Specialised Training Materials

Maritime Task Force

for United Nations Peacekeeping Operations

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

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

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

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Background

The UN Departments of Peacekeeping Operations and Field Support have developed a suite of training packages to prepare peacekeepers for their deployment in missions. Amongst these packages is the Specialised Training Materials for specific United Nation Military Units (UNMU).

Initially, OMA developed 11 Military Unit Manuals (UNMUM) designed to provide unit and sub-unit commanders as well as peacekeeping staff and other personnel with a Reference Guide on how to prepare specific military units to undertake their tasks in United Nations peacekeeping operations. The manuals cover the areas of Aviation, Engineers, Force Headquarters Support, Logistics, Maritime, Military Police, Recce, Riverine, Signals, Special Forces and Transport. The Integrated Training Service (ITS) followed up these manuals with the production of 10 Specialised Training Materials (STMs) in collaboration with subject matter experts from 10 Member States.

Aim

The aim of these training materials is to provide troop-contributing countries with a comprehensive training package that combines the Conceptual, Legal, and Operational Frameworks for specific type units. The STMs also mainstreams relevant aspects of the Protection of Civilians into frameworks / material. The STM includes small exercises, as well as, a larger more comprehensive scenario-based exercise, which can be run at the end of a course to strengthen participants' understanding how better to operate in a UN Peacekeeping environment. The training packages are designed for application in both pre-deployment and in-mission training.

Target audience

The priority target audience of this STM package are military decision makers, staff officers, and tactical level unit leaders. However, leadership at all levels that supervise, support and coordinate with the specific unit may benefit from this material.

Structure of the training materials

The package is constructed in three modules:

Module 1: **Conceptual Framework**

Module 2: **Legal Framework**

Module 3: **Operational Framework**

Annexes:

- **Annex A:** Power Point Slide Presentations
- **Annex B:** Comprehensive Protection of Civilians (CPOC) Specialized Training Materials (STM)
- **Annex C:** Learning Activity / Scenario-based Table Top Exercise (TTX) for the MTF
- **Annex D:** Training Guidance / Training Model
- **Annex E:** References and background material

Acknowledgements

ITS would like to thank the subject matter experts from across the UN system, Member States and other regional and international organisations who provided feedback during the drafting process, and the numerous training personnel from national peacekeeping training institutions and field missions who participated in the development workshops. A special acknowledgement to the following Member States and their Permanent Missions to the UN for their contribution in the follow STM development;

Military Aviation Unit- Islamic Republic of Pakistan
Military Engineering Unit- Japan
Force Headquarters Support Unit- Republic of the Philippines
Military Logistics Unit- Commonwealth of Australia
Maritime Task Force- Federative Republic of Brazil
Military Police Unit- Italian Republic
Military Riverine Unit- Oriental Republic of Uruguay
Military Signal Unit- Republic of India
Special Forces Unit- French Republic
Military Transport Unit- People's Republic of Bangladesh

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

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

Table of Contents

Instructor
Guidance

General Considerations for Instructors

This package is a compendium of critical training content for specific units operating in UN peacekeeping. No training material can cover the entire complexity of the peacekeeping environment, with all its challenges, complexity, and activities. The STM package should therefore be viewed as the baseline to underpin related training efforts for military peacekeepers. However, when designing a particular course, trainers need to be prepared to adapt these materials to the needs of their audience. As a result, the duration of training courses delivered based on the materials may vary greatly.

Concerning necessary competencies for participants to benefit from this training package, it is recommended that personnel receiving this training be proficient on basic military tasks (individually and collectively) at the tactical and technical level. As such, it is expected that a battalion staff officer be fully capable to perform staff officer duties before receiving the instruction. It is also critical for all participants to have received the Core Pre-Deployment Training Materials (CPTM) as a pre-requisite before this training. The CPTM contains fundamental principles, concepts and ideas to UN peacekeeping, which should be well grasped by trainees before participating in the specific unit STM course. It is also, recommended that instructors develop and implement an initial written test and final test (post instruction) to reinforce the learning objectives and evaluate the training level / knowledge of participants.

The STMs can be downloaded from: http://research.un.org

Instructor Profile

This training package is best presented by instructors who master the STM and have previous experience working in a UN peacekeeping mission. In particular, experience with the specific unit at the tactical level is important. The knowledge on the particular mission where trainees are to be deployed is advisable, so as to be able to deliver a targeted course based on real experience. Finally, instructors should be familiar and comfortable with facilitator based instruction and facilitating scenario-based Table Top Exercises (TTX).

Table Top Exercise (TTX) Considerations

Contained in the STMs are TTXs. These exercises are scenario / situational driven learning activities to help consolidate the learning outcomes and help reinforce the lesson "Take Aw". TTXs provide a learning environment tailored to facilitate discussions. They are set in an informal learning environment where the target audience is able to discuss the principles and concepts of operating in a United Nations Peacekeeping operation using the hypothetical, CARANA scenario and unit specific situations. The exercises help participants to better understand the manifestation of integrating units in a peacekeeping environment.

Methodology: Using their national problem solving doctrine, methodology, military decision making processes, troop leading procedure, analyze the situation / scenarios, mission / tasks, and present an analysis of COAs to be executed in a UN peacekeeping operation. The effectiveness of a TTX is derived from the energetic involvement of participants under the guidance, of the experienced instructors and mentors. Instructors should highlight the adequacy of the core elements and principles in operating in support of peacekeeping operations. If need be, instructors assist the participants in bridging any gaps in this transition from standard military operations toward peacekeeping operations. It is important that instructors emphasize that C2, the support structure, POC, and the coordination with various actors in a UNPKO can be a challenge and more complex.

Training Characteristics

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

- Training should be interactive and encourage the participation of trainees.
- Training should be mission-specific and trainers should present examples from UNPKO missions
- Training methodology should be based on practice

Symbols Legend

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

Module
1

Module 1 at a Glance

Aim

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

- Overview , concept and capabilities of MTF

- Nature and characteristics of MTF

- Support relationships and support framework

- Flexibility and adaptability of MTF

- MTF roles and responsibilities supporting UN Peacekeeping Operations (PKO)

Overview

Module 1 provides an overview of the conceptual framework related to MTF operating in a UN PKO to support and help contribute towards a successful achievement of the Mandate. It also examines the nature, characteristics of MTF and their support to forces in UN Missions.

Learning Objectives

Learners will:

- Describe the capabilities and characteristics of UN MTF

- Explain the MTF framework and its key concepts

- Understand the roles of different types of MTF elements

- Describe the principles of MTF support

Introduction

Slide 1
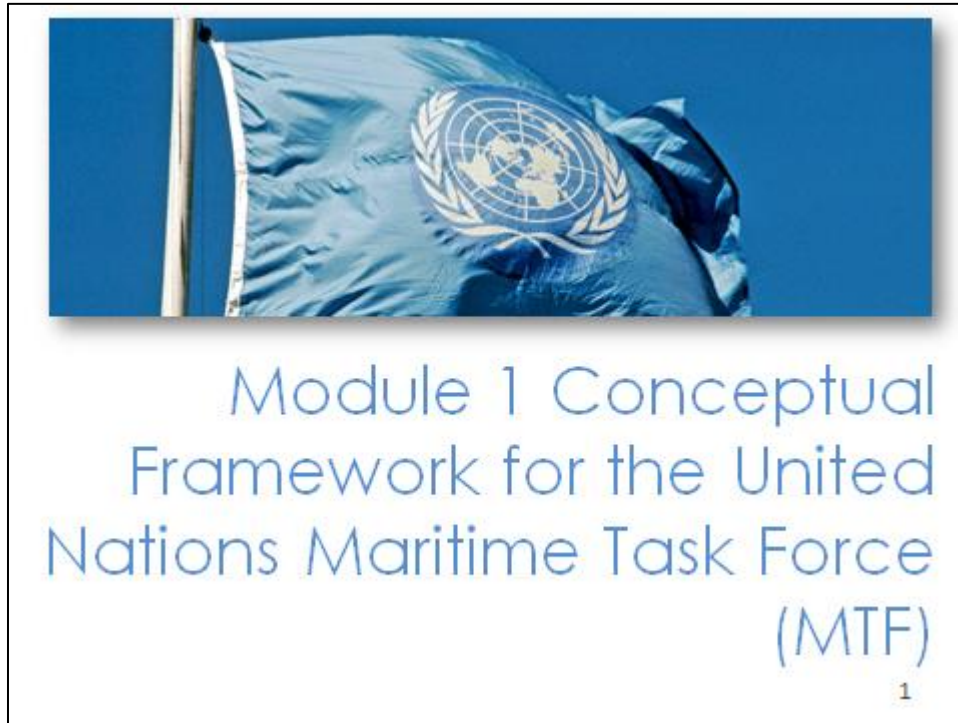
Key Message: UN Maritime Task Force (MTF) can contribute decisively and in support towards the successful achievement of the Mission's mandate. To date, MTF have deployed to peacekeeping operations in most of the UN missions. To acknowledge nature, characteristics of MTF and their complementarity with the force and the other components in the mission it is essential for us to be familiar with their capabilities, employment concept, and support framework.

The aim of Module 1 and the two associated lessons is to provide you an overview of MTF in order to employ them in an appropriate manner. Finally familiarize you with their capabilities and support frameworks.
Specifically, this module emphasis:

- The nature of MTF

- Their characteristics, capabilities and support relationships

- Different types of MTF

- The flexible and adaptable organizational structures of MTF

- Their place, role and support in Peacekeeping Operations (PKO)

Slide 2

In this Module that addresses the conception framework for MTF operating in a UNPKO we will cover in two lessons the content displayed on this Slide.

Lesson
1.1

MTF Employment Concept

The Lesson

Starting the Lesson

For an interactive start to Lesson 1.1 ask the participants if they have had recent experience in a UN PKO. Ask them to tell the group about specific challenges they faced in the mission when it came to command and control, tasking orders, and the proper employment of these units in a UN PKO.

Note to instructor – recommend that this lesson 1.1 be presented by a trainer who has some personal experience in MTF or Force HQs of a UN PKO, and has a general knowledge of the Policy for Authority, Command and Control in United Nations Peacekeeping Operations (Reference 2008.4).

Slide 3

This lesson describes the general employment concept for the UN Maritime Task Force (MTF) and its integration with the UN ground forces.

We will describe the advantages to the UN ground force and to the Mission of having a MTF deployed in the mission and we will also explain the need for interoperability with all actors.

This lesson will enumerate and explain the key roles of a MTF and the command and control structure.

Of note; every time you see or we say the Acronym MTF in all the lessons, we are referring to the United Nations Maritime Task Force.

Slide 4

Here are the subject areas we will be covering.

Slide 5

Learning Outcomes
Lesson 1.1

- Describe the full integration with the UN ground force
- Describe the advantages to the UN ground force and to the Mission of having a MTF
- Explain the need for interoperability with Mission
- Provide an overview about the key roles of a MTF
- Explain the command and control structure

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In all good training practices, let's review the learning outcomes. At the end of the lesson our aim is for you to be able to assimilate the essential roles, C2 and how the MTF fits in the UN structure. Please take a moment to read and understand the requirements.

Slide 6

The MTF must be fully integrated with the ground forces, since it can open a new dimension of options for the Force Commander (FC). The MTF, when deployed, has to be a fully integrated part of the UN Mission's military component.   The MTF has its own unique characteristics such as mobility, permanency, versatility and flexibility that could add a critical dimension in the accomplishment of the Mission's mandate.

Most of the people in the world live close to the coastline, and this concentration brings importance to the MTF's role; contributing to the Force Commander's tool box of tasks to accomplishment the mission. This contribution varies in accordance with the organization and capabilities of the MTF and the profile of the Mission.

Slide 7

Advantages to UN Ground Force and Mission

- Deterrence
- Situational awareness
- Medical facilities
- Military transportation sustaining operations
- Execution of mandated tasks
- Primary or secondary platform for Command, Control and Communications (C3)

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A UN MTF provides specific advantages to UN ground force and to the Mission.

- The A MTF can quickly arrive at a crisis area, presenting a timely and meaningful response, often before a significant deployment of ground troops
- Ships are self-sustained units and can stay at sea for long time. They can receive logistic support from other units at sea, such as fuel, food, ammunition and sustain crew rotation.

- Although people don't see the ships when they are operating, often far from the coast, the MTF is performing its tasks. Depending on the tasks assigned to the MTF, there is no need to have contact with local actors. The ships generally operate beyond the line of sight, patrolling the areas that provide security in advance to the ground troops

- Ships are fitted with C3 equipment and can be used as a relay to other ships and ground troops. The MTF can provide situational awareness to Force Commander, as well as force protection for both ground and naval forces

- The MTF can be linked to the political-strategic level tasks, contributing to ensure compliance with all the UN sanctions, embargoes, agreements or Security Council Resolutions. The MTF can assist in the compliance of specific political arrangements vital to the Mission success, provides support to ground forces and controls the sea environment

- MTF can conduct naval operations in a wide spectrum of requirements and operational environments, such as, attack operations on land, amphibious operations, mining and demining operations, special operations, port defense operations and rescue operations

- A UN Maritime Task Force is not limited to maritime effects at sea. Ships provide advanced platforms for military aviation, communications and medical support to the ground force. These are just few examples of the flexibility that a MTF can provide to ground force in a UN Mission

Slide 8

This slide shows all the key roles of a MTF. We will cover each role in more detail in the flowing slides.

Slide 9

Key Message: UN Maritime Task Force (MTF) can contribute decisively and in support of the Force Commander. Presence of naval power means that there is a Maritime Force operating in an area of interest, ready to be employed by discretion of the Force Commander.

The MTF presence can be a key enabler of regional stability, providing credible maritime power to meet Force objectives and supporting peace and security activities on land. The MTF can act on indications and warnings and based on the assessment of situation can take a timely response to prevent, deter and resolve conflict at, or stemming from, the sea that may also affect land operations.
The MTF has an active role in shaping the operational environment and provides support for humanitarian assistance and disaster relief operations, when required.

Slide 10

Key Message: UN Maritime Task Force deterrence is the capacity of preventing hostile actions by potential threats. To be effective, it must be credible and can contribute decisively in support of the Force

The MTF must provide credible deterrent options to ward off potential threats.
To be effective, deterrence requires a comprehensive approach to show a judicious and balanced naval power. Deterrence also includes the capability to present a credible and effective response to potential threats.

Slide 11

Key Roles

Sea Control:

- Ensure successful maritime operation

- Demonstrated use of maritime assets

- Superior capabilities within the area of maritime operations

- Secure the use of the sea environment by the UN MTF and prevent its use by any negative entity

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Sea control is the capability of having superior forces in a maritime area and to prevent the use of this area by a negative force. Sea control consists of the exercise of naval power to allow or deny the passage or permanence of ships in an area of maritime operations, according to specific criteria. Sea control should be limited in space and time. A MTF can also, assist in the control of an area to secure the freedom of action of ground forces, or to project power, or to protect merchant ships.

Slide 12

Power projection means obtaining influence on areas of interest. The MTF can be organized to shape, influence and control the operational environment on land and at sea. With the correct assets, it can overcome geographic challenges to access and project power ashore, supporting peace and security activities on land and sea without reliance on ports and airfields in the Mission area.

Slide 13

Key Message: The MTF can be deployed in advance during the development of a potential crisis to support ground operations, providing C3 and projecting power ashore.

The capacity to project power on land and at sea, by deploying naval forces early and rapidly. This capability is a clear message that shows a signal of international resolve that can be sustained for long periods, while remaining poised to respond on short notice.

Slide 14

Certain threats can contribute to regional instability. The MTF can be used to establish conditions for security. Terrorism, piracy and transnational crimes may contribute to national or regional instability and use legitimate maritime traffic to mask their activities. The MTF can be used to establish conditions for security and protection.

Slide 15

Maritime security operations must be performed in close coordination with other actors to be effective. The ongoing maritime security operations are related to counter piracy, sea-demining, illegal trafficking of people, weapons and drugs. These are transnational crimes that may have a negative effect on security in countries that also, may contribute to internal conflicts and regional instability. Maritime security, interception and law enforcement operations involve close coordination and shared situational awareness amongst governments, the private sector, as well as international and non-governmental organizations.

Slide 16

The MTF can perform humanitarian assistance operations and disaster relief, providing logistic support for ground forces and organizations for prolonged periods. MTF can assist with providing crucial medical facilities, doctors, logistical support as well as limited strategic sealift and tactical air and sealift.

Slide 17

This slide addresses the topic of the command and control relations over the MTF:

- Operational Authority - Senior Representative of Secretary General, as Head of Mission

- Operational Control - UN Force Commander or Head of Military Component

- Operational Control - UN Maritime Task Force Commander, when delegated

- Tactical Command and Control - UN Maritime Task Force Commander

Slide 18

Lesson 1.1 Take Away

- A MTF adds a critical third dimension to the Force Commander's tasks

- The advantages of a MTF are linked with its Key Roles: presence, deterrence, sea control, power projection, maritime security, humanitarian assistance and disaster relief

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Summary

Here is the lesson Take Away; let's review these topics:

- The MTF is integrated with the ground forces in a UN Mission. This sea / land / air asset adds a critical third dimension of capabilities, tools for the Force Commander

- The advantages of a MTF are linked with its "Key Roles" and capabilities

Slide 19

Lesson 1.1 Take Away

- Can quickly arrive at a crisis area and remain on location for long periods
- Provide C3 to enhance situational awareness and force protection for both ground and naval forces
- Monitor and enforce UN sanctions and embargoes
- Support capacity building for emerging states (Presence, Deterrence and Sea Control)
- Patrol the territorial waters and offshore resources of a state lacking its own maritime capability (Presence and Maritime Security)

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Summary

You will also be able to explain and have a general understand of the nature and attributes of a MTF:

- MTF can quickly arrive at a crisis area and remain on location for long periods

- Provide C3 to enhance situational awareness and force protection for both ground and naval forces

- Monitor and enforce UN sanctions and embargoes

- Support capacity building for emerging states (Presence, Deterrence and Sea Control)

- Patrol the territorial waters and offshore resources of a state lacking its own maritime capability (Presence and Maritime Security)

Slide 20

Summary

Let us review these topics:

- The MTF can interdict negative forces on land or sea

- It can undertake constabulary roles monitoring cease-fires in coastal areas

- The MTF can ensure compliance with maritime lines of demarcation (Presence, Sea Control and Maritime Security)

- Support peace and security activities on land and sea without reliance on ports and airfields in the Mission area (Power Projection)

- Provide Humanitarian Assistance and Disaster Relief

Module 1 – Lesson 1.2

Slide 21

Summary

Finally, we should have a general understand of these topics:

- A MTF is expected to be interoperable with its military and non-military counterparts. All component's input is necessary for an effective prioritization of tasks and forces, sound situational awareness, and clear C3

- Operational Authority belongs to the SRSG; Operational Control belongs to the Force Commander, but can be delegated to MTF-COM with TACON authority

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Lesson
1.2

Organization of the MTF

The Lesson

Starting the Lesson

For an interactive start to Lesson 1.2, engage participants to seek their understanding of how might the support and C2 structure / framework may differ from their own.

Slide 1

Organization of the United
Nations Maritime Task
Force (MTF)
Lesson 1.2

1

This lesson describes the MTF organization system for MTF.

Slide 2

Lesson 1.2 Content

- Organizational planning considerations
- Organizational structures for maritime operations
- 'In support of land operations' organizational structure
- 'Stand-alone' maritime organizational structure
- Considerations for command posts afloat or ashore
- MTF HQs staff

2

We will discuss these topics.

Slide 3

As a good training practice, let's review the learning outcomes of this lesson.
At the end of this lesson, you should be able to perform the actions described on the next two slides. Please take a moment to read and understand the requirements. This will help us focus on the most relevant aspects of the lesson. At the end of this lesson, you should know and understand the general organization of the UN MTF

Slide 4

Learning Outcomes
Lesson 1.2

- Describe the organizational structure for MTF for 'stand-alone maritime operations'

- Explain the considerations for command posts afloat or ashore

- Describe the MTF headquarters staff organization

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Slide 5

Organizational Planning Considerations

- Capabilities
- Tasks
- Environment geographical maritime AOR
- MTF structure and characteristics varies

5

The organizational structure and characteristics of the MTF vary with each mission depending on the scope of the Security Council mandate. The MTF is purpose-built to achieve the mission's desired end state.

Organizational considerations include the key peacekeeping capabilities required, number of concurrent tasks, the operational environment and the geographical spread of the Area of Maritime Operations (AMO).

Slide 6

DPKO and OMA maritime planners take into account vessel availability and usage rates and, if necessary, consider using alternative assets. Planning should be based on deployment capabilities such as endurance, equipment, C2 capabilities and weapon systems, and not necessarily focus on the type of vessel.

Slide 7

When determining the required Maritime assets; the number and types planners look at:

- A strong MTF presence, in terms of both quality and quantity, to deter challenges to the mandate and ensure force protection

- An effective mix of on-shore elements and off-shore vessels tailored to the needs of the mission

- Adequate coverage of the AMO

- Cost-effectiveness and availability of various assets for tasks like area surveillance, location, identification, tracking and hailing. These tasks can also be done by a combination of vessels, aircraft, unmanned aerial vehicles, satellite imagery, and coastal radars

Slide 8

There are two types of MTF staff organization that are based on whether the MTF operation will be in support of land operations or stand-alone:

▪ Rather than focus on specific types of maritime vessels needed for a UN MTF, these two organizational structures more appropriately focus on capabilities needed

▪ Actual vessels with the desired capabilities are identified during the force generation process in response to specific mission mandates, requirements and offers from UN member states wishing to participate in a particular maritime operation

Slide 9
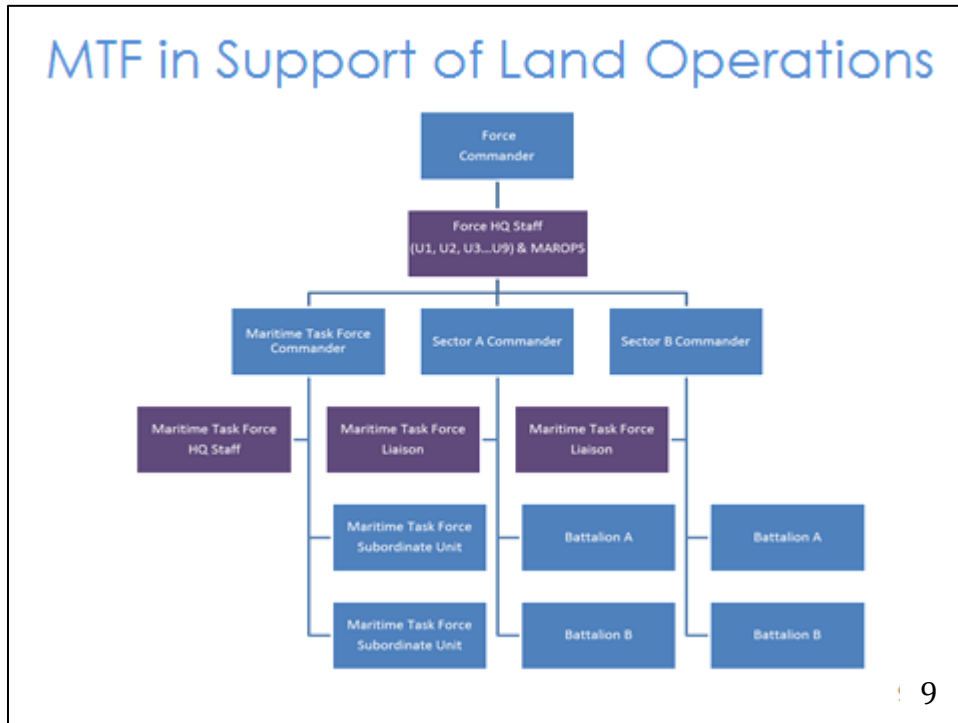
When tasked to be in support of land operations, the MTF assists another civil or military component in the achievement of its objectives. As such, the MTF commander reports to the other component commander. Similarly, the MTF shore liaison element is subordinate to the component staff element that is directing the operation.

On this Slide we describe the structure that supports this type of operation:

- The Maritime Operations (MAROPS) element on the Force Commander's staff provides naval expertise for operational planning and integration of maritime activities

- The Naval Operations Center (NOC) (not shown above) embedded in the Joint Operations Center (JOC) is responsible for monitoring and supporting maritime operations

- The NOC supports the Head of Mission/Force Commander with situational awareness from MTF operations, and facilitates liaison with host government agencies on maritime issues

- The NOC also provides a shore-based MTF Headquarters Command, Control, Communications and Computers capability for monitoring MTF elements at sea

Slide 10
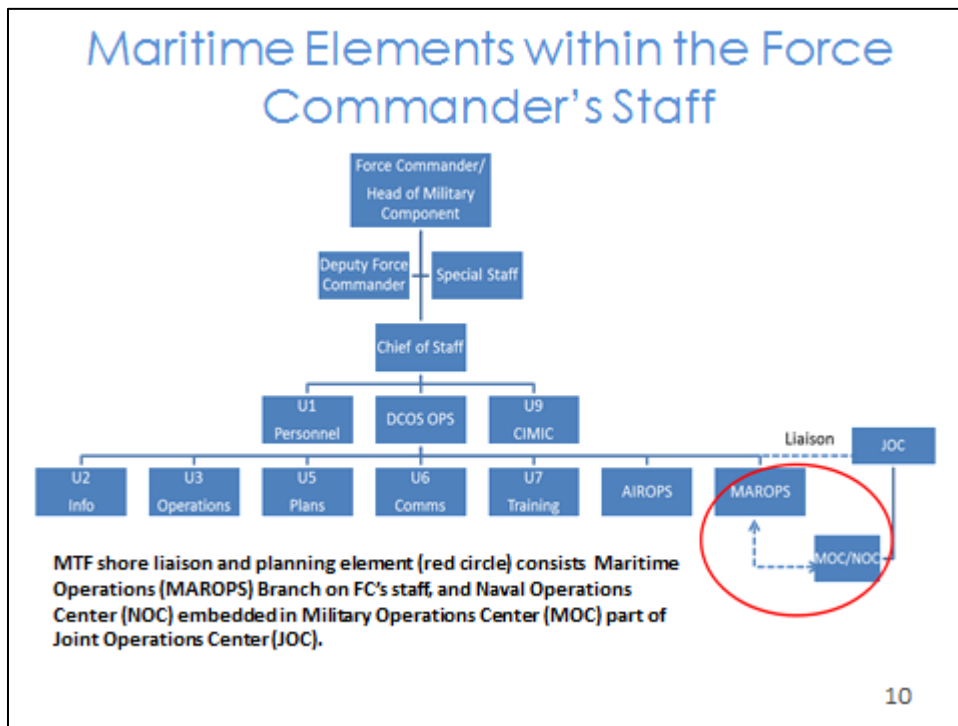
When operating in support of a land operation structure, the MTF includes a Task Force Headquarters Staff and a shore liaison and planning element, consisting of a Maritime Operations (MAROPS) Branch established as part of the Force Commander's Staff, and a Naval Operations Center (NOC) element within the MOC and liaison elements.

Slide 11
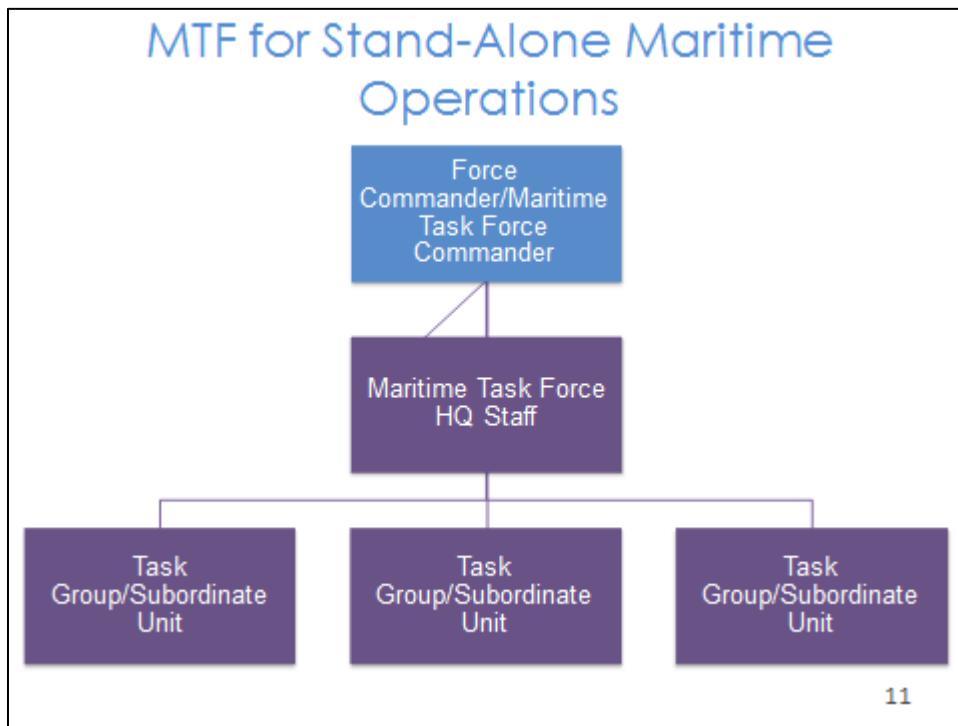
This slide show a stand-alone maritime operation:

- A "Stand-Alone" MTF Operational structure is appropriate when a UN Mission has military objectives that are fully or predominantly maritime in nature

- In this scenario, the MTF forms the bulk of the military component in the UN peacekeeping force, and the MTF Commander may concurrently serve as Force Commander/Head of Military Component

- At the MTF Headquarters, the Chief of Staff (COS), who might also serve as the Deputy UN Force Commander, assists the UN Force Commander and coordinates his principal staff

- The MTF staff organization for Stand-Alone maritime operations is illustrated above

Slide 12

The MTF commander must have the flexibility to establish command posts either afloat or ashore depending on the mission situation. Each location has its advantages and disadvantages.

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Slide 13

Command posts ashore support closer integration with the mission headquarters and host government agencies. This model is beneficial for an evolving mission or for missions in the start-up phase where consultation with mission headquarters is frequent and ad-hoc.

Slide 14

Command posts afloat provide forward command presence in the AMO, and are preferred for complex maritime missions requiring close command supervision. The MTF command posts afloat are also appropriate when a UN mission is predominantly a maritime operation or is in a steady-state and consultation with mission headquarters is less frequent but regularly scheduled. The command post afloat model requires a flagship that must be suitably equipped to support MTF commander functions at sea.

Slide 15
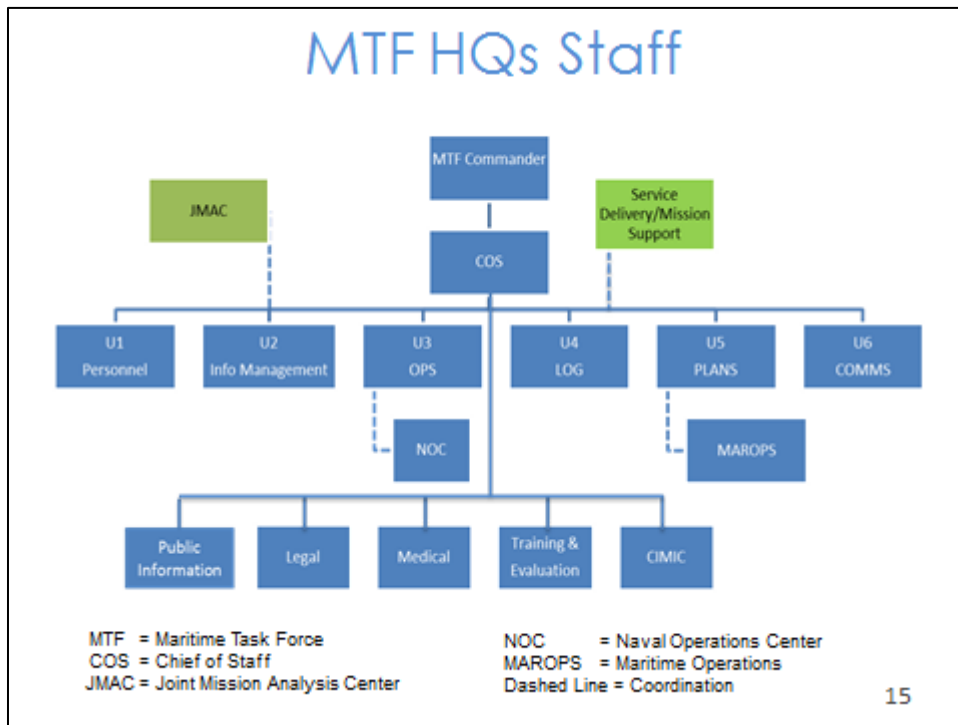
This next topic we will present is in reference to the major elements of the MTF headquarters staff organization for supporting land operations and then followed by a brief description of each element.

The chart above illustrates the major elements of the MTF Headquarters Staff organization, "In Support of Land Operations". The structure of the "Stand-Alone" MTF Headquarters will be very similar although it might be augmented by a few additional cells to reflect the fact that the MTF Commander is also the Force Commander.

Slide 16

The MTF personnel section provides personnel administration and serves as a liaison between subordinate units and the headquarters on personnel issues such as staffing, medal eligibility, visa applications, and commendation letters. The personnel officer should be supported by at least one personnel assistant, but the actual size and composition of the section will depend on MTF requirements.

Slide 17

The MTF information management section is responsible for planning, collecting and analysing information pertaining to the maritime threat in support of the UN MTF's mission objectives. Information sharing is a critical part of any maritime operation. The information management section maintains close links with the Force U2 / mission Joint Mission Analysis Centre (JMAC) for integrated information sharing and mission analysis.

Slide 18

The operations section coordinates and controls the UN MTF's current operations. As the UN MTF's Naval Operations Center (NOC), the OPS section coordinates all operational activities within the AMO including air movements, conducts liaison with the NOC/Joint Operations Center (JOC) and processes immediate requests from subordinate units.

Slide 19

The MTF OPS section works hand-in-glove with the MTF plans section (N5) to manage the UN MTF's operations and plan future operations. The OPS section maintains the recognized maritime picture and integrates and disseminates information from multiple sources for command situational awareness. The OPS section also establishes and maintains liaison with adjacent task forces, and if any, with force/mission headquarters for coordination and control of activities (via NOC).

Slide 20

Logistics Section (N4)

- Oversees logistics requirements
- Ensure wherewithal UN MTF
- Coordinates with Director Mission Support (DMS)

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The LOG section oversees logistics requirements such as replenishment and repair services, port facilities and medical support to ensure the MTF has the wherewithal to accomplish its mission. The MTF LOG section is staffed by a logistics officer and a logistics assistant. The LOG section coordinates with the offices of the DMS for centralized logistics planning and supply management. The logistics officer also serves as the MTF finance officer

Slide 21

The MTF PLANS is responsible for operational analysis, future operations planning, operations order development and regional capacity building. The PLANS should be staffed by a chief, Future Operations (FOPS), and a team of officers serving as FOPS planner, air OPS planner, Regional Cooperation Officer (RCO) and knowledge management officer. As the future operations cell of the UN MTF, the PLANS cooperates with parallel planning cells in other staff elements to identify situational and requirement changes and recommend plans adjustments.

Slide 22

The MTF PLANS coordinates with MTF information management (N2) and operations (N3) sections to ensure that MTF elements, including air assets, are available and suitably employed to minimize gaps in coverage and respond quickly to dynamic situations. Information requirements are factored into surveillance flights to support overall Mission objectives

Slide 23

The COMMS maintains MTF communications and communications protocol during operations. The COMMS provides communications troubleshooting and preventative maintenance, and focuses on ensuring the availability of reliable voice and data communications between the force/mission headquarters and the MTF headquarters. The section is staffed by a COMMS officer and a team of COMMS assistants.

Slide 24

The training section develops training plans and evaluations in accordance with UN and internationally accepted standards for the UN MTF. The section conducts training and training evaluations to maintain MTF unit skill levels and integrate new units into the UN MTF.

Slide 25

The training section develops training plans and evaluations in accordance with UN and internationally accepted standards for the UN MTF. Should the UN mandate require, the training section plans and executes training for host or designated nation forces as part of the UN MTF's capacity building efforts. The size of the training section takes into account the existing expertise and resources available to the UN MTF.

Slide 26

The Legal Advisor is responsible for providing the MTF Commander legal counsel on operational issues, mainly on the Rules of Engagement (ROE). The UN MTF's ROE must be sufficiently robust and legally sound to ensure that the MTF retains its credibility and freedom of action in implementing the UN mandate. The Legal Advisor represents the MTF on legal issues and actively consults the Mission Force Commander's legal advisors.

Slide 27

The PIO generates support and understanding for the UN mission amongst the local population and international community. The office coordinates with other mission components and plans for appropriate engagement activities with the local seagoing population through confidence-building measures, community engagement, media management and key leadership engagements. Where needed, the PIO engages local interpreter/language assistants.

Slide 28

The PIO is supported by a public information team, the size and composition of which depends on MTF and mission requirements to further media outreach efforts. The PIO should be equipped with reach back communications to the force's/mission's chief of public information so that it can keep informed of the public information strategy, media trends relating to the mission and submission of press releases.

Slide 29

The medical cell is responsible to the MTF commander for all medical operational matters. The size and capability of the Medical Cell depends on Mission requirements:

▪ The medical cell may be required to plan and co-ordinate medical support for the UN MTF, oversee maintenance of medical support, develop medical training policies and standards, and ensure the compliance of MTF units with internationally accepted standards

▪ MTF units may be deployed for extended periods of time in the AMO. Given the uncertain availability of reliable medical and dental facilities in the AMO, comprehensive pre-deployment medical screenings are needed to ensure that participating personnel are fit for deployment

▪ Mission forces must ensure that medical teams are self-sufficient to provide primary medical support and emergency care

▪ Robust medical support is essential to mission success and ensures that the MTF is able to conduct its duties in a dynamic mission environment

▪ Detailed planning for medical support is required for pre-deployment medical preparations and ready access to surgical facilities

Slide 30

The CIMIC cell builds confidence in the MTF by coordinating with local authorities and/or regional agencies through the mission/force headquarters for community and humanitarian outreach. The CIMIC cell contributes to situational awareness, assessments and reports regarding the civil maritime environment.

Slide 31

- The size of the CIMIC cell will depend on the civil maritime engagement and coordination objectives of the UN MTF

- CIMIC can involve cooperation, guidance, advice and assistance to merchant shipping

- MTF operations and merchant shipping need to be decongested. For that reason, cooperation, guidance and assistance, and the enhancement of safety and security for merchant ships are vital to Mission success

- As appropriate, the CIMIC cell or the MAROPS branch coordinates with organizations, such as Naval Cooperation and Guidance for Shipping (NCAGS), to gain information and build rapport with the merchant maritime industry and foster cooperation with MTF guidance and actions at sea

Slide 32

Lesson 1.2 Take Away

- Structure and characteristics of MTF varies, depending on scope of security council mandate

- Two types of MTF organization:
  - In support of land operations structure
  - Stand-alone organizational structure

- Two types of command and control over MTF:
  - Command posts ashore
  - Command posts afloat

32

Summary

This slide describes the lesson take away. We should be familiar with the following topics:

- The organizational structure and characteristics of the MTF will vary with each mission, depending on the scope of the security council mandate

- There are two types of MTF organization: 'In Support of Land Operations' organizational structure and 'Stand-Alone' organizational structure

- There are two types of Command and Control over MTF: Command posts ashore and Command posts afloat

Slide 32

Lesson 1.2 Take Away

- The major elements of the MTF HQs staff organization:
  - Personnel section (N1)
  - Information management section (N2)
  - Operations section (N3)
  - Logistics section (N4)
  - Planning section (N5)
  - Communications section (N6)
  - Training section (N7)
  - Legal Advisor (LegAd)
  - Public Information Office (PIO)
  - Medical cell
  - Civil-Military Cooperation (CIMIC) Cell

33

In review, here are the major elements of the MTF staff.

Learning Activity (if not done earlier)
> **1.2**

RESOURCES

2 flip charts
Markers

TIME
15-20 minutes

PREPARATION
Break-up the participants into two groups. Each group take 5-8 minutes to write 3 items / areas of the UN support framework that are peculiar or significantly different from your own countries logistical / support structure.

NOTES TO INSTRUCTOR
Use this opportunity to help facilitate and bring out the differences in the UN support / logistical framework.

Reinforce the fact that they may face support/logistic challenges in the mission.

Lesson

1.3

The Lesson

Starting the Lesson

N/A.

Lesson 1.3 Part 1
Slide 1

Support for the United
Nations Maritime Task
Force (MTF)
Lesson 1.3 Part 1

1

This lesson will provide you with a comprehensive coverage of the support framework for a MTF operating in a UN peacekeeping operation. The aim is to familiarize you with this framework and give you a better understanding of this aspect of operating in a UN PKO. The lesson will be broken down into three parts. This is the first portion.

Slide 2

Here is the content we will be covering during this lesson. As you can see it is a very comprehensive overview of the various aspects of support.

Slide 3

At the end of this lesson participants should know and understand the support expectations to a MTF, its self-sustainment requirements and the Mission sustainment support framework.

Slide 4

In accordance with the UN Contingent-Owned Equipment (COE) Manual, the UN provides only selective logistical support to MTF vessels. UN Maritime Task Force vessels are subject to 'wet lease' agreements, making logistical support the responsibility of the Maritime Contributing Countries. Logistic support can be from a limited number of approved ports. The UN Maritime Task Force is expected to meet the typical requirements of self-sustainment, in accordance with national norms, the terms of the Force Requirement and any existing Memorandum of Understanding (MOU) or Letter of Assist (LOA).

Slide 5

To avoid having UN Maritime Task Force personnel arrive unprepared to sustain themselves or their operations, Maritime Contributing Countries and their contingents must be clear on what support will be provided by the UN, and what support they must provide for themselves. It cannot be over-emphasized that special attention must be given to the detailed requirements for rations, water, shelter, medical and supplies both aboard ship and for any Maritime Task Force elements that may be stationed ashore.

Slide 6

A ship at sea must be capable of self-sustainment in basic life support needs such as food, fuel, water and shelter. Depending on support arrangements stipulated in the Force Requirement / Statement of Unit Requirement, MOU or LOA, any UN support to the UN Maritime Task Force, if it is being provided, may not begin until after the first 30 to 90 days following the unit's arrival in the Mission area. Until that time, the unit is responsible for meeting all its own needs for food, fuel, water, lubricants, etc.

Slide 7

Typically, Contingents (afloat and ashore) are required to initially self-sustain for a specified period of time in these areas shown on the slide.

Slide 8

If there is an MTF contingent on land the Accommodation can be classified as:

- Initial accommodation: the UN Mission may prepare green field sites for any shore-based MTF contingents under austere conditions. The contingent will need to deploy with sufficient tents for all accommodation, storage, offices, ablutions and workshops, etc. Water sources will be arranged by the UN Mission; the contingent must deploy sufficient water purification units to produce and consume its own purified water. The Mission will provide Field Defense Stores (FDS) and additional FDS kits for use in mobile operations

- Permanent Accommodation: after the initial 6 months, the UN Mission has to provide rigid or semi-rigid accommodation; in case of not providing, the UN Mission will pay a penalty rate of reimbursement until pre-fabricated accommodation can be provided

- Deployable Accommodation: the contingent must deploy with a tents necessary for short-term operational and tactical deployments

- Tents structure must include flooring and the ability to heat and cool appropriatly; netting at doors, windows, and the inner / outer fly of tents. Double-layered tents with metal pipe frames are recommended due to conditions in the field. It is also recommended to mount the tents on cement or wooden foundations to ensure their stability

- Basic fire-fighting equipment, fire detection and alarms
- Medical: observation and treatment identification

Slide 9

Ships must be capable of self-sustainment in basic life support needs such as food, fuel, water and shelter. In complement of the basic accommodation showed in the last slide, it is also necessary to provide these items shown on the slide.

Slide 10

Mission Sustainment Support

- After initial period of self-sufficiency, MTF support can be coordinated with (Ground) Force HQs

- Depending on arrangements with MCC / DPKO, Director of Mission Support (DMS) can support MTF's

10

Following the initial period of self-sufficiency, the UN, if supporting an element of the MTF, provides sustainment support. The MTF must liaise with the Mission and Force HQs.

Slide 11

following the initial period of self-sufficiency, the UN, if supporting an element of the MTF, provides sustainment support:

- The DMS acquires and provides the supported elements of the UN Maritime Task Force, such as food, fuel and water, aside from the initial self-sustainment requirement specified in the Force Requirement / Statement of Unit Requirement, MOU or LOA

- If arranged by MOU or LOA with the Maritime Contributing Country, the UN may provide the following:

- Food rations (storage, cooking and sometimes transportation are a contingent responsibility)

- Bulk raw water (or access to bulk raw water). Maritime Contributing Country contingents are responsible for purification, storage and transport)

- Bulk fuel

- Strategic movement of COE and personnel from home country to the Mission area of operations, if not part of a sea-going vessel

Slide 12

If arranged in writing by MOU or LOA with the Maritime Contributing Country, the UN may also provide the following items and services:

- Main supply route, road/other infrastructure upkeep and mine clearing. Minor engineering and routine upkeep if a TCC and Maritime Contributing Country are responsibility

- Blood and blood products

- Casualty Evacuation/ Medical Evacuation: CASEVAC / MEDEVAC transportation and support for movement of sick and wounded personnel to appropriate medical facilities

- Medical Evacuation (MEDEVAC) entails the evacuation of a casualty between two medical facilities; either within the Mission area (in-theatre) or out of Mission area. MEDEVAC should be conducted depending on the medical urgency

- Road transport for shore liaison elements and administrative activities

Slide 13

Review of the main aspects of the lesson.

- The UN provides only selective logistical support to MTF vessels

- MTF vessels are subject to "wet lease" agreements making logistical support responsibility of MCC

- MTF vessels are expected to meet the typical requirements of self-sustainment in basic life support needs such as food, fuel, water and shelter

- Following the initial period of self-sufficiency, the UN provides sustainment support through coordination between the MTF and the Mission Headquarters, if so stipulated in the Force Requirement/ Statement of Unit Requirement, MOU or LOA

Lesson 3.1 Part 2
Slide 1

Support for the United
Nations Maritime Task
Force (MTF)
Lesson 1.3 part 2

1

This lesson is the second part of Lesson 1.3. We will continue to describe and explain the general support framework for the MTF. We will get into more detail on medical support and the different relationships on equipment sustainment support.

Slide 2

Lesson 1.3 part 2 Content

- Medical and CASEVAC / MEDEVAC support

- Responsibility for port facilities and provisioning

- UN Headquarters sustainment support

- Equipment support and ownership

- Wet Lease and Dry Lease

2

Here is the content of the lesson.

Slide 3

Learning Outcomes
Lesson 1.3 part 2

- Describe medical support and CASEVAC/ MEDEVAC capabilities requirements
- Explain responsibility for port facilities and provisioning
- Explain responsibility of UN HQs sustainment support
- Explain responsibility for equipment support and ownership to MTF vessels
- Describe Wet Lease and Dry Lease arrangements

3

At the end of this lesson one should know and understand the support expectations to an MTF, its self-sustainment requirements and the Mission sustainment support framework.

Slide 4

The UN is responsible for providing CASEVAC / MEDEVAC transportation and support for movement of sick and wounded personnel to medical facilities beyond Level 1.

- During the planning phase of each operation, special attention must be given to medical support and CASEVAC / MEDEVAC capabilities, procedures and timing with the appropriate staff officers at UN Maritime Task Force Headquarters, who will coordinate, as appropriate, with Mission/Force Headquarters

- The UN is responsible for providing CASEVAC / MEDEVAC transportation and support for movement of sick and wounded personnel to medical facilities beyond Level 1

- Casualty Evacuation (CASEVAC) entails the evacuation (by air or land) of a casualty from the site of injury to the closest medical facility. This category of patient transfer shall be conducted within 1 hour of injury

- Medical Evacuation (MEDEVAC) entails the evacuation of a casualty between two medical facilities; either within the Mission area (in-theatre) or out of Mission area. MEDEVAC should be conducted depending on the medical urgency

Slide 5

The UN is responsible for providing CASEVAC / MEDEVAC transportation and support for movement of sick and wounded personnel to medical facilities beyond Level 1.

- The UN is responsible for providing CASEVAC / MEDEVAC transportation and support for movement of sick and wounded personnel to medical facilities beyond Level 1

- UN Force/Mission CASEVAC / MEDEVAC assets and Level 1/2/3 Hospitals will provide medical support (if not available aboard ship) and should train with the Mission's Maritime Task Force

- CASEVAC / MEDEVAC training is aimed at interoperability with enablers, such as air and ground transportation assets

- When aerial CASEVAC / MEDEVAC assets are not available or appropriate, alternate CASEVAC / MEDEVAC may be arranged using Force or Mission assets and procedures

- UN Maritime Task Force CASEVAC / MEDEVAC typically involves UN Maritime Task Forces making use of all available assets

Slide 6

Maritime Contributing Countries will logistically support their vessels, if there are Designated Maritime Ports of Call (DMPCs) for resupply of food, fuel and water.

- Designated Maritime Ports of Call (DMPCs) are required for resupply of food, fuel and water

- Maritime Contributing Countries logistically support their vessels if the UN and Maritime Contributing Country determine that (1) adequate DMPCs are close to the UN area of maritime operations and, (2) the DMPCs possess the capacity to meet all vessel support requirements

- When Maritime Contributing Countries assume responsibility for providing their own logistical support, the Mission's Director or Chief of Mission Support is not involved in supporting UN Maritime Task Force vessels

Slide 7

Maritime Contributing Countries will logistically support their vessels, if there are Designated Maritime Ports of Call (DMPCs) for resupply of food, fuel and water:

- Logistical capability, military, legal and political considerations need to be taken into account in the selection of DMPCs

- DMPCs should be relatively close to the UN area of maritime operations to reduce time off-mission

- A limited extension of UN privileges and immunities is allowed for transit purposes.

- The UN carefully reviews options and, together with Maritime Contributing Countries, identifies a small number of appropriate ports of call that meet the basic requirements for vessel replenishment

- Available DMPCs should be confirmed during the Technical Assessment Mission before the start-up of a peacekeeping Mission

Slide 8

Maritime Contributing Countries will logistically support their vessels, if there are Designated Maritime Ports of Call (DMPCs) for resupply of food, fuel and water:

- If a port does not possess all the required logistical facilities, the UN Mission may provide the required logistical support to the UN Maritime Task Force by means of commercial contracting

- Alternatively, the UN may coordinate for the needed logistical support by arrangement with Maritime Contributing Countries

- If no commercial contractors are available, or their service levels are not accepted by Maritime Contributing Countries, the provision of food, fuel and water might also be sourced directly from the Mission's shore-based stores through appropriate land and sea transportation

- Ships of the MTF will then be replenished at sea while at anchor or underway

- Logistical support to a MTF is a complex undertaking and requires additional specialist skills within the Mission support structure

Slide 9

Responsibility for Port Facilities and Provisioning

- MCC knows support provided by UN and support they must provide for themselves

- Key documents (force requirement, statement of unit requirement, MOU or LOA) specify arrangements between UN and MCC for logistics support

9

- Whether or not the UN is providing logistical support, Maritime Contributing Countries and their contingents must be quite clear as to what support will be provided by the UN, and what support they must provide for themselves, in order to avoid having the UN Maritime Task Force arrive unprepared to sustain itself

- The specifics of what to expect are provided in key documents such as the Force Requirement or Statement of Unit Requirement (SUR) and any MOU or LOA between the UN and Maritime Contributing Country

- It cannot be over-emphasized that when negotiating MOUs and LOAs with the UN, Maritime Contributing Countries should give special attention to the detailed requirements and responsibilities for providing food, fuel, water, supplies, accommodation, information technology, communications, transport, office space and medical support for the UN Maritime Task Force command post and liaison elements located afloat and ashore

Slide 10

UN DPKO and DFS provide support to peacekeeping field Missions in the areas of Mission planning, force generation, human resources, general administration, logistical support services, communications, information technology, verification and financial reimbursements:

- Force generation, human resources and general administration, logistical support services, communications and information technology, verification and financial reimbursements

- Amongst these support responsibilities, the close coordination of the force generation and logistics planning processes is an essential requirement.

- This coordination occurs as soon as Maritime Contributing Countries have been identified for a specific Mission

- Problems that Maritime Contributing Countries may face in equipping or supporting their contingents are identified and staffed for resolution at UN Headquarters

- Problems are assessed based on a combination of the data given by the Maritime Contributing Country and inspections carried out by DPKO and DFS personnel

Slide 11

The DFS provides support to peacekeeping field Mission, by redeploying resources or contracting the necessary equipment or service.

- DFS also recognizes that many Member States do not possess all of the equipment needed for a particular UN Mission and have therefore put in place mitigating logistical arrangements such as the purchase of UN-Owned Equipment and/or "wet and dry leases", Memorandum of Understanding and Letters of Assist

- Moreover, the DFS logistics plan is the basis for identifying resources that may be re-deployed from other locations (e.g., UN Logistics Base Brindisi or other field Missions) to support Mission deployment

- Additionally, the DFS logistics plan forms a basis for negotiations with potential Maritime Contributing Countries on provision of COE that each individual Maritime Contributing Country is required to bring to the Mission along with any applicable sustainment services

Slide 12

Communications and IT support between MTF, Mission and Force HQ is provided by UN:

- Equipment for communications between the Mission, Force Headquarters and the UN Maritime Task Force is provided as UN-Owned Equipment (UNOE)

- UNOE ensures that the UN Maritime Task Force has integral, secure, military-grade communications within the Force or Mission's communications network

- At the Mission-level, the UN establishes strategic communications links, providing geospatial information and enabling information exchange throughout the respective Mission

- The UN Mission also provides access to the UN network and telephone system at the contingent headquarters level

Slide 13

MOU defines the responsibility of MCC for operational communications and welfare IT. National, operational and internal tactical communications aboard ship and within a national contingent, and any welfare information technology such as internet, is provided as Contingent-Owned Equipment and is the responsibility of the Maritime Contributing Country and its contingent, as defined by the respective MOU between the UN and Maritime Contributing Country.

Slide 14

When a nation deploys a UN MTF element, the inherent responsibility for equipment sustainment rests with the provider nation. When a nation or nations deploy a UN Maritime Task Force element, the inherent responsibility for equipment sustainment rests with the provider nation. This may include the supply of specialist spare parts or maintenance expertise.

Once again, contingents should consult the Force Requirement/ Statement of Unit Requirement, LOA and MOU for details on what support can be expected from the UN, and what support the deploying contingent's nation is expected to provide.

Unless the UN funds acquisition beforehand, a nation contributing a UN Maritime Task Force element that deploys with its own equipment retains ownership of that equipment. Having deployed to the UN Mission, the provider nation, in close coordination with the Mission's Director or Chief of Mission Support, may determine ownership arrangements to meet either host nation, UN or coalition partner agreements.

Slide 15

The Costs and reimbursement must be defined in appropriate documents between UN and MCC.

Responsibility for costs associated with deployment and re-deployment are established as part of the UN agreement with the respective Maritime Contributing Country. When the UN provides equipment for its UN Maritime Task Force responsibilities, or is assisted by the UN in obtaining said equipment, the ownership of that equipment is determined by the UN in conjunction with the nation using the equipment prior to the completion of the operation.

Slide 16

There are a number of options for the provision of major equipment and its support. Here shown on this slide are two options to ensure that personnel and equipment being offered by Member States come with the required capability. These two arrangements are "wet lease" and "dry lease", and the option chosen is directly linked to the rate of reimbursement.

Slide 17

Wet Lease is the typical preference of arrangement. The MCC is responsible for maintenance and support of its equipment.   Under wet lease arrangements, a contingent deploys with its COE and is responsible for its maintenance and support.

Slide 18

For the Wet Lease, there are two ways: MCC provides equipment and support; or MCC provides equipment and a second party will provide support.   This arrangement can be achieved in one of two ways:

- The troop or maritime contributor provides the vehicles and equipment, related minor equipment, workshop support, spares, and maintenance personnel. The troop or maritime contributor is reimbursed at set rates

- One troop or maritime contributor provides the major equipment and a second party, under a bilateral arrangement, provides the support. In this case, the troop or maritime contributor deployed to the Mission area and operating the equipment is reimbursed by the UN. The second party is reimbursed, if at all, by bilateral arrangement without UN involvement or responsibility

Slide 19

Under dry lease arrangements, a contingent deploys with its COE but the UN arranges for its support. This arrangement can be achieved in a number of ways: first, the troop or maritime contributor provides the equipment and the UN takes responsibility for the support, spares and maintenance and the other arrangement is for the troop or maritime contributor receives reimbursement at the UN dry lease rate.

Slide 20

Here are examples of the dry lease arrangement:

- The MCC provides the equipment and the UN arranges for another Member State to provide the support. The former receives reimbursement at the dry lease rate and the latter on scales laid down for maintenance and support

- The troop or maritime contributor provides the equipment, receives reimbursement at the dry lease rate and the UN provides the support via commercial contractor

Slide 21

Summary

Let us review the main aspects of part 2 of this lesson:

- Casualty Evacuation (CASEVAC) entails the evacuation (by air or land) of a casualty from the site of injury to the closest medical facility

- Medical Evacuation (MEDEVAC) entails the evacuation of a casualty between two medical facilities

- Designated Maritime Ports of Call (DMPCs) are required for resupply of food, fuel and water. Logistical capability, military, legal and political considerations need to be taken into account in the selection of DMPCs

Slide 22

> ## Take Away Lesson
> ## 1.3 part 2
>
> - DPKO / DFS provide sustainment support to peacekeeping field Missions in planning and oversight, force generation, human resources, general administration, logistical support services, communications, IT, verification and financial reimbursements
>
> - When a MCC deploy a vessel, the responsibility for equipment sustainment rests with TCC. This may include the supply of specialist spare parts or maintenance expertise
>
> 22

Summary

Let us continue our review of the main aspects of part 2 of the lesson:

- The DPKO and DFS at UN HQ provide sustainment support to peacekeeping field Missions in the areas of Mission planning and oversight, force generation, human resources and general administration, logistical support services, communications and IT, verification and financial reimbursements

- When a nation deploys a UN MTF element, the inherent responsibility for equipment sustainment rests with the provider nation. This may include the supply of specialist spare parts or maintenance expertise

Slide 23

Take Away
Lesson 1.3 part 2

- Wet lease: deployment with its COE and is responsible for its maintenance and support

- Dry lease: deployment with its COE but the UN arranges for its support

23

Summary

And now the final slide of the review for part 2 of the lesson:

- Under wet lease arrangements, a contingent deploys with its COE and is responsible for its maintenance and support

- Under dry lease arrangements, a contingent deploys with its COE but the UN arranges for its support

Lesson 1.3 Part 3
Slide 1

Support for the
United Nations Maritime
Task Force (MTF)
Lesson 1.3 part 3

1

We now will move on to the last part of lesson 3, support for the MTF.

Slide 2

This slide summarizes the learning outcomes of this lecture. At the end of this lecture, you should know and understand about financial reimbursement, MOU, LOA, SOFA and NSE to a UN mission.

Slide 3

Here is the content of this last part of the lesson.

'

Slide 4

The determination of financial reimbursement to UN Member States for Contingent-Owned Equipment (COE) is established through the COE Working Group and UN legislative bodies. Major equipment (if not in the COE Manual) will be treated as a 'special case' if the situation requires:

- Maintenance of this special case equipment is a Maritime Contributing Country responsibility if the equipment is under wet lease

- In accordance with the COE Manual, any special minor equipment or consumables not covered by the standard self-sustainment rates may be categorized as 'unique equipment'

- These items will be reimbursed according to bilateral special case arrangements between the UN and Maritime Contributing Country

Slide 5

- The details of this reimbursement at the contingent-specific level are included in the MOU and LOA, which are the primary references for UN Maritime Task Force contingent logistics support for each specific peacekeeping Mission

- Reimbursement for the vessel itself is covered by LOA according to UN Headquarters-established rates per vessel types/class, while the reimbursement of the crew and self-sustainment costs are covered by MOU according to the Contingent Owned Equipment (COE) manual

- Thus, two documents with different approval, verification and reimbursement procedures cover a single vessel: the Memorandum of Understanding (MOU) and the Letter of Assist (LOA)

Slide 6

The Memorandum of Understanding (MOU) is designed to cover reimbursement for:

- Personnel costs

- Major equipment

- Self-sustainment costs

Under the MOU, liability is borne by the UN. The COE manual states that in the case of loss or damage of equipment due to hostile action or force abandonment, the UN is responsible for reimbursement to the Member State in cases where the loss or damage exceeds $250,000. Where the loss or damage is less than $250,000, the Member State assumes responsibility.

Slide 7

The UN may meet specific support requirements not already included under a MOU or available through commercial contract. These support requirements may be met by a contracting method known as a Letter of Assist, by which the UN acquires special supplies or services from a Member State.

Slide 8

LOAs are used when:

- A Maritime Contributing Country deploys, rotates or repatriates its personnel and equipment using its own capacities

- A special need arises for essential equipment or services that are not available through normal sources of supply

- The items or services required by the Mission and are not covered by MOU

- A Maritime Contributing Country contributes aircraft or vessels to a Mission

Slide 9

- **The** LOA is intended to cover items like vessels, aircraft or radar systems that are not listed as standardized items in the COE manual

- The LOA stipulates that liability is borne by the Maritime Contributing Country

- The procedure to establish the LOA ensures that the UN Procurement Service and the Headquarters Committee on Contracts have the opportunity to evaluate the reimbursement rates offered to the contributing country and determine whether they can be considered as 'fair market prices'

- There is, however, no guidance on how to establish a 'fair market price' for naval vessels

- The LOA is specific and time bound with any changes requiring an amendment to the original LOA

- The LOA is reviewed by the UN Headquarters Committee on Contracts before approval by the UN Controller

Slide 10

The Status-of-Forces Agreement (SOFA) specifies the terms of support provided by the host State to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations. From a logistical perspective, the Status-of-Forces Agreement (SOFA) specifies the terms of support provided by the host State to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations. The DPKO, in coordination with DFS, is responsible for negotiating SOFAs with the host State.

Slide 11

Status-of-Forces Agreement

- Codify relations between UN Mission and host State

- Describes the rights, privileges and immunities of the Mission and its personnel

- Mission's obligations to the host government

- Legal status of military and civilian personnel deployed to the Mission in the host State

- Legal immunity for UN personnel

11

- SOFAs codify relations between the UN Mission and host State, describing the rights, privileges and immunities of the Mission and its personnel and the Mission's obligations to the host government

- SOFAs govern the legal status of military and civilian personnel deployed to the Mission in the host State, and specify the legal immunity for UN personnel with regard to the settlement of claims, the modalities for the exercise of civil and criminal jurisdiction over military and civilian Mission members, as well as provisions relating to freedom of movement, taxes, customs, immigration controls, radio frequencies, flight clearances and permission to wear uniforms and carry weapons

- Under the typical terms of a SOFA, military personnel are immune from criminal prosecution by the host State for crimes committed on its territory, but may still be subject to the criminal jurisdiction of their national authorities

Slide 12

With prior UN approval, Member States providing military personnel to UN Missions may augment those personnel with a National Support Element. Member States may choose to organize National Support Elements to provide their deployed contingents administrative and logistical services with national standards of support that may exceed or differ from the stated UN requirement.

Slide 13

- A National Support Element includes personnel and equipment in addition to those agreed to by the UN and Member State under the terms of the applicable MOU, and/or as described in the Statement of Unit or Force Requirement for the specific field Mission

- As this augmentation is over and above UN requirements, the UN offers no reimbursement or financial liability for National Support Element costs, rotation or self-sustainment

- Nonetheless, for purposes of legal status, National Support Element personnel are considered part of the Member State's military unit contingent

- The total personnel strength of the National Support Element will be specified in the applicable MOU between the UN and Member State, and shall be reasonably proportionate to the strength of the contingent unit concerned

Slide 14

Summary

Let us review this part of the lesson in reference to the support framework for the MTF:

- The options for reimbursement are linked to the rates

- Reimbursement for the vessel itself is covered by LOA, according to UN Headquarters-established rates per vessel types/class, while the reimbursement of the crew and self-sustainment costs are covered by MOU, according to the COE manual

- The MOU is designed to cover reimbursement for (a) personnel costs; (b) major equipment and (c) self-sustainment costs

Slide 15

Take Away Lesson 1.3 part 3

- LOA is a contract by which the UN acquires special supplies or services from a Member State, not already included under a MOU

- SOFA specifies the terms of support provided by the host State to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations

- NSE provides administrative and logistical services with national standards of support that may exceed or differ from the stated UN requirement or MOU

15

Summary

Here are the final lesson 1.3 topics for review. Let's discuss them:

- The UN may meet specific support requirements not already included under a MOU by a contracting method known as a Letter of Assist (LOA), by which the UN acquires special supplies or services from Member States

- The Status-of-Forces Agreement (SOFA) specifies the terms of support provided by the host State to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations

- Member States may choose to organize National Support Elements to provide their deployed contingents administrative and logistical services with national standards of support that may exceed or differ from the stated UN requirement

M o d u l e
1

Conceptual Framework

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

- A range of policies, manuals, guidelines and principles have been developed over time to create a understanding of military units operating in   UN peacekeeping missions

- Nevertheless, the implementation and execution in the mission is never straightforward and a general understanding and an **open, flexible attitude** is needed by the leadership, staff and troops / forces

- When it comes to the conventional framework for the protection of civilians, Peacekeepers need to interpret the protection mandates in a proactive and creative manner, within the boundaries of the guidance and principles discussed in this Module

Module
2

Module 2 at a Glance

Aim

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

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

Relevance

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

Learning Objectives

Learners will:

- Identify the key components of international law governing the UN's mandated tasks in peacekeeping

- Understand the relevance of the core legal concepts and norms

- Understand what the legal framework enables/obliges peacekeepers to do and what it prevents peacekeepers from doing

Overview

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

- Applicable <u>International Law</u>

- <u>UN Legal and Policy Framework</u>, which essentially refers to the UN Charter, Security Council mandates, agreements the UN concludes with States participating in peacekeeping operations and relevant UN policies

- <u>Mission Specific Legal Framework</u>, including its Security Council Mandate, Rules of Engagement (ROE) and Directives on the Use of Force (DUF)

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

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

M o d u l e
2.1

International Law

The Lesson

Starting the Lesson

Overview

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

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

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

International Law

Slide 6

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

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

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

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

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

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

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

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

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

- Human rights are inalienable, in that no one can have his or her human rights taken away, other than in specific situations defined by law (for example, the right to liberty can be restricted if a person is found guilty of a crime by a court).

- Human rights are interrelated, interdependent and indivisible in the sense that the realization/achievement of one human right is linked to the realization of the others. For example, in order to be able to express a genuine political opinion through a vote, citizens must have access to a free press, the freedom to form political parties and the freedom to assemble in large groups to protest. Rights such as education, healthcare and an adequate standard of living are essential both to the right to life and the ability to exercise one's freedoms.

Slide 7
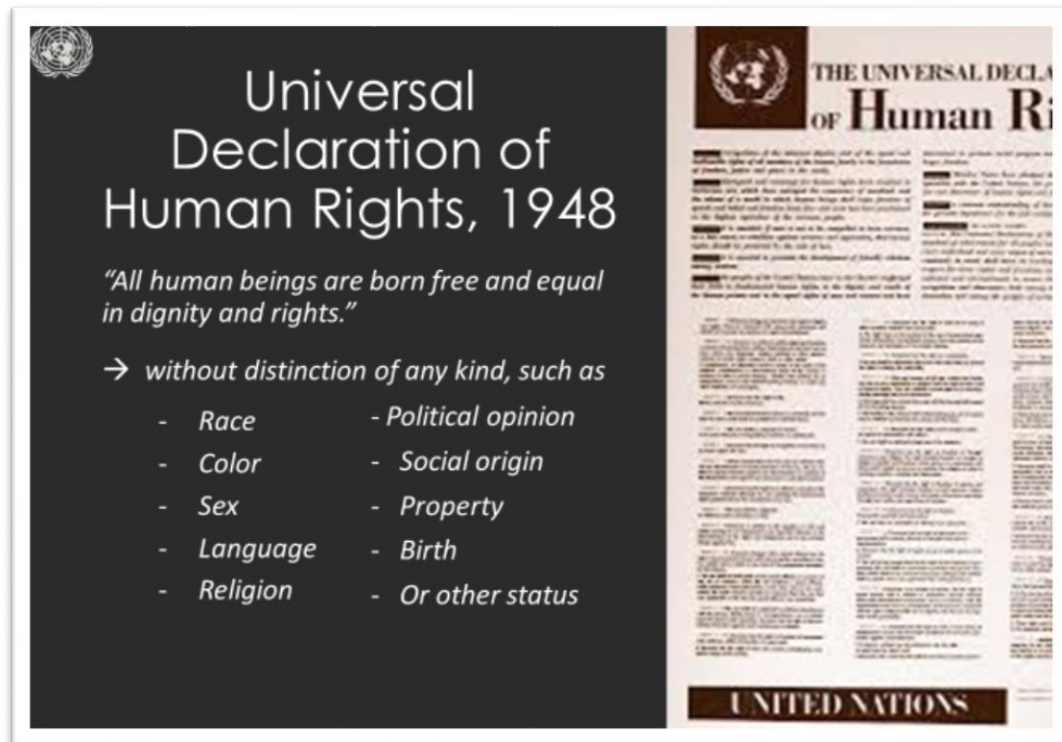
Key Message: The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression of rights to which all human beings are entitled. It states that "all human beings are born free and equal in dignity and rights". This means that no distinction can be made based on people's race, colour, sex, language, religion, political or other opinion, racial or social origin, property, birth or other status.

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

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

Slide 8
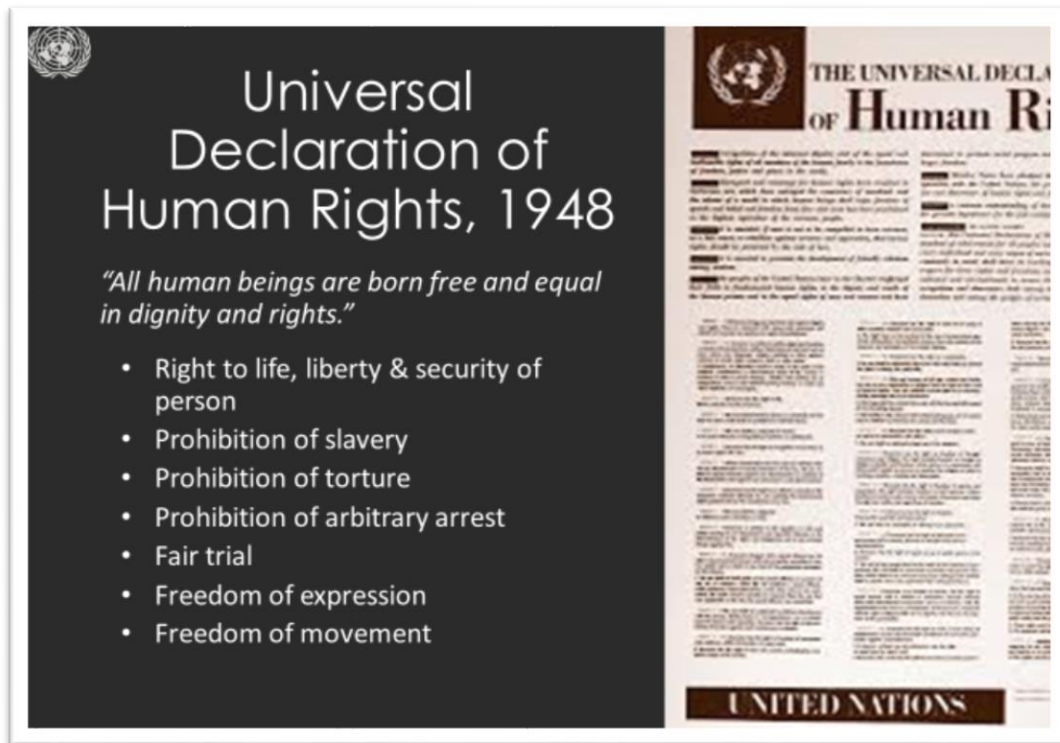
The Universal Declaration of Human Rights sets forth 30 fundamental human rights of civil and political, as well as of economic, social and cultural nature, which are to be applied in respect of all human beings.

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

- Life

- Freedom from slavery

- Freedom from torture

- Protection from arbitrary arrest

- Fair trial

- Freedom of expression

- Freedom of movement

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

- Join a trade union

- Education

- Food

- Housing and medical care

- Social security and work

- Equal pay for equal work

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

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

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

Slide 9
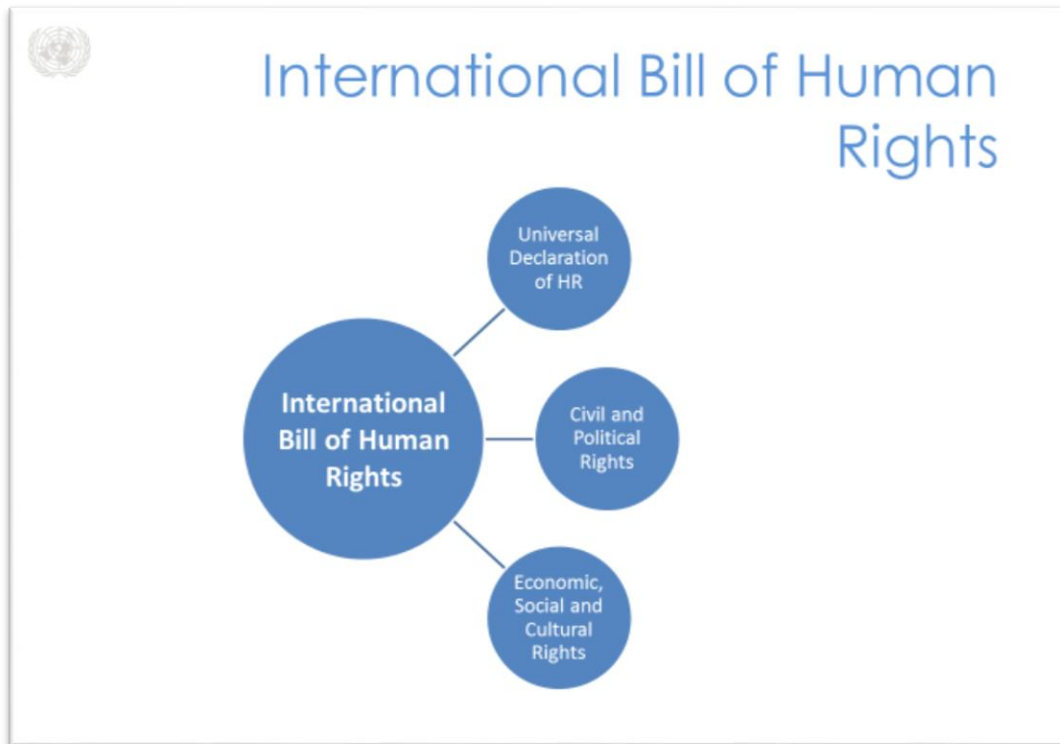
After the proclamation of the Universal Declaration of Human Rights in 1948, the General Assembly promoted the development of treaties incorporating the human rights standards contained in the Universal Declaration of Human Rights. For a treaty to apply to a particular country, the State must have ratified or otherwise formally adhered to the treaty.

Two treaties were elaborated:

- Covenant on Economic, Social and Cultural Rights, of 1966;

- Covenant on Civil and Political Rights, also of 1966.

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

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

Examples include the Convention on the Elimination of all Forms of Racial Discrimination (1965), Convention on the Elimination of Discrimination Against Women (1979),

Convention against Torture (1984) and Convention on Rights of the Child (1989) and its Optional Protocols. There are various other treaties that deal with human rights, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

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

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

Slide 10

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

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

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

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

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

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

Slide 11

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

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

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

- <u>Non-Discrimination</u>. All children are equally entitled to all the rights accorded to them in the Convention on the Rights of the Child and other international norms and standards on child protection. No child shall be discriminated on the basis of nationality, race, ethnicity, language, gender, age, religion, physical abilities or any other characteristic or status.

- <u>Best Interests</u>. In all actions concerning children and for all decisions related to children, the best interest of the child must be the primary consideration.

- <u>Right to life, survival and development</u>. Children have the right to live. Governments should ensure that children survive and develop healthily.

- <u>Participation</u>. When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This Convention encourages adults to listen to the opinions of children and involve them in decision-making.

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

- The First Optional Protocol to the Convention requests state parties to take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take direct part in hostilities (Article 1). It prohibits (non-state) armed groups from recruiting or using persons under the age of 18 years in combat under any circumstances and requests state parties to prohibit and criminalize such practices (Article 4).

- The Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both protocols have been ratified by more than 150 states.

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

Slide 12
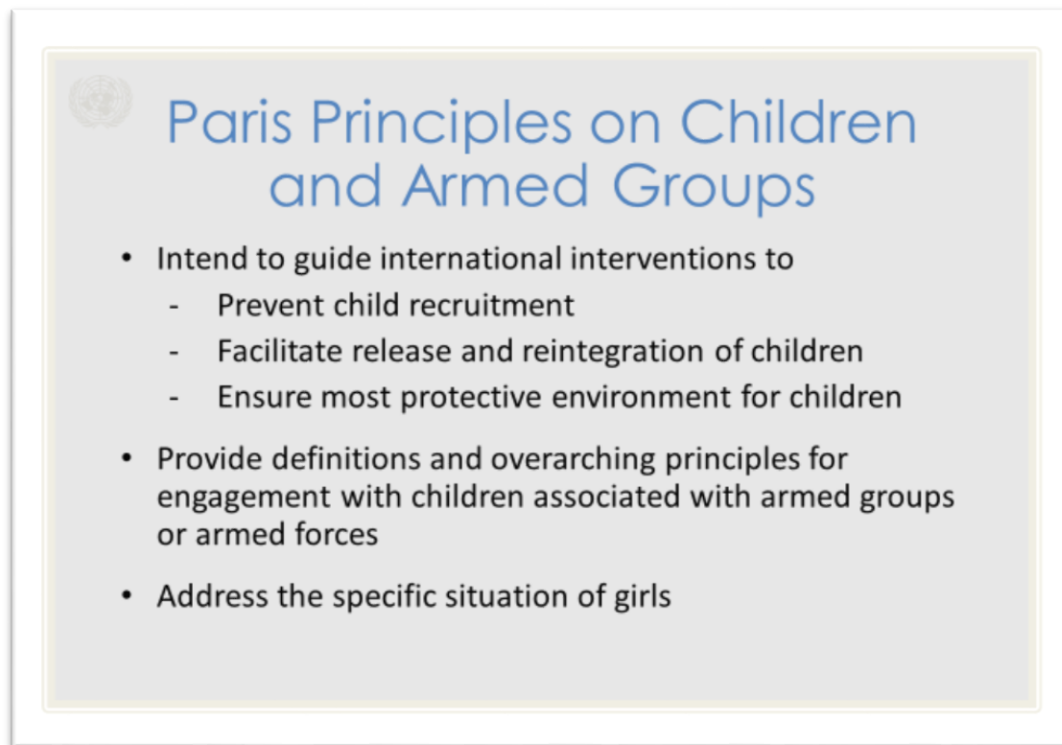
The Paris Principles were developed by a broad range of stakeholders to influence the behaviour of states (both affected countries and donor governments), human rights actors, humanitarian actors, development actors, military and security actors (state and non-state), as well as international organizations and community-based organizations. While some of these actors have a specific mandate or role in relation to children, all have a role to play and broad responsibility for the rights and wellbeing of children associated with armed forces or groups.

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

- To prevent unlawful recruitment or use of children;

- To facilitate the release of children associated with armed forces and armed groups and their reintegration into society; and

- To ensure the most protective environment for all children.

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

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

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

Slide 13

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

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

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

According to the CEDAW Committee (general comment 19), the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes

acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty. Gender-based violence may breach specific provisions of CEDAW, regardless of whether any provisions expressly mention violence. Gender-based violence against women impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under international human rights law. The right to equal protection according to international humanitarian law, in time of international or internal armed conflict, is recognized.

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

Slide 14

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

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

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

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

- As set forth in the UN Charter, the purpose of the UN includes to 'promote and encourage respect for human rights'. Alongside peace and security and sustainable development, the promotion of human rights is a core pillar of the United Nations.

- Since human rights violations are often both a cause and a symptom of many modern conflicts, addressing human rights issues is essential to finding sustainable solutions, and therefore to the success of peace operations.

- As a result, multidimensional UN peace operations include human rights as part of their mandate and structure.

- The effective implementation of human rights mandates and the ability of peace operations to prevent and respond to violations is critical to missions' credibility.

- Human rights promotion and protection are essential to all UN efforts to prevent conflicts, to achieve and maintain peace, and to assist in peacebuilding. This perspective ensures that UN action is aimed at ensuring respect for human rights in concrete ways for individuals. Human rights protection results when individuals, who otherwise would be at risk of or subject to deprivation of their rights, are able to fully exercise them.

- Consistent with the centrality of human rights in UN action, DPKO doctrine requires that all peacekeepers promote and protect human rights through their work. Human rights are a cross cutting responsibility of mission components. This applies and starts with the senior leadership as well as all mission components and their personnel – including military and police. Peacekeepers must act as a positive role model in the countries where they serve.

- All mission personnel have human rights roles and responsibilities. Among other aspects, it implies that mission personnel must be able to recognize violations of human rights and humanitarian law committed by State, and sometimes non-State actors, report on those violations, and be prepared to respond appropriately within the limits of their mandate, functions and competence

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

Answers should include:

- *Record any human rights violations while on duty, including during tasks such as patrolling, observation, searches, or checkpoint controls.*

- *Report all human rights violations that were observed or where information was received.*

- *Intervene with armed groups or national security forces to ensure respect for human rights in aspects such as arbitrary detention, sexual violence, use of children etc.*

- *Provide escorts to human rights staff to facilitate investigations.*

- *Develop plans for possible crises to ensure rapid response.*

Slide 15

Key Message: Because human rights are so central to the UN, there are several policies governing the role of UN entities in the promotion and protection of human rights. A key policy is the Human Rights Due Diligence Policy (HRDDP), which was put in place to ensure that the UN does not support or collaborate with host state elements that are involved in human rights violations.

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

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

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

Summary

Key takeaways regarding IHRL include:

- IHRL is part of the legal framework governing UN peace operations.

- Human rights apply to all human beings, they are non-negotiable and their content does not change. Nobody can take them away.

- Human rights are a core pillar of the UN and all its work, the UN Charter commits to promoting universal respect for human rights. Peacekeepers are obligated to promote and protect human rights through their work.

- Peacekeepers must recognize and respond to human rights violations and abuses. This has implications for the chances of sustainable peace as well as the credibility of the mission.

Slide 19

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

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

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

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

▪ International armed conflicts (IACs) are conflicts involving two or more States, or involving a State and a "national liberation movement", regardless of whether a

declaration of war has been made or whether the parties involved recognize that there is a state of war.

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

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

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

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

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

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

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

Slide 20

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

- The 1907 Hague Regulations respecting the laws and customs of war on land, which superseded an earlier related Convention from 1899.

- The Geneva Conventions of 1949 comprise of four treaties, and three Additional Protocols, which, together, establish a comprehensive legal framework in international law regulating the conduct of the parties to armed conflicts. The Geneva Conventions and the Additional Protocols form the core of IHL. The Additional Protocols I and II to the Geneva Conventions supplemented the Geneva Conventions and particularly strengthened the protection of civilians in international and non-international armed conflicts, and supplemented the rules that apply in non-international armed conflicts. Additional Protocol III supplemented the rules regulating the use of distinctive emblems (the red crystal, red cross and red crescent).

- The 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its Protocols prohibit or restrict the use of certain weapons (e.g. mines, booby-traps, incendiary weapons) and require the States parties to remove explosive remnants of war.

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

Slide 21
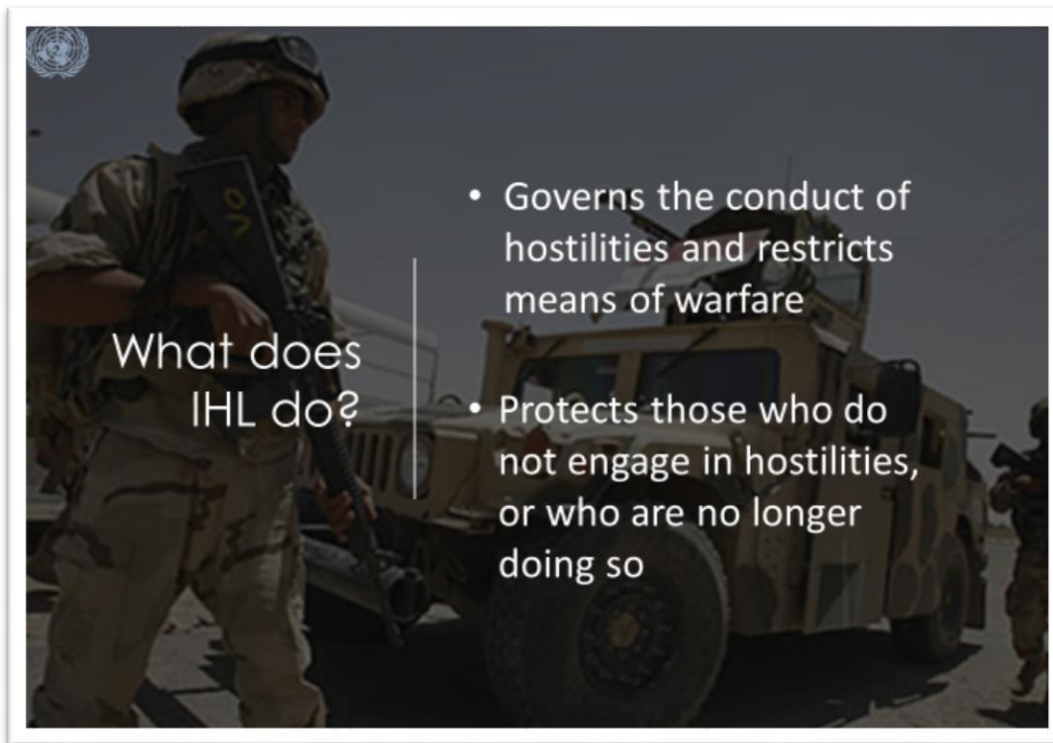
Key Message: IHL primarily covers two areas: the conduct of hostilities and the protection of those who are not, or no longer, taking part in fighting.

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

- IHL only permits attacks against combatants and military objects. Directing attacks against civilians and civilian objects is prohibited.

- IHL therefore prohibits indiscriminate attacks, i.e., attacks that do not or cannot respect the obligation to distinguish between civilians and combatants and between civilian and military objects. Conflict parties are required to take all possible precautions before launching an attack so that these rules are respected.

- Regarding the means of warfare, IHL restricts the weapons and methods or tactics of warfare that can legally be utilized. Those weapons that may cause superfluous injury or unnecessary suffering are prohibited. This includes for instance the Chemical Weapons Convention (CWC) that outlaws the production, stockpiling, and use of chemical weapons and their precursors.

IHL also requires the parties to the conflict to treat those who do not engage in hostilities, and who are no longer doing so humanely. This includes civilians, the wounded and sick,

prisoners-of-war and other detained persons, medical personnel and humanitarian workers. For example, IHL requires parties to conflict to:

- Care for the wounded and sick and to protect medical personnel; and

- Ensure that the dignity of detained persons is preserved, including by allowing visits by ICRC delegates.

Slide 22

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

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

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

▪ Distinction: In order to ensure respect for and protection of the civilian population and civilian objects, parties to the conflict at all times have to distinguish between the civilians and combatants, and between civilian and military objects. Operations must only be directed military objects. This principle protects non-combatants.

▪ Proportionality: Loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. This means that when considering a target, the damage to civilians and their property cannot be excessive in relation to the military advantage gained. Proportionality is not a requirement if the target is purely military. This principle protects non-combatants.

- ▪ <u>Military necessity</u>: Every injury done to the enemy, even if permitted by IHL, is excusable only so far as it is absolutely necessary; everything beyond that is criminal. In that sense, while proportionality is not a requirement for military targets, necessity limits the use of force. This principle protects combatants.

- ▪ <u>Unnecessary suffering</u>: It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. This relates to the prohibition of certain weapons discussed earlier. This principle protects non-combatants.

Slide 23

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

These categories are:

- Medical and Religious Personnel

  - Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.

  - Religious personnel exclusively assigned to religious duties must be respected and protected in all circumstances.

  - Both lose their protection if they commit, outside their humanitarian function, acts harmful to conflict parties.

- Members of the Armed Forces assigned (exclusively) to Civil Defense.

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

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

  1. *Warning;*

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

- Special Categories of Persons

  - Women (separate slide to follow)

  - Children (separate slide to follow)

  - Journalists and War Correspondents – Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities. This is applicable in both international and non-international armed conflicts.

  - Displaced persons – Under IHL, persons displaced for security reasons from military operations are entitled to satisfactory conditions of shelter, hygiene, health, safety and nutrition.
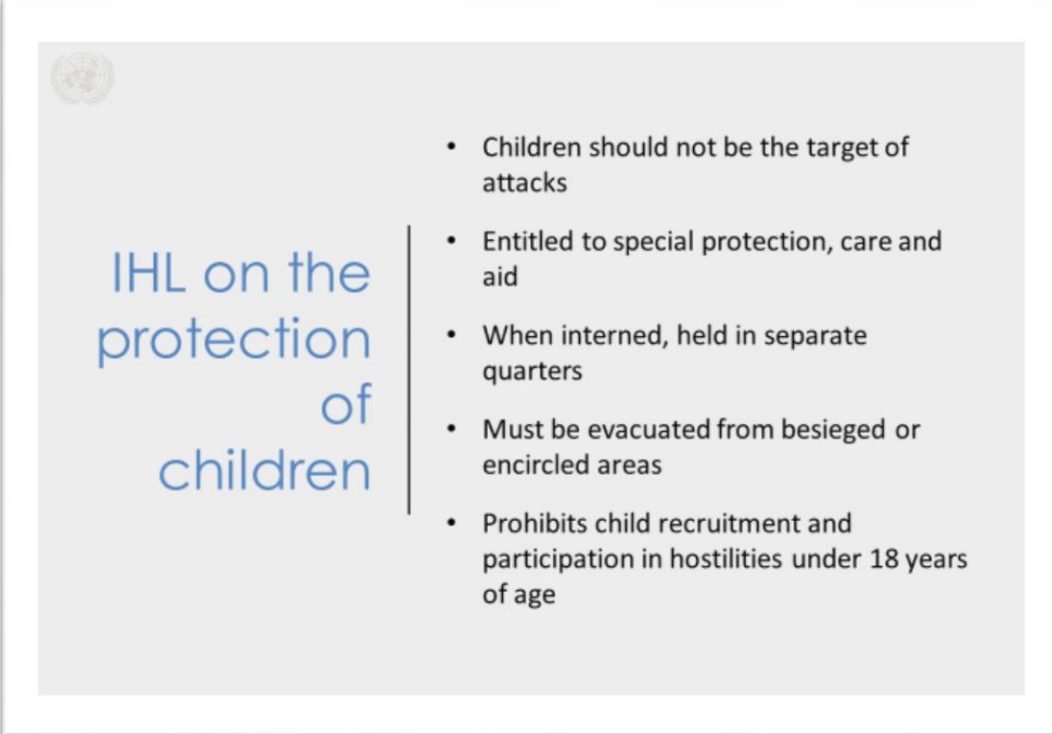
☞ *Note to Instructor: Rights of Refugees and IDPs under their specific conventions will be discussed in the section on International Refugee Law.*

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

▪ Specially Protected Objects

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

Slide 24

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

Specifically, IHL stipulates that:

- Children should not be the target of attacks;

- Due to their particular vulnerabilities, children are entitled to special protection, care and aid;

- Children, when interned, should be held in separate quarters from adults;

- Parties to the conflict must endeavour to conclude local agreements for the removal of children from besieged or encircled areas;

- States must not forcibly recruit children and must take all possible measures to prevent the participation in hostilities by children under 18 years of age.

Slide 25
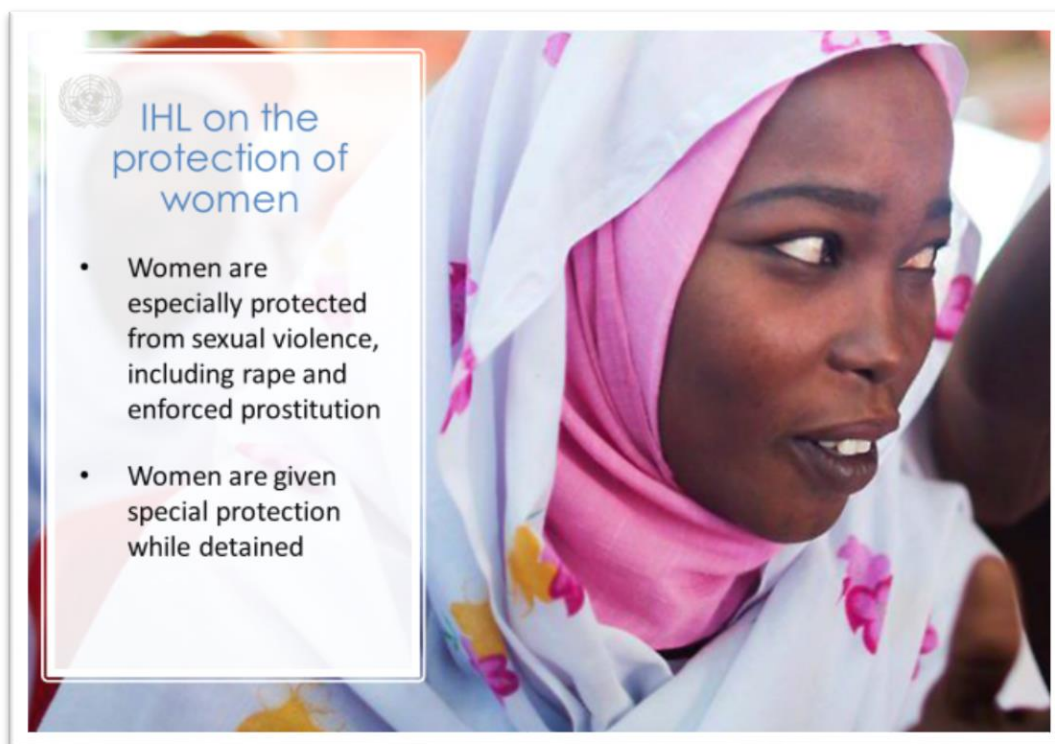
Key Message: Women are entitled to the same general protection, without discrimination, as men during conflict. Women are also entitled to special protection, which takes into account their specific needs. However, more has to be done. In time of war, women are often left to take care of children and other dependents and under extremely difficult circumstances. They are exposed to the risk of sexual violence and abuse by weapon-bearers and criminal groups. IHL has been criticized for not providing sufficient protection against this risk. The term conflict-related sexual violence is not used in IHL.

The fourth Geneva Convention of 1949, their Additional Protocols of 1977 and customary rules of IHL prohibit rape and other forms of sexual violence in times of armed conflict. This rule is a norm of customary international law and binding on all.

The prohibition of rape and other forms of sexual violence may also be covered by the prohibition against cruel treatment and torture. Rape was already expressly prohibited in the Lieber Code of 1863, which outlawed all wanton violence committed against persons in the invaded country, including rape.

IHL also requires that women must be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Moreover, the cases of pregnant women and mothers having dependent infants who are arrested detained or interned for reasons related to the armed conflict must be reviewed with the utmost priority. Also, to the maximum extent feasible, the death penalty should not be imposed, and may in any case not be carried out, on such women.

Slide 26

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

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

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

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

In cases where a United Nations peacekeeping operation has become a party to a conflict or where the operation has not become a party to a conflict but individual military personnel engage in military operations in support of, for example, of the host country armed forces, the protection to which peacekeepers are normally entitled

would not apply to those peacekeepers and targeting them would not become unlawful under IHL. This has consequences for the safety of peacekeepers and threatens one of the fundamental tenets of peacekeeping: impartiality.

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

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Learning Activity

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

Summary

Key takeaways regarding IHL include:

- IHL is a body of public international law that applies in situations of armed conflict and prescribes means and methods of combat, including limits on the use of certain weapons, and demands the protection of the civilian population.

- IHL also prescribes the treatment of civilians and persons who are *hors de combat*, such as detained persons.

- IHL offers special protections to certain categories of persons, including women, children, the wounded, the sick, as well as medical and relief personnel.

- When a mission becomes a party to the conflict, it is bound by IHL. In any case, national laws apply to peacekeepers and violators of IHL and peacekeepers can be prosecuted in national courts for violations of IHL.
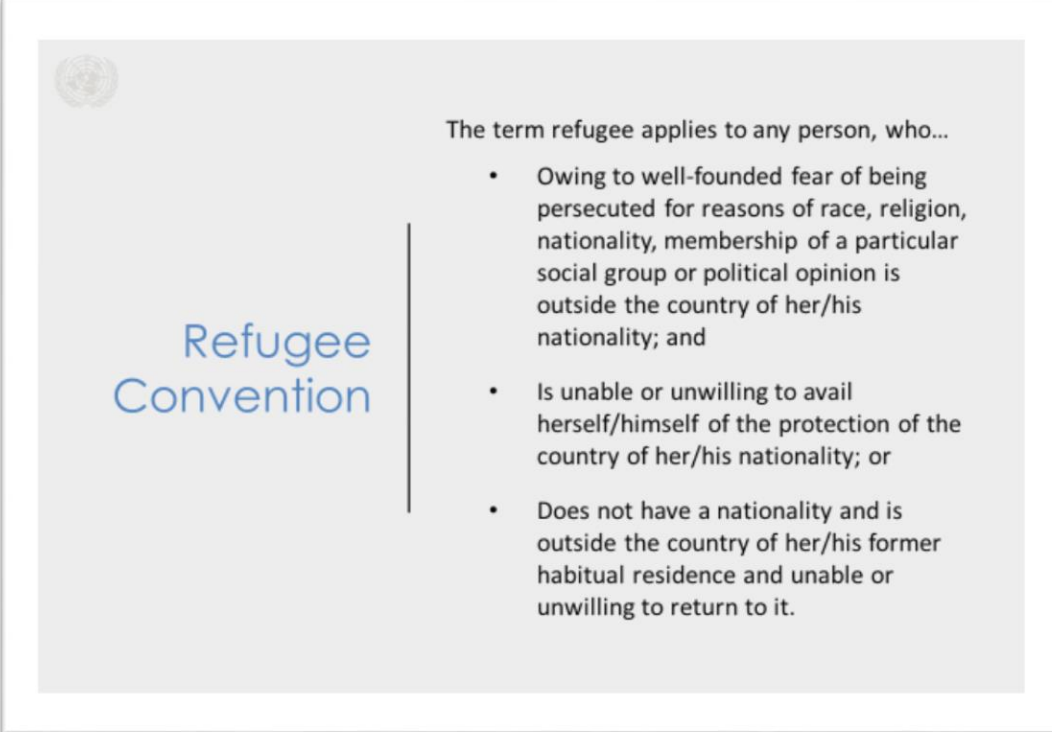
Slide 31

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

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

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

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

- owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and

- is unable, or owing to such fear, is unwilling to avail himself of the protection of that country;

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

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

There are also several regional refugee frameworks, which are discussed later in the module. Such regional instruments expand this definition of refugees to persons who

flee their country of origin or nationality due to foreign aggression, foreign domination, and events seriously disturbing public order.

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

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

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

- He/she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

- He/she has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

- He/she has been guilty of acts contrary to the purposes and principles of the United Nations.

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

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

Rights of refugees include:

- Prohibition of discrimination for race, religion or country

- Prohibition of Expulsion or Return ("*Refoulement*")

- Freedom to practice religion

- Right to acquire property

- Access to courts

- Public education

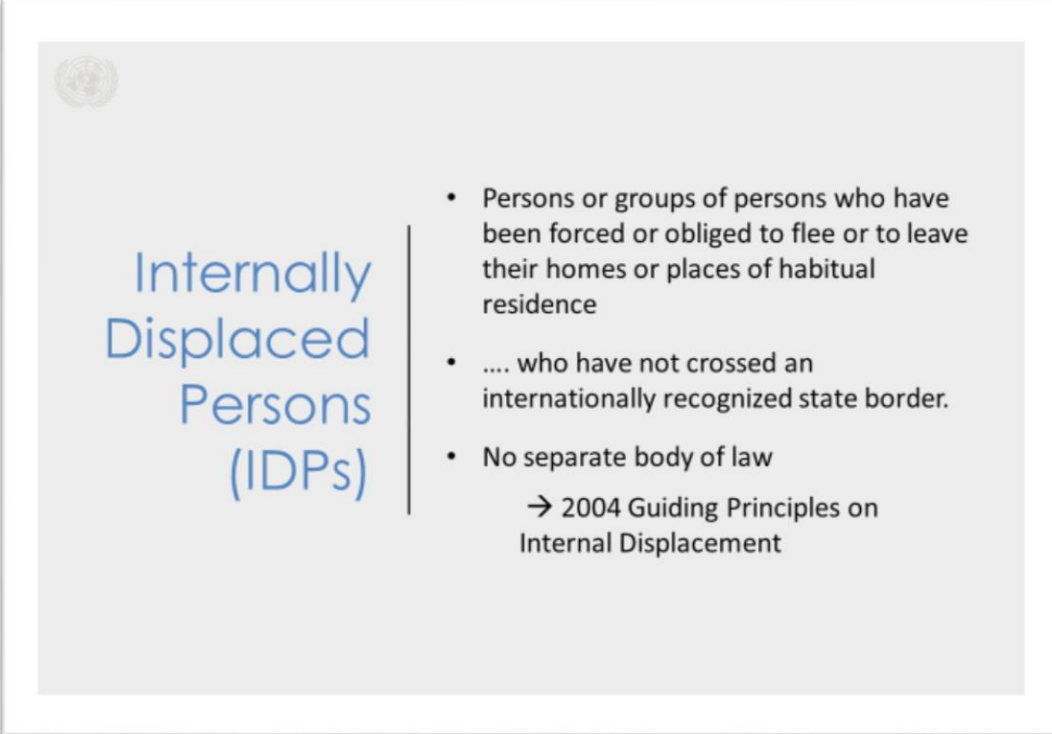- Assistance

- Freedom of Movement

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

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

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

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

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

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

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

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

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

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

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

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

Slide 36

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

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

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

In addition to the protection of civilians, peacekeeping operations are often tasked with the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, or other durable solutions to their displacement. A durable solution is achieved when internally displaced

persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as "return");

- Sustainable local integration in areas where internally displaced persons take refuge (local integration);

- Sustainable integration in another part of the country (settlement elsewhere in the country)

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

Summary

Key takeaways regarding IRL include:

- The rights of refugees are protected by International Refugee Law, in particular the 1951 Refugee Convention and its 1967 Protocol.

- While there is no particular body of international law dedicated to the protection of the rights of IDPs, they are nevertheless protected under IHRL and IHL.

- In the context of peacekeeping operations, the POC mandate includes refugees and IDPs. In fact, given their particular vulnerabilities, missions often have to prioritize the protection needs of refugees and IDPs.

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

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

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

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

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

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

- Special Court for Sierra Leone (SCSL). Its mandate was to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996). Since the closure of the SCSL in 2013, the Residual Special Court for Sierra Leone carries out its functions;

- Extraordinary Chambers in the Courts of Cambodia (ECCC). Its mandate is to prosecute senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979);

- Special Tribunal for Lebanon (STL). Its mandate is to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Prime Minister Rafiq Hariri and in the death or injury of other persons. The Tribunal's jurisdiction could be extended beyond the 14 February 2005 bombing if the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005.
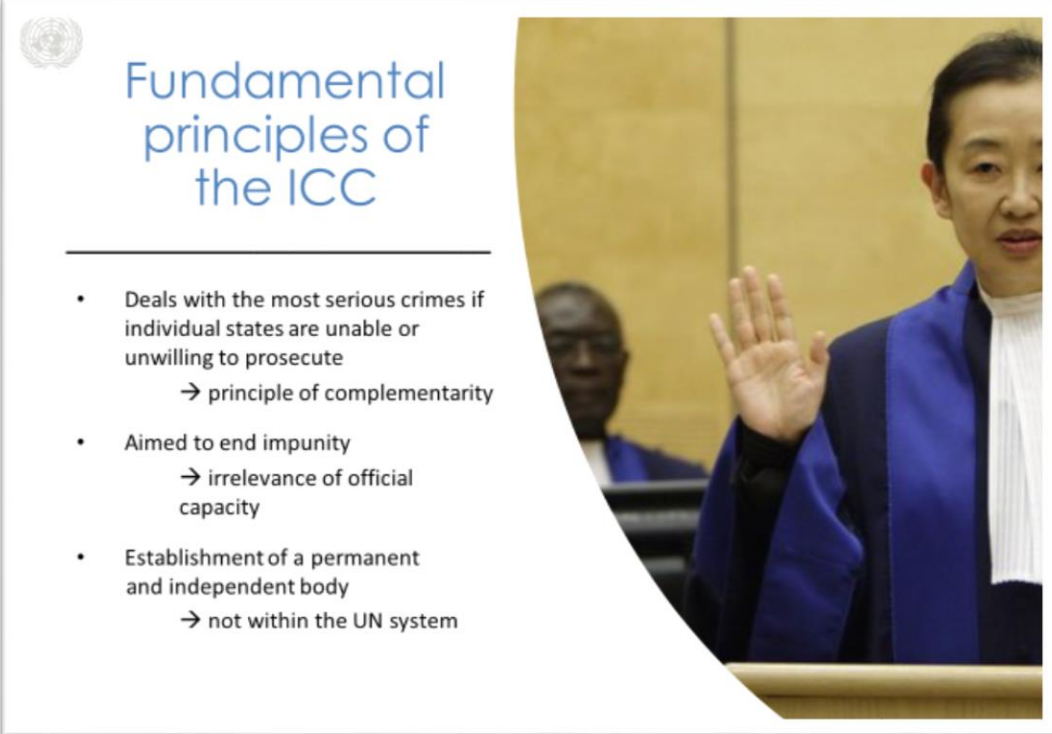
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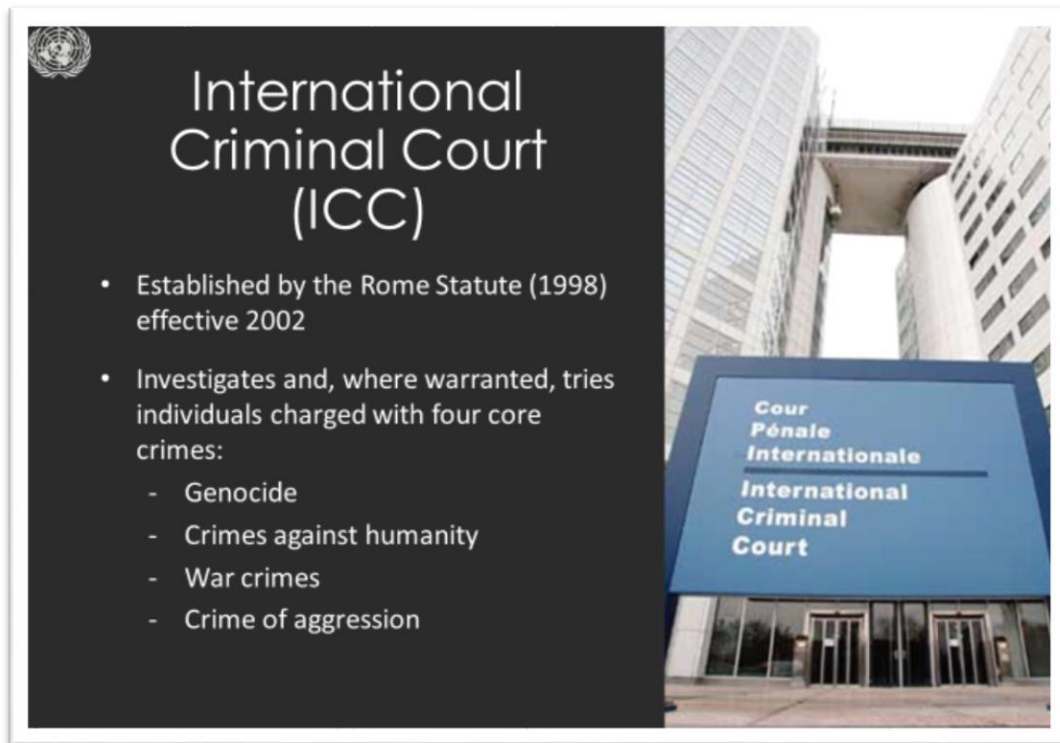
The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as the ICC's foundational and governing document. States that become party to the Rome Statute, for example by ratifying it, become member states of the ICC. Currently, there are 124 states that are party to the Rome Statute and are, therefore, members of the ICC.

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

- Genocide

- Crimes against humanity

- War crimes

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

To date, the prosecutor of the ICC has opened investigations into 10 situations (two in the Central African Republic' Cote d'Ivoire; Darfur, Sudan; Democratic Republic of the Congo; Georgia; Kenya; Libya; Mali; Uganda). Where warranted, trials are being held, and the Court's Pre-Trial Chambers have so far publicly indicted 39 people.

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

The ICC aims to end impunity for any individual's actions in such instances, irrespective of the official capacity of that individual (Article 27). The ICC has been established as a permanent, independent body – outside the UN system. The ICC may exercise its jurisdiction over crimes allegedly committed on the territory of a State Party (i.e. a State that has ratified the ICC Statute) or where the alleged perpetrator is a national of a State Party.

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

- Referral by State parties

- Referral by the Security Council under Chapter VII of the UN Charter

- Prosecutor on his/her own authority (generally with the authorisation of a pre-trial chamber)

Slide 43

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

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

CRSV is also a crime in most national legal systems.

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

- Commits such a crime […];

- Orders, solicits or induces the commission […];

- Aids, abets or otherwise assists [...];

- In any other way contributes [...];

- In respect of the crime of genocide, directly and publicly incites others to commit genocide.

Slide 45

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

- they either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, and

- they failed to take all necessary and reasonable measures within their power to prevent or repress the crimes or submit the matter to the competent authorities for investigation and prosecution.

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

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

Key takeaways regarding ICL include:

- ICL is part of the applicable legal framework for UN peacekeeping. This means that peacekeepers can be held accountable under its provisions.

- ICL is the foundation for the ICC and international tribunals. The ICC was set up to deal specifically with the four international core crimes: Genocide, crimes against humanity, war crimes, and crimes of aggression.

- Peacekeepers need to keep in mind that individuals can be held responsible for their actions under the Rome Statute; and commanders carry the responsibility for actions of their subordinates if they should have known or failed to take all necessary measures to prevent crimes.

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

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

The main regional human rights regimes are:

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

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

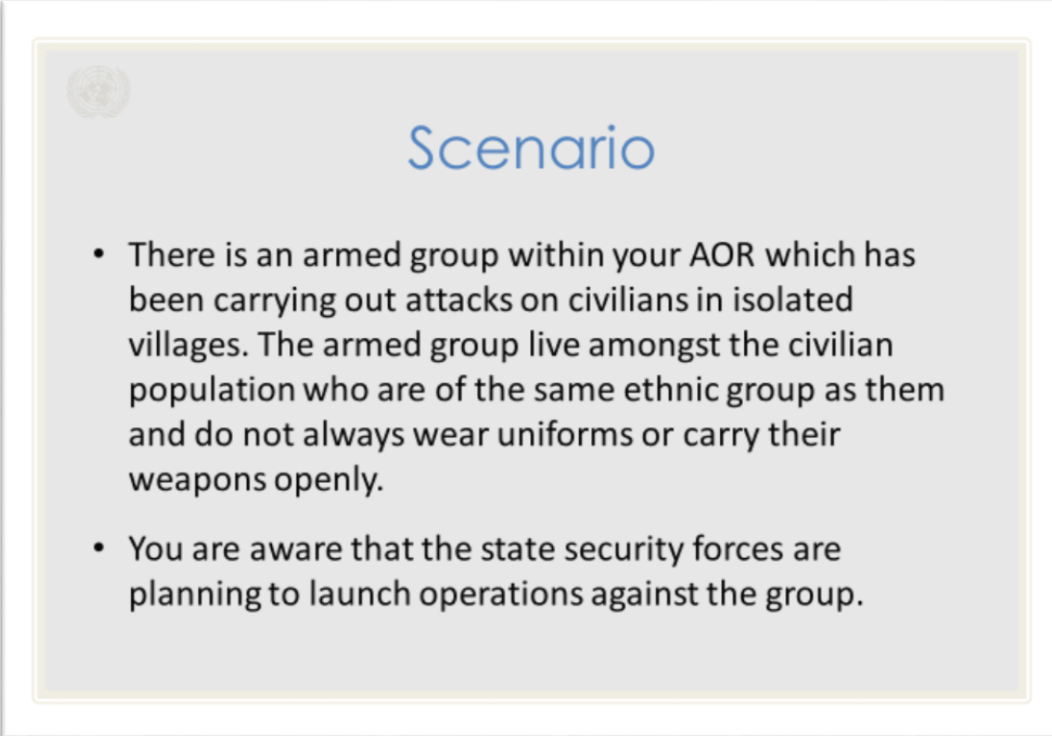→ Is overseen by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

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

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

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

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

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

Learning Activity   **2.1**

Soldiers or civilians

TIME
Total: 15 minutes

EXERCISE

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

What is there proposed course of action?

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

- Distinction between civilians and combatants is the key challenge in this context;

- Protection threats come from both state and non-state parties;

- More information is required, such as the history and previous conduct of the parties involved;

- Activities can be taken under all three tiers of the POC Operational Concept, including outreach to armed group leaders and political engagement with the security forces to alert them of the challenges of this operation;

- Most courses of action are likely to create opportunities and threats for the protection of civilians.

Handout
2.1

Simplified Version of the Universal Declaration of Human Rights

Summary of Preamble

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

A summary of the Universal Declaration of Human Rights

1. Everyone is free and we should all be treated in the same way.

2. Everyone is equal despite differences in skin colour, sex, disability, religion, language for example.

3. Everyone has the right to life and to live in freedom and safety.

4. No one has the right to treat you as a slave nor should you make anyone your slave.

5. No one has the right to hurt you or to torture you.

6. Everyone has the right to be treated equally by the law.

7. The law is the same for everyone, it should be applied in the same way to all.

8. Everyone has the right to ask for legal help when their rights are not respected.

9. No one has the right to imprison you unjustly or expel you from your own country.

10. Everyone has the right to a fair and public trial.

11. Everyone should be considered innocent until guilt is proved.

12. Everyone has the right to ask for help if someone tries to harm you, but no one can enter your home, open your letters or bother you or your family without a good reason.

13. Everyone has the right to travel as they wish.

14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.

15. Everyone has the right to belong to a country.

16. No one has the right to prevent you from belonging to another country if you wish to.

17. Everyone has the right to marry and have a family.

18. Everyone has the right to own property and possessions.

19. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.

20. Everyone has the right to say what they think and to give and receive information.

21. Everyone has the right to take part in meetings and to join associations in a peaceful way.

22. Everyone has the right to help choose and take part in the government of their country.

23. Everyone has the right to social security and opportunities to develop their skills.

24. Everyone has the right to work for a fair wage in a safe environment and to join a trade union. Everyone has the right to rest and leisure.

25. Everyone has the right to an adequate standard of living and medical help if they are ill.

26. Everyone has the right to go to school.

27. Everyone has the right to share in their community's cultural life.

28. Everyone must respect the 'social order' that is necessary for all these rights to be available.

29. Everyone must respect the rights of others, the community and public property.

30. No one has the right to take away any of the rights in this declaration to take away any of the rights in this declaration.

Lesson
2.2

UN Legal and Policy Framework

The Lesson

Starting the Lesson

Overview

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

- The Charter of the United Nations

- Security Council resolutions

- The Convention on Privileges and Immunities of the United Nations of 13 February 1946

- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)

- The Agreement with participating States, i.e. the UN Member States who have agreed to contribute troops or police personnel to UN PKOs ("TCC (or PCC) MOU")

Relevance

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

# UN Legal and Policy Framework

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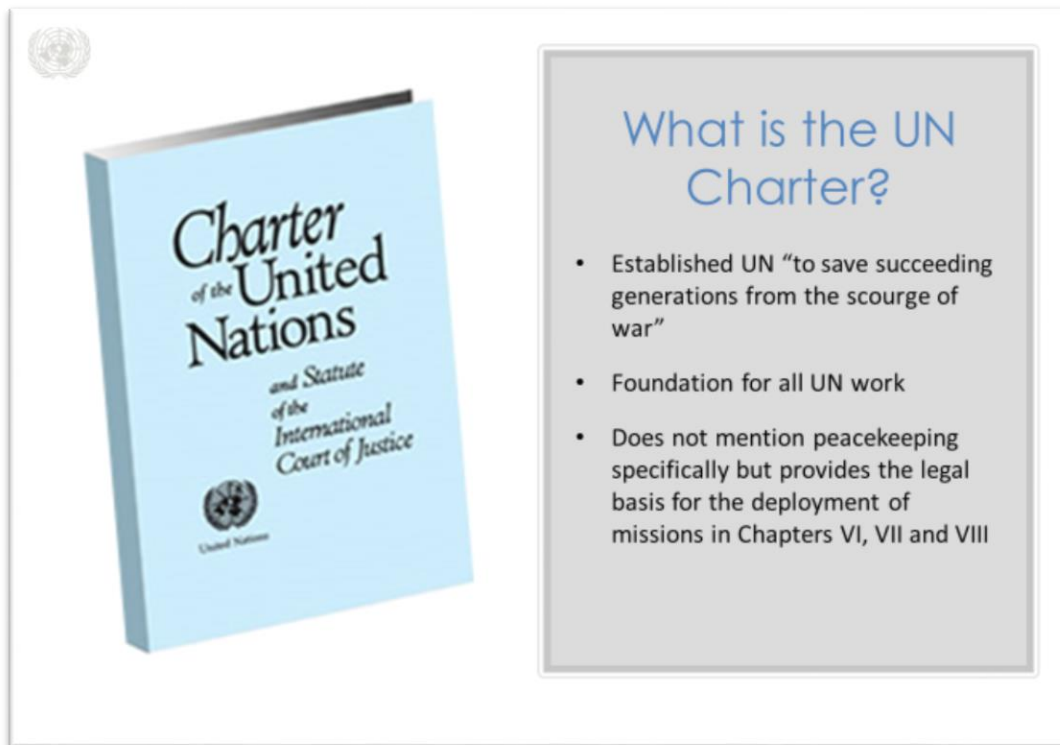
Key Message: The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to "save succeeding generations from the scourge of war" and one of its main purposes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

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

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

- Chapter VI – Pacific settlement of disputes

- Chapter VII "Action with respect to the Peace, Breaches of the Peace and Acts of Aggression"

- Chapter VIII – Regional Arrangements

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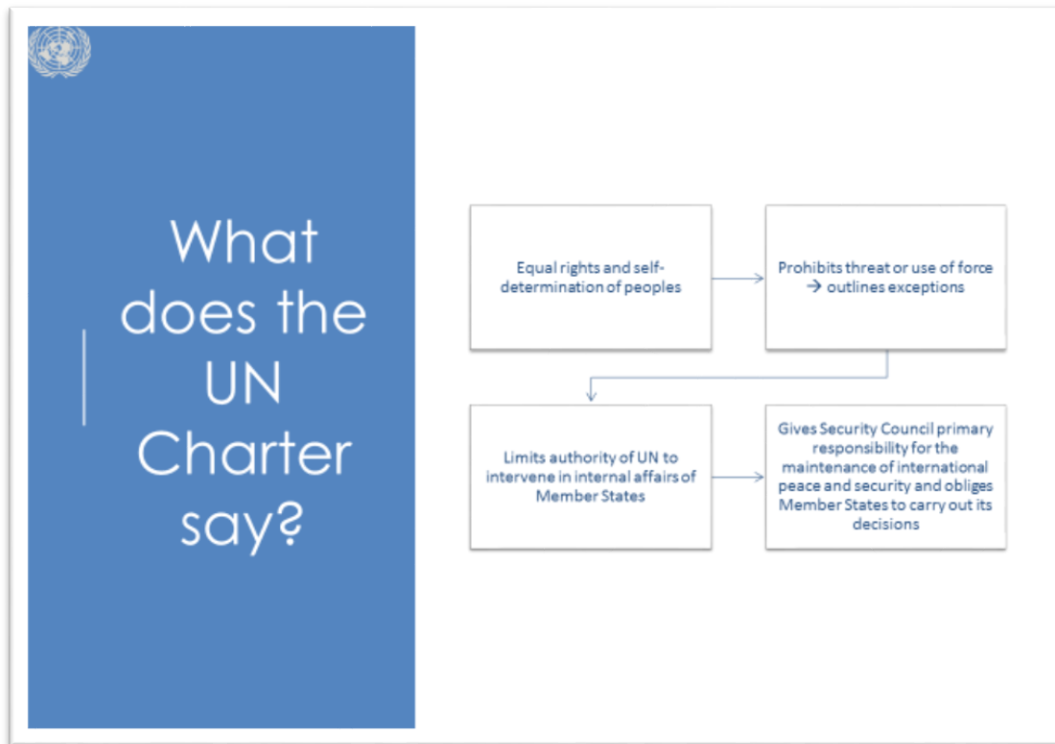
Article 1 (2) establishes the equal rights and the right to self-determination of peoples.

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

▪ The UN Charter basically establishes that any use of force without the consent of the State on whose territory the force is used is unlawful. There are only two exceptions:

  - Authorization by the Security Council: As per Article 39 of the UN Charter, the UN Security Council may authorize collective security operations when they conclude that there is a situation of "threat to the peace, breach of the peace, or act of aggression."

  - Individual or Collective Self-defense: Article 51 establishes the right of self-defense.

▪ Regarding the first case, authorization of force by the Security Council, the political nature of such decisions makes it often improbable for such an authorization to be granted in a timely fashion. Over the years, the five permanent members of Security Council have vetoed each other's decisions for

political or national interest reasons, preventing the Council from authorizing action.

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

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

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

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

▪ Chapter VI deals with pacific settlement of disputes and is associated with traditional peacekeeping

▪ Chapter VII contains provisions related to "Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression', which allow the Security Council to take enforcement measures. In recent years, the Security Council has increasingly authorized peace operations based on Chapter VII.

▪ Chapter VIII deals with partnerships and the involvement of regional organizations.

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

Slide 55

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

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

The Convention also clarifies that the UN enjoys immunity from every form of legal process in its Member States except when the UN has expressly waived its immunity. Particular privileges and immunities to the UN and its officials include:

- Exempting the United Nations from all direct taxes as well as from customs duties and quotas concerning goods for the United Nations' official use. With regard to indirect taxes, the Convention merely provides that in case of "important purchases for official use" the State concerned will make appropriate administrative arrangements for tax reimbursement.

- Immunity from the legal process for words spoken or written and actions taken in an official capacity, known as functional immunity. It also covers immunity from personal arrest or detention.

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

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

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

<u>Privileges and immunities do not protect personnel from their responsibility under international laws.</u>

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

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

Slide 56

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

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

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

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

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

- State that UN premises in the host country are inviolable and subject to the exclusive control and authority of the UN, which controls access to all its premises.

- Stipulate that UN equipment and vehicles are immune from search and seizure.

- Give the UN the right to un-restricted communication throughout the host country.

- UN has the right to disseminate information on its mandate to the public which is under its exclusive control and cannot be the subject of any form of censorship.

- Supplement the Convention on Privileges and Immunities of the UN discussed earlier, and give "functional immunity" to all peacekeeping personnel, including military and police. However, they also set out certain limitations to existing privileges where this may be appropriate.

- Address criminal offences committed by civilian members of the UN peacekeeping force which will be dealt with by joint decision of the commander of the mission and the local government. Also, if any military member of the UN peacekeeping force commits a criminal offence in the host country, the sending State has exclusive jurisdiction under the SOFA.

- Establish rules and procedures for cooperation between the sending state and the host state such as defining the legal status and arrangements for the UN's use of facilities, transportation and other equipment and communications; requiring UN forces to observe International Humanitarian Law.

- Establish freedom of movement in the country.

- Include a mechanism to resolve disagreements on any of these issues between the host country and the UN.

Slide 57

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

 The MoU is a legal agreement detailing the following:

- How the UN will reimburse governments for troops, formed police units (FPUs) or equipment loaned to a peacekeeping operation.

- The obligations of contributing governments to ensure appropriate quality personnel and equipment appropriately trained and prepared for their mission.

- Transfer of authority over a member state's troops or police unit to the UN, as it regulates that the UN Force Commander, or Police Commissioner, shall have operational control over the troops/police contributed.

- Obligations of TCCs/PCCs, commanders, troops and police for prevention of misconduct (which may also amount to crimes), including sexual exploitation and abuse in UN peacekeeping operations (since 2007), and other stipulations regarding the code of conduct.
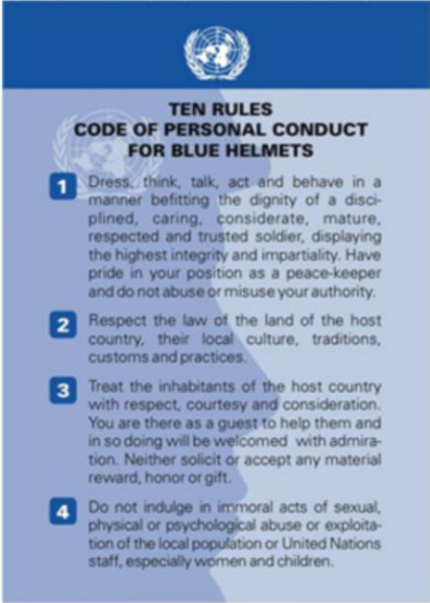
- For contributed military contingents, the UN respects the principle of the exclusive criminal jurisdiction of the contributing State over the contributed soldiers, for any crimes they may commit while assigned in the field mission.

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

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

Slide 58

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

While applicability of the laws of the sending State are limited, as a general rule, disciplinary power (for Police FPUs and Military contingents) lies with the sending State. In the case of Military contingents, criminal jurisdiction also lies with the sending State. However, Member States contributing peacekeeping contingents, in signing their MoU, acknowledge the UN's requirement that all personnel must maintain the highest standards of integrity and conduct. This includes acknowledgment of a code of conduct for all personnel. In signing the MoU, T/PCCs commit "to comply with the Guidelines on International Humanitarian Law for Forces Undertaking United Nations Peacekeeping and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis for our standards." A short version of the 10 rules is available as pocket card.

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

- Their conduct represents the UN

- They should not hinder or jeopardize the mandate

- They should not become a safety and security risk

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

- Highest standards of efficiency, competence and integrity

- Zero tolerance policy on sexual exploitation and abuse

- Accountability of those in command who fail to enforce the standards of conduct

Slide 59
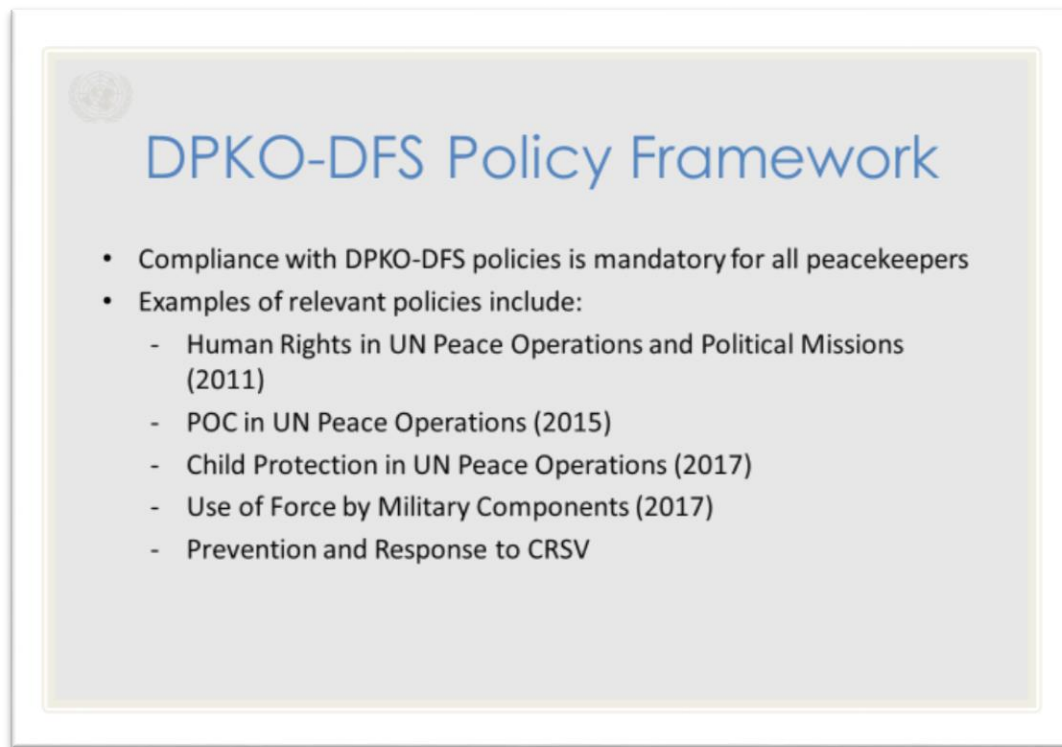
The UN Departments for Peacekeeping Operations (DPKO) and Field Support (DFS) have an evolving doctrinal framework built on a number of policies and other high-level documents.

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

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

▪ In 2011, DPKO, DPA, DFS and OHCHR adopted the Policy on Human Rights in United Nations Peace Operations and Political Missions, which provides guidance on how human rights should be integrated into the activities of UN peace operations and political missions, in order to maximize UN actions to address the human rights dimensions of conflict and build a foundation for sustainable peace. The policy sets out the purposes, roles and scope of activity of human rights components of peace operations and political missions.

- The 2015 DPKO-DFS Policy on the Protection of Civilians in UN Peacekeeping explains the fundamental principles of POC in peacekeeping, identifies and organizes the range of POC tasks, guides the development of mission-specific POC strategies, and outlines how missions are expected to assess and respond to POC threats.

- The 2017 DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations is an update of the 2009 policy. It lays out the guiding principles for Child Protection in peacekeeping, defines the roles and responsibilities of peacekeepers in this regard, and gives guidance on planning for Child Protection mandate implementation.

- The 2017 DPKO-DFS Guidelines on Use of Force by Military Components in United Nations Peacekeeping Operations outline the constraints and authorities of military and police personnel with regard to the use of force while on duty in UN peacekeeping operations.

- The DPKO-DFS Policy on the Prevention and Response to Conflict-related Sexual Violence is due for release in 2018. It will be the first CRSV Policy and will outline the basic principles, tasks and planning issues to be considered for Women, Peace and Security mandate implementation in peacekeeping.

Summary

Key takeaways regarding UN Legal and Policy Framework include:

- The UN Charter is the foundation and basis for all UN work across the Organization. In the area of peace and security, Security Council resolutions give important guidance to the work of peacekeeping operations.

- The Convention on Privileges and Immunities of UN personnel does not mean peacekeepers can break laws with impunity.

- Peacekeepers must observe Host State and sending State laws as laid out in the SOMA/SOFA and MoU.

- Specific policies have been developed to guide the work of peacekeeping missions in the implementation of mission-specific and cross-cutting thematic mandates. Peacekeepers are expected to read and understand these policies. Compliance with relevant UN policies, such as the POC Policy, is mandatory for all peacekeepers, irrespective of whether they are military, police or civilians.

Lesson
2.3

Mission Specific Legal Framework

The Lesson

Starting the Lesson

Overview

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

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

As a result, this section will focus on:

- Security Council mandates for peacekeeping operations

- Rules of Engagement

- Directives on the Use of Force

Relevance

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

Mission Specific Legal Framework

Slide 65
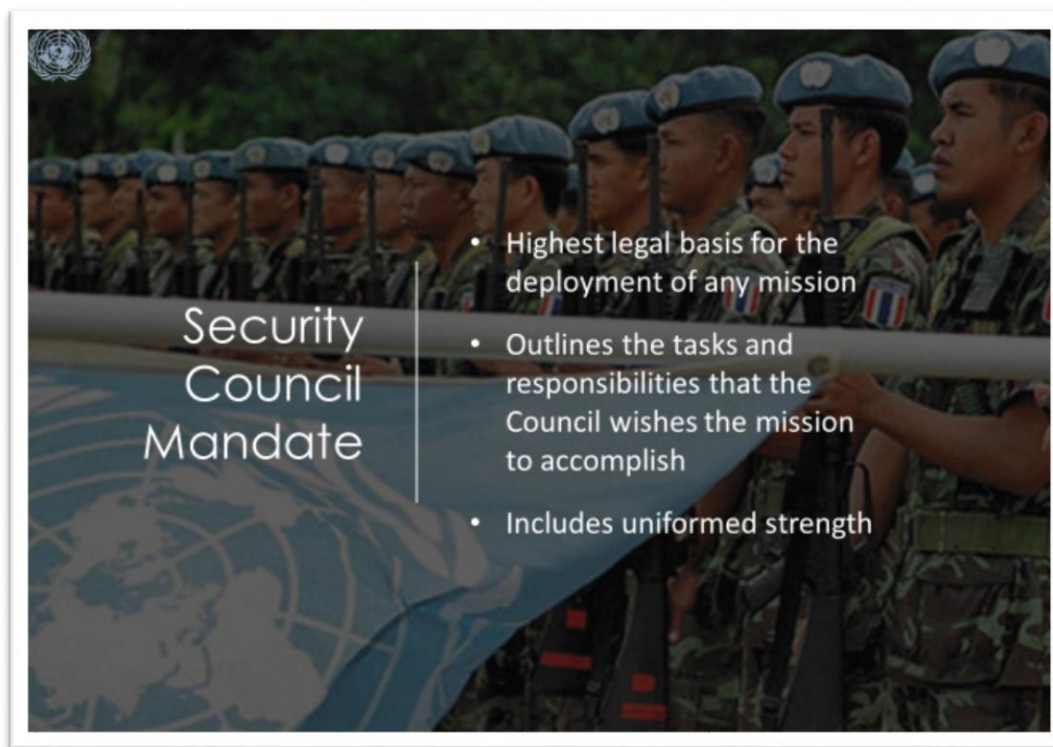
The last section discussed relevant cross-cutting thematic Security Council resolutions guiding the work of UN peace operations overall. This section covers the specific resolutions with which the Council authorizes peacekeeping operations – these resolutions are the highest legal basis for the deployment of missions.

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

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

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

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

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

Slide 66

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

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

Visit the Research Tools section of the UNSC Repertoire Website – http://www.un.org/en/sc/repertoire/data.shtml – and select the Mandate Analysis tab to download a searchable excel spreadsheet (which is updated approximately every three months). Select one or two missions that the participants are familiar with or will deploy to, and examine the specific language for POC in that mission.

The next few slides will explore some of these phrases. Key terms like 'threat' and 'civilians' were already defined in Module 1.

Slide 67

Key Message: The expression "all necessary action" gives the mission authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat. Peacekeepers with a POC mandate are authorized to use force in accordance with the rules of engagement.

It is important to remember that "all necessary action" does not only relate to the military activities of the operation. It also includes the range of civilian and police actions at the disposal of a peace operation.

Use of force by military and police forces must be supported by adequate understanding of local conditions, including intelligence as appropriate. Due to existing limitations of collection assets and modern technology in field missions, most of the information gathering work is done through reaching out to the local population and leaders, local protection actors etc.

Slide 68

Key Message: 'Within capabilities' acknowledges resource constraints and demands the prioritization of resources.

Realistically, a peace operation will not be able to protect everyone everywhere in its area of responsibility. Existing resources, even in large complex missions with thousands of soldiers, are simply not enough when the area is vast, terrain is rough, lines of communications are poor, and logistics challenging. However, this cannot be an excuse for inaction. Peacekeeping missions are obligated to use their resources in the most effective and efficient manner to carry out their mandate. The prioritization of resources has to be based on a thorough threat and vulnerability analysis, as well as on coherent and coordinated operational and tactical planning. This analysis should be done by all mission components, not just military. Any shortfalls need to be communicated to senior mission leadership, who will bring it to the attention of UNHQ and ultimately the Security Council.

The limited capabilities are also an important aspect of expectation management when it comes to the ability of missions to keep peace. In particular, vis-à-vis the local population, but also vis-à-vis the international community, missions need to communicate clearly what they are able to achieve with the existing resources.

Slide 69

Key Message: According to international law, host governments bear the primary responsibility for the protection of civilians within their borders. Where such mandates apply, UN peacekeepers are mandated to undertake protection activities in support of host government actors, not to replace them. Peacekeepers, however, have the obligation to protect civilians in situations where the host government is unable or unwilling to do so.

Field missions do their best to have the host government engaged on the protection of civilians so the mission can perform a supporting role. However, bearing in mind that missions operate within the principles of peacekeeping, missions are authorized to use force against elements of government forces in accordance with their rules of engagement where such forces are themselves engaging in physical violence against civilians. Due to the possible negative impact on the strategic consent of the host country, the use of force against host country security forces is a complicated matter. It is always preferable to take preventive measures and use political action to obtain compliance with principles of human rights and the use of force by the national security apparatus.

Slide 70

Key Message: The Security Council in some cases tasks peacekeeping operations with the protection of particular groups, especially women and children.

The Council can request the deployment of Women Protection and Child Protection Advisors to advise mission leadership and coordinate protection activities.

Slide 71
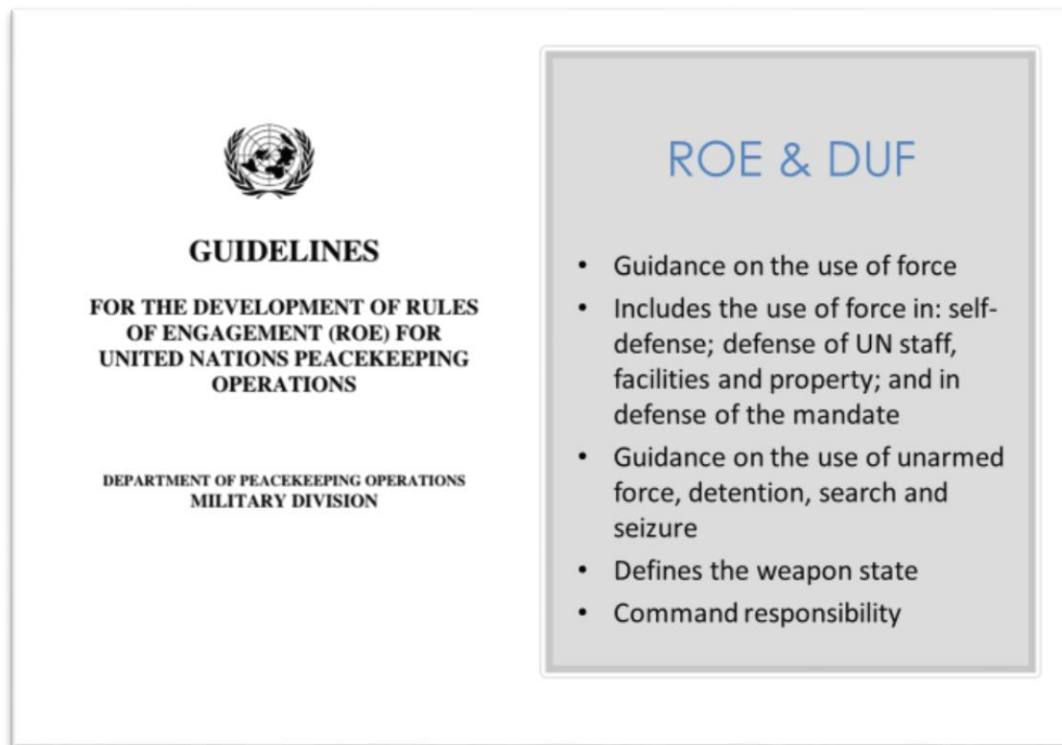
Key Message: ROE and DUF are mission-specific and outline the circumstances as to when and how the use of force is authorized in accordance with the mandate of the particular operation as well as international humanitarian law and the laws of armed conflict.

The ROE and DUF are approved by the Under Secretary-General for Peacekeeping Operations. They always include the use of force in self-defence. The use of force beyond self-defence depends on the mandate of the operation.

There is a master list of rules contained in the 2000 'UN Guidelines for the Development of ROE for United Nations Peacekeeping Operations'. Annexes to that document include Sample ROE as well as the master list of ROE from which mission-specific ROE are selected.

ROE commonly include:

- Use of force (Rule 1)

- Use of weapons systems (Rule 2)

- Authority to carry weapons (Rule 3)

- Authority to detain, search, disarm (Rule 4)

- Reactions to civil actions or unrest (Rule 5)

ROE also define the weapon state.

The Use of Force is a command responsibility. The Force Commander and Police Commissioner are responsible to make sure that all personnel under their command understand and follow the ROE and DUF. This responsibility also applies to commanders of national contingents.

To ensure the appropriate use of force in peacekeeping operations, TCCs should prepare their troops in terms of mind set and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units in a peacekeeping operation. All United Nations peacekeepers operate strictly under the United Nations chain of command.

T/PCCs are not permitted to augment, restrict or modify ROE or DUF according to national interpretation(s), nor are T/PCCs allowed to impose any caveats on the authorizations to use force that are contained in the ROE or DUF, without formal consultation with UNHQ and the express written agreement of DPKO.

Select sample ROE from the 2000 'DPKO Guidelines for the Development of ROE for United Nations Peacekeeping Operations' in the Annex and discuss with participants.

Slide 72

DPKO and DFS released new Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations in early 2017. The Guidelines provide clarity on the appropriate use of force at the tactical and operational levels of UN peacekeeping operations. The Guidelines are intended to mitigate hesitation, accelerate decision making, improve performance and ultimately protect lives and property.

Key Message: It is important to keep in mind that the objective of the use of force is to influence and deter, not necessarily to defeat, threats seeking to harm UN personnel, equipment and property or people under protection, such as the civilian population.

In some cases, the use of force may also be authorized to respond to other threats, including those caused by armed spoilers intending to distract the peace process. In 2013, the UN Security Council equipped MONUSCO with the Force Intervention Brigade (FIB), which is specifically tasked to undertake offensive operations. For the purpose of this offensive mandate, the FIB has a different authorisation of the use of force and is able to carry out both joint and unilateral military operations to neutralise armed groups.

The basic principles guiding the use of force are:

▪ Graduated: Application of increasing levels of force ensures that only the minimal level of force is used. It ensures that excessive force is avoided and minimizes the loss of, or damage to, life and property.

- **Last resort**: Whenever the operational situation permits, every reasonable effort should be made to resolve a potentially hostile confrontation by means other than the use of force. Mediation, negotiation, use of deterrent posture, robust communications are examples.

- **Necessity**: Force can only be used when absolutely necessary in self-defence, in defence of UN staff, property and equipment, or in defence of the mandate. There is a duty to use reasonable efforts to resolve the situation and achieve the authorised objective without use of force.

- **Proportionality**: Use no more force than necessary to suppress the threat.

- **Legality**: Force can only be used within the limitations of the legal framework, including IHL, Security Council mandates, UN ROE, national law, and host state law.

- **Accountability**: The authority to use force remains a command responsibility, but the individual applying that force retains accountability for their actions being in accordance with IHL, and the mission-specific ROE. This reinforces the importance of all peacekeepers understanding the concept and principles discussed in this module.

It must be noted that peacekeepers sometimes may not have enough time to embrace gradual application of force and may have to act immediately by resorting to deadly force to avoid greater harm. This would only apply where the attack, or threat of an attack comes so unexpectedly that even a moment's delay could lead to the death of, or serious bodily injury to, oneself, other United Nations personnel or other persons under the protection of the mission.

Slide 73

Key Message: UN Force Commanders should be aware of the full extent of their authority to act under the mission mandate and the mission specific rules of engagement. Inherent in the authority to act is a responsibility to act within the capabilities of the peacekeeping operation and its areas of deployment.

Missions with mandates to protect civilians are equipped with rules of engagement that provide for both proactive and reactive use of force. As to the use of force to protect civilians under imminent threat of physical violence, mission specific strategies allow for proactive, pre-emptive, preventative and /or deterrent measures, up to and including the use of deadly force.

Failure to act is not an option. Potential consequences include the preventable loss of life or damage to property. Failure to act may be treated as insubordination under conduct and discipline regime, leading to the potential repatriation of commanders or even whole contingents.

It is important to remember that peacekeepers are authorized to act in accordance with the ROE, and don't need specific written approval to use force in accordance with the ROE. To be successful, ALL commanders and troops must have a clear understanding of when, and at what level, force can be used in implementing assigned tasks.

Failure to use force in line with the ROE, much like the use of excessive force, can

negatively impact the mission's success and may raise issues of individual and organizational responsibility.

Case study 1: Discuss with participants how peacekeepers' interpretation of the ROE relate to the incident in UNMISS of 17/18 February 2016, when gunmen in military uniforms stormed the UNMISS POC site in the north-eastern town of Malakal, firing on civilians and setting shelters ablaze. The attack on the camp, where about 48,000 people were sheltering, left at least 40 dead and 123 wounded. Nearly 20,000 people lost their homes after they were torched by the attackers based on the occupants' tribal affiliation. For more details see Handout 2.3: UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016 in the Annex.

Following an armed attack on an IDP camp in Malakal, South Sudan, which was under the protection of UNMISS, a Board of Inquiry found inadequacies in peacekeepers' response and a lack of understanding of the rules of engagement by some. The final report points at failures of the UN as well as TCCs.

From the UN's Board of Inquiry (BOI) report:

- The Sector North Commander ordered that troops should use their APCs to engage the SPLA troops by firing back on them and that under no condition should SPLA soldiers enter the Log base. Some troop commanders hesitated about the use of lethal force and sought written authorization for it.

- Moreover, once the security situation began to deteriorate, the Mission, at all levels, failed to manage the crisis effectively. This failure manifested itself in a lack of urgency to enhance the security within and around the POC site, the reluctant attitude of the units of some of the TCCs present in Malakal to be proactive, including requesting written confirmation to use force as in the rules of engagement (ROE); the absence of external perimeter patrolling around the POC sites; and culminating in the abandoning of sentry posts when armed elements were approaching the berm leaving the POC site fully exposed and, ensuring that civilians would be placed in serious risk in the very location to which they had come for protection.

- The Board also found that many of the applicable UN/UNMISS procedures, regulations and rules including on command and control vis-à-vis civilians and uniformed personnel, UNMISS ROEs, Force Directives and Orders were adequate to respond when faced with such an incident, however, they were not properly coordinated, disseminated or understood among the various civilian, military and police components in the mission, nor were they fully/appropriately applied by some of the TCCs deployed in Malakal. Moreover, with regard to the UNMISS military operations, the Board underscored that this was not the first instance in which military units in Malakal had demonstrated an unwillingness to proactively implement ROE, Force Directives and Orders. However, this persistent underperformance had not been reported through the appropriate chain of command.

- The Board concluded that despite relevant guidance, beginning with the Mission's Chapter VII POC mandate and including standing orders on POC operations, and particularly with regard to the ROEs, the TCCs were not adequately trained or familiar with the manner in which they were to respond. The lack of regular, targeted table top exercises was one example of a failing in this regard. The BOI further found that the UNMISS uniformed personnel detailed to protect the POC site were not adequate in number or properly skilled and equipped to fulfil the given mandate.

- On ROE/Contingency preparedness, the BOI recommended that UNMISS military leadership should ensure that training in the practical application of the ROEs and use of force is conducted regularly in accordance with the guidance from the DPKO Military Advisor with a focus on scenarios relevant to the current operational situation in a concrete location.

- The BOI also recommended that the Force Commander and Police Commissioner, in consultation with the SRSG, should immediately take action in cases where units show a lack of knowledge of ROEs or demonstrate a lack of will to use force beyond self-defence. Each case of underperformance of troops and police should be thoroughly investigated and the results reported to the UNHQ and the Permanent Missions of the involved TCCs/PCCs. Decisive action should be taken to hold the TCC contingents accountable, up to repatriating Commanders and/or Units.

Case study 2: Examine and discuss the incidents in UNMISS of 11 July, when gunmen in Juba attacked the Hotel Terrain camp, a private compound close to a peacekeeping base, robbing, beating and raping aid workers and local staff, and killing a local journalist. For more detail see the Executive Summary of the special investigation in the Annex.

Following another tragic armed attack on a civilian compound in Juba, South Sudan, in July 2016, the UN Secretary-General ordered a special investigation. Extracts taken from the Executive Summary of the special investigation report, which was released publicly, are conveyed below:

- After fighting broke out, the Force and Police components continued to display a risk-averse posture unsuited to protecting civilians from sexual violence and other opportunistic attacks.

- The Special Investigation found that the lack of preparedness, ineffective command and control and a risk-averse or "inward-looking" posture resulted in a loss of trust and confidence – particularly by the local population and humanitarian agencies – in the will and skill of UNMISS military, police to be proactive and show a determined posture to protect civilians under threat, including from sexual violence and human rights violations.

- The Special Investigation made a series of recommendations, including:

  - DPKO to ensure that missions have rigorous contingency plans in place;

  - UNMISS to regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force;

  - All T/PCCs junior and senior commanders should conduct scenario training on the mandate and rules of engagement, and police FPU commanders should be trained on the directives on the use of force during their pre-deployment training;

  - All TCCs to confirm in writing that troops are willing and able to conduct dismounted patrols, including standing patrols by day and night outside the perimeter of UN compounds and POC sites in surrounding areas as ordered by the Force Commander;

  - All personnel of T/PCC to use the rules of engagement to the fullest extent.

Slide 74

There is no room for doubt regarding individual or unit responsibilities in relation to the protection of civilians. As part of any individual or unit's pre-deployment preparation, any doubts must be resolved, and expected actions understood and rehearsed.

This applies equally to individuals as it does to unit commanders since all have obligations and are accountable under the legal framework discussed in this module.

If responsibilities are unclear, do not hesitate to seek advice or clarification from your unit's Legal Adviser. Other sources of clarification can be your commanding officers, Protection of Civilians Officers, Human Rights Officers or Military Legal Officers at Force HQ in missions. Substantive issues or requests for clarification regarding the UN legal framework, the mission's mandate and/or the mission's ROEs or DUF may additionally be consulted with the mission's Senior Legal Adviser, and/or referred to UN Headquarters and the Office of the Legal Counsel.

<u>Failure to understand the legal obligations does not excuse wrongful action or inaction.</u>

Summary

Key takeaways regarding Mission Specific Legal Framework include:

- The mission specific legal framework is targeted at individual missions based on the operational environment

- The Security Council mandate establishes a peacekeeping operation and gives missions and its personnel specific tasks. Given the particular importance for each mission context, peacekeepers must understand their mandate

- ROE and DUF translate that framework into specific guidance for military and police units and individuals on when, where, and how much force is to be used. T/PCCs are not allowed to impose additional caveats on their personnel serving in peacekeeping missions, unless they are approved in writing by DPKO

Handout
2.3

UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016

21 June 2016 – A United Nations independent high-level board of inquiry has completed a special in-depth investigation into how the UN responded this past February to deadly violence in a protection of civilians site in the town of Malakal, in northern South Sudan.

In a note to correspondents, the Office of the Spokesperson for **Secretary-General** Ban Ki-moon said that a special investigation and a UN Headquarters board of inquiry were convened to review the circumstances of the violence that erupted in the UN Mission in South Sudan (UNMISS) protection of civilians site in Malakal from 17 to 18 February, in which at least 30 internally displaced persons (IDPs) were killed, 123 others were wounded, and a significant portion of the camp was destroyed.

The special investigation, which was tasked with examining the external factors that led to the incident, has identified several factors as having contributed to the attacks, including deep-rooted historical land disputes, the '28 States' Order and the Eastern Nile State Administrative order of 1 February, which dismissed all Shilluk and Nuer civil servants, according to the note.

The investigation determined that the immediate trigger for the attacks was an attempt by two Sudan People's Liberation Army (SPLA) soldiers to smuggle ammunition into the site on 16 February.

The investigation also concluded that external armed elements, some in SPLA uniforms, entered the protection of civilians site during the period and took part in the violence and destruction of parts of the site.

The investigation team requested that the Transitional Government of National Unity hold the individuals responsible and accountable for the violence. The team also provided a number of recommendations to the Government, regional and international actors – including the UN – aimed at preventing such attacks in the future, the note said.

A UN Headquarters-led board of inquiry, which was tasked to look into the Mission's response to the incident, is being finalized. The preliminary report of the board mentions, among others, that a number of issues contributed to the incident.

On the UNMISS response there was confusion with respect to command and control and rules of engagement, and a lack of coordination among the various civilian and uniformed peacekeepers in Malakal at the time of the crisis, the note said.

Further, the board also mentioned that there were unrealistic expectations as to the level of protection that UNMISS could feasibly provide to the 48,000 internally displaced persons in Malakal at the time of the incident.

UN Headquarters is reviewing a number of recommendations made by the board in order to minimize the recurrence of such incidents, including a review of the concept of protection of civilians sites and the performance of troop- and police-contributing countries.

The UN Department of Peacekeeping Operations is engaging on the way forward with concerned troop-contributing

Slide 78

Overall conclusions from Module 2 include:

- Peacekeepers need to understand how international and national legal frameworks governing human rights, international humanitarian law and peacekeeping more broadly affects the work of missions in the field

- Bodies of international of law provide special protection for those members of communities that are most vulnerable (e.g. women, children, refugees etc.)

- As a key task for peacekeepers, they must ensure to monitor and report violations of human rights and international humanitarian law

- Peacekeepers do not have impunity from laws of the host or sending State, and may also be held accountable for unlawful activities under international law

- If ever there is any lack of clarity regarding the legal framework for peacekeeping, or obligations deriving from it, peacekeepers can ask their higher command, the Military Legal Officer, POC Officers, or civilian Legal Officers for advice. Ignorance is not an excuse for a violation of law

M o d u l e
3

Operational Framework

Module 3 at a Glance

Aim

The objective of this module is for peacekeepers to understand the key operational framework covering MTF operating in UN peacekeeping operations.

Learning Objectives

The learning objectives for Module 3 are based on the goal of being able to apply the main aspects of the first two modules into practice:

- Know the main capabilities, tasks, the Organization for MTF operating in UN missions / PKOs

- Be able to explain the types support along with their essential planning parameters, the tasks which can be performed by various types of units

- Be able to have an understanding of the essential planning considerations for these tasks for various missions

Overview

Module 3 provides an overview of the operational framework related to MTF, as well as, a general understanding of how the POC tasks in UN peacekeeping can be applied in a tactical scenario. The module focuses specifically on the tactical level operational framework

While this module focuses on the tactical level employment of MTF, it also provides a general overview of the operational level to help leaders understand the mandate implementation in UN peacekeeping.

Introduction

Slide 1
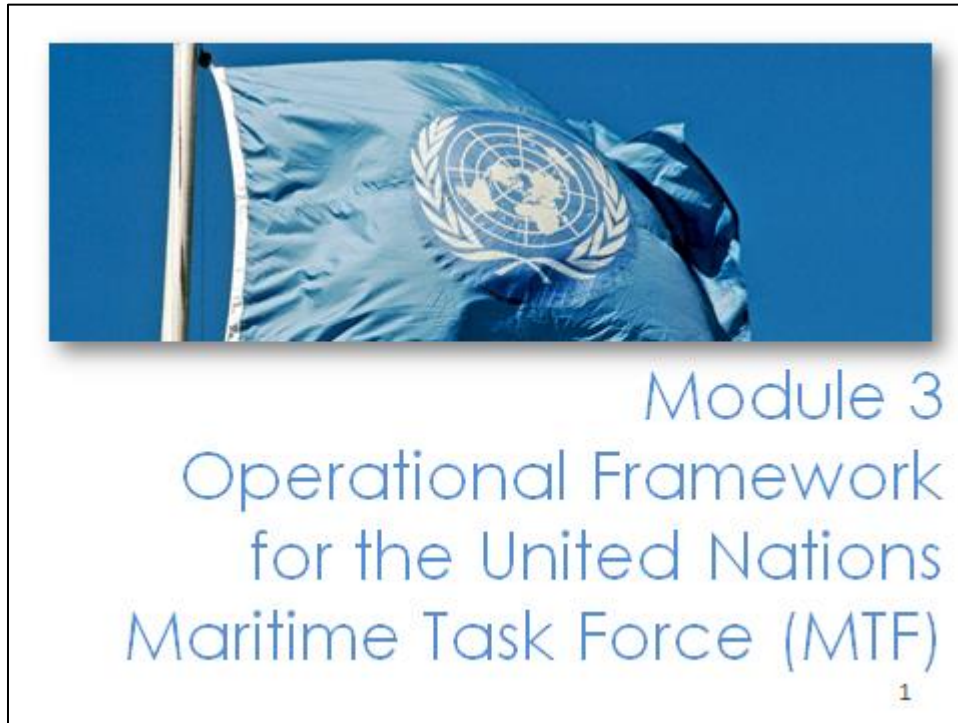
Module 3 lessons help us to understand the operational framework that is the main capabilities, tasks, and the Organization for MTF operating in UN missions / PKOs.

☞ *Note to instructor –*
It is recommended that Instructors read the document "United Nations Peacekeeping Operations Principles and Guidelines" (also known as the Capstone Doctrine).
Instructors take a few minutes before the lesson to illustrate and hand out.

Recommend that you provide copies of CONOPS where a MTF has been committed. These samples could be passed out and discussed. Select examples that show specific tasks assigned to the MTF during recent UNPKOs.

Introduction

Slide 2

Module 3 Content

- Capabilities of the MTF (MTF)
- Tasks of the MTF

2

Module 3 describes capabilities and tasks in lesson 3.1; and lesson 3.2 highlights the principles of the MT organization.

Lesson
3.1

Capabilities

The Lesson

Starting the Lesson

Instructors ask the participants if they have any operational experience in a UN PKO and inquire who has deployed as a member of a MTF. Briefly, have them share their experiences and how operations might be different in a UN PKO from other operations.

Ask participants for three unique characteristics of operation in a UN PKO that differ from other operations. Record the items on a chart / white board and review at the end of lesson.

Slide 3

This lesson describes the capabilities of the UN Maritime Task Force (MTF).

Slide 4

Here is the lesson content. In short, we will describe the core capabilities of an UN MTF and the maritime platform-unique capabilities in support of UN ground and maritime operations.

Slide 5

Learning Outcomes
Lesson 3.1

- Describe the core capabilities

- Describe the maritime platform-unique capabilities in support of UN ground and maritime operations

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As in a good training practice, let's review the learning outcomes of this lesson. At the end of this lesson, you should be able to explain the topics in reference to the core capabilities in support of UN ground and maritime operations. Take a moment to read and understand the requirements.

Slide 6

The first topic highlights the capabilities that a Maritime Task Force can provide, due to a combination of assets. The force will be compounded based on the UN Mandate. The UN MTF will be formed based on the UN Mandate, to fulfil the needs of the Mission. The formation of the MTF will be based on the tasks that it will perform in the Area of Operations. Slide Narrative

A 'Task Force' is formed to accomplish a specific task, in limited period of time and space. The Mandate will state the Mission of the UN force. Based on Military Capability Studies, the Contribution Countries will be asked for the assets needed to accomplish the task of the mission, based on the Force Requirements (FR) or Statement of Unit Requirement (SUR).

Slide 7

Communications are fundamental to command the operations and to control the planned actions. It is a core capability for every management. There is always the need of clear channels of command, to avoid misunderstandings and misacting, especially in military operations which involves different countries.

Slide 8

MTF Core Capabilities

- Command, control and communications (C3) for operations at sea and land

- Voice and data communications (internet) between MTF ships and to shore

- SATCOM (primary), voice HF (secondary), voice VHF and UHF (tactical)

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SATCOM, HF and VHF / UHF channels are the most important assets to facilitate C3.

Slide 9

The firepower of a Maritime Task Force should be graduated in intensity and lethality, according to the Rules of engagement (ROE). It is the basic characteristic of versatility of Naval Power. The use of firepower will always depend on the type of the Mission and the ROE.

Slide 10

A MTF can employ firepower if necessary, in a flexible and versatile way, and in a self-sufficient manner. The UN MTF ships can process and direct indirect fire and / or fire from organic air assets when required (applicable only for platforms with organic air power). The MTF must be self-sufficient in organic support sensors, both day and night, 24/7 within their area of maritime operations.

Slide 11

Situational maritime awareness dominance is a fundamental principle for the MTF commander to control and command the actions of the MTF in AMO.

Providing a Recognized Maritime Picture is important to conduct maritime interdiction operations, maritime and air surveillance to dominate the area of maritime operations; to monitor the AMO and verify peace arrangements; maintain visible presence in areas of potential threat and support the Mission security framework. It is important for the MTF to exercising freedom of movement both day and night, 24 / 7 in the area of maritime operations.

Slide 12

MTF Core Capabilities

Tactical information evaluation and sharing:

- Acquiring, processing, analyzing, passing tactical information between ship to ship and shore

- 24/7 situational awareness

- Gain tactical and operational advantage by integrating and optimizing technological support => decision making process (OODA cycle)

12

Situational awareness is fundamental requirement / capability for successful operations for all ships and the MTF. In order to gain tactical and operational advantage to support timely and coherent decision-making, it is important to rely on the integrated technological system for optimal support. The speed of the decision making cycle (OODA) is very important to the MTF Commander. In order to have a rapid OODA, acquiring, processing, analyzing and passing tactical information proactively between ships and shore must be done quickly.

Slide 13

MTF Core Capabilities

Sustainment

- Self-sufficient at least 50% of the task time in the area of maritime operations (AMO)

- Food, water, accommodation, hygiene and sanitation, mobility resources, repair and recovery, preventive maintenance, onboard medical support, welfare and waste management

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The ability for the MTF to sustain itself is an important capability. It is the ability to undertake continuous operations both day and night, 24/7 in a designated area of maritime operations. Being self-sufficient with enough food, water, accommodations, hygiene and sanitation, mobility resources, repair and recovery, preventive maintenance, onboard medical support, and welfare for the personnel is a mission multiplier.

Slide 14

The Flagship is the system platform where the UN MTF Commander exercises command, control, and communications over force within the area of maritime operations. The vessel must be capable to provide the MTF commander with the necessary systems that facilitate proper Command, Control, and Communications. In addition, the vessel must have an integrated / computer network to link into the MTF assets and vessels, as well as the land based systems.

Slide 15

Maritime Platform-Unique Capabilities

Surface Ship

• Destroyers, frigates, corvettes, patrol vessels

• Multitude of maritime tasks, given the flexibility, mobility, versatility and ship of their organic capabilities

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There are different types and classifications of surface ships; for example: Destroyers, frigates, corvettes, patrol vessels, mine hunters, etc. They can perform a multitude of maritime tasks, given the versatility of their organic capabilities.

Slide 16

Here are a few examples of tasks that surface ships usually can perform when operating as part of a MTF:

- Patrolling, vessels of interest (VOI) interdiction

- Visit, Board, Search and Seizure (VBSS) of suspected vessels

- Escort and protection operations;

- Surveillance and information sharing;

- Interaction and capacity building; and

- Contingency operations - Search and Rescue, HADR, evacuation of personnel

Slide 17

Sealift Ships provide logistical and personnel transport in support of land operations or to the UN Maritime Task Force ships in the area of maritime operations. Auxiliary / Replenishment Ships are tasked to resupply the Maritime Task Force ships with fuel, ammunition, food, water, etc.

Slide 18

A Hospital Ship provides advanced, on-scene medical care for the entire UN Force, including those ground force personnel stationed ashore, as well as those UN Maritime Task Force personnel afloat. Having a hospital ship at sea gives the UN a distinct advantage of providing medical care from a relatively safe location, and serve as a temporary medical safe haven for personnel waiting for follow-on medical evacuation. This asset can help support humanitarian assistance, disaster relief and personnel evacuation operations.

Slide 19

Maritime Platform-Unique Capabilities

Mine Counter Measure Vessel (MCMVs):

- Perform mine clearance

- Vital force protection for ground / maritime forces

- Protect resupply lines of communication

- Surveillance and info-sharing platforms

- Support to underwater operations - salvage / rescue

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Slide 20

Mine Counter Measure Vessels (MCMVs) perform mine clearance, which is a vital force protection function for ground and maritime forces, as well as, supporting the MTF in unencumbered operations and open resupply lines of communication. Surveillance and info-sharing among all actors is important. The MTF can also, support underwater operations such as diving for salvage and rescue.

Slide 21

Air Assets can operate from vessels to vessel or to shore. Depending on the vessel, the air asset could be fixed wing, rotary wing, and unmanned aerial drones. When embarked, they are considered part of the weapon's system for a particular ship / force. Here are a few of the tasks that MTF air assets might perform:

- Surveillance / information gathering and sharing roles
- CASEVAC/MEDEVAC
- Attack
- Boarding
- Patrolling
- Protection of installations
- Search and rescue

Slide 22

Summary

Let us review the main aspects of this lesson:

- The UN MTF core capabilities are based on the Security Council mandate for each Mission

- They depend on the FR and SUR, which will indicate the type and role of the naval platforms

- MTF's typical core capabilities are: Command, Control and Communications (C3) for operations at sea (and land); firepower in support of operations on land and sea; maneuverability and area dominance; tactical information evaluation and sharing; and sustainability

Slide 23

Lesson 3.1 Take Away

- Surface Ships and their air assets have unique capabilities in support of UN operations

- Different types of surface ships, with or without air assets on board, can perform multiple tasks

- Combined capabilities to support the UN mandate

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Summary

Here are a few more topics to review:

- Surface Ships and its air assets, operating from the sea or ashore, have unique capabilities in support of UN operations

- Surface ships like Aircraft and / or Helicopter Carriers, Landing Ships, Transport and logistic ships, Hospitals ships, Destroyers, Frigates, Corvettes, Ocean Patrol Vessels, Mine Hunters and other kind of ships have unique roles that support the overall operation

- The assets generated for the MTF is based on the mandate, force requirements that are tied to the Military Capabilities Study for the mission

Lesson
3.2

Maritime Task Force Tasks

The Lesson

Starting the Lesson

N/A

Slide 1

This lesson describes the tasks of the MTF.

Slide 2

Lesson 3.2 Content

- Support the total UN military effort
- Support land operations
- Protect installations
- Protect shipping in transit
- Sea mine clearance
- Search and rescue

2

In this lesson, we will describe and explain the MTF tasks. On this slide and the next slide are the major topics we will cover.

Slide 3

Lesson 3.2 Content

- Interdicting Vessels of Interest
- Information sharing
- Stabilization operations
- Capacity building
- Personnel relocation

3

Slide 4

As a good training practice, let's review the learning outcomes of this lesson. At the end of this lesson, you should be able to perform the actions described in the Slide. Take a moment to read and understand the requirements.

Slide 5

Support UN Military Effort

- MTF conducts a variety of tasks supporting the total military effort on land / sea
- Support land operations
- Protect installations
- Protect shipping in transit
- Sea mine clearance
- Search and rescue

The UN Maritime Task Force can conduct a variety of specific tasks supporting the total UN military effort on land and sea. On this slide is a list of the typical tasks.

Slide 6

The list of MTF tasks continue on this slide.

Slide 7

This slide illustrates the MTF's support to land forces. The MTF has the ability to reduce threats from coastal areas by identifying them and gaining initiative. The MTF can anticipate, identify and, can protect civilians by neutralizing threats ashore. Some of these tasks may include: surveillance; monitoring activities (surface, submarine, special forces, aircraft); information gathering and sharing; firepower support; medical support and evacuation.

Slide 8

On this slide, are some of the planning considerations when supporting land operations.

Slide 9

An effective MTF C3 framework is critical in order to support land, maritime and air operations simultaneously. The MTF can provide the required C3 and coordination of these joint actions. Additionally, the MTF can help provide a common operating picture and situational awareness for all forces.

Slide 10

Support Land Operations

- Humanitarian assistance and disaster relief
- Generally ships possess additional medical capability
- Transport essential medical supplies, life saving materials, food, water
- Provide hospital ships when available

10

Humanitarian Assistance and Disaster Relief is another MTF task in support of UN land operations. Most of ships possess the capability, according to their size and function that can be used to carry essential support functions for humanitarian assistance such as providing; medical supplies, lifesaving aid, food, and water transported to coastal and affected areas. MTF helicopters are able to carry supplies and medical care to distant areas. The MTF can also provide hospital ships.

Slide 11

The MTF can support land operations by establishing logistics platforms for the transport of personnel, equipment and supplies required to sustain land operations (Amphibious ships). The MTF can offer an offshore logistics depot, in peace keeping or peace enforcement UN missions, especially where the affected area on land has been severely damaged.

Slide 12

Threats of sabotage and attack on key installations can destabilize a vulnerable state. Protecting threatened coastal and off-shore installations promotes the affected nation's economic development and transition to a normal environment. The MTF can provide a layered defense system, allowing for a quick reaction and calibrated response to potential threats.

Slide 13

Protect Installations

UN MTF responses (depending on ROE):

- Visual and audio hailing
- Warning off using flares and/or guns
- Interception of suspicious vessels
- Neutralization of hostile vessels (when required and if authorized)

13

Here are typical responses used by MTF to threats, depending on ROE.

Slide 14

Protect Shipping in Transit

- Main threats: acts of piracy and armed robbery (Somalia coast; Gulf of Guinea)

- The 1982 UN Convention on the Law of the Sea (UNCLOS) provides the framework for repressing piracy under international law

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The main threats at sea, regarding protection of ships in transit, are acts of piracy and armed robbery (example: Somalia coast and Gulf of Guinea). The 1982 UN Convention on the Law of the Sea (UNCLOS) provides the framework and legal status for a MTF to repress piracy under international law.

Slide 15

Armed robbery in internal or territorial waters of a state is its responsibility. It can ask UNSC for help. In cases of armed robbery against ships within the internal or territorial waters of a given state, the primary responsibility for enforcement falls on the host state. If the host state requires assistance in securing its territorial waters, the UN Security Council may issue a mandate to provide assistance.

Slide 16

MTF must have comprehensive maritime situation assessment and monitor the areas of interest where piracy and robbery usually occurs. The MTF can provide: Interdiction of suspicious vessels, visit, board, Search & Seizure, and escort distressed vessels.

The UN Maritime Task Force interacts with the local shipping community to obtain an appreciation of maritime patterns over time. Given the typical vastness of the area of maritime operations, the occasional false alarm or gap in surveillance can be overcome by leveraging international assistance to complete the coverage.

Slide 17

The task of clearing a mine field at sea means removal or detonation of sea mines from an area, opening a secure path to other ships, especially to and from vital ports.
The most common type of ship for these tasks is a minesweeper or mine hunter. Also, helicopters, divers and unmanned underwater vehicles can be used to detonate mines.

Slide 18

SAR is the search for and provision of aid to people who are in distress or imminent danger either on land or at sea. SAR operations may occur on an ad-hoc basis, but the UN MTF Commander should make it an integral part of operational planning.

Under the UNCLOS, Flag States, Coastal States and Masters of ships all have the obligation to render assistance to persons found in distress at sea. Depending on the location, it can be expected that numerous vessels and aircraft will join in the SAR operation within the UN Mission area.

Slide 19

The Vessels of Interest (VOI) are the ships suspected of contravening UN mandates. Interdicting VOI to deter and deny them from using the UN AMO and contributes to the area's stability and security. When interdicting/inspecting VOI, the UN MTF Commander leverages other UN or non-UN elements working with the UN MTF to consolidate resources and share information.

Slide 20

The UN MTF Commander must establish a clear protocol for managing illegal items seized, and abide by appropriate legal obligations in the aftermath of an interdiction, seizure and arrest. Techniques for VOI interdicting, always depending on ROE:

- Assist and Approach Visits

- Visit, Board, Search and Seizure (VBBS)

- Interdiction Patrols

Slide 21

For each technique described in the last slide, there should be a clear intent and clear ROE. In the event of any suspicious activity, a Visit, Board, Search and Seizure - VBBS (with or without the vessel Master's consent) might be conducted on suspicious vessels. The VBBS team must be well trained. VBBS tactics are used only when specifically authorized by the Force Commander, Mission Rules of Engagement and mandate.

If prolonged monitoring and pattern of life analysis is indicate, UN Maritime Task Force elements may conduct Interdiction Patrols along known or suspected smuggling routes.

Slide 22

Every MTF exercises the surveillance of an area, collects and analyses the information. After analysing the relevant information gathered, it must be effectively disseminated into the larger information sharing network. The extensiveness and effectiveness of this network is a critical capability for UN maritime operations.

Slide 23

The MTF Commander develops an information collection and management plan. Information gathered by UN Mission ground units and MTF are analysed to develop trends and formulate assessments. This information guides future operations and builds a more comprehensive situational awareness.

Slide 24

Information Sharing

- Information collection through surveillance and monitoring
- Collation of information within own forces
- Analysis provides threat assessments and patterns of activity
- Dissemination of information guides future operations
- Constant collaboration with stakeholders

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Here are the important aspects of information sharing.

Slide 25

This MTF task is primarily focused on maintaining secure conditions for the conduct of stabilization operations during the post-conflict phase, and for ongoing humanitarian efforts to sustain the basic needs of the affected state. The MTF assists the host state to guard its maritime resources from exploitation, in territorial waters or at its exclusive economic zone. Here are a few specific tasks: escorting vessels (particularly ships in support of the World Food Program); Patrolling; and Maritime Enforcement Operations.

Slide 26

The MTF elements should be prepared for encounters with actors harassing shipping, engaged in illegal fishing or other resource exploitation activities. Necessary coordination between MTF and local authorities, UN Ground Force, National agencies and Mission elements ashore, when executing such tasks, for communications and support.

Slide 27

The UN places great importance on the development of local capacities. The so-called "light footprint" approach advances the concept that UN personnel and activities should be limited to those that are appropriate to local needs and limited to the minimum required. Under the 'light footprint' concept, the UN provides just enough capacity building so that local nationals can assume responsibility from the UN as soon as possible.

To balance local expectations of rapid UN-provided benefits with the more limited goal of helping the population build its own capacity. The MTF should develop a host nation maritime capability suitable to the nation's needs, appropriate to its culture, and sustainable by its resources once the UN departs.

Efforts should seek to involve the affected state's agencies in the implementation of the UN mandate – otherwise the host state will rely on the UN forces and will not evolve. The MTF should also stress the increase in the capacity of the affected state's forces for eventual assumption of security control of the territorial waters.

Donations of material and training are the key elements for a state that is being reconstructed. Involvement level may differ, depending on the existing situation and status of the affected state.

Slide 28

The UN MTF may be required to relocate personnel to a secure area, when lives are in danger due to conflict or disaster. Relocation coordination with the host and others involved will be made by the UN, at the appropriate levels. It is essential that the UN Maritime Task Force Commander receives timely and adequate information on the mode of relocation and transfer plans. Because large numbers of personnel can be involved in relocation effort, the MTF should conduct detailed planning and preparation prior to execution.

Slide 29

Here are the two types or modes of maritime relocation. Note the characteristics and differences of both shown on the slide.

Slide 30

The size of the operation will determine the dimension of the force. Here are a few considerations on the scope.

Slide 31

Summary

Let us review the lesson; here are the key topics that we covered:

- In a UN Mission, a MTF can support the other components ashore, in order to fulfil the needs of the FC
- To support land operations, it is important to have awareness domain and share information with land forces. The tasks can vary, including C4 support, logistics, and humanitarian
- Protect installations, coastal or offshore, promotes the affected country economics development and transition to normalcy
- To provide protection, a layered defense system provides quick response to threats

Slide 32

Summary

We continue to review the key topics:

- Maritime Patrolling protects shipping in transit against piracy and robbery

- MTF provides deterrence by showing the UN flag

- To facilitate protection, merchant ships must comply with MTF instructions

- Sea mine clearance operations are a complex task, the MTF must relay on a wide range of information. Specialized ships, such are employed

- Search and Rescue is an obligation. Ships and aircraft, military or civilian, are employed in these operations. Coordination is important during the four typical phases: detection, location, identification and rescue

- When a Maritime Interdiction Operation (MIO) is in the UN mandate, the basic task is to interdict vessels going into port with illegal cargo

Slide 33

Lesson 3.2 Take Away

- The MTF establish patrol zones to control and hail ships
- When necessary, boards, inspects and seizes ships and cargo
- This operations involves multiple agencies from the host country and UN
- MTF information shared in the mission is critical in planning
- MTF provides assistance to stabilization operations and help the host country guard its maritime resources

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Summary

We should also have a general understand of these topics:

- The MTF establish patrol zones to control areas and hail ships

- When necessary, the MTF boards, inspects and seizes ships; this operations involves different agencies from the host country and UN

- Information sharing is a critical to the MTF. This all source information data base helps guide planning and feed the common operational picture for the UN

- MTF provides assistance to stabilization operations to maintain secure conditions in the area of the UN Mission. The Force can assist the host country build a safe and secure maritime environment

Slide 34

Summary

Here is the last slide for review of this important lesson; let's take a few minutes to discuss:

- Capacity building aim is to assist the local national to assume responsibility for their own security as soon as possible

- The MTF follows the 'light footprint' concept, to provide just enough capacity building for the host state to assume security of its Territorial Waters

- When required, the MTF can relocate personnel to a secure area.

- Relocation can be done by a UN Military Force or the MTF can assist civilian agencies

- Typically, auxiliary or sealift ships are employed because they have a capacity to accommodate personnel and provide medical facilities and services

- Relocation requires early and detailed planning and preparation

Module
3

Operational Framework Wrap Up

At the conclusion of Module 3, some key elements should become clearer:

- A general understanding of the key operational framework covering MTF operating in UN peacekeeping operations

- The main capabilities, tasks, the organization and C2 for MTF operating in UN missions / PKOs

- The TTX will give you a better understanding of engineer support along with the essential planning parameters, roles / tasks which can be performed by various types of engineer units

- A general understanding of how POC tasks (in the different phases) in the UN can be applied in tactical scenario

- The POC TTX provided you some tools to apply in your decision making process when employing MTF in UM PKOs

- A focus on the tactical level employment of a MTF and a general overview of the operational level concepts to help your leaders understand the mandate implementation in UN peacekeeping

The following annexes and references can be found in separate folders to aid in the delivery of the modules:

- **Annex A:** Power Point Slide Presentations

- **Annex B:** Comprehensive Protection of Civilians (CPOC) Specialized Training Materials (STM)

- **Annex C:** Learning Activity / Scenario-based Table Top Exercise (TTX) for UN Maritime Task Force

- **Annex D:** Training Guidance for UN Maritime Task Force/ Training Model

- **Annex E:** Other references and background material

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