Policy Brief
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The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia
An emerging best practice for AU peace support operations?

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Key Points

The Civilian Casualty Tracking Analysis and Response Cell (CCTARC) tracks harm to civilians caused by the African Union Mission in Somalia's (AMISOM) operations including death, injury, Sexual Exploitation and Abuse (SEA) and damage to property including livestock.

The cell faces three main types of challenges:

- Structural: the sectoral composition of AMISOM hinders effective exchange of information.
- Operational: there is no fund to pay amends to victims.
- Political: in the midst of competing strategic pressures, the CCTARC has not been adequately prioritised by the mission, African Union Commission, Troop Contributing Countries, and donors.

Introduction

In 2012, a Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) was incorporated into the African Union Mission in Somalia's (AMISOM) mandate through the United Nations Security Council Resolution 2036 (2012) and subsequently 2093 (2013) (United Nations, S/RES/2036, 2012; United Nations, S/RES/2093, 2013). Civilian Casualty Tracking is defined as a process through which 'a military or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses'(CIVIC, 2013). This was the first time an AU Peace Support Operation (AU PSO) established a mechanism solely dedicated to tracking civilian casualties and responding to harm to civilians.

The cell started tracking all AMISOM-related civilian casualties in June 2015. This policy brief analyses the CCTARC's performance in AMISOM so far. It draws on policy documents, some existing literature and interviews with stakeholders in Addis Ababa in

July 2016 and Mogadishu in June 2018.[1] It begins by providing a brief overview of why and how the CCTARC was established in AMISOM. Second, it explains how the cell currently functions and assesses its status, including its main achievements and challenges. Finally, the brief provides specific policy recommendations and reflects on tentative lessons learned for future AU PSOs that develop civilian casualty tracking cells.

Background: a remedy for civilian casualties in Somalia

The CCTARC was included in AMISOM's mandate in response to rising allegations that blamed the mission for causing civilian casualties.[2] To remedy this, AMISOM invited a team of experts from the Centre for Civilians in Conflict, Bancroft Global and British General Roger Lane (a former ISAF Commander from Afghanistan) in February 2011 to help revise the mission's Indirect Fire Policy (IDF) (Williams 2013; CIVIC and UNHCR, 2011). One of the main recommendations of the IDF was to establish a CCTARC, which was subsequently incorporated into AMISOM's mandate in 2012.

The CCTARC's role

The CCTARC's mandate has three core pillars. First, it tracks, and analyses civilian harm caused by AMISOM operations. To maintain focus on AMISOM-related harm in a context of limited resources, it does not track harm caused to civilians by other actors in Somalia. Second, the CCTARC is designed to feed this data into the planning of future operations, to adapt tactical/operational policies and procedures, and to inform pre-deployment and in-mission training. The aim of this cyclical feedback mechanism is to prevent and reduce harm to civilians, and to enhance the mission's overall effectiveness. Finally, the CCTARC should advise when the mission should make "ex-gratia payments".[3] AMISOM defines "ex-gratia payments" as providing "recognition and assistance to civilians they harm within the lawful parameters of combat operations, despite having no legal obligation to do so." (UNSOM and OHCHR, 2017:15). These can be apologies, monetary payments, in-kind assistance, or other symbolic or material gestures. In a context like Somalia, this is vital and deemed culturally appropriate, since the payment of collective "blood money", or "Diya" is an important customary practice.

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The CCTARC in practice

Composition

The CCTARC is situated at the Force Headquarters in Mogadishu, and reports to the Head of the Protection Cluster. The cell began recruiting staff between June and October 2015, starting out with two civilians (one which headed the cell and one international consultant) and two military officers. However, the civilian head was quickly replaced by a former military officer, to facilitate better relations between the cell and the Troop Contributing Countries (TCCs), which were initially suspicious of the CCTARC. As of June 2018, the cell has four staff: A head (a former AMISOM military officer), a police advisor, a military advisor and a database clark (Interview, June 2018).

Day-to-Day operations

The CCTARC started tracking AMISOM-related harm to civilians including civilian casualties (injury and death), incidents of SEA and damage to property (including livestock) in June 2015. However, it did not have an approved policy on "ex-gratia payments" until April 2017, and it still does not have a policy or Standard Operating Procedure (SOP) guiding staff on procedures and day-to-day operations which was a key challenge during its start-up phase.

Initially the cell relied on open-source information from social media, but gradually started drawing information from other sources such as situation reports by Sector Commanders, information from Civil-Military Coordination Officers and AMISOM police patrol reports. Staff also use external sources including from the Somali police, social media, local newspapers, and the UNDSS Daily Security Situation reports (Interview, Mogadishu, June 2018). Some information is channelled through the Senior Leadership Forum between the United Nations Mission in Somalia (UNSOM) and AMISOM or through the UNSOM Human Rights Division. Individuals can also make claims directly via telephone, the AMISOM website, or in person.[4]

Once an allegation is made, staff conduct an initial assessment to determine the veracity of the claim, by triangulating evidence. They then submit a report containing their assessment to the head of the Human Rights and Protection for further action. In cases of 'serious' allegations, including a civilian injury or death, major damage or loss, the case is submitted to the Board of Inquiry for further investigation. The Board of Inquiry, also situated in the Protection cluster is a separate entity from the CCTARC, responsible for conducting investigations into third-party claim allegations against AMISOM.[5] The Special Representative of the African Union Commission Chairperson for Somalia (SRCC) appoints AMISOM personnel (usually four persons) to partake in the Boards of Inquiry, which can be convened for different reasons, and at different levels (contingent or headquarters) on an ad-hoc basis. Notable examples include the incident in the town of Marka (Lower Shabelle region) on 31 July 2015, which led to the AMISOM leadership publicly acknowledging that AU forces were responsible for killing seven civilians, and the subsequent indictment of three AMISOM personnel (Williams, 2016:62).

Progress and Achievements

The CCTARC has built a centralised repository for logging, tracking and analysing civilian harm caused from AMISOM operations. It has also signalled worrying trends on civilian casualties to the mission leadership. In recent years AMISOM has reportedly only been responsible for 4.6% of civilian fatalities and 3.4% of injured civilians, usually following indiscriminate fire attacks on AMISOM personnel (UNSOM and OHCHR, 2017:15). According to some sources, the major source of AMISOM-caused harm has been from vehicle accidents (Interview, Mogadishu, June 2018). In 2017, following the arrest of an AMISOM driver by Somali officials, the mission launched an effort to understand the causes of such accidents. This led to some changes in policy geared towards AMISOM drivers, which many interlocutors argue has decreased the number of incidents.[6] Thus, notwithstanding the cell's limited staff capacity and resource constraints, it has contributed to some operational and tactical mission learning.

Key Challenges

1. Information Sharing and Exchange

The most critical challenge is the limited flow of information to the CCTARC from the sectors. Sitreps from the sectors are not always forthcoming and may not always contain a sufficient amount of detail. This means that the CCTARC cannot benefit from having internal, detailed information on daily operations in areas only AMISOM troops can reach, which is one of the benefits of having internal civilian casualty tracking mechanisms. In Afghanistan, lessons learned revealed that the major value-added of the civilian casualty tracking cell was that it could draw on restricted data coming from within the mission to determine how the force was impacting on the local population (CIVIC, 2014). Without having access to information that no one else has, the CCTARC does not have a comparative advantage over other civilian casualty tracking mechanisms, like that of UNSOM.

2. No sustainable, dedicated fund to make ex-gratia payments

Without a fund to pay out compensation to civilians, the CCTARC's credibility was damaged with the sector commanders at an early stage. Given that sector commanders bear the brunt among local communities when AMISOM causes casualties or when property damage occurs, they had welcomed the amends payments system to build confidence with Somalis. Prior to the establishment of CCTARC and lacking this kind of fund, some soldiers would reach out and make payments out of their own pockets to preserve already fragile relations with civilians. For major incidents, TCCs would pay out to the victims, through non-official lines (Interview, April 2018).

There is still no fund in place for making ex-gratia payments, three years after the cell became operational. Sources suggest an initial fund of about US $200,000 was committed, but it is unclear whether compensation has been paid out. Some partners undertook to contribute to such a fund if the AUC adopted an SOP on ex-gratia payments, which was approved in April 2017, but to date the fund has not been established and no contributions have been made. Nevertheless, it is unclear how the mission would prioritise the cases for ex-gratia payments, considering they have a backlog of cases dating back to 2015, and perhaps even 2007. Moreover, there is a risk that without providing adequate post-harm assistance, the CCTARC may have an inverse strategic impact. Whilst the CCTARC signals that the mission is serious about preventing or reducing civilian harm, it also raises expectations that following an investigation, some form of compensation might follow. When that does not happen, communities become frustrated because their expectations have not been met. This in turn damages AMISOM's relations with the Somali population, and their overall credibility and legitimacy.

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3. Staffing the cell

One of the major challenges towards improving CCTARC's effectiveness, has been recruiting the right staff to fill its key positions. The cell was initially designed to have up to ten posts; it currently has four. The current staffing composition (2 military officers, 1 police and 1 data clerk) lacks the liaison officers which would link the cell with the sectors, and dedicated personnel to manage victim assistance. There are also concerns that the cell is and will continue to be military dominated, and that it should include more staff profiles with backgrounds in International Humanitarian Law, civilian protection, and victim-assistance.

4. Political Will and TCC Cooperation

To understand some of the CCTARC's limitations, it is important to consider the structural impediments and political context into which it was introduced. First, AMISOM is not a cohesive operation with a unified chain of command. It is a decentralised mission, where the Force Headquarters play a limited role because the principal operational decision-making power lies with TCCs at sector level. This kind of mission structure does not lend itself well to implement the reporting and information exchange channels envisaged between the Force Headquarters (where the CCTARC is) and the sectors. TCCs have also reportedly blocked AMISOM Board of Inquiry investigations. Until there is real political buy-in and confidence from TCCs, as well as a recognition among commanders that the CCTARC has counter-insurgency utility, it is unlikely that the information-exchange problem will be resolved.

Second, there are concerns that the CCTARC has not been sufficiently supported politically by the mission leadership. This kind of mechanism, and the broader aim of reducing harm to civilians, needs champions from within. In Afghanistan, it was the arrival of a new Force Commander in 2009 that introduced new tactical directives calling for restraint, that eventually led to a reduction in civilian casualties (Suhrke, 2012:112). These directives were couched in strategic terms: limiting civilian casualties was framed as paramount to the overarching success of the mission, and the cost of not doing so, was simply too high (Felter and Shapiro, 2017).

Conclusion

In conclusion, the CCTARC has achieved progress on the first and second pillar of its mandated role (tracking and analysis), but it has not been able to start implementing the third pillar – making ex-gratia payments to civilians harmed by its operations.

The CCTARC faces major operational, structural and political challenges. Operationally, it does not have a requisite budget to make amends payments, and its staffing positions were and are still not filled to the level envisaged in its initial design. At the structural level, it faces problems because of the TCC-sectoral make-up of the mission, which has inhibited its ability to access comprehensive internal AMISOM data. Finally, it faced serious political obstacles since it is still perceived to be a surveillance and accountability mechanism, rather than a tool which can inform planning and advise the mission on the use of force and its impact.

Several lessons can be gleaned for future AU PSOs. First, CCTARCs should have political buy-in and ownership from the mission's contributors from the outset. Political bottlenecks have been the biggest hindrance for the CCTARC in AMISOM, necessitating improved political advocacy strategies. Second, a fund should be in place to make amends payments from the beginning, so that the CCTARC and mission can manage expectations among the local population. In absence of such a fund, the mission should focus on making symbolic gestures and apologies that recognise the harm that has been caused and should clearly communicate to civilians the mission's institutional policy on civilian harm and victim-assistance. Third, the staffing composition should be adapted to the mission, but should strive to be multidimensional, including staff that have the requisite technical and thematic expertise.

Policy recommendations

To the AUC

- The AUC should initiate a review of the CCTARC that focuses on TCC's experience and how to foster greater political buy-in from TCCs. One option could be for TCCs to second liaison officers into the CCTARC with the aim of enhancing information-sharing.

- The AUC should consider aligning its protection of civilians' policy, Human Rights, Compliance and Accountability Framework and future AU PSO doctrine to lessons learned from AMISOM. It is necessary to develop institutional guidelines that recognise harm caused to civilians by a mission's operations and which recognise that preventing, reducing and responding to harm is important for the mission's credibility, and thus strategically important for it to achieve its mandated aims.

To AMISOM

- AMISOM leadership should review procedures for comprehensive information-sharing on civilian casualties between the sectors and mission Force Headquarters together with TCCs.

- AMISOM should establish a fund from which amend payments can be made. Such a fund can be managed jointly with partners and the Somali government and can be administered by the UN's trust fund office, to boost the confidence of partners in the management and oversight of the fund.

- AMISOM should prioritise recruiting liaison officers, hiring staff with PoC/IHL profiles as well as staff with the necessary skills and experience to manage claims processes. At least 50% of this staff should be recruited directly by the mission so that institutional memory and consistency is not lost every time a seconded officer is replaced.

- AMISOM leadership should convene TCCs to determine how the CCTARC can best serve the mission's needs and interests.

To Partners

- Partners should support the establishment of a dedicated amend payments fund and participate in its design and management. Some partners have significant experience with such funds and their expertise can assist with ensuring that it is well managed, have sufficient oversight and thus contribute to the overall credibility of AMISOM and the international project to support peace and stability in Somalia.

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1. These interviews have been anonymised for confidentiality reasons.
2. There is no public record of exactly how many civilian casualties have been caused by AMISOM.
3. Document given to the author.
4. AMISOM public information on the CCTARC and the online form to register complaints is available here: http://amisom-au.org/cctarc/
5. BOIs were initially set up to investigate death and disability claims for AMISOM personnel investigate, but now also investigate third party claims.
6. This has not been independently verified, but sources within and outside AMISOM agree that vehicle accidents have decreased after the leadership took action.