### LESSON 1: THE CONTEMPORARY OPERATING ENVIRONMENT AND THE PROTECTION OF CIVILIANS

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Foreword

Violette’s Story. In 1994, armed militias started fomenting a civil war in Rwanda. Soon the country disintegrated into chaos as Hutu and Tutsi clashed on the streets and in homes across the country. As the chaos closed in, Violette was alone with her children. Her husband was working three hours away in Kigali where he could earn a better living than in their small village of Gahini. Violette instantly knew they were in grave danger.

Carrying her two children in her arms, she fled to a nearby church where she thought she and her family would be safe. Instead of finding sanctuary, Violette and her family walked into a nightmare. “There was shooting going on, and people were falling on others and dying everywhere,” Violette said. The church was under attack by a machete-wielding militia. To survive, Violette was forced to lie down in the aisle and smear blood on herself and her children. Pretending to be dead, they hid among the corpses. Afraid to move, to cry, to even breathe, they lay there for an entire week until the Rwandan army came to liberate the area. Violette estimated that there were 700 people in that church - only 20 survived.

For 100 days starting in April 1994, an estimated 800,000 Rwandan civilians were killed in arguably the worst genocidal act in history. In 1995, two years after being designated a UN Safe Area, the Bosnian town of Srebrenica became the sight of the worst massacre of the Bosnian conflict. Following these atrocities, the UN Security Council determined to act to ensure the international community never stood by again while genocide and mass killings occurred.

In 1999, the Security Council asked the UN Secretary-General to report on what could be done to address the senseless killing of innocent civilians in areas of armed conflict. In his report in September 1999, the Secretary-General outlined the threats against civilians including direct targeting, displacement, and lack of access to humanitarian assistance. He also made recommendations for Security Council action.

In October 1999, the Security Council took its first active steps in the area of civilian protection, mandating the peacekeeping mission in Sierra Leone to “… take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence…”1

The protection of civilians is now a recurrent theme in peacekeeping mandates. Yet, while much academic work has been done to highlight the issue, little doctrine or guidance has been produced. This course seeks to address some of that deficit by providing a historical perspective as well as suggesting some practical options for consideration for those undertaking this task.

This course is not the solution. It is designed to promote an awareness of the need to protect civilians and to suggest some ways to achieve that goal.

-Colonel Robert Manton (Retd), October 2012

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2 S/RES/1270 (1999), 22 October 1999
Method of Study

The following are suggestions for how to proceed with this course. Though the student may have alternate approaches that are effective, the following hints have worked for many.

• Before you begin actual studies, first browse through the overall course material. Notice the lesson outlines, which give you an idea of what will be involved as you proceed.

• The material should be logical and straightforward. Instead of memorizing individual details, strive to understand concepts and overall perspectives in regard to the United Nations system.

• Set up guidelines regarding how you want to schedule your time.

• Study the lesson content and the learning objectives. At the beginning of each lesson, orient yourself to the main points. If you are able to, read the material twice to ensure maximum understanding and retention, and let time elapse between readings.

• When you finish a lesson, take the End-of-Lesson Quiz. For any error, go back to the lesson section and re-read it. Before you go on, be aware of the discrepancy in your understanding that led to the error.

• After you complete all of the lessons, take time to review the main points of each lesson. Then, while the material is fresh in your mind, take the End-of-Course Examination in one sitting.

• Your exam will be scored, and if you achieve a passing grade of 75 per cent or higher, you will be awarded a Certificate of Completion. If you score below 75 per cent, you will be given one opportunity to take a second version of the End-of-Course Examination.

• One note about spelling is in order. This course was written in English as it is used in the United Kingdom.

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1.1 Introduction

In his foreword to Siobhan Wills’ book “Protecting Civilians – The Obligations of Peacekeepers”, Professor Guy S. Goodwin-Gill noted that “Too often, peacekeepers have not protected the vulnerable, but have been required to look the other way, or have done so for want of clear direction.” This was never more apparent than during the 1990s when the United Nations (UN) was present during the Rwandan genocide that saw over 800,000 people killed and then a year later, when genocide was again committed during the fall of Srebrenica after the UN Security Council adopted Resolution 819 declaring Srebrenica a “safe area.” These failures focused the attention of the UN Security Council, which held a thematic debate in February 1999 to consider violence against civilians caught in conflict. The Council issued a Presidential statement noting the need for a coordinated response to the issue and inviting the UN Secretary-General to recommend ways to improve the protection of civilians.

The Security Council considers that a comprehensive and coordinated approach by Member States and international organizations and agencies is required in order to address the problem of the protection of civilians in situations of armed conflicts. To this end, the Council requests the Secretary-General to submit a report containing concrete recommendations to the Council by September 1999 on ways the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict. The report should also identify contributions the Council could make towards effective implementation of existing humanitarian law. The report should examine whether there are any significant gaps in existing legal norms, through the review of recent reports in this regard.

Responding to the Security Council’s request, the Secretary-General issued his first report on the protection of civilians on 9 September 1999 in which he observed that “Rebel factions, opposition fighters and Government forces continue to target innocent civilians with alarming frequency.” The report went on to detail threats and violence against civilians where parties to conflict were failing to comply with international law in an environment devoid of effective enforcement mechanisms, including: the deliberate targeting of non-combatants; forced displacements; infiltration of refugee and internally displaced persons (IDP) camps by combatants; the use of child soldiers; the effects of conflict on women; the denial of humanitarian access and humanitarian aid; and the humanitarian impact of sanctions.

The Secretary-General went on to add: “The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices.”

1.2 The Changing Nature of Conflict

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1.3 Impact of the COE on Peacekeeping Operations

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To view a video introduction of this course by the course author, Colonel Robert Manton, you can either log in to your virtual classroom, go to https://www.peacekeepingtraining.org/video/118/contemporary-operating-environment/, or use your mobile device to scan the QR code to the left.
Together, the Security Council’s Presidential Statement and the Secretary-General’s Report proved to be a watershed moment in UN peacekeeping, establishing the link “...between systematic and widespread violations of the rights of civilians and global breakdowns in international peace and security.” It became clear that the nature of peacekeeping operations had changed and that the international community’s expectations had risen. This was as much due to the changed nature of conflict post the Cold War, and the ‘CNN effect’ of peacekeeping operations had changed and that the violence. Since 1999 an increasing proportion of UN peacekeeping operations have been mandated to protect civilians under imminent threat of physical violence. This was primarily in response to the events in Africa and Europe in the mid 1990s that highlighted “The failures of [UN peacekeeping] missions to provide security in complex crises such as Somalia, and to protect civilians from mass atrocities in Rwanda and Bosnia...” Whether as the primary goal or a key operational objective, protecting civilians from systematic violence and mass atrocity creates unique considerations for military operations.

1 The Changing Nature of Conflict

In order to understand the implications of Security Council mandated tasks, it is important to examine the changed operational environment in which peacekeeping operations are conducted in the post Cold War era. The contemporary operational environment (COE) is dynamic, complex, and turbulent. Dynamic, in that security threats can arise unforeseen or with little warning; complex, in the forms threats can take and the array of state and non-state actors involved; and turbulent, in the ever-present reality on the battlefield. That same technology has decentralized media access, empowering groups and individuals beyond professional journalists to vie for the attention of the global audience. This has facilitated instant global communications. As Max Kelly notes:

This environment also brings the notion of the “strategic Corporal”, a junior leader whose decisions and actions at the tactical level may have international strategic implications18, to the forefront – indeed we may now be talking about the “strategic Private”.

Kelly goes on to argue: “strategic Private”.

The Strategic Corporal sees: fighting a lethal battle the next, all on the same day of displaced refugees at one point, keeping the war), where soldiers could be tending to the needs of post Cold War conflict environment, (three block Washington, Principles For Military Operations, 1919. The Strategic Corporal: where the major powers and the key focus was on constraining the political escalation of disputes into intra-State wars.19 As an alternative, this approach was relatively effective in its overall strategic intent but missions were often authorized without the necessary authority or resources to enforce their mandate: Peacekeepers were not expected to need to use force to secure compliance, partly because troops would only be deployed with the consent of the host State but also because it was assumed that their authority would be immediately respected on the basis that they were emissaries of the United Nations. A peacekeeping force was expected to achieve its goals ‘not through military combat but by the simple fact of its presence’.20

While the concept of peacekeeping operations, or protection of civilians for that matter, is not articulated in the Charter of the UN, the Charter’s Preamble clearly indicates the organization’s intent to address international peace and security concerns in order “…to save succeeding generations from the scourge of war … and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small…”. However, in its early years, Cold War tensions often prevented consensus among some Security Council members about ways to address issues of international peace and security. To overcome the impasse, peacekeeping missions were authorized by the Security Council as “…a new means of managing tensions between the major powers and the key focus was on constraining the political escalation of disputes into intra-State wars.” As an alternative, this approach was relatively effective in its overall strategic intent but missions were often authorized without the necessary authority or resources to enforce their mandate: Peacekeepers were not expected to need to use force to secure compliance, partly because troops would only be deployed with the consent of the host State but also because it was assumed that their authority would be immediately respected on the basis that they were emissaries of the United Nations. A peacekeeping force was expected to achieve its goals ‘not through military combat but by the simple fact of its presence’.20

In their infancy, peacekeeping missions were generally able to meet their obligations of keeping warring parties apart, and observing and reporting breaches of peace agreements, without necessarily solving the conflict or underlying dispute. Conflict resolution was most often addressed within the framework of Cold War alliances. The relative clarity offered by the Cold War operational environment led to some initial basic lessons being learned by the UN from its early peacekeeping missions. In 1958, the UN Secretary-General, Dag Hammarskjold, set out some principles and rules based on the United Nations Emergency Force (UNEF) deployment: …as the basis for future peacekeeping operations …that peacekeeping operations should only be conducted with the consent of the parties to the conflict; that peacekeepers should be impartial; that force should only be used to the minimum extent necessary and that normally troops should only [be] permitted to open fire in self defence.23 While these principles remain a bedrock of UN peacekeeping operations24, interpretation and implementation has been impacted by the post Cold War COE. With the end of the Cold War, the strategic context for UN peacekeeping dramatically changed, prompting the organization to shift and expand its field operations. The UN’s aims of maintaining strictly military tasks, to complex ‘multidimensional’ enterprises designed to ensure the implementation of comprehensive peace agreements and assist in laying the foundations for sustainable peace. Today’s peacekeepers undertake a wide variety of complex tasks, from helping to build sustainable institutions of governance, to human rights monitoring, to security sector reform, to the disarmament, demobilization and reintegration of former combatants.25

18 The concept of the Strategic Corporal was first enunciated by the US Marine Corps in its treatment of post Cold War conflict environment, (three block war), where soldiers could be tending to the needs of displaced refugees at one point, keeping the peace between warring factions at another, and fighting a lethal battle the next, all on the same day and within three city blocks. For further treatment of the strategic Corporal see: Gen Charles C. Krulak, “The Strategic Corporal: Leadership in the Three Block War,” Marines Maga- zine 28, no. 1 (1998): 32, http://www.usmc.mil/awc/awcgate/usmc/strategic_corporal.htm


20 Charter of the United Nations, Preamble.


1.4 Why is the protection of civilians important?

While civilian protection has normally been an implied goal of peacekeeping operations, the main emphasis, particularly prior to the deployment of UNAMIL in 1999, has been political. Peacekeeping missions have traditionally been deployed in support of a ceasefire or a negotiated peace agreement. However, the expectation raised by the deployment of a peacekeeping operation goes to the very rationale behind the formation of the UN... to save succeeding generations from the scourge of war...[27]

In the UN's independent study on protecting civilians in UN peacekeeping operations, the authors, Victoria Holt, Glyn Taylor, and Max Kelly, identified three strategic imperatives underlining the importance of protection of civilians to the UN.

- The legitimacy and credibility of peacekeeping missions. First, civilian security is critical to the legitimacy and credibility of peacekeeping missions. More fundamentally, a political peace cannot be founded on a peace that does not address civilian insecurity... A UN mission to support a political peace will lose credibility if it supports a political agreement that does not address such violence.[28]

Legitimacy and credibility are two key components for any UN international endeavor. Parties to any conflict or destabilizing situation will be suspicious of each other and will be equally suspicious of the motives of any potential intermediary. Equally, those impacted by the conflict but not necessarily directly engaged (such as the civilian population) will view any intermediary with suspicion until their legitimacy and utility is established. From the UN's perspective, this will impact any peacekeeping mission's ability to develop momentum or trust in the peace process or peace agreement. Additionally, the very deployment of a UN peacekeeping mission immediately raises the expectations of the local population which may not even be aware of, or understand, the nature of the conflict or dispute; much less any negotiated peace agreement, and will view the deployment of peacekeepers as being designed to provide protection for them. "The very presence of peacekeepers raises the expectation that if civilians are deliberately and brutally attacked troops will do their best to stop it."[29] Similarly, the deployment of a peacekeeping mission will raise international expectations.

- Mission success and exit. Second, the protection of civilians is a critical component for a sustainable political peace. When the UN sends in peacekeepers, it makes the statement that an international effort will work towards building a stable peace in that region. … Peacekeeping missions risk failure if they are unable to anticipate, mitigate, or halt extreme violence against the population. … Successful missions are those that deal with the protection of civilians as an integrated part of their aims.[30]

It is clear that peace without security is flawed as a population at risk of violence is unlikely to support a peace that does not address civilian insecurity... A UN mission to support a political peace will lose credibility if it supports a political agreement that does not address such violence.[28]

- Institutional Legitimacy of the UN. Finally, the protection of civilians by peacekeeping missions is also central to the legitimacy and credibility of the United Nations. Peacekeeping missions are among the most high-profile manifestations of UN action and their conduct has implications for the organization as a whole. … The inability of peacekeeping missions to address violence against civilians ... generate[s] questions among Member States about the wisdom of investing resources in peacekeeping, and ... about the ability of the United Nations to address the current proliferation of civil conflict.[31]

The Charter of the UN is an aspirational document drafted in the aftermath of the Second World War which saw over 60 million deaths. As has already been stated in this lesson, the preamble to the Charter, now endorsed by 193 Member States, details this aspiration in its opening lines ... "to save succeeding generations from the scourge of war ... and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..."[32] If there is a single issue that threatens this fundamental undertaking, and therefore the organization as a whole, it is not difficult to argue it is the UN’s ability to protect civilians.

While the reasons given by Holt et al are compelling, they are developed from a predominantly organizational perspective and are focused on the issues of importance to the UN. The United Kingdom recently released its strategy on the protection of civilians and offered three other reasons why protection of civilians matters.

It matters from a moral perspective. Everyone has the right not to be arbitrarily deprived of their life and the right not to be tortured. Protection of civilians in armed conflict matters from a legal perspective. Because the UK has specific obligations concerning the protection of civilians in situations where it is involved in military action, International humanitarian law (IHL) provides that civilians shall enjoy general protection from the effects of armed conflict. Protects civilians from being the object of attack, and prohibits attacks that are indiscriminate. The UK is a strong supporter of the standards set out in international human rights and humanitarian law and of international criminal law tribunals, including the International Criminal Court. …

The protection of civilians in armed conflict can contribute towards managing and reducing the direct impact of conflict on affected populations. For example, it can help ensure that armed groups are less inclined to target civilians; that they are more likely to use civilian populations to achieve their military objectives; and that civilians have access to humanitarian assistance.[33]

Finally, the Report of the Panel on United Nations Peace Operations in 2000 added a further imperative to the international importance of protection of civilians:

The Security Council has since established, in its resolution 1296 (2000), that the targeting of civilians in armed conflict and the denial of humanitarian access to civilian populations afflicted by war may themselves constitute threats to international peace and security and thus be triggers for Security Council action.[34]
1.5 What is the protection of civilians?

The concept of the protection of civilians is a complex issue with humanitarian, political, legal, and military components. The complexity arises from the lack of agreement about what protection means among the various players. Indeed, the issue can be so complex that even within these thematic areas there may not be agreement, or confusion may exist regarding interpretation of a mandate to protect. As Siobhan Wills has noted:

The draft replacement for the UK’s current peace support operations doctrine notes that in assessing the force’s obligations towards the local community commanders must take into account humanitarian & human rights law, treaty obligations, customary international law, domestic law of the Troop Contributing Nations (TCN) and host national law, and meeting the principles of the UN Charter.35

From a purely military perspective, protection does not easily translate into operational or tactical tasks. Military units are more familiar with task verbs such as attack, defend, seize, destroy, hold etc. Protection, as a task for military organizations, does not feature prominently in any military doctrine. This has posed difficulties and caused confusion for peacekeepers tasked to protect civilians as there is no frame of reference for what protection operations should be or how they should be conducted. Questions such as ‘protect who, from what, and where’ often do not have clear answers.

The complexity of the concept of protection of civilians is well illustrated in the following Refugees International case study:

Fatima,* a 30 year old woman from the Darfur region of Sudan was displaced in 2004 when her village was attacked by the Janjaweed militia. She fled to Chad with her children. Her husband used to travel between Darfur and the refugee camp, but Fatima no longer knows if he is dead or alive. She is on her own.

Today Fatima and her children live in the Oure Cassoni refugee camp in eastern Chad, just five kilometers away from the Sudanese border. The camp is well known to be infiltrated by rebels with the Justice and Equality Movement (JEM), who use the site as a rear base and a recruitment ground for their struggle against the Sudanese government in Khartoum. The camp leaders are well aware of these activities. The JEM, which is viewed as a liberation movement by many people inside the refugee camp, is tolerated, and recruitment is seen as patriotic.

In order to attract young boys to the movement, JEM rebels hold parties in the desert with loud music and races in a nearby wadi. When Fatima’s own 13-year-old son disappeared with four of his friends, Fatima took the remarkable and potentially dangerous step of tracking him down herself. She successfully negotiated the release of her son and his friends, but is now seen as a trouble maker by the camp leaders who support the JEM. She fears for her safety.

Fatima’s story is indicative of the many challenges faced by civilians in times of conflict: lack of security, a wide variety of threats both within the refugee camp (including by camp leaders and rebels) and externally (a hostile local population), and difficulties providing even the most basic of human needs – food, water, shelter. The type of response required to address particular protection challenges further complicates the complexity of the issue. With potential legal, political, physical, moral, and humanitarian aspects to address, it is clear that no single component of a peacekeeping mission has the capability to successfully tackle the myriad of challenges the protection dilemma poses.

Accordingly, the military component of a peacekeeping operation does not have the sole responsibility, authority, or capability to address the protection of civilians agenda that may be present in a mission’s area of responsibility. Victoria Holt and Tobias Berkman identified six concepts of civilian protection with military implications:

- First, protecting civilians can be conceived of as a legal obligation of military actors to abide by international humanitarian and human rights law during the conduct of war. Second, protection may be seen as the natural outcome of traditional warfighting through the defeat of a defined enemy. Third, it may be viewed as a job for humanitarian organizations aided through the provision of broad security and “humanitarian space” by military forces. Fourth, it may be considered the result of the operational design of assistance by relief agencies to reduce the vulnerability of civilians to physical risk. Fifth, it may be viewed as a set of tasks for those deployed in peace operations or other interventions, potentially involving the use of force to deter or respond to belligerent attacks on vulnerable populations. Sixth, and finally, protecting civilians may be the primary mission goal, where the operation is designed specifically to halt mass killing in the immediate term….36

Notwithstanding the complexity of the protection of civilians agenda, the Security Council has specifically mandated peacekeeping missions to protect civilians since 1999 with the expectation that the task passes the military ‘feasible, acceptable and suitable’ test and that missions so mandated will address the issue as best they can. Indeed, the Brahimi Report highlighted and supported the mandating of protection tasks stating:

…the desire on the part of the Secretary-General to extend additional protection to civilians in armed conflicts and the actions of the Security Council to give United Nations peacekeepers explicit authority to protect civilians in conflict situations are positive developments. Indeed, peacekeepers—troops or police—who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United


The lack of guidance and clarity led to an operational gap that saw the protection of civilians either ignored in some mission areas or only partially addressed in others. This is being addressed by the UN Secretariat with the recent release of Specialized Training Materials (STM) on the protection of civilians. Drawing on the Department of Peacekeeping Operations (DPKO) report, the STM strives to provide a comprehensive guide to the protection of civilians, incorporating best practices and lessons learned from previous missions.

The operational concept is organized around a three-tiered approach to protecting civilians:

- **Tier 1: Protection through political process**
- **Tier 2: Providing protection from physical violence**
- **Tier 3: Establishing a protective environment**

Each peacekeeping operation is deployed in a unique political and operational setting, with a distinct mandate and capabilities, and engages with varied and diverse protection challenges. As such, each mission that has been charged with protection responsibilities will design and tailor its own comprehensive mission-wide strategy, in consultation with its key partners, and with respect to existing agency mandates on the ground.

While the operational concept offers some clarity, it is clear that both DPKO and DFS are acutely aware of the complexity of the protection of civilians issue, understanding that every situation is unique with different stakeholders, both internally and externally. The operational concept adopts an umbrella approach providing mission leadership with three focus areas to conduct protection activities without offering a constraining definition of the concept, thus allowing peacekeeping missions some freedom of action to address the unique nature of their operational environment. Despite this attempt to clarify the protection of civilians agenda, it remains a source of discussion and concern and will continue to do so until guidance is released outlining the Security Council’s expectations and what success may look like.

**End-of-Lesson Quiz**

1. **How has the concept of security traditionally been defined?**
   - Dynamic, complex, and turbulent;
   - An increased frequency and violence of attacks;
   - In the context of relationships between nation states;
   - All of the above.

2. **Why has violence against civilians assumed greater importance in recent years?**
   - More civilians are being killed;
   - Fewer civilians are being killed;
   - International perceptions have changed;
   - Improved technology has made attacks more lethal.

3. **How can perceptions impact military operations?**
   - Peacekeeping ceased to be relevant as a tool for managing conflict;
   - Security Council mandates became more complex;
   - More Member States became involved in peacekeeping missions;
   - Peacekeeping operations became more expensive to run.

4. **Define the notion of the ‘strategic corporal’.**
   - Consent of the parties, minimum use of force, Security Council mandates became more serious;
   - No Member States became involved in peacekeeping missions;
   - Peacekeeping became more relevant as a tool for managing conflict;
   - Consent of the parties, minimum use of force, enough troops to be effective;

5. **What was the Security Council’s original intent behind the authorization of peacekeeping missions?**
   - Avoid the scuffle of war;
   - To be seen to be doing something in areas of conflict;
   - Manage tensions between superpowers;
   - To provide opportunities for non-Security Council Member States to make a contribution.

6. **What were Dag Hammarskjold’s principles of peacekeeping?**
   - Consent of the parties, minimum use of force, force only used in self defence;
   - Minimum use of force, Security Council authorization required, enough troops to be successful;
   - Force only used in self defence, General Assembly authorization needed, consent of the parties;
   - Consent of the parties, minimum use of force, appropriate resources available.

7. **What was the impact of the end of the Cold War on UN peacekeeping?**
   - Peacekeeping ceased to be relevant as a tool for managing conflict;
   - Security Council mandates became more complex;
   - More Member States became involved in peacekeeping missions;
   - Peacekeeping operations became expensive to run.

8. **Which of the following choices is not a strategic imperative underlining the importance of protecting civilians?**
   - Legitimacy and credibility of the peacekeeping missions;
   - Institutional legitimacy of the UN;
   - Legitimacy of the UN Security Council;
   - Mission success and exit.