

Asia-Pacific Centre for the  
Responsibility to Protect

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## Program on the Protection of Civilians Background and Scope

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# Civilian Protection and the ‘Responsibility to Protect’

## Executive summary

The protection of civilians in armed conflict has become increasingly necessary and more complex. Despite evolving consensus on what protection entails, there is much less understanding of “how to do” protection in practice. Challenges of ensuring physical protection and normative developments such as the ‘Responsibility to Protect’ have dictated that protection is no longer the exclusive domain of humanitarians. In practice, it requires the coordination of multiple actors with varying roles and responsibilities in an uncertain and dynamic environment. Contemporary peace operations represent a plausible provider of protection and are increasingly mandated to protect. However, where such objectives have been clear, implementation has been inhibited by a paucity of operational guidance. In spite of conceptual and practical developments, the protection of civilians in armed conflict remains a contested issue and is viewed through differing lenses. The program on civilian protection is designed to harness research as the foundation for engagement in policy development and advocacy initiatives to address these challenges. Selected program objectives are as follows:

### ***Research areas:***

- *“What is Protection? A Regional Perspective”*
- *“Who are the Protectors?”*
- *“Integrated Approaches to Protection”*
- *“Operationalising R2P”*
- *“‘To Serve and Protect’: Police and Civilian Protection in Armed Conflict”*

### ***Policy objectives:***

- Enhance protection in practice
- Incorporation of protection in policy and practice of regional organisations and security arrangements
- Support and develop coordination of protection activities
  - Military-police-civilian cooperation
  - Integrated missions concept

### ***Training:***

- Development of inter-agency collaborative training manuals and curricula.

### ***Advocacy:***

- Development of enabling mechanisms within Member states – e.g. doctrine for protection in peace operations
- Commitment to and support for research, policy and training developments on protection of civilians
- Garnering and sustaining political commitment to protection and R2P in multilateral activity

# What is Protection?

## *Protection as a Continuum of Activities*

In the midst of competing definitions, the concept of ‘Civilian Protection’ should be understood broadly as the full range of activities that countries, agencies and individuals can pursue to advance the legal and physical protection of civilians. In this context, protection activities can be seen on a continuum whereby not all actors are engaged in the conduct of all tasks, but may still require an extensive understanding of protection in order to perform unconventional roles. For example, being able to identify separated or unaccompanied children and refer them to suitable agencies can assist in preventing child trafficking or abduction as child soldiers. Protection tasks range from human rights monitoring to physical interposition between armed groups, and IDP camp management, respectively deterring or preventing abuse and providing remedial support for victims of rights violations.

The deliberate targeting of civilians and the increasingly blurred distinction between civilians and combatants in violent conflict has made protection increasingly necessary and at the same time more complex. As has been demonstrated by the *Inter-Agency Standing Committee* (IASC) cluster approach,<sup>1</sup> it is also no longer possible to claim “it is not in my job description” therefore I cannot act. If an agency is present on the ground then they may be expected to do work outside of the normal job description. For example, UK troops deployed in Kosovo created displaced peoples camps in the absence of UNHCR. In the absence of humanitarian actors, and under the

guidance of protection advisors, troops and police can and should play an active role in saving lives.

The principles of the ‘Responsibility to Protect’ (R2P) state that the international community has a responsibility to protect civilians when the sovereign state in question is unwilling or unable to do so – be that in a preventative, reactive and/or reconstructive capacity.<sup>2</sup> The broadening civilian protection agenda and the development of the R2P norm dictate that protection is no longer exclusively the domain of the humanitarians.

## *Protection in Peace Operations*

Peace operations have expanded to include civilian experts, such as human rights monitors, refugee and child protection experts, rule of law experts to rebuild justice systems, and civilian police to monitor and train local police services. Often, such missions require a rapid response from a group of well-trained, suitably-equipped military, police and civilian experts, willing to not only establish a secure environment within which peace can be built, but also mandated and resourced to protect civilians in armed conflict.

Since 1999, the UN Security Council has authorised over a dozen peacekeeping operations with an explicit mandate to protect civilians.<sup>3</sup> These developments have been underwritten by Security Council Resolutions 1265 (September 1999), 1296 (April 2000), 1674 (April 2006) and 1738 (December 2006); a

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<sup>2</sup> (2001) *The Responsibility to protect* (ICISS)

<sup>3</sup> Mandates have varied in content, but all have made explicit reference to protection of civilians with certain qualifications – e.g. ‘under imminent threat’ or ‘within its capacity’.

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<sup>1</sup> See:

<<http://www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=79>>

2002 *Aide Memoire*; and numerous Reports of the Secretary-General to the Security Council; all addressing the issue of protection of civilians in armed conflict.

As the integrated missions concept becomes more entrenched in UN DPKO,<sup>4</sup> peace operations have been cast as a key implementing tool and provider of protection for civilians during, and following, armed conflict. The need for more coherent planning, clear division of labour and overarching unity of effort in addressing protection challenges are sound justifications for this integrated approach. Where protection of civilians is concerned, peace operations can be categorised into two distinct types:

- Civilian protection as an important, but not primary mission objective through the execution of a set of tasks within a multidimensional peace operation; and
- Protecting civilians is clearly the primary objective where missions are mandated to use all necessary means to prevent or halt genocide, ethnic cleansing or systematic and widespread abuses.

Whilst the former embodies the full gamut of R2P principles from prevention through rebuilding, the latter fits firmly in the 'Responsibility to React' component. Despite evolving norms and procedures, regions and individual governments view protection (and the tenets of R2P more specifically)

through differing lenses. The latent thresholds for action, and the character of that activity, remain a contested issue.

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<sup>4</sup> See: Integrated Missions Planning Process, UN DPKO, [http://www.un.org/depts/dpko/training/MCPAS/MCPAS/IMPP\\_files/frame.htm#slide0021.htm](http://www.un.org/depts/dpko/training/MCPAS/MCPAS/IMPP_files/frame.htm#slide0021.htm)

## How to do Protection?

Despite an emerging consensus on what protection encompasses and the increasing authorisation of peace operations with protection mandates, there remains a paucity of guidance for its implementation. This begs the question, how can military, police and civilian agencies support and/or ensure the protection of civilians in armed conflict.

As noted above, there is a need for integrated planning and a collaborative approach, however, the conduct of protection work requires enabling mechanisms tailored to specific actors. The civilian components of peace operations, NGOs and humanitarian actors, require clear policy frameworks specifying structures, responsibilities, tasks, ethical considerations, legal authority, etc. To this end, there has been a significant amount of research and writing conducted amongst UN agencies and NGO's, most recently in relation to IDPs and civilian protection. However, this has not been emulated by the military and police.

In the context of peace operations, there has been some discussion on the legal dilemmas of military and police becoming involved in civilian protection but little about "how to do it". Where protection mandates have been prescribed, their implementation has been largely ad hoc and more indicative of innovative leadership than adherence to relevant guidelines or instruction. In order to carry out their unique protection roles, the military and police require strategy, doctrine and operational concepts. These will be extremely different in character depending on the type of mission, as explained above. To this end, some attempts have been made to address this

deficit and extrapolate best practice,<sup>5</sup> but these efforts remain work-in-progress and there is still much to be done to reduce the gap between mandate and means in the realm of effective protection in peace operations.

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<sup>5</sup> See: Holt, V. K. and Berkman, T. C. (2006) *The Impossible Mandate: Military Preparedness, The Responsibility to Protect and Modern Peace Operations* (Washington DC: The Henry L. Stimson Center); The Henry L. Stimson Center/KAIPTC Workshop (February 2007) *Halting Widespread and Systematic Attacks on Civilians: Military Strategies and Operational Concepts*, <<http://www.stimson.org/fopo/events.cfm?ID=512>>

## What needs to be done?

### **Research:**

#### *“What is protection?”*

It seems clear that given the idiosyncrasies of the Asia-Pacific region, there needs to be a discussion and clarification of what constitutes ‘protection’ within individual states and the region. The level of consensus will in turn inform the possible thresholds for supporting action, and indeed define what is perceived as a suitable response. In addition, such an analysis will allow for comparison between regional perspectives and international normative developments in the realm of protection.

#### *“Who are the protectors?”*

Given the plethora of actors, a research project with the aim of clearly delineating the roles and responsibilities in the field, and extant approaches to protection work, would be of great value to subsequent enquiries into how best to go about fulfilling these. This should include a treatment of how affected individuals/communities protect themselves by developing mechanisms and solutions as a response to insecurity. For example, creating a rota to ensure women who leave camps to collect firewood are escorted.

#### *“Integrated approaches to protection”*

There is a need to support and improve the efficacy of military-police-civilian coordination in theatre, with specific reference to protection challenges. Research into the current state of play and the opportunities for and challenges to improved practice would be of value here. A substantive component of this could be further research into the relative success of the integrated missions concept and its ability to facilitate a holistic approach to the protection of civilians in armed conflict.

#### *“Operationalising R2P”*

There is a need for further research into strategies and operational concepts relating to protection in general, but particularly in both types of peace operations referred to above. Given the relative lack of historical precedent with regard to the latter (i.e. use of force to halt mass atrocities), it is important to ascertain *what works and what doesn’t* when faced with urgent protection challenges. The documentation of such would represent a substantive contribution to on-going work in this area.

#### *“‘To Serve and Protect’: Police and Civilian Protection in Armed Conflict”*

The shift towards protection mandates in peace operations has been paralleled by an unprecedented demand for civilian police in their execution. Given that a widely adopted police maxim is ‘to serve and protect’, one might reasonably presume they have an important role to play in overseeing and contributing to protection of civilians. Although somewhat obvious, in reality, the roles of police in peace operations vary by mission and have traditionally been limited to support, training and monitoring functions. Research documenting protection tasks that police do and might perform across a range of mission types, including prevention of mass atrocities, would be invaluable for understanding what they can and cannot be expected to contribute under a protection mandate.

### **Policy development:**

The recommendations that flow from a number of the aforementioned research projects should target how these concepts can be captured in policy, doctrine and procedures for improved implementation. Engagement in any activities which address these issues

should look to harness the research and advocacy capacity of the Centre and make a substantive contribution to such policy development processes.

Amendments and addendums to the policy of regional organisations and existing security arrangements could further institutionalise R2P principles and buttress civilian protection. Representation at the table of any fora engaged in regional policy (e.g. ASEAN Regional Forum, ASEAN +3) would clearly support the mission of the Centre.

It should be an on-going objective to ensure that developments in the operational procedures of military, police and civilians feed into cross-cutting coordination policy of inter-agency arrangements and multifunctional organisations such as the UN. Issues such as these are far-reaching and involve a wide range of agencies. It would be prudent for the Centre to engage in on-going, and support new, policy initiatives in this area.

The Centre should aim to engage in regional and international conferences, workshops and other events aimed at policy development in the broad area of civilian protection. It will be important to develop networks with pertinent academic institutions, NGOs, think tanks, government ministries and agencies engaged in the debates surrounding R2P – particularly within the region.

All such policy development objectives should be addressed collaboratively across a wide range of stakeholders. Producing proposals for, and the design and direction of, workshops and seminars which will feed into further research outputs can be meaningfully conducted in partnership with suitable and complementary organisations and actors.

### ***Training materials:***

With regard to peace operations, a range of pre-deployment and in-mission training courses are the key to ensuring sufficient understanding of protection mandates and facilitating their implementation. A number of countries now include components on protection as part of standard training;<sup>6</sup> however, as yet there is no stand alone training package on the subject designed specifically for peacekeepers. Moreover, there is no collaborative training on protection creating the space for military, police and civilians to enhance understanding of respective roles. Given greater clarity over expectations and responsibilities, it is important that training courses and manuals are developed so as to ensure those expected to implement in the field are suitably prepared. This is necessary across the mission-structure and throughout the mission-hierarchy, from the senior managers (i.e. SRSG, Force Commander, Police Commissioner) to troops, police and civilian officers. The instruction of such training curricula which capture the complexities of protection challenges can be conducted through the existing network of global peacekeeping training centres, and domestic pre-deployment and in-mission training arrangements. Supporting the production of any such training materials would be a worthwhile endeavour.

### ***Advocacy:***

To develop the norm and institutionalise R2P there is a need to garner the political will necessary to operationalise and implement it. As such, engaging relevant regional organisations, member states, and civil society in this process is crucial to its

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<sup>6</sup> See UK, US, Dutch and Canadian peacekeeping doctrine.

gaining traction as an international norm that can and will be implemented. 'Civilian protection' lies at the heart of the paradigm and there are a number of clear steps that will enhance the ability of military, police and civilians to protect and support self-protection. There is a clear need for concerted advocacy targeting Member States to make good their symbolic, if somewhat tentative, commitment to the principles of the 'responsibility to protect' at the 2005 World Summit. Many of the enabling mechanisms for improved protection are the products of States. Amongst others, this would usefully include: further developing doctrine for protection in peace operations; continued re-structuring of military and police to suit deployment in contemporary peace operations; commitment and support to international/regional training, research and policy development initiatives; and, remaining committed to civilian protection and the principles of R2P in their multilateral activity.

In general, advocacy goals should dovetail with, and aim to promote, the research and policy development agendas proposed above and beyond.

## **For More Information Contact:**

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