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**PCS 310: INTERNATIONAL ORGANIZATION ANDCONFLICT RESOLUTION**

**ASSIGNMENT 1**

Discuss critically and intelligently the THREE of the challenges of the African Union Mission in Somalia (AMISOM) (Maximum 3 pages)

Deployed to Mogadishu in March 2007, it was not until late May 2013 that the African Union Mission in Somalia (AMISOM) adopted a mission-wide protection-of-civilians (PoC) strategy.

The African Union Mission in Somalia (AMI­SOM) was mandated by the African Union (AU) Peace and Security Council on 19 Janu­ary 2007 and later endorsed by the UN Secu­rity Council (AU 2007). It was given a wide variety of tasks, including: (i) protecting senior Somali Transitional Federal Govern­ment (TFG) officials and others engaged in the political reconciliation process; (ii) con­ducting an enforcement campaign against *al-Shabaab* and other actors determined to destroy the TFG; (iii) supporting the Somali security forces; (iv) implementing a range of civil-military assistance projects (including delivery of water and medical services to the local population).

After a very difficult four years, in early 2011 AMISOM embarked on a series of offen­sive operations across Mogadishu which finally broke the military stalemate with *al-Shabaab* insurgents. AMISOM took advantage of these developments to improve new strategic and military concepts of operations which increased its force strength to 17,731 person­nel (as stipulated in UN Security Council resolution 2036). In August and September 2012 AMISOM helped facilitate the selection of a new Federal Government of Somalia which replaced the Transitional Federal government. For all this progress, AMISOM still faces some formidable military and political chal­lenges. One of these is the challenge of how the mission should protect Somali civilians. During its six years in the field, AMISOM has had a contra­dictory relationship with this issue. On the one hand, AMISOM was mandated to protect certain VIPs associated with the political reconciliation process, fight off *al-Shabaab* and other anti-government armed actors and provide medical care, water supplies, elec­tricity generators, and humanitarian assis­tance to significant numbers of Mogadishu’s stricken civilians because of the absence of humanitarian actors on the ground. On the other hand, AMISOM personnel were described as supporting a brutal occu­pying force in Mogadishu. While these efforts addressed various dimensions of the problem, these reforms were not sufficient to ensure that AMISOM could effectively dis­charge a proactive PoC mandate. Thus looking forward, the mission still faces a considerable list of challenges to effectively implement its new mission-wide PoC strategy. Here are some of the challenges faced by the African Union Mission in Somalia AMISOM:

**Limited Previous Experience:**

The AU’s lack of previous experience in protecting civilians from physical violence. As a result, AMI­SOM’s approach to PoC should be assessed within this context of general institutional unpreparedness. Before AMISOM’s deployment in March 2007, only one AU peace operation had been given an explicit PoC mandate, namely, AMIS in Darfur (2004–07). This did not turn out well: AMIS was overwhelmed by the scale of problems in Darfur and was replaced by a UN-led hybrid mission, UNAMID, at the start of 2008. AMISOM was not able to learn from AMIS’ problems, however, because no official lessons learned study was conducted either on AMIS in general or the AU’s efforts to protect civilians in Darfur in particular. This absence of lessons learning occurred despite the fact that the AU Commission correctly recognized that, even without explicit pro­tection mandates. Similarly, the Commission acknowledged that such a study would have been highly significant for “the development of a body of knowledge and institutional memory” and as a valuable policy-making and training tool for future operations. The same document also acknowledged “AU operations in Sudan and Somalia have highlighted the importance of the protection of civilians for the overall suc­cess of peace efforts on the ground, as well as the challenges being encountered. The AU’s lack of experience and general unpreparedness were also apparent in other ways. Also, the African Union had no PoC guidelines for its peace operations until March 2010.3 This was not solely an AU problem, but it is notable that when AMI­SOM was initially deployed to Mogadishu there was a general lack of relevant PoC doc­trine, guidelines, and training across a range of international organizations engaged in peace operations of one sort or another. Again, that the AU’s guide­lines were heavily influenced by the UN’s parallel process of developing PoC guide­lines for its peacekeeping operations.4 The problem was that AMISOM was not a peace­keeping mission in the UN sense of the term but rather an operation which involved various war-fighting, VIP protection, and counter-insurgency elements which went well beyond the levels of force and tempo of operations generally expected in UN-led peacekeeping missions. AMISOM’s mandate to protect the TFG also made it a party to the armed conflict. This left AMISOM under con­stant threat of attack from anti-TFG forces and raised the risks of conducting the type of small-unit patrols which have been an essential part of PoC strategies in some UN peace operations, including UNAMID and MONUSCO (in the eastern DRC). Not surprisingly, therefore, the AU lacked even basic training modules which could have been presented to AMISOM personnel as part of their pre-deployment training. It is worth knowing that the UN did not develop such modules until 2011. There was a similar lack of operational concepts suitable for articulating what military and civilian tasks might actually be involved in carrying out a PoC mandate. Some elements of AMISOM’s ROE and inter­nal documents noted the importance of civilian protection and even granted permis­sion to use force to that end in certain cir­cumstances. But these statements were not accompanied by more concrete guidelines on the specific tasks associated with civilian protection beyond ensuring respect for the International Humanitarian Law (IHL). The situation was further complicated in Somalia because of the lack of an effective national government; the national govern­ment would usually shoulder the primary responsibility for ensuring civilian protec­tion within its territory with peace opera­tions playing a variety of supporting roles. However, not only was the TFG widely considered corrupt and illegitimate, but its own forces routinely harmed civil­ians. This only changed with the selection of the new Fed­eral Government in September 2012. Even on the specific issue of compliance with IHL, however, AMISOM had no legal advisers in IHL until 2010. This helps explain why the mission’s senior leadership was reluctant to comment publicly on controversial incidents and why lower ranks worried about poten­tially admitting responsibility for alleged IHL violations. Finally, AMISOM had no means to col­lect and analyze information that is crucial for both ensuring compliance with IHL and more proactive protection initiatives. Although Mogadishu was clearly a very diffi­cult place in which to verify reports of civilian casualties and identify the perpetrators, AMI­SOM’s information-gathering mechanisms were severely limited and constrained. The Mission Analysis Cell, for instance, struggled to complete its other tasks let alone collect the additional information that would have been necessary to support PoC activities. At a basic level, AMISOM did not report on inci­dents appropriately, nor did it have adequate mechanisms for investigating episodes of collateral damage and potential violations of IHL. The African Union was badly unprepared to carry out a PoC mandate in Mogadishu even if it had wanted to do so.

**Protection of Civilians on Paper:**

Prior to adopting the mission-wide PoC strategy in May 2013, the African Union and AMISOM’s senior leadership were at best ambiguous and at worst contradictory in their formulation of relevant documents and concepts which dealt with protection issues. First, there was an issue concerning the AU’s position regarding its peacekeepers inter­vening to stop civilian harm where they encounter it. Specifically, it remained unclear whether the AU agreed with the 2000 “Bra­himi Report” on UN peace operations which concluded that regardless of whether they have an explicit PoC mandate, peacekeepers troops or police who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles. It was not until late 2009 that the African Union began a process of developing general guidelines on PoC for its peace support operations, and it remains unclear what advice was given to its troop-contributing countries before that time. Between 2003 and April 2013, only one of the AU’s peace operations was explicitly mandated to proactively protect civilians. It is therefore plausible that because the African Union did not take a formal position on this issue and chose to explicitly mandate one of its peace operations to conduct PoC tasks, the Union does not see its peacekeepers as responsible for proactively protecting civilians as a mat­ter of course in the manner proposed by the Brahimi Report. Again, AMISOM’s initial rules of engagement (ROE) were primarily intended to set out the circumstances under which force could be used in self-defence, pre-emptive self-defence, and/or other situations. One ele­ment of AMISOM’s ROE clearly specified a basic tenet of IHL that: “When force is used, all necessary measures would be taken to avoid collateral damage”. This would include avoid­ing harm to civilians. But AMISOM’s ROE also stated that its troops *could* use force in some situations beyond self-defence includ­ing: “To afford protection to civilians under imminent threat of physical violence. No other guidelines were specified, hence blurring the line between upholding IHL and proactively protecting civilians from threat. The instructions that AMISOM troops could protect civilians were also present in the revised ROE issued on 15 February 2010. Rule No. 1.7, for example, stated: “Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence is authorized. To protect civilians, including humanitarian workers, under imminent threat of physical violence. At the tactical level AMISOM troops did not have an explicit PoC mandate but were given a set of ROE which told them they could use deadly force to protect civilians. However, mixed messages were also present at the strategic level. This is probably not surpris­ing because AMISOM evolved in parallel with international debates about the devel­opment of PoC guidelines at the United Nations and within the African Union. With regard to the African Union, it was at the July 2010 summit in Kampala that the AU Assembly requested the AU Commission continue its efforts to develop a framework of action and guidelines on PoC in peace operations. The AU Peace and Security Council reaffirmed the AU’s com­mitment to fully adhere to, and respect, International Humanitarian Law (IHL) in AMISOM’s operations and encouraged the Commission to mainstream the AU’s Draft Guidelines for the Protection of Civilians in Peace Support Missions into the activities of AMISOM as the Mission does its utmost to avoid collateral civilian casualties. A Working Group on the Protection of Civilians was established within the AU Commission. This plan was to develop and implement AMISOM’s mission-wide strategy on the protection of civilians for the civilian population in its area of operations by the end of 2011. The AU Peace and Security Council, under South Afri­can chairmanship, held its first open session on PoC during which it called on the Com­mission to develop an AMISOM approach for the protection of civilians as a matter of priority the AU Peace and Security Council, under South Afri­can chairmanship, held its first open session on PoC during which it called on the Com­mission to develop “an AMISOM approach for the protection of civilians” as a matter of priority. To that end, from AMISOM convened a round­table in Kigali on enhancing respect for IHL in the implementation of AMISOM’s mandate. The conference outcome document stated that the AU Commission should assist AMISOM to mainstream relevant parts of the four-tiered approach to protection into the work of the mission. The four-tier approach referred to the AU’s understanding of: (i) protection through political process, (ii) protection from physical violence, (iii) rights-based protection, and (iv) the estab­lishment of a protective environment. Lastly, debates became confused by two different understandings of civil­ian protection: the narrow approach, that saw it as largely synonymous with enhanc­ing AMISOM’s compliance with IHL, and a broader approach which called for AMISOM to engage in proactive tasks to reduce threats to civilian populations. If nothing else, these two conceptions would require radically different force postures and had very dif­ferent resource implications.

**Causing Harm:**

AMISOM’s most controversial issue has been the harm it caused civilians in Somalia. Although the mission did not have an explicit PoC mandate until May 2013, locals did not primarily judge AMISOM on how many *al- Shabaab* fighters it killed but whether the mission was implementing its mandate while minimizing civilian casualties. While exact figures are impossible to gen­erate, large numbers of civilians were killed or injured as a direct result of fighting in Mogadishu during AMISOM’s deployment. For example, Amnesty International reported that some 6,000 civilians were killed in attacks in 2007 alone. Also, the World Health Organization estimated that between January and July 2011, 6,543 individuals had been admitted to hos­pitals in Mogadishu with weapons-related injuries. These definitely were estimates that were derived from a context in which conditions on the ground made it very difficult to get accurate information. An additional challenge was *al-Shabaab*’s tactic of killing their own wounded and leaving them unarmed in an attempt to make them look like a civilian casualty. During its occupation of Mogadishu the Ethiopian National Defence Force (ENDF) was accused of inflicting large-scale atrocities on the civilian population including killing street children, engaging in indiscriminate sniper fire, slitting people’s throats, torture, and rape. Even the ENDF was also accused of using white phosphorous bombs in the city during April 2007, killing approximately 15 *al-Shabaab* fighters and 35 civilians. AMISOM also suffered from guilt by association with the TFG forces who committed crimes against local civilians because the mission was involved in train­ing and supporting them in the fight against *al-Shabaab.* But guilt by association was not AMISOM’s only problem; on numerous occasions sev­eral different parties accused the mission of actually causing civilian harm. In Septem­ber 2008, for example, Shaikh Sharif Shaikh Ahmed wrote to the United Nations, African Union and other international organizations accusing AMISOM of brutality and war crimes. Similarly, in November 2010 the Benadir Governor/Mayor of Moga­dishu formally complained to the African Union about its use-of-force policies and said that AMISOM was not using its forces to neu­tralize snipers who were targeting civilians. In that same year one Somali peace activist in Moga­dishu summarized the perspective of many local civilians by saying: “What is the differ­ence between AMISOM and al-Shabab. Some former *al-Shabaab* fighters have testified that their decision to fight against AMISOM was partly the result of feelings of hatred or a desire to seek revenge because of AMISOM’s bombardment tactics. For instance, *al-Shabaab* forces would fire a couple of mortar rounds at AMISOM positions from Bakara Market and then withdraw. AMISOM would return fire with heavy weapons with­out being able to observe where the shot fell and without being able to rapidly locate *al-Shabaab’s* heavy weapons, which meant AMISOM’s return fire was likely automated at pre-set targets. *Al-Shabaab* would then claim AMISOM’s fire had caused civilian casualties while AMISOM would deny this or claim *al-Shabaab* had forcibly kept civilians in Bakara Market for precisely this reason. Other forms of collateral damage also occurred, including civilians being caught in crossfire and AMISOM vehicles causing injuries to civilians through road accidents. A particu­larly difficult problem was raised if AMISOM caused casualties amongst relatives of mem­bers of the TFG’s security forces, with whom AMISOM personnel had to work.

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Williams: The African Union Mission in Somalia and Civilian Protection Challenges

mated that between January and July 2011, 6,543 individuals had been admitted to hos­pitals in Mogadishu with “weapons-related injuries” (cited in CIVIC 2011: 18). Of course, these estimates are derived from a context in which conditions on the ground made it very difficult to get accurate information. An additional challenge was *al-Shabaab*’s tactic of killing their own wounded and leaving them unarmed in an attempt to make them look like a civilian casualty Art. 39, page 9 of 17