REPORT ON OCHA/ISS HUMANITARIAN POLICY WORKSHOP:

The Protection Of Civilians In Armed Conflict - Humanitarian Challenges In Southern Africa

15-17 October 2002
Sheraton Hotel, Pretoria, South Africa

Background

> Civilians are no longer just victims of war today. They are regarded as instruments of war. Starving, terrorising, murdering, raping civilians - all that is seen as legitimate. Sex is no defence, nor is age; indeed women, children and the elderly are often at greatest risk. That is a strange, terrible state of affairs in the year after we commemorated the 50th anniversary of the Universal Declaration of Human Rights.

These words, written three years ago by United Nations' High Commissioner for Refugees, Mary Robinson, reverberate with added significance at the end of 2002. The overwhelming majority of fatalities in today's armed conflicts continue to be civilian populations. Approximately 84% of all casualties of war are unarmed, defenceless and vulnerable civilian populations, caught in the vicious and destructive reality of contemporary warfare. At a time when a strong increase is noted in the absolute numbers of both high and low-intensity conflicts worldwide, the brutal disregard for humanitarian norms and for the Geneva Conventions on the rules of war by parties to a conflict must be addressed. For civilians are not just indirect casualties of war. They have become targets in and of themselves, used deliberately by armed groups as part of current tactics of warfare.

Defining and implementing protection of civilians' measures during and in the immediate aftermath of armed conflict has become an urgent priority. Since 1999, at the request of the Security Council, three UN Secretary-General's reports on the Protection of Civilians in Armed Conflict have been prepared by the Office for the Coordination of Humanitarian Affairs (OCHA) in consultation with all UN departments, agencies and the International Committee of the Red Cross (ICRC) and presented to the Security Council in 1999, 2001 and 2002[1] (S/1999/957; S/2001/331; S/2002/1300). In response, the Security Council passed resolutions 1265(1999) and 1296(2000), and adopted presidential statements S/PRST/1999/6, S/PRST/2002/6 and S/PRST/2002/41. S/PRST/2002/6 contains an "*Aide Memoire*" on the Protection of Civilians in Armed Conflict that OCHA developed for the Security Council, at its request, which serves as a practical guide and a means to facilitate its consideration of issues pertaining to protection of civilians.

Although the Security Council has emphasized that provision for civilians during armed conflicts must proceed on a case-by-case basis taking into account the particular circumstances of each

[1] On December 10, 2002, following the Pretoria workshop, a third report of the Secretary-General on the Protection of Civilians was presented to the Security Council, leading to the adoption of Presidential Statement S/PRST/2002/41.

conflict situation, its adoption of the *Aide Memoire* in March of 2002 is evidence that the 'culture of protection' called for by the Secretary-General is beginning to take root. Intended to inform and guide humanitarian policies, this culture of protection is seen to embrace concerns such as those relating to human rights, the rule of law, the military, and humanitarian assistance. As part of the request by Member States that further work be done to mainstream protection issues into policy and decision-making processes, and in particular to ensure that Security Council mandates better address the need for protection of civilians, OCHA has been mandated to engage in regional consultation processes in order to gain vital and situation specific inputs on humanitarian protection priorities in conflict situations. The expectation is that recommendations raised during these regional consultations will inform subsequent reports of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict and guide policy development within OCHA.

Workshop Objectives

The humanitarian policy workshop on the **"Protection of Civilians in Armed Conflict: Humanitarian Challenges in Southern Africa"** was held in Pretoria, South Africa, from 15-17 October 2002. The workshop was co-organised by the Institute for Security Studies in South Africa and the UN Office for the Coordination of Humanitarian Affairs (OCHA), in cooperation with South Africa's Ministry of Foreign Affairs and with the support of the Canadian Department of Foreign Affairs and International Trade.

The workshop brought together 65 representatives from government ministries of foreign affairs, defence, interior or home affairs, and refugee affairs, academic institutions and key non-governmental organisations within the Southern Africa region, as well as a cross-section of UN agencies working on these issues. It was the first of six regional workshops coordinated by OCHA, arising from its mandate to develop a policy framework on the protection of civilians in armed conflict in close collaboration with its humanitarian partner agencies and interested Member States.

The workshop had three primary objectives:

- To familiarize participants with humanitarian challenges that arise during armed conflicts;
- To provide an opportunity for participants to work through a regionally-tailored crisis scenario exercise and apply potential protection measures; and
- To identify strategies for mainstreaming acquired knowledge within domestic decision-making structures, set priorities for follow-up action, and develop regional recommendations to feed into the Secretary-General's third report to the Security Council on the Protection of Civilians in Armed Conflict (presented on December 10, 2002).

Summary of Proceedings

Tuesday, 15 October

1. Opening Ceremony

Opening remarks were made by **Dr. Jakkie Cilliers, Executive Director of the Institute for Security Studies and co-chair of the workshop**. Dr. Cilliers described the tension between the theory and practice of protection of civilians in armed conflict, emphasizing that the protection of civilians assumes greater urgency in the southern African context, where state capacity is severely limited. He considered that the greatest challenge for Africa in this regard is the strengthening of state capacity, such that African states assume full responsibility for the protection of their citizens.

Mark Bowden, Chief of the Policy Development and Studies Branch of OCHA and co-chair of the workshop, introduced the subject and outlined the objectives of the workshop. In particular, he expressed the need to move the debate on the protection of civilians in armed conflict out of the "arcane forum" of the United Nations Secretariat and into the regions and communities most threatened by conflict.

Ambassador Kingsley Mamabolo, Deputy Director-General, Africa Multilateral Branch of the South African Department of Foreign Affairs, welcomed participants to South Africa and highlighted the need to develop a regional policy perspective on this issue. He said that Africans themselves were taking the initiative in this area, for example, through the African Union (AU) and the New Partnership for Africa's Development (NEPAD). He said that the difference between the AU and its predecessor, the OAU, is the provision for and readiness of the AU to intervene in Member States to prevent war crimes, genocide and crimes against humanity.

Nozizwe Madlala-Routledge, Deputy Minister of Defence for South Africa, gave the keynote address. She welcomed delegates and said that the workshop was organised at the right time, when the ending of conflicts in the sub-region presented specific and urgent challenges for the protection of civilians. The international community, represented by the United Nations and humanitarian organisations, has a crucial role to play in this mission.

The Deputy Minister stated that South Africa supports the objectives outlined in the Security Council's *Aide Memoire* in principle and in practice through its policy of humanitarian diplomacy. She cited the instruments of International Humanitarian Law (IHL) to which South Africa is party, and described South Africa's involvement in a number of peace initiatives on the continent. Of particular importance to the sub-region is the SADC Protocol on Politics, Defence and Security Co-operation, which establishes a framework to deal peacefully with inter-state, intra-state and external threats to the sub-region. This protocol formally recognizes IHL as essential to dealing with regional conflicts.

Specific measures aimed at the protection of civilians in armed conflict include training courses for the South African National Defence Force and the South African Police Services in IHL and

human rights. Police and defence forces from Malawi, Mozambique and Tanzania have participated in these courses, and other neighbouring states were welcome to participate in such training. Cross-border co-operation in the protection of civilians was vital. A further example was the South African government committee chaired by the Minister of Social Development in July 2002, to implement South Africa's "people-to-people humanitarian assistance to Angola in support of the peace process".

The Deputy Minister drew attention to the disproportionate impact of conflict on women and highlighted the importance of Security Council Resolution 1325 (2000). This resolution urges member states to ensure increased representation of women at all decision-making levels in national, regional and international mechanisms for the prevention, management and resolution of conflict.

Finally, the Deputy Minister welcomed the opening of a Regional Support Office of OCHA in Johannesburg in the near future. She expressed hope that OCHA would work hand in hand with the governments of the southern African region in responding to the many humanitarian challenges here. The workshop had an important role in this respect: to develop a policy framework for the protection of civilians in armed conflict in Africa.

2. Topic 1: Humanitarian Action – Issues, Roles and Responsibilities in Protecting Civilians

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

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

This session was chaired by Dr. Jakkie Cilliers and addressed by the following panelists:

Anders Pedersen, Chief of the Human Rights Division, UN Mission in Angola, on secondment from the Office for the High Commissioner for Human Rights introduced and discussed the concept of human rights, noting that human rights are about citizens' rights and government responsibilities. He emphasized that protection should be conceptualized within a framework of human rights to ensure respect for and protection of citizens' rights. He suggested that the challenge was to put ideas of protection into practice in the field, bearing in mind that protection measures must be adapted to different stages of conflicts. Pedersen considered that the need to ensure protection of civilians during armed conflicts should not be hampered by political considerations, such as whether to engage with governments facing civil wars. Indeed, engagement is critical, not with a view to accusing or necessarily imputing responsibility to these governments, but with a view to build their capacity to make protection a reality on the ground.

Patrick Zahnd, Head of the International Committee of the Red Cross (ICRC) Regional Delegation for Southern Africa, considered that the protection of civilians is at the heart of International Humanitarian Law (IHL). He emphasized that respect for IHL is the *sine qua non* condition for the physical protection of civilians in armed conflicts. In this sense, and according to its international mandate awarded by all states signatories of the Geneva Conventions and their Additional Protocols, and its specificity of being an independent organization acting as a neutral intermediary, ICRC has an open dialogue with all parties to a conflict so that they respect their humanitarian obligations. Access is a result of respect for IHL and trust in its neutrality, impartiality and independence. He reminded participants that although IHL is applicable in situations of armed conflicts, whether of international or non-international character, its fundamental principles also apply in post-conflict or internal violence situations. He said that states parties to the Geneva Conventions have committed themselves to "respect and ensure respect" of IHL "in all circumstances" and recognized that in order to strengthen the prevention of violations of IHL, it is crucial to have universal ratification of IHL treaties, and their full implementation and integration at the national level.

All SADC states have so far ratified the 4 Geneva Conventions and their 2 Additional Protocols, as well as the Ottawa Convention banning anti-personnel mines. Most of them have ratified the 1980 Conventional Weapons Convention and its 4 additional protocols, the Rome Statute of the International Criminal Court and the 1954 Convention for the protection of cultural property and its 2 protocols. Almost all of them are actively engaged in implementing those obligations within their national systems via "Geneva Conventions Acts" or other legislation, with the technical and material support of the ICRC. Many have created an inter-ministerial Standing National Commission for the purpose of drafting implementing legislation and regulations, and supervising programmes for integrating IHL within their national armed, defence, security and police forces to fully integrate IHL as an essential element of their professionalism, i.e. within training, doctrine and operations.

Mark Malan, Head of the Peace Missions Programme of the Institute for Security Studies, suggested that the focus should be on expanding upon and implementing feasible ideas generated by previous workshops, as reflected in the *Aide Memoire*, and suggesting new ones rooted in the realities of the Southern African region. For example, the potential role of international military forces in refugee camp security. Malan considered that while internal security within refugee camps should remain a function for the police, international military forces could be deployed to refugee camps provided a number of conditions are met: that they have a clear and enforceable mandate, clearly defined concept of operations and well defined tasks, as well as appropriate rules of engagement. At the same time, Malan emphasized the need to balance ambitions with realities on the ground. While the military's core humanitarian business is that of "providing a secure environment" for the provision of emergency and transitional assistance by specialized international civilian agencies and non-governmental organizations, peacekeeping has failed in the performance of this basic task, as the cases of Somalia (1992), Bosnia (1993), Rwanda and Zaire (1994) and Sierra Leone (2000) have made clear. Malan proposed that at the heart of the matter is a general unwillingness of multinational forces to lay down their lives in order to protect civilians who are not of their own nation.

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

- The agents of protection: who will effectively protect? Are peacekeeping operations the most appropriate way to protect civilians? Or should protection be a responsibility of national defence and police forces?
- To what extent does financial gain motivate troop-contributing countries?
- How to protect and guarantee access to civilians under the control of rebel forces?
- How to engage with rebel movements and the implications thereof, given the risk that engagement may be perceived as hostile to government?
- How to identify and hold accountable those who finance rebel forces?
- The changing nature of contemporary conflicts, which are strongly identity driven such that every civilian is perceived as being on one side or the other. How to distinguish between combatants and non-combatants in Sub-Saharan conflicts?
- The protection of refugees and host border communities. Who should be responsible: the host country or the government of the country of origin?
- The need to tackle root causes of conflicts with political will and resources, and strengthen the implementation capacity of organizations with a clear protection mandate.
- The cultural specificity of human rights. Are individual human rights in most of Africa an expression of the rights of the community first and foremost? Is there a need to adapt individual human rights to the African reality?

3. Topic 2: 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 southern 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)?

Mark Bowden chaired this session with input from the following panelists:

Bemma Donkoh, UNHCR Regional Representative in South Africa explained the status of refugees and the responsibilities of host states and international agencies toward them in terms of international refugee law. She emphasized two challenges: (1) preventing *refoulement* of asylum-seekers, and (2) ensuring the civilian character of refugee camps. Donkoh emphasized that, in the southern African context, refugee camps have been used as internment camps for prisoners of war and as sources for intimidation and recruitment of civilians (including children and the youth) into rebel activities. It is therefore an absolute priority to adequately screen refugee camps by identifying each refugee at the point of entry to a host country, particularly former soldiers. In

this regard, she believed that capacity building of agencies dealing with refugees is a priority. This could be addressed through the deployment of multi-disciplinary teams able to access the situation on the ground and evaluate threats within refugee camps.

Philip Lancaster, UNICEF Consultant on ESARO Regional Child Soldier Demobilisation Project in Burundi, set out the principles governing the rights of children and described UNICEF's operational activities to protect children in armed conflict. He highlighted the difficulties of protecting child soldiers, particularly when armed forces offered children relative, though illusory, security. Until some realistic means of protecting children in war-torn countries is developed, they will continue to approach armed groups for food and safety. The principles underpinning the Convention on the Rights of the Child (non-discrimination; best interests of the child; survival and development; participation) are increasingly difficult to apply as a result of the complexity that characterizes the environments in which protection is attempted.

Lise Grande, Head of the OCHA Office in Angola, gave an account of a successful operation protecting internally displaced persons (IDPs) in Angola, making the point that well co-ordinated action can produce tangible results in the field. In Angola, OCHA was able to strengthen the protection of civilians through engagement with the Government of Angola, which led it to adopt a code of norms for the resettlement and return of displaced persons in June 2001. This code was subsequently implemented through a series of workshops in fourteen provinces, in which participants took responsibility for provincial protection plans. As a result of this local ownership over protection, compliance with the code of norms and standards for resettlement of displaced persons increased dramatically. In recounting this success story, Grande was mindful of the dilemma often faced vis-à-vis IDPs during armed conflicts, namely, whether it is better to displace civilians in hopes to bring an end to a conflict more quickly, or to not displace thereby risking prolongation of the conflict.

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

- How to distinguish combatants and non-combatants in refugee camps and whether it would be beneficial to have military observers in refugee camps?
- Which law should be applied inside refugee camps?
- Whether peacebuilding activities should be promoted within camps?

Wednesday, 16 October

4. Topic 3: Response Coordination - Enhancing Protection through Peacebuilding Efforts

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

- To what extent can peacekeepers support peacebuilding efforts, and what are their responsibilities?

- How can disarmament, demobilization, reintegration and rehabilitation (DDR&R) be better addressed in terms of identifying responsibilities and appropriate skills?
- How can small arms and mine action be better addressed for long-term recovery?
- What are the viable options for addressing justice and reconciliation?

This session was chaired by **Dr. Randolph Kent, Senior Research Fellow at the International Policy Institute of Kings College, London**, who suggested several practical steps for enhancing the protection of civilians through peacebuilding. These included: regarding reconciliation as a long-term, practical programme; establishing a joint information center to co-ordinate the activities of various agencies (for example, as was set up in Kosovo); providing support for national human rights commissioners in the monitoring of human rights violations; reforming the security sector; and sharing regional best practices in peacebuilding efforts.

Jody Kolapen, Chief Commissioner of the South African Human Rights Commission, spoke about the trade-off between peace and justice in the process of reconciliation. On the one hand, pragmatism and negotiation with perpetrators of human rights violations was necessary to make peace. On the other hand, the need for justice was a powerful force in a post-conflict society, which does not necessarily lessen with time. Peace without justice was not sustainable. Kolapen noted that this tension was mirrored in the different roles and methodologies of human rights activists and conflict mediators, which were sometimes at odds with each other. While the role of human rights activists was to advocate, monitor and investigate, the aims of those working in conflict management were to mediate and reconcile parties. Activists operated on the basis of principles or ideals, often taking an adversarial stance towards governments, while conflict managers had to be pragmatic and impartial.

To build sustainable peace, mechanisms for justice have to be devised beyond the traditional legal conception of justice built upon criminal prosecutions. Kolapen cited the experience of the South African Truth and Reconciliation Commission as performing the difficult task of balancing peace versus justice, truth versus reconciliation. He stressed that the victims of human rights violations had to make a trade-off, sharing their stories in return for the promise of reparations.

Sarah Meek, Head of the Arms Management Programme of the Institute for Security Studies, spoke about the severe impact of small arms and landmines on civilians in post-conflict societies. She described some of the limitations of DDR programmes in Southern Africa, namely that they are often too short and superficial; combatants that give up one weapon usually retain others; and confiscated weapons are sometimes sold illegally rather than destroyed. These illicit weapons are then used to commit crimes. Meek referred to the Protocol on Control of Firearms, Ammunition and Other Related Materials within the Southern Africa Development Community (SADC) as the primary multilateral instrument in the region for controlling the flow of small arms and light weapons. The bilateral efforts of South Africa and Mozambique in de-mining, namely Operation Rachel, was an example which could be followed in other post-conflict countries such as Angola. The public education and awareness-raising role of international humanitarian agencies was also highlighted as important in protecting civilians, for instance, from mine-related injuries.

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

- How best to co-ordinate de-mining efforts within the region, and share technical expertise and practices? Experiences were shared from Mozambique and Angola.
- How to strengthen mechanisms for monitoring and enforcement of the SADC Protocol on the Control of Firearms, Ammunition and Related Materials?
- Whether ex-combatants should be involved in de-mining and de-mobilising processes, and if so, in what capacity?
- How to curb the flow of arms into the region from outside countries?

5. Topic 4: Practical Application of a Protection Framework

Participants were divided into four 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 southern 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.

Thursday, 17 October

6. Topic V: Developing a Regional Voice

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

7. Topic VI: Building the Culture of Protection - Paving the Way Forward

An open discussion was held on workshop recommendations, as reflected in the section of the report on key issues and recommendations below.

8. Closing Ceremony

Abdul Minty, Acting Director-General of the South African Department of Foreign Affairs, thanked the sponsors, organisers and participants of the workshop. He considered there to be a real interest among the countries of the sub-region to achieve progress on the issues addressed in this workshop, given the ending of wars in the DRC and Angola, and the consequences of war faced by other SADC states through the presence of refugees, economic disruption and economic migrants, as well as the lingering presence of anti-personnel landmines and surplus small arms which are used for criminal purposes.

Minty reported that the South African Parliament was working on legislation to implement the Ottawa Convention on Anti-Personnel Mines. He said that while SADC countries were working together to destroy small arms and landmines, a global commitment was needed to stop the flow of weapons the region from other parts of the world. In particular, he drew attention to reports that several new members of NATO were not destroying their surplus weapons, and that these weapons could be used to fuel conflict in Africa.

Minty also noted that the ideas generated by this workshop could be disseminated within the African Union and the Non-Aligned Movement, of which all SADC states are members. This would ensure that the process relating to international protection of civilians in armed conflicts becomes something more than a New York-based concept. Finally, he expressed hope that the joint contribution of the southern African region would contribute lessons from the practical experience of countries that have been deeply affected by conflict, and are now engaged in building sustainable peace.

Key Issues and Recommendations

1. Parameters of protection:

1.1 The legal framework for protection is provided for by International Humanitarian Law (IHL) and is reflected in the Secretary-General's reports, Security Council Resolutions and the *Aide Memoire*. Implementation frameworks are now required to translate theories of protection into practice. The challenge is to make protection a reality on the ground.

1.2 Protection of civilians includes both IHL and human rights law, and is therefore regarded by the Security Council and other UN bodies as applicable to both conflict and immediate post-conflict settings. This is extremely important to the southern African region, where many of the protection issues relate to the effective reintegration of refugees and ex-combatants into society. There is a need to adapt protection measures to different stages of conflict.

1.3 Human rights protection must be integral to the approach of protecting civilians in armed conflict. This approach should not be perceived to be adversarial by governments who are party to a conflict to ensure their co-operation in the protection of civilians.

1.4 Conflicts often threaten civilians in an entire region such that their protection needs to be addressed at a regional level, and not only on a country-specific basis.

Recommendation 1: The United Nations ought to draft a "best practices guide" for fieldworkers on the protection of civilians in armed conflict.

2. Distinction between combatants and civilians:

2.1 The distinction made in International Humanitarian Law between combatants and civilians is difficult to apply in the African context. Rebels in Burundi, for example, do not always wear uniforms. In ethnic or identity-based civil wars in particular, civilians are considered to be automatically on one side or the other. As a result, civilians are increasingly regarded as legitimate targets by combatants in modern conflicts.

2.2 The intermingling of civilians and combatants in refugee and regroupment camps is the rule rather than the exception in southern Africa. There is a need to screen people entering refugee camps, and to identify combatants already sheltering in camps. Delegates debated who is responsible for this screening and policing of refugee camps and how should it be conducted?

Recommendation 2: Screening of refugee camps should be conducted by local police forces, supported by international training and resources.

Recommendation 3: Refugee camps should be situated no less than 50km from the border of the refugees' country of origin.

Recommendation 4: 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.

3. Humanitarian access to civilians in need:

3.1 Engagement with non-state actors, in particular with rebel groups, presents specific challenges to the United Nations. It is particularly difficult in situations of state collapse, where rebel movements like the Mai Mai or Interahamwe in the Democratic Republic of Congo are splintered movements with no clear leadership structures. Dialogue is crucial to ensure that protection is extended to civilians under rebel control. It is important to ensure that efforts at protection are not perceived to be politically motivated. This is particularly relevant in the African context, as it is imperative to protect civilians under both government and rebel control.

Recommendation 5: Agencies responsible for the protection of civilians should make every effort to engage with parties to the conflict on the basis of inclusivity. At the same time, they should communicate to both state and non-state actors that this engagement does not confer legitimacy on any of the parties to the conflict.

3.2 The need to define more clearly the role of peacekeeping forces in the protection of civilians was raised. Although peacekeepers could be used to guarantee access to civilians in need, it was felt that politically negotiated access was preferable. Peacekeeping forces could play a role by repairing infrastructure, which would allow greater access to civilians in need.

Recommendation 6: Military intervention in situations of armed conflict should be kept distinct from humanitarian action, so as not to compromise the credibility of neutral humanitarian actors.

4. Access to resources:

4.1 Delegates made the point that the protection of civilians in fragile post-conflict societies, such as Angola and Mozambique, is dependent on the availability of adequate and appropriately channeled resources. A key challenge for protection in southern Africa is the very limited resources and donor support for such programmes. On the one hand, there was a perception that the international community was reluctant to support peacekeeping and peacebuilding efforts in Africa, and that they committed more resources to conflicts elsewhere, for example, Kosovo. On the other hand, donors were regarded as having legitimate concerns about how and where their resources were channeled, whether through state or non-state actors.

4.2 Areas where technical and financial support is needed is in the harmonisation of national legislation with international standards, education, training and standard-setting, peace negotiations, clearing of landmines, and stopping the flow of small arms into the region from outside.

Recommendation 7: Common agreement must be reached between the United Nations and affected governments on norms and standards for the protection of civilians in armed conflict and to ensure a basic level of awareness of these norms and standards among affected populations. Guidelines should be drafted for the engagement of international agencies with national governments to build partnerships between them to fulfill their responsibilities in this respect.

5. Education and capacity building:

5.1 Education and capacity building of local partners was considered to be an important role for international agencies in the protection of civilians in armed conflict. Sharing experience and capacity on a regional basis was also necessary. A Code of Conduct for uniformed members of the South African National Defence Force was mentioned as a useful example of an educational tool for armed forces on the protection of civilians.

Recommendation 8: A Code of Conduct accompanied by appropriate education and awareness raising on the protection of civilians in armed conflict should apply to all peacekeeping forces.

5.2 The HIV/Aids epidemic in Southern Africa was considered to be a particular threat to civilians in conflict and post-conflict situations of instability and social dislocation.

Recommendation 9: HIV/Aids awareness should be a component of the education of the armed forces, as well as civic education.

6. De-mining:

6.1 De-mining was discussed as one of the most pressing concerns in southern Africa for the protection of civilians in post-conflict situations. It is vital not only for their physical safety, but also for reclaiming land rights and promoting productive use of land.

Recommendation 10: De-mining efforts should be coordinated more formally within the region, along with the sharing of best practices and mine-awareness training.

Recommendation 11: De-mining operations should include ex-combatants and community involvement to ensure success.

7. Control of small arms:

7.2 The control of small arms is a critical regional issues for the protection of civilians given the high levels of small arms within southern Africa and the porous nature of national borders. In particular, disarmament, the destruction of small arms and the successful reintegration of combatants into society are vital to protect civilians from post-conflict increases in crime.

7.3 The importance of post-conflict job creation programmes was emphasized. Unless ex-combatants are assured of alternate employment, they are likely to retain one or more of their weapons as a future means of livelihood.

Recommendation 12: Mechanisms for monitoring and enforcement of the SADC Protocol on the Control of Firearms, Ammunition and Related Materials are needed, specifically to ensure that confiscated small arms and ammunition are destroyed. Common policies on the destruction of confiscated small arms and ammunition must be implemented.

Key Documents

1) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/1999/957) (8 September 1999)
[available at www.un.int/canada/html/s1999957.htm]

2) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/2001/331) (30 March 2001)
[available at www.un.org/Docs/sc/reports/2001/sgrep01.htm]

3) Security Council Resolution 1265 (1999) on the Protection of Civilians in Armed Conflict (S/1999/1265) [available at www.un.org/Docs/scres/1999/sc99.htm]

4) Security Council Resolution 1296 (2000) on the Protection of Civilians in Armed Conflict (S/2000/1296)
[available at: www.un.org/Docs/scres/2000/sc2000.htm]

5) Statement by the President of the Security Council on the Protection of Civilians in Armed Conflict (S/PRST/2002/6) and Annexed "*Aide Memoire*" (15 March 2002)
[available at www.un.org/Docs/sc/statements/2002/prst2002.htm]

6) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict (S/2002/1300) (26 November 2002)
[available at www.un.org/Docs/sc/reports/2002/sgrep02.htm]

7) Statement by the President of the Security Council on the Protection of Civilians in Armed Conflict (S/PRST/2002/41) (20 December 2002)
[available at www.un.org/Docs/sc/statements/2002/prst2002.htm]