

Protecting civilians? The interaction between international military and humanitarian actors

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About the author

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Protecting civilians? The interaction between international military and humanitarian actors

Protection of civilians has long been an objective of humanitarian action, but in recent years it has become increasingly a *shared* objective between the international humanitarian community and international military and peacekeeping actors. While many on either side recognise that complementary protection strategies are necessary, interaction at strategic and operational levels has faced numerous challenges. The humanitarian community has struggled to reach a consensus on civil–military coordination in general, and there are some who reject any form of interaction at all. For their part, international military or peacekeeping forces have at times been dismissive of the contribution that humanitarian actors can make to the safety and security of civilians. For both, fundamental differences in culture, terminology, priorities and approach pose a real challenge to constructive interaction on protection and other humanitarian issues.

Notwithstanding these challenges, there are positive experiences of interaction on protection, even in some of the most complex conflict environments. These interactions have generally taken place in the absence of global humanitarian policy and guidance on this issue, and have developed organically in response to the situation at hand. These experiences illustrate the importance of complementary approaches to securing better protection of civilians, and offer important lessons regarding the appropriate parameters of interaction between international military and peacekeeping actors and the humanitarian community. This HPG Working Paper explores the rationale for interaction between humanitarian organisations and international military and peacekeeping forces on the protection of civilians.¹ It considers the risks and challenges of interaction with such forces, and highlights practical experience from the field.

Protection dialogue: a humanitarian imperative?

In countries as diverse as Syria, Afghanistan and Haiti, civilians continue to bear the brunt of conflict and violence. The primary legal responsibility for ensuring protection of civilian populations lies with states. However, in situations where the state is unwilling or unable to protect the population, the international community has increasingly intervened.

‘Protection of civilians’ is a broad term for which there is no common definition among military, peacekeeping or humanitarian actors. However, there are parallels in their respective understandings of the concept; it is generally accepted that protecting civilians in armed conflict and other

¹ For present purposes, ‘international peacekeeping forces’ refers to United Nations peacekeeping missions and regional peacekeeping missions, which may include police as well as military forces; ‘international military forces’ refers to other types of multilateral military and security forces, including stabilisation missions, that are mandated by the UN Security Council.

situations of violence relates to violations of international humanitarian and human rights law, and is not limited to mere physical security but rather encompasses ‘the broader spectrum of human security and human dignity’ (HPG and ICRC, 2011). Although there are differences in priority and approach between humanitarian and military or peacekeeping forces, and between different military and peacekeeping actors, the concept of protecting civilians is generally understood to include three key components: compliance by all parties to conflict with international humanitarian and human rights law; mitigating or reducing the threats and vulnerabilities of civilian populations; and, in the longer term, building a protective environment, including strengthening the capacities of the host state and local communities (*ibid.*).

The rationale for interaction and dialogue between humanitarian actors and international military and peacekeeping forces on the protection of civilians is based on four key factors. First, promoting respect for international humanitarian and human rights law has long been a core component of humanitarian action. The humanitarian imperative to save lives and alleviate suffering necessitates sustained interaction and dialogue by humanitarian actors with international military and peacekeeping forces to promote compliance with international law. This type of protection dialogue may involve raising awareness of the specific obligations of the forces concerned under international law and alerting them to the impact of their operations on civilians. It may also include sharing of aggregated data to show this impact over time.

Second, the protection of civilians has increasingly become a *shared* objective of international military and peacekeeping forces and humanitarian actors in many armed conflicts and other situations of violence. The increasing role of humanitarians in enhancing the protection of civilians is evident in the growing number of organisations engaged in such efforts, and in the growing scope of their activities. Although humanitarian actors are unable to provide the degree of physical protection that military actors can, they have sought to reduce the threats that civilians face and to address the impact of violations of international humanitarian and human rights law. They have sought to do this through dedicated protection activities, and by integrating protection concerns within their general humanitarian programming (see e.g. Slim and Bonwick, 2005). A range of mechanisms and capacities have been created to improve professional standards and strengthen the humanitarian community’s protection efforts. These include protection coordination fora and a stand-by roster of deployable protection experts, and policies, guidance and tools such as the Global Protection Cluster’s Handbook for the Protection of

Internally Displaced Persons and the International Committee of the Red Cross (ICRC)'s Professional Standards for Protection Work (both 2009).

As the protection role of humanitarian agencies has grown, so the role and mandated responsibilities of international military and peacekeeping forces have also evolved. There are two key trends at work here: UN and regional peacekeeping missions are now commonly mandated by the UN Security Council and regional bodies with specific objectives to protect civilians; and protecting civilians is an increasingly important component of international stabilisation strategies pursued through other multilateral interventions.

With respect to UN peacekeeping, eight current missions are explicitly mandated by the UN Security Council to protect civilians.² The Department of Peacekeeping Operations (DPKO)/Department of Field Support (DFS) Concept of Operations (2010) describes protecting civilians as 'perhaps the single largest contribution a mission can make', and the UN Security Council has asserted that civilian protection must be considered a priority in the allocation of capacity and resources (UN Security Council, 2009). As outlined in the Concept of Operations, this objective is considered an endeavour for the mission as a whole (including military, police and civilian components). It involves three tiers of action: protection through political processes; providing protection from physical violence; and establishing a protective environment. Guidance and training packages have been developed by DPKO/DFS, in consultation with humanitarian actors. Meanwhile, UN police forces (UNPOL) provide an important *civilian* security approach to protection threats, and are often able to work in closer cooperation with local communities than military forces can (HPG and ECHO, 2012). Outside the UN, both the African Union (AU) and the European Union (EU) have adopted similar multi-dimensional approaches to protecting civilians in their peacekeeping missions, and have or are developing guidance to this effect.

Protecting the civilian population may involve varying degrees of interaction between UN or regional peacekeeping forces and humanitarian actors. At its most basic, interaction may include promoting compliance with international humanitarian and human rights law, as well as sharing threat analysis and data to identify trends and help inform decisions on the allocation of mission resources. In many contexts, peacekeeping missions have also been tasked with other responsibilities that involve technical coordination with particular humanitarian actors. For example, many peacekeeping missions have a role in humanitarian demining, which calls for close cooperation with humanitarian organisations such as the ICRC, the UN Children's Fund (UNICEF) and specialist NGOs involved in this area, for instance to facilitate the identification and removal of mines and explosive remnants of war and to

coordinate mine-awareness activities. Where peacekeeping forces have been tasked with child protection responsibilities, close coordination with UNICEF and child-focused NGOs is likewise crucial. Several UN peacekeeping missions have been tasked with supporting the return and reintegration of displaced populations, necessitating sustained coordination with the UN High Commissioner for Refugees (UNHCR), the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other humanitarian actors to ensure an appropriate division of roles and responsibilities regarding area security and patrolling, logistical support and the provision of humanitarian assistance. Interaction between humanitarian actors and UNPOL is required in relation to the security of IDPs and other civilians, community policing initiatives and in supporting capacity-building for national police.

Enhancing the protection of civilians has also become an important component of international stabilisation strategies, such as in Afghanistan: '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' (HPG and UNHCR, 2010). Commentators have asserted that the protection of civilian populations is critical to the 'success' of stabilisation operations, and this is reflected in some national military doctrines. The UK's Joint Doctrine Publication 3-40, for example, emphasises that human security is key to the consolidation of military successes and outlines a range of tactics to achieve this. Humanitarian interaction with such forces may be more limited than in UN or regional peacekeeping contexts, but, in addition to promoting compliance with international humanitarian and human rights law, interaction in stabilisation contexts may involve other activities such as sharing general threat analysis or aggregated data to highlight broader protection threats and trends.

Third, effective interaction and dialogue between international military and peacekeeping forces and the humanitarian community holds out the possibility of better protection outcomes for affected populations. The situations in which these groups operate are increasingly complex, and the threats to civilians are multiple and dynamic, ranging from deliberate killing, attacks against civilian targets such as schools and clinics, rape, the recruitment of child soldiers and a failure of accountability for perpetrators and support for victims (UN, 2012). No one set of actors alone can provide the protection necessary to mitigate these threats and address the impact of violations of international humanitarian and human rights law on civilians. Interaction between military or peacekeeping forces, including police, and the humanitarian community is thus essential to ensure more complementary efforts and to maximise the capabilities and resources available. In particular, early interaction with military or peacekeeping forces is important to ensure that mission planning and concepts of operations are based on a more comprehensive analysis of the context and the threats to civilians prevalent in it.

² These are MONSUCO (DRC), UNMISS (South Sudan), UNAMID (Darfur, Sudan), MINUSTAH (Haiti), UNIFIL (Lebanon), UNOCI (Côte d'Ivoire), UNMIL (Liberia) and UNISFA (Abyei, Sudan).

Finally, recent trends and developments in the role of international military actors require a rethink of how humanitarians may appropriately interact with them on the protection of civilians and other humanitarian issues. International stabilisation strategies generally seek to combine humanitarian, military and other spheres of civilian action under an overarching political objective. In many instances, the military components of such strategies have undertaken humanitarian and/or development activities themselves in order to achieve strategic or tactical gains. The explicit linking of humanitarian action, including protection activities, with military and political action is a major concern for many humanitarian actors as it risks undermining the humanitarian principles of impartiality, neutrality and independence, and may place humanitarians and their beneficiaries at enhanced risk (Collinson, Elhawary and Muggah, 2010). This is an important reason why some humanitarian actors are opposed to any interaction with international military or peacekeeping forces in armed conflict or other situations of violence, on the grounds that they risk being associated with them in the eyes of non-state armed groups and local communities. Arguably, however, protecting humanitarian principles and reducing the risks to humanitarian action requires more, rather than less, strategic interaction and dialogue with military forces.

The role of UN and regional peacekeeping has also evolved, although there are fundamental differences between the UN policy of ‘integration’ and international stabilisation or ‘comprehensive’ approaches; UN integration is focused, in policy terms at least, on ‘those activities aimed at consolidating peace’, takes ‘full account of humanitarian principles’ and ‘allows for the protection of humanitarian space’ (UN, 2008). There have been concerns from some humanitarian organisations that UN integration has had a negative impact on their ability to operate, and be seen to operate, as impartial, neutral and independent actors. However, notwithstanding negative experiences in some contexts, integration also offers a formal platform for strategic and operational interaction between a UN peacekeeping mission and the humanitarian community through which to build confidence, facilitate greater respect for humanitarian principles and facilitate more complementary approaches to realising the shared goal of protecting civilians (Metcalfe, Giffen and Elhawary, 2011).

Risks and challenges

Most humanitarian actors acknowledge that international military and peacekeeping forces can provide a degree of physical protection which they cannot. There are, though, a number of risks and challenges in interacting with these forces. Perhaps the greatest risk relates to the broader civil–military distinction in humanitarian action touched on above, in relation to military involvement in humanitarian action as part of stabilisation efforts. If humanitarians are (or are perceived to be) associated with international military or peacekeeping forces, this may undermine their ability to act, and to be seen to act, as neutral and impartial. This may consequently make

humanitarian organisations the target of attack or otherwise undermine their security and, consequently, their ability to deliver assistance and protection to populations in need. This is a particular concern where international military or peacekeeping forces are a party to conflict. With respect to protection more specifically, some humanitarian actors have also cautioned that the evolution of mandated responsibilities for international military and peacekeeping forces beyond protection of civilians under imminent threat of physical violence may create ‘new areas where the lines between humanitarian and military [action] are blurred’ (SCHR, 2010).

Although there are important similarities between the conceptual understanding of protection among military or peacekeeping and humanitarian actors, there are fundamental differences in the way each prioritises this objective and the approaches they adopt to achieve it. For humanitarian actors, protection of civilians is invariably a *primary* objective, but this is not always the case for international military forces. For example, for military forces operating as part of a stabilisation strategy, protecting civilians is more often a means to an end – to legitimise the mission in the eyes of the population in support of the overarching political strategy, or as a component of *state* security. Notwithstanding the contribution that may be made in terms of the protection of civilians, the main benchmarks for ‘success’ or the rationale for the disengagement of military forces in such contexts are not generally whether the civilian population is better protected, but are more likely to be based on international or domestic political and security considerations, as shown in current discussions around the withdrawal of the International Security Assistance Force (ISAF) in Afghanistan and the transition of security authority to the government.

For some peacekeeping missions (such as MONUC/MONUSCO in DRC and UNAMID in Darfur, Sudan), protecting civilians is the primary objective, but even where this is the case these missions must balance their protection responsibilities with maintaining the consent of the host state. This has been particularly problematic in DRC, where there have been concerns among humanitarian and human rights actors that government forces being supported by MONUC were involved in human rights violations (Vircoulon, 2010). This issue has, to some extent, been addressed in DRC by a conditionality policy, developed in 2009.³ The UN Secretary-General has also sought to address this issue more broadly through the adoption of a human rights due diligence policy in 2011 (UN, 2012). This policy, developed through an inter-UN agency process co-led by DPKO and the Office of the High Commissioner for Human Rights (OHCHR), applies to all UN support to non-UN military and other security forces. It prohibits the provision of any support where ‘there is a real risk that recipient entities may commit grave violations’ (OHCHR, 2012b).

³ The UN High Commissioner for Human Rights noted that the conditionality policy had ‘led to some tangible improvements in the behaviour of FARDC troops’. See OHCHR (2012).

The requirement of consent from and support to the host state also raises questions regarding the position of the mission in the eyes of non-state armed groups and local communities. What may be seen as a lack of neutrality may undermine the mission's ability to engage with non-state armed groups to promote their compliance with international humanitarian and human rights law, and may mean that humanitarian actors are more reluctant to interact with them for fear of being similarly perceived as partisan in favour of the government.

Tensions also arise in relation to the different approaches that military or peacekeeping forces and humanitarian actors adopt to achieve protection objectives. Although humanitarian actors generally accept that there is a limit to the efficacy of their non-coercive measures to protect civilians, they may also be concerned at the coercive measures that the military and peacekeeping forces generally adopt. Although coercive measures may be intended to address a specific threat, they may have unintended humanitarian consequences, including creating or exacerbating threats to the civilian population. As Afghanistan has shown, the arming of local militias by international military forces can be particularly problematic. The Afghan Local Police (ALP) operate under the US 'Village Stability Operations Program' and are a key component of the joint Afghan-ISAF counter-insurgency and broader security effort. Despite their reported contribution to security in some areas, there have been concerns regarding recruitment of known perpetrators of human rights abuse into ALP forces, and reports of ALP involvement in serious human rights violations, including murder and rape (UNAMA and OHCHR, 2012).

One of the key difficulties humanitarian actors highlight in terms of their interaction with military and peacekeeping forces is information-sharing. Humanitarian actors, particularly NGOs, have consistently expressed concerns about sharing protection-related information with military or peacekeeping missions for fear that it will not remain confidential or may be used for military purposes – thereby putting sources and victims, or the wider humanitarian response, at risk. Information that might offer a military advantage or which may place sources or victims at risk should never be shared with the military. However, a minimum level of information-sharing is essential to ensure that respective international military or peacekeeping forces are informed of the threats to civilians, including those stemming from their own operations. Guidance such as the Global Protection Cluster's Handbook for the Protection of Internally Displaced Persons outlines the types of information that may be appropriately shared, namely pertaining to the immediate security of the population, population movements and humanitarian operations. In addition, OCHA and the protection clusters and working

5 These included groups on information-sharing and liaison, humanitarian access, use of military assets, distinction between military and humanitarian interventions, joint civil-military interventions, mine action, training and awareness-raising, civil-military coordination in early recovery responses and civil-military coordination in disasters.

groups in the field have acted as a conduit for exchanging information with the military. However, more detailed guidance is needed to clarify what information can be shared (e.g. aggregated data rather than individual case information), how to ensure the informed consent of the people concerned, how confidentiality can be maintained and what mechanisms or processes can be used to facilitate information exchanges.

Not all of the challenges humanitarians encounter are related to the military or peacekeeping actor concerned. The diversity of views within the humanitarian community on civil-military coordination may not be surprising given the number of humanitarian actors involved and the variations between them in terms of expertise, mandates and capacities. However, it does risk undermining the position of the humanitarian community as a whole, and its ability to influence international military and peacekeeping forces. In addition, the humanitarian community has yet to understand the important role that the police component of a UN or regional peacekeeping mission may play in protecting civilians, and how their civilian character may allow for closer interaction. Protection coordination fora, including protection clusters, play a crucial role in raising awareness of the need for and the parameters of interaction with international military and peacekeeping forces, including police, and in facilitating more coherent and consistent positions from the humanitarian community. Protection cluster leads and OCHA can also play an important part as interlocutors between the humanitarian community and international military or peacekeeping forces on protection issues.

Some tensions relate to a lack of understanding of some of the challenges each set of actors face in realising their respective protection objectives. For example, humanitarian actors often fail to understand that the mandate, capabilities and resources assigned to international military or peacekeeping missions are the result of *political* decisions, not military ones. Forces on the ground are often required to balance their mandates and limited resources with the scale of the protection threat and the expectations of various stakeholders, including the humanitarian community. In UN peacekeeping operations in particular, there are critical differences in the way that different troop-contributing countries understand or interpret their protection responsibilities. More generally, international military and peacekeeping actors are often being asked to undertake tasks that are beyond their traditional areas of expertise, particularly in relation to the more expansive, longer-term objective of building a safe and secure environment. This is evidenced for example in the difficulties some UN peacekeeping missions have faced in ensuring a coordinated approach to building the capacity of the judiciary and prison systems, as well as the national police (HPG and ECHO, 2012). For their part, military or peacekeeping forces often fail to appreciate the role that humanitarians can play in reducing the threats that civilians face, and that maintaining the distinction between military and humanitarian actors is not

mere ideology but a practical tool to ensure that humanitarian actors can operate safely and effectively.

Experiences from the field

Interaction between humanitarians and international military or peacekeeping forces will necessarily vary in different contexts, in relation to the mandate and resources of the military or peacekeeping forces concerned and in relation to their status as a party to armed conflict. Interaction will also vary between different humanitarian actors and between the military and police. However, notwithstanding the risks and challenges, there have been positive experiences of interaction and dialogue on the protection of civilians in a number of contexts.

In several UN peacekeeping operations, interaction between humanitarians and military and police forces has become increasingly structured. Formal mechanisms and tools have been created to facilitate greater strategic coordination, the development of joint or shared strategies, the sharing of information, trends and threat analysis and to inform the prioritisation of military or police capabilities. In the DRC, perhaps the most notable example in this regard, a Senior Management Group for Protection (SMG-P) has been established at capital and provincial levels to act as a high-level decision-making forum, comprising relevant sections of MONUC/MONUSCO (including the Force Commander and civilian components) and the humanitarian community (represented by UNHCR and OCHA); protection matrices are developed regularly by the protection cluster to highlight communities at risk in particular geographic areas, and these are used by MONUSCO to inform decisions on the allocation of mission capabilities. Increased coordination has also aimed to improve early warning systems, including through the creation of community alert networks. At the same time, there are concerns that some tools, such as Joint Protection Teams, undermine the civil–military distinction since they include human rights and other civilian staff as well as military forces.

In Darfur there has been sustained interaction between protection working groups/clusters and both the former AU mission (AMIS) and the current joint UN and AU Mission in Darfur (UNAMID) to facilitate sharing of protection assessments and threat analysis and to ensure more informed decisions regarding the deployment of mission capabilities to mitigate threats against civilians. Engagement between UNAMID police and the humanitarian community is particularly notable, with constructive and regular communication helping to ensure the most effective use of limited UNAMID police resources in IDP camps, including patrolling and establishing community policing initiatives. Sustained interaction was also felt to be crucial to ensuring complementary responses to a controversial government policy on IDP return (HPG and ECHO, 2012).

Such engagement is not exclusive to UN peacekeeping missions. In Afghanistan, consistent coordinated interaction

by the UN Assistance Mission (UNAMA) and the protection cluster with ISAF has helped in developing policies for ISAF troop-contributing countries on compensation for incidental civilian deaths incurred in the course of ISAF military operations. This interaction is also credited with influencing the development of tactical directives on minimising civilian casualties (HPG and UNHCR, 2012). The protection cluster is currently engaging directly with ISAF on other issues, including arbitrary displacement.

Much of this engagement has developed organically, with humanitarian staff on the ground identifying opportunities to engage military actors on their responsibilities to protect civilians in the conduct of hostilities and, particularly in the case of UN peacekeeping missions, to fulfil their broader protection mandates. Noting the need to capture experience and formalise lessons on such interaction to support improved practice elsewhere, OCHA is leading a Global Protection Cluster initiative to develop guidance for interaction between protection clusters in the field and UN peacekeeping and other missions. The ICRC, in partnership with key human rights and humanitarian actors, is currently revising its Professional Standards for Protection Work to include guidance on minimum interaction and dialogue with international military and peacekeeping forces on the protection of civilians. Such initiatives are an important step forward in ensuring more consistent and coherent interaction by humanitarian actors with international military or peacekeeping forces.

Conclusions

International military and peacekeeping forces and humanitarian actors have a critical role to play in mitigating the threat and addressing the impact of violations of international humanitarian and human rights law on civilians in armed conflicts and other situations of violence. Some humanitarian actors are concerned at the risks inherent in interaction with these forces. However, undertaking a protection dialogue with international military or peacekeeping forces on their responsibilities to comply with international humanitarian and human rights law is, and has long been, a key component of humanitarian action. More recently, as the roles and responsibilities of humanitarian actors and international military and peacekeeping forces have evolved, so protection has also become a shared objective in contexts where these forces are tasked with mitigating the broader threats facing civilians and establishing a more protective environment in the long term. In such contexts, interaction with military or peacekeeping forces is critical to strengthening the protection of the civilian population.

The strategic and operational dilemma is how to undertake that level of interaction necessary to secure better protection outcomes for the civilian population, whilst not undermining the ability of humanitarian organisations to operate in a way that can be seen as neutral and impartial. Maintaining the civil–military distinction is a major challenge, particularly in high-intensity conflicts where international military or

peacekeeping forces are, or are perceived to be, a party to conflict. However, even in these instances a minimum level of interaction with all armed actors is necessary to advocate for compliance with international humanitarian and human rights law. There are fundamental differences between the roles, responsibilities and approaches of the international military, including stabilisation forces, and of UN and regional peacekeeping missions. It is essential that any interaction by humanitarian actors is undertaken on the basis of a clear understanding of these respective roles and mandates, as well as their capacity and resources, and an assessment of the differing risks and opportunities of interaction in each case.

The potential risks involved in engaging with military or peacekeeping forces can be managed. More consistent and transparent dialogue is critical to explaining the appropriate parameters of interaction; interaction by humanitarians at the start of a military or peacekeeping deployment is important in order to ensure that the military concept of operations is properly informed by the protection threats prevalent in a given context, and to help shape the scope of interaction; where direct interaction is undesirable or inappropriate, contact may be made indirectly through interlocutors such as OCHA or the protection cluster or working group on the ground; and more detailed guidance on information-sharing, confidentiality and informed consent would help minimise risks to sources and victims. Where these risks can be effectively managed, differences in the approaches and capabilities of military or peacekeeping forces and humanitarian actors may also give rise to opportunities and tools that can be used in a complementary way to address the complex array of threats facing civilians. Ultimately, notwithstanding the challenges and risks, more strategic and consistent interaction between the humanitarian community and international military or peacekeeping forces is necessary to achieve the humanitarian imperative of saving lives and alleviating suffering.

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