

Better Protected? Stabilisation Strategies and the Protection of Civilians

25 March 2011, Geneva

Roundtable Summary

The Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI) and the Office of the UN High Commissioner for Refugees (UNHCR) organised a one-day roundtable meeting to consider the role of stabilisation in relation to the protection of civilians. The roundtable brought together key stabilisation and humanitarian actors to explore several related questions: how and to what extent is the protection of civilians a stabilisation objective; how have stabilisation strategies contributed to enhanced protection of civilians in specific contexts; and what engagement is desirable between stabilisation and humanitarian actors on protection of civilians at global and country levels. This roundtable was the last in a short series of events on stabilisation held by HPG between October 2010 and March 2011. In order to promote an open and frank debate, the meeting was held under the Chatham House rule and participation was by invitation only. What follows is a summary of the discussions.

Overview of Stabilisation – Policy and Practice

HPG has undertaken research into a number of different contexts where stabilisation strategies have been implemented by both international and national actors. This research has focused on exploring what stabilisation means in different contexts and what the implications are for humanitarian actors. Whilst stabilisation is not homogenous and takes different forms in different contexts, it is broadly rooted in the idea that in today's inter-connected world, conflict and underdevelopment represent threats to international and national peace and security. In this regard, stabilisation is a short term and narrow agenda concerned with mitigating these international threats, which include terrorism, illegal drug flows and organised crime. In order to effectively eliminate these threats, security interventions need to be accompanied by broader efforts to transform these societies through governance and the delivery of basic services. Stabilisation is therefore both a short-term and, at the same time, a long-term strategy that combines multiple policy spheres, including humanitarian assistance, early recovery, counter-insurgency, counter-terrorism, peace-building, development and state-building, with the aim of improving security and stability.

Stabilisation promotes an 'integrated' or 'comprehensive' approach, bringing together traditionally distinct spheres of intervention to pursue an inherently political objective, that of building stability. From the perspective of humanitarian actors, this presents a number of risks. Firstly, stabilisation generally uses humanitarian action in support of the broader interests of

stabilisation, thereby undermining the core principles of humanitarian action - neutrality, impartiality and independence, and as a result negatively impacts both aid worker security and aid workers' access to populations in need of assistance. Although there is some belief that stabilisation strategies may 'enable' humanitarian activities, recent research commissioned by OCHA indicates that in highly politicised high risk environments, earning the acceptance of communities and conflict parties is a more effective strategy for gaining access to populations in need. In addition, HPG's research findings also suggested that stabilisation does not appear to have actually delivered what it has promised, and, that, conversely, stabilisation strategies may have actually fuelled greater conflict and insecurity in some contexts, including posing further risks to civilian populations. This makes it difficult for humanitarian actors to 'buy-in' to this type of strategy. More visible benefits from stabilisation might generate greater willingness to engage.

Further confusion surrounding the role of humanitarian actors is created by the fact that many humanitarian organisations are not strictly 'humanitarian' and have expanded into other spheres of activity that overlap with stabilisation, such as early recovery, development and peace-building. Whilst much attention has focused on the proximity of humanitarian agencies to military actors, perhaps the bigger challenge is delineating the boundaries of humanitarian action and how it should relate to politics.

One of the main challenges relating to stabilisation is the many differing interpretations of the concept and in some instances what appear to be similar type of activities being referred to under a different label. In Brazil, for example, the term 'pacification' has been used in reference to the strategies for addressing high levels of violence and insecurity in the *favelas*, rather than 'stabilisation' which the national authorities considered inappropriate. But essentially, the components of this pacification strategy are very similar to stabilisation strategies being undertaken by other national authorities.

There has also been a creeping discourse within the UN on 'stabilisation'. The term has been used in two UN peace support operations to date (DRC and Haiti). It is nonetheless not always clear why the Security Council has used this terminology, nor how DPKO and the wider UN family understand it in relation to their own strategies. It would be important for the UN system to consider this terminology in more detail and understand what implications it may have for their operations and how these relate to humanitarian action.

Stabilisation is nonetheless being used in a variety of contexts, and not only in situations of armed conflict. In some contexts, such as Rio de Janeiro, stabilisation approaches have also been applied where there is no declared conflict, but high rates of violence. Stabilisation operations therefore follow a variety of models, and are not always military in nature. The nature of the stabilisation operation approach will therefore shape how humanitarians should engage with it.

A further concern is that stabilisation has been used by some belligerents to distance themselves from their obligations under international humanitarian law by referring to a stabilisation strategy, rather than acknowledging that there is an armed conflict and the applicability of international humanitarian law. This has serious implications for the protection of civilians. The concept has

also been linked with counter-terrorism (for example in Colombia and Pakistan), with profound implications for humanitarian engagement with non-state armed actors.

How and to what extent is the protection of civilians a stabilisation objective?

Much has been done in recent years to clarify the role and contribution of humanitarian actors in enhancing protection of civilian populations. The responsive, remedial and environment-building model developed by the ICRC and adopted by many in the humanitarian community provides an important common framework for this contribution. The imperative for humanitarians operating in conflict situations is to save lives and alleviate the suffering which arises from violations of international humanitarian law and human rights law. Whilst protection activities undertaken by humanitarian agencies can enhance the longer-term social and economic stability of individuals and communities, which in turn may contribute to wider peace-consolidation objectives, this outcome is a secondary consideration and cannot override the humanitarian imperative.

Furthermore, protection of civilians seeks to address those needs arising from violations of the relevant bodies of law in an armed conflict – international humanitarian law, international human rights law, refugee law. Promoting respect for these laws can lay the foundations for an end to conflict, but is not an explicit goal.

There is a clear link between stabilisation and the protection of civilians. Even where the latter is not explicitly articulated as a goal, the concept of human security underpins many stabilisation approaches, and stabilisation interventions commonly seek to reduce violence and instability, including in those forms which impact civilian populations. Stabilisation is important in that it brings different actors together to find complementarity in seeking to mitigate the impact of conflict and create the space for a political settlement. However, this does not mean stabilisation and humanitarian actors can always collaborate on the protection of civilians. Access to populations is essential to humanitarians and this can only be gained through dialogue with all parties and stakeholders. Humanitarian actors must strive to explain to all actors through both dialogue and behaviour that they are neutral intermediaries concerned only with providing assistance and protection to those in need on an impartial basis. Stabilisation actors are often belligerents, whether they formally recognise this or not, and therefore collaboration can undermine adherence to the principle of neutrality.

Protection of civilians must be a priority in stabilisation operations because providing security and safety for populations is critical to the legitimacy and credibility of the mission, and if this is not delivered, the goals of the entire operation are undermined. Prioritising protection of civilians is not only a legal and moral endeavour but is also a pragmatic and utilitarian one. From a moral perspective, stabilisation actors cannot stand by and be a witness to atrocities. From a legal perspective, there is an obligation to ensure respect for IHL and other relevant bodies of law.

From a pragmatic perspective, whether or not stabilisation actors are mandated to protect civilians, they will be expected to do so by populations on the ground and other stakeholders. From a utilitarian perspective, effective protection is not likely to work if it is not given a specific objective. It is not *whether* stabilisation operations should be aimed at protecting civilians, but *how* they will do this.

This requires resolving the tension between short and long-term objectives, and prioritising among multiple protection threats. Success will also principally be determined by capability and consent. In many circumstances capabilities are weak – UN peacekeeping forces for example are frequently under-resourced for the nature of their mandated task. Consent is also problematic – consent is required at the strategic, operational and tactical levels. It is not just consent from the affected state, but must also be won from the affected communities and non-state actors. Stabilisation operations may offer two types of ‘protection’ – a needs-based approach that is based on the threats to civilians, and an active counter-insurgency strategy based on a ‘hold and build’ approach involving the delivery of services including civilian security. In respect of the latter, the underlying rationale is not just to win over the population, but to extend the legitimacy of the state.

It was suggested that links between humanitarian and stabilisation actors were likely to be less problematic in situations which had already emerged from active conflict and were moving into the peace-building phase. It was further noted that from the perspective of humanitarian actors, the nature of the conflict itself was equally relevant. For example, there were likely to be fewer tensions between humanitarian stabilisation actors when the conflict presented an ‘existential threat’ to civilians, such as genocide, or where violence against civilians is perpetrated for purely economic gain or because of high levels of criminality. It was argued that tensions and trade-offs between humanitarian and stabilisation actors were far more likely when the risks to civilians come from groups seeking to capture or challenge the state.

Four key categories of action undertaken by stabilisation actors to protect civilians were outlined: adherence to international humanitarian law; proactive protection of civilians (intervening in an impartial manner between a threat and a vulnerable population), counter-insurgency operations aimed at extending the legitimacy of the state (referred to in US military strategy as ‘civilian security’); and, creating an environment for better protection of civilians (e.g. building social and economic stability, rule of law). Whether protection of civilians is the means or the objective in a stabilisation operation does matter. Embedding protection as a central objective is essential to the legitimacy of the whole endeavour.

There is therefore some complementarity in how military/stabilisation actors and humanitarian actors categorise protection – particularly in relation to proactive protection (responsive) and environment-building. However, measuring the success’ of stabilisation strategies has been extremely problematic, raising questions of whether success is to be assessed at the short-term, tactical level, or whether in terms of long-term dividends . It also has a political element, with certain individual and institutional interests in demonstrating ‘success’. However, there are efforts underway to more effectively monitor and evaluate impact, to ensure greater transparency. It was

suggested that if this is to incorporate an assessment of legitimacy, it should go beyond technical assessments to encompass perceptions amongst communities. Universities, think-tanks and humanitarian actors could play an important role in that regard.

It is not clear how stabilisation is different from more traditional understandings of multi-dimensional peace support or peacekeeping operations in general and also in relation to protection of civilians specifically. Many previous international military strategies have included protection of civilians as a core objective. In the UN system in particular, it is not necessarily clear what is distinct and unique about stabilisation.

How effective have stabilization efforts been in addressing protection risks? Perspectives from Afghanistan

Understanding the historical and political context is essential to assessing the current status of stabilisation strategies in Afghanistan, to analysing why international resources and interventions have had such limited impact, and how protection conditions for civilians have been declining for several years.

Unlike conventional peace treaties, the Bonn agreement (2001) was not an inclusive peace accord arrived at after years of detailed negotiation. It was rather an *ad hoc* arrangement to fill a political vacuum that had occurred because of the sudden demise of the Taliban. Their exclusion has proved to be a costly error and has contributed significantly to Afghanistan's descent into a familiar spiral of conflict and violence.

The international community's interventions in Afghanistan have supported both state-building and counter-terrorism objectives. Tactical emphasis has shifted between counter-insurgency and protection of civilians. But in both domains, a failure to take sufficient account of Afghanistan's recent history of conflict, complex political circumstances, and socio-cultural realities has handicapped progress towards peace and stability.

Due to continuing insecurity and poor service delivery, the Afghan government has been unable to establish its legitimacy with large sections of the population. International support for Afghan public institutions and programmes over-estimated their management and implementing capabilities and has been overly focused on central government. Controversial Presidential and Parliamentary elections have eroded ordinary Afghan's belief in the foreign assistance agenda. Thus, the expected linear progression from stabilisation to reconstruction and development has not yet materialised.

In simple terms there has not yet been a substantive peace or stabilisation dividend for the population at large. The Government capitalised on the relatively peaceful conditions that

prevailed from 2002-2005 not by improving public services but by expanding its power and patronage systems. In consequence, the quality of protection is still largely determined by the extent of a family or an individual's links to persons in authority or power rather than access to a formal justice system or reliable security forces. International strategies for stabilisation have not overcome these deeply grounded cultural practices.

Nonetheless, it is important to retain a sense of perspective. The number of civilians killed in Afghanistan due to the conflict has increased annually since 2006 with 2,777 fatalities recorded in 2010. But 25,000 women die in childbirth every year, one of the highest mortality rates in the world. Poverty remains the biggest killer in Afghanistan and indicates the extent of the state's failure to provide essential services. The insurgency has successfully exploited this weakness by providing justice and security to communities in the many areas of the country where government writ does not reach.

ISAF-NATO's strategy has evolved significantly since 2001 and in particular has recognized that civilian casualties resulting from its own operations are morally and pragmatically unacceptable. As a result, tactics have changed. The type and scope of air support to operations has been restricted. A dedicated unit to investigate incidents that have caused civilian casualties has been established.

More recently, ISAF-NATO's focus has shifted to place protection of civilians at the centre of its operation. This is partly as a consequence of the advocacy efforts by humanitarian actors - both public and quiet diplomacy - on the issue of protection of civilians. It indicates that engagement between stabilisation and humanitarian actors has been possible in Afghanistan; this engagement has also influenced policy and practice on other issues such as detention, compensation and situation analysis.

According to current planning calendars, ISAF-NATO's departure in 2014 will coincide with the transfer of responsibility for security to the Government of Afghanistan and the holding of national elections as President Karzai's second term comes to an end. Financial sustainability of the Afghan security forces will be a major challenge. The projected international withdrawal will also affect economic performance since much of the country's recent growth has been attributed to the presence of external actors, especially in the security sector. There is understandable anxiety over the Government of Afghanistan's ability to manage this transition peacefully while the insurgency remains active and influential.

Overall, it is important to recognize that issues like stabilisation and the protection of civilians in a context like Afghanistan must go beyond mere adjustments to military doctrine and tactics. Comprehensive approaches, however well intentioned also need to be properly grounded in local political realities. In particular, international actors should reflect carefully how they can assist the government to establish its legitimacy and accountability with its citizens at all levels. In a context where political power is being contested, stabilisation and state-building may need to focus less on technical and financial support and more on establishing an inclusive dialogue and consensus.

Perspectives from the Democratic Republic of Congo

MONUSCO now has a stabilisation strategy, but there has not been significant debate internally within DPKO with regard to what the term means, or how it may relate to the experiences of stabilisation by other actors in other contexts. The use of the term ‘stabilisation’ has not fundamentally changed MONUSCO’s policy or activities, but was prompted by a desire to demonstrate that the UN presence was moving concretely beyond peacekeeping, and was accompanied by the drawdown of approximately 2,000 troops. MONUSCO’s strategic vision is fundamentally geared towards protection of civilians and this provides common ground for engagement between MONUSCO and humanitarian actors. There are three tiers to MONUSCO’s protection strategy: support for a political process; protection from physical violence (which is the main benchmark by which MONUSCO is judged); and, establishing a protective environment in the long-term (human rights, judicial/political reforms, etc).

There is a very structured relationship between humanitarian actors and MONUSCO, focused primarily on enhancing the physical protection of civilians in conflict areas. Engagement is mainly through the protection cluster and stabilisation frameworks, including a senior management group on protection which facilitates rapid decision-making at operational levels, joint planning processes, and early warning mechanisms. However, concern was expressed that with a shift in funding to the ‘stabilisation’ pillar rather than the ‘humanitarian’ track, ongoing humanitarian needs could be sidelined and de-prioritised. Issues such as addressing sexual and gender-based violence are sometimes seen as not falling within either funding model.

There have also been tensions between the protection and stabilisation strategies often because generally speaking stabilisation is not seen as having achieved what it promised in DRC. The ‘clear, hold, build’ strategy of the MONUSCO troops in conflict-affected areas has at times been de-stabilising, exposing civilians to greater risk because the ‘hold’ is often only temporary – with the threat of retaliation from other belligerents. In addition, the focus on security sector reform, to build state authority, is problematic – the state security functions have often been predatory, not protective. Some humanitarians have a major concern that the situation in parts of DRC is still one of ongoing armed conflict and, as such, it is not appropriate or accurate to focus on recovery components of stabilisation. However, a number of humanitarian actors have actively supported this strategy and have even characterised their own activities as ‘stabilisation’ activities in order to access funding.

The troop contributing countries (TCC) have a major role to play in how effective a UN mission can be – the TCCs are often from neighbouring countries and are reluctant to allow their troops to engage in kinetic operations against a host government with whom the TCC has diplomatic relations. However, the TCCs have now acknowledged the need for specific guidance on the implementation of protection of civilians mandates. In addition, capacity is a problem across the board for DPKO missions – in DRC, there are insufficient guarantees that MONUSCO will have the capacity necessary to implement its mandate effectively on an ongoing basis. Serious

questions arise as to whether they have the assets/resources necessary to be able to be reactive to the changing nature of the conflict, and to rapidly deploy to areas where civilians are at acute risk.

What engagement is possible/desirable between stabilisation and humanitarian actors on the protection of civilians?

Protection of civilians should be a guiding principle in all stabilisation operations. From a military perspective, key to effective engagement is understanding the operating environment, including the capacities and roles of other actors, and having the ability to adjust to an unpredictable environment. From this perspective, engagement between humanitarian and political, security, military actors, would facilitate better protection outcomes in stabilisation contexts, as in others. Protection of civilians should be embedded in the front line of stabilisation doctrine.

The US government doctrine on stabilisation is perhaps one of the most developed and explicitly references protection of civilians as a priority objective. The UK doctrine is more equivocal. Whilst some humanitarians may continue to have concerns regarding stabilisation, many member states have asserted that the comprehensive approach is the way that ‘we’ do business and this has to be taken into account when considering how to enhance the protection of civilians in conflict situations. Engagement between stabilisation and humanitarian actors is essential from the earliest interventions in a crisis context and must be founded on the understanding that the different international actors each have an important part to play in protecting civilians – the goals do not need to be the same but efforts can be complementary. One of the constraints to more effective and complementary engagement between humanitarian and stabilisation actors is the fact that whilst humanitarians have developed a common definition of ‘protection’, military actors do not have the same definition and different militaries have different interpretations of the concept. A common framework for protection of civilians would be helpful to identify where there is common ground between humanitarian and military actors in this regard.

Whilst stabilisation as a term may be new, the objectives may not be. Rather, what is new is who is driving the agenda. Humanitarian action is driven by the needs and rights of people, based on the principles of humanity, impartiality and non-discrimination. This is what defines priorities and action on the ground. Synergies therefore are possible but it must be understood and accepted that there will also be tensions. Humanitarian action to support enhanced protection of civilian populations is based on needs and rights, not political considerations. The principles of impartiality and non-discrimination are essential but neutrality and independence may be negotiable in certain circumstances. The tensions therefore arising between stabilisation and humanitarian actors relate particularly to impartiality– humanitarians will always be required to address the most urgent needs first but this may not be the same priority for stabilisation actors. It may also be the case that humanitarian activities contribute to peace-building or state-building objectives but this is a secondary consideration, never a priority.

Engagement between humanitarian and stabilisation actors will be determined by the context in which they are operating – engagement will look very different in conflict situations and in natural disaster response. There may be specific areas of policy or operations where engagement is more feasible – for example there are clear contributions which both humanitarian and stabilisation actors can make to ensuring rights-based durable solutions for displaced populations.

Conclusions and Recommendations

There are a number of factors which impact both how stabilisation strategies contribute to the protection of civilians, and to what extent stabilisation and humanitarian actors coordinate their efforts in this regard.

First, the concept of stabilisation is not well-defined, is not well-understood and there is a diversity of interpretations of the concept amongst key international actors. It is also questionable whether stabilisation is really something new, particularly in the UN context, or just a re-labelling of existing strategies. Expansive interpretations of stabilisation generate extremely high expectations and at the current time, it is difficult to assess what real impact stabilisation efforts in various contexts have had in relation to their objectives, including in relation to protection of civilians. Whilst it is generally accepted that the security of civilian populations is often a key objective of stabilisation strategies, it is not always easy to identify where protection of civilians sits with other stabilisation priorities.

There are a number of assumptions that can be made in relation to engagement between stabilisation and humanitarian actors on the protection of civilians. Most obvious is that military and security actors, as components of a stabilisation strategy, can provide a level of physical protection and a more secure and enabling environment which humanitarian actors generally cannot. Secondly, both short-term efforts and long-term strategies are necessary to protect civilians and to ensure the fulfilment of their rights. Protection of civilians can perhaps be usefully understood as drawing on a range of both short-term and long-term actions, including adherence to international humanitarian law by international military and security actors in relation to their own operations; proactive protection of civilians by military and security actors – undertaking impartial interventions to address threats to civilians; undertaking counter-insurgency operations (COIN OPS) to build or extend the legitimacy of the state; and activities aimed at creating an environment conducive to protection of civilians and fulfilment of the fundamental rights of citizens in the long-term.

There are therefore, a number of areas of synergy or areas of complementarity with humanitarian actors (who commonly define their ‘protective’ actions into responsive, remedial and environment-building); there are opportunities for common ground. Reflections on the experiences in Afghanistan and DRC demonstrate that constructive engagement between humanitarian and stabilisation actors is possible, even in highly politicised conflicts. Indeed, engagement is essential to ensuring positive protection outcomes. However, the nature of engagement is in part determined by the context; it is likely to be more concrete the further away

a situation is from active conflict, and less concrete in highly politicised conflicts that are fundamentally about challenging the existence and authority of the state.

The parameters of this engagement therefore must be negotiated and will be context-specific. In some contexts, coordination and complementarity is more complicated and there will be a need for distinct identities – which may be tactically more effective in achieving objectives. However, experiences in even highly politicised contexts indicate that areas of engagement which may require further exploration include information sharing and analysis of the risks to civilians; sharing (or advocating on) guidance and standards on key issues (e.g. durable solutions, compensation); early warning mechanisms; and monitoring and evaluation.