

The Protection of Civilians in Armed Conflict:

Humanitarian Challenges in West Africa

Background

According to the UN Secretary-General, Kofi Annan, "The toll of dead and wounded – particularly among innocent civilians – has risen to levels that can be described, without any exaggeration, as appalling." This grim reality compels us to take effective steps both to prevent and react to this unacceptable and growing assault against civilians. It requires not just the hardening of national defences, but also the strengthening of collective security and action. In order to address the deliberate targeting of civilians and counter the effects of war, the UN is seeking to understand what motivates actors to deliberately undermine the security of local civilian populations.

The application of standards and principles when dealing with the problems of protection is challenged by the complex and intractable characteristics of conflicts that lead to the erosion and breakdown of basic security structures, including law and order and economic viability, and can further generate massive displacement. Often, it is those responsible for the protection of the population who undermine the security of civilian populations. Therefore, to identify the nature of humanitarian challenges during complex emergencies and develop a UN policy framework on the protection of civilians in armed conflict, OCHA was mandated to hold a series of regional conferences and workshops on the protection of civilians. The latest in this series of workshops was held in Ghana from May 19–21, 2003, and sought to examine the particular protection challenges within the West African region and possible means of addressing such challenges from a regional perspective.

It is clear that the protection challenges can only be addressed if there is the will to implement and comply with existing international standards and principles. Additionally, any framework should prescribe a collective response from the government, armed forces, other security apparatus, NGOs, civil society groups and the humanitarian community, as the protection of civilians is a shared responsibility. This responsibility resides first and foremost with states; indeed, it is an essential element of a state's sovereign status. However, there is a growing recognition that when states are unable or unwilling to protect their citizens, the international community must become engaged. In fact, the safety and security of civilians is essential for the genuine maintenance of international peace and security. The protection of civilians agenda requires sustained and pragmatic commitment. It will thrive on the development of norms and practice in specific instances. Its success will rightly be judged on whether it has reduced the vulnerability of civilian populations to

conflict, and on the extent to which human rights and humanitarian obligations are observed and enforced. Successful implementation of protection strategies requires the development of a comprehensive and holistic approach to security combined with the necessary political will. Once these strategies are implemented, the international community will be in a better position to build and strengthen a 'culture of protection' as called for by the Secretary-General.

Workshop objectives

The conference aimed to familiarise and inform participants of humanitarian challenges, protection tools and the 'Aide-Memoire' checklist and to identify strategies for mainstreaming acquired knowledge within domestic and regional decision-making structures. The workshop provided a unique opportunity to identify and discuss protection challenges in Sierra Leone, Côte d'Ivoire and Liberia, as well as the effects of these conflicts in the region.

The workshop also provided a forum where existing initiatives, domestic, national and regional, were examined and considered with the aim of improving civilian protection in the region. In order to achieve this, participants were tasked with analyzing a crisis scenario exercise and applying protection measures. They were also encouraged to approach all discussions with a view to identify actors that are responsible for protecting civilians, examine who is responsible for what, promote and develop a sense of what protection entails and isolate practical next steps in the implementation of these objectives. The conference also set priorities for follow-up action and developed regional recommendations, which will ultimately feed into the Secretary-General's next report on the Protection of Civilians in Armed Conflict (June 2004).

Summary of Proceedings

Monday 19 May 2003

Opening Ceremony

Vice Admiral (rtd.)E.O. Owusu Ansah, Associate Executive Director of African Security Dialogue and Research (ASDR), welcomed delegates and said his organisation was proud to be co-hosting the first Humanitarian Assistance Policy Workshop of this kind in West Africa. This was the right time for hosting such a workshop in the region, when armed conflicts were threatening the existence of citizens of many West African countries. West Africa has states in active conflict, states with pre- and post-conflict situations and a few stable countries. Here, civilians have borne the brunt of the cruelty and atrocities of combatants. Reference was made to the UN Secretary General's 1999 Report on the Protection of Civilians in Armed

Conflict, and subsequent reports that seek to create a "culture of protection". Since the International Commission on Intervention and State Sovereignty (ICISS) process started, the phrase "responsibility to protect" has come to the fore. While these trends are encouraging, there is a need to discuss the nexus between the rhetoric of compliance and the reality of responses on the ground. The Vice-Admiral thanked the Government of Finland for funding the workshop, the OCHA office for sourcing funding for the programme, and conference organizers: Pernille Ironside (OCHA), Natacha Vorholter (ISS) and Linda Bartrop-Sackey (ASDR).

Dr Jakkie Cilliers, Executive Director of the Institute for Security Studies, welcomed participants and looked forward to sharing experiences from different regions of Africa. He said the range of representatives at this workshop in part answers the question: who is responsible for protection of civilians? The answer is that "we all are". However, if one asks who has the capacity to protect civilians, the picture is more complicated. States in the region are either too weak or unwilling to provide protection or access to civilians to humanitarian agencies, while civil society is weak throughout Africa. The international community experienced "peacekeeping fatigue" in the late 1990s. Although many friends of Africa remain engaged, responsibility for peacekeeping in Africa is shifting onto African shoulders, in the form of the African Union and its five subregional blocs. It is already clear from the AU that the burden of peacekeeping in Africa would fall primarily on the subregions. West Africa is fortunate to be in the best position to take on this role, compared with ECCAS, IGAD and even SADC, where conflict prevention mechanisms are still in the design phases. But when it comes to the protection of civilians, the reputation of ECOMOG troops in Liberia and Sierra Leone in the 1990s left a lot to be desired. Restructuring of the force has begun, however, within the legal framework of the ECOWAS Mechanism for Conflict Prevention, Management, Resolution and Security, to provide a clearer chain of command and broader troop contributions. The training and clarity of the mandate of ECOMOG are vital areas for consideration at this workshop and beyond.

Mr Mark Bowden, Chief of Policy Studies and Development Branch, OCHA, outlined the background to the workshop. In the 1990s, when OCHA received its mandate for the overall co-ordination of humanitarian assistance, there was recognition that the nature of conflict was becoming more complex globally. Wars in Africa are rarely fought between conventional armies, and civilians are either drawn into conflict or are themselves the direct targets of conflict. The 1999 Report to Secretary General on the Protection of Civilians in Armed Conflict and two subsequent reports provided 54 recommendations, which if implemented, would build a culture of protection. Workshop participants should not see this as a debate that is confined to the institutions of the UN. As a result of the recent war in Iraq, there has been more attention paid to the role of the armed forces themselves in protecting civilians in armed conflict. We need a clear sense of the priorities in this region. A key

goal was also to reach conclusions on how this programme may be placed on the agenda of the regional organizations. It was hoped that there would be open and frank engagement, as this workshop has more potential than the others to give the UN a sense of the realities and priorities, due to its close proximity to conflicts in the region.

Hon. Dr Konadu Apraku, Minister of Regional Cooperation and Integration, reflected on a meeting of the Convergence Council of West Africa, where the conclusion was that the region had made less progress in economic integration in the past year than in previous years. The reason was because of internally generated conflict in the region. He said that in this part of the world, budgets are designed to fight enemies from within each state. Countries need to focus far more on conflict prevention and on transparent, good governance. Governments need to give their people a sense of ownership, that their governments represent their own interests. The challenge is that West Africans themselves are responsible for their own conflict prevention, notwithstanding the generous support of the donor community.

Deputy Minister of Foreign Affairs, Honourable Akwasi Osei-Adjei, welcomed participants and organisers to the fourth workshop on the protection of civilians in armed conflict. He observed that while the protection of civilians is a state responsibility, often it is the government itself that perpetrates abuses. However, he added, governments are not the only violators, noting that many abuses occur in rebel-held territory to which the government has no access. He also noted that abuses persist despite international laws that direct the conduct of parties to the conflict, thereby indicating that the mere existence of laws does not guarantee their adherence. In this context, he suggested that the participants work together to devise strategies that would enhance the protection of civilians in armed conflict. Any strategy, he noted, should examine the mechanisms provided under the ECOWAS framework to prevent, manage and resolve inter-state conflicts as well as establish institutions and formulate policies that would coordinate humanitarian relief missions. Finally, he called upon the international community, and in particular the UN Security Council, to urgently address the on-going conflicts in Africa.

Keynote speaker, Ms Carolyn McAskie, UN Secretary-General's Humanitarian Envoy for the Crisis in Côte d'Ivoire and Deputy Emergency Relief Coordinator (OCHA), thanked the host government of Ghana and partner institutions, the ISS and ASDR and said that the UN is privileged to be served by Secretary General Kofi Annan, a distinguished son of Ghana. She said that this was not only the right time to be debating the issues of protection of civilians in West Africa, but also the right place. Ghana is an island of peace in the region – a peace founded on democratic governance. While conflict will always exist, countries have to find a process by which to manage conflict without violence. Democracy offers this process.

In parts of West Africa, the rights of civilians are violated on a daily basis, for example, in Sierra Leone, Liberia and Côte d'Ivoire. In order to understand the underlying reasons for this, it is necessary to look beyond the humanitarian issues at politics, for it is those with power who are able to ensure or threaten the protection of civilians. Despite the attention being paid to other crises in the world today, the West African region does not have the attention of the UN Security Council. As Humanitarian Envoy for the Crisis in Côte d'Ivoire, Ms McAskie said she was deeply concerned by the blatant disregard for the rights and safety of civilians and humanitarian workers in this region. In this respect, governments of the region have a special responsibility to respect human rights and international humanitarian law (IHL). The most horrific action of rebel groups can never justify an equal response from government troops. Government representatives need to consider what practical tools can be given to their soldiers to remind them that when they deal with rebel groups, they are also dealing with citizens. Many civilians are drawn into cycles of armed conflict, for example, when schools are closed or destroyed in war, uneducated children are drawn into the conflict. There are too many adolescent males for whom carrying a gun is the only avenue of employment. This workshop needs to identify priorities for the region, but also to question international priorities that see, for example, so much more assistance sent to Iraq than to Liberia. The role of regional organizations in the protection of civilians is also fundamental. ECOWAS may be weak in capacity, but it is strong on initiative and should be supported and encouraged.

The issue of access to civilians in need of protection is important in countries with little infrastructure or social services. For example, millions of casualties of war in the Democratic Republic of Congo (DRC) have died from ordinary diseases because the conflict has blocked access to humanitarian relief. There are gaps in the system that afford greater protection to refugees than to internally displaced people (IDPs) and little support to the countries that receive refugees. These and other issues should not be the subject of theoretical discussions, but should be addressed by frank, honest and practical recommendations. This workshop is the opportunity to do so.

Mamadou Bobo Diallo, Legal Adviser, Guinean Ministry of Foreign Affairs, noted that the lessons drawn from the two world wars led the international community to take action to prevent such atrocities from re-occurring, and subsequently adopted the Geneva Conventions. However, he added, despite international legislation aimed at protecting civilians, the deliberate targeting of civilians in armed conflict and the recruitment of soldiers from amongst the ranks of children continues. To better prevent such violations from occurring, he recommended that African governments look to encourage and support education and development programmes for youth. However, he stated, this requires substantial resources from bilateral and multilateral partners. He observed that the current conflicts in West Africa not only under-

mine the physical security of the people in the region but can further compromise and destroy infrastructure, cause looting, degradation of the environment, cease economic and socio-cultural activities, disrupt social structures and development initiatives. He concluded by stating that the protection of civilians in armed conflict touches not only the war-torn countries directly, but the region and the international community writ large.

Topic I: Background to the Concept of Protecting Civilians in Complex Emergencies

Mr Mark Bowden presented this session. He began by highlighting some of the features of complex emergencies in Africa. This is a region wracked by conflict, with an extraordinarily high level of war-related death and injury. Deliberate targeting of civilians is used to spread control over areas by intimidation, as a means by which combatants try to avoid conventional fighting. This region has multiple examples of where the rules of war have broken down. Child soldiers exemplify this type of war without boundaries. These practices erode social structures, family values and the authority of elders. New technological aspects of warfare have increased the insecurity of civilians, for example, landmines. It is estimated that 2% of Africa's economic growth is lost each year due to war. Humanitarian assistance to Africa has grown, but so has the targeting of humanitarian staff, for example, in Liberia and the Ituri province of the DRC recently. Such attacks remove the last vestige of support that may be given to civilians.

These complexities underscore the need for a more effective, holistic framework for the protection of civilians. The heart of International Humanitarian Law – the distinction between civilians and combatants – has to be reaffirmed. However, the Secretary General's Report on the Protection of Civilians in Armed Conflict, 1999 recommended a framework for protection that is broader than IHL, and includes aspects of human rights law. OCHA has developed two tools to develop this framework for protection:

- (1) Aide Memoire outlines thirteen checkpoints for protection, which was designed for the UNSC to draw on best practice when drafting resolutions on protection. The Aide Memoire is increasingly being used to diagnose areas for protection in regions affected by conflict, for example, Iraq.
- (2) Roadmap of recommendations from the Secretary General's reports on protection, which develops a plan of action.

Due to the dynamic nature of conflict, this framework is not exhaustive, and could be expanded to include issues such as terrorism – both as a form of conflict that targets civilians and from the perspective of how counter-terrorist action affects communities – and the protection of property rights. The purpose of this workshop is to identify any other missing areas of the framework and to set priorities for protection of civilians in this region.

Following the presentation, the floor was opened for discussion and debate. Questions and comments arose concerning:

- The proliferation of humanitarian agencies working in conflict situations in the region is a problem. There needs to be better coordination of these efforts.
- Scarcity of food and resources experienced by all armed groups in the region – rebels and government troops – increases the vulnerability of civilians living in refugee camps, as combatants target refugee camps as places where they have access to food and women. Civilians in these situations find all armed groups threatening, which makes government attempts to provide armed protection difficult.
- A further priority for the region is the protection of non-nationals living in conflict areas, for example migrant workers from Mali and Burkina Faso living in Côte d'Ivoire.
- A serious concern for this region is that the spread of HIV/AIDS is exacerbated by conflict and displacement of populations.
- Crime increases in countries bordering on conflict. For example, in the south of Mali escaped prisoners from Côte d'Ivoire have begun operating.
- Media reports of conflict can have a negative impact by spreading panic and causing spontaneous displacement of civilians.
- Governments clinging to the principle of sovereignty often resulted in intervention being allowed only when conflict was out of hand and it was too late for many civilians. The corollary of this problem is the failure of the international community to intervene early enough to protect civilians.

Topic II: Humanitarian Action – Issues, Roles and Responsibilities in Protection

The purpose of this panel session was to discuss the following issues:

- What are the key protection issues within West Africa?
- How should the different roles and responsibilities be defined?
- How can protection be addressed outside peacekeeping operations?
- To what extent can peacekeepers support the protection of civilian populations, and what are their responsibilities?

This session was chaired by **Robyn Groves, Senior Policy Officer, Policy and Studies & Development Branch, OCHA**, and addressed by the following panellists:

Awa Dabo, protection Officer, OCHA/UNDP Office in Liberia began by broadly defining protection as the responsibility of many, including the police, the army, civil society, and the private sector. However, it remains that the primary responsibility for civilian protection rests with governments. Through their national institutions, governments have a responsibility to provide for the physical security of citizens, as well as ensure that assistance is offered to the most vulnerable. This includes taking into account the very real concerns of civilians during armed conflict such as displacement, violations of human rights and the lack of basic services. In this context, governments must undertake to exercise the necessary commitment to fulfil their international obligations. This would require that the governments initiate, organise and coordinate humanitarian assistance, and if possible, facilitate the provision of this assistance.

Speaking specifically to the case of Liberia, she noted that with two rebel groups destabilizing the country from within, and the crisis in the Côte d'Ivoire further spreading instability from without, the situation in the country is particularly precarious. Moreover, as the conflict has spread through 11 out of Liberia's 15 counties, so does the number of inaccessible refugees and IDPs as security concerns preclude the humanitarian community's ability to reach them. Responsibility for undermining security in the country rests with both government and rebel groups, as all are alleged to have committed human rights violations, participated in forced recruitment, and deliberately conducted attacks on IDP and refugee camps. In response to protection concerns, the government of Liberia has acted on a number of fronts, including the establishment of a Human Rights Unit under the Ministry of Justice, the release of a government declaration guaranteeing the protection rights of all IDPs, and the collaboration with the humanitarian community in the implementation of protection programmes for the civilian population. Despite such measures, however, the protection of Liberian civilians will continue to be plagued by several factors, including: the proliferation of armed groups; a continually moving population; the lack of sufficient resources to tackle protection concerns; the weak capacity of national institutions such as the judicial system and rule of law

structures; a dysfunctional social service including education and health; a poor economy; continued insecurity; and inaccessibility to large areas of the country.

She highlighted that successful implementation and compliance with protection standards requires an integrated and comprehensive protection strategy in collaboration with the main humanitarian actors. It is therefore imperative that a collaborative and inter-agency response be taken if protection concerns are to be seriously tackled. The protection of civilians has to be at the forefront of all government, civil society, private and international interventions in the country. Without it, she concluded, any efforts by the international community to address protection for civilians will be seriously challenged.

Rodolfo Mattarollo, Head of the Human Rights Unit of UNAMSIL, also representing OHCHR, spoke to the importance of applying international law treaties as tools for action. However, he cautioned, such instruments are only useful if states both ratify and implement relevant legislation. He noted the importance of strengthening the deterrence function of international criminal law through the effective and credible enforcement of universal jurisdiction and international tribunals. The recent establishment of the International Criminal Court will further provide a deterrent role as it is mandated to investigate, punish and redress violations of human rights and international humanitarian law. Mr Motorola also raised the issue of mercenaries and highlighted that while it is not in itself a crime as such, they are bound to uphold international obligations governing their actions thus making them accountable for crimes of war.

On human rights monitoring, he highlighted the significance of reporting individual events, but also noted the importance of establishing patterns of conduct. He added that human rights monitoring should be perceived as a confidence building measure rather than a conflicting and disruptive element. For example, with respect to Sierra Leone, he noted that a tripartite meeting between the government of Sierra Leone, Revolutionary United Front (RUF) and the UN resulted in an agreement to allow the UN to investigate the deaths of RUF members in government prisons. This step has reinforced communication between the parties and has served as an important confidence building measure. He also noted the important mandate of the Office of the High Commissioner for Human Rights, which is mandated, amongst other things, to provide advisory services and technical and financial assistance at the request of states and imposes reporting obligations on those states that have ratified treaties.

He highlighted the need for peacekeeping exit strategies and in post-conflict environments to provide for the reform of law and order as well as the re-establishment and reform of the judicial system. This should be done in conjunction with efforts aimed at training, advocacy and capacity building on human rights and international humanitarian law. With increased awareness of the need to address transitional justice and impunity in the protection of civilians agenda, he noted the

existing mechanisms by which to prosecute those who bear the greatest responsibility for violations of human rights include: international tribunals, domestic courts and truth and reconciliation commissions. Making use of these mechanisms, he concluded, will further enhance and strengthen existing legislation aimed at preventing, investigating and punishing abuses.

Catherine Galencamp, Coordinator of Abuse and Exploitation Prevention, OCHA Office in Sierra Leone, spoke to the sexual abuse of women and children in the region, with particular emphasis on exploitation and abuse by humanitarian aid workers and UN peacekeepers. She noted that the violence perpetrated by humanitarian aid workers and peacekeepers must be seen in a broader context that examines the inherent power differential between humanitarian aid workers/peacekeepers and an IDPs/refugees whether physical, monetary or influential. There is often a lack of gender equality in the humanitarian work force or peacekeeping mission that can create gaps in protection. There is also a reluctance to enforce the protection of women and girls by peacekeepers as backgrounds, beliefs, cultures and laws of the troop contributing countries differ greatly. Moreover, she observed that the absence of a consistent or useful reporting and referral system for supporting survivors can deter victims from reporting abuse.

It is estimated that sexual violence among IDP and non-IDP females has left approximately 215,000 to 257,000 women and girls in Sierra Leone directly or indirectly affected by violence of a sexual nature. While not referring to the refugee community living in Sierra Leone, it can be assumed that many refugees are survivors of war-related sexual atrocities. Some of the main challenges facing the elimination of sexual and gender based violence in Sierra Leone include the absence of clear laws on the age of consent and the fact that prostitution is not illegal. It is therefore difficult to explain to individuals that their protection mandate as either a humanitarian aid worker or a peacekeeper runs contrary to the procurement of a commercial sex worker.

In Sierra Leone, several positive initiatives have been undertaken to address the issue of sexual exploitation and abuse, including: the introduction of Standards of Accountability; training for UN employees on human rights, gender, gender based violence, sexual exploitation and the standards of accountability; Gender and Sexual Exploitation and Abuse Mainstreaming action plans; and the creation of human resources guidelines in relation to policies and procedures for the prevention of and response to sexual exploitation and abuse. It remains that further action is required to ensure all humanitarian projects and peacekeeping missions have a clear responsibility to the beneficiaries they intend to serve, and all projects be assessed from a gender mainstreaming and a 'do no harm' perspective. All agencies should also have policies and procedures for the protection of women and children regardless of the sector they work in. Policies should include that all employees undergo a series of training regarding human rights, gender and sexual exploitation.

Following the presentations by the panellists, the floor was opened for discussion and debate. Questions and comments arose concerning:

- Participants felt it was high time for every state in the region to ratify the relevant treaties. An African civil society coalition is needed to put pressure on governments in this regard.
- There are not that many African NGOs working in Liberia because there are very few resources. The international community should continue to support NGOs, despite the perceived proliferation of NGOs, their contribution should not be underestimated. Change of governments will only come from pressure from civil society. In Sierra Leone, NGOs can now use the Ombudsman and other state institutions to promote protection of civilians.
- In Liberia there is a protection inter-agency co-ordination committee that tries to monitor and report on protection cases. It meets once a fortnight. This is a good example of a forum that is open and is used as a channel to communicate with the government. There is a lawyer attached to the group who takes on these cases.
- The role of neighbouring countries in conflicts should be examined, not only in terms of the consequences of the conflict for these neighbours, but also their complicity or active involvement in fuelling the conflict by supporting rebel groups.
- Measures taken by the Guinean government to assist in ratification of the various treaties and IHL were discussed, however it was pointed out that ratification is not enough. For example, the ECOWAS Treaty on the Free Movement of Goods and People does not work in reality due to vested interests within the various governments of the region. A foreign national who has the legal right to be working in a country, also has the right to protection from the host government. For example, migrant workers from Guinea, Mali and Burkina Faso were driven from Côte d'Ivoire when conflict erupted.
- Protection of civilians should be an integral part of any government in the region, whether it is in conflict or not. They should not wait until conflict breaks out, but develop a protection framework as a pre-emptive measure.

Tuesday 20 May 2003

Topic III: Protection of Civilians – Operational Challenges in Complex Emergencies

The purpose of this panel session was to discuss the following issues:

- What humanitarian challenges exist for protection within the West African region?
- How does military use and engagement of civilian populations affect protection efforts?
- How should the denial of humanitarian assistance and access to vulnerable populations be addressed?
- How can specific threats to vulnerable groups be addressed (i.e. abduction, recruitment, sexual exploitation)?

Dr Jakkie Cilliers chaired the session, which was addressed by the following panellists:

Col. Michael Amazu, Assistant Chief of Staff for Logistics, UNAMSIL, said that there is a misconception that protection of civilians is the responsibility of peace-keeping troops and that the people in uniform are the peacekeepers. Protection and peacekeeping involves civilian agencies, for example, civilian police, local authorities, UN agencies, local and international NGOs and the international donor community. The role of these actors includes political negotiations and diplomatic collaborative projects; security tasks to contain and control the conflict; weapons control, disarmament, demobilisation, rehabilitation and re-integration; demining; emergency relief; repatriation of refugees and IDPs; elections and other democratization activities; re-introduction of police and legal, justice and penal systems; public information and the establishment of a free press (as well as preventing hate speech from destabilizing the situation); development activities, economic restoration and investment; and reconciliation activities.

There are various complications in intra-state complex emergencies, because the methodology of conflict prevention, management and resolution mostly exists between states and not between warring factions. One of the parties to conflict is likely to be an internationally recognized government and may challenge the right of any party to intervene on the basis of sovereignty. The causes of conflict are likely to be politically sensitive, for example, the quality of governance, socio-economic inequality or ethnic discrimination. Insurgent movements are likely to be amply supplied with arms and ammunition and be inexperienced, undisciplined, violent and ignorant of IHL. Civilians remain the main targets of aggression. In these circumstances, it is virtually impossible for humanitarian agencies to respond without being drawn into the politics of the conflict.

The following challenges exist:

- Language, for example, there may be deliberate misinterpretation by translators who are not neutral;
- Inadequate logistical support in this resource-scarce region and piecemeal assistance from the international community, such as uniforms arriving without boots; insufficient air/sea transportation for troops; food shortages when troop-contributing countries are responsible for feeding the troops; insufficient communication equipment;
- Security and health threats to the peacekeepers;
- Problems between humanitarian agencies and military personnel operating in the same environment. When humanitarian agencies are not under the authority of the military personnel, they do things in an uncoordinated way, while the military tend to hijack negotiations and marginalize the humanitarian component, to regulate and unilaterally direct all movement including those of humanitarian components;
- Lack of knowledge about the various actors;
- Command structures are compromised by political interference from troop contributing countries, for example, troops sometimes phone their home countries to get clearance before obeying orders;
- Tendency to link humanitarian assistance to the compliance by the parties to the conflict with political conditions set by peace brokers; and
- Multicultural composition of actors, for example, Russians, Pakistanis, Ukrainians, etc. compounds misunderstandings and communication breakdown.

In conclusion, there is an enormous gap between mandates as defined by the UNSC and their practical implementation. The following measures could improve the operational aspects of protection of civilians within peacekeeping missions:

- Adopt English and French as working languages for peacekeepers in the sub-region;
- International funding for standby forces and provision of logistics must be made available;
- Standardize communication equipment;
- Enhance cooperation with humanitarian agencies, while recognizing the need for the humanitarian agencies to maintain their autonomy;
- Establish a civil-military operations centre (CMOC), humanitarian affairs co-ordination centre (HACC) or a simple system of regular inter-agency meetings where establishment of these centres is not practical;
- Educate actors on each others' role; and
- Build capacity and resources for the AU-envisaged subregional standby force and ECOWAS-sponsored peacekeeping missions.

Maya Ameratunga, Senior Protection Officer for Sierra Leone, UNHCR, noted that a key challenge to protecting refugees is ensuring that the civilian character of asylum be maintained by not allowing combatants to be mixed in with civilian refugees, such as is the case with Liberian refugees. As a result, Liberian refugees are often blamed by Sierra Leoneans for bringing the war to Sierra Leone. In 2002, with increased numbers of Liberian refugees entering Sierra Leone (over 53,000 in 2002 alone), the government is striving to preserve the civilian character of asylum. This is essential if the government is to keep an open border policy for refugees, while at the same time to maintain state security. In response to large influxes of Liberians into Sierra Leone, UNHCR/Sierra Leone undertook intensive advocacy efforts with the government to manage the issue, and in particular address the concern over the transfer of combatants into refugee camps. She noted that one of the durable solutions recently implemented by UNHCR is the development of host communities through integration of refugee communities.

UNHCR, in close consultation with ICRC, have worked, amongst other issues, to enhance the government's knowledge on the importance of preserving the civilian character of asylum, and raised the possibility of establishing a separate regime for Liberian combatants, which would include disarmament, demobilisation, internment and non-refoulement. In mid 2002, the government accepted many of the recommendations made by UNHCR and ICRC. She noted that there remain many challenges, including the need to properly manage the return of refugees, establish a system to address property recovery and remove the remaining amounts of unexploded ordinance. Of great importance is the need to attend to the particular status of Internally Displaced Persons (IDPs) who outnumber refugees. IDPs are particularly vulnerable as, unlike refugees, they lack legal status and have no agency mandated to manage their protection. While UNHCR can intervene, certain criteria are required, including, requests by the UN Secretary-General, the UN General Assembly, and/or the UN Security Council. Another area of concern she briefly outlined involves the status of non-refugee third country nationals, and in particular the large numbers of displaced migrant workers.

She also spoke of the need to ensure family members of combatants are treated as refugees and accommodated in refugee camps, and called for accelerated reintegration for child ex-combatants. Other strategies UNHCR is looking to implement in the future consist of providing support to the police forces to improve security screening at border entry points, preventing recruitment in camps by improving camp security; and continued location of future camps at a safe distance from the border. Indicators on the impact of these activities can include the development of a strategy on preserving the civilian character of asylum for the Sierra Leone operation; the establishment of appropriate security measures; and a reduction in reports/allegations of military recruitment in refugee camps. While UNHCR efforts have therefore met with success it remains that there are important constraints to

continued implementation, including the availability of staff and funding to ensure there are sufficient police posts in and around refugee camps, and that there is sufficient equipment for security wardens and police deployed in and around camps.

Augustine Agu, Policy Officer for Education, UNICEF, focused on the protection needs of children in complex emergencies, with special attention to child soldiers. A key issue he raised is how can children who are actors in conflict be protected as children? Even though they are actors, they are still vulnerable. Children do not lose their rights because they are soldiers. There is a need to conduct a capacity analysis in Africa on who has the capacity and power to protect children.

Of the more than 40 million people displaced in Africa, half are children. Often they are separated from their parents, are vulnerable to STDs and HIV/AIDS infection, gender-based violence and sexual exploitation, malnutrition, psychosocial problems and disability. Schools are destroyed and teachers are not paid during conflict, which destroys the education system. Uncleared landmines and unexploded ordnance, increased access to and utility of small arms all cause untimely death and disability of children.

A suggested framework for sustained action is as follows:

- The protection needs of children in complex emergencies should take children's rights as the guiding principle;
- The long term solution is the full implementation of the human rights principle;
- Two objectives of protection should be (1) to protect children from harm inflicted by others (both preventive and reparative aspects) and (2) to fulfil the rights of children to humanitarian assistance.

Elements of the framework should include: (1) provision of social services – health-care, education, recreation, physical and psychological rehabilitation and social integration; (2) strengthening of institutions that are most likely to provide a caring, protective environment for children, in particular the immediate family; (3) promotion of laws and values that embody respect for children and their rights including dissemination of appropriate conventions and principles; (4) creation of circumstances which protect children and allow for the delivery of humanitarian aid, or remove them from potentially dangerous or exploitative environments.

Education should offer a sense of hope and stability for demobilized child soldiers, as well as giving shape and structure to children's lives. Building a culture of peace should be part of the curriculum, with programmes of life-skills (such as landmine awareness, HIV/AIDS, human rights and peace education), vocational training and accelerated learning programmes for adolescents. Parents, the community and former child soldiers should be involved in curriculum planning and development to ensure relevance and ownership. More psychologists need to be available for

counselling. Immediate possibilities include getting soldiers and peacekeepers (engineering and education corps are well trained in Africa) involved in supporting the reconstruction of schools and mentoring and counselling former child soldiers. Full awareness and application of human rights is required throughout.

Following the presentations by the panellists, the floor was opened for discussion and debate. Questions and comments arose concerning:

- A key challenge in the international environment is the ability to identify legitimate civilians from those who support rebel groups. Civilians are often recruited for logistical purposes or otherwise abet and assist rebel groups.
- While the responsibility for refugee protection remains with the host nation, there is a need to enhance the capacity of host states to meet protection needs. This can be achieved through efforts to maintain the civilian character of refugee camps.
- Humanitarian organisations should continue to enhance the living standards of both refugees as well as host communities in order to reduce tensions between the two groups.
- There is a great need to address security at the regional and sub-regional levels. The effects of conflicts in the West African region, such as cross-border raids, attacks by armed groups, looting and the abduction of civilians, requires a more strategic assessment.
- Accessing required resources is difficult, as the international community is reluctant to provide funding to areas currently in conflict. In order to address this, protection and programming must be redeveloped to ensure humanitarian aid does not fuel conflict.

Topic IV: Response Coordination – Balancing Local realities with Protection Needs

Vice Admiral (ret.) E.O. Owusu Ansa, Associate Executive Director, ASDR, chaired this session with input from the following panellists:

Dr Kwesi Aning, Senior Researcher, African Security Dialogue and Research, highlighted that protection is a challenge for states, functioning or not, primarily as a result of a lack of capacity and/or will. Additionally, he added, while states often pledge to take steps to protect civilians, in reality they are often unable or unwilling to implement or uphold such guarantees. This rhetoric is evident when examined against the local production and proliferation of small arms and light

weapons. Furthermore, despite the signing by ECOWAS Heads of State of the Moratorium on the Import, Export and Manufacture of Light Weapons in West Africa, most member states continue to import, export and manufacture light arms, weapons and ammunition.

Dr. Aning noted that state responsibility to protect its own citizens is often portrayed in the context of national security, but in reality is used as an excuse to undermine the safety of those it purports to safeguard. He added that the challenge lies in convincing combatants and non-state actors to uphold international humanitarian and human rights laws when responsible governments do not themselves respect these provisions and regulations. He also spoke to the particular challenges of negotiating with irregular forces, and highlighted that children also have particular protection needs as many in search of an identity and power will access resources through violence.

Within the West Africa context, Dr. Aning noted that perpetrators of civilian protection and human rights violations are often rewarded with access to political power. It is therefore impossible to design protection strategies in a region where those in authority do not take protection seriously. Therefore, until the responsibility for ensuring civilian protection is respected by both state and non-states actors, he concluded that the norm of protection will remain at the level of rhetoric.

Dr. Comfort Ero, project manager for the International Crisis Group in Sierra Leone, also spoke to the role of governments in undermining civilian protection. She noted that the current dimensions of the conflict in West Africa must take into account local realities, notably that violence in the sub-region shifts rapidly from country to country. These conflicts, she added, are complex, multi-layered and increasingly personal. Rebel groups ally with neighbouring heads of state in symbiotic relationships to pursue wars of revenge. In essence, governments are using rebel groups in neighbouring countries to their own domestic political and security advantage. These are the same governments that UN agencies, NGOs, and civil society organisations are expected to turn to guarantee civilian protection.

On country-specific issues related to civilian protection Dr. Ero noted that in Liberia both the government and the LURD are committing atrocities. On the LURD side, difficulties in supplying fighters with military material and food have caused them to prey on an already traumatised civilian population. As for the government, forces are poorly trained, badly paid, sometimes forcibly recruited, and have no interest in protecting civilians when they themselves are fighting for their own survival. As for Guinea, while the country plays an important security role in the region, she noted that the practice of double standards must be addressed. Guinea continues to allow LURD fighters to operate in the country and also facilitates the forced recruitment of refugees to fight for the LURD. Regarding the Côte d'Ivoire, the role of the government is also at the heart of the civilian protection problematic. In particular,

the Ivorian government's role in helping anti-Taylor forces open a new front in the Liberian crisis has resulted in severe humanitarian tragedy. The backing of the new rebel group, MODEL, the recruitment of Liberians from refugee and transit camps, and their use in conducting reprisals against political enemies and the increased presence of militias and mercenaries can no longer continue without imposing sanctions. Liberian refugees are running from crisis to crisis – they can no longer go home as they are enemies of Taylor, but can no longer stay in the Côte d'Ivoire and the situation in Guinea is no longer tenable. The situation is also grim for Burkinabe and Malians, and many have been forced to return home.

The international humanitarian community and governments, both regional and international, have begun to respond to these local realities through a series of actions, or inactions, including: further squeezing Taylor through a likely indictment under the Special Court for Sierra Leone; expanding the sanctions on timber; continuing to ignore Guinean involvement in supporting the LURD; and providing support to the Côte d'Ivoire. She cautioned, however, that the current debate on the possible public indictment of Charles Taylor in Liberia would also have serious implications for civilian protection and humanitarian security. Removing Taylor can only create a vacuum leaving civilians hostage to power politics, and there must be a response to the crimes committed by the other leaders in the region. It remains, however, that it is difficult for humanitarian workers to turn to government for assistance when they are also perpetrating crimes and committing abuses.

Fatou M'Boge, Programme Manager, West Africa Network for Peacebuilding (WANEP), highlighted some of the challenges for mobilizing local actors and mechanisms for the protection of civilians. She added to the input of the other speakers in condemning the ruthless quest for power and plunder of vast natural endowments in Liberia, Sierra Leone and Guinea. The refugee crisis should be considered in terms of the impact on surrounding areas and what local people can do to assist refugees. It is estimated that there are about 10 million small arms in circulation in West Africa. It is in particular the illicit arms trade, which is on the rise globally and is increasingly difficult to monitor, which has caused region-wide concern. The growing demand for small arms in West Africa has been the primary force behind their proliferation.

The speaker noted that armed rebellion has replaced coup d'etat in the region. This phenomenon has attracted mercenaries and violent youths. West Africa is host to armed men from within and beyond the region. This problem has been aggravated by the failure of DDR programmes in countries like Liberia and Guinea-Bissau. Floating fighters move from conflict to conflict. Official recruitment of mercenaries has been an open secret in West Africa, while ECOWAS has not addressed the issue adequately. There is a need to bridge the gap between civil society and ECOWAS, especially in improving the Mechanism for

Conflict Prevention, Management, Resolution and Security to address issues such as mercenaries and small arms circulation.

There are no shortcuts to post-conflict regeneration, and action to sustain peace should be integrated into development efforts. WANEP's approach has been to engage local communities in preventing conflict. This approach recognises that the primary protectors are the people themselves, who must take on the challenge of bad leadership in the region.

Following the presentations by the panellists, the floor was opened for discussion and debate. Questions and comments arose concerning:

- Small arms: the UN should not overlook the suppliers and producers of small arms, some even in countries that are permanent members of the UNSC. The focus is too often on the demand side.
- The differences between promises and performance, rhetoric and reality of leaders in the region was highlighted. Leaders are in a sea of compromise in all the conflicts in the region. Poor governance and badly organized elections are the root causes of conflict in West Africa. Democratisation and good governance are the ultimate solutions and the UN should play a stronger role in this. Leaders should be made aware that no one is above the law.
- The role of the media is important in publicizing the agreements of leaders to promote human rights and protection of civilians via radio, television and newspapers. UN agencies and NGOs should use satellite technology to sensitize rural communities to IHL and human rights agreements.
- Conflict in Liberia, Sierra Leone and Côte d'Ivoire threatens to spill over to other countries, such as Guinea. This is very dangerous for young, independent states. Borders are very porous and weak in the region, which creates very specific dangers and vulnerabilities. While colonial authorities created the borders, in some cases these borders do not exist in reality. Overlapping ethnic groups on the borders causes a problem when refugees settle with relatives within the local communities. If these refugees have armed rebels with them, they need to be separated from the local community to protect the host civilians.
- In countries where governments are so personalized, the protection of civilians becomes very complex. The peer pressure of the NEPAD African Peer Review Mechanism should have begun working on these leaders, but it has yet to have any impact. There is a need for civil society groups to come together in Africa to put pressure on governments to protect civilians.

- OCHA should advocate tribunals like that in Sierra Leone as an important instrument against impunity in the region. This would send a clear message to leaders in the region that they will be indicted for war crimes that they commit.

Topic V: Practical Application of Protection Framework:

Participants were divided into three working groups to examine a crisis scenario exercise (CSE) entitled 'Blue Elephant' that was based on events in the fictitious country of 'Darlan'. The CSE was designed to provide an opportunity for participants to apply the key concepts involved in the protection of civilians to a neutral regional context that realistically reflected the sorts of issues that might arise during armed conflicts within West Africa.

Participants were provided with a dossier of materials, including background information on the conflict in and around Darlan, briefing notes for the recently appointed Special Humanitarian Envoy of the UN Secretary-General to Darlan, and a draft Security Council resolution on the situation in Darlan.

Each group was assigned three or four specific issues drawn from the *Aide Memoire* to guide them in completing the following tasks: (1) analysing the primary threats to the safety and security of civilians within Darlan and neighbouring countries; (2) advising the Special Humanitarian Envoy as to how the United Nations should respond to the crisis; and (3) how the draft Security Council Resolution on Darlan should be revised so as to better promote the protection of civilians. Following extensive consultations, each group presented their findings and recommendations in plenary.

Wednesday, 21 May 2003

Topic VI: Building the Culture of Protection within the Region:

Mark Bowden, Chief of Policy Studies & Development Branch, OCHA, summarised the distinctive issues of the region as:

- Access to civilians in need of protection due to the fluid nature of the conflict and weak borders, for example, the responsibility of armed/rebel groups to provide access to civilians and how to negotiate with them for this access;
- Protection for special groups – refugees, IDPs and migrant workers;
- Small arms proliferation;
- Demobilisation and reintegration challenges, given that the fluidity of rebel groups is a sign of failed DDR; and
- Large number of women and children caught up in the cycle of violence in the region.

An open discussion on key issues within the region on protection of civilians then followed, as reflected in the section of the report on key issues and recommendations below.

Mark Bowden concluded that there is a crisis of protection in the West African region, particularly for IDPs, migrant workers and other people in transit. There is little international, subregional or state support for protection in West Africa, due to past failures. Unless there is more political engagement at national and regional level on the issue of protection, more international support will not be forthcoming. At the same time, capacity constraints within the region must be addressed in order to create a climate of protection. Analysis and information sharing at all levels is an important aspect of capacity building. This region displays a willingness to confront the problems openly and frankly, which gives hope for the resolution of these conflicts.

Closing ceremony:

Vice Admiral (rtd) E.O. Owusu Ansah, Associate Executive Director African Security Dialogue and Research, thanked the organisers, presenters and speakers for their participation, noting that the primary objective of the workshop had been achieved: participants departed more knowledgeable on the concept of protection as well as the humanitarian challenges and protection tools available to identify strategies to mainstream acquired knowledge.

He added that the workshop provided a forum for open discussions and that many of the speakers rightly revealed a need to address governance in the sub-region. A particular challenge is the need to stem abuses perpetrated by government authorities against the most vulnerable in society. He added that it is important for conference participants to engage their governments on the issue of civilian protection and work to identify and eliminate the root causes of conflict. In this context, he expressed his hope that key recommendations would be disseminated throughout the sub-region as well as the UN, and eventually result in improved human rights and protection conditions in the region.

To better protect civilians, he added that it will be essential to further address the menace and supply of small arms in the region as most of the criminal offences are committed with locally manufactured weapons. Once again, it remains a government responsibility to implement the ECOWAS moratorium on small arms. Another means of enhancing protection, he observed, was through the education of citizens and civil society groups on their rights as well as the need to enhance the capacity of governmental institutions in public and security sector reforms. He noted the importance of having recourse to the measures provided under the International Criminal Court to prosecute perpetrators of human rights abuses, and that through this, and other existing mechanisms examined during the conference, important steps have been taken to establish a culture of protection.

Key Issues and Recommendations:

Access to civilian populations in need of protection:

1. ECOWAS should facilitate a meeting on neutral ground between the governments of Liberia, Côte d'Ivoire and Guinea and rebel groups, LURD, MODEL, MJP and MPIGO on practical modalities to allow humanitarian access to populations in need by neutral agencies in Liberia and Côte d'Ivoire.
2. Develop a 'Human Cost of Conflict' document as a tool for advocacy.

Protection of people in transit – refugees, IDPs and migrant workers:

3. The International Labour Organisation in collaboration with the High Commissioner on Human Rights should develop a set of principles for the protection of migrant workers affected by conflicts in the region.
4. Within the United Nations Security Council, the African Union and ECOWAS, negotiate a comprehensive ban on the recruitment of refugees by rebels and government forces.
5. Donor support should be mobilized for the screening and separation of combatants and non-combatants, and for the internment of combatants.
6. Ensure that refugee camps are located in secure locations, away from borders.

Disarmament, demobilisation and reintegration of former combatants:

7. UN mandates should recommend that UN peacekeepers should not only disarm armed combatants, but mechanisms for general disarmament need to be found such as periodic amnesties.
8. Review disarmament, demobilization and reintegration (DDR) strategies and programmes in the region based on lessons learned.
9. Ensure that former combatants receive skills and vocational training appropriate to the local market, and that there is sufficient funding for such programmes.

Illegal Flow of Small Arms and Light Weapons:

10. Harmonise legislation on arms control in the region and review laws on the local production of small arms and light weapons, in line with the ECOWAS Moratorium on the Import, Export and Manufacture of Light Weapons in West Africa.
11. Strengthen collection and destruction of small arms and light weapons in the region by involving local communities in disarmament programmes.
12. Consider regional arms embargoes and/or sanctions for those who violate legislations.

Strengthening regional and subregional mechanisms for protection:

13. OCHA should work with regional and subregional organizations to support and assist work in this area by the African Union's Mechanism for Conflict Prevention, Management and Resolution (and the Peace and Security Council when it is established) and the ECOWAS Mechanism for Conflict Prevention, Management, Resolution and Security.
14. OCHA should encourage the NEPAD Heads of States Implementation Committee to incorporate protection criteria into the indicators of the African Peer Review Mechanism.
15. OCHA and the UN should promote the role of the International Criminal Court and models such as the special tribunal in Sierra Leone in the region as a deterrent by warning combatants that they will be accountable to this court.
16. Enhance the human rights monitoring capacities in the region.
17. Governments should develop appeal mechanisms at national and regional level for the redress of grievances relating to failures to protect civilians in armed conflict.

Further investigation, information sharing and co-ordination between actors responsible for protection in the region:

18. The United Nations Security Council Mission to West Africa should incorporate a focus on the protection of civilians in armed conflict in the region, as part of its broader investigation.
19. UN information should be fed into the regional early warning systems of civil society and regional organizations, for example through OCHA's Integrated Regional Information Network (IRIN).
20. Further co-ordination between humanitarian assistance programming and protection should be developed, under the leadership of OCHA.
21. The Panel on the Illegal Exploitation of Natural Resources should further investigate the role of international corporations that are profiting from conflict in the region.
22. Human rights and IHL monitoring and reporting should be built into any early warning mechanism and rapid response forces.
23. Investigate and draw attention within the UNSC and other forums to the interference of governments in conflicts in neighbouring countries.

Public education and training:

24. Conflict resolution and peace education centres should be established at local level within communities.
25. Incorporate a Code of Conduct on human rights and IHL into the training of all armed forces in the region, including standby peacekeeping troops, such as ECOMOG and the envisaged subregional standby brigade of the African Union.