



Australian Government
Australian Civil-Military Centre



AUSTRALIAN CIVIL-MILITARY CENTRE

Australian Civil-Military Centre

Protection of Civilians Course

22-23 May 2024

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AUSTRALIAN CIVIL-MILITARY CENTRE

Overview of Program

- Introduction to Protection of Civilians
- Emergent topics
- Panel discussions
- Group activities/discussions



Meet and Greet

What Protection of Civilians means to me





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PROTECTION OF CIVILIANS

A Common Understanding

MS. Jules L Frost | ACMC, Humanitarian Advisor | 22 May 2024



UN Security Council Resolution 1265 (1999)

“...civilians account for the vast majority of casualties in armed conflicts and are increasingly targeted by combatants and armed elements...in particular as a result of acts of violence directed against them...”



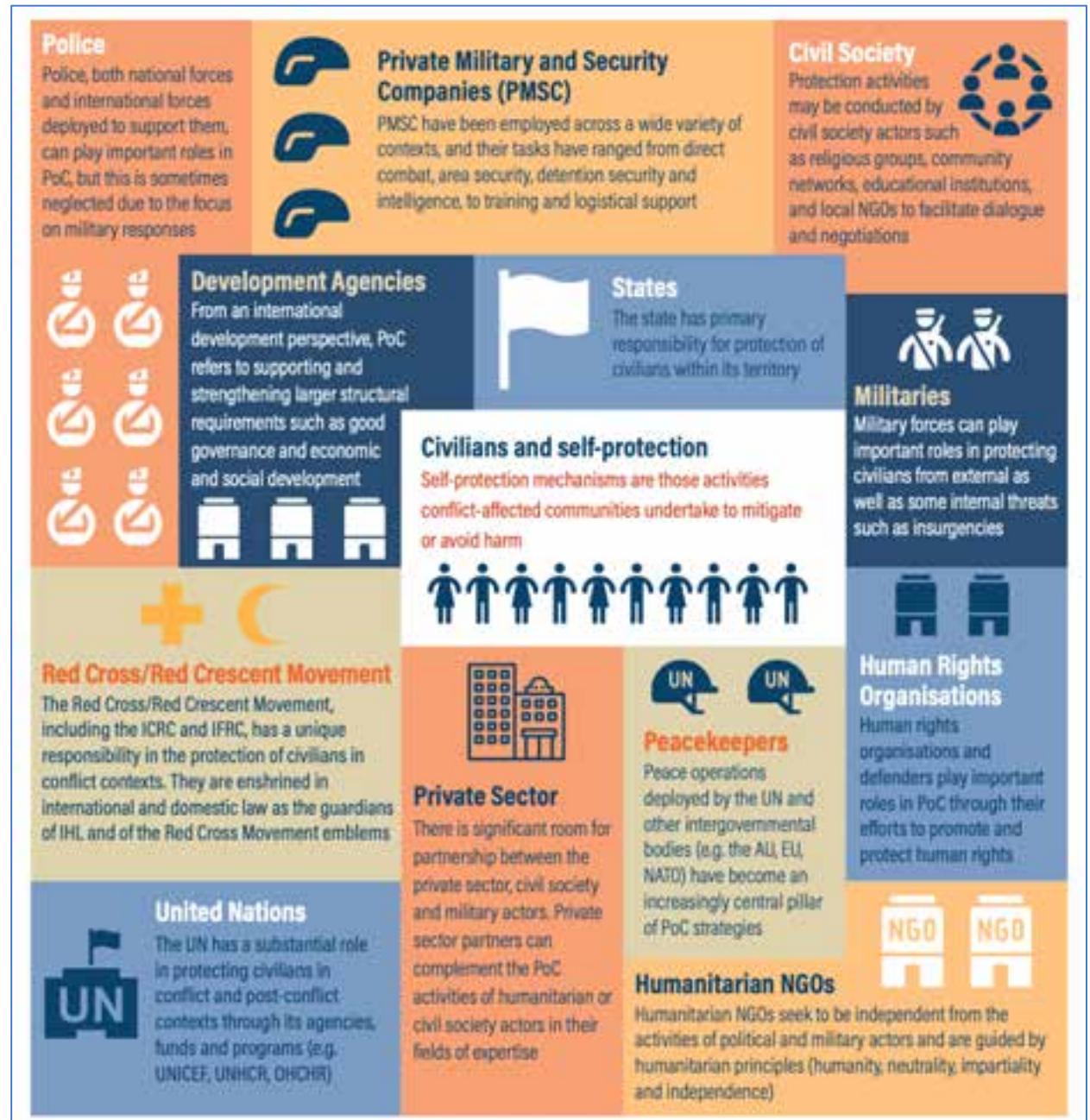


Protection of civilians (PoC) ensures the **safety of people** threatened with harm.

PoC is most often applied **in situations of armed conflict and other situations of violence**, including where peacekeepers are deployed.

Protection of Civilians (PoC)

A Shared Responsibility by
States and the International
Community



CIVILIAN HARM MITIGATION AND RESPONSE

U.S. Department of Defense definition of civilian harm:

“Civilian casualties and damage to or destruction of civilian objects (which do not constitute military objectives under the law of war) resulting from military operations. As a matter of DoD policy, other adverse effects on the civilian population and the personnel, organizations, resources, infrastructure, essential services, and systems on which civilian life depends resulting from military operations are also considered in CHMR efforts to the extent practicable...”

Responsibility to Protect (R2P)

Responsibility to Protect (R2P) is separate to PoC

- R2P is a globally agreed principle articulating that *states are responsible for protecting* populations from the *mass atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing*.
- R2P rests on the *primary responsibility of states to protect their own populations* from mass atrocity crimes and the responsibility of the international community to support states in exercising that responsibility.
- As *a last resort*, R2P outlines the *responsibility of the international community to take collective action when states fail to do so*, including, in appropriate circumstances, the collective use of force exercised in accordance with the UN Charter.



	Humanitarian Protection	Responsibility to Protect (R2P)	Protection of Civilians
Definition	Activities carried out by humanitarian organisations to protect the fundamental well-being of affected populations. These activities are firmly guided by the humanitarian principles of humanity, neutrality, impartiality and independence.	Globally agreed principle that states and the international community have responsibilities in protecting civilian populations from the four mass atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing.	All activities aimed at ensuring full respect for the rights of civilians in accordance with the law, including human rights law, international humanitarian law, international criminal law and international refugee law.
Applicability	In and out of conflict, including disasters and other emergencies.	To populations (civilians and combatants) experiencing or at risk of the four mass atrocity crimes.	To violations against civilians in situations of armed conflict and other violence.

Three focus areas
for PoC action:



Protection through
dialogue and engagement



Provision of
physical protection



Establishment of a
protective environment

AT A GLANCE

Severity of Protection Risks

100% of operations report **gender-based violence** as being the most concerning. **76%** describe the risk as high or very high.



100% of operations report **psychological/ emotional abuse or inflicted distress** amongst the affected populations. **60%** rate the risk as high or very high.



92% of operations report **forced displacement and impediments to freedom of movement** as a risk. **68%** describe the risk as high or very high.



Attacks on civilians or infrastructures are occurring in 92% of operations. **64%** describe the risk as high or very high.

Forced recruitment and association of children with armed forces is a risk across 96% of operations. **48%** describe the risk as high or very high.



92% of operations highlight **abduction, forced disappearance, arrest and/ or detention** as a major concern. **64%** describe the risk as high or very high.



Presence of mines and other explosive ordnance is a risk across 84% of operations. **60%** describe the risk as high or very high.



92% of operations report **impediments and/or restrictions to access to documentation, remedies and justice**. **48%** describe the risk as high or very high.

THE PROTECTION RISK EQUATION

RISK can be understood as the combination of a **THREAT**, **VULNERABILITY** to that threat, and the relative **CAPACITY** of a person or group to resist or rebound from the effects of that threat.

This is often referred to as the **PROTECTION RISK EQUATION**.

$$\downarrow \text{Risk} = \downarrow \text{Threat} \times \frac{\downarrow \text{Vulnerability}}{\uparrow \text{Capacity}}$$

PROTECTION OF CIVILIANS (PoC)

THE PROTECTION OF CIVILIANS comprises the efforts of armed actors themselves to prevent or mitigate the threats of violence, coercion and deliberate deprivation experienced by civilians – as such, it can be understood as contributing to the reduction of the “threat” and increase in “capacity” components of the risk equation.

**Armed
actors**

often turn to

**International
Humanitarian Law (IHL)**

Also known as Law of Armed Conflict
(LOAC)

To understand their
OBLIGATIONS
in this regard.

“

...activities undertaken to improve the security of the population and people at risk and to ensure the full respect for the rights of groups and the individual recognised under regional instruments, including the African Charter of Human and Peoples' Rights, the AU Convention for the Protection and Assistance of Internally Displaced Persons, and the Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law, including humanitarian, human rights and refugee law. ”

— *African Union definition*

“...all efforts taken to avoid, minimise and mitigate the negative effects that might arise from NATO and NATO-led military operations on the civilian population and, when applicable, to protect civilians from conflict-related physical violence or threats of violence by other actors, including through the establishment of a safe and secure environment.”

— *NATO definition*

“

...without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all civilian and uniformed mission components to prevent, deter or respond to threats of violence against civilians within the mission's capabilities and areas of deployment through the use of all necessary means, up to and including deadly force.

”

– *UN Peace Operations definition*

Australian Defence Force (ADF)

PoC Definition

“A United Nations mandate under which all civilian, military and police components in United Nations peacekeeping have a responsibility to protect civilians, particularly those under imminent threat of physical violence.”

“All efforts taken to avoid, minimize and mitigate the negative effects that might arise from military operations on the civilian population and, when applicable, to protect civilians from conflict-related physical violence or threats of physical violence by other actors, including through the establishment of a safe and secure environment.”

ADF -1-3 Civil Military Interaction | ADF-A(J)-3 Gender, Peace and Security | NATO Doctrine: NATO AAP-6



The Legal Classification of Violence



PEACE



CONFLICT

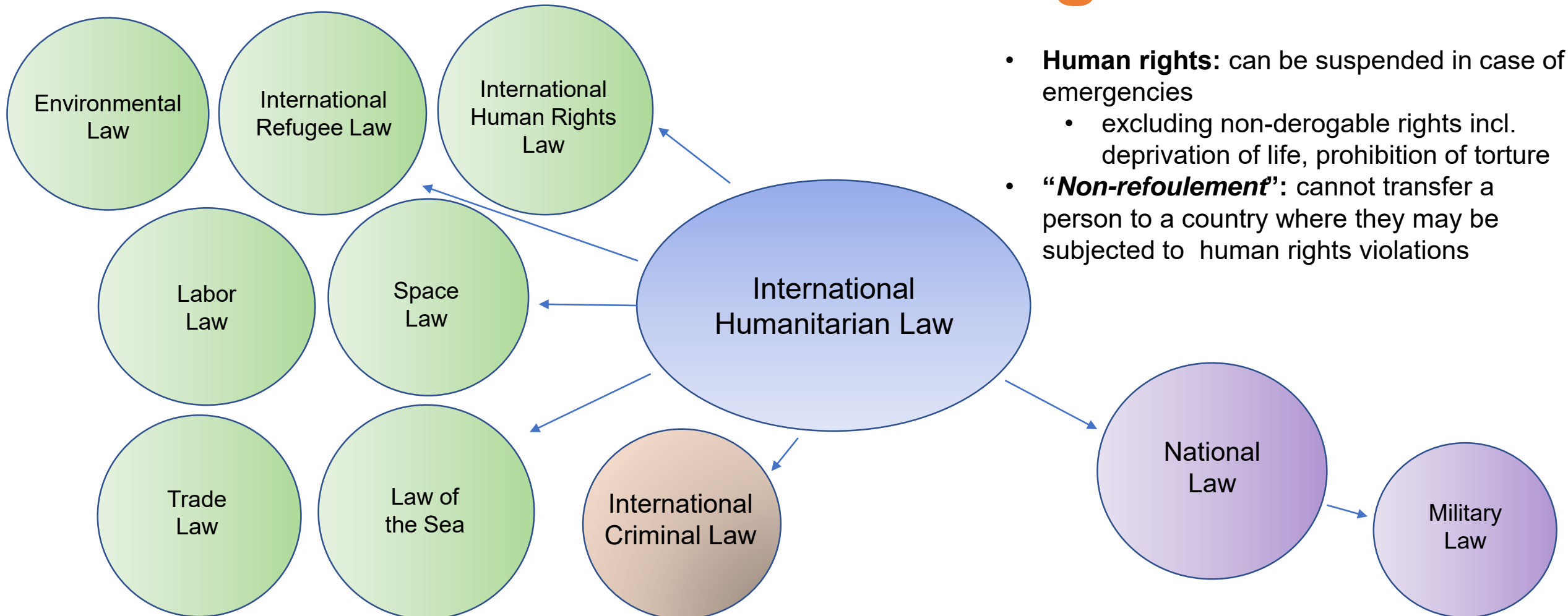


← National Law
International Human Rights Law

← International Humanitarian Law →



Protection of Civilians: Legal Bases





International Humanitarian Law and Protection

Sources:

- *Geneva Conventions (1949)*
 - I: The wounded and sick on land*
 - II: Wounded, sick and shipwrecked at sea*
 - III: Prisoners of War*
 - IV: Protection of Civilians*
- *Additional Protocols*
 - I: Protection in International Armed Conflict*
 - II: Protection in Non-international Armed Conflict*
- *Customary IHL*

Key POC principles

- Protection against the effects of hostilities
 - Distinction, proportionality, precaution
 - Protection of both people and objects
 - Prohibition on weapons that cause superfluous suffering
- Prohibition of starvation as a method of warfare
- Prohibition of forced displacement
- Provision of humanitarian assistance
- Humane treatment of civilians