

Protection of Civilians for Police and Civilian Personnel

[Specialisation Course]

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[Online edition]

COURSE CONCEPT

Introduction

Civilians have increasingly become the victims of armed conflict in previous decades. The primary responsibility to protect civilian life is undoubtedly born by the host state as is consistent with their obligations under international law. However, history has unfortunately shown numerous times that states continue to fail to protect their citizens. In these situations, other groups should assume the “responsibility to protect” and deploy peacekeepers to protect civilians. Failure to do so proved to have horrendous consequences in the previous decades. The UN Independent Inquiry of the Rwandan genocide underlined that the failure to protect civilians resulted in severe loss of life. In a similar manner, the UN secretary-general’s report on Srebrenica underlined doctrinal and institutional shortcomings that contributed to the international community’s failure to protect civilians from armed conflict. These notorious cases in Rwanda and BiH have led the international community to respond. The Security Council subsequently changed the language it used in official documents and shifted from focusing very narrowly on humanitarian assistance to adopting a more expanded concept of responsibility more in line with the multidimensional nature of contemporary missions and operations. The UNAAMSIL mission in Sierra Leone hence became the first mission in 1999 to have a specific mandate to protect civilians. The conflicts of the twenty-first century continued to involve targeting of civilians, whether due to the efforts of armed actors to spread fear and increase political or economic leverage, as in Darfur and the Democratic Republic of the Congo (DRC), or due to means and methods of warfare that disregard protected people and infrastructure, as in Yemen.

New security trends and developments like grey-zone and hybrid conflict, complex humanitarian emergencies, social unrest, deteriorating state-society relations, terrorism, riots, migration, environmental catastrophies and the increased influence of new technologies all pose additional threats to civilians that already bear the horrible consequences of armed conflicts like physical threats to life, loss of homes, loss of social services and loss of means to earn income.

For the EU member states, the events in BiH along with the increasing integration of the EU have led to the emergence of the European Security and Defence Policy (ESDP), later known as the Common Security and Defence Policy (CSDP) that laid the legal ground for European missions and operations.

Policies on PoC followed soon after and the European Council published guidelines on POC within EU crisis-management in 2003. As Patz and Koops note in their 2022 research article on UN, EU, and NATO approaches to PoC, EU's guidelines "were rooted in IHL, human rights norms, and issues such as children and armed conflict, protection of displaced persons, gender and security, and humanitarian action. This... ..resulted from the EU's consultations with OCHA, which was itself responsible for drafting the UN's initial aide-mémoire on POC in 2002. A close look at both documents reveals significant overlap, reflecting convergence between the two organizations' thinking on POC." The first EU military ESDP mission with an explicit POC mandate was launched in 2008 in Chad and the Central African Republic. Eventhough the CSDP calls on missions to adopt an integrated approach to PoC and despite the efforts to enhance the PoC agenda, EU's PoC efforts on the ground remain relatively modest. The military missions are more focused on the capacity building and training approaches and the civilian CSDP mission mandates do not ordinarily include a specific PoC mandate, even though certain mission actions can be placed within a comprehensive PoC framework as was the case in Chad. A broad range of activities falling under PoC is found within many CSDP missions, ranging from physical protection, the relations between women, peace and security, children and armed conflicts to creating the PoC-enabling human rights and rule of law environment. The term 'PoC-related tasks' is hence used in the CSDP context when addressing these actions.

A more defined and developed general EU CSDP approach to PoC would help distinguish the "European" from the "UN" approach. "The PoC concept and implementation would need to be more clearly defined and made explicit in mandates and in operational planning which would create a clear purpose and focus of PoC training courses" as the Training Requirement Analysis (TRA) on PoC from 2021 notes. A general approach course is nevertheless needed for all CSDP mission staff. The 2021 TRA very clearly stated that "the focus of existing PoC trainings is almost exclusively on the UN approach to PoC and does not include elements of EU policy and the EU priorities identified in the 2010 Guidelines on the Protection of Civilians" and that ASPR is the only organisation delivering a PoC course with an European dimension, but as an expert level course targeting management personnel. The Protection of Civilians Specialisation Course for Police and Civilian Personnel is thus the only active basic level course appropriate for CSDP missions targeting all personnel.

The Request

Within the framework of EU Civilian Training Initiative (EUCTI), a three-year-long EU co-funded project aimed at complementing standard training activities carried out by member States, civilian crisis management (CCM) organisations and other training providers, the consortium was contacted by EUAM Ukraine. The mission's HR representatives identified Protection of Civilians as one of the topics that need to be most urgently addressed as the situation in Ukraine and the safety of civilians has deteriorated significantly.

In order to facilitate the mission's needs to the furthest possible extent, coordination meetings were organised between relevant staff of EUAM and CEP, one of the EUCTI project's partners.

The Proposed Offer

CEP prepared the proposed training offer as an adaptation of an existing training on protection of civilians tailored for policing forces in UN missions and operations. The changes to the training content were needed to address the specific EUAM mission mandate and the rapidly evolving situation on the ground in Ukraine regarding civilians.

The Course

The training includes several subjects that together form a comprehensive PoC training approach:

Subject 1: Theoretical dimensions of protection of civilians

- What is PoC (basic terminology + understanding of the concept)

Subject 2: How conflict affects civilians

- Types of physical violence against civilians (linkages to CRSV, protection of humanitarian workers, journalists, medical personnel and facilities, humanitarian access), perpetrators
- PoC beyond the narrow understanding of “threat of physical violence”
- Protection actors (who provides protection)
- Protection tools

Subject 3: Legal framework regulating the protection of civilians

- International law, regional legal regimes,
- UN legal and policy framework,
- EU legal and policy framework, agreement with host state and sending state, code of conduct

Subject 4: Operational Concept for Protection of Civilians

- Protection through (political) dialogue and engagement (tier 1), provision of physical protection (tier 2), establishment of proactive environment (tier 3)
- POC Phases of response (prevention, pre-emption, response, and consolidation)
- POC strategy (state focused approaches – national PoC strategies), risk + threat assessment + coordination mechanisms)

Subject 5: PoC mandate missions

- History/Development/Evolution/Background

Subject 6: Mission specific legal frameworks

- Mandate language
- Use of force
- Accountability of the Peacekeeping mission and the individual peacekeeper

Subject 7: Key challenges and best practices in the field

- How is the PoC concept implemented in real life
- Challenges on the ground
- Examples of good practices on the ground

The Target Audience

Up to 25 staff of the EUAM Ukraine mission as selected by the HR Representative of the Mission, possibly also from other crisis management/peace support missions (OSCE, UN, etc).

The Expected Learning Outcomes

By the end of the training, participants:

1. Gain basic knowledge in PoC, historical development of the approach and its legal regulation.
2. Are in touch with new developments and trends around PoC (to effectively adapt to changes in fast-evolving world).
3. Discuss PoC beyond the traditional definition of the “threat of physical violence” and apply the approach to the protection of vulnerable groups, support for complex health responses, the protection of cultural sites, or the protection of economically important facilities (cross-cutting themes).
4. Are equipped with the understanding of the legal frame and architecture of guidelines and policies under which the mission members are operating.
5. Gain an overview of the operational tools, employed for PoC.
6. Gain a broader understanding of the mission environment which combines a complex ecosystem of protection actors (to learn the importance of partnership arrangements and coordination requirements towards other protection and security stakeholders and learn how to identify relevant actors in the field + how to establish cooperation).
7. Understand how the PoC mandate is implemented in different missions through experiences from the field, practical examples and case studies.
8. Understand how Protection of Civilians is applied in EU CSDP policy and operational documents.
9. Understand the main challenges and identify good practices in this field.

The Methodology

The course is a classroom-based activity that adheres to commonly used standards on adult learning and is adapted to the online learning format.

The course program is:

- participant-centered (the needs of participants were taken into account by tailoring the program of the training)
- concrete (we use participants' experience and expertise as a resource);
- interactive (several sessions include participatory learning activities);
- open (we provide ample opportunities for reflection).

The trainers use different teaching methods:

- Interactive lectures;
- Group assignments and discussions;
- Simulation exercises;
- Video materials;
- Reflection session on lessons learned.

The Logistics

The course is held online through Teams. Selected participants register for attendance through an online registration client and receive further detailed information on how to attend the online training. Self-paced learning materials are provided to participants via email.