

UK Government Strategy on The Protection of Civilians in Armed Conflict

Introduction

During armed conflict, civilians often pay a heavy price. They may face daily threats of violence and death as they find themselves inadvertently caught up in the middle of a conflict. Despite being protected under international humanitarian and human rights law, civilians continue to be the victims of violence and are sometimes deliberately targeted by belligerents. These deliberate attacks can include campaigns of sexual violence or deliberate killings to instil fear and coerce compliance from the local population. In addition to these direct attacks, civilians also need protection from the consequences of conflict such as being forced to move from their homes and thus losing ownership of land and property. Some may find temporary, but often only relative safety in camps for internally displaced persons (IDPs) or refugees, but the less fortunate may simply have to fend for themselves in inhospitable terrain. In recent years, their access to humanitarian assistance has been increasingly restricted by bureaucratic constraints, intense hostilities or violent attacks against humanitarian personnel and assets.

Individual states, the UN, regional organisations and humanitarian agencies including Non Governmental Organisations (NGOs) all play important roles in protecting civilians, whether through political and legal action, military activities or humanitarian action. However, international efforts to protect civilians in conflict can often be insufficient, inconsistent or ineffective.

Purpose of this Strategy

This strategy sets out the actions the UK Government sees as necessary to help protect civilians in armed conflict, building on work that is already going on in the UK and internationally. The strategy is one of several HMG papers dealing with aspects of conflict. Others include:

- > DFID White Paper: 'Eliminating World Poverty: Building our Common Future' (2009)
- > Joint Doctrine Publication 3-40 Security and Stabilisation: The Military Contribution (2009)
- > National Security Strategy 2 (2008)
- > British Defence Doctrine (2008)
- > DFID Policy Paper – Preventing Violent Conflict (2007)
- > DFID policy paper 'Governance, Development and Democratic Politics – DFID's Work in Building More Effective States' (2007)

- > UK National Action Plan to Implement UN Security Council Resolution 1325 (Women, Peace & Security) (2006)
- > DFID White Paper 'Eliminating World Poverty: Making Government work for the Poor (2006)
- > Saving Lives, Relieving Suffering, Protecting Dignity: DFID's Humanitarian Policy (2006)
- > JSP 383 Law Of Armed Conflict (2004)

This strategy document covers the specific issue of the protection of civilians once armed conflict has begun. Other aspects of conflict management such as conflict prevention, early warning of potential conflict, post-conflict recovery (including stabilisation) and armed violence reduction are not specifically covered in this strategy, although they are referred to and acknowledged where they impact on this strategy. The strategy covers actions aimed at responding to protection crises and/or strengthening the capacity of states and the international community to prevent or respond to these crises.

The protection of civilians in armed conflict is central to the achievement of UK Government policy to prevent, manage and resolve conflict and to improve the effectiveness of the humanitarian system. This is reflected in the UK Government's 2008-11 Public Service Agreements (PSAs), particularly PSA 29 – Reduce poverty in poorer countries through quicker progress towards the Millennium Development Goals - and PSA 30 - Reduce the impact of conflict through enhanced UK and international efforts.

Attaining these targets is the joint responsibility of the Foreign and Commonwealth Office, the Ministry of Defence, the Department for International Development and the Stabilisation Unit. This strategy endeavours to draw together the different strands needed for coherent and consistent action, along diplomatic, legal, human rights, humanitarian, development and military tracks.

The strategy sets out four policy areas:

1. Political engagement
2. Protection by peace support operations
3. Humanitarian action
4. State capacity

Why does the protection of civilians matter?

It matters from a **moral perspective**. Everyone has the right not to be arbitrarily deprived of their life and the right not to be tortured.

Protection of civilians in armed conflict matters from a **legal perspective**, because the UK has specific obligations concerning the protection of civilians in situations where it is involved in military action. International humanitarian law (IHL) provides that civilians shall enjoy general protection from the effects of armed conflict, protects civilians from being the object of attack, and prohibits attacks that are indiscriminate. The UK is a strong supporter of the standards set out in international human rights and humanitarian law and of international criminal law tribunals, including the International Criminal Court.

The protection of civilians in armed conflict can contribute towards **managing and reducing the direct impact of conflict** on affected populations. For example, it can help ensure that armed groups are less inclined to target civilians; that they are less likely to use civilian populations to achieve their military objectives; and that civilians have access to humanitarian assistance.

The UK has a number of different roles in promoting and protecting civilians in armed conflict, including:

- > As a member of international organisations, and as a permanent member of the UN Security Council.
- > As a party to IHL treaties.
- > As a donor to intergovernmental organisations and other humanitarian actors operating in situations of armed conflict.
- > As a provider of international military forces, including peacekeepers, and sometimes as a party to an ongoing conflict.
- > Training foreign military, civilian and police peacekeepers.

What is Protection of Civilians?

In the context of armed conflict, the concept of protection encompasses **“all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law.”**¹

Protections for civilians in armed conflict are contained in international humanitarian, human rights, refugee and criminal law. Numerous UN Security Council resolutions have also increasingly dealt with the protection of civilians in armed conflict, for instance by reminding warring parties of their legal obligations. Box 1 summarises the international legal framework for the protection of civilians in armed conflict.

The character of armed conflict now sees an increased blurring of the distinctions between adversaries and the way they use force to achieve political goals. Future conflict will blend the lethality traditionally associated with state conflict and the fanatical and protracted fervour of irregular warfare². This confused, messy and uncontrollable aspect of conflict complicates the practicalities of how you protect civilians. Separating “the people” from the conflict is often impossible and their protection relies on a comprehensive approach to conflict resolution which this strategy is designed to support.

¹ This definition was agreed in 1999 by a wide group of humanitarian and human-rights agencies regularly convened by the International Committee of the Red Cross (ICRC) in Geneva. It was subsequently adopted by the Inter-Agency Standing Committee (IASC), the forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners. Under the leadership of the Emergency relief Coordinator, the IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in response, and advocates for effective application of humanitarian principles.

² Frank G. Hoffman, *Conflict in the 21st Century; The Rise of Hybrid Wars*, Potomac Institute for Policy Studies, December 2007.

Box 1 – International Obligations to Respect and Protect Civilians

During armed conflict, civilians and combatants “hors de combat” are entitled to specific protection under **international humanitarian law (IHL)** providing that they are not, or are no longer, taking a direct part in hostilities. IHL requires parties to a conflict to respect and protect civilians. In the conduct of military operations they must distinguish at all times between combatants and civilians, and only direct attacks against suspected combatants and other military objectives. They must take constant care to spare civilians and civilian objects from the effects of hostilities. Amongst other things, this means that civilians must not be the target of physical attacks or subjected to acts of violence such as killing, maiming, torture and other forms of ill-treatment (including sexual violence), preventing the provision of medical care, slavery, forced recruitment and hostage taking. Civilian property must not be targeted. The forcible displacement of the civilian population is also prohibited unless required for the security of the population or imperative military reasons. IHL also calls on parties to authorise impartial humanitarian assistance to populations affected by the conflict.

In addition **international human rights law instruments may provide further protection**. In times of armed conflict states may exceptionally derogate from certain rights under strictly defined circumstances, however, a number of human rights, central to the protection agenda, can never be suspended: the right not to be arbitrarily deprived of life; the prohibition of torture or cruel inhuman or degrading treatment or punishment; the prohibition of slavery and servitude and the prohibition of the retroactive application of criminal laws.

Specific population groups such as women, children and the disabled, benefit from additional protection provided for in specific conventions.

Individuals who have crossed an international border to escape persecution or conflict in their country of origin are protected by **international refugee law**. Refugees must not be forcibly returned to countries where their life or freedom would be threatened (“non-refoulement”). They must also be afforded basic human rights guarantees during their stay in the country of asylum.

International criminal law and the creation of institutions such as international tribunals, including the International Criminal Court (ICC), are increasingly important in establishing mechanisms to ensure there is no impunity for perpetrators of gross violations of international humanitarian law and human rights.

In addition to this international legal framework the **UN Security Council** has also adopted a number of relevant resolutions including on the protection of civilians in armed conflict (which mentions specific groups such as refugees and Internally Displaced People (IDPs)), women, peace and security and children affected by armed conflict.

Who is responsible?

A number of actors share the moral, legal and practical responsibility for the protection of civilians. However, by virtue of their sovereignty a **state** has the primary responsibility for protecting and meeting the basic needs of its civilians in times of armed conflict as well as peace.

When a state manifestly fails to protect its population from genocide, war crimes, ethnic cleansing or crimes against humanity, the **international community** has a responsibility to act. This principle is enshrined in the concept of Responsibility to Protect (see Box 2). **Regional Organisations** play an increasingly important role in protecting civilians, as the African Union’s role in Darfur, and the EU’s operations in Chad and the Democratic Republic of the Congo demonstrate.

Troops engaged in international military operations (including peacekeepers) must adhere to the relevant provisions of international law. Moreover, it is increasingly common for peace support operations, including peacekeeping troops and police, to play a key role in the protection of civilians affected by armed conflict. Since the end of the Cold War, over thirty international military operations have been mounted with the protection of civilians as either the principle aim or one of the mission objectives. Such missions have included UN or regional peacekeepers, as well as national, coalition and multilateral peace enforcement and post-conflict stabilisation forces. The UK is contributing to the preparation of trained peacekeepers around the world, particularly in Africa, through its bilateral training programmes, and includes protection of civilians in its training curricula.

Box 2 - The Responsibility to Protect

At the UN World Summit in September 2005, Heads of State and Government of all UN member States signed up to the 'Responsibility to Protect' (R2P). This concept recognises that States are primarily responsible for protecting their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community should help them to exercise their responsibility and use peaceful means to promote protection, but if peaceful means are inadequate and national authorities are manifestly failing to protect their populations, collective action can be authorised by the UN Security Council.

The UK will continue to promote a shared understanding of R2P and is committed to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. We will encourage and help States before crises and conflicts break, and work to ensure the R2P agreement is translated into a willingness to act speedily and appropriately.

The UK will consider R2P concerns in our work across conflict, human rights and development, and will support the EU and UN to implement a cohesive approach. We are also looking for ways to improve the range of tools available to the international community before, during and after conflict to minimise the potential for mass atrocities to occur.

International organisations and their agencies such as the International Committee of the Red Cross (ICRC), the Office of the UN High Commissioner for Refugees (UNHCR) and the UN Children's Fund (UNICEF), as well as the UN Office of the High Commissioner for Human Rights (OHCHR) have mandates to remind states and other parties to conflicts of their obligations to respect and protect civilians, and to support them in meeting these obligations. The UN Emergency Relief Co-ordinator (ERC) promotes the protection of civilians in armed conflict and reports to the UN Security Council on this issue. The Office for the Coordination of Humanitarian Affairs (OCHA) supports the ERC in his role and supports protection activities on the ground by helping the Humanitarian Coordinator and Country Team to plan and coordinate humanitarian protection programmes. **NGOs** also play a crucial role. Human rights NGOs usually focus on advocacy, monitoring and reporting violations of the law, and assisting victims to seek redress; while humanitarian NGOs, seeking to ensure that the basic needs of the civilian population are met, aim to reduce the population's exposure to threats to its safety (see Box 3 below).

Increasingly, Private Military and Security Companies (PMSCs) are being used to provide risk consultancy and security services to states, NGOs and the private sector. The Montreux Document, an international initiative jointly led by Switzerland and the

ICRC recalls existing legal obligations under international law for states in relation to PMSCs and sets out a series of good practices to be considered by states in fulfilling these obligations. The UK supports this initiative and acclaimed the document on 17 September 2008. We believe this initiative is an important milestone in driving up standards in the PMSC industry.

Affected individuals and communities also count on their own capacity to develop coping mechanisms. These coping mechanisms should be supported whenever appropriate.

As can be seen from the above, international action to protect civilians in the midst of a conflict can be taken in many different spheres, by many different actors. It needs to be carried out in a coordinated and complementary manner, while respecting universal principles and taking into account the specific mandates of each actor.

Box 3 – The role of humanitarian actors in the protection of civilians

A number of international humanitarian organisations and their agencies have mandates to work on different aspects of the protection of civilians. The Office of the United Nations High Commissioner for Refugees (UNHCR) is internationally mandated to work with states to ensure the protection of refugees according to the 1951 Refugee Convention. The International Committee of the Red Cross (ICRC) is a neutral and independent institution with a particular mandate for overseeing the implementation and development of IHL (mainly the Four Geneva Conventions of 1949 and their Additional Protocols of 1977). ICRC actively works with all parties in a conflict to protect affected persons, including civilians, persons deprived of their liberty and the wounded and sick.

The United Nations Children's Fund (UNICEF) has a particular mandate to work with states to protect women and children, in accordance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The UN Office for the Coordination of Humanitarian Affairs (OCHA) is mandated to lead and coordinate international humanitarian action, and supports a more coordinated and effective response by humanitarian actors to protection crises. The Emergency Relief Coordinator (Head of OCHA) is also mandated to advocate for humanitarian norms and principles and to regularly brief the Security Council on issues pertaining to the protection of civilians.

National and international humanitarian NGOs deliver the bulk of humanitarian programmes and as such have an important role to play in relation to the protection of civilians. As with other humanitarian agencies, as a minimum the assistance they provide should not lead to further abuses by warring parties, such as looting or sexual exploitation. They can also design their assistance programmes in order to reduce the exposure of civilians to threats. For example, they can reduce women's exposure to sexual violence by providing better cooking equipment that makes it less necessary for women to travel in insecure areas to collect firewood. By their mere presence in affected communities, humanitarian NGOs are often acutely aware of the protection problems faced by the civilian population. Many NGOs advocate for civilians' rights, either publicly or through discreet reporting, or undertake awareness-raising activities such as educating children about the risks of being recruited to participate in conflict. Many implement health and psycho-social programmes to help victims of abuse recover.

While humanitarian actors may have mandates or roles related to the protection of civilians, the responsibility for protecting civilians affected by armed conflict lies first and foremost with the parties to the conflict (state forces and, in times of internal conflict, additionally with non-state forces). Moreover, the protection activities of humanitarian organisations can never be a substitute for political action on the part of the international community to address protection crises.

POLICY AREAS

Policy Area 1 - Political Engagement **Greater UK and international political action on protection issues**

(i) UK bilateral political action on protection

The UK is committed to helping prevent, manage and resolve conflicts around the world. From a protection perspective, this involves working bilaterally not only on resolution of the conflict itself, but also to ensure that the parties involved respect their obligations under international humanitarian, criminal and human rights law.

We will make protection issues an integral part of our work to prevent, manage and resolve conflicts.

However, we recognise that UK action alone can only have a limited impact. The international community, particularly the UN and its Security Council, have key roles to play.

(ii) Strengthening international political action on protection

The UN Security Council has increased its commitment to the protection of civilians in armed conflict in recent years. Many peace operation mandates now include protection as a mandated task. And thematic Security Council resolutions on protection issues, such as UN Security Council Resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, or UNSCR 1325 (2000) on women, peace and security, continue to develop the international normative framework. But the Council could be doing more. Most importantly, the Council should be prepared to act quickly and concertedly to prevent and respond to protection crises: holding governments to account and where necessary considering sanctions as well as referrals to the International Criminal Court.

As a permanent member of the Security Council, we will press for quick and concerted action to prevent and respond to protection crises.

We will use the biannual Protection of Civilians debate in the Security Council to highlight key, current protection issues, and seek to ensure these issues are given due consideration in Council action in specific conflict situations.

We will seek to ensure our policies and those of other states respect UNSCR 1325, in particular those elements dealing with the protection needs of women and girls as well as increasing the participation of women in decision making in conflict resolution and peacebuilding.

The UN's human rights fora, including the UN General Assembly and the Human Rights Council and their mechanisms (such as Special Rapporteurs), have long considered protection of civilians issues in the context of human rights violations. It is important that these bodies continue to monitor such situations credibly, including holding governments to account for violations of their international obligations.

We will encourage the UN human rights bodies to continue to focus on specific protection crises, as well as greater coherence between the UN's human rights machinery and the Security Council.

The UN Secretariat also needs to be able to respond in a political capacity to protection crises, primarily through its Department of Political Affairs (DPA). However, resource constraints within DPA limit its capacity to carry out the necessary political analysis and action. A better understanding is needed of the political factors that drive conflict and that give rise to the need for protection.

We will push for reform and strengthening of the UN's Department of Political Affairs so that the UN is better able to respond to protection crises with preventive diplomacy and mediation.

(iii) Strengthening international, regional, and national human rights and humanitarian law monitoring

Effective and independent monitoring and reporting of compliance with human rights and IHL in situations of conflict is critical to raise awareness of protection issues, and provides the necessary evidence base for political and legal action. The OHCHR is well placed to monitor human rights obligations (but at present has only limited field presence) and ICRC has a mandate to monitor compliance with IHL, but both rely on the political will of states to abide by their obligations.

Within their mandate and agreed resources, we will support the strengthening of human rights units staffed by OHCHR in UN peacekeeping operations. We will similarly promote and support the deployment of standalone UN civilian human rights monitors to countries affected by conflict, and encourage OHCHR to participate actively in humanitarian co-ordination mechanisms on protection of civilians.

When abuses do take place, independent monitoring of human rights and humanitarian law violations is not always possible, often because of political obstacles. When monitoring occurs, information is generally not transmitted and shared adequately with the UN and within the UN (bearing in mind the exceptions for confidentiality that the ICRC enjoys).

We will continue to support the work of ICRC, UNHCR, UNICEF, OHCHR and UN human rights mechanisms, and international human rights NGOs in monitoring respect for international humanitarian and human rights law. We will, whenever appropriate, draw on their findings to inform our political action on the protection of civilians. We will encourage the UN to make more systematic and regular use of such information to track trends and inform planning for the protection of civilians.

Regional and national mechanisms may in some cases be best placed to monitor and act due to their regional connections and influences.

We will look at opportunities to build the capacity of regional mechanisms and bodies, and national human rights institutions and NGOs. We will, whenever appropriate, draw on their findings to inform our political action on the protection of civilians. We will encourage the UN to make more systematic and regular use of such information to track trends and inform planning for the protection of civilians.

Incorporation of human rights standards within peace agreements and the ability to monitor those, including through national human rights mechanisms is essential, not

only for the immediate crisis, but also in the longer term establishment of a peaceful resolution.

We will, where appropriate, support the inclusion of international human rights and IHL standards, with supporting national mechanisms, in peace agreements as well as their subsequent implementation.

(iv) Supporting international, national and community efforts for transitional justice

When protection fails and civilians become victims of war crimes or human rights violations, there need to be mechanisms and processes to combat impunity and to allow victims and survivors to seek justice and redress. The UK government recognises that a comprehensive approach to transitional justice is needed. Religion, ethnicity and the overall demands of the community should be considered when defining the strategies to be used. Where possible, domestic courts should be encouraged to try defendants locally. This often enjoys particular advantages of local legitimacy and visibility. International prosecution may sometimes be necessary particularly when the state lacks the stability or institutional set-up to try the perpetrators domestically. Other mechanisms which the UK and the international community at large have supported include: truth seeking mechanisms, reparations for victims which offer symbolic or practical redress and recognition, as well as ensuring that state institutions are cleared of persons found guilty of conduct violating human rights (i.e. vetting processes and institutional reform).

Transitional justice measures also need to be properly sequenced as part of broader peacebuilding strategies and wider efforts to strengthen the rule of law, including building local security capacity, strengthening accountability and oversight structures and access to justice.

The United Nations Secretary General proposed a comprehensive approach to tackling impunity and promoting transitional justice in his 2004 Report on the Rule of Law and Transitional Justice in Conflict and Post Conflict Societies, which was endorsed by the UN Security Council. Other multilateral organisations and governments are also adopting such approaches.

We will work through the United Nations, our diplomatic missions and DFID programmes to support the re-emergence or strengthening of national and local justice systems which meet international standards and which are consistent with the Rome Statute of the International Criminal Court (“complementarity” of national and international judicial mechanisms). We will support efforts where appropriate to bear down on impunity, especially for those responsible for the most serious crimes.

We will pursue an integrated approach to supporting national transitional justice processes as part of peacebuilding and conflict prevention efforts. We will link investment in transitional justice to institutional reforms to prevent future abuses. We will strengthen the relationship between national and international efforts to seek justice. We will also support national and community efforts to seek truth, justice and reconciliation.

We will work with international partners, including local, national and international NGOs to ensure that responses to tackle impunity and provide redress for victims are comprehensive and in line with emerging best practice.

We will press for appropriate responses to tackle impunity through resolutions of the Security Council and Human Rights Council, through the work of peacekeeping missions and human rights offices and where appropriate through inclusion in peace agreements and their implementation.

(v) Strengthening international justice mechanisms

An essential part of protecting civilians in armed conflict is to ensure that there is no impunity for those who commit serious crimes during armed conflict, and that perpetrators are held to account at both a domestic level and at an international level where necessary. The importance of deterrence, with the ultimate threat of prosecution at the International Criminal Court, is playing an increasingly important part in affecting the actions of leaders in armed conflict. The international community needs to ensure that, where serious violations of international humanitarian and human rights law occur, those who bear the greatest responsibility for international crimes, including war crimes and crimes against humanity are prosecuted. We also believe that ensuring justice for such crimes is an integral part of post-conflict reconstruction and reconciliation. The UK is committed to ensure such perpetrators are held to account.

We will continue to support the International Criminal Court and ad hoc tribunals to deliver justice through effective and efficient systems, providing practical assistance and co-operation and leadership in management and oversight committees whenever possible.

We will encourage states that have not yet done so to ratify the Rome Statute of the International Criminal Court.

Policy Area 2 – Protection by Peace Support Operations
Improved action by international and regional peace operations in protection crises

(i) Better and more consistent language on protection in peace support operation mandates

Most UN Security Council peace support operation mandates now include protection of civilians as a mandated task. The UK is often at the forefront of advocating for comprehensive protection language in Council mandates and will continue to push for a more systematic approach. Agreement to strong and specific language on protection is often difficult due to the divergent views of Council members on needs and approach.

We will continue to push for greater emphasis on protection issues, where appropriate, in Security Council peace operation mandates, and for better implementation of mandates by DPKO and troop contributing countries. We will do this by working with the UN, its member states, including Security Council members and troop contributing countries, both at the UN and in capitals.

(ii) Better reporting on protection issues by peace operations

The Security Council receives regular reports from the Secretary-General on the progress of mandate implementation – normally on a six monthly basis and just before a mandate renewal. However, the coverage of protection issues in these reports is inconsistent. Improved coverage of protection in the Secretary-General's reporting is important, as is better coverage of protection in oral reporting to the Council. More

input on and a greater focus on protection in Council discussions would mean the Council is better informed when it considers the renewal of a mandate.

We will seek to improve UN and the Security Council's mechanisms for reporting and analysing protection issues in specific conflicts so that progress on the implementation of protection elements within mandates is tracked and accountable.

(iii) Better execution of protection tasks within a peace operation

Execution of protection tasks within a peace operation varies widely depending on the resources available, the approach of the mission leadership – including military commanders, and the capability, ethos and training of the troop and police contributing countries. None of the major international or regional organisations running peace operations has a fully formed doctrine on the execution of protection tasks. At a very practical level, it is not always clear to troops and police what is expected of them. The development of guidance and military/police doctrine, within both the UN and regional organisations such as the African Union, and where necessary at a national level, is important.

We will support the UN to further develop the necessary doctrine, guidance and training to ensure that the protection of civilians elements of peace operation mandates can be implemented consistently and coherently by the UN system to make operations more effective.

Troop and police contributing countries may not have the necessary capability (numbers, training or equipment), or the political will to provide physical security to civilians as mandated.

Peace operations need to make better use of local peacebuilding capacity to complement their own efforts. Planning of peace operations should include analysis of local capacity, and making and retaining effective contact with local peacebuilding organisations should be standard within peace operations.

We will press DPKO to identify as early as possible potential shortfalls in capacity within Troop Contributing Countries.

We will urge DPKO to ensure that peace operations are sufficiently and appropriately resourced to carry out the tasks associated with protection of civilians.

We will continue to assist the African Union in the development of the African Standby Forces, as part of the development of the African Peace and Security Architecture, and support the pre-deployment training of African forces deploying on AU/UN operations. A combination of technical and material support as well as the refinement of doctrine will increase AU, sub-regional and AU member state capacity to undertake peace support missions.

We will look to work through the EU once it has finalised its plans to support the African Peacekeeping Training Centres as they implement the AU's African Standby Force training plan.

We will support the AU's 2010 peacekeeping exercise – 'AMANI' – bilaterally, and through our contributions to the EU's Africa Peace Facility.

(iv) More capable troop and police contributing nations on protection issues

The training of troops and police to serve in peace operations is a crucial factor in their ability to carry out mandated protection tasks. This issue is as relevant for the UK, as it is for any other contributing nation. We will continue to ensure that International Humanitarian Law and Human Rights Law inform the formulation of doctrine and policy. We continually seek to ensure that training of our troops that will serve in a peace support capacity is appropriate to the mandated tasks. We work with partner organisations such as the ICRC and the British Red Cross in this endeavour.

Box 4 - Ensuring the highest level of conduct by UK Armed Forces

The UK Government takes any allegations of misconduct by our personnel exceptionally seriously. The conduct of tens of thousands of our people on operations has been exemplary; but we recognise a small number have acted in ways not befitting the reputation of our Forces. We are committed to ensuring that all allegations of criminal conduct are thoroughly investigated. All our forces are taught that collectively and individually, we can, and should be called to account when things go wrong.

Brigadier Robert Aitken, independent of his chain of command, reported to ensure that the training on conduct during operations provided to members of the armed forces is of the highest standard. The findings were published January 2008 and the report was very positive about improvements in training directives. It did however make recommendations which have been accepted by Ministers and are in the process of being implemented. Whilst we must never be complacent, no further incidents have been reported since 2004.

The UK also has a programme of capacity-building with troop and police contributing countries around the world. It is important that the training we provide to countries reflects the tasks their troops and police are mandated to carry out.

We will ensure that national and international civilian protection strategies inform UK military doctrine. Military and police training will include protection issues and draw on lessons learned and best practice from the international community.

We will ensure that our support to other troop and police contributing countries includes training in protection issues.

Policy Area 3 - Humanitarian Action

Improved international humanitarian response to protection crises

(i) Improving humanitarian access

Parties to armed conflict must take all required measures to respect and protect civilians. States bear the primary responsibility to respect and ensure the human rights of their citizens and other persons within their territory. When states and other parties lack the capacity or will to respect their obligations, humanitarian organisations have an important role to play. Parties to conflict need to agree to and facilitate neutral, impartial and independent humanitarian aid reaching populations in a safe, timely and unimpeded way. Unfortunately, in many conflict affected countries humanitarian access is increasingly unsafe, delayed and otherwise restricted, leaving millions of vulnerable people deprived of life-saving protection and assistance.

We will lobby strongly for humanitarian access, and hold countries to their commitments and obligations under IHL in this regard. We will seek a broader international consensus on the role of humanitarian agencies and support for humanitarian principles.

(ii) Strengthening the work of humanitarian agencies with an international protection mandate

International humanitarian organisations such as the ICRC, UNHCR and UNICEF, have mandates, under international law, to carry out protection activities in times of crises. The UN Emergency Relief Co-ordinator (Head of OCHA) has a mandated responsibility to advocate for international humanitarian and human rights law and principles, and to support a more coordinated response by humanitarian actors to protection crises.

We will continue to provide financial support to humanitarian agencies with an international protection mandate. We will encourage these agencies to implement their protection mandates proactively and will monitor their results. We will continue to support efforts to strengthen humanitarian protection for civilian populations affected by armed conflict.

(iii) Strengthening the leadership and coordination of humanitarian protection

As part of the reform of the international humanitarian system, a new humanitarian co-ordination mechanism, the “cluster approach”, was established. One of the eleven clusters is the Protection Cluster set-up in 2005 under the leadership of UNHCR³. At global level, the Protection Cluster aims to strengthen the capacity of humanitarian agencies to respond effectively to protection crises, e.g. by providing tools, training and overseeing professional roster mechanisms. At field level, the Protection Cluster is responsible for assessing protection needs and ensuring an effective response by humanitarian actors. It also supports advocacy efforts by the UN Humanitarian Coordinator on issues relating to the protection of civilians. While some positive outcomes have been noted in pilot countries, leadership and coordination, as well as NGO participation, should be further strengthened. The cluster needs to become the standard coordination mechanism for humanitarian protection work.

We will continue to support and monitor the capacity of UNHCR to lead the Protection Cluster at the global level, and promote the roll-out of appropriate protection coordination mechanisms in all humanitarian emergencies, in accordance with the Cluster Approach. We will continue to work with the cluster to monitor its effectiveness in responding to the protection needs of affected populations.

(iv) Strengthening the work of humanitarian agencies that do not have an express protection mandate

In recent years, humanitarian agencies that do not have an express protection mandate, such as the World Food Programme and a number of humanitarian NGOs, have been increasingly aware that they have an important role to play, alongside mandated agencies, in enhancing the protection of the people they assist. Protection is therefore an emerging area of work for many such humanitarian organisations, with varying levels of capacity, knowledge, skills and professional practice.

³ The ICRC continues to implement its protection mandate independently of coordination structures such as the Protection Cluster, but is an observer in the Cluster.

We will support the development of professional principles and standards, and efforts to measure the impact of humanitarian protection work. We will also support initiatives to strengthen the capacity of non-mandated humanitarian agencies to – as a minimum - mainstream the protection of civilians into their policies and programmes.

Box 5 – Protecting rights in situations other than armed conflict

In situations of **political or social unrest**, the population often becomes the target of human rights violations and other violence, including by state institutions such as the police or the military. Such situations can escalate into armed conflict. The UK supports human rights monitoring and reporting in such situations, and aims to increase respect for human rights through institutional reform programmes – see Policy Goal 4 below.

Victims of **natural disasters** have often lost relatives, their belongings and their homes, becoming more vulnerable to human rights violations. The UK supports international humanitarian efforts to protect their rights, including through the Protection Cluster.

Policy Area 4 – State Capacity **Building the capacity of states to protect civilian populations**

(i) Strengthening security and justice services

In accordance with international law, states are responsible for protecting their citizens from abuses. However, in some circumstances states may not have the capacity to adequately protect their civilians. Protection requires legitimate, accountable and capable national security and justice institutions (military, police, prisons, courts) that provide equitable and effective security and justice services in accordance with the rule of law. They need to be responsive to citizens' needs; be able to understand and meet domestic and international human rights and humanitarian law obligations; and be particularly responsive to gender-based and sexual violence as women and children are disproportionately affected in conflict and post-conflict situations.

The 2009 DFID White Paper 'Eliminating World Poverty: Building Our Common Future' sets out an ambitious agenda for delivering security and justice as a basic service.

We will treat access to security and justice as a basic service and triple our direct project funding for security and justice to £120m by 2014, supporting better service delivery at state, local and non-state level. Our funding will help protect men, women and children from physical violence, crime, torture or arbitrary arrest; make sure their property is secure; and give them access to legal advice and a fair trial, with representation if needed.

We will give priority to measures to tackle violence against women by ensuring that all new security and access to justice programmes include measures to support women and girls affected by violence, particularly in conflict and post-conflict situations. We want to prevent such violence from occurring in the first place, and also to offer support in the aftermath of violence, by training the police and judiciary so they can respond in the right way, and helping victims re-establish livelihoods.

(ii) Improving the international community's response to security and justice issues

International organisations play an important role in strengthening the capacities of states in security and justice. The UK is actively supporting the UN's efforts to increase coherence and coordination between UN agencies working on rule of law and security sector reform, and between the UN, the World Bank and the European Commission. In the UN, the UK continues to be a supporter of the Secretary-General's 2004 report on the rule of law and transitional justice in conflict and post-conflict societies as well as his 2008 report on securing peace and development: the role of the UN in supporting security sector reform. In addition, we have used our bilateral experience to inform the work of the OECD DAC (Organisation for Economic Co-operation and Development, Development Assistance Committee) through the production of their 2007 *Handbook on Security System Reform: Supporting Security and Justice*, and have influenced the EU's *Council Conclusions on Security & Development* which provides the platform for a more integrated European response.

We will build an international partnership to promote security and justice. By collaborating internationally, we can be more effective. We will seek to improve coordination between bilateral, regional and international organisations.

(iii) Strengthening national capacities for human rights monitoring

National actors, particularly NGOs, community groups, lawyers associations, national human rights institutions, all have a key role to play in monitoring human rights in times of conflict, because of their knowledge and capacity on the ground. But the will and capacity of a national Government to support human rights monitoring varies greatly from country to country. Independent human rights actors often face considerable challenges to carry out their work, including threats to their own protection. International support can play a key role in helping to prevent and address human rights violations in situations of conflict. To this end:

We will support the work of local human rights NGOs, national human rights institutions and international organisations in strengthening national capacity for human rights monitoring in situations of conflict and political or social unrest.

We will support protection for human rights defenders. In particular we will promote implementation of the EU guidelines on human rights defenders⁴ and raise individual cases including with the governments concerned.

We will encourage the provision of human rights technical assistance and capacity-building (including in the areas of security sector reform and access to justice) by the UN and regional organisations.

⁴ www.consilium.europa.eu