



**DRAFT GUIDELINES  
FOR THE PROTECTION OF CIVILIANS  
IN AFRICAN UNION PEACE SUPPORT OPERATIONS**

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## FOREWORD BY H.E. COMMISSIONER RAMTANE LAMAMRA, AFRICAN UNION COMMISSIONER FOR PEACE AND SECURITY

In an effort to promote peace and security, the African Union has since 2003 conducted several peace support operations, the largest of which have been deployed in Darfur and in Somalia. These operations have been deployed both to provide support to political processes, and to provide a level of protection to the civilian populations which are most affected by conflict. Indeed, 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.

While the protection of civilians has thus gained increasing importance in the AU context, to date we have addressed the challenges being faced by our operations on the ground in a largely ad hoc manner. Recent and ongoing events on the continent have necessitated the development of a structured and systematic approach whereby we understand the risks being faced by civilian populations affected by conflict, and the manner in which we should address these, in particular when we have deployed a peace support operation to an area of conflict. Yet why specifically should we give serious consideration to the protection of civilians in conflict zones?

For one, civilian security is critical to the legitimacy and credibility of peacekeeping missions. Importantly, it should also be borne in mind that a peace process that does not bring a level of security to the civilian population cannot succeed. For another, AU operations rely upon their legitimacy with the local civilian population and with external partners alike to help to build the peace, and to sustain political momentum behind a peace process. We should not forget that, wherever peacekeepers deploy, expectations are raised among the local population that the peacekeepers are there to protect the most vulnerable amongst them. Finally, we should remember that the protection of civilians is not a new concept, but an articulation of existing rights, and responsibilities, under human rights and international humanitarian law.

We therefore come to understand that the success of AU peace support operations rests to a degree on the ability of the operation to anticipate, mitigate, and put a halt to extreme violence targeted at the civilian population. Successful operations are those that respect and uphold the rights of the civilian population, and that include the protection of civilian populations as a part of their aims.

Drawing from these experiences, the African Union Commission has since the end of 2009 worked to develop guidelines on the protection of civilians in peace support operations, and in recent months has accelerated efforts to further develop and implement these draft guidelines. It is in this regard that I am pleased to draw attention to the *Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations*, and I strongly encourage Member States, members of civil society and academia, and all interested partners to engage with these Draft Guidelines and with the Commission as we work to further our understanding of and responses to protection considerations for civilians at risk during times of conflict on the continent.

**H.E. Ramtane Lamamra**

*Commissioner for Peace and Security*  
African Union Addis Ababa, March 2012



# DRAFT GUIDELINES FOR THE PROTECTION OF CIVILIANS IN AFRICAN UNION PEACE SUPPORT OPERATIONS

Peace support operations (PSOs) in Africa are increasingly tasked with the protection of civilians, and the ability of PSOs to deliver in this respect is closely linked with their legitimacy and credibility. Substantial challenges have been faced in this regard. The more effective implementation of protection in the field requires an enhanced focus on the security, and rights, of individuals affected by conflict.

These proposed Guidelines were prepared following the hosting of the *African Union Protection of Civilians in Conflict Zones Symposium Planning Workshop* in Addis Ababa in October 2009. They reflect the values, principles, laws and conventions pertaining to the protection of civilians.<sup>1</sup> They apply the *Policy Framework for the Establishment of the African Standby Force*, as adopted by the Heads of State and Government at the Addis Ababa Summit in 2004.

These Guidelines are intended to assist the Peace and Security Council in preparing for peace support operations, and in the development of mandates and additional strategic documents. They aim to provide guidance on developing a consistent and effective strategy to implement protection objectives, in coordination with external protection actors, the host State and local communities.

These Guidelines will be implemented in line with African Union founding documents<sup>2</sup> and are not intended to revise the mandate or the procedures of the existing organs in the African Peace and Security Architecture (APSA). Rather, they aim to reinforce the activities of the African Union in implementing PoC mandates.

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1 These Guidelines have drawn inspiration from, in particular, the *Draft UNMIS Protection of Civilians Strategy Concept*, 12 May 2009; the UNAMID *Mission Directive No: 2009/01: Protection of Civilians in Darfur*; the MONUC/Protection Cluster *Protection in Practice: Practical Protection Handbook for Peacekeepers*; the *Draft Code of Conduct for the Armed Forces and Security Services of West Africa* adopted by the ECOWAS Committee of Experts, April 2006; the *Aide-Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict* annexed to the Statement by the President of the Security Council, 14 January 2009, UN Doc. S.PRST/2009/1 (2009); and Security Council Resolution 1894 (2009) adopted by the Security Council at its 6216<sup>th</sup> meeting on 11 November 2009, UN Doc. S/RES/1894 (2009). The Guidelines observe the lessons learned outlined in Victoria K. Holt & Glyn Taylor, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, jointly commissioned by the United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, November 2009. As for the legal framework governing protection see footnotes 3-5.

2 In particular the *Constitutive Act of the African Union*, adopted by the 36<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government, Lomé, Togo, 11 July 2000 (entered into force 26 May 2001) and the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, adopted by the first Ordinary Session of the Assembly of the African Union, Durban, South Africa, 9 July 2002 (entered into force 26 December 2009).

Any action taken by a peace support operation to implement a protection of civilians mandate shall be in conformity with relevant international law, including international humanitarian law,<sup>3</sup> human rights law<sup>4</sup> and refugee law.<sup>5</sup>

## GENERAL CONCEPTS AND PRINCIPLES

### 1. For the purpose of these Guidelines:

The concept of ‘Protection of Civilians’ (PoC) includes activities undertaken to improve the security of the population and people at risk and to ensure the full respect for the rights of groups and the individual recognised under regional instruments, including the African Charter of Human and Peoples’ Rights, the AU 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.

A ‘mandate’ refers to the decision that sets out all of the missions and tasks of a peace support operation.

A ‘protection mandate’ refers to the sum of all aspects of protection concerns reflected in a mandate, including physical, legal, and other protection tasks aimed at enhancing the level of protection afforded to civilians in the area of operations.

### 2. ‘External protection actors’ refers to all entities undertaking activities in relation to the protection of civilians that are not part of a peace support operation, including United Nations agencies operating in the field, the International Committee of the Red Cross, international governmental organisations, non-governmental organisations, corporations, security companies and the media. The protection of civilians remains the primary and ongoing responsibility of host State authorities.

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3 In particular the Geneva Convention Relative to the Protection of Civilian Persons in Times of War, opened for signature 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950); *Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, opened for signature 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978); *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, opened for signature 8 June 1977 1125 UNTS 609 (entered into force 7 December 1978).

4 In particular the *African Charter of Human and Peoples Rights*, OAU Doc. CAB/LEG/67/3 rev 5, 21 ILM 58 (1982) (entered into force 21 October 1986); *AU Convention for the Protection and Assistance of Internally Displaced Persons*, opened for signature 22 October 2009 (not yet in force); *International Covenant for Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976); *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

5 In particular the *Convention Governing the Specific Aspects of Refugee Problems in Africa*, opened for signature 10 September 1969, 1001 UNTS 45 (entered into force 20 July 1974); *Convention Relating to the Status of Refugees*, opened for signature 8 July 1951, 189 UNTS 150 (entered into force 22 April 1954).

3. Action taken by the African Union in relation to PoC should support and complement the efforts of host State authorities, as appropriate, and enhance their capacity to achieve the security of civilians and prevent abuses against them.
4. PoC in a peace support operation requires a multi-dimensional and coordinated approach with clear and differentiated responsibilities for military, police and civilian components, which recognises the protection activities of host State authorities, civilian populations, and external protection actors.

## MAINSTREAMING POC WITHIN THE AFRICAN PEACE AND SECURITY ARCHITECTURE

5. PoC issues should be assessed and analysed within the pillars of the APSA from the outset, including through the monitoring of an emerging or existing conflict situation. The monitoring of emerging protection of civilians considerations should be one of the core activities of the Continental Early Warning System (CEWS).
6. The analysis undertaken within APSA's pillars should consider the threats to, and protection needs of, civilians, including groups with special needs, such as women, children, the elderly, persons with disabilities, internally displaced persons and refugees.
7. PoC issues should be taken into account in decision-making in relation to the establishment of PSOs and the development and monitoring of implementation of their mandates by the Peace and Security Council (PSC).
8. A clear and achievable mandate is critical to the effective implementation of a protection of civilians strategy. The protection mandate should be described in precise and detailed terms. The relationship between the protection mandate and other mandated tasks needs to be clear. Tensions and trade-offs between the protection mandate and other mandated tasks should be considered.
9. The threats to, and vulnerabilities of, civilian populations should inform the scope of protection mandates. Once a protection mandate is provided to a PSO, the operation must be appropriately resourced, configured and equipped to ensure it has the capacity to fulfil that mandate. To assist resourcing, a percentage of funds from the African Peace Facility (APF) should be made available for the protection of civilians as a matter of priority, and additional resources should be sought from the international community.
10. The drafting of all strategic documents, including concepts of operations, use of force directives, directives to the head of mission, status of forces agreements, memoranda of understanding between the African Union and Regional Standby Forces or Member States must reflect the peace support operation's PoC mandate.

11. All PSO personnel require appropriate core individual and collective training aimed at heightening their awareness of, and responsiveness to, protection threats and needs, particularly the protection concerns of special needs groups. Training should also address the roles, responsibilities and coordination mechanisms with external protection actors, awareness of cultural and political dynamics and appropriate codes of conduct governing the behaviour of PSO personnel.
12. The implementation of a protection mandate will be strengthened by explicit political support from, among others, the PSC, the United Nations Security Council and other relevant actors. PSO personnel should be confident that they have the support of their superiors and political decision-makers for the implementation of their protection mandate in accordance with relevant strategic documents.
13. A protection mandate and its implementation must be kept under review through, inter alia, the continuous assessment of protection threats and needs; the monitoring of the adequacy of resources available to fulfil the protection mandate; the development and monitoring of well-defined and understood protection benchmarks and operational lessons; and the requirement of the submission of reports in relation to protection considerations.
14. Heads of Mission (HoMs) must take leadership in relation to the implementation of a protection mandate and are accountable to the Chairperson of the Commission for the effective implementation of such mandates. HoMs must be directed, through Head of Mission Directives, that mandated protection activities be prioritised in decisions about the use of available capacity and resources.

## DEVELOPMENT OF MISSION-SPECIFIC PROTECTION STRATEGIES

15. The Chairperson of the Commission will task HoMs to develop, in consultation with a mission's senior leadership, affected civilian populations, external protection actors, and, as appropriate, host State authorities, a mission-wide strategy for the protection of civilians, which specifies the mission's protection activities (the protection strategy). The protection strategy should link political, military, police, and civilian efforts within the mission, and should take into account, and be coordinated with, the activities of host State authorities, the civilian population and external protection actors.

16. A protection strategy should require the collection and analysis of timely, reliable and widely-sourced information in order to understand the threats against, and vulnerabilities of, civilians. Such information should be gathered by the mission to facilitate effective trend analysis.<sup>6</sup> Any collection of information should be managed in accordance with confidentiality and victim/witness protection practices and relevant standards. Analysis should be shared (including with the civilian population, external protection actors and, as appropriate, host State authorities) to the extent that security protocols and confidentiality measures allow. The analysis should be used to inform and review the protection strategy.<sup>7</sup>
17. A protection strategy should include mechanisms for mission personnel to assess risks and trade-offs between activities related to a mission's protection mandate and other mandated tasks.
18. The protection strategy must ensure that all protection mandated tasks and responsible mission components are closely coordinated through dedicated coordination mechanisms. The protection strategy must also emphasise the importance of liaison with host State authorities, civilian populations, external protection actors and parties to the conflict.<sup>8</sup>
19. The protection strategy must address the need for in-mission training to be provided as soon as possible after deployment in the area of operation, and subsequently on a regular basis. Training should involve external protection actors, civilian populations and, as appropriate, host State authorities, to ensure that mission personnel understand local values and the appropriate means of interfacing with the local population.<sup>9</sup>
20. The protection strategy and any other mission documents that outline protection tasks for different mission components should consider a multi-tiered approach. The multi-tiered approach could include:
  - Protection as part of the political process;
  - Protection from physical violence;
  - Rights based protection; and
  - The establishment of a protective environment.

The conduct of protection activities on the basis of this tiered approach will need to be adapted to the context of a particular mission and its operating environment.

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6 Information should in particular be sought in relation to special needs groups; the motivation behind, type, and identity, of the perpetrators of abuses; and the protection efforts of host State authorities, other protection actors and local communities.

7 The analysis should be shared, as appropriate, to develop, prioritise, implement, coordinate and evaluate standard and contingency protection activities.

8 In order to implement a protection mandate, HOMs should develop a strategy for mission engagement with non-State actors, including, where appropriate, organised armed groups and other belligerent actors in the mission area.

9 Read in conjunction with paragraph 9.

## THE TIERED APPROACH TOWARDS THE PROTECTION OF CIVILIANS

**Protection as part of the political process** is crucial to the success of a PSO, and lies at the centre of an operation's work to ensure that a State emerging from conflict can establish lasting and sustainable peace. It is also essential to the mission's efforts to protect civilians, given that the rights and physical safety of civilians cannot be fully protected in an environment in which conflict is ongoing or re-ignites. A well-managed peace process that provides for justice and accountability is potentially the best form of protection for a civilian population.

**Protection from physical violence** can be broken down into four phases. It is important to note that these phases may not be sequential and may co-exist across the mission area:

- **Phase 1 - Prevention:** Activities undertaken to discourage groups from designing hostile activities (for example: patrols, hearts and minds activities). Prevention efforts aim to minimise the risk of escalation/uncontrolled escalation of conflict.
- **Phase 2 - Pre-emption:** Measures to preclude or defeat an imminent threat or to gain advantage over a spoiler group before it launches a designed violent activity (for example: the tactical redeployment of troops). In this context, imminent threat is based on an assessment of time (i.e. about to happen) and indication (i.e. factual information).
- **Phase 3 - Response:** The proportionate use of force to neutralise or render ineffective a spoiler group after the outbreak of violence (for example, self-defence). Higher -authorisation for certain activities may be required.
- **Phase 4 - Consolidation:** Activities necessary to manage a post-conflict situation including denying threatening groups the ability to restore fighting capability (for example, DDR activities).

**Rights-based protection** must be applicable to both individuals and groups and must be mainstreamed from the outset. A rights-based approach can involve the monitoring and reporting of human rights violations in the mission area and the development of local capacity to promote and protect human rights (for example: conducting investigations into human rights abuses and supporting the establishment of transitional justice mechanisms).

**The establishment of a protective environment** is comprehensive and broad, and includes a peace building dimension. It starts with early recovery and should lead to self-sustainable solutions. It can include capacity-building measures, and broad-based reform measures.

These tiers provide a framework within which protection mandated activities can be planned, conducted and reported on. The tiers and the activities falling within each tier must be pursued in a continuous, concurrent and mutually supporting manner. For example, protection from physical violence will support the observance of a rights-based approach to protection, as well as self-sustaining solutions within the protective environment tier. Self-sustaining solutions will in turn support a rights-based approach and protection from physical violence. The tiers and the activities falling within each tier should not be viewed as implying a sequential approach to protection. Rather, the protection activities under each tier need to be conducted in a parallel and holistic manner.

Different situations often exist in different geographical areas within a mission's area of operations. At any one time, in one region the focus may be on protection from physical violence, while in another the focus might be on establishing a secure environment. The requirement for flexibility and initiative at the tactical level must be promoted through the delegation of authority.

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