

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 peacekeeping personnel.

Relevance

As peacekeeping personnel, you are an **“ambassador” of the UN** and your country in everything you do. You are also a **role model**.

As a UN ambassador you are deployed to represent the UN and carry out its important responsibilities. As a role model you must be a good example for others to copy or imitate.

As an ambassador and a role model, it is important for you to **know what you “should” and “should not” do**. The legal framework provides such knowledge.

This lesson focuses on international law as an important part of the legal framework. **You 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
- Explain human rights and list examples in International Human Rights Law (IHRL)
- Identify who is protected by International Humanitarian Law (IHL)
- Explain why all armed UN peacekeeping personnel must know the rules of engagement (ROE) or directive on use of force (DUF)

Lesson Map

Recommended Lesson Duration: 45 minutes total

1-2 minutes per slide

Use short option learning activity

The Lesson	Pages 3-27
Starting the Lesson	Intro Slides
Learning Activity 1.4.1: Experiences of Rules and Laws	
Importance of the Legal Framework	Slide 1
The Legal Framework for UN Peacekeeping Operations	Slide 2
The UN Charter	Slide 3
Learning Activity 1.4.2: IHRL	
International Human Rights Law	Slides 4-8
International Humanitarian Law	Slides 9-13
Learning Activity 1.4.3: IHL – Who should be Protected?	
Learning Activity 1.4.4: Use of Force at Home	
Rules of Engagement (ROE) and Directive on Use of Force (DUF)	Slide 14-15
Additional Aspects of the Legal Framework	Slide 16
Summary	Pages 28-29
Learning Evaluation	Pages 30-32
OPTIONAL: Additional Learning Activities	See Resource
Learning Activity 1.4.5: Peacekeeping Mandates and the UN Charter	
Learning Activity 1.4.6: Definitions – “Mandate, “Resolution”...	

The Lesson



Starting the Lesson

Introduce the following (using the Introductory Slides):

- Lesson Topic
- 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.

You may wish to print out examples of international law which will be repeated in subsequent lessons. Print out the titles on individual sheets of paper. These include the UN Charter, the Geneva Conventions and their Additional Protocols, as well as the International Bill of Human Rights. Refer to these as the basis of mandated tasks which will be covered in Module 2.

Learning Activity

1.4.1

Experiences of Rules and Laws

METHOD

Visuals, brainstorm

PURPOSE

To understand the importance of International Law

TIME

5 minutes

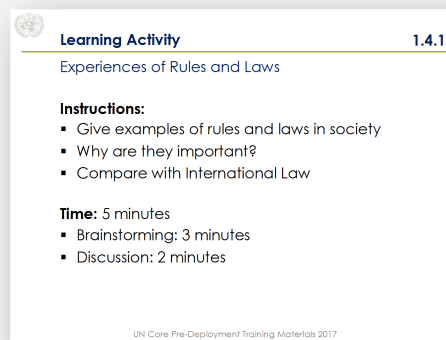
- Brainstorming: 3 minutes
- Discussion: 2 minutes

INSTRUCTIONS

- Give examples of rules and laws in society
- Why are they important?
- Compare with International Law

RESOURCES

- Learning Activity instructions



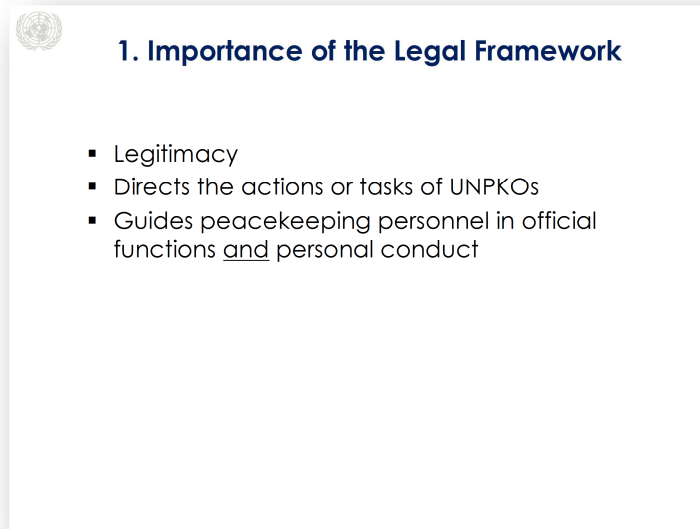
The thumbnail shows a page titled "Learning Activity" with the sub-heading "Experiences of Rules and Laws" and the reference "1.4.1". It contains the same instructions and time breakdown as the main text on the left. At the bottom, it is identified as "UN Core Pre-Deployment Training Materials 2017".

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



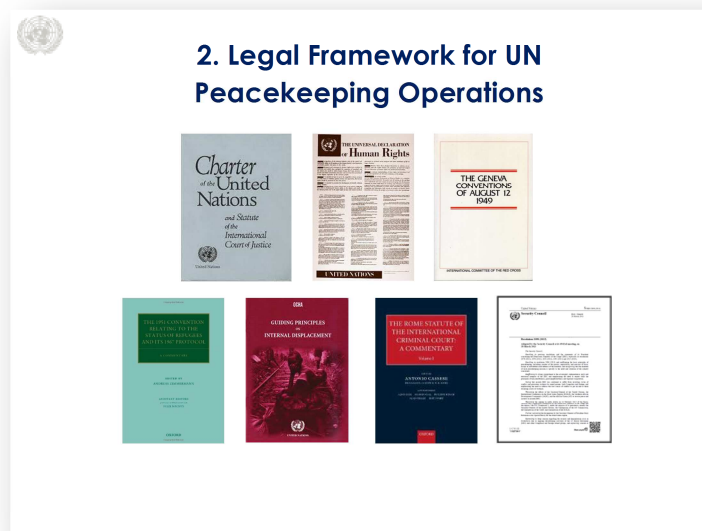
Key Message: The legal framework is the set of rules or laws that influence the actions, tasks and conduct of the peacekeeping operation and its personnel.

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 peacekeeping personnel 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.

Legal Framework for UN Peacekeeping Operations

Slide 2



Key Message: 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 mandate
- National law of the host country
- Memorandum of Understanding (MOU) between the UN and the Troop/Police Contributing Countries (TCCs/PCCs)
- Status of Mission Agreement (SOMA) or Status of Force Agreement (SOFA)
- Convention on the Privileges and Immunities of the United Nations of 1946
- UN Internal Rules, Regulations and Guidance
- Rules of Engagement (ROE) and Directive on the Use of Force (DUF)



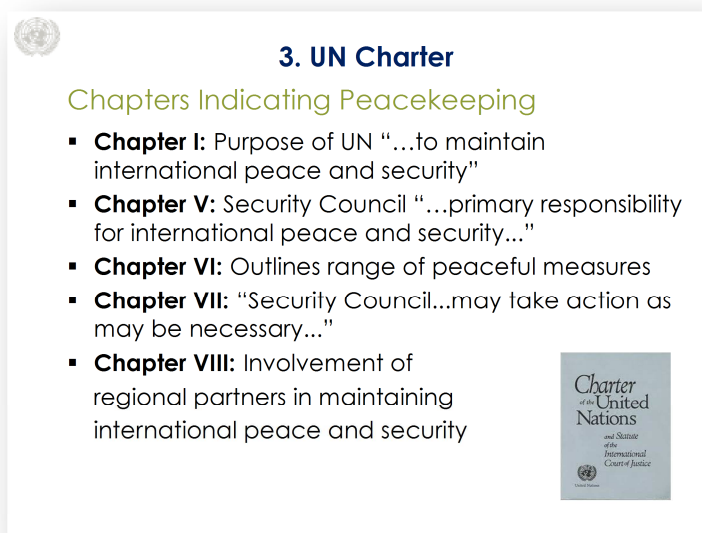
The list makes reference to “international law”. Learners may benefit from a quick reminder about what this means. Be ready to quickly clarify and move on.

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.

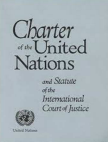
Slide 3

A slide titled '3. UN Charter' with a subtitle 'Chapters Indicating Peacekeeping'. It lists five bullet points: Chapter I (Purpose of UN), Chapter V (Security Council), Chapter VI (Peaceful measures), Chapter VII (Security Council action), and Chapter VIII (Regional partners). A small image of the UN Charter cover is on the right.

3. UN Charter

Chapters Indicating Peacekeeping

- **Chapter I:** Purpose of UN "...to maintain international peace and security"
- **Chapter V:** Security Council "...primary responsibility for international peace and security..."
- **Chapter VI:** Outlines range of peaceful measures
- **Chapter VII:** "Security Council...may take action as may be necessary..."
- **Chapter VIII:** Involvement of regional partners in maintaining international peace and security



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. The legal basis for UN peacekeeping is in chapters VI and VII.

The UN Charter chapters linked to UN peacekeeping include Chapters I, V, VI, VII and VIII.

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..."

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.

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. Peacekeeping personnel 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 and on the Rules of Engagement and Directive on the Use of Force in this lesson.

Learning Activity

1.4.2

International Human Rights Law

METHOD

Brainstorm

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

Short option: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Longer option: 20 minutes

- Brainstorming: 12 minutes
- Discussion: 8 minutes

INSTRUCTIONS

- What are “human rights”?
- Give examples
- List examples of international human rights law

RESOURCES

- Learning Activity instructions
- Activity Material
- Photos

1.4.2

Learning Activity

International Human Rights Law

Instructions:


- What are “human rights”?
- Give examples
- List examples of international human rights law

Time: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Learning Activity 1.4.2

Image 1



UN Core Pre-Deployment Training Materials 2016

International Human Rights Law


Slide 4



4. International Human Rights Law

What are Human Rights?

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



Key Message: UN peacekeeping seeks to promote and protect human rights. **Human rights are universal.**

“Human rights” are rights inherent to all human beings, whatever our nationality, residence, sex, sexual orientation and gender identity, 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 5




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 6



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 7



The slide features the United Nations logo in the top left corner. The title 'What is International Human Rights Law?' is in green. Below it is a bulleted list with two items. To the right of the list is a small thumbnail image of the Universal Declaration of Human Rights document, showing its title and the United Nations logo.

What is International Human Rights Law?

- International Law protecting fundamental human rights of every individual at all times
- **Applies both in war and peace, to all human beings**



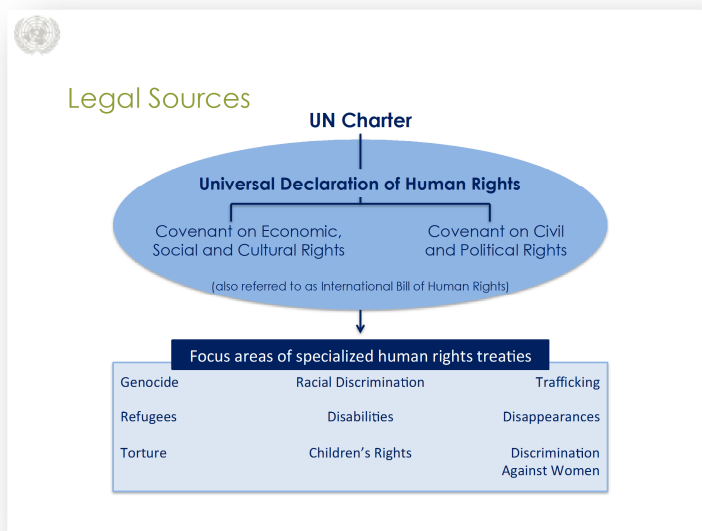
Key Message: International Human Rights Law (IHRL) is international law that protects the fundamental human rights of every individual, always, including in armed conflict. It applies to all human beings in war and peace.

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 8



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 is made up of:

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).

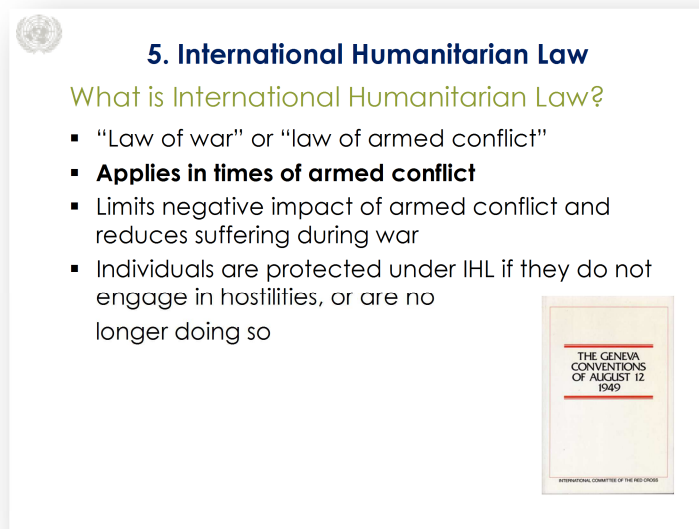
Other human rights treaties supplement the International Bill of Human Rights. These focus on specialized areas, for example the prevention of genocide and torture and protection of vulnerable groups.

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

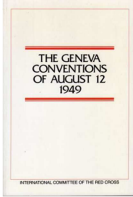
Slide 9



5. 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
- Individuals are protected under IHL if they do not engage in hostilities, or are no longer doing so



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.



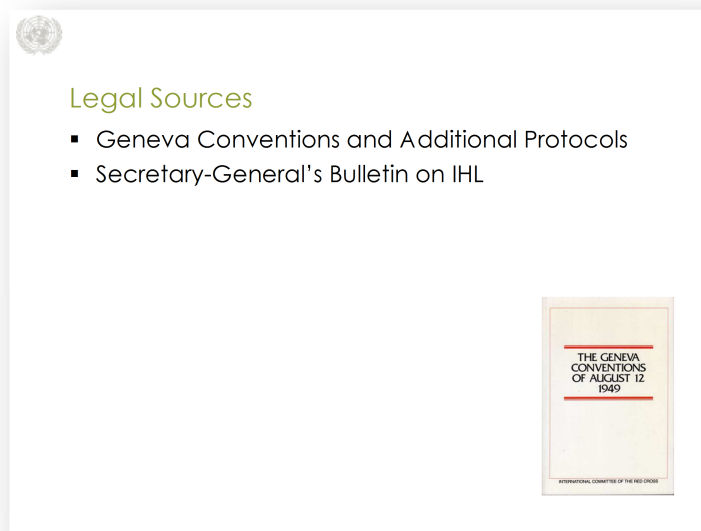
Remind learners of the terms “inter-state conflict” and “intra-state conflict”. Point out similarity of these terms with the terms “international armed conflict” and “non-international or internal armed conflict”, which are specific to IHL.

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.

Slide 10

A slide titled "Legal Sources" with a list of two items: "Geneva Conventions and Additional Protocols" and "Secretary-General's Bulletin on IHL". There is a small circular logo in the top left corner and a small image of the Geneva Conventions cover in the bottom right corner.

Legal Sources

- Geneva Conventions and Additional Protocols
- Secretary-General's Bulletin on IHL

THE GENEVA CONVENTIONS OF AUGUST 12 1949
INTERNATIONAL COMMITTEE OF THE RED CROSS

Key Message: The main rules of IHL are in the Geneva Conventions of 1949 and two Additional Protocols of 1977, as well as in rules regulating means and methods of combat.

The Geneva Conventions lay out points of agreement about how states and people will behave in times of war and conflict.

IHL also contains conventions and treaties on protection of cultural property and the environment during armed conflict.

IHL is complex. Principles and rules that apply to UN peacekeeping personnel are collected in one document. This is *The Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law* of 6 August 1999 (ST/SGB/1999/13).



Particularly for training with contingent commanders, instructors should consider providing participants with a copy of this Secretary-General's bulletin.

Learning Activity

1.4.3

International Humanitarian Law – Who should be Protected?

METHOD

Visuals

PURPOSE

To deepen learner understanding of how 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.

TIME

Short option: 10 minutes

- Group work: 5 minutes
- Discussion: 5 minutes

Longer option: 30 minutes


- Group work: 15 minutes
- Discussion: 15 minutes

INSTRUCTIONS

- Consider the images
- Identify “civilians” and “combatants”
- Who should be protected? Why?

RESOURCES

- Learning Activity instructions
- Responses to discussion questions
- Activity Material
- Photos

 **Learning Activity** 1.4.3

International Humanitarian Law – Who should be Protected?

Instructions:

- Consider the images
- Identify “civilians” and “combatants”
- Who should be protected? Why?

Time: 10 minutes

- Group work: 5 minutes
- Discussion: 5 minutes




 **Learning Activity 1.4.3**

Image 1



UN Core Pre-Deployment Training Materials 2016

Slide 11




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 12



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 13



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.

Learning Activity**1.4.4****Use of Force at Home****METHOD**

Brainstorm

PURPOSE

To deepen understanding of legal restrictions to the use of force in UN peacekeeping

TIME

Short option: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Longer option: 30 minutes

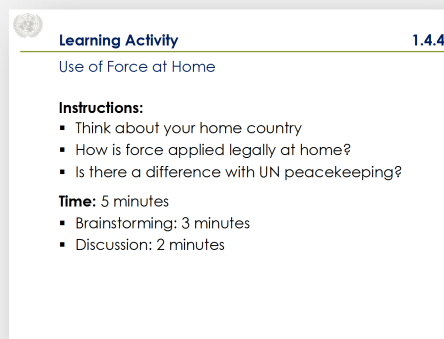
- Brainstorming: 15 minutes
- Discussion: 15 minutes

INSTRUCTIONS

- Think about your home country
- How is force applied legally at home?
- Is there a difference with UN peacekeeping?

RESOURCES

- Learning Activity instructions
- Responses to discussion questions
- Activity Material
- Examples of ROE and DUF



The thumbnail shows a document titled 'Learning Activity' with the sub-title 'Use of Force at Home' and the reference number '1.4.4'. It contains the following text:

Instructions:


- Think about your home country
- How is force applied legally at home?
- Is there a difference with UN peacekeeping?

Time: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes


Rules of Engagement and Directive on the Use of Force

Slide 14



6. Rules of Engagement (ROE) & Directive on Use of Force (DUF)

- Guide use of force
- ROE for military personnel, DUF for police personnel
- Guidance in accordance with mandate, UN Charter, International Law



Key Message: The Rules of Engagement (ROE) and Directive on the Use of Force (DUF) guide the use of force according to the UN Charter and the Security Council mandate. They also comply with IHL and IHRL. They are legally binding documents internal to the UN.

The ROE is for the military component and the DUF is for the police component, where Formed Police Units (FPUs) are authorized to carry arms.

The ROE and DUF:

- Apply specifically to military and police personnel
- Detail how and when to use force – details include constraints and latitudes (scope) in using force and the right of self-defence
- Clarify different levels of force to use in different circumstances
- Provide practical guidance to commanders, including on needed authorizations
- Are mission-specific documents that apply to a particular mission and mandate

ROE:

- Outlines the authority of armed UN military personnel to use force in mandate implementation
- States when force may not be used by armed UN military personnel
- Applies to all armed military personnel and units in the mission

DUF:

- Indicates whether UN police are armed
- States when they have legal authority to use force
- Applies to all armed police personnel and units (such as FPU) in the mission


Slide 15



The slide features the UN emblem in the top left corner. The title "The Importance" is in green. Below it, a bulleted list discusses the use of force. An image of a hand holding a handgun is positioned in the bottom right of the slide content area.

The Importance

- Use of force specific to mission and its mandate
- Differs from national legal restrictions
- Robust for volatile and potentially dangerous environments



Key Message: Armed UN military and police must be very clear on the rules for use of force. They need to know the ROE and DUF. The use of force may differ from national legal restrictions.

It is important to **clearly understand** the ROE and DUF because:

- The **use of force is specific to the mission and its mandate**, and armed military and police personnel **must be aware of how such force should be applied in the field**.
- Contemporary peacekeeping operations are often deployed to **volatile and potentially dangerous environments**. The ROE and DUF will be robust enough for a UN peacekeeping operation to a) retain credibility and b) have freedom of action to implement the mandate.
- Troop and Police contributing countries (TCCs/PCCs) may have **national legal restrictions on the use of force**. They must inform DPKO and the military/police commander of restrictions to avoid problems.

Mission leadership ensures that all relevant personnel in a mission know the ROE and DUF and apply them uniformly. UN military and police commanders are responsible for all personnel under their command knowing the ROE or DUF.

DPKO briefs TCCs/PCCs. It provides key documents (the Concept of Operations (CONOPS), ROE, DUF) through Permanent Missions in New York. Permanent Missions are diplomatic representatives of a country to the UN.

Additional Aspects of the Legal Framework



Depending on the particular group of learners who form your audience also make a decision on the level of detail to which you want to discuss the following material. Conduct and Discipline is covered in later lessons.

Slide 16



7. Additional Aspects of the Legal Framework

- International Law – International Refugee Law, Guiding Principles on Internal Displacement, International Criminal Law
- 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:

- Additional International Law – International Refugee Law, Guiding Principles on Internal Displacement and International Criminal Law
- 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 – including conduct and discipline

International Refugee Law: International Refugee Law defines a “refugee” as a person who has:

- Fled his or her country
- Crossed an 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

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: “Internally displaced persons” (IDPs) have also fled their homes and cannot return, but they have not crossed an international boundary. The Guiding Principles of Internally Displaced Persons identify rights and guarantees for protection of IDPs.

International Criminal Law: International Criminal Law governs prosecution of individuals for international crimes. The Rome Statute of the International Criminal Court (ICC) came into force on 1 July 2002, and defines the most serious crimes of international concern – genocide, crimes against humanity, war crimes and the crime of aggression.

- “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” 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” 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

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.

Security Council Mandate:

- 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 peacekeeping personnel respect and follow the national laws of the host country, as well as local customs and culture.

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

- How the UN will reimburse governments for troops, FPU 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 (SOMA) or Status of Force Agreement (SOFA):

- 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 on the basis of the *Convention on the Privileges and Immunities of the UN*. They cover military and police who are not technically known as “UN staff”.
- 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 peacekeeping personnel is in UN and mission directives and rules. These include UN rules and regulations on conduct and discipline of peacekeeping personnel.

Summary

The legal framework for UN peacekeeping operations includes International Law: the UN Charter, IHRL and IHL

- The legal framework for UN peacekeeping operations includes:
 - International Law, including the UN Charter, International Human Rights Law (IHRL), International Humanitarian Law (IHL), 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
 - Convention on the Privileges and Immunities of the United Nations of 1946
 - UN Internal Rules, Regulations and Guidance
 - Rules of Engagement (ROE) and Directive on the Use of Force (DUF)

Human rights are universal

- “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 include “civil and political rights” and “economic, social and cultural rights

- 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

(Cont.)

(Summary cont.)

- 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 are protected under IHL if they do not engage in hostilities, or are no longer doing so

- 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.

All armed peacekeeping personnel must know the ROE and DUF because the use of force is specific to the mission's mandate, may be robust and may be different from national legal restrictions

- The Rules of Engagement (ROE) and Directive on the Use of Force (DUF) guide armed UN military and police on the use of force.
- The ROE and DUF:
 - Detail how and when to use force; details include constraints and latitudes (scope) in using force and the right of self-defence
 - Clarify different levels of force to use in different circumstances
 - Provide practical guidance to commanders, including on needed authorizations
- It is important to **clearly understand** the ROE and DUF because the use of force:
 - Is specific to the mission and its mandate
 - May be robust for volatile and potentially dangerous environments
 - May differ from national legal restrictions on the use of force

Evaluation

Notes on Use: An example of learning evaluation questions for this lesson may be found below.

There are different types of learning evaluation questions for the instructor to choose from (See Options). 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.

Evaluation Questions for Lesson 1.4	
Questions	Answers
True-False	
1. International human rights law and international humanitarian law cover the same content.	False. Both are international law, but: <ul style="list-style-type: none"> ▪ International human rights law protects the fundamental human rights of every individual, always – in times of armed conflict and peace ▪ International humanitarian law protects those who do not engage in hostilities, or who are no longer doing – in times of armed conflict only
2. International human rights law applies in times of war and in peace.	True. International human rights law protects fundamental human rights of every individual at all times – in times of armed conflict and peace. International humanitarian law applies in times of armed conflict.
3. International humanitarian law (IHL) only applies to international conflicts.	False. IHL applies in times of armed conflict, both international and non-international (or internal) conflicts.

Narrative	
<i>Note: Frame narrative evaluations as questions, requests or directions.</i>	
4. 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).
5. Name as many examples of human rights as you can.	<p>EXAMPLES OF CIVIL AND POLITICAL RIGHTS</p> <p>Right to life Right to be free from torture Right to be protected from discrimination Right to freedom of expression Right to a fair trial Right not to be held in slavery</p> <p>EXAMPLES OF ECONOMIC SOCIAL AND CULTURAL RIGHTS</p> <p>Right to join a trade union 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</p>
6. Name at least three of five kinds of international law that apply to UN peacekeeping operations.	<ol style="list-style-type: none"> 1. UN Charter 2. International Human Rights Law 3. International Humanitarian Law 4. International Refugee Law 5. International Criminal Law <p>Learners may name specific legal instruments, such as the International Bill of Human Rights.</p>
7. Who does international humanitarian law (IHL) mainly protect?	<p>IHL protects those who do not engage in hostilities, or who are no longer doing so.</p> <ul style="list-style-type: none"> ▪ Civilians ▪ Wounded ▪ Prisoners ▪ Medical personnel ▪ Humanitarian workers <p>It upholds fundamental rights of civilians, victims and non-combatants in an armed conflict.</p>

Sentence Completion	
<p>8. The right to life, to freedom of expression, to be protected from discrimination, to education, food, equal pay for equal right are examples of _____.</p>	<p>Human rights.</p> <p>Specifically, the right to life, to freedom of expression, to be protected from discrimination are examples of civil and political rights. Other civil and political rights include to a fair trial, to be free from torture, and not to be held in slavery.</p> <p>The right to education, food, equal pay for equal rights are examples of economic, social and cultural rights. Other economic, social and cultural rights are rights to join a trade union, to housing and medical care, social security and to work.</p>
<p>9. 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.</p>	<p>International humanitarian law.</p>
<p>10. _____ guides use of force for the military in peacekeeping. _____ guides use of force for police.</p>	<ul style="list-style-type: none"> ▪ The Rules of Engagement (ROE) guide use of force for the military component. ▪ Directive on the Use of Force (DUF) guides use of force for police, where Formed Police Units (FPUs) are armed. <p><i>Make sure participants know which document guides use of force for which component.</i></p>

Commonly Asked Questions and Key Words

Key Words or phrases for this lesson:

Key Word or Phrase	Definition
International law	International law 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.
Treaties	Treaties 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.
Customary international law	Customary international laws 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.
Civilian	The term ' civilian ' 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>What do the red cross, red crescent and red crystal emblems represent?</p>	<p>Against a white background, the red cross, red crescent and red crystal symbols or “emblems” represent the impartial humanitarian assistance provided to those who suffer. The emblems are generally used to protect:</p> <ol style="list-style-type: none"> 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). <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 affect to Security Council decisions. However, what is of critical importance on the ground are the specific mandates of the mission, <i>Rules of Engagement and Directive on the Use of Force</i>. A peacekeeping operation's authority to use force is NOT 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, the red cross, red crescent and red crystal symbols or “emblems” represent the impartial humanitarian assistance provided to those who suffer. The emblems are generally used to protect: <ul style="list-style-type: none"> 5. the medical services of the armed forces 6. civilian hospitals in war time 7. the sick and wounded 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). <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, 1945](#)
- [United Nations Peacekeeping Operations Principles and Guidelines, also known as the Capstone Doctrine, 2008](#)
- Review peacekeeping mission mandates (See 'Additional Resources')
- [The Geneva Conventions and their Additional Protocols, 1949](#)
- [International Bill of Human Rights](#)
- [Universal Declaration of Human Rights, 1948](#)
- [International Covenant for Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights \(ICESCR\), 1966](#)
- [Secretary General's Bulletin Observance by United Nations forces of international humanitarian law \(ST/SGB/1999/13\)](#)
- [Convention relating to the Status of Refugees, 1951](#)
- [Guiding Principles on Internal Displacement, 1998](#)
- [Rome Statute of the International Criminal Court \(ICC\), 1998](#) (came into force in 2002)
- [Model Memorandum of Understanding \(MOU\) between the United Nations and Troop Contributing Countries \(A/C.5/60/26\)](#)
- [Subsequent amendments to the Model MOU between the United Nations and Troop Contributing Countries \(A/61/19/REV.1 \(SUPP\)\)](#)
- [Model Status of Forces Agreement for United Nations Peacekeeping Operations \(A/45/594\)](#)
- [Convention on the Privileges and Immunities of the United Nations, 1946](#)
- [Security Council Resolution 1894 \(2009\) on the protection of civilians in armed conflict \(S/RES/1894\)](#)
- [Security Council Resolution 2150 \(2014\) on prevention and fight against genocide and other serious crimes under international law \(S/RES/2150\)](#)
- [DPKO-DFS Guidelines on Use of Force by Military Components in UN Peacekeeping Operations, 2017](#)

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: <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/ProfessionalInterest/Pages/CoreInstruments.aspx>

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=24>

For further technical advice on training on ROE or DUF, they may contact DPKO's Integrated Training Service (ITS) at: peacekeepingtraining@un.org