

The Protection of Civilians

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This journal aims to explore the relationship between key protection agencies, and debates within literature around the POC.

Abstract:

The purpose of this paper is to explore Civilian Protection in its' many forms. From Responsibility to Protect (R2P) which is the state responsibility to ensure that no harm is carried out to the civilians within the Country. To Governmental and International Non- Governmental Organisations. What will be explored is the effectiveness of the proposed protection mechanisms and how they operate in order to provide a safe environment collectively, particularly in relation to humanitarian crises.

Key words:

***R2P – Responsibility to Protect, *INGO, International Non-Governmental Agency, * GPC, Global Protection Cluster.**

Introduction:

This aims of this research is to address key functions of protection agencies in relation to humanitarian aid and the protection of civilians. Attention will be paid to the responsibility to protect and the obligated principles within International Humanitarian Law (IHL). Further attention will be given to the theory in which authors propose the protection of civilians considering conflict theory and Marxist views on structures which serve to oppress civilians further. The International Committee of the Red Cross (ICRC) will be considered factoring in if the ICRC can remain impartial within the realm of peacekeeping. The relationship between the ICRC and R2P will be explored to identify comparisons in their mandates and if the obligations by IHL can complicate the boundaries between the two peacekeeping agencies.

To fully understand the protective forces, the Brahimi report (2003) and the agencies which are in place to ensure protection of civilians is carried out, will be considered. Further focus will be paid to the numbers of individuals who are displaced and if there are any moral accountability in relation to protection of individuals from a holistic perspective. Lastly self-protection will be explored, in the field of civilian protection reliance on global protective initiatives fails to address the individuals own strengths. Allowing individuals more choice and control and moral obligations of the protection agencies will be explored, giving recognition to some problematic areas where civilians are unable to self-protect.

The Right to be Protected (responsibility to protect):

Initial attention will be paid to the United Nations, International Law and the protective mechanisms which are rooted in protection by force and the responsibility to protect (R2P). Whilst researching I discovered that R2P was adopted in 2005 by the Security Council which relied on states to take responsibility for the protection of their own civilians (Bellamy, 2015) This was implemented by Resolution 1674 the Protection of civilians in Armed Conflict. Considering the three pillars approach which is integral to understand R2P and the nature of the United Nations Security Council (UNSC) using political power to protect civilians could be seen to be a contested ideology. On the one hand the responsibility is clear, however this is not necessarily the absolute solution. Issues occur within this political commitment as suggested by the Inter-Agency Standing Committee (IASC, 2002: 1-2) identifying that the responsibility is there to protect citizens, however it is not always possible due to either an unwillingness for the states to protect or inability to meet the commitments. Bellamy (2015) further highlights that applying a duty to protect within R2P would be appropriate as this would place a level of responsibility on the states leading to any concerns being positively managed, and places attention on preventative measures. It would be far too easy to see R2P as a solution to all protection of civilians, even though the idea of R2P has seen a rise into mainstream (Massingham, 2009), the use of democracy in these situations too is a contested notion. Consideration within states who are failing to adhere to the R2P leads on to questioning if all are righteous in thinking that a democratic process can alleviate conflicts and produce results which are positive for the civilians (Galtung, 1996).

Previous research conducted in line with Pugh (2004) emphasises the relationship of structural and political interventions on the individuals which are deemed as requiring protection. It could be argued that the R2P is intended to provide consequences for unwillingness of states to act could also see the individuals in need of protection being perceived as passive recipients of violence. Within R2P the use of military force in areas already troubled could be seen to add to structural issues (Eckert, 2012). According to Gorur (2013) Government must maintain overall responsibility, however

this can become problematic in instances where considering structural violence and Marxist views on conflict are present (Pugh, 2004). When considering decisions made in the global realm thought will be given to Syria and the global protection mechanisms which exist within International Commission on Intervention and State Sovereignty (ICISS). In this situation, the R2P mandate has struggled to protect the civilian's due to political nature of the UN member states which can decide to act within a state. Relying on votes by other state actors to choose whether to act detracts from the original meaning of the need to protect civilians as any action taken can be perceived as selective (Eckert, 2012). Pugh, (2004, p.48) would continue to argue that this is apparent due to the war in Iraq which was infinitely problematic and draws comparisons with what (Eckert, 2012) suggests regarding structures within society. This is further highlighted by Grigorescu (2010) who expands from this to propose that even Inter governmental organisations are not exempt from adding to the oppressive structures, when they are supposed to be supporting individuals. However, it is important to note at this point that although there are powers within R2P these have not been implemented often so this could be said to be ineffective (Arbour, 2014).

The Coordination of Protection of Civilians:

From examining this research themes which were evident were that all humanitarian action must be taken in coordination between local and international realms, enforced action although necessary in some instances must consider local strategies of protection to comply with the United Nations Charter and the principals of humanity, neutrality, independence and impartiality (OCHA, 2003). A lack of recognition of the relationship between international and local agency can further highlight structural inequalities leading to coercive interventions which can be perceived to take on hegemonic connotations from the western states, causing a division between tough enforcement and soft enforcement techniques (Pugh, 2004). This view can be further strengthened by considering the oppression faced by the individuals within the country, proposed by (Vanderslice, 2017) there will also be impacts on less powerful or oppressed groups by individuals who have a vested interest in power, control or resources. It is appropriate to say in this instance that the struggle for power could impact on decisions which are made globally. In relation to Syria there has been a

response, however the consensus is that this is not being approached in a protective manner, the UNSC has adopted resolution 2165 and the unrest is expected to escalate further however planning for this must be completed in a holistic manner (GPC, 2016-2019).

Global Protection and Humanitarian Agencies:

Global protection evolved over the course of the twentieth century as did International Human Rights and International Humanitarian Law, as early as pre-WW1 missions were being completed on an ad-hoc basis to protect civilians who were at risk due to unrest, it was in 1956 when the United Nations decided to extend the concept as an extension of diplomacy universally (Pugh, 2004). Further thought will be given to The Global Protection Cluster (GPC), in the strategic framework for the GPC the commitment to partnership is identified both with nongovernmental organisations and within the United Nations. The GPC focusses on partnership using the Inter-Agency Standing Committees (IASC) values working under the jurisdiction of International Law. The GPC maintains that working with evaluation and strategic frameworks ensures that the impact of interventions is measured and ensures that the protection carried out is effective. However, they recognise that the interventions are or at least could become problematic due to the re-emerging situations which occur incurring costs which are beyond the capacity of international agencies (GPC, 2016-2019). Considering the long-standing issues within Syria it could be argued that the protection systems by other agencies then become over powered by the political R2P and in instances where the R2P have failed the success of peacekeeping endeavours become entangled in with the bureaucracy of nations which do not agree on when to or how to intervene to protect civilians (Rose, 2014). The positive within this situation is the jurisdiction of the International Committee or the Red Cross and their ability to provide civilian protection where other agencies may not be permitted or it may not be safe to operate (Shaheen, 2016).

The ICRC which operates within the protocols of the Geneva Convention (1949) has jurisdiction to intervene in all instances of war or civil unrest is established within International Humanitarian Law. The responsibility of the ICRC predates the R2P and operates within specific principles of neutrality, impartiality and humanity. Issues which

may arise in relation to the principles are that they operate within the realms of International Humanitarian Law so become subject to being politicized. The ICRC recognises the need to work with communities and to work within ethical principles to operate in volatile situations whilst maintaining relationships with the individuals and keeping humanity at the forefront of what they do (Labbe and Daudin, 2015). The responsibility within any operation is to ensure that the intervention has positive connotations and the idea of do no harm must be at the forefront of any agency regardless of their mandate (OECD, 2010). This is another problematic area on the global scale which the ICRC recognises. The purpose of the ICRC is neutrality, however with the political global ideology which has been impacted by the war on terror maintaining neutrality in areas of conflict has become a political minefield leading to division between humanitarian operations and conflict with the views from United Nation member states. If the principles of humanitarian action are derived from western perspective then the concept of neutrality and do no harm are not cohesive (Labbe and Daudin, 2015).

INGO's and Local Protection:

According to the Brahimi Report (2003) a new strategy to organise peacekeeping operations which all organisations would adhere to was needed, recommendations were that the Department of Peace Keeping Operations (DPKO) would coordinate all complex operations. This was in direct response to some failings with UN peacekeeping missions. Identified in a report completed by DPKO and OCHA, were standard operating procedures and codes of conduct designed so that abuses of power are not carried out on the individuals who they are mandated to protect (Gentile, 2011). Action Aid (2008) proposes that there should be more accountability within aid and donor agencies and more transparency. It is suggested that if more countries adopted declaration number 12 of the Paris Declaration aid interventions would be monitored more effectively and problems identified. The Report of the High-Level Independent Panel on United Nations Peace Operations (HIPPO) recognises that to be more effective engagement from all levels must be negotiated, not just from a policy perspective engagement with the local individuals and inclusion by engaging with communities to improve lives (HIPPO Report, 2015). This could be taking on the form of layers of protection which are illustrated by the protection framework within the IASC (2012). Which further emphasises a holistic approach to protection which is identifies

in an egg-shaped framework, which focuses on responsive action, remedial action and environment building. The IASC identifies discrimination as a factor within protection, this and not valuing civilian's perspectives on how they can protect themselves. As proposed by (Beitz, 2009) protection must also be a right understanding states ability to achieve on an individual level.

Regardless of the need for aid intervention which is coordinated by the global community which is a moral duty focus must be given to the individuals agency. From a moral perspective, everyone must be given consideration, however the knowledge of the rights must be upheld in relation to ability to achieve expectations of the individual state (Beitz, 2009, p,32). The HIPPO (2015) report identifies that there are over 50 million people uprooted at present, which is placing significant strain on other countries and all aid agencies. However, Gorur (2013) alludes to this being a strategy of the individual for self-protection, this however is said to be dependent on the situation which the local community are facing. If the community were to feel that the protection agencies were strong enough to protect the individuals, then self-protection may not be employed by the individuals themselves. It is also important to consider the individual themselves and their position within the community, recognition must be given to the dynamics of the environment. This can then be seen to stem back to moral obligations of the peacekeeping agency, if a civilian is being harmed then the moral obligation is to protect. However, state obligations mean that the action must be also completed with impartiality Walzer, (1977, cited in Bellamy, 2015).

Concluding remarks:

From examining this topic in more detail and considering the global protective mechanisms which are in place in cases of civil unrest and humanitarian crises, such as the enforceable R2P could lead to decisions being made regarding individuals which do not consider their basic human rights. Enforceable action is often problematic with implementing procedures against governments which can sometimes be an oppressive use of force, according to research conducted throughout the essay R2P can add to structural oppression as decisions are made at an international level, which do not always take in to account issues which are faced by the civilians in which the R2P mandate intends to protect.

It is suggested bureaucracy and mandates although intended to standardise and structure processes of civilian protection, can be seen in certain situations to impose power on individuals who misuse this and can prevent those with purposeful intentions from providing the much-needed support in certain situations.

Although all agencies have mandates which refer to neutrality, inclusion and are intended to maintain the “do no harm” principle the structural systems which are implemented by enforced peacekeeping do not always consider the individual agency or self-determination. On missions where protection is mostly required decisions around whether to act in specific regions can be influenced too strongly by state bureaucracy. In some instances, the strategies to improve the interventions can sometimes aim to complicate the work that is completed to protect the civilians. A growing number of displaced individuals is a worrying sign that although agencies are committed to the protection of civilians, it is not always an achievable vision.

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