

# Lesson 1.4



## Legal Framework for United Nations Peacekeeping

### Lesson at a Glance

#### Aim

To explain the legal framework for UN peacekeeping operations and emphasize parts of international law important to peacekeepers

#### Relevance

As peacekeeping personnel, you are an **“ambassador” of the UN** and your country in everything you do. As an ambassador you are deployed to represent the UN and carry out its important responsibilities.

All peacekeeping personnel are **role models**. As a role model you must be a good example for others to copy or imitate.

**It is important for you to know what you “should” and “should not” do.** The legal framework provides such knowledge.

**Peacekeeping personnel must not violate international human rights law or international humanitarian law.** Under no circumstances should you be involved in sexual violence or the exploitation of women, children or the local population.

#### Learning Outcomes

Learners will:

- List key documents included in the legal framework for UN peacekeeping operations
- Define human rights
- List examples of human rights protected under International Human Rights Law (IHRL)
- Identify who is protected by International Humanitarian Law (IHL)
- List the essential rules of IHL

## Lesson Map

### Duration: 45 minutes total

20 minutes: presentation

25 minutes: interactive exchange or activity

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The Legal Framework for UN Peacekeeping Operations	Slide 2
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## The Lesson



### Starting the Lesson

Introduce the following (using the Introductory Slides):

- Lesson Topic
- Aim
- Relevance
- Learning Outcomes
- Lesson Overview

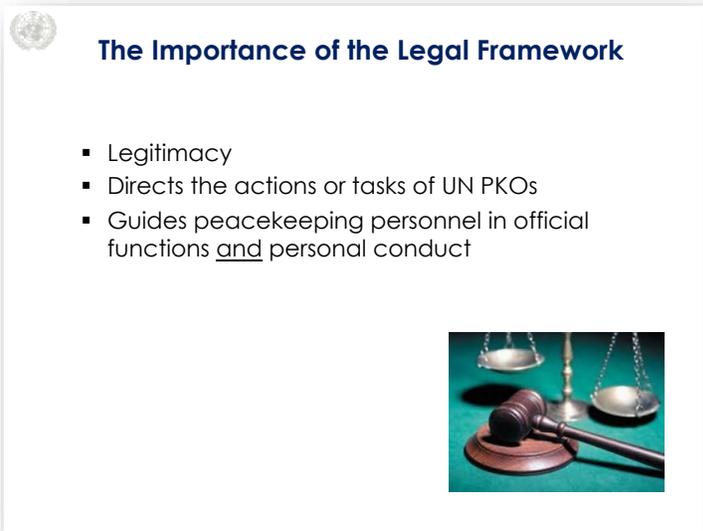
The topic and language can be daunting for learners. As you move through the lesson remind learners of the relevance of this lesson. Review the definitions of key words for the lesson. A suggestion is to present each key word and its definition on individual sheets of different coloured paper, and post on the wall for learners to easily refer to during the course of the training.

## Importance of the Legal Framework



*Remind learners that the Basic Principles provide a navigational aid or a compass for UN peacekeeping, and inform them that the legal framework is an additional source, indicating how UN peacekeeping “should” be practiced.*

### Slide 1

A presentation slide with a white background and a blue title. The title is 'The Importance of the Legal Framework'. Below the title is a bulleted list with three items. At the bottom right of the slide is a photograph of a wooden gavel and a pair of brass scales of justice on a green surface.

**The Importance of the Legal Framework**

- Legitimacy
- Directs the actions or tasks of UN PKOs
- Guides peacekeeping personnel in official functions and personal conduct



**Key Message:** The legal framework is the set of rules or laws that influence the actions, tasks and conduct of the peacekeeping operation and its personnel.

#### The legal framework is important because:

- **It gives legitimacy.** The UN does not undertake any peacekeeping operation without clear authority to do so – in other words, without the “power” or “right”.
- **It directs the actions or tasks of the peacekeeping operation.** UN peacekeeping operations are directed to promote and protect human rights and other international law. Respect for human rights has positive effects on peace. Peacekeeping personnel have a responsibility to ensure special protection of certain groups who are vulnerable or who suffer discrimination, such as women, minorities, children, refugees and internally displaced persons (IDPs).
- **It guides peacekeeping personnel in their official functions and personal conduct.** The UN expects the same high standards in the private behaviour of peacekeepers as in professional life. Authorities deal with cases of misconduct firmly, fairly and quickly. This includes cases of serious misconduct such as sexual exploitation and abuse.

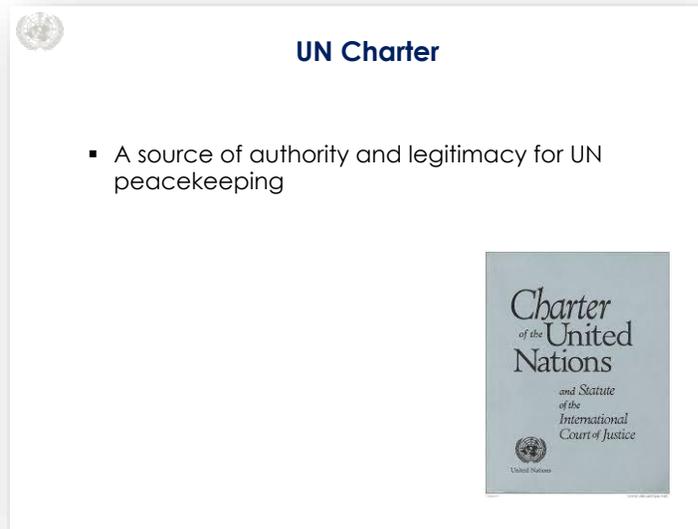


## The UN Charter



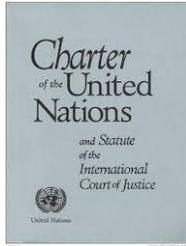
*Remind learners that the UN Charter is the foundation for all UN work and is a source of authority and legitimacy for UN peacekeeping.*

### Slide 3

A presentation slide titled 'UN Charter' with a small UN logo in the top left corner. The slide contains a bullet point: 'A source of authority and legitimacy for UN peacekeeping'. Below the text is an image of the cover of the 'Charter of the United Nations and Statute of the International Court of Justice'. The cover is light blue with the title in a serif font and the UN logo at the bottom.

**UN Charter**

- A source of authority and legitimacy for UN peacekeeping



**Key Message:** The UN Charter is a source of authority and legitimacy for UN peacekeeping. It does not use the word “peacekeeping”. Some articles and chapters link to it.

Slide 4



### Chapters Indicating Peacekeeping

- **Chapter I:** One of the purposes of the UN is “to maintain international peace and security”
- **Chapter V:** The Security Council has the “...primary responsibility for the maintenance of international peace and security...”

**Key Message:** The UN Charter chapters linked to UN peacekeeping include chapters I and V.

Chapter I is “Purposes and Principles” of the UN. Article 1 says that **one purpose of the UN is “to maintain international peace and security”**.

Chapter V covers “The Security Council”. The **Security Council has “...primary responsibility for the maintenance of international peace and security**. “...The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII...”.

Slide 5



Chapters Indicating Peacekeeping (cont.)

- **Chapter VI:** Outlines a range of peaceful measures
- **Chapter VII:** "...The Security Council...may take such action by air, sea or land forces as may be necessary..."
- **Chapter VIII:** Provides for the involvement of regional partners in maintaining international peace and security

**Key Message:** The UN Charter chapters linked to UN peacekeeping include chapters VI, VII and VIII.

Chapter VI deals with "Pacific Settlement of Disputes". This chapter outlines **peaceful measures** available to the UN for settling disputes and dealing with armed conflict.

Chapter VII provides for "Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression." "...The Security Council ... **may take such action by air, sea or land forces as may be necessary** to maintain or restore international peace and security...". This chapter outlines **coercive measures**.

Chapter VIII deals with "Regional Arrangements". It provides for involving **regional partners** in maintaining international peace and security, consistent with the Charter's principles and purposes.

Slide 6



**Clarifying Chapter References**

- Legal basis for UN peacekeeping in Chapters VI and VII
- References to Chapters VI and VII missions inaccurate and misleading



Chapter VI  
Mission



Chapter VII  
Mission

**Key Message:** The legal basis for UN peacekeeping is in Chapters VI and VII of the UN Charter.

Traditional peacekeeping operations have been called “Chapter VI” missions. Multi-dimensional operations, which are oriented towards the use of force, have been called “Chapter VII” missions. These references to chapters are inaccurate and misleading. The UN discourages their use.

When the Security Council authorizes a peacekeeping operation, it does not have to refer to a specific chapter of the UN Charter.



*As the instructor, you may have to dispel misperceptions that a peacekeeping operation's authority to use force is linked primarily to an explicit reference to Chapter VII of the UN Charter in the Security Council mandate. Some TCCs may feel that reference to Chapter VII by the Security Council provides important political and legal cover within the context of their domestic jurisdictions for the use of force by their military personnel deployed to a UN peacekeeping operation.*

**The Security Council has begun to refer to Chapter VII of the UN Charter when authorizing robust peacekeeping operations** in volatile post-conflict settings. This shows the political commitment of the Security Council. It also reminds UN Member States and parties to a conflict of their obligation to Security Council resolutions.

A peacekeeping operation's authority to use force is not linked primarily to an explicit reference to Chapter VII of the UN Charter in the Security Council mandate. No matter which Chapter is referenced, an appropriately worded Security Council mandate provides the true basis for the legitimate use of force by personnel serving in a UN peacekeeping operation.

The authority to use force in certain situations is also guided by:

- **The mission's concept of operations (CONOPs)**
- **The rules of engagement (ROE)**
- **The directive on the use of force (DUF)**

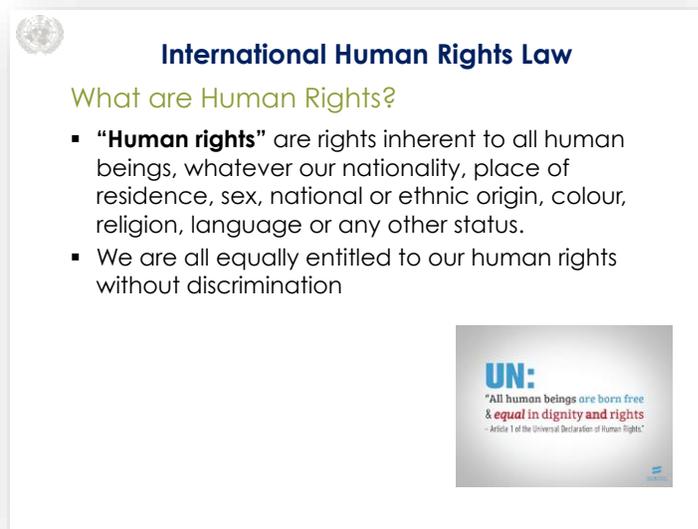
Referring to a UN peacekeeping operation as a “Chapter VI” or “Chapter VII” operation is inaccurate. It is also misleading. Peacekeepers should avoid these references to prevent misunderstanding.



*International Humanitarian Law also determines how force is to be used within the mandate. There will be additional information on International Humanitarian Law in this lesson and on the Rules of Engagement and Directive on the Use of Force in Lesson 1.5.*

## International Human Rights Law

### Slide 7

A presentation slide titled "International Human Rights Law" with a subtitle "What are Human Rights?". It contains two bullet points defining human rights and a quote from the UN Declaration of Human Rights. The slide has a small globe icon in the top left corner.

**International Human Rights Law**

What are Human Rights?

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

**UN:**  
“All human beings are born free  
& equal in dignity and rights”  
– Article 1 of the Universal Declaration of Human Rights”

**Key Message:** United Nations peacekeeping seeks to promote and protect human rights.

**“Human rights” are rights inherent to all human beings, whatever our nationality, residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination.**

These **rights are universal**, which means that every person holds them, and they are *indivisible*, which means that different rights support each other and cannot be separated. No one can take away a person’s human rights.

Slide 8



### Examples of Human Rights

Examples of **civil and political rights** include the right to:

- Life
- Freedom from torture
- Protection from discrimination
- Freedom of expression
- A fair trial
- Not be held in slavery

**Key Message:** Examples of human rights include civil and political rights.

Slide 9



### Examples of Human Rights

Examples of **economic, social and cultural rights** include the right to:

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

**Key Message:** Examples of human rights include economic, social and cultural rights.

Slide 10



**Key Message:** International Human Rights Law (IHRL) is international law that protects the fundamental human rights of every individual, always, including in armed conflict. It applies to all human beings in war and peace.

**IHRL protects certain types of human rights and groups of people who may need special protection because they are vulnerable or suffer discrimination.** Women and children are two groups with special protection measures.

Vulnerable groups include:

- **Refugees**
- **Internally displaced persons** – people who have fled from their homes because of armed conflict, persecution, human rights violations or natural disasters
- **Minorities** - groups with common ethnicity, religion or language different from the majority population
- **Detainees** - persons in detention, awaiting trial or serving a judicial sentence
- **Persons with disabilities** - people injured or maimed, or with physical or mental disabilities
- **Migrant workers**
- **Women, children and the elderly**

Slide 11



**Key Message:** IHRL is in the UN Charter and other international treaties and conventions.

**The International Bill of Human Rights is the cornerstone document for human rights. It has three parts:**

1. **The Universal Declaration of Human Rights (UDHR) - adopted in 1948**
2. **The Covenant on Economic, Social and Cultural Rights**
3. **The Covenant on Civil and Political Rights**

The UN Charter and the International Bill of Human Rights, together, underscore that human rights and fundamental freedoms are universal, guaranteed to everybody. All human beings are:

- Born free and equal
- Endowed with reason and conscience
- To act towards one another in a spirit of brotherhood

The Charter commits all Member States to promote, respect and follow human rights and fundamental freedoms for all, without distinction by race, sex, language or religion (Articles 1 and 55).

**Other human rights treaties supplement the International Bill of Human Rights. These focus on specialized areas,** for example the prevention of genocide and torture and protection of vulnerable groups.

Examples of human rights instruments that address specific issues are:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

## International Humanitarian Law

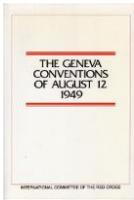
### Slide 12



**International Humanitarian Law**

What is International Humanitarian Law?

- “Law of war” or “law of armed conflict”
- **Applies in times of armed conflict**
- Limits negative impact of armed conflict and reduces suffering during war



**Key Message:** International Humanitarian Law (IHL) is known as the “law of war” or the “law of armed conflict”. The goal is to limit the negative impact of armed conflict and to lessen suffering during war. It applies in times of armed conflict.

“Armed conflict” refers to **both international and non-international armed conflicts**. **International armed** conflict involves two or more opposing states. **Non-international** or **internal armed conflict** involves one or more states against organized non-state armed groups, or conflict between such groups.



*Remind learners of the terms “inter-state conflict” and “intra-state conflict”. Point out that these terms can be used interchangeably with the terms “international armed conflict” and “non-international or internal armed conflict”, which are specific to IHL.*

**IHL protects those who do not engage in hostilities, or who are no longer doing so.** This includes civilians, the wounded, prisoners, medical personnel and humanitarian workers. It **upholds fundamental rights** of civilians, victims and non-combatants in an armed conflict.

**IHL also restricts the means and methods of warfare.** IHL does not allow use of certain weapons because they cause undue suffering. An example is incendiary weapons – weapons that cause fire. IHL outlaws certain methods of warfare, such as pretending to be a Red Cross or Red Crescent humanitarian worker to trick enemies.

**Rules of IHL bind all parties to a conflict.** IHL applies only in armed conflict. It does not cover internal tensions or disturbances such as isolated acts of violence. The law applies when a conflict starts, and then equally to all sides, regardless of who started fighting.



Consider Learning Activity 1.4.5 to introduce the Essential Rules of IHL.

**Slide 13**



### Essential Rules of IHL

1. Civilian targets cannot be attacked. Attacks only against military objectives.
2. Civilians and anyone no longer taking part in hostilities must be respected and treated humanely.
3. Anyone who surrenders or stops fighting (e.g., wounded) cannot be killed.
4. Torture is prohibited at all times and in all circumstances.

**Key Message:** These are the Essential Rules of IHL.

**Slide 14**



### Essential Rules of IHL (cont.)

5. Captured combatants and civilians must be respected and protected.
6. It is forbidden to use weapons or methods of warfare that are likely to cause excessive injury or unnecessary suffering.
7. Wounded and sick must be collected and cared for.
8. Medical personnel and medical establishments, transport and equipment must be respected and protected.

**Key Message:** These are the Essential Rules of IHL.

Slide 15



Essential Rules of IHL (cont.)

9. The Red Cross, Red Crescent and Red Crystal emblems are signs of protection and must be respected.
10. Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.



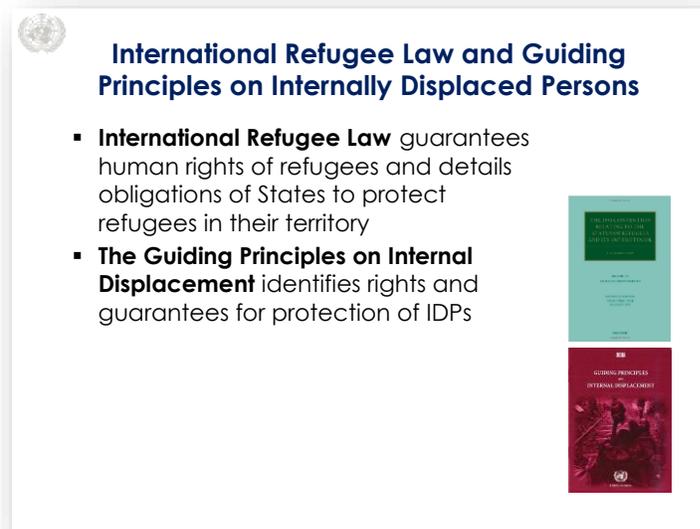
**Key Message:** These are the Essential Rules of IHL.



*The rules make reference to the “Red Cross, Red Crescent and Red Crystal emblems”. Depending on the knowledge of the learners, they may benefit from a quick reminder about what this means. Be ready to quickly clarify details on the International Red Cross and Red Crescent Movement and the emblems.*

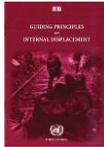
## International Refugee Law & Guiding Principles on Internally Displaced Persons

### Slide 16



**International Refugee Law and Guiding Principles on Internally Displaced Persons**

- **International Refugee Law** guarantees human rights of refugees and details obligations of States to protect refugees in their territory
- **The Guiding Principles on Internal Displacement** identifies rights and guarantees for protection of IDPs



**Key Message:** UN peacekeeping ensures the special protection of certain groups because of their vulnerability. Another important part of the legal framework for UN peacekeeping is International Refugee Law and the Guiding Principles on Internally Displaced Persons.

International Refugee Law **defines a refugee as a person who has:**

- **Fled his or her country**
- Crossed in international border
- Lives in a different country and
- Cannot return home because of probable persecution – based on race, religion, nationality, political opinion or membership in a particular group

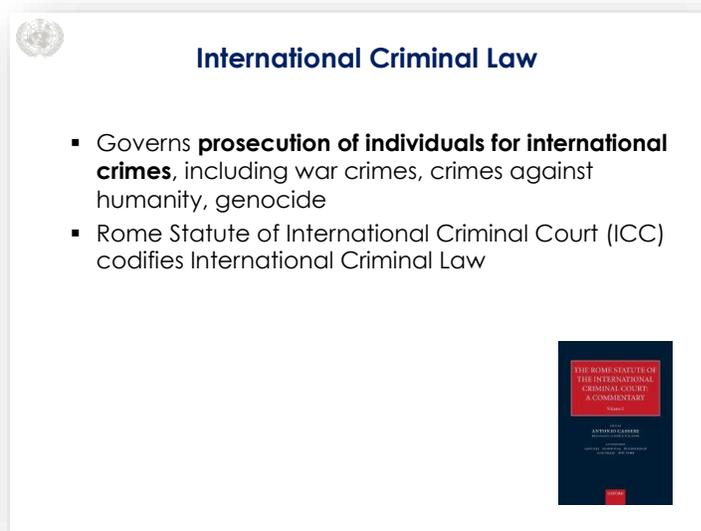
Internally displaced persons (IDPs) **have also fled their homes and cannot return, but they have not crossed an international boundary.**

**International Refugee Law guarantees the human rights of refugees and spells out States' obligations to protect refugees living in their territory.**

**The Guiding Principles on Internal Displacement identify rights and guarantees for protection of IDPs.**

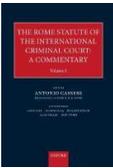
## International Criminal Law

### Slide 17



**International Criminal Law**

- Governs **prosecution of individuals for international crimes**, including war crimes, crimes against humanity, genocide
- Rome Statute of International Criminal Court (ICC) codifies International Criminal Law



**Key Message:** Peacekeeping personnel must uphold International Law. International Criminal Law governs prosecution of individuals for international crimes, including war crimes, crimes against humanity and genocide.

**The Rome Statute of the International Criminal Court (ICC) lists or “codifies” International Criminal Law.** It came into force on 1 July 2002. The Statute defines the most serious crimes of international concern – genocide, crimes against humanity, war crimes and the crime of aggression.

States have an obligation to:

- Prosecute or extradite (hand over) individuals accused of international crimes
- Cooperate with international criminal tribunals in the prosecution of such individuals, where applicable

The Rome Statute also set up the ICC. The ICC is a permanent, treaty-based, international criminal court.

It complements the State’s obligation to prosecute individuals for international crimes of genocide, crimes against humanity and war crimes. It has the mandate to prosecute perpetrators of these most serious crimes if they occurred after 1 July 2002. The ICC is a court of last resort.



*Learners may require clarification on the difference between the UN and the UN principal organ, the International Court of Justice (ICJ). Be prepared to explain the difference.*

**War Crimes:** War crimes are **serious violations of IHL, committed as part of a plan or policy on a large scale**. These occur **in international and non-international armed conflict**.

War crimes include:

- Murder
- Torture or inhumane treatment
- Taking of hostages
- Intentionally directing attacks against the civilian population
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals
- Pillaging – in other words, robbery using violence
- Rape, sexual slavery, forced pregnancy or any other form of sexual violence
- Conscripting or enlisting children under the age of 15 years into armed forces or armed groups to participate in hostilities

**Crimes Against Humanity:** Crimes against humanity are **serious crimes committed as part of a widespread or systematic attack against civilians** where the perpetrator has **knowledge of the attack**. Crimes against humanity occur **in and out of armed conflict**.

Crimes against humanity include:

- Murder
- Torture
- Rape or other sexual violence
- Enforced disappearances
- Extermination
- Slavery
- Forced transfer of populations

**Genocide:** Genocide refers to any of the following acts committed with the intent to **destroy**, in whole or in part, **a national, ethnic, racial or religious group**:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group

## Additional Aspects of the Legal Framework

### Slide 18



#### Additional Aspects of the Legal Framework

- Security Council mandate
- National law of host country
- MOU between UN and T/PCCs
- SOMA or SOFA
- The Convention on the Privileges and Immunities of the UN of 1946
- UN Internal Rules, Regulations and Guidance



#### Key Message: Additional legal documents include:

- Security Council mandate
- National law of the host country
- Memorandum of Understanding (MOU) between the UN and the TCC/PCC
- Status of Mission Agreement (SOMA) or Status of Force Agreement (SOFA)
- *The Convention on the Privileges and Immunities of the UN of 1946*
- UN Internal Rules, Regulations and Guidance

#### Security Council Mandate: To recap:

- A Security Council mandate gives international legitimacy to the presence of a peacekeeping operation in a country
- The mandate is the legal basis for all actions or tasks the operation undertakes, including use of force
- **The mandate sets out the tasks of a UN peacekeeping operation and the total number of personnel for completing the tasks**
- **Mandated tasks link with international law and peace agreements**

**National law of the host country:** It is important that peacekeepers respect and **follow the national laws of the host country.**

**MOU between the UN and the TCC/PCC:** The MOU is a legal agreement. It details:

- 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**

- Obligations of TCCs/PCCs, commanders, troops and police for **prevention of sexual exploitation and abuse** in UN peacekeeping operations (since 2007)

**Status of Mission Agreement or Status of Force Agreement:**

- In peacekeeping operations **with armed personnel**, the UN has a SOFA with the host country. SOFA applies to all military, civilian and police.
- For UN peacekeeping operations (or SPMs) **with only unarmed personnel**, the UN has a SOMA, which also applies to all mission personnel.
- These **legal agreements give “functional immunity” to all peacekeeping personnel. They cover military and police who are not UN staff.** The *Convention on Privileges and Immunities of the UN* gives details.
- The agreements define the legal status and arrangements for:
  - The UN's use of facilities, transportation and other equipment and communications
  - Freedom of movement in the country
- They include a mechanism to resolve disagreements on these issues between the host country and the UN

**The Convention on the Privileges and Immunities of the UN of 1946:**

- The *Convention on the Privileges and Immunities of the UN of 1946* gives legal status to the UN and subsidiary bodies. It provides **certain privileges and immunities to the UN and its officials to fulfil the Organization's purpose and allow personnel to do their jobs without interference.**
- The Convention covers immunity from the legal process for words spoken or written and actions taken in an official capacity. 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 the immunity** of any official or expert in any case where, in her or his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of the UN. There are serious consequences to all involved when it comes to misconduct.

**UN Internal Rules, Regulations and Guidance:**

- More detailed guidance to peacekeepers is in UN and mission directives and rules. These include UN rules and regulations on **conduct and discipline of peacekeepers.** This is covered in later lessons.

## Summary

### Key documents included in the legal framework for UN peacekeeping operations

- The legal framework for UN peacekeeping operations includes:
  - International Law, including the UN Charter, International Human Rights Law, International Humanitarian Law, International Refugee Law and International Criminal Law
  - Security Council mandates
  - National law of the host country
  - MOU between the UN and the TCCs/PCCs
  - SOMA or SOFA
  - ROE and DUF
  - Convention on the Privileges and Immunities of the United Nations of 1946
  - UN Internal Rules, Regulations and Guidance

### Definition of human rights

- “Human rights” are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

### Examples of human rights protected under International Human Rights Law (IHRL)

- Human rights protected under IHRL include civil, political, economic, social and cultural rights.
- Examples of civil and political rights include the right to:
  - Life
  - Freedom from torture
  - Protection from discrimination
  - Freedom of expression
  - A fair trial
  - Not to held in slavery
- Examples of economic, social and cultural rights include the right to:
  - Join a trade union
  - Education
  - Food
  - Housing and medical care
  - Social security and work

- Equal pay for equal work

### **Individuals protected by International Humanitarian Law (IHL)**

- IHL protects those who do not engage in hostilities, or who are no longer doing so. This includes civilians, the wounded, prisoners, medical personnel and humanitarian workers. It upholds fundamental rights of civilians, victims and non-combatants in an armed conflict.

### **The essential rules of IHL**

- The main rules of IHL are found in the Geneva Conventions of 1949 and their two Additional Protocols of 1977, as well as in rules regulating means and methods of combat
- The Essential Rules of International Humanitarian Law are:
  - Civilian targets cannot be attacked. Attacks are to only be against military objectives.
  - Civilians and others no longer taking part in hostilities must be respected and treated humanely.
  - Anyone who surrenders, stops fighting or is wounded cannot be killed.
  - Torture is prohibited at all times and in all circumstances.
  - Captured combatants and civilians must be respected and protected.
  - Weapons or methods of warfare likely to cause excessive injury or unnecessary suffering are prohibited.
  - Wounded and sick must be collected and cared for.
  - Medical personnel and medical establishments, transport and equipment must be respected and protected.
  - The Red Cross, Red Crescent and Red Crystal emblems are signs of protection and must be respected.
  - Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.

## Learning Activities

Detailed instructions for each learning activity may be found below. Here is an overview of learning activities for the instructor to choose from:

Number	Name	Methods	Time
1.4.1	Mandates and International Law	Discussion – pairs, small group, plenary	45 minutes
1.4.2	Peacekeeping Mandates and the UN Charter	Mix and match exercise	15 minutes
1.4.3	Definitions – “mandate”, “resolution”...	Guided group discussion, pooling group knowledge	10-30 minutes, depending on number of definitions ( <i>may do in parts</i> )
1.4.4	International Human Rights Law	Brainstorm	10-20 minutes
1.4.5	Essential Rules of International Humanitarian Law – Who should be protected?	Pictures and video, discussion	25-30 minutes

## 1.4.1 Mandates and International Law

*Note on Use: this activity is useful following presentation of lesson 1.4 content on international law.*

### Method

Discussion – pairs, small group, plenary

### Purpose

To help learners become familiar with how mission mandates link with international law

### Timing

45 minutes

Establish groups and introduce activity 5 minutes

Paired or small group discussion 25 minutes

Plenary discussion and debrief 15 minutes

### Preparation

- Decide how you want to create discussion teams – pairs, groups of 3, table groups, or small groups. Each group should have not more than six people.
- Based on the number of discussion teams, choose mission mandates for the exercise. Use mission mandates from an earlier exercise, if you have them. This has the advantage of participants already being familiar with them. In this activity, leaders will reconsider mandates in relation to international law.
- Download mission mandates from:  
<http://www.un.org/en/sc/documents/resolutions/>

You must know the start year, country and resolution reference details for the mission you wish to search for. For this information, identify the name of the mission using the following links:  
<http://www.un.org/en/peacekeeping/operations/current.shtml>;  
<http://www.un.org/en/peacekeeping/operations/past.shtml>

### Instructions

1. Organize participants into discussion teams.
2. Introduce the activity. Hand out mission mandates, or ask participants to use ones from a previous exercise.
3. Ask participants to reflect on what they have learned about international law, as they read over the mandate. Then move to discussion.
4. The guiding question for discussion is: *What links exist between international law and the mission mandate?* Encourage people to make as many links as possible, and be ready to share them in plenary discussion.

5. Draw people back to the large group after 20-25 minutes. Monitor the groups. Move to a large group discussion sooner if groups run out of links.

***Examples of links between international law and mission mandates***

Security Council mandates detail tasks which link to international law. These cross-cutting thematic tasks are assigned on the basis of landmark Security Council resolutions.

In particular, based on international law the resolutions strongly condemn:

- Torture
- Gender-based and sexual violence
- Violence against children
- The recruitment and use of child soldiers
- The trafficking of human beings
- The intentional denial of humanitarian assistance

More detail on cross-cutting thematic tasks and their Security Council resolutions are in Lesson 1.5, Security Council Mandates in Practice. Lessons on specific cross-cutting thematic tasks are also in Module 2.

## 1.4.2 Peacekeeping mandates and the UN Charter

### Method

Mix and match exercise – Charter chapters with links to peacekeeping

### Purpose

To reinforce participants' knowledge of the specific Chapters in the UN Charter with links to peacekeeping

### Timing

15 minutes

### Preparation

- Decide on the groups. This activity works well with table groups.
- Prepare sheets of paper for the matching exercise. Put one definition and one Chapter on each page. Decide what size of letters you want. Bigger type makes the exercise easier. Also, the results of the activity make better wall graphics to keep posted if they are large and readable – poster size. Make copies of definitions and Chapters for all groups. Put each group's sheets in a folder.
- Decide on a prize for the "contest" part of the learning activity – the prize goes to the group that first completes the matching exercise.

### Instructions

1. Introduce the activity as a mix-and-match contest. The group that finishes first gets a prize.
2. Not all participants may know Roman Numerals. Take a minute to explain what V, VI, VII and VIII mean - Chapters five, six, seven and eight.
3. Distribute the folders, cautioning people not to open them until you give the word.
4. Track the time, noting when each group finishes. Get all groups to finish.
5. Debrief the exercise. Confirm the matches. **Reinforce these key messages:**  
*"When the Security Council authorizes a peacekeeping operation, it does not have to refer to a specific chapter of the UN Charter. A peacekeeping operation's authority to use force is not linked primarily to an explicit reference to Chapter VII of the UN Charter."*  
Knowing the chapter references is part of knowing the legal authority for peacekeeping.
6. Invite questions, observations, comments.

## Support material for 1.4.2 Peacekeeping mandates and the UN Charter

<b>Chapter I of the UN Charter</b>	Establishes one of the main purposes of the United Nations: “to maintain international peace and security”
<b>Chapter V of the UN Charter</b>	Identifies the Security Council as having “ ... primary responsibility for the maintenance of international peace and security ...”
<b>Chapter VI of the UN Charter</b>	Outlines a range of peaceful measures available to the Security Council for peace and security.
<b>Chapter VII of the UN Charter</b>	Outlines coercive measures (use of force): “ ... The Security Council ... may take such action by air, sea, or land forces as may be necessary ...”
<b>Chapter VIII of the UN Charter</b>	Deals with “regional arrangements” - provides for involvement of regional partners in maintaining international peace and

	security
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### 1.4.3 Core definitions – “mandate”, “resolution”, “treaty”, “convention”, “law”, “charter”

*Note on Use: Consider adapting this activity for different points in a course. Some groups may find it useful to start this activity in an earlier session. You may want to introduce it as a theme. Be guided by learning gaps, needs and progress.*

#### **Method**

- Guided group discussion, pooling group knowledge

#### **Purpose**

- To define basic terms, drawing on what participants know; reinforce common understanding; and give the instructor an opportunity to clarify any confusion

#### **Timing**

- 10 – 30 minutes, depending on the number of core definitions brainstormed at one time

#### **Preparation**

- Decide how you want to use this exercise – once, or as a repeating theme. Both ways are effective. Select terms you want to use at each stage.
- Review basic definitions of key terms. Note examples of each from peacekeeping to share with participants, particularly ones that have already been named in the course.
- Prepare flip-chart sheets, one for each term being discussed. Put terms in the middle of sheets, to record points from discussion. Put flip-chart stands at the front. Alternatively, use whiteboard or blackboard.

#### **Instructions**

1. Introduce the activity. Many words and terms are used in UN peacekeeping. Knowing the specific meanings and difference between basic definitions can help people absorb related information better. This discussion will collect what people know, and build on it. The process is one of learning together.
2. Start with the first word/term.
  - Ask the group to define it.
  - Note first points made on the flip-chart, and encourage others to add points. Note those as well.
  - Clarify, add to and confirm the definition of each word/term before you go on to the next.
3. Move through the words/terms selected, following the same cycle.

4. Monitor participation in the exercise and indications of engagement. Check with learners who seem unclear. They may have trouble absorbing content and will benefit from an encouraging word.

**Support for 1.4.3. Core definitions - “mandate”, “resolution”, “law”, “international law”, “treaty”, “customary international law”, “charter”, “authority” – as these apply in peacekeeping**

Please note: definitions are from a number of different web sites. The points are not fully comprehensive. Participants may raise other definitions.

<p><b>Mandate</b></p>	<p><b>Noun</b></p> <ul style="list-style-type: none"> <li>• A command, official order, authorization or commission to do something</li> <li>• The power to act</li> <li>• Authority to take a course of action, implement a policy</li> </ul> <p><b>Verb</b></p> <ul style="list-style-type: none"> <li>• To give something or somebody authority to act in a certain way</li> </ul> <p><i>(Note: a body has to exist to give the mandate and authority. <b>For peacekeeping, the Security Council issues a mandate.</b>)</i></p>
<p><b>Resolution</b></p>	<p><b>Noun</b></p> <ul style="list-style-type: none"> <li>• A firm decision to do or not do something</li> <li>• A formal expression of an opinion or intent made by a formal organization, usually after voting</li> </ul> <p><i>(Note: <b>the UN Security Council passes resolutions that contain mandates.</b>)</i></p>
<p><b>Treaty</b></p>	<ul style="list-style-type: none"> <li>• A formal agreement between two or more states on peace, alliance, commerce, other international relations</li> <li>• An agreement under international law – i.e. sovereign nations (UN Member States) and international organizations</li> <li>• A binding instrument by which governments can be held accountable</li> <li>• Other terms:             <ul style="list-style-type: none"> <li>- An international agreement</li> <li>- Protocol</li> <li>- Covenant</li> <li>- Convention</li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>- Pact</li><li>- Exchange of letters</li></ul> <p><i>(Note: <b>The UN Charter is the foundational treaty of the United Nations.</b>)</i></p>
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<p><b>Law</b></p>	<ul style="list-style-type: none"> <li>• A system of rules to govern behavior enforced through social institutions</li> <li>• Principles and rules established by an authority (usually a Government) to apply to its people – legislation, customs, policies recognized and enforce by judicial decision</li> <li>• Binding customs or practices of a community – enforced by a controlling authority</li> </ul> <p><i>(Note: <b>Peacekeeping operations follow different kinds of law and agreements: international law, the UN Charter, national law.</b>)</i></p>
<p><b>International Law</b></p>	<ul style="list-style-type: none"> <li>• The body of rules governing the relationships between states and between individuals. It grants specific rights to individuals. It imposes duties and obligations on states, individuals, and groups. International law is globally recognized and accepted.</li> <li>• The primary sources of International Law are: (1) treaties; and (2) customary international law.</li> <li>• Under international law, a state must be sovereign – with a territory, a population, a government, and ability to engage in diplomatic or foreign relations (a “sovereign state” is one that is “completely and independently controlled by its own government” )</li> </ul> <p><i>(Note: <b>International law applies to all peacekeeping contexts and operations. UN peace operations are subject to the norms and standards of international law. Many international treaties and conventions have a direct bearing on either the status of a peace operation, its personnel or the activities that it conducts in a mission area. Human rights law and humanitarian law are international law.</b>)</i></p>
<p><b>Charter</b></p>	<ul style="list-style-type: none"> <li>• a written grant by a country’s legislative or sovereign power, which creates an institution and defines its rights and privileges</li> <li>• a document that outlines conditions under which a corporate body is organized and defines its scope</li> <li>• a written contract – a grant or guarantee of rights and privileges from the sovereign power of a state or country</li> </ul> <p><i>(Note: <b>The Charter of the United Nations is agreed to</b></i></p>

	<p><i>by its members, Member States. (45 at founding in 1945, 193 in 2015).)</i></p>
<p><b>Authority</b></p>	<ul style="list-style-type: none"> <li>• the power or right to give orders, make decisions and enforce obedience</li> <li>• the power or right to direct and control others</li> <li>• the power to determine, adjudicate, settle issues or disputes</li> <li>• jurisdiction, the right to control, command or determine</li> <li>• a power or right delegated</li> <li>• the right to exercise power given by the State (government, judges, police officers)</li> </ul> <p><i>(Note: <b>The Security Council has the authority from the Member States to pass resolutions on peace and security including peacekeeping mandates.</b> Close links exist between the different terms.)</i></p>
<p><b>Customary International Law</b></p>	<ul style="list-style-type: none"> <li>• Rules that come from a general practice accepted as law and that exist independent of treaty law.</li> </ul> <p><i>(Note: <b>While the Universal Declaration of Human Rights is not itself a binding treaty, some of its provisions have the character of customary international law. Slavery, extra-judicial killing, torture, prolonged arbitrary detention, genocide are examples of customary international laws that are also covered by formal international laws.</b>)</i></p>

### 1.4.4 International human rights law

*Note on Use: Lesson 2.2 in Module 2 covers more depth on human rights. Specific points in this introduction in Module 1 link to human rights law, part of international law, as it applies to peacekeeping. This exercise is short. It can start a lesson or be an interactive break part-way through the lesson, to keep people engaged. It can summarize a lesson, and help assess learning.*

#### **Method**

Brainstorm, pool knowledge of the group

#### **Purpose**

To establish basic knowledge of a) what human rights are and b) examples of human rights as part of international law as it applies to peacekeeping

#### **Time**

10 – 20 minutes

12 minutes – brainstorm before presentation

8 minutes – debrief after presentation

#### **Preparation**

- Prepare flip chart sheets for the exercise. Put the sheets on flip chart stands at the front of the room.
- Write “Human Rights” at the centre of one flip-chart sheet. Write “Examples” in the centre of another, and “Human Rights Law” on a third.
- You may want to refer back to “hurricane thinking” brainstorming guidance in Lesson 1.1..

#### **Instructions**

1. Introduce the activity. People have different ideas about human rights. The purpose of the exercise is to start the coverage of human rights law with what the group already knows. The brainstorm follows a sequence of three questions.
  - 1.1) *What are human rights?*
  - 1.2) *What are examples of human rights?*
  - 1.3) *What is human rights law?*
2. Start with the first question: *What are human rights?* Prompt the group if needed. If people give examples of human rights, identify them as examples and write them on that flip-chart, then draw attention back to *defining what they are*. This is not easy. Move to the second question when the group has no more input.

3. The second question: *What are examples of human rights?* Be ready to prompt. *What about ... ?* Few groups will be able to identify all human rights.
4. The third question: *What is international human rights law?*
5. Do not debrief the brainstorm right away.
  - Present the information in Lesson 1.4.
  - After the presentation, come back to the brainstormed points on flipcharts. Ask people what they can add. Use a different colour of pen to add new points. (Additional points should cover specifics on the Universal Declaration of Human Rights, the two Covenants; specialized human rights treaties. It may help learning to check understanding and explain key words and terms, such as covenants, treaties.)
  - Ask a fourth question: How does international human rights law apply to peacekeeping? Reinforce two main points:
    - a) **international human rights law applies in war, in peace and applies to all human beings;**
    - b) **all peacekeepers need to know about human rights and apply that understanding when they are deployed.**
  - Close the exercise and the session. Emphasize the point that **human rights are every UN staff person's responsibility**. They are not distant from peacekeepers. Human rights influence many parts of their work: later lessons go into more detail. Refer participants to the Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr/>

Support for 1.4.4 Human rights law

<p><b>Human rights</b></p>	<ul style="list-style-type: none"> <li>• <b>Inherent to all human beings</b> – all people are equally entitled to human rights without discrimination</li> <li>• <b>Apply across all considerations:</b> nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or <i>any other status</i></li> <li>• <b>Universal</b> – every person holds them</li> <li>• <b>Indivisible</b> – they cannot be separated: different rights support each other</li> <li>• <b>Always apply</b> – no-one can take away a person’s human rights (i.e. people may violate a person’s human rights, but they are committing a crime)</li> </ul>
<p><b>Examples of human rights</b></p>	<p><b>CIVIL AND POLITICAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to be free from torture</li> <li>• Right to be protected from discrimination</li> <li>• Right to freedom of expression</li> <li>• Right to a fair trial</li> <li>• Right not to be held in slavery</li> </ul> <p><b>ECONOMIC, SOCIAL AND</b></p>

	<p><b>CULTURAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>• Right to join a trade union</li> <li>• Right to education</li> <li>• Right to food</li> <li>• Rights to housing and medical care</li> <li>• Rights to social security and to work</li> <li>• Right to equal pay for equal work</li> </ul>
<p><b>International human rights law</b></p>	<ul style="list-style-type: none"> <li>• <b>International law that protects fundamental human rights</b> of every individual, at all times</li> <li>• <b>Applies in war and peace, and to all human beings</b></li> <li>• <b>Protects vulnerable groups</b> – refugees, internally displaced persons, minorities, detainees, persons with disabilities, migrant workers, women children and the elderly</li> <li>• <b>International Bill of Human Rights, cornerstone of human rights, has 3 parts:</b> <ol style="list-style-type: none"> <li>1. <b>Universal Declaration of Human Rights (UDHR); plus</b></li> <li>2. <b>Two covenants – Covenant on Economic, Social and Cultural Rights and Covenant on Social and Political Rights</b></li> </ol> </li> <li>• <b>Many specialized human rights treaties</b> – on genocide, refugees,</li> </ul>

	<p>torture, racial discrimination, children's rights, trafficking, disappearances, discrimination against women</p> <ul style="list-style-type: none"> <li>• <b>UN Charter and UDHR reinforce that human rights are universal</b></li> </ul>
<p><b>Application to peacekeeping</b></p>	<ul style="list-style-type: none"> <li>• <b>International human rights law apply in peace and in conflict.</b> No situation exists where these do not apply.</li> <li>• <b>Violations of human rights need to be reported.</b> Different missions manage human rights violations in different ways. In-mission briefing will cover this.</li> <li>• <b>As ambassadors of the United Nation, peacekeepers need to keep high standards of respect for human rights.</b></li> <li>• <b>This respect applies to personal behaviour as well as on the job of peacekeeping.</b> The UN expects the same high standards 24 hours a day, in private and professional life.</li> </ul>

## 1.4.5 Essential Rules of International Humanitarian Law – Who should be protected?

*Note on Use: This learning activity is also relevant for the Lesson on the Protection of Civilians (POC) in Module 2.*

### Method

Pictures and video

### Timing

25 – 30 minutes

### Purpose

To deepen learner understanding of how international humanitarian law (IHL) is used to protect civilians in armed conflict, focusing on the principle of distinction between (a) combatants and civilians, and (b) civilian objects and military objectives.

### Preparation

- Select images / photos and videos to use for this exercise. See Part A and B below to decide on which ones. Examples are included in these instructions.
- 
- Decide on the order of the images / photos and videos. Decide whether the images will be projected or handed out on sheets of paper. This activity is better delivered to the group as a whole – consider distributing printed copies amongst smaller groups. Review the 10 Essential Rules of IHL listed in Lesson 1.4.
- Review the 'principle of distinction': [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1)

### Instructions

1. Project the images, first for Part A, and then for Part B of this activity.
2. Ask participants questions for the images under Part A, and then Part B. They are questions focusing on the principle of distinction, to distinguish civilians and civilian objects. Prompt responses if they do not come naturally.
3. Emphasise the Essential Rules of IHL.
4. In closing, ask the question: "Why is it important for those involved in fighting to follow the Essential Rules of IHL?" Learners may come up with moral and ethical arguments as to why these rules should be followed, focusing on the protection of civilians.
5. End with these key messages:

- (a) Making rules which require those involved in fighting to distinguish between combatants and civilians, and civilian objects and military objectives, will protect and limit the suffering of civilians (the principle of distinction).
  - (b) IHL protects those who do not engage in hostilities, or who are no longer doing so. This includes civilians, the wounded, prisoners, medical personnel and humanitarian workers. It upholds fundamental rights of civilians, victims and non-combatants in an armed conflict.
  - (c) The nature of warfare today means that the distinction between civilian and combatant is not self-evident or stable. In case of doubt whether a person is a civilian, that person should be considered a civilian.
6. Invite participants to share observations about international humanitarian law as it applies to current events.

### **PART A: Protecting Civilians**

Pictures: Civilian/combatants – including uniformed and non-uniformed persons carrying arms, child soldiers, the vulnerable, and the wounded.

Question 1: Who are the civilians? Who are the combatants? How do you distinguish between civilians and combatants?

- Discuss use of uniforms and clearly displaying weapons, etc. Combatants may wear uniforms and carry their arms openly. They may be armed with guns, tanks, and other weapons. The nature of warfare has changed, with different armed actors. Combatants include trained soldiers, as well as insurgents or guerrillas. Ask whether it is easy to identify combatants and civilians in all cases, referring to pictures with non-uniformed individuals carrying arms (issue of civilians armed for self-defense). Also note the sex and maturity of combatants.
- The term 'civilian' refers to any person who is not or is no longer directly participating in hostilities or other acts of violence. This definition implies that civilians may be in the possession of arms, without necessarily having a status of 'combatant'. Under IHL, civilians who are in the possession of arms for example for the purpose of self-defence and/or the protection of their property but who have not been, or are not currently engaged in 'hostilities' are entitled to protection.
- Civilians are only protected as long as they do not participate in hostilities. Civilians lose their protection from attack for as long as they participate in hostilities.
- Distinction between civilians and combatants is difficult, especially when insurgents or guerrillas live among the civilian population, or are used as "human shields" (i.e. when civilians or other protected persons are used to shield military objects). In case of doubt whether a person is a civilian, that person should be considered a civilian.

Question 2: What might be the consequences of the distinction between civilians and combatants not being clear?

- Where fighters hide among civilians and pretend to be civilians, they put the civilian population at risk of attack.
- In a situation where civilians are attacked, the combatants that carry out that attack bear responsibility for this violation of IHL and can be criminally prosecuted for it. However, one must remember the fighters hiding among the civilian population are abusing the protection civilians enjoy and, therefore, also bear a degree of responsibility for any civilian casualties.

Question 3: Why is it important to protect civilians?

- During armed conflict, civilians are often unintentionally wounded or killed (civilian casualties). Civilians are harmed by accident, as an unintended consequence of the chaos of hostilities, but they are also increasingly deliberately targeted. Civilians are victims of war and need to be protected.
- Discuss vulnerable individuals and groups. Peacekeepers must pay specific attention to the protection needs of individuals or groups most vulnerable to, or most likely to be the target of violence. These tend to include girls and boys, women, minority groups (e.g. ethnic or religious), refugees, internally displaced, persons with disabilities, the wounded and the elderly.
- Targeting civilians is a war crime.

Question 4: Should combatants be protected in certain situations?

- Discuss combatants who are injured, unable to fight and requiring medical attention. Discuss prisoners and detainees who are in the hands of the party they were just fighting.
- All combatants have a right to protection once they are “out of the fight”. This could be when they are wounded, surrendering or taken prisoner, and they abstain from participation in hostilities or attempts to escape.
- Well-known symbols and signs used to express an intention to surrender or negotiate include placing your hands up or using the white flag.

Emphasise these specific Essential Rules of IHL:

1. Civilian targets cannot be attacked. Attacks are to only be against military objectives.
2. Civilians and others no longer taking part in hostilities must be respected, treated humanely.
3. Anyone who surrenders or stops fighting, or is wounded, cannot be killed.
4. Torture is prohibited at all times and in all circumstances.
5. Captured combatants and civilians must be respected and protected.

6. Weapons or methods of warfare likely to cause excessive injury or unnecessary suffering are prohibited.
10. Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.

### **PART B: Protecting Humanitarian Activities (medical facilities and personnel)**

Pictures: Red Cross, Red Crescent and Red Crystal emblems on vehicles/buildings – including a variety of examples of protected facilities, with the wounded, medical personnel, and members of the International Red Cross and Red Crescent Movement

Question 1: What are the emblems? Why are the emblems on the vehicles/buildings?

- Against a white background, the red cross, red crescent and red crystal symbols or “emblems” represent the impartial humanitarian assistance provided to those who are suffering.
- The emblems are generally used to protect:
  1. the medical services of the armed forces
  2. civilian hospitals in war time
  3. the sick and wounded
  4. The International Red Cross and Red Crescent Movement – which includes National Red Cross or Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies, and the International Committee of the Red Cross (ICRC).
- Protection covers medical personnel, establishments, transportation and equipment.

Question 2: Why should humanitarian activities be protected in armed conflict?

- Break down this general question into specific ones: Why should ambulances and vehicles carrying the wounded be protected? Why should medical personnel such as doctors and nurses be protected?
- From an ethical point of view, it is reasonable to want to protect those who are wounded in general. Civilians are protected under IHL so ambulances carrying them and hospitals should also be protected. Once wounded, injured or having surrendered, combatants are “out of the fight” and may no longer be made the object of attack (provided they do not participate further in hostilities).
- Ambulances and medical personnel need to be able to gain access to conflict areas to carry out their humanitarian activities, so it is especially important that they are protected from attack. This includes military medical personnel. Medical personnel are there to alleviate the suffering of the wounded. Targeting them would be inhumane and would serve no military purpose.
- Members of the Red Cross and Red Crescent Movement and the International Committee of the Red Cross (ICRC) who are giving humanitarian aid or otherwise helping in a country must also be protected.

- According to IHL, it is a war crime to knowingly fire at a medic wearing a clear emblem during armed conflict.
- Peacekeepers are tasked to create a safe and secure environment within which humanitarian actors can operate.

Question 3: Why is it important to not misuse the emblems, for example, to ambush soldiers?

- The red cross, red crescent and red crystal emblems are used to protect humanitarian activities, including the wounded, medical facilities, and medical personnel.
- It must be possible for civilians and combatants to trust the neutrality and impartiality of the emblems. For this reason, unauthorised use is forbidden under both international and national law. Misuse of the emblems is punishable as a war crime.
- The role of medical personnel is to help people and not to fight in the conflict. Misuse of the emblems puts those offering assistance (such as Red Cross personnel and medical personnel) at risk.
- If the wounded can be helped, then suffering as a result of armed conflict can be limited. Misuse of the emblems also puts civilians who are suffering at risk.

Question 4: What else should be protected?

- Examples of civilian objects to be protected under IHL include medical facilities (e.g. hospitals), other facilities necessary for the survival of the civilian population (e.g. foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works), objects that contain dangerous forces (i.e. if attacked, might cause excessive harm to the civilian population such as nuclear and chemical plants, dams etc.), and cultural property (e.g. schools, historic monuments, buildings dedicated to religion, art, science, or charitable purposes).

Emphasise these specific Essential Rules of IHL:

7. Wounded and sick must be collected and cared for.
8. Medical personnel and medical establishments, transport and equipment must be respected and protected.
9. The Red Cross, Red Crescent and Red Crystal emblems are signs of protection and must be respected.

Adapted from Red Cross Teaching Resource:

British Red Cross, "Justice and Fairness: Exploring justice and fairness as part of international humanitarian law" – Module 2: Conflict Lines

<http://www.redcross.org.uk/~media/BritishRedCross/Documents/What%20we%20do/Teaching%20resources/Teaching%20packages/Justice%20and%20fairness/Modulesp2sp-spconflictsplines.pdf>

**Support for 1.4.5 Essential Rules of International Humanitarian Law**

*Available as part of presentation slides for the lesson.*



## Learning Activity 1.4.5

Image A.1



UN Core Pre-Deployment Training Materials 2016

**Description:** Syrian refugee.



## Learning Activity 1.4.5

Image A.2



UN Core Pre-Deployment Training Materials 2016

**Description:** Congolese soldier.



## Learning Activity 1.4.5

Image A.3



UN Core Pre-Deployment Training Materials 2016

**Description:** Female child soldier in Myanmar.



## Learning Activity 1.4.5

Image A.4



UN Core Pre-Deployment Training Materials 2016

**Description:** Female soldier in the government army of the Democratic Republic of Congo.



## Learning Activity 1.4.5

Image A.5



UN Core Pre-Deployment Training Materials 2016

**Description:** Soldiers and civilians in Afghanistan.



## Learning Activity 1.4.5

Image A.6



UN Core Pre-Deployment Training Materials 2016

**Description:** Afghani child soldier.



## Learning Activity 1.4.5

Image A.7



UN Core Pre-Deployment Training Materials 2016

**Description:** Lord Resistance Army (LRA) rebels.



## Learning Activity 1.4.5

Image A.8



UN Core Pre-Deployment Training Materials 2016

**Description:** Liberian combatant.



## Learning Activity 1.4.5

Image A.9



UN Core Pre-Deployment Training Materials 2016

**Description:** Child soldiers released in South Sudan.



## Learning Activity 1.4.5

Image A.10



UN Core Pre-Deployment Training Materials 2016

**Description:** Women fighters turning in mortar shells during Liberia's disarmament and demobilization process.



## Learning Activity 1.4.5

Image B.1



UN Core Pre-Deployment Training Materials 2016

**Description:** UN peacekeeper and ICRC medical personnel, Port-au-Prince Prison, Haiti.



## Learning Activity 1.4.5

Image B.2



UN Core Pre-Deployment Training Materials 2016

**Description:** Members of the International Red Cross and Red Crescent Movement distributing aid in Cote D'Ivoire.



## Learning Activity 1.4.5

Image B.3



UN Core Pre-Deployment Training Materials 2016

**Description:** Red cross emblem at the front of a hospital, medical personnel with red cross emblem, and a wounded person.



## Learning Activity 1.4.5

Image B.4



UN Core Pre-Deployment Training Materials 2016

**Description:** Ambulance and medical personnel with red crescent emblem in Syria.



## Learning Activity 1.4.5

Image B.5



UN Core Pre-Deployment Training Materials 2016

**Description:** Medical personnel with red crescent emblem, carrying a wounded person.



## Learning Activity 1.4.5

Image B.6



UN Core Pre-Deployment Training Materials 2016

**Description:** Members of the International Red Cross and Red Crescent Movement with red cross, red crystal and red crescent emblems.



## Learning Activity 1.4.5

Image B.7



UN Core Pre-Deployment Training Materials 2016

**Description:** Air ambulance, medical personnel with red cross emblem, and a wounded person.



## Learning Activity 1.4.5

Image B.8



UN Core Pre-Deployment Training Materials 2016

**Description:** An ambulance with red crescent emblem fills with tear gas shot into it during a demonstration in the Al Ram East Jerusalem neighbourhood.



## Learning Activity 1.4.5

Image B.9



UN Core Pre-Deployment Training Materials 2016

This slide features a small UN logo in the top left corner. The main title is 'Learning Activity 1.4.5' in a bold, dark blue font. Below the title is the label 'Image B.9' in a green font. The central image shows a medical setting where a person with a prosthetic leg is being treated by medical staff. One staff member has a red cross emblem on their white coat. The background shows other patients and medical equipment. At the bottom, the text 'UN Core Pre-Deployment Training Materials 2016' is displayed.

**Description:** Medical personnel with red cross emblem treating an amputee in a hospital.



## Learning Activity 1.4.5

Image B.10



UN Core Pre-Deployment Training Materials 2016

This slide features a small UN logo in the top left corner. The main title is 'Learning Activity 1.4.5' in a bold, dark blue font. Below the title is the label 'Image B.10' in a green font. The central image shows two medical personnel in green uniforms with red cross emblems on their arms, kneeling on the grass and providing medical aid to a person lying on the ground. The background shows a green tent and other personnel. At the bottom, the text 'UN Core Pre-Deployment Training Materials 2016' is displayed.

**Description:** Norwegian medical personnel with red cross emblem during an exercise.

## Evaluation

**Notes on Use:** Four types of learning evaluation questions are:

- 1) True-False
- 2) Narrative
- 3) Fill in the blank/sentence completion
- 4) Call-and-Response/Mix-and-Match

Combine in different ways for pre-assessment and post-assessment. Each evaluation type covers different content. No sub-set covers all learning outcomes. Make sure you include learning evaluation questions for each learning outcome when you combine them.

Three main uses of evaluation questions are: a) informally ask the whole group, b) semi-formally assign to small groups or c) formally give to individuals for written responses.

Other suggestions for evaluating learning follow the table.

Evaluation Questions for Lesson 1.4	
Questions	Answers
<b>True-False</b>	
1. When a UN peacekeeping operation requires use of force, some specifics of international humanitarian law can be ignored.	<b>False</b> Under no circumstances and in no situation can peacekeeping personnel violate human rights or international humanitarian law.
2. Human rights law and humanitarian law cover the same content.	<b>False</b> Both are <i>international law</i> , but human rights law governs human rights; humanitarian law governs the conduct of armed conflict.
3. International law regulates peacekeeping activities and conduct.	<b>True</b> The list includes: <ul style="list-style-type: none"> <li>• UN Charter</li> <li>• International Human Rights Law</li> <li>• International Humanitarian Law</li> <li>• International Refugee Law</li> <li>• International Criminal Law</li> </ul>
4. International law guides peacekeepers in their official functions and their personal lives.	<b>True</b> Peacekeepers are expected to follow international law and UN values, rules and regulations 24 hours a day, at work and away from work. Respecting law and human rights limits negative impact of war and positively affects lasting peace.

<p>5. Each part of international law as it applies to peacekeeping is independent, stands on its own.</p>	<p><b>False</b> Different parts of the legal framework for UN peacekeeping reinforce each other. They stand together, and ensure that no important aspect of legitimacy is missing.</p>
<p>6. When the Security Council authorizes a peacekeeping mission, it must refer to a specific Chapter of the UN Charter.</p>	<p><b>False</b> No reference to a Chapter needs to be made. The UN discourages references to traditional missions as Chapter VI missions, and multidimensional missions as Chapter VII.</p>
<p>7. “Use of force” applies to all peacekeeping missions in the same way.</p>	<p><b>False</b> Each PKO has different tasks, capabilities and authority to use force. Guidance:</p> <ul style="list-style-type: none"> <li>• Specific wording of the mandate in the Security Council resolution</li> <li>• Mission’s Concept of Operations (CONOPS)</li> <li>• Rules of Engagement (ROE)</li> <li>• Directive on Use of Force (DUF)</li> </ul>
<p>8. International human rights laws apply in war and in peace.</p>	<p><b>True</b> International human rights law protects fundamental human rights of every individual at all times. International humanitarian law applies in war and conflict.</p>
<p>9. The International Bill of Human Rights has two main covenants that detail specific rights.</p>	<p><b>True</b> One is Covenant on Economic, Social and Cultural Rights. Another is Covenant on Civil and Political Rights. Together with the Universal Declaration of Human Rights, these three parts make up the International Bill of Human Rights.</p>
<p>10. The UN Charter commits all Member States to promote, respect and follow human rights and fundamental freedoms for all.</p>	<p><b>True</b> Articles 1 and 55 of the UN Charter binds all Member States with respect to human rights and fundamental freedoms without discrimination.</p>
<p>11. International humanitarian law (IHL) only applies to international conflicts.</p>	<p><b>False</b> IHL applies in times of armed conflict, both international and internal conflicts.</p>
<p>12. International humanitarian law does not cover isolated incidents of violence and internal tensions or disturbances.</p>	<p><b>True</b> IHL applies only in armed conflict. It binds all parties to a conflict and applies equally, regardless of who started the fighting.</p>
<p>13. The Geneva Convention of 1949 is a cornerstone of international humanitarian law.</p>	<p><b>True</b> The main rules of IHL are in the Geneva Conventions of 1949 and two Additional Protocols of 1977. Other rules regulate the means and methods of combat.</p>
<p>14. International Refugee Law identifies</p>	<p><b>False</b> The <i>Guiding Principles on Internal</i></p>

rights and guarantees relevant to the protection of Internally Displaced Persons (IDPs)	<i>Displacement</i> identify rights and guarantees relevant to protection of IDPs. International refugee law guarantees human rights of refugees and spells out State obligations to protect refugees living in a State's territory.
15. The Rome Statue of the International Criminal Court (ICC) codifies International Criminal Law.	<b>True</b> It governs prosecution of individuals for international crimes, including war crimes and crimes against humanity.
16. The Rome Statute of the International Criminal Court (ICC) which codifies international criminal law is younger (newer) than the Universal Declaration of Human Rights (UDHR).	<b>True</b> The Rome Statute of the ICC came into force on 1 July 2002. The Universal Declaration of Human Rights was adopted in 1948. This illustrates how different parts of law with application to peacekeeping have evolved.
17. War crimes are serious violations of international humanitarian law by a State.	<b>False</b> War crimes are serious violations of international humanitarian law <u>by an individual</u> . War crimes can occur in three circumstances: armed conflict a) between states, or b) between one or more states and organised non-state armed groups, or c) conflict between such groups.
18. Peacekeepers have to follow the national laws of a host country as well as international law.	<b>True</b> Peacekeepers follow national laws in a host country, as well as respect national customs and culture. These actions positively affect the credibility and legitimacy of peacekeeping.
19. The Status of Mission Agreement (SOMA) covers how the UN will reimburse governments for troops or loaned equipment.	<b>False</b> The Memorandum of Understanding (MOU) between the UN and the Troop Contributing Country (or Police Contributing Country) is the legal agreement that details <ul style="list-style-type: none"> <li>a) How the UN will reimburse governments for troops, formed police units or loaned equipment;</li> <li>b) Obligations of contributing governments to ensure appropriate quality personnel and equipment, and</li> <li>c) Obligations for prevention of sexual exploitation and abuse in UN peacekeeping operations, applying to Troop/Police Contributing Countries,</li> </ul>

	contingent commanders and troops. (Since 2007)
20. SOFA is the acronym for the legal agreement between the UN and Troop Contributing Countries in peacekeeping missions with armed personnel.	<b>True</b> The Status of Force Agreement (SOFA) is one example of the agreement the UN enters into with the host country. The other is the Status of Mission Agreement (SOMA). SOFA applies to missions with armed personnel. SOMA applies to missions without armed personnel.
21. UN peacekeepers are immune from legal process for a) words spoken or written and b) actions taken in an official capacity.	<b>True</b> The Convention on the Privileges and Immunities of the UN of 1946 gives legal status to the UN. It also gives certain privileges and immunities to UN officials. It covers immunity from personal arrest or detention. The Secretary-General can waive immunity of any official or expert whenever immunity would impede justice.
<b>Narrative</b> <i>Note: Frame narrative evaluations as questions, requests or directions.</i>	
1. Why is having an international legal framework for peacekeeping important?	<ul style="list-style-type: none"> <li>a. Provides international legitimacy to the presence of a peacekeeping operation</li> <li>b. It directs the actions or tasks of the peacekeeping operation - regulates both the activities of a peacekeeping operation AND the conduct of peacekeepers</li> </ul>
2. Who does international human rights law protect?	Every person is protected by international human rights law – human rights are universal, and indivisible (they apply to everyone, and they cannot be divided).
3. Name as many examples of human rights as you can.	<p><b>EXAMPLES OF CIVIL AND POLITICAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>Right to life</li> <li>Right to be free from torture</li> <li>Right to be protected from discrimination</li> <li>Right to freedom of expression</li> <li>Right to a fair trial</li> <li>Right not to be held in slavery</li> </ul> <p><b>EXAMPLES OF ECONOMIC SOCIAL AND CULTURAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>Right to join a trade union</li> </ul>

	<p>Right to education                  Right to food                  Rights to housing and medical care                  Rights to social security and to work                  Right to equal pay for equal work                  (Instructors may wish to review the Universal Declaration of Human Rights)</p>
4. Describe the International Bill of Human Rights.	<p>The International Bill of Human Rights is the cornerstone of human rights. It has three parts:</p> <ul style="list-style-type: none"> <li>• The Universal Declaration of Human Rights (UDHR) – adopted in 1948</li> <li>• The Covenant on Economic, Social and Cultural Rights</li> <li>• The Covenant on Civil and Political Rights</li> </ul>
5. Name at least three of five kinds of international law that apply to peacekeeping operations.	<p>a. UN Charter                  b. International Human Rights Law                  c. International Humanitarian Law                  d. International Refugee Law                  e. International Criminal Law</p> <p>Learners may name specific legal instruments, such as the International Bill of Human Rights.</p>
6. What main parts of the UN Charter give the legal basis for UN peacekeeping? Explain provisions.	<p>a. Chapter VI: Outlines a range of peaceful measures                  b. Chapter VII: Authorizes the Security Council to “take such action by air, sea or land forces as may be necessary”</p> <p>The <i>legal basis</i> is in the two named chapters. However, when the Security Council authorizes a peacekeeping operation, it does not have to refer to a specific chapter of the UN Charter. Learners may also mention Chapter 1, which states a main purpose of the UN is “to maintain international peace and security”, or Chapter VI, which gives the Security Council primary responsibility. Chapter VIII provides for the UN to involve regional partners in maintaining international peace and security.</p>
7. What are the two reasons the Security Council refers to Chapter VII of the UN Charter in some resolutions	<p>Reference to Chapter VII authorizes coercive measures (e.g. sanctions, blockades). Such references:</p>

<p>for peacekeeping operations?</p>	<p>a. show the political commitment of the Security Council; b. remind UN Member States and parties to a conflict that Security Council resolutions are binding.</p>
<p>8. What are the main legal sources of international human rights law?</p>	<p>a. UN Charter b. Universal Declaration of Human Rights, with two Covenants - Covenant on Economic, Social and Cultural Rights - Covenant on Civil and Political Rights c. Specialized human rights treaties (covering many topics: genocide, refugees, torture, racial discrimination, disabilities, children's rights, trafficking, discrimination against women, disappearances)</p>
<p>9. Who does international humanitarian law mainly protect?</p>	<p>IHL protects those who do not engage in hostilities, or who are no longer doing so.</p> <ul style="list-style-type: none"> <li>• Civilians</li> <li>• Wounded</li> <li>• Prisoners</li> <li>• Medical personnel</li> <li>• Humanitarian workers</li> </ul> <p>It upholds fundamental rights of civilians, victims and non-combatants in an armed conflict.</p>
<p>10. What ten essential rules are identified in International Humanitarian Law?</p>	<p>The Ten Essential Rules of International Humanitarian Law are:</p> <ol style="list-style-type: none"> <li>10. Civilian targets cannot be attacked. Attacks are to only be against military objectives.</li> <li>11. Civilians and others no longer taking part in hostilities must be respected, treated humanely.</li> <li>12. Anyone who surrenders or stops fighting, or is wounded, cannot be killed.</li> <li>13. Torture is prohibited at all times and in all circumstances.</li> <li>14. Captured combatants and civilians must be respected and protected.</li> <li>15. Weapons or methods of</li> </ol>

	<p>warfare likely to cause excessive injury or unnecessary suffering are prohibited.</p> <p>16. Wounded and sick must be collected and cared for.</p> <p>17. Medical personnel and medical establishments, transport and equipment must be respected and protected.</p> <p>18. The Red Cross, Red Crescent and Red Crystal emblems are signs of protection and must be respected.</p> <p>19. Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.</p>
<p>11. What international law covers internally displaced persons?</p>	<p>The Guiding Principles on Internal Displacement, which is distinct from International Refugee Law.</p>
<p>12. Explain the difference between a refugee and an internally displaced person, according to international refugee law.</p>	<p>A refugee has:</p> <ul style="list-style-type: none"> <li>• Fled his or her country</li> <li>• Crossed an international border</li> <li>• Lives in a different country and</li> <li>• Cannot return home because of probable persecution.</li> </ul> <p>An internally displaced person has also fled from home and cannot return, but they have not crossed an international boundary.</p>
<p>13. What are the two main duties that International Criminal Law requires of States?</p>	<p>1. To prosecute or extradite individuals accused of international crimes</p> <p>2. To cooperate with international criminal tribunals in prosecuting such individuals, where this applies</p>
<p>14. Name at least three examples of war crimes.</p>	<p>War crimes include:</p> <ul style="list-style-type: none"> <li>• murder</li> <li>• torture or inhumane treatment</li> <li>• taking of hostages</li> <li>• intentionally directing attacks against the civilian population</li> <li>• intentionally directing attacks against buildings dedicated to religion, education, art , science</li> </ul>

	<p>or charitable purposes, historical monuments or hospitals</p> <ul style="list-style-type: none"> <li>• pillaging – in other words, robbery using violence</li> <li>• rape, sexual slavery, forced pregnancy or any other form of sexual violence</li> <li>• conscripting or enlisting children under the age of 15 years into armed forces or armed groups to participate in hostilities</li> <li>•</li> </ul>
<p>15. Explain the differences between war crimes, crimes against humanity and genocide.</p>	<p><b>War Crimes:</b> War crimes are <b>serious violations of international humanitarian law committed as part of a plan or policy on a large scale</b>. These occur in <b>international and non-international armed conflict</b>.</p> <p>War crimes include:</p> <ul style="list-style-type: none"> <li>• murder</li> <li>• torture or inhumane treatment</li> <li>• taking of hostages</li> <li>• intentionally directing attacks against the civilian population</li> <li>• intentionally directing attacks against buildings dedicated to religion, education, art , science or charitable purposes, historical monuments or hospitals</li> <li>• pillaging – in other words, robbery using violence</li> <li>• rape, sexual slavery, forced pregnancy or any other form of sexual violence</li> <li>• conscripting or enlisting children under the age of 15 years into armed forces or armed groups to participate in hostilities</li> </ul> <p><b>Crimes Against Humanity:</b> Crimes against humanity are <b>serious crimes committed as part of a widespread or systematic attack against civilians</b> where the perpetrator has <b>knowledge of the attack</b>. Crimes against humanity</p>

	<p>occur <b>in and out of armed conflict.</b></p> <p>Crimes against humanity include:</p> <ul style="list-style-type: none"> <li>• murder</li> <li>• torture</li> <li>• rape or other sexual violence</li> <li>• enforced disappearances</li> </ul> <p>Extermination</p> <ul style="list-style-type: none"> <li>• slavery</li> <li>• forced transfer of populations</li> </ul> <p><b>Genocide:</b> Genocide refers to any of the following acts committed with the intent to <b>destroy</b>, in whole or in part, <b>a national, ethnical, racial or religious group:</b></p> <ul style="list-style-type: none"> <li>• Killing members of the group</li> <li>• Causing serious bodily or mental harm to members of the group</li> <li>• Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part</li> <li>• Imposing measures intended to prevent births within the group</li> <li>• Forcibly transferring children of the group to another group</li> </ul>
<p>16. What are the three specifics detailed in the Memorandum of Understanding (MOU) between the UN and Troop Contributing Countries.</p>	<p>This legal agreement specifies:</p> <ul style="list-style-type: none"> <li>• How the UN will reimburse governments for troops, formed police units (FPUs) or equipment loaned to a peacekeeping operation;</li> <li>• The obligations of contributing governments to ensure appropriate quality personnel and equipment;</li> <li>• Obligations to prevent sexual exploitation and abuse in peacekeeping: of TCCs, contingent commanders and troops, since 2007.</li> </ul>
<p>17. Explain the difference between SOMA and SOFA and the purpose of these agreements.</p>	<p>SOMA is Status of Mission Agreement: in peacekeeping operations without armed personnel, the UN has a SOMA</p>

	<p>which applies to all mission personnel. SOFA is Status of Force Agreement: in operations with armed personnel, the UN has a SOFA which applies to all personnel.</p> <p>Both SOFA and SOMA give “functional immunity” to all peacekeeping personnel. They cover military and police who are not UN staff. They detail the legal status and arrangements for</p> <ul style="list-style-type: none"> <li>• The UN's use of facilities, transportation and other equipment, communications;</li> <li>• Freedom of movement in the country</li> <li>• Mechanism to solve disagreements on these issues between the host country and the UN.</li> </ul>
<b>Sentence Completion</b>	
1. SOMA means _____.	Status of Mission Agreement. It is between the UN and a host country, and covers non-armed peacekeeping missions.
2. SOFA means _____.	Status of Force Agreement. It is between the UN and a host country, and covers armed peacekeeping missions.
3. The _____ has primary responsibility for keeping international peace and security.	The Security Council, according to the UN Charter
4. Under _____ of the UN Charter, the Security Council may authorize deployment of peace operations led by a regional organisation.	Chapter VIII on Regional Arrangements.
5. Rights inherent to all human beings are _____.	Human rights. Every human being is equally entitled to human rights without discrimination. “All human beings are born free and equal in dignity and rights”. Article 1 of the Universal Declaration of Human Rights.
6. The right to life, to freedom of expression, to be protected from discrimination are examples of _____.	Civil and political rights. Other rights include to a fair trial, to be free from torture, and not to be held in slavery.

_____.	
7. The right to education, food, equal pay for equal right are examples of _____.	Economic, social and cultural rights. Other such rights are rights to join a trade union, to housing and medical care, social security and to work.
8. The _____ with its three main parts is the cornerstone of international human rights law.	International Bill of Human Rights, with 3 parts: 8.1 Universal Declaration of Human Rights (UDHR) 8.2 The Covenant on Economic, Social and Cultural Rights 8.3 The Covenant on Civil and Political Rights
9. Vulnerable groups whose rights are protected with special measures in international human rights law include (name at least three): _____.	Refugees, internally displaced persons, minorities, detainees, persons with disabilities, migrant workers, women children and the elderly.
10. Law of war or law of armed conflict is known as _____. Its goal is to limit negative impact of armed conflict and lessen suffering during war.	International humanitarian law.
11. International humanitarian law (IHL) protects those who _____, or who _____.	IHL protects those who <b>do not engage in hostilities</b> , or who <b>are no longer doing so</b> .
12. The _____ sets our fundamental rules of international humanitarian law applicable to all UN peacekeepers.	<i>The Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law of 6 August 1999 (ST/SGB/1999/13)</i> . IHL is complex. This bulletin clarifies what applies to peacekeepers.
13. _____ covers the obligations of states to protect refugees living in their territory.	International Refugee Law
14. _____, _____ and _____ are three international crimes covered by International criminal law (Rome Statute of the International Criminal Court, ICC).	<ul style="list-style-type: none"> <li>• War crimes</li> <li>• Crimes against humanity</li> <li>• Genocide</li> <li>•</li> </ul>
15. The <i>Convention on _____</i> of 1946 gives legal status to the UN and provides certain privileges and immunities to the UN and its officials.	<i>Convention on the Privileges and Immunities of the UN of 1946</i>

**Call-and-Response/Mix-and-Match**

*Note: Call-and-response of acronyms with brief discussion after each can evaluate*

*and reinforce learning. A mix-and-match exercise as shown as learning activities in lessons 1.1 to 1.3 is another way to evaluate learning.*

SOMA	Status of Mission Agreement
SOFA	Status of Force Agreement
CONOPS	Concept of Operations
ROE	Rules of Engagement
DUF	Directive on Use of Force
HR	Human Rights
HL	Humanitarian Law
IHRL	International Human Rights Law
IHL	International Humanitarian Law
UDHR	Universal Declaration of Human Rights
IDP	Internally Displaced Persons
ICC	International Criminal Court
TCC	Troop Contributing Country
PCC	Police Contributing Country
UN	United Nations
MoU	Memorandum of Understanding (between the UN and TCCs/PCCs)
NATO	North Atlantic Treaty Organizations (regional organization)
EU	European Union (regional organization)
AU	African Union (regional organization)

**More ways to evaluate learning**

**Group Presentations on International Law as it Applies to Peacekeeping Operations.**

Assign each table one of the main types of international law applicable to peacekeeping. The task is to prepare a briefing. Evaluate the briefings.

## Commonly Asked Questions and Key Words

Key Words or phrases for this lesson:

Key Word or Phrase	Definition
<b>International law</b>	<b>International law</b> is the body of rules governing the relationships between states and between individuals. It grants specific rights to individuals. It imposes duties and obligations on states, individuals, and groups. International law is globally recognized and accepted.
<b>Treaties</b>	<b>Treaties</b> are binding instruments by which governments can be held accountable. International treaties have different designations, such as covenants, charters, protocols, conventions, accords, agreements. A state can become a party to a treaty by ratification, accession or succession.
<b>Customary international law</b>	<b>Customary international laws</b> are rules that come from a general practice accepted as law and that exist independent of treaty law. For example, while the Universal Declaration of Human Rights is not itself a binding treaty, some of its provisions have the character of customary international law. Slavery, extra-judicial killing, torture, prolonged arbitrary detention, genocide are examples of Customary International Laws that are also covered by formal international laws.
<b>Civilian</b>	The term ' <b>civilian</b> ' refers to any person who is not or is no longer directly participating in hostilities or other acts of violence.

Commonly asked questions from participants:

Possible Questions	Possible Responses
<p><b>What do the red cross, red crescent and red crystal emblems represent?</b></p>	<p>Against a white background, <b>the red cross, red crescent and red crystal symbols or “emblems”</b> represent the impartial humanitarian assistance provided to those who suffer. The emblems are generally used to protect:</p> <ol style="list-style-type: none"> <li>1. the medical services of the armed forces</li> <li>2. civilian hospitals in war time</li> <li>3. the sick and wounded</li> <li>4. The International Red Cross and Red Crescent Movement – which includes National Red Cross or Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies, and the International Committee of the Red Cross (ICRC).</li> </ol> <p>These emblems are immediately recognised by people throughout the world. Use of the emblems is protected by IHL. The use of the emblems to hide or shelter combatants or military equipment during armed conflict is a war crime. In order to introduce a symbol that is not considered to have a religious connotation, the “red crystal” was adopted in 2005.</p>
<p>What is the difference between a Chapter VI and a Chapter VII peacekeeping mission?</p>	<p>Chapter VI of the UN Charter deals with the "Pacific Settlement of Disputes" and Chapter VII contains provisions related to "Actions with Respect to Peace, Breaches of the Peace and Acts of Aggression". United Nations peacekeeping operations have traditionally been associated with Chapter VI of the Charter. However the Security Council does not need to refer to a specific Chapter of the Charter when passing a resolution that authorizes the deployment of a UN peacekeeping operation. Only once has it named Chapter VI in a resolution authorizing a mission - for the UN Mission for the Referendum in Western Sahara (MINURSO), in Resolution 1495 (2003). In recent years the Security Council has invoked Chapter VII as a statement of firm political resolve and a means of reminding the parties to a conflict of their obligation to give effect to Security Council decisions. However, what is of critical importance on the ground are the <b>specific mandates of the mission, Rules of Engagement and Directive on the Use of Force</b>. A peacekeeping operation's authority to use force is <b>NOT</b> linked primarily to an explicit reference to Chapter 7 of the UN Charter in the Security Council mandate.</p>
<p>Is the International Criminal Court (ICC) part of the United Nations?</p>	<p>No. The International Criminal Court is an independent international organization and it is not part of the United Nations system. Its seat is at The Hague in the Netherlands. Although the Court's expenses are funded primarily by</p>

	States Parties to the Rome Statute, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.
How is the ICC different from the international criminal tribunals set up for Rwanda and the former Yugoslavia?	The International Criminal Court is the product of a multilateral treaty, whereas the Tribunals for the former Yugoslavia and Rwanda were created by the United Nations Security Council. These tribunals were created in response to specific situations and will be in existence for a limited time period.
What is the difference between the ICC and the International Court of Justice?	The International Court of Justice (ICJ) does not have criminal jurisdiction to prosecute individuals. It is a civil tribunal that deals primarily with disputes between States. The ICJ is the principle judicial organ of the United Nations, whereas the ICC is independent of the UN.
What do the red cross, red crescent and red crystal emblems represent?	Against a white background, <b>the red cross, red crescent and red crystal symbols or “emblems”</b> represent the impartial humanitarian assistance provided to those who suffer. The emblems are generally used to protect: <ul style="list-style-type: none"> <li>5. the medical services of the armed forces</li> <li>6. civilian hospitals in war time</li> <li>7. the sick and wounded</li> <li>8. The International Red Cross and Red Crescent Movement – which includes National Red Cross or Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies, and the International Committee of the Red Cross (ICRC).</li> </ul> <p>These emblems are immediately recognised by people throughout the world. Use of the emblems is protected by IHL. The use of the emblems to hide or shelter combatants or military equipment during armed conflict is a war crime.</p>

## Reference Materials

Below are materials which are a) referenced in this lesson, and b) required reading for instructor preparations:

- Charter of the United Nations
- United Nations Peacekeeping Operations Principles and Guidelines (also known as the Capstone Doctrine)
- Review peacekeeping mission mandates
- 1949 The Geneva Conventions and their Additional Protocols  
<https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>
- International Bill of Human Rights  
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>
- Universal Declaration of Human Rights  
<http://www.un.org/en/universal-declaration-human-rights/>
- Secretary General's Bulletin Observance by United Nations forces of international humanitarian law (ST/SGB/1999/13)  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=ST/SGB/1999/13](http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/1999/13)
- 1951 Convention relating to the Status of Refugees  
<http://www.unhcr.org/pages/49da0e466.html>
- Guiding Principles on Internal Displacement  
[https://www.unhcr.org/hk/files/useful\\_resources/Publications/Guiding\\_Principles\\_on\\_Internal\\_Displacement.pdf](https://www.unhcr.org/hk/files/useful_resources/Publications/Guiding_Principles_on_Internal_Displacement.pdf)
- Rome Statute of the International Criminal Court (ICC)  
<http://legal.un.org/icc/statute/romefra.htm>
- Model Memorandum of Understanding (MOU) between the United Nations and Troop Contributing Countries (A/C.5/60/26)  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/C.5/60/26](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/C.5/60/26)
- Subsequent amendments to the Model MOU between the United Nations and Troop Contributing Countries (A/61/19/REV.1(SUPP))  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/372/78/PDF/N0837278.pdf?OpenElement>
- Model Status of Forces Agreement for United Nations Peacekeeping Operations (A/45/594)  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/45/594](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/45/594)
- 1946 Convention on the Privileges and Immunities of the United Nations  
<http://www.un.org/en/ethics/pdf/convention.pdf>

## Additional Resources

### UN Information

The website for UN peacekeeping: <http://www.un.org/en/peacekeeping/>

Original Security Council Resolutions on peacekeeping mission mandates:  
<http://www.un.org/en/sc/documents/resolutions/>

(You must know the start year, country and resolution reference details for the mission you wish to search for. For this information, identify the name of the mission using the following links: <http://www.un.org/en/peacekeeping/operations/current.shtml>; <http://www.un.org/en/peacekeeping/operations/past.shtml> )

### UN Documents

UN documents can be found on: <http://www.un.org/en/documents/index.html>  
(Search by document symbol, e.g. A/63/100)

### DPKO and DFS Guidance

The repository for all official DPKO and DFS guidance is the Policy and Practice Database: [ppdb.un.org](http://ppdb.un.org) (only accessible from the UN network). Official peacekeeping guidance documents are also accessible through the Peacekeeping Resource Hub: <http://research.un.org/en/peacekeeping-community>

Instructors are encouraged to check for the latest guidance.

### UN Films

UN films can be found on YouTube: <https://www.youtube.com/user/unitednations>

### Additional Information

Human rights information on the situation in a country from the website of the Office of the High Commissioner for Human Rights (OHCHR):  
<http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

Latest human rights reports issued by the UN Secretary-General, the UN High Commissioner for Human Rights and to identify key human rights violations:  
<http://www.ohchr.org/EN/Countries/Pages/PeaceMissionsIndex.aspx>  
(Click on the appropriate link for countries with peace operations).

Country-specific information on the international humanitarian response:

<http://www.reliefweb.int>

Inter Agency Standing Committee (IASC) Guidelines and References for Complex Emergencies, January 2009:

<https://docs.unocha.org/sites/dms/Documents/Civil-Military%20Guidelines%20and%20Reference,UN-IASC,%2021%20Oct%2008,English.pdf>

OHCHR, The Core International Human Rights Treaties:

<http://www.ohchr.org/EN/PublicationsResources/Pages/ReferenceMaterial.asp>

OHCHR, New Core International Human Rights Treaties:

<http://www.ohchr.org/Documents/Publications/newCoreTreatiesen.pdf>

### **Additional Training Resources**

UN Peacekeeping Operations: An Introduction

<http://portals.unssc.org/course/index.php?categoryid=4>