

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

RESOLUTION¹

ACP-EU/100.291/08/fin.

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 25 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 regard to the Mine Ban Treaty (Ottawa Treaty) signed in September 1997 and to the United Nations (UN) Convention on Certain Conventional Weapons, which was concluded at Geneva on 10 October 1980 and entered into force in December 1983, and its additional protocols,
- having regard to the UN 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')², and amended in Luxembourg on 25 June 2005³, 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 2005⁴,
- having regard 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 2006⁵,
- having regard to the report of the UN Secretary-General to the Security Council S/1998/318 of 13 April 1998 entitled “The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa”,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 28 November 2008 in Port Moresby (Papua New Guinea).

² OJ L 317, 15.12.2000, p. 3.

³ OJ L 287, 28.10.2005, p. 4.

⁴ OJ C 272, 3.11.2005, p. 26.

⁵ OJ C 307, 15.12.2006, p. 17.

- having regard to the reports of the UN 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 UN Security Council Resolutions 1265 of 17 September 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 recognise the important contribution by regional organisations to the protection of civilians in armed conflict,
 - having regard to UN 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 UN 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 in all efforts for the maintenance and promotion of peace and security,
 - having regard to 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 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 Parliamentary Assembly's Resolution 1385 (2004) and Recommendation 1665 (2004) on "Conflict prevention and resolution: the role of women", both adopted on 23 June 2004,
 - having regard to UN 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 UN 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 UN Under-Secretary-General for Humanitarian Affairs to the Security Council on the Protection of civilians in armed conflict,
 - having regard to the UN 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-EU 100.291/A/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 demilitarisation, 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 the World Summit Declaration adopted in New York in September 2005 by 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 and information,
- E. whereas the 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 the African Union's peace forces have received assistance under the EDF Peace Facility,
- G. whereas, since the 1997 Treaty of Amsterdam, the EU's European Security and Defence Policy (ESDP) has had the tasks, laid down in Petersberg in 1992, of peacekeeping, protection of civilians and protection of humanitarian assistance,
- H. whereas these missions are carried out under a UN mandate, and whereas five such missions are being or have been conducted in Africa,
- I. whereas EU, UN and regional organisations 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 prevent their intervention from having negative impacts such as fuelling tensions and conflict,
- J. 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 operations are not directly recruited by the UN or regional organisation but, rather, they are seconded from troop-contributing countries which retain jurisdiction over the training and disciplinary measures to be adopted towards their troops,
- K. whereas the role and approach of humanitarian actors, such as NGOs and UN agencies, to the protection of civilians is different from that of peacekeeping troops,
- L. 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,
- M. whereas violence against civilians in conflict-affected countries, in particular against

women and children, is often used as a 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,

- N. 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 the fact 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. Points out that the principle of non-interference must not lead to toleration of serious crimes such as genocide and mass murder, ethnic cleansing, expulsions and mass rape, but, rather, that in this instance the international community has the responsibility to protect and to take resolute countermeasures, in particular to protect the population in danger and in the process, if possible, involve regional organisations in overcoming conflicts;
3. Stresses the value of recognising that peacekeeping operations (PKO) should have a strong enough mandate to support the restoring or establishment of peace and rule of law, including a transition to Security Sector Reform; states that, to that end, an integrated security strategy must be developed which also provides for the training of civilian security forces (police), supports demobilisation measures and lays down clear reconstruction objectives;
4. Again voices its concern at the proliferation of light and small-calibre weapons, and takes the view that disarmament, demobilisation and reintegration must be integral components of peacekeeping operations;
5. Stresses that it is important for efforts to improve the protection of civilians to take into account the broader complexity of challenges and threats faced by civilians, and welcomes increased interaction of the different unarmed civilian actors in the field as added value to implement protection strategies;
6. Stresses that military strategies alone cannot be successful if they are not accompanied by comprehensive humanitarian measures and political objectives for peace; states that a robust mandate may be necessary for overcoming clashes between parties to a conflict and for securing pacification and reconstruction, which must be clearly incorporated into a protection strategy;
7. Points out that a number of states have set up a civilian peace service and, as a result, have scored major successes, including in the post-conflict environment in states formerly part of Yugoslavia; recommends that other states and regional organisations, such as the African Union and the EU, also set up a permanent civilian peace service;
8. 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 comprehensive 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 and in joint missions, and to support better the preparation of their troops and personnel for such operations;

9. 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 operational HQ and possibly regional levels and by a roster of rapidly deployable civilian personnel, and by determining appropriate staffing levels;
10. Points to the need to protect the civilian population not only against violent assaults, but also against criminal acts such as, for example, gang attacks and looting;
11. Welcomes the EU Council's decision to establish a civil protection mechanism and the new EU financial instrument intended to improve the mobilisation and coordination of emergency civil protection assistance, both inside and outside the EU;
12. 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;
13. Stresses that, in conflict regions, humanitarian actors must also be protected by peacekeeping forces in order to secure their activities locally;
14. Highlights that participatory approaches to points of control, involving local state representatives and civil society, will help to identify vulnerability factors in order to develop appropriate responses, and points to the importance of better coordination between economic, political, civilian and military forces;
15. Calls on the EU Member States and the international community to promote the implementation of UN Security Council Resolutions 1325/2000 and 1820/2008 on women and children in armed conflicts and to develop national action plans and strategy papers;
16. 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 the fact 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;
17. Calls for account to be taken, as is proper, of UN Security Council Resolution 1325/2000 on the participation of women in conflict prevention, management and settlement mechanisms;
18. 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 the fact that the reaction by national contributors in this case is very important; insists that such criminal offences be rigorously prosecuted by the authorities in the perpetrators' home country or by the International Criminal Court; rejects the granting of immunity, in any form, for UN staff or UN-mandated soldiers in connection with such criminal offences;
19. Recommends that each peacekeeping mission be supported 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 abuse by peacekeepers and that an adequate system of assistance for victims of such abuse, and for children born as a result, be set up;
20. Urges the creation of a follow-up mechanism, or 'watchdog', with a remit to ensure that

investigations into complaints are transparent and effective so that complaints are dealt with fairly at the national level;

21. Stresses the need for contact points to be involved in international UN and NGO initiatives in order to prevent and respond to sexual exploitation and abuse;
22. Recommends that contact points guarantee communities the possibility of reporting their complaints by setting up a joint complaints registration mechanism; states that the mechanism should be accessible to all agencies and contact points so that communities realise where they should make their complaints;

Implications for mandates, rules of engagement and training

23. Affirms the importance of improving pre-mission training as well as in-service training (especially in international humanitarian law, human rights law, implementation of points of contact mandates, including prevention of and response to sexual violence) for multinational troop deployments, both at national and multinational level, and criticises the fact that for military personnel of UN-led missions it is considered a national responsibility only;
24. Calls, in line with the Joint Parliamentary Assembly's guidelines on children and armed conflict, for provision to be made for specific training with regard to the protection of children;
25. Calls for the issuing of a 'Soldier's card' – such as that used by EUFOR in DR Congo – which would contain guidelines for peacekeepers on how to behave with civilians; calls for a similar card specific to children;
26. Recognises the effort made by the 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;
27. Recommends that the UN member states set up a joint training academy for peace missions in which, at least for command personnel, standard multinational basic training is provided on humanitarian tasks and technical assistance tasks for looking after and protecting the civilian population;
28. Recommends that UN regional and sub-regional organisations should work towards more standardised training modules and increase bilateral and multilateral training exercises, with, in particular, awareness-raising measures to be included on human rights compliance in line with the principle that all persons are equal and should be held in the same regard, irrespective of age, gender, race or ethnicity, religion or belief;
29. 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 the fact that the notion of protection of civilians and protection of children should become part and parcel of such training by professional global civil society initiatives;
30. 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;
31. Urges that an important part of the training modules provided for peacekeeping personnel, whether 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;

32. Urges that each ESDP mission include a specialised child protection adviser;
33. Welcomes the fact that nowadays the UN DPKO deploys assessment teams to identify gaps in training and offers to certify that countries that have trained their forces meet UN standards;
34. Points out that the EU is also undertaking similar developments with the Headline Goal and the Civilian Headline Goal, but underlines the fact that it is still behind in a systematic approach as training ultimately falls under the domain of state responsibility;
35. Reminds EU Member States of their responsibility, under international law, of ensuring the appropriate training of all civilian and military personnel, in line with international humanitarian standards, and of making sure that appropriate guidelines are developed and reviewed so as to guarantee respect for local populations, cultures and genders; points to the importance of taking account of human rights and gender equality;
36. Calls for the training provided by European military personnel for African military personnel under the 'Euro Recamp' programme to include, systematically, training in respect for human rights and protection of civilians and for a sufficient budget to be provided in order to do so;
37. Highlights the importance of giving due consideration to the value of lessons learned and best practices, in particular the fact that lessons learned in operations with a clear protection mandate – such as ARTEMIS and EUFOR in DRC – 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, which is facilitated by the fact that most EU troops could communicate in a language understood by the population;

Improving communication

38. Reaffirms the essential role that the ACP-EU Joint Parliamentary Assembly can play in raising awareness and prompting debate on how to put the protection agenda at the centre both of the EU ESDP operation mandates and those of other regional organisations' peacekeeping missions;
39. Highlights the importance that lessons learned do not remain restricted to a 'leading nation' and underlines the fact that it is fundamental to develop a European doctrine for intervention in humanitarian situations, particularly drawing on the experiences of those EU Member States that are most forward-looking in this regard, in order to enhance the appropriateness of rules of engagement;
40. Underlines the need to formalise a communication system between NGOs and UN and regional organisations, especially covering dangerous areas under peacekeeping protection;
41. 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;
42. 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;
43. Stresses the need to create a contact team inside each peacekeeping structure to follow

communication aspects and to inform the local population, including the bordering populace, about the real mandate of the mission, as a main contribution to upholding the neutrality of peace support operations; states that the team's chief task would be to set up, with input from local communities, a complaints registration mechanism;

44. Points out that communication with the local population is essential and that an attitude which encourages clear information and ensures access to both genders should be adopted; states that this must be extended to other third-party forces and humanitarian, human rights and development organisations on the ground;
45. Underlines the fact that it is important for effective and continued assessment of the determinants of civilian (in)security to be carried out and that the resulting analysis be used as the basis for determining protection strategies aiming to prevent the resurgence of violent conflicts;
46. Calls on the EU, in consultation with other relevant actors such as the Office for the Coordination of Humanitarian Affairs, to carry out a further specific study on the inclusion of protection strategies in the EU's developing military approach to crisis management and to include reflections on the experience gained at EU level in the protection of civilians, and especially children, and considers that it should form the basis for the adoption of a broader 'EU protection doctrine' that would include elements of and guidance on legal, civilian, humanitarian and military protection;
47. Stresses the importance of establishing lead agencies that can provide clear strategic direction, identify key gaps and clarify roles and responsibilities for responding to conflict;
48. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the AU Commission, the Pan-African Parliament and national and regional parliaments, the European Commission, the UN and regional organisations, the EU Council Presidency and the AU.