CHAPTER FOUR

OPERATIONALISING THE PROTECTION OF CIVILIANS

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Introduction

It has now been five years since Canada first proposed that the United Nations Security Council acknowledge and address the protection of civilians as an issue that was central, not tangential, to its responsibilities for maintaining peace and stability. Canada argued then, and still argues today, that if the Council is to maintain its legitimacy, its decisions must better account for the reality that attacks against civilians are often a war aim in contemporary armed conflict. It must also have the courage to take necessary political action. And for such political action to be effective, the Council must have at its disposal a range of tested non-coercive and coercive tools that can be utilized.

On balance, the Security Council has made important progress. A normative framework has been established, and has been buttressed by practical strategies, which should enable it to take concrete initiatives in response to situations where the safety of civilians is at risk. Leaders in numerous fora have endorsed this framework, including the G7, the Millennium Declaration, the Constitutive Act of the African Union, the Commonwealth and the Francophonie.

In addition, regional institutions, national governments, UN country teams, human rights and humanitarian actors have pursued complementary efforts. And yet, while we have made substantial headway in advancing the rhetoric of civilian protection, implementation and capacity remain key challenges, if not obstacles. In some instances, terminology—including clarifying precisely what is meant by civilian protection—has been a barrier. For this agenda to have lasting affect on the global public peace and security policy, we must better understand the limitations inherent in pursuing such an agenda while seeking to build on good practice.

1 The views presented in this paper are those of the author and do not necessarily reflect those of the Canadian Government.
2 Canada made advancing the Protection of Civilians a key priority during its 1999–2000 Security Council tenure, during which time resolutions 1265 (1999) and 1296 (2000) on civilian protection were adopted.

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I. Progress

As noted, important progress has been made on the Protection of Civilians (POC) Agenda since 1999. There has been a significant increase in global awareness, knowledge, advocacy, and normative development. The protection of civilians and related issues—conflict prevention, children and armed conflict, women, peace and security are firmly on the international peace and security agenda.

The Security Council regularly uses the language of human rights, humanitarian and refugee law in addressing country situations. The Council now routinely calls for unhindered humanitarian access, and has expressed concern about insecurity in camps for displaced persons and attacks against aid workers, including in Afghanistan, DRC, Liberia and Burundi. The Council is increasingly sensitive to the humanitarian and development implications of conflict and post-conflict contexts and the need to consolidate peace. Complex links between small arms proliferation, DDR and war economies have been recognized by the Security Council and efforts have been proposed to address such circumstances.

The protection of civilians is increasingly reflected in the mandates of peacekeeping operations. Since 1999, six peace support operations have included express provisions under Chapter VII for peacekeepers to use force to protect civilians “under imminent threat of physical violence” within their areas of deployment and capabilities. This is a significant development. It meant, for instance, that the Uruguayan battalion felt empowered to protect compounds where civilians had gathered in the Ituri region from attack in 2003. Contrast this with the early 1990s in Bosnia and Rwanda, where peacekeepers argued they were constrained by their mandates from protecting civilians at risk. The civilian components of multidimensional peace support operations also reflect these concerns, with child, gender ad HIV/AIDS advisors now regularly included.

Concern for civilian protection has also been evident in the design and implementation of new sanctions regimes. Having learned from its previous use of broad-based sanctions, the Council is expressly including human-