

BROOKINGS

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Protecting Civilians in Disasters and Conflicts

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Protection of people from oppressive governments, civil conflict and disasters has moved to the top of the international agenda. The United Nations Security Council authorized all measures necessary to protect civilians in Libya as the airstrikes began. Humanitarian agencies—working in more places and under more difficult conditions than ever before—are grappling with the aftermath of Japan's massive earthquake even as they are also working with displaced people in Haiti and Ivory Coast and responding to hundreds of thousands of people fleeing Libya. And increasingly these agencies are not only trying to assist people through provision of relief items, but also trying to protect them. But with so many global organizations mobilizing to protect civilians when disasters strike and conflicts break out, the concept of protection has begun to lose its distinctive meaning.



Above: Reuters/Adrees Latif - Policemen carry the body of a victim retrieved from a post office in Rikuzentakata, Japan, days after the area was devastated by a magnitude 9.0 earthquake and tsunami.

Can anyone “do” protection? In [The Politics of Protection: The Limits of Humanitarian Action](#) (Brookings Institution Press, 2011), I describe how protection has been stretched to include all manner of important activities—from provision of food to curriculum development, from advocacy to monitoring, from building latrines to voter registration. Beyond affirming the responsibility of governments to protect their people, international law offers no clear guidance on how to translate the principles of protection into action.

Given the likelihood that conflicts will continue and natural disasters will increase in the future, much more attention is needed on the question of protection, which has emerged over the years from international humanitarian law, refugee law and human rights law. The most visible part of the international humanitarian system is the vast array of U.N. agencies and nongovernmental organizations. Yet military forces, the International Committee of the Red Cross, and thousands of civil society organizations are also major actors in humanitarian response. This brief describes observations and recommendations on protection in humanitarian work culled from my forthcoming book.

Protection of People during Conflict

A central principle in international humanitarian law is that civilians should be protected during armed conflict. This standard applies to both government troops and renegade armed gangs. Since 1999, protection of civilians has routinely been incorporated into the mandates of U.N. peacekeeping operations. In 2005, the World Summit endorsed the concept of “responsibility to protect,” which affirms the responsibility of national governments to protect their citizens and opens the possibility of international response if they fail to do so. And yet civilians continue to be the main casualties in conflicts. They are killed, injured, bombed, displaced and raped by armed forces. Humanitarian agencies try to assist and protect the victims of armed conflict, but often they are powerless to stop the violence. And often they cannot even access the populations of concern because of the conflict or restrictions imposed by the host government. Thus in Darfur nongovernmental organizations were expelled from the country because of their involvement in protection activities. In Myanmar, the government limited the ability of international organizations to access areas affected by Cyclone Nargis. In Iraq and Afghanistan, humanitarian agencies face major obstacles in accessing—much less protecting—civilians affected by conflict.

Today’s low-intensity conflicts are typically carried out by poorly trained armed groups using small arms. Lines between criminal gangs, drug traffickers, paramilitary forces and insurgent groups are becoming blurred. Personal greed has become a main motivation of such groups. Displacement of civilians has increasingly become a deliberate objective of military forces; forcing people from their homes enables ethnic or sectarian cleansing—and often seizure of economic assets by warring groups. At the same time, high-technology armaments are increasingly used by advanced industrial states with implications for international humanitarian law—and for protecting civilians.

Protection of refugees is central to the mandate of the United Nations High Commissioner for Refugees and was originally understood as providing legal protection against being sent back to a country where they would not be safe. But now most of the world’s refugees live in protracted situations, they are increasingly dispersed in urban settings, and often are not registered or acknowledged as refugees by the authorities. Protecting refugees means more than ensuring that refugees’ documents are in order. For example, if refugees or internally displaced persons do not receive sufficient assistance, they may be forced to risk their lives through crime or prostitution to support their families.

While protection is understood by the general public and by some actors to mean physical safety or security, humanitarian agencies use the term protection to mean the “full enjoyment of all human rights.” This has meant that important activities such as distributing seeds for planting or providing therapeutic feeding for malnourished children are seen as protection activities. Yet, as I argue in my book, there is a downside to such an expansive definition of protection. The need to keep people physically safe loses its distinctive importance. Expectations increase in the affected populations that humanitarian agencies can keep them safe. Governments who are in a position to provide physical protection are let off the hook when they can point to the many protection activities undertaken by humanitarians.

Natural Disasters and Protection

The human experiences of those affected by natural disasters and political conflicts are similar. People displaced by both flooding and fighting often lose family members, endure separation from family, lose their possessions, and experience trauma and depression. They have similar protection and assistance needs.

Displacement is a common result of both disasters and conflict and most people displaced by either remain within their country's borders. They are internally displaced persons (IDPs), as defined and provided for by the U.N. Guiding Principles on Internal Displacement. When the guiding principles were drafted in the mid-1990s, considerable discussion ensued on whether to include those displaced by natural disasters. Although they were included, governments seldom make the reference. For example, U.S. officials described those placed by Hurricane Katrina as "refugees," "evacuees," and finally "disaster victims." But they are IDPs and entitled to all the rights as citizens or habitual residents of the country.

Poverty makes things worse for both victims of natural disasters and victims of conflict. The United Nations Development Program reports that while on average the 50 poorest countries are exposed to only 11 percent of the world's natural hazards each year, they suffer 53 percent of the deaths. In contrast, countries with high levels of human development, despite their exposure to 15 percent of all hazards, account for only 1.5 percent of the death toll.

Governments are responsible for protecting the rights of their populations through all phases of natural disasters—from disaster preparedness through emergency response and long-term recovery and reconstruction.

As evidenced by recent events, protection becomes much easier when governments have both the will and the capacity to provide the necessary leadership. The Japanese government almost immediately dispatched 100,000 troops to rescue and assist survivors of the earthquake. Almost 400,000 people were evacuated to over 2,000 shelters. The U.N. Office for Coordination of Humanitarian Affairs reported that, three days after the disaster, hospitals could cope with the number of patients. Coordination of assistance is taking place through an inter-agency Emergency Response Team based in the Japanese prime minister's office. Without Japan's strict building codes and public education systems, casualties would have been far higher. And yet protection has taken on a new dimension in the aftermath of the Japanese earthquake as fears of radiation affect both civilians and humanitarian workers.

Within countries, it is almost always the poor and marginalized who are disproportionately affected by natural disasters. They tend to live in less safe environments and housing. In Haiti, the neighborhoods in which the country's elite lived were less impacted by the tremors, and their homes were more likely to withstand the shocks than those in poorer neighborhoods.

The poor are also less able to evacuate. When the U.S. government issued a mandatory evacuation order for residents of New Orleans in August 2005 as Hurricane Katrina advanced, about 80 percent of the residents fled. Those who did not have personal vehicles—who tended to be African American and Latino—were less likely to escape the city. The government's evacuation plan relied heavily on personal vehicles as a means of escape and the warnings were not adequately issued in languages other than English, although more than one million foreign-born individuals lived in areas affected by Katrina.

While there is a long history of humanitarian concern with protection in the midst or aftermath of conflict, attention to the protection needs of communities affected by natural disasters developed much more recently. The United Nations High Commissioner for Refugees, also known as the UN Refugee Agency, is the lead agency for protection in cases of conflict. But the process of assigning international responsibility for coordinating protection in natural disasters has turned out to be much more complicated.

Recommendations

With changes in the nature of conflict and with the likelihood of increasing severity and frequency of sudden-onset disasters because of climate change, more attention needs to be paid to understanding how humanitarian actors can—and cannot—protect people. The United Nations and other humanitarian actors should consider the following recommendations:

- Humanitarian agencies need to re-evaluate what protection means in the context of today's conflicts and to recognize their own limitations in keeping people safe. If they are serious about protecting people, they need to work with national military and police forces which have the resources to provide such physical protection. This is hard for humanitarian agencies that see their work as grounded in principles of impartiality, independence and neutrality. NGOs should review their current policies and practices on protection to ensure that they are not promising more than they can deliver or being used as a cover for the lack of effective political action.
- As the term “protection of civilians” has come to mean different things for different actors, the U.N. Office for the Coordination of Humanitarian Affairs should develop a very short summary statement of what it means to protect civilians that can be broadly used by a range of different communities and individuals in different contexts. The office should then collect the best practices to illustrate how protection of civilians is effectively carried out on the ground.
- As both conflicts and disasters take on a distinctive form when they occur in urban areas, much more work is needed to retool humanitarian assistance for urban environments. This means that humanitarian agencies need to work with municipal authorities in preparing for and responding to urban residents affected by violence and disasters.
- In light of the fact that climate change is likely to result in more large-scale and varied types of displacement, U.N. agencies and researchers should analyze the gaps in international legal protection for those forced to leave their countries because of climate change-induced environmental factors. Guidelines should be developed to assist governments considering evacuation or relocation of populations from areas likely to be affected by natural disasters or climate change.
- Given the pace of technological change taking place with robotic armaments, the International Committee of the Red Cross should convene a group of experts from the military research and international law communities to begin to identify the gaps in international humanitarian law resulting from the widespread use of those technologies.

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