

PROTECTING CIVILIANS IN AFRICAN UNION PEACE SUPPORT OPERATIONS: key cases and lessons learned

Edited By:

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Acronyms and abbreviations

ACHPR	African Commission on Human and People’s Rights
AFISMA	African-led International Support Mission in Mali
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISEC	African Union Mission for Support to the Elections in the Comoros
AMISOM	African Union Mission in Somalia
APSA	African Peace and Security Architecture
AQIM	Al-Qaeda in the Islamic Maghreb
ARS	Alliance for the Re-liberation of Somalia
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUPSC	African Union Peace and Security Council
BOI	Board of inquiry
CAR	Central African Republic
CCTARC	Civilian Casualties Tracking, Analysis and Response Cell
CFC	Ceasefire Commission
CIVIC	Center for Civilians in Conflict
CONOPS	Concept of operations document
DFS	United Nations Department of Field Support
DPKO	United Nations Department of Peacekeeping Operations
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FOMUC	Multinational Force in Central Africa
FPU	Formed police unit
HCUA	High Council for the Unity of Azawad
HIPPO	High-level Independent Panel on Peace Operations

HRDDP	Human Rights Due Diligence Policy
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IED	Improvised explosive device
IHL	International humanitarian law
IPO	Individual police officer
JEM	Justice and Equality Movement
JMAC	Joint mission analysis centre
JOC	Joint operations centre
LRA	Lord's Resistance Army
MAES	AU Electoral and Security Assistance Mission to the Comoros
MAPROBU	African Prevention and Protection Mission in Burundi
MDSF	Malian Defence and Security Forces
MICEMA	ECOWAS Mission in Mali
MICOPAX	Mission for the Consolidation of Peace in Central African Republic
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MIOC	AU Military Observer Mission in the Comoros
MISAC	AU Mission for CAR and Central Africa
MISAHEL	AU Mission for Mali and the Sahel
MISCA	African-led International Support Mission to the Central African Republic
MNLA	National Movement for the Liberation of Azawad
MNJTF	Multinational Joint Task Force
MOC	Mission operations centre
MUJAO	Movement for Oneness and Jihad in West Africa
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organisation

OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PoC	Protection of civilians
PSO	Peace support operation
QIP	Quick impact project
RCI-LRA	Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army
REC	Regional economic community
RM	Regional mechanism
ROE	Rules of engagement
SEA	Sexual exploitation and abuse
SLM/A	Sudan Liberation Movement/Army
SRCC	Special Representative of the Chairperson of the African Union Commission
TFG	Transitional Federal Government
TGNU	Transitional Government of National Unity
TNC	National Transitional Council
UK	United Kingdom
UN	United Nations
UNAMID	African Union-United Nations Mission in Darfur
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
US	United States (of America)
VIP	Very important person

Introduction: African Union peace support operations and civilian protection

Jide Martyns Okeke and Paul D. Williams

Introduction

In the 21st century, protecting civilians has become a central goal of peace operations, including of those authorised by the African Union (AU). The establishment of the AU was partly driven by the need to prevent or effectively respond to large-scale gross violations of human rights, through a combination of hard and soft security approaches. Mandating and deploying peace support operations (PSOs) has been one of the most prominent ways through which the AU has sought to promote human security. But to protect civilians against the backdrop of the evolving nature of contemporary security challenges, the AU has consistently had to adapt its concepts and institutional arrangements. This has sometimes proved difficult, because of the challenge of balancing the conventional means of warfare that has characterised many AU PSOs, with unconventional or asymmetrical security threats.

With specific reference to implementing protection of civilians (PoC) mandates in AU PSOs, three notable challenges persist. First, the early years of AU PSOs were devoid of conceptual clarity, and there were only limited guidelines on how to conduct these missions. As a result, PoC assumed an elastic, broad character, which made it very difficult to achieve in practice. Second, although AU peacekeepers were soon given PoC mandates, most African militaries were faced with the dilemma of conducting PSOs in high-risk environments where local and international actors had very high expectations about what peacekeepers could and should do to protect civilians. Third, most

AU peace operations remained military-heavy, despite the fact that it was widely recognised that protecting civilians required multidimensional missions that required a combination of policing, civilian and military expertise. Consequently, the AU had to develop its approach to civilian protection in the crucible of numerous ongoing crises across the continent, but notably in Somalia, Central African Republic (CAR), Mali and the Sahel region.

This book provides an analysis of both the theory and practice of the AU's attempts to protect civilian populations through its PSOs. After summarising the AU's approach to defining civilian protection and its initial attempts to implement PoC mandates, the chapters that follow provide case studies of some of the AU's largest missions – in Darfur, Somalia, Mali and CAR. These case studies were selected for three main reasons. First, the cumulative authorised personnel strength of these four missions was over 63 000 as of 2013, which represented approximately 90% of the AU's authorised PSOs. Second, these missions all emphasised (implicitly or explicitly) civilian protection as a central component of successfully implementing their mandate. And third, three of these four missions (those in Somalia, Mali and CAR) developed mission-specific guidelines on PoC as part of their mandate implementation. For these reasons, these case studies can shed important light on the successes, ambiguities and challenges of the AU's efforts to protect civilians through PSOs, and hopefully act as a basis for improving future missions.

The concluding chapter of this publication reflects on the major lessons learned from the AU's experiences of trying to protect civilians in its PSOs. In doing so, we hope to provide practical and critical perspectives on the importance of the AU's developing approach to the PoC agenda, but also highlight some of the outstanding challenges facing its PSOs.

Accordingly, this volume examines how the AU has approached the political, theoretical and operational dimensions of the PoC agenda. Politically, the AU's institutions – most notably the Peace and Security Council (PSC) – have increasingly referred to and emphasised civilian protection issues in the mandates of AU PSOs. In sum, the AU has taken the political decision to make the PoC a core task of its peace and security agenda, and hence of the

institutions that make up the African Peace and Security Architecture (APSA). Operationally, this political determination has required the AU to develop a series of mandated tasks involving civilian, policing and military functions necessary for its peacekeepers to protect civilian populations. These operational instruments include important mission documents such as strategic directives, the concept of operations, the rules of engagement (ROE) and, in some cases, mission-wide civilian protection strategies. Theoretically, the AU has developed its own distinct philosophy on, and way of conceptualising, civilian protection. The activities across each of these political, operational and theoretical dimensions demonstrate the centrality of PoC issues to the AU's PSOs.

Defining civilian protection

Any attempt to implement PoC mandates in PSOs effectively must start by defining its key terms. In this case, the two crucial questions are: who counts as a civilian, and what is meant by protection?

Although there will continue to be arguments over who counts as a "civilian" in areas of armed conflict, under customary international humanitarian law (IHL) civilians are usually defined as "persons who are not members of the armed forces" (ICRC, 2016). While clear in the abstract, this definition produces challenges for peacekeepers in the field who confront situations where there could be a blurring of lines between civilians and armed fighters, who do not always wear uniforms, and where locals may openly carry arms but are not part of formal or official military institutions (e.g. pastoralist communities, hunting groups, self-defence vigilantes, etc.).

The idea of protecting civilians remains one of the most unifying global aspirations across multiple stakeholders. However, the conceptual underpinning of "protection" remains inherently diverse in its constituents, contested and sometimes mutually opposing across institutions, and continues to be characterised by difficulty in generating a definition that aspires to universal validity. For example, former head of the United Nations (UN) Department of Peacekeeping Operations (DPKO), Jean-Marie Guehénno, has argued that

protection is an inherently conservative notion which implies a paternalistic relationship between the protectors and the protected and that, ultimately, the goal of peace operations should be the empowerment of civilians rather than simply protecting them (cited in Challenges Forum, 2010:105, 107). Nevertheless, most international actors and organisations have taken “protection” as the foundational concept for their operational mandates. The AU has therefore developed its approach to PoC in a somewhat crowded marketplace, and at a time when other actors have developed their own versions of this agenda (see Holt and Berkman, 2006). For example, numerous humanitarian actors have their own way of thinking about and practising civilian protection, which differs from most peacekeepers (for example, Caverzasio, 2001); the UN has now developed its own guidelines and principles for implementing PoC mandates in its peacekeeping operations (UN, 2010, 2015). In addition, the UN has often conflated various related but conceptually distinct terms – such as “human rights”, “responsibility to protect” and “rights up front” – within the “protection toolbox” (HIPPO, 2015:22). Some states have drafted detailed policy or doctrinal documents elaborating how they understand PoC as an operational concept for their peacekeepers (e.g. UK, 2010; US Army, 2015).

The AU’s answer to these issues was settled in 2010 when it adopted the following definition of PoC, as contained in its *Draft guidelines on the protection of civilians in peace support operations*:

Activities undertaken to improve the security of the population and people at risk, and to ensure the full respect of the rights of groups and individuals recognized under regional instruments, including the African Charter of Human and Peoples’ Rights, the African Union Convention for the Protection and Assistance of Internally Displaced Persons, and the Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law, including humanitarian, human rights and refugee law (AU, 2010:5).

Developed by the AU Commission (AUC) through its efforts to promote a common understanding of the PoC concept, the 2010 PoC guidelines were developed to provide guidance to the AU PSC when it was debating whether to

authorise a PSO that might include a PoC mandate. More specifically, the PoC guidelines set out a four-tiered approach to thinking about protection, intended to influence how the AU designed its PSOs:

1. protection as part of the political process
2. protection from physical violence
3. rights-based protection
4. the establishment of a protective environment.

Protection as part of the political process is based on the premise that a PSO is able to assist a state emerging from armed conflict in the establishment of sustainable peace. This is largely anchored on engineering an effective peace process – i.e. one that not only delivers a signed political settlement, but which sees it effectively implemented as well. Here, an effective peace process would also provide justice and accountability as a vehicle for guaranteeing the safety of the civilian population.

The second tier of protection from physical violence covers a wide range of activities from prevention and pre-emption to response and consolidation. These activities may not necessarily occur sequentially, but they offer a framework for thinking about how to prevent and effectively respond to violence. Prevention aims to minimise the risks of escalation, or the uncontrolled escalation, of violent conflict. Pre-emption entails measures aimed at reducing or eliminating the capacity of spoiler groups before they are able to perpetrate violence against civilians (on spoilers, see Stedman, 1997). Proportionate response, including through the use of force, is also an important aspect of undermining belligerent groups in their efforts to promote violence. Finally, it is important for consolidation efforts to be undertaken through the implementation of post-war reconstruction or peacebuilding programmes designed to prevent the recurrence of violence in future.

The notion of rights-based protection is applicable to both individuals and groups, and could range from human rights monitoring and reporting to the development of local capacity to promote and protect human rights violations, including through the establishment of transitional justice mechanisms. The rights in question are those recognised in a range of international

and regional legal instruments noted in the above definition of protection. Finally, the establishment of a protective environment as a vehicle for promoting protection is based on promoting early recovery and reform measures that could lead to sustainable solutions to the crisis in question.

Even though the PoC guidelines are still in draft form, they have informed the deployment of several recent and ongoing AU PSOs and how they attempt to protect civilian populations. There have also been two interesting developments since the guidelines were drafted. First, 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” (AU, 2012:1, emphasis added). Second, the following year, the draft guidelines informed the development and adoption of the 2013 *Aide-memoire for the consideration of issues pertaining to the protection of civilians in Africa* (AU, 2013a). This document covers not only PSOs, but how the AU approaches the wider processes of conflict prevention and post-war reconstruction and development. Indeed, the AU has developed its own conceptual understanding of PoC that may not significantly differ from broader international normative standards but is firmly situated within the specificities of preventing and responding to Africa’s crisis situations.

Practising civilian protection

It is important to start any narrative of the AU’s engagement with PoC issues by recalling that preventing violence against civilians was a crucial dimension of the debates that led to the establishment of the AU and influenced its founding documents. For example, the AU Constitutive Act provides important markers of this history. Specifically, Articles 4(h) and (j) both provide normative and legal foundations for protecting civilian populations, in extreme cases without the consent of the host government. Similarly, the 2002 *Protocol relating to the establishment of the Peace and Security Council of the African Union* also reinforced the political imperative of protecting civilians as part of the PSC’s

efforts to prevent, manage and resolve crisis situations on the continent. Accordingly, Article 7(e) of the Protocol stipulates that the PSC has the power to “recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments”.

It should also be recalled that when the PSC was first inaugurated on 25 May 2004, at the level of Heads of State and Government, member states committed to ensure that:

Africa shall, at all times, move first in a timely manner to address conflicts on the continent and expressed their determination not to shrink from actions to overcome the challenges confronting the continent, stressing that, henceforth, there shall be no conflict on the continent that will be considered to be out of bounds for the AU and that where grave abuses of human rights and crimes against humanity occur, Council must be the first to condemn and take swift action, consistent with the letter and spirit of the AU Constitutive Act and other relevant instruments to which the Member States have subscribed (AU, 2004).

As noted above, the other institutions that make up the APSA – the Panel of the Wise, African Standby Force (ASF), Military Staff Committee, Peace Fund and the Continental Early Warning System – are also centrally concerned with protecting civilian populations. Furthermore, this is also a key theme of the African Governance Architecture and other normative provisions in Africa, including the African Charter on Democracy, Governance, Human Rights and Elections. All these institutions and mechanisms reinforce the political determination by AU member states that the responsibility for protecting civilians falls first and foremost to the host government – but, where necessary, this should occur with the support of the AU and the wider international community. In “grave circumstances”, the AU’s view is that action might need to be taken to protect civilians without the consent of the target state, in accordance with the stipulated AU Rules of Procedure governing the implementation of Article 4(h) of its Constitutive Act (AU, 2002).

Unlike its predecessor – the Organisation of African Unity – it was in this altered political context that the AU began to adopt a more proactive approach to addressing peace and security challenges on the continent. This was sometimes referred to as moving from an era of “non-intervention” to one characterised instead by “non-indifference” to the continent’s conflicts (see Williams, 2007).

Table 1 summarises where the AU has adopted explicit language authorising its peacekeepers to carry out civilian protection tasks since 2003. This table lists these cases as expressed in four important types of documents: the mission mandate, the concept of operations document (CONOPS), the ROE and, in some cases, the mission-wide civilian protection strategy. Since 2003, the AU has mandated or authorised ten PSOs, three multinational coalitions and one hybrid mission with the UN in Darfur (African Union-United Nations Mission in Darfur/ UNAMID). Of these, six of the ten AU-led operations had PoC dimensions to their mandates, as did two of the three multinational coalitions, and the one hybrid mission in Darfur. Interestingly, however, all but two of the ten AU-led missions had explicit PoC tasks listed in either their CONOPS or their ROE documents. In other words, both the AU Mission in Burundi (AMIB) and the African Union Mission in Somalia (AMISOM) gave their peacekeepers explicit authorisation to use force to protect local civilians, despite the fact this task was not listed in the mission’s official mandate as written by the AU. In this sense, peacekeepers in all of the AU-led PSOs to date, with the exception of the AU Military Observer Mission in the Comoros (MIOC) and the AU Electoral and Security Assistance Mission to the Comoros (MAES), have been tasked with protecting local civilians. In 2013, three of these AU-led missions – in Somalia, Mali and CAR – developed mission-wide civilian protection strategies. Of the three multinational coalitions authorised by the AU, only Operation Democracy in the Comoros was not given PoC tasks.

Table 1: PoC language in AU PSOs

Mission (year authorised)	PoC in mandate	PoC in CONOPS	PoC in ROE	Mission PoC strategy
AMIB (2003)	No	No	Yes	No
AMIS I (2004)	Yes	Yes	None created	No
AMIS II (2004)	Yes	Yes	Yes	No
MIOC (2004)	No	No	No	No
AMISEC (2006)	Yes	*	*	No
AMISOM (2007)	No	Yes	Yes	Yes (05/2013)
MAES (2007)	No	No	No	No
AFISMA (2013)	Yes	Yes	Yes	Yes (04/2013)
MISCA (2013)	Yes	Yes	Yes	Yes (07/2013)
MAPROBU (2015) [Not deployed]	Yes	Yes	Yes	No
AU-authorised:				
UNAMID (2007)	Yes	Yes	Yes	Yes (01/2009)
Democracy in Comoros (2008)	No	No	*	No
RCI-LRA (2011)	Yes	Yes	Yes	No
MNJTF vs Boko Haram (2015)	Yes	Yes	Yes	No

* Data could not be obtained by the editors

Source: *Compiled by the editors*

Some examples of the precise PoC language used in these various mission documents is provided in Appendix A. It is notable that the AU has used a variety of different phrases in defining the PoC tasks given to its peacekeepers. This stands in stark contrast to the UN, which has tended to adopt a generic template or similar verbiage across most of its peacekeeping operations (Williams, 2013). In addition, it should also be noted that regardless of the mandate, all operations by AU peacekeepers must be in accordance with all applicable international law, including the law of armed conflict. And as the International Committee of the Red Cross (ICRC) has noted: “Protecting civilians during armed conflict is at the core of International Humanitarian Law (IHL); the idea pervades many of its provisions. The principle that civilians must be spared the consequences of hostilities, in particular, is set out and developed in various IHL provisions” (ICRC, 2012).

All of the PSOs that engaged in PoC tasks before the AU developed its 2010 PoC guidelines dealt with various aspects of intrastate armed conflicts in Burundi, Sudan and Somalia, as well as the constitutional crises that afflicted the Comoros. Between 2003 and 2007, only half of the AU-led PSOs were given explicit PoC mandates. Since the AU adopted its PoC guidelines, however, all AU-led operations, and the multinational coalitions it has authorised to fight the Lord’s Resistance Army (LRA) and Boko Haram, have been explicitly mandated to protect civilians.

The first case came in 2011 when the AU authorised the Regional Coordination Initiative against the LRA. Although its principal task was to defeat the LRA, one of the force’s tasks was to “ensure the mainstreaming of the civilian protection in all military and security initiatives aimed at resolving the LRA problem [*sic*]” (AU, 2011:para. 6x).

The next operation came on 25 January 2013, when the AU PSC approved the UN Security Council’s decision to deploy the African-led International Support Mission in Mali (AFISMA). AFISMA was mandated to support Malian authorities in recovering the areas to the north of its territory under the control of terrorist, extremist and armed groups, and in reducing the threat posed by terrorist organisations including al-Qaeda in the Islamic Maghreb (AQIM), Movement for Oneness and Jihad in West Africa (MUJAO) and associated extremist groups, while taking appropriate measures to reduce the impact of military operations

upon the civilian population. Both the PSC and the UN Security Council also directed AFISMA to support the Malian authorities in their primary responsibility to protect the population. In addition to these provisions, the AU Commission developed the first-ever mission-wide strategy for PoC and mandated the deployment of 50 human rights observers, as part of its efforts to prioritise protection for the civilian population.

The second-ever mission-wide PoC strategy was developed just a month later, for AMISOM. Notably, AMISOM – which was first deployed in 2007 without an explicit PoC mandate – was coming under increasing international and local pressure to ensure that PoC issues were at the heart of its operations, especially once the mission took on more stabilisation tasks, which required the support of the local population against al-Shabaab. While AMISOM’s ROE had always permitted the use of force to protect civilians, the mission’s PoC tasks were introduced primarily through the mission-wide PoC strategy, approved in May 2013, and later iterations of its CONOPS. In addition, the structure of AMISOM’s civilian component was eventually able to include a human rights, protection and gender cluster. In 2016, the mission also established a Civilian Casualties Tracking, Analysis and Response Cell (CCTARC), which represents an important mechanism for reinforcing civilian protection as a key *raison d’être* of AU PSOs.

Then, in December 2013, the AU deployed the African-led International Support Mission to the Central African Republic (MISCA). MISCA’s mandate, as derived from the PSC decision, included (a) the protection of civilians and the restoration of security and public order, through the implementation of appropriate measures; (b) the stabilisation of the country and the restoration of state authority; (c) the reform and restricting of the defence and security sector; and (d) the creation of conditions conducive for the provision of humanitarian assistance to the population (AU, 2013b). MISCA’s PoC mandate was similar to that of AFISMA, and provided further evidence of the increased prioritisation the AU was affording to civilian protection issues in its PSOs.

In early 2015, the AU authorised the Multinational Joint Task Force (MNJTF) to “create a safe and secure environment in the areas affected by the activities of Boko Haram and other terrorist groups, in order to significantly reduce violence against civilians and other abuses, including sexual- and gender-based violence”

(AU, 2015a:para. 11i). Like the earlier AU-authorized regional task force against the LRA, the multinational force against Boko Haram highlighted the emphasis placed on protecting civilians as part of the strategic and operational objectives of its military operations. Interestingly, although it was not an AU initiative and was developed principally in the context of UN peacekeeping operations, in mid-2015, the Rwandan government led an initiative to establish the “Kigali Principles” on the protection of civilians (International Conference on the Protection of Civilians, 2015).

Most recently, and in one of the most novel initiatives ever taken at the AU, on 17 December 2015 the PSC authorised the deployment of the African Prevention and Protection Mission in Burundi (MAPROBU) (see Williams, 2015; Dersso, 2016). At the core of MAPROBU’s mandate was the need to “contribute, within its capacity and in its areas of deployment, to the protection of civilian populations under imminent threat” (AU, 2015b:para. 13(a)ii). The PSC decision was prompted by growing concern about the deterioration of the security situation in Burundi, and the threat to civilians emanating from the increasing violence between the government’s security institutions and alleged opposition groups. This PSC communiqué was not new in terms of the by-now familiar pattern of the PSC giving PoC mandates to its PSOs. However, it was unprecedented because of the inclusion of an option for “unauthorised” or “unilateral” intervention to fulfil the mandate of MAPROBU if the Government of Burundi refused to give its consent for the deployment of this mission. Specifically, the PSC expressed its determination:

...in the event of non-acceptance of the deployment of MAPROBU, to recommend to the Assembly of the Union, in accordance with the powers with are conferred to Council, jointly with the Chairperson of the Commission, under Article 7(e) of the Protocol Relating to the Establishment of the Peace and Security Council, the implementation of Article 4(h) of the Constitutive Act relating to intervention in a Member State in certain serious circumstances (AU, 2015b:para. 13(c)iv).

It was the first time in the history of the PSC that it had made explicit reference to Article 4(h) to justify a potential military intervention to prevent gross human rights violations through the deployment of a PSO.

As the AU has developed its track record in the area of PoC, it is hardly surprising that it has encountered a range of challenges. As discussed throughout this study, one challenge relates to how PoC is conceptualised. In sum, as PoC has become ubiquitous, broad and elastic – which reflects the reality that civilians in war zones suffer from numerous threats which require multidimensional responses – it has become difficult to articulate clearly the meaning, scope, functional tasks and roles and responsibilities of various protection actors working in any given armed conflict. This is not solely an AU problem, but rather spans the entire spectrum of humanitarian, UN and other partners' engagement in crisis situations. As a result, it has often been challenging to generate consensus and guide coordination among stakeholders about what needs to be done, when and by whom. For example, child protection advisers, protection officers, human rights experts, PoC specialists and other related capacities are increasingly being deployed as part of UN and AU peace operations on the continent. Yet, there is not always a clear delineation of roles and responsibilities of these experts in ways that promote a collective understanding, approach and goals towards meeting the specific challenges of civilian protection. This has sometimes created friction and competition between different actors, especially in the field missions.

A second challenge revolves around (the lack of) resources. While it is commendable that the AU PSC now includes PoC mandates as standard in its PSOs, it has not often provided missions with the appropriate resources. The implementation of specific PoC tasks and the smooth running of AU PSOs in general still rely on the support of traditional, principally Western partners. This means that the AU has consistently struggled to acquire resources and has faced significant capacity gaps when trying to implement its PoC mandates. Similarly, the AU has remained reliant on finance from the European Union (EU) and other bilateral donors to implement its new initiatives, such as the authorisation of human rights observers as part of high-intensity peace operations in Mali and CAR. Critics of the AU have taken this as a sign of limited political will among AU member states to translate the decisions of PoC into concrete actions. It is in this context that it is highly significant that, in 2015, the AU Assembly of Heads of State and Government decided that by 2020, the AU's member states would pay 25% of the institution's peace operations budget (AU, 2015c). However, it remains unclear whether this objective will be met.

Third, unfortunate incidents of sexual exploitation and abuse (SEA) and other forms of misconduct and abuse by AU peacekeepers, particularly in Somalia and CAR, have increased doubts about the AU's commitment to adhere to its "zero tolerance" policy against misconduct and indiscipline. As a result, support to AU peace operations by non-African actors, especially the UN, has been based on an increased conditions-based regime and on adherence to IHL. The UN's Human Rights Due Diligence Policy (HRDDP) and the United States' Leahy Law are some examples of the provisions that have been imposed by external actors when providing support to AU PSOs. Pre-deployment training regimes and other capacity-building initiatives have also been used as requirements to improve the standards of AU uniformed personnel who are deployed to PSOs.

Finally, the implementation of the AU's PoC strategies has not been based on a close alignment between military operations on the one hand, and political, humanitarian and stabilisation priorities on the other hand. As a result, while the military is able to promote immediate physical security, this is often not followed by the provision of support by political, humanitarian and development actors. Without such support, it is unlikely that physical security can be sustained in areas recovered from spoiler groups. This has certainly been the case in AMISOM, particularly since 2014 (Lotze and Williams, 2016).

Structure of the book

The rest of this study is structured into four chapters. Chapter 1 analyses the first AU mission to be given an explicit civilian protection mandate: the AU Mission in Sudan (AMIS). Although it is often forgotten that the first iteration of the mission (AMIS I) did have an explicit mandate to protect civilians, the mandate was subsequently changed with the reconfiguration and strengthening of the mission into AMIS II. Even with more peacekeepers, however, AMIS II faced a range of difficult implementation challenges related to civilian protection, notably in relation to the financial and logistical support package it received from the UN and other partners. After three-and-a-half years, AMIS was transitioned into a hybrid AU-UN operation – UNAMID – the first of its kind.

UNAMID subsequently came to exemplify both the potential for different forms of AU-UN partnership to develop in response to testing circumstances, but also the challenges of trying to have a mission run by two large international organisations in a context of ongoing warfare, which regularly involved the deliberate targeting of civilian populations.

Chapter 2 provides a critical perspective of the ambiguous nature of the embrace and implementation of PoC in AMISOM. Although this mission has no explicit PoC mandate, it has incrementally embraced various PoC-related tasks. Since 2013, when the mission began to take on more of a stabilisation agenda, its leadership has formulated policy and mission guidelines to ensure its forces protect local civilians. However, the author argues that the evolution of PoC within AMISOM has often been characterised by unhelpful mixed messages, and there are important lessons from this experience that can be learnt in the discourse on civilian protection issues in the wider context of PSOs.

Chapter 3 then assesses how two African-led PSOs dealt with civilian protection challenges in Mali (AFISMA) and CAR (MISCA). These were the first AU-led PSOs that deployed after the AU had developed its PoC guidelines, and so enjoyed a conceptual advantage compared to those earlier missions that had to develop their approach on an ad hoc basis. The authors provide a field-based perspective of the successes and challenges associated with protecting civilians in both operations. While the AU has registered progress in the mandating process – and, to some extent, in the practice of implanting PoC mandates – it still needs to develop a clear PoC strategy that can be approved by the PSC and disseminated to all the regional economic communities (RECs) and regional mechanisms (RMs), as well as AU member states and potential troop/police contributors. The PSC should also strive to ensure that it provides all its peace operations with the necessary logistical, financial and human resources needed for the implementation of various PoC tasks. More generally, the authors argue that it is imperative that African countries provide their regional (RECs) and continental (AU) institutions with the necessary, adequate and predictable funding for their peace operations, such that external support becomes only complementary, rather than the backbone of these resources.

The concluding chapter reflects on the main lessons learned from the AU's engagement with civilian protection issues in its various PSOs since 2003. It begins by examining some of the conclusions from the scholarly literature on civilian protection in UN peacekeeping operations, and asking whether they are generalisable to the AU. It then summarises some of the main conceptual, political and operational lessons that emerge from the AU's engagement with PoC.

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Appendix A: Examples of PoC language in AU PSOs

Source	Mission (year)	PoC language
Mandate	AMIS I (2004)	The mission's mandate "includes the protection, within the capacity of the Force, of the civilian population". ¹
Mandate	AMIS II (2004)	The mission's tasks include: "Protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the GoS." ²
Mandate	AMISEC (2006)	The mission is mandated "to take all measures necessary to protect its personnel, as well as civilians within the proximity of the polling stations". ³
Mandate	RCI-LRA (2011)	Although not listed as one of the three main mandated tasks, one of the tasks of the Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA) was to "ensure the mainstreaming of the civilian protection in all military and security initiatives aimed at resolving the LRA problem [<i>sic</i>]" ⁴ .
Mandate	AFISMA (2013)	"Use of force beyond self-defence may only be used in the circumstances... [including] to protect civilians under imminent threat of force." ⁵
Mandate	MISCA (2013)	The mission's mandate included "the protection of civilians and the restoration of security and public order, through the implementation of appropriate measures". ⁶

Mandate	MNJTF vs Boko Haram (2015)	The mandate is to “create a safe and secure environment in the areas affected by the activities of Boko Haram and other terrorist groups, in order to significantly reduce violence against civilians and other abuses, including sexual- and gender-based violence”. ⁷
Mandate	MAPROBU (2015)	The mandate is to “contribute, within its capacity and in its areas of deployment, to the protection of civilian populations under imminent threat”. ⁸
CONOPS	AMIS II (2005)	The mission’s prioritised tasks include to “protect civilians in imminent danger”. ⁹
CONOPS	RCI-LRA (2011)	The military strategy is to “...destroy or capture specific LRA leaders before they commit more atrocities on the populace within the affected countries”. ¹⁰ “The desired end state is to protect the populace...” ¹¹
CONOPS	AMISOM (2013)	One of the mission’s military strategic objectives is to “support the protection of civilians and access to humanitarian support”. ¹²
CONOPS	AFISMA (2013)	The mission’s mandate includes to “...ensure that protection of civilians considerations are mainstreamed into AFISMA operations”. ¹³
CONOPS	MISCA (2013)	The mission’s mandate includes: “Support the national authorities of CAR in their primary responsibility for ending impunity, providing protection to civilians, and restoring security and public order.” ¹⁴

CONOPS	MISCA (2014)	The mission was to contribute to “(a) protection of civilians and the restoration of security and public order, through the implementation of appropriate measures”. ¹⁵
CONOPS	MISCA (2014)	One of MISCA’s strategic objectives was to provide “support to the national authorities of CAR in its primary responsibilities to put an end to impunity, ensure the protection of civilians, restore security and public order through the implementation of appropriate measures”. ¹⁶
CONOPS	AMISOM (2015)	One of the mission’s military strategic objectives is to “contribute to the promotion of human rights and the protection of civilians in Somalia”. ¹⁷
CONOPS	MNJTF vs Boko Haram (2015)	The mission’s mandate includes to “create a safe and secure environment in the areas affected by Boko Haram and other terrorist groups, in order to significantly reduce violence against civilians, and other abuses, including sexual- and gender-based violence...” ¹⁸
CONOPS	MAPROBU (2015)	The mission is authorised to deploy to Burundi to “...contribute, within its capacity and its areas of deployment, to the protection of civilian populations under imminent threat”. ¹⁹
ROE	AMIB (2003)	The ROE allowed peacekeepers to use force “to protect civilians under imminent threat of physical violence”. ²⁰

ROE	AMIS II (2005)	<p>“Prevention of Serious Crimes: a). When authorised by ROE, appropriate measures, up to and including the use of deadly force, may be used to prevent serious crimes in the following circumstances: (1) AU-led forces may use minimum force to protect Population or Humanitarian agencies against hostile acts and hostile intent. COMFOR AMIS may extend AU-led protection to specific groups or individuals whom he perceives to be under threat.”²¹</p>
ROE	AMIS II (2005)	<p>“Without prejudice to the efforts of the Government of Sudan, to protect civilians under imminent threat of physical violence within capabilities. NGOs, IDPs etc.”²²</p>
ROE	AMISOM (2007)	<p>Use of force beyond self-defence is permitted “to afford protection to civilians under imminent threat of physical violence”.²³</p>
ROE	AMISOM (2007)	<p>Rule No 1.7: “Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence is authorized. When and where possible, permission to use force should be sought from the immediate superior commander.”²⁴</p>
ROE	RCI-LRA (2011)	<p>Rule No.1-7: “Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence is authorized. When and where possible, permission to use force should be sought from the immediate superior commander.”²⁵</p>

ROE	RCI-LRA (2011)	Soldier's Pocket Card ROE: "You are authorized to use force, up to and including deadly force: ... b. To protect civilians, including humanitarian workers, under imminent threat of physical violence." ²⁶
ROE	AFISMA (2013)	"Use of force beyond self-defence may only be used in the circumstances... [including] to protect civilians under imminent threat of force." ²⁷
ROE	AFISMA (2013)	Rule No 1.7: "Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of force is authorized. When and where possible, permission to use force should be sought from the immediate superior commander." ²⁸
ROE	AFISMA (2013)	Soldiers' Pocket Card: "You are authorized to use force, up to and including deadly force... To protect civilians, including humanitarian workers, under imminent threat of physical violence." ²⁹

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Chapter One

Recounting the African Union's efforts to protect civilians in Darfur: from AMIS to UNAMID

John Ahere, Olivia Davies, Irene Limo

Abstract

In 2004, the AU's efforts to protect the civilian population caught up in the Darfur conflict saw the deployment of AMIS. With a multitude of threats facing civilians, AMIS was mandated to protect civilians and support the return of peace in Darfur. Since then, however, the war in Darfur evolved and the urgent needs of civilians led to the establishment of the first-ever hybrid AU-UN operation in Darfur (UNAMID). This chapter examines some of the joint AU-UN efforts to protect civilians in Darfur by highlighting some of the challenges faced by UNAMID in implementing its protection mandate, as well as the lessons that might strengthen efforts to protect civilians in other peace operations in Africa.

Keywords: AMIS, UNAMID, Darfur, Sudan, armed conflict, civilian protection

Introduction

The conflict in Darfur is complex and has deep historical roots, but fixed conceptions of race and ethnicity are a relatively new phenomenon in the region. There has been much mixing over the centuries, with internal migration and intermarriage between Arabs and Africans quite common. It was only in the 1980s, when severe droughts struck Darfur, that ethnic identity and racial classifications started to harden. Previously, nomadic herders and pastoral farmers had a mutually beneficial relationship – through trade, pasturage rights and access to water, they regulated their dealings so that each side benefited. In the 21st century, these resource-based dynamics have intensified over time

and combined with several other factors to produce the ongoing protracted conflict. Historical neglect of Darfur by the Sudanese government, increasing polarisation between local communities, and continuing struggle over land, water and grazing routes, have combined to account for the latest and most deadly rebellion launched by the Sudan Liberation Movement/Army (SLM/A) in early 2003.

In 2004, the AU deployed AMIS, which sought to respond to the calls from within and outside of Darfur to protect the civilians who were caught in the conflict. The AU initially established a Ceasefire Commission (CFC) on 28 May 2004, and sent a small group of troops to monitor the CFC's work. With escalating violence, however, Darfur soon became a trial case for African peacekeeping, testing its self-declared intention to have Africans resolve African conflicts. The concern to protect civilians later saw the deployment of a strengthened peacekeeping force, called AMIS II, and the subsequent transition into UNAMID in late 2007.

In understanding the complexities and quest to provide civilian protection in Darfur, this chapter is divided into four parts. The first section provides an overview of the evolution of conflict in Darfur and the transition from AMIS to UNAMID, and interrogates the factors that led to the inclusion of the PoC in UNAMID's mandate. The second part looks at the configuration of UNAMID in terms of its multidimensional character, and examines how the different components and structures support the mission in implementing its PoC mandate. The third section analyses the main challenges that UNAMID faced in the implementation of its core objective to protect civilians. The final section reflects on the lessons that can be learnt from UNAMID, in relation to the PoC mandating process and its execution.

Evolution from AMIS to UNAMID

The concept of PoC in peace operations has been severely tested in Darfur, where civilians have been exposed to horrendous levels of violence, especially during the peak of violence in 2003–2004. This involved the systematic killing of innocent people and sexual violence exacted on hapless victims, which led to

the displacement of millions of people (Brosché and Rothbart, 2013). Located in the western part of Sudan, Darfur has a long history of violent clashes between herders and sedentary farmers. Brosché and Rothbart (2013) note that in 2003, the SLM/A and the Justice and Equality Movement (JEM) took up arms against the government in Khartoum, thereby igniting a full-scale war. As the war intensified, a military coalition took shape, and this brought in Arab militia groups who partnered with government forces. This coalition targeted African groups mainly from the Fur, Masalit and Zaghawa tribes. The modus operandi of this government-led coalition was primarily a scorched-earth campaign that involved ethnic cleansing, the destruction of homelands, and acts of savagery that included the systematic killing of men, raping of women and abduction of children (Brosché and Rothbart, 2013).

The humanitarian catastrophe resulting from the crisis in Darfur caught the attention of international policymakers, and led to the establishment of AMIS in 2004. Following the signing of the N'Djamena Humanitarian Ceasefire Agreement between the Government of the Sudan, the SLM/A and the JEM in April 2004 and the follow-up agreement of 28 May 2004, the AU deployed AMIS and gradually expanded it to over 7000 personnel, including 5197 protection force personnel, 946 military observers and 1360 civilian police.

Although overlooked by some observers, the mission's mandate included "the protection, within the capacity of the Force, of the civilian population" (AU, 2004a:para. 8). Unfortunately, the AMIS civilian protection mandate was not realised, due to the mission's limited resources. Despite having a mandate to protect civilians, as Bishai posits, "massacres, rapes and large movements continued in the presence of the monitoring troops" and, for the most part, "AMIS forces stood by and recorded but did not stop attacks on civilians and the destruction of villages" (Bishai, 2009:477). The limited AU response led to increased calls from the Save Darfur Movement – an extensive network of regional and international civil society organisations – for a more robust UN peacekeeping mission. AMIS's actions – or inactions, as far as PoC is concerned – underscores the challenges that are posed when peacekeepers are given limited resources. AMIS's challenges were made even more difficult because the Sudanese government did not cooperate with the mission, despite having given its consent to the AU's deployment.

To address these problems, the AU PSC agreed to enhance AMIS in October 2004 (see AU, 2004b). This included strengthening its PoC mandate and giving the mission additional resources. Importantly, the Government of Sudan retained the primary responsibility for the task of protecting civilians. The newly enhanced AMIS was hence tasked to “[p]rotect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the GoS [Government of Sudan]” (AU, 2004c:para. 6).

There is a school of thought that portends that even though AMIS’s mandate included PoC, the mission’s leadership frequently found rationales to limit its implementation of this mandate, often by citing the mission’s operational incapacity to act in situations where it was overwhelmed. Ultimately, there were inconsistencies in the interpretation of the AMIS PoC mandate, and this caused a lot of confusion among troops and civilians alike. The consequences were devastating, with many lives lost and many homes destroyed. There were even indications that the crisis was genocidal in nature (US Government Accountability Office, 2006).

Given the major involvement of the Government of Sudan in violence against civilians, the question of Sudan’s consent for the international response was at the heart of considerations by the UN Security Council as it debated whether to deploy a UN peacekeeping mission in Darfur. This was in light of the spectacular fiasco created by Sudan’s reservation of consent to cooperate with AMIS. Appalled by the atrocities that were taking place in Darfur and the negative global attention that it was attracting, a way had to be found by the UN Security Council to obtain the consent of Sudan to create a peacekeeping operation with a robust mandate in Darfur. This eventually came in the form of UNAMID.

As AMIS evolved from an observer mission into a complex multidimensional PSO, and owing to the uncertainty regarding its financial sustainability, the AU PSC, in its communiqué on 12 January 2006, expressed its support in principle for a transition from AMIS to a UN operation. That decision was subsequently reiterated in the PSC communiqué of 10 March 2006, which called for the transition of AMIS to a UN operation. Such a transition was also endorsed by the UN Security Council in its presidential statement of 3 February 2006 (S/PRST/2006/5) and its resolutions 1663 (2006) and 1679 (2006) respectively. In its Resolution 1679 (2006), the UN Security Council called for a joint AU-UN

technical assessment mission to Sudan/Darfur to assess the requirements for strengthening AMIS, and the possible transition of AMIS to a UN peace operation. The UN Security Council then adopted Resolution 1706 (2006), in which it authorised the expansion of the United Nations Mission in Sudan (UNMIS) into Darfur.

Resolution 1706 should be seen in the context of the UN Security Council's response to the situation in Darfur, in which human rights violations became the main lens through which policymakers framed the situation. This led to a response that involved the use of sanctions (imposed on Sudan in 2004), referring the alleged violations in Darfur to the International Criminal Court, and the adoption of Resolution 1706. Among other things, Resolution 1706 authorised the UNMIS mandate to "be expanded" and stated "that it shall deploy to Darfur, and therefore invites the consent of the Government of National Unity for this deployment" (para. 1). The resolution also stated that UNMIS should "carry out human rights promotion, civilian protection and monitoring activities that include particular attention to the needs of women and children" (para. 8I) and help "coordinate international efforts towards the protection of civilians" (para. 9b). However, the Sudanese government rejected this invitation and, as a result, the transition of AMIS into a UN mission was delayed for over a year.

Following the challenge of getting consent from the Government of Sudan, the AUC, with the support of AU member states, the UN and other partners, took all necessary measures to enhance AMIS on the basis of the concept of operation approved by the AU's Military Staff Committee at its meeting of 23 June 2006. Following a high-level consultation with the AU PSC and the UN Security Council, a hybrid operation was proposed, capable of contributing to the restoration of security and the protection of civilians in Darfur. It was deemed logically and financially sustainable. Taking forward the decisions included in the Addis Ababa and Abuja agreements between the AU and the UN, it was required that the hybrid operation implement all aspects of the 2006 Darfur Peace Agreement and all subsequent supplementary agreements that assign tasks to the AU and the UN. UNAMID's mandate was then drawn from the DPA, the existing AMIS mandate, the Secretary-General's report of 28 July 2006 on Darfur (UN, 2006) and relevant communiqués of the AU PSC, and resolutions of the UN Security Council. UNAMID finally took over from AMIS on 1 January 2008.

UNAMID's configuration and its protection of civilians mandate

Acting under Chapter VII of its Charter, the UN Security Council passed Resolution 1769 on 31 July 2007. This authorised and configured UNAMID to protect mission personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of mission personnel and humanitarian workers. It was also given the mandate to support early and effective implementation of the 2006 Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians directly.

UNAMID developed its first Darfur Protection Strategy in February 2010. This was guided by the UNAMID Mission Directive No. 1, *Mission directive on the protection of civilians in Darfur* (23 February 2009) and the UNAMID force commander's directive (February 2010). By 2013, UNAMID's operational PoC strategy revolved around 11 structures, four of which were functional:

1. the protection management group, which comprises mission managers
2. the Joint Protection Group, which brings together the different components of the mission, inclusive of all chiefs of substantive sections
3. the early warning group
4. the field protection team.

These different groups are also represented at the sector level of UNAMID operations. In an effort to protect civilians, the field protection team conducts patrols at all UNAMID team sites and channels reports on the findings of the day to the mission headquarters, which should then analyse the reports and prepare responses in case there is a potential threat to the civilian population.

To protect civilians, UNAMID was configured to have several relevant units within the hybrid arrangement. These included the Political Affairs office, which supported the peace processes and facilitated good offices for the implementation of the 2006 Darfur Peace Agreement; as well as units for Disarmament, Demobilisation and Reintegration; Human Rights; Gender; Humanitarian Affairs; Rule of Law; and Civil Affairs.

In addition to the substantive civilian component, UNAMID had military and police components. UNAMID was initially authorised just over 19500 troops. By mid-2016, this had been reduced to about 15800. UNAMID's initial police

component was about 3700 strong, comprising individual officers and formed police units (FPUs). By mid-2016, this number had been reduced to about 1500. Its purpose was to engage national and local authorities and carry out, inter alia, the following core functions: establish and train community police in camps for internally displaced persons (IDPs); capacity building for the Government of the Sudan police in Darfur, in accordance with international standards of human rights and accountability; institutional development of the police from the rebel movements; conduct proactive patrols to monitor the policing activities of the parties in IDP camps, demilitarised and buffer zones and areas of control; address issues relating to gender-based violence and abuse of children; report on the welfare of detained persons; monitor and verify security in IDP camps and for investigations conducted by the government police; and advise on the development of policing plans and monitor their implementation.

UNAMID's police component has unique physical structures in place to facilitate the protection of civilians, including FPUs, individual police officers (IPOs) and the police gender cell. These work in collaboration with UNAMID's military and civilian components and the Government of Sudan Police Force. Though the FPUs do not get directly involved in protecting the civilian population, they act as enablers that create the possibility for the mission's IPOs to protect civilians. To better protect civilians, UNAMID police focused on four pillars of activities, designed to complement the efforts of the three UN and four AU tiers for the protection of civilians. These four focused pillars are:

1. institutional framework and procedures to marginalise differences on the ground between the operations of UNAMID and the Government of Sudan Police Force
2. capacity building
3. community policing
4. programme implementation and evaluation.

The UN Security Council's gradual reduction in the number of authorised police for UNAMID by nearly 50% may have an adverse effect on the mission's capacity to protect civilians.

UNAMID's main civilian protection challenges

In 2014, over 450000 people were displaced by the armed conflict in Darfur – the highest annual number since 2004. Overall, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that the conflict has displaced a total of over 2.5 million people, 1.5 million of whom are children. The security challenges facing civilians in Darfur call for coordinated responses by all stakeholders in the mission and beyond. Despite its internal structures, UNAMID continues to face insurmountable challenges in its effort to protect civilians. Among the main challenges are:

The problem of insecurity

Significantly, the warring factions in Darfur have splintered to such an extent that by October 2008, there were as many as 27 rebel factions. These were splinter groups from the JEM and the SLA/M, all of which had their individual goals and demands. Peacekeepers are under constant threat of attack from some of these factions. For example, “over ninety vehicles have been hijacked at gunpoint from the mission or NGOs in 2008” in Darfur, and these attacks continue to date (Birikorang, 2009:10). Peacekeepers have also been directly ambushed and killed by rebel groups. These attacks against UNAMID peacekeepers have affected their ability to perform some of the functions of protecting civilians, such as creating conditions that will allow the delivery of humanitarian aid, the voluntary return of IDPs and ensuring durable peace, security and stability in Darfur. As of April 2016, 232 UNAMID peacekeepers have died during the mission.

The lack of access to operate fully in certain areas of Darfur

Another major challenge noted by all the mission's components is the lack of access to areas that UNAMID peacekeepers might want to visit. Sometimes, this was due to intransigence by the Government of Sudan. This, in turn, limits the ability of the police and military components to conduct long-range patrols. In addition to the lack of access to remote areas, Darfur's bad road network and increasing insecurity are other factors that inhibit the mission's ability to access certain populations at risk.

Limited resources

UNAMID has also been challenged by not having a variety of resources necessary to protect civilians, including armoured vehicles and military helicopters. To take just one example, UNAMID lacked the resources to implement quick impact projects (QIPs) to support civilians in IDP camps. Most importantly, the protection provided by the police to the civilian population is limited to IDPs. Thus, the UN's three-tier PoC mandate is not fully implemented as the vast majority of civilians remain unprotected, and those who are officially protected often lack basic needs such as food and water. Moreover, with the increased insecurity, impunity and criminality facing Darfur, the downsizing of the mission is affecting its operations in terms of providing security to civilians in IDP camps. UNAMID's work to protect civilians is affected by the downsizing as police officers are often overstretched, which reduces their ability to provide escorts and monitor the security situation. The downsizing has also affected the full representation of UNAMID's presence in IDP camps. UNAMID police, who are most commonly present in the camps, are resented by the people, because the types of services IDPs are expecting the mission to provide are not in line with the police officers' mandate. The local communities do not understand the UNAMID approach to PoC, which they confuse with humanitarian support.

The scale of humanitarian needs

Over the years, UNAMID has had a range of successes in the security, political and humanitarian sectors. However, local perceptions of civilian protection have focused on the continuous provision of, and access to, healthcare, water supply, food and medicine. It is the provision of such items that most locals mean when they talk about civilian protection. For UNAMID, however, other tasks – such as ensuring a secure environment, monitoring and providing security escorts – are also an important part of the overarching effort to protect civilians. But no matter how many other tasks are undertaken by the peacekeepers, their mission will not be successful while the basic needs of civilians are not met. As a result, persistently dire humanitarian conditions have negatively affected UNAMID's efforts to protect Darfur's civilians.

These include:

- high levels of human mortality over the course of the extraordinary violence since 2003
- the growing difficulty of providing adequate clean water in many IDP camps
- growing food shortages, due to lack of humanitarian access and badly compromised farm production
- the loss of primary medical care in many locations, due to a much-reduced and constrained humanitarian presence
- a significant deterioration in the maintenance of sanitation – in particular, latrines in camp areas – with the loss of key humanitarian sources of capacity
- human displacement, which continues at a shocking rate, with more than 2 million people newly displaced since UNAMID took up its mandate on 1 January 2008; displacement over the past two years has been particularly big, exceeding 800 000 civilians
- growing insecurity in IDP camps, as well as in rural areas to which displaced persons have attempted to return and resume their farming livelihoods
- growing insecurity in urban areas and in the immediate vicinity of UNAMID posts
- continuously shrinking humanitarian capacity and access because of expulsions, withdrawals and severe harassment by the Government of Sudan, especially after Khartoum expelled 13 international relief organisations in March 2009
- the devastating effects of the collapsing Sudanese economy on Darfur.

Lessons learned from UNAMID's experience

Five major lessons can be derived from the UNAMID experience since 2008:

Lessons/experience from AMIS

In Darfur, the AU deployed peacekeepers where there was no peace to keep. The lessons from AMIS, AMIS II and UNAMID thus reflect the AU's willingness to deploy in such a high-intensity conflict situation, where international

reinforcements may not be available and where the number, quality and mandate of AU troops may be limited. UNAMID has had a unique opportunity to better conceptualise its PoC mandating process and execution, because it followed on from the earlier AMIS. As such, UNAMID has been able to develop shared goals at the strategic level to address protection needs such as security, freedom from hunger and the basic healthcare challenges facing civilians in Darfur. The mission has thus made the protection of civilians an integral part of its activities and has sought to integrate efforts from all its components.

Logistics and financial support

Peacekeeping missions encounter many challenges in implementing civilian protection mandates. Based on UNAMID's experience and the difficult geographical and physical conditions of Sudan, compared to AMIS, the mission's ability to draw on UN resources has put in place a wider financial and logistical package to support PoC processes. This has enabled UNAMID to deploy and sustain a much larger number of peacekeepers, equipped with a clear mandate and consistent funding.

Regular and consistent patrols and military escorts

In terms of protection activities, UNAMID has carried out 150 daily patrols to protect civilians – in particular, women and children – and enable them to go about their daily tasks. It has also provided consistent military escorts for aid workers and humanitarian convoys throughout Darfur. UNAMID has also been able to conduct regular assessments of the security situation, and has tailored its responses to the specific demand of a prevailing situation at a given point in time.

Planning and preparation of a comprehensive protection of civilians approach

In terms of executing its civilian protection mandate, UNAMID has increasingly used and developed mobile operational bases, quick response units and early warning systems to anticipate, prevent, deter or rapidly intervene to stop violence against civilians. UNAMID has established joint protection teams and protection clusters, which have enhanced the effectiveness of these efforts by providing a more comprehensive approach to civilian protection and to include humanitarian relief as well as social and economic support to threatened civilian

populations. It has also targeted some of the perpetrators of violence through deterrence, supported disarmament and the reintegration of former combatants, and has fostered reconciliation on the ground to ensure sustainable security for civilian populations.

Utilisation of relevant policy frameworks

UNAMID remains a novel hybrid form of peace operation, although it has since become more common for rehatting to take place from AU to UN missions. In this case, UN policy frameworks for the protection of civilians have been mostly used. As such, in the context of Darfur, UNAMID's protection of civilian strategy has been based on the UN's three-tier approach to protecting civilians. However, the UNAMID experience shows the need for a stronger and well-outlined partnership between the AU and other partners such as the UN on how to protect civilians, to avoid the duplication of efforts and coordination challenges.

Conclusion

AMIS was the first AU PSO explicitly mandated to protect civilians. Its deployment in 2004 was thus a historic step for the AU in its efforts to fulfil its responsibility to protect civilians. However, with the resurgence of conflict in Darfur, there was a need to sustain more boots on the ground, which led to the establishment of UNAMID. AMIS was marred with logistical and capacity constraints and delays, which reduced its ability to protect civilians. It was therefore criticised, both by analysts and by many civilians in Darfur. Indeed, the hostility towards AMIS was due in large part to the fact that many people in Darfur saw AMIS as a key implementer of the 2006 DPA, which they saw as flawed. However, criticism began even before this peace deal – and was largely because of AMIS's inadequate resources to carry out a civilian protection mandate that was given a less-than-robust interpretation.

In comparison, the UNAMID hybrid operation had much greater capabilities in terms of troops, equipment, and logistical and financial support. Yet UNAMID still suffered with limited access to areas where civilians needed help and with numerous mobility challenges, most of which can be attributed to the low level of cooperation from the Government of Sudan and the authorities in Darfur.

In Darfur, peacekeepers have served in harsh terrain and in an increasingly hostile environment, where the combatants are well trained and armed. Moreover, innocent civilians have often constituted an overwhelming majority of victims and have, at times, been deliberately targeted. The most vulnerable populations at risk include women and children – who are often killed, raped and sexually abused, kidnapped and/or enslaved. Children are also taken and forced to become soldiers. Such violations have been common in Darfur, and peacekeepers have limited access to the areas where these violations are being reported.

As the UN and the Government of Sudan discuss the future mandate, composition, configuration and exit strategy of UNAMID, a greater need for PoC is becoming increasingly evident. The question being brought to the fore is whether the possibility of downsizing the mission’s military and other capacities in relatively safe and stable parts of Darfur is prudent, given the continuing allegations that government forces are attacking civilians (see, for example, UN, 2015).

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Chapter Two

The ambiguous place of civilian protection in the African Union Mission in Somalia*

Paul D. Williams

Abstract

Deployed to Mogadishu in March 2007, AMISOM was authorised by the AU PSC and later endorsed by the UN Security Council. AMISOM was tasked with providing protection for very important persons (VIPs) associated with the political reconciliation process in Somalia, but it was also required to protect civilians as part of its obligations under IHL. It was not until late May 2013, however, that AMISOM officially adopted a mission-wide PoC strategy. This long delay was the result of several factors. First, the AU and AMISOM disseminated mixed messages about the status of PoC issues. Second, the AU only began developing guidelines on this topic during 2009. And third, there were prudential concerns about adopting a PoC mandate, because AMISOM had to balance efforts to protect its own personnel and civilians. Adopting a PoC mandate was thus thought likely to raise local expectations without necessarily providing the tools needed to meet them. Over time, however, AMISOM recognised and improved its PoC strategy in achieving its strategic objectives, and adopted various policies to reduce civilian harm while carrying out its operations.

Keywords: African Union, AMISOM, Somalia, al-Shabaab, protection of civilians

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Introduction

AMISOM was mandated by the AU PSC on 19 January 2007 and later endorsed by the UN Security Council (AU, 2007). It was given a wide variety of tasks, including: (a) protecting senior Somali Transitional Federal Government (TFG) officials and others engaged in the political reconciliation process; (b) conducting an enforcement campaign against al-Shabaab and other actors determined to destroy the TFG; (c) supporting the Somali national security forces; (d) implementing a range of civil-military assistance projects (including the delivery of water and medical services to the local population); (e) engaging in policing tasks; and (f) providing training and logistical support to TFG security forces.

Deployed to Mogadishu in March 2007 with some 1650 Ugandan troops, by January 2014 AMISOM had grown to over 22000 uniformed personnel. The mission currently has soldiers from (in order of deployment) Uganda, Burundi, Djibouti, Kenya and Ethiopia, as well as FPU's from Uganda and Nigeria (see Figure 1). After a very difficult first four years, in early 2011 AMISOM embarked on a series of offensive operations across Mogadishu. These finally broke the previous military stalemate and forced al-Shabaab to withdraw most of its troops from Mogadishu in August 2011. Since then, AMISOM has continued to expand its areas of operations across the country, aided significantly by military interventions from Kenyan and then Ethiopian forces in late 2011. Both these countries eventually integrated their troops into AMISOM – Kenya in mid-2012 and Ethiopia in January 2014 – as part of a “surge” in AMISOM’s strength. In August and September 2012, AMISOM helped to facilitate the selection of a new Federal Government of Somalia, which replaced the TFG. Since then, it has continued its attempts to degrade al-Shabaab, facilitate political progress towards creating a new Somali federal state, and support the development of an effective set of Somali national security forces.

Particularly during its first four years, AMISOM had a distinctly ambiguous relationship with civilian protection issues. On the one hand, AMISOM was mandated to protect certain VIPs associated with the political reconciliation process; degrade al-Shabaab and other anti-government armed actors; and

provide medical care, water supplies, electricity generators and humanitarian assistance to significant numbers of Mogadishu's stricken civilians, because of the absence of humanitarian actors on the ground. On the other hand, at times, AMISOM personnel were depicted as supporting a brutal occupying force in Mogadishu (the Ethiopian National Defence Force) and turning a blind eye to predatory behaviour by the TFG's security forces, as well as other militias. The AU force was also accused of harming civilians – both directly, through instances of indiscriminate fire and the targeting of civilians who were mistaken for enemy fighters, and indirectly, by failing to protect others from al-Shabaab snipers and attacks (see details below).

Furthermore, even though AMISOM was not given an explicit PoC mandate, the mission was always required to protect civilians as part of its obligations under IHL (see Wills, 2009).³⁰ Particularly from 2010, AU and AMISOM officials debated whether the mission should take on a more explicit and proactive approach to PoC. This raised some big questions for the mission: What would such a proactive protection mandate mean in practice? Would it raise local expectations to unrealistic levels, or had local civilians always expected protection from AMISOM troops, regardless of whether this was written into the mission's formal mandate?³¹ Would a PoC mandate require AMISOM to deploy many more police and other civilian experts? Assuming so, how would the mission acquire such additional resources? Finally, how could AMISOM ensure that its troops received effective training for conducting the military and policing tasks associated with the proactive PoC? As it turned out, only after May 2013 did AMISOM adopt a more explicit and proactive approach to PoC, involving the deliberate application of its resources to reduce civilian harm (see AU, 2013:§49). In practice, however, AMISOM did not reconfigure its operations to carry out more proactive forms of PoC, but instead continued to pursue military operations designed to degrade al-Shabaab while trying to uphold its obligations under IHL. Even after this new strategy was adopted, some AMISOM

30 IHL requires parties to a conflict to take all feasible precautions to protect civilians under their control against the effects of attacks, including avoiding locating military objectives within or near densely populated areas and removing civilians from the vicinity of military objectives. The obligation to respect IHL does not depend on reciprocity by other belligerent forces. See ICRC (2005: rules 22–24, citing Protocol I, articles 58(a-c), and 140).

31 The AU has explicitly recognised that AMISOM has “been widely expected to protect civilians in [its] areas of operations, without being explicitly mandated or resourced to do so” (AU, 2011d:10).

personnel were accused of deliberately inflicting harm on civilians, including through the use of deadly force and SEA (e.g. Human Rights Watch, 2014).

This chapter discusses these issues in four parts. It begins by illustrating how the AU and AMISOM disseminated mixed messages on PoC issues. Second, it highlights the difficulties of protecting civilians in situations of asymmetric warfare, as demonstrated in the AU's experience in Somalia. The third section provides evidence of some difficulties faced by AMISOM in protecting civilians both in Mogadishu, and later beyond the city. The fourth section summarises the remedial policies AMISOM adopted to try and alleviate this problem, including a new public information campaign and a revised indirect fire policy. The conclusion reflects on the main lessons that emerged from AMISOM's experiences with civilian protection issues.

Mixed messages on the protection of civilians

Prior to the May 2013 mission-wide PoC strategy, the AU and AMISOM suffered from a lack of clarity about the scope and best approach to protecting civilians in Somalia.

One source of confusion came at the operational level in AMISOM's ROE. AMISOM's initial ROE stipulated that any use of force should try to avoid collateral damage (AMISOM, 2007:para. 7h) and that AMISOM troops could use force in some situations beyond self-defence, including: "To afford protection to civilians under imminent threat of physical violence" (AMISOM, 2007: para. 7k(1b)). No other guidelines were specified, leaving a blurred line between AMISOM's obligation to uphold IHL and proactively protect civilians from threats. The February 2010 iteration of AMISOM's ROE also stated that "[u]se of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence is authorized" (Rule No. 1.7). So did the Pocket Card version of the ROE issued to AMISOM troops, which stated: "You are authorized to use force, up to and including deadly force... to protect civilians, including humanitarian workers, under imminent threat of physical violence." Thus, while AMISOM troops did not have an explicit PoC mandate, their ROE told them they could use deadly force to protect civilians.

Mixed messages were also present at the strategic level, where AU pronouncements emphasised the importance of PoC for AMISOM but did not give the mission an explicit mandate to that effect. During 2009, the AU began to define its approach to civilian protection, and in March 2010 it released its *Draft guidelines for the protection of civilians in African Union peace support operations* (AU, 2010). In October that year, the AU PSC reaffirmed “the AU’s commitment to fully adhere to, and respect, International Humanitarian Law (IHL) in AMISOM’s operations”, and encouraged the AUC to “mainstream” the AU’s draft guidelines “into the activities of AMISOM as the Mission does its utmost to avoid collateral civilian casualties” (AU PSC, 2010). A Working Group on the Protection of Civilians was established within the AUC in February 2011, and was charged with developing and implementing AMISOM’s “mission-wide strategy on the protection of civilians” for the civilian population in its area of operations by the end of 2011 (AUC, 2011:3; see also AU, 2011a:para. 15). In May 2011, the AU PSC held its first open session on PoC, during which it called on the AUC to develop “an AMISOM approach for the protection of civilians” as a matter of priority (AU, 2011b).

The 2011 AMISOM Mission Implementation Plan identified PoC as one of AMISOM’s five key diplomatic and political tasks for the period from March to September 2011. In its words: “AMISOM is committed to the adherence and implementation of International Humanitarian Laws and Rules of Engagements approved for the mission. In this regard, the AUC is developing the wholesome policy and guidelines for protection of civilians” (AMISOM, 2011:21). This was followed, in July 2011, by an AMISOM conference that called on the AUC to “assist AMISOM to mainstream relevant parts of the four-tiered approach to protection into the work of the mission *under the current mandate*” (AU, 2011c:2, emphasis added).³² Once again, this blurred the distinction between AMISOM protecting civilians in the limited sense of upholding IHL and the more proactive approach that would require AMISOM to stop other threats to Somali civilians, most notably with regard to protection from physical violence. In contrast, the AUC’s Working Group on PoC made the mainstreaming of civilian protection

³² The four-tier approach referred to the AU’s understanding of: (a) protection through political process; (b) protection from physical violence; (c) rights-based protection; and (d) the establishment of a protective environment.

in AMISOM largely synonymous with respect for IHL, stating: “Where the protection of civilians is not considered a primary objective and is considered more as a means to an end, such as in the case of AMISOM, protection of civilians rests more on the respect of the mission for IHL and human rights law, as opposed to engaging in proactive protection activities” (AU, 2011d:15).

When AMISOM’s new Military Strategic Concept of Operations was adopted in January 2012, it made no mention of PoC. In March 2012, however, the brochure version of the AU’s draft guidelines for the PoC included a foreword by the then Commissioner for Peace and Security, Ramtane Lamamra, who wrote that “the AU operations in Darfur and in Somalia were, and remain, specifically mandated to ensure the protection of displaced persons and the delivery of humanitarian assistance, and to prevent serious human rights abuses from being committed against the civilian population” (Lamamra, 2012:2). This seems to imply much more than simply upholding IHL. Finally, 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” (AU, 2012:1, emphasis added).

Unsurprisingly, these mixed messages caused confusion within AMISOM about the status of PoC in the mission’s activities. It appears that at least four views were evident:

1. AMISOM was actively engaged in PoC, but only for the small subset of political leaders who were designated as VIPs in the transitional federal institutions.
2. AMISOM was carrying out PoC through its civil-military assistance, including facilitating humanitarian relief and giving medical care to civilians in Mogadishu.
3. AMISOM provided protection to some civilians as an unmandated by-product of its defence of the TFG and its operations against al-Shabaab.
4. PoC tasks were not currently conducted but should become an explicit part of AMISOM’s mandate, even if it would likely raise local expectations to unrealistic levels.

Not only were such divergent views indicative of incoherence within the mission, they also suggested radically different force postures and resourcing implications for AMISOM (see Lotze and Kasumba, 2012).

Limited previous experience

The AU was also reluctant to take on a proactive PoC mandate in Somalia, because of its lack of previous experience and related institutional unpreparedness. Before AMISOM's deployment in March 2007, only one AU peace operation had been given an explicit PoC mandate: AMIS in Darfur (2004–2007). This did not turn out well. Yet no official lessons learned study was conducted either on AMIS, in general, or the AU's efforts to protect civilians in Darfur, in particular. This absence of lessons learned occurred despite the AUC's acknowledgement that it would have been highly significant for "the development of a body of knowledge and institutional memory" and "as a valuable policy-making and training tool for future operations" (AU, 2011a:para. 17).

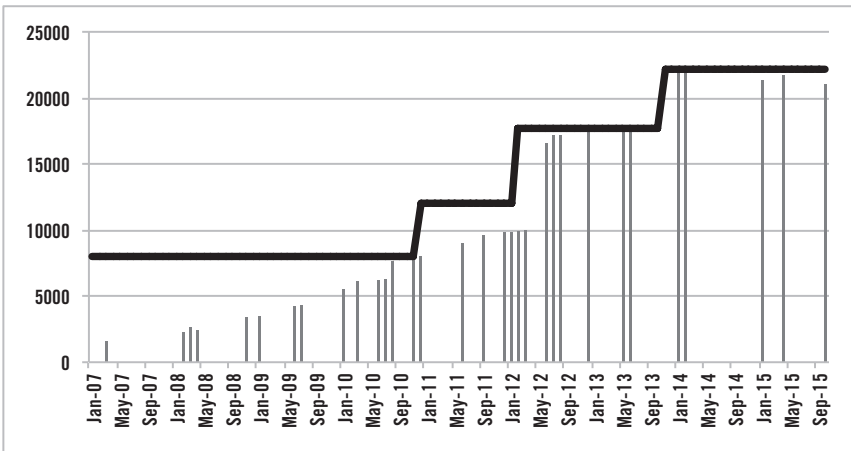
A second problem was that the AU's draft guidelines on PoC were only produced in March 2010, and borrowed heavily from the UN's parallel process of developing PoC guidelines for its peacekeeping operations.³³ This was problematic, because AMISOM was not a peacekeeping mission in the UN sense of the term. Rather, it involved various war-fighting, VIP protection and counterinsurgency elements that went well beyond the levels of force and tempo of operations generally expected in UN-led peacekeeping missions. AMISOM's mandate to protect the TFG and target al-Shabaab also made it a party to the armed conflict. This left AMISOM under constant threat of attack from anti-TFG forces, and raised the risks of conducting the type of small-unit patrols that have been an essential part of PoC strategies in some UN peace operations. AMISOM's predicament was further complicated by the lack of an effective national government, which would usually shoulder the primary responsibility for ensuring civilian protection within its territory. In Mogadishu, however, the TFG lacked even rudimentary capabilities, and its armed forces routinely harmed civilians (Human Rights Watch, 2010). AMISOM's status, posture and operating environment thus raised major questions about the applicability of the UN's approach to PoC.

33 The UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS) utilise a three-tier approach to civilian protection. Tier 1 entails protection by promoting a political process of conflict resolution to end the armed conflict that was a major source of threats to civilians. Tier 2 entails providing protection from physical violence, which takes place in four broad phases (assurance and prevention, pre-emption, response, and consolidation). Tier 3 entails establishing a protective environment that enhances the safety and supports the rights of civilians – i.e. promoting legal protection (especially IHL, but also relevant human rights and refugee law), the facilitation of humanitarian assistance and advocacy, and support for national institutions. The three tiers are seen as "mutually accommodating and should be taken forward simultaneously, in accordance with mission mandates and in light of the circumstances on the ground" (UN DPKO/DFS, 2010:para. 15).

Not surprisingly, therefore, the AU lacked even basic training modules in PoC-related activities for AMISOM personnel (a point the AU recognised – see AU, 2011d:16). There was a similar dearth of operational concepts suitable for articulating what military and civilian tasks might actually be involved in carrying out a PoC mandate. Even on the more limited issue of compliance with IHL, AMISOM had severe limitations, including having no legal advisers in IHL until 2010. This gave rise to confusion. It made the mission’s senior leadership reluctant to comment publicly on controversial incidents and left lower ranks worried about potentially admitting responsibility for alleged IHL violations. There was also concern that AMISOM would become financially liable for any claims, but had neither a mechanism to verify such claims nor any funds to pay reparations in legitimate cases (author confidential interviews, AU official and adviser, January 2011).

Compounding these problems, in its first few years AMISOM did not have enough troops for the job. As one former officer suggested: “A force that cannot protect itself is unlikely to do well at protecting civilians” (author confidential interview, April 2011). Indeed, AMISOM did not reach its initial authorised strength of 8000 troops for nearly three and a half years (see Figure 1).

Figure 1: AMISOM authorised and deployed strength, 2007–2015



Source: Compiled by author from various AU and UN official sources

AMISOM also did not have enough police officers or civilian personnel, who would have been crucial for implementing many aspects of a PoC mandate. Until August 2012, when the mission's first (Ugandan) FPU was deployed to Mogadishu, the mission had less than 100 police officers. AMISOM's police component was enhanced in mid-September 2012 with the deployment of a second FPU from Nigeria and, by mid-2013, had 490 police officers (AU, 2013:para. 24). A third FPU from Uganda was slated to deploy to Kismayo, but as of May 2016 it had not done so. There were even fewer civilian staff, most of whom were not based in Somalia until late 2013.

Finally, AMISOM had no means to collect and analyse the type of information that is crucial for both ensuring compliance with IHL and for more proactive PoC initiatives. Although Mogadishu was clearly a very difficult place in which to verify reports of civilian casualties and identify the perpetrators, AMISOM's information-gathering mechanisms were severely limited and constrained. The AMISOM Mission Analysis Cell, for instance, struggled to complete its other tasks, let alone collect the additional information that would have been necessary to support PoC activities. Nor did AMISOM report on incidents appropriately. Indeed, it lacked adequate mechanisms for investigating episodes of collateral damage and potential violations of IHL (author confidential interview with AMISOM official, August 2010).

In sum, the AU was unprepared to carry out a PoC mandate in Mogadishu, even if it had wanted to do so.

Challenges of protecting civilians during asymmetric warfare

AMISOM's most controversial issue was inadvertent harm to civilians in Somalia, due to the asymmetrical nature of the crisis. This sometimes negatively influenced local perceptions of AMISOM operations and undermined its effectiveness.

While exact figures are impossible to generate, civilians were sometimes killed or injured as a direct result of fighting in Mogadishu during AMISOM's deployment. For example, Amnesty International reported that some 6 000 civilians were killed in attacks in 2007 alone (Amnesty International, 2008:1).

The Somali non-governmental organisation (NGO), Elman Peace and Human Rights Centre, estimated that 1739 civilians were killed in Mogadishu in 2009, 2200 in 2010 and around 1400 in the first half of 2011 (cited in CIVIC, 2011:18). Of course, these are only estimates, and most of these civilians were probably killed due to the activities of other armed actors operating in Mogadishu. But local perceptions of reality count more than any objective indicators. An additional challenge was al-Shabaab's tactic of killing its own wounded and leaving them unarmed in an attempt to make them look like a civilian casualty (author confidential interviews, AU, UN and EU officials and advisers, 2012).

From its initial deployment, AMISOM worked alongside the Ethiopian forces that had brought the Somali TFG into Mogadishu in December 2006. In January 2009, the Ethiopian troops withdrew from Mogadishu as part of the Djibouti peace process, which involved a deal to change the composition of the TFG. The Ethiopian troops were not part of AMISOM, but the AU forces worked with them and suffered from a considerable degree of "guilt by association" in the eyes of the local populace, because the Ethiopians were seen by many Somalis as an occupying force (see Amnesty International, 2008; UN, 2007:12-13). Albeit to a lesser degree, AMISOM's reputation also suffered, because TFG forces regularly committed crimes against local civilians and the AU mission was involved in training and supporting them in the fight against al-Shabaab (see Human Rights Watch, 2010).

Several different parties accused the mission of actually causing civilian harm. In September 2008, for example, Shaikh Sharif Shaikh Ahmed – then the leader of the Alliance for the Re-liberation of Somalia (ARS) – accused AMISOM of "brutality", "war crimes" and indiscriminately killing "over 100 people, including children, women and elderly" (ARS, 2008). Even in 2010, one Somali peace activist in Mogadishu summarised the perspective of many local civilians by saying: "What is the difference between AMISOM and al-Shabab... AMISOM are killing me. And they [al-Shabaab] are also killing me" (as quoted in CIVIC, 2011:42). Some former al-Shabaab fighters have testified that their decision to fight against AMISOM was partly the result of feelings of hatred or a desire to seek revenge, because of AMISOM's bombardment tactics (e.g. Hassan, 2012:18).

In a typical scenario in Mogadishu for much of 2009 and 2010, al-Shabaab forces would fire mortar rounds at AMISOM positions from Bakara Market, and then withdraw. AMISOM would return fire with heavy weapons, without being able to observe where the shot fell and without being able to locate al-Shabaab's heavy weapons rapidly, which meant AMISOM's return fire was likely automated at pre-set targets. Al-Shabaab would then claim AMISOM's fire had caused civilian casualties, while AMISOM would deny this or claim al-Shabaab had forcibly kept civilians in Bakara Market for precisely this reason. Alternatively, al-Shabaab used converted Toyota minibuses as mobile artillery launchers, which would fire at TFG/AMISOM positions before departing the scene and leaving the area exposed to likely retaliatory fire (CIVIC, 2011:19).

At times, AMISOM also fired on civilians who were mistaken for enemy fighters. In one such incident in 2009, a passenger bus was accidentally fired upon by AMISOM troops after they were ambushed by a combination of a roadside bomb and machine-gun fire (author confidential interview, AMISOM officer, May 2013; see also CIVIC, 2011:20). In September 2012, a Kenyan AMISOM soldier allegedly shot dead six civilians in the run-up to the assault on Kismayo. He apparently believed they were al-Shabaab fighters who had attacked his unit earlier that day (BBC, 2012). A similar incident occurred in April 2016, when AMISOM troops killed four civilians in a vehicle that was traveling towards their roadblock (AMISOM, 2016). Other forms of collateral damage included civilians caught in crossfire and AMISOM vehicles injuring civilians through road accidents. A particularly difficult problem was raised if AMISOM caused casualties among relatives of members of the TFG's security forces, with whom AMISOM personnel had to work.

Remedial action and its limits

By 2010, there was widespread agreement throughout the AU, AMISOM and various international partners that levels of civilian harm in Mogadishu must be reduced. This was important for moral and legal reasons, but also because it undermined AMISOM's strategic effectiveness as some of the victims or their families provided information or other support to al-Shabaab, or even joined the insurgents.

To change its policies, AMISOM called on external assistance in the form of contractors who helped design and implement new information and communication policies, and advisers who helped design a new indirect-fire policy for the mission.

AMISOM's "strategic communication" challenge was to shift the dominant narrative in its favour to explain that al-Shabaab was the key source of civilian casualties. To this end, in February 2010, AMISOM and the UN contracted a consortium of three companies to support AMISOM's public information campaign: Albany Associates, Bell Pottinger and Okapi Consulting. These firms developed a public information campaign to reinforce AMISOM's profile, credibility and legitimacy, and simultaneously undercut efforts to obstruct that narrative by the mission's opponents. This was pursued through a variety of means, including launching Radio Barkulan (Somali for "meeting point"), publications such as the online *AMISOM Bulletin* and *AMISOM Quarterly Magazine*, facilitating media visits to Mogadishu for international journalists, organising AMISOM media training workshops, producing video documentaries, drafting op-eds for senior officials, and maintaining AMISOM's website. Such initiatives were not a remedy for the previous harm done by AMISOM, but within a year of the new campaign, reports accusing AMISOM of causing civilian casualties had significantly decreased.

AMISOM's second major change was to endorse a new indirect-fire policy in early 2011 (although it was only formally introduced into the revised AMISOM ROE in mid-2012). This was designed with the help of outside advisers, notably from the Information Support Team, the Center for Civilians in Conflict (CIVIC) and Bancroft Global Development. Drawing inspiration from the Somali tenets of *biri-ma-geydo* (which seeks to spare women and children and other innocents from the spear/armed conflict), the new indirect-fire policy involved a three-step process, summarised as the "3A strategy" – for Avoid, Attribute and Amend. Where possible, AMISOM should *avoid* the use of indirect fire; where casualties occur, AMISOM should *attribute* responsibility to the perpetrator(s) by assessing and investigating incidents; and AMISOM should assist those who have been injured through emotional redress, medical care and/or material assistance, and make amends for civilian harm caused unintentionally by AMISOM, thus helping to build local support for the mission over the longer term. In the initial

steps, AMISOM's military component would lead, whereas in the final stages, the leading role would be played by AMISOM's civilian component as well as perhaps UN agencies and international donors.

The new policy required changes in policy and tactics, and better equipment. In particular, AMISOM called for more sophisticated targeting equipment and locating equipment for mortars, as well as the associated training and support. However, one analysis suggested the major problem with the new policy was the fact that AMISOM was told to implement it without any "additional resources for training, mentoring and equipment such as weapons-tracking mechanisms or aerial drones which would greatly assist in tracking fire and determining response options" (Lotze and Kasumba, 2012:23).

In terms of tactical changes, AMISOM commanders instigated a number of mitigation/control measures designed to reduce the potential for causing civilian harm. These included troops being given relevant pre-deployment training, including in IHL, which instructed commanders on matters such as: (a) not to fire without authorisation; (b) designating "no-fire zones" in areas where civilians were known to be present (e.g. schools and hospitals); (c) restricting counter-battery fire and unobserved fire; (d) utilising early warning mechanisms, including verbal warnings to people to vacate an area; (e) choosing not to use particular weapons; and (f) exercising a high degree of restraint (author confidential interview, senior AMISOM official, August 2012).

As part of the "attribute" step, AMISOM required some form of investigative capacity. Ideally, this should have operated in a context where the mission's personnel kept accurate records of incidents and war diaries at contingent command level as well as the force commander level, including detailed logs of use of heavy weapons and skirmishes/contacts. Calling on such records/diaries would make it easier to refute false allegations. The external advisers called on AMISOM to establish a dedicated unit to collect and analyse such information: a CCTARC (CIVIC, 2011:4). Accordingly, in February 2012, UN Security Council Resolution 2036 authorised AMISOM to establish a CCTARC.

AMISOM also instituted boards of inquiry (BOIs) as an important aspect of boosting the mission's investigative and oversight capacity. As well as

investigating death and disability claims concerning AMISOM personnel, the BOIs have been used to verify and address issues relating to civilian casualties in incidents involving AMISOM personnel and misconduct by AMISOM troops. It has provided a mechanism to provide a balanced account of civilian-related incidents in AMISOM's area of operations.

Even by this stage, however, it was clear that the new indirect fire policy was already out of date in important respects, and needed revision. As the advisers rightly noted, the 2011 policy had been designed before the arrival of the Kenyan forces, and thus before AMISOM had any airpower, which potentially had a major part to play in preventing or causing civilian harm, and there were now new relevant technologies that had not existed previously in the mission (author confidential interview, September 2012). The situation called for AMISOM to create a Force Fire Direction Centre and a related collateral damage estimate decision support tool to work in conjunction with the CCTARC – an action plan for which had been given funding by the British government (author confidential interview, September 2012). However, despite the fact that the idea to establish a six-person CCTARC was endorsed by the UN Secretary-General in December 2011 (UN, 2011:para. 69) and in UN Security Council resolutions 2036 (22 February 2012) and 2124 (12 November 2013), the CCTARC did not become operational until late 2015, when its first officer began working out of the AMISOM force headquarters in Mogadishu.

Another relevant but controversial issue was whether AMISOM should offer compensation for civilian harm caused by its personnel and actions. AMISOM had no compensation scheme. Consequently, CIVIC called for the development of such a scheme on moral, strategic and cultural grounds, to acknowledge an error and responsibility and to help build better relations with the local population (2011:41–44). Until early 2011, there had only been one example of AMISOM making a compensation payment (of nearly US\$ 8 000), but this was for some camels that were killed by AMISOM troops (author confidential interview, AU official, January 2011). Not surprisingly, this generated considerable anger among the local population. It also intensified the worries of some AU officials of the potential for “floodgate” issues if AMISOM instigated any such compensation scheme. Specifically, they were concerned that “every injured

person in Mogadishu will claim he was hurt by AMISOM” (in CIVIC, 2011:37). Later, however, AMISOM’s BOI recommended compensation be paid to local Somalis for a variety of incidents including shootings, traffic accidents and damage to property caused by AMISOM personnel and vehicles.

Even with these remedial initiatives, AMISOM was unable to eradicate all sources of civilian harm from among its own ranks and operations. Arguably the two most serious examples were instances of lethal force used against local civilians, and accusations that some AMISOM personnel engaged in the SEA of some locals. The most prominent example of AMISOM personnel killing civilians came on 31 July 2015, when the AU acknowledged that Ugandan members of AMISOM killed seven civilians in the town of Marka. Three AMISOM personnel were subsequently indicted for this incident (SRCC, 2015).

With regards to SEA, in September 2014, Human Rights Watch (2014) released a report detailing a variety of allegations that AMISOM personnel had sexually abused and exploited some local women and girls. After initially denying the allegations (see AU, 2014), the AU and AMISOM conducted an investigation into the allegations between November 2014 and February 2015. The investigation found evidence that some AMISOM personnel had engaged in SEA of local civilians. Unfortunately, the subsequent report was of such a poor standard that it was never publicly released. Instead, the AU issued a detailed press release summarising the principal findings and recommendations (AU, 2015). The recommendations included that AMISOM’s Conduct and Discipline Office must monitor all reported cases of SEA, and that the AUC should establish an Office of Internal Oversight Services to investigate such issues.

Finally, although it did not address harm caused to civilians directly, in August 2016 Uganda notably became the first AMISOM troop-contributing country to hold a court martial of 18 of its troops in Mogadishu. The court martial addressed military offences related to the stealing of equipment and material, rather than abuse of civilians, but the model of opening such proceedings to victims, witnesses and the press could be useful in cases of crimes against civilians (see Bader, 2016).

Conclusion: lessons from AMISOM's experiences

What lessons can be drawn from AMISOM's ambiguous experiences with PoC? First, it is clear that a small, under-resourced force which is unable to protect itself is hardly in a position to engage in proactive PoC activities. AMISOM found itself in this position until at least late 2011. The best that could be hoped for in such circumstances is that the force conducts its operations in line with IHL. However, this was not always the case.

Second, it is also clear that regardless of whether AMISOM adopted an explicit PoC mandate, most local civilians expected AMISOM to protect them. It is therefore important to realise that even a mission like AMISOM, which lacked an explicit PoC mandate, should work hard to minimise civilian harm in its area of operations – since this inevitably erodes the mission's legitimacy, pushes victims and their families to aid opponents, and ultimately undermines the mission's effectiveness.

A third lesson is that it is important to be clear about what peacekeepers are being asked to do in relation to PoC. Specifically, do their obligations end once they ensure respect for IHL, or are they expected also to conduct other proactive activities to reduce threats to civilian populations? AMISOM personnel were given a variety of unhelpful mixed messages on this issue.

A fourth lesson is that PoC mandates require the investment of considerable resources and many specialised capabilities. To be given even a chance of success, these capabilities must be built into the mission's Force Requirements and Concepts of Operations documents. Specifically, PoC mandates require a multidimensional mission structure with sufficient military, police and civilian components; mission-specific pre-deployment training regimes; appropriate means of mobility and coercive capacity; and analytical capabilities to gather, process and act upon relevant intelligence and information. It is particularly important not to neglect the mission's analytical capabilities, as it will only be possible to mitigate the main threats to civilian populations if the mission has an accurate understanding of what those threats are and where the risk of them occurring is most intense. In AMISOM's case, however, the mission

lacked an appropriate force structure and enablers, it had insufficient analytical capabilities, and its personnel were not well versed in what military and other civilian tasks would be required to execute a proactive PoC mandate.

Fifth, AMISOM's experience shows the value of remedial action, although this is certainly not the same thing as addressing the whole spectrum of PoC challenges. From 2009, the AU leadership, AMISOM and its partners took important steps to address some of the civilian protection challenges facing the mission. New approaches to strategic communications and indirect fire, in particular, enhanced AMISOM's ability to undercut al-Shabaab's propaganda and guarded against an important cause of civilian harm. In contrast, issues of compensation were not adequately addressed, nor did the mission sufficiently bolster its analytical capabilities in this area. However, this remedial action had its limits and did not prevent further incidents of AMISOM personnel killing local civilians and engaging in SEA.

A sixth lesson is that while PoC is important during war-fighting operations for moral, legal and strategic reasons, it becomes even more salient as operations shift towards broader stabilisation tasks (see Lotze and Williams, 2016). In AMISOM's case, this occurred after the mission forced al-Shabaab to withdraw most of its fighters from Mogadishu in August 2011 and the mission's area of operations expanded across much of south-central Somalia. PoC was crucial for that agenda, because the Somali populations were the centres of gravity that needed defending from rebels, who were willing to use violence to enforce civilian compliance with their agendas (see Beadle, 2012). In such environments, ensuring compliance with IHL is not enough to succeed. More proactive measures need to be taken to keep civilians from harm.

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Abstract

AFISMA, deployed in early 2013 to Mali, and MISCA, deployed in late 2013 to CAR, both had an explicit PoC mandate. After operating for less than a year, these two AU missions were subsequently transformed into UN stabilisation operations. This chapter analyses the AU's efforts to protect civilians through these two missions, and highlights some challenges and lessons that can be learnt from their experiences.

Keywords: AFISMA, MISCA, Mali, Central African Republic, secessionist conflict, armed conflict

Introduction

In the first half of 2012, operations by armed insurgents and terrorist groups in the three northern regions of Mali (Kidal, Gao and Timbuktu) effectively caused the collapse of state authority – including the local administration, justice and basic social services as well as the Malian Defence and Security Forces (MDSF). As a result, the civilian population in these regions was abandoned and many of them fled, becoming IDPs or refugees in neighbouring countries such as Algeria, Burkina Faso, Mauritania and Niger. The few humanitarian and NGOs present on the ground lacked the required capabilities to deliver assistance and provide adequate physical protection.

In the second half of 2013, the security situation dramatically worsened in CAR when a toxic combination of rebellion, intercommunal violence and religious polarisation generated massive levels of violence against civilians,

many of whom were the subject of arbitrary arrests, forced displacement, constant attacks on property and summary execution.

In both Mali and CAR, the AU responded by deploying PSOs – AFISMA and MISCA respectively. Both missions were given an explicit PoC mandate. Both involved the AU and the respective RECs working under the command and control of the AU: in Mali, the AU worked with the Economic Community of West African States (ECOWAS), while in CAR, it worked with the Economic Community of Central African States (ECCAS).

How well did these two operations perform? What lessons can be learnt from their experience for other and future AU PSOs? What challenges are discernible from their experiences of collaboration between the AU and the RECs in the protection of civilians, and how can these challenges be mitigated?

To answer these questions, the chapter is divided into three main sections. The first part provides a brief background on the security situation in Mali before discussing AFISMA's deployment, including the core elements of its mandate as they related to PoC. The second section then does the same thing for the situation in CAR and the deployment of MISCA. The third section looks at how these missions discharged the specific PoC aspects of their mandate and the challenges they faced in doing so. Some lessons that could be drawn from the experience of the two missions for future AU PSOs are also identified.

Overview of the conflict in Mali and AFISMA's deployment

This section provides a brief overview of the crisis in Mali by way of setting the scene and presenting the context of the deployment of AFISMA, as well as the challenges the mission faced in terms of implementing the PoC aspects of its mandate.

There have been four main cycles of armed rebellions in northern Mali since the country became an independent state in September 1960. The first rebellion started in May 1963 and ended in August 1964; the second lasted from mid-1990 to March 1996; while the third rebellion, led by a renegade soldier called Ibrahim Ag Bahanga, lasted from mid-2006 to early 2011 when he was forced out of Mali (Lococq, 2010; Chena and Tisseron, 2013).

The fourth and most serious wave of armed rebellion in northern Mali started in 2012. In the months preceding the outbreak of the armed rebellion, the situation in the north of Mali was characterised by the activities of a mix of transnational organised criminal groups, including terrorist movements and drug traffickers, who had entrenched themselves in the region over the past decade or so (Souaré, 2010; AU PSC, 2012a). It is the involvement of this cocktail of groups that sets the current fourth wave of rebellion apart from the previous ones. With some variation in their declared strategic and ideological motivations, four groups constituted the main actors of the initial period of this rebellion: the National Movement for the Liberation of Azawad (MNLA), Ansar Dine, MUJAO and AQIM. These groups intensified their attacks and managed to occupy all the three northern regions of Mali (Gao, Timbuktu and Kidal) by mid-April 2012, with the MNLA declaring an “independent state of Azawad” in northern Mali on 6 April 2012.

The Libyan civil war that began in 2011, and the logistical resources it allowed these groups to acquire, played an important role in facilitating such quick rebel victories. Many of the combatants in the MNLA who spearheaded the armed rebellion had fought in Libya, before returning to Mali with their arms following the downfall of the Qaddafi regime in October 2011 (Chena and Tisseron, 2013; Westerfield, 2012:31). A second factor in explaining the armed groups’ apparently easy victory is the subsequent institutional crisis brought about by the March 2012 coup d’état in Bamako, which overthrew President Amadou Toumani Touré about a month before the country’s scheduled presidential elections. The coup’s architects justified their action by claiming bad working conditions and a lack of adequate equipment in their fight against armed groups in the north of the country (Théroux-Bénoni, 2013; Whitehouse, 2012). However, this institutional crisis brought about disarray in the government’s actions and disrupted the chain of command in the ranks of the MDSF, thereby facilitating rebel advances unopposed.

Over the next few months, the armed groups consolidated their positions, leading to a daring attempt by some of them to extend their occupation southwards during the first week of January 2013. It was this strategic miscalculation that prompted the deployment of a French military intervention, called Operation Serval, and the acceleration of AFISMA’s deployment (Lasserre and Oberlé, 2013).

AFISMA was initially meant to be a regional force of ECOWAS. From early 2012, the West African regional bloc took steps towards the deployment of a stabilisation force in Mali, called the ECOWAS Mission in Mali (MICEMA), within the framework of its regional brigade under the ASF. It thus convened a number of planning meetings with an active participation of the AU, UN and other partners. However, as time passed, it was decided to broaden the scope of the mission from a regional to the AU level. This was partly due to the fact that the participation of some countries outside ECOWAS, such as Chad, which had expressed their readiness to contribute, were crucial for the success of the efforts in Mali.

Thus, the Extraordinary Session of the Authority of ECOWAS Heads of State and Government, held in Abuja, Nigeria, on 11 November 2012, decided to adopt the harmonised CONOPS for the deployment of AFISMA. It also requested the AU PSC to endorse the CONOPS and ensure its immediate transmission to the UN, together with the Strategic Concept for the Resolution of the Crises in Mali, adopted by the PSC's 339th meeting, held in Addis Ababa on 24 October 2012. The PSC's 341st meeting, held in Addis Ababa on 13 November 2012, endorsed the same CONOPS, insisting that AFISMA's deployment fell within the ASF framework, as provided for in Article 13 of the 2002 Protocol Relating to the Establishment of the PSC, and requested the Chairperson of the AUC to immediately transmit the CONOPS to the UN Secretary-General, with the intention of adopting a UN Security Council resolution authorising the deployment of AFISMA.

On 20 December 2012, UN Security Council Resolution 2085 authorised the deployment of AFISMA and mandated it with the following core tasks, among others: (a) to contribute to the rebuilding of the capacity of the MDSF, in close coordination with other international partners involved in the process, including the EU; (b) to support the Malian authorities in securing and consolidating the areas in the north of its territory under the control of terrorist, extremist and armed groups, while taking appropriate measures to reduce the impact of military actions upon the civilian population; (c) to support transition to stabilisation activities by supporting the Malian authorities in maintaining security and consolidating state authority through appropriate capacities; (d) to support the Malian authorities

in their primary responsibility to protect the population; and (e) to support the Malian authorities to create a secure environment for the civilian-led delivery of humanitarian assistance and the voluntary return of IDPs and refugees, within its capabilities and in close coordination with humanitarian actors.

As noted above, the unexpected advance of some armed terrorist groups to the south, on 10 January 2013, led to the French Operation Serval and the start of AFISMA's deployment on 17 January 2013. By 24 January, more than 4000 AFISMA troops were deployed in northern Mali. Both AFISMA and French forces operated in northern Mali to stop the advance of the armed groups and to liberate the occupied territory in support of the MDSF. By the end of March 2013, the key towns of the Gao, Timbuktu and Kidal regions were liberated, resulting in the reduction of the threats posed by the terrorist groups.

AFISMA continued serving until it was transformed into the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) on 1 July 2013, as authorised in Security Council Resolution 2100 of 25 April 2013. When deployed, MINUSMA essentially absorbed the military and police personnel of AFISMA, making it essentially a rehatting process.

Overview of the conflict in Central African Republic and MISCA's deployment

Since independence in 1960, it was not until September 1993 that CAR's highest executive office was transferred to a new holder through constitutional and peaceful means. This came about when General André Kolingba, who had come to power through a military coup about a decade earlier, handed power to Ange Felix Patassé after losing an election. However, Patassé was removed from power at the end of a bloody civil war in March 2003, led by his former chief of staff of the army, François Bozizé Yangouvonda. Bozizé was then overthrown in March 2013 in the midst of yet another civil war – this time involving a heterogeneous rebel coalition of several armed groups that called themselves Seleka ("coalition" or "alliance" in Sango). Most analysts agree that this turbulent state of affairs was due to numerous factors, especially bad political and economic governance, the political instrumentalisation of ethnic

groups, real or perceived marginalisation and exclusion by some segments of society, and the negative influence of some regional dynamics (Houssein, 2014; ICG, 2013; Leaba, 2001).

Similar to Mali, the conflict that started in late 2012 was the third wave of CAR's series of major civil wars since independence. Following the political instability and the record of Bozizé's 10-year rule, it appears that the emergence of the Seleka rebellion – which was staffed by many of his former allies who had brought him to power in 2003, including members of the presidential guard – was a reaction to his rule and the dissatisfaction many fighters felt about the treatment they had received from their former ally. Signs that Bozizé had plans to amend the term-limit provision of the constitution, so that he could stand for re-election in 2016, may have convinced some that the only way for them to get to power was through the barrel of a gun (ICG, 2013).

Some rebel groups also accused Bozizé of not respecting the terms of the various agreements signed since the start of a long process of negotiations with different armed groups and the political opposition in 2007, particularly the December 2008 Inclusive Political Dialogue, which assembled all the previous agreements in a single document. Unsurprisingly, Bozizé rejected such arguments in an opinion piece published in *Jeune Afrique*, and insisted that he was a good leader (Bozizé, 2014).

In any case, in 2008 these agreements facilitated the deployment of the Mission for the Consolidation of Peace in Central African Republic (MICOPAX) of the ECCAS. This replaced the Multinational Force in Central Africa (FOMUC). MICOPAX forces helped to uphold a fragile peace in the country, which was seriously tested by the advances of the Seleka rebels, led by Michel Djotodia, from late 2012. The 11 January 2013 Libreville Agreement and its power-sharing arrangements, negotiated by ECCAS with strong support from the AU, kept Bozizé in power – but only for a few weeks, until Djotodia's forces finally overran the capital city, Bangui, and took power on 24 March 2013.

Following this change of government and on the basis of the relevant decisions by ECCAS and the AU, the major political stakeholders in CAR agreed on a transitional period of about 18 months. On 5 July 2013, the Constitutional

Charter of the Transition was adopted, before being promulgated on 18 July 2013. A 135-member National Transitional Council (TNC) and a Constitutional Council were established on 15 April and 16 August 2013 respectively. Djotodia was officially designated as head of state of the transition on 13 April 2013, and sworn in on 18 August 2013. He was to share power with the prime minister, who had been appointed by his predecessor under the Libreville Agreement of January 2013 and who led a Transitional Government of National Unity (TGNU). A roadmap for the transition, proposed by ECCAS at its 4th Extraordinary Summit, held in N'Djamena on 18 April 2013, was adopted by the TNC on 7 November 2013.

These efforts notwithstanding, the political and security situations did not improve. This led to Djotodia's resignation in late 2013 and the designation of Catherine Samba-Panza, until then mayor of Bangui, as the interim head of state for the transition. At the same time, the AU PSC decided to deploy MISCA as a replacement for MICOPAX (MISCA, 2014a).

Like AFISMA, MISCA grew from a regional force deployed by ECCAS back in 2008. This sets MICOPAX apart from MICEMA in Mali, inasmuch as the former was a functioning regional operation when it was transformed into an AU mission. In the Mali case, the AU adopted AFISMA before any regional peacekeepers had been deployed on the ground. MISCA was established by the AU PSC on 19 July 2013, and was subsequently endorsed by UNSC Resolution 2127 of 5 December 2013. MISCA's mandate included contributing (a) to the protection of civilians and the restoration of security and public order, through the implementation of appropriate measures; (b) the stabilisation of the country and the restoration of the authority of the central government; (c) the reform and restructuring of the defence and security sector; and (d) the creation of conditions conducive for the provision of humanitarian assistance to populations in need. The PSC thus requested the AUC to continue its consultations with the General Secretariat of ECCAS to finalise all aspects of the transition from MICOPAX to MISCA, with effect from 1 August 2013. Shortly after this, the Chairperson of the AUC appointed General Jean-Marie Michel Mokoko of Congo as her special representative in the CAR and head of MISCA. General Mokoko had been working, until this appointment, as deputy head of AFISMA.

MISCA was initially authorised to have a total of 3652 uniformed personnel, including 2474 troops, 1025 police and 152 civilians. By September 2014, however, when MISCA was transitioned into a UN operation, this number had increased to nearly 6000 uniformed personnel (5079 troops and 882 police). Regarding this transformation, it is worth highlighting one major difference between the Mali and CAR cases. In Mali, the AU and ECOWAS engaged with the UN with a view to it taking over AFISMA relatively late in the day. In CAR, however, the AU and some ECCAS member states, including CAR, always thought that MISCA would possibly require eventual transformation into a UN peacekeeping operation. Hence, UN Security Council resolution 2127 (2013) endorsed the earlier PSC communiqué authorising the deployment of MISCA and, from day one, addressed the issue of a possible transformation into a UN peacekeeping operation. From the outset, the UN Security Council requested the Secretary-General to undertake contingency plans and prepare for this transition. The transition was implemented through Resolution 2149 of 10 April 2014, which established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) with effect from 15 September 2014.

Implementing civilian protection mandates in Mali and Central African Republic

How did AFISMA and MISCA try to implement their PoC mandates, and what were some of the challenges the two missions faced?

In Mali, in line with AFISMA's mandate, the AU and ECOWAS, emphasised the need to reinforce the capacity of the MDSF and to support them in their responsibility to protect the civilian population. On 25 January 2013, meeting at the level of the heads of state and government, the PSC requested "the AU and ECOWAS Commissions to deploy, as quickly as possible, as part of AFISMA and with the support of the African Commission on Human and People's Rights (ACHPR), civilian observers to monitor the human rights situation in the liberated areas and to assist the Malian authorities to create the necessary conditions for lasting reconciliation among the different components of the Malian population,

as well as for the consolidation of peace in the country” (AU PSC, 2013: para.7d). Indeed, about two dozen human rights observers were deployed from both commissions and worked on the ground in both Bamako and the northern regions of Mali. These observers, who were deployed in Mali from 1 April 2013, stayed on the ground throughout the lifespan of the mission.

This was the first time that human rights observers had been deployed in an AU PSO. It should be noted that this deployment contributed to promoting accountability, preventing possible human rights abuses (the observers served as deterrents), and facilitating the prosecution of some human rights abusers. The visits conducted to police stations, courts, prisons and detention centres in Bamako and in the north also assisted the Government of Mali with discharging its responsibilities for public security, justice and the protection of civilians.

Mali’s immediate neighbours were encouraged to share information and intelligence, and to strengthen the monitoring of their borders to prevent the movement of combatants and attacks on civilian populations. The role played by neighbouring countries was crucial in the protection of the refugee camps, and the prevention of their infiltration by the armed groups.

Likewise, the protection of civilians, linked to the restoration of security and public order, was at the top of MISCA’s mandate. When MISCA deployed on 19 December 2013, the security situation in CAR was dire, both in Bangui and in many places in the interior. Civilians bore the brunt of this insecurity, as they were caught between ex-Seleka and anti-Balaka elements, as well as thugs and criminals who were taking advantage of the chaotic situation in the country. Thus, discharging MISCA’s PoC mandate entailed a number of actions. First and foremost, MISCA had to ensure security in Bangui, particularly the corridor connecting CAR to the Cameroon border – an important route for the passage of humanitarian assistance that the civilian population badly needed.

Securing Bangui involved disarming, at times by force, and cantoning elements of the various armed groups, while the security of the Cameroon border corridor involved providing armed escorts to humanitarian and private vehicles during their journeys both from and to Bangui. Barely two months after its deployment, MISCA had escorted more than 1000 trucks in both

directions, in close collaboration with the French Operation Sangaris and the EU operation EUFOR RCA (MISCA, 2014a:10). This number had risen to more than 1200 vehicles a month later, including some 120 vehicles in the second half of February and first half of March 2013 only (MISCA, 2014b). By the time it was transformed into a UN mission in mid-September 2014, MISCA had escorted more than 5000 vehicles.

Similar to Mali, civilian human rights observers were also deployed within MISCA. Interestingly, half a dozen of them were transferred from AFISMA after it was absorbed into the UN mission, MINUSMA. In addition to protecting civilians against the abuses of armed and criminal groups, MISCA also applied a very high standard to its own personnel, including military personnel, in their dealings with civilians. It is based on this disciplinary rigour that the mission's human rights component and its judicial police officers opened an investigation into the alleged involvement of MISCA personnel in a possible forced disappearance of some people on 24 March 2014 in the locality of Boali, about 80km north of Bangui (AUC, 2014). In a press release dated 16 July 2014, the head of MISCA announced his decision to temporarily suspend from his functions the commander who had led the MISCA unit in Boali, and to redeploy all the soldiers of the unit who were in this locality at the time of the incident, as a precautionary measure aimed at facilitating the completion of the investigation already initiated (MISCA, 2014c).

It could be argued that the contribution of AFISMA and MISCA to the amelioration of the security climate on the ground and, by extension, the political situation, also contributed to the protection of civilians in their respective countries of deployment. In Mali, AFISMA troops, police and gendarmes were deployed and provided security in many population centres in the north of the country. Moreover, the AU High Representative for Mali and the Sahel and head of AFISMA played an important role in the negotiation of the Ouagadougou Agreement, signed on 18 June 2013 between the Transitional Government of Mali, the MNLA and its allied High Council for the Unity of Azawad (HCUA). The Ouagadougou Agreement resulted in a marked improvement of the security situation in the north of the country, as it allowed a gradual redeployment of state authority, including defence and security services and the return of many IDPs and refugees.

In CAR, about a month before the transformation of MISCA into the UN force, MINUSCA, the UN Secretary-General's report of 1 August 2014 on the situation in the country noted that many civilians sought refuge in the MISCA compound following a deadly event in late June 2014, which involved some 100 armed elements affiliated with the anti-Balaka group in the locality of Bambari. This was a sign that these civilians trusted the AU force (UN, 2014:3). The same report notes: "MISCA and Operation Sangaris continued to respond to situations in high-risk areas and make efforts to protect civilians, while humanitarian actors addressed the critical needs of displaced persons" (UN, 2014:3). It was therefore not a surprise that on 17 September 2014, just two days after the transformation of MISCA to MINUSCA, the AU PSC noted with satisfaction "the completion by MISCA of the initial stabilisation phase of the situation in the CAR", and that MISCA had "created conditions conducive for the deployment of a UN peacekeeping operation" (AU PSC, 2014).

Yet, both missions faced serious challenges in implementing their PoC mandate. Some of these were shared challenges, while others were more or less particular to one or the other mission.

Among the common challenges, mention must be made of the small police component of both missions, compounded by very limited capabilities in terms of transport and the communication equipment necessary to enable them to discharge their specific PoC tasks adequately. While AFISMA had some 6438 military personnel at its peak and 6079 personnel at the time it wound up, the police component was composed of only two FPU's and a few IPO's of just over 360 personnel, mainly deployed in Bamako. Similarly, while MISCA reached a total strength of over 4500 military personnel, it never reached two-thirds of its authorised capacity of 1025 police personnel, only standing at about 600 police officers at its peak. AFISMA never enjoyed its own airlift capability, while MISCA had only one multipurpose helicopter, provided by the Republic of Congo. As a result, both missions depended on airlift support from the French missions – Operation Serval in Mali and Operation Sangaris in CAR – and the UN missions that were preparing to take over from them.

Perhaps one difference here is the fact that the lack of logistical resources, particularly airlift capabilities, was felt more acutely in Mali than in CAR. In Mali,

the force headquarters, based in Bamako, was at least 1000 km away from the centre of the operations in the north, where the PoC-related work was most needed. In contrast, in CAR, the force headquarters in Bangui was also a theatre of operations, and other areas were relatively close by.

A second common challenge was the dearth of civilian personnel who specialised in some critical areas, such as child protection. While both missions had civilian human rights observers, their numbers were arguably insufficient, and the aforementioned challenges with regard to logistical support affected their work. The observers were also in need of protection, which depended on the capabilities of the troops and, particularly, the police. Shortcomings here constrained the missions's ability to move, and thus of engaging in proactive action for the protection of civilians.

A third common challenge was the absence of an effective joint operations centre (JOC) and joint mission analysis centre (JMAC). These could have allowed military and police components to coordinate their PoC approaches effectively and reach decisions. Normally, joint plans and intelligence from both components should have been coordinated through such a mechanism. In fact, due to the lack of police capability, military units were faced with public order functions, for which they had not been properly trained and equipped.

Among MISCA's specific challenges, it is worth noting the intercommunal and interfaith character that the conflict took, partly as a result of the media's overemphasis on the real or supposed religious identities of the two main warring factions – the ex-Seleka and anti-Balaka. This made the mission's work very delicate, and even exposed its personnel to accusations of bias and, at times, violent attacks by one group or the other, depending on how the peacekeepers dealt with them. It was as a result of such attacks that in early April 2014, Chad decided to withdraw its contingent from CAR, as it had become the target of anti-Balaka elements and the victim of a wider stigmatisation campaign (PSC, 2014a).

For AFISMA, one particular challenge emanated from the fact that the liberation of the key towns of northern Mali did not completely eradicate the threat posed to the civilian populations by armed and terrorist groups.

Due to their knowledge and familiarity with the terrain and the population, the insurgents were able to conduct suicide attacks in these regions. The use of mines and improvised explosive devices (IEDs) by these groups in the theatre of operations was a continuous and serious threat to the population and to AFISMA personnel. Moreover, the troubled areas hitherto held by terrorist and armed groups were not easily accessible to humanitarian agencies, which made it very difficult to send out relief materials to affected people. In turn, this caused serious health problems for the refugees and IDPs. Another challenge facing AFISMA was the lack of intelligence capabilities and limited cooperation from the local populations in providing information about armed and terrorist groups, because they feared retribution. Yet, the cooperation of the population with the security forces could have facilitated the arrest of key terrorists and leaders of armed groups, as well as the dismantling and collecting of weapons in the north of Mali.

Lessons learned from AFISMA and MISCA

Once the challenges faced in the implementation of a specific project or action have been identified, the first lesson to be drawn is obviously the need to take the necessary measures to overcome these challenges. In practical terms, this observation entails the AU striving to ensure that it provides all its future peace operations with a PoC mandate, and that its peacekeepers are provided with the necessary logistical, financial and human resources needed to implement this mandate. Without this, the goodwill and determination of the peacekeepers can only do as much.

A second lesson to be learnt is that the AU needs to develop a PoC strategy that can be approved by the PSC and disseminated to all RECs and RMs, as well as to AU member states and potential troop/police contributors. This document could serve as a basis for the development of PoC capabilities – or a “PoC package” – within the ASF and other contingents deploying in AU PSOs. This would also invest greater responsibilities in the mission leadership to develop PoC directives and be accountable for mission-wide implementation.

A third lesson – possibly the most important– is how to secure autonomous, predictable, sustainable and flexible funding for AU PSOs. The effective implementation of a PoC mandate requires adequate assets and logistics to enable patrols, mobility and connection with the population. In particular, mobility assets enable missions to identify, monitor and address protection needs across their operating area. These assets include helicopters and improved logistics systems, which are particularly important when pre-empting or responding to threats or the perpetration of physical violence against civilians. As noted above, both AFISMA and MISCA relied on the French and the UN for much of these facilities. Yet, it is neither given nor realistic (nor healthy) to expect that each time there is an AU operation, these partners would be available, able and willing to provide this support. It certainly does not help “African ownership”, let alone the slogan of “African solutions for African problems” (Souaré, 2006, 2012). Moreover, good civil-military relations are crucial to the success of the overall PoC strategy. Due to the lack of financial and other resources, AFISMA and MISCA could not implement meaningful QIPs to gain the hearts and minds of the population. The provision of QIPs could have alleviated the suffering of the population in the liberated areas, and provided the missions with access to key information and intelligence.

By the same token, due to the large distances between mission headquarters and areas of operation, coupled with the lack of road infrastructure in Mali, a military and police reserve with rapid response capabilities should have been maintained within AFISMA’s mission area to safeguard against breakdowns in PoC mechanisms and to respond quickly to violations beyond the capacity of small AFISMA units. True, AFISMA did have a symbolic reserve in Bamako, composed of a small motorised unit, but this unit did not have airlift capability, nor was it self-sustained.

Finally, the experience of these two missions revealed the need for adequate strategic coordination between the AU and relevant RECs when the AU engages in peace operations in a given region. Coordination with ECOWAS could have been better. Perhaps the problem was a failure to implement existing and agreed-upon coordination mechanisms, or maybe the main problem was their absence. It could also be that the existing frameworks guiding the coordination

between the continental and regional responses to conflicts need more clarity. Adding the UN dimension to this, the need for such clarity becomes even more pressing, as its apparent lack sometimes constitutes a source of confusion – such as in Mali, where initial steps were taken by the UN to engage directly with ECOWAS and vice versa, without passing through the AU PSC. Fortunately, in the case of MISCA, it seems that there was better coordination between the AU, ECCAS and the UN. This suggests that the AFISMA experience may have positively impacted on MISCA, at least in this regard.

Conclusion

This chapter looked at two AU PSOs with explicit PoC mandates. AFISMA emerged from an earlier failed attempt to deploy a sub-regional ECOWAS mission, while MISCA developed from a relatively long-standing sub-regional ECCAS operation. Both missions also transitioned into a UN peacekeeping force after a few months of operations – about six months for AFISMA, and nine for MISCA. The AU decided to maintain a presence in both countries after these transitions, to deal with persisting political and security issues in the countries and the regions at large. The new AU missions were the African Union Mission for Mali and the Sahel (MISAHEL), and the African Union Mission for Central African Republic and Central Africa (MISAC), respectively. Because of the genesis of these two missions, the AU worked with two RECs – ECOWAS for AFISMA and ECCAS for MISCA – within the framework of the APSA. The AU also worked within the UN Charter and within the strategic partnership that it has developed with the UN. These are some of the many similarities that made the comparative study of these two missions an interesting exercise.

After an overview of the crises that led to the deployment of the two missions and a short presentation of their respective mandates, this chapter has highlighted several practical examples of the two missions' contribution to the protection of civilian populations in Mali and CAR. Some challenges common to both missions included: (a) the small police component of both missions, compounded by very limited capabilities in terms of transport and the communication equipment necessary to allow them adequately discharge their

specific PoC tasks; (b) the dearth of civilian personnel who specialised in some critical areas, such as child protection; and (c) the absence of effective JOCs and JMACs, which could have allowed military and police components to coordinate their PoC approaches effectively and reach decisions.

The main lessons to be learned from the experience of the two missions can be summarised as follows: the AU needs to develop a clear PoC strategy that can be approved by the PSC and disseminated to all the RECs and RMs, as well as AU member states and potential troop/police contributors, and the AU should strive to ensure that it provides all its peace operations with a PoC mandate and gives them the necessary logistical, financial and human resources needed to implement this mandate. More generally, it is imperative that African countries provide their regional (RECs) and continental (AU) institutions with the necessary, adequate and predictable funding for their peace operations, such that external support becomes only complementary rather than the backbone of these resources.

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Conclusion**Lessons identified and
recommendations for the African Union**

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This concluding chapter briefly summarises the principal lessons identified in the case studies on Darfur, Somalia, Mali and CAR, before providing an overview of some of the key lessons that have emerged from the scholarly literature on protecting civilians in peace operations more broadly. The final part of the chapter reflects on what lessons are most applicable to the AU and proposes some recommendations for improving policy in this area.

Lessons identified in the African case studies

The AU has charted its path within a relatively crowded global marketplace, principally as a first responder to imminent or actual threats to civilians on the continent. It has utilised various tools, including the deployment of offensive operations that share many characteristics with stabilisation and counterinsurgency campaigns. Such roles have been increasingly acknowledged as one of the comparative advantages of regional efforts in the promotion of peace and security in Africa (see De Coning et al., 2016). But this is certainly not the AU's only role in the PoC agenda.

From the case studies reviewed in this book, three common themes are discernible. The first is the consistent willingness of the AU to mandate PSOs that give primacy to protecting civilians, whether explicitly or implied. This trend is in line with the AU's foundational principles and its move to embrace the idea of "non-indifference" to peace and security challenges. African states have clearly demonstrated that they are willing and able to intervene in crises across the continent, with the goal of protecting civilians. The experiences of AU PSOs also suggest that the context in which civilian protection is undertaken is likely to be

a high-risk environment, involving offensive and counterinsurgency operations, and thus associated with high casualty rates among the intervening force.

Second, through its strategic management of PSOs, the AUC has progressively evolved from being unclear and borrowing templates from UN peacekeeping to develop its approach to PoC, to conceptualising and implementing PoC mandates based on the doctrinal and operational specificities of its own PSOs. The emergence of PoC guidelines and related policies, the development of “PoC-sensitive” mission documents, the mainstreaming of PoC in the mission structure, the improvement of pre-deployment and in-mission training standards, and the promotion of an overall accountability model in PSOs are recent notable achievements of the AUC. It is now critical for the AUC to continue to build on these accomplishments.

Third, while the deployment of AU PSOs have often been referred to as “interventions on the cheap”, it is increasingly recognised that these missions are significantly under-resourced. This makes it very difficult to implement PoC mission mandates effectively and to meet both local and international expectations. The AU would therefore immensely benefit from predictable, sustainable and flexible funds to improve its ability to protect civilians.

The case studies considered in this publication also point to some specific lessons on the implementation of PoC mandates. In Darfur, for example, the obvious starting point is that local and international expectations must be realistic when a small number of under-resourced AU peacekeepers are tasked to implement their PoC mandate in an ongoing war. This conclusion is consistent with the Report of the High-level Panel on Peace Operations (HIPPO), which underscored that the expectations and capabilities in the implementation of PoC must converge to deliver effective protection in the field (HIPPO, 2015). A second lesson was that locals defined protection not only in terms of reducing the threat of physical violence, but also as involving the provision of basic necessities such as food, water, shelter and healthcare (see also Dare, 2010:2–4). Within the AU context, the delivery of humanitarian relief is generally beyond the scope of the mandate of most PSOs. However, there is a clear recognition that the AU is able to facilitate the delivery of humanitarian aid through the provision of security, use of escorts and modest QIPs, within its capabilities and on a case-by-case basis. A third lesson, which emerged from operating in Sudan’s difficult physical

terrain, was the importance of effective logistics support – which, in turn, relies on a sustainable wider financial package. At the operational level, UNAMID’s regular and consistent patrols and military escorts are crucial for protecting locals, but also for facilitating humanitarian relief to remote or insecure areas. So was the development of mobile operational bases, quick response units and early warning systems to anticipate, prevent, deter or rapidly intervene to stop violence against civilians. UNAMID’s joint protection teams and protection clusters were identified as crucial for coordinating a more comprehensive approach to civilian protection. Finally, UNAMID’s hybrid model requires, by definition, a strong and clear partnership between the AU and the UN on how to protect civilians to avoid the duplication of efforts and to avoid coordination challenges (see also Appiah-Mensah and Eklou-Assogbavi, 2012).

In Somalia, too, it was abundantly clear that a small, under-resourced force, which initially had to focus primarily on defensive operations against attacks, faced huge challenges in engaging in many proactive PoC activities. In such circumstances, the best that could be hoped for was that the mission conducted its operations in line with IHL. A related lesson was that proactively protecting civilians requires considerable resources and many specialised capabilities (military, police and civilian). Analytical capabilities to define and assess the nature of threats to civilians, and where they are most intense, were identified as of particular importance. For example, the deployment of air assets and other enablers could provide the required capabilities for the conduct of more effective AMISOM operations against al-Shabaab in Somalia, as well as protecting the mission’s main supply routes and providing a rapid reaction capability in times of crisis. By degrading al-Shabaab, AMISOM would improve the prospects of protecting war-affected civilians and facilitating a more protective environment overall. It was also clear that even without an explicit PoC mandate, AMISOM was expected to protect civilians. Hence, even without a PoC mandate, the mission needed to work hard to minimise civilian harm or suffer a loss of legitimacy. To that end, AMISOM’s case illustrated the value of remedial action, including reparations and compensation for civilian harm caused by peacekeepers – although this is certainly not the same as addressing the whole spectrum of PoC challenges. AMISOM’s experience also raised the need to clarify what positive obligations peacekeepers have to protect civilians, beyond ensuring that their

actions comply with IHL. In summary, what proactive actions are peacekeepers expected to undertake to reduce threats to civilian populations? Finally, the Somalia case highlighted the point that while protecting civilians was important during AMISOM's war-fighting operations for moral, legal and strategic reasons, it became even more salient as the mission started undertaking broader stabilisation tasks.

In the cases of Mali and CAR, it was once again notable that the authors concluded that the AU must ensure its peacekeepers are provided with the necessary logistical, financial and human resources needed for the implementation of this mandate. Mobility assets and sufficient logistical support are particularly important in large theatres with poor local infrastructure and difficult terrain. At the strategic level, coordination between the AU, the relevant RECs and the UN was identified as crucial to ensuring the effective implementation of PoC mandates when a transition/rehatting is envisaged. The success of such transitions is more likely when they are expected well in advance, and planning can take place accordingly. They would also be facilitated by common standards of equipment and training across the organisations involved. The authors also identified the importance of the AU ensuring autonomous, predictable, sustainable and flexible funding for its PSOs. It is neither given nor realistic nor healthy to expect external partners to be available, able and willing to provide this support each time the AU establishes a new operation. At the operational level, both AFISMA and MISCA illustrate the value of establishing a military and police reserve with rapid response capabilities. Such a mobile reserve should be maintained to safeguard against breakdowns in PoC mechanisms, and to respond quickly to violations beyond the capacity of smaller units. Against this backdrop, the recent appointment of the former president of the African Development Bank, Donald Kaberuka, as the AU High Representative for the Peace Fund, is expected to address this central problem of funding in AU peace and security efforts, including PSOs. The success of this funding initiative on resource mobilisation will have important repercussions for the AU's ability to implement PoC mandates more effectively in its PSOs.

An important additional dimension of civilian protection, which was not covered by the case studies presented in this publication, is the dilemma sometimes faced between civilian protection and regime change (for a relevant

discussion, see Bellamy, 2014). Generally, the AU deploys PSOs only with the consent of the host state. However, Article 4(h) of the AU Constitutive Act permits the AU to prevent or stem genocide, crimes against humanity and war crimes even without host state permission (see Kioko, 2003; Kuwali and Viljoen, 2014). To date, the AU has not invoked Article 4(h) to justify a military intervention to protect civilians. But there is growing scepticism about whether state sovereignty should continue to trump the possibility of implementing Article 4(h), especially following the AU's response to the crisis in Burundi (see Williams, 2015; Dersso, 2016). An important aspect of this discourse is whether it would be possible to undertake Article 4(h) intervention through the deployment of a robust force, without inadvertently pursuing regime change. By way of example, the authorisation of a North Atlantic Treaty Organization (NATO)-led intervention in Libya by UN Security Council Resolution 1973 (2011), although condemned by the AU, exposed some of the inescapable dilemmas facing the use of force to protect civilians without the consent of the host state (see Paris, 2014). This relationship between some PoC dynamics and regime change reveals the importance of states accepting and implementing their primary responsibility to protect civilians, including with support from regional and international actors. Unfortunately, when states are complicit in atrocity crimes against their civilian populations, or unwilling or unable to stop such crimes, there may only be a narrow window of opportunity for a rapid and robust use of force that could lead to regime change.

Lessons identified in the scholarly literature on civilian protection

Some of these conclusions resonate with those found in the burgeoning scholarly literature on the implementation of PoC mandates in peace operations more broadly. Although most of this literature has focused on the experience of UN peacekeeping operations, it does have some ramifications for the trends and challenges facing AU PSOs.

It is clear that peace operations cannot protect all civilians from all threats at all times (Holt, Taylor with Kelly, 2009:12). There are two principal reasons for this. First, the root causes of most PoC challenges lie in bad or predatory local

governance structures, yet peacekeepers are usually unable to change those structures fundamentally (Williams, 2013). Indeed, some analysts have argued that the political context into which peacekeepers are deployed matters more than the composition of the mission itself (e.g. its mandate and components) when it comes to protecting civilians (ACLED, 2015). The activity of peacekeeping operations alone is therefore a poor indicator for explaining a decrease in levels of violence against civilians (ACLED, 2015). Major resource constraints that limit the deployment footprint and practical reach of peace operations are the second major inhibiting factor. This means that peacekeepers must make choices about who to protect, and when. Peace operations should therefore develop clear (and transparent) criteria for prioritising particular risks/threats or groups of people, and manage local and international expectations accordingly. Both of these issues are applicable to the AU's peace operations.

A second, related lesson is that the number and type of peacekeepers matters. Analysis of UN peacekeeping operations has shown that civilian protection mandates are more likely to be implemented effectively where there are larger ratios of peacekeepers to locals (Hultman et al., 2013) and that the deployment of peacekeeping troops reduces post-war violence against civilians, whereas larger deployments of observers are positively correlated with continued violence (Kathman and Wood, 2016). The deployment of UN peacekeeping troops is also positively associated with reduced battlefield deaths (Hultman et al., 2014). Deploying female peacekeepers has also been shown to play a crucial role in protecting civilians in UN missions, especially – but not solely – in engaging with victims or potential victims of sexual violence (Dharmapuri, 2013). Although there have been no equivalent studies of AU peace operations, there is no reason to believe that these dynamics are fundamentally different.

It is also clear that particularly since the end of the cold war, the UN has become more likely to deploy peace operations in armed conflicts where the warring parties deliberately target the civilian population (Hultman, 2013). Indeed, no armed UN peace operation since 1999 has been newly deployed without a PoC mandate. The lesson is that PoC mandates are here to stay. This is also true for the AU – which, like the UN, has developed guidelines on PoC and has stated its intent to give all of its future PSOs a mandate to protect civilians. Even before these guidelines were adopted, the AU deployed some of its PSOs

into ongoing war zones – where civilians were deliberately targeted – with the aim of stabilising the situation, combating spoiler groups and protecting civilians. In several cases, African-led peace operations have confronted armed groups that explicitly reject the basic rules embodied in IHL and the laws of war, including the fundamental distinction between combatant and non-combatant. Many, although not all, of these groups have drawn inspiration from a warped version of Islamic theology. This poses a major challenge to peacekeepers, whose doctrine is rooted in these legal rules.

A fourth lesson is that while coercion might be necessary, deterring physical violence against civilians should be the central objective of all PoC activities (Williams, 2010; Kelly with Giffen, 2010:27ff; US Army, 2013:Annex D). This means missions must be proactive and seek to shape and control situations on the ground. But it also means that strengthening international norms against impunity is an important part of implementing PoC mandates in the field. This lesson is also applicable to both UN and AU peace operations.

A related, fifth lesson is that protection strategies based around the creation and defence of designated “safe areas” are likely to be unsuccessful (Orchard, 2014). Although this study focused on UN missions, it is highly likely that similar dynamics would hold in AU operations. Debate therefore continues over the optimum deployment configurations and footprints of peace operations intended to protect civilians (Williams, 2010:55–60; Sewall et al, 2010). All peace operations face a genuine dilemma with their force configuration and posture. Large static bases cannot easily adapt to changing circumstances and new patterns of threats, but smaller, more agile configurations of forces are likely to put peacekeepers at risk in contexts of ongoing warfare, where some actors challenge the peacekeepers’ impartiality; a risk that has been tragically evident from AMISOM’s experience in Somalia. A balance must be struck between concentrating forces for strategic/tactical reserves, and extensive, remote deployments into priority protection areas. This balance will be even more difficult to get right if the operation does not have adequate mobility, including armoured vehicles and aviation assets.

A sixth lesson is that in zones of ongoing violent conflict, most civilians will be protected by their own self-protection activities rather than by foreign peacekeepers (Williams, 2013). PoC strategies must therefore engage local communities wherever possible, and look to support local sources of community resilience. A related lesson is that if peace operations focus only on trying to prevent “imminent threats” of physical violence against civilians, they will inevitably respond too late to mount an effective response, in most cases. Both of these issues apply across both UN and AU missions.

Finally, although they are both rooted in the desire to prevent violence against civilians, debate continues over the complex relationship within peace operations between the concepts of PoC and the responsibility to protect, and the extent to which they have sometimes generated contradictory political reactions (see Hunt and Bellamy, 2011; Tardy, 2012; Williams, 2016).

Recommendations for the African Union

As we noted in this book’s introduction, the AU has taken the political decision to make PoC a core task of its peace and security agenda. Operationally, it has tried to develop a series of instruments to carry out the military, policing and civilian tasks involved in protecting civilians, and has developed its own distinct philosophy on, and way of conceptualising, civilian protection. These recommendations are intended to enhance each of the dimensions of the AU’s policies on civilian protection in PSOs.

Protecting civilians is political

The inherently political nature of PoC should remain the epicentre of the mandating process and the implementation of AU PSOs. As such, it is important that the AU PSC maintains its consistency in including PoC when it mandates PSOs. Even more importantly, however, we must remember that peace operations are instruments, not strategies. Effectively protecting civilians in the longer term requires that PSOs are anchored in and aligned with a viable political process that will ultimately produce stability and a sustainable peace. Unfortunately, the predominance of militarised approaches to peace has often not been matched

by a robust political strategy, which will allow for enduring stabilisation. In sum, the AU should put more emphasis on developing its political muscle to end armed conflicts and crises, as well as flexing its military muscle.

Better strategic guidance from the AU PSC

The AU PSC should provide more strategic guidance when formulating the mandate language for its PSOs. While most missions will be forced to operate without complete clarity, especially in the early stages, the PSC might consider endorsing particular PoC strategies and the appropriate balance between defensive approaches (e.g. protecting bases/camps) and offensive approaches (e.g. conducting operations against spoiler groups). The PSC should also explicitly note an operation's stated limitations concerning civilian protection. This would also place greater emphasis on the need to be clear about the resource implications of the PSC's decisions. Clearer strategic guidance of this sort would require increased engagement on these issues by PSC member states. One forum for holding such detailed discussions is the Military Staff Committee.

Incorporate the AU's customary approach to PoC in PSO's doctrine

The AU has previously tried to adapt older peacekeeping models to the high-intensity operations where it has attempted to implement PoC mandates. The AU thus needs to find its own model for protecting civilians that reflects the specific characteristics of its operations. Three issues lie at the heart of this challenge. The first is how to differentiate between civilians and combatants in contemporary warzones. The second is how to decide what proactive PoC tasks are expected of peacekeepers beyond ensuring that their actions adhere to IHL/laws of war. The third issue is to clarify whether AU-led operations will be expected to transition into UN peacekeeping operations. With the exception of AMISOM, none of the AU-led peace operations have deployed for more than 13 months. In the Somalia case, the AU PSC originally envisaged AMISOM lasting only six months before transitioning into a UN peacekeeping operation – but the UN Security Council had other ideas. This raises the question of whether AU-led operations should always be prepared for relatively rapid transitions to UN operations.

Ensure PoC mandates remain sensitive to context

The AU has made significant progress in its mandating process, policy developments and training with regard to the protection of civilians and broader accountability measures. While a degree of standardisation and institutionalisation of PoC practices in AU PSOs is a positive development, the AU must not simply promote a uniform approach to PoC across all its PSOs, based on some generic template of guidelines. Instead, the AU must develop PoC mandates and implementation strategies for its PSOs that take account of the unique circumstances facing each mission and each political crisis.

Invest in the capabilities necessary to implement PoC mandates

The AU has now stated its intent to give PoC mandates to all its PSOs. Combined with the increasing trend to deploy African-led operations into theatres of ongoing armed conflict where high-intensity military operations are required, this poses significant challenges to AU peacekeepers. These peacekeepers should be given sufficient resources – including military, police and civilian capabilities – to protect civilians effectively. Emphasis should be placed on mobility and rapid response capabilities, as well as the need to provide high standards of medical care for peacekeepers who must undertake risky operations.

Develop predictable and sustainable funding for AU PSOs

Overdependence on external partners for resources has been one of the AU's main problems. There is a general recognition of the principle of the indivisibility of global peace and security and the promotion of collective security. Nevertheless, subcontracting the funding of PSOs to the voluntary contributions provided by the AU's partners – including the UN, the EU and key bilateral states – has placed severe limitations on the speed, duration, character, scope and potential exit strategy of most AU PSOs. If successful, the AU's ongoing efforts to address this gap should tremendously enhance the organisation's ability to deliver on its PoC mandates. The decision by the AU Assembly of Heads of State and Government during its 27th Summit held in Kigali (16–18 July 2016) – to contribute 0.2% of eligible imports to fund the AU, including its peace and security efforts – is a significant step forward. If consistently implemented, this decision offers a sustainable path for addressing the AU's resource constraints.

Demilitarise the AU's approach to civilian protection

A rather militarised approach to PoC seems to be the trend in recent AU PSOs, in part because of their deployment into highly insecure environments with the potential to face determined adversaries. If this remains the dominant trend, the AU should develop ways of demilitarising its approach to implementing PoC mandates, including by emphasising the need for viable political strategies noted above. This would require the AU to put greater emphasis on preventive diplomacy and mediation (see World Peace Foundation, 2016). Within PSOs, it would mean less emphasis on military power and more reliance on police and other civilian capabilities to clear a path to sustainable peace. This, in turn, would require greater emphasis being placed on developing the policing and other civilian dimensions of the ASF (see De Coning and Kasumba, 2010).

Deal quickly with misconduct

AU peacekeepers are not immune from misconduct, including allegations of corruption, trading illicit goods and causing harm to civilians – most notably through acts of violence, including SEA. Particularly when tasked with protecting civilians, cases of AU peacekeepers engaging in misconduct and ill-discipline can undermine the mission's legitimacy – especially in the eyes of local civilians – and hence its operational effectiveness. The AU PSC should encourage AU member states quickly to investigate and, where necessary, discipline their personnel who are found guilty of misconduct. The recent cases of Uganda holding court martials in Mogadishu of some of its troops in AMISOM, charged with military offences, is an interesting example. Where the relevant member states are unwilling or unable to carry out such procedures where crimes against civilians are involved, the AU should take the lead in investigating the problem, be willing to repatriate offending contingents and, where necessary, delivering appropriate reparations to the victims.

Invest in analytical capabilities

Timely and accurate analysis is the only way that resource-constrained missions can prioritise their activities to mount an effective response to the most severe threats facing civilian populations. Information collection and analysis should therefore be accorded priority status in all stages of the mission life cycle.

PoC analysis must be part of mission planning from the first strategic assessments, during the design of force requirements, central to the design of the CONOPS, and in the subsequent development of mission-wide PoC strategies and the ROE. Four baskets of issues should form the core of the analytical effort:

1. patterns of generic risk factors, e.g. causes and size of displaced populations, patterns of hate speech in relevant media, patterns of organised criminality, etc.
2. typology of organised violence in the area of operations, e.g. battles, one-sided violence, intercommunal conflicts, riots/demonstrations, etc.
3. the “repertoires of violence” of particular armed actors (state and non-state), e.g. tactics, techniques and procedures favoured by specific groups who perpetrate violence against civilians, and the concomitant most likely scenarios for violence against civilians
4. the sources of resilience of local communities – understanding civilian self-protection mechanisms and working to support local resilience will probably be how peacekeepers help protect most civilians.

Where possible, data should be disaggregated by sex and age, and each basket should be regularly assessed as to which risks/threats are most likely and most severe.

Sophisticated, accurate and timely PoC analysis requires coordination and information-sharing, both inside and outside the peace operation. Within the mission, PoC analysis should not be confined to any single actor, but mainstreamed throughout the relevant mechanisms e.g. mission leadership teams, senior management groups, PoC coordination mechanisms/working groups, JMACs, mission operations centres (MOCs), police operational centres, etc. Beyond the peacekeepers, coordination and information-sharing must include other actors, including:

- AU planners and planning staff from partner organisations such as those in the RECs, the UN, EU and partner states
- wider UN country teams/protection clusters, especially if these are in the field before the AU operation deploys
- local communities, so that peacekeepers can learn about their principal threats and self-protection strategies.

Establish CCTARCs in all AU PSOs

Such analysis could be enhanced if all missions had CCTARCs, or some variant of them. To date, only AMISOM has established a CCTARC. Drawing on the debates about CCTARCs in Afghanistan, Iraq, Somalia and Mali, their aim is to protect civilian lives and ensure civilian victims of violence are recognised and helped, while false allegations are dispelled. Their three central tasks are to track patterns of civilian harm, analyse those patterns, and inform mission responses. This should contribute to the well-being of the local population and the success of the peace operation. Such cells would strengthen reporting on PoC responses and provide the baseline information for developing more targeted lessons learned studies. They need a joint head (military and civilian), a liaison officer for each mission sector, and two to four data-entry clerks.

Invest in an AU lessons learned capacity

The AU should invest in critical reflection on how its PSOs have implemented their PoC mandates, and on how local civilians understand the concept of protection. As in Darfur and Somalia, it is likely that civilian populations will define protection broadly to include the provision of basic necessities – food, water, shelter, healthcare, etc. – not just protection from physical violence. More effort is required in devising suitable benchmarks and key indicators of progress related to PoC and the performance of peacekeepers, as well as generating actionable lessons learned and best practices. Local perceptions should occupy a central place in this effort.

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Since 2003, the African Union (AU) has authorised its peacekeepers to protect civilians in nearly a dozen missions. This book provides pioneering analysis, from mainly practitioners in the AU Commission, on the theory and practice of how to protect civilians in AU peace support operations. It summarises the AU's approach to defining "protection of civilians" (PoC) and some of the successes and gaps in the implementation of civilian protection mandates in peace support operations. The book reflects on the key cases of operations in Central African Republic, Mali, Somalia and Sudan (Darfur), which illustrate the successes, ambiguities, and challenges facing the AU as it seeks to enhance its political and technical frameworks, to protect civilians through its peace support operations. In doing so, the book provides practical and critical perspectives on the importance of the AU's emerging approach to civilian protection that can help improve understanding amongst policymakers, academics and other relevant stakeholders. It will also be useful to those working on these issues within the United Nations system and Africa's Regional Economic Communities and Regional Mechanisms as they seek to strengthen partnerships with the AU to promote the civilian protection agenda.