

Briefing on the Principles on the Protection of Civilians in conflict situations in Africa

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Briefing on the Principles on Protection of Civilians

Tomorrow (22 May) the Peace and Security Council (PSC) will receive a briefing on the principles on protection of civilians. The meeting is expected to receive a briefing from the AU Peace and Security Department and the UN Office to the African Union (UNOAU).

As set out in the agenda for tomorrow's session, one of the objectives of this session is to create more understanding among AU member states of the principles on the protection of civilians, also known as the Kigali Principles. The Kigali Principles on the Protection of Civilians are a set of eighteen pledges for the effective implementation of the protection of civilians in peace support operations. They emerged from the High-level International Conference on the Protection of Civilians held in Rwanda on 28-29 May 2015 in the run-up to the Leaders' Summit on UN Peacekeeping. The event at which the principles were presented brought together the top 30 troop and police-contributing countries (T/PCCs) and the top 10 financial- contributing states of UN peace operations.

As its major contribution to the effectiveness of peacekeeping, for Rwanda this session presents useful avenue for not only promoting the principles but also secure the buy in of the AU system and AU members states. Some 40 countries

have adopted the Kigali principles, of which 13 are AU member states. Framed from the perspective of T/PCCs and major peacekeeping financial contributors, the Kigali Principles aim at both enhancing ownership of the principles by T/PCCs and empowering T/PCCs and peace support operations in terms of their ability to effectively deliver on their protection of civilians responsibilities. In this sense, the principles could lead to better coordination between the field and the dynamics at AU headquarters including in the PSC.

The AU has made conscious decision of making the protection of civilians a core task of its peace and security agenda, including its peace support operations. In 2010, the AU developed the draft guidelines on the protection of civilians. When the PSC adopted the mandate of the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA), it tasked the force to 'ensure the mainstreaming of the civilian protection in all military and security initiatives aimed at resolving the LRA problem'. In June 2012, the AU PSC issued a statement that stressed the importance of 'mainstreaming' PoC issues 'in standard operating procedures of AU peace support operations', and that 'PoC must form part of the mandate of future AU missions'. In 2013, the draft guidelines informed the development and adoption of the Aide-memoire for the consideration of issues pertaining to the protection of civilians in Africa.

Apart from the points in the foregoing, the briefing from PSD is expected to highlight the various measures being taken for a comprehensive framework on the protection of civilians within the peace and security architecture of the AU. These include the elaboration of relevant guidelines including notably the draft AU policy on the Prevention and Response to Sexual Exploitation and Abuse in AU PSOs and the Draft Conduct and Discipline Policy for AU PSOs. There is also the comprehensive assessment of the experience of AU peace operations vis-à-vis compliance with human rights,

international humanitarian law and conduct and discipline standards. As noted in the 13 March 2018 session of the PSC, other dimensions of AU work include a child protection institutional framework or architecture and the work currently underway with respect to the women, peace and security agenda of the AU.

While the protection of civilians has become central component of AU peace and security work, delivering on this agenda has not always been easy for the AU and its peace support operations. The major issues faced in pursuing this civilian protection agenda include clearly formulated and contextually tailored civilian protection mandate, translation of the mandate into operational guidelines including diversity of perspectives, lack of clarity on what the civilian protection mandate entails both with respect to security measures and in terms of civilian tasks, the possession of the requisite skills and awareness by personnel, lack of resources in terms of supply of the requisite logistics and equipment, and the involvement of mission personnel in perpetration of abuses including sexual exploitation and abuse.

For PSC members and the AU broadly, the content of the Kigali principles and their value addition to existing protection of civilians agenda of the AU would be of particular interest. The Kigali principles address the various issues that affect not only the effective implementation of protection of civilians but also peace support operations mandate broadly. One such issue is training on protection of civilians, which underscores the responsibility of T/PCCs for ensuring the provision of training on protection of civilians before deployment. In underscoring the importance of the role of mission leaders in the implementation of the civilian protection mandate, principle 2 of the Kigali Principles provides troop-contributing states should ensure that their sector and contingent commanders, as well as their nominees for mission leadership positions, have a high level of

training and preparedness on peacekeeping operations and, particularly, on the protection of civilians.

The use of force and rules of engagement are other items rightly addressed in various parts of the Kigali Principles. The principles emphasize the need for personnel to be prepared to use force as necessary and within the mandate and to act, in accordance with the rules of engagement, where the host government does not show capacity or willingness to protect civilians. On the rules of engagement, principle 9 underscores the need for seeking clarity on the rules of engagement including on the circumstances under which use of force is permitted.

Other issues covered in the Kigali Principles include caveats, delays in response and rapid deployment; resources and capabilities; respect for human rights and IHL and conduct and discipline as well as accountability of personnel; and consultations in the development and review of mandates. Clearly, in emphasizing discipline and accountability of personnel, the Kigali principles highlight the challenges to protection emanate not only from the external sources of threat and the limitations affecting peace support operations but also at times from those that are mandated and expected to protect them from other threats.

The expected outcome of the session is a statement. Apart from calling on AU member states to endorse the principles, the statement is expected to provide for the dissemination of the principles among AU member states in the context of the ongoing efforts for the operationalization of the African Standby Force. Given their major contribution on enhancing the role of T/PCCs, the use of the Kigali principles by the AU, Regional Economic Communities/Regional Mechanisms (RECs/RMs) not only as useful benchmark in engaging with member states but also as useful means for empowering T/PCC's in shaping and effectively implementing the civilian protection agenda is also expected to be part of the outcome. The outcome is also

expected to underscore the importance of ownership of the principles by member states particularly T/PCCs for guiding their actions in the protection of civilians including protection of educational and health infrastructure and personnel.