# Oxford Research Group
*Breaking the cycle of violence*

**About Us**   **Research & analysis**   **News & events**   **Blog & podcasts**   **Index**      Search   🔍



# Protecting Civilians: An Interview with Cecilia Jacob

16 October 2019

*Cecilia Jacob discusses the evolution of the protection of civilians and the key challenges facing the norm today.*

**Q. 2019 marks twenty years since the first UN Security Council resolution on the protection of civilians in armed conflict (POC). How do you feel the concept of civilian protection has evolved in the past two decades?**

It is so important that governments chose to respond to the legacies of mass violence and conflicts of the 1990s by developing international norms and doctrine around POC formally since 1999. POC is now the subject of regular reporting and UN Security Council debates, and is primarily implemented through its peacekeeping operations. Since 2009, POC has been included in all peacekeeping mandates, it is now expected that peacekeepers should fulfil a protective function when confronting a situation in which civilians are threatened. The scope of activities under the rubric of POC has also expanded, from forceful mandates, to capacity building, through to the running of POC camps, such as those in South Sudan. As a global norm, it is also crucial that government and regional organisations are increasingly aware and responsive to the unique protection needs and vulnerabilities of populations affected by violent conflict when conducting their own military operations.

The UN has also responded to a number of major challenges that have undermined both the image and effectiveness of peacekeeping operations. This includes dealing with sexual misconduct by peacekeepers, increasing protection for groups such as health workers, journalists, and the increased targeting of UN troops by belligerents. POC doctrine has now become more

**An Update on the Security Policy Change Programme**

**Chances for Peace in the Third Decade**

**A Story of ORG: Oliver Ramsbotham**

**A Story of ORG: Gabrielle Rifkind**

**Most read**

**The Role of Youth in Peacebuilding: Challenges and Opportunities**

**Making Bad Economies: The Poverty of Mexican Drug**

attuned to the differentiated experiences and vulnerabilities of populations that facilitates more tailored and responsive protection practices.

That said, there remain many critical challenges for implementing POC in the field given the complexity and protracted nature of the conflicts in which peacekeepers now operate. Further, there are broader strategic challenges around both the inability of the international community to prevent and reign in many of today's most volatile conflicts that generate protection crises in the first place. A lack of consensus on the UN Security Council, increased geopolitical assertiveness and proxy wars by major world powers in conflict zones such as Yemen, Syria and Ukraine serve to fuel conflicts in which civilians are paying the highest price. UN POC efforts can only be 'band-aid' solutions in such contexts. Innovative POC resolutions, such as UNSC Resolution 2165 that was the first resolution of its kind to authorise humanitarian access inside Syria's borders without consent of the host state, point to the resolve by some members of the international community to navigate these constraints by using a POC framework.

Ultimately, however, such solutions have nominal impact when there is no meaningful progress towards resolution of the overarching conflict. The current Turkish military operations against Kurds in Syria, catalysed with the sudden withdrawal of US troops, is one example where states have inflamed rather that calmed regional tensions, escalating a crisis that has already impacted thousands civilians to date. The international community does not have the will or capacity to protect civilians in the context of such volatility, regardless of how 'robust' international POC norms may seem.

Finally, UN peacekeeping budgets are shrinking as the US reduces its significant share of financial contributions. Fiscal pressures limit the capacity of

UN peacekeepers to maintain long-term relationships in communities where trust and protective capacity can be built. Peace operations are being asked to do more with less, and despite efforts such as the 'Action for Peacekeeping' action plan to streamline peace operations, mandating and budgeting practices that undermine their efficiency have been slow to change. Ultimately, the international community has not heeded the report of the 2015 High Level Panel on Peace Operations that called for the primacy of politics in resolving conflicts – a highly pragmatic approach offering durable solutions to civilian protection crises around the globe.

## Q. What are the current legal frameworks guiding civilian protection?

International Humanitarian Law (IHL) as expressed in the Geneva Conventions of 1949 and the Additional Protocols of 1977 regulate the conduct of actors in both international and non-international armed conflict, and provide legal protections for soldiers, prisoners of war and civilians. IHL provides the primary legal framework for defining both armed conflicts, distinguishing between combatants and non-combatants, and specifying the types of protection afforded to these different groups to ensure that belligerent parties exercise restraint in the battlefield. While state parties are signatories to IHL, the principles of IHL extend to all belligerent parties – including non-state armed groups.

Armed conflicts today are complex; not only do we see increasing fragmentation of conflicts fought by non-state armed groups that refuse to be regulated by IHL standards, but we also see the routine flouting of IHL standards by state parties in response to these internal - and regionalised - conflicts. Contemporary battlefields are also more frequently in urbanised

settings, and the distinction between combatants and non-combatants is less evident in these contexts. POC doctrine necessarily draws on international human rights law, refugee law and international criminal law as these provide additional protections to vulnerable populations where the political violence is difficult to define, when belligerents do not respect the rules of engagement, and the limitations of IHL are evident. Protection for populations affected by systematic and widespread human rights violations, crimes against humanity and forced displacement are crucial in contemporary situations of violent conflict. The vast scope of these protections, and the remit for providing protection that falls beyond traditional state belligerent parties, does generate the need for a robust international protection regime that – as we see today – creates an enormous challenge for the international community at all levels of governance.

**Q. The Responsibility to Protect is often associated with civilian protection. How does the concept relate to International Humanitarian Law and POC?**

The Responsibility to Protect (R2P) is a doctrine that guides the international community on its response to mass atrocities – namely genocide, war crimes, ethnic cleansing and crimes against humanity. The Canadian government commissioned the International Commission on Intervention and State Sovereignty to consider the legal, moral, political and operational implications of using military force for protecting populations to provide guidance to the international community on how it should act in situations of mass violence against civilian populations. This was in response to both the NATO intervention in Kosovo in 1999, but also the failings of the international community to protect populations from mass atrocities in situations such as Somalia,

Rwanda and Bosnia. The Commission produced the report 'The Responsibility to Protect' in 2001, arguing that states have the primary responsibility to protect their own populations from mass atrocities – and that if this responsibility is not undertaken by states, it then falls to the international community to act. It identified the responsibility to prevent, to react, and to rebuild as part of this responsibility.

R2P is not a legal doctrine per se but encompasses legal obligations through IHL, human rights, and international criminal law. It entails moral and political considerations, and rests on the authority of the UN Security Council to mandate the use of force through Chapter VII of the UN Charter as a last resort. The core principles expressed in this report were unanimously endorsed by UN member states at the 2005 World Summit, as expressed in the World Summit Outcome Document, paragraphs 138-140. Since then, a large amount of conceptual work has been undertaken to understand the ethical and legal underpinnings of the norms, and increasingly scholarship considers what the implementation of R2P looks like in practice. Important there is a lot more emphasis on the need to strengthen domestic and international atrocity prevention capacity. We have come a long way – but there is still a long way to go to realise this agenda – please see my recent co-edited book with Martin Mennecke, *Implementing the Responsibility to Protect,* if you are interested in this aspect.

The R2P therefore represents a moral and political commitment by the international community that draws its legitimacy from international law – although it is not binding. The heart of R2P is protecting civilians from mass atrocity crimes – not armed conflict – which is the key distinction between R2P and POC. R2P pertains only to the four atrocities identified above, whether

these occur in peacetime or in armed conflict. Hence, as the majority of atrocities against civilians occur in situations of armed conflict, R2P and POC strategies can reinforce each other. However, R2P reminds actors to be attuned to the specific causes and dynamics of mass atrocity crimes that are not synonymous with those of armed conflict.

**Q. Much literature on modern military engagements by states – such as the use of armed drones and "train, advise and assist" missions with strategic partners – has highlighted the legal and political challenges that these activities yield for civilian protection. What do you see as the biggest legal and ethical blind spots in current practices of civilian protection today?**

Perhaps the biggest legal and ethical blind spots in practices of civilian protection today result from competing political and strategic objectives in military engagements. The unrelenting pursuit of geostrategic gains by states that are feeding into ongoing conflicts put the human rights and protection needs of civilians in tension with perceived national interests of states in terms of political and material advantage. The conflict in Yemen – deemed by the UN as the world's worst humanitarian crisis - is a prime example of a civil war subsumed in a wider regional political conflict, and the stakes for international assistance have become too high.

In states such as Iraq and Afghanistan, the need to consolidate security and governance for stability are strategic objectives that Western-led governments pursue in the types of engagements that you refer to in your question. Ultimately, stability within these countries is needed to bring about the conditions necessary for not only the protection, but the flourishing of local populations. Unfortunately, the process of rebuilding is deeply fraught given the

deep rupturing of the state cause by conflict and intervention, and there are no easy answers to this strategic dilemma. The strategic objectives of these military engagements such as drone strikes, and 'train, advise and assist' are stability and transfer of authority to local authorities. As such, efforts to protect civilians are not primary considerations and we have seen huge civilian fatalities resulting from the use of wide-area explosives and drones in highly populated areas. Research does show that systematic and strategic inclusion of civilian protection planning into military operations can lead to notable reductions in the harm experienced by civilians. It is a positive trend that actors such as NATO and the US are including more robust civilian protection strategies in their operations. Ultimately, we have seen repeatedly that the human cost of intervention is excessive, and our military actions have yet to be matched by sufficient will or ability to protect to rectify this imbalance.

**Q. You've conducted extensive field research on the protection of children in armed conflict and written on the importance of bringing children into the study of conflict. Why is a child-centric approach to civilian protection so important?**

Armed conflict affects children in many different ways; children hold a symbolic role in societies, and for this reason, are often targeted as a way of terrorising civilian populations or reconfiguring demographics. Children may also be utilised in strategic ways in conflict. From interrogation and torture, to being engaged as additional fighting resources, servicing military personnel through domestic duties or espionage in conflict are all ways that children are used to resource armed groups. Beyond these direct impacts, children are affected through destruction of schools, homes and cities, through forced displacement,

and the ongoing trauma of experiencing conflict. Younger children are especially physically vulnerable to the effects of disease and injuries from the battlefield on their small bodies. I have argued that children are an integral part of the landscape of the contemporary battlefield.

It is important to ascertain children's experiences and needs to better understand what effective protection looks like in a given context, and to prevent inadvertently creating more risk through poorly conceived protection efforts. Globally, the Children and Armed Conflict agenda of the UN has made important headway in securing the release of child combatants from armed groups. Yet the heavy emphasis on child soldiering through this framework can obscure the broad range of protection needs that children face in conflict situations. In the context of atrocity crimes and genocide, children are targeted in campaigns to denigrate or destroy a population group given their symbolic role in social and cultural reproduction. It is therefore important to differentiate the CAAC agenda from other protection efforts based on the context of violence. In the case of R2P protection from atrocity crimes, there are different social and political dynamics at play that early warning and prevention mechanisms need to capture, and has to date received very little policy attention.

**Q. The UN has repeatedly come under scrutiny for its failure to protect civilians. Your project, *'United Nations Peace and Security Reform for Human Protection',* examines how reform of the United Nations peace and security architecture is shaping the organisation's human protection practices in local conflicts. Are these reforms working and how extensive**

**does reform of the UN need to be for it to be a more effective agent of human protection?**

The rationale for the Secretary-General's reform effort is to strengthen the UN's capacity to effectively prevent major crises. Focussing on prevention is not just a noble aspiration, but an urgent and practical agenda given that the UN is currently burdened with conflict management and the need to respond an ever-growing global population in need of humanitarian assistance and safe asylum. For this reason, many of the practical areas of restructuring and streamlining of the organisation are much needed and many states are supporting these important efforts.

When looking at the bigger picture, however, the current reform package underway in the areas of peace and security, management and development only scratch the surface. There are deeper issues related to organisational culture, information sharing and coordination within UN agencies that persist, I have outlined these in a blog here. Some UN member states have also negotiated with the reform process in pursuit of their own political interests in ways that undermine the overall objectives. These states bear responsibility for cutting crucial budgets, human rights posts and blocking cooperative action at the UN to act early on emerging and escalating crises that are needed to deliver preventive outcomes in practice. This does not mean that the UN shoulders responsibility for all major crises that emerge, and it has been successful in mitigating many crises that remain under the radar. But there have also been a number of devastating crises on which the international community has failed to cooperate, and that the UN has not effectively addressed, that are testament to the need for both much more concerted

support for deep UN reform, and for greater accountability of states to cooperate on preventive action.

---

Image credit: UNAMID/Flickr.

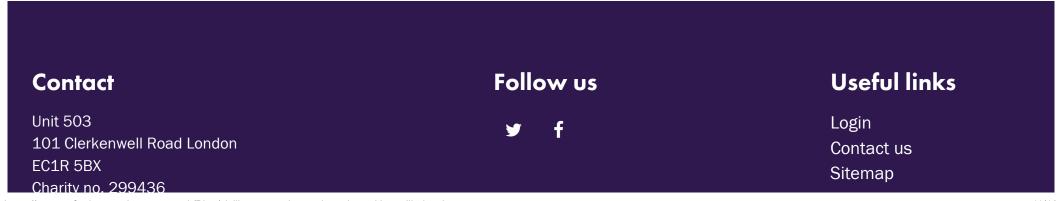---

**About the interviewee**

*Cecilia Jacob is a Fellow in the Department of International Relations at the Coral Bell School. Her work focuses on civilian protection, mass atrocity prevention, and international human protection norms. She is currently completing a three-year Discovery Early Career Researcher Award (DECRA) fellowship from the ARC to study UN human protection practices.*

**Share this page**

✉  f  🐦

# Contact

Unit 503
101 Clerkenwell Road London
EC1R 5BX
Charity no. 299436

# Follow us

🐦  f

# Useful links

Login
Contact us
Sitemap

Charity no. 236498
Company no. 2260840

Email us

020 3559 6745

**Registered with**
**FUNDRAISING**
**REGULATOR**

**Accessibility**
Terms & Conditions
Privacy policy