 January 2009, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement> (accessed on 22 January 2010).

<sup>4</sup> UN Security Council resolution 1612 (2005) of 26 July 2005, UN Doc. S/RES/1612 (2005), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/439/59/PDF/N0543959.pdf?OpenElement> (accessed on 22 January 2010).

<sup>5</sup> UN Security Council resolution 1820 (2008) of 19 June 2008, UN Doc. S/RES/1820 (2008), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/391/44/PDF/N0839144.pdf?OpenElement> (accessed on 22 January 2010).

human rights violations that MINURCAT is monitoring almost daily and that it brings to the attention of the competent authorities. At the same time, MINURCAT's Human Rights component, which is also reporting to the Office of the High Commissioner for Human Rights (OHCHR), is providing support to the Ministry of Human Rights and Protection of Liberties in its efforts to define a National Action Plan for Chad. The Human Rights component also works closely with the Government of Chad on the issue of their respect of international instruments for the protection and promotion of human rights. In addition, Human Rights Officers continue to advocate for the adoption of legal instruments that Chad has not signed or ratified yet.

### *3.1. Rule of Law*

MINURCAT's contribution to the protection of rule of law is reinforced by the establishment of a new national humanitarian police component, the "Détachement Intégré de Sécurité/DIS", responsible for maintaining law and order in twelve refugee camps, IDP sites and six key towns in neighboring areas and for further assisting in securing humanitarian activities in Eastern Chad. This body of 850 staff has been selected, trained, and advised by the UN International Police Officers of MINURCAT, and it continues to be supported by them. In particular, it has received comprehensive training on human rights standards and sexual and gender-based violence from the Human Rights and Gender Unit, and women's and children's desks in the DIS commissariats are being incorporated and supported by the same units. The DIS officers inquire on crimes and offences, including sexual abuse that they witness or that is brought to their attention by human rights officers, and they ensure that correct action is taken concerning offenders.

### *3.2. Justice*

Yet, progress in rule of law is incomplete, and could be undermined, if adequate attention is not placed on the other criminal justice institutions. A strong and well-functioning police service without a functioning judicial system or secure and humane prisons could contribute to human rights violations and jeopardize all efforts to assist the state in its responsibility to protect. In this regard, the effort to select, train, advise and support the Détachement intégré de sécurité (DIS) in eastern Chad has been matched by appropriately focused support to the judicial and prison system, as mandated by Security Council resolution 1778 (2007). To this end, MINURCAT also has a Judicial Advisory Unit that works in close cooperation with the UN Police (UNPOL) and the DIS to establish an approach for tracking cases of individuals detained by the DIS. It also helped ensure that the detainees' rights are respected in accordance with international standards and that cases progress as required under the Chadian law. In addition, the Justice Unit works with the Ministry of Justice, the UN system and development agencies in a coordinated, comprehensive, integrated and multidimensional way to support the Government of Chad's efforts towards the strengthening of judicial capacities, to facilitate access to justice for all, including IDP, refugee and the host population (with a special focus on vulnerable groups including women and children), and towards the harmonization of the traditional justice system with legal institutions, and the facilitation of the coordination of international aid in justice sector reform.

At the same time, the Penitentiary Section of MINURCAT works on the rehabilitation/humanization of prisons, taking into account concerns such as gender and age, separating minors from adults but, most importantly, male from female. Thus, it ensures that no sexual offenses are committed inside the prisons. It further provides training, mentoring, capacity-building and support to key prisons in the east – including support for the development of a professional cadre of prison officers.

Last but not least, MINURCAT works at the grassroots level to strengthen local administrative and traditional authorities' capacity to solve intercommunity tensions through the promotion of intercommunity dialogue and to reinforce their presence in the eastern Chad by providing them with operational support through Quick Impact Projects.

#### **4. Challenges**

MINURCAT has indeed put in place all the provisions of the three pillars of the Secretary-General's report and the UN has acted in a "timely and decisive" manner according to the circumstances. Yet almost two years later from the decision to deploy the mission, MINURCAT is still struggling to establish itself and to achieve its goals in a timely manner. Although the UN has put together the multiple instruments available to the Council under Chapters VI, VII, and VIII of the Charter which were employed in different combinations according to timing and circumstances, MINURCAT continues to face many difficulties and challenges in implementing its mandate.

MINURCAT lacks the political strength in its mandate that would allow it to play a more substantive role in the ongoing negotiations and to exercise stronger pressure on Chadian authorities when required. Political will from Chadian authorities to assume their responsibility at full depth is still immature, prolonging a situation of instability and insecurity in the east. This makes the implementation of the mission's mandate more difficult to complete.

In addition, MINURCAT, despite the number of instruments provided by the Security Council to act in support of the responsibility to protect, still lacks the necessary logistical means to perform its duties. Despite the rapid decision-making on the deployment of a force, the establishment of the mission has been a lengthy process, which negatively affects the image of the UN as primary international actor that ensures protection and security for its peoples. SC mechanisms can be triggered quickly and followed up by timely and decisive action. However, if the mechanisms for implementation do not respond in the same way a gap is created that gives reasons for substantive criticism.

## 5. Conclusion

There is indeed space for improvement and proper synchronization of actions of the UN organs in order to provide a successful outcome. Early prevention has indeed been an area in which the UN has shown a need for improvement in the previous decade, as evidenced by examples that are still very vivid in our minds. During this decade, the UN has made significant steps to avoid such mistakes. Yet the success of early deployment will not bring the desired outcomes if it is not followed by “timely and decisive” and continuous technical support.

Let us all work in the coming decade to define the challenges that are still lingering, find ways to synchronize our actions, and strengthen political commitments to ensure that responsibility to protect becomes a duty for all. I would like also to thank the government of Austria for its contribution to MINURCAT, and the Diplomatic Academy of Vienna, the National Defense Academy and the International Peace Institute for this invitation.



Rima Salah - UN Photo