



Protection Approaches

Preventing While Protecting: The UK's Protection of Civilians Strategy in review

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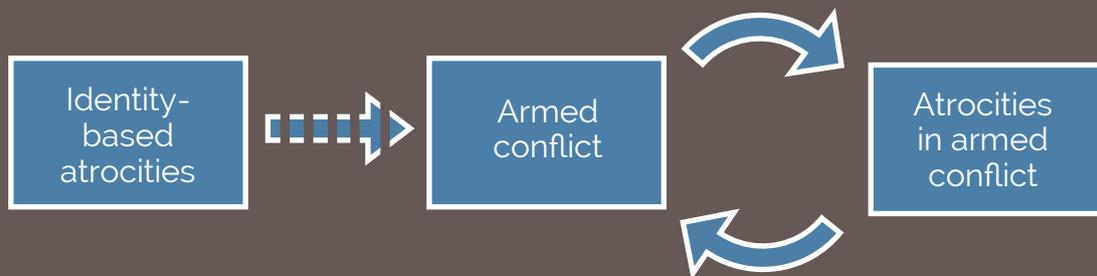
2019 marks the 20th anniversary of the Protection of Civilians agenda at the United Nations and the 70th anniversary of the Geneva Conventions. The current ongoing review by Her Majesty's Government of the UK's Protection of Civilians strategy provides a welcome opportunity to ensure that British policy is fit for the challenges of modern conflict and to narrow any gaps that may have been created by progress made in other areas since the previous strategy was published in 2010 and last reviewed in 2012¹.

A new strategy would also help to bring together the Government's vital work on atrocity prevention as well as conflict prevention. The integration of prevention into an updated national strategy on the Protection of Civilians does not require a radical departure from existing UK policy, but would instead be in keeping with and improve implementation of British commitments across a number of inter-related priority areas.

This information note sets out the relationship between the related but distinct agendas of atrocity prevention and civilian protection. While acknowledging that both the Protection of Civilians in Armed Conflict and the Responsibility to Protect exist as specifically articulated multilateral concepts, rooted in the frameworks and practices of the United Nations, this short paper considers how States, namely the United Kingdom, can more effectively harmonise national frameworks of civilian protection and atrocity prevention. It ends with a series of recommendations.

Identity-based atrocities and the wider crisis facing contemporary civilian protection

It is widely recognised that situations of armed conflict are often a precursor to or enabling condition for the occurrence of mass atrocity crimes. As such, atrocity prevention is often seen to follow on from protection of civilians concerns. However, such analysis fails to recognise that cause and effect is frequently reversed and so-called ‘peacetime’ atrocities can themselves lead to the outbreak of armed conflict. The eight year crisis in Syria, for example, was propelled by the deliberate perpetration of atrocities by the State, leading to protracted armed conflict and an ongoing cycle of intentional violence against civilian groups by different perpetrators. Of today’s major and emerging crises, the vast majority – Syria, Yemen, Libya, Myanmar, Sudan, DRC, Cameroon, Venezuela, Xinjiang – are driven, at least in part, by the deliberate violent targeting of civilian groups by political elites. Likewise, the majority of today’s refugees are civilians fleeing the threat or consequences of mass atrocities, rather than armed conflict *per se*. However, the prevention of – and protection from – mass atrocities, remains almost wholly absent from the UK’s national framework of civilian protection.



Threats to civilians are worsening and becoming more complex. Contemporary armed conflict is witnessing the persistent and widespread violation of rights, and rising perpetration of and impunity for atrocity crimes. The character of armed conflict today sees an increased blurring of the distinctions between adversaries and the way they use force to achieve political goals. As many armed conflicts become increasingly urbanised and protracted, the risk to civilians and civilian infrastructure continues to increase.

But the deliberate violent targeting of civilian groups—whether in whole or in part, for their destruction or removal—takes place during times of war and so-called times of peace. Far from being a consequence of war, identity-based atrocities are a major cause of violence escalation themselves.

The recent rise in deliberate targeting of identity groups and populations, including the perpetration of mass atrocities, has exposed the limits of current approaches to the protection of civilians and conflict prevention. However, the deliberate, systematic, and mass destruction or exclusion of identity groups – according to race, religion, culture, politics, gender, sexuality, disability, or any other real or perceived markers of difference – has been a driver of violence and armed conflict for as long as war itself has been recorded.² The difference is that modern mass violence now commonly includes a lethality traditionally associated with state conflict, the unpredictability of irregular warfare, the proliferation of non-state, state-proxy, and terrorist combatants, as well as the prevalence of organised criminal networks.

Preventing while Protecting: How atrocity prevention can strengthen civilian protection

The increased expectations on and of the international community – and the member states of the United Nations – have irrevocably reshaped global responsibilities to help prevent and protect vulnerable groups from identity-based mass violence, including mass atrocities. Yet, despite these clear normative shifts since Rwanda and Bosnia, national frameworks of civilian protection have so far failed to keep pace with the sincere commitments made at the multilateral level.

More recently, a growing emphasis on prevention across the UN system is both refocusing attention on earlier ‘upstream’ opportunities to protect, while simultaneously moving towards the cross-cutting integration of prevention across hitherto siloed agendas. The recent Pathways for Peace report calls for a “comprehensive shift toward preventing violence and sustaining peace” and “presents national and international actors an agenda for action to ensure that attention, efforts, and resources are focused on prevention”.³

It is logical that states should follow suit and develop cross-cutting prevention methods of their own: prevention is a matter of both national security and national interest for all States, and therefore requires state-level as well as multilateral commitment.⁴ Thus UN Secretary General Antonio Guterres has called for member states to develop national mechanisms on atrocity prevention and across existing policy processes.⁵ Likewise, the Secretary General underlined in his 2017 Protection of Civilians report “that the most effective way to protect civilians is to prevent the outbreak, escalation, continuation and recurrence of armed conflict”.⁶

Two frameworks of protection: POC & R2P

Two distinct international protection principles aim to protect vulnerable populations from mass violence; the Responsibility to Protect (R2P) and the Protection of Civilians (POC) in Armed Conflict.⁷ While these principles are distinct, they must at times necessarily overlap. Yet conceptual, institutional, and operational confusion or contestation of this overlap, and specifically failure to properly integrate the protection from and prevention of mass atrocities into national POC policy framework hinders effective civilian protection.

While both POC and R2P originated in the United Nations as specific commitments made at the multilateral level, the effective protection of civilians during armed conflict and from atrocity crimes require joined up effort encompassing the local, national, and international. The definitions and understanding of what these two related concepts mean will necessarily vary accordingly. National protection of civilians frameworks tend to adopt a broader scope than the UN definition of both POC and R2P, which only applies to the protection from and prevention of the four mass atrocity crimes of genocide, ethnic cleansing, crimes against humanity and war crimes. However, many national POC frameworks—including the 2010 UK Strategy—only assume a remit of armed conflict, and so can inadvertently exclude contexts where civilians are being deliberately targeted outside of armed conflict.⁸

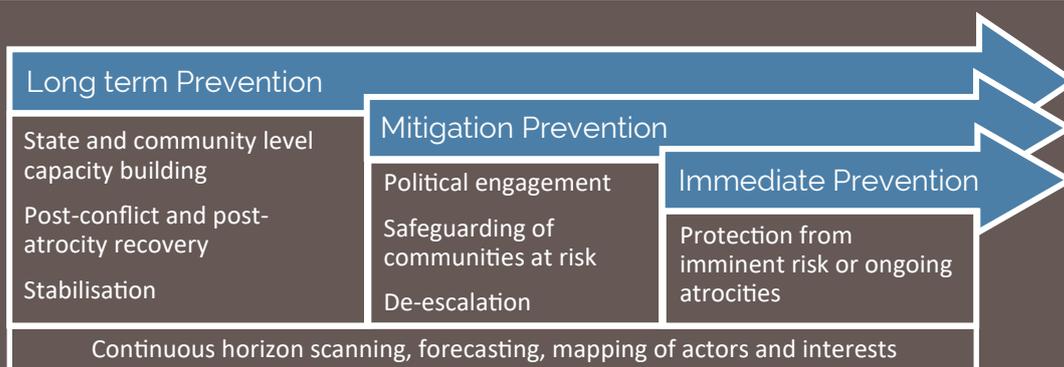
The crises facing civilian protection and the rising risks of identity-based mass violence around the world make plain that no POC strategy capable of meeting the dual challenges of growing threat and increased expectations should fail to integrate atrocity prevention. It is well documented that traditional conflict prevention frameworks do not adequately encompass atrocity prevention, and that the diverging and at times competing aims of the two agendas instead require distinct albeit coordinated responses.⁹

The concept of ‘Preventing while Protecting’

Introducing the concept of ‘preventing while protecting’ into national frameworks of civilian protection would help narrow existing gaps between rhetorical commitments and implementation and raise ambitions from what is too frequently considered a base level of not targeting civilians. Viewing issues from the perspective of atrocity prevention ensures that focus in decision making is on how to best mitigate or prevent violence and to best protect populations.¹⁰ Thus, an atrocity prevention approach to civilian protection ensures that all relevant actors—whether international peacekeepers, national military personnel, or civilian partners—assess ‘whether a situation features violent criminality, armed conflict affecting only combatants, violence targeting a civilian population, or precursors for atrocities, as well as whether civilians still face the risk of such crimes in the absence of open armed conflict’.¹¹ In practical terms, this would mean bolstering existing analytical processes to ensure actors are aware of the risks and opportunities most likely to be missed by current assessments, which tend to be predicated on the assumption that civilian deaths are usually the unfortunate by-product of armed conflict.

Any modern POC framework should prioritise the capacity to assess emerging and long-term risks of atrocities including horizon scanning, mapping of actors and interests, and contingency planning. Such analysis would at the very least assist POC actors in ‘doing no harm’ and inadvertently increasing the likelihood of atrocities. In some circumstances, such capabilities would greatly enhance relevant actors’ capacity to interrupt or de-escalate risk. For example, patterns of atrocities often begin with ‘trial massacres’ to “test the waters of international response”.¹² These ‘trials’ can occur before armed violence begins, in the midst of armed conflict, during the last phases of armed conflict, or in times of so-called peace. If actors - military, diplomatic, or civil society - are not trained to recognise such warning signs, opportunities to prevent will more likely be missed.

Failure to sufficiently predict, prevent, or respond to atrocities during POC activities ultimately damages the legitimacy of the agenda in the eyes of the public in states where such actions are being carried out, and among the public in states carrying out such actions. Failure, for example, to properly integrate a preventative component into the Libya campaign damaged the perceived legitimacy of both protection principles and the wider rules-based system, in addition to undermining the mission’s R2P and POC objectives.



Key principles:

- Atrocity prevention and the protection of civilians are distinct but mutually reinforcing agendas requiring distinct but overlapping policy frameworks
- Integrating the protection from and prevention of atrocities into national POC frameworks enhance both POC and national contributions to R2P
- POC frameworks should include explicit commitment and capacity to ‘preventing while protecting’

Preventing while Protecting in practice: a case study

Rukban camp, Southern Syria

Rukban is a camp of tens of thousands of displaced Syrians who have fled violence elsewhere in the country but have been prevented from crossing over the nearby border into Jordan. The camp lies next to the Tanf US military base and falls within a 55 kilometre radius 'de-confliction zone' controlled by the Global Coalition against Daesh. The UK helps to defend the Tanf zone. While the UK may not consider itself singularly responsible for Rukban, those inside the de-confliction zone nonetheless fall within the care of the UK's broader protection of civilian commitments.

The deteriorating humanitarian situation inside Rukban has led to growing concerns about the safety and well-being of Syrians within the camp, as well as those who have now left for temporary regime-run shelters in Homs via 'humanitarian corridors' set up by Russian forces in February 2019. Assad's forces and allies are deliberately blocking food and medical aid from reaching Rukban, effectively forcing thousands of vulnerable people - including women and children—to leave the camp. There are reports that some of these civilians face conscription, arrest, torture, or death once entering regime-controlled territory.

Rukban is a civilian protection crisis for the international community. The level of humanitarian suffering experienced by those remaining within the camp, and the fate of many of the thousands that have left, illustrate the limits of current protection frameworks. Even when vulnerable populations reach the apparent safety of the Coalition zone of military control, there is a singular lack of clarity about the extent to which these forces and their partners are able or willing to uphold their responsibilities to protect civilians from identity-based violence, torture, and direct or indirect forced displacement.

The UK's commitments to the people in Rukban, and the Syrian people more broadly, cut across its stated responsibilities to help protect populations from mass atrocities and to protect civilians in armed conflict. Given the widespread, systematic, and deliberate nature of the targeting of civilians throughout the crisis, any POC activities which the UK engage in require the additional analytical framework of atrocity prevention.

If the UK were to integrate the concept of 'preventing while protecting' into its analytical and decision-making framework in Rukban, it would at the very least assist UK POC actors in 'doing no harm' and inadvertently leaving Rukban populations vulnerable to future atrocities.

Immediate prevention could include: Prioritising the direct delivery of aid by UK and international Coalition forces and/or Jordan to alleviate the desperate conditions that force many back to territory where atrocities are ongoing

Mitigation prevention could include: Investing in medium-term safeguarding of Rukban camp against further possible incursions by Syrian and Russian forces, and working with Jordan to facilitate asylum and resettlement in order to prevent de facto refoulement

Long term prevention could include: Supporting community and capacity-building within the camps and Jordanian communities at the border including peace education, trauma support, and other safeguarding

The UK's Protection of Civilians Strategy in review: Recommendations from Protection Approaches

The integration of atrocity prevention and introduction of a commitment to 'preventing while protecting' into an updated national strategy on the Protection of Civilians does not require a radical departure from existing UK policy but would instead be in keeping with and improve implementation of British commitments across a number of inter-related priority areas.

As a permanent member of the UN Security Council, a founding member of NATO, penholder for the civilian protection agenda at the UN, and one of the largest humanitarian donors, the UK is in a strong position to champion the protection of civilians in armed conflict by strengthening domestic policies and setting an example to other states to do the same. The UK has also been an active supporter of R2P since its unanimous adoption in 2005 and has repeatedly stated that it should be "a governing principle across all countries' work on the conflict spectrum, as well as on human rights and development".¹³

The 2011 Building Stability Overseas Strategy introduced an integrated cross-government strategy for how the UK addresses conflict issues, placing an emphasis on upstream conflict prevention while also recognising the importance of early warning and rapid crisis prevention and response. Tackling conflict and building stability overseas – which incorporates the protection of civilians from the effects of armed conflict – has since been enshrined in numerous UK policy strands as fundamental to the national interest. As the 2015 UK National Security Strategy makes clear, instability, conflict, and state failure overseas "pose an increasingly direct threat to the UK... it is firmly in our national security interests to tackle the causes and to mitigate the effects of conflict".¹⁴

However, the prevention of and protection from mass atrocities is currently implicit in these cross-cutting approaches rather than being made explicit – as we recommend. This inhibits effective implementation, coordination, reporting, transparency, and accountability.

The trend in UK Government towards increasingly cross-cutting and intersectional approaches to preventing violence is positive. The establishment of the Conflict, Stability, and Security Fund has become a key means by which the UK provides development and security support to countries at risk of conflict and instability, with the 2015 UK Aid Strategy pledging a total spend of 50% of official development assistance on fragile and conflict affected states.¹⁵ The latest iteration of the UK National Action Plan on Women, Peace, and Security (WPS) meanwhile identifies how HMG aims to reduce the particular impact of conflict on women and girls by incorporating WPS concerns across its defence, diplomacy and development work.¹⁶ The UK also continues to exercise leadership through its promotion of the related Preventing Sexual Violence in Conflict Initiative (PSVI).

Growing coordination and integration between WPS, PSVI, freedom of religion and belief, and POC is to be encouraged. However, the absence of an identity-based violence or atrocity prevention sensitive approach will continue to leave gaps – and the deliberate targeting of identity groups on grounds of race, religion, culture, political affiliation, or other perceived differences is at risk of falling between these gaps.

The Minister of State with oversight for UK atrocity prevention policy, Lord Ahmad of Wimbledon, has recently emphasised that atrocity prevention "is now firmly embedded in the day-to-day work across our internationally-facing Departments".¹⁷ However, exactly how the distinct but cross-cutting challenge of preventing identity-based violence and mass atrocities has been embedded, is implemented, or is measured remains unclear.

An updated UK strategy on the Protection of Civilians in Armed Conflict should therefore build on existing commitments, including through acknowledgement that while the primary responsibility for the protection of civilians resides with individual states, the UK bears a political and moral responsibility as part of the broader international community.

This responsibility is universal and enduring. It can be exercised through consensual assistance and capacity building as part of broader upstream prevention efforts, or through the use of peaceful or non-peaceful measures when states manifestly fail to protect their populations from atrocity crimes. Incorporation of this political and moral responsibility into UK POC strategy should further acknowledge that as a permanent member of the UN Security Council, the UK possesses a special responsibility by virtue of its status as penholder on the protection of civilians thematic agenda item and through the exercise of its influence on situation-specific debates of concern.

Perhaps most crucial of all is to overturn the assumption that because armed conflict sometimes leads to mass atrocities, atrocity prevention therefore follows on from protection of civilians concerns. Until this understanding of modern violence can be successfully integrated not only in national POC frameworks but across all related agendas it is difficult to imagine how the world's prevention and protection crisis can be stemmed.

Core recommendations

- Any updated Protection of Civilians strategy must be a recognised part of the UK's cross-government approach to mass atrocity prevention
- Any such strategy should explicitly set out the UK's commitment and approach to the protection of civilians from mass atrocities as well as armed conflict
- Any updated POC strategy must enshrine the concept of 'preventing while protecting' to ensure all UK POC activity the prevention of identity-based violence, including atrocities, and never directly or indirectly facilitates their perpetration
- Monitoring and evaluation of an updated POC strategy should follow HMG best practice as per the WPS national action plan, outlining clear strategic objectives and maintaining consistent annual reporting
- External scrutiny of any updated POC strategy should be encouraged, including through ongoing consultation with UK civil society

Further recommendations

- Integrate conflict prevention, atrocity prevention, and protection of civilians concerns across Government departments and country desks
- Support the development of national and intergovernmental early warning systems to better incorporate relevant conflict and atrocity-specific indicators
- Promote the role of local initiatives in the protection of civilians and responses to early warning signs of identity-based violence, atrocities, and conflict
- Acknowledge the importance of providing safe passage for those fleeing violence and ensure commitments are reflected in HMG asylum policy
- Peace operations supported by the UK should include guidance and training that incorporates relevant Identity-based violence and atrocity prevention frameworks
- Work towards upholding transparency and accountability of protecting forces
- Assist with operationalising the Kigali Principles on the Protection of Civilians in order to ensure successful peacekeeping mandate implementation

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