CHAPTER THREE

THE PROTECTION OF CIVILIANS

Mark Bowden

Introduction

This chapter will set out some of the achievements and challenges when it comes to the protection of civilians in crises and conflicts. We begin with a discussion of environment in which protection needs to take place.

I. A Changing Environment

Despite their protected status, civilian populations are intentionally and illegally targeted by warring parties throughout the world for both strategic tactical reasons. Civilians are also indirectly and negatively affected by the political and military decisions made by parties to conflict.

It’s often claimed that this is a new or worsening situation. It’s argued that conflict today is no longer waged according to the rules of war. Internal conflicts are proliferating and parties to conflict are no longer trained national armies. Sometimes they are merely, and tragically, drugged children with no cause, no ideology and no other way to make a living.

Compared to the warfare of the last century between large national armies, these claims may be true. The situation may be growing worse. In retrospect however, the years of nation-state warfare with clearly defined militaries may have been the aberration, rather than the norm. Moreover, even then the protection of civilians was more often theory than fact, as Nanking, Dresden and the eastern front in Russia can attest.

What has changed perhaps is the degree of tolerance for crimes against civilians. This may be due to a spreading acceptance and appreciation for the rule of law. The rise of the global media has also put far off events in places like Rwanda and Congo and now Darfur in the living rooms of people all over the world in a way media could never display recent massacres or those of the wars of colonialism.

1 The views expressed are those of the author in his personal capacity.

The end of the Cold War has also facilitated a decreasing acceptance for attacks against civilians. In the Cold War the practices visited by tyrants and thugs against their civilian populations were dismissed or justified as necessary in the interest of the wider ideological struggle. Now this is no longer necessary. During the Cold War, local conflicts were also frequently tamped down to prevent any local struggle from blossoming into a full superpower confrontation.

It is also now much more clear that chaos in one place can aid and abet tragedy elsewhere and threaten international peace and security—a point first brought home by the waves of refugees from Southeast Europe and Rwanda in the 90’s and later, by the events of 9/11.

II. The UN Response

Compared to our colleagues in civil society, the United Nations has not been at the forefront of efforts to foster changing attitudes, and then transform these into changed practice. Equally however, it has not been wholly absent from these efforts. When the Secretary-General launched the present reform agenda in 1997, he and that agenda insisted that the United Nations put the individual—his or her security and well-being—at the centre of everything we do.

Today, at its request, the Security Council receives a briefing every 6 months on the protection of civilians in armed conflict, and a report of the Secretary-General on emerging protection issues every 18 months. These reports have resulted in two Security Council Resolutions and produced a set of recommendations for action drawing on Human Rights, Refugee, and International Humanitarian Law. The recommendations subsequently served as a basis for two important tools. First came the Aide Memoire—a checklist of priority protection issues and principles adopted by the Council to help it consider protection needs when formulating resolutions and designing or reviewing peacekeeping mandates.

After the Aide Memoire came the Road Map. In June 2001, the Security Council asked the Secretariat to reorganize the forty-four recommendations contained in the first two protection reports into different groups, with the aim of clarifying responsibilities, enhancing cooperation and facilitating their implementation by the Council. It was from this request that the Road Map evolved. The Road Map was also intended to facilitate a comprehensive UN system-wide approach to protection issues and to promote practical implementation of the Secretary-General’s 54 recommendations.

Unfortunately, the Road Map exercise proved to be extremely cum-