

Essay: Protection of Civilians (POC) During War

NUST Journal of International
Peace & Stability
2018, Vol. I (2) Pages 154-160
njips.nust.edu.pk

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Introduction

It was widely anticipated that the end of Cold War will herald the general state of *positive peace* and that the world will yield the benefits of 'peace dividends'. However, such manifestations were not witnessed. In evidence, between 1989 and 2000, more than 4 million people died in violent conflicts around the world. To this end, Gupta and colleagues (2002) noted that international terrorist attacks increased from a yearly count of 342 (during 1995-1999), to 387 per year (during 2000-2001). Underdeveloped and developing countries bore the major brunt of the violence. Conflicts that were ideological and had their roots in power management were largely resolved through the diplomatic statecraft or through use of military force. However, the conflicts that were unconventional in nature grew and gave rise to more complex and multidimensional intrastate conflicts. The new dimension in these conflicts can be identified through common features that generally include the use and spread of violence on the civilians, causing great loss of life and serious breaches in the International Humanitarian Law (IHL). The history of IHL can be traced to the work of Henry Dunant and Guillaume-Henri Dufour in 1860s (ICRC, 2017). This law has a deep rooted connection with the discourse of the Protection of Civilians (PoC). The International Committee of the Red Cross (ICRC) is playing a key role in its implementation along with the UN High Commissioner for Refugees (UNHCR). The term 'protection' encompasses the fragments of International Refugee Convention (IRC) and International Human Rights Law (IHRL). The institutional implementation of this 'protection' by the UNHCR and ICRC is clear in their mandate regarding operational strategies. They have developed themselves as the 'lawfully oriented and diplomatic channels of influential engagement with state and non-state actors.

This essay will focus on the importance of PoC by the armed forces in connection with the aforementioned international institutions. It also highlights the role of civil society and different sections of the civilians and how they are affected during the war. This will be followed with the recommendations and conclusion.

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Understanding the Concepts ‘Responsibility to Protect’ (R2P) and Protection of Civilians (PoC)

It is very important to understand the dynamics and sensitivities surrounding the concept of PoC in today’s world. For soldiers protecting the civilians does not necessarily involves thoughtful reflection, it is instead a manifestation of the rigorous training with an objective to protect civilian. In similar vein, being a soldier, it is understood that when called upon to perform the peacekeeping missions abroad, there are certain set rules that need to be followed and certain duties that need to be performed in order to ensure culmination of a successful mission. The changed nature of warfare from interstate to intrastate, has consequently altered the innate features of peace-keeping missions. Peacekeepers are now deployed to separate two parties in a conflict; parties engaged in exploiting the civilians by using them as a shield, or to exploit the gains of war and conflict.

With the passage of time, certain atrocities such as the Rwandan genocide necessitated the need for and institution of R2P (UNRIC). R2P involves three explicit pillars: (1) the protection responsibilities of the state; (2) international assistance and capacity building; and (3) timely and decisive response (UNGA, 2009). R2P later evolved into two sub-categories i.e., protection of civilians and robust peacekeeping. This paper only reflects upon the PoC component of the aforementioned practice.

Protecting civilians based on IHL, human rights and the refugee law has become a norm. However, an insight into the resolutions of the peace keeping missions reveals that the practical mandate of protecting civilians on field lies at great lengths from the issued directives (UNGA, 2009). This actually projects how the Security Council looks conceives its policies. In addition, the Department of Peacekeeping Operations at the UN issued a concept note in 2009 regarding PoC and later its comprehensive policy was released in April 2015. The implementing guidelines for the military contingents were made available during February 2016 (DPKO, 2015). The compliance with this policy under the overall authority of the head of mission is mandatory for all civilian police and military personnel working in the peace keeping mission.

The concept of PoC implies using all necessary means ranging from negotiations to the use of deadly force. However, it is important of illuminate that, ‘negotiations’ as a mean of communication to resolve any dispute or conflict is an important facet. Generally, it starts with threats and goes on to the actual act of physical violence within the capabilities and the area of operation of the mission.

The guiding principles of PoC constitute a set of legal and practical principles rooted in the UN Charter and International Law. They have their priority mandate in any circumstance that makes it the primary responsibility of the governments. To fulfill this responsibility, governments ensure the presence of peacekeepers and make them responsible for the PoC in the conflict or war prone area. Peacekeepers are thus, on the active duty to protect the civilians amidst all the conflict between the warring parties. These peacekeepers are under the effective command and control unit to ensure the regular and operative accomplishment of the mission. The mission to ensure the PoC is consistent with the principles of peacekeeping. Thus, the entire mission activity is synchronized to have a comprehensive approach as to achieve maximum results in minimum time.

The peacekeepers responsible for the protection of civilians work in cooperation with other humanitarian actors and civil society with due regard for humanitarian principles. This approach aims at including the common public in the aforesaid activities. This also paves way for a community-based or community-centric input to the PoC enterprise. In the process of ensuring the PoC, one of the

important factor to consider is the gender perspective. Peacekeepers recognize the sensitivity of places and situations where women (in particular) are subject to intense vulnerability and plan their responses accordingly. In addition to the gender perspective, consideration of children is also a key issue for the peacekeepers. Child rights and their protection is designated as a critical concern. The emphasis is primarily to make the mission a rewarding activity based on; a comprehensive approach in cooperation with humanitarian actors, a community based initiative undertaken with due regard for the gender and child protection perspective. The comprehensive broadness of PoC is embedded in a three tier model of action. The three tiers are mutually accommodating and reinforcing and as such should be implemented simultaneously. There is no inherent hierarchy or sequencing between these actions. All three tiers emphasize prevention and preemption alongside the host state's responsibility to protect civilians. In the first tier, protection through dialogue and engagement is ensured. This is the initial phase where the peacekeepers focus on dialogues to protect the civilians from the conflicting parties. They make sure that the conflicting parties keep away the civilians from their conflict by all means possible. This phase is the most critical phase, where the peacekeepers seek to establish dialogues between the two conflicting parties so that their rivalry doesn't harm the public. The second tier upholds the 'physical' protection of the civilians. This provision of physical protection is the step to make sure that no civilian gets in the way of the rivalry between the conflicting parties. Finally in the third tier, the peacekeepers or soldiers work on the establishment of a protective environment.

The operational phases of PoC are divided into four sub phases; prevention, prevention, response and consolidation. And these phases do not necessarily occur in sequential order and may be undertaken simultaneously and/or independently.

Shortfalls in PoC

The gaps and shortcomings of the PoC start with its planning process. The planning process for the individual missions is generally carried out without any insight into the kind of protection necessary for the setting, the threats being faced and the limitations of the setting. Consequently, the guideline that UN mandates protect civilians are not effectively translated into operational strategies. The impact of these ambiguities in the planning process has detrimental effects for the mission. Majority of current UN peacekeeping operations does not have mission wide strategies and address protection of civilians either as a day to day plan in order to tally mission assets or as threats to civilians in order to respond to crisis. Some missions have started developing indigenous tools and strategies yet they are viewed as substantially ad-hoc installations.

Prior information on the areas of mission installment has also emerged as a major challenge for in effective implementing of the PoC. Despite the developed strategies that protect civilians, most missions do not have sufficient capacities to collect and analyze the information needed to address the day to day threats. Consequently lacking the ability to predict the potential crisis that could lead to rapid escalations of violence.

With regards to the role of leadership in PoC, both senior civilian and military mission leaders alike demonstrate no consistency in their level of understanding or the relative prioritization of the issue. Therefore, practically the senior leaderships are rather decisive in ensuring that the said task is carried out in its entirety. Furthermore, availability of the resources is another pivotal factor. This is because, peacekeeping missions need the requisite structure and capacity to develop and implement protection strategies. Unfortunately, no consistent approach exists that effectively configures both, the issue of leadership and lack of resources. To this end,

it is important to acknowledge that no peacekeeping mission can be effective in its essence if the missions are not designed and resourced to support its main objectives. Besides, it has been widely observed that the military component in a mission is invariably deployed based on political considerations. Such an approach does not take into account the military aspects and the military response planning which would dictate the response of the mission troops to various contingencies. It has also been observed that early warning systems are practically non-existent. Therefore, they have to be developed individually by the contingents on their own. Flexibility and mobility in a high threat environment is essential where PoC is concerned, necessitating a response on a 24-hour basis. A special component of various battalions should be ready to respond immediately, most importantly, missions need air lift capacities to facilitate timely facilitation.

In the absence of essential contingencies, the aforesaid effective crisis planning and response is not materialized on field. Insufficient cooperation between the local security services and the peacekeepers is yet another challenge for the mission.

The community needs confidence building, and the presence of troops and their interaction with the communities. Public information operations are extremely important. The UNO does offer a public information system in each mission such as UN radio that has the potential to be effectively utilized. However, this avenue has failed to achieve optimal advantage. Training is primarily the task of Troops Contributing Countries (TCCs) and the International Monitoring Teams (IMTs) involved in the mission; mostly unaware of contextual realities and challenges including how the TCCs will respond to various changing scenarios. Lastly, police contributing countries have presumed that police Units do not have a role in PoC. This dichotomy needs to be resolved in order to avoid the internal conflicts.

Recommendations

Following are the recommendations drawn from the dynamics of R2P and PoC and the shortfalls in their implementation noted above.

First and foremost, there needs to be an effective communication system between the UN, TCC and the deployed mission. Clarification of the peace keeping task at tactical level needs to facilitate and speed up decision making on the ground. It must be realized that PoC is not merely a military function, it is also a mandate that includes UN humanitarian agencies, international and local NGOs etc. Improvement of working relationship and coordination with the humanitarian entities is hence, essential. This dichotomy remains as a result of the misconception at the end of UN agencies and NGOs presuming that if they work in cooperation with UN troops, they would be conceived as a party to the conflict. In this regard, battalions must review the assigned 'Areas of Responsibility (AoR)', and determine the sphere of PoC tasks in view of the available resources. In case if the PoC task cannot be operationalized, the concerned authorities must inform the chain of command, prepare contingency plans (including reaction time for each situation and scenarios). In addition, they must establish an early warning system in the AoR in order to coordinate with UN entities, host country security services and local communities.

Two significant aspects of peacekeeping can be drawn from the debated above. The first identifies the current gaps in several missions between the resources and mandates. Secondly, every peacekeeper (civilian, military and police) must utilize all the resources and capacities to protect the civilians. It is also important to consider that the political powers and their influence can sometimes overshadow the role of military. In brief, the UN's legitimacy is challenged when civilians are at risk and it continues to be the measure of mission success. Indeed, progress has been made in

developing guidance and training materials, and operational concepts for joint protection teams. However, increasingly dangerous environments require peacekeepers to be proactive and decisive. Static postures are no longer sufficient nor enough to protect the civilians. Therefore, it is essential for peace keeping to provide proactive strategies that require a change in the mindset among all those who form peacekeeping partnerships (troops, police contributors, UN Security Council). There must be a consensus regarding the adoption of a forward leaning posture. Peace keeping missions need to respond to threats to civilians at tactical, operation and strategic levels. This approach requires mobility, and rapid reaction with new capabilities, modified equipment, accommodation and new technology. Force multipliers enabling capacities are central to these efforts. An example in translation of what has been explained above is the new name given to the infantry battalions as the 'Rapid Mobilization Battalions (RMBs)' which could move and deploy wherever they are required. In South Sudan, the mission rapidly erected PoC sites under tough circumstances, as an example (Global R2P, 2018). Similarly in Mali, peacekeepers patrolled the streets and helped repair roads and schools (Ladsous, 2014). In the DRC, the deployment of the Force Intervention Brigade has expanded the reach of the mission to protect vulnerable civilians (UNSC, 2013). However, such practices need to continue to ensure that peacekeeping missions carry on innovating and reforming. PoC is all about expectations, and unless peacekeepers meet the expectations of the local population, they will always be accounted for any undesirable circumstance.

With the advent of globalization, there has been a sharp increase in the transnational, regional and international organizations. With its global reach and impact, media now plays an important role in highlighting the violations of human rights. They have also showed a great influence in devising the public policy and implementing the international laws. It has been observed that during the armed conflicts, the NGOs primarily become voices of the victims. . They highlight the violations particularly in the international humanitarian perspective. In addition, the NGO sector exerts pressure on the and also seek vigorous response from the international community. In fact, when all the other layers of protection fail, the domestic civil society comes into force as the main actor. They do not only comprised of the local organizations but also include the extensive network of religious societies, charities, independent activists, trade unions and human right activists.

Conclusion

This essay has illustrated the slow process of evolution with regards to PoC during the wars and conflicts internationally. The possible cohesion between the international military and peacekeepers along with the humanitarian actors and organizations not only offers numerous opportunities. However these opportunities are accompanied by a set of diverse challenges. Initially PoC was considered as the task of the human right organizations to protect the rights of the civilians during the conflicts. However, with the increasing role of UN in resolving international conflicts and its peacebuilding efforts, it has been emphasized that the military responsible to protect the civilians entrapped in the conflict zones.

It has been discussed that the PoC has always been a low priority objective when considering the military contributions in any mission. The challenge is to transform this low priority objective to a high priority at the operational level. However, the PoC is making its way into the military doctrines, though the progress is quite slow. But the United Nations, by operationalizing this notion (DPKO, 2015), emerges as the flag bearer of this development. UN not only includes the PoC as an operational concept, but also is undertaking efforts to promote it as a priority.

The process of producing doctrines to operationalize the idea, by NATO and the respective member states, has been slow. The fragmented approaches feasible for the aforementioned concept of PoC can potentially be merged together in order to form a comprehensive operational concept. The primary task is to produce greater harmony and coherence between different elements and to establish PoC as the core of the doctrine. This will serve as a unifying idea which can lay the foundation for the concept of operations. Though the doctrine of Britain is ahead of other NATO states in the matter (MoD, n.d.), it is still far behind the approach of UN. Acknowledging the multifaceted nature of the task of protecting civilians and in order to synergize the scarce resources of the missions, most military doctrines have developed a consensus that the task requires a comprehensive approach or ‘whole of a mission. The task of saving lives demands a well-coordinated and well-planned approach. In addition, it is widely recognized that in order to move beyond the reactive attitude and to instigate proactivity, the planning process of missions must include the civilian agencies and planning of civilian protection, in the early stages. Armed actors are not only held responsible under the international law for bearing arms, but interaction with them is also important in order to back their activities as well as to maintain a vivid understanding of the mutual mandates and roles.

A dialogue explaining suitable parameters for such interactions is important, but the transparency and consistency in these dialogues is even more important (Metcalf, 2012). Incorporation of humanitarian actors from the earliest phases of peacekeeping and related protection processes. It is also important to consider that, there are situations when the humanitarian principles are compromised owing to the interactions between military forces and humanitarian organizations. However, Metcalfe (2012) argues that even then, there is possibility for interaction with the help of mediators or interlocutors. ‘United Nations Office for the Coordination of Humanitarian Affairs’ or any regional or local actor present on ground can serve the purpose. Taking into consideration the informed consent of the concerned parties, detailed guidance regarding the information sharing process and ensuring confidentiality will further facilitates risk reduction for the victims and sources. The real challenge for the humanitarian organizations while protecting the rights of the civilians is to maintain their neutrality and impartiality because it is important for their future strategies while working for the PoC and their rights. It becomes more difficult when international organizations become the party to the conflict.

Acknowledgment

The authors acknowledge the research assistance received by Miss Menahil Tahir and Miss Nida Khalid, students of MSc. in Peace and Conflict Studies, Centre for International Peace and Stability (CIPS) at the National University of Sciences and Technology (NUST), Islamabad, Pakistan.

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