

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Committee on Political Affairs

1.7.2008

DRAFT REPORT

on the protection of civilians during Peacekeeping Operations by the UN and regional organisations

Co- rapporteurs: Mr Komi Selom Klassou (Togo) and Mr Johan Van Hecke

PART A: DRAFT MOTION FOR A RESOLUTION

CONTENTS

	Page
PROCEDURAL PAGE	3
MOTION FOR A RESOLUTION	4
EXPLANATORY STATEMENT (Published separately)	

PROCEDURAL PAGE

At its meeting of 18 November 2007, the Bureau of the ACP-EU Joint Parliamentary Assembly authorised its Committee on Political Affairs to draw up a report, pursuant to Rule 2(8) of its Rules of Procedure, on the protection of civilians during Peacekeeping Operations by the UN and regional organisations.

At its meeting of 23-24 January 2008, the Committee on Political Affairs appointed Mr Komi Selom Klassou (Togo) and Mr Johan Van Hecke as co-rapporteurs.

The Committee on Political Affairs considered the draft report at its meetings of ...

At the latter meeting, it adopted the accompanying draft motion for a resolution ...

The following were present for the vote: ...

The resolution was tabled for adoption on ...

MOTION FOR A RESOLUTION

on the protection of civilians during peacekeeping operations by the UN and regional organisations

The ACP-EU Joint Parliamentary Assembly,

- meeting in Port Moresby (Papua New Guinea) from 24 to 28 November 2008,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the Geneva Conventions and in particular to the Fourth (12 August 1949) relative to the Protection of Civilian Persons in Time of War, and its additional protocols of 1977 and 2005,
- having regards to the Mine Ban Treaty (Ottawa Treaty) signed in September 1997 and to the UN Convention on Certain Conventional Weapons (CCW), concluded at Geneva on October 10, 1980 and entered into force in December 1983, and its additional protocols,
- having regard to the United Nations Universal Declaration of Human Rights of 10 December 1948, and the Vienna Declaration and Action Programme which resulted from the World Conference on Human Rights from 14 to 25 June 1993,
- having regard to the Rome Statute establishing the International Criminal Court adopted in 1998, and particularly Articles 6,7 and 8 thereof,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the 'Cotonou Agreement')¹, and amended in Luxembourg on 25 June 2005², and in particular Articles 8, 17 (2), 20, 31, 33, 96 and 97 thereof,
- having regard to its resolution on post-conflict rehabilitation in ACP countries adopted at its 9th session in Bamako on 21 April 2005³,
- having regards to its resolution on the role of regional integration in the promotion of peace and security adopted at its 11th session in Vienna on 22 June 2006⁴,
- having regard to United Nations Security Council report of the Secretary-General to the Security Council S/1998/318 of 13 April 1998 "*The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*",
- having regard to the reports of the United Nations Secretary-General to the Security Council on the protection of civilians in armed conflict contained in documents S/1999/957 (8 September 1999), S/2001/331 (30 March 2001), S/2002/1300 (30 November 2002), S/2004/431 (28 May 2004), S/2005/740 (28 November 2005), and S/2007/643 (28 October 2007),
- having regard to United Nations Security Council Resolutions 1265 of 17 September

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L 287, 28.10.2005, p. 4.

³ OJ C 272, 3.11.2005, p. 26.

⁴ OJ C 307, 15.12.2006, p. 17.

1999, 1296 of 19 April 2000, 1674 of 28 April 2006, and 1738 of 23 December 2006, on the *Protection of Civilians in Armed Conflict*, which reaffirm that parties to an armed conflict bear the primary responsibility to ensure the protection of civilians in armed conflict and which also recognize the important contribution by regional organizations to the protection of civilians in armed conflict,

- having regard to United Nations Security Council Presidential Statements of 15 March 2002 and 15 December 2003 and the “*Aide Memoire for the consideration of issues pertaining to the protection of civilians during the Security Council’s deliberation of peacekeeping mandates*”,
 - having regard to United Nations Security Council Resolutions 1325 of 31 October 2000 and 1820 of 19 June 2008, stressing the importance of women's equal participation and full involvement and all efforts for the maintenance and promotion of peace and security,
 - having regard the EU Operation Headquarters' Final Report on Gender Work inside EUFOR DR Congo,
 - having regard to the report on “A More Secure World: Our Shared Responsibility” (2004), published by the High Level Panel on Threats, Challenges and Change, urging for emphatic responses from the international community,
 - having regard to the World Summit Declaration adopted in New York in September 2005,
 - having regard to the Council of Europe's Parliamentary Assembly's Resolution 1385(2004) and its Recommendation 1665 (2004) on "Conflict prevention and resolution: the role of women", both adopted on 23 June 2004,
 - having regard to United Nations Security Council Resolution S/2001/1366 of 30 August 2001 on the Role of the Security Council in the Prevention of Armed Conflicts,
 - having regard to United Nations Security Council Resolution S/2003/1502 of 26 August 2003 on the Protection of Humanitarian Personnel and the UN and its associated personnel in conflict zones, and the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 and its Optional Protocol of 8 December 2005,
 - having regard to the biannual statements of the United Nations Under-Secretary-General for Humanitarian Affairs to the Security Council on the protection of civilians in armed conflict,
 - having regard to the United Nations Department of Peacekeeping Operations (DPKO) basic definition explaining peacekeeping as “*a way to help countries torn by conflict create conditions for sustainable peace. UN peacekeepers—soldiers and military officers, police and civilian personnel from many countries—monitor and observe peace processes that emerge in post-conflict situations and assist conflicting parties to implement the peace agreement they have signed. Such assistance comes in many forms, including promoting human security, confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development*”,
 - having regard to the report by the Committee on Political Affairs (ACP-UE .../08/fin),
- A. whereas the classic concept of peacekeeping, intended essentially to separate conflict parties after the signing of a cease-fire, is changing over time and includes the surveillance of border lines, the creation of demilitarized areas and, if integrated in the accords, the monitoring of prisoner exchanges and demilitarization, being thus conceived as part of a “routinised process” intended to provide and preserve political space for the parties to

conduct negotiations and reach a settlement of their dispute,

- B. whereas at the World Summit Declaration adopted in New York in September 2005, 109 sovereign governments recognised the responsibility of States and the United Nations to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing,
- C. whereas the multitude of tasks entailed in mandates for protection of civilians pulls peacekeepers in different directions and forces are increasingly engaging in ‘soft security’ issues, such as development, reconstruction and long-term peace building, all activities for which military forces do not typically train,
- D. whereas one of the challenges to the ability of peacekeeping missions to protect civilians is the under-recognition of the potential role and ability of standing civilian capability, composed of multinational well-trained professional civilian personnel, rapidly deployable and with adequate skills for tasks directly relevant to the protection of civilians, such as human rights monitoring, community-level mediation, gender advice, community mobilisation, information,
- E. whereas the United Nations (UN) and the African Union (AU), sometimes supported by the European Union (EU), are increasing the number of peacekeepers on the continent this year, with new missions in, among other places, Sudan’s Darfur region, Chad, the Central African Republic, and Somalia,
- F. whereas EU, UN and regional organizations before deploying peacekeeping operations should carry out a conflict and threat analysis to develop a better understanding of the context in which they work and thus to avoid negative impact of their intervention such as fuelling tensions and conflict,
- G. whereas military actors are not yet accustomed to identifying and protecting civilians in hostile environments as part of an international or third-party intervention and frequently military personnel in peacekeeping are not directly recruited by the UN or regional organisations, rather, they are seconded from troop-contributing countries which retain jurisdiction over the training and disciplinary measures to be adopted towards their troops,
- H. whereas the role and approach of humanitarian actors, such as NGOs and UN agencies, to the protection of civilians is different to that of peacekeeping troops,
- I. whereas responsibility for determining agency practice on protection is often left to individual protection officers in the field, rather than emerging out of clear guidance developed at the institutional level,
- J. whereas violence against civilians in conflict-affected countries, in particular against women and children, is often used as method of warfare to humiliate and psychologically weaken the victims, who are afraid to report sexual exploitation and abuse by anyone including peacekeeping troops and humanitarian aid workers,
- K. whereas the scale of a peacekeeping mission, especially with respect to the numbers of its complementary civilian unarmed peacekeepers component and its geographical reach, is an important factor in increasing the level of protection of civilians,

Defining the protection of civilians

- 1. Underlines that the primary responsibility for the protection of civilians and for meeting their basic needs rests with States or other authorities or actors that have effective control over them and that the role of external or third-party peacekeeping operations is secondary

to this;

2. Stresses the value of recognizing that PKO should have a strong enough mandate to support the restoring of peace and rule of law, including a transition to Security Sector Reform (SSR);
3. Stresses the importance that efforts to improve the protection of civilians should take into account the broader complexity of challenges and threats faced by civilians, and welcomes increased interaction of the different unarmed civilians actors in the field as an added value to implement protection strategies;
4. Welcomes the increased inclusion in peacekeeping mandates of activities for the protection of civilians and notes the need for guidance on how to implement such mandates to ensure more integral approaches to human development, human rights, human relief and human security action, therefore urges the UN and regional organisations to clarify how the protection of civilians is interpreted in the mandates of their missions, in joint missions, and to support better the preparation of their troops and personnel for such operations;
5. Stresses the need to develop improved capacity to act, including the creation of standing civilian peacekeeping capacity composed of a well-equipped coordinating office at HQ and possibly regional levels and by a roster of rapidly deployable civilian personnel, and by finding adequate size, equipment, mobility, funding and coordination to effectively protect civilians;
6. Recommends that military strategies for PKOs with specific protection mandates should include practical instruments to fulfil these mandates effectively, such as: civilian unarmed protection, night patrols and radio communication, the organisation of village defence committees to alert peacekeepers, aerial cover, the inclusion of a Rapid Reaction Force ready to respond to disturbances, use of satellites to monitor and intercept and the inclusion of stability police as a way to support missions and provide exit strategies for PKOs;
7. Highlights that participatory approaches to POC, involving local state representatives and civil society, will help to identify vulnerability factors in order to develop appropriate responses and points out the importance of a better coordination between economic, political, civilian and military forces;
8. Calls on the EU Member States and the international community to promote the implementation of UN Security Council Resolution 1325/2000 and 1820/2008 on women and children in armed conflicts and to develop national action plans and strategy papers;
9. Underlines the important role that a female presence can play in peacekeeping missions in defusing violence towards women in conflict and post-conflict zones and that female peacekeepers have often been found to serve as role models to local women and inspire them to participate in post-conflict reconstruction, in particular democracy building and economic development;
10. Strongly condemns cases of peacekeepers abusing their power and becoming involved in sexual exploitation of civilians on the ground or in corruption practices and underlines that the reaction by national contributors in this case is very important;
11. Recommends each peacekeeping mission should be flanked by units specifically tasked with monitoring, investigating and publicly reporting on violations of international

humanitarian law and human rights law and by an independent investigation unit to examine cases of alleged sexual abuses by peacekeepers and an adequate system of assistance for victims of such abuses and children born as a result should be set in place;

12. Urges the creation of a follow-up mechanism that presses to ensure the above mentioned cases are treated appropriately at the national level and justice is done;

Implications for mandates, Rules of Engagement and training

13. Affirms the importance to improve pre-mission training as well as in-service training (especially in international humanitarian law, human rights law, implementation of POC mandates, including prevention and response to sexual violence) for multinational troop deployments, both at national and multinational level, noting nevertheless that for military personnel of UN-led missions it is considered a national responsibility;
14. Calls for the issuing of a “Soldier’s card” – as the one used by EUFOR in DR Congo - which would contain guidelines for peacekeepers on how to behave with civilians;
15. Recognizes the effort made by UN DPKO to offer some pre-deployment training to senior staff and troop contributors, focusing especially on Rules of Engagement, but regrets that states are not required to participate;
16. Recommends UN regional and sub-regional organisations should work towards more standardized training modules and increase bilateral and multilateral training exercises;
17. Welcomes the effort of the EU to harmonise better its approaches to the protection of civilians amongst Member States in particular through the provision of joint training activities and underlines that the notion of protection of civilians should become part and parcel of such training by professional global civil society initiatives;
18. Requests that the prevention of sexual exploitation and abuse should become a standard issue to be addressed in the training of contributing countries personnel and that appropriate funding and compensation mechanisms for victims of peacekeeping personnel abuses should be approved alongside the operations themselves;
19. Urges that an important part of the training modules provided for peacekeeping personnel, be it UN or regional, should include issues of abusive behaviour, as too often information on how to report abuse and what will happen to the perpetrator, is unclear to UN mission personnel;
20. Welcomes the fact that nowadays UN DPKO deploys assessment teams to identify gaps in training and offers to certify that countries that have trained their forces meet UN standards;
21. Points out that EU is also undertaking similar developments with the Headline Goal and the Civilian Headline Goal, but underlines that it is still behind in a systematic approach as training ultimately falls under the domain of state responsibility;
22. Highlights the importance of giving due consideration to the value of lessons learned and best practices, in particular that lessons collected in operations with a clear protection mandate -such as ARTEMIS and EUFOR in DRC- to offer material to enhance the EU’s training; commends particularly the emphasis in supplying clear information to the public and to promote positive perceptions of the operation, facilitated by the fact that most EU troops could communicate in a language understood by the population;

Improving communication

23. Reaffirms the essential role that the EU-ACP JPA can play in raising awareness and stirring debate on how to put the protection agenda at the centre both of the EU ESDP operation mandates and of other regional organisations' peacekeeping missions;
24. Highlights the importance that lessons learned do not remain restricted to a 'leading nation' and underlines that it is fundamental to develop a European doctrine for intervention in humanitarian situations, particularly drawing on experiences of those EU member states that are most forward looking in this regard, in order to enhance the appropriateness of such ROE;
25. Underlines the need to formalise a communication system between NGOs and UN and regional organisations, especially covering dangerous areas under peacekeeping protection;
26. Recalls the requirement that States uphold and respect the human rights and humanitarian principles of humanity, neutrality, impartiality and independence and ensure that humanitarian actors have safe and unhindered access to populations in need in conformity with the relevant provisions of international law and national laws;
27. Urges that in the field, PKOs should systematically engage with the humanitarian community on the interpretation of their mandate for the protection of civilians and that the political as well as military leadership of the operation should carry out similar communication initiatives with local political and administrative authorities;
28. Urges the need to create a contact team inside each peacekeeping structure to follow communication aspect and to inform the local population, including the bordering populace, on the real mandate of the mission, as a main contribution to upholding the neutrality of peace support operations;
29. Points out that communication with the local population is essential and an attitude that encourages clear information and ensures access to all genders should be adopted; this must be extended to other third party forces and humanitarian, human rights and development organisations on the ground;
30. Underlines the importance that effective and continued assessment of the determinants of civilian (in)security should be carried out and the resulting analysis used as the basis for determining protection strategies, aiming to prevent the resurgence of violent conflicts;
31. Calls on the EU, in consultation with other relevant actors such as OCHA, to carry out a further specific study on the inclusion of protection strategies in the EU's developing military approach to crisis management and include reflections on the experience earned at the EU level in the protection of civilians and considers it should form the basis for the adoption of a larger "EU protection doctrine" that would include elements of and guidance on legal, civilian, humanitarian and military protection;
32. Stresses the importance to establish lead agencies that can provide clear strategic direction, identify key gaps and clarify roles and responsibilities for responding to conflict;
33. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the Commission of the African Union, the Pan-African Parliament and national and regional parliaments, the European Commission, the UN and regional organizations, the Council Presidency and the African Union.