

MEANINGS OF “PROTECTION”: TOWARDS A UNIFIED CONCEPT

Ideas about protecting civilians in the humanitarian, legal, and peacekeeping communities run deep and broad. These ideas, however, are not translated easily to those serving in peace operations. Certainly the meaning of “protection” is not the same for everyone. When talking about protecting civilians, a humanitarian worker with Oxfam is likely to have a separate understanding than a Brazilian peacekeeper in Haiti or a staffer with the UN High Commissioner for Refugees (UNHCR). Imagine the different views of civilian protection for a protection officer in the UN Mission in Sudan (UNMIS), for a colonel in the US Marine Corps, for a UN contingent commander, and for a human rights expert from Amnesty International. Are these actors speaking the same language and working towards the same ends?

In short, no, they are not. Military leaders, NGOs, and international organizations offer numerous and varied understandings of the meaning of civilian protection. These divergent views cut across legal, political, operational, and moral realms in peace operations today.

Six distinct concepts of civilian protection are commonly employed in the field, each with implications for a military role. First, protecting civilians can be conceived of as a legal obligation of military actors to abide by international humanitarian and human rights law during the conduct of war. Second, protection may be seen as the natural outcome of traditional warfighting through the defeat of a defined enemy. Third, it may be viewed as a job for humanitarian organizations aided through the provision of broad security and “humanitarian space” by military forces. Fourth, it may be considered the result of the operational design of assistance by relief agencies to reduce the vulnerability of civilians to physical risk. Fifth, it may be viewed as a set of tasks for those deployed in peace operations or other interventions, potentially involving the use of force to deter or respond to belligerent attacks on vulnerable populations. Sixth, and finally, protecting civilians may be the primary mission goal, where the operation is designed specifically to halt mass killing in the immediate term, as stipulated in *The Responsibility to Protect*.

With these varied approaches to the protection of civilians, it may be difficult to sort out the role for military forces, especially in peace operations. To establish a mission, military planners rely on clear concepts of operation, distinct operational goals, a definable end-state, and realistic means to measure the effectiveness of their efforts along the way. “Just tell me what my mission is, and I’ll go accomplish it,” said one military officer.⁷⁸ Innumerable activities in war zones could be construed as civilian protection if viewed in the right light. Military forces may thus be pulled in multiple directions.

With varied approaches to the protection of civilians, it may be difficult to sort out the role for military forces, especially in peace operations.

Even political and civilian leaders involved in peace operations may be challenged by the idea. “I just can’t get my head around it,” said one official in the UN Department of Peacekeeping Operations (DPKO) when asked about the meaning of civilian protection for UN peacekeepers.⁷⁹ Moreover, successful protection according to one definition may, in fact, conflict with success according to another. If civilian protection is broadened to mean everything, it may very quickly come to mean nothing at all.

A key question for militaries and political leaders is whether civilian protection should be construed primarily as a set of military tasks within a mission, or as the primary goal of the mission. In military parlance, tasks are specific activities that can be mixed and matched to accomplish the operation’s goals. For example, peacekeeping operations traditionally involve the tasks of monitoring and patrolling to achieve its mission goals.

Until now, civilian protection has largely been addressed as a task or set of tasks that militaries pursue in the service of other goals, and thus, the hopeful result of military action in collaboration with various actors on the ground. In UN peacekeeping mandates, the direction “to protect civilians under imminent threat” appears as one requirement—albeit a particularly important requirement—amidst many others. The military’s role in facilitating humanitarian space or in promoting and enforcing human rights law likewise represents but a few of its responsibilities—often of relatively low priority. This approach to protection may work in post-conflict environments where long-term issues of governance and state building are paramount, or where civilians face

⁷⁸ Workshop, *Operational Capacities for Civilian Protection Missions*, The Henry L. Stimson Center, Washington, DC, 8 December 2004.

⁷⁹ DPKO official, interview with author, 29 November 2005.

malnutrition and disease but remain relatively secure. Elsewhere, particularly in cases of immediate physical threat to civilians, or more extreme violence such as genocide, ethnic cleansing, and mass killing, this approach alone is inadequate. Thus, there is a need to develop the concept of civilian protection as the primary mission goal. For operations with this approach, saving civilian lives is the central purpose and organizing principle of the mission.

This chapter briefly analyzes the meanings of protection listed above and discusses their military implications. It then analyzes how they have been considered by the UN Secretary-General and more broadly. Finally, the focus turns to the concepts most applicable to peace support operations and military interventions to protect civilians, especially coercive protection as it parallels the ideas in *The Responsibility to Protect* for preventing mass violence against vulnerable populations.

DISTINCT CONCEPTS OF PROTECTION

The following six concepts of civilian protection fall into three general categories: civilian protection as perceived in traditional military thinking; civilian protection as understood in humanitarian thinking; and civilian protection in relation to modern peace operations and military interventions. This section briefly outlines each of these categories and explains the differing understandings of civilian protection within them.

Civilian Protection and Traditional Military Approaches

There are two familiar views of a military role in the protection of civilians. Both are based on traditional assumptions of military operations involving clearly defined warring parties. Neither view suggests a central role for military actors in offering protection.

Concept 1: Protecting Civilians as an Obligation of Military Actors during the Conduct of War (the Geneva Conventions Concept)

In this formation, the protection of civilians is viewed as an obligation of militaries during the conduct of war. This obligation, based in international law (such as the Geneva Conventions and Additional Protocols I and II), originated in a time when uniformed militaries faced each other over clear boundaries. It requires combatants to minimize death and injury to civilians during times of war—to do the least harm possible. The obligation includes not targeting civilians, providing space for humanitarian action, and allowing for the treatment of prisoners of war, the sick and the wounded. It also includes the responsibilities of occupying powers. In short, this concept puts constraints on

the use of military force as a way to limit harm and better protect civilians. It is best understood as a form of negative or passive protection—militaries protect civilians through what they *do not* do (i.e., directly target non-combatants), while pursuing other goals.

This formulation is frequently invoked during military interventions and bombing campaigns, such as those by coalitions in Iraq, Afghanistan, or the Balkans. The leadership and personnel in these operations are called upon to “protect civilians” by minimizing “collateral damage.”

Concept 2: Protecting Civilians as the Result of Using Force Traditionally (the Warfighting Concept)

Traditional warfighting concepts address the defeat of one’s enemy as part of achieving a nation’s political goal. Although such concepts do not explicitly address the protection of civilians, the use of force to achieve an end state may directly or indirectly result in better physical safety for civilians. Some military thinkers therefore point out that *the result* of traditional military action may be that people are safer and more protected after force is used to stop an enemy’s actions. As stated by one retired US Marine Corps officer: “If you want to protect civilians, go kill the bad guys.”⁸⁰ In other words, where traditional military action is used to achieve a political aim or to prevent actions by others, the end result—political stability, wider security, restoration of government, disbanded fighters—may most easily reduce the threats faced by civilians. Some military leaders offer this approach as a means of preventing violence against civilians in a conflict.⁸¹

Civilian Protection and Humanitarian Thinking

Generally speaking, the humanitarian, human rights, and legal communities are ahead of most militaries in developing a conceptual framework for protection. The humanitarian community, in particular, has an extensive protection agenda focused broadly on reducing risks to vulnerable populations. The tremendous body of work in this area cited in Chapter 2, from Oxfam guidelines on designing refugee camps to the ALNAP handbook on advocacy for internally

⁸⁰ US Marine Corps officer, interview with author, October 2004.

⁸¹ There is a similarity between the thinking of such military leaders and those who advocate humanitarian intervention: both are driven to use the necessary means to meet their objective. The clear difference is that warfighting does not have as its central aim the protection of civilians. Some even suggest that there is a closer link between the goals of military counter-insurgency missions and the goals of humanitarian efforts than many NGOs would like to recognize. See Hugo Slim, *With or Against? Humanitarian Agencies and Coalition Counter-Insurgency* (Geneva: Center for Humanitarian Dialogue, July 2004).

displaced persons, has helped to elucidate a protection agenda. There is also a substantial body of scholarly work on the subject.⁸²

Non-governmental organizations hold divergent views on the appropriate military role in providing support to their protection efforts.⁸³

One reason is that humanitarian and relief agencies strive to remain politically neutral in conflict settings, while peace operations deploy in support of a particular political aim.

For humanitarian staff, neutrality means providing food to all members of a needy population, regardless of the population’s previous actions or political allegiances. Ensuring that their operations are perceived as neutral by combatant parties is often essential for maintaining access to vulnerable populations in hostile territory and ensuring the safety of humanitarian staff.

The humanitarian, human rights, and legal communities are ahead of most militaries in developing a conceptual framework for protection.

Military forces within a peace operation, on the other hand, will forgo such neutrality to support their mandate and may use force against spoilers whose actions undermine security or threaten the mission. Humanitarian organizations that work closely with peacekeeping troops therefore risk being targeted by groups that perceive them as aligned against their interests, especially since relief agencies may remain in a country long after peacekeepers or other military forces depart. NGOs thus have varying levels of tolerance for civil-military cooperation. The *Handbook on United Nations Multidimensional Peacekeeping Operations*, guidelines for peacekeepers published by DPKO in 2003, recognizes the competing priorities that impact cooperation between civilian and military actors:

⁸² Deng, *Protecting the Dispossessed*; Cohen and Deng, *Masses in Flight*; Mark Frohardt, Diane Paul, and Larry Minear, *Protecting Human Rights: The Challenge to Humanitarian Organizations*, Occasional Papers 35 (Providence, RI: The Watson Institute, 1999); Hugo Slim, “Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective,” *Journal of Humanitarian Assistance*, March 2002; Wheeler and Harmer, eds., *Resetting the Rules of Engagement*; James Darcy, *Human Rights and International Legal Standards: What Relief Workers Need to Know*, Network Paper 19 (Humanitarian Practice Network, February 1997).

⁸³ NGOs have mixed views, for example, on the provincial reconstruction teams (PRTs) in Afghanistan that combine military civilian affairs units with special operations forces working on local reconstruction projects. PRTs have implied back-up forces if conflict erupts. Some NGOs see PRTs as providing useful services and security through their presence in insecure regions. Others view them as dangerously blurring the lines between military and humanitarian workers, endangering the ability of NGOs to work as neutral actors. “CARE says ISAF Expansion Must Meet Security Challenges in Afghanistan,” 31 October 2003, posted by InterAction, www.interaction.org/newswire/detail.php?id=2300.

On one hand is the need for a coherent UN response, one that assists in finding a lasting solution to a crisis, and on the other hand is the need to ensure that however long a conflict lasts, civilians are provided basic protection, including humanitarian aid.⁸⁴

Relief and development groups debate whether forces should provide *broad* security to support peacebuilding in a post-conflict environment—by expanding the International Security Assistance Force (ISAF) beyond Kabul, Afghanistan, for example—or provide *direct* security, by escorting convoys and securing major transit routes used by NGOs, for instance. Even in the effort to assure security, the basic issue remains how closely the military and humanitarian groups work together.⁸⁵

Concept 3: Civilian Protection as the Provision of Broad Security (the “Humanitarian Space” Concept)

Most NGOs and humanitarian agencies agree that an appropriate military role is to help support “humanitarian space” through the provision of security. Creating “humanitarian space” can mean both space in a definable, physical sense (e.g., providing security for a relief convoy) and space in terms of a policy outcome (e.g., maintaining a clear distinction between military and humanitarian activities so as to promote the perception of humanitarian independence and neutrality).⁸⁶ The military itself need not provide direct protection to civilians, or even interact with the civilian population much at all—it facilitates such activity by others.⁸⁷ Uniformed personnel may be asked to be present in IDP camps as a deterrent to abusive armed groups, for example.⁸⁸

Alternatively, the military might actively collaborate with humanitarian organizations in protection efforts. Although many groups vehemently oppose

⁸⁴ Peacekeeping Best Practices Unit, Department of Peacekeeping Operations, *Handbook on United Nations Multidimensional Peacekeeping Operations* (United Nations, December 2003), 168.

⁸⁵ This relationship is particularly difficult during war. Guidance to UN personnel in Iraq in March 2003 stated that they “may not directly assist or participate in the delivery of humanitarian assistance by military forces.” UN Office for the Coordination of Humanitarian Affairs, “General Guidance for Interaction Between United Nations Personnel and Military and Other Representatives of the Belligerent Parties in the Context of the Crisis in Iraq,” United Nations, white paper 2.0, updated version, 9 April 2003.

⁸⁶ Wheeler and Harmer, *Resetting the Rules of Engagement*, 8.

⁸⁷ Workshop, *Operational Capacities for Civilian Protection Missions*, The Henry L. Stimson Center, Washington, DC, 8 December 2004. For discussion of civilian protection for IDPs in peace operations, see William G. O’Neill, *A New Challenge for Peacekeepers: The Internally Displaced* (Washington, DC: The Brookings Institution-John Hopkins School of Advanced International Studies Project on Internal Displacement, April 2004).

⁸⁸ Oxfam International, *Protection into Practice* (Oxford, United Kingdom: Oxfam, 2005). Oxfam has a broad definition of protection that goes beyond the design of humanitarian assistance to advocacy efforts and support for policies that lead to the deployment of peacekeeping forces and military actions.

military involvement in the provision of relief assistance, it is a reality on the ground in many conflict regions today. Militaries typically enjoy better logistical and transportation resources than NGOs, and often have capacity to spare. They can help NGOs reach otherwise inaccessible regions, serve as force multipliers for humanitarian action, and offer them physical protection as well. Groups would not be able to reach many of the DRC’s most vulnerable civilians if MONUC helicopters did not fly them to remote or hard to access areas, for example. In situations of extreme violence, military forces may be the only outsiders able to safely access particular areas, and will often deliver humanitarian goods on their own.

Concept 4: Protecting Civilians through the Operational Design of Assistance (the Relief Agency Concept)

Relief agencies try to assure protection to civilians by minimizing threats of violence and coercion to vulnerable populations being offered humanitarian support. The design of relief and humanitarian efforts maximizes civilian security, thus achieving protection. The placement of refugee camps and means of access to water supplies, fuel, and latrines, for example, should be designed to reduce threats to civilians under the care of others. Camps should be laid out so that no one is attacked within or near the facility, or on the way to collect firewood or draw water. Civilian protection, therefore, can be strengthened by the design of assistance programs, the architecture of a refugee camp, and by understanding the impact of how aid is delivered.

Civilian Protection and Coercive Protection Operations

A direct military role in protecting civilians has developed in two ways. These operational approaches treat protection as either a set of tasks or the central goal of forces in an operation.

Concept 5: Civilian Protection as a Set of Tasks in Peace Operations (the UN Peacekeeping Task Concept)

Civilian protection has been addressed in UN peacekeeping operations as a substantive component of, or set of tasks within, the larger mission mandate. As discussed, UN-led missions increasingly have been organized under mandates that direct the mission to “protect civilians under imminent threat.” In this view, peacekeepers are tasked with civilian protection as one of many potential roles within a Chapter VII mission. Protection, then, is a component of achieving the goals of a multidimensional peace operation, not its singular aim. This concept reflects the way that most UN missions with complex mandates operate.

Peacekeeping tasks that broadly protect civilians, however, are numerous and encompass a range of actions. Tasks can include providing support to law and order, escorting convoys, protecting camps, establishing safe havens, breaking up militias, demilitarizing refugee/IDP camps, organizing disarmament, and intervening on behalf of an individual or community under threat. Many in the military consider protection first and foremost a role for military police or civil affairs units, however, bound closely to the functions of the rule of law.⁸⁹ Others see it as a question of using force to deter would-be killers from attacking vulnerable populations.

Concept 6: Protecting Civilians through a Military Intervention to Prevent Mass Killings (the “Responsibility to Protect” Concept)

The protection of civilians can be the primary goal of an operation, where the central purpose is to stop or prevent mass killings, ethnic cleansing, crimes against humanity, or genocide, as laid out by the ICISS Commission. Such interventions are likely to be located in non-permissive environments where conflict continues and coercive action is required.⁹⁰ The concept presumes that military force is used under specific conditions in which high levels of violence are threatened (for example, Rwanda before and during its 1994 genocide).

The above concepts are broad categories that reflect protection approaches within the international community that contain clear implications for military actions. This brief survey demonstrates clear, but operationally distinct, views offered to guide the work of actors in the field.

More Approaches to Protection

Before turning to focus on these concepts, it is important to note additional views that are less directly related to military roles but which shape policies on protection. Protection has been identified, for example, with traditional “civil defense,” the shielding of civilians from weapons of mass destruction and natural disasters,⁹¹ and as a domestic law and order function, since protection is what society normally provides for its citizens. Protection is also viewed as the result of the establishment of individual human and political rights. From this

⁸⁹ Military police are like infantry forces with arrest powers; they can escort convoys, operate in non-permissive environments, and carry weapons. What differs, perhaps, is that military police more regularly define their mission as restoring and maintaining civil order than do traditional military forces.

⁹⁰ Given the coordination, speed, and coherence required, such operations are unlikely to be UN-led.

⁹¹ This view is suggested by the European Union’s civil protection policies. European Union, “The Community Mechanism for Civil Protection,” <http://ec.europa.eu/environment/civil/prote/mechanism.htm>.

perspective, protection is construed as a legal issue, accomplished through the enforcement of international law concerning asylum and refugee-resettlement issues or human rights, for example. This rights-based perspective has received substantial consideration by NGOs and within UN agencies such as UNHCR. In peace operations, the activities of civilians can reflect this concept, as they may take actions such as denouncing the denial of political rights and advocating for legal protections of civilians.⁹²

Box 3.1

WHAT KIND OF TASKS?

The Stimson Center hosted a workshop on operationalizing *The Responsibility to Protect* to look at the preparedness of military and peacekeeping forces to protect civilians from major violence. During the workshop, participants agreed that there was no joint concept of operation for missions involving the protection of civilians. To help sort out a military role, participants drafted a list of potential tasks that forces might use to support protection. They identified:

- Securing safe corridors and the passage of convoys
- Establishing safe havens
- Separating armed elements (especially in relation to border control, IDP camps, and roads)
- Military observation and surveillance
- Preventing mob violence and crowd control
- Disarmament, Demobilization and Reintegration (DDR)
- Coercive disarmament
- Seizing arms caches
- Demining
- Facilitating humanitarian access to conflict areas
- Securing key facilities and cultural properties
- Enforcing curfews
- Ensuring freedom of movement
- Supporting police presence and patrols
- Protecting VIPs
- Providing backup for high-risk arrests
- Eliminating special threats
- Handling detainees
- Preventing looting and pilfering
- Supporting the prosecution of human rights abuses
- Transmitting information about human rights abuses to monitoring groups
- Training local security forces
- Providing intelligence support focused on civilian protection
- Stopping hate media
- Direct use of force against killers

Source: Workshop, *Operational Capacities for Civilian Protection Missions*, The Henry L. Stimson Center, Washington, DC, 8 December 2004.

⁹² A potential military role within this concept could involve the detention or arrest of those accused of war crimes, or the provision of security to protection officers and human rights observers.

Definitions of protection also extend deeply into non-physical needs. For example, the 2005 ALNAP guide for humanitarian agencies argues: “The inner emotional experience of an individual is as important as their outward physical needs.”⁹³ The guide suggests that self-respect can help a person survive physical suffering, and thus, “Protection...is as much about preserving the dignity of the human person as it is about the safety of that person.”⁹⁴ Finally, protection is sometimes cast as the result of political strategies. Some suggest that international mediators protect civilians by promoting political agreement between warring parties.⁹⁵

THE UN’S UMBRELLA APPROACH

These varied and diverse meanings of protection have, to a certain extent, been codified in UN publications on the protection of civilians, beginning in 1999. Since such UN publications often reflect the general consensus of the international community about particular issues, it is worth examining in some detail how civilian protection is conceived of at the United Nations—in particular for peacekeepers.

To what extent does the wealth of UN literature on civilian protection offer a concrete vision of the operational responsibilities of peacekeepers and other internationally mandated forces? With OCHA as a motor behind the civilian protection concept, the treatment of civilian protection in UN Secretary-General reports and other UN documents has far more detail about non-coercive forms of protection—legal, humanitarian, and otherwise—than coercive military protection. OCHA describes civilian protection as an “umbrella concept of humanitarian policies that brings together protection elements from a number of fields, including international humanitarian and human rights law, military and security sectors, and humanitarian assistance.”⁹⁶ UN documents on the protection of civilians have therefore included recommendations from a wide array of disciplines, but without specific, meaningful guidance to military forces. Recent UN publications are somewhat more direct in describing a military role in protection.

In April 1998, the Secretary-General mentioned “civilian protection” in the context of conflict and deemed it a “humanitarian imperative” in a report

⁹³ Slim and Bonwick, *Protection: An ALNAP Guide for Humanitarians*, 31.

⁹⁴ Ibid.

⁹⁵ Workshop, *Operational Capacities for Civilian Protection Missions*, The Henry L. Stimson Center, Washington, DC, 8 December 2004.

⁹⁶ UN Office for the Coordination of Humanitarian Affairs, “Institutional History of Protection of Civilians in Armed Conflict,” OCHA Online, <http://ochaonline.un.org/webpage.asp?Page=780>.

focused on Africa and the erosion of humanitarian norms in armed conflict.⁹⁷ He provided some limited guidance for protecting civilians with military force, however, in his first in-depth report on the subject in September 1999. That report argued that civilian protection can be provided by international legal mechanisms, parties to conflict, and humanitarian action, and hinted at a larger international military role should these measures fail. It recommended that military forces receive better training in “soft security” areas such as humanitarian and human rights law and civil-military coordination, but also recognized the potential need for “hard security” tasks such as forcible disarmament.⁹⁸

In a section on “physical protection,” the report affirmed the UN’s authority to mandate military interventions to protect civilians at risk: “[T]he Security Council can promote the protection of civilians in conflict...by peacekeeping or enforcement measures under Chapters VI, VII or VIII of the Charter.”⁹⁹ The report also outlined a series of tasks for peacekeepers.¹⁰⁰ These include:

Discouraging abuses of civilian populations; providing stability and fostering a political process of reconciliation, supporting institution-building efforts, including in such areas as human rights and law enforcement; protecting humanitarian workers and delivering humanitarian assistance; maintaining the security and neutrality of refugee camps, including separation of combatants and non-combatants; maintaining “safe zones” for the protection of civilian populations; deterring and addressing abuses including through the arrest of war criminals.¹⁰¹

The report recognized that certain types of civilian protection, such as forcibly disarming combatants, were beyond the UN’s capacity to perform, and might require regional or international military forces.¹⁰² The creation of “humanitarian zones, security zones and safe corridors” could protect civilians as a “last resort,” provided the zones were demilitarized and there was a safe-exit option.¹⁰³ Finally, the report addressed the potential need for enforcement action in language that foreshadowed *The Responsibility to Protect*:

⁹⁷ UN Security Council, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, S/1998/318, 13 April 1998, 11.

⁹⁸ UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, S/1999/957, 8 September 1999, rec. 28 and 29, para. 58. In addition, “credible deterrent capacity” and “enforcement action” may be necessary in some cases to fulfil specific mandated tasks.

⁹⁹ *Ibid.*, para. 44.

¹⁰⁰ *Ibid.*, rec. 12.

¹⁰¹ *Ibid.*, para. 57.

¹⁰² *Ibid.*, rec. 35.

¹⁰³ *Ibid.*, para. 66 and rec. 39.

In situations where the parties to the conflict commit systematic and widespread breaches of international humanitarian and human rights law, causing threats of genocide, crimes against humanity and war crimes, the Security Council should be prepared to intervene under Chapter VII of the Charter.... I recommend that the Security Council... [i]n the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action.... The protection of civilians...is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others.¹⁰⁴

In comparison to this strong 1999 report, two following reports on the protection of civilians provided less guidance for internationally-mandated forces. In March 2001, the Secretary-General did not even include UN peacekeepers in his list of “entities providing protection,” focusing instead on governments, armed groups, civil society, and regional groups.¹⁰⁵ The report offered four broad measures to protect civilians—prosecution under international law, humanitarian access to civilians at risk, separation of civilians from armed elements, and media and information in conflict situations—but no role for international forces.

The Secretary-General’s third report on civilian protection in November 2002 also focused on key humanitarian and peacebuilding tasks: securing humanitarian access to vulnerable populations; separating civilians from combatants; and re-establishing the rule of law, justice, and reconciliation. While a number of these tasks could—and, in situations of extreme violence, probably should—be performed by military forces, the report focused on non-coercive, consent based strategies. It did not mention what to do if these strategies failed.

It is not clear why the Secretary-General shifted away from delineating a protection role for international forces after 1999. Much UN work on protection came from OCHA, so it is understandable, perhaps, that the resulting reports would focus on non-coercive strategies for protection, and keep the military at arms length. OCHA’s *Aide Mémoire* on civilian protection, first published in March 2002, detailed numerous humanitarian strategies for protection. The role for military peacekeepers was to help humanitarians to achieve access and provide security in camps, but there was no further role.

In May 2004, the Secretary-General re-established a military role in protection in his fourth report. His report noted that UN mandates had begun to allow for troops to “physically protect” civilians under imminent threat. It called for the

¹⁰⁴ Ibid., para. 67, rec. 40 and para. 68.

¹⁰⁵ UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, S/2001/331, 30 March 2001, 10.

physical protection of refugees and IDPs “during transit as well as after return” and from sexual and gender-based violence.¹⁰⁶ A sequence of actions for the Security Council was laid out to uphold the international community’s “responsibility to respond” to “large-scale or systematic international crimes,” with the use of military force within this sequence:

A series of graduated measures to be carried out by the Security Council, the broader United Nations system and the international community as a whole *are required* to respond to evidence of widespread crimes against civilians. Measures that the Council could consider include better monitoring and evaluating crisis situations...forceful demands that the parties cease their attacks on civilians and comply with their obligations under international law, the threat and imposition of sanctions when obligations continue to be breached, referrals to the Prosecutor of the International Criminal Court...and *the rapid deployment of an appropriate force with an explicit mandate and adequate means to protect civilian lives* [italics added].¹⁰⁷

This more explicit reference to a military role continued in the fifth report on civilian protection in November 2005, which called on peacekeepers to provide physical protection to civilians in camps, during population movements, and in their places of origin. The report also described a peacekeeping role in restoring law and order, ensuring the civilian character of IDP camps, and securing humanitarian access. Importantly, it recommended improving the design of peacekeeping operations to better protect civilians.¹⁰⁸

Under-Secretary-General for Humanitarian Affairs Jan Egeland has also emphasized the need for physical protection by military peacekeepers in recent statements. In a refreshingly bold statement to the Security Council in June 2005, Egeland argued:

We must provide better physical security. Humanitarian presence is not enough. The creation of a secure environment for displaced populations should be a primary objective of peace-keeping operations. We need strategic deployment around camps to provide area security for the displaced, we need it in areas of unrest to prevent new displacement, and in areas of origin to facilitate voluntary and safe return. Both peace-keeping missions and regional organizations have an important role to play.... The provision of protection against violence needs to be incorporated into the concept of peace-keeping operations and clear guidance developed.¹⁰⁹

¹⁰⁶ UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, S/2004/431, 28 May 2004, paras. 25, 29.

¹⁰⁷ *Ibid.*, para. 39.

¹⁰⁸ UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, S/2005/740, 28 November 2005.

¹⁰⁹ Jan Egeland, “Statement by Under-Secretary-General Jan Egeland to the Security Council on the protection of civilians in armed conflict,” UN Department of Public Information, 21 June 2005.

Egeland's call for better physical security to protect vulnerable populations, combined with the Secretary-General's increasing support, represented a potential shift in approaches within the UN, a sign of room to bring humanitarian concerns and peace operations into better alignment over the operational aspects of protecting civilians.

EVALUATING CIVILIAN PROTECTION CONCEPTS

Continuum or Confusion?

Problems can arise from so many alternate coercive and non-coercive approaches to civilian protection. Different views can engender confusion or contradiction, or result in strategies that operate at cross-purposes or render each other meaningless. At the same time, protecting civilians is a complex, multifaceted goal engaging varied and diverse actors. Some argue, therefore, that having a range of activities labeled under "protection" is wise, particularly if they can be viewed as a *continuum* of responses toward the same goal. But this continuum can also become a kitchen sink approach if the meanings of and priorities of protection are not clarified.

Within the UN, the "protection of civilians" agenda impacts those within its peacekeeping offices and humanitarian programs. MONUC Deputy Special Representative of the Secretary-General (DSRSG) Ross Mountain, for example, has worked to bring together these varied actors within MONUC and to develop clearer operational approaches to civilian protection. He has suggested that multiple approaches can be fruitful as long as groups work to build a house rather than merely lay bricks: who needs a field of bricks?¹¹⁰ The result may be that learning to work together can demonstrate real results.

One challenge, therefore, is to clarify how the different types of protection work can be harmonized and situations identified in which only specific approaches should be utilized. Sometimes a particular type of protection strategy is inappropriate or irrelevant, such as the use of unarmed military observers in the midst of a large-scale genocide. In other cases, one actor should temporarily take a backseat to another, or even withdraw altogether. Some robust military activities to target or compel the disarmament of murderous militia, for example, might make the delivery of humanitarian assistance impossible in the short term. In other situations, cooperation between actors may enable them to accomplish more than on their own. Peacekeepers and civilian agencies may create a useful strategy to identify vulnerable populations that lack food and security.

¹¹⁰ Ross Mountain, interview by author, Washington, DC, 27 October 2005.

Military actors can balance some concepts of protection simultaneously, such as living within the Geneva Conventions, providing support to humanitarian space, and helping reduce vulnerabilities at refugee camps. There is also a range of actions that can support civilian protection within either a peace operation or for a mission whose central goal is the protection of civilians. These include working at a strategic level to prevent attacks against civilians, using force on a limited tactical level within an operation, or acting as a deterrent presence broadly. Actions along this scale could involve the direct use of preventive force to counter and/or eliminate abusive armed groups, the use of reactive or defensive force to physically protect civilian population centers, the threat or use of force to protect humanitarian activities and/or expand humanitarian access, deterrence through a particular military stance, the use of low-level force in individual circumstances to promote the rule of law, and the provision of logistics and/or operational support to humanitarian organizations without using force. The use of force involves trade-offs, and thus needs to be appropriately calibrated to the situation at hand.

The multitude of military tasks implied by civilian protection mandates is pulling peacekeepers in opposing directions.

Military Role: A Tug of War?

The multitude of military tasks implied by civilian protection mandates is pulling peacekeepers in two opposing directions. In UN operations, forces are already being asked to engage in more “soft security” issues—tasks relating to development, reconstruction, and long-term peacebuilding. These are not typically activities for which militaries train and some argue that civilian actors are better suited to perform them. At the same time, many peace operations have Chapter VII authority and are now expected to use robust force. Troops might be called on to dissuade armed groups from targeting innocents through coercive or punitive tactics, to conduct robust cordon and search operations, to serve as an interpositional force, or to forcibly disarm belligerents.

Peacekeepers thus are being pulled toward more engagement in questions of governance, humanitarian action, and human rights, *and* pushed towards using more force in conflict zones. In both cases, the need to protect civilians is invoked as justification. Although all these activities are important and legitimate, given limited resources, there are tradeoffs within the continuum: doing everything may result in few things being done well and effectively; doing a few central tasks may be effective but insufficient to meet a mission’s objectives. In some situations, peacekeepers will need to choose between

supporting humanitarian space and offering direct physical protection to a population in need, for example.

The language of protection in peace operations may also mask a political problem, where outside observers interpret peacekeeping missions as protecting vulnerable populations from physical threats when their real work is support to a political process, the development of local governance, and assisting humanitarian activities. Deploying peacekeepers without either a clear vision of how to protect civilians or the means and authority to do so may result in a tragic shortfall. AU contingents in Darfur have a limited ability to use coercive methods to protect civilians, for example. AMIS cooperates with the Sudanese police force to inculcate human rights norms, but it does not prevent raids by the Janjaweed militia on villages.¹¹¹ With roughly 7,000 personnel in a hostile environment the size of France, AMIS activities to protect civilians are limited and not equal to coercive protection operations. Using protection language to describe non-coercive activities in situations of genocide, ethnic cleansing, or mass killing virtually strips it of its meaning.

TOWARDS A MILITARY CONCEPT FOR COERCIVE PROTECTION

In more stable environments with less, or localized, ongoing violence against civilians, a complex peace operation with civilian protection as a mandated task might be appropriate. Such a mission would deploy with a primary goal of promoting long-term stability and security by building up local governance capacity. The peace operation would protect civilians through local interventions and the calibrated use of force where civilians remain under threat. But the mission would approach this work as a set of tasks toward achieving goals such as peacebuilding, the provision of security for humanitarian assistance, and support for the rule of law.

When a peace operation is conducted in an environment where civilians face immediate physical threats and insecurity, however, a decision to use force to provide for their protection may shift the operation to a coercive protection mission. This approach, which can be consistent with a UN Chapter VII mandate, requires protection to be a major objective of the operation and to operate as such. In doing so, it will come close to crossing a line into the intervention approach suggested by *The Responsibility to Protect*. Modifying traditional peacekeeping operations is an inadequate answer for upholding protection mandates in extreme circumstances such as large-scale violence or

¹¹¹ William G. O'Neill and Violette Cassis, *Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur*, An Occasional Paper (Brookings Institution – University of Bern Project on Internal Displacement, November 2005).

genocide, however. In those circumstances, forces need to have a central goal of protecting civilians, with that objective driving their strategy and tactics.

Thus, stopping harm to civilians through coercive protection needs to be operationalized *both* as a mission type and as a series of tasks within peace operations. Clarifying the mandate and mission goal is therefore crucial, a point obvious to most military thinkers and planners. They argue that a military mission must be defined first and that the strategy, tactics, and procedures fall in place to accomplish it. Thus, by identifying protection of civilians as the goal of the mission, military leaders will design a strategy to achieve it, just like any other mission assigned to them. Importantly, full-scale interventions to protect civilians should take place only in extreme circumstances and for a limited amount of time. By necessity, they could involve significant use of force and war-like tactics to eliminate the capacity of the killers to conduct mass-murder, and would respond rapidly to halt the killing as quickly as possible.

Stopping harm to civilians through coercive protection can both apply as a mission type and as a series of tasks within peace operations.

A New Mission?

If coercive protection is re-conceptualized as a mission, would it represent something wholly new for military forces? The answer largely depends on the nature of the environment and the tasks involved. Of course, many existing skills in the military toolkit can be utilized to protect civilians. The specific and easily identifiable tasks for protecting civilians—such as guard duty, protecting convoys, manning checkpoints, conducting patrols, or engaging in crowd control—are familiar to militaries and are already part of training packages used to prepare forces. Preparing to protect civilians would then be a matter of identifying the right tasks and making sure the troops deploying to protect civilians are prepared to carry them out. There is not much difference between protecting a military convoy and a civilian convoy, for example. Likewise, providing security to a clearly defined area is a similar task whether for a camp of IDPs or a compound of military personnel.

One UN official suggested that the question is less about preparing troops for something new and different, and more about how contingents appreciate the task when they get on the ground, and how they see the scope of their area of responsibility. Likewise, one US Army officer suggested he uses the same

operational principles wherever he deploys; the rules of engagement are the difference.¹¹²

A concept of operations for civilian protection as a military mission would likely build off existing concepts of counterinsurgency, peace operations, and strict adherence to the laws of war, which have been around for decades. The 1940 US Marine Corps *Small Wars Manual*, for example, instructed its readers on the difference between traditional warfighting and operations aimed at other ends:

Instead of employing force, one strives to accomplish the purpose by diplomacy. A Force Commander who gains his objective in a small war without firing a shot has attained far greater success than one who resorted to the use of arms. While endeavoring to avoid the infliction of physical harm to any native, there is always the necessity of preventing, as far as possible, any casualties among our own troops.... The motive in small wars is not material destruction. It is usually a project dealing with the social, economic, and political development of the people.¹¹³

The manual further emphasized that small wars are a “different order” than usual military duties. In traditional roles, military personnel “simply strive to attain a method of producing the maximum physical effect with the force at their disposal. In small wars, caution must be exercised...the goal is to gain decisive results with the least application of force and the consequent minimum loss of life.”¹¹⁴

On the other hand, certain aspects of a mission under the “responsibility to protect” concept could represent new challenges for militaries. As suggested by Thomas Weiss, these “coercive protection” missions must define their objectives in relation to civilians rather than other military forces.¹¹⁵ Provision of coercive protection does not necessarily involve defeating traditional military forces or conducting traditional peacekeeping tasks. Rather, it requires forces to come between potential attackers and civilians, and carry out tasks that are “not favored by militaries” such as forcible disarmament, maintaining safe areas, and protecting humanitarian efforts and staff.¹¹⁶

Providing security to an undefined location, such as a group of civilians dispersed over an area, can be extremely difficult, and may require a broad

¹¹² For example, he cited the principles of mass, synchronization, command and control, traditional components for soldiers in operations. US Army Major, interview with author, Washington, DC, 14 October 2004.

¹¹³ United States Marine Corps, *Small Wars Manual, 1940* (Washington, DC: US Government Printing Office, declassified 1972; Manhattan, Kansas: Sunflower University Press, 1996).

¹¹⁴ *Ibid.*, 31-32.

¹¹⁵ Weiss, “The Humanitarian Impulse,” 47-48.

¹¹⁶ *Ibid.*

strategic vision of its own. Defending a population is more challenging than defending a specific convoy, building, or area with a perimeter, especially if abusive armed groups are interspersed in the area, difficult to identify, and free to move around. New military thinking on the matter may be necessary.

Key Issues with Coercive Protection

There are a number of key issues that emerge when considering the military role in providing protection: when and how to use force, proactive or reactive tactics in coercive protection, concerns over consent of local parties, the question of whom to protect where, and the potential challenge of transferring from a robust protection mission to a more traditional peacekeeping operation. Each of these issues poses potential dilemmas for troops in the field and should, therefore, be incorporated into the strategic planning and preparation for such missions prior to deployment.

Use of Force

A 2004 workshop on the use of force in UN peace operations with the DPKO and former UN force commanders found that Council mandates do not authorize force robustly enough.¹¹⁷ Force commanders reported that protection often requires pre-emptive or preventive actions, yet they are often prohibited from acting except in response to opposing forces' actions. In many cases, by the time they could respond, it was already too late to be effective. Troop contributing countries often had a mindset that reflected a “one bullet for one bullet” mentality, meaning that they would not act unless responding to attacks by a belligerent. While there was strong interest in the workshop topic, no consensus emerged on the way forward on use of force in UN peace operations.¹¹⁸

The use of force to achieve a humanitarian end can involve causing physical damage to people and property, and may include loss of life. In a human protection operation, one must harm fewer people than one saves, one must injure fewer than one protects, and one must not destroy an area to save it. Regardless, those on the receiving end of such violence will inevitably see any use of force as a warlike attack. Controlling the continuum of violence and the reaction of those engaged (as well as the perception of those who are to be “saved”) is difficult, heightening the importance of political leadership and public information.

¹¹⁷ They also suggested that, legally, the question of Chapter VI or VII authorization does not matter. Kirsti Samuels (rapporteur), *Use of Force in UN Peacekeeping Operations*, Report, IPA/UNDPKO workshop (International Peace Academy, 6 February 2004).

¹¹⁸ Kirsti Samuels, interview with author, October 2004. The report recommended increased general training for peacekeepers, as well as specific training in rules of engagement and human rights. It also called for better equipment for troops.

Protecting in Advance or in Response?

Another difficulty relates to the nature of protection itself. Protection may include, for example, escorting individuals and protecting camps, safe areas, and key roads. If a force charged with protection reacts to an attack on civilians after the fact, however, it will already have failed in its goal of providing protection. As a result, success will often require taking aggressive action prior to the use of violence. This requirement shifts the burden from reacting to a defined state (e.g., an attack) to reacting to a threat for which there may not be a clear trigger or definition. It could require direct action targeting bad actors or preventing such actors from operating in the first place.

Consent & Escalation

If mass killing or genocide is ongoing, should an intervention force strive for pacification or the outright defeat of the killers? What if a militia responds to efforts to protect civilians in one area by killing even more civilians elsewhere?

As seen in the DRC and Haiti, these questions are not theoretical.

What if the force engages a militia, incurs casualties, and troop contributing countries respond by withdrawing their forces? When forces employ a more aggressive approach, they may spawn an increase

in violence against themselves, against international workers, or even against civilians in the short term. This may be anticipated in usual warfighting, but it is the opposite of the premise of traditional peacekeeping, where consent is sought for the actions of the international forces. As seen in the DRC and Haiti, these questions are not theoretical.

Protect Whom, Where?

In a complex peace operation with a mandate to protect, which civilians should the mission strive to protect, given limited capacity? Is it better to focus resources on programs with long-term benefits, such as the reintegration of former combatants, or on creating a rapid reaction capacity to halt abuses as they occur? How should the force respond to attacks occurring three blocks from its area of control? What about three miles? Human protection operations, by definition, will take place in complex, unpredictable environments, often with extremely limited resources. With few exceptions, they cannot hope to *protect every civilian all the time from everything*. The EU-authorized *Operation Artemis* in the DRC in 2003, for example, brought security to civilians in the town of Bunia, but not beyond. In such circumstances, strategy and priorities are paramount: Protect who, from what, in what area, with what means, to what ends, with what goal?

Transition to Peace Operations

One serious question with such missions is what to do *after* the intervention completes its work and the killers are incapacitated—to whom do they hand the reins? A forceful military intervention could result in a deeply traumatized populace, with some portions of society ambivalent or hostile to the intervention force. If not managed carefully, such a mission could leave civilians worse off in the long run. A rapid transition to peacekeeping and peacebuilding activities is likely to be necessary. Even military interventions that are not coercive protection operations face this issue, such as the 2003 intervention into Iraq, which serves as a caution against failing to prepare adequately for such transitions.

In an ideal world, military interventions to protect civilians would transition neatly to peace operations that include civilian protection as a mandated set of central tasks. Because of the complex nature of post-war environments, however, the transition from a “coercive protection mission” to a peace operation may not be linear. In some extremely violent regions, the protection of local civilians could remain the most important, overriding task of the force, or even its primary mission. Other, more secure areas might offer the luxury (and difficulty) of focusing on state-building. Moreover, the situation in any specific region could change rapidly over the course of weeks, days, or even hours. The operation must therefore be prepared to operate at different tempos and to utilize different degrees of force depending on the local situation on the ground.

The above challenges represent but a sampling of those that any coercive protection operation would likely face. The first step, however, is simply recognizing that such a military mission needs to be conceived in the first place. Troops need a clear understanding of and preparation for using coercive force to physically protect those in need.

Looking Forward

Awareness of the protection concepts from varied communities benefits everyone who seeks to protect civilians. Gaining a clearer understanding of what protecting civilians means and what it requires in the field is a first step.

Even as policy debates over the “responsibility to protect” continue, military personnel today are already deployed worldwide in peace and stability operations with mandates to protect civilians, sometimes in horrific circumstances. These forces need clear guidance on their role to support the physical protection of civilians and, if called upon to do so, how they should intervene directly to save lives. What is known then about the capacity and authority of organizations to lead such coercive protection operations and about

how they employ traditional methods such as rules of engagement, doctrine, and training to ensure that these missions succeed? Halting the slaughter of non-combatants requires not just a working concept of operation, but capable organizations willing to employ these known tools to prepare forces for current and future missions.