

# At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

## CIVILIAN AND MILITARY CAPACITY TO PROTECT POPULATIONS: TOOLS TO IMPLEMENT THE THIRD PILLAR OF THE RESPONSIBILITY TO PROTECT

### Military tools available under RtoP's Third Pillar

Within the RtoP framework, civilian, police and military capacity to protect populations from mass atrocities can include mandates for the physical defense of populations, provision of political assistance, collaboration with local civil society to establish sustainable peace, support for national military and police training and reform processes, and improvement of access to judicial institutions. Protection mandates are established for a variety of purposes such as monitoring events to prevent the escalation of conflict during unstable periods; overseeing ceasefires and demilitarized zones; establishing area security or humanitarian corridors to facilitate the delivery of aid and/or safe passage of civilians or aid workers; and enforcing no-fly zones.

The use of force requires authorization by the United Nations Security Council (UNSC), which can mandate coercive measures under Chapter VII of the UN Charter. The UNSC can authorize **UN-led peacekeeping operations (PKOs)**, which are deployed with host-state consent to provide protection and assistance through military, police and civilian components. The UNSC may also approve **non-consensual military missions composed of regional arrangements or coalitions of states** to prevent or halt parties from committing mass atrocity crimes against populations. **Regional organizations** may work jointly with the UN or establish their own monitoring missions and peace operations to protect populations; however, Chapter VII measures must be authorized by the UNSC.

### Role and capacity of United Nations and regional-level actors

#### *United Nations (UN)*

- The **Security Council (UNSC)**, primarily responsible for maintaining international peace and security, considers operational challenges and best practices of military missions.
- The **Department of Peacekeeping (DPKO)** works with the UNSC, briefing on country cases and assisting in establishing mandates, and provides political and executive direction to PKOs with technical, financial, logistical, and administrative support from the **Department of Field Support**.
- The **Department of Political Affairs** and other UN Offices, including the **High Commissioner for Human Rights, Coordination of Humanitarian Affairs, Special Representative for Children and Armed Conflict, Special Representative on Sexual Violence in Conflict** and the **UN Refugee Agency**, can contribute personnel to PKOs and missions or take on advisory or training roles.
- The **General Assembly (UNGA)** is responsible for financing PKOs and can encourage states to resource operations. The UNGA hosts thematic dialogues to enhance PKOs' protection capacity and has a Special Committee to address operational challenges.

#### *Regional and sub-regional arrangements*

Regional missions to protect populations from mass atrocities, which can include civilian, police and military personnel, can be a stabilizing presence, building trust among and exerting influence over disputing parties. Arrangements, such as the **Organization of American States (OAS)** and the **Organization for Security and Cooperation in Europe (OSCE)**, can provide observers for operations, while others are developing or have established rapid response mechanisms.

- **The African Union (AU)** deployed the **African Union Peacekeeping Mission in Sudan** in 2004 in an effort to contain escalating violence in Darfur and protect populations from gross human rights abuses. The mission was replaced in 2008 with the unprecedented **AU/UN Hybrid Mission in Darfur**. The AU is also developing the **African Standby Force**, which is expected to be operational by 2015 and will respond to threats identified by the AU Peace and Security Council, including situations of mass atrocities. Directed by the Commission of the AU, the force will include police and civilian components, and be composed of planning, logistical and standby operational elements at the AU Commission level as well as five brigades, which are in varying levels of development, established by the *Regional Economic Communities*. The **Economic Community of West African States' (ECOWAS) Standby Force** expressed willingness to deploy personnel in situations such as the 2010 election crisis in Côte d'Ivoire and the 2012 coup d'état in Mali. ECOWAS also previously created a **Monitoring Group (ECOMOG)** to protect civilians during conflicts in Liberia in 1990, Sierra Leone in 1997, and Guinea-Bissau in 1998.

## THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, humanitarian, and should peaceful means prove inadequate, military measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

- **The North Atlantic Treaty Organization (NATO)** has a military command structure to which member countries can contribute troops and equipment and has been involved in several operations to protect populations from mass atrocities. In March 2011, NATO led ‘Operation Unified Protector’ in Libya, authorized by the UNSC. Concerns from civil society, individual states and regional organizations that NATO went beyond its protection mandate and that despite efforts to reduce casualties, the operation resulted in civilian deaths by aerial bombardments, highlighted the need to assess operations during and following missions.
- **The European Union (EU)** has deployed military operations to protect civilians, such as in Chad and the Central African Republic from 2008-2009, as well as in the Democratic Republic of Congo in 2006. In 2007, the EU developed a model for multinational forces consisting of 1500 military personnel from EU Member States, known as **“battlegroups”**, to respond swiftly to emerging crises in the region. The EU has not yet deployed a battlegroup, resulting in criticism of a lack of political will to respond to threats.

#### **Strengthening the capacity of military operations to protect civilians**

Military responses remain the most debated within the norm’s scope as political solutions require fewer resources, and military operations can result in unintended costs. Although some argue that military tools violate state sovereignty, there is increasing consensus that sovereignty includes an obligation by the state to protect its population from mass atrocities. The 2001 **International Commission on Intervention and State Sovereignty** report proposed criteria to guide the use of force – *right authority, just cause, right intention, last resort, proportional means, and reasonable prospects* - which were not adopted in the 2005 World Summit Outcome Document. However, legal guidelines for the use of force and the role of actors in armed conflict do exist in international humanitarian law, as outlined by the Geneva Conventions and Protocols. Without question, military responses face challenges:

- **Protection mandates for military operations must be clear and meet the needs of all civilians**, though there is no universal definition of “protection.” Mandates must be comprehensive, providing guidelines for all components of missions. An **operation’s legitimacy may be questioned** if the intervening states go beyond the given mandate or because of factors, such as the degree of impartiality or perceived impartiality.
- Military response requires **adequate personnel, equipment, resources, and political support**; though capacity is often limited. A DPKO draft Matrix of Resources and Capability Requirements for Implementation of Protection Mandates in UN PKOs expands on resource needs and allocation. It is also crucial to **engender military responses**, incorporating women in all components of missions.
- **Comprehensive training** of military, police, and political personnel is necessary to prepare protection operations and maximize civilian safety. This can include guidance on minimizing civilian casualties, and preventing and responding to sexual and gender-based violence and threats to children in armed conflict, which are addressed in part through pre-deployment training modules developed by DPKO Integrated Training Services.
- Military operations require **sophisticated and swift coordination among all components**, including a mission-wide protection strategy involving military, police and civilian personnel. The Framework for Drafting Mission-Protection of Civilians Strategies in UN PKOs seeks to address coordination challenges in PKOs.
- Peaceful solutions must be **sustainable**, and mission personnel may need to assist in political transitions, reconciliation efforts, disarmament and demobilization, and security sector reform in **collaboration with local civil society groups and communities**.
- The concept of **“responsibility while protecting” (RwP)**, presented to the UNSC by the government of Brazil in November 2011, addressed the need to implement **effective monitoring, assessment and evaluation mechanisms** during and following military operations to ensure that missions fulfill their protection responsibilities legally and comprehensively.

#### **Role of individual governments and civil society in military response**

**National authorities** can contribute financial, technical and human resources to all components of military missions including through advisory or training roles. States can also build political will to ensure timely and cohesive response. Furthermore, states can join **civil society, including women’s and elders groups, think tanks, businesses, and other non-governmental organizations** in alerting actors to growing tensions, monitoring and evaluating the progress of ongoing military operations and the situation on the ground, and providing feedback for lessons learned. Civil society can assist in pre-deployment training, and local groups can collaborate with mission personnel.

# ICRtoP

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The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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