



Exploring Civilian Protection: A Seminar Series (Seminar #1: Understanding Protection: Concepts and Practices)

Tuesday, September 14, 2010, 9:00 am — 12:00 pm

The Brookings Institution, Saul/Zilkha Rooms, 1775 Massachusetts Ave, NW, Washington, DC

Some 45 participants from the United Nations, international humanitarian and development organizations, non-governmental human rights and humanitarian organizations, different agencies of the US government and the US military, academic institutions and the diplomatic community came together at the Brookings Institution on 14 September to discuss current challenges in protecting civilians. Meeting under Chatham House rule, participants explored the question of what protection of civilians – both conceptually and on the ground – means, the role of different actors in protecting civilians and the dilemmas faced in operationalizing protection in situations of armed conflict. Discussion was rich and diverse and no attempt was made to reach consensus on any of these points. Rather this report pulls out certain themes that emerged in the discussion in the hope that subsequent discussions can take the debate further.

What does it mean to protect civilians?

‘Protection has become a buzz word,’ one participant noted. ‘And there are so many actors involved on the ground that there is no common understanding of what protection means.’ Different actors define civilian protection in different ways, as evidenced by the fact that some seminar participants insisted that protection should refer only to physical security while others argued that unless it encompasses the full range of human rights, protection will be incomplete. ‘If we have security,’ one participant argued, ‘we can take care of the rest.’ Another countered that separating physical security from human rights was problematic. ‘Physical security for women can be undermined,’ a participant argued, ‘if women’s rights aren’t upheld.’

Several participants referred to the definition of protection endorsed by the Inter-Agency Standing Committee as ‘full respect for all rights’ under international law. Others emphasized that protection means ‘safety, dignity and integrity.’ Still others picked up ICRC’s ‘egg model,’ noting that protection activities include responsive, remedial and environment-building initiatives.

Difficulties in defining protection were also apparent in discussions about the Security Council’s deliberations and the mandates of UN peacekeeping operations where commanders on the ground often don’t understand what is meant by their mandate to protect civilians or how to implement it.

Differences in international understandings of protection were paralleled by different approaches taken by different US government entities. ‘We’ve got to break out of our silos,’ one participant lamented, ‘and work in a more consistent fashion.’ The question of when the government works directly on protection issues in a given context and when it works multilaterally was an issue of concern to several participants coming from different backgrounds. ‘Some of the factors that limit protection are systemic,’ one participant noted, ‘such as protracted displacement, statelessness, and violence against women. How are we addressing those systemic factors?’

One participant remarked that protection is seen by some as a Western concept which is not universally understood – a fact that is particularly important in light of the many new regional and local actors involved in trying to protect civilians.

Preventing atrocities

A theme running throughout the seminar was the difficulty of taking action to prevent atrocities. The lack of reliable information about threats to civilians is one reason for the lack of preventive action and the need for intelligence and monitoring was emphasized.

Several participants expressed a need to develop contingency plans not just to respond to conflicts, but to prevent them from occurring in the first place. One participant suggested that ‘we need to have meetings with various stakeholders in the regions and to ‘game out’ the scenarios of possible mass atrocities.’ UN peacekeepers are rarely equipped to prevent the outbreak of atrocities, rather they struggle to respond to violence when it occurs.

The US military is trying to embed the concept of atrocities prevention into its doctrine. While there have been significant doctrinal shifts—e.g., as evidenced in the new Army Operating Concept and the Guidance for the Employment of the Force—more needs to be done to operationalize prevention in military thinking.

One participant noted that while the Rwandan genocide made it on to the public’s radar screen – and that genocide is a threshold for action – the reality is that abuses of civilians at a lower level rarely trigger sufficient international attention. ‘There is a gradual erosion of rights on the ground in many countries, but we’re just not able to respond until they reach the level of large-scale atrocities.’

‘All of our assistance programs,’ another participant commented, ‘should include prevention and mitigation efforts’ while another participant questioned our ability to manage several crises simultaneously. ‘How many crises and how many problems can we handle at a given time?’ Given the fact that humanitarian actors are hard-pressed to respond to the crises that are already upon us, it is even more difficult to mobilize actions to prevent crises that have yet to unfold.

‘Responsibility to Protect’

An important concept related to prevention of atrocities is Responsibility to Protect (R2P), which was endorsed by the World Summit in 2005, and has continued to evolve. The principle aims at preventing and halting the occurrence of mass atrocities both during times of war and of peace. The challenge of managing the tension between sustaining the consensus for R2P, and preventing and halting atrocities on a practical level was underlined. ‘R2P, together with the international criminal justice system, and the more salient role of the International Criminal Court,’ one participant argued, ‘has introduced an order

of rights with those basic rights of the security of the person in the ascendance.’ R2P has the potential to serve as a deterrent, sending a clear message to potential and actual perpetrators of violence against civilians that they will be held accountable for their actions. While the development of norms helps to broaden the consensus about the international community’s role in preventing atrocities, political action is needed to build institutions and capacities to translate such norms into concrete actions.

Particular challenges of protecting civilians during military operations

Several participants discussed the particular challenges of protecting civilians during military operations. ‘Not only must military forces take actions to limit collateral damage caused by our own operations, but we also have a responsibility to protect civilians from other aggressors.’ This is a particular challenge to US military operations in Afghanistan where tactical directives on use of force in Afghanistan have led to a decrease in civilian casualties, but the question of protecting civilians from the Taliban remains a challenge.

Protecting civilians is seen as a core strategic necessity by US military forces. One participant noted that ‘respect for non-combatants rights’ is central to the doctrine and practice of counterinsurgency operations. This requires a change in mindset, not just a new doctrine. And US military forces are incorporating this mindset into their operations.’ Another participant noted that ‘while protection of civilians as a concept runs through all military training, it hasn’t been pulled out as a separate doctrine although the Counterinsurgency Manual (FM 3-24) puts civilians at the center of gravity.’

Still another participant noted that there is a ‘tension between protecting the rights of non-combatants which pulls in one direction versus the professional and moral obligation we have of protecting our troops.’

Particular challenges of protecting civilians in UN peacekeeping operations

Currently some 10 peacekeeping missions have mandates to protect civilians. But these mandates also include such tasks as facilitating the safe return of IDPs, the protection of women and children, efforts to prevent gender-based violence and to support the rule of law. And it’s not clear how protection of civilians relates to these other mandates. Moreover, typically peacekeeping mandates have specific caveats where peacekeepers are asked to protect civilians under imminent threat, within the capacity of the mission and with all due respect to the government of the country in question. Thus there are questions about what it means to protect civilians and how this protection mandate is operationalized on the ground.

‘In practice,’ one participant noted, ‘peacekeepers sometimes feel that they have no guidance and no backup for taking action. The expectations of peacekeepers are very high – but unless they can provide physical protection to civilians, their abilities are limited.’ Peacekeeping operations need authority to protect civilians. They need to be willing to engage in activities and have the capacity to do so (both in terms of logistics and access to available information.) They need to know what works, to have a strategy to protect civilians, and to be guided by capable leadership to implement that strategy.

Sometimes there are calls on the police forces to take the lead in protecting civilians, but often there are no police present. And when international police forces are present, their role may be limited to providing advice and monitoring rather than taking active measures to protect civilians, such as night-time patrols.

Strategies of protection

A central theme of the discussions centered on: how are civilians protected on the ground? And how do international actors protect people? Some participants emphasized that ‘everything we do should be defined by protection,’ while others emphasized the limits of international efforts to protect civilians. The main actors in protecting civilians are often the communities themselves. ‘Democratic systems are the key to protection,’ one participant noted, ‘but humanitarian agencies don’t have the necessary tools to achieve this.’ Another noted that the protection challenge facing actors on the ground is two-fold: ‘we need to support governments to protect their own people and at the same time to diminish the population’s exposure to risk.’

Protection of civilians depends on the political will of the parties to a conflict and tools are lacking to ensure that will. Many participants stressed that monitoring and evaluation of our own protection efforts are needed to assess what strategies are most effective.

Protection by presence

The long-held mantra in the humanitarian world that presence of international staff and organizations protects civilians was challenged by several participants. Its record has been ‘ambivalent,’ one participant commented while another emphasized that ‘presence doesn’t protect people, it can only mitigate the impact of conflict.’ Still another noted that protection by presence is not an effective strategy when dealing with criminal networks or others willing to target humanitarian workers themselves.

Protection by assistance

‘Assistance protects civilians,’ one participant stated. ‘And we need to integrate protection into the ways we work and indeed into all of our programs, not just in emergency response.’ Protection mainstreaming can mean distributing plastic sheeting separately to men and women and consulting with beneficiaries about where water points should be placed.

But humanitarian agencies are challenged by the tension between commitment to the humanitarian principle of neutrality and service delivery. Sometimes negotiations with armed parties, which are necessary to deliver relief supplies, compromise the neutrality of the humanitarian actor. When relief supplies use military escorts from one party to the conflict, those deliveries are not seen as truly neutral.

While assistance sometimes bypasses the government of the conflict-affected country, it can also be used to challenge the hold of non-state actors. For example, in dealing with purely criminal groups, one response is to increase the ability of the state to provide services previously delivered exclusively by criminal gangs, such as water. By providing this service, the government not only gains increased legitimacy, but the ability of the criminals to harass or exploit the civilian population is reduced. Several participants noted the need to build the capacity of local partners as a key strategy in protecting civilians, although there was a recognition that this is a difficult undertaking in many settings.

Protection by advocacy

‘Humanitarians have got to get more involved in politics,’ one participant boldly stated. ‘They should be involved with peacekeeping operations and in the development of their mandates.’ The issue of using advocacy to protect civilians came up often in the discussions. ‘We need to use more diplomacy,’ one participant noted, ‘including with governments who are not traditionally involved in these discussions, such as China and others.’

But other participants noted the conflict between taking political actions and the humanitarian principle of neutrality. ‘The perception that we are neutral has protected our operations in conflict situations,’ one participant said. ‘Taking openly political stands can threaten that.’

Challenges in protecting people on the ground

‘Civilians bear the brunt of war,’ one participant emphasized, ‘and no one is doing a good job of protecting them. In fact, most civilian deaths are unreported.’ Indeed, the seminar was marked by a spirit of commitment by participants to try to get a handle on protection – in order to be able to respond more effectively to civilian needs.

A number of participants identified specific dilemmas and challenges they face in protecting civilians on the ground. These included:

1. The dilemma of working with non-state criminal actors who have never heard of international humanitarian law. While insurgent groups have often used criminal activity in support of their actions, one of the new phenomena in conflicts today is the presence of groups solely motivated by criminality. These groups are particularly difficult to persuade to take actions to protect civilians on the ground.
2. The dilemma of linking the Security Council’s ambitious aspirations and its ability to carry out peacekeeping operations which protect civilians.
3. The dilemma of different understandings of civilian protection within the US government. ‘We need to break through our issue silos and move beyond institutional constraints.’
4. The need to provide training on protection to NGO workers.
5. The dilemma of access to civilians in need. Sometimes access is limited by the conflict itself or by governmental policy. Sometimes it is limited by humanitarian actors’ own security policies as many have become risk-averse in response to attacks against humanitarian workers. Sometimes access is limited by perceptions that humanitarian actors are not, in fact, neutral and impartial in their actions and orientation.
6. The dilemma of the lack of necessary information to prevent abuses.
7. Short-term budgets and lack of flexible funding for humanitarian work. Protection is not a short-term activity which can be completed during an annual budget cycle.

8. The dilemma of operating in states without the rule of law where perpetrators of crimes enjoy impunity.
9. The dilemma of coordination and complementarity. With many actors active in protection activities it is important to plan and coordinate activities to make sure that roles are complementary and activities are coordinated.
10. The dilemma of competing agendas. Protection of civilians, the war on terror, the war on drugs – these initiatives can send contradictory messages to those trying to uphold international humanitarian law.

For further discussion/action

The lively discussions during the seminar brought up a series of issues that merit further discussion and/or action. Below we have listed some which could be used as starting points for further discussions and activities. The list is by no means exhaustive.

- How can we enhance our learning from experience in the protection of civilians? This would include studying ‘dismal failures’ (as well as successes) and identifying lessons, plus developing more robust and systematic approaches to monitoring and evaluation.
- How can we manage difficulties stemming from differing concepts, values and political priorities across actors working on civilian protection? This would include the definitional issues, short-term/long-term priorities, and other considerations (e.g., counter-terrorism, military force protection) that might be in tension with civilian protection.
- How can we promote synergy/complementarity across the diverse set of actors working on protection? This includes the local/regional/international challenge, the humanitarian/military challenge, and the need to look more seriously at the role of emerging powers like China, India and Brazil. It could also encompass specific ideas like regular meetings of a group of like-minded states.
- How can we improve civilian protection in increasingly challenging contexts? Current contexts may be increasingly characterized by the presence of criminal, non-state groups that don’t understand or respect humanitarian or human rights standards, lawless territories where perpetrators of atrocities enjoy impunity and even target humanitarians, and complex crises combining natural disasters and violence.

The organizers closed the seminar by thanking participants for their contributions and by noting that this seminar is the first in a series, to be followed by seminars on community self-protection strategies and on the roles of international actors in protecting civilians.