

Protecting Civilians in Armed Conflict

In contemporary armed conflicts, innocent civilians often constitute an overwhelming majority of victims and have at times been deliberately targeted. The most vulnerable populations at risk include women and children, who are often killed, raped and sexually abused, kidnapped and enslaved, and children, who are taken and forced to become soldiers. Survivors are often displaced, by force or for lack of choice, taking refuge in camps where they are often defenseless against armed attacks and harassment. Many are maimed by mines and other indiscriminate munitions. Even more die of the indirect effects of armed conflict: disease, malnutrition, and famine.

What is Civilian Protection?

Protecting civilians has emerged as a central purpose of many contemporary peace operations. Both civilian and military peacekeepers increasingly recognize the moral duty and operational importance of protecting threatened civilian populations during peacekeeping operations. As peacekeeping missions have grown in number, frequency, size and mandate, the UN has made increasingly concerted efforts to put civilian protection at the heart of these operations. How well peacekeeping missions protect civilians is often an important benchmark for evaluating a mission's effectiveness.

There are legal, political, and operational aspects of protecting civilians as well as accompanying challenges. Protecting civilians is a complex process involving many different actors (international, regional, and local stakeholders) over time (from planning into execution). The challenges to civilian protection are vast, ranging from the scale of the needs on the ground and the challenging security environment, to the lack of infrastructure. Often, lack of operational clarity hampers the ability of UN peacekeepers to protect civilians that suffer the effects of armed conflict. Peacekeepers are often responsible for protecting large populations spread over vast territories, but they usually lack personnel and material resources to do so effectively, such as a deficiency of resources like helicopters, which allow them to access remote areas relatively quickly.

Why Civilian Protection Matters

Consensus is forming around the importance of protecting civilians not only because of the humanitarian obligation to shelter endangered populations from the effects of armed conflict. Overall, civilian protection is essential because it is critical to the perceived success of peacekeeping operations and therefore the UN's ability to work credibly in the field of peace and security.

Many groups deliberately target civilians as a tactic to achieve their political goals, including government forces, armed rebel groups, and terrorist organizations. The security of the population is also a prerequisite for an enduring political arrangement between two warring groups. Thus civilian protection is important to the broader political goals of creating and upholding peace agreements. Preventing attacks on civilians also preempts spoilers from creating instability and weakening fragile peace processes in post-war environments.

Moreover, humanitarian assistance cannot be provided by relief agencies, international and regional organizations, and NGOs when civilians and third party providers are at risk of being attacked. The security of civilians is also a key aspect of providing development assistance in post-conflict situations.

The United Nations and the Civilian Protection Agenda

The Security Council has set important precedents for civilian protection through its statements, resolutions, and perhaps most importantly, the mandates of UN peace operations. The first of these landmark resolutions was in 1999, when the Security Council unanimously voted in favor of Resolution 1265, which addressed the Council's inclination to take "appropriate measures" in response to situations where civilians are being targeted or humanitarian assistance is deliberately circumvented. The resolution also called on states to hold leaders accountable for acts of genocide, crimes against humanity and other serious violations of international humanitarian law. The most important precedent resulting from the resolution was a willingness to consider expanding the peacekeeping mandate to better protect civilian populations. Shortly afterward, it became unofficial UN policy that when peacekeepers saw violence perpetrated against civilians, they should be "presumed to be authorized to stop it, within their means." This is a point of controversy because it invokes Chapter VII of the UN Charter – the clause that governs the use of force – but it also affects a peacekeeping mission's ability to act impartially.

In 2006, the Security Council passed Resolution 1674, committing it to take action to protect civilians in armed conflict. The UN also has set civilian protection precedents in the mandates of specific missions, including the Democratic Republic of Congo (MONUC/MONUSCO), Sudan (UNAMID and UNMIS), and Afghanistan (ACRO). Over time, the emphasis on civilian protection has increased and become a frequent staple for UN peace operations.

Other UN organs and agencies, in particular the General Assembly Special Committee on Peacekeeping (known as the C34), the Department of Peacekeeping Operations, and the Office for the Coordination of Humanitarian Affairs, have included the topic of civilian protection in their agendas and enhanced their efforts to protect endangered civilian populations. For example, the C34 recently released a report requesting UN peace operations to design specific and comprehensive strategies for civilian protection through integrated planning to ensure the prioritization of civilian protection in the overall mission strategy. Moreover, the creation of the position of Deputy Special Representative for the Secretary General for Humanitarian Affairs has improved the coordination of civilian protection efforts among UN agencies as well as with the relevant NGOs on the ground.

Conceptual Developments and Operational Innovations

One of the most essential conceptual innovations in the area of civilian protection has been the establishment and popularization of the *responsibility to protect (R2P)*. The international community's failure to protect civilians and prevent genocide in the 1990's resulted in the recognition of the need to address the specific vulnerabilities of civilian populations. A new international norm emerged: the responsibility to protect (*R2P*). One of three pillars of the concept of *R2P* is the international responsibility to respond effectively through the UN when governments are "manifestly failing" to protect their populations from any of the four crimes under international humanitarian law: war crimes, crimes against humanity, ethnic cleansing, and genocide. While the concept has its origins in theory and academia, it has gained widespread recognition and popularity as a foundational approach to address the terrible crimes that are perpetrated against civilians – during war but also in peace time. The UN has even appointed a special advisor on the issue and in 2007, the new Secretary-General Ban Ki-moon prioritized making *R2P* a reality.

Civilian protection and *R2P* are based on the same underlying principles, but they remain distinct. In essence, *R2P* focuses on preventing and stopping the most horrendous crimes (genocide, ethnic cleansing, war crimes and crimes against humanity) whether they occur within the context of armed conflicts or not. The concept of *civilian protection* focuses on the broader list of specific threats,

vulnerabilities and needs of civilian populations in armed conflicts, from physical security to food security and other humanitarian needs.

Operational innovations in civilian protection include practical steps taken by various actors to create specific guidance on civilian protection and highlight best practices. On the ground, several missions – primarily MONUC (now MONUSCO) in the Democratic Republic of Congo and UNAMID in Darfur – have spearheaded practical innovations to enhance civilian protection despite limited resources and difficult environments. These operations have increasingly used and developed mobile operational bases, quick responses units, and early-warning systems to anticipate, prevent, deter or rapidly intervene to stop violence against civilians.

Joint protection teams and protection clusters have enhanced the effectiveness of these efforts by providing a more comprehensive approach to civilian protection to include humanitarian relief as well as social and economic support to threatened civilian populations. It also targets the perpetrators of violence through deterrence, supports disarmament and reintegration of former combatants and fosters reconciliation on the ground to ensure sustainable security for civilian populations.

Challenges and Next Steps: The Future of Civilian Protection

Numerous challenges and shortcomings impede the capacity of peacekeepers to effectively protect civilians on the ground. As UN Secretary-General Ban Ki-moon recently acknowledged, the relevant actors continue to struggle over what it means for peacekeeping operations to protect civilians, in both definition and practice. The perennial problem of many operations is summarized best by the Brahimi Report from 2000: peacekeepers may not be able to justifiably use force against attackers in order to protect civilians when they feel “morally compelled” to do so. Despite developments in peacekeeping mission mandates, it is not always clear how these mandates translate into operations on a case by case basis, creating situations wherein troops and police are not clear on what is expected of them. As a result, there is a lack of cohesion between mandates, intentions, and expectations, especially if civilian protection requires the use of force.

A continuing challenge is the division between human rights and humanitarian organizations that envision civilian protection being a broader concept that includes humanitarian assistance and guarantees of human rights standards, whereas militarily-oriented institutions see protection as preventing physical harm. So far, the official guidelines from the UN provide little detail on what defines civilian protection.

In the future, the greatest challenge will be how peacekeepers can deter attacks on civilians. Continuing to maintain relations with host countries is also going to be an important issue in the coming years. For example, how can civilians be protected when the host government bans peacekeepers from entering the country, or if a host government decides to expel peacekeepers before they have completed their mandates? It will also be essential to future missions to be able to reflect on past successes and failures. For future missions, it will be increasingly crucial for information to be gathered from current missions in order to evaluate, analyze, and contextualize their work on civilian protection.

Finally, there is a need to match peacekeepers’ protection mandates with appropriate resources, including providing specific training on civilian protection, developing civilian protection doctrines and practical guidance, as well as fostering international political support – especially within the Security Council.