PROTECTING CIVILIANS IN URBAN WARFARE

AMISOM’s EXPERIENCE

By

Maj Gen (Rtd) Simon Nduashey Karanja

Former Deputy Force Commander OPS and Plans

AMISOM

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Introduction

- Military operations are taking place everywhere, in the presence of civilians, against civilians and in defense of civilians. “War Amongst the People”.

- This has caused untold suffering to civil population, who today are not just the side effects of war as they were in the Old Wars and Cold Wars but are central to the strategy and tactics of winning the wars.............

- More civilians have been killed in urban fighting especially after the end of the Cold War.

- Its very evident that the deaths are as a result of Explosive weapons than flying bullet.
% of Civilian Casualty By Weapon Type

IED are very accurate in selecting their targets.

Suicide Bombers are smarter than any Smart Bomb ever made. They can personalize the target

IEDs

Ground Launched
Air Launched
Others/Unclear

[Illustration of a pie chart showing the percentage of civilian casualties by weapon type]
Introduction

- Our concerns in Somalia therefore are:
  - The Armed Non-State Actors (ANSAs) in particular the Al Shabaab
  - The weapon of choice that has caused more casualty in Somalia than any other weapon till today - The IEDs.
TWIN TRUCK BOMBS IN KM 4 AND 5
Over 500 people killed over 500 injured
Key Principles of IHL

Two key principles of IHL need to be considered by all military Commanders in a conflict:

- The Principle of Distinction.
- The Principle of Proportionality.
The Principle of Distinction

The first key principles of IHL is the requirement to distinguish between civilians and combatants.

- This principle is more critical in Urban Warfare than in other field operations as Urban areas are civilian in character. Therefore extra cautious to avoid civilian casualties.
- Operational planning and ROEs should take into consideration the relevant IHL obligations in urban areas for the protection of civilians.
- The fact that military operations are being conducted in urban areas does not exempt armed forces or other ANSAs from IHL obligation.
- Most of the opposing forces do not respect the principle of reciprocity to International Law.
The Principle of Proportionality

The second key principle of IHL: the Principle of Proportionality:

- This principle holds that, the force used should be sufficient to destroy a given military objective without resulting in excessive civilian casualties or damages to civilian objects.

- In Somalia the choice of means and methods of Attack was to attack through breaking wall for infantry to avoid IDF. This was after AMISOM realized there were too many CIVCAS. This led to the withdrawal of AL Shabaab from Mogadishu.
Command responsibility

- Military commanders are responsible for the selection of targets, and are obligated to respect these principles.

- It is therefore important that they are given very clear ROEs, based on IHL and Mission Command decision making process. **Commanders at the front line make the last call.**

- They need information in order to select the **means** and **methods** of attack to minimizes Civilians Casualty.

- Measures such as:
  - Removing the civilians population .
  - Use of different **Means** and **Methods** in attacking military objectives within the vicinity of a Civilian object.
  - Avoiding locating military Camps/Defences within densely populated areas.
CIVILIAN PROTECTION POLICIES

IN

SOMALIA
AMISOM Civilian Protection

- The International Community had been more focused on the political successes than with the protection of civilians. The civilians then bore the brunt of the conflict in Somalia.

- The mandating authorities only went as far as calling on AMISOM to uphold and ensure respect for IHL in the conduct of its operations.

- It was not until late 2010 when the two mandating authorities (UNSC and AU PSC) began to take increasing notice of civilian protection concerns.

- From 2011, attention to civilian protection concerns increased and impacted significantly on the conduct of AMISOM operations. This significantly reduced the numbers of CIVICAS.

- Civilian protection concerns grew rapidly as the conflict escalated.
AMISOM PROTECTION OF CIVILIANS POLICIES

- The experiences gained over this short period led to AMISOM developing the Indirect Fire policy and to embrace the Civilian Casualty Tracking Analysis and Response Cell (CCTARC) to address the shortcomings of the application of the IHL.
  - Indirect Fire Policy (IDF)
  - Civilian Casualty Tracking Analysis and Response Cell (CCTARC)
AMISOM Use of IDF

- By the end of 2011 these measures were beginning to take effect.
- Both the UN and NGOs reported that the Indirect Fire policy was showing results with significant reduction of indiscriminate shelling in Mogadishu.
How does IDF Policy work

- AMISOM Indirect Fire Policy involves a 4A step process:
- These are: **Avoid, Attribute, Assist and Alleviate:**
- The First three are implemented by AMISOM military component, while the last requires AMISOM civilian component to lead.
- Where possible, AMISOM **Avoids** the use of indirect fire (IDF) which can cause CIVCAS, unless the purpose is to achieve a military objective for extreme self-defense measures. Such Indirect Fire must be Observed to ensure accuracy.
How does IDF Policy work

- When an incident caused by IDF is reported, AMISOM is required to attribute responsibility to the originator. However AMISOM has limited technical capability to establish originators of IDF in total.

- AMISOM is able to detect the origin of any IDF, correlate this with its own IDF firing records and make an apology quickly if AMISOM is responsible; refute the allegation by demonstrating its ability to attribute it to the opposing forces, based on intelligence, sighting reports and other evidence.
How does IDF Policy work

- The third step, **Assist**. Acknowledges the importance AMISOM attaches to securing the local popular support and builds on the provisions of the Status of Mission Agreement (SOMA).

- It recognizes losses and provides immediate assistance to those who have been injured, distressed or otherwise affected by our operations, including IDF.

- Finally, AMISOM identified the need to **Alleviate** suffering among those Somalis harmed by AMISOM operations in the longer term.

- It is however, the responsibility of the broader humanitarian and International Community to provide such relief facilitated and coordinated by AMISOM's civilian component.
Civilian Casualty Tracking and Response Cell (CCTARC)

- Building on this progress, in late 2011, calls began to be made for the establishment of a more centralized civilian casualty tracking mechanism. This was endorsed by the UN Security Council in Resolution 2036 of February 2012 when the UN called for the establishment of a Civilian Casualty tracking, Analysis and Response Cell (CCTARC).

- Under paragraph 17 of United Nations Security Council Resolution 2036 (2012), AMISOM established the Civilian Casualty Tracking and Response Cell (CCTARC) as part of its effort to reduce civilian casualties in its operations.
How CCTARC work

- CCTARC is an independent monitoring mechanism designed to pay specific attention to civilian casualties arising from AMISOM's effort to quell Al Shabaab influence in Somalia.

- Its goal is to minimize civilian casualties and ensure that victims receive due recognition and restitution.

- Specifically, the CCTARC provides AMISOM with the capacity to:
  - Track and record incidents and allegations of all manner of civilian harm, providing accurate and defensible trends and data on civilian casualties;
  - Analyze the information gathered in order to support the mission with:
    - Input into military planning and decision making and
    - Tactical guidance (lessons learned) on minimizing civilian casualties.
Conclusion

- Urban warfare is not a lawless situation. IHL should be applied to its fullest extent.
- All parties are expected to adhere to the IHL and observe the principles of distinction and proportionality in order to avoid casualty and damage to civilian objects.
- Under the principle of proportionality, the use of military force should be just sufficient to destroy a given military objective without resulting in excessive civilian casualties and damages.
- The implementation of IHL is a command responsibility.
- The Indirect Fire policy and the IHL Principles should be used to revise the ROEs.
- The establishment of CCTARC is an essential component that would help alleviate the suffering of civil population and reduce CIVCAS in the long run. I THANK YOU