Joint Submission to the Defence White Paper

1 October 2008

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1.   Executive Summary

The orthodox approach to defence policy has long been: '*prepare for war, adapt for peacekeeping'*. Such an approach was appropriate when traditional warfare was the largest national security challenge and peace operations meant operating in low-risk environments. Today, the overwhelming majority of the world's armed conflicts are civil wars that include elements of insurgency, warlordism and terrorism. The principal victims of these wars, accounting for over ninety percent of the overall casualty toll, are innocent civilians who are either deliberately targeted by the belligerents or caught in the crossfire. International efforts to prevent, manage and end these conflicts inevitably involve operations that combine elements of war-fighting, peacekeeping and nation-building.

As the discussion paper to this Defence White Paper process notes, the national security challenges and national interest opportunities have changed significantly over the past decade. The most significant challenge now is to *provide civilian protection in complex situations*, often requiring coercive protection operations. One of the primary military roles in this context is the protection of civilians from direct and indirect harm. As is now well known, there is a link between failed states and irresponsible governments that fail to protect their own populations and the national security threats that confront Australia today: terrorism, transnational crime, and the proliferation and trade in arms. Addressing these problems at their source by delivering on the commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and fostering strong and responsible states is both a moral imperative and good strategy.

National and multinational forces around the world are at different stages in developing military doctrine for instances where the goal of an operation is to provide civilian protection. We urge the Defence White Paper authors to recognize that civilian protection needs to become a top priority for the ADF. Australia, through the ADF and AFP, has an excellent reputation for peacekeeping and is very well placed to take the next step in preparing for effective protection operations. What is more, the current and future strategic landscape is characterized by civil wars and weak states where the principal victims are civilians and the principal task is civilian protection. Today, civilian protection is a core part of the ADF's overseas mission and there is no reason to think that this is about to change. As such, defence planning priorities should reflect this fact and ensure that when Australian personnel

are sent into the field with civilian protection mandates, as in Afghanistan and Timor Leste, they are equipped with the right material and doctrine and properly supported by civilian agencies.

The Senate Standing Committee on Foreign Affairs, Defence and Trade reported in August 2008 that: *'the requirements for protection should be reflected in a consistent manner in government policies and white papers on foreign policy, defence and aid'.*[1] It went on to say that: '*Australia's role now is to help ensure that the* [Responsibility to Protect] *doctrine extends beyond lofty rhetoric to action where required.*'[2]

This Defence White Paper is a vital opportunity to ensure that Australia moves forward in operationalising the defence aspects of the *Responsibility to Protect* ('R2P'), working with others in the region and beyond. If R2P can be effectively operationalised, then security threats will be greatly diminished. R2P has been endorsed by all governments as well as the UN Security Council and thus provides the most useful framework for addressing grave human security issues in the region and globally.

1.1. Critical areas for development

This submission outlines five critically important areas that require development:

1. Most importantly – the ADF should prioritise the development of doctrine for 'protection operations'

2. Protection operations should be fully incorporated into training and preparedness

3. The importance of civil-military coordination should be emphasised and establishment of the Asia-Pacific Centre of Excellence applauded

4. Australia should encourage the development of regional capacity for protection

5. The primacy of prevention should be emphasised

2. Background

2.1. About the *Asia-Pacific Centre for the Responsibility to Protect*

The *Asia-Pacific Centre for the Responsibility to Protect* ('the Centre') is an Associate of the *Global Centre for the Responsibility to Protect*. With offices in Brisbane (Australia) and Yogjakarta (Indonesia), the Centre's mission is to conduct research, policy work and engage in advocacy and outreach aimed at furthering acceptance of the Responsibility to Protect within the Asia-Pacific Region and worldwide. The Centre contributes to the development of concrete measures to fulfil R2P by working in cooperation with the Global Centre for the Responsibility to Protect, the United Nations, regional and sub-regional organizations, government bodies and nongovernmental organizations to support and enhance understanding, consensus and practical initiatives.

The Executive Director of the Centre and co-author of this submission, Prof. Alex Bellamy, has written extensively on peacekeeping and R2P.

A list of patrons and advisory board members of the Centre is annexed.

2.2. About *act for peace*

act for peace (formerly known as CWS) is the international humanitarian and development agency of the National Council of Churches in Australia and works with partners and local communities to help protect people-at-risk; resolve armed conflicts; and reduce poverty.

act for peace works mainly in conflict-affected regions in Africa, the Middle East, Asia and the Pacific. *act for peace* is currently working with partners protecting and assisting over half a million displaced Burmese, Sudanese, Sri Lankans and other refugees. *act for peace* has been heavily involved in developing R2P policy and practice along with the World Council of Churches ('WCC') and others.

act for peace is a member of the *ACT International* humanitarian alliance, which is part of the Steering Committee on Humanitarian Response ('SCHR', made up of 9 international NGOs) and signatory to the SCHR position paper on *Humanitarian-Military Relations in the Provision of Humanitarian Assistance.*[3]

2.3. About the *Responsibility to Protect*

In the past few years, the international community has united in insisting that all governments have a responsibility to protect people from atrocities. This consensus was made plain at the 2005 World Summit, when world leaders took the momentous step of declaring that all states have a responsibility to protect their citizens from war crimes, crimes against humanity, genocide and ethnic cleansing and that when states manifestly fail in that duty, the international community has a responsibility to use appropriate measures to protect endangered populations. The R2P principle was unanimously reaffirmed by the UN Security Council in Resolution 1674 (2006).

According to the UN Secretary-General, R2P rests on three pillars:

1. All states accept that they have a responsibility to protect their own citizens from genocide, ethnic cleansing, war crimes and crimes against humanity.

2. The international community has a responsibility to use diplomatic, humanitarian and other peaceful means to help states protect people from genocide, ethnic cleansing, mass atrocities and war crimes.

3. The UN Security Council stands ready to use the full range of its Chapter VII powers, with the cooperation of regional organizations where appropriate, in cases where peaceful solutions are inadequate and national authorities manifestly fail to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity.

The current Australian government supports the doctrine of R2P, as did the previous government. The Foreign Minister, Stephen Smith, on 19 August 2008 stated: '*R2P remains an emerging area of normative growth and the Government is determined that Australia remains committed to making the principle central to conflict prevention and resolution.*[4]

R2P is about much more than reacting to mass atrocities through the use of military force. As the above pillars indicate, military action under R2P is the last resort in a continuum of responses and can only be authorised by the UN Security Council.

3.   The enduring trend

The 2000 Defence White Paper observed:

> *….Military operations other than conventional war are becoming more common. Since the end of the Cold War, there has been a worldwide upsurge in intra-state conflicts. These disputes have placed new demands on the armed forces of many countries, including for humanitarian relief, evacuations, peacekeeping and peace-enforcement. The Government believes this is an important and lasting trend with significant implications for our Defence Force.[5] … Preparing the ADF for such operations will therefore take a more prominent place in our defence planning than it has in the past.[6]*

Since that White Paper was written, this trend has increased and militaries around the world are at different stages of adapting.

The international community began to consider these matters in the mid 1990s after the crises in Rwanda, Kosovo, Bosnia and Somalia. In those instances, effective international action was crippled by, amongst other things, a lack of:

- preventative action;[7]

- a "clear, credible and achievable mandate"[8] and robust rules of engagement, which could respond to escalating situations with adequate, proportionate use of force;[9] and

- adequate resources.[10]

These failings have been well documented, and are attributed to the long-held conception that humanitarian intervention infringes upon state sovereignty. The international community — as represented in the UN General Assembly and Security Council — adopted the *Responsibility to Protect* doctrine in answer to these controversial questions of state sovereignty, and to provide a framework for ensuring that future efforts to prevent and halt mass-atrocities are not crippled by these same failings.

Prior to UNAMSIL (Sierra Leone) in 1999, no UN Security Council mandate instructed a peacekeeping or multinational force to 'protect civilians', though has since done so on more than 10 occasions.[11]

Gareth Evans recently explained the new challenge as follows:

> *The new task is partly what is now described as "peacekeeping plus" or "complex peacekeeping," where it is assumed from the outset that the mission, while primarily designed to hold together a ceasefire or peace settlement, is likely to run into trouble from spoilers of one kind or another; that military force is quite likely to have to be used at some stage, for civilian protection purposes as well as in self-defense; and where, accordingly, a Chapter VII rather than just Chapter VI mandate is required. New peacekeeping missions in recent years have been constructed almost routinely on this basis, but that does not mean that military planners and commanders are yet comfortable with running them.*

> *And that is not the end of the R2P story: the other part of the task is that which may arise in a Rwanda-type case, where there is the sudden eruption of conscience-shocking crimes against humanity, beyond the capacity of any existing peacekeeping mission to deal with, demanding*

a rapid and forceful "fire brigade" response from a new or extended mission to quash the violence and protect those caught up in it. This is more than just "peacekeeping plus"—dealing with spoilers—but, again, it is not traditional war fighting either.

Together, these "peacekeeping plus" and "fire brigade" operations are appropriately described as "coercive protection missions," which is as useful terminology as any to use in addressing what is needed to create the capability—essentially the same in both cases—to operate them effectively.[12]

The international community has recognized that genocide and other crimes against humanity constitute a threat to international peace and security. These crises regularly generate massive displacement and migratory flows. They also attract 'uncivil society' groups such as terrorists and organized crime, as has been evident in Somalia and Afghanistan. Abandoning crumbling societies to these forces is a short-sighted view of the international security threats we will allow to proliferate. Not only does international law promote a responsibility to protect others, our own security gives us an interest in doing so.

With the sustained growth in the number of these coercive protection operations, it is clear that defence forces need to be configured and trained in order to be deployed quickly and perform most effectively. Protection-based rules of engagement and mandates also need to be developed. It should be stressed that there is good evidence to suggest that determined international engagement through the deployment of peace operations with robust civilian protection mandates and the capabilities to execute those mandates can make an important and positive difference, helping to prevent mass atrocities, build peace and reinforce international peace and security. As American expert on peacekeeping, Virginia Page Fortna put it: '*In general, peace lasts longer when peacekeepers are present than when belligerents are left to their own devices. In other words, peacekeeping works.[13]*

Although it often seems like our world is getting more violent, since the 2000 Defence White Paper, the opposite is actually the case. In large part, this is thanks to the growth and strengthening of peace operations conducted by both the UN and a range of non-UN actors. According to two large projects that measure the incidence of war, one conducted by the Human Security Centre in Canada and the other by Stockholm International Peace Research Institute (SIPRI) in Sweden, after 1945 the incidence of warfare climbed steadily until around 1991/1992 when it began to decline. Since then, the incidence of war has declined almost every year and is today lower than at any point since the mid-1960s. Many factors – ranging from the increased costs of war-fighting and the removal of superpower support for Third World proxies to the strengthening of the legal regime governing war – have contributed to the decline in the frequency and lethality of war, but one of the most important is the expansion of the role of peace operations. An increasing proportion of violent conflicts are ending in either political settlement or external intervention rather than in victory for one side.[14] It is therefore no coincidence that the reduction in violence corresponds with an increase in the number of peace operations. Notable successes include:

- the achievement of sustainable peace and democracy in the Balkans (especially Croatia), Central America, Namibia, and Mozambique; and
- the end of war and emergence of fragile peace and democracy in Angola, Liberia, Sierra Leone, Cote D'Ivoire, and Timor Leste.

Although there is no evidence that the presence of peace operations can successfully facilitate peace agreements, they *do* significantly reduce the likelihood of wars reigniting afterwards.[15] In the post-Cold War era, traditional peacekeeping operations deployed with the consent of the belligerents reduced the likelihood of war reigniting by as much as 86%, whilst large and complex multidimensional

operations – often deployed in regions with unstable consent and lingering violence – reduced the chances of war re-ignition by more than half.[16] What is more, peace operations have significantly improved over time in terms of their ability to reduce the re-ignition of war. This is all the more important when we consider that the single most important factor in determining a country's risk of descending into war is whether it has endured war in the previous five years.[17] By dramatically reducing the risk of war re-ignition, peace operations make a critically important contribution to reducing the frequency and lethality of war.

But the contribution of peace operations does not end there. When peace operations are tasked with preventing or ending genocide and mass atrocities by directly challenging the perpetrators of these grave wrongs, they significantly increase the probability that the slaughter can be slowed or stopped. It has been statistically proven that taking measures against the perpetrators of genocide and mass atrocities significantly reduces the likelihood of the killing escalating and increases the likelihood of it ceasing. The more actors come together to challenge the perpetrators of mass atrocities, the more pronounced these positive effects.[18] Statistical analyses support Samantha Power's claim that *'for all the talk of the futility of foreign involvement in cases of genocide and mass killing, the evidence categorically points to the fact that even small steps by concerned outsiders save lives'*[19] Bigger steps, properly coordinated and executed, save lots of lives. More often than not, outside interventions have saved lives and only very rarely (e.g. the US/UN intervention in Somalia) have they made matters worse. In only a third of cases has outside intervention either had no effect in terms of saving lives or made matters worse.[20] In these cases, there is a correlation between the size, composition and legitimacy of an operation and its ability to save lives. Well-equipped operations despatched with the wholehearted support of the international community are much more likely to save lives than contentious, ill-equipped and ill-conceived operations.

Generally speaking, peace operations also make a positive contribution to building stable, democratic, peace in the medium and long-term. Enforcement operations can put an end to violence against civilians but they cannot sow the seeds of long-term peace. Consent-based operations cannot end the violence but are quite effective in enabling belligerents to build long-term, democratic, peace.[21] Properly conceived, therefore, if enforcement operations lay the foundations for a subsequent consensual operation, peace operations can make a significant contribution to building long-term stable peace.

None of this is meant to obscure the myriad problems, crises and moments of shame that accompany the history of peace operations. In the 1990s, the world was infamously weak willed as Rwanda, Bosnia, West Africa, Angola, and the DRC burned with the lives of more than five million innocent civilians. Incompetent peacekeepers made matters worse in Somalia and some physically abused their prisoners – including children. Corrupt and criminal peacekeepers have endangered and abused the very people they were sent to protect. In West Africa, Congo and Somalia, they have raped and sexually exploited women and girls and traded arms with warlords. And ineffectual peacekeepers and peacemakers have failed to resolve protracted disputes in the Middle East, Cyprus and Western Sahara and failed to make their agreements stick in Bosnia, Haiti and Darfur.

The key strategic lessons from all of this are:

1. *The global conflict environment is characterized by civil wars or instability rather than inter-state wars.* As a result, it is far more likely that ADF personnel will be deployed into situations characterized by warlordism, insurgencies, weak states, and terrorism than into traditional inter-state war-fighting situations. Indeed, every one of the ADF's current major operations (Afghanistan, Timor Leste, Solomon Islands, Iraq, Sudan) is conducted in a context of civil war or instability and there are no good reasons to assume that this trend is likely to shift in the future. Defence planning should be based on the current and future strategic reality and focus on delivering the capabilities needed to improve the ADF's capacity to operate successfully within complex civil war environments. **It is far more likely that the ADF will be deployed into civil war environments than traditional inter-state war fighting situations and defence planning should reflect this fact.**

2. *The primary targets and indirect victims of today's civil wars are innocent civilians.* Be it Darfur, Iraq, Afghanistan, Bosnia, the DRC, Rwanda, West Africa or Timor Leste, the overwhelming majority of armed attacks in conflict zones are on the civilian population. Whereas in the past, attacks on civilians were typically unfortunate by-products of war, today the principal war aims of warlords, insurgents and some weak states involves commission of mass atrocities and forced relocation of civilian populations. Given this, and the fact that ADF personnel are much more likely to be deployed into civil wars than traditional inter-state wars, **the protection of civilians should be a core priority for defence planning.**

3. *International engagement through peace operations make an important and positive contribution to international peace and security by preventing state failure and helping to build strong and responsible states.* Statistical analysis shows that when properly mandated and resourced, international peace operations are likely to have a significant and positive impact in terms of protecting civilians, ending wars and laying the groundwork for the establishment of democratic and stable peace. In addition to the obvious direct benefits that accrue to the civilian population, the fostering of strong and responsible states in vulnerable regions strengthens national and international security by reducing the likelihood of these regions succumbing to transnational criminal networks and becoming havens for terrorism. **Helping to build strong and responsible states overseas helps keep Australians secure and peace operations are an important and effective tool for accomplishing this goal.**

These strategic lessons and the Australian government's commitment to translating the Responsibility to Protect principle from words to deeds suggest that the ADF should be configured to conduct counter-insurgency and civilian protection operations. This ought to involve:

1. Supporting the development of relevant military doctrine;
2. Training and preparedness for civilian protection operations;
3. Enhanced coordination with the UN, regional arrangements, NGOs and other government agencies;
4. Supporting efforts to improve the region's capacity to deploy peace operations in a timely and decisive fashion; and
5. Evaluating the measures necessary to promote a whole-of-government approach to the prevention of deadly conflict, genocide and mass atrocities.

The remainder of this submission will focus on these five dimensions.

4.   The doctrinal challenge of protection operations

From the preceding analysis, it is clear that Australian forces are most likely to be deployed in civil war contexts in which innocent civilians are the primary targets for attack. Moreover, in light of its democratic values, the Australian community expects that ADF personnel will do whatever they can to protect civilians whose lives are threatened by warlords, insurgents, terrorists and tyrannical states once they are deployed. These expectations have only been heightened by the government's commitment to the Responsibility to Protect principle under which it has promised to take appropriate measures, on a case-by-case basis, to protect civilians from genocide, war crimes, ethnic cleansing and crimes against humanity when a state is manifestly failing to fulfill its responsibilities. The ADF has a long and proud history of effectively protecting endangered populations in Somalia, Cambodia and Rwanda but, like most other countries, it has not developed specific doctrine on the protection of civilians.

The first and foremost challenge, therefore, is to support the development of doctrine for the protection of civilians. This would provide tactical, operational and strategic guidance to soldiers and planners and lay the groundwork for strengthening and preparedness, coordination, regional cooperation and preventive measures. This submission focuses most heavily on the need for doctrine because it is the necessary precursor for other measures.

In order to cater to Australian strengths and to conduct the most effective and efficient operations, a *single* framework, which encompasses the range of non-traditional warfare operations customarily associated with 'peacekeeping', is required. However, 'peacekeeping', meaning a supervisory presence deployed in a neutral fashion with the consent of the belligerents, no longer accurately describes nor serves these operations. Instead, *protection operations* are a better description for these activities. Protection operations encompass peacebuilding, peacemaking and peace enforcement, which are distinguished by specific circumstances of deployment and a mission's Rules of Engagement ('ROE').

According to the International Commission on Intervention and State Sovereignty ('ICISS') report:

> *Military interventions for human protection purposes have different objectives than both traditional warfighting and traditional peacekeeping operations. Such interventions therefore raise a number of new, different and unique operational challenges. Because the objective of military intervention is to protect populations and not to defeat or destroy an enemy militarily, it differs from traditional warfighting. While military intervention operations require the use of as much force as is necessary, which may on occasion be a great deal, to protect the population at risk, their basic objective is always to achieve quick success with as little cost as possible in civilian lives and inflicting as little damage as possible so as to enhance recovery prospects in the post-conflict phase. In warfighting, by contrast, the neutralization of an opponent's military or industrial capabilities is often the instrument to force surrender.[22]*

The need for the development of doctrine for protection operations has long been recognised. The 2000 report of the UN's Special Panel on Peacekeeping Operations ('Brahimi Report') insisted that UN peace operations should be afforded the mandate, resources and rules of engagement necessary to '*silence a deadly source of force that is directed at United Nations troops or the people they are charged to protect'.*[23] It maintained that UN peacekeepers should be granted the means to defend both themselves and those they are charged with protecting and that the protection of civilians be a 'presumed' mandate for all UN missions. Before 2000, peace operations were largely guided by a 'culture of impartiality' that resisted the temptation to take proactive and forceful measures to protect

civilians. In the 1990s, there were fleeting and uncertain attempts to give peacekeepers a limited role in the protection of civilians. From 1992 onwards, for example, the UNPROFOR mission in Bosnia had a mandate to use force to protect the delivery of humanitarian relief and from 1993 was mandated to deter armed attacks on Bosnia's 'safe areas' (Resolution 770, 13 August 1992 and Resolution 836, 4 June 1993). Indeed, Resolution 836 authorised UNPROFOR to 'take necessary measures, including the use of force' in protecting the safe areas. However, peacekeepers were given few clear guidelines on how to protect civilians and no formal doctrine was developed.

The well-publicised failure to protect civilians from genocide in Rwanda and Srebrenica, and from warlord violence in Somalia, only seemed to confirm the belief that the UN should not be in the business of civilian protection, further delaying efforts to encourage states to develop civilian protection doctrine. Boutros-Ghali told African leaders that the 'UN mentality' was to 'maintain peace' not 'impose' it. Reflecting on the debacle in Somalia in 1993, Kofi Annan—then the Under-Secretary General with responsibility for peacekeeping—argued that the principles of impartiality and consent should trump all other considerations. In the same year, Jan Eliasson insisted that the UN should strictly adhere to the principles of neutrality and impartiality. However, the UN's own reports on the organisation's failures in Somalia, Rwanda and Srebrenica made this type of thinking increasingly untenable. The Independent Commission appointed by Annan to investigate the UN's response to the genocide in Rwanda, for example, concluded that '*the failure by the United Nations to prevent, and subsequently, to stop the Genocide in Rwanda was a failure by the United Nations system as a whole*'.[24]

This view was echoed by the UN's report on the genocide in Srebrenica. Troops operating in the UN 'safe areas' in Bosnia were not unambiguously mandated to use force to protect civilians and were chronically under-resourced. When the Security Council first began debating safe areas in 1993, the Secretariat advised that around 34,000 new troops were necessary to police them. The US, UK and France thought this estimate 'excessive' and the Security Council chose instead to authorize an extra 7,000 troops. In the event, the UK and France refused to extend their contribution to UNPROFOR and Spain, the US, Norway, Sweden, Russia and Canada all refused requests to contribute troops for the safe areas. In the end, only around 2,000 new soldiers arrived to protect the safe areas. That the safe areas policy failed so badly in 1995, resulting in the massacre of 7,600 men and boys in Srebrenica, was mainly due to an unworkable mandate and chronic under-resourcing. The subsequent UN report on the genocide in Srebrenica issued a call for the organization to take a stand by rethinking the concept of impartiality. The report found that, 'the cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means' and that the use of force was sometimes required 'to bring a halt to the planned and systematic killing and expulsion of civilians'.[25]

In response to this challenge, limited progress has been made in some areas. For instance, in 2003 the DPKO's Best Practices Unit released the *Handbook on United Nations Multidimensional Peacekeeping Operations* which referred to the fact that some peacekeeping operations 'may include the need to protect vulnerable civilian populations' with the caveat that they will be asked to do this 'only if it has the capacity'. The *Handbook* did not elaborate on how peacekeepers might go about fulfilling that role except in a brief discussion of the role of peacekeepers in providing a secure environment. It found that:

> *Military forces, as part of a UN peacekeeping operation, are often tasked with providing a secure environment to allow other aspects of the mission's mandate or peace process to be implemented. A secure environment is generally a precondition for moving ahead on several elements of peace agreements…As part of the task of providing a secure*

environment, the military component may be asked to provide a visible deterrent presence, control movement and access through checkpoints, provide armed escort for safety and to facilitate access, conduct cordon and search operations, control crowds or confiscate weapons.[26]

In December 2005, Kofi Annan called for the development of an inventory of terms and peacekeeping doctrine to address questions including the protection of vulnerable populations. Despite this impetus, however, the UN has so far failed to elaborate on the meaning of civilian protection in peace operations. In the second draft of its 'capstone peacekeeping doctrine' discussed at a March 2007 workshop in Accra (Ghana) civilian protection was mentioned in passing as one of fourteen tasks commonly given to peacekeepers. In the third draft, opened for public consultations, civilian protection was elevated to one of four 'cross-cutting responsibilities' that peacekeepers were expected to fulfill even if not specifically mandated. The draft stopped short, however, of specifying what military protection entailed or how it should be done, something repeated in the final version.[27] It is perhaps unsurprising that the UN has yet to develop clear guidelines about how peacekeepers should go about protecting civilians. Key states such as Canada, the UK, the US, the Netherlands, France and India as well as organizations like NATO have also been slow to include specific guidelines on civilian protection in their own military doctrines. Whilst military doctrine in each of these states or alliances points to civilian protection as a possible role, none singles it out or elaborates on how military force should be used to accomplish this goal. Holt and Berkman found that these forces were at different stages in the degree to which their doctrine addresses the protection of civilians. They found that NATO, for instance, has no specific section on civilian protection, but recognizes many military tasks required the protection of civilians from large-scale abuse. NATO *Peace Support Operations (PSOs)* policy comes close to addressing requirements for coercive protection in its discussion of *Protection of Humanitarian Operations*, as a role for more combat-ready forces.[28]

In relation to UK doctrine, Holt and Berkman found that the 2004 *Military Contribution to Peace Support Operations* promotes:

> *…a unified, "one doctrine" concept of peace support operations. Rather than divide PSOs into separate mission-types, it argues that all PSOs should observe the same basic principles. PSOs are defined by the desired effect they hope to achieve, namely, "to uphold international peace and security by resolving conflicts." They encompass activities across a spectrum between war and peace. In such operations, adaptability and multifunctionality are keys to success. Forces should be prepared to engage in a variety of tasks and switch quickly from "enforcement" to "stabilization" and "transition" stances.*[29]

Given the frequency with which ADF personnel are deployed into contexts of civil war or instability and expected to contribute to the protection of vulnerable civilian populations, it is clear that the development of workable doctrine for protection operations should be a priority. But what should such 'protection operations' doctrine look like? The ICISS report stated that the key doctrinal principles for UN-mandated protection operations should be as follows:

- the operation must be based on a precisely defined political objective expressed in a clear and unambiguous mandate, with matching resources and rules of engagement;
- the intervention must be politically controlled, but be conducted by a military commander with authority to command to the fullest extent possible, who disposes of adequate resources to execute his mission, and with a single chain of command which reflects unity of command and purpose;
- the aim of the protection operation is to enforce compliance with human rights and the rule of law as quickly and as comprehensively as possible, but it is not the defeat of a state; this must

properly be reflected in the application of force, with limitations on the application of force having to be accepted, together with some incrementalism and gradualism tailored to the objective to protect;

- the conduct of the operation must guarantee maximum protection of all elements of the civilian population;
- strict adherence to international humanitarian law must be ensured;
- force protection for the intervening force must never have priority over the resolve to accomplish the mission; and
- there must be maximum coordination between military and civilian authorities and organizations.[30]

In their landmark work on the topic, Holt and Berkman (2006: 37-46) identified six ways of conceptualizing the military approach to civilian protection, some of which were identified by military actors themselves and some of which were developed by humanitarian agencies. These are set out in the following table.

Table 1: Six Conceptions of Military Protection

Concept	Description	Typical Tasks
Obligation of Military Law	Militaries are obliged to protect civilians by obeying the laws of war.	- No targeting of civilians - Measures to minimize collateral damage - Grant access to humanitarian agencies where possible - Provide assistance to sick, wounded and prisoners
Indirect Protection Through Use of Force	Protection is a result of successful war waged on those who attack civilians.	- Use of force with humanitarian aim - Defeat enemy as quickly as possible
Provision of Humanitarian Space	Military force should create safe humanitarian space for agencies to work in.	- Create geographical areas that are free from armed attack. - Secure freedom of movement and access for humanitarian agencies - Maintain distinction between military and civilian actors
Assist in the Operational Design of Assistance	Peacekeepers should assist in designing assistance plans (e.g. where to locate camps, how to organize them etc.).	- Joint planning with humanitarian agencies - Planning of relief activities
Protection as Part of Peace Operation	Peacekeepers should implement specific civilian protection mandates set out by the Security Council.	- Supporting law and order - Escorting convoys - Protecting camps and safe havens - Breaking up militias - Organizing disarmament and demobilization - Intervening to protect threatened communities
Intervention to Prevent Mass Killing	The use of force to stop or prevent mass killing.	- Identify perpetrators - Use force to compel them to cease their attacks on civilians.

(Based on Holt & Berkman 2006: 37-42).

Thanks in large part to the pioneering work of researchers such as Holt and Berkman and the UN Security Council's thematic interest in the protection of civilians in armed conflict, we have a relatively comprehensive understanding of what the protection of civilians should entail in protection operations, though obviously military expertise needs to be brought to bear to identify the best ways to accomplish these tasks. In short, protection operations entail 'coercive protection' – the positioning of military forces between the civilian population and those that threaten them.[31] This can involve military measures to defeat and eliminate armed groups that threaten civilians. Since 2002, the UN's Standing Rules of Engagement for peace operations (which are not a matter of public record but are handed out to peacekeepers) have authorised the use of force 'to defend any civilian person who is in need of protection'.[32] Sometimes, coercive protection may simply involve measures short of force such as erecting military barriers around civilian populations and the gradual removal of threats through negotiated (and sometimes coerced) disarmament.[33]

In the absence of military doctrine, however, we have a much less clear understanding of how these tasks should be accomplished. The final version of the UN's capstone doctrine for peace operations (rebadged 'principles and guidelines' rather than 'doctrine') limited itself to simply observing that 'most…peacekeeping operations are now mandated by the Security Council to protect civilians under imminent threat' and noting that this task requires coordination with the UN's civilian agencies and NGOs (para. 42). This raises difficult questions about the relative importance of civilian protection and the core peacekeeping principles of consent, impartiality and minimum force. Draft UN training modules reportedly insist that these core principles do not justify inactivity in the face of atrocities but do not provide guidance on how these concerns should be reconciled.[34] For more detailed guidance as to how doctrine for protection operations should be framed, therefore, we have to make do with learning lessons from current and past missions.

Since it began its thematic consideration of the protection of civilians in 1999, the UN Security Council has periodically returned to the question of what peacekeepers should do to protect civilians. The Secretary-General's 1999 report on the protection of civilians identified a series of tasks, including:
- Discouraging the abuse of civilians
- Providing stability
- Supporting institution building in areas such as human rights and law enforcement
- Protecting humanitarian workers
- Delivering humanitarian assistance
- Maintaining the security and stability of refugee camps
- Separating combatants from non-combatants in refugee camps
- Maintaining 'safe zones' for civilians
- Arresting war criminals
- Using force to protect civilians when mandated by the Security Council[35]

In 2002, the Security Council issued an *Aide Memoire* in an annex to a presidential statement which maintained that peacekeepers should assist humanitarian agencies by providing security in IDP and refugee camps. Excerpts from the *Aide Memoire* are provided in Table 2.

Table 2: *Aide Memoire* on the Protection of Civilians Issued by the Security Council (2002) – Excerpts

Primary Objectives	Issues for Consideration
Facilitate safe and unimpeded access to vulnerable populations as the fundamental prerequisite for humanitarian assistance and protect.	• Appropriate security arrangements (e.g. role of multinational force; safe corridors; protected areas; armed escorts). • Engagement in sustained dialogue with all Parties to the armed conflict. • Facilitate the delivery of humanitarian assistance. • Safety and security of humanitarian and associated personnel. • Compliance with obligation under relevant international humanitarian, human rights law and refugee law.
Maintain the humanitarian and civilian character of camps for refugees and internally displaced persons.	• Ensure cooperation with host State in provision of security measures, including through technical assistance and training. • Provision of external and internal security for camps, including screening procedures to identify armed elements, disarmament measures, assistance from international civilian police and/or military observers. • Regional approach to massive population displacement, including appropriate security arrangements. • Location of camps at a significant distance from international borders and risk zones. • Deployment of multi-disciplinary assessment and security evaluation teams.
Address the specific needs of women for assistance and protection.	• Special measures to protect women and girls from gender based discrimination, violence, rape and other forms of sexual abuse (access to legal redress, crisis centres, shelters, counselling and other assistance programs; monitoring and reporting mechanisms). • Effective measures to disarm, demobilize, reintegrate and rehabilitate women and girl soldiers. • Mainstreaming of gender perspective, including by integration of gender advisers in peace operations. • Expand the role and contribution of women in United Nations field-based operations (among military observers, civilian police, humanitarian and human rights personnel). • Increased participation of women at all decision-making levels (organization and management of refugee and IDP camps; design and distribution of assistance; rehabilitation policies).
Ensure the safety and security of humanitarian, United Nations and associated personnel.	• Urge all parties to the conflict to respect the impartiality and neutrality of humanitarian operations. • Ensure a safe and secure environment for humanitarian personnel.

In his 2004 report, Annan pointed to the fact that, in practice, peacekeepers had begun to provide physical protection to civilians under imminent threat and argued that they should focus on protecting people in transit, upon return to their homes, and protecting women and girls from sexual and gender-

based violence.[36] The Secretary-General reiterated his focus on the physical protection of people in transit and upon return in his 2005 report, returned to his earlier advocacy of a role for peacekeepers in maintaining the civilian character of IDP and refugee camps and argued that peace operations ought to be in the business of securing the humanitarian access demanded by the Security Council. Although he steered clear of making recommendations about how peacekeepers might fulfil these tasks, Annan called on the DPKO to ensure that the protection of civilians was accounted for in the design of peace operations.

If the first step in identifying how peacekeepers should go about protecting civilians is to set out the tasks they ought to fulfil, the best place to start is a comprehensive list of tasks set out by the Stimson Centre in Washington, DC. By conducting a series of workshops with the leaders of military operations with protection of civilians mandates, Holt and Berkman identified the following core protection tasks:
- Securing safe corridors and the passage of convoys
- Establishing safe havens
- Separating armed elements (especially in relation to border control, IDP camps and roads)
- Military observation and surveillance
- Preventing mob violence and crowd control
- Disarmament, Demobilization and Reintegration (DDR)
- Coercive disarmament
- Seizing arms caches
- Demining
- Facilitating humanitarian access to conflict areas
- Securing key facilities and cultural properties
- Enforcing curfews
- Ensuring freedom of movement
- Supporting police presence and patrols
- Protecting VIPs
- Providing back-up for high risk arrests
- Eliminating special threats
- Handling detainees
- Preventing looting and pilfering
- Supporting the prosecution of human rights abuses
- Transmitting information about human rights abuses to monitoring groups
- Training local security forces
- Providing intelligence support focused on civilian protection
- Stopping hate media
- Direct use of force against killers
Source: Holt & Berkman (2006: 43)

When we come to the question of how these tasks are to be implemented, the first thing to note is that, in practice, there are three broad approaches to operationalising the protection of civilians:
- operations where protection is the *primary goal*;
- operations where it is *one component* of a multidimensional mission; and
- operations where it is, viewed broadly, part of the overall mission of peacekeepers to collaborate with relief and development efforts in their support for the safety of internally displaced persons, refugees and civilians in the local environment. In this view, military forces or peacekeepers provide the '*humanitarian space'* for activities that result in civilian protection.[37]

In practice, it is clear that peace operations are seldom able to provide protection throughout their area of operation, imposing difficult choices about how best to marshal scarce military resources.

One of the best recent examples that highlight the dilemmas involved were efforts by MONUC in eastern DRC. In 2005, MONUC adopted a much more robust posture in eastern DRC. It began a process of compulsory disarmament in Ituri province around Bunia, disarming around 15,000 combatants by June. Some groups opposed forcible disarmament and in February 2005, fighters from the Nationalist and Integrationist Front (FNI) attacked and killed nine Bangladeshi peacekeepers. In response, Nepalese, Pakistani and South African peacekeepers, supported by Indian attack helicopters, pursued the FNI, killed between 50 and 60 belligerents and neutralising their threat to civilians.[38] The Security Council further strengthened MONUC's mandate and explicitly authorised the conducting of 'cordon-and-search' operations against 'illegal armed groups' thought to the threatening the civilian population (Resolution 1592, March 2005).

MONUC's Pakistani contingent also adopted a robust civilian protection posture in South Kivu. Alongside Guatemalan special forces, the Pakistanis rooted out Hutu *Forces Démocratiques de Libération du Rwanda* (FDLR) militia who were associated with the 1994 Rwandan genocide and subsequent abuse of civilians in the DRC. In October 2005, MONUC issued a disarmament ultimatum to FDLR and when it refused to cooperate, used helicopter gunships to destroy between 13-16 camps. Although the mission succeeded in weakening the FDLR and restricting its freedom of movement it neither destroyed the militia nor forced them to disarm.[39] As well as coercing the perpetrators of attacks on the civilian population, the Pakistanis also used innovative methods to protect civilians. For example, it organised a community watch in villages in Walungu territory and taught them to bang pots and blow whistles when danger was imminent. Pakistani peacekeepers were kept on high alert in the vicinity to respond to such warnings.[40]

In addition to illuminating the way in which the use of force can physically protect civilians who are in immediate danger, the MONUC example raises important questions about the geographic scope of civilian protection. Despite MONUC's best efforts in 2005-6, comprehensive country-wide protection was difficult, if not impossible, to achieve. There is therefore a preference in many quarters for focusing protection efforts on specific geographical areas, be they 'safe havens/areas/zone' or 'safe corridors' for transit. Indeed, both the UN Secretary-General and the Stimson Centre identified the protection of specific areas as key tasks of civilian protection. It is also worth noting that even where safe areas are not consciously designated, civilians under imminent threat will tend to gravitate towards UN compounds in search of security and the area within and immediately besides those compounds are, generally, safer than other areas – even if the peacekeepers themselves are not configured for civilian protection. The basic idea behind designating safe areas is that through the concentration of force, peacekeepers can carve out secure areas in which humanitarian agencies go about their business and indigenous civil society can mobilise and prosper. Peacekeepers can protect the borders of safe areas and protect humanitarian corridors to keep open the supply of people and aid.

This model was first tried in northern Iraq where American, British, French and Dutch troops and airpower was deployed to protect camps housing some 60,000 Kurds who had fled a post-Gulf War onslaught unleashed by Saddam Hussein's Iraq. Operation 'Provide Comfort' succeeded in reducing the number of Kurds killed by Iraqi forces and disease by providing immediate physical security and facilitating the delivery of humanitarian aid that significantly reduced the death rate from disease. It also created conditions that enabled the Kurds to return safely to their homes. Although the operation certainly saved tens of thousands of lives, its impact was more limited than often acknowledged –

exposing some of the fundamental limits to the safe havens approach. The safe haven covered only one quarter of the Iraqi territory inhabited by Kurds and whilst it succeeded in preventing Iraqi incursions, did nothing to prevent Turkish incursions. The Turkish government itself estimated that by 1995 it had killed some 20,000 Kurds in its post-1991 incursions. The basic approach adopted in northern Iraq was repeated in Bosnia, with the creation of safe areas. As we described earlier, the key problem in Bosnia was that UNPROFOR peacekeepers were given neither the capability nor mandate to protect the safe areas, with devastating consequences most notably in Srebrenica but also in Gorazde and Sarajevo.

The experiences in northern Iraq and Bosnia point towards some intrinsic problems with the safe areas approach, identified recently by Ian Johnstone. First, when local expectations that peacekeepers will protect civilians go unfulfilled, this is likely to generate anger against the peace operation, reducing levels of consent and cooperation. Second, limiting protection geographically encourages population displacement as civilians move to find shelter under the protection of peacekeepers. Displaced civilians, we know, are more vulnerable than those able to cope and survive *in situ*. Moreover, displaced civilians are incapable of protecting their assets and property. Finally, protecting civilians in one area leaves them vulnerable to violence elsewhere. The corollaries to havens of peace are zones of instability, where civilians are left to fend for themselves.[41]

In practice, the military component of peace operations have to date limited their embrace of civilian protection to one of three scenarios. First, peacekeepers sometimes use force to defeat armed groups that kill and threaten the civilian population. Examples of this type of action include NATO's peace enforcement missions in Bosnia and Kosovo, the British-led action against the 'West Side Boys' militia in Sierra Leone, the use of force by MINUSTAH against criminal gangs in Port-au-Prince and MONUC's use of force against militia loyal to the renegade General Nkunda, responsible for the mass killing and rape of civilians. Second, as described earlier, peacekeepers use force and the threat of force to establish safe areas/havens/zones, as in northern Iraq and Bosnia. Sometimes, even when such areas are not self-consciously proclaimed the areas in and around peacekeeping bases and offices become de facto safe havens as civilians relocate there in search of protection. For example, when a Uruguayan MONUC battalion entered Bunia in eastern DRC in 2003, thousands of civilians sought shelter near its bases despite the fact that the battalion was neither configured nor mandated for civilian protection duties. Third, and most commonly, peace operations take on some of the tasks associated with civilian protection, such as protecting convoys and humanitarian corridors, but without making protection their core business. Sometimes, as in the case of MONUC between 2000 and 2004, the UN Secretary-General has advised against the adoption of protection as a core role, even when mandated by the Security Council, on the grounds that the mission lacked the necessary resources.

The development of doctrine for protection operations is therefore a major priority for two major reasons. First, it is a necessary response to the strategic reality that the ADF finds itself in. The overwhelming majority of the ADF's current and likely future operations involve deployment into civil wars/conditions of civil instability where the protection of civilians is a core task. Given the frequency with which the ADF undertakes protection operations, it is good strategy to develop appropriate doctrine. Second, Australia has committed to help translate the Responsibility to Protect from words to deeds and the development of 'world's best' doctrine for protection operations would constitute a major contribution to this effort. Work is already underway in various parts of the world and the basic foundations for protection doctrine are already in place. We have, for instance, a good understanding of the various models of protection and the military tasks associated with protection.

5.   Training and preparedness

In its August 2008 Report on Australia's involvement in peacekeeping operations, the Senate Committee on Foreign Affairs, Defence and Trade recommended that *'the ADF places a high priority on its undertaking to give training for peacekeeping operations "a more prominent place" in its training regime. This training should extend to reservists as well regular members of the ADF'* (Recommendation 8). We support this recommendation and urge the ADF to emphasise training for protection operations within its peacekeeping training regime.

Protection operations are a mixture of traditional military engagement and limited peacekeeping deployment. Pre-deployment training should be sensitized to this. For the safety of Australia's personnel and to improve their effectiveness, particular concern should be given to the preparation of those, such as AFP contingents, who may be operating in situations of greater insecurity than their normal operating environments.

Australia's policy, like many other countries, is that training for military engagements can be substituted for peacekeeping training but not vice versa. However, pre-deployment mission-specific training may be insufficient to address the precarious position Australian forces will have to occupy once deployed as part of a protection operation, especially as the need for rapid deployment capabilities will limit pre-deployment training opportunities. We welcome the consideration of this matter recently given by the Senate Standing Committee on Foreign Affairs, Defence and Trade in their report on Australia's involvement in peacekeeping operations.

Of course, the precise content of training for protection operations should be determined by the form of the relevant principles but it is important to note several core principles:

- Protection training should encompass all three elements of protection:
  - o Rights-based: including training on human rights, the guiding principles for IDPs, the rights of women and children, the duties set out in Security Council Resolution 1325, and other relevant rights.
  - o Needs-based: including training on the basic needs of civilians affected by war, the role of UN and government agencies and NGOs in meeting those needs, and the types of assistance that can be provided by military actors.
  - o Military: training on the theory and practice of military protection operations.
- Training should focus on building a good understanding of the complex environments into which protection operations are involved.
- Coordination and cooperation with civilian agencies and NGOs is an important aspect of protection operations and should be emphasised in training.
- Intelligence gathering, and especially building good information about how local communities protect themselves, is vital.
- Training should emphasise a 'whole of government' approach to protect and incorporate, where possible, AFP, AusAID, DFAT, Attorney-General's Office, the Department of Health and other relevant departments. We welcome and strongly support the establishment of the Asia-Pacific Centre of Excellence for Civil-Military Cooperation and believe that this Centre provides the best venue to promote and conduct whole of government training on protection operations.
- Protection training needs to be practical as well as theoretical. The ADF and AFP's IDG should collaborate to build on the strengths of both of their practical training modules.
- Training should emphasise the values of the Responsibility to Protect.

## 6.	Coordination among Australian agencies, United Nations, relevant countries and NGOs

The protection of civilians encompasses political, military and humanitarian activities and involves the local community. Yet coordination even within the Australian government or organisations such as the UN is very difficult to achieve. Individual governments, humanitarian NGOs and UN agencies are independent organisations. They have their own mandates, donors, standard operating procedures and interests. They also often have different understandings of what protection entails and are responsible to their governing bodies for implementing their own version of protection, as Table 3 demonstrates.

Table 3: Three Approaches to Civilian Protection

Label	Description	Advocates
Protection of Rights	Protection is primarily concerned with the fulfilment of human rights and maintenance of an environment that permits individuals to claim the rights owed to them by international human rights and humanitarian law.	ICRC
Humanitarian protection	Protection is primarily concerned with satisfying the basic needs for human survival	Oxfam
Military protection	Protection is primarily about preventing and limiting physical attacks on the civilian population and securing humanitarian access.	DPKO, NATO.

Indeed, even within the humanitarian sector there are a variety of different understandings of protection. For example:

ICRC*: protection encompasses those activities aimed at preventing and/or ending violations of international humanitarian law and ensuring that authorities and belligerents meet their legal obligations.*

UNHCR: *measures to ensure that people of concern to the UNHCR have equal access to and enjoyment of their rights under international (refugee) law.*

UNICEF: *protection means freedom from violence, injury or abuse, neglect, maltreatment or exploitation.*

OCHA: *activities aimed at ensuring respect for the rights of individuals in accordance with international human rights law, international humanitarian law, and refugee law.*

IRC: *activities aimed at ensuring full respect for the rights of the individual in accordance with international law.*

WFP: *programming to promote safety and dignity.*

Oxfam: *protection is understood as safety from violence, coercion and deliberate deprivation.*

Save the Children: *protection is described as freedom from violence, injury or abuse, neglect, maltreatment or exploitation.[42]*

Military forces must, of course, focus on concepts of military protection, but a holistic approach requires coordination between humanitarian agencies, political bodies and militaries. Ideally,

protection operations should provide military protection whilst facilitating the protection of rights and humanitarian protection.

The need for improved coordination between military and civilian actors in protection operations has long been recognised, but is highly complex. Militaries are government agencies with political, not humanitarian, mandates. They have immense logistical and technical resources compared to humanitarian agencies and are the only actors capable of *physically* protecting civilians from attack. However, both NGOs and UN agencies are wary of cooperating too closely with military forces, lest they be co-opted into the military's strategy and undermine their own impartiality and neutrality. Even the appearance of co-option impairs their impartiality and neutrality and makes civilian agencies vulnerable to attack. These concerns were not helped when US Secretary of State Colin Powell described humanitarian agencies as 'force multipliers' in the war against terrorism in Afghanistan. Finally, the civilian components of peace operations typically have much less capacity than the military. As a result, missions with civilian protection mandates often do not have the capacity to properly implement the civilian (diplomatic, legal, institutional, human rights, educational) elements.[43] Improving civilian capacity is therefore a necessary precursor to more effective coordination.

Even within the UN there are 'sharp divisions' between humanitarian and political agencies. Many senior humanitarian officials believe that their job should not involve political engagement on protection issues. Several officials told a major study on the issue that it was not their job to raise protection issues with host governments either publicly or privately.[44] In the rare cases where the UN's senior in-country humanitarian coordinator puts political pressure on host governments to live up to their protection obligations, they often find a lack of political support from UN headquarters. This lack of political support creates a powerful disincentive which only reinforces the view that the UN's humanitarian officers should not be in the business of protection if it involves (as it does) political activism. In the most notorious case, the UN's senior humanitarian official in Sudan, Jan Pronk, was expelled by the government for his criticism of the killing and forced displacement of civilians in Darfur. Rather than support Pronk, the UN headquarters accepted the expulsion, appointed a new official and chose not to reassign him.

Political heads of mission – the Special Representatives of the Secretary-General – have also been reluctant to lead on protection. Typically, their primary mandate involves managing the political process and implementation of peace agreements. Governments often react badly to criticism about their record on civilian protection and therefore Special Representatives often avoid taking up protection issues.

These divisions run through peace operations as well, ensuring that coordination of UN activities is somewhat haphazard. The UN's solution to this problem was the so-called 'collaborative approach', set out by the Secretary-General in 1997. Rather than designating lead agencies, the collaborative approach makes protection incumbent on all UN agencies. In other words, the problems outlined above should not occur because protection of civilians should be a mainstream part of the work done by all the UN's humanitarian and political officials. The problem with the collaborative approach, however, was pointed out by US Ambassador to the UN, Richard Holbrooke in 2000 when he argued that making everybody a leader on civilian protection had the effect of ensuring that nobody was leading.[45] Agencies could pick and choose the crises that they would respond to with a civilian protection programme and the extent of their involvement. As a result, for example, the delivery of humanitarian relief and protection to internally displaced people at the outset of the crisis in Darfur was delayed and hampered by UNHCR's initial decision not to take the lead there, forcing less well-placed agencies (such as UNICEF) to lead in the crucial first year of the crisis.

There are many proposals under consideration for addressing these problems within the UN. Some are reasonably modest. Bagshaw and Paul, for example, argue that humanitarian officials should be given clear protection mandates and that the Secretary-General should explain to governments that UN officials are required to raise protection issues with them and have the support of the UN's leadership when they do so. A somewhat more ambitious programme, currently being trialled in several countries is the development of the 'one UN' concept – the idea that all the UN's activities in a given country should fall under a common umbrella, giving them coherence and credibility. Although in its infancy, 'one UN' has already run into difficulties because large agencies and programmes such as UNDP, UNHCR and the WHO are reluctant to cede independence. What is more, several of these agencies – especially the UNDP – insist that their work ought to be non-political and reject the encroachment of politics implied by 'one UN'. As such, the concept is evolving into the idea that UN agencies will share common office facilities and attend meetings but will not coordinate much beyond that.

These considerations are made more complex by the presence of peacekeepers in a given country. Military peacekeepers have the capacity to render assistance to humanitarian agencies but when large peace operations are deployed, the UN's civilian agencies sometimes worry that their work will be marginalised or associated with the work of the military peacekeepers. The question of how to coordinate civilian and military activities without obscuring the distinctions that civilian agencies believe to be necessary is crucial and there are several broad models, set out in the box below.

Models for Civil-Military Cooperation in the Protection of Civilians

OCHA: 1994 Oslo Guidelines
- *Complementarity*: the military only acts in areas where civilian capacity is lacking
- *Civil control*: military capacities must be under civilian control
- *Costs*: the military should provide capacities to civilian agencies free of charge

ICRC: 2001 Guidelines for Civil-Military Cooperation
- The ICRC is not involved in conflict resolution
- Humanitarian activities must not be subordinated to military objectives
- Task of armed forces is limited to security and conflict resolution
- ICRC must maintain its independence whilst coordinating at all levels with armed forces

Overseas Development Institute: 2002 Criteria for Civil-Military Relations
- Cooperation must be led from a humanitarian perspective – all actors should commit to humanitarian principles
- Military activities should be evaluated separately from civilian activities
- Actors should avoid labelling political or military objectives as humanitarian

SCHR: 2004 Humanitarian-Military Relations in the Provision of Humanitarian Assistance
- Only in exceptional circumstances, and very rarely is it appropriate for the military to directly implement humanitarian activities, for which there must be specific criteria.
- Humanitarian agencies will only use military armed protection as a last resort in extreme circumstances.
- Only certain types of information can and should be shared between humanitarian agencies and the military.
- Humanitarian agency engagement with a military force depends upon its status and mandate (the position paper sets out a matrix of engagement)

Main source: Verband Entwicklungspolitik Deutscher Nichtregierungs-Organisationen (VENRO), *Armed Forces as Humanitarian Aid Workers? Scope and Limits of Cooperation Between Aid Organisations and Armed Forces in Humanitarian Aid* (Berlin: VENRO Position Paper, May 2003), pp. 16-17.

Clearly, whilst the importance of cooperation and coordination is widely recognised, more work is needed to develop guidelines specific to protection operations. The Asia-Pacific Centre of Excellence for Civil-Military Cooperation is ideally placed to develop and advance this work. Work should perhaps focus on cooperation between the ADF, AFP and Australian government agencies in the first instance, expanding to incorporate relevant NGOs and ACFID. Once basic protocols and guidelines have been established this work could be expanded to incorporate multinational operations and contribute to improving the UN's capacity in this area.

7.   Supporting the development of regional capacity for protection operations

It is widely recognized that regional and sub-regional arrangements have important roles to play in improving the world's capacity to protect populations from genocide and mass atrocities and build strong and responsible states. As Table 4 shows, a wide variety of regional arrangements have been utilized for protection related purposes since 1990.

Table 4: Examples of Peace Operations Conducted by Regional Organizations Since 1990

Organization	Peace Operations
African Union	Burundi (2003-04), Sudan (2004-present); the Comoros (2006, 2008), Somalia (2007-present)
Commonwealth of Independent States	Abkhazia, Georgia (1994-present), Tajikistan (1993-2003)
Economic and Monetary Community of Central African States	Central African Republic (2002-present)
Economic Community of West African States	Liberia (1990-99, 2003), Côte d'Ivoire (2002-03), Guinea Bissau (1998-99), Sierra Leone (1997-2000)
European Community/Union	Macedonia (2003-05), Bosnia (2004-present), DRC (2003, 2006), Kosovo (2008)
Intergovernmental Authority on Development	Somalia (2005) [authorized but never deployed]
North Atlantic Treaty Organization	Bosnia and Herzegovina (1995-2003), Kosovo (1999-present), Macedonia (1999-2003), Afghanistan (2003-present)
Pacific Islands Forum	Solomon Islands (2003-present)
Southern African Development Community	Lesotho (1998-99), DRC (1998-2002)

Source: Bellamy & Williams, Understanding Peacekeeping, 2nd edition.

Although the use of regional arrangements is not without its problems, Bellamy and Williams have identified five principal strengths that such arrangements can bring:

> *First*, in some conflicts, regional organizations can provide greater legitimacy and sensitivity borne of a greater working knowledge of the relevant circumstances. This local knowledge has helped regional organizations enjoy some success in providing diplomatic windows of opportunity to respective warring parties through the use of their 'good offices'.

Second, their geographical proximity allows regional actors to deploy and supply troops relatively quickly. In 2006, Australia deployed peacekeepers and police officers to Timor Leste within 48 hours of conflict erupting.

Third, in some instances parties to a conflict may prefer the involvement of regional actors rather than the UN or other external bodies; hence the frequent calls for 'Arab,' 'African,' or 'Asian,' solutions to regional problems.

Fourth, the region's proximity to the crisis in question means that its members have to live with the consequences of unresolved conflicts. As a result, regional arrangements are unable to disentangle themselves from an issue and hence may be more likely to sustain engagement over the long-term.

Finally, regional operations may be the only realistic option in conflicts where the UN has declined to intervene. In this sense, regional arrangements can help fill some of the gaps in international conflict management left by the UN Security Council's selective approach.

Key problems include the temptation to use regional arrangements as a second best option in cases where the Security Council lacks the will to act even when those arrangements lack the necessary capacity (i.e. AU in Burundi and Darfur) and the temptation for regional great powers to cloak hegemonic interference in the affairs of their neighbours in the legitimising guise of 'peacekeeping' (i.e. Russian 'peacekeeping' through the CIS in Abkhazia and South Ossetia). These concerns notwithstanding, it is clear that by working in partnership with the UN, regional arrangements can help the capacity needed to protect civilians in peril and help build strong and responsible states. However, as **Table 4** makes clear, the Asia-Pacific region lacks the regional infrastructure necessary to mandate, train, manage and support regional protection operations. ASEAN's contribution to the peace operations in Timor Leste was orchestrated by its individual members and whilst the Pacific Islands Forum provided the mandate for the multinational operation in the Solomon Islands, the Australian government effectively orchestrated the mission. The need to close this gap and foster regional capacity for protection operations should be a core priority for Australia's defence policy. The development of such capacity would foster regional cooperation and help work towards the Prime Minister's vision of a regional 'security community' and make the region better able to prevent humanitarian and political crises and support and foster strong and responsible states.

The process of building regional protection capacity can be fostered in two ways:

1. Building consensus through dialogue

The first step is to build and deepen regional consensus on R2P principle. In order for the R2P principle to contribute to the strengthening of regional security, it is imperative that the region establish a consensus on the principle's scope and meaning. Productive dialogue is often best fostered through what has become known as Track 1½, which comprises government officials often working in a private capacity and civil society groups. This track is most suitable because it affords the opportunity for the frank and open exchange of views whilst maintaining a link to national governments. There are a number of activities that the Australian government could support in order to encourage dialogue about the R2P and the Asia-Pacific Centre for the Responsibility to Protect, which is based in Brisbane and has offices and partners throughout the region, provides an ideal conduit.

- *Host a major regional conference to begin a process of dialogue on the scope and meaning of the R2P and the steps required to translate the principle from words into deeds.* In addition to

embedding consensus about the meaning and scope of the R2P, the conference could be used as a catalyst for opening dialogue on its operationalization, in areas such as: preventive diplomacy, building state capacity, international law, the role of regional organizations and processes, the role of civil society organizations, the prevention of genocide and mass atrocities, peacebuilding, and regional peacekeeping capacity. The conference could establish a work plan, identifying areas of consensus and areas where further work is required, and follow-up mechanisms.

- *Encourage and support on-going dialogue about the R2P.* There are two different levels through which dialogue might be promoted. First, the promotion of dialogue within individual countries is an important precursor to regional dialogue and consensus. Australia could support initiatives that aim to foster research and dialogue within important neighbouring countries. Second, dialogue is fostered by supporting Track II initiatives (such as that proposed immediately above) that aim to build consensus about elements of the operationalization of the R2P, for example the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, peacekeeping and peacebuilding.

2. *Contribute to the region's capacity to deploy peacekeepers and protection operations in a preventive manner by encouraging regional cooperation in the field.*

Australia is well-placed to make a positive contribution to the region's potential capacity to deploy peacekeepers and has already established a good track record in this area. The Asia-Pacific Centre of Excellence for Civil-Military Cooperation and the Asia-Pacific Centre for Military Law provide an excellent venue for developing joint training programs and planning exercises. This should be widened to include joint programs in the field of policing, developing the role that the AFP's International Deployment Group has already established in this area.

Once these initiatives have been developed, further pathways for strengthening the region's capacity to deploy protection operations include:

- **A regional agreement.** The potential benefits of a standing agreement on coordinated engagement are great, especially regarding regional protection issues. A standing agreement could help deployments, such as the deployments to East Timor, even more effective, especially when a rapid response is critical. The same General Assembly Outcome Document that adopted the R2P doctrine, also dealt with regional forces in saying:

  "93. Recognizing the important contributions to peace and security by regional organizations… and the importance of forging predictable partnerships and arrangements… we: support the efforts of… regional entities to develop capacities such as for rapid deployment, standby and bridging arrangements."[46]

  The Brahimi report also notes the emerging importance of regional security forces:

  "Member States should be encouraged, where appropriate, to enter into partnerships with one another, within the context of the United Nations Standby Arrangements System (UNSAS), to form several coherent brigade-size forces, with necessary enabling forces, ready for effective deployment within 30 days of the adoption of a Security Council resolution establishing a traditional peacekeeping operation and within 90 days for complex peacekeeping operations."[47]

- **An Asian Association of Peacekeeping Training Centres.** Whilst the idea of creating an Asia-Pacific Peacekeeping Training Centre is thought premature, a useful starting point would be the formalisation of links between Peacekeeping Training Centres in the Asia-Pacific Centre. This could be used to share information on training, research, pre-deployment briefings, best practice and lessons learned as well dialogue on curricula. The Association could also develop multinational curricula and foster deeper cooperation. Moreover, the Association would allow the Asia-Pacific region to speak with one voice in the International Association of Peacekeeping Training Centres. In the long-term, the Association could lay the groundwork for the establishment of an Asia-Pacific Peacekeeping Training Centre. Australia has a number of training institutions that could make a positive contribution. Also, it is worth noting that Japan recently established a peacebuilding training centre in Hiroshima.

- **A designated ARF consultative body for peace operations.** The ARF needs to establish a process for translating recommendations from bodies such as CSCAP and ASEAN-ISIS into actionable policy in relation to improving the region's capacity to deploy timely and decisive protection operations.

8.   Strengthening the focus on prevention

Prevention is the single most important element of the R2P, and of effective protection operations, and yet it is the weakest part of current peacekeeping practice.[48] Both the economic and political viability of a protection activity, as well as its ultimate purpose to save lives, are far more likely to succeed if early response is engaged. The Carnegie Commission on Preventing Deadly Conflict noted that of the $200 billion spent on conflict management in seven major interventions in the 1990s, $130 billion could have been saved had more effective preventative measures been taken.[49]

Though traditionally a non-engagement phase of humanitarian operations, experience shows that in a number of cases prevention should be accompanied by the presence of deterrence and authority. Should prevention fail, deployed forces must be ready, mandated and equipped in such a way that they can easily be redesignated as part of an intervention force.

The deployment of UNPREDEP in Macedonia from 1992-1999 is a rare example of an effective preventative force deployment. It is the only time the Security Council has deployed a peacekeeping operation with an explicitly preventative Chapter VII mandate, and it is argued that the simple act of international interest shown by the deployment was enough to have a stabilizing influence on the situation.

As its rapid response to emerging crises in Timor Leste and the Solomon Islands shows, Australia has a well developed early warning system and it is imperative that the Defence Intelligence Organization be properly supported and encouraged to provide early warning of impending crises on a global basis. However, more thinking needs to be done about how Australia might improve its capacity to prevent crises emerging in the first place and work with relevant regional arrangements and the UN to translate early warning into timely and decisive engagement.

9.   Conclusion

As a leading proponent of the R2P, Australia has the potential to play a key role in the development of all aspects of R2P, including the very sensitive military aspects relating to appropriate civilian protection.
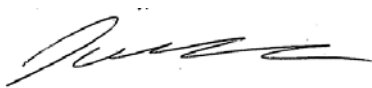
As mentioned, the Senate Standing Committee on Foreign Affairs, Defence and Trade recently stated that '*Australia's role now is to help ensure that the* [R2P] *doctrine extends beyond lofty rhetoric to action where required.*' This Defence White Paper is an important opportunity in doing so. If R2P can be effectively operationalised in all its elements, then the security threats facing Australia and others will be greatly diminished. By working with others in developing the appropriate scope and doctrine for R2P, Australia has the opportunity to make a vital contribution.

As set out in this submission, the five critically important areas that require development are:

1.   Most importantly – the ADF should prioritise the development of doctrine for 'protection operations'

2.   Protection operations should be fully incorporated into training and preparedness

3.   The importance of civil-military coordination should be emphasised and establishment of the Asia-Pacific Centre of Excellence applauded

4.   Australia should encourage the development of regional capacity for protection

5.   The primacy of prevention should be emphasised

We look forward to the possibility of working with the ADF on these matters.

Thank you for the opportunity to provide this submission.

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1 October 2008

Appendix 1: **Patrons and advisory board of the** *Asia-Pacific Centre for the Responsibility to Protect*

Asia-Pacific Centre for the
Responsibility to Protect

Patrons

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Former Foreign Minister of Canada

John Dauth
High Commissioner of Australia in New
Zealand

Gareth Evans
President of the International Crisis Group

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Pacific Islands Forum (rep. tbc.)	K. S. Balakrishnan

The views expressed in this Submission reflect those of the Centre and not its Patrons or International Advisory Board members.

Appendix 2: List of Acronyms

ACFID – Australian Council for International Development
ADF – Australian Defence Force
AFP – Australian Federal Police
ARF – ASEAN Regional Forum
ASEAN – Association of South-East Asian Nations
ASEAN-ISIS – ASEAN Institutes for Strategic and International Studies
AU – African Union
CIS – Commonwealth of Independent States
CSCAP – Council on Security and Cooperation in the Asia-Pacific
CWS – Christian World Service
DDR – Disarmament, Demobilisation and Reintegration
DFAT – Department of Foreign Affairs and Trade (Australia)
DPKO – Department of Peacekeeping Operations (UN)
DRC – Democratic Republic of Congo
ECOWAS - Economic Community of West African States
EU – European Union
FDLR - *Forces Démocratiques de Libération du Rwanda* (DRC)
FNI - Nationalist and Integrationist Front (DRC)
ICISS - International Commission on Intervention and State Sovereignty
ICRC – International Committee of the Red Cross/Crescent
IDP – Internally Displaced Person
MINUSTAH – United Nations Mission in Haiti
MONUC – United Nations Mission in the DRC
NATO – North Atlantic Treaty Organisation
NGO- Non-Governmental Organisation
OCHA – Office for the Coordination of Humanitarian Affairs (UN)
OSCE – Organization for Security and Cooperation in Europe
PSO – Peace Support Operation
R2P – Responsibility to Protect
ROE – Rules of Engagement
SCHR – Steering Committee on Humanitarian Response
SIPRI – Stockholm International Peace Research Institute
UN – United Nations
UNAMSIL - UN Assistance Mission in Sierra Leone
UNDP – United Nations Development Programme
UNHCR – United Nations High Commissioner for Refugees (Office of)
UNICEF – United Nations Children's Fund
UNPREDEP - United Nations Preventive Deployment Force (Macedonia)
UNPROFOR – United Nations Protection Force (former Yugoslavia)
WCC – World Council of Churches
WFP – World Food Programme (UN)
WHO – World Health Organisation (UN)

Appendix 3: References

[1] Senate Standing Committee on Foreign Affairs, Defence and Trade, 'Australia's involvement in peacekeeping operations', August 2008, p. 65, http://www.aph.gov.au/Senate/Committee/fadt_ctte/peacekeeping/report/index.htm.

[2] Ibid, p66.

[3] SCHR *Position Paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance*, 2004, www.act-intl.org/resources/manual/SCHRpositionpaper.doc.

[4] S. Smith, 'A New Era of Engagement with the World' speech to the Sydney Institute on 19 August 2008, http://www.foreignminister.gov.au/speeches/2008/080819_si.html

[5] Department of Defence, *Defence 2000: Our Future Defence Force 'White Paper',* Canberra: Commonwealth of Australia, 2000, p8.

[6] Department of Defence, 2000: p10.

[7] As seen in Rwanda.

[8] United Nations Security Council, *The Brahimi Report*, A/55/305-S/2000/809. p4.

[9] As seen in Bosnia.

[10] As seen in Bosnia, Sierra Leone, the DRC, Angola and elsewhere.

[11] Virginia Holt and Tobias Berkman, *The Impossible Mandate: Military Preparedness, the Responsibility to Protect and Modern Peace Operations,* Washington, D.C.: Henry L. Stimson Center, 2006, p87.

[12] Gareth Evans, *Operationalising R2P in Coercive Peace Operations*, September 2008, http://www.crisisgroup.org/home/index.cfm?id=5658&l=1

[13] Virginia Page Fortna, 'Inside and Out: Peacekeeping and the Duration of Peace after Civil and Interstate Wars', *International Studies Review*, 5 (4), 2003 p. 113.

[14] William J. Durch with Tobias C. Berkman, 'Restoring and Maintaining Peace: What we Know for Far', in W. J. Durch (ed.), *Twenty-First Century Peace Operations* (Washington, DC: United States Institute of Peace and The Henry L. Stimson Center, 2006), p. 1.

[15] Virginia Page Fortna, 'Inside and Out: Peacekeeping and the Duration of Peace'; .Virginia Page Fortna, 'Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War', *International Studies Quarterly*, 48 (2), 2004, pp. 269-292; J. M. Greig and P. F. Diehl, 'The Peacekeeping-Peacemaking Dilemma', *International Studies Quarterly*, 49 (4), 2005 pp. 621-645.

[16] Fortna, 'Does Peacekeeping Keep Peace?', p. 283

[17] P. Collier, V. Elliott, H. Håvard, A. Hoeffler, A. Reynal-Querol and N. Sambanis, *Breaking the Conflict Trap: Civil War and Development Policy* (Oxford: Oxford University Press for the World Bank, 2003).

[18] M. Krain, 'International Intervention and the Severity of Genocides and Politicides', *International Studies Quarterly*, 49 (2), 2005, pp. 363-387.

[19] Samantha Power, 'Raising the Cost of Genocide', *Dissent*, 49, 2002 p. 73.

[20] Taylor Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure* (Oxford: Oxford University Press for SIPRI, 2007), p. 270.

[21] Michael W. Doyle and Nicholas Sambanis, 'International Peacebuilding: A Theoretical and Quantitative Analysis', *American Political Science Review*, 94 (4), 2000, p. 795.

[22] International Commission on Intervention and State Sovereignty*, The Responsibility to Protect,* Ottawa: International Development Research Centre, 2001, p57.

[23] United Nations, *Report of the Panel on United Nations Peace Operations* (A/55/305-S/2000/809), 21 August 2000, para. 49.

[24] Quoted in Alex J. Bellamy and Paul D. Williams, *Understanding Peacekeeping*, 2nd edition (Cambridge: Polity, 2009).

[25] *Report of the Secretary-General Pursuant to General Assembly Resolution 53/55: The Fall of Srebrenica, A/54/549*, 15 November 1999, para. 499.

[26] DPKO Best Practices Unit, *Handbook on United Nations Multidimensional Peacekeeping Operations,* 2003, p. 60.

[27] For a discussion see Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity, 2009), chapter 5.

[28] Holt & Berkman 2006: 126.

[29] Holt & Berkman 2006: 117.

[30] International Commission on Intervention and State Sovereignty, op cit, p 67.

[31] Thomas G. Weiss, 'The Humanitarian Impulse', D. M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), p. 48

[32] Cited in D. S. Blocq, 'The Fog of UN Peacekeeping: Ethical Issues Regarding the Use of Force to Protect Civilians in UN Operations', *Journal of Military Ethics*, 5(3), 2006, p. 205.

[33] Holt & Berkman 2006: 52.

[34] Holt & Berkman 2006: 190.

[35] *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, S/1999/957, 8 September 1999, para. 57.

[36] *Report of the Secretary-General on the Protection of Civilians in Armed Conflict,* S/2004/431, 28 May 2004, paras. 25-9.

[37] Virginia K. Holt, *The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection* (Washington, DC: Henry L. Stimson Centre, 2005), pp. 17-18.

[38] Holt & Berkman 2006: 165.

[39] Holt & Berkman 2006: 166-7.

[40] Holt & Berkman 2006: 166.

[41] Ian Johnstone, 'Dilemmas of Robust Peace Operations', in *Annual Review of Global Peace Operations 2006* (Boulder: Lynne Rienner, 2006), p. 7.

[42] Paraphrased from S. O'Callaghan and S. Pantuliano, *Protective Action: Incorporating Civilian Protection in Humanitarian Response*, Overseas Development Institute, Humanitarian Policy Group, Report No. 26, December 2007, p. 13.

[43] E. Golberg, 'Operationalising the Protection of Civilians', in B. G. Ramcharan (ed.), *Human Rights Protection in the Field*, special issue of *International Studies in Human Rights*, 87, 2006, p. 75.

[44] S. Bagshaw and D. Paul, Protect or Neglect? Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons (New York: Brookings/SAIS and OCHA, 2004)

[45] Richard C. Holbrooke, 'Statement by Ambassador Richard C. Holbrooke, United States Permanent Representative to the United Nations', Cardozo Law School, New York, 28 March 2000.

[46] United Nations General Assembly, *2005 World Summit Outcome*, A/RES/60/1. para93.

[47] *The Brahimi Report* , op cit, at 9(a).

[48] See for instance Breau S., "The Impact of the Responsibility to Protect on Peacekeeping." *Journal of Conflict & Security Law* 11, 2007, p431.

[49] *Carnegie Commission on Preventing Deadly Conflict*, extracted in Note 22 at p20.