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**PROGRESS REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE DEVELOPMENT OF
GUIDELINES FOR THE PROTECTION OF CIVILIANS IN AFRICAN UNION PEACE SUPPORT
OPERATIONS**

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I. INTRODUCTION

1. This report is submitted in pursuance of decision Assembly/AU/Dec.294(XV).2, adopted by the Assembly of the Union at its 15th Ordinary Session, held in Kampala, Uganda, from 25 to 27 July 2010. In that decision, the Assembly, having welcomed the efforts deployed to develop a framework of action and AU Guidelines on the protection of civilians in peacekeeping operations, requested the Commission to continue with its efforts and to report to the relevant African Union (AU) organs, to enable them to take the necessary decisions on the basis of the relevant AU instruments.

2. This report provides the background to the ongoing efforts to develop Guidelines on the protection of civilians and an update on the steps taken to date. The report concludes with the observations on the way forward.

II. BACKGROUND

3. The AU has, since 2003, deployed peace support operations in Burundi (the African Union Mission in Burundi – AMIB), in Sudan (the African Union Mission in Sudan – AMIS), in Somalia (the African Union Mission in Somalia – AMISOM) and in the Comoros (the African Union Electoral Assistance Mission to the Comoros -MAES). These operations have provided the AU with extensive experience in the planning and conduct of peace support operations across a range of deployment scenarios. Since 2003, the AU has also, in conformity with the *Protocol Relating to the Establishment of the Peace and Security Council*, worked to develop the African Standby Force (ASF), providing the AU with a standby peace support operations capability as a mechanism at the disposal of Council in its efforts to promote peace and security on the African continent.

4. Peace support operations in Africa have increasingly been tasked with the protection of civilians, and the ability of these operations to implement their mandates in this respect has become increasingly linked with their legitimacy and credibility. Substantial challenges have, however, been faced in this regard, in particular by the AU-mandated operations in Sudan and Somalia. Increasing the effective conduct of peace support operations and the implementation of protection in the field, therefore, requires an enhanced focus on the security, and rights, of individuals affected by conflict.

5. Recognising the distinct threats faced by civilian populations in conflict zones in Africa, and the central role of AU-mandated peace support operations in contributing to the protection of civilian populations in conflict zones, as well as the importance of effective protection with regards to the effective conduct and legitimacy of peace support operations, the Commission has, since 2009, prioritized the development of a protection of civilians approach for AU-mandated peace support operations.

III. PROGRESS TO DATE

6. In an effort to develop an enhanced AU approach to the protection of civilians, the Commission actively participated in a Protection of Civilians Drafting Workshop organized by the Government of Australia and the Asia-Pacific Civil-Military Centre of Excellence, from 7 to 11 December 2009, in Australia. This facilitated the subsequent elaboration of the *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations*. From 3 to 5 March 2010, the Commission, with support from the Government of Australia and the Asia-Pacific Civil-Military Centre of Excellence, hosted an *International Symposium on the Protection of Civilians in Conflict Zones*, in Addis Ababa. The aims of the symposium were to share knowledge and experiences in relation to the protection of civilians internationally and in Africa, and to consider the Draft Guidelines. In particular, the Symposium sought to ensure that the Draft Guidelines were in conformity with the values, principles, conventions and decisions of the AU, and that these would provide clear guidance in the planning and conduct of AU-mandated peace support operations in future.

7. The 15th Ordinary Session of the Assembly of the Union, held in Kampala, welcomed the efforts deployed by the Commission to develop a framework of action and AU Guidelines on the protection of civilians in peace support operations. In this regard, the Assembly took note of the organization of the International Symposium in Addis Ababa, and requested the Commission to continue its efforts to develop an AU protection agenda and to report to the relevant organs of the AU to enable them to take the necessary decisions on the basis of the relevant AU instruments.

8. In my Report on the Situation in Somalia to the 245th meeting of Council, held on 15 October 2010 [PSC/MIN/1(CCLXLIII)], I noted the deterioration of the humanitarian situation in the country and the rising levels of insecurity faced by the civilian population, and indicated that it was the intention of the Commission to mainstream into the activities of AMISOM the Draft Guidelines for the Protection of Civilians. In the communiqué that concluded its deliberations, Council “reiterate[d] the commitment of the AU to respecting the sanctity of human life, as articulated in the AU Constitutive Act, and with particular reference to the AU’s efforts in Somalia, reaffirm[ed] the AU’s commitment to fully adhere to, and respect, International Humanitarian Law (IHL) in AMISOM’s operations. In this respect, and as part of the overall efforts to better protect civilians, Council encourage[d] the Commission to mainstream the Draft AU Guidelines for the Protection of Civilians in Peace Support Missions, developed following the Symposium held in Addis Ababa from 3 to 5 March 2010, into the activities of AMISOM as the Mission does its utmost to avoid collateral civilian casualties.”

9. During the 7th meeting of the African Chiefs of Defence Staff and Heads of Safety and Security Services and the 4th Ordinary Meeting of the Specialised Committee on Defence, Safety and Security (STCDSS), held in Addis Ababa, in December 2010, the STCDSS urged the Commission to provide regular reporting on the further development of the Draft Guidelines on the Protection of Civilians. The Declaration of the STCDSS was endorsed by the 18th Ordinary Session of the Executive Council, in January 2011 [EX.CL/Dec.626(XVIII)].

10. On this basis, the Commission has sought to accelerate the further development and implementation of the Draft Guidelines, and to develop a comprehensive AU approach towards the protection of civilians. On 14 December 2010, the Commission hosted a meeting, in Addis Ababa, attended by representatives of the United Nations, the Australian Government and the German Agency for International Cooperation (GIZ), aimed at reviewing the progress made in the development and implementation of the Draft Guidelines, and at enhancing partnerships to support the further development of an AU protection agenda.

11. Taking note of the importance of the protection of civilians to the ongoing work of the AU, the Commission, in February 2011, established a Working Group on the Protection of Civilians, chaired by the Humanitarian Affairs Division in the Political Affairs Department. The Working Group includes representatives of the Political Affairs Department, the Peace and Security Department, the Department of Social Affairs the Women Gender and Development Directorate, and the Office of the Legal Counsel. The formation of the Working Group is in recognition that the protection of civilians in conflict zones is a matter of concern not only to the Peace and Security Department, which is responsible for the planning and conduct of peace support operations, but is also cross-cutting in nature, and is therefore of concern to, and the responsibility of, the Commission as a whole. The first meeting of the Working Group was held on 18 February 2011, and meetings will be held on a regular basis to review the further development and implementation of the Draft Guidelines, and to enhance and strengthen the AU's protection of civilians agenda.

12. The Commission has also engaged on a regular basis with the United Nations, in particular the Department of Peacekeeping Operations (DPKO), the Office for the Coordination of Humanitarian Affairs (OCHA), and the Global Protection Cluster, to ensure that the development of the Guidelines and further guidance on the protection of civilians in the AU context is aligned to the UN approach as closely as possible. The Commission participated in a workshop convened by DPKO, hosted in Kampala, from 28 to 29 March 2011, to review the draft protection of civilians training modules developed for UN peace support operations, and will continue to liaise closely with the UN going forward.

13. To date, the Commission has secured the partnership of the Government of Australia, the GIZ, and the Norwegian-funded Training for Peace in Africa Programme to assist in the further development of the Draft Guidelines, and to enhance the ability of the Commission to implement the Draft Guidelines in ongoing and future peace support operations.

IV. Way Forward

14. The Commission intends to continue with its agenda of further developing and implementing the Draft Guidelines over the period 2011 – 2012, as follows:

(i) Development of an AMISOM Protection of Civilians Approach

15. In response to the request by Council of 15 October 2010, the Commission intends, working closely with AMISOM, to develop a protection of civilians approach for the Mission by the end of 2011. The objectives of the development of a mission-specific approach to the protection of civilians are as follows:

- to emphasize the commitment of AMISOM to respect and ensure respect for international humanitarian law and integrate its rules and principles into the Mission operational orders, procedures and training;
- to strengthen the role of the Mission in relation to the protection of the civilian population in its areas of operation (AOO);
- to provide guidance to the senior Mission leadership on the management/conduct of the Mission, in accordance with its obligations regarding the civilian population, and to inform strategic, operational and tactical decision-making accordingly;
- to provide guidance to all Mission components and personnel on the development, implementation, monitoring and evaluation of the Mission's protection strategy and supporting activities;
- to inform planning processes for the Mission in respect of resource requirements, both financial, material and human;
- to inform training on international humanitarian law and the protection of civilians for all Mission personnel, both pre-deployment and in-mission;
- to inform Troop Contributing Countries (TCCs) and Police Contributing Countries (PCCs), both current and future, of the protection strategy, aims and objectives of the mission; and
- to inform enhanced monitoring and reporting on the Mission's protection strategy and activities, and to inform the Mission lessons learned process.

(ii) Development of a Lessons Learned Report

16. To date, the AU has mandated the deployment of two multi-dimensional peace support operations (AMIS and AMISOM), and has mandated the deployment of forces in Rwanda (the Neutral Monitoring Group - NMOG I and II), Burundi (AMIB) and in the Comoros (MAES). In addition, the AU and the UN jointly operate a hybrid operation in Darfur (United Nations / African Union Mission in Darfur – UNAMID). While to date, only AMIS and UNAMID held an explicit mandate for the protection of civilians in their areas of operation, all missions, have, to

a greater or lesser degree, faced protection challenges throughout the course of their deployment, and utilized varying strategies to address these.

17. The generation of a lessons learned report, capturing lessons from previous and current AU peace support operations on the protection of civilians, both where explicit protection mandates were provided and where these were not, will be an important step towards the development of a body of knowledge and institutional memory within the Commission on protection, and would serve as a valuable policy-making and training tool for future operations. In addition, such a report would assist in developing an enhanced understanding on the protection of civilians among TCCs and PCCs, current and future mission personnel, and the training community at large, as well as for future mission lessons learned processes.

(iii) Development of Protection Threats, Vulnerabilities and Risks Indicators for the Continental Early Warning System (CEWS)

18. The monitoring of emerging protection threats, vulnerabilities and risks is a core task of the Continental Early Warning System (CEWS). The CEWS is intended to monitor emerging conflict situations across the African continent, and to provide timely and relevant information and analysis to Council, as well as to the relevant stakeholders in the Peace and Security Department, to enable effective decision-making. The CEWS is also intended to provide relevant information and analysis to Conflict Management Task Forces (CMTFs) when these are established to plan for possible interventions mandated by relevant AU organs, and to provide the relevant input into the planning and operational stages of peace support operations. The development of indicators to assist the CEWS in monitoring protection threats, risks and vulnerabilities is, therefore, important to ensure that the CEWS is able to identify, analyse and communicate the relevant information on the protection of civilians to decision-makers, both in the planning and operational stages of a peace support operation.

(iv) Development of a Guidance Note on Protection Mandates

19. The planning and mandating processes for peace support operations are crucial to the success of the operations on the ground. However, as experience in the context of the UN has shown, adequately factoring the protection of civilians into planning and mandating processes is often neglected, and protection mandates are often inconsistent or unclear, or inadequately addressed in terms of priorities, resources and capabilities, training and other areas. This often leads to confusion as the mission plans for the attainment of its mandate in its area of operation. In addition, the concept of protection of civilians is not always well understood, a situation which can result in the development of mandates which are not clear and, therefore, cannot effectively be attained by the mission. The development of a Guidance Note on the development of protection mandates for use by personnel responsible for the planning of missions, and for the mandating authority when developing protection mandates, would, therefore, prove useful in contributing to the development of enhanced and effective protection mandates for AU peace support operations.

(v) Development of a Framework for Developing Mission-Specific Protection Strategies

20. While peace support operations are responsible for the development of their own mission-specific protection strategies, according to the mandate provided to the mission, experience in the UN context has shown that the absence of guidance on the development of protection strategies has resulted in a high degree of divergence between the protection strategies developed by missions. While the protection strategy developed by each peace support operation will invariably be unique, tailored to the specific circumstances under which the mission operates, the development of a framework which can be used by all missions to develop their specific protection strategies is important, as this provides parameters and key considerations to assist missions in drafting comprehensive protection strategies. Such a framework would assist missions to develop protection strategies which are coherent in approach, minimize gaps, avoid duplication and maximise the resources available to the mission. In addition, the framework would enable the development of mission strategies which clearly articulate the different roles and responsibilities of the different components of a mission, and the modalities of interface with other external protection actors. The framework would also have implications on Rules of Engagement (RoE), operational policy and procedures (for example, targeting) and tactics and techniques to be used by the mission.

21. The development of a framework which provides guidance to missions on: (a) the joint strategy planning process, (b) the conduct of protection assessments, (c) assigning tasks, roles and responsibilities within the mission, (d) implementation of the protection strategy and identified activities, and (e) monitoring and reporting is, therefore, seen as important to support the effective development of mission-wide protection strategies for future AU peace support operations.

(vi) Drafting of Training Guidelines

22. The effective training of personnel responsible for the planning and management of peace support operations at the headquarters level, as well as mission personnel, is key to the success of any peace support operation. The development of multi-dimensional training guidelines for the protection of civilians in AU peace support operations, addressing foundation, specialization, pre-deployment and in-mission course requirements, will ensure that training on the protection of civilians for personnel engaged in AU peace support operations is in line with existing policy, and that minimum standards are adhered to. Further, appropriate pre-deployment and in-mission training on IHL and human rights for mission personnel will form part of the training guidelines. In addition, it is anticipated that the training guidelines will inform the future development of scenario-based training modules on the protection of civilians, which will include training on operational procedures (such as, for example, interpretation of the RoE and targeting), as well as tactics and techniques at the junior command level and below. The guidelines will be developed by the Commission, but are intended to assist primarily the TCCs and PCCs, as well as the regional training centres of excellence and members of the African Peace Support Trainers Association (APSTA).

(vii) Conduct of Awareness-Raising and Outreach Activities

23. While the protection of civilians has received increasing levels of attention in recent years, the concept largely remains poorly understood. As the Commission works to develop guidance on the protection of civilians in peace support operations, the conduct of awareness-raising activities and outreach initiatives will be important towards ensuring that a broad range of partners and stakeholders are aware of the initiatives of the Commission, and can be drawn on to support these. In addition, regular engagement with Member States and the Regional Economic Communities (RECs) and Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs) will be important to ensuring that the Commission adequately reflects the views of the Member States in the development and implementation of guidance on the protection of civilians.

V. OBSERVATIONS

24. The AU operations in Sudan and Somalia have highlighted the importance of the protection of civilians for the overall success of peace efforts on the ground, as well as the challenges being encountered. It is, therefore, crucial that the efforts initiated towards the development of AU Guidelines be pursued and intensified.

25. Over the coming period, the Commission will take the required follow-up measures, building on progress made to date and on relevant international experience. The Commission will keep Council regularly updated on its efforts.