ICRC Roundtable on the Operationalization of the Obligation to Ensure Respect of International Humanitarian Law (IHL) in the Context of Multinational Operations

Addis Ababa
26 May 2016

OPENING REMARKS BY

DR TAREK A. SHARIF,
HEAD, DEFENSE AND SECURITY DIVISION
AFRICAN UNION COMMISSION
Mr. Felipe Donoso, Head of ICRC Delegation

Distinguished Participants

Ladies and Gentlemen

I am glad to join you this morning at this important ICRC Roundtable on the operationalization of the obligation to ensure respect of International Humanitarian Law (IHL). At the outset and on behalf of the African Union Commission, I would like to welcome you to the AU headquarters.

Ladies and Gentlemen,

International Humanitarian Law is an important topic especially, as it provides opportunity for us to specially share ideas, experiences and challenges faced in operationalizing the obligations to ensure respect of IHL in AU-led multinational operations, and also as the African Standby Force (ASF), which is a key component of the African Peace and Security Architecture, becomes operational soon.

I would, therefore, like to take this opportunity to thank the ICRC for organizing this important meeting, which is a major contribution towards strengthening compliance with IHL by AU Member States. Indeed, judging from the list of participants, it is my hope that the meeting will come up with observations that can contribute to strengthening compliance with IHL and improving the lives of victims of armed conflict, especially in light of the changing humanitarian landscape and the increasingly complex conflict environments in which we are operating.
As you all know, despite the guarantees established by the Geneva Conventions and the many conventions, treaties, protocols, guidance documents and Standards Operating Procedures utilized by relevant actors, we still face some challenges in protecting persons affected by conflict, whether as innocent civilians, or as surrendered/captured combatants. In this regard, your respective experiences will be critical in improving the procedures involving handling of civilians and combatants, and taking forward our joint efforts towards moving from Principles to Practice in securing compliance with the ‘Laws of war’.

Looking at the peace and security context, we find ourselves in today, it can be argued that never has it been more relevant than it is today, to pay close attention to adhere to the principles of IHL. It is noted that more than eighty percent of the world’s peacekeepers are deployed in Africa, and the AU and it regional organizations are often the first responders to crises on the continent, deploying troops in conflict situations at short notice. Indeed, the AU has exerted tremendous efforts in deploying robust peace support operations that have had a positive impact on reducing violence, protecting affected populations, and creating conditions for dialogues and meaningful political processes towards sustainable peace. These deployments made, even before they could come under the umbrella of the ASF, are testimony to the commitment of Member States towards the realization of Africa at peace with itself.

**Ladies and Gentlemen,**

As part of the efforts to provide guidance in these complex situations that have multiple actors, the AU developed DDR Operational Guidance Notes (OGNs) on Detention, Children and DDR, Women and DDR, setting up of DDR national frameworks and Reintegration in DDR. These documents give broad guidance on how to tackle these situations and go a step further to provide case studies on how other Member States
dealt with complex situations. Whilst they give broad support, the respective missions will need to develop Standard Operating Procedures which will give precise actions that should be taken by personnel involved.

It is also noted that the AU Security Sector Reform (SSR) policy framework states that: “no member of the security sector will act in contravention of any national and international law, including international human rights law and IHL”.

On the other hand, at its 455th meeting that was held in Nairobi, on 2 September 2014, at the level of Heads of State and Government, the AU Peace and Security Council emphasized the need to uphold the highest standards of human rights and International Humanitarian Law, bearing in mind the provisions of Article 3(1k) of the 2004 Protocol to the Convention on the Prevention and Combating of Terrorism, in the fight against terrorism and violent extremism. Council also requested the AU Commission to work closely with the African Commission on Human and Peoples’ Rights and other stakeholders to further support Member States efforts to promote and ensure the respect for human rights and IHL while preventing and combating terrorism.

Although we recognize the efforts made in the implementation of the principles of IHL over the years, through providing a normative framework, it is noted that there is always room for improvement

Distinguished Participants,

There is demonstrated commitment by Member States towards the protection of persons affected by, or liable to be affected by conflict. The support of specialized
agencies, like ICRC, in this regard, will go a long way in strengthening the efforts of the Member States to translate their strong political will into action.

Sustained dialogue, sharing of ideas and experiences, strengthening of national capacities, establishment and strengthening of institutional frameworks can contribute to education and dissemination, interpretation and application of IHL. This is more so as the world continues to experience trends towards “globalizing wars” introduced by terrorism, with wars/armed conflicts extending beyond national boundaries of the immediate combatants, and with far reaching global implications.

Ladies and gentlemen,

It is my hope that, over the course of these two days, the meeting discusses the various challenges and opportunities, as it will be an opportunity to learn from our different experiences and identify practical steps forward towards upholding the obligations under IHL.

I thank you for your kind attention.