

2.3

Key sources of guidance for UCP

UCP relies on international laws and conventions as key sources of guidance for monitoring compliance to human rights standards and for prioritizing protection needs. UCP organizations also work to raise awareness of these laws and conventions wherever their teams are active. Furthermore, they support and encourage state duty bearers and decision makers to fulfil their obligations and facilitate access to justice for civilians. These sources guide UCP practitioners whether or not the country where they are working is a signatory.

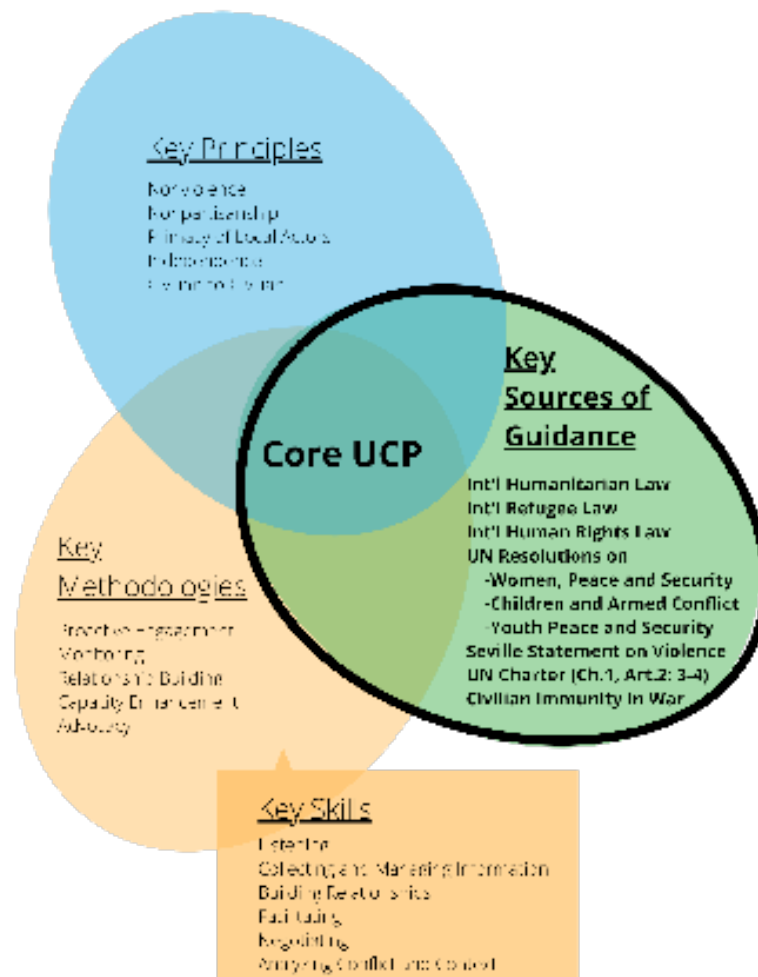


Figure 6: Focus on Key Sources of Guidance for Unarmed Civilian Protection



Recommended Resources for Further Study (Read)

- Ferris, E. (2011). *The Politics of Protection: the Limits of Humanitarian Action*. Chapters 1 & 2. Washington, D.C.: Brookings Institution Press.

2.3.1

International Humanitarian Law

UCP organizations use International Humanitarian Law as the internationally accepted standard for the protection of civilians. They monitor adherence to this set of laws and identify instances where these laws have been breached. The laws also help them in prioritizing protection needs.

WHAT IS INTERNATIONAL HUMANITARIAN LAW?

International Humanitarian Law (IHL) aims to protect human life and dignity within the context of armed conflict. IHL emerged in the 19th century to protect soldiers (in Global North countries) who were no longer active participants in combat. Over the past 150 years or so, IHL has expanded its original focus on protecting prisoners of war and wounded soldiers into a broad range of activities designed to protect all civilians who are affected by, but are not direct participants in conflicts (Ferris loc. 135). IHL establishes the responsibilities of armed actors and restricts the use of certain methods and means of warfare. It also strikes a balance between military necessity and the principle of humanity (the protection of persons affected by armed conflict). All parties to conflict—including government forces, rebels, and other armed groups—are bound by IHL. The International Committee of the Red Cross is the guardian of IHL.

Most of IHL is contained in the four Geneva Conventions of 1949 (International Committee of the Red Cross 1949) and the Additional Protocols of 1977 (International Committee of the Red Cross 1977a; International Committee of the Red Cross 1977b) relating to the protection of victims of armed conflicts. Many parts of IHL have now acquired the status of customary law. Customary law is a set of general rules by which all states are bound independent of the ratification of the actual treaties or conventions. Serious violations of IHL are called war crimes. War crimes may be committed by a country's regular armed forces, such as its army, navy, or air force. They may also be committed by irregular armed forces, such as guerrillas and insurgents.

IHL applies both to international and non-international armed conflicts. Non-international armed conflicts involve either regular armed forces fighting groups

of armed dissidents, or armed groups fighting each other. IHL does not cover internal tensions or disturbances such as isolated acts of violence. IHL applies only once a conflict has begun, and then equally to all sides, regardless of which side started the fighting.

HOW IS INTERNATIONAL HUMANITARIAN LAW RELEVANT TO UCP?

IHL helps provide justification for the response of UCP teams in the field when they recognize actions that are considered a breach of IHL. It is a reference point for UCP personnel as they communicate with armed actors and state officials about the need for civilian protection. Raising awareness about IHL is an important part of the work of UCP practitioners, especially in the absence of ceasefire agreements that might spell out these standards. Soldiers and combatants are often not fully aware of these laws, especially at the grassroots level. Workshops and dialogue about IHL can encourage participants to implement these laws or act as a reminder to all parties of their commitments and responsibilities.

After visiting two times before, a group of us finally got a meeting with the military. As the soldiers knew almost nothing about the NCA [Nationwide Ceasefire Agreement] we gave them a copy and told them about it. When we mentioned that the NCA includes 17 civilian protection points, the troops asked us if they had done anything wrong. We assured them that they had not, and just wanted to raise their awareness. The troops then gave us their phone numbers and asked them to call them if there is ever any problem in their village. We requested them to make sure to protect civilians if there is ever future fighting.

Member of a local ceasefire monitoring network in Myanmar (Nonviolent Peaceforce 2018)



Recommended Resources for Further Study (View)

- International Humanitarian Law: A Universal Code, International Committee of the Red Cross, (International Committee of the Red Cross n.d.) <http://www.icrc.org/eng/resources/documents/audiovisuals/video/00981-humanitarian-law-universal-code-video-2009.htm>

2.3.2

International Refugee Law

...the capacity of the international community to address the root causes of people on the move and respond to related problems will be one of the key elements in the development of international relations in the 21st century.

UN Secretary General Antonio Guterres

As with IHL, UCP organizations use International Refugee Law (IRL) to identify internationally accepted standards for the protection of civilians. They monitor the adherence to this set of laws and identify instances where these laws have been breached. The laws also help UCP practitioners in prioritizing protection needs.

WHAT IS INTERNATIONAL REFUGEE LAW?

International Refugee Law (IRL) is a set of rules that aims to protect: i) persons seeking asylum from persecution; and, ii) those recognized as refugees under relevant legal instruments. It was developed in the middle of the 20th century to protect people who had left their countries because of fear of persecution and whose governments were unable or unwilling to protect them. Still later, the growing recognition that people who were displaced from their communities but remained within their countries also needed protection led to the development of international norms for protecting internally displaced people (Ferris 2011 loc. 139, 184). The UN High Commissioner for Refugees (UNHCR) is the custodian of IRL.

IRL's legal framework provides a distinct set of guarantees for these specific groups of persons. The main sources of IRL are treaty law, notably the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol. In particular, the 1951 Convention consolidates previous international instruments relating to refugees and establishes the legal definition of refugees and minimum standards for their treatment (UNITAR advanced course, protection of civilians in peace operations, module 2: International legal dimension of the protection of civilians, p. 5-6). Unlike IHL, which applies only once a conflict has begun, International Refugee Law applies at all times, during peace and during armed conflicts.

HOW IS INTERNATIONAL REFUGEE LAW RELEVANT TO UCP?

Understanding IRL can help UCP practitioners in prioritizing protection needs and in providing protection to civilians. UCP personnel may observe, for example, that refugees in a certain place are forcefully returned to a country where they risk persecution. As this is prohibited under IRL (article 33 of the 1951 Refugee Convention), they may engage with government officials and decision makers in an effort to stop the forced return or, alternatively, accompany the return of refugees to augment their safety. For example, a

number of UCP organizations based in the US are working at the US/Mexico border to protect refugees waiting to cross into the US, and to work to ensure they are treated appropriately according to US and international laws once in the US. If this effort is not successful, UCP organizations may quietly use international networks to advocate for diplomatic pressure towards the government that is in breach of the 1951 Convention. Or they may use more visible advocacy. At the same time, they can engage with the refugee community to understand their needs and explore different response strategies, or to connect refugee leaders with representatives from the diplomatic community to further strengthen the advocacy efforts.¹⁵ IRL and other agreements have definitions that leave out some displaced people, whose conditions and status might not easily fit. Although UCP uses IRL as part of decision making, UCP actors are not bound by its definitions and may deliberately look out for people who might otherwise fall through the cracks of the IRL framework to address their protection needs.

Further discussion concerning refugees and other displaced people in situations of violent conflict will be provided in module 4.

2.3.3

International Human Rights Law

UCP practitioners use International Human Rights Law (IHRL) as the foundation for protection strategies and are expected to understand how the implementation of their tasks intersects with human rights.

WHAT IS INTERNATIONAL HUMAN RIGHTS LAW?

After World War II, as part of a new world order articulated through the United Nations, IHRL was developed to limit abuses by governments. It is made up of an accumulated body of international instruments including treaties, declarations, and standards that aim to establish the basic rights of all people. The Universal Declaration of Human Rights, adopted by the UN in 1948, includes the right to be treated equally, to life, liberty, and

¹⁵ UCP practitioners primarily deal with IDPs, who are not subject to International Refugee Law. Nevertheless, they can use the standards of IRL as a reference for the protection of IDPs. Moreover, actions described in this paragraph, such as engaging with the refugee community and connecting leaders to the diplomatic community, equally apply to IDPs.

the security of person, and to freedom of movement.¹⁶ The UN Human Rights Council oversees the implementation of human rights legal instruments.

IHRL applies in peacetime and in situations of armed conflict. It assumes that human rights are inherent to the human being and are inalienable. IHRL imposes a three-fold obligation upon states: to respect, protect, and fulfil human rights. The obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfil means that states must take positive action to facilitate the enjoyment of basic human rights.

Some treaties permit governments to derogate from, or partially and temporarily suspend, particular rights in situations of public emergency threatening the life of the nation. The International Covenant on Civil and Political Rights provides that the following rights may never be derogated: right to life; prohibition of torture or cruel, inhuman, or degrading treatment or punishment; prohibition of slavery; prohibition of imprisonment because of inability to fulfil a contractual obligation; prohibition of retroactive application of criminal law; right to recognition as a person before law; freedom of thought, conscience, and religion. In addition, certain provisions of IHRL constitute customary law—i.e. they bind all states, regardless of whether they have explicitly consented to it (UNITAR advanced course, protection of civilians in peace operations, module 2: International legal dimension of the protection of civilians, p. 3-4).

Over 100 countries have national human rights institutions with mandates that may include monitoring domestic human rights and acting on complaints or petitions from citizens. These institutions can be institutionally weak, and rarely have they taken the lead in considering the human rights implications of violent conflict (Ferris 2011). Yet, local human rights defenders and other individuals and groups might choose to access these bodies and may require protection.

HOW IS INTERNATIONAL HUMAN RIGHTS LAW RELEVANT TO UCP?

UCP agencies use International Human Rights Law (IHRL) as the foundations for protection strategies. Firstly, UCP personnel monitor compliance with IHRL to identify civilians, whose rights, as stipulated by IHRL, have been violated (by state actors) or abused (by non-state actors). Secondly, they support and encourage state duty bearers

16 The full list of human rights currently includes: Freedom from discrimination; right to life, liberty, personal security; freedom from slavery; freedom from torture and degrading treatment; right to recognition as a person before the law; right to equality before the law; right to remedy by competent tribunal; freedom from arbitrary arrest and exile; right to fair public hearing; right to be considered innocent until proven guilty; freedom from interference with privacy, family, home and correspondence; right to free movement in and out of the country; right to asylum in other countries from persecution; right to a nationality and the freedom to change it; right to marriage and family; right to own property; freedom of belief and religion; freedom of opinion and information; right of peaceful assembly and association; right to participate in government and in free elections; right to social security; right to desirable work and to join trade unions; right to rest and leisure; right to adequate living standard; right to education; right to participate in the cultural life of community; right to a social order that articulates this document; community duties essential to free and full development; freedom from state or personal interference in the above rights.

and decision makers to fulfil their obligation in protecting the human rights of civilians. Thirdly, they facilitate access to justice for civilian survivors of violence. Finally, UCP teams raise awareness among civilians and state actors about human rights, especially the rights of populations with vulnerabilities, such as women, children, disabled and displaced people.

Individual UCP team members are expected to understand how the implementation of their tasks intersects with human rights. They need to be able to recognize human rights violations or abuse and be prepared to respond appropriately within the limits of their mandate and their competence. Moreover, UCP personnel are also bound to act in accordance with international human rights law, and should ensure that they do not become perpetrators of human rights abuses.

2.3.4 Women, peace, and security

Unarmed civilian protection (UCP) is a methodology for the direct protection of civilians and violence reduction that has grown in practice and recognition. In the last few years, it has especially proven its effectiveness to protect women and girls.

Global Study on the Implementation of UNSCR 1325 (2015), page 153

International laws on women, peace, and security relate to UCP in a way similar to IHL and IRL. UCP uses UN resolutions and international conventions related to women as internationally accepted standards for the protection of the rights of women, as well as their equal participation at all levels of peace processes.

WHAT ARE THE LEGAL FRAMEWORKS RELATING TO WOMEN, PEACE, AND SECURITY?

Key legal frameworks relating to women, peace, and security include United Nations Security Council Resolutions 1325, 1820, and 2122 (UNSCR 1325, 1820 and 2122).¹⁷ UNSCR 1325 on Women, Peace, and Security (2000) marks the first time the UN Security Council addressed the disproportionate and unique impact of armed conflict on women. It also recognized the importance of their equal and full participation as active agents in peace and security. This Resolution has been greeted as a milestone due to its recognition of and commitment to address women's experiences of armed conflict.

¹⁷ Additional resolutions on Women Peace and Security include 1888 (2009), 1189 (2009), 1960 (2010), 2106 (2013), and 2242 (2015)

UNSCR 1325:

- Condemns the increased targeting of girls and women during armed conflict and the negative impact of armed conflict on women and girls;
- Recognizes the need for better data, institutional arrangements, and training focused on meeting women's special protection needs and fulfilling their human rights;
- Reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and in post-conflict reconstruction;
- Calls on all conflict parties to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict;
- Urges all actors to increase the participation of women in and incorporate gender perspectives in all United Nations peace and security efforts;
- Specifies that gender-based violence should be prosecuted; it should be excluded from amnesty during peace negotiations and during post-conflict negotiations on constitutional and legal reforms.

Resolution 1820 (2008) links sexual violence as a tactic of war with the maintenance of international peace and security. It also demands a comprehensive report from the UN Secretary General on implementation and strategies for improving information flow to the Security Council; and adoption of concrete protection and prevention measures to end sexual violence.

Although the recognition of rape as a weapon of war and its classification as war crime (UNSCR 1820), has been hailed as a milestone achievement, scholars and practitioners have been vocal in their critiques of the reduction of the Women Peace and Security agenda to a single-issue focus on sexualized violence.¹⁸ Not only does it risk excluding other forms of violence, but also prioritizing the protective principle (read: male-driven, militarized institutions deciding over women's physical bodies) over the rights of women, while ignoring their agency to protect themselves. This (perceived) tension between protection and rights, instrumentalisation and participation, has been particularly pronounced in the discourses on Responsibility to Protect (R2P) and Countering Violent Extremism (CVE).

Almost 20 years since the adoption of resolution 1325, we don't just need to be at the peace table. It's time to redesign the table.

Sharon Bhagwan-Rolls, Chair of Board of the Global Partnership for the Prevention of Armed Conflict (UN Women 2019)

18 Research conducted by Dara Kay Cohen, Amelia Hoover Green, and Elisabeth Jean Wood concludes that wartime rape is neither omnipresent nor inevitable. Furthermore, it differs significantly across countries and armed groups, but is not specific to certain types of conflicts or regions. It is more frequently tolerated than ordered. State forces are more likely to be reported as perpetrators of sexual violence than rebels, but may also be more susceptible than rebels to naming and shaming campaigns around sexual violence. Finally, those who perpetrate sexual violence are often not armed actors but civilians. Perpetrators also are not exclusively male, nor are victims exclusively female.

Another important document, though not specifically focused on women in situation of armed conflict, is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Committee on the Elimination of Discrimination against Women 1992). Adopted by the UN General Assembly in 1979, it is often referred to as an international bill of rights for women. Reporting on Women Peace and Security through CEDAW can help ensure stronger implementation, as CEDAW is more binding and has a more robust and wider application.

The Women, Peace, and Security framework is not just about women. At its core, it sees conflict through the lens of power relations, the result of gender norms and institutions that underpin violence and militarism. It calls on actors to address the root causes and drivers of conflict, gender inequality among them. Some scholars have argued for a shift from ‘Women, Peace, and Security’ (WPS) to ‘Gender, Peace, and Security’.

Resisting the backlash against gender in peace and security is a project that will benefit from long-term, collaborative work between WPS and LGBTI organizations to better understand the ways their agendas overlap and how to respond to the anti-gender politics both groups face on the international stage.

Jamie J. Hagen (2019)

HOW ARE THESE INTERNATIONAL LAWS RELEVANT TO UCP?

UCP uses UN resolutions and other international agreements on women, peace, and security, such as resolution 1325, 1820, and 2122, as internationally accepted standards for the protection of the rights of women, as well as for their participation at all levels of peace processes. This has particular importance to UCP because, like refugees, women face significant and specific risks of harm in times of armed conflict and post-conflict. Women face heightened risk of rape, sexual humiliation, prostitution, early marriage, and other forms of gender-based violence and domination. These abuses are often downplayed as an unfortunate but inevitable side effect of war.¹⁹

Addressing the protection needs of women in situations of violent conflict requires a specific set of skills and tactics. It requires a great deal of trust building, deep listening skills, and confidentiality. UCP practitioners, living among at-risk communities and dealing with individual protection needs, are often in a good position to address these needs. More information about women in situations of violent conflict will be provided in module 4.

The international laws on women, peace, and security are also relevant to UCP as they promote the participation of women. They direct UCP interventions to pay particular attention to supporting women leaders in community processes to address conflicts. They also encourage UCP organizations to include women in equal numbers and status as UCP personnel and to promote and support their leadership throughout the operation. In places where UCP teams play an official role in ceasefire monitoring, they may help to

¹⁹ It should be noted that such abuses are also inflicted on boys, men and people who are non-binary. This is increasingly incorporated under the WPS framework.

establish mechanisms and structures to implement protocols such as UNSCR 1325. And UCP practitioners may support women's direct participation in multi-track diplomacy situations encouraging women, especially from the grassroots, to bring their experiences directly to Track 1 negotiations.

The 2015 Global Study on the Implementation of UNSCR 1325 has recognized the contribution of UCP methods to the protection of women and girls. The study also recommends that the UN in collaboration with Member States should “Promote women's empowerment and non-violent means of protection, and taking into account the whole range of women's protection issues and the interventions to address them—including women's leadership and women's empowerment—in mission planning, implementation, and reporting, as well as in policy discussions on the protection of civilians in the context of peace operations.” Furthermore, it recommends to Member States to “Scale up their support to unarmed civilian protection (UCP) in conflict-affected countries, including working alongside peace operations”.

While the UN Security Council and Secretariat focus much attention on women's participation, the make-up of UN peacekeeping missions will continue to be dependent on troop-contributing countries where women's involvement in the military is low. In addition, research shows that women in peacekeeping missions are much more likely to be deployed to observer or political missions than to the situations of significant conflict that are arguably most in need of gender expertise (Karim and Beardsley, pp. 469–85). UCP, on the other hand, can draw from the general population, attracting women from many different areas of expertise.

[W]omen are in a marginalized position and often are not part of relevant human rights discussions. Female PBI volunteers can be an example for women working for human rights. The role of male PBI volunteers is no less crucial, as they can be role models as men who respect women as equal counterparts by meeting with local women eye to eye, listening to them and treating them as subjects rather than as objects, as is common in Papua. This kind of approach by males can be an important experience for both women and men in the local context and can open the window for alternative interactions between genders.

PBI volunteer, Indonesia (IFOR-WWP, 2010, p. 85)



Recommended Resources for Further Study (Read)

- IFOR-WPP. (2010). *Engendering Peace: Incorporating a Gender Perspective in Civilian Peace Teams*. http://www.peacewomen.org/assets/file/Resources/NGO/reconpb_engenderedpeac_iforwpp_2010.pdf

Recommended Resources for Further Study (View)

- UNITAR. (2010). *Women, Peace and Security: From Resolution to Action* www.youtube.com/watch?v=kITqQcWmOxE

2.3.5 Children and armed conflict

It is time for a change of approach in how we promote child rights. If we want to make child rights a reality, we should limit the use of top-down approaches at grassroots level and emphasize internally guided processes of social influence and social change. Making this change in our own behavior offers us the best chance of fulfilling our collective obligation to protection the rights and well-being of every child.”

Wessells and Kostelny (2016)

International laws on children and armed conflict relate to UCP in a similar way as those on women, peace, and security. UCP uses UN resolutions and international conventions related to children and armed conflict as internationally accepted standards for the protection of children.

WHAT ARE THE LEGAL FRAMEWORKS RELATING TO CHILDREN AND ARMED CONFLICT?

In 1998 the UN General Assembly proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World (resolution 53/25). Resolution 53/25 recognizes the enormous harm and suffering caused to children by different forms of violence at every level of society throughout the world. The resolution also promotes the fostering of a culture of peace and nonviolence. The resolution invites member states to take the necessary steps to ensure that the practice of peace and nonviolence is taught at all levels in their respective societies. It also invites non-governmental organizations and other groups to actively support the implementation of the Decade for the benefit of every child of the world. The implementation of resolution 53/25 includes enabling people at all levels to develop skills of dialogue, negotiation, consensus-building, and peaceful resolution of differences. Even though the Decade has passed, implementation under the original resolution is annually reviewed and recorded.

Other UCP sources of guidance regarding children are the Convention on the Rights of the Child (1989), especially articles 34-38; related Optional Protocols, e.g., on child soldiers and on the sale of children; and UN Security Council Resolutions 1612 (2005), 1882 (2009) and 1888 (2009).²⁰ UNSCR 1612 includes six types of grave child right violations: killing and maiming; recruitment of children in armed forces or groups (CAAFG)²¹;

20 For more information see: https://www.unicef.org/tdad/index_56373.html

21 The issue of child soldiers was later elaborated in the Paris Principles (2007) into the concept of Children Associated with Armed Forces or Armed Groups (CAAFAG), which has a broader scope than Grave Child Rights Violations on recruitment as it also focuses on the reintegration into communities and enables girls recruited for sexual purposes to be included.

rape and sexual violence; abduction; and denial of humanitarian access. Since 2009, all of the six grave violations can be a cause for a country to be added to the “list of shame”. While the 1612 agenda has yielded many positive results, it is implemented in a limited number of conflict areas of concern. Direct access to information in high-risk areas has been a major challenge.

The Office of the Special Representative of the Secretary General for Children and Armed Conflict issued a Guidance Note on UNSCR 1998, The Protection of Schools and Hospitals highlighting the impact of attacks on schools and hospitals on children and calling for greater action to ensure that hospitals and schools have no part in warfare. A Safe Schools Declaration was issued in 2015, expressing political commitments to protect students, teachers and schools in times of armed conflict. UNESCO’s annual Education Under Attack – now compiled by the Global Coalition to Protect Education from Attack (GCPEA), 2010 – has called significant attention to attacks against education and furthered the international community’s ability to effectively monitor and respond to them.

HOW ARE THESE INTERNATIONAL LAWS RELEVANT TO UCP?

By dint of their vulnerability, children in general are in need of, and entitled to, special protection. But children living in armed conflict should be able to count on protection services on a priority basis. UCP is well placed to provide some of those services to children at the grassroots level, especially direct physical protection of children *and* child rights defenders²². UCP strategies specifically aim to identify grave child rights violations and address the protection needs of children that are subjected to these violations. UCP practitioners provide protective presence to schools and hospitals. They also work with local civil society organizations in support of states, encouraging them to take the necessary steps to ensure that peace and nonviolence practices are utilized to settle conflicts for the benefit of all, but especially children. UCP practitioners sometimes help disseminate and teach those practices. They have also worked for the release of children abducted by armed groups, reminding armed groups that it is illegal for them to have child soldiers, and have accompanied mothers to military camps to retrieve their abducted children. UCP organizations have also accompanied released or escaped child soldiers to safer spaces at times. More information about children in situations of violent conflict will be provided in module 4.

22 This includes children who themselves are child rights defenders.



CASE STUDY: PROTECTIVE PRESENCE AT SCHOOLS IN THE PHILIPPINES

When a graduation ceremony in Maguindanao, Philippines, was interrupted by a fire fight of rivalling clans, many community members were fearful of sending their children back to school. In response, Nonviolent Peaceforce (NP) provided a regular protective presence in the area for the course of a year and maintained relationships with all relevant stakeholders, including security forces, school principals, teachers and community leaders. At the next graduation ceremony NP held a visible presence and supported initiatives for a 'No Firearm Policy'. NP also systematically raised the profile of preservation of schools as 'zones of peace' and monitored instances where armed actors occupied or operated in close proximity to schools. It would raise these 'proximity concerns' immediately with the relevant parties and encourage them to reposition themselves. NP found that, in most cases, armed actors indeed shifted their location. Oftentimes, local stakeholders are not comfortable to raise these issues directly so NP is requested to facilitate the communication and is in a position, given the established relationships and mandate, to directly address these issues.

SOURCE: Nonviolent Peaceforce in the Philippines

2.3.6 Youth Peace and Security

This view of youth as equivalent to young men, and the perceived relationship between young men and violence, have led to the increased use of hard security approaches, the victimization of young women and SGMs [Sexual and Gender Minorities], and making issues related to masculinities invisible.

Graeme Simpson, Independent progress study on youth peace and security 2018 requested by resolution 2250, Page 96

The protection of youth as a concept and practice is a relatively new development. Youth, like childhood, is a transitional phase of life. It is a cross-cutting lens, for which an integrated approach needs to be taken. UCP uses UN resolutions and international conventions related to Youth Peace and Security as internationally accepted standards for the protection of youth.

WHAT ARE THE LEGAL FRAMEWORKS RELATING TO YOUTH AND ARMED CONFLICT?

On 9 December 2015 the United Nations Security Council adopted its first ever resolution

on Youth, Peace and Security (UNSCR 2250).²³ The resolution defines youth as aged 18-29 years old, but it recognizes and accepts the diverse socio-cultural definitions of youth across different countries and institutions. As the 2018 independent progress study on youth peace and security writes, “In an increasingly globalized world shaped by pervasive concerns about terrorism and extremist violence, perspectives on youth are distorted by contagious stereotypes that associate young people with violence” (UNFPA and PBSO, 2018, p.x). At the same time, “Young people over 18 years of age are not shielded by the umbrella of the rights regime that lends special status and protections to children under the UN Convention on the Rights of the Child.” This means that there is often a gap between the formal civil, political and economic rights they should enjoy as adults and the entitlements that, in practice, they often do not have access to, because they are still regarded as ‘children’ by the people around them. This gap is particularly felt by young refugees who may first be victimized in their home countries, then forced to take greater risks of death or injury during their flight before being subjected to discrimination, xenophobia, or anti-immigrant populist violence in their “new homes”.

HOW ARE THESE INTERNATIONAL LAWS RELEVANT TO UCP?

The Youth Peace and Security framework can assist UCP practitioners in increasing their awareness of the specific protection needs of youth and intensifying their efforts to strengthen their participation in protection and peacebuilding efforts. The resolution’s five pillars (i.e. Participation, Partnerships, Prevention, Protection and Disengagement, and Re-integration) are very much in line with the framework of UCP. Young people are often at the forefront of campaigns for human rights or nonviolent resistance movements and specifically targeted by security forces. They are often the ones risking their lives to gather information about human rights violations at the front lines, but at the same time struggle to gain access to decision making processes, even within their own communities. Young women peace workers often face additional layers of exclusion for being a youth and female. Youth leaders have also pointed out that the pigeonholing of youth issues is often associated with trivialized assumptions about sports, arts, leisure or technology as the primary, and possibly only, vehicles of young people’s participation and expression. UCP practitioners can play a role in strengthening both the protection of youth and the participation of youth in protection efforts including serving as protection officers, connecting youth to political networks, and creating opportunities for dialogue and learning.

As youth, we are discriminated but also as [ceasefire] monitors. In village meetings, youth are excluded altogether. As monitors, if we want to be involved, we have to tell them in advance and then we can come. Adult monitors are able to attend because they are adults. We cannot do our trainings and get information.

Ceasefire monitor from Kayin State, Myanmar (Nonviolent Peaceforce 2018)

23 See Youth4Peace for an introduction to UNSCR 2250 <https://www.youth4peace.info/UNSCR2250/Introduction>

2.3.7

Seville Statement on Violence

A fundamental premise of UCP work is that violence is not inherent in the human condition. The Seville Statement on Violence confirms this premise and suggests that peace and nonviolence can be learned.

WHAT IS THE SEVILLE STATEMENT?

The UNESCO study resulting in the Seville Statement on Violence (UNESCO 1986) consulted biologists and social scientists on the question if humans have a biological tendency toward violent behaviour. More specifically they asked: ‘Does modern biology and social science know of any biological factors, including those concerned with the biology of violent behaviour of individuals, that constitute an insurmountable or serious obstacle to the goal of world peace based upon the principle of equal rights and self-determination of peoples and including an ultimate goal of general and complete disarmament through the United Nations?’

Drafted and signed by 20 scientists from around the world, the statement concludes that it is scientifically *incorrect*:

1. It is incorrect to say that humankind has inherited a tendency from our animal ancestors to make war
2. It is incorrect to say that war or any other violent behaviour is genetically programmed into our human nature
3. It is incorrect to say that in the course of human evolution there has been a selection for aggressive behaviour more than for other kinds of behaviour
4. It is incorrect to say that humans have a 'violent brain'
5. It is incorrect to say that war is caused by 'instinct' or any single motivation.

The statement concludes as follows: ‘Just as “wars begin in the minds of men,” peace also begins in our minds. The same species who invented war is capable of inventing peace. The responsibility lies with each of us’ (UNESCO 1986).

HOW IS THE SEVILLE STATEMENT RELEVANT TO UCP?

The Seville Statement on Violence shows that the UN operates under the belief that violence is not inherent in the human condition, and therefore, peace is possible. It

further indicates that this conclusion is supported by scientific research.²⁴ This validates the nonviolent approach of UCP and strengthens its role as a catalyst for change in situations of violent conflict. As the quote from Theodore Roszak at the beginning of this module suggests, while skepticism exists about the effectiveness of nonviolence, the concept has been given very little opportunity to prove itself. Though violence may not be inherent in the human condition, violence has frequently been selected as an approach to resolving conflict.²⁵ UCP provides a viable alternative approach to building security without use of coercion or violence.

2.3.8

UN Charter (Chapter 1, article 2: 3 and 4; Chapter 6, article 33)

The Preamble of the UN Charter states that one reason for the establishment of the UN is “to save succeeding generations from the scourge of war.”

Articles 2, 3, and 4 of chapter 1 and article 33 of chapter 6 of the UN Charter are key sources of guidance for UCP because they lie at the foundation of UCP theory and practice; they promote the use of peaceful means to settle disputes. UCP also reinforces these articles, showing Member States that the peaceful means articulated by the UN Charter can also be applied by unarmed civilians in providing protection to other civilians.

WHAT IS THE UN CHARTER?

Chapter 1 of the UN Charter states the purpose of the United Nations, and article 2 describes key principles:

3: All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4: All Members shall refrain in their international relations from the threat or use

24 As with many complex topics associated with psychology and human evolution, the study of violence is a vigorously contested field. There is no absolute consensus on whether or not humans have inherent tendencies to violence, and new studies are continually adding evidence to the discussion. While it is true that war and violent conflict is apparent as far back as we can investigate in human history, it is not correct to conclude that it is necessarily a part of the human condition. As Gandhi wrote, “If the story of the universe had commenced with wars, not a man would have been found alive today. . . . The fact that there are so many men still alive in the world shows that it is based not the force of arms but on the force of truth or love.” (Gandhi, M, (1997). *Hind Swaraj and Other Writings*, ed. by Anthony J. Parel, New York, NY: Oxford University Press.

25 See *Peace Ethology*, edited by Verbeek and Peters (2018) for a collection of research articles demonstrating the tendency to resolve conflicts peacefully in humans and other mammals.

of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Chapter 6 of the UN Charter deals with the peaceful settlement of disputes:

Article 33: The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

HOW IS THE UN CHARTER RELEVANT TO UCP?

UCP in and of itself helps to create a context in which disputes can be resolved in a nonviolent fashion. UCP in its current systematized form is a relatively new field of practice, though of course civilians have been protecting themselves and others nonviolently forever. UCP, organized by civil society, is a process that may be used to support peacemaking and peacebuilding without resorting to the use of armed force and without infringement on the sovereignty of the state. Its purpose is to enable all parties to the conflict to seek peace by peaceful means. In doing so, UCP helps to protect vulnerable civilians under threat and to develop local peace infrastructures. UCP can also be seen as a form of intercultural cooperation to help deter violence and to keep the window of opportunity open for all parties to the conflict to address the deeper roots of the conflict. And while much of the UN charter addresses interstate conflict, it is also relevant for intrastate conflicts.

International UCP teams from around the world support state duty bearers as well as civil society groups in situations of armed conflict to encourage respect for human rights. This includes socio-economic rights, cultural rights, legal rights, and access to humanitarian aid. Finally, UCP contributes to dispute resolution by creating a safe space for local parties to meet and build their protection capacity. Furthermore, UCP practitioners strengthen local peace infrastructures, provide confidence building, and engage in multi-track dialogues with armed and non-armed actors. UCP has also been used by local groups to protect civilians in demonstrations and other peaceful expressions of resistance or demands in their communities.

While it is a challenge to bring about a peace agreement, it is an even bigger challenge to implement. When cattle keepers and farmers in Yirol West and Mvolo clashed with each other in the beginning of 2011, it took Nonviolent Peaceforce 110 separate interventions over the course of 8 months before peace agreements were successfully implemented by the affected communities and 76,000 IDPs returned.

*Tiffany Easthom, Country Director, Nonviolent Peaceforce South Sudan,
2014*

2.3.9

Civilian immunity in war

Civilian immunity is to be understood as “an almost absolute principle that spells out one of the central and most stringent requirements of justice as it applies to war, and recognizes an almost absolute right of the vast majority of civilians—namely, all those who cannot be considered ‘currently engaged in the business of war’—not to be targets of deadly violence. This right and principle trumps other moral considerations with which they may come into conflict, with one exception: that of a (narrowly understood) moral disaster”²⁶ (Primoratz 2010, pp.39-40).

In the late nineteenth century, European and American governments upheld an ideal of limited war, that did not target civilians but only armed combatants, when fighting other countries considered to be “civilized”. It was seen as a civilizational achievement and codified in The Hague Conventions of 1899 and 1907. However, it was never applied to civilians outside of Europe and America. Across Africa, Latin America, Asia, and the Pacific, imperialist forces, driven by racist attitudes and ideas, slaughtered civilians without considering it uncivilized, as these peoples were themselves considered uncivilized. In places around the world, imperialist forces slaughtered civilians without considering it uncivilized, as these peoples were themselves considered uncivilized. And with the start of the First World War, and throughout the remainder of the twentieth century, the idea of civilian immunity in war was largely forgotten or ignored in all wars. Only with the UN Secretary-General’s 1999 report on the protection of civilians, and subsequent UN Security Council resolution mandating UN peacekeeping missions with the task of protecting civilians, did the international community return more resolutely to this idea and refocus on the topic of civilian immunity, this time extending it to ALL civilians and exactly one hundred years after the first Hague Convention.

The concept of civilian immunity in war is central to UCP as it aims to protect civilians who are not currently engaged in the business of war from being targets of deadly violence. Due to the shift from inter-state to intra-state wars, which has brought violence directly into communities, the protection needs of such civilians have increased significantly.



Recommended Resources for Further Study (Read)

- Primoratz, I. (ed.) (2010). *Civilian Immunity in War*. Introduction & Chapter 1. Cambridge, UK: Oxford University Press.

26 The exception referred to may occur when the only way to avert a large moral disaster (for example, facing the sure prospect of genocide like the Nazi death camps or the Rwandan ethnic cleansing) is to act in breach of the principle of civilian immunity and attack enemy civilians. But this exceptional justification may become a slippery slope.



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Mama Bear
Clan Photo /
Community
foot patrol in
Winnipeg, Canada
/ February 2021

