Chapter 4
The military and civilian protection: developing roles and capacities

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Soldiers are deployed worldwide to help bring stability and peace to war-torn regions. Whether delivering supplies after the Indian Ocean tsunami, monitoring a ceasefire agreement in Sudan or helping a new government in East Timor, armed forces support operations that are distinct from the wars for which they primarily prepare. Increasingly, soldiers are also being asked to perform roles in protecting the civilians of other states. While it is assumed that the political ends of these missions should create environments with fewer threats to civilians, how far can military efforts go to prevent conflicts, support peacebuilding and serve humanitarian goals? More specifically, what role can troops play in *directly* protecting civilians?

These questions are driving new thinking about how to protect civilians from violent conflict, and the role third-party military forces can play in offering such protection. Wars between uniformed, identifiable armies over national boundaries or disputed territories have given way to intrastate conflicts involving armed groups, sometimes established along ethnic lines and unconfined by borders. Armed conflicts often inflict the greatest harm on civilians, who become displaced by fighting, are caught in the crossfire or are targeted by combatants. In addition to the direct impact of violent conflict, civilians may be exposed to deadly threats in their attempt to flee to safety – including exposure to disease, and lack of access to adequate food, shelter, clean water or healthcare. The primary responsibility to protect civilians lies with the state, which should limit violence against, and provide support to, its citizens. Yet the failure of states to protect civilians has led to the death and displacement of millions worldwide, prompting calls for international intervention.

Humanitarian concern with protecting civilians caught up in conflict is long-standing: its modern expression dates back to the work of Henry Dunant following the Battle of Solferino in 1859. It underpins the Hague and Geneva conventions and various other laws of war, which aim to set limits on the use of military force and prevent excessive harm to non-combatants. More recently, the International Commission on Intervention and State Sovereignty (ICISS) drew public attention to protecting civilians from harm in its 2001 *Responsibility to Protect* report, considering protection from mass killings, ethnic cleansing and genocide as grounds for military intervention, helping introduce discussion of 'civilian protection' to audiences beyond the humanitarian and human rights community (ICISS, 2001). The declaration by heads of government at the UN High Level Summit in September 2005 recognised collective obligations to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Peace operations are often assumed to support these aims, but the link between threats to civilian populations and threats to international peace and security – the concern of the UN Security Council (UNSC) – is not always self-evident, nor is it explicitly made in the UN Charter. Indeed, the UNSC only began directing UN peacekeepers to 'protect civilians under imminent threat' in 1999. Although the Security Council has increasingly included civilian protection in peacekeeping mandates, this direction has not been accompanied by clear, defined expectations about the use of force, who should be defended and whom they should be defended against, and when the job should be considered done. While militaries are trained to operate in insecure environments and face threats, they are less accustomed to providing security to protect civilians in hostile environments as part of an international or third-party intervention.

This chapter surveys current conceptions of civilian protection, with a focus on those that envisage a role for third-party military forces in providing it, particularly within peace and stability operations. It explores the basic concepts behind a military role in providing protection to civilians, reviews key multinational organisations and national military actors and their capacities for such missions, and looks at some examples of field operations with military components involving civilian protection, and the specific challenges that these operations raise. Finally, the chapter outlines some of the lessons that can be drawn from these experiences, and how these challenges might be addressed. The analysis is based on interviews and a review of current practice in peace operations.[1] The topic is challenging in many ways: terminology is still being worked out, and there is no single definition of civilian protection within and across varied civilian and military communities. This lack of a common understanding of protection makes preparing for operations, and dividing responsibilities between military, humanitarian and other civilian actors, difficult.

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4.1 Concepts and means

The language of civilian protection is being used increasingly by governments, policymakers and NGOs. Processes such as the worldwide consultations led by the ICRC over four years in the late 1990s; significant work by the UN Office for the Coordination of Humanitarian Affairs (OCHA); resolutions and statements by the UN Security Council;[2] the work of the ICISS; and inter-governmental processes such as the UN High Level Summit have all sought to develop consensus around an international obligation to protect civilians when their governments are unwilling or incapable of doing so, to agree on criteria that would trigger a response and to establish the operational parameters of that response for governments, the military and humanitarian and human rights agencies.

The consultations by the ICRC resulted in a wide definition of protection as 'all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law and refugee law)' (ICRC, 2001). It also offered a model of protection that envisaged layers of response, from action to prevent abuse to efforts to help in the process of recovery. At the UN, OCHA has developed an Aide Mémoire outlining various aspects of civilian protection, to assist the Security Council in its deliberations over missions that are intended in part to protect.[3]

In the wake of the failures of Srebrenica and Rwanda, and in response to the Secretary-General's calls in 1999 and 2000 to 'forge unity' within the international community on military intervention for protection, the ICISS report – *The Responsibility to Protect*, or 'R2P' – set out principles that would justify and compel military intervention to protect civilians in the face of mass killings and ethnic cleansing. These are right authority, just cause, right intention, last resort, proportional means and reasonable prospects. Intervention had to be 'defensible in principle' and 'workable and acceptable in practice'. Many have pushed for the UN to embrace the ICISS recommendations as a framework for action. In December 2004, for example, the Secretary-General's High-level Panel on Threats, Challenges and Change (UN Secretary-General, 2004a) recommended that the Security Council adopt the ICISS principles to evaluate the use of force, but stopped short of embracing them as grounds for *compelling* action. The debate was taken up by the Secretary-General's response to the Panel, *In Larger Freedom*, prepared for the September 2005 UN Summit. The Secretary-General embraced the responsibility to protect as an 'emerging norm', and stated that, 'if national authorities are unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect the human rights and well-being of civilian populations … including enforcement action, if so required' (UN Secretary-General, 2005: para. 135). The Summit document offered a robust embrace of the responsibility to protect, stating that the international community, through the UN, should be prepared to act when states fail 'to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (UNGA, 2005). While a trigger for such actions was not specified, many outside commentators viewed the statement as helping consolidate the norm of protection.

A central question concerns the means to act – including the use of military force to support a response – and the role of the UN, multinational forces and regional bodies in organising responses to conflicts in non-permissive environments, where there is hostility to intervention.[4] Modern UN peace operations have grown in size and complexity, raising the question of the peacekeeper's role in providing security and civilian protection, and other multinational organisations have developed a greater capacity for such operations.

Peacekeepers are at work in unprecedented numbers today, deployed as multinational forces and in coalitions of the willing, in UN missions and with regional and subregional organisations. The UN is leading 16 peace operations with more than 68,000 peacekeepers from 107 countries.[5] The scope of operations is also increasing. Since 1999, most peace operations have been established under Chapter VII of the UN Charter.[6] Other multinational organisations – the North Atlantic Treaty Organisation (NATO), the European Union (EU), the African Union (AU) and the Economic Community of West African States (ECOWAS) –

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[2] These resolutions include: S/RES/1265 (1999); S/RES/1296 (2000); S/PRST/2002/6 (2001); S/PRST/2002/41 (2002); S/PRST/2003/27 (2003); S/PRST/2004/46 (2004); S/PRST/2005/8; and SC/8419, (2005).

[3] This, and various other Security Council documents on civilian protection, reveal a range of aims, concepts, strategies and operational parameters – encouraging peace and economic development, the prevention of conflict, the promotion of a 'climate of compliance' with international law, addressing the special needs of women, children and the displaced, putting a stop to the proliferation of small arms, ensuring the safety of humanitarian relief and humanitarian workers and their access to vulnerable populations, disarming, demobilising, reintegrating and rehabilitating ex-combatants (particularly the young), tackling 'hate media' and providing objective information about the UN (S/RES 1296), and mandating peacekeeping or peace enforcement forces to protect civilians 'under imminent threat of physical danger' (S/RES/1296, 2000). Where the military's role lies in relation to these aims remains the subject of ongoing debate.

[4] The term 'non-permissive' is used here to refer to environments that are hostile to the forces deployed, but does not define the challenges facing civilians. The US military defines non-permissive environments as areas where 'hostile forces have control as well as the intent and capability to effectively oppose or react to the operations a unit intends to conduct'. See US DoD (2005).

[5] UN data as of 31 September 2005; this figure does not include additional civilian personnel or UN missions led by the Department of Political Affairs.

[6] Chapter VI of the UN Charter refers to the organisation's role in the settlement of disputes that threaten international peace and security (the authority for most UN peacekeeping missions before 1990). Chapter VII is cited for operations with more robust mandates, and where peacekeepers may use force beyond self-defence (the majority of UN-led operations approved since 1999, including missions in East Timor, Kosovo, Sierra Leone, Liberia, Côte d'Ivoire, Haiti and Burundi).

are developing their capacities for peace operations. The AU launched its first peacekeeping mission in Burundi in 2003, and is leading a second operation in Darfur. ECOWAS has completed missions in Liberia and Côte d'Ivoire, and Western forces are serving in the Balkans, Iraq, Afghanistan and Côte d'Ivoire under national, multinational, EU and NATO leadership. National militaries are evaluating their doctrine and training to enable their forces to meet the anticipated requirements of such peace and stability operations.

Civilian protection has shifted, from an obligation on militaries to temper their actions to a possible goal of an operation. With their participation in these peace and stability operations, military personnel have been directed to provide protection to civilian populations under threat of imminent violence. As discussed below, the UN has explicitly used 'civilian protection' language in mandates for operations in the Democratic Republic of Congo (DRC), Sierra Leone, Liberia, Côte d'Ivoire, Haiti, Burundi and Sudan. The UN has also used this language in authorising operations led by others, such as the AU mission in Sudan, the French-led and ECOWAS operations in Côte d'Ivoire in 2003–2004 and the French-led EU mission in the DRC in 2003. Implicit protection goals are part of the mandates of missions such as the International Security Assistance Force (ISAF) in Afghanistan.

What does civilian protection mean for these operations? They are not designed as 'R2P' interventions to halt genocide or ethnic cleansing. Yet many operate in areas where violent threats to civilians are real, and where peacekeepers may need to use force to uphold their mandates. AU troops deployed in Darfur, for example, are primarily there as ceasefire monitors in an environment where civilians face horrific attacks and insecurity. While praised for their efforts, these troops have a limited mandate to use force to protect civilians under imminent threat (when they are in the immediate vicinity and when it is within AU resources and capability to act), and have limited capacity to do so. The protection of civilians in Darfur remains the responsibility of the Sudanese government.[7] Peacekeepers may legitimately ask whether civilian protection is a primary goal of the operation (such that all organisational resources should be devoted to achieving it), or whether it is a specific task within a broader political process, and, if so, what priority it is assigned.

With the increase in the number and scope of peace and stability operations, Western nations, especially the US, the UK and Canada, are evaluating their national doctrine and training for such missions. Countries face a gap between peace operations with mandates to protect civilians and their military's preparation for such missions. The UN and other multinational organisations have not yet clearly defined what civilian protection means operationally for troop-contributing countries; the UN is just beginning to develop guidance in this area. National military doctrines rarely address civilian protection as an operational task or as the basis for a mission. Few training programmes guide peacekeepers on how to prepare for such operations. As a consequence, when there is the capacity to send capable forces into a conflict zone, these forces may still lack guidance and preparation for efforts aimed at protecting civilians.

4.2 Definitions and concepts of military roles in protection

The protection of civilians is a broad concept and does not always encompass a concept of military force. At least six approaches are identifiable that envisage a potential role for military forces in supporting civilian protection.

1. *Protection as an obligation within the conduct of war*. In a war, military forces are required to abide by the Geneva Conventions and other international laws of conflict. These instruments are designed to prevent excessive harm arising in the course of armed conflict to civilian populations and those who are *hors de combat*, and to allow for the provision of humanitarian relief by impartial humanitarian actors. They also place a responsibility on an occupying power to provide for the basic security and welfare of the civilian population.[8] This concept of protection was developed at a time when the dominant form of armed conflict involved armies – government or rebel – fighting each other, and is based on a fundamental distinction between combatant and non-combatant.

2. *Protection as a military mission to prevent mass killings*. As laid out by the ICISS, a civilian protection mission has as its central goal the ending or prevention of mass killing, ethnic cleansing or genocide, presumably in a non-permissive environment in which conflict is ongoing. In this scenario, military forces will take a lead role in intervening to create a situation where the mass killing is stopped. This is expected to require the threat or use of force. Such a scenario would apply to interventions in situations akin to the Rwandan genocide of 1994, and would most likely be driven by a lead nation within a coalition or regional response, and authorised but not led by the UN.

3. *Protection as a task within a UN-mandated peace operation*. Since 1999, UN peacekeeping missions have increasingly been

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[7] UN Security Council Resolution 1564 (2004) welcomes and supports the African Union mission acting under Chapter VII of the UN Charter. The AU Communiqué of 20 October 2004 includes the direction to 'protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan'.

[8] Under the Geneva Conventions, military obligations may also extend to protecting prisoners of war. This is not the focus of this analysis. Moreover, they prohibit the destruction of 'objects indispensable to the survival of the civilian population', such as crops and water supplies, and the destruction of cultural and religious monuments.

directed to protect civilians facing imminent threat (Holt, 2005: Annex I). In this view, 'civilian protection' is one task within the goals of a larger, presumably Chapter VII, operation, rather than the mission's singular aim. The various tasks of a mission could include providing support to law and order, escorting convoys, protecting camps, establishing safe havens, breaking up militias, demilitarising refugee/IDP camps, organising disarmament or intervening on behalf of an individual or community under threat.

4. *Protection as providing area security for humanitarian action.* In this view, military forces or peacekeepers provide space for activities that result in civilian protection. Military forces or peacekeepers establish and assure the wider security of an area, enabling relief, humanitarian and other organisations to provide for the temporary safety of civilians in that area. OCHA, for example, argues that protection results from humanitarian, human rights and peacebuilding work. Military forces may provide security, but the provision of security is not protection *per se*, as this involves a broader combination of political, social and legal factors.[9]

5. *Protection through assistance/operational design.* In this view, protection is a function of the design of relief and humanitarian programmes. The placement of refugee camps, water supplies and latrines, for example, should be such that the threat to vulnerable populations is reduced while they are under the care of others. Civilian protection, therefore, can be strengthened by the design of assistance programmes, and by an understanding of their impact. The potential military role would be to cooperate with or support means of further reducing threats to vulnerable civilian populations, such as offering physical presence to act as a deterrent (Oxfam, 2005; Slim and Bonwick, 2005).[10]

6. *Protection as the use of traditional force.* Traditional warfighting missions do not address civilian protection as a concept, but some military thinkers argue that civilians will enjoy better protection after force has been used to stop an enemy's actions. In other words, protection can result from the use of force in its more traditional application, by preventing combatants from causing harm. As one US Marine put it in an interview with the author, 'if you want to protect civilians, go kill the bad guys' (author interview, October 2004).

These categories are neither exhaustive nor exclusive, and there are overlaps between them and nuances within them. Additional views of protection see it as traditional 'civil defence', for instance protecting civilians from the effects of weapons of mass destruction or the impact of natural disasters; establishing law and order; offering military support to those seeking asylum; and providing support to individual human and political rights. This last category has received substantial consideration, ranging from the denunciation of political action in denial of rights to advocacy for legal protection. This definition of protection can extend to non-physical needs. As one recent handbook on protection puts it: 'The inner emotional experience of an individual is as important as their outward physical needs' (Slim and Bonwick, 2005: 31).

There are evident tensions over what protection means. Humanitarian work in its broadest sense is framed around the protection of civilians at many levels; militaries and peacekeepers may be asked to protect civilians in harm's way as part of an operation serving a broader political goal, rarely as the primary aim of their mission. This chapter understands protection as providing immediate or short-term security and safety to civilians.[11] Consideration is given primarily to the military's role in civilian protection within peace operations, primarily in a non-permissive environment where the use of force is likely to have Chapter VII authority (as in views 2 and 3, above).[12] Within this, the humanitarian perspective is considered in relation to military forces providing security and space for humanitarian action (as in view 4 and, to a lesser extent, view 5), and in relation to how militaries should conduct themselves during times of war, particularly as this applies in Iraq (view 1). This chapter does not examine in detail the specific argument that fighting a war properly will ultimately save lives (view 6), but it does recognise that current preparation by militaries for war-related activities relates to their capacity for conducting peace and stability operations, interventions for humanitarian purposes and other specific tasks associated with civilian protection.[13]

4.3 Who can act?

Since the end of the Cold War, military support to humanitarian missions, peace agreements and post-conflict security and peacebuilding has increased. The UN sent peacekeepers to a variety of operations, from Namibia and Cambodia to Mozambique and Haiti. The Security Council also authorised actions led by individual nations and multinational forces, such as the US-led interventions in Somalia in 1992 and Haiti in 1994, the French-led intervention in Rwanda in 1994, and the Italian-led multinational force in Albania in 1997. UN and NATO-led operations were also mounted in the former Yugoslavia. Other military missions have had humanitarian components, such as the interventions by ECOWAS in Liberia in the early 1990s and Australia in East Timor in 1999. Actions without clear UN authorisation have included NATO's initial intervention in Kosovo and the US and British 'no-fly zone' over Iraq.

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[9] Discussions with OCHA officials. For a discussion regarding IDPs in peace operations, see O'Neill (2004).

[10] Oxfam's broad definition of protection goes beyond the design of humanitarian assistance to encompass advocacy and support for policies which lead to the deployment of peacekeeping forces and military action.

[11] This is also presumed to be a temporary activity, until either the state or other authorities take on the role.

[12] It can be argued that civilian protection can be upheld without Chapter VII authorisation. For a thoughtful analysis of the question of force in peacekeeping, see Finlay (2002).

[13] There is lively US debate over whether training for peace and stability operations should be separate from training for traditional combat roles.

Peacekeeping missions have attempted to protect civilians at many levels, even without UN mandates referring to protection; some were cast in humanitarian or safety terms; others implied protection without Chapter VII authority. Whether militaries are deployed by the United Nations, other multinational organisations, 'coalitions of the willing' or an individual country, they require both basic capacities, and a willingness to carry out a mission with a protection mandate. Only a few multinational organisations can employ force for more than self-defence: the UN, NATO, the EU, the AU and ECOWAS.[14] Because they are willing to use or authorise multinational forces, these five organisations are unique, and are most likely to incorporate civilian protection into their multinational missions.[15] NATO has traditionally had both the willingness and the capacity to authorise, organise, provide and manage capable and effective military forces to conduct operations in non-permissive environments. To a lesser extent, the EU, the AU and ECOWAS are each prepared to intervene with force.

All four organisations are still developing a concept of operations for civilian protection and clear guidance for their forces. Furthermore, there is little evidence that their doctrine and training – the traditional tools used to prepare forces in advance for anticipated operations – make reference to 'protection' or 'civilian protection' to describe their activities and anticipated missions. There is certainly overlap, however, with the concepts, training and other preparations involved in military and peace operations.

4.3.1 NATO

NATO is first and foremost a collective defence organisation, designed for robust military interventions in defence of its member states. However, with the end of the Cold War NATO has taken on more peacekeeping and peace-enforcement operations. The NATO Strategic Concept, updated in April 1999, commits the Alliance to defend not just member states, but peace and stability in and around the NATO region as a whole. Such operations, categorised as 'non-Article 5 Crisis Response Operations', include peace-support missions such as peace enforcement, peacekeeping, conflict prevention, peacemaking, peacebuilding and humanitarian relief. If NATO were to engage in a mission to protect civilians in Darfur, for example, this would constitute a non-Article 5 Crisis Response Operation. As demonstrated by its response to the 1999 crisis in Kosovo, NATO might prefer to obtain prior UN authorisation, but does not feel bound to obtain it in order to act.

NATO military doctrine addresses civilian protection issues tangentially. *Peace Support Operations* (*AJP* 3.4.1) does not mention the phrase 'civilian protection' or 'protection of civilians'. The exclusion of these terms does not, however, imply that NATO doctrine fails to address issues related to protection. NATO recognises that peace-support operations may take place anywhere on a spectrum between peace and war. In a section on 'Protection of Humanitarian Operations', the doctrine even talks of the possibility of troops operating in the midst of genocide. Peace-support operations:

> *are increasingly conducted in situations in which there are wide spread and ongoing abuses to basic human rights, ethnic cleansing and genocide … Only a PSF [peace support force] prepared for combat can operate in such an environment, curtail human rights abuses, and create a secure environment in which civilian agencies can redress the underlying causes of the conflict and address the requirements of peace building* (NATO, 2001: 6–13).

NATO doctrine also includes various mission tasks that are potentially applicable to civilian protection. These include the imposition of no-fly zones, the forcible separation of belligerent parties, the establishment and supervision of protected or safe areas, and the creation of 'safe corridors' for the passage of civilians and for aid. These are troop-intensive tasks, and are most difficult when definitions of who to protect from whom, and how to do it, are not clear.

4.3.2 The European Union

The EU has traditionally focused on civilian aspects of crisis management, such as humanitarian assistance. Since the establishment of the European Security and Defense Policy (ESDP) in 1999, however, the Union has worked to increase its military crisis response capacity. The Union began leading its own missions in 2003, and has undertaken five to date, in Macedonia, Bosnia and the DRC.[16] Of these, the only mission in which civilians faced significant, ongoing attacks at the time of the EU deployment was *Operation Artemis* in the DRC. That operation succeeded in halting violence in the town of Bunia over the course of three months in 2003 (see also below, Section 4).

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[14] Other organisations can intervene diplomatically or politically; the Organisation of American States (OAS) and the Organisation for Security and Cooperation in Europe (OSCE), for example, can provide observers for a peace operation, and the Intergovernmental Authority on Development (IGAD) has supported political missions to negotiate peace in Sudan and Somalia. Groups such as the Economic Community of Central African States (ECCAS) are developing peacekeeping capacity.

[15] Their missions may be assisted by other organisations, such as the multinational Standby High Readiness Brigade (SHIRBRIG), which supports the establishment of peace operations such as in Ethiopia/Eritrea and in the transition from the ECOWAS-led mission in Liberia to the UN-led operation, UNMIL.

[16] EU missions include *Operation Concordia* and *Operation Proxima* in Macedonia; the EU Police Mission and EUFOR (replacing SFOR) in Bosnia; and *Operation Artemis* in the DRC.

The missions set out in the ESDP – the so-called 'Petersberg tasks' – range from humanitarian and rescue operations to peacekeeping and using combat forces in crisis management. In 2003, in the European Security Strategy, 'joint disarmament operations, support for third countries in combating terrorism and security sector reform' were identified in the portfolio of tasks for which the EU would require a military capacity. Key documents, such as the 1999 EU Headline Goal and 2004's Headline Goal 2010, add some detail about the EU's aims, and its commitment to multilateralism and international law. But they do not indicate the precise nature of the missions towards which EU military capacity will be directed. Nor does the EU have any written military doctrine, in the traditional sense, for forces in EU operations.[17] Given the difficulty of achieving agreement among member states on the nature of future military activities (the precise scope of the third, 'peacemaking', Petersberg task has been an item of particular contention), actions may well precede any clear articulation of strategy. In other words, the EU may commit itself to improving its capacities before it identifies specific missions, including missions that view the protection of civilians as either an operational task or as a specific mission, such as outlined in R2P.

The EU may still tailor the development of its military capacity towards the types of operations in which civilian protection could be a primary concern. In particular, the UN has welcomed the idea of rapidly-deployable 'battle groups' as either a 'bridging force' to help the UN prepare a new mission or expand an existing one, or as a reserve force to respond under a UN mandate to contingencies beyond the capacity of the UN itself (UN, 2004). Overall, however, it is unclear to what extent these developments reflect the emergence of new EU capacity, or the reorganisation of member states' existing capacities.

4.3.3 The African Union

The AU is designing its own operational capacity for missions including support to humanitarian action in armed conflict or in response to major natural disasters. The AU Constitutive Act recognises that the AU will support intervention 'in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity' (AU, 2001: Art. 4). The Policy Framework establishing the planned African Standby Force (ASF), adopted by African defence chiefs in May 2003, sets out six potential conflict scenarios, escalating in intensity and in the use of force from Scenario 1 (military advice to a political mission) to Scenario 4 (a regional peacekeeping force under Chapter VI), Scenario 5 (an AU peacekeeping force for complex multidimensional peacekeeping missions) and Scenario 6 (an AU intervention in response to situations such as genocide, where the international community does not act promptly) (AU, 2003: 3). Scenario 6 is the only scenario in which the AU suggests that an individual nation takes the lead.

The AU sees the ASF as its primary means by which to conduct future missions (AU, 2002: Art. 2, p. 3). The AU also plans to equip the ASF to undertake 'humanitarian activities' and to establish regional mechanisms in the form of five regional peacekeeping brigades (ibid.: Art. 15). Designed to include multidisciplinary civilian and military components from its member states, the ASF is to be operational by 2010. However, the capacity to implement these plans remains limited; the AU does not yet have these forces to call on, and is trying to strengthen its headquarters management and planning capacity.[18] The AU will look for, if not require, UN authorisation to act, but cooperation with the UN and its agencies is sought, and the UN is likely to play a role in helping the AU to develop its forces. The Union's secretariat, the AU Commission, is expected to work with the UN, both to develop its own capacity and to assess African peace support capacities in general.[19] The Commission is further expected to consult with the UN Secretariat in the coordination of external support for the ASF, in terms of training, logistics, equipment, communications and funding (ibid.: Art. 13). The UN is also likely to assist the AU in developing a concept of operations to protect civilians. The AU is still developing formal doctrine for its military operations; there is little available from its member states.

4.3.4 The Economic Community of West African States

ECOWAS is the most advanced subregional organisation in Africa in terms of peace operations. Made up of 15 West African states, its security-related responsibilities were outlined in its 1999 Protocol. Objectives include resolving internal and interstate conflicts, strengthening conflict prevention and supporting the deployment of peacekeeping operations and humanitarian relief missions (ECOWAS, 1999). Potential missions that could encompass the protection of civilians include interventions to prevent massive human rights violations and operations in internal conflicts that 'threaten to trigger a humanitarian disaster or pose a serious threat to peace and security in the sub region'. Humanitarian assistance is an integral part of the ECOWAS Protocol: the organisation will intervene 'to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster'. A response to one of the above situations can be initiated by the ECOWAS Mediation and Security Council, a member state, the Executive Secretary, the UN or the AU, and can be in the form of a peacekeeping or observer mission. The ECOWAS Standby Force has been approved, but ECOWAS has yet to develop any specific doctrine, policies or standard operating procedures to support it. Efforts to develop an ECOWAS doctrine are unlikely to start with scenarios that include civilian protection. An ECOWAS advisor interviewed by the author reported that he was not aware of 'anything that meets the definitions and scenarios' of civilian protection.[20]

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[17] The EU has developed documents that are referred to informally as doctrinal; see, for example, Solana (2003).

[18] The AU also needs logistics and enabling units, airlift, ground transport, mobile communications systems and teams of civilian experts that can deploy to the mission at short notice. The chain of command for the ASF will be through the Chairperson, an AU Commission-appointed Special Representative and a Force Commander.

[19] Such assessments are delicate. The UN cannot evaluate troops *per se*, but it can advise on pre-deployment training and national participation in the Standby Arrangements System.

4.3.5 The United Nations

Since the end of the Cold War, UN operations have expanded away from the traditional focus on ceasefire monitoring and observation missions to encompass new roles, and many operations have had at least an implicit protection element. In Somalia, the US-led intervention was humanitarian in intent: to protect civilians from starvation during the civil war. In Rwanda in 1994, the beleaguered UN forces led by General Romeo Dallaire worked to protect civilians (albeit under a Chapter VI mandate) and UN peacekeepers in the former Yugoslavia were directed to support 'safe areas' (albeit under a limited mandate). But on the whole, most UN-mandated peace operations in the 1990s were not explicitly aimed at civilian protection. Providing immediate security was a role – protecting convoys or enclaves, or more generally by supporting political agreements and humanitarian efforts, for example – but broader protection was more likely to be an *implicit* goal. How protection was conducted varied widely, as seen in the failures in the former Yugoslavia and Rwanda. Even on a smaller scale, challenges arose. After the US intervention in Haiti in 1994, which evicted the corrupt military junta, the rules of engagement were clarified so UN peacekeepers would protect individual citizens under threat from local criminals.

The military role in UN operations has expanded in two opposing directions over the last decade. First, peace operations have provided more direct support to peacebuilding efforts, such as through assistance with rule of law and civilian policing, integrating economic development and relief and assisting with the preparation and monitoring of elections. Second, peacekeepers have operated under more robust mandates, have been sent to areas of conflict, and have been asked to apply skills more associated with warfighting, including using force beyond self-defence to uphold the mission. Peacekeepers are learning to adjust to roles which are neither traditionally military, nor clearly just humanitarian or 'neutral' peacekeeping. While UN peace operations have more openly embraced their implicit mission to save lives, peacekeepers deployed in operations may not know how to interpret the civilian protection mandate, or whether the defence of civilians is their primary mission, or one of many tasks of varying levels of priority.

Confusion over peacekeepers' operational role in civilian protection is not surprising. Formal UN guidance or discussion of what these operations require is thin. Developing peacekeeping doctrine and training programmes has been viewed primarily as a national responsibility, not a responsibility of the UN.[21] The UN's Department of Peacekeeping Operations (DPKO) is clarifying the expectations of, and requirements for, these missions. In 2003, it published a *Handbook on United Nations Multidimensional Peacekeeping Operations* for field personnel. This recognises that self-defence may include the protection of 'oneself, other UN personnel, UN property and any other persons under UN protection'. On civilian protection, the Handbook had this to say:

> *In specific circumstances, the mandate of a peacekeeping operation may include the need to protect vulnerable civilian populations from imminent attack. The military component may be asked to provide such protection in its area of deployment only if it has the capacity to do so* (DPKO, 2003).

The premise is that operations with this mandate are dependent on capacity: forces are not *presumed* to have the ability to act in support of the mandate. This implies that, even when the civilian protection is referred to in UN resolutions, additional factors – actual capacity, perceived capacity and location – determine whether it is carried out. Furthermore, while the UN's language on civilian protection within mandates is now consistent and recognisable, its interpretation is highly varied, as is the preparation for such operations by peacekeepers, commanders and political leaders. Case studies of current operations would help to illuminate the operational approach used, and whether protection is meaningful to the forces on the ground. The DPKO Best Practices office is developing lessons-learned studies of recent missions.

4.3.6 National military forces

Within peace operations, the capacity and leadership of the force are important in determining effectiveness on the ground. Western countries with the most capable militaries are less engaged in UN peace operations than they were a decade ago: either they are reluctant to lead or commit their contingents to such missions, or they are stretched by other deployments, in the Balkans, Afghanistan and Iraq, for instance. Today's top troop contributors to UN missions come from developing states in Asia and Africa. Many have experienced and capable forces, but they are less able to provide the logistical and force-projection capacity their troops need to deploy and sustain themselves in the field.

A few Western countries have well-developed military doctrine for peace and stability operations, including missions with humanitarian and human rights aspects. Within this literature, however, there is little that directly addresses civilian protection as a concept. Doctrine generally does not describe how to consider the protection of civilians as either a recognised component of a peacekeeping operation, or as the main goal of a mission. Where there is discussion of military efforts to support humanitarian operations, it is not cast in terms of civilian protection *per se*.

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[20] Discussion at ECOWAS Secretariat, June 2004; discussion at workshop held by the Henry L Stimson Center on 'Operationalizing the Responsibility to Protect', December 2004.

[21] The UN offers pre-deployment training on rules of engagement. See DPKO (2004).

The countries with doctrine closest to addressing these issues are Canada and the United Kingdom. Canada, long a participant in UN peacekeeping operations, has doctrine for peace-support operations that describes civilian protection as a military task (Joint Doctrine Manual, 2002).[22] This states that force can be used to protect populations at risk:

> *Humanitarian interventions are launched to gain access to an at risk population when the responsible actors refuse to take action to alleviate human suffering or are incapable of doing so … Intervention is a combat operation intended to provide protection to the at risk population and aid workers by imposing stable security conditions that permit humanitarian access* (ibid.: 2–5).

The UK recognises that peace-support operations encompass the full spectrum of activities. Britain's statement of doctrine – *Peace Support Operations* – includes strategic, tactical and operational considerations for a range of missions that come close to this chapter's working definition of civilian protection:

> *The foremost task for the military force may be to restore the peace and create a stable and secure environment in which aid can run freely and human rights abuses are curtailed. Specific protection tasks may include Non-combatant Evacuation Operations (NEOs) but will more normally apply to the protection of convoys, depots, equipment and those workers responsible for their operation. Conditions of widespread banditry and genocide may exist, and when aid operations are being consistently interrupted there may be a requirement to use force in large measure to prevent the genocide and achieve the mission* (UK MOD, 2004: 6–12).

While Canada and the UK have this doctrine, both are working to better develop and integrate it for further use, such as into tactics, techniques and procedures, training programmes and other tools for their forces.

Just as developed states and multinational organisations are new to the language of civilian protection, so too developing countries are unlikely to have specific doctrine for peace operations, training for such missions, or a concept of operations for protecting civilians as a specific task or mission. Pakistan, one of the UN's main troop contributors, has extensive peacekeeping experience, including in very difficult UN operations in Somalia and the DRC. While Pakistan does not have written doctrine for peace operations, it has seasoned troops prepared to face challenging situations on the ground (Kiani, 2004). Its national training is designed to prepare the army for a potential role in peacekeeping, though not in civilian protection specifically.[23] Likewise, experienced troops from Africa have an understanding of operations which comes more from the field than from formalised doctrine or training for peace operations. As one Nigerian officer put it to the author, pointing to his head, doctrine is 'up here'.[24] In informal surveys of military officers from Eastern Europe, Africa, Asia and Latin America involved in US classroom-based training courses on peace operations, no participant said that their country had doctrine that covered civilian protection in peace operations.[25] Specialised rules of engagement developed at the national level are also difficult to identify for operations that include civilian protection.

4.3.7 A mission or a set of tasks?

For militaries to be able to prepare for a role in protecting civilians, they need clarification about what this means. Defining an operation as a peacekeeping mission or as support to a humanitarian effort does not in itself provide that understanding. Operational requirements will depend on the scale and severity of prevailing insecurity, the mandate and the deployment's ability to use force, and the specific situation on the ground. A distinction can be made between forces leading an intervention expressly to protect civilians (such as to prevent mass killings), and forces participating in a peace operation, where some activities will support civilian protection directly or indirectly as part of a larger mission. Accordingly, the situation affects whether military forces treat protection as one of many tasks within a mission, or as a mission with protection as its central, primarily goal. Civilian protection tasks may be familiar, such as protecting a convoy or securing a clearly defined area. Protecting an IDP camp is akin to protecting a compound of military personnel. The challenge increases as the area or group requiring protection becomes less defined by physical space. Providing security to a group of civilians dispersed over an undefined area, for example, can be much more difficult than defending a specific convoy or building, or an area with a perimeter, especially if those from whom civilians are being protected are interspersed in the same area, are difficult to identify and are free to move around.

One important question is how force commanders and contingents view their mission and tasks, and the scope of their responsibility. What is the imminent threat? What does 'within an area of responsibility' mean? How does a force think about protection when individuals are facing threats three streets, or three miles, beyond the peacekeepers' line of responsibility? What if the peacekeepers themselves are under threat? In UN operations, the mission leadership must ensure that a common understanding runs from the Special Representative of the Secretary-General (SRSG) through to contingent commanders and individual troops. This links directly to the rules of engagement, how they are understood by the civilian and military participants in the operation, and how they relate to humanitarian efforts on the ground.

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[22] Joint Doctrine Manual, *Peace Support Operations*, Chief of Defense Staff, B-GJ-005-307/FP-030, November 2002, Canada.

[23] Author interview, Pakistan army official, May 2005.

[24] Author interview, Nigerian ECOWAS officer, June 2004.

[25] US government-sponsored courses in Washington and Newport, RI, in May and July 2005 included participants from Bangladesh, Bosnia, Bulgaria, Ethiopia, India, Italy, Mongolia, Nepal, Pakistan, Romania, Rwanda and Ukraine.

Whether civilian protection is seen as a mission or as a set of tasks also depends on who has primary responsibility for protection. Numerous military officers consider protection as first and foremost a policing or civil affairs function. Indeed, many threats to the civilian population arise from banditry, lawlessness and violent crime. However, policing roles may fall to the military since they are often the first to be sent into a post-conflict zone. Some point to the role of military police, who are trained to serve more like infantry forces with arrest powers, and who can escort convoys, operate in non-permissive environments and carry weapons. Military police regularly define their mission as restoring and maintaining civil order.[26] Civilian police may be needed for tasks within a UN operation, or to help secure humanitarian space. Police personnel are rarely prepared for higher-end threats, though their support for the development of law-enforcement capacity can strengthen longer-term security and stability, and thus the overall protection environment for civilians.

Finally, using force to provide security can also complicate cooperation between the military and humanitarian actors in the establishment of humanitarian space. Some humanitarian groups call for military action to protect civilians, but refuse to cooperate with militaries because this is seen as compromising their stance as neutral providers of assistance. Others believe that the goal of humanitarian groups is to operate effectively within the bounds of armed conflict, but not to cooperate with a belligerent or to speak out on the justness or otherwise of a war (Torrente, 2004).

4.4 Field realities

Given the many definitions of civilian protection, reviews of how forces have worked in the field are useful. Case studies can demonstrate the wide variety in thinking about protection, in the potential areas of military engagement and in identifying where better understanding is needed for future missions. For example, what is known about how UN mandates for civilian protection are applied in peace operations in the field? This section looks at key operations in the DRC and Iraq to provide some insights.

4.4.1 MONUC, Artemis and civilian protection in the DRC

Of UN peace operations, the MONUC mission in the DRC demonstrates most clearly the difficulties faced by peacekeepers in protecting civilians. When it was established in 1999, MONUC's mandate did not make reference either to Chapter VII or to civilian protection. In 2000, the Security Council strengthened that mandate, authorising MONUC under Chapter VII to take 'necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities to … protect civilians under imminent threat of physical violence'.[27] This was only the second time the Security Council had used such language to direct a UN-led mission to protect civilians (the first case was Sierra Leone, the year before).

Protecting civilians in the DRC was immensely challenging. The vast country was wracked by war, with multiple rebel groups and militias, together with forces from neighbouring countries fighting in and along its borders. Millions of civilians were dying, injured, displaced and traumatised.[28] With the signing of the Lusaka Peace Accords in July 1999, the UN was asked to recruit peacekeepers. No major developed state sent more than a few troops, however, and the UN deployed slowly, in insufficient numbers, and in multiple phases tied to the local parties' meeting the provisions set by the Accord (Roessler and Prendergast, forthcoming). The logistical and operational challenges facing peacekeepers in the DRC were huge: roads were few and infrastructure was poor; the area of operations was immense and the population dispersed; and there was a complex array of competing rebel factions. The international community was doubtful about the viability of a peace operation (Washington Post, 2000: A16).

During its early phases, the mission was designed and structured as an observer force. UN forces were not initially recruited with an expectation that they would intervene to defend civilians. Indeed, UN peacekeepers faced obstacles in supporting the political peace, let alone providing support to humanitarian assistance or improving security for civilians. MONUC forces were not deployed in large numbers, nor were they adequately mobile.

High-profile events soon demonstrated MONUC's difficulty in protecting civilians, even within its areas of deployment, as seen most dramatically during attacks on civilians in Kisangani in 2002, ethnic violence in Ituri in May 2003, and the capture of Bukavu by dissidents in 2004. Officials in MONUC, at DPKO and elsewhere within the UN had few illusions about the capacity of the peacekeeping force, and privately many admitted that such failures to protect civilians damaged MONUC's credibility and made fulfilling the other aspects of its mandate difficult (Bernath and Edgerton, 2003: 9).

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[26] Interview with a professor at the US Military Academy (West Point), 2004.

[27] UN Security Council Resolution 1291 (2000). MONUC's original mandate was established through resolutions 1258 (1999) and 1279 (1999), neither of which referred to civilian protection.

[28] The International Rescue Committee (IRC, 2004) has estimated that there were 3.8 million excess deaths in the DRC from August 1998 to April 2004, due more to human displacement, exposure to disease and lack of access to health care, food and water than to the direct effects of violence.

The Secretary-General told the Security Council in June 2002 that MONUC required more troops, more equipment and a reconfiguration of forces (UN Secretary-General, 2002: paras 71–72). A senior DPKO military officer was more blunt about the operation's limitations, telling Refugees International that the mission's troop strength was 'a drop in the bucket'. He pointed out that troops within the region took 'hours or days' to arrive in areas of insecurity, and were often primarily concerned with their own safety. There was a lack of a military strategy to deal with local threats: 'All [the UN troops] are trained or equipped or manned to do is protect their bases and equipment' (Bernath and Edgerton, 2003: 9–10). According to a development worker stationed in the DRC for many years, the UN operation faced such major difficulties fulfilling its mission that it asked the humanitarian community to provide food to fighters as a means of reducing violence.[29]

The Ituri crisis in 2003 underscored MONUC's lack of capacity to offer widespread presence, active intervention or specific measures to secure towns or regions to protect Congolese civilians. The Ugandan withdrawal (a condition of the peace accord) left a vacuum of power and security that the new government – and the UN – proved unable to fill. A wave of violence followed. UN member states had yet to offer sufficient troops to meet MONUC's authorised strength of 8,700 military personnel. Arrival of a South African brigade had been delayed, and by April 2003 MONUC's force level stood at only 4,700 (Peacekeeping Best Practices, 2004: 6). As a result, the UN was forced to redeploy a small battalion of Uruguayan troops (URABATT) to Bunia to protect UN workers and members of the Ituri Interim Administration (the nascent regional political body). The Uruguayans were trained for guard duty, however, and did not expect to undertake robust operations (nor did DPKO expect them to do so).[30] Attempts to conduct patrols and establish roadblocks proved too dangerous, and the Uruguayan forces limited their activities to defending the local airport and UN headquarters. Violence began to spiral out of control. Eventually, 6,000 IDPs fled to UN headquarters and 10,000 to the airport in search of protection, and URABATT's forceful defence of these sites probably saved their lives (Peacekeeping Best Practices, 2004). However, ethnic violence against both Hema and Lendu civilians continued across Ituri (HRW, 2003).

In response to the crisis, the EU authorised a French-led Interim Emergency Multinational Force (IEMF), named *Operation Artemis*, in June 2003. With troops from other developed countries, *Artemis* deployed to Bunia for three months. The mission's primary objectives were to stabilise the situation, support MONUC and the humanitarian effort, safeguard the airport and protect IDPs. The operation also gave the UN time to reconfigure and strengthen its forces in Ituri. The Security Council authorised the IEMF under Chapter VII to use 'all necessary means' to 'ensure the protection of … the internally displaced persons in the camps in Bunia'. If the situation required it, Security Council Resolution 1484 also authorised the IEMF 'to contribute to the safety of the civilian population, UN personnel and the humanitarian presence'. Special capabilities included satellite surveillance and French and Swedish special forces and night-vision equipment; Mirage jets overflew the town as a show of force. The IEMF banned displays of arms in and around Bunia, declaring it a 'weapons invisible' zone, and engaged armed groups that opposed its authority. In one clash shortly after deployment, 20 militia members were reportedly killed.

Most observers credit *Artemis* with stabilising Bunia and allowing thousands of IDPs to return. With only about 1,400 personnel (half of them at force headquarters in Uganda), however, the operation was limited to Bunia, and did not cover the whole of Ituri province. While *Artemis* itself benefited from having a limited area of operation, this also meant that it had little effect in other parts of the province where fighting and attacks against civilians continued. Nonetheless, *Artemis* certainly marked a turning-point for MONUC, as the UN sought to strengthen its forces and engage more actively to implement the mandate. Resolution 1493 in July 2003 recommitted MONUC to protecting civilians, and the DPKO began to inform troop-contributing countries that their contingents needed to be prepared and equipped to protect civilians.[31] As a result, an 'Ituri Brigade', including experienced peacekeepers from India, Pakistan, Nepal and Bangladesh, was sent to eastern DRC equipped with Indian attack helicopters and (limited) night-vision equipment.

Even as the UN began expanding the scope of its Ituri operations, renewed hostilities in the Kivus in 2004 once again challenged MONUC's capacity and willingness to protect civilians. Tensions over the integration of forces into the new Congolese army came to a head in May and June with the mutiny of two dissident commanders from the Rassemblement Congolais pour la Democratie (RCD)-Goma, and the subsequent siege of Bukavu, the capital of South Kivu province. By this time, however, MONUC's capacity had substantially increased. As recommended by the Secretary-General in March 2004, a brigade-sized task force had been deployed to the Kivus, with troops from South Africa and Uruguay (UN Secretary-General, 2004b).

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[29] Author interview, 2005. See also Dinstein (2000).

[30] The UN letter to the Uruguayan government requesting consent for the troop redeployment reportedly made no request for robust operations or forces specifically to protect civilians. See Peacekeeping Best Practices (2004).

[31] Author interview with a former DPKO official who briefed troop-contributing countries on the mission, March 2005.

By May, MONUC's force level had increased to 10,700, with 450 personnel stationed in the Bukavu area. Another 350 were redeployed to Bukavu when hostilities began, bringing the total to 800 by the time rebel forces arrived in the city on 29 May.

Despite these augmented forces, MONUC did not intervene as militias rampaged across Bukavu, killing and raping civilians, looting and burning parts of the city to the ground. Diplomatic pressure forced the dissidents to withdraw in early June, only to be replaced by troops from the Forces Armées de la République Démocratique du Congo (FARDC), who likewise targeted civilians, this time the city's Banyamulenge population, 3,000 of whom subsequently fled to Rwanda (HRW, 2004: 30). MONUC's inaction led to widespread protests against the mission in Kinshasa and elsewhere, causing more than $1 million in damage to UN property and equipment.

Within MONUC, there appears to have been confusion regarding the nature of the crisis at hand and the mission's authorisation to use force. The Deputy Force Commander in charge of the troops in Bukavu, General Jan Isberg, was reportedly prepared to use force to defend the city. However, he was overruled by the political leadership in Kinshasa and New York, which feared that to do so would entail appearing to take sides in the conflict (ICG, 2005d: 24). Although Isberg reportedly instructed the Uruguayan commander to use force to defend the Bukavu airstrip, the Uruguayans failed to do so. UN spokesman Fred Eckhard defended the organisation: 'When war breaks out', he argued, 'the role of peacekeepers ends' (Price, 2004).

Following the Bukavu crisis, the UN moved towards the more forward use of force to achieve its mandate and to protect civilians. As militias began to target MONUC more frequently in 2004 and 2005, especially in Ituri, the mission had little choice but to engage in robust operations, even if only to protect its forces. After a militia ambush killed nine Bangladeshi peacekeepers in February 2005, MONUC took a more aggressive tack. A clash with the militia at its base in Loga in March left up to 60 militiamen dead (Roessler and Prendergast, forthcoming). In Kivu villages, peacekeepers camped out nightly among the population, patrolling on foot and intervening whenever incidents occurred (Sabella, 2005). Likewise, MONUC imposed a deadline on militia groups in Ituri to voluntarily disarm or face forcible disarmament by the armed forces of the DRC with MONUC's support. The mission subsequently engaged in a number of aggressive cordon and search operations, and by late June 2005 MONUC reported that it had disarmed about 15,600 militiamen (MSF, 2005).

Despite such aggressive operations – unusual for a modern UN mission – it was not clear that MONUC's actions had resulted in a significant increase in civilian security in the Kivus and Ituri. Médecins Sans Frontières reported in August 2005 that violence against civilians was not decreasing in Ituri, and the agency ceased all medical and humanitarian assistance outside Bunia due to insecurity (MSF, 2005). Although MONUC personnel approached the authorised level of 16,700, this was still below the 23,900 recommended by the Secretary-General in August 2004. In October 2005, the Security Council authorised a temporary increase of 300 personnel.

The DRC's transition remains at serious risk, prospects for successful elections are unclear and the security of civilians in many parts of the country is tenuous. Rule of law remains extremely weak and support for the humanitarian effort exceedingly difficult. Meanwhile, revelations of sexual abuse by peacekeepers have only compounded the problems MONUC and the UN face.

Many lessons can be drawn from the UN and EU experience in the DRC. Expectations and mandates for civilian protection are not enough to assure it. Peacekeeping contingents need to be recruited and prepared for that role, and need to be ready to use force effectively within the rules of engagement. Throughout the operation, defined goals for protection and the specific tasks to support those goals need to be identified and understood. To carry out their mandate, peacekeepers must also have the fundamental capacity to operate, including sufficient equipment, manpower and transport, with back-up as needed. They must not be so at risk themselves that they cannot provide security to civilians. The operation's political leadership needs to communicate with the peacekeeping force to square their actions with the overall mission.

4.4.2 Civilian protection in Iraq

How is civilian protection considered in operations such as the US-led intervention in Iraq from March 2003? The case of Iraq is not a typical civilian protection mission, nor does it raise the same questions as a peace or stability operation. Nonetheless, it can shed light on some of the fundamental concerns around the provision of civilian protection in a war zone. Indeed, the case of Iraq reminds us that military forces are primarily designed for wars, not peace operations. There are three phases to consider: the initial invasion, the immediate occupation and the insurgency there today.

The offensive against Iraq was cast as a bid to liberate Iraqi citizens from tyranny, although civilians were not being killed en masse by Saddam Hussein's regime. Moreover, during the invasion phase, the primary goals of the operation did not include the immediate protection of Iraqi civilians from immediate harm. The US-led intervention was a warfighting operation, not a peace operation or a civilian protection mission. Peace operations use force sparingly and under limited rules of engagement; either implicitly or explicitly, protecting civilians is included as a goal, task or outcome of the mission; and there is an expectation of collaboration between peacekeepers and humanitarian organisations. By contrast, warfighting is carried out to achieve a policy goal by threat or means of force. Beyond the obligations of international law, the concepts that apply to the military's role in civilian protection are stretched in warfighting operations, where the goal is to defeat the enemy. Nonetheless, as discussed above, warfighting is not free of constraints on the use of force. International law enjoins all parties to avoid or minimise civilian casualties, and to provide relief to those who need it who are *hors de combat*. Parties to a conflict must also allow humanitarian efforts to reach civilians caught up in the conflict. The Geneva Conventions spell this out, and recognise the role of the International Committee of the Red Cross (ICRC) and other humanitarian groups.

Some look at protection in terms of civilian casualties, considering what military measures have been taken to reduce injury and harm to civilians caught in the fighting. Research programmes such as the Project on the Means of Intervention at Harvard University's Carr Center, as well as NGOs like Human Rights Watch, have looked at how military actions can better support humanitarian goals during conflict. In the case of Iraq, it has been argued that more could have been done by Coalition forces in the design of their campaign, their use of weaponry and their recording and evaluation of the impact of war on the civilian population itself (HRW, 2003). Personnel within the US military state that the armed forces acted to minimise civilian harm.[32] A senior military officer who served in the US Office of Reconstruction and Humanitarian Activities stated that, while the military did not plan for 'civilian protection', it had a 'do not bomb' list of key infrastructure sites that were necessary for society to function immediately after the conflict, such as bridges and electrical plants.[33] However, it has been pointed out that, while the US military may make unprecedented efforts to avoid civilian casualties, it does not study its impact on civilians, and so cannot usefully judge the effectiveness of these efforts.[34] NGOs such as MSF have argued that there was insufficient access to civilians during the war; that the conduct of the multinational force compromised the humanitarian effort by seeking to align it with the war effort, something which humanitarian actors did not effectively counter; and that NGOs themselves became the target of insurgents (Torrente, 2004).

During the second, occupation phase in Iraq, issues of civilian protection involved the responsibilities of the Coalition as an occupying force. In May 2003, the Security Council recognised the US and the UK as the occupying powers (in Resolution 1483). As such, they were required under international humanitarian law to protect the population, ensure public order and safety and assure civilian access to essential needs, such as food, medical supplies, clothing and shelter. In the initial phase after the war, the occupying forces failed to provide security, prevent looting or institute a clear plan to provide for the population. As one military officer involved described it, the US was not prepared for the military campaign to move so quickly, and had insufficient forces in place to provide immediate security as troops advanced on Baghdad. Furthermore, US planning erroneously presumed that Iraqis would quickly take control of their own governance and security.[35] The failure lay not in the protection of civilians from threats existing prior to the invasion, but in protecting them from the consequences of the invasion itself.

During the third, counter-insurgency phase in Iraq, as violence against the occupation and the Iraqi government has grown, Western forces on the ground have had to make difficult decisions about the use of force. When is a white flag a legitimate sign of peace, and when is it a fraudulent decoy used to lure forces within range of snipers? Insurgents target civilians who are cooperating with US-led forces, seeking to establish an Iraqi government or providing assistance to the Iraqi people. Troops face ambiguous situations, are criticised if their choices are wrong and are fearful for their own lives. Even when the rules of engagement are followed exactly, individuals must make split-second judgments about the right response to particular situation.[36] Iraq, in short, highlights the difficulties facing military forces in providing protection – and avoiding causing excessive harm – to civilians in war, and in the transition to a post-conflict situation.

4.5 Conclusions

Increasingly, international leaders, policymakers and NGOs are aware of the work of human rights and relief organisations in addressing civilian protection, as well as the concepts of responsibility to protect and the potential role of military forces in providing such protection. Canadian Prime Minister Paul Martin, for example, reportedly raised the Responsibility to Protect concept with US President George Bush in November 2004. Greater resources are now directed towards protecting civilians affected by, or targeted in, conflicts. An awareness of civilian protection has also moved into policy arenas, and reference to the 'protection of civilians' is regularly included in Security Council mandates for UN-led Chapter VII peace operations. By October 2005, seven such UN missions were directly charged with protecting civilians.[37] As a result, protection is presumably a task of peacekeepers in these missions.

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[32] Author interviews, US government and NGO officials.

[33] Author interview.

[34] Interview, Sarah Sewall, Executive Director, Project on the Means of Intervention, Carr Center. See also Sewall (forthcoming).

[35] Author interview, retired senior US military officer, March 2005.

[36] As *The New York Times* (2005) editorialised: 'No one wants soldiers killed by suicide bombers who got too close. But neither do we want these soldiers to have to live forever with the knowledge that they killed a heroic intelligence officer, or that they mowed down the parents of four Iraqi children in front of their very eyes, by mistake'.

What does a role in the protection of civilians mean for military forces? The answer depends on the nature of the mission and the capacity of its personnel. At one end, the potential role of armed forces in preventing genocide, mass killing or ethnic cleansing is widely discussed, and is at the core of the *Responsibility to Protect* report. Such a view of protection has animated the debate over what to do about Darfur. AU forces there may offer some residual or intermittent security by their presence, but they are not designed to provide physical security to the people of the region. If called to intervene and secure a region, no multinational organisation today could offer personnel prepared specifically for a 'civilian protection' operation, as well as the capacity to deploy quickly and sustain them on the ground in a non-permissive environment. NATO has the most robust military capability, including logistics, well-trained troops, doctrine and sustainability, but it has not prepared for a mission aimed at protecting civilians in a setting such as Darfur. Conversely, organisations such as the UN and the AU have at least mandates to protect civilians, but lack NATO's operational capacity to intervene.

Of the four organisations outside the UN which can offer intervention forces – NATO, the EU, the AU and ECOWAS – none has an easily identifiable concept of operations for civilian protection, whether in an R2P scenario or as part of peace and stability operations. Many countries are willing to deploy forces in such operations, but few have recognised the protection of civilians as a component of these missions. In general, traditional means of preparing for military operations – doctrine, training programmes, rules of engagement – have not been adapted to address missions involving civilian protection. Militaries and organisations such as NATO do not use the phrase 'protection' or 'civilian protection' in their doctrines, or to describe their activities and missions. Preparations for such operations are *ad hoc*.

Various tools of civilian protection in fact already exist. Some concepts of warfighting, for example, can apply to the provision of broad security and stability, such as protecting convoys, securing a camp or town and disarming armed groups. Elements of training for peace operations may also be applicable, for instance in policing, human rights, civil–military relations and patrolling techniques. At least in environments at the lower end of the threat spectrum, it is possible to identify a series of tasks that can serve to uphold a civilian protection mandate, and provide immediate security to a defined area.

To identify a role for military action in support of civilian protection, the overall political goals and strategy of the operation also need to be clear, including who is responsible for security. From that strategy, likely tasks can be identified, including the means of providing or facilitating physical protection to civilians. The political strategy also should establish when the mission is completed – and whose responsibility protection then becomes (the government of the host country, for instance).

Equally important is addressing the likely conflict between the humanitarian concept of protection and the concept of civilian protection through military action. The former aims to be impartial and neutral; the latter is usually employed to serve political goals, such as enforcing a peace agreement. Some view MONUC as a useful case study of the role of UN forces in providing protection. Others argue that MONUC cannot be a model since it has confused humanitarian efforts (in response to a horrific crisis for civilians) with support to a political goal (helping to implement a peace agreement). Peacekeepers are thus trying to protect civilians when their larger mandate has other, potentially competing goals, and when they are not equipped to act in the role of humanitarians or to fully defend civilians against violence. One senior DPKO official has called this 'conflict peacebuilding'. This is a place where the UN might not belong.[38]

What then should the role of armed forces be in conflicts ranging from Haiti to the DRC, from the Balkans to Iraq? The fact that there is a gap between the idea of intervening to protect civilians and the military preparedness to do so does not mean that such missions cannot be conducted; they certainly can. While there is no single understanding of what it means to protect civilians under imminent threat, there is growing experience from recent UN operations to help sort out what it has meant on the ground. Understanding those experiences can identify the gaps, and where peacekeepers can make a difference. But without more clarity regarding the *meaning* of civilian protection, it is difficult to identify the appropriate tools needed to make such interventions successful.

Common definitions and understandings within and between the humanitarian and relief community, the peace operations community, and the military community are needed to clarify the concept of operations of civilian protection. Such definitions could distinguish between a broad concept of protection, and specific tasks to protect civilians physically from violent conflict. Working from common definitions, the military and peace operations communities can better identify equivalent concepts and language to move toward these goals. In particular, there is a need for more clarity within the UN and other multinational organisations that deploy military forces. Even between UN offices that work together, between OCHA and the DPKO, for example, 'civilian protection' seems to have a variety of meanings. Protection tasks or missions require that deployed peacekeepers and their political leaders understand the concept of the mission and what forces are prepared to do to carry out the tasks required by the protection mandate, including what level of force would be appropriate to achieving the mission's goal. What does a protection mandate mean for the UN in the DRC, for NATO in Afghanistan or for the EU down the road – and how does it translate from the political leadership to the field? What does it mean for troop-contributing countries in these operations? Even as reference to civilian protection is used in debates on the purpose of the AU mission in Darfur, and the possible contributions of military support from non-African countries, these discussions appear disconnected from considerations of how forces in Africa, the UK and most states are trained and prepared to act, even in peace and stability operations, and how that would apply in Darfur.

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[37] These are the operations in Burundi, Haiti, Côte d'Ivoire, the DRC, Sierra Leone, Liberia and Sudan. The actual language used in the mandates varies.

[38] Author discussion, June 2005.

National policies and capacities also need consideration. With the increased demand for stability and peace operations, including operations in Iraq and Afghanistan, some nations are conducting reviews of national and international capacities (personnel, funding, equipment, organisation, doctrine and training). This offers opportunities to examine and address gaps in the preparation for operations and in how they are conducted, including for the purposes of civilian protection. In turn, this may give better support to multinational organisations and operations involving the protection of civilians. States should also be asked about what would constitute an acceptable level of risk to their armed forces in future peace operations; peacekeepers are, after all, being asked to put their lives in danger.

The language of 'protection' may assist multiple actors to identify goals for relief and humanitarian assistance, human rights or development work, peacekeeping and peace enforcement operations. Yet as the discussion expands, it threatens to become dangerously diffuse. Military missions involving civilian protection, whether as the central goal of the operation, a task within the mission or the overall result of acting to provide security, can be more clearly defined and offer positive roles for military forces involved in future crisis situations.