

Online Exchange Hub: The growing inclusion of protection of civilians in military operations

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Panelists:

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Key points from initial presentation

- The focus of conflicts has shifted to being about **controlling civilian populations rather than territory**, accompanied by an increase in the civilian-to-military ratio of casualties.
- The first use of the concept of protection of civilians in a peacekeeping mandate was for the peacekeeping force in Sierra Leone in 1999. Troops were mandated to use force to protect civilians under imminent threat, in accordance with Chapter 7 of the UN Charter. Now almost all peacekeeping personnel serve under such mandates.
- For the **first ten years**, peacekeeping operations were characterized by a lack of guidance and unrealistic expectations relating to protection of civilians.
- **Since 2009**, the UN Secretariat has developed an operational definition of protection of civilians and guidelines and tools for its implementation
- Protection in peacekeeping operations consists of three pillars: **political process, protection from physical violence, and environment building**.
- **Counterinsurgency and stabilization operations** carried out by NATO saw a shift towards greater focus on protection of civilians following changing US counterinsurgency doctrine in 2006.
- Different communities have different conceptions of the term:
 - **Humanitarian community:** Primarily adopted the definition developed by the ICRC in the 1990s, encompassing all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law.
 - **Peacekeeping operations:** Derived from international humanitarian law (IHL) and international human rights law (IHRL), addressing the protection of vulnerable populations as a task or an objective. Criticism often based on insufficient use of force to protect civilians.
 - **Stabilization operations:** Derived from IHL, instructing combatants to avoid hurting or killing civilians while pursuing operational objectives. Criticism often targeted at instances of excessive use of force.
- Today seeing a **convergence of the concepts** used by peacekeeping operations and stabilization operations, as peacekeepers are often deployed where there is no peace to keep, e.g. MONUSCO, MINUSMA, and MINUSCA.

- The MONUSCO's **Force Intervention Brigade (FIB)** has been described as an exceptional measure by the Security Council, but there are already questions whether a similar measure will be used for MINUSMA.
- This new approach has significant effects on:
 - The **credibility and legitimacy** of peacekeeping operations.
 - The **relationships of operations** to host state governments, other parties to the conflict, civilians, and humanitarian actors, as well as between military and civilian components of the operations.
 - What **doctrine training and military capabilities** is needed for peacekeeping forces.

Key points from panel discussion and Q&A

Maintaining distinction

- Establishing the appropriate level of interaction and dialogue with military actors is challenging – it is necessary to **coordinate while maintaining distinctiveness**.
- **Compromises regarding the principle of neutrality** remain necessary at times. For example, using a military escort may sometimes be necessary if access negotiations are not forthcoming.
- The situation has improved regarding clarifying the different actors' conceptions of protection of civilians. It is for example no longer seen as appropriate to have a peacekeeping mission being the lead in the protection cluster.
- The **perceived neutrality of peacekeeping missions** remains at risk when working directly with governments that are parties to the conflict.
- The **introduction of MONUSCO's FIB** might change how humanitarian agencies relate to the mission.
- The **Monitoring and Reporting Mechanism (MRM)** on grave violations against children in situations of armed conflict is an example of where care should be taken with what peacekeeping operations do in relation to humanitarian actors.

Establishing a platform for interaction

- It is important to **establish a platform for dialogue early on** to understand the priorities, roles, and responsibilities of the other actors.
- In order to advocate for and support accountability of state forces, it is necessary that there are also **reporting mechanisms for any misconduct of the peacekeeping forces** and that they are held accountable.
- **Expectation management** regarding what the other actors can do for protection is important, as expectations tend to be inflated on both sides.
- There are good examples of country teams having come together to prepare **country-specific guidelines** for civil-military relations, which help uncover potential challenges before they occur, help manage expectations, allow the entities to better understand the respective roles and responsibilities, give a framework for holding each other accountable, and establish a platform where issues can be addressed.

Making principled decisions

- **Compliance with humanitarian principles** and **maintaining a distinction** in relation to the military are essential requirements for humanitarian actors to be able to deliver assistance and protection.
- Humanitarian actors should carry out **thorough assessments** before deciding to request logistical assistance and escort from the military. Such support should be seen as a last resort.
- A good example of how the humanitarian community can come together around a principled decision on civil-military relations was the decision by the humanitarian community to not use the military air bridge to transport humanitarian goods into Pakistan during the floods.

Information sharing

- Coordination can enhance PoC through better **information sharing on protection threats** and **sharing of the actors' respective analyses**. It is often preferable that this is done in an informal manner, allowing for the different actors to ask each other more frank questions about their concerns and ideas.
- Having **opportunities for such informal exchange** can avoid that humanitarian actors attempt to dictate what military actors can do, and for military actors to see humanitarians as operational tools to reach their objectives.
- Humanitarian actors should **avoid sharing "risky" information** and only share information for the purpose of:
 - Protecting the civilian population
 - Ensuring de-confliction
 - Strengthening understanding of each others' mandates

Assessments and strategies

- **Joint assessments** between civil and military actors are not desirable.
- Coordination mechanisms and protection strategies have become clearer, with the model having moved on from having them jointly to now instead having **complementary coordination mechanisms and protection strategies**.
- The process for developing the protection strategy for UNMISS is a good example of a strategy that was developed *for* the peacekeeping operation, but *in consultation with* the humanitarian actors.
- **Joint scenario training for contingency planning** has been a useful tool for improving protection training and planning.

Implementing existing policies

- While the policies for civil-military coordination have improved tremendously over the last few years, the **lack of respect for and implementation of these policies and principles** continues to pose problems.
- There have been examples in South Sudan of the integrated mission presenting itself as part of the humanitarian response in order to get access to certain areas, which has then had implications for the humanitarian actors. There are also still too many examples of humanitarian actors using military assets without making a principled decision about it.

The use of force

- The **use of force** should not be seen as the primary way that peacekeeping missions can protect civilians. Environment building and political engagement is key. Military activities themselves do not need to involve the use of force – in particular preventive action is called for by humanitarian actors, in the form of patrols, etc. However, these actions can be difficult to carry out, both politically and operationally.
- The view that peacekeeping operations are resorting to force too often is often a misrepresentation. As shown by a recent UN evaluation, peacekeeping operations frequently do *not* use force when civilians are attacked – with the more “robust” actions of MONUSCO being the exception.
- Clarification is needed around the concept of use of force, both for humanitarian actors and for peacekeeping forces – whether it is to **deter, compel, or neutralize** armed actors.
- **The mandate of UNMISS – strengths and weaknesses**The **narrow mandate of UNMISS**, focusing on the protection of civilians, has led to their being able to successfully facilitate the provision of humanitarian assistance to large numbers of civilians. However, it has also become clear the limited impact such a mission can have on the underlying issues in the country.

Engaging with national militaries

- The humanitarian community needs to invest more time in determining how to **engage with national militaries**, especially where they are one of the parties to the conflict.