



Exploring Civilian Protection: A Seminar Series (Seminar #3: The Role of the International Community)

Thursday, January 13, 2011, 9:00 am — 1:30 pm

The Brookings Institution, Stein Room, 1775 Massachusetts Ave, NW, Washington, DC

Over the past decade, the UN has been increasingly seized with the issue of protection. Peacekeeping operations now routinely include protection of civilians in their mandates and the international community has come down squarely in support of its responsibility to protect people when their governments fail to do so. Humanitarian organizations are incorporating protection into every aspect of their work. But what do these policies and concepts mean in practice? For the lives of people on the ground?

Among other things, protecting people means preventing them from being exposed to dangerous situations. But how do current practices of protection prevent people from being hurt? What is the relationship between protection and peacebuilding? How can international protection efforts support or complement locally-led protection strategies? What role can international actors be expected to play with respect to the protection of civilians?

These questions and others were discussed during this third seminar on exploring civilian protection. Over 40 participants from the United Nations, international humanitarian and development organizations, non-governmental humanitarian and human rights organizations, various agencies of the US government and the US military, academic institutions and the diplomatic community came together under the Chatham House rule to discuss the role of the international community in the protection of civilians. This report provides a summary of these discussions and complements the reports of the first two seminars which were organized jointly by Brookings and the US Institute of Peace.¹

The context of international action to protect civilians

Many different kinds of international actors seek to protect civilians during conflict. Even those without explicit protection mandates can affect the safety of civilians. This seminar focused on the multiple roles of the United Nations (e.g., political actor, deployer of peacekeeping operations, humanitarian responder), the role of international humanitarian and human rights NGOs, and the role of national military forces.

¹ The reports of these seminars are available at:

http://www.brookings.edu/events/2010/0914_protection_series_one.aspx and
http://www.brookings.edu/events/2010/1028_civilian_protection_two.aspx

While the responsibility for protecting civilians lies with national authorities, sometimes governments themselves are perpetrators of abuses or are supporting groups that are conducting atrocities. In other situations of conflict, governments simply do not have the capacity to protect civilians. Furthermore, in many of today's conflicts, the targeting of civilians has become a political instrument of war. Militias and gangs rather than organized insurgent groups are often now the principal non-state actors engaged in armed conflict. All of these factors raise difficult questions for UN and other international actors: To what extent are their actions constrained by the need to work closely with national governments? What are the effects on popular perceptions of the United Nations when a UN peacekeeping mission is seen as propping up an authoritarian government? To what extent can and should humanitarian actors negotiate with all parties to a conflict — including non-state actors — to secure humanitarian access to communities in need?

Challenges to UN Efforts to Protect Civilians

The UN is far from a monolithic body and its efforts to protect civilians are conducted through different instruments, ranging from UN peacekeeping operations (PKOs) to Security Council action to operational UN humanitarian agencies. But the United Nations is first and foremost a political body; its member states determine when and how the UN will seek to play a role in protecting civilians. Given political realities, it is thus unlikely, as one participant pointed out, that the UN will ever seek to protect Tibetans living in China. And the organization's disposition is to design programs and policies that support member governments.

Protection of civilians requires much more than providing UN peacekeeping troops. Security sector reform, establishment of rule of law, and ensuring functional political processes all have much more impact on long-term protection than deployment of UN peacekeepers. One participant suggested that only 10 percent of protection of civilians should occur through the use of force; the other 90 percent should come from broader political and social initiatives. In fact, UN peacekeepers are woefully understaffed to protect civilians. The rule of thumb in counterinsurgency doctrine is that 25 soldiers are needed to protect every 10,000 civilians, but no peace operation in the world comes even close to that level of commitment. For example, the UN would need 250,000 troops in eastern Democratic Republic of the Congo to achieve that ratio.

On the whole, participants agreed that the use of force should only occur when absolutely necessary and that care is needed to manage expectations of what UN peacekeepers can achieve in terms of protecting civilians. In PKOs, the question of managing expectation is crucial. For example, "if people expect deployed UN peacekeepers such as MONUC in DRC to deliver on all aspects of protection of civilians," one participant noted, "they will be disappointed."

Recognizing the limitations of peacekeepers, one participant questioned the term 'protection of civilians' itself, pointing out that this is not only a passive formulation, but suggests that the UN is the "SWAT team of the world" which sets out to rescue civilians. Rather it would be better to talk about "empowerment" of civilians in recognition of the fact that civilians themselves play a large role in their own protection.

The Security Council's intention in deploying UN peacekeepers is to use military force in support of a political process, but this can mean that the UN mission often finds itself in the unenviable position of supporting a government which is itself seen by some as the problem. When UN peacekeeping operations are associated with an authoritarian or weak state, the credibility of the UN itself is threatened and the lack of trust in the peacekeeping operations can

limit its ability to protect civilians. Paradoxically, while recognizing this dilemma, some participants noted that without this support, the state could collapse, creating chaos which would put the lives of even more civilians at risk.

It is also difficult for UN peacekeeping missions to work out their proper role vis-à-vis national governments in protecting civilians. As one participant explained, “on one hand, every aspect of a UN peacekeeping mission should be about the protection of civilians while on the other hand, states should be the first responders and the first line of defense.” Another participant highlighted the tension that can arise when the UN is seen as either assisting governments to broaden their base of support to include opposition groups or helping governments to vanquish political opponents in the name of establishing order. The question of how to ‘responsibilize’ the authorities leads to a question of governance. How can parties to a conflict be encouraged to change their behavior? When UN peacekeeping operations are used to further a political process, it is important to recognize that all parties to a conflict should be included in peace processes and all should be held accountable for the protection of civilians. It is not enough to just work with governments. In fact, effective action by the UN often depends on strong partnerships with civil society organizations.

One participant suggested that governments that abuse civilians should not be allowed to participate in peacekeeping operations, noting that under US law, the US armed forces are prevented from training foreign units involved in human rights violations, and suggesting that the United Nations should do the same. But another participant pointed out that putting restrictions on the selection of troops would not be easy or feasible. The argument raised was that it would be very hard to get member states to agree to selection criteria based on an outright blacklist. The participant continued by saying that it simply would not pass through UN processes and it could also lead to a difficult question of where to get sufficient troops to meet the demands of various UN peacekeeping missions. Rather a robust process is needed for selecting commanders of UN peacekeeping operations in which individual officers would be vetted for past participation in atrocities and other human rights abuses.

Another relevant UN body that deals with the protection of civilians is the Security Council. The Council plays an important role in establishing normative standards on protection of civilians, although unfortunately these norms are often not implemented. “Norms have an aspirational quality,” one participant noted, “and can both empower populations and create expectations which peacekeepers are hard-pressed to meet.” Overall, Security Council resolutions have become more consistent in affirming the importance of protection of civilians although there are still (as always) questions about how these Security Council decisions are implemented on the ground. The Security Council has seen peacekeeping operations as the main tool for protecting civilians and has devoted considerable energy to incorporating protection of civilians into the mandates of peacekeeping missions.

The concept of Responsibility to Protect (R2P) plays an increasing role in shaping UN responses to the protection of civilians. Receptivity to the concept of R2P has grown in recent years although much work is needed to mainstream the concept into UN actions. For example, governments are expressing increased interest in training on atrocity-prevention though there are still uncertainties about what should be included in such training. There are also questions about whether atrocity-prevention is fundamentally different than conflict-prevention. There is also growing recognition that R2P must be embedded in peace processes, which are increasingly multilateral.

One participant noted that R2P does not refer to protection of civilians but rather to protection of 'populations' which is a broader term than civilians. He noted that in its initial formulations the International Commission on Intervention and State Sovereignty (ICISS) referred to protection of citizens – a much narrower formulation than protection of either civilians or populations.

UN Humanitarian action and protection of civilians

The participants discussed a number of different UN instruments tied to the Security Council that play a role in humanitarian efforts and the complications this can entail in designing and implementing protection policies. Reflecting the tensions between the UN's role as a humanitarian actor and as a political institution is the position of the Emergency Relief Coordinator (ERC), who serves as head of the Office for the Coordination of Humanitarian Affairs (OCHA), but also serves as an Under-Secretary-General of the UN. In this context, the ERC briefs the Security Council every six months on protection of civilians and reports on specific situations of concern. Another consideration in humanitarian policymaking is the Secretary-General's report every year, which is an important agenda-setting report. In addition, the Security Council is paying increasing attention to protection of civilians and a new mechanism has been adopted for hearing independent analyses – the Informal Council Expert Group with a particular focus on following existing peacekeeping operations. This Expert Group is intended to assist the UN in implementing protection benchmarks on the ground and providing alternatives to the use of force in conflict situations. Other relevant reference tools from the Security Council for protection of civilians include 2009's Security Council resolution 1894 on the protection of civilians in armed conflict and the Council's 2002 *Aide Mémoire* on the protection of civilians.

The question of integrated missions – designed to promote greater coherence between political concerns, peacekeeping operations, and humanitarian issues - triggered lively discussion at the seminar. Several participants emphasized the difficulty of maintaining the independence and neutrality of humanitarian action when they were part of an integrated mission with overt political objectives. One representative noted that in Afghanistan a distinction is made between the 'black' and the 'blue' UN, the former referring to UN forces actively working with one side in the conflict, and the latter representing the traditional humanitarian perspective. Another participant noted that there is a difference between structural integration and how humanitarian actors choose to act where the UN has decided to work in support of one side to a conflict. Humanitarians need to take harder decisions, it was argued, to carve out the space for humanitarian action even within the restrictions of integrated missions. Another participant remarked that opposition to integrated missions is more a question of turf battles than of humanitarian principles.

One of the difficulties that UN missions face on the ground is their role in supporting governments and thus the difficulties in working with all parties to a conflict. Sometimes humanitarian actors are too closely aligned with the government – as in Somalia, Iraq, Afghanistan, and Pakistan – which limits their ability to work with important non-state actors. Overall, there is a perception that some parties are simply off-limits to UN staff. But from a humanitarian perspective, one participant remarked, "there are no good and bad political actors, just parties to a conflict." As the UN is increasingly restricting access to some parties to a conflict -- such as the Taliban or al Shabaab or the Lord's Resistance Army -- this increases the pressure to find other means and other fora where discussions with important can take place.

Some states want the UN to focus exclusively on shoring up the sovereignty of the state, but this creates problems for the UN mission. The mission is often asked to accompany a political process through elections, but elections are not always a perfect solution because they can be used to reinforce or legitimize the authoritarian rule of the status quo holders of power. The UN would be more trusted and more likely viewed as impartial if it kept some distance from the government, but playing this more impartial role requires support from the Security Council – a highly political body made up of states intent on protecting their own sovereignty.

The Role of Humanitarian Organizations

Some participants argued that humanitarian actors tend to react to needs on the ground, but they should play more proactive roles in identifying protection issues and understanding the context in which humanitarian action takes place. “We need more anthropologists,” one humanitarian representative noted, “to help us understand the power dynamics of a particular situation.”

It is important to recognize that humanitarian assistance in conflict situations is not neutral. For example, food represents significant wealth and the way it is distributed affects power dynamics and can thus create protection vulnerabilities. As one participant commented, “giving food to people, including women, makes them targets, particularly in non-camp settings.” At the same time, humanitarian actors have learned that there are many practical measures which can be used to minimize the risks to civilians. For example, as rice is often a valuable trading commodity, by providing other less marketable foodstuffs, people can be kept safer. Similarly, by providing fuel-efficient cooking stoves or firewood, the risks to women responsible for collecting firewood (often in dangerous places) is reduced.

Even when they don’t have an explicit protection mandate, sometimes humanitarian actors – because they have eyes and ears throughout the country – try to alert the international community or local actors when danger is growing or present in a given area. One humanitarian representative reported the concrete dilemma of seeing a man being beaten on the side of the road while delivering relief. Is the role of a humanitarian actor to stop the truck and to confront the assailants or to carry on with the relief delivery and alert police forces of the abuse? By trying to stop the violence, would the relief worker be violating principles of neutrality?

The underlying danger is that the power relationships inherent in protection issues can reduce humanitarian access and cause tensions between different UN agencies. But one humanitarian representative expressed his view that the operational humanitarian community censors itself too much. Striking the right balance between the non-political activities of humanitarian actors and protection is difficult to determine – particularly with respect to the relationship between humanitarian actors and armed groups in the country. “In general,” one participant reflected, “it is more difficult to work with armed groups in the field than with government and police in capital cities.” Armed groups are less accessible and humanitarian agencies face security risks in simply talking with them. Moreover, while contacts with armed groups can be helpful in negotiating for the delivery of assistance, these contacts are time-sensitive and must be continuously cultivated.

An important component of the ability to access communities in need is the reputation of the humanitarian actor. Reputations of neutrality and impartiality have to be earned in the field. Some participants also noted that successful international humanitarian and human rights organizations are recognized by the host community as impartial, whereas local actors are often seen as part of the conflict. This impartiality builds trust and recognition throughout the host

community. However, this trust is often built over long periods of time and is never permanently given. Rather it must be constantly reinforced through actions.

The Role of Human Rights Organizations

Human rights organizations play different roles than humanitarian actors. They monitor and report on compliance with agreed norms and when there are abuses of these rights, they move into a more activist role. Human rights groups press governments to protect civilians and urge the UN to put pressure on governments which fail to protect civilians. Human rights groups can also identify some of the early warning triggers to mass atrocities, such as disappearances, killing of journalists, and refugee/IDP flows which should serve as red flags for international action. Human rights organizations and others are developing more sophisticated early warning indicators, such as satellite technology to document abuses. And yet, one participant noted, the international community often fails to adequately respond when warning signs are evident and international actors rarely take timely action, but rather wait for abuses to further escalate.

An obvious danger is that when human rights groups speak out against a state's abuse of civilian populations, they risk losing access to the country, including to those vulnerable populations on whose behalf they advocate. For example, some human rights organizations are refused permission to travel to certain countries by state authorities because of their critical reports of those governments' policies and therefore must rely on third parties to gather information. Access is vital because as a humanitarian representative noted, human rights groups can best protect people if their sources are well-documented. In the case of Colombia, human rights groups played a crucial role in raising the issue of 'false positives,' or the targeting of civilians made to look like insurgents following their deaths. The actions of human rights organizations can thus complement the work of humanitarian actors who find it more difficult to speak out on these issues.

Human rights groups see new opportunities for protecting people in the current move toward greater accountability and trends in international prosecutions of war crimes. Accountability can be a deterrent factor.

The Role of the Military

In looking at the role of the military in protecting civilians, two different aspects were discussed: military intervention to stop atrocities and military involvement in humanitarian assistance. In regards to the former, as the nature of conflict evolves and civilians are increasingly becoming targets of violence, the military has had to make changes in the way it conducts its operations. The *Mass Atrocity Response Operations* (MARO) handbook was created to assist military forces in planning for or conducting an intervention to prevent mass atrocities. The handbook addresses conceptual approaches to atrocity situations, technical military planning as well as areas for future research and 'ways ahead.' The handbook spells out various ways that the military can protect civilians through preventive action (such as shaping and deterring), intervention (such as seizing the initiative and dominating) and rebuilding (through stabilization and supporting civilian authorities). It was widely acknowledged that military responses alone would be inadequate in efforts to prevent mass atrocities. In fact, some members of the military still do not see the problem as a military one, but rather as a problem of political will. However, there has been progress in raising the visibility of the issue within the military: the issue of mass atrocities is mentioned in several recently updated policy/strategy

documents including the National Security Strategy, the Quadrennial Defense Review, and the U.S. Army Operating Concept.

The other major topic of discussion was military involvement in humanitarian efforts. When the military is involved in humanitarian work, the roles are often blurred for people on the ground who are receiving assistance or witness those activities. For example, there is sometimes confusion between military and humanitarian work when health brigades are run by military forces. This is a growing issue because the military is now increasingly occupying roles far beyond its traditional security role. These roles include facilitating humanitarian assistance, building infrastructure, facilitating dialogues among local actors and communities, and engaging in polling of citizens. Yet, national military forces represent a specific government. As some participants pointed out, when military personnel become involved in humanitarian assistance, the lines are often blurred with civilian humanitarian actors. This can have a knock-on effect on the assumed neutrality and impartiality of purely humanitarian actors who can be perceived as partial to one side of a conflict or another due to collaboration or presumed connections with the military forces in question.

The issue of wearing civilian clothes by some members of the US military forces in Afghanistan was provided as an example of a controversial issue that blurred the lines between actors representing the armed forces and the humanitarian community. To alleviate the conflict, the military eventually reverted to a standard policy of even non-combat forces wearing uniforms. One participant raised another area of contention in Afghanistan, which was that the military forces have occasionally been criticized for duplicating the work of humanitarian agencies.

To counteract this perception of entanglement in humanitarian efforts, US military strategic planners adopted the view that sometimes it can be counterproductive to be seen doing more on behalf of certain members of local communities. In essence, they realized that the perception of US forces providing goods or services to specific segments of the community often makes the recipients a target of insurgents and other anti-US forces. As a direct result, according to one participant, the US armed forces began deflecting credit for its development and humanitarian programs.

Another specific criticism leveled at military operations was the common perception that UN troops in particular did not have the mandate, or possibly the capacity, to protect civilians and instead placed a premium on protecting their own forces. Taken together with concerns over blurred lines of responsibility, as UN and other armed forces are deployed in the field, greater demands for accountability and transparency should be expected from both civilian and humanitarian actors alike.

The Role of Intelligence

While most participants recognized the crucial role that information plays in early warning of possible crises, and hence supporting early action, there was considerable discussion about both the terminology used and the way in which such information is handled. Military forces have long relied on intelligence and see it as essential to both the mission and to the protection of civilians, a view increasingly shared by humanitarian organizations, despite the use of a different terminology, namely “assessments” or “information.” The question of intelligence- or information-sharing can be highly political for military and humanitarian actors alike, particularly the sharing of such information with governments or with foreign military forces.

Intelligence can play a significant role in the protection of civilians but can also be a double-edged sword. Intelligence is important for the effectiveness of operations and can ensure safety of troops, but can also endanger them if in the wrong hands. This fear has traditionally outweighed potential benefits and countries and organizations are often reluctant to circulate information, even among allies.

In particular, UN and human rights organizations can also play a role in the gathering of intelligence and sharing that information within the UN system or publicly, but either way, this practice is not without its risks. Working on the ground with communities, these organizations are well-placed to know when violations and abuses occur. For human rights organizations, information gathered can be used for the prevention of abuses and to hold abusers accountable. But one participant held that while information sharing is important for the effectiveness of an operation and the safety of UN peacekeepers, such missions should keep a certain distance from the politics of the countries in which they are operating to prevent information sharing from compromising the mission. The major underlying threat -- aside from physical violence directed towards organizations sharing intelligence regarding abuses -- is having the organization's access to vulnerable civilian communities restricted by state or non-state actors implicated in the reports.

Issues for further Discussion and Action

- Throughout the seminar, the ideas of protection and prevention were sometimes used interchangeably or sometimes prevention was used as a means to protect civilians. What is the relationship between prevention and protection?
- Similarly, are we talking about the same thing when we talk about conflict-prevention and atrocity-prevention?
- How do local communities perceive international actors? There was recognition that the way in which international organizations are perceived affects their ability to act. When they are viewed as supporting an unpopular government or taking sides in a conflict, their ability to protect civilians may be compromised. Do means exist for determining how communities perceive international actors?
- How do organizations incorporate Responsibility to Protect or Security Council resolution 1894 on the protection of civilians in armed conflict into their own mandates and translate them into action on the ground? Similarly, how do humanitarian organizations maintain their independence while working as part of a joint UN initiative?
- Is there a relationship between military efforts to prevent atrocities and to provide humanitarian assistance?

The organizers closed the seminar by thanking participants for their contributions and pointing out the diversity of views and the wide range of discussion. They noted both the importance and the complexity of effectively protecting civilians and will be looking for ways to continue these deliberations.