

**OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS  
& THE INSTITUTE FOR SECURITY STUDIES**

*“Protection of Civilians in Armed Conflict: Humanitarian Challenges in Southern Africa”*  
Pretoria, South Africa (15-17 October 2002)

**Preliminary Conclusions on the Workshop**

1. The first regional workshop on the Protection of Civilians in Armed Conflict was co-hosted by the Office for the Coordination of Humanitarian Affairs and the Institute of Security Studies in Pretoria, South Africa between 15 – 17 October 2002. The workshop was attended by approximately seventy people drawn from government departments and civil society, representation of seven countries in the SADC region. The aims of the workshop were:

- To introduce and outline the concepts contained within the Protection of Civilians in Armed Conflict Report to participants drawn from ministries and organizations that have responsibilities in this area.
- To provide participants with experience of using diagnostic tools such as the ‘Aide Memoire’ and other materials that would assist in defining the threat to the security and protection of civilians in complex emergencies.
- To apply these concepts and analytical tools to the Southern Africa region with the intention of providing a regional perspective on the protection needs of civilians in armed conflict for inclusion in the Secretary-General’s report.

2. Attendance at the workshop was good with an appropriate mix of countries and organizations represented. Eight countries in the region participated as follows: Angola, Botswana, Mozambique, Zimbabwe, Zambia, Malawi, Namibia, and South Africa. Participants were senior level officials from ministries of foreign affairs, defence, and interior including refugee affairs. There were also a number of academic and civil society participants from the countries involved. Overall attendance peaked at 75, due to fluctuations in South African participation. A core of fifty plus participants attended the complete workshop. The Deputy Minister of Defense for South Africa provided the keynote opening address and the Director General of the South Africa Ministry of Foreign Affairs provided the closing remarks. **(Participants list attached)**

3. The workshop consisted of a series of roundtable presentations led by expert speakers primarily drawn from UN and international organizations engaged in various aspects of the protection of civilians. Part of the workshop also involved a simulation exercise in which participants had to identify the threats to civilians in a fictional regional scenario and make recommendations to the UN Secretary-General and the Security Council on the protection measures required. The final day consisted of a structured discussion on the protection issues facing the region. **(Workshop agenda attached)**

4. The protection of civilians is a highly topical subject in Southern Africa as the majority of the countries had experienced conflict, much of which has taken place on a regional basis. All the countries represented had undergone conflict, were affected by regional conflicts and hosted sizeable refugee populations. Botswana, Zambia and Zimbabwe have an active involvement in UN peacekeeping. South Africa has recently committed itself to an increasing role in regional peacekeeping (in Burundi) as well as contributing to UN peacekeeping operations in the DRC. Participants all commented on the changing regional security structures through the transformation of the Organisation of African Unity (OAU) into the African Union (AU) and the development of the New Economic Plan for African Development (NEPAD). The AU has acknowledged the possibility of regional intervention in those circumstances where states are either not capable of fulfilling or ignore the obligations of statehood to the population. NEPAD introduced a system of peer review as a means of improving overall standards of responsibility. These changes potentially provide a more promising environment for the Protection of Civilians in armed conflict. South Africa as the current chair of the African Union is well placed and willing to promote the need for improving African states' commitment to meeting their obligations for the protection of civilians.

5. The workshop made a number of general observations concerning the protection of civilians in the region as follows:

- The distinction between civilians and combatants was increasingly difficult to apply within the region. The nature of factional warfare, which involved the use of proxies and fighting by militias both targeted the civilian population but also involved them in the fighting. This was equally true for countries neighbouring areas of conflict, where the civilian populations in border areas were engaged in courier activities and children were being recruited into armed activities. This has had serious implications in the region. Governments have engaged in forced relocation and established protected villages as mechanisms for dealing with this complex problem. Solutions, which, themselves threaten the security of civilians and limit their rights.
- Humanitarian access has been restricted throughout the region. In a number of circumstances it has not been possible to get the consent or engagement of non-state actors in ensuring that humanitarian assistance is provided on the basis of need. Most non-state armed actors had not engaged in peace processes or wished to recognise their own obligations to the civilian population under the Geneva Convention.
- The climate of impunity that was prevalent throughout the region has been challenged by an increasing awareness that the International Criminal Court may prosecute individuals responsible for gross violations of civilians' rights. Nevertheless, participants also recognised that there was a trade to be made between reconciliation and justice processes. Reconciliation need not exclude

judicial options, but would often take precedence in securing or consolidating peace processes.

- Considerable importance was placed on the importance of transitional processes as areas move from conflict towards a more stable peace. It was recognised that much of the region was involved in various elements of transition. Angola was currently in the midst of its internal transition, the countries neighbouring or engaged in the DRC were also seeking to move transitional processes forward and Burundi was seeking to make a transitional government work. Protection of Civilians was critical in ensuring an effective transition. Failure to deal with the issues of protection would either make it difficult to make progress towards formal peace processes or destabilise existing peace processes

6. The workshop made a number of recommendations arising out of the experience of the region:

- **The separation of armed elements from refugee populations was seen as one of the highest priorities for the region. To this end, governments need to recognise the importance of keeping refugee camps at least 50 kms from the border. This is not the current practice in the region.**
- **Agencies responsible for the protection of civilians need to contact non-state actors to negotiate access and emphasise non-state actors' responsibilities. State and non-state actors alike must recognise that such contact and engagement on the protection of civilians does not confer legitimacy on the parties to conflict.**
- **Protection of civilians in armed conflict should include the protection of host communities, and especially children, living in or around areas where refugees or IDPs take shelter.**
- **The control of small arms is a critical regional issue for the protection of civilians. Regional mechanisms for monitoring and enforcement of the SADC protocol on the control of firearms, ammunition and related materials are needed due to the high levels of small arms within the region and the porous nature of national borders. Specifically, it is important to ensure that common policies on the destruction of confiscated small arms and ammunition are implemented.**
- **Codes of conduct that emphasise standards of behaviour for individual member of the armed forces will better define the role of the military in the protection of civilians. Civic education and effective levels of accountability for the armed forces must accompany codes of conduct.**

- **HIV/AIDS awareness should be a component of the education of armed forces.**
- **The United Nations should draft a “best practice” guide for fieldworkers on the protection of civilians in armed conflict.**
- **The United Nations should establish commonly agreed guidelines at the country level on the norms and standards for the protection of civilians in armed conflict and ensure a basic level of awareness among the affected population. Such guidelines should form the basis for engagement between international agencies and governments and provide the basis for partnership between them to support the fulfillment of state responsibilities in this respect.**

7. There was considerable commitment to follow up action to this workshop. The Ministry of Foreign Affairs of South Africa would like to introduce the topic of the Protection of Civilians within the African Union during their tenure as chair. The South African Foreign Minister will circulate copies of the workshop conclusions and other material to members of the AU with a covering letter of support. The Ministry of Foreign Affairs has also committed itself to publishing the material on the Protection of civilians and the results of the workshop on its website. Further follow up action will involve the standard inclusion of a “Protection of Civilians” module in peacekeeping training for the South African National Defence Force. Other countries represented at the workshop, notably Mozambique have expressed interest in running “Protection of Civilians” workshops at National level. A full workshop report will be published as an Institute of Strategic Studies occasional paper.

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