

HPG Research Briefing

The military and civilian protection: developing roles and capacities

Published by the Humanitarian Policy Group at ODI

Victoria K. Holt, Henry L. Stimson Center

Soldiers are increasingly being asked to perform roles in protecting the civilians of other states. While it is assumed that the political ends of peace operations should create environments with fewer threats to civilians, how far can military efforts go to prevent conflicts, support peace-building and serve humanitarian goals? What role can troops play in directly protecting civilians?

Today's armed conflicts typically inflict the greatest harm on civilians, who become displaced by fighting, are caught in the crossfire or are targeted by combatants. Civilians may also be faced with deadly threats as they seek 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. In the aftermath of Rwanda and Srebrenica, and amid continued violence in Darfur and the Democratic Republic of Congo (DRC), the international community is considering ways in which militaries can actively protect civilians in harm's way.

While a political consensus is emerging around an obligation to protect civilians from serious threats such as genocide, war crimes, ethnic cleansing and crimes against humanity, the full implications of this new thinking – for military operations, doctrine and training, and for humanitarian concepts of protection – are not fully developed. Military actors have worked with other agencies – humanitarian, human rights, developmental and political – in the field, but they do not share a joint understanding of what civilian protection means, or what it requires. The humanitarian and human rights communities have developed varied concepts and guidelines for their protection work, but these ideas do not immediately align with military actors deployed in peace operations or other interventions.

About HPG

The Humanitarian Policy Group at the Overseas Development Institute is dedicated to improving humanitarian policy and practice. It conducts independent research, provides specialist advice and promotes informed debate.



Britain's leading independent
think-tank on international development
and humanitarian issues

Overseas Development Institute
111 Westminster Bridge Road
London SE1 7JD
United Kingdom

Tel. +44 (0) 20 7922 0300
Fax. +44 (0) 20 7922 0399

E-mail: hpg@odi.org.uk
Websites: www.odi.org.uk/hpg
and www.odihpn.org

This Briefing Paper reports on research into the role of the military in providing protection for civilians when deployed overseas to crisis states. It forms part of the monitoring trends series on the role of the military in humanitarian action.

Unclear concepts, unclear means

Humanitarian concern with protecting civilians caught up in conflict is long-standing. 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) report *Responsibility to Protect* ('R2P') argued that protection from mass killings, ethnic cleansing and genocide should constitute grounds for military intervention, when peaceful means had failed. 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. Thus, while states retain the primary responsibility for the protection of their citizens, outside actors may be mandated to intervene when the state fails to discharge this responsibility.

Potential roles for military forces in civilian protection include the following:

1. *Protection as an obligation within the conduct of war.* In war, military forces are required to abide by the Geneva Conventions and other international laws to minimise civilian death and injury and the destruction of civilian objects, and to allow for relief provided by impartial humanitarian actors. The occupying power is responsible for the basic security and welfare of the civilian population.
2. *Protection as a military mission to prevent mass killings.* According to principles outlined by the ICISS, a protection mission is organised and deployed specifically to actively prevent large-scale violence against civilians.
3. *Protection as a task within UN-mandated peace operations.* 'Civilian protection' is seen as one of many tasks for peacekeepers, but is unlikely to be the operation's central, organising aim.
4. *Protection as providing area security for humanitarian action.* Military forces or peacekeepers establish the wider security of an area, enabling others to provide support to civilians in that area.
5. *Protection through assistance/operational design.* Protection is a function of the design of relief and humanitarian programmes: refugee camps, water supplies and latrines, for example, are placed so as to minimise threats to vulnerable populations. The potential military role is to assist in reducing threats, such as offering physical presence as a deterrent.
6. *Protection as the use of traditional force.* Some military thinkers point out that civilians will enjoy better protection after a war-fighting force has been used to stop an enemy's actions.

Additional views of protection are promoted by humanitarian, human rights, military and other actors, such as 'civil defence'; establishing law and order; offering asylum; and providing for

individual human and political rights, including advocacy for legal protection and concern for non-physical needs.¹ The International Committee of the Red Cross (ICRC), for example, defines 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)'.² OCHA has outlined aspects of civilian protection in an *Aide Mémoire*.³ This Briefing Paper understands protection to mean the provision of immediate or short-term security and safety to civilians, and considers military roles as one (possible) component to achieve civilian protection.

A mission or a set of tasks?

A useful distinction can be made between operations where protection is the central organising aim (e.g., the R2P view), and operations where protection is one task among others within a mission with broader goals (e.g., many UN peace operations). In the latter (more typical) case, peacekeepers may aim to protect civilians in harm's way, but this is rarely the primary 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 civilians dispersed over an undefined area is more difficult than defending a building or an area with a perimeter.

The language of UN Security Council mandates that direct missions to protect civilians has tended to refer to protecting civilians 'under imminent threat', 'within capabilities' and 'within areas of responsibility'. But these phrases are open to wide interpretation. In UN operations, the mission leadership must ensure that a common understanding runs from the Special Representative of the Secretary-General through to contingent commanders and individual troops. Providing protection may not be seen as a specifically military function at all; some military thinkers and planners argue that protection is a function of the rule of law, and thus is primarily a policing or civil affairs job.⁴ Police personnel are rarely prepared, however, for higher-end threats.

Some humanitarian groups call for military action to protect civilians; some refuse to cooperate with militaries because this is seen as compromising their stance as neutral providers of assistance. To military operational planners, this is often seen as inconsistent and confusing. Other humanitarian groups believe that the goal of humanitarian actors is to operate effectively within the bounds of armed conflict,

1 See, for example, *Protection into Practice*, Oxfam International internal document, 2005; and Hugo Slim and Andrew Bonwick, *Protection: An ALNAP Guide for Humanitarian Agencies*, ALNAP, 2005.

2 R. Williamson, *Protection of Civilians: Bridging the Protection Gap*, Report on Wilton Park Conference 766, May 2005.

3 Security Council documents on civilian protection reveal a range of aims, concepts, strategies and operational parameters across all aspects of peace and security. See, for example, 1999 Secretary General Report to the UN Security Council on the Protection of Civilians.

4 Author interviews and participant discussion, Henry L. Stimson Center workshop on civilian protection, December 2004.

but not to cooperate with a belligerent or to speak out on the justness or otherwise of a conflict. Ideally, military efforts to protect should be coordinated with the humanitarian and human rights communities. Even within a UN mission, this is challenging. While militaries mandated to protect civilians may share the same overall goal as humanitarian actors, their means and mandates are distinct.

Peacekeepers too confront major obstacles. Many operations are in difficult environments, and have insufficient equipment and transport. Military actors may not have reliable real-time information, such as who the aggressors are and the nature of the immediate threats facing civilians. They may also lack clear guidance from their political and military leaders on how and when to use force. Others may fear an escalation of violence against themselves, other international actors and the civilian communities they are aiming to protect.

Who can act?

Only a handful of multinational organisations are ready and able to lead operations with a military component authorised to use force beyond self-defence: the UN, NATO, the European Union (EU), the African Union (AU) and the Economic Community of West African States (ECOWAS). However, none of these organisations has a clear operational concept for civilian protection, and there is little evidence that their doctrine and training make any reference to ‘protection’ or ‘civilian protection’. 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, forces may lack guidance and preparation for efforts aimed at protecting civilians.

The United Nations. The Security Council began directing UN peacekeepers to protect civilians under imminent threat in 1999. Since then, seven UN-led operations – in Burundi, Haiti, Côte d’Ivoire, the DRC, Sierra Leone, Liberia and Sudan – have civilian protection in their mandates, but this direction has not been accompanied by clear expectations and guidance about that role, the use of force, who should be defended and against what, and when the job is done. (Such guidance has been viewed as primarily a national, not a UN, responsibility.) According to the UN Department of Peacekeeping Operations (DPKO), a peacekeeping force may be asked to provide civilian protection ‘in its area of deployment only if it has the capacity to do so’. The premise is that UN forces are not *presumed* to have the ability to act in support of this mandate.

NATO. NATO is willing and able to deploy effective military forces to conduct operations in non-permissive environments, including peace-support missions such as peace enforcement, peacekeeping, conflict prevention, peacemaking, peacebuilding and humanitarian relief. As demonstrated by its response to the 1999 crisis in Kosovo, NATO does not feel bound to get UN authorisation in order to act. NATO doctrine does not specifically mention ‘civilian protection’, but it does refer to protection tasks such as the imposition of no-fly zones, the forcible separation of belligerent parties, the establishment of protected areas and the creation of ‘safe corridors’ for civilians and for aid.

The European Union. The EU began leading its own crisis response missions with military components in 2003. The only mission in which civilians faced significant, ongoing attacks at the time of the EU deployment was *Operation Artemis* in the DRC. The EU lacks written military doctrine in the traditional sense; its founding documents do not spell out the precise nature of EU missions, nor do they address civilian protection.

The African Union and ECOWAS. The AU is developing a capacity for numerous missions, from support to humanitarian action to intervention against genocide. An African Standby Force with five regional peacekeeping brigades aims to be operational by 2010. The AU is also developing formal doctrine for its military operations, but lacks a concept of protection. In Darfur, the AU leads a peace operation of some 7,000 personnel with a limited mandate to protect civilians in a vast area, hampered by limited capability, mobility and communications. In early 2006, it was proposed that a UN peacekeeping force be established in its place. ECOWAS has been involved in peace operations since the early 1990s. Potential missions could encompass the protection of civilians and intervention ‘to alleviate the suffering of the populations’. An ECOWAS Standby Force is being developed, but ECOWAS still needs specific doctrine, policies, and standard operating procedures to support it.⁵

National militaries. Few Western militaries have doctrine addressing civilian protection as an active concept, as a component of an operation or as the main goal of a mission. Canada and the United Kingdom have doctrine acknowledging a role for their militaries broadly in support of protection. The UK’s statement of doctrine includes strategic, tactical and operational considerations for a range of missions that come close to this paper’s working definition of civilian protection. Developing countries, among them some of the UN’s most experienced troop contributors, often have little specific national doctrine or training for peace operations, and are unlikely to have developed a concept of operations for protecting civilians as a specific task or mission.

Field realities: protection in the DRC

The UN mission in the DRC (MONUC) demonstrates some of the challenges facing peacekeepers in a UN-led operation with a mandate to protect civilians. MONUC was originally established as an observer force in 1999. The following year, the Security Council strengthened its mandate and authorised it under Chapter VII to take action to protect civilians in its areas of deployment. It was not, however, organised as a robust peacekeeping operation. Peacekeepers and the mission leadership were not recruited with an expectation that they would use force to defend civilians, and peacekeepers deployed slowly. No major developed country sent more than a handful of troops.

The crisis in Ituri in 2003 underscored MONUC’s inability to offer widespread presence or to secure regions to protect Congolese civilians. The withdrawal of Ugandan troops (a condition of peace accords signed in 2002) left a vacuum of

⁵ Author interviews and correspondence, ECOWAS; Stimson workshops, 2004 and 2005.

power and security that the new government – and the UN – proved unable to fill. A wave of violence followed, prompting a French-led operation – *Artemis* – to deploy to Bunia in Ituri in June 2003. The mission succeeded in stabilising the situation in Bunia, but it did not operate in other areas and attacks against civilians continued. After *Artemis*, the UN further clarified MONUC's mission. Experienced peacekeepers from India, Pakistan, Nepal and Bangladesh were deployed, and greater force was used to protect civilians. Today, protection is a more conscious goal of the mission, but there is little confidence that the current force can guarantee physical security for civilians throughout the DRC.⁶

Conclusions

Military missions involving protection, whether as the central goal, a task within the mission, or the overall result of acting to provide security, are relatively definable and are potentially positive roles for the military. Some tools already exist. Traditional military concepts apply to providing broad security and stability, such as protecting convoys, securing a camp and disarming armed groups. Doctrine and training for peace operations may also be applicable, for instance in policing, human rights, civil–military relations and patrolling techniques. Especially in environments at the lower end of the threat spectrum, it is possible to identify tasks that can serve to uphold a civilian protection mandate, and provide immediate security to a defined area. Leaders and troops who have served in robust peace operations also have knowledge that could help to inform support to future operations.

As the language of 'protection' is used more widely across many fields, its purpose will need to be clarified, and ways found to support such protection. Differing humanitarian and military concepts of protection deserve recognition since their roles are impacted by different goals: the former aims to be impartial and neutral; the latter is increasingly employed to support political goals, such as enforcing a peace agreement. In places like the DRC, peacekeepers are trying to protect civilians when their mandate has other, competing goals, and where they are not sufficiently equipped to fully defend civilians against violence. Their active measures to protect civilians could also draw a response, such as increased attacks on civilians, peacekeepers and other international actors.

Policy recommendations

The UN, NATO, the EU, the AU and ECOWAS all need to clarify how protection is interpreted in their missions, support the preparation of their troops and personnel for such operations, and identify the challenges that these operations face. Member states and the Security Council need to understand better the requirements of mandates for civilian protection, and provide such missions with sufficient capacity. Specific recommendations are as follows.

Review protection mandates within UN peace operations. A study of UN operations with civilian protection mandates since 1999 should be conducted. This would aim to compare operations and find out how mandates were interpreted, and

how the concept of operations developed. What were the experiences of the troop-contributing countries? How did mission leaders, troops and police understand their role? How were peacekeepers directed (or not) to protect civilians? How did capacity affect operations? What worked, and what did not? This baseline information does not exist.⁷

Identify roles for the UN. The UN could usefully help sort through the competing views of protection that currently exist. The DPKO's dialogue with the Office for the Coordination of Humanitarian Affairs (OCHA) and other humanitarian agencies should continue. In the field, UN missions should brief the humanitarian community on its operational concept of civilian protection within the peacekeeping mission. The DPKO's Best Practices Section should also consider civilian protection issues in its analyses of recent peace operations, including how protection was viewed during the planning and management process at UN headquarters.

The DPKO should work with UN member states to develop guidelines for troop-contributing countries on the requirements of Chapter VII missions with a protection mandate, and to support them in improving their doctrine in this area. The UN should also host discussions of training recommendations for mission leaders and contributors, as well as encouraging joint training or simulations to prepare civilian and military leaders for such missions. DPKO's Integrated Training Service should address civilian protection in its standard and pre-deployment training modules; troop-contributing countries should be encouraged to take part.

Plug the gaps in other multinational organisations. Other multinational organisations would benefit from better guidance on civilian protection, especially as they increase their capacities and plan to deploy future missions. NATO and EU forces need to identify a concept of operation for how their missions will involve protection; the AU and ECOWAS need to evaluate if their current or future capacity will enable them to offer protection.

Integrate protection in international training programmes. A common concept of civilian protection could be useful in bilateral and multinational peacekeeping training programmes, such as the US-led Global Peace Operations Initiative, the British programme BMATT and the French-led training programme RECAMP. Greater use of protection scenarios in training programmes could help work through precisely what role protection might play.

⁷ Recent studies on UN reform and integrated missions do not address this issue or offer such a comparison.

This HPG Research Briefing is drawn from *Resetting the Rules of Engagement: Trends and Issues in Military–Humanitarian Relations*, HPG Report 21, March 2006. The report is edited by Victoria Wheeler and Adele Harmer. Contributing authors are Andrew Cottey, Ted Bikin-Kita, Stuart Gordon, Victoria Holt and Peter Singer. The full report and briefing papers are available from the ODI website at www.odi.org.uk/hpg/military.html.

© Overseas Development Institute, 2006.

Download this paper at www.odi.org.uk/papers/hpgbrief22.pdf.