



United Nations

Comprehensive Protection of Civilians Training Materials

for United Nations Peacekeeping Operations

Military Version

The United Nations Comprehensive Protection of Civilians (CPOC) Training Materials for United Nations Peacekeeping Operations has been developed by the Integrated Training Service (ITS) of the UN Department of Peacekeeping Operations and the Department of Field Support.

This version has been released for use by Member States in their pre-deployment training for United Nations Peacekeeping Operations. However, the CPOC will be regularly updated so that it is fully responsive to the needs on the ground. Therefore, we strongly suggest checking for updated versions before a training programme is conducted.

The latest CPOC version can be found online at the Peacekeeping Resource Hub: <http://research.un.org/en/peacekeeping-community>. A link to receive your comments and suggestions for improvement can be found in the resource hub at the same location.

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Integrated Training Service

Departments of Peacekeeping Operations and Field Support

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Background

Since the Security Council first established protection of civilians (POC) as an explicit mandate in 1999, peacekeeping has evolved significantly, growing both in size and complexity. During this period, POC has continuously gained in prominence and today ranks as the priority mandate in a number of peacekeeping operations. While POC has sometimes become the yardstick against which the success of mission is measured, it is arguably also the most challenging mandate to implement.

The Departments of Peacekeeping Operations and Field Support have developed a suite of training packages to prepare peacekeepers for their deployment in missions. Amongst these packages are separate so-called Specialised Training Materials on POC, Child Protection and Conflict-Related Sexual Violence. The in-depth examination of these core protection tasks in UN peacekeeping is necessary to train personnel, and in particular those personnel with dedicated protection functions, on effective mandate implementation in the field.

Nevertheless, experience has also shown that these protection tasks, despite their distinct nature, generate significant overlap. This is particularly true at the tactical level, where the assessment of protection threats, as well as the planning for and response to a complex protection crisis, is likely to simultaneously involve elements from the POC, Child Protection and Conflict-Related Sexual Violence realms. In order to reflect these realities, and prepare peacekeepers for the multi-dimensional realities on the ground, this training package aims to demonstrate the complex linkages between protection tasks, and provide training guidance on how to prevent, deter and respond to interrelated threats.

Aim

The aim of these training materials is to provide troop-contributing countries with a comprehensive training package that combines aspects of POC, Child Protection and Conflict-Related Sexual Violence for military peacekeepers in UN peacekeeping operations. This includes several small exercises as well as a larger scenario-based exercise, which can be run at the end of a course to strengthen participants' understanding how POC, Child Protection and Conflict-Related Sexual Violence considerations impacts military planning processes at the tactical level.

The training package is designed for application in both pre-deployment and in-mission training. ITS will also mainstream relevant aspects of the CPOC package into existing functional Specialized Training Materials.

Target audience

The priority target audience of this CPOC package are military decision makers at the tactical level. While the Conceptual and Legal Frameworks presented herein lend themselves to a wider audience, Module 3 on the Operational Framework in particular was developed with Battalion Commanders, as leaders of the smallest military unit capable of limited independent operations, and their staff in mind.

To maximize the relevance of this training package to the target audience, Module 3 on the Operational Framework focuses on how protection considerations should be integrated into the generic military decision making and planning processes at the tactical level. Existing UN guidance as well as complementary external guidance is therefore presented only to the extent they are relevant for tactical level considerations.

Structure of the training materials

The package is constructed in three modules:

Module 1: Conceptual Framework

Lesson 1.1: Introduction

Lesson 1.2: Definitions & Terminology

Lesson 1.3: Protection Actors

Lesson 1.4: Principles of POC in Peacekeeping

Lesson 1.5: Operational Concept

Lesson 1.6: Mission Challenges

Lesson 1.7: Special Considerations for Conflict-Related Sexual
Violence

Lesson 1.8: Special Considerations for Child Protection

Acknowledgements

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Contact person

For any proposal of update or improvement of this package, or any questions pertaining to the CPOC training materials, please contact the project leader Mr. Rafael Barbieri (barbieri@un.org) or write to peacekeeping-training@un.org.

Any relevant update will be posted and explained on the Peacekeeping Resource Hub website (<http://research.un.org/en/peacekeeping-community>). Instructors are encouraged to check this site regularly.

Table of Contents

Instructor Guidance	1
Module 1 – Conceptual Framework	3
Lesson 1.1 Introduction	5
Lesson 1.2 Definitions & Terminology	18
Lesson 1.3 Protection Actors	43
Lesson 1.4 Principles of POC in Peacekeeping	62
Lesson 1.5 Operational Concept	76
Lesson 1.6 Mission Challenges	84
Lesson 1.7 Special Considerations for Conflict-Related Sexual Violence.....	87
Lesson 1.8 Special Considerations for Child Protection.....	94
Conceptual Framework Wrap Up	117
Module 2 – Legal Framework	119
Lesson 2.1 International Law	121
Lesson 2.2 UN Legal and Policy Framework.....	173
Lesson 2.3 Mission Specific Legal Framework	186
Legal Framework Wrap Up	203
Module 3 – Operational Framework	205
Lesson 3.1 Relevant documents for Tactical Planning & Mission POC Strategy.....	206
Lesson 3.2 Implementing Guidelines for Military Components	217
Lesson 3.3 Phases of Response and Use of Force.....	238
Lesson 3.4 Tactical Decision Making Process Considerations.....	250
Operational Framework Wrap Up	281
References, Annexes	282

Instructor Guidance



General considerations for instructors

This package is not a course, but rather a compendium of critical training content for comprehensive protection of civilians in UN peacekeeping. No training material can cover the entire complexity of POC at the tactical level, with all its challenges and activities. The CPOC package should therefore be viewed as the baseline to underpin all POC-related training efforts for military peacekeepers. However, when designing a particular course, trainers need to be prepared to adapt these materials to the needs of their audience. As a result, the duration of training courses delivered based on the CPOC materials may vary greatly.

Concerning necessary competencies for participants to benefit from this training package, it is recommended that personnel receiving this training be proficient on basic military tasks (individually and collectively) at the tactical level. As such, it is expected that a battalion staff officer be fully capable to perform regular staff officer duties before receiving a training based on the CPOC package. It is also critical for all participants to have received the Core Pre-Deployment Training Materials (CPTM) as a pre-requisite before this training. The CPTM contains fundamental principles, concepts and ideas to UN peacekeeping, which should be well grasped by trainees before participating in a CPOC course.

The CPTM can be downloaded from: <http://research.un.org/revise dcptm2017>

Instructor Profile

This training package is best presented by instructors who master the CPTM and have previous experience working in a UN peacekeeping mission with a POC mandate. In particular, experience with military planning for POC at the tactical level is important. Specific knowledge on the actual mission where trainees are to be deployed is advisable, to be able to deliver a targeted course based on real experience. Finally, instructors should be familiar and capable of facilitating scenario-based exercises.

Training characteristics

Training will vary for different units in different troop contributing countries, based on priorities and resources. However, some fundamental training characteristics should be respected when delivering a CPOC course:

- Training should be interactive and encourage trainees' participation.
- Training should be mission-specific; where possible, it is advisable for trainers to bring in examples from the mission that trainees will be deployed to.
- Training methodology should be based on practice.

Symbols legend

	Interactive presentation or small exercises to engage the participants
	Suggested film segment to illustrate the content
	Note to the instructor to highlight particular aspects of the materials or point towards additional materials

Module 1



Conceptual Framework

Module 1 at a Glance

Aim

The aim of this module is to familiarize participants with the:

- Conceptual approach peacekeeping operations take for the protection of civilians;
- Objectives of protection tasks;
- Main protection actors and partners; and,
- How failure to protect civilians undermines the legitimacy and credibility of field missions, and the UN overall.

Relevance

Module 1 provides an overview of the conceptual framework related to protection of civilians (POC), conflict-related sexual violence (CRSV), and child protection (CP) in the context of armed conflict. It also examines the key concepts, guiding principles and challenges faced by field Missions.

Learning Objectives

Learners will:

- Explain the importance of POC.
- Know the key concepts of POC/CRSV/CP in UN peacekeeping.
- Understand the roles of different protection actors.
- Describe the POC guiding principles.

Overview

Module 1 comprises of several segments that are structured to help achieve the learning objectives:

- Introduction
- Definitions & Terminology
- Protection Actors
- Principles of POC in peacekeeping
- Operational Concept
- Mission Challenges
- Special considerations for Conflict-Related Sexual Violence
- Special considerations for Child Protection

Lesson 1.1



Introduction

The Lesson



Starting the Lesson



To help introduce the topic, consider playing the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from the start (00:03) to minute 04:06. This segment provides an introduction to the topic of POC.

The video can be found in the Annex of Module 1 as well as on YouTube:

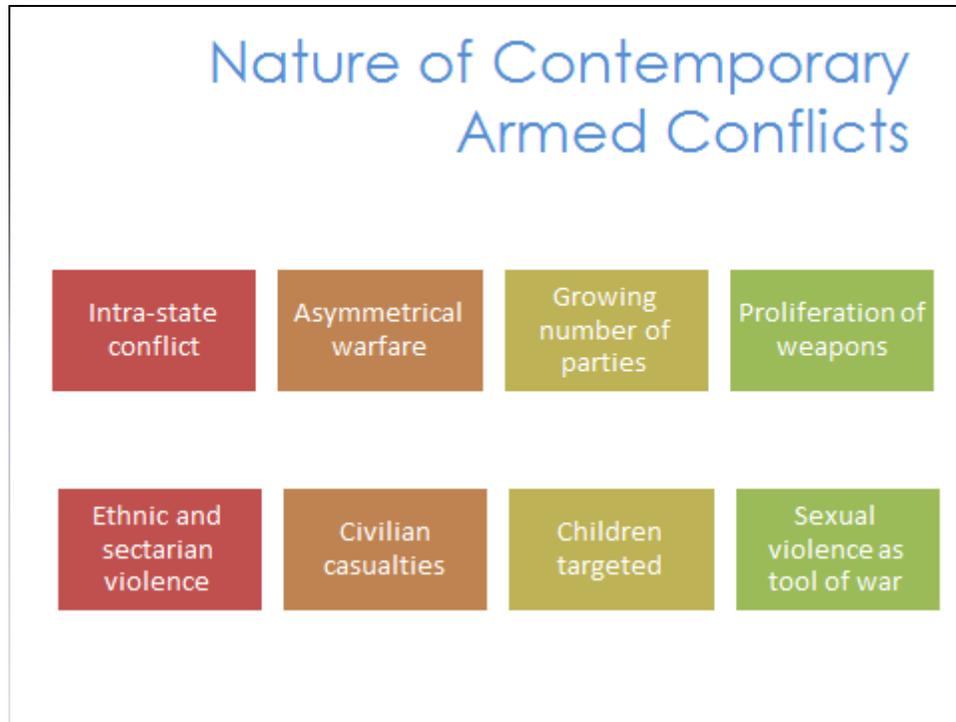
https://www.youtube.com/watch?v=y8y8_GaxC3I

Background: The video was produced jointly by the UN Institute for Training and Research (UNITAR) and the Government of Australia and released in 2011. It discusses POC-related issues such as what the “protection of civilians” term means and what peacekeepers are mandated to do. At several junctures in this Module, the video will help illustrate and explain content.

Note the particular language of the UN. Learning involves some words, terms and phrases that may be unfamiliar and/or seem awkward. Reassure learners: “Don’t let new language get in the way of learning”. As you move through the training, review the definitions of key words and phrases.

Introduction

Slide 6



Key Message: Contemporary armed conflicts are characterised by a number of trends.

Contemporary armed conflicts are characterised by a number of trends, including the following:

- Today we see fewer country-versus-country or international armed conflicts. Most ongoing conflicts are internal conflicts over power and resources, social and economic inequality, or ethnic or religious divides. While they often have regional implications, these conflicts are in many cases played out within national borders.
- Intra-state conflict often involves state and non-state actors with different capabilities and resources. Militarily weaker parties resort to asymmetric means, which can include aspects of terrorism or guerrilla warfare.
- While international armed conflicts between states typically have just two or a small number of parties, intra-state conflicts often see a large number of non-state armed groups involved, especially in situations where they further split into

competing factions. The larger number of parties to conflict complicates conflict resolution processes.

- Conflicts often spill over across borders – causing influxes of weapons or refugees. Especially the ready availability of weapons now contributes to the ability of armed groups to sustain battle for longer periods.
- Intra-state conflict, even if originally triggered by political grievances such as in South Sudan, can easily take on an ethnic or sectarian dimension. Often manipulated in this way by leaders, conflicts along ethnic and sectarian lines are highly charged and difficult to resolve, leaving a lasting imprint on society.
- Current conflicts are characterised by strongly affecting civilians, directly targeting them or indirectly causing loss of life or livelihoods and denying their basic rights. A common characteristic of current conflicts is the frequent occurrence of violations of human rights and international humanitarian law and the disrespect for life and physical integrity of civilians (and civilian objects). Some of the protracted conflict situations the world witnesses today affect civilians through the urbanisation of conflict and long besiegement.
- Children continue to be disproportionately affected by armed conflict. They are recruited and used as child soldiers, abducted, sexually abused and killed and maimed. Attacks on schools and hospitals as well as the denial of humanitarian access further impact children negatively in war. Specific protection concerns must therefore be taken into account to ensure the safety and security of children. Further details on child protection will appear later in the module.
- Parties to conflict are increasingly using sexual violence as a strategic tool of war. Women and girls are the primary target for rape and other forms of sexual violence, but men and boys are also targeted. More details on conflict-related sexual violence will be covered later.

Slide 7

How conflict affects civilians

- Intentional and unintentional victims of physical harm
- Abuse of basic human rights
- Loss of homes, livestock, access to education, access to healthcare
- Women and children suffer disproportionately
- Social fabric destroyed

Key Message: One of the reasons why POC is so important in UN peacekeeping is because of the horrendous consequences conflicts have on civilians.



Before building the slide, ask participants to list examples of how armed conflict affects civilians.

Civilians constitute the majority of casualties in warfare. Civilians can become the victims because they are intentionally targeted, but they can also suffer as an unintended consequence of violence.

Violent conflict can lead to violations and abuses of basic human rights of civilians, including the rights to life and physical integrity.

Beyond the immediate physical consequences of violent conflict, civilians are also affected because they often lose their homes and become displaced; lose their livestock or means to earn income; lose access to education, healthcare and other basic services if schools, hospitals and other important infrastructure are destroyed.

Women and children suffer disproportionately as a result of armed conflict, violations and abuses, including through the pervasive levels of sexual violence and abuses.

Conflict also spreads hate and destroys the social fabric of communities for many years. This makes it hard to reconcile communities and create sustainable peace.

In summary, civilians suffer terrible consequences from armed conflict, in a variety of ways. And the consequences often do not stop when the violence stops, they have a lasting impact on communities and individuals.

Slide 8

Role of the Host Government

- Primary responsibility to protect civilians according to international law
- May lack capability or willingness to carry out this responsibility
- Peacekeepers assume obligation to protect civilians

Key Message: The primary responsibility to protect civilians from physical violence rests with the host State.



Before building the slide, ask participants to explain the role of the host government when it comes to the protection of civilians, and how this translates into reality.

The primary responsibility to protect civilians from physical violence rests with the host State. Protection of civilians mandates are without prejudice to the primary and sovereign responsibility of the host State. This is consistent with their obligations under international human rights, humanitarian and refugee law and standards (covered in Module 2). The first step in implementing a protection of civilians mandate is to support the government to uphold this responsibility, which should also ensure a sustainable

impact of a mission's actions. In situations of armed conflict, non-state parties to conflict also have a responsibility to protect civilians in the areas they control.

However, host governments have on occasion lacked the capability or willingness to protect their citizens. In these situations, and where deployed, peacekeepers assume the obligation to act unilaterally and protect civilians.

 *Note to Instructor – Some participants will be aware of the responsibility to Protect (R2P) concept. This will be discussed later in this module.*

Slide 9

Security Council Attention to POC



- Series of thematic resolutions on POC, Conflict-related Sexual Violence and Children and Armed Conflict

- Working group of experts on POC
- Most missions authorized to “use all necessary means” up to and including the use of deadly force

Key Message: It has taken considerable effort and time for the international community to prioritize mandates to protect civilians. In recent years, the Security Council, as the highest authority in questions of international peace and security, has repeatedly stated that failure to protect civilians poses a grave threat to international peace and security.

The Security Council has acted in accordance with the increased attention given to POC and related protection mandates:

- In 1999, the first Security Council thematic resolution on the protection of civilians in armed conflict strongly condemned attacks against civilians in armed conflict

and called on all parties to comply strictly with their obligations under international humanitarian, human rights and refugee laws. It stressed the need to address the root causes of armed conflict, including that of gender inequality, to enhance the protection of civilians on a long-term basis. Since then, several Security Council resolutions have further defined the role of peacekeeping in protecting civilians.

- In addition, since 1999 the Council has also adopted a number of resolutions specifically addressing the issues of Conflict-related sexual violence and Children and Armed Conflict, creating the frameworks of these two specialized protection mandates. Children and Armed Conflict, while a distinct mandate that is not limited to peacekeeping environments, also applies to peacekeeping missions, where it is implemented through Child Protection units. More on this and the particular key resolutions will be discussed in Module 2.
- The Council established an informal Expert Group on POC that meets regularly to discuss POC trends in particular country settings. For instance, they group meets before mandate renewals of the largest missions to discuss the status of POC implementation and whether changes in the mandate are necessary.
- The Council provides most missions today with the authority to use all necessary means or all necessary action to protect civilians.

Slide 10

Evolution of the POC concept in UN Peacekeeping

- Influenced by mass atrocities in the 1990s
- 1999: First explicit POC mandate for a peacekeeping mission
- 2009: POC as priority mandate
- 2010: DPKO-DFS Operational Concept
- 2015: DPKO-DFS Policy on POC

Key Message: Over the decades since the first peacekeeping operations were mandated after World War II, missions always had an inherent task to protect civilians. However, the change of peacekeeping from traditional operations towards multidimensional modern ones changed the outlook in this regard. In particular, the failures to prevent genocides in Rwanda and Srebrenica in the 1990s brought POC to the centre of attention.

In 1999, UNAMSIL became the first peacekeeping mission with a specific Security Council mandate to protect civilians. That same year, the Secretary-General also released his first thematic report on POC. POC continued to command much attention and in 2009, around the 10-year anniversary of the seminal UNAMSIL mandate, the Council passed a resolution stating that all missions with a POC mandate have to prioritize POC over other mandated tasks with respect to the distribution of capacities and resources.

While agreement on the importance of POC was established quickly, finding consensus on what peacekeepers are expected to do in the context of POC has been difficult. In 2010, DPKO-DFS developed a commonly agreed upon Operational Concept, and five years later the first Policy on POC in Peacekeeping was created.



Play “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 04:10 to minute 08:44. This segment summarizes what the protection of civilians in armed conflict means.

The video can be found in the Annex of Module 1 and on YouTube:

https://www.youtube.com/watch?v=y8y8_GaxC3I

Slide 11

Current Operations with a POC Mandate 1/2

- Majority of UN missions are tasked with POC mandate
- More than 95 % of peacekeeping personnel are deployed in missions with a POC mandate
- All recently established missions equipped with POC mandate

A photograph of a peacekeeper wearing a blue helmet and a tan uniform, sitting in the driver's seat of a military vehicle. The vehicle is on a dirt road in a rural area with some buildings and trees in the background.

Key Message: Not all peacekeeping missions have a POC mandate. Yet, in the past few years, every new Mission that was authorized by the Security Council was given a POC mandate. Additionally, since all the largest missions have a POC mandate, nearly all peacekeeping personnel work in a mission with POC mandate.

Slide 12



At the start of 2017, 10 missions had a particular POC mandate: MINUSCA, MINUSMA, MINUSTAH, MONUSCO, UNAMID, UNIFIL, UNISFA, UNMISS, UNMIL, and UNOCI.

In addition, five missions had a specific mandate to protect civilians from conflict-related sexual violence (MINUSCA, MINUSMA, MONUSCO, UNAMID, and UNMISS) and six missions were equipped with specific tasks regarding Child Protection (MINUSCA, MINUSMA, MONUSCO, UNAMID, UNIFIL, and UNMISS).

Slide 13

Credibility and Legitimacy

- POC increasingly the yardstick of success for UN peacekeeping
- Failure to protect civilians directly affects the legitimacy and credibility of the UN presence on the ground
- Local and international expectations rise when a UN field mission is deployed

Key Message: Above everything else is the fact that failure to protect may result in the loss of civilian life, which is tragic and the most important consequence. But POC is increasingly also coming to define the success and reputation of UN missions, meaning there are implications for the credibility and legitimacy of the United Nations and UN Peacekeeping involved.

Ultimately, failure to protect civilians jeopardizes the whole institution of peacekeeping by not achieving the primary mandate, which damages the credibility and legitimacy of peacekeeping at different levels:

- At the strategic level: Diminishes the image of the UN in the eyes of the international community, including citizens and voters around the world, potentially leading to reduced international support to peacekeeping, which in turn can impact political (renewal of mandate, etc.) and donor support;
- At the operational/tactical level: Possibly undermines the political relationship with the host government; difficulties related to the host government consent; lack of support amongst the local population; perception of partiality of the UN;

- At the tactical level: Disappointment or even animosity from the local population can complicate operational tasks, including information gathering, outreach to key leaders, and security (force protection issues related to base protection, patrolling, observation and other tactical tasks).

Slide 14

Linkages of POC, CRSV and CP

- Linkages in conceptual, legal and operational areas
- Tactical level implementation of POC, Child Protection and CRSV mandates requires similar actions
- Special tasks associated with Child Protection and CRSV mandates remain

Key Message: Experience has shown that there are important parallels in the establishment and implementation of POC, CRSV and CP mandates.

- There are significant linkages between the three mandates in the conceptual, legal and operational areas between the three mandates. Regarding the establishment of the mandate, for instance, CRSV and Child Protection are both mandated through (a) broader obligations under the POC mandate, and (b) through specific thematic Security Council resolutions on Women, Peace and Security and Children and Armed Conflict, respectively. More details on these mandates will be presented later.
- The implementation of all three mandates on the ground creates significant overlap. Complex POC threats, for instance, will likely contain aspects of CRSV and Child Protection as well. As a result, a mission's operational response to such threats requires a holistic approach, which necessitates a solid understanding of

the three functions. Likewise, at the tactical level, a physical response to CRSV or Child Protection threats can often follow a similar path to actions in response to POC threats.

- Nevertheless, it is important to note that the implementation of CRSV and Child Protection mandates contains particular aspects that do not apply to POC. From a conceptual perspective, these mandates are broader than POC in peacekeeping and exceed the realm of physical protection. As political mandates they are mainstreamed through the mission and take effect at different levels. Activities beyond the scope of POC include, for instance, the negotiation of Action Plans with armed forces or groups and the support to monitoring and reporting mechanisms. This training package will not cover the aspects of CRSV and Child Protection that are particular to their mandates and focus instead on the areas of intersection.

Summary

The takeaways from this brief Introduction to CPOC include the following:

- The nature of modern conflict means that civilians are increasingly becoming a target and suffer horrible consequences;
- The primary responsibility to protect civilians from violence lies with the host government. When it is unable or unwilling to carry out this responsibility, then peacekeeping missions assume the obligation to protect.
- POC has become the priority mandate for peacekeeping, serving as a yardstick for success and affecting the credibility of missions.
- The significant linkages between POC, CRSV and CP mandate implementation demonstrates the need for a comprehensive approach to training on these issues.

Lesson 1.2



Definitions & Terminology

The Lesson



Starting the Lesson



For an interactive start to Lesson 1.2, engage participants to seek their understanding of what protecting civilians means in the specific context of UN peacekeeping.

To aid participants' learning, give each participant a copy of Handout 1.2: Relevant Definitions and Terminology (in the Annex). This handout lists some key definitions and terms for POC. Not all of the definitions and terms included in this presentation are in the handout, and a few others were added instead.

Relevance

The effective protection of civilians, child protection and protection from conflict-related sexual violence requires a common understanding of what these concepts mean and what the UN Security Council and Secretariat expect peacekeepers to deliver.

The term “protection”, for instance, has different meanings for different protection actors, which has led to some confusion in the field with regards to what peacekeeping activities constitute “protection of civilians” and how those activities relate to each other.

This lesson will discuss what the concepts of POC, Child Protection and Conflict-related Sexual Violence mean for UN peacekeeping and how they relate to other relevant concepts. It is important to note that other actors (non-UN peacekeeping) dealing with protection issues may have different definitions and understanding of these concepts.

Definitions & Terminology

Slide 19

POC in UN Peacekeeping

All necessary action, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.

Key Message: In many mission settings, implementation of the POC mandate is key to creating a secure and stable environment, which is a core function of peacekeeping under the 2008 UN Capstone Doctrine, a high-level document outlining the principles and guidelines for UN Peacekeeping.

 *Note to instructor – For more information see a copy of the Capstone Doctrine in the Annex.*

While the Security Council's treatment of POC encompasses all measures aimed at limiting the effects of hostilities on civilians and civilian objects in situations of armed conflict, notable through promoting respect for relevant bodies of law and Security Council resolutions, peacekeeping operations are required, under the POC Mandate, to prioritize the protection of civilians under threat from physical violence.

To do so, they are provided with the authority to afford direct physical protection, including through the use of force under certain conditions. POC in UN peacekeeping is therefore narrower than the broad concept of POC in Armed Conflict and can be defined as follows:

“All necessary action, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.”

The meaning of key terms such as 'civilians' and 'physical violence' and the link to human rights violations, in particular of the right to life and physical integrity, will be discussed later in this module.

All peacekeepers – whether civilian, military or police – are expected to promote the protection of civilians in line with this definition throughout their operational functions. To overcome compartmented working methods, coordination is important across all components when approaching protection related tasks.

Before exploring how other actors besides UN peacekeeping defines the concept of POC, it is important to clarify what some of the terms used in the peacekeeping definition mean. The next slides will explain the terms 'use of force', 'civilian' and 'physical violence'.

Slide 20

Use of Force

The gradual use of contingent's resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators.



Key Message: Force is the use of, or threat to use, physical means to impose one's will. In UN peacekeeping, it is defined as the “gradual use of contingent's resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators.”

The military, who are authorized to use force in line with the Rules of Engagement (as discussed further in Module 2), should be familiar with the following terms:

- Deterrence – It is also useful to discuss deterrence as a use of force. Deterrence is defined as the display of willingness, capability and readiness of peacekeepers to use force to prevent an individual or group from initiating a hostile act.
- Proportional Force/Proportionality – The amount of force which is reasonable in intensity, duration and magnitude, based on all the facts known to the commander of the individual soldier at the time, to decisively counter a hostile act or intent or to otherwise achieve an authorized objective in the mission-specific ROE.
- Minimum force – The minimum degree of authorized force that is necessary and reasonable in the circumstances to achieve the authorized objective. A minimum degree of force is applicable whenever force is used. Minimum force can be deadly force, in certain circumstances.
- Non-deadly force – The level of force that is neither intended nor likely to cause death regardless of whether death actually results.
- Deadly force – The level of force which is intended, or likely to cause, death regardless of whether death actually results. The ultimate degree of force.
- Necessity – Parties to an armed conflict may apply only the amount and kind of force necessary to defeat the enemy forces. The aim is to defeat the enemy at minimum cost in lives, property and materiel, but not to destroy the enemy as such. Military necessity can never justify the commission of a war crime.
- Distinction – Peacekeepers must distinguish between civilians and combatants.
- Precaution – Peacekeepers must take care to avoid harm to the civilian population.

Slide 21

Civilian

Any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless s/he is a member of armed forces or groups.

In case of doubt, the person shall be considered a civilian.



Key Message: The distinction of civilians from combatants/fighters is critical for effective POC mandate implementation. Peacekeepers need to understand who they are mandated to protect, even though lines can become blurry in conflict or post-conflict situations.

In general, any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless he or she is a member of armed forces or groups. Members of armed forces or groups that are hors de combat ('out of battle') also enjoy protection under international humanitarian law. In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise. It is important to understand the context in making this distinction. The distinction can only be made on a case by case basis.

The DPKO-DFS Policy on POC in paragraph 41 discusses the distinction of civilians from fighters or combatants: Civilians may be in the possession of arms, without necessarily having a status of 'combatant'. Under international humanitarian law, civilians who are in the possession of arms, for example, for the purpose of self-defence and the protection of their property but who have not been, or are not currently engaged in hostilities are entitled to protection. Fighters or combatants from state security forces, affiliated proxies or non-state armed groups may, on the other hand, display no visible signs revealing their status, such as military fatigues. Missions shall therefore carefully analyse, determine and disseminate appropriate guidance on the distinction between civilians and fighters or

combatants encountered in their area of responsibility (AOR). In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise.

Why is it important to identify civilians? The main reason peacekeepers need to distinguish civilians from combatants is to understand who they must seek to protect in order to implement their protection of civilian mandates. This does not mean, however, that those who are not civilians are enemies of peacekeepers and it does not automatically justify the use of force against them. For example, combatants who are placed hors de combat because of capture or injury must not be the target of military attacks and must be given appropriate medical and other care.

Slide 22

Learning Activity

Distinction exercise

- Who of these persons should be considered civilians or combatants?
- Why is the distinction so important?



The image shows three black silhouettes of people. From left to right: a soldier in full combat gear carrying a rifle, a civilian in simple clothing, and a person using a cane, likely representing a person with a physical disability.



Run Learning Activity 1.1 from the annex to this module.

Slide 23

Physical Violence

Violations to the right of life and physical integrity under national or international law, including by elements of state and non-state parties to an armed conflict.

Actual or potential physical harm to civilians associated with lawful actions by state or international security forces.

Key Message: Physical violence violates the right to life, physical integrity or personal security of civilians.

Physical violence can occur in a variety of ways and from a variety of sources. This includes state and non-state parties to a conflict, but it can also occur in the context of lawful actions taken by state or international security forces.

Examples of physical violence include acts or attempts to kill, torture or maim; forcibly displace, starve or pillage; acts of sexual violence including but not limited to rape and other forms of sexual assault against women, men, girls or boys; recruit and use child soldiers; abduct or arbitrarily detain persons.

Even though UN peacekeeping interprets POC mandates primarily as the prevention of or response to physical violence against civilians, some activities do not necessarily have a direct link to physical violence, such as the development of state institutions, the restoration of state authority, or the promotion of human rights.

Slide 24

Human Rights and Humanitarian Protection



Encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law.

After exploring the interpretation of POC for the purpose of UN peacekeeping, this slide explains what protection means in the context of human rights and humanitarian action.

Humanitarian action includes the neutral, impartial and independent delivery of short-term, life-saving assistance (food, shelter, medical care etc.) and protection in times of crisis. Compared to POC in UN peacekeeping, the humanitarian community has a different concept of protection. The Inter-Agency Standing Committee, the primary mechanism for inter-agency coordination of humanitarian assistance, defines it as follows:

“Protection broadly encompasses activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, human rights, and refugee law – regardless of their age, gender, social, ethnic, national, religious, or other background.”

Fundamentally, protection encompasses efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected persons and the obligations of duty bearers under international law are understood, respected, protected and fulfilled without discrimination. This is undertaken through advocacy, mainstreaming and specific and/or specialized protection activities, such as monitoring and reporting, as well as activities

aimed at preventing or responding to specific protection risks (e.g. gender-based violence), violations (e.g. lack of access to documentation) and needs, including for specific vulnerable groups. Activities can thus range from documentation, mine risk awareness training, or psychosocial care for survivors of abuse.

Human rights, meanwhile, follows a rights-based approach that seeks the protection of the full range of human rights of civilians. A broader discussion of human rights and international human rights will follow in Module 2.

While human rights and humanitarian actors seek to prevent and respond to the threat of violence against civilians, the ability to provide physical protection of civilians under threat of violence, including through the use of force, is a unique capability of peacekeepers. Similarly, UN peace operations are uniquely positioned to engage in the long-term political activities that are necessary to establish a sustainable peace.

Slide 25

Child Protection



The prevention of and response to abuse, exploitation, and violence against children.

Key Message: Child Protection in UN peacekeeping can broadly be defined the prevention of and response to abuse, exploitation, and violence against children. As peacekeepers you have a specific role to play in that. You also need to know how to deal with children when you come encounter them in your operations.



Note to Instructor – The forthcoming DPKO-DFS-DPA Child Protection Policy does not contain a DPKO specific definition of Child Protection.

As per the 2015 DPKO-DFS Policy on POC, field missions are required to ensure that “[...] child protection is addressed pursuant to all DPKO and DFS child protection guidance and relevant Security Council resolutions on Children and Armed Conflict (CAAC). This includes, but is not limited to, mainstreaming of child protection into all mission components, child protection training of all peacekeeping personnel, monitoring and reporting of grave violations against children, dialogue with parties to conflict to end grave violations against children, and release of children from armed forces and groups.”

Slide 26

Sexual and Gender Based Violence (SGBV)

- Any harmful act directed against individuals or groups of individuals on the basis of their gender
- SGBV constitutes a violation of human rights
- SGBV in conflict can become Conflict-related Sexual Violence (CRSV)

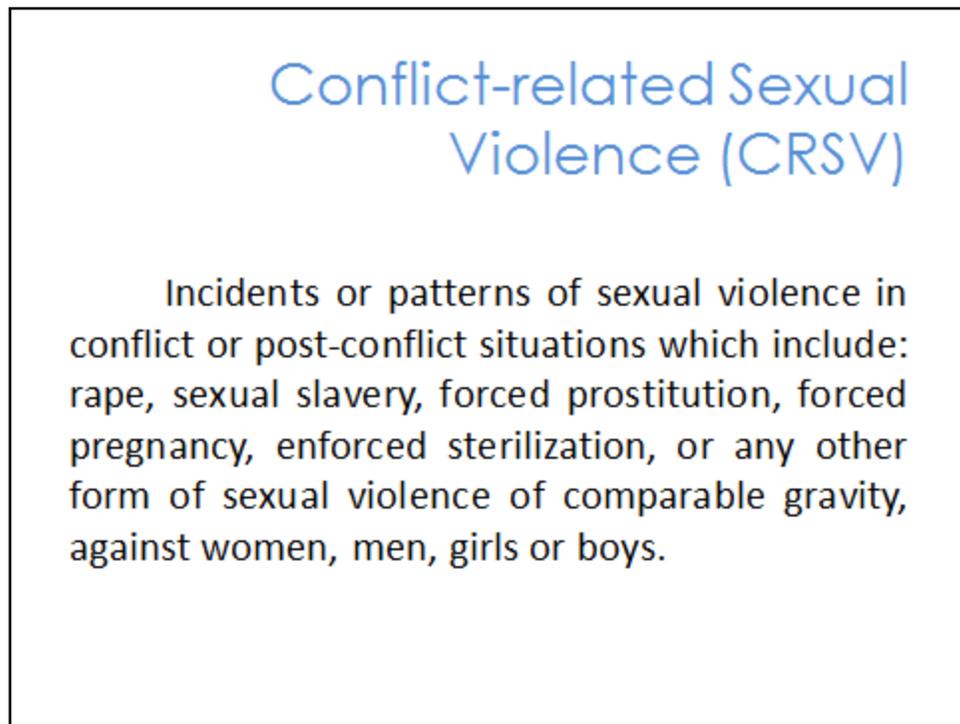
Key Message: Gender differs from sex; it refers to the socially ascribed differences between males and females. Sexual and Gender-based violence (SGBV) is considered to be any harmful act or threat thereof directed against individuals or groups of individuals on the basis of their gender. It may include sexual violence, domestic violence, mental violence, trafficking, forced/early marriage and harmful traditional practices. As such it is a violation of human rights.

This kind of violence builds on and prolongs the stereotypes of gender roles in society that deny human dignity of the individual and stunt human development. The overwhelming majority of the victims/survivors of sexual and gender-based violence are women and girls. SGBV includes much more than sexual assault and rape.

SGBV occurs in both public and private contexts and is largely rooted in individual attitudes and harmful gender stereotypes that condone SGBV within the family, the community and the State. The root causes and consequences of SGBV, including the pre-existing forms of discrimination that fuel it, must be understood in order to develop appropriate programmes to prevent and respond to this violence.

SGBV in conflict can become Conflict-Related Sexual Violence (CRSV).

Slide 27



Conflict-related Sexual Violence (CRSV)

Incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

CRSV refers to incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern. It can have a direct or indirect nexus with an armed conflict or political strife.

The link with conflict may be evident in the profile and motivations of the perpetrator(s); the profile of the victim(s); the climate of impunity/weakened State capacity; the cross-border dimensions; and/or, the fact that it violates the terms of a ceasefire agreement.

Slide 28

Sexual Exploitation and Abuse by UN personnel

- Sexual exploitation: actual or attempted abuse of a person’s vulnerability, differential power or trust for sexual purposes
- Sexual abuse: actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions
- Zero tolerance policy

Key Message: Sexual Exploitation and Abuse (SEA) by UN peacekeepers is also a form of SGBV and in some circumstances can amount to CRSV. SEA is considered an act of serious misconduct with grounds for discipline measures, including summary dismissal.

Sexual exploitation is defined as “actual or attempted abuse of a person’s vulnerability, differential power or trust for sexual purposes, including profiting monetarily, socially or politically from the exploitation.” This includes the prohibition of UN personnel from soliciting or engaging in prostitution and the prohibition of any sexual activity with children.

Sexual abuse is defined as actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions. SEA threatens the lives of people that we are to serve and protect.

As UN personnel, your behaviour upholds the confidence and trust of the people you have come to serve. Sexual exploitation and abuse (SEA) is unacceptable behaviour

and prohibited conduct for all United Nations and affiliated personnel. The UN follows a strict zero tolerance policy, meaning that impunity and complacency are not tolerated. If you have knowledge of sexual exploitation and abuse you must report it to one of the following: The commander or the mission's Conduct and Discipline Team.

 *Note to Instructor – The definitions are taken from the UN Glossary on SEA, see Annex for more details.*

Slide 29

Human Rights Violations/Abuses

- **Violations are acts or omissions attributable to the State and its associated entities**
 - Involves failure to implement legal obligations deriving from human rights standards
- **Abuses apply to non-State actors where they exercise control over a given territory and population**

State transgressions of the human rights guaranteed by national, regional and international law are known as human rights violations. They are acts and omissions attributable to the State involving the failure to fulfil legal obligations deriving from human rights standards.

Such acts or omissions might be the responsibility of a States' officials or agents such as police, military, judges, local administrators or parliamentarians while they have been acting in their official capacity.

Under certain circumstances, non-State actors can also assume, voluntarily or not, human rights obligations. These obligations are particularly relevant in situations where non-State actors exercise some degree of control over a given territory and population, and their conduct thus affects the human rights of the individuals under their control (for

example, de facto authorities or certain non-State armed groups). Failure to protect those rights by non-State actors is known as a human rights abuse.

POC mandates are more narrowly focused than human rights mandates, as they primarily consider action to protect civilians from violations of the rights to life and physical integrity, while the latter cover all types of rights by all persons.

Slide 30

Responsibility to Protect – R2P

- Focuses on four mass atrocities:
 - Genocide
 - Ethnic cleansing
 - War crimes
 - Crimes against humanity
- POC and R2P share legal and conceptual foundations
- R2P goes beyond the principles of peacekeeping (host state consent)

Key Message: In response to the crises in Rwanda and Srebrenica, the international community developed a concept that obliged sovereign states to protect its citizens. If a state is “unwilling or unable” to do so, “the principle of non-intervention yields to the international responsibility to protect”.

R2P first emerged in a report of the International Commission on Intervention and State Sovereignty in 2001. R2P addresses four specific types of atrocity crimes. This is significant as it means, for example, that R2P does not cover all violations of human rights, nor suffering caused by natural disasters. The four major crimes are:

- Genocide
- Ethnic cleansing

- War crimes
- Crimes against humanity

In order to advance the implementation of the R2P concept, the Secretary-General released a report in 2009 on “Implementing the Responsibility to Protect” highlighting the following three pillars:

- Every State has the responsibility to protect its population from the four mass crimes.
- The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.
- If a state is failing to protect its population, the international community must be prepared to take appropriate collective action.

While the R2P and the protection of civilians concepts share some common elements, particularly with regard to prevention and support to national authorities in discharging their responsibilities towards civilians, there are fundamental differences.

- First, the protection of civilians is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit Outcome (see General Assembly resolution 60/1).
- Second, there are important differences in their scope. The protection of civilians relates to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing. Crimes against humanity, genocide and ethnic cleansing may occur in situations that do not meet the threshold of armed conflict.
- POC in UN peacekeeping involves activities that are undertaken based on the three principles of UN peacekeeping operations (i.e. the consent of the parties, impartiality, and the non-use of force except in self-defence and defence of the mandate). Peacekeeping operations are neither designed nor resourced to stray across the line into enforcement action as envisaged in the R2P concept.

Similarities between R2P and POC in UN peacekeeping include:

- Both emphasize prevention and early warning;
- Both stress that the response is multidimensional, not just military;
- Both maintain that the government has the primary responsibility for safeguarding its citizens; and,
- Both only use military force as a last resort.

One can argue that R2P is a narrower concept than POC, as it only applies in cases of the four mass atrocities mentioned above. However, one can also argue that POC is narrower than R2P, as it does not envision peace enforcement.

Slide 31

Vulnerable groups

Those most at risk of facing or suffering from violence, including girls and boys, women, minority groups, refugees, internally displaced, persons with disabilities, the wounded and older persons, and professionals at particular risk.

Vulnerability is a result of characteristics that are multidimensional and can change over time.

Key Message: While all civilians may be victims of physical violence and therefore require protection from it, due to resource limitations, missions will need to pay specific attention to individuals or groups most at risk of facing or suffering from such violence.

Vulnerability is a combination of factors that can change over time and depend on specific operational contexts. Frequently, vulnerable groups include girls and boys, women, minority groups, refugees, internally displaced persons, persons with disabilities, the wounded and older persons but also professionals at risk, including human rights defenders, medical personnel, teachers, journalists and humanitarian personnel.

Situations of vulnerability are based on the characteristics of a person's individual and community factors (age, gender, sex, ethnicity, religion, political affiliation, social status) and the factors that can lead to and compound those vulnerabilities (environmental factors, internally displaced person or refugee, geographic location, level of urbanization, level of state authority and capacity in that area, level of infrastructures). Access to assistance also influences vulnerability, including issues such as language barriers, freedom of movement, social or political barriers to communication with outsiders, gender stereotypes and social norms.

Slide 32

Threat

All situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.



Key Message: Threats of physical violence encompass all acts or situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.

Such situations may include:

- Actual or potential violations to the right of life and physical integrity under national law or international human rights, humanitarian and refugee law, including by state and non-state parties to an armed conflict, inter-communal violence, or other situations of internal disturbance;
- Actual or potential physical harm to civilians associated with lawful actions by state or international security forces;
- Actual or potential physical harm to civilians associated with the presence of mines, explosive remnants of war (ERW), and unexploded ordinance (UXO).

It is important to repeat here that this definition makes no distinction to the source of the threat. POC mandates require action irrespective of the source of the threat (see DPKO-DFS POC Policy para. 20).

For UN peacekeeping missions, in-depth threat assessments are essential for effective POC mandate implementation (see Module 3). Such assessments could include:

- Historical context of violence
- Capabilities and intention
- Perpetrator's motivation for violence

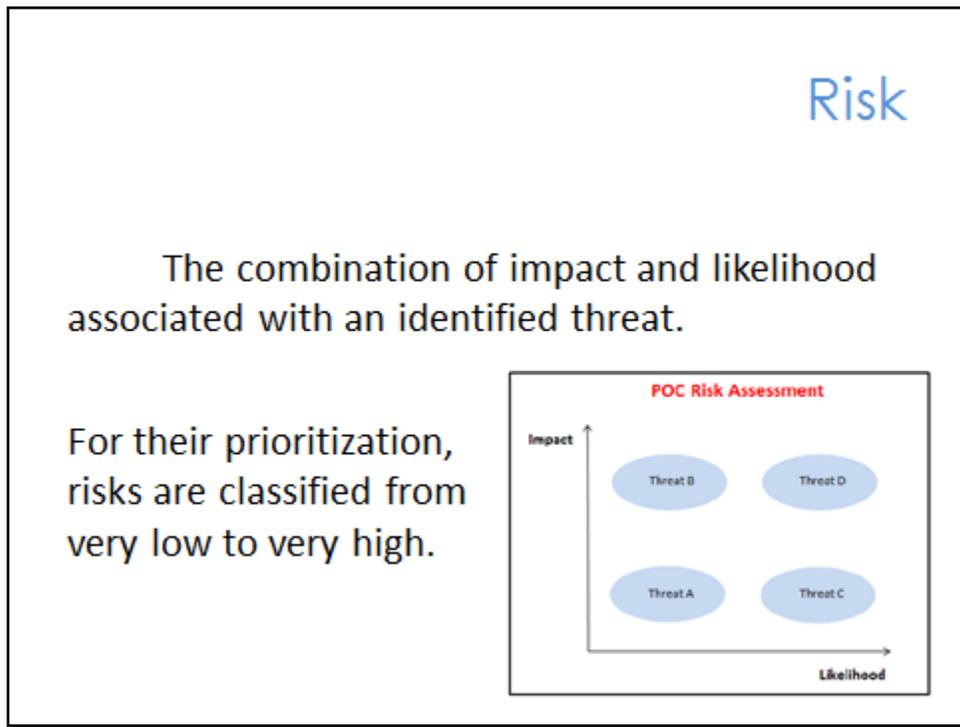


Ask participants what sources threats of physical violence to civilians can potentially emanate from.

Answers should include:

- *Armed groups (or related terms such as militias)*
- *Host State security forces*
- *Third state security forces*
- *International security forces (including those mandated by the Security Council)*
- *Organised community forces*
- *Individual community members*
- *Organised criminal gangs*

Slide 33



 Note to instructor - The graph on this slide is a sample risk analysis graph, which will be covered in more detail in Module 3.

Key Message: A POC risk is the combination of likelihood and impact of threats on civilians. As such, risk is a function of both the vulnerability of specific groups and the threats they face.

- Impact: Refers to the consequences the materialization of a threat would have on the civilians at risk.
- Likelihood: Refers to the probability of a threat to materialize. An assessment of the likelihood is based on existing human rights reporting, intelligence and historical analysis.

Summary

There is a series of definitions and key terms that peacekeepers need to understand.

The takeaways from Definitions & Terminology include the following:

- Different actors have different interpretations of what POC means and what activities it entails.
- The definition of POC varies between actors involved in protection work. In a simplified form, UN peacekeeping refers to POC as all necessary action, up to and including the use of deadly force, to prevent or respond to threats of physical violence.
- POC in peacekeeping has strong linkages with CRSV, Child Protection and human rights.
- When in doubt whether a person is a civilian, peacekeepers need to consider that person a civilian and afford her or him the necessary protection.

Distinction of civilians

RESOURCES

1 flip chart, 10 large pieces of paper, sticky tape

TIME

Total: 15 minutes

PREPARATION

Draw two columns on the flip chart, entitle one 'Civilian' and the other 'Combatant/fighter'.

Prepare 10 pieces of paper with the following labels on them:

- Armed man wearing uniform of an armed group
- Wife of the armed man wearing uniform of an armed group
- Unarmed man wearing uniform of an armed group
- Local government official
- Child soldier
- Cook in an armed group
- Nurse at a local hospital
- Journalist
- Man in civilian clothes with a machete walking down the street
- Severely wounded member of an armed group

EXERCISE

Hold up each piece of paper and ask participants which column on the flip chart this paper should be placed. Discuss each item and ensure agreement amongst the group before sticking it under one of the two columns.

NOTES TO INSTRUCTOR

Some of the answers will not be clear-cut, demonstrating the challenge of identifying civilians in the field. The following answers should be considered:

- Armed man wearing uniform of an armed group – combatant/fighter
- Wife of armed man wearing uniform of an armed group – civilian
- Unarmed man wearing uniform of an armed group – depends on the context. This man could be an active member of an armed group who simply does not possess a weapon or momentarily does not carry it with him. However, this man could also have turned in his weapon as part of a DDR process is waiting for the next steps. In this case, he has not completed the DDR process and is thus not technically classified as ‘civilian’. Nevertheless, for all intents and purposes this person could be disengaged from hostilities and lead a civilian life, thus fitting the definition of a civilian. A decision needs to be made on the ground and taking into account the local context and experience.
- Local government official – civilian
- Child soldier – combatant/fighter. Despite being members of an armed force or group, child soldiers receive special protection (see later in the module for more detail).
- Cook in an armed group – civilian
- Nurse at a local hospital – civilian
- Journalist – civilian
- Man in civilian clothes with a machete walking down the street – depends on the context. In some conflicts machetes have been used as weapons, but in many places machetes are simply tools to tend fields. A decision needs to be made on the ground and taking into account the local context and experience.
- Severely wounded member of an armed group – the wound renders the armed group member *hors de combat*, which means s/he enjoys protection from violence.

Handout 1.2



Relevant Definitions and Terminology

Child protection

Refers to the prevention of and response to abuse, exploitation, and violence against children.

Civilian

Any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless s/he is a member of armed forces or groups. In case of doubt, the person shall be considered a civilian.

Civilian casualties – CIVCAS

The intent of international or national conventional military forces, to the extent possible, to protect civilians from the effects of their combat operations.

Collateral damage

Incidental loss of civilian life, injury to civilians, or damage to civilian property that is not part of an authorized target.

Conflict-related sexual violence

Incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

Hostile Act

An action that is likely or is intended to cause death, serious bodily harm, or loss or destruction of property.

Hostile Intent

The threat of an impending use of force, which is demonstrated through an action or behaviour which appears to be preparatory to a hostile act. Only a reasonable belief in the hostile intent is required before the use of force is authorized.

Perpetrator

Any individual, group of individuals or institution responsible for violence against civilians.

Physical violence

Violations to the right of life and physical integrity under national or international law, including by elements of state and non-state parties to an armed conflict. Can also refer to actual or potential physical harm to civilians associated with lawful actions by state or international security forces.

POC in UN peacekeeping

All necessary action, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.

Reasonable belief

A belief that a reasonable person would logically and sensibly hold on the basis of the conditions and circumstances as they are known to her/him at that specific point in time.

Risk

The combination of impact and likelihood associated with an identified threat. For their prioritization, risks are categorized from very low to very high.

Sexual and gender based violence (SGBV)

Any harmful act directed against individuals or groups of individuals on the basis of their gender. SGBV constitutes a violation of human rights. SGBV in conflict can become Conflict-related Sexual Violence (CRSV)

Sexual exploitation and abuse by UN personnel

Sexual exploitation is the actual or attempted abuse of a person's vulnerability, differential power or trust for sexual purposes. Sexual abuse is the actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions. The UN treats SEA as a conduct and discipline issue and follows a zero tolerance policy.

Threat

All situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.

Use of Force

The gradual use of contingent's resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators

Vulnerable groups

Those most at risk of facing or suffering from violence, including girls and boys, women, minority groups, refugees, internally displaced persons, persons with disabilities, the wounded and older persons, and professionals at particular risk. Vulnerability is a result of characteristics that are multidimensional and can change over time.

Lesson 1.3



Protection Actors

The Lesson



Starting the Lesson



To aid participant's learning, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 21:38 to minute 29:56. This segment talks about the importance of planning and coordination between different POC actors.

The video can be found in the Annex of Module 1 as well as on YouTube: https://www.youtube.com/watch?v=y8y8_GaxC3I

Relevance

UN peacekeeping missions are not the only actors mandated to protect civilians on the ground. There is a wide range of different actors that missions have to coordinate and work with to varying degrees.

Example: In South Sudan in May 2016, the Country Level Operational Presence of organizations responding with emergency programs included 131 different actors. Of those, 46 were directly involved in protection activities. This includes UN Offices, funds agencies and programmes.

Even within peacekeeping missions, we find a complex combination of military, police and civilian components, such as civil affairs, human rights, political affairs and others. Each one of them carries out specific tasks that contribute to POC.

Protection Actors

Slide 38

Protection Actors

- Local communities
- Host authorities
- UN peacekeeping mission
- UN Country Team
- SRSGs on Children and Armed Conflict and on Sexual Violence
- Other non-UN actors

The list of actors on this slide is non-exhaustive, but it includes the main protection actors typically present in a peacekeeping context, and who are covered in this segment.

 *Divide participants into groups and ask them to list three tasks that are particular to each of the different protection actors listed on this slide.*

Slide 39

Local communities

- Understand best their vulnerabilities and threat environment
- Often existing protection mechanisms
- Peacekeepers build community capacity to protect themselves



Key Message: Local communities have a critical role to play in their own protection. Peacekeepers need to engage local community representatives, not only to determine the risks and threats they face, but also to identify ways to empower them. Local communities are not simply clients of peacekeepers, they need to become part of the solution by strengthening their capacity to protect themselves and by increasing their resilience.

The DPKO-DFS Policy on POC clearly states that actions to protect civilians should be planned in consultation with women, men, girls and boys of the local community and with a view to empowering them and supporting the mechanisms and community-based organizations they have established to ensure their own protection. Addressing the particular vulnerabilities affecting civilians through a thorough protection response will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.

Slide 40

Host authorities

- Primary responsibility to protect civilians
- Political will and capacity are required
- Includes military, police and civilian state entities at the central and local levels



Key Message: The role of the host State Government has already been discussed – it always has the primary responsibility for protecting civilians within its borders. Political will and capability are the key components that allow host governments to fulfil this responsibility.

At the tactical level, coordination with host authorities is important to allow for protection activities to take place. In circumstances where political will is lacking, this can become a sensitive issue.

Peacekeeping operations with a POC mandate seek to support and strengthen both the capability and willingness of the host state to protect civilians. The DPKO Operational Concept for POC (to be discussed in detail later) sets out how missions can achieve this goal across the three tiers of POC action.

Slide 41

UN Peacekeeping Missions

- Established by Security Council
- Unique in the authorization to use force
- POC a whole-of-mission effort
- Temporary presence on the ground
- Cannot succeed in vacuum



Key Message: UN Peacekeepers under POC mandates are mandated by the UN Security Council to support or supplement the protection efforts of host-state institutions to protect civilians when required. Peacekeepers have the unique authority among international actors to use force to implement their protection mandate.

Effective POC requires concerted and coordinated action between the military, police and civilian components of a mission under the leadership of the Head of Mission. In that sense, POC is a whole-of-mission effort and everyone needs to work together.

Within the mission, the military and police components retain the monopoly of the use of force, meaning they assume a very particular and important role in the protection of civilians from physical harm. However, no military or police unit can protect civilians in isolation and without the assistance of other mission and non-mission actors.

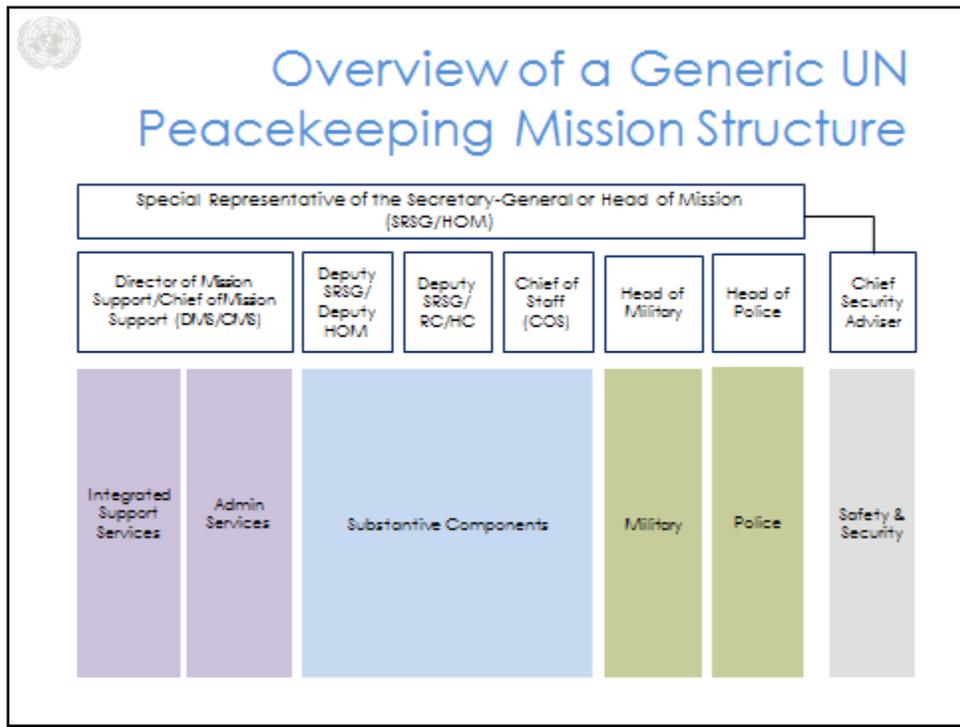
Example 1: If, under extreme circumstances, the local population seeks refuge in UN military bases, the company or battalion might be able to protect those civilians around the base from physical attack but are not capable to provide additional support for a sustained period of time. Hence, the military units need the support of other mission (e.g. support component, human rights, civil affairs) and potentially also non-mission partners (e.g. UNHCR, OCHA) to complement protection efforts.

Example 2: Threat assessment information and analysis that is provided by human rights, civil affairs and other units may include profiles of perpetrators as well as relevant trends

and patterns in violence. This is essential knowledge for the situational awareness and planning processes of military components.

It is important to keep in mind that peacekeeping missions are intended as temporary institutions. Even though some missions have been around for decades, the overarching objective of missions is to support the establishment of peace and security before withdrawing from the host nation. As such, peacekeeping needs to collaborate and coordinate with those entities. Success is not possible for a peacekeeping operation in isolation.

Slide 42



Key Message: UN peacekeeping missions are complex entities, typically made up of thousands of personnel. It is important to keep in mind that every mission looks different. This is necessary in order to reflect the different environments and challenges faced by missions in the field. All in all, over 400 different tasks have been given to peacekeeping missions across the world, and different tasks require different configurations. All personnel implementing these tasks, whether they are uniformed or civilian, are peacekeepers.

For example, landmines were not a problem in Timor-Leste. The peacekeeping operation (UNMIT) had no mine clearance mandate, and therefore no Mine Action Service component. UNMIT was however mandated to give the Government electoral support, so it had an Electoral Affairs Unit. In South Sudan, on the other hand, UNMISS has no Electoral Affairs Unit but the Mine Action Service plays an important role, particularly in relation to implementation of the Protection of Civilians mandate.

Without going into too much detail, this is a rough overview of how missions are typically structured:

- The Head of Mission or Special Representative of the Secretary-General (SRSG) leads the mission and bears overall responsibility for the implementation of the mandate. The SRSG is also the highest UN authority on the ground, including non-mission actors.
- Under her/him operates the Senior Mission Leadership Team, which normally comprises two Deputy SRSGs, the Chief of Staff, the Director of Mission Support, the Head of the Military Component and the Head of the Police Component.
- In addition, the Chief Security Adviser reports directly to the SRSG to advise on any threats against mission personnel and equipment.

The Senior Leadership Team of a field mission typically includes the Director of Mission Support, two Deputy SRSGs, the Chief of Staff, and the Heads of the Military and Police Components. Each member of the Senior Leadership Team heads a number of units, divisions and sections making up the peacekeeping mission. This overview shows how many different actors are involved in a mission. Only if they all work together can a mission be successful.

Mission structures are important in order to ensure command and control. At the top, the Head of Mission/SRSG has the highest level of operational authority at the field level. This authority is partially delegated to the Heads of Components, including the Force Commander and Police Commissioner.

Slide 43

Protection Roles in a Mission

- Coordinated action required across sections and units
- Specialised functions within a mission include:
 - Senior POC Adviser
 - Women’s Protection Adviser
 - Child Protection Adviser
 - Human Rights components
- Particular role for military and police



Key Message: Within this complex structure of a peacekeeping mission, several functions have been designated to play particular roles in the implementation of POC, Child Protection and CRSV mandates. This should not distract, however, from the fact that effective protection requires a whole-of-mission approach, which in turn needs the buy-in of all mission components and units, from the SRSG down to the working level.

On the civilian side, the Senior POC Adviser, the Women Protection Adviser and the Child Protection Adviser play important roles in the coordination of mission activities, advisory to senior mission leadership, analysis of the threat environment, training of peacekeeping personnel, and monitoring and reporting. In the case of Women Protection and Child Protection Advisers, this includes in particular reporting through the specialised reporting mechanisms. Child Protection Advisers importantly also negotiate for the release of children from armed forces or groups. In addition, Human Rights components are the lead unit within the mission tasked to promote and protect human rights in the host country, jointly with other components across the mission. Human rights investigations and advocacy as well as monitoring and reporting are critical tools in this regard. Other civilian units such as Civil Affairs, Political Affairs, DDR, JMAC and JOC play important roles as well.

Military and Police play a particular role as the only armed actors (this does not apply to all police personnel) in a peacekeeping context. The authorization of the military to use force to protect civilians from violence is a central aspect of the protection concept as a deterrent and potential response mechanism to perpetrators. Both military and police

through their wide deployment and interaction with local authorities and communities are also important avenues through which to identify, monitor and report on threats, violations and abuses against civilians.

The military, in particular, plays an important role in the identification and release of children from armed groups, and works closely with the armed forces or armed groups that signed action plans for the release of children. Likewise, the military assumes an important role during demobilisation processes of armed groups that have recruited children to their ranks.

Slide 44

**Protection Roles in a Mission
Military Component**

- **Physical protection**
- **Significant role in prevention through**
 - Presence
 - Proactive posture
 - High operational readiness
- **Information gathering and reporting**
- **Must act in cooperation with other components**

The military component makes a unique contribution to the POC concept of a peacekeeping mission:

- Military peacekeepers are authorised to use force to protect civilians, giving them a special role to play in the POC concept.
- Along with other Mission components, the Military Component plays a significant role in preventing POC, Child Protection and CRSV threats from materializing. Important elements in this context are the military's wide presence, proactive posture and high operational readiness.
- Of all peacekeeping personnel, military peacekeepers have the widest presence in the area of operations. They will gather information in areas where no other

peacekeeper has access and report back to the mission. Military peacekeepers are often the first on scene to POC incidents. This includes incidents of child abuse and sexual violence, where their initial response is important to secure the area and ensure the immediate safety and security of the victims.

- Effective POC can only be achieved in cooperation with other sections of the mission, including Police and civilian components.

Slide 45

Protection Roles in a Mission
Military Child Protection Officers

- Advise Battalion Commander
- Liaise with child protection actors
- Establish alert system to transmit information received on the six grave violations
- Guidelines and SOPs

Key Message: With increasing demands on the military for child protection, it became clear that some structures and processes needed to be put in place within the military component to be able to address these particular protection concerns.

The UN Infantry Battalion Manual requires that the military appoint child protection focal points at the infantry battalion level and at the Force HQ.

The Battalion Child Protection Officer handles all issues related to child protection violations, in particular:

- Advises the Battalion Commander on all issues related to Child Protection
- Liaises with relevant Child Protection actors in the mission

- Establishes an alert system to transmit relevant information, in particular on the six grave violations, in the battalion area of operations. This is important given the critical role of the military in the identification and monitoring of violations.
- Develops guidelines for the battalion on children's issues including detention, conduct during interaction with children and prevention of all forms of exploitation against children including child labour and sexual exploitation. Note that DPKO-DFS has developed an SOP for the detention of children, which will be covered in more detail later.

Slide 46



 Ask participants to discuss which organizations these logos represent, what their main mandates are, and how they relate to POC in UN Peacekeeping.

Key Message: The UN Country Team encompasses all the entities of the UN system that carry out operational activities for development, emergency, recovery and transition in programme countries. The Humanitarian Country Team includes agencies with humanitarian programmes, as well as non-UN humanitarian actors.

A large number of UN organizations have been mandated by the international community to protect civilians. This slide only provides a small sample of some of the most important partners for peacekeeping operations, but there are many more UN entities with a presence in the field. In many cases these actors have been in the country long before the deployment of a peacekeeping operation, and will stay in the country long

after the mission withdraws. Their personnel possess expertise and knowledge that is different from and complementary to peacekeepers, making effective coordination and cooperation a critical factor for success.

- UNHCR (UN High Commissioner for Refugees): The primary purpose of UNHCR is to safeguard the rights and well-being of people who have been forced to flee. Together with partners and communities, UNHCR works to ensure that everybody has the right to seek asylum and find safe refuge in another country. It also strives to secure lasting solutions. In many countries, UNHCR staff work alongside other partners in a variety of locations ranging from capital cities to remote camps and border areas. They ensure, promote or provide legal and physical protection, and minimize the threat of violence – including sexual and gender-based violence – which many refugees are subject to, even in countries of asylum. They also seek to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus. UNHCR is also the lead for the Protection Cluster in the Cluster system of humanitarian response.
- OHCHR (Office for the High Commissioner for Human Rights) is engaged in monitoring human rights situations on the ground and implementing projects, such as technical training and support in the areas of administration of justice, legislative reform, human rights treaty ratification, and human rights education. In most large peacekeeping operations OHCHR is integrated into the field mission.
- UNOCHA (UN Office for the Coordination of Humanitarian Affairs) mobilizes and coordinates humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies, advocate for the rights of people in need, promote preparedness and prevention, and facilitate sustainable solutions. At the field level, OCHA supports the Humanitarian Coordinator (HC) in fulfilling his/her leadership responsibilities to ensure an effective and coherent response to the protection and humanitarian assistance needs of affected populations, including through advocacy and resource mobilization. At the global level, OCHA promotes the protection of civilians through support to the Emergency Relief Coordinator (ERC) mandate, including by drafting the annual Secretary-General report to the Security Council on the Protection of Civilians and preparing briefings to the Security Council.
- UNICEF (UN Children's Fund) engages in Child Protection activities, preventing and responding to violence, exploitation and abuse. They monitor and report on IHL and human rights violations perpetrated against children in conflict, and act as lead agency in the reporting of the six grave violations. UNICEF is also responsible for programming on child protection and supports the implementation of action plans.
- UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, aims to advance gender equality and empower women around the

world. Created in 2010 by merging previously distinct parts of the UN system, UN Women is now the sole lead entity in the UN system on gender equality.

It is worth noting that the mandates of particular UN entities differ as they emanate from different sources. While peacekeeping missions receive their mandate from the Security Council, other agencies, funds and programmes in the UN system receive their mandates from the General Assembly, ECOSOC and other bodies.

Slide 47

SRSB Children and Armed Conflict & SRSB Sexual Violence in Conflict

- **Advocates for Child Protection and on CRSV**
- **Engage with parties to conflict to obtain commitments to address CAAC/CRSV**
- **Peacekeeping supports engagement and implementation of these commitments**
- **Peacekeeping supports monitoring and reporting**
- **Child Protection Adviser and Women’s Protection Adviser as key interlocutors in mission**

In addition to the UN Country Team on the ground, peacekeeping missions also maintain working relationships with other UN actors that do not maintain a presence in the field. This includes for instance the Offices of the Special Adviser on the Responsibility to Protect and the Special Adviser on the Prevention of Genocide, as well as the Human Rights Council in Geneva.

Two functions without a field presence, but with particular importance as partners for peacekeeping are the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSB CAAC) and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSB SVC).

The SRSB CAAC serves as the leading UN advocate for the protection and well-being of children affected by armed conflict. In this role, the SRSB promotes the collection of information about the plight of children affected by war and fosters international cooperation to improve their protection, reports yearly to the Security Council, General

Assembly and the Human Rights Council. It also reports regularly to the subsidiary body of the Security Council focused on the issue of children and armed conflict. The Office of the SRSG CAAC also engages in direct dialogue with Governments and armed groups to support the development of Action Plans to end and prevent violations against children. In the context of peacekeeping, Child Protection Officers work on the Monitoring and Reporting Mechanism (MRM) to support the reporting requirements of the SRSG CAAC.

The SRSG SVC serves as the United Nations' political advocate on conflict-related sexual violence, and is the chair of the network UN Action against Sexual Violence in Conflict. The Office of the SRSG SVC produces an annual report to the Security Council on conflict-related sexual violence, which includes a list of parties to conflict that commit patterns of sexual violence. This listing is the entry point for the SRSG SVC to engage with governments or the leadership of armed groups to obtain commitments to address CRSV. Peacekeeping missions and a Team of Experts support the implementation of these commitments.

The six priorities of the OSRSG SVC are to:

- End impunity for sexual violence in conflict;
- Protect and empower civilians who face sexual violence in conflict;
- Mobilize political ownership by fostering government engagement in developing and implementing strategies to combat sexual violence;
- Increase recognition of rape as a tactic and consequence of war and terrorism;
- Harmonise the UN's response against sexual violence in conflict; and
- Emphasize greater national ownership.

In the context of peacekeeping, the Women Protection Advisers in field missions are tasked with operationalizing the Monitoring, Analysis and Reporting Arrangements (MARA) on Conflict-Related Sexual Violence to provide the Office of the SRSG with the systematic, timely, reliable and objective information needed to implement their mandate.

Slide 48

Non-UN actors

- Regional organisations
- Parallel forces
- Individual Member States
- Local, national and international NGOs and civil society organisations
- International Committee of the Red Cross (ICRC)



 *Divide participants into groups and take two minutes to list international and regional organizations, NGOs, and other associations that may be present in a peacekeeping context.*

 *Note to instructor – For details of the range of actors in a particular mission area see for example the OCHA information pamphlet on South Sudan “3W: Who does What, Where” in the Annex.*

There is a range of non-UN actors present in any peacekeeping environment.

- Regional Organizations: Organizations such as the European Union, the African Union, the Intergovernmental Authority on Development (IGAD), or the Economic Community of West African States (ECOWAS) can have a presence in the country. For example, the European Union has deployed a training mission to Mali while the UN has a peacekeeping operation MINUSMA on the ground.
- Parallel forces: The Security Council can authorise regional organizations as well Member States to mount operations in a country. For instance, in Central Africa, French forces were deployed parallel to the UN peacekeeping operation MINUSCA.
- Individual Member States: External Member States can play an important role in armed conflict by bringing in their interests and ideas for conflict resolution through

Embassies and Special Envoys. Peacekeeping operations can liaise with Embassies to gain political leverage and exchange views on developments in the area of responsibility.

- Local, national and international NGOs and civil society organizations: Some examples of major international NGOs likely to be in your mission are Care International and OXFAM (who work around the globe to save lives, defeat poverty and achieve social justice); Norwegian Refugee Council (who protect people forced to flee and provide food assistance, clean water, shelter, legal aid, and education); Amnesty International (who promote and protect human rights); and Medecins Sans Frontieres (who deliver emergency medical aid). In addition, there is typically a number of national and local NGOs who work in the field of protection. Civil society organizations can include religious groups, trade organizations or women's groups.

- International Committee of the Red Cross: The ICRC is an independent and neutral organization working worldwide to help civilians affected by conflict and armed violence, and to promote international humanitarian law. The ICRC bases its work on the Geneva Convention and follows an exclusively humanitarian agenda. The ICRC has a hybrid nature. As a private association formed under the Swiss Civil Code, its existence is not in itself mandated by governments. Nevertheless, the ICRC enjoys privileges and immunities comparable to those of the United Nations, its agencies, and other intergovernmental organizations.

Slide 49

Coordination

- **Within mission**
 - POC Strategy
 - POC Coordination mechanisms
 - Joint Protection Teams

- **With humanitarian actors**
 - Protection Cluster
 - CMCoord
 - CIMIC

- **With local communities**





Key Message: Given the large number of protection actors, coordination is critical for effective protection of civilians. This is as true for the different units within a peacekeeping mission, as it is for the range of non-mission actors. As far as the UN System is concerned, it follows an integrated approach. The SRSG and Head of Mission is the highest ranking UN official in the country, under his or her leadership, the UN family needs to come together and deliver as one.

Mandates and expertise of different non-mission partners may overlap with the UN peacekeeping operation. The mission has to coordinate with all partners to maximize available expertise, capabilities and resources. Without coordination, actions risk falling into a vacuum, contradicting other actors' activities, or simply failing to maximise available resources and skills to become most effective. While the benefits of coordination are obvious, there are legitimate obstacles including different cultures, different mandates, separate governance and accountability mechanisms, or different funding cycles. Coordination occurs at several levels:

- At the mission-level, which is referred to as the whole-of-mission approach: POC requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's POC Strategy (see Module 3). Relevant provisions of the strategy must be mainstreamed and prioritized into the planning and conduct of activities by all components, including through the joint definition of clear, realistic and authorized objectives to eliminate or mitigate threats. Missions must also establish dedicated coordination mechanisms to facilitate coherent action on POC.
- When it comes to the coordination mechanisms in missions, the fact that every mission structure looks different also means that no two coordination mechanisms are exactly the same. We will discuss the standard model in more detail in Module 3, but it looks something like this:
 - The most important mechanism is the Senior Management Group on Protection (SMG-P), which brings together the most senior leaders of a peacekeeping mission, along with the Heads of other relevant UN entities (typically OCHA, UNICEF and UNHCR).
 - At the operational level, the POC Working Group convenes working level staff and is chaired by the POC Adviser.
 - At the sector and regional levels, peacekeeping missions have mechanisms that mirror the SMG-P and the POC Working Group for senior and working levels.
 - The Joint Operations Center facilitates coordination of mission activities to implement the POC mandate.

- An important tool to enhance coordination across peacekeeping missions are the Joint Protection Teams (JPT). JPTs are integrated field visits of civilian, military and police teams to assess the situation on the ground and evaluate POC activities.
- With humanitarian actors: UN humanitarian agencies and NGOs undertake a broad range of activities in support of the protection of civilians. Close and systematic coordination with these actors, particularly the Protection Cluster, is therefore essential to assess protection priorities and plan activities. To this end, a standard set of mechanisms have been established, some of which we have already touched upon earlier. Humanitarian actors rely upon their neutrality, impartiality and operational independence (humanitarian principles) for their acceptance by all actors and thus their security and ability to access those in need to deliver assistance. Consequently, maintaining a clear distinction between the role and function of humanitarian actors from that of political and military actors, particularly in conflict and post-conflict settings, is a key factor in creating an operating environment in which humanitarian organizations can discharge their mandate effectively and safely. Humanitarian actors are civilians entitled to physical protection under the POC mandate. The Security Council, with UNSC Resolution 1502 (2003) on the protection of humanitarian and United Nations personnel has recognised the risks faced in servicing a protection mandate. Established coordination mechanisms with humanitarian actors include:
 - The Protection Cluster: The Protection Cluster coordinates the activities of the range of humanitarian actors on the ground with regard to the protection of civilians. The Cluster includes relevant UN agencies along with non-UN entities, such as NGOs and civil society organization. Within the humanitarian response architecture, the Cluster works to improve the predictability, leadership, effectiveness and accountability of response to protection concerns. UNHCR is the Global Protection Cluster Lead Agency, UNICEF is the lead agency for the Sub-Cluster on Child Protection, and UNFPA/UNICEF share the lead role in the Sub-Cluster for Gender-Based Violence. UN peacekeeping missions work closely with the Protection Cluster and Sub-Clusters through POC Advisers, Child Protection Advisers, and Women's Protection Advisers.
 - CMCoord: United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) facilitates dialogue and interaction between civilian and military actors, essential to protect and promote humanitarian principles, avoid competition, minimize inconsistency and, when appropriate, pursue common goals. CMCoord is an ongoing activity, led by OCHA on the humanitarian side and peacekeeping missions on the political side, with the goal of strengthening coordination structures. It helps to develop context-specific policy based on internationally agreed guidelines, and it establishes humanitarian civil-military coordination structures, ensuring staff members are trained to make that coordination work.

- CIMIC: At Force HQ of peacekeeping missions, CIMIC (U9) provides the interface between the military component of a mission and the political, humanitarian, developmental, human rights, and rule-of-law components of the mission, as well as many other non-mission partners in the larger peacebuilding system.
- With local communities: Actions to protect civilians should be planned in consultation with all sections of the local community – including women, men, girls and boys – in particular those in vulnerable or marginalised situations, and with a view to empowering them and supporting the mechanisms and community-based organizations they have established to ensure their own protection. Communities are in the best position to define their own threats and vulnerabilities. Addressing multiple and intersecting forms of discrimination and vulnerabilities affecting civilians, or taking them into account when designing the protection response, will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.

Example: In 2010, MONUSCO developed the instrument of Community Liaison Assistants (CLA), a category of national staff that are co-located with military contingents and act as an intermediary between them and the local communities. This has enabled the mission to establish a much closer and reciprocal relationship with the population. Due to the success of this approach, MINUSCA, MINUSMA and UNMISS have so far also deployed Community Liaison Assistants.

Summary

The takeaways on the Protection Actors include the following:

- Peacekeeping missions are not the only actors mandated to protect civilians.
- Ensuring the protection of civilians requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's protection of civilians strategy. It also requires coordination with non-mission partners.
- Local communities are important stakeholders in their own protection. Too often field missions ignore the involvement of community representatives in the development of protection responses.

Lesson 1.4



Principles of POC in Peacekeeping

The Lesson



Starting the Lesson

Preface

The protection of civilians mandate is guided by a set of legal and practical principles, rooted in the UN Charter, international law and lessons learned from years of DPKO-DFS experience. The following is a selection of the principles that apply to all peacekeeping missions with POC mandates.



Note to instructor – For more information see DPKO-DFS Policy on POC paras 16-29.

Principles of POC in Peacekeeping

Slide 54

Grounded in Int'l Law

- International human rights, humanitarian and refugee law and related standards



- Use of force requires adherence by Rules of Engagement and Directives on the Use of Force

Key Message: Use of force requires adherence by Rules of Engagement and Directives on the Use of Force.

POC mandates are a manifestation of the international community's determination to prevent the most serious violations of international humanitarian, human rights and refugee law and related standards, and they should be implemented in both the letter and spirit of these legal frameworks.

POC mandates are complementary to and reinforce a mission's mandate to promote and protect human rights. As a manifestation of this, for example, missions follow a strict Human Rights Due Diligence Policy which stipulates that UN support cannot be provided to partners (such as host authorities) where there are reasons to believe that receiving partners may commit grave violations of international humanitarian, human rights or refugee law.

Slide 55

Upholding the Principles of Peacekeeping

- Host State consent
- Impartiality
- Non-use of force except in self-defense or in defense of the mandate



 Ask participants how the implementation of POC mandates could be at odds with the principles of peacekeeping. Points should include non-permissive environment as a challenge to host state consent, and peacekeepers as a potential target as a challenge to impartiality.

Key Message: UN Peacekeeping is fundamentally built on three principles:

- Host State consent
- Impartiality
- Use of force in self-defence or defence of the mandate (including POC)

The implementation of the POC mandate has to be in line with these core principles. This includes, where necessary, the use of force against elements of government forces at the tactical level where such forces are themselves engaged in, or pose an imminent threat of, physical violence against civilians.

In reality, the use of force against elements of government forces will pose a significant challenge for the mission when that same host government's consent is one of the key principles for the presence of the peacekeepers. This and other challenges to implementing a POC mandate are examined later in this Module.

Slide 56

Priority Mandate

POC must be prioritized in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates



Key Message: As per UNSC Resolution 1894 (2009), all missions mandated to undertake the protection of civilians must prioritise POC in decisions regarding the allocation and use of available capacity and resources. Therefore, within the wide scope of potential situations of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern and allocate its resources accordingly.

For example, when only one helicopter is available and a decision has to be made whether it should be used to conduct a routine field visit to one part of the mission area or to undertake an emergency recce flight to verify reported POC threats in another part of the mission area, then the POC verification mission needs to be given priority.

As specified in the mandate, and despite POC being a priority, missions can only act within their capabilities and areas of deployment – the mandate does not demand that peacekeepers engage in actions for which they are not equipped. In general, no peacekeeping force will be able to address all threats at all times.

Slide 57

Primary Responsibility of Governments

- Peacekeepers do not replace the sovereign responsibility of the host State to protect civilians from physical violence
- Non-state parties to conflict may also have a responsibility to protect civilians

Key Message: The host state always has the primary responsibility to protect civilians within its borders. This responsibility is not diminished when a peacekeeping mission with a POC mandate is deployed.

The mission's protection of civilians mandate does not replace but rather supports the host state's responsibility. When supporting host states or other non-UN security forces, peacekeeping operations shall apply the UN Human Rights Due Diligence Policy on UN Support to non-UN Security Forces.

Non-state parties to an armed conflict also have certain responsibility under customary IHL, which includes provisions on the protection of civilians.

Slide 58

Responsibility of Peacekeepers

Where the state is unable or unwilling to protect civilians, peacekeepers have the authority and the responsibility to provide such protection



Discuss with participants whether peacekeeping missions are allowed to engage host State authorities militarily.

Key Message: Where the state is unable or unwilling to protect civilians, or where government forces themselves pose such a threat to civilians, peacekeepers have the authority and the responsibility to provide such protection within their capabilities and areas of deployment.

Particularly, peacekeepers will act to prevent, deter, pre-empt or respond to threats of physical violence in their areas of deployment, no matter the scale of the violence and irrespective of the source of the threat. This includes host state authorities at the tactical level when they pose a threat to civilians themselves. Of course, missions' limited capabilities and political implications of strategic consent are important considerations in this regard.

Slide 59

Active Duty to Protect

- Active duty means missions do not engage in protection only in reaction to an attack



- Activities to protect civilians should be planned, deliberate and on-going.

Key Message: The protection of civilians mandate embodies an active duty to protect; missions do not engage in protection only in reaction to an attack. Activities to protect civilians should be planned, deliberate and on-going, and the mission should constantly work to prevent, pre-empt and respond to violence against civilians.

This includes presence in areas under greatest threat, a credible deterrent posture and other activities in accordance with the mandate, the POC strategy and the military and police concepts of operations (CONOPS).

Mission performance in relation to POC activities will be monitored through joint monitoring and evaluation mechanisms on POC, which are further discussed in Module 3.

Slide 60

Effective Command and Control

- Command and control are critical to save lives and prevent harm being done to civilians
- Responsibility of Force Commander and Police Commissioner to ensure compliance with ROE and DUF



Key Message: In missions with a mandate to protect civilians, it is the responsibility of commanders of all contingents to ensure all those under their command understand and comply with the mandate and its associated ROE/DUF. The Force Commander and Police Commissioner are ultimately responsible for their enforcement.

The DPKO-DFS Policy on POC states in paragraph 22:

“In missions with a mandate to protect civilians, it is the responsibility of all commanders of all contingents to ensure all those under their command understand and comply with the Rules of Engagement (Military) and Directives on Use of Force (Police) (ROE/DUF). The Force Commander and Police Commissioner are ultimately responsible for their enforcement. Compliance with command and control arrangements is critical to save lives and prevent harm being done to civilians. Failure to protect civilians as a result of weak command-and-control structures or insufficient levels of compliance may lead to the suffering and death of vulnerable individuals and can compromise the overall credibility and effectiveness of the peacekeeping operation in the country.”

Failure to protect civilians as a result of weak command-and-control structures or insufficient levels of compliance may lead to the suffering and death of vulnerable individuals and can compromise the overall credibility and effectiveness of the peacekeeping operation in the country. Failure to follow orders must be reported to the UN Secretariat who will inform the concerned Troop or Police Contributing Country

(T/PCC) and, as appropriate, the Security Council. If the T/PCC fails to rectify the situation, the unit concerned may be repatriated.

Failure to act due to a T/PCCs national limitation or restriction (caveat) is not acceptable. Under the Peacekeeping Capability Readiness System (PCRS), implemented in 2015, any such caveats are to be brought to the notice of UNHQ prior to a unit deploying. If such caveats prevent or limit the T/PCC contingent from acting in accordance with the mandate it may impact on that T/PCC being selected for deployment.

Example: On 11 July 2016, armed elements attacked the Hotel Terrain compound in Juba, South Sudan, which at the time housed unarmed humanitarian aid workers and local journalists. Even though the compound is located less than two miles from a major UNMISS base, and despite pleas for help from those under attack, peacekeepers did not intervene until after one local journalist was killed and several aid workers were beaten and raped. The Secretary-General ordered a special investigation into this incident, which found that a lack of leadership in the UN mission culminated in a “chaotic and ineffective response” to the events. The findings of the report eventually led to the Force Commander being relieved from his duties.

Slide 61

Command and control exercise

- What does command and control mean?
- How does a lack of command and control impact military POC operations?





Run Learning Activity 1.4 from the annex to this module.

Slide 62

Gender Perspective

Plans, analyses and activities need to consider how gender-based differences in status and power shape the needs and interests of women and men, girls and boys



Key Message: In peacekeeping operations, a gender perspective – the process of understanding and addressing gender-based differences in status and power, and considering how such differences shape the immediate needs, as well as the long-term interests, of women and men, girls and boys – is to be included into all plans, policies, activities, analysis and reports; often referred to as gender mainstreaming. The addition of Gender perspectives as a guiding principle for POC further reinforces the need for proper consideration of gender in POC activities.

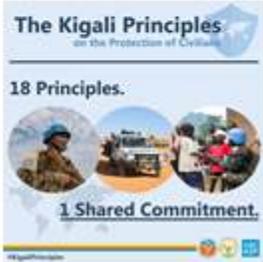
Such a perspective will ensure that all actions are tailored to the specific needs of women, girls, boys and men, but are also designed to address the disproportionate impact of conflict and post-conflict situations on girls and women. This includes conflict-related sexual violence (CRSV) and sexual exploitation and abuse (SEA), as one of the root causes of SEA and CRSV is gender inequality and discrimination, which must be addressed comprehensively through the full participation and empowerment of women.

Examples: The conduct of searches by both male and female peacekeepers; the importance of including females in all contingents; activities to ensure all peacekeepers engage female community members properly and give them a voice.

Slide 63

Kigali Principles (2015)

- Pledge by T/PCCs and financial contributors to create a framework for more effective POC
- Set of principles regarding training, preparedness, command and control, capabilities , and performance of troops
- Initially 9 signatory states, currently 39
- Not legally binding



The principles discussed so far in this section emanate from the DPKO-DFS Policy on POC. Compliance with them is mandatory for all peacekeeping missions and all personnel. Separately from those principles, 2015 saw the emergence of a set of voluntary pledges, without being legally binding or enforceable, by troop and police contributing countries, called the Kigali Principles.

These Principles were established at a conference hosted by Rwanda in Kigali in 2015, where top troop and police contributing countries, top financial contributing countries, UN professionals, scholars and other stakeholders convened to discuss the current state as well as the future of POC in peacekeeping. The purpose of the conference was to find ways to strengthen the ability of UN peacekeeping to protect civilians and identify how Member States can contribute to this goal.

As a result of the conference, a set of 18 pledges was established that troop and police contributing countries can voluntarily sign up to. This set of pledges is voluntary and does not have legal implications or enforcement mechanisms. The initial number of nine signatory states has since grown to around 40, representing nations contributing more than 50% of all peacekeepers currently deployed in the field.

Slide 64

Kigali Principles Pledge

1. Conduct pre-deployment training	10. Identify potential threats early
2. Ensure all commanders are trained on POC	11. Enhance arrangements for rapid deployment
3. Prepared to use force	12. Vigilance in monitoring and reporting
4. No caveats	13. Take disciplinary action against own personnel if necessary
5. Notify UN of shortfalls	14. Undertake own AARs
6. Strive to provide capability	15. Highest standard of conduct for own personnel
7. Empower commanders	16. Request regular consultations on mandates
8. No hesitation to act to protect (within ROE)	17. Urge UNSC to match mandates to resources
9. Demand clarity on ROE	18. Call for effective support arrangements to UN ops

This is a short overview of the issues contained in the Kigali Principles. These pledges aim to commit countries to take pro-active steps forward in order to strengthen POC mandate implementation.



Divide participants into groups and discuss which of these are the most important, or the most difficult to implement.

Summary

Key takeaways regarding the principles underpinning POC mandate implementation in UN peacekeeping include:

- The protection of civilians mandate is guided by a set of legal and practical principles, rooted in the UN Charter, international law and lessons learned. These principles are laid out in the DPKO-DFS Policy on POC.
- These principles apply to all missions with POC mandates.

Command and Control

RESOURCES

1 flip chart per group, markers

TIME

3-5 minutes setting the stage

5-10 minutes brainstorming session

5-10 minutes group presentation

Total: 15-25 minutes

SETTING THE STAGE

Discuss with participants the general concept of Command and Control (C2). Ask what participant's or other member states use as a definition of Command and Control. How do they differ?

One possible definition is: "The exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission." This definition focuses on the orders given by a Commander.

Another possible definition is: "The exercise of authority and direction by the Commander using mission orders to enable disciplined initiative with intent to enable and empower adaptive leaders." This definition emphasizes the development of an initiative.

EXERCISE - Brainstorming Activity

Divide participants into groups of no more than 8 members.

Pose the following question: **In a mission with a protection of civilians mandate, what are some of the operational effects of ineffective command and control? In other words, what operational challenges can result from a lack of effective command and control when trying to protect civilians?**

Give the groups 10 minutes to develop an answer and present it to the plenary.

NOTES TO INSTRUCTOR

There are no right or wrong answers, but there will likely be some desire to turn the discussion towards the general effects of lack of command and control, rather

than focusing on the specific operational effects it can have on military operations in the context of POC.

The following answers should be considered:

- Inability to position forces to protect – effective command and control enables military units to plan, coordinate, and execute short notice deployments.
- Lack of understanding about vulnerable groups – effective command and control enables shared understanding. Information sharing and gathering occurs when there are clear priorities and resources allocated to the most important requirements.
- Lack of coordination with other mission partners – without effective command and control, it is difficult to synchronize efforts between the various actors in a Peacekeeping mission.
- Lack of initiative by lower levels of the mission – affects the ability of the junior levels to rapidly assess the situation and make decisions. This can prevent timely action in the case of vulnerable civilians.
- Adherence to ROE/DUF – effective command and control is essential to ensuring that military and police units use the appropriate amount of force to solve the problem and protect civilians.

Lesson 1.5



Operational Concept

The Lesson



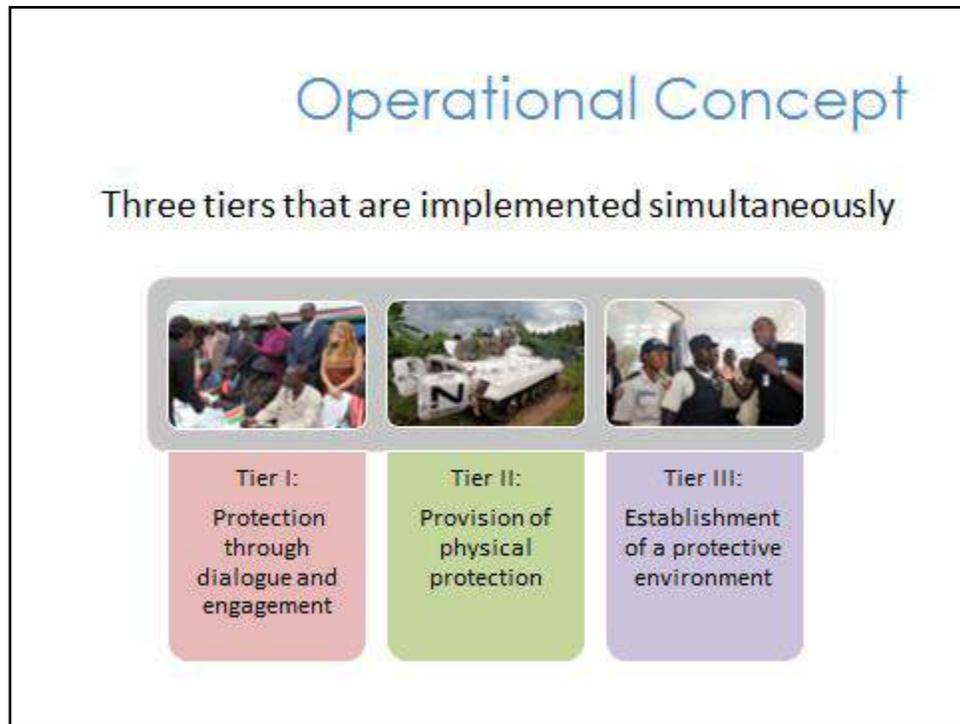
Starting the Lesson

Background

The operational concept for POC in UN peacekeeping was originally established in 2010, and represents the first agreed upon approach to the implementation of POC mandates in peacekeeping. During the development of the DPKO-DFS Policy on POC in 2015, the operational concept was updated to better reflect the political activities of a mission at the national and sub-national levels.

Operational Concept

Slide 69



Key Message: Multidimensional peacekeeping operations mandated to protect civilians have at their disposal a range of instruments with which to accomplish that task. These instruments fall under three distinct tiers, which are articulated in the following slides. At the heart of it, the three tiers of the operational concept make clear how POC implementation is a whole-of-mission task, requiring coordinated action from all mission components.

The three tiers are mutually accommodating and reinforcing and as such should be implemented simultaneously, in accordance with specific mission mandates and in light of the circumstances on the ground. There is no inherent hierarchy or sequencing between the tiers, and action under all three tiers should emphasise prevention and pre-emption. All components of the mission, including the military, have a role to play in each of the three tiers.

- Tier I: Protection through dialogue and engagement
- Tier II: Provision of physical protection
- Tier III: Establishment of a protective environment



Identify the core tasks of the mission that participants will deploy to and have them list the tasks on a flip chart according to the three tiers.

Slide 70

Tier I: Protection through Dialogue and Engagement

- Dialogue with current or potential perpetrators
- Conflict resolution and mediation between parties to the conflict
- Persuading the government and other relevant actors to intervene to protect civilians
- Public information
- Other initiatives that seek to protect civilians through dialogue and direct engagement

Key Message: Tier I activities include dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, public information, reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.

The High-Level Independent Panel on Peace Operations in 2015 assessed the state of UN peacekeeping operations and the challenges they face in addressing the emerging situations. A key recommendation of the panel was to focus on political strategy and prevention, which lend particular support to Tier I activities.

Slide 71

Tier II: Provision of Physical Protection

- Activities by police and military components involving the use of force to prevent, deter, and respond to situations in which civilians are under the threat of physical violence
- Closely coordinated with civilian sections



Key Message: Tier II encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, which help guide the objectives and conduct of military and police operations, including through joint POC planning and coordination structures.

Often when people think of peacekeeping, and in particular the protection of civilians, they think of tier II activities and the physical response missions can resort to. But as the Operational Concept makes clear, this is only one aspect of the tools available to the missions.

Slide 72

Tier III: Establishment of a Protective Environment

- Environment building activities that are frequently programmatic in nature, broad and designed with committed resources for medium to long-term peacebuilding objectives
- Support the political process, DDR, RoL, SSR, resettlements of IDPs and refugees, humanitarian assistance, etc.

Key Message: Tier III activities are frequently programmatic in nature, as well as broad and designed with committed resources for medium- to long-term peacebuilding objectives. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities help to create a protective environment for civilians and are generally planned for independently of the POC mandate.

Most of those activities are undertaken alongside or in coordination with programmes by the United Nations Country Team or Humanitarian Country Team and may include the following elements, consonant with the mission's mandate as provided by the Security Council:

- Support the political process;
- Disarm, demobilize and reintegrate ex-combatants;
- Strengthen the rule of law, including through the promotion and protection of human rights, justice, and safe, secure and humane correctional facilities;
- Fight impunity and strengthen accountability to deter potential perpetrators;
- Support security sector reform;
- Manage stockpiles and dispose of mines, arms and ammunitions;

- Put an end to the illicit exploitation of natural resources;
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs);
- Support the participation of women in conflict prevention, conflict resolution and peacebuilding, and also support the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions;
- Contribute to the creation of security conditions conducive to the civilian-led delivery of humanitarian assistance;
- Coordinate and cooperate with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities;
- Support compensation and rehabilitation of victims;

Slide 73

POC Phases of Response

- POC operations are implemented along four phases
- These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently

Key Message: The ways in which UN peacekeeping missions respond to POC threats can be divided into four phases. The four phases are not sequential and missions will often find

their activities fall into different phases in different parts of the country at the same time, and some of the same activities may take place across all phases.

Module 3 will examine the four phases in more detail, at this stage it is enough to know that the objective of this approach is to either eliminate a threat, or mitigate the risk to civilians associated with that threat. It must also be noted that these phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently.

Slide 74



Here are the four phases:

- Prevention,
- Pre-emption,
- Response and
- Consolidation (threat has been mitigated/eliminated)

Action is necessary across all four phases, in line with the proactive approach taken by peacekeeping missions. In the prevention and pre-emption phase, the incident has not occurred yet and missions can more effectively avoid violence by acting in these phases.

In the response phase, missions respond to a violent incident that has already occurred, and in the consolidation phase missions support post-conflict activities.

All the tasks we discussed in reference to the three tiers can also be categorized across the four phases.



Take the same task list used for the three tiers and discuss with participants where they fit into the four phases.

Summary

Key takeaways regarding the Operational Concept include:

- As laid out in the DPKO-DFS Policy on POC, the Operational Concept is at the heart of POC action in UN peacekeeping. It reflects the whole-of-mission approach that is necessary for effective mandate implementation and groups POC-related activities into three tiers.
- Activities under the three tiers are not sequential and often take place simultaneously.
- Peace operations respond to POC threats in 4 distinct phases that are not necessarily sequential.

Lesson 1.6



Mission Challenges

The Lesson



Starting the Lesson



To aid the participant's learning, play the video "Mandated to Protect – Protection of Civilians in Peacekeeping Operations" from minute 14:17 to minute 21:37. This segment talks about the challenges facing UN peacekeepers.

The video can be found in the Annex of Module 1 as well as on YouTube: https://www.youtube.com/watch?v=y8y8_GaxC3I



Divide participants in groups and ask them to note down the main challenges mentioned in this video segment. Which do they think is the most difficult challenge to overcome?

Mission Challenges

Slide 79

Mission Challenges

- Strategic consent
- Capabilities and limitations
- Expectation management
- Intelligence
- Planning process
- Logistics
- Training
- Command and control
- Coordination

Key Message: The implementation of POC mandates is a complex task and faces many obstacles.

This is a partial list of some of the most prominent obstacles missions deal with on an ongoing basis. Some of these challenges were already touched upon during the course of this module, others will be raised for the first time in this course.



As the slide builds, lead participants through the list and discuss each challenge. Have any participants experienced a mission dealing with one of these challenges? If so, explain to the group how the mission dealt with that challenge.

Additional challenges not listed on the slide could include:

- Distinguishing civilians – who are peacekeepers mandated to protect?;
- Remaining impartial – not the same as neutrality or inaction;
- Dealing with situations where government forces pose a threat to civilians;
- Considerations on tackling impunity;

- Force Protection;
- Peacekeepers becoming a target;
- Mobility.

Lesson 1.7



Special Considerations for Conflict-Related Sexual Violence

The Lesson



Starting the Lesson



Before introducing this topic, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 29:58 to minute 35:09. This segment talks about the importance of paying particular attention to the protection from conflict-related sexual violence and protection of children.

The video can be found in the Annex of Module 1 as well as on YouTube: https://www.youtube.com/watch?v=y8y8_GaxC3I

Relevance

As discussed earlier, in today’s wars, civilians are not only random, incidental victims of violence, but frequently the targets of it. In contemporary conflict, characterized by an increased civilian-combatant interface, sexual violence is not a side effect but a front line consideration. Women are frequently the focus of armed conflict – waged for the control of populations, as much as territory.

In recent decades, we have witnessed a rise in the strategic use of brutal forms of sexualized violence against civilian populations to serve specific purposes. Provided with a robust mandate, peacekeepers can play an important role in protecting civilians from sexual violence during armed conflict.

This segment on special considerations for CRSV will cover:

- Background and importance of CRSV;
- Mandate of CRSV; and
- Fundamentals when it comes to implementation.

Special Considerations for Conflict-Related Sexual Violence

Slide 83

Background

- Used as a tactic of war, exacerbates situations of armed conflict and impedes peace and reconciliation
- Often motivated by political or military objectives
- Targets civilian populations: psychological and physical trauma, infections, diseases, humiliation, mutilation, and death

Key Message: Conflict-Related Sexual Violence (CRSV) in many conflict and post-conflict situations is one of the worst global protection challenges due to its scale, prevalence and profound impact. Motivated by political, military or psychological objectives to control territory, population or resources, CRSV is frequently and deliberately used to target vulnerable populations.

CRSV inflicts psychological and physical trauma, infections and diseases, humiliation, displacement, and death. The widespread use of sexual violence in conflicts such as in Rwanda, the Former Yugoslavia, and Sierra Leone led to the adoption of UNSC Resolution 1820 (2008). In it, the Council recognised that the deliberate use of sexual violence as a tactic of war exacerbates situations of armed conflict, impeding peace and reconciliation.



Ask participants to recall the earlier definition of CRSV and who the most likely victims are.

As discussed earlier, CRSV refers to incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

Slide 84

Security Council Mandate

- Six missions with CRSV mandate
- CRSV a separate mandate and part of broader POC agenda
- The mandate usually includes:
 - Provision of specific protection for women and children including through the deployment of CPAs and WPAs
 - Monitoring, help investigating, reporting and preventing sexual violations and abuses
 - Contributing to efforts to identify and prosecute perpetrators

Key Message: The United Nations Security Council recognises sexual violence to be a fundamental threat to global peace and security.

The Council has adopted eight Women, Peace, and Security (WPS) resolutions of which five resolutions specifically address CRSV. These resolutions require protection actors, including peacekeepers, to respond to sexual violence with as much determination as they would any other violation, and with specifically designed tasks and tactics to deal with the specific nature and consequences of this type of violence. Through resolutions that followed UNSCR 1820 (2008), such as resolution 1888 (2009), 1960 (2010) and 2106 (2013), the Security Council established the CRSV framework to combat CRSV through prevention, coordinated response, and accountability. We will discuss the content of these resolutions in more detail in Module 2.

UN peacekeeping operations are specifically mandated by the Security Council to address sexual violence from a political, peace and security perspective and stressed the link to mission's mandates to protect civilians. As of the end of 2016, the Security Council has also specifically mandated six peacekeeping missions, namely MINUSCA, MINUSMA, MONUSCO, UNAMID, UNMISS and UNOCI, to prevent and respond to CRSV.

The mandate usually includes (but is not limited to):

- Provision of specific protection for women and children including through the deployment of Child Protection Advisors and Women Protection Advisors (WPA)

who are now integrated with the human rights component as part of the process to consolidate protection functions (and also deployed under the CAAC framework);

- Monitoring, help investigating, reporting and preventing sexual violations and abuses; and,
- Contributing to efforts to identify and prosecute perpetrators.

Additionally, CRSV clauses in mission mandates usually include (but are not limited to) the following:

- Protection of civilians, including from all forms of sexual violence;
- Provision of specific protection for women and children;
- Deployment of WPAs;
- Establishing MARA;
- Monitoring, investigating, reporting and preventing sexual violence violations and abuses; and,
- Contributing to efforts to identify and prosecute perpetrators

▪ **Slide 85**

Fundamentals

- May be invisible
- Disproportionately affects women and girls
- IDPs vulnerable
- Is under-reported
- Mostly occurs in conjunction with other crimes
- CRSV and SGBV may be prevalent concurrently in a conflict zone
- May manifest as potential, impending or ongoing
- Should not be confused with SEA



When talking about CRSV, we need to keep a few fundamentals in mind:

- CRSV may be widespread, endemic and invisible – hence assume it is taking place and maintain operational readiness;
- CRSV disproportionately affects women and girls – hence ensure their specific protection as a priority;
- CRSV thrives in the midst of gender discrimination and inequality – hence address it in a gender sensitive manner, promoting gender equality, participation and empowerment of women;
- CRSV impacts Internally Displaced Persons (IDP) in greater magnitude – hence design specific protection measures to protect fleeing women and girls as well as those in IDP Camps;
- CRSV is under reported due to insecurity, fear of perpetrators remaining at large, impunity and a lack of faith in the justice system, social stigma, marginalization or banishment and cultural issues – hence generate confidence and create conditions to improve reporting and end impunity;
- CRSV mostly occurs in conjunction with other crimes – hence it cannot be addressed effectively in isolation of other human rights violations;

- CRSV and SGBV may be prevalent concurrently in a conflict zone – hence peacekeepers are required to respond to both violations;
- Incidents of CRSV often presage broader violence, and the recurrence of CRSV can establish historic precedence, patterns and trends – hence establish early warning mechanisms to prevent it;
- CRSV may manifest as potential, impending or ongoing dimensions – hence UN peacekeepers are required to respond to all three dimensions appropriately as per Mission-specific Military-Strategic Concept of Operations (CONOPS) and Rules of Engagement (ROE);
- CRSV should not be confused with Sexual Exploitation and Abuse (SEA), committed by uniformed and civilian peacekeepers – SEA is a disciplinary issue to be dealt with internally.

Slide 86

Approaches

Steps to enhance Force responsiveness to CRSV include:

- Designating CRSV Focal Points
- Integrating CRSV in all plans and operations
- Ensuring active participation in mission responses
- Coordinating military prevention and response activities
- Instituting comprehensive security measures
- Responding in a timely, credible, effective and positive manner to CRSV threats

Key Message: Military commanders need to develop creative and practical approaches to protect women, girls, men and boys from CRSV.

Some of the steps that enhance responsiveness of the Force to combating CRSV are:

- Designating CRSV Focal Points within Battalions to work alongside Women's Protection Advisers (WPAs) and other designated focal points (Protection Advisors,

Child Protection Advisors, Human Rights Officers, Gender Advisors, etc.) and establish clear reporting lines vis-à-vis civilian staff members;

- Including CRSV concerns and mandated arrangements in all risk assessments; planning processes; guidance; operational orders; operational coordination as well as training of responses to incidents; during engagement with local communities;
- Establishing command responsibility, setting priorities and sensitization (through interactions and in-Mission training);
- Ensuring active participation in the broader Mission while coordinating military prevention and response activities with other Mission components and ensuring communications/coordination links with other protection forums, working-groups, clusters and mechanisms at appropriate levels;
- Instituting comprehensive security measures to prevent CRSV;
- Responding in a timely, credible, effective and positive manner to CRSV threats; TCC's need to confirm operational readiness prior to sending troops, which includes confirming capability and ability to act as per the established training.

Summary

The takeaways regarding special considerations for CRSV in particular include:

- Prevention of CRSV can only be successful if planned in an integrated fashion;
- Command should establish early warning indicators and act upon them;
- Pre-deployment and in-mission training and preparation of all peacekeepers is essential to fully understand the implications of CRSV;
- The military component needs to take appropriate steps to ensure operational readiness and CRSV responsiveness.

Lesson 1.8



Special Considerations for Child Protection

The Lesson



Starting the Lesson



Ask participants to recall the earlier definition of Child Protection and how they think armed conflict affects children in particular.

Relevance

As discussed earlier, child protection can be defined as the prevention of and response to abuse, exploitation, and violence against children. Peacekeepers have a specific role to play in this context and therefore need to understand the particular vulnerabilities and risks facing children and know how to interact with children.

The protection of children in situations of armed conflict is also mandated as an inherent priority within the broader obligations of the United Nations to protect civilians and put human rights at the center of peace and security efforts.

Special Considerations for Child Protection

Slide 92

Security Council Mandate

- Security Council includes child protection provisions in relevant mandates
- Child Protection a separate mandate and part of broader POC agenda
- Training a critical component for successful implementation
- Monitoring and reporting on violations

Key Message: In resolution 1261 (1999), the Security Council formally acknowledged that the protection of children in armed conflict is a fundamental peace and security concern. By including child protection in its peace and security agenda, it created a role for UN peace operations on this issue.

Similar to CRSV, child protection is now mandated through specific thematic Security Council resolutions on Children and Armed Conflict, as well as by being part of the broader obligation of peacekeepers under the POC mandate.

In UNSC Resolution 1379 (2001), the Council called for the inclusion of child protection provisions in the mandates of UN peace operations and for the deployment of Child Protection Advisers (CPAs). Subsequent resolutions mandating and renewing UN peace operations have reinforced this call, mandating the deployment of child protection capacities in relevant country situations.

In a series of resolutions, the Security Council has also highlighted the importance of training of peacekeepers on CP concerns. UNSC Resolution 2143 (2014) calls for personnel including troop and police contingents to be trained to recognize, report and respond to violations and abuses committed against children and to successfully support child protection activities for better implementation of their respective mandates.

The Security Council has also routinely tasked missions to carry out the monitoring and reporting on the six grave violations against children. This will be discussed in more detail shortly.

Slide 93

Definition of a Child

Article I of the UN Convention on the Rights of the Child states that a child is
“every human being below the age of 18 years”

**For all peacekeepers and other UN personnel,
a child is any person under the age of 18 years**



Key Message: No matter what the local laws and traditions dictate, for UN peacekeepers children are girls and boys under the age of 18. The only exception is if local laws stipulate an age higher than 18, in which case the higher age becomes the guideline for UN peacekeepers.

In some cultures, and according to the laws of some host states in which peacekeepers are deployed, a child enters adulthood when he/she gets married, becomes a parent, or earns his/her own income. Maturity is defined by the social role he/she assumes rather than by age. However, peacekeepers must adhere to the internationally accepted definition above. When in doubt, apply the highest standard of protection and assume that person is a child.

Slide 94

Impact of War on Children Gender Dimension

- The risks of girls and boys can differ based on their distinct gender roles within their societies
- Women and girls face a higher risk of rape and other forms of sexual violence during armed conflict
- The experiences of girls and boys in armed forces and groups differ related to recruitment, identification and reintegration



Key Message: Gender can have an impact on the how war affects children. Girls and boys are often more vulnerable to certain kinds of threat and violations based on their distinct gender roles within their societies. For instance, girls are at higher risk of rape and other forms of sexual violence.

Their experience with armed groups can vary as well. For example, girls can assume various roles with them, including as fighters. They can be exposed to sexual and gender-based violence, such as sexual abuse, and may be forced to be the “wives” of commanders and soldiers. In some cases, they even become pregnant and bear the soldiers’ children. This role makes it particularly challenging to identify the girls in demobilization and reintegration efforts. Girls can be easily overlooked and mistaken to be soldiers’ dependents, especially because many are afraid or unable to speak up. They may also have different needs in the reintegration process due to their different experiences. Peacekeepers should therefore pay special attention to the distinct needs of girls in DDR efforts.

Slide 96

The Six Grave Violations

- UNSC Resolution 1612 (2005)
- Grave violations against international law
 1. Killing and maiming
 2. Recruitment and use of children as soldiers
 3. Abduction
 4. Rape and sexual violence
 5. Attacks against schools and hospitals
 6. Denial of humanitarian access



The Six Grave Violations against children during armed conflict were outlined by the Security Council in Resolution 1612 (2005). The violations were selected due to their obvious nature and severe consequences on the lives of children, and their ability to be monitored and quantified. The six grave violations against children in armed conflict are breaches of international law – the legal basis for asserting actions in response to such breaches will be covered in Module 2.

Reports of the grave violations are sent to the SRSR CAAC for subsequent reporting to the Security Council and those who have been reported as perpetrators can be brought to justice at the national level, or sanctioned by the Security Council. Peacekeepers need to understand the six grave violations because during deployment in a peacekeeping mission, personnel will be expected to monitor the environment and report any violation to the Military Child Protection Officer or other designated reporting channels.

The six grave violations are:

1. Killing and maiming of children: Any action resulting in death or serious injury of children, including shelling, crossfire, cluster munitions, landmines etc.
2. Recruitment and use of child soldiers: Any person below 18 years who has been recruited by armed forces or armed groups as fighters, cooks, porters, spies, for sexual purposes, etc.

3. Abduction of children: The unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child.
4. Rape and other forms of sexual violence against children: Any violent act of a sexual nature to a child, including forced pregnancy and forced abortion.
5. Attacks against schools and hospitals: Physical attacks or threat of attacks on buildings, including targeted or indiscriminate attacks.
6. Denial of humanitarian access to children: Blocking free passage or timely delivery of humanitarian assistance to persons in need (including children).

Not all six grave violations occur with the same frequency. UN peacekeeping personnel are most likely to encounter the following violations:

- Killing and maiming;
- Recruitment and use of children as soldiers;
- Rape and sexual violence;
- Attacks against schools and hospitals.

Slide 97

Learning Activity



Key Message: As discussed earlier, the recruitment and use of children as soldiers is not limited to the narrow 'child soldier' image but entails many different functions.



Build the slide and ask the participants what they believe each picture represents.

Illustrations left to right depict children being used for:

- 1) fighter
- 2) cooks
- 3) porter
- 4) sexual bartering
- 5) human shield
- 6) suicide bomber.

[Taken from Roméo Dallaire Child Soldiers Initiative. Child Soldiers: A Handbook for Security Sector Actors, 2012 (Second Edition, 2013).]

Slide 98

Learning Activity

Scenario 1

Dealing with child soldiers

As you are patrolling, you notice a child with a weapon moving aggressively toward you.



What should be your response and why?



Use this slide to generate plenary discussion. How would participants react in this situation? What issues should they consider?

Allow discussions to take place for 5-10 minutes. In case of international participants, elicit responses from different cultures to compare responses.

Highlight the issue and definition of hostile intent/hostile acts and that the commander on the ground will make this determination. Emphasize the need to follow the ROE at all times. This child may be afraid and running towards UN for help, or s/he may have a hostile intent.

In this scenario, the peacekeepers' dilemma is whether or not to use force. If this is determined to be an imminent threat or a hostile act, force can be used in self-defence, or to protect civilians in defence of the mandate. The context of the situation will guide the commander on the ground in making this determination, (e.g. have child soldiers committed hostile acts against the UN recently? Have child soldiers voluntarily disarmed recently in this area?). If force is to be used, only the

minimum level of force should be applied to mitigate the hostile act/imminent threat.

Slide 99

Learning Activity

Scenario 2

Dealing with child soldiers
On a patrol you encounter a child soldier who has escaped his captors and seeks your help.

How should you handle this situation and why?





Use this slide to generate plenary discussion. How would participants react in this situation? What issues should they consider?

Allow discussions to take place for 5-10 minutes. In case of international participation, you may elicit responses from different cultures to compare responses, should there be differences.

The following will usually be the appropriate responses and included in the mission guidance:

- Disarm and secure the child;*
- Immediately alert the closest Child Protection Adviser or Child Protection Focal Point;*
- Refer to SOPs or mission guidelines developed for the hand-over of children.*

Slide 100

Dealing with Child Soldiers

- If they pose a threat, be prepared to deal with such situations and follow ROE
- If they pose not threat
 - Do no harm
 - Remember that these children are victims
 - Report through the chain of command



Key Message: Peacekeepers who encounter child soldiers, should be aware that he/she is still very much a child – someone who is vulnerable, impressionable, frequently irrational and worthy of protection. However, he/she is also a soldier – and to deny this fact could be detrimental to the safety of the peacekeeper and would not be in keeping with the child's own experience. This may cause a moral dilemma.

Military peacekeepers need to be prepared to deal with situations where they encounter child soldiers. The following principles must be known, understood and applied in all situations:

- Use of Force as a last resort;
- Minimum use of force;
- The peacekeeping principle of non-use of force except for self-defense and in defense of mandate.

A peacekeeper should know that they have to balance the vulnerabilities of a child with the operational necessities. Sometimes, there is no time to take prolonged considerations. Under such extreme circumstances, if grievous bodily harm is feared, your ROEs will likely authorize the use of lethal force. Not all situations in which peacekeepers encounter child soldiers are equally unexpected or dangerous. When, for example, a peacekeeper is able to plan for the likelihood of encountering a child soldier, he or she will be far better

equipped to juggle the two moral imperatives of protecting innocents and defeating one's enemy. In such cases, when afforded a comparably longer response time, peacekeepers have a responsibility to fight with restraint (and ideally, to pursue the objective of capturing child soldiers alive).

It is important to emphasize that when dealing with children and child soldiers, aggressive or hostile posture by children may not necessarily constitute a threat. The "aggressive" attitude of a child approaching with a weapon is not necessarily a hostile act or intent. It could be a scenario where a child with a gun is simply approaching the UN vehicle and wants the peacekeeper to withdraw.

In situation where child soldiers do not represent a threat, peacekeepers need to:

- Follow the Do No Harm principle.
- Remember that all children associated with armed groups are victims. They suffer from torture and other cruel treatment during their time with the armed forces. But even the recruitment in itself is a crime. So while children may be combatants or ex-combatants and perpetrators of horrible acts, it is critical to bear in mind that they are also victims for being recruited in the first place.
- Immediately report it through the chain of command. In addition to reporting through the chain of command, peacekeepers should also take good notes of the situation and immediately report the case to the Child Protection Adviser in the mission to decide what action to take.

Slide 101

Learning Activity

Scenario 3

Military use of schools (or hospitals)

You are a Battalion Commander and were informed that an armed faction that is opposed to the peace process and hostile to the United Nations has committed attacks in a remote part of your AOR. You decide to deploy a mobile operating base (MOB) in the area. When the company arrives in the village, the chief identifies a location in a primary school compound and offers you the premises for the MOB.



Discuss the scenario with participants. The scenario should generate the following discussion points:

- *This scenario does not constitute an attack on a school, but rather use of a school. Use of schools by UN peacekeepers is strictly prohibited. There is a caveat that national armed forces are allowed to use schools if there are no other options, but this should be seen as a last resort in a dire situation. UN peacekeepers should thus advocate for all armed forces to vacate schools and find another base.*
- *Schools and hospitals must be zones of peace, where children are granted protection even in times of conflict. Despite this, there is an increasing trend in armed conflict that schools and hospitals are being attacked with detrimental effects and impact on children.*
- *Apart from the direct and physical damage to schools and hospitals, conflict can result in the forced closure or the disrupted functioning of these institutions. Children, teachers, doctors and nurses are also subject to threats by parties to conflict if suspected, for example, to support the other party to the conflict.*

Also of great concern is the use of schools for military purposes, as recruitment grounds and polling stations.

Below are three questions you can ask participants to generate discussion (with suggested answers):

- *What instructions do you give the company commander and why? Do not use the school premises. UN peacekeepers are prohibited to use any schools for military purposes. The UN Infantry Battalion Manuals strictly prohibits the use of schools by military forces (Volume 1, 2.13 – child protection).*

- *What difference would it make if they offered a hospital as the base for the MOB? It would not make a difference. Hospitals are protected installations according to International Humanitarian Law (IHL) and cannot be used for military purposes.*

- *What if the host nation's forces fighting with the faction are based in the school and invite the company to join them in a joint operation? The UN company commander should advocate for the unit to immediately vacate the school premises. The presence of host nation forces at the school increases the risk of the school being a target and the school being destroyed due to fighting. The UN company commander should then inform CPA and provide all relevant facts:*
 - *Name/location of school*

 - *Name of village*

Slide 102

Other Issues

- Arrest and detain child soldiers only in most extreme circumstances → hand over to CP actor as soon as possible



- Be alert to other relevant violations
- Ensure you fully understand the violations you are expected to report

Key Message: In today's peacekeeping environment, peacekeepers are also expected to be alert to other violations relevant in the mission area.

For example, the illegal arrest and detention of children has emerged as a serious concern in conflict settings, often as a result of their alleged association with armed forces or armed groups. They may be considered 'enemies' or 'deserters.' Sometimes in order to protect other civilians, or to protect the child, peacekeepers have to detain a child combatant. Detention of child soldiers by UN military units should only be done in extreme circumstances to ensure the safety and well-being of the child. Child soldiers being detained should be released and handed over to a child protection actor immediately.

Forced displacement may also be an issue of concern when it has been related to fear of child recruitment, sexual violence or any of the other grave violations. Armed groups or criminal elements have in some cases taken advantage of the desperate situation of children and the insecure borders by trafficking children for sexual exploitation or domestic labour.

Upon deployment, peacekeepers should ask the Child Protection Adviser (or dedicated CP focal point) for a briefing on the situation of children affected by armed conflict in the particular mission context as situations may differ considerably by country or region. Each component of the mission has responsibilities and has to take into account child rights concerns within their respective activities. All peacekeeping personnel – military,

police and civilians – must be aware of their responsibilities and receive training on child protection that enables them to fulfil their role in the mission. Every peacekeeper has to make sure they fully understand the violations they are expected to be alert to.

Slide 104



Key Message: As discussed earlier, each component of the mission has a role to play in protecting children and promoting their rights. Child Protection Advisers (CPA) are central figures in this process, but they do not carry the sole responsibility.

Bottom right corner: When observing a violation against children, a military unit on the ground needs to report it in the chain of command. The chain of command will channel the information to the Military Child Protection Officer, who will report it to the nearest civilian Child Protection Adviser (CPA). The Military Child Protection Officer must also inform the Military Child Protection Focal Point.

When the CPA is informed of a child protection incident, he/she liaises with the approved counterpart. This could be advocacy with the government or the armed forces for the release of a child in prison or a child that is with the armed forces. He or she can also inform UNICEF to provide assistance to the child or the family.

Example: In Jonglei state, South Sudan, different tribes had abducted many children during the conflict that broke out in December 2013. UNMISS Military Liaison Officers encountered children with the SPLA, who had removed them from their families and taken them to different villages. Even though the SPLA soldiers and the children were from

the same ethnic group, the children should not have been removed from their family care. The Military Liaison Officers informed the UNMISS Child Protection Team of these incidents. UNMISS Child Protection Officers informed UNICEF, who started the family tracing process. Together, the Child Protection Team and UNICEF spoke with the government to inform them that the children needed to be brought back to their families (the government cooperated, as these family reunifications were part of the peace agreement). The children were identified and brought back to their home area with UNMISS helicopters, where UNICEF placed them in an interim care centre. This was necessary because their families had not yet been identified. After one week, the children were returned to their families.

Slide 105

Child Protection Responsibilities Battalion Commander

- Establish and maintain links to CP actors
- Establish and maintain situational awareness on CP threats
- Implement CP policies
- Mainstream child protection
- Threat-related CP training
- Zero Tolerance on SEA and child labour



The tasks listed here are not sequential but should all happen concurrently.

It is important to reach out and establish communication with the CP actors in your area, including the closest Mission Child Protection Officer, UNICEF and local NGOs with whom peacekeepers can exchange information and build up a level of trust. The first time to contact them should not be in an emergency.

Battalions must establish and maintain situational awareness on CP threats in the area of responsibility. Threats include the six grave violations discussed in previous slides. The civilian CPA can advise on the threat environment.

Identify all the CP policies issued down the military chain of command and implement them accordingly.

Just as Force HQ views CP as a factor in all its plans and operations, Battalions need to do so as well. Every patrol is likely to encounter children and when Battalions consider actions against an armed group, it is important to keep in mind that the group might include children. Peacekeepers should not look at IDPs as a mass of people but see them as an entity which contains children, as well as adults, and therefore requires specific and relevant responses.

CP training is critical and needs to build on the threats identified earlier.

Battalions need to maintain zero tolerance on SEA and the use of child labour.



Note to instructor – In order to encourage the participation of participants; rather than stating examples of child protection mainstreaming, you may wish to ask the learners for examples.

Slide 106

**Child Protection Responsibilities
Military Observers**

- Establish and maintain links to CP actors
- Establish and maintain Situational Awareness on CP threats
- Implement Force (and Sector/Bde) CP policies, particularly reporting on the six grave violations
- Zero tolerance on SEA and child labour

 *Note to instructor – Depending on the number of military observers in the audience, you may wish to spend more time on this slide.*

Key Message: It is no surprise that the responsibilities of a Military Observer and a Child Protection Officer are similar with regard to Child Protection, with an emphasis on reporting grave violations against children. Military Observers patrol every day, know the communities and will potentially see more activity.

Key responsibilities include:

- Establish and maintain links to CP actors;
- Establish and maintain Situational Awareness on CP threats;
- Implement Force (and Sector/Brigade) CP policies, particularly reporting on the six grave violations;
- Zero tolerance on SEA and child labour.

Slide 107

Special Considerations for Child Protection

- Background
- Six grave violations
- Roles and Responsibilities
- Interacting with children

Key Message: Peacekeepers have a very clear mandate and authority when it comes to child protection in missions. Ethical attitudes and behaviour can play a major role in how successful peacekeepers will be in carrying out their child protection mandate. Therefore, it is important to briefly review the basic principles for peacekeepers in their interactions with children in the mission, noting in particular the different circumstances in which such interactions might take place.

Slide 108

Culture and Attitude

- Cultural background and attitude play a major role in peacekeepers' interaction with children and other civilians
- Behaviour that may be acceptable during peace time may lead to dangerous situations in times of conflict
- Always consider the (potentially harmful) consequences of actions when interacting with children



Key Message: Cultural background – values and beliefs – can be a major influence on a peacekeeper's attitude and behaviour towards children and other civilians. Being aware of cultural differences between peacekeepers and the local population in the mission area is important to ensure peacekeepers always demonstrate respectful behaviour towards the populations they are asked to protect. In addition, behaviour that may be acceptable during peacetime may lead to dangerous situations in conflict settings.



Ask participants to think of examples where cultural interactions differ. Points raised should include:

- *Communication between children and adults, men and women;*
- *Physical contact;*
- *Importance of status in society.*

Peacekeepers may not always be aware of the (potentially harmful) consequences of their own actions when interacting with children. It is therefore important to adhere to the UN's Code of Conduct and the guiding principles on the next slide.

Slide 109

Guiding Principles

- ① **Do No Harm:** Avoid actions that may place children in danger
- ② **Best Interest of the Child:** Always place the interest of the child first before you act
- ③ **Coordinate and Work with the Experts:**
When in doubt ask the child protection specialists



Close proximity and relationship with locals, in particular children, may put children at risk. If peacekeepers as military actors interact closely, even though they have good intentions, this interaction may make that child a target.

Example: A military actor who allows a young boy to have access to the Compound or car may make that boy a target for those who may want to use the child as a spy. On the other hand, military assistance, such as supplying a local orphanage with surplus food and medical supplies, may in fact make the orphanage a target by rebel groups (who may lack medicine and food and, if you provide it to the children, may make them a target).

Peacekeepers need to keep these key guiding principles in mind when interacting with children:

- Do No Harm: Avoid actions that may place children in danger;
- Best Interest of the Child: Always place the interest of the child first before you act;
- Coordinate and Work with the Experts: When in doubt ask the child protection specialists.

Slide 110

Zero Tolerance: SEA of Children

NO SEXUAL ACTIVITY WITH ANYONE UNDER 18!

- Knowledge of the age of the child is not relevant
- It does not matter if the child gives consent
- Instruct soldiers under your command
- Report



To repeat some of the key points:

- Exchange of money, employment, goods, assistance or services for sex, is prohibited.
- Use of children or adults to procure sexual services for others is prohibited.
- The knowledge of the age of the child is not relevant. Ignorance is no excuse.
- It also does not matter if the child gives consent to the act. It is a command responsibility to instruct all soldiers regarding this point.
- If a peacekeeper notices any signs of SEA, she/he must report them immediately.



Note to instructor – The Conduct and Discipline Unit website page on Enforcement (<https://cdu.unlb.org/UNStrategy/Enforcement.aspx>) makes specific reference to staff members' duty to report and refers to the 2003 SG's Bulletin (<https://cdu.unlb.org/Portals/0/Documents/KeyDoc4.pdf>) on SEA which states, at para 3.2(e):

*“Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, **he or she must report** such concerns via*

established reporting mechanisms.”

Summary

The takeaways regarding special considerations for Child Protection include:

- For purposes of UN peacekeeping, a child is anyone under the age of 18 years.
- Peacekeepers need to understand that children face specific threats during armed conflict and those threats need to be accounted for in planning and execution of operations.
- The protection needs of boys and girls may differ.
- There are Six Grave Violations against children, which peacekeepers need to monitor and report on.
- Peacekeepers need to know what to report on and who to report to.

Module 1



Conceptual Framework

Slide 114

Module 1 – Conclusions

- Range of policies, guidelines and principles exist on POC, Child Protection and CRSV
- Mandate implementation is never straightforward and requires targeted approach for each context
- Effective protection of civilians requires coordination and information sharing within and outside the mission
- Peacekeepers need to be proactive and creative, within the boundaries of existing guidance and principles
- Child Protection and CRSV are integral to protection of civilians and require particular consideration

At the conclusion of Module 1, a few concluding points are worth noting:

- A range of policies, guidelines and principles have been developed over time to create a common understanding of POC, Child Protection and CRSV and facilitate the implementation of their mandates.
- Nevertheless, implementation of these mandates is never straightforward and tailored approaches need to be developed for each context.
- Given the complexity of protection activities, coordination and information sharing with relevant actors within and outside the mission is critical.
- Peacekeepers need to interpret the protection mandates in a proactive and creative manner, within the boundaries of the guidance and principles discussed in this Module.

- Child Protection and CRSV are distinct mandates, but they also form an important part of the POC mandate. As such, peacekeepers need to understand and apply the particular considerations for Child Protection and CRSV at all times.



Before building this slide, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 35:10 to minute 41:55. This segment provides concluding remarks on the material covered in Module 1 and discusses ways in which peacekeeping can adapt moving forward.

The video can be found in the Annex of Module 1 as well as on YouTube: https://www.youtube.com/watch?v=y8y8_GaxC3I

Module 2



Legal Framework

Module 2 at a Glance

Aim

The objective of this module is for peacekeepers to understand the key legal framework governing mission-specific and cross-cutting thematic mandates in UN Peacekeeping, and identify its main instruments and content.

At the end of this module you should understand what this legal framework enables/obliges peacekeepers to do as well as what it prevents them from doing according to this comprehensive legal framework.

Relevance

Module 2 provides an overview of the legal framework for UN peacekeeping operations. It presents the obligations and authorities provided by international law, the UN legal and policy framework, and the operational legal framework, and discusses their relevance for UN peacekeeping.

Learning Objectives

Learners will:

- Identify the key components of international law governing the UN's mandated tasks in peacekeeping
- Understand the relevance of the core legal concepts and norms
- Understand what the legal framework enables/obliges peacekeepers to do and what it prevents peacekeepers from doing

Overview

Module 2 examines the legal framework for the conduct of mission-specific and cross-cutting thematic mandates in UN Peacekeeping, which broadly comprises:

- Applicable International Law
- UN Legal and Policy Framework, which essentially refers to the UN Charter, Security Council mandates, agreements the UN concludes with States participating in peacekeeping operations and relevant UN policies
- Mission Specific Legal Framework, including its Security Council Mandate, Rules of Engagement (ROE) and Directives on the Use of Force (DUF)

As we go through the module, it will be useful to keep in mind that the overarching legal framework guides the work, priorities and conduct of peacekeepers in all activities.

This module relates to and expands upon the information presented in Chapter 1.4 in the Core Pre-Deployment Materials on the Legal Basis of UN Peacekeeping.

Module 2.1



International Law

The Lesson



Starting the Lesson

Overview

This module begins with an overview of how international law impacts the work of peacekeepers with regard to their mandated tasks.

The term 'International Law' commonly refers to a body of law that governs the legal relations between or among States and international organizations. These training materials look at international law as a combination of binding law ("hard law") and non-binding law ("soft law"). Binding law refers to rules that are legally binding and that States must therefore apply, such as treaty law (i.e. conventions, agreements and protocols), as well as customary law. Treaties ultimately become binding through a process of negotiation, adoption and signature, followed by ratification, acceptance, approval or accession.

The components of international law most relevant for the work of peacekeepers are International Human Rights Law, International Humanitarian Law, International Refugee Law and International Criminal Law. At the end of this segment, regional legal regimes will be touched upon briefly.

International Law

Slide 6



The slide features a title 'What is International Human Rights Law (IHRL)?' in blue text. Below the title is a horizontal line. To the right of the text is a black and white photograph of a large conference room with many people seated at long tables. The slide contains a bulleted list of points:

- Designed to protect inherent rights of all human beings
- Obligates states to respect, protect and fulfill those rights
- Human Rights are universal and cannot be taken away
- IHRL applies
 - in times of peace and war
 - primarily to governments



Ask participants who they think are entitled to human rights, and whose responsibility it is to protect them?

Answers should include that every human being enjoys the full human rights, and that all state authorities are responsible for respecting and protecting human rights, including the President, Prime Minister, Members of the Judiciary, Executive and Legislative branches.

Key Message: Human rights are universal and everyone in the world is entitled to the same basic fundamental rights. There are also some groups, who may have specific needs or are particularly at risk of discrimination and rights violations who have been given specific rights protections (e.g. children, refugees, indigenous people, persons with disabilities). Human rights are held by individuals and groups (rights-holders) and must be respected, protected and fulfilled by States and State actors (duty-bearers). Human rights are legal and internationally guaranteed through the laws built on the Universal Declaration of Human Rights and other international human rights instruments.

Human rights are protected by most national legal systems and by international law. Although many countries have a long history of protecting certain rights of their nationals, the modern international human rights system was born after the Second World War

when states agreed that one way to prevent horrors like the holocaust was to agree on certain basic rights to which all people should be entitled.

Human rights are inherent to all human beings, whatever our nationality, place of residence, sex, ethnic origin, colour, religion, sexual orientation, language or any other status. We are all equally entitled to our human rights without discrimination.

States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

IHRL applies at all times, during war and peace. The primary subjects of IHRL are States, who are obligated to respect, promote and fulfil the human rights and fundamental freedoms of individuals and groups.

It may also be worth noting that human rights are inalienable, interrelated, interdependent and indivisible:

- Human rights are inalienable, in that no one can have his or her human rights taken away, other than in specific situations defined by law (for example, the right to liberty can be restricted if a person is found guilty of a crime by a court).
- Human rights are interrelated, interdependent and indivisible in the sense that the realization/achievement of one human right is linked to the realization of the others. For example, in order to be able to express a genuine political opinion through a vote, citizens must have access to a free press, the freedom to form political parties and the freedom to assemble in large groups to protest. Rights such as education, healthcare and an adequate standard of living are essential both to the right to life and the ability to exercise one's freedoms.

Slide 7

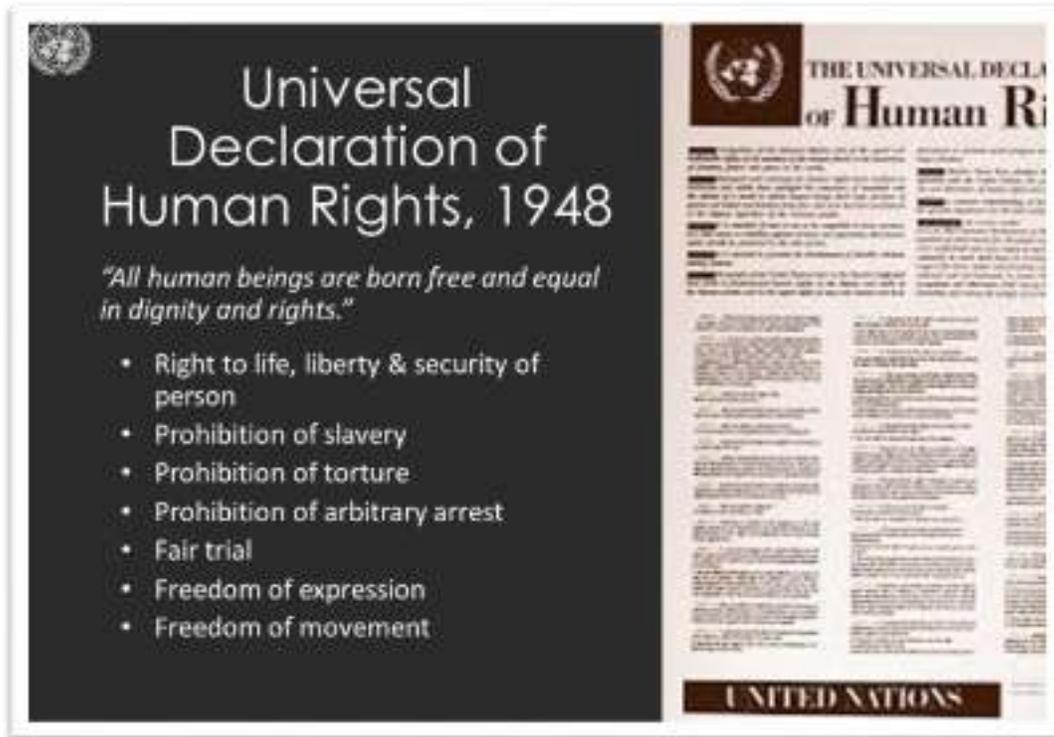


Key Message: The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression of rights to which all human beings are entitled. It states that "all human beings are born free and equal in dignity and rights". This means that no distinction can be made based on people's race, colour, sex, language, religion, political or other opinion, racial or social origin, property, birth or other status.

The Universal Declaration of Human Rights initiated a process of rapid development of international human rights law. Its content has also been enshrined in, and continues to inspire, national constitutions and legislation of many States.

Although the Universal Declaration of Human Rights is technically a declaration and not a treaty, many of its provisions represent legal obligations on all States, such as the right to life, prohibition of torture and slavery, and non-discrimination, among others.

Slide 8



The Universal Declaration of Human Rights sets forth 30 fundamental human rights of civil and political, as well as of economic, social and cultural nature, which are to be applied in respect of all human beings.

This slide only shows a few examples of civil and political rights included in the Universal Declaration of Human Rights:

- Life
- Freedom from slavery
- Freedom from torture
- Protection from arbitrary arrest
- Fair trial
- Freedom of expression
- Freedom of movement

Examples of economic, social and cultural rights included in the Universal Declaration of Human Rights:

- Join a trade union
- Education
- Food
- Housing and medical care
- Social security and work
- Equal pay for equal work



Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).

Give the groups 10 minutes and ask each group to select three rights included in the Declaration and explain why they consider them as fundamental to human beings. In addition, ask participants which human rights they think would be most likely violated or abused in an area where they might be deployed as UN peacekeepers.

It was earlier explained that Human Rights are interrelated and interdependent. How are the rights the participants chose interrelated and interdependent?

Slide 9



After the proclamation of the Universal Declaration of Human Rights in 1948, the General Assembly promoted the development of treaties incorporating the human rights standards contained in the Universal Declaration of Human Rights. For a treaty to apply to a particular country, the State must have ratified or otherwise formally adhered to the treaty.

Two treaties were elaborated:

- Covenant on Economic, Social and Cultural Rights, of 1966;
- Covenant on Civil and Political Rights, also of 1966.

In conjunction with the Universal Declaration of Human Rights, the two Covenants and their Optional Protocols are referred to as the “International Bill of Human Rights”.

In addition to the two Covenants, the drive to expand the Universal Declaration of Human Rights contents into legally binding instruments led to the adoption of other human rights treaties. These human rights treaties build on, flesh out and supplement the International Bill of Human Rights, and focus on specialized areas or specific groups, such as women's rights, children's rights, rights of persons with disabilities, rights of migrant workers prohibition of torture, elimination of racial discrimination, among others.

Examples include the Convention on the Elimination of all Forms of Racial Discrimination (1965), Convention on the Elimination of Discrimination Against Women (1979), Convention against Torture (1984) and Convention on Rights of the Child (1989) and its Optional Protocols. There are various other treaties that deal with human rights, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

Member States have established bodies and mechanisms that promote and protect the rights recognized by these treaties and monitor their implementation by State parties. These include, for example, the UN Human Rights Council, which is a subsidiary body of the General Assembly dealing specifically with the promotion and protection of human rights.



Note to Instructor – For more information on each of these Conventions see the Annex.

Slide 10



IHRL on Child Protection

- **Convention on the Rights of the Child (1989) and its Optional Protocols**
 - Most rapidly and widely ratified HR treaty in history
 - Sets out civil, political, economic, social, health and cultural rights of children
 - Prohibits direct participation in hostilities under age of 18
- **Paris Principles on Children and Armed Groups (2007)**
 - Prevent recruitment, protect children, and support their release from armed forces/groups

Key Message: IHRL also contains particular instruments dealing with the rights of children: Convention on the Rights of the Child (1989) and its three Optional Protocols (2000 and 2011).

The Convention on the Rights of the Child is the most rapidly and widely ratified international human rights treaty in history. Due to its wide acceptance, the Convention has changed the way children are viewed and treated – i.e., as human beings with a distinct set of rights instead of as passive objects of care and charity.

The Convention sets out the civil, political, economic, social, health and cultural rights of children. States that have ratified this convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world. States are required to submit periodic reports to the Committee explaining how they are implementing and complying with the Convention.

What is a Child? As discussed in Module 1, in some cultures, children enter adulthood once they marry, become partners or earn their own income. The social role they assume defines maturity, not age. The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. This definition guides actions of all peacekeeping personnel. How do you know whether a person is a child? When in doubt treat them as children and offer them the appropriate protection.

The 1st Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict requests that state parties take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years are not forcibly recruited and do not take direct part in hostilities. It also prohibits armed groups from recruiting or using persons under the age of 18 years in combat under any circumstances.

In 2007, the Paris Principles and Guidelines on Children and Armed Groups (the Paris Principles) along with the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups were adopted in Paris in 2007. They represent an international commitment to prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life. Therefore, while not legally binding, they contribute to our understanding of international standards concerning the treatment of children in armed conflict.

Slide 11

Convention on the Rights of the Child

- Rights guaranteed under the Convention include:
 - Non-Discrimination
 - Best interests
 - Right to life
 - Participation
- Additional stipulations under Optional Protocols
 - No recruitment or use of children
 - Prohibition of sale of children, child prostitution and child pornography

 Note to Instructor – More Information can be found at CPTM 2.7 Child Protection.

 Let the slide build and ask participants to explain each principle.

The Convention guarantees a large number of rights, including for instance the right to:

- Non-Discrimination. All children are equally entitled to all the rights accorded to them in the Convention on the Rights of the Child and other international norms and standards on child protection. No child shall be discriminated on the basis of nationality, race, ethnicity, language, gender, age, religion, physical abilities or any other characteristic or status.
- Best Interests. In all actions concerning children and for all decisions related to children, the best interest of the child must be the primary consideration.
- Right to life, survival and development. Children have the right to live. Governments should ensure that children survive and develop healthily.
- Participation. When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This Convention encourages adults to listen to the opinions of children and involve them in decision-making.

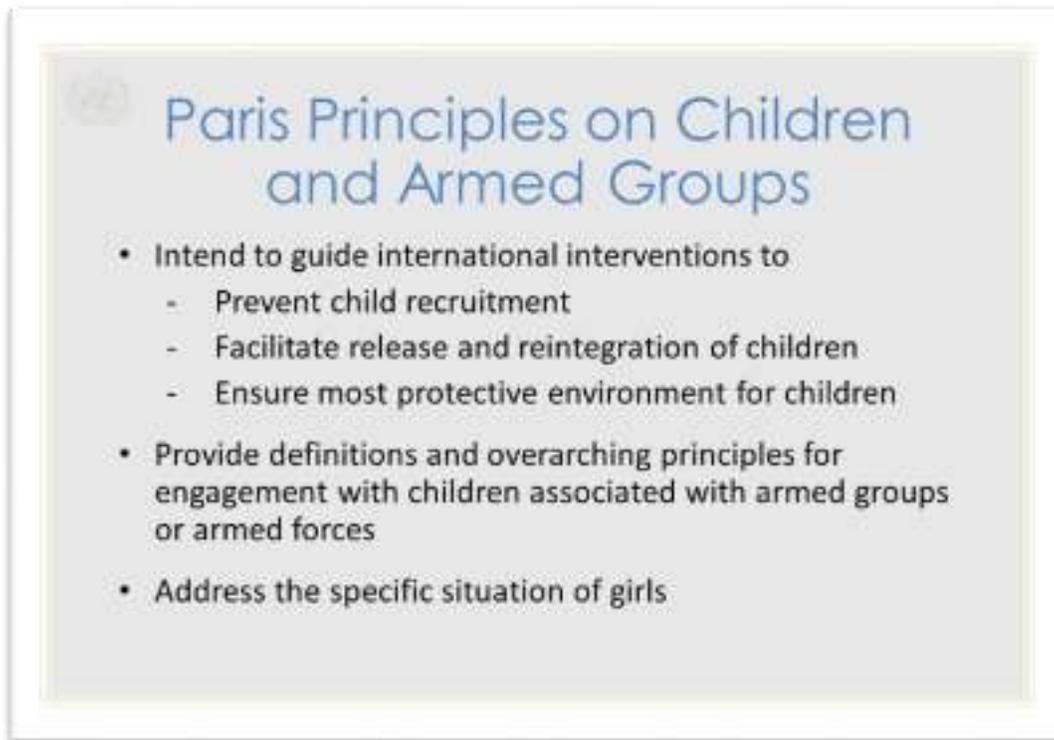
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

- The First Optional Protocol to the Convention requests state parties to take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take direct part in hostilities (Article 1). It prohibits (non-state) armed groups from recruiting or using persons under the age of 18 years in combat under any circumstances and requests state parties to prohibit and criminalize such practices (Article 4).
- The Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both protocols have been ratified by more than 150 states.



Note to Instructor – There is also a third optional protocol relating to communication of complaints which was adopted in December 2011 and opened for signature on 28 February 2012. It came into effect on 14 April 2014. Although very few countries have ratified the third optional protocol, it is significant as it added an independent complaints mechanism.

Slide 12



The Paris Principles were developed by a broad range of stakeholders to influence the behaviour of states (both affected countries and donor governments), human rights actors, humanitarian actors, development actors, military and security actors (state and non-state), as well as international organizations and community-based organizations. While some of these actors have a specific mandate or role in relation to children, all have a role to play and broad responsibility for the rights and wellbeing of children associated with armed forces or groups.

The Principles reflect experience and knowledge from across the globe and are intended to both foster greater programmatic coherence and support and promote good practice. They are designed to guide interventions for the protection and wellbeing of children with the following objectives:

- To prevent unlawful recruitment or use of children;
- To facilitate the release of children associated with armed forces and armed groups and their reintegration into society; and
- To ensure the most protective environment for all children.

While it is clear that no single set of 'best practice' applies in all contexts, these Principles are designed to provide a framework and bring together ideas and approaches, which have been used successfully across the globe.

The Principles and Guidelines also recognise that there are almost always a significant number of girls amongst children associated with armed forces or armed groups. For a range of reasons, however, these girls are rarely provided with assistance. While there are commonalities between the circumstances and experiences of girls and boys, the situation for girls can be very different in relation to the reasons and manner in which they join the armed forces or armed groups; the potential for their release; the effects on their physical, social and emotional well-being; and the ability to reintegrate into civilian life.

The Principles also cover a range of other issues, including children among internally displaced persons and refugees as well as children and justice mechanisms.

Slide 13



IHRL on Sexual Violence

- Sexual violence against women is a violation of basic human rights
- Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms equal to men

Key Message: International human rights law provides for the right to a life free from sexual violence and from gender-based violence.

Sexual violence, including conflict-related sexual violence, is a gross violation of basic human rights. Acts of sexual violence may violate the right to security of the person and the right to be protected from torture and other ill-treatment, as well as other rights enshrined in international and regional human rights treaties. Sexual violence, including rape, is also recognised as a central element of war crimes and crimes against humanity.

'Gender-based violence' and 'violence against women' are terms that are often used interchangeably, as most gender-based violence is inflicted by men on women and girls.

However, the 'gender-based' aspect of the concept highlights the fact that violence is an expression of power inequalities based on gender. "Violence against women" is understood as a violation of human rights and a form of discrimination against women. It includes all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

According to the CEDAW Committee (general comment 19), the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty. Gender-based violence may breach specific provisions of CEDAW, regardless of whether any provisions expressly mention violence. Gender-based violence against women impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under international human rights law. The right to equal protection according to international humanitarian law, in time of international or internal armed conflict, is recognized.

The Convention on the Rights of the Child provides for children's right to be free from all forms of violence, and stipulates that state parties are obligated to protect children from all forms of sexual exploitation and abuse. The Optional Protocol on the sale of children, child pornography and child prostitution includes the prohibition of child prostitution and child pornography.

Slide 14



Why does Human Rights Law matter to UN Peacekeeping?

- Human rights are a core pillar of the UN
- Human rights are essential for peace and stability
- Human rights are part of missions' mandate and structure
- Human rights violations can be indicators of threats
- Peacekeepers have a responsibility to ensure the protection and promotion of human rights
- Peacekeepers must be able to recognize and respond to human rights violations

Having explored IHRL and its key components, why do Human Rights matter to UN Peacekeeping? This has already been covered in Lesson 2.3 of the Core Pre-Deployment Materials on the Protection of Human Rights but will be reviewed again here.



Before building the slide, ask participants why they think Human Rights play an important role for UN Peacekeeping, in particular in the context of the protection of civilians.

Key Message: Human rights are a fundamental part of the normative framework of UN action – the “rule-book” for its activities as well as those of all of its personnel.

Human rights are relevant to UN Peacekeeping in a number of ways, including:

- As set forth in the UN Charter, the purpose of the UN includes to ‘promote and encourage respect for human rights’. Alongside peace and security and sustainable development, the promotion of human rights is a core pillar of the United Nations.
- Since human rights violations are often both a cause and a symptom of many modern conflicts, addressing human rights issues is essential to finding sustainable solutions, and therefore to the success of peace operations.
- As a result, multidimensional UN peace operations include human rights as part of their mandate and structure.
- The effective implementation of human rights mandates and the ability of peace operations to prevent and respond to violations is critical to missions’ credibility.
- Human rights promotion and protection are essential to all UN efforts to prevent conflicts, to achieve and maintain peace, and to assist in peacebuilding. This perspective ensures that UN action is aimed at ensuring respect for human rights in concrete ways for individuals. Human rights protection results when individuals, who otherwise would be at risk of or subject to deprivation of their rights, are able to fully exercise them.
- Consistent with the centrality of human rights in UN action, DPKO doctrine requires that all peacekeepers promote and protect human rights through their work. Human rights are a cross cutting responsibility of mission components. This applies and starts with the senior leadership as well as all mission components and their personnel – including military and police. Peacekeepers must act as a positive role model in the countries where they serve.
- All mission personnel have human rights roles and responsibilities. Among other aspects, it implies that mission personnel must be able to recognize violations of human rights and humanitarian law committed by State, and sometimes non-State actors, report on those violations, and be prepared to respond appropriately within the limits of their mandate, functions and competence

 Ask participants to give examples of activities that military peacekeepers may be asked to carry out to promote and encourage human rights.

Answers should include:

- Record any human rights violations while on duty, including during tasks such as patrolling, observation, searches, or checkpoint controls.
- Report all human rights violations that were observed or where information was received.
- Intervene with armed groups or national security forces to ensure respect for human rights in aspects such as arbitrary detention, sexual violence, use of children etc.
- Provide escorts to human rights staff to facilitate investigations.
- Develop plans for possible crises to ensure rapid response.

Slide 15



The slide features a light blue background with a small UN logo in the top left corner. On the left side, the text "Human Rights Due Diligence Policy" is written in a blue, sans-serif font, stacked vertically. A vertical line separates this text from a list of three bullet points on the right side of the slide.

- Peacekeeping support must be consistent with UN principles
- HRDDP Policy ensures peacekeepers do not support or collaborate with Host State entities if there are grounds to believe they have violated human rights
- Assessments must be conducted

Key Message: Because human rights are so central to the UN, there are several policies governing the role of UN entities in the promotion and protection of human rights. A key

policy is the Human Rights Due Diligence Policy (HRDDP), which was put in place to ensure that the UN does not support or collaborate with host state elements that are involved in human rights violations.

In line with this, all support provided by peacekeeping missions must be consistent with UN principles. Support includes training, capacity building, mentoring, technical cooperation, and financial support.

The HRDDP policy states: "Support to non-UN security forces cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures."

All UN entities that plan to or are already providing support to non-UN security forces must conduct an assessment of the risks involved in providing or not providing such support. This assessment needs to take into account the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law. If support is already provided when reliable information about violations is received, peacekeepers must suspend support to the offending elements.

Summary

Key takeaways regarding IHRL include:

- IHRL is part of the legal framework governing UN peace operations.
- Human rights apply to all human beings, they are non-negotiable and their content does not change. Nobody can take them away.
- Human rights are a core pillar of the UN and all its work, the UN Charter commits to promoting universal respect for human rights. Peacekeepers are obligated to promote and protect human rights through their work.
- Peacekeepers must recognize and respond to human rights violations and abuses. This has implications for the chances of sustainable peace as well as the credibility of the mission.

Slide 19



What is International Humanitarian Law (IHL)?

- “Law of War”
- Establishes the responsibilities of actors in armed conflict
- Distinguishes between international and non-international armed conflict
- IHL applies
 - only to situations of armed conflict
 - to all parties of a conflict

Key Message: International Humanitarian Law (IHL) consists of rules that apply in situations of armed conflict and seek to regulate the means and methods by which military operations are conducted and protect civilians, the wounded and sick, detained persons, and other persons who are not or are no longer directly participating in hostilities. IHL consists of international treaties and conventions as well as customary rules. Together they specifically aim to address humanitarian issues arising directly from armed conflict, irrespective of whether of an international or a non-international character.

The terms ‘international humanitarian law’, ‘law of armed conflict’ and ‘law of war’ may be regarded as synonymous, but ‘international humanitarian law’ is most commonly used.

IHL applies to all parties to armed conflicts. The nature of the protection it provides varies and is determined by whether the person in question is a combatant, a person *hors de combat* (wounded or prisoner), or a civilian.

IHL is only applicable in times of armed conflict. It distinguishes between two types of armed conflict:

- International armed conflicts (IACs) are conflicts involving two or more States, or involving a State and a “national liberation movement”, regardless of whether a declaration of war has been made or whether the parties involved recognize that there is a state of war.

- Non-international armed conflicts (NIACs) are armed conflicts between the armed forces of a State and organized non-State armed groups, or between such groups. Many armed conflicts today are non-international in nature.

For a situation to be considered a NIAC, the armed groups involved must demonstrate a minimum degree of organization and the hostilities between the parties must reach a certain level of intensity. This is to distinguish a situation of armed conflict, which is characterized by organized violence between two organized groups, from a situation that only involves sporadic violence by people who are not organized and does not necessarily require the intervention of the armed forces, such as riots and violent demonstrations.

These requirements do not apply to international armed conflicts. An international armed conflict could thus occur by the capture of a single soldier by the enemy State, by occupation of the territory of the enemy State, or even without any violence, such as when a State declares war but does not attack the enemy State.

Rules of IHL bind all parties to a conflict. The law applies when a conflict starts, and then equally to all sides, regardless of who started the fighting, or who is the lawful or unlawful party under the United Nations Charter or the national law. There is no relationship between the legality of a conflict and the application of IHL.

The United Nations, through its principal organs, such as the General Assembly, the Security Council and the Secretariat, and their subsidiary organs, such as the Human Rights Council, peacekeeping operations and the ad hoc international criminal tribunals have also played a central role in ensuring compliance with IHL and accountability for serious violations of IHL.

The International Committee of the Red Cross (ICRC), founded in 1863, acts as the custodian of IHL. The ICRC is an independent, neutral organization ensuring humanitarian protection and assistance for victims of war and armed violence.



Note to Instructor – For more detail regarding the information presented here on IHL see ICRC Advisory Note as well as the ICRC International Humanitarian Law – A comprehensive introduction, both in the Annex.

Slide 20



Core Instruments of IHL

- 1907 Hague Regulations respecting the laws and customs of war on land
- 1949 Geneva Conventions and Additional Protocols
- 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons



The development of IHL dates back to the 19th century. Important instruments of IHL include:

- The 1907 Hague Regulations respecting the laws and customs of war on land, which superseded an earlier related Convention from 1899.
- The Geneva Conventions of 1949 comprise of four treaties, and three Additional Protocols, which, together, establish a comprehensive legal framework in international law regulating the conduct of the parties to armed conflicts. The Geneva Conventions and the Additional Protocols form the core of IHL. The Additional Protocols I and II to the Geneva Conventions supplemented the Geneva Conventions and particularly strengthened the protection of civilians in international and non-international armed conflicts, and supplemented the rules that apply in non-international armed conflicts. Additional Protocol III supplemented the rules regulating the use of distinctive emblems (the red crystal, red cross and red crescent).
- The 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its Protocols prohibit or restrict the use of certain weapons (e.g. mines, booby-traps, incendiary weapons) and require the States parties to remove explosive remnants of war.

- Others not listed include the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions, and the Chemical Weapons Convention.

Slide 21



Key Message: IHL primarily covers two areas: the conduct of hostilities and the protection of those who are not, or no longer, taking part in fighting.

By governing the conduct of the parties to a conflict, IHL restricts the means of warfare.

- IHL only permits attacks against combatants and military objects. Directing attacks against civilians and civilian objects is prohibited.
- IHL therefore prohibits indiscriminate attacks, i.e., attacks that do not or cannot respect the obligation to distinguish between civilians and combatants and between civilian and military objects. Conflict parties are required to take all possible precautions before launching an attack so that these rules are respected.
- Regarding the means of warfare, IHL restricts the weapons and methods or tactics of warfare that can legally be utilized. Those weapons that may cause superfluous injury or unnecessary suffering are prohibited. This includes for instance the Chemical Weapons Convention (CWC) that outlaws the production, stockpiling, and use of chemical weapons and their precursors.

IHL also requires the parties to the conflict to treat those who do not engage in hostilities, and who are no longer doing so humanely. This includes civilians, the wounded and sick, prisoners-of-war and other detained persons, medical personnel and humanitarian workers. For example, IHL requires parties to conflict to:

- Care for the wounded and sick and to protect medical personnel; and
- Ensure that the dignity of detained persons is preserved, including by allowing visits by ICRC delegates.

Slide 22



Key Message: The conduct of hostilities and the protection of non-combatants are defined by four basic principles.



Divide participants into four groups and give them 10 minutes for each group to define one of the four principles. Ask the groups to brief the plenary and discuss their suggested definitions with all participants. Refer to the explanations below.

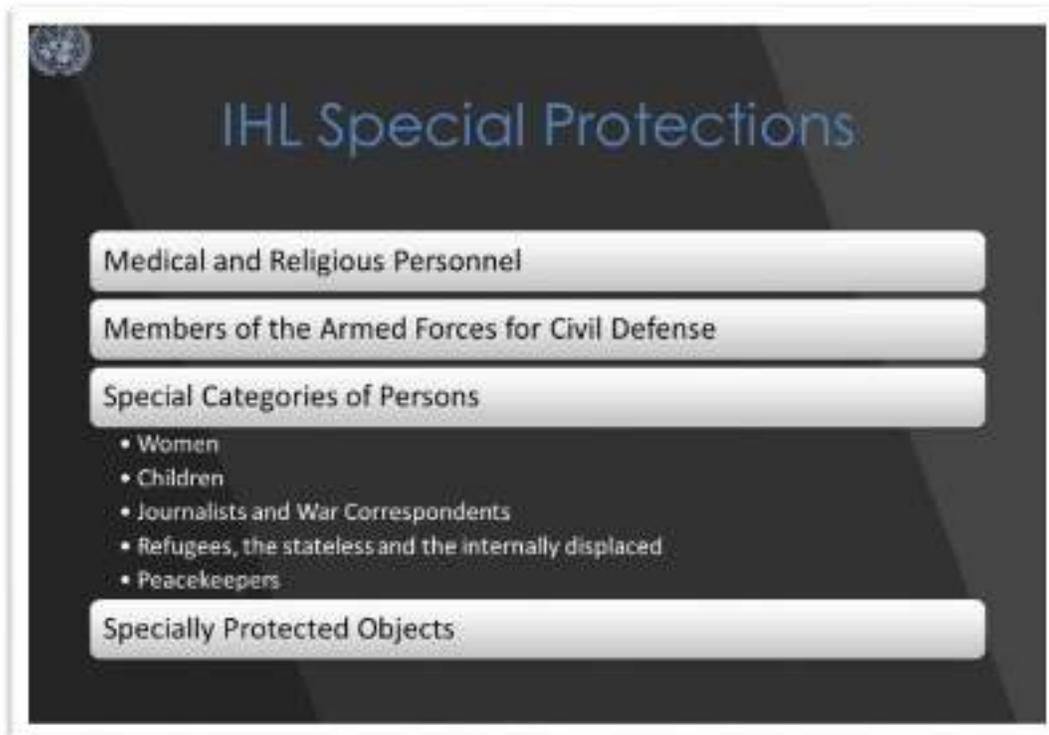
The four basic principles of IHL can be defined as follows:

- Distinction: In order to ensure respect for and protection of the civilian population and civilian objects, parties to the conflict at all times have to distinguish between the civilians and combatants, and between civilian and military objects.

Operations must only be directed military objects. This principle protects non-combatants.

- Proportionality: Loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. This means that when considering a target, the damage to civilians and their property cannot be excessive in relation to the military advantage gained. Proportionality is not a requirement if the target is purely military. This principle protects non-combatants.
- Military necessity: Every injury done to the enemy, even if permitted by IHL, is excusable only so far as it is absolutely necessary; everything beyond that is criminal. In that sense, while proportionality is not a requirement for military targets, necessity limits the use of force. This principle protects combatants.
- Unnecessary suffering: It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. This relates to the prohibition of certain weapons discussed earlier. This principle protects non-combatants.

Slide 23



Key Message: IHL affords special protection to various categories of persons who, owing to their sex, age, profession or status, are particularly exposed to certain risks.

These categories are:

- Medical and Religious Personnel
 - Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.
 - Religious personnel exclusively assigned to religious duties must be respected and protected in all circumstances.
 - Both lose their protection if they commit, outside their humanitarian function, acts harmful to conflict parties.
- Members of the Armed Forces assigned (exclusively) to Civil Defense.



Discuss with participants what they think counts as 'Civil Defense' tasks.

The list of Civil Defense tasks is limited to the 15 following tasks:

1. *Warning;*
2. *Evacuation;*
3. *Management of shelters;*
4. *Management of blackout measures;*
5. *Rescue;*
6. *Medical services – including first aid – and religious assistance;*
7. *Fire-fighting;*
8. *Detection and marking of danger areas;*
9. *Decontamination and similar protective measures;*
10. *Provision of emergency accommodation and supplies;*
11. *Emergency assistance in the restoration and maintenance of order in distressed areas;*
12. *Emergency repair of indispensable public utilities;*
13. *Emergency disposal of the dead;*
14. *Assistance in the preservation of objects essential for survival;*
15. *Complementary activities needed to carry out any of the tasks mentioned above.*

- Special Categories of Persons
 - Women (separate slide to follow)
 - Children (separate slide to follow)
 - Journalists and War Correspondents – Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities. This is applicable in both international and non-international armed conflicts.

- Displaced persons – Under IHL, persons displaced for security reasons from military operations are entitled to satisfactory conditions of shelter, hygiene, health, safety and nutrition.



Note to Instructor: Rights of Refugees and IDPs under their specific conventions will be discussed in the section on International Refugee Law.

- Peacekeepers – Under customary International Law State practice treats military personnel of peacekeeping forces, which are usually professional soldiers, as civilians because they are not members of a party to the conflict and are deemed to be entitled to the same protection against attack as that accorded to civilians, as long as they are not taking a direct part in hostilities, or as long as the peacekeeping operation to which they belong does not become a party to the conflict. Military personnel of peacekeeping forces are entitled to be treated humanely in accordance with the relevant IHL rules that require the human treatment of civilians and persons no longer in combat. By the same token, objects involved in a peacekeeping operation are considered to be civilian objects, and are consequently protected against attack. Under the Statute of the International Criminal Court, intentionally directing attacks against personnel and objects involved in a peacekeeping mission in accordance with the Charter of the United Nations constitutes a war crime in both international and non-international armed conflicts, as long as they are entitled to the protection given to civilians and civilian objects under international humanitarian law.

- Specially Protected Objects

Civilian objects: undefended, or open, towns or non-defended localities; Hospital and safety zones, demilitarized zones; Neutralized zones (temporary, small, near the frontline; Cultural property; Objects indispensable for the survival of the civilian population (water/energy supply systems); Works and installations containing dangerous forces (dams, dykes, nuclear power plants); The natural environment (widespread, long-term and severe damage).

Slide 24



Key Message: Children are often the most vulnerable group in any population affected by armed conflict. Orphaned or otherwise left to their own resources, they often have no choice but to seek safety, food and shelter with organized armed groups or criminal gangs, where they can become victims of forced recruitment, slavery and sexual violence. Parties to a conflict must provide children with the care and assistance they require, facilitate their education and religious practice, and protect them against any form of assault.

Specifically, IHL stipulates that:

- Children should not be the target of attacks;
- Due to their particular vulnerabilities, children are entitled to special protection, care and aid;
- Children, when interned, should be held in separate quarters from adults;
- Parties to the conflict must endeavour to conclude local agreements for the removal of children from besieged or encircled areas;
- States must not forcibly recruit children and must take all possible measures to prevent the participation in hostilities by children under 18 years of age.

Slide 25



Key Message: Women are entitled to the same general protection, without discrimination, as men during conflict. In addition, women are also entitled to special protection, which takes into account their specific needs. However, more needs to be done for women. In time of war, women are often left to take care of children and other dependents on their own and under extremely difficult circumstances. In addition, they are particularly exposed to the risk of sexual violence and abuse by weapon-bearers or organized criminal groups. IHL has been criticized for not providing sufficient protection against this risk, and the term conflict-related sexual violence is not used in IHL.

However, the fourth Geneva Convention of 1949, their Additional Protocols of 1977 and customary rules of IHL prohibit rape and other forms of sexual violence in times of armed conflict. This rule is a norm of customary international law and binding on all. The prohibition of rape and other forms of sexual violence may also be covered by the prohibition against cruel treatment and torture. Rape was already expressly prohibited in the Lieber Code of 1863, which outlawed all wanton violence committed against persons in the invaded country, including rape.

IHL also requires that women must be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Moreover, the cases of pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict must be reviewed with the utmost priority. Also, to the maximum extent feasible, the death penalty should not be imposed, and may in any case not be carried out, on such women.

Slide 26

Why does IHL matter to UN Peacekeeping?

- Special protection for Peacekeepers
- IHL applicable to peacekeepers?
- SG Bulletin: *“Fundamental principles and rules of IHL [...] are applicable to UN forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement.”*

 Before building the slide, discuss with participants why they think IHL plays an important role for UN Peacekeeping, in particular in the context of the protection of civilians.

First of all, as mentioned earlier, peacekeepers are afforded special protections by IHL. As such, attacks on peacekeeping personnel are prohibited and breaches can constitute war crimes.

Key Message: UN peacekeeping operations are not bound by any IHL treaty, since the UN as an organization is not party to any IHL treaties, including the Geneva Conventions and their Additional Protocols. However, UN peacekeeping operations are bound by customary rules of IHL which are mostly contained in the “Secretary-General’s Bulletin on the observance by United Nations forces of international humanitarian law”.

As a result, if peacekeeping missions become a party to conflict, either through the use of force in self-defense, or through the conduct of offensive operations as authorised by the Security Council, peacekeepers would be bound by IHL.

In cases where a United Nations peacekeeping operation has become a party to a conflict or where the operation has not become a party to a conflict but individual military personnel engage in military operations in support of, for example, of the host

country armed forces, the protection to which peacekeepers are normally entitled would not apply to those peacekeepers and targeting them would not become unlawful under IHL. This has consequences for the safety of peacekeepers and threatens one of the fundamental tenets of peacekeeping: impartiality.

In addition to the customary rules of IHL and the Secretary-General's bulletin, national laws remain binding for peacekeepers throughout their operations. In case of violations of IHL, members of the military personnel of a United Nations force are subject to prosecution in their national courts.

Slide 27

Learning Activity

 Scenario

- There is an armed group within your AOR which has been carrying out attacks on civilians in isolated villages. The armed group live amongst the civilian population who are of the same ethnic group as them and do not always wear uniforms or carry their weapons openly.
- You are aware that the state security forces are planning to launch operations against the group.

 Run Learning Activity 2.1: Soldiers or civilians from the annex to this module.

Summary

Key takeaways regarding IHL include:

- IHL is a body of public international law that applies in situations of armed conflict and prescribes means and methods of combat, including limits on the use of certain weapons, and demands the protection of the civilian population.
- IHL also prescribes the treatment of civilians and persons who are *hors de combat*, such as detained persons.
- IHL offers special protections to certain categories of persons, including women, children, the wounded, the sick, as well as medical and relief personnel.
- When a mission becomes a party to the conflict, it is bound by IHL. In any case, national laws apply to peacekeepers and violators of IHL and peacekeepers can be prosecuted in national courts for violations of IHL.

Slide 31

The slide features a title 'What is International Refugee Law (IRL)?' with a UN logo in the top left. The content is split into a text area on the left and two images on the right. The text area lists: 'With respect to refugees and asylum seekers, IRL regulates their' followed by sub-points 'Definition', 'Status and', and 'Rights'. Below that, it states 'IRL applies' with sub-points 'In times of peace, war and occupation' and 'Primarily to state governments'. The top image shows a group of children, and the bottom image shows a refugee camp with many tents.

What is International Refugee Law (IRL)?

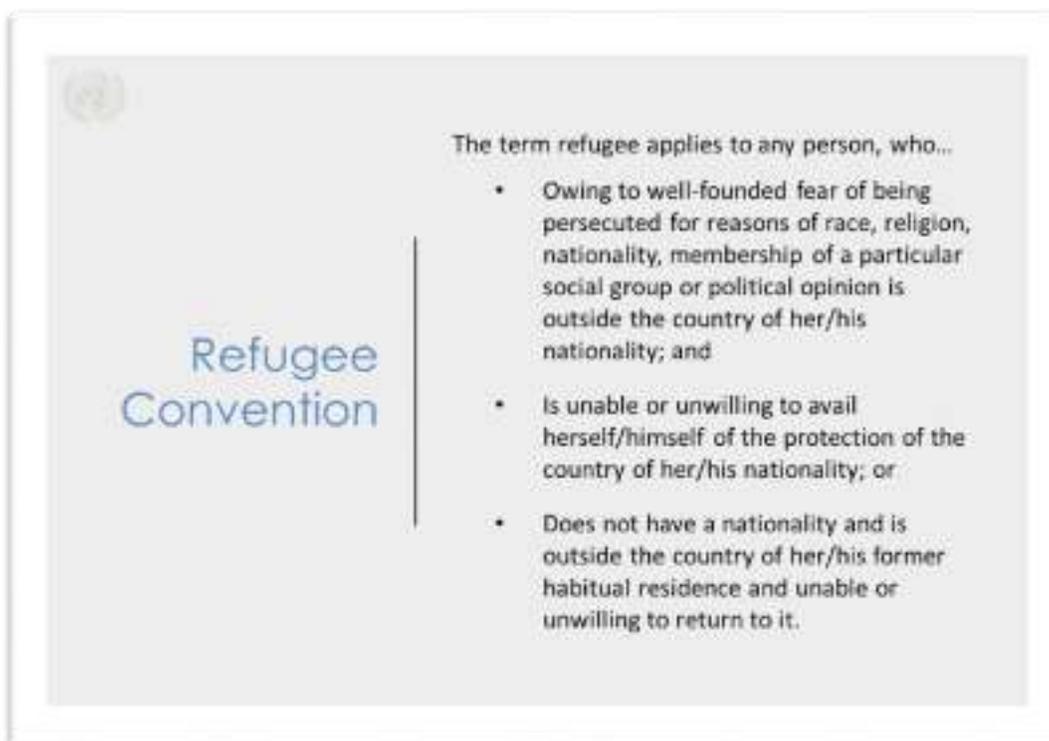
- With respect to refugees and asylum seekers, IRL regulates their
 - Definition
 - Status and
 - Rights
- IRL applies
 - In times of peace, war and occupation
 - Primarily to state governments

It is the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes, and often even their families, to seek safety in another country. Since, by definition, the governments of their home countries no longer protect the basic rights of refugees, the international community has to step in to ensure that those basic rights are respected.

The 1951 Convention Relating to the Status of Refugees is the foundation of international refugee law. Also referred to as the Refugee Convention, it defines the term “refugee” and sets minimum standards for the treatment of persons who are found to qualify for refugee status.

IRL generally applies in times of peace, war and occupation, and is primarily addressed to States.

Slide 32



In the 1951 Convention, refugees are defined as “any person who [...],

- owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and
- is unable, or owing to such fear, is unwilling to avail himself of the protection of that country;

- or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (art. 1).

Fleeing a country where an armed conflict is taking place entails qualification as refugee only where these specific requirements (e.g. evidence of individual "well-founded fear of being persecuted") are met. In emergency mass influx situations, UNHCR has used group-based recognition with a presumption of qualification for refugee status. However, certain people are excluded from refugee status, for instance those suspected of committing war crimes, crimes against humanity etc.

There are also several regional refugee frameworks, which are discussed later in the module. Such regional instruments expand this definition of refugees to persons who flee their country of origin or nationality due to foreign aggression, foreign domination, and events seriously disturbing public order.

Because the Convention was drafted in the wake of World War II, its definition of a refugee focuses on persons who are outside their country of origin and are refugees as a result of events occurring in Europe or elsewhere before 1 January 1951. As new refugee crises emerged during the late 1950s and early 1960s, it became necessary to widen both the temporal and geographical scope of the Refugee Convention. Thus, a Protocol to the Convention was drafted and adopted in 1967.

As war and conflict as well as natural disasters force people from their homes, IRL, where applicable, can contribute to protect human rights in emergency situations, including the right to adequate food. At global level, the protection of refugees is provided by the 1951 Geneva Convention Relating to the Status of Refugees and by its 1967 Protocol Relating to the Status of Refugees.

An important provision of the Refugee Convention is the stipulation that the Convention does not apply to persons against whom there are serious reasons for considering that:

- He/she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- He/she has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- He/she has been guilty of acts contrary to the purposes and principles of the United Nations.

Any person falling into these categories may not be granted the status of refugees and therefore the protections attached to this status. They fall under one of the "exclusion clauses" of the Refugee Convention.

Slide 33



The slide features a title 'Rights of Refugees' in blue text. Below the title is a bulleted list of rights. To the right of the list is a circular logo for UNHCR (United Nations High Commissioner for Refugees) with the text 'UNHCR' and 'The UN Refugee Agency' below it. The slide also includes a small UN emblem in the top left corner and a dark teal vertical bar on the right side.

- Prohibition of discrimination for race, religion or country
- Prohibition of Expulsion or Return ("Refoulement")
- Freedom to practice religion
- Right to acquire property
- Access to courts
- Public education
- Assistance
- Freedom of Movement

Key Message: The Refugee Convention does not limit the application of its provisions only to formally recognized refugees, and provides an important basis for standards of treatment for asylum-seekers (who may later be recognized as refugees). The benefits provided under the various provisions of the 1951 Convention have different levels of applicability depending on the nature of the refugee's sojourn or residence in the country.

Rights of refugees include:

- Prohibition of discrimination for race, religion or country
- Prohibition of Expulsion or Return ("Refoulement")
- Freedom to practice religion
- Right to acquire property
- Access to courts
- Public education
- Assistance
- Freedom of Movement

While some provisions envisage a minimum treatment for all refugees (for example, Article 33, on non-refoulement), others extend the treatment enjoyed by nationals to refugees present “within” the country (for example, Article 20, on rationing) and to “refugees lawfully staying in the territory” (for example, Article 23, on public relief).



Before showing the UNHCR logo, ask participants who they believe is the lead actor in the UN system with regard to the protection of the rights of refugees.

In the aftermath of World War II, the United Nations General Assembly created the Office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR is mandated to protect and find durable solutions for refugees. Its activities are based on a framework of international law and standards that includes the 1948 Universal Declaration of Human Rights and the four Geneva Conventions (1949) on international humanitarian law, as well as an array of international and regional treaties and declarations, both binding and nonbinding, that specifically address the needs of refugees.

Slide 34

Internally Displaced Persons (IDPs)

- Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence
- ... who have not crossed an internationally recognized state border.
- No separate body of law
→ 2004 Guiding Principles on Internal Displacement

Internally displaced persons (IDPs) are defined as persons that are displaced due to armed conflict, generalized violence, violations of human rights, natural or human-made disasters, but who have not crossed an international border.

According to OCHA, at the end of 2015, a record number of nearly 41 million people were internally displaced.

Unlike refugees, IDPs do not enjoy a special legal status under international law. Nevertheless, apart from domestic laws, IDPs, as civilians, are protected by IHL as well as IHRL. Security Council Resolution 1296 (2000) notes that “[...] the overwhelming majority of internally displaced persons and other vulnerable groups in situations of armed conflict are civilians and, as such, are entitled to the protection afforded to civilians under existing international humanitarian law” (para. 3).

The prevention of displacement and the protection of IDPs and other affected populations within their own country are the responsibility of national authorities. Particularly in situations of armed conflict, IDPs may find themselves in territories over which State authority is absent or difficult to enforce. If national Governments are unable or unwilling to meet their responsibilities, the international community has a role to play in promoting and reinforcing efforts to ensure protection, assistance and solutions for IDPs. Children that are internally displaced are particularly vulnerable and susceptible to the six grave violations and therefore need particular protection, including from UN peacekeepers.

In 1998, the UN Representative of the Secretary-General on IDPs issued the Guiding Principles on Internal Displacement. While the principles per se are not legally binding, they draw on (binding) international humanitarian and human rights law. Some of the principles are relevant for the right to adequate food in emergencies and for food aid. An updated second edition of the Guiding Principles was presented in 2004.

Slide 35

Human Rights as for any other person

Once displaced they retain broad range of rights

- Economic, social, cultural, civil and political rights
- Right to be protected from physical violence
- Right to education
- Right to freedom of movement and residence
- Right to assistance from competent authorities in voluntary, dignified and safe return, resettlement or integration
- When restitution not possible, the right to compensation or just reparation



Ask participants to explain which of the listed rights peacekeeping missions are expected to protect? Discuss some of the challenges missions will face in protecting those rights.

Key Message: IDPs, like all human beings, enjoy human rights that are articulated by international human rights instruments and customary law. In situations of armed conflict, moreover, they enjoy the same rights as other civilians to the various protections provided by IHL.

The UN's Guiding Principles on Internal Displacement restate and compile existing international human rights and humanitarian law as they relate to the internally displaced. The Guidelines also attempt to clarify grey areas and gaps in the various instruments with regard to situations of particular interest to the internally displaced.

The Guiding Principles note that arbitrary displacement in the first instance is prohibited (Principles 5-7). Once persons have been displaced, they retain a broad range of economic, social, cultural, civil and political rights, including the right to basic humanitarian assistance (such as food, medicine, shelter), the right to be protected from physical violence, the right to education, freedom of movement and residence, political rights such as the right to participate in public affairs and the right to participate in economic activities (Principles 10-23). Displaced persons also have the right to assistance from competent authorities in voluntary, dignified and safe return, resettlement or local integration, including help in recovering lost property and possessions. When restitution is not possible, the Guiding Principles call for compensation or just reparation (Principles 28-30).

Slide 36



 *Before building the slide, discuss with participants why they think International Refugee Law plays an important role for UN Peacekeeping, in particular in the context of the protection of civilians.*

The 2008 UN Capstone Doctrine, a high-level document outlining the principles and guidelines for UN Peacekeeping, identifies the promotion of social and economic recovery and development, including the safe return or resettlement of internally displaced persons and refugees uprooted by conflict, as one of the four critical areas to achieving sustainable peace.

Moreover, refugees and IDPs are civilians, and as such fall under the protection of civilians mandate for UN peacekeeping operations. Displaced persons are often particularly vulnerable, making their protection a priority concern for many missions. For example, in UNSCR 2277 (2016), the Council mandated MONUSCO to “Ensure, within its area of operations, effective protection of civilians under threat of physical violence, including by deterring, preventing and stopping armed groups from inflicting violence on the populations, paying particular attention to civilians gathered in displaced and refugee camps”.

In addition to the protection of civilians, peacekeeping operations are often tasked with the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, or other durable solutions to their displacement. A durable solution is achieved when internally displaced persons no

longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
- Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- Sustainable integration in another part of the country (settlement elsewhere in the country)

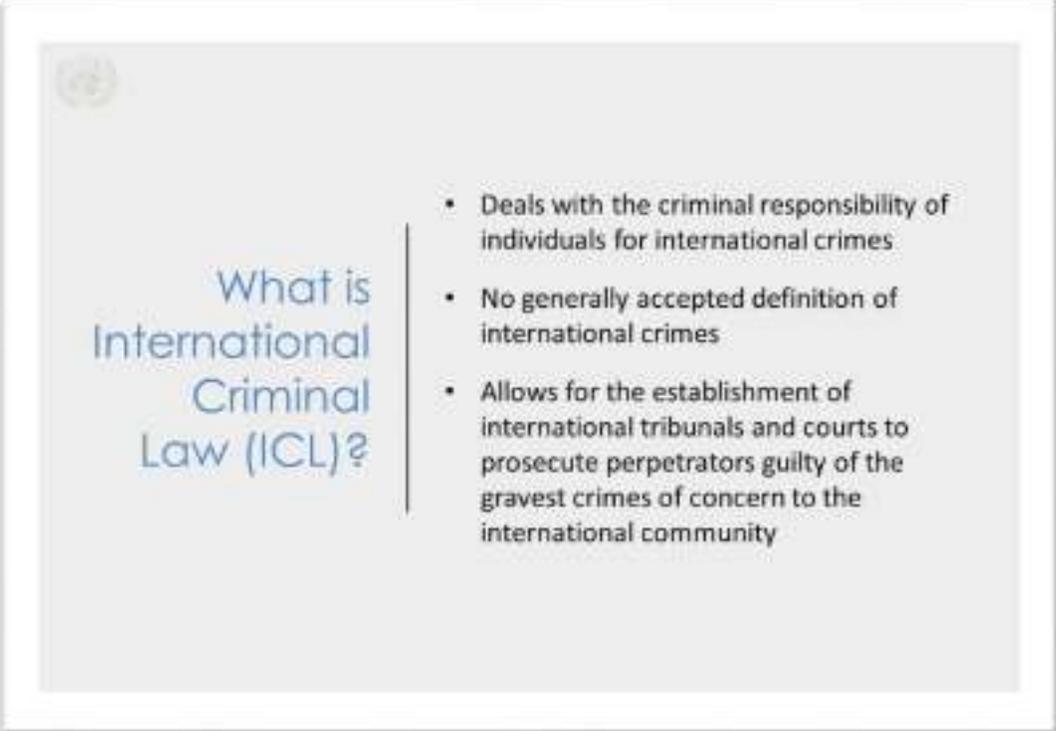
Example: In UNSCR 2295 (2016), the Council mandated MINUSMA to “[...] contribute to the creation of a secure environment for [...] the voluntary, safe and dignified return or local integration or resettlement of internally displaced persons and refugees”.

Summary

Key takeaways regarding IRL include:

- The rights of refugees are protected by International Refugee Law, in particular the 1951 Refugee Convention and its 1967 Protocol.
- While there is no particular body of international law dedicated to the protection of the rights of IDPs, they are nevertheless protected under IHRL and IHL.
- In the context of peacekeeping operations, the POC mandate includes refugees and IDPs. In fact, given their particular vulnerabilities, missions often have to prioritize the protection needs of refugees and IDPs.

Slide 40



What is International Criminal Law (ICL)?

- Deals with the criminal responsibility of individuals for international crimes
- No generally accepted definition of international crimes
- Allows for the establishment of international tribunals and courts to prosecute perpetrators guilty of the gravest crimes of concern to the international community

Key Message: International criminal law is the part of public international law that deals with the criminal responsibility of individuals for international crimes. There is no generally accepted definition of international crimes. A distinction can be made between international crimes which are based on international customary law and therefore apply universally and crimes resulting from specific treaties which criminalize certain conduct and require the contracting states to implement legislation for the criminal prosecution of this conduct in their domestic legal system. The international core crimes, i.e., crimes over which international tribunals have been given jurisdiction under international law, are: genocide, war crimes, crimes against humanity, and aggression.

The Nuremberg and Tokyo trials signalled the birth of present-day international criminal law, i.e., the prosecution of individuals for international crimes before international tribunals. In the early 1990s international criminal law served as foundation for the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) by the UN Security Council. The creation of various international or UN assisted criminal courts and the proposals of the International Law Commission, which resulted in the establishment of the International Criminal Court in 2002, contributed to the rapid development of international criminal law during the last two decades.

There are several institutions of international criminal justice today. The most important institution is the International Criminal Court (ICC), as well as ad hoc tribunals and the International Residual Mechanism for Criminal Tribunals (Mechanism). The Mechanism

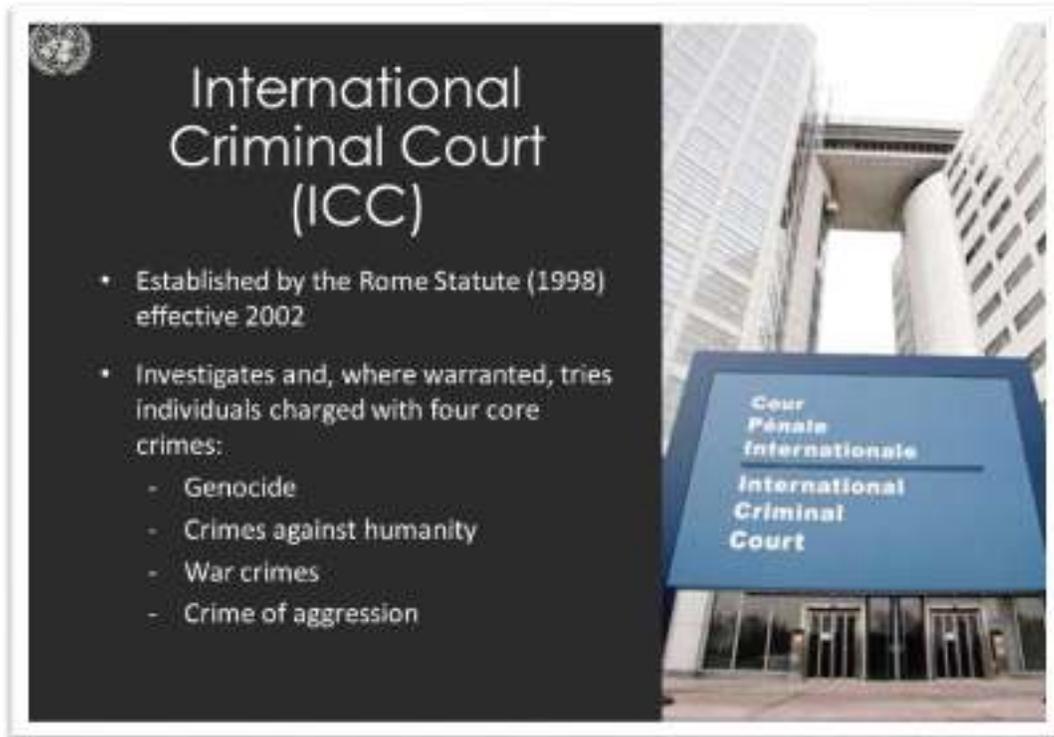
continues the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR.

The ICTY, the Mechanism, and the ICC, have jurisdiction over certain violations of both IHL and IHRL that amount to international crimes.

Apart from these institutions, some "UN assisted" courts and tribunals have been created with the support of the United Nations – judicial bodies with both international and national judges such as:

- Special Court for Sierra Leone (SCSL). Its mandate was to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996). Since the closure of the SCSL in 2013, the Residual Special Court for Sierra Leone carries out its functions;
- Extraordinary Chambers in the Courts of Cambodia (ECCC). Its mandate is to prosecute senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979);
- Special Tribunal for Lebanon (STL). Its mandate is to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Prime Minister Rafiq Hariri and in the death or injury of other persons. The Tribunal's jurisdiction could be extended beyond the 14 February 2005 bombing if the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005.

Slide 41



The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as the ICC's foundational and governing document. States that become party to the Rome Statute, for example by ratifying it, become member states of the ICC. Currently, there are 124 states that are party to the Rome Statute and are, therefore, members of the ICC.

The ICC may investigate individuals suspected of involvement in one or more of the four core international crimes:

- Genocide
- Crimes against humanity
- War crimes
- Crime of aggression (the ICC's jurisdiction over this crime is established in theory but has not commenced yet in practice)

To date, the prosecutor of the ICC has opened investigations into 10 situations (two in the Central African Republic, Cote d'Ivoire; Darfur, Sudan; Democratic Republic of the

Congo; Georgia; Kenya; Libya; Mali; Uganda). Where warranted, trials are being held, and the Court's Pre-Trial Chambers have so far publicly indicted 39 people.

Slide 42



The ICC will only prosecute an individual if State parties are unwilling or unable to prosecute. Therefore, if credible national investigations or proceedings into crimes have taken place or are ongoing, the Court will not initiate or proceed with the prosecution. This is called the principle of complementarity. It applies regardless of the outcome of national proceedings. Even if an investigation is closed without any criminal charges being filed or if a national court acquits an accused person, the Court will not prosecute that individual for the crime in question so long as it is satisfied that the national proceedings were credible.

The ICC aims to end impunity for any individual's actions in such instances, irrespective of the official capacity of that individual (Article 27).

The ICC has been established as a permanent, independent body – outside the UN system. The ICC may exercise its jurisdiction over crimes allegedly committed on the territory of a State Party (i.e. a State that has ratified the ICC Statute) or where the alleged perpetrator is a national of a State Party.

There are three ways to initiate an investigation by the ICC:

- Referral by State parties

- Referral by the Security Council under Chapter VII of the UN Charter
- Prosecutor on his/her own authority (generally with the authorisation of a pre-trial chamber)

Slide 43



International Criminal Law (ICL) seeks to end impunity for all perpetrators of international crimes. This includes of course those crimes committed against children. The Rome Statute of 1998, which established the International Criminal Court (ICC) in 2002, recognized “conscripting or enlisting children under the age of 15 and using them to participate actively in hostilities” as a war crime. In the first case before the Court, Thomas Lubanga Dyilo, a former warlord from eastern DRC was found guilty on the charges of recruiting and using child soldiers under the age of 15 in the Ituri conflict from 2002 to 2003.

Likewise, acts of CRSV can fall under the jurisdiction of the ICC. Depending on circumstances, rape, for instance, may be a war crime, a crime against humanity or an act of genocide.

CRSV is also a crime in most national legal systems.

Slide 44

Why does ICL matter to UN Peacekeeping?

Individuals are responsible and liable under the Rome Statute if they:

- Commits such a crime [...];
- Orders, solicits or induces the commission [...];
- Aids, abets or otherwise assists [...];
- In any other way contributes [...];
- In respect of the crime of genocide, directly and publicly incites others to commit genocide.

Under Article 25 of the Rome Statute, an individual person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

- Commits such a crime [...];
- Orders, solicits or induces the commission [...];
- Aids, abets or otherwise assists [...];
- In any other way contributes [...];
- In respect of the crime of genocide, directly and publicly incites others to commit genocide.

Slide 45



Article 28 of the Rome Statute of the International Criminal Court codified the doctrine of command responsibility. Under this article, military commanders carry individual responsibility for crimes committed by forces under their effective command and control if:

- they either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, and
- they failed to take all necessary and reasonable measures within their power to prevent or repress the crimes or submit the matter to the competent authorities for investigation and prosecution.

Commanders can also be held responsible for failure to take action. Armed forces or groups are generally placed under a command that is responsible for the conduct of its subordinates. As a result, in order to make the system effective, hierarchical superiors should be held to account when they fail to take proper measures to prevent their subordinates from committing serious violations of international humanitarian law. They may therefore be held to be responsible for criminal activities to which they made no personal contribution. It is also worth noting that superior orders are not a defence for crimes.

Military Commanders also have specific responsibilities regarding the implementation of Rules of Engagement.

Key takeaways regarding ICL include:

- ICL is part of the applicable legal framework for UN peacekeeping. This means that peacekeepers can be held accountable under its provisions.
- ICL is the foundation for the ICC and international tribunals. The ICC was set up to deal specifically with the four international core crimes: Genocide, crimes against humanity, war crimes, and crimes of aggression.
- Peacekeepers need to keep in mind that individuals can be held responsible for their actions under the Rome Statute; and commanders carry the responsibility for actions of their subordinates if they should have known or failed to take all necessary measures to prevent crimes.

Slide 49



In addition to existing international treaties and conventions, national governments have cooperated within their respective regions thus developing or reinforcing legal frameworks. Signatory states are bound by the treaties and their provisions are relevant for peacekeeping missions if they are deployed in the respective regions.

The focus of such regional legal framework is normally on human rights and/or on refugee and IDP rights. Concerning human rights, and in addition to the International Bill of Human Rights, there are three primary regional human rights regimes currently in place. Regional Human Rights Commissions and Courts were established to create oversight mechanisms for these regimes.

The main regional human rights regimes are:

- [Council of Europe] European Convention on Human Rights (1950)
 - Defines and guarantees human rights and fundamental freedoms in Europe
 - Is overseen by the European Court of Human Rights

- [The Americas] The American Convention on Human Rights, (1969)
 - Consolidates in the Americas a system of personal liberty and social justice based on respect for the essential rights of man
 - Is overseen by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

- [African Union] African Charter on Human and People's Rights, (1983)
 - Promotes and protects human rights and basic freedoms in Africa
 - Is overseen by the African Court of Human and Peoples' Rights

Similar to the realm of human rights, refugee law has also seen the creation of regional legal regimes. The following are the most prominent examples:

- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969);
 - Entered into force in 1974 to address unique aspects of refugees in Africa following wars of independence from colonial powers

- Declaration of Cartagena (1984), which was adopted in the framework of the Organization of American States.
 - Focused on the protection and humanitarian challenges affecting refugees in Central America in the 1980s

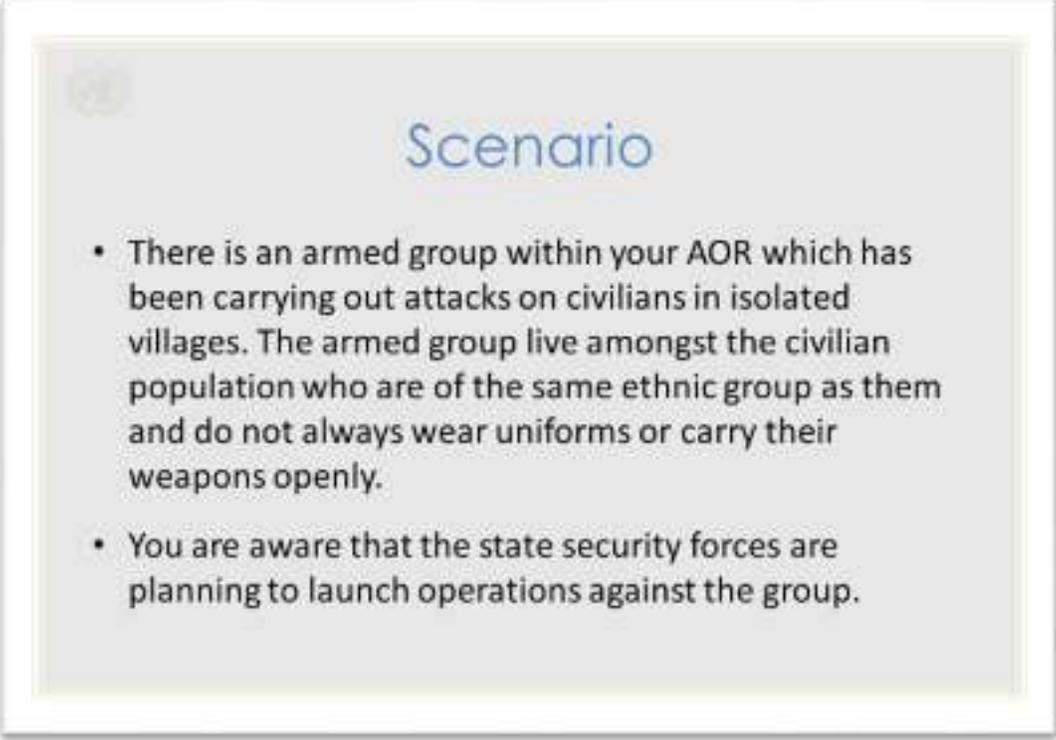
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)
 - Also known as the Kampala Convention, it specifically establishes state responsibility for the protection and assistance of internally displaced persons, whose displacement is the result of "natural or human made disasters

Soldiers or civilians

TIME

Total: 15 minutes

EXERCISE

A slide titled "Scenario" with a light blue background and a thin border. The title "Scenario" is centered at the top in a blue font. Below the title, there are two bullet points in a dark grey font. The first bullet point describes an armed group within an Area of Responsibility (AOR) that attacks civilians in isolated villages and lives among the civilian population of the same ethnic group, without always wearing uniforms or carrying weapons openly. The second bullet point states that state security forces are planning operations against the group.

Scenario

- There is an armed group within your AOR which has been carrying out attacks on civilians in isolated villages. The armed group live amongst the civilian population who are of the same ethnic group as them and do not always wear uniforms or carry their weapons openly.
- You are aware that the state security forces are planning to launch operations against the group.

NOTES TO INSTRUCTOR

Divide participants in groups and give them 10 minutes to discuss this scenario.

What is there proposed course of action?

There is no single answer that is right or wrong. However, the following elements should be identified in the discussion:

- Distinction between civilians and combatants is the key challenge in this context;
- Protection threats come from both state and non-state parties;

- More information is required, such as the history and previous conduct of the parties involved;
- Activities can be taken under all three tiers of the POC Operational Concept, including outreach to armed group leaders and political engagement with the security forces to alert them of the challenges of this operation;
- Most courses of action are likely to create opportunities and threats for the protection of civilians.

Handout 2.1



Simplified Version of the Universal Declaration of Human Rights

Summary of Preamble

The General Assembly recognizes that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, human rights should be protected by the rule of law, friendly relations between nations must be fostered, the peoples of the UN have affirmed their faith in human rights, the dignity and the worth of the human person, the equal rights of men and women and are determined to promote social progress, better standards of life and larger freedom and have promised to promote human rights and a common understanding of these rights.

A summary of the Universal Declaration of Human Rights

1. Everyone is free and we should all be treated in the same way.
2. Everyone is equal despite differences in skin colour, sex, disability, religion, language for example.
3. Everyone has the right to life and to live in freedom and safety.
4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. No one has the right to hurt you or to torture you.
6. Everyone has the right to be treated equally by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to ask for legal help when their rights are not respected.
9. No one has the right to imprison you unjustly or expel you from your own country.

10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until guilt is proved.
12. Everyone has the right to ask for help if someone tries to harm you, but no one can enter your home, open your letters or bother you or your family without a good reason.
13. Everyone has the right to travel as they wish.
14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.
15. Everyone has the right to belong to a country.
16. No one has the right to prevent you from belonging to another country if you wish to.
17. Everyone has the right to marry and have a family.
18. Everyone has the right to own property and possessions.
19. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.
20. Everyone has the right to say what they think and to give and receive information.
21. Everyone has the right to take part in meetings and to join associations in a peaceful way.
22. Everyone has the right to help choose and take part in the government of their country.
23. Everyone has the right to social security and opportunities to develop their skills.
24. Everyone has the right to work for a fair wage in a safe environment and to join a trade union. Everyone has the right to rest and leisure.
25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.

27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the 'social order' that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

Lesson 2.2



UN Legal and Policy Framework

The Lesson



Starting the Lesson

Overview

Apart from international and national law, peacekeeping missions and their activities in the area of protection of civilians are also governed by the particular legal and policy framework of the UN, which includes:

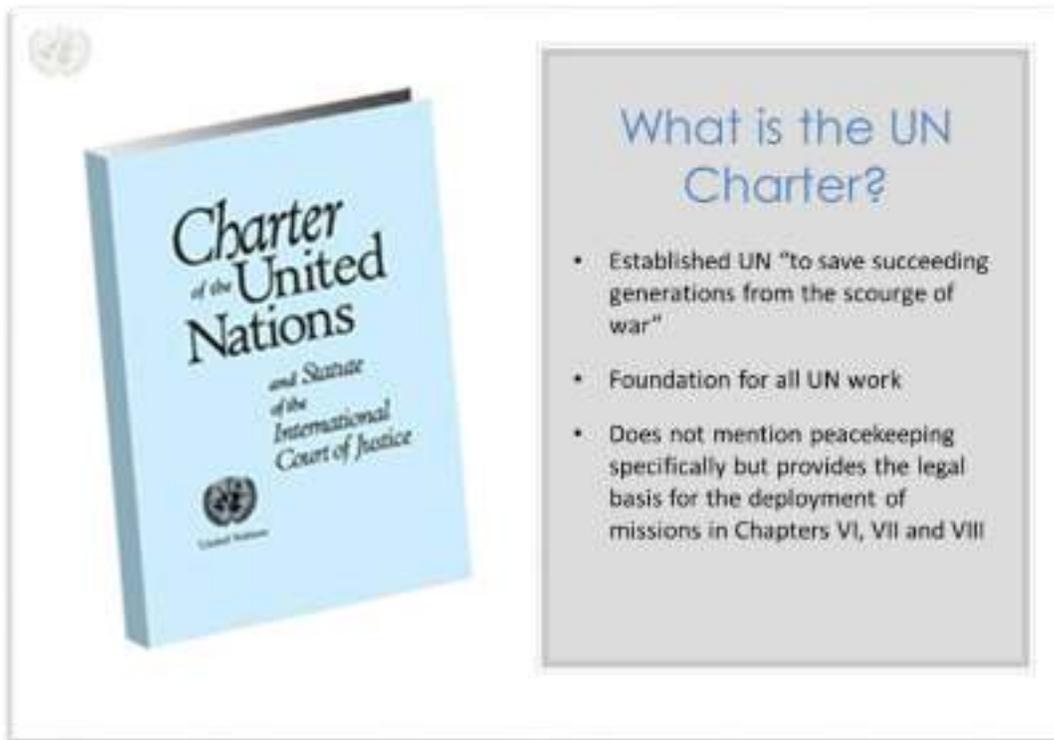
- The Charter of the United Nations
- Security Council resolutions
- The Convention on Privileges and Immunities of the United Nations of 13 February 1946
- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)
- The Agreement with participating States, i.e. the UN Member States who have agreed to contribute troops or police personnel to UN PKOs (“TCC (or PCC) MOU”)

Relevance

The UN Legal and Policy Framework is relevant to understand (i) the legal basis for the UN's deployment in a host country, and (ii) the legal regime that applies to all day-to-day activities in the host country.

UN Legal and Policy Framework

Slide 53



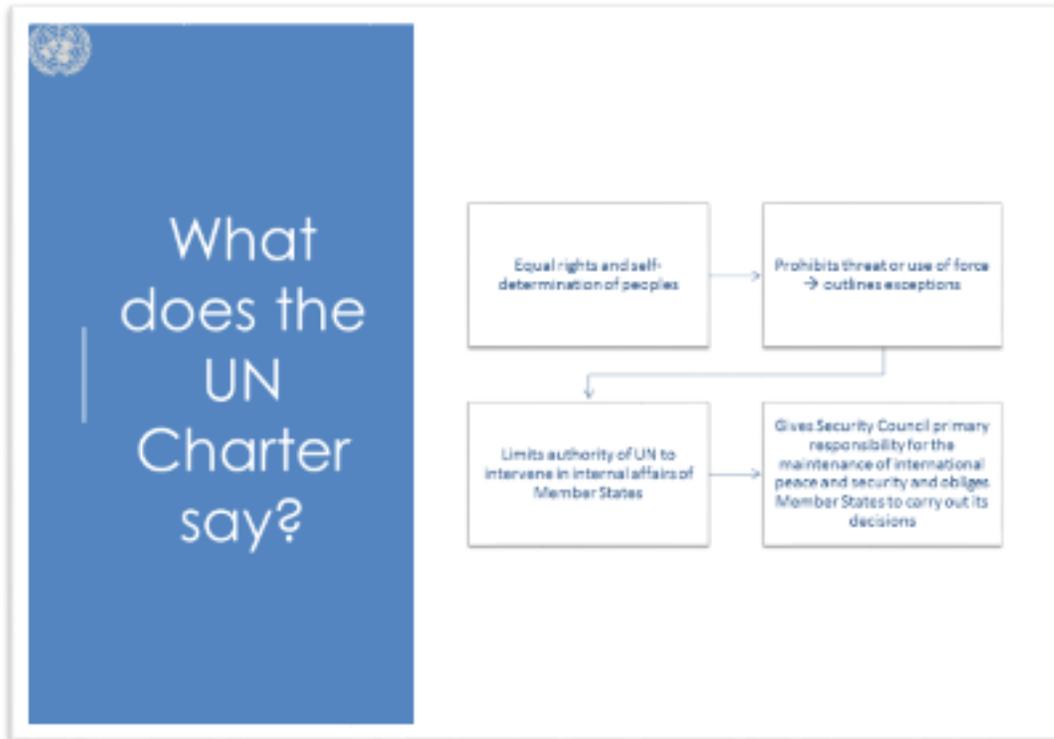
Key Message: The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to "save succeeding generations from the scourge of war" and one of its main purposes is to maintain international peace and security. Peacekeeping, although not explicitly provided for in the Charter, has evolved into one of the main tools used by the UN to achieve this purpose.

Interestingly, the UN Charter does not make reference to UN peacekeeping, even though it is today the most expensive and arguably the most visible activity of the UN.

The legal basis for the establishment of a PKO is found in Chapters VI, VII and VIII:

- Chapter VI – Pacific settlement of disputes
- Chapter VII "Action with respect to the Peace, Breaches of the Peace and Acts of Aggression"
- Chapter VIII – Regional Arrangements

Slide 54



Article 1 (2) establishes the equal rights and the right to self-determination of peoples.

Article 2 (4) of the Charter prohibits the threat or use of force and calls on all Members to respect the sovereignty, territorial integrity and political independence of other States.

- The UN Charter basically establishes that any use of force without the consent of the State on whose territory the force is used is unlawful. There are only two exceptions:
 - Authorization by the Security Council: As per Article 39 of the UN Charter, the UN Security Council may authorize collective security operations when they conclude that there is a situation of “threat to the peace, breach of the peace, or act of aggression.”
 - Individual or Collective Self-defense: Article 51 establishes the right of self-defense.
- Regarding the first case, authorization of force by the Security Council, the political nature of such decisions makes it often improbable for such an authorization to be granted in a timely fashion. Over the years, the five permanent members of Security Council have vetoed each other’s decisions for political or national interest reasons, preventing the Council from authorizing action.

- The right of a state to undertake a self-defense action is an inherent customary international law and it is a privilege of states. The Charter merely reaffirmed this right granted to states in the interest of their survival. It should be noted that the scope of the self-defense according to Article 51 of the UN Charter does not include a response to an economic or political threat.

Article 2 (7) states that the United Nations has no authority to intervene in matters which are within the domestic jurisdiction of any State, while this principle shall not prejudice the application of enforcement measures under Chapter VII of the Charter.



Note to Instructor: The Repertoire website covering the practice of the Security Council includes those cases where the principle of non-intervention by the United Nations was raised and the authority of the Council to involve itself in a particular situation was questioned. Go to the 'Constitutional Issues' tab and click on 'Purposes and Principles of the UN'.

Article 24 (1) gives the Security Council the primary responsibility for the maintenance of international peace and security. This is often referred to during discussions concerning the appropriateness for the Council to include a situation or a thematic item on its agenda. Under Article 25, Member States agree to accept and carry out the decisions of the Security Council. In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a peacekeeping mission. All UN peace operations are deployed on the basis of the UN Charter, more precisely Chapters VI, VII and VIII of the Charter.

- Chapter VI deals with pacific settlement of disputes and is associated with traditional peacekeeping
- Chapter VII contains provisions related to "Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression", which allow the Security Council to take enforcement measures. In recent years, the Security Council has increasingly authorized peace operations based on Chapter VII.
- Chapter VIII deals with partnerships and the involvement of regional organizations.



Note to Instructor – Ensure familiarity with the differences between Chapter VI and Chapter VII and their implications for UN peacekeeping.

Slide 55



The peacekeeping operation and its members enjoy the privileges and immunities provided for in the 1946 Convention on the Privileges and Immunities of the United Nations to which the Government of the Host State is usually a party (over 150 States are party).

The Convention gives legal status to the UN and subsidiary bodies under the national laws of its Member States. This enables the UN to manage day-to-day operations, such as entering into contracts, acquiring and disposing of immovable and movable property, and instituting legal proceedings.

The Convention also clarifies that the UN enjoys immunity from every form of legal process in its Member States except when the UN has expressly waived its immunity.

Particular privileges and immunities to the UN and its officials include:

- Exempting the United Nations from all direct taxes as well as from customs duties and quotas concerning goods for the United Nations' official use. With regard to indirect taxes, the Convention merely provides that in case of "important purchases for official use" the State concerned will make appropriate administrative arrangements for tax reimbursement.
- Immunity from the legal process for words spoken or written and actions taken in an official capacity, known as functional immunity. It also covers immunity from personal arrest or detention.

- Privileges and Immunities are granted in the interests of the UN, not for personal benefit of individuals.

The Secretary-General has the right and the duty to waive immunity in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the UN. Each case is assessed on its particular merits.

Example: In both Kosovo and East Timor, UN staff were denied immunity after evidence of their involvement in serious crimes such as murder, rape and sexual abuse came to light.

Privileges and immunities do not protect personnel from their responsibility under international laws.

All members of the peacekeeping operation, including locally recruited personnel, are immune from legal process in respect of all acts (including words spoken or written) performed by them in their official capacity. If the Government of the Host State considers that a member of a UN peacekeeping operation has committed a criminal offence, under para 47 of the Model SOFA, the Government is under an obligation to “promptly inform the Special Representative and present to him any evidence available to it”.

If the accused person is a civilian, the Special Representative shall conduct any necessary inquiries and then agree with the Government whether or not criminal proceedings should be instituted. Members of the military component of UN peacekeeping missions are subject to the exclusive jurisdiction of their respective participating states. Thus, they cannot be prosecuted in the Host State for crimes they commit.

Slide 56



Before deployment of a peacekeeping operation, the UN and the Host Government sign a Status of Forces or Status of Mission Agreement (SOFA/SOMA) for the establishment of the mission on the Government's territory.

The difference between SOFA and SOMA is that for peacekeeping operations with armed personnel a SOFA is adopted (which applies to all military, civilian and police personnel), while for UN peace operations with only unarmed personnel (for instance Special Political Missions), a SOMA is adopted.

The SOFA/SOMA sets forth the legal framework that regulates the status of the peacekeeping operation and its members in the Host State, including privileges and immunities for UN personnel (see above). Despite privileges and immunities, the peacekeeping operation and its members are under an obligation to respect local laws and regulations. Therefore, such laws and regulations apply to the mission and its members unless expressly or impliedly excluded by the SOFA or other provisions of international law, or exempted by the Government.

It is important that peacekeepers respect and follow the national laws of the host country. Failure to abide by host state laws will have consequences to the individual, the T/PCC and the mission's standing. The SRSG / HOM is responsible to the Secretary-General and the Host Country for the conduct of all the Mission's personnel.

SOFAs/SOMAs are modelled after existing templates, adopted by the General Assembly in 1990, and typically:

- State that UN premises in the host country are inviolable and subject to the exclusive control and authority of the UN, which controls access to all its premises.
- Stipulate that UN equipment and vehicles are immune from search and seizure.
- Give the UN the right to un-restricted communication throughout the host country.
- UN has the right to disseminate information on its mandate to the public which is under its exclusive control and cannot be the subject of any form of censorship.
- Supplement the Convention on Privileges and Immunities of the UN discussed earlier, and give “functional immunity” to all peacekeeping personnel, including military and police. However, they also set out certain limitations to existing privileges where this may be appropriate.
- Address criminal offences committed by civilian members of the UN peacekeeping force which will be dealt with by joint decision of the commander of the mission and the local government. Also, if any military member of the UN peacekeeping force commits a criminal offence in the host country, the sending State has exclusive jurisdiction under the SOFA.
- Establish rules and procedures for cooperation between the sending state and the host state such as defining the legal status and arrangements for the UN's use of facilities, transportation and other equipment and communications; requiring UN forces to observe International Humanitarian Law.
- Establish freedom of movement in the country.
- Include a mechanism to resolve disagreements on any of these issues between the host country and the UN.

Slide 57



The UN and the sending State, the troop or police contributing country (T/PCC), conclude a Memorandum of Understanding (MoU) governing the contribution of personnel to UN peace operations.

The MoU is a legal agreement detailing the following:

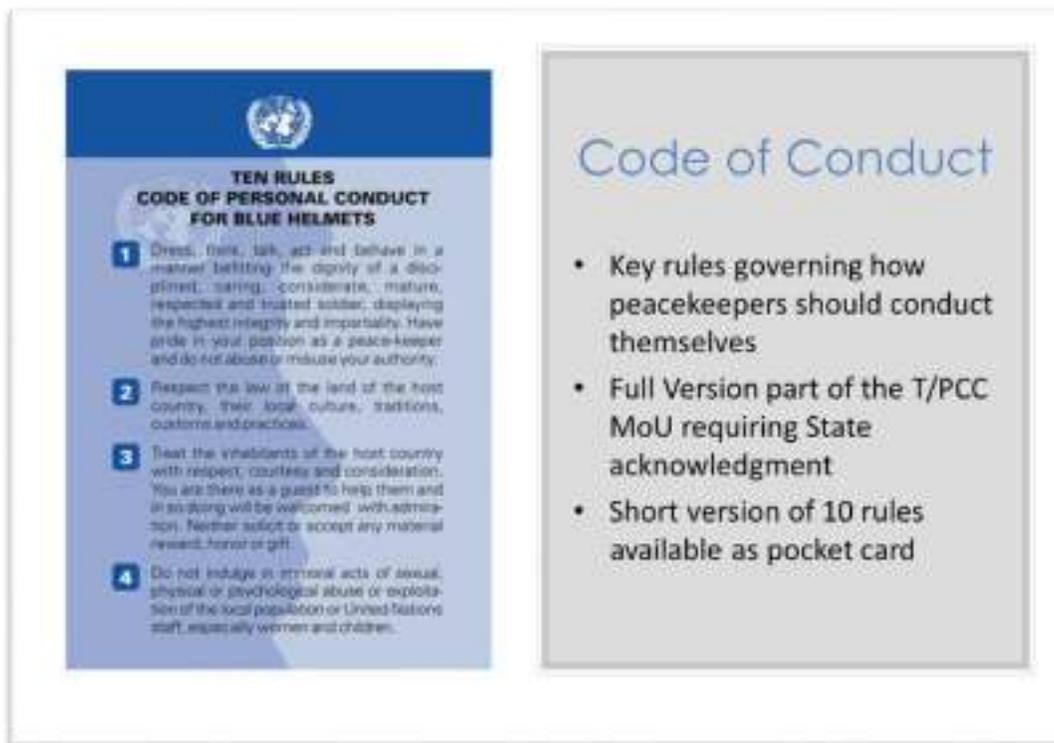
- How the UN will reimburse governments for troops, formed police units (FPUs) or equipment loaned to a peacekeeping operation.
- The obligations of contributing governments to ensure appropriate quality personnel and equipment appropriately trained and prepared for their mission.
- Transfer of authority over a member state's troops or police unit to the UN, as it regulates that the UN Force Commander, or Police Commissioner, shall have operational control over the troops/police contributed.
- Obligations of TCCs/PCCs, commanders, troops and police for prevention of misconduct (which may also amount to crimes), including sexual exploitation and abuse in UN peacekeeping operations (since 2007), and other stipulations regarding the code of conduct.

- For contributed military contingents, the UN respects the principle of the exclusive criminal jurisdiction of the contributing State over the contributed soldiers, for any crimes they may commit while assigned in the field mission.

The MoU is NOT an operational document that dictates operations, locations or types of tasks to be undertaken.

 *Note to Instructor – For more information see Chapter 9 of the Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions in the Annex.*

Slide 58



Issues of conduct and discipline have already been covered in Lesson 3.3. of the Core Pre-Deployment Training Materials, this slide is only meant as a brief reminder.

While applicability of the laws of the sending State are limited, as a general rule, disciplinary power (for Police FPU and Military contingents) lies with the sending State. In the case of Military contingents, criminal jurisdiction also lies with the sending State. However, Member States contributing peacekeeping contingents, in signing their MoU, acknowledge the UN's requirement that all personnel must maintain the highest standards of integrity and conduct. This includes acknowledgment of a code of conduct for all personnel. In signing the MoU, T/PCCs commit "to comply with the Guidelines on International Humanitarian Law for Forces Undertaking United Nations Peacekeeping

and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis for our standards." A short version of the 10 rules is available as pocket card.

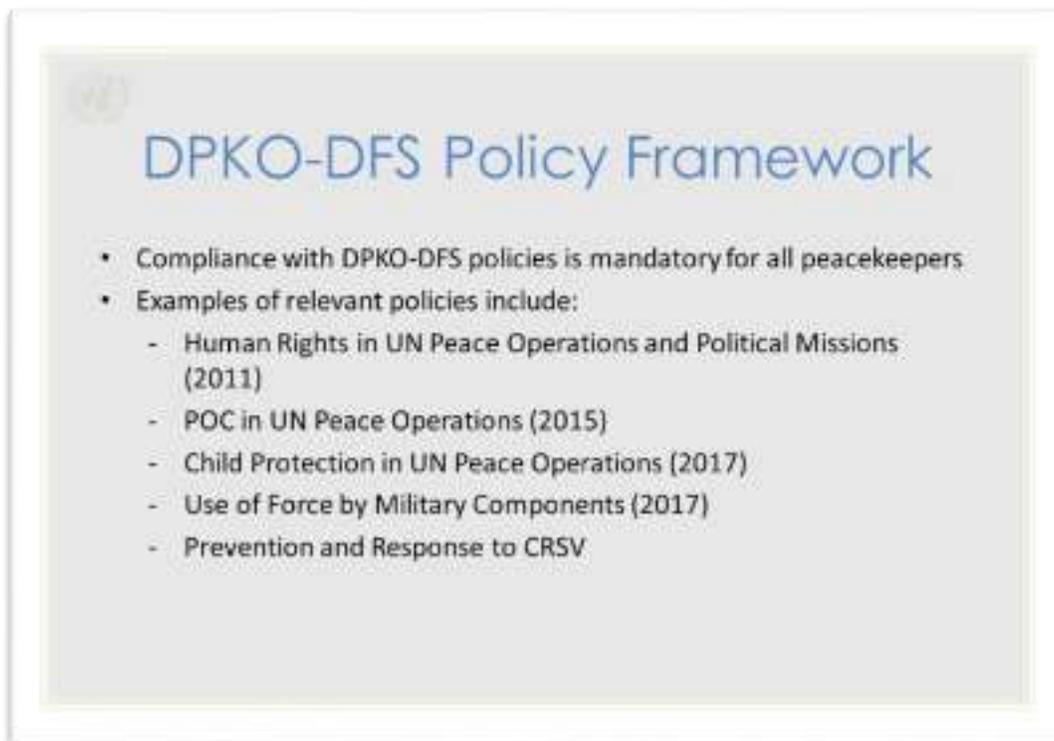
When it comes to conduct and discipline, peacekeeping personnel need to remember that:

- Their conduct represents the UN
- They should not hinder or jeopardize the mandate
- They should not become a safety and security risk

There are three principles that underpin UN standards of conduct. They are based on UN Core Values and Competencies:

- Highest standards of efficiency, competence and integrity
- Zero tolerance policy on sexual exploitation and abuse
- Accountability of those in command who fail to enforce the standards of conduct

Slide 59



The UN Departments for Peacekeeping Operations (DPKO) and Field Support (DFS) have an evolving doctrinal framework built on a number of policies and other high-level documents.

At the top sits the UN Capstone Doctrine (2008), which outlines the principles and guidelines for UN Peacekeeping. The Capstone Doctrine captures decades of experience from peacekeeping operations and defines the nature, scope and core business of contemporary UN peacekeeping. It serves as a guide for all UN personnel serving in the field and at UN Headquarters, and helps direct the planning and conduct of peacekeeping operations. All policies in peacekeeping have to be aligned with the Capstone Doctrine and are reviewed regularly.

Compliance with DPKO-DFS policies is mandatory for all peacekeeping personnel, military, police and civilian. The slide lists some examples of relevant recent policies:

- In 2011, DPKO, DPA, DFS and OHCHR adopted the Policy on Human Rights in United Nations Peace Operations and Political Missions, which provides guidance on how human rights should be integrated into the activities of UN peace operations and political missions, in order to maximize UN actions to address the human rights dimensions of conflict and build a foundation for sustainable peace. The policy sets out the purposes, roles and scope of activity of human rights components of peace operations and political missions.
- The 2015 DPKO-DFS Policy on the Protection of Civilians in UN Peacekeeping explains the fundamental principles of POC in peacekeeping, identifies and organizes the range of POC tasks, guides the development of mission-specific POC strategies, and outlines how missions are expected to assess and respond to POC threats.
- The 2017 DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations is an update of the 2009 policy. It lays out the guiding principles for Child Protection in peacekeeping, defines the roles and responsibilities of peacekeepers in this regard, and gives guidance on planning for Child Protection mandate implementation.
- The 2017 DPKO-DFS Guidelines on Use of Force by Military Components in United Nations Peacekeeping Operations outline the constraints and authorities of military and police personnel with regard to the use of force while on duty in UN peacekeeping operations.
- The DPKO-DFS Policy on the Prevention and Response to Conflict-related Sexual Violence is due for release in 2018. It will be the first CRSV Policy and will outline the basic principles, tasks and planning issues to be considered for Women, Peace and Security mandate implementation in peacekeeping.

Summary

Key takeaways regarding UN Legal and Policy Framework include:

- The UN Charter is the foundation and basis for all UN work across the Organization. In the area of peace and security, Security Council resolutions give important guidance to the work of peacekeeping operations.
- The Convention on Privileges and Immunities of UN personnel does not mean peacekeepers can break laws with impunity.
- Peacekeepers must observe Host State and sending State laws as laid out in the SOMA/SOFA and MoU.
- Specific policies have been developed to guide the work of peacekeeping missions in the implementation of mission-specific and cross-cutting thematic mandates. Peacekeepers are expected to read and understand these policies. Compliance with relevant UN policies, such as the POC Policy, is mandatory for all peacekeepers, irrespective of whether they are military, police or civilians.

Lesson 2.3



Mission Specific Legal Framework

The Lesson



Starting the Lesson

Overview

This section covers aspects of the operational legal framework for UN peacekeeping that have been drafted specifically for each mission.

The operational legal framework consists of a number of documents, some of which were already covered earlier in this Module (SOFA, MoU).

As a result, this section will focus on:

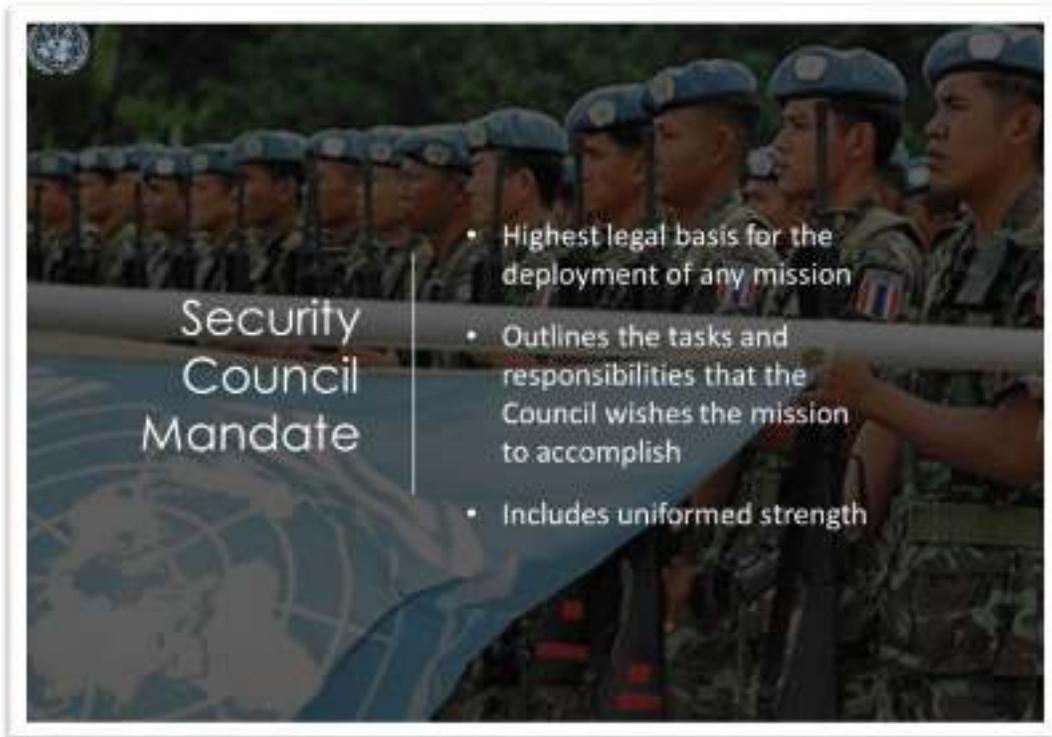
- Security Council mandates for peacekeeping operations
- Rules of Engagement
- Directives on the Use of Force

Relevance

The mission specific legal framework shapes each UN peacekeeping operation and its activities relative to the needs of a particular mission and its operational environment.

Mission Specific Legal Framework

Slide 65



The last section discussed relevant cross-cutting thematic Security Council resolutions guiding the work of UN peace operations overall. This section covers the specific resolutions with which the Council authorizes peacekeeping operations – these resolutions are the highest legal basis for the deployment of missions.

Key Message: Every peacekeeping operation begins with the adoption by the Security Council of a resolution that establishes it, consistent with the UN Charter. When establishing a PKO, the Council will want the consent of the Host State to its deployment. Depending on the PKO's mandate and role, it will also want the consent of the other parties to the conflict concerned. The consent of the Host State is a legal requirement. In contrast, the consent of the other parties to the conflict is typically wanted for practical and operational, rather than legal reasons -- without it, the peacekeeping operation cannot reasonably be expected to perform its tasks.

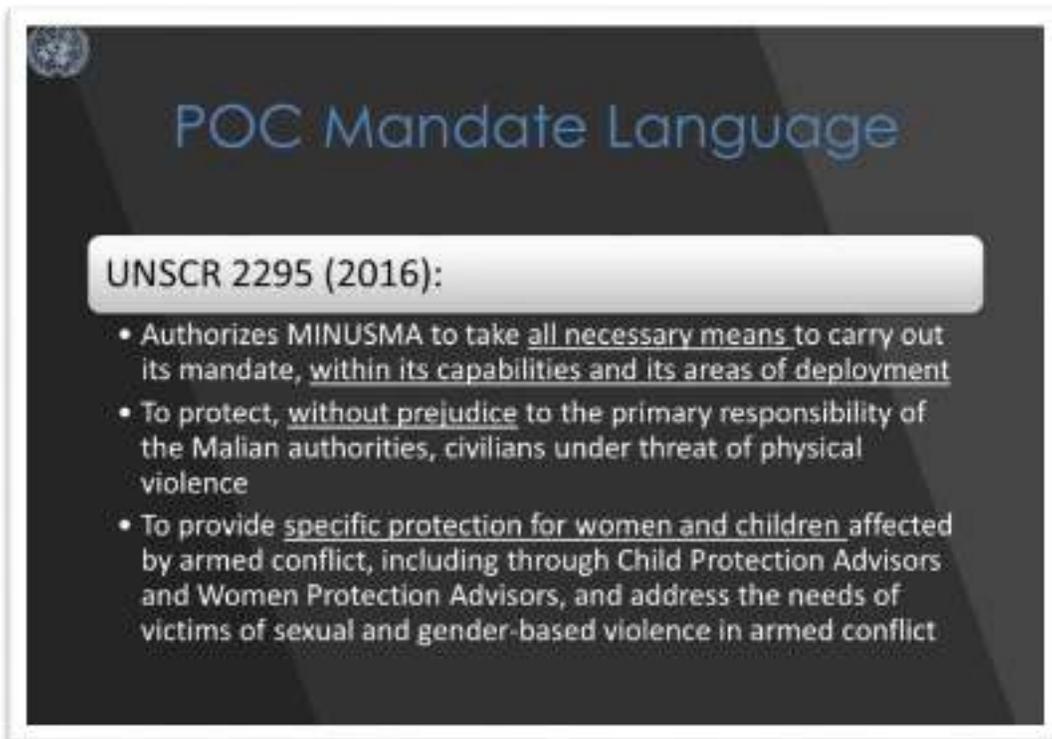
The Security Council resolution also provides the mandate of the PKO, i.e. the tasks assigned to it, including any authorisation to use force. Mandates, or tasks, differ from mission to mission. The range of mandated tasks outlined in a mandate differs between peacekeeping missions, based on the conflict environment, the challenges it presents and other related factors. Of course, as noted earlier, Security Council mandates may also set cross-cutting thematic tasks.

Included in the Security Council resolution that authorizes the deployment of a peace operation are not only the tasks for the mission, but also the maximum uniformed strength of a mission. Like the tasks given to a mission, the Council also routinely reviews the authorized strength of a mission, at least once per year.

The Security Council mandate is, in principle, time-bound (usually one year). It can be renewed and may be modified by the Council throughout the lifetime of the operation. Cross-cutting, thematic mandates may also be adopted by the Council, for instance on POC, women, peace and security, or children and armed conflict.

Almost always, before establishing a peacekeeping operation, the Security Council requests the Secretary-General to prepare a report setting out the functions, tasks and parameters of the proposed operation. The Secretary-General's report is then considered by the Security Council which then adopts a resolution.

Slide 66



The slide features a dark background with a UN emblem in the top left corner. The title "POC Mandate Language" is displayed in a light blue font. Below the title, a white rounded rectangle contains the text "UNSCR 2295 (2016):". A list of three bullet points follows, with key phrases underlined in the original image.

UNSCR 2295 (2016):

- Authorizes MINUSMA to take all necessary means to carry out its mandate, within its capabilities and its areas of deployment
- To protect, without prejudice to the primary responsibility of the Malian authorities, civilians under threat of physical violence
- To provide specific protection for women and children affected by armed conflict, including through Child Protection Advisors and Women Protection Advisors, and address the needs of victims of sexual and gender-based violence in armed conflict

The first mission to receive an explicit protection of civilians mandate was UNAMSIL in 1999. That resolution marked a landmark in the conceptual thinking about UN peacekeeping. The language has since been repeated (with some changes) and expanded upon in subsequent resolutions, which have also tended to repeat the caveat phrases 'in the areas of deployment', 'within capabilities' and 'without prejudice to the responsibilities of the host government'.

The slide shows UNSCR 2295 (2016) which extended the mandate of MINUSMA until June 2017. The language used to describe the protection tasks is commonly used across missions with a POC mandate.

 Visit the Research Tools section of the UNSC Repertoire Website – <http://www.un.org/en/sc/repertoire/data.shtml> – and select the Mandate Analysis tab to download a searchable excel spreadsheet (which is updated approximately every three months). Select one or two missions that the participants are familiar with or will deploy to, and examine the specific language for POC in that mission.

The next few slides will explore some of these phrases. Key terms like 'threat' and 'civilians' were already defined in Module 1.

Slide 67

The slide features a white background with a blue UN logo in the top left corner. The title "Mandate Language 'All Necessary Action'" is centered in blue text. Below the title is a horizontal line, followed by two bullet points in black text. On the right side of the slide, there is a photograph showing several UN peacekeepers in blue uniforms standing and talking to a group of people seated at tables in a community hall.

Mandate Language
"All Necessary Action"

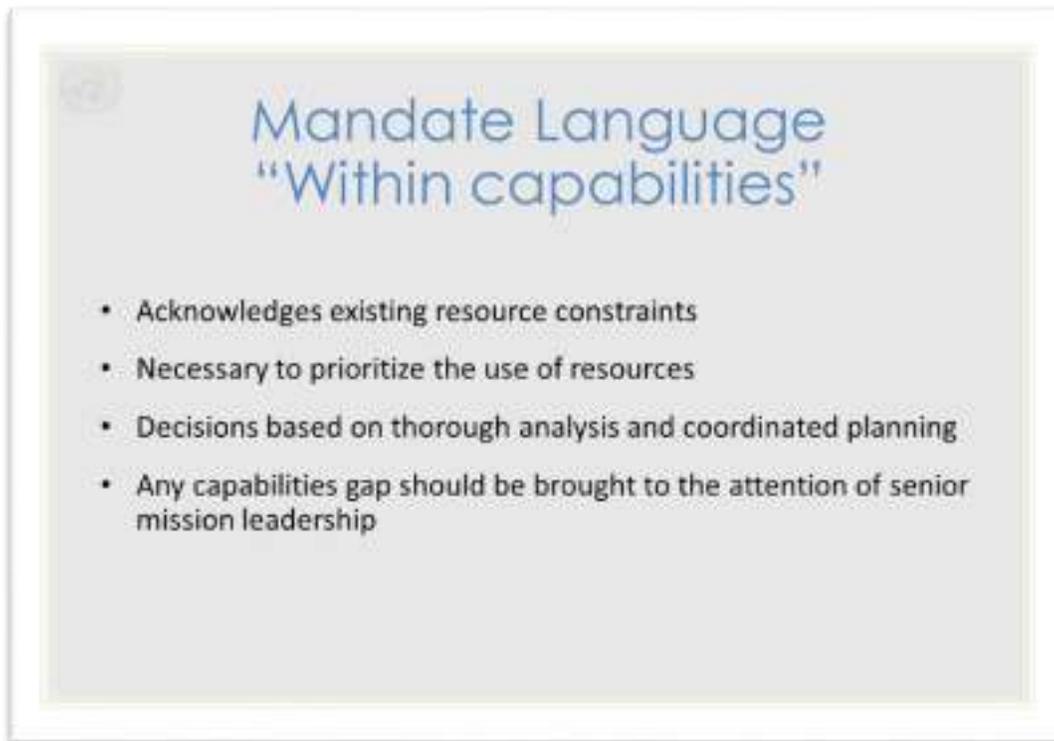
- Authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat
- Includes military, civilian and police action

Key Message: The expression "all necessary action" gives the mission authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat. Peacekeepers with a POC mandate are authorized to use force in accordance with the rules of engagement.

It is important to remember that "all necessary action" does not only relate to the military activities of the operation. It also includes the range of civilian and police actions at the disposal of a peace operation.

Use of force by military and police forces must be supported by adequate understanding of local conditions, including intelligence as appropriate. Due to existing limitations of collection assets and modern technology in field missions, most of the information gathering work is done through reaching out to the local population and leaders, local protection actors etc.

Slide 68



Key Message: 'Within capabilities' acknowledges resource constraints and demands the prioritization of resources.

Realistically, a peace operation will not be able to protect everyone everywhere in its area of responsibility. Existing resources, even in large complex missions with thousands of soldiers, are simply not enough when the area is vast, terrain is rough, lines of communications are poor, and logistics challenging. However, this cannot be an excuse for inaction. Peacekeeping missions are obligated to use their resources in the most effective and efficient manner to carry out their mandate. The prioritization of resources has to be based on a thorough threat and vulnerability analysis, as well as on coherent and coordinated operational and tactical planning. This analysis should be done by all mission components, not just military. Any shortfalls need to be communicated to senior mission leadership, who will bring it to the attention of UNHQ and ultimately the Security Council.

The limited capabilities are also an important aspect of expectation management when it comes to the ability of missions to keep peace. In particular, vis-à-vis the local

population, but also vis-à-vis the international community, missions need to communicate clearly what they are able to achieve with the existing resources.

Slide 69

Mandate Language
"Without prejudice..."

- The Host Government holds the primary responsibility for protecting civilians
- Host Government may not be able or willing to protect its civilians
- Host Government forces may themselves be a threat to civilians
 - Peacekeepers are authorized to take action to protect civilians against Host Government forces if necessary

Key Message: According to international law, host governments bear the primary responsibility for the protection of civilians within their borders. Where such mandates apply, UN peacekeepers are mandated to undertake protection activities in support of host government actors, not to replace them. Peacekeepers, however, have the obligation to protect civilians in situations where the host government is unable or unwilling to do so.

Field missions do their best to have the host government engaged on the protection of civilians so the mission can perform a supporting role. However, bearing in mind that missions operate within the principles of peacekeeping, missions are authorized to use force against elements of government forces in accordance with their rules of engagement where such forces are themselves engaging in physical violence against civilians. Due to the possible negative impact on the strategic consent of the host country, the use of force against host country security forces is a complicated matter. It is always preferable to take preventive measures and use political action to obtain compliance with principles of human rights and the use of force by the national security apparatus.

Slide 70



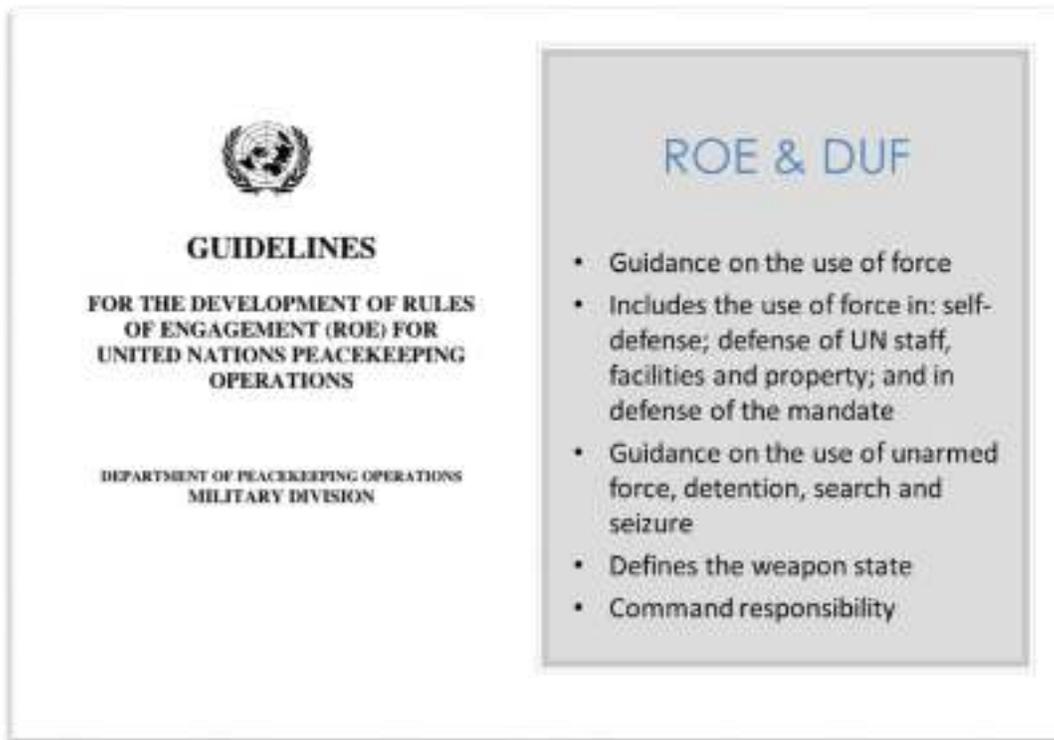
Mandate Language
"Specific protection
for..."

- Recognition of the importance of taking particular protection needs of women and children into account
- Security Council can request the deployment of Women Protection and Child Protection Advisors

Key Message: The Security Council in some cases tasks peacekeeping operations with the protection of particular groups, especially women and children.

The Council can request the deployment of Women Protection and Child Protection Advisors to advise mission leadership and coordinate protection activities.

Slide 71



Key Message: ROE and DUF are mission-specific and outline the circumstances as to when and how the use of force is authorized in accordance with the mandate of the particular operation as well as international humanitarian law and the laws of armed conflict.

The ROE and DUF are approved by the Under Secretary-General for Peacekeeping Operations. They always include the use of force in self-defence. The use of force beyond self-defence depends on the mandate of the operation.

There is a master list of rules contained in the 2000 'UN Guidelines for the Development of ROE for United Nations Peacekeeping Operations'. Annexes to that document include Sample ROE as well as the master list of ROE from which mission-specific ROE are selected.

ROE commonly include:

- Use of force (Rule 1)
- Use of weapons systems (Rule 2)
- Authority to carry weapons (Rule 3)
- Authority to detain, search, disarm (Rule 4)

- Reactions to civil actions or unrest (Rule 5)

ROE also define the weapon state.

The Use of Force is a command responsibility. The Force Commander and Police Commissioner are responsible to make sure that all personnel under their command understand and follow the ROE and DUF. This responsibility also applies to commanders of national contingents.

To ensure the appropriate use of force in peacekeeping operations, TCCs should prepare their troops in terms of mind set and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units in a peacekeeping operation. All United Nations peacekeepers operate strictly under the United Nations chain of command.

T/PCCs are not permitted to augment, restrict or modify ROE or DUF according to national interpretation(s), nor are T/PCCs allowed to impose any caveats on the authorizations to use force that are contained in the ROE or DUF, without formal consultation with UNHQ and the express written agreement of DPKO.



Select sample ROE from the 2000 'DPKO Guidelines for the Development of ROE for United Nations Peacekeeping Operations' in the Annex and discuss with participants.

Slide 72

Principles of the Use of Force

- Graduated
- Last resort
- Necessity
- Proportionality
- Legality
- Accountability

DPKO and DFS released new Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations in early 2017. The Guidelines provide clarity on the appropriate use of force at the tactical and operational levels of UN peacekeeping operations. The Guidelines are intended to mitigate hesitation, accelerate decision making, improve performance and ultimately protect lives and property.

Key Message: It is important to keep in mind that the objective of the use of force is to influence and deter, not necessarily to defeat, threats seeking to harm UN personnel, equipment and property or people under protection, such as the civilian population.

In some cases, the use of force may also be authorized to respond to other threats, including those caused by armed spoilers intending to distract the peace process. In 2013, the UN Security Council equipped MONUSCO with the Force Intervention Brigade (FIB), which is specifically tasked to undertake offensive operations. For the purpose of this offensive mandate, the FIB has a different authorisation of the use of force and is able to carry out both joint and unilateral military operations to neutralise armed groups.

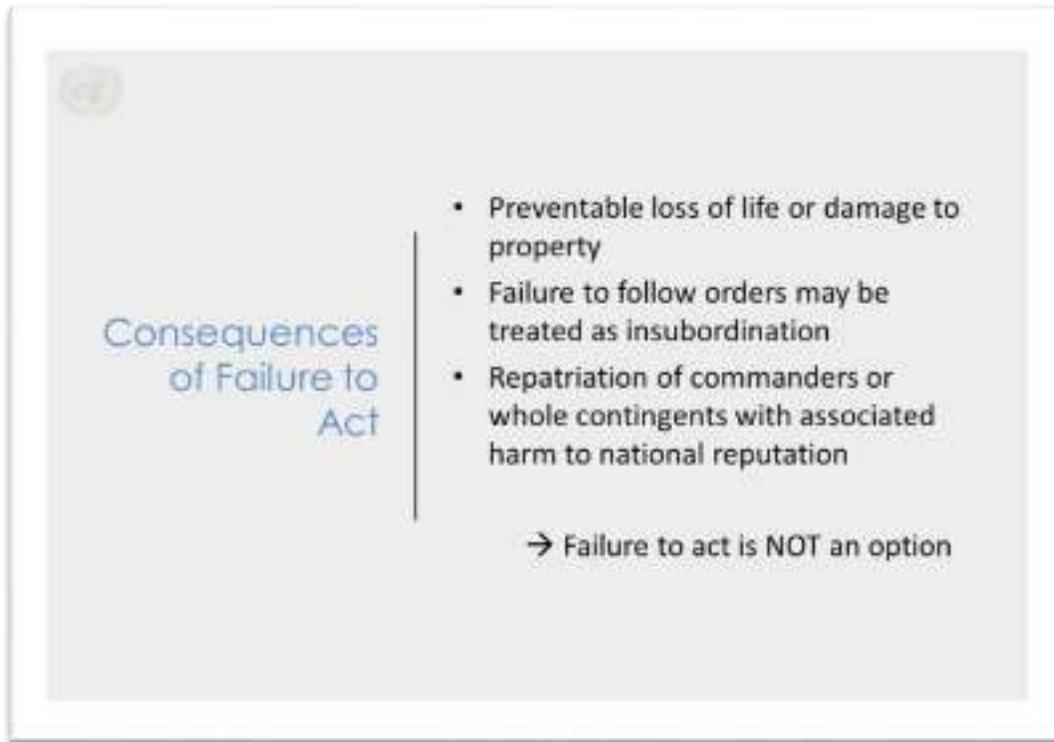
The basic principles guiding the use of force are:

- Graduated: Application of increasing levels of force ensures that only the minimal level of force is used. It ensures that excessive force is avoided and minimizes the loss of, or damage to, life and property.
- Last resort: Whenever the operational situation permits, every reasonable effort should be made to resolve a potentially hostile confrontation by means other than the use of force. Mediation, negotiation, use of deterrent posture, robust communications are examples.
- Necessity: Force can only be used when absolutely necessary in self-defence, in defence of UN staff, property and equipment, or in defence of the mandate. There is a duty to use reasonable efforts to resolve the situation and achieve the authorised objective without use of force.
- Proportionality: Use no more force than necessary to suppress the threat.
- Legality: Force can only be used within the limitations of the legal framework, including IHL, Security Council mandates, UN ROE, national law, and host state law.
- Accountability: The authority to use force remains a command responsibility, but the individual applying that force retains accountability for their actions being in accordance with IHL, and the mission-specific ROE. This reinforces the importance of all peacekeepers understanding the concept and principles discussed in this module.

It must be noted that peacekeepers sometimes may not have enough time to embrace gradual application of force and may have to act immediately by resorting to deadly force to avoid greater harm. This would only apply where the attack, or threat of an

attack comes so unexpectedly that even a moment's delay could lead to the death of, or serious bodily injury to, oneself, other United Nations personnel or other persons under the protection of the mission.

Slide 73



Key Message: UN Force Commanders should be aware of the full extent of their authority to act under the mission mandate and the mission specific rules of engagement. Inherent in the authority to act is a responsibility to act within the capabilities of the peacekeeping operation and its areas of deployment.

Missions with mandates to protect civilians are equipped with rules of engagement that provide for both proactive and reactive use of force. As to the use of force to protect civilians under imminent threat of physical violence, mission specific strategies allow for proactive, pre-emptive, preventative and /or deterrent measures, up to and including the use of deadly force.

Failure to act is not an option. Potential consequences include the preventable loss of life or damage to property. Failure to act may be treated as insubordination under conduct and discipline regime, leading to the potential repatriation of commanders or even whole contingents.

It is important to remember that peacekeepers are authorized to act in accordance with the ROE, and don't need specific written approval to use force in accordance with the

ROE. To be successful, ALL commanders and troops must have a clear understanding of when, and at what level, force can be used in implementing assigned tasks.

Failure to use force in line with the ROE, much like the use of excessive force, can negatively impact the mission's success and may raise issues of individual and organizational responsibility.



Case study 1: Discuss with participants how peacekeepers' interpretation of the ROE relate to the incident in UNMISS of 17/18 February 2016, when gunmen in military uniforms stormed the UNMISS POC site in the north-eastern town of Malakal, firing on civilians and setting shelters ablaze. The attack on the camp, where about 48,000 people were sheltering, left at least 40 dead and 123 wounded. Nearly 20,000 people lost their homes after they were torched by the attackers based on the occupants' tribal affiliation. For more details see Handout 2.3: UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016 in the Annex.

Following an armed attack on an IDP camp in Malakal, South Sudan, which was under the protection of UNMISS, a Board of Inquiry found inadequacies in peacekeepers' response and a lack of understanding of the rules of engagement by some. The final report points at failures of the UN as well as TCCs.

From the UN's Board of Inquiry (BOI) report:

- The Sector North Commander ordered that troops should use their APCs to engage the SPLA troops by firing back on them and that under no condition should SPLA soldiers enter the Log base. Some troop commanders hesitated about the use of lethal force and sought written authorization for it.
- Moreover, once the security situation began to deteriorate, the Mission, at all levels, failed to manage the crisis effectively. This failure manifested itself in a lack of urgency to enhance the security within and around the POC site, the reluctant attitude of the units of some of the TCCs present in Malakal to be proactive, including requesting written confirmation to use force as in the rules of engagement (ROE); the absence of external perimeter patrolling around the POC sites; and culminating in the abandoning of sentry posts when armed elements were approaching the berm leaving the POC site fully exposed and, ensuring that civilians would be placed in serious risk in the very location to which they had come for protection.
- The Board also found that many of the applicable UN/UNMISS procedures, regulations and rules including on command and control vis-à-vis civilians and uniformed personnel, UNMISS ROEs, Force Directives and Orders were adequate to respond when faced with such an incident, however, they were not properly coordinated, disseminated or understood among the various civilian, military and police components in the mission, nor were they fully/appropriately applied by some of the TCCs deployed in Malakal. Moreover, with regard to the UNMISS military operations, the Board underscored that this was not the first instance in

which military units in Malakal had demonstrated an unwillingness to proactively implement ROE, Force Directives and Orders. However, this persistent underperformance had not been reported through the appropriate chain of command.

- The Board concluded that despite relevant guidance, beginning with the Mission's Chapter VII POC mandate and including standing orders on POC operations, and particularly with regard to the ROEs, the TCCs were not adequately trained or familiar with the manner in which they were to respond. The lack of regular, targeted table top exercises was one example of a failing in this regard. The BOI further found that the UNMISS uniformed personnel detailed to protect the POC site were not adequate in number or properly skilled and equipped to fulfil the given mandate.
- On ROE/Contingency preparedness, the BOI recommended that UNMISS military leadership should ensure that training in the practical application of the ROEs and use of force is conducted regularly in accordance with the guidance from the DPKO Military Advisor with a focus on scenarios relevant to the current operational situation in a concrete location.
- The BOI also recommended that the Force Commander and Police Commissioner, in consultation with the SRSG, should immediately take action in cases where units show a lack of knowledge of ROEs or demonstrate a lack of will to use force beyond self-defence. Each case of underperformance of troops and police should be thoroughly investigated and the results reported to the UNHQ and the Permanent Missions of the involved TCCs/PCCs. Decisive action should be taken to hold the TCC contingents accountable, up to repatriating Commanders and/or Units.



Case study 2: Examine and discuss the incidents in UNMISS of 11 July, when gunmen in Juba attacked the Hotel Terrain camp, a private compound close to a peacekeeping base, robbing, beating and raping aid workers and local staff, and killing a local journalist. For more detail see the Executive Summary of the special investigation in the Annex.

Following another tragic armed attack on a civilian compound in Juba, South Sudan, in July 2016, the UN Secretary-General ordered a special investigation. Extracts taken from the Executive Summary of the special investigation report, which was released publicly, are conveyed below:

- After fighting broke out, the Force and Police components continued to display a risk-averse posture unsuited to protecting civilians from sexual violence and other opportunistic attacks.
- The Special Investigation found that the lack of preparedness, ineffective command and control and a risk-averse or "inward-looking" posture resulted in a loss of trust and confidence – particularly by the local population and humanitarian agencies – in the will and skill of UNMISS military, police to be

proactive and show a determined posture to protect civilians under threat, including from sexual violence and human rights violations.

- The Special Investigation made a series of recommendations, including:
 - DPKO to ensure that missions have rigorous contingency plans in place;
 - UNMISS to regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force;
 - All T/PCCs junior and senior commanders should conduct scenario training on the mandate and rules of engagement, and police FPU commanders should be trained on the directives on the use of force during their pre-deployment training;
 - All TCCs to confirm in writing that troops are willing and able to conduct dismounted patrols, including standing patrols by day and night outside the perimeter of UN compounds and POC sites in surrounding areas as ordered by the Force Commander;
 - All personnel of T/PCC to use the rules of engagement to the fullest extent.

Slide 74



There is no room for doubt regarding individual or unit responsibilities in relation to the protection of civilians. As part of any individual or unit's pre-deployment preparation, any doubts must be resolved, and expected actions understood and rehearsed.

This applies equally to individuals as it does to unit commanders since all have obligations and are accountable under the legal framework discussed in this module.

If responsibilities are unclear, do not hesitate to seek advice or clarification from your unit's Legal Adviser. Other sources of clarification can be your commanding officers, Protection of Civilians Officers, Human Rights Officers or Military Legal Officers at Force HQ in missions. Substantive issues or requests for clarification regarding the UN legal framework, the mission's mandate and/or the mission's ROEs or DUF may additionally be consulted with the mission's Senior Legal Adviser, and/or referred to UN Headquarters and the Office of the Legal Counsel.

Failure to understand the legal obligations does not excuse wrongful action or inaction.

Summary

Key takeaways regarding Mission Specific Legal Framework include:

- The mission specific legal framework is targeted at individual missions based on the operational environment.
- The Security Council mandate establishes a peacekeeping operation and gives missions and its personnel specific tasks. Given the particular importance for each mission context, peacekeepers must understand their mandate.
- ROE and DUF translate that framework into specific guidance for military and police units and individuals on when, where, and how much force is to be used. T/PCCs are not allowed to impose additional caveats on their personnel serving in peacekeeping missions, unless they are approved in writing by DPKO.

Handout

2.3



UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016

21 June 2016 – A United Nations independent high-level board of inquiry has completed a special in-depth investigation into how the UN responded this past February to deadly violence in a protection of civilians site in the town of Malakal, in northern South Sudan.

In a note to correspondents, the Office of the Spokesperson for Secretary-General Ban Ki-moon said that a special investigation and a UN Headquarters board of inquiry were convened to review the circumstances of the violence that erupted in the UN Mission in South Sudan (UNMISS) protection of civilians site in Malakal from 17 to 18 February, in which at least 30 internally displaced persons (IDPs) were killed, 123 others were wounded, and a significant portion of the camp was destroyed.

The special investigation, which was tasked with examining the external factors that led to the incident, has identified several factors as having contributed to the attacks, including deep-rooted historical land disputes, the '28 States' Order and the Eastern Nile State Administrative order of 1 February, which dismissed all Shilluk and Nuer civil servants, according to the note.

The investigation determined that the immediate trigger for the attacks was an attempt by two Sudan People's Liberation Army (SPLA) soldiers to smuggle ammunition into the site on 16 February.

The investigation also concluded that external armed elements, some in SPLA uniforms, entered the protection of civilians site during the period and took part in the violence and destruction of parts of the site.

The investigation team requested that the Transitional Government of National Unity hold the individuals responsible and accountable for the violence. The team also provided a number of recommendations to the Government, regional and international actors – including the UN – aimed at preventing such attacks in the future, the note said.

A UN Headquarters-led board of inquiry, which was tasked to look into the Mission's response to the incident, is being finalized. The preliminary report of the board mentions, among others, that a number of issues contributed to the incident.

On the UNMISS response there was confusion with respect to command and control and rules of engagement, and a lack of coordination among the various civilian and uniformed peacekeepers in Malakal at the time of the crisis, the note said.

Further, the board also mentioned that there were unrealistic expectations as to the level of protection that UNMISS could feasibly provide to the 48,000 internally displaced persons in Malakal at the time of the incident.

UN Headquarters is reviewing a number of recommendations made by the board in order to minimize the recurrence of such incidents, including a review of the concept of protection of civilians sites and the performance of troop- and police-contributing countries.

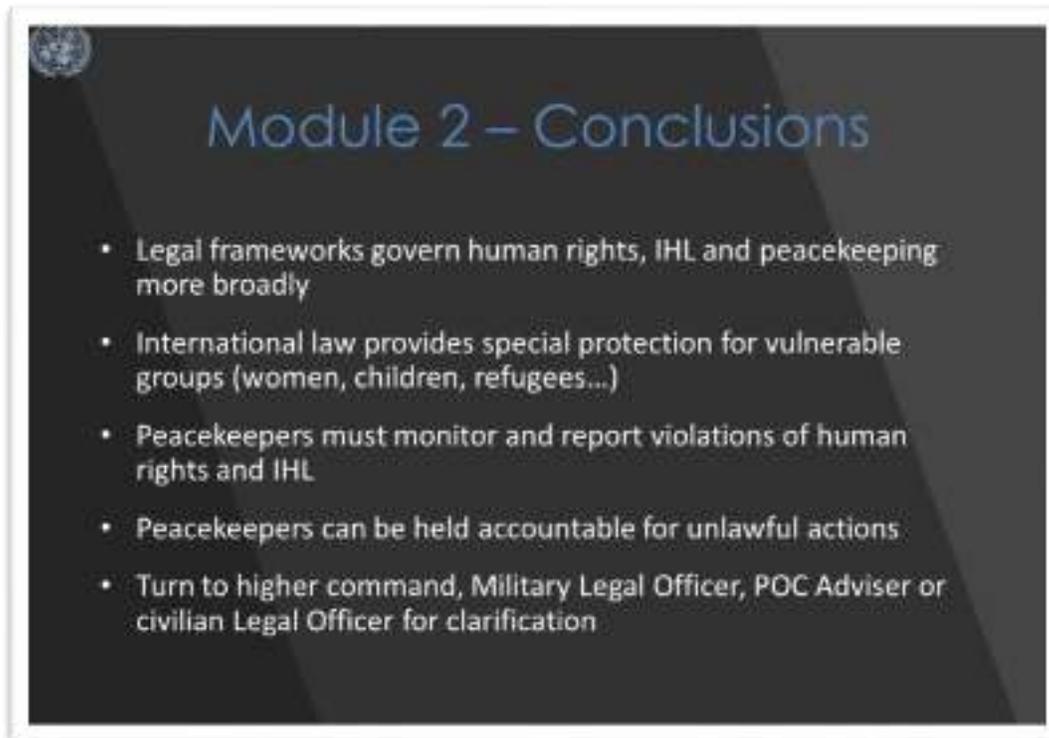
The UN Department of Peacekeeping Operations is engaging on the way forward with concerned troop-contributing countries, the note said.

Module 2



Legal Framework

Slide 78



Overall conclusions from Module 2 include:

- Peacekeepers need to understand how international and national legal frameworks governing human rights, international humanitarian law and peacekeeping more broadly affects the work of missions in the field.
- Bodies of international of law provide special protection for those members of communities that are most vulnerable (e.g. women, children, refugees etc.).
- As a key task for peacekeepers, they must ensure to monitor and report violations of human rights and international humanitarian law.
- Peacekeepers do not have impunity from laws of the host or sending State, and may also be held accountable for unlawful activities under international law.

- If ever there is any lack of clarity regarding the legal framework for peacekeeping, or obligations deriving from it, peacekeepers can ask their higher command, the Military Legal Officer, POC Officers, or civilian Legal Officers for advice. Ignorance is not an excuse for a violation of law.

Module 3



Operational Framework

Module 3 at a Glance

Aim

The module does not aim to create or train participants on a particular decision making process for UN peacekeeping and does not discuss particular military doctrines, which may vary between troop contributing countries. Rather, the module offers considerations that commanders and their staff should take into account during the application of the decision making process as per their national doctrine.

Learning Objectives

The learning objectives for Module 3 are based on the goal of being able to apply the main aspects of the first two modules into practice:

- Know how to translate conceptual and legal frameworks into appropriate action at the tactical level
- Identify key DPKO documents that provide guidance for tactical planning
- Understand how the protection of civilians (POC), child protection in armed conflict (CP), and conflict-related sexual violence (CRSV) considerations impact the military decision making process
- Identify key aspects in a threat assessment for POC

Overview

Module 3 provides an overview of the strategic and operational framework related to the POC, CP, and CRSV tasks in UN peacekeeping. The module focuses specifically on tactical level considerations, meaning battalion level and subordinate units.

While this module focuses on the tactical level, the overview of the strategic and operational level documents and concepts provide guidance to tactical level mandate implementation in UN peacekeeping. This includes Mission POC Strategies as well as the Implementing Guidelines for Military Components in UN peacekeeping.

Lastly, this module offers training guidance regarding POC, CP and CRSV considerations from a conventional military planning point of view that should be taken into account during the military decision making process.

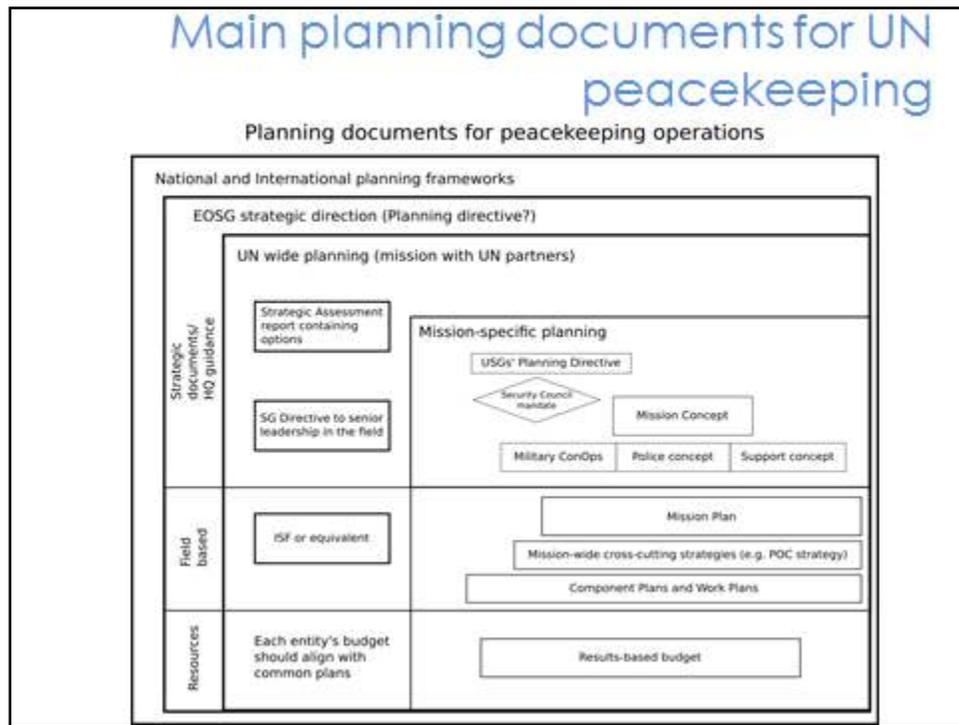
Lesson 3.1



Relevant documents for Tactical Planning & Mission POC Strategy

The Lesson

Slide 5



Starting at the highest strategic level, this slide provides an overview of the different planning processes in the UN system and how they eventually impact operations on the ground. This will help to understand the complexity of planning in the context of UN peacekeeping.

- Mission-specific planning is part of the broader UN-wide planning process, which takes initial guidance from the Executive Office of the Secretary-General (EOSG).
- At Headquarters, DPKO-DFS will develop a Mission Concept, which is a strategic level articulation of what the field mission will do and how. Under the Mission Concept are military, police and support concepts that provide more details.
- Once the mission is established, the Mission Concept will inform the development of a Mission Plan, which is the Mission's operational plan of how to implement the

Module 3 – Lesson 3.1: Relevant documents for Tactical Planning & Mission POC Strategy

mandate. The Mission Plan has to be aligned with the Integrated Strategic Framework (ISF), where it exists. The purpose of an ISF is to bring together the mission and the UNCT's mandates around a set of agreed priorities and measures to maximize the individual and collective impact of the UN system on the context's peace sustainment needs.

- Each component in the Mission should have component-level plans such as annual work plans aligned with the overall Mission Concept and Mission Plan.
- In addition, the Mission may have mission-wide strategies on cross-cutting issues such as protection of civilians, child protection and gender mainstreaming.
- The results-based budget (RBB) of the Mission is the primary resource management tool at the mission level. It is derived from the Mission's plans for the following year and acts as a strategic tool to measure progress against mandated tasks and stated objectives.
- Plans should guide implementation and help monitor impact on the ground, should be continuously updated based on evolving conflict analysis and should help determine when a change of course is needed.

The DPKO-DFS Policy on Planning and Review of Peacekeeping Operations sets out a planning process that is specific to peacekeeping, clarifies roles, responsibilities and decision points, and ensures coherence in planning peacekeeping operations. All strategic planning processes related to peacekeeping operations have to comply with this Policy. DPKO-DFS recently also released a Policy on Integrated Assessment and Planning. This Policy applies to UN-wide planning processes but does not specifically address planning for UN peacekeeping missions.

Slide 6



This graph shows the flow from a mission's mandate to the operational plans for each military unit. It shows the series of planning processes in peacekeeping missions, many with particular emphasis on POC.

The building blocks of any mission include the Security Council Mandate, Mission Concept, Mission Plan, Concept of Operations (CONOPS), as well as the Mission POC Strategy, accompanying plans and the related Operations Orders for Mission Headquarters, sectors and units.

Worth noting are operational guidance documents that were developed by missions independently. This includes for instance POC Handbooks in MONUSCO and MINUSCA, or guidance on particular POC issues, such as the POC sites in UNMISS. This slide does also not show strategic level documents that were covered in the Conceptual Framework part of this training package, such as the 2015 DPKO-DFS Policy on POC in UN Peacekeeping, the 2015 DPKO-DFS Implementing Guidelines on POC for the Military Component, or the 2017 DPKO-DFS Implementing Guidelines on POC for the Police Component.

Slide 7



Mission-specific POC Strategies were first requested by the UN Security Council in 2009 and have since become a central aspect of POC mandate implementation in peacekeeping operations. They are designed to bring coherence in approach, minimize gaps, avoid duplication and maximize the mission's ability to ensure the protection of civilians through the use of its available capacities (civilian, military, police and support elements of the mission). In most cases the strategies only apply to the peacekeeping mission (currently with the exception of MONUSCO and UNMIL where the POC strategies are UN system-wide). Nevertheless, they need to be consulted with the Protection Cluster and UN Country Team (UNCT) to define coordination mechanisms and common priorities. POC Strategies should integrate and align with Action Plans regarding Child Protection and CRSV mandates.

Slide 8

Core Considerations

- Missions with POC mandate develop POC Strategies
- Coordination tool for concerted POC action
- Work plans for all components need to be aligned with POC Strategy
- Military and Police operation orders fully aligned as well

Key Message: Every mission with a POC mandate is required to develop a mission-specific POC Strategy. Following a 2016 review of POC Strategies in peacekeeping missions, the concept of POC Strategies might 'change to have a greater impact on missions' operations and become more action-oriented'. To this end, they may in the future be included in the Mission Concept and Mission Plan, rather than act as a standalone document.

As they have been used so far, a POC Strategy highlights and further articulates the overall mandated tasks related to POC defined in relevant Security Council Resolutions and outlines how the mission plans to implement the mandate. By clarifying the role and activities of mission components and modalities of coordination with key partners and other/external stakeholders, comprehensive POC strategies ensure better coordination with other actors working on POC. Senior mission leaders have an important responsibility in this respect, and must remain engaged in both the development and implementation of comprehensive POC strategies.

Based on the POC Strategy, each mission component has to develop plans that reflect the priorities and responsibilities outlined in the strategy. This includes, for instance, the operational orders issued by the military component.

Slide 9

POC Strategy Content



- Purpose, scope and key principles
- Mission threat analysis
- Mission POC action plan
- Roles, responsibilities and coordination mechanisms



A POC strategy in field missions typically contains the following elements:

- A section on purpose, scope and key principles that outline the fundamental aspects of the POC strategy and to whom it applies. This should include an overview of the POC mandate in the context of the mission's overall political strategy.
- A thorough threat analysis that describes the main threats to civilians in the area of operations by identifying priorities, assessing vulnerable populations, analyzing the threats of violence against civilians, including from inter-communal violence, non-state armed groups, state security forces, or international security forces
- A mission's POC action plan that describes what actions the mission will undertake while considering the capacity of other protection actors such as state authorities or national and international humanitarian, human rights and development actors as well as the local population.
- Roles and responsibilities of key actors in the mission, as well as coordination mechanisms between them need to be clearly defined to facilitate effective POC action.
- A section on evaluating the performance in POC would ideally be included as well. POC indicators have been developed to assist.

 *Note to Instructor: Carefully review the annexes of the 2015 Implementing Guidelines for Military Components before presenting this section.*

Slide 10

Tactical Perspectives

A POC strategy provides the operational level guidance to allow the component HQs to draft plans and orders that will ultimately affect the battalion and FPU levels, including military observers, military liaison officers and individual police officers.



Key Message: For the tactical focus of this module, it is important to note that the POC Strategy provides the operational level framework for the development of plans and orders at the tactical level. To frame tactical level planning and operations, missions need to provide clear guidance of who is expected to do what in a peacekeeping mission, and whom, how and what peacekeepers are expected to protect.

For instance, military components are typically expected to conduct the following activities amongst others:

- Ensure active patrolling and presence in priority areas as identified in the mission's threat analysis and POC Action Plan;
- As appropriate, conduct joint or unilateral military operations to detect the intent, presence and capacity of non-state armed groups and prevent, pre-empt or stop violence against civilians;
- Create the security conditions conducive to the immediate, full, safe and unhindered delivery of humanitarian assistance in coordination with the Office of the Humanitarian Coordinator; and

Module 3 – Lesson 3.1: Relevant documents for Tactical Planning & Mission POC Strategy

- Create the security conditions conducive to voluntary safe, dignified and sustainable return of internally displaced persons and refugees, in close coordination with the Office of the Humanitarian Coordinator;
- Monitor and report violations of international law, including as stipulated in the monitoring and reporting mechanisms that were established under the Child Protection and Women, Peace and Security mandates.

Slide 11

Planning References

- POC Action Plan
- POC Matrix



- Capacities and resources for POC action
- Mission POC architecture

Key Message: The POC Strategy outlines the key mission-wide planning and guidance documents for POC. It is important that relevant military personnel at the tactical level are familiar with them and understand their impact on military planning processes, including on priorities and resource considerations. Different plans exist and peacekeepers should enquire upon arrival in the mission area to be well informed on the plans and tools available to them.

As a general note, among the most important documents are:

- POC Action Plan: Guides activities to ensure adequate management and implementation of the POC mandate. It outlines the key activities taken by mission components at the operational and tactical level to ensure the POC mandate is implemented effectively.
- POC Matrix, also referred to as 'Must-Should-Could Matrix': Result from a joint planning exercise between peacekeeping missions and the humanitarian

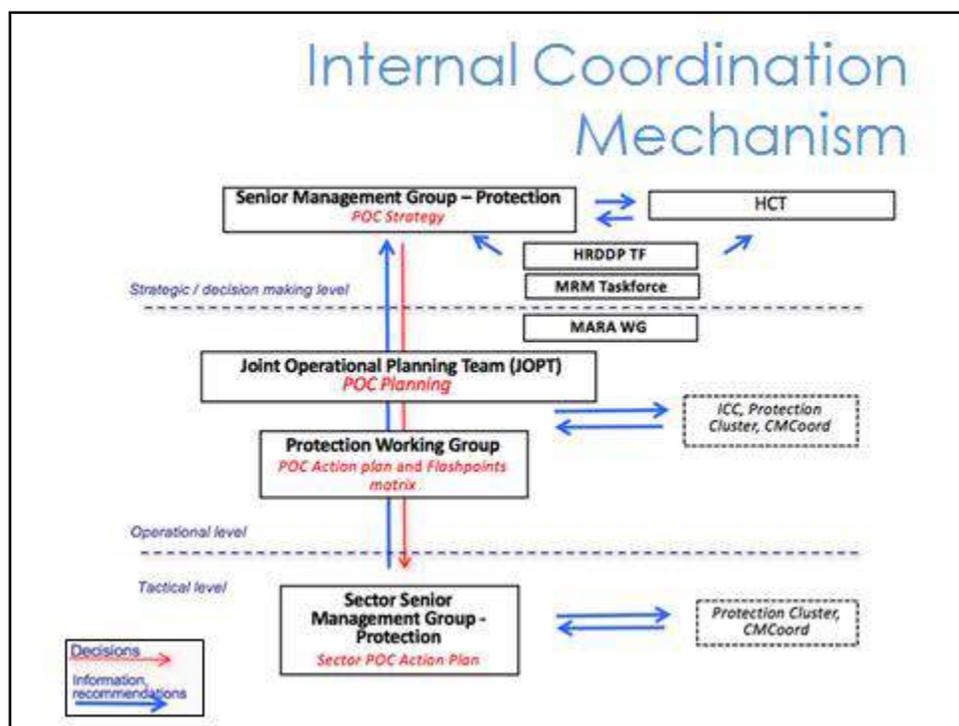
Module 3 – Lesson 3.1: Relevant documents for Tactical Planning & Mission POC Strategy

community. It ranks key areas that are perceived as especially vulnerable to protection threats as being “must protect”, “should protect” or “could protect”. It is updated by the Protection Cluster and submitted to the highest UN protection coordination mechanism at the country level, which decides on strategic preventive protection measures, including troop deployments.

- Capacities and resources for POC action: As per UN Security Council guidance, POC must be prioritized in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates. Nevertheless, resources are limited and need to be employed in a strategic manner to ensure priority issues are addressed. In the context of the military component, thorough analysis and tools like the POC Matrix inform deployment planning including force composition and disposition.
- Mission POC architecture: POC coordination mechanisms vary from mission to mission. Generally speaking they are rather complex and involve personnel at different levels and across all mission components. Even non-mission actors from the UN Country Team need to be included to ensure coordination. The following slide will show a generic example of POC coordination in missions.

 Note to Instructor – see 2015 DPKO-DFS POC Policy Annex B for more information

Slide 12



Module 3 – Lesson 3.1: Relevant documents for Tactical Planning & Mission POC Strategy

Going through the entire coordination mechanism in detail falls outside the scope of this module. This slide provides just an overview of the main mechanisms as they are frequently found in peacekeeping missions, though different variations exist.

Coordination happens at several levels:

- Strategic level: A mission's Senior Management Group on Protection (SMG-P) is composed of the mission's senior management as well as leaders of key protection actors in the UN Country Team (e.g. UNICEF, OCHA, UNHCR). The SMG-P carries the overall responsibility for the implementation of the mission's POC Strategy, provides strategic vision and policy guidance on the POC mandate, and ensures overall coordination of the mission's POC activities.
- Operational level: A mission's Joint Operations Planning Team (JOPT) co-chaired by the Chief of Staff and the Force Chief of Staff, coordinates short and mid-term joint planning of all mission's operations, in particular as they relate to POC. The JOPT is composed of the Heads or Deputy Heads of the main sections dealing with POC in the mission and meets at minimum on a monthly basis to coordinate the implementation of the SMG-P decisions.
- Under the JOPT, a working level POC Working Group meets on a weekly basis to coordinate the implementation of POC management tasks under the POC Action Plan, including the drafting of the POC Strategy. Not shown on this graph is the Joint Operations Center (JOC), which supports coordination of activities and reports on daily operations.
- Tactical level: A mission's Sector Senior Management Group on Protection (Sector SMG-P or SMG-PP), co-chaired by the Head of Office and the military Sector Commander, will coordinate and report on the implementation of daily POC tasks under the Sector POC Action Plan. It is composed of military and police commanders, team leaders in the sector office, including mission support, political affairs, civil affairs, human rights, child protection, DDR, SSR, justice and corrections sections, as well as representatives of UN agencies in the area (e.g. UNICEF, OCHA, UNHCR).

Summary

Key takeaways regarding Relevant Documents for Tactical Planning & Mission POC Strategy include:

- Each POC mandated field mission is required to develop a mission-specific POC Strategy or include one in the Mission Concept and Mission Plan. The POC environment is unique in each mission and therefore needs a specific strategy to outline the mission's approach to POC implementation.
- Even though most POC Strategies target the peacekeeping mission only, coordination with the UN Country Team and other protection actors is vital to make the strategy effective.
- Once finalized, the strategy needs to be endorsed by the Head of Mission and the UN Country Team. It will then form the basis for the development of work plans for all components and sections in the mission.
- As of early 2017, only MONUSCO and UNMIL have developed a UN system-wide POC Strategy in their respective countries.

Lesson 3.2



Implementing Guidelines for Military Components

The Lesson



Starting the Lesson

Overview

Module 1 introduced the 2015 DPKO-DFS POC Policy, which represents the central piece of POC guidance in UN peacekeeping. To translate the Policy to the tactical and operational levels, DPKO-DFS also published the 2015 Implementing Guidelines for Military Components of UN Peacekeeping Missions. They were briefly touched upon in Module 1 and will be discussed in more detail over the coming slides.

These guidelines focus on the physical protection of civilians against violence in any form and irrespective of the perpetrator, including but not limited to armed groups, non-state actors and state actors (where applicable) individually or collectively at operational and tactical levels. While discussing military planning processes, the guidelines also leave enough room for planners and commanders to incorporate changes in the planning and execution of operations as the situation evolves.

These guidelines complement existing guidance and should be read together with the DPKO-DFS POC Policy, DPKO-DFS Child Protection Policy, DPKO-DFS Protection of Civilian Guidelines for UN Police, and the OHCHR/DPKO/DPA/DFS policy on Human Rights in UN Peace Operations and Political Missions. These policies provide operational guidance on the roles and responsibilities of UN civilian, military and police component on the protection of civilians against threats of physical violence and on the integration of human rights into the activities of United Nations peacekeeping missions.

The Guidelines provide guidance at the:

- Strategic level (UNHQ)
- Operational level (Field HQ)
- Tactical level (Sector and Unit Commanders)

This section will briefly touch upon the strategic and operational level guidance, but focus mostly on the tactical level.

Implementing Guidelines for Military Components

Slide 18

Guidance for the strategic level (UN HQ)

- Strategic planning
- Composition of force
- Disposition of force
- Mainstreaming POC in the CONOPS

 *Note to Instructor – while not specifically relevant to the target audience, it is useful to understand the relevance of the strategic level guidance, in particular as it frames lower level planning.*

At the strategic level, the Guidelines specify that DPKO-DFS will compile the Military Concept of Operations (CONOPS) for a new mission in conjunction with the development of the Mission Concept, the military Rules of Engagement (ROE) and the police Directive on the Use of Force (DUF). The CONOPS should be consistent with the overall Mission Concept, and drive the formulation of lower level, operational level plans. All are to be tailored to the mission specific circumstances of protection needs.

The composition and generation of the force will be determined based on the assessed needs for protection and other mandated tasks. Early consultation with T/PCCs is necessary to create a common understanding on POC risks where their troops and police are deployed, to ascertain possible concerns and to address any potential caveats.

The initial disposition of the force will also be determined based on need and logistic capacity to support them in those locations.

The CONOPS should set out the approach to POC in its key elements (effects, concept, coordination instructions etc.) explaining how POC tasks and operations will be conducted to achieve the operational objectives and overall end state.

Slide 19

Guidance for the operational level (Field HQ)

- Operational imperatives
- Operational planning
- Understanding the Use of Force and ROE with respect to POC
- Risk mitigation measures
- Monitoring and evaluation of results
- Expectation management
- Training

At the operational level, Field HQ is responsible for the planning and execution in the area of operations.

Key aspects include:

- Operational imperatives: As per the Guidelines, the imperatives include
 - Pro-activeness: Actively manage and control a situation rather than just reacting;
 - Prioritization: Identify and prioritize threats to civilians in coordination with other mission partners that possess important information;
 - Command responsibility: Commanders at all levels are mandated to ensure protection of civilians within their AOR, and within their capabilities.

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

- Operational planning: This is a key aspect of POC implementation that goes beyond a “do no harm” and “hearts and minds” approach. The military planning process will be covered in more detail later.
- Use of Force and ROE: All troops are required to understand the imperatives regarding the gradual use of force as well as the mission-specific ROE. It is command responsibility to ensure all troops are in fact familiar with these regulations.
- Risk mitigating measures: Despite the mission's best efforts, civilians may nevertheless be harmed due to inadvertent actions by the mission or its partners. To minimize and mitigate the impact on civilians, planning and preparation is essential. During the planning phase for specific operations, Force activities should be analyzed for situations that may exacerbate local civilian vulnerabilities. Steps should then be taken to reduce potential harm, done in consultation with communities at risk and other mission components (e.g. safe corridors, protected areas, etc.). The Human Rights Due Diligence Policy (HRDDP) should be robustly implemented when conducting joint operations with Host State security forces.
- Monitoring and evaluation: All POC-related military activities need to be monitored and evaluated to ensure appropriate lessons are learned and effectiveness is improved. Monitoring activity should be tailored to a specific mission. There is a need to define what is going to be monitored, who will be collecting the data and the modalities for sharing the associated data with the human rights component and other parts of the mission.
- Expectation management: Misunderstandings regarding capacity of the peacekeepers can lead to unrealistic expectations amongst the local population and international community. Expectation management therefore should be integral to the mission's communications strategy with the aim of describing how POC will be achieved with the resources available whilst being realistic about the Missions capabilities and limitations.
- Training: The Integrated Mission Training Centre (IMTC), supported by the component training entities, such as U7 in Force HQ, is responsible for in-mission training. This should include participation by the expert partners (Women, Peace and Security Advisers, Child Protection Advisers, POC Advisers, Human Rights Officers, etc.) and should focus on local issues – cultural sensitivities, early warning indicators, gender dynamics and referral arrangements in mission. Mission-specific scenario based simulations should be included where possible. It is critical for all training to emphasize the special considerations for POC, CP and CRSV.

Slide 20

Guidance for the tactical level (Sector and Unit Commanders)

- Planning at sector and unit level
- Conduct of POC tasks/operations
- Early Warning
- Engaging communities



The Guidelines provide guidance on:

- Planning at the sector and unit levels
- Conduct of POC tasks/operations
- Early Warning
- Engagement with communities

Each of these aspects will be covered in more detail in the coming slides.

Slide 21

Planning at sector and unit level

- Production of own POC plans and contingency plans based on directives from higher level
- POC intent of higher command reflected



Key Message: Sector HQs and Battalions must produce their own POC plans based on higher directives. These plans need to clearly specify tasks, locations, reserves and liaison, and they must be presented to and approved by higher command. The plans need to reflect POC, CP and CRSV concerns.

This will be discussed later in this module.

Slide 22

Conduct of POC tasks/ operations

- 4 phases of operations
- Presence and posture
- Reporting on all threats, including Child Protection and CRSV concerns
- Adherence to ROE



Four phases

When considering POC at the tactical level, as detailed in the Infantry Battalion Manual (UNIBAM) Section 6 on the Protection of Civilians, the specific roles played by sectors and units can be categorized in four phases:

- Phase 1: Assurance and Prevention
- Phase 2: Pre-Emption
- Phase 3: Response
- Phase 4: Consolidation

All of the phases are discussed in more detail later in the package. The phases are not sequential and may be undertaken simultaneously or independently, depending upon the nature or imminence of the threat.

Presence and Posture

Deployed units must convey a state of readiness and professionalism. They should have operating bases in close proximity to the more vulnerable populations and sustain a presence in the local community. Military units must be deployed on a POC operational grid to cover, in a priority coordinated way, high risk areas and retain operational

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

flexibility to respond quickly through deployment of permanent, temporary or mobile operating bases. To do this, creating reserves at the different levels is essential.

UN military should present an approachable image amongst civilians whilst maintaining military alertness to respond to any situation. Company and Temporary Operating Base commanders should be prepared to assist the local population rapidly within their capabilities. This includes, for instance, security patrols for livelihood activities, such as firewood patrols. To facilitate engagement with communities and in particular with regard to violations against women and children, the deployment of mixed gender teams has proven successful as have Community Liaison Assistants (CLAs).

Commanders should also engage constructively with potential perpetrators to advocate for respect for human rights and IHL. Commanders should ensure that all parties know that human rights monitoring is taking place, that violations are documented and that parties will be held accountable for their actions.

Reporting

Military should record all allegations of human rights violations or signs of deterioration or impending violence and should report these along the chain of command and to the human rights component. Monitoring and reporting needs to take into account the particular considerations under the CP and CRSV mandates. Coordination with the special reporting mechanisms for these mandates needs to be established to ensure consistent reporting and follow-up. As a general rule, all reporting should be disaggregated at least by gender and age.

Adherence to ROE

All ranks must be thoroughly acquainted with the guiding principles and rules for the use of force. Each soldier must carry a pocket card with the necessary extracts of the mission ROE translated into his/her language and be regularly tested on its contents. Commanders should be encouraged to clarify areas not easily understood in the ROE and ensure all troops under their command understand the use and application of force

Slide 23

Conduct of POC tasks/ operations

Do

- Intervene when armed elements or criminals are threatening civilians
- Prioritize actions to prevent and halt violence
- Distinguish between civilians and combatants
- Ensure your protection efforts support existing community mechanisms as much as possible
- Coordinate your actions with other components of the mission (police and civilian)
- Treat all civilians with dignity and respect and abide by the Code of Conduct

In the conduct of POC tasks and operations, peacekeepers are expected to follow basic principles:

- Always intervene when armed elements or criminals are threatening civilians, and if necessary, engage with force as authorized by the Rules of Engagement (ROEs) and Directive on the Use of Force (DUF). If force must be used, ensure that your operations plan includes measures to prevent negative consequences for civilians.
- When faced with a limitation of resources to accomplish your tasks, always prioritize actions to prevent and halt violence against civilians.
- Distinguish between civilians and combatants at all times in order to safeguard civilian populations and civilian property; treat civilians with care, without regard to race, religion, sex, creed, or status.
- Local communities often have their own protection mechanisms in place, which they have used long before the peacekeeping mission was deployed, and long after the mission will withdraw. Peacekeepers therefore need to ensure their activities are in harmony with and support these existing mechanisms (e.g. alert systems, conflict resolution processes, etc.)
- Coordination is an essential aspect of effective protection. Military plans need to be coordinated with police and civilian components of the mission to ensure

complementarity and efficient use of resources. POC coordination mechanisms are in place to facilitate this coordination.

- Treat all civilians with dignity and respect and ensure all your troops and officers strictly abide by the UN Code of Conduct and the Zero Tolerance Policy on Sexual Exploitation and Abuse. Any alleged violation by UN personnel must be reported. Specifically, rape, forced prostitution, any form of sexual assault, sex slavery, and sexual exploitation or abuse are strictly prohibited in all circumstances and at all times.

Slide 24

Conduct of POC tasks/operations
Child Protection considerations

Do	Don't
<ul style="list-style-type: none">• Assist child soldiers when they surrender or get captured• Inform CP Unit and hand over to nearest CP actor as soon as possible• Share CP knowledge with host state military• Encourage host state military not to use schools as bases	<ul style="list-style-type: none">• Send children away and tell them to come back the next day after you informed CP Unit• Hand children over to host state army without consulting CP Unit• Underestimate your role as role mode• Use schools as bases

During the conduct of POC tasks or operations, peacekeepers need to remember the particular aspects of Child Protection. They have been covered in the section on Special Considerations for Child Protection in Module 1, but they are worthy reviewing again.

Do:

- Assist child soldiers when they surrender or get captured;
- Inform the Child Protection Unit and hand over children to the nearest Child Protection actor as soon as possible;
- Share your Child Protection knowledge with the host state military;
- Encourage the host state military not to use schools as bases.

Don't:

- Don't send children away and tell them to come back the next day after you had a chance to report to the Child Protection Unit; avoid follow-up and do not create any expectations;
- Don't hand over children to the host state military without first consulting with the Child Protection Unit;
- Whenever you are in the field carrying out tasks and conducting operations, do not underestimate your role as a role model;
- Don't use schools as military bases; this represents one of the six grave violations against children.

Slide 25

Early Warning

- Situational awareness and early warning indicators
- Outreach and advocacy
- Early Warning Centers
 - Information hub in COB and TOB
 - Produce database including threats and vulnerabilities
 - Manage cell phone hotline
 - Maintain information collection plan

Key Message: Early warning is a critical aspect and the most effective form of POC, CP and CRSV. Given their vast presence across the area of operations, the military component plays a critical role in this context.

Peacekeeping operations should develop a comprehensive early warning strategy, encompassing all mission components and the local population. At the very least, activities carried out by the Force should include the following:

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

- Situational awareness is the foundation for early warning and all units need to ensure they understand local dynamics in their area of operations. Building on this situational awareness, early warning indicators for POC, Child Protection and CRSV threats need to be developed. To create these indicators, POC Officers, Child Protection Officers and Women Protection Advisers should be consulted to create a meaningful list of indicators to be monitored by the military.
- Organise regular meetings with local authorities to conduct outreach and advocacy efforts in line with missions' communication strategies.
- Establish Early Warning Centres (EWC) in Company and Temporary Operating Bases (COB/TOB) to serve as the information hub for POC. The EWCs provide a common operational picture for patrolling, check points and other activities conducted in the area of operations. Through local engagement (see next page), the EWCs have the potential to create a reciprocal relationship between the troops and the local population. EWCs should have POC capacities including:
 - A database of prominent local persons and security issues, including threats to civilians and vulnerabilities.
 - A cell phone hotline (where there is coverage and in consultation with the human rights and other mission components) to establish a direct link to the local community and receive early warning on threats.
 - An information collection plan, based on Unit Information Requirements, to be achieved by the EWCs, TOB/COBs, Community Alert Network (CAN), Community Liaison Assistants (CLA) and UN Military Experts on Mission in consultation with the human rights and other mission components as relevant.
 - Manage early monitoring of early warning indicators and organise meetings with local authorities.

Slide 26

Engaging communities

- Regular interaction, liaison and consultation with communities and local leaders is key
- Mutually protective benefits
- Tools and good practices:
 - Community Alert Networks (CAN)
 - Community Liaison Assistants (CLA)
 - Joint Protection Teams (JPT)



Key Message: As highlighted in the 2015 DPKO-DFS POC Policy, positive engagement with the local population is critical for peacekeeping missions and for effective protection in particular. Military units must develop reliable contacts and relationships with the local population and especially community leaders. This engagement should be aligned with a mission-wide community engagement strategy and other guidance issued by mission headquarters.

Community engagement best practices from UN field missions include the following tools:

- Community Alert Network (CAN) is a network established in local communities for wider engagement, exchange of information and to alert the community and protection actors in times of emergency. Dedicated communication equipment could be provided to vulnerable communities in order to communicate with UN peacekeeping bases. Such alert networks should be established in a way that does not expose local partners to retaliation and should be consulted with the human rights component.
- Community Liaison Assistants (CLA) are national staff provided by the mission's Civil Affairs Section, usually two per COB who act as interlocutors and provide interface between the deployed UN military and the local communities. CLAs are a useful tool for effective liaison and engagement with local communities. In the context of a mission's community engagement strategy, CLAs carry out a wide range of tasks, including information gathering, information dissemination to the

local population, or the management of the CAN. They also participate in Joint Protection Teams (JPT) missions and monitor impact of protection activities.

- Joint Protection Teams (JPTs) are small teams comprising civilian, police and military peacekeeping personnel that can be deployed ad-hoc to investigate threats or follow-up on reports. UN civilian staff on the JPT often have a better understanding of local security dynamics having been assigned for longer periods in the mission area compared to military and police personnel. JPTs deploy to high-risk areas for 3-5 days, visiting several locations.

Slide 27

Engaging communities

Do

- Ensure safety and security of interlocutors
- Know your mandate
- Act as a role model
- Report through the chain of command and focal points
- Collect evidence
- Assist survivors of child abuse and sexual violence
- Respect dignity and confidentiality
- Know referral arrangements



When engaging communities, peacekeepers need to keep some basic Dos and Don'ts in mind. Throughout their engagement, peacekeepers should prioritize the communities' safety and well-being and their best interest should guide their interactions.

While some situations may not appear harmful at first, they may cause harm to communities, or to the children or women amongst them.

Do:

- An important aspect of community engagement is to ensure the safety and security of the interlocutors. If engagement with peacekeepers puts sources at risk, missions must find a way to mitigate this risk.



Divide participants into three groups and ask each group to come up with three ways to mitigate potential risk for interlocutors. Possible answers include:

- *Assess the level of threat and risk of harm to the informant and other cooperating persons before, during and after establishing contact with them. If you assess that you will not be able to ensure the safety of the person you are cooperating with or you do not have sufficient information to make an informed determination do not collect the information.*
- *Choose the most appropriate and safest method to establish contact with the informant (i.e. directly or through a third party/intermediary).*
- *Consider minimizing his/her exposure, for instance establish direct contact in a manner that may seem coincidental; consider developing secure methods of communication to keep in touch.*
- *Choose the safest place to obtain/gather the information from the informant (i.e. should interaction with the source be visible or discreet?).*
- *Guarantee confidentiality and security of information: if there is a risk of endangering the informant(s), information should not be disclosed or done in a manner that removes the risk (i.e. providing information on a general pattern without revealing specific details; ensuring that only trusted intermediaries are used). Confidentiality with regard to individual protection cases also covers information on the protective measures taken, including any support given by partners external to the field presence to strengthen the protection of a person at risk.*
- *Always take into account the knowledge and views of cooperating persons by involving them in the risk and threat assessment and the choice of measures to be taken to ensure their safety (i.e. the source/witness/informant or victim may have family members elsewhere who could be contacted if there is a need for his/her relocation).*
- *Do not raise expectations (upon establishing contact and before proceeding with the gathering of information, consider informing victims, witnesses and other cooperating persons of the limitations in guaranteeing protection).*
- *Share information on personal details of sources, victims and witnesses in line with relevant information sharing and reporting protocols (consult HRD and CPS for further guidance). For instance, details that would allow for identification of witnesses and victims, such as picture,*

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

names, etc. should be only shared with human rights, child protection or POC colleagues.

- Know the protection mandate of your peacekeeping operation, in particular with respect to Child Protection and CRSV.
- Be a 'Role Model' in your engagement with communities; be respectful towards community members and customs.
- Report any incidents that threaten civilians, in particular the six grave violations against children and incidents of sexual violence or threats thereof through the chain of command the designated mission focal points (e.g. Child Protection Adviser, Women Protection Adviser, Human Rights).
- Collect, record and preserve evidence.
- Assist survivors of child abuse and sexual violence.
- Respect the dignity and confidentiality of the local community members, in particular survivors of child abuse or sexual violence; for instance keep information on children confidential, as this information is often sensitive (e.g. names, locations, images).
- Assist and protect the survivor(s) of child abuse or sexual violence and follow referral pathway arrangements; inform survivors of available response/assistance mechanisms – or – where nothing is available – provide basic medical care.

Slide 28

Engaging communities

Do

- Obtain informed consent
- Think of creative community outreach options
- Work with local NGOs and communities
- Consider possible consequences of your actions for local communities
- Ask for guidance if uncertain



Do (continued):

- Obtain informed consent for the use of information related to victims of child abuse or sexual violence (informed consent is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications, and future consequences of the consent).
- Think creatively about engaging local communities beyond the standard mission tools and soccer games.
- Liaise with local NGOs and community representatives when you seek to engage communities.
- Always consider possible consequences of your actions for local communities; they may be harmful even if this is not the intention.
- If you are uncertain about what to do or how to react in certain situations, do not hesitate to ask focal points (e.g. Military Child Protection Officer, Child Protection Adviser, Women Protection Adviser, Human Rights).

 *Note to instructor – Familiarize yourself with the below information on the concept of informed consent before presenting this slide.*

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

The 2016 Inter Agency Standing Committee (IASC) Policy on Protection in Humanitarian Action defines INFORMED CONSENT as:

“Consent signifies the approval by the participant for the information to be used as explained. Consent is often given with limitations. It must therefore be specified whether all the data and information provided can be used, including the identity of the participant, or whether the information may be used on condition that the identity of the participants is kept confidential. The participant may deem some parts of their information to be confidential, and others not: this should also be clarified and recorded. For example, recent violations occurring in an IDP camp, where the perpetrators are still in the vicinity, may be judged to be confidential, whereas previous violations relating to the cause of displacement may not.

Informed consent is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications, and future consequences of the consent. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand its consequences. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced (i.e. being persuaded based on force or threats) or unduly influenced. Children’s informed consent should be considered in light of their evolving capacities. In the case of children (under age 18), informed consent must be voluntary, with the informed consent of the child and a parent or guardian when in the best interests of the child. Persons with disabilities may need specific support based on the nature of their impairment whether it be physical, intellectual, or mental, to give consent.

In specialized protection work, risks to affected individuals linked to information sharing may be higher than risks associated with other humanitarian work. In these cases, “informed” implies the information provider receive explanations in simple, jargon-free language, as to the following:

- *The identity of the information collector, along with a brief explanation of the mandate of the organization;*
- *The purpose of the information collection, its scope and method, and intended use of the information collected (to present cases, for statistical purposes, etc.);*
- *The details of the potential risks and benefits of participation in the process, including those related to using the information provided;*
- *The meaning of confidentiality, and how it applies, with special emphasis on the fact that the person interviewed can request any information that may reveal his/her identity to be kept confidential;*
- *Contact information so that the participant can reach the information gatherer;*
- *Details on how long the information will be used, and how and where it will be kept (stored);*

- Reminders that the participant can cease participating at any time, and request that his or her information be destroyed, whenever feasible.

Even if informed consent is granted, the information collector has an obligation to assess the potential implications of the use of that information on the safety of the person providing it, and on others involved, and to minimize any additional risk to the participants that may be incurred.

Slide 29

Engaging communities

Don't

- Interview
- Follow-up or investigate
- Share with authorities details of victims of human rights violations
- Take pictures of child victims
- Act on behalf of victims without informed consent
- Engage in activities that may harm local communities



Don't:

- Do not interview the survivor(s) of child abuse or sexual violence or investigate the incident; note down the basic information and share this with relevant units.
- Do not follow up or investigate incidents you witnessed or were informed about; this is the responsibility of human rights officers, Women Protection Advisers (WPAs), or Child Protection Advisers (CPAs)
- Do not inform local authorities of any details regarding victims of human rights violations, including survivors of child abuse or sexual violence.
- Do not take pictures of child victims of human rights violations, or victims of sexual violence; if you obtain pictures, do not use them in reports; this includes pictures of children in custody or children associated with armed forces or armed groups.

- Do not act on behalf of the victims without their informed consent – particularly, do not reveal the particulars of the survivor; in other words, maintain confidentiality of name, details of the family, village, personal identification, photos, etc.
- Engage in activities that may harm local communities; keep in mind how your actions can impact children in particular.

Slide 30

Engaging communities

Don't

- Be discouraged if you cannot help immediately
- Be discouraged if you think the mission should do more to help
- Casually spend time with children
- Give money, food or employment to children
- Have any sexual contact with children



Don't (continued):

- Don't be discouraged if you cannot help immediately; your support to provide security is important.
- Don't be discouraged if you think the mission should do more to help; report through the appropriate channels, other mission partners have particular mandates to help.
- Don't spend time casually with children.
- Don't give money, food or employment to children; explain that you are not allowed to give employment to children if needed.

Module 3 – Lesson 3.2: Implementing Guidelines for Military Components

- Don't have any sexual contact with children; if you note any instance of sexual contact with children amongst your colleagues, it is your duty to report this immediately.

Summary

Key takeaways regarding Implementing Guidelines for Military Components include:

- The 2015 Implementing Guidelines for Military Components outline strategic, operational and tactical level considerations for POC mandate implementation. The basics outlined in the Guidelines need to be taken into account for the planning and execution of military operations at the tactical level. Familiarity with these aspects is critical for relevant personnel, including Battalion Commanders and their staff.
- Presence and posture as well as early warning are key factors for success
- Ensure sensitivity to Child Protection and CRSV threats and challenges

Lesson 3.3



Phases of Response and Use of Force

The Lesson



Starting the Lesson

Preface

The 2015 DPKO-DFS POC Policy as well as the 2015 Implementing Guidelines for Military Components emphasise the four phases of response as a centre piece of POC mandate implementation in UN peacekeeping. The four phases categorize the response to POC threats by peacekeepers.

POC is a whole-of-mission activity and as such the four phases apply to all components (military, police and civilian) of a peacekeeping mission. For instance, Political Affairs and Human Rights sections as well as police units are involved in the preventive aspects of a POC response as much as in the response and consolidation aspects. Nevertheless, the four phases hold a particular meaning to the military component, where operational planning and execution occurs along the distinct phases.



Ask participants how POC response and use of force in peacekeeping differ from conventional military operations. Discuss how the mind set of peacekeepers needs to go beyond the typical attack-defend approach of infantry operations. Peacekeeping missions are typically not the target of violence and therefore do not engage in the same type of actions like conventional infantry battalions. Rather, the use of force in UN peacekeeping is typically directed at (potential) perpetrators of violence against a third party, i.e. the civilian population.

Phases of Response and Use of Force

Slide 35



POC action is implemented along four operational phases:

- Prevention
- Pre-emption
- Response
- Consolidation

Across all four phases, the goal is to either eliminate a threat or mitigate the risk to civilians associated with it. These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently. Activities and objectives under these phases will vary along with the specific nature of each threat.

Prevention

Prevention and assurance activities shall be conducted in areas where risks to civilians are suspected or latent, but no clear threat has materialized. Measures in this phase are aimed at providing a visible presence to deter threats and assure the population of the mission's intent to protect them from physical violence.

Pre-emption

When likely threats to civilians are identified under the Flashpoint matrix, active measures are required to apply credible deterrence and pre-empt the threat. In order to undermine the capacity and intent of potential perpetrators, all necessary deterrence and offensive operations may be considered, including through engagement, rapid deployments, joint or unilateral security operations by host state or mission components.

Response

When physical violence against civilians is apparent, responsive measures will aim at deterring and stopping aggressors from conducting hostile acts. Should the mission lack the capacity or political space to do so, it may also provide direct physical security to civilians at risk or accompany and secure their movement to more stable areas.

Consolidation

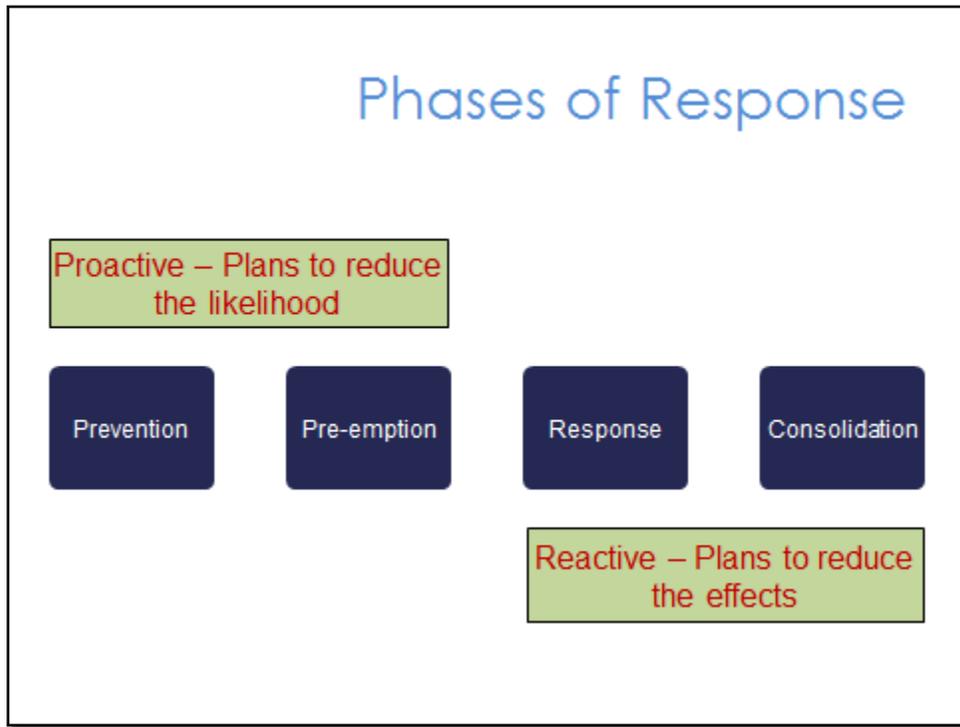
To accompany the progressive return to stability and normalcy, the mission will support the provision of humanitarian, rehabilitation and recovery assistance, create the conditions conducive for the safe and dignified return of internally displaced persons and refugees, but also take initial steps to restore the authority of the state and the rule of law.

The application of the four phases is most prominent in Tier 2 of the POC operational concept, but it is also relevant for Tiers 1 and 3. Actors in those tiers must adjust their activities to reflect changes and escalation of the real time challenges in the mission's area of responsibility. Given peacekeeping's multi-disciplinary approach to POC, the four phases involve all mission components.



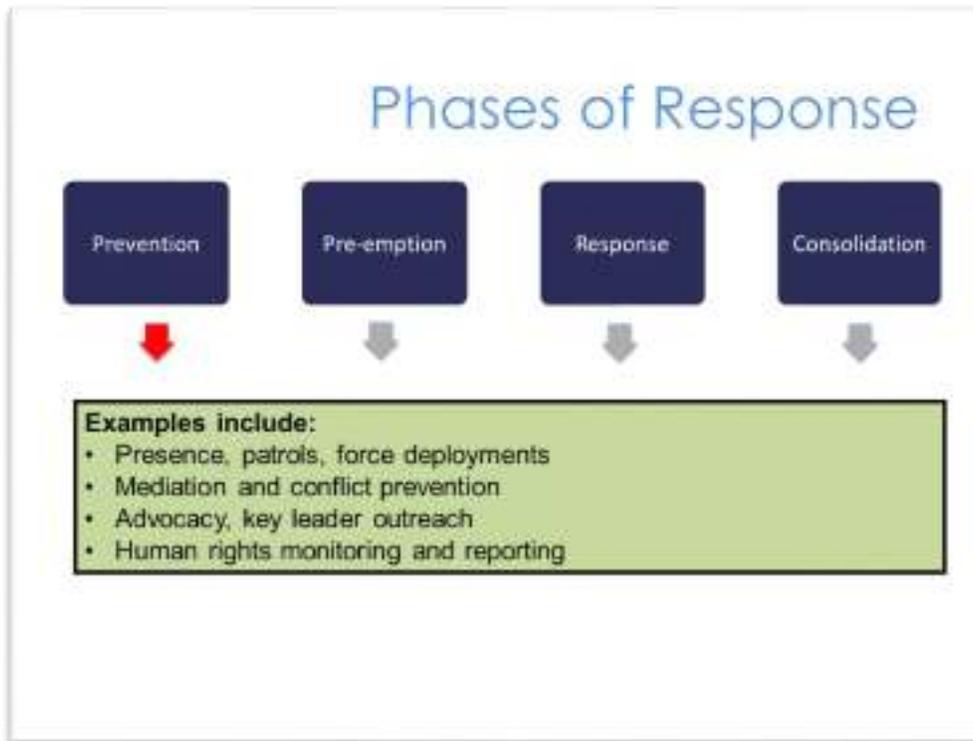
Run exercise 3.1 from the annex to this module.

Slide 36



Another way to look at the four phases is to look at the proactive steps in prevention and pre-emption, which intend to reduce the likelihood of an attack or incident, and the reactive steps, which intend to reduce the effects of any such attack or incident. The most effective form of POC is being proactive; taking action to prevent and pre-empt threats of physical violence against civilians.

Slide 37



Key Message: Civilians are best protected when threats of violence against them are prevented through coordinated action from all mission components. The measures in the phase of prevention are aimed at reassuring the local population of the mission's intent to protect them and intend to resolve potential tensions before a threat develops.

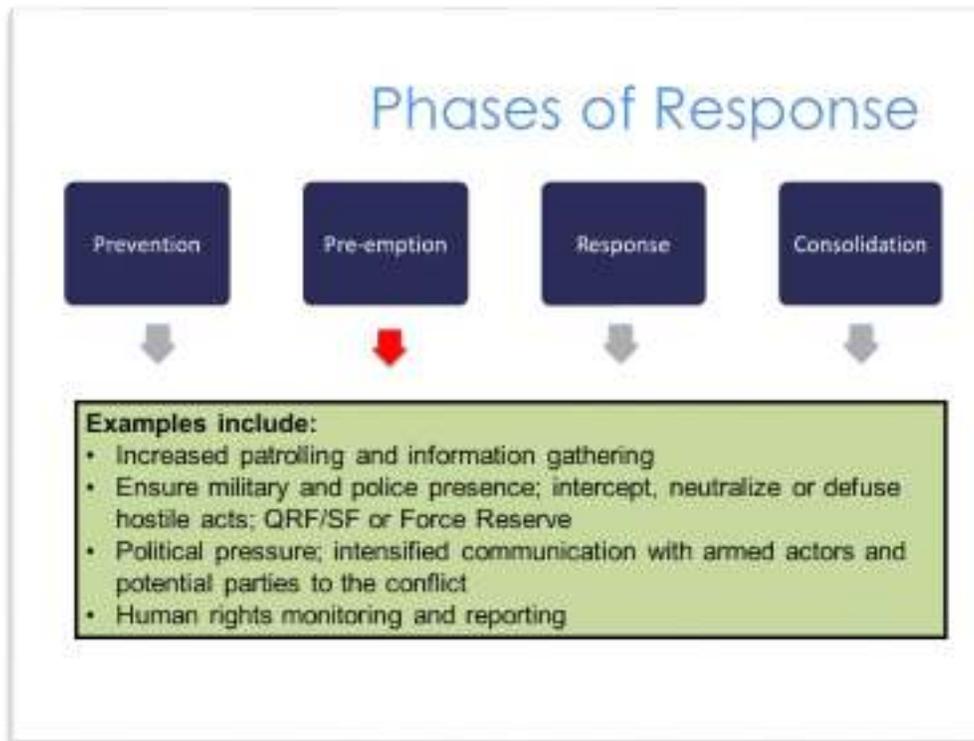
Activities conducted in the prevention phase include:

- Regular communication with key stakeholders and potential perpetrators, political negotiations, and alerting POC actors as necessary; commanders remind all actors of their obligations under international law and consequences for violations.
- Military shows presence, conducts routine patrols, and deploys forces in a strategic manner.
- Check points can be erected in coordination with other protection actors, information is gathered and shared with relevant partners, and public outreach activities are undertaken.

Many of the activities that are typical for the prevention phase will carry on throughout the other phases as well. For instance, in all cases, good information sharing and coordination with other actors deployed in the area of operations is critical. HUMINT (human sources including CLAs, CANs, community leaders etc) is normally the main source of information in peacekeeping and remains decisive to have an accurate picture of the situation.

The effective prevention and deterrence of violence against civilians requires a functioning early warning system and a consistent, credible and proactive (as opposed to reactive) operational approach and mobile posture (e.g. Forward Operating Bases can improve mission reach and enhance deterrence/response capabilities).

Slide 38



Key Message: Where preventive activities prove insufficient, or when heightened risks are detected, more active, pre-emptive measures may be required.

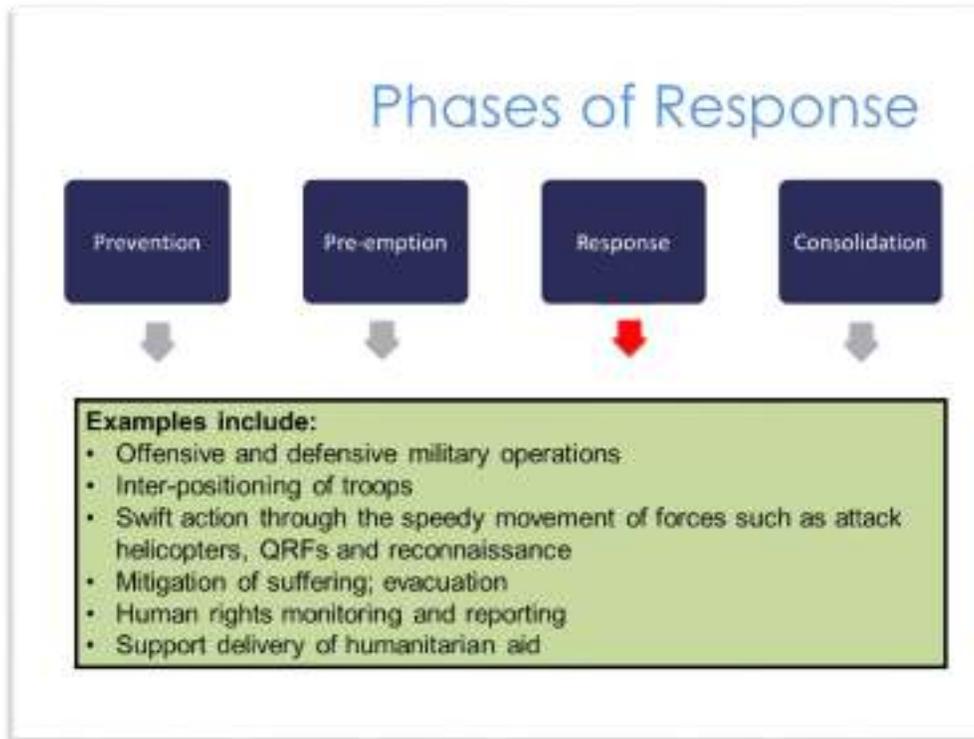
It may also be the case that an infantry battalion has a company conducting preventive activities in one part of its area of operations, while another company is carrying out pre-emptive measures in another part of the area.

Pre-emptive measures include:

- Ensuring heightened situational awareness and intensifying information gathering.
- Increase high-profile patrolling to act as a deterrent; organize joint patrols with civilian components of the mission, including human rights and civil affairs; intensify communication with armed actors and potential parties to the conflict to increase pressure and inform them that the international community and UN peacekeepers are watching; strengthen human rights monitoring, reporting and advocacy.

- The military component will intercept, neutralize or defuse hostile acts; ensure preparedness of a Quick Reaction Force, Special Forces, or Force Reserve.

Slide 39

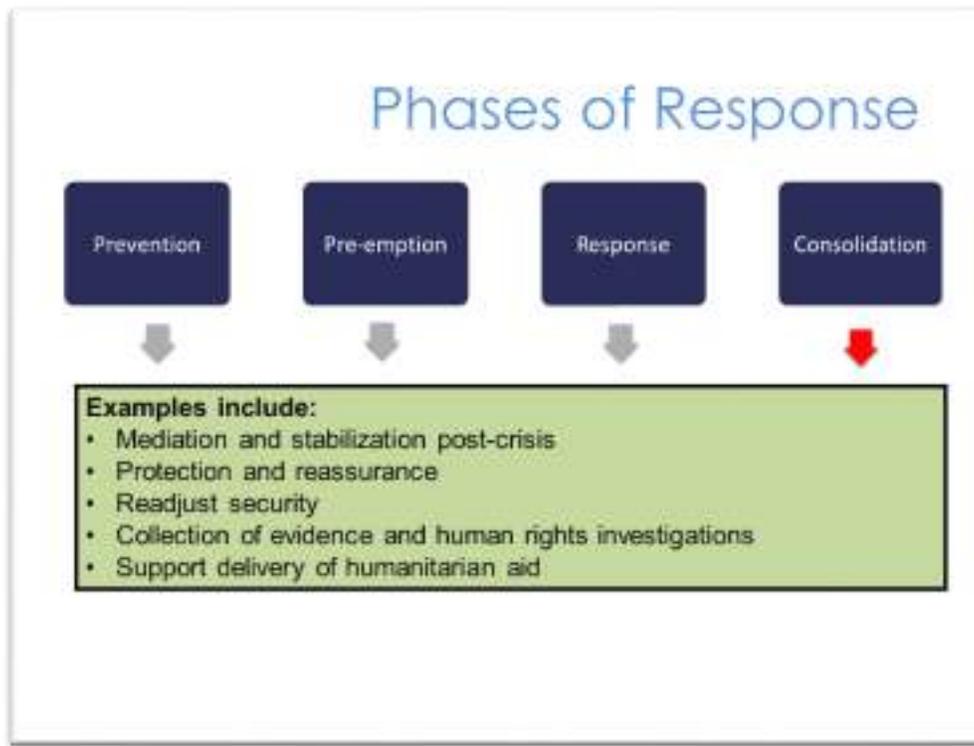


Key Message: In some situations, a POC threat may not have been anticipated or could not be prevented due to a lack of proper capabilities such as communications, intelligence and mobility. When the threat of physical violence to civilians is apparent, more active measures aimed at deterring potential aggressors from conducting hostile acts may be necessary. At this stage, the violent behaviour is already underway and steps must be taken to stop physical violence against civilians and compel the aggressor to comply.

The following are exemplary activities that can be undertaken in the response phase:

- Direct military action against (potential) perpetrators.
- Inter-positioning of troops to create a buffer zone and deter attacks.
- Swift action through the speedy movement of forces such as attack helicopters, QRFs and reconnaissance.
- Lethal force may be used as a last resort in line with the ROE and DUF. It is worth noting here that the POC mandate authorizes peacekeepers to use all necessary means to stop physical violence against civilians.

Slide 40



Key Message: Activities in the consolidation phase address the stabilization of a post-crisis situation. The aim is to assist the local population and host authorities to return to a state of normalcy, and create the conditions in which a return to crisis is diminished.

Consolidation activities are typically multidimensional responses involving political, humanitarian, military and police activities. Because of this, peacekeepers must consult with humanitarian protection partners to ensure complementarity of actions and respect for humanitarian principles.

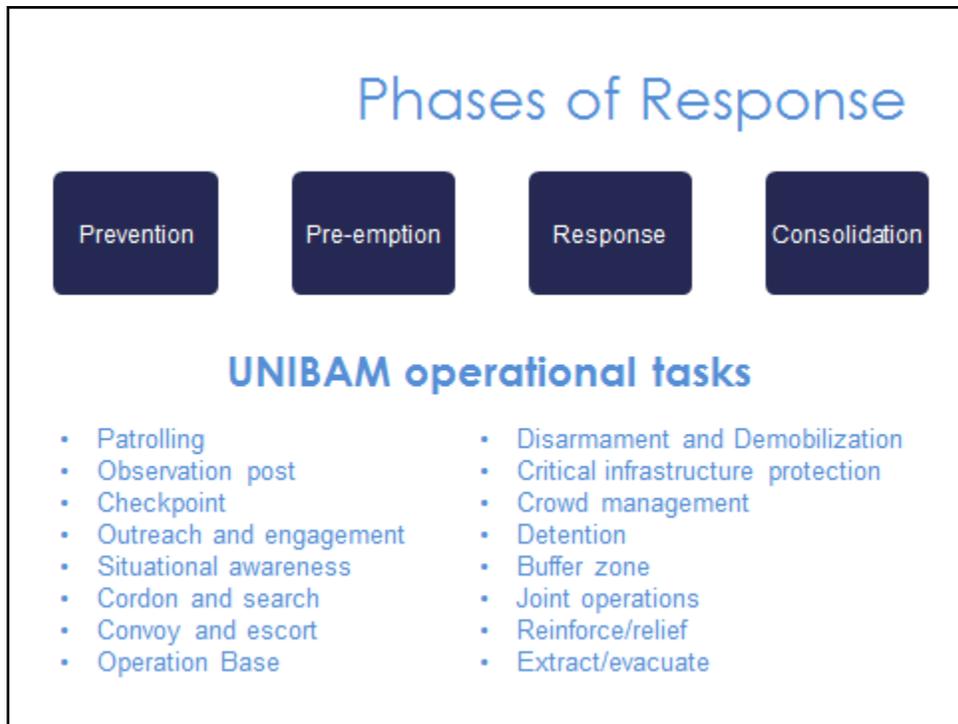
Activities in this phase typically involve:

- Stabilization of the post-crisis environment to assist the local population and host nation authorities to normalize the situation.
- Offer protection and reassurance to civilians and local authorities; support the delivery of immediate medical care as appropriate and in consultation with humanitarian partners.
- Collect evidence of violations of international law and notify relevant civilian experts to conduct human rights investigations and promote accountability for violations; assess remedial and preventive measures to help the stabilisation process; draft formal reports for follow-up with relevant authorities.

- Establish defensive positions.

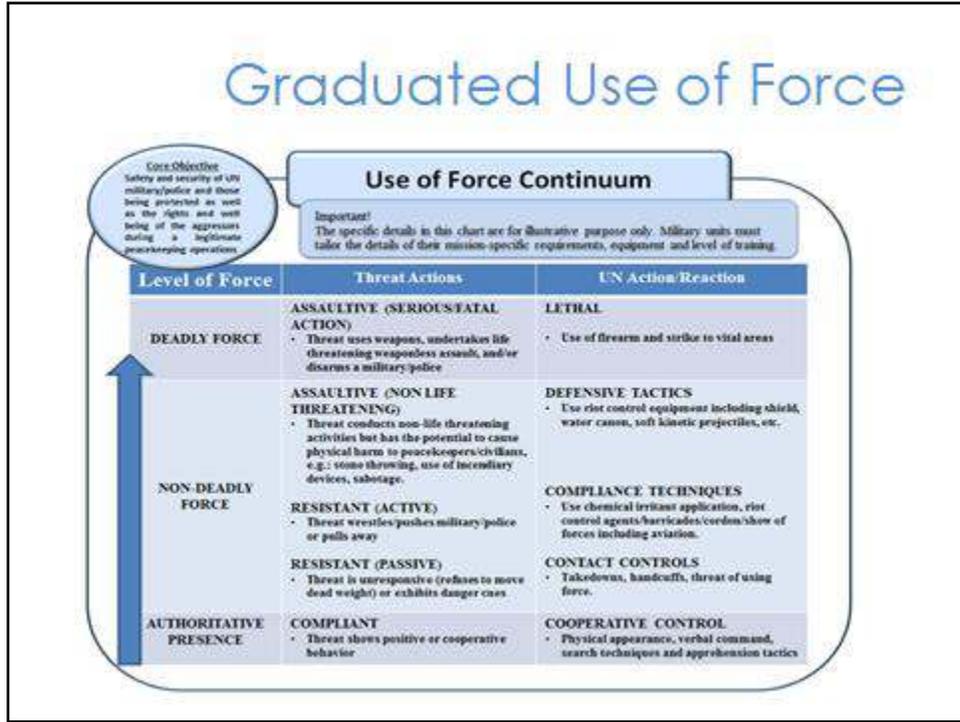
Basic military tactical tasks such as patrolling, observation and liaison, amongst others are necessary tools to understand the environment and are important across all four phases, including during consolidation.

Slide 41



The previous slides provided examples of possible activities under the four phases of response. It will be critical for commanders to translate the spectrum of military operations into these phases of POC activities, and provide clear guidance to units under their command. The United Nations Infantry Battalion Manual, a central component of UN guidance for military peacekeepers, lists 16 types of operations expected from UN military peacekeepers. Many of them will be relevant across several of the phases and should be relied upon when formulating plans.

Slide 42



 Note to instructor: The Table in this slide is taken from the DPKO-DFS Guidelines on Use of Force.

Graduated force can be applied along a continuum of three broad levels beginning with physical authoritative presence, progressing to non-deadly force and finally the use of deadly force. Depending upon the nature of threat, peacekeepers sometimes may not have enough time to embrace gradual application of force and may have to act immediately by resorting deadly force to avoid greater harm. The authorization to use force without following graduated procedures, which is reflected in mission-specific ROE, only applies where the attack or threat of an attack comes so unexpectedly that even a moment's delay could lead to the death of, or serious bodily injury to, oneself, other United Nations personnel or other persons who are under the protection of the peacekeeping mission. The following explanation sets forth the continuum for the use of force. Each mission can create a chart of their specific use of force continuum as shown in the DPKO-DFS Guidelines on the Use of Force by Military Components in UN PKOs.

Authoritative Presence (including verbal commands)

Authoritative presence maximizes the effect of peacekeeper presence in a given situation. The physical presence of a contingent with the credible capacity to use appropriate force may be sufficient to deter or de-escalate a volatile situation. Every effort must also be made to use verbal commands to dissuade aggressors from committing violent acts and persuade them to act peacefully. Verbal commands and authoritative presence are applied as long as they are effective in deterring aggressors or crowds from posing a threat of physical harm and/or physical violence. Engagement

with both male and female key stakeholders, through culturally appropriate messaging and posture, is critical to defusing a situation and avoiding the use force.

Non-Deadly Force

Non-deadly force, including unarmed force, is that force necessary to compel compliance or dissuade aggressors that is neither intended nor likely to cause death or serious bodily injury. Employment of riot control measures and agents (Hard), such as tear gas, stun grenades, smoke grenades, soft kinetic projectiles and/or other non-lethal measures can be used (if specifically authorized) if the on-scene commander considers their use necessary and effective in preventing or stopping the hostile activity. Units and individuals must be trained and equipped in the application of non-deadly techniques and maintain the necessary refresher training. The military commander should always attempt to resolve the situation in peaceful ways with the key stakeholders. Actions in the non-deadly force category may also require the demonstration of tactical strength (Soft) to show a significantly stronger capability to gain control over or cooperation from aggressors. Therefore, troop reinforcement and a show of force by other available mission assets (such as aviation) may be required. Non-deadly force must also be used in accordance with mission-specific ROE.

Deadly Force

Deadly force is the level of force which is intended, or is likely to cause death, regardless of whether death actually results. It is the ultimate degree of force. The use of deadly force, including armed force, is a last resort in situations against a hostile act or intent likely to cause death or serious bodily injury. Such force must be used in accordance with mission-specific ROE.

To ensure the appropriate use of force in peacekeeping operations, TCCs should prepare their troops in terms of mindset and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units in a peacekeeping operation. All United Nations peacekeepers operate strictly under the United Nations chain of command. TCCs are not permitted to augment, restrict or modify ROE according to national interpretation(s), nor should TCCs impose any caveats on the authorizations to use of force that are contained in the ROE, without formal consultation with UNHQ and the express written agreement of the DPKO.

Summary

The takeaways from Phases of Response and Use of Force include the following:

- The four phases are at the heart of POC mandate implementation in UN peacekeeping. While they apply to all mission components, they hold a particular significance for the military.
- The four phases are not necessarily sequential, but rather should be understood as four categories of activities that can operate independently or simultaneously depending on the nature of the threats.
- Use of Force training for peacekeepers is essential for proper performance.
- Ensuring the troops understand the ROE and DUF is a command responsibility.

Lesson 3.4



Tactical Decision Making Process Considerations

The Lesson



Starting the Lesson

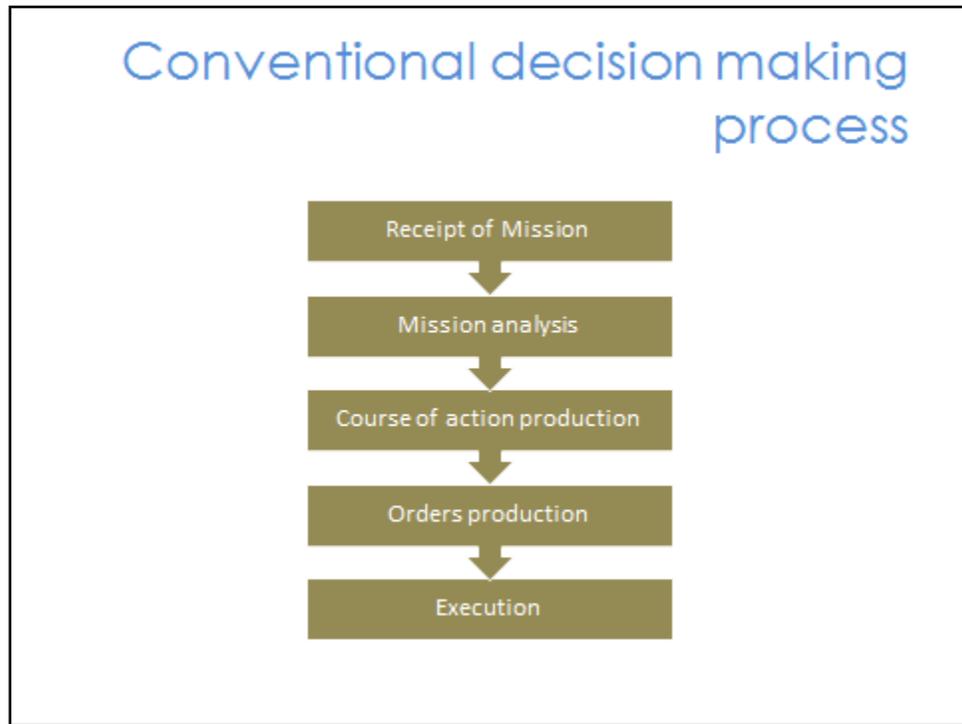
Preface

In a traditional military operation, the planning process will determine resource requirements – troops and equipment required to achieve the task. In the context of a UN peacekeeping mission many of these factors would have been determined as part of the strategic planning in UNHQ, and provided as guidance through relevant documents like the Security Council Resolution outlining the mandate of the mission, the Concept of Operations (CONOPS), Integrated Strategic framework (ISF), Mission Concept, etc.

In each troop contributing country, national doctrine has established military decision making as a distinct analytical process. This module does not aim to train participants on a certain decision making process, but rather seeks to highlight how commanders and their staff should integrate POC, Child Protection and CRSV considerations into their decision making process. The module therefore relies on the conventional military decision making process, while acknowledging that national doctrine of troop contributing countries may deviate.

Tactical Decision Making Process Considerations

Slide 47



In line with conventional military doctrine, the tactical decision making process at the core of this module consists of five steps. The process is depicted cyclically because of its continuous nature in DPKO led Peacekeeping Operations.

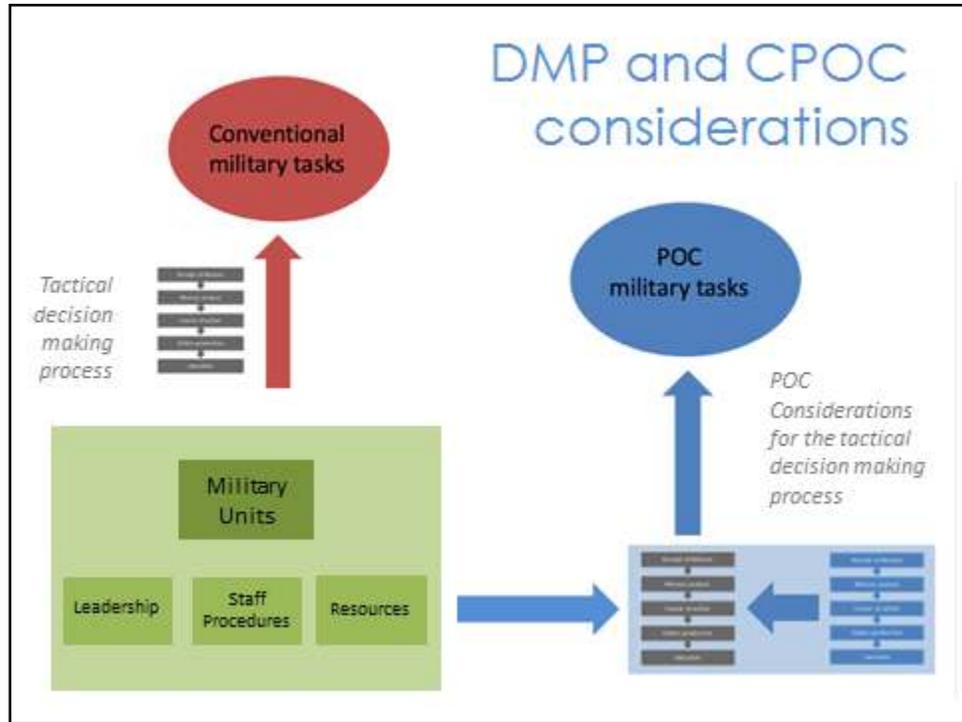
- Receipt of mission
- Mission analysis
- Course of Action production
- Order production
- Execution

The following slides will detail each step in the process and how comprehensive POC considerations need to be taken into account.

A focus will be placed on the step of 'Mission analysis', which is at the heart of effective protection of civilians activities.

As such, the following slides will briefly discuss each of the five steps, before returning for an in-depth examination of the mission analysis.

Slide 48



The earlier discussion on the difference between UN peacekeeping and conventional infantry operations showed why it is important to integrate comprehensive POC considerations into the planning process. The different requirements in UN peacekeeping demands troops to adopt a different mind-set, which must be reflected in planning and operations.

In order to function effectively, all military units need clearly defined structures regarding leadership, staff procedures and resources. Depending on national doctrine, these structures will look differently for different armies, but they are always the fundamental building blocks for conventional armies. The red arrow in graphic represents the conventional military tasks armies carry out in the face of an opponent. The five steps of the tactical decision making process are clear in this regard.

The blue arrow represents the decision making process for POC military tasks. Unlike conventional military operations, UN peacekeepers normally do not engage in typical attack/defense engagements with an adversary. Instead, the UN peacekeepers defend a third party, civilians, against the threat of physical violence from a potential perpetrator. To ensure operations are tailored to this particular situation, POC, Child Protection and CRSV considerations need to influence every step of the decision making process.

Slide 49

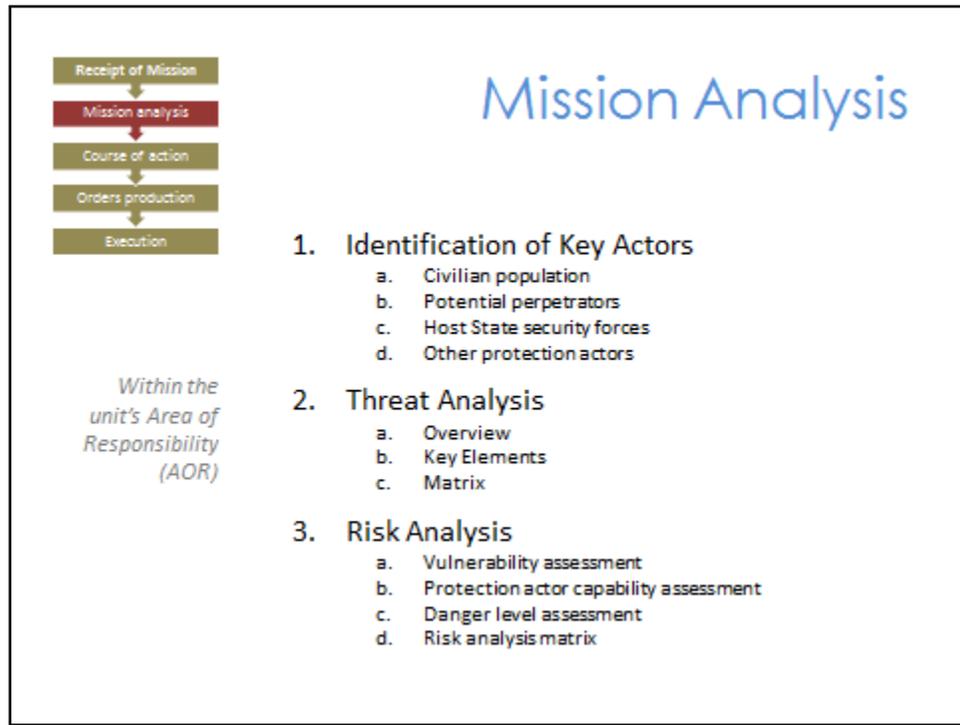


The first step in the conventional military decision making process is the receipt of mission.

In UN peacekeeping, the mission is derived from the strategic documents discussed earlier, beginning with the Security Council mandate. Guided by the strategic and operational level documents shown on the graph (some of which were already discussed earlier), the relevant higher headquarters in a field mission will then determine the order for a military unit.

As soon as a mission is received, the unit commander should alert his/her staff of the pending planning process and ask for arrangements to be made. This includes for instance an initial assessment of the mission and an update of staff estimates to assist planning, and preparation of necessary planning documents.

Slide 50



The second step after the receipt of mission is to analyse the mission.

In every conventional decision making process, this step is crucial as it defines the tactical problem and shows possible courses of action, taking into account POC, Child Protection and CRSV considerations.

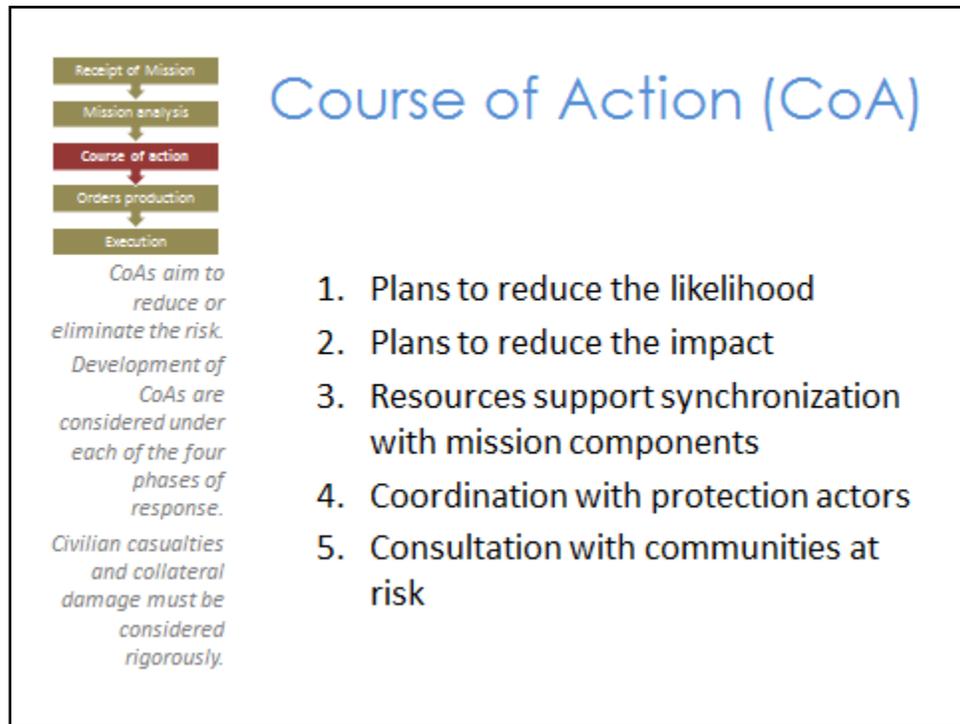
The details of mission analysis in the context of UN peacekeeping will be covered shortly, at this point it suffices to list its key components:

- Identification of key actors in the area of operations, which includes the civilian population, potential perpetrators, host state security forces, and other protection actors.
- Threat analysis, which will take into account the main elements determining the threat environment and result in an overview matrix.
- Risk Analysis, which determines the risk associated with each threat identified. In order to analyse the risk, planners should assess for each threat the capabilities of the host state security forces, the vulnerability of the civilian population to this threat, and the danger level of potential perpetrators. Findings of these assessments should then be reflected in a risk analysis matrix.

For military planners in peacekeeping operations, whilst making their own analysis, they should also consider information provided and analysis undertaken by other mission

components, such as the Joint Mission Analysis Centre (JMAC), the Security Information and Operations Centre (SIOC) and the Human Rights Component, as well as other relevant protection actors.

Slide 51



Having analysed the mission, planners at this stage develop Courses of Action (CoA) for analysis, comparison and approval. Plans need to be comprehensive and flexible, identifying the key operational issues and implications of trying to protect civilians in the area of operations. This should be based on operational factors from the Mission Analysis stage and ensure that POC, Child Protection and CRSV considerations are at the center of developed CoAs.

Military force is only one of the mission's instruments available to protect civilians. Assessment of approaches help planners determine the role of the military vis-à-vis other mission components in different situations. The Force will have the biggest role to play in cases where a threat of physical violence dominates. In situations where there is no physical threat to civilians, the role of the Force might be in support of Tier I and III activities.

During the planning phase for specific operations, Force activities should be analysed for situations that may exacerbate local civilian vulnerabilities in coordination with other mission components. Steps should then be taken to reduce potential harm (done in consultation with communities at risk). When conducting joint operations with the host state, Human Rights Due Diligence Policy (HRDDP) should be applied.



Discuss with participants what kind of steps can be taken to reduce potential harm to civilians. Answers should include safe corridors, protected areas, secure humanitarian access, etc.

All CoAs should include:

- Plans to reduce the likelihood of physical violence occurring
- Plans to reduce the impact of physical violence if it does occur
- Plans to use resources in the most effective way and in support of synchronization with mission components
- Coordination with protection actors outside the mission (e.g. humanitarian actors, state authorities)
- Consultations with communities at risk are critical to ensure the CoA is comprehensive and represents a thorough analysis of all relevant aspects, including their own protection capabilities

Fundamentally, CoAs aim to reduce or eliminate the risk of physical violence against civilians. Development of CoAs are considered under each of the four phases of response. Even preventive and pre-emptive action requires careful planning. For all CoAs, civilian casualties and collateral damage must be considered rigorously.

After CoAs have been developed, analysed and compared, the commander selects the strongest CoA and presents it to the higher command for approval.

Guiding questions for the analysis and comparison of CoAs include:

- Which COAs will reduce the threat to civilians?
- Which COAs may increase the threat to civilians?
- What are the risks to the mission, and its personnel?

Slide 52

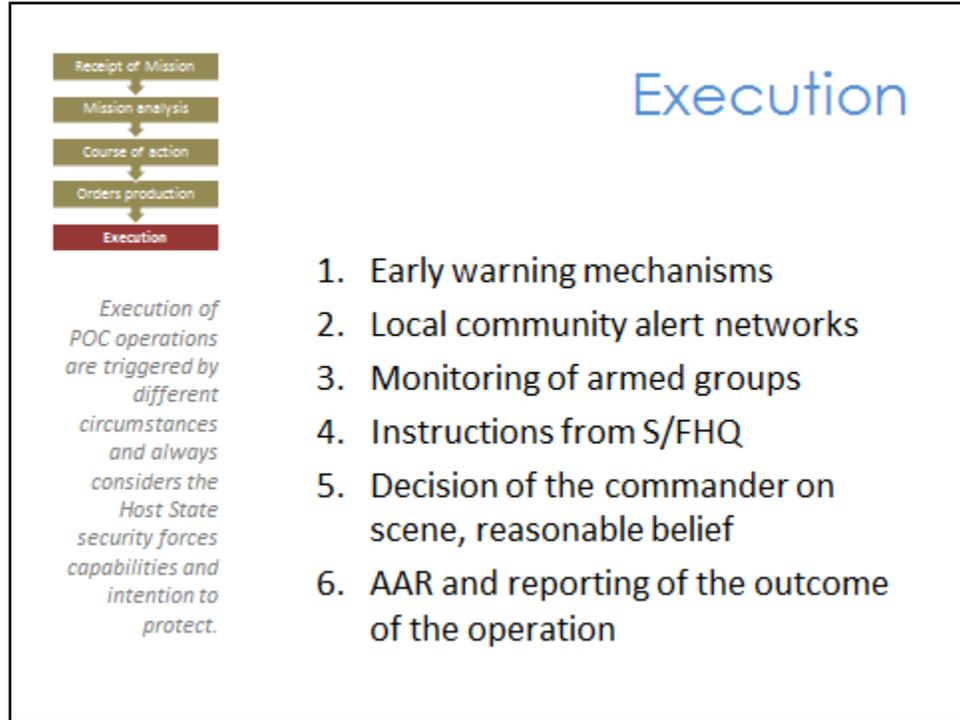


The next step in the conventional military decision making process is to get approval of a CoA and reflect it in the Operations Order (OPORD).

The steps include:

- Approval of plans by higher command, either Force HQ, Sector HQ or the Brigade Commander.
- Production of OPORD, based on final guidance from higher command. The OPORD describes how the force or unit envisions the plan to be carried out.
- Sub-units decision making processes follow the instructions laid out in the OPORD.
- Rehearsals of plans, as plans are only effective when they have been rehearsed and practiced.
- Plans may require adjustment and updates after the rehearsal and definitely as the situation evolves.

Slide 53



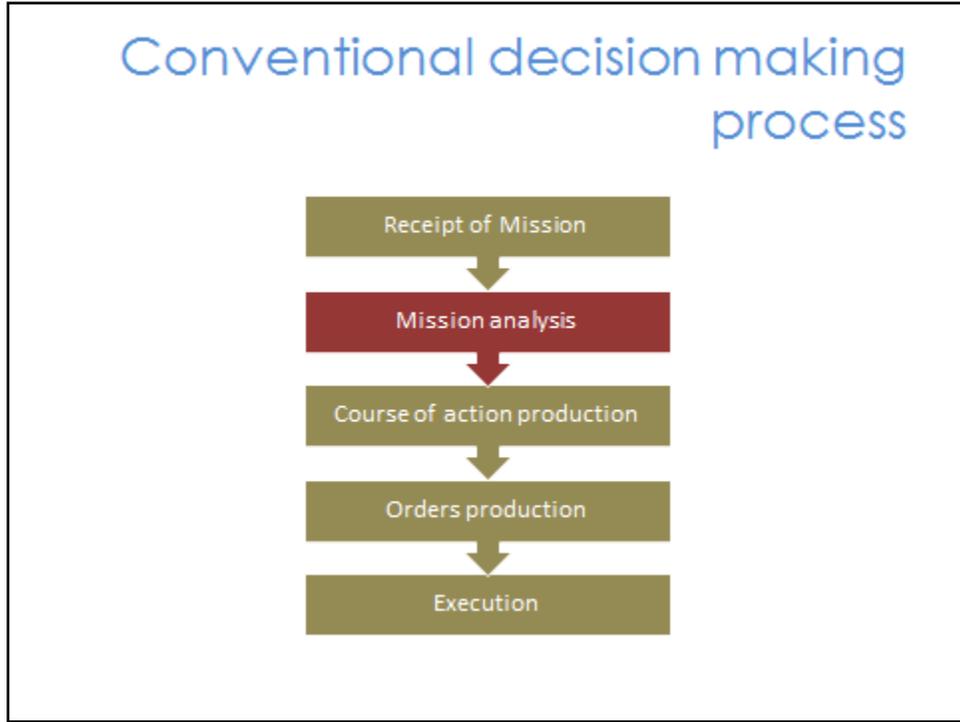
The final stage in the military decision making process is the execution of the approved CoA.

Execution of POC operations is triggered by different circumstances in different missions. Therefore, it is critical for military components to establish mechanisms to inform about situations that may trigger the execution of a CoA. This can include for instance:

- Early warning mechanisms to discover potential threats.
- Local community alert networks.
- Monitoring of armed groups and their behaviour or movement.
- Instructions from Sector or Force HQ.
- Decision of the commander on scene, especially if reasonable belief exists that a crime has been or will be committed.
- Lastly, all POC operations should be accompanied by an After Action Report as soon as practical after its completion.

Execution of POC operations always have to consider host state security forces and their willingness and capability to protect civilians.

Slide 54



This section explores in more detail Step 2 of the military decision making process, Mission Analysis. As mentioned before, this stage in the process plays a crucial role as it defines the tactical problem and shows possible courses of action.

Slide 55

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graph TD
    A[Receipt of Mission] --> B[Mission analysis]
    B --> C[Course of action]
    C --> D[Orders production]
    D --> E[Execution]
            
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Within the unit's Area of Responsibility (AOR)

Mission Analysis

1. Identification of Key Actors
 - a. Civilian population
 - b. Potential perpetrators
 - c. Host State security forces
 - d. Other protection actors
2. Threat Analysis
 - a. Overview
 - b. Key Elements
 - c. Matrix
3. Risk Analysis
 - a. Vulnerability assessment
 - b. Protection actor capability assessment
 - c. Danger level assessment
 - d. Risk analysis matrix

As seen earlier, these are the steps contained in Mission Analysis, which will be examined in more detail over the coming slides.

Slide 56

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graph TD
    A[Receipt of Mission] --> B[Mission analysis]
    B --> C[Course of action]
    C --> D[Orders production]
    D --> E[Execution]
            
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Priority Information Requirements (PIR) are established. Patrols and recon operations are conducted. Information is requested from and offered to the mission intelligence mechanism and protection actors.

Key actors Civilian populations

1. Pinpoint location and area of movements
2. Determine:
 - Number of civilians by gender and age
 - Ethnicity, religion and political affiliation
 - Type of the settlement
 - Facilities of tactical importance
 - Self-protection mechanisms
 - Historical background
3. Identify the local leaders

Mission Analysis begins with an identification of the key actors in the area of operations. From the angle of POC, Child Protection and CRSV considerations, a logical first step is to identify the civilian populations in the area.



Before building the slide, ask participants which information about civilian populations they think is most relevant for Mission Analysis.

To begin with, understanding the locations of civilians within the area of operations, as well as the areas within and between which they frequently move (for livelihood production or other reasons) is critical. This information will assist in identifying potential threat areas.

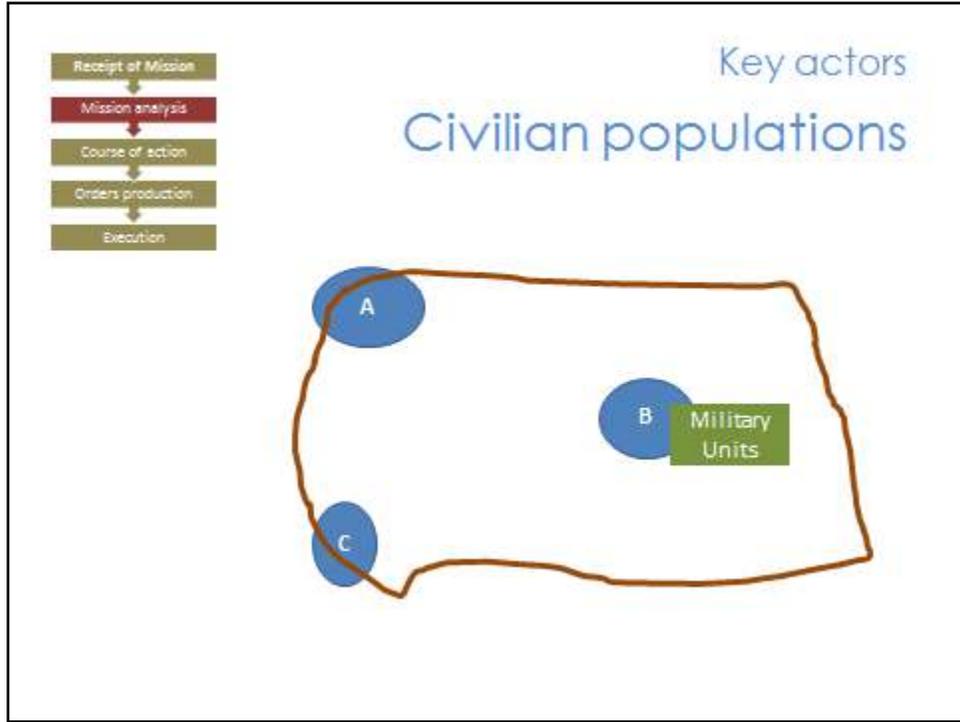
Furthermore, the following should be determined:

- Numbers of civilians, segregated by gender and age;
- Ethnicity, religions and political affiliations;
- Type of settlement – town, village, farming communities etc.;
- Identification of facilities of tactical importance, such as hospitals, schools, water points, etc.;
- Self-protection mechanisms, as communities have had to protect themselves before the deployment of peacekeeping missions and therefore often have existing mechanisms that peacekeepers can tap into and strengthen;
- Historical background of violence committed and suffered, as feuds with other civilian populations can provide an indication of future violence.

Additionally, identification of civilian leaders at the local level is an important step in this process to gather information, generate respect and cooperation, and manage expectations.

Besides liaison with local communities, the necessary information for the identification of civilian populations will come from a range of sources. To this end, Priority Information Requirements (PIR) need to be established. In response to the PIRs, patrols and recce operations are conducted, while information is also requested from and offered to other mission intelligence and information management mechanisms, as well as to particular protection actors.

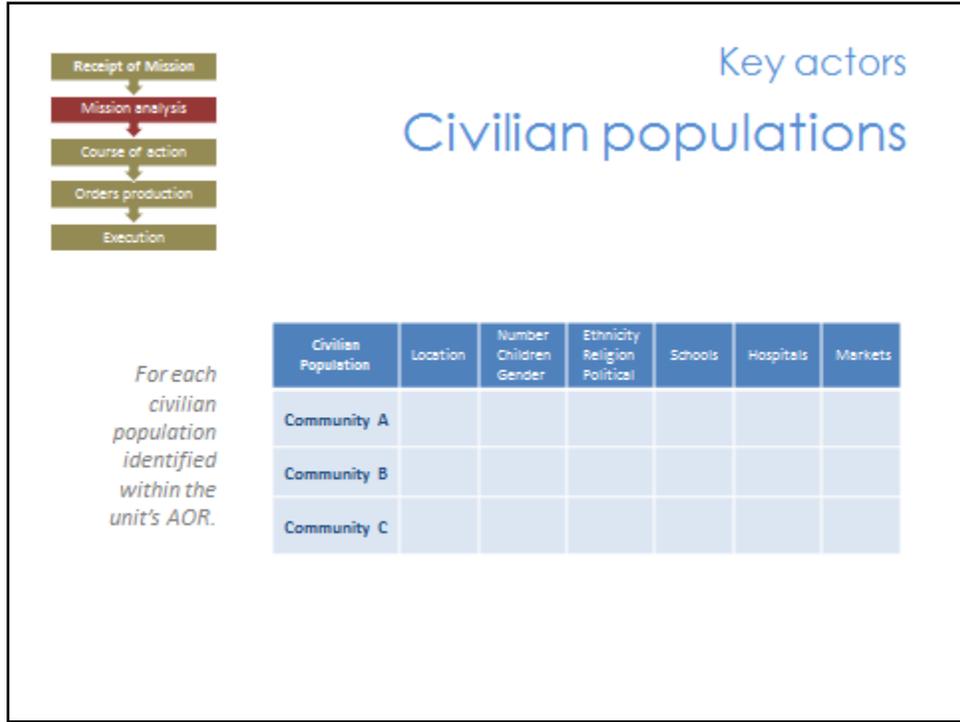
Slide 57



As part of the identification of the civilian populations, determining their location relative to mission units and bases is important. For the purpose of tactical level planning, distance plays a critical role. Mapping the locations provides a simple way of demonstrating spatial relations in the area of operations.

The red line represents the area of operations of a particular unit in the peacekeeping mission. The blue circles represent civilian communities. As indicated in the map, the locations of some of the communities may overlap with the area of responsibility of other peacekeeping units. The development of protection plans for these communities will require close coordination with the units responsible for adjacent areas of operations.

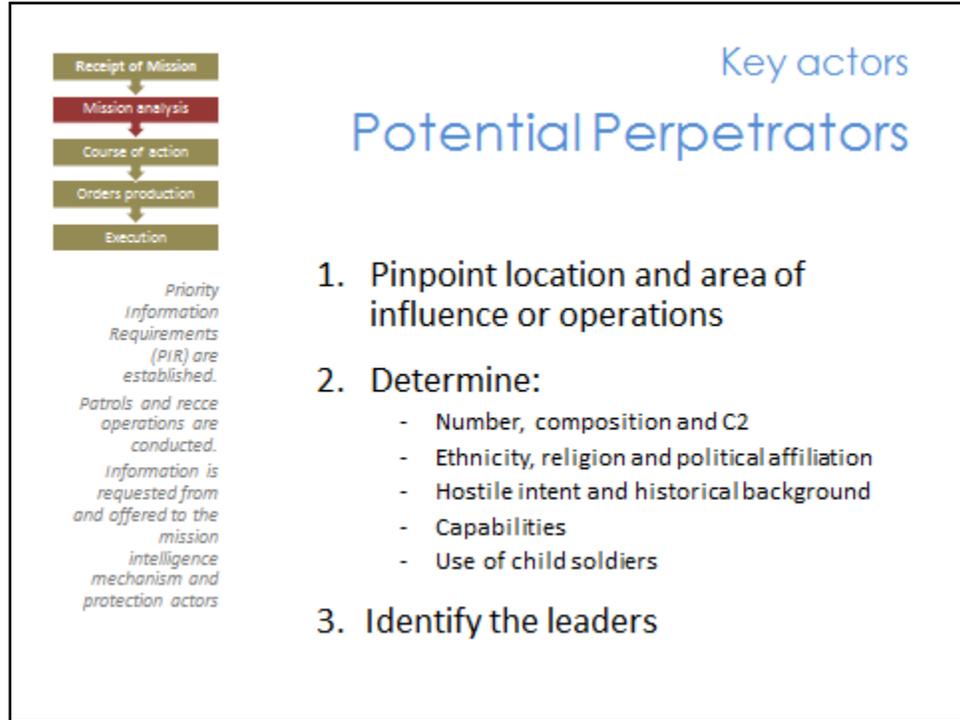
Slide 58



To facilitate the systematic analysis of the civilian population in the area of operations, the development of a table is useful. This slide shows what an exemplary analysis of three different communities could look like, reflecting the factors discussed in the previous slides. Such an analysis has to be conducted for all communities in the area of operations.

Additionally, it is useful to examine other factors that impact the protection needs of civilian populations, such as health, livelihoods, or shelter for example. Other mission and non-mission protection actors may have useful information and early consultation with them will strengthen the military analysis.

Slide 59



The next step in Mission Analysis will be the identification of potential perpetrators. Military planners should apply the same process as for the identification of civilian populations.

 *Before building slide, ask participants which information about potential perpetrators they think is most relevant for Mission Analysis.*

To begin with, understanding the locations of potential perpetrators within the area of operations, as well as any recent or current operations they are involved in is critical. This information will assist in identifying potential threat areas.

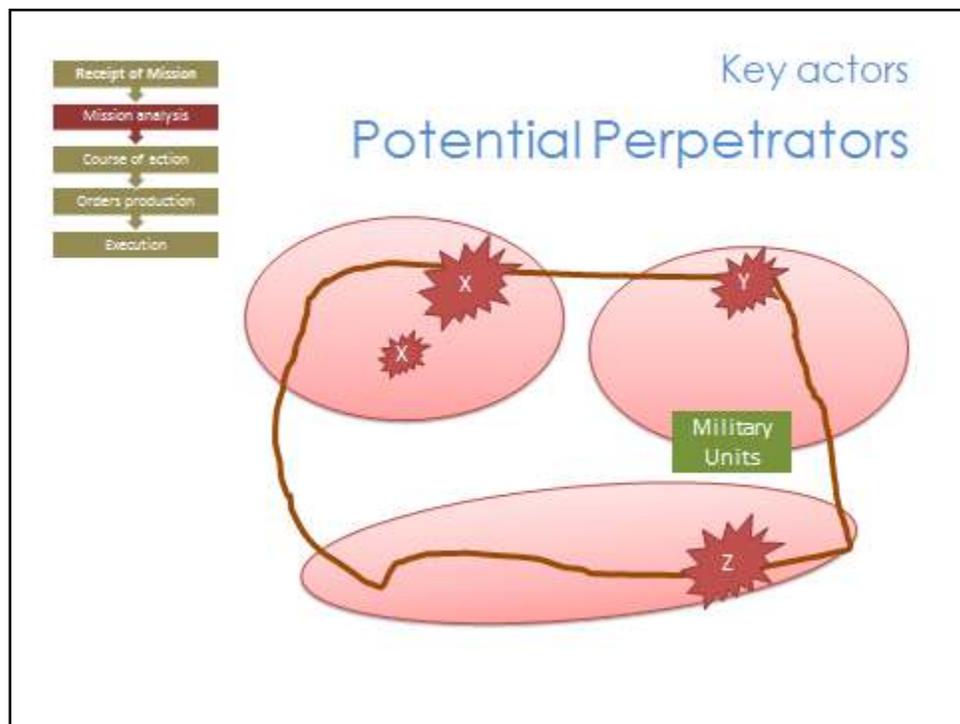
Furthermore, the following needs to be determined:

- Details of their numbers, composition and command and control arrangements and capacity;
- Ethnicity, religions and political affiliations;
- Hostile intent and historical background to understand what conflict patterns have occurred in the past;
- Capabilities to carry out their intentions;
- Use, if any, of child soldiers.

Identification of the leaders of potential perpetrators will be vital. Outreach and advocacy for the protection of civilians are important tools for POC action. Peacekeeping commanders, for instance, have the responsibility in their interaction with armed group leaders to remind them of their responsibilities under international law and to point out potential consequences in case of violations.

Besides liaison with local communities and the leaders of potential perpetrators, the necessary information for the identification of armed groups will come from a range of sources. To this end, Priority Information Requirements (PIR) need to be established. In response to the PIRs, patrols and recce operations are conducted, while information is also requested from and offered to other mission intelligence and information management mechanisms, as well as to particular protection actors.

Slide 60



As the next step, it is important to determine the location of potential perpetrators relative to:

- Peacekeeping mission bases and units;
- Civilian populations;
- Areas of interest, such as water points, grazing areas, markets, firewood areas etc.

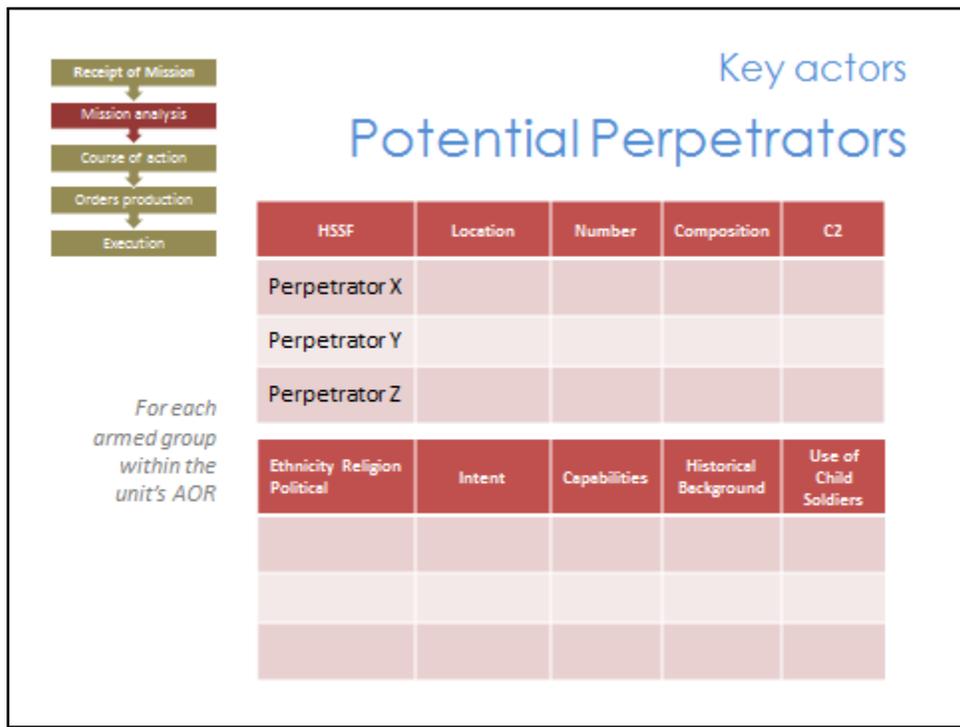
Module 3 – Lesson 3.4: Tactical Decision Making Process Considerations

Mapping the locations will facilitate outreach and provide military planners with a sense of which areas could potentially be protected by host security forces, freeing up mission assets for areas with little or no coverage.

The red line represents the area of operations of a particular unit in the peacekeeping mission. The circles indicate the area of influence of potential perpetrators. As indicated in the map, these areas of influence may overlap with the area of responsibility of other peacekeeping units. In such cases, planning processes will require close coordination with the units responsible for adjacent areas of operations.

 *Note to instructor: In practice, planners are likely to build on the map with civilian populations and mark the locations of potential perpetrators there. For clarity and didactical reasons, this module presents a separate map for each key actor identified in the Mission Analysis step.*

Slide 61



To facilitate the systematic analysis of potential perpetrators in the area of operations, the development of a table is useful. This slide shows what an exemplary analysis of three different armed groups could look like, reflecting the factors discussed in the previous slides. Such an analysis has to be conducted for all potential perpetrators in the area of operations. Other mission and non-mission actors may have useful information and early consultation with them will strengthen the military analysis.

Slide 62



The next step in Mission Analysis will be the identification of host state security forces. Host government actors are critical players in POC, noting that they bear the primary responsibility for the protection of civilians.

 Before building the slide, ask participants which information about host state security forces they think is most relevant for Mission Analysis.

The impact of host state security forces on the POC environment is determined by their capability and willingness to protect. Military planners, taking into account information provided by non-military mission components, need to assess these factors as part of the Mission Analysis stage.

To begin with, understanding the locations of potential perpetrators within the area of operations, as well as any recent or current operations they are involved in is critical

Furthermore, the following needs to be determined with respect to host state security forces:

- Details of their numbers, composition and command and control arrangements;
- Ethnicity, religions and political affiliations of the troops and their leaders;
- Capabilities and will to operate to protect civilians in their AO;

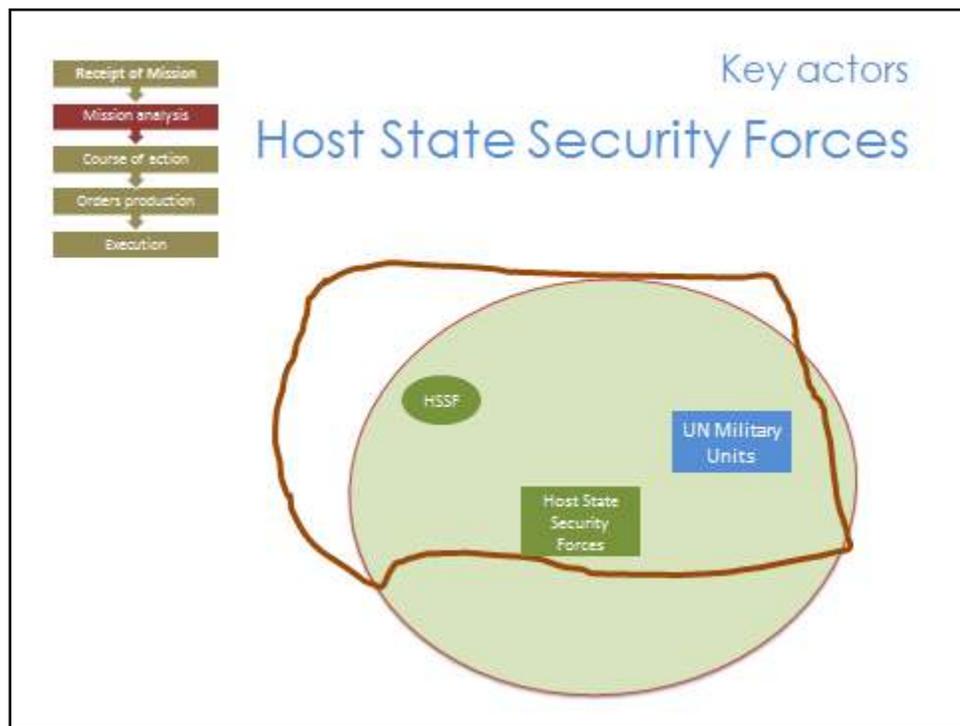
Module 3 – Lesson 3.4: Tactical Decision Making Process Considerations

- Human rights record of the security forces;
- Use, if any, of child soldiers.

Identification of the leaders of host state security forces, particularly at the local levels, will be vital. Outreach and advocacy for the protection of civilians are important tools for POC action.

The necessary information for the identification of host state security forces will come from a range of sources. To this end, Priority Information Requirements (PIR) need to be established. In response to the PIRs, patrols and recce operations are conducted, while information is also requested from and offered to other mission intelligence and information management mechanisms, as well as to particular protection actors.

Slide 63



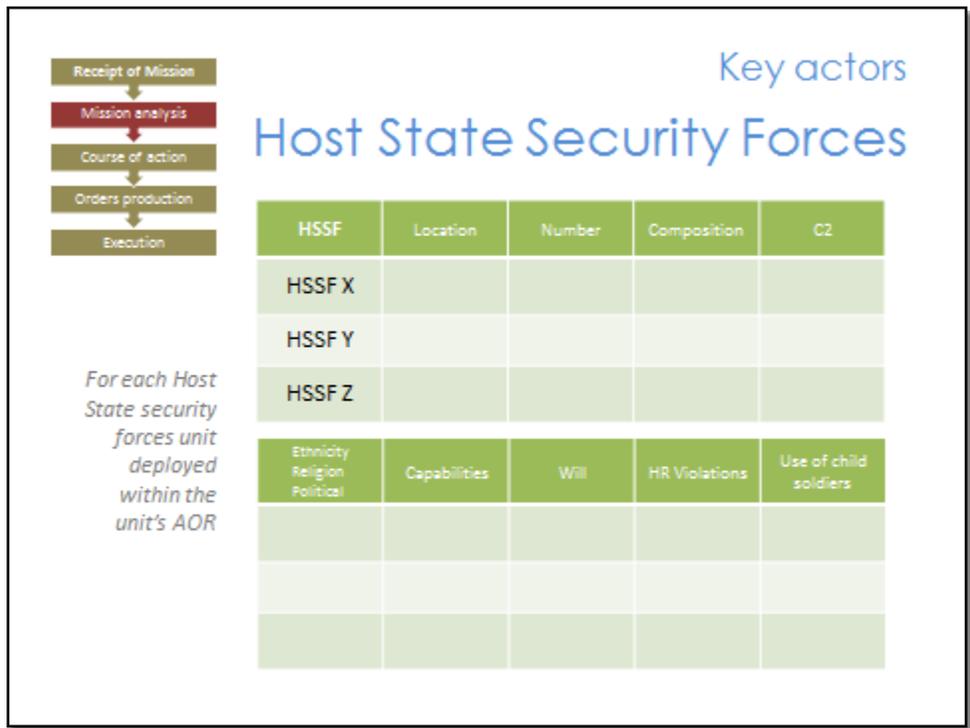
Like for the other key actors identified before, the next is to determine the location of host state security forces relative to:

- Peacekeeping mission bases and units;
- Civilian populations;
- Potential perpetrators;
- Areas of interest, such as water points, grazing areas, markets, firewood areas, etc.

Mapping the locations will facilitate outreach and provide military planners with a sense of which areas could potentially be protected by host security forces, freeing up mission assets for areas with little or no coverage.

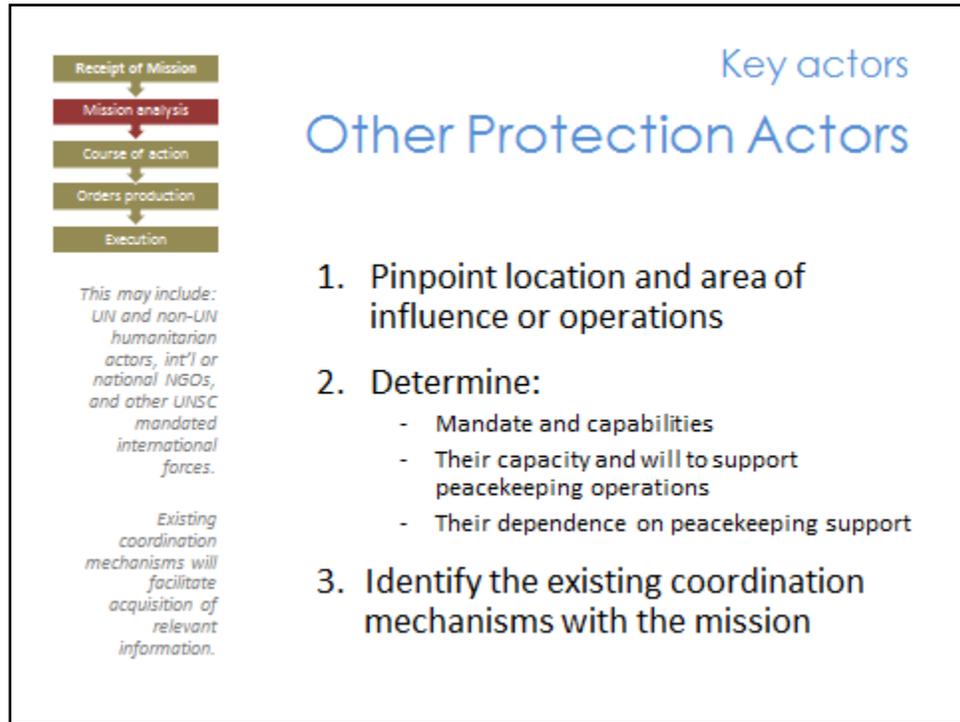
The red line represents the area of operations of a particular unit in the peacekeeping mission. The green circle represents the de-facto area of operations of the host state security forces. While the area which the host state security forces are mandated to protect while normally overlap with the mission area of responsibility, their de-facto reach and influence may be limited in reality due to resource restraints, security conditions, terrain, and other factors. The green rectangle indicates a host state security forces deployment at the battalion level, while the elliptical shape indicates a company level deployment.

Slide 64



To facilitate the systematic analysis of host state security forces the development of a table is useful. This slide shows what an exemplary analysis of three different entities of host state security forces could look like, considering the factors discussed in the previous slide. Such an analysis has to be conducted for all deployments of host state security forces in the area of responsibility. Other mission and non-mission actors may have useful information and early consultation with them will strengthen the military analysis.

Slide 65



As discussed in Module 1, peacekeeping operations are not the only protection actors in their area of operations. The next step in Mission Analysis is therefore the identification of other actors with a protection mandate, which can include the UN Country Team and non-UN humanitarian partners, international and national NGOs, and other international forces authorised by the UN Security Council.

 Before building slide, ask participants which information about other protection actors they think is most relevant for Mission Analysis.

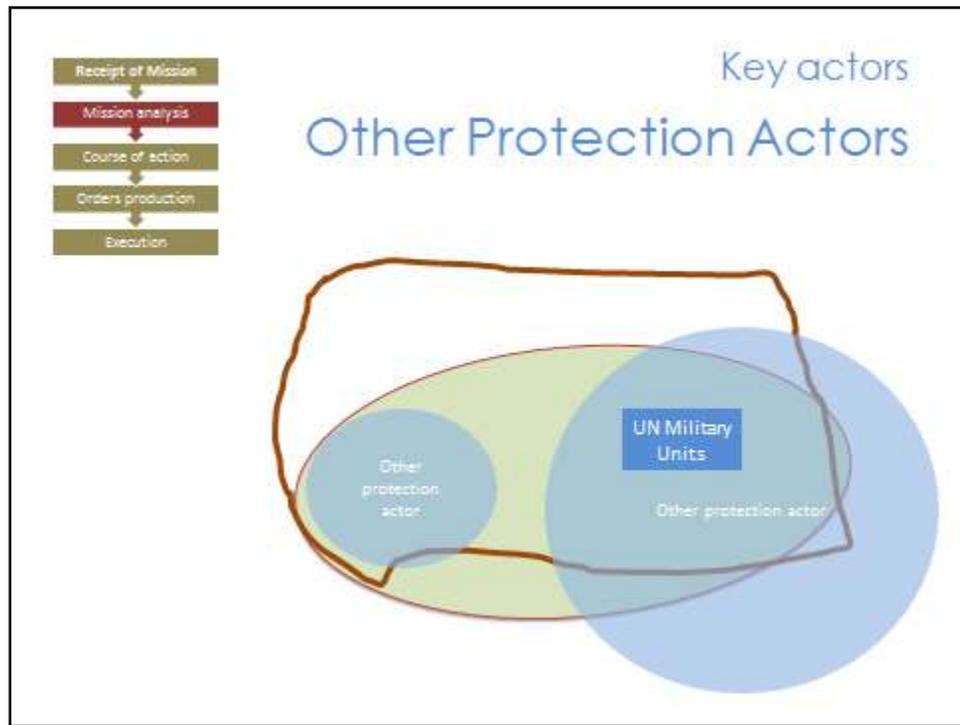
As with the other key actors identified before, the first step is to determine the locations and areas of influence of other protection actors.

Furthermore, the following needs to be determined with respect to host state security forces:

- Exact mandate of each protection actor in the area of operations, and whether they possess the capabilities to carry out their mandate;
- Whether other protection actors have the capacity and will to support our operations;
- Whether they rely on peacekeeping support to carry out their mandate.

The necessary information for the identification of other protection actors will come from a range of sources. Peacekeeping missions typically have established coordination mechanisms that will facilitate outreach and information collection on their capabilities. To maximize the potential of complementary activities, planners need to coordinate with the relevant protection actors in their area of operations.

Slide 66



Like for the other key actors identified before, the next step is to determine the location of other protection actors relative to:

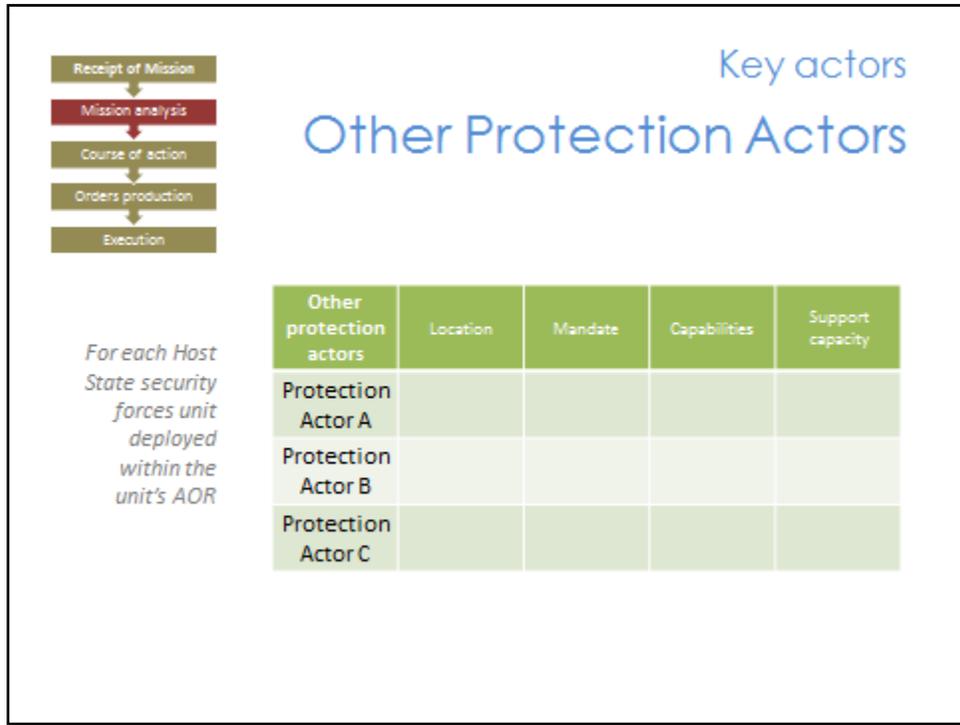
- Peacekeeping mission bases and units;
- Civilian populations;
- Potential perpetrators;
- Areas of interest, such as water points, grazing areas, markets, firewood areas, etc.

Mapping the locations will facilitate outreach and provide military planners with a sense of which areas could potentially be protected by host security forces, freeing up mission assets for areas with little or no coverage.

The red line represents the area of operations of a particular unit in the peacekeeping mission. The blue circles represent the areas of operations for other protection actors.

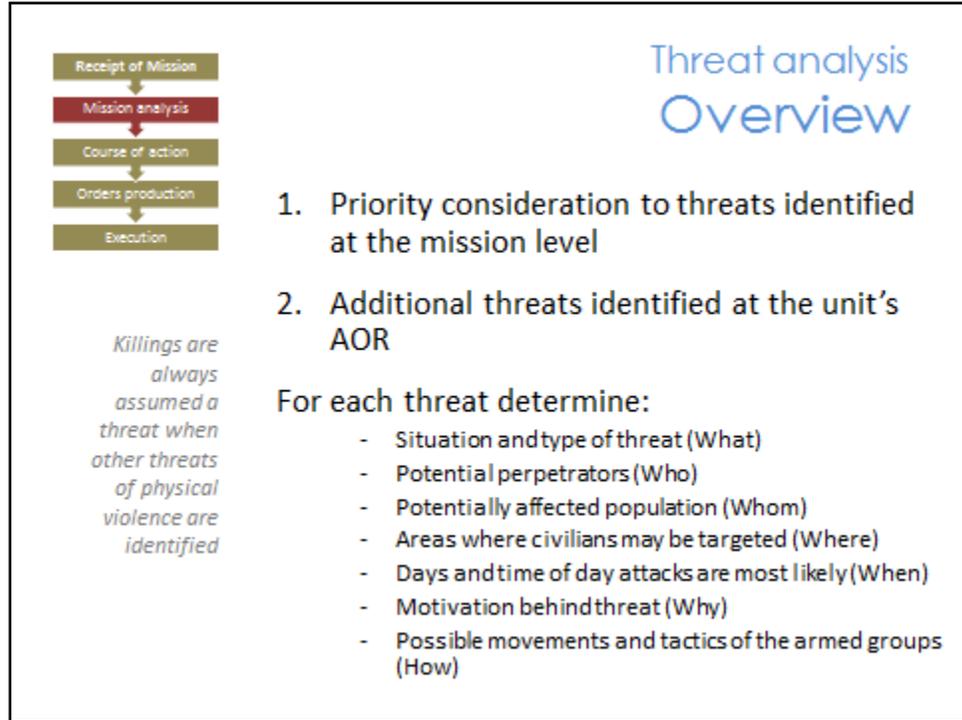
Planners should also consider areas of influence, as humanitarian service delivery can create pull factors that draw civilians towards them.

Slide 67



To facilitate the systematic analysis of other protection actors the development of a table is useful. This slide shows what an exemplary analysis of three different protection actors could look like, considering the factors discussed in the previous slides. Such an analysis has to be conducted for all protection areas in the area of responsibility. Other mission and non-mission actors, such as members of the UN Country Team, host state security forces, NGOs or parallel forces, may have useful information and early consultation with them will strengthen the military analysis.

Slide 68



Having identified and analysed the component groups (civilian populations, potential perpetrators, host state security forces, and other protection actors) present in the area of operations, the next step is the analysis of particular threats. This lays the foundation for the formulation of a response plan.

When analysing threats, those threats identified at the level of senior mission leadership and valid for the whole mission area of responsibility need to be given priority. However, additional threats identified in the respective area of operations of a specific unit will be considered as well.

For each threat, the following should be determined:

- Situation and type of threat (What);
- Potential perpetrators (Who);
- Potentially affected population (Against whom);
- Areas where civilians may be targeted (Where);
- Days and time of day attacks are most likely (When);
- Motivation behind physical violence (Why);

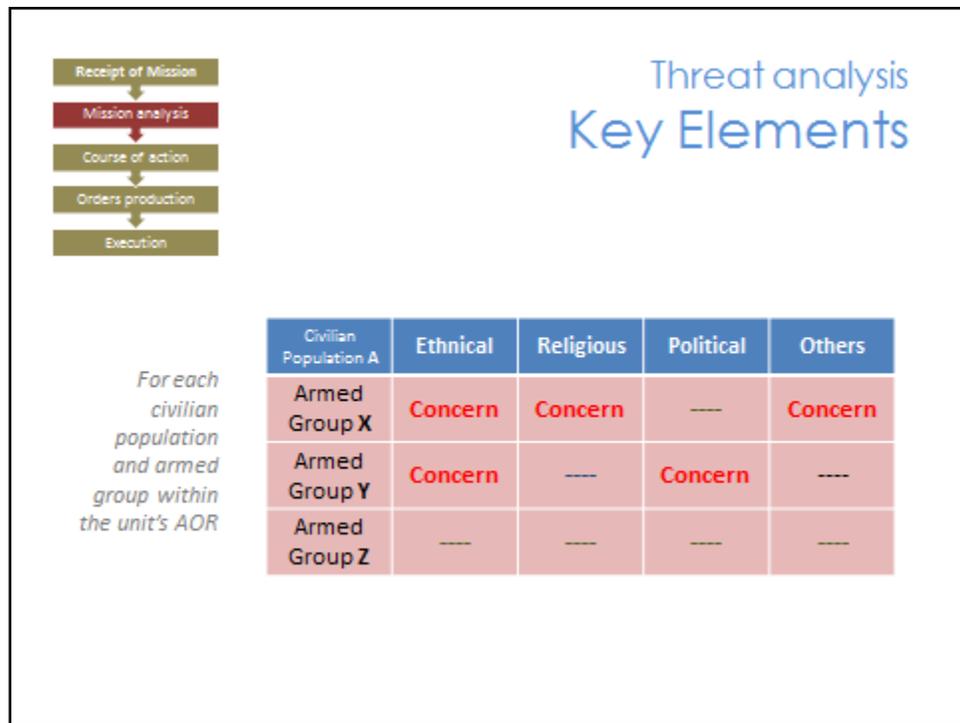
Module 3 – Lesson 3.4: Tactical Decision Making Process Considerations

- Possible movements and tactics of the armed groups (How).

When analysing particular threats, killings are always assumed a threat when other threats of physical violence are identified.

The threat analysis, along with visual tools such as tables and maps, needs to be updated routinely and whenever the situation in the area of operations changes.

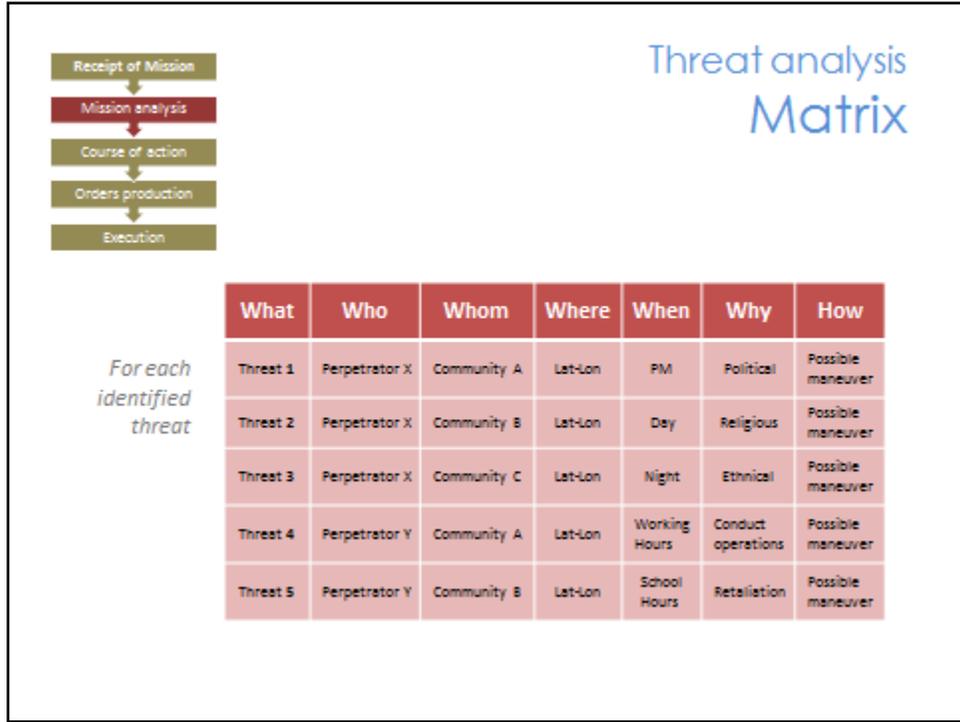
Slide 69



The threat analysis needs to include an assessment of relationships between groups in the area of operations. This includes relationships between groups of civilians (communities), between groups of civilians and armed groups, and between armed groups (while peacekeepers are not mandated to protect armed groups, fighting between armed groups typically causes grave direct or indirect threats to civilians and therefore becomes a POC issue).

For instance, how 'compatible' is Civilian Population A with Armed Groups X, Y and Z? This can be identified through factors including ethnic, religious and political aspects, as well as other factors such as historical incidents between the groups. A similar analysis can be conducted for all identified groups in the area and how they 'match up' with each other. This analysis feeds into the broader threat analysis.

Slide 70

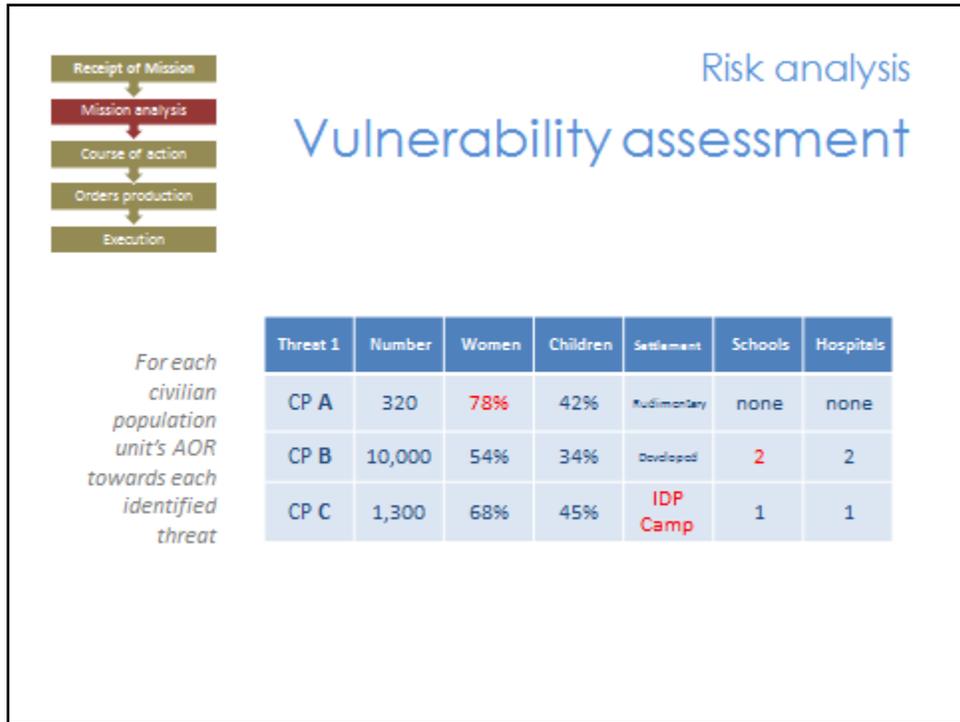


Tabulating this information will facilitate a systematic and robust analysis. Each identified threat needs to be included in this table.

At mission headquarters, operational POC coordination fora should maintain a POC Threat Matrix, which should be consulted during the compilation of this threat analysis table at the tactical level.

Now that the potential threats have been identified, response options need to be developed. Based on the analysis previously done, a table should be created to determine the capability of protection actors, including potentially host state security forces. For all protection actors, and in particular for each particular deployment of host state security forces, planners need to determine whether they have the capacity and willingness to respond in their areas of operations. The analysis also needs to include whether these actors would need mission support to do so. Conversely they may be unable and /or unwilling to respond without mission assistance, or at all. This information should be tabulated for each actor in the area of operations.

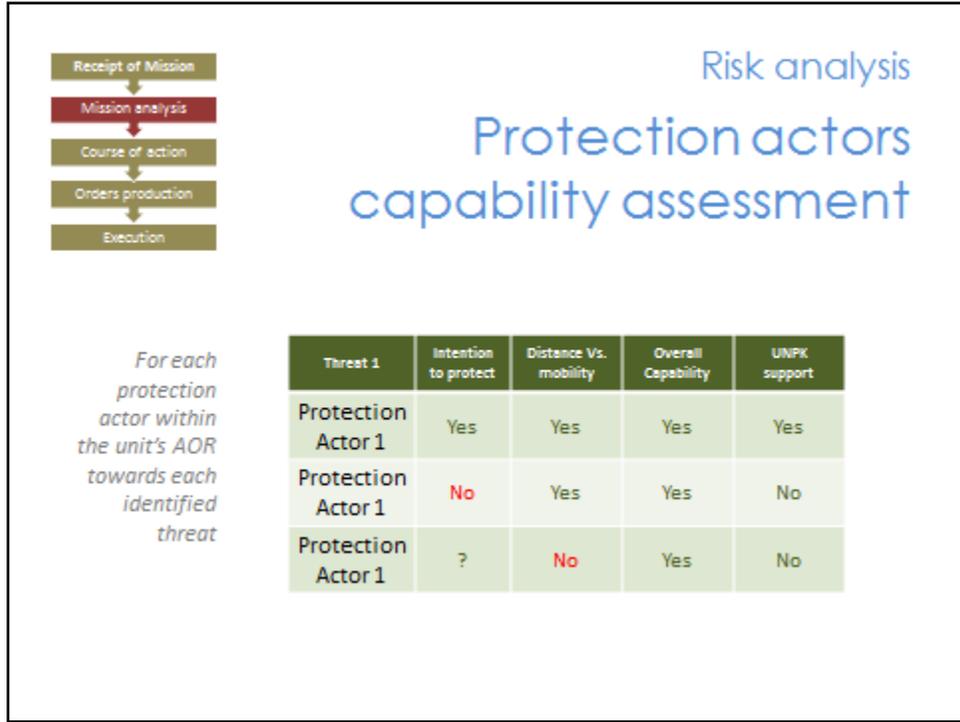
Slide 71



As the next step, the vulnerability of each of the identified population groups locations against the identified threats must be assessed. Again, a table of results is a useful tool to quickly establish the highest vulnerability group. Civilian population groups may be more vulnerable against certain threats than against others, due to their particular characteristics.

It is worth recalling from Module 1 that vulnerability is a combination of factors that can change over time and depend on specific operational contexts. Situations of vulnerability are based on the characteristics of a person's individual and community factors (age, gender, sex, ethnicity, religion, political affiliation, social status) and the factors that can lead to and compound those vulnerabilities (environmental factors, internally displaced person or refugee, geographic location, level of urbanization, level of state authority and capacity in that area, level of infrastructures). Access to assistance also influences vulnerability, including issues such as language barriers, freedom of movement, social or political barriers to communication with outsiders, gender stereotypes and social norms.

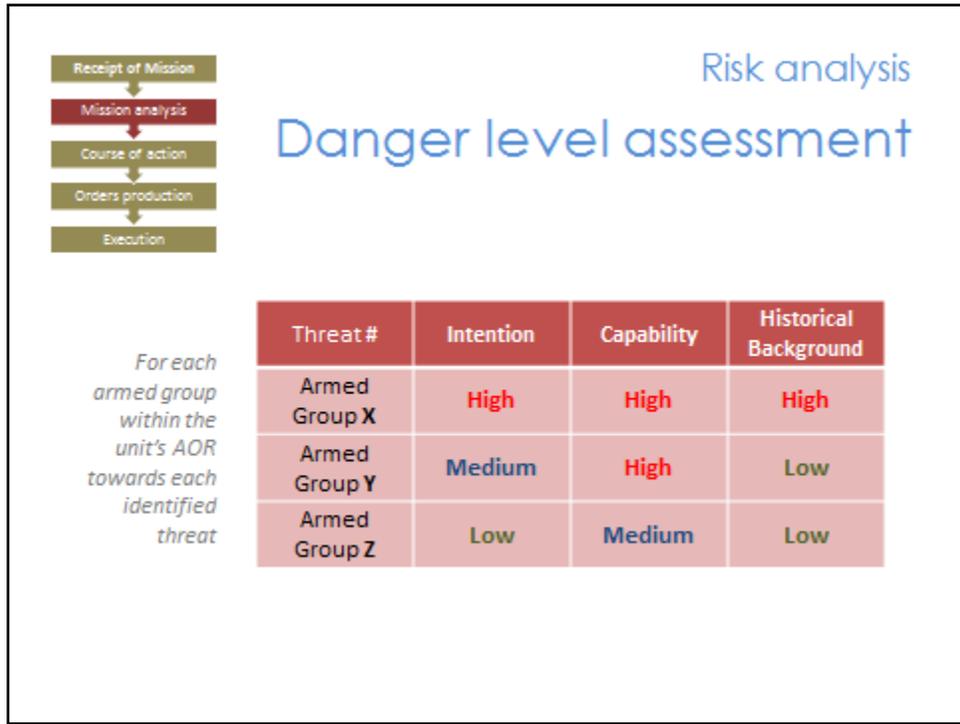
Slide 72



To get a full picture of the risk levels, peacekeepers need to analyse the capabilities of other protection actors. For the range of protection actors identified previously, an analysis needs to be conducted to establish their intention to protect, their distance and mobility relative to the areas of interest, their overall capability, and whether or not they require assistance from the peacekeeping mission to be operational in the area (e.g. force protection).

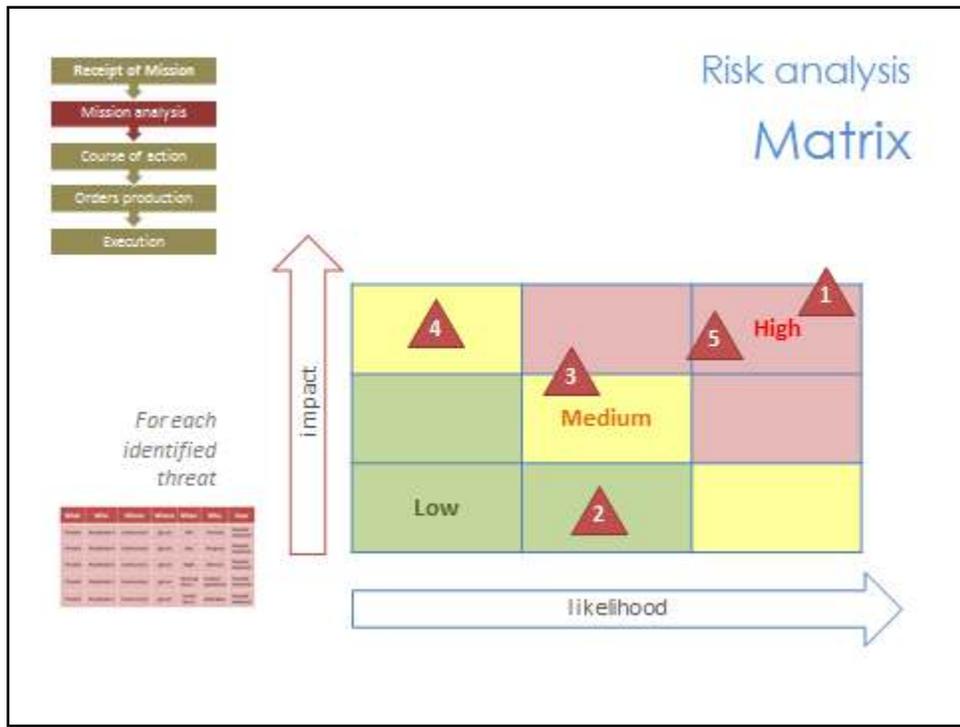
Once the capability of protection actors is established, missions will be able to decide whether support can be expected from some actors in some areas, which influences the level of risk attached to threats, which in turn will have an impact on the prioritization of activities.

Slide 73



Each of the potential perpetrators can now be assessed in terms of how dangerous they are to particular population groups or locations. This is assessed by again looking at their capabilities, intentions and historical background.

Slide 74



Peacekeepers cannot be everywhere or protect everyone at the same time. Resource constraints and difficult terrains make this impossible. Realistically, therefore, missions need to prioritize protection threats in order to identify those situations where their action is most needed. This process is facilitated by a risk analysis, which determines (a) the likelihood a threat materializes, and (b) the impact the threat would have if it materializes. The combination of those two factors allows missions to determine the risk associated with each threat identified. As per the 2015 DPKO-DFS Policy on POC, Missions shall prioritize threats to civilians that pose the highest level of risk to civilians, which will then guide the deployment of resources.

In the sample graph here, the highest priority is assigned to the threat that is the most likely, with the most impact – Threat 1. This threat was previously identified in the threat analysis table as a situation in which Armed Group X constitutes a threat of physical violence against Civilian Population Group A.

Summary

The takeaways from Tactical Decision Making Process Considerations include the following:

- Military planners need to consider the implications of POC, Child Protection and CRSV for every step of the military decision making process.
- Mission analysis is a critical step in the development of military plans. A thorough assessment of civilian populations, potential perpetrators, and other protection actors is necessary. Using visual tools such as tables and maps helps to ensure a systematic and thorough analysis. As things change in the mission, tables and maps need to be updated in order to keep them relevant as planning tools.
- At the tactical level, Battalions need to develop plans for courses of action, which have to be approved by higher command. Following approval, plans need to be rehearsed in order to be effective.
- Risk analysis is a critical step in the Mission analysis process that prioritizes those threats with the highest risk associated to them. This will in turn inform how commanders deploy their resources to the best effect.
- Mission headquarters through the overall designation of priority threats as well as other mission components through their access to and understanding of critical information play an important role and need to be consulted with during the decision making process. The same applies to non-mission protection actors and local communities themselves.

Module 3



Operational Framework

Slide 78

Module 3 – Conclusions

- Range of policies, guidelines and principles exist on POC, CP and CRSV
- Mandate implementation never straightforward and requires targeted approach for each context
- Effective protection of civilians requires coordination and information sharing within and outside the mission
- Peacekeepers need to be proactive and creative within the boundaries existing in guidance and principles
- CP and CRSV are integral to protection of civilians and require particular consideration

At the conclusion of Module 3, some key elements should have become clear:

- Relevant POC guidance regarding tactical level planning and operations includes the Mission POC strategy, Military ConOps and Force Commander OPODs;
- POC Implementing Guidelines for Military Components provide a clearer sense of how the POC Policy should be applied by the Force;
- At all stages of the military decision making process, peacekeepers need to take POC, CP and CRSV considerations into account;
- In the military decision making process, Mission Analysis requires careful examination of key actors in the area of responsibility, their accompanying threats and risks, while having a clear sense of the POC environment.

References and the following annexes can be found in separate folders to aid in the delivery of the CPOC modules:

- Scenario-Based Exercise
- Background materials referenced in the package
- Handouts
- Video “Mandated to protect”

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