

Briefing by the President of ICRC on the humanitarian situation in Africa in the context of Silencing the Guns

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Tomorrow (16 January) the African Union (AU) Peace and Security Council (PSC) will convene its 904th session to receive a briefing on the humanitarian situation in Africa in the context of Silencing the Guns. The President of the International Committee of the Red Cross, Peter Maurer, is expected to present the briefing. The Department of Peace and Security will also make a statement.

The briefing and the accompanying exchange with the ICRC is one of the thematic agendas of the PSC that usually takes place on an annual basis. The first such briefing by the ICRC took place on 9 November 2007 at the 99th session of the PSC. Since then, the PSC held more than half a dozen of such briefing sessions with the ICRC. Focusing on challenges related to humanitarian aspects of crisis and conflict situations on the continent, over the years the briefing addressed a number of issues relating to specific conflict situations and thematic issues including compliance with international humanitarian law in AU peace support operations, protection of civilians and humanitarian access.

This year's briefing coincides with the 2020 thematic focus of the AU dedicated to Silencing the Guns in Africa. The first segment of the briefing is accordingly expected to address issues pertaining to this year's thematic focus on silencing the guns. It is expected in this regard that Maurer would draw the attention of the PSC to the central role of political

solutions to conflicts in the quest for silencing the guns in Africa. This underscores the primacy of the political for AU's agenda for silencing the guns. Related to this, the briefing is also expected to emphasize that respect for and ensuring observance of international humanitarian law constitute the basis of the strategy for silencing the guns in Africa.

This centrality of respect for human rights, the sanctity of human life and international humanitarian law for peace and security unequivocally enshrined in the PSC Protocol and forms part of the core mandate of the PSC. Under Article 3 (f) of the PSC Protocol, one of the objectives of the PSC is to promote and encourage 'respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.' Similarly, within the context of its conflict prevention mandate, the PSC is vested with the power of following up the progress towards respect for the sanctity of human life and international humanitarian law by Member States under Article 7(1)(m).

Another issue that the briefing would address in the context of silencing the guns is weapons control and disarmament as well as strengthening compliance frameworks in peace support operations. It is expected in this respect that Maurer would applaud the critical role of African states in the Arms Trade Treaty and in the effort for non-proliferation. Also expected to be highlighted is the efforts for controlling illicit flow of small arms and light weapons as a major area of intervention in the AU Master Roadmap for Silencing the Guns.

More broadly, the briefing will also highlight the progress made in developing AU's compliance framework for African peace operations. It is to be recalled that as part of the development of the AU human rights, humanitarian law and conduct and discipline compliance and accountability framework, the PSC during its 813th session on 29 November 2018 adopted the AU Policy on Conduct and Discipline and the AU Policy on Prevention and Response to Sexual Exploitation

and Abuse for PSOs. There remain questions most notably on the role and responsibility of the AU for ensuring respect for the compliance framework in the context in particular of the ad hoc military coalition operations authorized by the AU such as the MNJTF or G5 Sahel Joint Force.

In this context, consideration could be made to the need for consolidation of all the various compliance instruments into an integrated and comprehensive HR, IHL and Conduct and Discipline Compliance and Accountability framework for AU PSOs with provisions on responsibility in cases of ad hoc coalition. This has been proposed by the 2018 report of the Comprehensive Assessment of AU Mandated and Authorized Peace Support Operations Human Rights and Humanitarian Law Compliance and Conduct and Discipline Approaches undertaken by PSOD in collaboration with the African Commission on Human and Peoples' Rights.

On the humanitarian dimension of conflicts and crisis, it is expected that the briefing will highlight the humanitarian-peace-development nexus, reaffirming and drawing attention to the necessity to reinforce the interplay between the development, peace and security and humanitarian actors in meeting the protection and assistance needs of affected populations. As a follow up to his field visits to IDP and refugee camps in Ethiopia, Maurer is expected to inform the PSC about the effect of the combination of climate change, conflict and violence in forcing people to flee their homes to become IDPs and refugees.

In this context, it is also of particular interest for the PSC how conflicts and climate induced environmental conditions and grave whether events reinforce each other and have come to have devastating consequences in the Horn of Africa and the Sahel regions. Given that countries in these regions also host large number of IDPs and refugees, the need for the international community to assume its full responsibility by sharing the burden of host countries is also expected to be

highlighted.

The briefing is also expected to reiterate the critical importance of humanitarian access and the need for the PSC and the AU in general to work on facilitating humanitarian access, as part of the mandate on humanitarian effects of crisis and conflict. This requires that the nature and scale of the humanitarian impact of crises and conflicts are adequately factored in when considering and initiating responses to such crises or conflicts.

The other theme expected to feature during this briefing concern the plight of migrants in Africa. Some of the issues the briefing will identify include the disappearance of migrants, the treatment of migrants in detention centres and the rise in the number of migrants in detention in various African countries. Given the requests that ICRC receives from families for tracing their family members that went missing while migrating, the briefing will emphasize the need for documentation and exchange of information.

The briefing is convened on the basis of the normative commitments made under the AU Constitutive Act and the provisions laid down in the PSC Protocol. Under Article 4(o) & (m) of the Constitutive Act, member states have made a legal commitment to respect for the sanctity of human life and observance of international humanitarian law. Article 4(c) of the PSC Protocol stipulates that one of the principles by which the PSC is to be guided is respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law. Beyond the normative commitment, the legal basis for this briefing is to be found in Article 17 of the PSC Protocol, which mandates the PSC to establish working relationships and invite international organizations to address the PSC on issues of common interest.

The ICRC has similar engagements with the United Nations Security Council (UNSC). Accordingly, it briefs the UNSC in

relation to, among others, the latter's thematic agenda on the promotion of and strengthening of the rule of law in the maintenance of peace and security. Most recently, Maurer briefed the UNSC on 13 August 2019 emphasizing that continued violations of humanitarian law do not mean the law is inadequate, but rather that efforts to ensure respect are inadequate. Urging states to be vigilant, he called on them to observe their legal obligations and take practical steps for thorough implementation of the law.

The expected outcome of the session is a press statement.