Finding the 'utility of force to protect' – towards a theory on protection of civilians

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English summary

This report discusses the utility of force in military operations where protection of civilians is a key objective. It sets out to find what General Rupert Smith has called 'utility of force' in today's wars amongst the people for the specific purposes of protection, which in this report is termed 'utility of force to protect'. Instead of focusing merely on the operationalization of protection by addressing the so-called 'implementation gap', on which most current literature focuses, this report will treat protection of civilians as an inherently reciprocal objective. In seeking to protect, the intervening military forces must recognise that the rules of this particular life-and-death game have been established by perpetrators that have decided to attack civilians in the first place. Hence, it is argued that utility of force 'to protect' can only first be found by understanding how the perpetrators of violence have found utility of force 'to attack'.

Three scenarios are outlined, based on the conflicts in Bosnia, Afghanistan and the Democratic Republic of the Congo (DRC), to show how different types of perpetrators find utility of force to attack in different ways. A theoretical distinction is made between perpetrators that follow 'ends-based' and 'means-based' strategies of violence. Ends-based strategies are followed by perpetrators whose ends are most effectively achieved by maximising the amount of violence against civilians, such as in genocides and acts of ethnic cleansing. These perpetrators consider the potential utility of force to be great, and will seek a primarily military solution. By contrast, means-based perpetrators use violence to achieve a different ideological, political or economic goal. These perpetrators view the potential utility of force in achieving their goals as only limited, and will use force to impair the security of civilians rather than kill them. In order to convert any *potential* utility of force into *actual* utility of force, the perpetrators will have to fulfil certain premises. The premises highlighted include preparation, coordination, political ambiguity and a presence on the ground. These premises also apply to the intervening military forces. Where there are failures to protect, the case usually is one in which perpetrators have fulfilled the premises, whilst protectors have not.

Finally, the report proposes a theoretical framework for adopting a suitable strategic approach in which to find 'utility of force to protect'. Against perpetrators that attack civilians *directly* through mass atrocities or ethnic cleansing, these victims are most effectively protected *indirectly* when protectors strike against the perpetrators themselves. Here, military forces must focus on 'how not to kill' civilians. By contrast, against perpetrators that attack civilians *indirectly* as a means towards some other end, the population will benefit most from military forces that focus on 'how to protect' them *directly*. When this framework is used to assess current operations where protection is an objective, it appears that the wrong strategic approach represents as much of a principal flaw, as do operational and tactical insufficiencies highlighted elsewhere.

Sammendrag

Denne rapporten tar opp utfordringer knyttet til bruken av militærmakt for å beskytte sivile i væpnede konflikter. Den søker å finne det general Rupert Smith har kalt *utility of force* i militære operasjoner hvor beskyttelse av sivile er et spesifikt mål, her omtalt som *utility of force to protect*. I stedet for en ensidig vektlegging av hvordan militære styrker kan forbedre sin operasjonalisering av beskyttelse, tar denne rapporten utgangspunkt i at beskyttelse av sivile er en målsetning som bare oppstår når gjerningsmenn utfører angrep mot sivile. Det sentrale argumentet blir dermed at militære styrker bare kan finne *utility of force to protect* ved å forstå hvordan gjerningsmennene har funnet *utility of force to attack*.

Rapporten legger fram tre scenarioer basert på konfliktene i Bosnia, Afghanistan og Den demokratiske republikken Kongo (DRC) for å vise hvordan ulike kategorier av gjerningsmenn finner *utility of force to attack* på forskjellige måter. Et teoretisk skille kan trekkes mellom mål-baserte og middel-baserte strategier for vold mot sivile. I målbaserte strategier utøver gjerningsmennene mest mulig vold mot sivile fordi det vurderes som et mål i seg selv, som for eksempel i folkemord eller etnisk rensing. Disse strategiene ser i hovedsak en militær løsning på målene sine. Middelbaserte strategier derimot, utøver vold mot sivile med øye for å oppnå et ideologisk, politisk eller økonomisk mål. Disse gjerningsmennene vil derfor bruke militærmakt i første rekke for å true eller forverre sikkerhetssituasjonen til de sivile heller enn å drepe eller fordrive dem. For å konvertere potensiell *utility of force* til reell *utility of force* må gjerningsmennene oppfylle visse kriterier. Kriteriene belyst i denne rapporten er forberedelse, koordinering, politisk tvetydighet og tilstedeværelse på bakken. Disse premissene gjelder imidlertid også for de som skal beskytte. I tilfeller der beskyttelse har feilet, har gjerningsmennene klart å oppfylle disse premissene, samtidig som de intervenerende militære styrkene ikke har klart det.

Rapporten fremmer til slutt et teoretisk rammeverk for å bidra til en strategisk tilnærming til beskyttelse av sivile hvor *utility of force to protect* kan bli funnet. Mot gjerningsmenn som angriper sivile direkte, blir befolkningen mest effektivt beskyttet indirekte ved at de militære styrkene går etter gjerningsmennene. Mot gjerningsmenn som bare angriper sivile indirekte, som middel for å oppnå et annet mål, vil de intervenerende styrkenes bruk av militærmakt være mest hensiktsmessig gjennom direkte beskyttelse av befolkningen. Når dette rammeverket brukes for å vurdere pågående militære operasjoner går det frem at den strategiske tilnærmingen til beskyttelse kan være en vel så viktig utfordring som de operasjonelle og taktiske utfordringer.

Innhold

Preface

This report constitutes one of two concurrent FFI-publications on Protection of Civilians (PoC) in armed conflict. The other report, which may be read alongside this report, is titled "Protection of Civilians in Armed Conflict: Comparing Organisational Approaches".[1] Together, they are intended to bring the debate on Protection of Civilians forward by introducing a theoretical framework for finding the utility of force to protect and comparing current PoC approaches among the major international organizations. This is essential in order to prepare national military contributions for future operations where PoC is a key objective.

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The Norwegian Defence Research Establishment (FFI) has initiated several research activities on Protection of Civilians since 2009. The next step will be to apply some of the main findings in a concept development process in 2012. The aim is to develop a planning tool for the Norwegian Defence National Joint Headquarters (FOH) in order to better prepare future military contingents for implementation of mandated tasks related to protection of civilians in armed conflict.

[1] Kjeksrud et.al (2011), 'Protection of civilians in armed conflict: comparing organisational approaches', *FFI-rapport 2011/01888*, (Kjeller: Norwegian Defence Research Establishment (FFI).

1 Introduction

Protection of civilians in armed conflicts has emerged as a key objective across a wide spectrum of peace and stabilisation operations. Since conflicts are now fought amongst and about the people, this is no longer simply a question of idealism, but has also become an issue of military-strategic importance. Even so, civilians on the ground have not appeared much safer or better protected in many operations where military commanders and units have been given this task. This is consistent with what General Rupert Smith has called the failure to find 'utility of force' in today's wars amongst the people.[2]

The purpose of this report is to provide the first steps towards a theoretical foundation for the use of military force in protection of civilians. It takes Smith's work on the utility of force as its starting point in creating a framework for finding the 'utility of force to protect'.[3] It does so, however, by completely reversing the order of his analysis, by asking first not what 'our' desired end is, but what that of the perpetrator of violence is. 'Protection of civilians' is always reciprocal in nature because its existence as an objective depends on the existence of a perpetrator and his use of violence against civilians in the first place. The recurrent failures to protect civilians in conflicts like Bosnia, Afghanistan, and the Democratic Republic of the Congo (DRC) suggest that protectors may have something to learn about the use of force from those who kill and threaten with utility. Hence, the principle question to be addressed here is: *how do perpetrators find utility of force to attack civilians in war amongst the people, and what are the implications of this for finding utility of force to protect?*

Initially, the context will be set by explaining why protection of civilians matters in military strategy, how it is currently being approached, and what is missing from the current analysis. The theoretical framework for using force to protect will thereafter be developed in three subsequent sections. First, a set of universal 'principles of protection' are outlined to show that the perpetrator's use of violence must be taken as the starting point for finding utility of force across the entire spectrum of operations where protection is an objective. 'Utility of force to protect' is found in two steps: first, by finding the right balance between military versus other levers of power, and then by choosing the function of force that will actually make civilians safer and better protected.

Second, three scenarios will be outlined in order to show how utility of force to protect is found in different types of operations and against different categories of perpetrators. It is shown that perpetrators operate according to either a maximising or minimising 'logic of violence'. Where perpetrators seek to maximise the use of violence against civilians, such as in genocide or ethnic cleansing, military force will have a decisive role to play in its response. By contrast, where

[2] See Smith, Rupert (2006), *The Utility of Force* (London: Penguin Press).
[3] The phrase was first used in Beadle, Alexander William (2010), 'Protection of Civilians in Theory: A Comparison of UN and NATO Approaches', *FFI-rapport 2010/02453*, (Kjeller: Norwegian Defence Research Establishment (FFI)).

perpetrators attack civilians merely as a means to an entirely different end, the role of military force will be a limited vis-à-vis other levers of power.

Finally, the principles and scenarios are drawn together to construct a theoretical framework for using military force in protection of civilians, which lays out the basic argument presented in this report. It will be argued that in finding utility of force to protect across all operations it is essential to take the inverse approach of that of each particular perpetrator. Where perpetrators seek to destroy or coerce civilians *directly*, the victims are most effectively protected *indirectly* by destroying or coercing the responsible perpetrators themselves. Where perpetrators seek merely to threaten civilians *indirectly* by impairing or inciting their security situation for a political or ideological goal, the only possible military responses is to ameliorate or contain the violence by *directly* protecting civilians. At the end, the theoretical framework 'meets reality' when it is applied to the operations in Libya.

A few definitions of the actors involved are due: 'perpetrators' refer to any state or non-state group that deliberately uses violence against civilians, for whatever reason; 'civilians' are non-combatants that are not to be intentionally attacked according to international humanitarian law, regardless of whether they may have been perpetrators themselves before; and 'protectors' refer to the intervening party that aims to stop perpetrators attacking civilians, irrespectively of whether this is an end in itself, or as a means to achieve a different end.

2 Towards a theory on protection of civilians

The theoretical starting point for working towards a separate theory on protection of civilians is General Rupert Smith's work on *The Utility of Force* in modern-day warfare.[4] His book remains unmatched in its combination of the two issues at the heart of protection: civilians under threat, and the use of military force. As both a practitioner and military thinker, Smith is said to have 'a position analogous to that of Clausewitz in identifying clearly, and responding to, revolutionary change in warfare and the world'.[5] The particular change that Smith has identified is the replacement of industrial war with a new paradigm of 'war amongst the people'.

War amongst the people is both a graphical and conceptual description of the new reality in which both civilians and military commanders find themselves:

> It is the reality in which the people in the streets and houses and fields – all the people, anywhere – are the battlefield. Military engagements can take place anywhere: in the *presence* of civilians, *against* civilians, in *defence* of civilians. Civilians are the targets, objectives to be won, as much as an opposing force.[6]

[4] See Smith (2006).
[5] Gow, James (2006), 'The new Clausewitz? War, force, art and utility – Rupert Smith on 21st century strategy, operations and tactics in a comprehensive context', *Journal of Strategic Studies*, Vol. 29, No. 6, p. 1169.
[6] Smith (2006), pp. 3–4, my emphasis.

For civilians, the consequences have been two-fold. First, even according to conservative estimates, 'the data indicate that the targeting of civilians is increasing'.[7] Whilst the total number of civilians killed has declined with the diminishing of major conventional wars, the ratio of civilian-to-soldier deaths has virtually been inversed. According to a 2001 study by the International Committee of the Red Cross (ICRC), nine soldiers were killed for every civilian life lost in World War I, whilst it is now estimated that 'ten civilians die for every soldier or fighter killed in battle'.[8] For individual conflicts, the ratio has for example been put at 3:1 in Afghanistan,[9] 8:1 in Iraq,[10] and 100:1 in the DRC.[11]

In the light of these figures and the failures to protect civilians in Bosnia, Rwanda and Somalia, the UN Secretary-General stated in 1998 that:

> The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization.[12]

For the UN, protection has become an end in itself and intrinsic to the existence of the organisation. Accordingly, there has been a 'paper revolution' on protection within the UN, which has pushed it to the top of the organisation's agenda. The adoption of the Responsibility to Protect (R2P)-principle at the UN World Summit in 2005 signified a broad consensus amongst member states. Actual implementation of R2P, however, has been long in coming. Over the past few years, the Department of Peacekeeping Operations (DPKO) has pushed forward another related concept, the Protection of Civilians (PoC) in peacekeeping operations, which is more concerned with operational matters, on both the military as well as civilian side.[13] That said; the rationale for protecting civilians in war amongst the people goes beyond moral commitments found in the UN Charter and in emerging international norms.

Since the end of the Cold War, the fate of civilians has become 'critical to outcomes across the entire spectrum of conflict'.[14] This second consequence of war amongst the people, as described

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[7] Mack, A. et. al. (2007), 'Human Security Brief 2007', *Human Security Report Project* (Vancouver, Canada: Simon Fraser University), p. 42.
[8] Greenberg, S. B. & Boorstin, R. O. (2001), 'People on War: Civilians in the line of fire', *Public Perspective*, November/December 2001, p. 19.
[9] 'Col Richard Kemp's Speech to "We Believe in Israel" Conference', London 15 May, *The Jewish Chronicle Online*, http://www.thejc.com/blogs/jonathan-hoffman/col-richard-kemps-speech-we-believe-israel-conference-london-15-may, 17 August 2011.
[10] 'Iraq War Logs: What the numbers reveal', *Iraq Body Count*, 23 October 2010, http://www.iraqbodycount.org/analysis/numbers/warlogs/, 17 August 2011.
[11] Lidow, N. (2010), 'Rebel Governance and Civilian Abuse: Comparing Liberia's Rebels Using Satellite Data', presented at the annual meeting of the American Political Science Association, Washington, DC, 2–5 September 2010, p. 2.
[12] S/1999/957, para.68.
[13] DPKO is currently drafting operational concepts for robust peacekeeping and for protection of civilians at the tactical level in particular. See bibliography.
[14] Kelly, Max (2010), *Protecting Civilians: Proposed Principles for Military Operations* (Washington, DC: The Henry L. Stimson Center), p. 7.

by Smith, is that civilians now have become 'objectives to be won'. The ends for which modern militaries are fighting have changed from definite strategic goals, such as capturing territory or overthrowing a government, to more complex and less strategic 'conditions' within intra-state conflicts, such as peacekeeping, delivery of humanitarian aid, and most recently the protection of civilians as part of peace and stabilisation operations. Smith's argument is that industrial war between states 'no longer exists' because decisive military victory fails to solve the problems with which we are faced today. Only by capturing the 'will of the people' may we achieve the outcome we seek:

> In seeking to establish conditions, our true political aim, for which we are using military force, is to influence the intentions of the people. This is an inversion of industrial war, where the objective was to win the trial of strength and thereby break the enemy's will. In war amongst the people the strategic objective is to capture the will of the people and their leaders, and thereby win the trial of strength.[15]

It is this military-strategic rationale that underpins the change in strategy of the International Security Assistance Force (ISAF) in Afghanistan, where guidance now explicitly states that 'protecting the people is the mission'.[16] Here, protection of civilians has become an objective for ISAF as a method for defeating the insurgency, following counterinsurgency theory and practices. For military commanders, the fact that wars now take place amongst, against and in defence of civilians has major implications for how military force may or may not be used. In recent times, force has either been deployed with the expectation that its mere presence would suffice, which is one reason why UN peacekeeping operations proved so disastrous in the 1990s; or, as in Afghanistan and Iraq, where force *has* been employed, but misapplied because it has not served the objectives it was intended to achieve. It is this basic problem of finding 'the utility of force' in war amongst the people – 'how to use armed force to achieve a desired and stable political outcome' – that Smith takes issue with.[17]

The problem is essentially one of strategy. Finding utility of force in war amongst the people is very different from finding utility in industrial wars, where military force alone could have decisive strategic effect, by capturing the desired territory or forcing the unconditional surrender of an enemy. As we now fight for 'conditions', force retains its relevance, but 'the balance between destructive force and politics needs to be calibrated by a greater admixture of politics and other means alongside use of the military'.[18]

To define the role military force has in our current strategies, Smith argues that we must first ask 'what is our desired end?' and work backwards from there. Only by properly understanding the nature of the desired outcome can we decide 'whether military force can or and should be used'.[19]

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[15] Smith (2006), p. 277.
[16] *ISAF Counterinsurgency Guidance*, August 2009 (Kabul: Headquarters ISAF), p. 1.
[17] Gow (2006), p. 1161.
[18] Ibid., p. 1161.
[19] Smith (2006), p. 375.

Essentially, this represents a return to the core principles of strategy-making. Strategy is the instrumental link between military means and political ends. Clausewitz's famous citation that 'war is a mere continuation of policy by other means' implies a transitional order – the political end comes first and defines the military means.[20] But, a successful strategy must reconcile the two in such a way that the means available are able to achieve the desired political goal. This art of balancing ends and means is true for all types of operations, anywhere and at any time.
In the military operations with which we are concerned, the objective is the *protection of civilians* in armed conflict. Here, strategic success is measured by how safe and protected civilians are made by our actions. Although this is immensely hard to measure, it seems on this point, however, that our current strategies appear to be failing. When applying Smith's use of terms, I have previously called this a failure to find 'utility of force to protect'.[21]

Despite the importance attached to protection by the UN, the Secretary-General concluded in 2009 that 'actions on the ground have not yet matched the progress in words and the development of international norms and standards'.[22] Last year, fighters in eastern Congo 'raped everyone in sight: women, men, even children' during the Walikale attacks that took place within 12 miles of a UN peacekeeping base.[23] A year later, only one suspect has been indicted for the attacks against at least 387 people and the judicial inquiry has been suspended because of reprisal attacks against targeted victims. In Afghanistan, ISAF's strategy has successfully reduced the number of civilians killed by their own forces, but the total number of civilian casualties has never been higher since the counting started. In its most recent report, the UN Assistance Mission in Afghanistan (UNAMA) documented 1,462 civilian deaths in the first six months of 2011, which represents an increase of 15 percent compared to the same period last year.[24]

Addressing this 'implementation gap', between the strategic objective to protect and the failure to do so on the ground, is where the current literature stands. Recurrent findings have shown a near complete neglect of guidance on *how* to actually protect civilians, leaving military commanders 'totally at a loss'.[25] Therefore, current reform efforts focus on improving the 'operationalization' of protection through the development of better doctrines, directives, concepts, and activities based on lessons learned and working practices.

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[20] Clausewitz, Carl von (1997), *On War*, tr. J. J. Graham (London: Wordsworth), p. 22.
[21] Beadle (2010), p. 33.
[22] S/2009/277, para.4.
[23] 'UN: Congo rape victims suffer reprisal attacks', *Associated Press*, 6 July 2011, http://news.yahoo.com/un-congo-rape-victims-suffer-reprisal-attacks-111806587.html, 17 August 2011.
[24] 'Afghanistan: Midyear Report, Protection of Civilians in Armed Conflict' *United Nations Assistance Mission to Afghanistan, Human Rights Unit*, July 2011, http://unama.unmissions.org/Portals/UNAMA/Documents/2011%20Midyear%20POC.pdf, 17 August 2011 – hereafter 'UNAMA Report 2011'.
[25] Giffen, Alison (2010), *Addressing the Doctrinal Deficit* (Washington, DC: The Henry L. Stimson Center), p. 12. See also Holt, Victoria K. & Berkman, Tobias C. (2006), *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Washington, DC: The Henry L. Stimson Center); and, Holt, V., Taylor, G. & Kelly, M. (2009), *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: DPKO & OCHA).

What appears to be ignored in much of the current analysis is that for the perpetrators *there are no implementation gaps*. The fact that civilians are increasingly targeted, whilst the intervening parties repeatedly fail to protect them, suggests a disparity between perpetrators and protectors in their respective abilities to use force with purpose. In fact, for all intents and purposes, many perpetrators have found the 'utility of force' that Smith talks about, and appear to be winning the battle of wills in more conflicts than the interveners are. It is this puzzle that provides the idea presented in this report of approaching protection from the angle of the perpetrators.

3 The principles of protection

In order to understand why there is a need to develop principles for protection, it may be useful to draw parallels to other types of operations. When the Americans faced a deteriorating security situation in Iraq, the need for a new approach was met with a revival of the historical literature and theory on counterinsurgency (COIN). This resulted in the development of a separate counter-insurgency doctrine – *Field Manual 3-24* – which drew heavily on the works of COIN-theorists like Galula, Thompson and Kitson.[26] The doctrine took as its starting point eight 'historical principles of counterinsurgency' that stressed issues like legitimacy, understanding the environment, and intelligence.[27] On the basis of these it was possible to develop a set of 'paradoxes' that would highlight the new mind-set required by military commanders engaged in COIN-operations. Amongst the most well-known COIN-paradoxes are: 'sometimes, the more you protect your force, the less secure you may be', 'sometimes, the more force is used, the less effective it is', and 'sometimes doing nothing is the best reaction'.[28]

Yet, a fundamental difference exists between 'principles of protection' and principles of counter-insurgency, or any other operations. Protection of civilians, unlike defeating an insurgency, is simply not restricted to one type of operation or one type of enemy, so its principles must be valid in all scenarios and against all perpetrators. Unlike COIN, operations with the explicit intent to protect are also relatively new – and there are no protection theorists to draw upon. This is a gap that this report seeks to begin to fill. The goal is to explain how utility of force to protect can be found in various types of operations, of which COIN is only one.

The Stimson Center's Future of Peace Operations program is currently one of the leading research institutions on protection of civilians in military operations. In a publication last year, Max Kelly proposed a set of military principles for the operational level, which is the 'vital link between tactics and strategy' where 'the lack of guidance is most acutely felt, even by relatively well-resourced military operations'.[29] Like this report, Kelly looks at the rationales for violence against civilians, the contemporary operational environment, and the windows of opportunity for using force to protect. The fact that Kelly arrives at many of the same conclusions as this report, serves only to corroborate many of the findings.

[26] *Counterinsurgency Field Manual 3-24*, 2006 (Boulder, Colorado: Paladin Press) – hereafter *FM 3-24*.
[27] Ibid., para.1-112–1-136.
[28] Ibid., para.1-148–1-157.
[29] Kelly (2010), p. 2.

The approach taken here is, however, different. It aims not to fill the gap with improved operationalization based on lessons learned, but seeks to find out how violence was able to take place in the first place and what the military implications of this may be. It takes more of a strategic approach instead of tactical. For example, Kelly focuses on how 'belligerents will respond and adapt by altering their tactics', and how our operations must adapt accordingly.[30] This report pays more attention to how changes in the perpetrator's strategy will affect how susceptible they are to being influenced with force, or not.

This report is also unlike other studies in that it extensively applies Smith's work to the particular issue of protection.[31] His framework of analysis to find utility of force enables the use of a recognized approach in constructing a separate framework for the use of force to protect. The only 'holistic' approach to protection can be found in the literature on 'human security', which assumes that protection of civilians is the opposite of defeating an enemy.[32] Conversely, the conclusions drawn here about protection invalidate the claims made by those who believe that 'the ultimate weapon is no weapon'.[33]

The four principles of protection that follow are meant to be universally valid in all operations where protection of civilians is a primary or key objective. In the first two principles – about how to balance military versus other levers of power, and how to define the content of this military power – the report merely applies Smith's work to the particular objective of protection in order to show that it fits within the concept of 'war amongst the people'. In the next two principles, however, Smith's proposed solution is taken a step further by arguing for a reversed order of analysis where protectors can find utility of force 'to protect' on the basis of how the perpetrators have already found utility of force 'to attack'.

3.1 Protection of Civilians is a 'condition', which requires military force to be used alongside other levers of power

In war amongst the people, military power cannot alone achieve the desired end state. Instead, we can only use military force 'to establish a condition in which the political objective can be achieved by other means and in other ways'.[34] The first principle holds that protection of civilians is precisely such a 'condition'.

A rudimentary understanding of the role of military force in strategies of protection can be provided by the basic framework illustrated below (see Figure 3.1).[35] In this framework, the particular balance between military and other levers of power is struck according to what 'type' of protection is required, and 'who' is best suited to provide it. Where physical, or basic, protection is most required, the military components play a dominant role. This is also when the

[30] Ibid., p. 12.
[31] In his book, Smith focuses not on protection, but primarily on dealing with guerrilla fighters and terrorists.
[32] Kaldor, Mary (2007), *Human Security* (Cambridge, UK: Polity Press), p. 175.
[33] Beebe, Shannon D. & Kaldor, Mary (2010), *The Ultimate Weapon is No Weapon* (New York: PublicAffairs).
[34] Smith (2006), p. 270.
[35] First presented in Beadle (2010), p. 11.

level of civilian security is low. As the threat is reduced, increasingly civilian actors must work to establish more sustainable protection, such as through security sector reform, demobilisation and disarmament, and rule of law, until the host-nation assumes full responsibility. This report is primarily concerned with the initial phase of conflict where protection involves the use of military force, illustrated by the quadrant in the left-hand corner of the figure below.

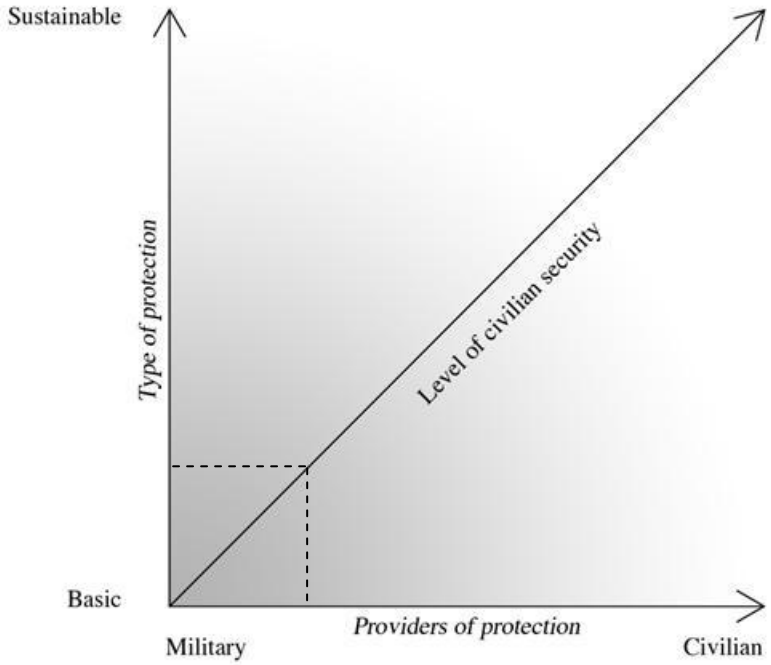

Figure 3.1 The role of military force in protection operations

Utility of force 'to protect' is found when military actions successfully *reduce the threat to civilian security*. Such utility was found in Bosnia when the use of military force was increased as operations shifted from UN peacekeeping to NATO peace enforcement in 1995. For most of the time, the UN Protection Force (UNPROFOR) had been incapable of providing even the most basic of protection, despite a mandate and expectations to do so. Actual protection came first when NATO launched a bombing campaign against the Bosnian Serbs, which effectively ended the siege of Sarajevo, stopped the shelling, and thereby reduced the physical threat to civilian lives.

However, utility of force is not simply a question of finding the right balance between military and other levers of power. In Afghanistan, no show of force like that in Bosnia has been able to reduce the physical threat to civilian life. In fact, the number of civilian casualties has only risen as ISAF has stepped up the campaign against the Taliban. Unlike with the Bosnian Serbs or security spoilers in the DRC, ISAF and American forces are unable to coerce the insurgents in Afghanistan because for them the conflict is 'total' in that defeat often equals death. Hence, the question over military force is not merely one of quantity.

3.2 The Utility of Force to Protect is found in its functions

The UN and NATO have approached the issue of using force to protect civilians from distinctly different starting points. In response to its past failures, the UN has at least in theory increased its readiness to use force in support of its mandates. Yet, in the DRC over the past 5-10 years, it is alternately being criticised for both being too passive *and* allowing too much force to be used. By contrast, NATO has approached its operations in Afghanistan from an initial position of using massive force, but has since recognised that it is an obstacle for winning 'hearts and minds'. Much of the debate over the operations in Libya was also reduced to a discussion over the number of sorties flown, bombs dropped and whether to supply the rebels with weapons or not. However, this debate over the 'lack of' or 'excessive' uses of force misconstrues what using force in war amongst the people is really about. This second principle prescribes that the true measure of utility of force comes from its *functions*, not its amount.

In traditional military theory, the capacity of a force to determine the outcome in conflict has been defined as '*the sum of available means* and *the strength of the will*'.[36] To this, Smith has added that in war amongst the people it is 'the way in which the military success is achieved that directly affects whether or not it can be translated to political advantage'.[37] From his own experiences, Smith has identified 'only four things the military can achieve when sent into action in any given confrontation or conflict: ameliorate, contain, deter or coerce, and destroy'.[38] These are the four 'functions' through which military force can serve the end that one seeks.

1. *Amelioration* does not involve the use of military force, except in self-defence. Instead, the military 'deliver aid, put up camps, provide communications, build bridges and all other such constructive activities in aid of civilian life'.[39] This function may involve monitoring missions that can perform an ameliorating function by virtue of their presence and by reporting what is going on to the outside world. It may also involve training or advising other armies.

2. *Containment* involves a certain use of military force to 'prevent something from spreading or passing through a barrier'.[40] Typically, this would involve imposing sanctions, arms embargoes, or no-fly zones to prevent certain weapons from being used. Force may be used locally to enforce the exclusion zone or barrier.

3. *Deterrence* or *coercion* involves a wider use of force 'to pose a threat to some party or carry out a threat against a party, to change or form that party's intentions'.[41] To deter, military forces are deployed in a threatening posture and prepare to take active measures, such as NATO's threats of bombing in 1998 to deter the Serbs from attacking the

[36] Clausewitz (1997), p. 8.
[37] Smith (2006), p. 216.
[38] Ibid., p. 320.
[39] Ibid., p. 320.
[40] Ibid., p. 320.
[41] Ibid., p. 321.

Albanian minority in Kosovo. Deterrence becomes coercion when force is actually employed, like in the subsequent bombing campaign.

4. *Destruction* involves the active use of force to 'attack the opposing force in order to destroy its ability to prevent the achievement of the political purpose'.[42] Imposing our will on the enemy by destroying his capabilities, such as in the First Gulf War, is what we usually regard as the primary purpose of military forces.

In protection of civilians, the premise for deciding whether the use of force has been successful or not is that its use will protect more people than it will endanger. From the above, it is clear that the potential utility of force to be found is defined by *both* the balance between military and other means, *and* the chosen function of force. Although not articulated in these terms, this is where the debate often revolved regarding operations over Libya. Discussion surrounded whether we should merely provide humanitarian aid (ameliorate), whether a no-fly zone would suffice (contain), whether we must threaten with the use of ground troops (coerce), or whether we must forcibly remove Gadhaffi (destroy). However, these alternatives were debated as if we could freely choose amongst them and that they would all work equally well, subject only to our own political will or available means. If there was one lesson to be drawn from recent international operations, it is that we cannot carry on devising strategies and military doctrines under the assumption that we always dictate the law upon the enemy first. This is particularly obvious in relation to the objective of protection, which is not simply a condition we as protectors seek to establish.

3.3 Protection of Civilians is always a reciprocal objective, demanding a reversed analysis

An eternal truth of war is that when 'one side dictates the law to the other, there arises a sort of reciprocal action'.[43] However, the need to protect civilians arises only when a perpetrator has already found that using violence against civilians somehow serves his own goals. There would be no need for intervention if the perpetrator has not already dictated the law upon his victims in absolute terms. Nor can civilian lives be recovered if already lost, unlike control over a territory or system of government. If one decides to intervene for purposes of protection, we must recognise that we cannot change the rules of this life-or-death game, but must play according to them. Hence, this principle holds that protection of civilians is always a reciprocal objective, so we must reverse the order of our analysis.

The real problem is not 'a gap' that needs to be filled. As Marc DuBois of the *Médecins Sans Frontières (MSF)* has pointed out:

> The rise of the humanitarian protection establishment has created a new enemy: the 'protection gap'. […] We must correct our analysis: it is not the lack of protection activities

[42] Ibid., p. 321.
[43] Clausewitz (1997), p. 7.

> or legal protections *in the first instance*, but the surplus of violence that is the primary problem.[44]

For all the right reasons, improving military doctrines, operational concepts, procedures, and directives for the purpose of protection is important. At the same time, from the theoretical viewpoint of this report, a one-sided focus on improving the operationalization of protection risks overlooking critical variations in perpetrator strategies, which may have more relevance across different operations than do specific practices that have worked in one. No armed conflicts are alike, which is why 'best practices from one mission can only serve as a source for critical and innovative thinking, and not as templates for how to carry out future missions'.[45] This report suggests that the perpetrator himself, against which the practices are meant to work, represents a general criterion for separating missions on a case-by-case basis.

Protection of civilians risks making no more sense than the War on Terror, without specifying an enemy and taking into consideration the ends, means and ways of his strategies. Smith argues that the terrorist today is showing 'a better understanding of the utility of force in serving his political purpose than those who are opposed to him'.[46] The same applies to *all* perpetrators of violence against civilians. What this report hereafter calls the 'utility of force to attack' is found when perpetrators manage to *raise* the threat to civilian security. In one way or another, the perpetrators find that violence against civilians will serve their ends. If the essence of war amongst the people is to alter the will of those we fight against and amongst, then surely we must know their intentions in order to change them.

Smith grasps the importance of the perpetrator in determining that the necessary function ultimately depends on knowing what will work against him:

> In order to decide correctly on the necessary function of force and its purpose within the circumstances, the decisions makers… must have as much knowledge as possible of the enemy and the environment.[47]

Much has been written in detail about the rationale for violence of particular armed groups, but neither this literature nor Smith follow this up by discussing the military implications that follow from this knowledge. This is something that this report aims to do. It is true, as Kelly points out, that our objective will always remain the same: 'action to protect civilians is required *regardless* of whether the attacks against them fall into a particular conventionally recognized category'.[48]

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[44] DuBois, Marc (2010), 'Protection: fig-leaves and other delusions', *Humanitarian Exchange Magazine*, Issue 46, March 2010.
[45] Kjeksrud, Stian & Ravndal, Jacob Aasland (2010), 'Protection of Civilians in Practice: Lessons from the UN Mission in the DR Congo', *FFI-rapport 2010/02378*, (Kjeller: Norwegian Defence Research Establishment (FFI)), p. 37.
[46] Smith (2006), p. 25.
[47] Ibid., p. 323.
[48] Kelly (2010), p. 2. My emphasis.

However, this report argues that which particular category the perpetrator falls into matters a great deal for how protectors can use force in response.

3.4 Perpetrators find Utility of Force to Attack according to a maximising or minimising Logic of Violence

In their respective strategies, the UN and NATO have approached protection either directly as an end in itself or indirectly as a means to a different end. The UN's direct approach means that it focuses on 'how to protect' civilians through measures like static defences, firewood escorts, and mobile protection teams. By contrast, ISAF's indirect approach focuses its (far superior) military means on 'how not to kill' civilians themselves, through strict rules of engagement, restricted use of artillery and even tactical directives on how not to drive hazardously.[49] This indicates that the particular ends for which they seek to protect civilians actually determine the ways in which force is used.

This final principle argues that the case is no different for perpetrators. The extent to which they see a military solution to their problems and the ways in which they use force against civilians ultimately depend on the ends for which they are fighting. In Bosnia, false assumptions about the Serb war aims – that their attacks against civilians were simply defensive, or not part of a plan for creating 'Greater Serbia' – meant that the international community chose only to ameliorate and contain the conflict in the beginning. This then failed because the ethnically pure entity for which the Serbs were fighting meant that significant use of violence against other peoples was an intrinsic part of their strategy, which meant that only coercion and destruction could stop them.

It follows from this that different strategies of violence against civilians will determine how perpetrators find utility of force to attack. Not unlike the distinction between the UN and NATO's approaches, a distinction can be made between those perpetrators who view violence against civilians 'as an end in itself' and those who view violence against civilians merely 'as a means to a different end'. In ends-based strategies, each attack on civilians is considered a part of the solution itself – such as in genocide, ethnic cleansing and revenge killings. Their goals simply cannot be achieved without this violence. Means-based strategies, on the other hand, regard the same violence in terms of necessity rather than desirability. These perpetrators have reached the conclusion that attacking civilians works as a strategy, against a militarily superior enemy or for population control upon which they depend.

It is argued here that each category of perpetrator approaches the use of force against civilians from different starting points. Ends-based strategies will follow a logic of *maximising* violence against civilians because achieving their goals depend on it. Their strategies are therefore primarily based on a solution through military force, whose particular functions of force start from the most destructive end of the spectrum. Conversely, the means-based strategies follow a logic of *minimising* violence against civilians because they would ideally like to achieve their goals without having to use force, and usually envision a future in which their potential victims

[49] For a comparison of the two approaches, see Beadle (2010).

are included. Hence, amongst these perpetrators, the use of force will be more limited and starting from the least destructive end of the spectrum. These two opposite approaches of maximising and minimising violence against civilians will hereafter be referred to as 'the logics of violence' in protection operations. They deliberately evoke the work of Kalyvas on the logic of violence in civil wars,[50] in order to benefit from for the familiarity of the term and to locate his theory within the context of protection.

4 Three scenarios of perpetrator strategies

In this section, three scenarios of different strategies of violence will be outlined. The first two scenarios are modelled around the basic distinction between ends- and means-based rationales mentioned above. In reality, however, the distinction between ends- and means-based strategies is not so clear-cut, and with time the first two tend to develop into a third, more complex scenario where multiple strategies of violence exist within the same theatre of operation.

The purpose here is to determine how utility of force to protect may be found in these various types of operations. It is argued that the balance of military vis-à-vis other levers of power in strategies of protection must *mirror* that of the perpetrators, whilst the functions of force chosen must *match* those of the perpetrators. These are the 'rules of the game' that protectors must follow in order to find utility of force to protect.

In the first scenario, protectors must match the extent to which perpetrators see a military solution to achieve their objectives. If they use force to destroy or coerce civilians, protectors must apply the same functions of force against the perpetrators. In scenario two, perpetrators whose strategies involve only a limited military role cannot be met with overwhelming use of force. Instead, protectors must match the threatening posture of limited use of violence by protecting civilians as directly as possible. In the third scenario, the same mirroring and matching logics apply, but protectors will have to do so against multiple perpetrators that do not follow the same strategies of violence. Accompanying each scenario is a model that aims to visualise how the potential utility of force varies in size and function in these ways.

Each scenario begins by outlining the strategic rationales of each category of perpetrator and how they convert this potential utility of force to attack into actual violence against civilians. Next, the military implications for finding utility of force to protect in each of these scenarios are outlined by assessing existing approaches and strategies.

4.1 The first scenario: ends-based strategies of violence

In the first scenario we find those perpetrators who consider violence against civilians *as an end in itself*. It is the least frequent scenario, but also the most deadly. Typically, these perpetrators

[50] Kalyvas, Stathis N. (2006), *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press).

will be states, governments or elites who seek to exterminate or expel a whole group of other people.

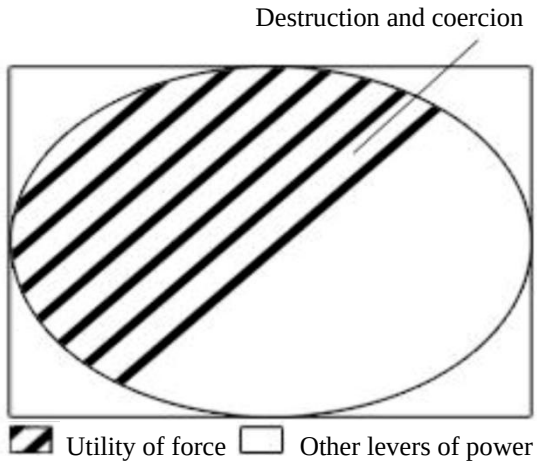

Figure 4.1 The utility of force in ends-based strategies of violence

4.1.1 How perpetrators find utility of force

The exterminations of Jews by Nazi Germany and Tutsis in Rwanda by Hutu-extremists are amongst the most obvious instances of ends-based strategies of violence, where a 'celebratory genocidal logic' existed that unambiguously required the eradication of a whole group of people.[51] The rationale is that certain groups are so to blame for a problem that their 'death and suffering is an outright political end'.[52] In policies of ethnic cleansing, the extermination of a group is not the goal, but their physical removal still is. As such, every act of violence against civilians at the tactical level directly serves the strategic aim of a purified territory. In accordance with this rationale, Dubrovnik was during the Yugoslav War surrounded on three sides and shelled, even though the Yugoslav Army could easily have taken the city had the desire been to capture the land rather than drive its people out.

Brutal violence also naturally stimulates a powerful desire for revenge. This may involve precise 'tit for tat' massacres, but more often the victims will feel entitled to 'strike back even harder, so committing atrocities which may be much greater than and hugely disproportionate to the original crime against them'.[53] One of Kalyvas' observations about civil wars is that individuals sometimes are willing to denounce their fellow citizens if only to settle scores.[54] The massacring of 650 people in the St. Peter's Lutheran Church in Monrovia, where Samuel Doe's death squads 'shot as many men, women and children as they could',[55] and other similar episodes in the

[51] Slim, Hugo (2007), *Killing Civilians: Method, Madness and Morality in War* (London: Hurst & Company), p. 121.
[52] Ibid., p. 122.
[53] Ibid., p. 139.
[54] See Chapter 10 in Kalyvas, (2006).
[55], Slim (2007), p. 141.

Liberian civil war have been described as 'payback time' at both the collective and individual levels.[56]

In all of these types of violence, the goal can *only* be achieved by attacking civilians. The perpetrators will primarily seek to maximise the amount of violence in order to obtain strategic results most effectively. The *potential* utility of force is therefore great, but finding *actual* utility requires fulfilling certain premises that enables force to be used in this decisive way. Four such premises will be considered here: *preparation*, *coordination*, *ambiguity*, and *presence on the ground*. These are intentionally chosen because they are reminiscent of the challenges identified in the existing literature on our own failures to protect: unclear mandates, lack of coordination between the strategic and tactical levels, a failure to muster political will, and too few boots on the ground.[57] With reference to the war in Bosnia, this report proceeds to show that the perpetrators overcame these challenges so that they managed to find actual utility of force to attack, whilst protectors were largely unable to do the same.

First, strategies of violence in this scenario require considerable political *preparation* if perpetrators are to maximise the amount of violence needed to achieve the intended goal. James Gow's detailed account of 'the Serbian Project' of ethnic cleansing in Bosnia provides a case in point.[58] The Serbian goal was to carve an ethnically pure contiguous entity out of as much of Bosnia as possible. Already from 1990, Serbian security services began working with local Bosnian Serb political leaders to prepare the realisation of this new entity. In accordance with these plans, Serbian-dominated areas began by proclaiming 'associations of municipalities' from early 1991, which were expanded into Serbian 'autonomous regions' once the war began in Croatia. Finally, the Assembly of the Serbian People in Bosnia and Herzegovina was established in late 1991, which in early 1992 proclaimed an entity that would become Republika Srpska. By contrast, the international community repeatedly failed to agree on how best to resolve the Yugoslav crisis in what became a 'triumph of the lack of will'.[59]

In parallel to these political preparations, the actual execution of these plans required top-down *coordination*. Gow has identified four separate, but parallel processes that were directed from above by so-called crisis headquarters controlled by Karadzic's party and initially carried out by the *Jugoslovenska Narodna Armija* (JNA) and various paramilitary units.[60] First, two plans were prepared for the peaceful take-over – one for Serbian-dominated areas, and one for those that were not. In the Serbian areas, shadow governments allowed the JNA to move in. In non-Serbian areas, provocative acts were meant to highlight all potential 'trouble-makers' that could be used as a pretext for the JNA moving in here as well. Where control could not be seized peacefully, it

[56] Ibid., p. 140.
[57] These are usually highlighted in the literature on the 'implementation gap'; see for example Holt & Berkman (2006).
[58] See Gow, James (2003), *The Serbian Project and its Adversaries: A Strategy of War Crimes* (London: Hurst & Company).
[59] See Gow, James (1997), *Triumph of the lack of will: international diplomacy and the Yugoslav War* (New York: Columbia University Press).
[60] See Chapter 5 in Gow (2003).

was done forcefully through sieges and demonstrative uses of violence. In addition, detention centres were used to separate out Muslim, Croat and Serb dissident political leaders and men from women.

Finally, the removal of unwanted populations was both 'voluntary' and forced. The Serbs had prepared papers for non-Serbs to buy one-way exit visas, which also relinquished their properties. If not, they would be forcibly removed or simply killed. All this planning and coordination arguably culminated with the fall of the eastern Muslim 'safe havens' through the summer of 1995, most infamously in the massacre of 8,000 men and boys in Srebrenica. It is precisely Honig & Both's point that it was part of a deliberate strategy that required planning and coordination in their account of this particular incident.[61] By contrast, it was, amongst other factors, the breakdown in communication between the Dutch troops stationed there and UN headquarters that prevented any defence of the enclave.

Since violence against civilians was so central to their goals, perpetrators such as these must also be *ambiguous* about their true intentions. If not, they risk outside intervention or losing domestic support that could jeopardise the mass-killings. They are forced to balance the spreading of hate domestically to enable the violence, whilst appearing peaceful to the outside world in order to prevent them from mustering political will to intervene. The Serbian leaderships across Yugoslavia portrayed themselves as victims, even whilst conducting the above processes of ethnic cleansing. The JNA claimed to be doing peacekeeping while artillery-bombing villages. Accordingly, the international community's failure to stop it was partly due to the ambiguity surrounding the entire break-up of Yugoslavia.

Finally, an important premise for finding utility of force in this scenario is a significant *presence on the ground*. The Serbian policy of ethnic cleansing was explicitly linked to certain geographical areas, which *necessitated* the siege of Sarajevo and the fall of the eastern Muslim enclaves of Goražde, Žepa and Srebrenica in the Serbian-dominated eastern parts of Bosnia. Besieging and conquering particular territories, however, required control over the main roads and transport links and being able to concentrate forces to maximise firepower. By contrast, the extended supply lines and dispersed Western peacekeeping forces, resembling a spider web, were identified by Smith as a primary obstacle to their operational effectiveness.[62]

4.1.2 Military implications for protection

In this scenario, a number of military implications can be identified for the use of force to protect. First, in a conflict where the military component is the principal means with which to achieve the end state, this must apply to perpetrators and protectors alike. The prospective utility of force to be found is significant, even potentially decisive. Once protectors are faced with a perpetrator whose strategy follows the logic of maximising the use of force to attack, they must match these strategies by *maximising the use of force to protect*.

[61] See Honig, Jan Willem & Both, Norbert (1996), *Srebrenica: Record of a War Crime* (London: Penguin Books Ltd).
[62] Smith (2006), p. 336.

Against perpetrators of genocide that have chosen *destruction* as their primary function of force, there is no point in trying to ameliorate or contain a conflict that has been born out of so much dissatisfaction with the status quo in the first place. Coercion is also irrelevant, if their desired end is intrinsically linked to the destruction of another people.

Short of destruction, however, *coercion* is possible against less explicitly ends-based perpetrators, such as the Bosnian Serbs, whose goal was an ethnically contiguous entity, not the complete eradication of Bosnian Muslims or Croats. Again, amelioration and containment remain insufficient functions in this scenario because the perpetrators could not have initiated the ethnic cleansing in the first place without having the capabilities to follow it up in the first place. This became painfully evident when the UNSC-imposed arms embargo in Bosnia created a situation where perpetrators remained heavily armed, whilst victims struggled to defend themselves. Utility of force to protect was only found when the UN and NATO managed to coordinate their efforts, concentrate their forces and muster political will to back their threats with tangible employment of force to coerce the Bosnian Serbs into stopping. Paradoxically, it would seem, as in the case of Bosnia, the best protection is a good offence.

Third, protection is achieved through conventional military ways, by striking at the enemy's so-called 'centres of gravity', thus preventing the perpetrator from fulfilling the premises required to find utility of force in this scenario. According to Smith's own account, he found that what worked best was targeting the dispersed Bosnian Serb Army and bombing General Mladić's communication and control centres and village where his parents were buried. This, he argues, made Mladić feel like he had lost the psychological advantage and his intentions could therefore be changed by the use of force.[63]

As a member of the Mass Atrocity Response Operations (MARO) Project,[64] Lieutenant Colonel Clint Hinote has presented an overview of military options in situations where genocide or mass atrocities might occur or are occurring. He applies concepts from conventional military theory and uses a model that combines the conflict curve and the breaking of campaigns into phases, which are both familiar tools for military theorists. He has argued that perpetrators have 'a natural tendency to escalate as quickly as they can – they want to go up the curve and meet their objectives as soon as possible'.[65] At the same time, the international community is usually 'slow to reach decisions to intervene'.[66]

For these reasons, military interventions should strive to stop the atrocities *before* the perpetrators enjoy an escalatory dominance where they achieve the ability to match ambitions with actions. He emphasises the readiness to 'escalate to a new, more intense, military option' if perpetrators do

[63] Ibid., p. 366.
[64] See Sewall, Sarah, Raymond, Dwight & Chin, Sally (2010), *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Harvard Kennedy School: Carr Center for Human Rights Policy).
[65] Hinote, Clint (2008), 'Campaigning to Protect: Using Military Force to Stop Genocide and Mass Atrocities', March 2008, p. 30.
[66] Ibid., pp. 17–18.

not respond to mere threats of force; by compelling them to stop within certain deadlines, arming the victims themselves, by inserting themselves between victims and perpetrators, attacking their capabilities, and killing their leaders in this escalatory order of options.[67] Contrary to critics that argue that such escalation will worsen the situation, he points to evidence that suggests 'it is inaction (especially when it creates the perception of disinterest) that contributes most to situations of genocide and mass atrocities'.[68]

4.2 The second scenario: means-based strategies of violence

In this scenario, we find those perpetrators who view violence against civilians as *a means to a different end*. This scenario is far more common, and also less deadly, because perpetrators are not driven by a need to maximise violence whether in space, time or amount. Typically, these perpetrators will be non-state actors that use violence against civilians only as a stepping-stone towards an ideological, political or economic goal.

Unlike in the first scenario, the potential utility of force is far less because it cannot be the single decisive element of their strategies – and the right functions of force lie in the least destructive end of the spectre. This scenario fits better within Smith's idea of sub-strategic use of violence in war amongst the people because every act of violence has strategic value only to the extent that they help achieve the desired end – and is therefore also a more fitting description of many ongoing operations.

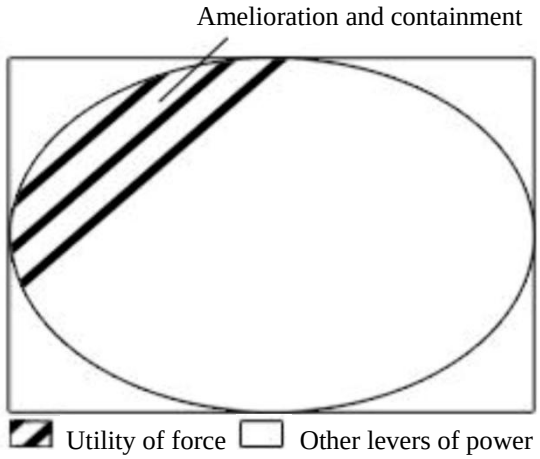

Figure 4.2 The utility of force in means-based strategies of violence

4.2.1 How perpetrators find utility of force

The most obvious types of means-based violence are those used for purposes of population control. Kalyvas has written extensively on the use of force 'to enforce the compliance of a civilian population or to act as a deterrent to prevent them from supporting the other side'.[69] This violence is designed to control people in a way that gives them little choice but to obey. He

[67] Ibid., p. 34.
[68] Ibid., p. 33.
[69] Slim (2007), p. 143.

argues that ordinary people tend to support whoever can guarantee a basic form of security regardless of their political programmes. The rise, subsequent fall and a current potential revival of the Taliban in Afghanistan is evidence of this. Other types of violence include terrorism, which is used by perpetrators who believe that the political outcome they seek justifies extraordinary means. Then there are those perpetrators for whom 'war has increasingly become the continuation of economics by other means'.[70] Here, attacking civilians is 'more profitable and less risky than confronting other armed forces', which explains the bizarre forms of collusion over the exploitation of civilians between supposedly opposing parties.[71]

In none of these types is large-scale violence itself part of the desired end. In fact, Kalyvas argues that the same groups that use violence for population control must avoid 'indiscriminate' violence in the sense of it being randomly targeted, because civilians must feel that cooperation guarantees them some sense of security. If they alienate the civilians completely, they will, at best, stop providing perpetrators with vital information for controlling the population, or, at worst, make civilians cooperate with the enemy. The ideal solution would be to achieve their ends with no use of violence at all. Hence, strategies of violence in this scenario start their choice of functions from the least destructive end of the spectrum, which makes them far less restricted by the above-mentioned premises required to find actual utility of force. The Taliban's use of violence against civilians in Afghanistan reflects the absence of a maximising logic.

The occasional acts of violence against civilians in Afghanistan are not dependent on extensive preparation to maximise force à la 'the Serbian Project'. To the extent that they do have a 'project' of replacing the Afghan government, each act of violence can never be decisive in this plan. The Taliban 'sees itself as a nationalist-religious movement, which fights mainly to resurrect the Taliban regime of the 1990s and to bring the various ethnic groups of Afghanistan under its rule',[72] not eradicating or expelling them. This is where the focus of their planning lies, not on the violence itself.

With no need to rush or maximise the amount of violence, there is also less need to coordinate their attacks. According to UNAMA, the most common forms of violence by the insurgents were Improvised Explosive Devices (IEDs) and suicide attacks, which accounted for about half of all civilian casualties, followed by assassinations.[73] These methods require far less guidance from above and logistical support than besieging and systematic ethnic cleansing like in Bosnia. Precisely because attacking civilians is not their primary objective, perpetrators in this scenario need not be ambiguous about their true intentions. In fact, the Taliban spends considerable time justifying and explaining why their agenda justifies their exceptional means. That *Afghans* are often the main targets of violence comes from the fact the Taliban leadership's 'primary concern

[70] Keen, David (1998), *The Economic Functions of Violence in Civil Wars*, Adelphi Paper 320 (Oxford: Oxford University Press), p. 11.
[71] Slim (2007), p. 161.
[72] Stenersen, Anne (2010), 'The Taliban insurgency in Afghanistan – organization, leadership and worldview', *FFI-rapport 2010/00359*, (Kjeller: Norwegian Defence Research Establishment (FFI)), p. 3.
[73] 'UNAMA Report 2011', p. 2

is to contest for power locally, not to kill foreigners in itself'.[74] UNAMA itself has said that statements issued by Taliban have shown 'an evolving dialogue on targeting to minimize civilian casualties in suicide attacks, by taking precautions during military operations through tactics, weapons, and target selection'.[75]

The fact that each attack against civilians in this scenario has only sub-strategic value also means that the perpetrator is not restricted by the need to maximise firepower in specific geographic areas. If they are unable to launch attacks in one location, they may simply choose to attack somewhere else. Probably as a result of recent tactical gains made against the Taliban, the International Crisis Group has stated that 'insurgent activity in Afghanistan has now spread beyond traditional strongholds in the south to districts surrounding the capital, exposing the slow erosion of security in the Afghan heartland'.[76] At the same time, the geographical dispersal of selective violence still requires a presence on the ground – for reasons of movement, not to maximise firepower. Thus, the perpetrators in this scenario too need a presence on the ground in order to raise the threat to civilian security to a certain level.

4.2.2 Military implications for protection

The military implications for protection in this scenario portray a different role and functions of force than in the first. First, in a conflict where the military component is *not* the principal means with which to deliver the end state, the prospective utility of force to be found will also be limited. This is reflected above in how these perpetrators do not need to fulfil the above premises in order to successfully raise the threat to civilian security. Once we are faced with a perpetrator whose strategy follows the logic of minimising the use of force to attack, we must also devise strategies of protection according to the logic of *minimising the use of force to protect*. If not, protectors will end up attempting to apply more force to protect than there is potential utility for.

Conducting 'search and destroy' missions against insurgents may make sense given the fact that they are responsible for about 80 % of all civilian casualties, but approaching protection in this way has also resulted in significant numbers of civilian casualties.[77] In recognition of this, foreign forces have restricted their escalation of force and use of air-support. As a result, casualties caused by Afghan and international forces have dropped from 39 % in 2008 to 16 % in 2011.[78] Furthermore, the number of insurgents killed has increased with significant tactical gains being made against the Taliban.[79] However, this cannot be said to have resulted in safer or better protected civilians when the total number of civilian casualties has never been higher. For

[74] Stenersen (2010), p. 3.
[75] 'UNAMA Report 2011', p. 11.
[76] 'Afghanistan: The Spreading Insurgency', *International Crisis Group*, 22 June 2011, http://www.crisisgroup.org/en/publication-type/podcasts/afghanistan-the-spreading-insurgency.aspx, 17 August 2011.
[77] 'UNAMA Report 2011', p. 2.
[78] Figures from 'Afghanistan: Annual Report on Protection of Civilians in Armed Conflict, 2008', *United Nations Assistance Mission to Afghanistan, Human Rights Unit*, February 2009; and, 'UNAMA Report 2011', p. i.
[79] See Chaudhuri, R. & Farrell, T. (2011), 'Campaign disconnect: operational progress and strategic obstacles in Afghanistan, 2009–2011', *International Affairs*, Vol. 87, No. 2, pp. 271–296.

practical reasons, the choice of destruction as the military function of force in this scenario is likely to do more harm than good. Thus, as in the case of Afghanistan, an otherwise effective offence fails to protect civilians against means-based perpetrators.

In this scenario, the coercive function of force is also conceptually flawed when the perpetrator's primary intention is not to attack civilians in the first place. Destruction or coercion may curb the political objective they seek to achieve, but the violence against civilians, which these perpetrators employ merely as a tactic, is unlikely to stop until they are politically accommodated or completely defeated. Virtually unrestricted by the above premises, these perpetrators will simply adopt new methods to attack in a geographically different area. When British forces were deployed to an isolated compound in Sangin in 2006 and running out of ammunitions fast, the only option left to save the men was a massive bombing campaign to drive the approaching Taliban forces back. However, 'within minutes or within about maybe an hour, someone would pop up from the same position and engage you, from now a pile of rubble'.[80] Eventually the Taliban could not match the firepower of the British, but then developed the IED instead which by 2009 became the number one killer of forces – and civilians – in Helmand.

So, *how* can we find utility of force against these perpetrators? Basically, the military components can only protect by addressing the symptoms, whilst other levers of power, such as political negotiations,[81] must address the causes. That said; there *is* some limited utility of force to be found in this scenario as well. The use of force cannot be decisive, but useful. Perpetrators have found this usefulness in functions at the least destructive end of the spectrum. In his book, Smith lists only functions of force from our perspective, so he has not categorised the functions that enemies may pursue instead of amelioration and containment. Instead of amelioration, perpetrators in this scenario will seek to *impair* the situation by cultivating insecurity for civilians in various ways. This may be done by the mere virtue of their presence, rather than actual employment of force, such as through intimidation and spreading rumours. Instead of containment, perpetrators will *incite* insecurity through occasional uses of force against civilians, such as through targeted killings, 'indiscriminate' explosive devices, and suicide attacks at public places. UNAMA has identified precisely these forms of violence as the most common in Afghanistan, aside from ISAF air strikes.

In this scenario, utility of force to protect is found by matching the perpetrators' impairing and inciting functions with strategies of *amelioration* and *containment*. Here the literature on human security becomes relevant. It argues that military forces 'cannot win or stop wars, but they can reduce fear and insecurity and create a breathing space where political solutions can be discussed'.[82] Military forces can protect through 'defensive non-escalatory military operations designed to defend civilians', such as establishing safe havens or humanitarian corridors.[83] This

[80] 'Our War: The Invisible Enemy', *BBC Documentary*, 14 June 2011, http://www.bbc.co.uk/programmes/b011x1hl, accessed 20 June 2011.
[81] For example the Sunni Awakening in Iraq.
[82] Kaldor (2007), p. 82.
[83] Ibid., p. 82.

approach is consistent with this scenario where protection cannot be achieved through destruction or coercion. Thus, directly opposite from the traditional thinking about military force, sometimes, the only protection a military force can provide is a good defence.

But what constitutes an effective defence? The one criterion that perpetrators also need to fulfil in this scenario is having a presence on the ground. In order to pop up from piles of rubble, plant IEDs or threaten the physical security of civilians in other ways, the perpetrators in this scenario require the ability to move. Hence, an effective defence, and arguably the only possible way of militarily protecting civilians, is to counter the perpetrators' movements. Here, useful lessons can be drawn from UN missions that focus its measures on 'how to protect' directly, such as through static defences, firewood escorts, and mobile protection teams. Regardless of which function of force is chosen by the perpetrator, they all require the protector to have a presence on the ground as well. Thus, the minimum requirement for an effective defence, which is the only possible protection in this scenario, is to have a presence on the ground – because it is the one thing perpetrators also need to have in order to find actual utility of force to attack in this scenario.

4.3 The third scenario: multiple strategies of violence

Until now, this report has proceeded on the assumption that there is one particular type of perpetrator that follows a specific logic of violence in their quest for utility of force to attack. However, the current trends in armed conflicts, as identified by the Stockholm International Peace Research Institute (SIPRI), increasingly point to more complex aspects. Specifically, there have been increasing levels of violence against civilians resulting from the *diversification of actors* and *fragmentation of violence* since the 1990s.[84] The result is a scenario where multiple perpetrators and logics of violence operate simultaneously within the same theatre of operations. The main military implication in this scenario is that the potential utility of force may *increase* or *decrease* as the perpetrators diversify or evolve, but that the role of military force must be appropriated to each particular perpetrator.

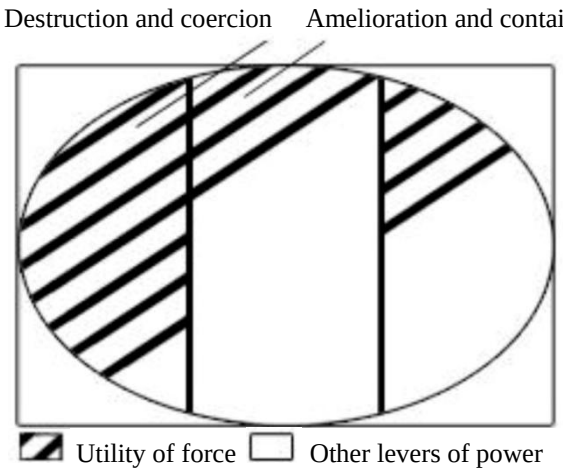

Figure 4.3 The utility of force in multiple strategies of violence

[84] See subsequent yearbooks from 2008, especially Stepanova, Ekaterina (2008), 'Trends in armed conflicts', *SIPRI Yearbook 2008 - Summary* (Stockholm: SIPRI).

4.3.1 How perpetrators find utility of force

The perpetrators, which are taken as the starting point for analysis in this report, may evolve or diversify over time in this scenario. On the one hand, they may *evolve* from one category to another if the ends for which they are fighting change. On the other hand, the sheer number of perpetrators may *multiply* so that the result is an assortment of perpetrators using violence against civilians for different reasons. Based on data from the Uppsala Conflict Database, it is estimated that at least 45 % of all civil wars active since 1989 have experienced fragmentation of combatants.[85] The diversification of actors also means that the violence itself fragments. Where perpetrators have merely evolved, the particular logic of violence that they follow will be modified accordingly, moving either in a maximising or minimising direction. Where the number of perpetrators multiplies, a situation will arise where each perpetrator will follow distinct logics of violence. In most cases, both of these trends will occur simultaneously so that the result is increasingly more 'complex' conflicts where civilians are threatened by a number of perpetrators and subjected to overlapping types of violence. The goal here is to break this complexity down somewhat in order to show how utility of force to protect can still be found.

The ongoing violence in the eastern DRC is a contemporary example of multiple actors within the same theatre of operation. The five-year Second Congo War formally ended in 2003 as the deadliest conflict since World War II, but in the eastern provinces the context is one of 'ongoing violence and the widespread presence of multiple armed groups' that are responsible for violence against civilians in one way or the other.[86] As a recent Oxfam report details, armed groups have 'fragmented and reformed; military operations have stalled and restarted', which has had significant impacts on the communities living in the areas where they operate.[87]

In order to show how these developments influence the ways in which utility of force to attack is found, the report proceeds by outlining the changing nature of three particularly perpetrators and how military force can or cannot be used to protect against them.

The Lord's Resistance Army (LRA)

One of the most insecure and isolated areas of eastern DRC is the Haut and Bas Uélé territories of Province Orientale, where the principal perpetrator is the Lord's Resistance Army (LRA). Ever since its arrival on Congolese territory in 2005, the LRA has never advanced a specific agenda regarding the DRC, but rather at Uganda where the movement seeks to establish a theocratic government based on the Ten Commandments and advance the rights of the Acholi people. Although many of its fighters still believe in this and the leadership maintains such a discourse, it is evident from the number of atrocities and plundering that the political agenda in Uganda is less important than its own will to survive.

[85] Findley, M. & Rudloff, P. (forthcoming 2012), 'Combatant Fragmentation and the Dynamics of Civil Wars', *British Journal of Political Science*, p. 2.
[86] Oxfam (2011), '"We are entirely exploitable" – The lack of protection for civilians in eastern DRC', *Briefing Note*, 28 July 2011 (Oxford, UK: Oxfam GB), p. 2.
[87] Ibid., p. 3.

Whereas the LRA used to leave the Congolese population 'mostly undisturbed, it specifically and systematically started to target them later'.[88] In areas affected by the LRA, the number of people who felt their security had not improved since last year rose to 90 % in 2011.[89] The large scale and brutality of their violence makes the idea of selective violence for purposes of population control inapplicable to the LRA. Between June to November 2009, this group of presumably less than 600 combatants was, according to the United Nations Joint Human Rights Office (UNJHRO), responsible for: 1, 200 killings of civilians, often preceded by rape; 1,400 abductions, including 630 children and 400 women; thousands of buildings destroyed or looted; and, the displacement of 200,000 people.[90] It would appear that Africa's longest running rebel group have evolved from a politically motivated group that was more selective in its use of violence, into a more ends-based type of perpetrator whose primary concern is to maintain its 'institutionalized lifestyle of violence'.[91]

The Democratic Forces for the Liberation of Rwanda (FDLR)

Unlike the LRA, the Democratic Forces for the Liberation of Rwanda (FDLR) has evolved in the opposite direction. The FDLR counts amongst its members the original members of the Interahamwe, which was responsible for the Rwandan Genocide in 1994, but is now said to use violence against civilians more as a means for population control and exploitation. Following talks with Congolese government representatives, the group announced their abandonment of armed struggle and would instead return to Rwanda as a political party, but has been unable to do so mainly because of unwilling Rwandan authorities. As a result, the FDLR remains a source of threat to civilians and has been responsible for 'militia attacks, sexual violence, torture, beatings, and abductions'.[92] Yet, these attacks are conducted according to a different logic of violence from that of the LRA.

Most of the violence perpetrated by the FDLR conforms to Kalyvas' idea of selective violence to punish civilians for collaboration, whilst avoiding their total alienation. In fighting against the Armed Forces of the Democratic Republic of Congo (FARDC) and the UN mission there, who are seeking to rid the eastern parts of the Congo of these rebels, Levine argues that lack of information about who collaborates is 'crucial to understanding the spike in violence by the FDLR'.[93] In areas where they are confidently in control, the FDLR has resorted less to overt violence against civilians; but in areas where they are not entirely in control, they have stronger

[88] Spittaels, Steven & Hilgert, Filip (2010), 'Mapping Conflict Motives: Province Orientale (DRC)', *International Peace Information Service*, 22 March 2010, p. 17.
[89] Oxfam (2011), p. 1.
[90] UN Joint Human Rights Office (UNJHRO) (2009), 'Summary of fact finding missions on alleged human rights violations committed by the Lord's Resistance Army (LRA) in the districts of Haut-Uélé and Bas-Uélé in Orientale province of the Democratic Republic of Congo', *Special Report* by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO) & Office of the High Commissioner for Human Rights (OHCHR), December 2009, p. 24.
[91] Dunn, Kevin C. (2007), 'Uganda: The Lord's Resistance Army', in Bøås, Morten & Dunn, Kevin C., eds., *African Guerrillas: Raging against the Machine* (Boulder, Colorado: Lynne Rienner Publishers, Inc.), p. 147.
[92] Oxfam (2011), p. 5.
[93] Levine, Daniel H. (2011), 'Civilian protection and the image of the "total spoiler": reflections on MONUC support to Kimia II', *African Security Review*, Vol. 20, No 1, p. 101.

incentives for doing so. FDLR has used village membership as a proxy for collaboration with the FARDC, which explains why many FDLR attacks have been directed against villages captured by government forces during the operations and then left behind afterwards. Directly opposite of the LRA, the FDLR appears to have transformed from being a very ends-based perpetrator of violence in Rwanda to a more means-based perpetrator in the DRC, which 'for all its genocidal past, seems more interested in controlling and exploiting populations than eradicating them'.[94]

The National Congress for the Defence of the People (CNDP)

Somewhere in between the maximising and minimising logics of violence of the LRA and FDLR, we find General Nkunda and his former National Congress for the Defence of the People (CNDP). After having joined forces with Kabila's rebels to topple President Mobutu during the Second Congo War, he soon rejected the authority of the new government and raised the flag of rebellion. Nkunda established the CNDP as a political armed militia in late 2006 and is said to have been 'determined to eliminate the Hutu death squads' who participated in the Rwandan genocide and were now part of the FDLR. Their occasional pogroms against Tutsis gave Nkunda 'the justification he seeks to launch violent retaliatory attacks on Hutu civilians'.[95] Undeniably, a central aspect of the CNDP's strategy has been ends-based in that it is intrinsically linked to removing the perceived threat of continued Hutu presence.

At the same time, Nkunda is said to have had wider political ambitions. According to one Western analyst, Nkunda was also seeking to oust Kabila from office and that his CNDP had 'the brains, the money, the muscle and the determination to achieve it'.[96] This may explain why Nkunda chose to pause at the doorsteps of Goma during his advance in 2008. With the FARDC on the run and urged by the UN to stay out, Nkunda had 'got the leverage he needed for future negotiations, without sustained fighting or damage to his reputation'.[97] In this sense, he limited the violence that he could potentially have exerted against civilians in Goma, whose refugee camps had been the Hutu birthplace of the FDLR in the first place. In fact, Goma's residents were first and foremost victims of looting, rapes and killings committed by government forces on the run.[98]

The figure below (Figure 4.4) illustrates where these actors find themselves on the scale between a maximising or minimising logic of violence. The LRA and FDLR have evolved in opposite directions, whilst Nkunda's CNDP operates according to a mixed rationale.

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[94] Ibid., p. 97.
[95] 'Rebel General Nkunda surrounds major town, vowing to liberate Congo', *The Times*, 4 November 2008, http://www.timesonline.co.uk/tol/news/world/africa/article5076858.ece, 17 August 2011.
[96] Speaking to the New York Times on conditions of anonymity. 'In Congo, a Little Fighting Brings a Lot of Fear', *The New York Times*, 2 November 2008, http://www.nytimes.com/2008/11/03/world/africa/03congo.html, 17 August 2011.
[97] Ibid.
[98] 'Drunk and in retreat, troops unleash wave of death on their own people', *Protect the Human*, 31 October 2008, http://www.protectthehuman.com/bookmarks/drunk-and-in-retreat-troops-unleash-wave-of-death-on-their-own-people, 17 August 2011.

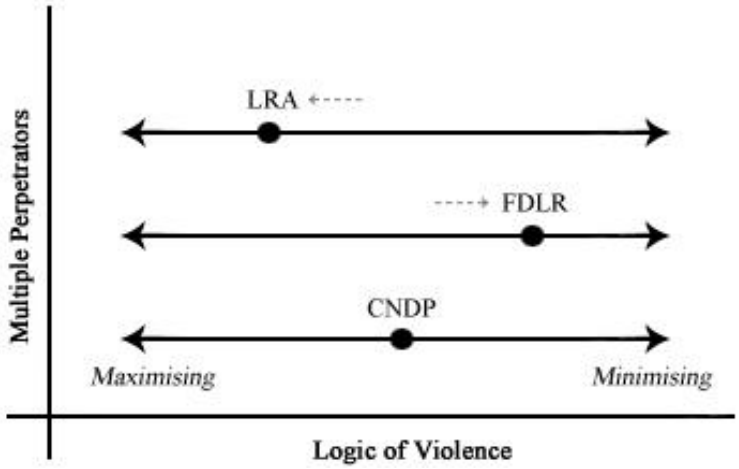

Figure 4.4 How multiple perpetrators find utility of force

4.3.2 Military implications for protection

The main protectors in the DRC are meant to be the FARDC and the *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo* (MONUSCO, until July 2010 known as MONUC). The UN is there with an explicit mandate to protect civilians and assist the Congolese government in establishing peace and security, which also involves supporting its armed forces. At present, FARDC is fighting the FDLR with mixed results, whilst it is generally failing to protect civilians from the much smaller LRA. The CNDP, on the other hand, splintered in 2009 and is now integrated into the national army. The ways through which utility of force to protect can be found against each of them will now be outlined, according to same procedure as in the foregoing scenarios of matching the perpetrator's balance between military and other levers of power.

The Lord's Resistance Army (LRA)

The LRA is the most ends-based perpetrator in that it considers large-scale violence against civilians to be an indispensible part of its survival. As a consequence, there is limited potential in other-than-military means. According to one Ugandan army spokesman, the LRA's leader Joseph Kony has 'snubbed all proposals to end the rebellion through peaceful means' because their 'only aim is to terrorise and brutalise the civilian population and to loot their homes'.[99] In fact, exerting other than military means of pressure may even be counter-productive: the indictment of Kony and other leaders by the International Criminal Court (ICC) has only served to inspire their survival motivations and is said to have been 'one of the major reasons' why negotiations with the Ugandan government failed because they could 'not offer them a watertight exit strategy'.[100] Even amongst its rank and file, government-sponsored amnesty programs have 'met with only limited success' because individuals fear they will be arrested, or simply cannot return due to crimes committed against their own family or community.[101]

[99] 'In-depth: Life in north Uganda', *IRIN*, 1 January 2004, http://www.irinnews.org/InDepthMain.aspx?InDepthId=23&ReportId=65772, 17 August 2011.
[100] Spittaels & Hilgert (2010), p. 17.
[101] Dunn (2007), p. 147.

Both the above theory and empirical evidence suggest that there is potential in a military solution to protecting civilians from the LRA. According to the premises outlined in scenario one, utility of force can be found by striking at the perpetrator's centres of gravity. This would suggest that targeting the LRA's leadership could work. Dunn argues that there is reason to believe that 'the LRA would collapse if Kony were to be arrested or die'[102] – much in the same way as the abandonment of armed struggle by *National Union for the Total Independence of Angola* (UNITA) is attributed almost single-handedly to death of its leader Savimbi.

The Democratic Forces for the Liberation of Rwanda (FDLR)

By contrast, the arguments that the FDLR needs to be destroyed are flawed. This was attempted during the *Umoja Wetu* and *Kimia II* operations in 2009 where FARDC sought to bring peace and security by forcefully disarming the FDLR, with support from Rwandan forces and MONUC respectively. Whilst temporary tactical gains were made against the rebels, civilians were systematically 'punished' by one side or the other for being 'collaborators'.[103] Human Rights Watch documented the deliberate killings of more than 1,400 civilians between January and September, the displacement of 900,000, and a doubling of the already significant number of rapes.[104] Much of the criticism that followed was aimed at MONUC for not stopping the many atrocities committed by FARDC itself, but as Levine points out: the problem was the design of the mission, which hindered effective protection. FARDC's approach and MONUC's mandate regards the FDLR as a 'total spoiler', which excludes other than military measures in dealing with them and meant targeting their strongholds was of primary importance.

Reminiscent of dealing with the Taliban in scenario two, the human costs related to offensive uses of force suggests more viability in other-than-military measures. This is corroborated by Levine, who takes the view that the FDLR must not be viewed as a total spoiler, but must be treated as a political entity. Seeing spoilers as political entities 'does not rule out military force; it just changes the options'[105] – in other words, starting from the minimising rather than the maximising logic of using force to protect. MONUC could still engage in military operations aimed at 'containment or zone protection', but the 'military priorities might be reversed, however, given the dynamics of violence against civilians – rather than seeking to drive the FDLR out of its strongholds, military operations would be used to prevent attempts to expand zones of control (with the attendant incentives to abuse civilians) and to secure contested areas'.[106]

The National Congress for the Defence of the People (CNDP)

The reduction in threat to civilian security from the CNDP came as a result of its own fragment-

[102] Ibid., p. 148.
[103] See Human Rights Watch (2009), 'You Will Be Punished' Attacks on Civilians in Eastern Congo (New York: Human Rights Watch).
[104] Ibid., p. 10.
[105] Levine (2011), p. 110.
[106] Ibid., p. 110.

ation. In late 2008, Nkunda's position had appeared 'unassailable'.[107] He had outfought the Congolese troops and was able to dictate terms to the Kabila government. Militarily, the fact that Nkunda's advances towards Goma were 'repeatedly beaten back by MONUC attack helicopters'[108] suggests that more could have been done in the short-term by a more robust peacekeeping force. However, it was the CNDP's internal splintering and outside diplomatic pressure that eventually removed them as a threat.

By January 2009, the CNDP was 'beset by internal strife'.[109] Nkunda was blamed by other leading figures for tactical errors that had turned 'the CNDP "blitzkrieg" in north Kivu into a war of attrition'.[110] Particularly the retreat from Goma angered those who had felt it was a golden opportunity to seize north Kivu completely, but instead had given FARDC the opportunity to regroup. At the same time, regional and international diplomatic pressure was mounting on the Rwandan and Congolese government to end their sponsoring of the FDLR and CNDP respectively. The November 2007 UN Security Council Report on the Congo detailed the atrocities committed by the proxy forces of both countries and concluded that the conflict could only be solved when they stopped sponsoring these insurgencies. In a surprising turn of events, the governments of Rwanda and Congo announced that they would join forces against the FDLR, whilst the CNDP chief of staff, Bosco Ntaganda, declared that he was taking the leadership from Nkunda and its forces would integrate into the Congolese national army. About 6,000 CNDP forces were integrated into the FARDC, whilst Nkunda's fate was sealed when he was arrested by his former Rwandan allies.[111]

In sum, these three cases of perpetrators show that the basic military implication in 'complex' conflicts, where threats against civilians emanate from multiple actors, is that the potential utility of force to protect may increase or decrease within the same theatre of operations depending on the strategy of violence that each particular perpetrator follows. For protectors, the military implications are to respond against each according to the same functions of forces as outlined in the first two scenarios depending on the type of perpetator with which they are faced. However, unlike the manifold perpetrators, the protectors usually consist only of a single unified force, whether as a UN peacekeeping operation, regional organisation or coalition.

[107] Chitiyo, K. (2009), 'Nkunda's arrest: What Now for the Congo?', *Royal United Services Institute Analysis*, 27 January 2009, http://www.rusi.org/analysis/commentary/ref:C497F5797BD5F0/, accessed 17 August 2011.
[108] Jackson, Stephen (2011), 'Narrowed focus: reading *The trouble with the Congo* by Séverine Autesserre', *African Security Review*, Vol. 20, No. 2, pp. 99–100, p. 99.
[109] Chitiyo (2009).
[110] Ibid.
[111] 'DDR in the Democratic Republic of the Congo – Program Update', *World Bank*, September 2009, http://www.mdrp.org/PDFs/DRC_Program_Update.pdf, 17 August 2011.

5 Finding the 'utility of force to protect'

On the basis of the principles and scenarios developed above, it is possible to construct a theoretical framework for finding the 'utility of force to protect' – that takes as its starting point how perpetrators have already found utility of force to attack. This framework completely reverses the order of Smith's analysis, by asking first 'what is the desired end for them?'

5.1 The theoretical framework

In wars amongst the people, there are perpetrators whose strategies will involve deliberate targeting of civilians. As shown above, a basic distinction can be made between ends-based and means-based strategies of violence. The first category of perpetrators depends on large-scale violence against civilians in order to achieve their objectives. The second category attacks civilians only as a step towards an entirely different goal. As illustrated by the following framework (below), this distinction determines whether perpetrators find utility of force to attack according to the logic of maximising or minimising violence respectively.

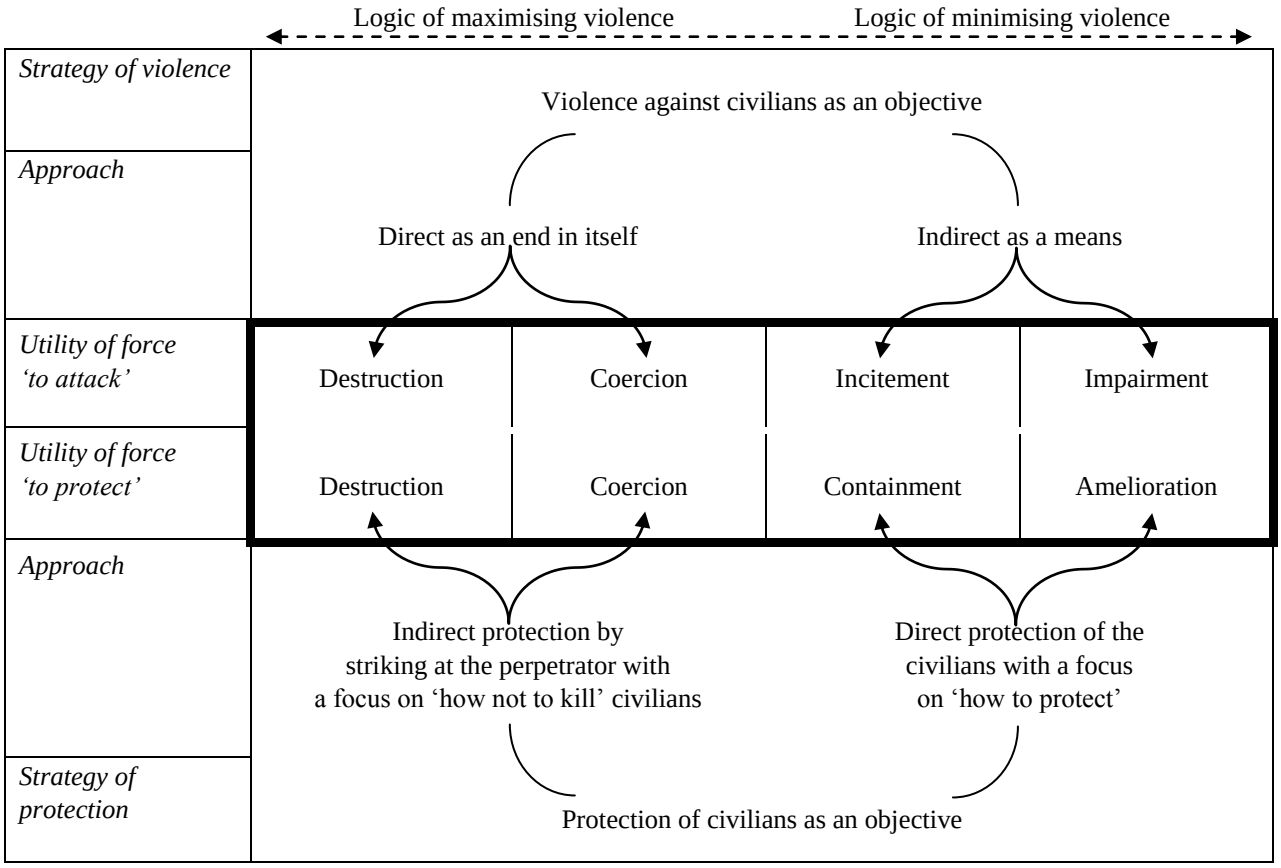

Figure 5.1 The theoretical framework

The particular logic of violence that perpetrators follow is reflected in the relative role of military versus other levers of power, and the particular functions of force that will achieve strategic effect. In order to maximise the extermination or expulsion of a whole group of people, ends-based perpetrators anticipate a decisive military role performing functions at the end of the

spectrum that uses force to *destroy* and *coerce*. By contrast, the potential role of military power is capped in means-based strategies, where the necessary functions lie at the least destructive end by using force to *impair* or *incite* the security situation for civilians.

In responding to these perpetrators, strategies of protection must find utility of force to protect by *mirroring* the potential role of military force and *matching* the particular functions chosen by the perpetrators. When the destruction or coercion of civilians is intrinsic to a perpetrator's strategy, other than military levers of power will fail to protect successfully. In these cases, the perpetrator's capabilities to attack civilians must be *destroyed*, if he cannot be *coerced* to stop. By contrast, using force to destroy the capabilities of a perpetrator that cannot or does not seek to maximise firepower is too costly, when the objective is to protect more people than one endangers. Forceful coercion is also a misapplication of force when the perpetrator's intention is not to attack civilians in the first place. Instead, the potential utility of force is limited to *amelioration* and *containment* against perpetrators that use force merely to impair or incite insecurity respectively. Here, other-than-military levers of power will have a bigger role to play in reducing the threat to civilian security, also in the short term.
The end result is a theoretical framework that proposes an 'inversely mirroring' direct-indirect or indirect-direct solution to finding the utility of force to protect. Against perpetrators that attack civilians *directly* through mass atrocities or ethnic cleansing, the same individuals are most effectively protected *indirectly* when protectors strike against the perpetrator himself. Here, lessons from NATO's experiences in Afghanistan on 'how not to kill' would be most relevant. By contrast, against perpetrators that attack civilians *indirectly* as a means towards some other end, these people will most benefit from military measures that protect them *directly*. Here, the lessons learned by the UN that focus on 'how to protect' civilians on the ground in the DRC and elsewhere are most relevant. The bottom line is picking the right approach within which to utilise the measures that have proven to work elsewhere, but this is where the real flaw lies in many protection operations.

5.2 When theory meets reality

The framework above may be useful for constructing strategies of protection that balance military means and ways in theory, but what happens when this theoretical framework meets reality? This is where the premises, for turning potential utility of force into *actual* utility, come into play. Eternally true for military operations is that they are always restricted by friction and the fog of war, such as available resources, political will of the domestic and international community, physical barriers like inhospitable terrain or bad weather, knowledge of the enemy, and generally the 'play of possibilities, probabilities, good and bad luck' that Clausewitz claimed made conflict equal to a game of cards.[112] In the scenarios above, four such conditions were identified as 'premises' required to utilise force to its fullest extent: preparation, coordination, ambiguity, and a presence on the ground.

[112] Clausewitz (1997), pp. 19–20.

In Libya, a coalition of eighteen states recently enforced an operation mandated by the UNSC to take all necessary measures 'to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory'.[113] This operation came as a result of the violent crackdown on peaceful protests that began in Libya on 15 February 2011. That month Gaddafi himself pledged that 'those who don't love me do not deserve to live',[114] and in describing the protestors he used terms like 'rats' and 'cockroaches', which was reminiscent of the Hutu propaganda about Tutsis preceding the Rwandan genocide. According to media reports, what followed was a military crackdown where snipers shot protestors, artillery and helicopters fired on crowds of demonstrations and in funerals.[115] In June, the ICC issued arrest warrants for Gaddafi and his closest aides for 'charges of crimes against humanity for their roles in attacks on civilians'.[116] All told, good reasons appear to have existed for classifying the military crackdown as primarily an ends-based strategy of violence because it was a strategy whose success could only be attained through significant violence against its own population.

The strategy of protection devised to protect civilians in Libya, however, limited the use of force by containing and ameliorating the conflict from the air and sea. The mandate held that the 'use of all necessary means' is limited to enforcing an arms embargo and a no-fly zone, and striking ground units that actually attacking Libyan towns. In the few cases where military strikes seemed to go beyond this by targeting Gaddafi himself or more traditional centres of gravity, the coalition met criticism and claims that it stretched its mandate to protect. On the basis of the above theoretical framework, however, this strategic approach was not consistent with principles of finding utility of force to protect.

Since Gaddafi was determined to stay in power in a way that required extensive violence against his own civilians, he was seeking a military solution to the problem. This would require him to prepare its execution, coordinate efforts, ambiguously manage to delegitimize the intervention by hiding his true intentions whilst sustaining domestic support for his crackdown, and be able to maximise his firepower on the ground. The fact that Gaddafi was not able to do so, suggests that he was not been able to overcome these premises – partly because of the coalition's operations. However, the coalition's approach only addressed the symptoms. Force could also have been used decisively to lower the threat to civilians more permanently. In order to use force decisively to protect civilians from Gaddafi's forces, the protectors would have had to achieve an escalatory dominance like that outlined in scenario one. This ability to escalate, however, was denied by excluding intervening forces on the ground from the beginning – even the possibility.

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[113] S/RES/1973 (2011).
[114] 'Gaddafi in Green Square, hell for those who don't love me', *Ansamed*, 25 February 2011, http://www.ansamed.info/en/news/ME.XEF13131.html, 17 August 2011.
[115] 'Libya protests: 140 "massacred" as Gaddafi sends in snipers to crush dissent', *The Telegraph*, 20 February 2011, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8335934/Libya-protests-140-massacred-as-Gaddafi-sends-in-snipers-to-crush-dissent.html, 17 August 2011.
[116] Dicker, R. (2011), 'Libya: Gaddafi must be held accountable for crimes against humanity', *Human Rights Watch*, 18 July 2011, http://www.hrw.org/news/2011/07/18/libya-gaddafi-must-be-held-accountable-crimes-against-humanity, 17 August 2011.

Even if Gaddafi was not a primarily end-based perpetrator who followed a maximising logic of violence and in reality sought to limit his use of force against civilians, the categorical exclusion of a significant ground force would still be flawed. Having a presence on the ground is *the one premise* that perpetrators and protectors both require in all scenarios to find utility of force – either for reasons of maximising firepower, or for enabling or denying movement of dispersed forces. The bottom line is that, in both theory and practise, one 'cannot fight "wars amongst the people" without actually being amongst them'.[117] More than anywhere is this true when the objective is the protection of civilians.

6 Conclusion

Protection of civilians is a relatively new objective in military operations, but the tactics and concepts of its implementation requires are not. Current efforts to address the gap in doctrines, directives and practices are beginning to meet the need for guidance on how to protect at the tactical level. At the same time, this report has shown that a prerequisite for successful strategies of protection is to select the right approach in which to utilise these measures. When these measures are applied according to principles of other types of operations, the use of military force risks being misapplied or that the full utility of force to protect may not be found.

This report has proposed a separate theoretical framework for the use of military force in strategies of protection of civilians that takes as its starting point the perpetrator's own utility of force to attack. It holds that the first two principles in finding utility of force to protect – how to balance military versus other levers of power first, and then how to define the content of this military power – must actually come last. Only by *mirroring* the potential utility of force envisioned in the perpetrator's strategy and *matching* the functions of force through which they use violence against civilians, can we successfully balance our own military means and ways in strategies of protection.

Two paradoxes have been presented as examples of the different mind-set required. The first is that 'Sometimes, the best protection is a good offence'. This paradox holds that protection can at times only be achieved by using force in ways that will involve costs of human life. Such an approach is required when not doing so against perpetrators, for whom large-scale violence is an intrinsic part of their desired ends, will inevitably come at an even higher price. This requires using the full utility force to protect civilians by dealing a decisive blow to the perpetrators, whilst other levers of power cannot.

The second paradox is that 'Sometimes, the only protection is a good defence'. It holds that the only way force can protect is by addressing the symptoms through amelioration and containment of the conflict, whilst other means must be employed to reduce the threat to civilians permanently. Paradoxically, an otherwise militarily good offence will fail to protect civilians

[117] Betz, David (2007), 'Redesigning Land Forces for *Wars Amongst the People*', *Contemporary Security Policy*, Vol. 28, No. 2, p. 221.

against means-based perpetrators. This challenges the idea of exploiting the window of opportunity early on. Faced with a perpetrator that targets civilians merely as a method, forcing the end of conflict by disarming him is not necessarily the best approach – and could lead to a failure to protect. It follows that the idea of peace-enforcement in and of itself is not necessarily compatible with protection of civilians in the second scenario. In half of all conflicts, combatants tend to fragment or evolve with time, which may increase the potential utility of force at a later stage.

Ultimately, the applicability of either paradox depends on the particular perpetrator. In reality, *both* are likely to come into play with multiple perpetrators within the same theatre of operation that must be dealt with by a single unified protection force. Actual and full utility of force to protect will only be found within a proper strategy of protection, which balances military means and other levers of power and employs the right functions of force. This report proposes that insight into why and how perpetrators attack civilians is a prerequisite for doing this successfully in each case, and outlines a theoretical framework accordingly.

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