

Being Peacekept? The Implicit Assumptions that Hamper the Protection of Civilians

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Summary

Protection of Civilians (PoC) has during the last decade evolved to become an important guideline for international actors in post-conflict and conflict affected societies. While much policy literature has been written on how to better implement the PoC framework, less has been written on the conceptual framework of the protection of civilians and how this fits with local contexts, networks and relationships. Drawing on recent research and empirical material from Afghanistan, Somalia, Liberia, Sudan, Uganda and Colombia this policy brief identifies five implicit assumptions underpinning the Protection of Civilians as conceptualized in the Aide Memoire and UN Security Council resolutions. Through these assumptions we analyze how a skewed conceptual platform for protection implementers paradoxically disconnects protection needs.

Introduction

Much of the current policy literature on peacekeeping concentrates on the need to better implement the Protection of Civilians (POC) framework. Yet, in spite of this growing literature, and the challenges encountered in implementing it, few attempts are made at understanding how effective POC is from the perspective of those who are being protected or 'peacekept'. This policy brief is an attempt at redressing this by discussing five implicit assumptions underpinning the culture of protection. We proceed through answering a cluster of research questions. Firstly, we ask how protection programmes, activities and categories (such as 'civilians', 'internally displaced people' (IDPs) and 'refugees') of international actors impact on people in affected societies. Second, we explore the protection needs as seen from the perspective of those being protected. Third, we focus on the extent to which local and international actors share a notion of protection. Finally, we probe the extent to which POC takes into account local context, networks and relationships.

To address these questions surrounding POC this policy brief on the Schia & de Carvalho (forthcoming 2017) who surveys the most recent research into the UN's PoC operations across a myriad of contexts.

We begin from the assumption that the UN cannot 'protect' – in the broadest sense – everybody; resources will not permit it. As the Report of the Panel on Peacekeeping Operations (New York: UN, 2000) conceded:

There are hundreds of thousands of civilians in current United Nations mission areas who are exposed to potential risk of violence, and United Nations forces currently deployed could not protect more than a small fraction of them even if directed to do so. This remains true today: lacking the political will to provide the vast amount of resources this level of protection would require, it seems highly unlikely the UN's peace operations can fully meet the optimistic PoC objectives set by the mission mandates and UNSC resolutions. Thus, this policy brief works within humbler parameters: it seek to illuminate the conceptual and operational deficiencies that hinder the UN from doing better at meeting civilian protection needs with the resources at its disposal.

While several authors have drawn attention to the broader tension between PoC concept as understood by peacekeepers and humanitarian actors respectively (Lie & Carvalho 2010, Holt, Taylor & Kelly, 2009), this policy brief zooms in on the UN Security Resolutions' and the Aid Memoire protection guidelines that should guide the practices of the various actors, and how they relate (or not) to the needs of civilians in practice. Indeed, as has been noted (Lie & Carvalho 2010, Holt, Taylor & Kelly, 2009), protection actors, particularly the military, complain that despite frequent updates, the PoC concept remains unworkable. As a consequence a debate has emerged where some call for a stricter operational definition of protection (Holt, Taylor & Kelly, 2009, Rolfe, 2011), while others suggest that the current OCHA-preferred 'culture of protection', as called for by Secretary-General Kofi Annan in his report on the Protection of Civilians in Armed Conflict (30 march 2001), can allow the flexibility

to respond to the divergent protection of the various UN peace operations (de Carvalho and Lie 2011).

Five implicit assumptions in PoC

The following analysis of the recent research into PoC takes a different path by illuminating implicit assumptions underpinning the Culture of Protection that hamper effective practice, but not necessarily (or only) because it lacks strict definition. In this policy brief we highlight five such implicit assumptions:

1. Taking civilian identity for granted
2. The myth of the passive civilian
3. The sedentary bias
4. Gender essentialism and protecting ambiguous groups
5. The fallacy of terra nullius

Through this exercise we aim to capture connections and disconnections between donor- and recipient perspectives, peacekeepers' and peacekept's perspectives on PoC and thereby find answers to the research questions that were presented above. Besides, the discussion regarding the definition may indeed be moot given the powerful opposition to a strict definition from the Security Council. Rather, we suggest it is more practical to ask: how can the UN make the flexibility intended in the Culture of Protection work? Thus, the following section discusses how the PoC agenda—the institutions, concepts, guidelines and the practices employed—could be made more capable of meeting the civilian protection needs in different contexts, without suffering the pitfalls associated with a strict definition.

Addressing how PoC practices related to the needs of civilians reveals that the language of the UN's PoC guidelines contains embedded assumptions that frame protection in a manner that limits its potential to conceive of, and respond to civilians' diverse needs. The Aid Memoire and UN Security Council resolutions guiding UN actors and their affiliates on protection activities contains implicit, often Eurocentric, assumptions that often run counter to the needs of civilians. One such assumption in the Aide Memoire is the failure to clarify or problematize certain concepts that are being used to categorize people in need of protection such as for instance IDPs, refugees and civilian. Another one is the tendency to presuppose existing formal institutions that if only guided in the right direction can be used to create an environment of protection. The proceeding section discusses this through the five identified implicit assumptions embedded in the UN's PoC agenda that undermine protection activities, and intimate how the UN might improve accordingly. It should be noted that this is not an exhaustive list, but a selection of the most pressing issues highlighted by the latest research on how the UN's PoC agenda works in practice.

1. Taking civilian identity for granted

The UN's failure to recognize that the category of civilian cannot be taken for granted, has arguably led to absence of strategies to help civilians identify themselves as neutral, impartial and thus warranting protection as a 'civilian'. Meanwhile, never mind that presuming 'women and children' are the most vulnerable is often empirically dubious (Carpenter, 2013), because gendered insecurity is interlinked and embedded within more visible groups on the ground, addressing it requires more complex holistic strategies than the

narrow ones the UN currently employs (Schia & de Carvalho, 2015). Thus the question becomes: What can the UN do to rectify its categorization problem without creating new groups that also end up excluding other vulnerable groups?

2. The myth of the passive civilian

Despite research increasingly recognizing importance of self-protection and community-based protection strategies (Addison, 2009; Baines and Paddon, 2012, Barrs, 2010; Bonwick, 2006; Mégret, 2009), and several of the articles reviewed here, the UN continues to lack mechanisms for devising contextualized strategies to help the civilian (groups) facilitate their own protection. Emphasizing 'self protection' does not mean that actors such as the PKO's role should be downgraded; rather, it implies that the respective mandates should include working to improve local groups protection strategies. Indeed, connected to how the UN tends to overlook civilian agency in protection, is the statist assumption embedded in the UN's protection agenda: states are the primary providers of protection (Slim & Eguren, 2004, p. 271). Yet, in many regions where modern conflicts are on-going, the state has never been the primary provider of protection (whether conceived of in security, humanitarian, or development terms). Thus, pushing the UN's protection agenda forward may in many cases require institutions capable of engaging with the many heterogeneous non-state, non-armed groups of civilians that suffer during conflicts.

3. The sedentary bias

The sedentary bias as an analytical approach has a long tradition in refugee studies, but represents a new perspective in humanitarianism and peacekeeping studies concerned with PoC. It refers to the assumption that people prefer to stay put and that movement is an exception (Bakewell 2007, 2009). In refugee studies this assumption has been problematised and relativised. Scholars such as Goldin, Cameron and Balarajan show that migration is a fundamental part of civilization (2011). At the time of writing UNHCR estimates that 60 million people are worldwide forcibly displaced due to conflict. Despite, the long-term nature of the problem, and the scale, the UN has been criticized for not only failing to adequately address the needs of the displaced, but sometimes even exacerbating their insecurity (Branch, 2011; Baines and Paddon 2012). While Adam Branch (2014) and Erin Baines and Emily Paddon (2012) focused on Uganda and the conflict with LRA, Cindy Horst and Anab Noor (2015) indicate that the humanitarian actors' deficiencies when attempting to protect displaced people are not limited to Uganda. Drawing on interviews with displaced people due to the Somali conflict, the authors convincingly argue that the UN's protection agenda contains dubious assumptions about the displaced, undercutting the UN's ability to conceive of their needs, let alone meet them. This suggests a general flaw in the UN's conceptualization of displaced peoples' needs.

4. Gender essentialism and protecting ambiguous groups

Another, in-built assumption to the PoC agenda that currently hinders effective practice in the field includes gendered essentialism about who constitute the vulnerable in conflicts. Indeed, several

scholars argue that the representation of 'women and children' as especially vulnerable in the protection agenda reproduces an unhelpful and essentialised gender dichotomy (Lyndsey, 2001, Carpenter 2003, Aafes & Goldstein, 1998, 17; Shoemaker, 2001: 19). This leads to sub-optimal implementation because it ignores, 1) how men can play a key role in the protection of families 2) the different and ambiguous range of roles played by women and children 3) how men, who are often specifically targeted by the enemy, are often at least as vulnerable as women (Srebrenica provides an obvious case in point). Carpenter (2005) even claims that UN's representations of women and children as the most vulnerable in conflict harms the PoC agenda itself by undermining norm advocacy in conflict zones. Schia and de Carvalho (2015) analysis of Liberian post-conflict legal reform supports the stronger critique that the focus on SGBV can prove counter-productive in some cases (see also Schia 2015). They highlight how the plethora of UN led SGBV initiatives have had negligible effect on SGBV in Liberia and may have wasted resources that could have been used more effectively on more holistic reforms.

5. The fallacy of terra nullius

Schia & de Carvalho's (2015) argument that an overemphasis on short-term strategies to deal with SGBV, rather than seeking holistic reforms tied in with the local customary legal practices and the broader national judiciary system, touches on the broader issue of this policy brief concerning connections and disconnections as pertaining to the four research questions we posed initially. While the authors' empirics concern Liberia, legal institutions in weak or failing states undergoing civil war usually suffer from dysfunction: indeed one remaining trouble at the conceptual level is that UNSC resolutions on SGBV 'presuppose existing and well functioning state institutions' (ibid: 2) This is also the case with the Aide Memoire and the Culture of Protection calling upon government to bring perpetrators of SGBV and other violations of human rights to '... be brought to justice through a robust and independent process.' (S/PRST/2014/3: 51). Furthermore the Aide Memoire describe the UN's role in protecting human rights and combating impunity as a supporting role in close cooperation with other international partners and national authorities. The document highlights development and implementation of judicial institutions through joint justice support programmes aimed at developing '... the criminal justice chain, the police, the judiciary and prisons in conflict-affected areas and strategic programmatic support at the central level' (S/PRST/2014/3: 58). Presupposing or trying to implement a formal institution based system risks leaving a legal vacuum if the personnel, resources and skills to make institutions function are lacking. Moreover, according to the authors, the liberal-legal peace building paradigm falls into the trap of what Sarah Cliffe and Nick Manning (2008, p.165) have named 'the fallacy of terra nullius': the assumption that customary justice practices must be rejected and replaced outright. Indeed, rejecting local customary justice structures and attempting to implement exclusively secular liberal reforms misses opportunities to build upon local mechanisms that, while not perfect, often function with more efficiency and legitimacy than state judicial apparatus.

Conclusions

The above drew upon the latest research into PoC in practice to illuminate several problematic assumptions underpinning yet undermining the UN's conception of protection: taking civilian identity for granted, the myth of the passive civilian, the sedentary bias, gender essentialism and protecting ambiguous groups, and the fallacy of terra nullius. However, each problem identified and solution proposed demands the UN actors on the ground: to develop the institutional capacity and willingness to listen to the protectees, and to be allowed agency to respond, prioritise and adapt their operations to the civilians respected needs. This is not something easily achieved by a gigantic organization like the UN that has conflicting interests at each level of its bureaucracy, and one that is dependent upon the support of diverse actors with conflicting interests and values. Scholars have discussed the institutional obstacles, and vested interests that limit the UN in developing the requisite flexibility to reform in the manner outlined above. This has not been our aim. The articles reviewed here, suggest that unsuitable measures and policies, caused by lack of local knowledge continue to undermine the UN and its affiliates ability to meet Civilian Protection needs.

All five assumptions are useful in order to illustrate how international actors overlook parts of societies that could contribute to improving the protection environment if included. The identification of these five implicit assumptions in the different empirical contexts suggests that human rights based reforms are best pursued pragmatically with sensitivity to local preferences and cultures, even those that seem incongruent to the end goal. International actors have focused too much on information sharing between agencies and not enough on listening to local people's preferences for protection. What people think matters and the culture of protection needs to incorporate the needs of local people but also to develop mechanisms for responding to those needs and changing the type of forces on the ground accordingly. In this way we have through the five implicit assumptions shown how the culture of protection produces a skewed platform for protection implementers that undermines and hampers the efficiency of UN Protection initiatives.

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