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Enhancing Civilian Protection in Peace Operations: Insights from Africa

by Paul D. Williams

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Executive Summary

The protection of civilians is a critical issue in African security. Nearly 600,000 civilians in 27 African countries have been massacred in the past two decades. Tens of millions more have been killed in battles, displaced, or perished from indirect causes of such attacks and the continent's armed conflicts. Not only are civilians the main victims of Africa's wars, but also an increasing number of United Nations (UN) Security Council resolutions have called upon peacekeepers to protect them. For many, civilian protection is the very essence of peacekeeping. This is a driving rationale behind the unanimously endorsed and UN-mandated "responsibility to protect" principle—the idea that governments have a responsibility to prevent and curtail genocide, crimes against humanity, war crimes, and ethnic cleansing. Civilian protection is also a crucial part of forging durable political settlements because any peace agreement that tolerates continued violence against civilians will not provide a solid foundation on which to build legitimate governance structures.

But protecting civilians in Africa's war zones raises huge challenges. Among the most important is the need to devise effective systems of information gathering and analysis that detect patterns of atrocities and to develop strategies and operational approaches that would enable militaries to effectively protect civilians from physical violence. Although difficult, civilian protection can be enhanced if peace operation policies are based on a multilayered conception of protection, a sound analysis of the conflict dynamics in question, a clear view of the strategy guiding protection activities, and peacekeepers supplied with sufficient resources to undertake the crucial operational and tactical tasks. The most strategic long-term challenge is determining how to effectively *deter* attacks on civilians. Progress can be made by responding robustly to stop and punish those who perpetrate such atrocities; strengthening the international legal and

normative constraints on anticivilian behavior; and building security forces across the continent to uphold these rules. In the short term, the practical emphasis must focus on strengthening the civilian protection “chain of actions”—the chain of activities for all organizations involved in protection including pre-mandate mission planning, the formulation of mandates for peace operations, the deployment of personnel, and their field activities on the ground.

This paper proceeds in six main parts. Empirical illustrations are drawn primarily from Rwanda (1993–1994), the Democratic Republic of the Congo (DRC) (2001–present), and Sudan (2004–present) because these countries experienced both extensive international engagement and some of the most severe and sustained civilian protection challenges in Africa. For example, in Sudan and the DRC alone, nearly 35,000 civilians have been massacred in episodes of one-sided violence since 1990. Yet despite being widely regarded as catastrophic failures, the peace operations in these countries have also produced some of the most innovative examples of how protection policies might be improved in the future.

After outlining the civilian protection challenge, the next section provides an overview of the origins of this agenda by summarizing the interrelated streams of thought and policy that promoted it. These were developments in international law, specifically humanitarian, criminal, and human rights law; an increasing emphasis on protection activities by a range of humanitarian agencies; the UN Security Council’s readiness to discuss issues of civilian protection and make protection a core component of its peacekeeping mandates; the willingness of a variety of regional arrangements in Africa to do the same thing; and the rise to prominence of the responsibility to protect principle.

The third section discusses the four main challenges the civilian protection agenda poses for peacekeepers on the ground: establishing practical definitions and expectations that can guide operational decisions; operational and legal problems associated with working

in Africa's war zones; the lack of appropriate resources; and political challenges stemming largely from insufficient commitment by powerful states and organizations.

The fourth and fifth sections examine how civilian protection policies might be enhanced. Specifically, the former discusses how peace operations must systematically collect and analyze information about what kinds of protection will be offered to whom, from what (threats), and through which agents. The latter section analyzes the available political and military options. As far as military action is concerned, two scenarios are discussed: situations where atrocities occur in a country where peacekeepers are already present, and cases where atrocities take place in the absence of peacekeepers. The paper then examines the crucial issue of how military power at the strategic, operational, and tactical levels can be harnessed to enhance civilian protection today and help deter atrocities tomorrow.

The concluding section offers 10 general policy recommendations for more effective policies within organizations that have made civilian protection part of their remit:

- ◆ deterrence is the objective, so strengthen global norms
- ◆ devise clear operational concepts and strengthen international consensus around them
- ◆ be realistic and manage expectations
- ◆ invest in excellent leaders for peace operations
- ◆ invest in peacekeepers
- ◆ invest in intelligence capabilities
- ◆ invest in reflection
- ◆ be prepared to coerce perpetrators
- ◆ keep humanitarian military intervention on the table
- ◆ don't give up on security sector reform.

The Civilian Protection Challenge

Peacekeepers have been trying to protect civilians in danger for a long time. In Africa, arguably the first official civilian protection mandate was issued to peacekeepers in 1960 when United Nations (UN) Secretary-General Dag Hammarskjöld authorized peacekeepers in the Congo to provide “Protection against acts of violence . . . to all people, white and black.” Hammarskjöld argued this was done on the grounds that peacekeepers’ “[p]rohibition from intervention in internal conflicts cannot be considered to apply to the senseless slaughter of civilians or fighting arising from tribal hostilities.” It was also, he noted, “in the spirit of the Universal Declaration of Human Rights and the Genocide Convention.”¹ Acting on these instructions, UN peacekeepers established safe areas, interposed themselves between civilians and their tormentors, and retaliated with force when these camps were attacked, thereby protecting an estimated 36,200 people.² Since then, peacekeepers in Africa have been confronted frequently with the mass killing of civilians; from Abyei to Aro Sharow, Bunia to Byarenga, Kigali to Kiwanja, Makeni to Makombo, the list of massacre sites is already long and getting longer.

In this context, getting civilian protection right has high stakes for the very concept of peacekeeping—mandates demand it and the legitimacy of peace operations will depend on it. Ultimately, the long-term goal of any protection strategy in Africa or elsewhere must be to *deter* attacks on civilians. To do this, not only must peacekeepers respond robustly to stop and punish the perpetrators of such atrocities, but also the world’s governments must strengthen the legal and normative constraints on anticivilian behavior and build security forces across the continent that uphold these rules. While significant progress has been made in all these areas, the practical emphasis must be placed upon strengthening what has been described as the civilian protection “chain of actions”—that is, the chain of activities for all organizations involved

in protection, including pre-mandate mission planning, the formulation of mandates for peace operations, the deployment of personnel, and their field activities on the ground.³

The protection of civilians is a critical issue in African security for many reasons. First, the human cost of Africa's wars is enormous. Civilians are the main victims in these conflicts, and although most succumb to disease and the effects of malnutrition, a significant number are slaughtered.⁴ Since 1990, the Uppsala Conflict Data Program has recorded the massacres of over 570,000 civilians in 27 African countries.⁵

A second reason why civilian protection is important is that a number of UN Security Council resolutions have called upon peacekeepers to protect civilians. As a consequence, this has become the gold standard by which many contemporary peace operations in Africa are judged, especially by local populations and the media. As the seminal Brahimi Report observed a decade ago, in an increasing number of situations, "peacekeepers may not only be operationally justified in using force [to protect civilians] but morally compelled to do so."⁶ Over time, civilian protection has thus become critical not only to the legitimacy and success of individual peacekeeping operations but also to the credibility of the entire UN system.

Third, civilian protection is also "a critical component for a sustainable political peace" inasmuch as any peace agreement that tolerates continued violence against civilians will not provide a solid foundation on which to build legitimate governance structures.⁷ In relation to the conflict in Darfur, for example, the African Union-UN high-level meeting in Addis Ababa in November 2006 concluded that civilian security was a prerequisite for progress toward a political solution.⁸ Expressed more generally, this means that successful civilian protection is a crucial component of a viable exit strategy for most peace operations.

A fourth reason why civilian protection is so important is that it forms the heart of the "responsibility to protect" (R2P) agenda. The

idea that governments have a responsibility to prevent and curtail genocide, crimes against humanity, war crimes, and ethnic cleansing was endorsed by the UN World Summit in October 2005 and occupies a central place in Africa's new peace and security architecture as stated in article 4(h) of the African Union's (AU's) Constitutive Act. The Genocide Prevention Task Force (GPTF) recently argued that the United States, as one of the governments that endorsed the R2P principle, should work to prevent mass atrocities. Not only are the killings a national security issue, but also stopping them is a crucial part of upholding international humanitarian law, the laws of war, international criminal law, and human rights law.⁹ The fact that R2P was mentioned in the 2010 U.S. National Security Strategy suggests this principle has gained considerable currency.¹⁰ With this in mind, it is also important to note that on May 24, 2010, U.S. President Barack Obama signed into law the Lord's Resistance Army (LRA) Disarmament and Northern Uganda Recovery Act. This breakthrough piece of legislation requires the Obama administration to develop a regional strategy to protect civilians in central Africa from attacks by the LRA, to work to apprehend the organization's leadership, and to support economic recovery for northern Uganda.

Finally, issues relating to civilian protection are centrally located in the nexus among the security, development, and humanitarian crisis challenges confronting Africa. As a consequence, finding remedies for the civilian protection conundrum has far-reaching implications for sustained progress on the continent.

Origins of the Contemporary Protection Agenda

In spite of the long history of attempts to protect civilians, only recently has the topic been the subject of serious and sustained debate at the UN Security Council and other relevant international organizations, most notably the AU, the Economic Community of West African States (ECOWAS), the European Union (EU), and

the North Atlantic Treaty Organization (NATO). To illustrate how far the debate has come, consider that the *General Guidelines for Peacekeeping* published by the UN Department of Peacekeeping Operations (DPKO) in October 1995—more than 18 months after the Rwandan genocide—made only one reference to the protection of civilians, and this was to question the idea that peacekeepers should be in the business of creating “safe areas” to protect civilians because it would damage peacekeepers’ relationships with the conflict parties and tarnish their impartiality. The document did not mention genocide, massacres, or crimes against humanity and bluntly stated that “peacekeeping and the use of force (other than in self-defence) should be seen as alternative techniques and not as adjacent points on a continuum.”¹¹

Contemporary interest in civilian protection stems from six interconnected streams of thought and policy that developed in reaction to different aspects of civilian suffering during war.¹²

Developments in International Law

The global effort to strengthen international humanitarian law (IHL), international criminal law, and human rights law has become the legal bedrock for civilian protection. After World War II, IHL was developed and codified in the four Geneva Conventions (1949), two Additional Protocols (1977), and a range of protocols covering the use of certain conventional weapons (1980, 1995, 1996, 2008). Of particular importance were Common Article 3 of the 1949 Geneva Conventions, which committed parties in noninternational conflicts to respect the human rights of all those placed *hors de combat* (out of action/combat), and the Convention on the Protection of Civilian Persons (Convention IV), which—among other things—offered legal protection to noncombatants in occupied territories. The first Geneva Protocol (1977) extended the protection afforded to noncombatants by insisting that armed attacks be strictly limited to military objectives (Article 52, Protocol I). Combatants were forbidden from

attacking noncombatants or their property, though so-called dual use facilities remained lawful targets. Article 51(5) outlawed attacks on military objects that “may be expected to cause” excessive civilian casualties, and forbade the indirect targeting of noncombatants. Protocol I also insisted that in cases of doubt, people should be assumed to be noncombatants. The principle of discrimination set out in the protocol also provided the legal and moral foundation for subsequent conventions banning weapons considered inherently indiscriminate and is now a core part of international criminal law.¹³ Thus, IHL has created a normative standard of civilian protection that not only prohibits certain weapons and behaviors but also seeks to punish perpetrators of individual or mass crimes. Particularly since the end of the Cold War, a variety of international tribunals and the new International Criminal Court have made important strides in supporting this agenda by eroding the impunity traditionally enjoyed by perpetrators of gross violations of IHL and human rights.

Humanitarian Agencies

Traditionally, humanitarian agencies viewed “protection” as the responsibility of “mandated actors” such as the International Committee for the Red Cross (ICRC), the UN Children’s Fund (UNICEF), and the UN High Commissioner for Refugees (UNHCR) to promote the legal protection of individual human rights. Accordingly, ICRC officials tended to equate protection mainly with the verification of government compliance with IHL in cases of detention. For its part, UNICEF was mandated to develop country-level reporting mechanisms in relation to the protection of children in armed conflict, while UNHCR was mandated by the 1951 Refugee Convention and subsequent protocol (1967) to provide legal protection to refugees. To the extent that other emergency relief organizations referred to protection, they typically saw it as a natural counterpart to the impartial delivery of humanitarian assistance. This

began to change in the 1990s when some organizations recognized that effective humanitarian assistance was dependent on security and stability. In extreme cases, this view noted that providing assistance without protection could produce the so-called “well-fed dead”—civilians given food, housing, and medical support by humanitarian agencies only to be killed by armed groups. The result was a broader approach to protection adopted by a variety of actors and codified by the Inter-Agency Standing Committee after 1999. This, in turn, produced a raft of different theories and strategies for the development, management, and assessment of protection programs.¹⁴

UN Security Council

Since 1998, the UN Security Council has explicitly debated a relatively broad and unfocused civilian protection agenda that has encompassed compliance with IHL, operational issues connected to peace operations and humanitarian access, and the council’s role in responding to emergencies and tackling disarmament issues.¹⁵ On September 17, 1999, the council unanimously adopted Resolution 1265. The resolution expressed the council’s “willingness” to consider “appropriate measures” in response “to situations of armed conflict where civilians are being targeted or where humanitarian assistance to civilians is being deliberately obstructed”; called on states to ratify key human rights treaties and work toward ending the “culture of impunity” by prosecuting those responsible for genocide, crimes against humanity, and “serious violations of international humanitarian law”; and further expressed the council’s readiness to explore how peacekeeping mandates might be reframed to afford better protection to endangered civilians. In October 2002, the council adopted its first *Aide-Mémoire* on civilian protection. This was subsequently adopted and developed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) to guide its work.¹⁶ The Security Council issued a further landmark resolution (number 1674) on the protection of civilians

Table 1. Characteristics of Mandates for UN-led Peacekeeping Missions in Africa Since 1999

Mission	Dates	Protect civilians under imminent threat of violence	Without prejudice to responsibility of host nation	Within capabilities and areas of deployment	"All means necessary"
UN Mission in Sierra Leone	October 1999–December 2005	Yes	Yes	Yes	No
UN Mission in the Democratic Republic of the Congo	November 1999–present	Yes	No	Yes	Yes
UN Mission in Liberia	September 2003–present	Yes	Yes	Yes (partial)	No
UN Operation in Côte d'Ivoire	April 2004–present	Yes	Yes	Yes	Yes
UN Operation in Burundi	May 2004–January 2007	Yes	Yes	Yes	Yes
UN Mission in Sudan	March 2004–present	Yes	Yes	Yes	Yes
African Union/ UN Hybrid Operation in Darfur	July 2007–present	Yes	Yes	Yes	No
UN Mission in the Central African Republic and Chad	September 2007–present	Yes	No	Yes	Yes
Percentage of mandates with component		100	75	100	62.5

Source: Adapted from Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: UN DPKO/OCHA, November 2009), 45.

in April 2006. This reiterated its demand for access to be granted to humanitarian agencies, stated the council's willingness to take action in cases where civilians are deliberately targeted, and reaffirmed the "Responsibility to Protect" principle (see below). In 2007, UN Secretary-General Ban Ki-moon called for measures to strengthen the right to humanitarian access and the creation of a working group to explore avenues for translating the council's commitment to protection into tangible outcomes for endangered populations.¹⁷ It was not until November 2009, in resolution 1894, however, that the council recognized the need for comprehensive operational guidelines to be developed on the tasks and responsibilities of peacekeepers in relation to civilian protection.

Peacekeeping Mandates

The UN Security Council has long tasked particular peace operations with achieving specific protection goals, although it was rare for civilian protection to be explicitly considered the central objective of the mission. Indeed, it was not until the publication of the Brahimi Report in 2000 that it became unofficial UN doctrine that peacekeepers who witnessed violence against civilians should "be presumed to be authorized to stop it, within their means."¹⁸ Starting in 1999 with the UN Mission in Sierra Leone (UNAMSIL), the Security Council has regularly invoked chapter VII of the UN Charter to create protection mandates. Yet these have always been conditioned on various geographical, temporal, and capabilities-based caveats. Some of the most significant characteristics of those mandates are summarized in table 1.

Regional Institutions

The protection agenda has also been fostered at the regional level with various African international organizations taking tentative steps to incorporate protection issues into their remit. For

example, a working draft manual for African military practitioners compiled in 2000 stated that “the protection of a non-combatant’s basic right to life and dignity is a fundamental element of all military operations. Should members of a PSF [Peace Support Force] who are designated as combatants witness war crimes, but take no action to stop them, they themselves become party to that war crime.” It defined protection as a *peacekeeping* task that involved the “creation of a secure environment” that would “include the protection of basic human rights and the safeguarding of individuals, communities and installations.” The manual went on to suggest that “in areas where consent is fragile, and there is a measure of opposition to the operation as a whole, protective tasks are more effectively accomplished by a peace enforcement force.”¹⁹ For its part, the AU has also provided a vehicle for the development of civilian protection. Specifically, with the entry into force of the AU’s Constitutive Act in 2001, article 4(h) of that act enshrined the Union’s right to intervene in the affairs of its member states in issues relating to genocide, war crimes, and crimes against humanity. Directly related to article 4(h), one of the six official scenarios envisaged for the African Standby Force was an intervention “in genocide situations where the international community does not act promptly.”²⁰ Presumably, the primary objective of such an operation would be to protect the civilian victims of the genocide in question. Although not authorized with reference to article 4(h), the AU’s peace operation in Darfur (African Union Mission in Sudan) included a civilian protection component in its mandate.

By 2006, the AU had a completed draft of the harmonized doctrine for what it called peace support operations. This stated, “The protection of a non-combatant’s basic right to life and dignity is a fundamental element of all PSOs.” It also went on to list a variety of military tasks relevant to such protection including the protection of aid agencies, the creation and maintenance of aid routes, the protection of refugee camps, “restoring human security

thus helping to curb human rights abuses,” and the apprehension of war criminals.²¹

At around the same time in West Africa, ECOWAS was drafting a *Code of Conduct for the Armed Forces and Security Services of West Africa* (2006). Although this document deals primarily with the principle of soldiers “doing no harm,” it also mentions more proactive forms of protection. For instance, under articles 7 and 20, armed forces are required to “provide adequate protection, refuge and assistance to all persons in need” and to “protect the rights and security of the civilian population, including the physical integrity of the individuals.”²²

The Responsibility to Protect

In October 2005, world leaders unanimously adopted the “Responsibility to Protect” (R2P) principle in paragraphs 138–140 of the UN World Summit Outcome Document. In April 2006, the Security Council reaffirmed the principle in Resolution 1674. As agreed by member states, the R2P rests on three pillars.²³ First, each state is to use appropriate and necessary means to protect its own population from genocide, war crimes, ethnic cleansing, and crimes against humanity, and from their incitement. The second pillar refers to the commitment of the “international community” to encourage and help states to exercise the responsibility set out in the first pillar. The third pillar refers to the international responsibility to respond *through the UN* in a timely and decisive manner when national authorities are manifestly failing to protect their population from the four crimes identified above. In 2007, UN Secretary-General Ban Ki-moon identified translating the R2P “from words to deeds” as one of his main priorities and appointed a special advisor on the matter.²⁴ The principle has also become part of the working language of international engagement with political crises such as in the African Union/United Nations Hybrid Operation in Darfur (UNAMID) and the diplomatic efforts to resolve the postelection conflict in Kenya. As defined by the

UN, the R2P is limited to the four crimes of genocide, crimes against humanity, ethnic cleansing, and war crimes. It is therefore important to note that while it is centrally related to the protection of civilians in peace operations, the two are not synonymous because civilian protection involves a broader range of issues than the four R2P crimes.

Although interrelated, these six sources of protection activities reflect the particular concerns and interests of the respective actors involved. They therefore emphasize different meanings of and approaches to protection. Ironically, this has produced a situation where one of the principal strengths of the civilian protection norm—the breadth and depth of the normative consensus underpinning it—is also a source of weakness because complete agreement is lacking about what protection means, what it entails, and which agents are best placed to provide it. This has raised a number of important challenges and left important gaps and tensions in the contemporary civilian protection agenda.

Challenges Facing the Protection Agenda

Protecting civilians from the negative effects of Africa's armed conflicts raises huge challenges. This section discusses these challenges under four headings: analytical challenges involving the creation of definitions and operational guidelines; environmental challenges arising from the problems associated with working in Africa's war zones; challenges related to the lack of appropriate resources; and political challenges stemming largely from insufficient commitment by powerful states and organizations.

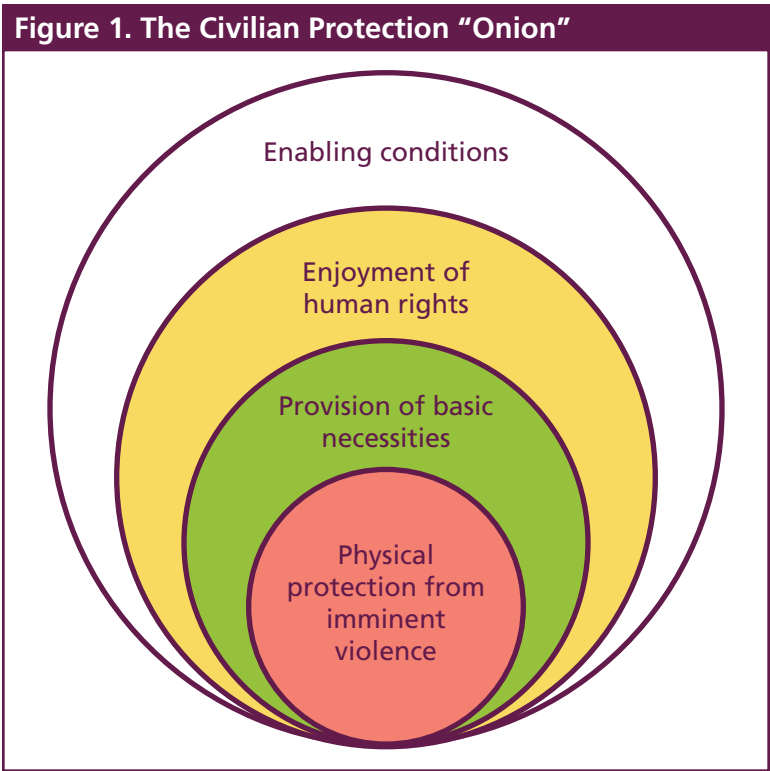
Analytical Challenges

Achieving civilian protection will be impossible without relative clarity about who counts as a "civilian," what is meant by "protection," and how protection can be achieved in practice. In abstract terms, civilians can be broadly defined as noncombatants. The challenge

is that modern peace operations in Africa have frequently deployed into situations where distinguishing civilians from combatants can be difficult. Moreover, when responding to the specific challenge of mass atrocities, the broad categories of “victims” and “perpetrators” are not always useful substitutes because the people who fall into each category can change over time as the balance of forces alters on the ground.

With regard to “protection,” the main fault line tends to lie between humanitarian organizations, which think of protection in terms of the fulfillment of human rights and legal norms, and military institutions, which tend to see protection in more limited terms related to the physical defense of particular “individuals, communities and installations” or demilitarized safe areas.²⁵ Unfortunately, the UN’s official guidelines offer little clarification as to the meaning of protection. For example, the *Handbook on UN Multidimensional Peacekeeping Operations* (2003) and the *UN Principles and Guidelines* (2008) contain no clear answers.²⁶ The latter did refer in broad terms to the need for peacekeepers to protect civilians but it did not go into useful specifics. The issue was so ambiguous that as recently as July 2009, the authors of an important DPKO/OCHA-commissioned study on civilian protection concluded that “no [Security] Council document offers an operational definition of what protection of civilians means for peacekeeping missions, nor has the Council tasked the Secretariat, which may be the most appropriate organ to develop such guidance, to do so.”²⁷ In sum, the common complaint across the international peacekeeping landscape was that when it came to civilian protection issues, “At a very practical level, it is not always clear to troops and police what is expected of them.”²⁸

In this study, civilian protection is conceptualized in terms of a multilayered “onion” (see figure 1).²⁹ This is my adaptation of the ICRC’s “egg framework,” which was developed in the late 1990s to depict the relationship between patterns of abuse and what the organization saw as the three forms of protection activities (responsive,



remedial, and environment-building). This emphasizes that protection can be thought of in minimalist (physical survival) or maximalist (the enjoyment of rights) terms and hence as a concept that contains many interconnected layers. Ideally, civilians would be able to enjoy the whole package, but in practice they can lose the outer layers of protection and still survive, although clearly some individuals can endure more than others. The inner core of physical protection, however, is vital for all the other layers.

The onion approach has several benefits. First, it is in line with current *drafts* of UN and AU thinking on the subject. At the UN, the *Draft DPKO/DFS [Department of Field Support] Operational Concept on the Protection of Civilians in UN Peacekeeping Operations* is organized around a three-tiered approach to protection that entails promoting

a political process of conflict resolution, providing protection from physical violence, and establishing a protective environment that enhances the safety and supports the rights of civilians.³⁰ Similarly, the AU's *Draft Guidelines for the Protection of Civilians by Peace Support Missions* currently defines the protection of civilians as "all activities aimed at obtaining the full respect for the rights of the individual" recognized under the relevant international legal instruments including those relating to international humanitarian, human rights, refugee, and criminal law.³¹ Although both these documents are working drafts, they suggest that both organizations are moving significantly closer to adopting operational definitions of protection.

A second benefit is that it allows distinctions to be drawn between different aspects of the broad protection agenda. Thus, the remainder of this study focuses on the inner core of the protection concept (that is, physical protection from imminent violence) and to a lesser extent the provision of basic necessities, because this is where military peace operations can play the most important protection roles. This is also evident in evolving peacekeeping practice in Africa. In its *2010 Darfur Protection Strategy*, for example, UNAMID's protection action is explicitly restricted "to two closely connected activities, physical protection and protection of humanitarian space."³² Moreover, as the DPKO/DFS draft concept has emphasized, "Peacekeeping operations are generally the only international entity responsible for playing a direct role in the provision of protection from physical violence; in that regard, they have a unique responsibility among protection actors."³³ Sometimes, "their presence alone is an effective deterrent against violence."³⁴ At other times, however, they will have to devise and actively engage in explicit "protection activities." Of course, the outer layers remain important for any comprehensive approach but they are usually best provided by humanitarian assistance and development agencies.

With this conception of protection in mind, the priority for policymakers is to ensure that peace operations can engage in

effective “protection activities.” This in turn requires that protection activities are linked to a political strategy defined as “the process of selecting goals and choosing appropriate means to achieve them within the resource constraints faced.”³⁵ It is through a strategy that decisionmakers set priorities and focus their resources accordingly. In this context, once protection activities have been defined as a priority, a key issue will be to figure out how to use military power to achieve humanitarian ends. The Mass Atrocity Response Operations (MARO) project, a collaborative effort between Harvard University and the U.S. Army’s Peacekeeping and Stability Operations Institute, concluded that a big part of the problem at the strategic level is that there has been a lack of systematic “thinking about *how* military forces might respond” to situations of mass killing.³⁶ Sources of guidance are more commonly found at the operational level, but key documents such as a mission’s mandate, the provisions of any local peace agreement, or a transitional constitution have often been vague, fragmented, ambiguous, or contradictory. At the tactical level, it is the mission’s rules of engagement (ROE) that set the parameters for legitimate protection activities by clarifying “the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders.”³⁷

Despite some genuine conceptual disagreement over the meaning of and approaches to protection at the strategic level, it is much harder to argue that existing military procedures at the tactical level are a primary inhibitor of effective protection action. As the DPKO/OCHA study put it, “ROE are not a major impediment to UN missions taking robust action to protect civilians, including the proactive use of deadly force when necessary.” Specifically, ROE have long existed that appear perfectly clear on when and how to use force for humanitarian purposes. One current example is rule 1.9 of the UNMIS ROE (April 2005), which states: “Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent

threat of physical violence, when competent local authorities are not in a position to render immediate assistance, is authorised. When and where possible, permission to use force should be sought from the immediate superior commander.”³⁸ Nor is such ROE clarity a recent invention. In November 1993, for instance, UNAMIR’s Force Commander Roméo Dallaire drafted the mission’s ROE based largely on those from the earlier United Nations Transitional Authority in Cambodia operation but with the addition of a paragraph permitting his troops to use deadly force to prevent crimes against humanity: “There may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on displaced persons or refugees.”³⁹ These ROE were issued as Force Commander’s Directive No. 2 and circulated to UN headquarters and the capitals of all UNAMIR troop-contributing countries (TCCs). After making some minor amendments in response to concerns raised by Belgium and Canada, Dallaire “considered the [ensuing] silence on all fronts as tacit approval.”⁴⁰ In sum, evidence from previous and ongoing missions suggests that peacekeeping ROE are not a fundamental impediment to undertaking effective protection tasks. The more serious problems stem from the difficulties imposed by some complex operational environments, the limited resources available to peacekeepers, and a lack of political will among local and contributing governments and mission commanders.

Environmental Challenges

Africa’s conflict zones throw up significant legal and operational challenges for those attempting to protect civilians. In legal terms, except when foreign soldiers are in occupation of the territory concerned, “there is only a very rudimentary legal regime to regulate” the relationship between the local inhabitants and the intervening force. What does exist is a rather composite mix of obligations derived

from IHL and some human rights treaties.⁴¹ While these obligations are relatively clear about which actions are prohibited, they are far less clear on which proactive obligations fall to peacekeepers with regard to protecting civilians.

In operational terms, Africa's war zones are complex and fluid environments with many characteristics that complicate protection activities. First, there is a lack of clear frontlines, making traditional separation and interposition approaches difficult. Second, some groups often deliberately target segments of the civilian population either for political or economic reasons. For example, in Sudan and the DRC alone, nearly 35,000 civilians have been massacred since 1990.⁴² Civilian protection may therefore run directly counter to a party's primary wartime objective. Third, these conflict zones are usually populated by multiple (sometimes battle-hardened) armed groups, militias, and criminal gangs, many of which may not have clear or effective chains of command.⁴³ This makes it difficult to elicit consistent compliance from these factions as well as rendering consent fragile and fluctuating. Fourth, these actors will often display a wide variety of political strategies ranging from attempts to capture state power or a segment of territory to little more than the accumulation of resources. This means peacekeepers will usually have to devise unique approaches for dealing with each conflict party. Fifth, these environments often span vast geographical areas, including sections of very harsh terrain, and have very little and/or poor physical infrastructure, which makes transportation, communication, and resupply difficult. A sixth characteristic is the presence of large numbers of international actors from relief agencies and private security firms to international financial institutions, and all of them operate with unique agendas as well as different interpretations of what protection means and the best mechanisms to achieve it. To some extent, establishing regular forums for dialogue between civilian and military actors can overcome some of the problems of

miscommunication and misinterpretation, but they may not be able to resolve genuine differences over priorities.

Resources Challenges

One of the golden rules of peacekeeping philosophy is that mandates should be matched to the available resources. Unfortunately, the gap between means and ends is nowhere more stark than in the area of civilian protection. Although it has not always been clear what tools are necessary to protect civilians, it is foolish to expect a great deal of success if peacekeepers are not given sufficient resources. In military terminology, the civilian protection agenda requires peace operations to possess the right combination of “speed and mass.”⁴⁴ In practice, however, most peace operations in Africa have lacked capabilities in both these areas.

Perhaps the most obvious shortage has been in relation to the numbers of troops and police deployed on these operations. This deficit has two dimensions: mandating organizations establishing missions with inadequate authorized troop levels, and their member states allowing vacancy rates to endure. These deficiencies leave missions unable to reach even their authorized strength for substantial periods of time. In relation to authorized levels of soldiers, two rules of thumb used to calculate the necessary force size for civilian protection operations suggest that between 2 and 10 troops are required for every 1,000 inhabitants within the crisis zone, or that the protection force should be at least the size of the largest indigenous armed force.⁴⁵ Using both these measures, recent missions to protect civilians in Sudan and the DRC have been woefully underresourced (see table 2). Moreover, as figure 2 illustrates in the case of the UN Mission in the Democratic Republic of the Congo (MONUC), deployment of peacekeepers often proceeds in a slow and reactive rather than a proactive fashion, and an increase of troops occurred only after a previous protection crisis had erupted. With regard to vacancy rates, although the UN has made

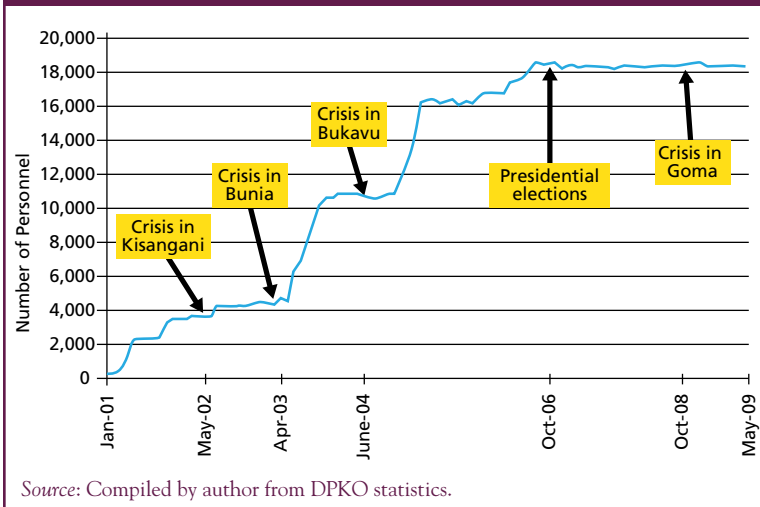
Table 2. Ideal and Actual Size of Peace Operations with Civilian Protection Mandates					
Region	Local Population	Mission	Required Size: Method 1	Required Size: Method 2	Actual Size (December 2008)
Darfur, Sudan	6 million	African Union/United Nations (UN) Hybrid Operation in Darfur	12,000–60,000	40,000–45,000	15,130
South Sudan	8 million	UN Mission in Sudan	16,000–80,000	40,000	10,025
North Kivu, DRC	5 million	UN Mission in the DRC	10,000–50,000	20,000	6,000

Sources: Report of the International Commission of Inquiry on Darfur to the UN Secretary-General: Pursuant to Security Council Resolution 1564, 18 September 2004 (Geneva, January 25, 2005), 27, paragraph 78; Amnesty International, *Democratic Republic of Congo: Crisis in North Kivu* (November 21, 2008), available at <www.amnesty.org/en/library/info/AFR62/014/2008/en>.

significant improvements in force generation in recent years, the hybrid operation in Darfur, UNAMID (launched in 2008), was incredibly slow to attract the authorized level of resources despite having a planning and gestation period dating back to mid-2006. As a consequence, as recently as February 2010, UNAMID’s Joint Special Representative acknowledged that although “the entire 8 million population of Darfur could be described as persons of concern to UNAMID . . . only about half this number are fully accessible.”⁴⁶

But troop numbers are not the only problem. Peace operations in Africa have also frequently suffered from a lack of specialized units (for example, engineers, medics, intelligence gatherers, special forces, interpreters, and so forth) and vehicles (for example, helicopters, armored personnel carriers [APCs], and unmanned aerial vehicles), as well as inadequate communications and logistical support. Perhaps the most dire example of how failure to resupply a mission can impact its ability to undertake protection activities was in the first few days of

Figure 2. MONUC Uniformed Personnel and Crisis Response, January 2001–May 2009



the 1994 genocide in Rwanda, when it became clear that UNAMIR lacked the ability to replenish its supplies, including its ammunition and medicines. As a result, when confronted with a decision over whether to conduct a particular protection mission, Force Commander Dallaire “had to balance the risk of the operation against the fact that [UNAMIR] had no medical safety net and a lack of ammunition.”⁴⁷ Unfortunately, 15 years later, UNAMID was suffering from similar problems to the extent that a DPKO/OCHA study concluded that the operation had been “designed—despite good intentions—without the ability to succeed.”⁴⁸

These problems are well known. As one senior official of a leading UN TCC recently acknowledged, “Nine-tenths of delegations know they’re not giving [the Department of Peacekeeping Operations] the resources it needs.”⁴⁹ One widely publicized example occurred in August 2004 when the UN Secretary-General asked the Security Council for 13,100 more troops for MONUC in the aftermath of the massacres of civilians that took place during and after the battle for the town of

Bukavu. He was given only an additional 5,900 personnel, which included 341 civilian police. Indeed, MONUC's search for resources was so difficult that between 2000 and 2004, the UN Secretary-General advised against the adoption of civilian protection as a core role for the mission, even after it had been mandated by the Security Council. He did so on the grounds that MONUC lacked the necessary capabilities.⁵⁰ It was a similar story 5 years later when MONUC's head, Alan Doss, repeatedly warned that without appropriate assets such as the 3,000 reinforcements authorized by the Security Council in November 2008 or the 16 military helicopters needed to give his troops greater mobility, MONUC's "capacity to respond quickly to emerging threats and protect civilians would be curtailed."⁵¹ Nor was the problem confined to the DRC. In mid-2008, in the wake of an ambush in Darfur that killed 7 UNAMID peacekeepers and wounded 22 others, Henry Anyidoho, a veteran of the UNAMIR mission during Rwanda's genocide and deputy political head of UNAMID, reiterated the importance of capabilities when he identified "the problem" as "the failure of the international community to give UNAMID the equipment it needs to do its job. They expect too much, too quickly, even though they are not providing the means."⁵² In sum, many peace operations in Africa have suffered from a gap between expectations and capabilities.

Political Challenges

Although there have been many statements, declarations, and laws that signal a broad international consensus about the importance of civilian protection, the depth of political commitment to realizing this lofty goal is not always clear and varies considerably across governments and organizations. Specifically, what costs are international actors willing to endure in order to protect foreign civilians, and how far are they willing to challenge old notions of sovereignty in countries where the host government is either unwilling or unable to support protection

activities? On paper at least, article 4(h) of the AU Constitutive Act (which entered into force in 2001) implies that the Union is willing to override the norm of nonintervention in what it calls “grave circumstances,” that is, where genocide, crimes against humanity, and war crimes are being committed. However, to date, the AU has not invoked this article because it has never authorized the use of military force without the consent of the *de jure* authorities of the state in question. Meanwhile, the current UN approach to protection is explicitly premised on peace operations receiving the “consent of the host government and the main parties to the conflict.”⁵³ As the *Draft DPKO/DFS Operational Concept* makes clear, UN “peacekeeping operations can only execute the protection of civilians mandate insofar as the host government continues to provide its strategic consent. If that consent is withdrawn, a peacekeeping environment no longer pertains, and action at the strategic level, including by the Security Council, must be considered.”⁵⁴ This is why debates about what action can be taken under pillar three of the R2P, the legitimacy of humanitarian military intervention, and the newly developed concept of MARO remain crucial for the protection agenda (discussed below).

In Africa’s contemporary conflicts, host governments have often orchestrated many of the crimes perpetrated against civilians, denied entry to peacekeepers, or obstructed their work. Despite much talk about peace and protection, governments in many African conflict zones are more interested in defeating their rivals than engaging in genuine conflict resolution. In such circumstances, host governments may well frustrate rather than facilitate peacekeepers’ protection activities. For example, in November 2007, after many years of refusing non-African peacekeepers access to its province of Darfur, the Government of Sudan objected to the deployment of a Thai infantry battalion, a Nepalese special forces unit, and a Nordic engineering unit that the UN considered vital to the ability

of UNAMID to carry out its mandate.⁵⁵ Similarly, in June 2009, 62 Nigerian APCs were kept in Sudanese customs for more than a month and the government grounded three UNAMID helicopters used for medical evacuations, apparently because their newly installed night-flying equipment did not conform to specifications agreed to between UNAMID and the government.⁵⁶ In this case, the Government of Sudan officially consented to UNAMID's protection activities but then raised practical objections and erected obstacles at every turn. Elsewhere, however, host governments have threatened to withdraw their consent for a peacekeeping operation before it has achieved its objectives. In both Chad and the DRC, the respective host governments told the UN it had to withdraw its peacekeeping operations (UN Mission in the Central African Republic and Chad and MONUC), even though neither mission had completed its mandated tasks and there was no credible local security force to protect civilians.

A less sinister but still inherently political challenge revolves around the sometimes genuine differences over how to interpret a peace operation's mandate. In this context, it is important to remember that UN Security Council resolutions and other mandating documents such as communiqués of the AU Peace and Security Council are political texts that are the result of complex negotiations and compromises and are generally not well suited to clearly laying out the specifics of a mission's operations and mode of action.

Other political challenges include different strategic cultures evident among armed forces from different countries and the varied risk thresholds apparent among national contingents within the same peacekeeping operation.⁵⁷ One striking example of different national tolerance for the risks involved in civilian protection tasks came during the 1994 Rwandan genocide. In this instance, one of the force commander's code cables to UN headquarters signaled his frustrations about some of his fellow peacekeepers in no uncertain terms:

The [Bangladeshi] contingent commander has consistently stated he is under national orders not to endanger his soldiers by evacuating Rwandese. They will evacuate expatriates but not local people. His junior officers have clearly stated that if they are stopped at a roadblock with local people in the convoy they will hand over these local people for inevitable killing rather than use their weapons in an attempt to save local people. This reticence to engage in dangerous operations and their stated reluctance to use their weapons in self-defence or in defence of crimes against humanity has led to widespread mistrust of this contingent among its peers in other units and amongst staff officers/UNMOs at the headquarters when they are tasked to go with these men on dangerous missions.⁵⁸

To function effectively, especially in circumstances where coercion is likely to be necessary to achieve the mandate, the contributing countries in a peace operation need to be willing to shoulder their fair share of the risks involved in undertaking protection tasks.

Taken together, these analytical, environmental, resource, and political challenges support several conclusions about the current state of the civilian protection agenda. First, the definitional problems surrounding civilian protection issues can be resolved with relative ease. What requires more thought is how to translate broad conceptual approaches into more concrete political strategies and operational guidance for peacekeepers. Second, to date, most of the initiatives that have emerged to help fill these strategic and operational gaps have been designed with a single institution in mind.⁵⁹ For instance, the DPKO/OCHA study is geared solely toward UN peace operations, and both the GPTF and MARO initiatives were focused squarely on the U.S. Government.⁶⁰ Here, several interrelated problems emerge. As the

AU increasingly asserts its presence in Africa's peacekeeping landscape, hybrid peace operations that involve several organizations (either in sequence or in partnership) rather than a single institution going it alone are likely to become the norm. Furthermore, the likelihood of hybrid peacekeeping raises challenges of coordination and coherence across different organizations as these initiatives are adopted to fit different contexts. In Africa, the foreseeable future of peacekeeping will necessitate key axes of coordination horizontally between the UN, AU, and EU, and more vertically between the AU and the continent's regional economic communities.

A third conclusion is that a significant gap remains between capabilities and expectations in the realm of civilian protection. As the UN's New Horizons project correctly noted, this "creates a significant credibility challenge for UN peacekeeping."⁶¹ The same certainly goes for AU peace operations and, to a lesser extent, EU peacekeeping on the continent. Fourth, the messy nature of armed conflicts in Africa means that peacekeepers will probably also have to get used to operating in environments that have been labeled "neither war nor peace," where peace agreements might exist on paper but violence remains pervasive even if there are few large-scale military engagements.⁶² Finally, political currents across the globe appear to indicate that it will be increasingly difficult to procure sufficient resources for civilian protection because international society remains reluctant to support a right of humanitarian military intervention. Indeed, host government consent will remain both the crucial prerequisite for entry for most missions and a dangerously weak link in a protection chain that might be broken at any stage.

The Critical Role of Information Gathering and Threat Analysis for Civilian Protection

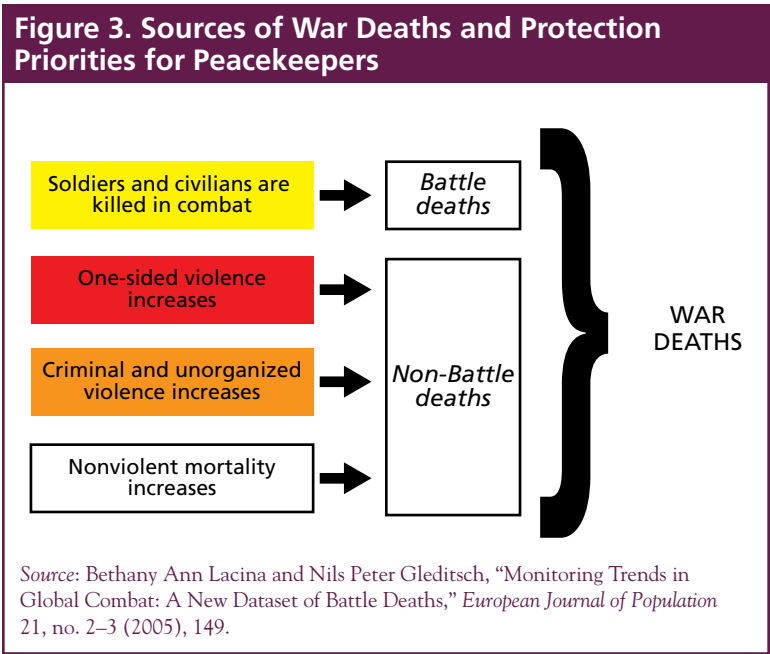
Since "every situation of mass killing is unique and requires a tailored response," attempts to overcome these challenges must start

with astute analysis of the situation at hand.⁶³ In particular, peace operations must systematically collect and analyze information about what kinds of protection will be offered to whom, from what, and through which agents. In traditional military thinking, the issue is usually framed as requiring a planning process to understand the environment, frame the problem set, and develop a solution. This is also the case for the UN system where key pivotal points in the planning process for civilian protection issues have been identified.⁶⁴ In relation to contemporary peacekeeping practices, perhaps the best example is MONUC's Joint Protection Teams comprising civil affairs, human rights, and child protection staff. First established in 2009, more than 80 of these teams were deployed to MONUC bases in North Kivu during the first half of 2010. Deployed for up to 5 days at a time, these teams are intended to enhance understanding of local conflict dynamics, create links between MONUC and the local population (sometimes through the use of community liaison interpreters), fill the gap in field-level data collection, and provide early warning by predicting threats.⁶⁵

Prioritizing Protection

Protection analysis should start by clarifying which individuals and groups are to be protected. Although warfare undoubtedly affects all civilians, the approach to protection outlined above suggests that peacekeepers should focus their attention on those civilians in imminent physical danger. But since the threat of physical violence assumes many forms, peacekeepers need to be aware of different categories of war deaths. Figure 3 depicts the four most common sources of war deaths and a scale for prioritizing the attention peacekeepers give them.

Figure 3 suggests that peacekeepers should assign the highest priority to instances of "one-sided violence."⁶⁶ The second highest priority should be protecting civilians from falling victim to criminal



and unorganized violence carried out by random individuals or bandits and criminal gangs. The third highest priority should be stopping civilians from being killed in battles.

Peacekeepers also have an important, albeit indirect, role to play in relation to the category of nonviolent mortality—primarily death brought on by malnutrition and disease. This generally accounts for the largest number of civilian fatalities, but these tend to occur relatively slowly and have symptoms that are best addressed by nonmilitary actors. Consequently, the role of military peacekeepers in this area should involve collaboration with relief workers to protect their activities, organize camps for displaced people, and keep delivery routes for humanitarian assistance open and safe. If, as is usually the case, insecurity and inaccessibility of suffering populations because of insecurity are the central causes of abnormally high nonviolent mortality rates, peacekeepers must also focus on stemming the sources of that insecurity—that is, by tackling

the armed actors perpetrating atrocities. At the other end of the spectrum, since most peace operations are not mandated, prepared, or equipped for warfighting roles, it is unreasonable to expect peacekeepers to intervene directly in battles between opposing armed factions, especially if they are outnumbered or outgunned. As the DPKO/OCHA study correctly concluded, beyond a certain level of battlefield violence, “peacekeeping operations generally cease to be capable of significantly influencing the course of events.”⁶⁷ Of course, peace operations serve many important functions in Africa’s conflict zones, and force commanders on the ground should be encouraged to do what they can to enhance civilian protection when such battles occur within their area of operations. But how exactly peacekeepers should respond to combat between armed groups must be assessed in light of what is realistically within their capabilities. It is unreasonable to expect peacekeepers to lay down their lives for civilians if there is not a viable prospect that they will survive the encounter. As a consequence, civilians killed either deliberately or accidentally during battles are listed as only the third priority for peacekeepers.

The top two priorities occur in circumstances where civilians are in imminent danger of physical violence outside of battle, specifically because of the threat of massacre or criminalized violence. Deterring these two types of scenarios should constitute the top priorities for peacekeepers. Stopping large-scale massacres is at the heart of the R2P principle and was the original intent behind the UN Security Council’s first explicit civilian protection mandate in Sierra Leone in 1999. Deploying to areas where the threat of massacre is high—such as internally displaced persons (IDP)/refugee camps or vulnerable settlements—and establishing a credible deterrent should thus be a priority for peacekeepers. A positive example of this kind of analysis in action is the MONUC priority protection planning meetings. Threats were categorized into three protection categories:

*(i) “Must protect” areas where MONUC troops should be physically present with a base deployed to the area; (ii) “Should protect” areas where MONUC should be physically present if the resources are available, and if not, MONUC troops should at least do regular patrols to the area; and (iii) “Could protect” areas where MONUC troops should carry out patrols, especially on market days.*⁶⁸

The problem, of course, is that it is very difficult for peacekeepers to predict where massacres might occur or to stop those taking place outside their areas of deployment. Moreover, they do not always act on their own assessments. Although MONUC designated Waloaluanda a “must protect” area in February 2009, it took 7 months to establish a base there.⁶⁹ In areas where criminalized and unorganized violence occur, police officers will have particularly important roles to play by establishing a visible presence in civilian areas and engaging in patrols. Undertaking preventive measures such as community policing and public information dissemination is of particular importance. International actors also have a vital role to play by strengthening host state capacity, that is, helping to monitor, advise, and train host state law enforcement.⁷⁰ There will also be a need to address egregious cases of organized criminal activity within the area of operations.⁷¹

Threats

Peacekeepers cannot protect civilians effectively without developing accurate threat assessments of who is committing violations and how they are doing it. To gather this information, peacekeepers need to tap multiple sources of information about their operating environment, including members of the local population, nongovernmental organizations (NGOs), and other international agencies.

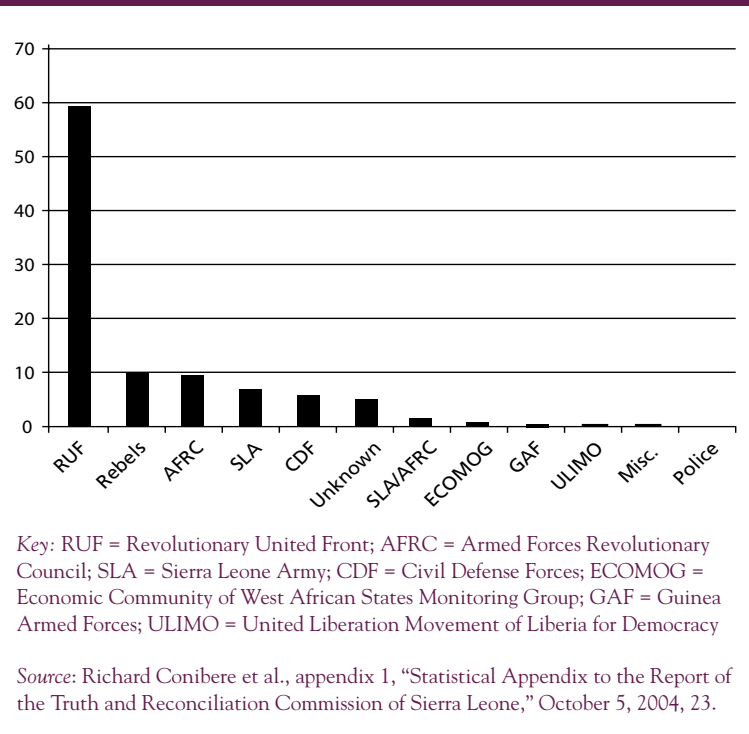
In part, good threat assessment entails discerning patterns of behavior, and this work is already under way. In April 2009, for example, MONUC began analyzing patterns of sexual violence in order to generate a risk model that might help them predict and hence prevent future abuse.⁷² The problem is that “atrocities committed during civil wars may well be patterned, but they do not occur uniformly across time or space. There are lulls and peaks. Violence comes to different cities, towns, and neighborhoods at different times.”⁷³ It is therefore important for peacekeepers to build an accurate picture of all armed groups, militias, and criminal gangs present in the area of operations and study their particular policies and techniques of violence. In Africa at least, peacekeepers may need to pay greater attention to the activities of militias and criminal gangs than of more formal insurgent groups because of their propensity for committing atrocities. Recall that during the single largest orgy of mass killing in Africa during the 1990s—Rwanda’s genocide—most of the atrocities were carried out by militias and criminals. As Roméo Dallaire noted during the genocide, the main danger to his personnel and civilians did not come from the Rwandan Army or the Rwandan Patriotic Front rebels. Rather, the “most dangerous threat to UNAMIR” came from what Dallaire called a “third force” of aggressive/brazen/militia” who displayed “no particular respect for anybody and essentially work to their own unruly/drunk/drugged tune.” They were, he concluded, “a very large and dangerous and totally irrational group of people.”⁷⁴

Repertoires vary across armed groups and can change significantly over time. A group may also add a particular mechanism of violence to its repertoire in response to changing circumstances—for example, mimicking other groups or as part of a change in strategy or tactics. The officially endorsed repertoire may also differ from what actually occurs on the ground, especially in groups with weak military chains of command and with undisciplined recruits.

When conducting threat assessments, it is particularly important for peacekeepers to identify any “opportunistic rebellions.” As defined by Jeremy Weinstein, these are insurgent organizations that enjoy access to a substantial flow of economic endowments—either domestic resources or those provided by an external patron. They are more likely to commit high levels of indiscriminate violence against civilians because they tend to recruit individuals interested only in short-term material gains rather than promoting particular ideological principles. In addition, they struggle to discipline recruits who abuse civilians indiscriminately, thus causing a cycle of civilian resistance and rebel response. These organizations are also highly unlikely—and indeed will usually be organizationally unable—to change this behavior voluntarily because “patterns of violence *are a direct consequence* of the endowments leaders have at their disposal as they organize.”⁷⁵ When dealing with such insurgents, peacekeepers are unlikely to stop their activities without resorting to proactive forms of coercion.

These insights are important but they deal only with opportunistic rebel organizations. Unfortunately, African governments also commit atrocities. Indeed, for years MONUC has been placed in the difficult position of helping Congolese government forces to defeat various rebel organizations even though it is well known that the government’s soldiers regularly commit as many if not more abuses against civilians than the rebels. In light of such abuses, in mid-2009 the MONUC human rights section drew up a list of 15 individuals believed to be involved in *Kimia II* (a DRC Government operation against Democratic Liberation Forces of Rwanda [FDLR] rebels that enjoyed direct support from MONUC) who had records of gross violations of human rights documented by MONUC over several years.⁷⁶ As a consequence, MONUC suspended its support for the Congolese army’s notorious 213th brigade.

While MONUC was handed an unenviable strategic headache, sometimes circumstances are more clear-cut. When UNAMSIL

Figure 4. Percentage of Violations by Perpetrator Group (Sierra Leone)

deployed to Sierra Leone in 1999, for instance, it faced a relatively straightforward scenario inasmuch as the majority of atrocities were committed by one group, the Revolutionary United Front (RUF)—a perfect example of Weinstein’s “opportunistic rebellions.” As figure 4 demonstrates, the RUF was responsible for the vast majority of the 40,242 violations suffered by 14,995 victims of Sierra Leone’s war between 1991 and 2000.⁷⁷ On other occasions, such as the conflicts in Darfur and eastern DRC, peacekeepers will find it much more challenging to compile accurate threat assessments and understand the repertoires of violence of a bewildering number of armed factions. In eastern DRC alone, analysts have identified nearly 20 armed factions.⁷⁸ In such circumstances, mapping threats and perpetrators is crucial.

In Darfur, for example, UNAMID has identified well over two dozen armed factions and has to deal with a long list of threats relevant to civilian protection, including offensive overflights/area bombings, violence between two or more parties, shooting at civilians, physical assault against civilians, harassment at checkpoints, insecurity in IDP camps, gender-based violence, general lawlessness, arbitrary arrest and detention, destruction of civilian assets, and children associated with armed groups.⁷⁹

Protective Agents

As discussed above, the outer layers of physical protection can usually be provided for by a variety of humanitarian and development actors such as NGOs. When dealing with the inner core of physical protection, however, the need for coercive capabilities means there is a much shorter list of potential agents. While international peacekeepers often have the most important roles to play, they are not the only actors who can make a difference.

According to both the DPKO/DFS approach to protection and the R2P principle, even in situations of humanitarian crisis, it is the host government that retains the primary responsibility to protect its population. Consequently, if the host government is willing and able to engage in protection activities, its security services then hold a privileged status in the protection equation, and peacekeepers and other actors will play a supporting role. Insurgent organizations constitute a third set of actors. Although these groups are often responsible for many human rights violations, they can also undertake important protection activities, particularly when the host government in question is a perpetrator of atrocities against civilians. In the 1994 Rwandan genocide, for instance, it was the Rwandan Patriotic Front rebels who ended the killing by defeating the genocidal regime's armed forces. Local resistance groups make up a fourth set of protective agents. Although rarely well equipped for protection activities, local

actors are often the only groups present in remote areas or during the early stages of a campaign of mass killing. Recall that in most cases of mass atrocities international assistance arrived, if at all, only after the peak of the violence. Before ECOWAS and, later, UN forces deployed to address Sierra Leone's civil war, for example, various self-defense groups emerged to fight off the RUF rebels and marauding government soldiers. Similarly, in Darfur, the emergence of dozens of small armed organizations, many of which were groups of armed men who united to protect their community, caused the rebel movement eventually to fragment. In the short term, such local resistance might be encouraged as the only realistic option in a desperate situation. In the longer term, however, a proliferation of armed groups is undesirable. The aim of external actors must therefore be to demilitarize local communities and reduce the numbers of armed groups in the area of operations.

A final category of actors able to conduct protection operations is private security firms. Although the vast majority of contractors engaged in peace and stabilization operations do not explicitly conduct frontline warfighting activities, the successful campaign waged by the firm Executive Outcomes against the RUF rebels in Sierra Leone during the mid-1990s continues to fuel the prospect of privatizing protection tasks.⁸⁰ The usual arguments in favor of subcontracting a private military company to conduct protection operations are that firms will be able to rapidly assemble and deploy an appropriate and well-equipped force and will be less concerned than governments about the "body-bag syndrome" and thus able to endure high levels of casualties and—if the price is right—to venture where governments fear to tread.⁸¹ Given its swift and effective intervention in Sierra Leone, Executive Outcomes and other private security firms may offer strategic and operational lessons to protection efforts. On the flip side, it is worth recalling that the military junta that hired Executive Outcomes was only able to do so by selling off mining rights to the country's major diamond producing area in Kono. The deal was completely opaque,

and civil associations were still fighting the contract and the process through which it was agreed after the war had ended in early 2002. Moreover, Executive Outcomes personnel remained in the diamond mining area well after the peace agreement, suggesting that some of them had become involved in the illicit trade that helped to fuel the war.⁸² Indeed, since private security firms are profit driven, there is little to prevent them from switching allegiances when offered a more lucrative contract, potentially upending conflict management efforts. In sum, difficult issues remain concerning the accountability and transparency of such operations.

Turning Analysis into Action: Some Lessons for Enhancing Civilian Protection

Once peacekeepers have conducted a sophisticated analysis of the protection issues, the task is to take action that effectively halts ongoing atrocities and deters future killings. When focusing on the inner core of the protection “onion,” actions can be broadly divided into two interlinked categories: political and military.

The political challenge is obvious: to resolve the conflict that is generating the protection challenges. As the DPKO/DFS draft report puts it, “The maintenance of peace through an effective peace process is perhaps the single largest contribution a mission can make to protecting civilians.” Peace operations can facilitate this process through a variety of means including “the provision of good offices to the parties to a peace agreement, facilitating the political process through mediation, support to reconciliation processes, and active liaison with the host government, the parties to the peace process and their respective command chains, as well as with the international community.”⁸³

Bringing stable peace to Africa’s conflict zones is no easy task but using the mechanisms of mediation and diplomacy to negotiate an end to war is well understood if not always well executed. In contrast, the military dimension of the protection equation is less

well developed and understood. Appropriate military action depends on the scenario in question. Broadly speaking, these can be divided into situations where atrocities take place in either the presence or the absence of peacekeepers.

When atrocities take place in the absence of peacekeepers, the rapid deployment of sufficient numbers of well-equipped troops who have received individual and collective training on how to conduct protection tasks must be emphasized and achieved. Historically, the biggest obstacles in this scenario have been threefold: international law, international politics, and a lack of relevant military doctrine.

The first obstacle is that international law does not currently permit humanitarian military interventions unless they are authorized by the UN Security Council.⁸⁴ Humanitarian military intervention is defined here as military force without host state consent aimed at preventing or ending widespread and grave violations of human rights such as genocide, ethnic cleansing, or crimes against humanity. Indeed, the UN Security Council has never authorized such an intervention if a functioning government has withheld its consent; therefore, this pattern is not likely to alter any time soon. This means that any other organization would have to conduct an intervention with, at best, a precarious legal basis and, at worst, a perceived stamp of illegality. One such example occurred when NATO conducted Operation *Allied Force* in Serbia/Kosovo in 1999.

The second barrier to such interventions is international politics. In the majority of relevant cases, the world's most powerful governments have shown little inclination to use military force in response to mass atrocities. As Simon Chesterman put it, "inhumanitarian non-intervention" has been international society's usual response.⁸⁵ It can also be difficult to generate political support for military interventions because there is no guarantee that they will improve the situation. This was certainly a fear raised in the context of Darfur. Indeed, there are many reasonable, prudential considerations

that might make humanitarian military intervention a bad idea in certain cases. Moreover, the series of debates within the UN General Assembly leading up to and during the 2005 World Summit show quite clearly that most UN members were unwilling to permit the R2P to involve the idea of military intervention without UN Security Council authorization.⁸⁶ In sum, R2P was only accepted because the UN's version did not include the prospect of endorsing humanitarian military intervention outside of the UN system.

This was even true of most African governments despite the existence of article 4(h) of the AU Constitutive Act. Without authorization by the UN Security Council and an endorsement by the AU, humanitarian military interventions would have to overcome the widespread perception of illegality and political disapproval. In this context, it is little wonder that although several international organizations—notably the AU, NATO, and the EU—have given indications that they would consider conducting some form of humanitarian military intervention, this remains an unlikely scenario in Africa, at least for the foreseeable future.

The third obstacle is that until very recently military thinking on how to conduct such a protection operation was almost nonexistent. To be clear, the lack of relevant military doctrine does not explain the lack of humanitarian military interventions in places like Rwanda, Srebrenica, or Darfur—that was up to political decisionmakers. But the lack of relevant doctrine does pose significant headaches for military planners if they are asked to undertake such interventions. Fortunately, a significant advance has been made to address this doctrinal gap with the publication of a military planning handbook by the MARO Project that “describes a contingency operation to halt widespread and systematic use of violence by state or non-state armed groups against non-combatants.” In military terms, a MARO's distinguishing feature is that its “primary objective” is to stop “the killing of civilians.”⁸⁷ Although its analysis and recommendations are directed at the U.S.

Government, the MARO Project contains many transferable insights about how to enhance civilian protection efforts (discussed below). In sum, however, the prospect of international forces coming quickly from abroad to rescue civilians in imminent danger remains slight.

There is room for a more optimistic outcome in the second scenario—that is, where a campaign of mass killing occurs in a country where peacekeepers are already present. In this case, emphasis must be placed on deploying assets to what MONUC analysts called “must protect” areas and using military power and, if necessary, military force, to create political effects on the ground that stop ongoing atrocities and deter future ones.

The issue of harnessing military power to enhance civilian protection can be thought of at the strategic, operational, and tactical levels. At the strategic level, there are four classic approaches for stopping mass killing: deterrence, compellence, defense, and offense.⁸⁸ Examples of their application in relation to civilian protection tasks are listed in table 3.

Deterrence involves attempts to manipulate a target’s behavior through conditional threats. A deterrent strategy is about establishing red lines and the risks of crossing them. It usually takes the form of a demand communicated through a combination of words and actions that states: “Do not do X, or I will do Y.” In relation to civilian protection, it involves influencing how armed groups think, especially their calculations about committing atrocities. Deterrence is most likely to succeed when the deterrer and the target share a sense of what counts as appropriate behavior in the situation at hand. This is because a shared framework makes it easier to agree on what counts as fair and effective punishment.⁸⁹

Compellence, Thomas Schelling’s term derived from the verb “compel,” means employing the threat or limited use of force to induce an opponent to take a specific action, usually by a specified deadline.⁹⁰ It is complementary to deterrence and usually takes this form: “If you do not do X, I will do Y.” Ideally, both deterrence and compellence

Table 3. Strategies for Military Protection			
DETERRENCE	DEFENSE	COMPELLENCE	OFFENSE
Deter violence through military presence or threat	Defensively protect vulnerable civilians in fixed locations	Disrupt means and capabilities of perpetrators	Militarily attack and defeat perpetrators
FOCUS ON PHYSICAL PROTECTION OF CIVILIANS		FOCUS ON HALTING ACTIONS OF PERPETRATORS	
• Patrol on land, at sea • Conduct military exercises • Use satellites and/or unmanned aerial vehicles to gather information on potential atrocities • Position military assets in deterrent posture (for example, off-shore or in neighboring territories)	• Defend villages, stadiums, churches, and so forth • Defend internally displaced persons/ refugee camps • Establish interpositional operations • Protect humanitarian corridors	• Disrupt supply lines • Control borders, roads • Enforce no-fly zone • Impose arms embargo/cut off military assistance • Jam media, hate radio, and other communications • Precision targeting	• Deployment of ground troops • Air campaign

Source: Adapted from Genocide Prevention Task Force, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: U.S. Institute of Peace, 2008), 83.

involve using conditional threats effectively so that the actual use of military force can be avoided entirely or used in limited, symbolic doses. The success or failure of both these strategies thus hinges on the target’s acquiescence to the demands specified in those threats.

Defense and offense, on the other hand, are strategies that involve using military force when conditional threats fail to generate the acquiescence of the target—in this case, the perpetrators of mass atrocities. As a result, they are not dependent upon the target’s acquiescence but instead hinge on whether military force can be wielded effectively. With regard to civilian protection, the primary difference between defensive and offensive strategies is that the former focuses on saving the victims whereas the latter focuses on defeating the perpetrators. Peacekeepers have only rarely employed

an offensive strategy, but one positive example occurred in 2005 when MONUC troops conducted cordon-and-search operations that resulted in the forcible disarmament of some 15,000 combatants in the Kivus.⁹¹ Cases of peacekeepers employing a defensive strategy are much more common. One positive example occurred in the DRC in late November 2006 when Laurent Nkunda's National Congress for the Defense of the People forces, having fended off DRC Armed Forces (FARDC) resistance, advanced on Goma, the region's main city, the hub of most international relief efforts, and for all intents and purposes a de facto UN safe area. In the ensuing combat, MONUC troops beat back Nkunda's forces using infantry and attack helicopters, killing between 200 and 400 of his troops.

As a general rule, it is widely accepted that it is "easier to protect those who might become victims of violence . . . than it is to defeat the perpetrators."⁹² Nevertheless, two very important caveats must be emphasized. First, the rewards of defeating the perpetrators are potentially much higher because such a campaign can end a war and hence the cause of the mass killing, whereas protecting potential victims can only ever address the symptoms. Second, as Taylor Seybolt has demonstrated, of the cases that occurred globally during the 1990s, campaigns to defeat the perpetrators had a better success rate than those to save the victims, probably because those who intervened tended to underestimate the demands involved in the "easier" option (that is, defending "safe areas").⁹³ In sum, both strategies are risky, dangerous, costly, and require exceptional military leadership in order to succeed. Without sufficient resources, defenders will be overrun and attempts to defeat perpetrators will fail. Moreover, if either approach is started but abandoned because of unacceptable costs, it will probably make the situation worse because the perpetrators will be emboldened by their success.

At the operational level, the most useful current thinking on military protection (when protection is the only or primary objective)

has been developed by the MARO Project. Drawing on its work enables us to identify six relevant military approaches for conducting protection operations. As discussed in the MARO handbook, each approach has various pros and cons depending on the number, type, and location of intervening troops deployed; the number, type, and location of the victims and perpetrators; and the level of political commitment on the part of the interveners and perpetrators. The major elements and considerations of each approach are summarized in table 4 and depicted graphically in the appendix. Aspects of the MARO handbook perspective on each approach could be contested but they serve as a useful starting point for debate.

As noted above, among the most dangerous but potentially effective approaches is for peacekeepers to defeat perpetrators. A clear example of the benefits of this approach occurred in late 2000 when British forces in Sierra Leone defeated a rebel faction known as the West Side Boys. Although the primary motivation behind Operation *Barras* was to rescue British soldiers who had been taken hostage by the rebels, it had the crucial psychological effect of signaling to other rebel factions that the British forces possessed superior firepower and were not afraid to use it. Roughly a year after the operation, the decade-long civil war was finally over.⁹⁴

Unfortunately, the fate that befell the West Side Boys is a rare occurrence in the world of peace operations. Sometimes the peacekeepers lose, as in the failed attempt by U.S. and UN troops to defeat General Mohamed Farrah Aidid's forces in Somalia in 1993–1994. More commonly, peacekeepers engage in coercive efforts against particular rebel groups, inflicting some damage, though not defeating them. This allows rebel forces an opportunity to recover and exact retribution upon the peacekeepers or local civilians at a later date. In early July 2003, for example, troops in the French-led Operation *Artemis* force in the Democratic Republic of the Congo clearly demonstrated their resolve when they killed some 20

Table 4. Military Approaches to Civilian Protection

Approach	Description	Considerations
Saturation	Establish control and provide security over a large region with dispersed units on the ground.	• Requires adequate forces, extensive logistics, and weak adversary • Suitable when victim population is widely dispersed • Extensive stability operations necessary
Oil spot	Focus on control of selected key locations and gradually expand to other areas.	• Fewer forces required than saturation • Suitable with strong perpetrators and concentrated victim populations • Cedes territory to perpetrators • Extended commitment
Separation	Establish a buffer zone between victims and perpetrators.	• Limited forces required • Suitable when perpetrators and victims are separated • Cedes territory to perpetrators • Forces may be caught between belligerent groups • Potential long-term division
Safe areas	Secure internally displaced persons camps and other areas with high densities of vulnerable populations.	• Limited forces required • Suitable when victims are concentrated • Cedes territory to perpetrators • Large humanitarian assistance burden • May "reward" perpetrators
Containment	Strike perpetrators or isolate them with blockades and no-fly zones.	• Requires effective air, sea, logistics capacity • Limited in-country presence • Does not provide direct protection to victims • Risk of collateral damage • Precursor to other approaches
Defeat perpetrators	Attack perpetrators' leadership and forces to eliminate their capability to commit mass atrocities.	• Large force required • May be required for long-term resolution • Extensive reconstruction and stabilization effort required • High casualties and collateral damage

Source: Paraphrased from Sarah Sewall et al., *Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge: Harvard Kennedy School and PKSOI, 2010), 63–78.

militiamen from the *Union des Patriotes Congolais* who had threatened the peacekeepers and local civilians. The problem was, however, that the rebel threat in the area remained long after Operation *Artemis* forces departed just a few months later. Similarly, in response to MONUC's cordon-and-search operations mentioned above, the *Front des Nationales et Intégrationnistes* ambushed a UN patrol, killing nine Bangladeshi peacekeepers. MONUC subsequently reengaged the rebels in a fierce firefight, killing 50 to 60 fighters and disarming more than 140 with only 2 MONUC soldiers injured.⁹⁵ These problems also bedevil government forces. For example, when Congolese and Rwandan troops undertook military offensives against the FDLR rebels during 2009—Operations *Umoja Wetu* and *Kimia II*—they killed and disarmed some of the rebels, but the majority simply dispersed only to return and exact retribution upon the civilian population after the Congolese and Rwandan soldiers withdrew. Moreover, while these operations were being conducted between January and September 2009, over 1,400 civilians were deliberately killed, more than half of them by the Congolese army.⁹⁶

These examples demonstrate some of the difficulties involved in conducting offensive operations to defeat perpetrators of mass atrocities. Although they have produced mixed results, it is hard to see any alternative once diplomacy has failed to stop the killing. The challenge for the future is to equip peacekeepers with the resources they need to either coerce these groups into participating in a genuine peace process or defeat them once and for all.

In tactical terms, many established military tasks are relevant to protection operations, some of which have been carried out in peacekeeping operations in Africa on a regular basis (see table 5). It is up to analysts and commanders in specific missions to decide which of these are appropriate and deserve priority in the local theater of operations. An awareness of all of them should form part of the individual and collective training for would-be peacekeepers.

Table 5. Examples of Military Tasks Relevant to Protection of Civilians

• Coerce perpetrators • Cordon-and-search operations against bases of armed groups • Crisis response • Set up bases in areas of civilian insecurity • Guard installations • Patrolling/observation/surveillance, for example, in displacement camps • Removal of illegal barricades and check-points on civilian roads • Sensitization missions to armed groups • Establish safe areas and maintain security within them • Separate combatants and noncombatants	• Noncombatant evacuation operations • Provide safe passage for civilians • Identify, demilitarize, and patrol humanitarian aid supply routes • Escort humanitarian aid convoys and protect relief workers • Monitor violations • Arrest war criminals • Demining • Disable unexploded ordnance • Enforce curfews • VIP protection • Stop hate media • Reform and train security services
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Conclusions and Recommendations

Protecting civilians from the vagaries of war will always raise huge challenges, but as a variety of earlier studies have concluded, it is not an impossible mandate for peacekeepers. Indeed, since 1999, the protection of civilians has become a requirement for the operational success of most UN peace operations in Africa. The central argument of this study is that civilian protection can be enhanced if policies are based on a multilayered conception of protection, a sound analysis of the conflict dynamics in question, and a clear view of the strategy guiding protection activities, and if peacekeepers are given sufficient resources to undertake the crucial operational and tactical tasks. The following recommendations are intended for the variety of international organizations that have made civilian protection part of their remit.

Recommendation 1: Deterrence is the objective so strengthen global norms. The central objective must be to prevent the mass killing of

civilians rather than to intervene and try to stop massacres already under way. In the long term, this requires a deterrence strategy based on the goal of strengthening global norms that restrain armed violence against civilians. Lawrence Freedman has described this as a “norms-based” approach to deterrence that involves powerful actors “reinforcing certain values to the point where it is well understood that they must not be violated.”⁹⁷ The two key norms in question are the R2P and the legitimacy of humanitarian military intervention in cases of genocide and mass atrocities. In the nearer term, the challenge is to ensure that the UN and other international organizations build a reputation for responding to atrocities that creates *internalized* deterrence within would-be perpetrators. This means bolstering the resources available to peace operations so that when deterrence fails, they have a reasonable prospect of successfully protecting civilians in imminent danger.

Recommendation 2: Devise clear operational concepts and strengthen international consensus around them. If organizations cannot clearly define what protection means, they have little chance of achieving it. The good news is that although still a work in progress, the various operational definitions of protection emerging from the diverse range of NGOs, governments, and international organizations discussed above show a significant degree of consensus about what it means. This suggests that the major challenge for the foreseeable future will revolve around how best to achieve protection in concrete contexts. In other words, the debate will be more about means than ends.

Recommendation 3: Be realistic and manage expectations. The record of civilian protection operations since the end of the Cold War leaves considerable room for improvement. It is therefore right to hold peacekeepers to the highest standards. But these standards must be realistic. As the DPKO/OCHA study correctly cautioned, “Peacekeeping operations cannot ‘protect everyone from everything’.” In particular, they “cannot address all the vulnerabilities of a society,

operate without some semblance of a ‘peace to keep’ or halt determined belligerents wholly backed by a state.”⁹⁸ This means that would-be protectors must work to manage expectations across a variety of audiences, particularly local populations in conflict zones, the international media, global civil society, and the political leaders of the world’s governments and international organizations. The general message that needs to be conveyed is simple: without more resources, better planning and training, and greater levels of political support, there are real limits to how many civilians the world’s peacekeepers can protect, especially when governments choose to massacre segments of their own populations. In the field, MONUC’s Joint Protection Teams represent an important innovation and highlight the potential for what could be achieved in this area. While more extended deployments of such teams are clearly needed, this is an initiative worth building upon and replicating elsewhere.

Recommendation 4: Invest in excellent leaders for peace operations. As an old African proverb suggests, peace is expensive but well worth the investment. The same could be said about leadership in protection operations. Put simply, leadership matters. Indeed, it is often only strong leadership that “can counterbalance the many tensions in peacekeeping and integrated missions.”⁹⁹ As the examples of Dag Hammarskjöld’s leadership in the Congo mission of the 1960s and Roméo Dallaire’s efforts in Rwanda suggest, strong leadership, clear goals, and political commitment can make the difference even when personnel have relatively limited experience. Organizations interested in civilian protection need to invest more resources to ensure that heads of mission and senior officials are better selected and prepared. These leaders then need to be held accountable for producing and executing mission-wide strategies and for reporting on their results. The long-term aim should be to build up a significant cadre of professional peacekeepers and senior officials who have the experience and critical judgment to take the appropriate action in difficult circumstances.

Recommendation 5: Invest in peacekeepers. Asking peacekeepers to protect civilians in Africa's conflict zones requires them to take considerable risks. It is only fair that in return they are provided with sufficient political support and resources to give them at least a reasonable chance of success. The good news is that even in its relatively threadbare state, UN peacekeeping is cost effective; at approximately \$8 billion per annum, the UN's peacekeeping budget is less than 1 percent of global military spending. This is far too small, but it means that peacekeeping can be significantly strengthened for comparatively small amounts of money, at least when compared with the national defense budgets of NATO states. The AU budget is considerably smaller. As a result, relatively small amounts of money spent through assistance and training programs in Africa, such as the Global Peace Operations Initiative, could have a significant impact, not least by helping to expand the pool of potential troop- and police-contributing countries.

Recommendation 6: Invest in intelligence capabilities. The protection of civilians cannot be accomplished without a sophisticated understanding of conflict dynamics and good threat analysis conducted as close to real time as possible. Peace operations need to develop efficient forms of intelligence gathering. As Dame Pauline Neville-Jones noted, "It is hard to envisage the possibility of capable and effective peacekeeping without the availability of good quality, timely intelligence."¹⁰⁰ Yet historically, UN member states have been reluctant to endow DPKO with its own intelligence gathering capabilities. This needs to change.

Recommendation 7: Invest in reflection. Enhancing civilian protection policies tomorrow will be made easier by reflecting systematically on the extent of progress today. This will require organizations to improve in two areas in particular: devising benchmarks and key indicators of progress, and generating actionable lessons learned and best practices. Field operations in Sudan, DRC, and elsewhere have made significant strides in developing

performance indicators but this should be done more systematically across missions. In addition, the institutional memory of potential protection organizations needs to extract, analyze, and systematize the practical wisdom gained through the field experience of their personnel.¹⁰¹ Whether this takes the form of oral histories, a lessons-learned interview technique to extract information from senior officials and peacekeepers, or, ideally, more systematic studies on the criteria for success in peace operations, these experiences are too important to waste.¹⁰² As the DPKO/OCHA study concluded, “Too much knowledge is being lost at a time when it is sorely needed.”¹⁰³ Such knowledge has many uses but it will be crucial for developing better training programs at a time when there is no standardized concept of civilian protection training.

Recommendation 8: Be prepared to coerce perpetrators. It may often be a politically unpalatable option, but historical evidence suggests that once diplomacy has failed, there are few ways to stop campaigns of widespread and systematic atrocities without resorting to the use of lethal force. When such force is used, peacekeepers should expect to take casualties and political leaders should be prepared to absorb them. In addition, it is important to recall Taylor Seybolt’s conclusion that during the 1990s, campaigns to defeat the perpetrators had a better success rate than those to save the victims, probably because those who intervened tended to underestimate the demands involved in the “easier” option (that is, defending “safe areas”). Coercion need not always be military, however. Indeed, Jeremy Weinstein has suggested that when dealing with opportunistic rebellions, starving them of the resources they use to finance their insurgencies and pushing them toward building states with the consent of the governed may have the desired effect.¹⁰⁴ If economic measures are unsuccessful or too slow, they should be combined with military efforts of the kind discussed above. Soldiers will need to be trained accordingly.

Recommendation 9: Keep humanitarian military intervention on the table. The way in which UN member states have defined the R2P

principle and framed much of the debate about civilian protection issues suggests that humanitarian military intervention can be achieved through the existing UN structures. The problem with this formulation is that it sidesteps a crucial policy conundrum raised by the fact that the most widespread and systematic campaigns of mass killing historically have been orchestrated by government agents.¹⁰⁵ Yet the UN Security Council has never authorized a humanitarian military intervention against the will of a functioning government. Organizations interested in civilian protection thus need to keep the issue of humanitarian military intervention very much on the table. As Kofi Annan famously asked the UN member states, if “in those dark days and hours leading up to the genocide [in Rwanda in 1994], a coalition of states had been prepared to act in defense of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?”¹⁰⁶ If the answer is “no,” then governments must continue to explore all potential options—including actions undertaken without explicit UN Security Council authorization—and figure out ways to maximize the chances that humanitarian interventions, if they are needed, can succeed.

Recommendation 10: Don’t give up on security sector reform. Given the amount of security challenges exacerbated by unprofessional militaries in Africa, a vital part of the long-term effort to prevent mass atrocities lies in professionalizing the continent’s armed forces.¹⁰⁷ Unprofessional militaries not only make it relatively easy for insurgencies to form and start a serious civil war, but they also are a major source of atrocities against civilians. As a result, building the capacity of weak states through security sector reform should be considered a crucial part of the civilian protection agenda. On occasion, it may even be wise to provide salaries and equipment to militaries guilty of committing atrocities because as evidence from the DRC suggests, “payment and logistical shortfalls played a significant

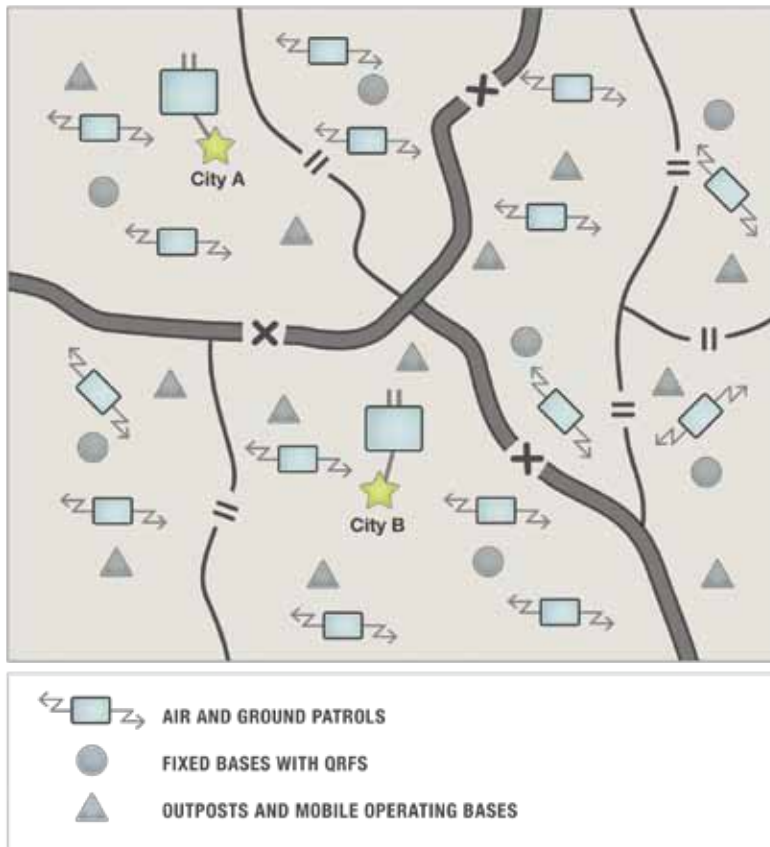
role in contributing to [FARDC] attacks on civilians as hungry, unpaid troops looted and pillaged from local populations.”¹⁰⁸ The long-term objective of such reform efforts is to instill a professional ethos in the security services to the extent that, ideally, their members would refuse to follow orders to commit illegal actions against civilians.

Appendix

Six Military Approaches to Civilian Protection

Source for the six figures: Sarah Sewall et al., *Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge: Harvard Kennedy School and PKSOI, 2010), 63–78.

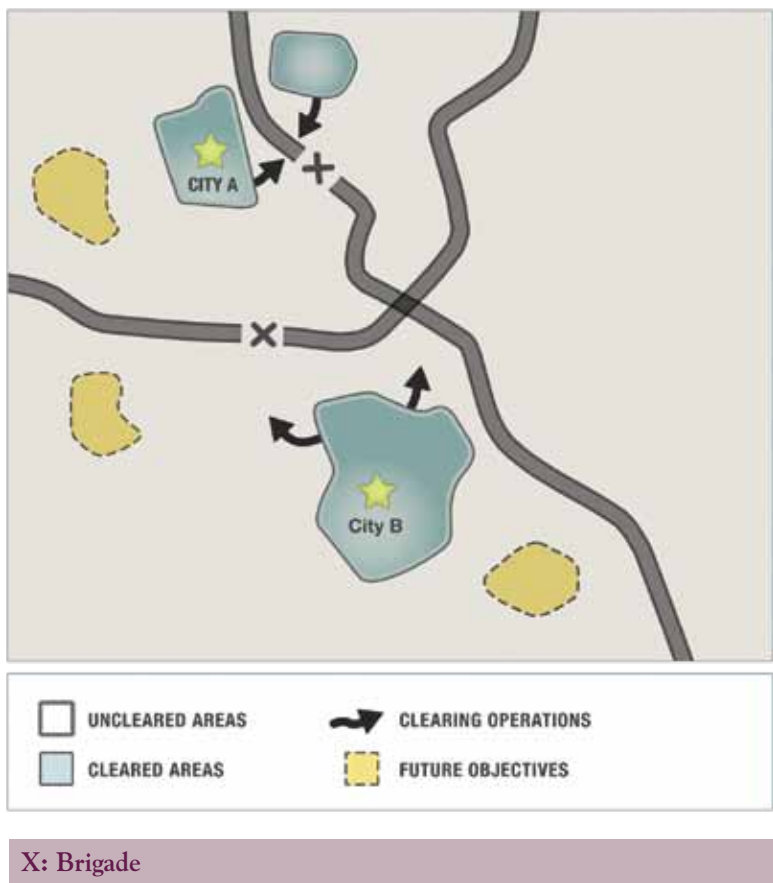
1. Saturation: Establish control and provide security over a large region with dispersed units on the ground.



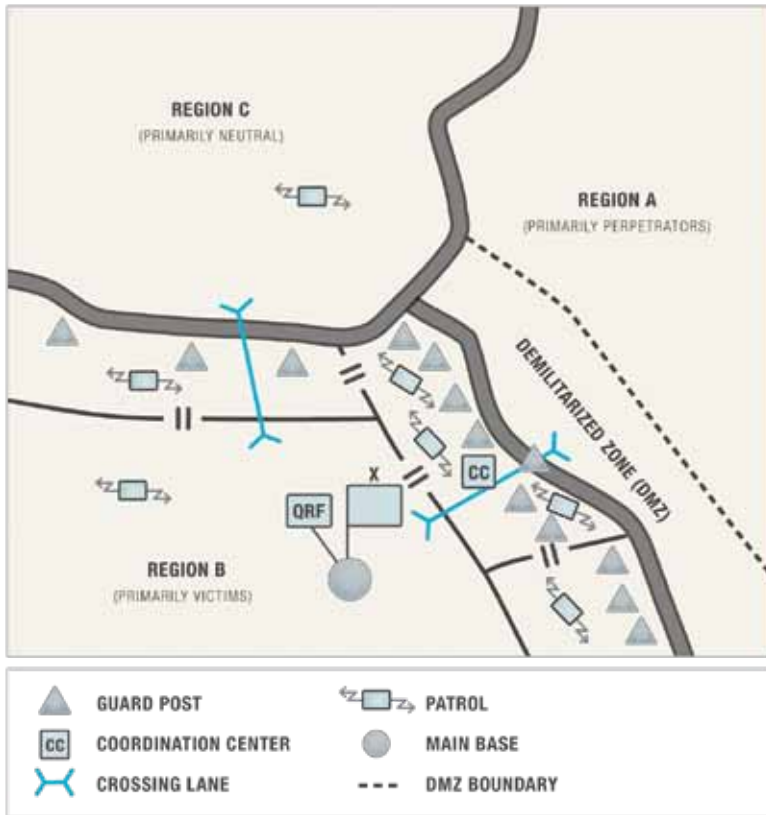
X: Brigade

II: Battalion

2. Oil spot: Focus on control of selected key locations and gradually expand to other areas.



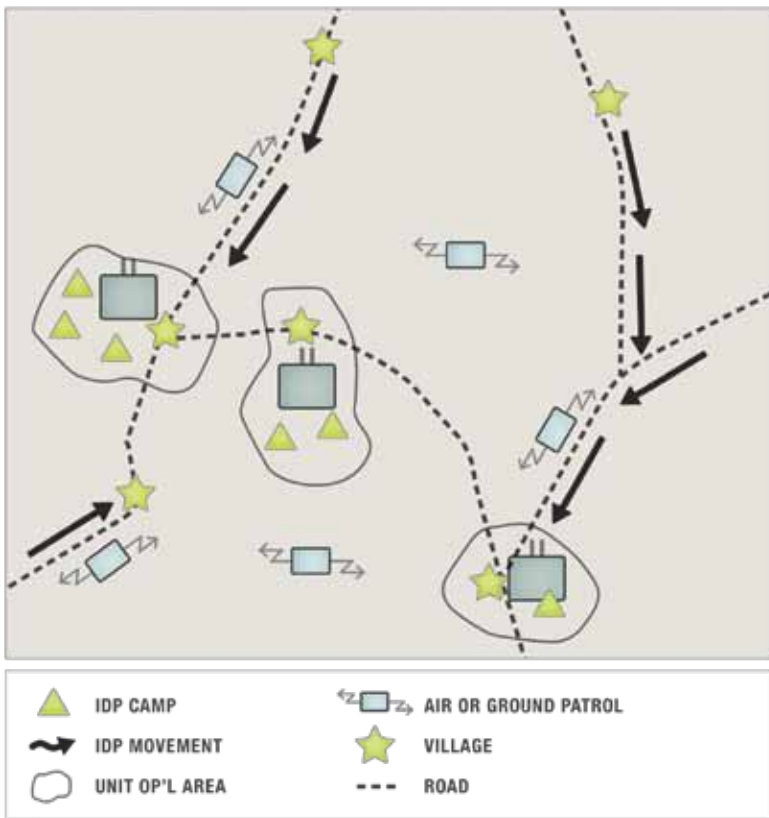
3. Separation: Establish a buffer zone between victims and perpetrators.



X: Brigade

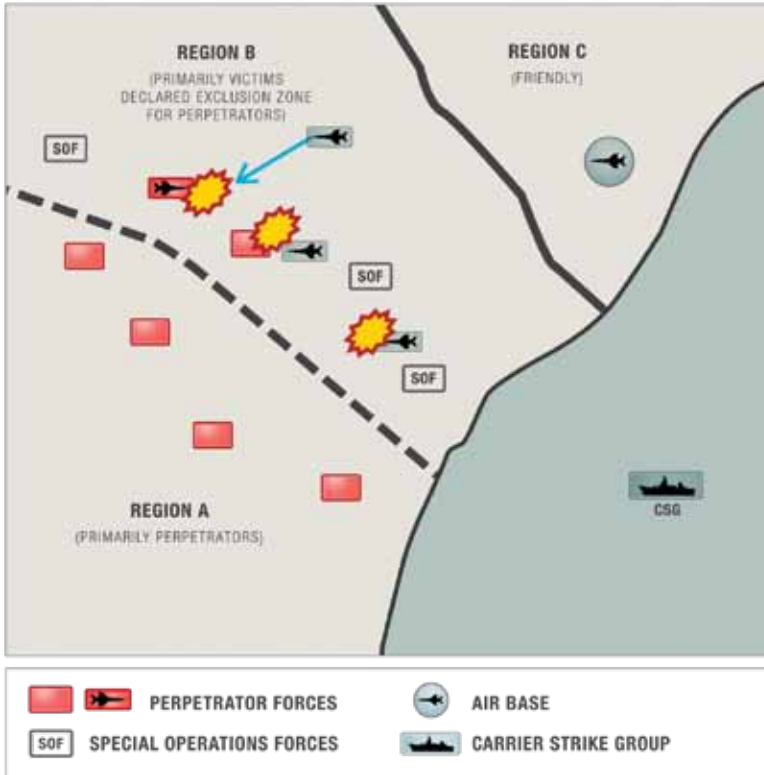
II: Battalion

4. Safe areas: Secure internally displaced persons camps and other areas with high densities of vulnerable populations.

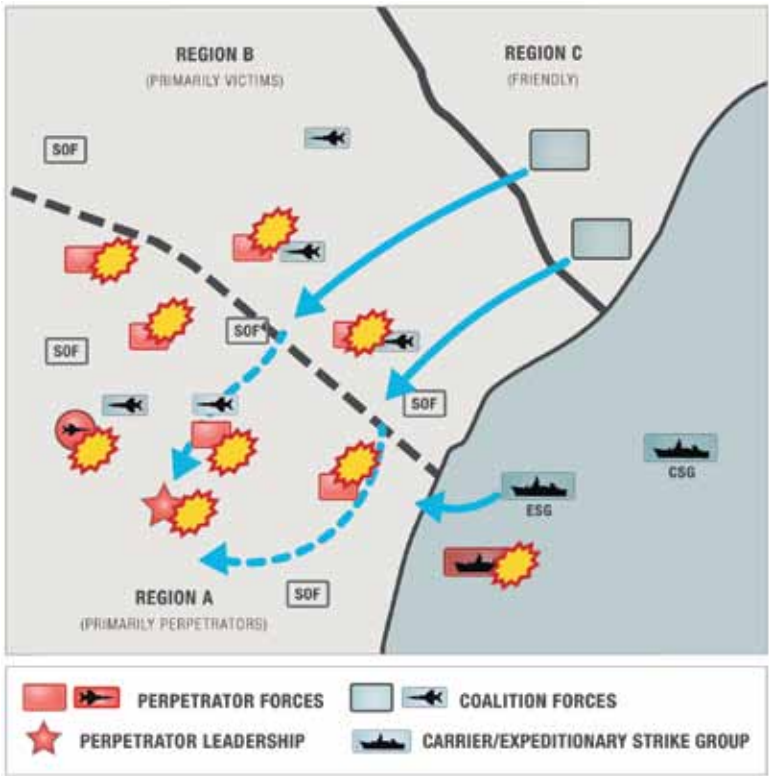


II: Battalion

5. Containment: Strike perpetrators or isolate them with blockades and no-fly zones.



6. Defeat perpetrators: Attack perpetrators' leadership and forces to eliminate their capability to commit mass atrocities.



Notes

¹ Cited in Siobhán Wills, *Protecting Civilians: The Obligations of Peacekeepers* (Oxford: Oxford University Press, 2009), 8, 10.

² Trevor Findlay, *The Use of Force in UN Peace Operations* (Oxford: Oxford University Press for SIPRI, 2002), 68.

³ Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: UN Department of Peacekeeping Operation (DPKO)/Office for the Coordination of Humanitarian Affairs (OCHA), November 2009), 5.

⁴ There are no reliable figures on the casualties of wars in Africa, but it is highly doubtful that the widely used statistic that 90 percent of war fatalities are civilians is accurate. See Adam Roberts, “Lives and Statistics: Are 90% of War Victims Civilians?” *Survival* 52, no. 3 (2010), 115–136.

⁵ A breakdown of this total is available at <www.pcr.uu.se/gpdatabase/search.php>.

⁶ *Report of the Panel on United Nations Peace Operations* (UN doc. A/55/305-S/2000/809, 2000), paragraph 50. This report is commonly referred to as the Brahimi report because of its chairman, former Algerian Foreign Minister Lakhdar Brahimi. The report was published in August 2000 in response to UN Secretary-General Kofi Annan’s request that the panel thoroughly review the UN’s “peace and security activities” and “present a clear set of specific, concrete and practical recommendations to assist the United Nations in conducting such activities better in the future.” It is widely regarded as one of the most important documents on UN peace operations in the post–Cold War era.

⁷ Holt et al., 3–4.

⁸ UN doc. S/2007/307/Rev. 1, June 5, 2007, paragraph 40.

⁹ Genocide Prevention Task Force (GPTF), *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: U.S. Institute of Peace Press, 2008). The task force was conceived as a bipartisan effort and established on the initiative of the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the U.S. Institute of Peace. It was co-chaired by Madeleine Albright and William Cohen and was tasked with identifying “practical steps to enhance the capacity of the U.S. government to prevent and respond to genocide and mass atrocities.”

¹⁰ In the section on cooperation to address key global challenges, the U.S. Government reiterated its support for the “responsibility to protect” principle and stated that “the United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities.” *United States National Security Strategy* (Washington, DC: The White House, May 2010), 48.

¹¹ *General Guidelines for Peace-Keeping Operations* (DPKO: UN/210/TC/GG95, October 1995), paragraphs 29, 38. Tasks related to protecting civilians were similarly absent from the 1996 *United Nations Peacekeeping Training Manual* (DPKO: n.d. [1996]).

¹² This section builds upon Alex J. Bellamy and Paul D. Williams, "Protecting Civilians in Uncivil Wars," in *Protecting the Displaced*, ed. Sara Davies and Luke Glanville (Leiden: Brill, 2010), 131–137.

¹³ Louise Doswald-Beck, "The Civilian in the Crossfire," *Journal of Peace Research* 24, no. 3 (1987), 253.

¹⁴ Recent examples include Deborah Mancini-Griffoli and Andre Picot, *Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict* (Geneva: Centre for Humanitarian Dialogue, 2004); Hugo Slim and Andrew Bonwick, *Protection: An ALNAP Guide for Humanitarian Agencies* (London: ALNAP/Overseas Development Institute, 2005); and Liam Mahoney, *Proactive Presence: Field Strategies for Civilian Protection* (Geneva: Centre for Humanitarian Dialogue, 2006).

¹⁵ For a list of documents produced by the UN Security Council and Secretary-General on civilian protection, see Holt et al., 81–84.

¹⁶ OCHA, *Aide-Memoire for the Consideration of Issues Pertaining to the Protection of Civilians* (New York: OCHA Policy Development and Studies Branch, 2004). In early 2009, OCHA proposed a revised version, which was welcomed by the Security Council (see UN doc. S/PV.6066, January 14, 2009) and published in May 2009.

¹⁷ *Report of the Secretary-General on the Protection of Civilians in Armed Conflict* (UN doc. S/2007/643, October 28, 2007). For the council's reaction, see UN doc. S/PV.5781, November 20, 2007.

¹⁸ *Report of the Panel on United Nations Peace Operations*, x.

¹⁹ *Peace Support Operations: A Working Draft Manual for African Military Practitioners* (DWM 1-2000, February 2000), paragraphs 0245, 0346, and 0511, available at <www.iss.co.za/Pubs/Other/PeaceSupportManualMM/Contents.html>. Peace enforcement tasks included protecting rule of law, protecting humanitarian operations and human rights, and creating demilitarized safe areas. See also chapter 5, section III.

²⁰ African Union, *Roadmap for the Operationalization of the African Standby Force* (Au doc. EXP/AU-RECs/ASF/4(I), Addis Ababa, March 22–23, 2005), A–1. The African Standby Force is intended to be made up of five regional battalions of approximately 4,000 troops. It is supposed to undertake operations in six scenarios:

1. AU/regional military advice to a political mission
2. AU/regional observer mission codeployed with a UN Mission
3. Stand-alone AU/regional observer mission
4. AU/regional peacekeeping force for Chapter VI and preventive deployment missions (and peacebuilding)
5. AU peacekeeping force for complex multidimensional peacekeeping missions, including those involving low-level spoilers

6. AU intervention in genocide situations where the international community does not act promptly.

The official deadline for the force becoming operational was mid-2010. For details, see Jackie Cilliers, *The African Standby Force: An Update on Progress* (Pretoria: ISS Paper 160, March 2008); Jeffrey E. Marshall, *Building an Effective African Standby Force to Promote African Stability, Conflict Resolution and Prosperity* (London: LSE Crisis States Discussion Papers No. 16, April 2009).

²¹ African Union, *Peace Support Operations Harmonized Doctrine* (AU doc. 2006), pages 3–9, and chapters 2–2, 2–3, 3–9, and 5–3. Copy in author's possession.

²² ECOWAS Draft Code of Conduct for the Armed Forces and Security Services of West Africa (April 2006), available at <www.dcaf.ch/code_conduct-armed-forces-west-africa/WestAfrica_CoC.pdf>.

²³ *Report of the UN Secretary-General, Implementing the Responsibility to Protect* (UN doc. A/63/677, January 12, 2009).

²⁴ Ban Ki-moon, "Annual Address to the General Assembly," UN doc. SG/SM/11182, September 25, 2007.

²⁵ NATO, *Peace Support Operations* (Allied Joint Publication 3.4.1, July 2001), paragraphs 0629c and 0640–1.

²⁶ *Handbook on UN Multidimensional Peacekeeping Operations* (DPKO Best Practices Unit, December 2003) and *UN Peacekeeping Operations: Principles and Guidelines* (DPKO, 2008).

²⁷ Holt et al., 57.

²⁸ *UK Government Strategy on the Protection of Civilians in Armed Conflict* (London: FCO–DFID–MOD, 2010), 11, available at <www.fco.gov.uk/resources/en/pdf/about-us/our-publications/ukstrategy-protect-civilians-arms-conflict>.

²⁹ The "onion" is my adaptation of the International Committee of the Red Cross's "egg framework," which was developed in the late 1990s to depict the relationship between patterns of abuse and what the organization saw as the three forms of protection activities (responsive, remedial, and environment-building).

³⁰ *Draft DPKO/DFS Operational Concept on the Protection of Civilians in UN Peacekeeping Operations*, January 29, 2010, copy in author's possession. The UNMIS *Protection of Civilians Strategy-Security Concept* developed in late 2008 also conceptualized protection in multilayered terms with protection from imminent physical violence at its core. See Holt et al., 190–192.

³¹ *AU Draft Guidelines for the Protection of Civilians by Peace Support Missions*, March 2010, copy in author's possession. They are currently in the process of being approved by the AU's chiefs of defense staff.

³² Ibrahim Gambari, *UNAMID 2010 Darfur Protection Strategy* (February 2010), 1.

³³ *Draft DPKO/DFS Operational Concept*, paragraph 16.

³⁴ *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* (DPKO, July 2009), 19.

³⁵ Taylor B. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure* (Oxford: Oxford University Press, 2007), 23.

³⁶ Sarah Sewall et al., *Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge: Harvard Kennedy School and PKSOL, 2010), 5. See also Victoria K. Holt and Tobias C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect, and Modern Peace Operations* (Washington, DC: Henry L. Stimson Center, 2006).

³⁷ *UN Peacekeeping Operations*, 35. Within the UN system, rules of engagement are developed by the Military Planning Service and the Office of Legal Affairs, issued to the force commander for dissemination, and provided on a simplified card for soldiers to carry with them.

³⁸ *Ibid.*, 323; Holt et al., 138, 322. *The Aide-Mémoire* ("Soldier's Card") was equally clear.

³⁹ *Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda* (UN doc. S/1999/1257, December 16, 1999), 9. See also Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll and Graf, 2005), 72.

⁴⁰ Dallaire, 99.

⁴¹ Wills, 85.

⁴² These figures on one-sided violence are available at <www.pcr.uu.se/gpdatabase/search.php>.

⁴³ Militias are armed groups controlled by political parties, whereas criminal gangs are bands of armed thugs not under the control of any political umbrella.

⁴⁴ See Sewall et al., 31.

⁴⁵ Michael O'Hanlon and Peter W. Singer, "The Humanitarian Transformation: Expanding Global Intervention Capacity," *Survival* 46, no. 1 (2004), 97n7.

⁴⁶ Gambari, 1.

⁴⁷ Dallaire, 264.

⁴⁸ Holt et al., 159.

⁴⁹ Cited in *ibid.*, 89.

⁵⁰ Katarina Månsson, "Use of Force and Civilian Protection: Peace Operations in the Congo," *International Peacekeeping* 12, no. 4 (2005), 507, 512.

⁵¹ Human Rights Watch (HRW), "You Will Be Punished": *Attacks on Civilians in Eastern Congo* (HRW, December 2009), 143–144, available at <www.hrw.org/node/87151>.

⁵² Cited in Wills, 65.

⁵³ *Draft DPKO/DFS Operational Concept*, paragraph 7. See also Holt et al., 96.

⁵⁴ *Draft DPKO/DFS Operational Concept*, paragraph 8.

⁵⁵ Holt et al., 42.

⁵⁶ *Ibid.*, 356–357.

⁵⁷ The specific terms of a state's contribution to a UN peacekeeping operation are often codified in memorandums of understanding between the TCC in question and the UN.

⁵⁸ Code cable, "The military assessment of the situation as of 17 April 1994," Dallaire (UNAMIR) to Baril (New York, United Nations), April 17, 1994, paragraph 17.

⁵⁹ An exception is Alison Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks against Civilians* (Washington, DC: Henry L. Stimson Center, 2010).

⁶⁰ See Holt et al., GPTF, Sarah Sewall et al., and *Mass Atrocity Response Operations*.

⁶¹ *A New Partnership Agenda*, 20.

⁶² David Keen, "War and Peace: What's the Difference?" *International Peacekeeping* 7, no. 4 (2000), 1–22.

⁶³ Sewall et al., 7; *Draft DPKO/DFS Operational Concept*, 1.

⁶⁴ They are (1) the *Strategic Assessment*, where mission planning begins; (2) the Under-Secretary-General's *Planning Directive*, which forms the bridge from the strategic objectives identified by the Secretary-General to subsequent operational planning; (3) the *Technical Assessment Mission Report*, where draft plans can be checked against the realities on the ground firsthand; (4) the *Secretary-General's Report to the Council*, which shapes the mission mandate and structure in its core document; (5) the *Military Concept of Operations* and *Police Concept of Operations*, which shape all aspects of the military and police components, respectively, from resources to logistics to rules of engagement; and (6) the *briefings to troop- and police-committing countries*, as a means to ensure the contingents deployed to the mission are able, willing, and prepared to implement the civilian protection mandate. Holt et al., 14, 106–112.

⁶⁵ HRW, 148.

⁶⁶ One-sided violence, as the name suggests, involves one side using violence and the other side suffering the consequences. It might include soldiers firing on unarmed protestors, summary executions of prisoners, or genocide.

⁶⁷ Holt et al., 197.

⁶⁸ HRW, 149.

⁶⁹ *Ibid.*, 150–151.

⁷⁰ Holt et al., 122–129, 205–207.

⁷¹ On which, see the special issue of the journal *International Peacekeeping* 16, no. 1 (2009) devoted to the relationship between peace operations and organized crime.

⁷² HRW, 142.

⁷³ Charles King, "The Micropolitics of Social Violence," *World Politics* 56, no. 3 (2004), 447.

⁷⁴ Code Cable, Dallaire to Baril, paragraph 19.

⁷⁵ Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2007), 20, 47–50, 207–208. For Weinstein, economic endowments are "resources that can be mobilized to finance the start-up and maintenance of a rebel organization." They "shape and constrain the range of strategies leaders can employ as they organize violence . . . because they affect the cost-benefit calculations leaders make."

⁷⁶ HRW, 141.

⁷⁷ The Truth and Reconciliation Commission of Sierra Leone identified 17 types of violations: abduction, amputation, arbitrary detention, assault/beatings, destruction of property, drugging, extortion, forced cannibalism, forced displacement, forced labor, forced recruitment, killing, looting, physical torture, rape, sexual abuse, and sexual slavery. Appendix 1, "Statistical Appendix to the Report of the Truth and Reconciliation Commission of Sierra Leone," by Richard Conibere et al., October 5, 2004.

⁷⁸ See the list compiled by Jason Stearns at <<http://congosiasa.blogspot.com/2010/06/list-of-armed-groups-in-kivus.html>> (June 2010).

⁷⁹ UNAMID *Mission Directive on the Protection of Civilians in Darfur* (issued February 23, 2009), cited in Holt et al., 82.

⁸⁰ For details see Abdel-Fatah Musah, "A Country under Siege," in *Mercenaries: An African Security Dilemma*, ed. Abdel-Fatah Musah and J.K. Fayemi (London: Pluto Press, 2000), 76–116, and Herbert M. Howe, *Ambiguous Order* (Boulder, CO: Lynne Rienner, 2001), chapter 5.

⁸¹ For a discussion, see P.W. Singer, "Peacekeepers, Inc.," *Policy Review* 119 (June–July 2003).

⁸² I am grateful to Alison Giffen for pointing this out.

⁸³ *Draft DPKO/DFS Operational Concept*, paragraph 18.

⁸⁴ The best discussions of the subject are Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000); Adam Roberts, "The So-called Right of Humanitarian Intervention," *Yearbook of International Humanitarian Law* 3 (Summer 2001), 3–51; and Seybolt.

⁸⁵ Simon Chesterman, "Hard Cases Make Bad Law," in *Just Intervention*, ed. Anthony Lang (Washington, DC: Georgetown University Press, 2003), 54.

⁸⁶ See Thomas G. Weiss, *Humanitarian Intervention* (Oxford: Polity, 2007), 125, and Alex J. Bellamy, *Responsibility to Protect* (Cambridge, UK: Polity, 2009).

⁸⁷ Sewall et al., 21.

⁸⁸ Seybolt. This is not an exhaustive list. Contemporary British defense policy, for example, lists eight strategic effects that military power can be employed to deliver: prevent, stabilize, contain, deter, coerce, disrupt, defeat, and destroy. For definitions of each effect, see UK Government, *Delivering Security in a Changing World: Supporting Essays* (London: TSO, Defence White Paper, Cm 6041-II, December 2003), 6.

⁸⁹ Lawrence Freedman, *Deterrence* (Cambridge: Polity, 2004), 5–6, 116.

⁹⁰ Thomas C. Schelling, *Arms and Influence* (New Haven, CT: Yale University Press, 1966).

⁹¹ Holt and Berkman, 165.

⁹² Seybolt, 218.

⁹³ *Ibid.*, 272, 274. Defeating the perpetrators worked four out of five times: Operation *Deliberate Force* in Bosnia (1995), the RPF's defeat of the genocidal regime in Rwanda (1994), Operation *Allied Force* in Serbia/Kosovo (1999), and the International Force in East Timor (1999). The one failure was UN Mission in Somalia II's attempt to defeat General Aidid (1993). Of the campaigns to save victims, Seybolt coded Operation *Provide Comfort* in Iraq as a success; NATO's Kosovo Force as mostly successful; UN Protection Force's efforts in Bosnia, UNAMIR, the RPF, and Operation *Turquoise* in Rwanda as mostly failures; and Operation *Allied Force* in Kosovo as a failure.

⁹⁴ See Andrew Dorman, *Blair's Successful War: British Military Intervention in Sierra Leone* (Farnham: Ashgate, 2009).

⁹⁵ Holt et al., 261–262; Holt and Berkman, 165.

⁹⁶ HRW.

⁹⁷ Freedman, 4.

⁹⁸ Holt et al., 12, 211.

⁹⁹ Ibid., 29.

¹⁰⁰ Dame Pauline Neville-Jones, foreword in *Peacekeeping Intelligence: Emerging Concepts for the Future*, ed. Ben de Jong, Wies Platje, and Robert David Steele (Oakton, VA: OSS International Press, 2003), iv.

¹⁰¹ A good example is the work of the Henry L. Stimson Center's Future of Peace Operations Program and its attempts to generate reflections on civilian protection issues from key practitioners. See Victoria K. Holt and Joshua G. Smith, *Halting Widespread or Systematic Attacks on Civilians* (Washington, DC: Henry L. Stimson Center, 2008).

¹⁰² For a useful discussion, see Paul F. Diehl and Daniel Druckman, *Evaluating Peace Operations* (Boulder, CO: Lynne Rienner, 2010).

¹⁰³ Holt et al., 218.

¹⁰⁴ Weinstein, 350.

¹⁰⁵ See Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY: Cornell University Press, 2004).

¹⁰⁶ Cited in Wheeler, 294.

¹⁰⁷ See Howe.

¹⁰⁸ HRW, 128.

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