Chapter Six
Protecting Civilians in Uncivil Wars

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Introduction

It is mainly civilians that die as a result of contemporary armed conflicts. Although most of them succumb to disease and the effects of malnutrition a significant number are slaughtered or suffer other forms of violent death. This fact is not unique to the contemporary era but the period since the end of the Cold War has witnessed an unprecedented level of international activity ostensibly aimed at reducing levels of civilian suffering during armed conflicts. Such activity resulted from the confluence of moral, political, legal and prudential considerations. First, the world’s governments have intensified their political commitment to protect civilians in light of a strengthening moral norm that genocide and mass atrocities are unacceptable wherever and whenever they occur. Second, there has been growing international support for the idea that states have a legal responsibility to respond to atrocities that are considered crimes under international human rights and humanitarian law. Third,

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1 Although precise figures are impossible to ascertain, one study of nine conflicts in sub-Saharan Africa put the average proportion of civilian casualties as between 87 and 92 percent of the total number of casualties. Bethany Lacina and Nils Petter Gleditsch, ‘Monitoring Trends in Global Combat: A New Dataset of Battle Deaths’, European Journal of Population, 21/2-3: 145-166 (2005).


3 See the moral and political commitments to protect human rights set out in, among other places, the UN Charter (1945), the Universal Declaration of Human Rights (1948), the UN General Assembly’s World Summit Outcome Document (2005) and a variety of recent UN Security Council resolutions.

4 The key documents here are the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Rome Statute (1998) as well as a variety of UN Security Council resolutions.
a variety of prudential calculations have persuaded states to take civilian protection issues more seriously. Specifically, it is widely recognised that it is harder to build peace and maintain order in environments where atrocities go unaddressed; it is also well known that civilian deaths damage the legitimacy of counter-insurgency operations and make them harder to win; and it has become clear that relief workers face greater risks in circumstances where the combatant/non-combatant distinction is blurred.

Yet despite these commitments peacekeepers and other actors are not well prepared to deal with the daunting challenges posed by civilian protection agendas. As one analysis of the twentieth century concluded, ‘[n]o century had better norms and worse realities’ when it came to the protection of civilians in war. Sometimes, the world reacted to crimes against civilians by despaching peacekeepers ‘without sufficient capacity, clear guidance and doctrine, adequate training, or a solid concept of operations to uphold mandates to ‘protect civilians’.’ More often, no troops were dispatched at all to protect civilians. Not only have these sins of omission and commission badly damaged the reputation of liberal states and international institutions, they have facilitated the massacre of thousands of civilians in the world’s war zones.

Efforts to strengthen the protection of civilians are inhibited by a lack of consensus on what protection ought to entail, where the sources of protection lay and how those sources relate to one another, which actors should be engaged in protection, and how their activities should be coordinated. As a result, whilst considerable activity has occurred, the contemporary agenda remains limited and incoherent in some important respects. This chapter aims to advance the debate in three ways. First, we propose a framework for thinking about the different dimensions of a comprehensive and coherent civilian protection agenda: the nature of the problem i.e. threats facing civilians during armed conflict; the sources of the contemporary protection agenda; the pillars upon which the protection agenda should rest; and the principal agents of protection. Second, we identify several problems with the current agenda: the gap between capabilities and expectations; the lack of operational guidance;

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