



THE RESPONSIBILITY TO PROTECT: DOES THE AFRICAN STAND-BY FORCE NEED A DOCTRINE FOR PROTECTION OF CIVILIANS?

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I. INTRODUCTION

The most significant security phenomenon since the end of the overt superpower confrontation as a result of the implosion of the Soviet bloc has been the proliferation of armed intra-state conflicts with odious humanitarian repercussions, especially evident in Africa. The events of September 11, 2001 in the United States (US) have aggravated the scale of contemporary humanitarian tragedies overwhelming civilian resources rendering the military to be increasingly involved in the performance of civilian tasks in the protection of civilians. Given the bitter experiences of World War I (WWI), since its establishment in 1945, the UN has consistently addressed the issue of the protection of civilians. Although safeguarding civilians from the scourges of armed violence is at the very heart of the Charter of the United Nations (UN) and the aspirations of the founders of the UN, the Reports of the UN Secretary-General concerning the protection of civilians in armed conflict paint an ugly picture that no part of the world has been immune from abuse, maiming and killing of innocent civilians. According to the reports, civilians, rather than combatants, continue to be the main casualties of current conflicts, with women and children constituting an unprecedented number of the victims.¹

Historically, men have been the primary victims of military operations because of their predominant role as combatants. This is no longer the case in intra-state conflicts of today. In such struggles, communities become the battlefield, and current figures suggest that civilians account for over 95 per cent of casualties resulting from armed conflict. In the past sixty years more than 250 conflicts have erupted around the world; close to 100 million civilians, mostly women and children, have died; and over 200 million people have been stripped of their rights, their property and their dignity. Unlike conflicts during the Cold War, the level of violence directed at civilians during the latter has been unprecedented. While soldiers constituted the highest percentage of casualties in both the WWI and WWII, approximately 70% of the victims in the post-Cold War era have been civilians. Such a development has serious ramifications for the vulnerable populations of the civilian population.² Yet, one of the greatest contributions to the protection of the rights of victims of

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¹ See UN Secretary-General's report of 28 May 2004 (S/2004/431) concerning the protection of civilians in armed conflict; see also the 1974 UN General Assembly on the Protection of Women and Children in Emergency and Armed Conflict; cf. the Secretary General's address to the 59th session of the United Nations General Assembly, 21 September 2004.

² See Alhaji MS Bah, *The Dynamics of Civilian Protection in the post-Cold War Era in Festus Aboagye and Alhaji MS Bah, A TORTUOUS ROAD TO PEACE—THE DYNAMICS OF REGIONAL, UN AND INTERVENTIONS IN LIBERIA* (Institute for Security Studies, Pretoria, 2005), pp. 21–49, p. 21: cf. Judith Gardam and Michelle J. Jarvis, *WOMEN, ARMED CONFLICT AND INTERNATIONAL LAW* (The Hague: Kluwer Law International, 2001), p.