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Protecting Civilians in La Cote d'Ivoire: addressing unanswered questions

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RECOMMENDATIONS:

- UNOCI's Protection of Civilian mandate should be interpreted broadly to cover protection for all the population of La Cote d'Ivoire wherever they are located.
- The fighters of both Gbagbo and Ouattara should be held accountable for crimes they have committed and are still committing.
- UN member countries should be ready to provide more troops and logistical support to UNOCI to enable it effectively discharge its protection of civilian mandate; and
- Key figures leading atrocities against civilians should be immediately indicted to serve as deterrent to others.

Introduction

The post-election violence in La Cote d'Ivoire has intensified since late March 2011 to an extent that one can describe it as a civil war. Limited success by the international community in convincing the parties to the conflict of the utility of negotiations reflects a clear indication of the failure of international efforts.¹ For now, it appears that war, violence and their attendant atrocities have been given a chance. Both pro-Ouattara and pro-Gbagbo forces are fighting without restraint and respect for international humanitarian law in spite of the presence of the United Nations Peacekeeping Operations in La Cote d'Ivoire

(UNOCI). Consequently, the manner in which the ongoing conflict in La Cote d'Ivoire has manifested itself with both regular and irregular forces made up of rebels, mercenaries and bandits of no particular origin nor nationality raises a number of questions with regard to concerns about the protection of civilians who have been caught between the two warring factions. Since the conflict began, the international community has consistently paid rhetorical lip-service to the question of the protection of civilians without ensuring that measures are in place to transform the rhetoric into reality.

The indiscriminate killing, maiming or harassment of civilian populations has reached unacceptable levels. Reports from Duekoue (a town captured by rebels loyal to one of the warring factions on Tuesday, 29 April 2011) indicate gross violation of

¹France 24, 'Abidjan locked in tense standoff, France mulls evacuation' at <http://www.france24.com/en/20110403-abidjan-locked-tense-standoff-ivory-coast-france-ouattara-gbagbo-evacuation>. Accessed 3 April 2011.

human rights.² In Duekoue alone, over 800 people are reported to have been murdered during an assault on the town by forces loyal to the Ivorian presidential candidate recognized by the international community, Alassane Ouattara. As the battle for Abidjan continues, human suffering has increased and the need for civilian protection has become urgent. The lack of effective and robust international action raises several questions. Is the increasing spate of violence against civilians an indication of the failure of the international community's civilian protection mandate? What challenges are faced by the international community in protecting civilians during conflicts? And what policy options and instruments are available for improving civilian protection in the country?

This policy brief explores the concept of civilian protection and how it applies to the ongoing Ivorian crisis, and conflict situations broadly. Specifically, it discusses the challenges of promoting civilian protection in La Cote d'Ivoire and suggests ways of dealing with it. We argue that there is the need for the international community to pay particular attention to the issue of civilian protection in order to reduce civilian casualties while the conflict lasts.

Protection of Civilians in Conflict: The rationale

Contemporary conflicts have been referred to as 'wars among the people.' This is because it is the civilian populations who bear the greatest brunt of today's complex and intractable conflicts. Protection of Civilians refers to 'an umbrella concept of humanitarian policies that brings together protection elements from a number of fields, including humanitarian and human rights

law, military and security sectors, and humanitarian assistance' that seeks to protect civilian populations from the adverse effects of intractable conflict. Civilian protection thus, refers to 'structures and policies developed by the UN, states and other humanitarian actors, and based on international humanitarian law (IHL), and human rights and refugee law, to protect vulnerable populations from the effects of armed conflict, ranging from the most immediate priorities of minimizing civilian casualties to more long-term priorities of promoting the rule of law, security, and law and order within a state.'³

Accordingly, the nature of peacekeeping has changed to involve several actors such as the police and civilians, in addition to military personnel who perform diverse functions relating to civilians. In this regard, mandates of peace support operations now include previously unmentioned responsibilities such as the promotion of human security, and the authorization usually invoked under Chapter VII of the United Nations (UN) Charter for peacekeepers to take measures to protect civilians under imminent threat of violence. This has necessitated direct interactions between military peacekeepers and local populations. Given what the concept of POC stands for, it is important for interventions by the UN and or regional/sub-regional organisations to contribute significantly to broad arrangements aimed at protecting civilian population.⁴

² France24, 'Hundreds killed by Ouattara troops at Duekoue, says UN' at <http://www.france24.com/en/20110403-ivory%20coast-ouattara-fighters-duekoue-massacre-un-red-cross-hundred>. Assessed 4 April, 2011.

³ United Nations Office for the Coordination of Humanitarian Affairs, (OCHA), *Glossary of Humanitarian Terms*, 21; OCHA, "Protection of Civilians in Armed Conflict"

⁴ For a discussion of initiatives by the African Union (AU) and the Economic Community of West African States (ECOWAS), see Aning, Kwesi & Naila Salihu. 2011. 'Accountability for Intervention: Negotiating Civilian Protection Dilemmas with Respect to ECOWAS and AU Interventions, *African Security*, Vol. 4, No. 3

The Ivorian Conflict and Protection of Civilians

Since the beginning of the Ivorian political crisis, civilians have been the worst victims as a result of the worsening humanitarian and security situation. The attendant consequences include decline in socio-economic activities, deterioration of basic social amenities, and worse of all, infringements against fundamental rights and liberties of civilians and human rights abuses such as enforced disappearances, extrajudicial killings, killings often with genocidal intent, maiming of children, rape and other forms of sexual violence. These atrocities have been committed against civilians by both the Ouattara and Gbagbo factions.

In the wake of escalating attacks on civilians and UN personnel, on Monday 4 April 2011, UN and French helicopters launched airstrikes against the heavy artillery sites near the presidential residence which were believed to be used by pro-Gbagbo forces against pro-Ouattara forces. Earlier in March the UN had warned of its preparedness to react preemptively to threats by the forces of Gbagbo to use heavy weapons against the civilian populations in Abidjan. UN's enforcement action was backed by a Security Council resolution authorizing the use of force under Chapter 7 to protect civilians under imminent threat of physical violence and to defend UN staff.⁵ While such action against Gbagbo's forces appears to have some operational utility, it is too little, too late. We believe that the UN could have done more to protect the civilian population in La Cote d'Ivoire much earlier than now. Timely action by the UN and LICORNE forces could have helped to prevent the 'massacre' of Duekoue and in other places possibly yet unknown.

⁵ United Nations Security Council, Resolution 1975(2011), Adopted at the 6508th meeting of the Security Council, March 30, 2011.

What explains UN inaction in spite of the fact that civilian protection was explicit in UNOCI's mandate? In other words, what challenges prevented the protection of civilians until now? We contend that several possible reasons account for such inaction. These reasons include the non-enforcement of accountability mechanisms, and other operational issues such as inadequate training and logistics, as well as a coherent mandate to effectively operationalise this mandate.

Addressing the challenges of Civilian Protection in La Cote d'Ivoire

With the refusal of Gbagbo to leave office and the continuing war in Abidjan, we suggest some ways of improving the protection of civilians. First, the Economic Community of West African States (ECOWAS), the African Union (AU) and the wider International Community under the leadership of the UN must employ all legal means necessary to stop the killings and other human rights violations against civilian population especially women and children.

Second, the UNOCI must be fully supported and equipped with highly trained personnel and logistics to impartially implement its mandate, to use all means necessary, including the use of force as the last resort to protect civilians under imminent threat of physical violence.

Third, loyalist forces of both Gbagbo and Ouattara must stop or be compelled to respect the dignity and worth of the human person, and must abide by the various laws of armed conflicts. It is obvious that the atrocities currently taking place amount to crimes against humanity, and the perpetrators must eventually be held accountable under international law. Particularly, Gbagbo and his key allies including his wife Simone Gbagbo, Ble Guode, and other activists of the Young Patriot as well as

leaders of the pro-Ouattara forces must be investigated for their involvement in various crimes against humanity. In view of this, the International Criminal Court can on the basis of article 12, paragraph 3 of the Rome Statute and institute investigations, and possibly, criminal proceedings against these persons.

Fifth, concerted efforts should be made by the international community including regional bodies such as ECOWAS to promote legal and physical protection of civilians, particularly internally displaced persons (IDPs), refugees, women and children in order to prevent sexual exploitation of crisis-affected populations. Besides, the safety of aid workers and peacekeepers should be enhanced in order to ensure humanitarian access.

Finally, efforts should be made to curtail the illicit trade and circulation of small arms and light weapons as they constitute greatest threat to human security considering the fact that their readily availability makes conflicts and crimes more imminent.

Conclusion and Recommendations

The Ivorian situation is a test case for the operationalisation of the Protection of Civilian mandate of the UNOCI and the emergence of such norms under the AU and ECOWAS. POC, we suggest, should not be interpreted narrowly for fighting the forces loyal to Gbagbo but should go far enough to protect the civilian populations who are at the mercy of both Gbagbo and Ouattara forces.

Based on the above discussions, we make the following policy recommendations:

- The Protection of Civilian mandate of UNOCI should be interpreted broadly to cover protection for all the population of

La Cote d'Ivoire wherever there are located.

- The fighters of both Gbagbo and Ouattara should be held accountable for crimes they have committed and are still committing.
- UN member countries should be ready to provide more troops and logistical support to UNOCI to enable it effectively discharge its protection of civilian mandate; and
- Key figures leading atrocities against civilian should be immediately indicted to serve as deterrent for others.

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