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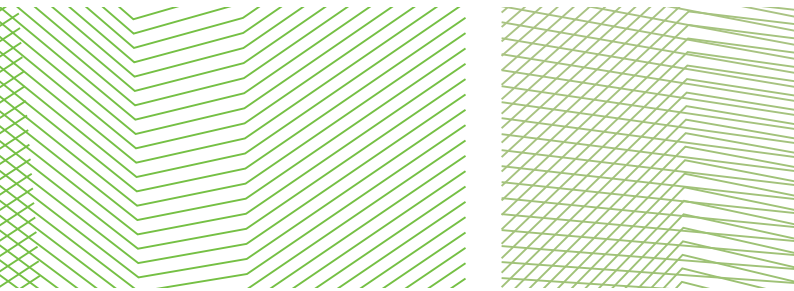


PERCEPTIONS ABOUT PROTECTION OF CIVILIANS

A survey of practitioners

Dr Phoebe Wynn-Pope





The author would like to thank the many individuals who have kindly given their time and expertise to this research. In particular, the author would like to thank Gloria Martinez who has untiringly assisted in the analysis of data and writing of the report; Kate Sutton and Beth Eggleston from the Humanitarian Advisory Group for their keen eye, structural focus and advice; Steph Cousins from Oxfam Australia for her thoughtful and comprehensive input and management; Sally Chin, Eveline Rooijmans and Ellie Kemp from Oxfam; and Kelisiana Thynne from the Australian Civil-Military Centre (ACMC).

This report is the third piece published from the In Search of Common Ground project, which is a collaboration between Oxfam Australia, the ACMC and the Humanitarian Advisory Group. The report has been written by Dr Phoebe Wynn-Pope and represents the findings of the survey; it does not necessarily represent the views of Oxfam, the Humanitarian Advisory Group, the ACMC or the Australian Government.

The two other published components of this project are:

Evolution of Protection of Civilians in Armed Conflict, also available in hard copy and online. 'Chronological Evolution of the Protection of Civilians (POC) 1991–2012 – Key Documents' is an interactive tool and as such is only available online.

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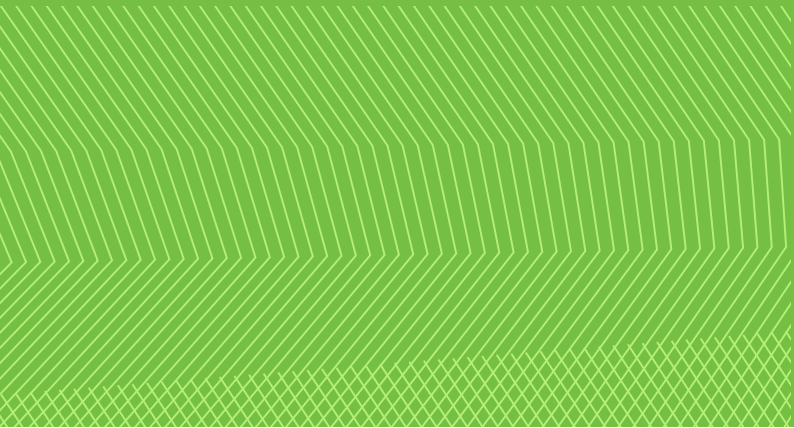
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ABBREVIATIONS

ACMC	Australian Civil-Military Centre
DFS	United Nations Department of Field Support
DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
ERC	Emergency Response Coordinator
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ISAF	International Security Assistance Force
NATO	North Atlantic Treaty Organization
NGO	Non-Government Organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSV	Other Situations of Violence
POC	Protection of Civilians
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNPOL	United Nations Police
UNSC	United Nations Security Council
USG	Under Secretary-General of the United Nations

EXECUTIVE SUMMARY



Historically, international humanitarian law (IHL) through the Geneva Conventions of 1949 and their Additional Protocols of 1977 has required the protection of civilian populations in armed conflict. The Geneva Conventions provide guidance with regard to the obligations of states and parties to a conflict to apply the principle of distinction and to ensure precaution in attack as they pursue their military objectives. This was the first international legal framework to provide for the protection of civilians and forms the foundation of the 'Protection of Civilians' concept.¹

Throughout the 1990s, devastating failures to protect civilians from violence and atrocities shaped thinking at the United Nations (UN) and gave rise to a more expansive concept of Protection of Civilians, incorporating international human rights law, international refugee law, and including best practices in peacekeeping operations and humanitarian response. This is reflected in the adoption of *Protection of Civilians in Armed Conflict* as a thematic concern of the UN Security Council, and the development of policy and guidance relating to civilian protection since 1999, at the United Nations and elsewhere.² The term 'Protection of Civilians' has expanded from a set of legal obligations in IHL to a conceptual and operational framework used by multiple 'protection actors'³ and practitioners—military and civilian, political and humanitarian.

The concept of Protection of Civilians has developed in response to conflicts and crises as they emerged and as a result has developed unevenly.⁴ Combined with the fact that there is no operational definition of Protection of Civilians,⁵ there is a perception among protection practitioners that different actors involved in providing protection to people caught up in crisis understand and implement the concept differently.⁶ This perception raised questions among the researchers as to whether different understandings actually exist, and if so what the implications for the implementation of civilian protection might be. This gave rise to a research project titled *In Search of Common Ground – Understanding Civilian Protection Language and Practice for Civil and Military Practitioners*.

There were two phases of the research project. First, desktop research and consultations were undertaken in 2012 that identified a number of areas for further exploration. These included identifying whether different protection actors understand and practise protection differently, and whether they see that Protection of Civilians has expanded from the narrow protections offered by IHL to incorporate the wide array of human rights concerns. A third area identified for examination was whether the Protection of Civilians concept has been changing and losing its historic nexus with armed conflict.⁷ The desktop research posited that a clearer understanding of how different protection actors think about the Protection of Civilians could provide enhanced understanding, coordination, cooperation and complementarity in the field—potentially leading to improved protection outcomes.

1 B de Carvalho and JHS Lie 2011, 'Chronicle of a Frustration Foretold', *Journal of International Peacekeeping*, vol. 15, pp. 341–62.

2 Strategy of the Federal Department of Foreign Affairs (FDFA) 2009–2012 Switzerland; UK Government Strategy on the Protection of Civilians in Armed Conflict, for other references see *Chronological Evolution of Protection of Civilians (POC) 1999–2012: Key Documents* at <<http://acmc.gov.au/wp-content/uploads/2013/04/2012-74-Protection-of-Civilians-Comparative-Report-Final.pdf>>.

3 For the purposes of this study, a protection actor is an entity that has a specific obligation, mandate or purpose to advance the safety and protection of civilians.

4 Elizabeth Ferris 2011, *The Politics of Protection*, p. 131; Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, pp. 1–2.

5 Holt, Taylor and Kelly 2010, *Protecting Civilians in the Context of UN Peacekeeping Operations*, p. 72; Ferris, *The Politics of Protection*, p. 155.

6 Lie and Carvalho 2009, *The Tension between UN HQ and the Field in Implementing the Protection of Civilians*, Policy Brief 4, NUPI; Phoebe Wynn-Pope 2012, *Evolution of the Protection of Civilians in Armed Conflict*, Oxfam and ACMC.

7 See Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.

As a result, a survey of experienced protection practitioners was undertaken in the second phase of the project to establish an evidence base for understanding how different actors think about the Protection of Civilians.⁸ This report documents the findings of that survey.

The survey was conducted in 2013 in three languages (English, French and Spanish) and engaged 171 respondents from 25 countries, with an even number of male and female participants. In order to conduct a comparative analysis, the survey divided the respondents into three distinct groups based on the type of organisation for whom they had spent the *most time* working. The 'Military/Police' (Mil/Pol) group (16 per cent of respondents) consisted of uniformed respondents—all military and police regardless of background. The 'Humanitarians' group (58%) consisted of humanitarian practitioners—from both mandated and non-mandated agencies, non-government organisations (NGOs) and the United Nations. Finally the 'Other Civilian' group (26 per cent) included government representatives, academics, employee think tanks, and civilian members of the UN Department of Peacekeeping Operations (DPKO).

FINDINGS

Results of the survey demonstrated that protection practitioners have a wide range of views on the nature of the Protection of Civilians. In general there is agreement on the theory of the concept, including its origins in IHL and its application in times of armed conflict. However, there are real differences in the way practitioners understand how to put it into operation. The differences exist within and between the comparative groupings (Mil/Pol, Humanitarians and Other Civilian).

Key points of agreement included:

- the complex and multi-dimensional nature of the Protection of Civilians requires both military and civilian actors
- the Protection of Civilians applies in contexts of armed conflict and can apply in other situations of violence (OSV)⁹
- the Protection of Civilians is about protecting people from physical violence
- the Protection of Civilians overlaps with humanitarian protection and human rights protection.

Points of contention included:

- whether the Protection of Civilians applies in non-violent contexts to respond to human rights threats that do not involve physical violence
- how the Protection of Civilians fits into a broader response to protection concerns
- how the Protection of Civilians relates to human rights and humanitarian protection
- which protection actors are responsible for the Protection of Civilians.

⁸ Average protection-related experience of respondents was 11 years.

⁹ Other situations of violence (OSV) are defined as 'violence that does not reach the threshold of armed conflict, but whose consequences for humanitarian action can be as serious as those stemming from armed conflict'. This may include situations including 'civil unrest, state repression, communal violence and organised violence in urban settings'. From ICRC Workshop Report 2011, 'Children affected by armed conflict and other situations of violence'.



Shangil Tobay, Darfur – A women's village consultation in a camp in Darfur to discuss protection and security needs and concerns. Adrian McIntyre/Oxfam 2006

Survey responses suggested that the Protection of Civilians is perceived to have evolved in three inter-related ways:

1. The Protection of Civilians is considered to apply in a *broader range of contexts*. All protection practitioners agree that the Protection of Civilians applies in situations of armed conflict and a majority of respondents also see it applying in OSV. The Protection of Civilians was considered by a minority of respondents to also apply in crisis situations that are often non-violent, such as famine and natural disasters.
2. The Protection of Civilians is considered to encompass a *greater range of human rights concerns*. Beyond the narrow protections offered in IHL, the Protection of Civilians is increasingly about the protection of individuals from violations to civil and political rights in times of conflict and OSV. For a minority of respondents, the Protection of Civilians has also expanded to address human rights violations that do not involve physical violence.
3. The Protection of Civilians is considered to include a greater range of activities to respond to the greater range of human rights concerns.

AREAS FOR FURTHER EXPLORATION

Further work is needed to clarify the scope of the Protection of Civilians and the roles and responsibilities of different protection actors and practitioners. Such work should focus on three areas of identified disconnection:

1. The context in which the Protection of Civilians applies

All respondents agreed that the Protection of Civilians applies in armed conflict, and most extend its application to OSV. A third of the respondents also suggested Protection of Civilians is an appropriate response to human rights threats that do not involve physical violence. The contexts in which the Protection of Civilians applies should be clarified for all practitioners. In general, the majority of respondents noted that the Protection of Civilians should only be considered to apply in contexts of armed conflict and OSV as other forms of protection provide a framework for responses in other contexts.

2. The limited scope of Protection of Civilians

The data shows the interpretation and understanding of the language of protection is varied among protection practitioners. There is no clarity about how Protection of Civilians responses practically contribute to broader responses to crises. The use of legal obligations and responsibilities, mandates and policy guidance to provide a framework for protection leaves scope for organisations and individuals to develop a concept of Protection of Civilians tailored to their purpose. However, as an important thematic issue at the United Nations, the Protection of Civilians concept requires greater clarity and consistency of purpose in order to avoid confusion and enhance transparency and accountability of the United Nations and international community to populations at risk.

3. Implementation and operational disconnection

Respondents demonstrated that there is no commonly agreed approach to the implementation of Protection of Civilians responses, and the roles and responsibilities of protection actors and practitioners are not clear. It was notable that different views persisted not only between the survey groups, but also within the groups themselves. It is important in humanitarian crises that the complementarity of roles and responsibilities between different actors working in the same space is well understood.¹⁰ It is recommended that more work be done to enhance understanding between different actors as to their roles, responsibilities and capacities in the context of the Protection of Civilians.

¹⁰ de Carvalho and Lie, 'Chronicle of a Frustration Foretold', pp. 341–62.



DRC, Mpati Camp, Goma – Oxfam protection team runs a training session for members of village protection committees and 'agents de change' (change agents).
 Caroline Gluck/Oxfam 2012

RECOMMENDATIONS

To address these areas of disconnection, it would be beneficial for the United Nations to lead a global consultation process among key protection actors and stakeholders in order to:

- a. identify and agree an operational definition of the Protection of Civilians¹¹
- b. identify key roles and responsibilities in the implementation of the Protection of Civilians responses, thereby enhancing understanding and complementarity between different actors across the civilian and military spectrum.

UN missions with protection mandates, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), DPKO and Protection Cluster leads should coordinate regular consultations with stakeholders at the country level to develop inclusive Protection of Civilians strategies. They should also clarify terms, set clear expectations regarding the roles and responsibilities of different protection actors, and establish clear processes for ongoing engagement between them. There are some good examples of UN missions adopting this approach, such as the joint-protection mission to Mali in August 2013.¹²

TABLE OF FINDINGS

Key findings identified in the research relate to three areas: the definition of the Protection of Civilians, the comparison of the Protection of Civilians with other types of protection, and the role of the Protection of Civilians in broader responses to crises. Each finding is based on quantitative data drawn from the survey, and qualitative data that supports or explains the trends found in the survey responses. Due to the size of the survey group, these findings should not be extrapolated to represent the entire protection community but rather may be indicative of emerging trends among the wider protection community.

¹¹ This reiterates previous calls for an operational definition of the Protection of Civilians. Ferris, *The Politics of Protection*, p. 135.

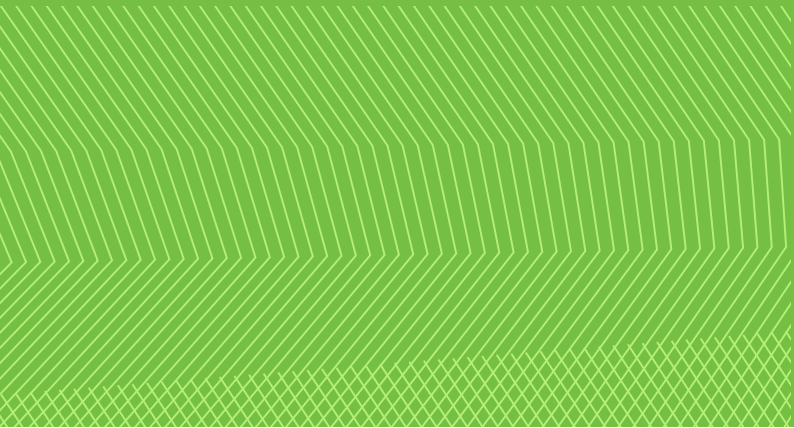
¹² *Mali Joint Protection Mission Report* provides an example at <http://data.unhcr.org/SahelSituation/regional.php>, viewed 3 April 2014.

Table 1: Key findings

1. Findings – What is Protection of Civilians?	
Points of agreement	Points of contention
Finding 1.1: Protection of Civilians is a multi-dimensional response.	
Protection of Civilians is highly complex and requires responses from military, police and other civilian actors.	
Protection of Civilians alone cannot address all protection needs.	
Finding 1.2: Protection of Civilians applies in a context of armed conflict and other situations of violence.	
Protection of Civilians requires a nexus with armed conflict and/or OSV.	Whether the Protection of Civilians applies in non-violent contexts such as famine and natural disasters.
Finding 1.3: Protection of Civilians involves the application of certain human rights concerns.	
There are a broader range of human rights protection activities available as part of a Protection of Civilians response.	Whether Protection of Civilians applies to human rights violations that do not involve physical violence.
2. Findings – How does Protection of Civilians compare with other forms of protection?	
Points of agreement	Points of contention
Finding 2.1: Protection of Civilians has a distinct remit and overlaps with humanitarian and human rights protection.	
Protection of Civilians applies in armed conflict and OSV, humanitarian protection applies in armed conflict, OSV and disasters, and human rights protection applies in all contexts.	Inconsistent understanding of the remit of Protection of Civilians in relation to other forms of protection.
The application of various legal regimes does not alone define the different forms of protection.	Nearly a third of respondents considered Protection of Civilians to apply in non-violent contexts.
Finding 2.2: Protection of Civilians requires a nexus with armed conflict and OSV; other forms of protection do not.	
Human rights protection is a consistent response to all protection threats.	Whether any non-violent protection threats require a Protection of Civilians response.
	Whether Protection of Civilians is an appropriate response to criminal violence.

3. Findings – How does Protection of Civilians fit into a broader response to crises?	
Points of agreement	Points of contention
Finding 3.1: No commonly agreed approach to the implementation of Protection of Civilians.	
There is agreement that Protection of Civilians is part of broader protection response to armed conflict and OSV.	Mil/Pol respondents are more likely to consider Protection of Civilians as a theme while Humanitarians and Other Civilian respondents are more likely to see Protection of Civilians as an objective.
	Differing views on the implementation of Protection of Civilians exist not only between groups but between individuals within the survey groups.
Finding 3.2: There is no agreed delineation of roles between actors involved in Protection of Civilians.	
States have primary responsibility for all forms of protection.	Protection actors identify responsibility for protection differently.
	In relation to secondary responsibility, the Mil/Pol group is more likely to regard state and UN bodies as responsible for protection; the Humanitarians group is more likely to identify a role for the non-government and humanitarian sector.
	Protection of Civilians is considered predominantly a military, government and institutional responsibility whereas the non-government sector is more likely to be considered responsible for humanitarian and human rights protection.
Finding 3.3 There is no agreed delineation of activities for protection actors.	
	Mil/Pol group does not indicate a clear view of the roles of different UN humanitarian agencies.
	More respondents from the Mil/Pol and Other Civilian groups identified NGO responsibility for protection than those from the Humanitarians group.

INTRODUCTION



Historically, international humanitarian law (IHL) through the Geneva Conventions of 1949 and their Additional Protocols of 1977 has required the protection of civilian populations in armed conflict. The Geneva Conventions provide guidance with regard to the obligations of states and parties to a conflict to apply both the principle of distinction and to ensure precaution in attack as they pursue their military objectives. This was the first international legal framework to provide for the protection of civilians and forms the foundation of the Protection of Civilians concept.¹³

Devastating failures to protect civilians throughout the 1990s shaped thinking at the United Nations about the need for a more expansive concept of Protection of Civilians.¹⁴ In 1999, the UN Security Council adopted ‘Protection of Civilians in Armed Conflict’ as a thematic concern. Since then the concept has evolved to provide a framework for the international community to respond to complex conflict-related humanitarian crises.¹⁵

The development of the concept of Protection of Civilians at the UN Security Council has coincided with an expansion in the practice of protection by humanitarian agencies.¹⁶ Different terms relating to protection have emerged including the Protection of Civilians, humanitarian protection and human rights protection. As it has evolved, the concept of the Protection of Civilians has grown to include aspects of refugee and international human rights law as well as IHL.

BACKGROUND TO THIS REPORT

This report sets out the findings of a research project titled *In Search of Common Ground – Understanding Civilian Protection Language and Practice for Civil and Military Practitioners*, which sought to explore how various protection actors think about the Protection of Civilians. It is common to hear that protection actors understand Protection of Civilians in various ways, resulting in a potential disconnection at a conceptual or practical level. It is possible that this disconnection may undermine complementarity and coordination between different protection actors, resulting in a barrier to more effective protection.¹⁷ The project aimed to determine whether different understandings of Protection of Civilians are anecdotal or reflect real differences in practice. The project also sought to identify future work to address any misunderstandings that may exist, and ultimately improve complementarity and engagement between protection actors.

The *In Search of Common Ground* research project had two phases: desk-based research and consultations followed by a global survey of protection actors and practitioners. The first phase consisted of desk-based research mapping Protection of Civilians-related policy guidance and included informal consultations in Melbourne, New York and Washington. Two documents were produced: a resource bibliography of Protection of Civilians-related literature, guidelines and strategies from 1991 to 2012,¹⁸ and a historical overview of the Protection of Civilians including a comparative analysis of the evolution of the Protection of Civilians at the UN Security Council, DPKO and in the broader humanitarian community.¹⁹

13 de Carvalho and Lie, ‘Chronicle of a Frustration Foretold’, pp. 341–62.

14 UNSC 2008, ‘Cross Cutting Report Number 2, Protection of Civilians’, <http://www.securitycouncilreport.org/cross-cutting-report/lookup-c-glKWLeMTisG-b-4664099.php>; William J Durch, et al, ‘The Brahimi Report and the Future of UN Peace Operations’, pp. 4–5; de Carvalho and Lie, ‘Chronicle of a Frustration Foretold’, pp. 341–62.

15 Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.

16 The growing engagement of the international humanitarian community in protection concerns is reflected in the gradual increase in policy guidance and related literature in the years after 1999. This is documented in Phoebe Wynn-Pope 2012, *Chronological Evolution of Protection of Civilians (the Protection of Civilians) 1991–2012: Key Documents*, Oxfam and ACMC.

17 UNSC 2008, ‘Cross Cutting Report Number 2, Protection of Civilians’.

18 Wynn-Pope 2012, *Chronological Evolution of Protection of Civilians*.

19 Wynn-Pope 2012, *Evolution of the Protection of Civilians in Armed Conflict*.



In Mpati the Oxfam protection team gives training for members of village protection committees and 'agents de change' (change agents).
Caroline Gluck/Oxfam 2012

The first phase of the research concluded that despite considerable normative development of the Protection of Civilians, there appears to be a disconnection between different protection actors and how they define and practise the Protection of Civilians. This was indicated by:

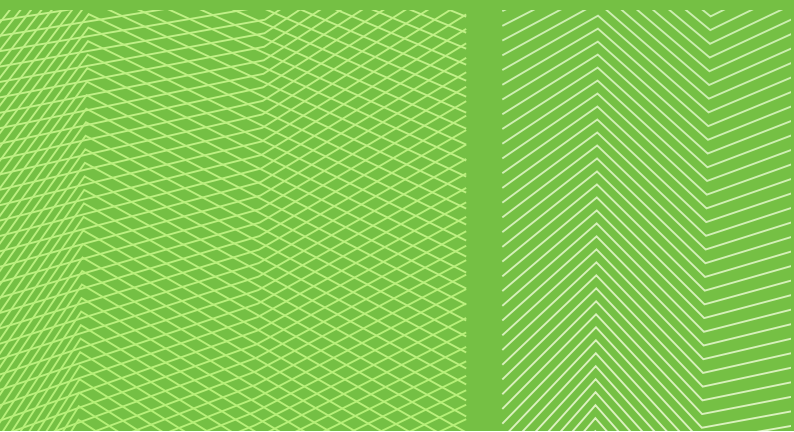
- actions contributing to similar objectives being differently described and defined by various actors
- the apparent expansion of the Protection of Civilians from the narrow protections offered by IHL to encompass more general human rights protections
- the different legal and moral responsibilities of protection actors.²⁰

This informed the second phase of the research: a global survey of protection practitioners designed to examine these findings and draw further conclusions. The survey explored:

- the contexts in which the Protection of Civilians applies
- how the Protection of Civilians relates to and overlaps with other forms of protection such as humanitarian protection and human rights protection
- which actors are responsible for different protection responses.

²⁰ Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*, pp. 28–29.

DEFINING THE PROTECTION OF CIVILIANS



One of the difficulties in developing the concept of the Protection of Civilians is that there is no commonly agreed operational definition. This lack of definition, and the wide variation in interpretation of what the Protection of Civilians means,²¹ is the impetus for this research exploring different protection practitioners' understanding of the Protection of Civilians.

The most commonly used definition framing international protection responses was developed by the International Committee of the Red Cross (ICRC), in consultation with a large number of humanitarian and human rights agencies, and has since been adopted by the Inter-Agency Standing Committee (IASC).²²

Protection is 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.²³

Within this broad definition of protection, there are three interrelated concepts that regularly emerge in literature and practice relating to international responses to conflict and insecurity: the Protection of Civilians, humanitarian protection and human rights protection. Often these terms are used in distinct ways, although sometimes they are used interchangeably. For example, at least one peacekeeping mission has used the ICRC/IASC definition of protection as an equivalent definition for the Protection of Civilians.²⁴

The Protection of Civilians *in armed conflict* is a thematic concern of the UN Security Council (UNSC), and since 1999 the UN Secretary-General has provided thematic reports to the UNSC on the subject. While the UNSC has not offered its own definition of Protection of Civilians,²⁵ it has developed the concept normatively through a range of country and thematic resolutions.²⁶ OCHA has documented this normative development in several editions of the *Aide-Memoire for the consideration of issues pertaining to the protection of civilians in armed conflict*. The UNSC endorses the *Aide-Memoire* and has stressed the need to use it in a 'systematic and consistent' way to analyse and diagnose key protection issues.²⁷

In 2009, the Secretary-General articulated five core challenges to ensuring effective and coordinated protection efforts on the ground (see Box 1), which give an indication of the UN Secretariat's overarching normative framework for the protection of civilians.²⁸

21 Ferris, *The Politics of Protection*, p. 155.

22 'The Inter-Agency Standing Committee is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key UN and non-UN humanitarian partners.' <http://www.humanitarianinfo.org/iasc/>.

23 Sylvie Gioiosi Caverzasio 2001, *Strengthening Protection in War: A Search for Professional Standards*, Geneva ICRC, p. 19.

24 For example the UNMIS conceptual framework for protection of civilians, cited in Holt, Taylor and Kelly 2009, *Protecting Civilians in the Context of UN Peacekeeping Operations*, p. 192.

25 Ibid, p. 72.

26 For a comprehensive list of UNSC resolutions and reports on the Protection of Civilians, see *Chronological Evolution of the Protection of Civilians (the Protection of Civilians) 1991-2012 - Key Documents*, <http://acmc.gov.au/wp-content/uploads/2013/04/2012-74-Protection-of-Civilians-Comparative-Report-Final.pdf>.

27 See for example, UN Security Council, Presidential Statement, UN Doc. S/PRST/2014/3, 12 February 2014. Note the first edition of the *Aide-Memoire* was adopted on 15 March 2002 in S/PRST/2002/6.

28 Report of the Secretary-General on the protection of civilians in armed conflict, UN Doc. S/2009/277, 29 May 2009.

Box 1: Secretary-General's five core challenges to Protection of Civilians in armed conflict

1. Enhancing compliance of parties to the conflict with their obligations under international law, in particular the conduct of hostilities
2. Engagement with non-state armed groups
3. Protecting civilians through UN peacekeeping and other relevant missions
4. Humanitarian access
5. Enhancing accountability for violations.

DPKO abbreviates the 'Protection of Civilians' to 'POC' and has defined the concept in the DPKO/DFS operational concept as including political protection, physical protection and actions designed to bring about a safe environment conducive to the enjoyment of human rights.²⁹ This framework is used by UN missions with POC mandates.

Regional organisations have also developed their own understandings about the Protection of Civilians. For example, the African Union has developed *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations* with the support of the Australian Government.³⁰ The African Union's draft concept defines a four-tiered approach to POC: protection as part of the political process, protection from physical violence, rights-based protection, and the establishment of a protective environment.

The humanitarian community has significantly developed the concept of humanitarian protection, which is 'concerned with the safety, dignity and rights of people affected by disaster or armed conflict'.³¹ There are four basic Protection Principles defined by Sphere Standards: do no harm; ensure access to impartial assistance; protect people from physical and psychological harm; and assist people to claim their rights, access remedies, and recover from abuse.³²

Finally, while there is no definitive definition of human rights protection, it is generally understood to relate to the process of preventing, avoiding and redressing human rights violations, as defined in International Human Rights Law Treaties and Covenants. Understanding how these concepts relate to one another is key to unpacking different perceptions about the Protection of Civilians.

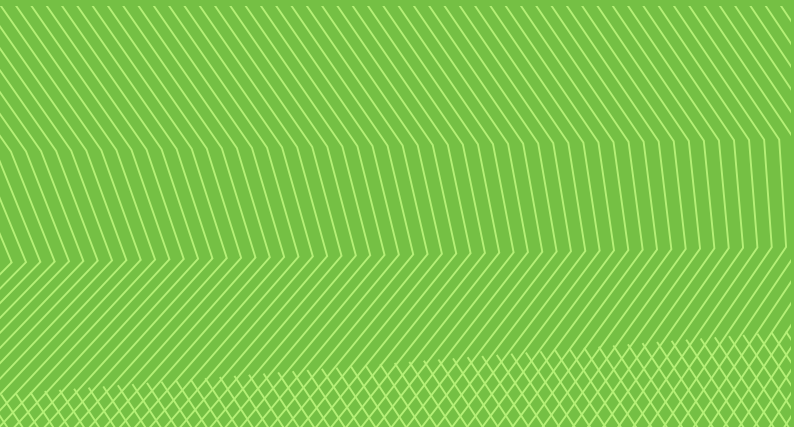
29 See the DPKO/DFS operational concept note at <http://www.peacekeeping.org.uk/wp-content/uploads/2013/02/100129-DPKO-DFS-the-Protection-of-Civilians-Operational-Concept.pdf>.

30 See *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations*, March 2010, <http://www.apsta-africa.org/documentation/resources/key%20resources/Draft%20AU%20PoC%20Guidelines%20-%20English.pdf>.

31 'The Sphere Project – Humanitarian Charter and Minimum Standards in Humanitarian Response', 2011, p. 29.

32 Ibid, p. 32.

SURVEY METHODOLOGY



The survey was designed to gather evidence regarding practitioners' views on the Protection of Civilians. A detailed outline of the survey methodology and a copy of the survey questions can be found in Annex A.

The survey consisted of quantitative and qualitative questions. Eight questions concerned the demographics and relevant experience of the respondents, and 14 substantive questions were designed to provide insight into the way various actors understand the protection issues that emerged from the desk-based research. The substantive questions were divided into groups of questions specifically exploring how different protection actors understand:

- the Protection of Civilians
- the Protection of Civilians in comparison to humanitarian protection and human rights protection
- which actors have responsibility for undertaking the Protection of Civilians, humanitarian protection and human rights protection
- which actors should be undertaking a variety of protection activities.³³

The survey was administered in English, French and Spanish via an online survey tool (Survey Monkey) and sought to test how individual understandings of protection were affected by actor type; nationality; gender; years spent working in the field, head office or academia; and by the length of time a practitioner had been working on protection issues. The survey successfully identified a diverse array of respondents.

RESPONDENTS

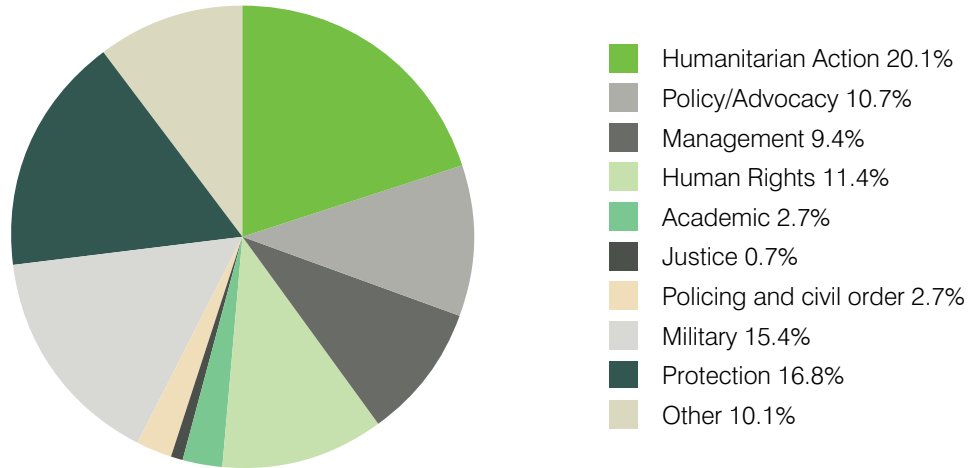
The survey targeted protection practitioners with significant experience working on protection issues from a range of professional fields.

- The survey was completed by 171 respondents across three language groups—English (151), French (12) and Spanish (8)—from 25 countries
- 166 respondents provided an answer as to their sex, with 83 males and 83 females
- Average protection-related experience of respondents was 11 years. Most non-field-based respondents had between one to three years' field experience
- Respondents came from a wide variety of fields and sectors with the largest percentage of respondents working in humanitarian action or military (see Figure 1).

33 As indicated by Question 7 of the survey, see survey questions at Annex I: Methodology.

Figure 1: Survey respondents by area of expertise

Which of the following best describes your primary area of expertise?



DATA ANALYSIS

In order to conduct a comparative analysis, the respondents were divided into three distinct groups based on the type of organisation they had spent the *most time* working for. The first group (Mil/Pol) consisted of uniformed respondents—all military and police regardless of background. The second group (Humanitarians) consisted of all humanitarians—from mandated and non-mandated agencies, NGOs and the United Nations. The third group (Other Civilian) included government representatives, academics, think tanks and members of DPKO considered as policy-makers rather than military contributors.

These groupings were made on the basis that issues arising in humanitarian crises are often debated across the humanitarian/military divide with academics and policy-makers crossing between them. The role of the military and of humanitarian and other civilian actors in keeping people safe is critical. How those actors see themselves and each other is key to this research. The groups are represented in Table 2 below.

Table 2: Survey respondents by group and sex

Humanitarians	Mil/Pol	Other Civilian
99 respondents or 58%	28 respondents or 16%	42 respondents or 26%
41 male, 56 female ³⁴	24 male, 4 female	18 male, 22 female

Results did not demonstrate any statistically significant variance between the views of males and females and so a gender analysis of views was not included in the findings.

³⁴ There is a discrepancy in the number of male and female respondents as only 97 of the 99 respondents from the Humanitarians group answered the question about gender.

LIMITATIONS

1. Sub-group data sets

While the majority of respondents fell into the three comparative groups based on the type of organisation they worked for, in some cases that data was not sufficiently robust to allow comparison between sub-groups. This prevented comparison between language groups and comparison between mandated and non-mandated humanitarian agencies. In addition, comparison between head office and field-based staff was not appropriate as most head office and academic respondents had at least one to three years' field experience.

2. Response bias

It was not possible to undertake statistically rigorous randomisation of the survey sample due to a number of factors. The survey cohort comprised experienced protection practitioners. However, the snowball nature of survey distribution, an inability to determine exactly who was motivated to fully engage with the survey process, and a lack of knowledge about who did not either receive or answer the survey, limited how respondents' views could be generalised across the broader protection community.

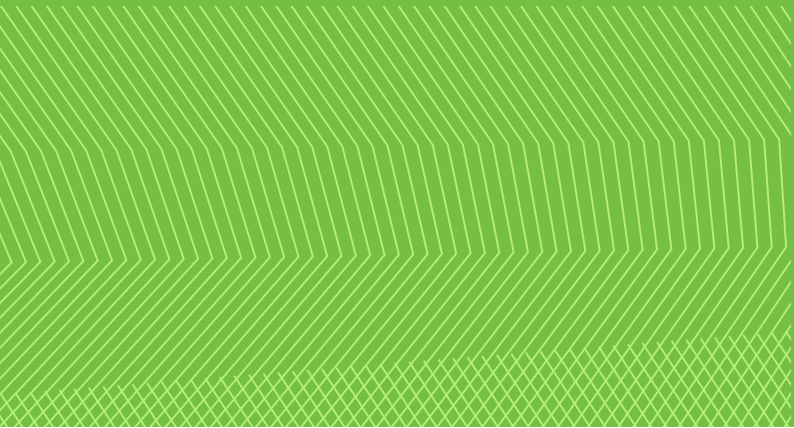
3. Question clarity

In some instances, respondents noted that questions lacked clarity or context. For example, when asked about which type of protection response applied in situations of famine, some respondents noted that their answer would be contingent on whether famine was caused by or occurring in the context of an armed conflict. With regard to questions of responsibility for protection activities, some respondents questioned whether the 'responsibility' of different actors was legal responsibility, or a moral, ethical or operational responsibility. This may have limited the ability to draw comparisons between groups on some questions due to different interpretations of the original question.

4. Group distribution

Distribution of respondents between the groups was uneven and the number of respondents was not always adequate to ensure statistical significance of findings. Where a finding reached the threshold of statistical significance this is highlighted in the report. In the absence of statistical significance the results should be considered indicative.

FINDINGS AND ANALYSIS



The first phase of this research indicated that protection actors and practitioners understood the Protection of Civilians in different ways, as well as its relationship to other forms of protection such as human rights protection and humanitarian protection.³⁵ It was unclear whether the perceptions of difference were substantiated or merely anecdotal, or whether perceptions varied due to individual preferences or differences in institutional policy among protection actors. This perceived lack of common understanding was recognised as potentially contributing to a disconnection among protection actors, undermining their complementarity.³⁶

The survey results demonstrated that protection practitioners had a wide range of views on the nature of the Protection of Civilians. In general there was agreement on the theory of the Protection of Civilians, including its origins in IHL and its application in times of armed conflict. However, there were real differences in the way surveyed practitioners understood how to operationalise the Protection of Civilians. The differences existed within and between comparative groupings (Mil/Pol, Humanitarians and Other Civilian).

Key points of agreement included that:

- the complex and multi-dimensional nature of the Protection of Civilians requires both military and civilian actors
- the Protection of Civilians applies in contexts of armed conflict and other situations of violence
- the Protection of Civilians is about protecting people from physical violence
- the Protection of Civilians overlaps with both humanitarian protection and human rights protection.

Points of contention included:

- whether the Protection of Civilians applies in non-violent contexts to respond to non-violent human rights threats
- how the Protection of Civilians fits into a broader response to protection concerns
- how the Protection of Civilians relates to human rights and humanitarian protection
- which protection actors are responsible for the Protection of Civilians.

These findings are extrapolated in the following sections.

³⁵ Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*, pp. 21–26.

³⁶ *Ibid.*, p. 28.



Awareness raising exercise held by members of the local protection committee and women's association in Bangadi village.
Caroline Gluck/Oxfam 2012

The first section explores how respondents understood the Protection of Civilians: whether there was a common understanding of the concept; the context in which it occurred; and the relationship between the Protection of Civilians, international humanitarian law and human rights law. The second section explores how Protection of Civilians compares with humanitarian protection and human rights protection, and whether respondents considered each protection response being implemented with different or similar tasks. The third section looks at how the Protection of Civilians was perceived to contribute to broader responses to crises and whether practitioners considered the Protection of Civilians as a theme or an objective. This section also looks at the responsibilities of different actors and the activities they undertook as a function of different forms of protection.

Each section includes an easy reference table summarising the findings, followed by detailed discussion and analysis of the survey data and results. This report is not intended to redefine the Protection of Civilians but rather to speak to the perceptions and opinions of those surveyed as a part of this research. In doing so it may be possible to draw conclusions about where broader trends may be emerging among actors implementing a range of protection programs.

1

WHAT IS THE PROTECTION OF CIVILIANS?

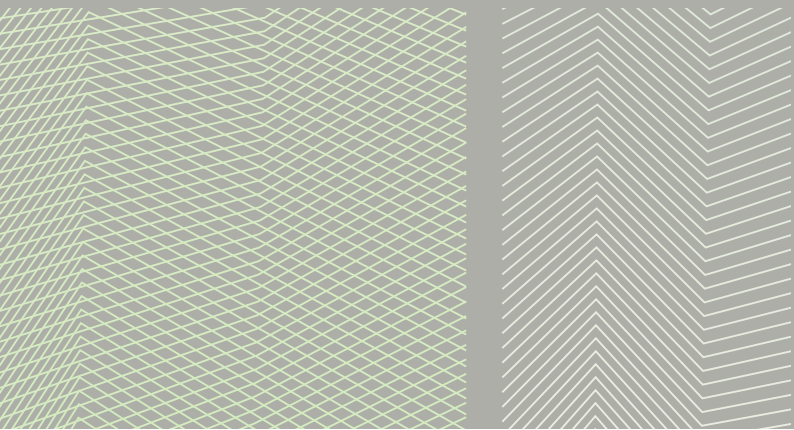


Table 3: What is the Protection of Civilians?

Points of agreement	Points of contention
Finding 1.1: Protection of Civilians is a multi-dimensional response.	
Protection of Civilians is highly complex and requires responses from military, police and other civilian actors.	
Protection of Civilians alone cannot address all the protection needs of a community.	
Finding 1.2: Protection of Civilians applies in a context of armed conflict and other situations of violence.	
Protection of Civilians requires a nexus with armed conflict and/or OSV.	Whether Protection of Civilians applies in non-violent contexts such as famine and natural disasters.
Finding 1.3: Protection of Civilians involves the application of certain human rights concerns.	
There are a broader range of human rights protection activities available as part of a Protection of Civilians response.	Whether Protection of Civilians applies to non-violent human rights violations such as denial of access to education.

FINDING 1.1: PROTECTION OF CIVILIANS IS A MULTI-DIMENSIONAL RESPONSE

Respondents considered Protection of Civilians to be multi-dimensional with military, police, humanitarian and other civilian actors likely to have a role in its implementation. This is in line with DPKO/DFS’s operational guidance that frames the Protection of Civilians as a ‘complex and multi-actor effort’.³⁷ Some respondents preferred to note that there is a military and a *civilian* Protection of Civilians response, recognising that there are civilian protection actors contributing to the Protection of Civilians that are not part of a humanitarian response. Such actors may include, for example, non-military political and legal functionaries in UN missions. A number of respondents noted that the Protection of Civilians was highly political and required engagement in the political process,³⁸ further supporting the idea that there are non-humanitarian civilian actors involved in the Protection of Civilians.

The multi-dimensional nature of the Protection of Civilians is also borne out by the number of actors who are considered responsible for protection responses and for the breadth and scope of protection activities (see Section 3.3).

37 Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations p. 10; United Nations Department of Peacekeeping & Department of Field Support 2008, *United Nations Peacekeeping Operations, Principles and Guidelines*, New York, United Nations, p. 24.

38 Of 31 long answer responses to the question ‘What does the Protection of Civilians mean to you?’, more than 20 per cent noted the political nature of the Protection of Civilians.

FINDING 1.2: PROTECTION OF CIVILIANS APPLIES IN A CONTEXT OF ARMED CONFLICT AND OTHER SITUATIONS OF VIOLENCE

All respondents identified that the Protection of Civilians applies in armed conflict, reflecting its origins in IHL.

The survey results also reflect a view that the Protection of Civilians has expanded to apply beyond its traditional origins in armed conflict to include OSV. More than 68 per cent of respondents identified the application of Protection of Civilians in post-conflict, and 59 per cent identified the Protection of Civilians in protracted social conflict situations. This may be attributed to the way in which the concept of the Protection of Civilians has developed at the UN Security Council, DPKO and in the wider humanitarian community.³⁹ This finding suggests that the concept of the Protection of Civilians has evolved to encompass a broader context than the threshold of armed conflict required for the application of IHL.

However, respondents did not necessarily link the Protection of Civilians to all violent situations. Most respondents differentiated between violence related either directly or indirectly to armed conflict, such as that in the Democratic Republic of the Congo (DRC) or South Sudan, and violence motivated by broader criminality such as in Mexico. For the Protection of Civilians to apply, the context in which violence is occurring is important. A clear link between the Protection of Civilians and armed conflict or OSV was established.

*Whether or not humanitarian protection or POC applies depends a lot on the situation—is it a conflict, who is perpetrating the action etc.*⁴⁰

OSV relates to ‘violence that does not reach the threshold of armed conflict, but whose consequences for humanitarian action can be as serious as those stemming from armed conflict’. This may include situations including ‘civil unrest, state repression, communal violence and organised violence in urban settings’.⁴¹

Despite the majority of respondents linking the Protection of Civilians with violence, more than 30 per cent of respondents indicated that Protection of Civilians responses also occurred in a broader range of contexts, including in potentially non-violent situations such as famine and natural disasters. The fact that nearly 30 per cent of respondents considered that the Protection of Civilians applies in such circumstances makes it possible to argue that the Protection of Civilians has expanded even beyond requiring a nexus with armed conflict and OSV.⁴²

39 Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.

40 Survey respondent.

41 ICRC Workshop Report 2001, ‘Children affected by armed conflict and other situations of violence’.

42 Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.



Members of a local women's committee attend a training session in Bweru town, Masisi Territory, North Kivu. The session on sexual and gender based violence is run by Oxfam's protection assistant Marie-Claire Kizungu. Caroline Gluck/Oxfam 2012

However, some respondents noted that they would only consider the Protection of Civilians to apply in a famine or natural disaster context if there was also the presence of armed conflict or if the UN Security Council had mandated a UN mission with Protection of Civilian tasks:

POC in UN peacekeeping exists where there is a Security Council mandate. This can occur in the midst of natural disaster (Haiti), post conflict (Liberia), 'frozen conflict' (Lebanon), active conflict (Darfur).⁴³

The nature of the concept of the Protection of Civilians—its origins in IHL, the focus of the UN Security Council on 'Protection of Civilians in armed conflict', and developments at the UN Security Council where protecting civilians populations is a mandated task of peacekeepers—suggest that at the highest policy-making levels the nexus with violence associated with armed conflict remains central to the concept of the Protection of Civilians.

FINDING 1.3: PROTECTION OF CIVILIANS INVOLVES THE APPLICATION OF CERTAIN HUMAN RIGHTS PROTECTIONS

The data suggests that for the majority of respondents the concept of Protection of Civilians has evolved to encompass a wider range of human rights concerns and entails a broader array of human rights protection activities than in the past. While the extent of the application of international human rights law in situations of armed conflict has been a matter for debate in the past,⁴⁴ the ongoing application of human rights in armed conflict and OSV is now well recognised.⁴⁵ To apply a Protection of Civilians regime that does not incorporate protections for a broad array of human rights, therefore, would be inconsistent with

43 Survey respondent.

44 N Lubell 2005, 'Challenges in applying human rights law to armed conflict', *International Review of the Red Cross*, vol. 97, no. 860, p. 738.

45 See for example, International Court of Justice, Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, ICJ Reports 2004; Human Rights Committee, General Comment 29, States of Emergency (Article 4), UN Doc. CCPR/C/21/Rev.1/Add.11 (2001) para. 3; Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel; 31/08/2001. E/C.12/1/Add.69.

the prevailing application of international law. However, if the protection of human rights has become an integral part of the Protection of Civilians, should Protection of Civilians responses include the protection of *all* human rights?

The survey data indicates a range of views on this question. While most respondents did not identify human rights violations that do not involve physical violence as Protection of Civilians concerns, a sizable minority did. For example, 28 per cent of respondents thought denial of access to a fair trial was something that must be protected against in a Protection of Civilians response, and 32 per cent identified lack of adequate shelter and denial of access to education, health and other services as Protection of Civilians concerns.

The divergent views about the role of human rights in the Protection of Civilians concept may have emerged as a result of developments at the United Nations and in UN peacekeeping mandates. The DPKO has developed Protection of Civilians guidance seeking to ensure that protection needs are addressed in UN missions.⁴⁶ This guidance includes many protections beyond those required by traditional notions of the Protection of Civilians found in IHL,⁴⁷ such as human rights-based environment building activities and the development and establishment of the rule of law.⁴⁸

*In its strictest form, POC means the protection of civilians in armed conflict from violations of international human rights and humanitarian law, primarily the right to life and to physical security. In this sense, to me it is a subset of protection of human rights in general, which applies in any situation, not just armed conflict ... Often POC seems to be used as a code word to avoid talking about human rights protection; but there seem to be no circumstances in which the Protection of Civilians is not human rights protection.*⁴⁹

While it may be true that the Protection of Civilians is always human rights protection, it does not follow that all actors believe the Protection of Civilians is an appropriate operational response to any situation with human rights concerns. This relates directly to the question of context. It is important to recognise that the inclusion of human rights in the concept of the Protection of Civilians does not necessarily extend the *context* in which the Protection of Civilians applies (i.e. beyond armed conflict and OSV). Rather, the inclusion of human rights protections enables a wider range of activities in response to the relevant human rights violations occurring in the Protection of Civilians context.

46 Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, paragraph 6.

47 See Geneva Convention relative to the protection of civilians in time of war of August 12, 1949, Article 23, and Additional Protocol I to the Geneva Convention articles 69, 70 and 71, allowing for supplies 'essential to the survival of the civilian population'. Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.

48 Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, pp. 5–6.

49 Survey respondent.

2

HOW DOES THE PROTECTION OF CIVILIANS COMPARE TO OTHER FORMS OF PROTECTION?

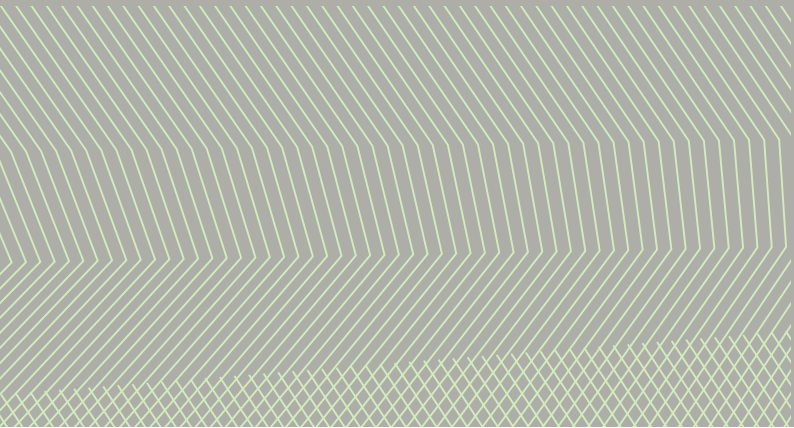


Table 4: How does the Protection of Civilians compare to other forms of protection?

Points of agreement	Points of contention
Finding 2.1: Protection of Civilians has a distinct remit and overlaps with humanitarian and human rights protection.	
Protection of Civilians applies in armed conflict and OSV, humanitarian protection applies in armed conflict, OSV and disasters, and human rights protection applies in all contexts.	Inconsistent understanding of the remit of Protection of Civilians in relation to other forms of protection.
The application of various legal regimes does not alone define the different forms of protection.	Nearly a third of respondents considered Protection of Civilians to apply in non-violent contexts.
Finding 2.2: Protection of Civilians requires a nexus with armed conflict or OSV; other forms of protection do not.	
Human rights protection is a consistent response to all protection threats.	Whether any non-violent protection threats require a Protection of Civilians response.
	Whether Protection of Civilians is an appropriate response to criminal violence.

FINDING 2.1: THE PROTECTION OF CIVILIANS HAS A DISTINCT REMIT AND OVERLAPS WITH HUMANITARIAN AND HUMAN RIGHTS PROTECTION

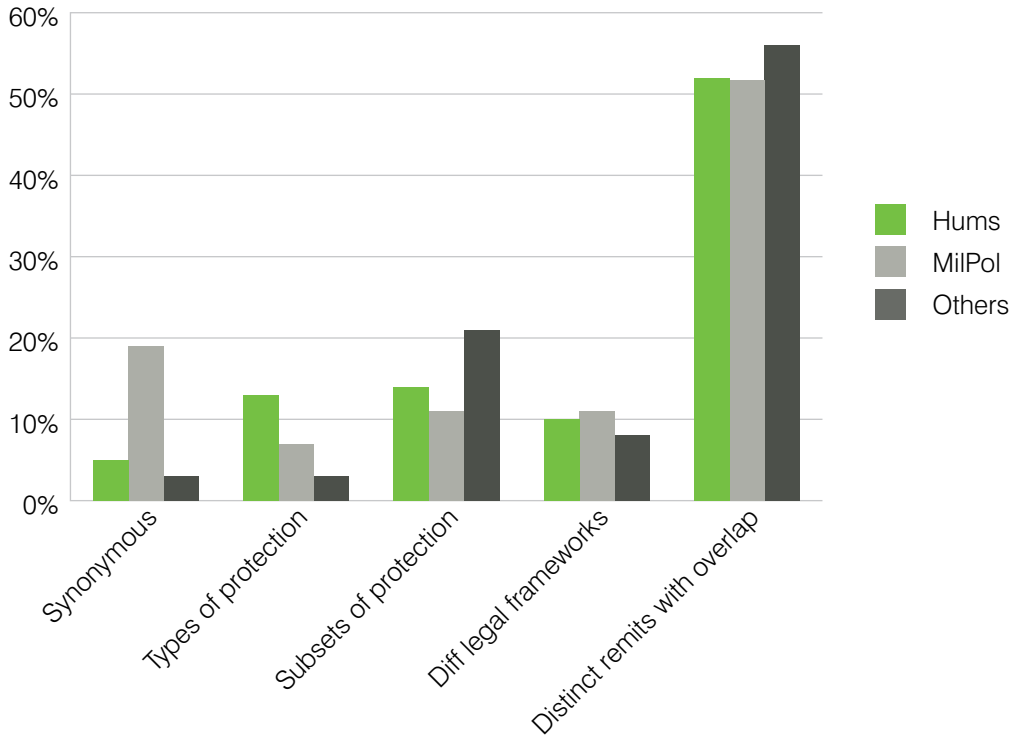
All respondents indicated there was some relationship between the Protection of Civilians and other forms of protection, in particular humanitarian protection and human rights protection. Nevertheless, there were divergent views among respondents about the nature of that relationship. Just over half of the respondents (53 per cent) noted that the Protection of Civilians, humanitarian protection and human rights protection have a distinct remit with some areas of overlap. However, the nature of that overlap was regarded by some respondents to be highly contested. For example, one respondent noted:

They are different and highly contested areas of protection. There is substantial overlap—these overlaps are again highly contested. Different organisations approach these types of protection in a range of ways, often basing their approach on organisational mandate and context.⁵⁰

The remaining 47 per cent of respondents had differing views about how the Protection of Civilians fits into a broader protection framework, as illustrated in Figure 2.

⁵⁰ Survey respondent.

Figure 2: The relationship between different types of protection



Early research had raised questions about whether different forms of protection were delineated by the application of different legal regimes. However, while 9 per cent of respondents from the Humanitarians group identified differing legal frameworks as a distinguishing feature between the three protection forms, only 3 per cent of respondents from the Mil/Pol and Other Civilian groups did. The responsibilities and obligations of protection actors are often found in the law. However, the research indicates that for protection practitioners, the concept of the Protection of Civilians is defined less by legal responsibility and more by the ability to keep people and communities safe, and the relevant context.

Would agree partly that they fit into different legal frameworks, but consider humanitarian assistance and POC to fall under IHL framework and human rights under and IHRL framework. They all support protection and there is a lot of overlap.⁵¹

It is notable that all respondents considered the different forms of protection to have some conceptual overlap, and no one considered the Protection of Civilians as an entirely separate remit. The level of overlap and the corresponding implications for implementation and coordination are likely to continue to be contested.

⁵¹ Survey respondent.

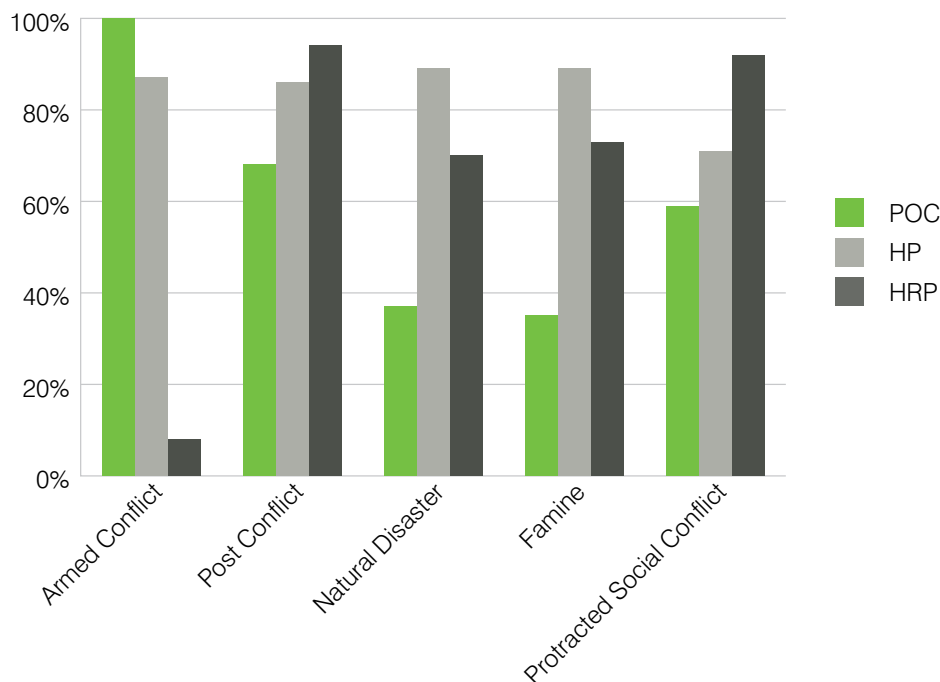
FINDING 2.2: WHILE THE PROTECTION OF CIVILIANS REQUIRES A NEXUS WITH ARMED CONFLICT OR OSV, HUMANITARIAN PROTECTION AND HUMAN RIGHTS PROTECTION DO NOT

Respondents agreed that the Protection of Civilians applies in situations of armed conflict and OSV (Finding 1.2) and more than 80 per cent of respondents also identified humanitarian protection and human rights protection as appropriate responses in times of armed conflict and OSV. This confirms the overlapping concerns of various forms of protection.

Neither humanitarian nor human rights protection require a nexus to armed conflict.⁵²

There was greater divergence in opinion when respondents were asked to consider what forms of protection apply in potentially non-violent contexts such as natural disasters, famine and post conflict settings. As demonstrated by Figure 3, outside of armed conflict situations, the Protection of Civilians was considered less applicable to the context than humanitarian protection or human rights protection. Most respondents identified humanitarian protection as applying in situations of famine (89 per cent) and natural disaster (90 per cent)—contexts that do not necessarily occur in conflict or OSV. However, most respondents regarded human rights protection as the most applicable form of protection in post conflict (93 per cent) and protracted social conflict scenarios (72 per cent).

Figure 3: Types of protection applicable in different contexts⁵³



⁵² Survey respondent.

⁵³ Question 13: 'What type of protection applies in the following contexts? Armed conflict, Post conflict, Natural disaster, Famine, Protracted social conflict.'

Humanitarian protection and human rights protection were more consistently acknowledged than Protection of Civilians across all the contexts except for armed conflict. This may reflect a view articulated by one respondent:

*In the peacekeeping context, the Protection of Civilians requires a mandate. Under IHL, an armed conflict is required. Humanitarian or Human Rights protection can take place without a mandate or an armed conflict.*⁵⁴

This supports the notion that humanitarian protection and human rights protection apply across the spectrum of contexts, whereas the Protection of Civilians is considered by more respondents to be limited to situations of armed conflict and OSV.⁵⁵ In every context respondents belonging to the Humanitarians group saw a greater role for human rights protection than the other survey groups. This may reflect the increasing importance humanitarians and humanitarian organisations place on a human rights-based approach.

Finally, the data also shows there are differing views regarding the application of the Protection of Civilians to address threats of criminal violence. While the majority of all survey groups felt that criminal violence should be addressed through human rights protection, the Mil/Pol group was more likely than the other survey groups to consider the threat of criminal violence as also relevant to a Protection of Civilians response.

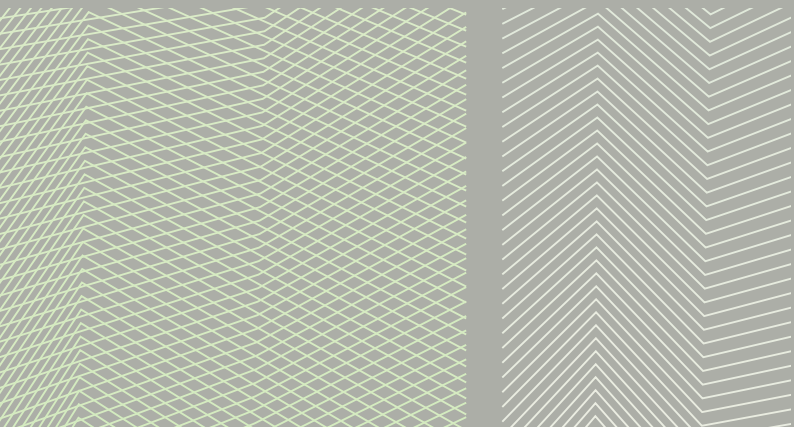
This raises questions about whether criminal violence, unmotivated by political or security considerations, but occurring in the context of an armed conflict or OSV, should be addressed as part of a Protection of Civilians response. For example, is family violence occurring in Sudan or the DRC an issue to be tackled as part of a Protection of Civilians response? The survey data is not conclusive on this question, but given the tendency of criminal and interpersonal violence to increase in fragile and conflict affected contexts it is worth further exploration.

54 Survey respondent.

55 The Protection of Civilians was also recognised by a small number of respondents to apply when there is a UN mandate, but that was not considered a defining characteristic.

3

HOW DOES THE PROTECTION OF CIVILIANS FIT INTO A BROADER RESPONSE TO A CRISIS?



Survey respondents demonstrated differing views on how the Protection of Civilians should be implemented and how Protection of Civilians responses fit into broader national and international responses to crises. These differing views were not only between the three survey groups (Mil/Pol, Humanitarians and Other Civilian) but also within the groups themselves.

Table 5: How does the Protection of Civilians fit into a broader response to a crisis?

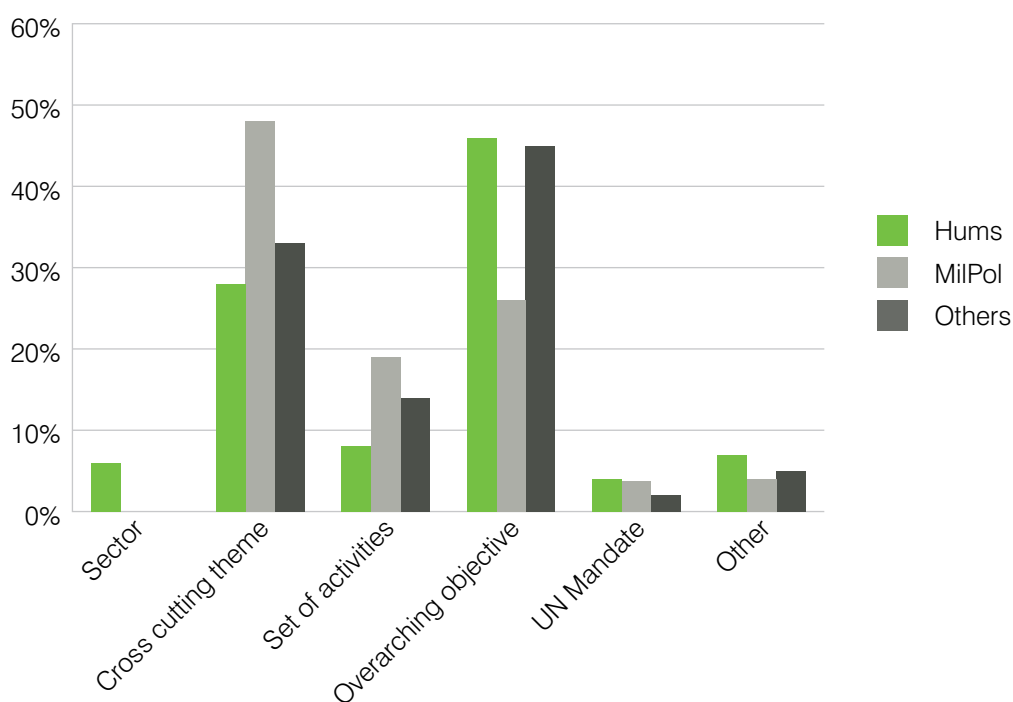
Points of agreement	Points of contention
Finding 3.1: No commonly agreed approach to the implementation of protection.	
There was agreement that the Protection of Civilians is part of broader protection responses to armed conflict and OSV.	Mil/Pol respondents were more likely to regard the Protection of Civilians as a theme while Humanitarians and Other Civilian groups were more likely to regard the Protection of Civilians as an objective.
	Differing views on the implementation of the Protection of Civilians existed not only between groups, but also between individuals within the survey groups.
Finding 3.2: There is no agreed delineation of roles between protection actors.	
States have primary responsibility for all forms of protection.	Protection actors identify responsibility for protection differently.
	In relation to secondary responsibility, Mil/Pol respondents were more likely to regard state and UN bodies as responsible for protection, Humanitarians were more likely to identify a role for the non-government and humanitarian sector.
	The Protection of Civilians was regarded as predominantly a military, government and institutional responsibility whereas the non-government sector was more likely to be regarded as responsible for humanitarian and human rights protection.
Finding 3.3 There is no agreed delineation of activities for protection actors.	
	Mil/Pol group did not indicate a clear view of the roles of different UN humanitarian agencies.
	More respondents from Mil/Pol and Other Civilian groups identified NGO responsibility for protection than those from the Humanitarians group.

FINDING 3.1: NO COMMONLY AGREED APPROACH TO THE IMPLEMENTATION OF PROTECTION

The survey sought to identify whether the development of the Protection of Civilians reflects the development of a new response ‘sector’ such as Water, Sanitation and Hygiene (WASH) or ‘Shelter’—or whether the Protection of Civilians could be incorporated into the broad spectrum of ‘Protection’ as recognised by the UN cluster system. Respondents were asked to identify whether the Protection of Civilians was a ‘sector’, ‘theme’, ‘activity’, ‘objective’, ‘mandate’ or something else (‘other’).

The results reflected a broad lack of cohesion between and within the survey groups, as illustrated in Figure 4. Military actors were more likely to see the Protection of Civilians as a theme and the rest of the respondents were more likely to see the Protection of Civilians as an objective.⁵⁶

Figure 4: Which is most applicable to the Protection of Civilians?⁵⁷



The nature of different organisations defines how they work. The military is a state organ designed for defence, warfighting and peacemaking, whereas police serve to uphold the rule of law. Therefore, a Mil/Pol view on how the Protection of Civilians should be incorporated into broader protection responses would reasonably be different to the view of humanitarians whose thinking is guided by humanitarian principles, the alleviation of suffering and the establishment of conditions conducive to living life with dignity.

⁵⁶ This is consistent with a recent high-level conference chaired by the Rt Hon UN Under Secretary-General/Emergency Response Coordinator (ERC) Valerie Amos on ‘Protecting civilians in armed conflict’ held at Ditchley Park in the United Kingdom. Sir John Holmes, Director of the Ditchley Foundation and former UN USG/ERC, noted in the outcome document that while precise definitions of the Protection of Civilians were difficult to agree, ‘there was agreement around the table that the Protection of Civilians should be seen as an outcome, not an activity’, <http://www.ditchley.co.uk/conferences/past-programme/2010-2019/2013/protecting-civilians>.

⁵⁷ Survey Question 11: ‘Which of the following is most applicable in relation to the Protection of Civilians?’

It also may be logical that more humanitarians see the Protection of Civilians as an overarching objective. The fundamental pillars of effective humanitarian action are assistance and protection, and responding to the needs of communities caught in conflict or affected by disasters is a driver for humanitarian action. This is fully consistent with a humanitarian mandate and capacity to implement and deliver on specific objectives. The 28 per cent of respondents from the Humanitarians group who saw the Protection of Civilians as a crosscutting theme may also reflect an increasing tendency of the humanitarian community to mainstream protection through all programs.

By contrast, the majority of Mil/Pol respondents chose ‘crosscutting theme’ over ‘objective’, which is consistent with DPKO policy. The first tier of the Protection of Civilians framework developed by DPKO notes that ‘the full spectrum of the Protection of Civilians activities undertaken by the mission contributes to its overarching objective of supporting the political process, preventing the reoccurrence of protection violations and ultimately establishing lasting peace’.⁵⁸ In this case, the overarching objective is support to the political process with a view to establishing lasting peace; it is not the Protection of Civilians itself, and so it is consistent with the mandate of Mil/Pol respondents to see the Protection of Civilians as a cross-cutting theme rather than as an objective.

The different emphasis and focus on the Protection of Civilians may be a source of tension for military, police and humanitarian actors. At the heart of this tension lies the very nature of military and humanitarian work. This presents an opportunity for improved dialogue between practitioner groups in order to develop a better understanding of the different yet complementary roles, and an acknowledgement of the value of each other’s contribution.

FINDING 3.2: THERE IS NO AGREED DELINEATION OF ROLES BETWEEN PROTECTION ACTORS

Protection practitioners need to have a clear understanding of the roles and responsibilities of different protection actors in order to implement complementary Protection of Civilians responses.⁵⁹ As such, the survey sought to identify how protection practitioners viewed the protection responsibilities of different actors.

Consistent with international law and a range of professional guidelines and policy documents,⁶⁰ the survey confirmed that respondents recognised the state had primary responsibility for all forms of protection. However, when a state is either unable or unwilling to fulfil its protection responsibilities, other actors may be called upon.

*States have primary responsibility for the protection of civilians on their territory. The international community has clear responsibility when states are unwilling or unable.*⁶¹

58 Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, p. 7.

59 de Carvalho and Lie, ‘Chronicle of a Frustration Foretold’, pp. 341–62.

60 Wynn-Pope, *Chronological Evolution of Protection of Civilians*.

61 Survey respondent.

Respondents also identified a number of actors as having secondary responsibilities for the Protection of Civilians, humanitarian protection and human rights protection. However, no single actor was found solely responsible for any form of protection, or any particular protection activity. While this is consistent with practice in the field, it perhaps provides insight into where there may be different understandings between protection actors. That is, if every actor is considered to have some responsibility for all forms of protection, and there is no agreement as to who is primarily responsible, the potential for confusion arises.

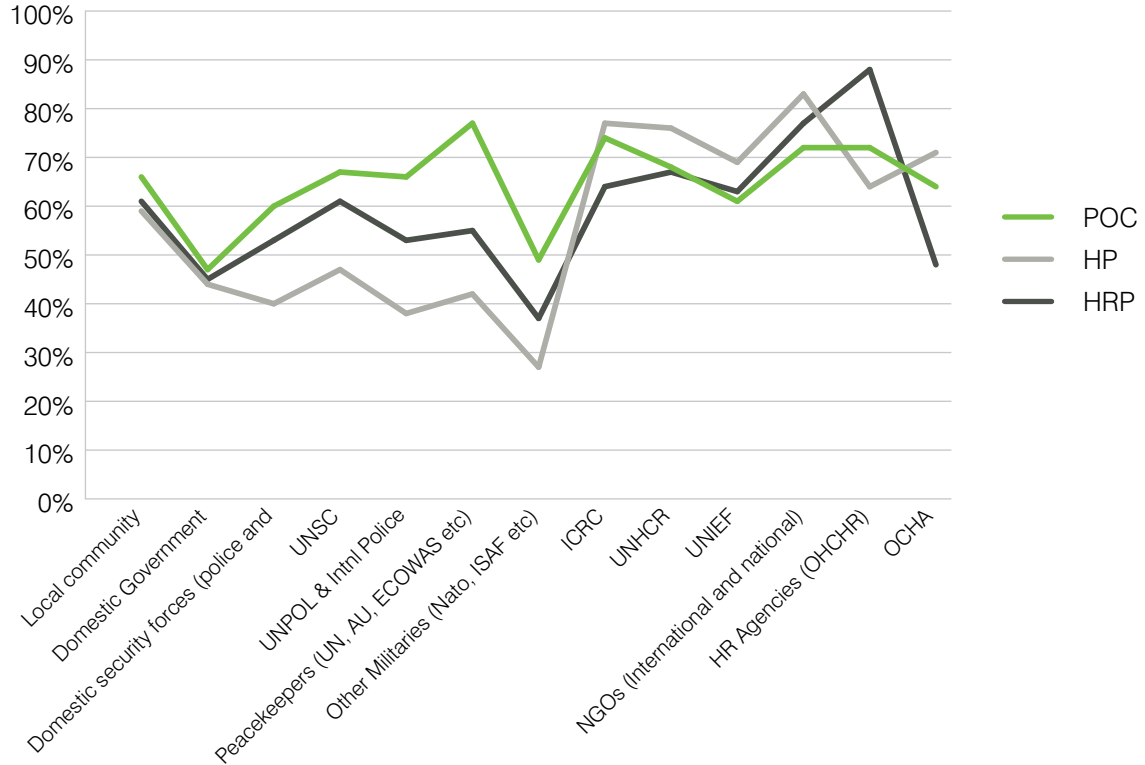
Some points of difference emerged in the survey results. While all respondents attributed a similar responsibility to UN organisations for the Protection of Civilians, a larger percentage of the Mil/Pol respondents saw more of a role for government institutions in both humanitarian and human rights protection. A greater number of respondents from the Humanitarians and Other Civilian groups saw a role for UN humanitarian, human rights and NGOs in all forms of protection compared to the Mil/Pol group. There was also a significant difference between the Mil/Pol and Humanitarians groups regarding the role of Other Militaries (such as NATO) and domestic security forces for the Protection of Civilians. Only 22 per cent of respondents from the Humanitarians group saw a role for domestic security forces in the Protection of Civilians compared to 53 per cent of Mil/Pol respondents. In addition, only 49 per cent of respondents from the Humanitarians group saw a role for Other Militaries in the Protection of Civilians compared to 77 per cent of Mil/Pol respondents.

These findings most likely reflect an institutional view guided by mandate. Military and police actors, by virtue of the fact that they are themselves instruments of governments, may be more likely to work towards enhancing the capacity of state authorities to exercise their protective duties and may in turn be more likely to appreciate and support their utility. Humanitarian actors on the other hand may have fewer direct links with state security actors—particularly in complex conflict situations—and may be more likely to support and work within civil society and to support the capacity of the local community.

Initial research had indicated that humanitarian protection might be defined as ‘protection conducted by humanitarian actors’,⁶² in which case there would be no role for government. Humanitarian respondents were asked to identify which actors had responsibility for the different forms of protection—the Protection of Civilians, humanitarian protection and human rights protection. Responses can be seen in Figure 5.

62 Wynn-Pope, *Evolution of the Protection of Civilians in Armed Conflict*.

Figure 5: The Humanitarians group view on secondary responsibility of protection actors for Protection of Civilians, humanitarian protection and human rights protection⁶³



About 40 per cent of respondents from the Humanitarians group identified that domestic government and security forces, peacekeepers, UN police, militaries and government organs have responsibility for humanitarian protection. This indicates that humanitarian protection may not be defined by the actors implementing humanitarian protection activities, but rather by the context in which protection is required.

FINDING 3.3 THERE IS NO AGREED DELINEATION OF ACTIVITIES FOR PROTECTION ACTORS

The survey also sought clarity on the responsibility that different protection actors have for a variety of protection activities. These activities are set out in a range of guidance documents relating in particular, but not exclusively, to humanitarian protection (see Box 2).

⁶³ Relating to survey questions 16, 18 and 20 concerning: 'Who has responsibility for the humanitarian protection, protection of civilian and humanitarian protection activities?'

Box 2: List of protection activities presented in the survey⁶⁴

- Advocating with authorities to stop and prevent abuse (Advocating)
- Providing direct services to persons who have suffered abuse and violations (Services)
- Protecting by maintaining field presence (Field Presence)
- Transfers/evacuations (including relocation of refugees or IDPs) (Transfers)
- Providing appropriate material assistance to persons at risk of abuse/violations (Assistance)
- Providing psychosocial care for affected persons and their families (Psychosocial)
- Promoting and/or supporting the due process of law and justice for both perpetrators and victims (Due Process)
- Promoting the drafting and adoption of treaties and the development of customary international law (Treaties)
- Creating a public culture consistent with human rights and humanitarian values (Public Culture)
- Contributing to the development/establishment of institutions that can enhance respect for human rights and IHL (Institutions).⁶⁵

What is clearly demonstrated in the data is that there is no agreed delineation of roles and activities between protection actors. One respondent noted that:

*For all these [activities] it depends on the local situation and context. No one actor has an exclusive or even lead mandate on these activities universally. In most cases it not only is not one actor's sole mandate but requires cooperation from almost all of these actors.*⁶⁵

The survey data indicates that the Mil/Pol group did not have a clear understanding of the role of UN humanitarian agencies (UNHCR, UNICEF and OCHA) in some protection tasks. The Mil/Pol group was 27 per cent less likely to recognise the role of UNHCR and 29 per cent less likely to recognise the role of UNICEF in the provision of material assistance than respondents from the Humanitarians group.⁶⁶ In regard to psychosocial care for survivors of violence, 71 per cent of respondents from the Humanitarians group gave responsibility to UNHCR whereas the Mil/Pol group was significantly less at just 50 per cent of respondents and Other Civilian at 48 per cent of respondents. Conversely, the Mil/Pol and Other Civilian groups were 25 per cent *more* likely to allocate responsibility to OCHA for the provision of material assistance, which is not part of OCHA's mandate.⁶⁷

64 Relating to survey question 21: 'Who has responsibility for the following protection activities? (Select all that apply)'

65 Survey respondent.

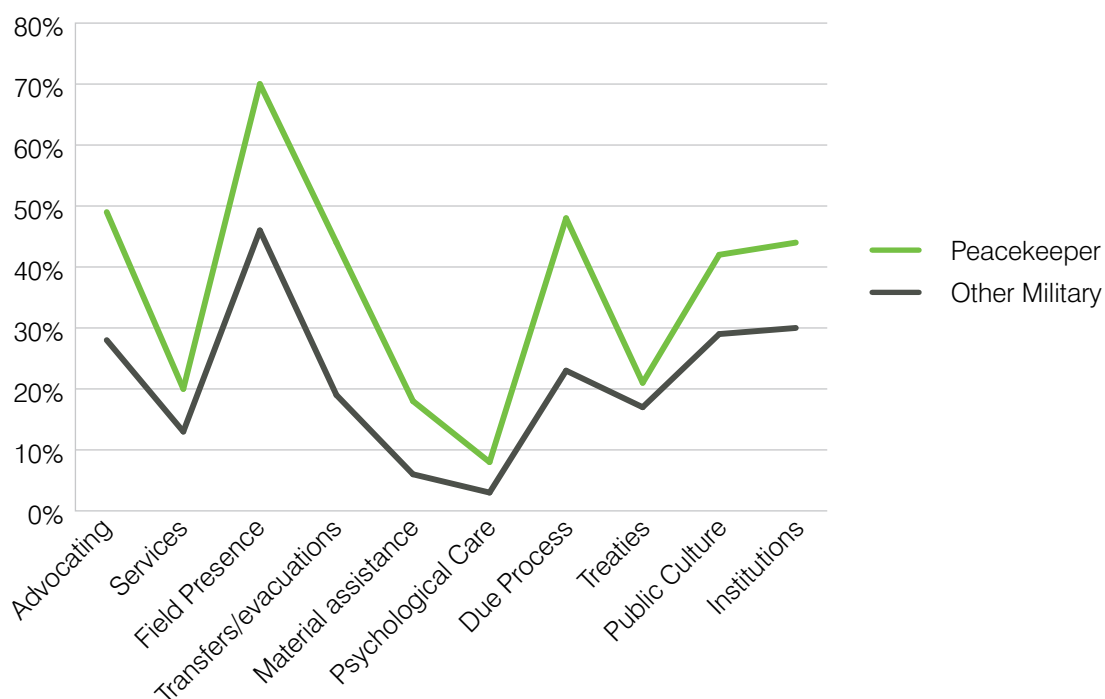
66 Of the survey respondents, 55 per cent of the Mil/Pol group in contrast to 82 per cent of the Humanitarians group designated a role to UNHCR for the provision of material assistance; 54 per cent of the Mil/Pol group in contrast to 83 per cent of the Humanitarians group designated a role to UNICEF for the provision of material assistance.

67 50 per cent of respondents from the Mil/Pol group and 48 per cent of respondents from the Other Civilian group designated a role to OCHA for the provision of material assistance in contrast to 26 per cent of respondents from the Humanitarians group.

This variance is at odds with the reality of implementation in the field and further study should be done to determine whether there is a broader misunderstanding among military actors regarding the role of and difference between humanitarian agencies.

The Mil/Pol and Humanitarians groups also had divergent views on the extent of the role of Other Militaries (such as NATO). While the Humanitarians group was willing to apportion responsibility to the United Nations, African Union and Economic Community of West African States (ECOWAS) peacekeepers, it was significantly less supportive of the role of Other Militaries. The relative difference can be seen in Figure 6. In contrast, Mil/Pol respondents apportioned the same level of responsibility to peacekeepers and Other Militaries.

Figure 6: Comparison of how the Humanitarians group views the role of peacekeepers as opposed to Other Militaries⁶⁸

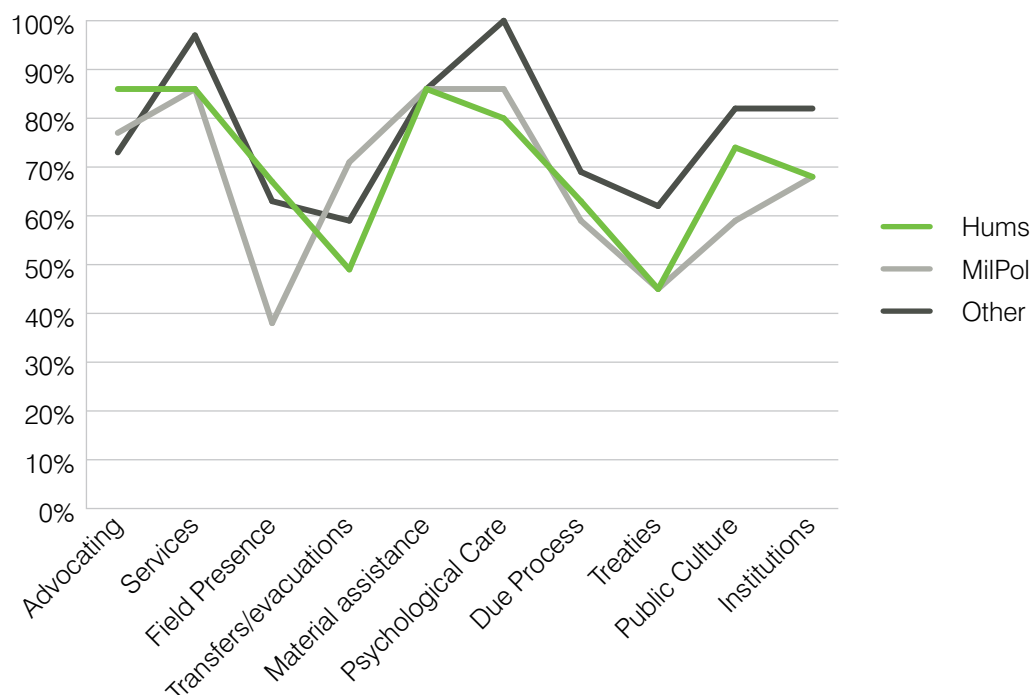


The survey does not provide an answer to this disparity but it may reflect an interesting perceptual difference regarding Humanitarian experience with peacekeepers in contrast to Other Military in the field. It may also reflect broader issues concerning the politicisation of protection in stabilisation contexts, and an inclination by the humanitarian sector to remain separate from military activity and seek to ensure that militaries engaged in warfighting rather than peacekeeping do not provide humanitarian assistance.

68 Relating to survey question 21: 'Who has responsibility for the following protection activities?' Note refer to Box 1 for full explanation of each of the roles in horizontal axis of this graph.

Survey groups' views also differed regarding the responsibility of NGOs to provide protection through field presence. Only 38 per cent of respondents from the Mil/Pol group thought that field presence was an NGO responsibility in contrast to 67 per cent of respondents from the Humanitarians group and 63 per cent of respondents from the Other Civilian group (see Figure 7).

Figure 7: Views of Humanitarians, Mil/Pol and Other Civilian groups about the role of NGOs in completing a range of protection related activities⁶⁹



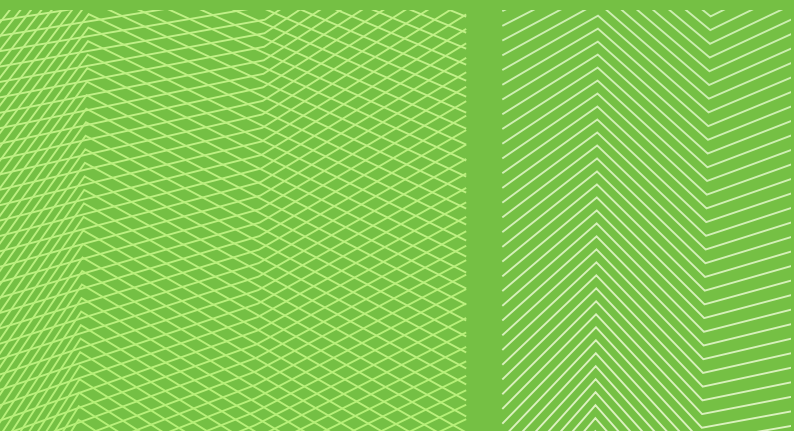
Protection through presence is a specific strategy used by humanitarian organisations in certain circumstances.⁷⁰ And while not universally applicable, the potential value of the presence of humanitarian organisations should be recognised by all protection actors.⁷¹ However, for many members of the military responsible for securing highly complex environments, the presence of civilian humanitarian workers in high-risk areas can present additional operational and security risks.

69 Relating to survey question 21: 'Who has responsibility for the following protection activities?'

70 Liam Mahony 2006, *Proactive Presence: Field strategies for civilian protection*, Centre for Humanitarian Dialogue.

71 Military often regard NGO presence in dangerous contexts as creating risk rather than minimising it—discussions with the author in training workshops on the development of POC Guidelines at the Australian Civil-Military Centre on 20 November 2013.

CONCLUSION



The Protection of Civilians is a central concern of the UN Security Council and the international community. As the UN Secretary-General has said, it is 'not simply ... a thematic item on the agenda of the Security Council but also ... a fundamental objective that we must all—parties to conflict, states, the United Nations and other partners—work tirelessly to achieve'.⁷²

The Protection of Civilians has developed normatively through a number of important initiatives. These included the Secretary-General's articulation of five core challenges for the UN Security Council's work on the Protection of Civilians *in armed conflict*; the DPKO's Operational Concept Note; and OCHA's *Aide-Memoire* as a tool to help the UNSC enhance its actions towards protecting civilians in armed conflict. Nevertheless, there are still questions throughout the broader protection community about how the Protection of Civilians should be applied in what context and by whom.

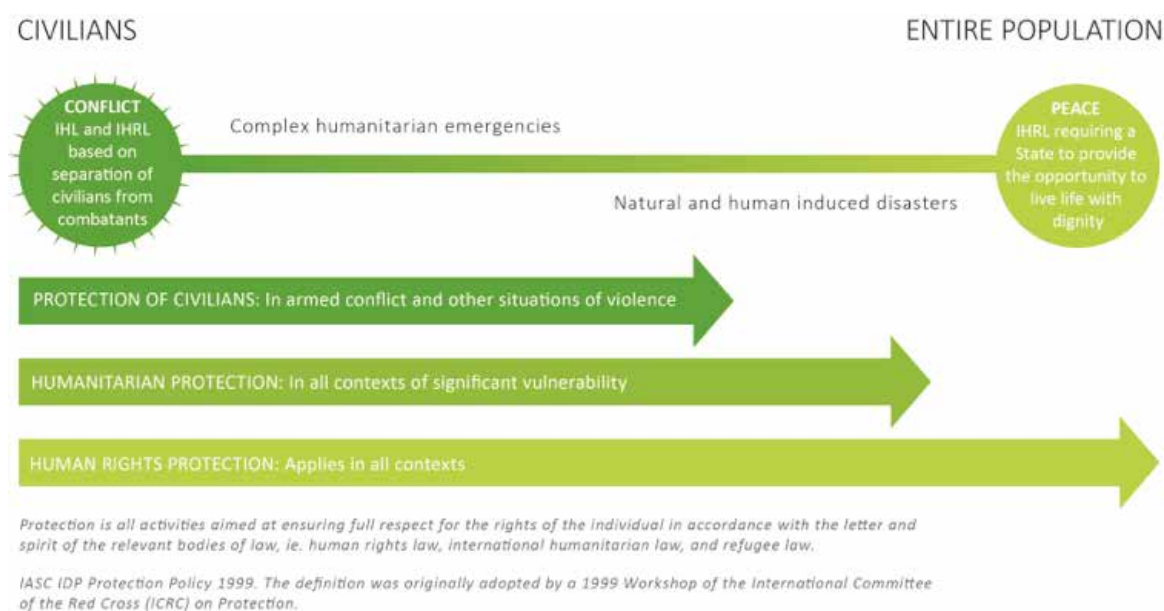
This study has served to reaffirm the complexity and multi-dimensional nature of the Protection of Civilians. It has identified some points of agreement among a group of experienced protection actors and practitioners, and has provided an evidence base for where some differences in opinion exist. The study has also raised several side issues that are interesting and worthy of further research.

Common areas of agreement on the Protection of Civilians emerging from the research are represented in Figure 8. It identifies the context in which different forms of protection are found along a continuum from 'armed conflict' to 'peace'. Natural disasters are represented on the continuum as being closer to a state of peace, while recognising that they can also occur in armed conflict, often creating complex humanitarian emergencies.

The infographic recognises that human rights protection is required at all times, whereas humanitarian protection relates to contexts in which populations face significant risk due to the presence of disaster or conflict, and the Protection of Civilians applies in armed conflict and other situations of violence. It also offers a picture of the extent of overlap of different forms of protection that occur in different contexts. Finally, the infographic illustrates the distinction between protection specifically of 'civilians' (i.e. because of the principle of distinction in IHL) and protection responses that apply to the entire population (i.e. the protection of human rights in a natural disaster).

72 Report of the Secretary General on the Protection of Civilians in Armed Conflict, UN Doc S/2013/689, 2013.

Figure 8: Areas of convergence among survey respondents about the relationship between Protection of Civilians and other forms of protection



While this picture of the Protection of Civilians has emerged from the study, there remain a number of gaps in understanding about the Protection of Civilians and areas of disconnection among practitioners. Three interrelated issues have emerged from the study that require further exploration.

First, while all respondents agreed that the Protection of Civilians applies in armed conflict, and most extended its application to OSV, a third of the survey respondents still considered that the Protection of Civilians was an appropriate mechanism to respond to non-violent contexts. These contexts included natural disasters and human rights violations that did not involve physical violence, such as denial of access to adequate shelter, education and livelihoods. If the Protection of Civilians is to remain a fundamental objective of the United Nations—as the Secretary-General suggests it should—it is important that protection practitioners share a common understanding of the contexts in which Protection of Civilians is applied. Further clarification should be guided by UN leadership.

Second, the data shows that there is no clarity about how the Protection of Civilians responses practically contribute to broader national and international responses to crises. The infographic in Figure 8 provides a framework for the relationship between different forms of protection and the contexts in which they apply. By limiting the scope of the context of the Protection of Civilians it becomes much clearer how the Protection of Civilians should be perceived in relation to humanitarian and human rights protection and how it fits into a broader response. Nevertheless, this framework needs to be further tested.

Third, the roles and responsibilities of protection actors and practitioners in the Protection of Civilians responses are not clear to each of the other actors. The differing understanding of roles and responsibilities at the operational level risks resulting in poor coordination among protection actors, and consequently poor outcomes for affected communities. Therefore, it is recommended that more work be done to enhance understanding between different actors as to their roles, responsibilities and capacities in the context of the Protection of Civilians through further training, guidance and dialogue.



Dr Helen Szoke, Oxfam Australia Chief Executive, visits Zaatar camp. Mohammed Ahmed/OxfamAUS 2013

To address these areas of disconnection, it would be beneficial for the United Nations to lead a global consultation process among key protection actors and stakeholders in order to:

- a. identify and agree an operational definition of the Protection of Civilians⁷³
- b. identify key roles and responsibilities in the implementation of the Protection of Civilians responses thereby enhancing understanding and complementarity between different actors across the civilian and military spectrum.

UN missions with protection mandates, OCHA, DPKO and Protection Cluster leads should also ensure they conduct regular consultations with stakeholders at the country level to develop inclusive Protection of Civilians strategies, clarify terms, set clear expectations regarding the roles and responsibilities of different protection actors, and establish clear processes for ongoing engagement between them. There are some good examples of UN missions adopting this approach, such as the joint-protection mission to Mali in August 2013.⁷⁴

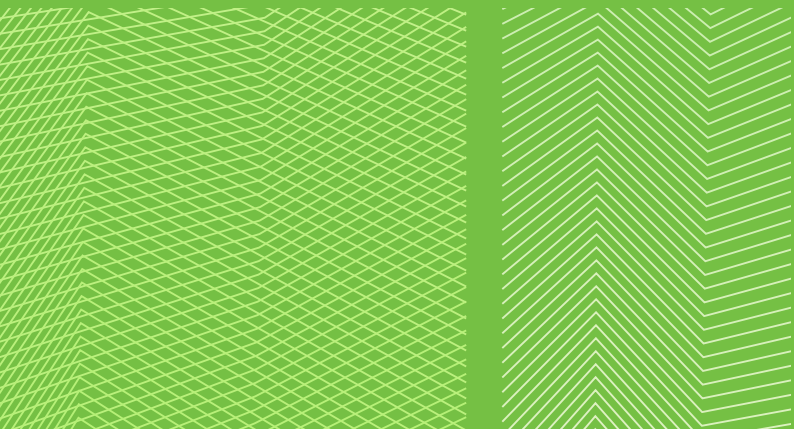
In conclusion, the Protection of Civilians has been a concept in development since 1999 and it will continue to change and evolve in response to emerging protection threats. While there is some agreement regarding the concept of the Protection of Civilians, the research has identified a disconnection between protection actors at the operational level that needs to be addressed to ensure the concept develops in a coherent manner. Efforts to build understanding across different protection practitioners should ultimately aim to enhance the complementarity and effectiveness of responses to meet the protection needs of communities at risk.

73 This reiterates previous calls for an operational definition of the Protection of Civilians. Ferris, *The Politics of Protection*, p. 135.

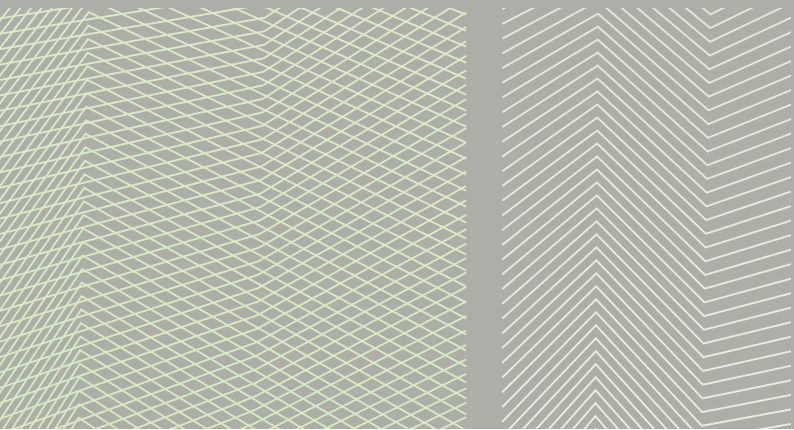
74 *Mali Joint Protection Mission Report*, provides an example at <http://data.unhcr.org/SahelSituation/regional.php>, viewed 3 April 2014.

ANNEX I:

METHODOLOGY – GAPS AND OVERLAPS IN UNDERSTANDING OF PROTECTION OF CIVILIANS



METHODOLOGY



STRUCTURE AND DISSEMINATION

The survey focused on drawing out how the Protection of Civilians is understood by different actors including military, police, humanitarian and other civilian actors. It also aimed to identify basic parameters for the related concepts of protection, humanitarian protection and human rights protection. There are many different terms, ideas and legal concepts that relate to protection but the initial research phase of the project indicated that these three are the most commonly mistaken.

The survey comprised eight questions regarding the demographics and relevant experience of the respondents, and 14 substantive questions. The questions were designed and arranged to relate to the four hypotheses discussed in the following Rationale section.

The survey was administered and analysed through a web survey tool (Survey Monkey). Distribution relied on the ‘snowball effect’: researcher contacts distributed the survey to self-selecting respondents in the United Nations, various militaries, humanitarian agencies and the Australian Civil-Military Centre. The survey was then recirculated by respondents in their own networks, thereby reaching a wider audience than the initial distribution.

The survey was open for responses from 12 June 2013 to 22 July 2013.

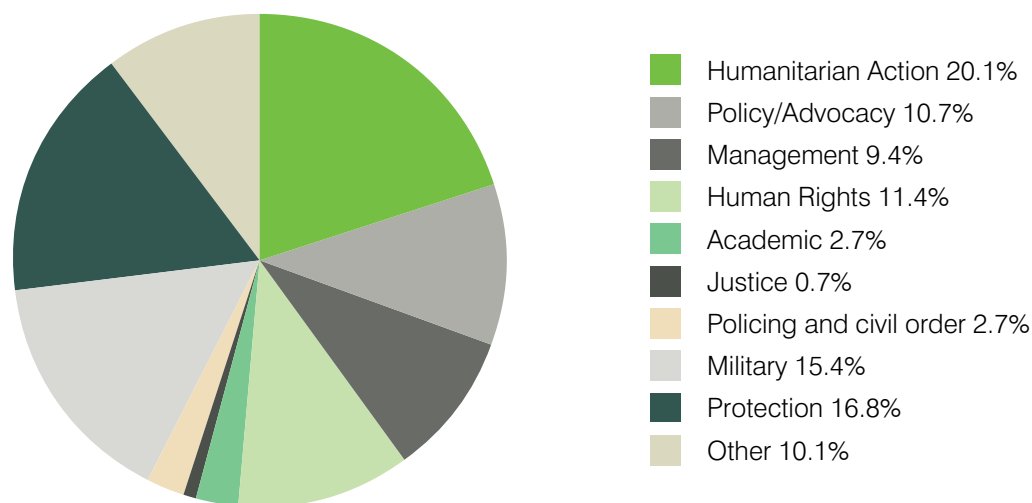
POPULATION AND SAMPLE SIZE

The purpose of the survey was to understand how different protection actors think about the Protection of Civilians and to compare responses between sub-groups. The survey specifically targeted those with significant experience in protection work and issues. Key characteristics of the survey’s population profile were as follows:

- 171 respondents across three language groups— English (151), French (12) and Spanish (8).
- 139 respondents were from the United States, Canada, Australia, New Zealand and developed countries in Europe. Six respondents were from Africa, eleven from Asia and Latin America, and one from the Middle East (not all respondents answered this question). Twenty-five countries were represented in the survey.
- Of the 171 respondents, 166 answered the question ‘What sex are you?’ resulting in an equal distribution of 83 males and 83 females.
- The respondents’ average work experience was 11 years, with most having field, head office and academic experience. Respondents’ primary areas of expertise are illustrated in the following graph.

Where have you worked	Number of respondents	Average Years Worked
In the field	140	6.76
At head office	116	4.8
In academia	71	3.9
Total respondents	134	11.38

Which of the following best describes your primary area of expertise?



LIMITATIONS

Sub-group data sets

While the majority of respondents fell into the three key groups used as analysis categories, in some cases that data was not sufficiently robust to allow comparison between sub-groups. This prevented comparison between language groups and between mandated and non-mandated humanitarian agencies. In addition, comparison between head office and field based staff was not possible as most head office and academic respondents had at least one to three years' field experience.

Response bias

Randomisation of the survey sample could not be undertaken in a statistically rigorous manner. The survey cohort comprised experienced protection practitioners. However, the snowball nature of survey distribution, an inability to determine exactly who was motivated to fully engage with the survey process, and a lack of knowledge about who did not either receive or answer the survey, limited how respondents' views could be generalised across the broader protection community.

Question clarity

In some instances respondents noted either a lack of clarity or context in the questions. For example, when asked about which protection applied in situations of famine, some respondents noted that their answer would be contingent on whether famine was caused by armed conflict. With regard to questions of responsibility for protection, some respondents questioned whether the 'responsibility' of different actors was legal responsibility, or a moral, ethical or operational responsibility.

The survey anticipated 200 respondents. The demographic proportions anticipated in project planning were not met despite reissuing the survey. However, the 171 respondents enabled a reasonable basis for comparison and provide the basis for our results.⁷⁵

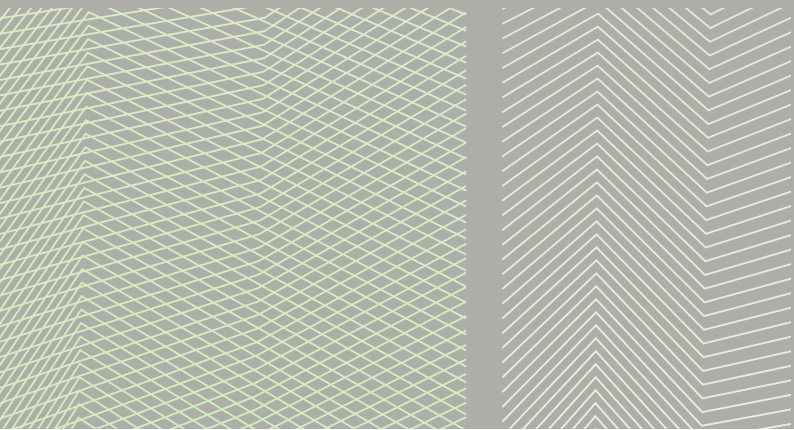
SURVEY RISKS AND MITIGATION STRATEGIES

The survey was distributed extensively to researcher contacts and redistributed by respondents among their own networks. This snowball distribution strategy had the potential to create a risk of bias from overload of respondents from one organisation. This risk was identified and mitigated by the fourth question, which asked where the respondent currently worked. This question was answered by 139 respondents, which indicated an organisational diversity among respondents. The largest identifiable *single* group comprised those employed by Oxfam, representing 11 per cent of those answering this question (9 per cent of total survey respondents). The largest organisational representation in the survey—across different missions and organisations—was the United Nations with 12 per cent. The total number of other humanitarian organisations represented amounted to 22 per cent of respondents. We consider the proportions of respondents in this grouping to be consistent with that of the wider protection community and thus no one group to be overrepresented.

It should be noted that respondents were encouraged to provide a personal view of the Protection of Civilians and not represent their organisation's institutional position.

⁷⁵ A power analysis was run on 171 respondents, finding a 98 per cent probability of being able to detect a difference between the groups of 20 per cent.

RATIONALE AND ANALYSIS



HYPOTHESES

The survey was designed to test four hypotheses, or groups of questions, identified in Phase 1 of the research project. These were:

1. **Has the Protection of Civilians expanded from the narrow protections provided by International Humanitarian Law to include International Human Rights Law?** To what extent has this occurred? Is this a positive or a negative development? Or does it depend on the context? Is all work concerning the protection of human rights ‘protection’ in the context of the Protection of Civilians?
2. Related to the question above, **what has been the influence of human rights law** on protection practice? As a result, **has protection work been distanced from a nexus with violence?** If no, to what extent has human rights law influenced the protection dialogue? But if yes, what difference has this also made to protection practice? That is, does it matter if protection work has been distanced? And if so, then should we be pulling it back? Or does a human rights focus give protection work a broad framework, which is appropriate to most contexts nowadays?
3. **Are protection activities being identified by different actors as different modes of action?** Does this affect understanding of what protection is? Does it matter? For example, humanitarian assistance falls into the ‘environment building’ tier of the DPKO framework, and the ‘response’ tier of the humanitarian protection framework. How can these differences be reconciled and should they be?
4. Is protection and protection practice being defined according to mandate and capacity, not according to what protection actually is? Does it matter that there are different protection definitions? Why? So the complementarities of actors working in protection define protection differently rather than just defining their role in protection differently. What is the most acceptable definition of protection, which would fit the framework for humanitarian work best? **How do agency mandates influence how practitioners understand the purpose of protection?**

The overarching assumption of the research project was that civilian and military actors, as well as those who have worked primarily in the field rather than at headquarters, would have differing answers to the above hypotheses. Therefore, the survey sought to test how individual understandings of protection issues are affected by nationality, gender, the years spent working in the field, head office, or academia, and also by the length of time a respondent had been working in protection issues.

However, this analysis was complicated by the results.

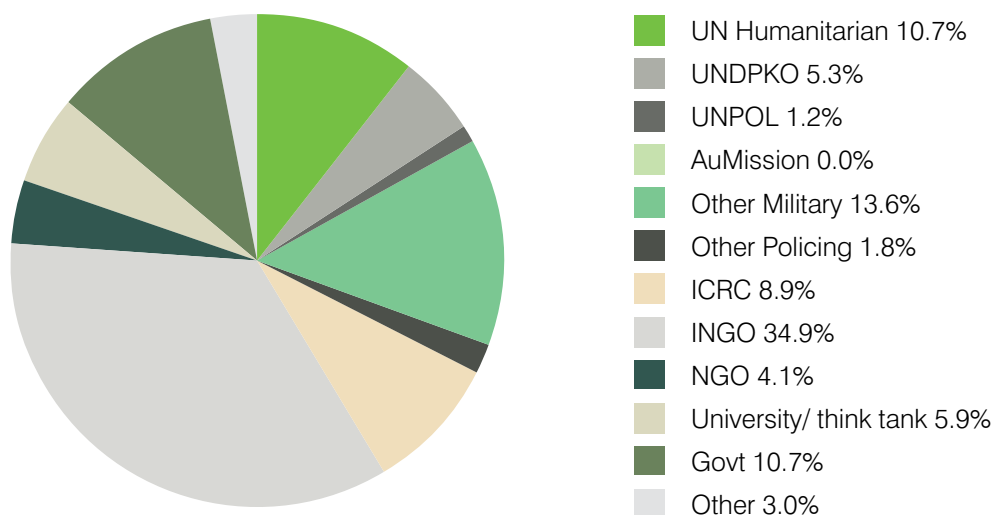
Nationality: There were not sufficiently large national groupings to make it possible to draw meaningful comparisons by nationality. As a result the survey did not undertake separate nationality analyses.

Gender: The respondents that answered the gender question were equally divided into male and female groups. However, gender distribution varied between respondent groups. In particular, the proportion of females in the Mil/Pol group (14 per cent) was substantially lower than in the Humanitarians (58 per cent) and Other Civilian (55 per cent) groups. Due to the potential for gender results to be confounded by respondent group and the low numbers of respondents in some group/gender combinations, a statistical analysis by question was not undertaken.

Experience: An important aspect of the survey was to ensure that those responding had significant experience in protection-related work. The survey was successful in recruiting experienced practitioners. Interestingly, a breakdown of survey respondents by years of experience showed those who had worked on protection issues for more than 10 years did not have significantly different views to those who had worked for less than 10 years. As a result, a question-by-question analysis by experience was not undertaken.

Place of employment: It was not possible to determine whether a respondent’s primary place of employment—field, head office or academia—was a factor in shaping their views as there was significant overlap. Of the 71 respondents who worked in academia, there were only 6 who had no field experience. Of the 116 head office personnel, 16 had no field experience. The differentials between field and no field experience were not considered to be sufficiently large to draw meaningful conclusions about the impact of field versus head office experience on the survey results.

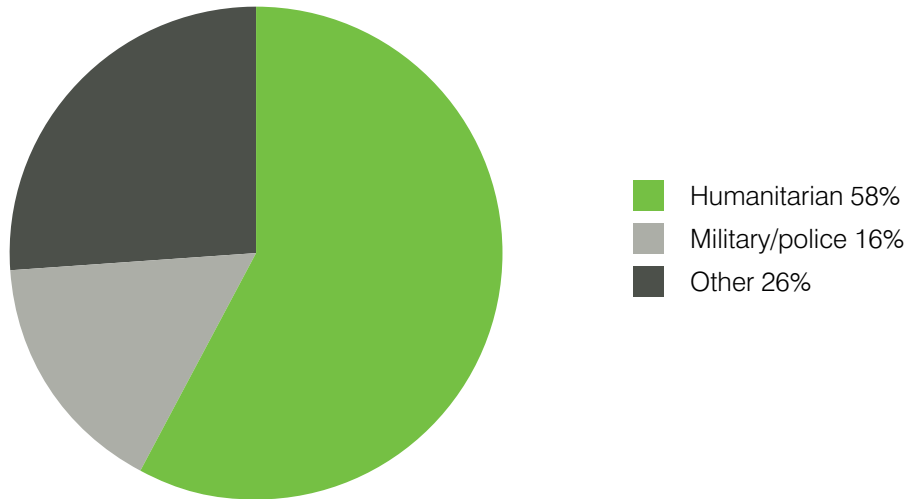
Snowball risk mitigation: In anticipation of receiving a heavily weighted response, respondents nominated what type of organisation they worked for.



Respondent Groups: Given the wide range of different organisations and the difficulties making significant comparisons between them, the research team created three groupings for comparison. These groupings were based on the key assumption being explored through the survey: that military, humanitarian and government or policy actors would have different views on the Protection of Civilians. The new comparative groups consisted of:

- 99 humanitarians
- 28 military/police
- 44 other actors including UNDPKO, government, think tank and university.

Respondent groups

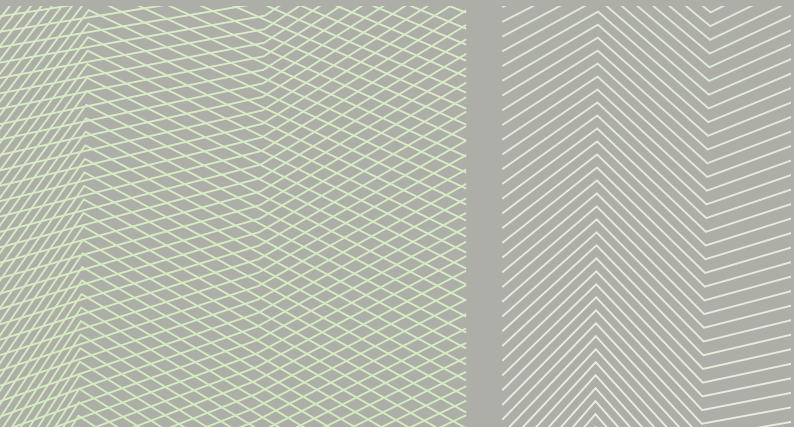


The responses of these three groups to all multiple-choice questions were compared descriptively to examine any differences in response proportions. In all questions where participants were invited to select one possible response, the proportion of respondents in each group were also analysed statistically using a chi-squared or Fisher's exact test for difference in proportions. In questions where respondents were invited to select all possible answers that applied, individual answers where differences in proportions between the groups exceeded 20 per cent were also analysed statistically. All statistical analyses were conducted in Stata, version 12 (StataCorp, 2011), with a p-value of 0.05 considered statistically significant.

Similarly, the survey sought to determine whether different views existed between field-based or head office-based protection practitioners. The results showed there were a very limited number of respondents that had worked exclusively in one or other and it was therefore not possible to draw meaningful comparisons about any differing views based on respondent location.

Respondents were asked whether they had received formal training and what literature they commonly used to guide their thinking and actions on the Protection of Civilians in order to determine whether more structured personnel development contributed to differing views on the Protection of Civilians. No significant difference in opinion arose and therefore a step-by-step analysis of trained and untrained respondents was not undertaken.

ATTACHMENT: SURVEY QUESTIONS



DEMOGRAPHIC QUESTIONS

Question 1: What is your nationality? _____

Question 2: What sex are you?

- Male
- Female

Question 3: How many years have you worked with protection issues at the following areas?

- In the field _____
- At head office _____
- Academia _____

Question 4: What type of organisation have you spent most time working for?

- UN humanitarian
- UN DPKO
- UNPOL
- African Union mission
- Other military organisation or mission
- Other policing organisation or mission
- ICRC
- International NGO
- National NGO
- University or think tank
- Government
- Other _____

Question 5: Which of the following best describes your primary area of expertise?

- Refugee and IDP support
- Humanitarian action
- Policy/advocacy
- Management
- Academic
- Justice
- Policing and civil order
- Military
- Protection
- Other _____

Question 6: Have you ever received formal training on protection? If so, who was it conducted by, and when?

- No
- Yes, conducted by _____ in year _____

Question 7: What key documents and tools do you use most to guide your protection-related work? A list of key documents can be found here [hyperlink removed] if you need a refresher of what is available.

SUBSTANTIVE QUESTIONS

Question 8: What does the Protection of Civilians mean to you? Please be expansive and specific; some thoughts may include: When does the Protection of Civilians apply? Who is to be protected? What are they to be protected from? Who are they to be protected by? When are they to be protected?

Question 9: Which of the following is the primary factor necessary for the Protection of Civilians? (By this we mean the most important element that MUST be present for Protection of Civilians to apply.)

- Armed conflict
 - The presence or threat of violence, coercion or deliberate deprivation
 - The vulnerabilities of the civilian population
 - Military involvement
 - A UN mandate
 - There is no one factor; Protection of Civilians is complex and can manifest differently in different contexts
 - Other
- Comment _____

Question 10: What type of work is the Protection of Civilians?

- Military
 - Humanitarian
 - Both military and humanitarian
 - Other
- Comment _____

Question 11: Which of the following is most applicable in relation to the Protection of Civilians? (Select only one.)

- Protection of Civilians is a sector
- Protection of Civilians is a crosscutting theme
- Protection of Civilians is a set of specific activities
- Protection of Civilians is an overarching objective
- Protection of Civilians is exclusively a type of UN mandate

Please explain: _____

Question 12: What is the relationship between Protection of Civilians (POC), humanitarian protection and human rights protection?

- They are synonymous
- They are types of protection
- They are subsets of protection
- Each fits into a different legal framework
- Each has a distinct remit, but there are points of overlap
- Each has a distinct remit and there is no or very little overlap
- Other

Comment _____

Question 13: What type of protection applies in the following contexts? (Select all that apply.)

Armed conflict

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Post-conflict

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Natural disaster

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Famine

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Protracted social conflict

- Protection
- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Question 14: Which types of protection address the following? (Select all that apply.)

Sexual violence

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Forced displacement

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Denial of access to a fair trial

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Killing, wounding, and disappearance

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Discrimination in health, education, property rights, access to water and economic opportunity

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Criminal violence

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Forced recruitment of children

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Denial of right to adequate shelter

- Protection of Civilians
- Humanitarian protection
- Human rights protection
- None of the above
- Other

Comment _____

Question 15: In your opinion who has primary responsibility for Protection of Civilians?

Comment: _____

**Question 16: Who has secondary or supporting role in the Protection of Civilians?
(Select all that apply.)**

- Local community
- Domestic government
- Domestic security forces (police and military)
- UN Security Council
- UNHCR
- UNICEF
- UN and international police
- Peacekeepers (United Nations, African Union, ECOWAS etc)
- ICRC
- NGOs (international and national)
- Other militaries (NATO, ISAF etc)
- Human rights agencies (Human Rights Watch, OHCHR etc)
- Other

Comment _____

Question 17: In your opinion who has primary responsibility for humanitarian protection?

Comment: _____

Question 18: Who has secondary or supporting role for humanitarian protection?

(Select all that apply.)

- Local community
- Domestic government
- Domestic security forces (police and military)
- UN Security Council
- UNHCR
- UNICEF
- UN and international police
- Peacekeepers (United Nations, African Union, ECOWAS etc)
- ICRC
- NGOs (international and national)
- Other militaries (NATO, ISAF etc)
- Human rights agencies (Human Rights Watch, OHCHR etc)
- Other

Comment: _____

Question 19: In your opinion who has primary responsibility for human rights protection?

Comment: _____

Question 20: Who has secondary or supporting role for human rights protection? (Select all that apply.)

- Local community
- Domestic government
- Domestic security forces (police and military)
- UN Security Council
- UNHCR
- UNICEF
- UN and international police
- Peacekeepers (United Nations, African Union, ECOWAS etc)
- ICRC
- NGOs (international and national)
- Other militaries (NATO, ISAF etc)
- Human rights agencies (Human Rights Watch, OHCHR etc)
- Other

Comment _____

Question 21: Who has responsibility for the following protection activities? (Select all that apply.)

Advocating with authorities to stop and prevent abuse

- Local community
- Domestic government
- Domestic security forces (police and military)
- UN Security Council
- UNHCR
- UNICEF
- UN and international police
- Peacekeepers (United Nations, African Union, ECOWAS etc)
- ICRC
- NGOs (international and national)
- Other militaries (NATO, ISAF etc)
- Human rights agencies (Human Rights Watch, OHCHR etc)
- Other

Comment _____

Providing direct services to persons who have suffered abuse and violations

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Protecting by maintaining field presence

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Transfers/evacuations (including relocation of refugees or IDPs)

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Providing appropriate material assistance to persons at risk of abuse/violations

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Providing psychosocial care for affected persons and their families

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Promoting and/or supporting the due process of law and justice for both perpetrators and victims

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Promoting the drafting and adoption of treaties and the development of customary law

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Creating a public culture consistent with human rights and humanitarian values

- Local community
 - Domestic government
 - Domestic security forces (police and military)
 - UN Security Council
 - UNHCR
 - UNICEF
 - UN and international police
 - Peacekeepers (United Nations, African Union, ECOWAS etc)
 - ICRC
 - NGOs (international and national)
 - Other militaries (NATO, ISAF etc)
 - Human rights agencies (Human Rights Watch, OHCHR etc)
 - Other
- Comment _____

Contributing to the development/establishment of institutions that can enhance respect for human rights and international humanitarian law

- Local community
- Domestic government
- Domestic security forces (police and military)
- UN Security Council
- UNHCR
- UNICEF
- UN and international police
- Peacekeepers (United Nations, African Union, ECOWAS etc)
- ICRC
- NGOs (international and national)
- Other militaries (NATO, ISAF etc)
- Human rights agencies (Human Rights Watch, OHCHR etc)
- Other

Comment _____

