



**“The Protection of Civilians, a Common Denominator”
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**Speech for
Force for Good: 60 Years of Australian Peacekeeping Conference
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9.30am
Telstra Theatre
Australian War Memorial
Canberra**

Synopsis

This talk will consider how the evolution of the concept of 'civilian or humanitarian protection' provides common ground for humanitarian and military actors to engage. While the relationship between the military and humanitarian NGOs has often been characterised by an ideological schism, current debates on civilian protection forge new ground. NGOs are openly advocating for military engagement to protect civilians in crisis and employing 'protection' officers at a field level to reduce people's vulnerability to human rights violations and advocate for enhanced protection from relevant duty bearers - in many cases international peacekeepers. Since 1999 seven UN led missions have included civilian protection in their mandates. As the principle of the 'responsibility to protect' becomes more entrenched in international relations, more protection resolutions can be expected as well as more 'protection' lobbying from the humanitarian community. The trend requires closer coordination between military and humanitarian counterparts and must be founded on an understanding of the common principles defining civilian protection.

Introduction

Thank you for the opportunity to speak this morning. Despite NGOs such as mine vigilantly guarding our independence from governments, on the issue of peacekeeping we often find our points of disagreement melting away. Crises such as those which occurred in Rwanda, Bosnia, East Timor and now Darfur have the effect of bringing us back to a core common conscience – humanitarianism. Today I want to draw together the concepts of peacekeeping and humanitarianism. Ultimately our staff find themselves in the same horrid environments as the Australian soldiers, Federal Police and public servants who contribute to peacekeeping efforts, and quite often we are pursuing similar objectives.

Oxfam Australia is a humanitarian and development organisation which works as part of the Oxfam International confederation of 13 organisations and more than 3000 partner organisations. We are fundamentally a human rights based organisation – we believe the realisation of human rights is the cornerstone to human security and economic prosperity. We work on various levels to bring about social change that will result in the realisation of rights – this includes long term development work, humanitarian response and advocacy. We are not limited to just humanitarian work and we believe addressing the root causes of social inequality, conflict or poor disaster response are just as critical as alleviating the suffering that is a consequence of these root causes – it is a distinctive element of our organisation and does set us apart from many other purely humanitarian organisations.

Oxfam Australia works in 26 countries in the Pacific, East Asia, South Asia, Southern Africa and also with indigenous Australians. Oxfam International, collectively, works in more than 100 countries. Oxfam conducts humanitarian relief operations in some of the most dire humanitarian situations in the world including Sudan, Iraq (through partners), Afghanistan and Somalia and

often works alongside Australian peacekeeping operations – most recently in Timor Leste, the Solomon Islands and Afghanistan. We are collectively one of the largest non-government organisations in the world.

Whilst recognising that this conference commemorates 60 years of Australian peacekeeping and many of the speakers are reflecting upon those years, I want to take this opportunity to discuss current and future trends in peacekeeping, including the Australian approach, and how they relate to concerns for NGOs like Oxfam as we respond to humanitarian crises.

Today I won't dwell on the operational or field challenges that do arise from time to time between NGOs, armed peacekeepers and politically aligned bureaucrats. The fact is in any setting where conflict is present or threatening, we believe it is critical to be seen to be independent of armed actors and their civil representatives, be they belligerents or peacekeepers. It is symbolic of our different mandates that we perceive a sticker which identifies us as being unarmed and civilian as a means of protection, while soldiers frequently carry arms for the same purpose (Bougainville being an important exception). I understand that many of the operational challenges between peacekeepers and 'humanitarian' organizations arise out of our efforts to maintain this distinction or what we often refer to as the 'humanitarian space' – or a safe space for us to operate amidst belligerent forces. An often complex task given the vagaries of community perceptions and the variables present in any complex emergency. We aim to preserve that distinction for the same reason that the distinction between combatants and civilians was ever made - it is ultimately about the protection of civilians.

And that brings me to my main focus today– the protection of civilians.

NGOs working in the humanitarian sector often hark back to the failures of Rwanda as a seminal moment in our history – the horrors of that event have scarred the industry I work in. It has been well established that our assistance helped to feed, clothe and shelter perpetrators of genocide.

This realisation reaffirmed what many people knew to be one of the great paradoxes of the work we do. That while we make every effort to be non-partisan in our affiliations and impartial in the delivery of our assistance – if we are ignorant of the political and cultural machinations of any given context – there is a very strong likelihood that our assistance will be manipulated by one or all parties to the conflict. Yet, in the process of obtaining contextual information to improve our programming, for a human rights based organisation such as Oxfam – as opposed to a non-rights based organisation such as the ICRC – it becomes very difficult to remain non-partisan if the information you collect suggests mass atrocities have occurred or forewarns of gross crimes against humanity.

What we do with the information we obtain is a critical decision that can have disastrous impacts upon our staff and those people to whom we provide assistance. It can also jeopardise the 'humanitarian' project that Henri Dunant and others envisioned. The original intent was to alleviate suffering not to prevent it. Yet if we do nothing with such information – are we then complicit in any atrocities that do occur?

With the tide of history, most people now working in the sector do not believe it is enough to just alleviate suffering. Yes, we must continue to assist the victims of armed conflict, but we must also do we what we can to ensure that future atrocities do not occur, that civilians concerned have the protection they require and are entitled to. Within Oxfam, we have a clearly defined focus on trying to ensure that people affected by conflict or disaster are able to access the 'protection and assistance they require, when they require it and for as long as they require it, irrespective of who or where they are or of how they are afflicted'. That is our agreed objective in conducting

humanitarian responses and advocacy.¹ Our conscience and our mandate demand that we do more than keep people alive to be slaughtered on some other day.

As we all know Rwanda has spawned reflection in many of our institutions on modes of decision making and operating. I believe NGOs have made tremendous changes since the mid-90s in the way we provide assistance and in the way we engage with those people and institutions who have the responsibility, capability and/or authority to prevent human atrocities. Overall, I think it is fair to say that the sector is more politically aware and our responses to humanitarian crises are more sensitive to the impacts we have upon the dynamics of the conflict than ever before.

But more needs to be done. When describing humanitarian responses we describe two interrelated concepts of assistance and protection. Providing humanitarian assistance (food, water and sanitation services, shelter, etc) is our staple – Oxfam is recognised within the sector as a technical leader in water and sanitation activities in emergency response. However, the concept of protection remains a challenging concept for us and many other NGOs.

My organisation convened a conference on ‘humanitarian protection’ last year for the industry in Australia. We invited long term practitioners and experts to discuss their perspectives. The objective of this conference was to try and build understanding amongst Australian NGOs about how we can collectively play a role in building the protective layers around people in crisis situations. The conference stalled virtually at the definition of what we mean by protection, despite more than a decade worth of debate and practice; and a decade’s worth of journal articles and agency policies.

Many colleagues see the term ‘protection’ in simple security terms and, therefore, question whether it is appropriate for unarmed, non-government, not for profit aid agencies to be running around a foreign country claiming to be doing ‘protection’ work. A fair question if you define protection only at the pointy end.

Oxfam sees protection as a broad concept that involves positive changes in social systems, customs and laws that act to protect people from violent conflict as well as the engagement of armed peacekeepers when absolutely necessary. For protection to be sustainable the interrelated web of social systems, customs and laws that act to provide comfort and encourage peace must be rebuilt. Protection is found at the individual and family level before the local, regional, national and ultimately the international level. As each layer of protection breaks down and safety nets erode people become more and more insecure and become more and more embroiled in conflict. Situations are declared humanitarian crises when systems have broken down to a point that the international community must provide welfare and protection – the internal will or capacity of a country has failed.

We are an agency that is committed to the concept of protection. By this we mean we are committed to assisting individuals, families and communities to strengthen and rebuild their own non-violent protective capacities, to re-establish safety nets and when all else fails we are committed to advocating for international action to intervene to protect people whose lives are at risk. To this end we have been a strident supporter of the principle of the Responsibility to Protect.

This principle, in a nutshell, states that where governments do not have the will or capacity to protect civilians from imminent or actual war crimes, ethnic cleansing, genocide, or crimes against humanity, then the international community has a responsibility to intervene to protect those people.

We believe this principle, if the political will can be generated, has the potential to provide unprecedented standards of safety and protection for populations threatened by such atrocities. We hope the Australian government will pursue this principle in two ways. First, that it will

¹ Oxfam International, *Humanitarian Operational Plan 2007-08*.

continue to advocate for the establishment of the principle as a norm of international relations and push for support in the Asia-Pacific region where there is great resistance. Secondly, that the Australian government utilises the principle as a policy framework for the deployment of Australian peacekeepers into complex emergency settings. Essentially, our government's verbal championing of this principle at forums such as the 2005 UN World Summit must now be matched by political will here in Canberra and resources dedicated to those emergencies where grave human tragedies are occurring or looming.

My point in raising this principle with you here today is to illustrate how these developments have brought NGOs doing humanitarian work and Australian peacekeepers closer together, philosophically, than at any point in history.

Oxfam believes that peacekeeping mandates must reflect humanitarian objectives. According to the United Nations Department of Peacekeeping Operations (DPKO), all peacekeeping operations 'share certain common aims – to alleviate suffering, and create conditions and build institutions for self-sustaining peace.'² Explicit in this definition is the humanitarian imperative to alleviate suffering.

We would, of course, like to see humanitarian objectives reinforced as a bedrock principle within Australia's decision making processes in respect of peacekeeping operations. To date the Responsibility to Protect has been the only viable framework posed. This principle has precautionary mechanisms built in that would appear to be in the interests of the ADF by reinforcing the legality of the mission as well as the practical likelihood of success. They include consideration of just cause, right intention, last resort, proportional means, reasonable prospects of success and right authority. Such mechanisms will act to reduce the likelihood of protracted engagements and troop losses.

Ultimately though, what R2P offers which has rarely been allowed on the table before is the language of civilian protection. Indeed, civilian protection has been explicitly included in the mandates of seven UN led operations since 1999 – Burundi, Haiti, The Ivory Coast, the DRC, Sierra Leone, Liberia and now Sudan. With any luck we will not have to watch another peacekeeping mission fail as its mandate allows it to limply observe and, finally, evacuate in the presence of grave atrocities against the civilian population.

As I hope I have made clear today, NGOs now have an earnest and constructive interest in Australian peacekeeping. We see peacekeeping as a vital and essential element in the humanitarian system that protects people from gross crimes against humanity.

Thank you.

(To read more there is an R2P website www.responsibilitytoprotect.org or visit the International Crisis Group webpage www.crisisgroup.org).

² United Nations Department Of Peace-Keeping Operations (DPKO). Accessed online: <http://www.un.org/Depts/dpko/dpko/info/page3.htm>