Roundtable on Civil–Military Coordination
The Concept of Protection: Towards a Mutual Understanding

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International Committee of the Red Cross,
19 Avenue de la Paix, CH 1202, Geneva

Roundtable Summary

The Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI) and the International Committee of the Red Cross (ICRC) organised a one-day roundtable meeting to discuss the commonalities and differences in how international humanitarian and military actors understand and put into practice the concept of protection of civilians. The roundtable brought together key international military and humanitarian actors to explore their respective objectives, rationale and approaches to protection of civilians. The discussion also examined the specific roles and responsibilities that each have in supporting enhanced protection of civilian populations.

The roundtable was the first in a series of events to be held as part of HPG's two-year research and public affairs project '*Civil–Military Coordination: The Search for Common Ground*'. In order to promote an open and frank debate, the meeting was held under the Chatham House rule and participation was by invitation only. What follows is a summary of the discussion.

Protecting Civilians

Despite the long history of humanitarian and political efforts to promote compliance with International Humanitarian Law (IHL), International Human Rights Law (IHRL) and Refugee Law, civilians continue to bear the brunt of armed violence, be it in conflicts or in emerging crises. In many conflict situations medical and health workers are prime targets, ambulances are blocked by belligerents and doctors harassed, denying the right of wounded or sick people to medical care. The recent conflict in Libya has also brought to the fore the frequent abuse of the rights of migrants in a country in conflict, where rumors and suspicions suddenly exposed thousands of migrants to violence. In Libya and elsewhere, the theatre of conflict is changing, with belligerents increasingly undertaking military operations in densely populated urban areas, with resulting high levels of civilian casualties, disruption of basic services and damage to civilian infrastructure.

These trends exemplify the enduring need to uphold the principles of distinction, precaution and proportionality, and the need for greater accountability for violations of IHL and IHRL. These trends also demonstrate the importance of understanding protection in a way that takes into account both the vulnerabilities and the resilience of civilian populations at risk.

Since civilians continue to bear the brunt of violence, the various international actors present on the ground in conflict and other humanitarian crises should reflect on how to consolidate their contribution to the protection of civilian populations. Any efforts in this regard, however, must be based on the understanding that the primary responsibility for the protection of civilians clearly lies with states – both on their own territory and in their military operations in other contexts.

There is an increasing appreciation of the need for a greater degree of mutual understanding and some form of interaction or dialogue between international military and humanitarian actors in order to maximise the contribution they each can make to protecting civilians. For the ICRC for example, the military have traditionally been their 'natural partners' in the organisation's efforts to secure adherence to IHL. However, although international humanitarian and international military actors have been present in the same theatres over several decades there has not always been a common or coherent dialogue between them on the threats facing civilian populations and what each set of actors can or should do to reduce those threats. Important questions remain about who is best placed to do what; what form interaction between humanitarian and military actors should take; and what the most intelligent assignment of working methods would be. In terms of ensuring more constructive dialogue or interaction between these two sets of actors it is clear that the starting point is to consider the differing concepts and terminology each use in reference to protection of civilians.

Concepts of Protection: An Overview

Many actors can be involved in the enhancement of the protection environment for civilians. States have the *primary* legal responsibility for protection, both in their responsibilities towards their own citizens and in terms of the actions of their military and police forces engaged in other countries. UN peacekeeping missions and/or regional governmental organisations such as the African Union also have some responsibilities in that respect, especially those mandated by the UN Security Council to provide protection for civilian populations. Non-State armed groups also have obligations under IHL and their respect for the legal framework is an important contribution to the protection of civilians. From a different perspective, international organisations such as the ICRC, which are legally mandated by member states, or specialised UN entities such as UNHCR, UNICEF and OHCHR, which are mandated by the UN General Assembly, have an important role in providing protection. These mandates may be bound in time and subject to renewal. Lastly, NGOs and civil society actors also have an important role to play.

The cultures, strategies and acceptable trade-offs in pursuit of the protection objectives of international military and humanitarian actors are essentially different. Most significantly, international military actors can pursue *coercive* means to achieve physical protection of civilians, while humanitarian actors pursue *non-coercive* means. However, even within these categories actors are not homogenous. There are significant differences *within* both the international military and the humanitarian community in how their members understand and operationalise the concept of protection. Given this diversity, the key challenge is how humanitarians could coordinate their strategies with international military actors to identify roles and responsibilities and leverage available resources and capacities, with the aim of

maximising the benefits to the civilian population, all within the framework of humanitarian principles.

The starting point in this regard is the concept itself. 'Protection' is a broad term and there is no shared definition between international military and humanitarian actors. It is important to emphasise that protection is not restricted to 'physical security', but rather that the term encompasses a broader spectrum of human security and human dignity. Within international policy and operational debates, there are three common interpretations of the term 'protection':

1. **Protection as a set of legal obligations**, for example those incumbent upon parties to armed conflict according to IHL.
2. **Protection as an overall objective (a result to be achieved).** Aiming to see the population better 'protected' might often be an objective shared between international military actors and humanitarian actors. However, it is also often the case that these actors will differ in their prioritisation of protection as an objective; protection of civilians may be a *secondary* objective for military actors (for example as part of a stabilisation strategy), but it is invariably a *primary* objective for humanitarian actors.
3. **Protection as a concrete activity or set of activities.** Humanitarian actors now often undertake specific protection activities as part of their overall humanitarian response. These may include quiet diplomacy or public advocacy with state and non-state actors, refugee status determination, tracing missing persons, providing legal assistance or information on rights. More recently, professional standards have been developed by the ICRC to establish a common baseline on humanitarian protection work. In that sense, the protection activities which humanitarian actors may undertake are distinct from legal action (e.g. prosecutions) or political action (e.g. sanctions, advocacy) or military or security action (to provide physical protection), which other actors may undertake even if all of these actions are aimed at ensuring that the rights of the individual are respected.

Participants also raised concerns that greater emphasis must be placed on ensuring that international humanitarian and military actors provide protection in reaction to what the population considers as actual or perceived threats to their safety and security. Proximity with the individual community under threat is therefore central not only to identify those threats, but also to understand the vulnerability of civilian populations to these threats and their resilience or capacity to cope or mitigate the threat themselves.

The following matrix sets out the different concepts and types of action discussed.

	HUMANITARIANS		MILITARY		
CONCEPTUAL UNDERSTANDING	Core protection activities/ protection as a sector	Mainstreaming protection (safe programming, do no harm)	Protecting by respecting rules	Implementing protection activities (e.g. as an external peacekeeping/ mandated force)	
			§ Code of conduct (individual behaviour, not directly related to use of force) § Respect for protective norms while using force (IHL, refugee law)	Enhancing PoC; addressing external threats	
Approach/Means of implementation	Non-Coercive: Depends on mandate and context, includes the five modes common to humanitarian action: denunciation, mobilisation, persuasion, support and substitution. It can take the form of legal assistance, material assistance, advocacy, training and public outreach.		Coercive: Dependent on mandate and resources, includes patrols, manoeuvres, kinetic engagement.		
	Stand-alone protection programmes	Integrating protection objectives in existing programmes	Training, coaching	Offensive: proactively search out threats with aim of defeating belligerent	Responsive: presence of force as deterrent, or defensive action
Rationale for PoC agenda	• Organisation mandated for protection with a specific role and accountability (status determination for refugees; visits to PoWs) • Humanitarian imperative: protection as key priority to be addressed		Legal obligation: compliance with IHL, refugee law, IHRL	Tactical: component counter-insurgency, stabilisation/ integration approach/ protection as a subsidiary objective	Mandated responsibility (e.g. UN SC Res)

Concepts of Protection: Military/Security Doctrine and Practice

For international military actors, their role in protecting civilians depends first and foremost on whether they are *de facto* a party to the conflict. The terms of reference or mandate under which they are operating in a given context and the nature of their actions might be a useful indicator in this respect. In a peace enforcement operation for example they will likely be directly intervening in the conflict and may proactively pursue other parties to the conflict. In a more traditional peacekeeping situation, international forces are bound to impartially implement their protection of civilians mandate. In other contexts international forces may be tasked to promote regime change, and may become an occupying force. However, IHL applicability must be determined solely on the basis of the facts on the ground and on the fulfillment of legal criteria stemming from IHL-relevant norms, irrespective of the mandate assigned to multinational forces by the Security Council.

From the perspective of a national military deployed as part of an international force, experiences in Afghanistan and DRC demonstrate how their relationship to the conflict and legal framework under which they engage shapes their understanding of their role in protecting civilians. For example, in Afghanistan troop-contributing countries (TCCs) to the NATO force saw themselves as undertaking combat operations and therefore as combatants bound by IHL. For troop-contributing countries in such contexts the obligation to comply with IHL is reflected in national doctrine, and it is the responsibility of every soldier to adhere to this legal framework. In others contexts, national militaries deployed as part of a UN peace support operation are undertaking a UN peacekeeping role, which is understood differently. In DRC for example, although MONUC (now MONUSCO) troops were bound by IHL whenever they engaged in combat operations, their role in protection went beyond their own respect for IHL and other pertinent rules, and included activities aimed at proactively protecting the civilian population from threats posed by armed groups. In either case, existing national doctrine may be problematic, since it may not have been adapted to such scenarios or may not offer sufficient operational or tactical guidance on how to prosecute a protection mandate.

For its part, UN DPKO has engaged in recent years in the development of various doctrinal and operational guidance on protection of civilians in UN peacekeeping missions and has outlined a holistic UN mission approach to protection through three tiers of action: protection through political processes, protection from physical violence and establishment of a protective environment. UN DPKO's conceptualisation and its related doctrine and guidance on protection of civilians in peacekeeping missions has been recognised and validated by a number of bilateral and multilateral organisations. The African Union, for example, has similarly emphasised the importance of a multi-dimensional approach to protection of civilians and is integrating protection into the different dimensions of its security architecture, through political, military and human rights mechanisms. In this regard, the AU Peace and Security Commission has developed guidelines on protection of civilians, which detail the responsibilities of the various pillars within the African Peace and Security Architecture (APSA), including the Peace and Security Council, the Continental Early Warning System, the African Stand-by Force (ASF), the Panel of the Wise and the Peace Fund.

The European Union also acknowledges the importance of a comprehensive approach to protection, notwithstanding the need to ensure a distinct role for humanitarian action. However, whatever the international actor, there are key challenges in implementing protection of civilians mandates, including ensuring adequate capabilities to react to dynamic threats; the ability or willingness of the host nation to support the UN mandate; effective engagement with non-state armed actors; and managing the expectations of affected communities, who may simultaneously have high expectations that international forces will protect them, but may also harbour suspicions about the intentions of international actors in their country.

During discussions participants acknowledged that, since the first UN Security Council resolution on the issue of protection of civilians in 1999, much has been achieved at strategic, operational and tactical levels in terms of securing more effective protection. However, participants also noted that progress has been slow amongst individual member states and within multilateral organisations, including the UN. Participants acknowledged that effective protection of civilians requires political, military, security and humanitarian approaches or actions, but a number noted that these operate within a political framework and that, in order to ensure effective action on the ground, humanitarian action to support protection of civilians must remain a distinct set of actions, outside of any political agenda.

Discussions highlighted further the operational challenges in implementing protection mandates related to the leadership, capacities and guidance of international military actors. Leadership was raised as a key factor in how protection of civilians objectives were shaped and pursued in past UN peacekeeping missions. Participants highlighted that UN Force Commanders need to interpret their mandate in light of a complex field and political reality. In this regard they must be independent and able to place the appropriate emphasis on implementation of tasks relating to their responsibilities with regard to protection of civilians – a responsibility that is often one of many within their mandate.

Many participants also noted that, notwithstanding the recent efforts by UN DPKO, the African Union and the European Union, there is still a significant gap in military doctrine on operationalising protection of civilians mandates, beyond the necessary respect for the legal framework (IHL, personal codes of conduct, relevant IHRL norms). Some participants noted that the process of developing guidelines and doctrines is also necessary for determining different responsibilities and capacities, and to provide guidance on how military and humanitarian actors may interact in a principled but effective manner. Several participants also raised the issue of lessons learnt, noting that both the military and humanitarian communities generally undertake lessons learnt on their own actions and responses, but these are rarely shared widely and there is often little input or engagement from the other community, even where they are operating in the same theatre.

With regard to training of military or police forces deployed under protection of civilians mandates, there was clear consensus that a high level of pre-deployment-, in-theatre and specialised training is essential to effectively prosecute protection mandates. However, participants acknowledged that few TCCs are able or willing to provide such specialised training, which often needs to be particular to the type of

violations occurring in a given context (such as SGBV training for UN/AU forces in UNAMID). More comprehensive training on what is expected from troops in terms of protection of civilians would improve capacity in peacekeeping situations. Some participants noted that training on operationalising protection is also necessary for police and other civilian components of a UN peace-support or other type of multilateral mission. In this regard, a number of participants highlighted the important contribution that civilian police contingents make to protection of civilians, and the need for greater clarity on the distinction between police and military actions.

In addition, participants emphasised the importance of distinguishing between the required compliance with IHL and activities that some participants believed went above and beyond obligations under IHL to provide protection. In particular some participants challenged the suggestion that 'embedded' accountability mechanisms such as those in Afghanistan may constitute actions that go beyond what is required of the international forces under IHL. Participants nevertheless emphasised that these are effective and important mechanisms through which to regulate implementation of IHL, and that they have been effective inculcating a sense of responsibility within international forces for civilian casualties.

Concepts of Protection: Humanitarian Policy and Practice

The imperative for humanitarian actors operating in conflict situations is to save lives and alleviate the suffering which arises from violations of international humanitarian and human rights laws. Whilst protection activities undertaken by humanitarian actors can enhance the longer-term social and economic stability of individuals and communities, which in turn may contribute to wider peace-consolidation objectives, this outcome is a secondary consideration and cannot override the humanitarian imperative.

Humanitarians are not in a position to provide physical protection, but may be able to effect a reduction in the threats faced by civilian populations. This may be through undertaking activities which build a protective environment and support resilience, offering remedial care to victims and facilitating access to justice. Humanitarian actors also identify deliberate deprivation of basic services and emergency assistance, as well as the fear of violence that may undermine access to basic services and assistance, as a serious protection threat.

In response to threats, humanitarian actors generally undertake two types of protection activities:

1. **Dedicated protection activities** which seek to prevent actual abuses and the fear of abuse.
2. **Integrating protection concerns into other humanitarian activities**, referred to variously as 'do no harm', 'mainstreaming protection' and 'good programming'.

Under the former approach, protection is a distinct set of objectives that stands alone. The ICRC, for example, puts a strong emphasis on building a bilateral and confidential dialogue with all actors involved in violence to address protection issues. Standalone protection activities of this kind often require specialised staff that have

the expertise and resources to implement technical programmes. 'Mainstreaming' involves integrating protection concerns into ongoing humanitarian programmes or action, such as designing or planning IDP or refugee camps so that latrines are sited in well-lit safe areas of the camp, and accommodation is adequate and safe.

Humanitarian organisations have also been involved in developing conceptual tools. To give one example, OCHA has played a lead role in updating the UN aide-memoire on armed conflict. This is being revised to reflect the kinds of protection concerns seen in conflict situations today, and is intended to assist the member states of the UN Security Council in developing mandates with appropriate language on protection of civilians.

However, it was also noted that humanitarian actors face a range of challenges in the implementation of their protection work, including with respect to the changing nature of conflict and violence against civilians, wherein the distinction between armed conflict and generalised violence is often blurred, sexual violence has become a defining feature or tactic in some conflict contexts and, finally, conflicts are often protracted. Humanitarian actors also, many noted, face major challenges relating to the politicisation of humanitarian assistance and the decreasing space for principled humanitarian action, as well as high levels of insecurity and the consequent emphasis among many humanitarian actors on 'protective' risk mitigation strategies.

Commonalities and Differences

Discussants compared the changes that international humanitarian, military and political communities had undergone over the last two decades, as a result of the changing nature of conflict, and considered what more remains to be done to ensure more constructive engagement between the two sets of actors aimed at enhancing the protection of civilians. Discussants felt it important to recall the origins of the concept – the need to enhance the 'protection of civilians' arose in the 1990s among humanitarian actors as a pragmatic response to the 'well-fed dead': the realisation that providing assistance to people would not be sufficient to save their lives and restore their dignity in the face of continuous threats to their security. However, it is clear that the dialogue between international humanitarian and military actors is not sufficient, that key issues continue to be debated and that the two communities have failed to find an appropriate way to engage with each other, impacting on their respective ability to provide protection.

From a military perspective, developments in recent years relating to military doctrine and strategies have been complex and many states have been slow to adapt their national doctrinal framework to reflect the realities of modern warfare, including protection of civilians and how the concept should be operationalised on the ground. Counter-insurgency doctrine, for example, some participants argued, confuses state security with the protection of civilians, although these are two different, if interconnected, objectives. Counter-insurgency and stabilisation strategies often take a similar approach in engaging with communities, but tactics may present real dangers – arming local militia to protect their communities, for example, is not the same as building community resilience to protection threats and can generate new or exacerbate existing threats to the civilian population. Few national militaries have clear guidance on how protection of civilians can be addressed at operational or

tactical levels – some participants considered this to be problematic, noting that greater clarity is required to inform tactical decisions. Given the challenges in protecting civilians, participants also highlighted the need to emphasise the role of civilian police, ensuring appropriate use of civilian police versus military contingents.

A number of participants felt that the boundary between military and humanitarian actors, including on protection, has become increasingly blurred and that it is essential to better manage this relationship in order to maintain an informed but distinct set of humanitarian actions. In this regard, while some participants highlighted the view that it is important for international military and humanitarian actors to engage in joint planning and even joint pre-deployment exercises in order to facilitate more effective and principled coordination at operational levels, others were concerned about this trend, as it might jeopardise the perceived neutrality and independence of humanitarian action. There was general consensus however that some form of interaction and constructive dialogue should nevertheless begin as early possible in a crisis context, so that concerns relating to the protection of civilians can be factored in and can shape how the interaction develops. This does not mean that humanitarians should or must endorse the international political or security/military agenda that other actors might have. Such interaction will require more openness from the military to consider protection of civilians as a primary objective and not simply a means to another end (i.e. to win hearts and minds); such a shift might in turn influence their overarching military objectives and strategies and tactics.

Concerns about information-sharing were raised as a major obstacle to better interaction. Some participants asserted that, compared to the military, humanitarian NGOs often have deep field access which the UN does not, or relationships with communities which give them privileged information on how violence affects the population and on the perceived threats. However, at present there is, in many contexts, a level of distrust that prevents NGOs from participating in information-sharing forums for fear that, in UN integration mission contexts, information they provide to UN agency partners might be passed to UN military actors or otherwise used in an inappropriate manner. Other participants highlighted that guidelines on data collection and data management are available, such as the ICRC Professional Standards for Protection Work, and that greater adherence to these guidelines is paramount to avoid risks for the individuals and communities concerned and for humanitarian actors themselves. Participants also noted that there is an important difference in terms of sharing data on individuals and/or specific incidents and global trend analysis, with the latter being less sensitive. Some participants also challenged the view that NGOs are always closer to affected communities, arguing that in some instances military actors have greater field presence and engagement with affected communities than humanitarian actors. This example was used to emphasise the importance of dialogue and interaction, noting that assumptions about the way of working of these two sets of actors are not always accurate.

Participants suggested that a number of ways forward could be found, including in the assessment of protection threats facing communities. Whilst sharing detailed analysis was not likely to be acceptable or appropriate in some contexts, sharing of general analysis of protection threats or at least factors to be considered in developing analysis would be constructive. This would allow a mutual understanding of the prioritisation each actor makes when defining its protection strategy. Participants also

discussed ways to increase sharing of lessons learnt on respective actions aimed at protecting civilians, and lessons learnt in relation to the interaction between international military and humanitarian actors operating in the same theatre. Whilst there was some concern from some participants, many articulated that sharing of lessons learnt and evaluations would be valuable and, where possible or appropriate, engagement of both sets of actors in lessons learnt processes would also be useful.

Conclusions and Next Steps

Participants concurred that the protection of civilians agenda will ultimately be limited by the fact that responsibility lies primarily with states, and that remedial action to provide protection can rarely address pre-existing threats. Progress on creating a protective environment and reducing threats also requires engagement with armed non-state actors themselves, which may be hampered by the host state, international legislation or the reluctance of these groups to engage in peace processes or to discuss protection issues with external actors. There was consensus amongst participants that international humanitarian and military contributions cannot substitute for political decisions. There was also general agreement that no one actor can address all protection threats facing civilian populations in conflict situations, and that different actors have different roles and responsibilities. In that respect, there are also important roles for other law enforcement, political, human rights and development actors, which should be taken into account when designing protection strategies.

In reference to the different ways that military and humanitarian actors understand the concept of protection, three key areas of overlap or commonality were identified:

1. **Promoting adherence by all parties to conflict, including international military and police forces, to IHL and IHRL.**
2. **Reducing community threats and vulnerabilities** (for the military this would likely be through coercive means, or the possibility of force; for humanitarian actors, this would be through non-coercive means).
3. **Building a protective environment.**

Participants accepted that international humanitarian and military actors do not share a common repertoire on the protection of civilians, but agreed that both sets of actors can and do make an effective contribution to protecting affected populations in conflict and other crisis contexts. Their diverse ways of engaging and understanding protection of civilians also gives rise to a spectrum of possibilities for interaction and dialogue, all within the IASC definition of civil–military coordination or CMCOORD. In particular participants identified scope for interaction in the three key areas set out above.

There was consensus that the contributions which international military and humanitarian actors can each make in these three areas would be improved by more effective and constructive dialogue. Although there remain concerns, particularly amongst some humanitarians, about the nature of engagement between the two sets of actors, participants agreed that there are a number of practical ways in which engagement could be strengthened, including in relation to sharing of conflict or threat analysis and planning, and exchange of lessons learnt.