

Protection of Civilians @25: Challenges and Opportunities for Canada's Engagement

Roundtable at the Max Bell School of Public Policy (June 2024)

Executive Summary

In June 2024, a roundtable of distinguished experts from government, the armed forces, academia, and civil society was cohosted by McGill University's Max Bell School of Public Policy and Humanity & Inclusion Canada in order to mark the 25th anniversary of the first United Nations Security Council Resolution on the Protection of Civilians (POC). Canada was instrumental in establishing POC as a priority on the Security Council's agenda as part of Ottawa's broader Human Security initiative. The aim was to discuss current challenges and potential opportunities for Canada to advance the POC agenda.

Context

The roundtable on the Protection of Civilians (POC) took place against the backdrop of a rapidly changing global security environment. Whereas in 1999 there were roughly 20 on-going armed conflicts around the world, today that number has risen to 120. There is a diminishing respect for established norms meant to protect civilians during conflicts, with devastating impacts. 2023 saw 33,443 recorded civilian deaths in armed conflicts – a 72% increase from 2022.

Erosion of International Humanitarian Law (IHL): There is a disturbing global trend of non-compliance with IHL, driven by geopolitical tensions, selective enforcement, and the impunity of powerful states. This has contributed to increased civilian casualties and suffering in conflict zones. Participants highlighted the need for stronger international mechanisms to enforce IHL and hold violators accountable.

Challenges in Humanitarian Access: Humanitarian workers are facing unprecedented challenges in accessing conflict zones due to a combination of sanctions, misinformation, and direct attacks. These barriers not only impede the delivery of aid but also compromise the safety of civilians. The

roundtable stressed the importance of safeguarding humanitarian access and ensuring that international policies do not inadvertently exacerbate these challenges.

Global Disillusionment: There is growing disillusionment with the POC agenda, particularly in regions where there is a perception of hypocrisy and inconsistency in the application of IHL. This is especially evident in conflicts involving allies of Western nations, where violations are perceived to be overlooked or justified. The roundtable underscored the need for a more consistent and principled approach to POC.

For Canada, which has a long-standing commitment to peacekeeping, civilian protection, and human rights, these developments present both challenges and opportunities to reassert its role as a leader in the global POC agenda.

Recommendations

1. **Strategic Global Advocacy:** While Canada has resolved to continue upholding its own international legal obligations with respect to IHL, it must find more strategic ways to elevate its voice globally and consistently on behalf of the POC agenda, by highlighting the legal obligations of all parties and building new coalitions. This includes building new coalitions with like-minded states, and actively promoting both POC and the enforcement of IHL in multilateral forums such as the G7, NATO, and the UN. Canada can also leverage its diplomatic influence to push for stronger international mechanisms to hold violators of IHL accountable. Additional research is required to identify the most effective techniques to exert positive influence, including how best to engage with states who are not Western allies.
2. **Civilian-Centered Approach:** Traditional military strategies have often prioritized developing legal justifications for collateral damage to civilians and operational success over the protection of civilians. The roundtable emphasized the need for a paradigm shift towards civilian harm mitigation and protection strategies that place the safety and rights of civilians at the forefront of military and peacekeeping operations. Canada should adopt a civilian-centered approach to POC, where the protection of civilians is the primary objective of military and international security policies. This approach should also consider the impact of emerging technologies, such as drones, AI-tools, and cyber warfare, on civilian safety. Canada must also mobilize allies to push for universalization of key treaties that aim to reduce civilian casualties in conflict, like those banning landmines and clusters munitions, and the recent EWIPA declaration on the use of explosive weapons in heavily populated areas.
3. **Engaging Non-Western Partners:** Canada should actively engage with non-Western states and non-allies to understand their perspectives on IHL and POC, and to build broader international support for these norms. This engagement should be based on dialogue and mutual respect, recognizing that different cultural and historical contexts may influence how POC is understood and implemented. By increasing diplomatic discourse and broadening its partnerships, Canada can help bridge the gap between Western and non-Western approaches to POC.
4. **Reinvestment in targeted interventions, peacekeeping capacities, and policy leadership on peacekeeping as a tool of protection:** Canada's influence in international peacekeeping has waned, partly due to its reduced commitment to participate in peacekeeping missions and gaps in military and police capacities, but also as a result of less investment in policy leadership. To

regain its influence in international peacekeeping, Canada needs to pursue two main priorities. The first is to rebuild its military and police capacities, particularly in areas such as training, deployment readiness, and specialized units for civilian protection. The roundtable advised Canada to prioritize targeted interventions in peace keeping. This could involve supporting specific initiatives or regions where Canadian expertise and resources can make a significant difference. Such a focus on practical outcomes will enhance Canada's credibility and effectiveness. Second, Canada should take a more active role in policy development around the future of peace operations. As co-chairs of the Group of Friends on POC and in UN Forums such as the "Summit of the Future", Canada can promote continued commitment to the POC agenda in peacekeeping. It could also invest in policy planning for the next generation of peace operations – including models involving partnerships with regional organizations – to ensure that protection goals and capacities are embedded in future missions.

5. **Create a comprehensive POC policy or National Action Plan:** Canada is already studying the policies and action plans of allies such as the United Kingdom and the United States, with the aim of identifying best practices and challenges in their approach to POC. DND, the CAF, and GAC should collaboratively pursue the development of a specific National Action Plan on POC, as called for by the UN Secretary-General, by consulting and learning from innovative approaches undertaken by allies. Such a plan could include – inter alia – strategic objectives related to protection, increased coherence across departments of government, and a more holistic approach to POC that considers both direct and indirect harms to civilians. As part of such a NAP, the Canadian government should develop a more proactive approach to the prevention and mitigation of civilian harm and redouble efforts to foster leadership and an organizational culture that prioritizes protection. Canadian policymakers should also consider responses to the changing protection landscape – through novel civilian strategies, the introduction of new technologies, private humanitarian actors and security companies, and the increased prevalence of mis- and disinformation.
6. **Establish POC as a strategic objective.** Canada should seek to reframe the conversation on POC among its traditional allies at the G7 by recasting it as a strategic objective, rather than solely a set of legal obligations, and encourage discussion of the full range of ways that POC can be pursued (using both hard and soft power). History suggests that whenever a few states start taking action on a particular issue, momentum can be generated for others to act through peer pressure.

Implementing these recommendations will require concerted political as well as strategic planning, diplomatic engagement, collaboration with civil society and a commitment to re-evaluating Canada's role in international peace and security. The roundtable participants emphasized that Canada has the potential to be a global leader in POC, but this will depend on its willingness to adapt to the changing global landscape and to prioritize civilian protection in its foreign policy.

Roundtable Report

On 17 June 2024, a roundtable of distinguished experts from government, the armed forces, academia, and civil society was cohosted by McGill University's Max Bell School of Public Policy and Humanity & Inclusion Canada in order to mark the 25th anniversary of the first United Nations Security Council Resolution on the Protection of Civilians (Resolution 1265). Canada was instrumental in establishing POC as a priority on the Security Council's agenda as part of Ottawa's broader Human Security initiative and through its role on the UNSC in 1999. The aim of the roundtable was to discuss today's challenges to the POC agenda both within key national institutions and internationally, and to identify potential opportunities for Canada to develop specific policies designed to implement its commitment to POC.

As per the Chatham House rule, contributions to the discussion have not been attributed by name to any of the participants.

PANEL I: CANADIAN PRIORITIES FOR BILATERAL AND MULTILATERAL ENGAGEMENT ON POC

The backdrop: the erosion of respect for IHL and humanitarian principles

One of the greatest achievements of the multilateral system is the development over the course of the last century of a body of rules to regulate the resort to war and the conduct of armed hostilities. In addition, since the end of the Cold war, international cooperation has generated a powerful commitment to place the civilian at the center of policy and practice on peace and security through UNSC resolutions and policy guidelines on POC. As one participant observed, there is a much stronger normative framework, anchored in POC, than there was 30 years ago. For example, protection has become a core objective of peace operations, and is more central to the work of diplomacy.

Yet today we are seeing a time of unprecedented global retrenchment and erosion of the rule of law, exacerbating global instability and increasing civilian harm. Secretary-General António Guterres referred to the state of the Protection of Civilians in his latest report to the UNSC as "resoundingly grim" and elaborated on the threats posed by impunity, indifference, and non-compliance. Whereas in 1999 there were roughly 20 on-going armed conflicts around the world, today that number has risen to 120. 2023 saw 33,443 recorded civilian deaths in armed conflicts – a 72% increase from

2022 – and the number of women and children killed has doubled and tripled respectively. Beyond the highly visible cases of Gaza and Ukraine, civilian casualties have mounted in such countries as Ethiopia, Myanmar, Sudan, and Somalia, including, in some cases, through the widespread use of explosive weapons in populated areas and the continued use of landmines. As several UN Member States underscored during the Security Council’s open debate on POC in May 2024, the laws and norms at the heart of IHL are being routinely violated – challenging the very underpinnings of the international community’s commitment to protection. In short, international humanitarian law (IHL) does not appear to carry the same weight on the battlefield as it once did.

A related trend of concern is the impact of belligerent strategies on humanitarian principles. One participant pointed out that humanitarian workers often lack access to vulnerable populations and are increasingly at risk of losing their own personnel in conflict zones. There are major barriers constraining humanitarian access including sanctions regimes, counter-terrorism laws, misinformation, the targeting of staff and humanitarian infrastructure, as well the outright denial of access by belligerents. These barriers have persisted despite the international legal obligation of all parties to provide humanitarian actors with the space that they need to operate.

These challenges to the laws of war and long-standing humanitarian principles are creating a gap between the public’s knowledge and expectations regarding legal instruments such as the UN Charter and the Geneva Conventions – which are at an all-time high – and the actual reality of compliance with the law in contemporary international relations. There is widespread concern that this gap could develop into a vicious cycle, where not respecting the law becomes the ‘new normal’.

There is also a growing popular perception that non-compliance is treated inconsistently and that accountability is selective. In particular, there are frequent charges of hypocrisy, where parties are seemingly permitted to flout the laws of war if they are considered allies of powerful Western countries. Geopolitical polarization has also made it more difficult to discuss IHL impartially. For example, Ukraine’s Western allies have largely turned a blind eye to Kiev’s violations of IHL. Even though Russia’s violations are far more frequent and severe, other countries take notice when Canada does not stand up for existing conventions violated by Ukraine. One participant lamented that Canada has lost the trust of the Arab World and Sub-Saharan Africa in recent years and must find a way to win these constituencies back. More broadly, stalled progress in conflict zones across Sub-Saharan Africa can be attributed in part to funding inequality, with the outbreak of the war in Ukraine having diverted essential resources from the developed world away from the continent.

One participant observed that working with partners to enhance IHL compliance on the ground has posed a major challenge. Additional research is required to identify the most effective techniques to exert positive influence. Limited access to foreign military officials constitutes a barrier to promoting the protection of civilians. Inspiration can potentially be drawn from a working group of embassies that has engaged with Nigeria’s government in order to promote the protection of civilians amid military bombardments. For example, although Western governments have called on Myanmar to respect IHL, none of them have direct access to Burmese military officials. China, which does maintain such access, has opted to cultivate ties with both the rebels and the regime in order to prevent Myanmar from turning into a destabilizing force in the region like North Korea.

There are thus valuable insights that Canada can glean from the diplomatic practices of non-Western states. It is important for Western governments to engage with states who are not their allies, in order to gain a fuller understanding of how the latter justify their actions in terms of IHL. Dialogue should not be conflated with compromise.

Recommendation 1: While Canada has resolved to continue upholding its own international legal obligations with respect to IHL, it must find more strategic ways to elevate its voice globally and consistently on behalf of the POC agenda, by highlighting the legal obligations of all parties and building new coalitions. This includes building new coalitions with like-minded states, and actively promoting both POC and the enforcement of IHL in multilateral forums such as the G7, NATO, and the UN. Canada can also leverage its diplomatic influence to push for stronger international mechanisms to hold violators of IHL accountable. Additional research is required to identify the most effective techniques to exert positive influence, including how best to engage with states who are not Western allies

One participant proposed that Canada expand its advocacy efforts through multilateral fora to recruit additional signatories for the Political Declaration on the Humanitarian Consequences of the Use of Explosive Weapons in Populated Areas (EWIPA) and increase universalization of other treaties. Another encouraged Canada to take advantage of NATO's new POC policy to emphasize the need to advocate for compliance with IHL. Canada's 2018 G7 resolution on implementing IHL was also mentioned as a promising initiative, but one which has not necessarily generated visible steps to encourage compliance. Given that some national authorities lack the capacity to effectively protect their civilian populations and comply with IHL, one participant suggested that Canada could do more to help build capacity and knowledge in IHL and POC. Another participant highlighted the importance of tying the POC agenda into the G7 summit that Canada will host in 2025.

While these are all potential avenues for action, one participant stressed that a more visible commitment to POC would require political will and prioritization. Under the Trudeau government, Canada had made a strategic decision almost a decade ago to focus on particular development goals related to gender equality and has put significant energy and resources - on a sustained basis - behind it. This long-term strategy has arguably left less space for the pursuit of other important priorities (since resources are not unlimited). Were POC to be elevated, it would require the same kind of conscious choice.

Moreover, it needs to be remembered that Canada - as a middle power - does not currently possess leverage everywhere. This makes it more difficult for Canada to tackle the ongoing crisis of impunity (which includes persisting double standards) that is animating armed conflicts abroad. There are opportunities to think creatively about how to promote respect for legal and humanitarian principles, even in the 'hard' cases for Canada. For example, even though Canada has clearly 'chosen sides' in the war in Ukraine, it could still support quiet diplomacy with third parties that maintain close ties to Russia in order to help protection objectives - including securing the release of abducted Ukrainian children and POWs.

Diplomatic summits held to discuss the war in Ukraine tend to be a conversation among friends, with major actors either conspicuously absent or refusing to sign onto final statements despite having attended. It is imperative that non-Western voices be brought into the conversation. Given that Canada's strength is working through multilateral organizations, one participant proposed that Canada should ramp up its engagement within the OAS and ASEAN with the aim of strengthening its ties with partners that have a privileged relationship with Russia and China. But one participant noted the consequences of the reality that there are many countries that Ottawa does not currently 'talk to': the notion that Canada is an honest broker is outdated in some respects. It is therefore imperative to pursue ways of working around our more 'partial' positioning vis-à-vis some conflicts to advance protection of civilians.

Alternative approaches to POC

Although compliance with IHL remains a critical objective, one participant noted the tendency for the law to be politicized and for interpretations of legality or illegality to conflict. Returning to the theme of double standards, states and other actors frequently render judgment on whether an act is illegal or legal based on who the belligerent is, rather than what action they are taking. Moreover, rulings from international criminal courts are too often disregarded, rendering more fragile the institutions set to enforce IHL and ensure avenues for judicial settlement of disputes. Over the past year, Canadians have at times been frustrated with a government that seems unable to pronounce on whether IHL is being violated, while they are presented with continued scenes of widespread civilian suffering, as is the case with the current Gaza-Israel conflict. Too often today, military leaders and government focus intense effort on defending the unintentional killing of civilians or the targeting of dual-use infrastructure as legally justified, as opposed to taking an alternative, civilian-centered approach.

The 2024 POC report of the UN Secretary General elaborates on this alternative – a civilian harm mitigation approach – which encourages states and their armed forces to ensure that their policies and practices consider the direct and indirect effects on civilians of the use of force.

Protecting civilians, both now and going forward, requires a broader perspective that is aimed at addressing the full range of civilian harm. This is particularly so, as one participant noted, given the effect of technological advancements such as the use of artificial intelligence in targeting and military operations. While technology has always had mixed effects – at times helping to 'humanize' war by restricting harm to combatants – contemporary developments are moving at a pace that makes it difficult for legal frameworks to cope (a theme that was also explored in Panel II – see below). Stepping back to think about whether civilians are protected, as opposed to whether a particular law is being respected, may be a more productive way of ensuring that technology avoids harm rather than creating a more permissive environment for the violation of IHL.

There are other modes of pursuing civilian protection that do not focus solely on legal obligations. For example, Humanity & Inclusion's Armed Violence Reduction division has notably shifted away from its traditional focus on instruments of violence and towards a people-centered approach that addresses the underlying structures, cultures and institutions that encourage and condition violent

political and social conflict. In addition to work being undertaken towards violence prevention, there is a growing emphasis on conflict transformation, which includes strengthening the representation and capacities of Local Peace Committees, facilitating dialogue to identify shared interests and needs across divided communities, building trust between local communities and duty bearers, and supporting participatory community security planning.

Relatedly, there is a need to think more about how diplomacy – including conflict prevention and resolution - can be seen as another way of advancing POC. It is noteworthy that China, for example, views preventing and ending armed conflicts as offering the best paths to protecting civilians. This view is gaining increased traction in parts of the Global South. Canada needs more reflection on how to incorporate political solutions into a broader POC strategy.

In addition, POC needs to figure more prominently in relationships with allies and partners. In particular, one participant mentioned the need for civilian harm mitigation to factor into arms sales and economic assistance to other governments. The conflict over Gaza, as with previous conflicts in Yemen and elsewhere, has increased public scrutiny of contracts for weapons sales and the need for Canada – and other states – to honor their obligation to *ensure respect* for IHL and avoid complicity in civilian harm.

Finally, since direct intervention by Western states to protect is unlikely in the foreseeable future (in light of experiences such as Afghanistan and Libya), Canada needs to find a way to ensure its policy and programming – both nationally and through multilateral efforts – empower civilians in their own *self-protection*. In recent years, a significant body of academic research has emerged on this theme, and NGOs like CIVIC, Oxfam and Non-Violent Peaceforce have been pioneering efforts to support local self-protection. Canada could investigate how it could pursue this kind of activity, and which partners would be best suited for achieving civilian self-protection.

Recommendation 2: Beyond a specific focus on IHL compliance, Canada should adopt a civilian-centered approach to POC, where the protection of civilians is the primary objective of military and international security policies. This approach should also consider the impact of emerging technologies, such as drones, AI-tools, and cyber warfare, on civilian safety. Canada must also mobilize allies to push for universalization of key treaties that aim to reduce civilian casualties in conflict, like those banning landmines and clusters munitions, and the recent EWIPA declaration on the use of explosive weapons in heavily populated areas.

Protection through peacekeeping

Since the late 1990s, the pursuit of protection through peacekeeping has become standard practice, with the vast majority of missions having a POC mandate. The UN, along with partners, has built up an impressive architecture to support POC, including doctrine, operational guidance, training, and field-level innovations.

Today, however, UN peacekeeping is facing mounting challenges, and it is uncertain whether a divided Security Council will continue to see this as a key part of its ‘toolbox’ for protection.

Expectations of peacekeeping missions have dramatically risen, leading in some cases to disenchantment with what they can actually deliver – a challenge exacerbated by the rise of dis- and-misinformation. In recent years, the UN's four largest multidimensional peace operations – MINUSMA in Mali, MONUSCO in the Democratic Republic of the Congo, MINUSCA in the Central African Republic, and UNMISS in South Sudan – all faced significant challenges in seeking to implement their mandates – which include significant POC objectives. Deepening tensions between countries of the so-called Global South and Global North have also translated into increasing criticisms of peacekeeping, leading some host governments, notably in Mali and the DRC, to push for the closure of UN peacekeeping missions in their countries. UN peace operations thus risk becoming another casualty of intensifying international tensions, great power rivalry, and erosion of the rules and norms that govern international cooperation. Against this backdrop, UN Secretary-General Antonio Guterres's *New Agenda for Peace* has called for “reflections on the limits and future of peacekeeping”.

Canada's own role in and commitment to peacekeeping has also evolved. One participant noticed that the loss of Canadian Armed Forces (CAF) personnel in Afghanistan seems to have deterred the Trudeau government from making troop commitments for peacekeeping missions in today's complex and volatile conflict contexts. Another participant observed that Canada suffers from a capacity gap, and needs to reinvest in the capacities of its police and military units to participate in future missions. However, it was also noted that Canada's military capacity was not so different in the 1990s, when Ottawa was highly visible on POC and peacekeeping. In that era, our assets were nevertheless used with more purpose, and we were more centrally involved in policy development in POC. Despite Canada's lack of hard power at the turn of the millennium, Axworthy was able to set Canada apart as a global thought leader through political commitment and a seat on the United Nations Security Council (UNSC). Therefore, the lack of Canadian influence in peacekeeping – in terms of both mission presence and policy leadership - is a question of political will and risk tolerance, as evidenced by Canada's reluctance to commit to deployment in Haiti and its withdrawal from Mali, but also by its broader lack of military capacity. Without an incentive to do so, the federal government will not take decisive action and will remain risk averse. One participant emphasized that Canada must be prepared to keep a low profile, remain patient, and invest significant political capital in initiatives that have a high chance of failure. Another participant pointed to the example of Ireland - also a middle power - which committed political capital and effectively leveraged its UNSC seat in order to promote EWIPA, working with a broad set of partners. In addition to fostering Canadian leadership and relationship-building, Ottawa also needs to do a better job at collaborating with NGOs and thinktanks on solutions. Mobilizing a massive number of troops will not be necessary if Canadian brainpower can be cultivated as a resource.

Recommendation 3: To regain its influence in international peacekeeping, Canada needs to pursue two main priorities. First, it should rebuild its military and police capacities, particularly in areas such as training, deployment readiness, and specialized units for civilian protection, and support specific initiatives or regions where Canadian expertise and resources can make a significant difference. Second, Canada could leverage both its longstanding role in peacekeeping and co-chairmanship of the Group of Friends on POC to promote continued commitment to the POC agenda in peacekeeping, and to elevate discussion of POC in the upcoming 'Summit of the Future' discussions. It could also invest in

policy planning for the next generation of peace operations – including models involving partnerships with regional organizations – to ensure that protection goals and capacities are embedded in future missions.

Pathways to impact

One participant cautioned that Canada must avoid making the conversation about itself – whether it ‘matters’ in the world - and accept that it may not get any immediate credit for its work on protection. While politically there are incentives to show Canada in a positive light, sometimes achieving results is more important than attaining global recognition. Another participant stressed that Canada must become more willing to acknowledge its failures and adjust on the basis of them. Canada’s relationship-building capacities have been damaged because it appears to be pigeon-holed and must therefore look beyond the war in Ukraine in its international engagement.

One of the participants also noted the pressing need for greater coherence between Canada’s internal and external policies since that delineation has become outmoded. Given the challenges in securing bipartisan agreement on opportunities for Canadian leadership, Canada should focus on making smaller but clearer contributions through a few powerful interventions. Canada’s reputation has suffered in recent years due to its perceived finger-wagging, without concrete initiatives or investments to back up its words. Similarly, the efficacy of signing onto a declaration has been called into question since it is treated as an end unto itself, with follow-up steps often failing to materialize.

One participant highlighted that armed conflicts affect all facets of society, and that this implied the need to work with a variety of partners in advancing POC. Bringing civil society groups into the conversation is therefore imperative. Another participant noted that civil society groups lost valuable opportunities to influence negotiations to end the Syrian Civil War when those talks moved from Geneva to Astana. Electoral politics must be factored into the equation and monitored as well: at least 64 elections are due to take place worldwide this year, with certain electoral outcomes liable to generate regional instability.

Finally, participants discussed the evolving landscape of accountability and its connection to POC. One participant warned that Canada must plan ahead in case a Great Power war involving tactical nuclear weapons breaks out, given that IHL is unlikely to be upheld in such a scenario. Existing judicial institutions are not designed to adjudicate cases of large-scale armed conflicts involving Great Powers. Canada’s Reserve Force Military Judges Panel offers a foundation from which more comprehensive judicial capacities could potentially be built. One participant observed that the Ukrainian judiciary is currently clogged by a massive backlog of cases against Russia. This cautionary tale would suggest that focusing on a smaller body of high-profile cases (where prosecutions would have a more profound impact) would make for a markedly more productive approach to accountability.

PANEL II: TOWARDS A NATIONAL POC POLICY

Understandings of POC

Even though Canada's existing approach to IHL compliance is relatively robust, room for improvement remains. All IHL obligations have already been incorporated into domestic federal law. The military justice system notably plays a pivotal role in ensuring compliance with IHL. Part III of the National Defense Act provides a framework for prosecuting war crimes that have been committed overseas. Yet, IHL must be more directly factored into tactical, operational, and strategic planning, with military commanders being held responsible at all levels to properly report IHL violations. Pre-deployment training has notably been configured to address the protection of civilians, but must be continually reviewed to adjust to emerging threats and lessons learned from current conflicts.

The Department of National Defense (DND) has also developed an action plan for women, peace, and security. The DND has committed to expanding its knowledge through gender-based analyses based on the expectation that the involvement of women can help to reduce harm to civilians. As far as the DND is concerned, the POC agenda is undergirded by existing policies but there is a need to "do basics well." DND does not operate on its own mandate unless there is a direct attack on Canada. Instead, DND usually works on a mandate from Global Affairs Canada. Since memoranda must be signed off by both of their respective ministers, a solid day-to-day working relationship has been forged between the two departments, but even more integration is critical to effective POC.

POC currently falls under the broader umbrella of human security within the Canadian policy context. In order to achieve greater policy coherence, Canada needs to review its own military doctrine. Canada is already studying the policies and action plans of allies such as the United Kingdom and the United States, with the aim of identifying similarities and differences in their preventative approaches to POC. It was also noted that Canada needs to think about what kind of POC strategy and policy toolkit it is seeking to create. The U.S. approach to POC will not always offer an optimal model for Canada to emulate due to the vast differences in the sizes of their respective militaries, which must be factored into account when discussing best practices. In addition, the American approach cannot be considered the gold standard since the United States has not signed onto the Rome Statute nor the Additional Protocol. The Netherlands' Civilian Harm Mitigation (CHM) roadmap was cited by some participants as a potential source of inspiration for Canada going forward, given the dynamism of the International Contact Group on Civilian Harm Mitigation. Canada would be best served by drawing examples from a variety of actors and contexts to inform its own approach to POC.

More specifically, Canada must devote increased attention to two-way civil-military engagement, the response to civilian harm, and the manner in which military guidance is issued to displaced populations. To effectively mitigate the harm caused by one's own forces, a holistic approach that

looks beyond kinetic operations is required. In particular, there needs to be longer-term assessments of the impacts of military action in terms of damage to infrastructure and displacement.

Canada has also been contacted by international partners who are interested in learning about its own past experiences in conflict zones. The CAF has been engaging constructively on IHL with the International Committee of the Red Cross, as well as with allied militaries. One participant brought up the example of civil-military cooperation involving the Dallaire Institute and Global Affairs Canada, which has focused on developing step-by-step guidance on how to properly implement the Vancouver Principles to prevent the recruitment and use of child soldiers. However, many well-established NGOs refuse to talk to militaries because they wish to maintain an image of impartiality, even though they may potentially constitute valuable partners. Targeted defense diplomacy nonetheless offers a promising avenue for exchanging best practices and developing new partnerships.

Canada currently finds itself at an inflection point, with its interpretation of POC appearing increasingly outdated. While IHL offers a solid baseline framework for achieving the protection of civilians it is not sufficient. POC should be approached as a strategic objective, rather than merely a set of international legal obligations, and be pursued with coherence across defense and foreign policy.

Recommendation 4: DND, the CAF, and GAC should collaboratively pursue the development of a specific National Action Plan on POC, as called for by the UN Secretary-General, by consulting and learning from innovative approaches undertaken by allies. Such a plan could include – inter alia – strategic objectives related to protection, increased coherence across departments of government, and a more holistic approach to POC that considers both direct and indirect harms to civilians. As part of such a NAP, the Canadian government should develop a more proactive approach to the prevention and mitigation of civilian harm and redouble efforts to foster leadership and an organizational culture that prioritizes protection.

New trends in the protection landscape

Looking beyond IHL, one participant outlined how the case of Ukraine illustrates the utility of alternative instruments for the protection of civilians. For example, Ukraine developed a unique mechanism that is triggered the same day that a person goes missing. The high level of trust in the national military among the Ukrainian population lent itself well to limiting civilian casualties during the early months of the war. NATO should therefore aim to emulate these kinds of measures should Article 5 ever be triggered.

In cases where institutions or national authorities fail to protect civilians, civilians are forced to make their own decisions regarding their personal security. Additionally, private actors can seek to help fill the protection void. The Mozart group (which operated in Ukraine) is noteworthy for having conducted medical and humanitarian evacuations. However, it disbanded because of infighting and financial woes, catching the civilian population it served completely off guard. The Mozart group's

collapse offers a cautionary tale for how a lack of accountability and integration into formal structures may result in private actors doing more harm than good.

Another emerging threat to the protection of civilians is the rapidly expanding role of private military actors. Having become preferred security partners in some conflicts, private military actors (such as the Wagner group) work with the tacit blessing of national governments. Yet, they operate with weak accountability structures and have accumulated a disturbing record of crimes against humanity. The Montreux Document has consequently become more important than ever and requires greater support from states like Canada.

The Arms Trade Treaty, and the export of military technologies more generally, are often neglected in discussions of POC, despite their salience. With respect to the development of autonomous weapons systems (AWS) and the application of artificial intelligence (AI) in the context of armed conflict, Canada has placed an emphasis on “appropriate human involvement” aimed at ensuring that human beings are the ones making decisions on how AI tools and autonomous weapons are ultimately used. Adherence to this principle has slowed down bureaucratic processes in the interest of promoting greater accountability. A variety of legal analysts are calling for states that are designing, developing or deploying AWS or AI tools to act on their due diligence obligations, by considering all the conceivable ways that such systems might violate IHL and other applicable rules of international law. It is noteworthy that China has voiced support for the UN Secretary-General’s proposal for a legally binding instrument that would restrict the use of targeting by lethal autonomous weapons. The case of Turkey highlights the urgency of protecting civilians from the misuse of drone technology in particular. The role of the private sector in the proliferation of fully autonomous UAVs also demands greater attention. Private sector investors, manufacturers, and dealers are seldom well-versed in IHL. Fully autonomous UAVs are often destroyed upon completing a mission, thereby negating the possibility of analyzing AI decision-making processes retroactively. Such technology is increasingly making its way from the battlefields of Europe and the Middle East to other conflict zones in Africa by way of the private market.

Given the importance of strategic communications, new frameworks to engage with civil society are needed as part of contemporary POC policy. One participant highlighted the regular meetings held by the UN’s Civil Society Advisory Board as a promising model to emulate. There is also a need to educate partners on IHL and the underlying principles of distinction, proportionality, and precautions. Canada is not doing enough to communicate how the protection of civilians is a strategic imperative for the attainment of political objectives. There is also a growing need to combat disinformation and misinformation, which not only make intelligence collection efforts considerably more difficult but also, in some cases, damage relationships with civilians. Both misinformation and disinformation must be factored into planning, since they tend to greatly complicate efforts to establish trust with civilian populations.

Recommendation 5: As part of strengthening national policy on POC, Canadian policymakers should pay particular attention to the ways in which the protection landscape is changing – through novel civilian strategies, the introduction of new technologies, private humanitarian actors and security companies, and the increased prevalence of mis- and

disinformation. Canada could also take a more active role in processes that seek to regulate some of these emerging challenges.

Working with partners

Canada also must take action internally if it wishes to maintain the external reputation required to lead and convince others on POC. When it comes to a “whole of government” approach to POC, one participant argued that it would lead to better decision-making by breaking down silos. Another participant disagreed, contending that such an approach may end up encompassing both everything and nothing due to a lack of focus.

The CAF has been trained to properly adhere to IHL but is seldom afforded opportunities to apply those lessons, given the Canadian government’s aversion to large overseas deployments. As regional organizations become more prominent in peace operations (see Panel I), Canada should intensify its engagement with them in order to transfer Canadian expertise and impart best practices. However, IHL is often perceived as an obstacle by foreign military forces, particularly if there is no expectation that an adversary will be bound by such restraints, even though IHL is quite clear in that it applies to all parties in an armed conflict. Different units within a foreign military may also diverge on whether they view IHL as a hindrance. In the case of the Ukrainian military, the mid-ranked, English-speaking officers who have been trained in IHL do not often have the authority for decision-making out on the battlefield. Survival and medical training are often prioritized over instruction on IHL. Given Canada’s emphasis on building its partners’ capacities to uphold IHL standards, it must find different ways of ensuring that its training is reaching the relevant personnel.

Veterans Affairs Canada has started paying greater attention to the moral injury of children. Important work has been undertaken to address the issue on a bilateral basis. Canada has trained, advised, and assisted the militaries of partners such as Rwanda. More attention also needs to be paid to battlefield accountability: cases of sexual violence are often processed too slowly and addressing the problem through retroactive punitive measures has not sufficed.

Final reflections

As part of closing comments, one participant posed a salient question regarding how Canada ought to conceive of influence. Influence need not be limited to soft power. For example, the forceful imposition of sanctions is part of the toolkit that Canada can employ to alter the behavior of other actors.

Recommendation 6: Canada should seek to reframe the conversation on POC among its traditional allies at the G7 by recasting it as a strategic objective (rather than solely a set of legal obligations) and encourage discussion of the full range of ways that POC can be pursued (using both hard and soft power). History suggests that whenever a few states start taking action on a particular issue, momentum can be generated for others to act through peer pressure.

Annex 1: Agenda

Panel 1-Canadian priorities for multilateral engagement on POC

This panel discussed the various institutions, mechanisms, and tools that Canada can use to advance the commitment to POC internationally, and the opportunities for more innovative approaches – both within and beyond traditional multilateral settings such as the UN. It aimed to also identify concrete ways in which Canada can fulfill its obligation to ensure respect for IHL and relevant human rights law, through collective and bilateral efforts, and what kinds of partnerships are most promising for impact. Finally, it considers how Canada can ensure that peace operations can continue to be an effective tool for protection.

Speakers:

- Peter MacDougall, Assistant Deputy Minister for Global Issues and Development, Global Affairs Canada
- Laurie Druelle, Senior Policy & Development Officer Armed Violence Reduction Division, Humanity and Inclusion
- Jennifer Welsh, Max Bell School of Public Policy
- Anne Delorme, Executive Director, Humanity & Inclusion Canada (chair)

Panel 2-Towards a National POC Policy

Successive POC reports from the UN Secretary General have called on Member States to develop explicit national policies or action plans on POC that will: a) operationalize legal obligations to respect and ensure respect for IHL, as well as relevant human rights obligations; and 2) create a more proactive approach to the protection of civilians, learn from incidents involving civilian harm, and ensure accountability. Canada has not yet developed such a policy. While the Canadian Armed Forces (CAF) appear to go to significant lengths to ensure understanding and familiarity with IHL, it is less clear how these commitments are translated in practice. In addition, any Canadian national policy on POC would require a broader approach that examines how POC commitments feature in military training for partners, technical assistance, bilateral military dialogue, and Canada's participation in alliances such as NATO.

Speakers:

- Col Stephen S Strickey - Vice Judge Advocate General, National Defence / Canadian Armed Forces
- Captain (N) Christopher Rochon, Director Global Partnerships and Initiatives and Director General International Security Policy, National Defence / Canadian Armed Forces
- Wendy MacClinchy, UN Director, Center for Civilians in Conflict
- Vincent Rigby, Max Bell School of Public Policy (chair)