

grave human rights abuses while serving as a destabilising factor likely to prolong conflicts.

Nonetheless, amongst all mentioned challenges, the most significant one to PoC is the international society's lack of will to contribute and give political support; whom, in a paradoxical manner, also expects UN peacekeeping missions to protect all civilians at all times and under all circumstances. Discrediting the UN's pioneering and standard-establishing quality and the efforts of thousands of UN peacekeepers risking their lives on a daily basis with limited resources at their disposal, this unrealistic expectation has long been raising debates, declaring the UN and UN peacekeeping missions as intransigent with regard to PoC.

The year of 2017, however, witnessed these rather uninformed debates being addressed effectively by UN Secretary General António Guterres, who effectively encouraged a search for ways to increase the likelihood of PoC success. Initially, the same year and later in 2021, the UN launched two initiatives, under the name of A4P (Action for Peacekeeping) and A4P+ (Action for Peacekeeping+). Today, A4P(+) initiatives are reshaping the UN peace and security architecture, while reminding international society that protection of civilians is the responsibility of all states under the R2P - as the initiation encourages a system of better equipped and planned missions in cooperation with all stakeholders, while promoting action by all UN Member States, the Security Council, the General Assembly, financial contributors,

Troop and Police Contributing Countries, intergovernmental and regional organizations and the UN Secretariat.

## The Protection of Civilians under the African Union institutional framework: challenges and opportunities

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The African continent witnessed several of the mass atrocities that shocked the world in the late 20th century. The Rwandan Genocide of April 1994 resulted in nearly one million Tutsis and moderated Hutus killed in less than 100 days. At the time, the supranational African organisation – the Organisation of African Unity (OAU) – was powerless to intervene and put an end to the massacre. Similarly, the international community was silent in the early stage of the genocide. Despite the OAU initiative to create a conflict management mechanism, it was powerless to prevent the Rwandan atrocity. This was an important lesson that dramatically changed African politics in conflict management and resolution, in the early 2000s. With the dawn of the African Union, in 2000, its foundational treaty addressed significant aspects to ensure that Rwanda was to never again be repeated.

The Constitutive Act of the African Union (2000) defines human rights, good governance and sanctity of human life as core principles for the

Union. Moreover, it also states, in its article 4 h), that the Union has the right to intervene in serious human rights violations, such as genocides, crimes against humanity and war crimes. This was seen as the genesis for the Responsibility to Protect (R2P), but it may be far away from that important international principle. The R2P must not be confused with protection of civilians (PoC), as the former is far more complex from a military approach. Moreover, in its first session, the Constitutive Act was amended to create a new organ in the AU framework, the AU Peace and Security Council (PSC). This council is the core pillar of the African Peace and Security Architecture (APSA) and the institutional framework that has the main role to maintain peace in the continent.

Under the PSC mandate, the AU has dealt with some situations that demanded an intervention from the organisation. The first in Burundi, in 2003, to tackle the long-lasting Burundian Civil War (1993 – 2005), an ethnic conflict that put Tutsis against Hutus, resulting in several deaths among the civilian population. In 2005, in the aftermath of the Darfur conflict, in Sudan, the AU deployed the AMIS – African Union Mission in Sudan –, a mission that was articulated with the UN peace mission (UNMIS), but political setbacks lead it to the brink of collapse in 2007. Finally, in 2007, the PSC deployed the AMISOM – African Union Peace Mission to Somalia –, a very promising peacekeeping mission, which was robustly designed, inspired by lessons from previous missions.

Initially planned for the stabilisation of Somalia and for a short period of time, the AMISOM was forced to stay on the ground until April 2022, when the UN Security Council adopted Resolution 2628 that reconfigured the AMISOM, as it declared its replacement with a transitional mission. The three missions have in common the absence of measures to protect civilians in danger. Both Burundi, Darfur and Somalia were volatile and challenging scenarios, in which violence against civilians was common practice, and that the AU failed to respond to.

In 2010, the AU adopted the *Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations*, a guiding document containing the core principles for the effective protection of civilians in grave risk of violence. Protection of Civilians, according with the guidelines, must be understood as including “activities undertaken to improve the security of the population and people at risk and to ensure the full respect for the rights of groups and the individual recognised under regional instruments, including the African Charter of Human and Peoples’ Rights, the AU Convention for the Protection and Assistance of Internally Displaced Persons, and the Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law, including humanitarian, human rights and refugee law”. Since PoC is a concept cemented in International Humanitarian Law (IHL), strengthened by other branches of International Law (Human Rights and Refugee Law) and incorporating a dimension of human security, the

AU understanding of PoC may be very limited in its scope. First, the IHL is missing from the concept, which may significantly limit the application of protective measures, taking into consideration that it is under an armed conflict that civilians face grave dangers. Secondly, the human rights framework enshrined in the AU concept is one that has its origins in the African Union’s law. The positive aspect of this regional approach is related to the protection of internally displaced persons. The political process assumes a relevant position in the AU PoC policy, in articulation with the decision-making process of the African Peace and Security Architecture.

Despite these guidelines, the practice shows a different scenario. The AU peace missions mandate never incorporated PoC measures and the missions were too limited in resources to have a robust action to prevent and tackle violence against civilians. Moreover, political instability has been sweeping the continent since 2011 – the Arab Springs –, demanding institutional responses that the Union failed to implement. The proliferation of jihadism and extremist movements in the Horn of Africa (Somalia, Kenya), in the Gulf of Guinea and Nigeria (Lake Chad) and, recently, in Mozambique, resulted in mass violence against civilians with little to no institutional response from the APSA. Moreover, there are growing unconstitutional regime changes, known as *coups d’état*, since 2019. Between 2020 and 2022, Africa witnessed seven coups, as many as the record of the previous decade (2010-2019). And

even though the coups are changing in their dynamics (young leaders, less violence and popular support), the current situation in Sudan stresses the need to protect civilians during these extremely violent scenarios. Africa is becoming more politically unstable as climate change is creating new pressing demands and tensions, as resources became scarce.

There is a need to uphold the foundational principles of the African Union and to enforce its agency in peace and security issues. There is a robust legal and institutional framework adopted by the AU, but it lacks effectiveness in its implementation strategies. A coordination between the African Union and its PoC policy – which needs to be fully implemented as an institutional policy and not as a guideline – and an articulation of AU resources with other international institutions is necessary to better protect civilians in great danger.

## Experiência Europeia na Proteção de Civis

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A ajuda humanitária e a proteção civil surgem no artigo 21.º do Tratado da União Europeia como parte integrante das ações externas da União, sendo guiadas por um conjunto de princípios humanitários, consagrados no Regulamento n.º 1257/96 do Conselho da União Europeia relativo à ajuda