

**Protection of civilians in theory
– a comparison of UN and Nato approaches**

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English Summary

Protection of civilians has emerged as a primary objective in contemporary peace and stabilisation operations, but civilians appear to be neither safer nor better protected. The UN and Nato differ in their respective focuses on 'how to protect' and 'how not to kill', whilst they both struggle to successfully protect civilians on the ground despite the unprecedented strategic importance attached to the issue.

Protection of civilians entails a number of seemingly insuperable challenges, especially with regard to the use of armed force. In this report, the degree of threat to civilian security, the dedication of the enemy, the primacy of physical protection, and the absence of sufficient troop numbers are discerned as factors that particularly complicate the search for 'utility of force to protect'.

However, to improve protection of civilians a genuine reconciliation of aims and means is needed. From the outset, planning must be based on a theoretical understanding of protection of civilians that accounts for the comprehensive scope of protection, the challenges it entails and the operational consequences for the armed forces that follow. This report argues that the obvious starting point lies in addressing the gap in existing doctrines, directives, practices and training on protection that presently provide little guidance on how to actually go about protecting civilians.

Sammendrag

Beskyttelse av sivile har i stadig økende grad blitt et uttalt mål i freds- og stabiliseringsoperasjoner, men sivile ser ikke ut til å være verken tryggere eller bedre beskyttet enn før. FN og Nato tilnærmer seg dette på ulike måter ved å fokusere henholdsvis på 'hvordan beskytte' og 'hvordan ikke drepe', men begge strever likevel med å omsette den strategiske vektleggingen av sivile til faktisk beskyttelse.

I realiteten innebærer beskyttelse av sivile en rekke tilsynelatende uoverkommelige utfordringer, særlig med hensyn til bruk av militærmakt. I denne rapporten blir intensiteten av trusselen mot sivile, fiendens motivasjon, viktigheten av fysisk beskyttelse og antall tilgjengelige styrker identifisert som faktorer som gjør det særlig vanskelig å finne militærmaktens nytteverdi for å beskytte sivile.

Selv om effektiv beskyttelse av sivile fremstår som et nærmest umulig mål, kan likevel graden av måloppnåelse forbedres gjennom en mer genuin samordning av mål og virkemidler. En slik samordning må ta utgangspunkt i en teoretisk forståelse av beskyttelse av sivile som tar høyde for omfanget av oppgaver som dette krever, utfordringene beskyttelse innebærer og operasjonelle konsekvenser for de militære. Rapporten argumenterer for at et åpenbart første steg vil være å videreutvikle og forbedre eksisterende doktriner, direktiver, praktiske tilnærminger og trening på beskyttelse. I dag gir disse i liten grad veiledning om hvordan beskyttelsesaktiviteter kan utføres.

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Preface

This report constitutes one of two concurrent FFI-publications on Protection of Civilians (PoC) in armed conflict. The other report, which should be read alongside this, is titled 'Protection of Civilians in Practice: Lessons from the UN Mission in the DR Congo'.¹ Together, they are intended to bring the debate on Protection of Civilians one step forward by reducing the gap between theory and practice. Specifically, they are meant to inform and improve the preparation of national military contributions in future operations.

Currently, most troop and police contributing countries provide their UN and Nato contingents with little or no pre-deployment training on protection of civilians. One reason for this short-coming is that the majority of existing military doctrines and training programmes are primarily developed to defend territories and attack enemies, not to protect vulnerable individuals or groups of civilians. This lack of relevant doctrines and training has made it difficult for military officers to translate abstract protection mandates into concrete strategies and operational activities, which are to be carried out in concert with civilian partners on the ground.

The Norwegian Defence Research Establishment (FFI) has initiated several research activities on Protection of Civilians. The aim is to prepare military contingents for implementation of mandated tasks related to Protection of Civilians in armed conflict. These two FFI-reports are the first in a series of forthcoming FFI-publications focusing on the military challenges related to Protection of Civilians.

¹ Kjeksrud, S. and Ravndal, J. A. (2010), Protection of Civilians in Practice: Lessons from the UN Mission in the DR Congo, *FFI-report* 2010/02378, (Kjeller: FFI).

1 Introduction

Hunting season [is] in full swing... it is not only men supposedly belonging to the Bosnian Government who are targeted... women, including pregnant ones, children and old people aren't spared. Some are shot and wounded, others have had their ears cut off and some women have been raped.²

A Dutch soldier on the fall of Srebrenica, 17 July 1995

Albeit for fundamentally different reasons, protection of civilians has recently become a primary objective in current peace and stabilisation operations for both the United Nations (UN) and the North Atlantic Treaty Organization (Nato). Since 1999, in response to past failures, UN peace operations have been increasingly mandated with the 'protection of civilians under imminent threat of physical violence'.³ Through the International Security Assistance Force (ISAF) in Afghanistan, Nato is engaged in a stabilisation operation with explicit guidance that 'protecting the people is the mission'.⁴ A dramatic increase in the proportion of civilian casualties vis-à-vis combatants attests to the new reality of war amongst the people, in which civilians are deliberately targeted and the 'hunted'.⁵ Despite the importance attached to protection at the strategic level, civilians on the ground appear to be neither much safer nor better protected.

This report provides an overview of current means for the protection of civilians, by looking at the UN and Nato's respective military documents, such as the most up-to-date doctrines, field manuals, tactical directives and handbooks; their operational concepts and other mechanisms devoted to the provision of protection; as well as actual capabilities required to conduct such tasks. Taking protection as the provision of both 'basic' and 'sustainable' protection, this definition will be explored and expanded in the light of comparisons of UN and Nato approaches to the issue. Particular emphasis will be given to the use of armed force because it is inevitably required at some stage of protection, arguably where the greatest challenges lie, and because it is the military with which this report is primarily concerned. Therefore, the principal question to be addressed is: *how is the objective of protecting civilians translated into operational principles and activities by the UN and Nato, and what factors can be discerned to expand our understanding of protection in theory, particularly in terms of finding 'utility of force to protect'?*

It is argued that there exists an 'implementation gap' attributable to a lack of guidance on *how* to actually conduct protection at the operational level and below. This gap is common to both UN and Nato approaches. However, the UN's *direct* approach to the issue of protection produces

² *Report of the Secretary-General pursuant to General Assembly Resolution 53/55: The fall of Srebrenica*, 15 November 1999, A/54/49, para. 389.

³ This particular phrasing was first used in UNSCR 1270 (1999), para. 14, and has since been replicated in many peacekeeping mandates.

⁴ *ISAF Commander's Counterinsurgency Guidance*, August 2009 (Kabul: Headquarters ISAF), p. 1.

⁵ Kaldor, M. (2007), *New & Old Wars* (Stanford, California: Stanford University Press), p. 9.

focused means that have recently begun to address the ‘implementation gap’ through concepts, guidelines and training dedicated *exclusively* to protection. Although early in development, this has resulted in the discerning of specific military capabilities and tasks for more efficient implementation of protection efforts.⁶ The importance that Nato attaches to protection is also reflected in ISAF’s mission descriptions, documents and concepts, but here more often *indirectly*. This report observes that ISAF rules of engagement and tactical directives indicate a preoccupation with ‘how not to kill’ rather than ‘how to protect’ civilians.

Comparing UN and Nato approaches enables certain principles on protection of civilians to be discerned that may not have been as identifiable if their approaches were looked at individually. One example is the different levels of threat to civilian security in UN and Nato deployment scenarios, an issue which also appears to be hugely decisive in terms of prospective success. Although much of what is highlighted suggests that the protection of civilians may be an impossible objective, it cannot yet be relinquished, and this report argues for a realistic reconciliation of aims and means based on a comprehensive theoretical understanding. Aside from different intensities of threat to civilians, the dedication of the enemy, the primacy of physical protection, and the number of troops are identified as particular factors that must be taken into account in such reconciliation. The elements highlighted are meant to contribute as building blocks towards a theoretical framework of protection of civilians. The obvious starting point lies in addressing the gap in doctrines, directives, practices and training on protection, as they currently provide very little guidance on how to actually go about conducting protection in practice.

Chapter two explains the role of protection in ‘war amongst the people’, before providing a basic framework for understanding what protection of civilians involves. Chapter three provides an empirical investigation into UN and Nato approaches to protection, followed by a comparison of the two. In light of these findings, chapter four discusses protection as an objective faced with the four challenges listed above, which may help explain why it is so difficult to find the ‘utility of force to protect’.

2 Defining Protection of Civilians

The premise of this report is that civilians have assumed a primary role as both objectives to be won and targets to be attacked in modern-day warfare – and that their protection has assumed unprecedented attention as a result. This is a consequence of the contemporary nature of armed conflict, on which there exists a vast amount of literature.⁷ Of this, General Smith’s *The Utility of Force: The Art of War in the Modern World* arguably provides the most comprehensive account. It deals not only with the contemporary use of force on the strategic, operational and tactical levels, but even more importantly for the purposes of this report, explaining the role that civilians

⁶ See Kjeksrud, S. and Ravndal, J. A. (2010), Protection of Civilians in Practice: Lessons from the UN Mission in the DR Congo, *FFI-report* 2010/02378, (Kjeller: FFI).

⁷ Aside from Kaldor (2007), studies often referred to include Smith, Rupert (2006), *The Utility of Force* (London: Penguin Press); Münkler, H. (2004), *The New Wars* (Cambridge, UK: Polity); Kiszely, J. (2007), ‘Post-Modern Challenges for Modern Warriors’, *The Shrivenham Papers*, No. 5 (UK Defence Academy).

have assumed in today's conflicts to a far greater extent than other works on 'new wars', 'hybrid wars', 'fourth generation warfare', 'post-modern warfare' and so forth.⁸ In a frequently quoted paragraph, Smith outlines how civilians find themselves within a new reality in 'war amongst the people':

[A] reality in which the people in the streets and houses and fields – all the people, anywhere – are the battlefield. Military engagements can take place anywhere, with civilians around, against civilians, in defence of civilians. Civilians are the targets, objectives to be won, as much as an opposing force.⁹

One simple fact illustrates the gravity of this change: whilst the percentage of total war deaths has dropped over the last hundred years, the ratio between combatant and non-combatant casualties in conflicts altogether has been virtually inversed from eight dead soldiers for every civilian to eight dead civilians per fallen combatant.¹⁰

2.1 The Primacy of Civilians in Contemporary Warfare

Concern for civilians in times of war is not new *per se*. In World War II – with its Holocaust, Blitz, Dresden, and atomic bombs – civilians were the main casualties and often deliberate targets. Yet, according to Smith, there is a fundamental difference between yesterday's 'industrial wars' and today's 'wars amongst the people' fought since 1990. Historically, the conduct of war is altered by the emergence of new objectives.¹¹ Smith argues that in today's wars the entire 'ends for which we fight are changing'.¹² War is fought for, around and about people. In these wars, victory derives not from destruction in battle. Instead 'the will of the people is the objective', to be won also for the military establishment.¹³

Describing contemporary war as low-intensity conflict obscures its true nature. Contemporary conflicts are characterised by anarchy where the dividing lines, between civilian and police on the one hand and combatants and military tasks on the other, are erased. It is not so much that wars are less intensive; it is rather that the intensity has shifted from traditional battlefields towards civilian homes, both literally and figuratively speaking. Mao remarked how the success of guerrilla fighters rested on their ability to move amongst the people as fish swim in the sea.¹⁴ In

⁸ The listed descriptions of contemporary warfare are some of the terms used in the other works listed in the above footnote. For a recent study on modern warfare, see Daltveit, E., Geiner, J. F. & Ydstebø, P. (2010), *Trender i militære operasjoner, FFI-report 2010/00692*, (Kjeller: FFI).

⁹ Smith (2006), pp. 3–4.

¹⁰ Feste, K. A. (2003), *Intervention: Shaping the Global Order* (Westport, CT: Praeger Publishers), p. 150; Kaldor (2007), p. 9.

¹¹ See Knox, M. & Murray, W. (2001), *The Dynamics of Military Revolution: 1300–2050* (Cambridge, UK: Cambridge University Press).

¹² Smith (2007), p. 271.

¹³ *ISAF Counterinsurgency Guidance*, p. 3.

¹⁴ Zedong, M (2000), *On Guerilla Warfare*, trans. S.B. Griffith (Champaign, IL: University of Illinois Press), p. 93.

Bosnia of the 1990s, the ‘Serbian Project’ reversed Mao’s famous maxim and attempted to remove any resistance by removing the population into which they could blend, with tactics deducted accordingly.¹⁵ When the Yugoslav People’s Army (YPA) lay siege to and began shelling Dubrovnik in 1991, the objective was not to capture the city but to drive the population out. Dubrovnik had hardly any defensive measures, thus could easily have been captured had there been a genuine desire to do so. Likewise, there were widespread incidents of massacres, rape camps and whisper campaigns, with the explicit intention to spread fear and initiate widespread flight from nearby towns.

The genocides of the 1990s – repeatedly with UN troops nearby – generated a growing sense of moral duty to protect civilians under imminent threat of physical violence. The UN has responded with reforms aimed at giving priority and better protection for civilians, but severe problems with their implementation have led some to ask whether protection may indeed be an ‘impossible mandate’.¹⁶ However, it is imperative to recognise that the importance of protection goes far beyond the *humanitarian*. There is consensus that population security is also a prerequisite for success in stabilisation operations, such as during counterinsurgencies. Thus, the protection of civilians is referred to here as an ‘impossible objective’ so as to reflect this report’s concern with how it permeates the strategies of both the UN and Nato.

Improved protection of civilians is crucial to the legitimacy of the entire mission – be it a peacekeeping mission or counterinsurgency. ISAF, whose presence is based on Afghan consent and mandated by a number of UNSC Resolutions,¹⁷ stands no chance of succeeding unless the presence of its forces is viewed as legitimate by the local population and international public. If not regarded as a positive force for the security of Afghans, directly or indirectly, its legitimacy is likely to wither. For UN peacekeeping operations, legitimacy has always been considered an issue of the highest regard. Throughout the 1990s, the UN’s inflexible insistence on sticking to the principles of impartiality, the use of force only in self-defence, and host-nation consent – precisely in the name of legitimacy – severely restricted the missions’ ability to protect civilians on the ground. This in turn counteracted the legitimacy of the entire mission, whose presence in certain theatres arguably posed more risk to civilians than its absence.¹⁸

¹⁵ Gow, J. (2003), *The Serbian Project and its Adversaries: a Strategy of War Crimes* (London: Hurst & Company), p. 119.

¹⁶ Holt, V. K. & Berkman, T. C. (2006), *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Washington, DC: The Henry L. Stimson Center), p. 4.

¹⁷ ISAF has been mandated by subsequent Security Council Resolutions ever since 2001 – most recently S/RES/1917(2010) – which has extended ISAF’s mandate to 23 March 2011.

¹⁸ In Bosnia, the UN arms embargo, declared ‘for the purposes of establishing peace and stability’, effectively worked to deprive the Muslims from acquiring weapons with which to protect themselves in the absence of UN’s ability to do so.

2.2 Basic Framework for Understanding Protection of Civilians

Despite the unprecedented attention given to the protection of civilians and moral underpinnings, it is a complex objective that may be bordering the impossible. Whilst the desired end result may be clear, uncertainty surrounds who should be protected, how, from whom and by whom. The starting point for understanding the protection of civilians in this report is a two-fold framework of means applied and purpose, that vary according to the level of civilian security in question (see Figure 2.1). On the one hand, the protection of civilians requires the establishment of basic, physical security in the initial phase of conflict. The principal providers of such security must be military units, whose application of force may include tasks such as the defence of population centres and escort of humanitarian aid. On the other hand, the protection of civilians must also aim to provide the population with sustainable security through efforts such as disarmament, institution-building and training of local security forces. In theory, the greater level of civilian security to be achieved, the more sustainable protection measures will be required, and the greater the role of civilian components should be. The same applies inversely; the greater the threat to the physical security of civilians, the more basic the protection needed, which is provided for by predominantly military components.

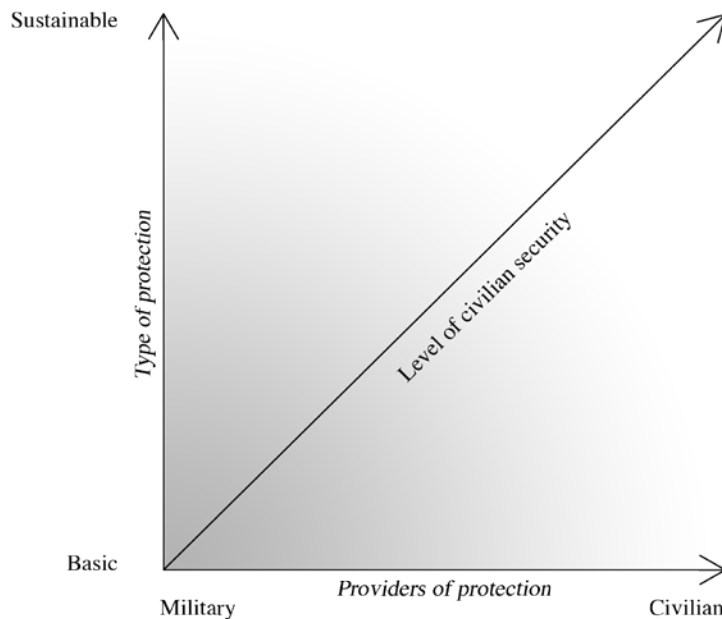


Figure 2.1 Basic Framework for Understanding Protection of Civilians

However, in reality, this ‘security-development nexus’ is never clear-cut, and the phases often overlap chronologically and functionally. The importance lies less in what phase a certain activity belongs to, than in its part in the total effort in the transition to a sustainable environment in which external forces and agencies can leave all protection tasks with the host government. A particularly sensitive aspect of protection is the way in which it inevitably requires the use of force. In fact, it has been argued that the long-term success of interventions may be determined by

‘getting things right or badly wrong’ in the initial period, which is also the phase in which force is applied most frequently.¹⁹ Mere promises of future improvements are insufficient: the population must experience enhancement of their own situation early-on, with the first two years often being the most decisive.²⁰

Meanwhile, it is a paradox that the very application of force is likely to produce further problems and may even undermine the mission’s legitimacy. The right balance between lack of and excessive use of force must be very delicately struck. Lack of force has been a frequently cited denominator in reports on past failures to protect – even leading to entire governments resigning over the issue, as the Dutch did over the efforts of their battalion in Srebrenica.²¹ At the same time, the problem is not simply resolved by increased readiness to use force, because excessive application of kinetic force has equally proven to harm legitimacy. This has most evidently been the case for ISAF in Afghanistan, whose air and drone attacks have allegedly demonstrated ‘disproportionate use of force’,²² with the resulting civilian casualties threatening to undermine the entire mission. At its most basic, the use of force must save more people than it endangers and improve overall security more than it provokes conflict. In the DRC, while MONUC (now MONUSCO) has been criticised for not using enough force to protect civilians, a UN investigation has also found its own peacekeepers guilty of having used too much.²³ As recently as late 2009, Human Rights Watch accused a UN-backed Congolese military operation to oust rebels of having led directly to 1,400 civilian deaths – causing more damage to civilians than to the rebels.²⁴

3 The UN and Nato Approaches to Protection

How and why do the respective approaches of the UN and Nato to protection of civilians differ, and what do they have in common? In this section, their approaches to protection will be outlined by looking at key strategic and doctrinal documents that guide their overarching views on protection as an objective. The degree to which they effectively implement protection and their success in fulfilling this objective will be examined. Finally and most importantly, this chapter

¹⁹ Berdal, M. (2009), *Building Peace After War* (Abingdon: Routledge), p. 21.

²⁰ Kjølborg, A. (2010), ‘Ambisjoner og illusjoner i stabiliseringsoperasjoner’, in Tore Nyhamar, ed., *Utfordringer og strategi i freds-og stabiliseringsoperasjoner* (Oslo: Abstrakt forlag), p. 75.

²¹ The systematic executions of 8,000 men and boys in Srebrenica from 11 July to 22 July 1995 constituted the greatest massacre in Europe since World War II. ‘Srebrenica’s New Victims’, *Time*, 16 April 2002, <http://www.time.com/time/world/article/0,8599,230843,00.html>, accessed 26.07.2010.

²² Report of the *Afghan Independent Human Rights Commission* quoted in ‘3 Americans and a Civilian Die in Afghanistan Attack’, *New York Times*, 26 May 2009, http://www.nytimes.com/2009/05/27/world/asia/27afghan.html?_r=1, accessed 26.07.2010.

²³ ‘UN probe finds peacekeepers in DR Congo used excessive force’, *UN New Centre*, 11 June 2007, <http://www.un.org/apps/news/story.asp?NewsID=22862&Cr=democratic&Cr1=congo>, accessed 26.07.2010.

²⁴ ‘Civilian death toll 1400 in Congo’, *Times Live*, 14 December 2009, <http://www.timeslive.co.za/news/africa/article233568.ece>, accessed 26.07.2010.

provides a detailed and up-to-date overview of the means for protection of civilians that each actor presently possesses, exploring documents, doctrines, directives, operational concepts, training instructions, procedures, manuals and handbooks for commanders and troops in the field to guide and conduct their protection duties.

What emerges is a fairly new, but shared, preoccupation with protection of civilians as an objective at the overarching levels (see Figure 3.1). The UN and Nato also share a ‘gap’ between the strategic aims of protecting and the ability to carry it out in practice at the tactical level. Between the top and bottom levels, the UN and Nato’s respective approaches have far less in common. Their emphasis on protection departs fundamentally from very different starting points. Whilst the UN acts on the basis of a moral duty ‘to save succeeding generations from the scourge of war’,²⁵ Nato’s approach in Afghanistan derives mainly from military-strategic calculations. That said, NATO forces also do attempt to protect civilians out of a moral duty, although it might be seen more as a necessary step towards defeating an insurgency.

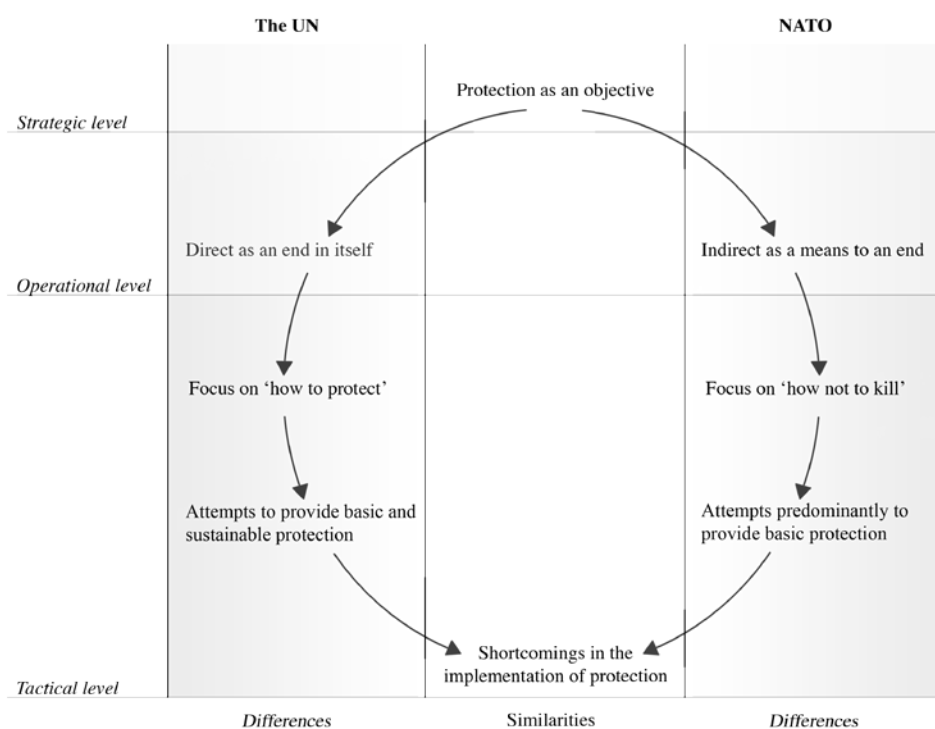


Figure 3.1 The UN and Nato Approaches to Protection of Civilians

In essence, the UN takes a direct approach which sees protection as an end in itself, whilst Nato views protection indirectly as a means to a different end. Consequently, at the operational and tactical levels each focuses on ‘how to protect’ and ‘how not to kill’ respectively. Their differing motivations and purposes of existence also dictate the scope of protection that each aim to provide. Whilst the UN in theory is better configured to provide the full spectrum of protection

²⁵ ‘Preamble’, *Charter of the United Nations*, para. 2, <http://www.un.org/en/documents/charter/preamble.shtml>, accessed 26.07.2010.

measures, Nato's largely military organisation tends to lean towards military aspects to reach other mission objectives than protection.

3.1 The UN's Approach to Protection of Civilians

If you have no real good guidance, then commanders are totally at a loss.²⁶

Anonymous UN general

Traditionally, the protection of civilians has been merely an implied goal of UN peacekeeping operations, whose primary purpose used to be to 'support and sustain the end of wars, rather than to intervene directly to save civilian lives'.²⁷ So-called 'first generation' peace operations were primarily concerned with monitoring previously signed agreements. The end of the Cold War brought the possibility for more ambitious goals: 'second generation' peace operations increasingly included efforts to protect civilians, but failed more often than not. Today's 'third generation' operations consider it legitimate to intervene militarily for the purposes of protecting populations and delivering humanitarian assistance, but are still largely failing to do so effectively. Even the emergence of more robust 'peace enforcement' has been more about 'compelling compliance' with political agreements than really protecting the innocent.²⁸ Yet, regardless of the implicit or explicit nature of its mandates, the mere presence of UN forces on the ground raises increased expectations of safety amongst civilians.

3.1.1 The UN's Direct Approach to Protection

The failures of the 1990s aside, the immediate origins of the UN's emphasis on protection can be traced to the *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict* of September 1998, in which Kofi Annan stated that:

The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others.²⁹

The statement highlights three key points of the UN's overarching view of the protection of civilians. First, it recognises that civilians have become the main victims of war. Secondly, it recognises that this duty cuts to the very core purpose of the UN, which is 'to save succeeding generations from the scourge of war'.³⁰ Thirdly, the Secretary-General's Report reflects the UN's perception of itself as the primary provider of protection of civilians. That is not to say that UN peacekeeping missions claim 'ownership' of the concept of protection, but that it intends to play a

²⁶ Quoted in Giffen, A. (2010), *Addressing the Doctrinal Deficit* (Washington, DC: The Henry L. Stimson Center), p. 12.

²⁷ Holt & Berkman (2006), p. 4.

²⁸ *Ibid.*, p. 4.

²⁹ S/1999/957, para. 68. The Secretary-General has since submitted periodic reports on protection: S/2001/331; S/2002/1300; S/2004/431; S/2005/740; S/2007/643; and S/2009/277.

³⁰ 'Preamble', *Charter of the United Nations*, para. 2.

dominant role in providing better protection together with other actors in the operational theatre with which it must coordinate its efforts.

Since Annan's report in 1998, significant reform measures have been undertaken at UN Headquarters to deal with these issues, such as the 2000 Brahimi Report, various thematic resolutions and Security Council Resolutions. For the UN, the core issues of protection have gradually developed into a broadly defined concept – Protection of Civilians (PoC) – which is defined as providing 'a robust normative framework for how to act in order to secure the protection of civilians in armed conflict, and during post-conflict reconstruction'.³¹ The mentioning of the post-conflict situation is an important point, highlighting as it does that protection of civilians for the UN goes beyond mere basic protection, but also includes the provision of sustainable security. These three considerations – civilians as the main victims in contemporary war, the centrality of protection to the purpose of the UN, and the organisation's role as primary provider of both basic and sustainable security – constitute the basis of the UN's 'moral' and direct approach to the civilian security that views their protection as a duty and an end in itself.

3.1.2 Shortcomings in the UN's Implementation of Protection

Despite what the UN Secretary-General has called 'ten years of normative progress', corresponding developments on the ground have hardly been achieved. The *Report of the Secretary-General on the Protection of Civilians in Armed Conflict* of 2009 stated:

While the last 10 years have seen peace come to some of the world's major conflicts, others have continued to smolder and burn and new ones have broken out. Common to old and new ones alike are persistent and sometimes appalling levels of human suffering owing to the failure of parties to conflict to fully respect and ensure respect for their obligations to protect civilians. Actions on the ground have not yet matched the progress in words and the development of international norms and standards.³²

Several reports and workshops have sought to explain why so little has been done to improve protection in practice.³³ In total, ten UN peacekeeping operations³⁴ have been explicitly mandated 'to protect civilians under imminent threat of physical violence'.³⁴ Out of these ten, eight are still on-going and most of the UN police and military personnel deployed around the world are

³¹ Lie, J. H. S. & de Carvalho, B. (2008), 'A Culture of Protection? Perceptions of the Protection of Civilians from Sudan', *Security in Practice*, No. 7, (Oslo: NUPI), p. 1.

³² S/2009/277, para. 4.

³³ Holt, V. (2005), *The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection* (Washington, DC: The Henry L. Stimson Center); Holt & Berkman (2006); Holt, V., Taylor, G. & Kelly, M. (2009), *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: DPKO & OCHA); Giffen (2010).

³⁴ UN-led missions that have been mandated in variants of this language include UNAMSIL in UNSCR 1270 (1999), MONUC in UNSCR 1291 (2000); UNMIL in UNSCR 1509 (2003), UNOCI in UNSCR 1528 (2004), MINUSTAH in UNSCR 1542 (2004), ONUB in UNSCR 1545 (2004), UNMIS in UNSCR 1590 (2005), UNIFIL in UNSCR 1701 (2006), UNAMID in UNSCR 1769 (2007), and MINURCAT in UNSCR 1778 (2007).

operating under such instructions.³⁵ The ultimate question becomes how military forces can still be struggling to effectively protect civilians after more than ten years of experience. The reason for this has primarily been that the lessons learned have often ‘not translated into systematic and consistent protection on the ground’, which has left the overall UN missions’ ability to implement protection ‘inconsistent at best’.³⁶

The most extensive study to date has found the principal reason for this inconsistency to be ‘dramatic gaps’ in the chain of actions between Security Council decision-making and activities at the tactical level.³⁷ In particular, the gap consists of a near complete neglect of guidance on how to actually protect civilians. The doctrinal level lies below the strategic and is meant to present a unifying approach to military problems, such as in peace and stabilisation operations. Doctrines are meant to provide the guiding principles and some directions from which specific instructions and directives can be expanded. In this respect, current doctrines appear insufficient with far-reaching consequences in terms of training and resource allocations. Current doctrines on peace operations have:

[...] fallen short in providing guidance on *how* to go about *protecting civilians*, leaving it to those planning and implementing such operations to develop the conceptual approaches required to turn ambition into reality as they go.³⁸

Whilst the Capstone Doctrine incorporated protection as a cross-cutting issue for the first time in 2008, it offered ‘no operational definition around which planning for specific missions can take place’.³⁹ There has been ‘extremely limited training’ for leaders and personnel on protection of civilians prior to deployment.⁴⁰ The shortage of troops, staff, vehicles and equipment in some of the most challenging environments has also been linked ‘to a lack of consensus about what it is that we want peacekeepers to do’.⁴¹ For the militaries involved, this has led to operations ‘without the strategies, preparation, resources, and assets to cope with protection crises’.⁴² The fundamental concern has been captured in the words of one general who led a peacekeeping mission in the midst of extreme violence against civilians:

³⁵ ‘Ranking of Military and Police Contributions to UN Operations’, http://www.un.org/en/peacekeeping/contributors/2010/june10_2.pdf, accessed 26.07.2010.

³⁶ ‘The Last Line of Defense’ (2010), *Refugees International*, February 2010, p. 2, http://www.refugeesinternational.org/sites/default/files/10_LastLineDefense.pdf, accessed 03.10.2010; Holt et. al. (2009), p. iii.

³⁷ Holt et. al. (2009), p. 5.

³⁸ Original emphasis Giffen (2010), p. 7.

³⁹ Holt et. al. (2009), p. 7.

⁴⁰ *Ibid.*, p. 8.

⁴¹ ‘The Last Line of Defense’, p. 2.

⁴² Giffen (2010), p. 7.

We need to not just define the problem [of the direct targeting of civilians], but start seeking and operationalizing solutions.... If you have no real good guidance, then commanders are totally at a loss.⁴³

UNSCR 1894 of 2009 set out to address these issues, and there have been recent developments in precisely this area that deserve closer investigation.

3.1.3 Existing Means for Protection

The conflict in the Democratic Republic of Congo (DRC) is a contemporary example of how civilians are being ‘systematically targeted by all sides’ and exposed to large-scale persecution, torture, rape and massacres.⁴⁴ Even so, protection was only gradually made the top priority for the UN peacekeeping mission there. It was recurring violence from 2002 onwards that eventually forced the international community and the UN to devote more troops to operate under a more explicit mandate to use force for protection purposes. This gradually evolving approach to protection is symptomatic of the entire UN system; the necessity of protection has been learned the hard way with civilians bearing the brunt of suffering. In the DRC, the inability of MONUC to protect civilians was eventually recognised and the mission’s attention to the protection of civilians has ‘expanded along with its role and size’ to become the largest UN peace force in the world, operating under a mandate to use force to protect, as it has done repeatedly.⁴⁵

Despite the lack of guidance from above, MONUC has proven to be ‘remarkably innovative at the tactical level’.⁴⁶ The mission has been able to improve protection efforts in ways that the UN Department of Peacekeeping Operations (DPKO) and the Department of Field Services (DFS) believe should be ‘replicated within or across missions’.⁴⁷ With time, MONUC has developed concepts and procedures geared particularly towards protection.⁴⁸ These lessons have been documented in a recent UN paper titled *DPKO/DFS Lessons Learned Note on the Protection of Civilians*. The Note emphasises the importance of declaring protection as ‘an operational-level objective (not simply a task)’ to clarify what missions do and the roles of individual actors within missions.⁴⁹ More specifically it calls for incorporating protection of civilians into the military Concept of Operations (CONOPS) that will express the commander’s principal intent of protecting civilians from which appropriate military activities can be deduced, as well as providing the basis for force configuration and further tactical planning.

⁴³ Anonymous general quoted in Giffen (2010), p. 12.

⁴⁴ Holt et. al. (2009), p. 242.

⁴⁵ S/RES/1894 of December 2008 elevated protection as the highest priority of the mission, making it the first ever peace operation to have such a mandate. See Holt et.al. (2009), p. 285.

⁴⁶ Holt et. al. (2009), p. 286. See also Kjeksrud and Ravndal (2010).

⁴⁷ *DPKO/DFS Lessons Learned Note on the Protection of Civilians in Armed Conflict*, January 2010 (New York: United Nations), para. 34.

⁴⁸ See Kjeksrud and Ravndal (2010) for a detailed review of these concepts and procedures

⁴⁹ Giffen (2010), p. 9.

As already discussed above, protecting civilians is a complex affair. An overarching operational concept on protection of civilians that provides a general framework into which all activities, responsibilities, priorities and intentions can be incorporated and organised has been a priority recommendation in most studies on the failure of implementing protection. The UN is in the process of drafting such a document, and drawing on the lessons learned in the DRC, Darfur and Sudan, the UN Headquarters has in 2010 produced the *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*.⁵⁰ According to the document, its purpose is to provide a ‘clear, operationally-focused and practical concept for the protection of civilians by United Nations peacekeeping operations’ whose absence, it is admitted, has contributed to a discrepancy between expectations and implementation.⁵¹

The draft operational concept provides a framework for the protection of civilians that is structurally divided into three tiers that are meant to be ‘mutually accommodating’ and ‘taken forward simultaneously’.⁵² The first concerns the overarching objective of supporting the implementation of the peace agreement or existing political process, which is ‘perhaps the single largest contribution a mission can make to protecting civilians’.⁵³ A second tier seeks to secure civilians by establishing a ‘protective environment’. More specifically, it seeks to promote adherence to the rule of law (human rights law, refugee law and international humanitarian law), human rights monitoring, child protection, Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR) efforts. A third tier involves protection from physical violence. It includes the conduct of patrols, ensuring freedom of movement and route security for refugees and humanitarian aid delivery, the evacuation of non-combatants, public order management, conflict mediation, monitoring and early warning measures.

The draft operational concept also outlines four different phases in which various activities are required to protect civilians:

- 1) *passive presence* to assure civilians of the mission’s intent to protect them as well as to deter potential aggressors;
- 2) *pre-emption* in cases where assurance and prevention is insufficient, which might include enhanced political pressure and more proactive and visible military and police deployment;
- 3) *response* to threats of imminent physical violence to civilians such as troops taking position between the population and hostile elements; and
- 4) *consolidation* in the post-crisis situations that aim to assist the population and host government to return to normality through political dialogue and enquiries into human rights violations.

⁵⁰ *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, January 2010, (New York: United Nations).

⁵¹ *Draft Operational Concept*, para. 4.

⁵² *Ibid.*, para. 15.

⁵³ *Ibid.*, para. 18.

The value of the lessons learned note and the operational concept draft is that they really address many of the specific calls made, while reflecting – in operational terms – the same objective that the UN has taken on at the strategic level, namely to be a key provider of both basic and sustainable protection. Unsurprisingly though, these documents are far from sufficient to address the implementation gap in its entirety. In fact, they are sometimes contradictory by default, which only serves to highlight the complexity of providing protection and the necessity of a comprehensive understanding of it. For instance, while the operational concept's three tiers are meant to be 'mutually accommodating' and 'taken forward simultaneously', there are likely to be tensions between these tiers and fulfilling long-term and short-term objectives.⁵⁴ Establishing a secure environment may, as in the case of the DRC, entail working with local security forces that are, or at least have been, perpetrators of extensive abuses. Doing so will undoubtedly undermine the authority of the mission amongst victim populations. Another weakness of the operational concept draft is the modest help it hands those who will have to balance and prioritise protection responsibilities against the multiple tasks and inadequate resources available. This problem is underscored by the UN's broad definition of protection, which arguably stretches the concept beyond what is functional.⁵⁵ Moreover, commanders and troops are still left fairly independent as to how to interpret the phrase 'under imminent threat of physical violence'. Although recent grappling with the issues of protection of civilians at the operational level and below is a promising sign, there is generally insufficient guidance to be found in current documents.

The protection of civilians still faces a number of dilemmas, especially in terms of the use of force.⁵⁶ As the *Lessons Learned Note* asserts, there are 'times when, as a last resort, missions must use force in order to respond to attacks on civilians'.⁵⁷ Another recent document is relevant here – the *DPKO/DFS Draft Concept Note on Robust Peacekeeping* – which outlines how the mission can only provide a credible deterrent function if it relies on a genuine readiness to use force.⁵⁸ Troops must be willing to use force to protect if challenged to do so. Although recently developed UN frameworks and concepts are far from perfect, an important by-product of their development has been the identification of specific tasks for the military components and what capabilities are required to perform them.

The military practice of 'protection by presence' has worked previously in peace operations to deter potential aggressors and allowed personnel to gain familiarity with the concerns of the population. It has also served as a vital reassurance of the protection it can provide the populace with. Protection by presence has proven effective in Darfur, particularly when other forms of

⁵⁴ The 'opium dilemma' in Afghanistan is another example. For discussion on tensions between the immediate and long-term security, see Berdal, (2010), pp. 20–24.

⁵⁵ *Ibid.*, pp. 12–13; see also Kjeksrud and Ravndal (2010), pp. 12–13

⁵⁶ For a discussion on the UN and its use of force in general, see Kjeksrud, S. (2009), *Matching robust ambitions with robust action in UN peace operations – towards a conceptual overstretch? FFI-report 2010/01016*, (Kjeller: FFI). For a discussion on protection of civilians and the use of force in the DRC, see Kjeksrud and Ravndal (2010), pp. 32–35

⁵⁷ *Lessons Learned Note*, para. 13.

⁵⁸ *Draft DPKO/DFS Concept Note on Robust Peacekeeping*, January 2010 (New York: United Nations).

protection were unavailable.⁵⁹ Crucially though, such static presence can only provide a part of the military protection. Military components must also undertake proactive presence in the shape of mobile and expeditionary postures that improve the reach of limited available forces and have rapid responsive capabilities.⁶⁰ This is particularly important given the general lack of troops in many peacekeeping missions.

MONUC has been conducting proactive presence through the creation of Mobile Operating Bases (MOBs), which are manned by 50–70 soldiers that move from location to location over periods of up to 7 days (and sometimes more).⁶¹ In the African Union/United Nations Hybrid Operation in Darfur (UNAMID), firewood patrols, in which peacekeepers create a protective presence around women who leave the IDP camps to gather firewood from surrounding areas, have become commonplace. Proactive presence at night is also something that has been emphasised to prevent attacks against civilians. The 2005 Operation Nightflash served to improve the security in surrounding areas significantly in the face of intensified attacks on civilians through night patrols of 30–50 troops equipped with night vision goggles and static checkpoints that overlooked clusters of nearby villages.⁶²

Proactive presence is also essential for early warning mechanisms that are used to intercept, understand and evaluate looming threats to civilians and the consequences of peacekeepers' actions or inactions. The *Lessons Learned Note* points out that 'regular assessments of potential threats and establishment of early warning systems have emerged as critical elements to help protect civilians before a crisis erupts'.⁶³ Early warning systems, especially when bolstered by rapid response capacity, have proved to 'help manage situations before they escalate to unmanageable proportions'.⁶⁴ Actual implementations of these tools include MONUC's Early Warning and Rapid Response Cell and the United Nations Mission in Liberia (UNMIL)'s Hotspot Assessment.⁶⁵ These perform tasks such as mapping patterns of abuse, as well as pre-emptively negotiating between nomads and farmers whose diverging interests could later materialise into conflict.

The inclusion of local communities is essential for rapid responses, such as through MONUC's arrangements with villages that use flares, call a hotline, or simply create loud noises in the event of attack, or through the establishment of a 24 hour Crisis Coordination Center by the United Nations Mission in the Sudan (UNMIS).⁶⁶ The problem is that proactive presence often requires

⁵⁹ Glaser, M. (2005), 'The Darfur Crisis: simple needs, complex response', *Humanitarian Exchange Magazine*, No. 29, March 2005, <http://www.odihpn.org/report.asp?id=2637>, accessed 03.08.2010.

⁶⁰ *Lessons Learned Note*, para. 53.

⁶¹ Kjeksrud and Ravndal (2010), pp. 22–24

⁶² *Lessons Learned Note*, para. 54–55.

⁶³ *Ibid.*, para. 57.

⁶⁴ *Ibid.*, para. 59.

⁶⁵ See Kjeksrud and Ravndal (2010), pp. 15–17.

⁶⁶ *Lessons Learned Note*, para. 60–61.

tactical mobility assets, such as attack and utility helicopters, which are often in short supply. For instance, two years into the deployment of UNAMID, none of the eight attack and eighteen utility helicopters that had been asked for were present.⁶⁷ The repercussions for civilians were severe, as their absence reduced the capacity of peacekeepers to react rapidly, as well as limiting the peacekeepers' prospects of medical evacuation of their own forces, which in turn made commanders reluctant to engage in more expeditionary and dangerous protection tasks.

Even at the smallest unit levels, the lack of guidance from the doctrinal level and below has led to an absence of procedure, such as on what to do when civilians take refuge in and around mission sites. In the past, the UN has proved inept in dealing with this paradoxically very common feature of peacekeeping – Srebrenica being the best and the worst example. A more recent incident was the accumulation of some 10,000 individuals that gathered around the UNAMID camp in 2009 following on-going clashes and intense bombardment of Muhajiriya in South Darfur. Thus, the Lessons Learned Note emphasises that clear routines and contingency plans must be developed, preferably prior to deployment. Simple measures such as the use of lights and CCTV have worked to deter and record crimes perpetuated against civilians in refugee and IDP camps.

Crucially, many of these concepts and mechanisms have resulted from joint civil-military approaches. According to Kjeksrud and Ravndal, the MONUC case clearly shows that physical integration of civilian and military expertise in strategic and operational planning activities, information analysis and local outreach mechanisms, has an added value for protection of civilians.⁶⁸ In the DRC, a number of civil-military initiatives have been created. These include Joint Protection Teams (JPTs), Community Liaison Interpreters (CLI), Surveillance Centers (SCs), Early Warning Centres (EWCs), Joint Operations Centers (JOCs), Joint Missions Analysis Centers (JMACs), Integrated Support Service, and Joint Logistics Operations Centers (JLOC).⁶⁹ These are important in that they represent concepts and practices that actually implement basic and sustainable protection at the operational and tactical level. Most recently UNAMID has produced protection strategies that include new instructions and standard operating procedures (SOPs) for robust patrolling, including night patrols around IDP camps, as well as directives that outline whose responsibility it is to do what in the event of the most common scenarios where civilians are threatened.⁷⁰

⁶⁷ 'Darfur situation remains 'volatile': UNAMID chief', *Relief Web*, 29 December 2009, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SODA-7Z7QTF?OpenDocument>, accessed 03.10.2010.

⁶⁸ Kjeksrud and Ravndal (2010), pp. 27–29

⁶⁹ For a more detailed review of some of these joint initiatives, see Kjeksrud and Ravndal (2010).

⁷⁰ These are referred to in 'Statement by UNAMID JSR to the United Nations Security Council', 14 June 2010, UNAMID, <http://unamid.unmissions.org/Default.aspx?ctl=Details&tabid=899&mid=1072&ItemID=9218>; and in an open letter from the Darfur Consortium to the members of the African Union Peace and Security Council, 20 July 2010, http://www.refugee-rights.org/Publications/ST/UNAMID_Letter_20_July_2010_Final.pdf, both accessed 29.09.2010.

Clearly progress is being made, more specific guidance is being provided, and the ‘implementation gap’ is increasingly being filled. However, one question that remains unanswered is whether the UN will be able to employ and in fact possess the equipment to conduct protection accordingly.

3.2 Nato’s Approach to Protection of Civilians

Protecting the people is the mission.⁷¹
ISAF Commander’s Counterinsurgency Guidance

Nato’s approach to protection of civilians is mainly based on military-strategic calculations that see protection as a means to an end rather than as an end in itself, although ISAF forces clearly also do attempt to protect civilians out of a moral duty. Its focus on civilians has historically been through protecting its member states from a potential invasion – and more recently from terrorism and even natural disasters – but not on ‘saving strangers’.⁷² Even when Nato has deployed out-of-area in the name of humanitarianism, as it did in Kosovo in 1999 to halt the ethnic cleansing there, it has always been based on the grounds that conflicts elsewhere could have spill-over effects ‘that could have had devastating consequences’ for its own member countries.⁷³ Its largest ever operation to date – the International Security Assistance Force in Afghanistan (ISAF) – is no exception.

Within Nato, attention to the protection of civilians has come only fairly recently and as a consequence of necessity. Following the invasions of Afghanistan in 2001 and Iraq in 2003, both theatres of operation gradually descended into a state of chaos to which the US-led coalition forces responded with counterinsurgency campaigns. The conflict in Afghanistan was soon overshadowed by the explosive insurgency-cum-civil war that US forces faced in Iraq from early 2006 onwards. As violence continued to escalate there, the Bush administration eventually launched a troop surge in January 2007 along with the appointment of General Petraeus. Under his command a new counterinsurgency strategy was introduced, with ‘the need to protect the population and reduce sectarian violence’ at its heart.⁷⁴ The subsequent reduction of violence throughout Iraq was accredited to Petraeus and the new population-centric strategy.

⁷¹ *ISAF Counterinsurgency Guidance*, p. 1.

⁷² This frequently cited phrase is borrowed from the title of Wheeler, N. J. (2000), *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press). For more on Nato’s view on civil protection, see ‘Resolution 360 on Nato’s Role in Civil Protection’ and ‘Resolution 361 on Nato’s Ongoing Role in Afghanistan’, both adopted on 9 October 2007 at the 53rd Annual Session of the Nato Parliamentary Assembly in Reykjavik.

⁷³ Macedonian Minister of Foreign Affairs Casule quoted in ‘The Adoption of the Alliance and its Impact on Partnership’, *Address at the Meeting of the Euro-Atlantic Partnership Council*, 15 May 2002, <http://www.Nato.int/docu/speech/2002/s020515y.htm>, accessed 01.03.2010.

⁷⁴ Petraeus, D. H. (2007), ‘Report to Congress on the Situation in Iraq’, 10–11 September 2007, <http://www.defense.gov/pubs/pdfs/Petraeus-Testimony20070910.pdf>, accessed 27.07.2010.

In 2006, the Taliban movement made dramatic comebacks and attention has since shifted back to Afghanistan. In general conformity with the population-centric trend of contemporary warfare, the United Nations Assistance Mission in Afghanistan (UNAMA) has reported that the Taliban is frequently targeting the population deliberately:

The willingness of the armed opposition to endanger civilians, including children, with the use of IEDs points to the [Anti-Government Elements'] apparent disregard for civilian casualties... Far from taking action to minimize the impact of their activities on civilians, sectors of the armed opposition appear to deliberately favour the use of indiscriminate tactics.⁷⁵

These tactics conform to classic theories of insurgent strategies and guerrilla warfare, in which the objective is to challenge the existing government's monopoly of violence to undermine their legitimacy in the eyes of the population. ISAF has recognised that the battle is fought in order to convince the Afghan population of the international forces' will and ability to defeat the opposing parties, in concert with Afghan National Security Forces (ANSF). Thus, the Afghan people are the objective – the 'centre of gravity' – whose hearts and minds must be won.⁷⁶ In response, a revised strategy was launched by President Obama in late 2009, in which focus shifted from kinetic counterterrorism to more protection-centred counterinsurgency plans akin to those in Iraq.

3.2.1 Nato's Indirect Strategic Approach

Thus, operational necessities have made ISAF place unprecedented attention on the issue of protection of civilians. Whilst it took years of failure and reform for the UN, protection has only fairly recently become one of ISAF's primary objective in Afghanistan:

Protecting the people is the mission. The conflict will be won by persuading the population, not by destroying the enemy. ISAF will succeed when GIROA earns the support of the people.⁷⁷

A closer examination of the new strategy in Afghanistan shows that protection is dealt with indirectly. This is understandable as long as the ISAF mission now is to *support* the Government of Afghanistan in their efforts to 'provide a secure environment for sustainable stability'.⁷⁸ A key document upon which the new strategy in Afghanistan is based is General McChrystal's *Commander International Security Assistance Force's Initial Assessment* of August 2009.⁷⁹ The new strategy builds on four main pillars: greater partnering with the Afghan National Security Force (ANSF); responsive and accountable governance; gaining the initiative against the

⁷⁵ 'Afghanistan: Mid-Year Bulletin on Protection of Civilians in Armed Conflict, 2009', *United Nations Assistance Mission to Afghanistan, Human Rights Unit*, July 2009, <http://unama.unmissions.org/Portals/UNAMA/human%20rights/09july31-UNAMA-HUMAN-RIGHTS-CIVILIAN-CASUALTIES-Mid-Year-2009-Bulletin.pdf>, accessed 27.07.2010.

⁷⁶ 'General Petraeus Updated Tactical Directive Emphasizes "Disciplined Use of Force"', *ISAF News Release*, 4 August 2010 (Kabul: Headquarters ISAF), p. 2.

⁷⁷ *ISAF Counterinsurgency Guidance*, p. 1. GIROA = Government of the Islamic Republic of Afghanistan.

⁷⁸ ISAF website; <http://www.isaf.nato.int/mission.html>, accessed 15.12.2010.

⁷⁹ *COMISAF's Initial Assessment*, 30 August 2009 (Kabul: Headquarters ISAF).

insurgents; and focusing resources to critical areas where populations are most threatened. Despite being ‘the mission’, there are few references to measures for *directly* protecting civilians. To illustrate this point, only one of the Assessment’s nine annexes concerns civilian casualties and collateral damage – and even then the focus is on how to avoid killing civilians rather than how to actually go about protecting them. This indirect focus provides an insight into Nato’s current approach to protection of civilians in peace and stabilisation operations.

Civilian casualties (CivCas) have at times been reduced to a form of ‘insurgent math’ for ISAF. This idiom holds that ‘every civilian casualty creates an additional 20 insurgents’.⁸⁰ The number of civilian casualties then often becomes a strategic calculation:

We run the risk of strategic defeat by pursuing tactical wins that cause civilian casualties or unnecessary collateral damage. The insurgents cannot defeat us militarily; but we can defeat ourselves.⁸¹

ISAF was originally sanctioned by the UNSC in December 2001 to secure the area around Kabul, but has since been expanded to operate throughout Afghanistan. Nato assumed control of ISAF in August 2003 and its current mission is to ‘assist the Afghan government in the establishment of a secure and stable environment’,⁸² in which the protection of civilians is central but regarded only as the final outcome of a chain of other efforts, such as fighting the insurgents, training and equipping ANSF, reconstruction and development, and assisting the Afghan authorities in establishing good governance. Thus, ISAF ostensibly aims to provide far more than the most basic physical protection.

That said; ISAF remains a predominantly militarily configured force and its two most central tasks are military. First, ISAF conducts ‘security operations’, as result of which it has suffered more than 2,000 deaths.⁸³ Secondly, it trains Afghan security forces whose future establishment will serve as Nato’s ‘exit strategy’.⁸⁴ Although Nato mainly provides basic security, alone, or more often in concert with national Afghan forces, it is clear that as soon as the Afghan government can provide the necessary basic security, Nato will withdraw. Nato is therefore predominantly concerned with the initial basic provision of protection, both by its own forces and through its substantial support to the ANSF. However, the paradox is that the protection of civilians *per se* has not been defined as an operational objective. This contrasts the experiences of the UN, which indicate how protection cannot be properly implemented when it is regarded only as a strategic or doctrinal objective.

⁸⁰ ‘McChrystal: Civilian deaths endanger mission’, *Marine Corps Times*, 2 June 2010, http://www.marinecorpstimes.com/news/2010/05/military_afghanistan_civilian_casualties_053010w/, accessed 27.07.2010.

⁸¹ *COMISAF’s Initial Assessment*, pp. 1–2.

⁸² ‘Mission’, ISAF, <http://www.isaf.Nato.int/mission.html>, accessed 27.07.2010.

⁸³ For the latest numbers on coalition casualties in Afghanistan, see <http://icasualties.org/OEF/index.aspx>.

⁸⁴ ‘Nato Operations: Current Priorities and Lessons Learned’.

3.2.2 Shortcomings in Nato's Implementation of Protection

ISAF is facing a momentous problem: the number of civilian fatalities in Afghanistan has never been higher. In fact, casualty numbers have steadily increased since the Taliban resurrection in 2006.⁸⁵ Despite a 'dip in civilian deaths' during the first two months of 2010, there followed a spate of Nato-inflicted incidents, much to the distress of the UN.⁸⁶ Figures show that in the first half of 2010 there was yet another increase in civilian casualties as compared to last year. Like the UN, Nato appears to struggle with implementing protection despite its ostensible importance.

Operation Moshtarak was launched in February 2010 around the town of Marjah and in the rest of Helmand Province. It was the largest offensive since the fall of the Taliban in 2001 and was regarded as a real test of the new counterinsurgency strategy. It also served as a test of ISAF's ability to provide the two-fold objectives of protection: once military forces had gone in 'big, strong and fast' to physically secure the area, post-operation plans were ready to rebuild the area and provide sustainable security.⁸⁷ Several hundred Afghan paramilitary police officers were ready to be deployed, as was a US government civilian reconstruction team, wages for Afghan civil servants would be increased fivefold to encourage them to serve in Marjah, and several other agencies were set to assist farmers in planting crops and rehabilitating the canal network.⁸⁸ In only a few days, the operation successfully ended two years of Taliban rule. In accordance with the revised strategy, the overriding objective of the operation was 'not to kill Taliban but to protect and secure the local population'.⁸⁹ Thus, measures were taken ahead of the offensive to warn civilians and give them a chance to evacuate, even though raising the risk for ISAF. The number of significant violent events declined by some 15 %, freedom of movement for civilians and security forces was enhanced, and there was a large turnout at the three election shuras held.⁹⁰

⁸⁵ 'Afghanistan: Mid-Year Report 2010 Protection of Civilians in Armed Conflict', *United Nations Assistance Mission to Afghanistan, Human Rights Unit*, August 2010, http://unama.unmissions.org/Portals/UNAMA/Publication/August102010_MID-YEAR%20REPORT%202010_Protection%20of%20Civilians%20in%20Armed%20Conflict.pdf, accessed 02.10.2010.

⁸⁶ 'Afghanistan: Dip in civilian deaths in first two months of 2010', *Integrated Regional Information Networks*, 1 March 2010, <http://www.irinnews.org/Report.aspx?ReportId=88268>, accessed 27.07.2010; 'Spate of Afghan civilian deaths "disturbing" UN', *Alertnet*, 15 April 2010, <http://www.alertnet.org/thenews/newsdesk/SGE63E0DJ.htm>, accessed 27.07.2010.

⁸⁷ Brigadier General Lawrence Nicholson quoted in transcript of a 'DoD News Briefing with Brig. Gen. Nicholson from Afghanistan', *US Department of Defense*, 8 July 2009, <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4442>, accessed 27.07.2010.

⁸⁸ 'Marines plan joint mission to eject insurgents from last Helmand stronghold', *The Washington Post*, 10 February 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/09/AR2010020903511.html>, accessed 27.07.2010.

⁸⁹ 'Afghanistan: first stage of operation Moshtarak declared a success', *The Telegraph*, 13 February 2010, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/7230940/Afghanistan-first-stage-of-operation-Moshtarak-declared-a-success.html>, accessed 27.07.2010.

⁹⁰ Farrell, T. (2010), 'Appraising Moshtarak', *RUSI Briefing Note*, <http://www.rusi.org/news/ref:N4C223C1F023C7/>, accessed 27.07.2010.

At the same time, the operation also demonstrated how ISAF struggles to provide basic protection to civilians. Despite ready plans for establishing sustainable security and the genuine commitment to prevent civilian casualties, in an opinion poll conducted in Marjah five months after the operation 73 % of respondents said they felt even more negative about foreign forces now than a year ago and felt Nato forces did not protect them.⁹¹ Although Marjah was claimed to have been captured by the first day of operations, more than a month later bomb explosions were reported three or four times daily.⁹² General McChrystal has been cited calling the operation a ‘bleeding ulcer’,⁹³ and even four months on gun battles occurred ‘almost daily’ and the Taliban were reportedly conducting a ‘virulent campaign of intimidation’ in the town.⁹⁴ That same month of June 2010 was also the deadliest for coalition forces, with everyone expecting the bloodshed to continue with further civilian and military casualties. More people were also joining the Taliban. Despite being freed from the Taliban, the general dissatisfaction confirms the common dynamic of civil wars – that people tend to support in desperation whoever can ensure a basic form of security and order.⁹⁵ Whilst intentions are good, they do not matter much if their presence increases the chances of one’s children being killed as a result.

More than anything, this underscores a point made elsewhere; that security is ‘the bottom line for the Afghan people’.⁹⁶ For counterinsurgency thinking, the implication is that physical protection is a prerequisite for ‘winning hearts and minds’, which is concerned with convincing people that there is no point in resisting and eventually concede that their interests are best served by supporting the counterinsurgent. By implication, protection lies at the heart of Nato’s involvement in Afghanistan. Yet, ISAF struggles with this immensely difficult task.

3.2.3 Existing Means for Protection

The new *Counterinsurgency Field Manual 3-24* (hereafter FM 3-24) was issued in December 2006 by the US military to institutionalise lessons learned in Iraq and to turn the losing drift there.⁹⁷ It represented a ‘near total rethinking’ of the American way of war in that it broke with

⁹¹ 67 % of all explanations given were related to ‘basic’ security infringements, namely bombings, searching homes and killing civilians. ‘Afghanistan: The Relationship Gap’, ICOS, July 2010, http://www.icosgroup.net/documents/afghanistan_relationship_gap.pdf, accessed 02.10.2010, p. 17.

⁹² ‘Taliban Adjust, Wage Bomb Attacks in Afghan Town’, *ABC News International*, 20 March 2010, <http://abcnews.go.com/International/wireStory?id=10156609>, accessed 03.10.2010.

⁹³ ‘McChrystal calls Marjah a ‘bleeding ulcer’ in Afghan campaign’, *McClatchy*, 24 May 2010, <http://www.mcclatchydc.com/2010/05/24/94740/mcchrystal-calls-marjah-a-bleeding.html>, accessed 03.10.2010.

⁹⁴ ‘Test of counterinsurgency strategy in Afghanistan’, *Los Angeles Times*, 25 June 2010, <http://articles.latimes.com/2010/jun/25/world/la-fg-afghanistan-marja-20100625>, accessed 03.10.2010.

⁹⁵ Kalyvas, S. (2006), *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press).

⁹⁶ ‘Afghanistan: The Relationship Gap’, p. 17.

⁹⁷ *Counterinsurgency Field Manual 3-24*, 2006 (Boulder, Colorado: Paladin Press) – hereafter *FM 3-24*.

the long-standing preoccupation with decisive military use of force in favour of the more population-centric approach.⁹⁸ Lt. Colonel Nagl has explained the new doctrine's key tenets as:

Focus on protecting civilians over killing the enemy. Assume greater risk. Use minimum, not maximum force.⁹⁹

Its successes in Iraq led to the same approach being pursued in Afghanistan once the conflict there re-escalated. In *Counterinsurgency Field Manual: Afghanistan Edition*, Nagl highlights a few paradoxes that apply to Afghanistan. The first – that ‘sometimes the more you protect your force, the less secure you may be’ – reflects the notion that military forces must, at least, share some of the same risks as civilians in order to protect them because eventually it is protection of the population that matters most.¹⁰⁰ According to Nagl, troops in Afghanistan must therefore:

...get out among the people, building and staffing joint security stations with Afghan security forces. That is the only way to disconnect the enemy from the civilians. Persistent presence – living among the population in small groups, staying in villages overnight for months at a time – is dangerous, and it will mean more casualties, but it's the only way to protect the population effectively.¹⁰¹

A second paradox – that ‘sometimes the more force is used, the less effective it is’ – is based on the ‘insurgency math’ calculation that upholds that heavy civilian casualties on coalition hands may eventually produce their strategic defeat.¹⁰² A recent study shows that incidents where two or more civilians have been killed produce on average six attacks in retaliation.¹⁰³ A third paradox – that ‘the hosts doing something tolerably is often better than foreigners doing it well’ – derives from an observation that ISAF is not particularly popular amongst the Afghan population, especially in the southern provinces.¹⁰⁴ The vast majority of Afghans have expressed that they feel foreigners disrespect their religion and traditions; working with foreigners is wrong; and, crucially, that Nato forces do not protect them.¹⁰⁵ Thus, foreign forces are likely to work more counterproductively by their presence than would a mere satisfactory performance by Afghan security forces.

⁹⁸ Fick, N. C. & Nagl, J. A. (2009), ‘Counterinsurgency Field Manual: Afghanistan Edition’, *Foreign Policy Feature*, http://www.foreignpolicy.com/articles/2009/01/05/counterinsurgency_field_manual_afghanistan_edition, accessed 05.08.2010. See also Nagl, J. A. (2005), *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam* (Chicago: University of Chicago Press).

⁹⁹ ‘Counterinsurgency Field Manual: Afghanistan Edition’.

¹⁰⁰ *FM 3-24*, para. 1–149.

¹⁰¹ ‘Counterinsurgency Field Manual: Afghanistan Edition’.

¹⁰² *FM 3-24*, para. 1–150.

¹⁰³ ‘Sivile tap nører hevn [Civilian casualties breed revenge]’, *Aftenposten*, 3 August 2010, <http://www.aftenposten.no/nyheter/uriks/article3755060.ece>, accessed 05.08.2010.

¹⁰⁴ This point was originally made by T. E. Lawrence in his 1922 treatise *Seven Pillars of Wisdom*, and reiterated in *FM 3-24*, para. 1–154.

¹⁰⁵ ‘Nato not winning hearts and minds: poll’, *Reuters*, 16 July 2010, <http://www.reuters.com/article/idUSTRE66F4Q820100716>, accessed 05.08.2010.

Although essentially an American doctrine, FM 3-24 is extensively referred to here because it was ‘informally’ adopted as Nato’s counterinsurgency doctrine.¹⁰⁶ It is only very recently that alternative doctrines have emerged. In 2009, Britain updated its doctrine that deals extensively with counterinsurgency operations, the *Joint Doctrine Publication 3-40: Security and Stabilisation: The Military Contribution* (hereafter JDP 3-40).¹⁰⁷ It is particularly clear in its recognition of protection as a prerequisite for wider success:

Providing protection for the population stimulates economic activity and supports longer-term development and governance reform. Importantly, it generates confidence in local people about their own local security situation – their collective human security – and an economic interest in ongoing stability.¹⁰⁸

It also advises commanders of a few techniques that might be employed for the objective of basic protection, such as static protection of market places and refugee camps, intensive patrolling and check points in areas under their control, search and strike operations against targeted adversaries, and curfews and vehicle restrictions for population control.¹⁰⁹

In May 2010, Nato released its *Joint Operational Guidelines for Counterinsurgency 10/01* (hereafter JOG 10/01).¹¹⁰ Like the other doctrines, it recognises the importance of protection for the overall effort, with the military goal being ‘to secure the population and neutralise the insurgent’.¹¹¹ It also concedes that early provision of basic protection is a key determinant for sustainable progress because ‘political progress is unlikely to take place in the midst of chronic human insecurity’.¹¹² In terms of military tasks, it too goes into some detail on activities like protecting civilians from local bandits in refugee camps, escorting humanitarian convoys, patrolling in villages, and the importance of protecting civilians from attacks at night.¹¹³ It is notable that these most recent doctrines all view protection as a centrepiece in stabilisation operations and have pointed to some practices similar to those highlighted by the UN.

A challenge is that doctrines are only meant to establish fundamental principles for military operations in specific environments and are not meant to resolve the practical issues about what to do. None of the doctrines that deal with stabilisation operations in general can or do ‘provide a blueprint for action in concrete situations’.¹¹⁴ ISAF’s preoccupation with ‘how not to kill’ also

¹⁰⁶ Nyhamar, T. (2009), *Counterinsurgency Field Manual 3-24 and operations* (Kjeller: FFI), p. 7.

¹⁰⁷ *Joint Doctrine Publication 3-40: Security and Stabilisation: The Military Contribution* (2009), The Development, Concept and Doctrine Centre, Ministry of Defence – hereafter *JDP 3-40*.

¹⁰⁸ *Ibid.*, para. 513–514.

¹⁰⁹ *Ibid.*, para. 515.

¹¹⁰ *Bi-Sc Joint Operational Guidelines (JOG) 10/01 Counterinsurgency*, 2010 (Nato Headquarters) hereafter *JOG 10/01*.

¹¹¹ *Ibid.*, para. 0548.

¹¹² *Ibid.*, para. 0549.

¹¹³ *Ibid.*, para. 0582.

¹¹⁴ Nyhamar (2009), p. 23.

means that protection as a *specific* objective is not reflected through a military CONOPS, which could concentrate capabilities and activities. Instead, its protection efforts are filtered down piecemeal and indirectly through revised Rules of Engagements (ROE) and tactical directives that limit the prospects of a comprehensive approach to protecting civilians. These will be dealt with shortly, but ISAF's single greatest protection concept must first be examined.

The Provincial Reconstruction Teams (PRTs) have become the 'public face of ISAF as military-civilian efforts to secure and rebuild Afghanistan' simply because it is through them most military forces and civilian advisors are engaged.¹¹⁵ It is important to underline that there are great variations between various PRTs as most solve their tasks based on national approaches to operations. The PRT concept was first launched in November 2002 as coalition forces were preparing for the transition from Operation Enduring Freedom's 'warfighting phases to its stabilization and reconstruction phases'.¹¹⁶ Thus, the very origins of the PRTs indicate the intention of providing both basic and at least some sustainable security objectives. The 'PRT Working Principles' confirm this as they identify the key areas of activity to be security, central government support, and reconstruction.¹¹⁷ The actual teams vary greatly in size and composition, but are typically joint civil-military teams consisting of 50–500 personnel, predominantly military. Most PRTs are not armed for major combat operations, making them more similar to traditional peacekeeping forces in that they depend on their 'negotiating skills and the consent of the local parties for success', and being 'more of a diplomatic than military tool'.¹¹⁸

Studies have shown that the PRTs are better at extending the authority of the Afghan government than providing civilians with basic protection because the PRTs simply 'cannot address the underlying causes of insecurity in Afghanistan'.¹¹⁹ Provided that a PRT defines its military role as limited and generally geared more towards sustainable protection tasks than basic, it is not surprising that the *PRT Handbook* is heavily devoted to issues such as women's affairs, counternarcotics, and health sector reconstruction. It states that the use of military components for purposes of protection, such as armed protection for humanitarian aid, is a measure that should be taken only in 'exceptional circumstances'.¹²⁰ The military components of the PRTs are intended to support local security efforts, but with only a couple of dozen bases spread around the country it naturally makes this ability limited.

¹¹⁵ 'Provincial Reconstruction Teams (PRTs)', *Global Security*, <http://www.globalsecurity.org/military/ops/oef-prt.htm>, accessed 27.07.2010.

¹¹⁶ Jakobsen, P. V. (2005), 'PRTs In Afghanistan: Successful but not Sufficient', *DIIS Report* (Copenhagen: Danish Institute for International Studies), p. 11.

¹¹⁷ *Provincial Reconstruction Teams and Humanitarian-Military Relations in Afghanistan*, 2004, (London: Save the Children), p. 2; *ISAF PRT Handbook*, Edition 4, March 2009, Public Intelligence, p. 3, <http://publicintelligence.net/isaf-provincial-reconstruction-team-prt-handbook/>, accessed 02.10.2010.

¹¹⁸ Jakobsen (2005), p. 11.

¹¹⁹ *Ibid.*, p. 4.

¹²⁰ *PRT Handbook*, p. 256.

Aside from the PRTs, there are other complimentary concepts that also aim to provide more sustainable than basic protection. Regional Development Zones (RDZs) complement the work of the PRTs by establishing a permanent presence in specific areas. Agribusiness Development Teams (ADTs) function similarly to the PRTs but focus on agricultural projects like building greenhouses, conducting quality control on local slaughterhouses and planting trees. Company-sized District Support Teams (DSTs) serve at a more local level of governance as joint civil-military entities that stay for 12 to 18 months to establish long-term relationships with district officials. Mobile Operating Teams (MOTs) are smaller units that travel to the more remote regions to meet with local leaders with the aim of ‘promoting the authority of central and regional government’.¹²¹ There is therefore no lack of operational concepts that focus on civilians at work in Afghanistan, but their attention is less on immediate protection. Whilst sustainable security is a key protection effort, it should be recalled that long-term success may be determined by ‘getting things right or badly wrong’ in the initial period in which threats are often more basic and physical in nature.¹²² Until recently, civilian security has been most threatened in the southern and eastern most parts of the country, but the fighting is now spreading which increases the need for physical protection from military forces. With the PRTs and most other concepts in Afghanistan geared towards the provision of more sustainable protection, there appear to be few, if any, operational concepts dedicated to the provision of such basic security.

One of the measures commonly referred to with regards to ISAF’s civilian security efforts, is the CIVCAS Tracking Cell whose purpose is to ‘investigate incidents of reported civilian casualties’ so that future occurrences can be minimised.¹²³ Although it has rightly served to limit casualties at the hands of ISAF, it does not address the main source of civilian casualties which is Taliban attacks.¹²⁴ The Tracking Cell was reinforced by revised rules of engagement (ROE) and tactical directives in December 2008 and July 2009 that limited the conditions under which force could be applied.¹²⁵ In particular, it restrained uses of force that were likely to produce extensive collateral damage, such as close air support (CAS), air-to-ground munitions and indirect fires. It also restricted entry into Afghan houses, which should always be accompanied by Afghan forces, supported by local authorities and exercised with unique cultural sensitivities toward women, and denied ISAF forces to enter or fire on mosques except in self-defence. Mostly as a result of these limitations civilian casualties at the hands of coalition forces dropped by some 28 % since August 2008.¹²⁶ In late August 2009, another directive was issued on driving, in which ISAF personnel

¹²¹ ‘Development in Eastern Afghanistan: Keys to Success’, *ISAF Public Affairs Office*, 1 June 2010, <http://www.isaf.nato.int/article/isaf-releases/development-in-eastern-afghanistan-keys-to-success.html>, accessed 27.07.2010.

¹²² Berdal (2009), p. 21.

¹²³ ‘Unclassified Metrics April 2009’, *Strategic Advisory Group HQ ISAF*, http://media.csis.org/pct/090511_isaf_metrics_april09.pdf, accessed 27.07.2010.

¹²⁴ About three quarters of civilian casualties are currently linked to Anti-Government Elements. ‘Afghanistan: Mid Year Report 2010 on Protection of Civilians in Armed Conflict’, p. i.

¹²⁵ *Tactical Directive*, 30 December 2008 (Kabul: Headquarters ISAF); *Tactical Directive*, 6 July 2009, (Kabul: Headquarters ISAF).

were called upon to ‘adhere to safe driving practices, such as respecting Afghan traffic rules and regulations, driving at an appropriate speed, and driving defensively’.¹²⁷

The most recently revised tactical directive of August 2010 reinforced the concept of ‘disciplined use of force’ even further.¹²⁸ The new commander General Petraeus clearly asserted that ISAF must ‘continue – indeed, redouble – our efforts to reduce the loss of innocent civilian life’ because ‘every Afghan civilian death diminishes our cause’.¹²⁹ Thus, prior to the use of fire, commanders must determine that ‘no civilians are present’, and if unable to do so fire is prohibited except in self-defence. The Afghan Government has welcomed all the measures taken to limit civilian casualties which it admits have ‘achieved remarkable progress’ in the last year, but also emphasises that more must be done.¹³⁰

Still, the CIVCAS Tracking Cell and the tactical directives follows along the line of ISAF’s indirect approach with a focus on ‘how not to kill’ rather than ‘how to protect’. As in the UN, this is also reflected in the pre-deployment training of troops. In the *Counterinsurgency Training Guidance* of November 2009, McChrystal highlighted what he called ‘the key points of my training guidance’ – such as driving and escalation of force, but also counter-IED training, ANSF partnership and money as a ‘weapon system’.¹³¹ In total, the guidance touches on seventeen ‘key points’, but none of them deal with actual and practical approaches to improved and direct protection of civilians.

3.3 Differences and Similarities: Protection of Civilians as Two of a Kind?

When the key characteristics of UN and Nato approaches to protection of civilians are summarised, the most evident finding is that they share similarities at the highest and lowest levels, whilst differing greatly in between. They share a recent appreciation of the contemporary importance of protecting civilians, but both also struggle due to a critical absence of guidance at the doctrinal level and below on how to actually conduct it. Despite a decade of experience, the UN has only recently begun to address this ‘gap’ through specific guidance, operational concepts

¹²⁶ ‘Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2009’, *United Nations Assistance Mission to Afghanistan, Human Rights Unit*, January 2010, <http://unama.unmissions.org/Portals/UNAMA/human%20rights/Protection%20of%20Civilian%202009%20report%20English.pdf>, accessed 05.08.2010, p. 16.

¹²⁷ ‘ISAF Commander Issues Driving Directive and Theatre Driving Principles’, *ISAF Public Affairs Office*, 31 August 2009, <http://www.Nato.int/isaf/docu/pressreleases/2009/08/pr090831-651.html>, accessed 27.07.2010.

¹²⁸ ‘General Petraeus Updated Tactical Directive’, p. 1.

¹²⁹ *Ibid.*, p. 2.

¹³⁰ Mr. Tanin, Afghan ambassador and representative to the UN, quoted at *Security Council Debate on the Protection of Civilians in Armed Conflict*, 8 July 2010, <http://www.afghanistan-un.org/2010/07/security-council-debate-on-the-protection-of-civilians-in-armed-conflict-2/>, accessed 27.07.2010.

¹³¹ *COMISAF/USFOR-A Counterinsurgency (COIN) Training Guidance*, 10 November 2009 (Kabul: Headquarters ISAF).

and initiatives directly geared towards basic and sustainable protection. Nato's preoccupation with protection has emerged only recently with ISAF's involvement in Afghanistan, and has mainly been born out of military-strategic necessity. Although ISAF does have many protection-related concepts and specific tactical instructions down to the smallest unit levels, they are permeated by an indirect approach to protection that appears mainly to limit civilian casualties caused by their own troops.

Peace and counterinsurgency operations in this report have so far been treated rather irrespectively of their differences. In terms of struggling to protect civilians, the respective direct (UN) and indirect (Nato) approaches taken in these operations are not necessarily irrelevant to the degree of failure or success they produce. For good reasons, recent studies have argued that there are more similarities between peacekeeping and counterinsurgency operations than is commonly assumed.¹³² One of the key areas where they supposedly converge is precisely in terms of protecting civilians. In counterinsurgencies where the population becomes the 'centre of gravity', military effectiveness not only takes protection of civilians into consideration, but 'is based upon it'.¹³³ Likewise, the degree of protection that can be offered to civilians has become the principal measure of success in UN missions because of the unprecedented priority that it carries in current mandates.

Do UN and Nato differing motives really matter for the people concerned? Most likely not. In the midst of war, Afghan civilians are unlikely to give motivations substantial consideration as long as their lives are protected, especially because in civil wars people tend to support the actor that can provide protection and enforce a set of rules – regardless of ideological inclinations.¹³⁴ The very rise and resurrection of the Taliban underscores this point. The question is rather whether the direct or indirect approaches are equally able to provide such order and protection.

What fundamentally sets the UN apart from Nato is the directness in its approach to protection. What also distinguishes the UN are the recently developed operational frameworks, joint initiatives and detailed unit-level instructions aimed exclusively or mainly at protection. As found in Kjeksrud and Ravndal's study on MONUC, several of these practices that have improved protection were initiated by local missions and later picked up by the DPKO which merited them worthy of forming the basis for evolving concepts.¹³⁵ Provided that ISAF experiences the same

¹³² Such similarities include a focus on civilian solutions, international coherence, host-nation ownership, use of intelligence in support operations, and limitations on the use of force. For an extensive comparison, see Friis, K. (2010), 'Peacekeeping and Counter-insurgency – Two of a Kind?', *International Peacekeeping*, Vol. 17, No. 1, pp. 49–66. See also Ellis, B. (2008), 'Back to the Future? The Lessons of Counterinsurgency for Contemporary Peace Operations', www.carleton.ca/e-merge/docs_vol5/articles/article_Ellis1.pdf, Thomas-Jensen, C. (2009), 'The Counterinsurgency Debate: A Tale of Two Countries', *The Huffington Post*, 28 September 2009, http://www.huffingtonpost.com/colin-thomasjensen/the-counterinsurgency-deb_b_301649.html, both accessed 03.08.2010.

¹³³ Ulriksen S. (2008), 'Power to Protect? The Evolution of Military Structure and Doctrine in Relation to the Responsibility to Prevent and Protect', *NUPI Report*, No. 7 (Oslo: Norwegian Institute of International Affairs), p. 29.

¹³⁴ Kalyvas (2006).

¹³⁵ Kjeksrud and Ravndal (2010), p.11.

kind of ‘implementation gap’ in Afghanistan as does the UN in its operations, an interesting question is how likely is it that similar bottom-up protection initiatives will emerge through ISAF, given that its approach is indirect from top to bottom and focuses on avoiding casualties rather than protecting. Thus, whilst peace and counterinsurgency operations share many characteristics, the protection of civilians may be one issue where they differ. The difference lies not so much in what they try to achieve; but *how* they are likely to deal with it as a result of diverging approaches to protection as either an end in itself or as a means to a different end.

4 Protection of Civilians as an Objective

This comparison has shed light on how the objective of protecting civilians is currently being approached and dealt with. Both the UN and Nato share a discrepancy between stated aims and actual achievements. However, the significance of protection as an end in itself or as a prerequisite for success towards a different end, makes the implications of this inconsistency particularly severe. In this section, issues that apply both to peace and stabilisation operations alike will be outlined to explain why the protection of civilians as an objective appears to be so hard to achieve.

4.1 Finding the ‘Utility of Force to Protect’

One of General Smith’s key observations about war amongst the people is that Western military forces have failed to find ‘utility of force’ in peace and stabilisation operations.¹³⁶ This has been particularly critical in the protection of civilians. In response to past failures, UN peace operations have therefore stretched its limitations in favour of increasingly ‘robust’ operations. By comparison, Nato has struggled with the use of excessive kinetic force in its stabilisation operations, showing that what matters is not how much force is applied, but rather how it is used – what will be referred to hereafter as the ‘utility of force to protect’. Four issues stand out because of their particular importance to the implementation of protection in peace and stabilisation operations: the intensity of threat to civilian security; the dedication of the enemy; the primacy of physical protection; and the troop numbers relative to the population.

4.1.1 Intensity of Threat to Civilian Security

Although largely incomplete, the recent encouraging developments in certain UN missions suggest that the UN is leading the way in filling the gap with knowledge of ‘how to protect’. At the same time, the breakdown of military tasks and assets required has highlighted the UN’s lack of necessary resources and equipment. It is a paradox that Nato appears, on the other hand, to possess much of the required tools, but does not use them for the same purposes. Aside from air mobility assets, the lessons learned by the UN in Africa have highlighted the need for night vision capabilities, communication equipment, mobility vehicles, and highly trained personnel – all of which Nato possesses to a far greater extent. The present situation appears to be one in which the

¹³⁶ This is discussed in detail in Chapter 8 of Smith (2007).

UN possesses the knowledge but not the means to protect civilians effectively, whilst Nato possess the means but is deficient in protection 'know-how'.

However, a counterargument can be made that Nato actually does possess the means *and* knowledge to protect successfully. In Kosovo, Nato was and continues to be involved in more direct protection-related activities than in Afghanistan. When first deployed to Kosovo, the Kosovo Force (KFOR) was prepped for more conventional military tasks in anticipation of a Serbian attempt to retake the province. Once it became clear that there would be no Serbian counterattack, there was a sudden decrease in violence that enabled KFOR to roll back its conventional firepower in favour of conducting less forceful protection tasks, such as policing, fighting organised crime, reconstruction, and institution-building. It is precisely this level of threat to civilian security that separates the conflict in Afghanistan from that in Kosovo, making reference to the latter as an example of comprehensive protection capability only partly accurate.

Protection of civilians cannot be properly understood without reference to the level of threat to civilian security. The intensity of this threat dictates the kind of protection required.¹³⁷ The greater level of threat to the population's physical security, the greater the need for physical (basic) protection, which in turn increases the role of military components. KFOR never saw high threat levels. In fact, by the time KFOR was deployed the situation on the ground had been reversed, and the Kosovo Serbs were being threatened. If KFOR ever faced a high level of threat to civilian security it was during this expulsion of Serbs, which it was generally incapable of stemming.¹³⁸ When sudden unrest erupted in 2004, KFOR was again criticised for being unable to prevent the additional displacement of thousands of Serbs.

When civilians are threatened the most, the need to use force is greatest. When the application of force successfully manages to lower the intensity of this threat, then 'utility of force to protect' has successfully been found. In Bosnia, UNPROFOR proved remarkably incapable of providing basic protection until Nato stepped in and launched its largest military operation at the time (Operation Deliberate Force) in response to the fall of the three UN 'safe areas' and the Markale market bombing during the summer of 1995.¹³⁹ As a result, the siege of Sarajevo was lifted, the shelling stopped and the threat to the physical security of civilians reduced. Nato repeated this enterprise four years later when another bombing campaign (Operation Allied Force) coerced Milosevic to withdraw his Serb forces from Kosovo and effectively prevented a permanent forced exodus of Kosovo Albanians. The failure to find similar utility in Afghanistan shows that there is more that influences protection than simply threat intensity.

¹³⁷ Intensity, as it is used here, must not be confused with overall conflict intensity which is generally regarded as low in peace and stabilisation operations compared to conventional high-intensity warfighting. Here, intensity refers to the degree of threat to security of civilians, which at the most intense threatens lives and at lesser levels civil rights.

¹³⁸ Only half of the 200,000 Kosovo Serbs remained after the war in 1999. "'The Kosovo Dilemma' Goes Astray', *In These Times*, 25 June 2008, http://www.inthesetimes.com/article/3776/the_kosovo_dilemma_goes_astray/, accessed 03.10.2010.

¹³⁹ For an account of the decisiveness of Operation Deliberate Force, see Ripley, T. (1999), *Operation Deliberate Force: The UN and Nato Campaign in Bosnia 1995* (Lancaster University, UK: CDIIS).

4.1.2 Dedication of the Enemy

What sets the Bosnian Serbs and Milosevic apart from ISAF's foe in Afghanistan is the degree of dedication with which the enemy carries his cause. In the face of Nato's destructive capacity, the costs of continued conflict for the Serbs were eventually outweighed by the benefits of peace. In Afghanistan, the enemy is far more dedicated and has not been susceptible to coercive use of force as in the Balkans. Whilst major parts of the insurgency in Afghanistan are motivated by political and social factors,¹⁴⁰ groups subordinated to and directed by Al Qaeda are so ideologically motivated that they consider the conflict to be existential. To fully dedicated enemies, defeat equals death. In Afghanistan, suicide bombers are the second most common cause of civilian casualties at the hands of insurgents. In fact, as ISAF and US forces have stepped up the campaign against the Taliban, suicide attacks have only increased. Within the first six months of 2010 there were 183 such attacks – an increase of 43 % compared to 2009.¹⁴¹

In contrast, the degree of dedication amongst security spoilers is lower in the DRC than in Afghanistan. Operation Artemis was a short EU-led military mission launched in June 2003 in response to the deteriorating security situation in the Ituri region. Within three weeks the force managed to stabilize the situation in and around Bunia, which helped the UN reinforce its presence in the eastern parts of the country.¹⁴² This worked because militias on a mission of pillage and embezzlement are easier to coerce than ideologically dedicated insurgents. The greater degree of enemy dedication, the less successful coercive shows of force are. In these circumstances, the implication for Nato is that alternative utility of force to protect must be found.

4.1.3 Primacy of Physical Protection

Military components are currently lost in their efforts to protect at a time when they are required most. It has generally proven difficult to find a unifying 'hedgehog idea' around which military action can be centred in war amongst the people.¹⁴³ Advocates of 'strategies of inducement' argue that establishing effective control over the operating environment should be the new unifying purpose for militaries in today's warfare. A premise for such an argument is that 'the ultimate determinant in war is the man on the scene with the gun'.¹⁴⁴ With the past failures of the UN and ISAF's struggle in Afghanistan in mind, such a premise can be accepted with regards to protection:

¹⁴⁰ Significant parts of the Taliban insurgents are motivated by other than ideological factors. See Marston, D. (20), 'Lessons in 21st-Century Counterinsurgency: Afghanistan 2001–07', in Marston, D. & Malkasian, C., eds., *Counterinsurgency in Modern Warfare* (Osprey Publishing: Oxford, UK), pp. 220–240.

¹⁴¹ 'Afghanistan: Mid-Year Report 2010 Protection of Civilians in Armed Conflict', p. 3.

¹⁴² Homan, Kees (2007), 'Operation Artemis in the Democratic Republic of Congo', in European Commission, *Faster and more united? The Debate about Europe's crisis response capability*, pp. 151–155, http://www.clingendael.nl/publications/2007/20070531_cscp_chapter_homan.pdf, accessed

03.10.2010.

¹⁴³ A 'hedgehog idea' is a single unifying idea – in this case for the military establishments. Kelly, J. & Brennan, M. (2010), 'Looking for the Hedgehog Idea', *Australian Army Journal*, Vol. 2, No. 1, pp. 41–56.

¹⁴⁴ Quoted in *ibid.*, p. 51.

Ultimately, unless you are confident in the ability of your government to enforce its peace, then the man with an AK at your door at midnight is your master. It doesn't matter if you are happy with your electricity, content with your children's educational arrangements and satisfied with the government's agenda – you are in thrall to the threat posed to you and your family by that man with the gun.¹⁴⁵

Thus, removing the threat to physical safety is of foremost importance to the provision of protection and something around which armed forces should concentrate their efforts. Given the limited number of troops available in current operations, the idea also implies that influencing a population will sometimes require them to feel 'the hard hand of war'.¹⁴⁶ In fact, strategists should 'not shy away from taking control of all aspects of the day-to-day existence' of the population in question.¹⁴⁷ The political costs of such 'utility of force to protect' would certainly be high, but given the primacy of physical protection and lack of current utility of force, it is still worth considering.

In counterinsurgency operations during the Cold War from which the current 'hearts and minds' thinking is taken, population-centric measures such as internment and 'controlled areas' were applied.¹⁴⁸ In the present-day application of this thinking, the physical aspects appear to have been reduced, as witnessed in the relative distribution of existing measures for protection in ISAF that focus more on reconstruction and training of Afghan security forces than on immediate protection.

4.1.4 Troop Levels

Besides finding utility in the means to protect, there is the issue of acquiring them in the first place. Peace and stabilisation operations are usually highly ambitious in what they set out to achieve whilst the resources, manpower and political will underpinning them are lacking. The rebuilding of entire states is often sought, rooted in predisposed conceptions of which kind of governance will create a stable situation. At the same time, these operations require such high political, economic and military costs that they are often difficult to legitimise domestically as peace and stabilisation operations, falling by definition outside genuine national interests.

Thus, peace and stabilisation operations are typically forced to either admit defeat or to moderate their ambitions because it is near to impossible to either procure or justify the resources required to fulfil the initial objectives.¹⁴⁹ This was the case in Iraq where the original objectives were moderated in combination with an intermittent surge in troops that eventually worked to reverse the spiral in violence. An often overlooked detail in Bosnia is how UN 'safe areas' were not 'safe havens' as in Kurdistan. Through lack of manpower, firepower or the will to use either, the UN

¹⁴⁵ Ibid., p. 51.

¹⁴⁶ Ibid., p. 53.

¹⁴⁷ Ibid., p. 53.

¹⁴⁸ Short, A. (1975), *The Communist Insurrection in Malaya* (London: Frederick Muller), pp. 391–411.

¹⁴⁹ Kjølberg (2010), pp. 56–78.

deemed it impossible to protect the areas to the same extent as had been done before. The point here is that there are political realities that limit and dictate prospects for fulfilling the objectives initially set. Most important in terms of finding utility of force to protect is the number of troops available.

As head of the British Army, General Richards has repeatedly called for more boots on the ground because they provide ‘the most choice and the most utility in today's sort of conflict’.¹⁵⁰ Passive and active presence protection activities such as night patrols and escorts have proved to work, but also require significant numbers of troops. Boots on the ground also reduce the need to apply kinetic force, such as drone attacks or close-air-support, which can lead to civilian casualties. The highest demands for troops are in counterinsurgency operations where militaries are simultaneously aiming to defeat the insurgents, protect the population and preserve their own forces. In Malaya, Northern Ireland and Bosnia the force relation was around 20 per thousand inhabitants, which has been argued as the critical ratio required for success in stability operations.¹⁵¹ With the number of foreign troops in Afghanistan currently standing at 140,000, the ratio is less than five per thousand.¹⁵² Militaries are understandably calling for more troops.

In reality, the lack of political will in contributing countries excludes the deployment of half a million troops or more to Afghanistan. War amongst the people is ‘limited war’, and in limited war there will also be restrictions on the availability and use of resources. Thus, the objective of protection of civilians, which is both a very ambitious yet at the same time very basic goal, is likely to suffer in the future due to limited troop numbers compared with examples that have worked in the past. Training of local police and military forces has been pursued as an alternative and complimentary solution to sending more own troops in both Iraq and Afghanistan. Yet, increasing numbers do not necessarily solve the problem. In Iraq, it was not so much the surge itself that turned the tide as what the new troops were ordered to do. With the restricted availability of training instructions on how to protect, the effect of simply increasing troop numbers (of one's own or local forces) must not be overestimated.

4.2 The Need for a Reconciliation of Aims and Means

Protection of civilians might prove to be an impossible objective. Continued civilian insecurity increases demands on the utility of force at a time when war amongst the people is proving costly, especially in the face of highly dedicated enemies. Nonetheless, protection of civilians cannot yet

¹⁵⁰ ‘Army Chief calls for more troops and fewer ships to fight wars against insurgents’, *The Telegraph*, 17 January 2010, <http://www.telegraph.co.uk/news/newstoppers/politics/defence/7011209/Army-chief-calls-for-more-troops-and-fewer-ships-to-fight-wars-against-insurgents.html>, accessed 28.07.2010.

¹⁵¹ Quinlivan, J. T. (2003), ‘Burden of Victory: the Painful Arithmetic of Stability Operations’, *RAND Review*, Summer 2003, <http://www.rand.org/publications/randreview/issues/summer2003/burden.html>, accessed 03.10.2010.

¹⁵² Figure is based on a population of 29,000,000. Number of foreign troops includes US and Nato forces and is taken from Belasco, A. (2010), ‘The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11’, *Congressional Research Service*, 2 September 2010, p. 11, <http://www.fas.org/sgp/crs/natsec/RL33110.pdf>, accessed 02.10.2010.

be relinquished as an objective. There is too much drive behind the policy for it to be easily reversed, and there are too few alternatives. A heavy-handed escalation of the conflict in Afghanistan for other purposes than the protection of civilians, such as to kill further insurgents or to attack their sanctuaries in Pakistan in a more overt manner, would underpin the terrorist narrative of Western forces as ‘evildoers’ because of the resulting collateral damage. Simply withdrawing would render futile billions of dollars and thousands of lives, only to leave behind a reconstructed sanctuary for terrorists to return to. For the UN, reversing the ‘paper revolution’ on protection of the last decade would be a serious blow to its credibility and a major setback in the widest moral sense.

At the same time, current efforts at protecting civilians are untenable because of the striking incongruence between strategic and tactical levels, which for the UN means further fatal disappointments and for Nato diminished chances for winning ‘hearts and minds’. For protection to be an implementable goal, a genuine reconciliation of aims and means is required. In terms of aims, the ambition to protect civilians ‘in general’ will most likely have to be moderated as in peace and stabilisation operations elsewhere, without relinquishing it as the principal objective. This will mean admitting that not ‘all’ Afghans or Congolese can be protected – and reflecting this in operational terms and in public statements.¹⁵³

However, at present, every suicide bombing is seen as ‘a sign of [the] coalition’s failure to deliver on its “promise” of “protecting” the people’.¹⁵⁴ For Nato in Afghanistan, the creation of ‘islands’ has been suggested, whereby security is successfully established rather than trying to arrest the entire ‘sea’.¹⁵⁵ The adoption and standardisation of protection language has made many missions a ‘marriage of high expectations and low capacity on protection, designed – despite good intentions – without the ability to succeed’.¹⁵⁶ For the UN, such moderation of ambitions would have to be incorporated into the mission-wide strategies for protection that account for local circumstances.¹⁵⁷ Moderation must be propagated to civilians to create more realistic expectations. Even if not ‘total’ in its aspiration, the objective of protection must still be understood comprehensively in its two-fold purpose of providing both basic and sustainable security. In the absence of either short or long-term security, civilians will not feel protected even in restricted areas. Given a lack of resources, this suggests that one must work comprehensively to protect fewer people as an alternative to protecting ‘everyone’.

¹⁵³ Khan, M. O. (2009), ‘Don’t Try to Arrest the Sea: an Alternative Approach for Afghanistan’, *Small Wars Journal*, <http://smallwarsjournal.com/blog/journal/docs-temp/301-khan.pdf>, accessed 03.10.2010.

¹⁵⁴ *Ibid.*, p. 2.

¹⁵⁵ *Ibid.*, p. 3.

¹⁵⁶ Holt et. al. (2009), p. 159.

¹⁵⁷ Mission-wide strategies are meant to unify common principles and aims around the acknowledgement that ‘each mission has a unique mandate, different mission compositions and particular circumstances in its area of deployment’ (*Lessons Learned Note*, para. 22). Recently in the DRC, a system-wide strategy has been developed (that integrate the mission with other UN agencies) exclusively dedicated for the protection of civilians, which is dealt with in detail in Kjeksrud and Ravndal (2010).

Striking political deals with certain groups represents a way of lowering levels of violence and thus also the threat to civilian security. The American embracement of the Sunni Awakening in Iraq was ‘one of the main reasons for the recent marked reduction in violence in the country’.¹⁵⁸ Such deals may enable post-immediate protection efforts that both the UN and Nato are far better at conducting, but they fall short of proving an existing capability to provide basic protection. It is precisely the military inability to provide the most basic security to civilians that might necessitate striking a ‘deal’ with the Taliban in Afghanistan or with militias in Africa. Whilst some sort of negotiation with the Taliban is probably inevitable (the Afghan government itself is calling for it), the extent to which the more dedicated al-Qaeda groups will be deterred remains an open question. In any case, the logic is that if existing means had been more efficient in fulfilling protection objectives, the need for striking a politically undesirable deal would be lessened, or at least the terms upon which political agreements will be struck could be more favourable.

In terms of means, the implementation of protection is likely to improve when protection is defined as an operational objective and incorporated into the military CONOPS, from which better practical guidance can be provided. Aside from shows of force that cannot deter the most dedicated enemies from attacking civilians, there appear to be few alternative ways of applying force for basic protection in what, paradoxically, often happens to be the most violent and decisive phase. This must be the greatest weakness in the current utility of force to protect.

This report’s findings also situate the protection of civilians well amongst the arguments for relinquishing Huntington’s separation of civil and military affairs. Huntington’s model defined the military profession in terms of its ‘functional imperative’ whose sole purpose and measure of success was its ability to defeat the enemy forces. This was best achieved when civilians declared the political ends for which force was to be used, whilst the military retained autonomy over the conduct. In contrast to conventional war, the conduct of protection by its two-fold and comprehensive nature belongs more to the realm of crisis management, which requires ‘a quick response from flexible teams of people with various professional backgrounds who can address different types of challenges, i.e. filling immediate security gaps, while, at the same time, starting to build local capacity’.¹⁵⁹ Essentially, civilian instruments ‘cannot simply be “bolted on” once peace is restored’, but must be involved from the very beginning.¹⁶⁰ Successful protection of civilians calls for accurate judgements that cannot be divided between military and civilian compartments and are more comprehensive and complex than the mere destruction of the enemy. Huntington’s strict separation of civilian and military spheres has today become ‘an obstacle for the kind of tasks that the military is expected to carry out’, including protection.¹⁶¹

¹⁵⁸ ‘Baghdad to pay Sunni groups’, *Al Jazeera English*, 3 October 2008, <http://english.aljazeera.net/news/middleeast/2008/10/200810151630737451.html>, accessed 27.07.2010. Petraeus had operated the same way previously during the early days of invasion in Mosul, which he managed to pacify until the city erupted in flames when the money stopped.

¹⁵⁹ Norheim-Martinsen, P. M. (2010), ‘Managing the Civil-Military Interface in the EU: Creating an Organisation Fit for Purpose’, *European Integration Online Papers*, Vol. 14, No. 10, p. 5.

¹⁶⁰ *Ibid.*, p. 5.

¹⁶¹ Norheim-Martinsen (2010), p. 5.

5 Concluding remarks

The way in which the protection of civilians is currently being translated into operational principles and activities suggests two ways of looking at its implementation. On the one hand, protection can be viewed as an ‘impossible objective’. This report has highlighted certain issues and difficulties in terms of finding ‘utility of force to protect’. The report shows that at times when civilian lives are most directly threatened, and when faced with highly dedicated enemies that cannot be coerced, past methods of using force to protect are insufficient. The incapacity to provide the most basic protection is a fundamental flaw when the ‘ultimate determinant in war is the man with the gun’ and when provision of initial protection is a prerequisite for success in the longer run.

On the other hand, protection viewed through a comparison of UN and Nato approaches and the resulting overview of existing means have shown that there is significant room for improvement that can come from bridging the ‘implementation gap’. It has been argued here that the current shortcomings at the tactical level can be attributed to the lack, or even absence, of sufficient guidance on *how* to actually go about protecting. Military troops and commanders on the ground cannot be blamed for this insufficiency. Rather, a proper reconciliation of means and ends towards protection of civilians must be undertaken. Crucially, this process must be based on a comprehensive understanding of the issue in which the factors highlighted above must be taken into account with regards to finding utility of force. Unrealistic ambitions to protect ‘everyone’ will probably have to be relinquished, while it is essential not to diminish the primary importance of protection for both moral and military-strategic reasons. Thus, for the military forces participating in peace and stabilisation operations, finding useful practices of doing so will be absolutely vital. The obvious place to start lies in developing more specific guidance, operational concepts, training and practices, so that operational and tactical activities reflect better the strategic primacy of protection.

This report has only explored some of the theoretical principles required to provide a much-needed comprehensive understanding of the protection of civilians. Many issues have not been dealt with here and will require further examination. One such issue is the degree of legitimacy with which a party enters a theatre of operations. We have seen that in Afghanistan, the presence of Western troops is problematic due to their perception by the local population as a culturally disrespectful intrusion. Conversely, the UN has traditionally enjoyed more intrinsic legitimacy due to its adherence to the principle of impartiality. This suggests that preordained legitimacy matters when protection is to be provided. It gains particular relevance when combined with arguments in favour of imposing protection in situations where civilians sometimes have to feel the ‘hard hand of war’. Furthermore there are other important providers of protection that have not been dealt with here, such as the European Union (EU). The EU has and continues to provide protection in a number of ways, through purely military bridging operations conducted in the DRC in the past and through the provision of sustainable security through missions like EULEX in Kosovo. Attention to the issue of protecting civilians is by no means new, but the strategic focus that it has received from the UN and Nato is unprecedented. This trend is unlikely to be

reversed in the immediate future – rather, the theoretical principles underpinning the protection of civilians deserve further attention and scrutiny for many reasons, both moral and military.

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