



# PROTECTION OF CIVILIANS

## Implementing Guidelines for Military Components of United Nations Peacekeeping Missions

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# **Guidelines**

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## **Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions**

## Credits

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## A. PURPOSE

Provide guidance to military components in UN peacekeeping missions tasked with implementing mandates on the protection of civilians (POC).

## B. SCOPE

These guidelines apply to all military personnel deployed in UN field missions with POC mandates, as well as staff members of the Departments of Peacekeeping Operations (DPKO) and Field Support (DFS), United Nations Headquarters (UNHQ).

Key personnel of Troop Contributing Countries (TCCs), including decision makers and planners, will find these guidelines useful as they train and prepare contingents for a UN Peacekeeping mission.

These guidelines focus on physical protection of civilians against violence in any form or manifestation by the perpetrator, including but not limited to armed groups, non-state actors and state actors (where applicable) individually or collectively at operational and tactical levels. They provide enough room for planners and commanders to incorporate changes in the planning and execution of operations as the situation evolves.

## C. RATIONALE

Reflecting POC's rising importance, the vast majority of UN peacekeepers currently work in missions mandated to protect civilians. Although POC mandates have existed for fifteen years, field missions and Troop Contributing Countries (TCCs) continue to seek guidance on its implementation.

These guidelines complement existing guidance and should be read together with the DPKO/DFS Concept on the Protection of Civilians and the OHCHR/DPKO/DPA/DFS policy on Human Rights in UN Peace Operations and Political Missions. These policies provide operational guidance on the roles and responsibilities of UN civilian, military and police on the protection of civilians against threats of physical violence and on the integration of human rights into the activities of United Nations peacekeeping missions.





## D. GUIDELINES

### D.1 Defining POC in UN Peacekeeping

#### D.1.1 POC Definition

Based on the language used by the Security Council in POC mandates<sup>1</sup>, the physical protection of civilians in United Nations peacekeeping can be defined as ***“all necessary action, up to and including the use of force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.”***

#### D.1.2 POC Framework

**Host State and UN Peacekeeper Responsibilities.** Host governments bear the primary responsibility for protecting civilians inside their borders, consistent with their obligations under international human rights and humanitarian law. However, when the host government is unwilling or unable to do so, UN peacekeepers are authorized and are duty bound to undertake actions to protect civilians. Within the mission’s area of operations, peacekeepers may act independently to protect civilians, irrespective of the source of the threat, in the absence of an effective host government effort or willingness to carry out its responsibilities to protect its civilians.

**International Human Rights and Humanitarian Laws.** Protection of civilians is rooted in international human rights and humanitarian law violations which involve physical violence, including killings, torture and rape and is thus a core element of UN mission mandates to protect rights and promote international humanitarian obligations. As such, the human rights roles and responsibilities<sup>2</sup> of military peacekeeping personnel

<sup>1</sup> POC mandates usually have similar wording to this: “The Security Council (SC),... Acting under Chapter VII of the Charter of the United Nations, ...Decides that [the peacekeeping mission] is authorized to take **the necessary action** [or ‘use all necessary means’], in the areas of deployment of its forces and as it deems **within its capabilities**, and **without prejudice to the responsibility of the Government/host country**, to protect civilians **under (imminent) threat of physical violence**.” DPKO-DFS Concept for Protection of Civilians in UN Peacekeeping Operations (<http://peacekeepingresourcehub.unlb.org/PBPS/Pages/Public/Home.aspx>) details the Departments’ understanding of this mandate. Key expressions in the mandate are explained in section E.

<sup>2</sup> See Policy on Human Rights in United Nations Peace Operations and Political Missions, 1 September



provide fundamental support for implementing POC mandates. Effective prevention and response to imminent threats of physical violence requires that human rights officers and military peacekeepers establish close and effective operational links.

**Community-Based POC.** UN mission interaction with local populations should be rooted in values of respect and dignity. Action to protect civilians should be planned in consultation with men and women of the local community (including representatives of women's and youth groups) and in support of the mechanisms locals have established to ensure their own protection. Engagement and consultations with communities yield important information on local situations and priorities. This situational awareness should be conveyed to decision makers for more effective implementation of the POC response.

**POC involves the Entire Mission.** Each component of a peacekeeping mission—military, police, substantive sections and mission support—has a role and responsibility to implement jointly the Protection of Civilians mandate.

**Gender Dynamics.** Peacekeepers must pay attention to local gender issues when carrying out the POC mandate, particularly in the acquisition of situational awareness. Peacekeepers must ensure that they do not exacerbate existing gender inequalities through inadvertent action. In this regard, deployment of more female military peacekeepers in contingents, as staff officers and as military observers, is crucial to the effective implementation of POC tasks. Female military peacekeepers are better able to interact with women and children, especially those who have been sexually assaulted; they can establish better relations with local women and therefore improve information gathering about the local community.

**Sexual Violence.** Military components in peacekeeping operations must protect civilians against sexual violence. Primarily, women and girls are most vulnerable in conflict and post-conflict situations, compounded by increased tendencies by armed actors to use sexual violence as a strategy and tactic of war. Conflict-Related Sexual Violence (CRSV) refers to rape, sexual slavery, forced prostitution, forced pregnancy and any other form of sexual violence of comparable gravity against women, men, girls or

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2011. ([http://ppdb.un.org/Policy Guidance Database/POLICY Human Rights in Peace Operations and Political Missions.pdf](http://ppdb.un.org/Policy%20Guidance%20Database/POLICY%20Human%20Rights%20in%20Peace%20Operations%20and%20Political%20Missions.pdf)).

boys. Annex B further describes the roles and responsibilities of military components in implementing CRSV-mandated tasks.

**Child Protection.** Military components have a responsibility regarding the most vulnerable population: children. Security concerns and major threats to children often extend to the following grave violations: recruitment and use of child soldiers<sup>3</sup>, killing, maiming, abductions, sexual violence, attacks on schools and hospitals and the denial of humanitarian access. A child's need for protection must be taken into consideration at all levels of command when planning, coordinating, reporting and executing tasks. See Annex B for further operational guidance.

**Conduct and Discipline of UN Peacekeeping Personnel.** It is vital that peacekeepers uphold the highest standards of integrity enshrined in the UN Charter. The view of them by host populations as protectors is crucial to their success in implementing their mandated tasks, including protecting civilians. In this respect, the UN policy of 'zero tolerance' regarding Sexual Exploitation and Abuse remains a key exigency on the behaviour of peacekeepers at all levels.



3 Including porters, cooks, spies and girls being recruited for sexual purposes. For more details, see *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, Feb 2007 (<http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>) and ICRC brochure CAAFAG, (<http://www.icrc.org/eng/resources/documents/publications/p0824.htm>).





### D.1.3 The POC CONCEPT <sup>4</sup>: A Strategic Approach to Implement POC Mandated Tasks

United Nations peacekeeping interprets the protection of civilians through a three-tiered approach. The protection of civilians is a key element of a mission's strategy, attained through a combination of general and specific tasks. While military components support all three tiers, they have a crucial role and responsibility in Tier II. The Tiers are sequential in nature but can be conducted simultaneously.

#### Tier I

**Protection through Dialogue and Engagement.** This Tier's activities include dialogue with or demarche of a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, and other initiatives that seek to protect civilians through dialogue and direct engagement.

#### Tier II

**Provision of Physical Protection.** This Tier encompasses those activities by police and military components involving the show or use of force to prevent, deter and respond to situations in which civilians are under the threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, who help guide the objectives and conduct of military and police operations through joint POC planning and coordination structures. The provision of physical force is a last resort; UN military and police-formed units must act swiftly and decisively when preventive mechanisms of the mission fail to protect civilians in compliance with ROEs and using requisite force within capabilities and area of responsibility.

This Tier is the main focus for military components and aims at prevention and assurance of robust intent to protect civilians, through:

- Situational awareness, threat/risk assessment, early warning
- Ensuring visibility, patrolling, investigation as appropriate
- Liaising with local security forces & non-state actors
- Ensuring preventive force deployment and posture

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<sup>4</sup> DOKO DFS Policy (in approval process in time of print) and Concept for Protection of Civilians in UN peacekeeping Operations (<http://peacekeepingresourcehub.unlb.org/PBPS/Pages/Public/Home.aspx>) detail the Departments' understanding of the POC mandate.



- Providing physical protection to civilians around UN bases and compounds<sup>5</sup>
- Establishing buffer zones
- Ensuring freedom of movement and route security for civilians, including refugees/IDPs
- Defending protected areas (IDPs/Refugee camps, safe corridors)
- Supporting deployments of human rights staff to areas at risk of human rights violations

If civilians are under threat of physical violence, a robust response is required, including

- Show of force (as deterrence)
- Force inter-positioning between (armed) actors and civilians
- Direct military action against armed actors with clear hostile intent to harm civilians

### Tier III

**Establishing a Protective Environment.** Environment-building activities are frequently programmatic in nature and designed with committed resources for medium- to long-term peacebuilding objectives<sup>6</sup>. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities contribute to POC, and are generally planned independently of POC. This Tier would typically include the support to the political process, promotion and protection of human rights, advocacy and access to humanitarian support, fighting impunity, promoting justice and establishing rule of law, supporting compensation and rehabilitation of victims. The military and police play a crucial role in this Tier by providing support to the Human Rights and the Rule of Law mandates while contributing to (along with the host state, UN entities and mission components) security and support to humanitarian effort (where appropriate). Other potential military supporting tasks in support of this Tier include:

- Advocate with local military on issues of impunity.
- Promote and protect Human Rights, including measures to end human rights violations.
- Support Security Sector Reform and implement the Defence Sector Reform policy.

<sup>5</sup> Provision of a safe haven/protected site is distinct from POC but contributes to it.

<sup>6</sup> United Nations Peacekeeping Operations: Principles and Guidelines (2008), Chapter 2.4.





- Contribute to security conditions, conducive to durable solutions for displaced persons.
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, or resettlement of refugees and internally displaced persons (IDPs);
- Create security conditions conducive to the delivery of humanitarian assistance.

## D.2 Guidance to the Office of Military Affairs (strategic level): Enabling Factors

The following planning and generation aspects are “enabling factors” available at the strategic level to maximise the efficiency and effectiveness of military components’ implementation of the POC mandate.

### D.2.1 Strategic Planning

When UN HQ begins the planning process for a new mission or review of an existing mission, the key inputs crucial to POC that should be considered at the earliest possible stages are identified during the Integrated Assessment and Planning Process (IAP)<sup>7</sup>. While conducting the IAP, the planning team should ensure that POC considerations are factored into the Strategic Assessment (SA). The SA should incorporate an analysis of the main threats of physical violence against civilians. DPKO-DFS’s Integrated Task Force (ITF) must prioritize POC objectives and include an analysis on the main ongoing international human rights and humanitarian law violations to ensure consideration as early in the process as possible. Strategic Reviews, Technical Assessment Missions (TAMs), Military Capability Studies (MCS) and any other planning activities need to include consultation with the protection cluster<sup>8</sup>, governmental and non-governmental organizations on possible priority activities.

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<sup>7</sup> See *Policy on Integrated Assessment and Planning* 6 Apr 2013 and *Integrating Protection of Civilians into the DPKO/DFS Planning Process*, 15 Mar 2011.

<sup>8</sup> Humanitarian action is coordinated through “clusters” that bring together humanitarian organizations (UN and non-UN) working in the main sectors of humanitarian response, such as health, logistics and protection. Clusters provide a clear point of contact and are accountable for adequate and appropriate humanitarian assistance. Each cluster has both global and country level focal points. UNHCR is the Cluster Lead Agency of the Global Protection Cluster. However, at the country level in disaster situations or in complex emergencies without significant displacement, the three core protection mandated agencies (UNHCR, UNICEF and OHCHR) will consult closely and, under the overall leadership of the HC/RC, agree which agency, among the three, will assume the role of Cluster Lead Agency for protection. See *IASC Reference Module for Cluster Coordination at the Country Level*.



### D.2.2 Composition of Force

The Composition of Force for a mission must be capable of delivering on mandated tasks. It is the responsibility of the Office of Military Affairs (OMA) to determine, during Military Capability Studies, the adequate capabilities to meet the tasks.

OMA planners need to factor POC task requirements within the generation of capabilities. They should also review the capacity to operate in different seasons/climatic conditions to sustain the reach of the military, and even expand this reach to vulnerable population centres when required to protect civilians. The capabilities of Infantry units, enablers and force multipliers must be reviewed to ensure they meet mission requirements throughout the seasons. Specific resources such as language assistants and communication assets also remain critical.

### D.2.3 Pre-deployment Training

Pre-deployment training of uniformed personnel deployed to UN peacekeeping operations is the responsibility of the individual troop contributing countries. DPKO-DFS, however, play a role in peacekeeping training, by providing pre-deployment training standards and follow-up in-mission training coordinated by the mission's own Integrated Mission Training Cell.

### D.2.4 Disposition of Force

The deployment of units in theatre is a shared responsibility between OMA and the Force Commander; OMA planners must consider POC task requirements—in consultation with the FC—in the process of positioning capabilities. While deploying units, they should strike the balance between geographical coverage and retaining expeditionary/reserve capabilities. It is important to factor agility, versatility and the capability to retain critical mass for direct military action against threats to civilians. A situation where population centres are cut off, or cannot be reached due to impaired mobility for protection actors, as a result of changing environmental conditions, should be appropriately addressed.



### D.2.5 Mainstreaming POC in the CONOPS

The Military Concept of Operations (CONOPS) translates strategic directives into operational directions for the military component and must contribute to the overall success of the mission and fulfilment of the mandate. It should include a description of the most serious past and ongoing human rights violations, responsibilities and an analysis of the commitment and capacity of host country authorities to respect and protect human rights. This key document should set out the approach to POC and the priority tasks and include them in its key elements (effects, concept, coordinating instructions, etc), explaining how POC tasks/operations will be conducted to achieve the operational objectives and overall end state. Support should be extended by OMA to the FHQ at mission level to ensure that its operational order is in line with the CONOPS.

Rules of Engagement (ROE) for each mission are developed by OMA in consultation with the Offices of Operations (OO) and Legal Affairs (OLA) to define and explain the policy, principles, procedures and responsibilities relating to the use of force during peacekeeping operations, including the limits therein and the circumstances under which force could be applied in self-defence and in mandate implementation. The use of force by peacekeeping operations is strictly governed by international human rights and international humanitarian law.

To address protection needs of women and girls, a gender-sensitive approach must also ensure that contingents deployed to areas of operations where CRSV is taking place are encouraged to deploy female military personnel who can enhance the reach to women and girls to ascertain threats, risks and vulnerabilities and respond accordingly.

## D.3 Guidance to Force Commanders and their staff (Field HQs) (Operational Level)

### D.3.1 Operational Imperatives of POC

**Pro-activeness.** Pro-active operational activity based on obtained intelligence is the best option for implementing POC. It serves as deterrence and instils confidence in the public. The Force must actively manage and control situations, rather than just react, by addressing threats before they become critical. Prevention remains the most effective form of protection of civilians.



**Prioritization.** No mission is resourced sufficiently to simultaneously protect all civilians in its area of responsibility. Identifying risks of physical violence against civilians and prioritizing them is therefore essential, based on, for example, the gravity, scale and likelihood of human rights violations. Such analysis should be conducted alongside other mission actors who have information regarding population centres, displacement charts, threats, etc. When implementing POC mandates, the Force Commander and his staff must prioritize tasks and assign resources according to the greatest and most likely threats of physical violence to civilians.

**Command Responsibility.** Force Commanders, Sector Commanders and Contingent Commanders are mandated to ensure protection to civilians and they must fulfil this obligation. POC in its physical dimension is essentially a command responsibility.

### D.3.2 Operational Planning

Operational planning is a key aspect of POC implementation. For peacekeeping missions, POC is not only a “do-no-harm” and “hearts and minds approach,” but constitutes an essential component of the end state, translated as a mission’s priority objective<sup>9</sup>. Annex A illustrates the phases of the Military Planning Process required to reach the identified objectives. Operational planning requires that military planners and operations officers undertake the following tasks:

- Share early warning based upon the Force anticipating risks of human rights violations and information requirements to enhance situational awareness.
- Develop Operations and Fragmentary Orders (OPORDs/FRAGOs) that meet POC needs.
- Coordinate POC activities with substantive sections to include UN civilian and police staff.
- Develop operational contingency plans
- Set milestones and develop monitoring mechanisms.

In addition, appropriate technology solutions should be considered as both enhancements and core enablers for POC at all levels and stages including: planning, implementation, analysis, monitoring, reporting and evaluation as well as in the context of training and lessons learned. To allow maximum operational impact, technology solutions should be planned, implemented and integrated at early stage with the required expertise and resources.

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<sup>9</sup> It depicts how POC considerations should be factored in each of the key planning steps, common to most planning processes and relevant for military planners.



## Operational Order (OPORD)

The Force Commander's (FC) OPORD translates all strategic and operational concepts and directives for the mission into formal military orders for coordinated military action throughout the Area of Operations. The OPORD to subordinate HQs provides the FC with the opportunity to stamp his/her authority on POC, ensuring that all within the military component are fully aware of their own duties, and of the obligations/roles of others, both inside and outside the mission.

The OPORD should capture specific issues and tasks for POC listed in the CONOPS, and special care should be taken to capture the POC challenges unique to each Sector. It should spell out how the objective of POC fits into the unifying aim of the mission, describe the risks and main threats posed to civilians<sup>10</sup> in the mission's Area of Operations and how POC activities will deliver tangible effects. The OPORD also describes<sup>11</sup> what/how Sectors/Brigades/Battalions do on POC.

## Operational Coordination

To ensure maximum effect in implementing the POC mandate, FHQs, Sector and Unit Commanders should consult relevant actors on POC risks (i.e. priority civilians to protect and the threats) and coordinate preferred courses of action, including through:

- Sharing information on threats to, and vulnerabilities of, civilians, while clarifying issues of confidentiality in information sharing to develop common information, analysis and priorities. The main actors in threat assessments include the Human Rights Component, POC coordination functions/mechanisms, JMACs, Security Operations Centres (SOCs), Police Operational Centres and Protection Clusters.
- Activities and operations, including plans to engage/neutralize armed groups or deployments in unstable areas, require close joint planning with Mission civilian<sup>12</sup> and police components and Government forces (as appropriate) to ensure a sustainable political and security impact so that humanitarian support is available after operations.

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<sup>10</sup> A description of the nature of the violence (e.g. opportunistic or politically targeted), the history of attacks against civilians, i.e. ethnic cleansing, widespread/systematic sexual violence and other human rights violations, causes and motivations of the main perpetrators, etc.

<sup>11</sup> The description should underline the involvement of other specialists/experts, e.g. Special Forces, Tactical Helicopters, UN Military Experts on Mission (UNMEMs), mission liaison Officers (LOS), JLOC and cooperation requirements, with other parts of the mission, e.g. Human Rights. The task should clearly outline POC obligations of the required force components. It should also provide a complete layout of the Military Component's Task Organisation and Dispositions to provide the optimum concentration and coverage of military units, commensurate with the envisaged threats to civilians.

<sup>12</sup> Including but not limited to HOM, ODSRSGs, Political Affairs, JOC, JMAC, UNPOL, SSR, DDR/RR, Senior Protection Adviser, Civil Affairs, Human Rights, Senior/Women Protection Advisor (S/WPA) and Child Protection.



- In planning force responses to protect civilians at risk, it is crucial to consult communities themselves (including women and elders), human rights and other POC actors within the mission as well as representatives of the Humanitarian Protection Cluster<sup>13</sup> and the Office of the Resident/Humanitarian Coordinator through established liaison mechanisms.
- Establishing appropriate coordination mechanisms/structures at FHQ, Sector and Unit levels and developing mission-specific POC guidance, including directives and SOPs.
- POC Advisors are deployed to many missions with POC mandates, and are responsible for assisting senior mission leadership in developing their vision for POC implementation, drafting the mission-wide POC strategy, maintaining an up-to-date threat assessment, and advising senior mission leadership in other areas related to POC implementation.
- As described in Force Headquarters Handbook, U5 Staff Branch should be made responsible at FHQ and appropriate staff branch at sector levels to facilitate coordination with the human rights component and support development of mission guidance operationalizing human rights roles and responsibilities of peacekeeping military personnel.

### Human Rights.<sup>14</sup>

Military peacekeepers should establish protocols for information-sharing with mission human rights colleagues to enhance effective prevention and response to imminent threats of physical violence. Military human rights roles and responsibilities can be summarized as follows:

- Recording and sharing allegations of human rights violations or signs of deterioration or impending violence with the human rights component.
- Be ready to intervene, when confronted with human rights violations, in line with the mandate and the Rules of Engagement and consistent with military procedures which must be developed by senior military commanders in all peace operations to guide peacekeepers' operations when confronted with human rights violations, with the advice of the human rights component.
- Where available, Women Protection Advisers (WPA) are focal points for addressing the CRSV mandate, facilitating and strengthening its implementation by mission personnel. Military Gender Advisers/ Focal Points and CIMIC officers remain key actors in facilitating coordination and joint planning.

<sup>13</sup> These are led at country level by UNHCR, OHCHR or UNICEF.

<sup>14</sup> See paras. 84 to 88 in OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011).

- HQs at all levels should ensure that operational documents include Child Protection (CP) guidance to enhance a common understanding of what actions can—and cannot—be taken to protect children in conflict situations.

The senior mission leadership has the responsibility to lead the development and implementation of the POC strategy<sup>15</sup>. The FC has an important part to play as a member of this senior team, and will have a central input in relation to providing protection of civilians from physical violence. Key input areas should be in line with the CONOPS and OPODER, including a statement on the military component's existing strategy, an analysis of POC threats and challenges taking full advantage of the analysis capacities of the human rights other mission components as relevant, including CRSV and CP threat assessment and an analysis of the military component's capacities and resources.



<sup>15</sup> SCR 1894 calls for missions with POC mandates to develop comprehensive POC strategies. These are based upon a strategic framework, drawn up by the Secretariat but allowing for mission-specific input and elaboration.



### **D.3.3 Understanding of the Use of Force and ROE with respect to POC**

In the field, the military Chain of Command should ensure that all military personnel correctly interpret the ROE. During pre- and post-deployment, the following aspects can be simulated/rehearsed to enhance the military components understanding of ROE in relation to POC:

- Possible POC scenarios in the mission context when force could be applied.
- Possible POC scenarios in the mission context when lethal force would be appropriate.
- Potential groups to be covered/prioritised in the mission area under the term “protection of civilians” (e.g civilians in highly vulnerable areas, IDPs, refugees, protection sites).

### **Operational Accountability**

Failure to use force in accordance with a PKO’s mandate may create the perception that the PKO is lacking the requisite will to perform its mandate. Such perceptions undermine the deterrent capacity of PKOs and may invite further attacks against civilians, other protected persons and the UN itself. Accountability for such inaction/failure is of paramount importance to ensuring proper implementation of the respective POC mandates. Important aspects in this regard are:

- The FC has ultimate responsibility for the enforcement of the ROE/ Mandate;
- Military contingents are accountable for any failure to obey the Force Commander’s (or other commanders) orders, provided such orders are consistent with the ROEs/Mandate;
- ROEs for missions having a mandate to use “all necessary means” to protect civilians authorise the use of force, up to and including deadly force, to protect civilians, including IDPs and refugees under threat of physical violence. Failure to act in circumstances warranting such action despite being mandated to do so and with the authorisation provided by the ROE, may amount to insubordination. Disciplinary action, if warranted, would be the responsibility of the TCC (although the Mission/ Force has certain powers, such as recommending repatriation).

### **D.3.4 Risk Mitigation Measures**

Despite the mission’s best efforts, civilians may nevertheless be harmed due to inadvertent actions by the mission or its partners. To minimize and mitigate the impact on civilians, planning and preparation is essential.





During the planning phase for specific operations, Force activities should be analysed for situations that may exacerbate local civilian vulnerabilities. Steps should then be taken to reduce potential harm (done in consultation with communities at risk, (e.g. safe corridors, protected areas, etc).

When attempting to neutralize hostile actions under the ROE, military personnel must take great care to avoid harming civilians and damaging property. However, there might be times when collateral damage is unavoidable. Under these circumstances, careful judgment and tight control over the proportional response will minimize the side effects of military action. Commanders at all levels can improve matters by regularly reinforcing ROE awareness and carefully controlling the use of lethal force.

After major operations, the military component should conduct an After Action Review (AAR) with relevant mission components including the Best Practices Officer, the human rights component and the Protection Cluster. AARs identify key lessons that inform future operations and provide recommendations on mitigating any negative effects of previous actions. AARs can also evaluate the use of public communications and information transmitted through local, UN and international media to assist POC.

### **D.3.5 Monitoring and Evaluation of Results**

There should be a set of POC-oriented tasks that have measurable effects. Activities, incidents and indicators to be monitored must be clearly specified in Mission and Force plans, in close coordination with human rights and other POC actors to guide implementation and the subsequent monitoring function in the implementation phase. Monitoring activity should be tailored to a specific mission. There is a need to define what is going to be monitored, who will be collecting the data and the modalities for sharing the associated data with the human rights component and other parts of the mission. For example, the number of civilians killed, injured, raped, displaced; the number of violent attacks, tribal clashes and weapons seized; the number of IDPs and the perception of physical insecurity (reduced/heightened) are a few examples of data that could serve as indicators and benchmarks to measure POC implementation.

Evaluation of impact/effect should be factored into current and future planning so as to ensure that the Force's contribution to POC is optimised.



### D.3.6 Expectation Management

There is often a great deal of misunderstanding regarding the capacity of peacekeeping operations to protect all civilians. This can lead to unreasonable expectations from the local population, host government and other national and international actors. It is important for the Force to clarify the military component's role and contribution so as to manage expectations of the local population and the international community.

Expectation management should be an integral part of the communication strategy as formulated by the Mission's Public Information Officer (PIO), assisted by the Military PIO (MPIO). This Officer will consolidate the key messages for target audiences and explain how the Mission's POC strategy will be implemented. The aim is to describe how protection of civilians will be achieved with the resources available whilst being realistic about the Mission's capabilities and limitations.

### D.3.7 Training

The Integrated Mission Training Cell (IMTC) (supported by the Force training entities) is responsible for providing training to all the mission's peacekeeping personnel. Experience has shown that training value and effect increase considerably when instruction is delivered with the involvement of human rights, protection actors (Human Rights component, POC advisor, WPA, etc.) and police and military personnel who have practical, in-country experience in protecting civilians. The experience of these professionals is a major contribution to the continuous effort to build on lessons learned. It is important that mission POC training is streamlined with other mission training on Human Rights, CRSV and child protection and to use the training as a platform to build operational links.

With regard to POC (including from sexual violence) induction and in-mission training should include local cultural sensitivities, early warning indicators, gender dynamics, and referral arrangements in the specific mission area. This training should also include mission-specific scenario-based simulation.

## D.4 Guidance for Sector and Unit Commanders (tactical level)

### D.4.1 Planning at Sector and Unit level

Sectors and battalions must produce their own POC plans, based on directives from their higher headquarters. They need to clearly specify tasks, locations, reserves and liaison. The POC intent of the higher Commanders (1 and 2 levels up) needs to be reflected in these plans. Contingency plans must be developed and rehearsed.

### D.4.2 Conduct of POC Tasks/Operations

When considering POC at the tactical level,<sup>16</sup> the specific roles played by sectors and units are described in the four phases<sup>17</sup> below. The phases are not sequential and may be undertaken simultaneously or independently, depending upon the nature or imminence of the threat. Beyond generic POC scenarios, each sector and battalion might face certain unique POC challenges and should develop specific guidance similar to the template at Annex B. Units may be required to use force to protect civilians against violence in any or all of the four phases below:



<sup>16</sup> Volume 1 of UN Infantry Battalion Manual, August 2012; Section 6, Protection of Civilians, <http://www.un.org/en/peacekeeping/issues/military.shtml>

<sup>17</sup> DPKO-DFS Protection of Civilians Policy, 2015 (in final stage at time of printing).



### Phase 1

**Assurance and Prevention.** Projecting mission presence, including military patrols and other Force deployments, is one of the most visible and reassuring forms of security that can be provided to the local population. This demonstrates to the local population the Force's intent to protect them from physical violence. Conducting routine tasks, such as check points, information gathering and analysis are important activities during this phase. Public outreach activities are also important supporting efforts. Regular communication with the local population is essential. Killings, rapes and other human rights violations should be deterred before they occur. Good communication, education and high profile patrolling are all steps commanders can take to prevent or limit the effects of such attacks. This includes alerting the human rights component, which can temporarily deploy human rights officers to at-risk areas and advise on courses of action for emerging or ongoing threats.

### Phase 2

**Pre-Emption.** Where measures in Phase 1 prove insufficient, or when heightened risks are detected, increased pre-emptive measures may be required including: heightened situational awareness (intense information gathering); increased high-profile patrolling including joint patrols with mission Human Rights and other civilian components; closer liaison with government/non-government armed actors and potential parties to the conflict; and enhanced human rights monitoring, reporting and advocacy. Pre-emption is pro-active; forces should intercept, neutralize or defuse situations before hostile acts can be carried out. The use of intervening forces and deployment of Quick Reaction Forces (QRF), Special Forces or Reserves can deter or prevent an incident.

### Phase 3

**Response.** If physical violence/coercion by actors/groups materialises, more forceful measures are necessary to deal with the situation. Direct military action, the deployment of inter-positional troops and the use of force are options that must be considered. Response should be rapid. Swift action through the speedy movement of forces such as attack helicopters, QRFs and reconnaissance can prevent, limit or stop harm to civilians. The level of response may need to escalate to the use of lethal force depending upon the threat and ROE.



## Phase 4

**Consolidation.** This phase involves activities that address post-crisis stabilization. The aim is to assist the local population and host nation authorities to normalize the situation. Consolidation activities create the conditions in which a return to crisis is diminished. Follow-up remains crucial. After an attack or hostile act, the local population will require continued support, aid, protection and reassurance. Measures to be taken may include: immediate medical care, collection of evidence, notification of appropriate civilian experts, including to conduct human rights investigations and promote accountability for violations as appropriate (Human Rights, POC Advisors, Child Protection, WPAs and Gender), assessment of remedial and preventive measures, drafting of formal reports for follow-up with relevant authorities and establishing defence positions.

### Presence and Posture

- Deployed units must convey a state of readiness and professionalism. They should have operating bases in close proximity to the more vulnerable populations and have a POC focus. Sustained presence in the local community is crucial. Accordingly, military units must be deployed on a POC operational grid to cover, in a priority coordinated way, high-risk areas and retain operational flexibility to respond quickly through deployment of permanent, temporary or mobile operating bases. To do this, creating reserves at sub-unit/unit/Sector/Force level is essential.
- Company and Temporary Operating Base commanders should be prepared to assist the local population rapidly within their capabilities. In their protection capacity, commanders should prioritise the requests, determine the challenges and act decisively within their capabilities. They must follow up to ensure security needs are fulfilled and formal reporting is sent up the chain of command, while alerting other appropriate agencies such as UN OCHA.
- UN military should present an approachable image among civilians whilst maintaining military alertness to respond to any situation.
- Commanders should advocate respect for Human Rights and IHL with potential perpetrators, and ensure that parties know that Human Rights monitoring is taking place, that violations are documented and that parties will be held accountable for their actions.



## Reporting

Through patrolling, observation posts, check points, outreach and engagement, the military should record all allegations of human rights violations or signs of deterioration or impending violence and should report these promptly along the chain of command and to the human rights component (protocols should be developed for safe and timely information sharing).<sup>18</sup>

Monitoring and reporting should be particularly responsive in cases of sexual violence, child protection, rape, killing, maiming, abductions, attacks on schools and hospitals, and denial of humanitarian access. Information on violations should be transmitted to the Chain of Command and to the Human Rights Component and other relevant actors as soon as possible.

## Adherence to ROE

All ranks must be thoroughly acquainted with the guiding principles and rules for the use of force<sup>19</sup>.

- **Education.** Troops must be well briefed and tested on their knowledge of ROE. They must be encouraged to ask questions and know when they might take action themselves, and when they must seek guidance from higher authority.
- **Practice.** ROE training must be continuous and troops should be put through scenarios and mission rehearsals on a regular basis to ensure that their responses fall within the rules. Weapons should be regularly test-fired.
- **Pocket Cards.** Each soldier must carry a pocket card with the necessary extracts of the mission ROE translated into his/her language and be regularly tested on its contents. The card must have basic warnings and commands translated into the local language(s).
- **Empowerment.** The chain of command must be entirely clear on the delegated authority for the use of force. All commanders and, most importantly, each individual soldier, must have explicit permission already set in place by higher authority to act independently and to use lethal force when necessary to protect civilians under threat of physical violence. Commanders should be encouraged to clarify areas not easily understood in the ROE and ensure all troops under their command understand the use and application of force.

<sup>18</sup> See also OHCHR/DPKO/DPA/DFS policy on Human Rights in UN Peace Operations and Political Missions, paras. 84–87.

<sup>19</sup> See also 'Guidelines on Deterrence and Use of Force in UN Peacekeeping', 2015 (in approval process in time of print).

### D.4.3 Early Warning Centres

Early Warning Centres (EWC) should be established in Company and Temporary Operating Bases (COB/TOB) to serve as the information hub for POC. The EWCs provide a common operational picture for patrolling, check points and other activities conducted in the AOR. The EWCs create a mutually reinforcing relationship between the deployed force and local population by developing trust and friendly relations. EWCs enhance information exchange and foster early warning of threats to civilians, including (potential) incidents of sexual violence and child abduction. EWCs should have POC capacities including:

- A database of prominent local persons and security issues, including threats to civilians and vulnerabilities.
- A cell phone “hot-line” (where there is coverage and with advice from the human rights and other mission components) with the number disseminated throughout the local community.
- An information collection plan, based on Unit Information Requirements, to be achieved by the EWCs, TOB/COBs, Community Liaison Assistants (CLAs) and UN Military Experts on Mission in consultation with the human rights and other mission components as relevant.
- Regular meetings with local authorities as arranged and coordinated by the EWCs (including women groups).
- Threat indicators should be identified. WPAs should be tasked to produce a checklist of established early warning indicators of CRSV that can be used by EWCs.





#### D.4.4 Engaging Communities

Military units must develop reliable contacts and relationships with the communities and interact with local women and men and community leaders. The communities and leaders (including women and elders) can provide early warning on potential/pending threats/risks to civilians. Interactions, liaison and consultations can effectively contribute to prevention and provide mutually protective benefits. Included below are a set of tools and processes stemming from best practices within UN field missions that effectively operationalise community engagement, enhancing POC implementation<sup>20</sup>.

**Community Alert Network (CAN)** is a network established in a community for wider engagement, exchange of information and to alert the community and protection actors in times of emergency. Dedicated communication equipment could be provided to vulnerable communities in order to communicate with UN bases. Such alert networks should be established in a way that does not expose local partners to retaliation and should be consulted with the human rights component.

**Community Liaison Assistants (CLA)** are national staff provided by the mission Civil Affairs Section, usually two per Company Operating Base (COB) who act as interlocutors and provide interface between the deployed UN military units/sub-units and the local communities. CLAs are a useful tool for effective liaison and engagement with local communities. CLAs facilitate Community Alert Networks (CAN) and provide early-warning to the COB on protection-related threats. They also participate in Joint Protection Teams (JPT) missions and monitor impact of protection activities. CLAs are provided with communications equipment (mobile phones, radios etc.) to improve early-warning capabilities. When possible, it is preferable to employ female CLAs to enhance communication with the women and girls of the community. The confidentiality and security of the CLAs must be respected at all times

**Joint Protection Teams (JPTs)** bring to bear the mission's full range of POC expertise. JPTs encourage local communities to share information, thus offering increased situational awareness for military contingents deployed to remote locations. JPTs are comprised of staff from the Human Rights

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<sup>20</sup> Whilst also respecting the 'do no harm' principle.





Component and the Civil Affairs Section accompanied by UN military, police and—as relevant—Disarmament, Demobilization and Reintegration (DDR), Political Affairs, Joint Mission Analysis Center (JMAC) and gender staff. UN civilian staff on the JPT often have a better understanding of local security dynamics, having been assigned for longer periods in the mission area. JPTs deploy to high-risk areas for 3–5 days, visiting several locations. The UN military provide escorts and security in remote areas.



## E. TERMINOLOGY

The following definitions should help in the understanding of POC mandates. They do not replace or supersede mission Rules of Engagement, specific legal advice or the decisions of senior mission leadership in specific situations.

### **Civilians**

Any unarmed person who is not, or is no longer, directly participating in hostilities shall be considered a civilian. In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protections owed to civilians until determined otherwise.

### **Imminent threat**

The POC mandate generally specifies an “imminent” threat of physical violence. However, the term “imminent” does not imply that violence is guaranteed to happen in the immediate or near future or is being carried out. A threat of physical violence against civilians is considered imminent as soon as the mission has a reasonable belief that a potential aggressor has the intent and capacity to inflict physical violence. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists. Peacekeepers with a POC mandate are authorized to use all necessary means including, as a last resort, deadly force in any circumstance in which they reasonably believe that an imminent threat of violence against civilians exists.

### **Within its capabilities and areas of deployment**

Within the wide scope of possible incidents of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern and allocate resources accordingly. As specified in the mandate, it can only act within its capabilities and areas of deployment. The mandate does not demand that peacekeepers engage in actions for which they are not equipped. At the same time, no peacekeeping force will be able to address all protection threats at all times. All missions must employ accurate threat and vulnerability analyses and coherent operational planning to deploy existing resources to maximize their protective effect for at-risk civilians.



## **Responsibility to Protect**

The Protection of Civilians mandate is clearly distinct from the concept of the Responsibility to Protect (R2P). POC is a mandated task in peacekeeping from the Security Council that is regularly reviewed by the General Assembly. R2P is primarily aimed at national governments but can also apply to UN peacekeeping in a reinforcing role. The Protection of Civilians and the Responsibility to Protect share some legal and conceptual foundations, but they remain distinct.



## F. REFERENCES

### Superior references

- Security Council resolution 2086 (2013)
- Security Council resolution 1265 (1999), 1270 (1999), 1674 (2006), 1894 (2009)
- Security Council resolution 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013)
- Security Council resolution 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014)
- Report of the Special Committee on Peacekeeping Operations and its Working Group, 2012 substantive session, A/66/19 (2012)
- ST/SGB/1999/13 Observance by United Nations forces of international humanitarian law
- ST/SGB/2003/13, Special measures for protection from sexual exploitation and sexual abuse
- Human rights due diligence policy on United Nations support to non-United Nations security forces, A/67/775 (2013)
- Policy on Human Rights Screening of UN Personnel (2012)

### Related procedures or guidelines

- United Nations Peacekeeping: Principles and Guidelines, DPKO-DFS (2008) ("Capstone Doctrine")
- United Nations Policy on Integrated Assessment and Planning (2013)
- Interim Standard Operating Procedures on Detention in United Nations Peace Operations, DPKO/DFS (2010)
- OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
- DPKO/DFS Concept for Protection of Civilians in United Nations Peacekeeping Operations (2012)
- DPKO/DFS Policy on Protection of Civilians (in approval process in time of print)



## Other related references

- Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO-DFS (2012)
- Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions: A DPKO-DFS Comparative Study and Toolkit, DPKO-DFS (2013)
- Report on the Joint Protection Team Mechanism in MONUSCO, United Nations, 2013
- Global Protection Cluster Guidance on the Interaction between field Protection Clusters and UN Missions (2013)
- Protection Standards for Protection Work, ICRC, 2013 Edition

## G. CONTACT

This document was developed by OMA. Queries or comments should be directed thereto.

## H. HISTORY

This is the first edition of the “Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions”. It will be reviewed in 2017.

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## Operational Planning for POC

The following chart<sup>21</sup> illustrates the phases of the Military Planning Process required to reach the identified objectives, of which POC will be a priority. It depicts the key planning steps that are common to most planning processes and relevant for military planners.

Phases of Military Planning Process

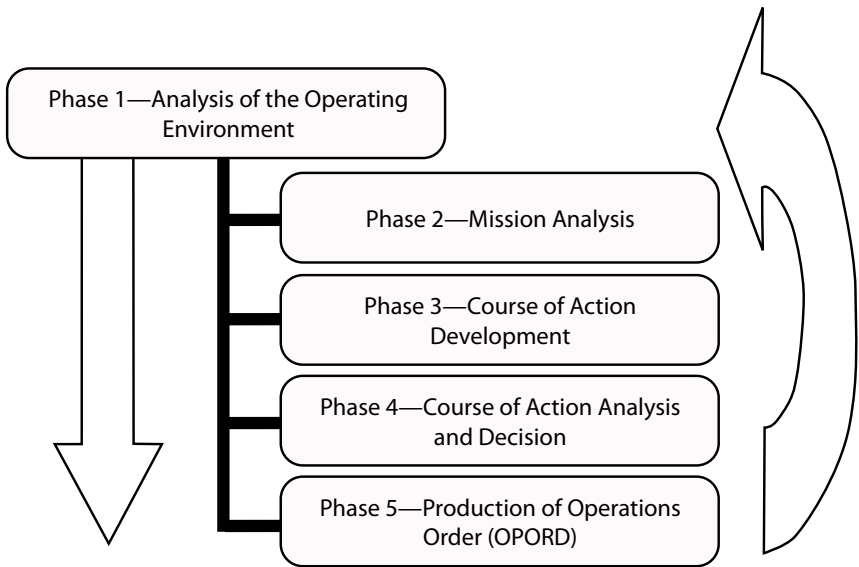


Figure 1 Phases of Military Planning Process. Note that Phase 1 is ongoing throughout the process, and that each Phase is reviewed as the process progresses.

<sup>21</sup> Extracted from, “Military Planning Process Guidelines for Use by Field Missions”, DPKO-OMA, December 2009. Note also that step 1 is ongoing throughout the process, and that each step is reviewed as the process progresses.



## Phase 1

### Analysis of the operating environment

The purpose of this step is to gain awareness of the crisis area. Planners must consider the overall human rights situation including the vulnerability of civilians and the risks/threats they are facing in the operation area. It is increasingly recognized that the majority of civilians killed in contemporary conflicts are deliberately targeted by those using civilian deaths as part of their strategy. Civilians are even more frequently targeted in a number of non-lethal yet abhorrent ways, such as mutilation, sexual assault and forced recruitment. If civilians are being targeted, planners should identify at this stage the particular nature of threat(s) facing civilians.

#### **Key questions/considerations in Phase 1:**

##### ***Analysis of the Operating Environment***

To understand the operating environment, it is useful to address the following concerns:

- Who are the civilians at risk, where are they, and where are they moving?
- What are their vulnerabilities?
- What are the particular threats and risks facing civilians?
- What types of (armed) actors are responsible for violence against civilians?
- What are their motivations to attack civilians?
- Which Human Rights violations are being committed, and what strategies/tactics are used? (Killings, abductions, mass rapes, etc.)



## Phase 2

### Mission Analysis

Military planners, whilst making their own analysis, should take into account other mission components analysis, such as the Joint Mission Analysis Centre (JMAC), the Security Information and Operations Centre (SIOC) and the Human Rights Component, and other UN/national/international threat/risk assessment entities.

In developing and maintaining POC operational plans, the mission area of responsibility must be carefully analysed. Priorities must reflect existing and potential threats to civilians. The Force, in coordination with other mission and UN stakeholders, should make these assessments covering immediate, future and enduring/temporary threats to civilians.

#### **Key questions/considerations in Phase 2: Mission Analysis**

While conducting the mission analysis, the considerations stemming from these questions should be factored in the analysis:

- How is POC stipulated in the UNSCR mandate?
- What is the role of military forces in protecting civilians? (Include supporting roles to other mission components.)
- What are specified, implied and essential <sup>22</sup> POC tasks?
- What are the constraints that affect the conduct of POC tasks and operations (such as distances and timings)?
- What are the limitations of our own forces capabilities?

<sup>22</sup> "Military planning process guidelines for use by field missions, DPKO-OMA, December 2009" provides a detailed description of these tasks.





## Phase 3

### Course of Action (COA) Development

Having thoroughly analysed the protection of civilians requirements, planners at this stage identify key operational issues and implications of trying to protect civilians within a specific area of operations. This identification should be based on operational factors from the Analysis of the Operating Environment and Mission Analysis stages. Planners should ensure that POC considerations are at the forefront of developed COAs.

Military force is only one of the mission's instruments available to protect civilians. Assessment of approaches help planners determine the role of the military vis-à-vis other mission components in different situations. The Force will have the biggest role to play in cases where a threat of physical violence dominates. In situations where there is no physical threat to civilians, the role of the Force might be in support of Tier I and III. Below are key questions that will help planners assess the type of physical protection and the principal military approaches to POC.

#### **Key Considerations in Phase 3: COA Development**

Key questions for analysis at this stage are:

- What are the negative forces weaknesses that the Force can exploit to maximise protection of civilians?
- How can the Force make it difficult for negative forces to achieve their aim?
- Are the different military response options coherent with the protection of civilians?



**Principal Military Approaches to POC** that could shape the COA development are listed below:

- Deter or defend against attacks on civilians (patrols, escorts, maintain presence, protect areas/zones like villages, public buildings or camps)
- Use coercive force against perpetrators (show of force, direct action (in accordance with ROE) against armed actors)
- Ensure physical security for civilians and their means of survival
- Use force pre-emptively to contain threats by disarming armed actors (per mandate/ROE)
- Support deployments of human rights staff to areas at risk of human rights violations
- On request, assist in the delivery of humanitarian aid (transport, construction of roads)
- Protect the delivery of humanitarian aid (convoys, secure storage facilities or camp)
- Defend protected areas (IDP/Refugees camps, safe corridors)



## Phase 4

### COA Analysis and Decision

#### **Key steps to reach a decision on the most adequate COA could include:**

- Identifying strengths and weaknesses of each COA, focusing on the cost/benefit to protect civilians against each of the possible threat scenarios, including consideration of risk mitigation.
- Establishing a decision matrix that scores critical areas in each COA and then uses it to present a comparison of COAs to the Force Commander.
- Though FHQs would usually not have a simulation capability, it is still possible and recommended to conduct “scenario-gaming exercises” to test objectively the suitability, feasibility and completeness of selected COAs.
- The purpose of CO analysis is not only to provide robust analysis to the Commander on the advantages and disadvantages of COAs, including recommendation of the most suitable COA, but also to refine and optimise the COAs based on the outcome of analysis.

#### **Key Questions in Phase 4: COA Analysis**

While developing the Force Courses of Action, these questions need to be addressed in the decision-making process to select the most suitable COA:

- Which COAs will reduce the threat to civilians?
- Which COAs may increase the threat to civilians?
- What are the risks to our own personnel?

The final step is to reflect the selected COA for POC in the Operations Order (OPORD), describing how the force envisions the plan to be conducted. The key point is to determine how best to carry out operations in order to accomplish the POC objective, based on the commander’s initial intent and guidance for the development and selection of courses of action.



## ANNEX B

## POC Template for Force / Sector / Contingent Levels

Scenarios	POC actions to be taken by military units	Indicators to watch
ON THE PROTECTION OF CIVILIANS MANDATE	WITHIN THE MISSION'S FORCE HEADQUARTERS, GUIDANCE RELATING TO PROTECTION OF CIVILIANS, INCLUDING FROM SEXUAL VIOLENCE SHOULD BE DEVELOPED FOR UNITS/ COMMANDERS ALONG THE FOLLOWING LINES:	
In all POC scenarios	<ul style="list-style-type: none"> <li>• Always intervene and, when necessary, engage with force against armed elements threatening civilians as authorized by ROE. In doing so, ensure all measures are taken to prevent negative consequences on civilians.</li> <li>• Always provide objective information on the security situation and potential threats to the civilian population. This should also include refugees and IDPs in assembly points.</li> <li>• Always exchange with the civilian population, and authorities when possible, on the threats they are facing in a way that does not put them at further risk (Do no harm).</li> <li>• Always make sure that the measures communities may have in place to protect themselves, are not undermined by your actions to protect them (Do no harm).</li> <li>• Ensure patrols in areas of firewood/water/food collection, farms and markets, at times agreed upon with the population. Always conduct foot patrols where possible.</li> <li>• Upon deployment, the unit/commanders should familiarize themselves with the protection actors in or close to their base (HROs, CLAs, local chiefs, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>• Movement of armed groups-AGs/armed elements-AEs</li> <li>• Hostile intents (communiqués, graffiti, etc.)</li> <li>• Closeness to IDPs and Refugees of AGs/AEs</li> <li>• Suspect presence of AGs/AEs in firewood areas, roads to market places.</li> </ul>
If faced with civilians who are fleeing	<ul style="list-style-type: none"> <li>• Secure the safety of the fleeing population. Secure the route or position the unit—within capabilities —between the armed elements and the civilian population, and inform the population on measures taken.</li> <li>• All armed elements present among the population must be identified, disarmed (per mandate/ROE) and separated/neutralized by relevant authorities and along DDR principles.</li> <li>• Stop the advance of armed groups if necessary to protect civilians.</li> </ul>	<ul style="list-style-type: none"> <li>• Presence/ movement of AGs/AEs in the vicinity</li> <li>• Capacity, intent and modus operandi of AGs/AEs presenting a potential threat</li> </ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
If civilians gather around a UN base	<ul style="list-style-type: none"><li>• Providing protected sites within capabilities supports the protection of civilians.</li><li>• Establish security arrangements in and around the site.</li><li>• Stop the advance of armed groups to the extent that it does not undermine the protection of the civilians who are gathered around the base.</li><li>• Ensure that armed groups do not come into camps or IDP/refugee sites and do not pressure civilians to stay (or to leave).</li><li>• Disarm and separate combatants from civilians, in a manner that does not put civilians at further risk.</li><li>• Request mission/sector HQ support for the identification of protection needs, including special needs of women, minors, elderly and people living with disability.</li><li>• Identify alternative safe areas, in coordination with authorities and in consultation with protection actors and other relevant agencies.</li><li>• Consider joint patrols with local security forces, in a manner that does not expose civilians to further risks.</li><li>• Protected sites should be outside, not inside, UN camps (for Command and Control (C2), security, operational efficiency reasons).</li></ul>	<ul style="list-style-type: none"><li>• Presence/movement of AGs/AEs in the vicinity</li><li>• Capacity, Intent and modus operandi of AGs/AEs presenting a potential threat</li></ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
<p>If needed to secure IDP/refugee sites, camps and other settlements</p>	<p>With the support of relevant mission's substantive sections and Community Liaison Assistants (CLAS):</p> <ul style="list-style-type: none"> <li>• Coordinate with IDP/refugee representatives and local security actors as well as UNHCR to establish security arrangements in and around the sites.</li> <li>• Establish an emergency communication system with IDP representatives and relevant protection actors.</li> <li>• Assess main physical security threats with IDP representatives (including women, minors and elders).</li> <li>• Provide area security patrols outside the IDP/refugee sites, but intervene inside IDP/refugee sites only when civilians are under imminent threat and in the absence of an effective Police (UNPOL; National) presence.</li> <li>• Ensure that armed elements are separated from civilians and that they are not present in or in the vicinity of IDP/refugee sites.</li> <li>• Identify safe areas for displaced persons. Civilians must be consulted and be able to make an informed choice as well as the local authorities.</li> <li>• Assist with humanitarian assistance if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Presence/ movement of AGs/AEs in the vicinity</li> <li>• Capacity, intent and modus operandi of AGs/AEs presenting a potential threat</li> </ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
If faced with civilians on civilians (crowd on crowd) violence	<ul style="list-style-type: none"> <li>• Ideally intervene as a third responder, in support of local security forces and UNPOL; if these are not present, use caution/care -within capabilities- in containing violence, engaging ring leaders, maintaining impartiality, conducting inter-positioning if necessary.</li> <li>• Enhance situational awareness to understand the dynamics.</li> <li>• Build up additional troops (reserves, etc.) as convenient.</li> <li>• Provide medical/first aid.</li> <li>• Provide safe corridors for civilians fleeing the area of confrontation.</li> <li>• If the situation has the potential to escalate to a threat to life, intervene with gradual response:               <ol style="list-style-type: none"> <li>a. Verbal Commands should be utilized when a hostile person/group is not deterred by the physical presence of peacekeepers and may refuse to listen or take lawful instructions. The use of voice either in providing direction or in appeasing the crowd should be considered.</li> <li>b. Non-lethal Soft Techniques <sup>23</sup> such as tear gas and other riot control measures can be used as deterrent techniques if the situation deteriorates.</li> <li>c. Using non-lethal Hard Techniques -if there is a threat to life- such as weapon strikes and takedowns -when non-compliant subjects assault (short of killing or causing permanent injury) civilian population.</li> </ol> </li> <li>• If the civilians attacked are within a protected zone, the area around POC site/ COB to be declared a no weapon zone; a safe distance should also be maintained between two different (ethnic/religious etc.) communities.</li> <li>• If crowd/demonstrators etc. ask to meet with the Unit representatives, a meeting should be coordinated (who, why, where, etc., secure area must be identified and visitors should be checked prior to entry. Such activities should be covered by a security detachment which can swiftly react in case of exchange of fire or sudden fighting.</li> <li>• Attackers must be dealt with sternly and pursued.</li> </ul>	<ul style="list-style-type: none"> <li>• (Isolated) incidents between individuals/ small groups of different (ethnic, religious, etc) groups</li> <li>• Hostile preparations,</li> <li>• Hostile graffiti, media statements, etc.</li> <li>• Movement of a crowd towards another;</li> </ul>

<sup>23</sup> For guidance on riot control, check “Deterrence and Use of Force guidelines by military components of United Nations peacekeeping operations” (currently being finalized).



Scenarios	POC actions to be taken by military units	Indicators to watch
If crowds gather in front <sup>24</sup> of UN bases or hinders peacekeepers freedom of movement	<ul style="list-style-type: none"> <li>• Avoid confrontation.</li> <li>• Widen the base perimeter.</li> <li>• Use loud speakers to communicate with/appease crowd.</li> <li>• Engage ring leaders to dissuade them from attacking UN personnel and premises or from obstructing movement.</li> <li>• If the crowd resort to violence/throwing of stones or improvised incendiary devices (cocktail Molotov, etc), use a gradual response, avoiding to inflame/escalate the situation (refer to paras a. and b. in the scenario above).</li> <li>• ROEs for self-defense remain applicable in all scenarios.</li> <li>• If freedom of movement is hindered, use alternative routes.</li> </ul>	
CONFLICT RELATED SEXUAL VIOLENCE	CRSV FRAMEWORK: CONFLICT RELATED SEXUAL VIOLENCE (CRSV) REFERS TO INCIDENTS OR PATTERNS OF VIOLENCE SUCH AS RAPE, SEXUAL SLAVERY, FORCED PROSTITUTION, FORCED PREGNANCY, ENFORCED STERILIZATION OR ANY OTHER FORM OF SEXUAL VIOLENCE OF COMPARABLE GRAVITY.	
Protection measures in all scenarios	<ul style="list-style-type: none"> <li>• <b>Discerning CRSV:</b> it can be committed against women, men, girls or boys. CRSV incidents can occur in conflict or post-conflict settings or other situations of concern such as political strife.</li> <li>• <b>Active patrolling:</b> patrolling market places, water/firewood collection points and other places frequented by women provides locals a greater sense of security. Including female peacekeepers enhances effective interaction and provides positive role-models for women and girls in local communities.</li> <li>• <b>Reporting</b> In order to better prevent and respond to CRSV, information about threats and CRSV incidents should be recorded and shared swiftly along the chain of command, in consonance with the principle of “do no harm,” (maintaining confidentiality) according to the Mission’s established reporting procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• The link <sup>25</sup> with conflict may be evident in the profile and motivation of the perpetrators, the profile of the victims, the climate of impunity, the weakened State capacity, violations of the ceasefire agreement. <sup>26</sup></li> </ul>

<sup>24</sup> This scenario is not a POC scenario per se; it is more related to a self-defence situation but is considered here—for the sake of completeness—as it might entail, in extreme cases, harm to civilians.

<sup>25</sup> For further details, see S/2014/181 and “the Analytical & Conceptual Framing of Conflict-Related Sexual Violence, UN Action against Sexual Violence in Conflict”, UNIWOMEN, UNACTION, DPKO, June 2010 (<http://www.stoprapenow.org/uploads/advocacyresources/1291722944.pdf>)

<sup>26</sup> PEP: Post Exposure Prophylaxis.





Scenarios	POC actions to be taken by military units	Indicators to watch
If a crime of sexual violence is being committed or about to be committed	<ul style="list-style-type: none"><li>• Intervene and deter sexual violence from any armed actor.</li><li>• Remind the attacker/perpetrator and those associated with the attacker/perpetrator that they are in breach of both national and international Law and of the consequences of the crime.</li><li>• Document the event, and in the case it involves defence or security forces personnel, document which military/police unit, or other elements are reported as perpetrators (Take photographs/videos but not of the victims.)</li><li>• Report immediately to chain of command, human rights component and WPA/sexual violence focal point.</li><li>• Bring the survivor of the crime of sexual violence to safety and inform of referral system and assistance.</li></ul>	
In need of Referral Arrangements and Survivor Assistance	<ul style="list-style-type: none"><li>• In many remote mission locations, military units are the first point of contact for a CRSVC victim. The on-scene commander is required to take action in accordance with mission specific referral arrangements (to be checked with WPAs). Military units/commanders must:<ul style="list-style-type: none"><li>✓ provide immediate support to CRSV victims (e.g., first aid, food, water, clothing, as well as safety and security),</li><li>✓ respect their privacy</li><li>✓ obtain informed consent of the victim with regard to whom to inform.</li><li>✓ ensure rape victims have access to PEP5 within 72 hours of the incident to prevent HIV infection.</li></ul></li></ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
<i>Dos and Don'ts</i>		
Action to be carried out	<ul style="list-style-type: none"> <li>Detailed questioning of victims of sexual violence should <i>not</i> be carried out. This should be left to the experts.</li> <li>Pertinent information must be documented according to the principle of "do no harm".</li> <li>Respect the victim's dignity and confidentiality and preserve evidence.</li> <li>Ensure C2, restraint, maturity and discretion and follow specified referral arrangements.</li> <li>Follow detention procedures and keep documentation/digital records.</li> <li>Assume sexual violence has taken place.</li> </ul>	
Action not to be carried out	<ul style="list-style-type: none"> <li>Victims of sexual violence should not be interviewed/ investigated.</li> <li>No follow-up should be carried out. It is the responsibility of human rights officers and the WPAs.</li> <li>No action, such as informing authorities, should be taken without informing WPAs.</li> <li>Collateral damage should be avoided.</li> <li>Do not reveal the particulars of any survivor and do not violate confidentiality.</li> </ul>	
SECURITY-RELATED CHILD PROTECTION SCENARIOS	PROTECTING CHILDREN IN ARMED CONFLICTS IS A FUNDAMENTAL PEACE AND SECURITY CONCERN HIGHLIGHTED BY A NUMBER OF SECURITY COUNCIL RESOLUTIONS, AND UN MILITARY COMPONENTS RETAIN AN IMPORTANT ROLE AND SHOULD SEEK TO RESPOND ALONG THE FOLLOWING GUIDELINES	
At all times, prevent, respond, monitor and report on grave violations	<ul style="list-style-type: none"> <li>In addition to physically protecting children, UN military units and commanders support children by contributing in preventing, responding, monitoring and reporting of <b>the six grave violations</b>, i.e killing and maiming; rape and grave sexual violence; recruitment and use of children by armed groups; abductions; attacks on schools and hospitals; denial of humanitarian access.</li> </ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
If military or armed groups are seen/ reported using children as fighters, labourers, sexual slaves	<ul style="list-style-type: none"><li>• Intervene, seek release of recruited children, and deter child recruitment.</li><li>• Report any information to Child Protection (CP)/ Human Rights officers (HRO). Document the activity, i.e. which group/unit/commander and treat evidence with confidentiality.</li><li>• Remind military personnel and armed groups that the recruitment of child combatants and the use of children for forced labour and/or sexual services are illegal.</li><li>• Patrol in communities exposed to threats of child recruitment.</li><li>• Only house children in UN bases as a temporary protection measure, while waiting for the relevant Child Protection/Human Rights actors or the DDR Section.</li></ul>	<ul style="list-style-type: none"><li>• Rounding up, recruiting, kidnapping or using youth (girls and boys) who appear to be minors (i.e. less than 18 years); If in doubt, consider them as children and refer them to the Mission CP/ HRO</li></ul>
Actions to be carried out:	<ul style="list-style-type: none"><li>• Monitoring and reporting grave violations committed against children.</li><li>• Ensuring all personnel are trained on child protection issues. The recruitment of child soldiers is a widespread tactic of war in many mission areas and it remains highly important to train and prepare for these situations.</li><li>• Situational awareness of the presence or absence of children can contribute to an early warning analysis.</li><li>• Information-sharing protocols should be established with the child protection team, taking into account confidentiality and the sensitivity of dealing with children's issues. Reporting would normally include the type of violation, number of girls and boys affected, the perpetrator, location and time of incident.</li></ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
<p>Actions not to be carried out</p>	<ul style="list-style-type: none"> <li>• Children should not be put in the direct line of danger, or used for intelligence gathering in military/UN operations. Schools are not to be used for any military/UN operation.</li> <li>• Children should not be interrogated. When information is sought, children should be interviewed by a child protection expert to prevent traumatization.</li> <li>• As a rule, a military unit should never hold a child in detention. However, the holding of children may be done only as a last resort and for the shortest possible time. When children are detained, they should be held in separate quarters from adults. Children should be handed over to child protection units in the mission or UNICEF at the earliest possible opportunity.</li> <li>• The handing over of children to authorities should always be done in coordination with the mission's child protection experts.</li> <li>• In the likely event that child soldiers are present in the host state security forces or other armed groups/spoilers, efforts to rehabilitate them must be initiated in accordance with Mission Headquarters directives. Utmost care, restraint and judgment must be used when encountering child soldiers during operations, particularly when delivering measured responses based on the ROEs.</li> <li>• UN personnel must refrain from all forms of child exploitation and abuse.</li> </ul>	



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## **DPKO/DFS Policy**

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# **The Protection of Civilians in United Nations Peacekeeping**

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Approved by: USG DPKO  
USG DFS  
Effective date: 1 April 2015  
Contact: DPET/PBPS  
Review date: 1 June 2017

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## **DPKO/DFS POLICY ON THE PROTECTION OF CIVILIANS IN UNITED NATIONS PEACEKEEPING**

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## A. PURPOSE

1. The purpose of this policy is to provide the conceptual framework, guiding principles, and key considerations for the implementation of protection of civilians (POC) mandates in United Nations peacekeeping operations.

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## B. SCOPE

2. Compliance with this policy, under the overall authority of the Head of Mission, is mandatory for all civilian, police and military personnel working in United Nations peacekeeping missions with protection of civilians mandates.

3. This policy has been drafted in accord with the United Nations Charter and peacekeeping principles. This policy recognises the United Nations obligation to promote, uphold and protect international humanitarian, human rights and refugee law and is based on the principle that all United Nations personnel maintain the highest standards of integrity and conduct<sup>1</sup>. All personnel shall respect the exclusively international character of the mission and “shall not seek or receive instructions from any Government or from any other authority external to the Organization.”<sup>2</sup>

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## C. RATIONALE

4. Responding to requests of the Special Committee on Peacekeeping Operations (A/63/19) and the United Nations Security Council (S/RES/1894, 2009) and recognizing the need for standard operational guidance to inform implementation of protection of civilian mandates, the United Nations Secretariat produced the Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations in 2010, drawing on operational experience and lessons learned to that point.<sup>3</sup> That document was noted with appreciation by the Special Committee on Peacekeeping Operations (A/64/19) and subsequent Special Committee reports recognized the need for further baseline guidance for missions on how to implement the protection of civilians mandate (e.g., A/65/19, A/66/19 and A/68/19).

5. The Operational Concept has served as an important foundation for the protection of civilians concept in UN peacekeeping. At the same time, protection of civilians guidance has evolved over the past four years through the accumulation of experiences and lessons learned as well as the development of key documents such as the DPKO/DFS Protection of Civilians Resources and Capabilities Matrix, the DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies, the DPKO/DFS Comparative Study on Protection of Civilians Coordination Mechanisms, the DPKO/DFS-OHCHR Lessons Learned Report on the Joint Protection Team Mechanism in MONUSCO, and the DPKO/DFS Lessons Learned Note on Civilians Seeking Protection at UN Compounds.

6. In line with the five core challenges identified by the Secretary-General in his 2009 Report on the protection of civilians in armed conflict<sup>4</sup> and encouraged by the Special Committee on Peacekeeping Operations’ request that the Secretariat “pursue efforts in close consultation and with the participation of the missions to address their needs for further operational guidance on the protection of civilians” (A/66/19), DPKO and DFS have drawn on the most recent lessons learned and the UN Office of Internal Oversight Services (OIOS) recommendations<sup>5</sup> to review and revise the Operational Concept and consolidate it with other key guidance materials

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<sup>1</sup> Including zero tolerance for sexual exploitation and abuse. See section G: References.

<sup>2</sup> United Nations Charter, article 100.

<sup>3</sup> Cf. 2009 DPKO and OCHA-commissioned independent study by Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*.

<sup>4</sup> The five core challenges include: ensuring compliance with their obligations under international law, in particular the conduct of hostilities, enhancing compliance by non-state armed groups, enhancing the role of peacekeeping and other missions, enhancing humanitarian access, enhancing accountability for violations.

<sup>5</sup> Cf. Section G: studies on coordination mechanisms (2013), joint protection teams (2013) and civilians seeking protection at UN compounds (2014), and OIOS reports on POC (2013 and 2014).



referenced above in the form of this Policy. Aimed at clarifying and reconciling the concept and operationalization of the protection of civilians in peacekeeping with overall Security Council guidance and directives, this policy identifies and organizes the range of mandated tasks contributing to the protection of civilians.

7. This policy supersedes the 2010 Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, as well as the DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies. Guidelines to be read in conjunction with this policy include the DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations, the DPKO and DFS Guidelines on the Deterrence and Use of Military Force in United Nations Peacekeeping Operations, and other documents referenced in Section G below.

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#### **D. BACKGROUND**

8. United Nations peacekeeping is a multi-dimensional instrument primarily designed to preserve the peace, however fragile, and to create political space for implementing agreements achieved by the parties to the conflict. Noting that "civilians continue to account for the vast majority of casualties in situations of armed conflict,"<sup>6</sup> including pervasive incidences of sexual violence and violence against children, the Security Council has recognized, through its resolutions focusing on the protection of civilians in armed conflict, women peace and security and children in armed conflict, "the consequent impact the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law would have on international peace and security."<sup>7</sup>

9. In 1999, the UN Mission in Sierra Leone (UNAMSIL) was the first peacekeeping operation mandated to take the necessary action to afford protection to civilians under imminent threat of physical violence.<sup>8</sup> The same year, the first Security Council thematic resolution on the protection of civilians in armed conflict<sup>9</sup> stressed the need to address the root causes of armed conflict, including that of gender inequality, to enhance the protection of civilians on a long-term basis. Since then, regular Security Council resolutions have further defined the role of peacekeeping in protecting civilians and the various mandated tasks that contribute to it.<sup>10</sup> In establishing the POC mandate for the majority of peacekeeping operations, the Security Council has also consistently authorized such operations to "use all necessary means" or "all necessary actions", up to and including the use of deadly force, to implement that mandate.

10. The majority of the tasks mentioned in this policy are well-established activities in UN peacekeeping and many of them have been mandated and implemented for well over a decade. This policy defines how these multiple lines of activity can support the protection of civilians, both directly and indirectly.

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<sup>6</sup> Security Council resolution 1894 (2009).

<sup>7</sup> Security Council resolution 1894 (2009).

<sup>8</sup> Security Council resolution 1270 (1999).

<sup>9</sup> Security Council resolution 1265 (1999).

<sup>10</sup> For instance in Security Council resolution 1674 (2006, para. 11), Security Council resolution 1894 (2009, para. 28) or Security Council resolution 2086 (2013, para. 8(h)).

## E. Defining the protection of civilians in United Nations peacekeeping<sup>11</sup>

11. In many mission settings, effective implementation of the POC mandate is key to creating a secure and stable environment, which is a core function of peacekeeping under the *United Nations Peacekeeping Operations: Principles and Guidelines* (the Capstone Doctrine).<sup>12</sup>

12. **Protection of civilians** – Peacekeeping operations are required, under the POC mandate, to “protect civilians, particularly those under imminent threat of physical violence”.<sup>13</sup> To fulfil their POC mandate, peacekeeping operations are provided with the authority to afford direct physical protection, including through the use of force under certain conditions, as follows:

While language varies slightly between Security Council resolutions, they generally read:

Establishment of the POC Mandate

*Decides that the mandate of [name of peacekeeping operation] shall include the following tasks ... protection of civilians.*

Authorization to Use Force

*Acting under Chapter VII ... Authorizes [name of peacekeeping operation] to use all necessary means, within the limits of its capabilities and areas of deployment, to protect civilians under [imminent]<sup>14</sup> threat of physical violence, without prejudice to the responsibility of the host Government.*

13. In light of the above, the protection of civilians mandate for civilian, military and police components in United Nations peacekeeping is defined as follows: ***all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.***

14. **Civilian** - Any person who is not or is no longer directly participating in hostilities or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. In case of doubt whether a person is a civilian, that person shall be considered a civilian.

15. **Threats of physical violence or POC threats** – Encompass all hostile acts or situations that are likely to lead to death or serious bodily injury, including sexual violence, regardless of the source of the threat.

### E.1. Guiding Principles

16. The protection of civilians mandate is guided by a set of legal and practical principles, and rooted in the United Nations Charter and international law. The following principles apply to all missions with POC mandates.

17. **Grounded in international law:** Protection of civilians mandates are a manifestation of the international community's determination to prevent the most serious violations of international human rights, humanitarian and refugee law and related standards,<sup>15</sup> and they should be implemented in both the letter and spirit of these legal frameworks. The POC mandate is therefore complementary to and reinforces the mission's mandate to promote and protect human

<sup>11</sup> All terminology relevant to POC is further detailed in Section F.

<sup>12</sup> United Nations Peacekeeping Operations: Principles and Guidelines (2008), Chapter 2.3.

<sup>13</sup> See Security Council resolution 2086 (2013, para. 8)

<sup>14</sup> ‘Imminent’ does not imply that violence is guaranteed to happen in the immediate or near future or is being carried out (cf. Section F for further details). At the time of writing, the word ‘imminent’ has been taken out of the language of Security Council resolutions for MONUSCO, MINUSCA and UNMISS.

<sup>15</sup> These include, for instance, the United Nations Guiding Principles on Internal Displacement (2001).

rights<sup>16</sup>. When using force peacekeeping operations must abide by customary international law, including international human rights and humanitarian law<sup>17</sup>, where applicable. They must also abide by the mission-specific military rules of engagement (ROE) and the police Directive on the Use of Force (DUF), including the principles of distinction between civilians and combatants, proportionality, the minimum use of force and the requirement to avoid and minimize collateral damage.

**18. A priority mandate:** In all missions mandated to undertake the protection of civilians, POC must be prioritised in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates.<sup>18</sup> Within the wide scope of potential situations of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern<sup>19</sup> and allocate its resources accordingly. As specified in the mandate, it can only act within its capabilities and areas of deployment: the mandate does not demand that peacekeepers engage in actions for which they are not equipped. At the same time, no peacekeeping force will be able to address all threats at all times.

**19. The primary responsibility of governments:** The host state always has the primary responsibility to protect civilians within its borders; this responsibility is not diminished when a peacekeeping mission with a POC mandate is deployed. The mission's protection of civilians mandate does not replace the host state's responsibility. The mission should support the host state's protection efforts or act independently to protect civilians when the latter is deemed unable or unwilling to protect its own civilians, or where government forces themselves pose a threat to civilians. When supporting host states or other non-UN security forces, peacekeeping operations shall respect the UN Human Rights Due Diligence Policy on UN Support to non-UN Security Forces.

**20. A responsibility of peacekeepers:** Where the state is unable or unwilling to protect civilians, or where government forces themselves pose such a threat to civilians, peacekeepers have the authority and the responsibility to provide such protection within their capabilities and areas of deployment. Particularly, peacekeepers will act to prevent, deter, pre-empt or respond to threats of physical violence in their areas of deployment, no matter the scale of the violence and irrespective of the source of the threat.

**21. An active duty to protect:** The protection of civilians mandate embodies an active duty to protect; missions do not engage in protection only in reaction to an attack. Activities to protect civilians should be planned, deliberate and on-going, and the mission should constantly work to prevent, pre-empt and respond to violence against civilians. This includes presence in areas under greatest threat, a credible deterrent posture and other activities in accordance with the mandate, the POC strategy and the military and police concepts of operations (CONOPS). Compliance will be monitored through a joint monitoring and evaluation mechanism on POC.<sup>20</sup>

**22. Under effective command and control:** In missions with a mandate to protect civilians, it is the responsibility of commanders of all contingents to ensure all those under their command understand and comply with the ROE/DUF. The Force Commander and Police Commissioner are ultimately responsible for their enforcement. Compliance with command and control arrangements is critical to save lives and prevent harm being done to civilians. Failure to protect civilians as a result of weak command-and-control structures or insufficient levels of compliance

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<sup>16</sup> The promotion and protection of human rights goes beyond the right to life and physical integrity and includes a wide range of civil, political, economic, social and cultural rights. See 2011 OHCHR/DPKO/DPA/DFS Policy on Human Rights in Peace Operations and Political Missions.

<sup>17</sup> See the Secretary-General's Bulletin on the Observance of IHL in peacekeeping (ST/SGB/1999/13). When and where IHL is applicable to a specific peacekeeping operation, mission-specific IHL guidance will be developed as required, in close coordination with OHCHR and the Office of Legal Affairs.

<sup>18</sup> S/RES 1894, 2009, para. 19.

<sup>19</sup> See E.4.1 below.

<sup>20</sup> See E.4.2 below.

may lead to the suffering and death of vulnerable individuals and can compromise the overall credibility and effectiveness of the peacekeeping operation in the country.

**23. Consonant with the principles of peacekeeping:** Peacekeeping operations operate with the consent of the host state, are impartial in implementing their mandate, and use force only in self-defence and as otherwise authorized by the Security Council, including for the protection of civilians. This includes, where necessary, the use of force against elements of government forces at the tactical level where such forces are themselves engaged in, or pose an imminent threat of, physical violence against civilians.

**24. A whole-of-mission activity:** Ensuring the protection of civilians requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's protection of civilians strategy. Relevant provisions of the strategy must be mainstreamed and prioritized into the planning and conduct of activities by all components, including through joint definition of clear, realistic and authorized objectives to eliminate or mitigate threats.

**25. A comprehensive approach:** Due to the multiplicity of actors that contribute to providing protection of civilians, this Policy requires that an analysis be conducted to determine the comparative advantage, optimal positioning and appropriate modes of engagement of the mission vis-à-vis local, national, sub-regional and international protection actors<sup>21</sup>.

**26. In cooperation with humanitarian actors and in respect of humanitarian principles:** UN humanitarian agencies and NGOs undertake a broad range of activities<sup>22</sup> in support of the protection of civilians, individually and within the Protection Cluster. Close and systematic coordination with these actors, particularly the Protection Cluster, is therefore essential while assessing protection priorities as well as when planning activities under the three tiers through established mechanisms, including those required under the Integrated Assessment and Planning (IAP) policy<sup>23</sup>.

Humanitarian actors are civilians entitled to physical protection under the POC mandate. While creating the security conditions conducive to the civilian-led delivery of humanitarian assistance is sometimes included under the POC mandate and does contribute indirectly to a protective environment, this mandated task goes beyond the scope of this policy. Humanitarian actors rely upon their neutrality, impartiality and operational independence (humanitarian principles) for their acceptance by all actors and thus their security and ability to access those in need to deliver assistance. Consequently, maintaining a clear distinction between the role and function of humanitarian actors from that of political and military actors, particularly in conflict and post-conflict settings, is a key factor in creating an operating environment in which humanitarian organisations can discharge their mandate effectively and safely.

**27. A community-based approach:** Actions to protect civilians should be planned in consultation with women, men, girls and boys of the local community and with a view to empowering them and supporting the mechanisms and community-based organisations they have established to ensure their own protection. Addressing vulnerabilities affecting civilians, or taking them into account when designing the protection response, will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.<sup>24</sup>

**28. Undertaken with a gender perspective:** In peacekeeping operations, a gender perspective—the process of exposing gender-based differences in status and power, and

<sup>21</sup> Including through the Mission Concept, the Integrated Strategic Framework and the POC strategy.

<sup>22</sup> Humanitarian actors define the protection concept as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law”; see Inter-Agency Standing Committee, *Protection of Internally Displaced Persons*, 1999.

<sup>23</sup> See Para C.9, Integrated Assessment and Planning (IAP) policy.

<sup>24</sup> See relevant guidance, available at [ppdb.un.org](http://ppdb.un.org) and [peacekeepingbestpractices.unlb.org](http://peacekeepingbestpractices.unlb.org), including guidance on Civil Affairs, Human Rights, Child Protection, Gender and Women Protection.

considering how such differences shape the immediate needs, as well as the long-term interests, of women and men—is to be included into all plans, policies, activities, analysis and reports.<sup>25</sup> Such a perspective will ensure that all actions are tailored to the specific needs of women, girls, boys and men, but are also designed to address the disproportionate impact of conflict and post-conflict situations on girls and women. This includes conflict-related sexual violence (CRSV), as one of the root causes of CRSV is gender inequality and discrimination, which must be addressed comprehensively through the full participation and empowerment of women. All Women, Peace and Security resolutions are to be promoted and implemented to this aim.

**29. Undertaken with mainstreamed child protection concerns:** Peacekeeping operations will ensure that child protection is addressed pursuant to all DPKO and DFS child protection guidance and relevant Security Council resolutions on Children and Armed Conflict (CAAC)<sup>26</sup>. This includes, but is not limited to, mainstreaming of child protection into all mission components, child protection training of all peacekeeping personnel, monitoring and reporting of grave violations against children, dialogue with parties to conflict to end grave violations against children, and release of children from armed forces and groups.

## **E.2. Operational Concept for POC in United Nations Peacekeeping**

**30. The three tiers of POC action:** Multidimensional peacekeeping operations mandated to protect civilians have at their disposal a range of instruments with which to accomplish that task. These instruments fall under three distinct tiers, which are articulated below. The three tiers are mutually accommodating and reinforcing and as such should be implemented simultaneously, in accordance with specific mission mandates and in light of the circumstances on the ground. There is no inherent hierarchy or sequencing between the tiers, and action under all three tiers should emphasise prevention and pre-emption,<sup>27</sup> as well as the primacy of the host state's responsibility to protect civilians. All components of the mission have a role to play in each of the tiers.

- Tier I: Protection through dialogue and engagement
  - Tier II: Provision of physical protection
  - Tier III: Establishment of a protective environment
- **Tier I** activities include dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, public information and reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.
  - **Tier II** encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, which help guide the objectives and conduct of military and police operations, including through joint POC planning and coordination structures.
  - **Tier III** activities are frequently programmatic in nature, as well as broad and designed with committed resources for medium- to long-term peacebuilding objectives. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities help to create a protective environment for civilians and are generally planned for independently of the POC mandate. Most of those activities are undertaken alongside or in coordination with programmes by the United Nations Country Team or Humanitarian

<sup>25</sup> See relevant guidance and Security Council resolutions in Section G.

<sup>26</sup> See relevant guidance and resolutions in Section G.

<sup>27</sup> See POC Response phases below.

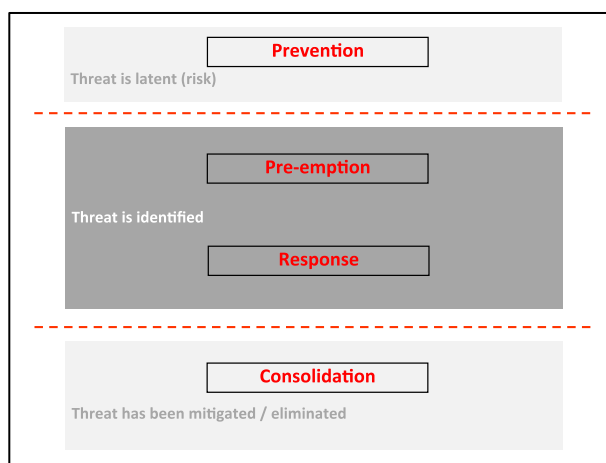
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Country Team and may include the following elements, consonant with the mission's mandate as provided by the Security Council:

- Support the political process;
- Disarm, demobilize and reintegrate ex-combatants;
- Strengthen the rule of law, including through the promotion and protection of human rights, justice, and safe, secure and humane correctional facilities;
- Fight impunity and strengthen accountability to deter potential perpetrators;
- Support security sector reform;
- Manage stockpiles and dispose of mines, arms and ammunitions;
- Put an end to the illicit exploitation of natural resources;
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs);
- Support the participation of women in conflict prevention, conflict resolution and peacebuilding, and also support the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions;
- Help establish security conditions to facilitate delivery of humanitarian assistance;
- Coordinate and cooperate with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities;
- Support compensation and rehabilitation of victims;

### E.3. The POC response phases

31. POC operations are implemented along four operational phases: (i) prevention, (ii) pre-emption, (iii) response and (iv) consolidation, with a view to either eliminating a threat or mitigating the risk to civilians associated with it. These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently. Activities and objectives mentioned under these phases will vary along with the specific content of each country specific mandate and nature of each threat.



- (i) **Prevention**: Prevention activities shall be conducted in areas where no clear threat to civilians has yet been identified.

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To prevent violence by non-state armed groups, inter-communal violence, serious crimes or other situations of internal disturbance, the mission will:

- Monitor violations of national, international human rights, humanitarian and refugee law, including conflict-related sexual violence and grave violations against children, and conduct public information campaigns to promote human rights, including gender equality, women's and children's rights;
- Support the extension of the state and its authority across its territory and along its borders, promote good governance and the rule of law, particularly the criminal justice chain and prison security;
- Ensure a visible presence of UN military and police components, particularly in areas where the state security forces are not present; assure the population of the mission's intent to protect them from physical violence and establish community engagement and alert mechanisms;
- Monitor and investigate international human rights, humanitarian and refugee law violations and advocate for respect for international human rights and humanitarian law with potential perpetrators<sup>28</sup>
- Mitigate political, economic, identity or community conflicts that may escalate into physical violence, including through the provision of good offices, support to the establishment of conflict resolution or statutory, traditional or transitional justice mechanisms and alert the national authorities of those risks;
- Monitor and address vulnerabilities, including supporting access to justice for vulnerable and marginalized groups; disseminating information on rights and potential risks (including mines, explosive remnants of war (ERW) and other explosive hazard risk education); supporting community-based protection mechanisms, such as traditional justice mechanisms; building capacity of civil society, particularly women's organisations, and media; supporting and securing as necessary the provision of humanitarian assistance;
- Mark, fence and clear areas contaminated by mines, ERW and remnant improvised explosive devices (IED);<sup>29</sup> and ensure safe and secure weapons and ammunition storage and management;
- Ensuring the inclusion of and subsequent implementation of international human rights, child protection, women protection and gender standards in peace agreements;
- Monitor, control and address illegal trafficking and the presence of small arms;
- Support the establishment of key infrastructure, including roads, transport and communications in remote and inaccessible areas;
- Coordinate and cooperate with humanitarian and development actors to promote income generation activities for youth in areas where conflict may arise;
- Consult women and promote their participation in the design and implementation of gender-sensitive activities to respond to their protection needs;<sup>30</sup>
- Strengthen capacity of the state and civil society to promote gender equality and women's rights through their empowerment.

To prevent violations of international human rights, humanitarian and refugee law, but also to prevent and minimise collateral damage and other direct or indirect lawful harm caused by state security forces, UN and other international security forces, as applicable, the mission will:

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<sup>28</sup> Ensure that parties know that human rights monitoring is taking place, that violations are documented and that parties will be held accountable for their actions.

<sup>29</sup> See United Nations Security Management System Security Policy Manual (2012), section on IEDs.

<sup>30</sup> For example, consult women to identify threats and risks to their movements and activities, and tailor protection activities to women's mobility patterns and economic activities.

- Ensure that relevant national, UN and other international security forces are sensitized to, and receive adequate training, on applicable national and international human rights and humanitarian law standards, as well as criminal responsibility of public servants, including security sector officers, for human rights violations and the commission of crimes;
- Support national authorities in establishing or strengthening the criminal justice chain (including military justice) to investigate, prosecute and adjudicate individuals responsible for serious crimes and human rights violations;
- Establish monitoring, reporting, control and accountability mechanisms to track, prevent and address violations of international humanitarian, human rights and refugee law and all other casualties caused by state and international security forces.

**Harm mitigation** – Harm is defined as potential negative consequences to the dignity, safety and security of civilians, in particular of women and children, or civilian objects associated with or resulting from the actions and consequences of those actions by armed forces (national or international security forces) or the mission itself.

Within and beyond the minimum obligations of international humanitarian law, due consideration must be given to respect and preserve human life and cause minimum injury through identifying and mitigating harm to civilians and causing minimum damage to property. To this aim, collateral damage must be avoided or in any case minimized, unobserved indirect fire is prohibited and fire will be limited in duration and intensity. Indirect negative consequences will be analysed and mitigated as required.<sup>31</sup>

- (ii) **Pre-emption:** When likely threats are identified and attacks against civilians are anticipated, pro-active measures are required to mitigate or eliminate them before violence occurs. This requires deterring a party or person(s) from committing hostile acts, or affecting their capacity to do so, including through the use of force. Activities under the prevention phase will continue to be implemented, particularly in areas under threat.

To pre-empt violence by non-state armed groups, inter-communal violence, serious crimes or other situations of internal disturbance affecting civilians, the mission will aim at eliminating the intent and/or capacity of the perpetrator(s). To ensure a sustainable impact, activities will preferably, and as appropriate, be conducted in support of state authorities, by mobilizing or persuading them to act. Measures may include:

- Public information on POC and human rights reporting, as well as pro-active engagement and advocacy with potential perpetrators of violence and third parties<sup>32</sup> that may positively influence the actions of perpetrators. Engagement will aim at sensitizing them on obligations under national and international human rights, humanitarian and refugee law and existing accountability mechanisms;
- Actions to mobilize, persuade and support state authorities to extend their presence and ensure rule of law and public order in the area(s) under threat, particularly by applying the required accountability, conflict resolution and reconciliation mechanisms;
- Security operations may be conducted unilaterally, in a coordinated manner, or jointly with the host authorities. These can entail credible deterrence actions or engaging in offensive operations to prevent violence against civilians. Commanders should, where appropriate, consider the use of alternatives to the use of force. Those may include (but are not limited to) deception, psychological methods, negotiation, rapid deployments and reinforced military and/or police presence and patrolling, including the protection of key sites, facilities (including prisons), areas or goods; cordon and search operations; counter IED activities; interposition and show of force / manoeuvre of larger forces to demonstrate resolve. Should a non-state armed group be identified as a systematic source of violence against civilians, offensive operations may also be considered. To enhance impact, all security operations will be implemented in support of and/or close

<sup>31</sup> Cf. Annex B for examples of mitigation measures during security operations.

<sup>32</sup> Including influential member states, expert groups under the Security Council Sanctions Committee, the International Criminal Court, the media, or relevant UN and NGO partners.



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coordination with judicial or non-judicial accountability processes; conflict resolution processes; and disarmament, demobilisation and reintegration (DDR) and/or security sector reform (SSR) mechanisms;

**Forced displacement:** Peacekeeping missions shall first seek to prevent forced displacement by addressing threats in villages or places of habitual residence. Should the mission lack the opportunity, capacity or political space to do so, it may also provide direct physical security to civilians at risk, and/or as a measure of last resort and upon request of communities, secure their movement to and their stay in more stable areas. Contingency plans must be in place to afford physical protection in areas of displacement and accommodate internally displaced people (IDPs), in order of priority:

1. Outside UN premises, including in IDP camps or with host communities;
2. In areas adjacent or close to existing mission premises identified for that purpose;
3. *In extremis situations*, including due to a lack of preparedness or where the mission has insufficient military or police capacity to secure a site outside the mission compound, in 'POC sites' within existing mission premises.<sup>33</sup> This option will be enabled for the minimum duration possible, and the decision to relocate IDPs shall lie with the mission leadership, acting in close consultation with the Humanitarian Country Team (HCT).

Each situation described above may pose risks to the civilians to be protected and/or UN personnel. For instance, hosting civilians close to or within mission premises may endanger the very civilians the mission is trying to protect or jeopardize the safety and security of mission personnel.<sup>34</sup> All such risks must be identified and measures to minimize or eliminate them shall be taken, including through advance planning, political engagement, training or the allocation of specific mission resources and capabilities by relevant mission components.

Whenever population displacement is expected, planned or occurs, the mission will contribute to the development of a comprehensive response, in close coordination with national authorities and humanitarian partners, including the Protection Cluster, and in line with relevant international standards, including the United Nations Guiding Principles on Internal Displacement and, where ratified, the Kampala Convention<sup>35</sup>. As part of the consolidation phase, it will also contribute to creating the conditions for interim and durable solutions,<sup>36</sup> including a safe, voluntary and dignified return or local integration of those internally displaced populations. In close coordination with the UN High Commissioner for Refugees (UNHCR), protection shall also be afforded to asylum seekers and refugees, including those fleeing to safety or returning home across international borders.

To pre-empt violations of international humanitarian, human rights and refugee law, but also to prevent and in to minimise collateral damage and other direct or indirect lawful harm caused by state security forces, UN and other international security forces, measures will include:

<sup>33</sup> Further information and guidance on the topic can be found in the DPKO/DFS Lessons Learned note on civilians seeking protection at UN facilities (2014) and examples of in-mission guidance can be shared upon request, including the the UN Mission in South Sudan (UNMISS) Guidelines on civilians seeking protection at UNMISS bases.

<sup>34</sup> Civilians to be protected, but also the peacekeeping mission itself, may become targets of violence by state or non-state armed elements. Some civilians hosted within mission premises may also become a source of insecurity for other civilians and UN personnel.

<sup>35</sup> Particular attention will be paid to instances of forced displacement, the provision of information to and consultation of displaced populations, and vulnerabilities to take into account for all displacement processes: unaccompanied minors, female headed households, particular situation of indigenous people and minorities, persons with disabilities, the elderly, property and possessions left behind, access to education and overall humanitarian assistance.

<sup>36</sup> Achieved when former IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement. A durable solution can be achieved through return, local integration, or settlement elsewhere in the country, as spelled out in the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs (2010).

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- Pro-active engagement, advocacy with and support to relevant state and international institutions whose elements have perpetrated violence against civilians. Particularly, the mission will aim at:
  - Reinforcing prevention mechanisms in the area under threat, including activities to support relevant security forces in further sensitizing and training their elements, activities to immediately strengthen the criminal justice chain to process perpetrated crimes, but also to reinforce monitoring, reporting, control and accountability mechanisms;
  - Reinforce monitoring, reporting, control and accountability mechanisms to track, prevent and address violations of international humanitarian, human rights and refugee law and all other casualties caused by state and international security forces. Particularly, ensure relevant state authorities investigate and take action to punish perpetrators in areas most affected by human rights violations or instances of disproportionate collateral damage.
- Engagement and, as relevant, support to third parties that may positively influence the actions of national or international security forces;
- Public information and reporting on misconduct, violations and other forms of harm and actions taken to address them;
- Consistent implementation of the Human Rights Due Diligence Policy on United Nations support to non-UN security forces (HRDDP), applicable to most forms of support provided by the Mission and other UN entities to non-UN security forces, which will further strengthen the POC mandate implementation and provide peacekeeping operations with leverage to influence behaviour and establish harm mitigation measures;
- The mission military and police components may conduct security operations to stop on-going violence against civilians by state security forces at the tactical level, as described in the paragraph hereunder.

**Threats posed by elements of the forces of the host state:** Instances in which elements of state security forces pose a threat to civilians are some of the most challenging to address under the POC mandate, as a robust military or police response by peacekeeping operations may result in insecurity for peacekeepers and even affect the host state's strategic consent for the mission. To avoid such situations and ensure an effective and sustainable restoration of security for civilians, missions must ensure from the early stages of deployment that they prioritize their activities so as to enhance and support the intent and capacity of the host state to assess protection threats and fulfil its responsibility to protect. However, **until state security forces are able and willing to protect civilians**, the mission must be prepared to intervene unilaterally to prevent, pre-empt or put an end to threats of physical violence. Weighing circumstances on the ground, missions must bear in mind that they are mandated to protect civilians irrespective of the source of threat, including when elements of the host government are themselves responsible for threatening civilians with physical violence.

Should central state authorities not recognize violations or harm caused by national security forces or oppose the mission's response to protect civilians in a given situation, political engagement and advocacy by senior mission leadership is required to sensitize the judiciary and high-level security officials on the issue(s) at hand, including by sharing information and analysis on the perpetrators and violations monitored by the mission. Continued lack of recognition by central authorities is equivalent to a lack of strategic consent and will hamper effective actions by the mission to implement its protection of civilians mandate; the mission will therefore need to seek support and guidance from Security Council members and UNHQ.

- (iii) **Response:** Whenever physical violence against civilians is apparent, missions will aim immediately at stopping aggressors from conducting hostile acts through political, security or legal means.

32. To ensure a sustainable impact, activities will preferably, and as appropriate, be conducted in support of state authorities, by mobilizing or persuading them to act. Measures, in addition to those already described in the prevention and pre-emption phase, may include:

- Actions to further mobilize, persuade and support state authorities to extend their presence and ensure human rights, rule of law and public order in the area(s) affected by violence, particularly by applying the required conflict resolution, judicial, DDR or SSR mechanisms, and by providing any additional training or expert advice, as required;
- Direct action targeted at perpetrators to affect their intent or capacity, including through security operations and the gradual use of force to stop on-going violence or control and disperse assemblies of potential perpetrators;
- Should the mission lack the capacity or political space to stop aggressors, it may also provide direct physical security to civilians at risk or accompany and secure their movement to more stable areas, with due regard to their expressed wishes;
- Even in the absence of an executive mandate, the military ROE and the police DUF describe the circumstances under which peacekeepers may use force, including to apprehend and temporarily detain hostile persons or groups and, where appropriate, hand them over to the national authorities in accordance with the *DPKO and DFS Interim Standing Operating Procedures on Detention in UN Peacekeeping Operations*. In addition to the latter SOP, mission-specific guidance will be developed as required, such as standard operating procedures (SOPs) for the handover of children detained because of their association with armed forces or groups; in close coordination with the Office of Legal Affairs, the Office of the High Commissioner for Human Rights (OHCHR) and other relevant entities<sup>37</sup>;
- Actions to collect, register and preserve evidence of crimes against humanity, war crimes, genocide, other serious crimes, including sexual violence as well as grave violations of human rights, for subsequent criminal investigation and prosecution of alleged perpetrators at national or international level.

**(iv) Consolidation:** When violence against civilians is subsiding, the mission will support the progressive return to stability and normalcy. These activities will be conducted as required in support of or in close coordination with host authorities and the UN Country Team (UNCT) and other partners.

33. Specifically, the mission will:

- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs), in coordination with national authorities and humanitarian partners;
- Support the reintegration of ex-combatants, particularly of children formerly associated with armed forces or groups;
- Support, through ensuring conducive security conditions, the provision of civilian-led humanitarian, rehabilitation and/or recovery assistance and promote the compensation of victims of violence, as applicable;
- Accompany the implementation of local peace and reconciliation processes, including supporting women's leadership and participation as well as through statutory, traditional or transitional justice mechanisms;
- Take steps to fight impunity and further restore or extend the authority of the state and the rule of law, including accountability for violations and transitional justice;

#### **E.4. Implementing the Protection of Civilians mandate**

##### **E.4.1. Protection of Civilians threat and risk assessment**

34. **Early warning:** Forward-looking threat and risk assessment will enable the mission to anticipate and prevent violence before it occurs or, at a minimum, mitigate its impact on civilians.

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<sup>37</sup> In any case of detention, duly notify ICRC and provide access to detainees.

To this aim, the mission will identify the indicators, information sources, processes, resources and capabilities required to provide adequate early warning analysis and alerts.

35. No mission can protect everyone, everywhere. **Mission components are therefore constantly required, at strategic, operational and tactical levels, to jointly determine the priority threats to address**, in close consultation with communities, humanitarians and other actors. To this aim, they will follow the below process:

**(i) Assess threats**

36. All situations of impending physical violence on civilians shall be considered POC threats, no matter the source of the threat.

37. **Political and security assessments:** A relapse into conflict by parties to a peace or cease-fire agreement, including violence accompanying key milestones of the peace process will generally have the highest impact on the security of civilians. Political, conflict or security threat and risk assessments will therefore be aligned or integrated<sup>38</sup> with the POC threat analysis and provide useful information on all possible situations and perpetrators of violence.

38. Overall, missions will analyse the nature, deployments, *modus operandi*, **capacity** and **intent** of actual and potential perpetrators of violence that may affect civilians.<sup>39</sup> They will also assess the **opportunity** for a threat to materialize, i.e., when the time, location, terrain or weather conditions and other contextual factors<sup>40</sup> allow for a perpetrator to inflict violence. UNMAS activities such as Weapons Technical Intelligence directly contributes to POC threat assessments assisting in identifying the types of devices used and associated tactics, techniques and procedures of those that use them and providing evidence related to perpetrators of attacks using IEDs.

39. **Monitoring of violations** under national, or international humanitarian, human rights and refugee law or shortcomings in the functioning of the criminal justice system, will provide information and analysis regarding the responsibility, gravity, intensity, pattern and scale of physical violence affecting civilians and enable historical trend and impact analysis.

40. Beyond violations, missions will also **track and report on all casualties** as a result of lawful actions by peacekeepers, state or other international security forces and non-state armed groups. Collateral damage caused by security forces or casualties resulting from mines and ERW will, for instance, require specific attention in certain contexts.

**(ii) Identify communities at risk and assess vulnerabilities**

41. **Distinguishing civilians from combatants:** Civilians may be in the possession of arms, without necessarily having a status of 'combatant'.<sup>41</sup> Combatants from state security forces, affiliated proxies or non-state armed groups may, on the other hand, display no visible signs revealing their status, such as military fatigues. Missions shall therefore carefully analyze, determine and disseminate appropriate guidance on the distinction between civilians and combatants encountered in their area of responsibility (AOR). In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise.

<sup>38</sup> See latest Joint Mission Analysis Cell (JMAC) and Joint Operations Centre (JOC) guidance for required or possible joint formats, tools, mechanisms and processes.

<sup>39</sup> See Annex B for a list of possible indicators.

<sup>40</sup> Those factors also have an indirect impact on civilians, who may suffer additional casualties as a result of harsh weather conditions or be deprived of assistance due to distance or lack of access.

<sup>41</sup> Under international humanitarian law, civilians who are in the possession of arms, for example, for the purpose of self-defense and the protection of their property but who have not been, or are not currently engaged in hostilities are entitled to protection.

42. **Community engagement:** When identifying priority populations to be protected, missions will seek early-warning information through monitoring, engagement and consultations with civil society organisations and communities. Civilian components will be the main conduit for community engagement, in close coordination with humanitarian partners, and where deployed, Community Liaison Assistants may assist the military component in this regard. *All mission staff must be mindful, while engaging with communities, not to expose civilians to risk or cause harm through their engagement, particularly those with specific vulnerabilities, including girls, boys or women, witnesses and victims of violations. To ensure confidentiality and informed consent regarding the use of information, sensitive data regarding victims and witnesses will be appropriately managed and secured, in line with relevant guidance.*

43. **Vulnerable groups:** While all civilians may be victims of physical violence and therefore require protection from it, missions will pay specific attention to individuals or groups most at risk of facing or suffering from such violence, including girls and boys, women, minority groups, refugees, internally displaced, persons with disabilities, the wounded and older persons, but also professionals at risk including human rights defenders, medical personnel, teachers, journalists and humanitarian personnel. The level of vulnerability of an individual will vary, including with time or a specific operational context.

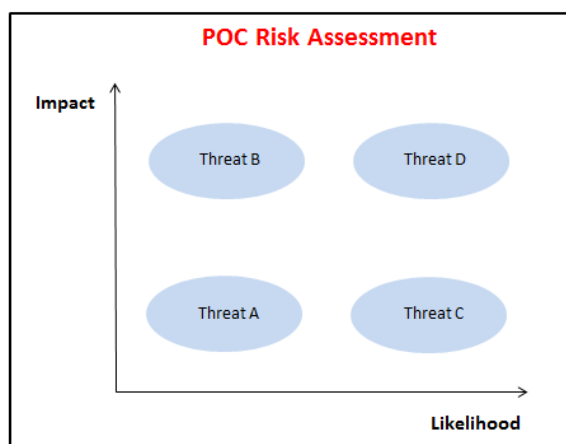
44. **Information management:** Missions will ensure the consolidation and consistency of information related to incidents affecting the security of civilians. All reports will include, at a minimum, disaggregated data on the number of killings, rapes and other incidents affecting the security of civilians, per area, gender and age category. Assessing the nature and level of vulnerability to violence of different categories of civilians will also enable better responses to their specific protection needs. The duration of exposure to violence, including forced displacement, may constitute an aggravating factor to be taken into account.

45. **Livelihoods and civilian objects:** Civilians are affected by immediate instances of violence, but also by their consequences. Securing life-saving civilian objects, including key health or water and sanitation facilities, installations and equipment or supplies, but also essential goods or livelihoods assets (food, crops, livestock), may constitute priorities for POC action. Schools are also protected under international law.

(iii) **Assess capacity and intent of other protection actors,** including state authorities, international security forces, civil society, human rights, humanitarian and development actors.

(iv) **Evaluate the risk associated with POC threats**

46. **POC risks:** Defined by the level of exposure of a civilian or group of civilians to a threat, a POC risk will be measured by the **likelihood** of occurrence of the threat, as well as the actual or potential **impact** of violence on civilians. The latter is a combined assessment of the scale, gravity, intensity, regularity or systematic nature of violence. Both likelihood and impact are a result of the capacity, intent and opportunity for the perpetrator to inflict violence, and the vulnerability of the civilians to the threat but also to the presence, capacity and intent of protection actors, who play a deterrent role.



(v) **Prioritize situations to address**

47. **Imminent threats:** The protection of civilians mandate often specifies an “imminent” threat of physical violence. A POC threat is considered imminent as soon as the mission has a ***reasonable belief that a potential perpetrator displays a hostile intent, capacity, historical record and opportunity to inflict physical violence***. The term ‘imminent’ does not therefore imply that violence is guaranteed to happen in the immediate or near future or is being carried out. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists.

48. **Priority threats:** Missions shall prioritize threats to civilians that pose the highest level of risk to civilians (threat D in the chart above) and may have to arbitrate between different categories of threats. For instance, responding to on-going instances of low-level violence vs. preventing less likely threats that may take a high toll on populations (threat B vs. threat C)<sup>42</sup>.

49. **Decision process:** Missions will decide to respond to a specific POC threat in relation to:

- (i) The nature of the threat and risk to civilians associated with it;
- (ii) The mission’s ability to address the threat, unilaterally or jointly with other protection actors;
- (iii) The comparative advantages and expected impact the mission may have in mitigating or eliminating the threat; and
- (iv) The possible negative consequences of its actions or inactions. While a mission’s actions can lead to direct or indirect harm to civilians, possible political fallout or retaliatory attacks, a failure to act can also result in civilian harm, a loss of legitimacy and ability to deter. Both action and inaction may result in heightened insecurity for peacekeepers and/or civilians.

50. **Mission Threat Assessment and POC Threat Matrix:**<sup>43</sup> Overall POC threat and risk analysis will result in a priority list of threats to be addressed. At the strategic level, medium- to long-term POC threats will be incorporated in the POC strategy and aligned with the Mission Threat Assessment. At the operational and tactical level, POC concerns over a few days to a few months will be presented and regularly reviewed through the POC Threat Matrix. Approved by the Head of Office or equivalent at the tactical or operational level, the POC Threat Matrix must prioritize situations to address and indicate the required contribution of relevant mission components.

#### E.4.2. Protection of civilians response planning

<sup>42</sup> For example, diverting resources to avoid possible mass violence related to political milestones of a peace process, such as elections, may be prioritized over a response to on-going low intensity communal conflicts or criminality.

<sup>43</sup> See JMAC guidance on the Mission Threat Assessment and POC Policy Annex B on the POC Threat Matrix.

**51. Joint planning and coordination of POC Operations:** Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy, taking into account potential negative consequences of those actions and required risk or harm mitigation measures.

**52.** From the start, all missions with a POC mandate shall establish POC planning and coordination fora at the strategic, operational and tactical levels, which include relevant representatives of the UN humanitarian community<sup>44</sup> as appropriate. They shall also appoint, as required, an adequate number of POC Advisers to support the mission leadership in coordinating all POC activities.<sup>45</sup>

**53. Preparedness:** At all times, peacekeeping operations with a POC mandate must show a high level of readiness for POC, including through the development and management of relevant contingency plans, in-mission guidance and SOPs, coordination mechanisms, information management, early warning and response tools and processes, public information and training activities. All preparedness activities will be presented in a **POC Action Plan**<sup>46</sup>.

**54.** Also as part of their preparedness activities, missions must ensure they deliberately and regularly assess<sup>47</sup>, avail and manage adequate **resources and capabilities** in line with the POC threat assessment and priority activities, including deployments, human resources, information technologies, and ground or air assets. Missions will pay specific attention to ensuring a minimum projection, rapid reaction, redeployment or temporary deployment capacity. The police and military components in particular will prioritise mobility over static presence and ensure the POC threat assessment informs deployment planning (force composition and disposition).<sup>48</sup> As required, POC activities by substantive sections and components of the mission will be supported and prioritized by the Director of Mission Support, including logistical support to deployments in priority POC areas. Any mission asset can be mobilized to implement the POC mandate.

**55. Reporting, monitoring and evaluation (M&E):** The Special Representative of the Secretary-General and senior mission leadership across the civilian, military, and police components are accountable and must ensure implementation of POC mandates. Missions will monitor, evaluate and report on progress made in the implementation of the POC mandate and the related impact on the protection environment. As one of the available tools to this effect, joint military, police and civilian M&E teams will assess the mission's response to all major POC incidents or crises and promptly report on its findings to the mission leadership and UNHQ. Any POC related contravention of the ROE or DUF must, however, be investigated through a formal Board of Inquiry, as for any other ROE/DUF violation. Dedicated mission-wide monitoring activities related to implementation of the POC mandate will be undertaken regularly, based on clear benchmarks and indicators. This will enable missions to monitor their performance, establish trends and take corrective action. Moreover, all peacekeeping operations with a POC mandate will conduct a rapid and quarterly evaluation of their impact on the POC environment and report accordingly at the operational and strategic levels. After all evaluations or investigations, necessary remedial or corrective measures will be taken to avoid reoccurrence and/or improve the POC response of the mission. UNHQ will provide the missions with guidance and support in the definition and implementation of suitable indicators and processes for monitoring, evaluation, and reporting purposes.

**56. Impartiality and public information:** All activities of the mission will be conducted so as to ensure impartial actions and maintain an impartial image. Key measures to take in that regard

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<sup>44</sup> Including Office for the Coordination of Humanitarian Affairs (OCHA), UNHCR (Protection Cluster lead) and UN Children's Fund (UNICEF) (MRM Taskforce co-chair).

<sup>45</sup> See examples of TORs for coordination mechanisms and POC Advisers in Annex B.

<sup>46</sup> Cf. sample POC Action Plan in Annex B.

<sup>47</sup> See Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO/DFS (2012).

<sup>48</sup> For more details, see DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations (2015).

include the monitoring of community perceptions, public and internal information and sensitization on mandate and activities.

## F. TERMINOLOGY

The following definitions are provided to clarify the protection of civilians mandate and to improve its understanding amongst UN peacekeeping personnel. These definitions do not replace or supersede mission-specific rules of engagement, legal advice, or the decisions of senior mission leadership in particular situations.

**Civilian:**<sup>49</sup> Any person who is not or is no longer directly participating in hostilities or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. In case of doubt whether a person is a civilian, that person shall be considered a civilian.

**Threats of physical violence or POC threats:** Encompass all hostile acts or situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat. Such situations may include potential or actual physical harm to civilians associated with the presence of mines, ERW and remnant IED, acts or attempts to kill, torture or maim; forcibly displace, starve or pillage, commit acts of sexual violence, recruit and use children by armed forces and groups, abduct or arbitrarily detain persons. Those situations may be caused by elements of state<sup>50</sup> and non-state actors to an armed conflict, inter-communal violence, serious crimes or other situations of internal disturbance affecting civilians.

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

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

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

**Rules of Engagement / Directive on the Use of Force:** Guiding documents, for the military and police components respectively, which define the degree of force that may be used and the manner in which it may be applied.

**Collateral Damage:** Incidental loss of civilian life, injury to civilians, or damage to civilian property not part of an authorized target.

**The Protection of Civilians and the Responsibility to Protect:** The responsibility to protect (R2P) also aims at addressing instances of physical violence, with a specific focus on mass atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing). While the R2P framework shares some legal and conceptual foundations and employs some common terminology with POC, they are distinct. Most importantly, R2P may be invoked without the consent of the host state, specifically when the host state is failing to protect its population. R2P thus envisages a range of action that goes beyond the principles of peacekeeping, which require the consent of the host state.<sup>51</sup>

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<sup>49</sup> The definition of civilian proposed in the present document is without prejudice to the definition of civilian under IHL. National UN staff and their dependents shall be afforded specific protection, as per existing guidance by the UN Department of Safety and Security.

<sup>50</sup> Including proxies and other state-associated entities.

<sup>51</sup> See <http://www.un.org/en/preventgenocide/adviser/responsibility>.



## G. REFERENCES

### Normative or superior references

- A. United Nations Charter (1945)
- B. Security Council resolution 2086 (2013)
- C. Security Council resolution on the Protection of Civilians: 1265 (1999), 1270 (1999), 1674 (2006), 1894 (2009), 2145 (2014)
- D. Security Council resolution on Women, Peace and Security: 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013)
- E. Security Council resolution on Children and Armed Conflict: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014)
- F. Reports of the Special Committee on Peacekeeping Operations and its Working Group: A/63/19 (2009), A/64/19 (2010), A/65/19 (2011), A/66/19 (2012)
- G. ST/SGB/1999/13 Observance by United Nations forces of international humanitarian law
- H. ST/SGB/2003/13, Special measures for protection from sexual exploitation and sexual abuse
- I. Human rights due diligence policy on United Nations support to non-United Nations security forces, A/67/775 (2013)

### Related policies, procedures or guidelines

- A. United Nations Peacekeeping: Principles and Guidelines, DPKO-DFS (2008) ("Capstone Doctrine")
- B. United Nations Policy on Integrated Assessment and Planning (2013)
- C. Interim Standard Operating Procedures on Detention in United Nations Peace Operations, DPKO/DFS (2010)
- D. OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
- E. DPKO/DFS Civil Affairs Policy (2008) and DPKO/DFS Civil Affairs Handbook (2012), including sections on POC;
- F. DPKO/DFS Guidelines on understanding and integrating local perceptions in UN peacekeeping (2014)
- G. DPKO/DFS guidelines on integrating a gender perspective in the work of the UN military and police in Peacekeeping Operations
- H. Analytical Inventory of Peacekeeping Practice to Address Conflict-Related Sexual Violence (2010)
- I. UN Action Matrix of Early Warning Signs for Conflict-Related Sexual Violence (2011)
- J. DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations (2015)
- K. DPKO/DFS Guidelines on the Deterrence and Use of Military Force in United Nations Peacekeeping Operations (2014)
- L. UN Basic Principles on Use of Force and Fire Arms
- M. DPKO/DFS Policy on Authority, Command and Control
- N. JOC Policy and Guidelines (2014)
- O. JMAC Policy, Guidelines and Annexes (2015)
- P. SG Guidance note on Observance of IHL in peacekeeping (ST/SGB/1999/13)
- Q. DPKO and DFS Interim SOP on Detention in UN Peacekeeping Operations (2010)
- R. DPKO and DFS Guidelines on the Taking, Publication and Distribution of images of persons in custody (2014)
- S. United Nations Security Management System Security Policy Manual (2012), cf. section on IEDs;

### Other related references

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- A. Reports of the Secretary-General on the protection of civilians in armed conflict
  - B. Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges, Victoria Holt, Glyn Taylor and Max Kelly – DPKO-OCHA (2009)
  - C. Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO-DFS (2012)
  - D. Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions: A DPKO-DFS Comparative Study and Toolkit, DPKO-DFS (2013)
  - E. Report on the Joint Protection Team Mechanism in MONUSCO, United Nations, 2013
  - F. Global Protection Cluster Diagnostic Tool and Guidance on the Interaction between field Protection Clusters and UN Missions (2013)
  - G. Statement on the Centrality of Protection in Humanitarian Action, Inter Agency Standing Committee (2013)
  - H. Review of the reporting by United Nations peacekeeping missions on the protection of civilians, OIOS (A/67/795, 2013)
  - I. Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations, OIOS (A/68/787, 2014)
  - J. Lessons Learned Note on civilians seeking protection at UN facilities, DPKO-DFS (2014)
  - K. United Nations Human Rights Up Front Action Plan (2014)
  - L. DPKO POC Action Plan (2015)
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### H. CONTACT

1. This document was developed by the Protection of Civilians Coordination Team, within the Policy and Best Practices Service, a branch of the Division of Policy, Evaluation and Training, which serves the Department of Peacekeeping Operations and the Department of Field Support; it was developed in close consultation with DPKO and DFS, but also OCHA, OHCHR, UNHCR, UNICEF, OLA and UNDSS policy focal points. Queries or comments should be directed to the POC Coordination Team.

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### I. HISTORY

1. This is the first revision of the DPKO/DFS Operational Concept for the Protection of Civilians in United Nations Peacekeeping Operations, which was completed and distributed in 2010. In accordance with the DPKO/DFS Policy on the Development of Official Guidance, this policy will be reviewed in two years' time.

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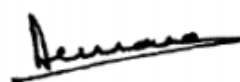
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**Department of Peacekeeping Operations /**  
**Department of Field Support**



# **ANNEXES**

## **TO**

### **DPKO/DFS PROTECTION OF CIVILIANS STRATEGY**

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## **ANNEX A. Framework for the Drafting of Comprehensive POC Strategies**

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### Purpose

This Framework provides the parameters and key considerations for drafting and implementing comprehensive POC strategies, designed to bring coherence in approach, minimize gaps, avoid duplication and maximize the mission's ability to ensure the protection of civilians through the use of its available capacities (civilian, military, police and support elements of the mission). By clarifying the role and activities of the mission and modalities of interface with key partners, comprehensive POC strategies also ensure better coordination with other actors working on POC. Additionally, POC strategies are an important tool for senior mission leadership to ensure that missions take a pro-active approach to POC. Senior mission leaders have an important responsibility in this respect, and must remain engaged in both the development and implementation of comprehensive POC strategies.

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### **I. POC Strategy**

The POC Strategy will highlight and further articulate the overall mandated tasks related to the protection of civilians defined in relevant Security Council Resolution and UN strategic documents including the Mission Concept and the Integrated Strategic Framework. Particularly, it will set the required principles, objectives and benchmarks; provide an overall threat, risk and capacity assessment; and define the required approach and activities and the relative roles and responsibilities as well as coordination and engagement mechanisms with other actors. The strategy will also include and present all documents, activities and processes to enable preparedness on POC, managed under the POC Strategy Action Plan. They include training, reporting, monitoring and evaluation, early warning and rapid response processes, as well as a strategy to communicate and manage expectations related to the mission's POC mandate.

Other UN entities in the mission area with protection mandates or programmes should be actively involved in the development of the strategy, as it also informs the coordination that needs to take place with UN actors in the mission area in order to develop and effectively implement these strategies. The need to address risks to civilians makes coordination on this issue all the more vital. The precise relationship and level of coordination on POC between the mission and other UN actors will vary from context to context, and may be influenced by a number of considerations, including:

- The specific integration arrangements that have been established between the mission and other UN actors in the mission area;
- Any overlap between the protection of civilians mandate of the UN peacekeeping mission and the protection activities of UN actors; and
- The plans for the peacekeeping mission to drawdown and/or withdraw, and any impact this may have on the on-going protection work of UN entities.

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## II. POC Strategy drafting process

The process of drafting a POC strategy provides an opportunity to clarify roles and responsibilities with protection actors within and outside of the mission and better coordinate POC prevention and response measures with them. In this respect, the consultation process is central to the development of the strategy. All relevant protection actors, including the host authorities and the local population, should be consulted on the development of the strategy, though their level of involvement will vary depending on the political and operational context of the mission. In order to ensure effective consultations in this respect, the following issues shall be determined prior to commencing the drafting process.

Drafting office: Experience clearly demonstrates that support from the senior mission leadership is one of the most critical aspects of drafting a well-consulted POC strategy and ensuring its implementation. While the senior mission leadership shall identify an office to draft the strategy, their engagement throughout the entirety of the drafting process, and in leading the mission's posture vis-à-vis POC more generally, is vital. The drafting office shall be designated based not only on its area of expertise, but also taking into consideration that creating consensus among mission components and other key stakeholders is essential for effective POC implementation. This should be facilitated through the convening of a working group/task force across relevant mission components, and including external protection partners, as appropriate.

Due to the multiplicity of mission planning processes and conceptual frameworks, all POC planning activities will be closely coordinated with the mission's strategic planning cell. The latter will ensure overall consistency amongst strategic planning processes and insertion of POC as a priority in relevant plans and strategies, including the Mission Concept, ISF, RBB, etc.

Drafting timeframe: While sufficient time should be invested in undertaking the necessary consultations to ensure buy-in with all relevant actors, the mission should endeavor to finalize the drafting process within three months.

Consultation process: The drafting office shall determine who should take part in the consultation process, what elements of the draft they shall be consulted on, and the methodology with which these consultations will take place.

- **Host government:** early engagement with the host government is critical in reminding them of their obligations under international human rights, humanitarian and refugee law, clarifying the roles and responsibilities in relation to the mission's POC mandate, assessing the government's strengths and weaknesses vis-à-vis POC, understanding and managing the expectations of the host authorities, and articulating the POC priorities identified by the mission and the local population. These consultations should include all government agencies involved in POC and not solely the law enforcement and security institutions. The lack of consultation with the government on POC has in some cases led to considerable political and operational challenges for the mission. Nonetheless, the political context in which the mission is deployed and the capacity and willingness of the host government to meet its obligations under international law shall be considered when determining the extent of their involvement in the consultation process.
- **Non-state armed groups:** Engaging non-state armed groups on protection of civilians issues may be necessary, where appropriate and security permitting. However, direct consultations with them on the strategy itself may not be required. These groups can

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pose distinct protection risks for civilians in the areas in which they are present, while in some cases they may provide security in the area they occupy. Therefore, they need to be informed of their obligations vis-à-vis the protection of the local population contained within international humanitarian law. The mission must determine how it will configure its response to these risks and opportunities, and how it will work with other protection actors in the mission area to this end.

- **Local population:** Sustained dialogue with the women and men from the local population is required to identify the threats posed to them and their vulnerabilities, and to understand how the mission can support existing protection capacities within the local community. Their perception on the security situation should be one of the most important indicators in defining the success of the mission's role in providing protection. Dialogue from the early stages of a mission's deployment also provides an opportunity to understand and manage their expectations with regard to the POC mandate of the mission. Consultations with the local population should include groups at risk (women, children, older persons, the displaced and minorities) and key civil society groups (traditional authorities, religious groups, human rights organizations, refugee/IDP committees in camps, women's groups, etc.), to take into account all perspectives on threats and possible solutions. When consulting with the population, the mission shall seek the advice of external protection partners who may have existing linkages and trust established with the communities.
- **UN Headquarters (UNHQ):** The mission shall receive strategic guidance and support from UNHQ when drafting the strategy, including with regard to matters related to the mandate established by the Security Council and the role of troop and police contributing countries. The parameters of the mission strategy should be discussed with the Integrated Operational Teams (IOTs) and the POC Coordination Team before drafting begins. The strategy should be shared in draft for comments with the Integrated Mission Task Force and the Office of Legal Affairs.
- **In mission:** The military, police, and relevant civilian and support components shall be part of the consultation process to ensure that POC is addressed in a comprehensive manner. The Chief of Staff and mission planning officer shall be involved to ensure the strategy is aligned with other mission planning documents. In settings where an integrated JOC and JMAC exist, these bodies should help develop appropriate analytical and mapping tools to inform the drafting process and provide appropriate situational awareness and reporting. The preparation of the strategy should be consulted with senior leadership of the Mission and the UN Country Team, through the integrated mission's planning team or equivalent.
- **UN protection actors, independent humanitarian organizations and NGOs / CSOs (including women and youth organizations):** Such consultation will ensure that linkages are made with their activities and that areas are identified where coordinated effort would be required. Many of these actors usually have protection strategies developed by the Protection Cluster and its sub-working groups, including on child protection and gender-based violence. Others work independently but, depending on their mandates and working methods, are willing to consult with UN actors to varying degrees. These consultations will facilitate the mission's development of its own POC strategy and allow for the mission and other existing strategies to be better coordinated and/or linked, as appropriate.
- **Security Council, Troop and Police Contributing Countries:** It is crucial that the mission understands the Security Council's vision and expectations vis-à-vis POC. Likewise, the

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Council must understand the POC risks facing civilians in the mission area, and the mission's capacity to address those risks. Early consultation at UNHQ with the T/PCCs during the drafting of the POC strategy is also necessary to create a common understanding with them on the POC risks where their troops and police are deployed, to ascertain possible concerns and caveats that they may have, and to ensure that they understand the Council's intent vis-à-vis the mission's POC mandate.

POC Strategy development and timeframe: The strategy shall cover a one year timeframe. Significant changes in the operating environment and/or in the Security Council mandate shall trigger a review of the strategy by senior mission leadership. The POC Strategy shall be focused and concise, taking into consideration past experience which has demonstrated that long and highly detailed strategies, which are not action oriented, are less effective.

Once finalized the strategy should be endorsed by the Head of Mission and the UNCT. The document itself should be disseminated to all mission components involved in the protection of civilians so that they are aware of their responsibilities. Key partners, such as the Protection Cluster, shall also receive a copy of the strategy. Consideration should be given as to whether other partners shall either receive a copy or a summary document, which should be determined based on political and/or operational implications.

The strategy shall be supported by a POC Strategy Action Plan to manage and provide an overview of all POC preparedness and operational activities.

### III. Template for comprehensive POC strategies

The following template shall form the basis upon which missions draft their POC strategies. While the strategies are required to address all of the elements included in the template, senior mission leadership are provided flexibility regarding the modalities with which they are implemented.

#### A. Purpose, scope and key principles of the strategy

**1. Purpose:** This section shall provide a succinct statement of the purpose and objectives of the strategy, and related benchmarks, in the context of the mission's tasks under the protection of civilians mandate.

**2. Scope:** This section shall reflect the following elements:

- *Compliance:* There shall be a clear statement that compliance with the strategy is mandatory for all relevant staff within the mission, once signed off by the Head of Mission (HOM). The strategy shall also articulate the specific aspects that may involve action from other UN entities with whom the implementation of the strategy is being coordinated.
- *Objectives:* This section shall include a brief statement on the mission's immediate, medium- and longer-term objectives vis-à-vis the protection of civilians, bearing in mind the fact that POC can be provided through the three tiers detailed in the POC Policy.
- *References, alignment and existing strategies:* the POC strategy does not exist in isolation and must be aligned with and linked to other existing protection related strategies and planning documents, both within the mission and externally. This section shall specify their linkages. Specific attention shall be given to linking and complementing priorities identified by the host government and any existing protection strategies which may have been developed by the Protection Cluster and its sub-clusters or mission components. In integrated mission settings, the POC strategy should be explicitly linked to the Integrated Strategic Framework (ISF), which is designed to articulate the UN's strategic vision in a mission context and must include POC as a priority.
- POC strategies should also reflect and be aligned with the military and police CONOPS, ROE and DUF. More details on military and police planning for POC can be found in respective military and police POC guidelines.
- *Reviewing the strategy:* This section shall state the strategy's annual review cycle and should be linked with other mission planning processes (e.g. the Results Based Budget). Nonetheless, it shall be reviewed and revised whenever there are changes in its Security Council mandate and/or to the operating context.

**3. Key Principles:** This section will remind of relevant guiding principles on the protection of civilians included in the DPKO and DFS Protection of Civilians Policy and ensure they are tailored to the mission's environment.

#### B. POC Strategic Threat assessment

The mission's efforts to protect civilians shall be based on a thorough analysis of the POC environment, taking into account threats facing the population, vulnerabilities affecting



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civilians, but also the respective capacity and intent of the State and other protection actors. The POC strategic threat assessment will be reviewed once a year along with the POC Strategy, or whenever major changes occur in the strategic environment. It will inform and be aligned with the Mission Threat Assessment provided by the JMAC.

- In articulating the threats to the population, the mission will identify and prioritize actual and potential strategic threats and provide a detailed analysis of the source of each threat (groups, institutions, etc.);
- Populations at risk and an overview of their vulnerabilities must be presented here. These vulnerabilities should be defined based on any characteristics of the civilians that make them susceptible to those threats (e.g. refugees/IDPs, children, gender, etc.), or to certain geographical features or activities that expose them to threats.

The POC threat assessment presented in the mission's POC strategy will be accompanied by a POC Threat Matrix (cf. Annex B), updated regularly (weekly or monthly) and providing a detailed overview of priority threats to be addressed by the mission at the operational and tactical level, at any point in time.

#### C. POC response model and planned activities

This section will present the approach decided by the mission to prevent, put an end to or mitigate strategic POC threats and risks identified above.

Detailed activities to respond to each threat at any point in time will be presented in the POC Threat Matrix. The latter shall ensure that missions have an agreed multidimensional response in place for each priority threat and shall elaborate the roles and responsibilities of different mission components. These activities shall be further reflected in individual component workplans. In integrated mission settings, the articulation of roles and responsibilities shall be consistent with those spelled out in the Integrated Strategic Framework. In determining what activities will be undertaken to address the identified POC risks, it is important to bear in mind that protecting civilians can include measures across the three tiers.

#### D. Roles & responsibilities of mission components

Given the variety of contexts in which missions carry out the protection of civilians mandate, and the great variety in mission design and structure, there is no single way in which protection of civilians roles should be assigned.

This section shall articulate the general POC-related roles and responsibilities of the various mission actors, while the POC Threat Matrix shall go into the details regarding who undertakes which POC activity at any point in time. This section shall also be consistent with existing DPKO/DFS guidance, such as the Policy on Authority, Command and Control, which provides information on the relevant civilian and management structures in the mission.

#### E. Engagement and Coordination mechanisms

This section shall reflect how the existing coordination mechanisms (or those that are newly established) will be used to coordinate the implementation of the POC strategy within the mission (in mission headquarters, and at the regional and local levels), with UN protection partners, with the host authorities and with local communities.

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**1. Within the mission:** present the existing coordination mechanisms at the strategic, operational and tactical level.

In times of crisis, present how and where all immediate POC activities will be coordinated, including through relevant crisis coordination mechanisms (Crisis Management Teams, Crisis Centres, JOC, Protection Working Group, etc.).

Military and police components, civilian capacities and mission support resources will compose these operational fora. To ensure integration or coordination of activities with the UN Humanitarian Country Team, those fora should include representatives from the humanitarian community (OCHA, possibly accompanied by UNHCR as Protection Cluster lead and possibly other relevant agencies).

**POC lead or coordinator** - While the development of the mission's POC Strategy is placed under the overall responsibility of the senior mission leadership, a designated lead amongst senior mission leaders can be appointed to overview and guide daily POC mandate implementation and coordination mechanisms. Most missions place this responsibility in the hands of one of the Deputy Special Representatives of the Secretary-General (DSRSGs), though protection of civilians activities should not be confined to a single "pillar" of the mission.

**Protection of Civilians Adviser(s)** - Commensurate with the tempo and complexity of protection of civilians activity in the mission, dedicated capacity may be required to support and advise mission leaders in their efforts to manage the mission's POC activity and coordinate early warning analysis and response, planning, reporting, monitoring and evaluation, or training tools and processes related to POC under the POC Action Plan. Such capacity can be established, as required, through the appointment of an appropriate number of Protection of Civilians Advisers attached to the POC lead and heads of field offices, as well as through the nomination of POC focal points within all relevant mission components.

**2. With the host authorities:** Map the government's strengths and weaknesses vis-à-vis the protection of civilians, including possible IHL and human rights violations conducted by elements of the host government. Present the mission's approach to state support vs. direct action to ensure POC under the three tiers. Present the coordination or engagement mechanisms established to regularly consult with the host authorities, at mission HQ and local level.

This section will also articulate how the mission will support the host state to assess POC threats and take up its primary POC responsibilities, including on how the mission will prioritize presence and response by national authorities, including for instance by providing support to extend state authority in the most affected or remote areas (joint operations, co-location, joint investigation teams, prosecution support cells, mobile courts, rule of law hubs, etc.)

Define coordination mechanisms with national authorities at all levels, including at a minimum ministries of Defence, Interior and Justice. Transparency in this respect can assist in instilling confidence with government counterparts that the mission is there to act in support of the host authorities.

On-the-job support for governments to improve the physical security of populations will require the implementation of:

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- Tier I activities: high level political action to share the mission's analysis of risks to civilians and encourage senior government officials to lead appropriate prevention and responsive measures; technical level support to conflict resolution activities;
- Tier II activities: coordination of respective deployments and operations – including joint or unilateral - with state security forces; support to the state rapid reaction capacity;
- Tier III activities: immediate measures to ensure a minimal and/or temporary presence of the state security and rule of law actors in agreed priority areas and longer term extension of state authority.

**3. With local communities:** Present self-protection measures in place and ways to engage with local communities, establish joint early warning and information sharing mechanisms.

When planning for and implementing POC activities, processes need to be in place to interact with civilian communities at all stages. Well placed to provide information on the threats and vulnerabilities affecting them, civilians at risk are also protection actors: they organize themselves to support the most vulnerable and implement measures to enhance their physical security. When addressing vulnerabilities, the mission will therefore prioritize activities in support of community protection mechanisms as appropriate. For instance, specific support can be provided to ensure the mission's presence in areas identified by populations, to establish community alert systems in areas at risk of attacks or to support and monitor the implementation of clauses of a local peace agreement between conflicting communities. Consultations shall not only involve the representatives of the population or traditional authorities, but also groups who are directly at risk, and should capture the views of men, women, boys and girls.

The mission should be cognizant that there may be risks in engaging with or assigning specific responsibilities to community actors, therefore understanding and mitigating potential risk to civilians should guide any engagement. In order to minimize the risks on civilians, civilian components, including civil affairs, human rights, rule of law, child protection, women protection or gender, will guide community engagement and related risk mitigation processes.

**4. With non-state armed groups:** Present how the mission intends to or engages with non-state armed groups, at the strategic, operational and tactical level. Ensure a streamlined and clear engagement process is in place, sanctioned by the mission leadership.

**5. With UN protection actors, independent humanitarian organizations and NGOs:**

Present existing coordination mechanisms at all levels with the humanitarian community, including the Protection Cluster and the UNCT/HCT.

The impact of conflict on civilians is a combined result of direct violence and the indirect consequences of this violence, including through displacement or diminished access to life saving goods, services and livelihoods. A comprehensive protection of civilians response therefore requires a combined set of activities by missions and both humanitarian and development actors.

Important humanitarian protection actors include the Humanitarian Country Team<sup>52</sup>, led by the Humanitarian Coordinator, and the Protection Cluster. Benefitting from a specific

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<sup>52</sup> The Humanitarian Country Team (HCT) is a strategic and operational decision-making and oversight forum established and led by the HC. Composition includes representatives from the UN, IOM, international NGOs, the Red Cross/Red Crescent Movement. Agencies that are also designated Cluster leads should represent the Clusters as well as their respective organizations. The HCT is responsible for agreeing on common strategic issues related to humanitarian action.

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knowledge of vulnerabilities affecting women and men and community dynamics, humanitarian actors should be briefed, consulted and/or involved on all aspects of the mission's protection of civilians strategy, including its analysis of threats and vulnerabilities, response plans, advocacy or training.<sup>53</sup>

In this respect, roles and responsibilities specific to the protection of civilians should be clearly articulated and understood between the mission and humanitarian protection actors. This is essential to facilitating effective and appropriate coordination and to avoid blurring the lines between humanitarian, military, police and political actions, which could lead to diminished space for humanitarian action and to clarify that humanitarian protection actors are not a substitute for mission action, as humanitarian action cannot be guided by mission gaps or priorities but rather by humanitarian assessment of need.

These clarifications can be sought and articulated through integrated mechanisms and tools, including the conduct of an integrated strategic assessment, an up-front risk analysis and the development of the ISF or equivalent. Integrated coordination mechanisms, as well as existing protection coordination mechanisms, formal or informal, are also essential to define the respective role of the mission, UN entities and humanitarian actors.

The discussion should focus on analysis, risks and opportunities, information sharing, areas where coordination may be needed and the modalities for that. This consultation would also identify those areas where a degree of separation may be required to ensure the perception, by the population and the parties to conflict, of the neutrality and impartiality of the humanitarian actors providing assistance. Note that, while humanitarian assistance can support the protection of civilians and peace consolidation, its main purpose remains to address life-saving needs and alleviate suffering. Accordingly, most humanitarian interventions are likely to remain outside the scope of integration.

#### F. Preparedness activities

##### **1. Information gathering and sharing**

Mission-wide or integrated information collection and sharing processes must be regularly reviewed and presented as an Annex to the POC Strategy or through a specific SOP on information management. It should present existing mechanisms to gather, analyse and map data, and disseminate POC related information.

*Confidentiality* – The SOP should also set out the principles and mechanisms for sharing sensitive information so as to ensure the confidentiality and informed consent regarding the use of information related to victims or witnesses to protect their privacy and security as well as avoid exposing the image and security of the mission. These mechanisms should be consistent with existing guidance, including JMAC and JOC Policies and Guidelines.

POC information management is based on quantitative and qualitative indicators managed through a set of strategic planning, analysis, reporting or monitoring and evaluation formats, tools and processes. It will enable the mission to i) set objectives and benchmarks in the Mission Concept, ISF and POC Strategy, ii) monitor and report on the security situation, particularly when civilians are or may be affected or iii) monitor or report on mission activities, iv) inform risks analysis and enable early warning and response processes, or v) evaluate the overall or specific impact of the mission.

<sup>53</sup> For further information on the Protection Cluster refer to [www.globalprotectioncluster.org](http://www.globalprotectioncluster.org). For guidance on protection clusters' interaction with peace keeping missions refer to the Guidance and Diagnostic Tool on the Interaction between field Protection Clusters and UN Missions, Global Protection Cluster, August 2013.

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**Indicators** reflecting the level of insecurity affecting civilians can be both quantitative and qualitative. Quantitative indicators mostly reflect the level of past or on-going insecurity and impact of physical violence against civilians. Missions may choose to monitor and report on some or all of the following quantitative indicators:

- Number of security incidents affecting civilian populations;
- Number of civilians in areas affected by conflict, including the forcibly displaced;
- Number and type of violations to the physical integrity of civilians (number of killed, wounded, raped, abducted, tortured, etc.);
- Number of incidents of violence on civilians involving peacekeepers, including sexual exploitation and abuse, harm caused by military or police operations and the use of force, etc.;
- Number of incidents of violence involving mines, ERW and remnant IEDs.

## 2. Early warning systems and crisis response

*Early warning and response systems:* Setting up an effective early warning and response system can help manage situations before they escalate to unmanageable proportions. This section should identify such mechanisms that the mission will establish. It should articulate what role external actors, including the host authorities and local population will play in these mechanisms, as the systems function best when they are well coordinated with local counterparts. However, due caution is necessary in not exposing the population or others, such as humanitarian actors, to harm in setting up such systems.

*Crisis response:* In this section, the mission shall articulate the rapid decision-making process to address POC crises, involving the relevant components. It shall also clearly state how missions will consult and coordinate with external actors, especially with key government stakeholders. This would need to be agreed upon and understood by all concerned actors.

**Early warning, alert and rapid response capacity:** At all times, the mission should be able to:

- *Produce early warning analysis and receive alerts* of imminent threats or on-going incidents of violence against civilians. Call centres, databases, community alert networks, or unmanned aerial vehicles are some of the capacities which may be established;
- *Plan for and rapidly deploy* or redeploy personnel and equipment necessary to conduct priority POC activities. Contingency and capacity planning are required to deploy temporary resources in priority POC areas identified in the POC Threat Matrix. Whenever possible and relevant, rapid response mechanisms must be integrated amongst mission components to prevent, but also to respond to emerging POC crises. Quick Reaction Forces, joint or integrated protection teams, mobile courts, joint investigation teams and prosecution support cells are examples of such mechanisms. When relevant and appropriate, UN or Government agencies will be included in those integrated mechanisms.
- *Request and obtain UNHQ support* for temporary deployment of backstopping or surge capacity.

**Early warning and response tools:** Dedicated POC capacity and tools should also be established as required, in order to implement the POC mandate at the lowest tactical level:

- Community liaison assistants (including female CLAs), joint or integrated protection teams can for example be appointed to engage with all protection actors, provide insights into

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the local security dynamics and threats on civilians, support and guide the mission's and partners' local response, including military and police operations;

- Early warning analysis and intelligence or alert tools (call centers, community alert networks, including women alert networks, unmanned aerial vehicles, databases (eg. Information Management System for Mine Action), sexual violence matrix, etc.) will also aim at enhancing the mission's situational awareness for POC and will require the appointment of dedicated staff to design, manage and operate them.

### 3. Analysis of mission capacities, resources and national caveats

This section shall include an analysis of mission capacities and resources in relation to the identified POC risks and mission activities. As such, the issue of how resources will be allocated and which activities will be prioritized in light of the mission's responsibility to implement other mandated tasks, including ensuring the protection of UN personnel and facilities, should also be stated in this section. Such an analysis would enable the mission to manage expectations regarding what it is resourced to achieve vis-à-vis POC.

This analysis must go beyond a discussion of the physical, financial and human resources at the mission's disposal, and shall include a frank assessment of what is beyond the mission's protection capacity. It shall also include an analysis of the impact of national caveats, as well as of the ability of mission personnel to undertake POC activities. For example, in situations where the contingents in a particular area do not possess the training or capacities required to address POC concerns of the local community, this should be noted. Alternative means of meeting those requirements should be discussed.

**At the strategic level**, a detailed joint assessment of the resources, personnel and capabilities required to adequately plan for and carry out the POC mandate should be developed. It will be presented ahead of the mandate establishment or renewal and drafted in conjunction with relevant military and police Status of Unit Requirements (SUR). The 'POC Resources and Capabilities matrix' may assist the development of such analysis.

While the mission will prioritize its presence and actions where the risks to the security of civilians are highest, it should also ensure a minimum level of projection, redeployment or temporary deployment capacity. Due consideration needs to be given to the size, nature and number of **deployments**, as they have an important impact on POC.

- *Extended field presence*: multiple deployments enable to enhance situational awareness and reduce the delays in alert and response, often important in remote and inaccessible areas. It also has a psychological deterrence and reassurance impact on both perpetrators and victims of violence respectively and enables civilians to seek refuge in the vicinity of mission compounds.
- *Limited field presence*: a small number of field locations will be cost-effective and enhance the projection capacity of mission military and police components available to respond to unfolding situations, thanks to a reduced time and capabilities spent on management and supply logistics.

Matching the mission's protection of civilians strategy against its resources and capabilities is an important and priority exercise that should be conducted regularly. Whenever the mission identifies gaps, it should seek to refocus its existing resources or appeal for additional support through a realistic assessment of the mission's options to minimize such gaps. These discussions shall take place with other relevant protection partners to maximize all available resources. The following list, while not exhaustive, includes options that the mission could consider in addressing the gaps:

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- *At mission level:* reprioritize objectives/activities; explore mobilization of resources available to external protection actors, where practical; redeploy resources and staff as required (e.g. to areas at risk); mobilize additional resources, such as through the creation of trust funds or groups of friends;
- *At UNHQ level:* inform the Security Council and the 5th Committee of the General Assembly about the identified gaps; discuss with T/PCCs in NYHQ the possible removal of national caveats or to inquire the possibility for the contributing countries to bring additional resources; increase targeted training on POC and the legal obligations of parties to conflict, to raise knowledge and awareness in pre-deployment and in-mission training.

#### 4. Expectations management

Ensuring that all stakeholders, particularly the local community, are aware of the mission's POC mandate and its capacity to implement that mandate is critical. This section will present the communications and public information strategy of the mission related to POC.

Experience in numerous missions has shown that failure to live up to unreasonable expectations is often a major liability vis-à-vis the mission's credibility among the local population. In this respect, it is vital that the mission consider how it will clearly communicate, with gender specific messaging, to the local population, host authorities, and other key stakeholders, what it can and cannot do regarding the protection of civilians in the mission area, in addition to the fact that the ultimate responsibility for POC rests with the host government. Senior mission leadership must recognize that a pro-active and on-going expectations management effort requires resource – both human and material – in order to be implemented.

Communications and public information reinforce and complement direct coordination and engagement with relevant protection actors. At mission level, developing clear communication strategies for the protection of civilians is thus strongly encouraged to:

- *Deter violence and affect the confidence of perpetrators through engagement and advocacy, including on accountability re. international human rights or humanitarian law;*
- *Affirm the mission's "condemnation of all incitements to violence against civilians in situations of armed conflict" and promote the fight against impunity by stressing "the need to bring to justice, in accordance with applicable international law, individuals who incite such violence" (SCR 1296);*
- *'Consider, where appropriate, steps in response to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law' (SCR1738);*
- *Manage expectations and raise general awareness by effectively conveying the mission's activities under the protection of civilians mandate to the host government, communities, and other stakeholders;*
- *Evaluate both men and women's confidence and perception of a mission's POC activities through community perception surveys;*
- *"Disseminate information about international humanitarian law and human rights law, including peace education, [women and] children's protection, while also giving objective information about the activities of the United Nations" (SCR 1296);*
- *The mission's positioning and public information and advocacy will be closely coordinated with members of the UNCT and HCT.*

## 5. Monitoring, reporting and evaluation of implementation of POC mandates

This section should include who will be tasked to monitor the progress, what will be monitored and the benchmarks against which progress will be measured.

The implementation of POC mandates by the mission and in turn the impact of its activities on the protection of the civilian population must be kept under constant review. Monitoring and reporting on POC trends and events is an important part of this activity. This enables missions to chart progress, or lack thereof, in POC mandate implementation, and ensures that senior mission leadership, DPKO/DFS headquarters, T/PCCs and the Security Council are fully informed of the situation.

**Monitoring:** Security Council Resolution 1894 (2009, OP 27), stressed the importance of including indicators regarding the protection of civilians to measure and review progress against agreed-upon benchmarks.

Strategic monitoring and evaluation of the mission's POC activities can be initiated at UNHQ, (generally by OIOS, the OPSP, the IOT and/or the POC Coordination Team). In-mission, the POC Adviser(s) or focal point(s), the Best Practices Officer(s) - civilian and/or military - and any other relevant mission component may conduct the following M&E tasks:

- *After Action Reviews will accompany all major incident affecting the security of civilians;*
- *Regular review of the protection mechanisms, processes and tools;*
- *Regular assessment of impact of mission's POC activities in the most affected areas, including for example an understanding of how patrolling is aligned to threats against or vulnerabilities of civilians.*

**Reporting:** Peacekeeping operations are expected to provide comprehensive reporting, in close coordination with other protection actors, on the progress being made in the implementation of POC mandates. They will ensure that the reporting requirements on POC are articulated and systems are in place, including to provide information to the different UN offices responsible for each of the POC reporting requirements. The following are some of the existing mission reporting requirements related to POC:

- *Secretary-General's country specific reports;*
- *Secretary-General's report on the protection of civilians in armed conflict (every 18 months);*
- *Expert Panel reports;*
- *Input into the Security Council Informal Expert Group on the protection of civilians;*
- *Public reports on the human rights situation released in accordance with the Joint Directive on Public Reporting by Human Rights components of UN Peace Operations;*

*In addition, there are specific mandated reporting requirements related to Children and Armed Conflict and Women, Peace and Security resolutions:*

- *Secretary-General's thematic and periodic reporting on CAAC;*
- *Secretary-General's thematic and periodic reporting on CRSV.*

At the strategic level, the reporting system shall ensure that the relevant UN documents, including the country-specific Secretary-General's reports, concisely articulate anticipated or actual threats to civilians, detail the mission's joint preventive or responsive actions under overall security and stability objectives, the progress made over time and the challenges faced by the mission in this regard. In addition to information on POC activities undertaken by the mission, reports should include an analysis of the adequacy of the mandate and



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resources to protect civilians. Specific attention shall be paid not to duplicate or jeopardize the consistency of information included.

#### In mission and to UNHQ

Reporting in mission and to UNHQ reporting are crucial for drawing attention of senior leadership on the challenges facing the mission's implementation of the POC mandates and the actions necessary to address those challenges. These include but are not limited to:

- Daily, weekly and monthly Situation Reports;
- Code Cables.

**Evaluation:** All critical POC tools, mechanism, challenges and crises that have occurred will be captured by carrying out lessons learned and after action reviews and will be shared with UNHQ, to feed into future planning, lessons learned and operational or guidance documents. Similarly, good practices should be captured on a regular basis for the practices to be shared across missions.

To the extent possible, all studies to evaluate the mission's performance in protecting civilians will follow a 360 degree evaluation process, taking into account and reflecting internal views, but also those of external protection actors such as affected communities, the host government and humanitarian partners.

## 6. Training

Preparedness also requires regular training and contingency or scenario-based exercises for mission staff on POC, including on emergency response and crisis mechanisms as well as for IED and mines/ERW awareness and safety. This section should present the main in-mission training activities on POC.

Prior to arriving in the mission, all personnel should have received pre-deployment training on a wide variety of topics, including POC. Pre-deployment training for uniformed personnel is the responsibility of each Member State, while pre-deployment training for civilian personnel is conducted in UNGSC-Brindisi by the DPKO-DFS Integrated Training Service (ITS). Pre-deployment training should be based on the Core Pre-deployment Training Materials (CPTM) developed by ITS. In addition, for uniformed personnel, DPKO-DFS has developed Specialized Training Materials (STMs) for specialized personnel and on particular topics. For example, STMs are available on Protection of Civilians, Human Rights, Child Protection, Gender or Conflict Related Sexual Violence. The material can be found on the Peacekeeping Resource Hub.

In-mission training on POC will be organized by the Integrated Mission Training Centre with content support provided by the POC Adviser(s) and relevant substantive sections in mission. It is recommended that all Missions with POC mandates conduct POC training at least twice each year. This may take the form of workshops, courses or exercises. In this regard please note that POC training is best delivered to an integrated audience of civilian and uniformed personnel. Whenever possible, missions should extend or integrate those trainings to benefit other protection actors, including national authorities and humanitarian partners.

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## **ANNEX B. Example of formats, SOPs and TORs to implement POC Strategies**

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### **I. Analysis of Threats and Perpetrators**

- **Nature, identity, profiles**

Perpetrators of violence against civilians include elements of national and international security forces, non-state armed groups, criminals as well as other civilians (eg. inter-communal violence, etc.)

- **Motivation, interest or intent**

Violence against civilians may be strategic and systematic, opportunistic or even accidental; it may be indiscriminate or targeted at an individual or group; and motivated by power, ideology or identity (cultural, ethnic, tribal or religious), fear, survival or greed;

- **Structure, capabilities and resources, preparedness**

Command and control; human, material and financial means; supply lines;

- **Presence and deployments**

- **Relations**

Political, security, economic and social supporters and allies; affiliation and clients;

- **Mode of action or tactics, techniques and procedures (TTPs)**

Pattern of attacks or other forms of violence (including attacks on specific categories of vulnerables such as women, children or IDPs, etc), movements of perpetrator, etc.

- **History**

Monitoring of violations under national or international humanitarian, human rights and refugee law will provide further information regarding the gravity, intensity, pattern and scale of physical violence affecting civilians and enable trend and impact analysis. Beyond violations, missions will also track all casualties as a result of lawful actions by peacekeepers, state security forces and non-state armed groups. Collateral damage or casualties resulting from mines and EWRs will require specific attention in certain contexts.

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## II. POC Trend Analysis

Protection of Civilians (UNMISS)

Trend Analysis

I. Introduction

II. Overall trends in conflict incidents and deaths

a) Inter-Communal violence

1. Key trends
2. Main states affected
3. In urban settings
4. Forced displacement
5. Conflict related sexual violence

b) Internal armed conflict between the SPLA and non-state armed groups

1. Key trends
2. Main states affected
3. Attacks against medical facilities
4. Child Recruitment
5. Attacks and occupation of Schools

c) International armed conflict between Sudan and South Sudan

1. Key trends
2. Main states affected
3. Aerial bombardments
4. Armed incursions
5. Refugee movements from Sudan into South Sudan
6. Returnees

d) Attacks and human rights violations by the SPLA/SSNPS against civilians during security operations

1. Key trends
2. Main states affected
3. SPLA and SSNPS conduct

III. Conclusion

- a) Main findings
- b) Trend analysis
- c) Recommendations

ANNEXES: (Graphs, stats and Maps, hotspots map)

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#### III. POC Threat Matrix

Once overall strategic security and POC threats in the mission area have been identified, analysed and reflected in the POC Strategy, tactical and operational level JOC and POC coordination fora will work in conjunction to develop and maintain a POC Threat Matrix that includes key early warning information and responsive action by all mission component. The POC Threat Matrix will:

- List and prioritize the short to mid-term POC threats to civilians, based on their probability of occurrence and potential impact on civilians,
- Map specific populations at risk and vulnerabilities affecting them;
- Map other protection actors, for the purpose of coordination (presence, resources, intent and actions)
- List and monitor implementation of all short term activities conducted to prevent, pre-empt or respond to all priority POC threats, taking into account the relative capacity of protection actors and the primary responsibility of the State to ensure POC;
- Identify mission resources
- Flag gaps in response and recommend corrective action on the response and resources

An example of mission format and process:

Location / priorities	Threat	Populations at risk	Other protection actors	Mission response / activities	Mission resources	Recommendations / comments
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- 1.
- 2.
- 3.
- 4.

#### Consultation procedure:

1. Always consult the relevant section and other relevant parts of the Mission and UNCT partners when the content of the product touches particularly their programmes or is directly involving their expertise.
2. Share, in accordance with the HoM and when appropriate, drafts or final versions of relevant products with other Heads and deputy Heads of substantial components of the mission in addition to the Senior leadership of the Mission (HoM, DSRSGs, FC and CoS).

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#### **IV. POC Action Plan**

The POC Action Plan will guide activities to ensure adequate management and implementation of the POC mandate. Tasks may include the following and should be tailored to the Mission's mandate and operating context:

##### **(i) Planning**

- Draft and regularly update relevant POC related strategic planning documents, including the mission's POC Strategy and Action Plan;
- Ensure the establishment of rapid response capacities and processes;
- Deploy all components in line with POC priorities;
- Ensure regular reviews of Mission resources and capabilities for POC, including military, police and civilian presence and deployments;
- Develop and mainstream required risk mitigation mechanisms, including a Standard Operating Procedure for the implementation of the Human Rights Due Diligence Policy on support to non-UN security forces (HRDDP) as well as processes required to mitigate risks associated to other missions activities, including security operations;
- Develop POC operational and tactical level guidance for police and military components;
- Develop a Standard Operating Procedure for groups of individuals seeking protection at UN compounds, including specific actions to protect women and children;
- Support national authorities in establishing a vetting framework and mechanism(s) for national military and police forces, in line with international human rights standards;
- Develop standard operating procedure for the handover of children formerly associated with armed forces and groups, as well as for the rest of the DDR process;
- Regularly monitor the implementation, evaluate impact and report on the implementation of the POC Strategy and operations (including through joint civil-military Lessons Learned and After Action Reviews), including by the military and police;

##### **(ii) Coordination**

- Establish required coordination mechanisms, tools and processes within the mission, but also with national and international security forces and relevant humanitarian entities, in particular the Protection Cluster and the HCT;
- Make use of all available analysis to guide temporary mission deployments, with inputs from the Protection Cluster<sup>54</sup>;

##### **(iii) Information management**

- Establish and manage POC information management processes, such as early warning analysis, alerts and reporting;
- Ensure integrated reporting on the protection of civilians, with inputs from all relevant mission components and humanitarian actors as appropriate and relevant.
- Establish and manage POC analysis, reporting, monitoring and evaluation processes;
- Establish the POC monitoring and evaluation mobile team, composed of civilian, military and police POC experts.

##### **(iv) Early warning and response**

- Develop and regularly review the mission's POC Threat Matrix, in close coordination with the JMAC, JOC and other substantive mission components;

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<sup>54</sup> Humanitarian Protection Clusters, in order to share views with and influence decision-making on deployments and priorities by peacekeeping operations, sometimes present consolidated views through a Protection Matrix (See 4. below).

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

- Manage joint POC early warning tools and projects (joint protection or integrated teams, community liaison assistants, call centres and alert networks, community surveys, etc.).

#### **(v) Public information and advocacy**

- Develop a communications strategy on POC, including a public information and influence campaign;
- Engage, through the Humanitarian Coordinator, with the Humanitarian Country Team to ensure public information and messaging is coordinated appropriately.

#### **(vi) Training**

- Conduct regular in-mission trainings on POC for all substantive sections and components, in close coordination with the IMTC, through a POC training plan and based on DPKO and DFS standard training modules;
- Develop a full POC capacity building plan for State and international security forces based on DPKO and DFS standard training modules;

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## **V. Protection Matrix (or 'Must/Should/Could protect' Matrix)**

Peacekeeping operations may want to engage in a specific dialogue with humanitarian actors to inform decision-making on priority areas and related deployments. In 2009, MONUSCO Civil Affairs has developed a matrix to present consolidated views of the Protection Cluster on areas where MONUSCO could, should or must ensure a presence to protect civilians. In 2013, MONUSCO and the Protection Cluster conducted a review of the format and process, presented hereunder.

### **Introduction**

1. Given the widespread needs for the protection of civilians, and the limited logistical resources available within Mission, there is a crucial need to prioritise. Together with UNHCR as the Protection Cluster lead, the mission has developed joint planning tools aimed at facilitating the gathering and exchange of information as well as the defining of protection priorities and recommendations regarding deployments.
2. The first Protection Cluster Matrix format and process were initiated and facilitated by the Civil Affairs Section, as part of the joint planning exercise between MONUC and protection actors envisaged in the UN System-Wide Strategy for the Protection of Civilians in the DRC (UN System-Wide Strategy). The Protection Matrix has been established with a view to prioritising the key routes and hotspots across its areas of responsibility according to the perceived protection threat.

### **Process**

3. Initially designed to guide tactical mission activities and deployments during military operations, the Protection Cluster matrix was then utilized as a tool to inform military and police deployments on a monthly basis, including inputs by members of the provincial protection clusters on the overall threat and protection landscape. All locations covered by the matrix were discussed and initially ranked as 1 ("must protect"), 2 ("should protect") and 3 ("could protect").
4. The Clusters pull all their informational resources together, not least the Protection Monitoring analysis. The Protection Cluster reviews it and makes recommendations for priority areas, patrols or escorts to MONUSCO, through UNHCR. The Cluster has remained cautious not to make decisions on areas where MONUSCO should withdraw in order to accommodate "must protect" areas, noting full well that the final decision was made by the Force.
5. The Cluster has used the tool as a means of revisiting their priorities on a regular basis and holding dialogues with MONUSCO on the issue of the physical protection of civilians as well as life saving civilian objects (including key health or water and sanitation facilities, installations and equipment or supplies, but also essential goods or livelihoods - food, crops, livestock) and humanitarian actors. MONUSCO, on the other hand, have noted the importance of the matrices, not only in terms of deployments, but also in their efforts amongst others, to set up early warning mechanisms (CLAs, JPTs, CANs).
6. Various indicators and formats have been utilized overtime, sometimes replicated in other missions (including MINUSCA). The process has worked so far as the exercise is discursive with the presence of the relevant MONUSCO sections in the Protection Cluster meetings. In the absence of MONUSCO however, the Cluster's recommendations (and justifications thereof) may not be as clear when it reaches the

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

Force and will in turn make it equally difficult for the Cluster to understand the reasons why some of its recommendations may not have been followed through.

7. In order to set out some baseline standards and indicators for comparison as well as to enhance a better understanding of protection-humanitarian and force priorities, the following broad indicators have been mapped out:

#### Security situation

- . Nature of conflict/insecurity: armed attacks (frequency, risks of future attacks), inter-community conflicts etc.
- . Perpetrators, presence of armed groups;
- . Nature of violations: it is recommended that accent be placed on the gravest abuses (killing, kidnapping), taking into account that of gender based violence and grave violations against children (pursuant to the 1612 MRM provisions)

#### Movement of Population

- . Recent movement of population (numbers, area of movement);
  - . Returns;
- Reasons for displacement and returns, trends

#### Humanitarian access and presence of actors

- . State security forces (FARDC, PNC, local authorities)
- . MONUSCO (COB, TOB, patrols)
- . Humanitarian actors (agencies, NGO)
- . Judiciary, health centers etc.
- . Comments on challenges of humanitarian access.

8. While the list is not exhaustive according to the context of each territory/locality, it is recommended that the matrix itself provides a narrative summary of the situation based on harmonised identifiable indicators. The Matrix should ideally be accompanied by statistical reports, in particular, those of Protection Monitoring to better illustrate trends, changes in context and as some form of “quantifiable” support for the Cluster’s recommendations.
9. The recommendations if possible should encompass short, mid and long-term action which could improve follow-up and continuity in response.



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## VI. TORs for POC Coordination Mechanisms

The protection of civilians is a whole-of-mission mandate that requires participation of all mission components, but also the clear assignment of roles and responsibilities and appointment of coordination mechanisms for POC. Irrespective of the coordination fora, all missions must promote joint and regular information collection, analysis, planning, decision-making, implementation, reporting or monitoring and evaluation of POC activities, as well as training of mission personnel and relevant other protection actors, both at mission HQ level and in the field.

**The strategic level Senior Management Group on Protection,**<sup>55</sup> composed of the mission's senior management, endorses the overall responsibility for the development and implementation of the mission's POC Strategy. The POC lead ensures its secretariat, assisted by a dedicated set of Protection of Civilians Advisers, as relevant.

57. The SMG-Protection should include representatives of UN entities and will:

- Provide strategic vision and policy guidance on the POC mandate through the POC Strategy;
- Ensure overall consistency between various mission and integrated strategies and place POC as a priority objective for the ISF and the Mission Concept;
- Ensure overall coordination of the mission's POC activities;
- Review reports and recommendations provided by the POC mechanisms at the operational and tactical levels and provides overall guidance on policy or operational responses to protection threats, including the use of mission assets;
- Engage, consult and coordinate with national authorities on the development and implementation of the POC Strategy, possibly through joint discussions and including the Ministries of Defence, Interior and Justice;
- Overview and guide the implementation of the HRDDP;
- Take required political action to mitigate imminent threats of violence on civilians, based on early warning analysis and recommendations emanating from operational and tactical levels and ensure that POC is anchored in the overall political processes;
- Manage, in close coordination with UNHQ, resources and capabilities required to implement the Mission's POC mandate, including military, police and civilian deployments.

**The Operations Planning Team (OPT)** - Effective protection of civilians is ultimately an operational matter requiring coordinated action from many components. Short to mid-term (1-12 months) joint operational planning should be placed under the responsibility of an operations planning team, or equivalent, placed under the COS, to plan for and coordinate all joint operations by the mission, including on POC.

**The Protection Working Group (operational level POC coordination forum)** - As most mission components play a role in implementing the protection of civilians mandate, missions should also establish an operational level POC coordination forum (Protection Working Group, Joint Protection Group, Protection Taskforce, etc.), in charge of coordinating the development and implementation of the POC Action Plan, living Annex to the POC Strategy. The operational POC forum is chaired and managed by the POC lead, the POC Adviser(s) or any other staff member designated by mission leadership.

Whenever possible, the **Joint Operation Centre** should be the mission's primary body to ensure coordinated operations in the short term, where it exercises the operations

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<sup>55</sup> Also called Protection Steering Group or Protection Working Group in some missions

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coordination function. (See JOC Policy). Where the JOC does not exercise this function, the senior mission leadership may widen the scope of JOC activities to ensure proper implementation of POC as a cross-cutting mandate, or grant the responsibility to the operational coordination forum on POC.

**Tactical level coordination** - At the tactical level, mission components contributing to the POC mandate implementation will focus on developing situational awareness and preventing or responding to incidents of violence on civilians. The latter two activities will result in the development of a local POC threat analysis through the POC Threat Matrix. When required and relevant, local POC strategies or plans may also be drafted at the tactical level for a Region, a Province, a County, a Territory, etc. but also an IDP/refugee camp, a village or a group of villages. They will include at a minimum information on the protection risks, activities, capacity and roles and responsibilities of protection actors in the area.

**A local Senior Management Team on Protection** will be established in each priority POC area to coordinate the implementation of the POC Strategy and Action Plan. Lead by the Head of Office and composed of the relevant mission component and representatives from the UNCT, it will:

- Plan and coordinate the implementation of the POC Strategy and relevant policies and SOPs (HRDDP, refugee seekers, etc.), through a local POC Action Plan;
- Develop a local POC threat analysis and support coordination of the response through the POC Threat Matrix (this activity can be delegated, as required, to a **field JOC**);
- Conduct joint civil-military planning for all POC operations, including military and police security operations;
- Design POC operations so as to take into account operational recommendations, including by humanitarian actors;
- Regularly review military, police and civilian presence and deployments, with inputs from external actors, including communities, host authorities and Protection Cluster;
- Manage local POC coordination mechanisms and joint tools;
- Conduct joint civil-military After Action Reviews to monitor and evaluate the impact of POC operations, including by the military and police components;
- Provide reports and policy or operational recommendations to both the operational and strategic POC coordination fora.

**POC capacity and tools** – Whenever a tactical level POC coordination forum or field JOC is established at the sector or field level, dedicated capacity will be attached to it as required, to support and advise the Head of Office in his/her efforts to analyse, plan, coordinate, report, monitor and evaluate the mission protection activities and support POC training activities. Commensurate with the tempo and complexity of protection of civilians activity in the area, such capacity may be established through the appointment of one or more Protection of Civilians Adviser(s) attached to the Head of Office, as well as through the nomination of POC focal point(s) within all relevant mission component(s).

#### **Related coordination mechanisms<sup>56</sup>**

- Monitoring and Reporting Mechanism Country Taskforce on Children in Armed Conflict (CTF MR): co-chaired by the mission and UNICEF Country Representative
- Working Group on Conflict-related Sexual Violence (WG-CRSV): chaired by the Senior

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<sup>56</sup> For further details on the CTFMR, see *UNICEF-OSRSG/CAAC-DPKO Guidelines on Monitoring and Reporting Mechanism on Grave Violations against Children in Armed Conflict*, June 2014 and for details on the functioning of the working group, see *OSRSG/SVC-UN Action Provisional Guidance Note on the implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security*, June 2011

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WPA, the WG-CRSV will be established at the onset of phase II, and convene as necessary, to address monitoring, analysis and reporting arrangements (MARAs) on CRSV, and commitments by parties to the conflict to prevent and address CRSV in conjunction with other mission components and UN agencies.

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## VII. UNMISS TORs for POC Advisors

### Senior Advisor on Protection of Civilians (P5)

Under the supervision of the SRSG, the Senior Advisor on Protection of Civilians (P5) will provide advice to the SRSG and the senior mission leadership on the overall implementation of the mission's mandate for the protection of civilians. The Senior Advisor will perform an advisory, coordination, monitoring and reporting role. Specifically, s/he will support mission leadership through leading the development and regular review of a mission-wide POC strategy; establishment of appropriate reporting and coordination mechanisms for POC; and the development of a training strategy on the protection of civilians for the mission's civilian, military and police personnel and relevant external partners. The Senior Advisor will ensure that protection of civilians concerns are appropriately mainstreamed in the mission.

This Senior Advisor function will require demonstrable leadership, coordination, negotiation and conflict resolution skills, in which the principles of partnership and collaboration are essential. S/he will provide advice and guidance to the Protection Officers based in the State Coordinators' Offices.

#### ***Description of responsibilities:***

##### *Advisory role*

- Provide advice and support the SRSG and senior mission leadership on ways in which the mission can assist and build the capacity of the Government of South Sudan to fulfil its POC responsibilities;
- Provide support to other relevant components to ensure that protection of civilians concerns are adequately reflected in mission planning processes and in their work plans;
- Assist in the development of an effective POC public information strategy
- Ensure that the mission's POC efforts are in-line with DPKO-DFS guidance on the matter;

##### *Coordination and communication*

- Responsible for overseeing the development and implementation of the mission-wide POC strategy;
- Ensure close coordination with relevant POC partners in the development and implementation of the strategy, including with child protection and women protection advisers;
- Support senior mission leadership in establishing sustainable coordination structures in order to strengthen cooperation with relevant protection actors, particularly the local community and the Government of South Sudan;
- Coordinate and facilitate information sharing with the Protection Cluster, and other such arrangements;
- Provide support as required and undertake other tasks as may be appropriate to the specific context and tasks vis-à-vis POC;

##### *Monitoring, Analysis and reporting*

- Lead or join protection of civilians assessments with other actors;
- Oversee the work of the POC Advisers deployed to the State Coordinator's office, including by ensuring that strategic decisions taken at mission HQ are implemented in relevant states;

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- Ensure that adequate POC analysis is included in relevant reporting requirements, including SG reports;
- Report on any resource and capability constraints which adversely affect the mission's ability to implement its protection of civilians mandate;

#### *Training*

- Assess the training needs on protection of civilians issues within the mission, and design and support the delivery of tailored POC modules with relevant mission components;
- In cooperation with other mission components, ensure adequate training on POC for GoSS institutions;

#### **Competencies**

Professionalism

Leadership

Communication

Planning and organizing

#### **Education**

Advanced university degree (Master's degree or equivalent) in political science, international relations, law, public administration or related fields. A first-level university degree in combination with qualifying experience may be accepted in lieu of the advanced university degree.

#### **Work experience**

A minimum of 10 years of progressively responsible experience in political science, humanitarian affairs, international relations, public administration or related fields at the national and international level in advisory and managerial posts. Managerial experience is required. Experience in post-conflict countries or in a peacekeeping operation is required. Previous experience working on protection of civilians issues and within the region could be an advantage.

## UNCLASSIFIED

### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

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#### **VIII. SRSG Offensive Operations Brief**

- I. Information Brief**
  - a. Target Analysis**
    - i. What
    - ii. Why
    - iii. Where
    - iv. Who
    - v. When (immediate, when ready, contingency, etc.)
  - b. Legal basis**
  - c. Impact analysis**
    - i. Political (Pros and Cons)
    - ii. Socio-economic (Pros and Cons)
    - iii. Protection of Civilians (Pros and Cons)
    - iv. Security (Pros and Cons)
- II. Decision brief**
  - a. Force Commander's Assessment and Intent**
  - b. Options**
    - i. Option 1
      - 1. Outline
      - 2. Pros and Cons
      - 3. Potential Collateral Damage
    - ii. Option n
      - 1.
  - c. Force Commander's Recommendation**
  - d. Consultation**
    - i. UNHQ
    - ii. National / Regional Partners
  - e. SRSG's decision**
- III. Action Brief**
  - a. Tasking**
    - i. Force HQ
    - ii. Civilian pillars
    - iii. DMS
    - iv. HoO
  - b. Communication**
    - i. What
    - ii. When
    - iii. To who
    - iv. By who
  - c. Operational Security**
    - i. Timeline for release of information / coordination / action

*Drafted By:*

*Consulted with:*

*Approved by:*

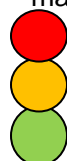
# UNCLASSIFIED

## Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

### IX. Capacities and Resources for POC action

Missions may use the DPKO/DFS Resources and Capabilities Matrix (see format below) to systematically identify and monitor critical resources and capability gaps. Missions will carry out the gap assessment and highlight key resource and capacity needs to headquarters at crucial milestones, such as the issuance of the Secretary-General's reports and the renewal of the Mission's mandate.

The Resources and capabilities matrix maps out the resources and capabilities within a mission according to the objectives and activities of the mission-wide POC Strategy. For each objective and activity it furthermore identifies the critical gaps for the Mission to effectively implement its POC both in terms of what assets have not be secured from the RBB and also what would be required to implement the mandate. The criticality of the gap is rated according to the following index.



RED signifies that the Mission is unable to implement key POC mandate tasks because of the lack of adequate resources

ORANGE signifies that the Mission is able to implement a POC mandated task but not optimally and effectively because insufficient resources.

GREEN signifies that the Mission does not experience any significant resources gap related to the POC mandated task

TIER 1: PROTECTION THROUGH POLITICAL PROCESS						
Objective	Activities	Existing Resources	Current Capabilities	Gaps (lack of effect)	Criticality rating	Recommendations
Increased willingness and capacity of the Government of X, in particular the State security forces, to fulfill its primary responsibility to provide security and protection for civilians	<ul style="list-style-type: none"> <li>Advocacy towards, and dialogue with GoX to ensure a better understanding of the state's responsibility to protect civilians.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li></li> </ul>
	<ul style="list-style-type: none"> <li>Support the development of GoX policies and strategies on the protection of civilians.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li></li> </ul>
	<ul style="list-style-type: none"> <li>Promote improved conduct of national security forces in locations where civilians are at risk of physical attack.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li></li> </ul>

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## **X. Other documents, formats, SOPs and TORs**

Upon request, the latest detailed Guidance, TORs and SOPs of other missions can be shared by the POC Coordination Team at UNHQ. These documents include:

### Coordination mechanisms

- TOR and SOP for POC coordination mechanisms (MINUSMA, MINUSCA, MONUSCO, UNAMID, UNMISS, UNOCI, etc.)

### Protection tools

- TOR and SOP for Joint Protection Teams or Integrated Protection Teams (MONUSCO, MINUSCA, UNAMID, etc.)
- TOR and Training Booklet for Community Liaison Assistants (MINUSMA, MONUSCO, MINUSCA, UNMISS, etc.)
- TOR and SOP for Community Protection Plans (MONUSCO)
- TOR for Joint Investigation Teams (MONUSCO, MINUSCA)
- TORs for Prosecution Support Cells and Mobile Courts (MONUSCO, MINUSMA, etc.)
- TORs for Community Alert Networks (MONUSCO)

### Strategies

- POC Strategy (UNMISS, MONUSCO, UNAMID, MINUSCA, MINUSMA, UNOCI, UNIFIL)
- POC Communications Strategy (MONUSCO, MINUSCA, etc.)

### Other pieces of guidance

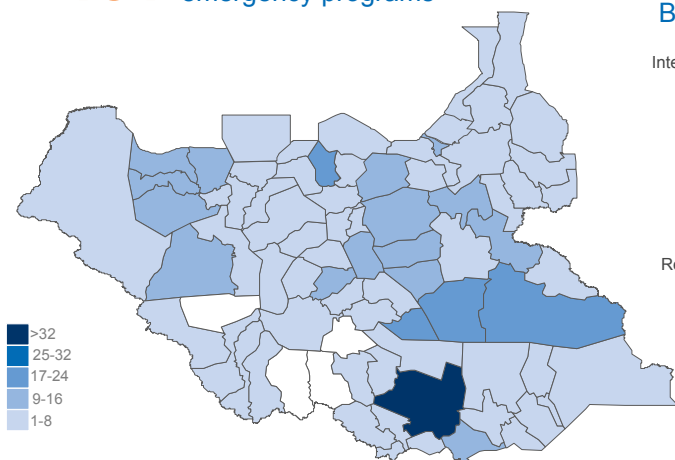
- Policy Committee Decision on FIB in MONUSCO (2013)
- DPKO Concept Note on IDPs seeking refuge at UN Compounds (DPKO and DFS, 2014)
- Guidelines on IDPs seeking refuge at UN Compounds (UNMISS, 2014)
- Guidance on criminality on UN bases (UNMISS, 2014)
- Guidance on detention (MINUSCA, MONUSCO)
- Mission Directive on POC (UNAMID, UNMISS, MONUSCO, etc.)

### Military / Joint Operations

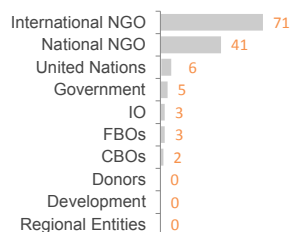
- Force Commander Directive on POC (UNAMID, UNMISS, MONUSCO, etc.)
- Military Handbook for Field Commanders (MONUSCO)
- Military Tactical Aide Memoire for the Protection of Civilians (MONUSCO)
- Guidance on Joint military – police planning (MINUSCA, UNAMID)
- HRDDP SOP (MONUSCO, UNAMID, UNMISS, etc.)
- Assessment of Amani Leo (MONUC, Jan. 2011)
- Protection Working Group Best Practices and Operations Orders for Joint Operations Radi Strike and Amani Kamilifu (MONUSCO, Jun. 2012)
- FIB POC Risk Analysis (Protection Working Group, Jul. 2013)
- POC Contingency Plan FDLR (MONUSCO, Dec 2014)



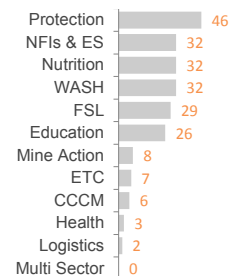
## 131 Organisations responding with emergency programs



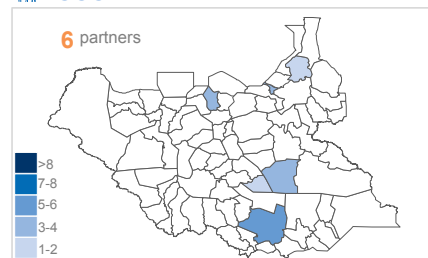
### By organization type



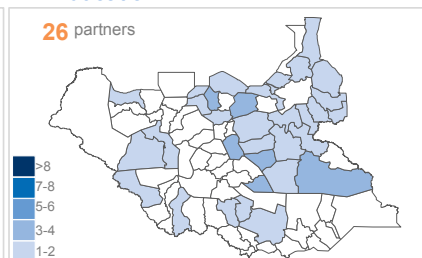
### By cluster



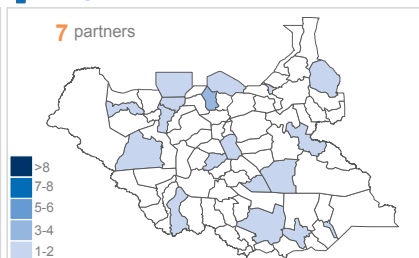
### CCCM



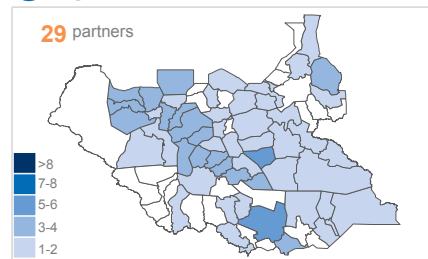
### Education



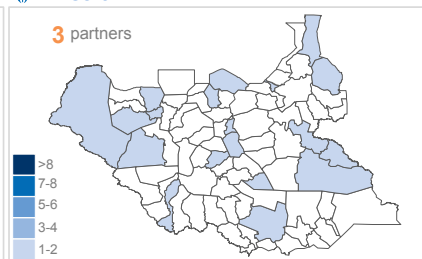
### ETC



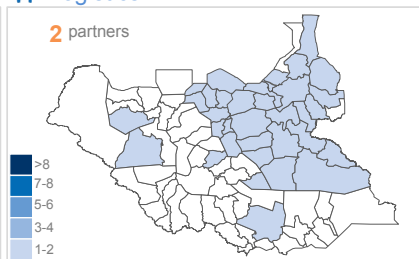
### FSL



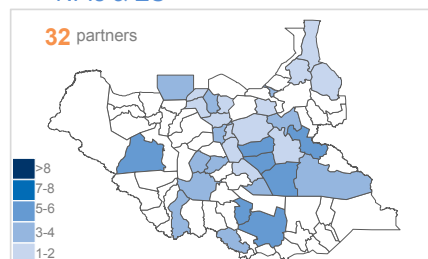
### Health



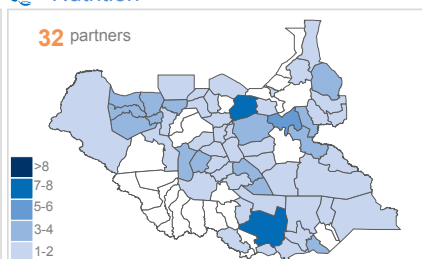
### Logistics



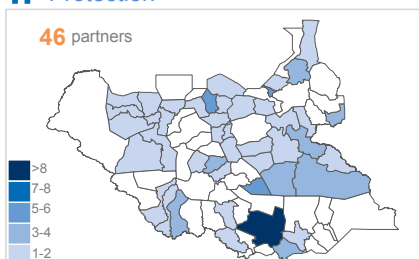
### NFIs & ES



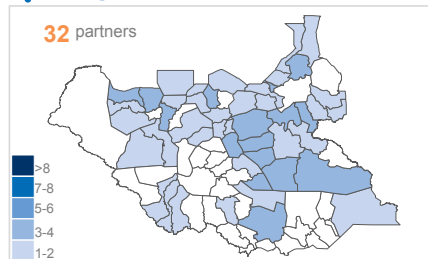
### Nutrition



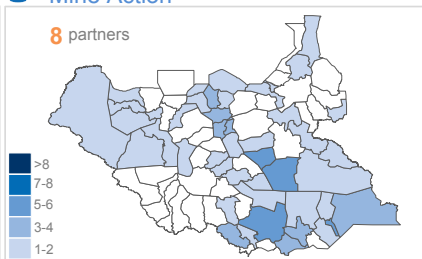
### Protection



### WASH



### Mine Action



### Multi Sector

























Updated: 06 Jun 2016

Suggestions: [darmawati@un.org](mailto:darmawati@un.org) / [imusouth@un.org](mailto:imusouth@un.org) Source: Clusters and Partners  
More information: <http://southsudan.humanitarianresponse.info>  
Designations and geography used on these maps do not imply endorsement by the United Nations

**Is your data missing from this document?**

Please contact cluster information management officer and submit the filled 5W form.

State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
													
Central Equatoria	Juba	36	5	2	1	6	1	1	6	7	8	6	4
	Kajo-keji	2								2			
	Lainya	2							2				
	Morobo	1				1							
	Terekeka	3							1	1			1
	Yei	9				2			3	1	1	4	
Central Equatoria Total		36	5	2	1	7	1	1	7	5	9	6	4
Eastern Equatoria	Budi	3				2			1				
	Ikotos	4								4			
	Kapoeta East	8				2			4	1			1
	Kapoeta North	4				2			1	1			
	Kapoeta South	7			1	2			5				
	Lafon	5				2			2	1			
	Magwi	10				3			4	1	3		
	Torit	8			1				4	1	2		
Eastern Equatoria Total		18	0	0	1	5	0	1	6	3	4	0	1
Jonglei	Akobo	10		2	1	2	1	1	1	3	4	6	2
	Ayod	10		1		1		1		3		1	4
	Bor South	24	4	2	1	2		2	6	2	4	5	4
	Canal/Pigi	4				2		1		1	1	1	1
	Duk	12		2		2		1	2	1	1	5	3
	Fangak	12		3		2		1		7	1		2
	Nyirol	13		2		2		1	1	5	1	3	3
	Pibor	20		4		2	1	1	2	1	3	4	4
	Pochalla	5				2	1	1	1	1	1		
	Twic East	18		3		5		1	6	1	1	6	3
	Uror	9		1		1		1			2	2	2
Jonglei Total		57	4	12	2	9	2	2	7	9	11	20	11
Lakes	Awerial	19	1	3	1	4	1	1	1	3	5	3	4
	Cueibet	9				3				3	1	3	
	Rumbek Centre	11			1	3	1	2	1	2	3	3	
	Rumbek East	7				3			1	2	2		
	Rumbek North	3				1				2			
	Wulu	5				2				2		3	
	Yirol East	8				2				4		1	2
	Yirol West	6				3			1	2			
Lakes Total		28	1	3	1	6	1	2	2	6	8	5	6
Northern Bahr el Ghazal	Aweil Centre	12				4	1	1	1	3	2		1
	Aweil East	10				4	1			3	1		3
	Aweil North	12		1		4			1	3	1		3
	Aweil South	8				2	1		1	3	2		
	Aweil West	11			1	3			1	4	1		2
Northern Bahr el Ghazal Total		21	0	1	1	7	1	1	1	7	4	0	4
Unity	Abiemnhom	7		1				1	2	1		1	1
	Guit	6						1	2		2	2	
	Koch	8		1		2		1	3	1	1	1	1
	Leer	9					1	1	3	1	2	2	2
	Mayendit	9				2		1	3	2	1	3	1
	Mayom	8		1				1	2	1	1	1	1
	Panyijjar	13		4	1	2	1	1	1	2	2	2	3
	Pariang	9		1	1	2	1	1	2	2	2		1
	Rubkona	21	3	4	3	2	1	2	3	2	5	4	4
Unity Total		33	3	6	5	4	2	2	3	6	10	9	10
Upper Nile	Baliet	1						1					
	Fashoda	4		1				1			2		1
	Longochuk	4		1		2		1		1			1
	Luakpiny/Nasir	4		2				1		1			2
	Maban	8		1	1	3	2	1		3		1	
	Maiwut	5		1					1	1	4		1
	Malakal	16	3	2	1	2	1	2	1	1	6	4	3
	Manyo	1											1
	Melut	8	2	1		2		2	2	1	3	1	3
	Panyikang	5		2		1		1	1				1
	Renk	6		1		2	1	1	1	1	1	1	1
	Ulang	9		2				1		3	2		3
Upper Nile Total		37	3	10	2	5	2	2	4	6	14	5	9
Warrap	Gogrial East	4		2				1		3	2		3
	Gogrial West	8				3			1				
	Tonj East	5			1	3				1	1		3
	Tonj North	5				3				1			1
	Tonj South	8				3							2
	Twic	6				4			1	3			
Warrap Total		14	0	0	2	5	0	1	1	3	1	0	6
Western Bahr el Ghazal	Jur River	7		1		2			2	1	1		1
	Raga	3					1		1	1			
	Wau	10		1	1	1	1	1	2		1	5	2
Western Bahr el Ghazal Total		14	0	1	1	2	1	1	2	2	2	5	2

State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
													
Western Equatoria	Ezo	2									1		1
	Ibba	0											
	Maridi	0											
	Mundri East	8		2		1				1		5	
	Mundri West	6		2		1			1		1		1
	Mvolo	0											
	Nagero	0											
	Nzara	3					1				1		1
	Tambura	1		1									
	Yambio	7		1	1	2					3	3	2
Western Equatoria Total		17	0	4	1	3	1	1	1	1	4	7	3
Abyei	Abyei region	8			1	3				1		4	1
Abyei Total		8	0	0	1	3	0	1	0	1	0	4	0

# South Sudan: Operational Presence (3W: Who does What, and Where)

[as of 25 May 2016]



State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
Central Equatoria	Juba	36	ACTED, DRC, INTERNEWS, IOM, UNHCR	IBIS, WTI	WFP	CONCERN, MaCDA, OSL, UNHCR, WFP, WVI	IMC	WFP	DCA, G4S, MAG, MTI, MTT, TDI	AFOD, AVSI, BRAC, CCM, Concern, IMC, SMOH/CES	CCC, IsraAid, MTT, NHCO, NP, ONAD, SSSCO, UNICEF	CONCERN, INTERSOS, MEDAIR, PAH, UNHCR, WVI	IRW, MEDAIR, PAH, THESO
	Kajo-keji	2								CCM, SMOH/CES			
	Lainya	2							DDG, G4S				
	Morobo	1				GAA							
	Terekeka	3							TDI	AFOD			IRW
	Yei	9				UNHCR, WFP			DDG, G4S, MTI	SMOH/CES	UNHCR	INTERMOS, PAH, UNHCR, WVI	
	Budi	3				ADRA, WFP			MAG				
Eastern Equatoria	Ikotos	4								AVSI, BRAC, CCM, CMA			
	Kapoeta East	8				ADRA, WFP			DCA, DDG, G4S, MTI	SCI			IRW
	Kapoeta North	4				ADRA, WFP			G4S	SCI			
	Kapoeta South	7			WFP	ADRA, WFP			DCA, DDG, G4S, MTI, TDI				
	Lafon	5				CARITAS, WFP			G4S, MTI	SCI			
	Magwi	10				GAA, PLAN, WFP			DCA, G4S, MAG, MTI	CHD	HLSS, PLAN, UNICEF		
	Torit	8			WFP				G4S, MAG, MTI, TDI	SCI	HLSS, SARRA		
Jonglei	Akobo	10		SCI, WTI	SCI	OXFAM-GB, WFP	IMC	WFP	DCA	IMC, NH, SCI	INTERMOS, NH, OXFAM-GB, Plan	IMC, INTERMOS, NH, OXFAM-GB, PLAN, ROSS	NH, OXFAM-GB
	Ayod	10		CMD		FAO		WFP		COSV, GOAL, RMF		INTERMOS	CMD, CRS, PAH, SI
	Bor South	24	ACTED, CCCM Cluster, INTERNEWS, IOM	SCI, WTI	WFP	CASI, WFP		IOM, WFP	CRO, DCA, G4S, MAG, MTI, TDI	HCO, SCI	CMISS, HCO, INTERMOS, IOM	ACTED, HDC, HLSS, INTERMOS, UNHCR	CRS, IAS, OXFAM-GB, ZOA
	Canal/Pigi	4				NPA, WFP		WFP		NH	NH	PAH	NH
	Duk	12		LWF, NRC		C&D, OXFAM-GB		WFP	DCA, G4S	JDF	CARE	CARE, CRS, ICRC, LWF, NRC	CMD, CRS, OXFAM-GB
	Fangak	12		CADA, HCO, WTI		NPA, WFP		WFP		AVSI, CMA, COSV, GOAL, HCO, NH, WR	NH		ACF-USA, NH
	Nyirol	13		CMD, IBIS		OXFAM-GB, WFP		WFP	DCA	CMA, COSV, GOAL, SCI, SMOH/CES	INTERMOS	INTERMOS, IOM, SCI	CMD, NH, OXFAM-GB
	Pibor	20		ACRD, GREDO, NH, WTI		PLAN, WFP	MEDAIR	WFP	G4S, TDI	RMF	GREDO, TdH, VSF-G	HDC, INTERMOS, LWF, PAH	CRS, IAS, PCO, ZOA

# South Sudan: Operational Presence (3W: Who does What, and Where)

[as of 25 May 2016]



State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
Jonglei	Pochalla	5				NPA, WFP	IMC	WFP	G4S	IMC	HCO		
	Twic East	18		C&D, LWF, NRC		C&D, FAO, OXFAM-GB, SAADO, WFP		WFP	CRO, DCA, DDG, G4S, MTI, TDI	HCO	CARE	CARE, CRS, LWF, NCA, NRC, SAADO	CMD, CRS, OXFAM-GB
	Uror	9		LWF		CAFAD		WFP			CARE, HCO	INTERSOS, PAH	CRS, TEARFUND
Lakes	Awerial	19	ACTED	FCA, NRC, WTI	WFP	ACTED, CDOR, PLAN, WFP	IMC	WFP	DCA	BRAC, CCM, IMC	GSS, HDC, IMC, SAADO, UNHCR	HDC, IOM, UNHCR	CRS, HELP, IOM, SI
	Cueibet	9				AVSI, CDOR, WFP				BRAC, CUAMM, PLAN	HLSS	AAHI, PLAN, UNHCR	
	Rumbek Centre	11			WFP	CDOR, PLAN, WFP	IMC	IOM, WFP	G4S	BRAC, Plan	CEPO, NP, UNHCR	AAHI, PLAN, UNHCR	
	Rumbek East	7				ACM, PLAN, WFP			G4S	BRAC, Plan	NP, UNHCR		
	Rumbek North	3				WFP				BRAC, CUAMM			
	Wulu	5				PLAN, WFP				BRAC, Plan		AAHI, PLAN, UNHCR	
	Yirol East	8				PLAN, WFP				AVSI, CCM, CMA, HELP		PLAN	CARITAS, CDoR
	Yirol West	6				CDOR, PLAN, WFP			G4S	CUAMM, HELP			
Northern Bahr el Ghazal	Aweil Centre	12				DARD, GAA, SMOGEI, WFP	IRC	WFP	G4S	ACF-USA, BRAC, MC	AGDIP, NRC		IAS
	Aweil East	10				SMOGEI, SP, WFP, WVI	IRC			ACF-USA, BRAC, IRC	NRC		ACF-USA, IAS, SDC
	Aweil North	12		SPEDP		SMOGEI, SP, WFP			G4S	BRAC, Concern, PU-AMI	NRC		IAS, SDC, SPEDP
	Aweil South	8				JAM, WFP	IRC		G4S	BRAC, IRC, WVI	DNPI, UNHCR		
	Aweil West	11			WFP	GAA, SMOGEI, WFP			G4S	BRAC, CCM, Concern, MC	NRC		IAS, SDC
Unity	Abiemnhom	7		WTI				WFP	G4S, TDI	CARE		WVI	SP
	Guit	6						WFP	G4S, TDI		DRC, UNHCR	Concern, UNHCR	
	Koch	8		WR		NRC, WFP		WFP	DDG, G4S, TDI	WR	UNHCR	UNHCR	MEDAIR
	Leer	9					IMC	WFP	DDG, G4S, TDI	NH	NH, UNIDO*	MEDAIR, NRC	MEDAIR, NH
	Mayendit	9				SP, WFP		WFP	DDG, G4S, TDI	SP, UNIDO	UNIDO*	MEDAIR, SP, UNICEF	SP
	Mayom	8		WTI				WFP	DDG, TDI	CARE	DRC	WVI	SP

# South Sudan: Operational Presence (3W: Who does What, and Where)

[as of 25 May 2016]



State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
Unity	Panyijjar	13		IBIS, MERCY-CORPS, UNIDO*, WTI	IRC	GAA, WFP	IRC	WFP	DDG	IRC, UNIDO	AMA, UNIDO*	IOM, WVI	IRC, OXFAM-GB, UNIDO
	Pariang	9		WTI	UNHCR	SP, WFP	IRC	WFP	G4S, TDI	CARE, SP	AHA, IRC		SP
	Rubkona	21	INTERNEWS, IOM, UNHCR	INTERSOS, MERCY-CORPS, WR, WTI	Emergency.lu, ER, WFP	GAA, WFP	IRC	IOM, WFP	DDG, G4S, TDI	CARE, WR	DRC, IOM, NP, UNHCR, UNICEF	CONCERN, IOM, MERCY-CORPS, UNHCR	Concern, IOM, MC, UNICEF
Upper Nile	Baliet	1						WFP					
	Fashoda	4		FYF				WFP			WOCO, WVI		WVI
	Longochuk	4		CHDO		NPA, WFP		WFP		RI			RI
	Luakpiny/Nasir	4		ADRA, UNKEA				WFP		UNKEA			NH, UNKEA
	Maban	8		WTI	UNHCR	ACTED, SP, WFP	IMC, MEDAIR	WFP		IMC, RI, SP		UNHCR	
	Maiwut	5		ADRA					CRO	GOAL	ADRA, CARE, CRO, SCPD		GOAL
	Malakal	16	DRC, INTERNEWS, IOM	INTERSOS, WC-CANADA	WFP	WFP, WVI	IMC	IOM, WFP	G4S	IMC	CHORM, DRC, HDC, SSSCO, UNYDA, WVI	DRC, IOM, MEDAIR, UNHCR	IOM, SI, WVI
	Manyo	1											WVI
	Melut	8	DRC, IOM	WVI		WFP, WVI		IOM, WFP	DDG, MTT	GOAL	DRC, HI, MTT	WVI	GOAL, IOM, WVI
	Panyikang	5		FYF, MRDA		WFP		WFP	G4S				SI
	Renk	6		WTI		WFP, WVI	MEDAIR	WFP	DDG	MEDAIR	MTT	MEDAIR	MEDAIR
Warrap	Ulang	9		CMD, UNKEA				WFP		AVSI, GOAL, SMOH/CES	ADRA, CAO		CMD, GOAL, NH
	Gogrial East	4				FAO, WFP, WVI			G4S				
	Gogrial West	8			UNHCR	FAO, WFP, WVI				ACF-USA	NRC		ACF-USA, DORCAS, PCO
	Tonj East	5				FAO, WFP, WVI				CCM			THESO
	Tonj North	5				FAO, WFP, WVI							IRW, PCO
	Tonj South	8				DON-BOSCO, FAO, WFP, WVI			G4S	CCM, CMA, GOAL			
	Twic	6			WFP	NRC, WFP				AVSI, GOAL, SMOH/CES	NRC, UNHCR		GOAL
Western Bahr el Ghazal	Jur River	7		PCO		FAO, WFP			G4S, TDI	JIA	NRC		PCO
	Raga	3					IMC		G4S	AFOD			
	Wau	10		PCO	WFP	WFP	IMC	WFP	G4S, TDI		UNHCR	IOM, OXFAM-GB, RRC, UNHCR, UNICEF	PCO, UNICEF

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State	County	Total Orgs.	CCCM	Education	ETC	FSL	Health	Logistics	Mine Action	Nutrition	Protection	Shelter & NFI	WASH
Western Equatoria	Ezo	2									CMMB		INTERSOS
	Ibba	0											
	Maridi	0											
	Mundri East	8		ACRD, ADRA		FH				CUAMM		CUAMM, INTERSOS, LCED, PAH, WVI	
	Mundri West	6		ACRD, ADRA		FH			G4S		IsraAid		OXFAM-GB
	Mvolo	0											
	Nagero	0											
	Nzara	3					IMC				CMMB		INTERSOS
	Tambura	1		WVI									
	Yambio	7		INTERSOS	UNICEF	WFP, WVI					CAA, CMMB, WVI	UNHCR, UNICEF, WVI	INTERSOS, WVI
Abyei	Abyei Region	8			WFP	ACAD, ADRA, WFP				GOAL		CORDAID, IOM, MERCY-CORPS, SCI	GOAL

Over the past six decades, United Nations peacekeeping has evolved into a complex, global undertaking. During this time, the conduct of United Nations peacekeeping operations has been guided by a largely unwritten body of principles and informed by the experiences of the many thousands of men and women who have served in the more than 60 operations launched since 1948. This document captures these experiences for the benefit and guidance of planners and practitioners of United Nations peacekeeping operations.

# United Nations Peacekeeping Operations

## Principles and Guidelines

2008









# **United Nations Peacekeeping Operations**

Principles and Guidelines

**United Nations**

Department of Peacekeeping Operations

Department of Field Support

# Credits

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Approved on 18 January 2008  
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# Foreword

**Jean-Marie Guéhenno**

Over the past sixty years, United Nations peacekeeping has evolved into one of the main tools used by the international community to manage complex crises that pose a threat to international peace and security. Since the beginning of the new millennium, the number of military, police and civilian personnel deployed in United Nations peacekeeping operations around the world has reached unprecedented levels. Not only has United Nations peacekeeping grown in size but it has become increasingly complex. Beyond simply monitoring cease-fires, today's multi-dimensional peacekeeping operations are called upon to facilitate the political process through the promotion of national dialogue and reconciliation, protect civilians, assist in the disarmament, demobilization and reintegration of combatants, support the organization of elections, protect and promote human rights, and assist in restoring the rule of law.

In order to meet the challenges posed by the unprecedented scale and scope of today's missions, the United Nations Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) have embarked on a major reform effort, *Peace Operations 2010*, aimed at strengthening and professionalizing the planning, management and conduct of United Nations peacekeeping operations. A key objective of this ongoing reform process is to ensure that the growing numbers of United Nations peacekeeping personnel deployed in the field, as well as those serving at Headquarters, have access to clear, authoritative guidance on the multitude of tasks they are required to perform.

The present publication, which has been developed in close consultation with field missions, Member States, United Nations system partners and other key stakeholders, represents the first attempt in over a decade to codify the major lessons learned from the past six decades of United Nations peacekeeping experience. It is intended to help practitioners better understand the basic principles and concepts underpinning the conduct of contemporary United Nations peacekeeping operations as well as their inherent strengths and limitations.

I would like to express my gratitude to all those who have contributed to the development of this key guidance document, which will continue to be reviewed and updated in the coming years as United Nations peacekeeping evolves and new lessons are learnt. ■



**Jean-Marie Guéhenno**

Under-Secretary-General for Peacekeeping Operations

March 2008

# Introduction

## Scope and Purpose of the Document

Over the past six decades, United Nations peacekeeping has evolved into a complex, global undertaking. During this time, the conduct of United Nations peacekeeping operations has been guided by a largely unwritten body of principles and informed by the experiences of the many thousands of men and women who have served in the more than 60 operations launched since 1948. This document captures these experiences for the benefit and guidance of planners and practitioners of United Nations peacekeeping operations.

The spectrum of contemporary peace operations has become increasingly broad and includes both United Nations – led peace operations, as well as those conducted by other actors, normally with the authorization of the Security Council. This guidance document focuses on only one element of that spectrum: United Nations-led peacekeeping operations, authorized by the Security Council, conducted under the direction of the United Nations Secretary-General, and planned, managed, directed and supported by the United Nations Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS). The specific focus of this document recognizes the need for a clearer articulation of the doctrinal foundations of United Nations peacekeeping operations, in light of the new challenges posed by the shifting nature of conflict, from inter-state to intra-state conflicts.

The present document aims to define the nature, scope and core business of contemporary United Nations peacekeeping operations, which are usually deployed as one part of a much broader international effort to build a

sustainable peace in countries emerging from conflict. It identifies the comparative advantages and limitations of United Nations peacekeeping operations as a conflict management tool, and explains the basic principles that should guide their planning and conduct. In doing so, it reflects the primary lessons learned during the past sixty years of United Nations peacekeeping. It draws on landmark reports of the Secretary-General and legislative responses to these reports, as well as relevant resolutions and statements of the principal organs of the United Nations.

The present document is an internal DPKO/DFS publication. It sits at the highest-level of the current doctrine framework for United Nations peacekeeping. Any subordinate directives, guidelines, standard operating procedures, manuals and training materials issued by DPKO/DFS should conform to the principles and concepts referred to in this guidance document.

The document is intended to serve as a guide for all United Nations personnel serving in the field and at United Nations Headquarters, as well as an introduction to those who are new to United Nations peacekeeping. Although it is intended to help guide the planning and conduct of United Nations peacekeeping operations, its specific application will require judgement and will vary according to the situation on the ground. Peacekeeping practitioners in the field are often faced with a confusing and contradictory set of imperatives and pressures. This document is unable to resolve many of these issues; indeed, some have no clear, prescribed answers. Instead, it provides a handrail to assist planners and practitioners manoeuvre through the complexities of contemporary United Nations peacekeeping operations.

This document reflects the multi-dimensional nature of contemporary United Nations peacekeeping operations, which are normally led in the field by a senior United Nations political figure. It does not seek to override the national military doctrines of individual Member States participating in these operations and it does not address any military tactics, techniques and procedures (TTPs), which remain the prerogative of individual Member States. It is, nonetheless, intended to support civilian, police and military

personnel who are training and preparing to serve in United Nations peacekeeping operations. Troop Contributing Countries and Police Contributing Countries (TCCs/PCCs) to United Nations peacekeeping operations may wish to draw on this document in developing their respective doctrines, training and pre-deployment programmes.

For partners, this guidance document is intended to foster a clearer understanding of the major principles guiding the conduct of United Nations peacekeeping operations. Key partners include TCCs/PCCs, regional and other inter-governmental organizations, the range of humanitarian and development actors involved in international crisis management, as well as national and local actors in the countries where United Nations peacekeeping operations are deployed. In this regard, the document supports a vision of a system of inter-locking capabilities in which the roles and responsibilities and comparative advantages of the various partners are clearly defined.

This document draws on analysis contained in the landmark 2000 *Report of the Panel on United Nations Peace Operations* (The Brahimi Report) and other existing sources to help guide United Nations peacekeepers in the coming years. It is a living document that will be reviewed and updated regularly to reflect major evolutions in United Nations peacekeeping practices. The current version will be due for review in January 2010 and may be updated earlier, if required. As with the current version, Member States, TCCs/PCCs, field missions, United Nations system partners, regional organizations and other key stakeholders will be consulted to ensure that the document continues to reflect the concerns, views, insights, and expertise of major partners both within and outside the United Nations system. ■

The Charter of the United Nations was signed, in San Francisco, on 26 June 1945 and is the foundation document for all the United Nations work. The United Nations 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 United Nations to achieve this purpose.

## PART I

### The Evolution of United Nations Peacekeeping Operations

## Chapter 1

The Normative Framework for  
United Nations Peacekeeping Operations

## Chapter 2

The Evolving Role of United Nations  
Peacekeeping Operations

## Chapter 3

The Basic Principles of  
United Nations Peacekeeping

# Chapter 1

## The Normative Framework for United Nations Peacekeeping Operations

### 1.1 The Charter of the United Nations

The Charter of the United Nations was signed, in San Francisco, on 26 June 1945 and is the foundation document for all the United Nations work. The United Nations 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 United Nations to achieve this purpose.

The Charter gives the United Nations Security Council primary responsibility for the maintenance of international peace and security.<sup>1</sup> In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a United Nations peacekeeping operation. The legal basis for such action is found in Chapters VI, VII and VIII of the Charter. While Chapter VI deals with the “Pacific Settlement of Disputes”, Chapter VII contains provisions related to “Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression”. Chapter VIII of the Charter also provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security, provided such activities are consistent with the purposes and principles outlined in Chapter I of the Charter.

United Nations peacekeeping operations have traditionally been associated with Chapter VI of the Charter. However, the Security Council need not



refer to a specific Chapter of the Charter when passing a resolution authorizing the deployment of a United Nations peacekeeping operation and has never invoked Chapter VI. In recent years, the Security Council has adopted the practice of invoking Chapter VII of the Charter when authorizing the deployment of United Nations peacekeeping operations into volatile post-conflict settings where the State is unable to maintain security and public order. The Security Council's invocation of Chapter VII in these situations, in addition to denoting the legal basis for its action, can also be seen as a statement of firm political resolve and a means of reminding the parties to a conflict and the wider United Nations membership of their obligation to give effect to Security Council decisions.

Linking United Nations peacekeeping with a particular Chapter of the Charter can be misleading for the purposes of operational planning, training and mandate implementation. In assessing the nature of each peacekeeping operation and the capabilities needed to support it, TCCs and PCCs should be guided by the tasks assigned by the Security Council mandate, the concept of operations and accompanying mission Rules of Engagement (ROE) for the military component, and the Directives on the Use of Force (DUF) for the police component.

## 1.2 Human Rights

International human rights law is an integral part of the normative framework for United Nations peacekeeping operations. The Universal Declaration of Human Rights, which sets the cornerstone of international human rights standards, emphasizes that human rights and fundamental freedoms are universal and guaranteed to everybody. United Nations peacekeeping operations should be conducted in full respect of human rights and should seek to advance human rights through the implementation of their mandates (See Chapter 2).

United Nations peacekeeping personnel – whether military, police or civilian – should act in accordance with international human rights law and under-

stand how the implementation of their tasks intersects with human rights. Peacekeeping personnel should strive to ensure that they do not become perpetrators of human rights abuses. They must be able to recognize human rights violations or abuse, and be prepared to respond appropriately within the limits of their mandate and their competence. United Nations peacekeeping personnel should respect human rights in their dealings with colleagues and with local people, both in their public and in their private lives. Where they commit abuses, they should be held accountable.

## 1.3 International Humanitarian Law

International humanitarian law is known also as “the law of war” or “the law of armed conflict,” and restricts the means and methods of armed conflict. International humanitarian law is contained in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, as well as in rules regulating the means and methods of combat. International humanitarian law also includes conventions and treaties on the protection of cultural property and the environment during armed conflict, as well as protection of victims of conflict.

International humanitarian law is designed to protect persons who do not participate, or are no longer participating, in the hostilities; and it maintains the fundamental rights of civilians, victims and non-combatants in an armed conflict. It is relevant to United Nations peacekeeping operations because these missions are often deployed into post-conflict environments where violence may be ongoing or conflict could reignite. Additionally, in post-conflict environments there are often large civilian populations that have been targeted by the warring parties, prisoners of war and other vulnerable groups to whom the Geneva Conventions or other humanitarian law would apply in the event of further hostilities.

United Nations peacekeepers must have a clear understanding of the principles and rules of international humanitarian law and observe them in situations where they apply. The Secretary-General's Bulletin on the Observance

by United Nations Forces of International Humanitarian Law of 6 August 1999 (ST/SGB/1999/13) sets out the fundamental principles and rules of international law that may be applicable to United Nations peacekeepers.

## 1.4 Security Council Mandates

United Nations peacekeeping operations are deployed on the basis of a mandate from the United Nations Security Council. The tasks that a United Nations peacekeeping operation will be required to perform are set out in the Security Council mandate. Security Council mandates differ from situation to situation, depending on the nature of the conflict and the specific challenges it presents. Since United Nations peacekeeping operations are normally deployed to support the implementation of a cease-fire or a more comprehensive peace agreement, Security Council mandates are influenced by the nature and content of the agreement reached by the parties to the conflict.

Security Council mandates also reflect the broader normative debates shaping the international environment. In this regard, there are a number of cross-cutting, thematic tasks that are regularly assigned to United Nations peacekeeping operations on the basis of the following landmark Security Council resolutions:

- Security Council resolution 1325 (2000) on women, peace and security;<sup>2</sup>
- Security Council resolution 1612 (2005) on children and armed conflict;<sup>3</sup>
- Security Council resolution 1674 (2006) on the protection of civilians in armed conflict;<sup>4</sup>

The range of tasks assigned to United Nations peacekeeping operations has expanded significantly in response to shifting patterns of conflict and to best address emerging threats to international peace and security. Although each United Nations peacekeeping operation is different, there is a considerable degree of consistency in the types of mandated tasks assigned by the Security Council. These are described in greater detail in Chapter 2, below. ■

# Chapter 2

## The Evolving Role of United Nations Peacekeeping Operations

### 2.1 The Spectrum of Peace and Security Activities

Peacekeeping is one among a range of activities undertaken by the United Nations and other international actors to maintain international peace and security throughout the world. Although peacekeeping is the focus of this document, it is important for practitioners to understand how it relates to and differs from conflict prevention, peacemaking, peace enforcement and peacebuilding.

**Conflict prevention** involves the application of structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering and a careful analysis of the factors driving the conflict. Conflict prevention activities may include the use of the Secretary-General's "good offices," preventive deployment or confidence-building measures.

**Peacemaking** generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. The United Nations Secretary-General, upon the request of the Security Council or the General Assembly or at his/her own initiative, may exercise his or her "good offices" to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organizations or the United Nations. Peacemaking efforts may also be under-

taken by unofficial and non-governmental groups, or by a prominent personality working independently.

**Peacekeeping** is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace.

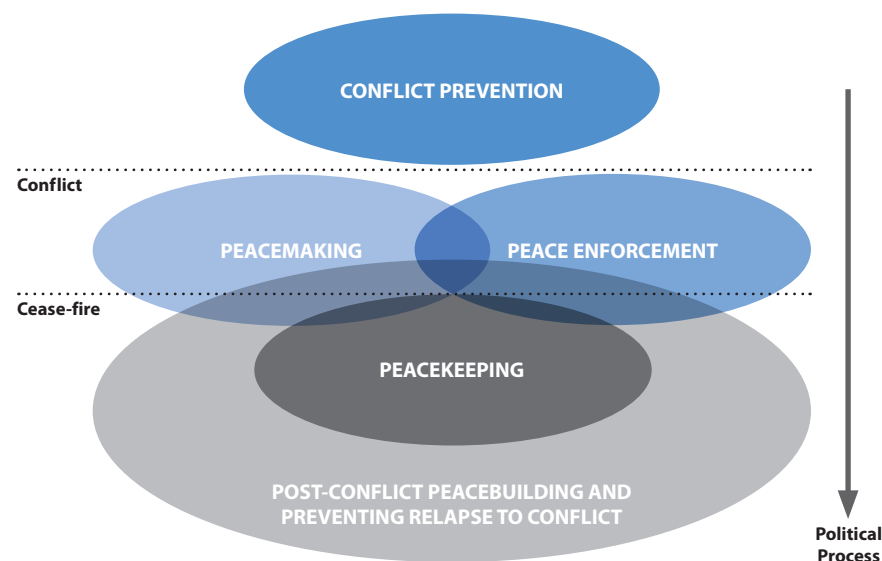
**Peace enforcement** involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Security Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.

**Peacebuilding** involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that effect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.

## 2.2 Linkages and Grey Areas

The boundaries between conflict prevention, peacemaking, peacekeeping, peacebuilding and peace enforcement have become increasingly blurred, as seen in Figure 1. Peace operations are rarely limited to one type of activity, whether United Nations-led or conducted by non-United Nations actors.

**Figure 1** Linkages and Grey Areas



While United Nations peacekeeping operations are, in principle, deployed to support the implementation of a cease-fire or peace agreement, they are often required to play an active role in peacemaking efforts and may also be involved in early peacebuilding activities. United Nations peacekeeping operations may also use force at the tactical level, with the authorization of the Security Council, to defend themselves and their mandate, particularly in situations where the State is unable to provide security and maintain public order. As discussed in Chapter 3 below, although the line between “robust” peacekeeping and peace enforcement may appear blurred at times, there are important differences between the two. While robust peacekeeping involves the use of force at the tactical level with the consent of the host authorities and/or the main parties to the conflict, peace enforcement may involve the use of force at the strategic or international level, which is normally prohibited for Member States under Article 2 (4) of the Charter unless authorized by the Security Council.

Conflict prevention, peacemaking, peacekeeping and peace enforcement rarely occur in a linear or sequential way. Indeed, experience has shown that they should be seen as mutually reinforcing. Used piecemeal or in isolation, they fail to provide the comprehensive approach required to address the root causes of conflict that, thereby, reduces the risk of conflict recurring. However, the international community's ability to combine these activities effectively remains limited and this has, in some cases, resulted in critical gaps in the international response to crises that have threatened international peace and security.

The creation of a new United Nations peacebuilding architecture reflects a growing recognition within the international community of the linkages between the United Nations peacemaking, peacekeeping and peacebuilding roles. When a country comes before it, the Peacebuilding Commission helps marshal the resources at the disposal of the international community and advise on and propose integrated strategies for peacebuilding and recovery. In doing so, it aims to bring together relevant actors, including international financial institutions and other donors, United Nations agencies, civil society organizations, and others in support of these strategies; as well as to provide strategic advice to the principal United Nations organs and help facilitate political dialogue, enhance coordination, and monitor the progress of both national and international actors.

### 2.3 The Core Business of United Nations Peacekeeping Operations

Although not provided for in the Charter, the practice of peacekeeping began in 1948 when the first United Nations military observers were deployed to the Middle East. During the ensuing Cold War years, the goals of United Nations peacekeeping were necessarily limited to maintaining cease-fires and stabilizing situations on the ground, so that efforts could be made at the political level to resolve the conflict by peaceful means. Several of the United Nations longstanding peacekeeping operations fit this "traditional" model.

Traditional United Nations peacekeeping operations are deployed as an interim measure to help manage a conflict and create conditions in which the negotiation of a lasting settlement can proceed. The tasks assigned to traditional United Nations peacekeeping operations by the Security Council are essentially military in character and may involve the following:

- Observation, monitoring and reporting – using static posts, patrols, overflights or other technical means, with the agreement of the parties;
- Supervision of cease-fire and support to verification mechanisms;
- Interposition as a buffer and confidence-building measure.

By monitoring and reporting on the parties' adherence to commitments regarding a cease-fire or demilitarized zone and by investigating complaints of violations, traditional peacekeeping operations enable each party to be reassured that the other party will not seek to exploit the cease-fire in order to gain military advantage.

Traditional peacekeeping operations do not normally play a direct role in political efforts to resolve the conflict. Other actors such as bilateral partners to the parties, regional organizations or even special United Nations envoys may be working on longer-term political solutions, which will allow the peacekeeping operation to withdraw. As a result, some traditional peacekeeping operations are deployed for decades before a lasting political settlement is reached between the parties.

With the end of the Cold War, the strategic context for United Nations peacekeeping changed dramatically and the Security Council began to work more actively to promote the containment and peaceful resolution of regional conflicts. While the end of the Cold War coincided with a general decline in the incidence of conflict around the world, internal armed conflicts constitute the vast majority of today's wars. Many of these conflicts take place in the world's poorest countries where state capacity may be weak, and where belligerents may be motivated by economic gain, as much as ideology

or past grievances. Moreover, evidence has shown that a large proportion of all civil wars are due to a relapse of conflict, the risks of which are particularly high in the first five to 10 years following a conflict.

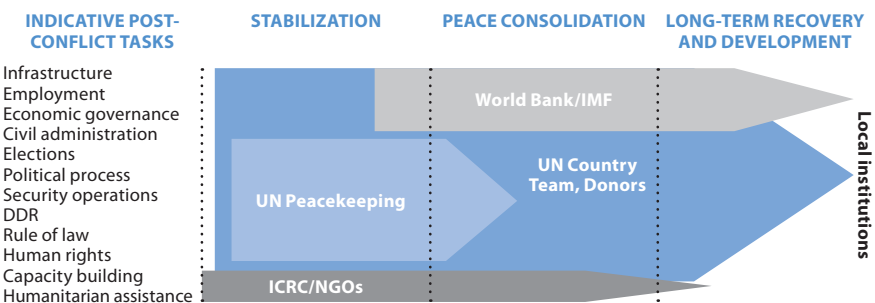
The transformation of the international environment has given rise to a new generation of “multi-dimensional” United Nations peacekeeping operations. These operations are typically deployed in the dangerous aftermath of a violent internal conflict and may employ a mix of military, police and civilian capabilities to support the implementation of a comprehensive peace agreement.<sup>5</sup>

Some multi-dimensional United Nations peacekeeping operations have been deployed following a request from the national authorities to support the transition to legitimate government, in the absence of a formal peace agreement. In exceptional circumstances, the Security Council has also authorized multi-dimensional United Nations peacekeeping operations to temporarily assume the legislative and administrative functions of the State, in order to support the transfer of authority from one sovereign entity to another, or until sovereignty questions are fully resolved (as in the case of transitional administrations), or to help the State to establish administrative structures that may not have existed previously.

Multi-dimensional United Nations peacekeeping operations deployed in the aftermath of an internal conflict face a particularly challenging environment. The State’s capacity to provide security to its population and maintain public order is often weak, and violence may still be ongoing in various parts of the country. Basic infrastructure is likely to have been destroyed and large sections of the population may have been displaced. Society may be divided along ethnic, religious and regional lines and grave human rights abuses may have been committed during the conflict, further complicating efforts to achieve national reconciliation.

Multi-dimensional United Nations peacekeeping operations are deployed as one part of a much broader international effort to help countries emerging

**Figure 2** The Core Business of Multi-dimensional United Nations Peacekeeping Operations



from conflict make the transition to a sustainable peace. As shown in Figure 2 above, this effort consists of several phases and may involve an array of actors with separate, albeit overlapping, mandates and areas of expertise.

Within this broader context, the core functions of a multi-dimensional United Nations peacekeeping operation are to:

- a) **Create a secure and stable environment while strengthening the State’s ability to provide security, with full respect for the rule of law and human rights;**
- b) **Facilitate the political process by promoting dialogue and reconciliation and supporting the establishment of legitimate and effective institutions of governance;**
- c) **Provide a framework for ensuring that all United Nations and other international actors pursue their activities at the country-level in a coherent and coordinated manner.**

In addition to monitoring and observing cease-fires, multi-dimensional United Nations peacekeeping operations are frequently mandated to provide operational support to national law enforcement agencies; provide security at key government installations, ports and other vital infrastruc-



ture; establish the necessary security conditions for the free flow of people, goods and humanitarian assistance; and provide humanitarian mine action assistance.<sup>6</sup> By helping to fill the security and public order vacuum that often exists in post-conflict settings, multi-dimensional United Nations peacekeeping operations play a critical role in securing the peace process, and ensuring that humanitarian and development partners are able to work in a safe environment.

In situations of internal armed conflict, civilians account for the vast majority of casualties. Many civilians are forcibly uprooted within their own countries and have specific vulnerabilities arising from their displacement. As a result, most multi-dimensional United Nations peacekeeping operations are now mandated by the Security Council to protect civilians under imminent threat of physical violence. The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a United Nations peacekeeping operation and must be mainstreamed into the planning and conduct of its core activities. United Nations humanitarian agencies and non-governmental organization (NGO) partners also undertake a broad range of activities in support of the protection of civilians.<sup>7</sup> Close coordination with these actors is, therefore, essential.

In contrast to traditional United Nations peacekeeping operations, multi-dimensional United Nations peacekeeping operations usually play a direct role in political efforts to resolve the conflict and are often mandated by the Security Council to provide good offices or promote national political dialogue and reconciliation. The fact that multi-dimensional United Nations peacekeeping operations enjoy a high degree of international legitimacy and represent the collective will of the international community gives them considerable leverage over the parties. This leverage can be used to build and sustain a political consensus around the peace process, promote good governance and maintain pressure on the parties to implement key institutional reforms.

Multi-dimensional United Nations peacekeeping operations also play a critical role in ensuring that the activities of the United Nations system and

other international actors are guided by a common strategic vision. The United Nations has the unique ability to mount a truly comprehensive response to complex crises and has developed the concept of “integrated missions” to maximize the overall impact of its support to countries emerging from conflict.<sup>8</sup> To help draw these capabilities together, multi-dimensional United Nations peacekeeping operations are normally headed by a Special Representative of the Secretary General (SRSG) who has overall authority over the activities of the United Nations. The SRSG also establishes the framework guiding the overall activities of the United Nations peacekeeping operation and those of the United Nations Country Team (UNCT).<sup>9</sup> The SRSG is supported in this task by a “triple-hatted” Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/RC/HC). This Deputy also serves as the principal interface between the United Nations peacekeeping operation and the UNCT; leads the coordination effort for humanitarian, development and recovery activities; and brings concerns raised by the UNCT to the attention of the SRSG.<sup>10</sup>

## 2.4 Peacebuilding Activities

While the deployment of a multi-dimensional United Nations peacekeeping operation may help to stem violence in the short-term, it is unlikely to result in a sustainable peace unless accompanied by programmes designed to prevent the recurrence of conflict. Every situation invariably presents its own specific set of challenges. However, experience has shown that the achievement of a sustainable peace requires progress in at least four critical areas:<sup>11</sup>

- a) Restoring the State’s ability to provide security and maintain public order;
- b) Strengthening the rule of law<sup>12</sup> and respect for human rights;
- c) Supporting the emergence of legitimate political institutions and participatory processes;
- d) Promoting social and economic recovery and development, including the safe return or resettlement of internally displaced persons and refugees uprooted by conflict.

Multi-dimensional United Nations peacekeeping operations generally lack the programme funding and technical expertise required to comprehensively implement effective peacebuilding programmes. Nevertheless, they are often mandated by the Security Council to play a catalytic role in the following critical peacebuilding activities:

- Disarmament, demobilization and reintegration (DDR) of combatants;
- Mine action;
- Security Sector Reform (SSR)<sup>13</sup> and other rule of law-related activities;
- Protection and promotion of human rights;
- Electoral assistance;
- Support to the restoration and extension of State authority.

**DDR.** DDR is a critical part of efforts to create a secure and stable environment in which the process of recovery can begin. United Nations multi-dimensional peacekeeping operations are usually mandated to assist in the development and implementation of national DDR programmes.<sup>14</sup> This may entail the provision of technical advice; the securing of disarmament and cantonment sites; and/or the collection and destruction of weapons, ammunition and other materiel surrendered by the former combatants. Other agencies, working in close coordination with the United Nations peacekeeping operation, are responsible for supporting the critical reintegration process, which aims to provide demobilized former combatants with sustainable livelihoods.

**Mine action.** In many post-conflict settings, landmines and other unexploded ordinance constitute a threat to the safety of civilians and pose a major obstacle to successful post-conflict recovery. Mine action is therefore necessary to recreate a safe environment conducive to normal life and development. In addition to providing emergency mine action assistance, multi-dimensional United Nations peacekeeping operations are often mandated to help the national authorities develop medium- and long-term mine action plans.<sup>15</sup>

**SSR and other rule of law-related activities.** SSR is an essential component of efforts to re-establish and strengthen the rule of law. Progress in the area of SSR is critical to the success of a multi-dimensional United Nations peacekeeping operation and helps define its “exit strategy,” which is largely dependent on the ability of national security actors and institutions to function effectively. Depending on its mandate, a multi-dimensional United Nations peacekeeping operation may be called upon to assist in the restructuring, reform and training of the national police and/or armed forces. Multi-dimensional United Nations peacekeeping operations also play a catalytic role in the strengthening of national judiciary and corrections systems, and have also been mandated by the Security Council to promote legal and judicial reform or support the development of essential legislation.

**Protection and promotion human rights.** The abuse and violation of human rights is at the heart of most modern conflicts and is also a consequence of them. Many of the worst human rights abuses occur during armed conflict and the protection of human rights must be at the core of action taken to address it. All United Nations entities have a responsibility to ensure that human rights are promoted and protected by and within their field operations.<sup>16</sup> Most United Nations multi-dimensional peacekeeping operations are therefore mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national actors and institutions to do so on their own.<sup>17</sup> The integration of human rights and the sustainability of human rights programmes should always be a key factor in the planning of multi-dimensional United Nations peacekeeping operations.

**Restoration and extension of State authority.** Multi-dimensional United Nations peacekeeping operations are frequently called upon to support the restoration and extension of State authority. In order to generate revenue and provide basic services to the population, the State must be able to exert control over its national territory. Multi-dimensional United Nations peacekeeping operations may support the restoration and extension of State authority by creating an enabling security environment, providing

political leadership or coordinating the efforts of other international actors. Support to the restoration or extension of State authority may include efforts to develop political participation, as well as operational support to the immediate activities of state institutions. Where relevant, it may also include small-scale capacity building or support to larger processes of constitutional or institutional restructuring.

**Electoral assistance.** The holding of free and fair elections is often written into the peace agreement underlying a multi-dimensional United Nations peacekeeping operation and represents a major milestone towards the establishment of a legitimate State. Multi-dimensional United Nations peacekeeping operations are usually mandated to play a direct role in efforts to organize, monitor and carry out free and fair elections through the provision of security, technical advice, logistical support and other forms of electoral assistance. To this end, the electoral component of multi-dimensional United Nations peacekeeping operations is normally staffed by experts recommended by the United Nations Electoral Assistance Division (EAD) of the Department of Political Affairs (DPA).

Although multi-dimensional United Nations peacekeeping operations may be required to initiate a limited number of critical peacebuilding activities, they are neither designed nor equipped to engage in longer-term institution and capacity-building efforts. This is normally the work of development actors within the UNCT, as well as key partners outside the United Nations, who have the resources and technical expertise required to effectively undertake long-term institution and capacity-building activities.

Nevertheless, experience has shown that, in the short-term, a United Nations peacekeeping operation may have little choice but to initiate longer-term institution and capacity-building efforts, due to the inability of other actors to take the lead. Whenever a United Nations peacekeeping operation is required to engage in activities of an institution and/or capacity building nature, it is essential that it be adequately resourced and that it seek out the requisite expertise. In such circumstances, the United Nations peacekeeping

operation's efforts should remain focused on preparing the ground for those actors within and outside the United Nations system with the mandate to provide long-term peacebuilding assistance.

## 2.5 Supporting Other Actors

There are a number of areas in which the role of United Nations peacekeeping operations is limited to facilitating the activities of other actors within and outside the United Nations system, when requested, and within the limits of their mandate and available capacity. The promotion of socio-economic recovery and development and the provision of humanitarian assistance are two critical areas in which multi-dimensional United Nations peacekeeping operations play a more limited supporting role.

Socio-economic recovery and development is critical to the achievement of a lasting peace. Experience has shown that security sector and other reform programmes are unlikely to succeed if not supported by transparent and effective economic management and civilian oversight systems. DDR efforts are likely to fail unless sustainable, alternative livelihoods can be provided to demobilized combatants.

Similarly, the return of refugees and other displaced populations is more likely to be smooth and sustainable if the special needs of these persons are taken into account in programmes designed to promote socio-economic recovery.

The promotion of socio-economic recovery and development is the responsibility of development partners within and outside the United Nations system. Multi-dimensional United Nations peacekeeping operations are rarely mandated to play a direct role in the promotion of socio-economic recovery and development, nor do they have ready access to the requisite expertise and programmatic funding. Nevertheless, United Nations peacekeeping operations may assist the work of development partners by using



their influence with the national authorities to encourage key reforms, or using the good offices of the SRSG and/or the DSRSG/RC/HC to help mobilize donor funding and attention for key development activities.

Responsibility for the provision of humanitarian assistance rests primarily with the relevant civilian United Nations specialized agencies, funds and programmes, as well as the range of independent, international and local NGOs which are usually active alongside a United Nations peacekeeping operation. The primary role of United Nations peacekeeping operations with regard to the provision of humanitarian assistance is to provide a secure and stable environment within which humanitarian actors may carry out their activities.<sup>18</sup>

Multi-dimensional United Nations peacekeeping operations often implement Quick Impact Projects (QIPs), which are small-scale projects, designed to benefit the population. QIPs may take a number of forms, including infrastructure assistance or short-term employment generation activities. QIPs establish and build confidence in the mission, its mandate and the peace process. They are not a substitute for humanitarian and/or development assistance and are used by United Nations multi-dimensional peacekeeping operations to support the mission's objectives, by building confidence in the mission's mandate and the peace process.

Coordination and consultation with humanitarian actors<sup>19</sup> in regard to administration of QIPs is essential to help alleviate humanitarian concerns regarding the danger of conflating political-military activities with their humanitarian operations. The mission should be aware that humanitarian actors may have concerns about the characterization of QIPs, or Civil Military Coordination (CIMIC) projects, "hearts and minds" activities, or other security or recovery projects as being of a humanitarian nature, when they see these as primarily serving political, security or reconstruction priorities. ■

## Chapter 3

### The Basic Principles of United Nations Peacekeeping

#### 3.1 Applying the Basic Principles of United Nations Peacekeeping

Although the practice of United Nations peacekeeping has evolved significantly over the past six decades, three basic principles have traditionally served and continue to set United Nations peacekeeping operations apart as a tool for maintaining international peace and security:

- **Consent of the parties**
- **Impartiality**
- **Non-use of force except in self-defence and defence of the mandate**

These principles are inter-related and mutually reinforcing. It is important that their meaning and relationship to each other are clearly understood by all those involved in the planning and conduct of United Nations peacekeeping operations, so that they are applied effectively. Taken together, they provide a navigation aid, or compass, for practitioners both in the field and at United Nations Headquarters.

**Consent of the parties.** United Nations peacekeeping operations are deployed with the consent of the main parties to the conflict.<sup>20</sup> This requires a commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process. The consent of the

main parties provides a United Nations peacekeeping operation with the necessary freedom of action, both political and physical, to carry out its mandated tasks. In the absence of such consent, a United Nations peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace.

In the implementation of its mandate, a United Nations peacekeeping operation must work continuously to ensure that it does not lose the consent of the main parties, while ensuring that the peace process moves forward. This requires that all peacekeeping personnel have a thorough understanding of the history and prevailing customs and culture in the mission area, as well as the capacity to assess the evolving interests and motivation of the parties.

The absence of trust between the parties in a post-conflict environment can, at times, make consent uncertain and unreliable. Consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process. For instance, a party that has given its consent to the deployment of a United Nations peacekeeping operation may subsequently seek to restrict the operation's freedom of action, resulting in a *de facto* withdrawal of consent. The complete withdrawal of consent by one or more of the main parties challenges the rationale for the United Nations peacekeeping operation and will likely alter the core assumptions and parameters underpinning the international community's strategy to support the peace process.

The fact that the main parties have given their consent to the deployment of a United Nations peacekeeping operation does not necessarily imply or guarantee that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and control systems. Universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers.<sup>21</sup> The peacekeeping

operation should continuously analyze its operating environment to detect and forestall any wavering of consent. A peacekeeping operation must have the political and analytical skills, the operational resources, and the will to manage situations where there is an absence or breakdown of local consent. In some cases this may require, as a last resort, the use of force.

**Impartiality.** United Nations peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity.<sup>22</sup> United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate.

The need for even-handedness towards the parties should not become an excuse for inaction in the face of behavior that clearly works against the peace process. Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds.

Notwithstanding the need to establish and maintain good relations with the parties, a peacekeeping operation must scrupulously avoid activities that might compromise its image of impartiality. A mission should not shy away from a rigorous application of the principle of impartiality for fear of misinterpretation or retaliation, but before acting it is always prudent to ensure that the grounds for acting are well-established and can be clearly communicated to all. Failure to do so may undermine the peacekeeping operation's credibility and legitimacy, and may lead to a withdrawal of consent for its presence by one or more of the parties. Where the peacekeeping operation is required to counter such breaches, it must do so with transparency, openness and effective communication as to the rationale and appropriate nature of its response. This will help to minimize opportunities to manipulate the perceptions against the mission, and help to mitigate the potential backlash from the parties and their supporters. Even the best and

fairest of referees should anticipate criticism from those affected negatively and should be in a position to explain their actions.

**Non-use of force except in self-defense and defense of the mandate.** The principle of non-use of force except in self-defense dates back to the first deployment of armed United Nations peacekeepers in 1956. The notion of self-defense has subsequently come to include resistance to attempts by forceful means to prevent the peacekeeping operation from discharging its duties under the mandate of the Security Council.<sup>23</sup> United Nations peacekeeping operations are not an enforcement tool. However, it is widely understood that they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defense and defense of the mandate.

The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations “robust” mandates authorizing them to “use all necessary means” to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. By proactively using force in defense of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peacebuilding in the countries where they are deployed.

Although on the ground they may sometimes appear similar, robust peacekeeping should not be confused with peace enforcement, as envisaged under Chapter VII of the Charter. Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict. By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which

is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.

A United Nations peacekeeping operation should only use force as a measure of last resort, when other methods of persuasion have been exhausted, and an operation must always exercise restraint when doing so. The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians; and not to seek their military defeat. The use of force by a United Nations peacekeeping operation should always be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate. In its use of force, a United Nations peacekeeping operation should always be mindful of the need for an early de-escalation of violence and a return to non-violent means of persuasion.

The use of force by a United Nations peacekeeping operation always has political implications and can often give rise to unforeseen circumstances. Judgments concerning its use will need to be made at the appropriate level within a mission, based on a combination of factors including mission capability; public perceptions; humanitarian impact; force protection; safety and security of personnel; and, most importantly, the effect that such action will have on national and local consent for the mission.

The mission-wide ROE for the military and DUF for the police components of a United Nations peacekeeping operation will clarify the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders. In the volatile and potentially dangerous environments into which contemporary peacekeeping operations are often deployed, these ROE and DUF should be sufficiently robust to ensure that a United Nations peacekeeping operation retains its credibility and freedom of action to implement its mandate. The mission leadership should ensure that these ROE and DUF are well understood by all relevant personnel in the mission and are being applied uniformly.

## 3.2 Other Success Factors

United Nations peacekeeping operations continue to be guided by the basic principles of consent, impartiality and the non-use of force except in self-defense and defense of the mandate. The experiences of the past 15 years have shown that in order to succeed, United Nations peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population. The United Nations recent experience with multi-dimensional peacekeeping has also served to highlight the need for United Nations peacekeeping operations to promote national and local ownership, in order to contribute to the achievement of a sustainable peace.

**Legitimacy.** International legitimacy is one of the most important assets of a United Nations peacekeeping operation. The international legitimacy of a United Nations peacekeeping operation is derived from the fact that it is established after obtaining a mandate from the United Nations Security Council, which has primary responsibility for the maintenance of international peace and security. The uniquely broad representation of Member States who contribute personnel and funding to United Nations operations further strengthens this international legitimacy. So too does the fact that United Nations peacekeeping operations are directed by the United Nations Secretary-General, an impartial and well-respected international figure, committed to upholding the principles and purposes of the Charter.

The manner in which a United Nations peacekeeping operation conducts itself may have a profound impact on its perceived legitimacy on the ground. The firmness and fairness with which a United Nations peacekeeping operation exercises its mandate, the circumspection with which it uses force, the discipline it imposes upon its personnel, the respect it shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy.

The perceived legitimacy of a United Nations peacekeeping operation is directly related to the quality and conduct of its military, police and civilian personnel. The bearing and behavior of all personnel must be of the highest

order, commensurate with the important responsibilities entrusted to a United Nations peacekeeping operation, and should meet the highest standards of efficiency, competence and integrity. The mission's senior leadership must ensure that all personnel are fully aware of the standards of conduct that are expected of them and that effective measures are in place to prevent misconduct. Civilian, police and military personnel should receive mandatory training on sexual exploitation and abuse; and this training should be ongoing, as troops rotate in and out of peace operations. There must be zero tolerance for any kind of sexual exploitation and abuse, and other forms of serious misconduct. Cases of misconduct must be dealt with firmly and fairly, to avoid undermining the legitimacy and moral authority of the mission.

Experience has shown that the perceived legitimacy of a United Nations peacekeeping operation's presence may erode over time, if the size of the United Nations "footprint" and the behavior of its staff becomes a source of local resentment; or if the peacekeeping operation is not sufficiently responsive as the situation stabilizes. Peacekeeping missions must always be aware of and respect national sovereignty. As legitimate and capable government structures emerge, the role of the international actors may well need to diminish quickly. They should seek to promote national and local ownership, be aware of emerging local capacities, and be sensitive to the effect that the behavior and conduct of the mission has upon the local population.

**Credibility.** United Nations peacekeeping operations are frequently deployed in volatile, highly stressed environments characterized by the collapse or degradation of state structures, as well as enmity, violence, polarization and distress. Lawlessness and insecurity may still be prevalent at local levels, and opportunists will be present who are willing to exploit any political and security vacuum. In such environments, a United Nations peacekeeping operation is likely to be tested for weakness and division by those whose interests are threatened by its presence, particularly in the early stages of deployment.

The credibility of a United Nations peacekeeping operation is a direct reflection of the international and local communities' belief in the mission's ability to achieve its mandate. Credibility is a function of a mission's capability, effectiveness and ability to manage and meet expectations. Ideally, in order to be credible, a United Nations peacekeeping operation must deploy as rapidly as possible, be properly resourced, and strive to maintain a confident, capable and unified posture. Experience has shown that the early establishment of a credible presence can help to deter spoilers and diminish the likelihood that a mission will need to use force to implement its mandate. To achieve and maintain its credibility, a mission must therefore have a clear and deliverable mandate, with resources and capabilities to match; and a sound mission plan that is understood, communicated and impartially and effectively implemented at every level.

The deployment of a United Nations peacekeeping operation will generate high expectations among the local population regarding its ability to meet their most pressing needs. A perceived failure to meet these expectations, no matter how unrealistic, may cause a United Nations peacekeeping operation to become a focus for popular dissatisfaction, or worse, active opposition. The ability to manage these expectations throughout the life of a peacekeeping operation affects the overall credibility of the mission. Credibility, once lost, is hard to regain. A mission with low credibility becomes marginalized and ineffective. Its activities may begin to be perceived as having weak or frayed legitimacy and consent may be eroded. Critics and opponents of the mission may well exploit any such opportunities to this end. The loss of credibility may also have a direct impact on the morale of the mission personnel, further eroding its effectiveness. Accordingly, the maintenance of credibility is fundamental to the success of a mission.

**Promotion of national and local ownership.** Multi-dimensional United Nations peacekeeping operations are increasingly involved in efforts to help countries emerging from protracted internal conflict re-build the foundations of a functioning State. The terms of the peace process and/or the Security Council mandate will shape the nature of a peacekeeping operation's role

in this area. In some instances, state and local capacity may be so weak that the mission is required to temporarily assume certain functions, either directly, as in the case of transitional administration, or in support of the State. Other situations require less intrusive support to state authority, and sometimes no such support at all. The nature and scale of a particular United Nations peacekeeping operation's role will depend on its mandate, the gravity of the situation on the ground, the resources the international community is willing to invest and an assessment of the availability of capable, credible and legitimate partners within the host nation. Each of these variables may change during the course of a United Nations peacekeeping operation's lifetime and require adjustments in the peacekeeping operation's approach.

National and local ownership is critical to the successful implementation of a peace process. In planning and executing a United Nations peacekeeping operation's core activities, every effort should be made to promote national and local ownership and to foster trust and cooperation between national actors. Effective approaches to national and local ownership not only reinforce the perceived legitimacy of the operation and support mandate implementation, they also help to ensure the sustainability of any national capacity once the peacekeeping operation has been withdrawn.

Partnerships with national actors should be struck with due regard to impartiality, wide representation, inclusiveness, and gender considerations. Missions must recognize that multiple divergent opinions will exist in the body politic of the host country. All opinions and views need to be understood, ensuring that ownership and participation are not limited to small elite groups. National and local ownership must begin with a strong understanding of the national context. This includes understanding of the political context, as well as the wider socio-economic context.

A mission must be careful to ensure that the rhetoric of national ownership does not replace a real understanding of the aspirations and hope of the population, and the importance of allowing national capacity to re-emerge quickly from conflict to lead critical political and development processes.



The mission will need to manage real tensions between the requirement, in some instances, for rapid transformational change from the *status quo ex ante*, and resistance to change from certain powerful actors who have a vested interest in maintaining the status quo. The ownership of change must be built, first, through dialogue. Political, financial and other forms of international leverage may be required to influence the parties on specific issues, but those should only be used in support of the wider aspirations for peace in the community.

The activities of a multi-dimensional United Nations peacekeeping operation must be informed by the need to support and, where necessary, build national capacity. Accordingly, any displacement of national or local capacity should be avoided wherever possible. A multi-dimensional United Nations peacekeeping operation may be obliged, in the short-term, to take on important state-like functions, such as the provision of security and the maintenance of public order. However, these functions should be conducted in a consultative manner. The aim must always be to restore, as soon as possible, the ability of national actors and institutions to assume their responsibilities and to exercise their full authority, with due respect for internationally accepted norms and standards. In building national capacity, women and men should have equal opportunities for training. Targeted efforts may need to address gender inequalities. ■

## Endnotes

- 1 Although the United Nations Charter gives primary responsibility to the Security Council for the maintenance of international peace and security, General Assembly resolution 377 (V) of 3 November 1950, also known as the “Uniting for Peace” resolution, states that:

*“... if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.”*

General Assembly resolution 1000 (ES-1) of 5 November 1956 authorizing the establishment of the First United Nations Emergency Force (UNEF I) was adopted under procedure established by the “Uniting for Peace” resolution.

- 2 It is widely recognized that the international community’s objectives in countries emerging from conflict will be better served if women and girls are protected and if arrangements are put in place to allow for the full participation of women in the peace process. Security Council resolution 1325 (2000) on women, peace and security therefore calls on all United Nations peacekeeping operations to mainstream gender issues into operational activities.
- 3 Security Council resolution 1612 (2005) stresses the responsibility of United Nations peacekeeping operations to ensure a coordinated response to children and armed conflict concerns and to monitor and report to the Secretary-General. Under resolution 1612 (2005) the Secretary-General is required to ensure that the need for, and the number and roles of Child Protection Advisers are systematically assessed during the preparation of each United Nations peacekeeping operation. In United Nations peacekeeping operations where there are country monitoring and reporting Task Forces on CAAC, these are headed by the Special Representative of the Secretary-General (SRSG).
- 4 Security Council resolution 1674 (2006) reaffirms the Council’s commitment to ensuring that the mandates of peacekeeping operations, where appropriate and on a case-by-case basis, include provisions regarding: (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation of the provision of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons.

- 5 In most post-conflict environments, a peace accord or other agreement, such as a cease-fire agreement or agreement on disengagement of forces, is likely to be in effect and include provisions directly related to the peacekeeping operation. The peace accord may be quite detailed, spelling out the various phases of the peace process and the specifics of post-conflict arrangements. Or, it could be more general, leaving details for future negotiation. The signatories to a peace agreement have an obligation to abide by the terms of the agreement. In certain cases, the United Nations or key Member States have also signed peace agreements as guarantors, who undertake to ensure that the peace process remains on track.
- 6 Even if the clearance of landmines and other explosive remnants of war (ERW) has not been explicitly mandated by the Security Council, humanitarian mine action activities will invariably need to be undertaken by a mission, as an issue of United Nations staff safety and security.
- 7 The United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), and the Office of the High Commissioner for Human Rights (OHCHR) have express protection mandates. In an increasing number of countries, one of these agencies will be responsible for the overall coordination of the protection response among humanitarian actors through a dedicated protection "cluster" or working group. The Mine Action Service of DPKO is also designated as the focal point for mine action within the Protection Cluster Working Group (PCWG), and is actively engaged with these agencies and partners.
- 8 See Secretary-General's Note of Guidance on Integrated Missions, clarifying the Role, Responsibility and Authority of the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordination, 17 January 2006.
- 9 See para. 5 of the Secretary-General's Note of Guidance on Integrated Missions.
- 10 See Secretary-General's Note of Guidance on Integrated Missions, para. 22.
- 11 See Report of the Secretary-General, No Exit without Strategy: Security Council Decision-making and the Closure or Transition of United Nations Peacekeeping Operations, S/2001/394.
- 12 According to Decision No. 2006/47 of the Secretary General's Policy Committee, the rule of law in the context of conflict and post-conflict settings includes the following sectors: transitional justice; strengthening of national justice systems and institutions, including police and law enforcement agencies and prisons; and other priority areas such as victim and witness protection and assistance, anti-corruption, organized crime, trans-national crime, and trafficking and drugs.
- 13 According to Decision No. 2007/11 of the Secretary-General's Policy Committee: "The objective of a United Nations approach to SSR is effective, accountable and sustainable security institutions operating under civilian control within the framework of the rule of law and respect for human rights. The focus should be on executive security agencies, armed forces, police and law enforcement agencies, relevant line ministries and judicial and civil society oversight bodies."
- 14 The role of United Nations peacekeeping operations in this area is defined in the United Nations Integrated DDR Standards (IDDRS), available at [www.unddr.org/iddrs](http://www.unddr.org/iddrs).
- 15 The United Nations Mine Action Service (UNMAS) is responsible for building the capacity of the national institutions that will ultimately assume responsibility for long-term mine action management within the country.
- 16 Decision No. 2005/24 of the Secretary-General's Policy Committee on Human Rights in Integrated Missions directs that human rights be fully integrated into peace operations and all human rights functions coordinated by one component.
- 17 The Office of the High Commissioner for Human Rights (OHCHR) is responsible for providing expertise, guidance and support to the human rights components of multi-dimensional United Nations peacekeeping operations.
- 18 Depending on the situation, and when specifically requested by the relevant organizations, the peacekeeping operation may also need to provide more direct forms of assistance to humanitarian actors, such as escorting convoys or transporting humanitarian aid and personnel. Specific requests for assistance should be managed through standing coordination structures of the mission, and with reference to the United Nations Humanitarian Coordinator.
- 19 The term 'humanitarian' is often applied loosely to a wide group of actors and activities, whereas many in the humanitarian community take a more restricted interpretation to embrace only those delivering life-saving assistance delivered in accordance with the Humanitarian principles. United Nations peacekeepers should respect this distinction.
- 20 The Security Council may take enforcement action without the consent of the main parties to the conflict, if it believes that the conflict presents a threat to international peace and security. This, however, would be a peace enforcement operation. It may also take enforcement action for humanitarian or protection purposes; where there is no political process and where the consent of the major parties may not be achievable, but where civilians are suffering. Since the mid-1990s, enforcement action has been carried out by ad hoc coalitions of Member States or regional organizations acting under United Nations Security Council authorization.
- 21 Spoilers are individuals or parties who believe that the peace process threatens their power and interests, and will therefore work to undermine it.
- 22 Humanitarian actors also use the terms impartiality and neutrality as two of the fundamental principles of humanitarian action, along with humanity and independence. However, their meanings are different. It is important to be aware of these differences, in order to avoid misunderstandings. For the International Red Cross and Red Crescent Movement, in particular, impartiality means being guided solely by needs, making no discrimination on the basis of nationality, race, gender, class, or religious/political beliefs; while neutrality means to take no sides in hostilities or engage, at any time, in controversies of a political, racial, religious or ideological nature.
- 23 See para. 5 of the Report of the Secretary-General on the Implementation of Security Council resolution 340 (1973), of 27 October 1973, (S/11052/Rev.1).

United Nations peacekeeping operations are likely to be far more effective when deployed as part of a United Nations system-wide response based on a clear and shared understanding of priorities, and on the willingness of all actors to contribute to achieving common objectives. Integrated planning is at the heart of the United Nations' efforts to develop such a response.

## PART II

### Planning United Nations Peacekeeping Operations



## Chapter 4

### Deciding to Deploy a United Nations Peacekeeping Operation

#### Chapter 4

Deciding to Deploy a United Nations Peacekeeping Operation

#### Chapter 5

Planning a United Nations Peacekeeping Operation

#### 4.1 Assessing the Options for United Nations Engagement

It is the prerogative of the United Nations Security Council, acting in its capacity as the organ with primary responsibility for the maintenance of international peace and security, to determine when and where a United Nations peacekeeping operation should be deployed. The Security Council responds to crises on a case-by-case basis and it has a wide range of options at its disposal. Nevertheless, without prejudice to its ability to do so and to respond flexibly as circumstances require, the Security Council has indicated that it may take the following factors into account when the establishment of new peacekeeping operations is under consideration:

- Whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;
- Whether regional or sub-regional organizations and arrangements exist and are ready and able to assist in resolving the situation;
- Whether a cease-fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;
- Whether a clear political goal exists and whether it can be reflected in the mandate;
- Whether a precise mandate for a United Nations operation can be formulated;

- Whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel.<sup>1</sup>

The United Nations Secretariat plays a critical role in helping the Security Council determine whether the deployment of a United Nations peacekeeping operation is the most appropriate course of action, or whether other options for United Nations engagement should be considered. As a particular conflict develops, worsens, or approaches resolution, consultations will normally take place among Member States, the Secretariat, the parties on the ground, regional actors, and potential contributing countries. One or more of the parties may even insist on a United Nations role as a precondition for signing a peace agreement.

During this initial phase of consultations, the United Nations Secretary-General may decide to convene a Strategic Assessment of the situation, involving all relevant United Nations actors, with the aim of identifying possible options for United Nations engagement. The Strategic Assessment would likely involve consultations with Member States, including the potential host government and TCCs/PCCs, as well as regional and other intergovernmental organizations, and other key external partners. The Strategic Assessment allows United Nations planners and decision-makers to conduct a system-wide analysis of the situation, identify conflict resolution and peace-building priorities, and define the appropriate framework for United Nations engagement.

As soon as security conditions permit, the Secretariat usually deploys a Technical Assessment Mission (TAM) to the country or territory where the deployment of a United Nations mission is envisaged. The role of the TAM is to analyze and assess the overall security, political humanitarian, human rights and military situation on the ground, and the implications of an eventual United Nations peacekeeping operation. As such, the TAM may also consist of representatives from several departments and offices with-

in the Secretariat, as well as the specialized agencies, funds and programs, and should involve relevant actors from the UNCT.

Based on the findings and recommendations of the TAM, the United Nations Secretary-General normally issues a report to the Security Council, recommending options for the possible establishment of a United Nations peacekeeping operation, including its size and resources. The Security Council may then pass a resolution authorizing the United Nations peacekeeping operation's deployment and determining its size and mandate.

## 4.2 Key Lessons for Planners and Decision Makers

Pressures to halt the slaughter of civilians or avert a humanitarian catastrophe may lead the Security Council to deploy a United Nations peacekeeping operation in circumstances that are far from ideal. Nevertheless, the Secretariat has a responsibility to provide the Security Council with an accurate assessment of the risks associated with its decision to deploy a United Nations peacekeeping operation, and ensure that its mandate and capabilities are tailored to the requirements of the situation. The lessons learned over the past six decades indicate that a United Nations peacekeeping operation is unlikely to succeed when one or more of the following conditions are not in place.

**A peace to keep.** A United Nations peacekeeping operation can only succeed if the parties on the ground are genuinely committed to resolving the conflict through a political process. A United Nations peacekeeping operation deployed in the absence of such a commitment runs the risk of becoming paralyzed or, worse still, being drawn into the conflict. The signing of a cease-fire or peace agreement is an important indicator of whether or not the parties are ready to engage in a political dialogue. However, the signing of a cease-fire or peace agreement may not always translate into a genuine commitment to peace, particularly if the parties have done so as a result of international pressure.

Judging the parties' real intentions is never easy and the deployment of a United Nations peacekeeping operation always entails an element of risk. Nevertheless, in gauging the parties' level of commitment to a peace process, the Secretariat should always be prepared to tell the Security Council what it needs to know, rather than what it may want to hear. If the parties do not appear committed to resolving their differences through peaceful means, the Security Council should be encouraged to explore the full range of options at its disposal, such as the deployment of an advance mission, or the reinforcement of mediation and other peacemaking efforts.

**Positive regional engagement.** Many of the crises before the Security Council are regional in character. Rarely can the problems in one state be treated in isolation from its neighbours. The attitude of neighbouring states can be as important a factor in determining the viability of a peace process, as the commitment of the local parties, some of whom may even be acting as proxies for neighbouring states. The role regional actors or organizations may be playing in the conflict must be carefully examined by the Secretariat and the Security Council when the establishment of a United Nations peacekeeping operation is under consideration. A managed, positive and supportive regional engagement strategy can pay enormous dividends in encouraging the parties to stay the course and prevent the spread of conflict. To exclude regional actors from the peace process may have a more detrimental effect than managing their participation.

**The full backing of a united Security Council.** While the establishment of a United Nations peacekeeping operation only requires nine votes from the Security Council's fifteen members, anything other than unanimous Security Council backing can be a serious handicap. Divisions within the Security Council are likely to send mixed messages to the parties, and may undermine the legitimacy and authority of the mission in the eyes of the main parties and the population as a whole. Any perception that the Security Council is not fully committed to the implementation of a peace agreement is likely to embolden spoilers at both the local and regional levels, as well as hamper contributions from Member States. On the other hand, by

showing the parties that it is actively engaged in the peace process and is determined to stay the course, the Security Council can greatly enhance a United Nations peacekeeping operation's impact on the ground.

**A clear and achievable mandate with resources to match.** When the Security Council decides to deploy a United Nations peacekeeping operation, the Secretariat must help to ensure that the mandate is clear and achievable. Since the credibility of a United Nations peacekeeping operation is dependent on it being able to carry out its mandated tasks, it is important to ensure that the mandate reflects the level of resources that contributing nations are able and willing to provide. There must be reason to believe that Member States will be ready to finance the operation, to contribute the necessary military and police personnel and to provide it with political support, on a continuing basis. If the situation on the ground requires the deployment of capabilities that a United Nations peacekeeping operation is unlikely to have, the Security Council should be encouraged to consider alternative options.

The deployment of a United Nations peacekeeping operation is just the start of a long-term, but volatile peace and capacity-building process. In recommending to the Security Council the resources and capabilities needed for the peacekeeping operation, the Secretariat and its partners should also conduct a rigorous assessment of the requirements for longer-term engagement. In conducting this assessment, worst case scenarios should be examined as an aid in planning. Planning based solely on short-term engagement and best case scenarios has rarely proven to be a successful basis for the deployment of a United Nations peacekeeping mission and should be avoided.

If changing circumstances on the ground warrant an adjustment to a mission's mandate, this should be done explicitly on the basis of an objective re-evaluation of the United Nations role. If a change in mandate entails a significant increase in the number, scope or complexity of the tasks assigned to a mission, the Secretariat should seek the necessary additional resources to match a revised mandate. Similarly, if the mission's role is augmented or diminished, then the types and amount of resources required should also be adjusted.

### 4.3 The Importance of Consultations with Contributing Countries

The United Nations has no standing army or police force. For every new United Nations peacekeeping operation, the Secretariat must seek contributions of military, police and other personnel from Member States who are under no obligation to provide them. Sustained consultations with TCCs/PCCs and other contributing countries at all stages of the planning and decision-making process are therefore critical to the success of any United Nations peacekeeping operation.

Consultations with TCCs/PCCs may take several forms and should be held at all key stages in the life of a United Nations peacekeeping operation, including: a) the development of the concept of operations and the elaboration of the mandate of a new operation; b) any change in the mandate, in particular the broadening or narrowing of the scope of the mission, the introduction of new or additional functions or components, or a change in the authorization to use force; c) the renewal of the mandate; d) significant or serious political, military or humanitarian developments; e) a rapid deterioration of the security situation on the ground; f) the termination, withdrawal or scaling down in size of the operation, including the transition from peacekeeping to post-conflict peacebuilding; and g) before and after Security Council missions to a specific peacekeeping operation.<sup>2</sup>

Since United Nations peacekeeping operations would not be possible without the participation of contributing countries, it is critical that every effort be made to ensure that they are fully consulted on any decisions that may affect their personnel on the ground. Additionally, regular consultations with contributing countries provide the Secretariat with a valuable opportunity to consider their views on a range of strategic and operational issues. ■

## Chapter 5

### Planning a United Nations Peacekeeping Operation

#### 5.1 The Integrated Approach

As discussed in Chapter 2, United Nations peacekeeping began during the Cold War as a tool for managing inter-state conflicts. Since then, a new generation of multi-dimensional United Nations peacekeeping operations has emerged. These multi-dimensional United Nations peacekeeping operations are deployed as one part of a broader international effort to assist countries making the transition from conflict to sustainable peace.

Successful recovery from conflict requires the engagement of a broad range of actors – including the national authorities and the local population – in a long-term peacebuilding effort. The rationale for the integration of activities undertaken by the United Nations is to better assist countries to make this transition from conflict to sustainable peace. A multi-dimensional United Nations peacekeeping operation is likely to be far more effective when it is deployed as part of a United Nations system-wide response based on a clear and shared understanding of priorities, and on a willingness on the part of all United Nations actors to contribute to the achievement of common objectives. Integrated planning is at the heart of the United Nations efforts to develop such a response.

An integrated mission is one in which there is a shared vision among all United Nations actors as to the strategic objectives of the United Nations presence at the country-level. This strategy should reflect a shared under-

standing of the operating environment and agreement on how to maximize the effectiveness, efficiency, and impact of the United Nations overall response. Structural or programmatic integration between United Nations actors must be driven by an assessment of whether or not it will add real value and improve the impact of the United Nations engagement. An integrated mission's structure should be derived from an in-depth appreciation of the specific country setting and an honest assessment of the United Nations capacities to respond effectively. It should be driven by the United Nations strategy for that country and the resources available to the United Nations.

Integrated planning may, at times, appear to slow the deployment of a United Nations peacekeeping operation. Therefore, a balance must be struck between the need to ensure that developmental, human rights, gender and other perspectives are fully taken into account, and the need to deliver a timely and effective humanitarian and security response. Finding such a balance is not easy and requires cooperation, coordination and communication. Ultimately, integrated planning helps to ensure that all the actors in the United Nations system, when deployed in the field, are pointing in the same direction.

Forcing integration where it is not needed may well be counter-productive. Chapter 7 provides more detail on managing integrated missions in the field. In situations where there is little or no peace to keep, integration may create difficulties for humanitarian and development partners, particularly if they are perceived to be too closely linked to the political and security objectives of the peacekeeping mission. In the worst case, integration may endanger their operations and the lives of their personnel. Integrated planning should also bear these worse case scenarios in mind and ensure appropriate dialogue, communication and contingency planning.

## 5.2 The Integrated Mission Planning Process (IMPP)

The United Nations has adopted an Integrated Mission Planning Process (IMPP) to facilitate the planning of multi-dimensional United Nations peacekeeping operations.<sup>3</sup> The IMPP is intended to help the United Nations system arrive at a common understanding of its strategic objectives in a particular country by engaging all relevant parts of the United Nations system. It aims to ensure that the right people are at the planning table, that the right issues are being discussed, and that the appropriate authorities and accountabilities are in place to motivate integrated thinking and planning.

Full application of the IMPP may not always be necessary or feasible since the deployment of an integrated mission is just one among a range of possible options for United Nations engagement. Nevertheless, even in situations requiring a more traditional United Nations peacekeeping response, every effort should be made to ensure that planning is conducted in close coordination with relevant United Nations system partners and other key stakeholders.

The IMPP should be driven by a realistic assessment of existing capacities at country-level, in order to avoid duplication of effort and ensure the most efficient use of the United Nations limited resources. Any plans based on overly ambitious, unfunded or aspirational capacities must be carefully scrutinized at this stage to avoid unrealistic planning assumptions. The UNCT should, therefore, be involved in the IMPP from the outset and continue to play an active role in planning efforts within the context of an integrated mission. These considerations should be factored into the IMPP and reflected in the accompanying budgetary process.

The IMPP does not and cannot take over all other planning processes. The number of international and national actors involved in efforts to support the process of post-conflict recovery means that, in practice, planning cannot always be fully coherent or integrated. These actors have different roles, decision-making processes, deployment time-lines, procedures, budgetary pressures and supervising authorities. However, the IMPP does provide

an inclusive framework to engage external partners, such as the International Financial Institutions (IFIs), regional organizations or bilateral donors. The cooperation of such external partners is necessary for the United Nations to achieve its broader objectives.

Peacekeeping planners need to be aware of the other assessment and planning processes that may be going on alongside the IMPP and actively seek to create substantive linkages between them wherever possible. Such processes include the Consolidated Humanitarian Appeal (CHAP)/Consolidated Appeal (CAP), Common Country Assessment (CCA)/UN Development Assistance Framework (UNDAF), Joint Assessment Missions (JAM)/Post-Conflict Needs Assessments (PCNA) and Poverty Reduction Strategy Papers (PRSP). The IMPP should draw on and capture any elements contained in these parallel planning frameworks that are relevant to the achievement of the United Nations overall strategic objectives. Development of these linkages will help prevent circumstances in which uncoordinated initiatives create friction and spark conflict among the many actors.

The IMPP should be seen as a dynamic, continuous process allowing for activities and objectives to be revised, as the mission's understanding of its operational environment grows and as that environment itself changes. Significant developments at the country level – for example following national elections, or a changed political, security or humanitarian situation – may require a change in the United Nations strategic objectives, or a reconfiguration of the overall role and/or capabilities of the United Nations peacekeeping operation. Such a revision may also be requested by the United Nations Security Council. In such situations, the SRSG/HOM will be responsible for revising the strategic framework guiding the United Nations system's activities on the ground as the basis for the Secretary-General's report to the Security Council, which is ultimately responsible for deciding whether the mission's mandate should be revised. ■

## Endnotes

- 1 Statement by the President of the Security Council S/PRST/1994/22, of 3 May 1994.
- 2 Security Council resolution 1353 (2001), of 13 June 2001, on Measures for Cooperation with Troop Contributing Countries
- 3 The IMPP was formally endorsed through a decision of the Secretary-General's Policy Committee, on 13 June 2006. A comprehensive set of implementation guidelines for the IMPP are currently under development, in coordination with field missions and Headquarters planners.

The arrangements for directing and managing modern United Nations peacekeeping operations are distinct from those of other organizations, particularly those only deploying a military capability. United Nations peacekeeping has evolved into a complex, multi-dimensional enterprise, involving personnel from a wide range of nationalities, disciplines and professional cultures pursuing multiple lines of activity.

## PART III

### The Art of Successful Mandate Implementation



## Chapter 6

Deployment and Start-Up of United Nations  
Peacekeeping Operations

## Chapter 7

Managing United Nations Peacekeeping Operations

## Chapter 8

Supporting and Sustaining United Nations  
Peacekeeping Operations

## Chapter 9

Maintaining Support for the Mission

## Chapter 10

Transition and Exit

# Chapter 6

## Deployment and Start-Up of United Nations Peacekeeping Operations

### 6.1 Typical Phases of Deployment

Part III of this document addresses some of the major challenges facing United Nations peacekeeping operations during the various phases of deployment. Although the trajectory of each United Nations peacekeeping operation evolves differently, for planning purposes the lifecycle of a United Nations peacekeeping operation can be divided into the following broad phases, shown simplistically in Figure 3 below:

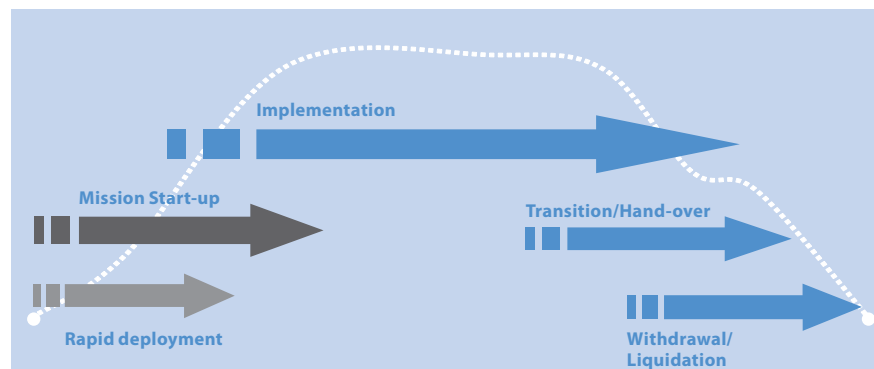
- **Mission Start-Up**
- **Mandate Implementation**
- **Transition (hand-over, withdrawal and liquidation)**

In general, the scale and tempo of operations rise steadily during initial deployment and start-up, reaching a plateau during mandate implementation, and finally tapering off once hand-over and withdrawal begin. Although they are conceptually distinct, the various phases of the mission lifecycle may overlap. There will also be spikes of activity during implementation as critical milestones and tasks are achieved, for example, during a large DDR programme, or during the period leading up to an election, or the critical months and years following formation of a government.

Each phase of deployment presents its own specific challenges. During start-up, the mission strives to reach an initial operating capability (IOC), and



**Figure 3** Typical Phases of Deployment



eventually a full operating capability (FOC) so that mandate implementation can begin in all areas of deployment. During the implementation phase, efforts are focused on carrying out the tasks set out in the Security Council mandate and achieving the objectives set out in the mission plan. The process of handover, withdrawal and liquidation begins following a decision by the Security Council. It involves the departure of mission personnel following the hand-over of all remaining tasks to partners, and the final disposal of mission assets and infrastructure in accordance with United Nations rules.

The remainder of this chapter describes the United Nations mission deployment and start-up concept, and the challenges associated with managing the mission start-up process. Chapters 7, 8 and 9 describe the challenges of managing, supporting and sustaining large integrated missions, as well as managing their impact on the host country. Finally, Chapter 10 turns to the challenges of transition, hand-over to partner organizations and withdrawal.

## 6.2 The Mission Start-Up Process

The first months after a cease-fire or peace accord are often the most critical for establishing a stable peace and bolstering the credibility of a new operation. Opportunities lost during this period are hard to regain. The

General Assembly has thus endorsed a requirement to be able to establish a traditional peacekeeping mission within 30 days and a multi-dimensional mission within 90 days of the authorization of a Security Council mandate.

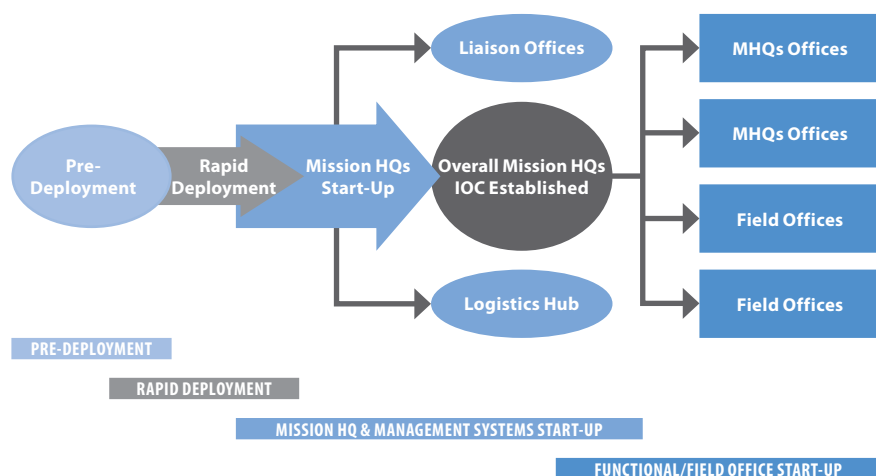
In reality, there is no set sequence of events for establishing a United Nations peacekeeping operation. The lead time required to deploy a mission varies and depends on a number of factors, particularly the will of Member States to contribute troops and police to a particular operation, and the availability of financial and other resources. For missions with highly complex mandates or difficult logistics, or where peacekeepers face significant security risk, it may take several weeks or even months to assemble and deploy the necessary elements. The 90-day timeline for deploying the first elements of a multi-dimensional United Nations peacekeeping operation is, thus, a notional target.

The term 'mission start-up' is used to describe the earliest phase of establishing a mission in the field. During mission start-up, the main priority is to bring internal mission processes, structures and services to an initial level of operating capability so that mandate implementation can begin across the mission area.

As shown in Figure 4, the mission start-up process covers several notional stages, even though these may overlap in practice, as follows:

- **Pre-deployment** is largely a Headquarters responsibility and involves many tasks such as the United Nations budgetary process, pre-deployment visits to TCCs/PCCs to assess readiness, the negotiation of a Status of Mission/Status of Forces Agreements (SOMA/SOFA), the mobilization of Strategic Deployment Stocks (SDS), and the tendering of major supply and service contracts for the mission;
- **Rapid deployment** involves the deployment of a small advance team to commence the establishment of mission premises and other prerequisite infrastructure and administrative systems, to allow for the reception of larger numbers of staff and contingents as start-up progresses;

**Figure 4** The Mission Start-Up Process



- **Mission headquarters start-up** is the period when the mission leadership team arrives, managerial and command and control systems are formed and increasing numbers of substantive and support personnel begin arriving in-mission to help achieve an IOC. It also involves the establishment of liaison offices and logistics hubs, if required;
- **Functional component and field office start-up** occurs alongside the establishment of the central structures of mission headquarters and involves the coordinated establishment of the different substantive civilian, police and military command and managerial capacities. It also involves the start-up of sector headquarters and field offices of the mission.

### 6.3 Managing the Mission Start-Up Process

Mission start-up can be a fast-paced and seemingly chaotic experience. Small numbers of staff are pitted against time to put in place the foundations of a complex, new mission, often in unknown and volatile operating environments. At the same time, new staff and contingents begin to deploy and begin scoping out initial operations. Mission leaders must also use these

early weeks, sometimes referred to as a ‘honeymoon period,’ to push ahead political progress with the parties so as to sustain the momentum of the peace process. During this critical phase, it is essential that mission leaders and personnel adhere to the basic principles of United Nations peacekeeping, as outlined in Chapter 3 above, and actively seek to establish the mission’s legitimacy and credibility in the eyes of the parties, the host population and the international community, as a whole.

Effective leadership and strong managerial skills are at a premium during start-up. If basic systems and procedures are not established early on, this can cause compounding confusion as the mission rapidly expands during start-up. If effective and streamlined institutional processes to control the fragmentation of a large and diverse mission are not installed during the start-up period – such as establishing mission decision-making forums, information sharing and information management protocols, reporting lines, etc. – they will become increasingly difficult to introduce later.

Leadership and conflict management are essential skills for a mission start-up manager. Few, if any, of the mission staff will have worked together before. Peacekeeping personnel will come from diverse national and professional backgrounds (including from significantly different civilian, military and police working cultures) which may cause friction in a pressurized start-up environment. Internal tensions must be managed proactively, during the early months, to minimize misunderstandings and avoid resentments that could pollute staff relations over the long-term. Mission leaders must underscore the need for all components to work towards shared objectives under the leadership of a cohesive and collaborative mission leadership team. ■

# Chapter 7

## Managing United Nations Peacekeeping Operations

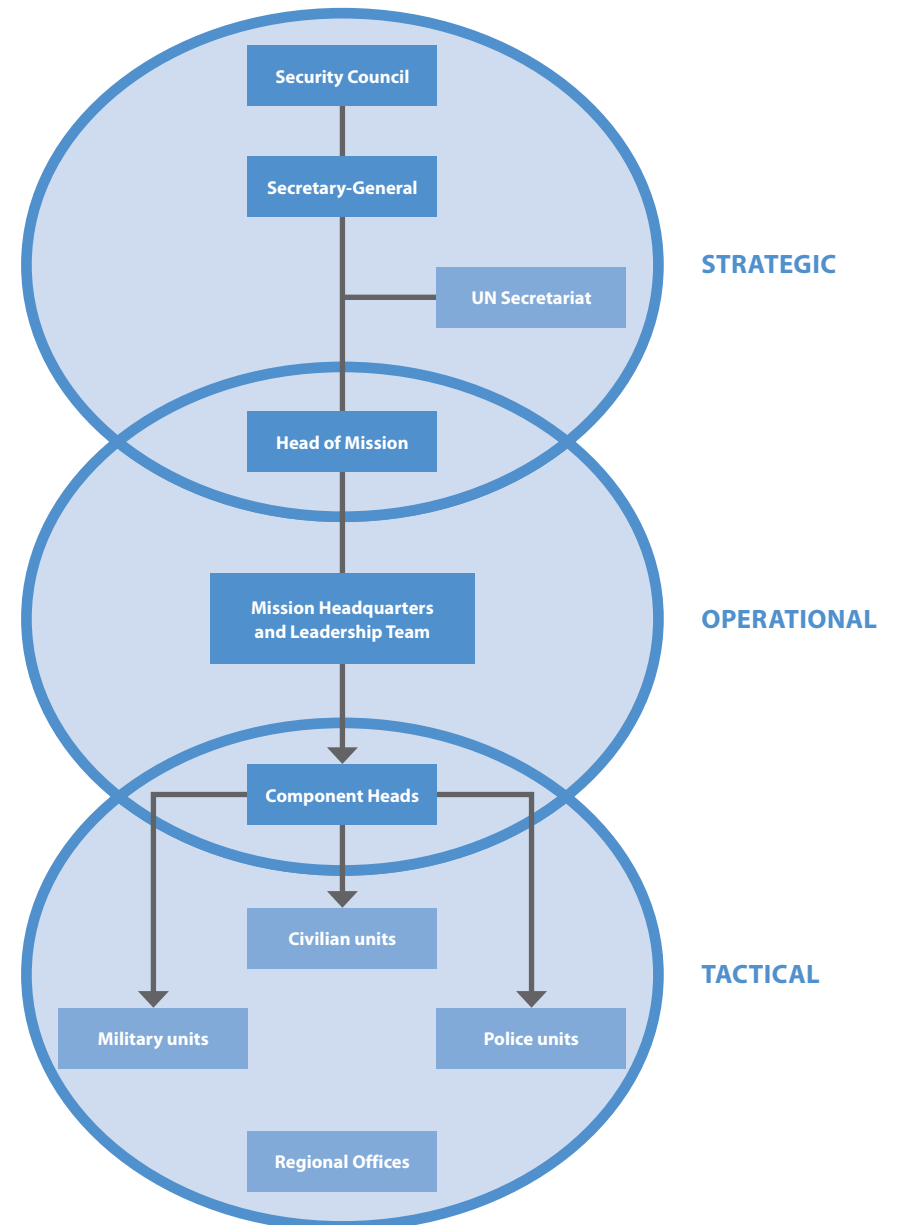
### 7.1 The Relationship between Headquarters and the Field

The arrangements established by the United Nations to direct and manage its peacekeeping operations are distinct from those of other organizations, particularly those only deploying a military capability.<sup>1</sup> This is largely due to the fact that United Nations peacekeeping has evolved into a complex, multi-dimensional enterprise, involving personnel from a wide range of nationalities, disciplines and professional cultures pursuing multiple lines of activity.

As depicted in Figure 5, the levels of authority in United Nations peacekeeping operations are not as clear-cut as they are in military organizations. This difference must be noted when the United Nations is working in the field with partner organizations.

Within the United Nations Secretariat, DPKO is responsible for providing United Nations peacekeeping operations with policy guidance and strategic direction, while DFS is responsible for providing logistical and administrative support. In order to ensure unity of command at the Headquarters level, the Under-Secretary-General for Field Support reports to the Under-Secretary-General for Peacekeeping Operations on all peacekeeping related matters. Standing Integrated Operational Teams (IOTs), located within DPKO and managed by the Office of Operations (OO), bring together, in a formal structure, political, military, police and mission support personnel, sup-

**Figure 5** Authority, Command and Control in Multi-dimensional United Nations Peacekeeping Operations



ported by other specialist capacities as required, to provide integrated teams to support missions, and to provide integrated policy advice and guidance for senior DPKO and DFS staff. These teams enable delegation of decision making and increased accountability; and they provide a principal entry point for missions, TCCs/PCCs and partners to engage in the planning and conduct of integrated peacekeeping operations.

In the field, the Head of Mission (HOM) exercises operational authority over the United Nations peacekeeping operation's activities, including military, police and civilian resources. In the case of military personnel provided by Member States, these personnel are placed under the operational control of the United Nations Force Commander or head of military component, but not under United Nations command. However, once assigned under United Nations operational control, contingent commanders and their personnel report to the Force Commander and they should not act on national direction, particularly if those actions might adversely affect implementation of the mission mandate or run contrary to United Nations policies applicable to the mission. Member States may withdraw their contributed personnel from the mission through advice to United Nations Headquarters.

In integrated missions, the SRSG/HOM is a civilian who reports to the Secretary-General through the Under-Secretary-General for Peacekeeping Operations at United Nations Headquarters.<sup>2</sup> The SRSG/HOM is given significant delegated authority to set the direction of the mission and to lead its engagement with the political process on the ground. The SRSG/HOM is responsible for coordinating the activities of the entire United Nations system in the field and is assisted in this task by the DSRSG/RC/HC, who is expected to serve as the principal interface with the UNCT.

The SRSG/HOM and his/her deputies form part of a Mission Leadership Team (MLT). The core membership of the MLT is comprised of the heads of the major functional components of the mission. The MLT is responsible for overseeing the implementation of the mission's activities. In the absence of a standing "operational headquarters" structure, United Nations Head-

quarters and the mission headquarters must form a strong and collegial relationship to ensure that the mission can quickly and effectively leverage political support for its operations on the ground. The United Nations Headquarters personnel and the mission's MLT need to play mutually supporting roles, both in developing a political strategy for the mission and in managing the operations and resources to support that strategy.

## 7.2 The Challenge of Mission Integration and Coordination

Integrated missions are designed to facilitate a coherent, system-wide approach to the United Nations engagement in countries emerging from conflict. The United Nations has the unique ability to employ a mix of civilian, police and military capabilities, under a unified leadership to support a fragile peace process. At the same time, United Nations peacekeeping operations are almost always deployed alongside a variety of external actors, with widely differing mandates, agendas and time horizons. The challenge of managing an integrated mission is thus further compounded by the need to ensure that there is some degree of coordination between the United Nations and the range of non-United Nations actors who are often present in conflict and post-conflict settings.

In essence, an integrated mission is a strategic partnership between a multi-dimensional United Nations peacekeeping operation and the UNCT, under the leadership of the SRSG and the DSRSG/RC/HC. The SRSG is the "the senior United Nations representative in the country" with "overall authority over all the activities of the United Nations" and is responsible for "ensuring that all the United Nations components in the country pursue a coordinated and coherent approach."<sup>3</sup> The DSRSG/RC/HC is responsible for the coordination of both humanitarian operations and United Nations development operations, and for maintaining links with governments and other parties, donors, and the broader humanitarian and development communities for this purpose.<sup>4</sup>

Ultimately, successful integration and coordination requires a high degree of sensitivity to the interests and operating cultures of three broad sets of actors:

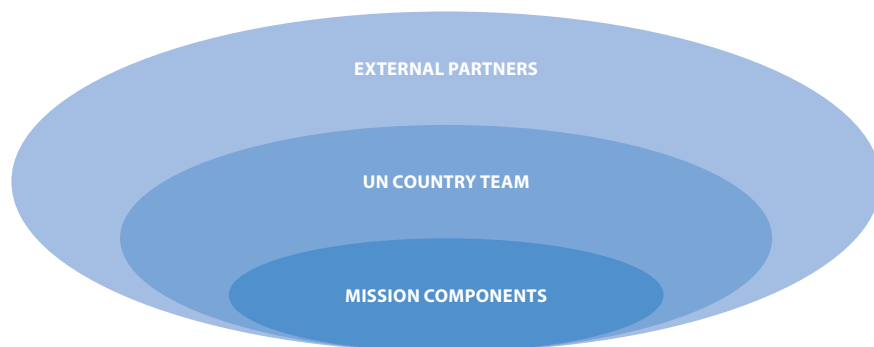
- Mission components
- UNCT members
- External partners

Integration is more than just a matter of bureaucratic reporting lines. Figure 6, below, presents a simplified view of what is, in fact, a highly complex operating environment.

**Integrating the mission's components.** The various components of a United Nations peacekeeping operation – civilian, police, military and support – come under the direct authority of the SRSG/Head of Mission (HOM) and the MLT. In large integrated missions, the MLT is normally supported by the following structures, which are designed to facilitate integration between the mission's components:

- A Joint Operations Centre (JOC) that collates situation reports and operational information from all mission sources to provide current situational awareness for the mission. The JOC also acts as a crisis coordination hub.<sup>5</sup>

**Figure 6** The Challenge of Mission Integration



- A Joint Mission Analysis Centre (JMAC) that provides integrated analysis of all-sources of information to assess medium- and long-term threats to the mandate and to support MLT decision-making.
- An Integrated Support Service (ISS) that harnesses all logistical resources of the mission.
- A Joint Logistics Operations Centre (JLOC) to coordinate the provision of logistical support, in accordance with MLT priorities.

Although the components of a United Nations peacekeeping operation have the same mandate, share a single budget, and depend on the same integrated support services, there are significant cultural differences, both national and professional, within and between them. Many civilian organizations and government departments routinely function with a high degree of tolerance for ambiguity and highly flexible management models. At the same time, military staff tend to seek to minimize ambiguity by making informed assumptions within a strong planning culture. Mission leaders and staff must seek to reconcile these differing “institutional cultures,” while being careful not to stifle the cultural diversity that constitutes one of the United Nations main strengths.

**Integrating the United Nations effort.** As discussed in Chapter 5, integrated planning allows the United Nations system to maximize the impact of its engagement in countries emerging from conflict by ensuring that its activities are guided by a common strategic vision. However, integration does not mean that all United Nations actors on the ground should be physically integrated or subsumed under a single structure. Moreover, while the members of the UNCT come under the overall authority of the SRSG/HOM, in reality, they are governed by mandates, decision-making structures and funding arrangements that are quite distinct from those of the United Nations peacekeeping operation. As a result, integration among the members of the broader United Nations family cannot simply be imposed by edict from above, and can only be achieved through a constant process of dialogue and negotiation between the actors concerned.



There is no “one-size-fits-all approach” to achieving integration among United Nations actors in the field. There is a range of implementation modalities through which an integrated mission may pursue common United Nations objectives in its mandated areas of activity. In some areas, for example, human rights or electoral assistance are fully integrated into the mission’s activities, and the relevant components of the United Nations peacekeeping operation are usually staffed by personnel drawn from the lead department or agency concerned. Others, such as DDR, see a looser arrangement driven by joint planning and conduct of programmes by different actors. Alternatively, the delivery of humanitarian assistance is conducted by humanitarian agencies, as a parallel activity, under the coordination of the DSRSG/RC/HC.<sup>6</sup> The United Nations system should decide at the country-level which implementation modalities are best suited to the achievement of its common objectives. To this end, individual United Nations actors may need to revise their respective country programmes, annual work plans, and other frameworks to reflect the new plans that have been developed.

Ultimately, it is the responsibility of the SRSG/HOM, supported by the DSRSG/RC/HC and the other members of the MLT, to define the United Nations system’s strategic priorities at the country-level and to ensure that the activities of all United Nations actors contribute to the achievement of the mission’s strategic objectives. The SRSG/HOM must always consider the views and concerns of the various constituencies within the mission in order to ensure that, to the extent possible, activities undertaken in one area do not undermine other aspects of the mandate. Senior mission leaders and staff must ensure that any friction remains manageable and that the United Nations family remains in control of the dynamic, in order to ensure that others do not exploit the differences between United Nations actors. This entails a respect for the diversity of approaches being pursued in a post-conflict context and the need for international strategies to evolve over time along with the peace process.

**Coordination with external partners.** The large number of international and national actors implementing activities in post-conflict environments

precludes the development of one common plan or strategy, much less one common structure or programme. Nevertheless, it is incumbent upon the peacekeeping operation to meet regularly and share information with all actors, and to harmonize activities, to the extent possible, by seeking their input into the mission’s planning process and to respond actively and substantively to requests for cooperation. Examples of such actors include:

- Bilateral and multilateral donors, including the World Bank and the International Monetary Fund (IMF), as well as NGOs or contractors working for donors;
- Non-United Nations led military formations deployed nationally, under the aegis of a regional organization or as part of an ad hoc coalition;
- The diplomatic corps and other regional or international political actors;
- The International Committee of the Red Cross (ICRC) and other components of the International Movement, as well as other independent humanitarian actors, such as humanitarian NGOs.

These actors normally pursue independent agendas, which may or may not coincide with the strategic priorities identified by the peacekeeping operation. Some may be operating according to widely different timelines and work methods, or they may simply not be capable of engaging in intensive cooperation due to the periodic nature of their engagement in the country. In these circumstances, proactive sharing of information by the mission is still important, even if the intensity of cooperation is limited.

Humanitarian actors, such as the ICRC, have as an institutional imperative to maintain a high level of visible independence from political-military structures to ensure the safety and feasibility of their actions and personnel. United Nations peacekeepers must be cognizant of the concept of “humanitarian space,” which can be understood as the space created through respect for the humanitarian principles of independence and neutrality. It is in this space that humanitarian action takes place. As such, a clear distinction must be made between politically motivated actions to end conflict and move

toward national development, and apolitical humanitarian assistance based exclusively on impartial response to assessed need, aimed at saving lives, alleviating suffering and maintaining or restoring the dignity of people affected by conflict. Maintaining this distinction better assures humanitarian agencies safe and secure access throughout a conflict zone.

It is incumbent upon the peacekeeping operation to regularly meet and share information with all actors and, to the extent possible, harmonize activities by seeking their input into the mission's planning process. This includes the sharing of non-operationally sensitive geospatial data. The mission may also be requested to assist with large-scale humanitarian responses *in extremis*. For this eventuality, the MLT, through the DSRSG/HC/RC, should seek to establish effective information sharing and coordination mechanisms to ensure maximum coherence and to prevent any adverse impact on humanitarian and development operations. Due to the high turnover of some mission personnel, coordination arrangements and induction programmes should be designed to minimize the burden on partner organizations. ■

## Chapter 8

### Supporting and Sustaining United Nations Peacekeeping Operations

#### 8.1 United Nations Logistics and Administration

As discussed in Chapter 2, United Nations peacekeeping operations have evolved to encompass a wide range of mandated tasks. The administrative, logistical and other specialized support arrangements for United Nations peacekeeping operations are crucial for the effective implementation of these tasks. The relationship between the military, police, substantive civilian and support components of a United Nations peacekeeping operation is, therefore, of crucial importance.

At the United Nations Headquarters level, DFS is responsible for delivering dedicated support to United Nations field operations, including personnel, finance, field procurement, logistical, communications, information technology, and other administrative and general management issues. In the field, the support component of a United Nations peacekeeping operation provides administrative and logistic support services that enable the mission to carry out its core functions in an effective, coordinated and timely manner, consistent with the regulations and procedures prescribed by the United Nations.

Mission assets are distributed to all mission components on an equitable basis, depending on functional need and assessed priorities. Delivering common support services is part of the administrative functions of a United Nations peacekeeping operation and falls under the responsibility of the

Director of Mission Support (DMS) or Chief of Mission Support (CMS). The DMS/CMS reports directly to the SRSG/HOM. The DMS/CMS has up-to-date information on the status of all resources available within the mission, and direct access to all available means of acquiring items.

United Nations peacekeeping operations are often deployed in environments which are both volatile and unpredictable, and where host nation infrastructure is minimal or severely degraded. Within this challenging operating environment, United Nations peacekeeping operations undertake a broad spectrum of civilian and military tasks, which may need to be sustained over several years. Moreover, an operation may be required to switch to a more robust posture and back again at various points in a mission's lifecycle and may need to switch the emphasis of operations between different components of the mission, for example, to support a DDR programme, an election or a security operation.

A mission support element which is flexible enough to adapt quickly to changing circumstances on the ground allows for greater internal capacity to respond to the mission's substantive operations. This requires good logistic planning, communication and resourcing, and close integration between the uniformed and support components of a mission. Most of all, it requires strong integrated planning and priority-setting among the mission's leadership team. It also requires flexibility in the management of mission assets by the mission's support element.

The logistic and administrative support for United Nations operations is more complex than many other logistical support models. This complexity is due to the requirement to support contingents deploying with widely varying levels of self-sufficiency, and the differing requirements between military contingents, civilian staff, police and military observers. United Nations operations are also subject to financial accountability procedures which do not align operational responsibility with budgetary accountability. Accordingly, the system of United Nations logistics is not well-designed to support high-tempo, short-notice military operations. This helps define a point beyond which a United Nations peacekeeping operation is not able to escalate.

United Nations peacekeeping operations function through a mix of civilian contracted services procured by the United Nations and military support capabilities, provided through 'lease' arrangements between the United Nations and contributing Member States.<sup>7</sup> When formed military units are deployed to a mission, the logistic support concept is based on the integration of United Nations-provided and contingent-provided resources to support all components of the mission. All of a mission's support resources are managed jointly through an integrated civilian and military logistics support service and a common administrative system throughout all United Nations missions.

The consolidation and integration function of integrated support services is focused in a JLOC, which is staffed by military and civilian logistics personnel and coordinates the logistical needs of all mission components. The JLOC often becomes a focal point for cooperation and mutual assistance on logistical issues between the United Nations peacekeeping operations, other agencies and NGOs.

Mission support elements must comply with strict rules and regulations and are sometimes criticized for not being responsive enough to operational requirements, especially during crises. Financial accountability controls for United Nations peacekeeping are essential, and demanded by the Member States. Yet, for the system to work effectively in support of the mission leadership, they need to be balanced with operational principles of flexibility and responsiveness, and administered with a view to effective risk management.

## 8.2 Human Resource Management

Attracting and retaining qualified personnel is a critical support function in United Nations peacekeeping operations. As stated in Article 101 of the Charter, securing the highest standards of efficiency, competence and integrity is the paramount consideration in the employment of United Nations staff and the determination of conditions of service. The international and national staff and uniformed personnel of a United Nations peacekeeping



operation are its most valuable assets and must be managed carefully. Being a United Nations peacekeeper requires extraordinary professionalism, dedication and self-restraint. The vast majority of the women and men serving in United Nations peacekeeping operations around the world do, indeed, possess these rare qualities. Yet, recent experience has shown that the actions of a minority who do not possess such qualities can result in irreparable damage to the reputation of the mission and the United Nations, as a whole.

Given the difficult environments in which many United Nations peacekeeping operations are deployed, turn-over rates for international personnel can be high. The conditions of service in many United Nations peacekeeping operations make it extremely difficult to attract qualified and experienced personnel. In the field, the provision of adequate welfare arrangements for both uniformed and civilian personnel is not only crucial for maintaining morale, but is also a key tool for preventing the instances of gross misconduct that have marred the United Nations peacekeeping record. Missions should make an effort to establish welfare committees and provide recreational facilities for peacekeeping personnel, within their existing resources. In particular, the civilian and military leadership within the mission must make an effort to ensure that funds allocated by TCCs/PCCs for the welfare of uniformed personnel actually reach their intended beneficiaries and that the welfare needs of civilian staff, which are often neglected, are also addressed.

Individual personalities are a major factor in any United Nations peacekeeping operation. Even when the necessary coordination mechanisms and processes are in place, it is vital to ensure that key positions are filled by the right individuals with the right skill-sets. Ultimately, it is the example and guidance provided by the senior leadership of a United Nations peacekeeping operation that will unite the components and ensure that the United Nations system is working as a team.

The selection of senior mission leaders must be a carefully considered process. Mutual respect and the ability to transcend “turf” issues are essential qualities for the successful management and integration of multi-dimensional

United Nations peacekeeping operations. Education and training are vital to ensuring that the appointment of senior mission leaders is not a “lottery.” Prior to assuming their functions, senior mission leaders should be given adequate training and preparation on the challenges that they are likely to face in the field. All personnel in leadership positions should exemplify the highest standards and should be held accountable for their behaviour and performance. If not performing up to expectations, they should be counselled and, if necessary, removed from the mission.

### 8.3 Security of Personnel

The primary responsibility for the security and protection of United Nations peacekeeping personnel and assets rests with the host government. This responsibility flows from the government’s inherent function of maintaining law and order, protecting persons and property within its jurisdiction, as well as from the special responsibility enshrined in the Charter.<sup>8</sup>

The Designated Official (DO), usually the senior-most United Nations official in a country, is responsible for the security of United Nations staff. When appointed DO, the SRSG/HOM is accountable to the Secretary-General (through the Under-Secretary-General for Safety and Security) for the security of all civilian personnel employed by the organizations of the United Nations system and their recognized departments throughout the country or designated area. The DO is supported by the Chief Security Adviser (CSA), Department of Safety and Security (DSS), and the Security Management Team (SMT) which oversees United Nations security arrangements in country. The SMT’s composition and standing operating procedures are articulated in the *DSS Field Security Handbook*.

While the safety and security of staff and facilities is largely situation specific, some key standards have been developed, such as the Minimum Operating Security Standards (MOSS). These standards are established, implemented and monitored at the direction of the CSA and the DO. These standards apply

to both international and national staff. While uniformed personnel do not fall under the United Nations security management system, the heads of the military and police component should work closely with the CSA to ensure that the best possible security arrangements are put in place for all personnel. To this end, the respective heads of component will determine the best balance between operational necessity and the security of uniformed personnel. The heads of the military and police components are accountable to the HoM for the security of uniformed personnel. ■

## Chapter 9

### Maintaining Support for the Mission

#### 9.1 Managing Mission Impact

United Nations peacekeeping operations must be aware of and proactively manage their impact, both real and perceived, in the host country and community. United Nations peacekeeping operations are highly visible and generate high expectations. Accordingly, United Nations peacekeeping personnel should be careful to mitigate the possible negative consequences of the mission's presence. United Nations peacekeeping personnel must adhere to national laws, where these do not violate fundamental human rights standards, respect local culture, and maintain the highest standards of personal and professional conduct.

Personnel serving in United Nations peacekeeping operations should be alert to any potential, unforeseen or damaging consequences of their actions and manage these as quickly and effectively as possible. Poor driving and vehicle accidents and lax waste management practices are just some of the negative impacts that may seriously undermine the perceived legitimacy and credibility of a mission, and erode its popular support. The size of a United Nations peacekeeping operation's human and material footprint is likely to have a direct bearing on its impact, or perceived impact, in the community. Missions should be aware of the possible side-effects they may generate, including:

- Social impact (for example, in the conduct and behavior of staff);

- Economic impact (for example, on housing and staple foods and materials);
- Environmental impact (for example, waste management or water usage).

Social impacts such as different cultural norms of mission staff and host country customs may create friction (e.g.: employment of women in non-traditional gender roles, mixing and socialization amongst genders, drinking, gambling, inappropriate behaviour, etc.). United Nations peacekeeping operations also have a major impact on the host economy, by pushing up the price of local housing and accommodation, or placing demands on local producers for staple foods and materials, placing such items out of reach of the local community. All of these have the potential for creating friction and discontent within the local population and they should be continuously monitored and managed by the mission's leadership.

In assessing mission impact and devising strategies to address it, the mission should be careful to ensure that the differential impacts on men and women, as well as children and vulnerable groups, are considered. Although no mission can control all of the side-effects of its presence, it must undertake due diligence in managing its own impact. Where problems do arise, they should be addressed swiftly and honestly. At the same time, rumors and vexatious or erroneous accusations against the mission must be countered with vigor to maintain the good reputation of the international presence.

## 9.2 Communications and Outreach

Effective public information is a political and operational necessity. Its overall objective in United Nations peacekeeping operations is to enhance the ability of the mission to carry out its mandate successfully. Key strategic goals are to maintain the cooperation of the parties to the peace process, manage expectations and garner support for the operation among the local population, and secure broad international support, especially among TCCs/PCCs and major donors. Public information should be thoroughly integrated into

a United Nations peacekeeping operation at all stages of planning and deployment. The mission's Chief of Public Information should be a key actor in the senior leadership's decision-making process.

From the moment a peacekeeping operation is authorized, the United Nations must be able to ensure that the mandate and objectives of the mission are fully understood by the host population and other key actors. Consideration of the role that public information will play in the future peacekeeping operation, as well as the structures and resources that will be required to support that role, must begin at the earliest possible stage. A public information assessment gauging the most effective ways of reaching the population should, thus, be conducted prior to the launch of any field mission.

Effective communications and outreach will enhance the mission's ability to achieve its mandate and contribute to the security of mission personnel. A well designed and skilfully implemented communications strategy will increase confidence in the peace process, build trust among parties to a conflict, and generate support for national reconciliation. It will establish the mission as a trusted source of information and help counter the negative effects of irresponsible, hostile and controlled media. If the parameters of United Nations activity are clearly laid out and explained to the local population and other target audiences, fear and misunderstanding will be minimized, disinformation will be corrected, and the impact of those who wish to damage the peace process through rumour and untruth will be minimized. In addition, mission public information activities should be geared towards helping establish an environment that promotes the development of free and independent media, and the adherence to the highest journalistic ethics and standards.

The mission's public information campaign provides an opportunity to reach out to key groups within society, whose voices may not otherwise be heard, and to promote consensus around the peace process. Use should be made of local public radio and television, if available, as well as traditional

forms of public information dissemination, such as the local community and religious groups. Where no local dissemination capacity exists, a United Nations capability should be deployed at the earliest stages, while helping concurrently to build local capacities. ■

## Chapter 10

### Transition and Exit

#### 10.1 Partnerships and Transition Planning

No single organization can presently conduct all of the multifaceted tasks required to support and consolidate peace processes. Partnerships are thus indispensable to the success of the international community's efforts in post-conflict settings. Chapter 5 and 7 have provided guidance on how to manage the relationship with partners in the planning and conduct of ongoing operations. This chapter focuses on two important aspects of partnership: the transition from other security actors to a United Nations peacekeeping operation; and the hand-over of responsibilities from a United Nations peacekeeping operation to United Nations system partners and others, as it prepares to withdraw.

The United Nations is no longer the only actor conducting peace operations. The number of peace operations mounted by non-United Nations actors has doubled in the past decade. The African Union (AU), the Economic Community of West African States (ECOWAS), the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth of Independent States (CIS) and the North Atlantic Treaty Organization (NATO) have all mounted major operations of their own (in most cases with the authorization of the United Nations Security Council); and they are making concerted efforts to increase their capacities in this area.

The growing involvement of regional agencies and arrangements in the maintenance of international peace and security, as envisaged in Chapter VIII

of the Charter, has created new opportunities for combining the capabilities of United Nations and non-United Nations actors to manage complex crises. In several instances, troops and police deployed as part of a regional organization-led peace operation have been “re-hatted” upon the deployment of a United Nations peacekeeping operation. In some cases, United Nations peacekeeping operations consisting only of civilian and/or police personnel have been deployed alongside forces under the command of a regional organization. The Security Council has also authorized the deployment of a “hybrid” peacekeeping operation, in which elements from the United Nations and a regional organization are deployed as part of the same mission under joint leadership. Although cooperation between the United Nations and regional organizations in the area of peace and security has tended to occur on an ad hoc basis and is often dictated by political expediency, new more systematic partnerships are emerging.<sup>9</sup>

In circumstances where a United Nations peacekeeping operation is required to assume responsibility from a non-United Nations led peace operation, an effort should be made to develop a mutually agreed joint transition plan outlining the modalities, steps and timeframe for achieving transition and the assumption of United Nations responsibility. In addition to detailing when and how responsibilities will be transferred, such a plan should spell out any implications for the UNCT and other partners, in order to ensure consistency of approach and timing with the overall mission planning process. Emphasis should be placed on security and how to ensure maximum stability at a moment of potential weakness, including as a result of any mismatch in capabilities and tasks.

## 10.2 Hand-Over and Withdrawal

The United Nations engagement in a country which is emerging from conflict rarely begins with the deployment of a peacekeeping operation and is likely to continue long after its withdrawal. In most cases, the UNCT will have been on the ground long before the deployment of a United Nations

peacekeeping operation and will be responsible for supporting the process of long-term recovery once the peacekeeping operation has withdrawn. In some instances, a United Nations peacekeeping operation may be preceded by or deployed alongside a United Nations special political mission or peacebuilding support office. Some United Nations peacekeeping operations have also been succeeded by integrated offices, headed by an Executive Representative of the Secretary-General (ERSG).<sup>10</sup>

Ultimately, it is the prerogative of the Security Council to decide whether a United Nations peacekeeping operation should hand-over responsibility to another United Nations body or non-United Nations entity, and withdraw. Nevertheless, the Secretariat and the United Nations peacekeeping operation have a responsibility to ensure that the Security Council’s decision is based on an honest assessment of real progress made towards the achievement of a sustainable peace.

As discussed in Chapter 2, traditional United Nations peacekeeping operations are deployed as an interim measure to help manage a conflict and create conditions in which the negotiation of a lasting settlement can proceed. A traditional United Nations peacekeeping operation can be said to have successfully completed its mandate once the states concerned have arrived at a mutually agreed settlement to their conflict. Since they have little direct involvement in diplomatic efforts to resolve the conflict, some traditional peacekeeping operations are deployed for decades, due to the absence of a lasting political settlement between the parties.

Determining whether a multi-dimensional United Nations peacekeeping deployed in the aftermath of a violent internal conflict has successfully completed its mandate is far more challenging given the number of complex variables involved. Experience has shown that a domestic peace is truly sustainable when the warring parties are able to move their struggles from the battlefield and into an institutional framework where disputes can be settled peacefully. The deployment of troops and police must be accompanied by efforts to restore the State’s monopoly over the legitimate

use of force; re-establish the rule of law and strengthen respect for human rights; foster the emergence of legitimate and effective institutions of governance; and promote socio-economic recovery. The decision to shift the focus of the United Nations engagement from stabilization to longer-term peacebuilding must, therefore, take into account the degree of progress made in each of these critical areas.

The transition from a United Nations peacekeeping operation to subsequent phases of United Nations engagement should be factored into the planning process from the outset, with a view to clearly delineating the roles and responsibilities of the various United Nations actors on the ground. Reliable benchmarks and indicators are required to determine when the United Nations peacekeeping operation can begin the process of hand-over and withdrawal, without jeopardizing ongoing efforts to consolidate the peace.

There is no standard “check-list” of benchmarks applicable to all situations. The specific benchmarks used will differ from situation to situation, depending on the underlying causes of the conflict and the dynamics at play. They must be developed in close collaboration with the rest of the United Nations system, the national authorities, civil society, and other relevant stakeholders, taking into account the United Nations longer-term strategic goals.

Care must be taken to identify appropriate benchmarks that reflect real progress towards the consolidation of peace in the country. Indicators should not simply be measurements of international community inputs to a peace process, which may present an incomplete picture. Examples of key benchmarks that may be used to determine at which point the process of peace consolidation is sufficiently advanced to allow for the hand-over of certain mission responsibilities include the following:

- The absence of violent conflict and large-scale human rights abuses, and respect for women’s and minority rights;
- Completion of the DDR of former combatants (male and female, adults and children) and progress in restoring or establishing responsible state institutions for security;

- The ability of the national armed forces and the national police to provide security and maintain public order with civilian oversight and respect for human rights;
- Progress towards the establishment of an independent and effective judiciary and corrections system;
- The restoration of State authority and the resumption of basic services throughout the country;
- The return or resettlement and reintegration of displaced persons with minimal internal disruption or conflict in the areas of return or resettlement;
- The successful formation of legitimate political institutions following the holding of free and fair elections where women and men have equal rights to vote and seek political office.

Wherever possible, benchmarks should be established through dialogue with national interlocutors. The mission should seek multiple sources of validation regarding this progress and should not shy away from reporting on a deteriorating situation. In this respect, United Nations peacekeeping operations should resist the temptation to report overly optimistic assessments of progress against key benchmarks.

Depending on the evolving situation, it may be appropriate for the benchmarks to be amended over time. Whatever the benchmarks adopted, they should be regarded as interim objectives in the broader effort to build a self-sustaining peace, the realization of which will allow the international community to progressively shift the focus of its post-conflict assistance from stabilization to long-term peacebuilding and economic recovery.

The withdrawal of a United Nations peacekeeping operation should be planned and conducted in close consultation with all relevant partners and national stakeholders, to ensure minimal disruption of international programmes as a result of the mission’s departure, and to minimize the impact on the host population and environment. As a final contribution to the institutional learning process, it is important that an effort be made to



capture any remaining lessons learned at the end of the mission by conducting of After Action Reviews (AARs) and/or End of Assignment Reports (EoARs)<sup>11</sup> that may benefit those responsible for the planning and conduct of future United Nations peacekeeping operations. ■

## Endnotes

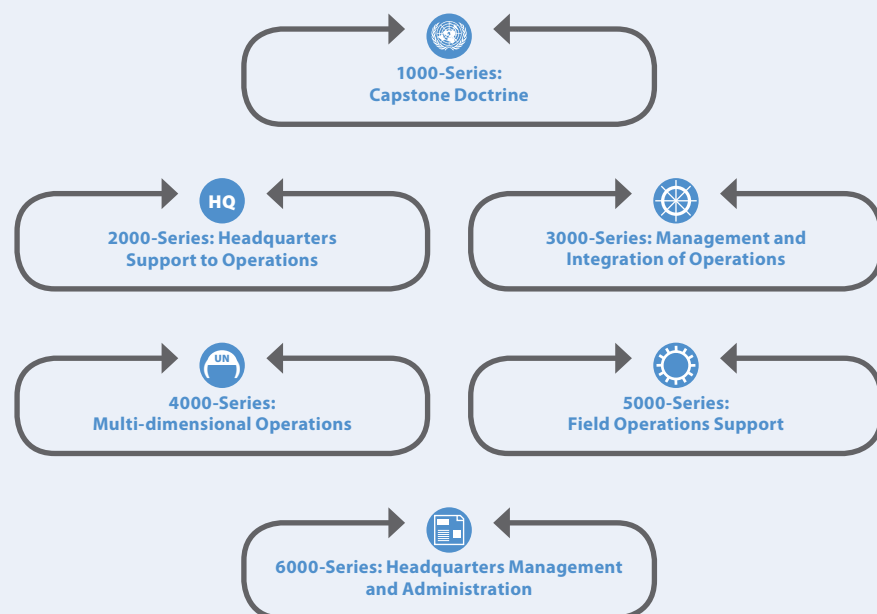
- 1 See DPKO Policy Directive on Authority, Command and Control for United Nations Multi-dimensional Peacekeeping Operations (2007).
- 2 For missions of a military nature, the Secretary-General may appoint a Force Commander or Chief Military Observer as Head of Mission.
- 3 Note of Guidance on Integrated Missions, Clarifying the Role, Responsibility and Authority of the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordination, 9 December 2005, para. 5.
- 4 Ibid., para. 18–19.
- 5 See DPKO Policy Directive on JOCs and JMACs, 1 July 2006. In this context, the term “joint” refers to the internal collaboration required between all mission components to achieve shared objectives under a single leadership team.
- 6 Where the DSRSG/RC/HC is supported by an office of the United Nations Office of the Coordination of Humanitarian Affairs (OCHA), OCHA will normally serve as the humanitarian coordination office. Where appropriate, the OCHA office may remain outside the mission structure to facilitate access by the broader humanitarian community.
- 7 Generally, contingents arrive with between 30–90 days of supplies to maintain self-sufficiency. During that period, the United Nations enters into service contracts to provide the bulk supplies of a mission, such as water, rations, laundry, waste disposal and some transport services. Contingents bringing their own equipment are paid for the lease of this equipment by the United Nations, based on agreed reimbursement rates.
- 8 Under Article 105 of the Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. Additional diplomatic privileges are accorded to United Nations staff members and premises in times of international crisis, by the 1946 Convention on the Privileges and Immunities of the United Nations and the Specialised Agencies and, more explicitly, by the 1994 Convention on the Safety of United Nations and Associated personnel, which obligates all signatories to ensure the safety and security of United Nations and associated personnel deployed in their territory.
- 9 The “Joint Declaration on EU-UN Co-operation in Crisis Management” was signed in September 2003.
- 10 Integrated offices consist of the members of the UNCT and may be augmented by the presence of military and police specialists.
- 11 After Action Reviews (AARs) and End of Assignment Reports (EoARs) are tools developed by DPKO to facilitate the capturing and sharing of lessons learned from the field.

# Annex 1

## United Nations Peacekeeping Doctrine Framework

As shown in the diagram below, the United Nations peacekeeping doctrine framework is currently divided into six major guidance “series” (1000–6000), which provide basic reference codes for the organization and management of internal DPKO/DFS policy and guidance materials. Each series is further subdivided into specific thematic and/or functional areas.

### DPKO/DFS Policy and Guidance Index



### 1000-Series: Capstone Doctrine

The 1000-series covers the basic principles and key concepts underpinning the planning and conduct of contemporary United Nations peacekeeping operations as well as their core functions and the main factors affecting their success. *United Nations Peacekeeping Operations: Principles and Guidelines* sits at the highest level in the 1000-series. 1000-series guidance also includes the *Handbook on United Nations Multi-dimensional Peacekeeping Operations*. All subordinate guidance must be consistent with the principles and concepts set out in the 1000-series.

### 2000-Series: Headquarters Support to Operations

The 2000-series contains guidance on DPKO/DFS headquarters roles, responsibilities and functions in support of field missions. Specific areas covered in the 2000-series include: command and control and executive direction; mission planning and budgeting; recruitment and force generation; deployment and mission start-up; political analysis and briefings; and reporting, monitoring and operations management.

### 3000-Series: Management and Integration of Operations

The 3000-series covers the management and integration of United Nations peacekeeping operations in the field. Documents in this series are intended to provide guidance on arrangements for the effective planning, management and integration of operational and support capabilities in the mission. The 3000-series also contains guidance on the effective execution of managerial responsibilities related to the safety, integrity and oversight of the mission and its resources. Specific areas covered in the 3000-series include: mission command and control; political analysis and diplomatic activity; mission planning; safety and security; crisis management; and conduct welfare and discipline.

### 4000-Series: Multi-dimensional Operations

The 4000-series contains guidance on the employment of military, police and substantive civilian capabilities within a United Nations peacekeeping operation. The use of guidance in this series will vary depending on the deployed mission capabilities, and should be seen as modular. Guidance in the 4000-series also draws on and must be consistent with the principles and concepts set out in the 1000-series. Specific areas covered in the 4000-series include: political and civil affairs; military; law enforcement (police); legal and judicial; corrections/prisons; human rights; DDR; SSR; mine action; and elections.

### 5000-Series: Field Operations Support

The 5000-series contains guidance on the integration and employment of all support resources in a mission with the aim of providing timely, efficient and effective support to meet mandate priorities. Guidance on mission support capabilities should be consistent with and should directly support the operational and managerial requirements identified in the 3000- and 4000-series. Specific areas covered in the 5000-series include: logistics support; movement control; strategic deployment stocks; aviation; surface transport; engineering; communications and information technology; medical; finance; and procurement and contract management.

### 6000-Series: Headquarters Management and Administration

The 6000-series sets out the managerial and administrative procedures governing the functioning of DPKO and DFS as specialized, field-focused, operational arms of the United Nations Secretariat. Specific areas covered in the 6000-series include: planning, budget and oversight; human resources and travel; and writing and records.



## Annex 2

### Selected Glossary of Acronyms and Terms\*

**AU** African Union

**CAAC** Children and Armed Conflict

**CAP** Consolidated Appeals Process

**Cease-fire** A temporary stoppage of war, which may also be undertaken as part of a larger negotiated settlement. A cease-fire marking the permanent end of war is referred to as an armistice.

**CIS** Commonwealth of Independent States

**CMS** Chief of Mission Support

**CIMIC** Civil-Military Cooperation

**Conflict Prevention** Any structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict.

**Contingency Plan** A management tool used to ensure adequate arrangements are made in anticipation of a crisis.

**Designated Official** The senior-most United Nations decision-maker on safety and security issues, in a given country.

**DFS** Department of Field Support

**DMS** Director of Mission Support

**Doctrine** The evolving body of institutional guidance that provides support and direction to personnel preparing for, planning and implementing UN peacekeeping operations.

**DDR** Disarmament, Demobilization and Reintegration

**DSRSG** Deputy Special Representative of the Secretary-General.

**DSRSG/RC/HC** Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator

**DSS** Department of Safety and Security

**ECOWAS** Economic Community of West African States

**EU** European Union

**FC** Force Commander

**Good Offices** The authority and legitimacy afforded by one's moral stature or gained through one's position or function that allows one to perform beneficial acts for another. This authority and legitimacy allows individuals to act as third-party mediators in various types of disputes.

**HC** Humanitarian Coordinator

**HOM** Head of Mission

**HOMC** Head of Military Component

**HOPC** Head of Police Component

**Humanitarian Assistance** Material or logistical assistance provided for humanitarian purposes, typically in response to humanitarian crises. The primary objective of humanitarian assistance is to save lives, alleviate suffering and maintain human dignity.

**Humanitarian Space** This means the ability of humanitarian agencies to work independently and impartially, without fear of attack in pursuit of the humanitarian imperative.

**Hybrid Operation** A peace operation involving the deployment of military, police or civilian personnel from two or more entities under a single structure.

**ICRC** International Committee of the Red Cross

**IFI** International Financial Institution is a generic term referring to the World Bank, IMF and other international or regional development banks.

**IMF** International Monetary Fund

**IMPP** Integrated Mission Planning Process

**Integration** The process through which the United Nations system seeks to maximize its contribution towards countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner.

**Integrated Mission** A strategic partnership between a multi-dimensional United Nations peacekeeping operation and the UNCT based on a shared vision among all United Nations actors as to the strategic objectives of the United Nations presence at country-level.

**IPBS** Integrated Peacebuilding Strategy

**ISS** Integrated Support Services

**JLOC** Joint Logistics Operations Centre

**JOC** Joint Operations Centre

**JMAC** Joint Mission Analysis Cell

**Multi-dimensional United Nations Peacekeeping Operations** United Nations peacekeeping operations comprising a mix of military, police and civilian components working together to lay the foundations of a sustainable peace.

**MOU** Memorandum of Understanding

**NATO** North Atlantic Treaty Organization

**NGO** Non-governmental Organization

**OCHA** Office for the Coordination of Humanitarian Affairs

**OHCHR** Office of the High Commissioner for Human Rights

**OSCE** Organization for Security and Cooperation in Europe

**Parties** Persons or entities involved in a dispute.

**PCC** Police Contributing Country

**Peace Agreement** A formal treaty intended to end or significantly transform violent conflict.

**Peacebuilding** Measures aimed at reducing the risk of lapsing or relapsing into conflict, by strengthening national capacities for conflict management, and laying the foundations for sustainable peace.

**Peace Enforcement** Coercive action undertaken with the authorization of the United Nations Security Council to maintain or restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression.

**Peacekeeping** Action undertaken to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers.

**Preventive Diplomacy** Diplomatic efforts to avert disputes arising between parties from escalating into conflict.

**Peacemaking** Action to bring hostile parties to agreement.

**Peace Operations** Field operations deployed to prevent, manage, and/or resolve violent conflicts or reduce the risk of their recurrence.

**PRSP** Poverty Reduction Strategy Papers

**QIPs** Quick Impact Projects

**RC** Resident Coordinator

**Robust Peacekeeping** The use of force by a United Nations peacekeeping operation at the tactical level, with the authorization of the Security Council, to defend its mandate against spoilers whose activities pose a threat to civilians or risk undermining the peace process.

**ROE** Rules of Engagement

**Rule of Law** A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

**SDS** Strategic Deployment Stocks

**SLT** Senior Leadership Team

**SMT** Security Management Team

**SOFA/SOMA** Status of Forces Agreement/Status of Mission Agreement

**Spoilers** Individuals or groups that may profit from the spread or continuation of violence, or have an interest to disrupt a resolution of a conflict in a given setting.

**SRS** Special Representative of the Secretary-General

**SSR** Security Sector Reform

**TAM** Technical Assessment Mission

**Traditional United Nations Peacekeeping Operations** United Nations peacekeeping operations conducted with the consent of the parties to a conflict, usually States, in which “Blue Helmets” monitor a truce between warring sides while mediators seek a political solution to the underlying conflict.

**Transition** The hand-over of responsibilities between a non-United Nations led peace operation to a United Nations peacekeeping operation; or from the latter to other United Nations or non-United Nations actors upon the successful completion of its mandate.

**Transitional Administration** A transitional authority established by the Security Council to assist a country during a government regime change or passage to independence.

**TRM** Transitional Results Matrix

**TCC** Troop Contributing Country

**UNCT** United Nations Country Team

**UNDP** United Nations Development Programme

**United Nations-Led Peace Operation** A Peace operation authorized by the United Nations Security Council and conducted under the direction of the United Nations Secretary-General.

\* The list does not provide authoritative United Nations definitions. It is intended to assist with understanding the usage of terms in this document only. Official United Nations definitions are being considered in the context of the ongoing terminology deliberations of the General Assembly's Special Committee on Peacekeeping Operations on the basis of the DPKO Interim Glossary of Terms.

*Office of the Special Coordinator on improving UN response to Sexual Exploitation and Abuse*

TO: All UN Heads of Departments and Offices,  
A: All Heads of UN Agencies, Funds and Programmes

DATE: 1 November 2016

REFERENCE:

FROM: Jane Holl Lute  
DE: Special Coordinator

*For: [Signature]*

SUBJECT: **United Nations Glossary on Sexual Exploitation and Abuse**  
OBJET:

1. Please find attached the United Nations Glossary on Sexual Exploitation and Abuse (SEA) for onward transmission amongst your personnel, including those in the Field Missions.
2. The Glossary is a compilation of key terminology and nomenclature used by the UN Secretariat, Peace Operations, Special Political Missions, and Agencies, Fund and Programmes in relation to SEA. It aims to provide conceptual clarity and a common understanding of key terms used, because terminology is relevant. As a system, we can only analyse the full scope of SEA and develop a unified response, once we attain a common situational assessment. It is imperative to have a common understanding of what is being said, and our reports must document clear and defined terminology. This is critical for data collection, monitoring, analysis and ultimately, for prevention and accountability.
3. The Glossary was developed by a Task Team led by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Office of Internal Oversight Services, Conduct and Discipline Unit/Department of Field Support and the Office of Human Resources Management/Department of Management, through a number of UN-system-wide consultations, and endorsed on 5 October 2016 by the High-Level Steering Group, chaired by the Chef de Cabinet. Please note that the Glossary is a 'living document' and will be updated as norms and guidance on SEA evolve.
4. The process for updating the Glossary will be circulated by a separate communication.
5. I would like to acknowledge the contribution of all the Task Team members in developing this Glossary.
6. Thank you.

cc: Mr. Edmond Mulet, Chef de Cabinet

United Nations

# **Glossary on Sexual Exploitation and Abuse**

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Thematic Glossary of current terminology related to Sexual  
Exploitation and Abuse (SEA) in the context of the United Nations

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Prepared by the Task Team on the SEA Glossary for the  
Special Coordinator on improving the United Nations response to  
sexual exploitation and abuse

5 October 2016

# UN Glossary on Sexual Exploitation and Abuse

## Introduction

Following a call for better coordination of the UN system to address sexual exploitation and abuse (SEA), in January 2016 the Secretary-General established a High-Level Steering Group under the leadership of his Chef de Cabinet, comprising heads of the offices, departments, funds and programmes involved in responding to issues of sexual abuse and gender based violence. The role of the HLSG is to ensure that the senior management team is directly involved in the strengthening and alignment of the system-wide response to sexual exploitation and abuse irrespective of whether allegations are made against United Nations or non-United Nations forces authorized under a Security Council mandate. In March 2016, the HLSG identified the need to establish a common understanding of terminology in the context of sexual exploitation and abuse for purposes of enhanced communication.

This glossary aims at compiling existing terminology and nomenclature related to SEA to provide conceptual clarity and a common understanding of key terms used by different United Nations entities in the discourse on this topic. It is the product of the collaboration of the following entities: Department of Field Support (DFS), Department of Peacekeeping Operations (DPKO), Executive Office of the Secretary-General (EOSG), International Criminal Tribunal for the former Yugoslavia (ICTY), Office for the Coordination of Humanitarian Affairs (OCHA), Office of the High Commissioner for Human Rights (OHCHR), Office of Human Resources Management (OHRM), Office of Internal Oversight Services (OIOS), Office of Legal Affairs (OLA), Office of the Special Representative for Children and Armed Conflict (OSRSG CAAC), Office of the Special Representative on Sexual Violence in Conflict (OSRSG SVC), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Environment Programme (UNEP), United Nations High Commissioner for Refugees (UNHCR), United Nations Population Fund (UNFPA), United Nations Office at Geneva (UNOG), United Nations Office on Drugs and Crime (UNODC), United Nations Office at Vienna (UNOV), United Nations Relief and Works Agency (UNRWA) and World Food Programme (WFP).

The glossary comprises a set of terms and definitions as they are normally used and understood by key UN entities in the context of SEA. Slight variations in terminology may exist between different entities as a result of distinct reporting requirements or drafting styles, but these differences do not hinder a common understanding of the meaning of the term. Where possible, one standard definition is provided. Where it was not feasible to include one standard definition of a term, more than one definition is presented with an explanation as to the relevant context. Finally it is noted that this is a living document and that for comprehensiveness, the glossary also includes terminology applicable to acts by non-UN international forces acting under a Security-Council mandate, which may not be applicable to SEA by United Nations personnel.

Disclaimer: The glossary does not have any legal effects and will serve as a reference tool in connection with the UN system wide response to SEA. All terms and definitions are to be read in the context of SEA.

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65. Investigation authority
66. Credible Evidence
67. Substantiated
68. Unsubstantiated
69. Closure report
70. Case closed
71. Vetting
72. Human Rights screening
73. Widespread
74. Systemic
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80. Court Martial
81. Disciplinary measure / action
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Administrative actions	78	Perpetrator	32
Affiliated personnel	44	Personnel of UN Specialized Agencies	45
Allegation of misconduct	57	Preliminary fact-finding inquiry	56
Assessment of an allegation	55	Preservation / safeguarding of evidence	54
Assistance to victim / Victim Assistance	76	Prima facie grounds	58
Beneficiary of Assistance	30	Rape	8
Case	60	Report of possible misconduct	50
Case closed	70	Sex with a minor	10
Closure report	69	Sexual abuse	4
Community-based complaint reception mechanism	49	Sexual activity	5
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## UN Glossary on Sexual Exploitation and Abuse

### SECTION I : NORMATIVE

#### **1.1. GENERAL TERMS – SEA AND MISCONDUCT**

##### **1. UN Standards of Conduct**

Norms of conduct adopted by the United Nations for the conduct of its personnel, as defined in United Nations regulations, rules or other administrative issuances for its staff members, as well as other documents adopted by the United Nations to regulate the conduct of other categories of personnel than its staff members. The Standards of Conduct include the obligation to uphold and respect the principles set out in the Charter, and to be always guided by the following principles: fundamental human rights, social justice, the dignity and worth of the human person and respect for the equal rights of men and women and of nations great and small. The current UN Standards of Conduct were adopted by General Assembly resolution A/RES/76/257 and are contained in A/67/30.

##### **2. Zero-tolerance policy**

The United Nations policy establishing that sexual exploitation and abuse by United Nations personnel is prohibited and that every transgression will be acted upon.

##### **3. Misconduct**

For UN staff members, misconduct may arise through the failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant. Sexual exploitation and abuse constitutes serious misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures.

For UN military contingent personnel, misconduct means any act or omission that is a violation of United Nations Standards of Conduct, mission – specific rules and regulations or the obligations towards national and local laws and regulations in accordance with the status of forces agreement or status of mission agreement where the impact is outside the national contingent of military forces or UN mission. Misconduct is considered serious, when it includes criminal acts that result in or are likely to result in, serious loss, damage or injury to an individual or to a mission. Sexual exploitation and abuse constitutes serious misconduct.

For personnel other than those mentioned above, misconduct is defined as per the instruments that regulate their conduct.

##### **4. Sexual abuse**

Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Comment: All sexual activity with a child is considered as sexual abuse. "Physical intrusion" is understood to mean "sexual activity". "Sexual abuse" is a broad term, which includes a number of acts described below, including "rape", "sexual assault", "sex with a minor", and "sexual activity with a minor".

## **5. Sexual activity**

Physical contact of a sexual nature.

## **6. Sexual exploitation**

Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Comment: "Sexual exploitation" is a broad term, which includes a number of acts described below, including "transactional sex", "solicitation of transactional sex" and "exploitative relationship".

## **7. Sexual exploitation and abuse (SEA)**

A breach of the provisions of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), or the same definitions, as adopted for military, police and other United Nations personnel.

### **1.2. TERMS USED IN THE SECRETARY-GENERAL'S REPORTS ON SPECIAL MEASURES FOR PROTECTION FROM SEA TO DESCRIBE THE NATURE OF ALLEGATIONS CONSTITUTING SEA**

The following terms are used in the tables in the annexes to the report on Special Measures for protection from sexual exploitation and sexual abuse, A/70/727.

Regarding the use of child vs. minor, in the current reporting of SEA, the term minor and child are often used interchangeably when referring to a person under the age of 18. It is noted that "child" is the internationally defined term (Convention of the Rights of the Child) and therefore the preferred option.

## **8. Rape**

Penetration – even if slightly – of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part.

Comment: This term is used in the Secretary-General's report on Special Measures for Protection from Sexual Exploitation and Sexual Abuse A/70/729 for entities other than peace operations.

## **9. Sexual assault**

Sexual activity with another person who does not consent. It is a violation of bodily integrity and sexual autonomy and is broader than narrower conceptions of "rape", especially because (a) it may be committed by other means than force or violence, and (b) it does not necessarily entail penetration.

## **10. Sex with a minor**

Sexual penetration of a person younger than 18. Sexual penetration include(s) the penetration of the vagina, anus, or mouth by the penis or other body part, and also includes the penetration of the vagina or anus by an object. Sexual penetration of a child is prohibited regardless of the age of

majority or consent locally and is considered as sexual abuse. Mistaken belief in the age of a child is not a defence.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for entities other than peace operations.

#### **11. Sexual activity with minor**

Sexual activity with a person younger than 18. All sexual activity with a child is prohibited regardless of the age of majority or consent locally and is considered as sexual abuse. Mistaken belief in the age of a child is not a defence.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations.

#### **12. Paternity**

The state of being someone's biological father, often pertaining to a legal dispute in which a man is alleged to be the biological father of a child.

#### **13. Transactional sex**

The exchange of money, employment, goods or services for sex, including sexual favours other forms of humiliating, degrading or exploitative behaviour. This includes any exchange of assistance that is due to beneficiaries of assistance.

Comment: Sex, including sexual favours, is understood to mean "sexual activity".

This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations. It will replace the term "Exchange of money, employment, goods or services for sex" used in A/70/729 and previous reports on Special Measures for protection from sexual exploitation and sexual abuse for entities other than peace operations.

#### **14. Solicitation of transactional sex**

Requesting transactional sex.

Comment: This term will replace the term "solicitation of a prostitute" which has been used in A/70/729 and previous reports on Special Measures for protection from sexual exploitation and sexual abuse for entities other than peace operations.

#### **15. Solicitation of a prostitute**

See: solicitation of transactional sex

#### **16. Exploitative relationship**

A relationship that constitutes sexual exploitation, i.e. any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for peace operations.

#### **17. Trafficking of persons for sexual exploitation**

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or

of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above (e.g. threat or the use of force or other forms of coercion etc).

Comment: This term is used in the Secretary-General's report on Special Measures for protection from sexual exploitation and sexual abuse A/70/729 for entities other than peace operations

### **1.3. RELATED TERMS – HUMAN RIGHTS AND OTHER CATEGORIES**

The terms below also may be used to describe certain conduct or behaviour of sexual nature. They are usually used in different contexts and used in reports other than the special measures report by UN entities including OHCHR, OSRSG SVC, UNICEF, UN Women.

While it is agreed that SEA must be viewed through a human rights lens, the UN is in the process of determining under what criteria SEA rises to the level of a human rights violation or to conflict-related sexual violence.

#### **18. Human rights violation**

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

#### **19. Human rights**

Universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. They are inherent to all human beings and are founded on respect for the dignity and worth of each person. Human rights are expressed, promoted and guaranteed by law, specifically through national laws, bilateral, regional and international treaties, norms and standards, customary international law, general principles of law and other sources of international law.

#### **20. Conflict-related sexual violence**

Incidents or patterns of sexual violence – including rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity - perpetrated against women, men, girls or boys that is directly or indirectly linked (temporally, geographically or causally) to a conflict. This link with conflict may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim (who is frequently a member of a persecuted political, ethnic or religious minority), the climate of impunity (which is generally associated with State collapse), cross-border consequences (such as displacement or trafficking in persons) and/or violations of the terms of a ceasefire agreement.

#### **21. Sexual Violence**

Acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of

violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing, etc.

## **22. Gender-based violence**

An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term 'gender-based violence' is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.

## **23. Violence against women**

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

## **24. Sexual harassment**

Sexual harassment is not SEA. Sexual harassment refers to prohibited conduct in the work context and can be committed against UN staff and related personnel. In context of the United Nations, sexual harassment primarily describes prohibited behaviour against another UN staff or related personnel, which may also include nationals of the host state. It is defined for UN staff by ST/SGB/2008/5 and similar directives for uniformed personnel and involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

Conduct or behaviour of a sexual nature is considered SEA when this conduct or behaviour amounts to

either sexual exploitation or sexual abuse as defined in ST/SGB/2003/13.

Beyond UN regulations, the definition of sexual harassment is broader and does not require a link to the work environment. It is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Comment: "Sexual harassment" has been included in the glossary to show the distinction between SEA and sexual harassment.

## SECTION II: INDIVIDUALS LINKED TO SEA MATTERS

### **25. Source**

A person (or group of persons), institution, organization or other entity that provides information on an incident or situation that could constitute SEA.

### **26. Complainant**

Commonly understood, a person who brings an allegation of SEA to the attention of the UN in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.

In the implementation of General-Assembly mandated activities, a persons who alleges, in accordance with established procedures, that he/she has been, or is alleged to have been, sexually exploited or abused by United Nations staff or related personnel and international forces acting under a Security Council mandate, but whose claim has not yet been established through a United Nations administrative process or Member States' processes, as appropriate.

### **27. Victim**

Commonly understood, a person who is, or has been, sexually exploited or abused.

In the implementation of General-Assembly mandated activities, an individual, whose claims that he/she has been sexually exploited or abused by United Nations staff or related personnel have been established through a United Nations administrative process or Member States' processes, as appropriate.

Comment: Different definitions of victim trigger different consequences; therefore it is important to use them contextually.

### **28. Survivor**

Reference is made to the term "victim" above. 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience.

**29. Minor/Child**

A person under the age of 18, regardless of the age of majority or age of consent locally.

Currently, in the reporting on SEA, the term minor and child are used interchangeably when meaning a person under the age of 18. It is noted that child is the preferred option, as it is the internationally defined term (Convention of the Rights of the Child).

**30. Beneficiary of Assistance**

All persons who receive services and assistance from the United Nations or its funds and programmes are considered beneficiaries of assistance.

**31. Subject (of an investigation)**

A person or entity who/that is the focus of an investigation.

**32. Perpetrator**

A person (or group of persons) who commits an act of SEA or other type of crime or offence

Under International Human Rights Law, perpetrator can refer also to state institutions, entities or agents that failed to meet human rights obligations.

**33. Whistle-blower**

In general, any UN staff or related personnel who reports sexual exploitation or abuse.

In the context of the policy for protection against retaliation, in defined circumstances, a staff member, intern or United Nations volunteer who reports misconduct, including sexual exploitation or abuse, may be entitled to protection under the terms of the Secretary-General's Bulletin S/SGB/2005/21.

**34. Witness**

A person who observed, or has direct knowledge of, something under investigation.

**35. Investigator**

An individual who is authorized and responsible to conduct an investigation.

**36. National Investigation Officer**

One or more individuals designated by a troop contributing country (TCC) to a United Nations field mission to conduct an investigation into an allegation referred to a TCC. This definition is limited to investigations conducted under the memorandum of understanding (MOU) for TCC's and does not apply to investigations referred to member states under different processes (ie non-UN forces)

**37. United Nations personnel**

United Nations officials, including United Nations staff members, United Nations Volunteers, United Nations Experts on Mission, including military experts on mission (UNMEM), Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs) and police advisers, Government-



Provided Personnel, United Nations military staff officers and members of United Nations military contingents .

**38. United Nations civilian personnel**

United Nations officials, including United Nations staff members, United Nations Volunteers, and civilian personnel with the status of United Nations experts on mission.

**39. United Nations military personnel**

Military personnel deployed to United Nations peace operations, including military experts on mission (UNMEM), military staff officers and members of military contingents.

**40. United Nations military contingent personnel**

Personnel of a military contingent deployed to a United Nations field missions under a Memorandum of Understanding with the United Nations.

**41. United Nations police personnel**

Police personnel deployed to United Nations field missions, including , Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs) and police advisers.

**42. Experts on Mission**

Personnel with the status of United Nations Expert on Mission, including military experts on mission (UNMEM), Civilian Police Officers (UNPOL), members of United Nations Formed Police Units (FPUs), police advisers and government-provided personnel.

**43. United Nations officials and staff members**

United Nations officials, including staff members, of the United Nations Secretariat, and the United Nations funds and programmes.

**44. Affiliated personnel**

Personnel engaged by the United Nations as individual consultants/contractors who do not have the status of experts on mission.

Comment: The following categories of personnel are excluded from the above definitions of United Nations personnel and Affiliated personnel: (i) Personnel of UN Specialized Agencies and related organizations; (ii) Vendor personnel; and (iii) NGO personnel

**45. Personnel of UN Specialized Agencies**

Staff members and personnel of specialized agencies and related organizations of the United Nations such as WHO, FAO, ILO, UNESCO etc.

**46. United Nations Staff and related personnel:**

United Nations staff members, consultants, individual contractors, United Nations Volunteers, experts on mission and contingent members.

### **SECTION III : PROCEDURAL**

#### **47. Complaint**

Information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the UN Standards of conduct but that has yet to be assessed.

#### **48. Hotline/Helpline**

A telephone number that allows persons wishing to report wrongdoing to do so. A hotline may be complemented with other technology-based reporting mechanisms, such as, online request form, or email address.

#### **49. Community-based complaint reception mechanism**

A community-based complaints reception mechanism (CBCM) is a system blending both formal and informal community structures, where individuals are able and encouraged to safely report incidents of SEA. Local communities are involved in developing the CBCM so that the structure is both culturally and gender-sensitive. The mechanism should be safe, confidential, transparent and accessible and should have multiple entry points, allowing reports to be made through various channels, through community structures or focal points, prevention of SEA (PSEA) networks, organizational focal points.

#### **50. Report of possible misconduct**

Information provided, whether by a complainant or any other person (source), indicating conduct that may be in breach of the UN Standards of Conduct.

#### **51. Malicious/False complaint**

Intentionally providing false or misleading information.

#### **52. Date of occurrence / incident**

Date, including period of several dates, on which the reported breach of the UN Standards of Conduct took place.

#### **53. Information gathering**

The initial gathering of sufficient information, following the receipt of a complaint, to proceed with an assessment of this information.

In the human rights context, it means the process of gathering information to establish facts for human rights investigations or the provision of assistance and protection measures to survivors.

#### **54. Preservation / safeguarding of evidence**

Ensuring that evidence, such as blood and semen samples, that could otherwise be lost due to the passage of time, mishandling, improper collection or storage, is properly obtained, kept, recorded and preserved. This includes the making of a photographic record of locations where the incident is alleged to have taken place and the recording of identification details for potential witnesses.

#### **55. Assessment (of an allegation)**

A review of information received to determine if this information amounts to an allegation of misconduct that warrants referral for an investigation.

#### **56. Preliminary fact-finding inquiry**

For UN military contingent personnel, the collection and preservation of evidence necessary to ensure that a national or United Nations investigation can be successfully carried out at a later stage. This inquiry follows an assessment, a determination that prima facie ground exists and a referral for investigation to a TCC. While this inquiry may involve the collection of written statements, it will not normally include the interviewing of witnesses or other involved persons.

Comment: This term is used in the Memorandum of Understanding between the United Nations and individual troop-contributing countries.

#### **57. Allegation of misconduct**

Generally, uncorroborated information pointing to the possible occurrence of misconduct.

In the context of a disciplinary process involving a UN staff member, an allegation of misconduct is a notification in writing, from the Administration to the staff member, setting out the facts alleged to have occurred and requesting the staff member to provide his or her comments thereon. Allegations of misconduct are normally issued following an investigation. The issuance of allegations of misconduct represents the start of the disciplinary process vis-à-vis staff members, which may result in the imposition of disciplinary measures.

Comment: In the context of reports of serious misconduct implicating military contingent personnel governed by the Memorandum of Understanding between the United Nations and individual troop-contributing countries, the term "allegation" is used, to refer to a report that has been assessed as having been sufficiently credible to warrant referral for investigation.

#### **58. Prima facie grounds**

For UN agencies, funds and programmes, prima facie evidence is the fact that there is sufficient credible evidence to open an investigation into an allegation.

In respect of the Standard Operating Procedures for the Memorandum of Understanding between the United Nations and individual troop-contributing countries, prima facie grounds refer to sufficient details to identify possible victim(s) and act(s) of alleged misconduct or serious misconduct by member(s) of a specific national contingent, to be established through investigation of the matter.

#### **59. Investigation**

A legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and, if so, the persons or entities responsible.

#### **60. Case**

A situation requiring the attention and possible action of a person who has become aware of it.

For OIOS, a matter predicated for investigation, normally after assessment. A single case may relate to several perpetrators and/or victims.

For UNDP, a case can be under assessment or under investigation. One case usually relates to one perpetrator.

For UNICEF, each alleged perpetrator (even of the same event) is treated as a separate case for reporting on to OHRM on SEA. For UNICEF's mandate, each victim is treated as a separate case.

For UNHCR, each alleged perpetrator is treated as a separate case. Cases refer to opened investigations.

#### **61. Informed consent**

Consent signifies the approval by the participant for the information to be used as explained. Consent is often given with limitations. It must therefore be specified whether all the data and information provided can be used, including the identity of the participant, or whether the information may be used on condition that the identity of the participants is kept confidential. The participant may deem some parts of their testimony to be confidential, and others not: this should also be clarified and recorded. Informed consent is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced. Children's informed consent should take into consideration their evolving capacities. In the case of a child, informed consent should be voluntary with the informed consent of the child and a parent or guardian. Persons with disabilities may need specific support based on the nature of their impairment whether it be physical, intellectual, or mental, to give consent. Even if informed consent is granted, the information collector has an obligation to assess the potential implications of the use of that information on the safety of the person providing it, and on others involved, and to minimize any additional risk to the participants that may be incurred.

Comment: Discussions on the detailed requirements for informed consent are ongoing. Consequently, this definition might be revised in the near future.

#### **62. Investigation report**

The full account of the relevant facts, reporting the findings resulting from an investigation.

#### **63. Evidence**

Information which tends to establish or disprove a fact material to a case. It includes, but is not limited to, oral testimony of witness, including experts on technical matters, documents, electronic, audio, video records and photographs, and biological evidence, such as blood, hair and semen.

#### **64. Interview**

The questioning of a person for the purpose of gathering relevant information related to a SEA matter.

#### **65. Investigation authority**

The entity, organization, member state or agency mandating the conduct of an investigation and with the required authority to gather available evidence, including the power to compel a perpetrator to cooperate with the investigation.

#### **66. Credible evidence**

Generally, evidence which is worthy of belief. There is no single formula for determining what will constitute credible evidence in a given case. The determination as to whether credible evidence exists will be ultimately made by United Nations headquarters when the cases are reviewed collectively, based on the preliminary fact-gathering and assessment carried out by the United Nations. When making the determination, any initial information gathered by the United Nations as well as the outcome of the interview or interviews of the implicated individuals (either conducted by the National Investigation Officers of the concerned TCC/PCC, if appointed, or as part of the United Nations administrative investigation) will also be taken into account, if available. Reference in this respect is made to the Guidance to the Implementation of Security Council resolution 2272 (2016).

Comment: This formulation is based on the Operational Guidance on the Implementation of S/RES/2272. In this resolution, the Security Council calls upon Member States deploying non-United Nations forces authorized under a Security Council mandate to take appropriate steps to investigate allegations of sexual exploitation and abuse, hold perpetrators accountable and repatriate units when there is credible evidence of widespread or systemic sexual exploitation or abuse by those units

#### **67. Substantiated**

The investigation concluded that there is sufficient evidence to establish the occurrence of SEA.

#### **68. Unsubstantiated**

The available evidence was insufficient to allow for an investigation to be completed or the investigation concluded that there was insufficient evidence to establish the occurrence of SEA, for a variety of reasons and does not necessarily mean that the allegation was necessarily false.

#### **69. Closure report**

Internal, confidential document prepared for investigations that do not result in a recommendation for consideration of disciplinary, administrative or other action. A closure report is normally used in the following circumstances:

- a) Where the evidence obtained in the course of the completed investigation does not substantiate the matters under investigation;
- b) Where, due to the circumstances, further investigation is not warranted and the case will be closed.
- c) Where due to circumstances a full investigation was not possible.

#### **70. Case closed**

- a) A case was decided to be unsubstantiated or for which further investigation was not warranted and for which a closure report has been issued
- b) Alternatively, a case was concluded to be substantiated, accountability measures have been implemented and completed.
- c) Where circumstances prevented a full investigation of the case.

#### **71. Vetting**

The Department of Field Support's process of verifying if a candidate for deployment to a United Nations peacekeeping operation or special political mission has a history of reports of prior misconduct

while in the service of United Nations peace operations, based on available records in the Department of Field Support's Misconduct Tracking System.

#### **72. Human Rights screening**

Under the Policy on Human Rights Screening of UN Personnel, the processes by which the UN Secretariat seeks, reviews and takes into consideration information regarding individuals' or groups of prospective personnel's prior conduct in relation to criminal offences and violations of international humanitarian and human rights law, relying on information (i) provided by Member States, (ii) from individual self-attestations, and (iii) from the UN Secretariat established procedures to seek, gather and analyse relevant information.

#### **73. Widespread**

There is no strict formula for determining when sexual exploitation and abuse has been widespread. Each instance will need to be assessed based on its specific circumstances; however some or all of the relevant factors set out in the Guidance to the Implementation of Security Council Resolution 2272 (2016) will be taken into account in any specific case.

**Comment:** This text is based on the Operational Guidance on the Implementation of S/RES/2272.

#### **74. Systemic**

There is no strict formula for determining when sexual exploitation and abuse has been systemic. Each instance will need to be assessed based on its specific circumstances; however some or all of the relevant factors set out in the Guidance to the Implementation of Security Council Resolution 2272 (2016) will be taken into account in any specific case.

**Comment:** This text is based on the Operational Guidance on the Implementation of S/RES/2272.

#### **75. Confidentiality**

The disclosure of certain information is restricted.

#### **76. Assistance to victim / Victim Assistance**

Assistance and support for medical, psychosocial, legal and other services to be provided to a complainant, a victim or a child born as a result of sexual exploitation and abuse as defined under A/RES/62/214. For the humanitarian sector, including UN Agencies, Funds and Programmes, the provision of assistance to victims of SEA does not require individuals to go through an administrative process to be eligible for services.

#### **77. Fraternization**

Associating socially with someone from the local population in which the United Nations is deployed for purposes unrelated to the exercise of UN mandated activities.

**Note:** There may be a strict policy of non-fraternization in place in a mission or defined area within a mission. The following acts are, however, strictly prohibited regardless of whether any fraternization is permitted by United Nations personnel:

- a) Sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

- b) Any sexual contact in exchange for money, employment, goods or services, including sexual favours or other forms of humiliating, degrading or exploitative behavior. This includes any exchange of assistance that is due to beneficiaries of assistance.

#### **78. Administrative actions**

Measures taken by the United Nations against UN staff, police and military personnel, either as interim measures or final, within the authority of the United Nations (would include written or oral reprimand; recovery of monies owed to the Organization; placement on administrative leave, repatriation or financial measures).

#### **79. Criminal accountability**

The concept that prohibited behaviour can violate criminal law and consequently lead to a criminal procedure before an established court system.

#### **80. Court Martial**

A military judicial court for trying members of the armed services accused of offences against military law. In-situ court martials are understood as court martials which take place in the host country of a peacekeeping or special political mission.

#### **81. Disciplinary measure / action**

Vis-à-vis staff members, disciplinary measures are imposed following a disciplinary process. Under Staff Rule 10.2(a), they may take the following forms: written censure; loss of one or more steps in grade; deferment, for a specified period, of eligibility for salary increment; suspension without pay for a specified period; fine; demotion with deferment, for a specified period, of eligibility for consideration for promotion; separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity; and dismissal. SEA is serious misconduct and results in the most serious disciplinary measures.

#### **82. Human rights accountability**

Refers to measures taken to acknowledge, assume responsibility for, and redress human rights violations. Where SEA rises to the level of a human rights violation, accountability stems from legally binding obligations in international human rights law. In that case, accountability entails measures that duty-bearers – both the State where SEA takes place and the State of origin of the perpetrator – need to take to prevent, protect from and remedy human rights violations that are a cause or consequence of SEA. Accountability is the responsibility of the duty-bearer, irrespective of whether the violation is perpetrated by the government, non-state actors and/or individuals.

# FACT SHEET: A summary of the rights under the Convention on the Rights of the Child

**Article 1 (Definition of the child):** 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. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

**Article 2 (Non-discrimination):** The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

**Article 3 (Best interests of the child):** The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

**Article 4 (Protection of rights):** Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out that when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.

**Article 5 (Parental guidance):** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child". The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

**Article 6 (Survival and development):** Children have the right to live. Governments should ensure that children survive and develop healthily.

**Article 7 (Registration, name, nationality, care):** All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

**Article 8 (Preservation of identity):** Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

**Article 9 (Separation from parents):** Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10 (Family reunification):** Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.



**Article 11 (Kidnapping):** Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

**Article 12 (Respect for the views of the child):** 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 does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions.

**Article 12 (Respect for the views of the child):** 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.

**Article 13 (Freedom of expression):** Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

**Article 14 (Freedom of thought, conscience and religion):** Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

**Article 15 (Freedom of association):** Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

**Article 16 (Right to privacy):** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17 (Access to information; mass media):** Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books.

**Article 18 (Parental responsibilities; state assistance):** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children – the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

**Article 19 (Protection from all forms of violence):** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after

them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

**Article 20 (Children deprived of family environment):** Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

**Article 21 (Adoption):** Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

**Article 22 (Refugee children):** Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

**Article 23 (Children with disabilities):** Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

**Article 24 (Health and health services):** Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

**Article 25 (Review of treatment in care):** Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on “the best interests of the child”. (see Guiding Principles, Article 3)

**Article 26 (Social security):** Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

**Article 27 (Adequate standard of living):** Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

**Article 28: (Right to education):** All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.

**Article 29 (Goals of education):** Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

**Article 30 (Children of minorities/indigenous groups):** Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

**Article 31 (Leisure, play and culture):** Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

**Article 32 (Child labour):** The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

**Article 33 (Drug abuse):** Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):** The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):** Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):** No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

**Article 38 (War and armed conflicts):** Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

**Article 39 (Rehabilitation of child victims):** Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**Article 40 (Juvenile justice):** Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

**Article 41 (Respect for superior national standards):** If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

**Article 42 (Knowledge of rights):** Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

**Articles 43-54 (implementation measures):** These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.



**GUIDELINES**

**FOR THE DEVELOPMENT OF RULES OF  
ENGAGEMENT (ROE) FOR THE UNITED  
NATIONS PEACEKEEPING OPERATIONS  
(UNPKO)**

**DEPARTMENT OF PEACEKEEPING OPERATIONS  
MILITARY PLANNING SERVICE  
NOVEMBER 2000**

**UN RESTRICTED**  
**GUIDELINES FOR THE RULES OF ENGAGEMENT**

**MPS/981**  
**27 November 2000**

**GUIDELINES FOR THE DEVELOPMENT OF RULES OF**  
**ENGAGEMENT (ROE) FOR THE UNITED NATIONS**  
**PEACEKEEPING OPERATIONS (UNPKO)**

**Introduction**

1. United Nations Rules of Engagement (ROE) provide the parameters within which armed military, gendarmerie/civilian police personnel assigned to a United Nations Peacekeeping Operations (UNPKO) may use force. In addition, they provide one of the key elements for maintaining political and military control over UNPKO on the ground. As an adjunct, they also reduce the potential for UN armed military, gendarmerie/civilian police personnel on active duty to contravene the provisions of International Humanitarian Law, including the Laws of Armed Conflict. Finally, ROE also assist the Force Commander (FC) in implementing military objectives of the mandate of a UNPKO pursuant to the pertinent Security Council resolutions (SCR).

**Context**

2. These Guidelines are provided as an essential element of the UN's developing doctrine for Peacekeeping Operations (PKO), thereby assisting in the development of ROE for a new UNPKO. It is intended that the document will provide simple and informative direction which will not only expedite the production of ROE for UNPKO but may also be used for generic training purposes.

**Aim**

3. The aim of these Guidelines is to ensure consistency in the development and implementation of ROE for UNPKO in order to simplify and speed the planning process.

**Format of ROE document for a Specific UNPKO**

4. The document containing the ROE for a specific UNPKO is to be structured as shown in the " Sample ROE" example at Attachment 2. The basic format is to be as follows:

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- a. Main Body. The main body explains the requirement for ROE, UN doctrinal policy, the ROE planning process for implementing changes and practical instructions on implementation. Most importantly, it outlines the mandate which specifies the numbered ROE which should apply to the relevant UNPKO. The script for the main body of ROE to a specific UNPKO is given in the example attached at Attachment 1. Those areas of the script which are highlighted in the attached example reflect the elements of the document which will be different for each UNPKO. The remainder of the example must be retained as shown.
- b. List of Numbered ROE (Annex A). This list contains the rules of engagement applicable to the specific UNPKO pursuant to its mandate as outlined in the Security Council resolution(s) [SCR(s)], as drawn from the UN Master List of Numbered ROE.
- c. Definitions (Annex B). To ensure the cohesion of command and control during the use of ROE, a specific set of definitions is provided in Annex B to Attachment 2. These definitions are to be used in all future ROE as appropriate.
- d. Supporting Directions and Procedures (Annex C). This annex provides the directions and procedures to be followed by UN armed military personnel when undertaking certain duties.
- e. Weapon States (Annex D). This final annex identifies various weapon states that may be authorised by the FC without recourse to United Nations Headquarters (UNHQ).

**UN Master List of Numbered ROE**

5. The UN Master List of Numbered ROE (contained in Attachment 1) provides the rules from which specific ROE for future UNPKO should be drawn. The Master List is intended to cover the broad spectrum of requirements for any UNPKO. However, it is not deemed to be exhaustive and may be subject to subsequent adjustments as required.

6. The ROE for a particular UNPKO, which are to be selected from the UN Master List of ROE, are derived from the interpretation of the authority conferred upon the UNPKO by the relevant SCR(s).

**Future Planning Process**

7. Within UNHQ the responsibility to prepare ROE rests with the Military Advisor (MILAD) in the Department of Peacekeeping Operations (DPKO). However,

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the initiation of work on a UNPKO's ROE will depend on the status of the UNPKO:

- a. New Peacekeeping Operations. When the UNPKO is established by the Security Council, Military Planning Service (MPS) in consultation with the Office of Operations (OO) will prepare a draft of the ROE in the light of the 'Sample ROE' attached with these guidelines and the mandate of the UN Mission. It will reflect the UNPKO's military objectives as set out in the relevant SCR(s) and, as appropriate, any recommendations made in connection with ROE contained in the Secretary-General's relevant reports. The OO and the Office of Legal Affairs (OLA) will then review the draft ROE. Under-Secretary-General (USG) for PKO will approve the ROE after the necessary review by the OO and the OLA. The FC, when appointed may review these ROE, in consultation with the Head of the Mission and may recommend any change to UNHQ, if considered necessary. The Military Advisor, the OO and the OLA will review all such recommendations. The necessary changes will be approved by the USG for PKO as considered appropriate. In case of any change, new ROE will be issued by the USG for PKO, revoking the existing ROE.
- b. On-Going Peacekeeping Operations. Where a UNPKO is already deployed, the Force Commander may propose changes to the ROE as required. Such proposals are to be reviewed at UNHQ in accordance with the procedure outlined in paragraph 7a above. If the recommendation is agreed, the USG for PKO will issue a formal change to the ROE.

**Note:**        **These ROE can only be amended or changed with the authority of the USG for PKO.**

**Limitations**

8.        Any UN guidelines/directive(s) in no way restricts an individual's inherent right to act in self-defence.

**Review**

9.        This document and all of its attachments (including the annexes) have been reviewed by both DPKO and OLA. Therefore, in preparing new ROE, if changes to the language of any part of the proposed text are deemed necessary, the proposed changes must be subject to the same review procedures. As a routine review/revision, these "Guideline" and attached "Sample ROE" will be revised and updated by MPS after every one year, taking into account all comments and observation of the OO and

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the OLA on mission specific ROE during this period. Any suggestion made by Troop Contributing Countries (TCCs) will also be taken in to account during this revision. MPS/ MILAD's Office will provide a copy of the revised " Guidelines and Sample ROE", dully approved by USG, to the OO, the OLA and DPKO Training Unit, after all periodic reviews/revisions.

**Use of Sample ROE for the Training Purpose**

11. The Training Unit will provide these " Guidelines and Sample ROE " to all TCCs for generic training of their troops for UNPKO. It must be clearly mentioned that where as Sample ROE may be used for generic training purpose they do not substitute the mission specific ROE. Whenever any TCC decides to contribute armed troops to any UNPKO, these troops must receive adequate information and training about the approved ROE for that particular mission.

**Summary**

11. ROE are one of the key documents in any PKO. It is essential that they are unambiguous and easy to use. Although this instruction defines what should be included in future ROE for specific UNPKO, adjustments may have to be made if so required.

Jean-Marie Guhenno  
Under-Secretary-General  
for Peacekeeping Operations  
27 November 2000

**Attachments:**

- |    |   |                     |
|----|---|---------------------|
| 1. | UN Master List of Numbered Rules of Engagement.                 | (Pink)              |
| 2. | Example of ROE for a Specific UNPKO <sup>1</sup> .              | (Blue)              |
| 3. | Example of Code Cable for SRSG, UNPKO                           | (White)             |
| 4. | Example of a ROE Card for Armed UN Personnel.<br>Training Unit) | (To be developed by |

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<sup>1</sup> The example is prepared for the **Military Component** (which could include armed units/contingents) of UNPKO. Should in addition/ or only armed gendarmerie and /or civilian police personnel are deployed, separate ROE for this component(s) will be issued by the DPKO.



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**ATTACHMENT 1 TO**  
**MPS\981**  
**Dated 27 November 2000**

**UN MASTER LIST OF NUMBERED ROE**

1. The following ROE, when authorised, permit United Nations armed military personnel to use force in the circumstances specified below. However, the principle of minimum necessary force is to be observed at all times.
2. The UN Master List contains 4 sets of rules: Use of Force (Rule 1), Use of Weapon Systems (Rule 2), Authority to Carry Weapons (Rule 3) and Reaction to Civil Action/Unrest (Rule 4). The list provides various options from which a selection will be made, under each of the four rules, to suit, as appropriate, a specific UNPKO (See example contained in Annex A of Attachment 2).

**Rule 1 - Use of Force**

- |                           |  |
|---------------------------|--|
| Rule No. 1.1              | Use of force, up to and including deadly force, to defend oneself and other UN personnel against a hostile act or a hostile intent, is authorised. |
| Rule No. 1.2 <sup>1</sup> | Use of force, up to and including deadly force, to defend other international personnel against a hostile act or a hostile intent, is authorised.  |
| Rule No. 1.3              | Use of force, up to and including deadly force, to resist armed attempts to abduct or detain oneself and other UN personnel, is authorised.        |
| Rule No. 1.4 <sup>2</sup> | Use of force, up to and including deadly force, to resist armed  |

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<sup>1</sup> This Rule can only be included in addition to Rule 1.1 if consistent with the mandate of the UNPKO.

<sup>2</sup> This Rule can only be included in addition to Rule 1.3 if consistent with the mandate of the UNPKO.

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attempts to abduct or detain other international personnel, is authorised.

Rule No. 1.5      Use of force, up to and including deadly force, to protect United Nations' installations, areas or goods designated by the Head of the Mission in consultation with the Force Commander, against a hostile act, is authorised.

Rule No. 1.6<sup>3</sup>      Use of force, up to and including deadly force, to protect key installations, areas or goods designated by the Head of the Mission in consultation with the Force Commander, against a hostile act, is authorised.

**OR:**

Rule No. 1.7      Use of force, up to but excluding deadly force, to protect key installations, areas or goods designated by the Head of the Mission in consultation with the Force Commander, against a hostile act, is authorised.

Rule No. 1.8      Use of force, up to and including deadly force, to defend any civilian person who is in need of protection against a hostile act or hostile intent, when competent local authorities are not in a position to render immediate assistance, is authorised. When and where possible, permission to use force should be sought from the immediate superior commander.

Rule No. 1.9      Use of force to prevent the escape of any apprehended or detained person, pending hand-over to appropriate civilian authorities, is authorised. In case of necessity to act in self-defence, use of force, up to and including deadly force, is authorised.

Rule No. 1.10      Use of force, up to and including deadly force, against any individual and/or party who limits or intends to limit freedom of movement, is authorised.

Rule No. 1.11<sup>4</sup>      Use of force, up to and including deadly force, to resist armed/forceful attempts to prevent peacekeepers from discharging their duties, is authorised.

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<sup>3</sup>      This Rule can only be included in addition to Rule 1.5 if consistent with the mandate of the UNPKO.

<sup>4</sup>      This Rule can only be included in the ROE of a particular UNPKO if specifically authorised by the SCR.

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#### **Rule 2 - Use of Weapon Systems**

- |              |  |
|--------------|--|
| Rule No. 2.1 | Use of explosives in order to destroy weapons/ammunition, mines and unexploded ordnance, in the course of the disarmament exercise, is authorised. |
| Rule No. 2.2 | Indiscriminate pointing of weapons in the direction of any person is prohibited.   |
| Rule No. 2.3 | Firing of all weapons other than for organised training and as authorised in these ROE, is prohibited.   |
| Rule No. 2.4 | Firing of warning shots is authorised.   |
| Rule No. 2.5 | Use of riot control equipment and agents is authorised.  |
| Rule No. 2.6 | Use of lasers for survey, range-finding and targeting is authorised.   |

#### **Rule 3 - Authority to Carry Weapons**

- |              |   |
|--------------|---|
| Rule No. 3.1 | Carriage of weapons is not authorised.  |
| Rule No. 3.2 | Carriage of unloaded personal weapons, whilst on duty, is authorised.   |
| Rule No. 3.3 | Carriage of unloaded personal weapons, both on duty and as designated by the Force Commander, is authorised.  |
| Rule No. 3.4 | Carriage of loaded personal weapons is authorised.  |
| Rule No. 3.5 | Hand-held support weapons such as machine guns, light mortars and hand-held anti-tank weapons, may be carried in UN vehicles but must be obscured from the public's view. |
| Rule No. 3.6 | Overt carriage by individuals of hand-held support weapons such as machine guns, light mortars and hand held anti-tank weapons, is authorised.                            |

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**Rule 4 - Reaction to Civil Action/Unrest**

- |                           |   |
|---------------------------|---|
| Rule No. 4.1              | Action to counter civil unrest is not authorised.   |
| Rule No. 4.2              | In the absence of local police authority, detention of any person who commits or threatens to commit a crime, is authorised.  |
| Rule No. 4.3              | Detention of individuals or groups who commit a hostile act or demonstrate a hostile intent against oneself, one's unit or UN personnel is authorised.  |
| Rule No. 4.4 <sup>5</sup> | Detention of individuals or groups who commit a hostile act or demonstrate a hostile intent against other international personnel is authorised.  |
| Rule No. 4.5 <sup>6</sup> | Detention of individuals or groups who commit a hostile act or demonstrate hostile intent against installations and areas or goods designated by the Head of the Mission in consultation with the Force Commander, is authorised. |
| Rule No. 4.6              | Searching of detained person(s) for weapons, ammunition and explosives, is authorised.  |
| Rule No. 4.7              | Disarming armed individuals or groups, when so directed by the Force Commander, is authorised.  |

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<sup>5</sup> This Rule can only be included in addition to Rule 4.3 if consistent with the mandate of the UNPKO.

<sup>6</sup> Idem.

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**Attachment 2 To**  
**MPS\981**  
**Dated 17 November 2000**

**THIS IS AN EXAMPLE ONLY**

**MPS/-33**  
**Dated [ ] Month/ Year**

**RULES OF ENGAGEMENT**  
**FOR THE MILITARY COMPONENT**  
**OF THE UNITED NATIONS PEACEKEEPING OPERATION**  
**IN ----- [UNM---]**

**INTRODUCTION**

1. This document, including all of its Annexes (A-D), constitutes the entire Rules of Engagement (ROE) for the United Nations Mission in ---- [UNM---].
2. This document provides the authority for the use of force and explains policy, principles, responsibilities and definitions of the ROE.
3. These ROE are directions to operational commanders, which delineate the parameters within which force may be used by designated United Nations military personnel, during the UN peacekeeping operation, [UNM---]. They are founded on UN Security Council resolution [ ]. Where issued as prohibitions, they are orders not to take specific actions. Where issued as permissions, they provide the authority for commanders to take certain specific actions if they are judged necessary to achieve the aim of the mission. While remaining predominantly defensive in nature, the ROE allow for the use of the necessary degree of force to guarantee self-defence and provide a definition of the circumstances under which the use of force by [UNM---] military personnel may be justified.
4. In addition to the main document, the key elements are attached as follows:
  - a. Authorized Numbered ROE for [UNM---] : Annex A
  - b. UN Definitions (for use with UN ROE) : Annex B
  - c. Supporting Directions and Procedures, : Annex C
  - d. UNPKO Weapon States : Annex D

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**AUTHORITY**

5. The powers and authority of [UNM---] is derived from Security Council resolution [---] and must be exercised in a manner consistent with [UNM---]'s mandate as described in this resolution.

**MISSION**

6. The relevant provisions of Security Council resolution [xxxx (xxxx) of xx Month/Year] for [UNM---] are contained in Annex A - Authorised ROE for [UNM---].

**EXECUTION OF ROE**

7. **Principles.**

a. **General:**

- (1) The conduct of military operations is controlled by the provisions of international law.
- (2) [UNM---] military personnel must operate within the framework of this document which has been formulated in accordance with the parameters set out by relevant Security Council Resolutions.
- (3) [UNM---] ROE provide direction to commanders at all levels, governing the use of force within the mission area. They define the degree and the manner in which force may be applied and are designed to ensure that the application of force is controlled and legal. The ROE inform Commanders of the constraints imposed and the degrees of freedom they have, in the course of carrying out their mission.
- (4) The ROE are to be translated in a clear and concise way into the language of each participating nationality. Throughout the conduct of military operations, where armed force is to be used, [UNM---] military personnel must comply with the international legal principles of proportionality, the minimum use of force and the requirement to minimise the potential for collateral damage.

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- (5) While the ROE may restrict the manoeuvre and operation of specific weapons systems, they do not:
  - (a) Describe specific doctrine, tactics and procedures.
  - (b) Address safety-related restrictions.
- b. **International Law including Law of Armed Conflict.** [UNM---] military personnel are required to comply with International Law, including the Law of Armed Conflict (LOAC), and to apply the ROE in accordance with those laws as set out in the Secretary-General's Bulletin of 6 August 2000 on the "Observance by United Nations forces of international humanitarian law [ST/SGB/1999/13]"
- c. **Self-Defence:**
  - (1) **Nothing in these ROE negates a Commander's right and obligation to take all necessary and appropriate action for self-defence. All personnel may exercise the inherent right of self-defence.**
  - (2) Pre-emptive self-defence against an anticipated attack must be supported by compelling evidence (in the prevailing context) that hostile units or persons are committed to an immediate attack.
  - (3) Self-defence against a hostile force(s) may be exercised by individuals, or individual units under attack, as well as other UN military personnel who are able to assist those individuals or individual units under attack, or which are in imminent danger of being attacked. Potentially hostile forces which are beyond the range of their known weapon systems, or are not closing with UN military personnel, are not to be attacked without authority or clear evidence that a hostile act from those forces is imminent.
- d. **Military Necessity.** Whenever the operational situation permits, every reasonable effort must be made to resolve a potential hostile incident by means other than the use of force (e.g. through negotiations or assistance including from local authorities).
- e. **Duty to Challenge and Warn.** Before resorting to the use of force, every reasonable step must be taken to deter a party(s) or any person from committing a hostile act. Procedure required by the UN to challenge and warn is given at Annex C.

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- f. **Duty to Observe Fire/Target Identification.** See Annex C.
  - g. **Duty to Use Minimum and Proportional Force:**
    - (1) Unless operational urgency dictates the immediate use of deadly force, any force used must be limited, in its intensity and duration, to that which is necessary to achieve the objective.
    - (2) The use of force should be commensurate with the level of the threat. However, the level of response may have to be higher in order to minimise the cost in terms of UN casualties and civilian casualties.
    - (3) Commanders should, where appropriate, consider the use of alternatives to the use of physical force such as deception, psychological methods, negotiation and other non-lethal means which may include the deployment or manoeuvre of larger forces in order to demonstrate resolve.
  - h. **Avoidance of Collateral Damage.** When force is used, all necessary measures are to be taken to avoid collateral damage.
  - i. **Duty to Report.** Each confrontation resulting in a detention, or involving the use of deadly force, is to be reported through the chain of command as soon as possible, whether it results in casualties or not. More details are included in Annex C.
  - j. **Right to Maintain Position.** [UNM---] military personnel may maintain their position, personnel or equipment when confronted with a hostile act/intent and in such circumstances, may also use necessary force as authorised.
8. **Applicability.** The ROE set out in this document apply to all national military personnel assigned to [UNM---] as authorised by the Security Council.
9. **Responsibility of the Force Commander and Subordinate Commanders:**
- a. The implementation of the ROE is a command responsibility. The ROE are addressed to the Force Commander, who is then responsible for issuing them to all Subordinate Commanders.
  - b. The Force Commander and his/her Subordinate Commanders are not permitted to exceed these ROE, but may, when and as appropriate, authorise more restrictive limits on the actions of assigned forces, subject to United Nations Headquarters



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(UN HQ) approval. A commander may issue the ROE as received from UN HQ, add additional guidance or amplification, or incorporate ROE into appropriate orders or instructions.

- c. All commanders must seek clarification if they consider the authorised ROE to be unclear or inappropriate for the military situation.
- d. It is the responsibility of the commanders of all National Contingents to ensure that all those under their command understand these ROE. To assist in this process, they must issue a ROE Aide-Memoire (Blue Card), translated into the language(s) appropriate for their own contingent, to each individual. This is to be done before the contingent can be considered to be effective.
- e. Training in the application of ROE is the responsibility of commanders at all levels. ROE training sessions should be conducted on a regular basis and as a minimum, once per month and whenever [UNM---] military personnel, including individual replacements or reinforcements as authorised by the Security Council, are deployed into the mission area.

10. **ROE Contravention.** The following procedures apply in dealing with a UNPKO ROE contravention:

- a. Any ROE contravention is to be reported to UN HQ (DPKO), through the UN chain of command, by the quickest possible means.
- b. Flanking and subordinate commands should be informed where the consequences are likely to affect them.
- c. Remedial measures, including training should be taken to avoid reoccurrence.
- d. Any contravention must be subject to a formal investigation. The Force Commander is to convene a board of inquiry which is to forward its findings to the Under-Secretary-General for Peacekeeping Operations as soon as possible.

11. **Security Classification.** The ROE should be classified as **UN RESTRICTED**.

12. **ROE Changes.** These ROE can only be amended or changed with the authority of the Under-Secretary-General for Peacekeeping Operations.

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13. **Revocation**1. ROE of the Military Component of United Nations Mission in-----  
(UNM---), dated -----, are hereby revoked.

Jean-Marie Guhénno  
Under-Secretary-General  
for Peacekeeping Operations  
(Date/ Month / year)

**Annexes:**

- A. Authorised Numbered ROE for (UNM---).
- B. UN Definitions (for use with UN ROE).
- C. Supporting Directions and Procedures.
- D. UNPKO Weapon States.

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1 To be included only if the previously issued ROE are being revoked.

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**Annex A To**  
**MPS\--33**  
**Dated** \_\_\_\_\_

**EXAMPLE ONLY**

**AUTHORISED NUMBERED ROE FOR (UN---)**

**SECURITY COUNCIL RESOLUTION(S)**

1. The Security Council, by its Resolution [\_\_\_\_], decided "to establish a United Nations Mission in the ----[UNM---] with effect from [-----]."
2. Under the provisions of the Security Council Resolution [\_\_\_\_], [UNM---] Military Component has the following mandate:

(The mandate should be spelled out)

**SPECIFIC ROE FOR (UNM---)**

3. The following ROE rules have been authorised for use by the UN armed military personnel serving in (UN---).

**Rule 1 - Level of Force**

- |                     |   |
|---------------------|---|
| <u>Rule No. 1.1</u> | <u>Use of force, up to and including deadly force, to defend oneself and other UN personnel against a hostile act or a hostile intent, is authorised.</u> |
| <u>Rule No. 1.2</u> | <u>Use of force, up to and including deadly force, to defend other international personnel against a hostile act or a hostile intent, is authorised.</u>  |
| <u>Rule No. 1.3</u> | <u>Use of force, up to and including deadly force, to resist armed attempts to abduct or detain oneself and other UN personnel, is authorised.</u>        |

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- |                      |  |
|----------------------|--|
| <u>Rule No. 1.5</u>  | <u>Use of force, up to and including deadly force, to protect United Nations' installations, areas or goods designated by the SRSG in consultation with the Force Commander, against a hostile act, is authorised.</u> |
| <u>Rule No. 1.7</u>  | <u>Use of force, up to but excluding deadly force, to protect key installations, areas or goods designated by the SRSG in consultation with the Force Commander, against a hostile act, is authorised.</u>             |
| <u>Rule No. 1.10</u> | <u>Use of force, up to and including deadly force, against any individual and/or party who limits or intends to limit freedom of movement, is authorised.</u>  |
| <u>Rule No. 1.11</u> | <u>Use of force, up to and including deadly force, to resist armed/forceful attempts to prevent (mission's name) from discharging its duties, is authorised.</u>   |

**Rule 2 - Use of Weapon Systems**

- |                     |   |
|---------------------|---|
| <u>Rule No. 2.4</u> | <u>Firing of warning shots is authorised.</u> |
|---------------------|---|

**Rule 3 - Authority to Carry Weapons**

- |                     |   |
|---------------------|---|
| <u>Rule No. 3.3</u> | <u>Carriage of unloaded personal weapons, both on duty and as designated by the Force Commander, is authorised.</u> |
|---------------------|---|

**Rule 4 - Reaction to Civil Action/Unrest**

- |                     |  |
|---------------------|--|
| <u>Rule No. 4.1</u> | <u>Action to counter civil unrest is not authorised.</u> |
|---------------------|--|

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**Annex B To**  
**MPS\--33**  
**Dated** \_\_\_\_\_

**UN DEFINITIONS**  
**(FOR USE WITH ROE)**

1. **Collateral Damage.** Incidental loss of civilian life, injury to civilians, or damage to civilian property not part of an authorised target.
2. **Cordon.** A deployment of UNPKO personnel around an object or location with the intent to isolate an area and restrict and/or control both access and exit.
3. **Force.** The use of, or threat to use, physical means to impose one's will. Such means are used by formed, armed and disciplined bodies of [UNM---] and generally imply the potential to use appropriate and authorised levels of violence.
  - a. **Armed Force.** The use of weapons, including firearms and bayonets.
  - b. **Deadly Force.** The level of force which is intended, or is likely to cause, death regardless of whether death actually results. This is the ultimate degree of force.
  - c. **Minimum Force.** The minimum degree of authorised force which is necessary and reasonable in the circumstances, to achieve the objective. The minimum degree of force is applicable whenever force is used. Minimum Force can be Deadly Force if appropriate.
  - d. **Unarmed Force.** The use of physical force, short of the use of armed force.
4. **Hostile Act.** An action where the intent is to cause death, serious bodily harm or destruction of designated property.
5. **Hostile Intent.** The threat of imminent and direct use of force, which is demonstrated through an action which appears to be preparatory to a hostile action. Only a reasonable belief in the hostile intent is required, before the use of force is authorised. Whether or not hostile intent is being demonstrated must be judged by the on-scene commander, on the basis of one or a combination of the following factors:
  - a. The capability and preparedness of the threat.
  - b. The available evidence which indicates an intention to attack.

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- c. Historical precedent within the Mission's Area of Responsibility (AOR).
6. **Loaded Weapon.** A weapon which has ammunition attached to it but none of the ammunition has been placed into the chamber.
7. **Parties.** People who:
- a. Carry out armed attacks against UN personnel and other international personnel or against those falling under the protection of the UNPKO;
  - b. Are members of any military or paramilitary group or organisation carrying personal weapons or manning weapon systems, whether or not they are engaged in attacks against UN personnel, other international personnel and/or those falling under the protection of the UNPKO;
  - c. Are civilians who spontaneously take up arms against UN personnel and other international personnel or against those falling under the protection of the UNPKO.
8. **Positive Identification.** Assured identification by a specific means. This can be achieved by any of the following methods; visual, electronic support measures, flight plan correlation, thermal imaging, passive acoustic analysis or Identify Friend or Foe (IFF) procedures.
9. **Proportionality.** The amount of force which is reasonable in intensity, duration and magnitude, based on all facts known to the commander at the time, to decisively counter a hostile act or hostile intent.
10. **Reasonable Belief.** Reasonable belief is when the Commander, or individual, logically and sensibly concludes, based on the conditions and circumstances in which he/she finds him/herself, that a hostile threat exists.
11. **Self-Defence<sup>1</sup>.** Self-Defence is the use of such necessary and reasonable force, including deadly force, by an individual or unit in order to protect oneself, one's unit and all UN personnel against a hostile act or hostile intent.

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<sup>1</sup> The definition of Self-Defence has deliberately been restricted. As such it does not reflect the broad definition of Self-Defence which has prevailed in recent years and pursuant to which, self-defence included, as relevant, the protection of other international personnel. The definition will have to be addressed, on a case by case basis, to ensure that it is consistent with the mandate of the operation concerned as set out in the relevant Security Council Resolutions.

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12. **Pre-emptive Self-Defence**<sup>2</sup>. Action taken to pre-empt an imminent hostile act, where there is clear indication that an attack is about to be made against oneself, one's unit and UN personnel.

13. **UN Personnel**. All members of the UNPKO (including locally recruited personnel whilst on duty), UN officials and experts on mission on official visits.

14. **Other International Personnel**. Personnel belonging to international agencies associated with the UNPKO in the fulfilment of its mandate, and other individuals or groups formally and specifically designated by the SRSG in consultation with UN HQ, including;

- a. Members of organisations operating with the authority of the UN Security Council (SC) or General Assembly (GA);
- b. Members of authorised charitable, humanitarian or monitoring organisations;
- c. Other individuals or groups specifically designated by the Special Representative of the Secretary General (SRSG).

15. **Warning Shots**. A warning shot is a signal demonstrating resolve, or a capability to convince persons to stop threatening actions, or as a warning and potential precursor to the actual use of deadly force. A warning shot is a shot fired with no intent to cause death, injury or severe damage.

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<sup>2</sup> Idem.

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**Annex C To**  
**MPS\--33**  
**Dated \_\_\_\_\_**

**SUPPORTING DIRECTIONS AND PROCEDURES**

**GENERAL**

1. **Identification.** Assured identification of hostile forces prior to engagement is required. Unobserved indirect fire is prohibited.
2. **Civil Action.** [UNM---] military personnel should avoid any action which would result in the disruption of legitimate civil activities in the mission area.
3. **Prohibitions.** The following prohibitions are to be observed, even when authorised ROE are being used:
  - a. Use of any incendiary weapon is prohibited (this does not include use of ammunition when used solely for target marking, illumination or identification and where incendiary purpose is not intended).
  - b. The use of mines and booby traps, or chemical assets used as weapons, is prohibited.
  - c. The use of explosives for purposes other than those authorised in these ROE is prohibited.
  - d. The destruction of civilian goods not being used for military purposes is prohibited.
  - e. Punitive use of force and retaliation are prohibited.
4. **Cordon Principles.** Cordons may only be conducted if the Force Commander judges that the situation warrants isolation of the area and that such action is consistent with the mandate of the UNPKO.



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**WARNING PROCEDURES**

5. **General.** The use of armed force is normally a measure of last resort, in response to a hostile act or hostile intent. If a confrontation threatens the [UNM---] military personnel on the scene, the UN aim must be to dissuade the parties concerned from carrying on. To this end, the application of graduated response, through the demonstration of determination and force as directed below, is intended to provide a warning as well as a deterrence to prevent escalation. **If, as a result of initiating the action specified in paragraph 6 below, it becomes possible to achieve the aim through the use of unarmed force or other peaceful means, the opportunity to de-escalate the situation must be taken.**

6. **Graduation.** The following graduated procedures are to be observed:

- a. **Verbal Negotiation and/or Visual Demonstration.** Every effort must be made to warn any potential or actual aggressor before [UNM---] military personnel respond with force. The aim is to stop hostile activity.
- b. **Unarmed Force.** If the preceding step is unsuccessful, where possible, minimum unarmed force may be employed.
- c. **Charge Weapons.** An attempt should be made to make use of the visual and audible effect of charging weapons to convince any aggressor that failure to stop the aggressive activity may result in the use of deadly force.
- d. **Warning Shots.** If the threat continues, employ single aimed warning shots in a safe direction (preferably into the air) to avoid causing personal injury or collateral damage.
- e. **Armed Force.** If all the preceding steps, including the use of unarmed force, are unsuccessful and there are no other choices available, the necessary armed force may be used. The decision to open fire will be made only on the order and under the control of the on-scene Commander, unless there is insufficient time. Before opening fire, a final warning is to be given as follows:
  - (1) The warning may be given verbally (in the working language of the operation and in the local language), visually by a sign or by illumination (e.g. hand-held red flares, searchlights, etc);

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You are to challenge in the local language;

**“UNITED NATIONS, HALT OR I FIRE/NATIONS UNIES, HALTE  
OU JE TIRE”**

For example (in Serbo-Croatian):

**“Unedinjene Nacije. Stani ili pucam”.**

- (2) The verbal or visual warning should be repeated as many (and at least three) times, as is necessary to ensure understanding or compliance.

**FIRING PROCEDURES**

7. **Opening Fire Without Warning.** The only circumstance under which it is permitted to open fire without attempting to follow the warning sequence, would be if an attack by an aggressor comes so unexpectedly that, even a moment's delay could lead to death of, or grievous injury to oneself, UN personnel and those who are under the protection of the UNPKO as specified in the applicable ROE.

8. **Procedures during firing.** Any use of firearms must be aimed, controlled and not be indiscriminate. If possible, a single shot should be aimed at non-vital parts of the body in order not to kill. Automatic fire should only be used as a last resort. Fire for effect is authorised only as long as it is necessary to achieve the immediate aim of self-defence. Great care must be taken when discharging firearms and collateral damage should be avoided.

9. **Procedures after firing.** After any weapons firing, the following actions are to be taken:

- a. **Medical Assistance.** All injured persons should be given first aid as soon as possible, when such aid can be given without endangering lives.
- b. **Recording.** Details of the incident are to be recorded, including:
  - (1) Date, time and place of firing;
  - (2) Unit and personnel involved;
  - (3) The events leading up to firing;
  - (4) Why [UNM---] personnel opened fire;

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- (5) Who or what was fired on;
- (6) The weapons fired and the number of rounds discharged;
- (7) The apparent results of the firing; and
- (8) A diagram of the incident scene.

- c. **Reporting.** Following an immediate report that firing has taken place, the above information and the current situation are to be reported through the UN chain of command, to the Force Commander and UN HQ (DPKO), as rapidly as possible.

**SEARCH AND APPREHENSION PROCEDURES**

10. **Authority to Stop and Search**

- a. Persons wishing to enter UN premises, other installations and areas under [UNM-] protection can be requested to submit to a consensual search of their person and property. Refusal to be searched, or a refusal to surrender weapons, constitutes grounds for refusal of entry.
- b. Persons unlawfully attempting to enter or having unlawfully entered UN premises, other installations and areas under [UNM---] protection, may be stopped and searched for security purposes, using, where necessary, minimum force. Weapons may be seized in such instances and must be turned over to appropriate host country authorities as soon as possible.

11. **Search Procedure.** The following principles must be followed during all search procedures:

- a. Searchers are not to humiliate, nor embarrass persons being searched;
- b. The search procedure must take into account gender and be sensitive to other factors such as race, religion, etc.
- c. The purpose of the search must be clearly stated in the orders and to the individuals to be searched;
- d. A searcher should always be protected by another UN armed military person; and

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- e. Searches must be reported promptly to higher headquarters.

12. **Authority to Apprehend**

- a. Persons may not be apprehended other than in accordance with the authorisation given under Rule No. 4. All apprehended persons are to be turned over to appropriate local authorities, as soon as possible. Until handover takes place, such individuals may be detained.
- b. Any weapons seized are to be turned over to appropriate local authorities.
- c. In order to prevent the escape of a detainee or apprehended person, force may be used, as authorised by Rule No. 1.9.

13. **Treatment of Detainees.** Detainees shall not be subject to intimidation, deprivation or humiliation. They are to be given rations, shelter and access to medical care.

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**Annex D To**  
**MPS\--33**  
**Dated \_\_\_\_\_**

**UNPKO WEAPON STATES**

1. **General.** The weapon states provided below may be authorized by the Force Commander as he believes operationally appropriate provided the state selected does not exceed the authority given by the SCR and as defined in the Numbered ROE for the UNPKO.

2. **Graduated Weapon States:**

**State 1 - Side Arms (Pistols/Revolvers):**

- 1.1 Side arms may be carried by all personnel serving in formed UN military units but ammunition is to be carried separately from the weapon.
- 1.2 Side Arms may be carried and have a loaded magazine inserted\attached to the weapon, however, no ammunition may be inserted into the breach\chamber.
- 1.3 Side Arms may have a loaded magazine inserted\attached to the weapon and a round of ammunition inserted into the breach\chamber.

**State 2 - Personal Weapons (Rifles, sub-machine guns and pistols, Light Machine Guns including vehicle mounted machine guns up to 12.75mm\50"):**

- 2.1 Personal Weapons should be carried in a non-offensive manner.
- 2.2 Personal Weapons may be carried by all personnel serving in formed UN military units but ammunition is to be carried separately from the weapon.
- 2.3 Personal Weapons may be carried and have a loaded magazine or belted ammunition inserted\attached to the weapon, however, no ammunition may be inserted into the breach\chamber unless required to react in Self-Defence.
- 2.4 Personal Weapons may be charged with a round inserted into the breach\chamber.

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**State 3 - Riot Control Weapons (Riot Guns, CS canisters)**

- 3.1 No riot control weapons may be carried.
- 3.2 Riot control weapons may be issued to UN patrols but are to be carried in patrol vehicles and must remain out of sight of non UN personnel.
- 3.3 Riot control weapons may be carried openly.

**State 4 - Infra Red Equipment**

- 4.1 Ground/vehicle IR sources may only be used in the "Passive" state.
- 4.2 Ground/vehicle IR sources may be used in the "Active" mode. All reasonable precautions are to be taken to ensure that no injuries are inflicted as a result of the use of IR.

**State 5 - Mortars**

- 5.1 Mortars may be carried covertly by patrols and in vehicles.
- 5.2 Mortars may be carried overtly on patrol and in vehicles.

**State 6 — Ground, Vehicle and Aircraft- Mounted Anti-Armour Weapons**

- 6.1 Ground, vehicle-, vessel- and aircraft-mounted weapons may be deployed but not loaded with missiles or shells. In the cases where the weapon system contains ammunition integral to the system the weapon is not to be prepared for firing — not "charged".
- 6.2 Ground, vehicle-, vessel- and aircraft- mounted weapon systems may be prepared for firing — "charged".

**State 7 — Helicopter- Mounted Weapons**

- 7.1 Helicopter-mounted missiles may not be deployed.
- 7.2 Helicopter-mounted guns and missiles may be deployed. Guns may have a loaded magazine or belted ammunition inserted in or attached to the weapon, but they will not be cocked, and no ammunition may be inserted into the breach or chamber. Missiles may not be prepared for immediate firing.

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- 7.3** Helicopter-mounted guns and missiles may be deployed. Guns may have a loaded magazine or belted ammunition inserted in or attached to the weapon. They may be cocked, and ammunition may be inserted into the breach or chamber. Missiles may be prepared for immediate firing.

**NB: Instructions for AFVs, artillery\howitzers, anti-aircraft systems, and all aircraft will be issued separately.**

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**Attachment 3 To**  
**MPS\981**  
**27 November 2000**

**THIS IS AN EXAMPLE ONLY**

**OUTGOING CODE CABLE**

MPS/--33

**IMMEDIATE**

**TO: SRSG, [UNM---]**

**CC: FORCE COMMANDER, [UNM---]**

**FROM: USG DPKO, UNATIONS, NEW YORK**

**DATE:**

**NUMBER:**

**SUBJECT: RULES OF ENGAGEMENT (ROE) FOR THE MILITARY COMPONENT  
OF THE UNITED NATIONS MISSION IN (COUNTRY) [UNM---]**

1. Please find attached the approved ROE for the military component of the United Nations Mission in (country) [UNM---].

2. The document consists of the following:

Main paper	:	Rules of Engagement for the military component of the United Nations Mission in ----- [UNM---]
Annex A	:	Authorised Numbered ROE for [UNM---].
Annex B	:	UN Definitions (for use with UN ROE).
Annex C	:	Supporting Directions and Procedures.
Annex D	:	UNPKO_Weapon States.



United Nations  
Department of Peacekeeping Operations/  
Department of Field Support  
Ref: 2016.24



## **Guidelines**

January 2017

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# **Use of Force by Military Components in United Nations Peacekeeping Operations**

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Approved by: Hervé Ladsous, USG DPKO; Atul Khare, USG DFS  
Effective date: 01 February 2017  
Contact: Office of Military Affairs, DPKO  
Review date: 01 February 2020

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**DPKO/DFS Guidelines:  
Use of Force by Military Components  
in United Nations Peacekeeping Operations**

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**A. PURPOSE**

1. This document is intended to provide clarity in the appropriate use of force at the tactical and operational levels of United Nations peacekeeping missions.
2. Clarity in the appropriate use of force is vital to a United Nations mission's military personnel confronted by the full spectrum of complex peacekeeping challenges. It is equally important

to troop contributing countries (TCCs) providing peacekeeping military contingents. These guidelines are intended to mitigate hesitation, accelerate decision making, improve performance and ultimately protect lives and property.

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## **B. SCOPE**

3. These guidelines briefly highlight the strategic considerations that guide, oversee and provide the resources for the operational and tactical use of force. While the strategic considerations of the use of force are rooted in the core peacekeeping principles, mission mandate and rules of engagement, the guidelines recognize that political and other context specific factors influence the strategic considerations on the use of force. The main emphasis, however, is on the operational and tactical considerations regarding the use of force. This document examines the required thinking and action (including situational awareness and operational/strategic communications) at these levels to pre-empt, deter, contain or respond to threats without excessive use of force.
  4. These guidelines apply to all members of the military component deployed in a United Nations peacekeeping operations, senior mission leaders, as well as staff members of DPKO/DFS at United Nations Headquarters (UNHQ). TCCs will also find this document helpful as they train and prepare their commanders and contingents for United Nations peacekeeping operations. The clarifications contained herein supplement, but do not replace, mission-specific rules of engagement (ROE) and other applicable guidance issued by the Under Secretary General (USG) for DPKO, which have precedence.
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## **C. RATIONALE**

5. Numerous after action reviews and discussions with TCCs have identified a gap in the understanding of the use of force despite existing mission-specific rules of engagement. These guidelines are accordingly intended to address the hesitation or lack of willingness/readiness to use force, when appropriate, in order to carry out mandated activities as well as to address the use of excessive force. It provides guidance on the use of appropriate force.
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## **D. GUIDELINES**

### **D.1 Definition**

6. “Force” is defined as the use of, or threat to use, physical means to impose one’s will. In peacekeeping operations, peacekeepers are authorized to use force in self-defense and to execute their mandated tasks in appropriate situations. Depending upon the mandate, this may include the authorization to use force for the protection of civilians. The objective of the use of force in peacekeeping operations is to influence and deter, not necessarily to defeat threats seeking to threaten or harm United Nations personnel or associated personnel or 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 peace processes.

## **D.2 Use of Force Principles and Authorization**

7. The legal basis for the use of force by peacekeepers resides in the mandate of the peacekeeping mission, as reflected in the relevant resolution(s) adopted by the Security Council. The use of force must be exercised in a manner consistent with the mandate. It may be used in self-defense as well as in situations in which the mission is specifically mandated to use force as listed in the ROE. Mission-specific ROE provide the authority for the use of force as well as directions to operational commanders delineating the parameters within which force may be used.
8. The use of force in peacekeeping operations must comply with international laws, including applicable international humanitarian law<sup>1</sup> and human rights norms, principles and standards. At all times, the use of force must be consistent with the principles of gradation, necessity, proportionality, legality, distinction, precaution, humanity and accountability. Any force used must be limited in its intensity and duration to what is necessary to achieve the authorized objective and, commensurate with the threat.
9. The use of force is a command responsibility. The Force Commander is responsible for disseminating mission-specific ROE approved by the USG DPKO to all subordinate commanders and is ultimately responsible for ROE enforcement. It is the responsibility of the commanders of all national contingents to ensure that all those under their command understand and follow the ROE.

## **D.3 Alternatives to the Use of Force**

10. 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. The use of force may be avoided through mediation, negotiation and the good offices of civilian peacekeeping staff. This should be complemented by the skillful use of a deterrent posture; such as placing sufficient forces at the scene of potential violence to demonstrate the United Nations' intent and capability to respond to any act of violence. The use of force may also be avoided by for example, adopting a robust mission communications plan and/or through community engagement or assistance from local authorities. The ability to deter hostile intent and act successfully relies on clearly communicating capacity, requisite will and confidence in carrying out the mandated tasks. However, peacekeepers must be prepared at all times to act swiftly and decisively with the requisite force to achieve objectives as authorized by the mandate and ROE.

## **D.4 Graduated Application and the Use of Force Continuum**

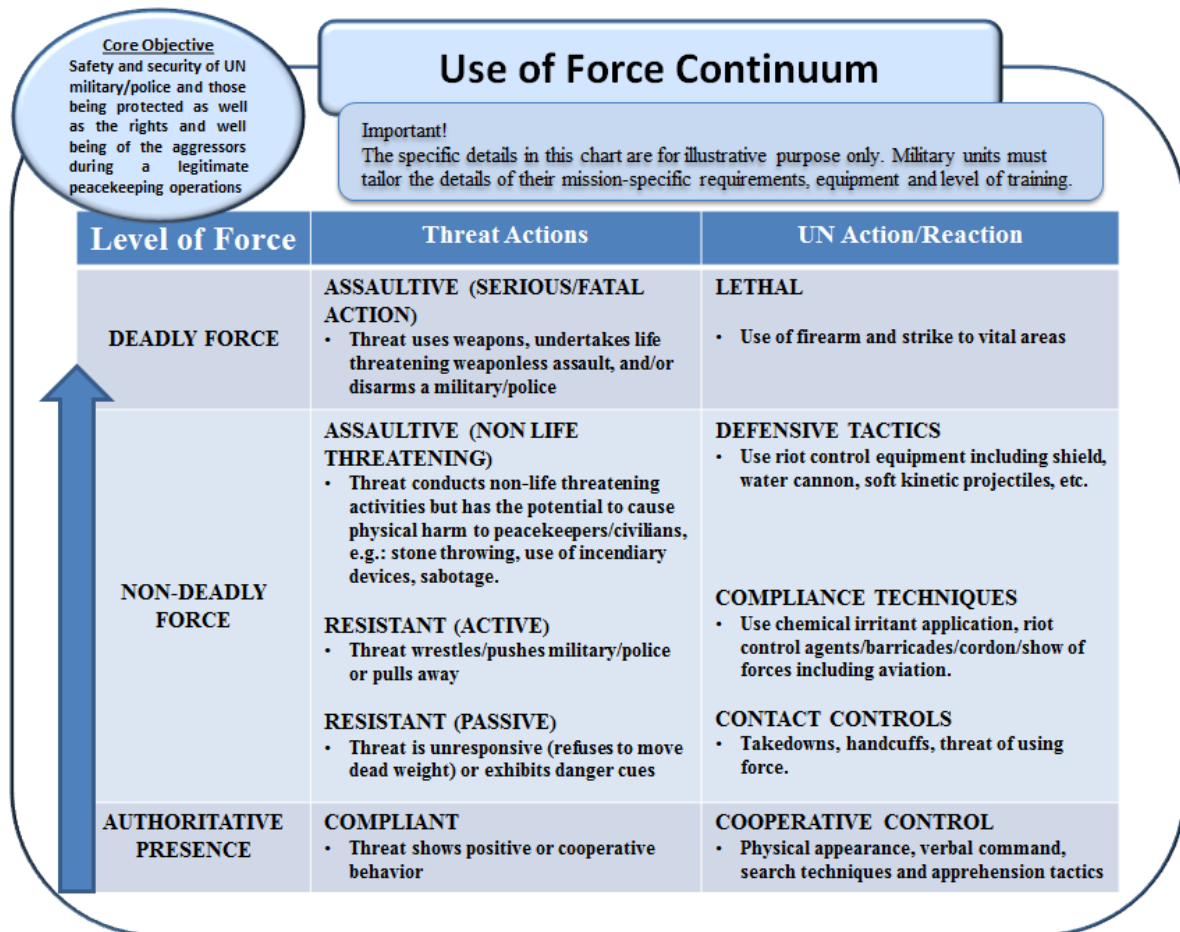
11. The graduated application of increasing levels of force ensures that only the minimum level of force necessary is used to achieve the mandated objective. This graduated application of

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<sup>1</sup> International humanitarian law is known also as "the law of war" or "the law of armed conflict." Fundamental principles and rules of international humanitarian law applicable to the United Nations are contained in the Secretary-General Bulletin on the *Observance by UN Forces for International Humanitarian Law*, 6 August 1999 (ST/SGB/1999/13). See also the OHCHR/DPKO/DFS/DPA *Policy on Human Rights in UN Peace Operations and Political Missions*, 2011.

force ensures that excessive force is avoided, and contributes to minimizing the loss of, or damage to, life and property. In every instance of the use of force, all feasible precautions should be taken with a view to avoiding, and at any event to minimizing, collateral damage.

12. Graduated force can be applied along a continuum of three broad levels beginning with physical authoritative presence, progressing to non-deadly force and finally the use of deadly force. Depending upon the nature of threat, peacekeepers sometimes may not have enough time to embrace gradual application of force and may have to act immediately by resorting to deadly force to avoid greater harm or compromise the mandate of mission. The authorization to use force without following graduated procedures, which is reflected in mission-specific ROE, only applies where the attack or threat of an attack comes so unexpectedly that even a moment's delay could lead to the death of, or serious bodily injury to, oneself, other United Nations personnel or other persons who are under the protection of the peacekeeping mission. The following chart and explanations sets forth the continuum for the use of force. This model can be modified to suit mission needs. It should also be interpreted and applied consistent with the mission-specific ROE.



- a. **Authoritative Presence (including verbal commands).** Authoritative presence maximizes the effect of peacekeepers' will and capabilities in a given situation. The physical presence of a contingent with the credible capacity to use appropriate force through for example foot, vehicle or air patrols may be sufficient to deter or de-escalate a volatile situation. Every effort must also be made to use verbal commands to dissuade aggressors from committing violent acts and persuade them to act peacefully. Verbal commands and authoritative presence are applied as long as they are effective in deterring aggressors or crowds from posing a threat of physical harm and/or physical violence. Engagement with both male and female key stakeholders, through culturally appropriate messaging and posture, is critical to defusing a situation and avoiding the use of force.
- b. **Non-Deadly Force.** Non-deadly force, including unarmed force, is that force necessary to compel compliance or dissuade aggressors that is neither intended nor likely to cause death or serious bodily injury. Employment of riot control measures and agents, such as tear gas, stun grenades, smoke grenades, soft kinetic projectiles<sup>2</sup> and/or other non-lethal measures can be used (if specifically authorized) if the on-scene commander considers their use necessary and effective in preventing or stopping the hostile activity. Units and individuals must be trained and equipped in the application of non-deadly techniques and maintain the necessary refresher training. The military commander should always attempt to resolve the situation in peaceful ways with the key stakeholders. Actions in the non-deadly force category may also require the demonstration of tactical strength to show a significantly stronger capability to gain control over or cooperation from aggressors. Therefore, troop reinforcement and a show of force by other available mission assets (such as aviation) may be required. Non-deadly force must also be used in accordance with mission-specific ROE.
- c. **Deadly Force.** Deadly force is the level of force which is intended, or is likely to cause death, regardless of whether death actually results. It is the ultimate degree of force. The use of deadly force, including armed force, is a last resort in situations against a hostile act or intent likely to cause death or serious bodily injury. Such force must be used in accordance with mission-specific ROE. Reluctance to use deadly force when warranted by the situation may lead greater damage, may put the reputation of the United Nations at risk, or may lead to mission failure.

## **D.5 Strategic Level Considerations**

### **D.5.1 Strategic Planning**

- 13. The Security Council mandate, priority objectives and operational requirements determine the necessity and scope for using force. The military Concept of Operations (CONOPS), within the political framework developed in the Mission Concept, provides the strategic direction on how the military component will support the mission's objectives using force, where necessary. The Secretary-General's Directives to the Head of Mission (HOM)/Special Representative of the Secretary-General (SRSG) will include as an annex military directives

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<sup>2</sup> Rubber bullets will be phased out by 31 Dec 2016 and replaced by UN-approved soft kinetic projectiles.

to Heads of Military Components that describe the appropriate use of force in the implementation of mandated tasks as part of the mission's broad political goals. Based on the Mission Concept and CONOPS, DPKO/DFS planners identify required capabilities and resources enabling the military component to use appropriate force, if required, to implement mandated tasks. Relevant Statements of Unit Requirement<sup>3</sup> (SURs) are thus prepared to include those capabilities and resources. Similarly, ROE are also developed from the mandate ensuring the application of force is controlled and legal. ROE are sufficiently robust to address the mission's requirements and provide the military component with the authority to respond to various threats while executing mandated tasks.

14. To ensure the appropriate use of force in peacekeeping operations, TCCs should prepare their troops in terms of mindset and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units in a peacekeeping operation. All United Nations peacekeepers operate strictly under the United Nations chain of command. TCCs are not permitted to augment, restrict or modify ROE according to national interpretation(s), nor should TCCs impose any caveats on the authorizations to use of force that are contained in the ROE, without formal consultation with UNHQ and the express written agreement of the DPKO. A unit's failure to carry out the ROE may result in repatriation.

#### **D.5.2 Force Generation**

15. To better ensure the ability and will to implement mandated tasks effectively, including through the use of force, where necessary, the selection of TCCs should be based on applicable United Nations policies as well as past field performance and conduct, accountability and current capabilities as verified by DPKO/DFS Assessment and Advisory Visits, Pre-Deployment Visits and Contingent-Owned Equipment verification. Field performance and current capabilities of mission military entities are evaluated by the Force Commander in accordance with standard operating procedures on the evaluation of subordinate military entities, and policy on operational readiness assurance and performance improvement.<sup>4</sup>

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<sup>3</sup> In addition to mission-specific requirements, DPKO/DFS planners should base their SURs on the DPKO/DFS UN Military Unit Manuals for specific types of military units including Infantry, Special Forces, Aviation, Force Headquarters Support Companies, Reconnaissance Units, Signals, Logistics, Military Police, Riverine, Engineer, Maritime and Transport Units. These manuals are available at: "Policy and Practice Database," accessible only to UN staff on the UN network (including field Missions) at: [http://ppdb.un.org/Nav%20Pages/PolicyFramework\\_Default.aspx](http://ppdb.un.org/Nav%20Pages/PolicyFramework_Default.aspx) and, "Resource Hub," recently developed for Member States to access UN documents including the Military Unit Manuals at: <http://research.un.org/en/peacekeeping-community>.

<sup>4</sup> For details see the DPKO/DFS SOP on Force and Sector Commanders evaluation of military entities in peacekeeping operations, January 2016 and DPKO/DFS policy on operational readiness assurance and performance improvement, January 2016.

## **D.6 Operational Level Considerations**

### **D.6.1 Integrated Mission Operational Planning/Unified Lines of Effort**

16. The use of force is not purely a military issue. In United Nations operations, every action has a political, security, social and economic dimension affecting the mission's mandated tasks, relationship with the host country and local population, as well as relations with armed groups that may be active in the mission's area of operation. Military operations in general including those involving use of force must, therefore, be part of a fully integrated mission operational plan that is part of an overall mission strategic plan to implement mandated tasks tying together various lines of effort involving all mission components. The military efforts/gains will only be effective and sustained if they are complemented by and consolidated through a viable political strategy directed by the HOM/SRSG and actions carried out by other components.
17. The military component integrates the overall mission strategy developed by the HOM/SRSG into its operational planning in close co-ordination with all other mission components. The military planning should also consider the presence, needs and vulnerabilities of other United Nations actors on the ground, related humanitarian agencies and non-governmental organizations (NGOs), particularly in a mission with a mandate encompassing the facilitation of humanitarian activities in the country. In Missions with a mandate under Chapter VII to facilitate humanitarian assistance, ROEs may include specific rules authorizing use of force to protect humanitarian personnel at risk and to use force in protecting the delivery of humanitarian assistance. In addition, the SRSG might have the authority, under the ROEs to "designate" protected premises, including non-United Nations premises or facilities, or equipment. Humanitarian agencies and non-governmental organizations (NGOs) should be kept informed of developing/evolving situations and be included in security arrangements (to the extent allowed under applicable United Nations security policies, in close consultation and coordination with the United Nations Department of Safety and Security; and in integrated missions, in close consultation with the Deputy Special Representative of the Secretary-General, Resident Coordinator/Humanitarian Coordinator (D-SRSG RC/HC) who coordinates humanitarian actors and the United Nations country team). The use of force may have second order humanitarian and a human rights consequence. An assessment of these consequences through a risk mitigation assessment should be incorporated into operational planning where force is envisioned, in consultation with relevant civilian components and the Humanitarian Country Team. Synergy amongst all mission components is essential for effective mandate implementation.
18. The Force Headquarters must also ensure that its operations are coordinated through the regular sharing of information, comprehensive analysis of the ground situation and understanding of the role played by the various mission components within the integrated mission operational plan. During operational planning, the Force Commander and staff should consider a variety of mission scenarios that may require the use of force to achieve identified objectives. The appropriate use of force in the execution of assigned tasks in such scenarios should be clearly delineated in the Force Operations Order. Annex A provides examples of some possible scenarios involving the appropriate use of force. Similarly, the



Force Headquarters should also maintain a reserve force to quickly respond to threats beyond the capacity of local units, within a reasonable time.

19. Mission and Force level decisions and judgements concerning the military use of force must consider a combination of factors including Mission/Military Component capabilities, public perceptions, humanitarian impact, force protection/safety and security of personnel and the effect on national and local consent for the United Nations mission. Much of this understanding and goodwill can be accomplished through an effective strategic communications program.

#### **D.6.2 Robust Mission Communications**

20. At the mission/operational level, a comprehensive and integrated communications plan can dispel local misconceptions, manage expectations, promote peacekeeper safety and security, strengthen the mission's credibility and help respond effectively to public concerns. Communicating clearly and robustly to government officials, potential spoilers, parties to the conflict, community leaders and members of civil society is critically important, especially if effective mandate implementation requires the use of force. Mission communications can therefore be used as a means to reach out and explain the mission's mandate and that an appropriate level of force (maximum as well as minimum) has been authorized to implement that mandate. Communications on the use of force can convey either deterrent or de-escalatory purposes, which serve the underlying objective to minimize the need to actually resort to force<sup>5</sup>.
21. In situations where the mission uses force, public diplomacy and information sharing should become priority tasks. The period immediately following the mission's use of force is critical, and must be characterized by timely mission communication involving public information on the particular incident and envisaged follow-up investigations that is accurate, transparent and within the constraints of operational security and confidentiality. Information on critical incidents, including but not limited to live firing, should also be communicated as soon as possible to all relevant public information bodies, including UNHQ (especially the Office of the Military Affairs and the Office of Operations in DPKO), in accordance with Department of Public Information/DPKO Policy on Public Information and Strategic Communications<sup>6</sup>. Skillfully crafting the substance of the message plus information sharing will address local concerns and may prevent negative reactions. The ability to anticipate these concerns depends on competent situational awareness.

#### **D.6.3 Situational Awareness**

22. Situational awareness is critical to understanding, preventing, and responding effectively to acts of violence. Commanders at all levels must keep abreast of evolving operational situations to better visualize and anticipate emerging threats, opportunities and the possible

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<sup>5</sup> Note, however, that rules of engagement are classified 'confidential' and may not be shared with unauthorized personnel.

<sup>6</sup> For details, see DPI/DPKO policy on Public Information and Strategic Communications, 2016.

consequences of United Nations actions. Situational awareness improves planning and preparation for potential military responses to prevent violence.

23. Reliable intelligence is essential for the effective and judicious use of force. Intelligence is essential to allow the Military Component to be proactive, pre-empt threats and maximize the impact of United Nations operations through proper timing and direction. In cooperation with and guided by relevant mission components, and in line with the policy on peacekeeping intelligence<sup>7</sup>, the Force Headquarters should therefore develop a systematic approach to collecting and analyzing information to map vulnerabilities; identify potential threats to civilians, peacekeepers, United Nations and associated personnel and other individuals that the mission has a mandate to protect; and understand the dynamics, patterns, motivations and capabilities of local actors. The Force Headquarters should develop directives on information collection and reporting procedures as standard military practice and all uniformed peacekeepers should receive training on and carry out information-collection as a matter of routine. Intelligence requirements and collection plans must be regularly issued and forwarded to subordinate units in accordance with evolving situations and threat assessments.
24. Regular threat and risk assessments informed by sound intelligence enable the mission to anticipate, prevent and be prepared to respond effectively to violence before it occurs. Understanding the intent of potential threats is critical to the development and implementation of an appropriate mitigation or response plan. In addition to its own military assets on the ground, the Military Component should seek clarity and consolidate analysis through assets such as the All Source Information Fusion Unit, Joint Operations Centre, Joint Mission Analysis Centre and the Integrated Security System as well as other mission entities such as police component, Civil Affairs, DDR, Gender, Human Rights and as outlined in the policy on peacekeeping intelligence. Working with the situational awareness provided by these and its own assets, the Military Component can plan in advance for a range of scenarios that may involve the outbreak of violence, and then develop options for the use of force appropriate to each scenario. The Military Component should also fully engage a range of United Nations actors in developing/conducting scenario-based contingency planning, including humanitarian, protection, gender and human rights stakeholders. Scenario development, examination of possible courses of action, scenario-based training in tactics and techniques, and rehearsals to reinforce that training can all contribute to the required mindset for the appropriate and effective use of force.

#### **D.6.4 Effective Command and Control**

25. The authorization to use force comes with the responsibility to do so in accordance with the mandate and ROE. Force Commanders are responsible for ensuring that their orders are strictly followed. Any incidents of refusing to follow lawful orders (including those that involve citing undisclosed national caveats) must be reported to UNHQ for appropriate action. The Secretary-General has stipulated that all HOM/SRSGs shall submit consolidated reports of incidents involving the refusal to obey lawful orders to the United Nations

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<sup>7</sup> DPKO/DFS policy on Peacekeeping Intelligence is currently in the process of approval.

Secretariat.<sup>8</sup> The Secretariat will then immediately inform the concerned TCC and, as appropriate, the Security Council. If no remedial action is forthcoming from the TCC, the unit concerned may be repatriated.

26. The chain of command must control the use of force within the parameters authorized by the ROE. If required and authorized by the Force Commander, the authority for the use of force should be delegated in writing to subordinate commanders. Such written delegation of authority facilitates decentralized execution and promotes initiative and speed of action in accordance with the higher commander's well-defined intent and objectives in implementing the mandate. The ability to decentralize the use of force decision requires that all commanders and troops have a clear understanding of when and at what level force can be used in implementing assigned tasks. The chain of command must therefore ensure that all Force personnel have the proper preparation and training to ensure that they use force appropriately. Excessive use of force, or the failure to use force in line with the ROE, negatively impacts a mission's success and may raise issues of individual and organizational responsibility.
27. Force Commanders should use all means at their disposal to ensure that all subordinate commanders and troops are given extensive training on mission-specific ROE and other use of force guidelines, as well as directives for use of force of police components. To address the concerns of commanders and troops regarding their reluctance to use force (e.g., for fear of being penalized), the Force Headquarters and chain of command must provide clear guidance and directives on the use of force (as well as the status, privileges and immunities of military members of military contingents under the applicable legal framework, including the status-of-forces-agreement). Tactical level commanders and troops must all undergo regular training in tactics, techniques and procedures on the appropriate use of force. The timely availability of the ROE to the TCC for incorporation into pre-deployment training, along with mandatory routine ROE refresher training whilst in Mission, including scenario based realistic practical exercises, are key to ensuring that peacekeepers have the knowledge, skills and support to implement their mandate.

#### **D.7 Tactical Level Considerations**

28. At the tactical level, the effective use of force depends on the tactical commander's assessment of the emerging situation, opportunities and preparation for responsive action and risks of inaction. Commanders must always take appropriate action against threats, responsibly mitigating and accepting assessed risks when carrying out mandated tasks. Commanders are accountable for their inaction or failure to use authorized force, especially when required to save lives. Military units and contingents are also accountable for any failure to obey the Force Commander's (or other commanders') lawful orders consistent with the mandate and ROE.

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<sup>8</sup> Code cable No 1883, dated 25 August 2015, signed by the Secretary-General and sent to all SRSGs of field missions.

#### **D.7.1 Credible, Flexible Force Posture and Presence**

29. Military commanders and their units must have a mindset that demonstrates a willingness, readiness and capacity to respond appropriately to hostile acts and hostile threats of violence. UN military units must openly display professional conduct at all times. Shows of force, determination and willingness to act contribute to military credibility and may reduce the need to use force.
30. Flexible force posture is essential to seizing, retaining, and exploiting the initiative, and responding appropriately before situations deteriorate and options become limited. A flexible force posture can be retained by anticipating, pre-planning, maintaining and pre-positioning reserve forces (where applicable in close cooperation with police components, deployed Formed Police Units should also be considered) and developing robust contingency plans. Military units must therefore be flexible, adaptable and able to detach smaller units capable of operating independently for extended periods of time 24 hours a day. Similarly, military contingents should also organize quick reaction forces (e.g., in a battalion location, one company; in a company location, one platoon) to respond quickly to any evolving situation. This ensures an additional layer of capability to existing units dedicated as quick reaction reserve forces at the Sector and Force levels.

#### **D.7.2 Robust and Proactive Approach**

31. Military units must be proactive to deter/disrupt hostile intent or act (as authorized by the mandate and ROE) before the situation becomes critical. Persons/groups displaying hostile intent against United Nations personnel, United Nations associated personnel or civilian populations, or attempting to interfere with the freedom of movement of the mission should be dealt with in accordance with the mission-specific ROE, as and when necessary. They should be responded to proactively and robustly with the appropriate level of force (i.e. 'just enough'). Peacekeepers should not wait for hostile elements to attack civilians or United Nations personnel before using the appropriate level of force to prevent violence. Proactively using force to execute mandated tasks may not only save the lives of those threatened, but can also deter violent spoilers who may be working against peace processes. The timely and robust response to threats also enhances peacekeeper credibility. Thus, the actual use of force may not be necessary if peacekeepers display firm determination, readiness and capability to pre-empt/respond persuasively. This proactive approach requires, among other elements, an enhanced intelligence capability and a close cooperation with police components, where Formed Police Units (FPU) are deployed.

#### **D.7.3 Intelligence Capability at the Tactical Level**

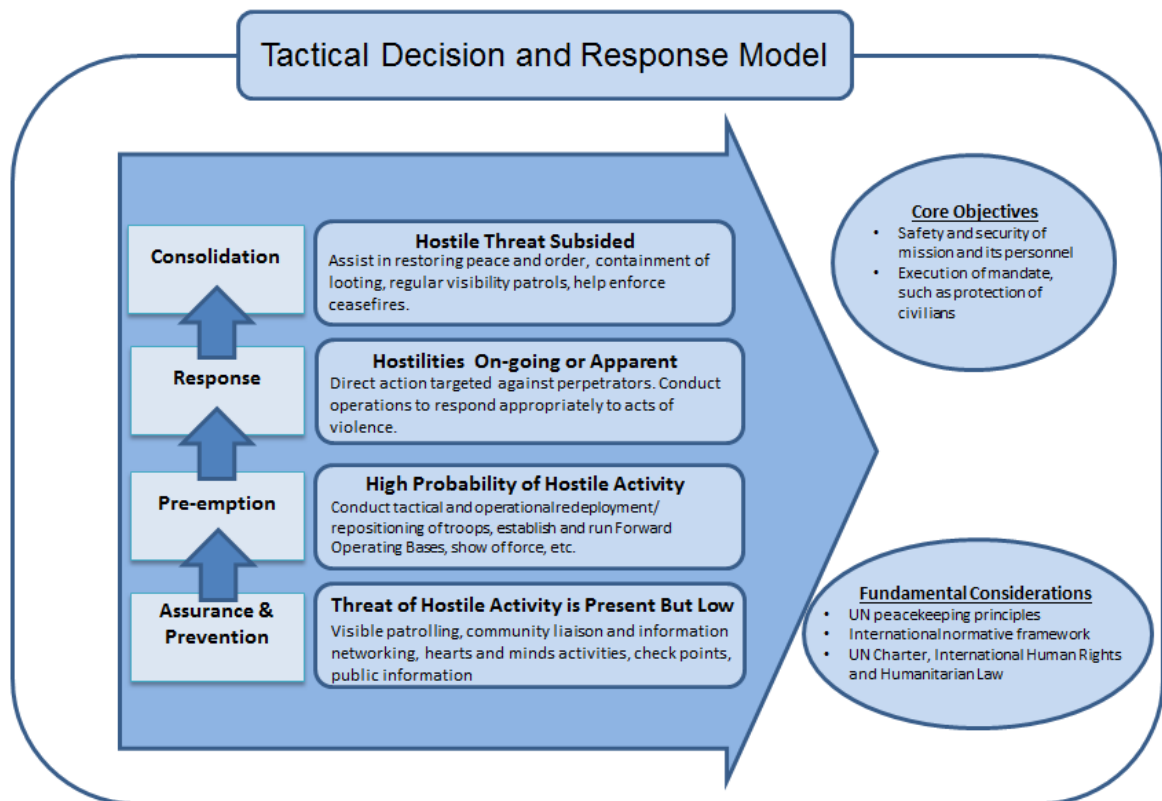
32. The appreciation of evolving situations at the tactical level, which can have implications for the use of force, requires strong information gathering and analysis capability to pre-empt, deter or use force against threats. Achieving early warning and conducting operations to seize and maintain the initiative requires detailed knowledge of armed actors/spoilers and their modus operandi. Developing such intelligence involves a thorough analysis of the operational environment in terms of the crisis' background, underlying causes and the dynamics of all actors in the mission area.

33. Military units/contingents should have their own organic intelligence ability and structure, led by experienced intelligence officers that can guide the process of information collection. Military intelligence capabilities should be developed down to company and temporary operating base level as a military intelligence cell (U-2). Such intelligence cell should prepare information collection plan based on Unit Information Requirements, analyze patrol briefs, track and analyze significant activities, and serve as the information hub. Military units/sub units must develop reliable contacts and relationships with local communities and should engage via the local Community Alert Network and Community Liaison Assistants who can provide early warning of potential threats. Engagement with key female leaders and local women's groups should be explored as an additional source of valuable information.

#### **D.7.4 Tactical Decision and Response Model**

34. Deciding on the appropriate level of force is based on a number of factors including threat intensity, the effect of action/inaction and the availability of resources and assets to conduct operations that create a credible force posture. The Tactical Decision and Response Model described below captures concise details of the type and intensity of force capability requirements for a variety of situations. This Model indicates when a response needs to be escalated. It describes a graduated progression in the use of force, also delineating military units' roles prior to and after the use of force against hostile intent or hostile act. It is designed to assist military commanders and staff in understanding four distinct decision phases, and provides direction on the proper application of military force to anticipate, deter and counter threats during a specific situation. This Model is indicative and should be applied consistent with the mission-specific ROE.
35. Although arranged in a logical order, the following phases can also occur non-sequentially and/or concurrently, depending on the situation. When considering the use of force, there is the need to examine the specific roles played by military units in each of the four phases. A more complete list of indicators and possible tasks under these four phases is shown at Annex B.
- a. **Assurance and Prevention.** Involves measures and activities that peacekeepers can take to discourage potential hostile acts, where threat of hostile activity is present but low. Peacekeeper actions include adopting a strong deterrent posture, conducting visible patrols and establishing check points. Additional actions include information networking, regular security surveys, inspections and assessments of facilities, camps and bases in the area of operations/interest, strengthening United Nations installation physical security and engaging in community-based activities such as "hearts and minds" programs and quick impact projects. Moreover, peacekeepers should also take proactive de-escalation strategies based on enhanced communication and contact with potentially violent actors, where possible. Dialogue with local communities and engaging with both male and female representatives of those communities remains essential to achieving situational awareness.
  - b. **Pre-emption.** Involves active measures to deter or contain an identified and immediate threat against civilians (in case of the protection of civilians), United Nations and

associated personnel or United Nations property; and/or gain advantage over a threatening group before it can carry out a hostile act. Examples of pre-emptive peacekeeper actions include interposition and show of force/maneuver of larger forces to demonstrate resolve and defuse situations, enforcing curfews, cordon and search operations, targeted use of necessary and proportionate force against identified hostile acts and hostile threats, apprehension and detention operations, and tactical redeployment of troops to guard key infrastructure, terrain or targeted groups (consistent with ROE).



*Note: This Model captures concise details of the type and intensity of force capability requirements for a variety of situations. It indicates when a response needs to be escalated.*

- c. **Response.** Involves the necessary and proportionate use of force by peacekeepers to neutralize or render ineffective a hostile intent or hostile act endangering life and/or impeding implementation of mandated tasks such as the protection of civilians. Peacekeeper response should be timely and assertive, as authorized by mandate and ROE. Examples of peacekeeper actions include physical protection and evacuation of civilians at risk, direct confrontation, robust camp defense, search and rescue and close air support. Response also includes those measures taken to mitigate or minimize unintended effects. Examples of these mitigating/minimizing measures would include

the use of observed fire, intentionally aiming-off when in close proximity to civilians and using illumination instead of high explosive ordnance.

- d. **Consolidation.** Pertains to activities requiring management after the hostile threat has subsided. Consolidation involves actions denying threat groups the ability to restore their capability, and assisting the local population and host country authorities in normalizing the situation. Examples of peacekeeper consolidation actions include support to Disarmament, Demobilization and Reintegration activities, security support to facilitate civilian-led humanitarian activities, the establishment of procedures to monitor and safeguard buffer zones and treaty compliance, threat assessment and robust defense.

#### **D.7.5 Military-Police Cooperation**

- 36. Military units work closely with United Nations Police, especially while engaging in public order management tasks. In field missions, United Nations Police are normally in the lead to support national police authorities in public order management. Military units can be assigned to complement United Nations Police or national police forces in situations where public order threats exceed police's capacity to respond, or when threats are of a military nature.<sup>9</sup> In this regard, military units may face situations requiring riot/crowd control, either to protect United Nations and associated personnel and United Nations premises, or to ensure freedom of movement for carrying out mandated tasks. The United Nations Infantry Battalion Manual (Volumes I & II) describes a variety of situations that military units may face while tasked with public order management.<sup>10</sup> Military assistance to public order management is governed by the mission mandate and ROE.
- 37. Public order management is a sensitive operation requiring human rights compliance, training, appropriate equipment, effective de-escalation strategies and clear command and control arrangements to manage a calibrated and appropriate response to a volatile situation. Therefore, Force/Sector Headquarters should develop SOPs with the United Nations police component to integrate and conduct mutually supporting planning, training and operations<sup>11</sup>.

#### **D.7.6 Adherence to Rules of Engagement**

- 38. Mission-specific ROE provide the requisite authority for the use of force. ROE also explain the policy, principles, procedures and responsibilities governing the use of force. These rules are designed to ensure that force application is in compliance with fundamental principles and rules of international law, including international human rights law and international humanitarian law. While remaining predominantly defensive in nature, ROE

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<sup>9</sup> The distinction between military and non-military level threats is described in the DPKO/DFS Policy on Authority, Command and Control, as well as in the DPKO/DFS Policy (revised) on Formed Police Units in United Nations Peacekeeping Operations (01 March 2010).

<sup>10</sup> For details, see UNIBAM Volume I, Chapter 5.4.11 and Volumes II, Chapter 2.11 (August 2012).

<sup>11</sup> For details, see DPKO/DFS guidelines on Military Support for Public Order Management in peacekeeping Operations, 2016.

may permit offensive action, if necessary and as authorized by the Security Council, in order to ensure mandate implementation.

39. Military familiarization and competent implementation of ROE is a command responsibility. Commanders must ensure that subordinates are adequately trained on ROE, understand and rehearse them thoroughly, and apply them uniformly. ROE training sessions should be conducted on a regular basis and, at a minimum, once per month and whenever military personnel, including individual replacements or reinforcements, are deployed into the mission area.<sup>12</sup> Troops must carry ROE Pocket card (Aide Memoire) with the necessary extracts of the mission ROE translated into their language. Pocket cards should include basic warnings and commands translated into the local population's language(s).

#### **D.7.7 Reporting and Accountability**

40. Every instance of the use of force at the tactical level, both deadly and non-deadly, must be promptly reported to the Force chain of command. FHQ should report any incident of the use of force to UNHQ. Regular reporting on developing situations allows the chain of command to maintain timely awareness and provides direction to United Nations units involved, or supporting units to prepare to assist if the need arises. The commander involved in the incident is responsible and accountable for the conduct and reporting of the incident. Details of the incident must also be recorded. All injured persons (including from within the armed groups/spoilers) must be given first aid as soon as possible and where feasible. The bodies of persons who have been killed shall be treated with respect. They are to be recovered for medical examination and identification as soon as it is safe to do so.
41. Reporting and recording procedures must be clearly specified in the mission's SOP and relevant guidelines. The Military Component should conduct an After Action Review and damage assessment on all major incidents with relevant mission components, including Best Practices and human rights officers, and draw the lessons learned. Where deaths or serious injury of civilians or civilian property damages arise, these must be subject to effective, transparent and impartial investigation.
42. In the case of United Nations peacekeepers detaining individuals or groups, detention should be conducted in accordance with the relevant Interim SOP on detention operations in United Nations peacekeeping<sup>13</sup>, the mission's ROE and SOPs. Detentions must be reported promptly to the chain of command and by the FHQ to the HOM. Detained personnel must be handled humanely in a manner that is consistent with international human rights law, applicable international humanitarian law and international refugee law, and other relevant international norms and standards. Detainees must be handed over to the appropriate authorities as per United Nations guidelines.

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<sup>12</sup> This example is taken from the Rules of Engagement of MINUSMA, Mali, June 2013

<sup>13</sup> For guidance on the processing and handling of detainees, UN personnel should refer to the most current DPKO/DFS ISOP on Detention in United Nations Peace Operations, Ref. 2010.6 of 25 January 2010 and any Mission SOP or guidelines issued thereunder.



### D.8 Decision Factors and Risk Management

43. Any decision to use force should be first assessed through four key factors; Legality, Appropriateness, Capacity and Criticality. The intent of the HOM should be clearly understood and clarified throughout the immediate planning process. Peacekeepers require to answer the following four questions in the affirmative prior to deciding to use force, particularly deadly use of force. (Rather than try to process these questions at the last moment, commanders should use the following matrix as part of continuous in-mission training on the use of force to assist decision-making):

<b>“Decision Factors and Risk Management”</b> <b>Key Use of Force Questions</b>	<b>Yes</b>	<b>No</b>
1. <b>Legality:</b> Is the type of force for the intended purpose authorized under the mission ROE and is it warranted in the situation?		
2. <b>Appropriateness:</b> Have all available peaceful means to resolve the situation been exhausted and will the use of force contribute to the authorized objective and/or task? Is the force to be used necessary and proportionate to the threat?		
3. <b>Capacity:</b> Does the mission or contingent have the capability (equipment, training and manpower, including reserves) to use targeted and graduated force?		
4. <b>Criticality:</b> Will inaction result in serious physical injuries or death to United Nations and associated personnel or civilian populations or damage of United Nations property and/or result in negative impact in the mission’s success/credibility?		

*Note: Peacekeepers require answering these four questions in the affirmative prior to deciding to use force.*

44. Commanders at all levels must exercise their professional military judgement, taking into account all relevant factors in the decision-making process, in order to develop courses of action to counter hostile activity, capabilities and intent. The use of a deliberate process to develop realistic courses of action will assist peacekeepers in developing methods aimed at reducing the impact and/or likelihood of threats from hostile groups or individuals.

## **D.9 Training**

45. In accordance with DPKO/DFS policy on Operational Readiness Assurance and Performance Improvement,<sup>14</sup> the shaping, training and preparation of United Nations peacekeepers before deployment is a TCC responsibility. During pre-deployment training, all military personnel should be trained to established United Nations standards with Core Pre-Deployment Training Materials, Specialized Training Materials, United Nations Infantry Battalion Manual/United Nations Military Unit Manuals, mission-specific ROE, the DPKO/DFS Detention ISOP and applicable humanitarian and human rights law. The mission-specific ROE should form a part of the pre-deployment training. Training should focus on appropriate use of force in different situations and emphasize the graduated application of force. The use of force decision and response model, and the use of force matrix of indicators and possible tasks attached as Annex B, should form the basis of any use of force training curriculum.
46. Ideally, training should be based on scenarios that peacekeepers are likely to encounter in the mission area. At the tactical level, unit preparation should include basic skills training such as weapons proficiency and accuracy. As such, all units should zero their weapons within 30 days of arrival in the mission, and weapons should be check-zeroed on a regular basis. TCCs should provide ammunition for live firing training. The Force Headquarters will ensure access to the required small arms ranges.
47. Once military units and contingents are deployed in the mission area, the FHQ should ensure that all commanders receive in-mission briefing and training including updated ROE. Similarly, the FHQ should insist on periodic unit training, and can ensure this by issuing regular training command directives based on realistic operational scenarios including those involving child soldiers and/or female combatants, when applicable. Regular in-mission training should include drills and procedures that amplify important tasks commanders and troops must carry out, including the authority to use force if necessary. Scenario-based training, with thorough plans considering all mission components, can be introduced and constantly updated to assist commanders and troops in their assessment of complex situations. Special teams, organized and equipped for Public Order Management and the techniques of cordon and search, should train regularly on use of force procedures as operational requirements permit.

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## **E. TERMS AND DEFINITIONS**

<b>Attack</b>	The use of force by or against any force or personnel, or directed at a target or objective.
<b>Cordon</b>	A deployment of United Nations peacekeepers around an object or location with the intent to isolate an area and restrict and/or control both access and exit.

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<sup>14</sup> DPKO/DFS policy on Operational Readiness Assurance and Performance Improvement, December 2015.

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<b>Collateral Damage</b>	Incidental loss of civilian life, injury to civilians or damage to civilian property not part of any authorized target.
<b>Detention</b>	The act of unilaterally restricting the freedom of movement of an individual pursuant to the mission's mandate and ROE, regardless of the duration of such detention.
<b>Deterrence</b>	The display of willingness, capability and readiness of peacekeepers to use force to prevent an individual or group from initiating a hostile act.
<b>Force</b>	The use of, or threat to use, physical means to impose one's will.
<b>Armed Force</b>	The use of all weapons, including firearms and bayonets.
<b>Deadly Force</b>	The level of force which is intended, or likely to cause, death, regardless of whether death actually results. This is the ultimate degree of force.
<b>Non-Deadly Force</b>	The level of force that is neither intended nor likely to cause death, regardless of whether death actually results.
<b>Minimum Force</b>	The minimum degree of authorized force that is necessary and reasonable in the circumstances to achieve the authorized objective. A minimum degree of force is applicable whenever force is used. Minimum Force can be Deadly Force, in certain circumstances.
<b>Unarmed Force</b>	The use of physical force, short of the use of Armed Force.
<b>Hostile Act</b>	An action where the intent is to cause death, serious bodily harm or destruction of United Nations designated property.
<b>Hostile Intent</b>	<p>The threat of an impending use of force, which is demonstrated through an action or behavior which appears to be preparatory to a hostile act. Only a reasonable belief in the hostile intent is required before the use of force is authorized. Whether or not hostile intent is being demonstrated must be judged by the on-scene commander, on the basis of one or a combination of the following factors:</p> <ul style="list-style-type: none"><li>a. The capability and preparedness of the threat.</li><li>b. The available evidence which indicates an intention to attack.</li><li>c. Historical precedent within the Mission's Area of Responsibility.</li></ul>
<b>Reasonable Belief</b>	A belief which a reasonable peacekeeper would hold on the basis of the facts as they are known to him or her at the time.
<b>Offensive Operation</b>	Military operations undertaken by military contingents, as and when mandated, in order to discharge the task of neutralizing armed groups to prevent their expansion, and neutralize and disarm them in order to contribute to the objective of reducing threats to the host state authority and civilian security, as and when mandated.

<b>Proportionality</b>	The amount of force which is reasonable in intensity, duration and magnitude, based on all facts known to the commander or individual soldier at the time, to decisively counter a hostile act or intent or to otherwise achieve an authorized objective specified in the mission-specific ROE.
<b>Spoiler</b>	Individuals or groups that may profit from the spread or continuation of violence, or have an interest to disrupt a resolution of a conflict, including through a violent means, in a given setting.
<b>United Nations Personnel</b>	<p>For specific details, refer to the mission-specific ROE. For the purposes of this document, the following persons are considered “United Nations personnel:”</p> <ul style="list-style-type: none"><li>a. Members of the peacekeeping mission.</li><li>b. Officials of the United Nations and its specialized agencies and related organizations.</li><li>c. Experts on the mission for the United Nations and for its specialized agencies and related organizations.</li><li>d. United Nations Volunteers who are present in the host nation in the performance of their official duties or missions.</li><li>e. Other associated personnel designated by the Head of the Mission, in consultation with United Nations headquarters, including:<ul style="list-style-type: none"><li>i. Persons engaged by the Secretary-General or by one of the specialized agencies or related organizations of the United Nations.</li><li>ii. Persons assigned by a Government or an intergovernmental organization operating with the authority of the Security Council or General Assembly.</li><li>iii. Persons deployed by authorized humanitarian non-governmental organizations or agencies under an agreement with the Secretary-General, or with a specialized agency or related organization of the United Nations to carry out activities in support of the fulfilment of the mandate of a mission or of programmes of the United Nations, including programmes of its offices.</li></ul></li></ul>
<b>United Nations Associated Personnel</b>	See, UN personnel, under item (e).

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## **F. REFERENCES**

### **Normative or Superior References**

- A. *Report of the High Level Independent Panel on Peacekeeping Operations*, 16 June 2015.

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- B. Report of the Secretary-General on *“The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations,”* (A/70/375-S/2015/682) (2 September 2015).
- C. Secretary-General's Bulletin on *Observance by United Nations Forces of International Humanitarian Law* [ST/SGB/1999/13].
- D. Secretary-General's Bulletin on *Special Measures for Protection From Sexual Exploitation and Sexual Abuse* [ST/SGB/2003/13].
- E. Security Council Aide-Mémoire for the consideration of issues pertaining to the protection of civilians in armed conflict [S/PRST/2015/23 Annex].
- F. Rome Statute of the International Criminal Court [ICC-ASP/2/Res.3].
- G. The Four Geneva Conventions of 1949 and the Additional Protocols to the Geneva Conventions (1977).
- H. Secretary-General's letter to the General Assembly and Security Council: *Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces* (A/67/775–S/2013/110), March 2013.
- I. *UN Policy on Human Rights Screening of United Nations Personnel* (December 2012).

**Related Policies, Procedures or Guidelines**

- A. DPKO/DFS Policy on *Authority, Command and Control in United Nations Peacekeeping Operations* (Ref 2008.4).
- B. DPKO/Force Generation Service *Generic Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Peacekeeping Missions* (2008).
- C. DPKO/DPS Policy: *Mainstreaming the Protection, Rights and Wellbeing of Children Affected by Armed Conflict within UN Peacekeeping Operations*. (Ref 2009.17)
- D. DPKO/DFS SOP on *Detention in United Nations Peace Operations*, (Ref 2010.06)
- E. DPKO/DFS Policy on *Gender Equality in UN Peacekeeping Operations* (Ref 2010.25)
- F. DPKO/DFS Guidelines: *Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping Operations* (Ref 2010.22)
- G. OHCHR/DPKO/DFS/DPA Policy on *Human Rights in Peace Operations and Political Missions* (Ref 2011.20).
- H. DPKO/DFS *United Nations Infantry Battalion Manual, Volume I & II* (2012).
- I. DPKO/DFS Policy for the *Protection of Civilians in United Nations Peacekeeping* (Ref 2015.07).
- J. DPKO/DFS Guidelines: *Protection of Civilians: Implementing Guidelines for the Military Components of United Nations Peacekeeping Missions* (Ref 2015.02).

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- K. DPKO/DFS and DPA Guidelines: *the Mission Concept* (Ref 2014.04).
  - L. DPKO/DFS Policy: *Operational Readiness Assurance and Performance Improvement*, (Ref 2015.16).
  - M. DPKO/DFS SOP: *Force and Sector Commanders Evaluation of Military Entities in Peacekeeping Operations* (Ref 2016.02).
  - N. DPKO/DFS SOP: *Force Headquarters Evaluation in peacekeeping operations* (Ref 2016.16).
  - O. DPKO/DFS Policy on *Public Information and Strategic Communications*, (2016).
  - P. DPKO/DFS Guidelines: *Military Support for Public Order Management in Peacekeeping Operations*, (Ref 2016.23)
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## **G. MONITORING AND COMPLIANCE**

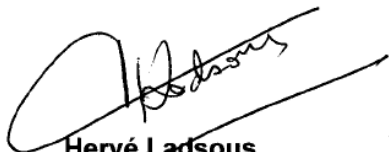
- 48. In field missions, the implementation of these Guidelines shall be the responsibility of the HOMC/FC.
  - 49. The Office of Military Affairs shall monitor compliance with these Guidelines.
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## **H. CONTACT**

- 50. These guidelines were developed by the Office of Military Affairs, DPKO. Queries or comments should be directed thereto.
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## **I. HISTORY**

- 51. This is the first edition of these guidelines. It will be considered for revision in 01 February 2020.
- 



**Hervé Ladsous**  
**Under-Secretary-General**  
**Department of Peacekeeping Operations**

**DATE OF APPROVAL: JAN 25 2017**



**Atul Khare**  
**Under-Secretary-General**  
**Department of Field Support**

**DATE OF APPROVAL: 24/1/2017**

## Annex A

## Possible Scenarios for the Use of Force

Context	Scenarios	Actions	Guidelines
Self Defense	Individual peacekeeper or a unit under attack	<ul style="list-style-type: none"> <li>Respond effectively by exercising inherent right of self defense</li> <li>United Nations forces in vicinity provide assistance</li> </ul>	Mission ROE and Force Commander's CONOPS
	If a patrol or convoy is attacked or ambushed	<ul style="list-style-type: none"> <li>Respond appropriately by exercising inherent right of self defense</li> <li>Use proportionate force to prevent the perpetrators from disarming UN personnel or seizing United Nations equipment and vehicles.</li> <li>Communicate through the chain of command for additional support as needed</li> </ul>	
Pre-emptive Self Defense	Anticipated attack based on credible information	<ul style="list-style-type: none"> <li>Pre-emptive actions to prevent, deter or disrupt the impending attack</li> </ul>	Mission ROE and Force Commander's CONOPS
Protection of Civilians (POC)	All POC scenarios	<ul style="list-style-type: none"> <li>If the mission is mandated for POC, the peacekeepers have an obligation to use force to protect civilians from armed attack when all other unarmed tactics, techniques and procedures fail.</li> <li>Pre-emptive actions to prevent deter or disrupt the impending threat to civilians.</li> <li>Actions are guided by United Nations mission POC policy and military implementing guidelines</li> </ul>	Mission mandate, ROE, and DPKO/DFS POC policy and POC implementing guidelines for Military Component,
Providing security conditions conducive to	Maintaining freedom of movement for humanitarian personnel	<ul style="list-style-type: none"> <li>Respect neutrality, impartiality and operational independence of humanitarian organizations</li> </ul>	Mission ROE

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humanitarian operations		<ul style="list-style-type: none"> <li>• Coordinate with United Nations Office for the coordination of Humanitarian Affairs (United Nations OCHA) including through the UN-CM Coordinator on military assistance required</li> <li>• Use force, only if necessary, to create the security conditions for humanitarian agencies to function in a non-permissive environment in accordance with mission ROE</li> </ul>	
Protection of Property	Hostile act or intent against United Nations property or United Nations- designated property	<ul style="list-style-type: none"> <li>• Use of force in accordance with mission ROE.</li> <li>• Missions may authorize the use of lethal force to protect property that is vital to life</li> <li>• Mission ROE may authorize the use of non-deadly force to protect United Nations premises, property and other assets</li> </ul>	Mission ROE
In support of host nation elements	Support host nation security forces in training, joint planning/operations, and Defense Sector Reform	<ul style="list-style-type: none"> <li>• Ensure that concerned host nation elements have not been involved in human rights violations</li> <li>• Do not assist human rights violators</li> <li>• Actions must be in compliance with Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces</li> </ul>	Mission mandate and ROE, and Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces
Neutralizing armed groups or spoilers	Hostile acts against United Nations personnel, civilians or interference with freedom of movement	<ul style="list-style-type: none"> <li>• Such persons or groups should be responded to with the appropriate level of force</li> <li>• Pre-emptive actions to prevent, deter or disrupt impending hostile acts</li> </ul>	Mission mandate and ROE
	When mandated to take targeted offensive actions	<ul style="list-style-type: none"> <li>• Target armed groups to prevent their expansion,</li> </ul>	



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		neutralize and disarm them in order to contribute to the objective of reducing the threat posed by armed groups to the host state authority and civilians.	
Public order management	In all scenarios of public order management	<ul style="list-style-type: none"> <li>• Develop joint SOP with Police Component to integrate and conduct joint planning, training and operations</li> <li>• Response must be respectful of human rights, including freedom of assembly</li> <li>• Any force used must be necessary, graduated, minimum and proportional in its intensity and duration, as authorized by ROE and mandate</li> <li>• Request the presence of United Nations police if not on scene at the outbreak of an incident.</li> <li>• Deploy female peacekeepers to the scene and/or request United Nations female police peacekeepers</li> <li>• Follow guidelines mentioned in guidelines on Military Support for Public Order Management and UNIBAM</li> </ul>	Mission ROE and United Nations Infantry Battalion Manual (UNIBAM) Vol. I & II, Guidelines on Military Support for Public Order Management
Child Soldiers	In all scenarios of child soldiers	<ul style="list-style-type: none"> <li>• Determine if the situation at hand is a hostile intent or a case where United Nations needs to protect</li> <li>• Prioritize utilizing alternatives to the use of force against child soldiers (e.g. creation of buffer zones, targeting of adult commanders)</li> <li>• In case of determined threat, force can be used in self-defense, or to protect civilians under protection</li> </ul>	Mission Mandate and ROE

## Annex B

## Matrix of Indicators and Possible Tasks

Phase	Indicators	Possible Tasks (subject to mandate)
<b>Prevention</b>	<p>Evidence of instability that has the potential to escalate. Situational awareness is the primary effort.</p> <p>Indicators may include:</p> <ul style="list-style-type: none"> <li>▪ Reports on: <ul style="list-style-type: none"> <li>▪ Violations against United Nations freedom of movement</li> <li>▪ Intimidation of humanitarian workers</li> <li>▪ Abduction/disappearances</li> </ul> </li> <li>▪ Incidents or pattern of sexual violence</li> <li>▪ Weapons influxes</li> <li>▪ Gun and IED/mine-related violence</li> <li>▪ Displacement of population, which may be forced, or voluntary as a precautionary measure.</li> <li>▪ Ceasefire violations</li> <li>▪ Incidents of political tension/minor street protests</li> </ul>	<ul style="list-style-type: none"> <li>▪ Information collection, analysis and development of situational awareness</li> <li>▪ Regular threat and risk assessment</li> <li>▪ Activation of mission communication plan</li> <li>▪ Support the deployment of human rights, civil affairs and other United Nations actors</li> <li>▪ Community engagement and public communication. Liaise with local women and men and learn of and take action to address their concerns in coordination with Gender Affairs Officer, Women Protection Advisors, Human Rights Officers and Civil Affairs Officers.</li> <li>▪ Make maximum use of female military and police personnel in areas where it is culturally not appropriate for male peacekeepers to liaise with females of host population.</li> <li>▪ Support host nation security forces in establishing or strengthening security conditions</li> <li>▪ Visible presence of United Nations military and police, especially where state security forces are not present</li> <li>▪ Conduct regular patrols and prioritize patrol routes based on security needs of host population</li> <li>▪ Establish checkpoints</li> <li>▪ Undertake aerial reconnaissance and surveillance</li> <li>▪ Help secure routes, vital facilities and infrastructure</li> <li>▪ Support public order management</li> <li>▪ Assist humanitarian actors in evacuation of internally displaced persons (IDP) and refugees in coordination with UN OCHA</li> <li>▪ Support the establishment and enforcement of weapons control by</li> </ul>

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		<p>assisting in:</p> <ul style="list-style-type: none"> <li>- Establishing a weapons control monitoring program</li> <li>- Identifying, securing, protecting, and coordinating the disposition of munitions stockpiles and facilities</li> <li>- Collecting and destroying 'loose' weapons and munitions, and disposal of unexploded ordnance and explosive remnants of war</li> <li>- Providing security to disarming teams</li> <li>▪ Support disengagement, demobilization, rehabilitation, resettlement, and reintegration efforts</li> <li>▪ Support the establishment of demobilization camps</li> <li>▪ Enforce regulations on restricted areas and geographic/ethnic enclaves</li> <li>▪ Assist border control operations by: <ul style="list-style-type: none"> <li>- Monitoring and impeding, as necessary, the movement of unauthorized materials or persons</li> </ul> </li> <li>▪ Help monitor the implementation of any ceasefire agreement by identifying, reporting, investigating, and supporting the peaceful resolution of alleged violations</li> </ul>
<b>Pre-emption</b>	<p>Incidents that indicate the precursors of significant violence, potentially including organized groups, widespread targeting of a specific group (such as ethnic, religious, political, etc.), or the general deterioration of the security situation. Incidents may be specific, present threats; or they may be more generalized, significant threats. The focus of pre-emption is on identifying the immediate destabilizing factor and, where necessary, developing plans to disrupt it short of full military action.</p>	<ul style="list-style-type: none"> <li>▪ Activation of mission communication plan</li> <li>▪ Reinforced military and police presence and patrolling</li> <li>▪ Conduct tactical and operational redeployment/ repositioning of troops</li> <li>▪ Establish and run Forward Operating Bases</li> <li>▪ Interposition and show of force/maneuver of larger forces</li> <li>▪ Surgical or selective strikes/raids</li> <li>▪ Control of movement and access</li> <li>▪ Impose and enforce curfews</li> <li>▪ Dismantle armed groups' roadblocks</li> <li>▪ Cordon areas of concern</li> <li>▪ Enhanced protection of population centers and IDP camps</li> <li>▪ Regular threat and risk assessments</li> <li>▪ Support to counter-IED</li> </ul>

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	<p><b><u>Indicators may include:</u></b></p> <ul style="list-style-type: none"> <li>▪ Observation of rapid build-up of armed groups</li> <li>▪ Reported presence of a known armed spoiler</li> <li>▪ Patterns of increased human rights violations</li> <li>▪ High profile abductions</li> <li>▪ Religious or sectarian persecutions</li> </ul>	
<b>Response</b>	<p>The focus of response is on taking the necessary action to implement the mandate. This may involve full military operations.</p> <p><b><u>Indicators may include:</u></b></p> <ul style="list-style-type: none"> <li>▪ Inter-communal or sectarian violence</li> <li>▪ Violence that erupts/escalates in an area of responsibility or interest, such as refugee/IDP camps</li> <li>▪ Violent attacks/shelling of United Nations facilities</li> <li>▪ Bombing/sabotage with mass casualties</li> <li>▪ Widespread severe armed actions</li> <li>▪ Atrocity crimes, including mass extrajudicial killing, war crimes, crimes against humanity, and ethnic cleansing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Direct action targeted against perpetrators including through gradual use of force to stop on going violence and disperse assemblies of potential perpetrators</li> <li>▪ Conduct operations to respond appropriately to acts of violence</li> <li>▪ Undertake search and rescue operations, including during hostage situations</li> <li>▪ Activation of mission communication plan</li> <li>▪ Robust camp defense</li> <li>▪ Undertake operations against high-value targets</li> <li>▪ Provide temporary secure areas to civilians in danger</li> <li>▪ Support evacuation of civilians to more stable areas</li> <li>▪ Apprehend and temporarily detain hostile persons or groups</li> </ul>
<b>Consolidation</b>	<p>The focus of consolidation is on ensuring that all aspects of a mission's peace and security mandate are brought to bear in a</p>	<ul style="list-style-type: none"> <li>▪ Assist in restoring peace and order, including containment of looting</li> <li>▪ Regular visibility patrols</li> <li>▪ Help enforce ceasefires by supervising disengagement of belligerents</li> </ul>

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	<p>given situation after the use of force and deterrence. Consolidation also ensures that strategic gains are maintained and civilians are not harmed by any security vacuum left after a military operation. Other indicators include:</p> <ul style="list-style-type: none"><li>▪ Belligerents propose negotiation/dialogue</li><li>▪ Hostile group withdrawal and/or surrender</li><li>▪ Violence ceases, including serious violations of human rights and humanitarian law</li></ul>	<ul style="list-style-type: none"><li>▪ Reinstall security in separation zones</li><li>▪ Regular threat and risk assessment</li><li>▪ Activation of mission communication plan</li><li>▪ Undertake Quick Impact Projects and media operations</li><li>▪ Assist in the return of civilian international and United Nations staff once violence ends</li><li>▪ Support disengagement, demobilization, rehabilitation, resettlement, and reintegration efforts</li><li>▪ Create security conditions conducive to the provision of civilian-led humanitarian assistance to affected populations, as requested through the United Nations Humanitarian Coordinator,<sup>15</sup> including:<ul style="list-style-type: none"><li>– Making available convoy escorts and mobility assets to move relief supplies to distribution centers</li><li>– Securing emergency relief distribution points and networks</li></ul></li><li>▪ Upon request by or in coordination with the Humanitarian Coordinator, and according to established guidelines, provide available emergency food and non-food items, water, sanitation, shelter and medical care</li><li>▪ Under exceptional circumstances and upon request by the Humanitarian Coordinator, according to established guidelines of last resort, assist public health care support in:<ul style="list-style-type: none"><li>– Evaluating the need for additional medical capabilities</li><li>– Mitigating public health hazards within the area of operations/interest</li><li>– Managing or augmenting the operations of existing civilian medical facilities</li><li>– Providing health care services to the local population</li><li>– Supporting existing medical infrastructure</li></ul></li><li>▪ Establish firearm collection points</li><li>▪ Gather and report to human rights officers allegations of human rights violations and abuses</li></ul>
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<sup>15</sup> The Humanitarian Coordinator is supported in his/her functions by UN OCHA, including when structurally integrated within a peacekeeping mission as the DSRSG/RC/HC.



# PROTECTION OF CIVILIANS

## Implementing Guidelines for Military Components of United Nations Peacekeeping Missions

February 2015



United Nations  
Department of Peacekeeping Operations /  
Department of Field Support

UNITED NATIONS  
DEPARTMENT OF PEACEKEEPING OPERATIONS /  
DEPARTMENT OF FIELD SUPPORT  
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# **Guidelines**

[FEBRUARY 2015]

## **Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions**

## Credits

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## A. PURPOSE

Provide guidance to military components in UN peacekeeping missions tasked with implementing mandates on the protection of civilians (POC).

## B. SCOPE

These guidelines apply to all military personnel deployed in UN field missions with POC mandates, as well as staff members of the Departments of Peacekeeping Operations (DPKO) and Field Support (DFS), United Nations Headquarters (UNHQ).

Key personnel of Troop Contributing Countries (TCCs), including decision makers and planners, will find these guidelines useful as they train and prepare contingents for a UN Peacekeeping mission.

These guidelines focus on physical protection of civilians against violence in any form or manifestation by the perpetrator, including but not limited to armed groups, non-state actors and state actors (where applicable) individually or collectively at operational and tactical levels. They provide enough room for planners and commanders to incorporate changes in the planning and execution of operations as the situation evolves.

## C. RATIONALE

Reflecting POC's rising importance, the vast majority of UN peacekeepers currently work in missions mandated to protect civilians. Although POC mandates have existed for fifteen years, field missions and Troop Contributing Countries (TCCs) continue to seek guidance on its implementation.

These guidelines complement existing guidance and should be read together with the DPKO/DFS Concept on the Protection of Civilians and the OHCHR/DPKO/DPA/DFS policy on Human Rights in UN Peace Operations and Political Missions. These policies provide operational guidance on the roles and responsibilities of UN civilian, military and police on the protection of civilians against threats of physical violence and on the integration of human rights into the activities of United Nations peacekeeping missions.





## D. GUIDELINES

### D.1 Defining POC in UN Peacekeeping

#### D.1.1 POC Definition

Based on the language used by the Security Council in POC mandates<sup>1</sup>, the physical protection of civilians in United Nations peacekeeping can be defined as ***“all necessary action, up to and including the use of force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.”***

#### D.1.2 POC Framework

**Host State and UN Peacekeeper Responsibilities.** Host governments bear the primary responsibility for protecting civilians inside their borders, consistent with their obligations under international human rights and humanitarian law. However, when the host government is unwilling or unable to do so, UN peacekeepers are authorized and are duty bound to undertake actions to protect civilians. Within the mission’s area of operations, peacekeepers may act independently to protect civilians, irrespective of the source of the threat, in the absence of an effective host government effort or willingness to carry out its responsibilities to protect its civilians.

**International Human Rights and Humanitarian Laws.** Protection of civilians is rooted in international human rights and humanitarian law violations which involve physical violence, including killings, torture and rape and is thus a core element of UN mission mandates to protect rights and promote international humanitarian obligations. As such, the human rights roles and responsibilities<sup>2</sup> of military peacekeeping personnel

<sup>1</sup> POC mandates usually have similar wording to this: “The Security Council (SC),... Acting under Chapter VII of the Charter of the United Nations, ...Decides that [the peacekeeping mission] is authorized to take **the necessary action** [or ‘use all necessary means’], in the areas of deployment of its forces and as it deems **within its capabilities**, and **without prejudice to the responsibility of the Government/host country**, to protect civilians **under (imminent) threat of physical violence**.” DPKO-DFS Concept for Protection of Civilians in UN Peacekeeping Operations (<http://peacekeepingresourcehub.unlb.org/PBPS/Pages/Public/Home.aspx>) details the Departments’ understanding of this mandate. Key expressions in the mandate are explained in section E.

<sup>2</sup> See Policy on Human Rights in United Nations Peace Operations and Political Missions, 1 September



provide fundamental support for implementing POC mandates. Effective prevention and response to imminent threats of physical violence requires that human rights officers and military peacekeepers establish close and effective operational links.

**Community-Based POC.** UN mission interaction with local populations should be rooted in values of respect and dignity. Action to protect civilians should be planned in consultation with men and women of the local community (including representatives of women's and youth groups) and in support of the mechanisms locals have established to ensure their own protection. Engagement and consultations with communities yield important information on local situations and priorities. This situational awareness should be conveyed to decision makers for more effective implementation of the POC response.

**POC involves the Entire Mission.** Each component of a peacekeeping mission—military, police, substantive sections and mission support—has a role and responsibility to implement jointly the Protection of Civilians mandate.

**Gender Dynamics.** Peacekeepers must pay attention to local gender issues when carrying out the POC mandate, particularly in the acquisition of situational awareness. Peacekeepers must ensure that they do not exacerbate existing gender inequalities through inadvertent action. In this regard, deployment of more female military peacekeepers in contingents, as staff officers and as military observers, is crucial to the effective implementation of POC tasks. Female military peacekeepers are better able to interact with women and children, especially those who have been sexually assaulted; they can establish better relations with local women and therefore improve information gathering about the local community.

**Sexual Violence.** Military components in peacekeeping operations must protect civilians against sexual violence. Primarily, women and girls are most vulnerable in conflict and post-conflict situations, compounded by increased tendencies by armed actors to use sexual violence as a strategy and tactic of war. Conflict-Related Sexual Violence (CRSV) refers to rape, sexual slavery, forced prostitution, forced pregnancy and any other form of sexual violence of comparable gravity against women, men, girls or

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2011. ([http://ppdb.un.org/Policy Guidance Database/POLICY Human Rights in Peace Operations and Political Missions.pdf](http://ppdb.un.org/Policy%20Guidance%20Database/POLICY%20Human%20Rights%20in%20Peace%20Operations%20and%20Political%20Missions.pdf)).



boys. Annex B further describes the roles and responsibilities of military components in implementing CRSV-mandated tasks.

**Child Protection.** Military components have a responsibility regarding the most vulnerable population: children. Security concerns and major threats to children often extend to the following grave violations: recruitment and use of child soldiers<sup>3</sup>, killing, maiming, abductions, sexual violence, attacks on schools and hospitals and the denial of humanitarian access. A child's need for protection must be taken into consideration at all levels of command when planning, coordinating, reporting and executing tasks. See Annex B for further operational guidance.

**Conduct and Discipline of UN Peacekeeping Personnel.** It is vital that peacekeepers uphold the highest standards of integrity enshrined in the UN Charter. The view of them by host populations as protectors is crucial to their success in implementing their mandated tasks, including protecting civilians. In this respect, the UN policy of 'zero tolerance' regarding Sexual Exploitation and Abuse remains a key exigency on the behaviour of peacekeepers at all levels.



<sup>3</sup> Including porters, cooks, spies and girls being recruited for sexual purposes. For more details, see *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, Feb 2007 (<http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>) and ICRC brochure CAAFAG, (<http://www.icrc.org/eng/resources/documents/publications/p0824.htm>).



### D.1.3 The POC CONCEPT <sup>4</sup>: A Strategic Approach to Implement POC Mandated Tasks

United Nations peacekeeping interprets the protection of civilians through a three-tiered approach. The protection of civilians is a key element of a mission's strategy, attained through a combination of general and specific tasks. While military components support all three tiers, they have a crucial role and responsibility in Tier II. The Tiers are sequential in nature but can be conducted simultaneously.

#### Tier I

**Protection through Dialogue and Engagement.** This Tier's activities include dialogue with or demarche of a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, and other initiatives that seek to protect civilians through dialogue and direct engagement.

#### Tier II

**Provision of Physical Protection.** This Tier encompasses those activities by police and military components involving the show or use of force to prevent, deter and respond to situations in which civilians are under the threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, who help guide the objectives and conduct of military and police operations through joint POC planning and coordination structures. The provision of physical force is a last resort; UN military and police-formed units must act swiftly and decisively when preventive mechanisms of the mission fail to protect civilians in compliance with ROEs and using requisite force within capabilities and area of responsibility.

This Tier is the main focus for military components and aims at prevention and assurance of robust intent to protect civilians, through:

- Situational awareness, threat/risk assessment, early warning
- Ensuring visibility, patrolling, investigation as appropriate
- Liaising with local security forces & non-state actors
- Ensuring preventive force deployment and posture

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<sup>4</sup> DOKO DFS Policy (in approval process in time of print) and Concept for Protection of Civilians in UN peacekeeping Operations (<http://peacekeepingresourcehub.unlb.org/PBPS/Pages/Public/Home.aspx>) detail the Departments' understanding of the POC mandate.





- Providing physical protection to civilians around UN bases and compounds<sup>5</sup>
- Establishing buffer zones
- Ensuring freedom of movement and route security for civilians, including refugees/IDPs
- Defending protected areas (IDPs/Refugee camps, safe corridors)
- Supporting deployments of human rights staff to areas at risk of human rights violations

If civilians are under threat of physical violence, a robust response is required, including

- Show of force (as deterrence)
- Force inter-positioning between (armed) actors and civilians
- Direct military action against armed actors with clear hostile intent to harm civilians

### Tier III

**Establishing a Protective Environment.** Environment-building activities are frequently programmatic in nature and designed with committed resources for medium- to long-term peacebuilding objectives<sup>6</sup>. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities contribute to POC, and are generally planned independently of POC. This Tier would typically include the support to the political process, promotion and protection of human rights, advocacy and access to humanitarian support, fighting impunity, promoting justice and establishing rule of law, supporting compensation and rehabilitation of victims. The military and police play a crucial role in this Tier by providing support to the Human Rights and the Rule of Law mandates while contributing to (along with the host state, UN entities and mission components) security and support to humanitarian effort (where appropriate). Other potential military supporting tasks in support of this Tier include:

- Advocate with local military on issues of impunity.
- Promote and protect Human Rights, including measures to end human rights violations.
- Support Security Sector Reform and implement the Defence Sector Reform policy.

<sup>5</sup> Provision of a safe haven/protected site is distinct from POC but contributes to it.

<sup>6</sup> United Nations Peacekeeping Operations: Principles and Guidelines (2008), Chapter 2.4.



- Contribute to security conditions, conducive to durable solutions for displaced persons.
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, or resettlement of refugees and internally displaced persons (IDPs);
- Create security conditions conducive to the delivery of humanitarian assistance.

## D.2 Guidance to the Office of Military Affairs (strategic level): Enabling Factors

The following planning and generation aspects are “enabling factors” available at the strategic level to maximise the efficiency and effectiveness of military components’ implementation of the POC mandate.

### D.2.1 Strategic Planning

When UN HQ begins the planning process for a new mission or review of an existing mission, the key inputs crucial to POC that should be considered at the earliest possible stages are identified during the Integrated Assessment and Planning Process (IAP)<sup>7</sup>. While conducting the IAP, the planning team should ensure that POC considerations are factored into the Strategic Assessment (SA). The SA should incorporate an analysis of the main threats of physical violence against civilians. DPKO-DFS’s Integrated Task Force (ITF) must prioritize POC objectives and include an analysis on the main ongoing international human rights and humanitarian law violations to ensure consideration as early in the process as possible. Strategic Reviews, Technical Assessment Missions (TAMs), Military Capability Studies (MCS) and any other planning activities need to include consultation with the protection cluster<sup>8</sup>, governmental and non-governmental organizations on possible priority activities.

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<sup>7</sup> See *Policy on Integrated Assessment and Planning* 6 Apr 2013 and *Integrating Protection of Civilians into the DPKO/DFS Planning Process*, 15 Mar 2011.

<sup>8</sup> Humanitarian action is coordinated through “clusters” that bring together humanitarian organizations (UN and non-UN) working in the main sectors of humanitarian response, such as health, logistics and protection. Clusters provide a clear point of contact and are accountable for adequate and appropriate humanitarian assistance. Each cluster has both global and country level focal points. UNHCR is the Cluster Lead Agency of the Global Protection Cluster. However, at the country level in disaster situations or in complex emergencies without significant displacement, the three core protection mandated agencies (UNHCR, UNICEF and OHCHR) will consult closely and, under the overall leadership of the HC/RC, agree which agency, among the three, will assume the role of Cluster Lead Agency for protection. See *IASC Reference Module for Cluster Coordination at the Country Level*.



### D.2.2 Composition of Force

The Composition of Force for a mission must be capable of delivering on mandated tasks. It is the responsibility of the Office of Military Affairs (OMA) to determine, during Military Capability Studies, the adequate capabilities to meet the tasks.

OMA planners need to factor POC task requirements within the generation of capabilities. They should also review the capacity to operate in different seasons/climatic conditions to sustain the reach of the military, and even expand this reach to vulnerable population centres when required to protect civilians. The capabilities of Infantry units, enablers and force multipliers must be reviewed to ensure they meet mission requirements throughout the seasons. Specific resources such as language assistants and communication assets also remain critical.

### D.2.3 Pre-deployment Training

Pre-deployment training of uniformed personnel deployed to UN peacekeeping operations is the responsibility of the individual troop contributing countries. DPKO-DFS, however, play a role in peacekeeping training, by providing pre-deployment training standards and follow-up in-mission training coordinated by the mission's own Integrated Mission Training Cell.

### D.2.4 Disposition of Force

The deployment of units in theatre is a shared responsibility between OMA and the Force Commander; OMA planners must consider POC task requirements—in consultation with the FC—in the process of positioning capabilities. While deploying units, they should strike the balance between geographical coverage and retaining expeditionary/reserve capabilities. It is important to factor agility, versatility and the capability to retain critical mass for direct military action against threats to civilians. A situation where population centres are cut off, or cannot be reached due to impaired mobility for protection actors, as a result of changing environmental conditions, should be appropriately addressed.



### D.2.5 Mainstreaming POC in the CONOPS

The Military Concept of Operations (CONOPS) translates strategic directives into operational directions for the military component and must contribute to the overall success of the mission and fulfilment of the mandate. It should include a description of the most serious past and ongoing human rights violations, responsibilities and an analysis of the commitment and capacity of host country authorities to respect and protect human rights. This key document should set out the approach to POC and the priority tasks and include them in its key elements (effects, concept, coordinating instructions, etc), explaining how POC tasks/operations will be conducted to achieve the operational objectives and overall end state. Support should be extended by OMA to the FHQ at mission level to ensure that its operational order is in line with the CONOPS.

Rules of Engagement (ROE) for each mission are developed by OMA in consultation with the Offices of Operations (OO) and Legal Affairs (OLA) to define and explain the policy, principles, procedures and responsibilities relating to the use of force during peacekeeping operations, including the limits therein and the circumstances under which force could be applied in self-defence and in mandate implementation. The use of force by peacekeeping operations is strictly governed by international human rights and international humanitarian law.

To address protection needs of women and girls, a gender-sensitive approach must also ensure that contingents deployed to areas of operations where CRSV is taking place are encouraged to deploy female military personnel who can enhance the reach to women and girls to ascertain threats, risks and vulnerabilities and respond accordingly.

## D.3 Guidance to Force Commanders and their staff (Field HQs) (Operational Level)

### D.3.1 Operational Imperatives of POC

**Pro-activeness.** Pro-active operational activity based on obtained intelligence is the best option for implementing POC. It serves as deterrence and instils confidence in the public. The Force must actively manage and control situations, rather than just react, by addressing threats before they become critical. Prevention remains the most effective form of protection of civilians.



**Prioritization.** No mission is resourced sufficiently to simultaneously protect all civilians in its area of responsibility. Identifying risks of physical violence against civilians and prioritizing them is therefore essential, based on, for example, the gravity, scale and likelihood of human rights violations. Such analysis should be conducted alongside other mission actors who have information regarding population centres, displacement charts, threats, etc. When implementing POC mandates, the Force Commander and his staff must prioritize tasks and assign resources according to the greatest and most likely threats of physical violence to civilians.

**Command Responsibility.** Force Commanders, Sector Commanders and Contingent Commanders are mandated to ensure protection to civilians and they must fulfil this obligation. POC in its physical dimension is essentially a command responsibility.

### D.3.2 Operational Planning

Operational planning is a key aspect of POC implementation. For peacekeeping missions, POC is not only a “do-no-harm” and “hearts and minds approach,” but constitutes an essential component of the end state, translated as a mission’s priority objective<sup>9</sup>. Annex A illustrates the phases of the Military Planning Process required to reach the identified objectives. Operational planning requires that military planners and operations officers undertake the following tasks:

- Share early warning based upon the Force anticipating risks of human rights violations and information requirements to enhance situational awareness.
- Develop Operations and Fragmentary Orders (OPORDs/FRAGOs) that meet POC needs.
- Coordinate POC activities with substantive sections to include UN civilian and police staff.
- Develop operational contingency plans
- Set milestones and develop monitoring mechanisms.

In addition, appropriate technology solutions should be considered as both enhancements and core enablers for POC at all levels and stages including: planning, implementation, analysis, monitoring, reporting and evaluation as well as in the context of training and lessons learned. To allow maximum operational impact, technology solutions should be planned, implemented and integrated at early stage with the required expertise and resources.

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<sup>9</sup> It depicts how POC considerations should be factored in each of the key planning steps, common to most planning processes and relevant for military planners.



## Operational Order (OPORD)

The Force Commander's (FC) OPORD translates all strategic and operational concepts and directives for the mission into formal military orders for coordinated military action throughout the Area of Operations. The OPORD to subordinate HQs provides the FC with the opportunity to stamp his/her authority on POC, ensuring that all within the military component are fully aware of their own duties, and of the obligations/roles of others, both inside and outside the mission.

The OPORD should capture specific issues and tasks for POC listed in the CONOPS, and special care should be taken to capture the POC challenges unique to each Sector. It should spell out how the objective of POC fits into the unifying aim of the mission, describe the risks and main threats posed to civilians<sup>10</sup> in the mission's Area of Operations and how POC activities will deliver tangible effects. The OPORD also describes<sup>11</sup> what/how Sectors/Brigades/Battalions do on POC.

## Operational Coordination

To ensure maximum effect in implementing the POC mandate, FHQs, Sector and Unit Commanders should consult relevant actors on POC risks (i.e. priority civilians to protect and the threats) and coordinate preferred courses of action, including through:

- Sharing information on threats to, and vulnerabilities of, civilians, while clarifying issues of confidentiality in information sharing to develop common information, analysis and priorities. The main actors in threat assessments include the Human Rights Component, POC coordination functions/mechanisms, JMACs, Security Operations Centres (SOCs), Police Operational Centres and Protection Clusters.
- Activities and operations, including plans to engage/neutralize armed groups or deployments in unstable areas, require close joint planning with Mission civilian<sup>12</sup> and police components and Government forces (as appropriate) to ensure a sustainable political and security impact so that humanitarian support is available after operations.

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<sup>10</sup> A description of the nature of the violence (e.g. opportunistic or politically targeted), the history of attacks against civilians, i.e. ethnic cleansing, widespread/systematic sexual violence and other human rights violations, causes and motivations of the main perpetrators, etc.

<sup>11</sup> The description should underline the involvement of other specialists/experts, e.g. Special Forces, Tactical Helicopters, UN Military Experts on Mission (UNMEMs), mission liaison Officers (LOS), JLOC and cooperation requirements, with other parts of the mission, e.g. Human Rights. The task should clearly outline POC obligations of the required force components. It should also provide a complete layout of the Military Component's Task Organisation and Dispositions to provide the optimum concentration and coverage of military units, commensurate with the envisaged threats to civilians.

<sup>12</sup> Including but not limited to HOM, ODSRSGs, Political Affairs, JOC, JMAC, UNPOL, SSR, DDR/RR, Senior Protection Adviser, Civil Affairs, Human Rights, Senior/Women Protection Advisor (S/WPA) and Child Protection.



- In planning force responses to protect civilians at risk, it is crucial to consult communities themselves (including women and elders), human rights and other POC actors within the mission as well as representatives of the Humanitarian Protection Cluster<sup>13</sup> and the Office of the Resident/Humanitarian Coordinator through established liaison mechanisms.
- Establishing appropriate coordination mechanisms/structures at FHQ, Sector and Unit levels and developing mission-specific POC guidance, including directives and SOPs.
- POC Advisors are deployed to many missions with POC mandates, and are responsible for assisting senior mission leadership in developing their vision for POC implementation, drafting the mission-wide POC strategy, maintaining an up-to-date threat assessment, and advising senior mission leadership in other areas related to POC implementation.
- As described in Force Headquarters Handbook, U5 Staff Branch should be made responsible at FHQ and appropriate staff branch at sector levels to facilitate coordination with the human rights component and support development of mission guidance operationalizing human rights roles and responsibilities of peacekeeping military personnel.

### Human Rights.<sup>14</sup>

Military peacekeepers should establish protocols for information-sharing with mission human rights colleagues to enhance effective prevention and response to imminent threats of physical violence. Military human rights roles and responsibilities can be summarized as follows:

- Recording and sharing allegations of human rights violations or signs of deterioration or impending violence with the human rights component.
- Be ready to intervene, when confronted with human rights violations, in line with the mandate and the Rules of Engagement and consistent with military procedures which must be developed by senior military commanders in all peace operations to guide peacekeepers' operations when confronted with human rights violations, with the advice of the human rights component.
- Where available, Women Protection Advisers (WPA) are focal points for addressing the CRSV mandate, facilitating and strengthening its implementation by mission personnel. Military Gender Advisers/ Focal Points and CIMIC officers remain key actors in facilitating coordination and joint planning.

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<sup>13</sup> These are led at country level by UNHCR, OHCHR or UNICEF.

<sup>14</sup> See paras. 84 to 88 in OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011).

- HQs at all levels should ensure that operational documents include Child Protection (CP) guidance to enhance a common understanding of what actions can—and cannot—be taken to protect children in conflict situations.

The senior mission leadership has the responsibility to lead the development and implementation of the POC strategy<sup>15</sup>. The FC has an important part to play as a member of this senior team, and will have a central input in relation to providing protection of civilians from physical violence. Key input areas should be in line with the CONOPS and OPODER, including a statement on the military component's existing strategy, an analysis of POC threats and challenges taking full advantage of the analysis capacities of the human rights other mission components as relevant, including CRSV and CP threat assessment and an analysis of the military component's capacities and resources.



<sup>15</sup> SCR 1894 calls for missions with POC mandates to develop comprehensive POC strategies. These are based upon a strategic framework, drawn up by the Secretariat but allowing for mission-specific input and elaboration.





### **D.3.3 Understanding of the Use of Force and ROE with respect to POC**

In the field, the military Chain of Command should ensure that all military personnel correctly interpret the ROE. During pre- and post-deployment, the following aspects can be simulated/rehearsed to enhance the military components understanding of ROE in relation to POC:

- Possible POC scenarios in the mission context when force could be applied.
- Possible POC scenarios in the mission context when lethal force would be appropriate.
- Potential groups to be covered/prioritised in the mission area under the term “protection of civilians” (e.g civilians in highly vulnerable areas, IDPs, refugees, protection sites).

### **Operational Accountability**

Failure to use force in accordance with a PKO’s mandate may create the perception that the PKO is lacking the requisite will to perform its mandate. Such perceptions undermine the deterrent capacity of PKOs and may invite further attacks against civilians, other protected persons and the UN itself. Accountability for such inaction/failure is of paramount importance to ensuring proper implementation of the respective POC mandates. Important aspects in this regard are:

- The FC has ultimate responsibility for the enforcement of the ROE/ Mandate;
- Military contingents are accountable for any failure to obey the Force Commander’s (or other commanders) orders, provided such orders are consistent with the ROEs/Mandate;
- ROEs for missions having a mandate to use “all necessary means” to protect civilians authorise the use of force, up to and including deadly force, to protect civilians, including IDPs and refugees under threat of physical violence. Failure to act in circumstances warranting such action despite being mandated to do so and with the authorisation provided by the ROE, may amount to insubordination. Disciplinary action, if warranted, would be the responsibility of the TCC (although the Mission/ Force has certain powers, such as recommending repatriation).

### **D.3.4 Risk Mitigation Measures**

Despite the mission’s best efforts, civilians may nevertheless be harmed due to inadvertent actions by the mission or its partners. To minimize and mitigate the impact on civilians, planning and preparation is essential.



During the planning phase for specific operations, Force activities should be analysed for situations that may exacerbate local civilian vulnerabilities. Steps should then be taken to reduce potential harm (done in consultation with communities at risk, (e.g. safe corridors, protected areas, etc).

When attempting to neutralize hostile actions under the ROE, military personnel must take great care to avoid harming civilians and damaging property. However, there might be times when collateral damage is unavoidable. Under these circumstances, careful judgment and tight control over the proportional response will minimize the side effects of military action. Commanders at all levels can improve matters by regularly reinforcing ROE awareness and carefully controlling the use of lethal force.

After major operations, the military component should conduct an After Action Review (AAR) with relevant mission components including the Best Practices Officer, the human rights component and the Protection Cluster. AARs identify key lessons that inform future operations and provide recommendations on mitigating any negative effects of previous actions. AARs can also evaluate the use of public communications and information transmitted through local, UN and international media to assist POC.

### **D.3.5 Monitoring and Evaluation of Results**

There should be a set of POC-oriented tasks that have measurable effects. Activities, incidents and indicators to be monitored must be clearly specified in Mission and Force plans, in close coordination with human rights and other POC actors to guide implementation and the subsequent monitoring function in the implementation phase. Monitoring activity should be tailored to a specific mission. There is a need to define what is going to be monitored, who will be collecting the data and the modalities for sharing the associated data with the human rights component and other parts of the mission. For example, the number of civilians killed, injured, raped, displaced; the number of violent attacks, tribal clashes and weapons seized; the number of IDPs and the perception of physical insecurity (reduced/heightened) are a few examples of data that could serve as indicators and benchmarks to measure POC implementation.

Evaluation of impact/effect should be factored into current and future planning so as to ensure that the Force's contribution to POC is optimised.



### D.3.6 Expectation Management

There is often a great deal of misunderstanding regarding the capacity of peacekeeping operations to protect all civilians. This can lead to unreasonable expectations from the local population, host government and other national and international actors. It is important for the Force to clarify the military component's role and contribution so as to manage expectations of the local population and the international community.

Expectation management should be an integral part of the communication strategy as formulated by the Mission's Public Information Officer (PIO), assisted by the Military PIO (MPIO). This Officer will consolidate the key messages for target audiences and explain how the Mission's POC strategy will be implemented. The aim is to describe how protection of civilians will be achieved with the resources available whilst being realistic about the Mission's capabilities and limitations.

### D.3.7 Training

The Integrated Mission Training Cell (IMTC) (supported by the Force training entities) is responsible for providing training to all the mission's peacekeeping personnel. Experience has shown that training value and effect increase considerably when instruction is delivered with the involvement of human rights, protection actors (Human Rights component, POC advisor, WPA, etc.) and police and military personnel who have practical, in-country experience in protecting civilians. The experience of these professionals is a major contribution to the continuous effort to build on lessons learned. It is important that mission POC training is streamlined with other mission training on Human Rights, CRSV and child protection and to use the training as a platform to build operational links.

With regard to POC (including from sexual violence) induction and in-mission training should include local cultural sensitivities, early warning indicators, gender dynamics, and referral arrangements in the specific mission area. This training should also include mission-specific scenario-based simulation.

## D.4 Guidance for Sector and Unit Commanders (tactical level)

### D.4.1 Planning at Sector and Unit level

Sectors and battalions must produce their own POC plans, based on directives from their higher headquarters. They need to clearly specify tasks, locations, reserves and liaison. The POC intent of the higher Commanders (1 and 2 levels up) needs to be reflected in these plans. Contingency plans must be developed and rehearsed.

### D.4.2 Conduct of POC Tasks/Operations

When considering POC at the tactical level,<sup>16</sup> the specific roles played by sectors and units are described in the four phases<sup>17</sup> below. The phases are not sequential and may be undertaken simultaneously or independently, depending upon the nature or imminence of the threat. Beyond generic POC scenarios, each sector and battalion might face certain unique POC challenges and should develop specific guidance similar to the template at Annex B. Units may be required to use force to protect civilians against violence in any or all of the four phases below:



<sup>16</sup> Volume 1 of UN Infantry Battalion Manual, August 2012; Section 6, Protection of Civilians, <http://www.un.org/en/peacekeeping/issues/military.shtml>

<sup>17</sup> DPKO-DFS Protection of Civilians Policy, 2015 (in final stage at time of printing).



### Phase 1

**Assurance and Prevention.** Projecting mission presence, including military patrols and other Force deployments, is one of the most visible and reassuring forms of security that can be provided to the local population. This demonstrates to the local population the Force's intent to protect them from physical violence. Conducting routine tasks, such as check points, information gathering and analysis are important activities during this phase. Public outreach activities are also important supporting efforts. Regular communication with the local population is essential. Killings, rapes and other human rights violations should be deterred before they occur. Good communication, education and high profile patrolling are all steps commanders can take to prevent or limit the effects of such attacks. This includes alerting the human rights component, which can temporarily deploy human rights officers to at-risk areas and advise on courses of action for emerging or ongoing threats.

### Phase 2

**Pre-Emption.** Where measures in Phase 1 prove insufficient, or when heightened risks are detected, increased pre-emptive measures may be required including: heightened situational awareness (intense information gathering); increased high-profile patrolling including joint patrols with mission Human Rights and other civilian components; closer liaison with government/non-government armed actors and potential parties to the conflict; and enhanced human rights monitoring, reporting and advocacy. Pre-emption is pro-active; forces should intercept, neutralize or defuse situations before hostile acts can be carried out. The use of intervening forces and deployment of Quick Reaction Forces (QRF), Special Forces or Reserves can deter or prevent an incident.

### Phase 3

**Response.** If physical violence/coercion by actors/groups materialises, more forceful measures are necessary to deal with the situation. Direct military action, the deployment of inter-positional troops and the use of force are options that must be considered. Response should be rapid. Swift action through the speedy movement of forces such as attack helicopters, QRFs and reconnaissance can prevent, limit or stop harm to civilians. The level of response may need to escalate to the use of lethal force depending upon the threat and ROE.



## Phase 4

**Consolidation.** This phase involves activities that address post-crisis stabilization. The aim is to assist the local population and host nation authorities to normalize the situation. Consolidation activities create the conditions in which a return to crisis is diminished. Follow-up remains crucial. After an attack or hostile act, the local population will require continued support, aid, protection and reassurance. Measures to be taken may include: immediate medical care, collection of evidence, notification of appropriate civilian experts, including to conduct human rights investigations and promote accountability for violations as appropriate (Human Rights, POC Advisors, Child Protection, WPAs and Gender), assessment of remedial and preventive measures, drafting of formal reports for follow-up with relevant authorities and establishing defence positions.

### Presence and Posture

- Deployed units must convey a state of readiness and professionalism. They should have operating bases in close proximity to the more vulnerable populations and have a POC focus. Sustained presence in the local community is crucial. Accordingly, military units must be deployed on a POC operational grid to cover, in a priority coordinated way, high-risk areas and retain operational flexibility to respond quickly through deployment of permanent, temporary or mobile operating bases. To do this, creating reserves at sub-unit/unit/Sector/Force level is essential.
- Company and Temporary Operating Base commanders should be prepared to assist the local population rapidly within their capabilities. In their protection capacity, commanders should prioritise the requests, determine the challenges and act decisively within their capabilities. They must follow up to ensure security needs are fulfilled and formal reporting is sent up the chain of command, while alerting other appropriate agencies such as UN OCHA.
- UN military should present an approachable image among civilians whilst maintaining military alertness to respond to any situation.
- Commanders should advocate respect for Human Rights and IHL with potential perpetrators, and ensure that parties know that Human Rights monitoring is taking place, that violations are documented and that parties will be held accountable for their actions.



## Reporting

Through patrolling, observation posts, check points, outreach and engagement, the military should record all allegations of human rights violations or signs of deterioration or impending violence and should report these promptly along the chain of command and to the human rights component (protocols should be developed for safe and timely information sharing).<sup>18</sup>

Monitoring and reporting should be particularly responsive in cases of sexual violence, child protection, rape, killing, maiming, abductions, attacks on schools and hospitals, and denial of humanitarian access. Information on violations should be transmitted to the Chain of Command and to the Human Rights Component and other relevant actors as soon as possible.

## Adherence to ROE

All ranks must be thoroughly acquainted with the guiding principles and rules for the use of force<sup>19</sup>.

- **Education.** Troops must be well briefed and tested on their knowledge of ROE. They must be encouraged to ask questions and know when they might take action themselves, and when they must seek guidance from higher authority.
- **Practice.** ROE training must be continuous and troops should be put through scenarios and mission rehearsals on a regular basis to ensure that their responses fall within the rules. Weapons should be regularly test-fired.
- **Pocket Cards.** Each soldier must carry a pocket card with the necessary extracts of the mission ROE translated into his/her language and be regularly tested on its contents. The card must have basic warnings and commands translated into the local language(s).
- **Empowerment.** The chain of command must be entirely clear on the delegated authority for the use of force. All commanders and, most importantly, each individual soldier, must have explicit permission already set in place by higher authority to act independently and to use lethal force when necessary to protect civilians under threat of physical violence. Commanders should be encouraged to clarify areas not easily understood in the ROE and ensure all troops under their command understand the use and application of force.

<sup>18</sup> See also OHCHR/DPKO/DPA/DFS policy on Human Rights in UN Peace Operations and Political Missions, paras. 84–87.

<sup>19</sup> See also 'Guidelines on Deterrence and Use of Force in UN Peacekeeping', 2015 (in approval process in time of print).

### D.4.3 Early Warning Centres

Early Warning Centres (EWC) should be established in Company and Temporary Operating Bases (COB/TOB) to serve as the information hub for POC. The EWCs provide a common operational picture for patrolling, check points and other activities conducted in the AOR. The EWCs create a mutually reinforcing relationship between the deployed force and local population by developing trust and friendly relations. EWCs enhance information exchange and foster early warning of threats to civilians, including (potential) incidents of sexual violence and child abduction. EWCs should have POC capacities including:

- A database of prominent local persons and security issues, including threats to civilians and vulnerabilities.
- A cell phone “hot-line” (where there is coverage and with advice from the human rights and other mission components) with the number disseminated throughout the local community.
- An information collection plan, based on Unit Information Requirements, to be achieved by the EWCs, TOB/COBs, Community Liaison Assistants (CLAs) and UN Military Experts on Mission in consultation with the human rights and other mission components as relevant.
- Regular meetings with local authorities as arranged and coordinated by the EWCs (including women groups).
- Threat indicators should be identified. WPAs should be tasked to produce a checklist of established early warning indicators of CRSV that can be used by EWCs.







#### D.4.4 Engaging Communities

Military units must develop reliable contacts and relationships with the communities and interact with local women and men and community leaders. The communities and leaders (including women and elders) can provide early warning on potential/pending threats/risks to civilians. Interactions, liaison and consultations can effectively contribute to prevention and provide mutually protective benefits. Included below are a set of tools and processes stemming from best practices within UN field missions that effectively operationalise community engagement, enhancing POC implementation<sup>20</sup>.

**Community Alert Network (CAN)** is a network established in a community for wider engagement, exchange of information and to alert the community and protection actors in times of emergency. Dedicated communication equipment could be provided to vulnerable communities in order to communicate with UN bases. Such alert networks should be established in a way that does not expose local partners to retaliation and should be consulted with the human rights component.

**Community Liaison Assistants (CLA)** are national staff provided by the mission Civil Affairs Section, usually two per Company Operating Base (COB) who act as interlocutors and provide interface between the deployed UN military units/sub-units and the local communities. CLAs are a useful tool for effective liaison and engagement with local communities. CLAs facilitate Community Alert Networks (CAN) and provide early-warning to the COB on protection-related threats. They also participate in Joint Protection Teams (JPT) missions and monitor impact of protection activities. CLAs are provided with communications equipment (mobile phones, radios etc.) to improve early-warning capabilities. When possible, it is preferable to employ female CLAs to enhance communication with the women and girls of the community. The confidentiality and security of the CLAs must be respected at all times

**Joint Protection Teams (JPTs)** bring to bear the mission's full range of POC expertise. JPTs encourage local communities to share information, thus offering increased situational awareness for military contingents deployed to remote locations. JPTs are comprised of staff from the Human Rights

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<sup>20</sup> Whilst also respecting the 'do no harm' principle.



Component and the Civil Affairs Section accompanied by UN military, police and—as relevant—Disarmament, Demobilization and Reintegration (DDR), Political Affairs, Joint Mission Analysis Center (JMAC) and gender staff. UN civilian staff on the JPT often have a better understanding of local security dynamics, having been assigned for longer periods in the mission area. JPTs deploy to high-risk areas for 3–5 days, visiting several locations. The UN military provide escorts and security in remote areas.



## E. TERMINOLOGY

The following definitions should help in the understanding of POC mandates. They do not replace or supersede mission Rules of Engagement, specific legal advice or the decisions of senior mission leadership in specific situations.

### **Civilians**

Any unarmed person who is not, or is no longer, directly participating in hostilities shall be considered a civilian. In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protections owed to civilians until determined otherwise.

### **Imminent threat**

The POC mandate generally specifies an “imminent” threat of physical violence. However, the term “imminent” does not imply that violence is guaranteed to happen in the immediate or near future or is being carried out. A threat of physical violence against civilians is considered imminent as soon as the mission has a reasonable belief that a potential aggressor has the intent and capacity to inflict physical violence. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists. Peacekeepers with a POC mandate are authorized to use all necessary means including, as a last resort, deadly force in any circumstance in which they reasonably believe that an imminent threat of violence against civilians exists.

### **Within its capabilities and areas of deployment**

Within the wide scope of possible incidents of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern and allocate resources accordingly. As specified in the mandate, it can only act within its capabilities and areas of deployment. The mandate does not demand that peacekeepers engage in actions for which they are not equipped. At the same time, no peacekeeping force will be able to address all protection threats at all times. All missions must employ accurate threat and vulnerability analyses and coherent operational planning to deploy existing resources to maximize their protective effect for at-risk civilians.



## **Responsibility to Protect**

The Protection of Civilians mandate is clearly distinct from the concept of the Responsibility to Protect (R2P). POC is a mandated task in peacekeeping from the Security Council that is regularly reviewed by the General Assembly. R2P is primarily aimed at national governments but can also apply to UN peacekeeping in a reinforcing role. The Protection of Civilians and the Responsibility to Protect share some legal and conceptual foundations, but they remain distinct.



## F. REFERENCES

### Superior references

- Security Council resolution 2086 (2013)
- Security Council resolution 1265 (1999), 1270 (1999), 1674 (2006), 1894 (2009)
- Security Council resolution 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013)
- Security Council resolution 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014)
- Report of the Special Committee on Peacekeeping Operations and its Working Group, 2012 substantive session, A/66/19 (2012)
- ST/SGB/1999/13 Observance by United Nations forces of international humanitarian law
- ST/SGB/2003/13, Special measures for protection from sexual exploitation and sexual abuse
- Human rights due diligence policy on United Nations support to non-United Nations security forces, A/67/775 (2013)
- Policy on Human Rights Screening of UN Personnel (2012)

### Related procedures or guidelines

- United Nations Peacekeeping: Principles and Guidelines, DPKO-DFS (2008) ("Capstone Doctrine")
- United Nations Policy on Integrated Assessment and Planning (2013)
- Interim Standard Operating Procedures on Detention in United Nations Peace Operations, DPKO/DFS (2010)
- OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
- DPKO/DFS Concept for Protection of Civilians in United Nations Peacekeeping Operations (2012)
- DPKO/DFS Policy on Protection of Civilians (in approval process in time of print)



## Other related references

- Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO-DFS (2012)
- Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions: A DPKO-DFS Comparative Study and Toolkit, DPKO-DFS (2013)
- Report on the Joint Protection Team Mechanism in MONUSCO, United Nations, 2013
- Global Protection Cluster Guidance on the Interaction between field Protection Clusters and UN Missions (2013)
- Protection Standards for Protection Work, ICRC, 2013 Edition

## G. CONTACT

This document was developed by OMA. Queries or comments should be directed thereto.

## H. HISTORY

This is the first edition of the “Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions”. It will be reviewed in 2017.

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## Operational Planning for POC

The following chart<sup>21</sup> illustrates the phases of the Military Planning Process required to reach the identified objectives, of which POC will be a priority. It depicts the key planning steps that are common to most planning processes and relevant for military planners.

Phases of Military Planning Process

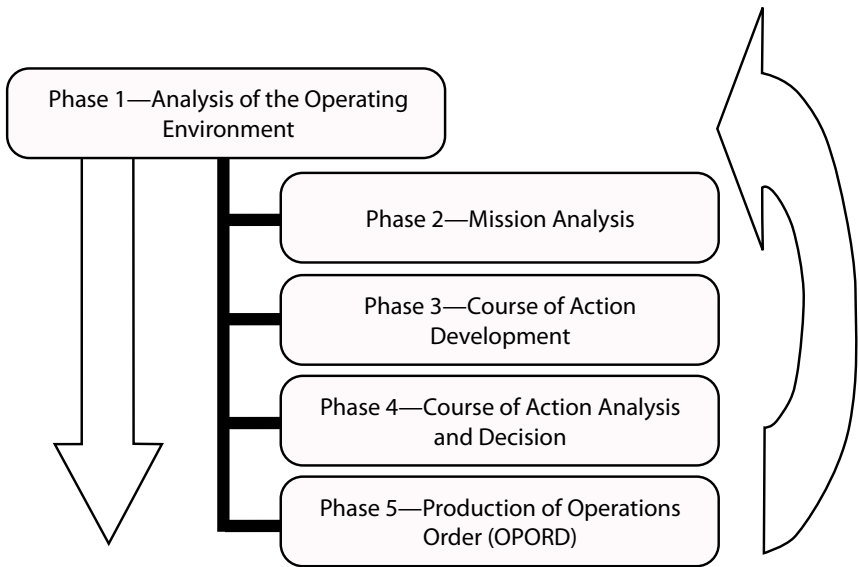


Figure 1 Phases of Military Planning Process. Note that Phase 1 is ongoing throughout the process, and that each Phase is reviewed as the process progresses.

<sup>21</sup> Extracted from, “Military Planning Process Guidelines for Use by Field Missions”, DPKO-OMA, December 2009. Note also that step 1 is ongoing throughout the process, and that each step is reviewed as the process progresses.



## Phase 1

### Analysis of the operating environment

The purpose of this step is to gain awareness of the crisis area. Planners must consider the overall human rights situation including the vulnerability of civilians and the risks/threats they are facing in the operation area. It is increasingly recognized that the majority of civilians killed in contemporary conflicts are deliberately targeted by those using civilian deaths as part of their strategy. Civilians are even more frequently targeted in a number of non-lethal yet abhorrent ways, such as mutilation, sexual assault and forced recruitment. If civilians are being targeted, planners should identify at this stage the particular nature of threat(s) facing civilians.

#### **Key questions/considerations in Phase 1:**

##### ***Analysis of the Operating Environment***

To understand the operating environment, it is useful to address the following concerns:

- Who are the civilians at risk, where are they, and where are they moving?
- What are their vulnerabilities?
- What are the particular threats and risks facing civilians?
- What types of (armed) actors are responsible for violence against civilians?
- What are their motivations to attack civilians?
- Which Human Rights violations are being committed, and what strategies/tactics are used? (Killings, abductions, mass rapes, etc.)





## Phase 2

### Mission Analysis

Military planners, whilst making their own analysis, should take into account other mission components analysis, such as the Joint Mission Analysis Centre (JMAC), the Security Information and Operations Centre (SIOC) and the Human Rights Component, and other UN/national/international threat/risk assessment entities.

In developing and maintaining POC operational plans, the mission area of responsibility must be carefully analysed. Priorities must reflect existing and potential threats to civilians. The Force, in coordination with other mission and UN stakeholders, should make these assessments covering immediate, future and enduring/temporary threats to civilians.

#### **Key questions/considerations in Phase 2: Mission Analysis**

While conducting the mission analysis, the considerations stemming from these questions should be factored in the analysis:

- How is POC stipulated in the UNSCR mandate?
- What is the role of military forces in protecting civilians? (Include supporting roles to other mission components.)
- What are specified, implied and essential <sup>22</sup> POC tasks?
- What are the constraints that affect the conduct of POC tasks and operations (such as distances and timings)?
- What are the limitations of our own forces capabilities?

<sup>22</sup> "Military planning process guidelines for use by field missions, DPKO-OMA, December 2009" provides a detailed description of these tasks.



## Phase 3

### Course of Action (COA) Development

Having thoroughly analysed the protection of civilians requirements, planners at this stage identify key operational issues and implications of trying to protect civilians within a specific area of operations. This identification should be based on operational factors from the Analysis of the Operating Environment and Mission Analysis stages. Planners should ensure that POC considerations are at the forefront of developed COAs.

Military force is only one of the mission's instruments available to protect civilians. Assessment of approaches help planners determine the role of the military vis-à-vis other mission components in different situations. The Force will have the biggest role to play in cases where a threat of physical violence dominates. In situations where there is no physical threat to civilians, the role of the Force might be in support of Tier I and III. Below are key questions that will help planners assess the type of physical protection and the principal military approaches to POC.

#### **Key Considerations in Phase 3: COA Development**

Key questions for analysis at this stage are:

- What are the negative forces weaknesses that the Force can exploit to maximise protection of civilians?
- How can the Force make it difficult for negative forces to achieve their aim?
- Are the different military response options coherent with the protection of civilians?



**Principal Military Approaches to POC** that could shape the COA development are listed below:

- Deter or defend against attacks on civilians (patrols, escorts, maintain presence, protect areas/zones like villages, public buildings or camps)
- Use coercive force against perpetrators (show of force, direct action (in accordance with ROE) against armed actors)
- Ensure physical security for civilians and their means of survival
- Use force pre-emptively to contain threats by disarming armed actors (per mandate/ROE)
- Support deployments of human rights staff to areas at risk of human rights violations
- On request, assist in the delivery of humanitarian aid (transport, construction of roads)
- Protect the delivery of humanitarian aid (convoys, secure storage facilities or camp)
- Defend protected areas (IDP/Refugees camps, safe corridors)



## Phase 4

### COA Analysis and Decision

#### **Key steps to reach a decision on the most adequate COA could include:**

- Identifying strengths and weaknesses of each COA, focusing on the cost/benefit to protect civilians against each of the possible threat scenarios, including consideration of risk mitigation.
- Establishing a decision matrix that scores critical areas in each COA and then uses it to present a comparison of COAs to the Force Commander.
- Though FHQs would usually not have a simulation capability, it is still possible and recommended to conduct “scenario-gaming exercises” to test objectively the suitability, feasibility and completeness of selected COAs.
- The purpose of CO analysis is not only to provide robust analysis to the Commander on the advantages and disadvantages of COAs, including recommendation of the most suitable COA, but also to refine and optimise the COAs based on the outcome of analysis.

#### **Key Questions in Phase 4: COA Analysis**

While developing the Force Courses of Action, these questions need to be addressed in the decision-making process to select the most suitable COA:

- Which COAs will reduce the threat to civilians?
- Which COAs may increase the threat to civilians?
- What are the risks to our own personnel?

The final step is to reflect the selected COA for POC in the Operations Order (OPORD), describing how the force envisions the plan to be conducted. The key point is to determine how best to carry out operations in order to accomplish the POC objective, based on the commander’s initial intent and guidance for the development and selection of courses of action.



## ANNEX B

## POC Template for Force / Sector / Contingent Levels

Scenarios	POC actions to be taken by military units	Indicators to watch
ON THE PROTECTION OF CIVILIANS MANDATE	WITHIN THE MISSION'S FORCE HEADQUARTERS, GUIDANCE RELATING TO PROTECTION OF CIVILIANS, INCLUDING FROM SEXUAL VIOLENCE SHOULD BE DEVELOPED FOR UNITS/ COMMANDERS ALONG THE FOLLOWING LINES:	
In all POC scenarios	<ul style="list-style-type: none"> <li>• Always intervene and, when necessary, engage with force against armed elements threatening civilians as authorized by ROE. In doing so, ensure all measures are taken to prevent negative consequences on civilians.</li> <li>• Always provide objective information on the security situation and potential threats to the civilian population. This should also include refugees and IDPs in assembly points.</li> <li>• Always exchange with the civilian population, and authorities when possible, on the threats they are facing in a way that does not put them at further risk (Do no harm).</li> <li>• Always make sure that the measures communities may have in place to protect themselves, are not undermined by your actions to protect them (Do no harm).</li> <li>• Ensure patrols in areas of firewood/water/food collection, farms and markets, at times agreed upon with the population. Always conduct foot patrols where possible.</li> <li>• Upon deployment, the unit/commanders should familiarize themselves with the protection actors in or close to their base (HROs, CLAs, local chiefs, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>• Movement of armed groups-AGs/armed elements-AEs</li> <li>• Hostile intents (communiqués, graffiti, etc.)</li> <li>• Closeness to IDPs and Refugees of AGs/AEs</li> <li>• Suspect presence of AGs/AEs in firewood areas, roads to market places.</li> </ul>
If faced with civilians who are fleeing	<ul style="list-style-type: none"> <li>• Secure the safety of the fleeing population. Secure the route or position the unit—within capabilities —between the armed elements and the civilian population, and inform the population on measures taken.</li> <li>• All armed elements present among the population must be identified, disarmed (per mandate/ROE) and separated/neutralized by relevant authorities and along DDR principles.</li> <li>• Stop the advance of armed groups if necessary to protect civilians.</li> </ul>	<ul style="list-style-type: none"> <li>• Presence/ movement of AGs/AEs in the vicinity</li> <li>• Capacity, intent and modus operandi of AGs/AEs presenting a potential threat</li> </ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
If civilians gather around a UN base	<ul style="list-style-type: none"><li>• Providing protected sites within capabilities supports the protection of civilians.</li><li>• Establish security arrangements in and around the site.</li><li>• Stop the advance of armed groups to the extent that it does not undermine the protection of the civilians who are gathered around the base.</li><li>• Ensure that armed groups do not come into camps or IDP/refugee sites and do not pressure civilians to stay (or to leave).</li><li>• Disarm and separate combatants from civilians, in a manner that does not put civilians at further risk.</li><li>• Request mission/sector HQ support for the identification of protection needs, including special needs of women, minors, elderly and people living with disability.</li><li>• Identify alternative safe areas, in coordination with authorities and in consultation with protection actors and other relevant agencies.</li><li>• Consider joint patrols with local security forces, in a manner that does not expose civilians to further risks.</li><li>• Protected sites should be outside, not inside, UN camps (for Command and Control (C2), security, operational efficiency reasons).</li></ul>	<ul style="list-style-type: none"><li>• Presence/movement of AGs/AEs in the vicinity</li><li>• Capacity, Intent and modus operandi of AGs/AEs presenting a potential threat</li></ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
<p>If needed to secure IDP/refugee sites, camps and other settlements</p>	<p>With the support of relevant mission's substantive sections and Community Liaison Assistants (CLAS):</p> <ul style="list-style-type: none"> <li>• Coordinate with IDP/refugee representatives and local security actors as well as UNHCR to establish security arrangements in and around the sites.</li> <li>• Establish an emergency communication system with IDP representatives and relevant protection actors.</li> <li>• Assess main physical security threats with IDP representatives (including women, minors and elders).</li> <li>• Provide area security patrols outside the IDP/refugee sites, but intervene inside IDP/refugee sites only when civilians are under imminent threat and in the absence of an effective Police (UNPOL; National) presence.</li> <li>• Ensure that armed elements are separated from civilians and that they are not present in or in the vicinity of IDP/refugee sites.</li> <li>• Identify safe areas for displaced persons. Civilians must be consulted and be able to make an informed choice as well as the local authorities.</li> <li>• Assist with humanitarian assistance if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Presence/ movement of AGs/AEs in the vicinity</li> <li>• Capacity, intent and modus operandi of AGs/AEs presenting a potential threat</li> </ul>



Scenarios	POC actions to be taken by military units	Indicators to watch
If faced with civilians on civilians (crowd on crowd) violence	<ul style="list-style-type: none"> <li>• Ideally intervene as a third responder, in support of local security forces and UNPOL; if these are not present, use caution/care -within capabilities- in containing violence, engaging ring leaders, maintaining impartiality, conducting inter-positioning if necessary.</li> <li>• Enhance situational awareness to understand the dynamics.</li> <li>• Build up additional troops (reserves, etc.) as convenient.</li> <li>• Provide medical/first aid.</li> <li>• Provide safe corridors for civilians fleeing the area of confrontation.</li> <li>• If the situation has the potential to escalate to a threat to life, intervene with gradual response:               <ol style="list-style-type: none"> <li>a. Verbal Commands should be utilized when a hostile person/group is not deterred by the physical presence of peacekeepers and may refuse to listen or take lawful instructions. The use of voice either in providing direction or in appeasing the crowd should be considered.</li> <li>b. Non-lethal Soft Techniques <sup>23</sup> such as tear gas and other riot control measures can be used as deterrent techniques if the situation deteriorates.</li> <li>c. Using non-lethal Hard Techniques -if there is a threat to life- such as weapon strikes and takedowns -when non-compliant subjects assault (short of killing or causing permanent injury) civilian population.</li> </ol> </li> <li>• If the civilians attacked are within a protected zone, the area around POC site/ COB to be declared a no weapon zone; a safe distance should also be maintained between two different (ethnic/religious etc.) communities.</li> <li>• If crowd/demonstrators etc. ask to meet with the Unit representatives, a meeting should be coordinated (who, why, where, etc., secure area must be identified and visitors should be checked prior to entry. Such activities should be covered by a security detachment which can swiftly react in case of exchange of fire or sudden fighting.</li> <li>• Attackers must be dealt with sternly and pursued.</li> </ul>	<ul style="list-style-type: none"> <li>• (Isolated) incidents between individuals/ small groups of different (ethnic, religious, etc) groups</li> <li>• Hostile preparations,</li> <li>• Hostile graffiti, media statements, etc.</li> <li>• Movement of a crowd towards another;</li> </ul>

<sup>23</sup> For guidance on riot control, check “Deterrence and Use of Force guidelines by military components of United Nations peacekeeping operations” (currently being finalized).





Scenarios	POC actions to be taken by military units	Indicators to watch
If crowds gather in front <sup>24</sup> of UN bases or hinders peacekeepers freedom of movement	<ul style="list-style-type: none"> <li>• Avoid confrontation.</li> <li>• Widen the base perimeter.</li> <li>• Use loud speakers to communicate with/appease crowd.</li> <li>• Engage ring leaders to dissuade them from attacking UN personnel and premises or from obstructing movement.</li> <li>• If the crowd resort to violence/throwing of stones or improvised incendiary devices (cocktail Molotov, etc), use a gradual response, avoiding to inflame/escalate the situation (refer to paras a. and b. in the scenario above).</li> <li>• ROEs for self-defense remain applicable in all scenarios.</li> <li>• If freedom of movement is hindered, use alternative routes.</li> </ul>	
CONFLICT RELATED SEXUAL VIOLENCE	CRSV FRAMEWORK: CONFLICT RELATED SEXUAL VIOLENCE (CRSV) REFERS TO INCIDENTS OR PATTERNS OF VIOLENCE SUCH AS RAPE, SEXUAL SLAVERY, FORCED PROSTITUTION, FORCED PREGNANCY, ENFORCED STERILIZATION OR ANY OTHER FORM OF SEXUAL VIOLENCE OF COMPARABLE GRAVITY.	
Protection measures in all scenarios	<ul style="list-style-type: none"> <li>• <b>Discerning CRSV:</b> it can be committed against women, men, girls or boys. CRSV incidents can occur in conflict or post-conflict settings or other situations of concern such as political strife.</li> <li>• <b>Active patrolling:</b> patrolling market places, water/firewood collection points and other places frequented by women provides locals a greater sense of security. Including female peacekeepers enhances effective interaction and provides positive role-models for women and girls in local communities.</li> <li>• <b>Reporting</b> In order to better prevent and respond to CRSV, information about threats and CRSV incidents should be recorded and shared swiftly along the chain of command, in consonance with the principle of “do no harm,” (maintaining confidentiality) according to the Mission’s established reporting procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• The link<sup>25</sup> with conflict may be evident in the profile and motivation of the perpetrators, the profile of the victims, the climate of impunity, the weakened State capacity, violations of the ceasefire agreement.<sup>26</sup></li> </ul>

<sup>24</sup> This scenario is not a POC scenario per se; it is more related to a self-defence situation but is considered here—for the sake of completeness—as it might entail, in extreme cases, harm to civilians.

<sup>25</sup> For further details, see S/2014/181 and “the Analytical & Conceptual Framing of Conflict-Related Sexual Violence, UN Action against Sexual Violence in Conflict”, UNIWOMEN, UNACTION, DPKO, June 2010 (<http://www.stoprapenow.org/uploads/advocacyresources/1291722944.pdf>)

<sup>26</sup> PEP: Post Exposure Prophylaxis.



Scenarios	POC actions to be taken by military units	Indicators to watch
If a crime of sexual violence is being committed or about to be committed	<ul style="list-style-type: none"><li>• Intervene and deter sexual violence from any armed actor.</li><li>• Remind the attacker/perpetrator and those associated with the attacker/perpetrator that they are in breach of both national and international Law and of the consequences of the crime.</li><li>• Document the event, and in the case it involves defence or security forces personnel, document which military/police unit, or other elements are reported as perpetrators (Take photographs/videos but not of the victims.)</li><li>• Report immediately to chain of command, human rights component and WPA/sexual violence focal point.</li><li>• Bring the survivor of the crime of sexual violence to safety and inform of referral system and assistance.</li></ul>	
In need of Referral Arrangements and Survivor Assistance	<ul style="list-style-type: none"><li>• In many remote mission locations, military units are the first point of contact for a CRSVC victim. The on-scene commander is required to take action in accordance with mission specific referral arrangements (to be checked with WPAs). Military units/commanders must:<ul style="list-style-type: none"><li>✓ provide immediate support to CRSV victims (e.g., first aid, food, water, clothing, as well as safety and security),</li><li>✓ respect their privacy</li><li>✓ obtain informed consent of the victim with regard to whom to inform.</li><li>✓ ensure rape victims have access to PEP5 within 72 hours of the incident to prevent HIV infection.</li></ul></li></ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
<i>Dos and Don'ts</i>		
Action to be carried out	<ul style="list-style-type: none"> <li>Detailed questioning of victims of sexual violence should <i>not</i> be carried out. This should be left to the experts.</li> <li>Pertinent information must be documented according to the principle of "do no harm".</li> <li>Respect the victim's dignity and confidentiality and preserve evidence.</li> <li>Ensure C2, restraint, maturity and discretion and follow specified referral arrangements.</li> <li>Follow detention procedures and keep documentation/digital records.</li> <li>Assume sexual violence has taken place.</li> </ul>	
Action not to be carried out	<ul style="list-style-type: none"> <li>Victims of sexual violence should not be interviewed/ investigated.</li> <li>No follow-up should be carried out. It is the responsibility of human rights officers and the WPAs.</li> <li>No action, such as informing authorities, should be taken without informing WPAs.</li> <li>Collateral damage should be avoided.</li> <li>Do not reveal the particulars of any survivor and do not violate confidentiality.</li> </ul>	
SECURITY-RELATED CHILD PROTECTION SCENARIOS	PROTECTING CHILDREN IN ARMED CONFLICTS IS A FUNDAMENTAL PEACE AND SECURITY CONCERN HIGHLIGHTED BY A NUMBER OF SECURITY COUNCIL RESOLUTIONS, AND UN MILITARY COMPONENTS RETAIN AN IMPORTANT ROLE AND SHOULD SEEK TO RESPOND ALONG THE FOLLOWING GUIDELINES	
At all times, prevent, respond, monitor and report on grave violations	<ul style="list-style-type: none"> <li>In addition to physically protecting children, UN military units and commanders support children by contributing in preventing, responding, monitoring and reporting of <b>the six grave violations</b>, i.e killing and maiming; rape and grave sexual violence; recruitment and use of children by armed groups; abductions; attacks on schools and hospitals; denial of humanitarian access.</li> </ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
If military or armed groups are seen/ reported using children as fighters, labourers, sexual slaves	<ul style="list-style-type: none"><li>• Intervene, seek release of recruited children, and deter child recruitment.</li><li>• Report any information to Child Protection (CP)/ Human Rights officers (HRO). Document the activity, i.e. which group/unit/commander and treat evidence with confidentiality.</li><li>• Remind military personnel and armed groups that the recruitment of child combatants and the use of children for forced labour and/or sexual services are illegal.</li><li>• Patrol in communities exposed to threats of child recruitment.</li><li>• Only house children in UN bases as a temporary protection measure, while waiting for the relevant Child Protection/Human Rights actors or the DDR Section.</li></ul>	<ul style="list-style-type: none"><li>• Rounding up, recruiting, kidnapping or using youth (girls and boys) who appear to be minors (i.e. less than 18 years); If in doubt, consider them as children and refer them to the Mission CP/ HRO</li></ul>
Actions to be carried out:	<ul style="list-style-type: none"><li>• Monitoring and reporting grave violations committed against children.</li><li>• Ensuring all personnel are trained on child protection issues. The recruitment of child soldiers is a widespread tactic of war in many mission areas and it remains highly important to train and prepare for these situations.</li><li>• Situational awareness of the presence or absence of children can contribute to an early warning analysis.</li><li>• Information-sharing protocols should be established with the child protection team, taking into account confidentiality and the sensitivity of dealing with children's issues. Reporting would normally include the type of violation, number of girls and boys affected, the perpetrator, location and time of incident.</li></ul>	



Scenarios	POC actions to be taken by military units	Indicators to watch
<p>Actions not to be carried out</p>	<ul style="list-style-type: none"> <li>• Children should not be put in the direct line of danger, or used for intelligence gathering in military/UN operations. Schools are not to be used for any military/UN operation.</li> <li>• Children should not be interrogated. When information is sought, children should be interviewed by a child protection expert to prevent traumatization.</li> <li>• As a rule, a military unit should never hold a child in detention. However, the holding of children may be done only as a last resort and for the shortest possible time. When children are detained, they should be held in separate quarters from adults. Children should be handed over to child protection units in the mission or UNICEF at the earliest possible opportunity.</li> <li>• The handing over of children to authorities should always be done in coordination with the mission's child protection experts.</li> <li>• In the likely event that child soldiers are present in the host state security forces or other armed groups/spoilers, efforts to rehabilitate them must be initiated in accordance with Mission Headquarters directives. Utmost care, restraint and judgment must be used when encountering child soldiers during operations, particularly when delivering measured responses based on the ROEs.</li> <li>• UN personnel must refrain from all forms of child exploitation and abuse.</li> </ul>	



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## **DPKO/DFS Policy**

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# **The Protection of Civilians in United Nations Peacekeeping**

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Approved by: USG DPKO  
USG DFS  
Effective date: 1 April 2015  
Contact: DPET/PBPS  
Review date: 1 June 2017

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## **DPKO/DFS POLICY ON THE PROTECTION OF CIVILIANS IN UNITED NATIONS PEACEKEEPING**

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## A. PURPOSE

1. The purpose of this policy is to provide the conceptual framework, guiding principles, and key considerations for the implementation of protection of civilians (POC) mandates in United Nations peacekeeping operations.

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## B. SCOPE

2. Compliance with this policy, under the overall authority of the Head of Mission, is mandatory for all civilian, police and military personnel working in United Nations peacekeeping missions with protection of civilians mandates.

3. This policy has been drafted in accord with the United Nations Charter and peacekeeping principles. This policy recognises the United Nations obligation to promote, uphold and protect international humanitarian, human rights and refugee law and is based on the principle that all United Nations personnel maintain the highest standards of integrity and conduct<sup>1</sup>. All personnel shall respect the exclusively international character of the mission and “shall not seek or receive instructions from any Government or from any other authority external to the Organization.”<sup>2</sup>

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## C. RATIONALE

4. Responding to requests of the Special Committee on Peacekeeping Operations (A/63/19) and the United Nations Security Council (S/RES/1894, 2009) and recognizing the need for standard operational guidance to inform implementation of protection of civilian mandates, the United Nations Secretariat produced the Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations in 2010, drawing on operational experience and lessons learned to that point.<sup>3</sup> That document was noted with appreciation by the Special Committee on Peacekeeping Operations (A/64/19) and subsequent Special Committee reports recognized the need for further baseline guidance for missions on how to implement the protection of civilians mandate (e.g., A/65/19, A/66/19 and A/68/19).

5. The Operational Concept has served as an important foundation for the protection of civilians concept in UN peacekeeping. At the same time, protection of civilians guidance has evolved over the past four years through the accumulation of experiences and lessons learned as well as the development of key documents such as the DPKO/DFS Protection of Civilians Resources and Capabilities Matrix, the DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies, the DPKO/DFS Comparative Study on Protection of Civilians Coordination Mechanisms, the DPKO/DFS-OHCHR Lessons Learned Report on the Joint Protection Team Mechanism in MONUSCO, and the DPKO/DFS Lessons Learned Note on Civilians Seeking Protection at UN Compounds.

6. In line with the five core challenges identified by the Secretary-General in his 2009 Report on the protection of civilians in armed conflict<sup>4</sup> and encouraged by the Special Committee on Peacekeeping Operations’ request that the Secretariat “pursue efforts in close consultation and with the participation of the missions to address their needs for further operational guidance on the protection of civilians” (A/66/19), DPKO and DFS have drawn on the most recent lessons learned and the UN Office of Internal Oversight Services (OIOS) recommendations<sup>5</sup> to review and revise the Operational Concept and consolidate it with other key guidance materials

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<sup>1</sup> Including zero tolerance for sexual exploitation and abuse. See section G: References.

<sup>2</sup> United Nations Charter, article 100.

<sup>3</sup> Cf. 2009 DPKO and OCHA-commissioned independent study by Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*.

<sup>4</sup> The five core challenges include: ensuring compliance with their obligations under international law, in particular the conduct of hostilities, enhancing compliance by non-state armed groups, enhancing the role of peacekeeping and other missions, enhancing humanitarian access, enhancing accountability for violations.

<sup>5</sup> Cf. Section G: studies on coordination mechanisms (2013), joint protection teams (2013) and civilians seeking protection at UN compounds (2014), and OIOS reports on POC (2013 and 2014).

referenced above in the form of this Policy. Aimed at clarifying and reconciling the concept and operationalization of the protection of civilians in peacekeeping with overall Security Council guidance and directives, this policy identifies and organizes the range of mandated tasks contributing to the protection of civilians.

7. This policy supersedes the 2010 Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, as well as the DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies. Guidelines to be read in conjunction with this policy include the DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations, the DPKO and DFS Guidelines on the Deterrence and Use of Military Force in United Nations Peacekeeping Operations, and other documents referenced in Section G below.

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#### **D. BACKGROUND**

8. United Nations peacekeeping is a multi-dimensional instrument primarily designed to preserve the peace, however fragile, and to create political space for implementing agreements achieved by the parties to the conflict. Noting that "civilians continue to account for the vast majority of casualties in situations of armed conflict,"<sup>6</sup> including pervasive incidences of sexual violence and violence against children, the Security Council has recognized, through its resolutions focusing on the protection of civilians in armed conflict, women peace and security and children in armed conflict, "the consequent impact the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law would have on international peace and security."<sup>7</sup>

9. In 1999, the UN Mission in Sierra Leone (UNAMSIL) was the first peacekeeping operation mandated to take the necessary action to afford protection to civilians under imminent threat of physical violence.<sup>8</sup> The same year, the first Security Council thematic resolution on the protection of civilians in armed conflict<sup>9</sup> stressed the need to address the root causes of armed conflict, including that of gender inequality, to enhance the protection of civilians on a long-term basis. Since then, regular Security Council resolutions have further defined the role of peacekeeping in protecting civilians and the various mandated tasks that contribute to it.<sup>10</sup> In establishing the POC mandate for the majority of peacekeeping operations, the Security Council has also consistently authorized such operations to "use all necessary means" or "all necessary actions", up to and including the use of deadly force, to implement that mandate.

10. The majority of the tasks mentioned in this policy are well-established activities in UN peacekeeping and many of them have been mandated and implemented for well over a decade. This policy defines how these multiple lines of activity can support the protection of civilians, both directly and indirectly.

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<sup>6</sup> Security Council resolution 1894 (2009).

<sup>7</sup> Security Council resolution 1894 (2009).

<sup>8</sup> Security Council resolution 1270 (1999).

<sup>9</sup> Security Council resolution 1265 (1999).

<sup>10</sup> For instance in Security Council resolution 1674 (2006, para. 11), Security Council resolution 1894 (2009, para. 28) or Security Council resolution 2086 (2013, para. 8(h)).

## E. Defining the protection of civilians in United Nations peacekeeping<sup>11</sup>

11. In many mission settings, effective implementation of the POC mandate is key to creating a secure and stable environment, which is a core function of peacekeeping under the *United Nations Peacekeeping Operations: Principles and Guidelines* (the Capstone Doctrine).<sup>12</sup>

12. **Protection of civilians** – Peacekeeping operations are required, under the POC mandate, to “protect civilians, particularly those under imminent threat of physical violence”.<sup>13</sup> To fulfil their POC mandate, peacekeeping operations are provided with the authority to afford direct physical protection, including through the use of force under certain conditions, as follows:

While language varies slightly between Security Council resolutions, they generally read:

Establishment of the POC Mandate

*Decides that the mandate of [name of peacekeeping operation] shall include the following tasks ... protection of civilians.*

Authorization to Use Force

*Acting under Chapter VII ... Authorizes [name of peacekeeping operation] to use all necessary means, within the limits of its capabilities and areas of deployment, to protect civilians under [imminent]<sup>14</sup> threat of physical violence, without prejudice to the responsibility of the host Government.*

13. In light of the above, the protection of civilians mandate for civilian, military and police components in United Nations peacekeeping is defined as follows: ***all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.***

14. **Civilian** - Any person who is not or is no longer directly participating in hostilities or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. In case of doubt whether a person is a civilian, that person shall be considered a civilian.

15. **Threats of physical violence or POC threats** – Encompass all hostile acts or situations that are likely to lead to death or serious bodily injury, including sexual violence, regardless of the source of the threat.

### E.1. Guiding Principles

16. The protection of civilians mandate is guided by a set of legal and practical principles, and rooted in the United Nations Charter and international law. The following principles apply to all missions with POC mandates.

17. **Grounded in international law:** Protection of civilians mandates are a manifestation of the international community's determination to prevent the most serious violations of international human rights, humanitarian and refugee law and related standards,<sup>15</sup> and they should be implemented in both the letter and spirit of these legal frameworks. The POC mandate is therefore complementary to and reinforces the mission's mandate to promote and protect human

<sup>11</sup> All terminology relevant to POC is further detailed in Section F.

<sup>12</sup> United Nations Peacekeeping Operations: Principles and Guidelines (2008), Chapter 2.3.

<sup>13</sup> See Security Council resolution 2086 (2013, para. 8)

<sup>14</sup> ‘Imminent’ does not imply that violence is guaranteed to happen in the immediate or near future or is being carried out (cf. Section F for further details). At the time of writing, the word ‘imminent’ has been taken out of the language of Security Council resolutions for MONUSCO, MINUSCA and UNMISS.

<sup>15</sup> These include, for instance, the United Nations Guiding Principles on Internal Displacement (2001).

rights<sup>16</sup>. When using force peacekeeping operations must abide by customary international law, including international human rights and humanitarian law<sup>17</sup>, where applicable. They must also abide by the mission-specific military rules of engagement (ROE) and the police Directive on the Use of Force (DUF), including the principles of distinction between civilians and combatants, proportionality, the minimum use of force and the requirement to avoid and minimize collateral damage.

**18. A priority mandate:** In all missions mandated to undertake the protection of civilians, POC must be prioritised in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates.<sup>18</sup> Within the wide scope of potential situations of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern<sup>19</sup> and allocate its resources accordingly. As specified in the mandate, it can only act within its capabilities and areas of deployment: the mandate does not demand that peacekeepers engage in actions for which they are not equipped. At the same time, no peacekeeping force will be able to address all threats at all times.

**19. The primary responsibility of governments:** The host state always has the primary responsibility to protect civilians within its borders; this responsibility is not diminished when a peacekeeping mission with a POC mandate is deployed. The mission's protection of civilians mandate does not replace the host state's responsibility. The mission should support the host state's protection efforts or act independently to protect civilians when the latter is deemed unable or unwilling to protect its own civilians, or where government forces themselves pose a threat to civilians. When supporting host states or other non-UN security forces, peacekeeping operations shall respect the UN Human Rights Due Diligence Policy on UN Support to non-UN Security Forces.

**20. A responsibility of peacekeepers:** Where the state is unable or unwilling to protect civilians, or where government forces themselves pose such a threat to civilians, peacekeepers have the authority and the responsibility to provide such protection within their capabilities and areas of deployment. Particularly, peacekeepers will act to prevent, deter, pre-empt or respond to threats of physical violence in their areas of deployment, no matter the scale of the violence and irrespective of the source of the threat.

**21. An active duty to protect:** The protection of civilians mandate embodies an active duty to protect; missions do not engage in protection only in reaction to an attack. Activities to protect civilians should be planned, deliberate and on-going, and the mission should constantly work to prevent, pre-empt and respond to violence against civilians. This includes presence in areas under greatest threat, a credible deterrent posture and other activities in accordance with the mandate, the POC strategy and the military and police concepts of operations (CONOPS). Compliance will be monitored through a joint monitoring and evaluation mechanism on POC.<sup>20</sup>

**22. Under effective command and control:** In missions with a mandate to protect civilians, it is the responsibility of commanders of all contingents to ensure all those under their command understand and comply with the ROE/DUF. The Force Commander and Police Commissioner are ultimately responsible for their enforcement. Compliance with command and control arrangements is critical to save lives and prevent harm being done to civilians. Failure to protect civilians as a result of weak command-and-control structures or insufficient levels of compliance

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<sup>16</sup> The promotion and protection of human rights goes beyond the right to life and physical integrity and includes a wide range of civil, political, economic, social and cultural rights. See 2011 OHCHR/DPKO/DPA/DFS Policy on Human Rights in Peace Operations and Political Missions.

<sup>17</sup> See the Secretary-General's Bulletin on the Observance of IHL in peacekeeping (ST/SGB/1999/13). When and where IHL is applicable to a specific peacekeeping operation, mission-specific IHL guidance will be developed as required, in close coordination with OHCHR and the Office of Legal Affairs.

<sup>18</sup> S/RES 1894, 2009, para. 19.

<sup>19</sup> See E.4.1 below.

<sup>20</sup> See E.4.2 below.

may lead to the suffering and death of vulnerable individuals and can compromise the overall credibility and effectiveness of the peacekeeping operation in the country.

**23. Consonant with the principles of peacekeeping:** Peacekeeping operations operate with the consent of the host state, are impartial in implementing their mandate, and use force only in self-defence and as otherwise authorized by the Security Council, including for the protection of civilians. This includes, where necessary, the use of force against elements of government forces at the tactical level where such forces are themselves engaged in, or pose an imminent threat of, physical violence against civilians.

**24. A whole-of-mission activity:** Ensuring the protection of civilians requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's protection of civilians strategy. Relevant provisions of the strategy must be mainstreamed and prioritized into the planning and conduct of activities by all components, including through joint definition of clear, realistic and authorized objectives to eliminate or mitigate threats.

**25. A comprehensive approach:** Due to the multiplicity of actors that contribute to providing protection of civilians, this Policy requires that an analysis be conducted to determine the comparative advantage, optimal positioning and appropriate modes of engagement of the mission vis-à-vis local, national, sub-regional and international protection actors<sup>21</sup>.

**26. In cooperation with humanitarian actors and in respect of humanitarian principles:** UN humanitarian agencies and NGOs undertake a broad range of activities<sup>22</sup> in support of the protection of civilians, individually and within the Protection Cluster. Close and systematic coordination with these actors, particularly the Protection Cluster, is therefore essential while assessing protection priorities as well as when planning activities under the three tiers through established mechanisms, including those required under the Integrated Assessment and Planning (IAP) policy<sup>23</sup>.

Humanitarian actors are civilians entitled to physical protection under the POC mandate. While creating the security conditions conducive to the civilian-led delivery of humanitarian assistance is sometimes included under the POC mandate and does contribute indirectly to a protective environment, this mandated task goes beyond the scope of this policy. Humanitarian actors rely upon their neutrality, impartiality and operational independence (humanitarian principles) for their acceptance by all actors and thus their security and ability to access those in need to deliver assistance. Consequently, maintaining a clear distinction between the role and function of humanitarian actors from that of political and military actors, particularly in conflict and post-conflict settings, is a key factor in creating an operating environment in which humanitarian organisations can discharge their mandate effectively and safely.

**27. A community-based approach:** Actions to protect civilians should be planned in consultation with women, men, girls and boys of the local community and with a view to empowering them and supporting the mechanisms and community-based organisations they have established to ensure their own protection. Addressing vulnerabilities affecting civilians, or taking them into account when designing the protection response, will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.<sup>24</sup>

**28. Undertaken with a gender perspective:** In peacekeeping operations, a gender perspective—the process of exposing gender-based differences in status and power, and

<sup>21</sup> Including through the Mission Concept, the Integrated Strategic Framework and the POC strategy.

<sup>22</sup> Humanitarian actors define the protection concept as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law”; see Inter-Agency Standing Committee, *Protection of Internally Displaced Persons*, 1999.

<sup>23</sup> See Para C.9, Integrated Assessment and Planning (IAP) policy.

<sup>24</sup> See relevant guidance, available at [ppdb.un.org](http://ppdb.un.org) and [peacekeepingbestpractices.unlb.org](http://peacekeepingbestpractices.unlb.org), including guidance on Civil Affairs, Human Rights, Child Protection, Gender and Women Protection.

considering how such differences shape the immediate needs, as well as the long-term interests, of women and men—is to be included into all plans, policies, activities, analysis and reports.<sup>25</sup> Such a perspective will ensure that all actions are tailored to the specific needs of women, girls, boys and men, but are also designed to address the disproportionate impact of conflict and post-conflict situations on girls and women. This includes conflict-related sexual violence (CRSV), as one of the root causes of CRSV is gender inequality and discrimination, which must be addressed comprehensively through the full participation and empowerment of women. All Women, Peace and Security resolutions are to be promoted and implemented to this aim.

**29. Undertaken with mainstreamed child protection concerns:** Peacekeeping operations will ensure that child protection is addressed pursuant to all DPKO and DFS child protection guidance and relevant Security Council resolutions on Children and Armed Conflict (CAAC)<sup>26</sup>. This includes, but is not limited to, mainstreaming of child protection into all mission components, child protection training of all peacekeeping personnel, monitoring and reporting of grave violations against children, dialogue with parties to conflict to end grave violations against children, and release of children from armed forces and groups.

## **E.2. Operational Concept for POC in United Nations Peacekeeping**

**30. The three tiers of POC action:** Multidimensional peacekeeping operations mandated to protect civilians have at their disposal a range of instruments with which to accomplish that task. These instruments fall under three distinct tiers, which are articulated below. The three tiers are mutually accommodating and reinforcing and as such should be implemented simultaneously, in accordance with specific mission mandates and in light of the circumstances on the ground. There is no inherent hierarchy or sequencing between the tiers, and action under all three tiers should emphasise prevention and pre-emption,<sup>27</sup> as well as the primacy of the host state's responsibility to protect civilians. All components of the mission have a role to play in each of the tiers.

- Tier I: Protection through dialogue and engagement
  - Tier II: Provision of physical protection
  - Tier III: Establishment of a protective environment
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- **Tier I** activities include dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, public information and reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.
  - **Tier II** encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, which help guide the objectives and conduct of military and police operations, including through joint POC planning and coordination structures.
  - **Tier III** activities are frequently programmatic in nature, as well as broad and designed with committed resources for medium- to long-term peacebuilding objectives. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities help to create a protective environment for civilians and are generally planned for independently of the POC mandate. Most of those activities are undertaken alongside or in coordination with programmes by the United Nations Country Team or Humanitarian

<sup>25</sup> See relevant guidance and Security Council resolutions in Section G.

<sup>26</sup> See relevant guidance and resolutions in Section G.

<sup>27</sup> See POC Response phases below.

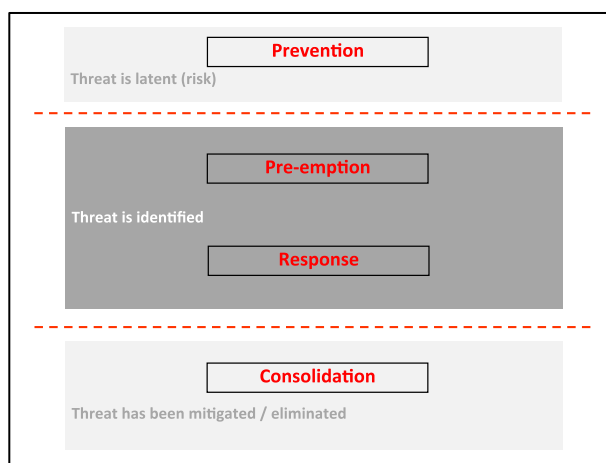
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Country Team and may include the following elements, consonant with the mission's mandate as provided by the Security Council:

- Support the political process;
- Disarm, demobilize and reintegrate ex-combatants;
- Strengthen the rule of law, including through the promotion and protection of human rights, justice, and safe, secure and humane correctional facilities;
- Fight impunity and strengthen accountability to deter potential perpetrators;
- Support security sector reform;
- Manage stockpiles and dispose of mines, arms and ammunitions;
- Put an end to the illicit exploitation of natural resources;
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs);
- Support the participation of women in conflict prevention, conflict resolution and peacebuilding, and also support the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions;
- Help establish security conditions to facilitate delivery of humanitarian assistance;
- Coordinate and cooperate with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities;
- Support compensation and rehabilitation of victims;

### E.3. The POC response phases

31. POC operations are implemented along four operational phases: (i) prevention, (ii) pre-emption, (iii) response and (iv) consolidation, with a view to either eliminating a threat or mitigating the risk to civilians associated with it. These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently. Activities and objectives mentioned under these phases will vary along with the specific content of each country specific mandate and nature of each threat.



- (i) **Prevention**: Prevention activities shall be conducted in areas where no clear threat to civilians has yet been identified.

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To prevent violence by non-state armed groups, inter-communal violence, serious crimes or other situations of internal disturbance, the mission will:

- Monitor violations of national, international human rights, humanitarian and refugee law, including conflict-related sexual violence and grave violations against children, and conduct public information campaigns to promote human rights, including gender equality, women's and children's rights;
- Support the extension of the state and its authority across its territory and along its borders, promote good governance and the rule of law, particularly the criminal justice chain and prison security;
- Ensure a visible presence of UN military and police components, particularly in areas where the state security forces are not present; assure the population of the mission's intent to protect them from physical violence and establish community engagement and alert mechanisms;
- Monitor and investigate international human rights, humanitarian and refugee law violations and advocate for respect for international human rights and humanitarian law with potential perpetrators<sup>28</sup>
- Mitigate political, economic, identity or community conflicts that may escalate into physical violence, including through the provision of good offices, support to the establishment of conflict resolution or statutory, traditional or transitional justice mechanisms and alert the national authorities of those risks;
- Monitor and address vulnerabilities, including supporting access to justice for vulnerable and marginalized groups; disseminating information on rights and potential risks (including mines, explosive remnants of war (ERW) and other explosive hazard risk education); supporting community-based protection mechanisms, such as traditional justice mechanisms; building capacity of civil society, particularly women's organisations, and media; supporting and securing as necessary the provision of humanitarian assistance;
- Mark, fence and clear areas contaminated by mines, ERW and remnant improvised explosive devices (IED);<sup>29</sup> and ensure safe and secure weapons and ammunition storage and management;
- Ensuring the inclusion of and subsequent implementation of international human rights, child protection, women protection and gender standards in peace agreements;
- Monitor, control and address illegal trafficking and the presence of small arms;
- Support the establishment of key infrastructure, including roads, transport and communications in remote and inaccessible areas;
- Coordinate and cooperate with humanitarian and development actors to promote income generation activities for youth in areas where conflict may arise;
- Consult women and promote their participation in the design and implementation of gender-sensitive activities to respond to their protection needs;<sup>30</sup>
- Strengthen capacity of the state and civil society to promote gender equality and women's rights through their empowerment.

To prevent violations of international human rights, humanitarian and refugee law, but also to prevent and minimise collateral damage and other direct or indirect lawful harm caused by state security forces, UN and other international security forces, as applicable, the mission will:

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<sup>28</sup> Ensure that parties know that human rights monitoring is taking place, that violations are documented and that parties will be held accountable for their actions.

<sup>29</sup> See United Nations Security Management System Security Policy Manual (2012), section on IEDs.

<sup>30</sup> For example, consult women to identify threats and risks to their movements and activities, and tailor protection activities to women's mobility patterns and economic activities.



- Ensure that relevant national, UN and other international security forces are sensitized to, and receive adequate training, on applicable national and international human rights and humanitarian law standards, as well as criminal responsibility of public servants, including security sector officers, for human rights violations and the commission of crimes;
- Support national authorities in establishing or strengthening the criminal justice chain (including military justice) to investigate, prosecute and adjudicate individuals responsible for serious crimes and human rights violations;
- Establish monitoring, reporting, control and accountability mechanisms to track, prevent and address violations of international humanitarian, human rights and refugee law and all other casualties caused by state and international security forces.

**Harm mitigation** – Harm is defined as potential negative consequences to the dignity, safety and security of civilians, in particular of women and children, or civilian objects associated with or resulting from the actions and consequences of those actions by armed forces (national or international security forces) or the mission itself.

Within and beyond the minimum obligations of international humanitarian law, due consideration must be given to respect and preserve human life and cause minimum injury through identifying and mitigating harm to civilians and causing minimum damage to property. To this aim, collateral damage must be avoided or in any case minimized, unobserved indirect fire is prohibited and fire will be limited in duration and intensity. Indirect negative consequences will be analysed and mitigated as required.<sup>31</sup>

- (ii) **Pre-emption:** When likely threats are identified and attacks against civilians are anticipated, pro-active measures are required to mitigate or eliminate them before violence occurs. This requires deterring a party or person(s) from committing hostile acts, or affecting their capacity to do so, including through the use of force. Activities under the prevention phase will continue to be implemented, particularly in areas under threat.

To pre-empt violence by non-state armed groups, inter-communal violence, serious crimes or other situations of internal disturbance affecting civilians, the mission will aim at eliminating the intent and/or capacity of the perpetrator(s). To ensure a sustainable impact, activities will preferably, and as appropriate, be conducted in support of state authorities, by mobilizing or persuading them to act. Measures may include:

- Public information on POC and human rights reporting, as well as pro-active engagement and advocacy with potential perpetrators of violence and third parties<sup>32</sup> that may positively influence the actions of perpetrators. Engagement will aim at sensitizing them on obligations under national and international human rights, humanitarian and refugee law and existing accountability mechanisms;
- Actions to mobilize, persuade and support state authorities to extend their presence and ensure rule of law and public order in the area(s) under threat, particularly by applying the required accountability, conflict resolution and reconciliation mechanisms;
- Security operations may be conducted unilaterally, in a coordinated manner, or jointly with the host authorities. These can entail credible deterrence actions or engaging in offensive operations to prevent violence against civilians. Commanders should, where appropriate, consider the use of alternatives to the use of force. Those may include (but are not limited to) deception, psychological methods, negotiation, rapid deployments and reinforced military and/or police presence and patrolling, including the protection of key sites, facilities (including prisons), areas or goods; cordon and search operations; counter IED activities; interposition and show of force / manoeuvre of larger forces to demonstrate resolve. Should a non-state armed group be identified as a systematic source of violence against civilians, offensive operations may also be considered. To enhance impact, all security operations will be implemented in support of and/or close

<sup>31</sup> Cf. Annex B for examples of mitigation measures during security operations.

<sup>32</sup> Including influential member states, expert groups under the Security Council Sanctions Committee, the International Criminal Court, the media, or relevant UN and NGO partners.

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coordination with judicial or non-judicial accountability processes; conflict resolution processes; and disarmament, demobilisation and reintegration (DDR) and/or security sector reform (SSR) mechanisms;

**Forced displacement:** Peacekeeping missions shall first seek to prevent forced displacement by addressing threats in villages or places of habitual residence. Should the mission lack the opportunity, capacity or political space to do so, it may also provide direct physical security to civilians at risk, and/or as a measure of last resort and upon request of communities, secure their movement to and their stay in more stable areas. Contingency plans must be in place to afford physical protection in areas of displacement and accommodate internally displaced people (IDPs), in order of priority:

1. Outside UN premises, including in IDP camps or with host communities;
2. In areas adjacent or close to existing mission premises identified for that purpose;
3. *In extremis situations*, including due to a lack of preparedness or where the mission has insufficient military or police capacity to secure a site outside the mission compound, in 'POC sites' within existing mission premises.<sup>33</sup> This option will be enabled for the minimum duration possible, and the decision to relocate IDPs shall lie with the mission leadership, acting in close consultation with the Humanitarian Country Team (HCT).

Each situation described above may pose risks to the civilians to be protected and/or UN personnel. For instance, hosting civilians close to or within mission premises may endanger the very civilians the mission is trying to protect or jeopardize the safety and security of mission personnel.<sup>34</sup> All such risks must be identified and measures to minimize or eliminate them shall be taken, including through advance planning, political engagement, training or the allocation of specific mission resources and capabilities by relevant mission components.

Whenever population displacement is expected, planned or occurs, the mission will contribute to the development of a comprehensive response, in close coordination with national authorities and humanitarian partners, including the Protection Cluster, and in line with relevant international standards, including the United Nations Guiding Principles on Internal Displacement and, where ratified, the Kampala Convention<sup>35</sup>. As part of the consolidation phase, it will also contribute to creating the conditions for interim and durable solutions,<sup>36</sup> including a safe, voluntary and dignified return or local integration of those internally displaced populations. In close coordination with the UN High Commissioner for Refugees (UNHCR), protection shall also be afforded to asylum seekers and refugees, including those fleeing to safety or returning home across international borders.

To pre-empt violations of international humanitarian, human rights and refugee law, but also to prevent and in to minimise collateral damage and other direct or indirect lawful harm caused by state security forces, UN and other international security forces, measures will include:

<sup>33</sup> Further information and guidance on the topic can be found in the DPKO/DFS Lessons Learned note on civilians seeking protection at UN facilities (2014) and examples of in-mission guidance can be shared upon request, including the the UN Mission in South Sudan (UNMISS) Guidelines on civilians seeking protection at UNMISS bases.

<sup>34</sup> Civilians to be protected, but also the peacekeeping mission itself, may become targets of violence by state or non-state armed elements. Some civilians hosted within mission premises may also become a source of insecurity for other civilians and UN personnel.

<sup>35</sup> Particular attention will be paid to instances of forced displacement, the provision of information to and consultation of displaced populations, and vulnerabilities to take into account for all displacement processes: unaccompanied minors, female headed households, particular situation of indigenous people and minorities, persons with disabilities, the elderly, property and possessions left behind, access to education and overall humanitarian assistance.

<sup>36</sup> Achieved when former IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement. A durable solution can be achieved through return, local integration, or settlement elsewhere in the country, as spelled out in the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs (2010).

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- Pro-active engagement, advocacy with and support to relevant state and international institutions whose elements have perpetrated violence against civilians. Particularly, the mission will aim at:
  - Reinforcing prevention mechanisms in the area under threat, including activities to support relevant security forces in further sensitizing and training their elements, activities to immediately strengthen the criminal justice chain to process perpetrated crimes, but also to reinforce monitoring, reporting, control and accountability mechanisms;
  - Reinforce monitoring, reporting, control and accountability mechanisms to track, prevent and address violations of international humanitarian, human rights and refugee law and all other casualties caused by state and international security forces. Particularly, ensure relevant state authorities investigate and take action to punish perpetrators in areas most affected by human rights violations or instances of disproportionate collateral damage.
- Engagement and, as relevant, support to third parties that may positively influence the actions of national or international security forces;
- Public information and reporting on misconduct, violations and other forms of harm and actions taken to address them;
- Consistent implementation of the Human Rights Due Diligence Policy on United Nations support to non-UN security forces (HRDDP), applicable to most forms of support provided by the Mission and other UN entities to non-UN security forces, which will further strengthen the POC mandate implementation and provide peacekeeping operations with leverage to influence behaviour and establish harm mitigation measures;
- The mission military and police components may conduct security operations to stop on-going violence against civilians by state security forces at the tactical level, as described in the paragraph hereunder.

**Threats posed by elements of the forces of the host state:** Instances in which elements of state security forces pose a threat to civilians are some of the most challenging to address under the POC mandate, as a robust military or police response by peacekeeping operations may result in insecurity for peacekeepers and even affect the host state's strategic consent for the mission. To avoid such situations and ensure an effective and sustainable restoration of security for civilians, missions must ensure from the early stages of deployment that they prioritize their activities so as to enhance and support the intent and capacity of the host state to assess protection threats and fulfil its responsibility to protect. However, **until state security forces are able and willing to protect civilians**, the mission must be prepared to intervene unilaterally to prevent, pre-empt or put an end to threats of physical violence. Weighing circumstances on the ground, missions must bear in mind that they are mandated to protect civilians irrespective of the source of threat, including when elements of the host government are themselves responsible for threatening civilians with physical violence.

Should central state authorities not recognize violations or harm caused by national security forces or oppose the mission's response to protect civilians in a given situation, political engagement and advocacy by senior mission leadership is required to sensitize the judiciary and high-level security officials on the issue(s) at hand, including by sharing information and analysis on the perpetrators and violations monitored by the mission. Continued lack of recognition by central authorities is equivalent to a lack of strategic consent and will hamper effective actions by the mission to implement its protection of civilians mandate; the mission will therefore need to seek support and guidance from Security Council members and UNHQ.

- (iii) **Response:** Whenever physical violence against civilians is apparent, missions will aim immediately at stopping aggressors from conducting hostile acts through political, security or legal means.

32. To ensure a sustainable impact, activities will preferably, and as appropriate, be conducted in support of state authorities, by mobilizing or persuading them to act. Measures, in addition to those already described in the prevention and pre-emption phase, may include:

- Actions to further mobilize, persuade and support state authorities to extend their presence and ensure human rights, rule of law and public order in the area(s) affected by violence, particularly by applying the required conflict resolution, judicial, DDR or SSR mechanisms, and by providing any additional training or expert advice, as required;
- Direct action targeted at perpetrators to affect their intent or capacity, including through security operations and the gradual use of force to stop on-going violence or control and disperse assemblies of potential perpetrators;
- Should the mission lack the capacity or political space to stop aggressors, it may also provide direct physical security to civilians at risk or accompany and secure their movement to more stable areas, with due regard to their expressed wishes;
- Even in the absence of an executive mandate, the military ROE and the police DUF describe the circumstances under which peacekeepers may use force, including to apprehend and temporarily detain hostile persons or groups and, where appropriate, hand them over to the national authorities in accordance with the *DPKO and DFS Interim Standing Operating Procedures on Detention in UN Peacekeeping Operations*. In addition to the latter SOP, mission-specific guidance will be developed as required, such as standard operating procedures (SOPs) for the handover of children detained because of their association with armed forces or groups; in close coordination with the Office of Legal Affairs, the Office of the High Commissioner for Human Rights (OHCHR) and other relevant entities<sup>37</sup>;
- Actions to collect, register and preserve evidence of crimes against humanity, war crimes, genocide, other serious crimes, including sexual violence as well as grave violations of human rights, for subsequent criminal investigation and prosecution of alleged perpetrators at national or international level.

**(iv) Consolidation:** When violence against civilians is subsiding, the mission will support the progressive return to stability and normalcy. These activities will be conducted as required in support of or in close coordination with host authorities and the UN Country Team (UNCT) and other partners.

33. Specifically, the mission will:

- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs), in coordination with national authorities and humanitarian partners;
- Support the reintegration of ex-combatants, particularly of children formerly associated with armed forces or groups;
- Support, through ensuring conducive security conditions, the provision of civilian-led humanitarian, rehabilitation and/or recovery assistance and promote the compensation of victims of violence, as applicable;
- Accompany the implementation of local peace and reconciliation processes, including supporting women's leadership and participation as well as through statutory, traditional or transitional justice mechanisms;
- Take steps to fight impunity and further restore or extend the authority of the state and the rule of law, including accountability for violations and transitional justice;

#### **E.4. Implementing the Protection of Civilians mandate**

##### **E.4.1. Protection of Civilians threat and risk assessment**

34. **Early warning:** Forward-looking threat and risk assessment will enable the mission to anticipate and prevent violence before it occurs or, at a minimum, mitigate its impact on civilians.

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<sup>37</sup> In any case of detention, duly notify ICRC and provide access to detainees.

To this aim, the mission will identify the indicators, information sources, processes, resources and capabilities required to provide adequate early warning analysis and alerts.

35. No mission can protect everyone, everywhere. **Mission components are therefore constantly required, at strategic, operational and tactical levels, to jointly determine the priority threats to address**, in close consultation with communities, humanitarians and other actors. To this aim, they will follow the below process:

**(i) Assess threats**

36. All situations of impending physical violence on civilians shall be considered POC threats, no matter the source of the threat.

37. **Political and security assessments:** A relapse into conflict by parties to a peace or cease-fire agreement, including violence accompanying key milestones of the peace process will generally have the highest impact on the security of civilians. Political, conflict or security threat and risk assessments will therefore be aligned or integrated<sup>38</sup> with the POC threat analysis and provide useful information on all possible situations and perpetrators of violence.

38. Overall, missions will analyse the nature, deployments, modus operandi, **capacity** and **intent** of actual and potential perpetrators of violence that may affect civilians.<sup>39</sup> They will also assess the **opportunity** for a threat to materialize, i.e., when the time, location, terrain or weather conditions and other contextual factors<sup>40</sup> allow for a perpetrator to inflict violence. UNMAS activities such as Weapons Technical Intelligence directly contributes to POC threat assessments assisting in identifying the types of devices used and associated tactics, techniques and procedures of those that use them and providing evidence related to perpetrators of attacks using IEDs.

39. **Monitoring of violations** under national, or international humanitarian, human rights and refugee law or shortcomings in the functioning of the criminal justice system, will provide information and analysis regarding the responsibility, gravity, intensity, pattern and scale of physical violence affecting civilians and enable historical trend and impact analysis.

40. Beyond violations, missions will also **track and report on all casualties** as a result of lawful actions by peacekeepers, state or other international security forces and non-state armed groups. Collateral damage caused by security forces or casualties resulting from mines and ERW will, for instance, require specific attention in certain contexts.

**(ii) Identify communities at risk and assess vulnerabilities**

41. **Distinguishing civilians from combatants:** Civilians may be in the possession of arms, without necessarily having a status of 'combatant'.<sup>41</sup> Combatants from state security forces, affiliated proxies or non-state armed groups may, on the other hand, display no visible signs revealing their status, such as military fatigues. Missions shall therefore carefully analyze, determine and disseminate appropriate guidance on the distinction between civilians and combatants encountered in their area of responsibility (AOR). In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise.

<sup>38</sup> See latest Joint Mission Analysis Cell (JMAC) and Joint Operations Centre (JOC) guidance for required or possible joint formats, tools, mechanisms and processes.

<sup>39</sup> See Annex B for a list of possible indicators.

<sup>40</sup> Those factors also have an indirect impact on civilians, who may suffer additional casualties as a result of harsh weather conditions or be deprived of assistance due to distance or lack of access.

<sup>41</sup> Under international humanitarian law, civilians who are in the possession of arms, for example, for the purpose of self-defense and the protection of their property but who have not been, or are not currently engaged in hostilities are entitled to protection.

**42. Community engagement:** When identifying priority populations to be protected, missions will seek early-warning information through monitoring, engagement and consultations with civil society organisations and communities. Civilian components will be the main conduit for community engagement, in close coordination with humanitarian partners, and where deployed, Community Liaison Assistants may assist the military component in this regard. *All mission staff must be mindful, while engaging with communities, not to expose civilians to risk or cause harm through their engagement, particularly those with specific vulnerabilities, including girls, boys or women, witnesses and victims of violations. To ensure confidentiality and informed consent regarding the use of information, sensitive data regarding victims and witnesses will be appropriately managed and secured, in line with relevant guidance.*

**43. Vulnerable groups:** While all civilians may be victims of physical violence and therefore require protection from it, missions will pay specific attention to individuals or groups most at risk of facing or suffering from such violence, including girls and boys, women, minority groups, refugees, internally displaced, persons with disabilities, the wounded and older persons, but also professionals at risk including human rights defenders, medical personnel, teachers, journalists and humanitarian personnel. The level of vulnerability of an individual will vary, including with time or a specific operational context.

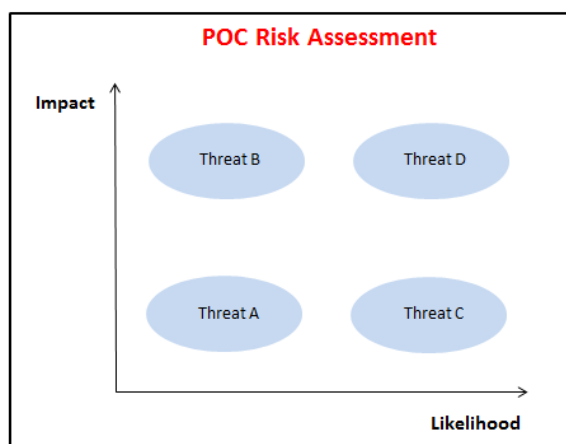
**44. Information management:** Missions will ensure the consolidation and consistency of information related to incidents affecting the security of civilians. All reports will include, at a minimum, disaggregated data on the number of killings, rapes and other incidents affecting the security of civilians, per area, gender and age category. Assessing the nature and level of vulnerability to violence of different categories of civilians will also enable better responses to their specific protection needs. The duration of exposure to violence, including forced displacement, may constitute an aggravating factor to be taken into account.

**45. Livelihoods and civilian objects:** Civilians are affected by immediate instances of violence, but also by their consequences. Securing life-saving civilian objects, including key health or water and sanitation facilities, installations and equipment or supplies, but also essential goods or livelihoods assets (food, crops, livestock), may constitute priorities for POC action. Schools are also protected under international law.

(iii) **Assess capacity and intent of other protection actors,** including state authorities, international security forces, civil society, human rights, humanitarian and development actors.

(iv) **Evaluate the risk associated with POC threats**

**46. POC risks:** Defined by the level of exposure of a civilian or group of civilians to a threat, a POC risk will be measured by the **likelihood** of occurrence of the threat, as well as the actual or potential **impact** of violence on civilians. The latter is a combined assessment of the scale, gravity, intensity, regularity or systematic nature of violence. Both likelihood and impact are a result of the capacity, intent and opportunity for the perpetrator to inflict violence, and the vulnerability of the civilians to the threat but also to the presence, capacity and intent of protection actors, who play a deterrent role.



(v) **Prioritize situations to address**

47. **Imminent threats:** The protection of civilians mandate often specifies an “imminent” threat of physical violence. A POC threat is considered imminent as soon as the mission has a ***reasonable belief that a potential perpetrator displays a hostile intent, capacity, historical record and opportunity to inflict physical violence***. The term ‘imminent’ does not therefore imply that violence is guaranteed to happen in the immediate or near future or is being carried out. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists.

48. **Priority threats:** Missions shall prioritize threats to civilians that pose the highest level of risk to civilians (threat D in the chart above) and may have to arbitrate between different categories of threats. For instance, responding to on-going instances of low-level violence vs. preventing less likely threats that may take a high toll on populations (threat B vs. threat C)<sup>42</sup>.

49. **Decision process:** Missions will decide to respond to a specific POC threat in relation to:

- (i) The nature of the threat and risk to civilians associated with it;
- (ii) The mission’s ability to address the threat, unilaterally or jointly with other protection actors;
- (iii) The comparative advantages and expected impact the mission may have in mitigating or eliminating the threat; and
- (iv) The possible negative consequences of its actions or inactions. While a mission’s actions can lead to direct or indirect harm to civilians, possible political fallout or retaliatory attacks, a failure to act can also result in civilian harm, a loss of legitimacy and ability to deter. Both action and inaction may result in heightened insecurity for peacekeepers and/or civilians.

50. **Mission Threat Assessment and POC Threat Matrix:**<sup>43</sup> Overall POC threat and risk analysis will result in a priority list of threats to be addressed. At the strategic level, medium- to long-term POC threats will be incorporated in the POC strategy and aligned with the Mission Threat Assessment. At the operational and tactical level, POC concerns over a few days to a few months will be presented and regularly reviewed through the POC Threat Matrix. Approved by the Head of Office or equivalent at the tactical or operational level, the POC Threat Matrix must prioritize situations to address and indicate the required contribution of relevant mission components.

#### E.4.2. Protection of civilians response planning

<sup>42</sup> For example, diverting resources to avoid possible mass violence related to political milestones of a peace process, such as elections, may be prioritized over a response to on-going low intensity communal conflicts or criminality.

<sup>43</sup> See JMAC guidance on the Mission Threat Assessment and POC Policy Annex B on the POC Threat Matrix.

**51. Joint planning and coordination of POC Operations:** Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy, taking into account potential negative consequences of those actions and required risk or harm mitigation measures.

**52.** From the start, all missions with a POC mandate shall establish POC planning and coordination fora at the strategic, operational and tactical levels, which include relevant representatives of the UN humanitarian community<sup>44</sup> as appropriate. They shall also appoint, as required, an adequate number of POC Advisers to support the mission leadership in coordinating all POC activities.<sup>45</sup>

**53. Preparedness:** At all times, peacekeeping operations with a POC mandate must show a high level of readiness for POC, including through the development and management of relevant contingency plans, in-mission guidance and SOPs, coordination mechanisms, information management, early warning and response tools and processes, public information and training activities. All preparedness activities will be presented in a **POC Action Plan**<sup>46</sup>.

**54.** Also as part of their preparedness activities, missions must ensure they deliberately and regularly assess<sup>47</sup>, avail and manage adequate **resources and capabilities** in line with the POC threat assessment and priority activities, including deployments, human resources, information technologies, and ground or air assets. Missions will pay specific attention to ensuring a minimum projection, rapid reaction, redeployment or temporary deployment capacity. The police and military components in particular will prioritise mobility over static presence and ensure the POC threat assessment informs deployment planning (force composition and disposition).<sup>48</sup> As required, POC activities by substantive sections and components of the mission will be supported and prioritized by the Director of Mission Support, including logistical support to deployments in priority POC areas. Any mission asset can be mobilized to implement the POC mandate.

**55. Reporting, monitoring and evaluation (M&E):** The Special Representative of the Secretary-General and senior mission leadership across the civilian, military, and police components are accountable and must ensure implementation of POC mandates. Missions will monitor, evaluate and report on progress made in the implementation of the POC mandate and the related impact on the protection environment. As one of the available tools to this effect, joint military, police and civilian M&E teams will assess the mission's response to all major POC incidents or crises and promptly report on its findings to the mission leadership and UNHQ. Any POC related contravention of the ROE or DUF must, however, be investigated through a formal Board of Inquiry, as for any other ROE/DUF violation. Dedicated mission-wide monitoring activities related to implementation of the POC mandate will be undertaken regularly, based on clear benchmarks and indicators. This will enable missions to monitor their performance, establish trends and take corrective action. Moreover, all peacekeeping operations with a POC mandate will conduct a rapid and quarterly evaluation of their impact on the POC environment and report accordingly at the operational and strategic levels. After all evaluations or investigations, necessary remedial or corrective measures will be taken to avoid reoccurrence and/or improve the POC response of the mission. UNHQ will provide the missions with guidance and support in the definition and implementation of suitable indicators and processes for monitoring, evaluation, and reporting purposes.

**56. Impartiality and public information:** All activities of the mission will be conducted so as to ensure impartial actions and maintain an impartial image. Key measures to take in that regard

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<sup>44</sup> Including Office for the Coordination of Humanitarian Affairs (OCHA), UNHCR (Protection Cluster lead) and UN Children's Fund (UNICEF) (MRM Taskforce co-chair).

<sup>45</sup> See examples of TORs for coordination mechanisms and POC Advisers in Annex B.

<sup>46</sup> Cf. sample POC Action Plan in Annex B.

<sup>47</sup> See Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO/DFS (2012).

<sup>48</sup> For more details, see DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations (2015).



include the monitoring of community perceptions, public and internal information and sensitization on mandate and activities.

## F. TERMINOLOGY

The following definitions are provided to clarify the protection of civilians mandate and to improve its understanding amongst UN peacekeeping personnel. These definitions do not replace or supersede mission-specific rules of engagement, legal advice, or the decisions of senior mission leadership in particular situations.

**Civilian:**<sup>49</sup> Any person who is not or is no longer directly participating in hostilities or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. In case of doubt whether a person is a civilian, that person shall be considered a civilian.

**Threats of physical violence or POC threats:** Encompass all hostile acts or situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat. Such situations may include potential or actual physical harm to civilians associated with the presence of mines, ERW and remnant IED, acts or attempts to kill, torture or maim; forcibly displace, starve or pillage, commit acts of sexual violence, recruit and use children by armed forces and groups, abduct or arbitrarily detain persons. Those situations may be caused by elements of state<sup>50</sup> and non-state actors to an armed conflict, inter-communal violence, serious crimes or other situations of internal disturbance affecting civilians.

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

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

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

**Rules of Engagement / Directive on the Use of Force:** Guiding documents, for the military and police components respectively, which define the degree of force that may be used and the manner in which it may be applied.

**Collateral Damage:** Incidental loss of civilian life, injury to civilians, or damage to civilian property not part of an authorized target.

**The Protection of Civilians and the Responsibility to Protect:** The responsibility to protect (R2P) also aims at addressing instances of physical violence, with a specific focus on mass atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing). While the R2P framework shares some legal and conceptual foundations and employs some common terminology with POC, they are distinct. Most importantly, R2P may be invoked without the consent of the host state, specifically when the host state is failing to protect its population. R2P thus envisages a range of action that goes beyond the principles of peacekeeping, which require the consent of the host state.<sup>51</sup>

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<sup>49</sup> The definition of civilian proposed in the present document is without prejudice to the definition of civilian under IHL. National UN staff and their dependents shall be afforded specific protection, as per existing guidance by the UN Department of Safety and Security.

<sup>50</sup> Including proxies and other state-associated entities.

<sup>51</sup> See <http://www.un.org/en/preventgenocide/adviser/responsibility>.

## G. REFERENCES

### Normative or superior references

- A. United Nations Charter (1945)
- B. Security Council resolution 2086 (2013)
- C. Security Council resolution on the Protection of Civilians: 1265 (1999), 1270 (1999), 1674 (2006), 1894 (2009), 2145 (2014)
- D. Security Council resolution on Women, Peace and Security: 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013)
- E. Security Council resolution on Children and Armed Conflict: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014)
- F. Reports of the Special Committee on Peacekeeping Operations and its Working Group: A/63/19 (2009), A/64/19 (2010), A/65/19 (2011), A/66/19 (2012)
- G. ST/SGB/1999/13 Observance by United Nations forces of international humanitarian law
- H. ST/SGB/2003/13, Special measures for protection from sexual exploitation and sexual abuse
- I. Human rights due diligence policy on United Nations support to non-United Nations security forces, A/67/775 (2013)

### Related policies, procedures or guidelines

- A. United Nations Peacekeeping: Principles and Guidelines, DPKO-DFS (2008) ("Capstone Doctrine")
- B. United Nations Policy on Integrated Assessment and Planning (2013)
- C. Interim Standard Operating Procedures on Detention in United Nations Peace Operations, DPKO/DFS (2010)
- D. OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
- E. DPKO/DFS Civil Affairs Policy (2008) and DPKO/DFS Civil Affairs Handbook (2012), including sections on POC;
- F. DPKO/DFS Guidelines on understanding and integrating local perceptions in UN peacekeeping (2014)
- G. DPKO/DFS guidelines on integrating a gender perspective in the work of the UN military and police in Peacekeeping Operations
- H. Analytical Inventory of Peacekeeping Practice to Address Conflict-Related Sexual Violence (2010)
- I. UN Action Matrix of Early Warning Signs for Conflict-Related Sexual Violence (2011)
- J. DPKO/DFS Guidelines on Implementing Protection of Civilians Mandates by Military Components of United Nations Peacekeeping Operations (2015)
- K. DPKO/DFS Guidelines on the Deterrence and Use of Military Force in United Nations Peacekeeping Operations (2014)
- L. UN Basic Principles on Use of Force and Fire Arms
- M. DPKO/DFS Policy on Authority, Command and Control
- N. JOC Policy and Guidelines (2014)
- O. JMAC Policy, Guidelines and Annexes (2015)
- P. SG Guidance note on Observance of IHL in peacekeeping (ST/SGB/1999/13)
- Q. DPKO and DFS Interim SOP on Detention in UN Peacekeeping Operations (2010)
- R. DPKO and DFS Guidelines on the Taking, Publication and Distribution of images of persons in custody (2014)
- S. United Nations Security Management System Security Policy Manual (2012), cf. section on IEDs;

### Other related references

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- A. Reports of the Secretary-General on the protection of civilians in armed conflict
- B. Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges, Victoria Holt, Glyn Taylor and Max Kelly – DPKO-OCHA (2009)
- C. Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates, DPKO-DFS (2012)
- D. Protection of Civilians Coordination Mechanisms in UN Peacekeeping Missions: A DPKO-DFS Comparative Study and Toolkit, DPKO-DFS (2013)
- E. Report on the Joint Protection Team Mechanism in MONUSCO, United Nations, 2013
- F. Global Protection Cluster Diagnostic Tool and Guidance on the Interaction between field Protection Clusters and UN Missions (2013)
- G. Statement on the Centrality of Protection in Humanitarian Action, Inter Agency Standing Committee (2013)
- H. Review of the reporting by United Nations peacekeeping missions on the protection of civilians, OIOS (A/67/795, 2013)
- I. Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations, OIOS (A/68/787, 2014)
- J. Lessons Learned Note on civilians seeking protection at UN facilities, DPKO-DFS (2014)
- K. United Nations Human Rights Up Front Action Plan (2014)
- L. DPKO POC Action Plan (2015)

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### H. CONTACT

1. This document was developed by the Protection of Civilians Coordination Team, within the Policy and Best Practices Service, a branch of the Division of Policy, Evaluation and Training, which serves the Department of Peacekeeping Operations and the Department of Field Support; it was developed in close consultation with DPKO and DFS, but also OCHA, OHCHR, UNHCR, UNICEF, OLA and UNDSS policy focal points. Queries or comments should be directed to the POC Coordination Team.

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### I. HISTORY

1. This is the first revision of the DPKO/DFS Operational Concept for the Protection of Civilians in United Nations Peacekeeping Operations, which was completed and distributed in 2010. In accordance with the DPKO/DFS Policy on the Development of Official Guidance, this policy will be reviewed in two years' time.

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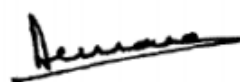
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**Department of Peacekeeping Operations /**  
**Department of Field Support**



# **ANNEXES**

## **TO**

### **DPKO/DFS PROTECTION OF CIVILIANS STRATEGY**

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## **ANNEX A. Framework for the Drafting of Comprehensive POC Strategies**

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### Purpose

This Framework provides the parameters and key considerations for drafting and implementing comprehensive POC strategies, designed to bring coherence in approach, minimize gaps, avoid duplication and maximize the mission's ability to ensure the protection of civilians through the use of its available capacities (civilian, military, police and support elements of the mission). By clarifying the role and activities of the mission and modalities of interface with key partners, comprehensive POC strategies also ensure better coordination with other actors working on POC. Additionally, POC strategies are an important tool for senior mission leadership to ensure that missions take a pro-active approach to POC. Senior mission leaders have an important responsibility in this respect, and must remain engaged in both the development and implementation of comprehensive POC strategies.

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### **I. POC Strategy**

The POC Strategy will highlight and further articulate the overall mandated tasks related to the protection of civilians defined in relevant Security Council Resolution and UN strategic documents including the Mission Concept and the Integrated Strategic Framework. Particularly, it will set the required principles, objectives and benchmarks; provide an overall threat, risk and capacity assessment; and define the required approach and activities and the relative roles and responsibilities as well as coordination and engagement mechanisms with other actors. The strategy will also include and present all documents, activities and processes to enable preparedness on POC, managed under the POC Strategy Action Plan. They include training, reporting, monitoring and evaluation, early warning and rapid response processes, as well as a strategy to communicate and manage expectations related to the mission's POC mandate.

Other UN entities in the mission area with protection mandates or programmes should be actively involved in the development of the strategy, as it also informs the coordination that needs to take place with UN actors in the mission area in order to develop and effectively implement these strategies. The need to address risks to civilians makes coordination on this issue all the more vital. The precise relationship and level of coordination on POC between the mission and other UN actors will vary from context to context, and may be influenced by a number of considerations, including:

- The specific integration arrangements that have been established between the mission and other UN actors in the mission area;
- Any overlap between the protection of civilians mandate of the UN peacekeeping mission and the protection activities of UN actors; and
- The plans for the peacekeeping mission to drawdown and/or withdraw, and any impact this may have on the on-going protection work of UN entities.

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## II. POC Strategy drafting process

The process of drafting a POC strategy provides an opportunity to clarify roles and responsibilities with protection actors within and outside of the mission and better coordinate POC prevention and response measures with them. In this respect, the consultation process is central to the development of the strategy. All relevant protection actors, including the host authorities and the local population, should be consulted on the development of the strategy, though their level of involvement will vary depending on the political and operational context of the mission. In order to ensure effective consultations in this respect, the following issues shall be determined prior to commencing the drafting process.

Drafting office: Experience clearly demonstrates that support from the senior mission leadership is one of the most critical aspects of drafting a well-consulted POC strategy and ensuring its implementation. While the senior mission leadership shall identify an office to draft the strategy, their engagement throughout the entirety of the drafting process, and in leading the mission's posture vis-à-vis POC more generally, is vital. The drafting office shall be designated based not only on its area of expertise, but also taking into consideration that creating consensus among mission components and other key stakeholders is essential for effective POC implementation. This should be facilitated through the convening of a working group/task force across relevant mission components, and including external protection partners, as appropriate.

Due to the multiplicity of mission planning processes and conceptual frameworks, all POC planning activities will be closely coordinated with the mission's strategic planning cell. The latter will ensure overall consistency amongst strategic planning processes and insertion of POC as a priority in relevant plans and strategies, including the Mission Concept, ISF, RBB, etc.

Drafting timeframe: While sufficient time should be invested in undertaking the necessary consultations to ensure buy-in with all relevant actors, the mission should endeavor to finalize the drafting process within three months.

Consultation process: The drafting office shall determine who should take part in the consultation process, what elements of the draft they shall be consulted on, and the methodology with which these consultations will take place.

- **Host government:** early engagement with the host government is critical in reminding them of their obligations under international human rights, humanitarian and refugee law, clarifying the roles and responsibilities in relation to the mission's POC mandate, assessing the government's strengths and weaknesses vis-à-vis POC, understanding and managing the expectations of the host authorities, and articulating the POC priorities identified by the mission and the local population. These consultations should include all government agencies involved in POC and not solely the law enforcement and security institutions. The lack of consultation with the government on POC has in some cases led to considerable political and operational challenges for the mission. Nonetheless, the political context in which the mission is deployed and the capacity and willingness of the host government to meet its obligations under international law shall be considered when determining the extent of their involvement in the consultation process.
- **Non-state armed groups:** Engaging non-state armed groups on protection of civilians issues may be necessary, where appropriate and security permitting. However, direct consultations with them on the strategy itself may not be required. These groups can

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### Annex A: Framework for Drafting Comprehensive POC Strategies

pose distinct protection risks for civilians in the areas in which they are present, while in some cases they may provide security in the area they occupy. Therefore, they need to be informed of their obligations vis-à-vis the protection of the local population contained within international humanitarian law. The mission must determine how it will configure its response to these risks and opportunities, and how it will work with other protection actors in the mission area to this end.

- **Local population:** Sustained dialogue with the women and men from the local population is required to identify the threats posed to them and their vulnerabilities, and to understand how the mission can support existing protection capacities within the local community. Their perception on the security situation should be one of the most important indicators in defining the success of the mission's role in providing protection. Dialogue from the early stages of a mission's deployment also provides an opportunity to understand and manage their expectations with regard to the POC mandate of the mission. Consultations with the local population should include groups at risk (women, children, older persons, the displaced and minorities) and key civil society groups (traditional authorities, religious groups, human rights organizations, refugee/IDP committees in camps, women's groups, etc.), to take into account all perspectives on threats and possible solutions. When consulting with the population, the mission shall seek the advice of external protection partners who may have existing linkages and trust established with the communities.
- **UN Headquarters (UNHQ):** The mission shall receive strategic guidance and support from UNHQ when drafting the strategy, including with regard to matters related to the mandate established by the Security Council and the role of troop and police contributing countries. The parameters of the mission strategy should be discussed with the Integrated Operational Teams (IOTs) and the POC Coordination Team before drafting begins. The strategy should be shared in draft for comments with the Integrated Mission Task Force and the Office of Legal Affairs.
- **In mission:** The military, police, and relevant civilian and support components shall be part of the consultation process to ensure that POC is addressed in a comprehensive manner. The Chief of Staff and mission planning officer shall be involved to ensure the strategy is aligned with other mission planning documents. In settings where an integrated JOC and JMAC exist, these bodies should help develop appropriate analytical and mapping tools to inform the drafting process and provide appropriate situational awareness and reporting. The preparation of the strategy should be consulted with senior leadership of the Mission and the UN Country Team, through the integrated mission's planning team or equivalent.
- **UN protection actors, independent humanitarian organizations and NGOs / CSOs (including women and youth organizations):** Such consultation will ensure that linkages are made with their activities and that areas are identified where coordinated effort would be required. Many of these actors usually have protection strategies developed by the Protection Cluster and its sub-working groups, including on child protection and gender-based violence. Others work independently but, depending on their mandates and working methods, are willing to consult with UN actors to varying degrees. These consultations will facilitate the mission's development of its own POC strategy and allow for the mission and other existing strategies to be better coordinated and/or linked, as appropriate.
- **Security Council, Troop and Police Contributing Countries:** It is crucial that the mission understands the Security Council's vision and expectations vis-à-vis POC. Likewise, the

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### Annex A: Framework for Drafting Comprehensive POC Strategies

Council must understand the POC risks facing civilians in the mission area, and the mission's capacity to address those risks. Early consultation at UNHQ with the T/PCCs during the drafting of the POC strategy is also necessary to create a common understanding with them on the POC risks where their troops and police are deployed, to ascertain possible concerns and caveats that they may have, and to ensure that they understand the Council's intent vis-à-vis the mission's POC mandate.

POC Strategy development and timeframe: The strategy shall cover a one year timeframe. Significant changes in the operating environment and/or in the Security Council mandate shall trigger a review of the strategy by senior mission leadership. The POC Strategy shall be focused and concise, taking into consideration past experience which has demonstrated that long and highly detailed strategies, which are not action oriented, are less effective.

Once finalized the strategy should be endorsed by the Head of Mission and the UNCT. The document itself should be disseminated to all mission components involved in the protection of civilians so that they are aware of their responsibilities. Key partners, such as the Protection Cluster, shall also receive a copy of the strategy. Consideration should be given as to whether other partners shall either receive a copy or a summary document, which should be determined based on political and/or operational implications.

The strategy shall be supported by a POC Strategy Action Plan to manage and provide an overview of all POC preparedness and operational activities.



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### III. Template for comprehensive POC strategies

The following template shall form the basis upon which missions draft their POC strategies. While the strategies are required to address all of the elements included in the template, senior mission leadership are provided flexibility regarding the modalities with which they are implemented.

#### A. Purpose, scope and key principles of the strategy

**1. Purpose:** This section shall provide a succinct statement of the purpose and objectives of the strategy, and related benchmarks, in the context of the mission's tasks under the protection of civilians mandate.

**2. Scope:** This section shall reflect the following elements:

- *Compliance:* There shall be a clear statement that compliance with the strategy is mandatory for all relevant staff within the mission, once signed off by the Head of Mission (HOM). The strategy shall also articulate the specific aspects that may involve action from other UN entities with whom the implementation of the strategy is being coordinated.
- *Objectives:* This section shall include a brief statement on the mission's immediate, medium- and longer-term objectives vis-à-vis the protection of civilians, bearing in mind the fact that POC can be provided through the three tiers detailed in the POC Policy.
- *References, alignment and existing strategies:* the POC strategy does not exist in isolation and must be aligned with and linked to other existing protection related strategies and planning documents, both within the mission and externally. This section shall specify their linkages. Specific attention shall be given to linking and complementing priorities identified by the host government and any existing protection strategies which may have been developed by the Protection Cluster and its sub-clusters or mission components. In integrated mission settings, the POC strategy should be explicitly linked to the Integrated Strategic Framework (ISF), which is designed to articulate the UN's strategic vision in a mission context and must include POC as a priority.
- POC strategies should also reflect and be aligned with the military and police CONOPS, ROE and DUF. More details on military and police planning for POC can be found in respective military and police POC guidelines.
- *Reviewing the strategy:* This section shall state the strategy's annual review cycle and should be linked with other mission planning processes (e.g. the Results Based Budget). Nonetheless, it shall be reviewed and revised whenever there are changes in its Security Council mandate and/or to the operating context.

**3. Key Principles:** This section will remind of relevant guiding principles on the protection of civilians included in the DPKO and DFS Protection of Civilians Policy and ensure they are tailored to the mission's environment.

#### B. POC Strategic Threat assessment

The mission's efforts to protect civilians shall be based on a thorough analysis of the POC environment, taking into account threats facing the population, vulnerabilities affecting

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### Annex A: Framework for Drafting Comprehensive POC Strategies

civilians, but also the respective capacity and intent of the State and other protection actors. The POC strategic threat assessment will be reviewed once a year along with the POC Strategy, or whenever major changes occur in the strategic environment. It will inform and be aligned with the Mission Threat Assessment provided by the JMAC.

- In articulating the threats to the population, the mission will identify and prioritize actual and potential strategic threats and provide a detailed analysis of the source of each threat (groups, institutions, etc.);
- Populations at risk and an overview of their vulnerabilities must be presented here. These vulnerabilities should be defined based on any characteristics of the civilians that make them susceptible to those threats (e.g. refugees/IDPs, children, gender, etc.), or to certain geographical features or activities that expose them to threats.

The POC threat assessment presented in the mission's POC strategy will be accompanied by a POC Threat Matrix (cf. Annex B), updated regularly (weekly or monthly) and providing a detailed overview of priority threats to be addressed by the mission at the operational and tactical level, at any point in time.

#### C. POC response model and planned activities

This section will present the approach decided by the mission to prevent, put an end to or mitigate strategic POC threats and risks identified above.

Detailed activities to respond to each threat at any point in time will be presented in the POC Threat Matrix. The latter shall ensure that missions have an agreed multidimensional response in place for each priority threat and shall elaborate the roles and responsibilities of different mission components. These activities shall be further reflected in individual component workplans. In integrated mission settings, the articulation of roles and responsibilities shall be consistent with those spelled out in the Integrated Strategic Framework. In determining what activities will be undertaken to address the identified POC risks, it is important to bear in mind that protecting civilians can include measures across the three tiers.

#### D. Roles & responsibilities of mission components

Given the variety of contexts in which missions carry out the protection of civilians mandate, and the great variety in mission design and structure, there is no single way in which protection of civilians roles should be assigned.

This section shall articulate the general POC-related roles and responsibilities of the various mission actors, while the POC Threat Matrix shall go into the details regarding who undertakes which POC activity at any point in time. This section shall also be consistent with existing DPKO/DFS guidance, such as the Policy on Authority, Command and Control, which provides information on the relevant civilian and management structures in the mission.

#### E. Engagement and Coordination mechanisms

This section shall reflect how the existing coordination mechanisms (or those that are newly established) will be used to coordinate the implementation of the POC strategy within the mission (in mission headquarters, and at the regional and local levels), with UN protection partners, with the host authorities and with local communities.

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**1. Within the mission:** present the existing coordination mechanisms at the strategic, operational and tactical level.

In times of crisis, present how and where all immediate POC activities will be coordinated, including through relevant crisis coordination mechanisms (Crisis Management Teams, Crisis Centres, JOC, Protection Working Group, etc.).

Military and police components, civilian capacities and mission support resources will compose these operational fora. To ensure integration or coordination of activities with the UN Humanitarian Country Team, those fora should include representatives from the humanitarian community (OCHA, possibly accompanied by UNHCR as Protection Cluster lead and possibly other relevant agencies).

**POC lead or coordinator** - While the development of the mission's POC Strategy is placed under the overall responsibility of the senior mission leadership, a designated lead amongst senior mission leaders can be appointed to overview and guide daily POC mandate implementation and coordination mechanisms. Most missions place this responsibility in the hands of one of the Deputy Special Representatives of the Secretary-General (DSRSGs), though protection of civilians activities should not be confined to a single "pillar" of the mission.

**Protection of Civilians Adviser(s)** - Commensurate with the tempo and complexity of protection of civilians activity in the mission, dedicated capacity may be required to support and advise mission leaders in their efforts to manage the mission's POC activity and coordinate early warning analysis and response, planning, reporting, monitoring and evaluation, or training tools and processes related to POC under the POC Action Plan. Such capacity can be established, as required, through the appointment of an appropriate number of Protection of Civilians Advisers attached to the POC lead and heads of field offices, as well as through the nomination of POC focal points within all relevant mission components.

**2. With the host authorities:** Map the government's strengths and weaknesses vis-à-vis the protection of civilians, including possible IHL and human rights violations conducted by elements of the host government. Present the mission's approach to state support vs. direct action to ensure POC under the three tiers. Present the coordination or engagement mechanisms established to regularly consult with the host authorities, at mission HQ and local level.

This section will also articulate how the mission will support the host state to assess POC threats and take up its primary POC responsibilities, including on how the mission will prioritize presence and response by national authorities, including for instance by providing support to extend state authority in the most affected or remote areas (joint operations, co-location, joint investigation teams, prosecution support cells, mobile courts, rule of law hubs, etc.)

Define coordination mechanisms with national authorities at all levels, including at a minimum ministries of Defence, Interior and Justice. Transparency in this respect can assist in instilling confidence with government counterparts that the mission is there to act in support of the host authorities.

On-the-job support for governments to improve the physical security of populations will require the implementation of:

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- Tier I activities: high level political action to share the mission's analysis of risks to civilians and encourage senior government officials to lead appropriate prevention and responsive measures; technical level support to conflict resolution activities;
- Tier II activities: coordination of respective deployments and operations – including joint or unilateral - with state security forces; support to the state rapid reaction capacity;
- Tier III activities: immediate measures to ensure a minimal and/or temporary presence of the state security and rule of law actors in agreed priority areas and longer term extension of state authority.

**3. With local communities:** Present self-protection measures in place and ways to engage with local communities, establish joint early warning and information sharing mechanisms.

When planning for and implementing POC activities, processes need to be in place to interact with civilian communities at all stages. Well placed to provide information on the threats and vulnerabilities affecting them, civilians at risk are also protection actors: they organize themselves to support the most vulnerable and implement measures to enhance their physical security. When addressing vulnerabilities, the mission will therefore prioritize activities in support of community protection mechanisms as appropriate. For instance, specific support can be provided to ensure the mission's presence in areas identified by populations, to establish community alert systems in areas at risk of attacks or to support and monitor the implementation of clauses of a local peace agreement between conflicting communities. Consultations shall not only involve the representatives of the population or traditional authorities, but also groups who are directly at risk, and should capture the views of men, women, boys and girls.

The mission should be cognizant that there may be risks in engaging with or assigning specific responsibilities to community actors, therefore understanding and mitigating potential risk to civilians should guide any engagement. In order to minimize the risks on civilians, civilian components, including civil affairs, human rights, rule of law, child protection, women protection or gender, will guide community engagement and related risk mitigation processes.

**4. With non-state armed groups:** Present how the mission intends to or engages with non-state armed groups, at the strategic, operational and tactical level. Ensure a streamlined and clear engagement process is in place, sanctioned by the mission leadership.

**5. With UN protection actors, independent humanitarian organizations and NGOs:**

Present existing coordination mechanisms at all levels with the humanitarian community, including the Protection Cluster and the UNCT/HCT.

The impact of conflict on civilians is a combined result of direct violence and the indirect consequences of this violence, including through displacement or diminished access to life saving goods, services and livelihoods. A comprehensive protection of civilians response therefore requires a combined set of activities by missions and both humanitarian and development actors.

Important humanitarian protection actors include the Humanitarian Country Team<sup>52</sup>, led by the Humanitarian Coordinator, and the Protection Cluster. Benefitting from a specific

<sup>52</sup> The Humanitarian Country Team (HCT) is a strategic and operational decision-making and oversight forum established and led by the HC. Composition includes representatives from the UN, IOM, international NGOs, the Red Cross/Red Crescent Movement. Agencies that are also designated Cluster leads should represent the Clusters as well as their respective organizations. The HCT is responsible for agreeing on common strategic issues related to humanitarian action.

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knowledge of vulnerabilities affecting women and men and community dynamics, humanitarian actors should be briefed, consulted and/or involved on all aspects of the mission's protection of civilians strategy, including its analysis of threats and vulnerabilities, response plans, advocacy or training.<sup>53</sup>

In this respect, roles and responsibilities specific to the protection of civilians should be clearly articulated and understood between the mission and humanitarian protection actors. This is essential to facilitating effective and appropriate coordination and to avoid blurring the lines between humanitarian, military, police and political actions, which could lead to diminished space for humanitarian action and to clarify that humanitarian protection actors are not a substitute for mission action, as humanitarian action cannot be guided by mission gaps or priorities but rather by humanitarian assessment of need.

These clarifications can be sought and articulated through integrated mechanisms and tools, including the conduct of an integrated strategic assessment, an up-front risk analysis and the development of the ISF or equivalent. Integrated coordination mechanisms, as well as existing protection coordination mechanisms, formal or informal, are also essential to define the respective role of the mission, UN entities and humanitarian actors.

The discussion should focus on analysis, risks and opportunities, information sharing, areas where coordination may be needed and the modalities for that. This consultation would also identify those areas where a degree of separation may be required to ensure the perception, by the population and the parties to conflict, of the neutrality and impartiality of the humanitarian actors providing assistance. Note that, while humanitarian assistance can support the protection of civilians and peace consolidation, its main purpose remains to address life-saving needs and alleviate suffering. Accordingly, most humanitarian interventions are likely to remain outside the scope of integration.

#### F. Preparedness activities

##### **1. Information gathering and sharing**

Mission-wide or integrated information collection and sharing processes must be regularly reviewed and presented as an Annex to the POC Strategy or through a specific SOP on information management. It should present existing mechanisms to gather, analyse and map data, and disseminate POC related information.

*Confidentiality* – The SOP should also set out the principles and mechanisms for sharing sensitive information so as to ensure the confidentiality and informed consent regarding the use of information related to victims or witnesses to protect their privacy and security as well as avoid exposing the image and security of the mission. These mechanisms should be consistent with existing guidance, including JMAC and JOC Policies and Guidelines.

POC information management is based on quantitative and qualitative indicators managed through a set of strategic planning, analysis, reporting or monitoring and evaluation formats, tools and processes. It will enable the mission to i) set objectives and benchmarks in the Mission Concept, ISF and POC Strategy, ii) monitor and report on the security situation, particularly when civilians are or may be affected or iii) monitor or report on mission activities, iv) inform risks analysis and enable early warning and response processes, or v) evaluate the overall or specific impact of the mission.

<sup>53</sup> For further information on the Protection Cluster refer to [www.globalprotectioncluster.org](http://www.globalprotectioncluster.org). For guidance on protection clusters' interaction with peace keeping missions refer to the Guidance and Diagnostic Tool on the Interaction between field Protection Clusters and UN Missions, Global Protection Cluster, August 2013.

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**Indicators** reflecting the level of insecurity affecting civilians can be both quantitative and qualitative. Quantitative indicators mostly reflect the level of past or on-going insecurity and impact of physical violence against civilians. Missions may choose to monitor and report on some or all of the following quantitative indicators:

- Number of security incidents affecting civilian populations;
- Number of civilians in areas affected by conflict, including the forcibly displaced;
- Number and type of violations to the physical integrity of civilians (number of killed, wounded, raped, abducted, tortured, etc.);
- Number of incidents of violence on civilians involving peacekeepers, including sexual exploitation and abuse, harm caused by military or police operations and the use of force, etc.;
- Number of incidents of violence involving mines, ERW and remnant IEDs.

## 2. Early warning systems and crisis response

*Early warning and response systems:* Setting up an effective early warning and response system can help manage situations before they escalate to unmanageable proportions. This section should identify such mechanisms that the mission will establish. It should articulate what role external actors, including the host authorities and local population will play in these mechanisms, as the systems function best when they are well coordinated with local counterparts. However, due caution is necessary in not exposing the population or others, such as humanitarian actors, to harm in setting up such systems.

*Crisis response:* In this section, the mission shall articulate the rapid decision-making process to address POC crises, involving the relevant components. It shall also clearly state how missions will consult and coordinate with external actors, especially with key government stakeholders. This would need to be agreed upon and understood by all concerned actors.

**Early warning, alert and rapid response capacity:** At all times, the mission should be able to:

- *Produce early warning analysis and receive alerts* of imminent threats or on-going incidents of violence against civilians. Call centres, databases, community alert networks, or unmanned aerial vehicles are some of the capacities which may be established;
- *Plan for and rapidly deploy* or redeploy personnel and equipment necessary to conduct priority POC activities. Contingency and capacity planning are required to deploy temporary resources in priority POC areas identified in the POC Threat Matrix. Whenever possible and relevant, rapid response mechanisms must be integrated amongst mission components to prevent, but also to respond to emerging POC crises. Quick Reaction Forces, joint or integrated protection teams, mobile courts, joint investigation teams and prosecution support cells are examples of such mechanisms. When relevant and appropriate, UN or Government agencies will be included in those integrated mechanisms.
- *Request and obtain UNHQ support* for temporary deployment of backstopping or surge capacity.

**Early warning and response tools:** Dedicated POC capacity and tools should also be established as required, in order to implement the POC mandate at the lowest tactical level:

- Community liaison assistants (including female CLAs), joint or integrated protection teams can for example be appointed to engage with all protection actors, provide insights into

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the local security dynamics and threats on civilians, support and guide the mission's and partners' local response, including military and police operations;

- Early warning analysis and intelligence or alert tools (call centers, community alert networks, including women alert networks, unmanned aerial vehicles, databases (eg. Information Management System for Mine Action), sexual violence matrix, etc.) will also aim at enhancing the mission's situational awareness for POC and will require the appointment of dedicated staff to design, manage and operate them.

### 3. Analysis of mission capacities, resources and national caveats

This section shall include an analysis of mission capacities and resources in relation to the identified POC risks and mission activities. As such, the issue of how resources will be allocated and which activities will be prioritized in light of the mission's responsibility to implement other mandated tasks, including ensuring the protection of UN personnel and facilities, should also be stated in this section. Such an analysis would enable the mission to manage expectations regarding what it is resourced to achieve vis-à-vis POC.

This analysis must go beyond a discussion of the physical, financial and human resources at the mission's disposal, and shall include a frank assessment of what is beyond the mission's protection capacity. It shall also include an analysis of the impact of national caveats, as well as of the ability of mission personnel to undertake POC activities. For example, in situations where the contingents in a particular area do not possess the training or capacities required to address POC concerns of the local community, this should be noted. Alternative means of meeting those requirements should be discussed.

**At the strategic level**, a detailed joint assessment of the resources, personnel and capabilities required to adequately plan for and carry out the POC mandate should be developed. It will be presented ahead of the mandate establishment or renewal and drafted in conjunction with relevant military and police Status of Unit Requirements (SUR). The 'POC Resources and Capabilities matrix' may assist the development of such analysis.

While the mission will prioritize its presence and actions where the risks to the security of civilians are highest, it should also ensure a minimum level of projection, redeployment or temporary deployment capacity. Due consideration needs to be given to the size, nature and number of **deployments**, as they have an important impact on POC.

- *Extended field presence*: multiple deployments enable to enhance situational awareness and reduce the delays in alert and response, often important in remote and inaccessible areas. It also has a psychological deterrence and reassurance impact on both perpetrators and victims of violence respectively and enables civilians to seek refuge in the vicinity of mission compounds.
- *Limited field presence*: a small number of field locations will be cost-effective and enhance the projection capacity of mission military and police components available to respond to unfolding situations, thanks to a reduced time and capabilities spent on management and supply logistics.

Matching the mission's protection of civilians strategy against its resources and capabilities is an important and priority exercise that should be conducted regularly. Whenever the mission identifies gaps, it should seek to refocus its existing resources or appeal for additional support through a realistic assessment of the mission's options to minimize such gaps. These discussions shall take place with other relevant protection partners to maximize all available resources. The following list, while not exhaustive, includes options that the mission could consider in addressing the gaps:

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- *At mission level:* reprioritize objectives/activities; explore mobilization of resources available to external protection actors, where practical; redeploy resources and staff as required (e.g. to areas at risk); mobilize additional resources, such as through the creation of trust funds or groups of friends;
- *At UNHQ level:* inform the Security Council and the 5th Committee of the General Assembly about the identified gaps; discuss with T/PCCs in NYHQ the possible removal of national caveats or to inquire the possibility for the contributing countries to bring additional resources; increase targeted training on POC and the legal obligations of parties to conflict, to raise knowledge and awareness in pre-deployment and in-mission training.

#### 4. Expectations management

Ensuring that all stakeholders, particularly the local community, are aware of the mission's POC mandate and its capacity to implement that mandate is critical. This section will present the communications and public information strategy of the mission related to POC.

Experience in numerous missions has shown that failure to live up to unreasonable expectations is often a major liability vis-à-vis the mission's credibility among the local population. In this respect, it is vital that the mission consider how it will clearly communicate, with gender specific messaging, to the local population, host authorities, and other key stakeholders, what it can and cannot do regarding the protection of civilians in the mission area, in addition to the fact that the ultimate responsibility for POC rests with the host government. Senior mission leadership must recognize that a pro-active and on-going expectations management effort requires resource – both human and material – in order to be implemented.

Communications and public information reinforce and complement direct coordination and engagement with relevant protection actors. At mission level, developing clear communication strategies for the protection of civilians is thus strongly encouraged to:

- *Deter violence and affect the confidence of perpetrators through engagement and advocacy, including on accountability re. international human rights or humanitarian law;*
- *Affirm the mission's "condemnation of all incitements to violence against civilians in situations of armed conflict" and promote the fight against impunity by stressing "the need to bring to justice, in accordance with applicable international law, individuals who incite such violence" (SCR 1296);*
- *'Consider, where appropriate, steps in response to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law' (SCR1738);*
- *Manage expectations and raise general awareness by effectively conveying the mission's activities under the protection of civilians mandate to the host government, communities, and other stakeholders;*
- *Evaluate both men and women's confidence and perception of a mission's POC activities through community perception surveys;*
- *"Disseminate information about international humanitarian law and human rights law, including peace education, [women and] children's protection, while also giving objective information about the activities of the United Nations" (SCR 1296);*
- *The mission's positioning and public information and advocacy will be closely coordinated with members of the UNCT and HCT.*



## 5. Monitoring, reporting and evaluation of implementation of POC mandates

This section should include who will be tasked to monitor the progress, what will be monitored and the benchmarks against which progress will be measured.

The implementation of POC mandates by the mission and in turn the impact of its activities on the protection of the civilian population must be kept under constant review. Monitoring and reporting on POC trends and events is an important part of this activity. This enables missions to chart progress, or lack thereof, in POC mandate implementation, and ensures that senior mission leadership, DPKO/DFS headquarters, T/PCCs and the Security Council are fully informed of the situation.

**Monitoring:** Security Council Resolution 1894 (2009, OP 27), stressed the importance of including indicators regarding the protection of civilians to measure and review progress against agreed-upon benchmarks.

Strategic monitoring and evaluation of the mission's POC activities can be initiated at UNHQ, (generally by OIOS, the OPSP, the IOT and/or the POC Coordination Team). In-mission, the POC Adviser(s) or focal point(s), the Best Practices Officer(s) - civilian and/or military - and any other relevant mission component may conduct the following M&E tasks:

- *After Action Reviews will accompany all major incident affecting the security of civilians;*
- *Regular review of the protection mechanisms, processes and tools;*
- *Regular assessment of impact of mission's POC activities in the most affected areas, including for example an understanding of how patrolling is aligned to threats against or vulnerabilities of civilians.*

**Reporting:** Peacekeeping operations are expected to provide comprehensive reporting, in close coordination with other protection actors, on the progress being made in the implementation of POC mandates. They will ensure that the reporting requirements on POC are articulated and systems are in place, including to provide information to the different UN offices responsible for each of the POC reporting requirements. The following are some of the existing mission reporting requirements related to POC:

- *Secretary-General's country specific reports;*
- *Secretary-General's report on the protection of civilians in armed conflict (every 18 months);*
- *Expert Panel reports;*
- *Input into the Security Council Informal Expert Group on the protection of civilians;*
- *Public reports on the human rights situation released in accordance with the Joint Directive on Public Reporting by Human Rights components of UN Peace Operations;*

*In addition, there are specific mandated reporting requirements related to Children and Armed Conflict and Women, Peace and Security resolutions:*

- *Secretary-General's thematic and periodic reporting on CAAC;*
- *Secretary-General's thematic and periodic reporting on CRSV.*

At the strategic level, the reporting system shall ensure that the relevant UN documents, including the country-specific Secretary-General's reports, concisely articulate anticipated or actual threats to civilians, detail the mission's joint preventive or responsive actions under overall security and stability objectives, the progress made over time and the challenges faced by the mission in this regard. In addition to information on POC activities undertaken by the mission, reports should include an analysis of the adequacy of the mandate and

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resources to protect civilians. Specific attention shall be paid not to duplicate or jeopardize the consistency of information included.

#### In mission and to UNHQ

Reporting in mission and to UNHQ reporting are crucial for drawing attention of senior leadership on the challenges facing the mission's implementation of the POC mandates and the actions necessary to address those challenges. These include but are not limited to:

- Daily, weekly and monthly Situation Reports;
- Code Cables.

**Evaluation:** All critical POC tools, mechanism, challenges and crises that have occurred will be captured by carrying out lessons learned and after action reviews and will be shared with UNHQ, to feed into future planning, lessons learned and operational or guidance documents. Similarly, good practices should be captured on a regular basis for the practices to be shared across missions.

To the extent possible, all studies to evaluate the mission's performance in protecting civilians will follow a 360 degree evaluation process, taking into account and reflecting internal views, but also those of external protection actors such as affected communities, the host government and humanitarian partners.

## 6. Training

Preparedness also requires regular training and contingency or scenario-based exercises for mission staff on POC, including on emergency response and crisis mechanisms as well as for IED and mines/ERW awareness and safety. This section should present the main in-mission training activities on POC.

Prior to arriving in the mission, all personnel should have received pre-deployment training on a wide variety of topics, including POC. Pre-deployment training for uniformed personnel is the responsibility of each Member State, while pre-deployment training for civilian personnel is conducted in UNGSC-Brindisi by the DPKO-DFS Integrated Training Service (ITS). Pre-deployment training should be based on the Core Pre-deployment Training Materials (CPTM) developed by ITS. In addition, for uniformed personnel, DPKO-DFS has developed Specialized Training Materials (STMs) for specialized personnel and on particular topics. For example, STMs are available on Protection of Civilians, Human Rights, Child Protection, Gender or Conflict Related Sexual Violence. The material can be found on the Peacekeeping Resource Hub.

In-mission training on POC will be organized by the Integrated Mission Training Centre with content support provided by the POC Adviser(s) and relevant substantive sections in mission. It is recommended that all Missions with POC mandates conduct POC training at least twice each year. This may take the form of workshops, courses or exercises. In this regard please note that POC training is best delivered to an integrated audience of civilian and uniformed personnel. Whenever possible, missions should extend or integrate those trainings to benefit other protection actors, including national authorities and humanitarian partners.

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## **ANNEX B. Example of formats, SOPs and TORs to implement POC Strategies**

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### **I. Analysis of Threats and Perpetrators**

- **Nature, identity, profiles**

Perpetrators of violence against civilians include elements of national and international security forces, non-state armed groups, criminals as well as other civilians (eg. inter-communal violence, etc.)

- **Motivation, interest or intent**

Violence against civilians may be strategic and systematic, opportunistic or even accidental; it may be indiscriminate or targeted at an individual or group; and motivated by power, ideology or identity (cultural, ethnic, tribal or religious), fear, survival or greed;

- **Structure, capabilities and resources, preparedness**

Command and control; human, material and financial means; supply lines;

- **Presence and deployments**

- **Relations**

Political, security, economic and social supporters and allies; affiliation and clients;

- **Mode of action or tactics, techniques and procedures (TTPs)**

Pattern of attacks or other forms of violence (including attacks on specific categories of vulnerables such as women, children or IDPs, etc), movements of perpetrator, etc.

- **History**

Monitoring of violations under national or international humanitarian, human rights and refugee law will provide further information regarding the gravity, intensity, pattern and scale of physical violence affecting civilians and enable trend and impact analysis. Beyond violations, missions will also track all casualties as a result of lawful actions by peacekeepers, state security forces and non-state armed groups. Collateral damage or casualties resulting from mines and EWRs will require specific attention in certain contexts.

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## II. POC Trend Analysis

Protection of Civilians (UNMISS)

Trend Analysis

I. Introduction

II. Overall trends in conflict incidents and deaths

a) Inter-Communal violence

1. Key trends
2. Main states affected
3. In urban settings
4. Forced displacement
5. Conflict related sexual violence

b) Internal armed conflict between the SPLA and non-state armed groups

1. Key trends
2. Main states affected
3. Attacks against medical facilities
4. Child Recruitment
5. Attacks and occupation of Schools

c) International armed conflict between Sudan and South Sudan

1. Key trends
2. Main states affected
3. Aerial bombardments
4. Armed incursions
5. Refugee movements from Sudan into South Sudan
6. Returnees

d) Attacks and human rights violations by the SPLA/SSNPS against civilians during security operations

1. Key trends
2. Main states affected
3. SPLA and SSNPS conduct

III. Conclusion

- a) Main findings
- b) Trend analysis
- c) Recommendations

ANNEXES: (Graphs, stats and Maps, hotspots map)

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

#### III. POC Threat Matrix

Once overall strategic security and POC threats in the mission area have been identified, analysed and reflected in the POC Strategy, tactical and operational level JOC and POC coordination fora will work in conjunction to develop and maintain a POC Threat Matrix that includes key early warning information and responsive action by all mission component. The POC Threat Matrix will:

- List and prioritize the short to mid-term POC threats to civilians, based on their probability of occurrence and potential impact on civilians,
- Map specific populations at risk and vulnerabilities affecting them;
- Map other protection actors, for the purpose of coordination (presence, resources, intent and actions)
- List and monitor implementation of all short term activities conducted to prevent, pre-empt or respond to all priority POC threats, taking into account the relative capacity of protection actors and the primary responsibility of the State to ensure POC;
- Identify mission resources
- Flag gaps in response and recommend corrective action on the response and resources

An example of mission format and process:

Location / priorities	Threat	Populations at risk	Other protection actors	Mission response / activities	Mission resources	Recommendations / comments
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- 1.
- 2.
- 3.
- 4.

#### Consultation procedure:

1. Always consult the relevant section and other relevant parts of the Mission and UNCT partners when the content of the product touches particularly their programmes or is directly involving their expertise.
2. Share, in accordance with the HoM and when appropriate, drafts or final versions of relevant products with other Heads and deputy Heads of substantial components of the mission in addition to the Senior leadership of the Mission (HoM, DSRSGs, FC and CoS).

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#### **IV. POC Action Plan**

The POC Action Plan will guide activities to ensure adequate management and implementation of the POC mandate. Tasks may include the following and should be tailored to the Mission's mandate and operating context:

##### **(i) Planning**

- Draft and regularly update relevant POC related strategic planning documents, including the mission's POC Strategy and Action Plan;
- Ensure the establishment of rapid response capacities and processes;
- Deploy all components in line with POC priorities;
- Ensure regular reviews of Mission resources and capabilities for POC, including military, police and civilian presence and deployments;
- Develop and mainstream required risk mitigation mechanisms, including a Standard Operating Procedure for the implementation of the Human Rights Due Diligence Policy on support to non-UN security forces (HRDDP) as well as processes required to mitigate risks associated to other missions activities, including security operations;
- Develop POC operational and tactical level guidance for police and military components;
- Develop a Standard Operating Procedure for groups of individuals seeking protection at UN compounds, including specific actions to protect women and children;
- Support national authorities in establishing a vetting framework and mechanism(s) for national military and police forces, in line with international human rights standards;
- Develop standard operating procedure for the handover of children formerly associated with armed forces and groups, as well as for the rest of the DDR process;
- Regularly monitor the implementation, evaluate impact and report on the implementation of the POC Strategy and operations (including through joint civil-military Lessons Learned and After Action Reviews), including by the military and police;

##### **(ii) Coordination**

- Establish required coordination mechanisms, tools and processes within the mission, but also with national and international security forces and relevant humanitarian entities, in particular the Protection Cluster and the HCT;
- Make use of all available analysis to guide temporary mission deployments, with inputs from the Protection Cluster<sup>54</sup>;

##### **(iii) Information management**

- Establish and manage POC information management processes, such as early warning analysis, alerts and reporting;
- Ensure integrated reporting on the protection of civilians, with inputs from all relevant mission components and humanitarian actors as appropriate and relevant.
- Establish and manage POC analysis, reporting, monitoring and evaluation processes;
- Establish the POC monitoring and evaluation mobile team, composed of civilian, military and police POC experts.

##### **(iv) Early warning and response**

- Develop and regularly review the mission's POC Threat Matrix, in close coordination with the JMAC, JOC and other substantive mission components;

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<sup>54</sup> Humanitarian Protection Clusters, in order to share views with and influence decision-making on deployments and priorities by peacekeeping operations, sometimes present consolidated views through a Protection Matrix (See 4. below).

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

- Manage joint POC early warning tools and projects (joint protection or integrated teams, community liaison assistants, call centres and alert networks, community surveys, etc.).

#### **(v) Public information and advocacy**

- Develop a communications strategy on POC, including a public information and influence campaign;
- Engage, through the Humanitarian Coordinator, with the Humanitarian Country Team to ensure public information and messaging is coordinated appropriately.

#### **(vi) Training**

- Conduct regular in-mission trainings on POC for all substantive sections and components, in close coordination with the IMTC, through a POC training plan and based on DPKO and DFS standard training modules;
- Develop a full POC capacity building plan for State and international security forces based on DPKO and DFS standard training modules;

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## **V. Protection Matrix (or 'Must/Should/Could protect' Matrix)**

Peacekeeping operations may want to engage in a specific dialogue with humanitarian actors to inform decision-making on priority areas and related deployments. In 2009, MONUSCO Civil Affairs has developed a matrix to present consolidated views of the Protection Cluster on areas where MONUSCO could, should or must ensure a presence to protect civilians. In 2013, MONUSCO and the Protection Cluster conducted a review of the format and process, presented hereunder.

### **Introduction**

1. Given the widespread needs for the protection of civilians, and the limited logistical resources available within Mission, there is a crucial need to prioritise. Together with UNHCR as the Protection Cluster lead, the mission has developed joint planning tools aimed at facilitating the gathering and exchange of information as well as the defining of protection priorities and recommendations regarding deployments.
2. The first Protection Cluster Matrix format and process were initiated and facilitated by the Civil Affairs Section, as part of the joint planning exercise between MONUC and protection actors envisaged in the UN System-Wide Strategy for the Protection of Civilians in the DRC (UN System-Wide Strategy). The Protection Matrix has been established with a view to prioritising the key routes and hotspots across its areas of responsibility according to the perceived protection threat.

### **Process**

3. Initially designed to guide tactical mission activities and deployments during military operations, the Protection Cluster matrix was then utilized as a tool to inform military and police deployments on a monthly basis, including inputs by members of the provincial protection clusters on the overall threat and protection landscape. All locations covered by the matrix were discussed and initially ranked as 1 ("must protect"), 2 ("should protect") and 3 ("could protect").
4. The Clusters pull all their informational resources together, not least the Protection Monitoring analysis. The Protection Cluster reviews it and makes recommendations for priority areas, patrols or escorts to MONUSCO, through UNHCR. The Cluster has remained cautious not to make decisions on areas where MONUSCO should withdraw in order to accommodate "must protect" areas, noting full well that the final decision was made by the Force.
5. The Cluster has used the tool as a means of revisiting their priorities on a regular basis and holding dialogues with MONUSCO on the issue of the physical protection of civilians as well as life saving civilian objects (including key health or water and sanitation facilities, installations and equipment or supplies, but also essential goods or livelihoods - food, crops, livestock) and humanitarian actors. MONUSCO, on the other hand, have noted the importance of the matrices, not only in terms of deployments, but also in their efforts amongst others, to set up early warning mechanisms (CLAs, JPTs, CANs).
6. Various indicators and formats have been utilized overtime, sometimes replicated in other missions (including MINUSCA). The process has worked so far as the exercise is discursive with the presence of the relevant MONUSCO sections in the Protection Cluster meetings. In the absence of MONUSCO however, the Cluster's recommendations (and justifications thereof) may not be as clear when it reaches the



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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

Force and will in turn make it equally difficult for the Cluster to understand the reasons why some of its recommendations may not have been followed through.

7. In order to set out some baseline standards and indicators for comparison as well as to enhance a better understanding of protection-humanitarian and force priorities, the following broad indicators have been mapped out:

#### Security situation

- . Nature of conflict/insecurity: armed attacks (frequency, risks of future attacks), inter-community conflicts etc.
- . Perpetrators, presence of armed groups;
- . Nature of violations: it is recommended that accent be placed on the gravest abuses (killing, kidnapping), taking into account that of gender based violence and grave violations against children (pursuant to the 1612 MRM provisions)

#### Movement of Population

- . Recent movement of population (numbers, area of movement);
  - . Returns;
- Reasons for displacement and returns, trends

#### Humanitarian access and presence of actors

- . State security forces (FARDC, PNC, local authorities)
- . MONUSCO (COB, TOB, patrols)
- . Humanitarian actors (agencies, NGO)
- . Judiciary, health centers etc.
- . Comments on challenges of humanitarian access.

8. While the list is not exhaustive according to the context of each territory/locality, it is recommended that the matrix itself provides a narrative summary of the situation based on harmonised identifiable indicators. The Matrix should ideally be accompanied by statistical reports, in particular, those of Protection Monitoring to better illustrate trends, changes in context and as some form of “quantifiable” support for the Cluster’s recommendations.
9. The recommendations if possible should encompass short, mid and long-term action which could improve follow-up and continuity in response.

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## VI. TORs for POC Coordination Mechanisms

The protection of civilians is a whole-of-mission mandate that requires participation of all mission components, but also the clear assignment of roles and responsibilities and appointment of coordination mechanisms for POC. Irrespective of the coordination fora, all missions must promote joint and regular information collection, analysis, planning, decision-making, implementation, reporting or monitoring and evaluation of POC activities, as well as training of mission personnel and relevant other protection actors, both at mission HQ level and in the field.

**The strategic level Senior Management Group on Protection,**<sup>55</sup> composed of the mission's senior management, endorses the overall responsibility for the development and implementation of the mission's POC Strategy. The POC lead ensures its secretariat, assisted by a dedicated set of Protection of Civilians Advisers, as relevant.

57. The SMG-Protection should include representatives of UN entities and will:

- Provide strategic vision and policy guidance on the POC mandate through the POC Strategy;
- Ensure overall consistency between various mission and integrated strategies and place POC as a priority objective for the ISF and the Mission Concept;
- Ensure overall coordination of the mission's POC activities;
- Review reports and recommendations provided by the POC mechanisms at the operational and tactical levels and provides overall guidance on policy or operational responses to protection threats, including the use of mission assets;
- Engage, consult and coordinate with national authorities on the development and implementation of the POC Strategy, possibly through joint discussions and including the Ministries of Defence, Interior and Justice;
- Overview and guide the implementation of the HRDDP;
- Take required political action to mitigate imminent threats of violence on civilians, based on early warning analysis and recommendations emanating from operational and tactical levels and ensure that POC is anchored in the overall political processes;
- Manage, in close coordination with UNHQ, resources and capabilities required to implement the Mission's POC mandate, including military, police and civilian deployments.

**The Operations Planning Team (OPT)** - Effective protection of civilians is ultimately an operational matter requiring coordinated action from many components. Short to mid-term (1-12 months) joint operational planning should be placed under the responsibility of an operations planning team, or equivalent, placed under the COS, to plan for and coordinate all joint operations by the mission, including on POC.

**The Protection Working Group (operational level POC coordination forum)** - As most mission components play a role in implementing the protection of civilians mandate, missions should also establish an operational level POC coordination forum (Protection Working Group, Joint Protection Group, Protection Taskforce, etc.), in charge of coordinating the development and implementation of the POC Action Plan, living Annex to the POC Strategy. The operational POC forum is chaired and managed by the POC lead, the POC Adviser(s) or any other staff member designated by mission leadership.

Whenever possible, the **Joint Operation Centre** should be the mission's primary body to ensure coordinated operations in the short term, where it exercises the operations

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<sup>55</sup> Also called Protection Steering Group or Protection Working Group in some missions

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

coordination function. (See JOC Policy). Where the JOC does not exercise this function, the senior mission leadership may widen the scope of JOC activities to ensure proper implementation of POC as a cross-cutting mandate, or grant the responsibility to the operational coordination forum on POC.

**Tactical level coordination** - At the tactical level, mission components contributing to the POC mandate implementation will focus on developing situational awareness and preventing or responding to incidents of violence on civilians. The latter two activities will result in the development of a local POC threat analysis through the POC Threat Matrix. When required and relevant, local POC strategies or plans may also be drafted at the tactical level for a Region, a Province, a County, a Territory, etc. but also an IDP/refugee camp, a village or a group of villages. They will include at a minimum information on the protection risks, activities, capacity and roles and responsibilities of protection actors in the area.

**A local Senior Management Team on Protection** will be established in each priority POC area to coordinate the implementation of the POC Strategy and Action Plan. Lead by the Head of Office and composed of the relevant mission component and representatives from the UNCT, it will:

- Plan and coordinate the implementation of the POC Strategy and relevant policies and SOPs (HRDDP, refugee seekers, etc.), through a local POC Action Plan;
- Develop a local POC threat analysis and support coordination of the response through the POC Threat Matrix (this activity can be delegated, as required, to a **field JOC**);
- Conduct joint civil-military planning for all POC operations, including military and police security operations;
- Design POC operations so as to take into account operational recommendations, including by humanitarian actors;
- Regularly review military, police and civilian presence and deployments, with inputs from external actors, including communities, host authorities and Protection Cluster;
- Manage local POC coordination mechanisms and joint tools;
- Conduct joint civil-military After Action Reviews to monitor and evaluate the impact of POC operations, including by the military and police components;
- Provide reports and policy or operational recommendations to both the operational and strategic POC coordination fora.

**POC capacity and tools** – Whenever a tactical level POC coordination forum or field JOC is established at the sector or field level, dedicated capacity will be attached to it as required, to support and advise the Head of Office in his/her efforts to analyse, plan, coordinate, report, monitor and evaluate the mission protection activities and support POC training activities. Commensurate with the tempo and complexity of protection of civilians activity in the area, such capacity may be established through the appointment of one or more Protection of Civilians Adviser(s) attached to the Head of Office, as well as through the nomination of POC focal point(s) within all relevant mission component(s).

#### **Related coordination mechanisms<sup>56</sup>**

- Monitoring and Reporting Mechanism Country Taskforce on Children in Armed Conflict (CTF MR): co-chaired by the mission and UNICEF Country Representative
- Working Group on Conflict-related Sexual Violence (WG-CRSV): chaired by the Senior

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<sup>56</sup> For further details on the CTFMR, see *UNICEF-OSRSG/CAAC-DPKO Guidelines on Monitoring and Reporting Mechanism on Grave Violations against Children in Armed Conflict*, June 2014 and for details on the functioning of the working group, see *OSRSG/SVC-UN Action Provisional Guidance Note on the implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security*, June 2011

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

WPA, the WG-CRSV will be established at the onset of phase II, and convene as necessary, to address monitoring, analysis and reporting arrangements (MARA) on CRSV, and commitments by parties to the conflict to prevent and address CRSV in conjunction with other mission components and UN agencies.

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## VII. UNMISS TORs for POC Advisors

### Senior Advisor on Protection of Civilians (P5)

Under the supervision of the SRSG, the Senior Advisor on Protection of Civilians (P5) will provide advice to the SRSG and the senior mission leadership on the overall implementation of the mission's mandate for the protection of civilians. The Senior Advisor will perform an advisory, coordination, monitoring and reporting role. Specifically, s/he will support mission leadership through leading the development and regular review of a mission-wide POC strategy; establishment of appropriate reporting and coordination mechanisms for POC; and the development of a training strategy on the protection of civilians for the mission's civilian, military and police personnel and relevant external partners. The Senior Advisor will ensure that protection of civilians concerns are appropriately mainstreamed in the mission.

This Senior Advisor function will require demonstrable leadership, coordination, negotiation and conflict resolution skills, in which the principles of partnership and collaboration are essential. S/he will provide advice and guidance to the Protection Officers based in the State Coordinators' Offices.

#### ***Description of responsibilities:***

##### *Advisory role*

- Provide advice and support the SRSG and senior mission leadership on ways in which the mission can assist and build the capacity of the Government of South Sudan to fulfil its POC responsibilities;
- Provide support to other relevant components to ensure that protection of civilians concerns are adequately reflected in mission planning processes and in their work plans;
- Assist in the development of an effective POC public information strategy
- Ensure that the mission's POC efforts are in-line with DPKO-DFS guidance on the matter;

##### *Coordination and communication*

- Responsible for overseeing the development and implementation of the mission-wide POC strategy;
- Ensure close coordination with relevant POC partners in the development and implementation of the strategy, including with child protection and women protection advisers;
- Support senior mission leadership in establishing sustainable coordination structures in order to strengthen cooperation with relevant protection actors, particularly the local community and the Government of South Sudan;
- Coordinate and facilitate information sharing with the Protection Cluster, and other such arrangements;
- Provide support as required and undertake other tasks as may be appropriate to the specific context and tasks vis-à-vis POC;

##### *Monitoring, Analysis and reporting*

- Lead or join protection of civilians assessments with other actors;
- Oversee the work of the POC Advisers deployed to the State Coordinator's office, including by ensuring that strategic decisions taken at mission HQ are implemented in relevant states;

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### Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

- Ensure that adequate POC analysis is included in relevant reporting requirements, including SG reports;
- Report on any resource and capability constraints which adversely affect the mission's ability to implement its protection of civilians mandate;

#### *Training*

- Assess the training needs on protection of civilians issues within the mission, and design and support the delivery of tailored POC modules with relevant mission components;
- In cooperation with other mission components, ensure adequate training on POC for GoSS institutions;

#### **Competencies**

Professionalism

Leadership

Communication

Planning and organizing

#### **Education**

Advanced university degree (Master's degree or equivalent) in political science, international relations, law, public administration or related fields. A first-level university degree in combination with qualifying experience may be accepted in lieu of the advanced university degree.

#### **Work experience**

A minimum of 10 years of progressively responsible experience in political science, humanitarian affairs, international relations, public administration or related fields at the national and international level in advisory and managerial posts. Managerial experience is required. Experience in post-conflict countries or in a peacekeeping operation is required. Previous experience working on protection of civilians issues and within the region could be an advantage.

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Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

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### **VIII. SRSG Offensive Operations Brief**

- I. Information Brief**
  - a. Target Analysis**
    - i. What
    - ii. Why
    - iii. Where
    - iv. Who
    - v. When (immediate, when ready, contingency, etc.)
  - b. Legal basis**
  - c. Impact analysis**
    - i. Political (Pros and Cons)
    - ii. Socio-economic (Pros and Cons)
    - iii. Protection of Civilians (Pros and Cons)
    - iv. Security (Pros and Cons)
- II. Decision brief**
  - a. Force Commander's Assessment and Intent**
  - b. Options**
    - i. Option 1
      - 1. Outline
      - 2. Pros and Cons
      - 3. Potential Collateral Damage
    - ii. Option n
      - 1.
  - c. Force Commander's Recommendation**
  - d. Consultation**
    - i. UNHQ
    - ii. National / Regional Partners
  - e. SRSG's decision**
- III. Action Brief**
  - a. Tasking**
    - i. Force HQ
    - ii. Civilian pillars
    - iii. DMS
    - iv. HoO
  - b. Communication**
    - i. What
    - ii. When
    - iii. To who
    - iv. By who
  - c. Operational Security**
    - i. Timeline for release of information / coordination / action

*Drafted By:*

*Consulted with:*

*Approved by:*

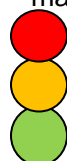
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## Annex B: Examples of formats, SOPs, and TORs for implementing POC Strategies

### IX. Capacities and Resources for POC action

Missions may use the DPKO/DFS Resources and Capabilities Matrix (see format below) to systematically identify and monitor critical resources and capability gaps. Missions will carry out the gap assessment and highlight key resource and capacity needs to headquarters at crucial milestones, such as the issuance of the Secretary-General's reports and the renewal of the Mission's mandate.




The Resources and capabilities matrix maps out the resources and capabilities within a mission according to the objectives and activities of the mission-wide POC Strategy. For each objective and activity it furthermore identifies the critical gaps for the Mission to effectively implement its POC both in terms of what assets have not be secured from the RBB and also what would be required to implement the mandate. The criticality of the gap is rated according to the following index.



RED signifies that the Mission is unable to implement key POC mandate tasks because of the lack of adequate resources

ORANGE signifies that the Mission is able to implement a POC mandated task but not optimally and effectively because insufficient resources.

GREEN signifies that the Mission does not experience any significant resources gap related to the POC mandated task

TIER 1: PROTECTION THROUGH POLITICAL PROCESS						
Objective	Activities	Existing Resources	Current Capabilities	Gaps (lack of effect)	Criticality rating	Recommendations
Increased willingness and capacity of the Government of X, in particular the State security forces, to fulfill its primary responsibility to provide security and protection for civilians	<ul style="list-style-type: none"> <li>Advocacy towards, and dialogue with GoX to ensure a better understanding of the state's responsibility to protect civilians.</li> </ul>	•	•	•		•
	<ul style="list-style-type: none"> <li>Support the development of GoX policies and strategies on the protection of civilians.</li> </ul>	•	•	•		•
	<ul style="list-style-type: none"> <li>Promote improved conduct of national security forces in locations where civilians are at risk of physical attack.</li> </ul>	•	•	•		•



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### Annex A: Framework for Drafting Comprehensive POC Strategies

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#### **X. Other documents, formats, SOPs and TORs**

Upon request, the latest detailed Guidance, TORs and SOPs of other missions can be shared by the POC Coordination Team at UNHQ. These documents include:

##### Coordination mechanisms

- TOR and SOP for POC coordination mechanisms (MINUSMA, MINUSCA, MONUSCO, UNAMID, UNMISS, UNOCI, etc.)

##### Protection tools

- TOR and SOP for Joint Protection Teams or Integrated Protection Teams (MONUSCO, MINUSCA, UNAMID, etc.)
- TOR and Training Booklet for Community Liaison Assistants (MINUSMA, MONUSCO, MINUSCA, UNMISS, etc.)
- TOR and SOP for Community Protection Plans (MONUSCO)
- TOR for Joint Investigation Teams (MONUSCO, MINUSCA)
- TORs for Prosecution Support Cells and Mobile Courts (MONUSCO, MINUSMA, etc.)
- TORs for Community Alert Networks (MONUSCO)

##### Strategies

- POC Strategy (UNMISS, MONUSCO, UNAMID, MINUSCA, MINUSMA, UNOCI, UNIFIL)
- POC Communications Strategy (MONUSCO, MINUSCA, etc.)

##### Other pieces of guidance

- Policy Committee Decision on FIB in MONUSCO (2013)
- DPKO Concept Note on IDPs seeking refuge at UN Compounds (DPKO and DFS, 2014)
- Guidelines on IDPs seeking refuge at UN Compounds (UNMISS, 2014)
- Guidance on criminality on UN bases (UNMISS, 2014)
- Guidance on detention (MINUSCA, MONUSCO)
- Mission Directive on POC (UNAMID, UNMISS, MONUSCO, etc.)

##### Military / Joint Operations

- Force Commander Directive on POC (UNAMID, UNMISS, MONUSCO, etc.)
- Military Handbook for Field Commanders (MONUSCO)
- Military Tactical Aide Memoire for the Protection of Civilians (MONUSCO)
- Guidance on Joint military – police planning (MINUSCA, UNAMID)
- HRDDP SOP (MONUSCO, UNAMID, UNMISS, etc.)
- Assessment of Amani Leo (MONUC, Jan. 2011)
- Protection Working Group Best Practices and Operations Orders for Joint Operations Radi Strike and Amani Kamilifu (MONUSCO, Jun. 2012)
- FIB POC Risk Analysis (Protection Working Group, Jul. 2013)
- POC Contingency Plan FDLR (MONUSCO, Dec 2014)

United Nations  
Office of the High Commissioner for Human Rights  
Department of Peacekeeping Operations  
Department of Political Affairs  
Department of Field Support  
Ref. 2011.20



## Policy

*1 September 2011*

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# Human Rights in United Nations Peace Operations and Political Missions

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Approved by: HC OHCHR, USG DPKO, USG DPA, USG DFS  
Approval date: *August 2011*  
Contact: *OHCHR; Methodology, Education and Training Section*  
Review date: *[to be reviewed no later than August 2014]*

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## OHCHR/DPKO/DPA/DFS POLICY ON HUMAN RIGHTS IN UNITED NATIONS PEACE OPERATIONS AND POLITICAL MISSIONS

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- Human Rights Advice, Support for Institutional Reform and Capacity Building
- Advice and Assistance to Other Components
- Support to UN Human Rights Mechanisms
- Coordination and Integration of Human Rights in UNCT and HCT

*Human Rights Responsibilities of Other Components*

- Military
- United Nations Police
- Security Sector Reform
- Political Affairs
- Civil Affairs
- Justice
- Corrections
- Gender
- Child Protection
- Disarmament, Demobilisation and Reintegration

- Electoral
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#### **I. History**

### **A. PURPOSE**

- 1 This policy provides guidance on how human rights shall be integrated into the activities of United Nations peace operations and political missions, including integrated Peacebuilding Offices. It outlines the institutional relations between the Office of the High Commissioner for Human Rights (OHCHR), Department of Peacekeeping Operations (DPKO), Department of Political Affairs (DPA) and Department of Field Support (DFS) in the context of the integration of human rights. It sets out the purpose, roles, and scope of activity of human rights components of peace operations and political missions as well as human rights roles and responsibilities of senior mission leadership and other components of peace operations and political missions. It also outlines basic management and support arrangements at HQ and mission level, in accordance with relevant guidelines on the Integrated Mission Planning Process (IMPP).

### **B. SCOPE**

- 2 This policy applies to all staff planning, overseeing and implementing the work of UN peace operations and political missions. Its provisions apply and shall be incorporated into all current and future field peace operations and political missions, including those where integration of human rights was not originally a factor in operational planning and design. Some of its provisions specifically relate to peace operations and political missions with an explicit human rights mandate and a human rights component, which are the majority of today's operations and the desired structure of future operations. Other provisions cover general principles that are applicable also in the absence of a human rights component<sup>1</sup>.

<sup>1</sup> This policy recognizes that there are currently a number of traditional and non-multidimensional peace operations whose mandate does not include specific human rights provisions, or a human rights component. While these peace operations are expected to uphold human rights standards, ensure that they do not adversely affect human rights through their operations, and advance human rights through the implementation of their mandates, they are neither mandated nor resourced to implement human rights activities.

- 3 Compliance with this policy is mandatory for all UN peace operations and political missions personnel, in particular senior mission leadership, DPKO, DPA, DFS and OHCHR senior managers and staff supporting the work of peace operations and political missions, all human rights staff and staff in other components working in cooperation with human rights staff. It shall be included into relevant frameworks of accountability.
  - 4 This policy complements and shall be read in conjunction with the Decision of the Secretary-General on Human Rights in Integrated Missions (2005/24); the Note of the Secretary-General on Guidance on Integrated Missions; the Decision of the Secretary-General on Rule of Law (2006/47); the Decision of the Secretary-General on Security Sector Reform (2011/1 and 2007/11); the United Nations Peacekeeping Operations Principles and Guidelines; the Decision of the Secretary-General on Human Rights and Development (2008/18); the Decision of the Secretary-General on Integration (2008/24); the OHCHR/DPKO/DPA Policy on Public Reporting by Human Rights Components of UN Peace Operations; the Guidelines on UN Strategic Assessment, the IMPP Guidelines: Role of the Headquarters – Integrated Planning for UN Field Presences; IMPP Guidelines: Role of the Field – Integrated Planning for UN Field Presences; the Secretary-General's revised Guidelines for UN Representatives on Certain Aspects of Negotiations for Conflict Resolution; and the Guidance Note of the Secretary-General on UN Approach to Transitional Justice.
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## **C. RATIONALE**

- 5 The maintenance of international peace and security and international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all are fundamental purposes of the United Nations as defined by the UN Charter. International human rights law is an integral part of the normative framework for United Nations peace operations. The protection and promotion of human rights are essential elements of United Nations efforts to prevent conflicts, to achieve and maintain peace, and to assist in post-conflict reconstruction endeavours and – with due regard to the specific mandate of each peace operation and political mission – due attention to their human rights aspects is instrumental to the success of United Nations work in these areas.
- 6 For the United Nations peace and justice are indivisible. Many of the worst human rights violations and abuses are at the root of conflict situations and impunity and armed confrontation fuel new cycles of violations. Assisting societies emerging from conflict to come to terms with a legacy of large-scale past abuses and promote justice and reconciliation are fundamental objectives of the United Nations.
- 7 The Security Council has increasingly mandated peace operations and political missions to protect and promote human rights before, during and after conflict, and to protect civilians in armed conflict under imminent threat of physical violence. Security Council Resolution 1894 (2009) on protection of civilians in armed conflicts stresses that “the deliberate targeting of civilians and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security”, affirms that mandated protection activities must be given priority and emphasizes the importance of developing comprehensive protection strategies which

include enhancing accountability for violations. Timely and well-resourced human rights monitoring, advocacy and reporting is essential for the effective implementation of protection of civilians' mandates.

- 8 All UN entities have a responsibility to ensure that human rights are promoted and protected. As a key modality of UN action to contribute to peace and security, peace operations and political missions must fully incorporate human rights standards and principles. DPKO, DPA, DFS and OHCHR seek, through enhanced cooperation and collective action, to increase the effectiveness of United Nations peace operations and political missions. To these ends, DPKO, DPA, DFS and OHCHR, in strengthening and expanding their cooperation, seek to institutionalize and maximize the mutual exchange of expertise, advice, information, training and support, drawing upon their respective capacities and mandates.
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## **D. POLICY**

### **D.1 Institutional Relations between OHCHR, DPKO, DPA and DFS**

- 9 Institutional relations between OHCHR on the one hand and DPKO, DPA and DFS on the other, in the context of peace operations and political missions, are governed by the decision to fully integrate human rights in United Nations peace operations and political missions in order to maximize United Nations actions to address the human rights dimension of conflicts and build a foundation for sustainable peace. The Secretary-General decision on Human Rights in Integrated Missions (2005/24) forms the basis for this integration.
- 10 In addition, based on the Secretary-General's decisions on Rule of Law (2006/47) and Security Sector Reform (2007/11), OHCHR is the designated global lead entity<sup>2</sup> in the areas of monitoring (including legal system monitoring); transitional justice, including national transitional justice consultation processes, truth and reconciliation mechanisms, reparation processes, vetting processes; ad hoc investigation, fact-finding and commissions of inquiry; national human rights institutions and oversight bodies; and integrating human rights norms and standards across all rule of law and security sector reform programmes and processes, including in situations where peace operations or political missions are deployed. OHCHR performs this role directly or through the human rights components. OHCHR, as lead agency on human rights issues, has a central role to play through the provision of expertise, guidance and support to human rights components.
- 11 Within the broader framework of the mechanisms and institutions of the IMPP, OHCHR works closely with DPKO, DPA and DFS on all aspects of establishing and staffing human rights components of peace operations and political missions, creating benchmarks for success, as well as providing guidance and support on human rights-related issues and activities of peace operations and political missions.

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<sup>2</sup> According to the SG Decision 2006/47 on Rule of Law, designated lead entities assume clearly defined coordination and other responsibilities for specific areas of activity. The designation of a lead entity for a particular area does not imply an exclusive implementation role and lead entities will take into account and draw on the capacities and expertise of other entities.

## **D.2 Cooperation at Headquarters Level**

### *Mandates' Definition*

- 12 The promotion and protection of human rights now forms one of the standard elements of the Security Council mandates assigned to multidimensional peace operations and political missions. DPKO, DPA, OHCHR and DFS shall work together to ensure the full integration of human rights in peace operations and political missions. In particular, they shall proactively call on the Security Council to ensure that peace operations and political missions' mandates adequately address prevailing human rights concerns and that these concerns are routinely discussed when the Council reviews peace operations and political missions' progress.
- 13 Additionally, even in the absence of specific human rights provisions in Security Council mandates, international human rights law is paramount and obligations stemming from it shall be an integral part of the normative framework governing UN peace operations and political missions.
- 14 OHCHR shall participate in the evaluation and discussion of mandate adjustments as regards the human rights component of a peace operation or political mission.

### *Assessment, Planning and Early Deployment*

- 15 OHCHR's involvement in the strategic assessment, planning, design, benchmark creation, deployment, implementation and evaluation of peace operations and political missions is necessary to ensure that human rights are duly integrated, and facilitates the sustainability of human rights programmes after the departure of a peace operation or political mission. OHCHR's early involvement aims to ensure that human rights issues are adequately reflected in the definition of peace operations and political missions' policy, objectives, guidance, resources and procedures; and to make proposals on the function, structure and staffing of the human rights component.
- 16 In order to facilitate an integrated human rights approach to peace operations and political missions, consultations between DPKO, DPA, DFS and OHCHR shall begin at the initial stage of planning for a peace operation or political mission. DPKO and DPA respectively are responsible for planning the operation, in consultation with other departments, offices, agencies, funds and programmes according to the IMPP guidelines and other guidance.
- 17 The systematic and early involvement of OHCHR in UN Strategic Assessments to determine strategic options for UN engagement in a given country; mission planning at HQ and participation in Integrated (Mission) Task Forces (I(M)TF), Integrated Operational Teams (IOT) and Integrated Steering Group (ISG); Technical Assessment Missions (TAM); early and pre-deployment missions; Integrated Strategic Frameworks (ISF) and other aspects of the Integrated Mission Planning Process established for countries in which a peace operation or political mission exists or is being planned shall be ensured routinely. Human rights staff shall be part of the advance team when new operations or missions are established.

### *Transition, Drawdown and Liquidation*

- 18 OHCHR shall participate in the evaluation and discussion of transition, drawdown and exit strategies of field missions and operations, and on the integration of human rights in any UN follow-up strategy. Human rights issues shall be part of follow-up strategies designed for countries where field missions and operations' mandates have come to an end, based on a specific assessment of country needs.
- 19 Within the work of the respective I(M)TF, OHCHR, DPKO, DPA and DFS shall ensure that a sufficient human rights presence is maintained in the transition, drawdown and liquidation phases of a field mission or operation to guarantee continuity of key human rights activities in the host country. DPKO, DPA and DFS shall consult with OHCHR and give due consideration to the impact of drawdown on existing OHCHR engagements implemented by the human rights component, including OHCHR-funded human rights technical cooperation projects.
- 20 During the liquidation phase of field missions and operations, DPKO, DPA and DFS shall make special arrangements for the safe handling and separate archiving with OHCHR of documents and files produced by the human rights component based on guidance to be provided by OHCHR<sup>3</sup>. The head of the human rights component shall assess the feasibility of transmission of pending cases and other relevant documentation to OHCHR and/or other UN human rights presence in the region.
- 21 In those instances where an OHCHR presence remains in the country upon the liquidation of a field mission or operation, DPKO, DPA and DFS shall give preferential treatment to OHCHR as afforded to other UN organizations, programmes or funds that are external to the UN Secretariat for the purchase/transfer of vehicles, hand-over of premises and other logistical facilities or assets<sup>4</sup>.

### *Information Sharing and Consultation*

- 22 OHCHR shall continue to share with DPKO and DPA relevant information available from human rights treaty bodies, mechanisms of the UN Human Rights Council and OHCHR field presences, with a view to integrating human rights concerns in UN responses to crises and emergencies. DPKO, DFS and DPA shall seek OHCHR inputs on Secretary-General country and thematic reports to the Security Council and other UN bodies, and share with OHCHR their situation reports as well as other documents and communications with HQ directly related to or having implications on the implementation of the human rights mandate, such as incoming and outgoing code cables, memoranda and background notes.
- 23 Requests emanating from the International Criminal Court (ICC) related to human rights staff shall be directed by the Office of Legal Affairs, the entry point for the UN on ICC matters, to the USG of DPKO or DPA and copied to the High Commissioner for Human Rights. Effective consultation mechanisms shall be put in place at headquarters and field levels, including to follow-up on requests for information by

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<sup>3</sup> Management, transfer and disposal of such records and archives shall also be conducted in compliance with ST/SGB/2007/5 and ST/SGB/2007/6.

<sup>4</sup> Such transfer of assets should take place in accordance with existing UN Financial Rules and Regulations, in particular Regulation 5.14, which gives priority, in the disposal of equipment and property, to other peace operations and political missions.



the ICC. The High Commissioner for Human Rights shall be consulted during negotiations on agreements of cooperation between peace operations, political missions and the ICC.

#### *Guidance Development*

- 24 DPKO, DPA, DFS and OHCHR work together on the development of policy, methodological and operational guidance for peace operations and political missions to ensure the integration of human rights issues in all aspects of their planning, implementation and evaluation. They shall consult regularly to identify gaps and priorities with regard to guidance development.
- 25 DPKO and DPA shall continue to share on a regular basis with OHCHR the list of guidance under development and other plans of relevant offices/divisions. OHCHR shall regularly update DPKO and DPA on the development and release of new human rights guidance relevant to peace operations and political missions.
- 26 OHCHR shall provide input on draft guidance developed by DPKO, DFS and DPA to ensure they are compliant with human rights standards and procedures and contribute to the full integration of human rights into all aspects of the work of peace operations and political missions. OHCHR shall also provide input on draft Rules of Engagement for specific United Nations peace operations and political missions, Concepts of Operation, Directives and/or SOPs on Detention, Searches and Use of Force and other mission-specific guidance with human rights implications. Input provided by OHCHR in this regard may include, as relevant, assessments of the human rights situation, risks and threats prevailing within the country as well as advice on processes, standards and mechanisms to ensure respect for human rights.
- 27 Joint policies and other guidance on human rights issues of relevance to UN peace operations and political missions may also be developed and issued by DPKO, DPA, DFS and OHCHR.
- 28 OHCHR is responsible for updating the human rights page of the DPKO and DPA Policies and Practices Databases, in coordination with DPKO, DPA and DFS.

#### *Human Rights Training for Peace Operations and Political Missions Personnel*

- 29 Human rights training – as relevant to their functions – shall be provided to all deployed peace operations and political missions personnel, whether military, police or civilian. OHCHR, DPKO and DPA shall closely cooperate in defining priorities and strategies, and shall conduct training activities jointly or separately. Within training activities conducted separately, DPKO, DPA and OHCHR shall seek to promote and reinforce human rights and peacekeeping and peacebuilding principles and standards, respectively.
- 30 DPKO, DPA and OHCHR shall promote the integration of human rights in pre-deployment and other training provided by Member States to their peacekeeping personnel; cooperate in the organisation of joint training programmes for appropriate target groups, such as national trainers of peacekeeping personnel, and in the delivery of human rights training including to senior mission leaders. OHCHR, DPKO and DPA shall call upon each other to develop and participate in training activities organised at the national, regional and international level. DPKO, DFS and DPA shall

inform and seek inputs from OHCHR on training materials under development which have implications for the human rights mandate.

- 31 OHCHR shall produce and update as needed training materials on human rights for staff of peace operations and political missions – including senior mission leaders, military, police and civilians – in accordance with jointly defined priorities, strategies and methodologies. As appropriate, these materials shall conform to the standards for design, delivery and evaluation of training for personnel set by DPKO, DPA, OHCHR and, when relevant, DFS. These materials will be made available to DPKO and DPA for dissemination. Effective consultation mechanisms shall be put in place to revise DPKO and DPA training materials with a view to including human rights standards, as appropriate.
- 32 OHCHR is responsible for job-specific and technical training for human rights staff of peace operations and political missions, and shall consistently include them into OHCHR staff training, consultations and pre-deployment briefings in Geneva and elsewhere, subject to availability of funds and the HOM's approval of their absence from the mission area. DPKO and DFS shall ensure that an adequate number of seats is allocated to OHCHR to participate in senior leadership training.
- 33 OHCHR is a member of the Headquarters Training Focal Points Network for peacekeeping training coordinated by the Integrated Training Service of DPKO/DFS.
- 34 For all human rights training activities, DPKO, DPA and OHCHR shall evaluate their impact and outcome through different methodologies and identify further training needs.

### **D.3 Issues at Mission Level**

- 35 All UN peace operations and political missions' personnel have a responsibility to ensure that human rights are promoted, respected and protected through and within their operations in the field.
- 36 All UN peace operations and political missions' personnel shall act in accordance with international human rights and international humanitarian law and understand how the implementation of their tasks intersects with human rights. They shall not become perpetrators of human rights abuses or complicit in or accessories to human rights violations. When they commit abuses, they will be held accountable. They shall respect human rights in their dealings with colleagues and nationals of the host country, both in their public and private lives.

#### *Human Rights in the Management and Conduct of Peace Operations and Political Missions*

- 37 It is the responsibility of the Head of Mission (HOM) to uphold international human rights law in the implementation of peace operations and political missions mandates. The HOM is accountable for ensuring that the promotion and protection of human rights is instilled as a fundamental principle of peace operations and political missions.
- 38 The Head of Mission shall ensure that all staff of UN peace operations or political missions – whether military, police or civilian – are aware of and abide by international human rights and humanitarian law standards. The HOM shall issue all

- necessary instructions to this effect and seize every appropriate opportunity to demonstrate by word and deed commitment to human rights and the implementation of these instructions. The human rights component or OHCHR presence shall assist and advise the HOM on the issuance and development of instructions as needed.
- 39 The HOM shall ensure that the peace operation or political mission's performance and impact in integrating human rights is monitored taking into consideration country-specific human rights indicators, including compliance with international human rights obligations by the host country.
- 40 A commitment to human rights and the ability to give the necessary prominence to human rights shall be considered as a required competency in the selection of HOMs, Deputy HOMs, Force Commanders and Police Commissioners, in the evaluation of their performance as well as that of the peace operation or political mission as a whole.
- 41 The head of the human rights component acts as the human rights adviser to the HOM and as the representative of the High Commissioner for Human Rights in the peace operation or political mission area (unless otherwise indicated by the High Commissioner) and is responsible for keeping the High Commissioner and OHCHR informed and consulting with them on relevant policy and operational issues and developments, including the workplan of the human rights component. As such, the head of the human rights component has dual reporting obligations vis-à-vis the HOM (directly or through the Deputy HOM) and the High Commissioner for Human Rights. The head of the human rights component shall keep the HOM informed of any communication with OHCHR that could have an impact on the peace operation or political mission. The head of the human rights component also represents OHCHR within the UN Country Team and the Humanitarian Country Team.
- 42 The head of the human rights component shall promote a coherent approach to human rights across the peace operation or political mission. Components requiring dedicated and/or specialized human rights advice, analysis or capacity shall consult with the head of the human rights component and the Chief of Staff to determine whether additional positions may need to be created within the human rights component with tasks focusing on providing such dedicated assistance. It may be agreed that such human rights staff be located in the relevant component, while remaining part of the human rights component.
- 43 The head of the human rights component must have effective direct access to the HOM and be part of the integrated senior management team and all other relevant decision, policy and strategy making bodies, including the Mission Leadership Team, the Security Management Team and operational planning bodies.
- 44 When an OHCHR field presence is not part of a peace operation or political mission, information relevant to the promotion and protection of human rights available to the peace operation or political mission shall be shared in a timely manner with the OHCHR presence for advice and/or complementary action, as appropriate and within the framework of the relevant coordination mechanism in the field. The head of the OHCHR presence shall advise the Head of Mission regularly on human rights issues.
- 45 OHCHR support to the human rights component includes provision of advice, training, documentation, guidance and methodological tools developed by OHCHR and, as relevant, by UN human rights mechanisms. There shall be regular communication

between OHCHR and human rights staff in this regard. Where possible, OHCHR shall also provide funding for technical cooperation projects.

- 46 Several peace operation and political mission components – including the human rights component – contribute in various ways to the implementation of Security Council mandates on protection of civilian populations under imminent threat of physical violence; women, peace and security; and children in armed conflict amongst others, within the limits of their capacity. The HOM and other senior leaders shall ensure that effective coordination mechanisms are in place to enable all relevant components to share information in an effective and timely manner, work in synergy, engage in crisis planning and devise comprehensive strategies to protect civilians.
- 47 Protecting civilians can include for example the deployment of human rights or multidisciplinary mobile teams to remote areas, advocacy with authorities and non-state actors, increased proactive patrols, and ensuring appropriate security conditions to guarantee humanitarian corridors. Special consideration must be given to the needs of sectors of the civilian population that are particularly vulnerable during and after conflict, including women, children, the elderly, persons with disabilities, internally displaced persons and refugees.

#### *Human Rights Components: Purpose and Roles*

- 48 All core human rights functions are coordinated and discharged by human rights components of peace operations and political missions. The human rights component helps mainstream human rights across all mission activities and leads the human rights-related work of other components of the peace operation or political mission. The location of this component shall be decided on a case-by-case basis as part of the integrated planning process.
- 49 The human rights component – whose activities shall be based on the peace operation or political mission mandate and international human rights standards – combines promotion and protection functions so as to ensure a comprehensive approach to human rights. In the implementation of all its activities, the human rights component shall seek to promote an integrated approach to human rights promotion and protection, paying due attention to civil, cultural, economic, political and social rights, including the right to development, and to the special needs of women, children, minorities, internally displaced persons, persons with disabilities and other groups requiring special protection. The involvement of United Nations agencies and programmes with special focus on these areas shall be sought to facilitate such an integrated approach.
- 50 The human rights component shall contribute to advancing the principles of equality and non discrimination, including on the basis of sex. To this end, work undertaken by the human rights component shall take into account the different experiences, needs and priorities of women, men, girls and boys, and the distinct impact of conflict on women and girls. Preventing sexual and gender-based violence, protecting individuals at risk, combating impunity and facilitating remedy for violations are core functions of the human rights component. In coordination with gender, justice and other components as appropriate (e.g. child protection), the human rights component shall contribute to – inter alia – analysis of sexual and gender-based violence; devise effective strategies to prevent and respond to sexual and gender-based violence; support the establishment or implementation of laws, policies, institutions and

- practices which safeguard the equal rights of women and girls and protect all individuals against sexual and gender-based crimes in accordance with legally binding human rights treaties; ensure accountability for violations and remedy for victims.
- 51 The overarching goal of the work of human rights components, in conjunction with other components, is to contribute to protection of human rights through both immediate and long-term action, empower the host country population to assert and claim their human rights, and enable State and other national institutions to fulfil their human rights obligations. These objectives guide the development of specific workplans in keeping with peace operations and political missions' mandates, capacity and priorities in each country and phases of deployment.
- 52 Core human rights functions and activities undertaken by the human rights component as part of the mandate of a peace operation or political mission typically include – but are not limited to – the following:
- i) Monitoring and Investigation
- 53 The human rights component conducts regular monitoring of the human rights situation, which involves the active collection, verification, analysis and use of information to prevent and address human rights violations, including in humanitarian and emergency contexts, in accordance with OHCHR established methodology and professional standards. Monitoring is undertaken with a view to identifying and verifying alleged human rights violations and abuses, patterns and causes of violations (including systemic), promoting accountability, informing preventive and protection action, early warning, as well as identifying remedies in individual cases and longer term reform needs. Monitoring involves gathering information about incidents, individual cases, laws, policies, practices and institutions (including judicial, security and other); interviewing victims and witnesses of violations, judges, law enforcement, prison and other government officials; observing events such as demonstrations or trials; visiting sites such as places of detention, hospitals, IDP and refugee camps.
- 54 The human rights component conducts – either alone, jointly with other components, or together with reliable national actors – in-depth investigations into serious human rights violations or emblematic cases to document the widespread or systematic nature of such incidents; deploys human rights teams with the objective of early warning, protection, timely verification of alleged human rights violations which could further escalate violence and polarize the political context; makes threat assessments to advise the peace operation or political mission on protection responses that could prevent further incidents; undertakes advocacy and supports efforts to end impunity.
- 55 Respect for the principle of confidentiality related to the identity of victims, witnesses and sources, as well as of information provided under conditions of confidentiality, sensitive information or information that may cause harm if disclosed, must always be maintained.
- 56 The development of a reliable knowledge base deriving from regular monitoring and investigation activities provides the foundation for all other human rights work, and ensures that human rights information feeds into the peace operations and political

missions' analysis and decision-making on the need for reform, subsequent advocacy and implementation of protection mandates, where mandated.

- 57 Data gathered in monitoring, fact-finding and investigation by the human rights component shall be entered into the OHCHR Human Rights Case Database or in a database of equal or similar standard approved by OHCHR. The head of the human rights component is responsible for ensuring consistent use and quality control of the information entered into the database. Due to the sensitive and confidential nature of the information, access to the database is restricted according to the OHCHR policy on access rights. Peace operations and political missions and DFS shall provide technical support as required, including through the prioritization of network traffic for the OHCHR Human Rights Case Database.
- 58 The human rights component shall be promptly informed of all detentions by UN personnel and be granted unconditional access to detained persons held in United Nations premises at all times, as well as to all documents relating to the taking, handling and management of detained persons, in accordance with the Interim Standard Operating Procedures on Detention in United Nations Peace Operations of 25 January 2010.
- 59 Human rights abuses allegedly committed by United Nations personnel that are brought to the attention of the human rights component by victims, witnesses or other sources shall be evaluated for initial reliability and promptly shared with the conduct and discipline component. Board of Inquiries related to major human rights issues or incidents shall include, whenever possible, human rights staff.

ii) Assessment

- 60 The human rights component analyses and evaluates on an ongoing basis the information gathered through its monitoring and investigation work. Such analysis and evaluation aims to identify and understand the root causes of conflicts, the nature and causes of human rights violations and problems, including influential (State and non-state) actors, the functioning of institutions, the impact of legal framework and government policies, gaps and capacities of relevant parts of host societies and institutions. It equally aims to guide the design of appropriate strategies and actions to provide remedies to violations, assistance to victims and durable solutions to human rights problems, for example by making recommendations concerning reform of the legal and judicial system, in coordination with the justice component as appropriate.
- 61 The human rights component's assessment of violations and relevant actors, institutions and systems feeds into the component's public reporting and advocacy, non-public interventions with authorities and other influential actors, the work of other components, mission analysis structures, and the overall peace operation or political mission's strategy. Human rights information and analysis also inform the work of the UN Country Team and/or Humanitarian Country Team.
- 62 The human rights component participates in joint mission analysis cell (JMAC) structures to contribute to the overall peace operation and political mission's analysis and interpretation of information, through the provision of human rights expertise and timely sharing of information. The human rights component cooperates closely with joint operation centre (JOC) structures to ensure effective information sharing.

iii) Reporting

- 63 The human rights component produces internal and public reports on human rights issues and activities.
- 64 Public periodic, thematic and ad hoc reports on the human rights situation by the peace operation or political mission and/or OHCHR shall be issued in accordance with the OHCHR/DPKO/DPA Policy on Public Reporting by Human Rights Components of United Nations Peace Operations.
- 65 Public reporting on the human rights situation in the peace operation or political mission area is an essential function of the human rights component and shall be routine, since it constitutes an important means to better record and analyse trends and developments in a given human rights situation over a specific period of time. Through the formulation of recommendations to relevant stakeholders, public reports constitute a key protection, promotion, advocacy and accountability tool. They are disseminated to the public at large, including civil society actors, international bodies, donors and the media.
- 66 The head of the human rights component, in the fulfilment of his/her duties, submits regular internal reports as well as *ad hoc* or incident reports as appropriate, on the human rights situation and the activities of the component to the HOM with a copy to OHCHR.
- 67 Internal reports are produced for use by and dissemination within the human rights component, the peace operation or political mission, or OHCHR. Certain internal reports may be shared with the UNCT, the host government and other entities for information sharing and advocacy, at the discretion of the head of the human rights component and with due respect for the principle of confidentiality.
- 68 The human rights component is responsible for drafting the human rights section and contributing to other sections related to human rights protection, including on protection of civilians, of any internal or public reports prepared by peace operations and political missions. These include reports of the Secretary-General to the Security Council and other United Nations bodies. The human rights component shall systematically consult with OHCHR during the planning and drafting process of these public reports.

iv) Advocacy and Intervention

- 69 The human rights component undertakes advocacy and intervention actions to address human rights concerns. These may take many different forms, ranging from quiet diplomacy to communication activities to public statements and can be undertaken at local, national and international levels. Advocacy can be undertaken by the human rights component alone or in coordination with the HOM, Deputy HOM or Resident Coordinator/Humanitarian Coordinator; in coordination with other components; by the HOM or by the High Commissioner for Human Rights.
- 70 The HOM and the High Commissioner for Human Rights shall as appropriate consult one another prior to issuing public statements on human rights developments in the country of operation. The HOM and the High Commissioner may bring to each other's attention situations requiring public intervention and recommend the issuance

of public statements. The head of the human rights component shall keep the HOM and OHCHR informed with regard to public statements.

v) Human Rights Advice, Support for Institutional Reform and Capacity Building

71 The human rights component works alongside host governments to strengthen their capacity to promote and protect human rights in different ways, for example by supporting the establishment of transitional justice frameworks and mechanisms, including vetting, reparations, truth and reconciliation commissions, and judicial mechanisms to address past violations; contributing to the reform of judicial and security institutions; strengthening national capacities for the protection of victims, witnesses and other concerned; advising on the elaboration of codes of conduct; supporting the establishment and functioning of independent National Human Rights Institutions; providing human rights training to State authorities, including judges, law enforcement officials, armed forces, ministry officials, teachers; including human rights in the curriculum of schools; implementing or supporting general education and awareness raising campaigns; bringing national legislation in line with international human rights norms; assisting in the development and implementation of National Human Rights Action Plans; providing advice and support on human rights-based approach to development and humanitarian action; and working with Parliaments. The human rights component's work in this area is based on the assessment arising from its monitoring work. Some of these activities may be undertaken in coordination or jointly with other components.

72 The human rights component also works with civil society including human rights defenders, non-governmental organisations, victims, professional associations, the educational sector, women's associations and other groups and networks to support or develop their ability to monitor the human rights situation and promote change, assist victims and develop human rights programmes.

vi) Advice and Assistance to other Components

73 The human rights component and/or OHCHR advise and assist all other components in integrating human rights in their tasks. This is done through coordination mechanisms facilitated by the human rights component; development of mission policies and SOPs; provision of human rights advice to the HOM and other senior mission leaders; and joint initiatives and training of peace operations and political missions' civilian and uniformed personnel.

74 Human rights and transitional justice expertise is crucial in political and peace processes. As a policy, the United Nations does not support any amnesty for genocide, crimes against humanity, war crimes and gross violations of human rights. Peace agreements cannot grant amnesties for such crimes and for gross violations of human rights, and the human rights component shall provide advice on this.

75 The human rights component provides advice and assistance during the negotiation of ceasefires and peace agreements, to ensure that these are founded on human rights principles; include human rights laws and standards to be guaranteed in the transitional and post-settlement phase; as well as a framework for the establishment of mechanisms to advance the protection and promotion of human rights. Peace agreements shall include commitments to promote and protect human rights, combat impunity and pursue transitional justice processes, as relevant, in compliance with



the revised Guidelines for UN Representatives on Certain Aspects of Negotiations for Conflict Resolution.

- 76 As part of the peace operation or political mission's efforts to implement the protection of civilians' mandate, where mandated, the human rights component advises on immediate and longer-term strategies for the protection of civilians, sexual and gender-based violence, and on cases of individuals seeking protection, including human rights defenders.

vii) Support to United Nations Human Rights Mechanisms

- 77 The human rights component assists in the organization of visits by country or thematic procedures of the Human Rights Council, including Special Rapporteurs, Working Groups and other mechanisms of relevant human rights bodies. Its reports provide valuable information for the work of special procedures, United Nations human rights treaty bodies, and the Human Rights Council, including the Universal Periodic Review. The human rights component works, with OHCHR support, on the follow-up of recommendations formulated by such bodies and mechanisms at the country level and their implementation by national authorities.

viii) Coordination and Integration of Human Rights in UN Country Teams and Humanitarian Country Teams

- 78 As a member of the UN Country Team (UNCT) and Humanitarian Country Team (HCT), the head of the human rights component - as representative of OHCHR - plays an important role in assisting humanitarian and development partners to integrate rights-based approaches and reflect human rights considerations in their work.
- 79 As a member of the HCT, the human rights component may take a lead role in the Protection Cluster/Sector in the following situations: i) natural disasters and other situations/groups requiring a protection response; ii) protection of IDPs and affected populations in complex emergencies, when UNHCR as the default lead for the protection of IDPs is unable to take on this role due to a possible conflict with its mandate. In some instances, OHCHR may also play a lead role in the coordination of the Protection Cluster's sub-working groups, for example on Rule of Law or Human Rights. Discussions and decisions concerning leadership of the Protection Cluster/Sector is a process that should include, as relevant, UNHCR, UNICEF, OHCHR and the Humanitarian Coordinator, OHCHR being represented by the head of the human rights component.
- 80 The human rights component also has a key role in ensuring that human rights considerations and approaches are properly integrated into broader planning frameworks, including the Integrated Strategic Framework (ISF), the Common Country Assessment/United Nations Development Assistance Framework (CCA/UNDAF), the Common Humanitarian Action Plan/Consolidated Appeals Process (CHAP/CAP) and other humanitarian appeals and funding mechanisms.

*Human Rights Responsibilities of Other Components*

- 81 UN peace operations and political missions personnel – whether military, police or civilian – shall be familiar with the peace operation or political mission's human rights mandate. They shall collaborate with the human rights component and others

mandated with specific and inter-related human rights tasks, such as justice, child protection and gender components.

82 Military, police and civilian components have a responsibility to advance human rights through their functions. For instance, they play an important role through contribution to the protection strategies of the peace operation or political mission; assistance to human rights staff who undertake monitoring and reporting; maintenance of law and order; mentoring and advice; or advocacy to advance human rights, including in the context of reform processes. All relevant action in this area shall be undertaken in coordination and consultation with the human rights component.

83 Formal mechanisms between the human rights and other components shall be established to facilitate cooperation and information sharing, to mutually inform each other and support the overall peace operation and political mission's mandates. The Head of Office or his/her deputy shall also facilitate the creation of a cooperative working relationship between components.

*i) Military*

84 The military component can play an important role in recording relevant human rights information while performing tasks such as patrolling, observation, searches, detention<sup>5</sup>, checkpoint controls, monitoring ceasefires, investigation and verification of information concerning armed forces, individuals or armed groups operating in the peace operation or political mission area. The military component can also support the work of the human rights component by providing escort to human rights staff in the conduct of their activities, when requested and necessary.

85 All military personnel shall be able to recognise a human rights violation and be prepared to intervene in line with the mandate and in conformity with the Rules of Engagement (ROE), as well as their specific roles, responsibilities and limits of their competence and capacity. Senior military commanders shall ensure that adequate instructions and procedures are in place from the onset of a peace operation or political mission to guide peacekeepers' operations when confronted with human rights violations while performing such tasks, with the advice of the human rights component. Specific human rights training shall be included in the training modules recommended to troop contributing countries (TCCs) for their military personnel prior to their deployment, and in the peace operation or political mission.

86 Allegations received or observed by the military component in their work that may amount to human rights violations shall be promptly recorded and shared with the human rights component for verification, investigation and follow-up by the latter, as appropriate. In some cases, joint investigations, follow-up and advocacy can be undertaken under the direction of the HOM and the coordination of the human rights component. Respect for the principle of confidentiality must always be maintained.

87 The Force Commander, the head of the human rights component and other heads of components shall closely cooperate – under the HOM – to anticipate, plan and prepare mission-wide plans for possible crises, escalation of violence and upsurges

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<sup>5</sup> Detention by military personnel shall be undertaken in accordance with the Interim SOP on Detention in UN Peace Operations.

- of human rights violations, within the limits of their mandate and capacity. The roles and responsibilities of each component should be clearly established and internal procedures developed to ensure rapid preventive and protection responses. In situations warranting measures to prevent or halt serious human rights violations, responses by the military component may include joint planning to rapidly deploy to volatile areas, support to human rights mobile teams, advocacy with potential perpetrators, proactive deterrent joint patrolling and – as a last resort – the use of force to protect civilians in accordance with the rules of engagement.
- 88 During the process of planning and execution of military operations, the head of the human rights component shall provide advice to the Force Commander on the potential human rights implications of such operations.
- ii) United Nations Police (UNPOL)*
- 89 Ensuring respect for human rights is central to the work of the United Nations police component, whose mandate can vary from training, mentoring, reform and advice to the national police and other law enforcement agencies, detention<sup>6</sup>, crowd control, to actual law enforcement. In all aspects of their work, UNPOL personnel shall ensure compliance with human rights standards.
- 90 All police personnel shall be able to recognise a human rights violation and be prepared to intervene according to the peace operation's directives on the use of force and mandate, as well as their specific roles, responsibilities and limits of their competence and capacity. Senior police commanders shall ensure that adequate instructions and procedures are in place from the onset of a peace operation or political mission to guide UNPOL personnel actions when confronted with human rights violations while performing such tasks, with the advice of the human rights component. Specific human rights training shall be made available to UNPOL personnel prior to their deployment, and in the peace operation or political mission.
- 91 Allegations received or observed by the police component in their work that may amount to human rights violations shall be promptly recorded and shared with the human rights component for verification, investigation and follow-up by the latter, as appropriate. In some cases, joint investigations, follow-up and advocacy can be undertaken under the coordination of the human rights component. Respect for the principle of confidentiality must always be maintained.
- 92 UNPOL personnel involved in establishing, training, assessing needs and advising a national police service shall ensure that human rights standards and issues are incorporated in all these activities. The human rights component works alongside the UNPOL component to undertake human rights training and support national vetting processes for new or integrated police services and other law enforcement services.
- 93 The Police Commissioner shall closely cooperate with the head of the human rights component to anticipate, plan and prepare for possible crises, escalation of violence and upsurges of human rights violations, within the limits of their mandate and capacity. The roles and responsibilities of each component should be clearly

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<sup>6</sup> Detention by police personnel shall be undertaken in accordance with the Interim SOP on Detention in UN Peace Operations.

established and internal procedures developed to ensure rapid preventive and protection responses.

*iii) Security Sector Reform (SSR)*

- 94 Peace operations and political missions components that are tasked with supporting security sector reform processes shall ensure that a human rights perspective is incorporated into assessments, reviews, implementation, monitoring and evaluation of national security dialogues, plans, programmes, policies, strategies, legislation, standards, procedures, operational guidance, coordination mechanisms and core training for national defense forces, police and other law enforcement institutions, corrections, intelligence services, institutions responsible for border management and customs, elements of the judicial sector, relevant national parliamentary commissions, management and oversight bodies, civil society groups and other non-state security providers.
- 95 In particular, this implies the integration of human rights norms and standards across all security sector processes, including vetting processes. Human rights benchmarks and individual screening of past human rights records shall be established for all security sector personnel undergoing a vetting process to ensure that those responsible for human rights violations are excluded from reconstructed security forces. Even in the absence of a formal vetting process, consideration shall be given that individuals responsible for gross human rights violations are excluded from participating in training and other activities organised by the United Nations.
- 96 Where deployed, SSR component shall ensure that work undertaken by the human rights component in support of SSR processes forms part of the overall UN strategic and coherent approach to SSR in the country of operation.

*iv) Political Affairs*

- 97 Human rights principles, information and analysis shall inform a peace operation or political mission's strategic planning and policy making.
- 98 The political affairs component shall ensure that peace negotiations, peace agreements and their implementation take into account and incorporate human rights standards and that it promotes, in all interactions with the host Government and parties to a conflict, the application of international human rights standards, such as the representation and participation of minority groups in legislative and executive bodies or the non acceptance of blank amnesties in peace agreements. In the implementation of peace agreements' provisions relating to the establishment, composition and functioning of new institutions with mandates relevant to human rights, the political affairs components shall advocate for the respect of independence, impartiality and integrity of such institutions.
- 99 The political affairs component and the human rights components shall exchange information on human rights-related issues to be discussed with national authorities and institutions.

*v) Civil Affairs*

- 100 All activities undertaken by the civil affairs component toward the restoration and extension of State authority (including in the areas of reinforcing public administration,

capacity building, cultivation of political space and civic education) and toward political reconciliation and conflict management at the local level shall take account of human rights standards and their practical application.

- 101 The civil affairs component can play a useful role in gathering human rights-related information, informing civil society actors and the population at large of their rights, and refer victims of human rights violations and situations requiring its intervention to the human rights component.

*vi) Justice*

- 102 In peace operations where there is a separate justice component<sup>7</sup>, the human rights and justice<sup>8</sup> components often engage with the same institutions of the justice sector, therefore a strong partnership shall be maintained between both components to ensure complementary, coherent and mutually supportive strategies, policies, activities and programmes of work. In this regard, the development of joint programmes and activities is encouraged.

- 103 The justice component shall ensure that international human rights standards constitute the fundamental reference for legal analysis, assessment, programming, and monitoring and evaluation. Strengthening of the justice system is a goal which can be measured by, among other factors, improved access to justice for victims of human rights violations. Activities by this component shall promote enhanced compliance with human rights standards by national authorities, including improved compliance with international due process and fair trial standards, as well as greater access to effective remedies by victims and the protection of victims, witnesses and other concerned.

*vii) Corrections*

- 104 The corrections component shall integrate international human rights standards in all aspects of their work, such as assessment of national prison systems; advising, mentoring and training national corrections personnel; and supporting national authorities in the recruitment of prison personnel when requested. The model of corrections being promoted shall be based on international human rights standards.
- 105 In light of the advisory and mentoring role played by the corrections component, the independent monitoring of detention facilities, prison conditions and management practices for compliance with international human rights standards shall remain the responsibility of the human rights component.
- 106 Effective working relations, exchange of information and joint advocacy (for example on prison system reform) shall be instituted between the human rights and corrections components.

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<sup>7</sup> While in certain UN peace operations and political missions human rights and justice issues are dealt with by one single component, in others a justice component exists in addition to the human rights component. The DPKO/DFS Policy on Justice Components in UN Peace Operations (2009) also applies to joint human rights and justice components.

<sup>8</sup> The functions of justice components are set out in the DPKO/DFS Policy on Justice Components in United Nations Peace Operations (2009).

viii) *Gender*

- 107 The gender adviser shall promote gender mainstreaming within the peace operation and political mission, promote greater participation and empowerment of women, gender equality and integrate a gender analysis into the peace operation and political mission's strategy and thinking and across all its activities, as required by Security Council resolution 1325 (2000). The gender component shall ensure that, in the implementation of Security Council resolutions 1325 (2000) and 1889 (2009), it is guided by international human rights standards.

ix) *Child Protection*

- 108 While the human rights component has a general mandate on human rights promotion and protection, the child protection component focuses specifically on child protection and child rights<sup>9</sup>. It is also responsible for advising the HOM and working with other components on the integration of child protection concerns in all aspects of peace operations and political missions' work. Close partnership, coordination and regular exchange of information on human rights violations against children, as well as on UN human rights mechanisms pertaining to the rights of the child, shall be routine.
- 109 Where deployed, the child protection component is responsible for ensuring the effective implementation of the child protection dimension of a peace operation or political mission's mandate, including *inter alia* mainstreaming, training of all peace operations and political missions personnel and UNCT on child protection matters, engaging in dialogue with parties to end the recruitment and use of children by armed forces and groups, conducting advocacy on child protection concerns, and implementing the monitoring and reporting mechanism (MRM) on grave abuses against children in situation of armed conflict in coordination with UNICEF, as established under Security Council Resolution 1612 (2005) and 1882 (2009).
- 110 In close coordination with the human rights component, the child protection component monitors and reports on grave violations of children's rights in the context of armed conflict, advocates for the prevention of grave violations against children and supports the preparation of specific reports required under the MRM.

x) *Disarmament, Demobilisation and Reintegration (DDR)*

- 111 The disarmament, demobilisation and reintegration (DDR) component shall provide advice and support to national authorities to ensure that the competent national entities design and implement disarmament, demobilisation and reintegration programmes which are based on international human rights law and that ex-combatants who have committed gross violations of human rights or against whom indictments, judicial investigations or credible allegations of perpetrating serious crimes are pending, are excluded from integrating into national police or military structures<sup>10</sup>.

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<sup>9</sup> The mandate of child protection work is guided by the Policy on Mainstreaming the Protection, Rights and Well-Being of Children Affected by Armed Conflict within UN Peacekeeping Operations.

<sup>10</sup> Additional guidance on the linkages between DDR and transitional justice is provided in the Guidance note of the Secretary-General on UN Approach to Transitional Justice (10 March 2010) as well as at [www.unddr.org/iddrs/06/20.php](http://www.unddr.org/iddrs/06/20.php).

- 112 The DDR component shall – together with relevant components, UN agencies and implementing partners – assist national authorities in their efforts to ensure that women are given special protection during the demobilisation of military forces and armed groups. It shall also assist child protection agencies and national institutions in their protection and release of children from armed forces and groups, for their inclusion in a separate dedicated programme. The DDR component shall advocate that the needs and interests of the victims and the communities in which they live shall be taken into account into the implementation of DDR programmes. Regular exchange of information, particularly in relation to chains of command and the use of children in armed conflict, shall be ensured.

*xi) Electoral*

- 113 The electoral component can contribute to the fulfilment of a peace operation and political mission's human rights mandate by ensuring that electoral legislations and processes are fair and participatory, that the local population understands the electoral process and has the opportunity to register and vote freely, without interference or discrimination.
- 114 During the electoral period, the human rights component shall intensify its monitoring advocacy and reporting work in the context of elections, for example by devising early warning mechanisms, so as to feed into the peace operation and political mission's overall elections analysis and strategy.

*xii) Public Information*

- 115 Human rights promotion and protection shall be fully integrated into the peace operations and political mission's public information strategy. Such strategy shall serve to promote awareness among the population of their rights and remind national authorities of their human rights obligations. Public information shall also constitute a primary means of communicating the peace operations and political missions' position with respect to the overall human rights situation in the country as well as specific human rights violations or incidents.
- 116 The public information component shall inform the public at large about the human rights mandate and activities of peace operations and political missions.
- 117 The human rights and public information components shall develop, as appropriate, joint information strategies to publicise the promotion and protection of human rights, through the use of brochures, posters, pamphlets, internet resources, social media, videos, radio programmes and other audio, visual and internet-based materials for wide public distribution. In this regard, the public information component shall appoint a human rights focal point.

*xiii) Humanitarian Affairs*

- 118 Where deployed, the humanitarian affairs component shall effectively integrate human rights-based approaches and human rights considerations into its activities and programmes, such as in the development of humanitarian needs assessments, information gathering processes and any existing protection and early recovery strategies, and work in coordination with the human rights component.

#### **D.4 Administration and Programme Planning**

##### *Staffing Arrangements*

- 119 Within the overall framework of the IMPP, DPKO, DPA and DFS shall consult with OHCHR for advice with regard to the structure, composition and forecasted workforce requirements of human rights components during the various phases of a peace operation or political mission's life cycle.
- 120 OHCHR and DFS have agreed on a recruitment procedure for human rights officers<sup>11</sup> to serve in peace operations and political missions, whereby OHCHR participates in the recruitment process to ensure that selected candidates possess the required technical skills and competencies.
- 121 On the basis of terms of reference specific to a peace operation or political mission, the selection process of the head of the human rights component in a peace operation and political mission is led by OHCHR with the participation of and in consultation with the HOM, whose agreement is required for the selection of the final candidate. Other human rights staff shall be selected by the head of the human rights component on the basis of generic or specific job openings developed by OHCHR in consultation with DFS, and in accordance with DFS standard operating procedures on recruitment and selection that may be promulgated by DM/OHRM and DFS.
- 122 During the start-up phase of a peace operation or political mission and while the head of the human rights component is yet to be appointed or deployed, OHCHR, in consultation with DFS, shall advise the HOM or a nominated official with designated authority from the lead department, on the selection of other staff of the human rights component, so as to establish a minimum operating capacity in the shortest practicable time period.
- 123 In those instances where it is agreed to structurally integrate an existing OHCHR field presence into a UN peace operation or political mission, or where OHCHR funds or facilitates the deployment of additional human rights staff, or when human rights components are engaged in humanitarian crisis response in particular as a lead player of the protection response, the HOM shall ensure that all human rights staff benefit from equal access and use of the peace operation or political mission assets, premises and security mechanisms (including access to flights, vehicles, security support and inclusion in security plans) on the same basis as any other staff under the administration of DFS.
- 124 When an OHCHR field presence is integrated into a UN peace operation or political mission, the selection and appointment of international staff funded by OHCHR to support the human rights component shall be carried out directly by OHCHR and administered through the United Nations Office at Geneva (UNOG), and for locally recruited posts through such agreements with UNDP or other entities as OHCHR deems appropriate. These staff shall function as fully integrated members of the peace operation or political mission.

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<sup>11</sup> This procedure does not apply to staff belonging to other occupational groups who may be part of the human rights component, such as for instance judicial affairs officers or correction officers.



- 125 Notwithstanding the above, existing OHCHR field presences that are integrated into peace operations and political missions shall be administered by the peace operation or political mission as a single integrated human rights component. However, insofar as national staff in OHCHR service may hold UNDP or other local contracts, those arrangements shall continue until such time as a transfer to peace operation or political mission's contracts may be appropriate. Notwithstanding the contract type, these national staff will also function as fully integrated members of the peace operation or political mission.
- 126 The performance of the head of the human rights component shall be evaluated by the HOM (or Deputy HOM where appropriate) as the first reporting officer, and by the High Commissioner for Human Rights as second reporting officer. In the absence of an evaluation from either, the Performance Appraisal cannot be considered as complete.
- 127 The performance of human rights staff shall be appraised by staff within the human rights component.
- 128 The performance of staff of the human rights component based at Mission Headquarters (MHQ) shall be evaluated by the direct supervisor as first reporting officer and by the head of the human rights component as second reporting officer. If directly under the supervision of the head of the human rights component, the HOM (or Deputy HOM where appropriate) will evaluate their performance as second reporting officer.
- 129 The performance of human rights staff coordinating human rights activities in a regional or field office shall be evaluated by the head of the human rights component (or his/her delegate) as first reporting officer and by the Head of Office as second reporting officer. Human rights staff coordinating activities in the field shall report to the Head of Office on day-to-day matters to ensure effective coordination at the regional or field office level.
- 130 The performance of other human rights staff based in regional and field offices shall be evaluated by the human rights officer coordinating human rights activities in that office as first reporting officer and by the head (or deputy head) of the human rights component as second reporting officer. Depending on the structure of each particular peace operation or political mission and human rights component, second or additional reporting officer(s) may be selected from other components. Such reporting officers should be determined by the head of the human rights component, under the overall authority of the HOM.
- 131 Cases of suspected misconduct by human rights staff in peace operations or political missions shall be handled by the HOM under the provisions governing UN staff conduct. In the event of disciplinary action against any staff member of the human rights component, DFS shall share available information about the case with OHCHR. If the staff member in question holds an OHCHR contract, the matter shall be referred to OHCHR for appropriate action and follow-up.
- 132 The renewal of the appointment of the head of the human rights component shall be subject to consultation between the HOM and the High Commissioner for Human Rights through their respective human resources offices.

- 133 Upon completion of field service, the End of Assignment Report of the head and the deputy of the human rights component shall be submitted to DPKO, DPA, DFS and OHCHR.

#### *Funding*

- 134 The funding for the human rights component – including staff costs, travel, staff training, mandated activities, and other types of office support assistance and logistics – is provided from assessed contributions to the peace operation or political mission concerned, for the activities mandated for that peace operation or political mission and subject to the approval of the General Assembly.
- 135 Human rights components shall ensure that they meet general budgetary planning requisites, such as those required by results-based budgeting (RBB) frameworks. More specifically, peace operation and political mission budgets shall include travel costs for the head of the human rights component to attend pre and post-deployment briefings and periodic consultations with OHCHR and other heads of human rights field presences, participation of human rights staff in training courses and programmatic costs such as fees for consultants with specialised expertise.
- 136 OHCHR and the human rights component, with the support of DPKO and DPA where appropriate, shall seek to mobilize resources for technical cooperation and other activities of human rights components which are not part of the regular budget of the peace operation or political mission based from assessed contributions, including through existing agreements with other organisations and other appeals processes. Technical cooperation and other projects to be implemented by the human rights component and funded by OHCHR are subject to OHCHR planning and financial procedures. OHCHR, the peace operation or political mission and relevant third parties shall work together to ensure the accessibility and timely disbursement of such funds to the human rights component.
- 137 OHCHR financial contributions to human rights components shall be channelled through financial authorizations to UNDP or to the attention of the Director of Mission Support/Chief Mission Support of the peace operation or political mission as appropriate. When DFS is the chosen project implementation partner, funds for activities and projects shall be disbursed by the peace operation or political mission in accordance with the financial authorization, with final costs recovered by bills submitted to OHCHR on a monthly basis.
- 138 Any non-expendable property purchased with OHCHR funds shall remain the property of OHCHR and shall be recorded by the head of the human rights component in a separate inventory, to be reported by the head of the human rights component to OHCHR on an annual basis. Any reports for loss or damage to OHCHR property, and associated requests for write-off, shall be submitted by the head of the human rights component to OHCHR Chief of Programme Support and Management Services on a timely basis.

#### *Programme Planning and Monitoring*

- 139 The human rights components of peace operations and political missions shall plan and report according to the distinct OHCHR, DPKO, DFS and DPA timelines, instructions and documentation.

- 140 OHCHR shall be consulted and participate in discussions prior to any changes that may affect the operational capacity of the human rights component. In particular, in relation to staffing and budget, OHCHR shall be given reasonable notice of proposed changes which shall be discussed with DPKO, DPA and DFS.
- 141 Planning for UN peace operations and political missions shall be undertaken at the field level and in coordination with the related I(M)TF, as per the procedure set forth in the IMPP Guidelines: Role of the Field – Integrated Planning for UN Field Presences (2009). The head of the human rights component shall be represented in all senior-level strategic policy structures, including the Strategic Policy Group (SPG) and sustain close cooperation with the Integrated Strategy and Planning Team (ISPT) as well as other shared analytical and planning structures. It shall also ensure that human rights issues are incorporated in the ISF.
- 142 Yearly programme planning and budgeting for UN peace operations and political missions is based on the results-based budgeting (RBB) model. In line with the Secretariat reforms, the goal for RBB is results-based management (RBM), which includes the human rights based approach (HRBA) to programming. Human rights components shall use results-based management (RBM) concepts and language in their mid-term planning and programme monitoring and define their yearly plans within this framework.
- 143 The planning cycle for UN peace operations and political missions funded through peacekeeping assessments is 1 July through 30 June of the following year. For field operations and political missions funded through the Regular Budget, the cycle is 1 January through 31 December of each year within the biennium. OHCHR yearly cycle is from 1 January to 31 December. Its indicators are defined in relation to the OHCHR office-wide expected accomplishments for a four years period and progress towards them is reported upon at the end of each calendar year in the OHCHR annual Report on Activities and Results.
- 144 During these planning processes, the head of the human rights component under the overall authority of the HOM, shall consult with OHCHR to ensure a consistent approach to the promotion and protection of human rights in the peace operation and political mission area. Final versions of relevant documents (including RBB, work plans and organigrammes) shall be timely shared with OHCHR.
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## **E. TERMS AND DEFINITIONS**

- 145 The following terms and definitions apply to this policy:
- 146 Head of Office: the most senior representative of the HOM in a regional or field office.
- 147 Human rights component: the component of a UN peace operation or political mission which has the primary responsibility for carrying out the peace operation or political mission's human rights mandate.
- 148 Human rights staff: all United Nations national, international staff and United Nations Volunteers, regardless of the source of funding, who undertake substantive human rights functions as part of the human rights component (even when located in other components, where this arrangement exists).

- 149 Integrated Mission Planning Process (IMPP): the authoritative basis for planning new multidimensional peace operations and political missions, when UNCTs are present, applying the principles of integration, as well for the revision of planning instruments of existing peace operations and political missions, and UNCTs.
- 150 Integrated Strategic Framework (ISF): an internal UN document at the strategic level covering a country specific limited timeframe that reflects “a shared vision of the UN’s strategic objectives” and “a set of agreed results, timelines and responsibilities for the critical delivery of tasks critical to consolidating peace” in a given country.
- 151 Peace operations and political missions: this term comprises UN peacekeeping operations, special political missions, integrated peacebuilding offices and other types of field presences led by DPKO or DPA and logistically supported by DFS.
- 152 Results-based management (RBM): a management approach focused on achieving results; a broad management strategy aimed at changing the way agencies operate, with improving performance (achieving results) as the central orientation<sup>12</sup>.
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## F. REFERENCES

### Normative or Superior References

- General Assembly Resolution 48/141 on the High Commissioner for the Promotion and Protection of all Human Rights (20 December 1993)
- General Assembly Resolution 62/63 on the Criminal Accountability of UN Officials and Experts on Missions (8 January 2008)
- Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on Women, Peace and Security;
- Security Council Resolutions 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009) on Children and Armed Conflict;
- Security Council Resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1894 (2009) on Protection of Civilians in Armed Conflict.
- Secretary-General’s Note of Guidance on Integrated Missions (9 February 2006)
- Secretary-General’s Note of Guidance on Transitional Justice (10 March 2010)
- Secretary-General Decision No. 2005/24 on Human Rights in Integrated Missions (26 October 2005)
- Secretary-General Decision No. 2006/47 on Rule of Law (24 November 2006)
- Secretary-General Decisions No. 2011/1 and 2007/11 on Security Sector Reform (11 January 2011 and 16 February 2007 respectively)
- Secretary-General Decision No. 2008/18 on Human Rights and Development (20 May 2008)
- Secretary-General Decision No. 2008/24 on Integration (25 June 2008)
- Secretary-General’s revised Guidelines for UN Representatives on Certain Aspects of Negotiations for Conflict Resolution (June 2006)
- Secretary-General Bulletin on the Observance by UN Forces of International Humanitarian Law, ST/SGB/1999/13 (6 August 1999)

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<sup>12</sup> UN Joint Inspection Unit report “Implementation of results-based management in the United Nations organizations – Part I”, 2004, page 7.

- Secretary-General Bulletin on Special Measures for the Protection from Sexual Exploitation and Sexual Abuse (9 October 2003)
- Secretary-General Bulletin on Record Keeping and the Management of United Nations Archives, ST/SGB/2007/5 (12 February 2007)
- Secretary-General Bulletin on Information Sensitivity, Classification and Handling, ST/SGB/2007/6 (12 February 2007)
- Secretary-General Bulletin on the Organization of the Department of Political Affairs, ST/SGB/2009/13 (1 October 2009) and ST/SGB/2009/13/Corr.1 (5 November 2009)
- Secretary-General Bulletin on the Organization of the Department of Peacekeeping Operations, ST/SGB/2010/1 (5 February 2010)
- Secretary-General Bulletin on the Organization of the Department of Field Support, ST/SGB/2010/2 (4 March 2010)

#### **Related Policies**

- OHCHR/DPKO/DPA Policy on Public Reporting by Human Rights Components of UN Peace Operations (July 2008)
  - Secretary-General Guidelines on UN Strategic Assessment (May 2009)
  - Secretary-General IMPP Guidelines: Role of the Headquarters – Integrated Planning for UN Field Presences (May 2009)
  - Secretary-General IMPP Guidelines: Role of the Field – Integrated Planning for UN Field Presences (December 2009)
  - DPKO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations (25 January 2010)
  - Secretary-General report “In Larger Freedom: Towards Development, Security and Human Rights for All”, A/59/2000 (21 March 2005)
  - DPKO Policy on Justice Components in UN Peace Operations (1 December 2009)
  - DPKO Policy on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations (1 June 2009)
  - DPKO Revised Policy on Prison Support (forthcoming)
  - DPKO Policy on Training for All Peacekeeping Personnel (1 May 2010)
  - DPKO/DFS Policy on Joint Mission Analysis Centres (1 February 2010)
  - DPKO/DFS Policy on Joint Operations Centres (1 February 2010)
  - DPKO/DFS Concept of Operations on Protection of Civilians (April 2010)
  - DPKO/DFS Policy on Gender Equality in UN Peacekeeping Operations (1 July 2010)
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#### **G. MONITORING AND COMPLIANCE**

- 153 Compliance with this policy is mandatory.
- 154 At the UNHQ level, the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Political Affairs, the Under-Secretary-General for Field Support and the High Commissioner for Human Rights shall each designate a focal point and an alternate focal point to ensure implementation of this policy.
- 155 At mission level, the Head of Mission and the head of the human rights component shall be responsible for monitoring the implementation of this policy.
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## H. CONTACT

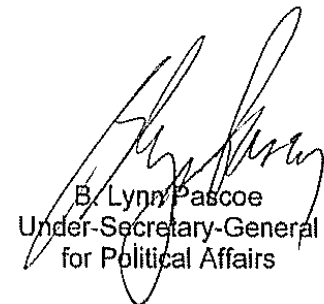
- 156 The contacts for this policy are the Peacekeeping Best Practices Section in the Office of the Under-Secretary-General for Peacekeeping Operations (for DPKO and DFS), the Policy and Mediation Division in the Office of the Under-Secretary-General for Political Affairs, and the Methodology, Education and Training Section in the Office of the High Commissioner for Human Rights.
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## I. HISTORY

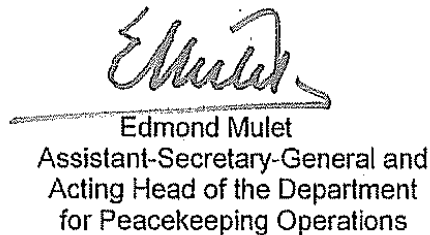
- 157 This policy replaces the Memorandum of Understanding (MOU) between OHCHR and DPKO signed in 1999 and renewed on 22 November 2002.
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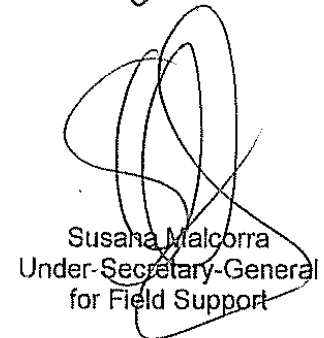
Navanethem Pillay  
UN High Commissioner  
for Human Rights



B. Lynn Pascoe  
Under-Secretary-General  
for Political Affairs



Edmond Mulet  
Assistant-Secretary-General and  
Acting Head of the Department  
for Peacekeeping Operations



Susana Malcorra  
Under-Secretary-General  
for Field Support

DATE: \_\_ August 2011

## **Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response**

### **Background**

The crisis that took place in Juba, South Sudan, from 8 to 11 July 2016, saw three days of intense fighting that resulted in the death of many civilians, two peacekeepers of the United Nations Mission in South Sudan (UNMISS), and the collapse of the fragile peace agreement between the President of South Sudan, Salva Kiir, and his former First-Vice President, Riek Machar. The crisis brought unrestrained violence to the capital of the world's youngest nation and the participating fighters left a trail of destruction and suffering in their wake.

On 23 August 2016, the Secretary-General established an Independent Special Investigation led by Major General (ret) Patrick Cammaert, mandated to examine two aspects of the crisis in Juba, South Sudan, in July 2016: violence against civilians, including sexual violence, within or in the vicinity of the UNMISS Headquarters, known as "UN House" and its two adjacent "protection of civilians" (POC) sites, which house more than 27,000 internally displaced persons (IDPs), and the attack on Terrain camp, a private compound where UN personnel, aid workers and local staff were robbed, beaten, raped and killed by armed soldiers. This included determining whether the Mission and its contingents responded appropriately; assessing the UN security plans and procedures and the Mission's role in them; and, with regard to the attack on Terrain camp, determining the perpetrators. Under both areas of focus, the Secretary-General mandated the Special Investigation to put forward recommendations, including remedial actions, with regard to, inter alia, underperformance of UNMISS personnel, if necessary.

### **Methodology**

The Special Investigation team undertook desk reviews and held meetings in New York, including with humanitarian protection partners. The team travelled to Entebbe, Uganda, and Juba, South Sudan, from 9 to 29 September 2016, where 67 interviews were held with numerous witnesses, victims, ministers and officials from the Government of South Sudan, staff from all components of UNMISS, the UN Country Team, and humanitarian non-governmental organizations (NGOs). In Juba, the Special Investigation visited the UNMISS headquarters at UN House and its Tomping base, the Juba Protection of Civilians (POC) sites, the Terrain camp, the looted World Food Programme (WFP) warehouse, and other locations.

## **Findings**

### *Before the crisis*

The return of former First-Vice President Riek Machar to Juba with more than 1,200 armed fighters was pursued as an essential starting point for the implementation of the peace agreement. Despite the security risks, and over the strong objections of the Special Representative of the Secretary-General (SRSG), international security advisors, and generals in the Government army, these Opposition soldiers were placed less than a kilometre from UN House and the POC sites, putting IDPs and UN personnel in the crossfire should fighting break out. International mediators working with the Government and Opposition at the time agreed that this was a necessary compromise in order to secure the peace agreement.

In the weeks prior to the violence, UNMISS and the humanitarian community saw timely and accurate warning signs of the resumption of hostilities in Juba between the Sudan Peoples' Liberation Army (SPLA) and Sudan Peoples' Liberation Army in Opposition (SPLA-IO). Despite the early warning that fighting would take place near UN House, the Mission did not properly prepare for three critical and foreseeable scenarios. First, that fighting along the northern perimeter of UN House would prompt IDPs in POC site 1 to enter the UN House compound to seek greater protection. Second, that the Mission would face significant movement restrictions from the Government, envisaged in many scenarios but never clearly planned for in integrated military and security contingency plans. Third, that UN House would likely be caught in crossfire; watchtowers and defensive positions along the perimeter were poorly prepared and equipped to stop even small arms fire, severely limiting the Mission's ability to respond when fighting with heavy weapons started.

### *During the crisis*

Caught on the frontlines of active conflict, the Mission faced an extremely challenging set of circumstances during the crisis.. Artillery, tanks and helicopter gunships were all used, sometimes within meters of the UN House. In three days of fighting, two Chinese peacekeepers were killed and several injured, 182 buildings on the UN House compound were struck by bullets, mortars and rocket-propelled grenades (RPGs), and thousands of internally displaced persons fled into UN House from the POC sites seeking protection.

The Special Investigation found that a lack of leadership on the part of key senior Mission personnel culminated in a chaotic and ineffective response to the violence.



On the civilian side, despite strong efforts from the UNMISS Joint Operations Centre (JOC), Mission-wide and integrated coordination was poor before and during the crisis. The Mission's established culture of reporting and acting in silos inhibited effective action during a period in which swift, joint action was essential. The JOC and the Security Information Operations Centre (SIOC) were not co-located, as required by UN policy, contributing to a fragmented security response.

On the uniformed side, the Force did not operate under a unified command, resulting in multiple and sometimes conflicting orders to the four troop contingents from China, Ethiopia, Nepal and India, and ultimately underusing the more than 1,800 infantry troops at UN House. The Force Commander appointed the Chinese Battalion Commander as the Incident Commander, commanding all the forces at the UN House in addition to his own battalion. Furthermore, the Force Commander ordered the Incident Commander to retain an explicit and ultimately confusing command link to Sector South headquarters in Tomping, which was physically cut off from the UN House for the duration of the fighting. This confused arrangement, in combination with the lack of leadership on the ground, contributed to incidents of poor performance among the military and police contingents at UN House. This included at least two instances in which the Chinese battalion abandoned some of its defensive positions at POC 1 on 10 and 11 July. The Nepalese Formed Police Unit's performance to stop looting by some IDPs inside UN House and control the crowd was inadequate.

#### *Government and Opposition's role*

The Special Investigation emphasizes that the responsibility for the protection of South Sudanese civilians rests first and foremost with the Government of South Sudan. During the crisis, Government and Opposition forces fired indiscriminately, striking UN facilities and POC sites, and attacked civilians, resulting in the deaths of more than 20 IDPs in the POC sites and injuries to dozens more. Government soldiers also perpetrated the attack on Terrain camp, a charge the Government did not dispute in a 15 September meeting with the Special Investigation team. Government forces have been implicated in the sexual violence against civilians around the POC sites in the aftermath of the fighting.

#### *Terrain camp incident*

The Mission failed to respond to the situation at Terrain camp, located 1.2 kilometres from UN House. When Government soldiers forcibly entered Terrain camp on 11 July, there were approximately 70 civilians in the camp. This included Terrain camp staff and residents, of which five were UN personnel whom the Mission had a clear mandate to protect, as well as more than a dozen humanitarian aid workers who fell within the UN's

security framework and the Mission's broader mandate to protect civilians. At approximately 15:30, when the soldiers began looting and forcing their way into the accommodations, the residents immediately notified UN Security and UNMISS. During the attack, civilians were subjected to and witnessed gross human rights violations, including murder, intimidation, sexual violence and acts amounting to torture perpetrated by armed Government soldiers.

The JOC made multiple requests to stand up a quick reaction force to respond but each UNMISS contingent turned down the request, indicating their troops were fully committed. The situation at UN House remained chaotic at this time, with thousands of IDPs in the staff accommodation area, armed men still threatening the perimeter of POC site 3, and large numbers of armed Government soldiers still on Yei road in front of UN House's main gate. Even after the Government's highest ranking general provided a liaison officer to meet an UNMISS quick reaction force at a checkpoint near the main gate to facilitate its movement to Terrain camp, no response team materialized.

By approximately 19:00, members of the South Sudan National Security Service had extracted the majority of residents at the Terrain camp. Three international female humanitarian workers were left behind. The Mission learned they were unaccounted for by 20:40 but made no attempt to send a force to extract the three women on the evening of 11 July. Between 21:00 and 22:00, one of the three women managed to call UN Security. The security officer, whom the Special Investigation was unable to identify, was dismissive of her appeal for assistance and did not call her back when her phone credit expired. UN Security did not log this call. While the UNMISS JOC worked through the night to prepare plans to launch a quick reaction force at first light, no team was deployed. The three women remained overnight at the Terrain camp, as well as about 20 Terrain camp staff in several locations around the camp. A private security company, dispatched by an NGO, extracted the three remaining female humanitarians at approximately 07:00 on 12 July.

### *Sexual violence*

The weeks after the fighting also saw an increase in sexual violence against civilians in and around the POC sites in Juba. The Special Investigation reviewed several reports from the media and NGOs of sexual violence, particularly around the POC sites, alleging that peacekeepers failed to respond to incidents of sexual violence occurring directly in front of them on 17 and 18 July. While these incidents of sexual violence most certainly occurred, the Special Investigation was unable to verify the allegations regarding the peacekeepers' response. The Special Investigation received other information, however, that suggests poor performance by peacekeepers in protecting civilians from sexual

violence in the vicinity of the POC sites. On at least one occasion on 2 September, attackers assaulted a woman just metres away from the entrance to POC 1, in plain sight of UNMISS troops and UN Police. Despite the woman's screams, they did not react. UNMISS staff officers in the area intervened and prevented a further assault.

After the crisis, the Force and Police components continued to display a risk-averse posture unsuited to protecting civilians from sexual violence and other opportunistic attacks. More than two months after the crisis, the Mission still does not conduct regular dismounted (on foot) patrols, standing patrols or patrols outside its perimeter at night. When the Mission does conduct patrols, its soldiers peer out from the tiny windows of armoured personnel carriers, an approach ill-suited to detecting perpetrators of sexual violence and engaging with communities to provide a sense of security.

### *Looting*

The end of the fighting brought widespread looting to areas around UN House. The World Food Programme (WFP) had requested UNMISS force protection for its compound and main warehouse prior to the crisis. The Mission did not provide this protection and USD 29 million of food, equipment and supplies were looted over more than three weeks. Similarly, the Food and Agriculture Organization (FAO) warehouse that contained seeds and agricultural equipment was looted.

### *POC challenges*

The Mission continues to face challenges in providing security in and around the POC sites. As highlighted in the UN Board of Inquiry for Malakal, protecting the POC sites—effectively small cities of thousands of people—is beyond the capability of UNMISS or any peacekeeping mission, and a task that raises unreasonable expectations. The Mission recognizes however that the POC sites will likely remain for some years and that UNMISS has a key role in providing security and maintaining their civilian character. The POC sites at UN House have been surrounded by thick bush in some places, making observing criminal activities from perimeter watchtowers difficult, if not impossible. Porous perimeters with numerous holes allow IDPs to easily smuggle weapons in and out of the sites.

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.

## Recommendations

On the basis of the Special Investigation's findings and conclusions, the following actions are recommended:

### *To the UN Secretariat*

- DPKO, DFS and the Executive Office of the Secretary-General should address peacekeepers' failure to protect civilians. Recognizing that failures by peacekeepers to act when civilians are attacked rises above the level of simple underperformance, the Secretariat should draw on the thorough and systematic follow-up procedures established to address allegations of sexual exploitation and abuse by peacekeepers. Inaction by peacekeepers when civilians are attacked within one kilometre of a peacekeeping base should be promptly investigated and peacekeepers, commanders and relevant troop contributing countries should be held accountable for failures to protect. Discussions with troop- and police-contributing countries will be critical to establish clear expectations on all sides.
- DPKO and DFS should promptly develop an action plan with short timelines that outlines the key actions required to restore both the UN and UNMISS' credibility and regain the trust and confidence of national and international partners in the Mission's will and ability to fully implement its mandate to protect civilians and UN staff. The status of the implementation of the Special Investigation's recommendations should be assessed within three months of the presentation of the report to the Secretary-General and take appropriate follow-up measures to ensure swift implementation.
- DSS, relevant humanitarian agencies and NGOs should ensure clear and country-specific expectations and obligations.
- DPKO, including its Office of Military Affairs, should take the following steps:
  - Provide clear guidance and direction to new incoming Force Commanders on UN HQ's vision and expectations on the implementation of the mandate, rules of engagement and the use of force. It should also consider reintroducing a written Force Commander directive with instructions and guidance on key elements of a Force Commander's work at the start of a Force Commander's tenure.

- Ensure that all UNMISS battalion commanders, key battalion staff officers, and military staff officers have a working command of English.
  - Establish and deploy a mobile training support team of experienced peacekeepers and officers from troop-contributing countries, including the UNMISS troop contributors, to train battalion officers on the UNMISS mandate, rules of engagement, the use of force and challenges in peacekeeping; these teams should use a scenario training concept, including training on sexual violence, based on DPKO and DFS guidance and training on the protection of civilians.
- DPKO and DFS should increase support for existing effective training programs for contingent commanders and female military and police officers.
  - DPKO and DFS should revisit the current Force Commanders' and Deputy Force Commanders' mentoring programs to provide scenario training on protection of civilians, including from conflict-related sexual violence and make it more mission oriented and less HQ focused.
  - DPKO, DFS and DSS should ensure that missions have rigorous contingency plans in place that are regularly rehearsed through table-top exercises and rehearsals. All missions should regularly conduct table-top exercises and rehearsals. These plans should be revisited following any significant change in the environment and/or in the mandate.
  - Provide clarity on the implementation of Security Council resolution 2304, particularly on violations of the Status of Forces Agreement, restrictions on freedom of movement and use of force ("*robust action*") for UNMISS forces and the planned Regional Protection Force. Concerns about two types of forces in UNMISS with a deployment of a Regional Protection Force should be addressed through clear orders and statements on "One Mission, One Force," with UNMISS troops and the Regional Protection Force having the same authorization to use force under the same rules of engagement and freedom of movement directives.

#### *To UNMISS*

- Together with DPKO and DFS and concerned troop-contributing countries, address and implement as soon as possible relevant recommendations of the Special Investigation into the 16-18 February 2016 attack on the UNMISS POC

site in Malakal (31 May 2016) and the UN Board of Inquiry on the circumstances of the clashes that occurred at the UN POC Site in Malakal (25 June 2016).

- Immediately change how UNMISS troops implement their mandate to protect civilians from physical violence, including sexual violence, by enforcing a forward-leaning, highly mobile posture; conducting robust, dismounted day and night patrolling; dominating areas around the POC sites; and providing adequate protection aimed at preventing and ending human rights violations and abuses of civilians.
- Regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force; on integrated contingency plans, including evacuation and extraction with key actors to facilitate preparedness for worst-case and most dangerous scenarios; and on the division of responsibilities between the Force, UN Police and UN Security on security of the POC sites, including but not limited to handover procedures from FPU to the Force.
- Revise operational and tactical arrangements in Juba to better facilitate crisis management..
- Force Commander should ensure that integrated dismounted patrols are conducted when possible to include (female) military, police and civilian sections such as Human Rights and Women's Protection Advisors in areas around the POC sites, UN House and other locations as appropriate.
- Mission Support should work with UN Security to ensure preparedness for potential crises, including:
  - Building shelters to protect from direct and indirect fire in close proximity of working spaces or sleeping accommodation in UN House;
  - Improving trauma care and medevac capabilities in UN House to send a strong message of support to UNMISS personnel and, if needed, temporarily fill gaps in such care and capabilities by hiring from the civilian market.
- Mission Support should work with the Force, UN Police and UN Security to ensure sufficient security infrastructure for the POC sites.
- The Mission's Chief of Staff should revisit crisis response coordination arrangements and establish an Integrated Operations Centre incorporating all

actors in UN House (military, UNPOL, UN Security and FPU,) that are co-located with but separate from the JOC, which has no tasking authority.

- The Principal Security Adviser should ensure that UN agency, funds and programme security needs are appropriately prioritized in security planning. He should also ensure that UN Security personnel are aware of their responsibilities to non-UNMISS personnel under the UN Security Management System and the *Saving Lives Together* framework, and that failures to take the security concerns of UN agencies and humanitarian NGOs seriously will result in reprimand and, where necessary, dismissal.

*To the Government of South Sudan*

- Ensure that the Government investigation into the attack on Terrain camp is transparent, swift and credible, with a process that holds perpetrators to account. Make clear and public statements from the highest levels of military and political authority that violence and attacks on humanitarian actors, aid workers and civilians will not be tolerated, are illegal, and will be prosecuted and punished.

*To the UN Security Council*

- Utilize the full spectrum of Council Members' authority to address restrictions on freedom of movement, violations of the Status of Forces Agreement and obstructions in the medical evacuation of UN personnel. These restrictions endanger lives and paralyze the mission. Security Council members should put increased political and economic pressure on countries that obstruct the implementation of Security Council mandates, including South Sudan.
- Recognize that the Mission's role in providing security and protection cannot be separated from its political role. The UNMISS SRSG should have the Security Council's full and united support in playing a more proactive role in engaging with the parties.

*To Troop and Police Contributing Countries*

- Confirm to DPKO and DFS in writing (compact) 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; to use the rules of engagement to the fullest extent; to improve interaction with the local population; and to implement the mandate to protect civilians, humanitarian personnel and UN staff. Troop- and police-contributing countries should also ensure that commanders on the ground are trained and instructed accordingly and held accountable for underperformance by DPKO.

- All 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. Troop-contributing countries and PCCs should be required to provide DPKO/DFS with their pre-deployment training programs, including the curriculum for these training activities.
- Police-contributing countries should send more female police officers to UNMISS to carry out community policing activities and to reach out to victims and survivors of sexual violence.





# ICRC

## ADVISORY SERVICE

### ON INTERNATIONAL HUMANITARIAN LAW

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## What is International Humanitarian Law?

### What is international humanitarian law?

International humanitarian law is a set of rules which seek, for humanitarian reasons, *to limit the effects of armed conflict*. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.

International humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States – treaties or conventions –, in customary rules, which consist of State practice considered by them as legally binding, and in general principles.

International humanitarian law applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter.

### Where did international humanitarian law originate?

International humanitarian law is rooted in the rules of ancient civilizations and religions – warfare has always been subject to certain principles and customs.

Universal codification of international humanitarian law began in the nineteenth century. Since then, States have agreed to a series of practical rules, based on the bitter experience of modern warfare. These rules strike a careful

balance between humanitarian concerns and the military requirements of States.

As the international community has grown, an increasing number of States have contributed to the development of those rules. International humanitarian law forms today a universal body of law.

### Where is international humanitarian law to be found?

A major part of international humanitarian law is contained in the four **Geneva Conventions of 1949**. Nearly every State in the world has agreed to be bound by them. The Conventions have been developed and supplemented by two further agreements: the **Additional Protocols of 1977 relating to the protection of victims of armed conflicts**.

Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods. These agreements include:

- the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, plus its two protocols;
- the 1972 Biological Weapons Convention;
- the 1980 Conventional Weapons Convention and its five protocols;
- the 1993 Chemical Weapons Convention;
- the 1997 Ottawa Convention on anti-personnel mines;

- the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Many provisions of international humanitarian law are now accepted as customary law – that is, as general rules by which all States are bound.

### When does international humanitarian law apply?

International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting.

International humanitarian law distinguishes between international and non-international armed conflict. **International armed conflicts** are those in which at least two States are involved. They are subject to a wide range of rules, including those set out in the four Geneva Conventions and Additional Protocol I.

**Non-international armed conflicts** are those restricted to the territory of a single State, involving either regular armed forces fighting groups of armed dissidents, or armed groups fighting each other. A more limited range of rules apply to internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II.

It is important to differentiate between international *humanitarian* law and *human rights* law. While

some of their rules are similar, these two bodies of law have developed separately and are contained in different treaties. In particular, human rights law – unlike international humanitarian law – applies in peacetime, and many of its provisions may be suspended during an armed conflict.

### **What does international humanitarian law cover?**

International humanitarian law covers two areas:

- the protection of those who are not, or no longer, taking part in fighting;
- restrictions on the means of warfare – in particular weapons – and the methods of warfare, such as military tactics.

### **What is “protection”?**

International humanitarian law protects those who do not take part in the fighting, such as civilians and medical and religious military personnel. It also protects those who have ceased to take part, such as wounded, shipwrecked and sick combatants, and prisoners of war.

These categories of person are entitled to respect for their lives and for their physical and mental integrity. They also enjoy legal guarantees. They must be protected and treated humanely in all circumstances, with no adverse distinction.

More specifically: it is forbidden to kill or wound an enemy who surrenders or is unable to fight; the sick and wounded must be collected and cared for by the party in whose power they find themselves. Medical personnel, supplies, hospitals and ambulances must all be protected.

There are also detailed rules governing the conditions of detention for prisoners of war and

the way in which civilians are to be treated when under the authority of an enemy power. This includes the provision of food, shelter and medical care, and the right to exchange messages with their families.

The law sets out a number of clearly recognizable symbols which can be used to identify protected people, places and objects. The main emblems are the red cross, the red crescent and the symbols identifying cultural property and civil defence facilities.

### **What restrictions are there on weapons and tactics?**

International humanitarian law prohibits all means and methods of warfare which:

- fail to discriminate between those taking part in the fighting and those, such as civilians, who are not, the purpose being to protect the civilian population, individual civilians and civilian property;
- cause superfluous injury or unnecessary suffering;
- cause severe or long-term damage to the environment.

Humanitarian law has therefore banned the use of many weapons, including exploding bullets, chemical and biological weapons, blinding laser weapons and anti-personnel mines.

### **Is international humanitarian law actually complied with?**

Sadly, there are countless examples of violation of international humanitarian law. Increasingly, the victims of war are civilians. However, there are important cases where international humanitarian law has made a difference in protecting civilians, prisoners, the

sick and the wounded, and in restricting the use of barbaric weapons.

Given that this body of law applies during times of extreme violence, implementing the law will always be a matter of great difficulty. That said, striving for effective compliance remains as urgent as ever.

### **What should be done to implement the law?**

Measures must be taken to ensure respect for international humanitarian law. States have an obligation to teach its rules to their armed forces and the general public. They must prevent violations or punish them if these nevertheless occur.

In particular, they must enact laws to punish the most serious violations of the Geneva Conventions and Additional Protocols, which are regarded as war crimes. The States must also pass laws protecting the red cross and red crescent emblems.

Measures have also been taken at an international level: tribunals have been created to punish acts committed in two recent conflicts (the former Yugoslavia and Rwanda). An international criminal court, with the responsibility of repressing *inter alia* war crimes, was created by the 1998 Rome Statute.

Whether as individuals or through governments and various organizations, we can all make an important contribution to compliance with international humanitarian law.

# INTERNATIONAL HUMANITARIAN LAW

A COMPREHENSIVE INTRODUCTION

Nils Melzer

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ICRC



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# INTERNATIONAL HUMANITARIAN LAW

A COMPREHENSIVE INTRODUCTION



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## ABBREVIATIONS

Additional Protocol I (AP I)	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977
Additional Protocol II (AP II)	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
Additional Protocol III (AP III)	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005
1977 Additional Protocols	Additional Protocols I and II
Amended Protocol II to the Convention on Certain Conventional Weapons	Protocol II to the Convention on Certain Conventional Weapons of 10 October 1980 (Amended Protocol II), as amended on 3 May 1996
Anti-Personnel Mine Ban Convention	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997
Biological Weapons Convention	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972
Chemical Weapons Convention	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 13 January 1993
CIHL	Customary international humanitarian law
Cluster Munitions Convention	Convention on Cluster Munitions, 30 May 2008
Common Article 1	Article 1 common to the Geneva Conventions of 12 August 1949
Common Article 2	Article 2 common to the Geneva Conventions of 12 August 1949
Common Article 3	Article 3 common to the Geneva Conventions of 12 August 1949
Convention against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984
Convention on Certain Conventional Weapons	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, 10 October 1980
ECHR	European Court of Human Rights
ENMOD Convention	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 10 December 1976

1949 Geneva Conventions (GC I, II, III and IV)	Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949 (First Geneva Convention) Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949 (Second Geneva Convention) Convention (III) relative to the Treatment of Prisoners of War, 12 August 1949 (Third Geneva Convention) Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (Fourth Geneva Convention)
Geneva Gas Protocol	Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 June 1925
Hague Convention No. V	Convention No. V respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, The Hague, 18 October 1907
Hague Convention No. XIII	Convention No. XIII concerning the Rights and Duties of Neutral Powers in Naval War, The Hague, 18 October 1907
Hague Convention on Cultural Property	Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954
1899 Hague Declaration concerning Asphyxiating Gases	Declaration (IV,2) concerning Asphyxiating Gases, The Hague, 29 July 1899
1899 Hague Declaration concerning Expanding Bullets	Declaration (IV,3) concerning Expanding Bullets, The Hague, 29 July 1899
Hague Regulations	Convention No. IV respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907
IACHR	Inter-American Commission on Human Rights
ICJ	International Court of Justice
ICJ Statute	Statute of the International Court of Justice annexed to the Charter of the United Nations, 26 June 1945
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
International Federation	International Federation of Red Cross and Red Crescent Societies
IHL	International humanitarian law
IRRC	<i>International Review of the Red Cross</i>
Movement	International Red Cross and Red Crescent Movement
National Societies	National Red Cross or Red Crescent Societies

NATO	North Atlantic Treaty Organization
Protocol I to the Convention on Certain Conventional Weapons	Protocol I to the Convention on Certain Conventional Weapons of 10 October 1980, on Non-Detectable Fragments (Protocol I), 10 October 1980
Protocol II to the Convention on Certain Conventional Weapons	Protocol II to the Convention on Certain Conventional Weapons of 10 October 1980, on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 10 October 1980
Protocol III to the Convention on Certain Conventional Weapons	Protocol III to the Convention on Certain Conventional Weapons of 10 October 1980, on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 10 October 1980
Rome Statute	Rome Statute of the International Criminal Court, 17 July 1998
St Petersburg Declaration	Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, 29 November / 11 December 1868
Study on customary IHL	ICRC study on customary international humanitarian law
UN	United Nations
UN Charter	Charter of the United Nations, San Francisco, 26 June 1945

## FOREWORD

In the modern world, rapid developments in science and technology, and polarized power relations, may call into question the law's ability to adapt itself to regulate human conduct, especially in the most dramatic circumstances of war. However, even in this era of global change and scientific progress, the fundamental idea behind the rules and principles of international humanitarian law (IHL) – that even wars have limits – is not one we seek to challenge. While we must turn to the past to understand their importance, we must also consider the future to make sure IHL rules and principles will continue to provide the best possible protection to persons affected by armed conflicts. Combining 150 years of humanitarian action in the field and a universal mandate to work for the implementation and development of IHL, the International Committee of the Red Cross (ICRC) remains committed to pursuing this aim. In light of this institutional commitment, how does the publication of this new textbook, *International Humanitarian Law: A Comprehensive Introduction*, offer a response to contemporary challenges in warfare? What is the added value of this textbook for readers and for the ICRC?

*International Humanitarian Law: A Comprehensive Introduction* aims to promote and strengthen knowledge of IHL among academics, the judiciary, weapon-bearers, the staff of humanitarian non-governmental organizations and international organizations, and media. This textbook presents contemporary issues related to IHL in an accessible and comprehensive manner, in line with the ICRC's reading of the law. Thanks to its particular format and style, this book is not exclusively intended for lawyers; it also aims to meet the needs of persons approaching IHL for the first time and interested in conflict-related matters. Our hope is that a better understanding of the way IHL applies and regulates contemporary armed conflicts can help enhance protection for the lives and dignity of people affected by violence.

In today's world, IHL is being debated and challenged on many levels. At the factual level, the features of contemporary armed conflicts present a challenge. These features include: an increase in asymmetric conflicts, the involvement of one or more third States' armed forces in local conflicts crossing national borders, and the proliferation and fragmentation of armed parties. These factors have appeared at times to challenge the faithful application of IHL. Moreover, in the aftermath of 11 September 2001, both the multiplication of terror attacks deliberately targeting civilians, and overly permissive or restrictive interpretations of IHL to achieve policy objectives, have tended to undermine the very object and purpose of IHL.

A further challenge lies in the growing complexity of the interplay between IHL and other bodies of law, such as human rights law or international criminal law, which, despite all similarities, are built on different rationales. The lack of clarity deriving from the overlap between those bodies of law, combined with the resulting jurisprudential and doctrinal interpretations, has at times been used as a pretext to lower the level of legal protection during armed conflict. In the context of the fight against terrorism, for example, we have seen references being made to IHL in order to lower the threshold for the use of force, and derogations under human rights law used as an argument to lower the protection afforded to detainees. A further consequence of these developments has been the increased sophistication of legal interpretations moving the law too far away from the reality on the ground.

In parallel, new technologies have entered the modern battlefield, giving rise to new questions that urgently need practical answers. While there can be no doubt that IHL applies to new weapons and more generally to the use of new technologies in warfare, new means and methods pose new legal and practical questions. Cyberspace has potentially opened up an altogether different theatre of war that needs to be explored. The growing reliance on remote-controlled weapon systems, such as drones, raises issues regarding, *inter alia*, the geographical scope of the battlefield, the applicable legal framework and accountability. Automated weapons, along with the above-mentioned legal concerns, raise additional ethical questions that deserve attention.

All of these challenges and other contemporary issues are addressed in this textbook, in an attempt to take stock of and provide answers to recent developments involving both facts and legal interpretations. In that regard, *International Humanitarian Law: A Comprehensive Introduction* has greatly benefited from Dr Nils Melzer's combination of field experience and legal expertise as a former ICRC delegate and legal adviser. I would like here to express my deep gratitude to him for having associated his rich experience with his expert knowledge of the law to give this textbook its unique flavour, and to my ICRC colleagues for coming along so enthusiastically on the journey.

IHL, as a branch of law, cannot remain disconnected from the realities to which it is meant to apply, as it aims "simply" to limit the consequences of war; and its capacity to adapt to new circumstances and challenges should never be underestimated.

I sincerely hope that *International Humanitarian Law: A Comprehensive Introduction* can make the law and the ICRC's legal and operational perspectives more accessible to the reader, provide a useful starting point to delve in greater depth into particular topics, and prompt concrete action to improve the protection of victims of armed conflicts.

*Dr Helen Durham*

*Director*

*International Law and Policy*

*International Committee of the Red Cross*

## INTRODUCTION

From the dawn of history to the present day, the scourge of war has brought unspeakable horror, suffering and destruction to millions of people, combatants and civilians alike. Entire generations have been maimed and traumatized by violence, loss, deprivation and abuse. Families have been torn apart and dispersed, livelihoods destroyed and the hopes of countless men, women and children shattered. While war may have been idealized in heroic tales of liberation, revolution and conquest, no one who has actually experienced the reality of armed conflict can escape being deeply shaken, tormented and destabilized – for as much as war is exclusively human, it is also inherently inhumane. It was the appalling agony and desperation of the victims of war that gave birth to international humanitarian law (IHL), a body of law conceived on the battlefields of the past and present to alleviate human suffering in situations of armed conflict. Today, the 1949 Geneva Conventions are the most widely ratified treaties on the planet, a fact that speaks not only to the practical relevance of IHL, but also to the universal authority of the humanitarian principles it promotes.

This book offers a comprehensive introduction to IHL. It provides military and humanitarian personnel, policymakers and academics with a basic but complete understanding of the rationale and specific characteristics of IHL, and of its place and function within the landscape of contemporary international law. In dealing with the various issues, this book does not engage in overly technical discussions or heavily footnoted research, nor does it purport to systematically reflect all academic views on the matter. Rather, each of its eight chapters endeavours to cover a particular topic from the ICRC's perspective while remaining accessible in terms of style and substantive depth. Individual chapters can be consulted separately, by topic, or in conjunction with others. They can be used to acquire basic knowledge, to design courses, training tools and individual lectures, or simply for quick reference thanks to the “In a nutshell” sections summarizing the content at the outset of each chapter.

As a general rule, footnote references are restricted to direct legal sources and selected key ICRC reference documents. In terms of legal sources, systematic reference is made not only to treaty law, but also to the ICRC study on customary IHL. Where appropriate, “To go further” sections at the end of a passage or chapter guide the reader towards more specialized or detailed literature, to related e-learning tools and, in particular, to relevant documents and cases discussed in the ICRC's reference work *How Does Law Protect in War?* Moreover, thematic “Textboxes” focusing on specific law and policy initiatives link the substantive discussion of a particular topic



to the latest practical developments in that area of the law. Thanks to this approach, the book covers the subject matter of IHL comprehensively but remains comparatively short, straightforward and to the point.

In terms of substance, the book takes only a cursory look at the historical development of IHL and instead focuses on outlining the current state of the law and the legal and practical challenges arising from contemporary situations of armed conflict. After two introductory chapters presenting the basic characteristics of IHL, its interrelation with other legal frameworks (Chapter 1) and its temporal, personal and geographical scope of application (Chapter 2), four substantive chapters discuss IHL governing the conduct of hostilities (Chapter 3) and the protection of the main categories of person affected by armed conflicts, namely the wounded and sick and the medical mission (Chapter 4), those deprived of their liberty (Chapter 5), and civilians in territory controlled by the enemy (Chapter 6). The book concludes with a chapter on the implementation and enforcement of IHL (Chapter 7) and another on the special role of the ICRC in this respect (Chapter 8).

A special challenge for any introduction to IHL is to properly present and compare the distinct legal regimes governing international and non-international armed conflicts. While there are fundamental legal and factual differences that must be taken into account, there is also a growing substantive convergence between these two bodies of law that cannot be ignored. For the purposes of this book, it was deemed best to begin each chapter with a thorough discussion of IHL governing international armed conflicts and to conclude with a complementary section highlighting the specific legal and humanitarian issues characterizing non-international armed conflicts. Numerous footnote references to customary IHL in both parts illustrate how most of the substantive rules prove to be identical in both types of conflict. Read in conjunction, the various sections and chapters offer a broad but consolidated understanding of IHL as it applies to the realities of modern-day armed conflicts.

Ultimately, this book aims to become a useful everyday companion for military and humanitarian personnel, policymakers, academics and students worldwide. It is our hope that, in achieving this ambitious goal, it will help to enhance understanding and implementation of IHL and, thereby, contribute to protecting the dignity of those most exposed to the dangers of conflict – for the benefit of humanity as a whole.

*Dr Nils Melzer*

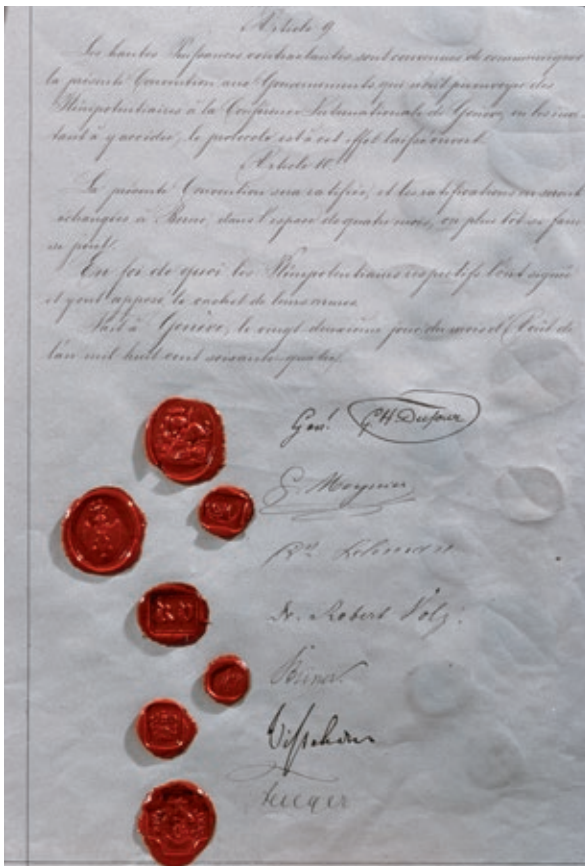
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# Chapter 1

## Introduction to IHL



ICRC

Next-to-last page of the Geneva Convention of 22 August 1864.

## Structure

- I. Definition and core principles of IHL
- II. Sources of IHL
- III. IHL in the international legal order
- IV. A brief history of and contemporary challenges for IHL

### **In a nutshell**

- The purpose of IHL is to protect the victims of armed conflicts and regulate hostilities based on a balance between military necessity and humanity.
- IHL must be distinguished from legal frameworks that may apply in parallel but which have different objects and purposes, such as the UN Charter, the law of neutrality, human rights law and international criminal law.
- The belligerents must meet their humanitarian obligations in all circumstances, regardless of the enemy's conduct and of the nature or origin of the conflict.
- Although IHL is today one of the most densely codified and ratified branches of international law, its rules can also be derived from custom and general principles of law.
- Recent political, social, economic and technological developments pose fresh challenges to the fundamental achievements and faithful implementation of IHL.

## I. DEFINITION AND CORE PRINCIPLES OF IHL

### 1. Definition of IHL

IHL is a set of rules that seek to limit the humanitarian consequences of armed conflicts. It is sometimes also referred to as the law of armed conflict or the law of war (*jus in bello*). The primary purpose of IHL is to restrict the means and methods of warfare that parties to a conflict may employ and to ensure the protection and humane treatment of persons who are not, or no longer, taking a direct part in the hostilities. In short, IHL comprises those rules of international law which establish minimum standards of humanity that must be respected in any situation of armed conflict.

→ On the distinction between the concepts of “war” and “armed conflict,” see Chapter 2.III.3.

### 2. Equality of belligerents and non-reciprocity

IHL is specifically designed to apply in situations of armed conflict. The belligerents therefore cannot justify failure to respect IHL by invoking the harsh nature of armed conflict; they must comply with their humanitarian obligations *in all circumstances*.<sup>1</sup> This also means that IHL is equally binding on all parties to an armed conflict, irrespective of their motivations or of the nature or origin of the conflict.<sup>2</sup> A State exercising its right to self-defence or rightfully trying to restore law and order within its territory must be as careful to comply with IHL as an aggressor State or a non-State armed group having resorted to force in violation of international or national law, respectively (*equality of belligerents*). Moreover, the belligerents must respect IHL even if it is violated by their adversary (*non-reciprocity of humanitarian obligations*).<sup>3</sup> Belligerent reprisals are permitted only under extremely strict conditions and may never be directed against persons or objects entitled to humanitarian protection.

→ On belligerent reprisals, see Chapter 7.VII.5.

### 3. Balancing military necessity and humanity

IHL is based on a balance between considerations of military necessity and of humanity. On the one hand, it recognizes that, in order to overcome an adversary in wartime, it may be militarily necessary to cause death, injury and destruction, and to impose more severe security measures than would

1 GC I–IV, common Art. 1; CIHL, Rule 139.

2 AP I, Preamble, para. 5.

3 GC I–IV, common Art. 1; CIHL, Rule 140.

be permissible in peacetime. On the other hand, IHL also makes clear that military necessity does not give the belligerents *carte blanche* to wage unrestricted war.<sup>4</sup> Rather, considerations of humanity impose certain limits on the means and methods of warfare, and require that those who have fallen into enemy hands be treated humanely at all times.<sup>5</sup> The balance between military necessity and humanity finds more specific expression in a number of core principles briefly outlined below.<sup>6</sup>

#### 4. Distinction

The cornerstone of IHL is the principle of distinction. It is based on the recognition that “the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy,”<sup>7</sup> whereas “[t]he civilian population and individual civilians shall enjoy general protection against dangers arising from military operations.”<sup>8</sup> Therefore, the parties to an armed conflict must “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”<sup>9</sup>

→ On the principle of distinction, see Chapter 3.

#### 5. Precaution

The principle of distinction also entails a duty to avoid or, in any event, minimize the infliction of incidental death, injury and destruction on persons and objects protected against direct attack. Accordingly, IHL requires that, “[i]n the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.”<sup>10</sup> This applies both to the attacking party, which must do everything feasible to avoid inflicting incidental harm as a result of its operations (*precautions in attack*),<sup>11</sup> and to the party being attacked, which, to the maximum extent feasible, must take all necessary measures to protect the civilian

4 AP I, Art. 35(1); Hague Regulations, Art. 22. For further information, see Françoise Hampson, “Military necessity,” in “Crimes of War,” webpage, 2011. Available at: <http://www.crimesofwar.org/a-z-guide/military-necessity/>

5 See Chapter 1, II.3, which discusses “elementary considerations of humanity” as a general principle of law. For further information, see also Robin Coupland, “[Humanity: What is it and how does it influence international law?](#),” *IRRC*, Vol. 83, No. 844, December 2001, pp. 969–990.

6 See also Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, op. cit. (note 186), paras 1389–1397.

7 St. Petersburg Declaration, Preamble.

8 AP I, Art. 51(1); CIHL, Rule 1.

9 AP I, Art. 48; CIHL, Rules 1 and 7.

10 AP I, Art. 57(1); CIHL, Rule 15.

11 *Ibid.*

population under its control from the effects of attacks carried out by the enemy (*precautions against the effects of attack*).<sup>12</sup>

→ On the principle of precaution, see Chapter 3.III.2–4.

## 6. Proportionality

Where the infliction of incidental harm on civilians or civilian objects cannot be avoided, it is subject to the principle of proportionality. Accordingly, those who plan or decide on an attack must refrain from launching, or must suspend, “any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>13</sup>

→ On the principle of proportionality, see Chapter 3.III.1.

## 7. Unnecessary suffering

IHL not only protects civilians from the effects of hostilities, it also prohibits or restricts means and methods of warfare that are considered to inflict unnecessary suffering or superfluous injury on combatants. As early as 1868, the St Petersburg Declaration recognized:

“That the only legitimate object [...] during war is to weaken the military forces of the enemy;

That for this purpose it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity.”

Accordingly, in the conduct of hostilities, it is prohibited “to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.”<sup>14</sup>

<sup>12</sup> AP I, Art. 58; CIHL, Rule 22.

<sup>13</sup> AP I, Arts 51(5)(b) and 57(2)(a)(iii) and (b); CIHL, Rules 14, 18 and 19.

<sup>14</sup> AP I, Art. 35(2); Hague Regulations, 23(e); CIHL, Rule 70.

→ On the prohibition of unnecessary suffering, see Chapter 3.V.1.

## 8. Humane treatment

One of the most fundamental rules of IHL is that all persons who have fallen into the power of the enemy are entitled to humane treatment regardless of their status and previous function or activities. Accordingly, common Article 3, which is considered to reflect a customary “minimum yardstick” for protection that is binding in any armed conflict, states: “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.”<sup>15</sup> Although IHL expressly permits parties to the conflict to “take such measures of control and security in regard to [persons under their control] as may be necessary as a result of the war,”<sup>16</sup> the entitlement to humane treatment is absolute and applies not only to persons deprived of their liberty but also, more generally, to the inhabitants of territories under enemy control.

→ On the duty of humane treatment, see Chapters 4–6.

### To go further (Definition and core principles of IHL)<sup>17</sup>

- *Rules of war (in a nutshell)*, film, ICRC, 2014. Available at: <https://www.icrc.org/eng/resources/documents/audiovisuals/video/2014/rules-of-war.htm>
- ICRC e-learning module, *What is international humanitarian law?* Available at: <http://www.icrcproject.org/elearning/en/ihl/M1/index.html>
- Jean Pictet, *Development and Principles of International Humanitarian Law*, Nijhoff Law Specials No. 2, Martinus Nijhoff Publishers, Dordrecht, 1985.

<sup>15</sup> GC I–IV, common Art. 3(1); CIHL, Rules 87 and 88.

<sup>16</sup> GC IV, Art. 27(4).

<sup>17</sup> All ICRC films, databases, documents and reports, readings and case studies from M. Sassòli, A. Bouvier and A. Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, and articles from the *IRRC*, are available on the ICRC website: [www.icrc.org](http://www.icrc.org)  
All hyperlinks mentioned in this textbook were last visited on 28 January 2016.



## II. SOURCES OF IHL

Just like any other body of international law, IHL can be found in three distinct sources: treaties, custom, and the general principles of law.<sup>18</sup> In addition, case-law, doctrine and, in practice, “soft law” play an increasingly important role in the interpretation of individual rules of IHL.

### 1. Treaty law

Today, IHL is one of the most densely codified branches of international law. In practice, therefore, the most relevant sources of IHL are treaties applicable to the armed conflict in question. For example, in situations of international armed conflict, the most important sources of applicable IHL would be the four 1949 Geneva Conventions, their Additional Protocol I, and weapons treaties, such as the 1980 Convention on Certain Conventional Weapons or the 2008 Convention on Cluster Munitions. Treaty IHL applicable in non-international armed conflicts is significantly less developed, the most important sources being common Article 3 and, in certain circumstances, Additional Protocol II.<sup>19</sup> Given that most contemporary armed conflicts are non-international, there is a growing perception that certain areas of treaty IHL governing these situations may require further strengthening, development or clarification.

→ See also Textbox 9: *Swiss/ICRC initiative on strengthening the implementation of IHL* (Chapter 7.III.4.b.).

The advantage of treaty IHL is that it is relatively unambiguous. The scope of applicability of the treaty is defined in the text itself, the respective rights and obligations are spelled out in carefully negotiated provisions, which may be supplemented with express reservations or understandings, and the States Parties are clearly identified through the act of ratification or accession. This does not preclude questions of interpretation from arising later, particularly as the political and military environment changes over time, but it provides a reliable basis for determining the rights and obligations of belligerents and for engaging in dialogue with them on their compliance with IHL.

### 2. Custom

While treaty law is the most tangible source of IHL, its rules and principles are often rooted in custom, namely general State practice (*usus*) accepted

<sup>18</sup> ICJ Statute, Art. 38(1).

<sup>19</sup> Other applicable treaties include the 1998 Rome Statute, the 1954 Hague Convention on Cultural Property and its Second Protocol of 1999, and a number of specific weapons treaties, namely the Convention on Certain Conventional Weapons of 10 October 1980 and as amended on 21 December 2001, the 1997 Anti-Personnel Mine Ban Convention, the 1993 Chemical Weapons Convention, and the 2008 Convention on Cluster Munitions.

as law (*opinio juris*).<sup>20</sup> Such practice has consolidated into customary law, which exists alongside treaty law and independently of it. Customary law does not necessarily predate treaty law; it may also develop after the conclusion of a treaty or crystallize at the moment of its conclusion. For example, a belligerent State may have ratified neither the 1980 Convention on Certain Conventional Weapons nor Additional Protocol I, which prohibits the use of “weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.” There is, however, a universally recognized customary prohibition against such means and methods of warfare.<sup>21</sup> Thus, that State would be prohibited from using such munitions under customary IHL.

The advantage of customary IHL is that it is a dynamic body of law constantly evolving in tandem with State practice and legal opinion. Customary law can therefore adapt much more quickly to new challenges and developments than treaty law, any change or development of which requires international negotiations followed by the formal adoption and ratification of an agreed text. Also, while treaties apply only to those States that have ratified them, customary IHL is binding on all parties to an armed conflict irrespective of their treaty obligations. Customary law is relevant not only where an existing IHL treaty has not been ratified by a State party to an international armed conflict; it is particularly relevant in situations of non-international armed conflict, because these are regulated by far fewer treaty rules than international armed conflicts, as explained above. The disadvantage of customary law is that it is not based on a written agreement and, consequently, that it is not easy to determine to what extent a particular rule has attained customary status. In reality, State practice tends to be examined and customs identified by national and international courts and tribunals tasked with the interpretation and adjudication of international law. The ICRC’s extensive study on customary IHL is also a widely recognized source of reference in this respect (see Textbox 1, Chapter 1.II.2 below).

The fact that customary law is not written does not mean that it is less binding than treaty law. The difference lies in the nature of the source, not in the binding force of the resulting obligations. For example, the International Military Tribunal at Nuremberg, in the trials following World War II, held not only that the 1907 Hague Regulations themselves had attained customary nature and were binding on all States irrespective of ratification and reciprocity, but also that individuals could be held criminally responsible and punished for violating their provisions as a matter of customary

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20 ICJ Statute, Art. 38(1)(b).

21 CIHL, Rule 70.

international law. Similarly, the ICTY has based many of its judgments on rules and principles of IHL not spelled out in the treaty law applicable to the case at hand but considered to be binding as a matter of customary law.

### **Textbox 1: The ICRC study on customary international humanitarian law**

In December 1995, the 26th International Conference of the Red Cross and Red Crescent formally mandated the ICRC to prepare a report on customary rules of IHL applicable in international and non-international armed conflicts.<sup>22</sup> In 2005, after extensive research and consultations with experts throughout the world, the ICRC published its report, now referred to as “the study on customary IHL.”<sup>23</sup> In essence, the study provides a snapshot of what the ICRC considered to be customary IHL at the time of publication. As such, it is not binding on any party to an armed conflict, but carries the authority of an organization specifically mandated by the international community “to work for the understanding and dissemination of knowledge of international humanitarian law.”

The study does not attempt to examine each rule of treaty IHL as to its customary nature; rather, it aims to establish whether and, if so, to what extent certain issues of practical relevance are regulated in customary IHL. Volume I of the study lists 161 rules that the ICRC considers to be binding as a matter of customary IHL and explains the rationale behind that assessment; Volume II catalogues the practice on which the conclusions in Volume I are based. The study shows that certain rules and principles of treaty IHL have attained customary status or have greatly influenced the formation of customary law. The study also indicates that 143 rules of treaty law applicable in international armed conflicts have also become binding in non-international armed conflicts as a matter of customary IHL, and that only 13 rules are applicable in non-international armed conflicts alone.<sup>24</sup> Finally, the study discusses areas where IHL is not clear and points to issues that require further clarification. Overall, the ICRC’s study on customary IHL should not be seen as the end but as the beginning of a process aimed at improving understanding of, and securing broader agreement on, the rules and principles of IHL.

- For a list of the rules identified as being customary by the ICRC, see the online *ICRC customary IHL database*, available at: <http://www.icrc.org/customary-ihl/eng/docs/home>

22 26th International Conference of the Red Cross and Red Crescent, Geneva, 3–7 December 1995, Resolution 1, “[International humanitarian law: From law to action; Report on the follow-up to the International Conference for the Protection of War Victims](#),” *IRRC*, No. 311, 1996, p. 58.

23 J.-M. Henckaerts and L. Doswald-Beck, [Customary International Humanitarian Law, Vol. I: Rules and Vol. II: Practice](#), Cambridge University Press, Cambridge, 2005.

24 *Ibid.*

### 3. General principles of law

The third source of international law, next to treaties and custom, consists of “the general principles of law recognized by civilized nations.”<sup>25</sup> There is no agreed definition or list of general principles of law. In essence, the term refers to legal principles that are recognized in all developed national legal systems, such as the duty to act in good faith, the right of self-preservation and the non-retroactivity of criminal law. General principles of law are difficult to identify with sufficient accuracy and therefore do not play a prominent role in the implementation of IHL. Once authoritatively identified, however, general principles of law can be of decisive importance because they give rise to independent international obligations.

Most notably, the ICJ has on several occasions derived IHL obligations directly from a general principle of law, namely “elementary considerations of humanity,” which it held to be “even more exacting in peace than in war.” Based on this principle, the ICJ has argued that the IHL obligation of States to give notice of maritime minefields in wartime applies in peacetime as well,<sup>26</sup> and that the humanitarian principles expressed in common Article 3 are binding in any armed conflict, irrespective of its legal classification and of the treaty obligations of the parties to the conflict.<sup>27</sup> Moreover, the ICTY has argued that “elementary considerations of humanity” are “illustrative of a general principle of international law” and “should be fully used when interpreting and applying loose international rules” of treaty law.<sup>28</sup>

In this context, it would be remiss not to refer to the Martens Clause, which provides that, in cases not regulated by treaty law, “populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience.”<sup>29</sup> The Martens Clause was first adopted at the First Hague Peace Conference of 1899 and has since been reformulated and incorporated in numerous international instruments.<sup>30</sup> While the extent to which specific

25 ICJ Statute, Art. 38.

26 ICJ, *Corfu Channel Case (United Kingdom v. Albania)*, Judgment (Merits), 9 April 1949, *ICJ Reports* 1949, p. 22.

27 ICJ, *Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) (Nicaragua case)*, Judgment (Merits), 27 June 1986, para. 218.

28 ICTY, *The Prosecutor v. Kupreskic et al.*, Case No. IT-95-16-T-14, Judgment (Trial Chamber), January 2000, para. 524.

29 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 29 July 1899 (Hague Convention No. II), Preamble.

30 Hague Regulations, Preamble; GC I, Art. 63; GC II, Art. 62; GC III, Art. 142; GC IV, Art. 158; AP I, Art. 1(2); AP II, Preamble; Convention on Certain Conventional Weapons, Preamble.

legal obligations can be derived directly from the Martens Clause remains a matter of controversy, the Clause certainly disproves assumptions suggesting that anything not expressly prohibited by IHL must necessarily be permitted.

#### 4. The role of “soft law,” case-law and doctrine

While treaties, custom and general principles of law are the only sources of international law, the rules and principles derived from these sources often require more detailed interpretation before they can be applied in practice.<sup>31</sup> For example, while the law makes clear that IHL applies only in situations of “armed conflict,” the precise meaning of that term must be determined through legal interpretation. Similarly, IHL provides that civilians are entitled to protection from direct attack “unless and for such time as they take a direct part in hostilities.” Again, a decision as to whether a particular civilian has lost his or her protection depends on the meaning of the term “direct participation in hostilities.”

Of course, guidance on the interpretation of IHL can be given by the States themselves as the legislators of international law. This may take the form of unilateral reservations or declarations, or resolutions of multilateral organizations, but also of support for non-binding instruments. Examples of such “soft law” instruments relevant for the interpretation of IHL include the United Nations Guiding Principles on Internal Displacement (1998) and the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005).<sup>32</sup>

Absent such State-driven guidance, the task of interpreting IHL falls, first and foremost, to international courts and tribunals mandated to adjudicate cases governed by IHL, such as the ad hoc international criminal tribunals established for specific conflicts, the International Criminal Court and, of course, the ICJ. In addition, the teachings of the most highly qualified publicists are also recognized as a subsidiary means of determining the law.<sup>33</sup> Also, in view of the special mandate of the ICRC, its *Commentaries* on the

31 For the general rule for treaty interpretation, see Vienna Convention on the Law of Treaties, 23 May 1969, (Vienna Convention on the Law of Treaties), Art. 31.

32 For an overview of the ICRC's contribution to those instruments, see J.-P. Lavoyer, “[Comments on the guiding Principles on Internal Displacement](#),” *IRRC*, No. 324, September 1998; J. Kellenberger, “Relations of the ICRC with the humanitarian system of the UN,” Statement, San Remo, 8 September 2005.

33 ICJ Statute, Art. 38.

1949 Geneva Conventions and their Additional Protocols are regarded as a particularly authoritative interpretation of these treaties.

→ On the special role of the ICRC with regard to IHL, see Chapter 8.

### To go further (Sources of IHL)<sup>34</sup>

- ICRC e-learning module, *What are the sources of international humanitarian law?* Available at: <http://www.icrcproject.org/elearning/en/ihl/M3/index.html>
- For a chronological list of all IHL treaties and their States Parties, see the online ICRC treaty database, available at: <https://www.icrc.org/ihl>
- For a complete list of rules identified by the ICRC as being part of customary IHL, see the online customary IHL database, available at: <https://www.icrc.org/customary-ihl/eng/docs/home>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 4: Sources of contemporary international humanitarian law](#), pp. 149–162.
- Jean-Marie Henckaerts, “[Study on customary international humanitarian law: A contribution to the understanding and respect for the rule of law in armed conflict](#),” *IRRC*, Vol. 87, No. 857, March 2005, pp. 175–212.

### How Does Law Protect in War?

- Case No. 43, [ICRC, Customary International Humanitarian Law](#)
- Case No. 211, [ICTY, The Prosecutor v. Tadić](#), paras 94–134
- Case No. 215, [ICTY, The Prosecutor v. Kupreškić et al.](#), paras 525–540

## III. IHL IN THE INTERNATIONAL LEGAL ORDER

IHL is that body of international law which governs situations of armed conflict. As such, it must be distinguished from other bodies of international law, particularly those that may apply at the same time as IHL, but which have a different object and purpose. The most important frameworks to be discussed in this context are: (1) the UN Charter and the prohibition against the use of inter-State force; (2) international human rights law; (3) international criminal law; and (4) the law of neutrality. It should be noted that, depending on the situation, other branches of international law, while not specifically discussed here, may be relevant as well. They include the law of

<sup>34</sup> ICRC documents available at: [www.icrc.org](http://www.icrc.org)

the sea, the law governing diplomatic and consular relations, environmental law and refugee law, to name but a few.

## 1. IHL and the prohibition against the use of inter-State force

IHL governs situations of armed conflict once they arise. It does not regulate whether the use of force by one State against another is lawful in the first place. This function falls to the law governing the use of inter-State force, also referred to as *jus ad bellum* (or, perhaps more accurately, *jus contra bellum*), the basic premises of which are set out in the UN Charter and corresponding customary law. Article 2(4) of the UN Charter provides that States “shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” In essence, this amounts to a general prohibition on the use of force, or on the threat thereof, in international relations between States. Although irrelevant under IHL, the question of whether the prohibition against the use of inter-State force has been violated is an important part of the legal and political context of any armed conflict involving cross-border operations on the territory of another State.

The UN Charter stipulates only two exceptions to the prohibition against the use of inter-State force. First, Article 51 states that the prohibition does not impair a State’s “inherent right of individual or collective self-defence if an armed attack occurs.” In essence, this means that a State may lawfully resort to inter-State force in self-defence to the extent that this is necessary and proportionate to repel an armed attack. Second, Article 42 states that the Security Council may use, or authorize the use of, inter-State force “as may be necessary to maintain or restore international peace and security.” It must be emphasized, however, that both exceptions derogate only from the Charter prohibition on the use of inter-State force, but cannot terminate, diminish or otherwise modify the absolute obligation of belligerents to comply with IHL (*equality of belligerents*).<sup>35</sup>

## 2. IHL and human rights law

While IHL regulates the conduct of hostilities and the protection of persons in situations of armed conflict, international human rights law protects the individual from abusive or arbitrary exercise of power by State authorities. While there is considerable overlap between these bodies of law, there are also significant differences.

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<sup>35</sup> On the equality of belligerents, see Section I.2.

**Scope of application:** While the personal, material and territorial applicability of IHL essentially depends on the existence of a nexus with an armed conflict, the applicability of human rights protections depends on whether the individual concerned is within the “jurisdiction” of the State involved. For example, during an international armed conflict, IHL applies not only in the territories of the belligerent States, but essentially wherever their armed forces meet, including the territory of third States, international airspace, the high seas, and even cyberspace. According to the prevailing interpretation, human rights law applies only where individuals find themselves within territory controlled by a State, including occupied territories (*territorial jurisdiction*), or where a State exercises effective control, most commonly physical custody, over individuals outside its territorial jurisdiction (*personal jurisdiction*).<sup>36</sup> More extensive interpretations of jurisdiction have been put forward that would extend human rights protections to any individual adversely affected by a State, but they remain controversial.

**Scopes of protection and obligation:** IHL is sometimes inaccurately described as the “human rights law of armed conflicts.” Contrary to human rights law, IHL generally does not provide persons with rights they could enforce through individual complaints procedures. Also, human rights law focuses specifically on human beings, whereas IHL also directly protects, for example, livestock, civilian objects, cultural property, the environment and the political order of occupied territories. Finally, human rights law is binding only on States, whereas IHL is binding on all parties to an armed conflict, including non-State armed groups.

**Derogability:** Most notably, IHL applies only in armed conflicts and is specifically designed for such situations. Therefore, unless expressly foreseen in the relevant treaty provisions, the rules and principles of IHL cannot be derogated from. For example, it would not be permissible to disregard the prohibition on attacks against the civilian population based on arguments such as military necessity, self-defence or distress. Human rights law, on the other hand, applies irrespective of whether there is an armed conflict. In times of public emergency, however, human rights law allows for derogations from protected rights to the extent actually required by the exigencies of the situation. For example, during an armed conflict or a natural disaster, a government may lawfully restrict freedom of movement in order to protect the population in the affected areas

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36 ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) (*The Wall Opinion*), 9 July 2004, *ICJ Reports 2004*, para. 109. See also ECHR, *Loizidou v. Turkey* (Preliminary Objections), Case No. 15318/89, Report No. A310, 23 March 1995, paras 62–63; ECHR, *Öcalan v. Turkey*, Case No. 46221/99, Judgment of 12 March 2003 (Chamber), § 93 and ECHR, *Öcalan v. Turkey*, Case No. 46221/99, Judgment of 12 May 2005 (Grand Chamber), § 91.



and to facilitate governmental action aimed at restoring public security and law and order. Only a number of core human rights, such as the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, and the prohibition of slavery remain non-derogable even in times of public emergency.

**Interrelation:** Despite these fundamental differences, IHL and human rights law have rightly been said to share a “common nucleus of non-derogable rights and a common purpose of protecting human life and dignity.”<sup>37</sup> As a general rule, where IHL and human rights law apply simultaneously to the same situation, their respective provisions do not contradict, rather they mutually reinforce each other. Thus, both IHL and human rights law prohibit torture or inhuman and degrading treatment and afford fair-trial guarantees to anyone accused of a crime.

In some areas, the interrelation between IHL and human rights law may be less straightforward. For example, with respect to persons who do not, or no longer, directly participate in hostilities, IHL prohibits violence to life and person, in particular murder in all circumstances. For obvious reasons, however, it does not provide such protection to combatants and civilians directly participating in hostilities. Universal human rights law, on the other hand, protects all persons against “arbitrary” deprivation of life, thus suggesting that the same standards apply to everyone, irrespective of their status under IHL. In such cases, the respective provisions are generally reconciled through the *lex specialis* principle, which states that the law more specifically crafted to address the situation at hand (*lex specialis*) overrides a competing, more general law (*lex generalis*). Accordingly, the ICJ has held that, while the human rights prohibition on arbitrary deprivation of life also applies in hostilities, the test of what constitutes arbitrary deprivation of life in the context of hostilities is determined by IHL, which is the *lex specialis* specifically designed to regulate such situations.<sup>38</sup> Similarly, the question of whether the internment of a civilian or a prisoner of war by a State party to an international armed conflict amounts to arbitrary detention prohibited under human rights law must be determined based on the Third and Fourth Geneva Conventions, which constitute the *lex specialis* specifically designed to regulate internment in such situations.

In other areas, the question of the interrelation between IHL and human rights may be more complicated. For example, while treaty IHL confirms the existence of security internment in non-international armed conflicts

37 IACHR, *Juan Carlos Abella v. Argentina (La Tablada case)*, Case No. 11.137, Report No. 55/97, 18 November 1997, para. 158. See also ICTY, *Prosecutor v. Anto Furundzija* (Trial Judgment), IT-95-17/1-T, 10 December 1998, para. 183.

38 ICJ, *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion), 8 July 1996, ICJ Reports 1996, para. 25.

as well, it does not contain any procedural guarantees for internees, thus raising the question as to how the human rights prohibition of arbitrary detention is to be interpreted in such situations.

Finally, even though, in armed conflicts, IHL and human rights law generally apply in parallel, some issues may also be exclusively governed by one or the other body of law. For example, the fair-trial guarantees of a person who has committed a common bank robbery in an area affected by an armed conflict, but for reasons unrelated to that conflict, will not be governed by IHL but exclusively by human rights law and national criminal procedures. On the other hand, the aerial bombardment of an area outside the territorial control of the attacking State, or any belligerent acts committed by organized armed groups not belonging to a State, will not be governed by human rights law but exclusively by IHL.

## **Textbox 2: ICRC expert meeting on IHL and the use of force in armed conflicts**

### **Scope and practical relevance of the problem**

In a situation of armed conflict, the use of force by armed forces and law enforcement officials is governed by two different paradigms: the conduct of hostilities paradigm, derived from IHL, and the law enforcement paradigm, mainly derived from human rights law. Increasingly, in many contemporary armed conflicts – particularly in occupied territories and in non-international armed conflicts – armed forces are expected to conduct not only combat operations against the adversary but also law enforcement operations in order to maintain or restore public security and law and order. The two paradigms may also coexist in conflicts involving foreign intervention with the agreement of the territorial State (i.e. the State on whose territory the conflict is taking place), or under the mandate of the international community. In practice, it may be difficult to determine which situations are governed by which paradigm. For example, a State engaged in a non-international armed conflict will regard armed opposition fighters not only as legitimate military targets under IHL but also as criminals under domestic law. Thus, the armed forces of that State using force against those fighters may be considered as simultaneously conducting hostilities and maintaining law and order. Difficult situations may also arise when civil unrest coincides with combat operations, or when persons engaged in combat intermingle with civilian rioters or demonstrators. The choice of the applicable paradigm may have significant legal and humanitarian consequences, given that the conduct of hostilities paradigm is generally more permissive than the law enforcement paradigm, most notably in terms of the deliberate use of lethal force and of incidental harm to the civilian population.

### ICRC expert meeting and report

In view of the practical importance of clarifying these questions, the ICRC convened an expert meeting in Geneva on 26 and 27 January 2012 with a view to identifying the dividing line between the conduct of hostilities and law enforcement paradigms in situations of armed conflict. The meeting brought together 22 prominent legal personnel and academics from 16 different countries under the Chatham House Rule, each participating in his or her personal capacity. In November 2013, the ICRC published a report on the issues discussed at the meeting with a few of its concluding observations.

- For further details, see Gloria Gaggioli (ed.), *The Use of Force in Armed Conflicts: Interplay between the Conduct of Hostilities and Law Enforcement Paradigms – Expert Meeting*, Report, ICRC, Geneva, November 2013, 92 pp.
- See also Use of Force in Armed Conflicts: Interplay between the Conduct of Hostilities and Law Enforcement Paradigms, ICRC webinar recording, November 2014. Available at: <https://www.icrc.org/eng/resources/documents/event/2014/webinar-use-of-force.htm>

### 3. IHL and international criminal law

In regulating the conduct of hostilities and protecting the victims of armed conflict, IHL imposes certain duties on those involved in the conflict and prohibits them from engaging in certain acts. In order to enforce these duties and prohibitions, IHL obliges all parties to a conflict to take the measures necessary to prevent and repress violations of IHL, including criminal prosecution and sanctions. The 1949 Geneva Conventions and Additional Protocol I also identify a series of particularly serious violations, referred to as “grave breaches” and, in Additional Protocol I, as “war crimes,” which give rise to universal jurisdiction. This means that any State, irrespective of its involvement in a conflict or its relation to the suspects or victims in an alleged crime, has an international obligation to conduct an investigation and to either prosecute the suspects or to extradite them to another State willing to prosecute them.<sup>39</sup>

In short, IHL obliges States to prevent and prosecute serious violations of IHL, but it does not attach sanctions to these violations, does not describe them in sufficient detail to make them prosecutable in court, and does not establish any procedures for the exercise of jurisdiction over individual suspects. This is the role of criminal law, whether on the domestic or the international level. In other words, criminal law, in contrast to IHL, does

<sup>39</sup> See also Chapter 7.V.

not define the duties of the belligerents, but creates the legal basis needed to prosecute individuals for serious violations of these duties.

Traditionally, the enforcement of IHL at the level of the individual was largely ensured by the belligerent States themselves, through disciplinary sanctions and criminal prosecution under their national laws and regulations. It was at the end of World War II that serious violations of IHL were first considered to give rise to individual criminal responsibility as a matter of international law and were prosecuted as war crimes by the International Military Tribunals in Nuremberg and Tokyo. These trials remained tied to specific contexts, however, and prosecuted only crimes committed by the defeated parties to the conflict. When the UN Security Council established the ICTY and the ICTR in 1993 and 1994, respectively, their jurisdiction was still confined to particular contexts. It was only with the adoption of the Rome Statute, in 1998, that the international community finally created a permanent International Criminal Court with jurisdiction over international crimes committed by nationals, or on the territory, of a State party to the Statute, or referred to it by the UN Security Council. Today, the Rome Statute has been ratified by more than 120 States; however, a number of militarily important States have yet to do so.

→ On the enforcement of IHL through international criminal law, see Chapter 7.V.–VI.

#### 4. IHL and the law of neutrality

The law of neutrality is traditionally regarded as part of the law of war (*jus in bello*) alongside IHL. It is rooted in customary law and codified in the Hague Conventions, Nos V and XIII, of 1907. In essence, the law of neutrality has three aims: (a) to protect neutral States (i.e. all States that are not party to an international armed conflict) from belligerent action; (b) to ensure neutral States do not militarily support belligerent States; and (c) to maintain normal relations between neutral and belligerent States. Most notably, the law of neutrality obliges neutral States to prevent their territory, including airspace and waters subject to their territorial sovereignty, from being used by belligerent States. If combatants belonging to either party cross into neutral territory, they must be interned by the neutral State; the Third Geneva Convention also requires that they be treated as prisoners of war.<sup>40</sup> The belligerents, in turn, must respect the inviolability of neutral territory and may not move troops or convoys of ammunition or supplies across the territory of a neutral State.

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40 Hague Regulations, Art. 11; GC III, Art. 4(B)(2).

Strictly speaking, the law of neutrality applies only in international armed conflicts. Over the course of time, however, its rationale has gradually found its way into the practice of non-international armed conflicts as well. For example, with regard to the standards of internment to be applied by neutral States to combatants on their territory, the ICRC has formally stated that Hague Convention No. V “can also be applied by analogy in situations of non-international conflict, in which fighters either from the government side or from armed opposition groups have fled into a neutral State.”<sup>41</sup>

By the same token, in political reality, the consequences of non-State armed groups using the territory of a neutral State to conduct attacks against a belligerent State are similar to those foreseen in the traditional law of neutrality and include, most notably, the loss of the neutral territory’s inviolability. For example, when attacks were launched by al-Qaeda against the United States from within Afghanistan (2001), by Hezbollah against Israel (2006) from within Lebanon, and by the FARC against Colombia from within Ecuador (2008), all the States that had been attacked conducted cross-border incursions against the groups in question, because their neutral host States were unable or unwilling to protect the attacked States’ interests within their territory. The international lawfulness of such cross-border incursions remains widely controversial, particularly in view of the UN Charter’s prohibition on the use of inter-State force. However, the basic obligation of States to prevent non-State armed groups within their territory from engaging in hostile activities against other States is generally recognized.<sup>42</sup>

### To go further (IHL in the international legal order)<sup>43</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 2: International humanitarian law as a branch of public international law](#), pp. 117–121.
- Louise Doswald-Beck and Sylvain Vité, “[International Humanitarian Law and Human Rights Law](#),” *IRRC*, No. 293, March–April 1993, pp. 94–119.

41 ICRC, Official Statement to the UNHCR Global Consultations on International Protection, 8–9 March 2001, para. 2.

42 See, for example, the Annex to UN General Assembly Resolution 36/103 of 9 December 1981, Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, paras 2(II)(b) and 2(II)(f).

43 ICRC documents available at: [www.icrc.org](http://www.icrc.org)

- Françoise Hampson and Ibrahim Salama, *The Relationship between Human Rights Law and International Humanitarian Law*, Working Paper submitted to the UN Commission on Human Rights, document E/CN.4/Sub.2/2005/14, 21 June 2005.
- ICRC Advisory Services on International Humanitarian Law, *International Humanitarian Law and International Human Rights Law: Similarities and Differences*. Available at: [http://www.icrc.org/eng/assets/files/other/ihl\\_and\\_ihrl.pdf](http://www.icrc.org/eng/assets/files/other/ihl_and_ihrl.pdf)

### ***How Does Law Protect in War?***

- Case No. 23, [The International Criminal Court](#)
- Case No. 93, [United States Military Tribunal at Nuremberg, The Justice Trial](#)
- Case No. 98, [The Tokyo War Crimes Trial](#)
- Case, ECHR, [Al-Jedda v. UK](#) (only available online)
- Case, ECHR, [Hassan v. UK](#) (only available online)
- Case, [UK, Serdar Mohammed v. Ministry of Defence](#) (only available online)

## **IV. A BRIEF HISTORY OF IHL AND SOME CONTEMPORARY CHALLENGES**

### **1. From ancient battlefields to industrialized war**

War is as old as mankind, and all civilizations and religions have tried to limit its devastating effects by subjecting warriors to customary practices, codes of honour and local or temporary agreements with the adversary. These traditional forms of regulating warfare became largely ineffective with the rise of conscripted mass armies and the industrialized production of powerful weapons in the course of the nineteenth century – with tragic consequences on the battlefield. Military medical services were not equipped to cope with the massive number of casualties caused by modern weaponry; as a result, tens of thousands of wounded, sick and dying soldiers were left unattended after battle. This trend, which began with the Napoleonic Wars in Europe (1803–1815) and culminated in the American Civil War (1861–1865), set the stage for a number of influential humanitarian initiatives, both in Europe and in North America, aimed at alleviating the suffering of war victims and driving the systematic codification of modern IHL.

## 2. Humanitarian initiatives and first codifications

In Europe, the move towards codification of IHL was initiated by a businessman from Geneva, Henry Dunant. On a journey through northern Italy in 1859, Dunant witnessed a fierce battle between French and Austrian troops and, appalled at the lack of assistance and protection for more than 40,000 wounded soldiers, improvised medical assistance with the aid of the local population. After returning to Geneva, Dunant wrote *Un souvenir de Solferino* (*A Memory of Solferino*), in which he made essentially two proposals. First, independent relief organizations should be established to provide care to wounded soldiers on the battlefield and, second, an international agreement should be reached to grant such organizations the protection of neutrality. His ideas were well received in the capitals of Europe and led to the founding of the International Committee of the Red Cross (1863) and to the adoption by 12 States of the first Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (1864). The Convention adopted the emblem of the red cross on a white background – the colours of the Swiss national flag inverted – as a neutral protective sign for hospitals and those assisting the wounded and sick on the battlefield. A parallel development was triggered by the atrocities of the American Civil War and led to the adoption by the government of the United States of the so-called Lieber Code or, more accurately, the Instructions for the Government of Armies of the United States in the Field (1863). Although the Lieber Code was a domestic instrument and not an international treaty, it has influenced the development and codification of modern IHL well beyond the borders of the United States.

## 3. Towards universal codification

Since the adoption of these first instruments, the body of treaty IHL has grown in tandem with developments in warfare to become one of the most densely codified branches of international law today.

In 1906, the original Geneva Convention was extended to further improve the condition of sick and wounded soldiers and, in 1907, the Hague Regulations concerning the Laws and Customs of War on Land formulated the basic rules governing the entitlement to combatant privilege and prisoner-of-war status, the use of means and methods of warfare in the conduct of hostilities, and the protection of inhabitants of occupied territories from inhumane treatment. After the horrors of chemical warfare and the tragic experience of millions of captured soldiers during the Great War (World War I), these instruments were supplemented by the Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925) and, a few years later, a separate Geneva Convention relative to the Treatment of Prisoners of War (1929).

After the cataclysm of World War II, which saw massive atrocities committed not only against wounded, captured and surrendering combatants but also against millions of civilians in occupied territories, the 1949 Diplomatic Conference adopted a revised and completed set of four Geneva Conventions: the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), the Convention relative to the Treatment of Prisoners of War (Third Geneva Convention) and the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). The four Geneva Conventions of 1949 are still in force today and, with 196 States Parties, have become the most widely ratified treaties.<sup>44</sup>

With the establishment of the United Nations and the consolidation of the bipolar world order of the Cold War, war no longer took place mainly between sovereign States (international armed conflicts), but between governments and organized armed groups (non-international armed conflicts). On the one hand, former colonial powers were increasingly confronted with popular demands for independence and self-determination, resulting in wars of national liberation – from the Malay Peninsula through the Middle East to the Maghreb and sub-Saharan Africa. On the other hand, policies of mutual nuclear deterrence entailed a military stalemate between the United States and the Soviet Union, which in turn resulted in a proliferation of non-international proxy wars between governments and organized armed groups, in which each side was supported by one of the superpowers.

So far, the only provision of treaty law applicable to non-international armed conflicts had been common Article 3, which essentially requires the protection and humane treatment of all persons who are not, or no longer, taking an active part in hostilities. It was only in 1977 that two protocols additional to the Geneva Conventions were adopted to further develop treaty IHL. Additional Protocol I, “relating to the Protection of Victims of International Armed Conflicts,” not only improves and clarifies the protections already provided by the Geneva Conventions, it also contains the first systematic codification of IHL governing the conduct of hostilities. It also assimilates certain wars of national liberation against colonial domination, alien occupation and racist regimes to international armed conflicts, thus providing members of the insurgent forces the same rights

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44 See States party to the main treaties, ICRC reference document, available at: [http://www.icrc.org/applic/ihl/ihl.nsf/xsp/ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/5FE9C868227EDD1CC1257F330052D22D/%24File/IHL\\_and\\_other\\_related\\_Treaties.pdf?Open](http://www.icrc.org/applic/ihl/ihl.nsf/xsp/ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/5FE9C868227EDD1CC1257F330052D22D/%24File/IHL_and_other_related_Treaties.pdf?Open)



and privileges as are enjoyed by combatants representing a sovereign State. Additional Protocol II, “relating to the Protection of Victims of Non-International Armed Conflicts,” strengthens and further develops the fundamental guarantees established by common Article 3 for situations of civil war.

At the same time, efforts to avoid unnecessary suffering among combatants and to minimize incidental harm to civilians have resulted in a range of international conventions and protocols prohibiting or restricting the development, stockpiling or use of various weapons, including chemical and biological weapons,<sup>45</sup> incendiary weapons,<sup>46</sup> blinding laser weapons,<sup>47</sup> landmines and cluster munitions.<sup>48</sup> Moreover, States are now obliged to conduct a review of the compatibility of any newly developed weapon with the rules and principles of IHL.<sup>49</sup>

Concurrently, State practice has resulted in a considerable body of customary IHL applicable in all armed conflicts,<sup>50</sup> and the case-law of the Nuremberg and Tokyo Tribunals, the ICJ, the ad hoc Tribunals for the former Yugoslavia, Rwanda and Sierra Leone, and, most recently, the International Criminal Court has significantly contributed to the clarification and harmonious interpretation of both customary and treaty IHL.

Today, after 150 years of development, refinement and codification, the once fragmented and amorphous codes and practices of the past have emerged as a consolidated, universally binding body of international law regulating the conduct of hostilities and providing humanitarian protection to the victims of all armed conflicts. It is precisely at this point of relative maturity that the advent of the new millennium has posed fresh challenges to the fundamental achievements of IHL.

## 4. Current and emerging challenges

### 4.1 The “war on terror” and the rise of organized crime

No event embodies the global security challenges of the twenty-first century more than the dramatic terrorist attacks of 11 September 2001 in New York City and Washington, DC. Although, fortunately, these attacks have remained exceptional in terms of scale and magnitude, they triggered a veritable

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45 Biological Weapons Convention; Chemical Weapons Convention.

46 Protocol III to the Convention on Certain Conventional Weapons.

47 Protocol IV to the Convention on Certain Conventional Weapons.

48 Anti-Personnel Mine Ban Convention; Convention on Cluster Munitions.

49 AP I, Art. 36. On the regulation of weapons in IHL, see Chapter 3.V.4–5 and VI.4.

50 See Textbox 1, Chapter I.II.2.

paradigm shift in national and international security policy. Within days of the attacks, the United States had declared a global “war on terror,” the UN Security Council had affirmed the right of self-defence against what appeared to be an attack by a transnational terrorist group, and NATO had for the first time in its history declared a case of collective self-defence based on Article 5 of the North Atlantic Treaty. The decade-long nuclear stalemate between superpowers was no longer perceived as the world’s foremost security concern, and the focus shifted to the vulnerability of modern, globalized society to the harm caused by sophisticated terrorist groups and other forms of transnational organized crime. The emergence of “war on terror” rhetoric, followed by military operations against suspected terrorist groups and individuals in Afghanistan, Yemen, Somalia and elsewhere, and the capture and transfer of hundreds of suspects to detention centres like the US internment facility at Guantanamo Bay Naval Station in Cuba raised a series of questions as to the nature and consequences of these operations under international law. Can all or part of the global “war on terror” be regarded as an armed conflict governed by IHL? If so, what are the geographic delimitations of this conflict and how does IHL interrelate with human rights law? What is the legal status of suspected terrorists, including those deprived of their liberty? Are they “unprivileged” combatants subject to direct attack? Or are they civilian criminals subject to arrest and prosecution under the rules of law enforcement? Once captured, are they entitled to combatant and prisoner-of-war status, or are they to be treated as civilian internees? What are the judicial guarantees and procedural rights of persons interned or prosecuted for their alleged involvement in transnational terrorism? What limits does the prohibition of torture and inhumane treatment impose on interrogation methods used to avert a perceived imminent terrorist threat? As will be shown, some of these questions have been largely resolved, while others remain controversial to this day. It is important to note, however, that the legal challenges related to transnational terrorism are not an isolated phenomenon, but are part and parcel of a broader trend towards transnational organized crime becoming a primary international security concern. Thus, similar questions with regard to the applicability and interpretation of IHL may also arise in other contexts where States resort to military means and methods in order to protect their internal and external security, whether in large-scale counter-narcotics campaigns, in multinational counter-piracy operations at sea, or even in particularly dramatic cases of urban gang warfare or mass hostage-taking. As a result of this trend, the distinction between peace and armed conflict, and between policing and military hostilities, is becoming increasingly blurred, and there is growing confusion as to the legal standards governing such situations.

- On the scope of application of IHL, see Chapter 2.
- On the legal status, treatment and procedural guarantees of persons deprived of their liberty, including “unprivileged” combatants, see Chapter 5.

#### **4.2 Asymmetric conflicts and the challenge to non-reciprocity**

Since the end of the Cold War, armed conflicts have become increasingly asymmetric, typically pitting overwhelmingly powerful States against often poorly organized and equipped armed groups. Prime examples of such conflicts are the multinational campaign against the Taliban in Afghanistan and recurrent Israeli operations against Hamas in the Gaza Strip. The enormous technological and military superiority of the States involved has led opposition groups to avoid identification and defeat by moving underground, intermingling with the civilian population and engaging in various forms of guerrilla warfare. As a result, military confrontations often take place in the midst of densely populated areas, which not only exposes the civilian population to increased risks of incidental harm, but also facilitates the direct participation of civilians in hostilities. Moreover, unable to prevail in direct confrontations with the enemy, armed groups are increasingly tempted to resort to means and methods prohibited by IHL, such as misusing civilian clothing to perfidiously kill, wound or capture an adversary, conducting indiscriminate attacks, or even directly targeting civilians, humanitarian or medical personnel and their infrastructure (so-called “soft targets”). State armed forces, in turn, are often unable to properly identify the adversary and bear an increased risk of being attacked by persons they cannot distinguish from the civilian population. Overall, this trend has put considerable strain on the concepts of non-reciprocity and the equality of belligerents and, unfortunately, on the willingness of both State armed forces and non-State armed groups to accept their obligations under IHL.

#### **4.3 Privatization and civilianization of military and security activities**

The armed forces have always been supported by civilians, including contractors and employees of civilian government services. Indeed, except in a few very specific cases,<sup>51</sup> IHL does not prohibit the outsourcing of military and security functions but even stipulates that civilians formally authorized to accompany the armed forces in an international armed conflict be

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51 Most notably, the 1949 Geneva Conventions require that “[e]very prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power” (GC III, Art. 39), and that “[e]very place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power” (GC IV, Art. 99).

entitled to prisoner-of-war status upon capture.<sup>52</sup> The past decade, however, has seen an unprecedented trend towards the outsourcing of functions traditionally assumed by State armed forces to private military and security companies. In the recent wars in Iraq and Afghanistan, for example, tens of thousands of private contractors were deployed, and there were even periods when they clearly outnumbered the multinational forces on the ground. Depending on the context, such companies may assume a wide variety of functions, ranging from reconstruction, logistics, training and administrative services to the provision of security for civilian and military personnel and infrastructure, and from the maintenance and operation of complex weapon systems to guarding and interrogating detainees. Some of their activities are so closely related to combat operations that their personnel risk being regarded as directly participating in the hostilities and, depending on the circumstances, even as mercenaries.<sup>53</sup> The privatization of military functions also raises a number of serious humanitarian concerns. First, it must be emphasized that States cannot, through the practice of outsourcing, absolve themselves of their legal responsibilities under IHL. Thus, they remain responsible for ensuring that the private military and security companies that are contracted by them, or that operate or are incorporated in their territory, respect all applicable laws and regulations, including IHL. Moreover, whatever their functions or activities may be, private contractors never fall outside the protection of IHL. In short, contrary to popular perception, private military and security contractors do not operate in a legal void.

→ On civilian participation in hostilities, see Chapter 3.I.4.

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<sup>52</sup> GC IV, Art. 4(4) and (5).

<sup>53</sup> For the definition of mercenaries under IHL, see AP I, Art. 47 and CIHL, Rule 108.

### Textbox 3: The Montreux Document

The Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict (Montreux Document) is the product of a joint initiative launched in 2006 by the Swiss government and the ICRC. It aims to clarify existing international obligations relevant to the operations of private military and security companies in situations of armed conflict and to provide support and guidance for the implementation of those obligations. It focuses on practical issues of humanitarian concern and does not take a stance on the important, but separate, question of the legitimacy of using such companies in armed conflicts.

The Montreux Document consists of two parts. Part I restates the obligations of States, private military and security companies and their personnel under existing international law, including both IHL and human rights law, with regard to the operations of such companies in situations of armed conflict. In addressing the obligations of States, the Montreux Document differentiates between States using the services of such companies (contracting States), States in whose territory the companies operate (territorial States) and States in whose territory they are headquartered or incorporated (home States). Part I also addresses the obligations of “all other States,” the duties of private military and security companies and their personnel, and questions of superior responsibility and of State responsibility for the companies’ conduct. Part II provides a compilation of good practices designed to assist contracting, territorial and home States in complying with these legal obligations. The good practices are based largely on existing State practice in related areas and include measures such as introducing transparent licensing regimes, requiring adequate training and ensuring civil and criminal accountability.

The Montreux Document was developed between January 2006 and September 2008 with the support of governmental experts from 17 States and in consultation with representatives of civil society and of the private military and security industry. The Montreux Document does not create any new legal obligations, nor does it legitimize or provide a legal basis for the use of private military and security companies.

- For further details, see [\*Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict\*](#), ICRC and Federal Department of Foreign Affairs, Switzerland, August 2009, 44 pp.
- An updated list of supporting States and organizations can be found at: <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/participating-states.html>



S. Robertson/Crown

Unmanned aerial systems: a Predator aircraft ready for take-off, 2004.

#### **4.4 New weapons technologies**

In many contemporary armed conflicts, military operations and weapon systems have attained an unprecedented level of complexity, involving the coordination of a great variety of interdependent human and technological resources in different locations spread across the globe. In conjunction with the advent of new technologies, such as remote-controlled weapons, means of cyber-warfare, nanotechnology and increasingly autonomous weapons, this development poses a significant challenge to the interpretation and application of IHL.

##### **(a) Remote-controlled drones**

For example, the systematic use of remote-controlled drones for counter-terrorist operations in countries such as Afghanistan, Pakistan and Yemen raises questions as to the applicability of IHL to these operations and, consequently, as to the rules governing the use of lethal force against the persons targeted. Where IHL is applicable, the systematic use of drones raises concerns with regard to the reliability of the targeting information used, the exposure of the civilian population to incidental harm, and the inability of the attacker to care for the wounded, or to capture rather than kill.

##### **(b) Cyber-warfare**

Another relatively recent development is the expansion of military operations into cyberspace, the so-called “fifth domain of warfare” next to land, sea, air and space. While it is generally uncontested that IHL would also apply to cyber operations conducted in relation to an existing armed

conflict, it is unclear whether cyber operations, in and of themselves, could give rise to an armed conflict and, thus, trigger the applicability of IHL. Also, once cyber operations are governed by IHL, questions arise as to what exactly amounts to “attacks” – defined in IHL as “acts of violence”<sup>54</sup> – in cyberspace, and how the proportionality of “collateral damage” to civilian infrastructure should be assessed, particularly in view of the fact that military and civilian computer networks are generally interconnected. Also, what precautions can and must be taken to avoid the risk of excessive incidental damage to civilian objects whose functioning depends on computer systems (hydro-electric and nuclear plants, hospitals, etc.)? How can it be ensured that this damage does not ultimately cause erroneous or excessive harm to persons and objects protected against direct attack? What does the duty of combatants to distinguish themselves from the civilian population mean in cyberspace? Cyber-warfare also raises legal questions of fundamental importance in other areas of international law, such as *jus ad bellum* and the law of neutrality. These questions must be resolved through careful interpretation of existing IHL treaties and customary rules. The current discussion on the interpretation and application of international law in cyberspace involves a growing number of academic, national and international fora, and it will certainly take time for a consensus to emerge in that regard. This ongoing process, however, should not lead to the misperception of a legal void in this “fifth domain,” but must build on the premise that existing international law fully applies in cyberspace. In situations of armed conflict, that includes all relevant rules and principles of IHL.



Reuters

Personnel at the Air Force Space Command Network Operations & Security Center at Peterson Air Force Base in Colorado Springs, Colorado, 2014.

54 API, Art. 49(1).



### Textbox 4: Tallinn Manual on the International Law Applicable to Cyber Warfare

In 2009, the NATO-affiliated Cooperative Cyber Defence Centre of Excellence launched a multi-year project aimed at producing the *Tallinn Manual on the International Law Applicable to Cyber Warfare* (*Tallinn Manual*).<sup>55</sup> The project brought together experts in international law, professional and academic, predominantly from NATO and NATO-allied military circles, with observers from the ICRC, the United States Cyber Command and the Centre of Excellence, in an effort to examine how existing rules and principles of international law can be applied to cyber-warfare.

The *Tallinn Manual* is intended to restate and clarify international law governing cyber-warfare, including both the law governing the use of inter-State force (*jus ad bellum*), and the law governing the conduct of international and non-international armed conflicts (*jus in bello*). It does not address cyber activities occurring below the threshold of “use of force” (*jus ad bellum*) or of an armed conflict (*jus in bello*),<sup>56</sup> nor does it examine human rights law, international criminal law or international telecommunications law. It is divided into ninety-five “blackletter” rules, each accompanied by a commentary. The “blackletter” rules constitute a restatement of the international law of cyber conflict. The commentary accompanying each rule identifies the legal basis on which the rule was developed, expands on its application in practice and sets forth differing positions as to its scope or application.

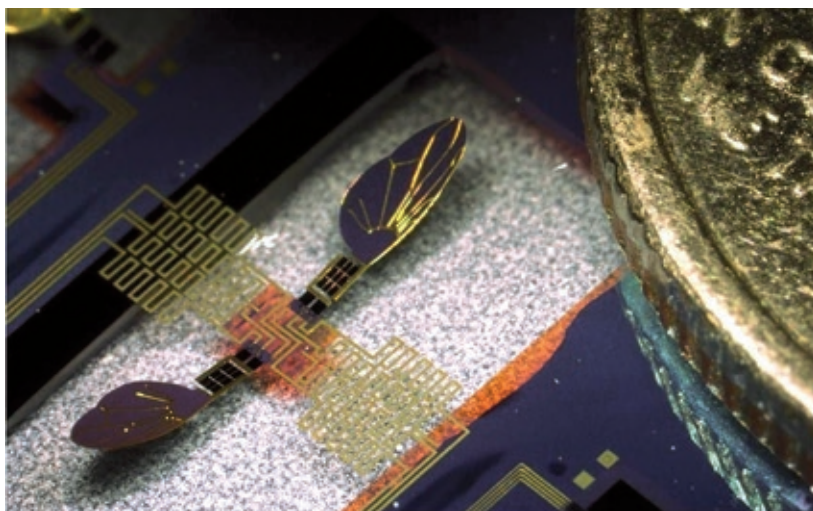
The *Tallinn Manual* process is currently the most significant initiative to restate and clarify international law as it applies to cyber-warfare. It should be noted, however, that the *Manual* is not legally binding and does not necessarily represent the views of NATO or any other organization, or of any State. Instead, it reflects solely the opinions of the participating experts, all acting in their individual capacity. Moreover, it does not make any recommendations with regard to how the law should be clarified and developed; it simply restates and comments on the law as the participating experts see it. It was published in 2013 by Cambridge University Press.

- See Michael Schmitt (ed.), *Tallinn Manual on the International Law Applicable to Cyber Warfare*, Cambridge University Press, Cambridge, 2013, 300 pp.

55 The full text of the *Tallinn Manual* is available at: [http://issuu.com/nato\\_ccd\\_coe/docs/tallinnmanual](http://issuu.com/nato_ccd_coe/docs/tallinnmanual)

56 To determine what situations qualify as armed conflicts under IHL, see Chapter 2.III–V.





The United States Army works with industry and universities to study micro-robotics and develop technologies allowing soldiers to see threats lurking just beyond their range of vision using autonomous robots the size of bats and hummingbirds and even as small as fruit flies, 2012.

### **(c) Ongoing developments: Nanotechnology and autonomous weapons**

Other technological developments of potential concern to IHL are the introduction of nanotechnology and increasingly autonomous weapons on contemporary battlefields. While nanotechnology is already being used in current military operations, most notably to enhance the performance of certain ammunitions and armour plating, the development of fully autonomous robots capable of taking targeting decisions independently of human involvement may still be decades away. However, this prospect clearly raises questions as to the operational control of such weapon systems and the legal and criminal responsibility for the harm done by them in case of actions violating IHL. The most important observation to be made here is that the responsibility to ensure that all means and methods used in an armed conflict comply with IHL will always remain with the parties to that conflict. Moreover, any individual act or omission amounting to criminal involvement in violations of IHL will remain subject to prosecution and punishment, even if the ultimate “decision” to commit the crime in question was taken by a machine based on programs and algorithms rather than on real-time commands by a human operator.

- On the duty of States to conduct a legal review of new weapons technologies, see Chapter 3.V.5.



J. Nicolas/Sipa Press

Keysaney Hospital in Mogadishu, Somalia, 1991. Note the red cross and red crescent emblems and the instructions prohibiting entry with weapons.

#### 4.5 Respect for IHL

The legal and practical difficulties arising as a result of changes in the contemporary security environment have caused confusion and uncertainty not only about the distinction between armed conflict and law enforcement, but also about the traditional categorization of persons as civilians and combatants and the temporal and geographic delimitation of the “battlefield.” As most poignantly evidenced by the controversies surrounding the legal framework governing the various aspects of the United States’s “war on terror,” that confusion and uncertainty have also provoked doubt about the adequacy of existing IHL to cope with the emerging security challenges of the twenty-first century. In response, various key stakeholders have launched important processes aimed at analysing, reaffirming and clarifying IHL in areas of particular humanitarian concern, including, most recently, the ICRC’s initiative on strengthening legal protection for victims of armed conflicts and the joint initiative of Switzerland and the ICRC on strengthening mechanisms for the implementation of IHL (see Textbox 9, Chapter 7.III.4.b). These processes remain ongoing, but two preliminary observations can already be drawn from the preparatory work and initial discussions. First, there may indeed be certain areas of IHL that require further strengthening in order to better protect individuals exposed to contemporary armed conflicts. The most urgent humanitarian need, however, is not to adopt new rules but rather to ensure actual compliance with the existing legal framework.

- On the implementation and enforcement of IHL, see Chapter 7.
- On the special role of the ICRC with regard to the implementation and enforcement of IHL, see Chapter 8.

### To go further (A Brief History of IHL and Contemporary Challenges for IHL)<sup>57</sup>

- *The Story of an Idea*, film, ICRC, 2008. Available at: <http://www.youtube.com/watch?v=oIwB-Y6FUjY>
- Henry Dunant, *A Memory of Solferino*, ICRC, Geneva, 1986.
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 3: Historical development of international humanitarian law](#), pp. 139–148.
- Mary Ellen O’Connell, “Historical development and legal basis,” in Dieter Fleck (ed.), *The Handbook of International Humanitarian Law*, 32nd ed., Oxford University Press, Oxford, 2013, pp. 1–42.
- Gabor Rona, “Interesting times for international humanitarian law: Challenges from the ‘war on terror’,” *The Fletcher Forum of World Affairs*, Vol. 27(2), Summer/Fall 2003, pp. 55–74.
- Robin Geiss, “[Asymmetric conflict structures](#),” *IRRC*, Vol. 88, No. 864, December 2006, pp. 757–777.
- “[Private military companies](#),” *IRRC*, Vol. 88, No. 863, September 2006.
- “[Business, violence and conflict](#),” *IRRC*, Vol. 94, No. 887, Autumn 2012.
- “[New technologies and warfare](#),” *IRRC*, Vol. 94, No. 886, Summer 2012.
- ICRC Advisory Services on International Humanitarian Law, [What Is International Humanitarian Law?](#)
- “Contemporary challenges for IHL,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/contemporary-challenges-for-ihl>

### How Does Law Protect in War?

- Case No. 85, United States, [The Prize Cases](#)
- Case No. 263, [United States, Status and Treatment of Detainees held in Guantánamo Naval Base](#)
- Case No. 286, [The Conflict in Western Sahara](#)
- Case No. 288, [United States, The September 11 2001 Attacks](#)

<sup>57</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



## Chapter 2

# Scope of application of IHL



M. Kokie/ICRC

Kabul, Afghanistan. Military Training Centre, 2007. A member of the International Security Assistance Force contingent provided by the former Yugoslav Republic of Macedonia on patrol.

## Structure

- I. Relevance and definition of the term “armed conflict”
- II. Distinction between international and non-international armed conflicts
- III. International armed conflicts
- IV. Belligerent occupation
- V. Non-international armed conflicts
- VI. Armed conflicts involving foreign intervention

### In a nutshell

- Once an armed conflict exists, any action taken for reasons related to that conflict is governed by IHL.
- An armed conflict exists whenever recourse is had to armed force or belligerent occupation between States (*international armed conflicts*), or when protracted armed violence takes place between governmental authorities and organized armed groups or between such groups (*non-international armed conflicts*).
- Belligerent occupation exists to the extent, and for as long as, one State maintains military authority over all or part of the territory of another State, even if such occupation encounters no armed resistance.
- Armed conflicts involving foreign (including multinational) intervention are deemed to be international or non-international in nature depending on whether they involve armed confrontations between States, or between States and organized armed groups.
- Legally speaking, there are no other types of armed conflict. Internal disturbances and tensions – riots, isolated and sporadic acts of violence and similar acts – do not amount to armed conflict.

### To go further<sup>58</sup>

- *Panel Discussion – Scope of the law in armed conflict*, ICRC, February 2015. Recording available at: <https://www.icrc.org/en/event/scope-of-law>
- ICRC e-learning module, *When does international humanitarian law apply?* Available at: <http://www.icrcproject.org/elearning/en/ihl/M4/index.html>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 2: International humanitarian law as a branch of public international law](#), pp. 121–136.
- Jelena Pejic, “[Extraterritorial targeting by means of armed drones: Some legal implications](#),” *IRRC*, May 2015.
- “[Scope of application of the law in armed conflict](#),” *IRRC*, Vol. 96, No. 893, Spring 2014.
- “[Typology of armed conflicts](#),” *IRRC*, Vol. 91, No. 873, March 2009.

Attempts to restrain and regulate the conduct of belligerent parties have always been accompanied by disagreements over which situations should be governed by the relevant rules. Precise definitions of concepts such as “war,” “armed conflict” or “occupation” were adopted to clarify this question, but belligerents soon began to evade their obligations on the grounds that either the situation at hand or the opposing party had failed to meet the legal criteria required for the applicability and protection of the law. It is therefore of particular importance to examine the treaty terminology and customary concepts determining and delimiting the temporal, territorial, material and personal scope of applicability of contemporary IHL.

## I. RELEVANCE AND DEFINITION OF THE TERM “ARMED CONFLICT”

IHL is specifically designed to govern armed conflicts. As such, it contains detailed provisions regulating the means and methods of warfare and the protection of persons and objects having fallen into the power of a belligerent party. Once an armed conflict exists, any action taken for reasons related to that conflict must comply with IHL. Conversely, IHL does not apply to inter-State confrontations that fall short of armed conflict, or to internal dis-

<sup>58</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

turbances and tensions, such as riots, isolated and sporadic acts of violence and similar acts not amounting to armed conflict.<sup>59</sup>

In the absence of an armed conflict, therefore, any difference between States and any question of individual protection must be resolved in accordance with the law applicable in peacetime. For example, nationals of one State who are detained in another State will be protected by human rights law and, depending on the circumstances, may enjoy the diplomatic and consular protection of their State of origin or benefit from protection under international refugee law. However, they will not be entitled to the status and protection afforded by the 1949 Geneva Conventions, such as the right of prisoners of war or civilian internees to receive visits from the ICRC. Also, in situations not reaching the threshold of armed conflict, any use of force or other exercise of authority by States against groups and individuals within their jurisdiction remains governed by human rights law, and any violence or other harm caused by such groups and individuals remains a matter of law enforcement governed primarily by national law.

Although the existence of an armed conflict is an absolute prerequisite for the applicability of IHL as a whole, some of the duties it stipulates may apply already in peacetime, and certain of its protections may extend beyond the end of an armed conflict. For example, many weapons treaties prohibit not only the use, but also the development, stockpiling, production and sale of certain weapons by States, and require them to subject the development or acquisition of any weapon to a legal review.<sup>60</sup> States also have peacetime duties with respect to IHL training and dissemination and in relation to the investigation and prosecution of serious violations of IHL (war crimes).<sup>61</sup> Moreover, persons deprived of their liberty for reasons related to an armed conflict remain protected by IHL until they have been released and repatriated or their status has otherwise been normalized, if necessary even years after the end of the conflict. Likewise, IHL remains applicable in territories that remain occupied after the cessation of active hostilities until a political solution for their status has been found.

Despite the significant legal and humanitarian consequences triggered by the existence of an armed conflict, treaty law provides no comprehensive and precise definition of what constitutes an armed conflict. The interpretation

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59 AP II, Art. 1(2).

60 See Chapter 3.V.5.

61 See Chapter 7, Sections II.2. and V.3.



and clarification of that concept is therefore largely left to State practice, international case-law and legal scholars.<sup>62</sup>

## II. DISTINCTION BETWEEN INTERNATIONAL AND NON-INTERNATIONAL ARMED CONFLICT

IHL treaties distinguish between two types of armed conflict: (a) *international armed conflicts*, which occur between two or more States, and (b) *non-international armed conflicts*, which take place between States and non-governmental armed groups, or between such groups only.

This dichotomy between international and non-international armed conflicts is a result of political history rather than military necessity or humanitarian need. For centuries, sovereign States have regulated their relations in both peace and war through treaties and custom, a tradition based on mutual recognition of national sovereignty and international legal personality. Conversely, governments have long been reluctant to subject their efforts to maintain law and order and public security within their territorial borders to the purview of international law. The incorporation of the concept of non-international armed conflict in common Article 3 therefore constituted a landmark in the development and codification of IHL. From that moment on, organized armed groups were considered “parties” to an armed conflict with their own obligations under international law, irrespective of any formal recognition of belligerency by the opposing State. At the same time, the contracting States emphasized that the provisions of common Article 3 “shall not affect the legal status of the Parties to the conflict.”<sup>63</sup> In other words, treaty recognition of organized armed groups as belligerent parties implies neither that they are legitimate nor that they have full legal personality under international law. This historical background has shaped the current body of treaty IHL, which is, as a result, much more extensive for international than for non-international armed conflicts, even though the humanitarian and military rationales are essentially the same for both types of conflict.<sup>64</sup>

Despite the practical similarities, however, there are decisive differences between international and non-international armed conflicts, and this makes it indispensable to maintain the distinction between them.

62 On the relevance and definition of armed conflict, see ICRC, [How is the Term “Armed Conflict” Defined in International Humanitarian Law](#), Opinion Paper, March 2008.

63 GC I–IV, common Art. 3.

64 For a historical review of the developments leading to the adoption of common Article 3, see ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., ICRC/Cambridge University Press, 2016.

The most important difference concerns the threshold of violence required for a situation to be deemed an armed conflict. Given that *jus ad bellum* imposes a general prohibition on the use of force between States, any such use can be legitimately presumed to express belligerent intent and to create a situation of international armed conflict, which must be governed by IHL. By contrast, within their own territory, States must be able to use force against groups or individuals for the purpose of law enforcement; and the use of force by such groups or individuals against each other or against governmental authorities generally remains a matter of national criminal law. As a consequence, the threshold of violence required to trigger a non-international armed conflict and, thereby, the applicability of IHL is significantly higher than for an international armed conflict. Another important reason for maintaining the distinction between international and non-international armed conflict is the position taken by many States that equating the two types of armed conflict could be perceived as providing armed opposition groups with international status and might therefore undermine State sovereignty and encourage rebellion.

It is important to note that, in terms of legal concept, the categories of international and of non-international armed conflict are absolutely complementary in that they cover all conceivable situations triggering the applicability of IHL. Legally speaking, no other type of armed conflict exists. As will be shown, this does not preclude the two types of armed conflict from coexisting, or a situation from evolving from one type of armed conflict into another.

### III. INTERNATIONAL ARMED CONFLICTS

#### 1. Treaty law

The classic form of armed conflict is international in character and waged between two or more States. Today, IHL governing situations of international armed conflict is codified primarily in the Hague Regulations of 1907, the four 1949 Geneva Conventions and Additional Protocol I. The treaty law is supplemented by a rich body of customary IHL.

Common Article 2 provides that:

“[i]n addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them;<sup>65</sup>

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65 GC I–IV, common Art. 2(1).



ICRC

Bombing in the Mekong Delta, Viet Nam, 1974.

to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.”<sup>66</sup>

For States that have ratified Additional Protocol I, the situations referred to in common Article 2 also include:

“armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.”<sup>67</sup>

Thus, the existence of an international armed conflict essentially depends on two elements, namely the legal status of the belligerent parties and the nature of the confrontation between them.

## 2. Legal status of the belligerent parties

Armed conflicts derive their international character from the fact that they occur between High Contracting Parties to the 1949 Geneva Conventions,

<sup>66</sup> GC I–IV, common Art. 2(2).

<sup>67</sup> AP I, Art. 1(4).

which necessarily means States.<sup>68</sup> States party to Additional Protocol I have further agreed to recognize certain types of national liberation movements as “parties” to an international armed conflict although they do not, at the time, qualify as sovereign States under international law.<sup>69</sup> Armed confrontations between parties that are neither States nor national liberation movements cannot be regarded as international armed conflicts but constitute either non-international armed conflicts or other situations of violence.

### 3. Nature of the confrontation: “war,” “armed conflict” and “occupation”

International armed conflicts are belligerent confrontations between two or more States. Traditionally, States expressed their belligerent intent (*animus belligerendi*) through formal declarations of war, which, *ipso facto*, created a political state of war and triggered the applicability of the law of war (*jus in bello*) between them, even in the absence of open hostilities. Strictly speaking, the traditional law of war is broader than IHL in that it comprises not only humanitarian rules, but essentially all norms governing the relations between belligerent States. This also includes provisions on diplomatic, economic and treaty relations, and on the legal position of neutral States. At the same time, the traditional law of war is narrower than IHL in that it applies only during a formal state of war between States, whereas IHL establishes minimum standards of humanity that are applicable in any armed conflict, irrespective of the existence of a political state of war.

Over the course of the twentieth century, formal declarations of war became increasingly uncommon, and the political concept of “war” was largely replaced by the factual concept of “armed conflict.” Today, an international armed conflict is presumed to exist as soon as a State uses armed force against another State, regardless of the reasons for or intensity of the confrontation, and irrespective of whether a political state of war has been formally declared or recognized. Although rarely referred to in case-law or

68 The 1949 Geneva Conventions have been universally ratified, i.e. by 196 States (February 2016).

69 See, for instance, AP I, Art. 96(3), which gives such movements the possibility – by means of a unilateral declaration addressed to the depositary – to undertake to apply the 1949 Geneva Conventions and Additional Protocol I by means of a unilateral declaration addressed to the depositary. At the time of writing, this possibility had been used only once, namely by the Polisario Front in June 2015. See *Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à la protection des victimes des conflits armés internationaux (Protocole I), Listes des réserves et déclarations, Autorité ayant fait la déclaration de l'article 96, paragraphe 3*, webpage, Swiss Federal Department of Foreign Affairs. Available at: <https://www.eda.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/traites-internationaux/depositaire-protection-des-victimes-de-la-guerre/protocole-additionnel-aux-conventions-de-gen%C3%A8ve-du-12-ao%C3%BBt-1949-relatif-a-la-protection-des-victimes-des-conflits-armes-internationaux-%28protocole-i%29.html>

scholarly literature, belligerent intent remains an implied prerequisite for the existence of an international armed conflict. This means that the applicability of IHL cannot be triggered by merely erroneous or accidental causation of harm, or by violence on the part of individuals acting without the endorsement or acquiescence of the State they represent. Acts of this kind may entail the legal consequences of State responsibility, such as a duty of reparation, but do not amount to armed conflict for want of belligerent intent. In the presence of such intent, however, even minor instances of armed violence – such as individual border incidents, the capture of a single prisoner, or the wounding or killing of a single person – may be sufficient for IHL governing international armed conflicts to apply.<sup>70</sup>

A number of caveats apply in this respect. In the special case of national liberation movements, the required threshold of violence may be more similar to that of situations of non-international armed conflict, depending on whether the factual circumstances more closely resemble the relationship between sovereign States or that between a governmental authority and a non-State armed group. Furthermore, in two cases, an international armed conflict may also be said to exist in the absence of open hostilities. First, the applicability of IHL can still be triggered by a formal declaration of war. Second, IHL automatically applies where the territory of one State is totally or partially occupied by another State without the latter's genuine consent, even when such occupation meets with no armed resistance.

In sum, in the absence of a formal declaration of war, belligerent intent is derived by implication from factual conditions rather than from official recognition of a political state of war. The existence of an international armed conflict is determined, therefore, primarily by what is actually happening on the ground.<sup>71</sup> As a result, a situation may amount to an international armed conflict and trigger the applicability of IHL even though one of the belligerent States does not recognize the government of the adverse party<sup>72</sup> or altogether denies the existence of a state of war.<sup>73</sup>

70 ICRC, [How is the Term “Armed Conflict” Defined in International Humanitarian Law?](#), Opinion Paper, March 2008; ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 2; See also ICTY, *The Prosecutor v. Dusho Tadić a/k/a “Dule,”* Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Appeals Chamber, 2 October 1995, Case No. IT-94-1-AR72, para. 70.

71 ICTY, *The Prosecutor v. Fatmir Limaj et al.*, Trial Chamber II (Judgment), 30 November 2005, Case No. IT-03-66-T, para. 89; ICTY, *The Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Trial Chamber II (Judgment), 10 July 2008, Case No. IT-04-82-T, para. 176; ICTR, *The Prosecutor v. Jean-Paul Akayesu*, Trial Chamber I (Judgment), Case No. ICTR-96-4-T, 2 September 1998, para. 603.

72 GC III, Art. 4(A)(3).

73 GC I–IV, common Art. 2.

#### 4. Temporal and territorial scope of international armed conflicts

##### (a) Temporal scope of international armed conflicts

The applicability of IHL governing international armed conflicts begins with a declaration of war or, in the absence of such declaration, with the actual use of armed force expressing belligerent intent. It is also triggered by the mere fact of one State invading another with a view to occupying all or part of its territory, even when such invasion meets with no armed resistance.

An international armed conflict ends with a peace treaty or an equivalent agreement, or with a unilateral declaration or other unambiguous act expressing the termination of belligerent intent, such as a capitulation, declaration of surrender, or unconditional, permanent and complete withdrawal from previously contested territory. Today, international armed conflicts rarely end with the conclusion of a formal peace treaty; they more often tend to terminate in a slow and progressive decrease in intensity, unstable cease-fires and/or the intervention of peacekeepers.

Ultimately, the end of an armed conflict, like its beginning, must be determined on the basis of factual and objective criteria. In this respect, the cessation of hostilities, a ceasefire or armistice, and even a peace treaty do not necessarily terminate an international armed conflict; rather, when taken in conjunction with other elements, such factors are indicative of the belligerents' intention to bring the armed conflict to a permanent conclusion. The decisive criterion must always be that the armed confrontation between the belligerent parties has come to a lasting end in circumstances that can reasonably be interpreted as a general cessation of military operations.

The temporal scope of an international armed conflict has to be distinguished from the temporal scope of application of IHL rules related to those conflicts. Indeed, the fact that a conflict has ended does not preclude certain aspects of IHL from continuing to apply even beyond the end of the conflict. For example, persons deprived of their liberty for reasons related to an armed conflict remain protected by IHL until they have been released and repatriated or their status has otherwise been normalized,<sup>74</sup> and former belligerents also remain bound by obligations with a view to restoring family links,<sup>75</sup> accounting for the dead and the missing and similar humanitarian endeavours.<sup>76</sup> As the ICTY observed, "International humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities

74 GC III, Art. 5; GC IV, Art. 6(4). See also Chapter 5, Sections II.2.c. and III.1.b.

75 See Chapter 6.I.2.b.

76 See Chapter 4, Sections VI and VII.6.

until a general conclusion of peace is reached (...) Until that moment, international humanitarian law continues to apply in the whole territory of the warring States (...) whether or not actual combat takes place there.”<sup>77</sup>

### (b) Territorial scope of international armed conflicts

In terms of territorial scope, the interpretation of the ICTY does not imply that IHL cannot apply outside the territory of the belligerent parties. It is merely intended to clarify that the applicability of IHL cannot be limited to those areas of belligerent States where actual combat takes place, but that it extends to any act having a nexus to the conflict (i.e. carried out for reasons related to the conflict). Indeed, already under the traditional law of war, the relations between belligerent States are governed by that law wherever they meet, even though the law of neutrality may prevent them from engaging in hostilities outside their respective territories, in international airspace or on the high seas.

### To go further (International armed conflicts)<sup>78</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 2: International humanitarian law as a branch of public international law](#), pp. 126–127.
- Tristan Ferraro, “[IHL applicability to international organisations involved in peace operations](#),” in *Proceedings of the 12th Bruges Colloquium – International Organisations’ Involvement in Peace Operations: Applicable Legal Framework and the Issue of Responsibility*, 20–21 October 2011, Collegium No. 42, Autumn 2012, College of Europe/ICRC, pp. 15–22.
- “[Scope of application of the law in armed conflict](#),” *IRRC*, Vol. 96, No. 893, Spring 2014.
- ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., ICRC/Cambridge University Press, 2016.

### How Does Law Protect in War?

- Case No. 158, [United States, United States v. Noriega, B. Place of Detention, para. II. A](#)
- Case No. 211, ICTY, *The Prosecutor v. Tadić*, [Doc. A](#), paras 67–70 and [Doc. B](#), para. 562

<sup>77</sup> ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), para. 70.

<sup>78</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## IV. BELLIGERENT OCCUPATION

### 1. Treaty law

IHL governing international armed conflicts also applies “to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.”<sup>79</sup> In essence, belligerent occupation occurs when one State invades another State and establishes military control over part or all of its territory. Accordingly, Article 42 of the Hague Regulations states: “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”

Moreover, for States party to Additional Protocol I, Article 1(4) of the Protocol stipulates that IHL governing international armed conflicts also applies to situations where the occupied territory does not belong to a “High Contracting Party” (i.e. a State), but to a people fighting against alien occupation in the exercise of its right of self-determination.

### 2. Prerequisite of “effective control”

Whether a territory is occupied within the meaning of IHL is a question of fact and, in essence, depends on whether the occupying power has established effective control over the territory in question. The existence of occupation depends on a State’s factual ability to assume the *de facto* governmental functions of an occupying power, most notably to ensure public security, and law and order, and not by its willingness to do so. Therefore, unless an occupying power actually loses military control over the territory in question, therefore, it cannot escape its obligations under IHL by choosing not to exercise effective control.<sup>80</sup>

Effective control does not necessarily have to be exercised directly through the armed forces of the occupying power. Belligerent occupation can also exist when a foreign State exerts overall control over local authorities who, in turn, exercise their direct governmental control as *de facto* State agents on behalf of the occupying power.<sup>81</sup> Therefore, States cannot evade their obligations under occupation law through the use of proxies.

79 GC I–IV, common Art. 2(2).

80 See also ICRC, *Expert Meeting: Occupation and Other Forms of Administration of Foreign Territory*, report prepared and edited by Tristan Ferraro, ICRC, Geneva, March 2012, p. 19.

81 *Ibid.*, p. 23. See also ICTY, *The Prosecutor v. Dusko Tadić a/k/a “Dule,”* Trial Chamber (Judgment), 7 May 1997, Case No. IT-94-1-T, para. 584. This was confirmed in ICTY, *The Prosecutor v. Tihomir Blaškić,* Trial Chamber (Judgment), 3 March 2000, Case No. IT-95-14-T, para. 149, and, implicitly, in ICJ, *Armed Activities on the Territory of the Congo (DRC v. Uganda),* Judgment, 19 December 2005, para. 177.



Article 42 of the Hague Regulations clearly states that a territory is considered occupied only to the extent effective control has actually been established and can be exercised. In practice, therefore, delimiting the territorial confines of an occupied area can be extremely difficult, particularly in the case of partial occupation or where the situation on the ground can change rapidly. In any event, the legal consequences of belligerent occupation do not depend on a minimum duration or minimum geographic extension of occupation, but simply on the actual existence of effective territorial control. The inhabitants of occupied territory are collectively considered as having fallen “into the hands” of the occupying power and are therefore entitled to the full protection of the Fourth Geneva Convention immediately upon establishment of effective control.

### 3. Invasion phase

While the text of Article 42 of the Hague Regulations is clear that territory cannot be considered occupied during the invasion preceding the establishment of effective control, the extent to which the Fourth Geneva Convention applies during that phase is less clear. According to the so-called “Pictet theory,” the Hague Regulations are based on a strictly territorial notion of occupation, whereas the Fourth Geneva Convention extends its protection to all individuals “who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”<sup>82</sup> Given the Convention’s focus on individual protection, some provisions set out in Part III, Section III, on occupied territories, should apply even during the invasion phase, commensurate with the level of control exercised and to the extent that the civilian population has already come under the *de facto* authority of the advancing hostile forces.<sup>83</sup> Others argue that, prior to the establishment of effective territorial control, only those provisions of the Convention that are “common to the territories of the parties to the conflict and to occupied territories”<sup>84</sup> apply, thus providing a more limited framework of protection for the population of invaded territories. Irrespective of which approach will ultimately prevail, it should be remembered that applicable treaty provisions are always supplemented by universally binding customary law, such as the fundamental guarantees reflected in common Article 3 and in Article 75 of Additional Protocol I.

<sup>82</sup> GC IV, Art. 4.

<sup>83</sup> ICRC, *Expert Meeting*, *op. cit.* (note 80), pp. 24–26; ICTY, *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Trial Chamber (Judgment), Case No. IT-98-34-T, 31 March 2003, para. 218.

<sup>84</sup> That is, only GC IV, Part III, Section I (Arts 27–34).

#### 4. End of occupation

Although some territories, such as the occupied Palestinian territory, have been occupied for decades, the occupying power's role as a *de facto* authority remains by definition temporary. Determining the end of belligerent occupation, however, has rightly been described as a "thorny task" fraught with political and legal issues of significant complexity.<sup>85</sup> In principle, there are three basic ways in which a situation of occupation can come to an end: (a) withdrawal or loss of effective control, (b) genuine consent to a foreign military presence, or (c) political settlement.

##### (a) Withdrawal or loss of effective control

Of course, the most obvious way for a belligerent occupation to end is a full and voluntary withdrawal of the occupying forces and the restoration of effective control on the part of the local government. Alternatively, the displaced territorial State may attempt to regain control over areas under hostile occupation through renewed hostilities. The 1949 Geneva Conventions also anticipate the possibility of hostile activities against the occupying power from within the occupied territory, including through the formation of armed resistance movements.<sup>86</sup> The fact that an occupying power is confronted with renewed hostilities or armed resistance does not necessarily terminate the state of occupation. As long as the occupying power maintains its capacity to regain military control of the territory at any time it so desires, even hostilities of significant intensity or temporary restrictions of its territorial control do not terminate its status and obligations as an occupier under IHL.<sup>87</sup>

However, as soon as the ability of the occupying power to impose its military authority is effectively eliminated for any length of time, the areas concerned can no longer be regarded as occupied and the humanitarian obligations of the former occupying power towards their inhabitants are limited to those of any other party to the conflict. Situations of belligerent occupation that were ended through voluntary or forced withdrawal include the countries occupied by Germany and Japan in the course of World War II. A more contentious case in point is the Israeli withdrawal from the Gaza Strip in September 2005. Although Israel no longer has a permanent military presence in the Gaza Strip, there is ongoing controversy as to whether and, if so, to what extent

85 ICRC, *Occupation and Other Forms of Administration*, *op. cit.* (note 80), p. 27.

86 See GC III, Art. 4(A)(2) (organized resistance groups operating within occupied territory) and GC IV, Arts 5(2) and 68 (hostile activities in occupied territory).

87 This view was already taken by the US Military Tribunal at Nuremberg after World War II. See "Trial of Wilhelm List and others, United States Military Tribunal, Nuremberg, 8th July, 1947, to 19th February, 1948 (The Hostages Trial)," in *Law Reports of Trials of War Criminals*, selected and prepared by the United Nations War Crimes Commission, Vol. VIII, His Majesty's Stationery Office, London, 1949, p. 56. Available at: [http://www.loc.gov/rr/frd/Military\\_Law/pdf/Law-Reports\\_Vol-8.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/Law-Reports_Vol-8.pdf)

Israel's sporadic military incursions into the Gaza Strip, in conjunction with its enforcement of sea blockades, border closures and air space control, entail a continuation of its obligations as an occupier under IHL.<sup>88</sup>

The ICRC has argued that, in some specific and exceptional circumstances, an occupying power would remain bound by certain obligations under the law of occupation despite the physical withdrawal of its armed forces from an occupied territory. In particular, when an occupying power retains, within such territory, key elements of authority or other important governmental functions, the law of occupation should continue to apply within the relevant territorial and functional limits.

### **(b) Genuine consent to a foreign military presence**

Situations of belligerent occupation can also come to an end if the territorial State consents to the continued presence of foreign armed forces. Such consent is usually – but not necessarily – given in conjunction with a full or partial transfer of authority from the former occupier to the local government. Clearly, in order to be valid, such consent must be genuine and cannot be based on a coerced agreement between the occupying power and a local regime, which would *de facto* stay under the control of the occupying power.

In order to avoid any potential abuse of such agreements, the Fourth Geneva Convention provides that the inhabitants of occupied territories “shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”<sup>89</sup>

Situations of belligerent occupation that ended through the transfer of authority to the local government without the complete withdrawal of the former occupation forces include the Federal Republic of Germany (5 May 1955) and Japan (28 April 1952) after World War II, and Iraq after 30 June 2004.<sup>90</sup>

### **(c) Political settlement of the territorial status**

Finally, a situation of belligerent occupation can end without the withdrawal of the occupation forces through a political settlement involving the annexation by the occupying power of all or parts of the occupied territory or,

88 See also ICRC, *Occupation and Other Forms of Administration*, *op. cit.* (note 80), pp. 47–48.

89 GC IV, Art. 47.

90 On the differences between Germany, Japan and Iraq, see, for example, ICRC, *Occupation and Other Forms of Administration*, *op. cit.* (note 80), pp. 46–47 ff.

alternatively, the establishment of an independent State on such territory. Again, in order to be valid, such a political settlement must be based on an international agreement expressing the genuine consent of the territorial State as to the future legal status of the territory in question. In principle, the required consent can be replaced by a judgment of the ICJ where the States involved have submitted to the Court's jurisdiction. In the absence of consent by the territorial State, it is further conceivable that an occupied territory could gain political independence with the military support of the occupying power in conjunction with widespread recognition by the international community as a sovereign State. Unilateral annexations by the occupying power, however, may be binding as a matter of national law but have no effect on the legal status of the occupied territories under international law. In particular, the UN Security Council has confirmed the status of the West Bank, East Jerusalem and the Syrian Golan Heights as occupied territories (1980).<sup>91</sup>

## 5. Multinational administration of territories

Recent years have seen novel forms of multinational territorial administration, most notably the deployments by the United Nations in East Timor (United Nations Transitional Administration in East Timor, or UNTAET, 1999–2002) and Kosovo<sup>92</sup> (United Nations Interim Administration Mission in Kosovo/Kosovo Force, or UNMIK/KFOR, since 1999). This raises the question of the extent to which such deployments could give rise to situations of belligerent occupation under IHL, or whether the legal and policy framework governing such deployments should be shaped by elements of the law of occupation.

Neither UNTAET nor UNMIK/KFOR conforms neatly to the traditional concept of belligerent occupation, in particular because both were deployed with the consent of Indonesia and the Federal Republic of Yugoslavia respectively. Given that Belgrade's agreement to the deployment of UNMIK/KFOR was obtained only after a relentless aerial bombardment campaign, it is at least questionable whether the subsequent consent by the Yugoslav government can be regarded as genuine. Even coerced consent may be valid, however, as long as such coercion is legitimized by a Chapter VII resolution of the UN Security Council, which, arguably, was the case in the Kosovo war. Also, the international community is unlikely to start authorizing multinational deployments involving the invasion and belligerent occupation of territory without the consent of the territorial State. For the time being, therefore, the scenario of the law of occupation formally applying to a UN-mandated multinational deployment remains fairly hypothetical.

91 UN Security Council Resolution 478 of 20 August 1980.

92 UN Security Council Resolution 1244.

Despite the formal inapplicability of the law of occupation, however, it is clear that both UNTAET and UNMIK/KFOR assumed full *de facto* governmental functions to the exclusion of the local authorities, and that both missions also exercised effective military control in the administered territories. In the absence of an international legal framework specifically designed for such situations, IHL governing belligerent occupation may provide useful elements and guidance for determining policies with respect to issues such as maintaining public safety, and law and order, ensuring the basic protection of persons and property, and taking charge of penal proceedings, internment and other matters of public administration. Thus, until a more complete legal and policy framework has been developed for multinational territorial administration, the law of occupation should, and will, certainly remain an important framework of reference for the translation of the underlying UN mandates into specific policies and regulations.<sup>93</sup>

#### To go further (Belligerent occupation)<sup>94</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The protection of civilians](#), pp. 231–248.
- Tristan Ferraro, “[Determining the beginning and end of an occupation under international humanitarian law](#),” *IRRC*, Vol. 94, No. 885, Spring 2012, pp. 133–163. See especially pp. 139 ff. on the notion of “effective control.”
- “[Occupation](#),” *IRRC*, Vol. 94, No. 885, Spring 2012.
- ICRC, [Expert Meeting: Occupation and Other Forms of Administration of Foreign Territory](#), report prepared and edited by Tristan Ferraro, ICRC, Geneva, March 2012, 147 pp.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Article 2.

#### How Does Law Protect in War?

- Case No. 190, [Iraq, The End of Occupation](#)
- Case No. 236, [ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo](#), paras 173–178
- Case No. 291, [Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia](#), paras 19–23

<sup>93</sup> For a discussion on the relevance of occupation law for UN-administered territory, see ICRC, *Occupation and Other Forms of Administration*, *op. cit.* (note 80), pp. 78–87 and 96–104 (Appendix 2).

<sup>94</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## V. NON-INTERNATIONAL ARMED CONFLICTS

The vast majority of contemporary armed conflicts are waged, not between States, but between States and organized armed groups or between such groups – they are non-international in character. Treaty IHL governing non-international armed conflicts consists, first and foremost, of common Article 3 and Additional Protocol II. A number of treaties on the regulation, prohibition or restriction of certain types of weapon also apply in non-international armed conflicts. Last but not least, owing to the relative scarcity of applicable treaty IHL, customary law is of great importance for the regulation of non-international armed conflicts. Treaty law distinguishes between non-international armed conflicts within the meaning of common Article 3 and non-international armed conflicts falling within the definition provided in Article 1 of Additional Protocol II.



T.A. Votaw/ICRC

Ganta, Liberia, on the border with Guinea, 2003. Members of government armed forces/militias in a pick-up truck.

### 1. Article 3 common to the 1949 Geneva Conventions

During the negotiations preceding the adoption of the 1949 Geneva Conventions, the proposal was made to extend the Conventions' applicability *in toto* to non-international armed conflicts.<sup>95</sup> It soon became clear, however, that States would agree to fully apply all four Conventions to non-international armed conflicts only at the price of a very narrow definition

<sup>95</sup> *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. II-B, pp. 120–129 and 325–339. See also ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 3.

of non-international armed conflict that was highly unlikely to be met in reality.<sup>96</sup> As a consequence, the applicability of IHL to non-international armed conflicts would probably have remained the exception instead of becoming the rule. It was therefore ultimately decided to limit the provisions applicable in non-international armed conflicts rather than the cases of non-international armed conflict to which IHL would apply.<sup>97</sup> Accordingly, common Article 3 simply identifies a number of key duties and prohibitions providing a minimum of protection to all persons who are not, or who are no longer, taking an active part in the hostilities. In return, this “miniature Convention”<sup>98</sup> must be applied “as a minimum” by each party to any “armed conflict not of an international character.”<sup>99</sup> Common Article 3 reads as follows:

“In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
  - (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) taking of hostages;
  - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
2. The wounded and sick shall be collected and cared for.  
An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

96 See *Final Record*, *op. cit.* (note 95), pp. 120–129 (summarized in ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 3).

97 ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 3.

98 Statement of the Soviet delegate to the Conference. See *Final Record*, *op. cit.* (note 95), p. 326.

99 GC I–IV, common Art. 3(1).

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

A non-international armed conflict within the meaning of common Article 3 does not necessarily have to involve a government; it can also take place entirely between organized armed groups, a scenario that is particularly relevant in areas of weak governance, such as so-called “failed States.” In order for a non-State armed group to be considered a “party” to a conflict, common Article 3 does not require any recognition of belligerency by the opposing State, nor popular support, territorial control or political motivation. As will be shown, however, the concept of “party to an armed conflict” presupposes a minimum level of organization without which coordinated military operations and collective compliance with IHL would not be possible. Furthermore, in order to qualify as an “armed conflict,” non-international confrontations must always involve violence that reaches a certain threshold of intensity.

## **2. Article 1 of Additional Protocol II**

Additional Protocol II, which was adopted in 1977, develops and supplements common Article 3. The Protocol does not modify the conditions of application of common Article 3, but defines its own scope of application more restrictively and, therefore, cannot serve as a generic definition of non-international armed conflict. Article 1 of the Protocol reads:

- “1. This Protocol (...) shall apply to all armed conflicts which are not [of international character] and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.
2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.”

Thus, in contrast to common Article 3, Additional Protocol II applies only to armed conflicts involving a contracting State as a party to the conflict and taking place in the territory of that State. Moreover, part of the State’s territory must be under the effective control of the opposition forces, thus



assimilating their role to that of a *de facto* authority with direct obligations not only towards the opposing party, but also towards the inhabitants of the territory under their control. The Protocol's high threshold of applicability is indicative of the continuing reluctance of governments to expand the international regulation of internal armed conflicts unless they develop into situations comparable to international armed conflicts in many ways.

For the present purposes, the decisive advantages of Article 1 of Additional Protocol II are, first, that it provides an objective threshold of factual criteria at which the existence of a non-international armed conflict can no longer be denied and, second, that it stipulates that situations of "internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature," do not constitute armed conflicts.<sup>100</sup>

### 3. Threshold of organization

Without a minimum level of organization, it is impossible to conduct coordinated military operations and to ensure collective compliance with IHL. Therefore, minimal organization has always been considered a defining element of armed forces or organized armed groups participating in an armed conflict as opposed to participants in riots and other forms of unorganized large-scale violence.<sup>101</sup> While State armed forces are generally presumed to satisfy this criterion, the level of organization of non-State armed groups has in practice been assessed based on a series of indicative factors including elements such as: "the existence of a command structure and disciplinary rules and mechanisms within the group; the existence of a headquarters; the fact that the group controls a certain territory; the ability of the group to gain access to weapons, other military equipment, recruits and military training; its ability to plan, coordinate and carry out military operations, including troop movements and logistics; its ability to define a unified military strategy and use military tactics; and its ability to speak with one voice and negotiate and conclude agreements such as cease-fire or peace accords."<sup>102</sup>

### 4. Threshold of intensity

In relations between States, the general prohibition on the threat or use of force established by the UN Charter means that essentially any use of force between

<sup>100</sup> See also Rome Statute, Art. 8(2)(d) and (f).

<sup>101</sup> For references to the element of organization in treaty IHL governing both international and non-international armed conflicts, see in particular GC III, Art. 4(A)(2) ("organized resistance movements"), AP I, Art. 43(1) ("all organized armed forces, groups and units"), and AP II, Art. 1(1) ("other organized armed groups").

<sup>102</sup> ICTY, *The Prosecutor v. Ramush Haradinaj et al.*, Trial Chamber I (Judgment), Case No. IT-04-84-T, 3 April 2008, para. 60. See also ICRC, Opinion Paper, *op. cit.* (note 70), p. 3.

States gives rise to an international armed conflict. By contrast, the domestic use of force by State authorities against private individuals, or the use of force between such private individuals, generally remains a matter of law enforcement governed primarily by human rights law and national criminal law. In order for such a non-international confrontation to amount to armed conflict, it must be clearly distinguishable from internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature. Apart from a sufficient level of military organization of each party to the conflict, this also requires that the confrontation reach a threshold of intensity that cannot be addressed through routine peacetime policing, but which requires the intervention of armed forces.<sup>103</sup> Accordingly, in order for a non-international armed conflict to exist, the ICTY requires a situation of “protracted armed violence” between a State and organized armed groups or between such groups,<sup>104</sup> a criterion that in practice has been interpreted as referring more to the intensity of the armed violence than to its duration.<sup>105</sup> Indicative factors for assessing “intensity” have included: “the number, duration and intensity of individual confrontations; the type of weapons and other military equipment used; the number and calibre of munitions fired; the number of persons and type of forces partaking in the fighting; the number of casualties; the extent of material destruction; and the number of civilians fleeing combat zones. The involvement of the UN Security Council may also be a reflection of the intensity of a conflict.”<sup>106</sup>

In sum, given the diversity of situations involving non-international violence, their classification as armed conflict will always depend on a careful assessment of the concrete circumstances rather than on a uniform definition, particularly at the lower end of the scale of intensity. Nevertheless, the existence of a non-international armed conflict always remains a question of fact, and does not depend on political considerations of the parties involved. In practice, the ICRC’s confidential memoranda reminding the parties of their obligations under IHL can play an important role, as they generally also express a view as to the legal classification of the situation.<sup>107</sup> In contentious cases, however, legally binding classifications will generally have to be made by a court or quasi-judicial mechanism called on to adjudicate the question as a matter of international law.

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103 ICRC, Opinion Paper, *op. cit.* (note 70), p. 3.

104 ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), para. 70.

105 ICTY, *The Prosecutor v. Ramush Haradinaj et al.*, *op. cit.* (note 102), para. 49.

106 *Ibid.*

107 See Chapter 8.III.

## 5. Temporal and territorial scope of non-international armed conflicts

### (a) Temporal scope of non-international armed conflicts

In terms of temporal scope, non-international armed conflicts begin as soon as armed violence occurring between sufficiently organized parties reaches the required threshold of intensity. While these constitutive elements provide objective criteria for the identification of a situation of armed conflict, in political reality they are often interpreted with a certain latitude, particularly by the government involved. While, in some contexts, States refuse to recognize the applicability of IHL despite organized armed violence claiming thousands of victims every year, other confrontations are readily subjected to a legal paradigm of “war” although they appear to have more in common with law enforcement operations than with full-blown armed conflict.

Once a non-international armed conflict has been initiated, IHL applies until “a peaceful settlement is achieved.”<sup>108</sup> Here, too, various forms of settlement are conceivable, from formal peace agreements or declarations of surrender to the complete military defeat of either party or the gradual subsiding of armed violence until peace and public security have been firmly re-established. In practice, the end of a non-international armed conflict requires not only the end of active hostilities but also the end of related military operations of a belligerent nature in circumstances in which the likelihood of their resumption can reasonably be excluded.

### (b) Territorial scope of non-international armed conflicts

In terms of territorial scope, the applicability of both common Article 3 and Additional Protocol II is restricted to armed conflicts taking place “in the territory” of a High Contracting Party; the Protocol even requires that the territorial State be involved as a party to the conflict. The territorial requirement is rooted in the fact that both instruments introduced binding rules not only for the contracting States themselves, but also for non-State armed groups operating on their territory. The legislative authority to do so derives from, and is limited to, the territorial sovereignty of each contracting State. It is therefore only logical that both instruments incorporate a territorial link between the conflict and the contracting State.

Today, the territorial restriction of the scope of applicability of common Article 3 and Additional Protocol II no longer serves its original purpose. First, the four 1949 Geneva Conventions have been universally ratified, thus making the scenario of a non-international armed conflict occurring entirely

<sup>108</sup> ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), para. 70.

outside the territory of a contracting State highly unlikely.<sup>109</sup> Second, even if such an armed conflict were to occur, it would still be governed by the humanitarian provisions of common Article 3 by virtue of their recognition as customary law and an expression of a general principle of law (“elementary considerations of humanity”) and, thus, as universally binding irrespective of treaty obligations.<sup>110</sup> Third, whenever non-international armed conflicts involved extraterritorial incursions with the consent of the neighboring State, they were considered as part of the original non-international armed conflict.<sup>111</sup> Where such consent is absent, extraterritorial operations may provoke an international armed conflict with the territorial State. In this regard, there is a continuing controversy as to whether the newly triggered international armed conflict coexists with the original non-international armed conflict or whether it subsumes the latter, at least to the extent that it occurs on foreign territory.

If any conceptual restriction of non-international armed conflict to the territorial confines of one single State had existed in the minds of the drafters of common Article 3 and Additional Protocol II, it certainly remained unspoken and has been manifestly outlived by contemporary legal opinion and State practice. Even though the original aim of these provisions may have been to regulate armed conflicts occurring within the territorial confines of a State, the term “non-international” armed conflict today can no longer be regarded as synonymous with “internal” armed conflict.

At the same time, in situations of non-international armed conflict, not only does IHL apply in areas exposed to active hostilities, it governs essentially any act or operation carried out for reasons related to the conflict (nexus to the conflict), regardless of territorial location. This does not mean that military action against the enemy can lawfully be taken anytime and anywhere in the world (“global battlefield”). Rather, in order to be lawful, any extraterritorial military action must always comply not only with the rules and principles of IHL, but also with those of *jus ad bellum*, the law of neutrality and any other relevant bodies of international law. Ultimately, non-international armed conflicts are not characterized by their limited or unlimited territorial scope, but by the nature and quality of the parties involved, and by the actual occurrence of hostilities and other acts or operations having a belligerent nexus.

109 ICRC, Opinion Paper, *op. cit.* (note 70), p. 3.

110 ICJ, *Nicaragua case*, *op. cit.* (note 27), para. 218. On general principles of law, see also Chapter 1.II.3.

111 See, for example, the interpretation by the United States government of the Ugandan conflict as a “civil conflict,” even though the insurgent “Lord’s Resistance Army (LRA), a terrorist organization (...) operated in the north from bases in southern Sudan,” in: US Department of State, *Country Reports on Human Rights Practices: Uganda*, 2001, available at: <http://www.state.gov/j/drl/rls/hrrpt/2001/af/8409.htm>

### To go further (Non-international armed conflicts)<sup>112</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 12: The law of non-international armed conflicts](#), pp. 327–350.
- Sandesh Sivakumaran, *The Law of Non-International Armed Conflict*, Oxford University Press, Oxford, 2012.
- Jelena Pejic, “[The protective scope of common Article 3: More than meets the eye](#),” *IRRC*, Vol. 93, No. 881, March 2011, pp. 189–225.
- Sylvain Vité, “[Typology of armed conflicts in international humanitarian law: Legal concepts and actual situations](#),” *IRRC*, Vol. 91, No. 873, March 2009, pp. 69–94.
- ICTY, *The Prosecutor v. Fatmir Limaj et al.*, Trial Chamber II (Judgment), 30 November 2005, Case No. IT-03-66-T, paras 84 and 89–91.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Article 3.
- “Contemporary challenges for IHL,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/contemporary-challenges-for-ihl>

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- Case No. 149, [Israel/Lebanon/Hezbollah Conflict in 2006](#)
- Case No. 211, [ICTY, The Prosecutor v. Tadić, Doc. A](#), paras 67–70, and [Doc. B](#), para. 562
- Case No. 220, [ICTY, The Prosecutor v. Boškoski](#), paras 175–178
- Case No. 234, [ICTR, The Prosecutor v. Jean-Paul Akayesu](#), paras 603 and 619–626

## VI. ARMED CONFLICTS SUBJECT TO FOREIGN INTERVENTION

Armed conflicts subject to foreign intervention are a special form of armed conflict sometimes also less accurately referred to as “internationalized” armed conflicts. In essence, this concept refers to a State, or coalition of States, intervening in a pre-existing non-international armed conflict, thereby becoming a (co-belligerent) party to that conflict.

<sup>112</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



J. Fontana

Bangladesh Institute of Peace Support Operation Training, simulation exercise, 2010.

In terms of applicable law, where a State intervenes in support of the territorial government's struggle against an insurgency, the relations between the insurgency and the intervening State, just like the pre-existing conflict, will be governed by IHL applicable to non-international armed conflicts. Where the intervening State supports the insurgency against the territorial State, however, the situation becomes more complex. The armed confrontations between the intervening State and the territorial State will automatically trigger the applicability of IHL governing international armed conflicts. The confrontations between the territorial State and the insurgency, on the other hand, will retain their non-international character and continue to be governed by IHL applicable to non-international armed conflicts. In terms of applicable law, this results in the coexistence of an international and a non-international armed conflict, a situation that is sometimes also referred to as "double classification." Finally, where an intervening State not only supports, but actually directs and controls the insurgent party to such an extent that its operations would have to be regarded as those of the intervening State itself, the pre-existing non-international armed conflict between the territorial State and an insurgency will be transformed into an international armed conflict between the territorial and the intervening States.<sup>113</sup>

113 For the basic positions concerning the degree of control required to make a State responsible for the conduct of an organized armed group, see in particular: ICJ, *Nicaragua case*, *op. cit.* (note 27), para. 115; ICTY, *The Prosecutor v. Dusko Tadić*, Appeals Chambers (Judgment), Case No. IT-94-A, 15 July 1999, para. 145; ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 27 February 2007, para. 413.

As a general rule, the same principles of classification also apply to armed interventions by multinational forces mandated by the UN or a regional organization. It must be emphasized that the applicability of IHL to multinational forces depends on the same factual circumstances that apply to any other force, irrespective of their international mandate and designation, and irrespective also of the designation that may have been given to potential parties opposing such forces. The mandate and the legitimacy of a mission entrusted to multinational forces are issues of *jus ad bellum* and general international law, but are strictly irrelevant when it comes to the applicability of IHL to multinational operations. Therefore, where multinational forces remain under their national command, they continue to be bound by the international obligations of their State of origin. Where they operate under the direct command of the UN, they are additionally required to respect IHL by virtue of the UN Secretary-General's Bulletin on the observance by UN forces of international humanitarian law.<sup>114</sup> In the ICRC's view, in both cases, the resulting conflict should be regarded as being international in character in the event of hostilities between the multinational force and one or several other States, and non-international in character if hostilities are conducted against organized armed groups only.

### To go further (Armed conflicts subject to foreign intervention)<sup>115</sup>

- Sylvain Vité, "[Typology of armed conflicts in international humanitarian law: Legal concepts and actual situations](#)," *IRRC*, Vol. 91, No. 873, March 2009, pp. 87–88.
- "[Multinational operations and the law](#)," *IRRC*, Vol. 95, No. 891/892, 2013.
- International Law Commission, "[Draft articles on responsibility of states for internationally wrongful acts, with commentaries](#)," *Yearbook of the International Law Commission*, 2001, Vol. 2, Part 2, Article 8, commentary, para. 5.

### How Does Law Protect in War?

- Case No. 274, Case Study, [Armed Conflicts in Sierra Leone, Liberia and Guinea \(1980–2005\)](#)
- Case No. 229, [Democratic Republic of the Congo, Conflict in the Kivus](#)

<sup>114</sup> *United Nations Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, ST/SGB/1993/13, United Nations, New York, 6 August 1999.

<sup>115</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)





# Chapter 3

## The conduct of hostilities



Bangui, Central African Republic, 2013. Soldiers from the Democratic Republic of the Congo on patrol with the Central African Multinational Force.

## Structure

- I. Protection of the civilian population
- II. Protection of civilian objects, and of certain areas and institutions
- III. Proportionality, precautions and presumptions
- IV. Methods of warfare
- V. Means of warfare
- VI. Specific issues arising in non-international armed conflicts

### In a nutshell

- In all armed conflicts, the right of the belligerent parties to choose methods or means of warfare is not unlimited.
- Belligerent parties must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and must direct their operations only against military objectives.
- Individual civilians enjoy protection against attack unless and for such time as they directly participate in hostilities.
- The principle of distinction also entails a duty to prevent erroneous targeting and to avoid or, in any event, minimize the infliction of incidental death, injury or destruction on civilians and civilian objects.
- With regard to any new weapon, means or method of warfare, States must determine whether its employment would, in some or all circumstances, be prohibited by international law, most notably whether it would have indiscriminate effects, cause unnecessary suffering or superfluous injury, or widespread, long-term and severe damage to the environment, or otherwise be incompatible with the principles of international law as derived from established custom, the principles of humanity or the dictates of public conscience.

### To go further<sup>116</sup>

- ICRC e-learning module, *The basic principles of international humanitarian law*. Available at: <http://www.icrcproject.org/elearning/en/ihl/M5/index.html>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 9: Conduct of hostilities](#), pp. 249–294.
- Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge University Press, 2010.
- “Conduct of Hostilities,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/conduct-hostilities>

### How Does Law Protect in War?

- Case No. 124, [Israel/Gaza, Operation Cast Lead](#)

Throughout the history of warfare, the conduct of hostilities has inflicted unspeakable suffering on millions of families and individuals. This remains the case today. Civilians and combatants alike are killed, wounded or maimed for life, and often lose loved ones or their property and belongings. Landmines, cluster munitions and other unexploded ordnance render entire regions uninhabitable for years and sometimes decades. Villages, cities and individual dwellings are destroyed, cultural property and religious sites damaged, and power plants, bridges and other critical infrastructure rendered useless, forcing entire populations to flee their homes, with enormous humanitarian consequences. It has long been a central objective of IHL, therefore, to prohibit unrestricted warfare and to regulate the conduct of hostilities so as to mitigate, as much as possible, the “calamities of war.”<sup>117</sup>

The three most fundamental maxims of IHL relevant to the conduct of hostilities are as follows: (1) “the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy”,<sup>118</sup> (2) in pursuing this aim, “the right of the Parties to the conflict to choose methods or means of warfare is not unlimited”,<sup>119</sup> and (3) “[t]he civilian population and individual civilians shall enjoy general protection

<sup>116</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

<sup>117</sup> St Petersburg Declaration.

<sup>118</sup> *Ibid.*

<sup>119</sup> AP I, Art. 35(1). See also Hague Regulations, Art. 22.



B. Storton/Getty Images/ICRC

Barrio Chuijo, west of Chimoio, Mozambique, close to the border with Zimbabwe, 2013. A survivor of a landmine explosion works the land.

against dangers arising from military operations.”<sup>120</sup> Therefore, IHL regulating the conduct of hostilities can be said to pursue two basic goals: first, to ensure the protection of the civilian population and civilian objects from the effects of the hostilities, and second, to impose constraints on certain methods and means of warfare.

## I. PROTECTION OF THE CIVILIAN POPULATION

The undisputed cornerstone of IHL aiming to protect the civilian population from the effects of hostilities is the principle of distinction, according to which parties to an armed conflict must “at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”<sup>121</sup> The protective purpose of the principle of distinction can be achieved only if the underlying categories of person (“civilians” and “combatants”) and objects (“civilian objects” and “military objectives”) are defined, and if the scope and conditions of the protection afforded to civilians and civilian objects are clear.

<sup>120</sup> AP I, Art. 51(1).

<sup>121</sup> AP I, Art. 48; CIHL, Rules 1 and 7.

## 1. Definition of "combatants"

In a generic sense, combatants are members of the fighting forces of the belligerent parties. In principle, therefore, all members of the armed forces of a party to an international armed conflict are combatants, except medical and religious personnel assuming exclusively humanitarian functions.<sup>122</sup> The only weapon-bearers who may be regarded as combatants without being members of the armed forces are participants in a *levée en masse*.<sup>123</sup> Persons fighting outside these categories, such as mercenaries<sup>124</sup> or civilians taking a direct part in hostilities,<sup>125</sup> are not entitled to combatant status.

- On the special protection afforded to medical and religious personnel, see Chapter 4.II.
- On the special protection afforded to members of the armed forces exclusively assigned to civil defence duties, see Section II.4. below.

### (a) Members of the armed forces

The armed forces of a party to a conflict comprise "all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates."<sup>126</sup> This broad and functional concept of armed forces has evolved since the adoption of the Hague Regulations, which already recognized that the "laws, rights, and duties of war" applied not only to the regular armed forces, but also to irregular militia and volunteer corps, provided that they fulfilled four conditions assimilating them to regular armed forces: (1) they were commanded by a person responsible for his subordinates; (2) they had a fixed distinctive emblem recognizable at a distance; (3) they carried arms openly; and (4) they conducted their operations in accordance with the laws and customs of war.<sup>127</sup> The requirements of visible distinction from the civilian population and respect for IHL are no longer considered to be constitutive elements of the armed forces *per se*, but have become individual obligations, the violation of which may entail consequences for the individual combatant, most notably loss of the privilege of combatancy and prisoner-of-war status (non-compliance with the visibility requirement)<sup>128</sup> or

<sup>122</sup> AP I, Art. 43(2); CIHL, Rule 3.

<sup>123</sup> Hague Regulations, Art. 2; see also Section I.1.b.

<sup>124</sup> AP I, Art. 47(1).

<sup>125</sup> AP I, Art. 51(3).

<sup>126</sup> AP I, Art. 43(1); CIHL, Rule 4.

<sup>127</sup> Hague Regulations, Art. 1.

<sup>128</sup> AP I, Arts 44(3) and 46; CIHL, Rules 106 and 107.

prosecution (violations of IHL).<sup>129</sup> In sum, today, all armed forces, groups or units showing a sufficient degree of military organization and belonging to a party to a conflict must be regarded as part of the armed forces of that party.<sup>130</sup>

Individual membership in the regular armed forces of States is generally regulated by domestic law and expressed through formal integration into permanent units distinguishable by uniforms, insignia and equipment. The same applies where armed units of police officers, border guards, or similar uniformed forces are incorporated in State armed forces. For the purposes of the principle of distinction, membership in regular State armed forces ceases, and civilian status and protection are restored, when a member disengages from active duty and returns to civilian life, whether after being discharged from duty or as a deactivated reservist. Membership in irregularly constituted armed forces, such as militias, volunteer corps, or organized resistance movements belonging to a belligerent party, generally is not regulated by domestic law and can be reliably determined only on the basis of functional criteria, such as those applying to non-State armed groups in non-international armed conflicts (“continuous combat function”).<sup>131</sup>

→ On membership of non-State armed groups in non-international armed conflicts, see Section VI.2 below.

### **(b) Participants in a *levée en masse***

In IHL, the term *levée en masse* is used to describe the inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.<sup>132</sup> As soon as a *levée en masse* becomes continuous and organized, it is no longer regarded as such, but as an organized resistance movement. Participants in a *levée en masse* are the only armed actors regarded as combatants even though, by definition, they operate spontaneously and lack sufficient organization and command to qualify as members of the armed forces. All other persons who take a

129 J.-M. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law*, *op. cit.* (note 23), pp. 15–16.

130 N. Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, ICRC, Geneva, 2009, p. 22.

131 N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130), p. 25.

132 Hague Regulations, Art. 2; GC III, Art. 4(A)(6). See also the reference to GC III, Art. 4(A)(6) in AP I, Art. 50(1).

direct part in hostilities on a merely spontaneous, sporadic or unorganized basis must be regarded as civilians.<sup>133</sup>

By definition, individual involvement in a *levée en masse* is based on spontaneous and unorganized “participation” in hostilities, and not on “membership,” which would imply a minimum of continuity and organization. It therefore follows that participants in a *levée en masse* have combatant status based on their immediate conduct, and that their loss of protection against direct attack must be determined based on the same criteria that apply to civilians directly participating in hostilities. Both categories of person participate in hostilities on a merely spontaneous and unorganized basis, albeit with different consequences as far as their entitlement to the privilege of combatancy and prisoner-of-war status is concerned.

→ On direct participation in hostilities by civilians, see Section I.4. below.

→ On prisoner-of-war status, see Chapter 5.I.2.

#### **(c) Combatant status and combatant’s privilege**

For the purposes of the principle of distinction, the most important consequence associated with combatant status is the loss of civilian status and of protection against direct attack. Moreover, combatant status entails the “combatant’s privilege,” namely “the right to participate directly in hostilities” on behalf of a party to an international armed conflict.<sup>134</sup> The combatant’s privilege as such has no immediate consequences in terms of the principle of distinction but is of greater relevance for the status and rights afforded to an individual after capture by the enemy. Combatant status and combatant’s privilege are exclusive to situations of international armed conflict and are not provided for in IHL governing non-international armed conflicts.

→ On the relevance of combatant’s privilege in the context of detention, see Chapter 5.I.1.

#### **(d) “Unprivileged” or “unlawful” combatants**

Not everyone taking up arms in an international armed conflict necessarily qualifies for the privilege of combatancy. Members of the armed forces may lose that privilege for failing to distinguish themselves from the civilian

<sup>133</sup> N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130), p. 25.

<sup>134</sup> API, Art. 43(2).

population. Others – mercenaries,<sup>135</sup> private contractors,<sup>136</sup> civilian intelligence agents, organized criminals, other civilians – may directly participate in hostilities without being entitled to the privilege in the first place. Civilians directly participating in hostilities and others supporting the enemy's war effort without being entitled to the privilege of combatancy are sometimes sweepingly described as “unprivileged” or “unlawful” combatants and wrongly said to fall outside the categories of person protected by the 1949 Geneva Conventions.

→ For more information on the concepts of “unprivileged” or “unlawful” combatants in the context of detention, see Chapter 5.I.1.b.

For the purposes of the conduct of hostilities, the composite terms “unprivileged combatant” and “unlawful combatant” are often used far too sweepingly, generally in order to imply that the persons concerned do not have the privilege of combatancy and are not protected against direct attack. It must be emphasized, however, that neither “unprivileged” nor “unlawful” combatant is a term used in IHL, and that neither entails any status or loss of protection in derogation of the categories and rules already foreseen in IHL. This observation is equally valid for situations of international and non-international armed conflict. As a matter of law, therefore, a person's loss of protection against direct attack can never be the result of his or her informal categorization as an “unprivileged” or “unlawful” combatant, but must always be based on his or her membership in the armed forces of a belligerent party (combatant status – see Section I.1.c above) or, in the case of civilians, his or her direct participation in hostilities (direct participation in hostilities – see Section I.4 below) within the meaning of IHL. While the term “unprivileged combatant” arguably may be used in a purely descriptive manner for members of the armed forces who have lost their entitlement to the privilege of combatancy, it should never be used to refer to persons who are protected against direct attack, or who may only lose such protection on a temporary basis, such as civilians directly participating in hostilities and others supporting the enemy without becoming part of its fighting forces. As to the notion of “unlawful combatant,” the fact that IHL limits the “right” to directly participate in hostilities to privileged combatants does not necessarily imply a prohibition of “unprivileged combatancy” as a matter of IHL. Strictly speaking, IHL does not prohibit anyone from taking up arms in a situation of armed conflict; it simply requires that all those doing so comply with its rules on the conduct of hostilities.

135 AP I, Art. 47; CIHL, Rule 109.

136 GC III, Art. 4(4) and (5).



Given that the use of terms such as “unprivileged combatant” or “unlawful combatant” in the context of the conduct of hostilities is fraught with considerable risk of abuse or misunderstanding, the term “combatant” will be used below in its technical meaning only, namely as referring to persons entitled to the privilege of combatancy in situations of international armed conflict.

## 2. Definition of “civilians” and “civilian population”

In IHL, the civilian population is negatively defined as comprising all persons who are neither members of the armed forces of a party to the conflict nor participants in a *levée en masse*.<sup>137</sup> Thus, the definition also includes civilians accompanying the armed forces without being incorporated therein, such as war correspondents and, as a general rule, private contractors and civilian intelligence or law enforcement personnel, even if some of them may be entitled to prisoner-of-war status upon capture.<sup>138</sup> On the other hand, as has been shown, all armed forces, groups and units showing a sufficient degree of military organization and operating *de facto* on behalf of and with the agreement of a party to the conflict must be regarded as part of its armed forces and therefore do not qualify as civilians, irrespective of their entitlement to prisoner-of-war status or the combatant’s privilege, and regardless of their denomination in domestic law.<sup>139</sup> If there is any doubt about a person’s civilian status, that person must be considered a civilian.<sup>140</sup>

## 3. Specific prohibitions

### (a) Direct attacks

The most direct emanation of the principle of distinction is, of course, the prohibition of direct attacks against civilians.<sup>141</sup> It is important to note that, in IHL, the word “attacks” refers not only to offensive operations, but includes all “acts of violence against the adversary, whether in offence or in defence.”<sup>142</sup>

### (b) Acts of terror

While it is clear that any military operation affecting civilians is likely to induce a certain amount of fear and anxiety among the civilian population, IHL prohibits acts or threats of violence the primary purpose of which is to spread terror among the civilian population.<sup>143</sup>

137 AP I, Art. 50(1) and (2); CIHL, Rule 5.

138 See Chapter 5.I.2.

139 See Section I.I.a.

140 AP I, Art. 50(1).

141 AP I, Art 51(2); CIHL, Rule 1.

142 AP I, Art. 49(1).

143 AP I, Art. 51(2); CIHL, Rule 2.

### (c) Indiscriminate attacks

Apart from direct attacks against civilians, IHL also prohibits indiscriminate attacks. These are attacks which are of a nature to strike military objectives and civilians and civilian objects without distinction, either because they are not or cannot be directed at a specific military objective or because their effects cannot be limited as required by IHL.<sup>144</sup> Particularly devastating examples of indiscriminate attacks are the so-called “carpet bombing” campaigns of World War II, in which entire areas containing both military objectives and civilians and civilian objects were treated as a single military objective and attacked without distinction. Another example of indiscriminate attacks are those which may be expected to cause incidental harm to civilians or civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated.<sup>145</sup>

### (d) Human shields

IHL also prohibits belligerent parties from using civilians as “human shields.” Accordingly, it is prohibited to use the presence or direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attack, or to shield, favour or impede military operations.<sup>146</sup> However, even unlawful recourse to human shields by the defending party does not release the attacking party from its obligations under IHL, especially the principles of proportionality and precaution in attack.<sup>147</sup>

### (e) Non-reciprocity and prohibition of attacks by way of reprisal

All of the above-mentioned prohibitions are non-reciprocal in that their violation by the enemy does not release belligerent parties from their own obligations with respect to the civilian population.<sup>148</sup> In particular, it is prohibited to attack civilians by way of reprisal.<sup>149</sup>

## 4. Civilian participation in hostilities

### (a) Basic rule

In situations of armed conflict, civilians are entitled to protection against direct attack “unless and for such time as they take a direct part in hostilities.”<sup>150</sup> In other words, for the duration of their direct participation in hostilities, civilians may be directly attacked as if they were combatants. Despite the serious legal consequences involved, IHL provides no definition

<sup>144</sup> AP I, Art. 51(4) and (5); CIHL, Rules 11–13.

<sup>145</sup> AP I, Art. 51(5)(b). See also Section III.1. on the principle of proportionality.

<sup>146</sup> AP I, Art. 51(7); CIHL, Rule 97.

<sup>147</sup> See Section III.

<sup>148</sup> AP I, Art. 51(8); CIHL, Rule 140.

<sup>149</sup> GC IV, Arts 28 and 33; AP I, Art. 51(6); CIHL, Rules 145 and 146.

<sup>150</sup> AP I, Art. 51(3); CIHL, Rule 6.

of conduct that amounts to direct participation in hostilities, nor can a clear interpretation of the concept be derived from State practice or international jurisprudence or from legal and military doctrine. The ICRC therefore conducted an informal expert process from 2003 to 2009, which resulted in the publication of its *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*.

→ See Textbox 5, Chapter 3.I.4.c. below: *ICRC process to clarify the concept of “direct participation in hostilities.”*

### **(b) Meaning of “direct participation in hostilities”**

In essence, the concept of direct participation in hostilities comprises two basic components: that of “hostilities” and that of “direct participation” therein. While the concept of “hostilities” refers to the collective recourse by belligerent parties to means and methods of warfare, “participation” in hostilities refers to the individual involvement of a person in these hostilities. Depending on the quality and degree of such involvement, individual participation in hostilities may be described as “direct” or “indirect.” While *direct* participation refers to specific hostile acts carried out as part of the conduct of hostilities between parties to an armed conflict and leads to loss of protection against direct attack, *indirect* participation may contribute to the general war effort, but does not directly harm the enemy and therefore does not entail loss of protection against direct attacks.

In order to qualify as direct participation in hostilities, a specific act must meet all the following requirements: first, the harm likely to result from the act must be either specifically military in nature or involve death, injury or destruction (threshold of harm); second, there must be a direct causal relation between the act and the expected harm (direct causation); third, the act must be an integral part of the hostilities occurring between parties to an armed conflict and must, therefore, aim to support one belligerent party to the detriment of another (belligerent nexus). In short, the concept of direct participation in hostilities should be interpreted as referring to acts designed to support a belligerent party by directly harming its enemy, either by directly causing military harm or by directly inflicting death, injury or destruction on persons or objects protected against direct attack. These criteria permit a reliable distinction to be made between activities amounting to direct participation in hostilities and activities that, although occurring in the context of an armed conflict, are not part of the conduct of hostilities between belligerent parties and therefore do not entail loss of protection against direct attack within the meaning of IHL.<sup>151</sup>

<sup>151</sup> See N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130). For an expert critique of the ICRC’s interpretive guidance and the organization’s official response, see “Forum on

Finally, loss of protection against direct attack (due to direct participation in hostilities) must not be confused with loss of the special protection afforded to medical and religious personnel, and to civil defence personnel (due to the commission of acts harmful to the enemy).

- On the criteria for loss of the special protection afforded to medical and religious personnel, see Chapter 4, Sections II.2.a. and III.1.c. below.
- On the criteria for loss of the special protection afforded to civil defence personnel, see Section II.4. below.

**(c) Distinction from “unprivileged combatancy”**

The legal term “civilian direct participation in hostilities” should not be confused with the controversial notion of “unprivileged combatancy,” which has no meaning under IHL. As far as the categories of person recognized under IHL are concerned, both civilians directly participating in hostilities and members of the armed forces not entitled to the combatant privilege may be lawfully attacked, and both may also be prosecuted for lawful acts of war that constitute an offence under the applicable national law. However, the decisive difference between these two categories of person is that civilians directly participate in hostilities on a merely spontaneous, sporadic or unorganized basis, whereas “unprivileged” members of the armed forces do so on an organized and continuous basis. Therefore, civilians directly participating in hostilities lose their protection against direct attack only for the duration of each specific hostile act, whereas, in principle, both privileged and unprivileged members of the armed forces may be directly attacked for the entire duration of their membership, with the sole exception of those who are *hors de combat*.

- On “unprivileged combatancy,” see Section I.1.d. above and Chapter 5.I.1.b.

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‘Direct Participation in Hostilities,’ *New York University Journal of International Law and Politics*, Vol. 42, No. 3, Spring 2010, pp. 637–916.

### Textbox 5: ICRC process to clarify the concept of “direct participation in hostilities”

In 2003, the ICRC initiated an informal expert process with the aim of clarifying IHL as it relates to the concept of direct participation in hostilities. Five expert meetings were held in The Hague and in Geneva between 2003 and 2008. Each meeting brought together 40 to 50 legal experts from military, governmental and academic circles, and from international and non-governmental organizations, all of whom attended in their personal capacity. The process focused on interpreting the concept of direct participation in hostilities for the purposes of the conduct of hostilities only and did not address the legal regime applicable in the event of capture or detention of persons who have directly participated in hostilities. Also, the process examined the above-mentioned questions exclusively from the point of view of IHL; its conclusions remain without prejudice to an analysis of the questions raised by civilian participation in hostilities under other applicable branches of international law, such as human rights law or the UN Charter (*jus ad bellum*). Based on the discussions held and the research conducted in the course of the expert process, the ICRC published its *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (2009). This document does not necessarily reflect the unanimous or majority opinion of the participating experts on the questions addressed; instead, it provides the ICRC's official recommendations as to how IHL relating to the concept of direct participation in hostilities should be interpreted in the light of the circumstances prevailing in contemporary armed conflicts. It does not endeavour to change or amend existing IHL rules; it attempts instead to ensure their coherent interpretation in line with the core principles underlying IHL as a whole. While the *Interpretive Guidance* is not legally binding, the ICRC has expressed the hope that the careful and balanced analysis underlying its recommendations will be equally persuasive to States, non-State actors, military and humanitarian personnel, judicial officials and academics.

- See Nils Melzer, [\*Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law\*](#), ICRC, Geneva, 2009, 85 pp.

#### (d) Interplay between the conduct of hostilities and the law enforcement paradigms

The fact that civilian support for the enemy does not amount to direct participation in hostilities does not mean that such support is necessarily lawful, or that no measures can be taken to prevent, suppress or punish such support. Given that the civilians concerned remain protected against direct attack, any use of force against them must comply with the more restrictive rules of the law enforcement paradigm. This distinction is crucial because, contrary to the more permissive rules on the conduct of hostilities, the law enforcement paradigm allows the use of lethal force only in order to protect human life

from an unlawful attack, and only as a last resort when other available means remain ineffective or without any promise of achieving the intended result. Moreover, the conduct of hostilities paradigm tolerates more incidental harm than the law enforcement paradigm. The two paradigms also contain different requirements in terms of operational planning and of the duty to investigate violations. In January 2012, the ICRC organized an expert meeting to clarify this issue, which will likely be further explored in the years to come.

- For more information on the applicable paradigm, see Textbox 2: ICRC expert meeting on IHL and the use of force in armed conflicts (Chapter 1.III.2.).
- On fundamental guarantees and security measures, see Chapter 6.I.3.

### To go further (Protection of the civilian population)<sup>152</sup>

- ICRC e-learning modules, *Protected persons and objects*. Available at: <http://www.icrcproject.org/elearning/en/ihl/M6/index.html>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 9: Conduct of Hostilities](#), pp. 250–280.
- Charles H.B. Garraway, “Combatants: Substance or semantics?,” in Michael Schmitt and Jelena Pejic (eds), *International Law and Armed Conflict: Exploring the Faultlines, Essays in Honour of Yoram Dinstein*, Martinus Nijhoff Publishers, Leiden/Boston, 2007, pp. 317–335.
- Knut Dörmann, “[The legal situation of ‘unlawful/unprivileged combatants’](#),” *IRRC*, Vol. 85, No. 849, March 2003, pp. 45–74.
- Stéphanie Bouchié de Belle, “[Chained to cannons or wearing targets on their T-shirts: Human shields in international humanitarian law](#),” *IRRC*, Vol. 90, No. 872, December 2008, pp. 883–906.
- Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, ICRC, Geneva, 2009, 85 pp.
- ICRC, *Professional Standards for Protection Work Carried Out by Humanitarian and Human Rights Actors in Armed Conflict and Other Situations of Violence*, ICRC, Geneva, 2013, 115 pp.

<sup>152</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

### *How Does Law Protect in War?*

- Case No. 20, [The Issue of Mercenaries](#)
- Case No. 126, [Israel, Military Prosecutor v. Kassem and Others](#)
- Case No. 164, [Sudan, Report of the UN Commission of Enquiry on Darfur](#)



H. Vanesian/ICRC

Old city of Aleppo, Syria, 2013. Destroyed houses just metres from the frontline.

## **II. PROTECTION OF CIVILIAN OBJECTS, AND OF CERTAIN AREAS AND INSTITUTIONS**

### **1. Military objectives and civilian objects**

IHL provides that attacks must be strictly limited to military objectives and that civilian objects may not be the object of attacks or reprisals.<sup>153</sup> Civilian objects are negatively defined as all objects that are not military objectives.<sup>154</sup> Military objectives, in turn, are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”<sup>155</sup> If there is any doubt whether an object normally used for civilian purposes,

<sup>153</sup> GC IV, Art. 33; AP I, Art. 52(1) and (2); CIHL, Rule 7.

<sup>154</sup> AP I, Art. 52(1); CIHL, Rule 9.

<sup>155</sup> AP I, Art. 52(2); CIHL, Rule 8.

such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it is presumed not to be so used.<sup>156</sup>

#### **(a) General meaning of “military objective”**

In order to qualify as a military objective, an object must meet two criteria. First, it must contribute effectively to the adversary’s military action (as opposed to mere policy objectives or the war-sustaining capabilities of the enemy), and it has to do so by its “nature” (e.g. the intrinsically military characteristics of weaponry), “location” (e.g. a physical obstacle impeding military operations), “purpose” (e.g. the intended future use of an ammunition factory under construction), or current “use” (e.g. a building being used as a sniper position). Second, an object making an effective contribution to the enemy’s military action can qualify as a military objective only if its destruction, capture or neutralization also offers the attacker a definite military advantage. It follows from the word “definite” that the advantage must be concrete and perceptible, and not merely hypothetical or speculative. The definition also stipulates that targeting decisions cannot be based on outdated assessments of past or speculations as to future developments; instead, any attack being contemplated must offer a definite military advantage “in the circumstances ruling at the time.” Thus, military objectives defined as such because of their use regain civilian status as soon as they no longer make an effective contribution to the enemy’s military action or an attack against them no longer offers a definite military advantage. As long as reference is made to a distinct tactical military operation rather than an entire military campaign, however, it is sufficient if such military advantage may be expected to result from the attack considered as a whole, and not necessarily from each act of violence that is part of that attack. While the precise meaning of the terms “effective contribution” and “definite advantage” depend heavily on contextual factors, it is clear that they both aim to avoid excessively permissive targeting criteria in operational practice.

#### **(b) Dual-use objects**

In practice, almost any civilian object can be used for military purposes and can therefore be a military objective for the duration of such use. Objects simultaneously used for civilian and military purposes are particularly problematic. Typical examples of objects that might become “dual-use” objects are logistical infrastructure (roads, bridges, railways, ports and airports), power plants, and electricity and communication networks. To the extent that a specific dual-use object makes an “effective contribution” to the enemy’s military action and its destruction, neutralization or capture offers a definite military advantage, it qualifies as a military objective regardless of its

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156 AP I, Art. 52(3).



simultaneous civilian use. The negative impact that an attack against a dual-use object is expected to have on the civilian population is not relevant for its categorization as a military objective, but must be taken into account in the proportionality assessment.<sup>157</sup> Accordingly, an attack against a dual-use object qualifying as a military objective would be unlawful if it may be expected to cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated.<sup>158</sup>

## 2. Specially protected objects

### (a) Cultural property

The conduct of hostilities has often resulted in the destruction of irreplaceable cultural property, particularly during the large-scale aerial bombardments of World War II. Recognizing the significance of this loss to the cultural heritage of humanity, the international community adopted the 1954 Hague Convention on Cultural Property and its two Protocols of 1954 and 1999. Additional Protocols I and II also contain provisions protecting cultural property.<sup>159</sup> In IHL, cultural property is defined as comprising essentially any secular or religious movable or immovable property of great importance to the cultural heritage of all people, such as monuments of architecture or history, archaeological sites, works of art, books, museums, and libraries and other buildings containing cultural property.<sup>160</sup>

In order to facilitate its identification, cultural property protected under IHL should be marked with the emblem of the 1954 Convention, a downward pointed blue square shield on a white background.<sup>161</sup> Such marking is purely indicative in nature and is not a precondition for the special protection afforded by IHL.<sup>162</sup> Belligerent parties must safeguard their own cultural property against the foreseeable effects of an armed conflict,<sup>163</sup> and they must respect all cultural property, whether their own or that situated in the territory of other States. In particular, they may not direct any act of hostility against cultural property, and must refrain from using such property for purposes likely to expose it to destruction or damage in the event of an armed conflict.<sup>164</sup> These obligations can be derogated from only in cases of imperative military necessity and if there is no feasible alternative available

<sup>157</sup> The proportionality assessment is examined in Section III.

<sup>158</sup> See Section III.2.b.

<sup>159</sup> AP I, Arts 38, 53 and 85; AP II, Art. 16.

<sup>160</sup> Hague Convention on Cultural Property, Art. 1.

<sup>161</sup> Hague Convention on Cultural Property, Arts 16 and 17.

<sup>162</sup> Hague Convention on Cultural Property, Arts 2 and 4.

<sup>163</sup> Hague Convention on Cultural Property, Art. 3.

<sup>164</sup> Hague Convention on Cultural Property, Art. 4(1).

to obtain a similar military advantage.<sup>165</sup> In no case, however, may cultural property be attacked unless it has, by its function, been turned into a military objective. Moreover, any such attack must be ordered by a commanding officer and, whenever circumstances permit, preceded by an effective advance warning.<sup>166</sup>

After the limited success of this system of “special protection” under the Hague Convention on Cultural Property, a second Protocol was adopted in 1999 that introduced a new system of “enhanced protection” for cultural property that: (1) represents cultural heritage of the greatest importance to humanity; (2) enjoys the highest level of protection in domestic law; (3) is not used for military purposes or to shield military sites and has been formally declared not to be intended for such use.<sup>167</sup> Belligerent parties controlling property granted enhanced protection must not use such property or its immediate surroundings in support of military action under any circumstances.<sup>168</sup> Even when such property has, by virtue of its use, become a military objective, it may not be attacked unless that is the only feasible means of terminating such use and unless precautions are taken to minimize damage to the property. Effective advance warning must be given, circumstances permitting.<sup>169</sup> The Hague Convention on Cultural Property and its Second Protocol also require States to criminalize in their domestic law a number of violations of IHL relating to the protection of cultural property.<sup>170</sup> Today, the protection of cultural property is regarded as part of customary IHL.<sup>171</sup>

### **(b) Works and installations containing dangerous forces**

Certain installations, namely dams, dykes and nuclear power stations, are specially protected from attack because their partial or total destruction would likely have catastrophic humanitarian consequences for the surrounding civilian population and objects. As long as such works and installations constitute civilian objects they are, of course, protected against direct attack. However, even dams, dykes and nuclear power stations that qualify as military objectives, as well as other military objectives located in their vicinity, must not be attacked if such attack can cause the release of dangerous forces and consequent severe losses among the civilian population.<sup>172</sup>

165 Hague Convention on Cultural Property, Art. 4(2); AP I, Art. 57(3).

166 Hague Convention on Cultural Property, Art. 4, and its Second Protocol, Art. 6.

167 Second Protocol to the Hague Convention on Cultural Property, Art. 10.

168 Second Protocol to the Hague Convention on Cultural Property, Art. 12.

169 Second Protocol to the Hague Convention on Cultural Property, Art. 13.

170 Hague Convention on Cultural Property, Art. 28, and its Second Protocol, Art. 15.

171 CIHL, Rules 38–41.

172 AP I, Art. 56(1). See also CIHL, Rule 42.

This special protection against attack ceases only if the military objective in question is used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.<sup>173</sup> In no case may such works, installations or military objectives be made the object of reprisals.<sup>174</sup> If special protection ceases and any such works, installations or neighbouring military objectives are attacked, in addition to the precautionary measures required by the general rules on the conduct of hostilities, all practical precautions must be taken to avoid the release of the dangerous forces.<sup>175</sup>

In order to facilitate their identification, such objects should be marked with a special sign consisting of a group of three bright orange circles placed on the same axis.<sup>176</sup> Such marking is purely indicative in nature and is not a precondition for the special protection afforded by IHL.<sup>177</sup>

### **(c) Objects indispensable to the survival of the civilian population**

IHL prohibits the starvation of civilians as a method of warfare.<sup>178</sup> It is therefore prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population (e.g. foodstuffs, agricultural areas, crops, livestock, drinking water and irrigation systems) for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse party, whether in order to starve out civilians, to cause them to move away, or for any other motive.<sup>179</sup>

These prohibitions do not apply where such objects are used exclusively as sustenance for the opposing armed forces, or otherwise in direct support of military action,<sup>180</sup> unless action taken against them may be expected to starve the civilian population or force its movement. In no case may objects indispensable to the survival of the civilian population be made the object of reprisals.<sup>181</sup> A belligerent party may derogate from these prohibitions only where required by imperative military necessity for the defence of its national territory against invasion, and only within territory under its own control.<sup>182</sup>

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173 AP I, Art. 56(2).

174 AP I, Art. 56(4); CIHL, Rule 147.

175 AP I, Art. 56(3).

176 AP I, Annex I, Art. 16.

177 AP I, Art. 56(7).

178 AP I, Art. 54(1); CIHL, Rule 53.

179 AP I, Art. 54(2); CIHL, Rule 54.

180 AP I, Art. 54(3).

181 AP I, Art. 54(4); CIHL, Rule 147.

182 AP I, Art. 54(5).

The prohibition of starvation as a method of warfare does not prohibit sieges, naval blockades and embargoes that cause starvation as long as the purpose is to achieve a military objective and not to starve a civilian population. At the same time, the prohibition of starvation implies that the besieging party must either allow the inhabitants to leave the area in question or permit the free passage of humanitarian relief supplies.

#### (d) Natural environment

From a more general and long-term perspective, no civilian population can be adequately protected against the effects of war if the natural environment it depends on for its sustenance is destroyed, poisoned or severely damaged by military operations. Article 35 of Additional Protocol I therefore includes protection of the natural environment as a basic rule of IHL. As a general rule, the natural environment benefits from the protection afforded to civilian objects unless it meets all the constitutive requirements of a military objective.<sup>183</sup> In addition, IHL obliges belligerent parties to protect the natural environment against “widespread, long-term and severe damage,” and prohibits the use of methods or means of warfare that are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.<sup>184</sup> IHL also prohibits attacks against the natural environment by way of reprisals.<sup>185</sup>

While environmental damage that does not reach the threshold of “widespread, long-term and severe damage” remains subject to the general rules of distinction, proportionality and precaution, the prohibition of “widespread, long-term and severe damage” is absolute. In other words, if military operations are intended or may be expected to cause environmental damage that reaches that threshold, they are prohibited irrespective of whether the affected part of the environment qualifies as a military objective or, if not, whether the incidental harm inflicted on it would be excessive in relation to the anticipated military advantage. This is why the prohibition has such a high threshold. These three elements – “widespread,” “long-term” and “severe” – are understood to be cumulative, and “long-term” is understood to refer to decades.<sup>186</sup> However, as it may be difficult to estimate in advance the exact scope and duration of environmentally damaging military operations, belligerents should endeavour to limit environmental damage as far as possible even when it is not expected to reach the threshold of “widespread, long-term and severe damage.”

183 CIHL, Rule 43.

184 AP I, Arts 35(3) and 55(1); CIHL, Rules 44 and 45.

185 AP I, Art. 55(2); CIHL, Rule 147.

186 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, ICRC/Martinus Nijhoff, Geneva/Dordrecht, 1987, paras 1452 and 1457.

The 1976 ENMOD Convention takes a slightly different approach. It prohibits the “military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury.”<sup>187</sup> Although the terms used in the ENMOD Convention (“widespread, long-lasting or severe”) are similar to those used in Additional Protocol I (“widespread, long-term and severe”), the use of the word “or” indicates that the ENMOD threshold is not cumulative. Moreover, the ENMOD Convention defines the term “long-lasting” as “lasting for a period of months, or approximately a season.” Overall, therefore, the threshold for prohibited conduct is significantly lower for the deliberate manipulation of the environment for hostile purposes (i.e. the use of the environment *as a means or method of warfare*) than for the direct or incidental infliction of damage on the natural environment (i.e. the use of weapons *against the environment*).<sup>188</sup>

### 3. Non-defended localities and demilitarized zones

In addition to the safety and neutralized zones established in connection with the protection of the wounded, sick and shipwrecked,<sup>189</sup> IHL also provides for the identification/declaration of non-defended localities and the establishment of demilitarized zones, both of which are specifically intended to protect the civilian population from the effects of war.

#### (a) Non-defended localities

A belligerent party can unilaterally declare as a “non-defended locality” any inhabited place near or in a combat zone. Such non-defended localities must fulfil all the following conditions: most notably, all combatants and mobile military equipment must have been evacuated; any remaining military installations must not be used for hostile purposes; and both the authorities and the population must refrain from committing acts of hostility or otherwise supporting military operations. If these conditions are met, the locality in question may be occupied by the enemy, but it may not be attacked by any means whatsoever, and its inhabitants may not be harmed. A locality ceasing to fulfil any one of these conditions loses its status as a non-defended locality but continues to enjoy the protection provided under the general provisions of IHL.<sup>190</sup>

187 ENMOD Convention, 10 December 1976, Art. 1.

188 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), paras 1452 and 1448–1457.

189 See Chapter 4.IV.

190 AP I, Art. 59; CIHL, Rule 37.

### (b) Demilitarized zones

States can at any time agree to confer the status of “demilitarized zone” on any given area. Examples of such demilitarized zones include Antarctica and the Sinai. Such agreements may be concluded in peacetime, as well as after the outbreak of hostilities, and should define both the limits of the demilitarized zone and any methods of supervision. Demilitarized zones are similar to non-defended localities in that their status normally implies that all combatants and mobile military equipment have been evacuated, that no hostile use is made of remaining military installations, that no acts of hostility are committed by the authorities or by the population, and that any activity linked to the military effort has ceased. In the event of an armed conflict, the belligerent parties may not use such demilitarized zones for purposes related to the conduct of military operations, or unilaterally revoke their status as demilitarized zones. Should the preconditions for “demilitarized” status be breached by one belligerent party, the zone loses its status as a “demilitarized” zone but continues to enjoy the protection provided under the general provisions of IHL.<sup>191</sup>

## 4. Civil defence organizations

Since World War II, hostilities have steadily shifted from distinct battlefields into civilian population centres, and many States have therefore established civil defence organizations. In IHL, “civil defence” denotes the performance of certain humanitarian tasks intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects, of hostilities or disasters, and to provide the conditions necessary for its survival. These tasks are: (i) warning; (ii) evacuation; (iii) management of shelters; (iv) management of blackout measures; (v) rescue; (vi) medical services, including first aid, and religious assistance; (vii) fire-fighting; (viii) detection and marking of danger areas; (ix) decontamination and similar protective measures; (x) provision of emergency accommodation and supplies; (xi) emergency assistance in the restoration and maintenance of order in distressed areas; (xii) emergency repair of indispensable public utilities; (xiii) emergency disposal of the dead; (xiv) assistance in the preservation of objects essential for survival; (xv) complementary activities necessary to carry out any of the tasks mentioned above, including, but not limited to, planning and organization.<sup>192</sup>

Civil defence organizations, the personnel assigned exclusively to the performance of civil defence tasks, and civilians volunteering to perform such tasks at the behest of the authorities must be respected and protected and must be allowed to perform their tasks except in case of imperative military

<sup>191</sup> AP I, Art. 60; CIHL, Rule 36.

<sup>192</sup> AP I, Art. 61(a).

necessity. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the belligerent party to which they belong.<sup>193</sup> In occupied territories, civil defence organizations are subject to the security regime established by the occupying power, but are also entitled to its support in the performance of their tasks, and are protected against any interference, coercion, requisition or diversion that may jeopardize their mission or prove harmful to the civilian population.<sup>194</sup>

With the consent and under the control of the territorial State or occupying power, civil defence tasks may also be performed by civil defence organizations of neutral or other non-belligerent States. Such activities do not constitute interference in the conflict, but should always be performed with due regard for the security interests of all belligerent parties.<sup>195</sup>

Civil defence organizations, their personnel, buildings and materiel, should be marked by the international distinctive sign of civil defence (equilateral blue triangle on an orange ground).<sup>196</sup> They lose their special protection if they commit or are used to commit, outside their proper tasks, acts harmful to the enemy, although civilian members of a civil defence organization retain their general protection against direct attack unless and for such time as they directly participate in hostilities. The special protection granted to civil defence personnel and objects may cease only after a warning setting a reasonable time limit has gone unheeded. Additional Protocol I stipulates that the following are not to be considered “harmful” to the enemy: the fact that civilian civil defence organizations are controlled by military authorities, organized along military lines, cooperate with military personnel or have military personnel attached to them; that their tasks incidentally benefit military victims; or that civil defence personnel bear light individual weapons for the purpose of maintaining order or for self-defence.<sup>197</sup> Members of the armed forces permanently and exclusively assigned to civil defence organizations and tasks within the national territory of their party must also be respected and protected, provided that they are clearly distinguishable from the other members of the armed forces, are equipped only with light individual weapons for maintaining order or self-defence, do not participate directly in hostilities, do not perform any other military duties and do not commit, outside their civil defence tasks, acts harmful to the adversary.<sup>198</sup>

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193 AP I, Art. 62.

194 AP I, Art. 63.

195 AP I, Art. 64.

196 AP I, Art. 66.

197 AP I, Art. 65.

198 AP I, Art. 67.

### To go further (Protection of civilian objects)<sup>199</sup>

- Sylvain Vité, “[The interrelation of the law of occupation and economic, social and cultural rights: The examples of food, health and property](#),” *IRRC*, Vol. 90, No. 871, September 2008, pp. 629–651.
- “[Environment](#),” *IRRC*, Vol. 92, No. 879, September 2010.
- United Nations Environment Program (UNEP), *Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law*, 2009. Available at: [http://postconflict.unep.ch/publications/int\\_law.pdf](http://postconflict.unep.ch/publications/int_law.pdf)
- ICRC Advisory Service on International Humanitarian Law, *Protection of Cultural Property in the Event of Armed Conflict*, Report prepared and edited by Maria Teresa Dutli, in cooperation with Joanna Bourke Martignoni and Julie Gaudreau, ICRC, Geneva, 2002. Available at: [https://www.icrc.org/en/download/file/1041/cutural-property-report-icrc\\_002\\_0805.pdf](https://www.icrc.org/en/download/file/1041/cutural-property-report-icrc_002_0805.pdf)
- ICRC Advisory Service on International Humanitarian Law, *Practical Advice for the Protection of Cultural Property in the Event of Armed Conflict*, ICRC, Geneva, 2002. Available at: <https://www.icrc.org/en/download/file/1040/advice-protection-cultural-property-armed-conflict.pdf>

### How Does Law Protect in War?

- Case No. 38, [The Environment and International Humanitarian Law](#)
- Case No. 42, [Water and Armed Conflicts](#)
- Case No. 163, [Eritrea/Ethiopia, Awards on Military Objectives](#)
- Case No. 219, [ICTY, The Prosecutor v. Strugar \[Part B., paras 229–233 and 298–329\]](#)
- Case No. 226, [Federal Republic of Yugoslavia, NATO Intervention](#)
- Case No. 252, [Afghanistan, Destruction of the Bamiyan Buddhas](#)

## III. PROPORTIONALITY, PRECAUTIONS AND PRESUMPTIONS

The principle of distinction also entails a duty to prevent erroneous targeting and to avoid or, in any event, minimize the infliction of incidental death, injury and destruction in respect of persons and objects protected against direct attack. Accordingly, IHL requires that, “[i]n the conduct of military operations, constant care shall be taken to spare the civilian population,

<sup>199</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



civilians and civilian objects.”<sup>200</sup> This applies both to the attacking party to the conflict, which must do everything feasible to avoid erroneous targeting or incidental harm as a result of its own operations (*precautions in attack*),<sup>201</sup> and to the attacked party, which must take all necessary measures to protect the civilian population under its control from the effects of attacks carried out by the enemy (*precautions against the effects of attack*).<sup>202</sup> When a lawful target is attacked and the infliction of incidental civilian harm cannot be avoided, the permissibility of the attack is subject to the principle of proportionality.

## 1. Proportionality

The principle of proportionality prohibits attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>203</sup> Given that direct attacks against civilians and civilian objects are already prohibited, the proportionality evaluation is relevant only when attacks are directed against lawful targets.

The key term to be examined in the proportionality equation is “excessive.” While the requirement of proportionality is absolute, the standard of “excessiveness” is relative. IHL does not establish an objective threshold above which the infliction of incidental harm would always be excessive. In principle, targets with a comparatively high military value (high-value targets) will justify greater incidental harm than targets with a comparatively low military value (low-value targets).

Although the proportionality assessment necessarily contains subjective elements, a certain degree of objective guidance can be derived from the terminology used in the treaty text. Thus, the infliction of incidental harm on protected persons or objects can only be justified by advantages of a “military” nature, and not by political, economic or other non-military benefits. Moreover, the anticipated military advantage must be “concrete” and “direct” and not of a merely hypothetical, speculative or indirect nature. It must also be expected to result from a specific attack or operation, and not from a military campaign as a whole. Therefore, the overarching intention of “winning the war” cannot, as such, serve to justify the infliction of incidental harm on persons and objects protected against direct attack.

200 AP I, Art. 57(1); CIHL, Rule 15.

201 AP I, Art. 57; CIHL, Rules 15–21.

202 AP I, Art. 58; CIHL, Rules 22–24.

203 AP I, Art. 51(5)(b); CIHL, Rule 14.

When assessing the excessiveness of incidental harm, the foreseeable second- and third-order effects of an attack must also be taken into account. For example, attacks against dual-use infrastructure, such as electrical grids or telecommunication networks, may not only have the immediate effect of preventing the enemy from using that infrastructure for military purposes and exposing the civilian population to short-term shortages. They may well have a crippling effect on the medium- and long-term ability of the civilian authorities and medical services concerned, and of the general civilian population, to cope with the everyday consequences of the war.

## 2. Precautions in attack and presumptions in case of doubt

It has to be stressed that, during all phases of an attack, the principle of precautions in attack must be applied in conjunction with, but also independently of, the principle of proportionality. In other words, even if the expected incidental loss of civilian life, injury to civilians and damage to civilian objects is not excessive in relation to the concrete and direct military advantage anticipated in the attack, the attacking party must still take all feasible precautions to choose means and methods of warfare that will avoid as much incidental harm to civilians as possible.

### (a) Precautionary measures before an attack

Those who plan and decide on an attack must do everything feasible to ascertain that the selected targets are military objectives and that IHL does not otherwise prohibit attacks against them.<sup>204</sup> By default, IHL affords civilian status to all objects failing to positively qualify as military objectives or persons not members of the armed forces or participants in a *levée en masse*. In case of doubt (i.e. in the absence of sufficient evidence to the contrary), therefore, persons must be presumed to be civilians,<sup>205</sup> and objects normally dedicated to civilian purposes, such as places of worship, houses or schools, must be presumed to be civilian objects.<sup>206</sup>

In line with the requirement of proportionality, those who plan or decide on an attack must also do everything feasible to assess whether that attack may be expected to cause excessive incidental harm and, if so, refrain from launching it.<sup>207</sup> This includes the duty to take all feasible precautions, including in the choice of means and methods, with a view to avoiding, and in any event to minimizing, incidental harm to civilians and civilian objects.<sup>208</sup>

204 AP I, Art. 57(2)(a)(i); CIHL, Rule 16.

205 AP I, Art. 50(1).

206 AP I, Art. 52(3).

207 AP I, Art. 57(2)(a)(iii); CIHL, Rules 14 and 18.

208 AP I, Art. 57(2)(a)(ii); CIHL, Rules 15 and 17.

Furthermore, all belligerents have a duty to give effective advance warning of attacks that may affect the civilian population, unless circumstances do not permit (e.g. where the success of an attack depends on the effect of surprise).<sup>209</sup> Where a choice is possible between several military objectives for obtaining a similar military advantage, belligerents must direct their attack against that objective which may be expected to involve the least danger to civilians and civilian objects.<sup>210</sup>

### **(b) Precautionary measures during an attack**

Even after an attack has commenced, it must be canceled or suspended should it become apparent that the target was mistakenly regarded as a military objective (e.g. a poorly marked military truck that turns out to be used exclusively as an ambulance), that it no longer qualifies as a military objective (e.g. combatants intending to surrender or otherwise *hors de combat*), or that the incidental harm which may be expected to result from the ongoing attack is more significant – or the military advantage less important – than anticipated, thus rendering the former excessive in comparison to the latter under the proportionality principle.<sup>211</sup>

## **3. Precautions against the effects of attacks**

IHL requires not only the attacker, but also the party affected by enemy attacks to take precautionary measures. Thus, belligerent parties must take all feasible precautions to protect the civilian population and civilian objects under their control against the dangers resulting from military operations.<sup>212</sup> Most notably, this obligation means that belligerents have a duty, to the maximum extent feasible, to avoid locating military objectives within or near densely populated areas<sup>213</sup> and to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives.<sup>214</sup> In addition, in order to protect the civilian population and civilian objects under their control, belligerent parties may, for example, establish shelters, trenches and safe places, distribute information, warnings and directions to traffic, evacuate civilians, guard civilian property and mobilize civil defence organizations.<sup>215</sup>

209 AP I, Art. 57(2)(c); CIHL, Rule 20.

210 AP I, Art. 57(3); CIHL, Rule 21.

211 AP I, Art. 57(2)(b); CIHL, Rule 19.

212 AP I, Art. 58; CIHL, Rule 22.

213 AP I, Art. 58(b); CIHL, Rule 23.

214 AP I, Art. 58(a); CIHL, Rule 24.

215 CIHL, commentary on Rule 22.

#### 4. The meaning of “feasibility”

The duty of precaution – both in attack and against the effects of attack – is limited to taking those precautionary measures that are “feasible.” In IHL, “(f)feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.”<sup>216</sup> Therefore, the feasibility of precautionary measures will depend on a multitude of factors, such as the available intelligence, the level of territorial control, the precision of available weapons, the urgency of military action and the costs and risks associated with additional precautionary measures. For example, a higher level of precaution can (and must) be expected from a sniper actively searching for targets of opportunity than from an ambushed infantry patrol reacting to unexpected fire. Also, while armed forces can and must be expected not to position anti-aircraft batteries inside civilian population centres, it would hardly be possible to separate dual-use installations such as bridges, railway stations, and airports from the civilian surroundings they are designed to serve. In practice, commanders ultimately will have to decide on the feasibility of precautions on the basis of their own assessment of the information available to them at the time.

### IV. METHODS OF WARFARE

Based on the universal recognition that “the right of the Parties to the conflict to choose methods or means of warfare is not unlimited,”<sup>217</sup> modern IHL has developed an extensive body of rules prohibiting or regulating the development, possession and use of certain weapons (*means of warfare*) and prohibiting or restricting the ways in which such weapons can be used or hostilities can be conducted (*methods of warfare*). The distinction between “means” and “methods” of warfare is important because any weapon (means) can be used in an unlawful manner (method), whereas the use of weapons that have been prohibited because of their inherent characteristics is unlawful regardless of the manner in which they are employed.

Prohibited methods of warfare primarily affecting the civilian population and civilian objects have already been discussed in Sections I and II above, and include most notably:

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216 Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II to the Convention on Certain Conventional Weapons), Art. 3(4), Protocol III to the Convention on Certain Conventional Weapons, Art. 1(5), and Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 3(10). See also the French text of AP I, Art. 57 (“*faire tout ce qui est pratiquement possible*”).

217 AP I, Art. 35(1).



G. Diffidenti/ICRC

Mine warning in a village between Gjacova/Djacovica, 2000. More than 500 anti-tank mines have already been removed from around Junik and Prilep, probably the most heavily mined areas in Kosovo.

- the prohibition of direct attacks against civilians and civilian objects, cultural property, and installations containing dangerous forces;<sup>218</sup>
- the prohibition of indiscriminate attacks;<sup>219</sup>
- the prohibition of the use of civilians or other protected persons as human shields;<sup>220</sup>
- the prohibition of acts or threats of violence with the primary purpose of spreading terror among the civilian population;<sup>221</sup>
- the prohibition of methods causing widespread, long-term and severe damage to, or involving the hostile manipulation of, the natural environment;<sup>222</sup>
- the prohibition of starvation of civilians as a method of warfare.<sup>223</sup>

The discussion below therefore focuses on methods of warfare that concern primarily the relation between combatants, namely the protection of persons

218 AP I, Arts 48, 51(2), 52(1), 53 and 56; Hague Convention on Cultural Property, Art. 4; CIHL, Rules 1, 7, 38 and 42.

219 AP I, Art. 51(4); CIHL, Rule 11.

220 GC III, Art. 23(1); GC IV, Art. 28; AP I, Art. 51(7); CIHL, Rule 97.

221 AP I, Art. 51(2); CIHL, Rule 2.

222 AP I, Arts 35(3) and 55; CIHL, Rules 43–45.

223 AP I, Art. 54(1).

*hors de combat*, and the prohibitions against the denial of quarter, perfidy/treachery and misuse of emblems, signs and uniforms.

### 1. Protection of persons *hors de combat*

According to a longstanding rule of customary and treaty IHL, it is prohibited to attack persons who are recognized or who, in the circumstances, should be recognized as being *hors de combat*. A person is *hors de combat* if he or she is in the power of an adverse Party, clearly expresses an intention to surrender or is incapable of defending himself or herself because of unconsciousness, shipwreck, wounds or sickness, and, in all those cases, abstains from any hostile act and does not attempt to escape.<sup>224</sup>

Persons are “in the power” of a belligerent party not only when they are captured, but also when they are otherwise within the effective physical or territorial control of that party.<sup>225</sup> They can indicate their intention to surrender in various ways, depending on the circumstances. While in land warfare the most common methods are to lay down one’s weapons and raise one’s hands, or to emerge unarmed from cover while raising a white flag, other methods are used to show the intent to surrender in naval and air warfare.<sup>226</sup> If there is any doubt, a good faith determination must be made in the light of the circumstances ruling at the time. In the special case of persons parachuting from an aircraft in distress, attacks are prohibited for the duration of their descent.<sup>227</sup> Once on the ground, they have to be given an opportunity to surrender, unless it is apparent that they are engaging in hostile activities.<sup>228</sup> Of course, this protection does not apply to airborne troops whose descent constitutes part of their hostile operations.<sup>229</sup>

The protection of persons *hors de combat* ceases as soon as they commit a hostile act or attempt to escape. For example, a wounded or surrendering soldier on the battlefield is entitled to no protection if he resumes fighting or tries to escape capture by the enemy. Once a person *hors de combat* has been taken into custody, however, any force used in response to a hostile act or attempted escape must be proportionate to the danger resulting from such act or escape and must actually be necessary to prevent it. Accordingly, the Third Geneva Convention provides that the “use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall

224 AP I, Art. 41(1) and (2); CIHL, Rule 47.

225 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), paras 611–617.

226 *Ibid.*, paras 618–619. See also CIHL, commentary on Rule 47.

227 AP I, Art. 42(1); CIHL, Rule 48.

228 AP I, Art. 42(2).

229 AP I, Art. 42(3).

constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.”<sup>230</sup>

## 2. Denial of quarter

Related to the protection of persons *hors de combat* is the longstanding prohibition of denial of quarter, according to which “(i)t is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.”<sup>231</sup> The prohibition of denial of quarter makes it illegal to deliberately refuse or render impossible an enemy’s surrender or to put to death those who are *hors de combat*. Where enemies have been captured “under unusual conditions of combat which prevent their evacuation,” they may be disarmed, but treaty IHL expressly requires that “they shall be released and all feasible precautions shall be taken to ensure their safety.”<sup>232</sup>

Given that persons *hors de combat* are already protected, the added value of the prohibition of denial of quarter lies in the restraints it imposes during the conduct of hostilities, namely in the prohibition against *ordering or conducting hostilities on the basis that there shall be no survivors*.<sup>233</sup> Thus, where enemy combatants indicate an intention to surrender or otherwise become *hors de combat*, they must be captured or, if their evacuation is not possible, released. While this may not necessarily facilitate the conduct of small-scale operations in enemy territory, whether by commando units or remote-controlled drones, the law is absolutely clear that there can be no derogation whatsoever from the duty to give quarter and to respect persons *hors de combat*.

In principle, the prohibition against denial of quarter does not prevent beligerents from resorting to surprise attacks or from employing units and weapon systems that are incapable of taking prisoners. However, methods calculated to ensure the complete extermination of the opposing forces, including the wounded and sick and those attempting to surrender, would definitely breach the prohibition against denial of quarter. The point is that an adversary endeavouring to surrender must be given the opportunity to do so when circumstances reasonably permit. In the reality of air warfare, for example, there may not always be room for declarations of surrender, but it would still be unlawful to “double strike” or “finish off” combatants who are already placed *hors de combat* by wounds inflicted in a previous strike. Also,

230 GC III, Art. 42. See also Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, op. cit. (note 186), para. 1613.

231 AP I, Art. 40. See also Hague Regulations, Art. 23(d), and CIHL, Rule 46.

232 AP I, Art. 41(3). See also Chapter 5.II.2.a.

233 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, op. cit. (note 186), para. 1598. Article 23(c) of the Hague Regulations prohibits the killing and wounding of a combatant *hors de combat* separately from the denial of quarter.



the current development of highly sophisticated weapon systems capable of operating autonomously at great speeds raises the question to what extent the prohibition against denial of quarter would be compatible with the near exclusive employment of means of warfare making it virtually impossible for the adversary to surrender. It also prompts more general questions as to the permissibility of such weapons under IHL.<sup>234</sup>

As a minimum, the prohibition against denial of quarter would seem to require that the attacking forces remain receptive to a declaration of surrender should the opportunity arise and that they suspend attacks against persons placed *hors de combat*. In other words, such persons are not to be treated as outlaws who have forfeited all rights under IHL.<sup>235</sup>

### 3. Perfidy or treachery

Additional Protocol I prohibits the use of perfidy to kill, injure or capture an adversary.<sup>236</sup> States not party to the Protocol are bound by the customary prohibition of perfidy, which also prohibits the killing, wounding or capturing of an adversary by resort to perfidy.<sup>237</sup> “Additionally, the customary prohibition against treachery outlaws the treacherous killing or wounding by the belligerent parties of ‘individuals belonging to the hostile nation or army.’”<sup>238</sup> Perfidy or treachery denotes “acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence.”<sup>239</sup> Examples of perfidious or treacherous acts given in treaty IHL include the feigning of surrender or negotiation under a flag of truce, the feigning of an incapacitation by wounds or sickness, the feigning of civilian, non-combatant status, and the feigning of protected status by the use of the signs, emblems or uniforms of the UN or of neutral or other non-belligerent States. Of course, the same applies to the perfidious or treacherous misuse of the protective emblems of the red cross, red crescent or red crystal.

In essence, the prohibition against perfidy or treachery upholds the good faith of the belligerents in the protections afforded by IHL. It does not prohibit ruses of war, that is to say, acts that are intended to mislead an adversary or to induce him to act recklessly, but which do not mislead him with respect to IHL protection and do not otherwise violate IHL. Examples of

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234 AP I, Art. 36.

235 See also Instructions for the Government of Armies of the United States in the Field (Lieber Code), 24 April 1863, Art. 148.

236 AP I, Art. 37.

237 CIHL, Rule 65.

238 Hague Regulations, Art. 23(b).

239 AP I, Art. 37.



such ruses given in treaty IHL include the use of camouflage, decoys, mock operations and misinformation.<sup>240</sup> Thus, the prohibition against perfidy or treachery does not prevent belligerents from carrying out operations that depend on the element of surprise, such as uniformed commando raids and attacks from camouflaged positions or properly marked stealth bombers. Nor would the prohibition against perfidy or treachery prevent mere intelligence gathering by undercover units disguised as civilians. If captured, however, such personnel could be prosecuted as spies under the domestic legislation of the capturing State.

#### **4. Misuse of emblems, signs and uniforms**

Apart from the use of perfidy to kill, injure or capture an adversary, IHL also prohibits the misuse of recognized distinctive emblems and emblems of nationality. In particular, it is prohibited to make improper use of emblems, signs or signals provided for in IHL, such as the red cross, red crescent or red crystal, or to deliberately misuse other internationally recognized protective emblems, signs or signals, including the flag of truce, the protective emblem of cultural property (downward pointed square blue shield on white ground), the distinctive signs of civil defence (orange triangle on blue ground) and of installations containing dangerous forces (three orange circles), and the distinctive emblem of the UN.<sup>241</sup> IHL also prohibits the use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or non-belligerent States, whereas those of adverse parties may be used as a ruse of war, except during direct hostile contact with the enemy, namely while engaging in attacks or in order to shield, favour, protect or impede military operations.<sup>242</sup>

### **V. MEANS OF WARFARE**

#### **1. Superfluous injury and unnecessary suffering**

Originally, restrictions and prohibitions on the use of certain weapons were motivated by the desire to protect combatants from disproportionate harm and suffering. As early as 1868, the preambular paragraph of the St Petersburg Declaration stated:

“That the only legitimate object (...) during war is to weaken the military forces of the enemy;

<sup>240</sup> *Ibid.* See also CIHL, Rule 57.

<sup>241</sup> Hague Regulations, Art. 23(f); GC I, Arts. 44, 53; GC II, Art. 44; AP I, Arts 37(1)(d), 38; AP II, Art. 12; AP III, Art. 2(3); CIHL, Rules 59–61.

<sup>242</sup> AP I, Art. 39; CIHL, Rules 62 and 63.

That for this purpose it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity.”

This reasoning inspired the emergence of one of the most basic principles of IHL, which prohibits employing “weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.”<sup>243</sup> In application of this principle, IHL restricts or prohibits certain types of weapon, the effects of which are considered to be excessively cruel regardless of the circumstances, such as blinding laser weapons, expanding bullets and weapons that injure by means of non-detectable fragments.<sup>244</sup> The prohibition against causing superfluous injury or unnecessary suffering also works as a general principle by which all means and methods of warfare have to be measured.

In the absence of distinct treaty criteria as to what suffering is “unnecessary” and what injury “superfluous,” the rule requires that a balance be struck between considerations of military necessity and of humanity. This seems to be the approach taken by many States<sup>245</sup> and by the ICJ in its Advisory Opinion on nuclear weapons, in which it argues that the prohibition against causing superfluous injury or unnecessary suffering makes it unlawful to cause combatants “harm greater than that unavoidable to achieve legitimate military objectives.”<sup>246</sup> Accordingly, the principle would restrict the permissibility of inflicting injury and suffering on combatants to that which is not otherwise prohibited under IHL and which, additionally, is reasonably necessary to achieve a lawful military purpose in the prevailing circumstances. For example, where the same military advantage can be achieved through less harmful means, considerations of humanity would require the use of such means. While this interpretation of military necessity as a restrictive factor in the use of means and methods of warfare against combatants and other military objectives is not generally accepted, it corresponds best to the original spirit of the St Petersburg Declaration and reflects the official position of the ICRC.<sup>247</sup>

243 Hague Regulations, Art. 23(e); AP I, Art. 35(2); CIHL, Rule 70.

244 See Section V.4.

245 CIHL, commentary on Rule 70.

246 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38), p. 226, para. 78.

247 See, most notably, N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130), Section IX. For a critique of this approach and the ICRC’s official response, see “Forum on ‘Direct Partic-

→ On the balance between military necessity and humanity, see also Chapter 1.I.3.

## 2. Indiscriminate weapons

Based on the principle of distinction in general and the prohibition against indiscriminate attacks in particular, IHL prohibits the use of weapons that are by nature indiscriminate,<sup>248</sup> that is to say, weapons that either *cannot be directed at a specific military objective*, or *the effects of which cannot be limited as required by humanitarian law* and, consequently, in each case, are of a nature to strike military objectives and civilians or civilian objects without distinction.<sup>249</sup> This also includes weapon systems that, as an inherent feature of the technology employed and their intended use, may be expected to inflict excessive collateral harm on the civilian population.<sup>250</sup> Like the prohibition against causing superfluous injury or unnecessary suffering, the prohibition against using indiscriminate weapons not only operates as an independent principle by which all means and methods of warfare have to be measured, it has also spurred the development of a number of distinct treaties regulating specific weapons, which are discussed below in Section V.4.

## 3. Natural environment

IHL also prohibits the use of weapons that are intended, or may be expected to cause, widespread, long-term and severe damage to the natural environment.<sup>251</sup> As we have seen (Section II.2.d. above), that prohibition has a relatively high threshold. In particular, it may be argued that nuclear weapons should be outlawed because they almost inevitably would have to be expected to cause damage that is “widespread, long-term and severe.” In its 1996 Advisory Opinion on nuclear weapons, the ICJ recognized that important environmental factors had to be taken into account in the implementation of IHL, but did not conclude that the use of nuclear weapons would necessarily be unlawful on this account.<sup>252</sup> It did find, however, that the use of such weapons would be generally contrary to other IHL rules.<sup>253</sup>

## 4. Specifically regulated weapons

Based on the prohibitions against weapons of a nature to cause superfluous injury or unnecessary suffering, indiscriminate weapons, and weapons

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ipation in Hostilities,” *op. cit.* (note 151), pp. 769–916.

248 CIHL, Rule 71.

249 AP I, Art. 51(4); CIHL, Rule 12.

250 AP I, Art. 51(5).

251 AP I, Arts 35(3) and 55; CIHL, Rule 45.

252 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38), paras 29–31.

253 See Section 4.I.

intended or expected to cause widespread, long-term and severe damage to the natural environment, numerous specific means of warfare have been prohibited or restricted in separate treaties.

### (a) Poison

The prohibition against the use of poison or poisoned weapons in the conduct of hostilities is a long-standing rule of treaty and customary IHL.<sup>254</sup> The prohibition applies irrespective of military necessity and protects combatants and civilians alike. While treaty law does not provide an express definition of “poison or poisoned weapons,” the ICJ has observed that these terms “have been understood, in the practice of States, in their ordinary sense as covering weapons whose prime, or even exclusive, effect is to poison or asphyxiate.”<sup>255</sup> Under the Rome Statute, the material element of the war crime of employing poison or poisoned weapons requires the use of a substance that “causes death or serious damage to health in the ordinary course of events, through its toxic properties.”<sup>256</sup> The prohibition is not considered to apply to weapons with a merely incidental poisoning effect, but only to weapons that are actually *designed* to kill or injure by the effect of poison. In sum, the prohibition against the use of poison or poisonous weapons outlaws practices such as the poisoning of food and water supplies, the smearing with poison of projectiles, bayonets and other penetrating weapons, or the delivery of toxic substances through gases, injections or any other means.

### (b) Exploding and expanding bullets

The prohibition against the use of exploding bullets originated in the 1868 St Petersburg Declaration, which banned the use of projectiles weighing less than 400 grams that are either explosive or charged with “fulminating or inflammable substances.” It reflected the consideration that such ammunition would render inevitable the death of combatants injured by such bullets and inflict suffering in excess of that needed to render them *hors de combat*. In the meantime, general State practice has undisputedly undermined this broad prohibition, most notably through the unprotected introduction of exploding anti-aircraft bullets, other exploding anti-materiel ammunition, and grenades lighter than 400 grams. Thus, while contemporary IHL still absolutely prohibits the use of bullets that are designed

254 Hague Regulations, Art. 23(a); Rome Statute, Art. 8(2)(b)(xvii); Geneva Gas Protocol; CIHL, Rule 72.

255 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38), para. 55. See also CIHL, commentary on Rule 72.

256 K. Dörmann, *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary*, ICRC/Cambridge University Press, 2003, p. 281.

to explode upon impact with the human body, anti-materiel bullets with the same effect are prohibited only if used directly against persons.<sup>257</sup>

For similar reasons, the use of expanding bullets as a means of warfare is prohibited in all armed conflicts.<sup>258</sup> The 1899 Hague Declaration defines expanding bullets as “bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.”<sup>259</sup> Expanding bullets result in significantly larger wounds and thereby dramatically decrease chances of survival for the injured. However, the use of expanding bullets is not prohibited in law enforcement operations, where they are widely employed. The rationale for using expanding bullets in law enforcement operations is threefold. First, expanding bullets generally do not pass through the body of a targeted suspect and therefore make incidental injury to innocent bystanders less likely. Second, the greater stopping effect of expanding bullets increases the chance of immediate incapacitation. Third, the expanding bullets used in law enforcement operations are generally fired from pistols and carry much less energy than rifle bullets, thus resulting in significantly lighter wounds.

### **(c) Non-detectable fragments**

IHL prohibits the use of “any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays,” such as plastic or glass.<sup>260</sup> The rationale for this prohibition is that non-detectable fragments make it extremely difficult to treat the resulting injuries but entail no military utility and that, therefore, they have to be regarded as inflicting unnecessary suffering. The prohibition is limited, however, to weapons whose “primary effect” is to injure by non-detectable fragments. Weapons that may incidentally cause the same effects, such as bombs or ammunition containing plastic or glass components as part of their design, are not illegal if the non-detectable fragments are produced incidentally and are not part of the primary injuring mechanism.

### **(d) Booby-traps and other remote- or timer-controlled devices**

The use of booby-traps and other remote or timer controlled devices is regulated primarily in 1996 CCW Amended Protocol II (applicable in

257 CIHL, Rule 78; *United Nations Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, op. cit. (note 114), Section 6.2.

258 CIHL, Rule 77. See also *United Nations Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, op. cit. (note 114).

259 1899 Hague Declaration concerning Expanding Bullets; see also Rome Statute, Art. 8(2)(b)(xix), which employs identical wording to make the use of expanding bullets in international armed conflicts a war crime.

260 Protocol I to the Convention on Certain Conventional Weapons; CIHL, Rule 79. See also *United Nations Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, op. cit. (note 114).

international and non-international armed conflicts),<sup>261</sup> and for the few States not yet party to this treaty, by 1980 CCW Protocol II (applying to international armed conflict only) as well as by customary IHL.<sup>262</sup> “Booby-traps” are defined as “any device or material which is designed, constructed or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.”<sup>263</sup> For example, in the case of a booby-trapped doorway an apparently safe act would be opening the door, and in the case of a booby-trapped phone an apparently safe act would be accepting or making a phone call. “Other devices” are defined as: “manually-emplaced munitions and devices [including improvised explosive devices] designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time.”<sup>264</sup>

Of course, to be lawful, the use of booby-traps and other devices must respect the general principles governing the conduct of hostilities, most notably the principles of distinction, proportionality and precaution, as well as the prohibitions against causing superfluous injury or unnecessary suffering, against perfidy and against denial of quarter.<sup>265</sup> Given the nature of booby-traps and other devices and how they tend to be employed, their use can pose a serious danger for civilians. It is lawful only when they are either placed on, or in the close vicinity of, a military objective, or when measures are taken to protect civilians from their effects, for example by placing signs, warnings, sentries or fences.<sup>266</sup> In no circumstances, however, may booby-traps and other devices be attached to or associated with:

- protective emblems, signs or signals (such as the red cross);
- sick, wounded or dead persons; burial or cremation sites or graves;
- medical facilities, equipment, supplies or transports;
- children’s toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;

261 Amended Protocol II to the Convention on Certain Conventional Weapons.

262 CIHL, Rule 80.

263 Identical wording is used in Article 2(2) of Protocol II to the Convention on Certain Conventional Weapons and Article 2(4) of Amended Protocol II.

264 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 2(5), and, without the phrase in square brackets, Protocol II, Art. 2(3).

265 Protocol II to the Convention on Certain Conventional Weapons, Arts 3(2)–(4) and 6(2); and Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 3(3), (7), (8) and (10).

266 Protocol II to the Convention on Certain Conventional Weapons, Art. 4(2); and Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 7(3).

- food or drink;
- kitchen utensils or appliances (except those in military installations);
- animals or their carcasses;
- objects of religious, historical or cultural significance.<sup>267</sup>

This list is complemented by a general prohibition on booby-traps or other devices that are deliberately prefabricated in the form of apparently harmless portable objects and specifically designed to detonate when disturbed or approached.<sup>268</sup> For example, it would be prohibited to prefabricate booby-trapped mobile phones and drop them *en masse* from aircraft over an area controlled by the opposing armed forces. The rationale behind this prohibition is to prevent entire areas from being contaminated with apparently harmless explosive devices likely to harm combatants and civilians indiscriminately. According to the ICRC, the prohibition against booby-traps attached to or associated with objects or persons entitled to special protection under IHL, and with objects likely to attract civilians, has become customary law in all armed conflicts.<sup>269</sup>

Of course, booby-traps must always be used in compliance with the general rules on the conduct of hostilities, including the prohibition against perfidy. Beyond that, even objects that do not benefit from any particular protection under IHL may not be booby-trapped if their use is connected to basic components of society such as food, water, religion and children. Other apparently harmless portable objects can lawfully be booby-trapped, provided that such booby-traps are not deliberately prefabricated.

### (e) Landmines

In IHL, landmines are defined as “a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.”<sup>270</sup> When a mine is designed to be exploded by the presence, proximity or contact of a person, and to incapacitate, injure or kill one or more persons, it is termed an “anti-personnel mine.”

<sup>267</sup> Protocol II to the Convention on Certain Conventional Weapons, Art. 6(1)(b); and, extended to “other devices,” Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 7(1).

<sup>268</sup> Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 7(2); and Protocol II to the Convention on Certain Conventional Weapons, Art. 6(1)(a).

<sup>269</sup> CIHL, Rule 80.

<sup>270</sup> Anti-Personnel Mine Ban Convention, Art. 2(2). Almost identical wording is used in Protocol II to the Convention on Certain Conventional Weapons, Art. 2, and in Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 2.

The 1997 Anti-Personnel Mine Ban Convention, which is adhered to by the vast majority of States, completely bans the use, development, production, acquisition, stockpiling, retention or transfer of anti-personnel mines.<sup>271</sup> It also sets out specific deadlines for the destruction of anti-personnel mine stockpiles and the clearance of land contaminated with such weapons.

For States not party to the Anti-Personnel Mine Ban Convention but party to Amended Protocol II (or only to the original Protocol, as the case may be) to the Convention on Certain Conventional Weapons, the use of anti-personnel mines is governed by the latter, which prohibits the use of anti-personnel mines that are not detectable. It also prohibits the use of hand-emplaced anti-personnel mines if they do not have self-destruct and self-deactivation mechanisms, unless the mines are placed within a perimeter-marked area monitored by military personnel and protected by visible and durable fencing or other means ensuring the effective exclusion of civilians.<sup>272</sup> Remotely delivered anti-personnel mines (i.e. delivered by artillery, rocket, mortar, aircraft, etc.) must also be equipped with self-destruct and self-deactivation features and any use of them must be recorded.<sup>273</sup>

The Protocol also contains general rules regulating the design and use of landmines (both anti-personnel and anti-vehicle). In summary, it is prohibited to use these weapons if they are designed to explode when detected by commonly available mine-detection equipment or if they are of a nature to cause unnecessary suffering or superfluous injury.<sup>274</sup> It is also prohibited to direct these weapons against civilians or civilian objects or to use them indiscriminately.<sup>275</sup> After the end of active hostilities, the parties to the conflict must remove these mines<sup>276</sup> and take all feasible precautions to protect civilians from their effects.<sup>277</sup> They must, at all times, maintain records on their locations, and take measures to protect missions of the UN, and of the ICRC and other humanitarian organizations, against the effects of these weapons.<sup>278</sup>

According to the ICRC, customary IHL requires that, whenever landmines are used, particular care be taken to minimize their indiscriminate effects,

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271 Anti-Personnel Mine Ban Convention, Art. 1.

272 See Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 5 for further details.

273 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 6.

274 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 3(3) and (5).

275 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 3(7) and (8).

276 Amended Protocol II to the Convention on Certain Conventional Weapons, Arts 3(2) and 10.

277 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 9.

278 Amended Protocol II to the Convention on Certain Conventional Weapons, Arts 9 and 12.



including by recording their placement and by removing or neutralizing them at the end of active hostilities.<sup>279</sup>

#### (f) Incendiary weapons

In IHL, an “incendiary weapon” is “any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or combination thereof, produced by a chemical reaction of a substance delivered on the target.”<sup>280</sup> Incendiary weapons can take the form of, for example, flame throwers, fougasses, shells, rockets, grenades, mines, bombs and other containers of incendiary substances. However, the category does not include munitions with merely incidental incendiary effects (e.g. illuminants, tracers, smoke or signaling systems). Also excluded are munitions “designed to combine penetration, blast or fragmentation effects with an additional incendiary effect, such as armour-piercing projectiles, fragmentation shells, explosive bombs or similar combined-effects munitions in which the incendiary effect is not specifically designed to cause burn injury to persons, but to be used against military objectives such as armoured vehicles, aircraft and installations or facilities.”<sup>281</sup>

Concern about incendiary weapons dates back to the use of napalm and similar weapons during the Viet Nam War in the 1970s and the impact on civilians. Although a number of States advocated a total ban on incendiary weapons during the negotiations of the Convention on Certain Conventional Weapons, the provisions ultimately adopted in the protocol annexed to that treaty (Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons, or Protocol III) restrict rather than prohibit their use. Beyond reiterating the prohibition against direct attacks on civilians, the Protocol bans the use of air-delivered incendiary weapons against military objectives located within a concentration of civilians (i.e. any inhabited cities, towns, villages or camps, or any groups of individual civilians); it also restricts the use of other incendiary weapons to situations where the military objective targeted is clearly separated from the surrounding concentration of civilians and when all feasible precautions are taken with a view to protecting civilians and civilian objects from incidental harm.<sup>282</sup>

The ICRC considers that customary IHL applicable in any armed conflict not only obliges belligerents using incendiary weapons to take particular care to avoid causing incidental harm to civilians, but also that it prohibits the anti-personnel use of such weapons against combatants “if such use would

<sup>279</sup> CIHL, Rules 81–83.

<sup>280</sup> Protocol III to the Convention on Certain Conventional Weapons, Art. 1(1).

<sup>281</sup> Protocol III to the Convention on Certain Conventional Weapons, Art. 1(1)(b).

<sup>282</sup> Protocol III to the Convention on Certain Conventional Weapons, Art. 2.

cause unnecessary suffering, i.e. if it is feasible to use a less harmful weapon to render a combatant *hors de combat*.”<sup>283</sup>

#### **(g) Blinding laser weapons**

Customary and treaty IHL prohibits the use of laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness (i.e. irreversible and uncorrectable loss of vision) to unenhanced vision, that is, to the naked eye or to the eye with corrective eyesight devices.<sup>284</sup> Laser systems with an incidental blinding effect, such as certain target recognition or munition guidance systems, and weapons designed to blind temporarily (so-called “dazzling lasers”) are not prohibited blinding laser weapons. When using such permitted laser systems, belligerent parties must take all feasible precautions to avoid causing permanent blindness to unenhanced vision.<sup>285</sup>

#### **(h) Cluster munitions**

“Cluster munitions” are weapons that are dropped from aircraft, or fired by artillery, mortars, rockets and missiles, and subsequently release large numbers of explosive submunitions. These explosive submunitions are generally free-falling and scatter over very wide areas. Incorrect use, wind and other factors can cause them to strike well outside the intended target area. In addition, a significant proportion of submunitions often fail to detonate as intended, contaminating large areas with unexploded ordnance. Like anti-personnel mines, unexploded submunitions often pose a constant threat to the civilian population and hamper agriculture, reconstruction and infrastructure development for many years beyond the end of an armed conflict.

In order to address these dangers, governments in 2008 adopted the Convention on Cluster Munitions, which prohibits the use, production, acquisition, stockpiling, retention and transfer of cluster munitions.<sup>286</sup> It also requires States to destroy their stocks of cluster munitions, to clear contaminated areas and to provide for the medical care, rehabilitation, psychological support, and social and economic inclusion of cluster munition victims in areas under their jurisdiction or control.<sup>287</sup>

Not every weapon system containing submunitions is covered by the Convention on Cluster Munitions. The Convention prohibits those weapons that have been a source of humanitarian concern. For the purposes of the

<sup>283</sup> CIHL, Rules 84 and 85.

<sup>284</sup> Protocol IV to the Convention on Certain Conventional Weapons, Art. 1; CIHL, Rule 86.

<sup>285</sup> Protocol IV to the Convention on Certain Conventional Weapons, Arts 1–3.

<sup>286</sup> Convention on Cluster Munitions, Art. 1.

<sup>287</sup> Convention on Cluster Munitions, Arts 4 and 5.

Convention, cluster munitions are defined as conventional munitions designed to disperse or release explosive submunitions of less than 20 kilograms each. Excluded from the definition are munitions designed to dispense flares, smoke, pyrotechnics or chaff, or to produce electrical or electronic effects, or the function of which is limited to air defence. Also excluded are munitions containing less than ten explosive submunitions of more than four kilograms each, provided that each of these submunitions is designed to detect and engage a single target object and is equipped to electronically self-destruct and self-deactivate.<sup>288</sup>

### **(i) Explosive remnants of war**

During the 1990s, the international community became acutely aware of the humanitarian consequences of anti-personnel mines. However, the problems generated by other forms of unexploded ordnance had not been widely examined. Consequently, there were very few IHL rules to minimize the civilian casualties caused by other weapons, such as unexploded artillery and mortar shells, hand grenades, cluster munitions and bombs, which often pose a significant threat to civilians, peacekeepers and humanitarian workers after the end of an armed conflict. Protocol V to the Convention on Certain Conventional Weapons, on Explosive Remnants of War, was adopted in 2003 to address this problem. The Protocol does not ban or restrict any particular kind of weapon but requires the parties to an armed conflict to take measures to reduce the dangers posed by unexploded and abandoned ordnance (otherwise referred to as “explosive remnants of war”).<sup>289</sup>

Specifically, the Protocol requires each party to a conflict to record information on the explosive ordnance used by its armed forces during a conflict and, after the end of active hostilities, to share that information so as to facilitate the clearance of weapons that have become explosive remnants of war. Once active hostilities have ended, each party is responsible for marking and clearing explosive remnants of war in the territory that it controls. The parties are also required to provide technical, material and financial assistance to facilitate the removal of explosive remnants of war that result from their operations and which are located in areas they do not control. This assistance can be provided directly to the party in control of the territory or through third parties such as the UN, international agencies or non-governmental organizations. Until such weapons are removed or destroyed, each party must take all feasible precautions to protect civilians. This may include fencing and monitoring territory affected by explosive remnants of war, and providing warnings and risk education.

<sup>288</sup> Convention on Cluster Munitions, Art. 2.

<sup>289</sup> The Protocol covers a wide range of explosive ordnance, but does not apply to landmines, booby-traps and other devices, which are covered by other instruments.

Many of the Protocol's requirements are formulated as obligations of means, e.g. "where feasible" or "as far as practicable." Nevertheless, applied in good faith, they provide a strong framework for facilitating a rapid response to explosive remnants of war. Protocol V, the 1997 Anti-Personnel Mine Ban Convention and the 2008 Convention on Cluster Munitions together constitute a comprehensive legal framework for preventing or minimizing the post-conflict deaths, injuries and suffering inflicted by explosive munitions left on the battlefield.

#### **(j) Chemical weapons**

The use of chemical weapons is prohibited by numerous treaties, including the 1899 Hague Declaration concerning Asphyxiating Gases, the 1925 Geneva Gas Protocol, the 1993 Chemical Weapons Convention, and the Rome Statute. The prohibition is also considered to be customary law in any armed conflict.<sup>290</sup> The most comprehensive regulatory regime is set out in the 1993 Chemical Weapons Convention, which defines chemical weapons as "toxic chemicals and their precursors, except where intended for purposes not prohibited," munitions exclusively designed for the delivery of toxic chemicals and other equipment designed for use with such munitions.<sup>291</sup> The Chemical Weapons Convention prohibits not only the use of chemical weapons, but also their development, production, acquisition, stockpiling, retention and transfer. The prohibition applies "under any circumstances" and can therefore be regarded as absolute. The Convention further requires the destruction of both chemical weapons production facilities and the weapons themselves, and establishes a verification regime overseen by the Organisation for the Prohibition of Chemical Weapons and requiring States Parties: (1) to provide national reporting on industrial chemical production; (2) to accept continuous and routine inspections of treaty-related facilities; (3) and to allow short-notice challenge inspections of any facility on national territory. Finally, the Convention also prohibits the use of riot-control agents, albeit only as a method of warfare and not for the purposes of law enforcement.<sup>292</sup>

#### **(k) Biological weapons**

The 1925 Geneva Gas Protocol bans the use of bacteriological agents in warfare, and the 1972 Biological Weapons Convention prohibits the development, production and stockpiling of "microbial or other biological agents, or toxins" of types and in quantities that have no justification for peaceful purposes, and of weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflicts. The prohibition against biological weapons is considered to apply as customary

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<sup>290</sup> CIHL, Rule 74.

<sup>291</sup> Chemical Weapons Convention, Art. II(1).

<sup>292</sup> Chemical Weapons Convention, Art. I(5); CIHL, Rule 75.

law in any armed conflict.<sup>293</sup> Biological weapons affecting exclusively the non-human environment would have to be separately evaluated under the prohibition against weapons designed or expected to cause widespread, long-term and severe damage to the natural environment.

→ On the special protection afforded to the natural environment, see Section II.2.d. above.

### (I) Nuclear weapons

Nuclear weapons have severe humanitarian consequences resulting from the heat, blast and radiation generated by a nuclear explosion and the distances over which these forces may be spread. The detonation of a nuclear weapon in or near populated areas can cause enormous numbers of casualties and extensive damage to civilian infrastructure, rendering effective medical and humanitarian assistance almost impossible in the immediate aftermath. Many survivors will subsequently succumb to radiation sickness or certain kinds of cancer. Since their first and only use in Hiroshima and Nagasaki in 1945, the international community has wrestled with the legality of nuclear weapons under international law.

At present, IHL does not expressly ban the use of nuclear weapons in armed conflicts.<sup>294</sup> In its 1996 Advisory Opinion, the ICJ concluded that the use of nuclear weapons would be “generally contrary” to the principles and rules of IHL, but was unable to “reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in an extreme circumstance of self-defence, in which its very survival would be at stake.”<sup>295</sup> The ICJ did find, however, that States were under an obligation to conduct negotiations with a view to nuclear disarmament.

In 2011, the Movement updated its position on nuclear weapons, indicating that it “finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law, in particular the rules of distinction, precaution and proportionality.”<sup>296</sup> It also made a historic appeal, calling on States to ensure that nuclear weapons are never again used, regardless of their views on the legality of such weapons, and to urgently pursue

293 CIHL, Rule 73.

294 For further developments related to arms control in the field of nuclear weapons, see, for example, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, 14 February 1967.

295 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38), para. 97.

296 *Working toward the elimination of nuclear weapons*, Resolution 1, Council of Delegates, Geneva, 2011. Available at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-1130.pdf>

and conclude negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement.

### 5. Legal review of new weapons and technologies of warfare

Article 36 of Additional Protocol I states: “In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by (...) international law.” The obligation to conduct a legal review of new weapons applies both in times of armed conflict and in times of peace, and aims to ensure that the weapons developed, manufactured or procured by States comply with international law. More specifically, the purpose of a weapons review is to prevent the use of weapons that would always violate international law and to restrict the use of those that would violate international law in some circumstances. The obligation to conduct a weapons review also applies to all States irrespective of their treaty obligations because they are legally responsible for ensuring that they do not use prohibited weapons or use lawful weapons in a manner that is prohibited.<sup>297</sup>

The systematic and comprehensive legal review of every new weapon system is instrumental to ensuring respect for IHL in operational practice. In essence, when conducting a legal review of a particular weapon system, a State must determine whether that system’s “normal or expected use would be prohibited under some or all circumstances,”<sup>298</sup> in other words, whether the weapon system is *capable* of being used in compliance with IHL. The answer to this question depends on whether all or part of the weapon system, in some or all circumstances:

- would already be prohibited under a specific weapons treaty;
- would constitute an indiscriminate weapon;
- would be of a nature to cause superfluous injury or unnecessary suffering, or widespread, long-term and severe damage to the natural environment;
- would contradict the “principles of humanity” or “public conscience” (Martens Clause).

In practice, a weapon’s effects will always result from a combination of design and the manner in which it is used. In assessing the legality of a particular weapon, therefore, the reviewing authority must examine not only the weapon’s

<sup>297</sup> See GC I–IV, common Art. 1.

<sup>298</sup> Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), para. 1469.

inherent design and characteristics but also how, when and where it is intended to be used.

The duty to systematically review the legality of weapons is of particular importance today in light of the rapid development of new weapons technologies, such as remote-controlled drones and increasingly autonomous robots, cyber capabilities, nanotechnology, and the militarization of space. Arguably, this duty can also be derived from the Martens Clause, which is considered to be customary law. The ICJ, when discussing the “cardinal principles” of IHL in its Advisory Opinion on nuclear weapons, recognized that the Martens Clause “had proved to be an effective means of addressing the rapid evolution of military technology.”<sup>299</sup> Thus, a weapon that does not contravene any existing rules of treaty IHL could nevertheless be considered unlawful if it were found to be contrary to the principles of international law as derived from custom, the principles of humanity or the dictates of public conscience. The Clause makes clear that the general principles and values that have inspired the restriction of warfare throughout history remain valid also in the face of today’s rapidly developing weapons technology. For example, while IHL does not expressly restrict the permissibility of autonomous weapon systems, serious ethical challenges requiring consideration from the perspective of “humanity” and “public conscience” may well arise when it comes to delegating “life-and-death” decisions to autonomous machines. While not a regulatory provision in itself, therefore, the Martens Clause nevertheless provides essential guidance for interpreting, applying and amending individual provisions in line with the objects and purposes of IHL as a whole.

→ For more information on the Martens Clause, see Chapter 1.II.3.

While the legal challenges arising in the review of such systems may be significant, this is not the place to discuss these questions in detail. For the present purposes, suffice it to point out that there can be no doubt that the existing rules and principles of IHL apply to any emerging weapons technology.

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299 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38), paras 78 ff.

### To go further (Methods and means of warfare)<sup>300</sup>

- ICRC e-learning module, *The means and methods of warfare*. Available at: <http://www.icrcproject.org/elearning/en/ihl/M7/index.html>
- William Boothby, *Weapons and the Law of Armed Conflict*, Oxford University Press, 2009, 464 pp.
- Michael Schmitt (ed.), *Tallinn Manual on the International Law Applicable to Cyber Warfare*, Cambridge University Press, 2013.
- Nils Melzer, *Human Rights Implications of the Usage of Drones and Unmanned Robots in Warfare*, European Parliament, Directorate-General for External Policies of the Union, Directorate B, Policy Department, Brussels, 2013.
- Dominique Loyer and Robin Coupland, “[The 1899 Hague Declaration concerning expanding bullets: A treaty effective for more than 100 years faces complex contemporary issues](#),” *IRRC*, Vol. 85, No. 849, March 2003, pp. 135–142.
- Cordula Droegel, “[Get off my cloud: Cyber warfare, international humanitarian law, and the protection of civilians](#),” *IRRC*, Vol. 94, No. 886, Summer 2012, pp. 533–578.
- “[Means of warfare](#),” *IRRC*, Vol. 87, No. 859, September 2005.
- “[Methods of warfare](#),” *IRRC*, Vol. 88, No. 864, December 2006.
- “[New technologies and warfare](#),” *IRRC*, Vol. 94, No. 886, Summer 2012.
- ICRC, [A Guide to the Legal Review of New Weapons, Means and Methods of Warfare: Measures to Implement Article 36 of Additional Protocol I of 1977](#), ICRC, Geneva, 2007.
- Geneva Academy of International Humanitarian Law and Human Rights, *Weapons Law Encyclopaedia*. Available at: <http://www.weaponslaw.org>

### How Does Law Protect in War?

- Case No. 62, [ICJ, Nuclear Weapons Advisory Opinion](#)
- Case No. 80, [United States, Memorandum of Law: The Use of Lasers as Anti-Personnel Weapons](#)
- Case No. 92, [United States Military Court in Germany, Trial of Skorzeny and Others](#)
- Case No. 179, [United States, Surrendering in the Persian Gulf War](#)

<sup>300</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



## VI. SPECIFIC ISSUES ARISING IN NON-INTERNATIONAL ARMED CONFLICTS

Although the final draft of Additional Protocol II contained essentially the same rules on the conduct of hostilities as Additional Protocol I, almost all of them were deleted from the draft in a last-minute attempt to obtain a consensus on a “simplified” version of the treaty. The reason for this move was that many contracting States wanted to avoid giving the impression that dissident armed forces, insurgent groups and other non-State belligerents taking up arms against their government could benefit from any level of legitimacy or privilege. As a result, current treaty IHL governing non-international armed conflicts does not contain a specific chapter on the conduct of hostilities defining key combat-related terms such as “civilians,” “armed forces” and “attacks,” or regulating the preparation and conduct of military operations in any significant detail. Nevertheless, common Article 3 and Additional Protocol II reflect essentially the same rationale as treaty IHL governing the conduct of hostilities in international armed conflicts. Thus, all provisions of IHL governing non-international armed conflicts are equally binding on all belligerent parties, regardless of whether they are States or non-State armed groups (*equality of belligerents*). Also, Additional Protocol II essentially replicates the corresponding provisions of Additional Protocol I when it expressly prohibits the denial of quarter<sup>301</sup> and attacks against the civilian population,<sup>302</sup> objects indispensable to the survival of the civilian population,<sup>303</sup> works and installations containing dangerous forces,<sup>304</sup> and cultural objects and places of worship.<sup>305</sup>

### 1. Protection of the civilian population

In essence, treaty IHL applicable in non-international armed conflicts builds on the same cardinal distinction between fighters and civilians as IHL governing international armed conflicts. In IHL governing non-international armed conflicts, the first category is composed of the “armed forces,” “dissident armed forces” and “other organized armed groups” carrying out “sustained and concerted military operations” under “responsible command,” whereas the second category comprises the “civilian population” and “individual civilians,” who “enjoy general protection against the dangers arising from military operations” conducted by these armed forces or groups.”<sup>306</sup> Accordingly, direct attacks against the civilian population and individual

301 AP II, Art. 4(1).

302 AP II, Art. 13.

303 AP II, Art. 14.

304 AP II, Art. 15.

305 AP II, Art. 16.

306 GC I–IV, common Art. 3; AP II, Arts 1(1) and 13(1).

civilians, along with acts or threats of violence the primary purpose of which is to spread terror among the civilian population, are prohibited.<sup>307</sup> Civilians are entitled to this protection in all circumstances, unless and for such time as they take a direct part in hostilities.<sup>308</sup>

Although treaty IHL does not expressly require those planning and conducting military operations in non-international armed conflicts to take feasible precautionary measures in attacks and against the effects of attacks, or to abstain from attacks that may be expected to cause excessive incidental harm to civilians and civilian objects, the relevant provisions applicable in international armed conflicts are considered to apply as customary law in non-international armed conflicts as well.<sup>309</sup>

## 2. Organized armed groups

The fact that there is no formal privilege of combatancy in situations of non-international armed conflict does not mean that the fighting forces of the belligerent parties are civilians. It is generally recognized that members of State armed forces do not qualify as civilians, and the wording and logic of common Article 3 and Additional Protocol II suggest that the same applies to members of organized armed groups. Also, State practice confirms that members of organized armed groups fighting for a non-State party to a conflict lose their civilian status and, in principle, may be lawfully attacked in the same way as State combatants in international armed conflicts. In a generic sense, and for the purposes of the principle of distinction, therefore, the fighting personnel of a non-State party to a conflict are sometimes also described as “fighters” or “unprivileged combatants.”

Organized armed groups constitute the armed forces (i.e. the military wing) of a non-State party to a conflict and must not be confused with the party itself (e.g. an insurgency or rebellion as a whole, including its political or administrative wing) or with other supportive segments of the civilian population. Where part of the armed forces turns against its own government, membership in such “dissident armed forces” will (at least initially) depend on the same formal criteria that determine membership in the governmental armed forces. Other organized armed groups, however, are essentially made up of persons recruited from the civilian population. In many armed conflicts, civilians may support a non-State belligerent in many different ways and may even take a direct part in hostilities on a spontaneous, sporadic or unorganized basis. For the purposes of the

307 AP II, Art. 13(2); CIHL, Rules 1 and 2.

308 AP II, Art. 13(3); CIHL, Rule 6.

309 CIHL, Rules 14–24.

principle of distinction, however, they cannot be regarded as members of an organized armed group unless they assume a continuous combat function for a belligerent party (i.e. a continuous function involving their direct participation in hostilities). Continuous combat function does not imply that they are entitled to the privilege of combatancy, prisoner-of-war status, or any other form of immunity from domestic prosecution for lawful acts of war. Rather, it makes a strictly functional distinction between members of the organized fighting forces and the civilian population. Thus, while in international armed conflicts members of the armed forces have the “right” to directly participate in hostilities on behalf of a belligerent party (*combatant’s privilege*), members of organized armed groups in non-international armed conflicts have the “function” to do so (*combat function*). In sum, just as is the case in international armed conflicts, only members of the actual fighting forces lose their civilian status and protection; supporters, sympathizers and political or religious leaders remain part of the civilian population and may only be attacked if and for such time as they directly participate in hostilities.<sup>310</sup>

→ See also the membership criteria for irregular armed forces in international armed conflicts, in Section I.1.a. above.

### 3. Military objectives, civilian objects and specially protected objects

Treaty IHL applicable in non-international armed conflicts defines military objectives and civilian objects in the same terms as Additional Protocol I does for international armed conflicts.<sup>311</sup> The relevant provisions prohibiting attacks and reprisals against civilian objects in international armed conflicts are considered to apply as customary law in non-international armed conflicts as well.<sup>312</sup> Furthermore, Additional Protocol II expressly provides special protection for objects indispensable to the survival of the civilian population, installations containing dangerous forces and cultural property, and uses similar terms as the provisions applicable in international armed conflicts.<sup>313</sup> In particular, the Second Protocol to the Hague Convention on Cultural Property extends the Convention’s applicability to non-international armed conflicts.

310 For the ICRC’s official position on this issue see N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130), Section II.

311 Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 2(6) and (7). See Section II.1.

312 CIHL, Rules 7, 10 and 148.

313 AP II, Arts 14–16.

#### 4. Weapons regulation in non-international armed conflicts

Common Article 3 and Additional Protocol II do not contain any general provisions regulating the use of certain weapons in non-international armed conflicts. As “cardinal principles” of customary international law, however, the principle of distinction, the prohibition against causing unnecessary suffering, and the Martens Clause govern the lawfulness of weapons in any armed conflict, including those that are non-international in nature.<sup>314</sup> As the ICTY rightly observed, “Elementary considerations of humanity and common sense make it preposterous that the use by States of weapons prohibited in armed conflicts between themselves be allowed when States try to put down rebellion by their own nationals on their own territory. What is inhumane, and consequently proscribed, in international wars cannot but be inhumane and inadmissible in civil strife.”<sup>315</sup> Consequently, a number of weapon-specific prohibitions or restrictions are applicable as customary law in non-international armed conflicts as well, including the prohibition against poisonous, biological and chemical weapons, blinding laser weapons, expanding and exploding bullets, and non-detectable fragments, along with restrictions on the use of incendiary weapons and of mines, booby-traps and other devices.<sup>316</sup>

The growing recognition that the humanitarian prohibitions and restrictions on certain weapons must apply equally in all armed conflicts is also reflected in Amended Protocol II to the Convention on Certain Conventional Weapons, which applies to both international and non-international armed conflicts, and in the fact that, in 2001, Article 1 of the Convention was amended to extend the applicability of the Convention and its four protocols at that time (and subsequently of Protocol V) to non-international armed conflicts and to non-State parties to such conflicts. Even more expansive is the scope of applicability of the Chemical Weapons Convention, the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions, all of which apply in “any circumstances,” regardless of their legal classification.

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314 AP II, Preamble; CIHL, Rules 70 and 71.

315 ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), para. 119.

316 CIHL, Rules 72–86.

### To go further (Specific issues arising in non-international armed conflicts)<sup>317</sup>

- Sandesh Sivakumaran, *The Law of Non-International Armed Conflict*, Oxford University Press, Oxford, 2012, pp. 386–429.
- *The Manual on the Law of Non-International Armed Conflict*, International Institute of Humanitarian Law, San Remo, 2006, pp. 18–45. Available at: <http://www.iihl.org/wp-content/uploads/2015/12/Manual-on-the-Law-of-NIAC.pdf>
- Jean-Marie Henckaerts, “[Study on customary international humanitarian law: A contribution to the understanding and respect for the rule of law in armed conflict](#),” *IRRC*, Vol. 87, No. 857, March 2005, pp. 188–190.
- Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, ICRC, Geneva, 2009, 85 pp.

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- Case No. 245, [Human Rights Committee, Guerrero v. Colombia](#)
- Case No. 257, [Afghanistan, Goatherd Saved from Attack](#)
- Case No. 272, [Civil War in Nepal](#)
- Case No. 278, [Angola, Famine as a Weapon](#)

317 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



# Chapter 4

## The wounded and sick and the medical mission



C. Cardon De Lichtbuer/CRC

South Kivu, Democratic Republic of the Congo, 2013. Evacuation of four ailing adults and six children, three of them severely malnourished, from a remote area to health centres in Bukavu.

## Structure

- I. The wounded, the sick and the shipwrecked
- II. Medical and religious personnel
- III. Medical units and transports
- IV. Hospital, safety and neutralized zones
- V. The distinctive emblems
- VI. The missing and the dead
- VII. Specific issues arising in non-international armed conflicts

### In a nutshell

- The wounded and sick must receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition.
- The wounded, the sick and the shipwrecked, medical and religious personnel, and medical units and medical transports must be protected and respected in all circumstances.
- Medical personnel must treat patients impartially, regardless of sex, race, nationality, religion, political opinion or any other similar criteria.
- No one may be compelled to perform medical activities contrary to the rules of medical ethics, or punished for carrying out medical activities compatible with medical ethics, regardless of the beneficiary.
- Medical personnel may not be compelled to give any information that would prove harmful to the wounded and the sick, or to their families, except as required by law.
- The dead must be treated with respect and protected against mutilation and pillage.
- Whenever circumstances permit, and particularly after an engagement, each party to a conflict must, without delay, take all possible measures to search for, collect and evacuate the wounded, the sick, the shipwrecked and the dead.
- Belligerent parties must take all feasible measures to account for persons reported missing as a result of an armed conflict and provide their family members with any information they have on their fate.



### To go further<sup>318</sup>

- *Health care in danger: The human cost*, film, ICRC, 2013. Available at: <http://www.youtube.com/watch?v=Cr3eknFzhWs>
- ICRC e-learning module, *Health care in danger: The legal framework*. Available at: <http://www.icrcproject.org/elearning/health-care-in-danger2/>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 7: Protection of the wounded, sick and shipwrecked](#), pp. 195–209.
- Larissa Fast, *Aid in Danger: The Perils and Promise of Humanitarianism*, University of Pennsylvania Press, Philadelphia, 2014, 336 pp.
- Alexander Breitegger, “[The legal framework applicable to insecurity and violence affecting the delivery of health care in armed conflicts and other emergencies](#),” *IRRC*, Vol. 95, No. 889, Spring 2013, pp. 83–127.
- Fiona Terry, “[Violence against health care: Insights from Afghanistan, Somalia, and the Democratic Republic of the Congo](#),” *IRRC*, Vol. 95, No. 889, Spring 2013, pp. 23–39.
- Pierre Gentile, “[Q&A: Health care in danger](#),” *IRRC*, Vol. 95, No. 890, Summer 2013, pp. 341–350.
- “[Violence against health care: The problem and the law](#),” *IRRC*, Vol. 95, No. 889, Spring 2013.
- “[Violence against health care: The way forward](#),” *IRRC*, Vol. 95, No. 890, Summer 2013.
- ICRC, [Health Care in Danger: The Responsibilities of Health-Care Personnel Working in Armed Conflicts and Other Emergencies](#), ICRC, Geneva, 2012, 104 pp.

It was the agony of 40,000 wounded and dying soldiers on the battlefield of Solferino that moved Henry Dunant to initiate the process that led to the adoption of the original Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field in 1864 and of the red cross on a white ground as the protective emblem of military medical services.<sup>319</sup> To this day, one of the most tragic aspects of armed conflict is the enormous amount of suffering, mutilation and death caused by wounds and sickness resulting from the ravages of war. Modern treaty IHL recognizes

<sup>318</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

<sup>319</sup> See *150 years of humanitarian action: The battle of Solferino*, film, ICRC, 2014. Available at: <http://www.youtube.com/watch?v=Rr8pRVduqWQ>

death, injury and destruction as an inevitable side-effect of armed conflict, but aims to prevent human suffering where it is unnecessary and to alleviate it where it cannot be prevented. The very same idea that motivated Henry Dunant on the battlefield of Solferino in 1859 went on to inspire the 1949 Geneva Conventions and their Additional Protocols, in particular their rules on the protection of the wounded and sick and the medical mission.

## I. THE WOUNDED, THE SICK AND THE SHIPWRECKED

### 1. Scope of personal protection

Originally, treaty IHL governing international armed conflicts strictly limited its protection to wounded, sick and shipwrecked members of the armed forces. Thus, the initial Geneva and Hague Conventions protected “combatants”<sup>320</sup> or, in the case of naval forces, “sailors and soldiers,”<sup>321</sup> and subsequent versions only slightly expanded their protective scope to “other persons officially attached” to the fleets or armies of belligerent parties.<sup>322</sup> After World War II, a first attempt was made to ensure medical care and protection for all persons in need of medical attendance, including those belonging to the civilian population. Although the First and Second Geneva Conventions still limited their protection to those categories of person entitled to prisoner-of-war status under the Third Geneva Convention,<sup>323</sup> the Fourth Geneva Convention aimed to ensure the provision of protection and care to all other persons who were wounded, sick or otherwise in need of medical attention.<sup>324</sup>

It was only with the adoption of Additional Protocols I and II of 1977 that the concepts of “wounded,” “sick” and “shipwrecked” were finally defined as including all persons irrespective of their military or civilian status. Thus, according to Additional Protocol I:

- “‘wounded’ and ‘sick’ mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover

320 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, 22 August 1864, Art. 6(1).

321 Hague Convention No. III for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22 August 1864, 29 July 1899, Art. 8.

322 Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, 6 July 1906 and 27 July 1929, Art. 1(1); Hague Convention No. X for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention, 18 October 1907, Art. 11.

323 GC I and II, Art. 13; GC III, Art. 4.

324 GC IV, Arts 16–22, 38(2), 55–57, 81(1), 85 and 91–92.

maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility”;<sup>325</sup>

- “‘shipwrecked’ means persons, whether military or civilian, who are in peril at sea or in other waters as a result of misfortune affecting them or the vessel or aircraft carrying them and who refrain from any act of hostility. These persons, provided that they continue to refrain from any act of hostility, shall continue to be considered shipwrecked during their rescue until they acquire another status under the Conventions or this Protocol.”<sup>326</sup>

Additional Protocol I also specifies that its provisions aiming to protect the wounded, sick and shipwrecked apply to all persons affected by a situation of international armed conflict, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.<sup>327</sup> Today, in the ICRC’s view, this comprehensive scope of protection can be regarded as part of customary IHL applicable in all armed conflicts.<sup>328</sup>

The treaty definition of the wounded, sick and shipwrecked only covers persons refraining from any act of hostility, but it does not require actual incapacitation of the persons in question by wounds, sickness or shipwreck. For military personnel and others who have directly participated in hostilities, refraining from acts of hostility is also a precondition for being recognized as *hors de combat*.<sup>329</sup> Thus, a wounded person who continues or resumes fighting the enemy is neither *hors de combat* nor protected as a wounded person within the meaning of IHL. Conversely, a combatant needing medical treatment who refrains from any act of hostility benefits from protection as a wounded person even if his wounds have not incapacitated him.

The fact that someone is entitled to specific protection as a wounded, sick or shipwrecked person does not preclude that same person from also benefiting from protection under other rules of IHL. Thus, in addition to the specific care and protection afforded to the wounded, sick and shipwrecked under the First and Second Geneva Conventions, persons entitled to prisoner-of-war status who have fallen into the power of the enemy will benefit from

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325 AP I, Art. 8(a).

326 AP I, Art. 8(b).

327 AP I, Art. 9(1); CIHL, Rules 109 and 110.

328 CIHL, commentary on Rule 109.

329 AP I, Art. 41(2); CIHL, Rule 47.

the protection of the Third Geneva Convention until their final release and repatriation.<sup>330</sup> Other persons will continue to benefit from the Fourth Geneva Convention and the fundamental guarantees of Additional Protocol I until the end of the hostilities or, as the case may be, until their release, repatriation or re-establishment.<sup>331</sup>

→ On the concept of *hors de combat*, see Chapter 3.IV.1.

## 2. Respect, protection and care

The wounded, sick and shipwrecked must be respected and protected in all circumstances and wherever they are.<sup>332</sup> As always in the context of IHL, the word “respect” denotes a duty to refrain from attack, abuse or any other act likely to cause danger or injury. This obligation applies not only to the armed forces, but also to the civilian population, which must in particular abstain from any act of violence against the wounded, sick and shipwrecked.<sup>333</sup> The word “protect,” on the other hand, always implies a positive obligation to shield the persons in question from harm and to proactively safeguard their rights. In the case of the wounded, sick and shipwrecked, the duty to protect also requires that they be searched for and collected, whereas the provision of medical care is regarded as a conceptually separate, additional obligation tailored to the specific needs of these categories of person.<sup>334</sup> Accordingly, whenever feasible, and particularly after military engagements, each party to the conflict must search for, collect and evacuate the wounded, sick and shipwrecked from the zone of hostilities, or from besieged or encircled areas, and protect them against ill-treatment and pillage.<sup>335</sup> If a belligerent party is forced to abandon wounded or sick members of its armed forces to the enemy it must, as far as military considerations permit, leave with them part of its medical personnel and material to assist in their care.<sup>336</sup> In any case and at all times, belligerent parties must treat the wounded, sick and shipwrecked humanely and, to the fullest extent practicable, provide them with the required medical treatment without distinction or priority on any grounds other than medical ones.<sup>337</sup>

330 GC I, Arts 5 and 14; GC II, Art. 16; GC III, Art. 5(1).

331 GC IV, Art. 6(4); AP I, Art. 75.

332 GC I, Arts 4 and 12; GC II, Arts 5 and 12(1); GC IV, Art. 16 (1); AP I, Art. 10(1).

333 GC I, Art. 18(2); AP I, Art. 17(1); CIHL, Rule 111.

334 See, e.g., Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), paras 446–448.

335 GC I, Art. 15; GC II, Art. 18; CIHL, Rules 109 and 111.

336 GC I, Art. 12(5).

337 GC I and II, Art. 12(2) and (3); AP I, Arts 9(1) and 10(2); CIHL, Rule 110.

The duty of a belligerent party to respect, protect and care for the wounded, sick and shipwrecked in its power implies that their physical or mental health and integrity may not be endangered by any unjustified act or omission.<sup>338</sup> On the most basic level this means, of course, that the wounded, sick and shipwrecked may not be murdered or exterminated, subjected to torture, or deliberately left without medical care or exposed to contagion or infection.<sup>339</sup> Further, wounded, sick and shipwrecked persons may not be subjected to any medical procedure that is not warranted by their state of health and not consistent with generally accepted medical standards, including, in particular, any unwarranted mutilations, experiments, and removal of tissue or organs.<sup>340</sup> In order to avoid abuse, each party to a conflict must keep a medical record for inspection by the Protecting Power or the ICRC, which should list all medical procedures undertaken with respect to persons who are deprived of their liberty for reasons related to the conflict.<sup>341</sup>

### **To go further (The wounded, the sick and the shipwrecked)<sup>342</sup>**

- Jann K. Kleffner, “Protection of the wounded, sick, and shipwrecked,” in Dieter Fleck, *Handbook of International Humanitarian Law*, 3rd ed., Oxford University Press, Oxford, 2013, pp. 321–332.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Articles 12 and 15.

### **How Does Law Protect in War?**

- Case No. 91, [British Military Court at Hamburg, The Peleus Trial](#)
- Case No. 147, [Israel, Navy Sinks Dinghy off Lebanon](#)

## **II. MEDICAL AND RELIGIOUS PERSONNEL**

The wounded, sick and shipwrecked cannot be protected unless the medical and religious personnel coming to their aid also benefit from protection. The latter must have access to the wounded and sick on the battlefield, must be protected against all acts of hostility and must be allowed to perform their medical or religious functions without impediment even if they fall into the power of the enemy.

338 AP I, Art. 11(1).

339 GC I and II, Art. 12(2); CIHL, Rule 111.

340 AP I, Art. 11(1), (2) and (3).

341 AP I, Art. 11(6).

342 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## 1. Definitions

### (a) Medical personnel

According to Additional Protocol I, the term “medical personnel” refers to military or civilian persons who have been formally assigned by a party to a conflict to one of the following purposes:

- medical purposes *stricto sensu*, i.e. the search for, collection, transportation, diagnosis or treatment of the wounded, sick and shipwrecked, or the prevention of disease;
- the administration of medical units, or the operation or administration of medical transports.

Such assignments may be permanent or temporary, but must always be exclusive, which means that belligerent parties may not assign such personnel duties other than their medical functions.<sup>343</sup>

### (b) Categories of medical personnel

IHL divides medical personnel into three basic categories.

- *Medical personnel of a party to a conflict*: This first category includes the permanent and temporary medical personnel of the armed forces, the navy and the merchant marine, but also the medical personnel and crews of hospital ships. It further includes civilian medical personnel, and those assigned to civil defence organizations.<sup>344</sup>
- *Medical personnel of National Societies or other voluntary aid societies*: The second category includes personnel of National Societies or other national voluntary aid societies duly recognized and authorized by the belligerent parties. In order to be regarded as “national,” such societies must be established in the territory of the belligerent party concerned; in order to be “recognized,” they generally must be constituted in accordance with national law and regulations; and they can be considered as “authorized” by a belligerent party when they are officially permitted to employ medical personnel on its behalf and under its military laws and regulations.<sup>345</sup>
- *Medical personnel seconded by neutral States or humanitarian organizations*: The third category comprises medical personnel of medical units or transports made available to a party to the conflict for humanitarian purposes: (i) by a neutral or other non-belligerent

343 AP I, Art. 8(c) and (k); Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), para. 353.

344 GC I, Arts 24 and 25; GC II, Arts 36 and 37; AP I, Arts 8(c)(i) and 61(a)(vi).

345 GC I, Art. 26; AP I, Art. 8(c)(ii); Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), para. 358.

State, (ii) by a recognized and authorized aid society of such a State; or (iii) by an impartial international humanitarian organization.<sup>346</sup>

### **(c) Official assignment versus spontaneous charity**

Only persons who have been formally assigned to medical duties by a belligerent party qualify as medical personnel in the technical sense. Other persons performing medical functions are generally protected as civilians, but are not entitled to use the distinctive emblems and do not enjoy the special rights and privileges of medical personnel on the battlefield or when they fall into enemy hands. This does not mean, of course, that modern IHL discourages the kind of spontaneous charity and humanitarian action that inspired Henry Dunant on the battlefield of Solferino. IHL even expressly permits the civilian population and aid societies to collect and care for the wounded, sick and shipwrecked on their own initiative and, if they do so in response to appeals by the belligerents, entitles them to protection and support from all parties to the conflict.<sup>347</sup> Without official assignment and supervision, however, they cannot be regarded as medical personnel within the meaning of IHL.

### **(d) Religious personnel**

According to Additional Protocol I, the term “religious personnel” refers to military or civilian persons, such as chaplains, who are exclusively engaged in the work of their ministry and who are permanently or temporarily attached to the armed forces, civil defence organizations, medical units or medical transports of a party to a conflict, or to medical units or transports seconded to a party to a conflict by neutral States or humanitarian organizations.<sup>348</sup> Thus, in order to qualify as religious personnel within the meaning of IHL, the persons concerned must be exclusively devoted to their ministry and may not fulfill any other functions, regardless of the religion to which they belong. They do not have to be incorporated in the armed forces and can therefore retain their civilian status, but they must necessarily be attached to a military, civil defence or medical service officially recognized and authorized by a belligerent party.

## **2. Protection**

### **(a) Duty to respect and protect**

Personnel exclusively assigned to medical and religious duties must be respected and protected in all circumstances.<sup>349</sup> This means that medical and religious personnel may not be directly attacked, threatened or hindered in

<sup>346</sup> GC I, Art. 27; AP I, Arts 8(c)(iii) and 9(2).

<sup>347</sup> GC I, Art. 18; GC II, Art. 21; AP I, Art. 17; CIHL, commentary on Rule 109.

<sup>348</sup> AP I, Art. 8(d).

<sup>349</sup> GC I, Arts 24 and 25; GC II, Arts 36 and 37; AP I, Art. 15(1); CIHL, Rules 25 and 27.

their activities, but also that they and their particular role must be actively protected and supported by the belligerents. The duty to respect and protect medical and religious personnel is not a personal privilege but a derivative of the protection afforded to the wounded, the sick and the shipwrecked. Therefore, medical and religious personnel lose their special protection pursuant to the same principles as medical units, namely if they commit, outside their humanitarian function, acts harmful to the enemy.<sup>350</sup>

→ On the loss of protection due to acts harmful to the enemy, see Section III.1.c. below.

### **(b) Status upon capture**

Medical and religious personnel who have fallen into the hands of an adverse party are not to be regarded as prisoners of war irrespective of whether they are civilians or members of the armed forces.<sup>351</sup> Medical and religious personnel of enemy nationality may be retained to the extent required to meet the medical and spiritual needs of prisoners of war, but must be released as soon as their services are no longer indispensable for that purpose.<sup>352</sup> As long as they are retained, such personnel are entitled, as a minimum, to the same benefits and protection as prisoners of war. Personnel seconded by neutral States or international organizations may not be detained and must be released as soon as a route for their return is open and military considerations permit.<sup>353</sup>

### **(c) Duty to provide help and assistance**

To fulfil their important humanitarian mission, medical and religious personnel need more than special respect and protection; they must also be provided with all the support and assistance they may require in the circumstances at hand. This is particularly important in the case of civilian medical personnel, who do not automatically benefit from the operational and logistical support of the armed forces, especially in areas where existing civilian medical services have been disrupted by combat activity. Additional Protocol I thus expressly obliges belligerent parties, if needed, to afford civilian medical personnel operating in such areas “all available help.”<sup>354</sup> It is clear that, in a combat zone, this obligation must be limited to what can reasonably be expected from a belligerent considering the circumstances prevailing on the battlefield. By contrast, in occupied territories, where the occupying power already exercises effective control, civilian medical personnel must be afforded “every assistance” to enable

350 GC I, Art. 21; AP I, Art. 13; CIHL, Rules 25 and 27.

351 GC I, Art. 28(2). This applies to persons covered by GC I, Arts 24 and 26. See also Chapter 5.I.2.

352 GC I, Arts 28(1) and (3) and 30(1); GC II, Art. 37.

353 GC I, Art. 32; GC II, Art. 33(1); AP I, Art. 9(2).

354 AP I, Art. 15(2).



them to perform their humanitarian functions to the best of their ability.<sup>355</sup> In any case, subject to the supervisory and safety measures that the relevant party to a conflict may deem necessary, IHL requires that civilian medical personnel be granted access to any place where their services are essential.<sup>356</sup> Given the importance of medical care, it is clear that any supervisory or security measures restricting access for civilian medical personnel to the wounded, the sick and the shipwrecked must be carefully considered and, wherever possible, accompanied by measures alleviating the humanitarian consequences of such restrictions. For example, in a medical emergency, a belligerent party may have to delay the interrogation of a wounded or sick person in order to allow evacuation or treatment as required by his or her medical condition.

#### (d) Protection of medical ethics

In situations of armed conflict, belligerent parties may be tempted to influence and exploit the work of medical personnel for political, military or other purposes outside their humanitarian mission. Additional Protocol I therefore emphasizes that no one may be prevented from performing acts required by the rules of medical ethics or punished for having done so. Likewise, persons engaged in medical activities may not be compelled to violate the rules of medical ethics, for example by giving priority to the treatment of any person except on medical grounds, or by carrying out any other tasks that are not compatible with their humanitarian mission.<sup>357</sup> Additional Protocol I also protects the confidentiality of medical information. Accordingly, persons engaged in medical activities may not be compelled to give any information concerning the wounded and sick under their care, if such information would, in their opinion, prove harmful to the patients concerned or to their families. It should be noted, however, that this prohibition remains subject to the obligations that medical personnel may have towards their own belligerent party under national law, and to regulations for the compulsory notification of communicable diseases.<sup>358</sup>

#### To go further (Medical and religious personnel)<sup>359</sup>

- *Health-care workers must not be attacked*, film, ICRC, 2011. Available at: <http://www.youtube.com/watch?v=Gh60NQT3qo>
- ICRC, *Health Care in Danger: The Responsibilities of Health-Care Personnel Working in Armed Conflicts and Other Emergencies*, ICRC, Geneva, 2012, 104 pp.

355 AP I, Art. 15 (3).

356 AP I, Art. 15 (4).

357 AP I, Arts 15 (3) and 16 (1) and (2); CIHL, Rule 26.

358 AP I, Art. 16 (3).

359 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

- Ryan Goodman and Mindy Jane Roseman (eds), *Interrogations, Forced Feedings, and the Role of Health Professionals: New Perspectives on International Human Rights, Humanitarian Law and Ethics*, Harvard University Press, 2009, 228 pp.
- Laurent Gisel, “[Can the incidental killing of military doctors never be excessive?](#),” *IRRC*, Vol. 95, No. 889, Spring 2013, pp. 215–230.
- Vivienne Nathanson, “[Medical ethics in peacetime and wartime: The case for a better understanding](#),” *IRRC*, Vol. 95, No. 889, Spring 2013, pp. 189–213.
- Jean Pictet, “[The medical profession and international humanitarian law](#),” *IRRC*, Vol. 25, No. 247, July 1985, pp. 191–209.
- Christian Enemark, “Triage, treatment and torture: Ethical challenges for US military medicine in Iraq,” *Journal of Military Ethics*, Vol. 7, Issue 3, 2008, pp. 186–201.
- *Conditions for Recognition of National Societies*, ICRC, 2005. Available at: <http://www.icrc.org/eng/resources/documents/misc/6erk5h.htm>
- World Medical Association, *Regulations in Times of Armed Conflict and Other Situations of Violence*. Available at: <http://www.wma.net/en/30publications/10policies/a20/index.html.pdf?print-media-type&footer-right=%5B-page%5D/%5BtoPage%5D>

### **How Does Law Protect in War?**

- Case No. 186, [Iraq, Medical Ethics in Detention](#)
- Case No. 187, [Iraq, Care for Wounded Enemies](#)

## **III. MEDICAL UNITS AND TRANSPORTS**

### **1. Protection of medical units**

#### **(a) Definition of “medical units”**

In safeguarding the medical mission for the benefit of the wounded, the sick and the shipwrecked, IHL protects not only medical and religious personnel, but also medical facilities, transports, equipment and supplies used for medical purposes. Originally, medical units were protected only if they were attached to the medical services of the armed forces, or if they qualified as civilian hospitals.<sup>360</sup> Additional Protocol I subsequently expanded the term

<sup>360</sup> GC I, Art. 19(1); GC IV, Art.18(1).

“medical units” to include all establishments and other units, whether military or civilian, fixed or mobile, permanent or temporary, that meet two criteria:

- they must be organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment of the wounded, sick and shipwrecked, or for the prevention of disease;
- they must be exclusively assigned to such purposes by a party to the conflict.

This definition includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units.<sup>361</sup>

### **(b) Scope of protection**

Military medical units, and civilian medical units recognized and authorized by one of the belligerent parties, must be respected and protected at all times. They may be neither directly attacked nor used to shield military objectives from attacks. In order to avoid incidental harm to medical units, the belligerent parties should endeavour to locate such units at a safe distance from military objectives, and to notify each other of their location. Failure to do so, however, does not exempt the adverse party from its duty to respect and protect medical units.<sup>362</sup> Should military medical units fall into the power of the adverse party, their personnel must be permitted to pursue their duties until the capturing party itself ensures the necessary care of the wounded and sick found in such establishments and units.<sup>363</sup> Moreover, their premises, material and stores may not be diverted from their purpose as long as they are required for the care of the wounded and sick irrespective of their allegiance.<sup>364</sup> Should civilian medical units fall into the power of the enemy, which is conceivable particularly in cases of belligerent occupation, the occupying power may not requisition their resources as long as they are needed for the civilian population and for the wounded and sick already under treatment.<sup>365</sup> Even if this should not be the case, such requisitions are permissible only to the extent and for such time as they are required for the immediate medical treatment of wounded and sick members of the armed forces, including prisoners of war.<sup>366</sup> In any case, the occupying power remains responsible for ensuring that the medical needs of the civilian population continue to be satisfied.<sup>367</sup>

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<sup>361</sup> AP I, Art. 8(e) and (k).

<sup>362</sup> GC I, Art. 19; GC IV, Art. 18; AP I, Art. 12; CIHL, Rule 28.

<sup>363</sup> GC I, Arts 19(1), 33(2) and 35(2).

<sup>364</sup> GC I, Art. 33(2).

<sup>365</sup> AP I, Art. 14(2).

<sup>366</sup> AP I, Art. 14(3).

<sup>367</sup> AP I, Art. 14(1).



Z. Burduli/ICRC

Puttumatalan, Sri Lanka, 2009. An ICRC team evacuates wounded civilians by ferry to Trincomalee.

### (c) Loss of protection due to acts harmful to the enemy

The special protection of medical units ceases when they are used to commit, outside their humanitarian function, acts harmful to the enemy.<sup>368</sup> Treaty IHL does not define “acts harmful to the enemy,” but it is clear that such acts do not necessarily have to involve offensive combat action. According to the Commentary on the Geneva Conventions, hiding able-bodied combatants, arms or munitions, deliberately impeding military action, or serving as a military observation post are sufficient cause to lose special protection.<sup>369</sup> On the other hand, treaty IHL also provides a non-exhaustive list of examples of conduct or circumstances that may not be regarded as acts harmful to the enemy, namely:

- that the personnel of the unit are armed with light individual weapons, and that they use such weapons for their own defence or for that of the wounded and sick in their charge;
- that the unit is guarded by a picket, by sentries or by an escort;
- that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;
- that members of the armed forces or other combatants are in the unit for medical reasons;

<sup>368</sup> GC I, Art. 21; GC IV, Art. 19(1); AP I, Art. 13(1); CIHL, Rule 28.

<sup>369</sup> ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 21.

- that personnel and material of the veterinary service are found in the unit, without forming an integral part thereof;
- that the humanitarian activities of military medical units or of their personnel extend to the care of civilian wounded or sick.<sup>370</sup>

These provisions do not prevent belligerent parties from imposing more restrictive security measures on civilian medical units and personnel operating in territory under their control. For example, an occupying power may legitimately prohibit the carrying of individual weapons throughout the occupied territory. Civilian medical units and personnel found to be operating in violation of such a prohibition may be warned and, if necessary, deprived of their special protection by the occupying power.

For medical units, loss of special protection does not, however, necessarily entail loss of protection against direct attack. If medical units are used to commit acts harmful to the enemy, such as collecting and communicating intelligence unrelated to combat operations, they may lose their special protection as medical units, but they still retain their status as civilian objects. While such medical units are no longer entitled to special support or protected from interference with their work, they remain protected against direct attack unless their use also turns them into military objectives or, in the case of personnel, unless and for such time as their conduct amounts to direct participation in hostilities.<sup>371</sup> Whether this is the case must be determined separately for each situation. In certain circumstances, misusing the protection granted to medical units in order to engage in hostilities may also amount to perfidy and, therefore, constitute a war crime.<sup>372</sup> In any case, the special protection for medical units, whether civilian or military, does not cease unless a warning has been given and, whenever appropriate, a reasonable time limit has been set and disregarded.<sup>373</sup>

## 2. Protection of medical transports

In practice, the protection of the wounded, the sick and the shipwrecked often depends on the respect and protection afforded to the means of transport used to rescue them, evacuate them from danger zones and take them to hospitals or other medical facilities where they can receive the requisite medical assistance and care. IHL contains numerous detailed provisions regulating the status, rights, duties and protection of the various means of medical transportation in a wide variety of circumstances.

<sup>370</sup> GC I, Art. 22; GC IV, Art. 19(2); AP I, 13(2).

<sup>371</sup> On the definition of military objectives and of direct participation in hostilities, see Chapter 3, Sections II.1.a and I.4.

<sup>372</sup> For the definition of perfidy, see Chapter 3.IV.3.

<sup>373</sup> GC I, Art. 21; GC IV, Art. 19(1); AP I, Art. 13(1).

### (a) Definition of “medical transports”

The term “medical transports” refers to any means of transportation, whether military or civilian, assigned exclusively to the transportation of the wounded, the sick and the shipwrecked, of medical and religious personnel, and of medical equipment or supplies protected by IHL.<sup>374</sup> Such assignments may be permanent or temporary, and may include means of transportation by land, water or air, such as ambulances, hospital ships and medical aircraft, as long as they are authorized by a belligerent party.<sup>375</sup>

### (b) Scope of protection

In principle, unless otherwise regulated, all medical transports benefit from the same protection as mobile medical units.<sup>376</sup> Accordingly, all medical transports exclusively assigned to medical transportation must be respected and protected in all circumstances.<sup>377</sup> This means that medical transports may legitimately be searched by belligerent parties, but cannot be directly attacked or arbitrarily obstructed in their humanitarian work. This also means that, in cases of medical emergency and to the maximum extent possible, medical evacuation and treatment must be given priority over legitimate security interests such as search and interrogation. As with medical personnel and medical units, medical transports lose their special protection only if they are being used, outside their humanitarian function, to commit acts harmful to the enemy. Thus, for example, an ambulance used for the military deployment of combatants, weapons and ammunition, or for collecting and communicating military intelligence, would certainly lose its special protection under IHL and may even become a military objective subject to lawful attack. On the other hand, an ambulance may not be deprived of its special protection simply because its personnel carry light weapons for the purpose of defending themselves or the patients being transported, or because it is found carrying small arms and ammunition taken from wounded and sick passengers. Here, too, the loss of the special protection afforded to medical transports does not necessarily entail loss of protection against direct attack. For example, the deliberate use of ambulances to hamper crowd-control measures taken by occupying forces against rioting civilians may entail loss of the special protection afforded to medical transports, but would not be sufficient to turn such ambulances into military objectives. Consequently, such ambulances may be lawfully seized or otherwise interfered with, but remain civilian objects protected against direct attack.

374 AP I, Art. 8(f).

375 AP I, Art. 8(g)-(j).

376 GC I, Art. 35; AP I, Arts 21 and 23.

377 GC I, Art. 35; GC IV, Art. 21; AP I, Arts 21 and 23; CIHL, Rule 29.

### (c) Hospital ships and coastal rescue craft

*Hospital ships* are ships built or equipped specially and solely with a view to assisting, treating and transporting the wounded, the sick and the shipwrecked. They may be military or civilian, and can carry military or civilian patients, but must belong to, be commissioned by, or be seconded to a belligerent party.<sup>378</sup> Hospital ships that are duly notified and distinctively marked as such may be inspected and searched by the belligerent parties, but must be respected and protected at all times. In particular, unlike medical units and other means of medical transportation, hospital ships may not be captured or requisitioned by the enemy.<sup>379</sup> While warships may demand that hospital ships hand over wounded, sick and shipwrecked military personnel, civilian patients may not be surrendered except to their country of origin.<sup>380</sup> Hospital ships must assist the wounded, the sick and the shipwrecked without distinction of nationality or allegiance. They may not hamper the movements of belligerents and may not be used for any military purpose.<sup>381</sup> When hospital ships are used to commit, outside their humanitarian duties, acts harmful to the enemy, they lose their special protection after a warning – coupled, in appropriate circumstances, with a time limit – has been disregarded.<sup>382</sup>

In principle, *coastal rescue craft* operated by belligerent parties or by officially recognized lifeboat institutions enjoy the same protection as hospital ships. Given that the systematic notification and reliable identification of such small and fast-moving vessels may not always be possible in practice, their entitlement to protection does not depend on their prior notification to the enemy. At the same time, however, their entitlement to protection is also not absolute but applies only “so far as operational requirements permit.”<sup>383</sup>

### (d) Medical aircraft

Another noteworthy special regime under IHL applies to medical aircraft. Treaty IHL defines medical aircraft as military or civilian aircraft that are exclusively assigned to medical transport under the authority of a belligerent party, whether permanently or temporarily. They must be marked with the distinctive emblem on their lower, upper and lateral surfaces. Under the 1949 Geneva Conventions, medical aircraft must be respected and may not be attacked as long as they fly at altitudes, times and on routes specifically agreed upon between the belligerents.<sup>384</sup> Additional Protocol I further

378 GC II, Arts 22, 2(1) and 25; AP I, Art. 22(2).

379 GC II, Arts 22, 24 and 25.

380 GC II, Art. 14; AP I, Art. 22(1).

381 GC II, Art. 30(1)–(3).

382 GC II, Art. 34.

383 GC II, Art. 27; AP I, Art. 22(3).

384 GC I, Arts 36–37; GC II, Arts 39–40; GC IV, Art. 22.





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Field hospital 50 km west of Sirte, Libya, 2011. A wounded patient being carried into a helicopter for transport to hospital in Tripoli.

develops that position and provides that medical aircraft that are recognized as such, but that operate in the absence of or in deviation from an agreement between the belligerent parties, must nevertheless be respected or, in the case of unauthorized flights over enemy-controlled areas, must be given reasonable time for compliance before they may be attacked. In particular, belligerent parties may order medical aircraft to land or alight on water for immediate inspection. Inspected aircraft and their occupants must be authorized to continue their flight without delay if the inspection shows that they qualify as medical aircraft and have not been used in deviation of their strictly medical function under IHL or of their duties under an applicable agreement between the belligerent parties. Should the inspection result in proof to the contrary, the aircraft concerned may be seized and their occupants held or otherwise treated in accordance with their status under IHL.<sup>385</sup>

385 AP I, Arts 24–28.



### To go further (Medical units and transports)<sup>386</sup>

- *Health Care in Danger: Libya*, film, ICRC, 2011. Available at: <http://www.youtube.com/watch?v=nh4z8o6xUN0>
- Antonio Cassese, “Under what conditions may belligerents be acquitted of the crime of attacking an ambulance?,” *Journal of International Criminal Justice*, Vol. 6, No. 2, 2008, pp. 385–397.
- Jann Kleffner, “Protection of the wounded, sick and shipwrecked,” in Dieter Fleck (ed.), *The Handbook of International Humanitarian Law*, 3rd ed., Oxford University Press, Oxford, 2013, pp. 334–338.
- *Ambulance and Pre-Hospital Services in Risk Situations*, Norwegian Red Cross, Mexican Red Cross and ICRC, 2013.

### How Does Law Protect in War?

- Case No. 146, [Lebanon, Helicopter Attack on Ambulances](#)

## IV. HOSPITAL, SAFETY AND NEUTRALIZED ZONES

IHL governing international armed conflicts provides for the establishment, always with the agreement of all the belligerents involved, of special zones and localities for the protection of the wounded, the sick and other particularly vulnerable groups from the effects of war. In essence, there are two types of zones or localities: *hospital and safety zones*, which should be at a safe distance from the hostilities, and *neutralized zones*, which aim to provide protection and shelter in the combat area itself. While this distinction may be useful as a matter of concept, it does not prevent belligerent parties from agreeing on combined, modified or alternative places of refuge that better meet the requirements of the specific context or situation. The belligerent parties can also agree on the establishment of demilitarized zones or declare certain inhabited places as non-defended localities. In both cases, the focus is not necessarily on the wounded and sick, but on the protection of the civilian population in general. Non-defended localities and demilitarized zones are discussed in Chapter 3.II.3.

### 1. Hospital and safety zones and localities

*Hospital zones and localities* are organized specifically with the aim of protecting the wounded and sick from the effects of war. Also protected are personnel entrusted with the organization and administration of such zones and localities and with the care of the wounded and sick. *Safety zones*

<sup>386</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

and localities extend the same protection to particularly vulnerable groups within the civilian population, namely aged persons, children under 15, expectant mothers and mothers of children under seven.<sup>387</sup> Hospital and safety zones and localities can also be combined. They can be established before or during an armed conflict, whether in national or in occupied territory, but should be located at a safe distance from the combat zone and preferably be permanent in nature. In this context, the term “locality” refers to specific, well-delimited places, such as buildings or camps, whereas the term “zone” refers to a relatively large area and may include one or several localities. Treaty IHL expressly invites the Protecting Powers and the ICRC to lend their good offices in order to facilitate the institution and recognition of hospital zones and localities, and provides a draft agreement – in an annex to the First and Fourth Geneva Conventions – for their mutual recognition by the belligerent parties.<sup>388</sup>

## 2. Neutralized zones

Neutralized zones are generally temporary in nature and are established in the actual combat zone to protect the wounded, the sick and peaceful civilians from the dangers arising from the surrounding hostilities. The establishment of a neutralized zone may be initiated by the belligerent parties themselves, but may also be proposed by the ICRC based on its general right of humanitarian initiative.<sup>389</sup> Such neutralized zones should be open, without adverse distinction, to all military or civilian persons who are wounded or sick and, additionally, to all civilians who do not take part in the hostilities and who, while they reside in the zones, do not perform any work of a military character. The belligerent parties should agree in writing on the geographical position, administration, food supply and supervision of the proposed neutralized zone, and on the beginning and duration of the neutralization.<sup>390</sup>

## 3. Protection

While the 1949 Geneva Conventions do not expressly specify the scope of protection afforded to hospital, safety or neutralized zones and localities, it is generally accepted that attacks against such zones are prohibited under customary IHL.<sup>391</sup> This conclusion is supported by the fact that, under the Rome Statute, intentional attacks against hospitals and places where the sick and wounded are collected constitute a serious violation of the laws

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387 On the terminology used in this context, see J.S. Pictet (ed.), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, Vol. IV of *The Geneva Conventions of 12 August 1949: Commentary*, ICRC, Geneva, 1958, p. 120.

388 GC I, Art. 23 and Annex I; GC IV, Art. 14 and Annex I.

389 On the ICRC’s right of initiative, see Chapter 8.II.6.

390 GC IV, Art. 15.

391 CIHL, Rule 35.

and customs of war, unless the targeted localities qualify as military objectives.<sup>392</sup> A prohibition against attacks, and a stipulation on the general duty of belligerents to respect and protect hospital and safety zones at all times, are also included in the draft agreements annexed to the First and Fourth Geneva Conventions.<sup>393</sup>

#### To go further (Hospital, safety and neutralized zones)<sup>394</sup>

- Jean-Philippe Lavoyer, “International humanitarian law, protected zones and the use of force,” in Wolfgang Biermann and Martin Vadset (eds), *UN Peacekeeping in Trouble: Lessons Learned from the former Yugoslavia*, Ashgate, Aldershot, 1998, pp. 262–279.

#### How Does Law Protect in War?

- Case No. 205, [Bosnia and Herzegovina, Constitution of Safe Areas](#)

## V. THE DISTINCTIVE EMBLEMS



The emblems of the red cross, the red crescent and the red crystal

### 1. Three distinctive emblems

The distinctive emblems of the Geneva Conventions and their Additional Protocols are the red cross, the red crescent and the red crystal on a white ground.<sup>395</sup> Another emblem recognized in the 1949 Geneva Conventions, the red lion and sun, has not been used since the only State that ever employed it, the Islamic Republic of Iran, replaced it by the red crescent in 1980. All three emblems may be used for the same purposes and under the same conditions, and enjoy equal status and respect under IHL.

<sup>392</sup> Rome Statute, Art. 8(2)(b)(ix). For the definition of military objectives, see Chapter 3.II.1.a.

<sup>393</sup> GC I and IV, Annex I, Art. 11.

<sup>394</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

<sup>395</sup> The distinctive emblems of the red cross and red crescent (and of the red lion and sun) have long been recognized in treaty IHL (GC I, Art. 38 and GC II, Art. 41). Additional Protocol III, which entered into force on 14 January 2007, additionally recognized the red crystal as a distinctive emblem with equal status.

## 2. Protective use by medical personnel, units and transports

The original and principal purpose of the distinctive emblems is to provide a visible sign of the protection to which medical personnel and objects are entitled. The protective use of the distinctive emblems is restricted to medical units and transports, and to medical and religious personnel, equipment and supplies within the meaning of IHL.<sup>396</sup> Moreover, such protective use must always be authorized and supervised by the belligerent party concerned. With the agreement of the States involved, the protective use of the distinctive emblems is also permitted for hospital and safety zones and localities established pursuant to the 1949 Geneva Conventions,<sup>397</sup> and for medical and religious personnel operating under the auspices of the UN.<sup>398</sup>

Each belligerent party must endeavour to ensure that its medical personnel, units and transports are identifiable and take measures to facilitate their recognition.<sup>399</sup> As a general rule, medical and religious personnel must wear an armlet displaying the distinctive emblem, and medical units and transports must fly distinctive flags or otherwise display the distinctive emblem.<sup>400</sup> In order to be effective as a protective sign, the emblem must be comparatively large in proportion to the protected object and visible to the enemy even at a considerable distance. Where visible identification is not sufficient, for example owing to the means and methods of warfare employed, the belligerent parties may additionally or alternatively resort to other means of identification, such as distinctive light or radio signals or electronic means of identification.<sup>401</sup> It is important to note, however, that the distinctive emblems and other means of identification do not, of themselves, confer protected status but merely aim to facilitate the identification or recognition of persons and objects entitled to protection under IHL.<sup>402</sup> The failure or inability of medical and religious personnel, or of medical units and transports, to display the distinctive emblem may therefore render their recognition more difficult, but does not deprive them of their protected status.<sup>403</sup>

## 3. Indicative use by National Societies

The distinctive emblems may also be used as a purely indicative sign, namely to identify persons, equipment and activities that are affiliated to the National Societies and act in conformity with the Movement's

396 GC I, Art. 44(1).

397 GC I and IV, Annex I, Art. 6.

398 AP III, Art. 5.

399 GC I, Art. 39; GC II, Art. 41; AP I, Art. 18(1) and (2).

400 GC I, Arts 40–43; GC II, Arts 42–43; GC IV, Arts 20(2), 21 and 22(2); AP I, Art. 18(3) and (4).

401 AP I, Art. 18(5) and (6), and Annex I, Chapter III.

402 AP I, Annex I, Art. 1(2); AP III, Preamble, para. 4.

403 ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 39; CIHL, commentary on Rule 30.

Fundamental Principles.<sup>404</sup> Such indicative use must be in compliance with national legislation and does not imply any particular protection under IHL other than the general protection against direct attack flowing from the civilian status of such personnel and their equipment. As a purely indicative sign, the distinctive emblem should be small in proportion to the person or object carrying it and, during an armed conflict, the conditions under which it is used must preclude all risk of confusion with the protective sign affording immunity against direct military attack. In practice, indicative signs are most commonly combined with the logo of the National Society concerned. Exceptionally, and only in peacetime, the purely indicative use of the distinctive emblems may also be permitted for ambulances and aid stations providing free medical treatment. Such use must be based on national legislation, must be expressly permitted by the National Society of the country concerned, and must imperatively stop on the outbreak of an international armed conflict.<sup>405</sup>

→ On the Movement's Fundamental Principles, see Chapter 8.I.3.

#### 4. Use by international Red Cross organizations

International Red Cross organizations, namely the ICRC and the International Federation, may use the emblem of the red cross at all times and for all their activities without reservation. Both organizations use the red cross emblem as part of their logos. Even during armed conflict, their use of the emblem is mostly indicative in nature and merely serves to identify personnel, premises, material and activities affiliated to the organization in question. When circumstances and the nature of the work require, however, the ICRC and the International Federation are also authorized to make protective use of the red cross emblem.<sup>406</sup> In areas affected by hostilities, the ICRC uses large-sized emblems for protective purposes on flags or tabards, to mark personnel, or on vehicles, ships, aircraft and buildings. Moreover, the ICRC has a long-standing and broadly accepted practice of using its logo for protective purposes instead of the distinctive emblem of the red cross on a white ground.<sup>407</sup>

404 GC I, Art. 44(2).

405 GC I, Art. 44(4).

406 ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op.cit.* (note 64), Art. 44.

407 ICRC, *Study on Operational and Commercial and other Non-Operational Issues Involving the Use of the Emblems*, CD/07/7.2.2, Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, 23–24 November 2007, p. 83. Available at: [http://www.icrc.org/eng/assets/files/other/cd07\\_7-2-2\\_eng\\_long\\_emblemstudy\\_final\\_20nov07.pdf](http://www.icrc.org/eng/assets/files/other/cd07_7-2-2_eng_long_emblemstudy_final_20nov07.pdf)



# ICRC

Logo of the ICRC



## International Federation of Red Cross and Red Crescent Societies

Logo of the International Federation

### 5. Repression of misuse

In practice, the protective value and credibility enjoyed by the distinctive emblems depend on the proper conduct of those authorized to use them and on effective prevention of their misuse. In view of the high credibility and protective value enjoyed by the distinctive emblems in practice, effective prevention of misuse of the emblems is of paramount importance. Accordingly, IHL prohibits any improper use of the distinctive emblems, signs and signals provided for in the 1949 Geneva Conventions and their Additional Protocols.<sup>408</sup> Depending on the circumstances, deliberate misuse of a distinctive emblem can even amount to perfidy and, thereby, to a war crime.<sup>409</sup> Any imitation or use of the distinctive emblems for private or commercial purposes, irrespective of the underlying motive, is also prohibited.<sup>410</sup> States have a legal duty to ensure that their national legislation regulates the use of the distinctive emblems consistent with the 1949 Geneva Conventions and their Additional Protocols, including provisions ensuring effective prevention and punishment of any misuse.<sup>411</sup> The ICRC has published a Model Law Concerning the Emblem, which aims to provide governments with useful guidance and support in this matter.<sup>412</sup>

408 Hague Regulations, Art. 23(f); GC I, Art. 53; AP I, Art. 38(1); CIHL, Rule 59.

409 AP I, Arts 37(1)(d) and 85(3)(f). On perfidy, see Chapter 3.IV.3.

410 GC I, Art. 53(1).

411 GC I, Art. 54; GC II, Art. 45.

412 M. Sassòli, A. Bouvier and A. Quintin, *How Does Law Protect in War?*, *op. cit.* (note 17), Document No. 35, ICRC, Model Law Concerning the Emblem. Available at: <https://www.icrc.org/casebook/doc/case-study/icrc-law-emblem-case-study.htm>

### To go further (The distinctive emblem)<sup>413</sup>

- François Bugnion, *Towards a Comprehensive Solution to the Question of the Emblem*, Geneva, ICRC, 4th ed., 2006.
- François Bugnion, [\*Red Cross, Red Crescent, Red Crystal\*](#), Geneva, ICRC, May 2007, 120 pp.
- Jean-François Quéguiner, “[Commentary on the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\)](#),” *IRRC*, Vol. 89, No. 865, March 2007, pp. 175–207.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Articles 53 and 54.

### How Does Law Protect in War?

- Document No. 8, [The Third Protocol Additional to the Geneva Conventions](#)
- Document No. 35, [ICRC, Model Law Concerning the Emblem](#)
- Case No. 44, [ICRC, The Question of the Emblem](#)
- Case No. 78, [Iran, Renouncing Use of the Red Lion and Sun Emblem](#)
- Case No. 209, [United Kingdom, Misuse of the Emblem](#)
- Case No. 247, [Colombia, Misuse of the Emblem](#)

## VI. THE MISSING AND THE DEAD

### 1. The right of families to know the fate of their relatives

Some of the most painful and yet most common experiences of war are the loss of close relatives and the desperate anxiety of those waiting for news about family members that never comes. In the words of the ICRC:

“Uncertainty about the fate of a relative is a harsh reality for countless families in situations of armed conflict or internal violence around the world. Parents, siblings, spouses and children are desperately seeking lost relatives. Families and communities, not knowing whether their loved ones are alive or dead, are unable to put behind them the violent events that disrupted their lives. Their anxiety continues for years after the fighting ends and peace returns. They cannot move on to rehabilitation and reconciliation, either as

413 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

individuals or as a community. Such festering wounds can harm the fabric of society and undermine relations between groups and nations, sometimes decades after the original events.”<sup>414</sup>

In order to ensure that people who have disappeared or died, for reasons related to an armed conflict, are accounted for, IHL obliges belligerent parties to search for and provide all available information on dead and missing persons, and to ensure that mortal remains and gravesites are treated with respect and that all available information about mortal remains and the location of gravesites is recorded. Treaty IHL even expressly specifies that, in their activities relating to the dead and the missing, all States and humanitarian organizations involved must be guided primarily by the right of families to know the fate of their relatives.<sup>415</sup>

## 2. Obligations with regard to the missing

### (a) Definition of “missing persons”

International law does not expressly define “missing persons.” For the purposes of IHL, the term is generally understood as including all persons, whether civilian or military, whose whereabouts are unknown to their relatives and who, on the basis of reliable information, have been reported missing in connection with an armed conflict.<sup>416</sup>

### (b) Duty to search for and transmit information on the missing

Belligerent parties have an obligation to search for persons reported missing for reasons related to an armed conflict and to take all feasible measures to account for them.<sup>417</sup> Information concerning missing persons and requests for information on them can be exchanged directly between the belligerent parties or transmitted through the Protecting Power, the ICRC’s Central Tracing Agency, or the National Societies. Where such information is not transmitted through the ICRC, the belligerent parties must ensure it is also provided to the Central Tracing Agency.<sup>418</sup>

414 ICRC, *The Missing: ICRC Progress Report*, ICRC, Geneva, August 2006, p. 1.

415 AP I, Art. 32.

416 Of course, persons can also be missing as a result of situations other than an armed conflict. For a more comprehensive definition, see, e.g., the ICRC Model Law on the Missing (Art. 2), according to which a missing person is “a person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing in accordance with the national legislation in connection with an international or non-international armed conflict, a situation of internal violence or disturbances, natural catastrophes or any other situation that may require the intervention of a competent State authority”; ICRC Advisory Service on International Humanitarian Law, *Guiding Principles / Model Law on the Missing*, 2009. Available at: <http://www.icrc.org/eng/assets/files/other/model-law-missing-0209-eng-.pdf>

417 AP I, Art. 33(1); CIHL, Rule 117.

418 AP I, Art. 33(3).



### (c) Preventive measures

IHL contains numerous provisions aimed at ensuring that people do not remain unaccounted for, particularly in the event of separation, deprivation of liberty or death.

#### *Separation*

Armed conflict often leads to the separation of family members, particularly in the course of urgent evacuations or other displacements and, for members of armed forces, owing to unexpected military deployments. Moreover, communication between family members living in different places can be interrupted as a result of hostilities, occupation or a general breakdown of infrastructure or power supply. People thus separated are likely to be reported missing unless they have the facilities and means of communication required to inform their families of their whereabouts. A particular problem in this regard is that of unaccompanied children separated from their families while fleeing the fighting, or because they were forcibly recruited, detained or even unlawfully adopted.

Accordingly, IHL stipulates that all persons in territory controlled by a belligerent party must be enabled to exchange news of a strictly personal nature with their family members, wherever they may be, if necessary through an intermediary such as the Central Tracing Agency run by the ICRC.<sup>419</sup> Moreover, belligerent parties must facilitate enquiries made by members of dispersed families with a view to re-establishing family links and, if possible, to reunification. In particular, they must encourage the work of international organizations specialized in this area, such as the ICRC.<sup>420</sup> Belligerent parties must also ensure that orphaned or otherwise unaccompanied children under 15 are not left to fend for themselves,<sup>421</sup> that all children under the age of 12 are equipped with identity discs or similar means,<sup>422</sup> and that children evacuated to neutral countries for the duration of the conflict are duly identified and notified to the ICRC's Central Tracing Agency.<sup>423</sup>

#### *Deprivation of liberty*

Persons deprived of their liberty, particularly if held in solitary confinement or in a secret place of detention, are likely to be reported missing if they are not permitted to communicate with the world outside and if their detention, and any subsequent transfer, death or release, are not adequately recorded,

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419 GC IV, Art. 25.

420 GC IV, Art. 26.

421 GC IV, Art. 24(1).

422 GC IV, Art. 24(3).

423 AP I, Art. 78.

registered and notified.<sup>424</sup> IHL therefore obliges the detaining power to forward information on any captured, detained, wounded, sick or shipwrecked persons who have fallen into its power to their families and authorities. In particular, the detaining power must *formally notify* the detention of each protected person, as well as any transfer, release or death, to his or her country of origin or residence,<sup>425</sup> forward a *capture* or *internment card* for each detainee to the family and the Central Tracing Agency,<sup>426</sup> and *respond to all enquiries* about protected persons, except where this may be detrimental to the persons concerned or their families.<sup>427</sup> Throughout their detention or internment, persons deprived of their liberty also have the *right to correspond with their family*.<sup>428</sup> In practice, a very powerful means of preventing persons deprived of their liberty from remaining unaccounted for is the ICRC's right to conduct visits to prisoners of war and civilians interned or detained for reasons related to an armed conflict.<sup>429</sup> During its visits, the ICRC strives to ensure not only that all detainees benefit from humane treatment and adequate conditions of detention, but also that the identities of all detainees are recorded and communicated to their next-of-kin along with Red Cross messages containing family news.

### Death

Persons killed for reasons related to an armed conflict are likely to be reported missing if the necessary measures are not taken to search for them, to collect and identify their remains and to notify the appropriate authorities. Thus, members of armed forces are more likely to be “missing in action” if they do not carry identity discs or equivalent means of identification as required by IHL.<sup>430</sup> Civilians who are killed in an armed conflict, whether in the course of the hostilities or for other reasons, are less likely to have identification documents on them and often remain unaccounted for if their bodies are abandoned, hastily buried, or even burned. Their successful identification therefore largely depends on whether their mortal

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424 In addition, Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, defines “enforced disappearance” as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

425 GC I, Art. 16; GC II, Art. 19; GC III, Arts 122 and 123; GC IV, Arts 136–138 and 140; AP I, Art. 33(2); CIHL, Rule 123.

426 GC III, Art. 70; GC IV, Art. 106.

427 GC III, Art. 122(7); GC IV, Art. 137(1) and (2).

428 GC III, Art. 71; GC IV, Art. 107; CIHL, Rule 125.

429 GC III, Art. 126; GC IV, Art. 143; CIHL, Rule 124(A).

430 GC III, Art. 17(3).

remains are carefully examined and buried in properly marked graves, as discussed in the next section.

### 3. Obligations with regard to the dead

#### (a) Search for and recovery of the dead

Parties to a conflict must, at all times, and particularly after an engagement, take all possible measures to search for the dead and collect and evacuate their remains without delay and without distinction.<sup>431</sup> In particular, they are encouraged to agree on the deployment of search teams, which must be respected and protected while employed exclusively for that purpose.<sup>432</sup>

#### (b) Identification and forwarding of information

It would not be realistic to expect belligerent parties to systematically identify every single person killed in the context of an armed conflict. Nevertheless, they have a legal duty to record any information that is available to them and that may help identify the dead bodies in their possession.<sup>433</sup> All information so collected, along with death certificates or duly authenticated lists of the dead, must be forwarded to the adverse party through the intermediary of the National Information Bureau and the ICRC's Central Tracing Agency.<sup>434</sup> The belligerents must also forward one half of every double identity disc, last wills, money or any other documents and articles of an intrinsic or sentimental value found on the dead.<sup>435</sup>

#### (c) Decent burial and marking of graves

Parties to a conflict must take all possible measures to ensure that the remains of the deceased are respected and that they are neither mutilated nor pillaged or despoiled.<sup>436</sup> Burials, whether on land or at sea, must be preceded by a careful examination of the bodies, with a view to confirming death, enabling a report to be made and, where necessary, establishing the identity of the deceased. Where available, one half of the double identity disc should remain on the body to facilitate identification in case of subsequent exhumation. In all cases, the dead must be honourably interred, if possible according to the rites of their religion. Bodies may not be cremated except for imperative reasons of hygiene or if required by the religion of the

431 GC I, Art. 15(1); GC II, Art. 18(1); GC IV, Art. 16(2); CIHL, Rule 112.

432 AP I, Art. 33(4).

433 GC I, Art. 16; GC II, Art. 19; AP I, Art. 33(2); CIHL, Rule 116.

434 For further information on the ICRC's forensic activities, see ICRC, "Forensic Science and Humanitarian Action," ICRC webpage, available at: <http://www.icrc.org/eng/what-we-do/forensic/index.jsp>

435 GC I, Art. 16(4); GC II, Art. 19(4); GC IV, Art. 129; CIHL, Rule 114.

436 GC I, Art. 15; GC II, Art. 18; GC IV, Art. 16; AP I, Art. 34(1); CIHL, Rule 113.

deceased.<sup>437</sup> Gravesites and individual graves must be respected, properly maintained and marked so that they can always be found. In order to facilitate subsequent exhumations and to ensure the identification of bodies and their possible transportation to the home country, belligerent parties are required to establish an official graves registration service at the outset of every armed conflict.<sup>438</sup>

**(d) Repatriation of mortal remains**

At the request of the home country or the families of the deceased, the State in whose territory the graves are situated must facilitate the repatriation of mortal remains and of personal effects found on the bodies.<sup>439</sup> The belligerents should also conclude agreements in order to facilitate access to the gravesites for relatives of the deceased and for representatives of official graves registration services.<sup>440</sup> Where mortal remains are not repatriated, the graves can be maintained at the expense of the country of origin or, after a period of five years, become subject to the relevant laws of the territorial State relating to cemeteries and graves.<sup>441</sup> In any case, the territorial State may not exhume the remains of the deceased except for the purposes of repatriation to their home country or in case of overriding public necessity, including cases of medical and investigative necessity. In all cases of exhumation, the home country must be notified and the mortal remains treated with respect.<sup>442</sup>

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437 GC I, Art. 17; GC II, Art. 20; GC III, Art. 120(3)-(5); GC IV, Art. 130(1) and (2); CIHL, Rule 115.

438 GC I, Art. 17; GC III, Art. 120(6); GC IV, Art. 130(3); AP I, Art. 34(1); CIHL, Rule 116.

439 AP I, Art. 34(2)(c); CIHL, Rule 114.

440 AP I, Art. 34(2)(a).

441 AP I, Art. 34(3).

442 AP I, Art. 34(4).

## Textbox 6: National Information Bureaux and the Central Tracing Agency

### National Information Bureaux<sup>443</sup>

In international armed conflicts, each party to the conflict must establish a National Information Bureau with the following tasks:

- to centralize all information on the dead, the wounded, the sick, the shipwrecked, prisoners of war and other protected persons deprived of their liberty, and children whose identity is in doubt, and to provide this information to the appropriate authorities via the Protecting Power and the ICRC's Central Tracing Agency;
- to receive and respond to all requests for information on the fate of such persons via the Protecting Power and the Central Tracing Agency.

### Central Tracing Agency<sup>444</sup>

The primary purpose of the Central Tracing Agency, which is run by the ICRC, is to trace missing persons, unaccompanied children and all those who are in the power of the enemy, to notify their country of origin, or allegiance, of their whereabouts and to restore family links ruptured by war.<sup>445</sup> The Agency collects, centralizes and forwards any information that might help to identify and reconnect persons in particular need of protection in both international and non-international armed conflicts. It arranges for the exchange of family correspondence when the usual means of communication have been disrupted, for transfers and repatriations of individuals, and for the reunification of dispersed families. In fulfilling these tasks, the Agency may also issue certain documents, such as temporary travel documents for persons without identity papers and certificates of captivity, hospitalization or death for former detainees, prisoners of war or their rightful claimants. The Agency usually works in close cooperation with the National Societies. Belligerent parties must facilitate its activities to the greatest extent possible.

→ For more information on the Central Tracing Agency, see-Chapter 8.II.3.

443 GC I, Art. 16; GC II, Art. 19; GC III, Art. 122; GC IV, Arts 136–139.

444 GC I, Art. 16; GC II, Art. 19; GC III, Art. 123; GC IV, Art. 140.

445 GC I, Art. 16; GC II, Art. 19; GC III, Art. 123; GC IV, Arts 25 and 140; API, Arts 33(3) and 78(3).

### To go further (The missing and the dead)<sup>446</sup>

- Monique Crettol and Anne-Marie La Rosa, “[The missing and transitional justice: The right to know and the fight against impunity](#),” *IRRC*, Vol. 88, No. 862, June 2006, pp. 355–362.
- “[Missing persons](#),” *IRRC*, No. 848, 2002.
- ICRC, [Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-Specialists](#), ICRC, Geneva, 2005, 53 pp.
- ICRC Advisory Service on International Humanitarian Law, *Missing Persons and their Families: Recommendations for Drafting National Legislation*, 2003. Available at: [http://www.icrc.org/eng/assets/files/other/missing\\_and\\_recommendations\\_missing.pdf](http://www.icrc.org/eng/assets/files/other/missing_and_recommendations_missing.pdf)
- ICRC Advisory Service on International Humanitarian Law, *Guiding Principles / Model Law on the Missing*, 2009. Available at: <http://www.icrc.org/eng/assets/files/other/model-law-missing-0209-eng-.pdf>

### How Does Law Protect in War?

- Document No. 34, [ICRC, Tracing Service](#)
- Case No. 134, [Israel, Evacuation of Bodies in Jenin](#)
- Case No. 206, [Bosnia and Herzegovina, Release of Prisoners of War and Tracing Missing Persons After the End of Hostilities](#)

## VII. SPECIFIC ISSUES ARISING IN NON-INTERNATIONAL ARMED CONFLICTS

The protection of the wounded, the sick and the shipwrecked, of medical and religious personnel and of medical units and transports is just as important in non-international armed conflicts as it is in international armed conflicts. Common Article 3 requires that the wounded and sick be collected and cared for, and that persons rendered *hors de combat* by sickness or wounds be treated humanely, just like all persons not taking a direct part in hostilities.<sup>447</sup> Additional Protocol II, which develops and supplements the protection provided by common Article 3, contains an entire section with provisions devoted to the protection of the wounded, the sick and the shipwrecked, most of which are recognized as having attained customary status for any situation of non-international armed conflict.

<sup>446</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

<sup>447</sup> GC I–IV, common Art. 3(1). See Chapters 5 and 6.

### 1. Protection of the wounded, the sick and the shipwrecked

Whenever circumstances permit, and particularly after an engagement, all possible measures must be taken without delay to search for and collect the wounded, the sick and the shipwrecked, to protect them against pillage and ill-treatment, and to ensure that they are adequately cared for.<sup>448</sup> All the wounded, sick and shipwrecked must be respected, protected and treated humanely at all times, regardless of whether or not they have taken part in the armed conflict. They must receive the medical care and attention required by their condition to the fullest extent practicable and with the least possible delay, and without any distinction between them for any reasons other than medical.<sup>449</sup>

### 2. Protection of medical and religious personnel

Medical personnel exclusively assigned to medical duties and religious personnel exclusively assigned to religious duties must be respected and protected at all times and must be granted all available help for the performance of their duties. They lose their protection if they commit, outside their humanitarian function, acts harmful to the enemy.<sup>450</sup>

### 3. Protection of medical ethics

Medical and religious personnel may not be compelled to carry out tasks that are not compatible with their humanitarian mission, or to give priority to any person except on medical grounds.<sup>451</sup> More generally, no person engaged in medical activities may be compelled to perform acts contrary to medical ethics or to rules designed for the benefit of the wounded and sick, nor may anyone be compelled to refrain from acts required by such rules. In no circumstances may any person be punished for carrying out medical activities compatible with medical ethics.<sup>452</sup> Furthermore, as a general rule, the confidentiality of medical information on the wounded and sick and their treatment must be respected, and no person engaged in medical activities may be penalized for refusing or failing to provide such information. Given that most non-international armed conflicts are fought within the jurisdiction of a single State, however, the confidentiality of medical information remains subject to contrary obligations under domestic law.<sup>453</sup>

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448 AP II, Art. 8; CIHL, Rules 109–111.

449 AP II, Art. 7; CIHL, Rule 110.

450 AP II, Art. 9(1); CIHL, Rules 25 and 27.

451 AP II, Art. 9.

452 AP II, Art. 10; CIHL, Rule 26.

453 AP II, Art. 10.

#### 4. Protection of medical units and transports

Medical units and transports exclusively assigned to medical purposes must be respected and protected at all times and may not be directly attacked. They lose their protection only when they are used to commit hostile acts outside their humanitarian function and after a warning setting a reasonable time limit has been disregarded.<sup>454</sup>

#### 5. The distinctive emblem

IHL governing non-international armed conflicts also provides that the distinctive emblems of the red cross, red crescent and red crystal on a white ground must be respected in all circumstances and that any improper use thereof is prohibited. In particular, attacks directed against medical and religious personnel and objects displaying the distinctive emblems of the 1949 Geneva Conventions in conformity with international law are prohibited.<sup>455</sup>

#### 6. The dead and the missing

Whenever circumstances permit, and particularly after an engagement, the belligerent parties must take all possible measures without delay to search for and recover the dead and prevent their bodies from being pillaged or despoiled. Each party to the conflict must, with a view to the identification of the dead, record all available information before disposing of the bodies and mark the location of the graves. The dead must be disposed of in a respectful manner and their graves respected and properly maintained.<sup>456</sup> Each party to the conflict must take all feasible measures to account for persons reported missing as a result of the conflict and must provide their family members with any information it has on their fate.<sup>457</sup>

#### To go further (Specific issues arising in non-international armed conflicts)<sup>458</sup>

- “Syria: Timely access to health-care services a matter of life or death,” ICRC operational update. Available at <http://www.icrc.org/eng/resources/documents/update/2013/03-01-syria-health-care.htm>

<sup>454</sup> AP II, Art. 11; CIHL, Rules 28 and 29.

<sup>455</sup> AP II, Art. 12; CIHL, Rule 30.

<sup>456</sup> AP II, Art. 8; CIHL, Rules 112, 113, 115 and 116.

<sup>457</sup> CIHL, Rule 117.

<sup>458</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



### ***How Does Law Protect in War?***

- Case No. 194, [Sri Lanka, Jaffna Hospital Zone](#)
- Case No. 196, [Sri Lanka, Conflict in the Vanni](#), paras 17–22

### **Textbox 7: The Health Care in Danger project**

Violence against health-care personnel and facilities, medical transports and patients is one of the most serious humanitarian challenges in contemporary armed conflicts. A study conducted by the ICRC based on data collected in 16 countries from 2008 to 2010 showed the manifold patterns of violence that hinder the delivery of health care, ranging from direct attacks on patients and on medical personnel and facilities – including looting and kidnapping – to arrests and denial of access to health care. For example, urban fighting may prevent health-care personnel from reaching their place of work, first-aiders may be unnecessarily delayed at checkpoints, soldiers may forcibly enter a hospital to look for enemies or shield themselves from attack, and ambulances may be targeted or illegally used to carry out attacks. Whatever the context, poor security conditions in many parts of the world mean that the wounded and sick do not get the medical attention to which they are entitled. This initial study was instrumental in establishing the danger to, and violence perpetrated against, health-care delivery as an issue to be addressed comprehensively rather than on a case-by-case basis. As a consequence, the ICRC began to systematically record violent incidents affecting the delivery of health care. The vast majority of the cases recorded involved violence against local health-care providers, not international humanitarian players. This underscores the importance of cooperation not only between the various components of the Movement, but also between the latter and other relevant stakeholders, such as government health ministries and services, and international and non-governmental organizations with health-related mandates and activities. Accordingly, the Health Care in Danger project was conceived as an ICRC-led Movement initiative aimed at improving the efficiency and delivery of effective and impartial health care in armed conflicts and other emergencies. The project focuses on strengthening protection for the wounded and sick by raising public awareness and advocating the adoption of specific measures designed to help ensure safe access to effective and impartial health care. In doing this, the ICRC and National Societies work with States, non-governmental organizations,

the larger health-care community and other stakeholders to develop and adopt practical measures that can be implemented in the field by decision-makers, humanitarian organizations and health professionals.

- For further details, see ICRC, *Health Care in Danger: A Sixteen-Country Study*, ICRC, Geneva, June 2011. Available at: <https://www.icrc.org/eng/assets/files/reports/4073-002-16-country-study.pdf>
- See also 31st International Conference of the Red Cross and Red Crescent, Resolution 5 – *Health care in danger: Respecting and protecting health care*, 2011. Available at: <https://www.icrc.org/eng/resources/documents/resolution/31-international-conference-resolution-5-2011.htm>
- See also ICRC, *Health Care in Danger: Making the Case*, ICRC, Geneva, 2011, 24 pp.
- See also “Health Care in Danger: It’s a Matter of Life & Death,” webpage, ICRC. Available at: <http://www.icrc.org/eng/what-we-do/safeguarding-health-care/index.jsp>





# Chapter 5

## Detention and internment



A. Nelson/ICRC

United States internment facility at Guantanamo Bay Naval Station in Cuba, 2014. An ICRC delegate shakes hands with a detainee after giving him a Red Cross message.

## Structure

- I. The relevance of “status” in the context of detention
- II. Internment of prisoners of war
- III. Internment and detention of civilians
- IV. Specific issues arising in non-international armed conflicts

### In a nutshell

- All persons deprived of their liberty for reasons related to an armed conflict must be treated humanely and must be afforded appropriate conditions of detention, the medical care they require, and the judicial or procedural guarantees corresponding to their status.
- Prisoners of war may be interned without any particular judicial or administrative procedure, but must be released and repatriated immediately after the end of active hostilities.
- Other security internees are entitled to a periodic review and must be released as soon as the reasons justifying their internment no longer exist.
- Persons held by non-State armed groups, even if those groups are unable to exercise territorial control, must always be treated humanely and must have their basic needs provided for, at least to the same extent as the group members themselves.

### To go further<sup>459</sup>

- *In Detention: The Human Way*, film, ICRC, 2010. Available at: <https://www.icrc.org/download/video/protection/01052-detention-the-humane-way.wmv>
- ICRC e-learning module, *Protected persons and objects, Chapter V: Prisoners of war and other detainees*. Available at: <http://www.icrcproject.org/elearning/en/ihl/M6/index.html>
- Alain Aeschlimann, “[Protection of detainees: ICRC action behind bars](#),” *IRRC*, Vol. 87, No. 857, March 2005, pp. 83–122.
- “[Detention](#),” *IRRC*, Vol. 87, No. 857, March 2005.

<sup>459</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

Apart from wounds, sickness and death, situations of armed conflict regularly entail the detention or internment of thousands or even millions of soldiers and civilians by adverse parties. Separated from their families and in the power of hostile authorities, persons deprived of their liberty for reasons related to armed conflict often live in extremely difficult circumstances, exposed to uncertainty, anxiety, tension and, in the worst case, abuse. Some of the grimmest atrocities in the history of warfare were committed against persons detained in the concentration camps of World War II, the rape camps in Bosnia-Herzegovina, and countless other places where prisoners have been tortured, abused and murdered with impunity. It is therefore not surprising that a large portion of IHL is devoted to protecting the lives and dignity of prisoners of war, civilian internees and other persons deprived of their liberty for reasons related to an armed conflict.

## I. THE RELEVANCE OF “STATUS” IN THE CONTEXT OF DETENTION

In the context of detention, personal status under IHL serves to distinguish categories of person that are subject to different regimes in terms of the legal basis for and the conditions of their detention, their treatment, their judicial or procedural rights, the conditions governing their release, and the ICRC's entitlement to conduct visits. In situations of international armed conflict, the two categories of person deprived of their liberty that benefit from a distinct status are prisoners of war and persons protected under the Fourth Geneva Convention. Other persons detained during an armed conflict, international or non-international, do not enjoy any particular status; however, they do benefit from fundamental guarantees ensuring both humane treatment and judicial guarantees or other procedural safeguards.

→ On the relevance of status during the conduct of hostilities, see Chapter 3.I.1.c.

### 1. Combatants

#### (a) Combatant status and privilege

As we saw in Chapter 3, IHL governing international armed conflicts affords combatant status to only two categories of person: (a) members of the armed forces of a party to an international conflict, except medical and religious personnel,<sup>460</sup> and (b) participants in a *levée en masse*.<sup>461</sup> Persons involved in the

<sup>460</sup> API, Art. 43(2).

<sup>461</sup> Hague Regulations, Art. 2.

fighting who fall outside these two categories, such as mercenaries<sup>462</sup> or civilians taking a direct part in hostilities,<sup>463</sup> are not entitled to combatant status.

- For the definition of “combatant,” “armed forces” and “*levée en masse*,” see Chapter 3.I.1.

For the purposes of detention, the most important consequence of combatant status is the privilege of combatancy, which affords combatants “the right to participate directly in hostilities” on behalf of a party to an international armed conflict.<sup>464</sup> This means that combatants, as legitimate representatives of the belligerent parties, enjoy immunity from prosecution for lawful acts of war, that is to say, for hostile acts carried out in conformity with IHL. At the same time, combatants also have a duty to respect IHL.<sup>465</sup> They do not enjoy immunity from prosecution for violations of IHL that are punishable as a matter of international criminal law or under the national law of the capturing State.<sup>466</sup> The privilege of combatancy does not exist in IHL governing non-international armed conflict.

- On the absence of combatant status in non-international armed conflicts, see Chapter 3.I.1.c. and Section I.1.b. below.
- On the specific issues arising in relation to detention in situations of non-international armed conflict, see Section IV below.

#### (b) “Unprivileged” or “unlawful” combatants

As we saw in Chapter 3, civilians directly participating in hostilities and others supporting the enemy’s war effort who do not enjoy the privilege of combatancy are sometimes described as “unprivileged” or “unlawful” combatants and said to fall outside the categories of person protected by the 1949 Geneva Conventions. Most notably, in the aftermath of the terrorist attacks of 11 September 2001, the United States interned hundreds of persons as “unlawful combatants” in detention centres at the Guantanamo Bay Naval Station in Cuba and elsewhere, initially without affording them any status or protection under the 1949 Geneva Conventions.

In this discussion of detention and internment, it must be reiterated that the concepts of “unprivileged” or “unlawful” combatant are not technical

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462 AP I, Art. 47(1).

463 AP I, Art. 51(3).

464 AP I, Art. 43(2).

465 AP I, Art. 44(2).

466 On the obligation of the detaining State to take repressive measures, see Chapter 7.II.2.f.



IHL terms and do not create any specific status distinct from those already foreseen in IHL. From a legal perspective, the classification of persons captured by a belligerent party as “unprivileged” or “unlawful” combatants cannot deprive them of the humanitarian protection afforded by IHL. The concept of “unprivileged combatant,” properly understood, only implies that the person in question does not have the “right” to directly participate in hostilities derived from the privilege of combatancy, which means that he or she can be prosecuted for any act or omission that is punishable under the applicable national law, even if such conduct does not violate IHL. This does not, however, require or justify the creation of a status and detention regime distinct from those foreseen in IHL.

Even more problematic than the concept of “unprivileged” combatant is that of “unlawful” combatant, which implies not only the absence of the privilege of combatancy, but also inherent illegality; it should therefore be used with even greater caution. Even though IHL limits the “right” to directly participate in hostilities to privileged combatants, it does not prohibit anyone from taking up arms in a situation of armed conflict and from being an “unprivileged combatant.” IHL simply requires that all those doing so comply with its rules on the conduct of hostilities. States are free, of course, to prohibit persons not entitled to the privilege of combatancy from directly participating in hostilities and, thus, to turn combatancy that is “unprivileged” as a matter of IHL into combatancy that is “unlawful” as a matter of national law. Whatever approach is taken in national legislation, however, the concept of “unlawful combatant” cannot be derived from IHL and does not give rise to or terminate any particular status under that body of law.

Just as is the case in the context of hostilities, the use of the terms “unprivileged combatant” and “unlawful combatant” in the context of conflict-related detention has contributed to serious misunderstandings and abuse. In the present discussion, therefore, the term “combatant” will be used in its technical meaning only, namely as referring to persons entitled to the privilege of combatancy in situations of international armed conflict.

→ On the relevance of the concepts of “unprivileged” and “unlawful” combatant in the conduct of hostilities, see Chapter 3.I.1.d.

## 2. Prisoners of war

Combatants who have fallen into the power of an adverse party to a conflict are prisoners of war, regardless of whether they are members of the regular or



F. Clarke/CRC

Field exercise: escorting a prisoner of war, Russia, 2002.

irregular armed forces or participants in a *levée en masse*.<sup>467</sup> In the case of irregular armed forces, the Third Geneva Convention ties their entitlement to prisoner-of-war status to collective fulfilment of the same four conditions that the Hague Regulations require for combatant status, namely: (1) to be commanded by a person responsible for his or her subordinates; (2) to have a fixed distinctive sign recognizable at a distance; (3) to carry arms openly; and (4) to conduct their operations in accordance with the laws and customs of war.<sup>468</sup> Under Additional Protocol I, the requirements of visible distinction from the civilian population and respect for IHL are no longer considered to be collective prerequisites for the collective entitlement to prisoner-of-war status of an irregular armed force or group. Rather, combatants have an individual obligation to visibly distinguish themselves from the civilian population during their military operations; failure to do so may entail loss of their individual entitlement to prisoner-of-war status.<sup>469</sup> Also entitled to prisoner-of-war status, but not to the privilege of combatancy, are civilians formally authorized to accompany the armed forces, such as civilian crew members of military aircraft, war correspondents, private contractors, and crew members of the merchant marine or civilian aircraft of the belligerent parties.<sup>470</sup> Medical and religious personnel who have fallen into the hands of an adverse party are not considered as prisoners of war regardless of whether they are civilians or

<sup>467</sup> Hague Regulations, Arts 1 and 2; GC III, Art. 4(A)(1), (2), (3) and (6); AP I, Art. 44(1).

<sup>468</sup> GC III, Art. 4(A)(2).

<sup>469</sup> AP I, Arts 44(3) and 46; CIHL, Rule 106.

<sup>470</sup> GC III, Art. 4(4) and (5).

members of the armed forces.<sup>471</sup> They may be retained only to the extent required to meet the medical and spiritual needs of prisoners of war, and are not considered as being interned or detained *stricto sensu*.<sup>472</sup> Nevertheless, retained personnel are entitled, as a minimum, to the same benefits and protection as prisoners of war.<sup>473</sup>

Two particular categories of person must also be treated as prisoners of war: demobilized military personnel in occupied territory and military personnel interned in a neutral country. The first case covers former military personnel residing in occupied territory who are interned by the occupying power for security reasons because of their former membership in the opposing armed forces and their continued allegiance to an opposing belligerent in an ongoing armed conflict. Although such former military personnel must be regarded as civilians, they are treated as prisoners of war once they are interned.<sup>474</sup> The second case concerns military internees in neutral countries. Neutral States receiving on their territory members of the armed forces of belligerent parties, including the wounded and sick, are obliged to intern such personnel and to provide them, as a minimum, with the humanitarian benefits and protection afforded to prisoners of war.<sup>475</sup>

The most important consequence of prisoner-of-war status is that, in principle, prisoners of war may be interned by the detaining power until the end of active hostilities without any particular judicial or administrative procedure.<sup>476</sup> The internment of prisoners of war is not punitive but preventive in nature. It essentially aims to keep hostile combatants off the battlefield under humane conditions and to protect them from the dangers resulting from ongoing hostilities. During their internment, prisoners of war benefit from a detailed regime of rights and protections spelled out, most notably, in the Third Geneva Convention.

### 3. Persons protected under the Fourth Geneva Convention

As a general rule, persons not qualifying for prisoner-of-war status are covered by the Fourth Geneva Convention “on the protection of civilian persons in time of war.” Contrary to its title, the protection of the Fourth Geneva Convention does not depend on civilian status. The Convention protects not only (and not all) civilians, but essentially all persons not entitled

471 GC I, Art. 28(2).

472 GC I, Arts 28(1) and (3), and 30; GC II, Art. 37(2) and (3).

473 GC I, Art. 28(2); GC II, Art. 33(1).

474 GC III, Art. 4(B)(1).

475 GC III, Art. 4(B)(2); Hague Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, 18 October 1907, Art. 11.

476 GC III, Art. 118(1); CIHL, Rule 128 A.

to prisoner-of-war status “who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”<sup>477</sup> Thus, beyond the general civilian population, the Fourth Geneva Convention’s protective scope also extends to civilians who have directly participated in hostilities, mercenaries, and even members of the armed forces who have lost their entitlement to prisoner-of-war status as a result of espionage or because they failed to distinguish themselves from the civilian population as required by IHL. The only persons not entitled to prisoner-of-war status whom a belligerent State is not obliged to protect under the Fourth Geneva Convention are its own nationals and, provided that it maintains normal diplomatic relations with the State of nationality, the nationals of neutral States within its territory and the nationals of co-belligerent States.<sup>478</sup>

The exclusion of nationals can prove to be particularly problematic in wars of national liberation that are governed by the rules applicable to international armed conflicts but in which, formally, the adversaries may well have the same nationality.<sup>479</sup> Finally, nationals of States not party to the Fourth Geneva Convention are also excluded from its protection. In view of the quasi-universal ratification of the 1949 Geneva Conventions and of the customary nature of their provisions, however, this reservation can be safely discarded as irrelevant today.

#### 4. Other persons deprived of their liberty

As has been shown, the vast majority of persons who have fallen into the power of an adverse party to an international armed conflict qualify either as prisoners of war or as protected persons under the Fourth Geneva Convention. But even those exceptional cases that do not fulfil the nationality criteria of the Fourth Geneva Convention are not deprived of the protection of IHL. According to Additional Protocol I, all persons affected by a situation of international armed conflict who are in the power of a belligerent party and who do not benefit from more favourable treatment under IHL must be treated humanely in all circumstances, and must benefit, as a minimum, from a number of fundamental guarantees, including judicial guarantees, that have become part of customary international law.<sup>480</sup> Moreover, there is a growing consensus that all persons deprived of their liberty by a belligerent State fall within the jurisdiction of that State and therefore benefit

477 GC IV, Art. 4(1) and (4).

478 GC IV, Art. 4(2). However, see the interpretation of “nationality” by the ICTY in *The Prosecutor v. Dusko Tadić*, *op. cit.* (Note 70), paras 163–169.

479 AP I, Art. 1(4).

480 See, most notably, AP I, Art. 75, and CIHL, Rules 87–105.

from the protection of international human rights law. Consequently, in contemporary situations of international armed conflict, there is no room whatsoever for the argument that certain categories of person deprived of their liberty fall outside the protection of the law, regardless of whether they are called “terrorists,” “traitors” or “unlawful combatants.”

### **To go further (The relevance of “status” in the context of detention)<sup>481</sup>**

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, Chapter 6: [\[Part 1\] Combatants](#) and [\[Part 2\] Prisoners of war](#), pp. 178–185.
- Emily Crawford, *The Treatment of Combatants and Insurgents under the Law of Armed Conflict*, Oxford University Press, Oxford, 2010, 238 pp.
- Charles H.B. Garraway, “Combatants: Substance or semantics?,” in Michael Schmitt and Jelena Pejic (eds), *International Law and Armed Conflict: Exploring the Faultlines, Essays in Honour of Yoram Dinstein*, Martinus Nijhoff, Leiden/Boston, 2007, pp. 317–335.
- Knut Dörmann, “[The legal situation of “unlawful/unprivileged combatants.”](#)” *IRRC*, Vol. 85, No. 849, March 2003, pp. 45–74.
- Frederik Naert, “Detention in peace operations: The legal framework and main categories of detainees,” *Revue de droit militaire et de droit de la guerre*, Vol. 1–2, No. 45, 2006, pp. 51–78.
- Gregory P. Noone *et al.*, “Prisoners of war in the 21st century: Issues in modern warfare,” *Naval Law Review*, Vol. 50, 2004, pp. 1–69.
- Marco Sassòli, “The status of persons held in Guantánamo under international humanitarian law,” *Journal of International Criminal Justice*, Vol. 2/1, March 2004, pp. 96–106.
- “Security Detention,” ICRC webpage. Available at: <https://www.icrc.org/en/war-and-law/contemporary-challenges-for-ihl/security-detention>

### ***How Does Law Protect in War?***

- Case No. 126, [Israel, Military Prosecutor v. Kassem and Others](#)
- Case No. 261, [United States, Status and Treatment of Detainees Held in Guantanamo Naval Base](#)
- Case No. 286, [The Conflict in Western Sahara](#)

481 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## II. INTERNMENT OF PRISONERS OF WAR

### 1. Determination and presumption of status

As stated above, persons who have fallen into the power of an adverse party to a conflict are entitled to prisoner-of-war status if they qualify as:

- (a) combatants (members of the armed forces or participants in a *levée en masse*);<sup>482</sup>
- (b) civilians formally authorized to accompany the armed forces;<sup>483</sup>
- (c) demobilized military personnel in occupied territory;<sup>484</sup>
- (d) military personnel interned in neutral territory.<sup>485</sup>

In the reality of contemporary armed conflicts, the presence of a growing variety of irregular weapon-bearers makes it increasingly difficult to reliably determine the status and allegiance of captured persons.<sup>486</sup> IHL therefore provides that persons having taken part in hostilities and having fallen into the power of an adverse party must be presumed to be prisoners of war, if they either claim or appear to be entitled to prisoner-of-war status, or if the party on which they depend claims such status on their behalf.<sup>487</sup> Should any doubt arise as to whether such persons are entitled to prisoner-of-war status, they must be afforded such status until such time as their status has been determined by a competent tribunal.<sup>488</sup> Moreover, persons being tried by an adverse party for offences arising out of the hostilities have the right to assert their entitlement to prisoner-of-war status and to have it adjudicated by a judicial tribunal, whenever possible before the trial for the offence.<sup>489</sup>

Treaty IHL does not specify which bodies can be regarded as “competent tribunals” for the determination of individual entitlement to prisoner-of-war status. Thus, in contrast to the judicial tribunals required in criminal cases, the establishment of military commissions by the executive branch appears to be acceptable for this purpose. As a minimum, however, any such competent tribunal must meet the requirements of neutrality and independence, and guarantee fundamental procedural safeguards, all of which is inherent in the concepts of due process and the rule of law. Finally, in order to shield prisoners of war from pressure and to ensure the inviolability of their

482 GC III, Art. 4(A)(1), (2), (3) and (6); AP I, Art. 44(1).

483 GC III, Art. 4(A)(4) and (5).

484 GC III, Art. 4(B)(1).

485 GC III, Art. 4(B)(2); Hague Convention No. V, Art. 11.

486 GC III, Art. 4(A)(3).

487 AP I, Art. 45(1).

488 GC III, Art. 5(2); AP I, Art. 45(1).

489 AP I, Art. 45(2).

protection for the duration of their captivity, they may in no circumstances renounce any or all of the rights afforded to them under IHL.<sup>490</sup>

## 2. Beginning and end of captivity

### (a) Beginning of captivity

Prisoners of war benefit from the protection of their status from the time they fall into the power of the enemy and until their final release and repatriation.<sup>491</sup> They are considered to have “fallen into the power of the enemy” once they are captured in the course of hostilities or taken into custody following surrender or mass capitulation. Being *hors de combat* is not sufficient.<sup>492</sup>

Upon capture, identity documents and objects of personal use remain in the possession of prisoners of war, likewise equipment issued for their personal protection, such as helmets and gas masks.<sup>493</sup> For security reasons, money and other objects of value may be taken from prisoners following a formal procedure.<sup>494</sup>

Prisoners of war are not obliged to provide any information other than their surname, first name, rank, date of birth, and army, regimental, personal or serial number, or equivalent information, which must also be indicated on a personal identity card issued by the belligerent party of origin.<sup>495</sup> The identity of captured prisoners of war must be communicated without delay to their country of origin and their families, through National Information Bureaux and the ICRC’s Central Tracing Agency.<sup>496</sup> The same channels of communication are used throughout captivity for notification of transfers, releases, repatriations, escapes, hospitalizations and deaths, and to respond to any enquiries concerning the fate of individual prisoners of war.<sup>497</sup>

490 GC III, Art. 7.

491 GC III, Art. 5.

492 J.S. Pictet (ed.), *Geneva Convention Relative to the Treatment of Prisoners of War*, Vol. III of *The Geneva Conventions of 12 August 1949: Commentary*, ICRC, Geneva, 1960, p. 76 (an updated commentary is currently being prepared and will be available online as of 2017). On the difference between being “in the power” of an adverse party within the meaning of *hors de combat* (AP I, Art. 41(1)) and having “fallen into the power” of an adverse party for the purpose of determining prisoner-of-war status (AP I, Art. 41(3); GC III, Art. 5(1)), see Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), paras 1611–1612.

493 GC III, Art. 18(1), (2) and (3); CIHL, Rule 122.

494 GC III, Art. 18(4), (5) and (6).

495 GC III, Art. 17(1) and (3). See also CIHL, Rule 123.

496 GC III, Arts 70, 122 and 123. For more information on National Information Bureaux and the Central Tracing Agency, see Textbox 6, Chapter 4, VI.3.d.

497 GC III, Art. 122(5)–(7).



After capture, prisoners of war must be evacuated to camps situated at a safe distance from the combat zone.<sup>498</sup> They must be provided with the necessary food, water, clothing and medical care, and suitable precautions must be taken to ensure their safety during evacuation.<sup>499</sup> The duty to evacuate prisoners is subject to two exceptions. First, wounded or sick prisoners of war may be temporarily kept back if their medical condition is such that being evacuated would expose them to greater risks than remaining in a danger zone.<sup>500</sup> Second, when prisoners of war are captured during unusual conditions of combat that prevent their evacuation, such as during commando operations behind enemy lines, they may be disarmed, but must be released and all feasible precautions must be taken to ensure their safety.<sup>501</sup> Similar conditions apply to transfers of prisoners of war after their arrival in a camp.<sup>502</sup>

### **(b) Early termination of captivity**

After their evacuation, prisoners of war will usually be interned until the end of active hostilities.<sup>503</sup> There are three circumstances in which captivity may end earlier:

- repatriation, or accommodation in a neutral country, of wounded or sick prisoners of war for medical or humanitarian reasons;<sup>504</sup>
- escape (prisoners of war who are recaptured after an unsuccessful attempt to escape may be subjected only to disciplinary punishment,<sup>505</sup> whereas no punishment whatsoever may be imposed in case of recapture after a successful escape;<sup>506</sup> a prisoner's escape is considered successful when he: (1) has rejoined his own or co-belligerent armed forces; (2) has left the territory controlled by the detaining power or its allies; or (3) has reached a friendly or allied ship in the territorial waters, but not under the control, of the detaining power);<sup>507</sup>
- death, which must be followed by a formal procedure, in particular if murder is suspected or if the cause of death is unknown.<sup>508</sup>

498 GC III, Arts 19(1) and (3), and 20(1) and (2).

499 GC III, Arts 19(3) and 20(2).

500 GC III, Art. 19(2).

501 AP I, Art. 41(3).

502 GC III, Arts 46–48.

503 GC III, Art. 118(1).

504 GC III, Art. 109. For a detailed list of cases entitled to such repatriation or accommodation, see GC III, Art. 110.

505 GC III, Art. 92(1) and (3).

506 GC III, Art. 91(2).

507 GC III, Art. 91(1).

508 GC III, Arts 120 and 121(1), (2) and (3); CIHL, Rule 116.



### (c) General release, repatriation and transfers

At the cessation of active hostilities, all prisoners of war must be released and repatriated without delay, even if no peace treaty or armistice agreement has been reached between the parties.<sup>509</sup> Thus, the decisive criterion for the obligation of release and repatriation to arise is not the political settlement of the conflict but the actual end of hostilities, together with a reasonable expectation that they will not resume in the foreseeable future. Whether this is the case must be determined objectively for each context. For example, depending on the circumstances, indications that active hostilities have ceased may include the withdrawal of troops from operational areas, the resumption of negotiations or diplomatic relations between the parties, the demobilization of parts of their armed forces, and the deployment of multinational forces as ceasefire observers or administrators of disputed territory. In the conflicts between Ethiopia and Eritrea, for instance, and between the Islamic Republic of Iran and Iraq, the repatriation of thousands of prisoners of war was delayed for many years, with significant humanitarian consequences for all sides.

The duty of the detaining power to release and repatriate prisoners of war is absolute. While no prisoner of war may be repatriated against his will as long as hostilities are ongoing,<sup>510</sup> prisoners of war are not, in principle, at liberty to refuse such repatriation after the cessation of active hostilities.<sup>511</sup> Nevertheless, State practice since World War II has increasingly shifted towards accepting the refusal of prisoners of war to be repatriated, particularly under the customary principle of *non-refoulement*. According to that principle, no person may be transferred to a country where he or she may have reason to fear persecution, torture or death on account of his or her race, religion, nationality or political opinion. The principle of *non-refoulement* originates in refugee law and has also been expressly recognized in connection with transfers of persons protected under the Fourth Geneva Convention.<sup>512</sup> It is widely recognized as part of customary international law. Finally, prisoners of war who are detained in connection with a judicial prosecution or a conviction for a criminal offence can be held beyond the cessation of hostilities until the judicial proceedings are completed or until they have served their sentence.<sup>513</sup>

509 GC III, Art. 118(1).

510 GC III, Art. 109(4).

511 GC III, Art. 7.

512 See Convention relating to the Status of Refugees, 28 July 1951, Art. 33(1); GC IV, Art. 45(4).

513 GC III, Art. 115(2) and (3); CIHL, Rule 128 *in fine*.

### 3. Treatment and conditions of internment

#### (a) Responsibility and humane treatment

According to the Third Geneva Convention, prisoners of war “are in the hands of the enemy Power, but not of the individuals or military units who have captured them.”<sup>514</sup> Thus, irrespective of the individual responsibilities that may exist, ultimate responsibility for the treatment given to prisoners of war lies with the party to the conflict detaining them. Prisoners of war may be transferred to another State only if the latter is able and willing to afford them the protection they are entitled to under IHL. Should they be so transferred, responsibility for their treatment moves to the receiving State for such time as they are in its custody.<sup>515</sup> If that State fails to fulfil its obligations under IHL in any important respect, however, the original detaining power must take effective measures to correct the situation or ensure that the prisoners of war are returned to its jurisdiction.<sup>516</sup>

Prisoners of war are entitled to humane treatment and respect for their person at all times.<sup>517</sup> The detaining power must treat all prisoners of war equally, without any adverse distinction based on criteria such as race, nationality, religious belief or political opinion. This does not preclude, of course, privileged treatment justified by rank, sex, age, medical condition or professional qualifications.<sup>518</sup> IHL prohibits any unlawful act or omission causing death or seriously endangering the health of prisoners of war, including, in particular, physical mutilation, and medical or scientific experiments that are not justified by the medical condition and not in the interests of the prisoner concerned.<sup>519</sup> Also, prisoners of war must at all times be protected against violence, intimidation, insults and public curiosity.<sup>520</sup> As prisoners of war are particularly exposed to potential acts of revenge by the detaining power, the Third Geneva Convention specifically prohibits any measures of reprisal against them.<sup>521</sup>

#### (b) Conditions of internment

##### *Places of internment*

The detaining power may subject prisoners of war to internment or restrict their movements, but it may not hold them in closed confinement or penitentiaries except where necessary to safeguard their health or for the purpose of penal

<sup>514</sup> GC III, Art. 12(1).

<sup>515</sup> GC III, Art. 12(2).

<sup>516</sup> GC III, Art. 12(3).

<sup>517</sup> GC III, Arts 13 and 14; CIHL, Rule 87.

<sup>518</sup> GC III, Art. 16. See also GC III, Arts 43(1), 44(1) and 45(1); CIHL, Rule 88.

<sup>519</sup> GC III, Art. 13(1); CIHL, Rule 92.

<sup>520</sup> GC III, Art. 13(2).

<sup>521</sup> GC III, Art. 13(3); CIHL, Rule 146.

and disciplinary sanctions.<sup>522</sup> Prisoners of war should be interned in groups according to their nationality, language and customs, and with the comrades with whom they were serving at the time of capture.<sup>523</sup> Prisoners of war may also be partially or wholly released on parole or promise where applicable.<sup>524</sup>

As far as places of internment are concerned, prisoners of war must be held on land and outside zones exposed to military combat or an unhealthy climate.<sup>525</sup> They are entitled to the same protective measures against aerial bombardments and other dangers of war as the local civilian population.<sup>526</sup> In order to be protected from direct attacks and the incidental effects of the hostilities, prisoner-of-war camps should be marked by the letters PW or PG – of a size and appearance that make them clearly visible – and their location communicated to the opposing party.<sup>527</sup>

### ***Basic needs***

The detaining power must provide prisoners of war in its custody with the necessary food, water, shelter, clothing and medical care free of charge,<sup>528</sup> while taking into account the local climate, the nature of their daily work, and their habits and customs.<sup>529</sup> Prisoners of war must be accommodated under conditions comparable to those of the forces of the detaining power.<sup>530</sup> Where female prisoners of war are held in the same camps as male, separate dormitories and sanitary facilities must be provided for them.<sup>531</sup> Within the financial means available to them, prisoners of war must also be allowed to procure additional foodstuffs, soap and tobacco and similar articles at local market prices.<sup>532</sup>

The detaining power must take all sanitary measures necessary to ensure clean and hygienic conditions in the camps<sup>533</sup> and must conduct medical inspections at least once a month.<sup>534</sup> Prisoners of war must have access to medical care corresponding to their needs, preferably from medical personnel of the belliger-

522 GC III, Arts 21(1) and 22(1).

523 GC III, Art. 22(3).

524 GC III, Art. 21(2) and (3).

525 GC III, Arts 22(1) and (2), and 23(1); CIHL, Rule 121.

526 GC III, Art. 23(1) and (2).

527 GC III, Art. 23(3) and (4).

528 GC III, Arts 15 and 30(5); CIHL, Rule 118.

529 GC III, Arts 26(1), (2) and (3), and 27(1).

530 GC III, Art. 25(1).

531 GC III, Arts 25(4) and 29(2); CIHL, Rule 119.

532 GC III, Art. 28(1).

533 GC III, Art. 29(1).

534 GC III, Art. 31.

ent party to which they belong and, if possible, of their nationality.<sup>535</sup> For this purpose, the detaining power may retain medical and religious personnel of the opposing armed forces and require them to exercise their medical and spiritual functions for the benefit of their captured comrades.<sup>536</sup>

Indeed, within the disciplinary routine prescribed by the military authorities, prisoners of war must be allowed to freely exercise their religion and to attend the services of their faith in premises adequate for that purpose.<sup>537</sup> Retained religious personnel and prisoners of war who, in their civilian lives, are ministers of their religion must be allowed to freely exercise their ministry.<sup>538</sup> The detaining power must also encourage prisoners of war to engage in intellectual, educational, and recreational activities, including sports and games, and provide them with the time, premises and equipment necessary for that purpose.<sup>539</sup>

### ***Command and discipline***

Every prisoner-of-war camp must be put under the immediate authority of a commissioned officer belonging to the regular armed forces of the detaining power<sup>540</sup> and responsible for the application of the Third Geneva Convention.<sup>541</sup> Every order and command addressed to individual prisoners of war must be given in a language they understand.<sup>542</sup> The text of the Third Geneva Convention and of any special agreement concluded between the belligerent parties must also be posted inside the prisoner-of-war camp in a language the prisoners understand.<sup>543</sup> Throughout their captivity, prisoners of war remain subject to camp discipline. The detaining authority may, within the terms of the Third Geneva Convention, take all measures reasonably necessary to prevent or suppress riots, escapes or similar acts of disobedience. However, the use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, constitutes an extreme measure and must always be preceded by warnings appropriate to the circumstances.<sup>544</sup>

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535 GC III, Art. 30(3).

536 GC III, Art. 33(2).

537 GC III, Art. 34; CIHL, Rule 127.

538 GC III, Arts 35–37.

539 GC III, Art. 38.

540 GC III, Art. 39(1).

541 *Ibid.*

542 GC III, Art. 41(2).

543 GC III, Art. 41(1).

544 GC III, Art. 42.

### (c) Labour and financial resources

In principle, prisoners of war who are fit may be compelled to work, taking into account their age, sex, rank and physical condition.<sup>545</sup> Officers or persons of equivalent status may not be compelled to work, and non-commissioned officers may be required to carry out supervisory tasks only. Both may, however, request that suitable work be found for them.<sup>546</sup> Mandatory work is restricted to tasks related to camp administration, installation or maintenance, or to one of the other areas provided for in the Third Geneva Convention.<sup>547</sup> Always excluded is work of a military character or purpose, or work in the metallurgical, machinery and chemical industries that may be expected to make an important contribution to the war effort.<sup>548</sup> Also prohibited is humiliating work and, except in the case of volunteers, unhealthy or dangerous work, such as the removal of mines and similar devices.<sup>549</sup> Any prisoner of war may be exempted from work for medical reasons.<sup>550</sup> Working conditions must be adequate in terms of accommodation, food, clothing and equipment and may not be inferior to those enjoyed by nationals of the detaining power employed in similar work, particularly with regard to duration, training, safety and labour protection.<sup>551</sup>

All prisoners of war are entitled to receive from the detaining power fair payment for the work they are required to carry out, as well as a monthly advance of pay commensurate with their rank in their country of origin.<sup>552</sup> Remunerated work includes spiritual or medical duties carried out for the benefit of their comrades.<sup>553</sup> Prisoners must also be allowed to receive supplementary payments from their country of origin,<sup>554</sup> and to receive or send funds through money transfers.<sup>555</sup> In all cases, however, the detaining power may limit the maximum amount of money in cash that prisoners may have in their possession.<sup>556</sup>

### (d) Relations with the world outside

It is of paramount importance that prisoners of war be able to maintain relations with the world outside, most notably with their families and their country of origin. Hence IHL requires that individual prisoners of war be enabled to send a capture card rapidly to their family and to the ICRC's Central Tracing Agency, informing them of their capture, postal address and state of health.<sup>557</sup> Throughout their captivity, prisoners of war are allowed to

545 GC III, Art. 49(1).

546 GC III, Art. 49(2) and (3).

547 GC III, Art. 50.

548 *Ibid.*

549 GC III, Art. 52; CIHL, Rule 95.

550 GC III, Art. 55.

551 GC III, Arts 51 and 53.

552 GC III, Arts 60, 62 and 67.

553 GC III, Art. 62.

554 GC III, Art. 61.

555 GC III, Art. 63.

556 GC III, Art. 58.

557 GC III, Art. 70.



E. Sury/ICRC

Repatriation of 279 Ethiopian prisoners of war under the aegis of the ICRC, Eritrean-Ethiopian border, 2002.

correspond through letters, cards – and, where necessary, telegrams – in their native language.<sup>558</sup> Today, this must probably be construed to include phone calls and electronic messages sent via the internet. Prisoners of war may also receive individual parcels or collective shipments containing items such as foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character.<sup>559</sup> All correspondence, parcels or shipments addressed to prisoners of war or sent by them may be censored or examined by both the sending and the receiving State.<sup>560</sup>

Further, representatives of the Protecting Power and ICRC delegates must have access to all places where prisoners of war may be held. They must be allowed to interview the prisoners and their representatives without witnesses, if necessary through an interpreter, and to freely select the places they wish to visit. The duration and frequency of these visits may not be restricted, and visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

<sup>558</sup> GC III, Art. 71; CIHL, Rule 125.

<sup>559</sup> GC III, Art. 72.

<sup>560</sup> GC III, Art. 76(1) and (2). For further restrictions placed on the number and frequency of items of correspondence, parcels and shipments, see GC III, Arts 71, 72 and 76(3). See also J.S. Pictet (ed.), *Commentary on the Third Geneva Convention, op.cit.* (note 492), pp. 376–377.

Before the visits, the names of the ICRC delegates must be submitted for approval to the detaining power.<sup>561</sup>

### (e) Relations with the authorities

#### *Requests, complaints and representatives*

Prisoners of war have an unrestricted right to make requests and complaints regarding their conditions of internment to the detaining power, the representatives of the Protecting Power or the ICRC delegates.<sup>562</sup> The prisoners of war should be represented by the most senior officer among them or, in the absence of officers, by a prisoner elected by his comrades and approved by the detaining power.<sup>563</sup> The detaining power must afford such “prisoners’ representatives” the time, facilities and freedom of movement necessary to accomplish their duties in terms of inspection, representation and communication.<sup>564</sup>

#### *Disciplinary and judicial authority*

Prisoners of war are subject to the laws, regulations and orders in force in the armed forces of the detaining power. The latter may, within the boundaries of IHL, take judicial or disciplinary measures in respect of any punishable offence committed by a prisoner of war.<sup>565</sup> The Third Geneva Convention is based on the principle that prisoners of war subjected to disciplinary or judicial proceedings and sanctions should be given the same rights, protection and treatment as members of the armed forces of the detaining power in the same situation. This applies not only to the question of whether the case should be adjudicated by a military or civilian court,<sup>566</sup> but also to the nature of the penalties<sup>567</sup> and to the treatment and living conditions of prisoners during the execution of such penalties.<sup>568</sup>

#### *Preferential treatment*

In some respects, IHL even requires that prisoners of war receive preferential treatment, most notably because they have no duty of allegiance towards the detaining power and find themselves in captivity owing to circumstances beyond their control. For example, the Third Geneva Convention stipulates that the competent authorities should exercise lenience and, wherever possible, give preference to disciplinary over judicial measures,<sup>569</sup> and that in fixing

<sup>561</sup> GC III, Art. 126; CIHL, Rule 124.

<sup>562</sup> GC III, Art. 78(1) and (2).

<sup>563</sup> GC III, Art. 79.

<sup>564</sup> GC III, Arts 80 and 81.

<sup>565</sup> GC III, Art. 82.

<sup>566</sup> GC III, Art. 84(1).

<sup>567</sup> GC III, Art. 87(1).

<sup>568</sup> GC III, Arts 88 and 108.

<sup>569</sup> GC III, Art. 83.

a sentence they should not be bound by minimum penalties prescribed in national law.<sup>570</sup> For the same reason, no prisoner of war may be deprived of his rank by the detaining power, or prevented from wearing his badges.<sup>571</sup> The special status and situation of prisoners of war must imperatively be given the most careful consideration before pronouncing a death sentence. When such a sentence is passed, the status and situation of prisoners of war require that its execution be delayed for at least six months.<sup>572</sup> The detaining power must notify the prisoners' representative and the Protecting Power of any judicial proceedings instituted against a prisoner of war, and of any judgment and sentence pronounced against him,<sup>573</sup> so as to allow representatives of the Protecting Power to attend the trial and to take any other pertinent measures falling within their function.<sup>574</sup> Finally, the Third Geneva Convention also makes it clear that prisoners of war prosecuted under the laws of the detaining power for acts committed prior to their capture retain the benefits and protection of their status under IHL even if convicted.<sup>575</sup>

### *Procedural guarantees*

The rules of IHL regulating the conduct of disciplinary and judicial proceedings and the execution of sanctions against prisoners of war reflect a catalogue of fundamental guarantees widely accepted as inherent in the basic concepts of the rule of law, of a fair trial and of humane treatment. Accordingly, in no circumstances may prisoners of war be tried by a court of any kind that fails to offer the essential guarantees of independence and impartiality as generally recognized or to afford the accused adequate rights and means of defence.<sup>576</sup> More specifically, an accused prisoner of war must be informed of the charges against him and of his right to assistance by a qualified advocate or counsel of his own choice, to call witnesses and, if necessary, to the services of a competent interpreter.<sup>577</sup> Prisoners of war may not be tried or sentenced for acts that were not punishable at the time they were committed.<sup>578</sup> They may not be punished more than once for the same act,<sup>579</sup> may not be coerced into making a confession,<sup>580</sup> and may not be convicted without an opportunity to defend

570 GC III, Art. 87(2).

571 GC III, Art. 87(4).

572 GC III, Arts 100(3) and 101.

573 GC III, Arts 104 and 107.

574 GC III, Art. 105(5).

575 GC III, Art. 85.

576 GC III, Art. 84(2); CIHL, Rule 100.

577 GC III, Arts 96(4) and 105(1); CIHL, Rule 100.

578 GC III, Art. 99(1); CIHL, Rule 101.

579 GC III, Art. 86; CIHL, Rule 100.

580 GC III, Art. 99(2); CIHL, Rule 100.



themselves.<sup>581</sup> Every prisoner of war also has a right of appeal or petition against any sentence pronounced against him.<sup>582</sup>

### ***Prohibition of cruel, inhuman or degrading punishment***

Any prisoner of war convicted for a disciplinary or criminal offence remains under the protection of IHL, including in matters concerning the choice and execution of the penalty. Most importantly, disciplinary punishments may in no case be inhuman, brutal or dangerous to the health of prisoners of war.<sup>583</sup> It is also prohibited to resort to collective punishment for individual acts, to corporal punishment, to imprisonment in premises without daylight and, in general, to any form of torture or cruelty.<sup>584</sup> Finally, prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.<sup>585</sup>

### **To go further (Internment of prisoners of war)<sup>586</sup>**

- Nigel S. Rodley, *The Treatment of Prisoners under International Law*, Oxford University Press, Oxford, 3rd ed., 2009.
- Silvia Borelli, “[Casting light on the legal black hole: International law and detentions abroad in the ‘War on Terror’](#),” *IRRC*, Vol. 87, No. 857, March 2005, pp. 39–68.

### ***How Does Law Protect in War?***

- Document No. 97, [United States Military Tribunal at Nuremberg, \*United States v. Wilhelm von Leeb et al.\*](#)
- Case No. 99, [United States, \*Ex Parte Quirin et al.\*](#)
- Case No. 114, [Malaysia, \*Osman v. Prosecutor\*](#)
- Case No. 160, [Eritrea/Ethiopia, \*Partial Award on POWs\*](#)
- Case No. 170, [ICRC, \*Iran/Iraq Memoranda\*](#)
- Case No. 263, [United States, \*Hamdan v. Rumsfeld\*](#)

581 GC III, Arts 96 and 99(3); CIHL, Rule 100.

582 GC III, Art. 106; CIHL, Rule 100.

583 GC III, Art. 89(3).

584 GC III, Art. 87(3); CIHL, Rules 90–91 and 103.

585 GC III, Art. 88(4).

586 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

### III. INTERNMENT AND DETENTION OF CIVILIANS

Not all persons deprived of their liberty in a situation of international armed conflict qualify for prisoner-of-war status. Particularly in occupied territories, but also within their own territory, belligerent States are regularly confronted with civilians engaged in criminal activities or posing a serious security threat requiring their detention. Moreover, captured mercenaries and members of the armed forces caught in the act of espionage, or while preparing or conducting attacks without wearing a uniform, are not entitled to prisoner-of-war status. These persons generally fall within the scope of protection of the Fourth Geneva Convention. Furthermore, persons not entitled to the status of “protected person” under the Fourth Geneva Convention nevertheless benefit from fundamental guarantees recognized under customary IHL, which provide similar protection.<sup>587</sup> While this section focuses on civilians deprived of their liberty by a party to an international armed conflict, it should be kept in mind that the same protection also applies to other persons falling within the personal scope of applicability of the Fourth Geneva Convention as described in Section I.3. above.

#### 1. Beginning and end of internment

##### (a) Beginning of internment

###### *Compulsory internment*

Compulsory internment is the most severe security measure at the disposal of a belligerent party. It may be imposed only as a last resort, when less intrusive measures of control, such as assigned residence, restrictions of movement or the prohibition of certain professional or political activities, are deemed inadequate.<sup>588</sup> In their own territory, parties to a conflict may order the internment of protected persons only if their security makes internment “absolutely necessary,”<sup>589</sup> whereas in occupied territories it must be considered “necessary for imperative reasons of security.”<sup>590</sup> Given the scope of discretion allowed to the detaining or occupying power, these terms can be regarded as largely synonymous. In essence, they require that the person in question pose a significant threat to the internal or external security of the detaining power that cannot be adequately addressed by less intrusive measures than his or her internment. This would undoubtedly include any activities amounting to direct participation in hostilities. Other activities or affiliations that may justify the internment of protected persons

587 AP I, Arts 45(3) and 75; CIHL, Rules 87–105.

588 GC IV, Arts 41(1) and 78(1).

589 GC IV, Art. 42(1).

590 GC IV, Art. 78(1).

include subversive activities carried out within the territory of the detaining power, membership in organizations aiming to cause disturbances, direct assistance to the enemy, and acts of sabotage or espionage. However, the mere fact that a person is an enemy national cannot be regarded as a security threat automatically justifying internment without completely defeating the idea of tailoring security measures to the requirements of each individual case and reserving internment for the most serious cases. In sum, the decisive factor seems to be that the detaining State “must have good reason to think that the person concerned, by his activities, knowledge or qualifications, represents a real threat to its present or future security.”<sup>591</sup> In all cases, however, internment must remain an exceptional measure of last resort.

### *Procedural safeguards*

The determination that a protected person represents a security threat necessitating his or her internment must be made for each individual in regular proceedings before an appropriate court or administrative board designated by the detaining or occupying power for that purpose, not before an individual judge or military officer.<sup>592</sup> Such proceedings must ensure that the person concerned is informed promptly, in a language he understands, of the reasons for his internment,<sup>593</sup> and must include the right of appeal.<sup>594</sup> Appeals must be decided as quickly as possible<sup>595</sup> and, if internment is maintained, the court or administrative board must review at least twice yearly the necessity of such internment with a view to the favourable amendment of the initial decision, if circumstances permit.<sup>596</sup> The increasingly severe humanitarian impact of long-term internment should always be taken into account. Unless the protected persons concerned object, the detaining power must notify the Protecting Power, without delay, of the names of all protected persons who have been interned or released from internment, along with any decisions of the relevant courts or administrative boards.<sup>597</sup> Pregnant women and mothers having dependent infants who are interned for reasons related to the armed conflict must have their cases considered with the utmost priority.<sup>598</sup>

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591 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 258.

592 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 369.

593 AP I, Art. 75(3).

594 GC IV, Art. 78(2).

595 GC IV, Arts 43(1) and 78(2).

596 GC IV, Arts 43(1) and 78(2).

597 GC IV, Art. 43(2).

598 AP I, Art. 76(2); CIHL, Rule 134.

### ***Voluntary internment***

If their situation renders it necessary,<sup>599</sup> protected persons finding themselves in the territory of a party to the conflict may also voluntarily demand their internment but, in order to ensure the genuineness of the demand and avoid abuse, must do so through representatives of the Protecting Power or the ICRC.<sup>600</sup> Cases in which voluntary internment may be in the interest of protected persons include situations where they are exposed to threats or violence on the part of the general population, or where their nationality or allegiance renders them unable to receive employment or otherwise earn a living. Similar situations could also arise for protected persons resident in occupied territories, for example in the case of civilians who have collaborated with the occupying power in a way that provokes the hostility of the general population. In such situations, the territorial State is obliged to respond favourably to demands for voluntary internment. However, the possibility of voluntary internment is not foreseen for occupied territories, and the Fourth Geneva Convention prohibits any internment in situations other than those expressly enumerated.<sup>601</sup>

### ***Punitive internment***

Although internment is generally a security measure that is preventive rather than punitive in nature, the Fourth Geneva Convention also recognizes the possibility of converting a sentence of imprisonment to one of internment for the same period as a (preferential) penalty for a criminal offence.<sup>602</sup> This exception to the preventive nature of internment applies only in occupied territory and aims to afford protected persons who have committed minor offences devoid of dishonourable motives the more beneficial treatment and conditions of internment as opposed to common imprisonment.<sup>603</sup> The Convention makes clear, however, that in such exceptional cases of punitive use, internment may not be imposed as an open-ended measure but, just as a sentence of imprisonment, must be of a duration determined in proportion to the offence committed.<sup>604</sup>

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599 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), pp. 258–259.

600 GC IV, Art. 42(2).

601 GC IV, Art. 79.

602 GC IV, Art. 68(1).

603 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), pp. 343–344.

604 GC IV, Art. 68(1).



P. Yazdi/ICRC

Families welcoming released Ivorian internees, refugee camp, Liberia, 2012.

## (b) Termination of internment

### *Cessation of individual security threat*

Persons interned for actions related to the armed conflict must be released as soon as possible and, in any event, as soon as the circumstances or reasons justifying internment no longer exist.<sup>605</sup> It is the function of the periodic review to ensure that no protected person is subjected to compulsory internment for longer than is absolutely necessary for security reasons.

### *Escape*

Individual internees may also successfully escape. Internees who are recaptured after having escaped or when attempting to escape may be subjected to special surveillance, but are liable only to disciplinary punishment, even in the case of a repeat offence.<sup>606</sup>

### *Death*

Should an internee die, a death certificate must be prepared by a doctor.<sup>607</sup> IHL also contains provisions on the subsequent notification of the Protecting Power and the Central Tracing Agency,<sup>608</sup> the handling of wills,<sup>609</sup> proper burial or

<sup>605</sup> GC IV, Art. 132(1); AP I, 75(3); CIHL, Rule 128 B.

<sup>606</sup> GC IV, Art. 120(1) and (2). See also GC IV, Art. 120(3), for internees aiding and abetting an escape.

<sup>607</sup> GC IV, Art. 129(2).

<sup>608</sup> GC IV, Art. 129(3).

<sup>609</sup> GC IV, Art. 129(1).

cremation and the marking of graves.<sup>610</sup> If it is suspected that the internee was murdered, or if the cause of death is unknown, the detaining power must immediately conduct an official inquiry into the case,<sup>611</sup> prepare an official report<sup>612</sup> and, depending on the results of the inquiry, instigate appropriate criminal prosecutions.<sup>613</sup>

### ***Release for humanitarian reasons***

Belligerent parties should, even during hostilities, endeavour to release, repatriate, or return to their places of residence certain categories of internee, or to accommodate them in a neutral country, in particular children, pregnant women and mothers with infants and young children, the wounded and sick, and internees who have been detained for a long time.<sup>614</sup>

### ***General release, repatriation or return***

According to the Fourth Geneva Convention, internment “shall cease as soon as possible after the close of hostilities.”<sup>615</sup> This formulation is markedly less demanding on the detaining power than the strict requirement of release and repatriation “without delay after the cessation of hostilities” used for prisoners of war.<sup>616</sup> The rationale of the provision is not to prohibit all forms of internment after the end of hostilities, but to prevent the indefinite prolongation of internment when the general context justifying such measures has ceased to exist.<sup>617</sup> Once military hostilities or situations of occupation come to an end, the parties to a conflict must ensure the return of all internees to their last place of residence, or facilitate their repatriation.<sup>618</sup> For that purpose, they may set up committees to search for dispersed internees.<sup>619</sup> In any case, however, civilian internees remain protected under the Fourth Geneva Convention and the fundamental guarantees set out in Article 75 of Additional Protocol I until their final release, repatriation or return, even after the end of the armed conflict.<sup>620</sup>

### ***Continued detention***

The only protected persons who may be held on the territory of a party to the conflict beyond the close of hostilities are those against whom penal

610 GC IV, Art. 130; CIHL, Rule 115.

611 GC IV, Art. 131(1); CIHL, Rule 116.

612 GC IV, Art. 131(2).

613 GC IV, Art. 131(3).

614 GC IV, Art. 132(2); See also CIHL, commentary on Rule 128.

615 GC IV, Art. 133(1); CIHL, Rule 128 B.

616 GC III, Art. 118(1).

617 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit. (note 387), p. 515.

618 GC IV, Art. 134.

619 GC IV, Art. 133(3).

620 GC IV, Art. 6(4); AP I, 75(6).

proceedings are pending, or who are serving a sentence, for offences not exclusively subject to disciplinary penalties. Such persons may be detained until the close of such proceedings and, if necessary, until they have served their sentence.<sup>621</sup> Strictly speaking, of course, such deprivation of liberty constitutes criminal detention or punitive imprisonment, but no longer internment within the meaning of IHL. Nevertheless, even as criminal convicts, the persons concerned continue to benefit from their status as protected persons until their final release, repatriation or return.

## 2. Treatment and conditions of internment

### (a) Responsibility and humane treatment

#### *Responsibility of the detaining power*

Irrespective of any individual responsibility, parties to a conflict remain responsible for the treatment accorded by their agents to protected persons.<sup>622</sup> Internees may lawfully be transferred to another State only if the latter is willing and able to grant them the protection to which they are entitled under IHL, but in no case may they be transferred out of an occupied territory.<sup>623</sup> When internees are lawfully transferred to another State, responsibility for their protection passes to the receiving State for such time as they are in its custody. However, if that State fails to fulfil its obligations under IHL in any important respect,<sup>624</sup> the original detaining power must take effective measures to correct the situation or ensure that the internees in question are returned to its jurisdiction.<sup>625</sup>

#### *Humane treatment*

Protected persons are entitled, in all circumstances, to respect for their physical and psychological integrity, their honour, their family rights, their religious convictions and practices, and their manners and customs. They must be treated humanely at all times, and protected, especially against all acts of violence or threats thereof and against insults and public curiosity.<sup>626</sup> More specifically, IHL prohibits any violence to life, health, or the physical or mental well-being of protected persons, in particular murder, torture, corporal punishment, mutilation, outrages against human dignity, hostage-taking, collective punishment, as well as threats to engage in any of these acts.<sup>627</sup>

621 GC IV, Art. 133(2); CIHL, Rule 128 *in fine*.

622 GC IV, Art. 29.

623 GC IV, Arts 45(1) and (3), and 49; CIHL, Rule 129 A.

624 For examples, see J. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 269.

625 GC IV, Art. 45(3). On transfers of protected persons, see also Chapter 5.III.2.g.

626 GC IV, Arts 27(1) and 37; CIHL, Rule 87.

627 AP I, Art. 75(2); CIHL, Rules 89–93, 96 and 103.

This also includes the prohibition of any form of physical or psychological coercion, in particular to obtain information,<sup>628</sup> of reprisals and measures of intimidation and terrorism,<sup>629</sup> and of unjustified medical or scientific experiments and any other form of brutality.<sup>630</sup> Humane treatment also includes protection against any form of sexual violence or abuse.<sup>631</sup> Apart from differences justified by their state of health, age and sex, all protected persons must be treated with the same consideration, without any adverse distinction based on race, religion, political opinion or similar criteria.<sup>632</sup>

### **(b) Conditions of internment**

#### ***Places of internment***

Places of internment may not be set up in areas particularly exposed to the hostilities.<sup>633</sup> In order to protect internees from direct attacks and the incidental effects of hostilities, places of internment should be marked – in such a way as to make them clearly visible – by the letters “IC” and their location communicated to the opposing party.<sup>634</sup> In addition, places of internment exposed to air raids and other dangers of war must be equipped with shelters and, more generally, must benefit from the same protective measures as the general population.<sup>635</sup> In no case may protected persons be used as “human shields” to render certain objects or areas immune from military operations.<sup>636</sup>

Internees must be accommodated and administered separately from prisoners of war and from persons deprived of their liberty for any other reason, most notably in connection with criminal offences.<sup>637</sup> Moreover, as far as possible, internees should be grouped according to their nationality, language and customs.<sup>638</sup> Women must be accommodated separately from men and, in any case, must have separate sleeping quarters and sanitary conveniences and be under the immediate supervision of other women.<sup>639</sup> Similarly, interned

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628 GC IV, Art. 31; CIHL, Rule 90.

629 GC IV, Art. 33; CIHL, Rule 146.

630 GC IV, Art. 32; Rule 92.

631 GC I–IV, common Art. 3; GC IV, Art. 27(2); AP I, Art. 75; CIHL, Rules 93 and 134.

632 GC IV, Art. 27(3); CIHL, Rule 88.

633 GC IV, Art. 83(1); CIHL, Rule 121.

634 GC IV, Art. 83(2) and (3).

635 GC IV, Art. 88.

636 GC IV, Art. 28. On the prohibition and consequences of using human shields, see also AP I, Art. 51(7) and (8), CIHL, Rule 97, and Chapter 3.I.3.d.

637 GC IV, Art. 84.

638 GC IV, Art. 82(1).

639 GC IV, Art. 85(4); AP I, Art. 75(5); CIHL, Rule 119.



children must be accommodated separately from adults.<sup>640</sup> Nevertheless, members of the same family must be accommodated together in the same place of internment and, wherever possible, separately from other internees, so as to allow for a proper family life.<sup>641</sup> This does not preclude temporary separation for reasons of employment, health or the enforcement of penal or disciplinary sanctions.<sup>642</sup>

### ***Basic needs***

The detaining power must provide protected persons – for the duration of their internment, and free of charge – sufficient food, drinking water and clothing to keep them in good physical and mental health, taking into account factors such as climate, age, sex, medical condition, employment and custom.<sup>643</sup> Within the financial means available to them, internees must also be allowed to purchase additional foodstuffs, soap, tobacco and similar articles at local market prices.<sup>644</sup> Premises used for the internment of protected persons must provide adequate standards of hygiene and health.<sup>645</sup> Internees must have access to free medical care corresponding to their needs.<sup>646</sup> At least once a month, medical inspections must be conducted to supervise the general state of health, nutrition and cleanliness of the internees and to screen them for contagious diseases.<sup>647</sup>

### ***Religion, recreation and study***

Within the disciplinary routine prescribed by the military authorities, internees must be allowed to freely exercise their religion and to attend the services of their faith in premises adequate for that purpose.<sup>648</sup> Internees who are ministers of their religion must be allowed to freely exercise their ministry among internees of the same religion, and must be given the facilities reasonably required to do so.<sup>649</sup> The detaining power must also encourage internees to engage in intellectual, educational and recreational activities, including sports and games, and provide them with the support and premises necessary for that purpose.<sup>650</sup> Most importantly, children and

640 AP I, Art 77(4); CIHL, Rule 120.

641 GC IV, Art. 82(3); CIHL, Rule 105.

642 GC IV, Art. 82(2).

643 GC IV, Arts 89 and 90; CIHL, Rule 118.

644 GC IV, Art. 87(1).

645 GC IV, Art. 85(1).

646 GC IV, Arts 91 and 95(3).

647 GC IV, Art. 92.

648 GC IV, Arts 86 and 93(1); CIHL, Rule 127.

649 GC IV, Art. 93(2).

650 GC IV, Art. 94(1).

young people must be allowed to attend schools either within the place of internment or outside, and special playgrounds must be reserved for them.<sup>651</sup>

### ***Command and discipline***

Every place of internment must be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the detaining power, who will be responsible for ensuring that the provisions of the Fourth Geneva Convention are known to, and complied with, by the staff in charge of internees.<sup>652</sup> The text of the Fourth Geneva Convention and of any special agreement concluded between the belligerent parties must also be posted inside the place of internment in a language that the internees understand.<sup>653</sup> Likewise, every order and command addressed to individual internees must be given in a language that they understand.<sup>654</sup> Throughout their internment, protected persons remain subject to the disciplinary regime of their place of internment. Such regime must be consistent with humanitarian principles and may in no circumstances impose any physical exertion endangering the health of internees or involve their physical or moral victimization. In view of the experience of World War II, IHL specifically prohibits the identification of internees by tattooing or imprinting signs or markings on their bodies; it also prohibits prolonged standing and roll-calls, punishment drills, military drills and manoeuvres, and the reduction of food rations.<sup>655</sup>

### **(c) Labour, personal property and financial resources**

#### ***Work***

Internees can volunteer to work but, contrary to prisoners of war and protected persons who are not interned, cannot be compelled to work. Their use for tasks of a degrading or humiliating nature, or for work directly related to the conduct of military operations, is prohibited in all cases.<sup>656</sup> The detaining power may, however, require internees to do administrative and maintenance work in places of internment, or perform duties connected with the protection of internees against aerial bombardment or other war risks.<sup>657</sup> Whenever internees are employed for work, including in labour detachments, the detaining power remains fully responsible for all working conditions, for medical attention, for the payment of wages, and for ensur-

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651 GC IV, Art. 94(2) and (3).

652 GC IV, Art. 99(1).

653 GC IV, Art. 99(2) and (3).

654 GC IV, Art. 99(4).

655 GC IV, Art. 100; CIHL, Rule 92.

656 GC IV, Art. 95(1); CIHL, Rule 95.

657 GC IV, Art. 95(3).

ing the payment of compensation for occupational accidents and illnesses. The standards applied in this respect must be in accordance with national laws, regulations and practice and may not be inferior to those applied to comparable work by non-internees.<sup>658</sup>

### ***Personal property and financial resources***

The detaining power must provide all internees with regular allowances sufficient to purchase goods and articles such as tobacco and toiletries.<sup>659</sup> In addition, and subject to the prohibition against unjustified discrimination among protected persons,<sup>660</sup> internees must be permitted to receive allowances from their country of origin or allegiance, the Protecting Power, any organizations assisting them, or their families, as well as the income on their property in accordance with the law of the detaining power.<sup>661</sup> They must also be enabled to send money to their families or other dependents.<sup>662</sup> When protected persons are interned, money in excess of their daily requirements, and other valuables and objects in their possession, may be taken from them against proper receipt, and must be credited to their personal accounts or safeguarded on their behalf until their release.<sup>663</sup> Nevertheless, internees must be allowed to carry a certain amount of money on their person so as to enable them to make purchases additional to the provisions of the detaining power.<sup>664</sup> Internees must also be permitted to keep objects of personal use or sentimental value,<sup>665</sup> as well as their identity documents.<sup>666</sup>

### **(d) Relations with the world outside**

#### ***Transmission of information***

At the outset of every international armed conflict, each party must establish an official Information Bureau responsible for replying to all enquiries concerning protected persons in its power, and for transmitting, within the shortest possible period, the necessary information to their countries of nationality or residence through the Protecting Power and the ICRC's Central Tracing Agency.<sup>667</sup> In cases where the transmission of information might be detrimental to the protected person concerned or to his or her relatives, the information may be transmitted only to the Central Tracing

658 GC IV, Arts 95(4) and 96.

659 GC IV, Art. 98 (1).

660 GC IV, Art. 27(3); CIHL, Rule 88.

661 GC IV, Art. 98(2).

662 GC IV, Art. 98(3).

663 GC IV, Art. 97(1), (2) and (5); CIHL, Rule 122.

664 GC IV, Art. 97(7).

665 GC IV, Art. 97(1) and (3); CIHL, Rule 122.

666 GC IV, Art. 97(6).

667 GC IV, Arts 136(1) and 137(1). See also GC IV, Art. 43(2); CIHL, Rules 105 and 123.



P. Barras/ICRC

Kerevat Prison, Papua New Guinea, 2012. Employees from the ICRC and the Papua New Guinea Red Cross Society explain to detainees how to fill in Red Cross messages to their families.

Agency, along with an explanation of the particular circumstances of the case.<sup>668</sup> The duty to inform covers all protected persons who are held in custody for more than two weeks, who are subject to assigned residence or who are interned, and includes changes such as transfers, releases, repatriations, escapes, admission to hospital, births and deaths.<sup>669</sup> The information transmitted must include all elements required to identify and locate the persons interned and to inform their families.<sup>670</sup>

### *Exercise of civil capacity*

During their internment, protected persons retain their full civil capacity and can exercise all rights that are compatible with their current status and applicable laws.<sup>671</sup> In particular, they should be enabled to manage their property,<sup>672</sup> to send and receive legal documents<sup>673</sup> and to consult a lawyer whenever necessary.<sup>674</sup> Subject to legal limits, the detaining power must also take all steps to ensure protected persons are not prejudiced

668 GC IV, Art. 137(2).

669 GC IV, Art. 136(2).

670 GC IV, Art. 138.

671 GC IV, Art. 80.

672 GC IV, Art. 114.

673 GC IV, Art. 113(1).

674 GC IV, Art. 113(2).

by their internment in the preparation and conduct of court proceedings they may be party to, or in the execution of any judicial decision.<sup>675</sup>

### ***Correspondence, shipments and visitors***

Immediately upon internment, but no later than one week after arrival or transfer to a place of internment or hospital, every internee must be enabled to send an internment card to his family and to the Central Tracing Agency, informing them of his detention, address and state of health.<sup>676</sup> Throughout their internment and subject to censorship, protected persons also have the right to send and receive correspondence, and to receive individual and collective relief shipments according to standards that essentially match those applicable to prisoners of war.<sup>677</sup> Unlike prisoners of war, however, internees are also allowed to receive visitors, especially close relatives, at regular intervals and as frequently as possible.<sup>678</sup> In urgent cases, such as the death or serious illness of relatives, internees may even be permitted to visit their homes.<sup>679</sup>

### ***Access for the Protecting Power and the ICRC***

Just as is the case for prisoners of war, representatives of the Protecting Power and delegates of the ICRC must be permitted to go to all places where protected persons are interned.<sup>680</sup> They must be allowed to interview the internees without witnesses, if necessary through an interpreter,<sup>681</sup> and to freely select the places they wish to visit.<sup>682</sup> The duration and frequency of these visits may not be restricted, and visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.<sup>683</sup> Before the visits, the names of the ICRC delegates must be submitted for approval to the detaining power.<sup>684</sup>

### **(e) Derogations under Article 5 of the Fourth Geneva Convention**

As a general rule, the protection afforded by IHL cannot be derogated from without express treaty provisions to the contrary. The Fourth Geneva Convention contains an important derogation clause for cases where a protected

<sup>675</sup> GC IV, Art. 115.

<sup>676</sup> GC IV, Art. 106; CIHL, Rules 105 and 125.

<sup>677</sup> GC IV, Arts 107–113; CIHL, Rule 125. See also Section II.3.d.

<sup>678</sup> GC IV, Art. 116(1); CIHL, Rule 126.

<sup>679</sup> GC IV, Art. 116(2).

<sup>680</sup> GC IV, Art. 143(1); CIHL, Rule 124.

<sup>681</sup> GC IV, Art. 143(2).

<sup>682</sup> GC IV, Art. 143(4).

<sup>683</sup> GC IV, Art. 143(3).

<sup>684</sup> GC IV, Art. 143(5).

person is definitely suspected of or has engaged in espionage,<sup>685</sup> sabotage<sup>686</sup> or other activities hostile to the detaining power. In occupied territory, such persons can be deprived of their “rights of communication” if “absolute military security so requires,”<sup>687</sup> whereas within a belligerent party’s own territory, they can be deprived of “such rights and privileges (...) as would (...) be prejudicial to the security of such State.”<sup>688</sup>

Although formulated in fairly broad terms, this provision does not provide the detaining power with an unlimited right of derogation. First, reservations in the relevant treaty provision itself specify that the fundamental IHL guarantees of humane treatment and a fair and regular trial may not be derogated from under any circumstances.<sup>689</sup> Second, the derogable rights and privileges of the protected person referred to in the clause must be distinguished from the mutual obligations of the belligerent parties, which are not subject to derogation. Most notably, the duty of the detaining power to provide information on each internee to the country of origin or, at least, to the Central Tracing Agency cannot be derogated from.<sup>690</sup> Third, in the case of occupied territories, the possibility of derogation is already restricted to the individual right to communication of protected persons detained as spies.<sup>691</sup> Moreover, even suspected spies must be granted access to a qualified lawyer for the purpose of their defence in penal proceedings, whether in national or in occupied territory.<sup>692</sup> Hence, it is hard to see what other individual rights and privileges could be suspended for security reasons without seriously infringing the absolute rights to humane treatment and a fair trial. Fourth, the clause itself provides that any derogatory measure must be lifted “at the earliest date consistent with the security of the State or Occupying Power.”<sup>693</sup>

In sum, while it may be necessary and justified to hold suspected spies in solitary confinement and temporarily suspend their right to communicate with the world outside, whether through correspondence or by receiving visits, such measures may not exceed what is absolutely required for the security

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685 For the definition of the term “spy,” see Hague Regulations, Art. 29, in conjunction with AP I, Art. 46.

686 For the definition of the term “sabotage,” see J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 57.

687 GC IV, Art. 5(2).

688 GC IV, Art. 5(1).

689 See also AP I, Art. 75(1), (2), (3) and (4); CIHL, Rules 87 and 100, and commentary on Rule 107.

690 See Section III.2.d.

691 GC IV, Art. 5(2); AP I, Art. 45(3).

692 GC IV, Arts 72(1) and (2), and 126; AP I, Art. 75(4)(a).

693 GC IV, Art. 5(3).

of the detaining power, both in terms of scope and of duration.<sup>694</sup> Moreover, the terms of the derogation clause itself, most notably the reservations guaranteeing humane treatment and a fair and regular trial, and the continuing obligation of the detaining power to provide information on every internee, effectively ensure that this clause cannot be used to formally justify any form of secret detention, ill-treatment or summary justice.

#### **(f) Relations with the authorities**

##### ***Petitions, complaints and internee committees***

Internees have an unrestricted right to file petitions and complaints with the detaining authorities or the Protecting Power with regard to their conditions of internment.<sup>695</sup> Their interests are represented before the detaining authorities, the Protecting Power, the ICRC and other relevant organizations by an internee committee freely elected by the internees themselves and approved by the detaining authorities.<sup>696</sup> Internee committees may send periodic reports on the situation and needs in places of internment to the Protecting Power,<sup>697</sup> and the detaining power must afford them the time, facilities and freedom of movement they need to accomplish their duties in terms of inspection, representation and communication.<sup>698</sup>

##### ***Disciplinary and judicial authority***

Within the boundaries of IHL, internees are subject to the laws in force in the territory in which they are detained.<sup>699</sup> In some respects, however, internees receive preferential treatment. For example, the Fourth Geneva Convention provides that, when fixing the penalty for an offence committed by an internee, the courts or authorities must take into account that the defendant is not a national of the detaining power and should not be bound by the minimum penalties prescribed in national law.<sup>700</sup> The detaining power must also notify the internee committee of any judicial proceedings instituted against any internee, and of their result.<sup>701</sup>

##### ***Disciplinary procedures***

The judicial guarantees and the rules governing the execution of penal sanctions against internees are the same as those afforded to protected persons

694 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit. (note 387), p. 56.

695 GC IV, Art. 101.

696 GC IV, Arts 102 and 103.

697 GC IV, Art. 101(4).

698 GC IV, Art. 104.

699 GC IV, Art. 117(1).

700 GC IV, Art. 118(1).

701 GC IV, Art. 118(5).

who are not interned.<sup>702</sup> As far as disciplinary procedures are concerned, internees benefit from a number of judicial guarantees listed in the Fourth Geneva Convention.<sup>703</sup> The commander of the place of internment must maintain a record of disciplinary punishments, which must be open to inspection by representatives of the Protecting Power.<sup>704</sup>

### ***Prohibition of cruel, inhuman or degrading punishment***

Any internee convicted for a disciplinary or criminal offence remains under the protection of IHL, also as far as the choice and execution of the penalty is concerned. Most importantly, disciplinary punishments may in no case be inhuman, brutal or dangerous to the health of internees,<sup>705</sup> and collective punishment for individual acts,<sup>706</sup> corporal punishment,<sup>707</sup> imprisonment in premises without daylight, and, in general, all forms of cruelty are prohibited without exception.<sup>708</sup> Finally, internees who have served disciplinary or judicial sentences may not be treated differently from other internees.<sup>709</sup>

### **(g) Transfers of internees**

In principle, the detaining power may lawfully transfer internees between places of internment, whether within the territory under its control or to another country willing and able to afford the internees the protection they are entitled to under IHL. This possibility is subject to two important restrictions. First, protected persons may not be transferred or deported from occupied territory.<sup>710</sup> Second, the principle of *non-refoulement* applies to all transfers or deportations.<sup>711</sup> When internees are lawfully transferred to another State, the responsibility for their protection passes to the receiving State for such time as they are in its custody. If that State fails to fulfil its obligations under IHL in any important respect, however, the original detaining power must take effective measures to correct the situation or ensure that the internees in question are returned to its jurisdiction.<sup>712</sup> Any such transfer of internees must be conducted humanely and under conditions at least equal to those applied to the armed forces of the detaining power during their changes of station. In particular, internees must be provided

702 See Chapter 6.I.1.

703 GC IV, Arts 117(3), 123(2) and 124(1).

704 GC IV, Art. 123(5).

705 GC IV, Art. 119(2); CIHL, Rule 90.

706 GC IV, Art. 33; CIHL, Rule 103.

707 GC IV, Art. 32; CIHL, Rule 91.

708 GC IV, Art. 118(2); CIHL, Rule 90.

709 GC IV, Art. 118(3).

710 GC IV, Art. 49; CIHL, Rule 129 A. See Chapter 6.III.2.c.

711 GC IV, Art. 45(4). See Chapter 6.II.2.

712 GC IV, Art. 45(3).



with adequate means of transport, and with the necessary food, water, clothing and medical care. Moreover, suitable precautions must be taken to ensure the safety of protected persons.<sup>713</sup>

### 3. Criminal procedures and detention

In parallel to internment as a preventive security measure, parties to an international armed conflict must run a detention system for the investigation, trial and punishment of criminal offences by protected persons, whether in occupied territory or within their national borders. Of course, protected persons who are detained continue to benefit from the general protection afforded by the Fourth Geneva Convention, particularly as concerns humane treatment.

#### *Judicial guarantees*

The Fourth Geneva Convention and Additional Protocol I formulate the fundamental fair-trial guarantees for the prosecution and punishment of criminal offences related to the armed conflict.<sup>714</sup> These guarantees are considered to have attained customary nature in both international and non-international armed conflicts.<sup>715</sup> As a matter of procedure, anyone accused of a criminal offence related to the armed conflict must be presumed innocent until proved guilty according to law.<sup>716</sup> He must be informed without delay of the allegations brought against him and must be afforded all the means and rights necessary to prepare and conduct his defence.<sup>717</sup> In particular, he is entitled to be tried in his presence<sup>718</sup> and must be permitted to examine witnesses.<sup>719</sup> No one can be convicted of an offence except on the basis of individual penal responsibility,<sup>720</sup> and no one can be compelled to testify against himself or to confess guilt.<sup>721</sup> No one can be prosecuted or punished more than once for the same offence,<sup>722</sup> or for an act or omission that did not constitute a criminal offence when it was committed.<sup>723</sup> Also, no heavier penalty may be imposed than was permissible at the time of the offence, and offenders must benefit from changes in the law providing for the possibility

713 GC IV, Art. 127.

714 GC IV, Arts 71–76 and 126; AP I, Art. 75(4).

715 CIHL, Rule 100 and commentary.

716 AP I, Art. 75(4)(d); CIHL, Rule 100.

717 GC IV, Arts 71(2) and 72; AP I, Art. 75(4)(a); CIHL, Rule 100.

718 AP I, Art. 75(4)(e); CIHL, Rule 100.

719 GC IV, Art. 72; AP I, Art. 75(4)(g); CIHL, Rule 100.

720 AP I, Art. 75(4)(b); CIHL, Rule 102.

721 AP I, Art. 75(4)(f); CIHL, Rule 100.

722 AP I, Art. 75(4)(h); CIHL, Rule 100.

723 AP I, Art. 75(4)(c); CIHL, Rule 101.

of a lighter penalty than was permissible at the time of the offence.<sup>724</sup> The Fourth Geneva Convention and Additional Protocol I also contain specific provisions on the death penalty; Additional Protocol I imposes specific restrictions in this respect with regard to pregnant women and mothers of dependant infants and children under 18 years of age.<sup>725</sup> Finally, any person convicted of an offence must be advised of his judicial and other remedies<sup>726</sup> and is entitled to have the judgment pronounced publicly.<sup>727</sup> In principle, representatives of the Protecting Power are entitled to attend the trial of any protected person. Exceptions can be made only where security considerations absolutely require closed hearings.<sup>728</sup>

### *Conditions of detention*

In situations of belligerent occupation, protected persons accused of offences must be detained and, if convicted, serve their sentences within the occupied country.<sup>729</sup> As their offences will often be rooted in patriotic motives, they should, to the extent possible, be separated from other detainees.<sup>730</sup> Wherever protected persons are detained, women must be held in separate quarters from men, under the direct supervision of other women.<sup>731</sup> Similarly, children held for reasons related to the armed conflict must be accommodated separately from adults<sup>732</sup> and must be afforded the special treatment required by their age.<sup>733</sup> All protected persons detained must be afforded conditions of detention that are at least equal to those prevailing in other prisons in the relevant territory. In all cases, they must receive the food, hygiene and medical attention necessary to keep them in good health,<sup>734</sup> and must be permitted to receive spiritual assistance,<sup>735</sup> and at least one individual relief parcel per month.<sup>736</sup> Protected persons who are detained have the same right as internees to be visited by delegates of the Protecting Power and of the ICRC.<sup>737</sup>

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724 AP I, Art. 75(4)(c); CIHL, Rule 101.

725 GC IV, Art. 75; AP I, Arts 76(2) and (3), and 77(5); CIHL, Rule 134.

726 GC IV, Art. 73; AP I, Art. 75(4)(j); CIHL, Rule 100.

727 AP I, Art. 75(4)(i); CIHL, Rule 100.

728 GC IV, Arts 71(2) and 74; CIHL, Rule 100.

729 GC IV, Art. 76(1).

730 GC IV, Art. 76(1).

731 GC IV, Art. 76(4); AP I, Art. 75(5); CIHL, Rule 119.

732 AP I, Art. 77(4); CIHL, Rule 120.

733 GC IV, Art. 76(5).

734 GC IV, Art. 76(1) and (2); CIHL, Rule 118.

735 GC IV, Art. 76(3).

736 GC IV, Art. 76(7).

737 GC IV, Art. 76(6); CIHL, Rule 124.

### ***End of detention***

At the end of an occupation, protected persons accused of offences or convicted by the courts in occupied territory must be handed over, with the relevant records, to the authorities of the liberated territory.<sup>738</sup> Protected persons detained in relation to criminal offences within the territory of a party to the conflict may ask to leave such territory as soon as they are released.<sup>739</sup> In any case, protected persons who are detained pending penal proceedings or serving a sentence for a criminal offence continue to benefit from the protection of the Fourth Geneva Convention until their final release, repatriation or return to their place of residence, even after the end of an armed conflict.<sup>740</sup> Persons detained for reasons related to an armed conflict without being entitled to a status specifically protected under the Geneva Conventions, such as the detaining power's own nationals who may have collaborated with the enemy, likewise benefit from the fundamental guarantees of IHL with regard to humane treatment and fair trial until their final release, repatriation or return.<sup>741</sup>

### **To go further (Internment and detention of civilians)<sup>742</sup>**

- Cordula Droege, “[Transfer of detainees: Legal framework, non-refoulement and contemporary challenges](#),” *IRRC*, Vol. 90, No. 871, September 2009, pp. 669–701.
- Jelena Pejic, “[Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence](#),” *IRRC*, Vol. 87, No. 858, June 2005, pp. 375–391.
- Ryan Goodman, “The detention of civilians in armed conflicts,” *American Journal of International Law*, Vol. 103, No. 1, January 2009, pp. 48–74.
- Ministry of Foreign Affairs of Denmark, “The Copenhagen Process on the handling of detainees in international military operations,” *Revue de droit militaire et de droit de la guerre*, Vol. 3–4, No. 46, 2007, pp. 363–392.

738 GC IV, Art. 77.

739 GC IV, Art. 37(2).

740 GC IV, Art. 6(4).

741 AP I, Art. 75(6); CIHL, Rule 87.

742 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

### *How Does Law Protect in War?*

- Case No. 121, [Bangladesh/India/Pakistan, 1974 Agreement](#)
- Case No. 130, [Methods of Interrogation Used Against Palestinian Detainees](#)
- Case No. 162, [Eritrea/Ethiopia, Award on Civilian Internees and Civilian Property](#)
- Case, [ECHR, \*Al-Jedda v. UK\*](#) (only available online)

## IV. SPECIFIC ISSUES ARISING IN NON-INTERNATIONAL ARMED CONFLICTS

### 1. Lack of status and privilege

IHL governing non-international armed conflicts uses the terms “civilian,” “armed forces,” “dissident armed forces” and “organized armed groups,” but distinguishes between these categories of person primarily for the purposes of the conduct of hostilities, and without any implications for the rights and treatment of those deprived of their liberty.<sup>743</sup> This means that the rules of IHL governing the protection of persons deprived of their liberty for reasons related to non-international armed conflicts are equally applicable to all persons captured, detained or interned, regardless of their status or involvement in the conduct of hostilities, and regardless of whether they are held by a State or by non-State parties.<sup>744</sup>

It also means that, in non-international armed conflicts, IHL provides no privilege of combatancy granting immunity from prosecution for lawful acts of war. Consequently, any person having directly participated in hostilities in a non-international armed conflict remains exposed to the full force of the applicable national law. Normally, any harm caused by the governmental armed forces and police in compliance with IHL will be justified under national law as lawful acts of the State, whereas any harm caused by non-State armed groups and civilians supporting them will generally be subject to prosecution under the standard provisions of national law. IHL simply recommends that, at the end of hostilities, the authorities in power “endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons

<sup>743</sup> See GC I–IV, common Art. 3(1); AP II, Arts 1(1) and 13(1).

<sup>744</sup> GC I–IV, common Art. 3(1); AP II, Arts 4 and 5; CIHL, Rules 87 and 118–128.

related to the armed conflict,” with the exception of persons suspected of, accused of or sentenced for war crimes.<sup>745</sup>

## 2. Treatment, conditions and procedures

### (a) Treatment and conditions of detention or internment

As we have seen, in situations of non-international armed conflict, common Article 3 and Article 4 of Additional Protocol II contain fundamental guarantees for all persons not or no longer taking a direct part in hostilities. Article 5 of Additional Protocol II contains additional provisions aimed at ensuring a minimum standard of humane treatment for persons who are interned or detained for reasons related to a non-international armed conflict.<sup>746</sup>

Accordingly, to the same extent as the local civilian population, detainees and internees must be provided with food, drinking water, hygiene and health care, and protected against the weather and the dangers arising from the armed conflict.<sup>747</sup> The wounded and sick must receive the medical care required by their condition, without any distinction among them other than on medical grounds.<sup>748</sup> No persons deprived of their liberty may be subjected to medical procedures that are not required by their state of health or that are inconsistent with generally accepted medical standards.<sup>749</sup> Detainees and internees must be allowed to receive individual or collective relief shipments, to practice their religion and to receive spiritual assistance.<sup>750</sup> If made to work, their working conditions and safeguards must be similar to those enjoyed by the local civilian population.<sup>751</sup> Moreover, except when families are accommodated together, women must be held in quarters separate from those of men and under the immediate supervision of other women.<sup>752</sup> Subject to the restrictions deemed necessary by the competent authority, detainees and internees must also be allowed to communicate with the world outside.<sup>753</sup>

745 AP II, Art. 6(5); CIHL, Rule 159.

746 AP II, Art. 5(1); CIHL, Rule 87.

747 AP II, Art. 5(1); CIHL, Rule 118.

748 AP II, Arts 5(1)(a) and 7(2); CIHL, Rule 88.

749 AP II, Art. 5(2)(e); CIHL, Rule 92.

750 AP II, Art. 5(1)(d); CIHL, Rule 127.

751 AP II, Art. 5(1)(e); CIHL, Rule 95.

752 AP II, Art. 5(2)(a); CIHL, Rule 119.

753 AP II, Art. 5(2)(b); CIHL, Rule 125.

Places of internment and detention must be situated at a safe distance from the combat zone and, when they become particularly exposed to dangers arising from the armed conflict, evacuated, provided that such evacuation can be carried out under adequate conditions of safety.<sup>754</sup> Likewise, once persons deprived of their liberty are released, those responsible for the decision must do what is needed to ensure their safety.<sup>755</sup>

Finally, persons whose liberty is restricted by security measures such as house arrest, assigned residence or other forms of surveillance not involving physical custody must be afforded the same protections as detainees and internees except, of course, the provisions related to the material conditions of their detention.<sup>756</sup>

### **(b) Judicial guarantees and procedural safeguards**

In situations of non-international armed conflict, administrative and judicial procedures, along with the determination and execution of sanctions by the State authorities concerned, are generally regulated by national law. IHL is not intended to replace such national provisions; instead, it seeks to establish a minimum standard that must be respected by all parties to a conflict, including organized armed groups, regardless of national law.

#### ***Judicial guarantees in penal proceedings***

Common Article 3 prohibits “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”<sup>757</sup> Article 6 of Additional Protocol II further develops this requirement and formulates the most fundamental fair-trial guarantees for the prosecution and punishment of criminal offences related to the conflict.<sup>758</sup> Accordingly, courts adjudicating criminal cases must offer guarantees of independence and impartiality, allow the accused to be tried in his presence and presume his innocence until proved guilty according to law. As a matter of procedure, the accused must be informed without delay of the allegations against him and must be afforded all the means and rights necessary to prepare and conduct his defence. No one can be convicted of an offence except on the basis of individual penal responsibility, and no one can be compelled to testify against himself. No one can be held guilty for any act or omission that did not constitute a criminal offence at the time it was committed, and no heavier penalty may be imposed than was permissible at the time of the offence.

754 AP II, Art. 5(2)(c); CIHL, Rule 121.

755 AP II, Art. 5(4).

756 AP II, Art. 5(3); Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), para 4595.

757 GC I–IV, common Art. 3(1).

758 AP II, Art. 6(1).

Offenders must benefit from changes in the law providing for the possibility of a lighter penalty than was permissible at the time of the offence.<sup>759</sup> In no case can the death penalty be pronounced on persons who were under the age of 18 at the time of the offence, or carried out on pregnant women or mothers of young children.<sup>760</sup> Any person convicted of an offence must be advised of his judicial and other remedies.<sup>761</sup> In this context, it should also be pointed out that excessively long conflict-related judicial proceedings can have severe humanitarian consequences for the individual concerned. They will also have very serious consequences for the proper functioning of places of detention: Rwanda and the Philippines are recent examples of States affected by internal armed conflicts where delays in the processing of judicial cases contributed to significant problems of overcrowding in various places of detention.<sup>762</sup>

### *Procedural safeguards for internment*

While IHL governing non-international armed conflicts clearly refers to the possibility of internment,<sup>763</sup> i.e. of preventive detention for security reasons without criminal charge, it fails to expressly regulate internment. While there can be no doubt that internees benefit from the general provisions governing the treatment and conditions of detention of persons deprived of their liberty in non-international armed conflicts, treaty IHL remains silent as to the procedural safeguards afforded to internees during procedures concerning the initiation and review of their internment. Some guidance can be drawn from the rules applicable to internment in situations of international armed conflict. After all, common Article 3 encourages parties to a conflict to conclude special agreements giving effect to all or part of the other provisions of the Conventions in non-international armed conflicts as well.<sup>764</sup> In the view of the ICRC, the most important of these provisions have in any case attained customary nature in non-international armed conflicts, too.<sup>765</sup> At least to the extent that they are designed to safeguard the principles of humanity and the dictates of public conscience referred to in the Martens Clause, they would arguably have to be regarded as binding also in non-international armed conflicts.<sup>766</sup> For example, it would be difficult to reconcile a person's indefinite internment for security reasons with elementary considerations of humanity, unless the continued existence of

759 AP II, Art. 6(2); CIHL, Rule 101.

760 AP II, Art. 6(4).

761 AP II, Art. 6(3); CIHL, Rule 100.

762 See "[Philippines: Protecting life and dignity in places of detention](#)," ICRC operational update, 3 February 2010, and "[Rwanda: 1995 Retrospective Newsletter](#)," ICRC, 26 January 1996.

763 AP II, Art. 5.

764 GC I–IV, common Art. 3(3).

765 CIHL, Rule 99.

766 For more details on the Martens Clause, see Chapter 1.II.3.



N.S. Cohen/ICRC

Detainees return to Rubavu Prison, in Ginsenyi, Rwanda, after a day's work, 2014.

the security threat justifying such a measure is the object of periodic reviews by a competent court or administrative body. Also, wherever IHL governing international armed conflicts refers to internment, it describes it as the most severe security measure at the disposal of a belligerent party, one that may be taken only for imperative reasons of security subject to periodic review.<sup>767</sup> It may reasonably be concluded, therefore, that internment must always remain a temporary measure of last resort in non-international armed conflicts as well. Of course, when persons are interned by a governmental party to a conflict, they will also benefit from the protection of human rights law and the standards developed in the case-law of treaty-based human rights bodies. Thus, both IHL and human rights law complement national law in regulating internment and other forms of security detention in situations of non-international armed conflict.

<sup>767</sup> GC IV, Arts 41(1) and 78(1).



## Textbox 8: Procedural safeguards for internment/administrative detention

In 2005, the ICRC adopted an institutional legal and policy position entitled “Procedural Principles and Safeguards for Internment/Administrative Detention in Armed Conflict and Other Situations of Violence.” This document was annexed to an ICRC report, *IHL and the Challenges of Contemporary Armed Conflicts*, that was presented to the 30th International Conference of the Red Cross and Red Crescent in 2007; it provides guidance to the ICRC’s delegations in their operational dialogue with States and non-State armed groups.<sup>768</sup> In 2011, another ICRC report, entitled *Strengthening Legal Protection for Victims of Armed Conflicts*, was submitted to the 31st International Conference: it identified the protection of persons deprived of their liberty, including procedural safeguards in internment, as one of four areas that should be strengthened by developing existing IHL.<sup>769</sup> The Conference adopted a resolution inviting the ICRC to continue its efforts, in consultation with States and other parties, “to identify and propose a range of options and its recommendations to: (...) ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict.”<sup>770</sup> After having made its recommendations to the 32nd International Conference in December 2015, the ICRC was invited to continue its work to facilitate consultations on this issue, with a view to producing concrete and implementable outcomes, though of a legally non-binding nature.

- For further details, see the 2005 position paper entitled “Procedural Principles and Safeguards for Internment/Administrative Detention in Armed Conflict and Other Situations of Violence,” available at: [https://www.icrc.org/eng/assets/files/other/irrc\\_858\\_pejic.pdf](https://www.icrc.org/eng/assets/files/other/irrc_858_pejic.pdf)
- See also “Detention in non-international armed conflict: The ICRC’s work on strengthening legal protection,” webpage, ICRC. Available at: <https://www.icrc.org/eng/what-we-do/other-activities/development-ihl/strengthening-legal-protection-ihl-detention.htm>

768 Jelena Pejic, “[Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence](#),” *IRRC*, Vol. 87, No. 858, June 2005, pp. 375–391.

769 31st International Conference of the Red Cross and Red Crescent, Geneva, Draft Resolution and Report, *Strengthening legal protection for victims of armed conflicts*, October 2011. Available at: <http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-strengthening-legal-protection-11-5-1-1-en.pdf>

770 31st International Conference of the Red Cross and Red Crescent, Geneva, 28 November–1 December 2011, Resolution 1, *Strengthening legal protection for victims of armed conflicts*, para. 6. Available at: <http://www.icrc.org/eng/resources/documents/resolution/31-international-conference-resolution-1-2011.htm>

### (c) Transfers of detainees

For the present purposes, the term “transfer” is used in the broadest possible sense, covering any handover of a person from the control of one belligerent party to that of another State or other authority, regardless of whether the individual crosses an international border. The transfer of persons deprived of their liberty has emerged as one of the defining features of non-international armed conflicts over the past decade, especially where multinational forces or extraterritorial military operations are concerned. Even in purely internal armed conflicts, the phenomenon of foreign nationals joining armed groups has increased the likelihood of States transferring conflict-related detainees back to their home governments.

Of course, humanitarian concerns about how detainees might be treated after they are handed over to another authority or government are not new. For instance, the Third and Fourth Geneva Conventions place specific constraints on the transfer of individuals to other States and impose obligations to ensure their appropriate treatment after transfer. Furthermore, detainees remain protected under the principle of *non-refoulement*, according to which no person may be transferred to a country or authority where he or she might be in danger of being subjected to torture or other forms of ill-treatment, arbitrary deprivation of life or persecution on account of his or her race, religion, nationality, political opinion or membership in a particular social group. The principle of *non-refoulement* is expressed, with some variation in scope, in a number of international legal instruments, including in IHL, refugee law, international human rights law, and some extradition treaties. It is also an essential principle of customary international law. Treaty IHL applicable in non-international armed conflicts contains no express reference to the principle of *non-refoulement*; but it would be consistent with the categorical prohibitions set out in common Article 3 to understand that provision as prohibiting the transfer of persons to places where there are substantial grounds for believing they will be in danger of being subjected to violence to life and person, such as torture and other forms of ill-treatment, or even murder.

→ On transfers in situations of international armed conflict, see Sections II.2.c (prisoners of war) and III.2.g (civilian internees) above.

### 3. Detention by non-State armed groups

By definition, all non-international armed conflicts involve at least one non-State armed group. This means that IHL must also regulate the treatment and protection of persons held by such groups.

### (a) Distinguishing hostage-taking from other forms of detention

In practice, when government soldiers or civilians are captured and detained by non-State armed groups, States are often quick to accuse the latter of hostage-taking, an act that common Article 3 prohibits in all circumstances. While this description may be accurate as a matter of national criminal law, the concept of hostage-taking within the meaning of international law is far more restrictive. Although common Article 3 prohibits hostage-taking in all circumstances, the relevant definition is not found in IHL, but in international criminal law. Accordingly, hostage-taking is understood to denote the seizure or detention of any person, irrespective of status, combined with the threat to kill, injure or continue to detain the hostage, in order to compel a third party to do, or to abstain from doing, any act as an explicit or implicit condition for the release (or safety) of the hostage.<sup>771</sup> It is this specific intent that distinguishes hostage-taking from other forms of deprivation of liberty for reasons related to an armed conflict.<sup>772</sup>

### (b) Interpreting the obligations of non-State armed groups

It may legitimately be asked to what extent it is realistic to expect dissident armed forces or organized armed groups to afford the protection of IHL to captured government soldiers or other persons in their custody. Clearly, the answer very much depends on the circumstances of each case. While a well-organized non-State armed group controlling part of a State's territory for a prolonged period can be expected to respect and implement its obligations under IHL to the letter, it may be significantly more difficult to do so for loosely organized armed groups operating clandestinely and without any significant control over territory or infrastructure. Of course, the fundamental guarantees of humane treatment certainly constitute absolute minimum standards to be respected by all weapon-bearers in all circumstances. It is less certain, however, that unsophisticated non-State armed groups can realistically be expected to afford persons in their custody the right to send and receive correspondence, to receive relief parcels, or to undergo regular medical examinations. Even where such groups exercise effective control over part of a State's territory, it remains open to doubt whether they could ever, as a matter of law, conduct valid judicial proceedings in accordance with the procedural requirements of IHL. The most realistic interpretation of the law as it currently stands probably would be that non-State armed groups must provide for the basic needs of persons detained by them to the same extent

771 Rome Statute, Art. 8(2)(a)(viii) and (c)(iii); International Criminal Court, Elements of Crimes, War crime of taking hostages, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court*, First Session, 3–10 September 2002. See also International Convention against the Taking of Hostages, 17 December 1979, Art. 1.

772 CIHL, commentary on Rule 96.

as for those of the civilian population under their control or, in the absence of such control, to the same extent as for those of their own members.<sup>773</sup>

### To go further (Specific issues arising in non-international armed conflicts)<sup>774</sup>

- *Burundi: What the ICRC does for detainees during prison visits*, film, ICRC, 2013. Available at: <http://www.youtube.com/watch?v=vz1hhR5u9pA>
- “[Expert meeting on procedural safeguards for security detention in non-international armed conflict](#), Chatham House and International Committee of the Red Cross, London, 22–23 September 2008,” *IRRC*, Vol. 91, Number 876, December 2009, pp. 859–881.
- Deborah Casalin, “[Taking prisoners: Reviewing the international humanitarian law grounds for deprivation of liberty by armed opposition groups](#),” *IRRC*, Vol. 93, No. 883, September 2011, pp. 743–757.
- David Tuck, “[Detention by armed groups: Overcoming challenges to humanitarian action](#),” *IRRC*, Vol. 93, No. 883, September 2011, pp. 759–782.
- John B. Bellinger and Vijay M. Padmanabhan, “Detention operations in contemporary conflicts: Four challenges for the Geneva Conventions and other existing law,” *American Journal of International Law*, Vol. 105, No. 2, April 2011, pp. 201–243.
- Knut Dörmann, “Detention in non-international armed conflicts,” *International Law Studies*, Vol. 88, 2012, pp. 347–366.

### How Does Law Protect in War?

- Document No. 269, [United States, Treatment and Interrogation in Detention](#)
- Case No. 243, [Colombia, Constitutional Conformity of Protocol II](#), in particular question 7 b) and c)
- Case No. 260, [Afghanistan, Code of Conduct for the Mujahideen](#)

<sup>773</sup> AP II, Art. 5(1)(b); CIHL, commentary on Rule 118.

<sup>774</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)





# Chapter 6

## Civilians in enemy-controlled territory



ICRC

Viet Nam, 1972. Children in the south cross paths with US soldiers.

## Structure

- I. General protection of civilians in the power of the enemy
- II. Enemy nationals in the territory of a belligerent party
- III. Inhabitants of occupied territories
- IV. Humanitarian assistance
- V. Specific issues arising in non-international armed conflicts

### In a nutshell

- All civilians who find themselves in enemy-controlled territory must be treated humanely in all circumstances, and no security measures more severe than assigned residence or internment may be imposed on them.
- In occupied territories, the occupying power represents a *de facto* administrative authority that has a temporary right and duty to maintain public order and safety in accordance with the local laws already in force, but that may not introduce permanent changes to the social, demographic, geographical, political or economic order of the territory.
- IHL prohibits the use of starvation of the civilian population as a method of warfare, and obliges belligerent parties and non-belligerent States to allow and facilitate the delivery of impartial humanitarian relief consignments for any civilian population affected by a situation of international armed conflict.
- In situations of non-international armed conflict, the protection afforded by IHL is not tied to nationality, allegiance or status, but extends to all persons who are not, or no longer, taking a direct part in the hostilities.



### To go further<sup>775</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The protection of civilians](#), pp. 211–248.
- ICRC, [Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence](#), ICRC, 2012, 90 pp.
- “Protecting civilians,” webpage, ICRC. Available at: <https://www.icrc.org/en/what-we-do/protecting-civilians>

### How Does Law Protect in War?

- Case No. 61, [UN, Secretary-General’s Reports on the Protection of Civilians in Armed Conflict](#)

In the course of armed conflicts, the civilian population or individual civilians often find themselves within territory controlled by an adverse belligerent party. In international armed conflicts, this may be because the national territory of one State has been invaded and occupied by another, or because nationals of one belligerent party reside in the territory of another. In non-international armed conflicts, the belligerents and the civilian population generally have the same nationality, but may be divided into factions along ethnic, religious or political lines. Wherever civilians, their families and property find themselves in the effective military and administrative control of a belligerent enemy, there is a great risk that they will be treated arbitrarily and abused. Moreover, civilians affected by armed conflict are regularly deprived of the most basic goods and services essential to their survival, particularly where hostilities have caused a breakdown of public security and infrastructure, or where parts of the population have been displaced. In such situations, starvation, sickness and crime quickly take their toll and require, at the very least, immediate humanitarian assistance from the outside. IHL therefore devotes considerable attention to the protection of civilians who have fallen into the power of a belligerent party and to the duty of belligerents to allow and facilitate humanitarian assistance to any civilian population in need as a result of an armed conflict.

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<sup>775</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## I. GENERAL PROTECTION OF CIVILIANS IN THE POWER OF THE ENEMY

The fundamental rules and principles of IHL governing the protection of civilians who find themselves in the power of a belligerent party, whether in its national territory or in occupied territory, are laid down in Articles 27 to 34 of the Fourth Geneva Convention and Articles 72 to 79 of Additional Protocol I. Today, most of these provisions are recognized as having attained the status of customary law.<sup>776</sup>

### 1. Protected persons

In situations of international armed conflict, the main legal instrument protecting civilians in the power of the enemy is the Fourth Geneva Convention. As we saw in Chapter 5, this Convention focuses on the protection of persons who are not entitled to prisoner-of-war status and “who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”<sup>777</sup> Thus, the notion of “protected person” within the meaning of the Fourth Geneva Convention includes not only peaceful civilians, but also civilians who have directly participated in hostilities and, in principle, even members of the armed forces who for some reason have lost their entitlement to prisoner-of-war status.

→ On entitlement to prisoner-of-war status, see Chapter 5.I.2.

The Fourth Geneva Convention does not, however, oblige belligerent States to protect their own nationals, the nationals of neutral States within their territory, or the nationals of co-belligerent States, provided normal diplomatic relations are maintained with the State of nationality.<sup>778</sup>

→ On the precise scope of protection of the Fourth Geneva Convention, see Chapter 5.I.3.

It must be emphasized that even persons who fail to qualify both for prisoner-of-war status and for protection under the Fourth Geneva Convention remain protected by IHL. Most notably, Additional Protocol I provides that all persons affected by an international armed conflict who are in the power of a belligerent party, and who do not benefit from more favourable treatment under a specific status regime of IHL, must be treated humanely

<sup>776</sup> CIHL, Rules 52, 87–105 and 146.

<sup>777</sup> GC IV, Art. 4(1) and (4).

<sup>778</sup> GC IV, Art. 4(2). However, see also ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), paras 163–169.

in all circumstances and must benefit, as a minimum, from a number of fundamental guarantees, including judicial guarantees, that have become part of customary international law.<sup>779</sup> Moreover, there is a growing consensus that all persons finding themselves within the effective territorial control or physical custody of a belligerent State must be regarded as being within the jurisdiction of that State and, therefore, as benefiting from the protection of international human rights law. In sum, no persons finding themselves in the power of a party to an international armed conflict can fall outside the protection of IHL.

## 2. Basic duties and responsibilities of belligerents

Irrespective of any individual responsibilities that may exist, belligerent parties remain responsible for the treatment accorded by their agents to persons in their power.<sup>780</sup> Persons in the power of an adverse party to a conflict may in no circumstances, not even voluntarily, renounce the rights secured to them under IHL.<sup>781</sup>

### (a) Humane treatment and non-discrimination

Persons who are in the power of a belligerent party must be treated humanely at all times. In particular, they are entitled to respect for their person, honour, family rights, religious convictions and practices, and for their manners and customs, and must be protected against all acts or threats of violence, insults and public curiosity.<sup>782</sup> Accordingly, the following acts – or threats thereof – are prohibited “at any time and in any place whatsoever, whether committed by civilian or by military agents”:<sup>783</sup>

- violence to life and health, in particular murder, corporal punishment, physical or mental torture and mutilation;<sup>784</sup>
- pillage and outrages upon personal dignity, in particular humiliating or degrading treatment, and any form of sexual violence or abuse;<sup>785</sup>
- physical or moral coercion, in particular reprisals, hostage-taking, collective punishment, and measures of intimidation or terrorism.<sup>786</sup>

Differences in treatment may sometimes be justifiable on the grounds of health, age or sex; however, in all other circumstances, discrimination – on

779 See, in particular, AP I, Art. 75, and CIHL, Rules 87–105.

780 GC IV, Art. 29.

781 GC IV, Art. 8.

782 GC IV, Art. 27(1); AP I, Art. 75(1); CIHL, Rules 87 and 104–105.

783 AP I, Art. 75(2).

784 GC IV, Art. 32; AP I, Art. 75(2)(a); CIHL, Rules 89–92.

785 GC IV, Arts 27(2) and 33(2); AP I, Art. 75(2)(b); CIHL, Rules 52, 90 and 93.

786 GC IV, Arts 31, 33 and 34; AP I, Art. 75(2)(c), (d) and (e); CIHL, Rules 96, 103 and 146.

the basis of race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria – is strictly prohibited.<sup>787</sup>

### (b) Right to communicate

#### *Communication with Protecting Powers or the ICRC*

Civilians in territory controlled by an adverse party to a conflict have the right to communicate individually or collectively with the Protecting Powers, the ICRC, the National Societies or any other organization able to assist them. Such communication may include suggestions, complaints, protests or requests for assistance, or take any other form appropriate in the circumstances.<sup>788</sup> Belligerent parties must facilitate visits by delegates of the Protecting Powers and of the ICRC, and, as much as possible, by representatives of other relief organizations.<sup>789</sup>

#### *Maintaining and restoring family links*

All persons in the territory controlled by a belligerent party must be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them,<sup>790</sup> if necessary through the assistance of the Central Tracing Agency and the National Societies.<sup>791</sup> The belligerent parties must also facilitate enquiries by members of families dispersed by the war, so that they can renew contact with one another and meet, if possible. The belligerent parties must encourage, in particular, the work of organizations engaged in this task, provided those organizations are acceptable to them and comply with their security regulations.<sup>792</sup>

### To go further (Restoring family links)<sup>793</sup>

- *Afghanistan: Helping Families Stay in Touch*, film, ICRC, February 2014. Available at: <http://www.youtube.com/watch?v=XaNgpy3f1GQ>
- ICRC e-learning course, *Restoring Family Links and Psychosocial Support*. Available at: <http://familylinks.icrc.org/en/Pages/NewsAndResources/Resources/E-learning-RFLPSS.aspx>

<sup>787</sup> GC IV, Arts 13 and 27(3); AP I, Art. 75(1); CIHL, Rule 88.

<sup>788</sup> J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 214.

<sup>789</sup> GC IV, Art. 30.

<sup>790</sup> GC IV, Art. 25(1); CIHL, Rule 105.

<sup>791</sup> GC IV, Art. 25(2).

<sup>792</sup> GC IV, Art. 26.

<sup>793</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

- Olivier Dubois, Katharine Marshall and Siobhan Sparkes McNamara, “[New technologies and new policies: the ICRC’s evolving approach to working with separated families](#),” *IRRC*, Vol. 94, No. 888, December 2012, pp. 1455–1479.
- ICRC, [Restoring Family Links Strategy](#), ICRC, Geneva, 2009, 64 pp.
- ICRC, [Accompanying the Families of Missing Persons: A Practical Handbook](#), ICRC, Geneva, 2013, 158 pp.
- “Restoring Family Links,” webpage, ICRC. Available at: <http://www.icrc.org/eng/what-we-do/restoring-family-links/index.jsp>
- “Restoring Family Links,” Movement website. Available at: <http://familylinks.icrc.org/en/Pages/home.aspx>

### ***How Does Law Protect in War?***

- Document No. 34, [ICRC, Tracing Service](#)

### **3. Right to take security measures**

While IHL requires belligerent parties to respect and protect the civilian population in territory under their control, it also expressly recognizes their right to “take such measures of control and security in regard to protected persons as may be necessary as a result of the war.”<sup>794</sup> Depending on the circumstances, this may include a ban on carrying firearms, restrictions of movement within or outside certain areas, a duty to carry identity documents, or restrictions on political activities or on certain professions. While IHL does not provide an exhaustive list of permissible security measures, it specifies that, in any event, the most severe measures that may be imposed are those of assigned residence and internment (on internment, see Chapter 5).<sup>795</sup> The implicit criterion of necessity further suggests that security measures may not exceed what is reasonably required to achieve a legitimate security purpose in the circumstances. Also, regardless of any actual or perceived necessity, all security measures, including their specific purposes, components and foreseeable consequences, must always remain within the limits set by the fundamental guarantees and specific prohibitions derived from the general duty of humane treatment.<sup>796</sup> In sum, therefore, the broad wording of this provision may leave belligerent parties a considerable

<sup>794</sup> GC IV, Art. 27(4).

<sup>795</sup> GC IV, Arts 41 and 78(1).

<sup>796</sup> See Section 2.a.

amount of discretion, but does not amount to a general derogatory clause in favour of security considerations.<sup>797</sup>

#### 4. Special protection for specific categories of person

Apart from the fundamental guarantees owed to every human being in the power of a belligerent party, IHL affords special protection to various categories of person who, owing to their sex, age, profession or status, are particularly exposed to certain risks.

##### (a) Women

In time of war, women are often left to take care of children and other dependents on their own and under extremely difficult circumstances. In addition, they are particularly exposed to the risk of sexual violence and abuse by weapon-bearers or organized criminal groups. IHL therefore emphasizes that women must be “especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>798</sup> 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.<sup>799</sup> To the maximum extent feasible, the death penalty should not be pronounced, and may in any case not be carried out, on such women.<sup>800</sup>

#### To go further (Women)<sup>801</sup>

- *Sexual Violence in Armed Conflicts: An Invisible Tragedy*, film, ICRC, March 2014. Available at: <http://www.youtube.com/watch?v=M0ER1uTt7VE>
- *Democratic Republic of the Congo: Rape Remains Rape, No Matter Who Did It*, film, ICRC, October 2014. Available at: <http://www.youtube.com/watch?v=OleLyA8-cGQ>
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The protection of civilians](#), pp. 213–217.
- Helen Durham and Tracey Gurd, *Listening to the Silences: Women and War*, Martinus Nijhoff, Leiden/Boston, 2005, 276 pp.
- “[Sexual Violence in armed conflict](#),” *IRRC*, Vol. 96 No. 894, Summer 2014.

797 See also J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 207.

798 GC IV, Art. 27(2); AP I, Art. 76(1); CIHL, Rules 93 and 134.

799 AP I, Art. 76(2).

800 AP I, Art. 76(3).

801 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

- “[Women](#),” *IRRC*, Vol. 92, No. 877, March 2010.
- Charlotte Lindsey, “[Women and war: An overview](#),” *IRRC*, No. 839, September 2000, pp. 561–580.
- ICRC Advisory Services, *Prevention and Criminal Repression of Rape and other Forms of Sexual Violence during Armed Conflicts*, Legal factsheet, ICRC, March 2015. Available at: <https://www.icrc.org/en/download/file/4865/prevention-criminal-repression-rape-sexual-violence-armed-conflicts-icrc-eng.pdf>
- “Women,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/protected-persons/women>
- “Sexual violence in armed conflicts: Questions and answers,” ICRC, November 2013. Available at: <https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>

### ***How Does Law Protect in War?***

- Case No. 270, [India, Press Release, Violence in Kashmir](#)

## **(b) Children**

### ***Duty to provide protection and care***

Children are probably 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 become victims of forced recruitment, slavery and sexual violence. Therefore, belligerent parties must also ensure that children under the age of 15 are not left to their own resources,<sup>802</sup> and that all children under 12 are equipped with identity discs or similar means of identification.<sup>803</sup> In particular, the parties to a conflict must provide children with the care and assistance they require, facilitate their education and religious practice,<sup>804</sup> and protect them against any form of indecent assault.<sup>805</sup>

### ***Recruitment***

Children who are recruited into armed forces or armed groups are particularly exposed to violence and other dangers of war. As combatants or as civilians directly participating in hostilities, they may even become

<sup>802</sup> GC IV, Art. 24(1); CIHL, Rule 135.

<sup>803</sup> GC IV, Art. 24(3).

<sup>804</sup> GC IV, Art. 24(1); AP I, Art. 77(1); CIHL, Rules 104 and 135.

<sup>805</sup> AP I, Art. 77(1); CIHL, Rule 93.



Ganta, Liberia, on the border with Guinea, 2003. Female members of government armed forces/militias on guard duty.

T.A. Voeten/ICRC

legitimate military targets themselves. Belligerent parties must therefore take all feasible measures to prevent children under the age of 15 from directly participating in hostilities and, in particular, may not recruit them into their armed forces.<sup>806</sup> While recruiting among people who are 15 or older but have not yet reached the age of 18, the parties to a conflict must endeavour to give priority to those who are oldest.<sup>807</sup> While the 1989 Convention on the Rights of the Child initially adopted the same obligations,<sup>808</sup> its Optional Protocol of May 2000 lifted the age limit for compulsory recruitment to 18 years, called on States to raise the minimum age for voluntary recruitment above 15 years and provided that non-State armed groups should not under any circumstances recruit or use in hostilities children under 18 years of age.<sup>809</sup> If children fall into the power of an adverse party after having directly participated in hostilities, they continue to benefit from the special protection accorded to children, whether or not they are prisoners of war.<sup>810</sup>

### **Evacuation**

Belligerent parties should facilitate the accommodation of unaccompanied children under the age of 15 in a neutral country for the duration of a

806 AP I, Art. 77(2); CIHL, Rules 136 and 137.

807 AP I, Art. 77(2).

808 Convention on the Rights of the Child, 20 November 1989, Art. 38(3).

809 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000, Arts 2–4.

810 AP I, Art. 77(3).



conflict.<sup>811</sup> However, they may not evacuate children who are not their own nationals to a foreign country, except on a temporary basis where required for the health, medical treatment or safety of the children. In occupied territory, such evacuation must be consistent with Article 49 of the Fourth Geneva Convention. Any such evacuation must be conducted with the consent of the parents or guardian or other responsible person, unless such responsible persons cannot be found, and in any case under the supervision of the Protecting Power and with the agreement of the evacuating State, the receiving State and the child's State of nationality.<sup>812</sup> To facilitate the return of evacuated children to their families, the authorities concerned must provide the ICRC's Central Tracing Agency with relevant information for each child.<sup>813</sup>

### To go further (Children)<sup>814</sup>

- *Democratic Republic of the Congo: Children of Conflict Return Home*, film, ICRC, 2013. Available at: [https://www.youtube.com/watch?v=KzU250Pb\\_A](https://www.youtube.com/watch?v=KzU250Pb_A)
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The Protection of Civilians](#), pp. 217–220.
- Daniel Helle, “[Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child](#),” *IRRC*, No. 839, September 2000.
- ICRC, *Children Associated with Armed Forces or Armed Groups*, ICRC, Geneva, September 2013, 14 pp.
- “Children,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/protected-persons/children>

### How Does Law Protect in War?

- Case No. 237, [ICC, The Prosecutor v. Thomas Lubanga Dyilo](#)
- Case No. 276, [Sierra Leone, Special Court Ruling on the Recruitment of Children](#)

811 GC IV, Art. 24(1) and (2).

812 AP I, Art. 78(1).

813 For a complete list of the information to be recorded, see AP I, Art. 78(3).

814 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

### (c) Journalists and war correspondents

Journalists working in areas of armed conflict are inevitably exposed to the incidental dangers of warfare. The greatest risk they incur because of their specific role is that of being detained for alleged espionage, or of being deliberately attacked by forces, groups or individuals opposed to independent media reports from the area in question. In recent years, demands have been made for journalists reporting from conflict zones to be given a separate status or protective emblem in order to enhance their protection during armed conflict. In reality, however, journalists face dangers in conflict areas, not for want of legal protection, but because of a lack of respect for the protection already afforded to them under IHL. Additional Protocol I expressly affirms that “journalists engaged in dangerous professional missions in areas of armed conflict” qualify as civilians under IHL,<sup>815</sup> and requires that they be protected as such, provided they do not “take action adversely affecting their status as civilians.”<sup>816</sup> The only action for which civilians can be deprived of protection against direct attacks is direct participation in hostilities.<sup>817</sup> If journalists are formally accredited to the armed forces, whether as “war correspondents” or, less technically, as “embedded journalists,” they remain civilians, but are entitled to prisoner-of-war status upon capture.<sup>818</sup> IHL does not provide journalists with a right of access to conflict-affected areas or persons but, in principle, grants them the same rights and subjects them to the same restrictions as ordinary civilians. It is thus entirely up to belligerent parties to decide whether they want to grant journalists privileges or, within the bounds of IHL, whether they want to impose more severe restrictions on them than are applied to the general civilian population. Additional Protocol I nevertheless recommends that the State of nationality or residence, or that State in which the media organization employing them has its headquarters, issue identity cards to journalists on dangerous professional missions.<sup>819</sup> Given that journalists are simply civilians, such cards do not confer any particular status, rights or privileges under IHL but, in practice, may help to protect journalists from wrongful accusations of espionage or other hostile activities.

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815 AP I, Art. 79(1).

816 AP I, Art. 79(2); CIHL, Rule 34.

817 CIHL, Rule 34. See also Chapter 3.I.4.

818 GC III, Art. 4(A)(4).

819 AP I, Art. 79(3). Annex II to AP I provides a model identity card for that purpose.



D. Revol/ICRC

Syrian refugees at the assembly point in Bustana, Syrian Arab Republic, before crossing into Jordan and the refugee camp at Ruwashed, 2013.

#### (d) Refugees, the stateless and the internally displaced

Refugees<sup>820</sup> and stateless persons<sup>821</sup> caught up in an armed conflict may find themselves in a very difficult situation. They are not nationals of the territorial State, nor can they rely on the protection of their State of origin or State of last residence. It is therefore important not to exclude them from the protection of IHL, or otherwise place them at a disadvantage, based on formalistic criteria of nationality that do not correspond to the reality of their situation.

Thus, the Fourth Geneva Convention provides that belligerent parties should not consider persons as enemy nationals merely because they are nationals *de jure* of an opposing party to a conflict when, as refugees fleeing persecution, they cannot *de facto* rely on the protection of their State of nationality.<sup>822</sup> Additional Protocol I provides that persons who, before the beginning of hostilities, were recognized as stateless or refugees under international law, or under the national law of the State of refuge or residence, must be treated as protected persons within the meaning of the Fourth Geneva Convention in all circumstances and

820 According to Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees, the term refugee describes “any person who (...) owing to a 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country...”

821 According to Article 1 of the 1954 Convention relating to the Status of Stateless Persons, “the term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law.”

822 GC IV, Art. 44.



B. Heger/ICRC

Ouham region, Bossonga, Central African Republic, 2013. A group of displaced persons fleeing violence reach the outskirts of the town, where they will seek refuge at the Catholic mission.

without any adverse distinction.<sup>823</sup> Most notably, should such persons fall into the power of an adverse party to the conflict, they may not be denied the protection of the Fourth Geneva Convention even if they are nationals of the detaining power.<sup>824</sup>

Internally displaced persons are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>825</sup> Although internal displacement is a major cause of humanitarian crisis in many armed conflicts, treaty IHL does not specifically address the issue, but simply affords displaced persons the same general protection as the civilian population. Furthermore, as long as they remain within the territory of their State of origin, displaced persons cannot benefit from refugee status and the attached rights under the 1951 Convention relating to the Status of Refugees. In order to address this gap in the law, the UN Human Rights Commission adopted a soft-law instrument, the Guiding Principles on Internal Displacement, in 1998. These principles provide non-binding guid-

<sup>823</sup> AP I, Art. 73.

<sup>824</sup> See also GC IV, Art. 70(2), on the protection of refugees in occupied territory who are the occupying power’s own nationals.

<sup>825</sup> *United Nations Guiding Principles on Internal Displacement*, document E/CN.4/1998/53/Add.2, 1998 (Deng Principles), Art. 2.

ance to States and other authorities or organizations confronted with internal displacement. They also identify rights and guarantees aiming to protect persons from forced displacement, and to protect and assist them both during such displacement and during their return or resettlement and reintegration.<sup>826</sup> It was only in 2009, with the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), that legal protection of internally displaced persons was regulated in a specific international treaty.<sup>827</sup>

### To go further (Journalists, the displaced and refugees)<sup>828</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The protection of civilians](#), pp. 220, 226–230 and 237.
- “[Displacement](#),” *IRRC*, Vol. 91, No. 875, September 2009.
- “Refugees and Displaced Persons,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/protected-persons/refugees-displaced-persons>

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- Case No. 37, [Protection of Journalists](#)
- Case No. 196, [Sri Lanka, Conflict in the Vanni](#)
- Case No. 228, [Case Study, Armed Conflicts in the Great Lakes Region \(1994–2005\)](#)
- Case No. 274, [Case Study, Armed Conflicts in Sierra Leone, Liberia and Guinea \(1980–2005\)](#)

## II. ENEMY NATIONALS IN THE TERRITORY OF A BELLIGERENT PARTY

### 1. Protected persons as “enemy nationals”

At the outbreak of war, nationals of one belligerent party who are resident or otherwise present within the territory of an opposing party may find themselves in a very difficult situation. They may have left their country of origin decades earlier to build a new life in another country and, because

<sup>826</sup> United Nations Guiding Principles, *op. cit.* (note 825), Arts 1 and 3.

<sup>827</sup> The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) was adopted on 23 October 2009 and entered into force on 6 December 2012; by the end of 2014, it had been signed by 39 and ratified by 22 member States of the African Union.

<sup>828</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

of the war, may suddenly be considered “enemy nationals” by their country of residence. One well-known example of this is the approximately 30,000 Japanese nationals in the United States who were collectively interned for the duration of World War II, along with around 80,000 US citizens of Japanese descent. In order to avoid the severe humanitarian impact of such generalized security measures, the Fourth Geneva Convention establishes a regime of protection for persons present in the territory of a belligerent party who are of enemy nationality, or whose State of origin does not maintain normal diplomatic relations with the territorial State.

## 2. Right to leave and transfers to another country

### *Right to leave*

The most important right granted to protected persons is the right to leave the territory of a belligerent party, whether immediately, when conflict breaks out, or later, while it is being fought. The territorial State may refuse a protected person’s departure if that would be contrary to its “national interests,”<sup>829</sup> a criterion that seems to be broader than considerations of “State security.” In fact, based on the argument of national interest, the territorial State could legitimately refuse or restrict the repatriation, for example, of male enemy nationals of fighting age, of scientists or other experts who could make an effective contribution to the enemy’s war effort, or arguably even of persons whose continued presence is needed by the territorial State for economic reasons.<sup>830</sup> Nevertheless, in view of the potential humanitarian consequences of the excessive use of restrictive measures, belligerent parties should use their right to refuse the departure of protected persons with utmost restraint. In any case, the applications of such persons to leave must be decided as rapidly as possible and in accordance with regularly established procedures, which must include the right to appeal an initial refusal or reconsideration by an appropriate court or administrative board.<sup>831</sup> Permitted departures must be carried out in satisfactory conditions in terms of safety, hygiene, sanitation and food, and those who are granted permission to leave must be able to take with them the funds needed for their journey and “a reasonable amount of their effects and articles of personal use.”<sup>832</sup> While this would seem to allow protected persons to take with them as much of their property as they can personally carry, the national control measures usually enacted at the outset of a conflict are likely to prohibit the export of larger amounts of capital or movable property.<sup>833</sup>

829 GC IV, Art. 35(1).

830 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit. (note 387), p. 236.

831 GC IV, Art. 35(1).

832 GC IV, Arts 35(1) and 36(1).

833 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit. (note 387), p. 236.

### *Transfers to another country*

In principle, a belligerent party may lawfully transfer protected persons present within its territory to that of another State party to the Fourth Geneva Convention and willing and able to provide them with the protection they are entitled to under IHL. In line with the customary principle of *non-refoulement*, however, protected persons may in no circumstances be transferred to a country where they may have reason to fear persecution for their political opinions or religious beliefs.<sup>834</sup> This prohibition constitutes no obstacle to the repatriation or return of protected persons after the cessation of hostilities,<sup>835</sup> or to their extradition in relation to offences against ordinary criminal law and based on extradition treaties pre-dating the conflict.<sup>836</sup> Just as is the case for persons deprived of their liberty, responsibility for the protection of persons lawfully transferred to another State passes to the receiving State for such time as they remain in its custody. Here, too, if the receiving State fails to fulfil its obligations under IHL in any important respect, the transferring State must take effective measures to correct the situation or ensure that the protected persons in question are returned to its jurisdiction.<sup>837</sup>

## **3. Non-repatriated persons**

### *Treatment*

Non-repatriated persons who remain within the territory of an adverse party to a conflict are protected persons under the Fourth Geneva Convention and benefit from the full protection of IHL. In principle, with a few exceptions, their situation should continue to be regulated by the law applicable to foreign nationals in time of peace. In any case, the territorial State must ensure that protected persons are authorized to move from areas particularly exposed to the dangers of war to the same extent as the local population, and that they are given the same treatment in terms of health care, social assistance and the opportunity to find paid employment so as to be able to support themselves. Protected persons must also be allowed to practise their religion, to benefit from spiritual assistance and to receive individual or collective relief or allowances sent to them by their next of kin, their country of origin, the Protecting Power, or relief societies.<sup>838</sup> Where measures of security and control imposed by the territorial State prevent protected persons from finding paid employment or from otherwise supporting themselves, that State must provide such protected persons and their dependents with the necessary support.<sup>839</sup> Pro-

834 GC IV, Art. 45(3).

835 GC IV, Art. 45(2).

836 GC IV, Art. 45(5).

837 GC IV, Art. 45(3).

838 GC IV, Arts 38 and 39(3).

839 GC IV, Art. 39(2).



tected persons may be compelled to work only to the same extent as nationals of the territorial State, and must benefit from the same working conditions and safeguards concerning pay, working hours, clothing and equipment, training and compensation for accidents and illness.<sup>840</sup> However, protected persons of enemy nationality may not be compelled to do work directly related to the conduct of military operations.<sup>841</sup>

### ***Security measures***

Within the limits set by IHL, the territorial State may subject protected persons to any measures of control and security it may deem necessary “as a result of the war.”<sup>842</sup> The general principles governing security measures with regard to persons protected by the Fourth Geneva Convention apply here as well. This means that the territorial State enjoys a great deal of latitude in determining the kind, severity and duration of the security measures to be imposed, provided that the fundamental guarantees afforded by IHL are upheld at all times and provided also that no security measure is more severe than assigned residence or internment.<sup>843</sup> Restrictive measures taken regarding protected persons and their property must be cancelled as soon as possible after the end of hostilities.<sup>844</sup>

### **To go further (Enemy nationals in the territory of a belligerent party)<sup>845</sup>**

- Marco Sassòli, “The concept of security in international law relating to armed conflicts,” in Cecilia M. Bailliet (ed.), *Security: A Multidisciplinary Normative Approach*, Martinus Nijhoff, Leiden/Boston, 2009, pp. 7–23.

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- Case No. 162, [Eritrea/Ethiopia, Award on Civilian Internees and Civilian Property](#)
- Case No. 175, [UN, Detention of Foreigners](#)
- Case No. 216, [ICTY, The Prosecutor v. Blaskić](#)

<sup>840</sup> GC IV, Art. 40(1) and (3).

<sup>841</sup> GC IV, Art. 40(2).

<sup>842</sup> GC IV, Art. 27(4).

<sup>843</sup> GC IV, Art. 41(1).

<sup>844</sup> GC IV, Art. 46.

<sup>845</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)





G. Kavalierchik/ICRC

Kuneitra checkpoint, Israeli-occupied Golan, 2013. Families bid a tearful farewell to students returning to their studies at Damascus University.

### III. INHABITANTS OF OCCUPIED TERRITORIES

In situations of belligerent occupation, a belligerent State exercises military authority over all or part of the territory of an opposing party to the conflict.<sup>846</sup> This position of almost absolute power over the territory, infrastructure and population of an enemy State has in the past led to the most shocking abuse. It is sufficient to remember the policies of deportation, enslavement and extermination, and the looting, rape and abuse committed by occupying powers in the context of World War II, to understand the desperate need for protection of the populations concerned. Apart from exposing the population to direct abuse by a hostile power, belligerent occupation can also have complex legal and political implications beyond the realm of IHL. In particular, contexts of long-term occupation without any realistic prospect of political resolution, or contexts of “transformative” occupation intended to change the local political system, can profoundly destabilize entire societies and result in widespread and persistent human suffering. The modern law of occupation, as reflected in the Hague Regulations, the Fourth Geneva Convention and Additional Protocol I, does not question the lawfulness of belligerent occupation, but recognizes the *de facto* authority of the occupying power and takes its legitimate security interests into account. At the same time, it aims to prevent the introduction of unwarranted changes to the intrinsic characteristics of the occupied territory, to protect

<sup>846</sup> See Chapter 2.IV.

the inhabitants from arbitrary decisions and abuse, and to allow them to lead as normal a life as possible.

## 1. The occupying power as a temporary *de facto* authority

### (a) Responsibility for public order and safety

The Hague Regulations describe the basic role and responsibilities of an occupying power as follows: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”<sup>847</sup> Thus, for the duration of the occupation, the occupying power *de facto* replaces the legitimate government (but without devolution of sovereignty) and has a legal right and duty to ensure public order and safety in accordance with the laws already in force in the territory. Significant restrictions to the occupying power’s authority, compared to that of the legitimate sovereign, prohibit the introduction of permanent changes to the social, demographic, geographical, political and economic structure of the occupied territory, the exploitation for profit of its natural, cultural and economic resources, and any other exercise of its authority that is in contradiction with its duties towards the occupied territory and its inhabitants. In particular, as has been pointed out, the occupying power may not impose any security measures more severe than assigned residence or internment on protected persons under its control.<sup>848</sup> In sum, the law of occupation could be described as a legal regime tailor-made for the temporary administration of territories belonging to a hostile State. Any permanent changes introduced into the legal and political order of an occupied territory must be based on a valid peace treaty or, exceptionally, on a resolution adopted by the UN Security Council in line with its responsibility for maintaining or restoring international peace and security.

### (b) Responsibility for public administration and services

Apart from ensuring public order and safety, the occupying power also bears ultimate responsibility for the continued functioning of public institutions and services for the benefit of the population under occupation. The occupying power must, to the fullest extent of the means available to it, ensure that the civilian population has the basic items needed for its survival, such

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847 Hague Regulations, Art. 43. Experts generally agree that this provision, as reflected in the French text, imposes on the occupying power an obligation “to restore public order and civil life,” the meaning of which is much broader than the term “public safety” used in the English version. See ICRC, *Occupation and Other Forms of Administration*, *op. cit.* (note 80), pp. 56–57.

848 See Chapter 5.III.

as food, medical supplies, clothing and shelter.<sup>849</sup> Likewise, with the co-operation of the national and local authorities, it must ensure and maintain medical services, public health and hygiene,<sup>850</sup> facilitate adequate education and care for children,<sup>851</sup> and permit the provision of spiritual assistance<sup>852</sup> and humanitarian relief<sup>853</sup> within the occupied territory. The occupying power can also collect the taxes, dues and tolls imposed by local legislation on behalf of the occupied State, but must use such revenue for the administration and benefit of the occupied territory.<sup>854</sup>

### (c) Respect for public officials and judges

In principle, public officials and judges in the occupied territory must be allowed to retain their status and to continue to carry out their duties in the service of the inhabitants without unwarranted interference or intimidation.<sup>855</sup> For example, the Fourth Geneva Convention provides that, as long as they pose no obstacle to the effective administration of justice or to the occupying power's full compliance with IHL, the criminal tribunals of the occupied territory should continue to adjudicate all offences by protected persons under local legislation.<sup>856</sup> Should public officials and judges abstain from fulfilling their functions for reasons of conscience, however, they may not be exposed to sanctions or to measures of coercion or discrimination.<sup>857</sup> This principle is subject to two exceptions. First, the occupying power retains its right to requisition compulsory labour from public officials and judges whose work is "necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country."<sup>858</sup> Second, the occupying power may come to the conclusion that the effective implementation of its duties under IHL requires the removal of public officials from their posts and the establishment of its own administration and courts.<sup>859</sup> In reality, however, occupying authorities tend to remove only government officials and other political agents, and to continue to rely on local officials for the non-political administration of the occupied territory.<sup>860</sup>

849 GC IV, Art. 55; AP I, Art. 69(1).

850 GC IV, Art. 56(1); AP I, Art. 14(1).

851 GC IV, Art. 50.

852 GC IV, Art. 58.

853 GC IV, Arts 59–63; CIHL, Rule 55.

854 Hague Regulations, Art. 48.

855 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 304.

856 GC IV, Art. 64(1).

857 GC IV, Art. 54(1).

858 GC IV, Arts 51(2) and 54(2).

859 GC IV, Art. 54(2).

860 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 308.

## 2. Protection of the inhabitants

The provisions of IHL specifically designed to govern situations of belligerent occupation can be found primarily in the Hague Regulations<sup>861</sup> and the Fourth Geneva Convention,<sup>862</sup> supplemented by individual provisions from Additional Protocol I.<sup>863</sup> While the Hague Regulations protect the population of the occupied territory as a whole,<sup>864</sup> the Fourth Geneva Convention is based on the concept of “protected person,” which includes all persons present in occupied territories except: (a) the nationals of the occupying power and its co-belligerents, and (b) those entitled to prisoner-of-war status.<sup>865</sup> Also protected are persons formally recognized as refugees, regardless of their nationality.<sup>866</sup> While the respective scopes of protection are not identical for those different categories of person, developments in customary IHL and human rights law since World War II have rendered the differences largely irrelevant in practice.

### (a) Humane treatment

More than a hundred years ago, the Hague Regulations were already requiring that, in occupied territory, the lives and property of the inhabitants, their family honour and rights, and their religious convictions and practice be respected,<sup>867</sup> and prohibited the infliction of collective punishment “upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.”<sup>868</sup> Today, the general obligation of humane treatment and non-discrimination expressed in the Fourth Geneva Convention and Additional Protocol I also applies to the population of occupied territories,<sup>869</sup> as do the specific duties, prohibitions and guarantees derived from that obligation.<sup>870</sup> Therefore, modern IHL governing belligerent occupation does not contain a separate reaffirmation of these fundamental guarantees but focuses on additional topics relevant to the specific circumstances of occupied territories, such as the inviolability of the rights and allegiance of the inhabitants, the prohibition of demographic changes, and the protection of private and public property and of the legal order in territories subject to belligerent occupation.

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861 Hague Regulations, Arts 42–56.

862 GC IV, Arts 47–78.

863 AP I, Arts 44(3), 63, 69, 73 and 85(4)(a).

864 The relevant provisions of the Hague Regulations refer to “inhabitants” (Arts 44, 45 and 52), the “population” (Art. 50) and “persons” (Art. 46).

865 GC IV, Art. 4.

866 AP I, Art. 73.

867 Hague Regulations, Art. 46(1).

868 Hague Regulations, Art. 50.

869 GC IV, Art. 27(1) and (3); AP I, Art. 75(1); CIHL, Rules 87 and 88.

870 GC IV, Arts 27–34; AP I, Arts 72–79.

## (b) Rights, duties and allegiance of the population

### *Inviolability and non-renunciation of rights*

In situations of occupation, particular importance is given to protecting the population from attempts by the occupying power to abuse its position of strength and introduce changes to the political status, structure and institutions of the occupied territory, whether through unilateral acts or on the basis of forced bilateral agreements with the occupied State. The Fourth Geneva Convention therefore emphasizes that no agreement concluded between belligerent parties, annexation or other change to the institutions or government of an occupied territory may deprive the inhabitants of the benefits of the Convention.<sup>871</sup> Nor may protected persons renounce all or part of the rights afforded to them under the Fourth Geneva Convention or under any special agreements between the belligerent parties.<sup>872</sup>

### *Duty of obedience and respect for allegiance*

Also, while the inhabitants of occupied territory have a duty of obedience towards the *de facto* authorities of the occupying power, they have no corresponding duty of allegiance. Thus, they cannot be compelled to swear allegiance to the occupying power,<sup>873</sup> to serve in its armed or auxiliary forces,<sup>874</sup> or to furnish information about the armed forces or means of defence of the occupied State.<sup>875</sup> Nor may the occupying power use pressure or propaganda aimed at securing voluntary enlistment in the occupying forces,<sup>876</sup> or deliberately restrict employment opportunities in an occupied territory so as to induce the inhabitants to work in its service.<sup>877</sup> For the same reason, protected persons may not be compelled to undertake any work that would oblige them to participate personally in military operations against their own country or to use force to ensure the security of installations where compulsory labour is performed, or that would involve them in an organization of a military or semi-military character.<sup>878</sup> More generally, the requisition of services (compulsory work) must be ordered by the commander of the occupied locality,<sup>879</sup> and is permitted only for protected persons over 18 years of age and only to the extent necessary: (a) for the needs of the army of occupation, or (b) for the public utility services, or (c) for the feeding, shel-

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871 GC IV, Art. 47.

872 GC IV, Art. 8

873 Hague Regulations, Art. 45.

874 GC IV, Art. 51(1).

875 Hague Regulations, Art. 44.

876 GC IV, Art. 51(1).

877 GC IV, Art. 52(2).

878 GC IV, Art. 51(2) and (4); Hague Regulations, Art. 52(1).

879 Hague Regulations, Art. 52(2).

tering, clothing, transportation or health of the population of the occupied country.<sup>880</sup> In all such cases, requisitioned work must be carried out within the occupied territory and must correspond to each individual's physical and intellectual capacities. Workers must be paid a fair salary and must benefit from the legislation in force in the occupied country concerning working conditions and, in particular, the safeguards concerning wages, working hours, equipment, preliminary training and compensation for occupational accidents and diseases.<sup>881</sup>

### (c) Prohibition of transfers, deportation and colonization

#### *Prohibition of transfers and deportations*

Another danger in situations of occupation is that the occupying power will introduce demographic changes in furtherance of its territorial or political ambitions, most notably through deportations from and population transfers within occupied territories. In view of the enormous suffering caused by the deportation of millions of civilians during World War II, the Fourth Geneva Convention and customary IHL now absolutely prohibit both individual and mass forcible transfers within occupied territory and deportations of protected persons (including those deprived of their liberty) from occupied territory, regardless of their motive and destination.<sup>882</sup>

#### *Exception for temporary evacuations*

Nevertheless, the Fourth Geneva Convention recognizes that the security of the population or imperative military considerations may require the total or partial evacuation of an area and may even render inevitable the temporary transfer of protected persons outside the occupied territory. In such exceptional circumstances, the Protecting Power must be informed as soon as the evacuation or transfer has taken place,<sup>883</sup> and all persons concerned must be returned to their area of departure as soon as hostilities there have ceased.<sup>884</sup> During any such transfer, protected persons must be treated humanely and provided with the necessary food, water, clothing and medical care. Moreover, suitable precautions must be taken to ensure their safety and to prevent their separation from relatives.<sup>885</sup>

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880 GC IV, Art. 51(2).

881 GC IV, Art. 51(3); CIHL, Rule 95.

882 GC IV, Art. 49(1); CIHL, Rules 129 and 130.

883 GC IV, Art. 49(4).

884 GC IV, Art. 49(2); CIHL, Rule 132.

885 GC IV, Art. 49(3); CIHL, Rules 105 and 131.

### ***Exception for voluntary displacement and departures***

The aim of this prohibition is not, however, to prevent protected persons from voluntarily moving within occupied territory or from leaving it altogether. This is important because protected persons may of their own accord want to seek refuge from the dangers of military operations in other areas within the occupied territory. Also, foreign nationals may wish to be repatriated, and nationals of the occupied country may have been exposed to ethnic or political discrimination or persecution prior to the occupation or may have other legitimate reasons for leaving the territory.<sup>886</sup> The Fourth Geneva Convention therefore does not prohibit voluntary departures from occupied territory by protected persons of any nationality; it even provides those who are not nationals of the occupied State with an express right to leave comparable to protected persons in a belligerent party's own territory.<sup>887</sup> The Convention also provides that, unless required for the security of the population or for imperative military reasons, the occupying power may not retain protected persons in areas of the occupied territory that are particularly exposed to the dangers of war.<sup>888</sup> In fact, the belligerent parties must endeavour to evacuate besieged and encircled areas<sup>889</sup> and to shelter parts of the population in safety zones<sup>890</sup> or neutralized zones<sup>891</sup> away from their usual place of residence.

### ***Prohibition of colonization***

IHL also absolutely prohibits the deportation or transfer of parts of the occupying power's own civilian population into the occupied territory.<sup>892</sup> This prohibition is intended to prevent the colonization of occupied territories by nationals of the occupying power, and the gradual establishment of "facts on the ground" that may eventually result in a *de facto* annexation of the territory in question. A well-known case in point is the longstanding Israeli policy of establishing settlements for parts of its own population inside the occupied Palestinian territory. The ICRC has consistently taken the position that this policy is in clear violation of IHL and has had grave humanitarian consequences for decades.<sup>893</sup>

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886 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 279.

887 GC IV, Art. 48.

888 GC IV, Art. 49(5).

889 GC IV, Art. 17.

890 GC IV, Art. 14.

891 GC IV, Art. 15.

892 GC IV, Art. 49(6); CIHL, Rule 130.

893 Peter Maurer, "[Challenges to international humanitarian law: Israel's occupation policy](#)," *IRRC*, Vol. 94, No. 888, Winter 2012, pp. 1503–1510.



### 3. Protection of property

#### (a) General prohibition of pillage and destruction of property

As a general rule, when a territory is occupied, its entire infrastructure, its population, and the private property of its inhabitants fall into the hands of a hostile army. Throughout the history of warfare, arbitrary acts of revenge, pillage and destruction by marauding armies have caused enormous suffering among the civilian population, needlessly aggravated the damage caused by the war and placed obstacles in the way of recovery, reconstruction and eventual reconciliation. IHL therefore unequivocally prohibits the pillage of any type of property, whether it belongs to private persons, to communities or to the State.<sup>894</sup> It also prohibits the destruction by the occupying power of any movable or immovable property, whether private or public, “except where such destruction is rendered absolutely necessary by military operations.”<sup>895</sup> According to the ICRC, the expression “military operations” in this provision refers to “the movements, manoeuvres and other action taken by the armed forces with a view to fighting.”<sup>896</sup> As a consequence, the destruction of property is permissible only to the extent absolutely required for the conduct of hostilities, and cannot be ordered on merely punitive, deterrent or administrative grounds. In any case, neither prohibition affects the occupying power’s right to requisition or seize public and, in exceptional cases, private property.

#### (b) Protection of public property

In line with its role as a temporary *de facto* authority, the occupying power is regarded as simply the administrator and usufructuary of the immovable property belonging to the occupied State, including public buildings, real estate, forests and agricultural estates situated in the occupied territory. This means that the occupying power must safeguard the capital of these properties and administer them in accordance with the rules of usufruct.<sup>897</sup> Civilian hospitals may be requisitioned only temporarily and only in cases of urgent necessity for the care of wounded and sick military personnel. In each such case, suitable arrangements must first be made for the accommodation and care of the hospital’s civilian patients and for meeting needs in the civilian population for hospital accommodation.<sup>898</sup> The material and stores of civilian hospitals, however, cannot be requisitioned as long as they are

894 Hague Regulations, Arts 28 and 47; GC IV, Art. 33(2); CIHL, Rule 52. See also J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), pp. 226–227.

895 Hague Regulations, Art. 23(g); GC IV, Art. 53. See also Hague Regulations, Art. 54, with regard to submarine cables.

896 ICRC, “Interpretation by the ICRC of Article 53 of the Fourth Geneva Convention of 12 August 1949, with particular reference to the expression ‘military operations,’” official statement, 25 November 1981.

897 Hague Regulations, Art. 55; CIHL, Rule 51(a) and (b).

898 GC IV, Art. 57(1).



needed by the civilian population.<sup>899</sup> With regard to movable property of the occupied State, the occupying power's right to confiscate is limited to cash, equivalent funds and realizable securities, and to movable property that can be used for military operations, such as arms depots, means of transportation, stores and supplies.<sup>900</sup> The property of municipalities and of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, must be treated as private property. All seizure or destruction of, or wilful damage done to such institutions, to historic monuments, or to works of art and science, is prohibited.<sup>901</sup>

### **(c) Protection of private property**

In principle, the confiscation of private property by the occupying power is prohibited.<sup>902</sup> However, this prohibition is subject to two important exceptions that significantly restrict the protection of private property. First, private property that may be used for military operations (such as communication devices, means of transportation and weaponry) may be seized, but must be restored or its owner compensated at the end of the conflict.<sup>903</sup> Second, the occupying power may lawfully requisition other goods or money from the inhabitants.<sup>904</sup> Both types of requisition involve the unilateral expropriation of the inhabitants and must be carried out in accordance with certain rules. First, requisitions may not be carried out for purposes other than covering the needs of the occupation army (including those related to its security) or of the administration of the occupied territory and must always be in proportion to the resources of the occupied country.<sup>905</sup> In no case may money, goods or services be requisitioned for the needs or benefit of the occupying power's domestic government, administration or population. To avoid abuse, goods may be requisitioned and money collected only after an express order from the commander-in-chief in the occupied territory,<sup>906</sup> and only against delivery of a formal receipt for all funds and goods received.<sup>907</sup> The collection of money should be carried out in accordance with the rules of assessment and incidence of the taxes collected on behalf of the occupied State.<sup>908</sup> When the occupying power requisitions goods, such as foodstuffs

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899 GC IV, Art. 57(2).

900 Hague Regulations, Art. 53(1).

901 Hague Regulations, Art. 56; CIHL, Rule 40 A.

902 Hague Regulations, Art. 46(2); CIHL, Rule 51(c).

903 Hague Regulations, Art. 53(2); CIHL, Rule 49.

904 Hague Regulations, Art. 52(1).

905 Hague Regulations, Art. 49; GC IV, Art. 55(2).

906 Hague Regulations, Arts 51(1) and 52(2).

907 Hague Regulations, Arts 51(3) and 52(3).

908 Hague Regulations, Art. 51(2).

or medical supplies, the needs of the civilian population must be taken into account, and fair value must be paid for any goods received.<sup>909</sup>

#### (d) Protection of cultural property

The general duty of belligerent parties to safeguard and respect cultural property also applies in occupied territory.<sup>910</sup> Thus, besides the duties of both the occupying and the occupied State with regard to the protection of cultural property during the conduct of hostilities,<sup>911</sup> the occupying power may not requisition cultural property situated in the occupied territory and must protect it from any form of vandalism, theft, pillage or misappropriation.<sup>912</sup> In particular, the occupying power must prohibit and prevent: (a) any illicit export, other removal or transfer of ownership of cultural property; (b) any archaeological excavation not strictly required to safeguard, record or preserve cultural property; and (c) any alteration to, or change of use of, cultural property intended to conceal or destroy cultural, historical or scientific evidence.<sup>913</sup> The occupying authorities must also provide the competent national authorities of the occupied State with all necessary and feasible support for safeguarding and preserving its cultural property.<sup>914</sup> Wherever possible, permissible excavations, alterations, or changes to the use of cultural property in occupied territory must be carried out in close cooperation with the competent national authorities of the territory.<sup>915</sup>

### 4. Protection of legal order

#### (a) Duty to respect local legislation “unless absolutely prevented”

The Hague Regulations require that the occupying power, in exercising its *de facto* authority, respect the laws in force in the occupied territory “unless absolutely prevented.”<sup>916</sup> The Fourth Geneva Convention contains a number of provisions on penal legislation that are accepted as authoritatively interpreting this reservation as applying to the legal system of the occupied territory as a whole, i.e. including not only penal law, but also civil, constitutional and administrative law.<sup>917</sup> Accordingly, the occupying power may repeal or suspend local laws only in two cases, namely where they constitute a threat to its security or an obstacle to the application of IHL. For example, an occupying power

909 GC IV, Art. 55(2).

910 Hague Convention on Cultural Property, Art. 18(2); Second Protocol to the Hague Convention on Cultural Property, Art. 3(1); CIHL, Rule 38.

911 See Chapter 3.II.2.a.

912 Hague Convention on Cultural Property, Art. 4(3).

913 Second Protocol to the Hague Convention on Cultural Property, Art. 9(1).

914 Hague Convention on Cultural Property, Art. 5(1) and (2).

915 Second Protocol to the Hague Convention on Cultural Property, Art. 9(2).

916 Hague Regulations, Art. 43.

917 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, *op. cit.* (note 387), p. 335.

could lawfully abrogate a local law obliging the population to engage in armed resistance, or local legislation imposing a regime of racial discrimination contrary to the principles of humane treatment and of non-discrimination.<sup>918</sup> It would not be permissible, however, for the occupying power to facilitate the recruitment of inhabitants into its armed or auxiliary forces by suspending a local law prohibiting voluntary military service on behalf of another State. Of course, the duty to respect and safeguard the pre-existing legal order of the occupied territory also applies to local authorities whose legislative activities are effectively controlled by the occupying power and who therefore lack the independence required to be able to act in the interest of the local population.

### **(b) General authority to legislate**

The occupying power's duty to respect and apply the local law of the occupied territory "unless absolutely prevented" also involves a qualified prohibition against introducing new laws. In interpreting the clause "unless absolutely prevented" as it applies to penal legislation, the Fourth Geneva Convention recognizes that the occupying power may promulgate new penal provisions for three purposes only: (a) to enable the occupying power to fulfil its obligations under IHL, (b) to maintain the orderly government of the territory, and (c) to ensure the security of the personnel, property and communication infrastructure of the occupying power's armed forces and administration.<sup>919</sup> This list of legitimate legislative purposes is exhaustive. It also provides authoritative guidance for construing the occupying power's legislative powers in other areas, such as administrative and procedural law. For example, if necessary, the occupying power must be allowed to promulgate new legislation aimed at: giving the delegates of the Protecting Power or the ICRC access to protected persons held in solitary confinement; introducing a general prohibition forbidding civilians to carry weapons; or at establishing a system of procedural guarantees for the periodic review of security measures taken in the occupied territory, such as assigned residence and internment.

### **(c) Special rules on penal legislation**

#### ***Promulgation and application by the occupying power***

In principle, in situations of belligerent occupation, existing local criminal tribunals should continue to adjudicate all cases relating to offences against the penal legislation in force in the occupied territory.<sup>920</sup> However, any penal provisions promulgated by the occupying power in accordance with its legislative powers must be non-retroactive and can come into force only after they have been published and brought to the knowledge of the inhabitants

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918 J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit.(note 387), p. 335.

919 GC IV, Art. 64(2).

920 GC IV, Art. 64(1).

in their own language.<sup>921</sup> Offences against penal provisions so promulgated may be adjudicated by the occupying power's own military courts, provided they have been regularly constituted and are non-political. This excludes any form of special or ad hoc tribunal constituted for political purposes without sufficient supervision by the regular military justice system. Moreover, first-instance courts must necessarily, and courts of appeal should preferably, sit in the occupied territory.<sup>922</sup> The military courts of the occupying power may apply only penal provisions that were applicable at the time of the offence (*nulla poena sine lege*) and that are in accordance with other general principles of law, in particular the principle that any penalty must be proportionate to the offence.<sup>923</sup> Other general principles of law relevant to penal proceedings include the presumption of innocence (*in dubio pro reo*) and the prohibition against trying the same person twice on the same charge, or double jeopardy (*non bis in idem* / *res judicata*).

### ***Permissible penalties***

When determining the sentence for any offence against penal provisions promulgated by the occupying power, the courts must take into consideration the fact that the accused is not a national of the occupying power and consequently has no duty of allegiance towards it.<sup>924</sup> Minor offences solely intended to harm the occupying power, and that do not involve an attempt to kill or wound its military or administrative personnel, to seriously damage its property or installations, or to cause grave collective danger, may not be punished more severely than by simple imprisonment or by internment, in either case of a duration proportionate to the offence. The rationale for using internment as opposed to simple imprisonment as a sanction for minor offences against the occupying power is to give relatively harmless offenders motivated by patriotism the benefit of conditions that are more lenient and less stigmatizing than those afforded petty criminals.<sup>925</sup> More serious offences against the penal provisions promulgated by the occupying power may be punished more severely but always with due respect for the humane treatment requirements of IHL, most notably the prohibitions against collective punishment and against cruel, inhuman and degrading punishment. The death penalty may be imposed only for espionage, serious acts of sabotage and intentional homicide, and only if: (a) such offences were already punishable by death under the local law prior to the occupation;<sup>926</sup> (b) the accused was at least 18 years of age at the time of

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921 GC IV, Art. 65.

922 GC IV, Art. 66.

923 GC IV, Art. 67; CIHL, Rule 101.

924 GC IV, Art. 67.

925 GC IV, Art. 68(1). On punitive internment, see also Chapter 5.III.1.a.

926 GC IV, Art. 68(2).

the offence;<sup>927</sup> and (c) the attention of the court has been particularly called to the fact that the accused is not bound to the occupying power by any duty of allegiance, since he is not one of its nationals.<sup>928</sup>

### ***Offences committed before occupation***

The occupying power's right to exercise criminal jurisdiction in the occupied territory is temporally restricted to the period during which it actually exercises military control over the territory. The occupying power may therefore not arrest, prosecute or convict protected persons for acts committed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war, for which there is universal jurisdiction.<sup>929</sup> This jurisdictional limitation even applies to refugees who are the occupying power's own nationals, provided that they sought refuge in the territory of the occupied State before the outbreak of hostilities and are not accused of offences under common law that would have justified their extradition under the law of the occupied State applicable in peacetime.<sup>930</sup>

### **To go further (Inhabitants of occupied territories)<sup>931</sup>**

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 8: The protection of civilians](#), pp. 231–248.
- Peter Maurer, “[Challenges to international humanitarian law: Israel’s occupation policy](#),” *IRRC*, Vol. 94, No. 888, 2012, pp. 1503–1510.
- Alan Baker, “[International humanitarian law, ICRC and Israel’s status in the Territories](#),” *IRRC*, Vol. 94, No. 888, 2012, pp. 1511–1521.
- Tristan Ferraro, “[Determining the beginning and end of an occupation under international humanitarian law](#),” *IRRC*, Vol. 94, No. 885, 2012, pp. 133–163.
- “[Occupation](#),” *IRRC*, Vol. 94, No. 885, Spring 2012.

927 GC IV, Art. 68(4).

928 GC IV, Art. 68(3).

929 GC IV, Art. 70(1).

930 GC IV, Art. 71(1).

931 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

### *How Does Law Protect in War?*

- Case No. 123, [ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory](#)
- Case No. 125, [Israel, Applicability of the Fourth Geneva Convention to Occupied Territories](#)
- Case No. 141, [United Kingdom, Position on Applicability of Fourth Convention](#)
- Case No. 161, [Eritrea/Ethiopia, Awards on Occupation](#)
- Case No. 236, [ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo](#)

→ See also the references listed at the end of Chapter 2.

## IV. HUMANITARIAN ASSISTANCE

### 1. Primary responsibility

The provisions of IHL on humanitarian assistance are based on the assumption that each belligerent party has the primary obligation to meet the basic needs of the population under its control. While this duty is presumed to be self-evident as it relates to territorial States and their own population, it is expressly spelled out for contexts of belligerent occupation. The Fourth Geneva Convention specifically provides that, “[t]o the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population” and, “if the resources of the occupied territory are inadequate,” must bring in the necessary foodstuffs, medical stores, clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population and objects necessary for religious worship.<sup>932</sup> In principle, therefore, humanitarian assistance should be understood as a subsidiary, complementary and temporary means of helping the belligerent party concerned to fulfil its own obligations towards the population under its control.

### 2. Basic duty to allow and facilitate relief to civilians

IHL prohibits the use of starvation of the civilian population as a method of warfare,<sup>933</sup> and obliges each belligerent party and non-belligerent States to

<sup>932</sup> GC IV, Art. 55(1); AP I, Art. 69(1).

<sup>933</sup> AP I, Art. 54(1); CIHL, Rule 53. See also Chapter 3.II.2.c.

allow and facilitate impartial humanitarian relief for civilian populations in need of supplies essential to their survival.<sup>934</sup> The treaty provisions regulating such humanitarian assistance can be categorized into three distinct duties: (a) the general duty of all States and each belligerent party to allow and facilitate the free passage of relief consignments intended for civilians in other States; (b) the particular duty of the occupying power to ensure the provision of essential supplies to the civilian population of the occupied territory; and (c) the duty of belligerent parties to allow and facilitate the provision of humanitarian relief to other territories under their control. IHL also provides the civilian population and individual civilians with the right to communicate their needs to the Protecting Power and relief organizations, and regulates the duties of belligerent parties with regard to humanitarian personnel participating in such relief operations.

**(a) Free passage of relief consignments to civilians in other States**

In situations of international armed conflict, the Fourth Geneva Convention and Additional Protocol I establish that all belligerent parties and non-belligerent States have a general duty to allow and facilitate the free passage of relief consignments aimed at providing supplies essential for the survival of any civilian population outside their territory or control.<sup>935</sup> Humanitarian relief shipments must be protected against the dangers arising from military operations.<sup>936</sup> They must be forwarded as rapidly as possible and may not be delayed or diverted from their intended purpose except in cases of urgent necessity in the interest of the civilian population concerned.<sup>937</sup> Each State or belligerent party allowing free passage may, however, inspect such shipments and require that they be distributed under the local supervision of the Protecting Power.<sup>938</sup> The free passage of humanitarian assistance to civilians in need may not be refused on the grounds that the delivery of such goods and services could be used to support the general war effort or the economy of the enemy. Such a refusal could be justified only in exceptional circumstances, where there are serious reasons to believe that the supplies in question may be diverted for military purposes rather than distributed to the intended beneficiaries, or where relief shipments would flood a conflict area with quantities of goods and services clearly exceeding the needs of the civilian

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934 CIHL, Rules 55 and 56.

935 GC IV, Arts 23(1), 59(3) and 61(3); AP I, Art. 70(2); CIHL, Rule 55.

936 GC IV, Art. 59(3); AP I, Art. 70(4).

937 GC IV, Art. 23(4); AP I, Art. 70(3) and (4).

938 GC IV, Arts 23(3) and (4), and 59(4); AP I, Art. 70(3).

population, thus depriving such action of its humanitarian necessity and justification.<sup>939</sup>

**(b) Relief consignments for civilians in occupied territory**

The occupying power has a legal duty to ensure, to the fullest extent of the means available to it, the provision of food, medical supplies, clothing, bedding, shelter, and other supplies essential to the survival of the civilian population.<sup>940</sup> Accordingly, if all or part of the occupied territory is inadequately supplied, the occupying power must either bring in the necessary goods or allow relief operations in behalf of the civilian population by other States or by impartial humanitarian organizations such as the ICRC.<sup>941</sup> In principle, protected persons in occupied territories must also be permitted to receive individual relief consignments sent to them.<sup>942</sup> The delivery of humanitarian assistance by other States, organizations or private individuals does not, however, relieve the occupying power of any of its responsibilities towards the population of the occupied territory.<sup>943</sup> Once such relief consignments have arrived in the occupied territory, the occupying power must facilitate their rapid distribution<sup>944</sup> and may not divert them from their intended purpose, except in cases of urgent necessity in the interest of the local population and with the consent of the Protecting Power.<sup>945</sup> The distribution of humanitarian relief supplies in occupied territory must be carried out with the cooperation and under the supervision of the Protecting Power or of an impartial humanitarian organization such as the ICRC.<sup>946</sup>

**(c) Relief consignments for civilians in non-occupied territory**

If the civilian population of any territory other than occupied territory is not adequately provided with the supplies essential to its survival, treaty IHL does not expressly oblige the belligerent party controlling that territory to ensure adequate supplies. However, in the view of the ICRC, the obligation to meet the basic needs of the civilian population, besides being an essential element of State sovereignty, can be inferred by way of interpretation from the object and purpose of IHL and from the obligation incumbent upon parties to a conflict to treat all persons in their power humanely. In all cases, IHL requires that relief actions “be undertaken, subject to the agreement of

939 GC IV, Art. 23(2); J.S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, op. cit. (note 387), pp. 182–183.

940 GC IV, Art. 55(1); AP I, Art. 69(1).

941 GC IV, Art. 59(1) and (2); CIHL, Rule 55.

942 GC IV, Art. 62.

943 GC IV, Art. 60.

944 GC IV, Art. 61(2).

945 GC IV, Art. 60.

946 GC IV, Art. 61(1).





A. Niedringhaus/AP

ICRC vehicles arrive at a British checkpoint outside the city of Basra in southern Iraq, Saturday, 29 March 2003. An attempt by British forces surrounding Basra to open the way for badly needed humanitarian aid encountered resistance from Iraqi troops and paramilitaries. The ICRC vehicles had to turn back for security reasons.

the Parties concerned.”<sup>947</sup> IHL specifies that any such relief action must be humanitarian, impartial and non-discriminatory in character, but requires that, in the distribution of relief consignments, priority be given to particularly vulnerable persons, such as children, expectant mothers, maternity cases and nursing mothers.<sup>948</sup> The requirement of consent reflects primarily a compromise in favour of national sovereignty. Its practical consequences should not be overstated, however, as the party in territorial control, whether the legitimate government, a national liberation movement or a multinational force mandated by the UN, is likely to have a strong political interest, if not a legal obligation under national law, to ensure adequate supplies for the civilian population. If a civilian population lacks supplies that are essential to its survival and if a humanitarian organization that provides relief on an impartial and non-discriminatory basis is able to remedy the situation, the State or belligerent party concerned has a legal obligation under customary IHL to give its consent.<sup>949</sup> IHL also stipulates that offers of impartial humanitarian relief may not be regarded as interference in an armed conflict or as unfriendly acts,<sup>950</sup> and that the States concerned and each belligerent party must even encourage and facilitate effective international coordination of

947 AP I, Art. 70(1).

948 AP I, Art. 70(1).

949 CIHL, commentary on Rule 55, p. 197.

950 AP I, Art. 70(1).

such assistance.<sup>951</sup> Finally, once relief consignments have arrived in a conflict area, the belligerent parties must protect them from the dangers of war and facilitate their rapid distribution.<sup>952</sup>

### 3. Relief organizations and personnel

The Fourth Geneva Convention stipulates that all protected persons, including those deprived of their liberty, have the right to communicate their needs to Protecting Powers, relief organizations such as the ICRC and the National Societies, or any other organizations offering humanitarian assistance.<sup>953</sup> Belligerent parties must, within the bounds of military or security considerations, grant such organizations the freedom of movement, rights of access and other facilities necessary to visit protected persons wherever they may be, and to distribute relief supplies and educational, recreational or religious materials to them.<sup>954</sup> The number of organizations allowed to carry out their activities in the areas concerned may be limited, but such limitation must not hinder the supply of effective and adequate relief to all protected persons.<sup>955</sup> Where necessary, and with the approval of the territorial State, relief personnel may participate in the transportation and distribution of relief consignments.<sup>956</sup> Such personnel and their equipment must be respected and protected.<sup>957</sup> Each belligerent party receiving relief consignments must support such relief personnel to the fullest extent practicable and may not restrict their activities and movements except where temporarily required for reasons of imperative military necessity.<sup>958</sup> Relief personnel must take into account the security requirements of the party in whose territory they are carrying out their duties and may under no circumstances exceed the terms of their mission. The mission of personnel who do not respect these conditions may be terminated.<sup>959</sup>

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951 AP I, Art. 70(5).

952 AP I, Art. 70(4).

953 GC IV, Art. 30(1).

954 GC IV, Arts 30(2) and (3) and 142(1); CIHL, Rule 56.

955 GC IV, Art. 142(2).

956 AP I, Art. 71(1).

957 AP I, Art. 71(2); CIHL, Rules 31 and 32.

958 AP I, Art. 71(3); CIHL, Rule 56.

959 AP I, Art. 71(4).

### To go further (Humanitarian assistance) <sup>960</sup>

- *Liberia: Hope at Last*, film, ICRC, 2006. Available at: <https://avarchives.icrc.org/Film/1051>
- Michael Bothe, “Relief actions: The position of the recipient State,” in Frits Kalshoven (ed.), *Assisting the Victims of Armed Conflict and Other Disasters*, Martinus Nijhoff, Dordrecht, 1989, pp. 91–98.
- Rebecca Barber, “[Facilitating humanitarian assistance in international humanitarian and human rights law](#),” *IRRC*, Vol. 91, No. 874, June 2009, pp. 371–399.
- Emanuela-Chiara Gillard, “[The law regulating cross-border relief operations](#),” *IRRC*, Vol. 95, No. 890, Summer 2013, pp. 351–382.
- Jelena Pejic, “[The right to food in situations of armed conflict: The legal framework](#),” *IRRC*, Vol. 83, No. 844, December 2001, pp. 1097–1110.
- Felix Schwendimann, “[The legal framework of humanitarian access in armed conflict](#),” *IRRC*, Vol. 93, No. 884, December 2011, pp. 993–1008.

### How Does Law Protect in War?

- Case No. 41, [ICRC, Assistance Policy](#)
- Case No. 124, [Israel/Gaza, Operation Cast Lead](#)
- Case No. 177, [UN, Security Council Resolution 688 on Northern Iraq](#)
- Case No. 278, [Angola, Famine as a Weapon](#)

## V. SPECIFIC ISSUES ARISING IN NON-INTERNATIONAL ARMED CONFLICTS

### 1. The civilian population in non-international armed conflicts

Non-international armed conflicts take place, not between States, but between States and organized armed groups or between such groups. Most non-international armed conflicts split the population of the affected States into opposing factions supporting one or the other party. While in the proxy conflicts of the Cold War the opposing factions were usually politically motivated, in many contemporary non-international armed conflicts the divisions between the parties mirror ethnic, religious or linguistic differences. All non-international armed conflicts have in common, however, that they

<sup>960</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

may involve nationals of the same State on opposing sides, thus making it difficult to accurately determine which part of the civilian population belongs to each belligerent or has fallen into the power of an adverse party. All non-international armed conflicts also have in common that the fighting forces of a least one party to the conflict are formed of armed non-State actors who, for all purposes other than the conduct of hostilities, are not provided with any legal status different from that of the civilian population.<sup>961</sup> IHL governing non-international armed conflicts therefore does not protect civilians based on their nationality, allegiance or status, or on the fact that they are in the power of an adverse party. Instead, it simply protects all persons who are not, or no longer, taking a direct part in hostilities, regardless of their status during the hostilities and regardless also of whether they are in the power of a State or of a non-State party. As will be seen, this specific approach permeates the entire body of IHL governing non-international armed conflicts and is therefore crucial to understanding it.

## 2. Humane treatment

The cornerstone of IHL governing non-international armed conflicts is common Article 3. Often held to be the single most important provision of contemporary treaty IHL, common Article 3 has rightly been described as a “Convention in miniature” within the Geneva Conventions.<sup>962</sup> In the view of the ICJ, it is a “minimum yardstick” expressing elementary considerations of humanity that must be regarded as binding in any armed conflict, regardless of treaty obligations.<sup>963</sup> In essence, common Article 3 provides that each party to a non-international armed conflict, whether represented by a government or an organized armed group, must comply as a minimum with the following basic rule:

“Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.”<sup>964</sup>

More specifically, common Article 3 prohibits the following acts “at any time and in any place whatsoever”:

961 On the protection of the civilian population during hostilities, see Chapter 3.

962 ICRC, *Commentary on the First Geneva Convention*, 2nd ed. (2015), *op. cit.* (note 64), Art. 3.

963 ICJ, *Nicaragua case*, *op. cit.* (note 27), para. 218. Confirmed in ICTY, *The Prosecutor v. Dushko Tadić*, *op. cit.* (note 70), para. 102.

964 GC I–IV, common Art. 3(1).

- (a) violence to life and person, in particular murder, mutilation, cruel treatment and torture;
- (b) hostage-taking;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Additional Protocol II develops and supplements the protection provided by common Article 3, most notably by formulating fundamental guarantees aimed at ensuring the humane treatment of all persons who do not, or no longer, take a direct part in hostilities, whether or not their liberty has been restricted. Such persons are entitled to respect for their person, honour and convictions and religious practices, and must in all circumstances be treated humanely, without any adverse distinction.<sup>965</sup> Additional Protocol II develops the list of acts that are prohibited “at any time and in any place whatsoever” as follows:

- (a) violence to the life, health and physical or mental well-being of persons, in particular murder, cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishment;
- (c) hostage-taking;
- (d) acts of terrorism;
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) slavery and the slave trade in all their forms;
- (g) pillage;
- (h) threats to commit any of the foregoing acts.<sup>966</sup>

These fundamental guarantees of humane treatment for persons not directly participating in hostilities are part of customary IHL applicable in non-international armed conflicts.<sup>967</sup>

### 3. Special protection for children

Experience shows that children affected by non-international armed conflicts are particularly exposed to the risk of being separated from their

<sup>965</sup> AP II, Art. 4(1).

<sup>966</sup> AP II, Art. 4(2).

<sup>967</sup> CIHL, Rules 87–105.

families, recruited as child soldiers, or otherwise physically and mentally abused. Additional Protocol II therefore provides that, if required for their protection, children should be temporarily removed from the area of hostilities to a safer area within the country, whenever possible with the consent of the children's parents or other guardians. In any event, evacuated children must be accompanied by persons responsible for their safety and well-being. All appropriate steps must be taken to facilitate the reunification of families who have been temporarily separated and, in the meantime, children must be given an education in keeping with the wishes of their parents or others responsible for their care. In no case may children below the age of 15 be recruited into armed forces or armed groups, or allowed to take part in hostilities. Moreover, children who are captured after having directly participated in hostilities contrary to this prohibition remain entitled to the special protection afforded to children under IHL.<sup>968</sup>

→ On the prohibition against child recruitment under human rights law, see Section I.4.b. above.

#### 4. Prohibition of forced displacement

The forced movement of parts of the civilian population has been a recurrent problem in non-international armed conflicts. Often described as "ethnic cleansing," such forced movements are usually rooted in policies of ethnic or racial hatred; they tend to be accompanied by the most shocking atrocities, ranging from systematic rape, looting and murder to outright genocide.<sup>969</sup> Needless to say, in almost all cases the humanitarian consequences of forced population movements are disastrous. Additional Protocol II therefore prohibits the parties to a conflict from ordering the forced displacement of the civilian population for reasons related to the conflict, unless required for the security of the civilians involved or for imperative military reasons.<sup>970</sup> It is clear that this prohibition is not intended to prevent the voluntary movement of the civilian population or of individual civilians trying to escape the dangers of the combat zone, or for any other reason,<sup>971</sup> nor does it cover forced displacements for reasons unrelated to the armed conflict, such as the forcible evacuation of areas affected by natural disasters.<sup>972</sup> In those exceptional cases where forcible displacement within a territory is permitted, all

968 AP II, Art. 4(3).

969 The conflicts in the former Yugoslavia (1991–1999) and the genocide in Rwanda (1994) are well-documented examples of such policies.

970 AP II, Art. 17(1); CIHL, Rule 129 B.

971 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, op.cit. (note 186), para. 4851.

972 Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, op. cit. (note 186), para. 4855.



M. Di Lauro/Getty Images/ICRC

ICRC physical rehabilitation centre in Najaf, Iraq, 2014. Father and son awaiting an assessment.

possible measures must be taken to ensure that the civilian population can be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.<sup>973</sup> Additional Protocol II also provides that civilians may not be compelled to leave “their own territory” for reasons connected with the conflict.<sup>974</sup> In principle, this means that civilians may not be expelled from the national territory of a State party to a conflict, as has tragically happened in a number of non-international armed conflicts.<sup>975</sup> In situations where an extensive part of the territory is controlled by an insurgent party, this prohibition could arguably be interpreted as also covering the expulsion of civilians from such areas.<sup>976</sup>

## 5. Relief consignments in non-international armed conflicts

Treaty IHL regulating humanitarian assistance in situations of non-international armed conflict is not as developed as that governing international armed conflicts. Nevertheless, just as in situations of international armed conflict, customary and treaty IHL governing non-international armed conflicts prohibits the use of starvation of the civilian population as a method

<sup>973</sup> AP II, Art. 17(1); CIHL, Rule 131.

<sup>974</sup> AP II, Art. 17(2).

<sup>975</sup> For example, the expulsion from Kosovo to Albania and the former Yugoslav Republic of Macedonia of approximately 800,000 ethnic Albanians by Yugoslav forces in the spring of 1999.

<sup>976</sup> Y. Sandoz, C. Swinarski, B. Zimmermann (eds), *Commentary on the Additional Protocols*, *op. cit.* (note 186), para. 4859.

of warfare<sup>977</sup> and obliges each party to a conflict to allow and facilitate the delivery of impartial humanitarian relief consignments for civilians in need of supplies essential to their survival.<sup>978</sup> More specifically, Additional Protocol II provides: “If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”<sup>979</sup>

Both common Article 3 and Additional Protocol II also stipulate that impartial relief organizations, such as the ICRC or the National Societies, may offer to perform their traditional functions for the victims of an armed conflict.<sup>980</sup> Humanitarian relief operations inevitably require the consent of the territorial State. This requirement may prove problematic, particularly where the relief supplies in question are destined for territory controlled by an insurgent party to a conflict. Nevertheless, today, any arbitrary refusal by a government to allow impartial humanitarian assistance to its own population in such areas would, most likely, have to be regarded as unlawful not only as a matter of customary IHL, but also as a matter of human rights law.<sup>981</sup>

### To go further (Specific issues arising in non-international armed conflicts)<sup>982</sup>

- Jan Willms, “[Without order, anything goes? The prohibition of forced displacement in non-international armed conflict](#),” *IRRC*, Vol. 91, No. 875, December 2009, pp. 547–565.
- ICRC, [Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence](#), ICRC, Geneva, 2012, 90 pp.
- “Protecting civilians,” webpage, ICRC. Available at: <https://www.icrc.org/en/what-we-do/protecting-civilians>

977 AP II, Art. 14; CIHL, Rule 53. See also Chapter 3.II.2.c.

978 CIHL, Rules 55 and 56.

979 AP II, Art. 18(2).

980 GC I–IV, common Art. 3(2); AP II, Art. 18(1).

981 CIHL, commentary on Rule 55.

982 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



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- Case No. 153, [ICJ, Nicaragua v. United States](#)
- Case No. 164, [Sudan, Report of the UN Commission of Inquiry on Darfur](#)
- Case No. 274, [Armed Conflicts in Sierra Leone, Liberia and Guinea \(1980–2005\)](#)
- Case, [UN Security Council Resolution on the Conflict in Syria](#) (only available online)



# Chapter 7

## Implementation and enforcement of IHL



T. Gassmann/ICRC

Geneva International Conference Centre, Switzerland. 31st International Conference of the Red Cross and Red Crescent, 2011.

## Structure

- I. Factors influencing compliance with IHL
- II. Duty of belligerents “to respect and to ensure respect”
- III. Ensuring respect at international level
- IV. State responsibility and reparations
- V. Individual criminal responsibility for violations of IHL
- VI. Judicial enforcement
- VII. Non-judicial enforcement
- VIII. Specific issues arising in non-international armed conflicts

### In a nutshell

- All States must respect and ensure respect for IHL in all circumstances. More specifically, States must take all necessary measures to implement IHL within their own jurisdictions; they must not encourage violations by belligerent parties, and must exert their influence, as far as possible, to end such violations.
- Moreover, all States must strive to find and prosecute or extradite any person alleged to have committed or ordered the commission of war crimes, and take all measures necessary to end any other violations of IHL.
- Military commanders and other superiors bear criminal responsibility for war crimes committed by persons under their effective control, if they failed to take all necessary and reasonable measures within their power to prevent or repress such crimes, or to refer the matter to the competent authorities for investigation and prosecution.
- As a general rule, national institutions and procedures are responsible for the adjudication and/or prosecution of IHL violations, while international mechanisms play a subsidiary and complementary role and are activated only if national mechanisms fail to operate effectively.
- In non-international armed conflicts, non-State armed groups must also ensure respect for IHL, and prevent and punish violations.
- In practice, the effective implementation and enforcement of IHL still largely depends on non-judicial mechanisms for monitoring, complaints and implementation.

### To go further<sup>983</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, Chapter 13: [Implementation mechanisms](#), [State responsibility](#) and [Criminal repression](#), pp. 354–444.
- “[Generating respect for the law](#),” *IRRC*, Vol. 96, No. 895/896, Autumn–Winter 2014.

As we have seen in the preceding chapters, over the course of the last 150 years, IHL has become one of the most extensively codified areas of international law, supplemented by a comprehensive body of customary rules. Today, IHL imposes wide-ranging restrictions on the means and methods of warfare, and provides detailed regimes of protection for the civilian population and other categories of people affected by conflict. In doing so, contemporary IHL effectively disproves Cicero’s dictum, *silent enim leges inter arma* (in times of war, the laws fall silent), and makes it abundantly clear that armed conflicts, and those who engage in them, are not exempt from the rule of law.

Experience has shown, however, that the mere existence of humanitarian rules does not prevent or alleviate the immense suffering caused by armed conflicts, or ensure acceptable conduct by belligerents. Indeed, as the ICRC has observed, “the main cause of suffering during armed conflicts and of violations of IHL remains the failure to implement existing norms – whether owing to an absence of political will or for another reason – rather than a lack of rules or their inadequacy.”<sup>984</sup> It is therefore extremely important to examine the factors that influence compliance with IHL, as well as the various individual and collective measures that may be adopted to implement or enforce IHL.

## I. FACTORS INFLUENCING COMPLIANCE WITH IHL

Difficulties relating to the implementation and enforcement of IHL in actual conflict situations are often regarded as a weakness of this body of law. What purpose does the law of armed conflict serve when its rules are not respected and cannot be effectively enforced? Why should the same rules apply both to

983 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

984 ICRC, “[International humanitarian law and the challenges of contemporary armed conflicts](#)’ Document prepared for the 30th International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 26–30 November 2007,” Geneva, Switzerland, 26–30 November 2007, *IRRC*, Vol. 89, No. 867, September 2007, p. 721.

aggressor States and to States exercising their right to self-defence, or to both law-abiding belligerents and those who deliberately break the law? Why should belligerent action be restrained at all, when the whole purpose of war is to survive a potentially deadly threat from the enemy? Indeed, IHL is violated in almost all armed conflicts and by virtually all belligerent parties. Some of the atrocities committed in war have unleashed unspeakable horror and suffering on civilians and combatants alike. It is also true, however, that belligerents regularly show remarkable restraint and humanity, even under the most difficult circumstances, and often above and beyond what is required by IHL.

A broad range of factors influence compliance with IHL during war, including:

- **Self-interest:** the oldest and most effective motive for restricting the means and methods of warfare has always been military, economic and administrative self-interest. Particularly in territorial conflicts, the destruction of the enemy's logistical, industrial and agricultural infrastructure and the killing or displacement of large numbers of civilians not only renders military invasion and occupation more difficult, but also requires extensive humanitarian assistance and reconstruction efforts in the territories concerned. The tolerance of widespread violations and abuse by individual soldiers also undermines the discipline of the operating forces as a whole and significantly diminishes their military value.
- **Expectation of reciprocity:** at least in classic confrontations between uniformed armed forces or groups, the expectation of reciprocity continues to influence the behaviour of belligerents, even though IHL is binding regardless of whether it is respected by an enemy. Belligerents are more likely to treat captured civilians and prisoners of war with humanity and consideration if they can be confident that the opposing party will do the same. Expectations of reciprocity are increasingly undermined, however, in asymmetrical confrontations between highly organized, well-equipped belligerents and loosely organized forces, unable or unwilling to respect IHL.
- **Mutual trust and respect:** although relations between belligerents may have deteriorated to the point of armed conflict, their unconditional compliance with the laws and customs of war provides a basis for mutual respect and trust, which are indispensable to future efforts to achieve peace and reconciliation.

- **Public opinion:** particularly given the rapid development of communication technology during the past two decades, omnipresent media reporting of ongoing armed conflicts can have a decisive impact on domestic public opinion and exert considerable pressure on governments to ensure that their armed forces respect IHL. In certain cases, such reports may also trigger national or international inquiries, or even domestic or international criminal proceedings against alleged perpetrators. For example, in 2003, reports of the systematic torture and abuse of Iraqi prisoners held by the United States in Abu Ghraib prison caused a public scandal that greatly damaged the reputation of the United States government, and ultimately led to the prosecution and conviction of several members of the armed forces.
- **Criminalization as a deterrent:** last but not least, the conduct of belligerent parties and the individual politicians, soldiers and civilians acting on their behalf is also influenced by the prospect and stigma of criminal prosecution and sanctions. The primary responsibility for prosecuting IHL violations traditionally falls to States themselves. However, during the past two decades, several international criminal courts and tribunals have been successfully established. In spite of many difficulties and limitations, these bodies have considerably increased the effectiveness of prosecutions and the probability of sanctions for violations of IHL in cases where States are unable or unwilling to assume their primary responsibility in this respect.

#### To go further (Factors influencing compliance with IHL)<sup>985</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 13: Implementation Mechanisms](#), pp. 441–444.
- ICRC, [The Roots of Behaviour in War: Understanding and Preventing IHL Violations](#), ICRC, Geneva, 2004, 120 pp. (update forthcoming in 2016).
- Greenberg Research Inc., [The People on War Report: ICRC Worldwide Consultation on the Rules of War](#), 1999, 102 pp.
- Olivier Bangerter, “[Reasons why armed groups choose to respect international humanitarian law or not](#),” *IRRC*, Vol. 93, No. 882, June 2011, pp. 353–384.

985 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## II. DUTY OF BELLIGERENTS

### “TO RESPECT AND TO ENSURE RESPECT”

#### 1. The general principle

The general principle governing the enforcement and implementation of IHL is that each State has a duty to respect and to ensure respect for IHL in all circumstances.<sup>986</sup> At the most basic level, it reflects the legal maxim *pacta sunt servanda*, according to which States must fulfil all obligations arising from a treaty to which they are party.<sup>987</sup> The treaty-law term “in all circumstances” also implies the principle of non-reciprocity, according to which belligerents must respect their humanitarian obligations even when those obligations are violated by their adversary.<sup>988</sup> Indeed, it is a particular feature of IHL that non-respect for humanitarian treaty obligations by one party cannot justify the suspension or termination of the treaty by any other party.<sup>989</sup> Nor can the denunciation of IHL treaties by a belligerent party take effect until after the end of any armed conflict ongoing at the time the denunciation was issued.<sup>990</sup> Moreover, belligerent reprisals are permitted only in extremely specific circumstances and must never be directed against protected persons or objects.<sup>991</sup> The ICJ even held that the duty to respect and ensure respect constituted a general principle of IHL, applicable in all armed conflicts and irrespective of treaty obligations.<sup>992</sup> Conceptually, this duty has several aspects, namely: (1) a *negative duty* to abstain from any deliberate violation of IHL; (2) a *positive internal duty* to ensure the national implementation and application of IHL; and (3) a *positive external duty* of States to exert bilateral or multilateral pressure on other States or belligerent parties to comply with IHL.

#### 2. National implementation and enforcement

In line with their duty to respect and to ensure respect for IHL, belligerent parties and non-belligerent States are expressly required to take “all necessary measures” to fulfil their obligations within their jurisdictions.<sup>993</sup> This may include a broad range of preventive, supervisory, and punitive measures, including: (a) domestic legislation and regulations; (b) instructions,

986 GC I–IV, common Art. 1; AP I, Art. 1(1); CIHL, Rule 139.

987 Vienna Convention on the Law of Treaties, Art. 26.

988 GC I–IV, common Arts 1 and 3; CIHL, Rule 140.

989 Vienna Convention on the Law of Treaties, Art. 60(5).

990 GC I–IV, Arts 62, 63, 142 and 158; AP I, Art. 99; AP II, Art. 25.

991 GC I, Art. 46; GC II, Art. 47; GC, III Art. 13; GC IV, Art. 33; CIHL, Rules 145–147.

992 ICJ, *Nicaragua case*, *op. cit.* (note 27), para. 220.

993 AP I, Art. 80(1). See also GC I, Art. 49(2); GC II, Art. 50(2); GC III, Art. 129(2); GC IV Art. 146(2).



military orders and legal advice; (c) training and the dissemination of all pertinent information; (d) the establishment of national IHL committees; (e) technical preparation; and (f) criminal repression.

### **(a) Domestic legislation and regulations**

To ensure that IHL is respected in practice, it must become part of national law. Depending on the national legal system, IHL treaties may become directly binding as a matter of national law (*self-executing treaty law*).<sup>994</sup> Where treaty law does not automatically apply,<sup>995</sup> States have an international legal obligation to pass the relevant legislative acts to incorporate its provisions in national law.<sup>996</sup> In order to implement certain treaty provisions, States may need to pass new legislation at domestic level in order to bring national criminal law and proceedings into line with these provisions (*nulla poena sine lege*). For example, both the 1949 Geneva Conventions and Additional Protocol I expressly require States to “enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed” grave breaches of IHL,<sup>997</sup> and to ensure that their national legislation adequately prevents and punishes misuse of the distinctive emblems of the red cross, red crescent and red crystal.<sup>998</sup> There is no formal procedure for “incorporating” customary IHL in national law. However, in certain countries, customary international law may be directly invoked in judicial proceedings.<sup>999</sup>

### **(b) Orders, instructions and legal advice**

In addition to enacting the relevant legislation, States and belligerent parties must also “give orders and instructions to ensure observance” of IHL and “supervise their execution.”<sup>1000</sup> The role of military commanders is of particular importance in this respect. States and belligerent parties must require military commanders to prevent and, where necessary, put an end to IHL violations committed by members of the armed forces under their command, or other persons under their control, and to report such violations to the competent authorities.<sup>1001</sup> In particular, commanders must ensure, commensurate with their level of responsibility, that members of the armed forces under their command are aware of their obligations under IHL.<sup>1002</sup> If

994 See, for example, the French Constitution (1958), Art. 55.

995 This is the case, for example, in the United Kingdom.

996 See the references to national implementing legislation in GC I, Art. 48; GC II, Art. 49; GC III, Art. 128; GC IV, Art. 145; AP I, Art. 84.

997 GC I, Art. 49(1); GC II, Art. 50(1); GC III, Art. 129(1); GC IV, Art. 146(1); AP I, Art. 85(1).

998 GC I, Art. 54; GC II, Art. 55.

999 This is the case, for example, in Israel. See High Court of Justice, *Public Committee against Torture in Israel et al. v. Government of Israel et al.*, 769/02, 2005, para. 19.

1000 AP I, Art. 80(2). See also GC I, Art. 45 and GC II, Art. 46.

1001 AP I, Art. 87(1).

1002 AP I, Art. 87(2); CIHL Rule 142.



P.J. Evans/ICRC

China, 2014. Military officers from around the world at the ICRC's Senior Workshop on International Rules governing Military Operations (SWIRMO).

commanders become aware that subordinates, or other persons under their control, have committed, or are about to commit, violations of IHL, they must take the necessary steps to prevent such violations and, where appropriate, initiate disciplinary or penal action against the perpetrators.<sup>1003</sup> In order to enable military commanders to fulfil their responsibilities, States and belligerent parties must ensure that, whenever necessary, legal advisers properly trained in IHL are available at the appropriate command level to provide advice on the application of IHL, and that the appropriate instruction is given to the armed forces.<sup>1004</sup> As indicated in Section V below, the special role of commanders does not relieve their subordinates of personal criminal responsibility for IHL violations.

### (c) Training and dissemination

In order to ensure respect for IHL, not only commanders, but all members of the armed forces must be adequately trained in its application. States must include IHL in military doctrine and training programmes, and take it into account when selecting military equipment. They must also ensure that an effective sanctions system exists both in peacetime and in wartime, and that all military and civilian authorities responsible for the practical application of IHL during armed conflict are fully acquainted with the relevant

<sup>1003</sup> AP I, Art. 87(3).

<sup>1004</sup> AP I, Art. 82; CIHL, Rule 141.

treaties.<sup>1005</sup> For example, persons involved in the legal review of new weapons, means or methods of warfare must be fully aware of all the applicable provisions of international law relating to the permissibility of such means or methods of warfare.<sup>1006</sup> Furthermore, authorities involved in investigating and prosecuting war crimes must be familiar not only with the substantive provisions of IHL, but also with the applicable judicial guarantees or other procedural safeguards. Moreover, troops participating in UN 'peace-support operations' must be fully acquainted with the principles and rules of IHL.<sup>1007</sup> Beyond ensuring that all military and civilian authorities receive IHL training in line with their responsibilities and needs, States are also obliged to disseminate IHL as widely as possible, including by encouraging the study of IHL at university level.<sup>1008</sup> The ultimate goal is to ensure that the entire population is familiar with – and supports – the basic principles of IHL, thus creating a social environment conducive to ensuring compliance with this crucial body of law.

#### **(d) National IHL committees**

Thanks to the encouragement and support of the ICRC, more than 100 States have already established national IHL committees to advise and assist their governments on the implementation and dissemination of IHL.<sup>1009</sup> While IHL does not expressly require the creation of such committees, they have proved useful in helping States to fulfil their IHL obligations and to coordinate the relevant government services and agencies. Ideally, national IHL committees should be composed of representatives of all State services responsible for the implementation and enforcement of IHL – such as the ministries of defence, foreign affairs, internal affairs, justice and education – as well as senior members of the armed forces, members of the legislative and judiciary branches, academic experts and representatives of National Societies. National IHL committees are often best placed to evaluate whether a State's IHL obligations have been adequately incorporated in the domestic legal order and, if they have not, to propose the relevant remedies. They can monitor, provide guidance and advise national authorities on the interpretation and application of IHL. They can also play an important role in the national dissemination and promotion of IHL, and training related thereto, in military, governmental and academic circles. Depending on the context, it may also

<sup>1005</sup> AP I, Art. 83(2).

<sup>1006</sup> AP I, Art. 36.

<sup>1007</sup> *United Nations Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, *op. cit.* (note 114), Section 3.

<sup>1008</sup> GC I, Art. 47; GC II, Art. 48; GC III, Art. 127; GC IV, Art. 144; AP I, Art. 83. See also AP II, Art. 19; CIHL, Rules 142 and 143.

<sup>1009</sup> The list is available at: <https://www.icrc.org/en/download/file/1135/table-of-national-ihl-committees-icrc-eng.pdf>

be useful for national IHL committees to share expertise, experience, good practices and challenges, and to cooperate in matters relating to IHL.

### (e) Technical preparations

In order to ensure respect for IHL in situations of armed conflict, certain technical measures should already be taken in peacetime.<sup>1010</sup> This includes, first and foremost, the systematic legal review of new weapons, means and methods of warfare as required by Article 36 of Additional Protocol I, in order to examine their permissibility under IHL and other applicable provisions of international law. It is also possible for a previously lawful weapon system already in the arsenal of a State to become unlawful following the ratification or entry into force of a new weapons treaty, as was the case with the ratification by the Syrian Arab Republic of the Chemical Weapons Convention in 2013, and the entry into force in numerous States of the Anti-Personnel Mine Ban Convention or the Convention on Cluster Munitions. States must therefore establish procedures to identify and destroy such weapon systems.

→ On the obligation to conduct legal weapons reviews, see Chapter 3.V.5.

In order to protect hospitals, ambulances and medical personnel in situations of armed conflict, each State party to the 1949 Geneva Conventions should – already in peace time – notify the other States of the names of the societies that it has authorized to assist the regular medical services of its armed forces.<sup>1011</sup> Moreover, in practical terms, the relevant infrastructure should be marked with the distinctive emblem of the red cross, red crescent or red crystal during peacetime, and medical aircraft, including helicopters, should be marked and equipped with the technical means necessary to allow their identification by an opposing belligerent party. It should be noted, however, that such measures remain subject to the restrictions and regulations governing the peacetime use of the emblem.<sup>1012</sup> Similarly, civil defence installations, vehicles and personnel, cultural property and installations containing dangerous forces, such as dams or nuclear plants, should be marked with the respective distinctive signs foreseen under IHL.<sup>1013</sup>

→ On the use of the distinctive emblem, see Chapter 4.V.

<sup>1010</sup> GC I–IV, common Art. 2 refers to a “provision which shall be implemented in peacetime.”

<sup>1011</sup> GC I, Art. 26(2).

<sup>1012</sup> GC I, Art. 44; GC II, Art. 44; AP I, Art. 18; Art. 13 of the Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the 20th International Conference of the Red Cross (Vienna, 1965) and revised by the Council of Delegates (Budapest, 1991).

<sup>1013</sup> AP I, Arts 56(7) and 66(7); AP I, Annex I, Art. 16; Hague Convention on Cultural Property, Art. 6.

Last but not least, in terms of technical measures to better protect the civilian population in armed conflicts, States may jointly establish demilitarized zones already in peacetime.<sup>1014</sup> They may also unilaterally establish hospital and safety zones and localities, in which case they must notify each other accordingly.<sup>1015</sup> Furthermore, in order to avoid or minimize the exposure of civilians and civilian objects to incidental injury or damage, States should endeavour to separate fixed installations likely to become military targets during conflict from those likely to remain civilian objects. In particular, States should avoid locating such potential military targets in, or near, densely populated areas.<sup>1016</sup>

→ On hospital and safety zones and localities, see Chapter 4.IV.1.

→ On demilitarized zones, see Chapter 3.II.3.b.

→ On precautions against attacks, see Chapter 3.III.3.

#### (f) Criminal repression and suppression of violations

States also have a duty to investigate alleged war crimes and prosecute or extradite suspected perpetrators, and to put an end to any other violations of IHL.<sup>1017</sup>

#### To go further (Duty of belligerents to “respect and to ensure respect”)<sup>1018</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 13: Implementation mechanisms](#), pp. 356–363.
- Knut Dörmann and Jose Serralvo-Perez, “[Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations](#),” *IRRC*, Vol. 96, No. 895/896, Autumn–Winter 2014.
- Elizabeth Stubbins Bates, “[Towards effective military training in international humanitarian law](#),” *IRRC*, Vol. 96, No. 895/896, Autumn–Winter 2014.
- ICRC, “National Enforcement of International Humanitarian Law,” information kit, ICRC, Geneva, 2014. Available at: <https://www.icrc.org/eng/resources/documents/legal-fact-sheet/national-enforcement-ihl-information-kit.htm>

1014 AP I, Art. 60(2).

1015 GC I, Art. 23 and Annex I, Art. 7; GC IV, Art. 14 and Annex I, Art. 7.

1016 AP I, Art. 58; CIHL, Rule 23.

1017 See Section V.3. below.

1018 All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

- ICRC, [\*The Domestic Implementation of International Humanitarian Law: A Manual\*](#), ICRC, Geneva, 2013, 341 pp.
- ICRC, [\*Decision-Making Process in Military Combat Operations\*](#), ICRC, Geneva, 2013, 53 pp.
- ICRC, [\*Integrating the Law\*](#), ICRC, Geneva, 2007, 43 pp.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Article 1.

### ***How Does Law Protect in War?***

- Document No. 29, [\*European Union Guidelines on Promoting Compliance with International Humanitarian Law\*](#)
- Document No. 52, [\*First Periodical Meeting, Chairman's Report\*](#)
- Case No. 69, [\*Ivory Coast, National Interministerial Commission\*](#)
- Case No. 139, [\*UN, Resolutions and Conference on Respect for the Fourth Convention\*](#)

## **III. ENSURING RESPECT AT INTERNATIONAL LEVEL**

### **1. *Erga omnes* character of humanitarian obligations**

IHL gives rise to *erga omnes* obligations, namely legal duties not only towards opposing belligerent parties, but towards all other States party to a particular treaty or, in the case of customary law, towards the international community as a whole.<sup>1019</sup> Therefore, all States, irrespective of their involvement in an armed conflict, are legally entitled to issue a demand to any belligerent party to respect IHL and to put an end to alleged violations. Beyond this discretionary right, however, the external aspect of the obligation to ensure respect for IHL in all circumstances also implies that States have a negative duty not to encourage violations of IHL by belligerent parties,<sup>1020</sup> as well as a positive duty to exert their influence, as far as possible, to end such violations.<sup>1021</sup>

1019 GC I–IV, common Art. 1.

1020 See Section IV.2.

1021 ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 1; CIHL, Rule 144.

## 2. Means of influence available to individual States

Individual States may try to influence belligerent parties through diplomatic channels, confidential representations or public appeals, and through legal action before any competent international judicial forum.<sup>1022</sup> However, violations of IHL by one State cannot in themselves provide a legal basis for armed intervention by third States, whether in the form of “humanitarian intervention,” or action in accordance with what has become known, within the UN framework, as the “responsibility to protect” (R2P).<sup>1023</sup> The lawfulness of the use of force between States is a matter of *jus ad bellum*, regulated by the UN Charter and customary law, which is a normative framework distinct from IHL. In practice, individual States or groups of States regularly bring their concerns regarding respect for IHL in certain contexts before regional or international organizations, such as the African Union or the UN, which are often able to exert stronger political, economic or military influence than individual States.

## 3. Enforcement through the UN system

### (a) Duty to “ensure respect” for IHL and the objectives of the UN

IHL violations are committed in virtually all armed conflicts by nearly all the parties involved. As long as unlawful conduct remains limited to isolated and sporadic acts committed by individual soldiers or units, they can be dealt with adequately through the internal preventive, supervisory and repressive mechanisms of the party concerned. Where IHL violations reach a certain level of gravity or frequency, however, treaty IHL expressly refers States to the UN system. Thus, in situations involving serious violations of the 1949 Geneva Conventions or of Additional Protocol I, the States party to these instruments are obliged “to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.”<sup>1024</sup> Indeed, it is one of the specific objectives of the UN to achieve international cooperation, *inter alia*, in solving international humanitarian problems and promoting respect for human rights.<sup>1025</sup> Moreover, serious IHL violations are likely to exacerbate ongoing conflicts and, therefore, further undermine international peace and security.

### (b) The duty to “ensure respect” and the “responsibility to protect”

The duty of States to cooperate with the UN in responding to serious violations of IHL is partly reflected in the concept of the responsibility to

<sup>1022</sup> See Section VII.

<sup>1023</sup> See Section III.3.b. See also *2005 World Summit Outcome*, A/RES/60/1, United Nations, New York, 24 October 2005, paras 138–139. Available at: <http://www.un.org/women-watch/ods/A-RES-60-1-E.pdf>

<sup>1024</sup> AP I, Art. 89.

<sup>1025</sup> UN Charter, Art. 1.

protect (R2P). R2P, which is non-binding, was adopted in 2005 within the UN framework and is based on the following three pillars: (1) States are responsible for protecting their own citizens from “mass atrocity crimes,” namely genocide, war crimes, crimes against humanity, and ethnic cleansing; (2) the international community is responsible for assisting States in fulfilling their own primary responsibility; and (3) if a State manifestly fails to protect its citizens, and peaceful measures have failed, the international community must be prepared to intervene, including through the use of coercive measures such as economic sanctions or, subject to authorization by the UN Security Council, military intervention.<sup>1026</sup> While R2P is not legally binding, it has a broader scope than IHL in that it also covers crimes other than IHL violations, and explicitly provides for the possibility of military intervention, if authorized by the UN.

### **(c) The role of UN organs, mechanisms and agencies**

In the majority of contemporary armed conflicts, one or several UN organs, mechanisms or agencies are involved in some way. First and foremost, at the political level, the UN Security Council, the UN Secretary-General, the UN General Assembly,<sup>1027</sup> the Human Rights Council, and the various Special Rapporteurs, expert groups and agencies established or mandated within the UN framework regularly express their concerns, views and recommendations with regard to IHL violations. Moreover, the Offices of the United Nations High Commissioner for Refugees (UNHCR) and for Human Rights (OHCHR), as well as UN agencies such as the World Food Programme (WFP), the United Nations Development Programme (UNDP) and the United Nations Children’s Fund (UNICEF), often deal with, and provide assistance to, persons affected by armed conflict, including victims of IHL violations. Although UN organs and agencies are not necessarily neutral and impartial humanitarian actors, their public statements and practice certainly have a considerable impact on belligerent parties and international public opinion in general. It is beyond the scope of this book to provide a comprehensive overview at this point of how UN organs, mechanisms and agencies contribute to ensuring respect for IHL, but we will briefly consider the unique role of the UN Security Council in this regard.

### **(d) The special role of the UN Security Council**

If the UN Security Council deems that the scale or intensity of IHL violations occurring in a particular context is a threat to international peace and security, it can decide on measures to be taken under Chapters VI and

<sup>1026</sup> See 2005 *World Summit Outcome*, *op. cit.* (note 1023).

<sup>1027</sup> For examples, see the case studies from *How Does Law Protect in War?* in “To go further (Ensuring respect internationally).”



VII of the UN Charter, in order to put an end to the unlawful conduct. In practice, the Council will first adopt a resolution calling on the State concerned to respect its international obligations.<sup>1028</sup> Depending on the circumstances, the Council may also call on all other States to cease or abstain from providing support to the perpetrator.<sup>1029</sup> The Council may also deploy peacekeepers to supervise the proper implementation of its resolutions, or to observe how the situation develops on the ground. Should the State in question be unwilling to cooperate with the UN, the Council may impose economic sanctions or other coercive measures including, as a last resort, the use of force. It is important to note, however, that the primary purpose of action taken by the Security Council, in accordance with the UN Charter, is to maintain or restore international peace and security, and not necessarily to ensure respect for IHL.

Since the end of the Cold War, the Security Council's work has increasingly involved measures to ensure IHL compliance. The Security Council is currently the only multilateral institution capable of effectively enforcing international law, even against the will of the States concerned. Despite the Council's primarily political mandate and selective practice, some of its responses to serious violations of IHL have contributed decisively to strengthening the credibility and implementation of this body of law. Measures worthy of mention include the establishment of the ICTY and the ICTR,<sup>1030</sup> the creation of the United Nations Compensation Commission for Iraq,<sup>1031</sup> and the referral of the situations in Darfur and in Libya to the International Criminal Court.<sup>1032</sup> Another important recent development is that the Security Council now almost routinely includes protection activities in the mandates of UN peacekeeping forces, State coalitions and regional organizations, including authorization to use force – if necessary – to protect civilians and guarantee humanitarian access.<sup>1033</sup> The Security

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1028 The UN Security Council has done this in various resolutions concerning, *inter alia*, the conflicts in Iraq (e.g. Resolution 1483, 22 May 2003), Lebanon (Resolution 1701, 11 August 2006), Somalia (Resolution 1863, 16 January 2009), Afghanistan (e.g. Resolution 1917, 22 March 2010) and Sudan (e.g. Resolution 1919, 29 April 2010).

1029 For example, UN Security Council Resolutions 465 of 1 March 1980 (para. 7) and 471 of 5 June 1980 (para. 5) concerning Israel and the occupied Palestinian territory.

1030 UN Security Council Resolutions 827 (25 May 1993) and 955 (8 November 1994), respectively.

1031 UN Security Council Resolution 692 (20 May 1991).

1032 UN Security Council Resolutions 1593 (31 March 2005) and 1970 (26 February 2011).

1033 UN peacekeeping missions tasked with such a protective mandate include: UNAMSIL in Sierra Leone; MONUC and MONUSCO in the Democratic Republic of the Congo; UNMIS in Sudan; MINURCAT in the Central African Republic and Chad; UNIFIL in Lebanon; and UNOCI in Côte d'Ivoire. Examples of regional peacekeeping forces or coalitions of States having such a mandate are the joint UN/African Union forces in Darfur (UNAMID), the European Union forces in Chad, the Central African Republic and the Democratic Republic of the Congo, and the French forces in Côte d'Ivoire.

Council has also created several working groups and engaged in debates on the protection of vulnerable categories of people, such as civilians, children and humanitarian workers in armed conflicts.<sup>1034</sup> Last but not least, in a resolution addressing the protection of civilians in armed conflicts in general, the Security Council has also urged all States to respect IHL, without reference to any specific conflict.<sup>1035</sup>

#### 4. Multilateral conferences

##### (a) International Conference of the Red Cross and Red Crescent

The quadrennial International Conference of the Red Cross and Red Crescent brings together all States party to the 1949 Geneva Conventions and all the Movement's components, namely the ICRC, the National Societies and the International Federation. The International Conference is the supreme deliberative body of the Movement. It endeavours to foster unity within the Movement and to debate important humanitarian issues. The resolutions adopted during the Conference guide its participants in carrying out their humanitarian activities. While the Conference aims to promote respect for IHL and to contribute to its development, it carefully avoids being drawn into questions relating to the implementation of IHL in specific contexts, as the participants are wary of the Conference becoming politicized – and possibly polarized.

##### (b) Meetings of States Parties

Additional Protocol I provides for the possibility of a meeting of the High Contracting Parties to “consider general problems concerning the application of the Conventions and of the Protocol.”<sup>1036</sup> These meetings are to be convened by Switzerland, as the depositary of the Protocol, at the request of one or more States party to the Protocol, albeit only on the approval of the majority of States Parties. The purpose of the meeting is limited to considering general problems relating to the application of IHL; participating States can neither investigate specific contexts nor adjudicate or otherwise pronounce on the merits of allegations involving IHL violations. No such meeting has been organized since Additional Protocol I came into force.

Instead, in 1998, the Swiss government convened the First Periodical Meeting of States party to the Geneva Conventions on general problems relating to the application of IHL, based on the mandate given to the depositary by the 26th International Conference of the Red Cross and Red Crescent (1995). The meeting was attended by representatives of the 129 States party to the 1949

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1034 See, for example, UN Security Council Resolutions 1674 (28 April 2006), 1612 (26 July 2005) and 1502 (26 August 2003). For information on a number of issues and debates, see <http://www.securitycouncilreport.org/thematic-general-issues.php>

1035 UN Security Council Resolution 1265 (17 September 1999), para. 4.

1036 AP I, Art. 7.

Geneva Conventions at the time and 36 observer delegations. The discussions centred on two general topics relating to the implementation of IHL, namely: (1) respect for and security of the personnel of humanitarian organizations; (2) armed conflicts linked to the disintegration of State structures. At the request of States, the debates were informal and no new texts were negotiated. However, a non-binding report was produced by the chairperson. Although such periodic meetings do provide a forum for States party to the Conventions to discuss general issues relating to the implementation of IHL, no further meetings have been organized to date.

### **To go further (Ensuring respect internationally)<sup>1037</sup>**

- François Bugnion, “[The International Conference of the Red Cross and Red Crescent: Challenges, key issues and achievements](#),” *IRRC*, Vol. 91, No. 876, December 2009, pp. 675–712.
- Katharine Fortin, “[Complementarity between the ICRC and the United Nations and international humanitarian law and international human rights law, 1948–1968](#),” *IRRC*, Vol. 94, No. 888, December 2012, pp. 1433–1454.
- Toni Pfanner, “[Various mechanisms and approaches for implementing international humanitarian law and protecting and assisting war victims](#),” *IRRC*, Vol. 91, No. 874, June 2009, pp. 279–328.
- Marco Roscini, “The United Nations Security Council and the Enforcement of International Humanitarian Law,” *Israel Law Review*, Vol. 43, pp. 330–359.
- ICRC, *Commentary on the First Geneva Convention*, 2nd ed., ICRC/Cambridge University Press, 2016, Article 1.

<sup>1037</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

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- Case No. 57, [UN, Guidelines for United Nations Forces](#)
- Document No. 59, [UN, Review of Peace Operations](#)
- Document No. 122, [ICRC Appeals on the Near East \[Part C., paras 10–11\]](#)
- Case No. 171, [Iran/Iraq, United Nations Security Council Assessing Violations of International Humanitarian Law](#)
- Case No. 211, [ICTY, \*The Prosecutor v. Tadic\*, Part. A](#)
- Case No. 234, [ICTR, \*The Prosecutor v. Jean-Paul Akayesu\*](#)

### **Textbox 9: Swiss/ICRC initiative on strengthening the implementation of IHL**

Since 2011, the ICRC has been involved in a joint initiative with the Swiss government aimed at strengthening compliance with IHL by establishing more effective international mechanisms. Unlike most other branches of international law, IHL has a limited number of compliance mechanisms, and no specific institutional structure to enable States to meet on a regular basis to discuss IHL issues.

The mandate for the initiative was provided by a resolution adopted at the 31st International Conference of the Red Cross and Red Crescent in 2011, which drew on the ICRC's thinking, over a long period of time, on the challenges posed by lack of compliance with IHL. The joint ICRC/Swiss consultation process has primarily involved a series of multilateral meetings of States, with background documents that contain key questions designed to facilitate debate. Bilateral discussions have also been held with States and other relevant stakeholders. A wide range of possible options have been put forward, including periodic reporting, meetings of States, fact-finding, good offices, early warnings, urgent appeals and thematic discussions. As the consultation process has progressed, discussions have increasingly focused on particular functions that the majority of participating States have designated as a priority, including establishing meetings of States, as the cornerstone of this system. These meetings could provide a forum for regular dialogue between States on IHL issues and serve as an anchor for several compliance functions, including periodic national reporting on compliance with IHL, and regular thematic discussions on IHL issues. However, further work is required to define the details of these functions.

Establishing a new IHL compliance system involves many complex issues and challenges, and much work still remains to be done. One of the key challenges is that the system will be a voluntary one, as States are unwilling to amend the 1949 Geneva Conventions or adopt a new

treaty to address the issue. It will therefore be crucial to ensure the regular participation of all States. The ICRC and Switzerland issued a report of the four-year consultation process and submitted a draft resolution for consideration at the International Conference in December 2015. No agreement could be reached during the International Conference; however States decided to continue working towards an inclusive, State-driven intergovernmental process. Many States also reaffirmed their commitment to respecting IHL, including through bilateral dialogue with the ICRC, and to enhance its implementation through the International Conference and regional IHL forums. The ICRC will pursue a strengthened dialogue with States on their IHL obligations and continue working on the compliance issue.

- For further details, see 31st International Conference of the Red Cross and Red Crescent, Resolution 1 – [\*Strengthening legal protection for victims of armed conflicts\*](#), 2011.
- See also “Strengthening Compliance with International Humanitarian Law (IHL): The Work of the ICRC and the Swiss Government,” webpage, ICRC. Available at: <https://www.icrc.org/eng/what-we-do/other-activities/development-ihl/strengthening-legal-protection-compliance.htm>

#### IV. STATE RESPONSIBILITY AND REPARATIONS

Apart from a few instances, the failure of States to respect IHL entails the same consequences as any other internationally wrongful act, as regulated in the 1969 Vienna Convention on the Law of Treaties and the 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts, drawn up by the International Law Commission of the UN General Assembly.<sup>1038</sup>

##### 1. Responsibility of States for the conduct of their agents

Under international law, States are responsible for the conduct of persons or entities acting on their behalf or with their authorization or endorsement. This includes not only government personnel, such as members of the armed forces and the police or intelligence agencies (*de jure* State agents),<sup>1039</sup> but also persons empowered by national law to exercise governmental authority,<sup>1040</sup> or persons acting on the instructions or under control of a State, such

1038 United Nations, International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts (Draft Articles on State Responsibility), *Report on the Work of Its Fifty-Third Session* (23 April–1 June and 2 July–10 August 2001), General Assembly, Official Records, 56th Session, Supplement No. 10 (A/56/10), Chapter II, Commentary, para. 2, p.80.

1039 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 4.

1040 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 5.

as private military or security contractors (*de facto* State agents).<sup>1041</sup> The State remains legally responsible for the actions of its agents, provided they were acting in their official capacity, even if those agents exceeded their authority or disobeyed instructions.<sup>1042</sup> In international armed conflicts, the responsibility of States extends to “all acts committed by persons forming part of its armed forces,” including acts committed outside their official capacity as members of the armed forces.<sup>1043</sup> In principle, therefore, all military operations carried out on behalf of a State may be directly attributed to that State, regardless of where they take place, where their impact is felt, or whether they contravene the instructions of the State.

## 2. Contribution to the unlawful conduct of belligerent parties

A non-belligerent State may be held internationally responsible for assisting or abetting IHL violations committed by a belligerent State if: (1) the assisting State is aware that the conduct of the assisted State is unlawful, and (2) its assistance is intended to – and actually does – facilitate that conduct.<sup>1044</sup> For the assisting State to be held internationally responsible, its assistance must significantly contribute, but need not be indispensable or essential, to the unlawful conduct of the assisted State.<sup>1045</sup> Moreover, while the assisting State does not necessarily need to be aware of the *unlawfulness* of the assisted conduct, it must be aware of the *factual circumstances* that make it unlawful. Nevertheless, legal responsibility for providing unlawful support must be distinguished from direct responsibility for the supported violation of IHL. Thus, when a belligerent party resorts to means and methods of warfare contrary to IHL, other States knowingly assisting such operations by providing financial assistance, intelligence, weapons, personnel, or logistical support will be legally responsible for providing internationally wrongful support, but not necessarily for the operations themselves. For example, in the *Nicaragua Case* (1986), the ICJ ruled that the duty of States to respect and ensure respect for the 1949 Geneva Conventions implied “an obligation not to encourage persons or groups engaged in the conflict in Nicaragua to act in violation of the provisions of Article 3 common to the four 1949 Geneva Conventions,” and that the United States had violated this obligation by disseminating a manual on guerrilla warfare that provided operational guidance contrary to the principles of IHL. The ICJ did not, however, find any grounds to conclude that any resulting IHL violations committed

1041 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 8, paras 1–2, pp. 103–104; CIHL, Rule 149.

1042 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 7.

1043 Hague Regulations, Art. 3; AP I, Art. 91. See also GC I, Art. 51; GC II, Art. 52; GC III, Art. 131; GC IV, Art. 148.

1044 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 16, Commentary, para. 3.

1045 Draft Articles on State Responsibility, *op. cit.* (note 1038), Art. 16, Commentary, para. 5.

by the insurgents were, as such, directly imputable to the United States.<sup>1046</sup> Nevertheless, it cannot be excluded that activities significantly contributing to serious violations of IHL may entail a State duty to provide reparations, but also individual criminal responsibility for the personnel involved.<sup>1047</sup>

### 3. Reparations

When IHL is violated, the State that is responsible has a legal duty of reparation independent of specific treaty obligations. As the Permanent Court of International Justice famously stated, “It is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation (...) Reparation is the indispensable complement of a failure to apply a convention, and there is no necessity for this to be stated in the convention itself.”<sup>1048</sup> Today, the duty to make reparation for violations is an integral part of IHL applicable in all armed conflicts<sup>1049</sup> and, for individuals, an integral part of international criminal law.<sup>1050</sup> Thus, victims of serious violations of IHL should receive reparation that, depending on the gravity of the violation and the loss or injury caused, may take various forms, including restitution (i.e. re-establishing the original situation), rehabilitation (e.g. in medical, psychological, legal or social terms), satisfaction (e.g. acknowledgement or apology), and guarantees of non-repetition.<sup>1051</sup> Financial compensation, in particular, should be provided for economically assessable damage, such as physical, mental, material or moral harm, and loss of earnings or earning potential.<sup>1052</sup>

Because IHL violations frequently result in extensive damage and involve large numbers of victims, monetary compensation awarded on the basis of individual judicial proceedings could easily become an excessive procedural and financial burden, without any realistic prospect of a satisfactory

1046 ICJ, *Nicaragua case*, *op. cit.* (note 27), paras 220 and 292.

1047 Rome Statute, Art. 25(3).

1048 Permanent Court of International Justice, *Factory at Chorzów*, Jurisdiction, Judgment, 13 September 1928, p. 21. Article 31 of the Draft Articles on State Responsibility (*op. cit.*, see note 1038) stipulates that: “the responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act.” See also ICJ, *The Wall Opinion*, *op. cit.* (note 36), paras 152–153; ICJ, *DRC v. Uganda*, *op. cit.* (note 81), para. 259.

1049 Hague Regulations, Art. 3; AP I, Art. 91; Second Protocol to the Hague Convention on Cultural Property, Art. 38; CIHL, Rule 150.

1050 Rome Statute, Art. 75.

1051 Draft Articles on State Responsibility, *op. cit.* (note 1038), Arts 30–31 and 34–39.

1052 For more information, see United Nations, *United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, document A/RES/60/147, 21 March 2006, in particular paras 15–23. Available at: <https://www.icrc.org/casebook/doc/treaty/un-guidelines-right-remedy-reparation-violations-ihl-hrl.pdf>

settlement. Moreover, while Article 75 of the Rome Statute recognizes the right of victims to claim reparation from individual perpetrators, individual claims against belligerent States are often precluded by express provisions in peace settlements, sovereign immunity or the non-self-executing nature of the right to reparation under international law. Therefore, victims often have to submit complaints to their own government, which may then include such claims as part of a peace treaty or other political settlement with the opposing party to the conflict.<sup>1053</sup> Reparation may be provided to individuals through mechanisms established by the UN Security Council,<sup>1054</sup> or unilaterally by national legislation, executive bodies or courts. Where IHL violations also violate human rights law, such as in the case of torture or other cruel or inhuman treatment in detention, victims may pursue individual claims through regional or universal human rights mechanisms.<sup>1055</sup> In practice, the sensitive issue of reparations is often better handled through collective political settlements, complemented by more inclusive or comprehensive reparation and reconciliation measures, including those provided by means of transitional justice mechanisms, such as truth and reconciliation commissions. Historical examples of such collective settlements include the Potsdam Conference (1945) and the Paris peace treaties (1947), which dealt with the issue of war reparations to be paid by Germany and the other Axis Powers to the Soviet Union, and the Reparations Agreement between Israel and the Federal Republic of Germany (Luxembourg, 1952), which addressed the Holocaust reparations to be paid by West Germany to Israel.

### To go further (State responsibility and reparations)<sup>1056</sup>

- Natalino Ronzitti, “Access to justice and compensation for violations of the law of war,” in Francesco Francioni (ed.), *Access to Justice as a Human Right*, Oxford University Press, Oxford, 2007, pp. 95–134.
- “[Sanctions](#),” *IRRC*, Vol. 90, No. 870, June 2008.
- Emanuela-Chiara Gillard, “[Reparation for violations of international humanitarian law](#),” *IRRC*, Vol. 85, No. 851, September 2003, pp. 529–553.

<sup>1053</sup> See, e.g., the Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia and Herzegovina, established by the Agreement on Refugees and Displaced Persons annexed to the Dayton Peace Accords of 14 December 1995.

<sup>1054</sup> See, e.g., the United Nations Compensation Commission established by UN Security Council Resolution 687 (3 April 1991) and UN Security Council Resolution 692 (20 May 1991), for individual claims resulting from the 1990 Iraqi invasion of Kuwait.

<sup>1055</sup> See Section VI.2.

<sup>1056</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



- Liesbeth Zegveld, “[Remedies for victims of violations of international humanitarian law](#),” *IRRC*, Vol. 85, No. 851, September 2003, pp. 497–527.
- Marco Sassòli, “[State responsibility for violations of international humanitarian law](#),” *IRRC*, Vol. 84, No. 846, June 2002, pp. 401–434.
- Dieter Fleck, “International accountability for violations of the *jus in bello*: The impact of the ICRC Study on customary international humanitarian law,” *Journal of Conflict and Security Law*, Vol. 11, No. 2, 2006, pp. 179–199.
- Yaël Ronen, “Avoid or compensate? Liability for incidental injury to civilians inflicted during armed conflict,” *Vanderbilt Journal of Transnational Law*, Vol. 42, No. 1, 2009, pp. 181–225.

### ***How does Law Protect in War?***

- Case No. 53, [International Law Commission, Articles on State Responsibility](#)
- Case No. 153, [ICJ, Nicaragua v. United States](#)
- Case No. 164, [Sudan, Report of the UN Commission of Inquiry on Darfur, paras 593–600](#)
- Case No. 180, [UN Compensation Commission, Recommendations](#)
- Case No. 222, [United States, Kadić et al. v. Karadžić](#)

## **V. INDIVIDUAL CRIMINAL RESPONSIBILITY FOR VIOLATIONS OF IHL**

### **1. Individual criminal responsibility**

#### **(a) Scope of criminal and civil responsibility**

After World War II, the International Military Tribunals at Nuremberg and Tokyo prosecuted suspected war criminals based on the assumption that the principle of individual criminal responsibility for war crimes had become part of customary international law.<sup>1057</sup> Today, the principle of individual criminal responsibility for war crimes in both international and non-international armed conflicts is recognized in numerous IHL treaties,<sup>1058</sup> and in

<sup>1057</sup> Charter of the International Military Tribunal, Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, 8 August 1945, Art. 6; Charter of the International Military Tribunal for the Far East, 19 January 1946 and as amended, 26 April 1946, Art. 5.

<sup>1058</sup> See, most notably, GC I, Art. 49; GC II, Art. 50; GC III, Art. 129; GC IV, Art. 146; AP I, Art. 85; Hague Convention on Cultural Property, Art. 28; Second Protocol to the Hague Convention on Cultural Property, Arts. 15 and 22; Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 14; Anti-Personnel Mine Ban Convention, Art. 9; Convention on Cluster Munitions, Art. 9. The Convention on Certain Conventional Weapons

the Statutes of the ICTY, the ICTR, the Special Court for Sierra Leone (SCSL) and the International Criminal Court;<sup>1059</sup> and its customary nature can no longer be disputed in relation to any type of armed conflict.<sup>1060</sup>

In prosecuting individuals for war crimes, difficult questions arise not only with regard to the objective characteristics and subjective intent of each crime, but also with regard to criteria relating to attempted crimes, acting as an accessory to a crime and various defence pleas or justifications. While IHL provides only limited guidance in this respect, the statutes and practice of the international courts and tribunals have significantly contributed to clarifying general questions of international criminal law. Thus, individuals are criminally responsible not only for committing or issuing orders to commit war crimes, but also for planning, preparing, or attempting to commit war crimes, and for instigating, assisting, facilitating, or otherwise aiding or abetting others in the commission of war crimes.<sup>1061</sup>

Individual responsibility for war crimes is not limited to criminal responsibility, but also includes personal civil liability for any resulting harm. Most notably, the International Criminal Court may “make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.”<sup>1062</sup> The Statutes of the ICTY and the ICTR restrict these tribunals to ordering the restitution of “any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owner.”<sup>1063</sup> However, claims for compensation may be filed within the framework of institutions and procedures established under national law.

### **(b) Responsibility of superiors and commanders**

International criminal law penalizes not only persons who actively commit war crimes or issue orders to that effect, but also covers crimes resulting from a failure to act as required by IHL.<sup>1064</sup> In particular, military commanders have an explicit personal duty to intervene in cases of ongoing or impending violations of IHL committed by persons acting under their

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ons, the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions do not *per se* create international responsibility of individuals for war crimes; instead, they place an obligation on States to take measures to suppress violations of these conventions.

1059 ICTY Statute, Arts 2 and 3; ICTR Statute, Arts 4 and 5; SCSL Statute, Art. 1; Rome Statute, Arts 5, 8 and 25.

1060 CIHL, Rule 151.

1061 Rome Statute, Art. 25; ICTY Statute, Art. 7; ICTR Statute, Art. 6; SCSL Statute, Art. 6; CIHL, Rule 152.

1062 Rome Statute, Art. 75(2).

1063 ICTY Statute, Art. 24(3); ICTR Statute, Art. 23(3).

1064 AP I, Art. 86(1).

command and other persons under their control.<sup>1065</sup> The same duty is also implied for superiors other than military commanders, such as political leaders or representatives of civilian authorities. Thus, Additional Protocol I provides that an IHL violation committed by a subordinate does not absolve his or her superiors of penal or disciplinary responsibility, if “they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.”<sup>1066</sup>

In the field of international criminal law, the doctrine of command and superior responsibility was shaped by the international military tribunals that prosecuted military and political leaders for mass crimes committed during World War II. Building on the criteria established by these tribunals, the contemporary doctrine of command and superior responsibility rests on three cumulative elements, namely: (1) the existence of a *de facto* superior-subordinate relationship providing the superior with effective control over the conduct of the perpetrators; (2) the superior’s knowledge, or his or her culpable lack thereof, that a crime has been, or is about to be, committed; and (3) the superior’s failure to prevent, put an end to, or punish the crime.

In line with these elements, the Rome Statute provides that military commanders and other superiors are criminally responsible for war crimes committed by persons under their effective control if they have failed to take all necessary and reasonable measures within their power to prevent or repress such crimes or to submit the matter to the competent authorities for investigation and prosecution. In the case of military commanders, such criminal responsibility arises only if they “knew or, owing to the circumstances at the time, should have known” that their forces were committing or were about to commit war crimes and, in the case of other superiors, only if they “knew or consciously disregarded information clearly indicating” that their subordinates were committing or about to commit war crimes, and if these crimes concerned activities within their effective responsibility and control.<sup>1067</sup>

### (c) Superior orders

During the war crimes trials that took place after World War II, many defendants invoked superior orders as a defence, claiming that they could not be held accountable for the crimes committed. The case-law of these trials eventually resulted in the development of a customary rule applicable in all armed conflicts, whereby obeying a superior order does not relieve

<sup>1065</sup> AP I, Art. 87(1).

<sup>1066</sup> AP I, Article 86(2); CIHL, Rule 153.

<sup>1067</sup> Rome Statute, Art. 28.

a subordinate of criminal responsibility, if the subordinate knew that the act ordered was unlawful, or if he should have known so because of its manifestly unlawful nature.<sup>1068</sup> Where an order is manifestly unlawful, all combatants have a customary duty to disobey.<sup>1069</sup> In codifying this customary rule, the Rome Statute provides that persons who have committed a crime under the orders of a government or superior, whether military or civilian, shall not be relieved of their criminal responsibility unless: (a) they were under a legal obligation to obey; (b) they did not know that the order was unlawful; and (c) the order was not manifestly unlawful, such as would be the case, for example, for any order to commit genocide or crimes against humanity.<sup>1070</sup> Conceivably, superior orders may also become a valid defence plea for perpetrators in cases where disobedience is likely to entail individual or collective punishment involving summary execution or serious bodily harm.<sup>1071</sup> Finally, situations involving superior orders that do not relieve the perpetrator of criminal responsibility may still be taken into account in determining the gravity of his or her personal culpability, and the severity of the sanction to be imposed.

#### **(d) Irrelevance of combatant's privilege**

The combatant's privilege afforded by IHL to members of the armed forces of a party to an international armed conflict cannot serve as a defence plea in a war crimes trial. While the combatants' "right to participate directly in hostilities" entails immunity from prosecution for lawful acts of war that would otherwise constitute offences under the national law of the capturing State, they enjoy no such immunity for violations of IHL that are punishable under national or international criminal law.<sup>1072</sup>

#### **(e) Irrelevance of official capacity**

Any privileges or immunities attached to the official capacity of a head of State or government, a member of a government or parliament, an elected representative or a government official, cannot exempt such persons from international criminal responsibility, or provide grounds for reducing their sentence.<sup>1073</sup>

#### **(f) Mistake of fact or mistake of law**

Mistakes of fact or law may provide grounds for excluding criminal responsibility only if they negate the subjective intent (*mens rea*) required to

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1068 CIHL, Rule 155.

1069 CIHL, Rule 154.

1070 Rome Statute, Art. 33.

1071 Rome Statute, Art. 31(d).

1072 On the obligation of the detaining State to take repressive measures, see GC III, Art. 129(2) and (3).

1073 Rome Statute, Art. 27.

commit the crime.<sup>1074</sup> In other words, it is not the perpetrator's subjective knowledge of the *unlawfulness* of an act that is decisive, but his awareness of the *facts that make that act unlawful*. For example, soldiers disguising themselves as civilians in order to carry out a lethal surprise attack against an insurgent commander cannot claim a mistake of law because they erroneously believed that the treacherous killing of an enemy constitutes a war crime only in international armed conflict.<sup>1075</sup> Conversely, a sniper targeting a uniformed enemy cannot be held criminally responsible for the war crime of attacking civilians simply because the targeted person subsequently turns out to be a civilian wearing a military uniform.

### (g) Self-defence

Exceptionally, criminal responsibility for war crimes is excluded in situations of self-defence, namely where persons take reasonable action to defend themselves, others, or property essential to their survival or to the success of a military mission, against an imminent and unlawful use of force and in a manner proportionate to the danger. Conducting a defensive military operation cannot, in itself, justify a plea of self-defence or exclude criminal responsibility.<sup>1076</sup>

## 2. War crimes

Serious violations of IHL are considered war crimes punishable under international criminal law.<sup>1077</sup> This essentially includes any violations described as “grave breaches” of the 1949 Geneva Conventions and Additional Protocol I, and other serious violations of IHL recognized as war crimes in the Rome Statute<sup>1078</sup> or in customary law.<sup>1079</sup> In substantive terms, the extensive lists of war crimes provided by the 1949 Geneva Conventions, Additional Protocol I and the Rome Statute essentially comprise violations of the core protection afforded either to persons and objects in the power of the enemy or to persons and objects protected against attack in the conduct of hostilities.

For persons and objects in the power of a belligerent party, this includes crimes such as murder, torture and other forms of inhuman treatment, including sexual violence, pillage and wanton destruction, hostage-taking, unlawful imprisonment and the denial of a fair trial, as well as forced recruitment into hostile armed forces, child recruitment and unlawful deportations and transfers. During the conduct of hostilities, this includes, most notably,

<sup>1074</sup> Rome Statute, Art. 32.

<sup>1075</sup> Rome Statute, Art. 8(2)(e)(ix).

<sup>1076</sup> Rome Statute, Art. 31(c).

<sup>1077</sup> CIHL, Rule 156.

<sup>1078</sup> See GC I, Art. 50; GC II, Art. 51; GC III, Art. 130; GC IV, Art. 147; AP I, Art. 85; Rome Statute, Art. 8(2)(a) and (b).

<sup>1079</sup> For the definition of war crimes in customary IHL, see CIHL, Rule 156.

the deliberate violation of the principles of distinction and of proportionality, and of the prohibitions against perfidy and denial of quarter, and the use of certain prohibited weapons.<sup>1080</sup> For each war crime, a number of objective (factual, or *actus reus*) and subjective (mental, or *mens rea*) criteria must be met for the deed to be punishable under international law. For crimes listed in the Rome Statute, these elements have been authoritatively identified in the Elements of Crimes adopted by the States party to the Statute.<sup>1081</sup>

The international criminalization of serious violations of IHL does not necessarily require a legal basis in treaty law, but can also arise as a matter of international custom. This was demonstrated by the Nuremberg trials in 1945–1946 with regard to international armed conflict, and by the case-law of the ICTY and the ICTR in connection with non-international armed conflict. International crimes include not only war crimes, but also crimes against humanity, genocide and, in the future, the crime of aggression.<sup>1082</sup> These international crimes should not be confused with acts that States party to certain treaties are obliged to criminalize under their domestic legislation, but which are not covered by international criminal law. For example, the Convention against Torture does not criminalize torture as a matter of international law, but obliges States Parties to criminalize torture (including attempted torture, complicity and participation) under national law.<sup>1083</sup> Hence, torture committed for reasons related to an armed conflict constitutes a war crime, and torture committed as part of a widespread or systematic attack directed against any civilian population amounts to a crime against humanity<sup>1084</sup> or, in certain circumstances, to genocide.<sup>1085</sup> Torture committed in other situations still constitutes a grave violation of human rights law, and must be prosecuted by States under national legislation. However, it cannot be adjudicated by the International Criminal Court as an international crime.

### 3. Duty of States to investigate and prosecute or extradite

As a matter of treaty IHL, States party to the 1949 Geneva Conventions and Additional Protocol I are required to search for persons alleged to have

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1080 AP I, Art. 85(3) and (4).

1081 Rome Statute, Art. 9; Elements of Crimes, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court*, First session, New York, 3–10 September 2002, part II. B. For the Elements of Crimes adopted at the 2010 Review Conference, see *Official Records of the Review Conference of the Rome Statute of the International Criminal Court*, Kampala, 31 May–11 June 2010.

1082 Rome Statute, Arts 6, 7 and (in force soon) 8 *bis*.

1083 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984 (Convention against Torture), Art. 4(1).

1084 Rome Statute, Art. 7(1)(f).

1085 Rome Statute, Art. 6(b).

committed, or to have ordered to be committed, crimes categorized as “grave breaches” of these treaties, and to bring such persons, regardless of their nationality, before their own courts. Alternatively, and always in accordance with the relevant principles of national and international law, States may extradite such suspects for trial to another State, made out a *prima facie* case.<sup>1086</sup> States must also take the “measures necessary” for the suppression of all other violations of the Conventions and of Additional Protocol I,<sup>1087</sup> including those resulting from a failure to act when under a duty to do so.<sup>1088</sup> The use of the expression “shall take measures necessary for the suppression of all acts contrary to the Convention” implies that States may take a wide range of measures to ensure that violations of the Conventions are stopped and that measures are taken to prevent their recurrence.<sup>1089</sup> In practice, this requires States to ensure that even violations of IHL not classed as war crimes can and will be prosecuted under national law, thus emphasizing the importance of domestic courts to the national implementation of IHL.

Moreover, as a matter of customary international law, States have the right to establish, for their national courts, universal jurisdiction over all war crimes, including those not categorized as “grave breaches” of the 1949 Geneva Conventions and Additional Protocol I.<sup>1090</sup> States have a duty to investigate all war crimes over which they have established jurisdiction – at least all crimes allegedly committed by their nationals or armed forces, or on their territory – and, if appropriate, to initiate prosecutions.<sup>1091</sup> In no case may national statutes of limitation apply to war crimes.<sup>1092</sup> It goes without saying that persons accused of war crimes or crimes against humanity must benefit from the same fundamental guarantees as any other person deprived of his or her liberty, and should be prosecuted in accordance with the applicable rules of national and international law.<sup>1093</sup> States must, subject to other relevant treaties concerning international cooperation in criminal proceedings, provide each other with the greatest possible assistance and, where required, cooperate with the UN to facilitate the investigation and prosecution of war crimes, including grave breaches.<sup>1094</sup> Finally, in addition to the 1949 Geneva Conventions and Additional Protocol I, a number of other treaties that may

1086 GC I, Art. 49(2); GC II, Art. 50(2); GC III, Art. 129(2); GC IV, Art. 146(2).

1087 GC I, Art. 49(3); GC II, Art. 50(3); GC III, Art. 129(3); GC IV, Art. 146(3); AP I, Art. 85.

1088 GC I, Art. 49(3); GC II, Art. 50(3); GC III, Art. 129(3); GC IV, Art. 146(3); AP I, Arts 85 and 86(1).

1089 ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 49.

1090 CIHL, Rule 157.

1091 CIHL, Rule 158.

1092 Rome Statute, Art. 29; CIHL, Rule 160.

1093 AP I, Art. 75(7).

1094 AP I, Arts 88(1) and (3), and 89; CIHL, Rule 161.

apply in armed conflicts require States Parties to establish universal jurisdiction over certain crimes.<sup>1095</sup>

### To go further (Individual criminal responsibility for violations of IHL)<sup>1096</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 13: Criminal repression](#), pp. 395–426.
- Knut Dörmann, *Elements of War Crimes under the Statute of the International Criminal Court*, Cambridge University Press, Cambridge, 2002.
- Héctor Olasolo, *The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes*, Hart Publishers, Oxford, 2009, 354 pp.
- Jamie Allan Williamson, “[Some considerations on command responsibility and criminal liability](#),” *IRRC*, Vol. 90, No. 870, June 2008, pp. 303–317.
- Marko Divac Öberg, “[The absorption of grave breaches into war crimes law](#),” *IRRC*, Vol. 91, No. 873, March 2009, pp. 163–183.
- Paola Gaeta, “The defense of superior order: The Statute of the International Criminal Court versus customary international law,” *European Journal of International Law*, Vol. 10, 1999, pp. 172–191.
- ICRC, [Preventing and Repressing International Crimes: Towards an “Integrated” Approach Based in Domestic Practice](#), ICRC, Geneva, 2014, 116 pp.

<sup>1095</sup> See, in particular, Convention against Torture, Art. 5; Convention on the Safety of United Nations and Associated Personnel, 9 December 1994, Art. 10; Inter-American Convention on Forced Disappearance of Persons, 9 June 1994, Art. 4; Second Protocol to the Hague Convention on Cultural Property, Art. 16(1).

<sup>1096</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)



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- Case No. 68, [Belgium, Law on Universal Jurisdiction](#)
- Document No. 96, [United States Military Tribunal at Nuremberg, \*United States v. Wilhelm List\*](#)
- Case No. 102, [United States, \*In re Yamashita\*](#)
- Case No. 117, [United States, \*United States v. William L. Calley, Jr.\*](#)
- Case No. 211, [ICTY, \*The Prosecutor v. Tadic\* \(Part A, paras 79–84\)](#)
- Case No. 233, [Luxembourg, Law on Cooperation with the International Criminal Courts](#)

## **VI. JUDICIAL ENFORCEMENT**

Whenever possible, violations of IHL should be prosecuted and adjudicated through national institutions and procedures, with international mechanisms generally playing a subsidiary and complementary role, activated only in cases where national accountability mechanisms fail to function effectively. In certain States affected by conflict, such as Israel, Colombia or the United States, national courts have played an important role in interpreting and implementing IHL, whereas in other States, the enforcement of IHL through national courts has proved more difficult. At the international level, several judicial bodies are capable of adjudicating cases involving violations of IHL, each from a different perspective.

### **1. International Court of Justice**

The ICJ, as the principal UN judicial body, contributes to the implementation and enforcement of IHL through its decisions on contentious cases and its advisory opinions. Disputes between States involving alleged violations of IHL may be examined by the ICJ, if the States involved have agreed to submit to its jurisdiction, whether on an ad hoc basis for a specific case, or through an optional declaration accepting its jurisdiction for future cases.<sup>1097</sup> Important, contentious cases involving violations of IHL adjudicated by the ICJ have included the *Nicaragua Case* (1986)<sup>1098</sup> and the *Congo Case* (2005).<sup>1099</sup> Moreover, on the request of the UN General Assembly, the Security Council and other authorized UN bodies and agencies, the ICJ may issue advisory opinions

<sup>1097</sup> ICJ Statute, Art. 36(2).

<sup>1098</sup> ICJ, *Nicaragua case*, *op. cit.* (note 27).

<sup>1099</sup> ICJ, *DRC v. Uganda*, *op. cit.* (note 81).

on the legality under IHL of certain aspects of the conduct of States.<sup>1100</sup> Thus, the ICJ has issued advisory opinions on the “legality of the threat or use of nuclear weapons” (1996)<sup>1101</sup> and on the “legal consequences of the construction of a wall in the occupied Palestinian territory” (2004).<sup>1102</sup> When examining a case or issuing an opinion on a matter linked to an armed conflict, the ICJ quite naturally applies IHL because, unlike many other international judicial bodies, it is not bound to apply only one particular treaty, but is free to refer to all applicable international law, whatever its source, as long as it is relevant to the dispute and binding on all the parties involved.<sup>1103</sup>

## 2. International human rights bodies

Depending on the type of IHL violation concerned, individual victims may bring individual complaints, including reparation claims, before the judicial and quasi-judicial implementing bodies of universal and regional human rights treaties. From an enforcement perspective, it is important to remember that the *lex specialis* character of IHL does not suspend the applicability of human rights law, but merely determines its interpretation during armed conflicts.<sup>1104</sup> Consequently, violations of IHL that also violate human rights law may be pursued through the individual complaints procedures provided under the relevant human rights treaties. For example, the ECHR has adjudicated several human rights cases concerning not only occupied territories, but also combat operations, including attacks by military aircraft in non-international armed conflicts.<sup>1105</sup> In many cases, however, the question of jurisdiction is likely to be problematic, particularly in the case of extraterritorial aerial operations involving no territorial control.<sup>1106</sup> Thus, the various judicial institutions complement rather than compete with each other. Moreover, the Inter-American Commission on Human Rights (IACHR) has not hesitated to refer to IHL where necessary for the application and interpretation of the American Convention on Human Rights in situations of armed conflict.<sup>1107</sup>

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1100 UN Charter, Art. 96.

1101 ICJ, *Legality of the Threat or Use of Nuclear Weapons*, *op. cit.* (note 38).

1102 ICJ, *The Wall Opinion*, *op. cit.* (note 36).

1103 ICJ Statute, Article 38(1).

1104 On the *lex specialis* principle, see Chapter 1.III.2.

1105 ECHR, *Cyprus v. Turkey*, Merits, App. No. 25781/94, 20 May 2001; ECHR, *Al-Skeini and others v. UK*, App. No. 55721/07, 7 July 2011; ECHR, *Isayeva, Yusopova and Bazayeva v. Russia*, App. No. 57947/00, 57948/00 and 57949/00, 24 February 2005; ECHR, *Issa et al. v. Turkey*, App. No. 31821/96, 16 November 2004.

1106 ECHR, *Bankovic and others v. Belgium and 16 other Contracting States*, App. No. 52207/99, 12 December 2001.

1107 See, e.g., IACHR, *Caracoles Community Resolution*, 8 March 1982, consideration 5 in conjunction with Resolution 2; IACHR, *La Tablada case*, *op. cit.* (note 37), paras 158 and 195; IACHR, *Report on the Massacre of the Jesuits in El Salvador*, Report No. 136/99, Case 10. 488, para. 237.

While the continued applicability of human rights law during armed conflicts can hardly be disputed as a matter of law,<sup>1108</sup> the growing trend to examine the conduct of belligerent parties through human rights mechanisms is not entirely unproblematic, not least because the human rights obligations under the purview of these mechanisms are binding only on States. Most contemporary armed conflicts, however, are non-international, and by definition involve at least one non-State party. Examining armed conflicts through human rights mechanisms means that only the conduct of the States involved can be adjudicated, whereas any violations of IHL committed by non-State armed groups will avoid such scrutiny and must be dealt with in different fora. This lack of equality certainly does nothing to overcome the traditional reluctance of States to accept any mandatory form of judicial supervision of their military operations in armed conflicts. It must also be emphasized that IHL is not just the “human rights law of armed conflicts,” as it protects not only human beings, but also civilian and cultural property, the environment and, to a certain extent, the continuity of the political order of States. Thus, many forms of conduct that constitute flagrant violations of IHL do not fall within the purview of human rights mechanisms, and therefore cannot be adjudicated by them.

Overall, the increasing involvement of judicial and quasi-judicial human rights mechanisms in examining and adjudicating human rights abuses committed by belligerent States certainly has, in spite of various obstacles and limitations, significantly contributed to renewing the international community’s interest in IHL, and to the improved implementation and enforcement of this body of law in contemporary situations of armed conflict.

### **3. International criminal courts and tribunals**

The case-law of international criminal courts and tribunals has played a decisive role in shaping the contemporary interpretation and application of IHL. From the International Military Tribunals at Nuremberg and Tokyo after World War II to the ad hoc Tribunals for the former Yugoslavia and Rwanda, the international prosecution and adjudication of suspected war criminals has required the development of an extremely broad range of detailed, yet practice-oriented and realistic criteria for determining the margins of lawful conduct in armed conflict.

In 1998, these developments culminated in the establishment of the International Criminal Court.<sup>1109</sup> The Court is currently the only permanent

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<sup>1108</sup> On IHL and human rights law, see Chapter 1.III.2.

<sup>1109</sup> The Rome Statute was adopted on 17 July 1998 and entered into force on 1 July 2002, after 60 States had become party thereto. As of 1 November 2014, 122 States were party to the Rome Statute.

international judicial body specifically mandated to prosecute violations of IHL. Within the scope of its jurisdiction, the Court examines allegations of war crimes, crimes against humanity, genocide and, from 2017, the crime of aggression. The Court may exercise its jurisdiction in three situations: if the accused is a national of a State party to the Rome Statute; if the alleged crime took place on the territory of a State Party (including registered vessels or aircraft); or if a case is referred to the Court by the UN Security Council.<sup>1110</sup> Moreover, the Court's jurisdiction is subsidiary to that of national courts, and may be exercised only when national courts are unwilling or unable to assume their primary responsibility to investigate or prosecute.<sup>1111</sup> In order to ensure the primacy of their national jurisdiction, many States party to the Rome Statute have introduced domestic legislation that gives national courts jurisdiction over the crimes listed in the Statute.

A number of ad hoc tribunals and special courts have also been established to examine allegations of international crimes in specific contexts. In addition to the International Criminal Tribunals for the former Yugoslavia (1993) and Rwanda (1994), established by the UN Security Council, these institutions include the Special Court for Sierra Leone (2002) and the Extraordinary Chambers in the Courts of Cambodia (2003), both of which were established by treaties signed between the UN and the relevant governments as "hybrid" institutions, prosecuting serious crimes, under both international and domestic law, allegedly committed during the conflict in Sierra Leone and Pol Pot's regime in Cambodia. Additionally, special panels or chambers within existing national tribunals have also been created pursuant to national legislation, such as the War Crimes Chamber in Bosnia and Herzegovina (2002) and the Special Panels for Serious Crimes in Timor-Leste (2000).

In spite of the International Criminal Court's comprehensive mandate and jurisdiction, its practical impact remains limited by the fact that several major military powers, including the United States, the Russian Federation and China, have yet to become party to the Rome Statute. The Court faces a number of challenges, including accusations of bias for prosecuting only leaders from less influential African States, while ignoring crimes committed by representatives of richer and more powerful States. Moreover, both the ad hoc tribunals and the International Criminal Court face challenges relating to budgets, the speed of their work and geographic distance from the contexts under examination. These problems highlight the limitations of international criminal prosecution as a mechanism for the comprehensive adjudication of violations of IHL. The fact of the matter is that relations between States continue to be based on the concept

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<sup>1110</sup> Rome Statute, Arts 12 and 13.

<sup>1111</sup> Rome Statute, Arts 17 and 20.

of national sovereignty and on an uneven distribution of political and military power. Moreover, the widespread violence, destruction and destabilization that accompany most armed conflicts make it difficult to conduct the independent and reliable investigations required for criminal trials. Furthermore, in terms of quantitative capacity, international judicial bodies will always be limited to adjudicating a small number of major cases, whereas the vast majority of allegations will have to be dealt with by local courts, or through extrajudicial mechanisms that aim to provide justice and reconciliation.

The successful prosecution of war criminals by international courts and tribunals has served as a powerful deterrent, and strengthened respect for and compliance with IHL.

### **To go further (Judicial enforcement)<sup>1112</sup>**

- Yusuf Aksar, *Implementing International Humanitarian Law: From the Ad-Hoc Tribunals to a Permanent International Criminal Court*, Routledge, London/New York, 2004, 314 pp.
- Cordula Droege, “[Elective affinities? Human rights and humanitarian law](#),” *IRRC*, Vol. 90, No. 871, September 2008, pp. 501–548.
- Vincent Chetail, “[The contribution of the International Court of Justice to international humanitarian law](#),” *IRRC*, Vol. 85, No. 850, June 2003, pp. 235–269.
- “[International criminal tribunals](#),” *IRRC*, Vol. 88, No. 861, March 2006.

### **How does Law Protect in War?**

- Case No. 23, [The International Criminal Court](#)
- Case No. 62, [ICJ, Nuclear Weapons Advisory Opinion](#)
- Case No. 165, [Sudan, Arrest Warrant for Omar Al-Bashir](#)
- Case No. 230, [UN, Statute of the ICTR](#)
- Case No. 192, [Inter-American Commission on Human Right, Tablada](#)
- Case No. 236, [ICJ, Democratic Republic of the Congo/Uganda, Armed Activities on the Territory of the Congo](#)
- Case No. 282, [ECHR, Isayeva v. Russia](#)

<sup>1112</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

## VII. NON-JUDICIAL ENFORCEMENT

As shown above, international judicial mechanisms face a number of challenges. Consequently, enforcement of IHL is still largely dependent on more traditional, alternative monitoring, complaint and implementation mechanisms. In practice, when one belligerent State violates IHL, the injured State is likely to first issue a formal protest and call for an end to the unlawful conduct. Of course, the injured State may also demand that other States cease or abstain from assisting the incriminated State in its unlawful conduct. Secondly, the injured State may request one or several other States to exert their influence on the incriminated State, or to provide their good offices, for example by agreeing to serve as a Protecting Power. With the agreement of the incriminated State, it may also initiate an official conciliation or enquiry procedure, or activate the International Humanitarian Fact-Finding Commission. In the worst case scenario, the injured State may resort to limited self-help measures, most notably in the form of belligerent reprisals. Finally, the ICRC and other humanitarian organizations have a right of humanitarian initiative to assist victims of armed conflicts.

### 1. Protecting Powers and their substitutes

At the outset of any international armed conflict, belligerent States are obliged to designate Protecting Powers, and to apply the 1949 Geneva Conventions “with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict.”<sup>1113</sup> The diplomatic institution of the Protecting Powers is not exclusive to situations of armed conflict, but has developed over centuries to enable a State, through its good offices and in a wide variety of situations, to safeguard the interests of another State vis-à-vis a third State. In international armed conflicts, Protecting Powers are neutral or otherwise non-belligerent States that are mandated by one belligerent State, with the consent of an enemy State, to protect its interests and those of its nationals vis-à-vis that enemy State.<sup>1114</sup> The Parties may also agree to entrust the duties of a Protecting Power to “an organization which offers all guarantees of impartiality and efficacy.”<sup>1115</sup> Given that normal diplomatic relations between warring States tend to break down for the duration of the armed conflict, Protecting Powers have the task of maintaining diplomatic communication channels between the adversaries. Protecting Powers are also entitled to monitor the

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<sup>1113</sup> GC I–III, Arts 8–10; GC IV, Arts 9–11; AP I, Art. 5.

<sup>1114</sup> AP I, Art. 2(c).

<sup>1115</sup> GC I–III, Art. 10; GC IV, Art. 11.

compliance of belligerent States with IHL, and to provide protection and humanitarian relief to both military and civilian victims.<sup>1116</sup>

During World War II, neutral States such as Switzerland and Sweden assumed numerous mandates to serve as Protecting Powers for Allied States and for States belonging to the Axis. However, during the Cold War, the increasingly polarized political landscape and the predominance of non-international proxy wars prevented frequent recourse to the services of Protecting Powers. In practice, therefore, many of the wide-ranging functions assigned to the Protecting Powers in armed conflicts were gradually taken over by the ICRC, acting on the basis of its recognized right of humanitarian initiative. Even the specifically diplomatic functions of the Protecting Powers not assumed by the ICRC have become less vital today, given that alternative fora exist to ensure adequate communication between belligerent States, most notably within the framework of the UN and regional organizations. Overall, therefore, although the system of Protecting Powers continues to exist in other contexts, it is rarely used in situations of armed conflict, and is unlikely to experience a significant revival in the future as an IHL implementation mechanism.<sup>1117</sup>

## 2. Conciliation procedure

Whilst it is not, strictly speaking, an enforcement mechanism, the “conciliation procedure” aims to resolve disagreements between belligerents regarding the interpretation and application of the 1949 Geneva Conventions. The procedure may be initiated by the Protecting Powers themselves, “where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions” of the Conventions.<sup>1118</sup> For this purpose, any Protecting Power may propose and facilitate a meeting between representatives of the belligerent parties, with a view to resolving the disagreement in question. While the conciliation procedure already existed under the 1929 Geneva Conventions, the right of initiative and humanitarian role of the Protecting Powers were strengthened in the 1949

1116 See, for example, the right of prisoners of war and civilians to make direct applications to the Protecting Powers (GC III, Art. 78(1); GC IV, Art. 30).

1117 For example, at one point, Switzerland held six mandates as a Protecting Power, none of which involved a situation of armed conflict (United States-Cuba/Cuba-United States; Russian Federation-Georgia/Georgia-Russian Federation; United States-Islamic Republic of Iran; Islamic Republic of Iran-Egypt). See <https://www.eda.admin.ch/eda/en/home/aussenpolitik/menschenrechte-menschliche-sicherheit/frieden/schutzmachtmandate.html>. These examples are based on the Vienna Convention on Diplomatic Relations, 18 April 1961, and are not *per se* examples of Protecting Powers under the 1949 Geneva Conventions.

1118 GC I–III, Art. 11; GC IV, Art. 12.

Geneva Conventions, particularly by an explicit reference to the interests not only of the belligerent parties, but of the protected persons themselves. In practice, however, the conciliation procedure has never been invoked and has now been largely replaced by the emergence of alternative fora to facilitate dialogue between belligerent States, particularly within the framework of the UN and regional organizations.<sup>1119</sup>

### 3. Enquiry procedure

Although national authorities bear primary responsibility for investigating alleged IHL violations, they often lack either the will or the capacity to take the required action, or their findings are unlikely to be accepted by their adversary or the international community. The 1949 Geneva Conventions therefore propose that, at the request of a belligerent State, an “enquiry procedure” should be launched to investigate alleged violations of IHL.<sup>1120</sup> If the enquiry concludes that a violation of the Conventions has occurred, the parties are obliged to put an end to that violation and to punish the perpetrators with the least possible delay. The main problem is that the Conventions fail to provide even a basic outline of this mechanism, leaving it to the belligerent parties to set out the procedural details once hostilities have broken out and all peaceful means of settling their disputes have manifestly failed. It is not surprising, therefore, that the enquiry procedure has never been invoked in practice.<sup>1121</sup> The alternative solution proposed in the Conventions, namely to appoint an umpire to decide on the procedure to be followed, also requires consensus and is therefore unlikely to succeed once an armed conflict is under way.

### 4. International Humanitarian Fact-Finding Commission

Given that the enquiry procedure had never been implemented since its inception in 1929, the provisions of Additional Protocol I aimed to take this idea one step further by establishing an International Humanitarian Fact-Finding Commission on a permanent basis.<sup>1122</sup> Thus, States may declare at any time, and for any future armed conflict, that they recognize the competence of the Commission to investigate alleged IHL violations *ipso facto* – i.e. without special agreement – in relation to any other State accepting the same obligation. In making such a declaration, States recognize the Commission’s competence to: (i) enquire into any facts alleged to be a grave breach or other serious violation of the Conventions or

1119 See ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 11.

1120 GC I, Art. 52; GC II, Art. 53; GC III, Art. 132; GC IV, Art. 149.

1121 See ICRC, *Commentary on the First Geneva Convention*, 2nd ed., 2016, *op. cit.* (note 64), Art. 52.

1122 AP I, Art. 90.



Additional Protocol I; (ii) through its good offices, facilitate the restoration of an attitude of respect for IHL. However, in the absence of this prior declaration, the Commission may conduct an enquiry only at the request of one belligerent party and with the consent of the other. While the Commission's mandate is limited to international armed conflicts, it has unilaterally declared that, if requested to do so by all belligerents involved, it would be prepared to assume the same tasks in non-international armed conflicts.<sup>1123</sup> The Commission's competence is limited to fact-finding; it may not draw any conclusions relating to the international lawfulness of established facts, or make its findings public without the consent of all belligerents concerned. Of course, once the facts of a case are established, determining the legal consequences relating to those facts is often relatively straightforward. This may be one of the reasons why, to date, no belligerent party has ever agreed to rely on the Commission's services. Despite their reluctance to use the Commission, States have on various occasions emphasized its potential to improve respect for IHL in ongoing armed conflicts. Most notably, a significant number of States participating in informal meetings convened by the ICRC and Switzerland, from 2012 to 2014, have reiterated their interest in examining how the Commission could be incorporated in a future IHL compliance system.

### **To go further (Non-judicial enforcement)<sup>1124</sup>**

- Swiss Federal Department of Foreign Affairs, *Third Meeting of States on Strengthening Compliance with International Humanitarian Law*, Geneva, 30 June–1 July 2014, Chairs' Conclusions, p. 5. Available at: <https://www.icrc.org/eng/assets/files/2014/third-meeting-of-states-2014-background-document.pdf>

### ***How does Law Protect in War?***

- Document No. 33, [The International Humanitarian Fact-Finding Commission](#)
- Document No. 86, [Switzerland Acting as Protecting Power in World War II](#)
- Case No. 95, [United States Military Tribunal at Nuremberg, The Ministries Case](#)

## **5. Belligerent reprisals**

Throughout the history of international law, reprisals have constituted one of the most effective tools for States to ensure that other States respect their international obligations. Reprisals are a coercive self-help measure whereby

<sup>1123</sup> See *Report of the International Fact-Finding Commission 1991–1996*, p. 2 and *Report on the Work of the IHFFC on the Occasion of its 20th Anniversary*, Bern, 2011, pp. 15, 17, 19 and 28. Available at: [http://www.ihffc.org/index.asp?page=public\\_reports&listfilter=off](http://www.ihffc.org/index.asp?page=public_reports&listfilter=off)

<sup>1124</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

a State aims to compel another State to cease violating international law through acts that would otherwise be contrary to international law. In IHL, reprisals are permissible only in exceptional circumstances and on strict conditions. This singularity of IHL is rooted in the fact that the main beneficiaries of IHL are not the belligerent States themselves, but the potential victims of any armed conflict between these States.

Thus, treaty IHL prohibits belligerent reprisals not only against civilians,<sup>1125</sup> during the conduct of hostilities but also against persons in the power of a party to a conflict, including the wounded, the sick, the shipwrecked, medical and religious personnel, captured combatants, civilians in occupied territory and other categories of civilian in the power of a belligerent party.<sup>1126</sup> Moreover, treaty IHL prohibits reprisals against the property of civilians in the power of an adversary, medical objects, cultural property, objects indispensable to the survival of the civilian population, the natural environment, and works and installations containing dangerous forces in particular, as well as civilian objects in general.<sup>1127</sup>

While treaty law does not currently explicitly prohibit belligerent reprisals as a means of enforcing compliance with prohibitions and restrictions on the use of certain weapons, recent State practice reflects a trend towards outlawing belligerent reprisals altogether.<sup>1128</sup>

Where not prohibited by IHL, belligerent reprisals are subject to the following strict conditions under general international law:<sup>1129</sup>

- **Purpose:** Reprisals may be taken only in response to a serious violation of IHL, and only to induce an adversary to comply with the law. This excludes the permissibility of “anticipatory” reprisals, “counter-reprisals,” reprisals in reaction to a violation of another type of law, and reprisals for the purpose of revenge or punishment.<sup>1130</sup>
- **Measure of last resort (necessity):** Before resorting to belligerent reprisals, protests, negotiations or other lawful measures must be used to try to induce an adversary to cease to violate IHL. Re-

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1125 AP I, Art. 51(6); Protocol II to the Convention on Certain Conventional Weapons, Art. 3(2); Amended Protocol II to the Convention on Certain Conventional Weapons, Art. 3(7).

1126 GC I, Art. 46; GC II, Art. 47; GC III, Art. 13(3); GC IV, Art. 33(1); CIHL, Rule 146.

1127 GC I, Art. 46; GC II, Art. 47; GC IV, Art. 33; AP I, Arts 52–56; Hague Convention on Cultural Property, Art. 4(4). See also CIHL, Rule 147.

1128 CIHL, commentary on Rule 145.

1129 CIHL, Rule 145.

1130 Draft Articles, *op. cit.* (note 1038), Art. 49.



C. Von Toggenburg/ICRC

San José del Guaviare, Colombia, 2010. Men from the forest infantry battalion commanded by General José Joaquín Ricuarte attend an IHL dissemination session.

reprisals may serve only as a measure of last resort, after warnings have gone unheeded.

- **Proportionality:** Reprisals must be proportionate to the original IHL violation to which they respond.
- **Decision at the highest level of government (authority):** The decision to resort to reprisals must be taken at the highest level of government or, arguably, by the military leadership. In no case may decisions to launch belligerent reprisals be taken by individual combatants.
- **Termination:** Belligerent reprisals must be discontinued as soon as the enemy ceases its violation of IHL.<sup>1131</sup>

The extensive range of prohibitions and strict conditions imposed on belligerent reprisals has significantly restricted the use of this instrument in contemporary armed conflicts. For certain States, the restrictive regime of Additional Protocol I was a reason not to ratify the treaty, while others have made reservations to the relevant provisions. In general, given that belligerent reprisals carry a considerable risk of abuse and counter-reprisal, all of which may exacerbate the conflict, there is a continuing trend towards their general prohibition as a means of enforcing compliance with IHL.

<sup>1131</sup> Draft Articles, *op. cit.* (note 1038), Art. 53.

## 6. Role of humanitarian and non-governmental organizations

IHL provides humanitarian organizations, such as the ICRC and the National Societies, with a right to offer their services for the benefit of victims of armed conflict.<sup>1132</sup> In practice, this right translates into a range of humanitarian services and activities to provide persons affected by such situations with the assistance, support and protection they are entitled to under IHL.<sup>1133</sup> The right to offer services may also be exercised by any impartial humanitarian or non-governmental organization capable of responding to humanitarian needs arising in situations of armed conflict, such as Médecins Sans Frontières, a well-known non-governmental organization specializing in providing medical and humanitarian relief. However, the ICRC's right of initiative extends further, enabling it "to make any proposal it deems to be in the interest of the victims of the conflict."<sup>1134</sup> Pursuant to that right, the ICRC has been granted observer status at the UN, where it can share its positions on various humanitarian issues and take part in various expert processes to address them.<sup>1135</sup> Other organizations are also active in the field of non-judicial enforcement, but adopt a different approach. For example, Amnesty International, Human Rights Watch and Human Rights First focus on ensuring respect for IHL and human rights law by denouncing violations. The reports produced by such human rights organizations increasingly also address questions of IHL and, through their impact on public opinion, may significantly influence its implementation and enforcement in a manner that complements the strictly confidential approach of the ICRC.

→ On the special role of the ICRC with regard to IHL, see Chapter 8.

## VIII. SPECIFIC ISSUES ARISING IN NON-INTERNATIONAL ARMED CONFLICTS

### 1. Obligation to respect and ensure respect for IHL

The duty of States to ensure respect for the Conventions in all circumstances also applies in non-international armed conflicts and obliges not only States involved in such conflicts, including the "territorial State", on whose territory the conflict is taking place, but also third States. Therefore, appeals or other peaceful measures taken by non-belligerent States to ensure respect for IHL in non-international armed conflicts may no longer be regarded as

1132 GC I–III, Art. 9; GC IV, Art. 10; AP I, Art. 81; GC I–IV, Art. 3(2); AP II, Art. 18(1).

1133 See Chapter 8.II.

1134 Christian Koenig, "[The ICRC is granted observer status at the United Nations](#)" *IRRC*, No. 279, December 1990.

1135 For example, the Guiding Principles on Internal Displacement. For more information on the general right of humanitarian initiative, see Chapter 8.II.6.

prohibited interference in the territorial State's internal affairs. The same principle also prohibits third States from supporting parties to a non-international armed conflict in committing IHL violations. Moreover, IHL governing non-international armed conflicts is binding not only on belligerent States, but on "each Party to the conflict," which means that non-State armed groups, too, must respect IHL and prevent violations by their members.<sup>1136</sup>

## 2. Legal status and capacity of non-State armed groups

The fact that treaty IHL creates direct obligations for non-State parties to a conflict does not affect their legal status under international law.<sup>1137</sup> In essence, this means that contracting States are prepared to impose humanitarian obligations on non-State actor and to respect those obligations in armed conflicts with such groups. However, they are not prepared to afford armed groups the international legal status and legitimacy that, for example, a traditional "recognition of belligerency" would entail. There has been some controversy as to the legal personality of non-State armed groups and the precise legal basis for their direct obligations under international law. The most widely accepted explanation is that States, in line with their right and duty to ensure respect for IHL within their sovereign sphere of influence, may impose the prohibitions and obligations necessary for this purpose on any citizen or non-State actor within their jurisdiction. Outside their own territory, however, States may impose obligations only on their own military personnel or civilian representatives, whereas the right to regulate the conduct of non-State armed groups falls to the territorial State. Thus, the applicability of treaty provisions regulating the rights and duties of non-State armed groups is generally limited to the territory of the contracting States.<sup>1138</sup> Admittedly, this approach does not resolve all questions arising in connection with the rights and duties of non-State armed groups under IHL. For example, if organized armed groups are obliged to respect IHL, what are the legal consequences of violations committed by them, in terms of their legal responsibility and duty to provide reparations? How can such groups criminalize, prosecute and punish violations of IHL in accordance with the principles of a fair trial, if they lack the right to legislate, as well as the capacity to conduct court proceedings and operate detention facilities that meet the requirements of IHL?

## 3. Lack of formal implementation mechanisms

Owing to the reluctance of States to afford non-State armed groups any degree of legitimacy, neither common Article 3 nor Additional

1136 GC I–IV, common Art. 3.

1137 GC I–IV, common Art. 3(4).

1138 See the territorial references in GC I–IV, common Art. 3, and AP II, Art. 1(1).

Protocol II provides for Protecting Powers, enquiry procedures, fact-finding commissions or other international implementation mechanisms. In fact, customary IHL generally prohibits parties to non-international armed conflicts from resorting to belligerent reprisals, and from directing any other countermeasures against persons not, or no longer, taking a direct part in hostilities.<sup>1139</sup> Only a general duty to disseminate IHL may be derived directly from treaty IHL.<sup>1140</sup> In reality, the enforcement of IHL in non-international armed conflicts still largely depends on domestic law enforcement mechanisms and international supervision based on the right of humanitarian initiative, as enshrined in common Article 3.

#### 4. Individual criminal responsibility

IHL governing non-international armed conflict stipulates that, after the end of hostilities, the broadest possible amnesty should be granted to persons who have participated in the conflict or those deprived of their liberty for reasons related to the conflict, albeit with the exception of persons suspected of, accused of or sentenced for war crimes.<sup>1141</sup> The concept of war crimes applicable to non-international armed conflicts includes serious violations of common Article 3, of Additional Protocol II and of customary IHL.<sup>1142</sup> The principle of individual criminal responsibility for serious violations of IHL was first extended to non-international armed conflicts in the jurisprudence of the ICTY.<sup>1143</sup> It has since been incorporated in the provision on war crimes contained in the Rome Statute<sup>1144</sup> and is today recognized as part of customary IHL.<sup>1145</sup>

#### 5. Special agreements and unilateral declarations

As far as humanitarian consequences are concerned, there are no fundamental differences between international and non-international armed conflicts. In both types of armed conflict, the conduct of hostilities causes death and injury among military personnel and civilians, and the destruction of military equipment and civilian property and infrastructure. As a consequence of hostilities, entire populations may have to endure displacement, starvation, abuse or disease. Families may be torn apart and dispersed, relatives and friends may go missing and scores of individuals may be detained or interned. In trying to alleviate the suffering of persons

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1139 CIHL, Rule 148.

1140 AP II, Art. 19.

1141 AP II, Art. 6(5); CIHL, Rule 159.

1142 See Rome Statute, Art. 8(2)(c) and (e), and (slightly diverging) CIHL, Rule 156.

1143 ICTY, *The Prosecutor v. Dusko Tadić*, *op. cit.* (note 70), para. 129.

1144 Rome Statute, Art. 8(2)(c)-(f).

1145 CIHL, Rules 152–158.

affected by armed conflicts, IHL addresses these issues in a similar manner for both international and non-international armed conflicts.

Thus, common Article 3(3) encourages parties to a non-international armed conflict “to bring into force, by means of special agreements, all or part of the other provisions” of the Conventions. In addition to strengthening and clarifying the legal regime governing non-international armed conflict, and given that they do not affect the legal status of the contracting parties, special agreements may also provide a pragmatic way to overcome difficulties relating to issues such as the applicability of certain treaties or the legal classification of a conflict. A special agreement bring into application either all or selected IHL provisions governing international armed conflicts. It may establish new legal obligations if it goes beyond the laws already applicable to the context, or may be of a merely declaratory nature, if limited to restating treaty or customary law provisions that are already binding on the parties. In practice, such special agreements are often proposed, prepared and facilitated by the ICRC, and limited to particular provisions of IHL, such as those regulating the establishment of safety zones or the simultaneous release of wounded prisoners. However, broader references to IHL governing international armed conflicts have also been made, such as during the conflict in the former Yugoslavia.

States are often reluctant to enter into special agreements with organized armed groups, in order to avoid supporting the groups’ efforts to gain political legitimacy. In such cases, organized armed groups may also make unilateral declarations, expressing their intent to respect and (ideally) ensure respect for all, or part, of IHL. Even though such declarations may often be politically motivated, they can be a powerful tool for contacting organized armed groups, improving their internal accountability and, ultimately, securing their compliance with IHL.

### To go further (Specific issues arising in non-international armed conflicts)<sup>1146</sup>

- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 12: The Law of Non-International Armed Conflicts](#) and [Chapter 13: Implementation mechanisms, State responsibility, Criminal repression](#), pp. 327–444.
- “[Understanding armed groups and the applicable law](#),” *IRRC*, Vol. 93, No. 882, June 2011.
- “[Engaging armed groups](#),” *IRRC*, Vol. 93, No. 883, September 2011.
- Ezequiel Heffes and Marco D. Kotik, “Special agreements concluded by armed opposition groups: Where is the law?,” *European Journal of International Law: Talk!*, 27 February 2014. Available at: <http://www.ejiltalk.org/author/heffeskotlik/>

### *How Does Law Protect in War?*

- Case No. 61, [UN, Secretary-General’s Reports on the Protection of Civilians in Armed Conflicts \(Part A., paras 19–21; Part B., paras 38–47\)](#)
- Case No. 202, [Geneva Call, Puntland State of Somalia adhering to a total ban on anti-personnel mines](#)
- Case No. 204, [Former Yugoslavia, Special Agreements Between the Parties to the Conflicts](#)

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<sup>1146</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

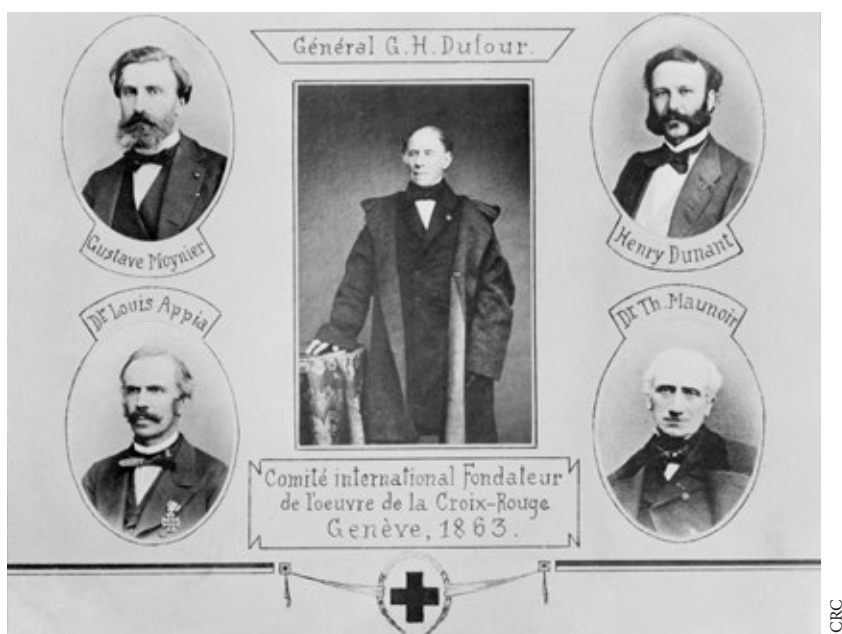






# Chapter 8

## The special role of the ICRC



The Committee of Five, which founded the Red Cross in 1863: Louis Appia, Guillaume-Henri Dufour, Henry Dunant, Théodore Maunoir, Gustave Moynier.

## Structure

- I. Purpose and status of the ICRC
- II. Legal basis for ICRC action
- III. The ICRC as the “guardian of IHL”

### In a nutshell

- The ICRC is an impartial, neutral and independent organization, with its own status. Its exclusively humanitarian mission is to protect and assist the victims of armed conflicts and other situations of violence.
- The ICRC also endeavours to prevent suffering by promoting and strengthening IHL and universal humanitarian principles.
- The ICRC directs and coordinates the international activities of the Movement in situations of armed conflict.
- The legal basis for the ICRC’s activities can be found in treaty IHL and the Statutes of the Movement.
- In carrying out its mandate, the ICRC: (1) aims to prevent violations of IHL by maintaining an operational presence, engaging in dialogue and disseminating knowledge of IHL; (2) takes all available measures to end ongoing violations of IHL and to prevent their recurrence; and (3) engages in a continuous process to reaffirm and strengthen IHL.

### To go further<sup>1147</sup>

- *Panorama: The ICRC in action worldwide*, film, ICRC, 2013. Available at: [https://www.youtube.com/watch?v=YBRKo\\_PbqZI](https://www.youtube.com/watch?v=YBRKo_PbqZI)
- Marco Sassòli, Antoine Bouvier and Anne Quintin, *How Does Law Protect in War?*, ICRC, Geneva, 2011, [Chapter 15: The International Committee of the Red Cross](#), pp. 476–494.
- “[ICRC: 150 Years of Humanitarian Action](#),” *IRRC*, Vol. 94, No. 888, Winter 2012.
- “[Who We Are](#),” webpage, ICRC.

<sup>1147</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

If there is one institution that stands out with regard to the worldwide promotion and implementation of IHL, it is the ICRC. Inspired by Henry Dunant's account of the battle of Solferino, the ICRC was formally established in 1863 as a private association of Swiss citizens and has, since that date, played a seminal role in the development and implementation of IHL.

## I. PURPOSE AND STATUS OF THE ICRC

### 1. An impartial, neutral and independent humanitarian organization

From the outset, the ICRC has had a dual purpose: to provide relief to the victims of armed conflict, as a neutral and independent humanitarian organization, and to promote efforts to reaffirm and develop the laws and customs of war, with a view to strengthening the protection of persons not, or no longer, directly participating in hostilities. The ICRC initially focused on protecting medical personnel and wounded, sick or shipwrecked combatants in international armed conflicts; but, as the means and methods of warfare evolved, the organization gradually extended its activities to other categories of person, such as prisoners of war, the civilian population and, after World War II, the victims of non-international armed conflicts.

Today, the ICRC describes its mission as follows:

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence, and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.<sup>1148</sup>

→ For further information on the origins of the ICRC, see beginning of Chapter 4.

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<sup>1148</sup> ICRC mission statement. Available at: <https://www.icrc.org/en/who-we-are/mandate>

## 2. *Sui generis* status

According to the Statutes of the Movement, the ICRC has “a status of its own” (*sui generis*).<sup>1149</sup> As a private association under Swiss law, the ICRC is not an intergovernmental organization. However, in contrast to non-governmental organizations, the ICRC’s recognized international legal personality enables it to sign headquarters agreements with States to provide its personnel, premises and correspondence with diplomatic protection. Although the ICRC’s headquarters and employees in Geneva remain subject to Swiss law, its headquarters agreement with Switzerland duly takes into account the organization’s international mandate. The *sui generis* character of the ICRC is further illustrated by the fact that, in 1990, it was granted observer status by the UN General Assembly.<sup>1150</sup>

## 3. Component of the International Red Cross and Red Crescent Movement

The ICRC is also the founding body and a key component of the Movement, which comprises all National Societies, the International Federation and the ICRC. The Movement is a humanitarian network that addresses issues of international Red Cross policy while acknowledging the independence of each component. The Movement is unique in that it constitutes a truly universal humanitarian network, operating in line with a single set of seven Fundamental Principles:<sup>1151</sup>

- (1) **Humanity:** The Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health, and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.
- (2) **Impartiality:** It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

1149 [Statutes of the International Red Cross and Red Crescent Movement](#), adopted by the 25th International Conference of the Red Cross at Geneva in October 1986 and amended by the 26th International Conference of the Red Cross and Red Crescent at Geneva in December 1995 and by the 29th International Conference of the Red Cross and Red Crescent at Geneva in June 2006 (Statutes of the Movement), Art. 5(1).

1150 UN General Assembly Resolution 45/6, 16 October 1990.

1151 Preamble, Statutes of the Movement.



M.A. Albaba/ICRC

An ICRC delegate at the Central Prison in Gaza, in the occupied Palestinian territory, 2010.

- (3) **Neutrality:** In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.
- (4) **Independence:** The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.
- (5) **Voluntary Service:** It is a voluntary relief movement not prompted in any manner by desire for gain.
- (6) **Unity:** There can be only one Red Cross or one Red Crescent in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.
- (7) **Universality:** The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The overarching ideals of the Movement are expressed in the mottos *Inter arma caritas* (In war, charity) and *Per humanitatem ad pacem* (With humanity towards peace).

### To go further (Purpose and status of the ICRC)<sup>1152</sup>

- François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims*, ICRC, Geneva, 2003, 1161 pp.
- David P. Forsythe, *The Humanitarians: The International Committee of the Red Cross*, Cambridge University Press, Cambridge, 2005, 256 pp.
- Daniel Palmieri, “[An institution standing the test of time? A review of 150 years of the history of the International Committee of the Red Cross](#),” *IRRC*, Vol. 94, No. 888, Winter 2012, pp. 1273–1298.
- Jean Pictet, *The Fundamental Principles of the Red Cross: Commentary*, ICRC, Geneva, 1979. Available at: <https://www.icrc.org/eng/resources/documents/misc/fundamental-principles-commentary-010179.htm>

### How Does Law Protect in War?

- Case No. 27, [Agreement between the ICRC and Switzerland](#)

## II. LEGAL BASIS FOR ICRC ACTION

The legal basis for ICRC action is to be found in treaty IHL, State practice and the Statutes of the Movement, all of which constitute binding sources of law. Under the provisions of treaty IHL, belligerent States must grant the ICRC “all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol,”<sup>1153</sup> including: (1) acting as substitute for, or complementing the actions of the Protecting Powers, (2) visiting prisoners of war and other protected persons, (3) operating the Central Tracing Agency, (4) providing humanitarian assistance, (5) fulfilling the ICRC’s special mandate with regard to IHL, and (6) exercising a general right of humanitarian initiative.

### 1. Acting as a substitute for or complementing the actions of Protecting Powers

In cases where the belligerents fail to designate any Protecting Powers, the ICRC may serve as a substitute for Protecting Powers, and perform the humanitarian functions assigned to them by the 1949 Geneva Conventions and Additional Protocol I.<sup>1154</sup> In these treaties, the most important functions are generally simultaneously assigned to both the Protecting Powers and the

<sup>1152</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

<sup>1153</sup> AP I, Art. 81(1).

<sup>1154</sup> GC I–III, Art. 10; GC IV, Art. 11; AP I, Art. 5(4).





J. Björkvinsson/ICRC

A young patient at the ICRC's orthopaedic centre in Kabul, Afghanistan, 2006.

ICRC. For example, the Protecting Powers and the ICRC have the right to lend their good offices in relation to the institution and recognition of hospital zones and localities<sup>1155</sup> and, most importantly, to visit prisoners of war and other protected persons.<sup>1156</sup> Unlike the Protecting Powers, however, the ICRC may assist not only nationals of a particular State, but any persons protected by the 1949 Geneva Conventions, regardless of their nationality or allegiance.

## 2. Access to prisoners of war and other protected persons

The ICRC must be permitted to visit all places and premises where prisoners of war may be held.<sup>1157</sup> With regard to civilians protected under the provisions of the Fourth Geneva Convention, ICRC delegates must be allowed access not only to places of internment and detention, but to any place where protected persons may be throughout the national territory of a State, and in territories under belligerent occupation.<sup>1158</sup> The purpose of these visits is to objectively evaluate the humanitarian needs of the persons visited, monitor compliance with IHL in connection with their treatment and, if they have been deprived of their liberty,

1155 GC III, Art. 23; GC IV, Art. 14.

1156 See Section II.2.

1157 GC III, Art. 126.

1158 GC IV, Arts 76(6) and 143.

verify that their internment or detention conditions comply with IHL. In order to carry out this task, the ICRC must be able to freely select the places it visits and the visiting delegates must be able to interview, without a witness present, any prisoner of war or other protected person they encounter and to record their identities. The ICRC must also be allowed to repeat its visits, as these are crucial to monitoring the treatment of detainees and other protected persons. While the ICRC must always take into account the security needs of the belligerent parties, the latter may neither prohibit the ICRC's visits to prisoners of war or other protected persons nor restrict their duration or frequency, save in exceptional and temporary situations of imperative military necessity.<sup>1159</sup>

Belligerent States are also obliged to facilitate the right of prisoners of war or other persons protected by the 1949 Geneva Conventions to communicate with ICRC representatives on their own initiative, whether individually or collectively through elected representatives. This right may be exercised for a variety of purposes, such as requesting assistance, reporting violations of IHL, or making any other complaints, suggestions or requests.<sup>1160</sup> In contrast to Protecting Powers, which may receive applications only from nationals of States whose interests they have agreed to represent, the ICRC may receive communications from any persons protected by the 1949 Geneva Conventions. Following contact with prisoners of war or other protected persons, the ICRC may decide to provide humanitarian assistance in response to identified needs or, in the case of IHL violations, take appropriate steps to prevent further violations.

### 3. Central Tracing Agency

The work of the Central Tracing Agency is closely tied to the ICRC's visits to prisoners of war and other protected persons. The Agency's mandate is laid out in the 1949 Geneva Conventions and it is managed by the ICRC. The Agency's primary purpose is to trace missing persons, unaccompanied children and anyone in the power of an adverse party, to inform their country of origin or allegiance of their whereabouts, and to restore family links ruptured by war.<sup>1161</sup> Any information that might help to identify and reconnect persons in particular need of protection is collected, stored in a centralized database and forwarded by the Agency. The Agency arranges the exchange of family correspondence when the usual means of communication have been disrupted, the transfer and repatriation of individuals, and the reunification of separated families. In fulfilling these tasks, the Agency may also issue certain documents, such as temporary ICRC travel documents for persons without identity papers, and certificates of captivity, hospitalization or death for former detainees,

<sup>1159</sup> GC III, Art. 126; GC IV, Arts. 76(6) and 143.

<sup>1160</sup> GC III, Arts 78 and 81(4); GC IV, Arts 30 and 104(3).

<sup>1161</sup> GC III, Art. 123; GC IV, Arts 25, 136 and 140; AP I, Arts 33(3) and 78(3).



J. Torgovnik/Getty Images/ICRC

Ubangui river, Congo, 2011. An ICRC team on its way to Bolombe to distribute manioc seed, farm implements and fishing equipment under a programme benefiting about 100,000 people in the Likouala district.

prisoners of war or other rightful claimants. The Agency usually works in close cooperation with the National Societies; and the belligerent parties must facilitate these activities to the greatest possible extent.

#### 4. Humanitarian assistance

Belligerent and non-belligerent States have a basic duty to allow and facilitate the delivery of impartial humanitarian relief in areas within and outside their territorial control.<sup>1162</sup> Although the 1949 Geneva Conventions do not give the ICRC an exclusive mandate to provide humanitarian relief, its treaty-based right of access to victims of armed conflict certainly gives the organization a unique position in this respect. The Conventions explicitly mention, for example, that the ICRC may provide humanitarian assistance to prisoners of war and other protected persons,<sup>1163</sup> that the organization may be entrusted with the transport of relief shipments,<sup>1164</sup> and that its representatives may supervise the distribution of aid.<sup>1165</sup> Should military necessity or other essential security considerations require restrictions to be placed on the number or frequency of such relief shipments, due notice

<sup>1162</sup> GC IV, Art. 23; AP I, Art. 70(2); AP II, Art. 18(2); see also Chapter 6.IV.

<sup>1163</sup> GC III, Art. 125; GC IV, Arts 59 and 142.

<sup>1164</sup> GC III, Art. 75; GC IV, Art. 111.

<sup>1165</sup> GC III, Art. 73(3); GC IV, Arts 61 and 109(3).

must be given to the ICRC,<sup>1166</sup> and its “special position in this field shall be recognized and respected at all times.”<sup>1167</sup> Thus, ideally, the ICRC should either be exempt from restrictions placed on the activities of relief societies or, at the very least, be the last organization to which they are applied.<sup>1168</sup>

### 5. Legal basis for the ICRC’s special mandate with regard to IHL

The universally recognized role of the ICRC as the “guardian of IHL” is only briefly mentioned in the 1949 Geneva Conventions and Additional Protocol I. Of course, to a certain extent, this role may be regarded as an implicit part of the ICRC’s operational mandate to assist protected persons. Given that the ICRC shares many of those tasks with other organizations or Protecting Powers, it is probably more accurate to say that, historically, instead of being primarily defined in treaty IHL, the legal basis for the organization’s special mandate with regard to IHL has developed through longstanding and uniform State practice.

For example, the ICRC’s work to prepare and facilitate the drafting and adoption of the Geneva Conventions of 1864, 1906, 1929 and 1949, and their three Additional Protocols of 1977 and 2005, had no explicit legal basis in treaty IHL. The 1977 Additional Protocols merely provide that Switzerland – as the depositary – should consult not only with the other States Parties, but also with the ICRC, before convening a conference to consider proposed amendments to the text.<sup>1169</sup> Also, other than describing the ICRC as a neutral and impartial humanitarian body, treaty IHL provides no definition of the ICRC’s *modus operandi* with regard to the reaffirmation and development of IHL. Instead, the organization’s *modus operandi* has gradually developed over 150 years, drawing from its own practice and that of belligerent States.

Today, of course, the ICRC’s “guardianship” of IHL is expressly recognized in the Statutes of the Movement, an instrument adopted not only by the components of the Movement, but also by all States party to the 1949 Geneva Conventions, thus providing it with quasi-universal legitimacy.<sup>1170</sup> Most notably, the Statutes provide the ICRC with the specific mandate:

<sup>1166</sup> GC IV, Art. 108(2).

<sup>1167</sup> GC III, Art. 125(3); GC IV, Art. 142(3).

<sup>1168</sup> J.S. Pictet (ed.), *Commentary on the Third Geneva Convention*, *op. cit.* (note 492), p. 601.

<sup>1169</sup> AP I, Art. 97; AP II, Art. 24.

<sup>1170</sup> The Statutes of the Movement were adopted at the 25th International Conference of the Red Cross and Red Crescent in 1986 (146 participating States). They have subsequently been revised, and thus *de facto* endorsed, by the States party to the Geneva Conventions attending the International Conferences in 1995 (176 States Parties) and 2006 (185 States Parties), respectively. On that basis, it can be affirmed that the Statutes of the Movement have been almost universally endorsed by States.

- to promote awareness and disseminate knowledge of IHL, and to prepare any development thereof;
- to undertake the tasks incumbent upon it under the 1949 Geneva Conventions, to work for the faithful application of IHL applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;
- to provide protection and assistance to military and civilian victims of armed conflicts;
- to operate the Central Tracing Agency;
- to cooperate with National Societies on matters such as their preparation for armed conflict, fostering respect for, strengthening and promoting the ratification of the 1949 Geneva Conventions, and the dissemination of IHL.<sup>1171</sup>

The ICRC also endeavours to ensure that its existing rights, privileges and working procedures are acknowledged in each context through headquarters agreements and memoranda of understanding.

→ On the ICRC's role and *modus operandi* as the “guardian of IHL,” see Chapter 8.III below.

## 6. General right of humanitarian initiative

Apart from the humanitarian functions specifically assigned to the ICRC to protect and assist victims of conflict, the 1949 Geneva Conventions and Additional Protocol I also provide the organization with a specific legal basis to “carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned,”<sup>1172</sup> and confirm that the provisions of these instruments may not be interpreted to constitute an obstacle to the protection and relief activities of the ICRC.<sup>1173</sup> In non-international armed conflicts, common Article 3 provides that an “impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.”<sup>1174</sup> This means that the Geneva Conventions and their Additional Protocols leave it up to the ICRC to decide what humanitarian activities it deems most appropriate in a particular situation. While States Parties are not obliged to accept any proposals or offers of service made by the ICRC on its own initiative, they may not regard them as

<sup>1171</sup> Statutes of the Movement, Art. 5.

<sup>1172</sup> AP I, Art. 81(1).

<sup>1173</sup> GC I–III, Art. 9; GC IV, Art. 10.

<sup>1174</sup> GC I–IV, Art. 3(2); see also AP II, Art. 18.

an illegitimate intervention, and must at least receive and consider them in good faith.<sup>1175</sup> During armed conflicts, now and in the past, the ICRC's recognized right of humanitarian initiative has always been one of the legal cornerstones of its operational action and its activities to reaffirm and strengthen IHL.<sup>1176</sup>

The Statutes of the Movement also provide that the ICRC "may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution."<sup>1177</sup> Thus, the ICRC's right of humanitarian initiative extends beyond situations of armed conflict to internal disturbances and tensions, and any other situations that warrant humanitarian action. In fact, even where IHL does not apply, the ICRC may offer its services to governments without that offer amounting to interference in the internal affairs of the State in question.

#### **To go further (Legal basis for ICRC action)<sup>1178</sup>**

- "[The future of humanitarian action](#)," *IRRC*, Vol. 93, No. 884, December 2011.
- "The ICRC's Mandate and Mission," webpage, ICRC. Available at: <https://www.icrc.org/eng/who-we-are/mandate/overview-icrc-mandate-mission.htm>

#### ***How Does Law Protect in War?***

- Document No. 31, [Statutes of the International Red Cross and Red Crescent Movement](#)
- Document No. 32, [The Seville Agreement](#)
- Document No. 34, [ICRC, Tracing Service](#)
- Document No. 39, [ICRC, Protection of War Victims](#)
- Document No. 40, [ICRC, Protection Policy](#)
- Case No. 41, [ICRC, Assistance Policy](#)

### **III. THE ICRC AS THE "GUARDIAN OF IHL"**

In promoting respect for IHL, in line with its broad mandate and role under treaty IHL and the Statutes of the Movement, the ICRC essentially follows a three-pronged approach. Firstly, the ICRC's preventive strategy aims to

<sup>1175</sup> Vienna Convention on the Law of Treaties, Art. 31.

<sup>1176</sup> See Section III.4.

<sup>1177</sup> Statutes of the Movement, Art. 5(3).

<sup>1178</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

avert IHL violations through its operational presence in the field, its regular representations to remind belligerent parties of their obligations under IHL, and by disseminating knowledge of IHL as widely as possible. Secondly, if the ICRC becomes aware of IHL violations, it takes all available measures to end them and prevent such violations from recurring. Thirdly, the ICRC is engaged in ongoing efforts to reaffirm and strengthen IHL, in order to ensure that this crucial body of law continues to be adequately interpreted and adapted in light of the evolving nature of warfare.

### 1. Memoranda to belligerent parties (*rappels du droit*)

At the outset of any armed conflict, or when the outbreak of hostilities appears imminent, the ICRC reminds each party of its obligations under IHL. In the case of States, the ICRC generally sends formal memoranda to the governments concerned (*rappels du droit*), while certain organized armed groups may be better reached through a press release or direct meetings. The memoranda contain a reminder of the applicable rules and principles of IHL governing the conduct of hostilities and the protection of persons in the hands of an enemy. In addition to issuing formal memoranda, the ICRC endeavours to engage in a bilateral dialogue with each of the belligerent parties, in order to secure access to protected persons in their power, as well as, the facilities, authorizations and guarantees necessary for its operations.

For example, on 23 September 1980, one day after Iraq attacked the Islamic Republic of Iran, the ICRC reminded the belligerents of their obligations under the Geneva Conventions; and on 26 September, the organization was authorized to send delegates to Iraq. Similarly, as soon as NATO Secretary-General Javier Solana authorized allied military action against the Federal Republic of Yugoslavia in 1999, the ICRC sent a diplomatic note to NATO and its member States, as well as to the Yugoslav authorities, reminding them of their obligations under IHL. If necessary, such memoranda may be re-invoked during the course of an armed conflict, or extended to States entering the conflict at a later date. For example, on 2 August 1990 – the same day that Iraqi troops invaded Kuwait – the ICRC reminded the belligerents of their obligation to comply with the Geneva Conventions and, on 23 August, formally requested the Iraqi authorities to allow it to carry out its mandate in Iraq and occupied Kuwait. In December 1990, when military intervention by the international coalition seemed imminent, the ICRC sent a “Memorandum on the Applicability of International Humanitarian Law” to all States party to the 1949 Geneva Conventions.<sup>1179</sup> Memoranda sub-

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1179 ICRC, “Memorandum on the Applicability of IHL,” 14 December 1990. Reprinted in: *IRRC*, Vol. 280, 1991, p. 24.



mitted to belligerents during the course of an armed conflict or belligerent occupation do not need to be as comprehensive as those submitted initially, and may focus on particular issues that give the ICRC cause for concern. For example, since the Arab-Israeli War of 1967, the ICRC has regularly reminded Israel of its obligations under IHL towards the population of the occupied Palestinian territory, adapting the focus of its memoranda to take into account observations made by its delegates in the field.

## 2. *Modus operandi* in response to violations of IHL

As soon as the ICRC becomes aware that violations of IHL have been committed, or that such violations are ongoing or imminent, it takes appropriate steps to prevent or end such acts, and to ensure that they are not repeated in the future. Depending on the nature and extent of the violations, steps are taken at various hierarchical levels and using a range of methods. The ICRC's *modus operandi* in this regard has been outlined in a set of institutional guidelines entitled "Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence."<sup>1180</sup>

### (a) Principal mode of action: Bilateral and confidential representations

The ICRC's preferred working method involves bilateral and confidential representations to belligerent parties, if possible "from the bottom up." As a first step, the ICRC approaches the belligerent party concerned in confidence, if possible at the hierarchical level directly responsible for the violation. The primary aim is to ensure that those responsible for IHL violations understand their international obligations, and to convince them to take the measures necessary to prevent such violations in the future. In order for its bilateral representations to succeed, the ICRC must operate with absolute integrity and credibility. This means that the organization cannot take sides in a conflict, or discriminate against any group of victims. It must be completely neutral and impartial. Another key aspect of the ICRC's *modus operandi* is the confidential nature of its bilateral dialogue and observations. The fact that the ICRC maintains such a dialogue, visits places of detention or undertakes other activities to assist victims of armed conflict is not confidential information. However, the content of the ICRC's bilateral dialogue with belligerent parties, and the observations made by its delegates in the course of their work, are highly confidential. Put simply, the ICRC says publicly *what it does*, but not *what it sees*.

<sup>1180</sup> ICRC, "Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence," *IRRC*, Vol. 87, No. 858, June 2005, pp. 393–400.



Although confidentiality is not one of the seven Fundamental Principles governing the ICRC's actions,<sup>1181</sup> the importance of this approach to the ICRC's humanitarian mission cannot be overstated. Belligerent parties will rarely provide the ICRC with unhindered access to security detainees or other vulnerable persons, or allow its delegates to collect extremely sensitive information, unless they can be certain that the organization will not publicly share the information it collects, particularly with regard to IHL violations. Moreover, even the smallest suspicion that ICRC delegates collecting such information might personally testify against the perpetrators in subsequent civil or criminal proceedings could seriously jeopardize the safety of ICRC staff. Therefore, in 1999, the ICTY decided that ICRC staff could refuse to give evidence in criminal proceedings. This privilege of immunity has since been extended to the ICRC as an organization and formally incorporated in the Rules of Procedure of the International Criminal Court.<sup>1182</sup> More often than not, confidentiality serves the interests of both the belligerent party and the victims, particularly if individual cases are mentioned by name in reports or other documents. The ICRC therefore asks belligerent parties not to share the content of their bilateral dialogue including, in particular, the ICRC's reports on observations made during detention visits or other activities to assist protected persons. The ICRC stresses in each report that its contents are strictly confidential, that they are intended only for the authorities to whom the report is addressed, and that neither the report as a whole nor any part thereof may be divulged to a third party or the public. Should selected parts of such a report be leaked by the detaining authority to which it is submitted, for instance to influence public opinion on its compliance with IHL, the ICRC reserves the right to publish the full contents of the leaked report, in order to prevent inaccurate or incomplete interpretations of its observations and recommendations.

### **(b) Subsidiary modes of action**

The confidentiality of the ICRC's bilateral dialogue is a policy choice that is neither obligatory nor unconditional. It presupposes a commitment made in good faith by the authorities to give due consideration to the ICRC's concerns, observations and recommendations with regard to ensuring respect for IHL. If the authorities concerned manifestly refuse to cooperate with the ICRC, the organization will generally raise its bilateral and confidential dialogue to the next level within the military or administrative structure of the State or armed group in question. Should the ICRC's bilateral and confidential representations on all relevant hierarchical levels fail to prevent further

<sup>1181</sup> See Section I.3.

<sup>1182</sup> ICTY, *Prosecutor v. Simic et al.*, Trial Chamber Decision, 17 July 1999; Rules of Procedure of the International Criminal Court, Art. 73(4).

violations of IHL, and if there is no prospect of improving the situation, the ICRC may decide to resort to a number of subsidiary measures.

### ***Humanitarian mobilization***

As a first step, the ICRC may decide to “extend the circle of confidentiality” and to share all or some of its concerns (again on the condition of mutual confidentiality) with governments of third countries, international or regional organizations, or individuals in a position to influence the actions of the belligerent party in question. Such confidential humanitarian mobilization is directed primarily at States, and is based on their international obligation to exert pressure on the belligerent party “to ensure respect” for IHL in all circumstances, and to avoid encouraging, supporting or otherwise facilitating IHL violations.<sup>1183</sup> While the ICRC may engage in this kind of humanitarian mobilization, it makes no recommendations regarding measures to be taken by States, organizations or individuals.

### ***Public declaration on the quality of the confidential, bilateral dialogue***

The ICRC may also decide to publicly express its concerns regarding the quality of its confidential, bilateral dialogue with the belligerent party, or the quality of the response to its recommendations on a specific humanitarian problem, albeit without actually disclosing the exact content of the dialogue, or the recommendations or response in question. The purpose of publicly expressing dissatisfaction with the dialogue or cooperation maintained with a belligerent party is not to “name and shame,” but to prompt a better response to the ICRC’s representations and recommendations, and prevent the organization’s silence being wrongly interpreted as evidence that the humanitarian situation is satisfactory.

### ***Public condemnation***

Finally, as a last resort in the face of repeated serious violations of IHL, the ICRC reserves the right to publicly condemn specific violations of IHL and to call for them to cease immediately. In order for the ICRC to issue a public condemnation, the following four conditions must be met in each case:

- (1) the violations are major and repeated, or likely to be repeated;
- (2) there is reliable and verifiable evidence of such violations, or they have been witnessed by ICRC delegates themselves;
- (3) bilateral confidential representations and, when attempted, humanitarian mobilization efforts have failed to put an end to the violations;

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<sup>1183</sup> See Chapter 7, Sections III.1. and IV.2.

- (4) last but not least, no public condemnation may be made unless it is in the interest of the protected persons or populations concerned.

In fact, the ICRC has rarely issued public condemnations. When it has, the statements have mainly related to situations where regular and repeated representations have failed to yield the necessary results, where IHL violations have clearly been part of a deliberate policy, or where the ICRC has been completely unable to obtain access to the authorities concerned. In each case, the ICRC must be convinced that public pressure constitutes the only means of achieving respect for IHL. When considering the interests of the persons or populations affected by an IHL violation, the ICRC must take into account both their short-term interests, in terms of humanitarian protection and relief, and their long-term interests, in terms of the ICRC's continued access to war victims not only in the current situation, but also during other armed conflicts in the future. Public condemnation of IHL violations always involves the weighing up of extremely complex considerations: the interests of the ICRC, those of the belligerents and, above all, the interests of current and future victims of armed conflict.<sup>1184</sup>

### **(c) ICRC attitude toward third-party initiatives**

#### ***Relations with judicial, quasi-judicial or investigating authorities***

As mentioned previously, the ICRC does not provide testimony or confidential documents in connection with investigations or legal proceedings relating to specific violations. However, this does not prevent the organization from maintaining regular contact with judicial, quasi-judicial or investigating authorities on general issues relating to the implementation, application or interpretation of IHL.

#### ***Participation in inquiries and recording of facts***

The ICRC does not perform the role of a commission of inquiry and, as a general rule, neither the organization nor its staff will participate in inquiry procedures. Instead, the ICRC may encourage belligerent parties to appeal to the International Humanitarian Fact-Finding Commission.<sup>1185</sup> At the request of all the belligerent parties concerned, the ICRC may also offer its good offices to help to establish an impartial commission of inquiry offering the necessary procedural guarantees. However, the ICRC will offer its limited services only on the understanding that this will in no way undermine its usual activities, or its reputation for impartiality and neutrality.

<sup>1184</sup> For an example of public condemnation, see "Myanmar: ICRC denounces major and repeated violations of international humanitarian law," ICRC, 29 July 2007. Available at: <https://www.icrc.org/eng/resources/documents/news-release/2009-and-earlier/myanmar-news-290607.htm>

<sup>1185</sup> On the International Humanitarian Fact-Finding Commission, see Chapter 7.VII.4.

Should the ICRC be asked to record the factual consequences of an IHL violation, it will do so only for its own purposes, and only if it is satisfied that the organization's presence will not be abused for political purposes.

### ***Receiving and communicating complaints***

The Statutes of the Movement stipulate that the ICRC's mandate includes "taking cognizance" of any complaints based on alleged IHL violations. While the ICRC is keen to receive all available information on alleged IHL violations, it accepts no obligations with regard to following up those allegations, unless such obligations result from its own humanitarian policies and priorities. Thus, the ICRC may take individual allegations into account in its own activities, but will not communicate allegations of violations to the incriminated party unless they have been recorded by its own delegates, or are based on reliable and verifiable evidence and, above all, only if such a move is in the interest of the victims. In exceptional circumstances, where all other means of communication have broken down, the ICRC may agree to communicate allegations of IHL violations in its capacity as a neutral intermediary between belligerent parties or their National Societies. While the ICRC generally does not make public the complaints it receives, it may publicly confirm receipt of a complaint, if it concerns events that are public knowledge.<sup>1186</sup>

### **3. Prevention work**

Preventive action is the fourth central component of the ICRC's work, in addition to its protection, assistance and cooperation activities in response to violations of IHL and humanitarian needs arising in operational practice. Prevention work "entails taking action to prevent suffering by influencing those who can determine – directly or indirectly – the fate of those affected (by armed conflict and other situations of violence) and generally implies a medium- or long-term perspective."<sup>1187</sup> The ICRC's prevention approach aims to understand the reasons for certain types of behaviour, and how to influence them.

As part of its prevention work, the ICRC maintains a regular dialogue with both State and non-State actors, and reminds them of their respective legal obligations. Moreover, it organizes training courses in IHL for both State representatives and members of non-State entities, humanitarian professionals and academics, and regularly publishes texts on various topics relating to humanitarian law and action. Finally, the ICRC – and particularly its Advisory Service on International Humanitarian Law – also offers its

<sup>1186</sup> ICRC, "Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence," *op.cit.* (note 1180), p. 399.

<sup>1187</sup> ICRC, [Prevention Policy](#), April 2010, p. 5.

services to States to help them incorporate their IHL obligations in national legislation, institutions and practice.

#### 4. Reaffirmation and strengthening of IHL

As part of its role as the “guardian of IHL,” the ICRC contributes to strengthening IHL by initiating, organizing or participating in consultations on the possible adoption of new rules; and preparing, or contributing to, draft texts for submission to diplomatic conferences. Most notably, the ICRC made a decisive contribution to the preparation and drafting of the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005. More recently, the results of an internal study on the adequacy of IHL led the ICRC to conclude that the law could be strengthened in four specific areas, namely: (1) the protection of persons deprived of their liberty in non-international armed conflicts, (2) the protection of internally displaced persons, (3) the protection of the environment and (4) implementation mechanisms, including reparation for victims. Since September 2010, the ICRC has discussed the study with a number of States, most of whom have expressed broad support for its conclusions. However, States have expressed a preference for prioritizing the protection of detainees in non-international armed conflicts and improving the implementation of IHL.

- For more information, see Textbox 8: “Procedural safeguards for internment /administrative detention” (Chapter 5.IV.2.b.)
- See also Textbox 9: “Swiss/ICRC initiative on strengthening the implementation of IHL” (Chapter 7.III.4.b.).

While working on the formal development of new IHL instruments, the ICRC may also engage in activities and consultations to clarify existing IHL provisions. As part of this role, the ICRC has conducted or contributed to a broad range of consultations, conferences, projects and processes of varied scope and duration. A select few are mentioned below to illustrate the practical importance of these efforts.

- ***Strengthening the protection of victims of armed conflicts:*** as mentioned above, the ICRC has conducted a large-scale consultation process on this issue. The work has focused on two areas: detention in non-international armed conflicts and strengthening compliance with IHL.
- ***Commentaries on the 1949 Geneva Conventions and their Additional Protocols:*** The ICRC’s *Commentaries* on the 1949 Geneva Conventions and their Additional Protocols are an

excellent example of institutional guidance on the interpretation of these instruments. As each *Commentary* was drafted within a few years of the adoption of the relevant treaty, the ICRC is in the process of updating the *Commentaries* to ensure that they respond more adequately to interpretive questions arising in contemporary armed conflicts.

- ***Study on customary IHL***: In 2005, after nearly ten years of research and consultation, the ICRC published a study on customary IHL, identifying 161 rules that strengthen protection for victims of armed conflict<sup>1188</sup> (see Textbox 1, Chapter 1.II.2.).
- ***Montreux Document (2008)***: In 2008, 17 countries signed the Montreux Document, which aims to ensure that private military and security companies working in armed conflicts respect IHL and human rights law (see Textbox 3, Chapter 1.IV.4.3.).<sup>1189</sup>
- ***Interpretive guidance on direct participation in hostilities (2009)***: In 2009, after six years of informal consultations with a group of more than 50 governmental, military, humanitarian, academic and non-governmental experts, the ICRC published its interpretive guidance on the notion of “direct participation in hostilities.” This notion has grown in significance in the context of current targeting operations, even though there is no precise definition in IHL (see Textbox 5, Chapter 3.I.4.c.).<sup>1190</sup>

In fulfilling the broad mandate bestowed upon it by the international community, the ICRC has developed a wide range of preventive and reactive modes of action to ensure respect for IHL, and made a decisive contribution to its ongoing reaffirmation and development. Despite the paramount practical importance of the ICRC, however, and its worldwide recognition as the “guardian” of IHL, we must never forget that it is the international community of States that is the creator and “guarantor” of this body of law and that therefore bears ultimate responsibility for the faithful application and enforcement of its rules.<sup>1191</sup>

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1188 J.-M. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law*, *op. cit.* (note 23).

1189 Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict, Montreux, 17 September 2008.

1190 N. Melzer, *Interpretive Guidance*, *op. cit.* (note 130).

1191 GC I-IV, Art. 1.

### To go further (The ICRC as the “guardian of IHL”)<sup>1192</sup>

- Jean-Marie Henckaerts, “[Bringing the Commentaries on the Geneva Conventions and their Additional Protocols into the twenty-first century](#),” *IRRC*, Vol. 94, No. 888, Winter 2012, pp. 1551–1555.
- Gabor Rona, “[The ICRC’s privilege not to testify: Confidentiality in action](#),” *IRRC*, Vol. 84, No. 845, March 2002, p. 207.
- [Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law](#), ICRC, Geneva, 2009, 85 pp.
- ICRC, [Prevention Policy](#), Geneva, 2010, 25 pp.
- *Montreux +5 Conference: Chair’s Conclusions*, ICRC and Federal Department of Foreign Affairs, Geneva, 13 December 2013. Available at: <https://www.icrc.org/eng/assets/files/2014/montreux-plus-5-conclusions-12-2013.pdf>
- “Customary International Humanitarian Law Database,” webpage, ICRC. Available at: <https://www.icrc.org/customary-ihl/eng/docs/home>
- “Strengthening International Humanitarian Law,” webpage, ICRC. Available at: <https://www.icrc.org/en/war-and-law/strengthening-ihl>
- “Confidentiality: Key to the ICRC’s work but not unconditional,” Interview with Dominik Stillhart, Director of Operations at the ICRC, ICRC, Geneva, 2010. Available at: <https://www.icrc.org/eng/resources/documents/interview/confidentiality-interview-010608.htm>

### How Does Law Protect in War?

- Document No. 50, [ICRC, Sixtieth Anniversary of the Geneva Conventions](#)
- Case No. 170, [ICRC, Iran/Iraq Memoranda](#)
- Case No. 214, [ICTY/ICC, Confidentiality and Testimony of ICRC Personnel](#)

<sup>1192</sup> All ICRC documents available at: [www.icrc.org](http://www.icrc.org)

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# References

## ICRC LEARNING TOOLS AND PUBLICATIONS

The following tools and publications allow readers to learn about IHL in “four steps,” each of them adapted to the specific interests, level of knowledge and learning needs of various target groups.

### 1. E-learning course: *The Basic Rules and Principles of IHL*

An introduction to the basics of IHL for non-specialists (eight modules), the course is currently available in French, Spanish and English on the ICRC's “Online Learning Centre” webpage, along with other thematic e-modules.

- E-learning course: <https://www.icrc.org/en/online-training-centre>

### 2. IHL textbook: *International Humanitarian Law: A Comprehensive Introduction*

This is a comprehensive introductory textbook on IHL written in concise and clear language. Its value and usefulness lie in its distinctive combination of “In a nutshell” sections providing key IHL rules at the beginning of each chapter, “To go further” sections offering a variety of thematic references and “Textboxes” providing details on contemporary humanitarian issues and IHL projects. It is intended for students, teachers and scholars interested in IHL, but may also prove useful to lawyers and military and humanitarian personnel looking for a comprehensive overview of contemporary IHL, from the ICRC's perspective.

- IHL textbook: <https://shop.icrc.org/>

### 3. IHL casebook: *How Does Law Protect in War?*

This selection of nearly 300 case studies provides university professors, legal and humanitarian personnel, and students with the most up-to-date and comprehensive selection of documents on IHL now available. It presents fundamental, contemporary legal issues relating to armed conflict and contains a series of outlines for professors setting up introductory or advanced IHL courses. It is available in English and French, and as a regularly updated and fully navigable online database.

- IHL casebook (PDF and paper): <https://www.icrc.org/eng/resources/documents/publication/p0739.htm>
- IHL casebook (online database): <https://www.icrc.org/casebook/>

#### **4. IHL journal: *The International Review of the Red Cross***

Established in 1869, the *International Review of the Red Cross* is a quarterly journal published by the ICRC and Cambridge University Press. It is a forum for debate on IHL and on humanitarian action and policy as they relate to armed conflicts and other situations of violence. The target groups are governments, international governmental and non-governmental organizations, universities, the media and everyone else who is interested in humanitarian issues. Because of the broad range of perspectives it offers, in several languages, the *Review* is particularly helpful for teachers and researchers.

- IHL journal: <https://www.icrc.org/eng/resources/international-review/index.jsp>

## ICRC DATABASES

The following databases provide official legal sources for established lawyers, military and humanitarian personnel, and academics wishing to supplement their work, research and studies with references to the relevant provisions of IHL treaties, customary rules and national legislation.

### **Online database: *Treaties, States Parties and Commentaries***

The database of treaties, States Parties and commentaries contains about 100 IHL instruments, dating from 1856 to the present. The treaties, documents and updated commentaries to the Geneva Conventions (2016 onward) are grouped in current and historical sections and arranged by topic and by date. Outdated texts, such as the Geneva Convention of 1864, are also included, in view of their historical value. Readers can view each text in full (PDF in the right-hand column) or by article.

- Treaties, States Parties and Commentaries online database:  
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# **THE PARIS PRINCIPLES**

## **PRINCIPLES AND GUIDELINES ON CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS**

**February 2007**

**Note:**

This document is in the process of being endorsed by organisations and individuals.

This version of the text was produced on January 30<sup>th</sup> 2007. Further minor amendments are likely. Readers are advised to contact UNICEF ([rsymington@unicef.org](mailto:rsymington@unicef.org)) if they require clarification on the status of the draft or the endorsement process.

# PRINCIPLES AND GUIDELINES ON CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS<sup>1</sup>

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<sup>1</sup> This document exists in English and French. In case of discrepancy between the two languages, English is to be considered the definitive version.

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# **1. INTRODUCTION**

1.0 Hundreds of thousands of children are associated with armed forces and armed groups in conflicts around the world. Girls and boys are used in a variety of ways from support roles, such as cooking or portering, to active fighting, laying mines or spying and girls are frequently used for sexual purposes. This recruitment and use of children violates their rights and causes them physical, developmental, emotional, mental, and spiritual harm.

1.1 The recruitment and use of children by armed forces and armed groups has been a focus of international attention and has been widely condemned, yet children continue to be involved in adult wars and to become disabled or die in such conflicts. While the release and reintegration into civilian life of many of these children has been supported through interventions and programmes designed to assist them, others have returned home on their own, often to face an uncertain future and a further fight for acceptance from their family and community. Girls in particular are likely to be stigmatized and even rejected by their community if it is known that they have been used by an armed force or armed group and the rejection of their children may be even more severe. Other children are encouraged by their families and communities to participate in armed conflict, despite the danger and harm this involves. Despite their experiences, such children are resilient and can contribute constructively to reconstruction and reconciliation efforts if given appropriate help, support and encouragement.

## **Background to the principles**

1.2 Almost a decade after they were agreed, UNICEF initiated a global review of the “Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa” (“the Cape Town Principles”). Adopted in 1997, the Cape Town Principles were the result of a symposium organised by UNICEF and the NGO Working Group on the Convention on the Rights of the Child to develop strategies for preventing recruitment of children, demobilising child soldiers and helping them to reintegrate into society. The Principles have obtained recognition well beyond this original group to become a key instrument to inform the development of international norms as well as shifts in policy at the national, regional and international levels.

1.3 The accumulated knowledge gained from wide ranging and diverse experience in this field since 1997 has led to a more community-based and inclusive approach. There is a growing awareness of the multiple dimensions of the use of children by armed forces or armed groups and the complexities of dealing with the problem and addressing root causes. Together with changes such as the inclusion of recruitment of children under 15 years as a war crime in the International Criminal Court Statute and the development of jurisprudence in this area, these factors prompted recognition of the need to update the Principles and to increase their endorsement beyond actors who specialise in children’s rights.

1.4 An extensive review process was undertaken by UNICEF together with partners involving seven regional reviews, some including regional or sub-regional workshops, carried out in 2005 and 2006. This led to agreement on the need for two documents; the first a short and concise document – The Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups (“The Paris Commitments”) and this second, complementary document

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (“the Paris Principles”), which provide more detailed guidance for those who are implementing programmes. Drafting of the documents was carried out in consultation with a reference group representing a wide range of actors. Revisions were made to incorporate recommendations made during a meeting held in New York in October 2006 which brought together implementing organisations, experts and other interested parties from across the globe. Broad political endorsement from States for the Paris Commitments and Paris Principles at a ministerial meeting held in Paris in February 2007

## **Overview of the principles**

1.5 Based on international law and standards and on the original Cape Town Principles this document incorporates knowledge and lessons learned and in particular emphasises the informal ways in which boys and girls both become associated with and leave armed forces or armed groups. Taking a child rights-based approach to the problem of children associated with armed forces or armed groups, the Principles underscore the humanitarian imperative to seek the unconditional release of children from armed forces or armed groups at all times, even in the midst of conflict and for the duration of the conflict.

1.6 The Principles recognise that, in situations of armed conflict, States and armed groups are the primary actors responsible for the protection of civilians in their effective control and that if they are unable or unwilling to meet all of their humanitarian responsibilities directly they are charged with enabling the provision of humanitarian action by impartial actors.

1.7 The Principles are based on the following lessons drawn from global experience in implementing programmatic interventions to prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life:

1.7.0 The precise nature of the problem and the solution will vary according to the context. A situation analysis, including a gender analysis, should inform and guide all interventions;

1.7.1 Any solution should address the needs of all children affected by armed conflict and incorporate activities to develop and support local capacity to provide a protective environment for children;

1.7.2 The protective environment should incorporate measures to prevent discrimination against girls whose use in armed conflicts is pervasive yet often unrecognised and to promote their equal status in society;

1.7.3 A long term commitment by all actors to prevent the unlawful recruitment or use of children, promote their release from armed forces or armed groups, protect them and support their reintegration is essential;

1.7.4 The family including the extended family and clan and the community should be actively incorporated in the development and implementation of interventions and activities, and they in turn should participate in finding solutions. The inclusion of continuous advocacy to raise awareness of the criminality of recruiting children (including toward parents who “volunteer” the services of their children).

1.8 For solutions to be sustainable, child protection needs to span humanitarian and development programmes, requiring a strategic, child-centred coordination between civil society, humanitarian/emergency, peacekeeping and development and reconstruction actors. In order to address the underlying causes of child recruitment, to address the fluid nature of most armed conflicts and to address the need to take action for children while conflict is still active, the

preparation of an appropriate strategic response, supported by adequate funding, is required urgently as soon as children's unlawful recruitment or use by armed forces or armed groups is identified as a possibility and for the immediate, medium and long term. From the earliest possible stages, development actors should also involve themselves in strategies for the prevention of unlawful recruitment and the reintegration of children into civilian life.

## **Purpose of the principles**

1.9 These Principles reflect experience and knowledge from across the globe and are intended to both foster greater programmatic coherence and support and promote good practice.

## **Scope and target audience**

1.10 The Principles were developed by, and intend to affect the behaviour of, a broad range of actors including: States (both affected countries and donor governments), human rights actors, humanitarian actors, development actors, military and security actors (state and non-state), associated organisations including UN organisations, other inter-governmental actors, national and international organisations and community based organisations. 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.

1.11 These Principles are designed to guide interventions for the protection and well-being of such children and to assist in making policy and programming decisions. The principles aim to guide interventions with the following objectives:

- 1.11.1 To prevent unlawful recruitment or use of children;
- 1.11.2 To facilitate the release of children associated with armed forces and armed groups;
- 1.11.3 To facilitate the reintegration of all children associated with armed forces and armed groups;
- 1.11.4. To ensure the most protective environment for all children.

1.12 While it is recognised that no one 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.

1.13 The Principles should be used alongside other resources; the UN Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) modules on children, youth and gender provide comprehensive guidance particularly in relation to those children who enter a formal "Disarmament, Demobilisation and Reintegration" (DDR) process.

1.14 The Principles, as well as the Paris Commitments, are also designed to assist States and donors in meeting their obligations and taking funding decisions. Effort has been made to ensure that the Principles are consistent with relevant international law, notably legislation related to the minimum age of recruitment. While recognising that States have different obligations under international law, a majority of child protection actors will continue advocating for States to strive to raise the minimum age of recruitment or use to 18 in all circumstances.



## 2. DEFINITIONS

For the purposes of these Principles

2.0 **“Child”** refers to any person less than 18 years of age in accordance with the Convention on the Rights of the Child.

2.1 **“A child associated with an armed force or armed group”** refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

2.2 **“Armed forces”** refers to the armed forces of a State.

2.3 **“Armed groups”** refers to groups distinct from armed forces as defined by Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2.4 **“Recruitment”** refers to compulsory, forced and voluntary conscription or enlistment of children into any kind of armed force or armed group.

2.5 **“Unlawful recruitment or use”** is recruitment or use of children under the age stipulated in the international treaties applicable to the armed force or armed group in question or under applicable national law.

2.6 **“Release”** Includes the process of formal and controlled disarmament and demobilisation of children from an armed force or armed group as well as the informal ways in which children leave by escaping, being captured or by any other means. It implies a disassociation from the armed force or armed group and the beginning of the transition from military to civilian life. Release can take place during a situation of armed conflict; it is not dependent on the temporary or permanent cessation of hostilities. Release is not dependent on children having weapons to forfeit.

2.7 **“Disarmament”**<sup>2</sup> is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilians population. Disarmament also includes the development of responsible arms management programmes.

2.8 **“Child Reintegration”** is the process through which children transition into civil society and enter meaningful roles and identities as civilians who are accepted by their families and communities in a context of local and national reconciliation. Sustainable reintegration is achieved when the political, legal, economic and social conditions needed for children to maintain life, livelihood and dignity have been secured. This process aims to ensure that children can access their rights, including formal and non-formal education, family unity, dignified livelihoods and safety from harm.

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<sup>2</sup> Report of the Secretary General A/60/705 Disarmament, demobilization and reintegration, 2 March 2006

2.9 “**Formal DDR process**”<sup>3</sup> is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilisation may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilisation encompasses the support package provided to the demobilised [adults], which is called reinsertion.

## **3. OVERARCHING PRINCIPLES**

### **General principles**

#### **Preamble**

3.0 All children are entitled to protection and care under a broad range of international, regional and national instruments. The most widely ratified human rights instrument is the 1989 Convention on the Rights of the Child. States have primary responsibility for the protection of all children in their jurisdiction. A child rights approach, meaning that all interventions are developed within a human rights framework, should underpin all interventions aimed at preventing recruitment or use, securing the release of, protecting, and reintegrating children who have been associated with an armed force or armed group. Funding should be made available for this programming, according to the rights and needs of the children, irrespective of formal or informal peace processes or the progress of formal adult DDR processes.

#### **Non-discrimination**<sup>4</sup>

3.1 Discrimination may arise in various ways: on the basis of sex, between vulnerable groups upon reintegration and between children who were associated with different armed forces or armed groups or based on social definitions such as ethnicity, religion, disability or caste.

3.2 **Girls and their children:** Pro-active measures must be taken to ensure the full involvement and inclusion of girls in all aspects of prevention of recruitment, release and reintegration, and services should always respond to their specific needs for protection and assistance. Extreme sensitivity is required when seeking to identify and assist girls in order not to increase the stigma attached to their involvement and make their situation worse. It is central to programming interventions that attention be paid to the particular needs for protection and support both of girl mothers and of children born to girls as a result of their recruitment by an armed force or armed group.

3.3 **Reintegration:** Measures to secure the reintegration of children into civilian life should not stigmatise or make any negative distinction between children who have been recruited or used and those who have not, nor between children who have been recruited or used for temporary or short periods of time and those who have been recruited or used permanently or for longer periods of time. It is also detrimental to all conflict-affected children if other vulnerable children who have not been associated with armed forces or armed groups are placed at a disadvantage vis-à-vis those who have been so associated.

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<sup>3</sup> Report of the Secretary General A/60/705 Disarmament, demobilization and reintegration, 2 March 2006

<sup>4</sup> 1989 Convention on the Rights of the Child, Article 2

## **Best interests of the child<sup>5</sup>**

3.4.0 The release of children from armed forces or armed groups, their reintegration and prevention of recruitment and re-recruitment require priority attention. Actions in this regard must not be dependent or contingent on or attached in any way to the progress of peace processes. All measures to assure the release of children, their protection and the prevention of the recruitment of children shall be determined by the best interests of such children.

3.4.1 Prevention of recruitment, release, protection and reintegration are interdependent and indivisible. Efforts to develop lasting solutions to children's recruitment or use by armed forces or armed groups, and to prevent its future occurrence, should be inclusive of all children affected by armed conflict and address other egregious violations of children's rights under applicable international law or the national law of the countries affected.

## **Children and justice**

### **Treatment of those accused of violations of children's rights**

3.5 Those suspected of committing crimes against children under international law should receive particular attention in post-conflict or transitional justice mechanisms. No amnesty for crimes under international law, including those committed against children, should be granted in any peace or cease-fire agreement.

### **Treatment of children accused of crimes under international law**

3.6 Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles.

3.7 Wherever possible, alternatives to judicial proceedings must be sought, in line with the Convention on the Rights of the Child and other international standards for juvenile justice.<sup>6</sup>

3.8 Where truth-seeking and reconciliation mechanisms are established, children's involvement should be promoted and supported and their rights protected throughout the process. Their participation must be voluntary and by informed consent by both the child and her or his parent or guardian where appropriate and possible. Special procedures should be permitted to minimize greater susceptibility to distress.

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<sup>5</sup> 1989 Convention on the Rights of the Child, Article 3 (1).

<sup>6</sup> 1967 International Covenant on Civil and Political Rights, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") GA Res. 40/33 (1985); United Nations Guidelines for the Prevention of Juvenile Delinquency ("The Riyadh Guidelines") U.N. Doc. A/45/49 (1990).

## **The right to life, survival and development<sup>7</sup>**

3.9 Capital punishment or imprisonment for life without possibility of release shall never be used against any person who is proved to have committed an offence against international or domestic criminal law while under 18 years of age.<sup>8</sup>

3.10 Programmes and policies intended to benefit children associated with armed forces or armed groups should also be informed by a child development perspective. This includes considering and addressing the way children's relationships with significant persons in their lives have been affected by their experiences as well as the way children's experiences impact on their own evolving capacities. A consideration of child development will always include recognising the individual capacities and resources of children in surviving and overcoming their difficulties.

## **Children's right to release from armed forces or armed groups**

3.11 The unlawful recruitment or use of children is a violation of their rights; therefore preventive activities must be carried out continuously. The release, protection and reintegration of children unlawfully recruited or used must be sought at all times, without condition and must not be dependent on any parallel release or demobilisation process for adults.

3.12 Where there are formal disarmament, demobilisation and reintegration (DDR) processes, special provision should be made for children. The absence of a formal DDR process, however, should not prevent activities in pursuit of the release of children from armed forces or armed groups. These actions may require or include separate negotiations with armed forces or armed groups that are unrelated to the broader agenda driven by security reform or by other formal negotiations processes. Where formal processes are in place, linkages should be made to ensure coordinated and comprehensive support to the reintegration of children and their communities of return.

3.13 Where armed forces or armed groups have unlawfully recruited or used children, advocacy efforts - undertaken in accordance with respective mandates - should guard against the securing of advantages from such unlawful recruitment or use during peace negotiations and security sector reforms.

## **Participation and respect for the views of the child**

3.14 All stages of programme assessment, planning, implementation and evaluation activities to prevent the association of children with armed forces or armed groups secure their release, provide protection and reintegrate them into civilian life should include the active participation of those communities concerned, including children. The views of children in particular, as well as the families and the communities to which children return, should always be sought.

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<sup>7</sup> 1989 Convention on the Rights of the Child, Article 6.

<sup>8</sup> 1989 Convention on the Rights of the Child, Article 37.

## **Operational principles**

### **Preamble**

3.15 Children's reintegration into civilian life is the ultimate goal of the process of securing their release from armed forces or armed groups. Planning for reintegration should inform all stages of the process and should commence at the earliest possible stage.

### **Accountability and transparency**

3.16 Actors seeking to support the children who are or who have been associated with armed forces or armed groups and to prevent such association should ensure that their actions are based on child rights and humanitarian principles, that applicable minimum standards in programmes are met and that systems for accountability are developed.<sup>9</sup>

3.17 All staff working with children must, as a condition of employment, be informed of the requirement to be familiar with and adhere to an effective code of conduct of their respective organisations which directly or implicitly includes the protection of children.<sup>10</sup> Child protection and other actors should disseminate these standards and where possible provide training to partner organisations and any other individuals or groups working with children including volunteers, local community based or religious groups. Mechanisms for monitoring and reporting violations and holding those responsible to account should be established and used.<sup>11</sup> Moreover, violations of these codes of conduct that are also criminal offences under national law must also be reported to the relevant law-enforcement authorities.

### **Context-specific programming**

3.18 Strategies and programmes should be based on a comprehensive analysis of the political, social, economic and cultural context, informed by a gender analysis. The comprehensive analysis should include threats, deficits and weaknesses as well as opportunities, capacities and resources. Such an analysis should describe the reasons why children have or may become associated with armed forces or armed groups and identify ways to address them. Likewise, a comprehensive analysis should be undertaken to understand the motivations and incentives of those recruiting or using children.

3.19 A thorough risk analysis should be conducted to ensure that the children, families and communities assisted by programmes are not placed at greater risk for being part of any programme.

3.20 A regional or sub-regional approach should be taken, especially where conflicts spill across international borders, in order to prevent children's unlawful recruitment and re-recruitment into armed forces or armed groups in neighbouring countries or conflicts and other forms of violations of children's rights across borders.

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<sup>9</sup> These include: The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, 1994; The Sphere Handbook, Humanitarian Charter and Minimum Standards in Disaster Response; Interagency Guiding Principles on Unaccompanied and Separated Children, ICRC 2004.

<sup>10</sup> See, for example, 'Keeping Children Safe: A toolkit for child protection', by the Keeping Children Safe Coalition, 2006.

<sup>11</sup> Further information can be found on <http://ochaonline.un.org/webpage.asp?Site=sexex>.

## **Capacity strengthening**

3.21 Programmes should always build on, support and develop regional, national, local and community efforts and capacity to prevent unlawful recruitment or use of children by armed forces or armed groups, support their release and reintegration and protect all children.

3.22 It should be recognised that communities, particularly the women and adolescent girls, are often already over-burdened. Efforts should always be taken to involve the community in planning for programming to ensure that it is adequately supported to care for children released from armed forces or armed groups and to prevent association with armed forces or armed groups from taking place.

## **Funding and other support for the prevention of unlawful recruitment or use and the release and reintegration of children**

3.23 Funding should be made available to child protection actors as early as possible and independently of the progress of any formal or informal peace process and formal DDR planning. Funding should remain available, regardless of the success or progress of formal peace and DDR processes.

3.24 Funding should be made available for activities in communities benefiting a wide range of conflict-affected children and reintegration activities should, so far as possible, avoid maintaining distinctions between children formerly associated with an armed force or armed group and other children in the communities to which they reintegrate.

3.25 Measures are necessary to ameliorate, as far as possible, the negative consequences for children of having been associated with an armed force or armed group whether these are physical, developmental, emotional, mental or spiritual. Reintegration is a long term process requiring a long term commitment from states, supported or assisted by child protection actors and donors alike. Funding should, therefore, be available for the time required to ensure full reintegration of children who have been associated with armed forces or armed groups. It should be flexible, enabling programmes to be more responsive to the expressed needs of girls and boys and the needs for capacity-building of actors involved in these activities. Reintegration programmes should link at the earliest possible stage with other development programs and actors to build the local and national capacity necessary to provide longer-term support to these children and their communities.

## **Coordination, Collaboration and Cooperation**

3.26 Communication, cooperation, coordination, information sharing and transparency among all those involved – from the community level to national institutions and international organisations - in preventing the association of children with armed forces or armed groups and supporting their release, providing protection and reintegrating children are essential at all times. This must be done in compliance with the respective mandates and working modalities of those involved.

3.27 Actors implementing programmes for children who are or have been associated with armed forces or armed groups should coordinate their efforts by establishing and maintaining an

interagency group where *inter alia*: roles and responsibilities are agreed and communicated, respective modes of action are understood and respected, possible collaborative action is planned, policy and programme approaches are defined and protocols for information sharing are developed.

3.28 UNICEF and its partners, working together with government ministries and other bodies with a child protection mandate, including child protection actors, shall support relevant States by providing the required technical and operational expertise and leadership in decision-making and programme implementation in prevention of unlawful recruitment, release, demobilisation and reintegration programmes for children.

## **Confidentiality**

### **Information-sharing**

3.29 It is essential for the protection of children and their families that personal information relating to violations of children's rights including unlawful recruitment or use by armed forces or armed groups be treated as confidential. Inter-agency information management systems should be developed and agreed between all actors implementing programmes who are collecting information, based on the need to protect children and to enable effective action on their behalf. Confidentiality rules applied by certain actors must also be taken into account. Principles on protection of all data should be developed and implemented and training should be provided as necessary. All data stored by UN departments, funds, offices and programmes must comply with the UN Fundamental Principles of Official Statistics.<sup>12</sup>

### **Media coverage**

3.30 Inappropriate media coverage can place children and their families at risk of physical harm and cause psychological damage. Media and publication principles,<sup>13</sup> including a code of conduct for journalists, should be implemented by actors working with children associated with armed forces or armed groups to provide safeguards and prevent placing them at risk, violating confidentiality standards, and otherwise causing harm to the children or their families.

3.31 Ethical standards are also essential for researchers, academics and any other persons who interview or work with children associated with armed forces or armed groups.

## **4. ADDRESSING THE SPECIFIC SITUATION OF GIRLS**

4.0 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 that the experience of being in the armed force or armed group has on their physical, social and emotional

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<sup>12</sup> UN ECOSOC Report of the Special Session of the Statistics Commission 1994 E/1994/29.

<sup>13</sup> UNICEF Media Guidelines – Guidelines on Ethical Reporting.

well being; and the consequences this may have for their ability to successfully adapt to civilian life or reintegrate into family and community life after their release.

4.1 From the planning stage onwards, through the design of eligibility criteria and screening procedures for inclusion in release and reintegration programmes and informal release processes through to programming for reintegration, monitoring and follow-up, actors should recognise that girls are at risk of being ‘invisible’ and take measures to ensure that girls are included and relevant issues addressed at all stages. It is important that the differences between girls’ and boys’ experiences are understood and taken into account by all actors and that programming for children who are or have been associated with armed forces or armed groups explicitly reflects the particular situation of both girls and boys.

4.2 Actors should establish the means to share and learn from one another’s experience and expertise including findings on research and outcomes of pilot programmes for girls associated with armed forces or armed groups.

4.3 Issues relating particularly or specifically to girls are considered throughout the Principles.

## **5. REFUGEE AND INTERNALLY DISPLACED CHILDREN**

5.0 Children who have been internally displaced, whether due to natural disasters or armed conflict may be at greater risk of recruitment or use by armed forces or armed groups due to reduced social protection and coping mechanisms, discrimination on the basis of their displaced status or their perceived allegiance with a belligerent in the armed conflict. Additionally, the impact of lack of economic, educational or other opportunities caused by displacement also places refugee and internally displaced children at greater risk of recruitment in armed forces or armed groups. All actors must be sensitive to these increased risk factors. Humanitarian access to monitor the situation of internally displaced children is of particular importance in addressing these risks.

5.1 Children who have joined armed forces and armed groups and whose families are displaced are at greater risk of remaining separated from their families and communities. Efforts to trace and reunify children with their families once they have been released or demobilised must be guided by the Inter-agency Guiding Principles on Unaccompanied and Separated Children

### **Refugee children**

5.2 Acknowledging their right to seek and enjoy asylum, children who are seeking international protection, irrespective of their age and sex and including those who are unaccompanied or separated, must be referred to available asylum procedures and assisted in gaining access to asylum or complementary forms of protection addressing their specific protection needs. Programmes should be guided by the following legal principles:

5.3 States, recognizing the right to seek and enjoy asylum, shall grant children who are seeking asylum, including those who are unaccompanied or separated, access to asylum procedures and other forms of complementary protection, irrespective of their age. When assessing their claims, States shall take into account the development of, and formative relationship between, international human rights and refugee law, including positions developed by UNHCR in



exercising its supervisory functions under the 1951 Refugee Convention. In particular, the refugee definition in that Convention must be interpreted in an age and gender-sensitive manner, taking into account particular motives for, and forms and manifestations of, persecution experienced by children. Unlawful recruitment or use of children is one of the child-specific forms and manifestations of persecution which may justify the granting of refugee status if such acts are related to one of the 1951 Refugee Convention grounds. States should therefore give utmost attention to such child-specific forms and manifestations of persecution in national refugee status determination procedures.<sup>14</sup>

5.4 Children must not be returned in any manner to the borders of a State where there is real risk, assessed on a case by case basis, of unlawful recruitment or re-recruitment or use by armed forces or armed groups or participation in hostilities.

5.5 In the case that the requirements for granting refugee status under the 1951 Refugee Convention are not met, children who are not in their state of nationality shall benefit from available forms of complementary protection to the extent determined by their protection needs. The application of such complementary forms of protection does not obviate States' obligations to address the particular protection needs of the unaccompanied and separated child. Therefore, children granted complementary forms of protection are entitled, to the fullest extent, to the enjoyment of their human rights, while in the territory or subject to the jurisdiction of the State, including those rights which require a lawful stay in the territory.

5.6 In line with the generally applicable principles and, in particular, those relating to the responsibilities of States with regard to unaccompanied or separated children finding themselves in their territory, children who are neither granted refugee status nor benefit from complementary forms of protection, will still enjoy protection under the Convention on the Rights of the Child and other international human rights norms and if applicable, international humanitarian law.

## **Internally displaced children**

5.7 The majority of children who are displaced during or as a result of armed conflict remain within the boundaries of their own country. They may be displaced with their communities or families or be completely alone.

5.8 The Guiding Principles on Internal Displacement and the binding rules of international humanitarian law and human rights law on which they are based should inform all programmes and planning of programmes for children and their families who are internally displaced. This includes children who have returned from another country but not to their area of origin, whether they were abroad to seek international protection or as a result of being associated with armed forces or armed groups.

5.9 States and internally displaced persons (IDP) communities alike should be encouraged to recognise the protection needs of internally displaced children who have returned from being associated with armed forces or armed groups – particularly where those armed forces or armed groups acted against the State or against the displaced communities, respectively. Intensive advocacy should be conducted with States and displaced communities on behalf of these children.

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<sup>14</sup> Committee on the Rights of the Child, General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6.

5.10 Advocacy with governments and local authorities should remind them that children and their families may often become internally displaced as a result of the threat of the recruitment or use of children. These children and their families should not be regarded as taking a supportive stance to, or collaborating with either side to an armed conflict.

## **6. PREVENTION OF UNLAWFUL RECRUITMENT OR USE**

6.0 Children become associated with armed forces or armed groups for numerous reasons. Many are forcibly recruited; others “volunteer” because of their circumstances. While war itself is a major determinant, children may view enlistment as their best option for survival for themselves, their families or communities in contexts of extreme poverty, violence, social inequality or injustice. Gender inequalities, discrimination and violence are frequently exacerbated in times of armed conflict. Girls and boys may be seeking to escape gender-based violence or other forms of discrimination. Successful prevention programs will address the underlying causes of recruitment, and efforts will be made to provide alternatives to the dangers inherent in association with armed forces or armed groups.

6.1 A lasting solution to the involvement of children in armed conflict will involve a comprehensive prevention plan by States. This should include the ratification and implementation of international treaties and the adoption and enforcement of national laws which criminalize the unlawful recruitment or use of children in armed conflict. Legal reform should be accompanied by public information campaigns on child protection laws and support for community efforts to provide protection for children at the local level.

6.2 Successful prevention requires a collaborative set of actions to be undertaken, broadly inclusive of all actors, including multi-national peacekeeping forces where they are present, relevant to the national or regional context in which children are, or are likely to be, associated with armed forces or armed groups. These actions should include the application of international humanitarian law, relevant human rights instruments and mechanisms, practical measures to improve children’s safety, programming that addresses factors that may encourage the involvement of children in armed forces or armed groups, broadly focused social mobilisation to make the use of children in conflict culturally and morally unacceptable and any other locally relevant measures.

6.3 Effective prevention of the unlawful recruitment or use of girls and boys includes safe attendance at schools, prevention of family separation and early identification, protection and reunification programmes for separated children. Viable alternatives to joining armed forces or armed groups should be available for children, including adolescents. This will include educational and vocational programmes, income generating activities, and access to livelihood opportunities. Child protection mechanisms must be in place, including raising awareness on children’s rights. However, as the gender context may not support girls’ attendance at school, in addition to carrying out certain domestic chores (walking long distances for water and firewood etc.) this may increase their vulnerability to recruitment and requires additional interventions to enrol and retain girls in school.

## **Ratification and implementation of international legal standards**

6.4 Advocacy and other programming with States must be guided by the following: States should take necessary steps to ensure that all relevant international standards are ratified, respected and reflected in national law, including:

6.4.0 The Convention on the Rights of the Child

6.4.1 The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which raises the minimum age for compulsory recruitment into armed forces to 18 years; exhorts armed groups not to recruit or use children under the age of 18 and requires State Parties to take all feasible measures to criminalize such practices;

6.4.2 The African Charter on the Rights and Welfare of the Child, which establishes the age of 18 as the minimum age for recruitment and participation in any armed force or armed group;

6.4.3 The two Additional Protocols to the 1949 Geneva Conventions and the Convention on the Rights of the Child, which set 15 as the minimum age for recruitment or participation in hostilities; as well as the four Geneva Conventions of 1949 which offer important protections to children affected by armed conflict more generally;

6.4.4 The Rome Statute of the International Criminal Court, which states that conscripting or enlisting children under 15 years into national armed forces or armed groups or using them to participate actively in all kinds of hostilities is a war crime. It grants the International Criminal Court jurisdiction over this crime. By ratification, States should import the proscription of recruitment of children under 15 years of age into national legislation;

6.4.5 The ILO Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which defines forced and compulsory recruitment of children in armed conflict as one of the worst forms of child labour and obliges States parties to provide and apply appropriate sanctions, including penal sanctions;

6.4.6 The 1951 Convention Relating to the Status of Refugees and its Protocol of 1967.

6.5 States should take all feasible measures to comply with UN Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005).

6.6 States should take all feasible steps to establish and enforce recruitment procedures in line with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and other relevant international law. Recruitment procedures and measures for implementation must include:

6.6.0 Requirement of proof of age. Where documentary evidence of the recruit's age is not available other means of verification - such as cross checking with other persons and medical screening - may be required; responsibility for establishing the age of the recruit lies with the recruiting party;

6.6.1 Legal and disciplinary measures to sanction those who contravene proof of age requirements;

6.6.2 Legal provisions on minimum recruitment age requirements should be disseminated to those responsible for the conscription and enlistment of military recruits.

6.7 To further ensure that minimum recruitment ages are respected, States, assisted by other relevant bodies and others working for or on behalf of children, should:

6.7.0 Carry out a national awareness raising campaign to disseminate information on international and national laws, standards and procedures protecting children from under-age recruitment;

6.7.1 Provide training on legal standards on minimum age for relevant military personnel;

6.7.2 Implement a national birth registration system for all children within the jurisdiction, including for refugees, internally displaced and returnee children, and provide identity documents to all children.

6.8 Training on applicable standards should be provided for armed forces both for senior officers and rank and file personnel, and where feasible to armed groups. Any training provided should include monitoring and evaluation mechanisms to assess its impact.

6.9 In line with their obligations under international law States must take all feasible measures to prevent the unlawful recruitment or use of children by armed groups.

6.10 Where feasible, governmental, inter-governmental and non-governmental organisations, should offer support and technical assistance to governments and to armed groups, to enable them to comply with their obligations under international law;

6.11 States and armed groups should comply with the Guiding Principles on Internal Displacement which restate the existing obligations that in no circumstances shall displaced children be unlawfully recruited nor be required or permitted to take part in hostilities;

6.12 In situations where provisions have been made to release children from armed forces or armed groups pursuant to the conclusion of peace or cease-fire agreements, mechanisms should be established to ensure that the agreements are respected, that children are immediately released and that no further unlawful recruitment or re-recruitment of children occurs;

6.13 Registration of all children within the jurisdiction of a State is key to preventing unlawful recruitment or use and to reducing the likelihood of children becoming stateless, which in turn may make them more vulnerable to recruitment or use.

## **Prevention in relation to refugees and internally displaced persons**

6.14 Children who are displaced as refugees or are internally displaced whether in camps, with host communities or families or in urban situations can be particularly vulnerable to recruitment. States shall take additional measures to ensure the protection of displaced children against unlawful recruitment or use. Where necessary, States should take additional measures to ensure the protection of displaced children with, where necessary, the assistance of the international community, including by the implementation of the following principles:

6.14.0 States must respect and ensure the civilian and humanitarian character of camps for refugees and internally displaced persons at all times;

6.14.1 States have the responsibility to provide physical protection to persons in camps for refugees and internally displaced persons, which includes the prevention of infiltration in these camps by combatants;

6.14.2 States should make all efforts to locate refugee camps at a reasonable distance from the border, generally at least 50 kilometres, to maintain law and order, to curtail the flow of

arms into the camps and to disarm armed elements and identify, separate and intern combatants and to prevent cross-border recruitment;

6.14.3 Individual registration and documentation of displaced children is an important tool for the protection of children against unlawful recruitment or use, especially for unaccompanied and separated children.

## **Monitoring and reporting**

6.15 Systematic monitoring and reporting of the unlawful recruitment or use of children by armed forces or armed groups as well as other human rights violations against children affected by armed conflict is an essential protection measure; it additionally serves as the basis for actions to pressure armed forces or armed groups to respect fundamental humanitarian and human rights norms and for actions to end impunity for those who violate these norms.

6.16 Pursuant to Security Council Resolutions 1539 (2004) and 1612 (2005) the Secretary General UNICEF and the Office of the Special Representative of the Secretary General for Children Affected by Armed Conflict (SRSG-CAAC) are tasked with a lead role in the implementation of a mechanism for monitoring and reporting on unlawful recruitment or use of children and other egregious violations against children in armed conflict. They are tasked with working alongside UN Peacekeeping forces and UN Country Teams. They act in collaboration with local and international NGOs, civil society actors and other partners.<sup>15</sup> The following guidance should guide the work of monitoring and reporting mechanisms established within the UN framework:

6.16.0 Monitoring and reporting mechanisms should be linked to, support and develop community efforts to prevent the unlawful recruitment or use of children by armed forces or armed groups and facilitate community based outreach strategies;

6.16.1 International and national organisations should be informed of the provisions and available support to enable them to conduct monitoring and reporting in a way that preserves important evidence while reducing the risk to themselves and any children;

6.16.2 Information on recruitment patterns and other grave violations should be used to put pressure on those who recruit children to abide by the relevant law and standards;

6.16.3 Where feasible, monitoring and reporting structures should document cross border recruitment;

6.16.4 Creation of inter-agency information management systems, including databases, at local and sub-regional levels where appropriate, should be considered by international child protection agencies;

6.16.5 Country teams should decide collectively on the establishment of monitoring and reporting task forces as set forth in the Security Council Resolution 1612 (2005) Response measures should be implemented by the mission SRSG or the UN RC as appropriate;

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<sup>15</sup> In each country where children and armed conflict is an issue, a task force on monitoring and reporting will be constituted. The country-level Task Force on Monitoring and Reporting will be co-chaired by the Deputy SRSG and UNICEF Representative in situations where a UN peacekeeping mission is in place, or by the UNICEF representative and other UNCT members where appropriate in situations without a peacekeeping mission. All monitoring reports should be submitted through the SRSG or the Resident Coordinator to the Office of the SRSG for Children and Armed Conflict and copied to UNICEF HQ.

6.16.6 Humanitarian assistance mapping and planning should include the reality and risks of the recruitment of children. The UN Office for the Coordination of Humanitarian Affairs (OCHA) should be involved in this work at the earliest possible stage.

6.17 Monitoring and reporting at the national and local levels, as well as the regional and international levels, may constitute an effective means for preventing the unlawful recruitment of children and obtaining their release. International organizations, including UNICEF, peacekeeping mission, field presences of the Office of the High Commissioner for Human Rights, and other members of UN Country Teams, international humanitarian and human rights NGOs, peacekeeping operations and bilateral donors should, wherever possible, support national and local level monitoring and reporting initiatives, and other community-level initiatives.

6.18 Independently of inter-agency mechanisms, States should take all feasible measures to prevent violations and ensure that perpetrators are adequately prosecuted.

6.19 The European Union Guidelines for Children and Armed Conflict adopted in 2003 include a request for monitoring and reporting of recruitment and other violations and abuses against children through European Union Heads of Mission and outline actions to be taken. Information gathered through the monitoring and reporting mechanism can be used to request European Union bodies to take action on children's association with armed forces or armed groups.

6.20 Reports on the unlawful recruitment and use of children by armed forces or armed groups should be amongst those submitted to the Committee on the Rights of the Child which monitors government implementation on the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict. Information should also be shared with relevant special procedure mandates of the Human Rights Council as appropriate.

## **Advocacy for prevention**

6.21 Prevention strategies and programmes by governments, UN, NGOs and other civil society actors should, wherever possible, be coordinated and effective information-sharing mechanisms should be developed. Where feasible, coordinated strategies targeting armed forces or armed groups recruiting or using children should be developed, and these should seek to involve those – from the local to the international levels - who may be able to influence the conduct of the forces and armed groups responsible.

6.22 A range of actors should be engaged to advocate for an end to the association of children with armed forces of armed groups. They include:

6.22.0 Local human rights defenders, children formerly associated with armed forces or armed groups, teachers, organised civil society, parents, health workers, religious leaders and other community leaders;

6.22.1 Government officials, military personnel, and current or former opposition leaders may be effective as advocates or negotiators in the context of actions to release children or implement prevention strategies, including in neighbouring countries;

6.22.2 Regional bodies such as the Economic Community of West African States (ECOWAS) the African Union (AU), Association of South East Asian Nations, (ASEAN),

Organisation of American States (OAS), and the European Union (EU)<sup>16</sup> can play a vital role in advocacy as can strong and influential individuals, including those exerting authority at a regional level;

6.22.3 Neighbouring and other States can exert political pressure on armed forces or armed groups who recruit or use children, particularly when armed groups are based in those other countries;

6.22.4 The International Committee of the Red Cross has a particular role in relation to its mandate to protect and assist persons affected by armed conflict and in promoting respect for international humanitarian law;

6.22.5 Multi-national peacekeeping forces have particular responsibilities according to their mandates for the protection of civilians including the protection of children against unlawful recruitment or use by armed forces or groups;

6.22.6 Media personnel are frequently well informed on the recruitment or use of children by armed forces or armed groups or the impending risk of such recruitment and can provide the information to enable advocacy.

6.23 States, national and international humanitarian and human rights actors, religious bodies, and other civil society actors are strongly encouraged to use all means of communication to assert that using children to participate in armed conflict is not acceptable. Establishing this prohibition as an absolute social norm is a critical dimension in making it a reality.

6.24 States, national and international humanitarian and human rights actors, religious bodies, and other civil society actors should seek to limit the supply of arms and other support to parties unlawfully recruiting or using children in armed conflict. Control of the availability of small arms and light weapons may be especially important in reducing children's capacity to participate in armed conflict.

6.25 Children are more likely to join or be re-recruited into armed forces or armed groups if they are harassed or attacked or their rights are violated in any other way. Advocacy should therefore also include demands for respect of the humanitarian and human rights principles during and after armed conflict.

## **Prevention and education**

6.26 Education provides opportunities to learn and, when effective, gives children the skills and competence to meet their needs, protect themselves and build hope for the future. Access to education, including appropriate education for older children, life skills and relevant vocational training should be promoted for all boys and girls including returnees and stateless, refugee and internally displaced children. The following principles should be considered to reduce the likelihood of recruitment and use:

6.26.0 Education should be free to all children and of good quality;

6.26.1 Measures must be taken to prevent propaganda or active recruitment taking place in or around schools and to protect children in the school environment.

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<sup>16</sup> The EU adopted Guidelines for Children and Armed Conflict in 2003 and an Implementation Strategy for the Guidelines was agreed in January 2006.

<http://ue.eu.int/uedocs/cmsUpload/GuidelinesChildren.pdf#search=%22european%20union%20guidelines%20on%20children%20and%20armed%20conflict%22>.

## **Building local initiatives**

6.27 Programmes to prevent unlawful recruitment should support community efforts and be context-specific. They should be based on an analysis of the factors underlying children's involvement in armed forces or armed groups, preferably in collaboration with local communities and children themselves. Particular attention should be paid to those children most vulnerable to involvement with armed forces or armed groups, including adolescents, refugees, internally displaced children, children living in conflict zones and occupied territories and those who live in highly politicised environments. Attention should also be paid to children separated from their families (whether accompanied or not) or in institutions, those living or working on the streets, or in conflict with the law, and those who have been subjected to sexual and gender based violence. The following principles should be adhered to reduce the likelihood of unlawful recruitment and use:

6.27.0 Risk mapping can identify areas where conflict is concentrated, the groups at risk, the age of children being recruited and the type of risks they face, as well as the principal recruiting agents and tactics. Targeted strategies should be based on this information. Any risks associated with prevention activities should also be assessed;

6.27.1 Understanding the attitude and motivations of families and communities is vital; children living in highly militarised or politicised communities or those where violence is organised or commonplace may be particularly vulnerable to recruitment; children often join armed groups to support or remain with their families;

6.27.2 Where communities view children as adults before they are 18 years old, opportunities should be sought for involving the government and local communities in reflecting on the need to protect children from the dangers of participation in armed conflict and its negative consequences;

6.27.3 Community and family efforts to protect children from unlawful recruitment or enlistment should be identified and supported and where appropriate replicated;

6.27.4 Children and families should be involved in the design and implementation of prevention activities. Children who have joined up are best placed to describe why they did so. Strategies can be created to reflect on and address these issues, involving parents, children, teachers and community leaders. The influence of parents and other significant adults has been shown to be important in preventing children from joining an armed force or armed group;

6.27.5 Programmes should encourage the formation and continuation of youth groups which bring young people together, especially those from opposing communities. Sports, music or drama or work on conflict resolution or peace studies provide children with a positive alternative to taking up arms and can also promote reconciliation.



## **Preventing the unlawful recruitment or use of girls**

6.28 General prevention strategies apply to girls in the same way as to boys. Girls should be included in the design of programmes as well as in monitoring and evaluation of programmes to ensure interventions are relevant and effective.

6.29 Girls may join armed forces or armed groups to escape sexual and gender-based violence, early marriage or other harmful practices and exploitation. Programmes should address these issues nationally and locally. They should seek to promote gender equality and freedom of choice for girls in line with international human rights norms. Programmes should be developed to provide girls with opportunities to develop skills and generate income in non-exploitative settings.

6.30 The following issues need to be given special consideration and addressed in relation to the prevention of the association of girls with armed forces or armed groups:

6.30.1 Dialogue with armed forces or armed groups should emphasize that the use of girls as “wives” or other forced sexual relations, actual forced marriage, and the use of girls for domestic labour or logistical support in armed conflict constitute acts of recruitment or use and can be thus contrary to fundamental human rights and humanitarian law and standards if not also contrary to national law;

6.30.2 Girls have an equal right to education irrespective of their status as mothers or wives and girls’ lack of access to education should be addressed;

6.30.3 Girls may be particularly vulnerable to forced recruitment or use by armed forces or armed groups if sufficient protection is not afforded, for example by having to fetch water and firewood unaccompanied in conflict zones. All possible measures must be taken to provide effective protection in these and other cases.

## **Family unity**

6.31 The family and community generally provide the most effective protection for children. Every effort should be made to keep children with their families or to reunite them or place them within a family or community setting where they can be adequately cared for and protected.<sup>17</sup>

6.32 Where families decide to send children away temporarily to avoid recruitment, steps should be taken to ensure that these are informed decisions, that, wherever possible, children are consulted and that, above all, these decisions are motivated by the best interests of the child.

6.33 Child protection agencies and other relevant actors should work with governments in providing an urgent response that supports family reunification and the interim care of separated children in the context of armed conflict or natural disaster. In particular,

6.33.0 By providing children with registration documents or at least name tags and teaching them their name and place of origin;

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<sup>17</sup> For further information and ideas see Interagency Guiding Principles on Unaccompanied and Separated Children and Unaccompanied Minors & Priority Action Handbook for UNICEF/UNHCR field staff.

6.34.1 When children have to be evacuated, inter-agency guiding principles indicate: “Whenever possible, children should be evacuated from their place of residence with adult family members. Evacuating children without family members should be a last resort, carried out only after it has been carefully determined that protection and assistance cannot be provided in place and that evacuation of the entire family is not feasible;”<sup>18</sup>

6.35.2 An assessment of the motivation and capacity of families to provide care and protection should be carried out before unaccompanied or separated children are placed with the extended family or in foster care; these arrangements require monitoring to ensure children are not neglected, abused or exploited;

6.35.2 In many instances, children’s vulnerability to recruitment may be increased if they are in institutional settings. It is preferable, therefore, that families and communities are provided with adequate support to ensure a protective environment for children, including the capacity for monitoring.

## **7. RELEASE AND REINTEGRATION**

### **Planning and preparation**

7.0 At all stages, the planning and programming for children who have been associated with armed forces or armed groups should have the objective of enabling children to play an active role as a civilian member of society, integrated into the community and, where possible, reconciled with her / his family.

7.1 Planning for programmes to support the release and reintegration of children should commence as soon as it becomes apparent or possible that there will be children associated with armed forces or armed groups and should not be dependent either on the progress of any formal peace process or on any formal DDR process. Actors working towards the release of children should have agreed contingency plans in place to manage any unexpected, rapid or large-scale release of children by an armed force or armed group.

7.2 Funding for the release and reintegration of children into civilian life should be available at the earliest possible stages and continue after the cessation of formal adult or child DDR processes. Preparations should include an appeal for the necessary funding to support a programme of adequate duration.

7.3 The situation analysis required in planning for the release and reintegration of children associated with armed forces or armed groups should include careful attention to the circumstances of other war-affected children and families in the areas to which they will return.

7.4 Planning for programmes should emphasize community engagement, involve children and the communities to which they return, build on existing resources and take account of the rights and aspirations of children, balanced with community priorities and values. Assessments for programme planning should also acknowledge the changing roles, responsibilities, hierarchies and social dynamics that may have occurred in a community as a result of the disruption caused by the conflict in addition to the skills and experiences children have gained and how this will affect their reintegration process.

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<sup>18</sup> Op cit.

7.5 Preparation should include a strategy to meet the needs both of children who enter a release process **and** those who do not go through any kind of process but leave armed forces or armed groups and either return to their family and community or seek to integrate elsewhere.

## **Protection of children who have been associated with armed forces or armed groups**

7.6 Children who leave armed forces or armed groups by any means, including those who escape, are abandoned or are captured by an opposing armed force or armed group or by multinational forces retain their human rights as children, and relevant international law and standards must be applied, inter alia:

7.6.0 No child may be subjected to torture or other cruel, inhuman or degrading treatment or punishment;

7.6.1 Neither capital punishment nor life imprisonment without possibility of release should be imposed for offences committed by persons below eighteen years of age;

7.6.2 No child may be deprived of his or her liberty unlawfully or arbitrarily;

7.6.3 Children who escape unlawful recruitment must never be considered deserters;

7.6.4 All appropriate measures to promote physical and psychological recovery and social reintegration must be taken;

7.6.5 All appropriate action must be taken to ensure and re-establish family unity;

7.6.6 Unless contrary to the best interests of the child, all allegations of violence, including sexual and gender-based violence must be promptly, thoroughly, and independently investigated and prosecuted and adequate and effective follow-up care offered to the child and her/ his family.

7.7 Many girls give birth during or after their time with an armed force or armed group; the surviving children are likely to face numerous child protection problems, so other specific programmes should be developed which seek to address the particular nature of the challenges faced by these children as infants and as they grow up. They are likely to suffer from health problems, neglect, rejection and abuse or there may be custody battles with the father or his family trying to reclaim the child. The legal status of these children according to both domestic and international law is likely to be unclear. Primarily, the state where the child currently resides has responsibility for ensuring that the best interests of the child are protected. This will include registration at birth or as soon as possible afterwards, the child's right to its identity, a nationality and its family and the right not to be discriminated against.

## **Advocacy**

7.8 All actors should endeavour to work together in accordance with their mandate and respective working modalities to develop a coordinated advocacy strategy with the objective of securing the release and reintegration of children, including a particular focus on girls. Such advocacy should take place at all stages of a conflict, based on continuous monitoring and information collection. It should take place with all those responsible for the recruitment and retention in armed forces or armed groups, communities from where the children were recruited and / or to where they will be released or eventually integrated and with the children themselves.

7.9 Even when a collective or large scale release is agreed, some children (particularly girls) may be kept back and others may be reluctant to leave. Actors should continue to negotiate with armed forces or armed groups for the release of all children recruited or used unlawfully, provide accurate information about the release and reintegration process to children who remain inside armed forces or armed groups, and also consult children already released to find ways to communicate with and encourage those remaining to leave.

7.10 Where appropriate in and accordance with the best interests of the child, direct and free access to all children associated with armed forces or armed groups, regardless of their nationality, should always be granted. This should be done so, without hindrance, to those relevant authorities or actors who have committed to operate in accordance with the relevant standards and who are implementing programmes to support the release, protection and reintegration of children.

## **Armed groups**

7.11 Based on their analysis of armed groups, actors working to promote and support the release of children should make contact with those armed groups who are recruiting or have recruited children and affiliated bodies where this can be done safely, in order to negotiate commitments to establish a minimum age of 18 years for recruitment or participation in armed conflict and to release children in their ranks.<sup>19</sup>

In such contacts:

7.11.0 Rigorous adherence to the principles of neutrality and impartiality are essential;

7.11.1 Actors should adopt a co-coordinated and transparent approach to the extent their mandate and working modalities allow in order to agree on a common strategy and ensure consistent communications. It can be helpful for one agency to take a lead role when making contact with armed groups;

7.11.2 Dialogue and negotiations should take place without media coverage;

7.11.3 Formal agreements should be sought, and should include mechanisms to monitor implementation;

7.11.4 Training and capacity-building on obligations under international law relating to the recruitment or use of children should be provided;

7.11.5 Training provided to armed groups should include monitoring and evaluating mechanisms to assess impact.

## **Peace processes and peace agreements**

7.12 The issue of the release and reintegration of children should be included in all stages of any peace process; where children have participated in armed conflict, peace agreements and related documents should acknowledge this fact. Peace agreements should include specific provision for the needs of children, including the particular needs of girls and any children they have or will have as a result of their association with an armed force or armed group. Such provision should explicitly include financial and other resources required for programmes to support the swift and safe release, return and reintegration or integration of children at the earliest opportunity. There should be no liability for future conscription for those who fought as children.

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<sup>19</sup> More information can be found in the OCHA handbook Humanitarian Negotiations with Armed Groups published by OCHA available at <http://ochaonline.un.org/humanitariannegotiations/index.html>.

## **The release process**

7.13. The transition of the child from a military environment and the first step towards reintegration into civilian life begins with their release from armed forces or armed groups.

7.14 It is usually in the best interests of children associated with armed forces or armed groups to go through some form of formal release process where they can receive support and assistance. Processes should be designed to ensure that all children who wish to are able to benefit from formal programmes. Concerned agencies should therefore:

7.14.0 Design and conduct an information campaign so that children, particularly girls, who are currently associated with armed forces or armed groups, are aware of their right to be released and the options available to them;

7.14.1 Liaise with families and communities of recruited children so that, where possible, they can inform the children of their rights and options;

7.14.2 Advocate with armed forces or armed groups for access to children to explain their rights and options.

7.15 At the same time, particularly for children (largely but not exclusively girls) who do not wish to join such formal processes, programming should develop community based mechanisms where children can be supported without being stigmatised. The following guidance should be adhered to during the release process:

7.15.0 Where there are existing governmental or other, local, structures, these capacities should be incorporated into programming and strengthened as necessary;

7.15.1 Actors supporting the release and reintegration of children must ensure that all those persons who will be working with children are trained and supervised;

7.15.2 Logistical and technical support should be organised in collaboration with agencies responsible for this in the case of a formal DDR process;

7.15.3 Actors should agree on documentation, data collection and storage (including databases) and information sharing, with particular attention to confidentiality and protection of sensitive information, especially vis a vis parties to the armed conflict.

7.16 Where children had not been separated from their families or communities, the release process should not do so unless this is absolutely necessary for the protection of the child.

7.17 Where it would enable children to more easily assume a civilian identity, demobilisation or release papers may be provided. Decisions regarding the provision of such documentation should take into account the local context and balance the help this may give to children against the risk it may entail. Actors working to support the release of children should agree, together with any formal DDR coordination body, on best practice in this regard.

## **Eligibility for the release process**

7.18 The “Definitions” contained in this document should form the basis for criteria on deciding when a child is or has been associated with armed forces or armed groups. The criteria should be clearly laid down and communicated to all who have a role in screening who should be trained and supervised. The criteria must explicitly include girls; armed forces and armed groups and other actors must understand that girls, whatever their roles, are eligible for release and must be included in formal and informal release processes. Release programmes need to ensure that programme activities support policy level agreement to include girls.

7.19 All children who meet the criteria and wish to do so must be allowed to enter a release process.

7.20 All measures to ensure that girls see themselves as eligible for release need to be taken. In particular, information should be given that explicitly includes girls’ eligibility, and special vigilance given to monitoring their release given the reluctance of commanders to allow this.

## **The release**

7.21 The duration of the release process should be as brief as possible and the safety and dignity of the child and their need for confidentiality must be primary considerations. Children should be rapidly separated from adult fighters and handed over to an appropriate, mandated, independent civilian process. Particular consideration should be given to the particular situation of children who are solely dependents of adult fighters and of children born to adults or children who are already in armed forces or armed groups. Formal or informal release processes may take place in a centre or community based environment. Throughout the release process, the following measures are necessary:

7.21.0 Children should be accommodated at a distance from adult ex-combatants with sufficient security to prevent harassment or abuse;

7.21.1 Measures to prevent sexual and gender based violence and ensure safety such as secure accommodation, adequate lighting and separate latrines are essential and girls and boys should be consulted to ensure these measures are sufficient and effective;

7.21.2 Child protection actors and children themselves should be involved in decision making throughout the process;

7.21.3 Adequate time and appropriate personnel, including females, are essential in order to help children feel secure and comfortable enough to receive information about what will happen to them and to be able to participate in decision making;

7.21.4 Wherever possible, staff dealing with children should be of the same nationality and all communication and information should be in the child’s mother tongue;

7.21.5 Measures should be taken to ensure the cultural diversity of the area is taken into account and to meet any particular needs of children in relation to their ethnicity or religion;

7.21.6 Original documentation forms should accompany the child throughout the process;

7.21.7 Information should be provided to children explaining that they have a right not to be abused by anybody (including humanitarian and security staff) and providing details of safe and efficient reporting and complaints mechanisms they can use should abuse occur;

## **The release of children who are not in their state of nationality**

7.22 While these Principles apply equally to the release of children from armed forces and armed groups outside their country of origin or habitual residence, their situation needs special attention. Upon release the child must enjoy access to asylum procedures and other complementary protection. Refugee status determination procedures must be conducted and the refugee definition of the 1951 Refugee Convention interpreted in a gender and age-sensitive manner, while paying due consideration to child-specific forms of persecution. For unaccompanied or separated children, their degree of mental development and maturity needs to be considered when deciding how refugee status will be determined. The best interests of the child should guide any subsequent decision on a durable solution. The provision of identification documents to unaccompanied and separated children is crucial regardless of which durable solution is deemed most appropriate.

## **Girls and the release process**

7.23 From the planning stage onwards, eligibility criteria and screening procedures for inclusion in release and reintegration programmes and informal release processes should always recognise that girls are at risk of being ‘invisible’. Girls may often remain in the armed forces or armed groups while boys are released due in many cases to the view that as “wives” or in other domestic roles, girls are not in the same category of “child soldiers” as boys. This should also be a key consideration in any release negotiations with parties to a conflict.

7.24 If the conditions pertaining throughout the release process are not explicitly inclusive of the specific needs of girls, they will bypass the formal release processes, will leave them prematurely to go straight to their communities or will return to the armed force or armed group. In order to increase the likelihood of girls associated with armed forces or armed groups including those who are pregnant or girl mothers accessing release programmes and to ensure their needs are met, release programmes for children should always be designed to include the following:<sup>20</sup>

7.24.0 The presence of accessible female employees at all times during the process;

7.24.1 Safe and private accommodation for girls where accommodation is required, either at cantonment or transit/interim care or any residential care sites, with specific health services, including reproductive health care, separate washing and toilet facilities, adapted hygiene kits, and clean birthing kits;

7.24.2 Measures to ensure the safety and protection of girls in residential settings such as regulated access of male former combatants to the sites, proper lighting and regular surveillance and patrolling by security forces in which women are a majority wherever possible and in any event for girls’ areas;

7.24.3 Nutrition and health care for infants and young children where necessary and support to girl mothers to care for their children, where possible;

7.24.4 Education in parenting skills and mother and child health for girl mothers or pregnant girls; options for their future should be presented in a supportive environment;

7.24.5 Education and skills training that is unrelated to girls’ reproductive status and made equally accessible to girls who are or are not pregnant or mothers.

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<sup>20</sup> The IDDRS module on children provides further information on girls in the DDR process.

## **Interviewing children**

7.25 Children may need to be interviewed for a number of reasons; to determine whether they meet the criteria for eligibility for release programmes, to establish information about their current circumstances and future plans, to facilitate family tracing, for explicitly therapeutic reasons or for forensic purposes. Interviews should never be conducted to collect information for military purposes.

7.26 Measures should be taken to ensure the safety of the information gathered and a document control mechanism should be established. The safety of the interviewee should be considered paramount in information management mechanisms. Information collected from interviews should remain the property of the collecting organisation.

7.27 Throughout release and reintegration processes, all children should be informed as to why information is being collected, who will have access to it, and which steps have been taken to ensure confidentiality. Children should be kept informed about what will happen to them at each step of the process.

7.28 The following measures should be put in place by organisations whose personnel need to interview children:

7.28.0 Interviewing personnel should be clear about their purpose and should concentrate on information required for these purposes only;

7.28.1 Interviews should be carried out by personnel who are trained in interviewing children;

7.28.2 Children should be interviewed by adults of the same sex wherever possible;

7.28.3 Multiple interviews should be avoided;

7.28.3 Sensitive issues should be raised with children only when essential and in their best interests;

7.28.4 Additional support should be provided as necessary to children during and after the interview;

7.28.5 In all cases, psychological support should be available to children before, during and after interviews;

7.28.6 Interviews should be conducted in private where they cannot be overheard and confidentiality should be respected at all times by the organisation collecting the information.

7.29 See section eight for principles relating to forensic use of information gathered from children.

## **An inclusive approach to reintegration**

7.30 Children who have been associated with armed forces or armed groups may be further stigmatised with a narrow provision of benefits and support only to that sector of children; community divisions and tensions can be increased. Inclusive programming which supports children who have been recruited or used as well as other vulnerable children benefits the wider community.



7.31 While the reintegration of children into civilian communities should wherever possible be carried out in ways that facilitate local and national reconciliation, it should always be preceded by a risk assessment including a cultural and gender analysis addressing issues of discrimination and should be based on the child's best interests irrespective of national considerations or priorities.

7.31.0 Programmes should build on the resilience of children, enhance self-worth and promote their capacity to protect their own integrity and construct a positive life;

7.31.1 The participation of women and girls in programme development and implementation should incorporate their views with regard to reintegration into family, community and economic and political life;

7.31.2 Activities should always take into account the age and stage of development of each child and any specific needs.

7.32 Programmes to support the reintegration of children associated with armed forces or armed groups should develop links with all programmes, policies and initiatives which may benefit these children and their families either directly, for example through local or national social welfare programmes, or indirectly, through reconstruction and rehabilitation of national institutions and other development programmes.

## **Material assistance**

7.33 Assistance at the release or reintegration stages should aim to enable children leaving an armed force or armed group to assume a place within their community and standard of living comparable to that of other children of the same age. Circumstances vary, and it should not be assumed that all children who have been associated with an armed force or armed group require direct material assistance in order to reintegrate. While material assistance and particular attention may well be necessary, for instance, for children with disabilities or girl mothers, inappropriate assistance can impede reintegration, particularly if it is perceived to be rewarding children who have committed acts harmful to their community. Benefits in terms of services should be structured and provided in a manner that does not either stigmatize or inappropriately privilege children or place them at risk. This is generally best achieved by providing support to children, families, and communities. For example, assistance might be provided to schools which enable them to incorporate such additional children.

7.34 Where reintegration will require appropriate material and social assistance, appropriate planning involves assessing how such children and their actions are regarded by their respective communities, how long they have been away and what they require in order to re-enter civilian life in an age-appropriate stage of the life cycle.

7.35 Direct cash benefits to released or returning children are not an appropriate form of assistance, as experience has repeatedly shown.

## **Family tracing**

7.36 Family tracing, if required, should begin urgently and contact with families and communities established as soon as possible with a view to timely reunification or placement of the child within a supportive protective environment, ideally their family. Child protection coordination groups or networks should agree on a strategy for family tracing, reunification and follow up of children and ensure that it includes children associated with armed forces or armed groups. Consideration should be given to the mandate and experience of the ICRC with regard to tracing and re-establishing family links in cooperation with the national Red Cross and Red Crescent societies.

## **Support for families and communities to which children return or integrate**

7.37 The capacity of the family and community to care for and protect all children affected by conflict should be developed and supported from the earliest possible stage. Dialogue with the communities to which children will return or be integrated into should be initiated at the earliest possible opportunity.

7.38 As much as possible and when in the best interests of the child, this should be done before release in order to clarify their concerns and strengthen the community's understanding of their own roles and responsibilities with regard to released children. Discussions should explore any fears and prejudices towards returning children and the potential for stigmatisation of such children and should help communities understand that children have suffered, that experience from other conflicts indicates that children can, with appropriate support, integrate effectively into civilian life, and that the children are the responsibility of the community as well as the State. These discussions should set the stage for community initiatives to support the released children along with other vulnerable children in the community. Staff capacity should be developed to undertake such initiatives.

7.39 The stigmatization of children associated with armed forces or armed groups is one of the greatest barriers to reintegration and girls may be particularly ostracised. Children are frequently perceived initially as troublemakers prone to aggressive behaviour or criminal activities. The preparation of communities and on-going support to communities needs to address these perceptions and to help communities understand that the children are primarily victims.

7.40 Actors should advocate with programming partners and with donors for the necessary linkages between short term humanitarian assistance and longer term development assistance which will enable the reintegration of children.

7.41 Children may be reunited or integrated with families and communities that have suffered displacement, disruption, deprivation, and loss of social cohesion as a result of conflict. To enable children's return and reintegration, it is vital to prepare the family and community and also to provide mediation and support following children's return. Work with families and communities should:

7.41.0 Identify and build upon ways of supporting long term livelihoods within affected communities;

7.41.1 Offer economic support to families through income-generating activities provided in such a way that financial incentives are not the main attraction of caring for children;

7.41.2 Advocate on behalf of displaced families who are dependent on external support to ensure they receive adequate rations enabling them to support children who are reunited with them;

7.41.3 Raise awareness of the problems that may occur when children return, such as aggressive and rebellious behaviour and drug or alcohol use;

7.41.4 Emphasize the importance of families showing children they are loved and cared for despite these difficulties;

7.41.5 Encourage communities to provide mutual support in dealing with problems and facilitating the formation of constructive social relationships for returning children;

7.41.6 Support non-violent ways of managing conflict;

7.41.7 Encourage communities to realise that an investment in young people will support the long term peace and security of the community, which may otherwise suffer problems if reintegration is not achieved.

7.42 A risk assessment, including on the basis of gender, will indicate where it is likely that children will be feared, become targets of hostility for having been in enemy groups or be ostracised or neglected. In these cases, intensive community sensitisation should be undertaken before children return. Similarly, children who need to be integrated into new communities or different ethnic groups may require individual preparation and support.

7.43 Where children from different, opposing armed groups are returning to the same communities, there is urgent need for work on non-violent conflict resolution or management.

7.44 Where children have been encouraged by their communities or families to take part in hostilities, or are regarded as ‘freedom fighters’ or ‘heroes’, actors should encourage families and communities to remember that the children are primarily children and are entitled to the rights held by all children.

## **Family reunification and family based care arrangements**

7.45 The majority of children should be returned to their family and community or integrated into a family and community environment as soon as possible after their release from an armed force or armed group. The principal factor for reintegration is for a child to be returned to or placed in a supportive and otherwise appropriate protective environment. Where it is not possible to integrate them with their own families, alternative family based care arrangements should generally be found. For some older adolescents, who may not wish to live as part of a family, supervised and supported independent living arrangements in a community setting may be an acceptable alternative. The following guidance should be adhered to:

7.45.0 Institutionalization does not constitute reintegration but is a short-term measure to facilitate release;

7.45.1 Local capacity should be developed to identify and support alternative care/ fostering arrangements for children and also to monitor the well-being and non-discriminatory treatment of children placed in extended family or alternative care/ fostering placements.

## **Supporting children in finding a role in their community**

7.46 For some children, there may be positive aspects to association with an armed force or armed group. These children may be unwilling to give up new-found freedoms, power, increased status and respect particularly from their peers, remuneration, having a productive role and the opportunities to learn skills. Girls and boys may be reluctant to comply with traditional expectations or harmful cultural practices or otherwise be determined not to return to violence, neglect or abuse.

7.47 Programmes should recognise and build upon the skills and confidence that girls and boys may have learned while associated with the armed force or armed group. This will entail creating options and choices for them, so that they are not channelled into inappropriate or de-skilling training or livelihood options.

7.48 In particular, adolescent boys and girls need to be recognised for their particular capacities and resilience as well as their vulnerabilities. Their full participation should be included in the assessment, design and implementation of programmes. Engaging children in community service and helping them enter respected social roles are essential in breaking stigma and enabling children to develop appropriate support networks in the community.

7.49 Reintegration and reconciliation activities should recognise the need to redirect the potential of children and young people in developing leadership and conflict resolution skills and taking responsibility for their actions including through participation in the rebuilding of their communities and in peace building activities. Programmes that involve women's organisations can be particularly useful in this regard with girls who need both positive role models and a supportive environment.

## **Children with a disability and others requiring particular support**

7.50 Association with armed forces or armed groups frequently results in children acquiring a disability. The marginalisation and disempowerment which a child with a disability may face in a stable situation can be exacerbated for child formerly associated with armed group or force. S/he can face isolation and negative attitudes and be at greater risk of abuse, neglect; s/he may be subject to longer term psychosocial distress than another child. The need to consult with children affected by a disability prior to planning any intervention is particularly important given that the needs and impact of disability can differ from child to child. The following principles ensure that the needs of children with disability are provided for:

7.50.0 Needs assessments should include questions to highlight the situation of children with disability;

7.50.1 Data management systems (including monitoring, reporting and follow-up mechanisms) should disaggregate data by disability as well as age and sex;

7.50.2 Children with disabilities should not be treated separately. Attention to their needs should be incorporated into ongoing programmes which should be adapted accordingly;

7.50.3 Structured activities in the community should be designed to ensure they increase social inclusion and mobility of affected children;

7.50.4 Children with disabilities should be given opportunities to participate in planning and decision on matters that affect them;

7.50.5 Advocacy and training activities should target decision makers in communities and government and humanitarian actors to raise awareness of the importance of including disabled children in decision making processes.

7.51 Other children who may require particular support include those who have problems related to drug or alcohol abuse, those who have serious health problems, those who have experienced rape or other forms of sexual abuse or those who witnessed or were forced to participate in atrocities, as well as those children whose family members cannot be found or who have died, those whose family have rejected them or those who face hostility from their family or community.

7.52 These or other children may benefit from a period of intensive psychological or medical support in the community or through a period in residential care or another supported environment. Any such plan should be firmly rooted in the community, involve the family and community, including children, where possible and consistently be aimed at facilitating the child's reintegration.

7.53 In some communities, children are viewed and view themselves as carrying bad spirits from their experiences with armed forces or armed groups. Appropriate cultural practices, as long as they are not harmful to children, can be essential to a child's reintegration and should be supported.

## **Interim care**

7.54 Interim care for children who have been associated with armed forces or armed groups is not universally necessary for their reintegration; decisions about whether to organise interim care centres should be based on a careful situation analysis. Certain children may benefit from a period in interim care and where possible the needs of children should be considered on a case by case basis. Except where it is contrary to the best interests of the child, for instance where children are ill or have left their homes because of abuse or neglect, children leaving armed forces or armed groups should be assisted to return directly to their family as soon as they have been through the release process.

7.55 Where interim care is agreed this should be for as short a period as possible. The purpose of interim care is to provide care and protection for children while tracing is carried out and other durable solutions are being identified. Where interim care is necessary, it should be part of a community based programme to facilitate the return of children to their communities and to promote the protection of conflict affected children in general. Interim care may include placement in a foster family, an institution, or other supported care arrangements in the community. Institutional care is not an alternative to the development of adequate services in the community. In the case of all such arrangements criteria and standards must be developed and agreed, a code of conduct must be implemented and all interim care arrangements must be carefully monitored.<sup>21</sup>

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<sup>21</sup> Raising the Standards, Quality Childcare provision in East and Central Africa, 2005 provides standards for childcare in institutions.

## **Children who were not separated from family or community**

7.56 Some children associated with armed forces or armed groups remain with their family and community or maintain close ties. The children may be used by an armed force or an armed group with community support and involvement. In these circumstances reintegration entails the reorientation of children towards civilian life. Key steps are to work with affected children and their families and communities to change attitudes which promote children's involvement and also to provide alternatives that enable transition to a civilian mode of living.

## **Prevention of re-recruitment**

7.57 Re-recruitment is a particular danger for children who have been released from armed forces or armed groups during armed conflict and those who have remained with their communities while being part of an armed force or armed group. Actors should work with these children, their families and communities as well as the armed force or armed group in order to find a solution to their care and protection needs. This may include short term foster care with other families.

7.58 Ongoing monitoring and, as necessary, intervention should be provided to ensure that the chain of command between children and armed forces or armed groups is broken and children are not vulnerable to re-recruitment. The following guidance should be adhered to prevent re-recruitment:

7.58.0 Demobilisation sites or assembly areas should be sufficiently far from the conflict zones to ensure security;

7.58.1 Children should be reunited with their family or placed within a protective community-based environment as soon as possible;

7.58.2 Adequate, appropriate assistance is necessary to enable genuine reintegration;

7.58.3 Children should be informed of their right not to be recruited in any way.

## **The reintegration of girls**

7.59 Girls face specific consequences from their time in armed forces or armed groups. The stigma facing girls is fundamentally different in kind – it lasts much longer, is critically more difficult to reduce and is more severe. Essentially, many girls will have lost their “value” as perceived by the community including in relation to marriage. Programmes should seek to establish positive values for the girls in their communities and families. In addition, a girl will often have to deal with residual relationships or feelings for her captor, as he may be both her “husband” and the father of her child or children. In appropriate circumstances, girls should be consulted and counselled about whether they wish to recognise or reject the relationship they had with a member of the armed group or force.

7.60 Programmes to assist girls associated with armed forces or armed groups need to strike a careful balance between seeking to identify them in order to ensure their particular needs are met and not stigmatizing them further. The key to any intervention is to consult with and be led by

those affected - many of the following suggestions have come from girls associated with armed forces or armed groups.<sup>22</sup>

7.61 Extensive community dialogue and mediation is needed to support girls' reintegration. Key messages are that girls, especially those who are pregnant or girl mothers need the support of their family and community. Strategies should enable girls' acceptance through steps such as conducting traditional rituals, making reparations, providing health care and livelihoods support, and developing links with women's groups.

7.62 Some girls associated with armed forces or armed groups and girl mothers in particular may require a period of intensive, additional or lengthier support during reintegration. Although only a minority of girls may need residential care, most will benefit from family or community support for purposes of healing and adjustment, medical care, learning parenting and vocational skills, and the development of community support networks.

7.63 Girls may be viewed as an additional burden on their family and without value in terms of their potential to be married. With little hope of earning an income and limited opportunity to participate in educational and vocational training programmes without financial support or child care, girls may become depressed and isolated from their peers and wider community. Specialised, culturally appropriate responses should be identified or developed for those girls who have become depressed and even suicidal. Long term support may be necessary.

7.64 Families may expect girls to provide an income, which may result in them being sexually exploited. Girls need to be protected from such exploitation through advocacy with communities, educational and vocational skills training and the provision of alternative economic strategies.

7.65 Links should be established and maintained with existing women's groups, as social activities reduce the girls' isolation and promote their well-being.

7.66 Communities may need support in adjusting to girls who have learned non-traditional skills and have developed non-traditional expectations.

7.67 Not all girls wish to return to their previous community. Where girls prefer to live in urban centres in order to be invisible and to earn money, they need to be supported to ensure that they make choices in line with their best interests and that they can still access education and skills training.

## **Health**

7.68 Children who have been associated with armed forces or armed groups are likely to have a variety of health-related needs that may be apparent immediately or may emerge over time. Disability, lower limb problems for children who have portered and sensory problems for children who have fired guns, pathologies resulting from sexual and gender based violence and drug and alcohol dependency are amongst those that require generalised as well as specialist treatment. The rebuilding of health infrastructure is necessary for these children and other vulnerable children such as mines victims as well as being positive for the entire community.

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<sup>22</sup> "Girls formerly associated with fighting forces and their children – returned and neglected" by Susan McKay, Malia Robinson, Maria Gonsalves and Miranda Worthen 2004 [www.childsoldiers.org](http://www.childsoldiers.org).

Linkages between release and reintegration processes and existing programmes for dealing with children's health needs should be developed.

7.69 The following principles should apply to health programming for children at the release or reintegration stages:

7.69.0 As soon as possible during the release process, all children should undergo assessment of their physical health including nutritional screening, and receive treatment or referral on to specialist services as necessary. Principles should be developed to ensure that screening identifies medical problems relating to the children's recruitment or use and that all clinically serious medical needs are addressed;

7.69.1 Health care facilities should be made available immediately continuously through the release and reintegration stages;

7.69.2 Health education, including in relation to reproductive health, is an important aspect of health care and should be provided to all children;

7.69.3 Reproductive health responses should be based on a thorough cultural analysis of gender relations, in order to ensure the most effective response;

7.69.4 Outreach programmes through facilities such as health centres and schools are essential to improve access for children, particularly girls, who have been recruited or used by armed forces or armed groups. Existing staff in these facilities can be trained;

7.69.5 Female and male health workers should be trained in dealing with children who have been used by armed forces or armed groups and respect the basic principles of confidentiality.

7.70 Specific responses and follow up are required for children likely to be infected with HIV, testing for which must be voluntary and the results of which must be confidential.<sup>23</sup>

7.71 Appropriate responses should be developed to meet the particular needs of girls including those who are pregnant or child mothers and their children; health care should be provided with a mother and child perspective.

7.72 In many contexts, girls who have been associated with armed forces or armed groups are highly likely to have been subjected to gender based violence (GBV), including sexual violence. Boys can also be subjected to such violence. The provision of support services (including health, psychosocial and legal support) to survivors of GBV should follow international guiding principles of respect, dignity, non-discrimination, safety, security and the best interests of the survivor. In particular:

7.72.0 Programmes should include measures to deal with the physical impact of GBV on survivors, such as including injury, reproductive health problems including infertility, fistula and sexually transmitted infections, as well as the risks and results of early pregnancy and induced abortion or miscarriage or birth without adequate medical care;

7.72.1 Medical facilities should (where possible) provide clinical management of rape<sup>24</sup> and deal in a sensitive manner with the consequences (sexually transmitted infections,

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<sup>23</sup> Guidelines for HIV can be found in the IASC Guidelines for HIV/AIDS interventions in emergency settings: [http://www.unfpa.org/upload/lib\\_pub\\_file/249\\_filename\\_guidelines-hiv-emer.pdf#search=%22IASC%20guidance%20on%20SGBV%22](http://www.unfpa.org/upload/lib_pub_file/249_filename_guidelines-hiv-emer.pdf#search=%22IASC%20guidance%20on%20SGBV%22).

<sup>24</sup> [http://www.who.int/reproductive-health/publications/clinical\\_mngt\\_survivors\\_of\\_rape/clinical\\_mngt\\_survivors\\_of\\_rape.pdf](http://www.who.int/reproductive-health/publications/clinical_mngt_survivors_of_rape/clinical_mngt_survivors_of_rape.pdf).



attempted abortions etc). Other services available should include pregnancy testing, and management of pregnancy including management of induced abortion, safe termination, and provision of antenatal and postnatal care. Staff dealing with GBV must be fully trained and aware of child-friendly assessment and interview protocols;

7.72.3 Any programme offering girls access to medical facilities for GBV should also link in with girls or women's groups to ensure emotional support is available to address the psychosocial impact of GBV, including stigma, discrimination and depression;

7.72.4 Access to legal services should also be available to survivors, including as part of the health care response.

## **Psychosocial aspects**

7.73 Psychosocial support should be incorporated into the release process at the earliest stages and into all stages of reintegration programming to assist children, families and communities in developing and building their strengths and resilience and involving them actively in their own recovery. Encouraging and facilitating children's active participation in developing responsive and sensitive activities and programmes is central to reducing their vulnerability and increasing their resilience.

7.74 Psychosocial support should focus on identifying and addressing any obstacles to the ability to develop an appropriate social role and engage in culturally expected social relationships.

7.75 Agencies and donors concerned with programming for the release and reintegration of children associated with armed forces or armed groups should make use of the Inter-Agency Standing Committee's Guidance on Psychosocial Support.<sup>25</sup> The following principles should inform approaches to psycho-social support:

7.75.0 The development of strong networks of peer support through youth groups or other community based programmes such as girls' clubs can allow young people to work together to solve problems, develop social competencies appropriate to civilian life and define their roles and responsibilities in their community;

7.75.1 Culturally appropriate approaches to assisting children with emotional and behavioural problems should be identified and assessed. Programmes should include recreational activities in order to promote development and well being, enable recovery, and to replace the military mentality with the community spirit needed to rebuild communities and support reconciliation;

7.75.2 It should not be assumed that all children associated with an armed force or armed group are traumatised - practical concerns such as identifying education or livelihood opportunities may be the priority for many children;

7.75.3 Referral support should be available for children who have been severely affected. Actors should avoid assumptions about which children may be most affected and which sets of violations will result in children becoming severely affected;

7.75.4 The provision of a safe and supportive environment where children are kept fully informed about what is going to happen and where health and other basic needs can be met is fundamental to psychosocial well being;

7.75.5 Children should be allowed the opportunity to talk individually or in a group about their future or about past experiences, if they wish to do so. There should not be an

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<sup>25</sup> [http://www.humanitarianinfo.org/iasc/content/subsidi/tf\\_mhps/default.asp?bodyID=5&publish=0](http://www.humanitarianinfo.org/iasc/content/subsidi/tf_mhps/default.asp?bodyID=5&publish=0).

expectation that children have to “open up” and counselling should not be forced on them. Most children benefit from a sensitive combination of traditional approaches and opportunities for supportive conversations;

7.75.6 Programmes should acknowledge that girls’ and boys’ experiences may be very different and that their psychosocial needs will reflect their differential experiences;

7.75.7 Programmes should acknowledge that children’s experiences will vary according to their age and level of responsibilities within the armed force or armed group and that this will have an impact on their psychosocial needs.

7.76 Trained staff members should be available to provide psychosocial assistance to children who have been subjected to sexual violence. Such violations are likely to have a profound and long lasting impact on their capacities for social relations and reintegration into the community.

## **Reintegration, education, vocational and skills training and livelihoods**

7.77 Education, vocational and skills training and / or opportunities to support their own and their family’s livelihoods are essential elements for reintegration. Reintegration programmes should allow and encourage access for all groups, including children who need child care facilities. This support should be free, available on a part time as well as full time basis, and include informal as well as formal assistance. Children who participate should receive food whilst they are there and the hours should be flexible to allow for other commitments. Approaches to providing support of this kind should be adapted according to the child’s age, experiences, and circumstances.

7.78 Educational activities should take into account the children’s lost educational opportunities, their age and stage of development, their experiences with armed forces or armed groups and the potential to promote psychosocial well being, including a sense of self worth. Children with disability should be included in educational activities with their peers.

7.79 Educational and skills training should recognise that many children who were associated with armed forces or armed groups, while missing years of education, have learned other skills and competencies that they do not want to lose and which can be useful in civilian society.

7.80 Accelerated learning programmes suitable for adolescents who have missed years of school should be compatible with and recognised by the formal system of education.

7.81 Alternative forms of education such as adult literacy classes or evening classes should be offered to children who cannot or do not wish to enter the formal educational system.

7.82 Access to education or training programmes is likely to be even more difficult for girls than for boys for a variety of reasons including cultural expectations, poverty, and the need for girls to earn a livelihood, work at home, or look after children. Training programmes should include but not be restricted to occupations considered suitable for girls to enable subsequent income generation while building on the skills and abilities they have developed while with the armed force or armed group.

7.83 Provision should be made for relevant vocational training and opportunities for employment, suitable for the needs of all girls and boys including those with disabilities. The following guidance should be adhered to:

7.83.0 An adequate technical analysis of the livelihood systems, market opportunities, and household economies in the places to which children are returning should be used to develop economically relevant training, alternative forms of education, and opportunities for economic reintegration;

7.83.1 Actors supporting children's reintegration should coordinate their work, learn from each other, develop joint programmes, ensure appropriate referrals to those having particular expertise in income generation and vocational training and take measures to avoid variations in the benefits of their respective programmes;

7.83.2 Consultation with communities should develop local programmes such as collective initiatives that benefit small groups of children and the community they return to;

7.83.3 Training in very basic business skills is also needed to prepare children to keep accounts and handle money;

7.83.4 Young people with no previous work experience should be offered apprenticeship and/or 'on-the-job' training opportunities;

7.83.5 Children who need to earn a living immediately upon return to their family and community should have opportunities to do so while they obtain professional training and/or an improved education. For example, the sale of some objects produced in the training phase could allow them to purchase the tools they need for future work. In some circumstances, limited materials can be provided as start up support;

7.83.6 Life skills training – including civic education, parenting skills, rights at work and home, prevention of HIV/AIDS, and education to counter interpersonal violence – should also be part of all programmes designed for young people;

7.83.7 Life skills programming should be sensitive to the particular challenges faced by girls upon reintegration. It should allow both girls and boys to acquire a greater understanding of the challenges faced by the other and foster positive gender relationships;

7.83.8 Providing children with opportunities to begin to learn or relearn skills such as non-violent conflict resolution and anger management can be very helpful to children who have learnt to use violence and aggression in their everyday lives;

7.83.9 Training programmes for girls should take into account child care and meet other needs while training, such as flexible training schedules.

7.84 Care must be taken that vocational or skills training programmes do not support or lead to exploitation of children or child labour. Work and education should be balanced.

## **8. JUSTICE**

8.0 These principles should be referred to when monitoring and reporting on the treatment of children within various justice mechanisms, including transitional justice and truth commissions. They should form the basis of advocacy with national and international institutions and bodies on the treatment of children who have been associated with armed forces or armed groups.

### **Ending the culture of impunity**

8.1 Ending impunity for those responsible for unlawfully recruiting or using children in armed conflict, and the existence of mechanisms to hold such individuals to account can serve as a powerful deterrent against such violations.

8.2 National justice mechanisms and the adoption and implementation of laws to uphold international law, as well as international or hybrid tribunals to address violations of humanitarian and human rights law should be supported at all times.

8.3 Advocacy should be directed at states to ratify the Rome Statute of the International Criminal Court and to adopt its provisions in national law.

8.4 All feasible measures should be taken to protect the rights of child witnesses and victims who may be called upon to provide evidence of any sort against or on behalf of alleged perpetrators of crimes against them or others. In no circumstances should the provision of services or support be dependent on a child's full participation in justice mechanisms.

8.5 States should ensure that perpetrators of violence against children associated with armed forces or armed groups, including sexual violence against girls are prosecuted, either through national legislation or through the International Criminal Court.

## **The treatment of children within justice mechanisms**

8.6 The Rome Statute of the International Criminal Court states that the Court shall have no jurisdiction over any person who was under 18 at the time of the alleged commission of a crime. Children should not be prosecuted by an international court or tribunal.

8.7 Children who have been associated with armed forces or armed groups should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership of those forces or groups.

8.8 Children accused of crimes under international or national law allegedly committed while associated with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice.

8.9 All relevant international laws and standards must be respected, with due consideration to the defendants' status as children; moreover:

8.9.0 Alternatives to judicial proceedings should be sought for children at the national level;

8.9.1 If national judicial proceedings take place, children are entitled to the highest standards of safeguards available according to international law and standards and every effort should be made to seek alternatives to placing the child in institutions.

8.10 Where large numbers of people are facing criminal proceedings as a result of armed conflict, the processing the cases of children and of mothers who have children with them in detention should take priority.

8.11 Children associated with armed forces or armed groups who return to communities without undergoing any judicial or other proceedings should be closely monitored to ensure that they are not treated as scapegoats or subjected to any processes or mechanisms that contravene their rights.

## **Information management**

8.12 Information should be gathered from children only in a manner that respects their rights and protects against causing additional distress to the child. It should be regarded as confidential.

8.13 Material drawn from information gathered from children might be shared for the purposes of supporting justice mechanisms that are themselves designed in a way that respects children's rights and does not cause distress to the child, as long as the material so disclosed does not identify particular children. Specific information gathered from children should in general only be disclosed upon a court order and in responding to such an order all efforts should be made to secure a further court order ensuring that the information will be treated in a way that respects children's rights and does not cause distress to the child. Note that certain organisations, including United Nations organisations and the ICRC, are afforded broad immunities from, among other things, court orders, though they are generally expected to cooperate in the proper administration of justice.

## **Truth-seeking and reconciliation mechanisms**

8.14 Where truth-seeking and reconciliation mechanisms are established, and where the involvement of children is supported and promoted, all feasible measures shall be taken to protect the rights of children throughout the process, in accordance with international human rights and legal standards.

8.15 All children who take part in these mechanisms, including those who have been associated with armed forces or armed groups should be treated equally as witnesses or as victims.

8.16 Children's participation in these mechanisms must be voluntary. No provision of services or support should be dependent on their participation in these mechanisms

## **Civil proceedings**

8.17 Specific issues that only emerge over time, such as land and property rights, have presented major obstacles to the reintegration of children in some contexts. Where necessary, children must be represented and assisted in the appropriate fora.

## **9. MONITORING AND FOLLOW-UP**

9.0 Monitoring and follow-up of children are essential to ensure long term reintegration, the protection and upholding of rights and benefits, to prevent re-recruitment, and to identify and respond appropriately to children who experience serious difficulties with reintegration. In order to be effective, the community, including children formerly associated with armed forces or armed groups and other children affected by armed conflict, should be involved in planning the criteria and process for follow-up. Local capacity should be supported or developed to provide long term monitoring, support and intervention if children are felt to be at significant risk.

9.1 Actors should be alert to the possibility that individually focused monitoring may have for stigmatising children and take adequate measures to avoid this happening.

9.2 The community as described above should also be involved in deciding at which point a child can be considered to be successfully reintegrated into civilian life.

9.3 Such monitoring and decision-making should include and link local leaders, mechanisms and structures with relevant national and sub-regional mechanisms.

9.4 Girls may require a longer period of follow-up than boys or different approaches. Girl mothers will need to be supported in both the emotional and practical challenge of being in a mothering role and provided with appropriate options in a supportive environment.

## **10. MONITORING AND EVALUATION OF PROGRAMME INTERVENTIONS**

10.0 Programmes to prevent recruitment of children and to protect, release and reintegrate them should be jointly and constantly monitored and evaluated with communities. Children, particularly girls, who have been associated with armed forces or armed groups, should be involved in the monitoring and evaluation of initiatives aimed at supporting them.

10.1 All actors working to support children's reintegration should develop common approaches and inform children of the nature of support available. There should be no discrimination based on age, gender, political or religious, affiliation<sup>26</sup> race or ethnicity or on the nature or the level of the child's involvement in the armed forces or armed groups.

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<sup>26</sup> In accordance with the 1989 Convention on the Rights of the Child, article 2.

CONVENTION  
AND  
PROTOCOL

RELATING TO THE  
STATUS OF  
REFUGEES

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**Text of the 1951 Convention  
Relating to the Status of Refugees**

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**Text of the 1967 Protocol  
Relating to the Status of Refugees**

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**Resolution 2198 (XXI) adopted by the  
United Nations General Assembly**

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with an  
Introductory Note  
by the Office of the  
United Nations High Commissioner for Refugees

**INTRODUCTORY NOTE**  
by the Office of the  
United Nations High Commissioner for Refugees  
(UNHCR)

GROUNDING IN ARTICLE 14 of the Universal Declaration of human rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centrepiece of international refugee protection today.<sup>(1)</sup> The Convention entered into force on 22 April 1954, and it has been subject to only one amendment in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention.<sup>(2)</sup> The 1951 Convention, as a post-Second World War instrument, was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The 1967 Protocol removed these limitations and thus gave the Convention universal coverage. It has since been supplemented by refugee and subsidiary protection regimes in several regions,<sup>(3)</sup> as well as via the progressive development of international human rights law.

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(1) United Nations General Assembly resolution 429(V) of 14 December 1950, available at <http://www.unhcr.org/refworld/docid/3b00f08a27.html>

(2) The Convention enabled States to make a declaration when becoming party, according to which the words “events occurring before 1 January 1951” are understood to mean “events occurring in Europe” prior to that date. This geographical limitation has been maintained by a very limited number of States, and with the adoption of the 1967 Protocol, has lost much of its significance. The Protocol of 1967 is attached to United Nations General Assembly resolution 2198 (XXI) of 16 December 1967, available at <http://www.unhcr.org/refworld/docid/3b00f1cc50.html>.

(3) See, for example, the Organization of African Unity (now African Union) Convention governing the Specific Aspects of Refugee Problems in Africa 1969, adopted in Addis Adaba, 10 September 1969; the European Union Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal L 304 , 30/09/2004 P. 0012 – 0023. The Cartagena Declaration on Refugees, adopted at a colloquium held at Cartagena, Colombia, 19-22 November 1984, while non-binding, also sets out regional standards for refugees in Central America, Mexico and Panama.

The 1951 Convention consolidates previous international instruments relating to refugees and provides the most comprehensive codification of the rights of refugees at the international level. In contrast to earlier international refugee instruments, which applied to specific groups of refugees, the 1951 Convention endorses a single definition of the term “refugee” in Article 1. The emphasis of this definition is on the protection of persons from political or other forms of persecution. A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and *non-refoulement*. Convention provisions, for example, are to be applied without discrimination as to race, religion or country of origin. Developments in international human rights law also reinforce the principle that the Convention be applied without discrimination as to sex, age, disability, sexuality, or other prohibited grounds of discrimination. The Convention further stipulates that, subject to specific exceptions, refugees should not be penalized for their illegal entry or stay. This recognizes that the seeking of asylum can require refugees to breach immigration rules. Prohibited penalties might include being charged with immigration or criminal offences relating to the seeking of asylum, or being arbitrarily detained purely on the basis of seeking asylum. Importantly, the Convention contains various safeguards against the expulsion of refugees. The principle of *non-refoulement* is so fundamental that no reservations or derogations may be made to it. It provides that no one shall expel or return (“*refouler*”) a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom.

Finally, the Convention lays down basic minimum standards for the treatment of refugees, without prejudice to States granting more favourable treatment. Such rights include access to the courts, to primary education, to work, and the provision for documentation, including a refugee travel document in passport form. Most States parties to the Convention issue this document, which has become as widely accepted as the former “Nansen passport”, an identity document for refugees devised by the first Commissioner for Refugees, Fridtjof Nansen, in 1922.

The Convention does not however apply to all persons who might otherwise satisfy the definition of a refugee in Article 1. In particular, the Convention does not apply to those for whom there are serious reasons for considering that they have committed war crimes or crimes against humanity, serious non-political crimes, or are guilty of acts contrary to the purposes and principles of the United Nations. The Convention also does not apply to those refugees who benefit from the protection or assistance of a United Nations agency other than UNHCR, such as refugees from Palestine who fall under the auspices of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Nor does the Convention apply to those refugees who have a status equivalent to nationals in their country of asylum.

Apart from expanding the definition of a refugee, the Protocol obliges States to comply with the substantive provisions of the 1951 Convention to all persons covered by the refugee definition in Article 1, without any limitation of date. Although related to the Convention in this way, the Protocol is an independent instrument, accession to which is not limited to States parties to the Convention.

Under the Convention and Protocol, there is a particular role for UNHCR. States undertake to cooperate with UNHCR in the exercise of its functions, which are set out in its Statute of 1950 along with a range of other General Assembly resolutions, and, in particular, to facilitate this specific duty of supervising the application of these instruments. By its Statute, UNHCR is tasked with, among others, promoting international instruments for the protection of refugees, and supervising their application.

The fundamental importance and enduring relevance of the Convention and the Protocol is widely recognized. In 2001, States parties issued a Declaration reaffirming their commitment to the 1951 Convention and the 1967 Protocol, and they recognized in particular that the core principle of *non-refoulement* is embedded in customary international law.<sup>(4)</sup> Moreover, the General Assembly has frequently called upon States to become parties to these instruments.

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(4) Declaration of States parties to the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, Ministerial Meeting of States Parties, Geneva, Switzerland, 12-13 December 2001, UN Doc. HCR/MMSP/2001/09, 16 January 2002. The Declaration was welcomed by the UN General Assembly in resolution A/RES/57/187, para. 4, adopted on 18 December 2001.

Accession has also been recommended by various regional organizations, such as the Council of Europe, the African Union, and the Organization of American States. As UNHCR prepares to commemorate, in 2011, the 60<sup>th</sup> anniversary of the 1951 Convention, it is hoped that more States will accede to these instruments. Today, there are 147 States Parties to one or both of these instruments.

In view of the increasing recognition of the fundamental significance of the Convention and the Protocol for the protection of refugees and for the establishment of minimum standards for their treatment, it is important that their provisions be known as widely as possible, both by refugees and by all those concerned with refugee problems.

Additional information on the Convention and the Protocol, including accession details, may be obtained from UNHCR, or directly from the UNHCR website at [www.unhcr.org](http://www.unhcr.org).

Geneva, December 2010

**FINAL ACT**  
of the United Nations Conference of Plenipotentiaries  
on the Status of Refugees and Stateless Persons

I. The General Assembly of the United Nations, by Resolution 429 (V) of 14 December 1950, decided to convene in Geneva a Conference of Plenipotentiaries to complete the drafting of, and to sign, a Convention relating to the Status of Refugees and a Protocol relating to the Status of Stateless Persons.

The Conference met at the European Office of the United Nations in Geneva from 2 to 25 July 1951.

The Governments of the following twenty-six States were represented by delegates who all submitted satisfactory credentials or other communications of appointment authorizing them to participate in the Conference:

Australia	Italy
Austria	Luxembourg
Belgium	Monaco
Brazil	Netherlands
Canada	Norway
Colombia	Sweden
Denmark	Switzerland (the Swiss delegation also represented Liechtenstein)
Egypt	Turkey
France	United Kingdom of Great Britain and Northern Ireland
Germany, Federal Republic of	United States of America
Greece	Venezuela
Holy See	Yugoslavia
Iraq	
Israel	

The Governments of the following two States were represented by observers:

Cuba  
Iran

Pursuant to the request of the General Assembly, the United Nations High Commissioner for Refugees participated, without the right to vote, in the deliberations of the Conference.

The International Labour Organisation and the International Refugee Organization were represented at the Conference without the right to vote.

The Conference invited a representative of the Council of Europe to be represented at the Conference without the right to vote.

Representatives of the following Non-Governmental Organizations in consultative relationship with the Economic and Social Council were also present as observers:

#### CATEGORY A

International Confederation of Free Trade Unions

International Federation of Christian Trade Unions

Inter-Parliamentary Union

#### CATEGORY B

Agudas Israel World Organization

Caritas Internationalis

Catholic International Union for Social Service

Commission of the Churches on International Affairs

Consultative Council of Jewish Organizations

Co-ordinating Board of Jewish Organizations

Friends' World Committee for Consultation

International Association of Penal Law

International Bureau for the Unification of Penal Law

International Committee of the Red Cross

International Council of Women

International Federation of Friends of Young Women

International League for the Rights of Man

International Social Service

International Union for Child Welfare

International Union of Catholic Women's Leagues

Pax Romana

Women's International League for Peace and Freedom

World Jewish Congress

World Union for Progressive Judaism

World Young Women's Christian Association

## REGISTER

International Relief Committee for Intellectual Workers  
League of Red Cross Societies  
Standing Conference of Voluntary Agencies  
World Association of Girl Guides and Girl Scouts  
World University Service

Representatives of Non-Governmental Organizations which have been granted consultative status by the Economic and Social Council as well as those entered by the Secretary-General on the Register referred to in Resolution 288 B (X) of the Economic and Social Council, paragraph 17, had under the rules of procedure adopted by the Conference the right to submit written or oral statements to the Conference.

The Conference elected Mr. Knud Larsen, of Denmark, as President, and Mr. A. Herment, of Belgium, and Mr. Talat Miras, of Turkey, as Vice-Presidents.

At its second meeting, the Conference, acting on a proposal of the representative of Egypt, unanimously decided to address an invitation to the Holy See to designate a plenipotentiary representative to participate in its work. A representative of the Holy See took his place at the Conference on 10 July 1951.

The Conference adopted as its agenda the Provisional Agenda drawn up by the Secretary-General (A/CONF.2/2/Rev.1). It also adopted the Provisional Rules of Procedure drawn up by the Secretary-General, with the addition of a provision which authorized a representative of the Council of Europe to be present at the Conference without the right to vote and to submit proposals (A/CONF.2/3/Rev.1).

In accordance with the Rules of Procedure of the Conference, the President and Vice-Presidents examined the credentials of representatives and on 17 July 1951 reported to the Conference the results of such examination, the Conference adopting the report.

The Conference used as the basis of its discussions the draft Convention relating to the Status of Refugees and the draft Protocol relating to the Status of Stateless Persons prepared by the *ad hoc* Committee on Refugees and Stateless Persons at its second session held in Geneva from 14 to 25 August 1950, with the exception of the preamble and Article 1 (Definition of the term



“refugee”) of the draft Convention. The text of the preamble before the Conference was that which was adopted by the Economic and Social Council on 11 August 1950 in Resolution 319 B II (XI). The text of Article 1 before the Conference was that recommended by the General Assembly on 14 December 1950 and contained in the Annex to Resolution 429 (V). The latter was a modification of the text as it had been adopted by the Economic and Social Council in Resolution 319 B II (XI).

The Conference adopted the Convention relating to the Status of Refugees in two readings. Prior to its second reading it established a Style Committee composed of the President and the representatives of Belgium, France, Israel, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America, together with the High Commissioner for Refugees, which elected as its Chairman Mr. G. Warren, of the United States of America. The Style Committee re-drafted the text which had been adopted by the Conference on first reading, particularly from the point of view of language and of concordance between the English and French texts.

The Convention was adopted on 25 July by 24 votes to none with no abstentions and opened for signature at the European Office of the United Nations from 28 July to 31 August 1951. It will be re-opened for signature at the permanent headquarters of the United Nations in New York from 17 September 1951 to 31 December 1952.

The English and French texts of the Convention, which are equally authentic, are appended to this Final Act.

II. The Conference decided, by 17 votes to 3 with 3 abstentions, that the titles of the chapters and of the articles of the Convention are included for practical purposes and do not constitute an element of interpretation.

III. With respect to the draft Protocol relating to the Status of Stateless Persons, the Conference adopted the following resolution:

THE CONFERENCE,

**HAVING CONSIDERED** the draft Protocol relating to the Status of Stateless Persons,

**CONSIDERING** that the subject still requires more detailed study,

**DECIDES** not to take a decision on the subject at the present Conference and

refers the draft Protocol back to the appropriate organs of the United Nations for further study.

IV. The Conference adopted unanimously the following recommendations:

**A**

*(Facilitation of refugee travels)<sup>(1)</sup>*

THE CONFERENCE,

**CONSIDERING** that the issue and recognition of travel documents is necessary to facilitate the movement of refugees, and in particular their resettlement,

**URGES** Governments which are parties to the Inter-Governmental Agreement on Refugee Travel Documents signed in London on 15 October 1946, or which recognize travel documents issued in accordance with the Agreement, to continue to issue or to recognize such travel documents, and to extend the issue of such documents to refugees as defined in Article 1 of the Convention relating to the Status of Refugees or to recognize the travel documents so issued to such persons, until they shall have undertaken obligations under Article 28 of the said Convention.

**B**

*(Principle of unity of the family)<sup>(1)</sup>*

THE CONFERENCE,

**CONSIDERING** that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and

**NOTING** with satisfaction that, according to the official commentary of the *ad hoc* Committee on Statelessness and Related Problems (E/1618, p. 40), the rights granted to a refugee are extended to members of his family,

**RECOMMENDS** Governments to take the necessary measures for the protection of the refugee's family especially with a view to:

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(1) Headline added.

- (1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,
- (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

## **C**

*(Welfare services)<sup>(1)</sup>*

THE CONFERENCE,

**CONSIDERING** that, in the moral, legal and material spheres, refugees need the help of suitable welfare services, especially that of appropriate non-governmental organizations,

**RECOMMENDS** Governments and inter-governmental bodies to facilitate, encourage and sustain the efforts of properly qualified organizations.

## **D**

*(International co-operation in the field of asylum and resettlement)<sup>(1)</sup>*

THE CONFERENCE,

**CONSIDERING** that many persons still leave their country of origin for reasons of persecution and are entitled to special protection on account of their position,

**RECOMMENDS** that Governments continue to receive refugees in their territories and that they act in concert in a true spirit of international co-operation in order that these refugees may find asylum and the possibility of resettlement.

## **E**

*(Extension of treatment provided by the Convention)<sup>(1)</sup>*

THE CONFERENCE,

**EXPRESSES** the hope that the Convention relating to the Status of Refugees will have value as an example exceeding its contractual scope and that

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<sup>(1)</sup> Headline added.

all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides.

**IN WITNESS WHEREOF** the President, Vice-Presidents and the Executive Secretary of the Conference have signed this Final Act.

**DONE** at Geneva this twenty-eighth day of July one thousand nine hundred and fifty-one in a single copy in the English and French languages, each text being equally authentic. Translations of this Final Act into Chinese, Russian and Spanish will be prepared by the Secretary-General of the United Nations, who will, on request, send copies thereof to each of the Governments invited to attend the Conference.

The President of the Conference:

Knud Larsen

The Vice-Presidents of the Conference:

A. Herment, Talat Miras

The Executive Secretary of the Conference:

John P. Humphrey

# CONVENTION

## Relating to the Status of Refugees

### Preamble

THE HIGH CONTRACTING PARTIES,

**CONSIDERING** that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

**CONSIDERING** that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

**CONSIDERING** that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and protection accorded by such instruments by means of a new agreement,

**CONSIDERING** that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

**EXPRESSING** the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

**NOTING** that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

**HAVE AGREED** as follows:

## CHAPTER I: General Provisions

### Article 1

#### **DEFINITION OF THE TERM “REFUGEE”**

**A.** For the purposes of the present Convention, the term “refugee” shall apply to any person who:

- (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

- (2) As a result of events occurring before 1 January 1951 and 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.

In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

**B.(1)** For the purposes of this Convention, the words “events occurring

before 1 January 1951” in article 1, section A, shall be understood to mean either:

- (a) “events occurring in Europe before 1 January 1951”; or
  - (b) “events occurring in Europe or elsewhere before 1 January 1951”, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.
- (2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

- (1) He has voluntarily re-availed himself of the protection of the country of his nationality; or
- (2) Having lost his nationality, he has voluntarily re-acquired it; or
- (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;  
Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;
- (6) Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

- (a) he 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;
- (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

## Article 2

### **GENERAL OBLIGATIONS**

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.



### Article 3

#### **NON-DISCRIMINATION**

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

### Article 4

#### **RELIGION**

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

### Article 5

#### **RIGHTS GRANTED APART FROM THIS CONVENTION**

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

### Article 6

#### **THE TERM “IN THE SAME CIRCUMSTANCES”**

For the purposes of this Convention, the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

### Article 7

#### **EXEMPTION FROM RECIPROCITY**

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.
5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

#### Article 8

##### **EXEMPTION FROM EXCEPTIONAL MEASURES**

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

#### Article 9

##### **PROVISIONAL MEASURES**

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

#### Article 10

##### **CONTINUITY OF RESIDENCE**

1. Where a refugee has been forcibly displaced during the Second World

War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

## Article II

### **REFUGEE SEAMEN**

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

## CHAPTER II: Juridical Status

### Article 12

#### **PERSONAL STATUS**

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

### Article 13

#### **MOVABLE AND IMMOVABLE PROPERTY**

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

### Article 14

#### **ARTISTIC RIGHTS AND INDUSTRIAL PROPERTY**

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic, and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that

country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

#### Article 15

### **RIGHT OF ASSOCIATION**

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

#### Article 16

### **ACCESS TO COURTS**

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

## CHAPTER III: Gainful Employment

### Article 17

#### **WAGE-EARNING EMPLOYMENT**

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
  - (a) He has completed three years' residence in the country;
  - (b) He has a spouse possessing the nationality of the country of residence.  
A refugee may not invoke the benefits of this provision if he has abandoned his spouse;
  - (c) He has one or more children possessing the nationality of the country of residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

### Article 18

#### **SELF-EMPLOYMENT**

The Contracting States shall accord to a refugee lawfully in their territory

treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

#### Article 19

##### **LIBERAL PROFESSIONS**

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practicing a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.
2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

## CHAPTER IV: Welfare

### Article 20

#### **RATIONING**

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

### Article 21

#### **HOUSING**

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

### Article 22

#### **PUBLIC EDUCATION**

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

### Article 23

#### **PUBLIC RELIEF**

The Contracting States shall accord to refugees lawfully staying in their ter-



ritory the same treatment with respect to public relief and assistance as is accorded to their nationals.

#### Article 24

### **LABOUR LEGISLATION AND SOCIAL SECURITY**

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of

agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

## CHAPTER V: Administrative Measures

### Article 25

#### **ADMINISTRATIVE ASSISTANCE**

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.
3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.
5. The provisions of this article shall be without prejudice to articles 27 and 28.

### Article 26

#### **FREEDOM OF MOVEMENT**

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

### Article 27

#### **IDENTITY PAPERS**

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

### Article 28

#### **TRAVEL DOCUMENTS**

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.
2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

### Article 29

#### **FISCAL CHARGES**

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

### Article 30

#### **TRANSFER OF ASSETS**

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory,

to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

#### Article 31

##### **REFUGEES UNLAWFULLY IN THE COUNTRY OF REFUGEE**

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

#### Article 32

##### **EXPULSION**

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period

within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

#### Article 33

##### **PROHIBITION OF EXPULSION OR RETURN (“REFOULEMENT”)**

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

#### Article 34

##### **NATURALIZATION**

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

## CHAPTER VI: Executory and Transitory Provisions

### Article 35

#### **CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS**

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.
  
2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:
  - (a) The condition of refugees,
  - (b) The implementation of this Convention, and;
  - (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

### Article 36

#### **INFORMATION ON NATIONAL LEGISLATION**

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

### Article 37

#### **RELATION TO PREVIOUS CONVENTIONS**

Without prejudice to article 28, paragraph 2, of this Convention, this

Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.



## CHAPTER VII: Final Clauses

### Article 38

#### **SETTLEMENT OF DISPUTES**

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

### Article 39

#### **SIGNATURE, RATIFICATION AND ACCESSION**

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 40

**TERRITORIAL APPLICATION CLAUSE**

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.
2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.
3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 41

**FEDERAL CLAUSE**

In the case of a Federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment;
- (c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of

the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

#### Article 42

##### **RESERVATIONS**

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33, 36-46 inclusive.
2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

#### Article 43

##### **ENTRY INTO FORCE**

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument or ratification or accession.

#### Article 44

##### **DENUNCIATION**

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.
3. Any State which has made a declaration or notification under article 40

may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

#### Article 45

##### **REVISION**

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

#### Article 46

##### **NOTIFICATIONS BY**

##### **THE SECRETARY-GENERAL OF THE UNITED NATIONS**

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

- (a) Of declarations and notifications in accordance with section B of article 1;
- (b) Of signatures, ratifications and accessions in accordance with article 39;
- (c) Of declarations and notifications in accordance with article 40;
- (d) Of reservations and withdrawals in accordance with article 42;
- (e) Of the date on which this Convention will come into force in accordance with article 43;
- (f) Of denunciations and notifications in accordance with article 44;
- (g) Of requests for revision in accordance with article 45.

**IN FAITH WHEREOF** the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments,

**DONE** at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are

equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

## **SCHEDULE**

### Paragraph 1

1. The travel document referred to in article 28 of this Convention shall be similar to the specimen annexed hereto.
2. The document shall be made out in at least two languages, one of which shall be English or French.

### Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

### Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

### Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

### Paragraph 5

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

### Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said

authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

#### Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

#### Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

#### Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

#### Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

#### Paragraph 11

When a refugee has lawfully taken up residence in the territory of another

Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

#### Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

#### Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with article 28 of this Convention shall be re-admitted to its territory at any time during the period of its validity.
2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.
3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

#### Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

#### Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.



Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

**ANNEX**  
Specimen Travel Document

The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words “Convention of 28 July 1951” be printed in continuous repetition on each page, in the language of the issuing country.

---

*(Cover of booklet)*  
TRAVEL DOCUMENT  
*(Convention of 28 July 1951)*

---

**No.**.....

**(1)**  
TRAVEL DOCUMENT  
*(Convention of 28 July 1951)*

This document expires on .....  
unless its validity is extended or renewed.

Name .....

Forename(s) .....

Accompanied by ..... child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to .....  
[state here the country whose authorities are issuing the document] on or  
before .....

unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]<sup>(1)</sup>

(This document contains .....pages, exclusive of cover.)

(2)

Place and date of birth .....  
Occupation .....  
Present residence .....  
\*Maiden name and forename(s) of wife .....  
.....  
\*Name and forename(s) of husband .....  
.....

*Description*

Height.....  
Hair.....  
Colour of eyes .....  
Nose .....  
Shape of face.....  
Complexion.....  
Special peculiarities.....

*Children accompanying holder*

Name	Forename(s)	Place and date of birth	Sex
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

\*Strike out whichever does not apply

(This document contains .....pages, exclusive of cover.)

(1) The sentence in brackets to be inserted by Governments which so desire.

**(3)**

Photograph of holder and stamp of issuing authority

Finger-prints of holder (if required)

Signature of holder .....

(This document contains.....pages, exclusive of cover.)

---

**(4)**

1. This document is valid for the following countries:.....

.....

.....

.....

2. Document or documents on the basis of which the present document is issued:.....

.....

.....

.....

Issued at.....

Date.....

Signature and stamp of authority  
issuing the document:

Fee paid:

(This document contains.....pages, exclusive of cover.)

---

**(5)**

Extension or renewal of validity

Fee paid:

From.....

To.....

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## PROTOCOL RELATING TO THE STATUS OF REFUGEES

THE STATES PARTIES TO THE PRESENT PROTOCOL,

**CONSIDERING** that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

**CONSIDERING** that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

**CONSIDERING** that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

**HAVE AGREED** as follows:

### Article I

#### **GENERAL PROVISION**

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.
2. For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words “As a result of events occurring before 1 January 1951 and ...” “and the words” ... “a result of such events”, in article 1 A (2) were omitted.
3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1 B (1) (a) of the

Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.

## Article II

### **CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS**

1. The States Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

- (a) The condition of refugees;
- (b) The implementation of the present Protocol;
- (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

## Article III

### **INFORMATION ON NATIONAL LEGISLATION**

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

## Article IV

### **SETTLEMENT OF DISPUTES**

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article V

**ACCESSION**

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VI

**FEDERAL CLAUSE**

In the case of a Federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;
- (b) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;
- (c) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.



## Article VII

### **RESERVATIONS AND DECLARATIONS**

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16 (1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.
2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.
3. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.
4. Declarations made under article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

## Article VIII

### **ENTRY INTO FORCE**

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article IX

**DENUNCIATION**

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

Article X

**NOTIFICATIONS**

**BY THE SECRETARY-GENERAL OF THE UNITED NATIONS**

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

Article XI

**DEPOSIT IN THE ARCHIVES**

**OF THE SECRETARIAT OF THE UNITED NATIONS**

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article V above.

## GENERAL ASSEMBLY RESOLUTION 2198 (XXI)

### Protocol relating to the Status of Refugees

THE GENERAL ASSEMBLY,

**CONSIDERING** that the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951<sup>(1)</sup>, covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

**CONSIDERING** that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

**CONSIDERING** that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention, irrespective of the date-line of 1 January 1951,

**TAKING NOTE** of the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees<sup>(2)</sup> that the draft Protocol relating to the Status of Refugees should be submitted to the General Assembly after consideration by the Economic and Social Council, in order that the Secretary-General might be authorized to open the Protocol for accession by Governments within the shortest possible time,

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(1) United Nations, *Treaty Series*, vol. 189 (1954), No. 2545.

(2) See A/6311/Rev.1/Add.1, part two, para. 38.

**CONSIDERING** that the Economic and Social Council, in its resolution 1186 (XLI) of 18 November 1966, took note with approval of the draft Protocol contained in the addendum to the report of the United Nations High Commissioner for Refugees and concerning measures to extend the personal scope of the Convention<sup>(3)</sup> and transmitted the addendum to the General Assembly,

1. **TAKES NOTE** of the Protocol relating to the Status of Refugees, the text of which<sup>(3)</sup> is contained in the addendum to the report of the United Nations High Commissioner for Refugees;
2. **REQUESTS** the Secretary-General to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol<sup>(4)</sup>.

*1495<sup>th</sup> plenary meeting, 16 December 1966*

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(3) Ibid., part one, para. 2.

(4) The Protocol was signed by the President of the General Assembly and by the Secretary-General on 31 January 1967.





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6 August 1999

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## Secretary-General's Bulletin

### Observance by United Nations forces of international humanitarian law

The Secretary-General, for the purpose of setting out fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control, promulgates the following:

#### Section 1

##### Field of application

1.1 The fundamental principles and rules of international humanitarian law set out in the present bulletin are applicable to United Nations forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement. They are accordingly applicable in enforcement actions, or in peacekeeping operations when the use of force is permitted in self-defence.

1.2 The promulgation of this bulletin does not affect the protected status of members of peacekeeping operations under the 1994 Convention on the Safety of United Nations and Associated Personnel or their status as non-combatants, as long as they are entitled to the protection given to civilians under the international law of armed conflict.

#### Section 2

##### Application of national law

The present provisions do not constitute an exhaustive list of principles and rules of international humanitarian law binding upon military personnel, and do not prejudice the application thereof, nor do they replace the national laws by which military personnel remain bound throughout the operation.

#### Section 3

##### Status-of-forces agreement

In the status-of-forces agreement concluded between the United Nations and a State in whose territory a United Nations force is deployed, the United Nations undertakes to ensure that the force shall conduct its operations with full respect for the principles and rules of the general conventions applicable to the conduct of military personnel. The United Nations also undertakes to ensure that members of the military personnel of the force are fully acquainted with the principles and rules of those international instruments. The obligation to respect the said principles and rules is applicable to United Nations forces even in the absence of a status-of-forces agreement.

#### Section 4

##### Violations of international humanitarian law

In case of violations of international humanitarian law, members of the military personnel of a United Nations force are subject to prosecution in their national courts.

#### Section 5

##### Protection of the civilian population

5.1 The United Nations force shall make a clear distinction at all times between civilians and combatants and between civilian objects and military objectives. Military operations shall be directed only against combatants and military objectives. Attacks on civilians or civilian objects are prohibited.

5.2 Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.

5.3 The United Nations force shall take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians or damage to civilian property.

5.4 In its area of operation, the United Nations force shall avoid, to the extent feasible, locating military objectives within or near densely populated areas, and take all necessary precautions to protect the civilian population, individual civilians and civilian objects against the dangers resulting from military operations. Military installations and equipment of peacekeeping operations, as such, shall not be considered military objectives.

5.5 The United Nations force is prohibited from launching operations of a nature likely to strike military objectives and civilians in an indiscriminate manner, as well as operations that may be expected to cause incidental loss of life among the civilian population or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated.

5.6 The United Nations force shall not engage in reprisals against civilians or civilian objects.

## **Section 6**

### **Means and methods of combat**

6.1 The right of the United Nations force to choose methods and means of combat is not unlimited.

6.2 The United Nations force shall respect the rules prohibiting or restricting the use of certain weapons and methods of combat under the relevant instruments of international humanitarian law. These include, in particular, the prohibition on the use of asphyxiating, poisonous or other gases and biological methods of warfare; bullets which explode, expand or flatten easily in the human body; and certain explosive projectiles. The use of certain conventional weapons, such as non-detectable fragments, anti-personnel mines, booby traps and incendiary weapons, is prohibited.

6.3 The United Nations force is prohibited from employing methods of warfare which may cause superfluous injury or unnecessary suffering, or which are intended, or may be expected to cause, widespread, long-term and severe damage to the natural environment.

6.4 The United Nations force is prohibited from using weapons or methods of combat of a nature to cause unnecessary suffering.

6.5 It is forbidden to order that there shall be no survivors.

6.6 The United Nations force is prohibited from attacking monuments of art, architecture or history, archaeological sites, works of art, places of worship and museums and libraries which constitute the cultural or spiritual heritage of peoples. In its area of operation, the United Nations force shall not use such cultural property or their immediate surroundings for purposes which might expose them to destruction or damage. Theft, pillage, misappropriation and any act of vandalism directed against cultural property is strictly prohibited.

6.7 The United Nations force is prohibited from attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, such as foodstuff, crops, livestock and drinking-water installations and supplies.

6.8 The United Nations force shall not make installations containing dangerous forces, namely dams, dikes and nuclear electrical generating stations, the object of military operations if such operations may cause the release of dangerous forces and consequent severe losses among the civilian population.

6.9 The United Nations force shall not engage in reprisals against objects and installations protected under this section.

## **Section 7**

### **Treatment of civilians and persons *hors de combat***

7.1 Persons not, or no longer, taking part in military operations, including civilians, members of armed forces who have laid down their weapons and persons placed *hors de combat* by reason of sickness, wounds or detention, shall, in all circumstances, be treated humanely and without any adverse distinction based on race, sex, religious convictions or any other ground. They shall be accorded full respect for their person, honour and religious and other convictions.

7.2 The following acts against any of the persons mentioned in section 7.1 are prohibited at any time and in any place: violence to life or physical integrity; murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishment; reprisals; the taking of hostages; rape; enforced prostitution; any form of sexual assault and humiliation and degrading treatment; enslavement; and pillage.

7.3 Women shall be especially protected against any attack, in particular against rape, enforced prostitution or any other form of indecent assault.

7.4 Children shall be the object of special respect and shall be protected against any form of indecent assault.



## Section 8

### Treatment of detained persons

The United Nations force shall treat with humanity and respect for their dignity detained members of the armed forces and other persons who no longer take part in military operations by reason of detention. Without prejudice to their legal status, they shall be treated in accordance with the relevant provisions of the Third Geneva Convention of 1949, as may be applicable to them *mutatis mutandis*. In particular:

(a) Their capture and detention shall be notified without delay to the party on which they depend and to the Central Tracing Agency of the International Committee of the Red Cross (ICRC), in particular in order to inform their families;

(b) They shall be held in secure and safe premises which provide all possible safeguards of hygiene and health, and shall not be detained in areas exposed to the dangers of the combat zone;

(c) They shall be entitled to receive food and clothing, hygiene and medical attention;

(d) They shall under no circumstances be subjected to any form of torture or ill-treatment;

(e) Women whose liberty has been restricted shall be held in quarters separated from men's quarters, and shall be under the immediate supervision of women;

(f) In cases where children who have not attained the age of sixteen years take a direct part in hostilities and are arrested, detained or interned by the United Nations force, they shall continue to benefit from special protection. In particular, they shall be held in quarters separate from the quarters of adults, except when accommodated with their families;

(g) ICRC's right to visit prisoners and detained persons shall be respected and guaranteed.

## Section 9

### Protection of the wounded, the sick, and medical and relief personnel

9.1 Members of the armed forces and other persons in the power of the United Nations force who are wounded or sick shall be respected and protected in all circumstances. They shall be treated humanely and receive the medical care and attention required by their condition, without adverse distinction. Only urgent medical reasons will authorize priority in the order of treatment to be administered.

9.2 Whenever circumstances permit, a suspension of fire shall be arranged, or other local arrangements made, to permit the search for and identification of the wounded, the sick and

the dead left on the battlefield and allow for their collection, removal, exchange and transport.

9.3 The United Nations force shall not attack medical establishments or mobile medical units. These shall at all times be respected and protected, unless they are used, outside their humanitarian functions, to attack or otherwise commit harmful acts against the United Nations force.

9.4 The United Nations force shall in all circumstances respect and protect medical personnel exclusively engaged in the search for, transport or treatment of the wounded or sick, as well as religious personnel.

9.5 The United Nations force shall respect and protect transports of wounded and sick or medical equipment in the same way as mobile medical units.

9.6 The United Nations force shall not engage in reprisals against the wounded, the sick or the personnel, establishments and equipment protected under this section.

9.7 The United Nations force shall in all circumstances respect the Red Cross and Red Crescent emblems. These emblems may not be employed except to indicate or to protect medical units and medical establishments, personnel and material. Any misuse of the Red Cross or Red Crescent emblems is prohibited.

9.8 The United Nations force shall respect the right of the families to know about the fate of their sick, wounded and deceased relatives. To this end, the force shall facilitate the work of the ICRC Central Tracing Agency.

9.9 The United Nations force shall facilitate the work of relief operations which are humanitarian and impartial in character and conducted without any adverse distinction, and shall respect personnel, vehicles and premises involved in such operations.

## Section 10

### Entry into force

The present bulletin shall enter into force on 12 August 1999.

(Signed) Kofi A. Annan  
Secretary-General

Over the past six decades, United Nations peacekeeping has evolved into a complex, global undertaking. During this time, the conduct of United Nations peacekeeping operations has been guided by a largely unwritten body of principles and informed by the experiences of the many thousands of men and women who have served in the more than 60 operations launched since 1948. This document captures these experiences for the benefit and guidance of planners and practitioners of United Nations peacekeeping operations.

# United Nations Peacekeeping Operations

## Principles and Guidelines

2008







# **United Nations Peacekeeping Operations**

Principles and Guidelines

**United Nations**

Department of Peacekeeping Operations

Department of Field Support

# Credits

Peacekeeping Best Practices Section  
Division of Policy, Evaluation and Training  
Department of Peacekeeping Operations  
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Approved by J.-M. Guéhenno, USG/DPKO  
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# Foreword

**Jean-Marie Guéhenno**

Over the past sixty years, United Nations peacekeeping has evolved into one of the main tools used by the international community to manage complex crises that pose a threat to international peace and security. Since the beginning of the new millennium, the number of military, police and civilian personnel deployed in United Nations peacekeeping operations around the world has reached unprecedented levels. Not only has United Nations peacekeeping grown in size but it has become increasingly complex. Beyond simply monitoring cease-fires, today's multi-dimensional peacekeeping operations are called upon to facilitate the political process through the promotion of national dialogue and reconciliation, protect civilians, assist in the disarmament, demobilization and reintegration of combatants, support the organization of elections, protect and promote human rights, and assist in restoring the rule of law.

In order to meet the challenges posed by the unprecedented scale and scope of today's missions, the United Nations Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) have embarked on a major reform effort, *Peace Operations 2010*, aimed at strengthening and professionalizing the planning, management and conduct of United Nations peacekeeping operations. A key objective of this ongoing reform process is to ensure that the growing numbers of United Nations peacekeeping personnel deployed in the field, as well as those serving at Headquarters, have access to clear, authoritative guidance on the multitude of tasks they are required to perform.

The present publication, which has been developed in close consultation with field missions, Member States, United Nations system partners and other key stakeholders, represents the first attempt in over a decade to codify the major lessons learned from the past six decades of United Nations peacekeeping experience. It is intended to help practitioners better understand the basic principles and concepts underpinning the conduct of contemporary United Nations peacekeeping operations as well as their inherent strengths and limitations.

I would like to express my gratitude to all those who have contributed to the development of this key guidance document, which will continue to be reviewed and updated in the coming years as United Nations peacekeeping evolves and new lessons are learnt. ■



**Jean-Marie Guéhenno**

Under-Secretary-General for Peacekeeping Operations

March 2008

# Introduction

## Scope and Purpose of the Document

Over the past six decades, United Nations peacekeeping has evolved into a complex, global undertaking. During this time, the conduct of United Nations peacekeeping operations has been guided by a largely unwritten body of principles and informed by the experiences of the many thousands of men and women who have served in the more than 60 operations launched since 1948. This document captures these experiences for the benefit and guidance of planners and practitioners of United Nations peacekeeping operations.

The spectrum of contemporary peace operations has become increasingly broad and includes both United Nations – led peace operations, as well as those conducted by other actors, normally with the authorization of the Security Council. This guidance document focuses on only one element of that spectrum: United Nations-led peacekeeping operations, authorized by the Security Council, conducted under the direction of the United Nations Secretary-General, and planned, managed, directed and supported by the United Nations Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS). The specific focus of this document recognizes the need for a clearer articulation of the doctrinal foundations of United Nations peacekeeping operations, in light of the new challenges posed by the shifting nature of conflict, from inter-state to intra-state conflicts.

The present document aims to define the nature, scope and core business of contemporary United Nations peacekeeping operations, which are usually deployed as one part of a much broader international effort to build a

sustainable peace in countries emerging from conflict. It identifies the comparative advantages and limitations of United Nations peacekeeping operations as a conflict management tool, and explains the basic principles that should guide their planning and conduct. In doing so, it reflects the primary lessons learned during the past sixty years of United Nations peacekeeping. It draws on landmark reports of the Secretary-General and legislative responses to these reports, as well as relevant resolutions and statements of the principal organs of the United Nations.

The present document is an internal DPKO/DFS publication. It sits at the highest-level of the current doctrine framework for United Nations peacekeeping. Any subordinate directives, guidelines, standard operating procedures, manuals and training materials issued by DPKO/DFS should conform to the principles and concepts referred to in this guidance document.

The document is intended to serve as a guide for all United Nations personnel serving in the field and at United Nations Headquarters, as well as an introduction to those who are new to United Nations peacekeeping. Although it is intended to help guide the planning and conduct of United Nations peacekeeping operations, its specific application will require judgement and will vary according to the situation on the ground. Peacekeeping practitioners in the field are often faced with a confusing and contradictory set of imperatives and pressures. This document is unable to resolve many of these issues; indeed, some have no clear, prescribed answers. Instead, it provides a handrail to assist planners and practitioners manoeuvre through the complexities of contemporary United Nations peacekeeping operations.

This document reflects the multi-dimensional nature of contemporary United Nations peacekeeping operations, which are normally led in the field by a senior United Nations political figure. It does not seek to override the national military doctrines of individual Member States participating in these operations and it does not address any military tactics, techniques and procedures (TTPs), which remain the prerogative of individual Member States. It is, nonetheless, intended to support civilian, police and military



personnel who are training and preparing to serve in United Nations peacekeeping operations. Troop Contributing Countries and Police Contributing Countries (TCCs/PCCs) to United Nations peacekeeping operations may wish to draw on this document in developing their respective doctrines, training and pre-deployment programmes.

For partners, this guidance document is intended to foster a clearer understanding of the major principles guiding the conduct of United Nations peacekeeping operations. Key partners include TCCs/PCCs, regional and other inter-governmental organizations, the range of humanitarian and development actors involved in international crisis management, as well as national and local actors in the countries where United Nations peacekeeping operations are deployed. In this regard, the document supports a vision of a system of inter-locking capabilities in which the roles and responsibilities and comparative advantages of the various partners are clearly defined.

This document draws on analysis contained in the landmark 2000 *Report of the Panel on United Nations Peace Operations* (The Brahimi Report) and other existing sources to help guide United Nations peacekeepers in the coming years. It is a living document that will be reviewed and updated regularly to reflect major evolutions in United Nations peacekeeping practices. The current version will be due for review in January 2010 and may be updated earlier, if required. As with the current version, Member States, TCCs/PCCs, field missions, United Nations system partners, regional organizations and other key stakeholders will be consulted to ensure that the document continues to reflect the concerns, views, insights, and expertise of major partners both within and outside the United Nations system. ■

The Charter of the United Nations was signed, in San Francisco, on 26 June 1945 and is the foundation document for all the United Nations work. The United Nations 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 United Nations to achieve this purpose.

## PART I

### The Evolution of United Nations Peacekeeping Operations

## Chapter 1

The Normative Framework for  
United Nations Peacekeeping Operations

## Chapter 2

The Evolving Role of United Nations  
Peacekeeping Operations

## Chapter 3

The Basic Principles of  
United Nations Peacekeeping

# Chapter 1

## The Normative Framework for United Nations Peacekeeping Operations

### 1.1 The Charter of the United Nations

The Charter of the United Nations was signed, in San Francisco, on 26 June 1945 and is the foundation document for all the United Nations work. The United Nations 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 United Nations to achieve this purpose.

The Charter gives the United Nations Security Council primary responsibility for the maintenance of international peace and security.<sup>1</sup> In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a United Nations peacekeeping operation. The legal basis for such action is found in Chapters VI, VII and VIII of the Charter. While Chapter VI deals with the “Pacific Settlement of Disputes”, Chapter VII contains provisions related to “Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression”. Chapter VIII of the Charter also provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security, provided such activities are consistent with the purposes and principles outlined in Chapter I of the Charter.

United Nations peacekeeping operations have traditionally been associated with Chapter VI of the Charter. However, the Security Council need not

refer to a specific Chapter of the Charter when passing a resolution authorizing the deployment of a United Nations peacekeeping operation and has never invoked Chapter VI. In recent years, the Security Council has adopted the practice of invoking Chapter VII of the Charter when authorizing the deployment of United Nations peacekeeping operations into volatile post-conflict settings where the State is unable to maintain security and public order. The Security Council's invocation of Chapter VII in these situations, in addition to denoting the legal basis for its action, can also be seen as a statement of firm political resolve and a means of reminding the parties to a conflict and the wider United Nations membership of their obligation to give effect to Security Council decisions.

Linking United Nations peacekeeping with a particular Chapter of the Charter can be misleading for the purposes of operational planning, training and mandate implementation. In assessing the nature of each peacekeeping operation and the capabilities needed to support it, TCCs and PCCs should be guided by the tasks assigned by the Security Council mandate, the concept of operations and accompanying mission Rules of Engagement (ROE) for the military component, and the Directives on the Use of Force (DUF) for the police component.

## 1.2 Human Rights

International human rights law is an integral part of the normative framework for United Nations peacekeeping operations. The Universal Declaration of Human Rights, which sets the cornerstone of international human rights standards, emphasizes that human rights and fundamental freedoms are universal and guaranteed to everybody. United Nations peacekeeping operations should be conducted in full respect of human rights and should seek to advance human rights through the implementation of their mandates (See Chapter 2).

United Nations peacekeeping personnel – whether military, police or civilian – should act in accordance with international human rights law and under-

stand how the implementation of their tasks intersects with human rights. Peacekeeping personnel should strive to ensure that they do not become perpetrators of human rights abuses. They must be able to recognize human rights violations or abuse, and be prepared to respond appropriately within the limits of their mandate and their competence. United Nations peacekeeping personnel should respect human rights in their dealings with colleagues and with local people, both in their public and in their private lives. Where they commit abuses, they should be held accountable.

## 1.3 International Humanitarian Law

International humanitarian law is known also as “the law of war” or “the law of armed conflict,” and restricts the means and methods of armed conflict. International humanitarian law is contained in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, as well as in rules regulating the means and methods of combat. International humanitarian law also includes conventions and treaties on the protection of cultural property and the environment during armed conflict, as well as protection of victims of conflict.

International humanitarian law is designed to protect persons who do not participate, or are no longer participating, in the hostilities; and it maintains the fundamental rights of civilians, victims and non-combatants in an armed conflict. It is relevant to United Nations peacekeeping operations because these missions are often deployed into post-conflict environments where violence may be ongoing or conflict could reignite. Additionally, in post-conflict environments there are often large civilian populations that have been targeted by the warring parties, prisoners of war and other vulnerable groups to whom the Geneva Conventions or other humanitarian law would apply in the event of further hostilities.

United Nations peacekeepers must have a clear understanding of the principles and rules of international humanitarian law and observe them in situations where they apply. The Secretary-General's Bulletin on the Observance

by United Nations Forces of International Humanitarian Law of 6 August 1999 (ST/SGB/1999/13) sets out the fundamental principles and rules of international law that may be applicable to United Nations peacekeepers.

## 1.4 Security Council Mandates

United Nations peacekeeping operations are deployed on the basis of a mandate from the United Nations Security Council. The tasks that a United Nations peacekeeping operation will be required to perform are set out in the Security Council mandate. Security Council mandates differ from situation to situation, depending on the nature of the conflict and the specific challenges it presents. Since United Nations peacekeeping operations are normally deployed to support the implementation of a cease-fire or a more comprehensive peace agreement, Security Council mandates are influenced by the nature and content of the agreement reached by the parties to the conflict.

Security Council mandates also reflect the broader normative debates shaping the international environment. In this regard, there are a number of cross-cutting, thematic tasks that are regularly assigned to United Nations peacekeeping operations on the basis of the following landmark Security Council resolutions:

- Security Council resolution 1325 (2000) on women, peace and security;<sup>2</sup>
- Security Council resolution 1612 (2005) on children and armed conflict;<sup>3</sup>
- Security Council resolution 1674 (2006) on the protection of civilians in armed conflict;<sup>4</sup>

The range of tasks assigned to United Nations peacekeeping operations has expanded significantly in response to shifting patterns of conflict and to best address emerging threats to international peace and security. Although each United Nations peacekeeping operation is different, there is a considerable degree of consistency in the types of mandated tasks assigned by the Security Council. These are described in greater detail in Chapter 2, below. ■

# Chapter 2

## The Evolving Role of United Nations Peacekeeping Operations

### 2.1 The Spectrum of Peace and Security Activities

Peacekeeping is one among a range of activities undertaken by the United Nations and other international actors to maintain international peace and security throughout the world. Although peacekeeping is the focus of this document, it is important for practitioners to understand how it relates to and differs from conflict prevention, peacemaking, peace enforcement and peacebuilding.

**Conflict prevention** involves the application of structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering and a careful analysis of the factors driving the conflict. Conflict prevention activities may include the use of the Secretary-General's "good offices," preventive deployment or confidence-building measures.

**Peacemaking** generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. The United Nations Secretary-General, upon the request of the Security Council or the General Assembly or at his/her own initiative, may exercise his or her "good offices" to facilitate the resolution of the conflict. Peacemakers may also be envoys, governments, groups of states, regional organizations or the United Nations. Peacemaking efforts may also be under-

taken by unofficial and non-governmental groups, or by a prominent personality working independently.

**Peacekeeping** is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing cease-fires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace.

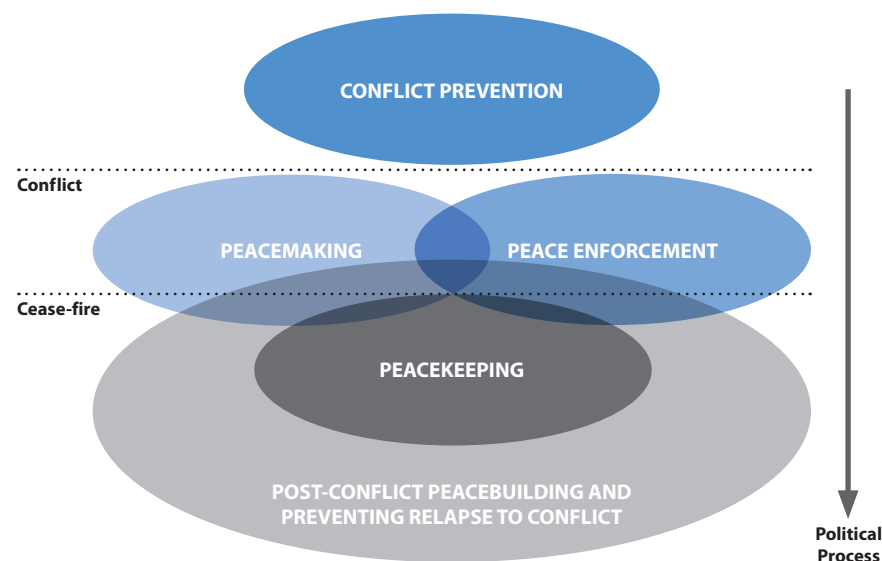
**Peace enforcement** involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Security Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.

**Peacebuilding** involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that effect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.

## 2.2 Linkages and Grey Areas

The boundaries between conflict prevention, peacemaking, peacekeeping, peacebuilding and peace enforcement have become increasingly blurred, as seen in Figure 1. Peace operations are rarely limited to one type of activity, whether United Nations-led or conducted by non-United Nations actors.

**Figure 1** Linkages and Grey Areas



While United Nations peacekeeping operations are, in principle, deployed to support the implementation of a cease-fire or peace agreement, they are often required to play an active role in peacemaking efforts and may also be involved in early peacebuilding activities. United Nations peacekeeping operations may also use force at the tactical level, with the authorization of the Security Council, to defend themselves and their mandate, particularly in situations where the State is unable to provide security and maintain public order. As discussed in Chapter 3 below, although the line between “robust” peacekeeping and peace enforcement may appear blurred at times, there are important differences between the two. While robust peacekeeping involves the use of force at the tactical level with the consent of the host authorities and/or the main parties to the conflict, peace enforcement may involve the use of force at the strategic or international level, which is normally prohibited for Member States under Article 2 (4) of the Charter unless authorized by the Security Council.

Conflict prevention, peacemaking, peacekeeping and peace enforcement rarely occur in a linear or sequential way. Indeed, experience has shown that they should be seen as mutually reinforcing. Used piecemeal or in isolation, they fail to provide the comprehensive approach required to address the root causes of conflict that, thereby, reduces the risk of conflict recurring. However, the international community's ability to combine these activities effectively remains limited and this has, in some cases, resulted in critical gaps in the international response to crises that have threatened international peace and security.

The creation of a new United Nations peacebuilding architecture reflects a growing recognition within the international community of the linkages between the United Nations peacemaking, peacekeeping and peacebuilding roles. When a country comes before it, the Peacebuilding Commission helps marshal the resources at the disposal of the international community and advise on and propose integrated strategies for peacebuilding and recovery. In doing so, it aims to bring together relevant actors, including international financial institutions and other donors, United Nations agencies, civil society organizations, and others in support of these strategies; as well as to provide strategic advice to the principal United Nations organs and help facilitate political dialogue, enhance coordination, and monitor the progress of both national and international actors.

### 2.3 The Core Business of United Nations Peacekeeping Operations

Although not provided for in the Charter, the practice of peacekeeping began in 1948 when the first United Nations military observers were deployed to the Middle East. During the ensuing Cold War years, the goals of United Nations peacekeeping were necessarily limited to maintaining cease-fires and stabilizing situations on the ground, so that efforts could be made at the political level to resolve the conflict by peaceful means. Several of the United Nations longstanding peacekeeping operations fit this "traditional" model.

Traditional United Nations peacekeeping operations are deployed as an interim measure to help manage a conflict and create conditions in which the negotiation of a lasting settlement can proceed. The tasks assigned to traditional United Nations peacekeeping operations by the Security Council are essentially military in character and may involve the following:

- Observation, monitoring and reporting – using static posts, patrols, overflights or other technical means, with the agreement of the parties;
- Supervision of cease-fire and support to verification mechanisms;
- Interposition as a buffer and confidence-building measure.

By monitoring and reporting on the parties' adherence to commitments regarding a cease-fire or demilitarized zone and by investigating complaints of violations, traditional peacekeeping operations enable each party to be reassured that the other party will not seek to exploit the cease-fire in order to gain military advantage.

Traditional peacekeeping operations do not normally play a direct role in political efforts to resolve the conflict. Other actors such as bilateral partners to the parties, regional organizations or even special United Nations envoys may be working on longer-term political solutions, which will allow the peacekeeping operation to withdraw. As a result, some traditional peacekeeping operations are deployed for decades before a lasting political settlement is reached between the parties.

With the end of the Cold War, the strategic context for United Nations peacekeeping changed dramatically and the Security Council began to work more actively to promote the containment and peaceful resolution of regional conflicts. While the end of the Cold War coincided with a general decline in the incidence of conflict around the world, internal armed conflicts constitute the vast majority of today's wars. Many of these conflicts take place in the world's poorest countries where state capacity may be weak, and where belligerents may be motivated by economic gain, as much as ideology



or past grievances. Moreover, evidence has shown that a large proportion of all civil wars are due to a relapse of conflict, the risks of which are particularly high in the first five to 10 years following a conflict.

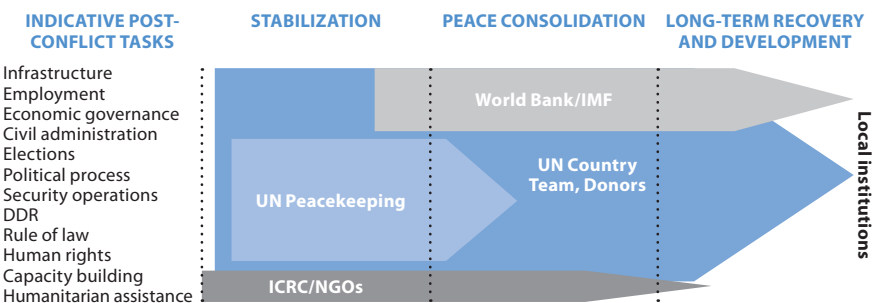
The transformation of the international environment has given rise to a new generation of “multi-dimensional” United Nations peacekeeping operations. These operations are typically deployed in the dangerous aftermath of a violent internal conflict and may employ a mix of military, police and civilian capabilities to support the implementation of a comprehensive peace agreement.<sup>5</sup>

Some multi-dimensional United Nations peacekeeping operations have been deployed following a request from the national authorities to support the transition to legitimate government, in the absence of a formal peace agreement. In exceptional circumstances, the Security Council has also authorized multi-dimensional United Nations peacekeeping operations to temporarily assume the legislative and administrative functions of the State, in order to support the transfer of authority from one sovereign entity to another, or until sovereignty questions are fully resolved (as in the case of transitional administrations), or to help the State to establish administrative structures that may not have existed previously.

Multi-dimensional United Nations peacekeeping operations deployed in the aftermath of an internal conflict face a particularly challenging environment. The State’s capacity to provide security to its population and maintain public order is often weak, and violence may still be ongoing in various parts of the country. Basic infrastructure is likely to have been destroyed and large sections of the population may have been displaced. Society may be divided along ethnic, religious and regional lines and grave human rights abuses may have been committed during the conflict, further complicating efforts to achieve national reconciliation.

Multi-dimensional United Nations peacekeeping operations are deployed as one part of a much broader international effort to help countries emerging

**Figure 2** The Core Business of Multi-dimensional United Nations Peacekeeping Operations



from conflict make the transition to a sustainable peace. As shown in Figure 2 above, this effort consists of several phases and may involve an array of actors with separate, albeit overlapping, mandates and areas of expertise.

Within this broader context, the core functions of a multi-dimensional United Nations peacekeeping operation are to:

- a) **Create a secure and stable environment while strengthening the State’s ability to provide security, with full respect for the rule of law and human rights;**
- b) **Facilitate the political process by promoting dialogue and reconciliation and supporting the establishment of legitimate and effective institutions of governance;**
- c) **Provide a framework for ensuring that all United Nations and other international actors pursue their activities at the country-level in a coherent and coordinated manner.**

In addition to monitoring and observing cease-fires, multi-dimensional United Nations peacekeeping operations are frequently mandated to provide operational support to national law enforcement agencies; provide security at key government installations, ports and other vital infrastruc-

ture; establish the necessary security conditions for the free flow of people, goods and humanitarian assistance; and provide humanitarian mine action assistance.<sup>6</sup> By helping to fill the security and public order vacuum that often exists in post-conflict settings, multi-dimensional United Nations peacekeeping operations play a critical role in securing the peace process, and ensuring that humanitarian and development partners are able to work in a safe environment.

In situations of internal armed conflict, civilians account for the vast majority of casualties. Many civilians are forcibly uprooted within their own countries and have specific vulnerabilities arising from their displacement. As a result, most multi-dimensional United Nations peacekeeping operations are now mandated by the Security Council to protect civilians under imminent threat of physical violence. The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a United Nations peacekeeping operation and must be mainstreamed into the planning and conduct of its core activities. United Nations humanitarian agencies and non-governmental organization (NGO) partners also undertake a broad range of activities in support of the protection of civilians.<sup>7</sup> Close coordination with these actors is, therefore, essential.

In contrast to traditional United Nations peacekeeping operations, multi-dimensional United Nations peacekeeping operations usually play a direct role in political efforts to resolve the conflict and are often mandated by the Security Council to provide good offices or promote national political dialogue and reconciliation. The fact that multi-dimensional United Nations peacekeeping operations enjoy a high degree of international legitimacy and represent the collective will of the international community gives them considerable leverage over the parties. This leverage can be used to build and sustain a political consensus around the peace process, promote good governance and maintain pressure on the parties to implement key institutional reforms.

Multi-dimensional United Nations peacekeeping operations also play a critical role in ensuring that the activities of the United Nations system and

other international actors are guided by a common strategic vision. The United Nations has the unique ability to mount a truly comprehensive response to complex crises and has developed the concept of “integrated missions” to maximize the overall impact of its support to countries emerging from conflict.<sup>8</sup> To help draw these capabilities together, multi-dimensional United Nations peacekeeping operations are normally headed by a Special Representative of the Secretary General (SRSG) who has overall authority over the activities of the United Nations. The SRSG also establishes the framework guiding the overall activities of the United Nations peacekeeping operation and those of the United Nations Country Team (UNCT).<sup>9</sup> The SRSG is supported in this task by a “triple-hatted” Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator (DSRSG/RC/HC). This Deputy also serves as the principal interface between the United Nations peacekeeping operation and the UNCT; leads the coordination effort for humanitarian, development and recovery activities; and brings concerns raised by the UNCT to the attention of the SRSG.<sup>10</sup>

## 2.4 Peacebuilding Activities

While the deployment of a multi-dimensional United Nations peacekeeping operation may help to stem violence in the short-term, it is unlikely to result in a sustainable peace unless accompanied by programmes designed to prevent the recurrence of conflict. Every situation invariably presents its own specific set of challenges. However, experience has shown that the achievement of a sustainable peace requires progress in at least four critical areas:<sup>11</sup>

- a) Restoring the State’s ability to provide security and maintain public order;
- b) Strengthening the rule of law<sup>12</sup> and respect for human rights;
- c) Supporting the emergence of legitimate political institutions and participatory processes;
- d) Promoting social and economic recovery and development, including the safe return or resettlement of internally displaced persons and refugees uprooted by conflict.



Multi-dimensional United Nations peacekeeping operations generally lack the programme funding and technical expertise required to comprehensively implement effective peacebuilding programmes. Nevertheless, they are often mandated by the Security Council to play a catalytic role in the following critical peacebuilding activities:

- Disarmament, demobilization and reintegration (DDR) of combatants;
- Mine action;
- Security Sector Reform (SSR)<sup>13</sup> and other rule of law-related activities;
- Protection and promotion of human rights;
- Electoral assistance;
- Support to the restoration and extension of State authority.

**DDR.** DDR is a critical part of efforts to create a secure and stable environment in which the process of recovery can begin. United Nations multi-dimensional peacekeeping operations are usually mandated to assist in the development and implementation of national DDR programmes.<sup>14</sup> This may entail the provision of technical advice; the securing of disarmament and cantonment sites; and/or the collection and destruction of weapons, ammunition and other materiel surrendered by the former combatants. Other agencies, working in close coordination with the United Nations peacekeeping operation, are responsible for supporting the critical reintegration process, which aims to provide demobilized former combatants with sustainable livelihoods.

**Mine action.** In many post-conflict settings, landmines and other unexploded ordinance constitute a threat to the safety of civilians and pose a major obstacle to successful post-conflict recovery. Mine action is therefore necessary to recreate a safe environment conducive to normal life and development. In addition to providing emergency mine action assistance, multi-dimensional United Nations peacekeeping operations are often mandated to help the national authorities develop medium- and long-term mine action plans.<sup>15</sup>

**SSR and other rule of law-related activities.** SSR is an essential component of efforts to re-establish and strengthen the rule of law. Progress in the area of SSR is critical to the success of a multi-dimensional United Nations peacekeeping operation and helps define its “exit strategy,” which is largely dependent on the ability of national security actors and institutions to function effectively. Depending on its mandate, a multi-dimensional United Nations peacekeeping operation may be called upon to assist in the restructuring, reform and training of the national police and/or armed forces. Multi-dimensional United Nations peacekeeping operations also play a catalytic role in the strengthening of national judiciary and corrections systems, and have also been mandated by the Security Council to promote legal and judicial reform or support the development of essential legislation.

**Protection and promotion human rights.** The abuse and violation of human rights is at the heart of most modern conflicts and is also a consequence of them. Many of the worst human rights abuses occur during armed conflict and the protection of human rights must be at the core of action taken to address it. All United Nations entities have a responsibility to ensure that human rights are promoted and protected by and within their field operations.<sup>16</sup> Most United Nations multi-dimensional peacekeeping operations are therefore mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national actors and institutions to do so on their own.<sup>17</sup> The integration of human rights and the sustainability of human rights programmes should always be a key factor in the planning of multi-dimensional United Nations peacekeeping operations.

**Restoration and extension of State authority.** Multi-dimensional United Nations peacekeeping operations are frequently called upon to support the restoration and extension of State authority. In order to generate revenue and provide basic services to the population, the State must be able to exert control over its national territory. Multi-dimensional United Nations peacekeeping operations may support the restoration and extension of State authority by creating an enabling security environment, providing

political leadership or coordinating the efforts of other international actors. Support to the restoration or extension of State authority may include efforts to develop political participation, as well as operational support to the immediate activities of state institutions. Where relevant, it may also include small-scale capacity building or support to larger processes of constitutional or institutional restructuring.

**Electoral assistance.** The holding of free and fair elections is often written into the peace agreement underlying a multi-dimensional United Nations peacekeeping operation and represents a major milestone towards the establishment of a legitimate State. Multi-dimensional United Nations peacekeeping operations are usually mandated to play a direct role in efforts to organize, monitor and carry out free and fair elections through the provision of security, technical advice, logistical support and other forms of electoral assistance. To this end, the electoral component of multi-dimensional United Nations peacekeeping operations is normally staffed by experts recommended by the United Nations Electoral Assistance Division (EAD) of the Department of Political Affairs (DPA).

Although multi-dimensional United Nations peacekeeping operations may be required to initiate a limited number of critical peacebuilding activities, they are neither designed nor equipped to engage in longer-term institution and capacity-building efforts. This is normally the work of development actors within the UNCT, as well as key partners outside the United Nations, who have the resources and technical expertise required to effectively undertake long-term institution and capacity-building activities.

Nevertheless, experience has shown that, in the short-term, a United Nations peacekeeping operation may have little choice but to initiate longer-term institution and capacity-building efforts, due to the inability of other actors to take the lead. Whenever a United Nations peacekeeping operation is required to engage in activities of an institution and/or capacity building nature, it is essential that it be adequately resourced and that it seek out the requisite expertise. In such circumstances, the United Nations peacekeeping

operation's efforts should remain focused on preparing the ground for those actors within and outside the United Nations system with the mandate to provide long-term peacebuilding assistance.

## 2.5 Supporting Other Actors

There are a number of areas in which the role of United Nations peacekeeping operations is limited to facilitating the activities of other actors within and outside the United Nations system, when requested, and within the limits of their mandate and available capacity. The promotion of socio-economic recovery and development and the provision of humanitarian assistance are two critical areas in which multi-dimensional United Nations peacekeeping operations play a more limited supporting role.

Socio-economic recovery and development is critical to the achievement of a lasting peace. Experience has shown that security sector and other reform programmes are unlikely to succeed if not supported by transparent and effective economic management and civilian oversight systems. DDR efforts are likely to fail unless sustainable, alternative livelihoods can be provided to demobilized combatants.

Similarly, the return of refugees and other displaced populations is more likely to be smooth and sustainable if the special needs of these persons are taken into account in programmes designed to promote socio-economic recovery.

The promotion of socio-economic recovery and development is the responsibility of development partners within and outside the United Nations system. Multi-dimensional United Nations peacekeeping operations are rarely mandated to play a direct role in the promotion of socio-economic recovery and development, nor do they have ready access to the requisite expertise and programmatic funding. Nevertheless, United Nations peacekeeping operations may assist the work of development partners by using

their influence with the national authorities to encourage key reforms, or using the good offices of the SRSG and/or the DSRSG/RC/HC to help mobilize donor funding and attention for key development activities.

Responsibility for the provision of humanitarian assistance rests primarily with the relevant civilian United Nations specialized agencies, funds and programmes, as well as the range of independent, international and local NGOs which are usually active alongside a United Nations peacekeeping operation. The primary role of United Nations peacekeeping operations with regard to the provision of humanitarian assistance is to provide a secure and stable environment within which humanitarian actors may carry out their activities.<sup>18</sup>

Multi-dimensional United Nations peacekeeping operations often implement Quick Impact Projects (QIPs), which are small-scale projects, designed to benefit the population. QIPs may take a number of forms, including infrastructure assistance or short-term employment generation activities. QIPs establish and build confidence in the mission, its mandate and the peace process. They are not a substitute for humanitarian and/or development assistance and are used by United Nations multi-dimensional peacekeeping operations to support the mission's objectives, by building confidence in the mission's mandate and the peace process.

Coordination and consultation with humanitarian actors<sup>19</sup> in regard to administration of QIPs is essential to help alleviate humanitarian concerns regarding the danger of conflating political-military activities with their humanitarian operations. The mission should be aware that humanitarian actors may have concerns about the characterization of QIPs, or Civil Military Coordination (CIMIC) projects, "hearts and minds" activities, or other security or recovery projects as being of a humanitarian nature, when they see these as primarily serving political, security or reconstruction priorities. ■

## Chapter 3

### The Basic Principles of United Nations Peacekeeping

#### 3.1 Applying the Basic Principles of United Nations Peacekeeping

Although the practice of United Nations peacekeeping has evolved significantly over the past six decades, three basic principles have traditionally served and continue to set United Nations peacekeeping operations apart as a tool for maintaining international peace and security:

- **Consent of the parties**
- **Impartiality**
- **Non-use of force except in self-defence and defence of the mandate**

These principles are inter-related and mutually reinforcing. It is important that their meaning and relationship to each other are clearly understood by all those involved in the planning and conduct of United Nations peacekeeping operations, so that they are applied effectively. Taken together, they provide a navigation aid, or compass, for practitioners both in the field and at United Nations Headquarters.

**Consent of the parties.** United Nations peacekeeping operations are deployed with the consent of the main parties to the conflict.<sup>20</sup> This requires a commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process. The consent of the

main parties provides a United Nations peacekeeping operation with the necessary freedom of action, both political and physical, to carry out its mandated tasks. In the absence of such consent, a United Nations peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace.

In the implementation of its mandate, a United Nations peacekeeping operation must work continuously to ensure that it does not lose the consent of the main parties, while ensuring that the peace process moves forward. This requires that all peacekeeping personnel have a thorough understanding of the history and prevailing customs and culture in the mission area, as well as the capacity to assess the evolving interests and motivation of the parties.

The absence of trust between the parties in a post-conflict environment can, at times, make consent uncertain and unreliable. Consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process. For instance, a party that has given its consent to the deployment of a United Nations peacekeeping operation may subsequently seek to restrict the operation's freedom of action, resulting in a *de facto* withdrawal of consent. The complete withdrawal of consent by one or more of the main parties challenges the rationale for the United Nations peacekeeping operation and will likely alter the core assumptions and parameters underpinning the international community's strategy to support the peace process.

The fact that the main parties have given their consent to the deployment of a United Nations peacekeeping operation does not necessarily imply or guarantee that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and control systems. Universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers.<sup>21</sup> The peacekeeping

operation should continuously analyze its operating environment to detect and forestall any wavering of consent. A peacekeeping operation must have the political and analytical skills, the operational resources, and the will to manage situations where there is an absence or breakdown of local consent. In some cases this may require, as a last resort, the use of force.

**Impartiality.** United Nations peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity.<sup>22</sup> United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate.

The need for even-handedness towards the parties should not become an excuse for inaction in the face of behavior that clearly works against the peace process. Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds.

Notwithstanding the need to establish and maintain good relations with the parties, a peacekeeping operation must scrupulously avoid activities that might compromise its image of impartiality. A mission should not shy away from a rigorous application of the principle of impartiality for fear of misinterpretation or retaliation, but before acting it is always prudent to ensure that the grounds for acting are well-established and can be clearly communicated to all. Failure to do so may undermine the peacekeeping operation's credibility and legitimacy, and may lead to a withdrawal of consent for its presence by one or more of the parties. Where the peacekeeping operation is required to counter such breaches, it must do so with transparency, openness and effective communication as to the rationale and appropriate nature of its response. This will help to minimize opportunities to manipulate the perceptions against the mission, and help to mitigate the potential backlash from the parties and their supporters. Even the best and

fairest of referees should anticipate criticism from those affected negatively and should be in a position to explain their actions.

**Non-use of force except in self-defense and defense of the mandate.** The principle of non-use of force except in self-defense dates back to the first deployment of armed United Nations peacekeepers in 1956. The notion of self-defense has subsequently come to include resistance to attempts by forceful means to prevent the peacekeeping operation from discharging its duties under the mandate of the Security Council.<sup>23</sup> United Nations peacekeeping operations are not an enforcement tool. However, it is widely understood that they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defense and defense of the mandate.

The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations “robust” mandates authorizing them to “use all necessary means” to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. By proactively using force in defense of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peacebuilding in the countries where they are deployed.

Although on the ground they may sometimes appear similar, robust peacekeeping should not be confused with peace enforcement, as envisaged under Chapter VII of the Charter. Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict. By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which

is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.

A United Nations peacekeeping operation should only use force as a measure of last resort, when other methods of persuasion have been exhausted, and an operation must always exercise restraint when doing so. The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians; and not to seek their military defeat. The use of force by a United Nations peacekeeping operation should always be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate. In its use of force, a United Nations peacekeeping operation should always be mindful of the need for an early de-escalation of violence and a return to non-violent means of persuasion.

The use of force by a United Nations peacekeeping operation always has political implications and can often give rise to unforeseen circumstances. Judgments concerning its use will need to be made at the appropriate level within a mission, based on a combination of factors including mission capability; public perceptions; humanitarian impact; force protection; safety and security of personnel; and, most importantly, the effect that such action will have on national and local consent for the mission.

The mission-wide ROE for the military and DUF for the police components of a United Nations peacekeeping operation will clarify the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders. In the volatile and potentially dangerous environments into which contemporary peacekeeping operations are often deployed, these ROE and DUF should be sufficiently robust to ensure that a United Nations peacekeeping operation retains its credibility and freedom of action to implement its mandate. The mission leadership should ensure that these ROE and DUF are well understood by all relevant personnel in the mission and are being applied uniformly.



## 3.2 Other Success Factors

United Nations peacekeeping operations continue to be guided by the basic principles of consent, impartiality and the non-use of force except in self-defense and defense of the mandate. The experiences of the past 15 years have shown that in order to succeed, United Nations peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population. The United Nations recent experience with multi-dimensional peacekeeping has also served to highlight the need for United Nations peacekeeping operations to promote national and local ownership, in order to contribute to the achievement of a sustainable peace.

**Legitimacy.** International legitimacy is one of the most important assets of a United Nations peacekeeping operation. The international legitimacy of a United Nations peacekeeping operation is derived from the fact that it is established after obtaining a mandate from the United Nations Security Council, which has primary responsibility for the maintenance of international peace and security. The uniquely broad representation of Member States who contribute personnel and funding to United Nations operations further strengthens this international legitimacy. So too does the fact that United Nations peacekeeping operations are directed by the United Nations Secretary-General, an impartial and well-respected international figure, committed to upholding the principles and purposes of the Charter.

The manner in which a United Nations peacekeeping operation conducts itself may have a profound impact on its perceived legitimacy on the ground. The firmness and fairness with which a United Nations peacekeeping operation exercises its mandate, the circumspection with which it uses force, the discipline it imposes upon its personnel, the respect it shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy.

The perceived legitimacy of a United Nations peacekeeping operation is directly related to the quality and conduct of its military, police and civilian personnel. The bearing and behavior of all personnel must be of the highest

order, commensurate with the important responsibilities entrusted to a United Nations peacekeeping operation, and should meet the highest standards of efficiency, competence and integrity. The mission's senior leadership must ensure that all personnel are fully aware of the standards of conduct that are expected of them and that effective measures are in place to prevent misconduct. Civilian, police and military personnel should receive mandatory training on sexual exploitation and abuse; and this training should be ongoing, as troops rotate in and out of peace operations. There must be zero tolerance for any kind of sexual exploitation and abuse, and other forms of serious misconduct. Cases of misconduct must be dealt with firmly and fairly, to avoid undermining the legitimacy and moral authority of the mission.

Experience has shown that the perceived legitimacy of a United Nations peacekeeping operation's presence may erode over time, if the size of the United Nations "footprint" and the behavior of its staff becomes a source of local resentment; or if the peacekeeping operation is not sufficiently responsive as the situation stabilizes. Peacekeeping missions must always be aware of and respect national sovereignty. As legitimate and capable government structures emerge, the role of the international actors may well need to diminish quickly. They should seek to promote national and local ownership, be aware of emerging local capacities, and be sensitive to the effect that the behavior and conduct of the mission has upon the local population.

**Credibility.** United Nations peacekeeping operations are frequently deployed in volatile, highly stressed environments characterized by the collapse or degradation of state structures, as well as enmity, violence, polarization and distress. Lawlessness and insecurity may still be prevalent at local levels, and opportunists will be present who are willing to exploit any political and security vacuum. In such environments, a United Nations peacekeeping operation is likely to be tested for weakness and division by those whose interests are threatened by its presence, particularly in the early stages of deployment.

The credibility of a United Nations peacekeeping operation is a direct reflection of the international and local communities' belief in the mission's ability to achieve its mandate. Credibility is a function of a mission's capability, effectiveness and ability to manage and meet expectations. Ideally, in order to be credible, a United Nations peacekeeping operation must deploy as rapidly as possible, be properly resourced, and strive to maintain a confident, capable and unified posture. Experience has shown that the early establishment of a credible presence can help to deter spoilers and diminish the likelihood that a mission will need to use force to implement its mandate. To achieve and maintain its credibility, a mission must therefore have a clear and deliverable mandate, with resources and capabilities to match; and a sound mission plan that is understood, communicated and impartially and effectively implemented at every level.

The deployment of a United Nations peacekeeping operation will generate high expectations among the local population regarding its ability to meet their most pressing needs. A perceived failure to meet these expectations, no matter how unrealistic, may cause a United Nations peacekeeping operation to become a focus for popular dissatisfaction, or worse, active opposition. The ability to manage these expectations throughout the life of a peacekeeping operation affects the overall credibility of the mission. Credibility, once lost, is hard to regain. A mission with low credibility becomes marginalized and ineffective. Its activities may begin to be perceived as having weak or frayed legitimacy and consent may be eroded. Critics and opponents of the mission may well exploit any such opportunities to this end. The loss of credibility may also have a direct impact on the morale of the mission personnel, further eroding its effectiveness. Accordingly, the maintenance of credibility is fundamental to the success of a mission.

**Promotion of national and local ownership.** Multi-dimensional United Nations peacekeeping operations are increasingly involved in efforts to help countries emerging from protracted internal conflict re-build the foundations of a functioning State. The terms of the peace process and/or the Security Council mandate will shape the nature of a peacekeeping operation's role

in this area. In some instances, state and local capacity may be so weak that the mission is required to temporarily assume certain functions, either directly, as in the case of transitional administration, or in support of the State. Other situations require less intrusive support to state authority, and sometimes no such support at all. The nature and scale of a particular United Nations peacekeeping operation's role will depend on its mandate, the gravity of the situation on the ground, the resources the international community is willing to invest and an assessment of the availability of capable, credible and legitimate partners within the host nation. Each of these variables may change during the course of a United Nations peacekeeping operation's lifetime and require adjustments in the peacekeeping operation's approach.

National and local ownership is critical to the successful implementation of a peace process. In planning and executing a United Nations peacekeeping operation's core activities, every effort should be made to promote national and local ownership and to foster trust and cooperation between national actors. Effective approaches to national and local ownership not only reinforce the perceived legitimacy of the operation and support mandate implementation, they also help to ensure the sustainability of any national capacity once the peacekeeping operation has been withdrawn.

Partnerships with national actors should be struck with due regard to impartiality, wide representation, inclusiveness, and gender considerations. Missions must recognize that multiple divergent opinions will exist in the body politic of the host country. All opinions and views need to be understood, ensuring that ownership and participation are not limited to small elite groups. National and local ownership must begin with a strong understanding of the national context. This includes understanding of the political context, as well as the wider socio-economic context.

A mission must be careful to ensure that the rhetoric of national ownership does not replace a real understanding of the aspirations and hope of the population, and the importance of allowing national capacity to re-emerge quickly from conflict to lead critical political and development processes.

The mission will need to manage real tensions between the requirement, in some instances, for rapid transformational change from the *status quo ex ante*, and resistance to change from certain powerful actors who have a vested interest in maintaining the status quo. The ownership of change must be built, first, through dialogue. Political, financial and other forms of international leverage may be required to influence the parties on specific issues, but those should only be used in support of the wider aspirations for peace in the community.

The activities of a multi-dimensional United Nations peacekeeping operation must be informed by the need to support and, where necessary, build national capacity. Accordingly, any displacement of national or local capacity should be avoided wherever possible. A multi-dimensional United Nations peacekeeping operation may be obliged, in the short-term, to take on important state-like functions, such as the provision of security and the maintenance of public order. However, these functions should be conducted in a consultative manner. The aim must always be to restore, as soon as possible, the ability of national actors and institutions to assume their responsibilities and to exercise their full authority, with due respect for internationally accepted norms and standards. In building national capacity, women and men should have equal opportunities for training. Targeted efforts may need to address gender inequalities. ■

## Endnotes

- 1 Although the United Nations Charter gives primary responsibility to the Security Council for the maintenance of international peace and security, General Assembly resolution 377 (V) of 3 November 1950, also known as the “Uniting for Peace” resolution, states that:

*“... if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.”*

General Assembly resolution 1000 (ES-1) of 5 November 1956 authorizing the establishment of the First United Nations Emergency Force (UNEF I) was adopted under procedure established by the “Uniting for Peace” resolution.

- 2 It is widely recognized that the international community’s objectives in countries emerging from conflict will be better served if women and girls are protected and if arrangements are put in place to allow for the full participation of women in the peace process. Security Council resolution 1325 (2000) on women, peace and security therefore calls on all United Nations peacekeeping operations to mainstream gender issues into operational activities.
- 3 Security Council resolution 1612 (2005) stresses the responsibility of United Nations peacekeeping operations to ensure a coordinated response to children and armed conflict concerns and to monitor and report to the Secretary-General. Under resolution 1612 (2005) the Secretary-General is required to ensure that the need for, and the number and roles of Child Protection Advisers are systematically assessed during the preparation of each United Nations peacekeeping operation. In United Nations peacekeeping operations where there are country monitoring and reporting Task Forces on CAAC, these are headed by the Special Representative of the Secretary-General (SRSG).
- 4 Security Council resolution 1674 (2006) reaffirms the Council’s commitment to ensuring that the mandates of peacekeeping operations, where appropriate and on a case-by-case basis, include provisions regarding: (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation of the provision of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons.



- 5 In most post-conflict environments, a peace accord or other agreement, such as a cease-fire agreement or agreement on disengagement of forces, is likely to be in effect and include provisions directly related to the peacekeeping operation. The peace accord may be quite detailed, spelling out the various phases of the peace process and the specifics of post-conflict arrangements. Or, it could be more general, leaving details for future negotiation. The signatories to a peace agreement have an obligation to abide by the terms of the agreement. In certain cases, the United Nations or key Member States have also signed peace agreements as guarantors, who undertake to ensure that the peace process remains on track.
- 6 Even if the clearance of landmines and other explosive remnants of war (ERW) has not been explicitly mandated by the Security Council, humanitarian mine action activities will invariably need to be undertaken by a mission, as an issue of United Nations staff safety and security.
- 7 The United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), and the Office of the High Commissioner for Human Rights (OHCHR) have express protection mandates. In an increasing number of countries, one of these agencies will be responsible for the overall coordination of the protection response among humanitarian actors through a dedicated protection "cluster" or working group. The Mine Action Service of DPKO is also designated as the focal point for mine action within the Protection Cluster Working Group (PCWG), and is actively engaged with these agencies and partners.
- 8 See Secretary-General's Note of Guidance on Integrated Missions, clarifying the Role, Responsibility and Authority of the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordination, 17 January 2006.
- 9 See para. 5 of the Secretary-General's Note of Guidance on Integrated Missions.
- 10 See Secretary-General's Note of Guidance on Integrated Missions, para. 22.
- 11 See Report of the Secretary-General, No Exit without Strategy: Security Council Decision-making and the Closure or Transition of United Nations Peacekeeping Operations, S/2001/394.
- 12 According to Decision No. 2006/47 of the Secretary General's Policy Committee, the rule of law in the context of conflict and post-conflict settings includes the following sectors: transitional justice; strengthening of national justice systems and institutions, including police and law enforcement agencies and prisons; and other priority areas such as victim and witness protection and assistance, anti-corruption, organized crime, trans-national crime, and trafficking and drugs.
- 13 According to Decision No. 2007/11 of the Secretary-General's Policy Committee: "The objective of a United Nations approach to SSR is effective, accountable and sustainable security institutions operating under civilian control within the framework of the rule of law and respect for human rights. The focus should be on executive security agencies, armed forces, police and law enforcement agencies, relevant line ministries and judicial and civil society oversight bodies."
- 14 The role of United Nations peacekeeping operations in this area is defined in the United Nations Integrated DDR Standards (IDDRS), available at [www.unddr.org/iddrs](http://www.unddr.org/iddrs).
- 15 The United Nations Mine Action Service (UNMAS) is responsible for building the capacity of the national institutions that will ultimately assume responsibility for long-term mine action management within the country.
- 16 Decision No. 2005/24 of the Secretary-General's Policy Committee on Human Rights in Integrated Missions directs that human rights be fully integrated into peace operations and all human rights functions coordinated by one component.
- 17 The Office of the High Commissioner for Human Rights (OHCHR) is responsible for providing expertise, guidance and support to the human rights components of multi-dimensional United Nations peacekeeping operations.
- 18 Depending on the situation, and when specifically requested by the relevant organizations, the peacekeeping operation may also need to provide more direct forms of assistance to humanitarian actors, such as escorting convoys or transporting humanitarian aid and personnel. Specific requests for assistance should be managed through standing coordination structures of the mission, and with reference to the United Nations Humanitarian Coordinator.
- 19 The term 'humanitarian' is often applied loosely to a wide group of actors and activities, whereas many in the humanitarian community take a more restricted interpretation to embrace only those delivering life-saving assistance delivered in accordance with the Humanitarian principles. United Nations peacekeepers should respect this distinction.
- 20 The Security Council may take enforcement action without the consent of the main parties to the conflict, if it believes that the conflict presents a threat to international peace and security. This, however, would be a peace enforcement operation. It may also take enforcement action for humanitarian or protection purposes; where there is no political process and where the consent of the major parties may not be achievable, but where civilians are suffering. Since the mid-1990s, enforcement action has been carried out by ad hoc coalitions of Member States or regional organizations acting under United Nations Security Council authorization.
- 21 Spoilers are individuals or parties who believe that the peace process threatens their power and interests, and will therefore work to undermine it.
- 22 Humanitarian actors also use the terms impartiality and neutrality as two of the fundamental principles of humanitarian action, along with humanity and independence. However, their meanings are different. It is important to be aware of these differences, in order to avoid misunderstandings. For the International Red Cross and Red Crescent Movement, in particular, impartiality means being guided solely by needs, making no discrimination on the basis of nationality, race, gender, class, or religious/political beliefs; while neutrality means to take no sides in hostilities or engage, at any time, in controversies of a political, racial, religious or ideological nature.
- 23 See para. 5 of the Report of the Secretary-General on the Implementation of Security Council resolution 340 (1973), of 27 October 1973, (S/11052/Rev.1).

United Nations peacekeeping operations are likely to be far more effective when deployed as part of a United Nations system-wide response based on a clear and shared understanding of priorities, and on the willingness of all actors to contribute to achieving common objectives. Integrated planning is at the heart of the United Nations' efforts to develop such a response.

## PART II

### Planning United Nations Peacekeeping Operations

## Chapter 4

### Deciding to Deploy a United Nations Peacekeeping Operation

#### Chapter 4

Deciding to Deploy a United Nations Peacekeeping Operation

#### Chapter 5

Planning a United Nations Peacekeeping Operation

#### 4.1 Assessing the Options for United Nations Engagement

It is the prerogative of the United Nations Security Council, acting in its capacity as the organ with primary responsibility for the maintenance of international peace and security, to determine when and where a United Nations peacekeeping operation should be deployed. The Security Council responds to crises on a case-by-case basis and it has a wide range of options at its disposal. Nevertheless, without prejudice to its ability to do so and to respond flexibly as circumstances require, the Security Council has indicated that it may take the following factors into account when the establishment of new peacekeeping operations is under consideration:

- Whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;
- Whether regional or sub-regional organizations and arrangements exist and are ready and able to assist in resolving the situation;
- Whether a cease-fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;
- Whether a clear political goal exists and whether it can be reflected in the mandate;
- Whether a precise mandate for a United Nations operation can be formulated;

- Whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel.<sup>1</sup>

The United Nations Secretariat plays a critical role in helping the Security Council determine whether the deployment of a United Nations peacekeeping operation is the most appropriate course of action, or whether other options for United Nations engagement should be considered. As a particular conflict develops, worsens, or approaches resolution, consultations will normally take place among Member States, the Secretariat, the parties on the ground, regional actors, and potential contributing countries. One or more of the parties may even insist on a United Nations role as a precondition for signing a peace agreement.

During this initial phase of consultations, the United Nations Secretary-General may decide to convene a Strategic Assessment of the situation, involving all relevant United Nations actors, with the aim of identifying possible options for United Nations engagement. The Strategic Assessment would likely involve consultations with Member States, including the potential host government and TCCs/PCCs, as well as regional and other intergovernmental organizations, and other key external partners. The Strategic Assessment allows United Nations planners and decision-makers to conduct a system-wide analysis of the situation, identify conflict resolution and peace-building priorities, and define the appropriate framework for United Nations engagement.

As soon as security conditions permit, the Secretariat usually deploys a Technical Assessment Mission (TAM) to the country or territory where the deployment of a United Nations mission is envisaged. The role of the TAM is to analyze and assess the overall security, political humanitarian, human rights and military situation on the ground, and the implications of an eventual United Nations peacekeeping operation. As such, the TAM may also consist of representatives from several departments and offices with-

in the Secretariat, as well as the specialized agencies, funds and programs, and should involve relevant actors from the UNCT.

Based on the findings and recommendations of the TAM, the United Nations Secretary-General normally issues a report to the Security Council, recommending options for the possible establishment of a United Nations peacekeeping operation, including its size and resources. The Security Council may then pass a resolution authorizing the United Nations peacekeeping operation's deployment and determining its size and mandate.

## 4.2 Key Lessons for Planners and Decision Makers

Pressures to halt the slaughter of civilians or avert a humanitarian catastrophe may lead the Security Council to deploy a United Nations peacekeeping operation in circumstances that are far from ideal. Nevertheless, the Secretariat has a responsibility to provide the Security Council with an accurate assessment of the risks associated with its decision to deploy a United Nations peacekeeping operation, and ensure that its mandate and capabilities are tailored to the requirements of the situation. The lessons learned over the past six decades indicate that a United Nations peacekeeping operation is unlikely to succeed when one or more of the following conditions are not in place.

**A peace to keep.** A United Nations peacekeeping operation can only succeed if the parties on the ground are genuinely committed to resolving the conflict through a political process. A United Nations peacekeeping operation deployed in the absence of such a commitment runs the risk of becoming paralyzed or, worse still, being drawn into the conflict. The signing of a cease-fire or peace agreement is an important indicator of whether or not the parties are ready to engage in a political dialogue. However, the signing of a cease-fire or peace agreement may not always translate into a genuine commitment to peace, particularly if the parties have done so as a result of international pressure.

Judging the parties' real intentions is never easy and the deployment of a United Nations peacekeeping operation always entails an element of risk. Nevertheless, in gauging the parties' level of commitment to a peace process, the Secretariat should always be prepared to tell the Security Council what it needs to know, rather than what it may want to hear. If the parties do not appear committed to resolving their differences through peaceful means, the Security Council should be encouraged to explore the full range of options at its disposal, such as the deployment of an advance mission, or the reinforcement of mediation and other peacemaking efforts.

**Positive regional engagement.** Many of the crises before the Security Council are regional in character. Rarely can the problems in one state be treated in isolation from its neighbours. The attitude of neighbouring states can be as important a factor in determining the viability of a peace process, as the commitment of the local parties, some of whom may even be acting as proxies for neighbouring states. The role regional actors or organizations may be playing in the conflict must be carefully examined by the Secretariat and the Security Council when the establishment of a United Nations peacekeeping operation is under consideration. A managed, positive and supportive regional engagement strategy can pay enormous dividends in encouraging the parties to stay the course and prevent the spread of conflict. To exclude regional actors from the peace process may have a more detrimental effect than managing their participation.

**The full backing of a united Security Council.** While the establishment of a United Nations peacekeeping operation only requires nine votes from the Security Council's fifteen members, anything other than unanimous Security Council backing can be a serious handicap. Divisions within the Security Council are likely to send mixed messages to the parties, and may undermine the legitimacy and authority of the mission in the eyes of the main parties and the population as a whole. Any perception that the Security Council is not fully committed to the implementation of a peace agreement is likely to embolden spoilers at both the local and regional levels, as well as hamper contributions from Member States. On the other hand, by

showing the parties that it is actively engaged in the peace process and is determined to stay the course, the Security Council can greatly enhance a United Nations peacekeeping operation's impact on the ground.

**A clear and achievable mandate with resources to match.** When the Security Council decides to deploy a United Nations peacekeeping operation, the Secretariat must help to ensure that the mandate is clear and achievable. Since the credibility of a United Nations peacekeeping operation is dependent on it being able to carry out its mandated tasks, it is important to ensure that the mandate reflects the level of resources that contributing nations are able and willing to provide. There must be reason to believe that Member States will be ready to finance the operation, to contribute the necessary military and police personnel and to provide it with political support, on a continuing basis. If the situation on the ground requires the deployment of capabilities that a United Nations peacekeeping operation is unlikely to have, the Security Council should be encouraged to consider alternative options.

The deployment of a United Nations peacekeeping operation is just the start of a long-term, but volatile peace and capacity-building process. In recommending to the Security Council the resources and capabilities needed for the peacekeeping operation, the Secretariat and its partners should also conduct a rigorous assessment of the requirements for longer-term engagement. In conducting this assessment, worst case scenarios should be examined as an aid in planning. Planning based solely on short-term engagement and best case scenarios has rarely proven to be a successful basis for the deployment of a United Nations peacekeeping mission and should be avoided.

If changing circumstances on the ground warrant an adjustment to a mission's mandate, this should be done explicitly on the basis of an objective re-evaluation of the United Nations role. If a change in mandate entails a significant increase in the number, scope or complexity of the tasks assigned to a mission, the Secretariat should seek the necessary additional resources to match a revised mandate. Similarly, if the mission's role is augmented or diminished, then the types and amount of resources required should also be adjusted.

### 4.3 The Importance of Consultations with Contributing Countries

The United Nations has no standing army or police force. For every new United Nations peacekeeping operation, the Secretariat must seek contributions of military, police and other personnel from Member States who are under no obligation to provide them. Sustained consultations with TCCs/PCCs and other contributing countries at all stages of the planning and decision-making process are therefore critical to the success of any United Nations peacekeeping operation.

Consultations with TCCs/PCCs may take several forms and should be held at all key stages in the life of a United Nations peacekeeping operation, including: a) the development of the concept of operations and the elaboration of the mandate of a new operation; b) any change in the mandate, in particular the broadening or narrowing of the scope of the mission, the introduction of new or additional functions or components, or a change in the authorization to use force; c) the renewal of the mandate; d) significant or serious political, military or humanitarian developments; e) a rapid deterioration of the security situation on the ground; f) the termination, withdrawal or scaling down in size of the operation, including the transition from peacekeeping to post-conflict peacebuilding; and g) before and after Security Council missions to a specific peacekeeping operation.<sup>2</sup>

Since United Nations peacekeeping operations would not be possible without the participation of contributing countries, it is critical that every effort be made to ensure that they are fully consulted on any decisions that may affect their personnel on the ground. Additionally, regular consultations with contributing countries provide the Secretariat with a valuable opportunity to consider their views on a range of strategic and operational issues. ■

## Chapter 5

### Planning a United Nations Peacekeeping Operation

#### 5.1 The Integrated Approach

As discussed in Chapter 2, United Nations peacekeeping began during the Cold War as a tool for managing inter-state conflicts. Since then, a new generation of multi-dimensional United Nations peacekeeping operations has emerged. These multi-dimensional United Nations peacekeeping operations are deployed as one part of a broader international effort to assist countries making the transition from conflict to sustainable peace.

Successful recovery from conflict requires the engagement of a broad range of actors – including the national authorities and the local population – in a long-term peacebuilding effort. The rationale for the integration of activities undertaken by the United Nations is to better assist countries to make this transition from conflict to sustainable peace. A multi-dimensional United Nations peacekeeping operation is likely to be far more effective when it is deployed as part of a United Nations system-wide response based on a clear and shared understanding of priorities, and on a willingness on the part of all United Nations actors to contribute to the achievement of common objectives. Integrated planning is at the heart of the United Nations efforts to develop such a response.

An integrated mission is one in which there is a shared vision among all United Nations actors as to the strategic objectives of the United Nations presence at the country-level. This strategy should reflect a shared under-



standing of the operating environment and agreement on how to maximize the effectiveness, efficiency, and impact of the United Nations overall response. Structural or programmatic integration between United Nations actors must be driven by an assessment of whether or not it will add real value and improve the impact of the United Nations engagement. An integrated mission's structure should be derived from an in-depth appreciation of the specific country setting and an honest assessment of the United Nations capacities to respond effectively. It should be driven by the United Nations strategy for that country and the resources available to the United Nations.

Integrated planning may, at times, appear to slow the deployment of a United Nations peacekeeping operation. Therefore, a balance must be struck between the need to ensure that developmental, human rights, gender and other perspectives are fully taken into account, and the need to deliver a timely and effective humanitarian and security response. Finding such a balance is not easy and requires cooperation, coordination and communication. Ultimately, integrated planning helps to ensure that all the actors in the United Nations system, when deployed in the field, are pointing in the same direction.

Forcing integration where it is not needed may well be counter-productive. Chapter 7 provides more detail on managing integrated missions in the field. In situations where there is little or no peace to keep, integration may create difficulties for humanitarian and development partners, particularly if they are perceived to be too closely linked to the political and security objectives of the peacekeeping mission. In the worst case, integration may endanger their operations and the lives of their personnel. Integrated planning should also bear these worse case scenarios in mind and ensure appropriate dialogue, communication and contingency planning.

## 5.2 The Integrated Mission Planning Process (IMPP)

The United Nations has adopted an Integrated Mission Planning Process (IMPP) to facilitate the planning of multi-dimensional United Nations peacekeeping operations.<sup>3</sup> The IMPP is intended to help the United Nations system arrive at a common understanding of its strategic objectives in a particular country by engaging all relevant parts of the United Nations system. It aims to ensure that the right people are at the planning table, that the right issues are being discussed, and that the appropriate authorities and accountabilities are in place to motivate integrated thinking and planning.

Full application of the IMPP may not always be necessary or feasible since the deployment of an integrated mission is just one among a range of possible options for United Nations engagement. Nevertheless, even in situations requiring a more traditional United Nations peacekeeping response, every effort should be made to ensure that planning is conducted in close coordination with relevant United Nations system partners and other key stakeholders.

The IMPP should be driven by a realistic assessment of existing capacities at country-level, in order to avoid duplication of effort and ensure the most efficient use of the United Nations limited resources. Any plans based on overly ambitious, unfunded or aspirational capacities must be carefully scrutinized at this stage to avoid unrealistic planning assumptions. The UNCT should, therefore, be involved in the IMPP from the outset and continue to play an active role in planning efforts within the context of an integrated mission. These considerations should be factored into the IMPP and reflected in the accompanying budgetary process.

The IMPP does not and cannot take over all other planning processes. The number of international and national actors involved in efforts to support the process of post-conflict recovery means that, in practice, planning cannot always be fully coherent or integrated. These actors have different roles, decision-making processes, deployment time-lines, procedures, budgetary pressures and supervising authorities. However, the IMPP does provide

an inclusive framework to engage external partners, such as the International Financial Institutions (IFIs), regional organizations or bilateral donors. The cooperation of such external partners is necessary for the United Nations to achieve its broader objectives.

Peacekeeping planners need to be aware of the other assessment and planning processes that may be going on alongside the IMPP and actively seek to create substantive linkages between them wherever possible. Such processes include the Consolidated Humanitarian Appeal (CHAP)/Consolidated Appeal (CAP), Common Country Assessment (CCA)/UN Development Assistance Framework (UNDAF), Joint Assessment Missions (JAM)/Post-Conflict Needs Assessments (PCNA) and Poverty Reduction Strategy Papers (PRSP). The IMPP should draw on and capture any elements contained in these parallel planning frameworks that are relevant to the achievement of the United Nations overall strategic objectives. Development of these linkages will help prevent circumstances in which uncoordinated initiatives create friction and spark conflict among the many actors.

The IMPP should be seen as a dynamic, continuous process allowing for activities and objectives to be revised, as the mission's understanding of its operational environment grows and as that environment itself changes. Significant developments at the country level – for example following national elections, or a changed political, security or humanitarian situation – may require a change in the United Nations strategic objectives, or a reconfiguration of the overall role and/or capabilities of the United Nations peacekeeping operation. Such a revision may also be requested by the United Nations Security Council. In such situations, the SRSG/HOM will be responsible for revising the strategic framework guiding the United Nations system's activities on the ground as the basis for the Secretary-General's report to the Security Council, which is ultimately responsible for deciding whether the mission's mandate should be revised. ■

## Endnotes

- 1 Statement by the President of the Security Council S/PRST/1994/22, of 3 May 1994.
- 2 Security Council resolution 1353 (2001), of 13 June 2001, on Measures for Cooperation with Troop Contributing Countries
- 3 The IMPP was formally endorsed through a decision of the Secretary-General's Policy Committee, on 13 June 2006. A comprehensive set of implementation guidelines for the IMPP are currently under development, in coordination with field missions and Headquarters planners.



The arrangements for directing and managing modern United Nations peacekeeping operations are distinct from those of other organizations, particularly those only deploying a military capability. United Nations peacekeeping has evolved into a complex, multi-dimensional enterprise, involving personnel from a wide range of nationalities, disciplines and professional cultures pursuing multiple lines of activity.

## PART III

### The Art of Successful Mandate Implementation

## Chapter 6

Deployment and Start-Up of United Nations  
Peacekeeping Operations

## Chapter 7

Managing United Nations Peacekeeping Operations

## Chapter 8

Supporting and Sustaining United Nations  
Peacekeeping Operations

## Chapter 9

Maintaining Support for the Mission

## Chapter 10

Transition and Exit

# Chapter 6

## Deployment and Start-Up of United Nations Peacekeeping Operations

### 6.1 Typical Phases of Deployment

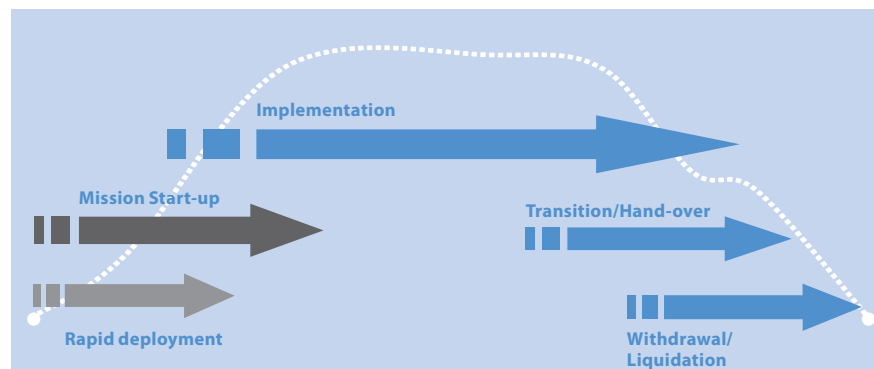
Part III of this document addresses some of the major challenges facing United Nations peacekeeping operations during the various phases of deployment. Although the trajectory of each United Nations peacekeeping operation evolves differently, for planning purposes the lifecycle of a United Nations peacekeeping operation can be divided into the following broad phases, shown simplistically in Figure 3 below:

- **Mission Start-Up**
- **Mandate Implementation**
- **Transition (hand-over, withdrawal and liquidation)**

In general, the scale and tempo of operations rise steadily during initial deployment and start-up, reaching a plateau during mandate implementation, and finally tapering off once hand-over and withdrawal begin. Although they are conceptually distinct, the various phases of the mission lifecycle may overlap. There will also be spikes of activity during implementation as critical milestones and tasks are achieved, for example, during a large DDR programme, or during the period leading up to an election, or the critical months and years following formation of a government.

Each phase of deployment presents its own specific challenges. During start-up, the mission strives to reach an initial operating capability (IOC), and

**Figure 3** Typical Phases of Deployment



eventually a full operating capability (FOC) so that mandate implementation can begin in all areas of deployment. During the implementation phase, efforts are focused on carrying out the tasks set out in the Security Council mandate and achieving the objectives set out in the mission plan. The process of handover, withdrawal and liquidation begins following a decision by the Security Council. It involves the departure of mission personnel following the hand-over of all remaining tasks to partners, and the final disposal of mission assets and infrastructure in accordance with United Nations rules.

The remainder of this chapter describes the United Nations mission deployment and start-up concept, and the challenges associated with managing the mission start-up process. Chapters 7, 8 and 9 describe the challenges of managing, supporting and sustaining large integrated missions, as well as managing their impact on the host country. Finally, Chapter 10 turns to the challenges of transition, hand-over to partner organizations and withdrawal.

## 6.2 The Mission Start-Up Process

The first months after a cease-fire or peace accord are often the most critical for establishing a stable peace and bolstering the credibility of a new operation. Opportunities lost during this period are hard to regain. The

General Assembly has thus endorsed a requirement to be able to establish a traditional peacekeeping mission within 30 days and a multi-dimensional mission within 90 days of the authorization of a Security Council mandate.

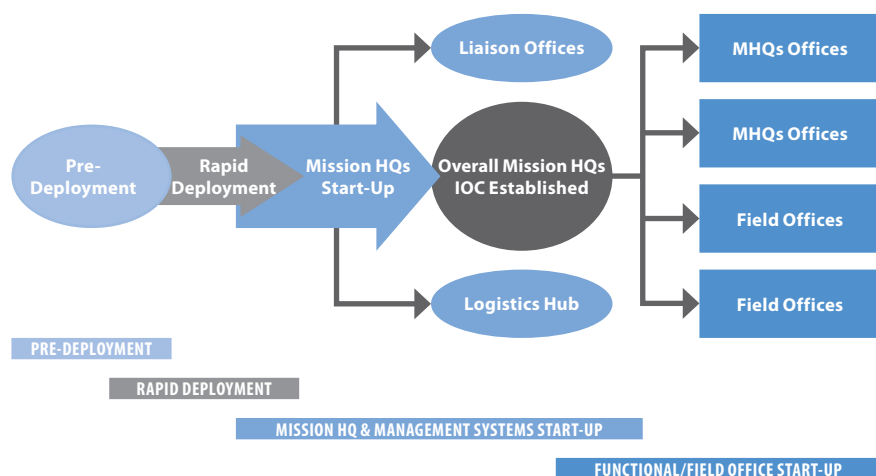
In reality, there is no set sequence of events for establishing a United Nations peacekeeping operation. The lead time required to deploy a mission varies and depends on a number of factors, particularly the will of Member States to contribute troops and police to a particular operation, and the availability of financial and other resources. For missions with highly complex mandates or difficult logistics, or where peacekeepers face significant security risk, it may take several weeks or even months to assemble and deploy the necessary elements. The 90-day timeline for deploying the first elements of a multi-dimensional United Nations peacekeeping operation is, thus, a notional target.

The term 'mission start-up' is used to describe the earliest phase of establishing a mission in the field. During mission start-up, the main priority is to bring internal mission processes, structures and services to an initial level of operating capability so that mandate implementation can begin across the mission area.

As shown in Figure 4, the mission start-up process covers several notional stages, even though these may overlap in practice, as follows:

- **Pre-deployment** is largely a Headquarters responsibility and involves many tasks such as the United Nations budgetary process, pre-deployment visits to TCCs/PCCs to assess readiness, the negotiation of a Status of Mission/Status of Forces Agreements (SOMA/SOFA), the mobilization of Strategic Deployment Stocks (SDS), and the tendering of major supply and service contracts for the mission;
- **Rapid deployment** involves the deployment of a small advance team to commence the establishment of mission premises and other prerequisite infrastructure and administrative systems, to allow for the reception of larger numbers of staff and contingents as start-up progresses;

**Figure 4** The Mission Start-Up Process



- **Mission headquarters start-up** is the period when the mission leadership team arrives, managerial and command and control systems are formed and increasing numbers of substantive and support personnel begin arriving in-mission to help achieve an IOC. It also involves the establishment of liaison offices and logistics hubs, if required;
- **Functional component and field office start-up** occurs alongside the establishment of the central structures of mission headquarters and involves the coordinated establishment of the different substantive civilian, police and military command and managerial capacities. It also involves the start-up of sector headquarters and field offices of the mission.

### 6.3 Managing the Mission Start-Up Process

Mission start-up can be a fast-paced and seemingly chaotic experience. Small numbers of staff are pitted against time to put in place the foundations of a complex, new mission, often in unknown and volatile operating environments. At the same time, new staff and contingents begin to deploy and begin scoping out initial operations. Mission leaders must also use these

early weeks, sometimes referred to as a ‘honeymoon period,’ to push ahead political progress with the parties so as to sustain the momentum of the peace process. During this critical phase, it is essential that mission leaders and personnel adhere to the basic principles of United Nations peacekeeping, as outlined in Chapter 3 above, and actively seek to establish the mission’s legitimacy and credibility in the eyes of the parties, the host population and the international community, as a whole.

Effective leadership and strong managerial skills are at a premium during start-up. If basic systems and procedures are not established early on, this can cause compounding confusion as the mission rapidly expands during start-up. If effective and streamlined institutional processes to control the fragmentation of a large and diverse mission are not installed during the start-up period – such as establishing mission decision-making forums, information sharing and information management protocols, reporting lines, etc. – they will become increasingly difficult to introduce later.

Leadership and conflict management are essential skills for a mission start-up manager. Few, if any, of the mission staff will have worked together before. Peacekeeping personnel will come from diverse national and professional backgrounds (including from significantly different civilian, military and police working cultures) which may cause friction in a pressurized start-up environment. Internal tensions must be managed proactively, during the early months, to minimize misunderstandings and avoid resentments that could pollute staff relations over the long-term. Mission leaders must underscore the need for all components to work towards shared objectives under the leadership of a cohesive and collaborative mission leadership team. ■

# Chapter 7

## Managing United Nations Peacekeeping Operations

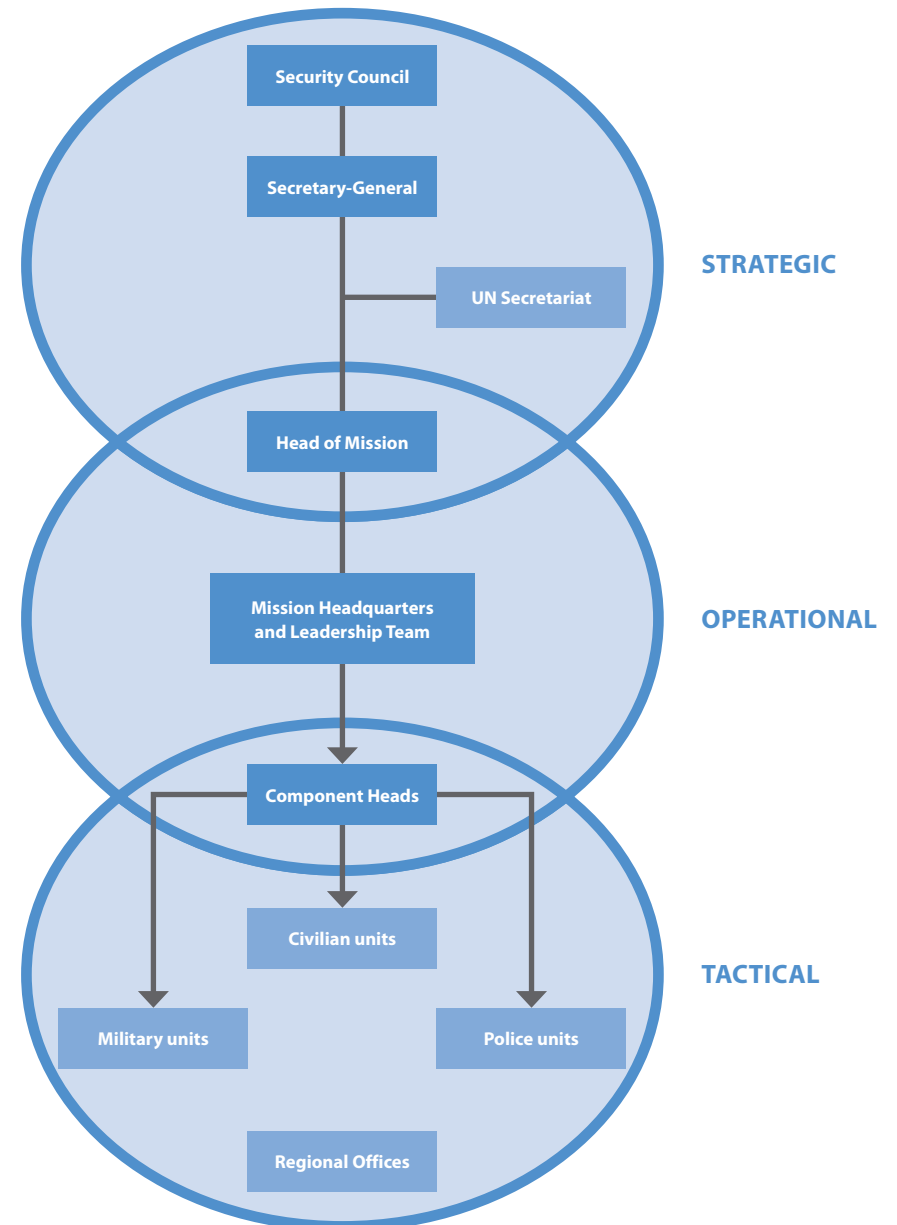
### 7.1 The Relationship between Headquarters and the Field

The arrangements established by the United Nations to direct and manage its peacekeeping operations are distinct from those of other organizations, particularly those only deploying a military capability.<sup>1</sup> This is largely due to the fact that United Nations peacekeeping has evolved into a complex, multi-dimensional enterprise, involving personnel from a wide range of nationalities, disciplines and professional cultures pursuing multiple lines of activity.

As depicted in Figure 5, the levels of authority in United Nations peacekeeping operations are not as clear-cut as they are in military organizations. This difference must be noted when the United Nations is working in the field with partner organizations.

Within the United Nations Secretariat, DPKO is responsible for providing United Nations peacekeeping operations with policy guidance and strategic direction, while DFS is responsible for providing logistical and administrative support. In order to ensure unity of command at the Headquarters level, the Under-Secretary-General for Field Support reports to the Under-Secretary-General for Peacekeeping Operations on all peacekeeping related matters. Standing Integrated Operational Teams (IOTs), located within DPKO and managed by the Office of Operations (OO), bring together, in a formal structure, political, military, police and mission support personnel, sup-

**Figure 5** Authority, Command and Control in Multi-dimensional United Nations Peacekeeping Operations



ported by other specialist capacities as required, to provide integrated teams to support missions, and to provide integrated policy advice and guidance for senior DPKO and DFS staff. These teams enable delegation of decision making and increased accountability; and they provide a principal entry point for missions, TCCs/PCCs and partners to engage in the planning and conduct of integrated peacekeeping operations.

In the field, the Head of Mission (HOM) exercises operational authority over the United Nations peacekeeping operation's activities, including military, police and civilian resources. In the case of military personnel provided by Member States, these personnel are placed under the operational control of the United Nations Force Commander or head of military component, but not under United Nations command. However, once assigned under United Nations operational control, contingent commanders and their personnel report to the Force Commander and they should not act on national direction, particularly if those actions might adversely affect implementation of the mission mandate or run contrary to United Nations policies applicable to the mission. Member States may withdraw their contributed personnel from the mission through advice to United Nations Headquarters.

In integrated missions, the SRSG/HOM is a civilian who reports to the Secretary-General through the Under-Secretary-General for Peacekeeping Operations at United Nations Headquarters.<sup>2</sup> The SRSG/HOM is given significant delegated authority to set the direction of the mission and to lead its engagement with the political process on the ground. The SRSG/HOM is responsible for coordinating the activities of the entire United Nations system in the field and is assisted in this task by the DSRSG/RC/HC, who is expected to serve as the principal interface with the UNCT.

The SRSG/HOM and his/her deputies form part of a Mission Leadership Team (MLT). The core membership of the MLT is comprised of the heads of the major functional components of the mission. The MLT is responsible for overseeing the implementation of the mission's activities. In the absence of a standing "operational headquarters" structure, United Nations Head-

quarters and the mission headquarters must form a strong and collegial relationship to ensure that the mission can quickly and effectively leverage political support for its operations on the ground. The United Nations Headquarters personnel and the mission's MLT need to play mutually supporting roles, both in developing a political strategy for the mission and in managing the operations and resources to support that strategy.

## 7.2 The Challenge of Mission Integration and Coordination

Integrated missions are designed to facilitate a coherent, system-wide approach to the United Nations engagement in countries emerging from conflict. The United Nations has the unique ability to employ a mix of civilian, police and military capabilities, under a unified leadership to support a fragile peace process. At the same time, United Nations peacekeeping operations are almost always deployed alongside a variety of external actors, with widely differing mandates, agendas and time horizons. The challenge of managing an integrated mission is thus further compounded by the need to ensure that there is some degree of coordination between the United Nations and the range of non-United Nations actors who are often present in conflict and post-conflict settings.

In essence, an integrated mission is a strategic partnership between a multi-dimensional United Nations peacekeeping operation and the UNCT, under the leadership of the SRSG and the DSRSG/RC/HC. The SRSG is the "the senior United Nations representative in the country" with "overall authority over all the activities of the United Nations" and is responsible for "ensuring that all the United Nations components in the country pursue a coordinated and coherent approach."<sup>3</sup> The DSRSG/RC/HC is responsible for the coordination of both humanitarian operations and United Nations development operations, and for maintaining links with governments and other parties, donors, and the broader humanitarian and development communities for this purpose.<sup>4</sup>

Ultimately, successful integration and coordination requires a high degree of sensitivity to the interests and operating cultures of three broad sets of actors:

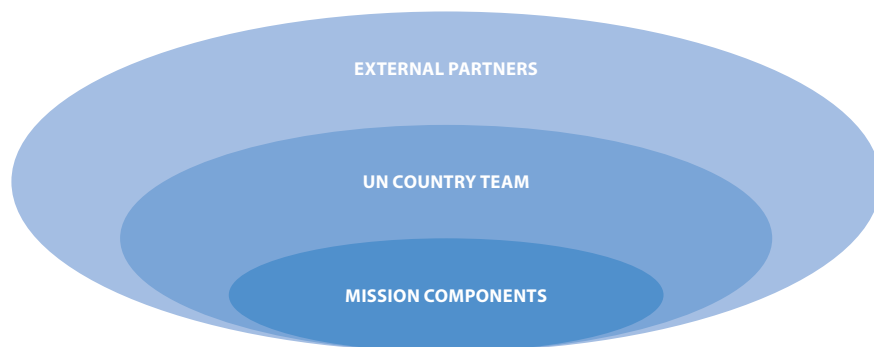
- Mission components
- UNCT members
- External partners

Integration is more than just a matter of bureaucratic reporting lines. Figure 6, below, presents a simplified view of what is, in fact, a highly complex operating environment.

**Integrating the mission's components.** The various components of a United Nations peacekeeping operation – civilian, police, military and support – come under the direct authority of the SRSG/Head of Mission (HOM) and the MLT. In large integrated missions, the MLT is normally supported by the following structures, which are designed to facilitate integration between the mission's components:

- A Joint Operations Centre (JOC) that collates situation reports and operational information from all mission sources to provide current situational awareness for the mission. The JOC also acts as a crisis coordination hub.<sup>5</sup>

**Figure 6** The Challenge of Mission Integration



- A Joint Mission Analysis Centre (JMAC) that provides integrated analysis of all-sources of information to assess medium- and long-term threats to the mandate and to support MLT decision-making.
- An Integrated Support Service (ISS) that harnesses all logistical resources of the mission.
- A Joint Logistics Operations Centre (JLOC) to coordinate the provision of logistical support, in accordance with MLT priorities.

Although the components of a United Nations peacekeeping operation have the same mandate, share a single budget, and depend on the same integrated support services, there are significant cultural differences, both national and professional, within and between them. Many civilian organizations and government departments routinely function with a high degree of tolerance for ambiguity and highly flexible management models. At the same time, military staff tend to seek to minimize ambiguity by making informed assumptions within a strong planning culture. Mission leaders and staff must seek to reconcile these differing “institutional cultures,” while being careful not to stifle the cultural diversity that constitutes one of the United Nations main strengths.

**Integrating the United Nations effort.** As discussed in Chapter 5, integrated planning allows the United Nations system to maximize the impact of its engagement in countries emerging from conflict by ensuring that its activities are guided by a common strategic vision. However, integration does not mean that all United Nations actors on the ground should be physically integrated or subsumed under a single structure. Moreover, while the members of the UNCT come under the overall authority of the SRSG/HOM, in reality, they are governed by mandates, decision-making structures and funding arrangements that are quite distinct from those of the United Nations peacekeeping operation. As a result, integration among the members of the broader United Nations family cannot simply be imposed by edict from above, and can only be achieved through a constant process of dialogue and negotiation between the actors concerned.



There is no “one-size-fits-all approach” to achieving integration among United Nations actors in the field. There is a range of implementation modalities through which an integrated mission may pursue common United Nations objectives in its mandated areas of activity. In some areas, for example, human rights or electoral assistance are fully integrated into the mission’s activities, and the relevant components of the United Nations peacekeeping operation are usually staffed by personnel drawn from the lead department or agency concerned. Others, such as DDR, see a looser arrangement driven by joint planning and conduct of programmes by different actors. Alternatively, the delivery of humanitarian assistance is conducted by humanitarian agencies, as a parallel activity, under the coordination of the DSRSG/RC/HC.<sup>6</sup> The United Nations system should decide at the country-level which implementation modalities are best suited to the achievement of its common objectives. To this end, individual United Nations actors may need to revise their respective country programmes, annual work plans, and other frameworks to reflect the new plans that have been developed.

Ultimately, it is the responsibility of the SRSG/HOM, supported by the DSRSG/RC/HC and the other members of the MLT, to define the United Nations system’s strategic priorities at the country-level and to ensure that the activities of all United Nations actors contribute to the achievement of the mission’s strategic objectives. The SRSG/HOM must always consider the views and concerns of the various constituencies within the mission in order to ensure that, to the extent possible, activities undertaken in one area do not undermine other aspects of the mandate. Senior mission leaders and staff must ensure that any friction remains manageable and that the United Nations family remains in control of the dynamic, in order to ensure that others do not exploit the differences between United Nations actors. This entails a respect for the diversity of approaches being pursued in a post-conflict context and the need for international strategies to evolve over time along with the peace process.

**Coordination with external partners.** The large number of international and national actors implementing activities in post-conflict environments

precludes the development of one common plan or strategy, much less one common structure or programme. Nevertheless, it is incumbent upon the peacekeeping operation to meet regularly and share information with all actors, and to harmonize activities, to the extent possible, by seeking their input into the mission’s planning process and to respond actively and substantively to requests for cooperation. Examples of such actors include:

- Bilateral and multilateral donors, including the World Bank and the International Monetary Fund (IMF), as well as NGOs or contractors working for donors;
- Non-United Nations led military formations deployed nationally, under the aegis of a regional organization or as part of an ad hoc coalition;
- The diplomatic corps and other regional or international political actors;
- The International Committee of the Red Cross (ICRC) and other components of the International Movement, as well as other independent humanitarian actors, such as humanitarian NGOs.

These actors normally pursue independent agendas, which may or may not coincide with the strategic priorities identified by the peacekeeping operation. Some may be operating according to widely different timelines and work methods, or they may simply not be capable of engaging in intensive cooperation due to the periodic nature of their engagement in the country. In these circumstances, proactive sharing of information by the mission is still important, even if the intensity of cooperation is limited.

Humanitarian actors, such as the ICRC, have as an institutional imperative to maintain a high level of visible independence from political-military structures to ensure the safety and feasibility of their actions and personnel. United Nations peacekeepers must be cognizant of the concept of “humanitarian space,” which can be understood as the space created through respect for the humanitarian principles of independence and neutrality. It is in this space that humanitarian action takes place. As such, a clear distinction must be made between politically motivated actions to end conflict and move



toward national development, and apolitical humanitarian assistance based exclusively on impartial response to assessed need, aimed at saving lives, alleviating suffering and maintaining or restoring the dignity of people affected by conflict. Maintaining this distinction better assures humanitarian agencies safe and secure access throughout a conflict zone.

It is incumbent upon the peacekeeping operation to regularly meet and share information with all actors and, to the extent possible, harmonize activities by seeking their input into the mission's planning process. This includes the sharing of non-operationally sensitive geospatial data. The mission may also be requested to assist with large-scale humanitarian responses *in extremis*. For this eventuality, the MLT, through the DSRSG/HC/RC, should seek to establish effective information sharing and coordination mechanisms to ensure maximum coherence and to prevent any adverse impact on humanitarian and development operations. Due to the high turnover of some mission personnel, coordination arrangements and induction programmes should be designed to minimize the burden on partner organizations. ■

## Chapter 8

### Supporting and Sustaining United Nations Peacekeeping Operations

#### 8.1 United Nations Logistics and Administration

As discussed in Chapter 2, United Nations peacekeeping operations have evolved to encompass a wide range of mandated tasks. The administrative, logistical and other specialized support arrangements for United Nations peacekeeping operations are crucial for the effective implementation of these tasks. The relationship between the military, police, substantive civilian and support components of a United Nations peacekeeping operation is, therefore, of crucial importance.

At the United Nations Headquarters level, DFS is responsible for delivering dedicated support to United Nations field operations, including personnel, finance, field procurement, logistical, communications, information technology, and other administrative and general management issues. In the field, the support component of a United Nations peacekeeping operation provides administrative and logistic support services that enable the mission to carry out its core functions in an effective, coordinated and timely manner, consistent with the regulations and procedures prescribed by the United Nations.

Mission assets are distributed to all mission components on an equitable basis, depending on functional need and assessed priorities. Delivering common support services is part of the administrative functions of a United Nations peacekeeping operation and falls under the responsibility of the

Director of Mission Support (DMS) or Chief of Mission Support (CMS). The DMS/CMS reports directly to the SRSG/HOM. The DMS/CMS has up-to-date information on the status of all resources available within the mission, and direct access to all available means of acquiring items.

United Nations peacekeeping operations are often deployed in environments which are both volatile and unpredictable, and where host nation infrastructure is minimal or severely degraded. Within this challenging operating environment, United Nations peacekeeping operations undertake a broad spectrum of civilian and military tasks, which may need to be sustained over several years. Moreover, an operation may be required to switch to a more robust posture and back again at various points in a mission's lifecycle and may need to switch the emphasis of operations between different components of the mission, for example, to support a DDR programme, an election or a security operation.

A mission support element which is flexible enough to adapt quickly to changing circumstances on the ground allows for greater internal capacity to respond to the mission's substantive operations. This requires good logistic planning, communication and resourcing, and close integration between the uniformed and support components of a mission. Most of all, it requires strong integrated planning and priority-setting among the mission's leadership team. It also requires flexibility in the management of mission assets by the mission's support element.

The logistic and administrative support for United Nations operations is more complex than many other logistical support models. This complexity is due to the requirement to support contingents deploying with widely varying levels of self-sufficiency, and the differing requirements between military contingents, civilian staff, police and military observers. United Nations operations are also subject to financial accountability procedures which do not align operational responsibility with budgetary accountability. Accordingly, the system of United Nations logistics is not well-designed to support high-tempo, short-notice military operations. This helps define a point beyond which a United Nations peacekeeping operation is not able to escalate.

United Nations peacekeeping operations function through a mix of civilian contracted services procured by the United Nations and military support capabilities, provided through 'lease' arrangements between the United Nations and contributing Member States.<sup>7</sup> When formed military units are deployed to a mission, the logistic support concept is based on the integration of United Nations-provided and contingent-provided resources to support all components of the mission. All of a mission's support resources are managed jointly through an integrated civilian and military logistics support service and a common administrative system throughout all United Nations missions.

The consolidation and integration function of integrated support services is focused in a JLOC, which is staffed by military and civilian logistics personnel and coordinates the logistical needs of all mission components. The JLOC often becomes a focal point for cooperation and mutual assistance on logistical issues between the United Nations peacekeeping operations, other agencies and NGOs.

Mission support elements must comply with strict rules and regulations and are sometimes criticized for not being responsive enough to operational requirements, especially during crises. Financial accountability controls for United Nations peacekeeping are essential, and demanded by the Member States. Yet, for the system to work effectively in support of the mission leadership, they need to be balanced with operational principles of flexibility and responsiveness, and administered with a view to effective risk management.

## 8.2 Human Resource Management

Attracting and retaining qualified personnel is a critical support function in United Nations peacekeeping operations. As stated in Article 101 of the Charter, securing the highest standards of efficiency, competence and integrity is the paramount consideration in the employment of United Nations staff and the determination of conditions of service. The international and national staff and uniformed personnel of a United Nations peacekeeping

operation are its most valuable assets and must be managed carefully. Being a United Nations peacekeeper requires extraordinary professionalism, dedication and self-restraint. The vast majority of the women and men serving in United Nations peacekeeping operations around the world do, indeed, possess these rare qualities. Yet, recent experience has shown that the actions of a minority who do not possess such qualities can result in irreparable damage to the reputation of the mission and the United Nations, as a whole.

Given the difficult environments in which many United Nations peacekeeping operations are deployed, turn-over rates for international personnel can be high. The conditions of service in many United Nations peacekeeping operations make it extremely difficult to attract qualified and experienced personnel. In the field, the provision of adequate welfare arrangements for both uniformed and civilian personnel is not only crucial for maintaining morale, but is also a key tool for preventing the instances of gross misconduct that have marred the United Nations peacekeeping record. Missions should make an effort to establish welfare committees and provide recreational facilities for peacekeeping personnel, within their existing resources. In particular, the civilian and military leadership within the mission must make an effort to ensure that funds allocated by TCCs/PCCs for the welfare of uniformed personnel actually reach their intended beneficiaries and that the welfare needs of civilian staff, which are often neglected, are also addressed.

Individual personalities are a major factor in any United Nations peacekeeping operation. Even when the necessary coordination mechanisms and processes are in place, it is vital to ensure that key positions are filled by the right individuals with the right skill-sets. Ultimately, it is the example and guidance provided by the senior leadership of a United Nations peacekeeping operation that will unite the components and ensure that the United Nations system is working as a team.

The selection of senior mission leaders must be a carefully considered process. Mutual respect and the ability to transcend “turf” issues are essential qualities for the successful management and integration of multi-dimensional

United Nations peacekeeping operations. Education and training are vital to ensuring that the appointment of senior mission leaders is not a “lottery.” Prior to assuming their functions, senior mission leaders should be given adequate training and preparation on the challenges that they are likely to face in the field. All personnel in leadership positions should exemplify the highest standards and should be held accountable for their behaviour and performance. If not performing up to expectations, they should be counselled and, if necessary, removed from the mission.

### 8.3 Security of Personnel

The primary responsibility for the security and protection of United Nations peacekeeping personnel and assets rests with the host government. This responsibility flows from the government’s inherent function of maintaining law and order, protecting persons and property within its jurisdiction, as well as from the special responsibility enshrined in the Charter.<sup>8</sup>

The Designated Official (DO), usually the senior-most United Nations official in a country, is responsible for the security of United Nations staff. When appointed DO, the SRSG/HOM is accountable to the Secretary-General (through the Under-Secretary-General for Safety and Security) for the security of all civilian personnel employed by the organizations of the United Nations system and their recognized departments throughout the country or designated area. The DO is supported by the Chief Security Adviser (CSA), Department of Safety and Security (DSS), and the Security Management Team (SMT) which oversees United Nations security arrangements in country. The SMT’s composition and standing operating procedures are articulated in the *DSS Field Security Handbook*.

While the safety and security of staff and facilities is largely situation specific, some key standards have been developed, such as the Minimum Operating Security Standards (MOSS). These standards are established, implemented and monitored at the direction of the CSA and the DO. These standards apply

to both international and national staff. While uniformed personnel do not fall under the United Nations security management system, the heads of the military and police component should work closely with the CSA to ensure that the best possible security arrangements are put in place for all personnel. To this end, the respective heads of component will determine the best balance between operational necessity and the security of uniformed personnel. The heads of the military and police components are accountable to the HoM for the security of uniformed personnel. ■

## Chapter 9

### Maintaining Support for the Mission

#### 9.1 Managing Mission Impact

United Nations peacekeeping operations must be aware of and proactively manage their impact, both real and perceived, in the host country and community. United Nations peacekeeping operations are highly visible and generate high expectations. Accordingly, United Nations peacekeeping personnel should be careful to mitigate the possible negative consequences of the mission's presence. United Nations peacekeeping personnel must adhere to national laws, where these do not violate fundamental human rights standards, respect local culture, and maintain the highest standards of personal and professional conduct.

Personnel serving in United Nations peacekeeping operations should be alert to any potential, unforeseen or damaging consequences of their actions and manage these as quickly and effectively as possible. Poor driving and vehicle accidents and lax waste management practices are just some of the negative impacts that may seriously undermine the perceived legitimacy and credibility of a mission, and erode its popular support. The size of a United Nations peacekeeping operation's human and material footprint is likely to have a direct bearing on its impact, or perceived impact, in the community. Missions should be aware of the possible side-effects they may generate, including:

- Social impact (for example, in the conduct and behavior of staff);

- Economic impact (for example, on housing and staple foods and materials);
- Environmental impact (for example, waste management or water usage).

Social impacts such as different cultural norms of mission staff and host country customs may create friction (e.g.: employment of women in non-traditional gender roles, mixing and socialization amongst genders, drinking, gambling, inappropriate behaviour, etc.). United Nations peacekeeping operations also have a major impact on the host economy, by pushing up the price of local housing and accommodation, or placing demands on local producers for staple foods and materials, placing such items out of reach of the local community. All of these have the potential for creating friction and discontent within the local population and they should be continuously monitored and managed by the mission's leadership.

In assessing mission impact and devising strategies to address it, the mission should be careful to ensure that the differential impacts on men and women, as well as children and vulnerable groups, are considered. Although no mission can control all of the side-effects of its presence, it must undertake due diligence in managing its own impact. Where problems do arise, they should be addressed swiftly and honestly. At the same time, rumors and vexatious or erroneous accusations against the mission must be countered with vigor to maintain the good reputation of the international presence.

## 9.2 Communications and Outreach

Effective public information is a political and operational necessity. Its overall objective in United Nations peacekeeping operations is to enhance the ability of the mission to carry out its mandate successfully. Key strategic goals are to maintain the cooperation of the parties to the peace process, manage expectations and garner support for the operation among the local population, and secure broad international support, especially among TCCs/PCCs and major donors. Public information should be thoroughly integrated into

a United Nations peacekeeping operation at all stages of planning and deployment. The mission's Chief of Public Information should be a key actor in the senior leadership's decision-making process.

From the moment a peacekeeping operation is authorized, the United Nations must be able to ensure that the mandate and objectives of the mission are fully understood by the host population and other key actors. Consideration of the role that public information will play in the future peacekeeping operation, as well as the structures and resources that will be required to support that role, must begin at the earliest possible stage. A public information assessment gauging the most effective ways of reaching the population should, thus, be conducted prior to the launch of any field mission.

Effective communications and outreach will enhance the mission's ability to achieve its mandate and contribute to the security of mission personnel. A well designed and skilfully implemented communications strategy will increase confidence in the peace process, build trust among parties to a conflict, and generate support for national reconciliation. It will establish the mission as a trusted source of information and help counter the negative effects of irresponsible, hostile and controlled media. If the parameters of United Nations activity are clearly laid out and explained to the local population and other target audiences, fear and misunderstanding will be minimized, disinformation will be corrected, and the impact of those who wish to damage the peace process through rumour and untruth will be minimized. In addition, mission public information activities should be geared towards helping establish an environment that promotes the development of free and independent media, and the adherence to the highest journalistic ethics and standards.

The mission's public information campaign provides an opportunity to reach out to key groups within society, whose voices may not otherwise be heard, and to promote consensus around the peace process. Use should be made of local public radio and television, if available, as well as traditional

forms of public information dissemination, such as the local community and religious groups. Where no local dissemination capacity exists, a United Nations capability should be deployed at the earliest stages, while helping concurrently to build local capacities. ■

## Chapter 10

### Transition and Exit

#### 10.1 Partnerships and Transition Planning

No single organization can presently conduct all of the multifaceted tasks required to support and consolidate peace processes. Partnerships are thus indispensable to the success of the international community's efforts in post-conflict settings. Chapter 5 and 7 have provided guidance on how to manage the relationship with partners in the planning and conduct of ongoing operations. This chapter focuses on two important aspects of partnership: the transition from other security actors to a United Nations peacekeeping operation; and the hand-over of responsibilities from a United Nations peacekeeping operation to United Nations system partners and others, as it prepares to withdraw.

The United Nations is no longer the only actor conducting peace operations. The number of peace operations mounted by non-United Nations actors has doubled in the past decade. The African Union (AU), the Economic Community of West African States (ECOWAS), the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth of Independent States (CIS) and the North Atlantic Treaty Organization (NATO) have all mounted major operations of their own (in most cases with the authorization of the United Nations Security Council); and they are making concerted efforts to increase their capacities in this area.

The growing involvement of regional agencies and arrangements in the maintenance of international peace and security, as envisaged in Chapter VIII



of the Charter, has created new opportunities for combining the capabilities of United Nations and non-United Nations actors to manage complex crises. In several instances, troops and police deployed as part of a regional organization-led peace operation have been “re-hatted” upon the deployment of a United Nations peacekeeping operation. In some cases, United Nations peacekeeping operations consisting only of civilian and/or police personnel have been deployed alongside forces under the command of a regional organization. The Security Council has also authorized the deployment of a “hybrid” peacekeeping operation, in which elements from the United Nations and a regional organization are deployed as part of the same mission under joint leadership. Although cooperation between the United Nations and regional organizations in the area of peace and security has tended to occur on an ad hoc basis and is often dictated by political expediency, new more systematic partnerships are emerging.<sup>9</sup>

In circumstances where a United Nations peacekeeping operation is required to assume responsibility from a non-United Nations led peace operation, an effort should be made to develop a mutually agreed joint transition plan outlining the modalities, steps and timeframe for achieving transition and the assumption of United Nations responsibility. In addition to detailing when and how responsibilities will be transferred, such a plan should spell out any implications for the UNCT and other partners, in order to ensure consistency of approach and timing with the overall mission planning process. Emphasis should be placed on security and how to ensure maximum stability at a moment of potential weakness, including as a result of any mismatch in capabilities and tasks.

## 10.2 Hand-Over and Withdrawal

The United Nations engagement in a country which is emerging from conflict rarely begins with the deployment of a peacekeeping operation and is likely to continue long after its withdrawal. In most cases, the UNCT will have been on the ground long before the deployment of a United Nations

peacekeeping operation and will be responsible for supporting the process of long-term recovery once the peacekeeping operation has withdrawn. In some instances, a United Nations peacekeeping operation may be preceded by or deployed alongside a United Nations special political mission or peacebuilding support office. Some United Nations peacekeeping operations have also been succeeded by integrated offices, headed by an Executive Representative of the Secretary-General (ERSG).<sup>10</sup>

Ultimately, it is the prerogative of the Security Council to decide whether a United Nations peacekeeping operation should hand-over responsibility to another United Nations body or non-United Nations entity, and withdraw. Nevertheless, the Secretariat and the United Nations peacekeeping operation have a responsibility to ensure that the Security Council’s decision is based on an honest assessment of real progress made towards the achievement of a sustainable peace.

As discussed in Chapter 2, traditional United Nations peacekeeping operations are deployed as an interim measure to help manage a conflict and create conditions in which the negotiation of a lasting settlement can proceed. A traditional United Nations peacekeeping operation can be said to have successfully completed its mandate once the states concerned have arrived at a mutually agreed settlement to their conflict. Since they have little direct involvement in diplomatic efforts to resolve the conflict, some traditional peacekeeping operations are deployed for decades, due to the absence of a lasting political settlement between the parties.

Determining whether a multi-dimensional United Nations peacekeeping deployed in the aftermath of a violent internal conflict has successfully completed its mandate is far more challenging given the number of complex variables involved. Experience has shown that a domestic peace is truly sustainable when the warring parties are able to move their struggles from the battlefield and into an institutional framework where disputes can be settled peacefully. The deployment of troops and police must be accompanied by efforts to restore the State’s monopoly over the legitimate

use of force; re-establish the rule of law and strengthen respect for human rights; foster the emergence of legitimate and effective institutions of governance; and promote socio-economic recovery. The decision to shift the focus of the United Nations engagement from stabilization to longer-term peacebuilding must, therefore, take into account the degree of progress made in each of these critical areas.

The transition from a United Nations peacekeeping operation to subsequent phases of United Nations engagement should be factored into the planning process from the outset, with a view to clearly delineating the roles and responsibilities of the various United Nations actors on the ground. Reliable benchmarks and indicators are required to determine when the United Nations peacekeeping operation can begin the process of hand-over and withdrawal, without jeopardizing ongoing efforts to consolidate the peace.

There is no standard “check-list” of benchmarks applicable to all situations. The specific benchmarks used will differ from situation to situation, depending on the underlying causes of the conflict and the dynamics at play. They must be developed in close collaboration with the rest of the United Nations system, the national authorities, civil society, and other relevant stakeholders, taking into account the United Nations longer-term strategic goals.

Care must be taken to identify appropriate benchmarks that reflect real progress towards the consolidation of peace in the country. Indicators should not simply be measurements of international community inputs to a peace process, which may present an incomplete picture. Examples of key benchmarks that may be used to determine at which point the process of peace consolidation is sufficiently advanced to allow for the hand-over of certain mission responsibilities include the following:

- The absence of violent conflict and large-scale human rights abuses, and respect for women’s and minority rights;
- Completion of the DDR of former combatants (male and female, adults and children) and progress in restoring or establishing responsible state institutions for security;

- The ability of the national armed forces and the national police to provide security and maintain public order with civilian oversight and respect for human rights;
- Progress towards the establishment of an independent and effective judiciary and corrections system;
- The restoration of State authority and the resumption of basic services throughout the country;
- The return or resettlement and reintegration of displaced persons with minimal internal disruption or conflict in the areas of return or resettlement;
- The successful formation of legitimate political institutions following the holding of free and fair elections where women and men have equal rights to vote and seek political office.

Wherever possible, benchmarks should be established through dialogue with national interlocutors. The mission should seek multiple sources of validation regarding this progress and should not shy away from reporting on a deteriorating situation. In this respect, United Nations peacekeeping operations should resist the temptation to report overly optimistic assessments of progress against key benchmarks.

Depending on the evolving situation, it may be appropriate for the benchmarks to be amended over time. Whatever the benchmarks adopted, they should be regarded as interim objectives in the broader effort to build a self-sustaining peace, the realization of which will allow the international community to progressively shift the focus of its post-conflict assistance from stabilization to long-term peacebuilding and economic recovery.

The withdrawal of a United Nations peacekeeping operation should be planned and conducted in close consultation with all relevant partners and national stakeholders, to ensure minimal disruption of international programmes as a result of the mission’s departure, and to minimize the impact on the host population and environment. As a final contribution to the institutional learning process, it is important that an effort be made to



capture any remaining lessons learned at the end of the mission by conducting of After Action Reviews (AARs) and/or End of Assignment Reports (EoARs)<sup>11</sup> that may benefit those responsible for the planning and conduct of future United Nations peacekeeping operations. ■

## Endnotes

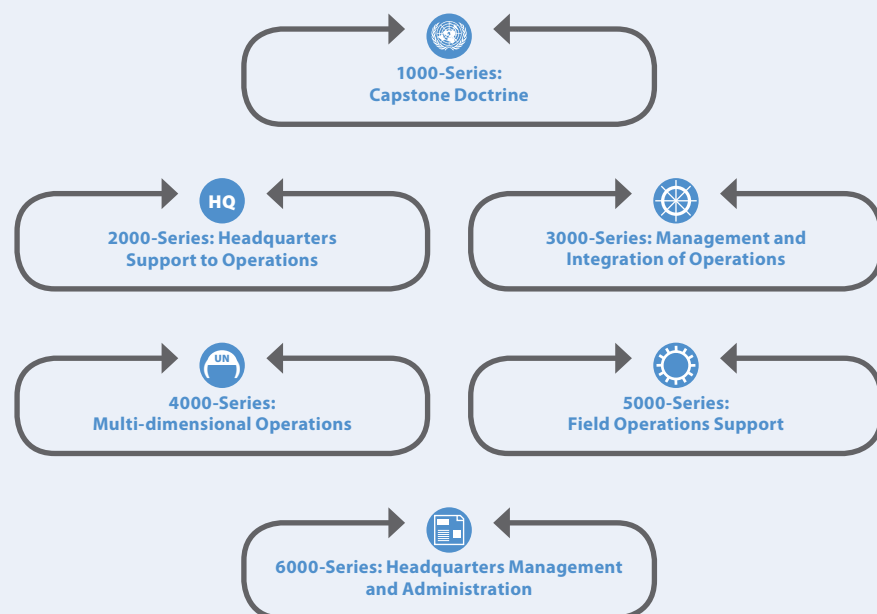
- 1 See DPKO Policy Directive on Authority, Command and Control for United Nations Multi-dimensional Peacekeeping Operations (2007).
- 2 For missions of a military nature, the Secretary-General may appoint a Force Commander or Chief Military Observer as Head of Mission.
- 3 Note of Guidance on Integrated Missions, Clarifying the Role, Responsibility and Authority of the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordination, 9 December 2005, para. 5.
- 4 Ibid., para. 18–19.
- 5 See DPKO Policy Directive on JOCs and JMACs, 1 July 2006. In this context, the term “joint” refers to the internal collaboration required between all mission components to achieve shared objectives under a single leadership team.
- 6 Where the DSRSG/RC/HC is supported by an office of the United Nations Office of the Coordination of Humanitarian Affairs (OCHA), OCHA will normally serve as the humanitarian coordination office. Where appropriate, the OCHA office may remain outside the mission structure to facilitate access by the broader humanitarian community.
- 7 Generally, contingents arrive with between 30–90 days of supplies to maintain self-sufficiency. During that period, the United Nations enters into service contracts to provide the bulk supplies of a mission, such as water, rations, laundry, waste disposal and some transport services. Contingents bringing their own equipment are paid for the lease of this equipment by the United Nations, based on agreed reimbursement rates.
- 8 Under Article 105 of the Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. Additional diplomatic privileges are accorded to United Nations staff members and premises in times of international crisis, by the 1946 Convention on the Privileges and Immunities of the United Nations and the Specialised Agencies and, more explicitly, by the 1994 Convention on the Safety of United Nations and Associated personnel, which obligates all signatories to ensure the safety and security of United Nations and associated personnel deployed in their territory.
- 9 The “Joint Declaration on EU-UN Co-operation in Crisis Management” was signed in September 2003.
- 10 Integrated offices consist of the members of the UNCT and may be augmented by the presence of military and police specialists.
- 11 After Action Reviews (AARs) and End of Assignment Reports (EoARs) are tools developed by DPKO to facilitate the capturing and sharing of lessons learned from the field.

# Annex 1

## United Nations Peacekeeping Doctrine Framework

As shown in the diagram below, the United Nations peacekeeping doctrine framework is currently divided into six major guidance “series” (1000–6000), which provide basic reference codes for the organization and management of internal DPKO/DFS policy and guidance materials. Each series is further subdivided into specific thematic and/or functional areas.

### DPKO/DFS Policy and Guidance Index



### 1000-Series: Capstone Doctrine

The 1000-series covers the basic principles and key concepts underpinning the planning and conduct of contemporary United Nations peacekeeping operations as well as their core functions and the main factors affecting their success. *United Nations Peacekeeping Operations: Principles and Guidelines* sits at the highest level in the 1000-series. 1000-series guidance also includes the *Handbook on United Nations Multi-dimensional Peacekeeping Operations*. All subordinate guidance must be consistent with the principles and concepts set out in the 1000-series.

### 2000-Series: Headquarters Support to Operations

The 2000-series contains guidance on DPKO/DFS headquarters roles, responsibilities and functions in support of field missions. Specific areas covered in the 2000-series include: command and control and executive direction; mission planning and budgeting; recruitment and force generation; deployment and mission start-up; political analysis and briefings; and reporting, monitoring and operations management.

### 3000-Series: Management and Integration of Operations

The 3000-series covers the management and integration of United Nations peacekeeping operations in the field. Documents in this series are intended to provide guidance on arrangements for the effective planning, management and integration of operational and support capabilities in the mission. The 3000-series also contains guidance on the effective execution of managerial responsibilities related to the safety, integrity and oversight of the mission and its resources. Specific areas covered in the 3000-series include: mission command and control; political analysis and diplomatic activity; mission planning; safety and security; crisis management; and conduct welfare and discipline.

### 4000-Series: Multi-dimensional Operations

The 4000-series contains guidance on the employment of military, police and substantive civilian capabilities within a United Nations peacekeeping operation. The use of guidance in this series will vary depending on the deployed mission capabilities, and should be seen as modular. Guidance in the 4000-series also draws on and must be consistent with the principles and concepts set out in the 1000-series. Specific areas covered in the 4000-series include: political and civil affairs; military; law enforcement (police); legal and judicial; corrections/prisons; human rights; DDR; SSR; mine action; and elections.

### 5000-Series: Field Operations Support

The 5000-series contains guidance on the integration and employment of all support resources in a mission with the aim of providing timely, efficient and effective support to meet mandate priorities. Guidance on mission support capabilities should be consistent with and should directly support the operational and managerial requirements identified in the 3000- and 4000-series. Specific areas covered in the 5000-series include: logistics support; movement control; strategic deployment stocks; aviation; surface transport; engineering; communications and information technology; medical; finance; and procurement and contract management.

### 6000-Series: Headquarters Management and Administration

The 6000-series sets out the managerial and administrative procedures governing the functioning of DPKO and DFS as specialized, field-focused, operational arms of the United Nations Secretariat. Specific areas covered in the 6000-series include: planning, budget and oversight; human resources and travel; and writing and records.

## Annex 2

### Selected Glossary of Acronyms and Terms\*

**AU** African Union

**CAAC** Children and Armed Conflict

**CAP** Consolidated Appeals Process

**Cease-fire** A temporary stoppage of war, which may also be undertaken as part of a larger negotiated settlement. A cease-fire marking the permanent end of war is referred to as an armistice.

**CIS** Commonwealth of Independent States

**CMS** Chief of Mission Support

**CIMIC** Civil-Military Cooperation

**Conflict Prevention** Any structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict.

**Contingency Plan** A management tool used to ensure adequate arrangements are made in anticipation of a crisis.

**Designated Official** The senior-most United Nations decision-maker on safety and security issues, in a given country.

**DFS** Department of Field Support

**DMS** Director of Mission Support

**Doctrine** The evolving body of institutional guidance that provides support and direction to personnel preparing for, planning and implementing UN peacekeeping operations.

**DDR** Disarmament, Demobilization and Reintegration

**DSRSG** Deputy Special Representative of the Secretary-General.

**DSRSG/RC/HC** Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator

**DSS** Department of Safety and Security

**ECOWAS** Economic Community of West African States

**EU** European Union

**FC** Force Commander

**Good Offices** The authority and legitimacy afforded by one's moral stature or gained through one's position or function that allows one to perform beneficial acts for another. This authority and legitimacy allows individuals to act as third-party mediators in various types of disputes.

**HC** Humanitarian Coordinator

**HOM** Head of Mission

**HOMC** Head of Military Component

**HOPC** Head of Police Component

**Humanitarian Assistance** Material or logistical assistance provided for humanitarian purposes, typically in response to humanitarian crises. The primary objective of humanitarian assistance is to save lives, alleviate suffering and maintain human dignity.

**Humanitarian Space** This means the ability of humanitarian agencies to work independently and impartially, without fear of attack in pursuit of the humanitarian imperative.

**Hybrid Operation** A peace operation involving the deployment of military, police or civilian personnel from two or more entities under a single structure.

**ICRC** International Committee of the Red Cross

**IFI** International Financial Institution is a generic term referring to the World Bank, IMF and other international or regional development banks.

**IMF** International Monetary Fund

**IMPP** Integrated Mission Planning Process

**Integration** The process through which the United Nations system seeks to maximize its contribution towards countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner.

**Integrated Mission** A strategic partnership between a multi-dimensional United Nations peacekeeping operation and the UNCT based on a shared vision among all United Nations actors as to the strategic objectives of the United Nations presence at country-level.

**IPBS** Integrated Peacebuilding Strategy

**ISS** Integrated Support Services

**JLOC** Joint Logistics Operations Centre

**JOC** Joint Operations Centre

**JMAC** Joint Mission Analysis Cell

**Multi-dimensional United Nations Peacekeeping Operations** United Nations peacekeeping operations comprising a mix of military, police and civilian components working together to lay the foundations of a sustainable peace.

**MOU** Memorandum of Understanding

**NATO** North Atlantic Treaty Organization

**NGO** Non-governmental Organization

**OCHA** Office for the Coordination of Humanitarian Affairs

**OHCHR** Office of the High Commissioner for Human Rights

**OSCE** Organization for Security and Cooperation in Europe

**Parties** Persons or entities involved in a dispute.

**PCC** Police Contributing Country

**Peace Agreement** A formal treaty intended to end or significantly transform violent conflict.

**Peacebuilding** Measures aimed at reducing the risk of lapsing or relapsing into conflict, by strengthening national capacities for conflict management, and laying the foundations for sustainable peace.

**Peace Enforcement** Coercive action undertaken with the authorization of the United Nations Security Council to maintain or restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression.

**Peacekeeping** Action undertaken to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers.

**Preventive Diplomacy** Diplomatic efforts to avert disputes arising between parties from escalating into conflict.

**Peacemaking** Action to bring hostile parties to agreement.

**Peace Operations** Field operations deployed to prevent, manage, and/or resolve violent conflicts or reduce the risk of their recurrence.

**PRSP** Poverty Reduction Strategy Papers

**QIPs** Quick Impact Projects

**RC** Resident Coordinator

**Robust Peacekeeping** The use of force by a United Nations peacekeeping operation at the tactical level, with the authorization of the Security Council, to defend its mandate against spoilers whose activities pose a threat to civilians or risk undermining the peace process.

**ROE** Rules of Engagement

**Rule of Law** A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

**SDS** Strategic Deployment Stocks

**SLT** Senior Leadership Team

**SMT** Security Management Team

**SOFA/SOMA** Status of Forces Agreement/Status of Mission Agreement

**Spoilers** Individuals or groups that may profit from the spread or continuation of violence, or have an interest to disrupt a resolution of a conflict in a given setting.

**SRS** Special Representative of the Secretary-General

**SSR** Security Sector Reform

**TAM** Technical Assessment Mission

**Traditional United Nations Peacekeeping Operations** United Nations peacekeeping operations conducted with the consent of the parties to a conflict, usually States, in which “Blue Helmets” monitor a truce between warring sides while mediators seek a political solution to the underlying conflict.

**Transition** The hand-over of responsibilities between a non-United Nations led peace operation to a United Nations peacekeeping operation; or from the latter to other United Nations or non-United Nations actors upon the successful completion of its mandate.

**Transitional Administration** A transitional authority established by the Security Council to assist a country during a government regime change or passage to independence.

**TRM** Transitional Results Matrix

**TCC** Troop Contributing Country

**UNCT** United Nations Country Team

**UNDP** United Nations Development Programme

**United Nations-Led Peace Operation** A Peace operation authorized by the United Nations Security Council and conducted under the direction of the United Nations Secretary-General.

\* The list does not provide authoritative United Nations definitions. It is intended to assist with understanding the usage of terms in this document only. Official United Nations definitions are being considered in the context of the ongoing terminology deliberations of the General Assembly's Special Committee on Peacekeeping Operations on the basis of the DPKO Interim Glossary of Terms.



OCHA

**GUIDING PRINCIPLES**  
ON  
**INTERNAL DISPLACEMENT**



UNITED NATIONS

*Foreword to the second edition of the Guiding Principles  
by Under-Secretary-General for Humanitarian Affairs and  
Emergency Relief Coordinator Mr. Jan Egeland*

Today, over twenty five million people, in some fifty countries around the world, have been uprooted within their country by conflicts and human rights violations. An equal number or more are displaced as a result of natural disasters or infrastructural projects.

Forced to abandon their homes and livelihoods, the internally displaced are often the most forgotten and neglected people in the many forgotten and neglected emergencies around the world.

As Secretary-General Kofi Annan has noted, 'internal displacement is the great tragedy of our times. The internally displaced people are among the most vulnerable of the human family'.

Responding to the protection and assistance needs of the internally displaced is therefore one of the key challenges of the humanitarian community today.

In the foreword to the first edition of the Guiding Principles, the late Sergio Vieira de Mello committed to enhancing the capacity of the United Nations system to respond to situations of internal displacement.

As Emergency Relief Coordinator, I have also made promoting a stronger global awareness to the plight of internally displaced persons and ensuring a more effective inter-agency response mechanism to their suffering my top priorities.

The Guiding Principles on Internal Displacement, developed under the aegis of Dr. Francis Deng, are a critical tool in this regard, providing an advocacy and monitoring framework for the assistance and protection needs of the internally displaced.

I am pleased to present this booklet and trust it will be of practical assistance to all humanitarian practitioners.

September 2004

The Guiding Principles on Internal Displacement have been translated into over 35 languages. The English language edition is the original language in which the Principles were drafted and is the authoritative version for reference. A copy of the Principles in English can be found at:  
<http://www.brookings.edu/fp/projects/idp/resources/GPsEnglish.pdf>.

To request a hard copy, please email [brookings-bern@brookings.edu](mailto:brookings-bern@brookings.edu).



## *IN MEMORIAM*

### *Foreword to the Guiding Principles by Under-Secretary-General for Humanitarian Affairs Mr. Sergio Vieira de Mello*

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

June 2001

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*\* Mr. Sergio Vieira de Mello served as the Secretary-General's Special Representative in Iraq, when he and 21 other UN staff members were killed in a bomb explosion on 19 August 2003.*

*Introductory note  
by the Representative of the Secretary-General  
on Internally Displaced Persons  
Mr. Francis M. Deng\**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangement, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/ Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for

their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare and appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

June 2001

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*\* Pursuant to a request of the United Nations Commission on Human Rights, on 21 September 2004 Secretary-General Kofi Annan appointed Professor Walter Kälin as his Representative on the Human Rights of Internally Displaced Persons. In his new post Mr. Kälin essentially replaced Francis M. Deng, who served as the Secretary-General's Representative on internally displaced persons from 1992 until his mandate expired in July 2004.*

## GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

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### INTRODUCTION - SCOPE AND PURPOSE

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

## SECTION I. GENERAL PRINCIPLES

### *Principle 1*

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

### *Principle 2*

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

### *Principle 3*

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

### *Principle 4*

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

## SECTION II. PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT

### *Principle 5*

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

### *Principle 6*

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
  - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
  - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;

(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and

(e) When it is used as a collective punishment.

3. Displacement shall last no longer than required by the circumstances.

#### *Principle 7*

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;

(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

(c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

#### *Principle 8*

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

#### *Principle 9*

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

### *SECTION III. PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT*

#### *Principle 10*

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

(a) Genocide;

(b) Murder;

(c) Summary or arbitrary executions; and

(d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

(a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

(b) Starvation as a method of combat;

(c) Their use to shield military objectives from attack or to shield, favour or impede military operations;

(d) Attacks against their camps or settlements; and

(e) The use of anti-personnel landmines.

#### *Principle 11*

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

#### *Principle 12*

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

#### *Principle 13*

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

*Principle 14*

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

*Principle 15*

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

*Principle 16*

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation,

and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

*Principle 17*

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

*Principle 18*

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;

- (b) Basic shelter and housing;
- (c) Appropriate clothing; and
- (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

#### *Principle 19*

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

#### *Principle 20*

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing

unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

#### *Principle 21*

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

#### *Principle 22*

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:



(a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;

(b) The right to seek freely opportunities for employment and to participate in economic activities;

(c) The right to associate freely and participate equally in community affairs;

(d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and

(e) The right to communicate in a language they understand.

#### *Principle 23*

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

### *SECTION IV. PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE*

#### *Principle 24*

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

#### *Principle 25*

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

#### *Principle 26*

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

*Principle 27*

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

*SECTION V. PRINCIPLES RELATING TO RETURN,  
RESETTLEMENT AND REINTEGRATION*

*Principle 28*

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

*Principle 29*

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

*Principle 30*

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

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Fifth Committee**

Agenda item 148

**Administrative and budgetary aspects of the financing  
of the United Nations peacekeeping operations**

**Letter dated 28 February 2014 from the Chair of the 2014  
Working Group on Contingent-Owned Equipment to the Chair  
of the Fifth Committee**

In my capacity as Chair of the 2014 Working Group on Contingent-Owned Equipment, I have the honour to transmit to the General Assembly the Contingent-Owned Equipment Manual 2014 edition.

In accordance with General Assembly resolution 59/298, the Contingent-Owned Equipment Manual is being distributed as a United Nations document in all six official languages. This will allow Member States to become fully conversant with contingent-owned equipment policy, processes and procedures and ensure common understanding of such procedures and improve their effective application.

(Signed) David **Donoghue**  
Chair

2014 Working Group on Contingent-Owned Equipment



## **Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual)**

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Chapter 1

## Chapter 1

**Introduction**

1. The General Assembly, in its resolution 50/222 of 11 April 1996, authorized the implementation of new procedures for determining reimbursement to Member States for contingent-owned equipment. This Manual on Policies and Procedures concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (the COE Manual) details the procedures authorized by the General Assembly. The COE Manual replaces the previous methodology whereby troop/police contributors were reimbursed based on the in and out surveys and depreciation of equipment.
2. This system saw its genesis in the report of the Secretary-General ([A/48/945](#) and Corr.1), and the report of the Advisory Committee on Administrative and Budgetary Questions ([A/49/664](#) and Add.1), in which problems related to the planning, budgeting and administration of peacekeeping operations were presented to the General Assembly. The General Assembly, in its resolution 49/233 A of 23 December 1994, authorized the Secretary-General to proceed with a reform of the procedures for determining reimbursements to Member States for contingent-owned equipment provided to peacekeeping missions.
3. The Phase II and Phase III Working Groups, made up of technical and financial experts from Member States, met with Secretariat representatives in 1995. The Groups recommended that reimbursement to troop/police contributors be made on the basis of a “wet lease”, whereby troop/police contributors would provide major equipment and maintenance, or a “dry lease”, whereby troop/police contributors would provide only major equipment, with the United Nations or a third party assuming responsibility for maintenance.
4. These Working Groups recommended that minor equipment and consumables not directly related to major equipment be reimbursed as “self-sustainment” based on troop strength. Self-sustainment categories are not subject to accountability upon entry into and departure from the mission area, but rather to verification and inspection to ensure that they meet the agreed standards and mandate of the contingent. When a contingent provides less major equipment or self-sustainment than that stipulated in the memorandum of understanding (MOU), the troop/police contributor will be reimbursed only for actual numbers.
5. The recommendations of the Phase II and Phase III Working Groups on classification of equipment, rates and standards to be applied are listed in their reports ([A/C.5/49/66](#) dated 2 May 1995 and [A/C.5/49/70](#) dated 20 July 1995). In his report ([A/50/807](#)), the Secretary-General summarized the proposals of Phase II and Phase III Working Groups, and made recommendations for consideration by the General Assembly. This report along with the working group reports were presented to the Advisory Committee for its consideration. The comments of the Advisory Committee are contained in its report ([A/50/887](#) dated 6 March 1996). Based on the foregoing, the General Assembly, in its resolution 50/222 of 10 May 1996, authorized implementation of the system. The General Assembly also requested the Secretary-General to submit a report of its first year implementation to the General Assembly at its fifty-second session.

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6. The recommendations of the Phase IV Working Group are listed in its report ([A/C.5/52/39](#) dated 23 February 1998). The Secretary-General, in his report ([A/53/465](#) dated 7 October 1998), summarized the proposals of Phase IV Working Group together with his report on the first full year of implementation of the reformed procedures. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The Advisory Committee's comments are contained in its report ([A/53/944](#) dated 6 May 1999). In its resolution 54/19 of 29 October 1999, the General Assembly adopted the recommendations of the Phase IV Working Group.

7. The recommendations of the Phase V Working Group are listed in its report ([A/C.5/54/49](#) dated 16 February 2000). The Secretary-General, in his report ([A/54/795](#) dated 14 March 2000), provided comments on the recommendations of the Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments and proposals of the Advisory Committee are contained in its report ([A/54/826](#) dated 3 April 2000). By its resolution 54/19 B of 15 June 2000, the General Assembly adopted the recommendations of the Working Group.

8. The recommendations of the post-Phase V Working Group are listed in its report ([A/C.5/55/39](#) dated 7 March 2001). The Secretary-General, in his report ([A/55/815](#) dated 1 March 2001), provided comments on the recommendations of the post-Phase V Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments and proposals of the Advisory Committee are contained in its report ([A/55/887](#) dated 4 April 2001). By its resolution 55/274 of 14 June 2001, the General Assembly adopted the recommendations of the post-Phase V Working Group.

9. The recommendations of the 2004 Working Group on Contingent-Owned Equipment (COE) are listed in its report ([A/C.5/58/37](#) dated 19 April 2004). The Secretary-General, in his report ([A/59/292](#) dated 24 August 2004), provided comments on the recommendations of the 2004 Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments and proposals of the Advisory Committee are contained in its report ([A/59/708](#) dated 22 February 2005). By its resolution 59/298 of 22 June 2005, the General Assembly adopted the recommendations of the 2004 Working Group as well as those of the Secretary-General to convene the next Working Group in 2008 to carry out a comprehensive review of the contingent-owned equipment system.

10. The recommendations of the 2008 Working Group on COE are listed in its report ([A/C.5/62/26](#) dated 14 March 2008). The Secretary-General, in his report ([A/62/774](#) dated 17 April 2008 and Corr.1 dated 5 June 2008), provided comments on the recommendations of the 2008 Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments of the Advisory Committee are contained in its report ([A/62/851](#) dated 30 May 2008). By its resolution 62/252 of 20 June 2008, the General Assembly adopted most of the recommendations of the 2008 Working Group.

11. The recommendations of the 2011 Working Group on COE are listed in its report ([A/C.5/65/16](#) dated 2 March 2011). The Secretary-General, in his report

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([A/65/800](#) dated 28 March 2011), provided comments on the recommendations of the 2011 Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments of the Advisory Committee are contained in its report ([A/65/830](#) dated 28 April 2011). By its resolution 65/292 (dated 26 August 2011), the General Assembly adopted the recommendations of the 2011 Working Group.

12. The recommendations of the 2014 Working Group on COE are listed in its report ([A/C.5/68/22](#) dated 1 April 2014). The Secretary-General, in his report ([A/68/830](#) dated 15 April 2014), provided comments on the recommendations of the 2014 Working Group. The reports of the Secretary-General and the Working Group were presented to the Advisory Committee for consideration. The comments of the Advisory Committee are contained in its report ([A/68/867](#) dated 7 May 2014). By its resolution 68/282 of 30 June 2014, the General Assembly adopted the recommendations of the 2014 Working Group.

13. The basic principles of this system are simplicity, accountability, financial and management control. This is accomplished by reducing the administrative burden on troop/police contributors, the Secretariat and peacekeeping missions; standardization of reimbursement rates on an equitable basis and common standards to be applied to equipment and services to be provided. Furthermore, accountability and control are ensured by the system relying on an a priori agreement between the United Nations and the troop contributor for the leasing of equipment and the provision of services to personnel. The MOU eliminates the need for detailed surveys of equipment, spare parts and consumables, and places the responsibility for asset management on the troop/police contributor. The United Nations responsibility is to ensure that the peacekeeping mission has the personnel and equipment required to fulfil its mandate, that the troop/police contributors provide personnel, equipment and services as detailed in the specific MOU, and that the contingents perform according to the established standards. The revised model MOU, including all Working Group recommendations approved by the General Assembly, is at chapter 9 of the present document.

14. This system is a major departure from previous practice as it is focused on management rather than accounting for contingent-owned equipment. It is performance driven, and provides for transparency of deployment as well as accountability, and enables Member States to appreciate their commitment to peacekeeping at the outset, thus leading to simplified budgeting and reimbursement. A further key benefit is that missions will be able to implement an integrated management structure in the field.

15. The COE Manual is a consolidation of the recommendations of the Phase II, III, IV, V, post-Phase V, 2004, 2008, 2011 and 2014 Working Groups as approved by the General Assembly and provides clarification and explanations, where required, on the implementation of these decisions. The COE Manual contains the policies, procedures and actions to be followed by United Nations Headquarters and peacekeeping missions. The COE Manual is intended to provide assistance to troop/police contributors and to ensure that the decision of the General Assembly is fully and consistently implemented. The procedures used in the implementation of the General Assembly decisions may be amended from time to time to take into account changing circumstances and experience gained.



**Chapter 1**

16. The COE Manual should be read in conjunction with other related documents such as the Operation Support Manual, the guidelines to troop/police-contributing countries (mission-specific and issued before deployment of troops), as well as the Standby Arrangements in the Service of Peace and the Tables of Organization and Equipment (2009).

17. Every effort was made to ensure the accuracy of the COE Manual. However, in the event of discrepancies between the COE Manual and the documents of the General Assembly, the resolutions/reports approved by the General Assembly shall prevail. If discrepancies are identified, or if there are practical suggestions, please do not hesitate to send comments or suggestions to: Director, Field Budget and Finance Division, Department of Field Support, for correction and inclusion in the next edition of the COE Manual. This COE Manual supersedes the 2011 edition.

## Chapter 2

**Chapter 2****Standard elements of the contingent-owned equipment system and lease options**

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## Implementation

1. These procedures were implemented effective 1 July 1996.
2. These procedures are applicable to all new missions as soon as procedural arrangements are in place.
3. **Retroactivity.** For missions activated prior to 1 July 1996, troop/police contributors have the option to accept reimbursement under either the new or the old reimbursement methodology.<sup>1</sup>
4. **Definitions.** Definitions approved by the General Assembly for matters relating to the contingent-owned equipment system are included in annex A to this chapter.

## Binding arrangement

5. One of the goals of the system is to have an MOU signed by the troop/police contributor and the United Nations prior to deployment, stipulating the obligations of each party, related to personnel, major equipment and self-sustainment.
6. The final form of the MOU can vary as long as the substantive elements of the model MOU remain consistent for all Member States.<sup>2</sup> The legal aspects of the MOU are to be in accordance with the financial rules and regulations of the United Nations.<sup>3</sup> It is understood that no change/amendment, addition to or deletion from the model MOU is to affect or diminish the legally binding nature of the MOU on the parties.

## Reimbursement

7. The troop/police contributors are reimbursed under wet or dry lease as per rates adopted by the General Assembly. Reimbursement is limited to those items of serviceable major equipment (including associated minor equipment and consumables) specifically agreed to by the United Nations.<sup>4</sup> Should a contingent provide less major equipment or self-sustainment categories than that stipulated in the MOU, the troop/police contributor will be reimbursed only for major equipment or self-sustainment categories actually provided.
8. The method of computation for the monthly equipment usage charge for the modular dry lease system and components of the modular wet/dry lease system are defined in chapter 8.
9. The troop/police contributors are reimbursed for self-sustainment as per rates in General Assembly documents. These rates are listed in chapter 8.
10. Rates of reimbursement for special equipment will be negotiated separately between the troop/police contributor and the United Nations.

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<sup>1</sup> [A/C.5/49/70](#), annex, para. 51 (b) and [A/C.5/52/39](#), para. 73 (a).

<sup>2</sup> [A/C.5/52/39](#), para. 65 (c).

<sup>3</sup> *Ibid.*, para. 65 (a).

<sup>4</sup> [A/C.5/49/66](#), annex, para. 46 (a).

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11. Reimbursement rates will be adjusted for any period for which troop/police contributors are not meeting the standards.

## Transportation

12. The United Nations is responsible for the transportation of troops/police and contingent-owned equipment (COE) upon deployment and repatriation but may request the troop/police contributor, or consider a request from a troop/police contributor, to provide this service via a letter of assist. For movements into, within and out of a mission's area of operations, the United Nations is responsible for the coordination of all mission movement control operations, including obtaining the necessary permissions and authorizations from the appropriate authorities in the host country.<sup>5</sup>

13. The actual cost of inland transportation of major equipment from its normal operating location to an agreed port of embarkation will be reimbursed, subject to the presentation of validated claims based on terms and conditions agreed in advance in a letter of assist.<sup>6</sup>

14. Troop/police contributors are responsible for transportation of resupply of contingent for spare parts and minor equipment related to major equipment, for rotation and to meet national requirement. Certain categories of major equipment may be rotated at the Organization's expense, as set out in Chapter 4. The monthly estimated maintenance rates of the wet lease rates already include a generic 2 per cent premium for such transportation. In addition, a distance-related increment is applied to the maintenance rates. The distance-related increment is 0.25 per cent of the estimated maintenance rate for each complete 500 miles (800 kilometres), beyond the first 500 miles (800 kilometres) distance along the consignment route between the port of embarkation in the troop-contributing country and the port of entry in the mission area.<sup>7</sup> The distance is determined using the shortest sea consignment route unless specified otherwise. For landlocked countries or countries where equipment is moved by road or rail to and from the mission area, the port of entry will be an agreed border crossing point.<sup>8</sup>

15. Upon request from a troop/police-contributing country, the United Nations may assist the troop/police contributing country by providing guidance on how to arrange such shipments.<sup>9</sup>

16. Troop/police contributors are responsible for transportation related to resupply of contingents for consumables and minor equipment necessary for the provision of self-sustainment. The rates approved for self-sustainment include a premium of 2 per cent to compensate for the cost of transportation of self-sustainment resupply.<sup>10</sup>

<sup>5</sup> A/C.5/65/16, para. 106 (a) (i).

<sup>6</sup> A/C.5/55/39, para. 60 (a).

<sup>7</sup> A/C.5/49/70, annex, para. 46 (c).

<sup>8</sup> A/C.5/54/49, para. 67 (c).

<sup>9</sup> A/C.5/65/16, para. 106 (a) (ii).

<sup>10</sup> See A/C.5/49/70, appendix II, sect. B, note 1.

Troop/police contributors are not eligible for additional reimbursement for the transportation of self-sustainment items.<sup>11</sup>

17. When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date, the troop/police contributor will be reimbursed by the United Nations at the dry lease rate from the expected arrival date until the actual arrival date.<sup>12</sup>

## Loss and damage

18. When deciding on reimbursement for loss and damage a distinction between no-fault incidents and hostile action/forced abandonment must be made:

(a) **No-fault incidents.** The wet lease/dry lease rates include a no-fault factor to cover loss of or damage to equipment in a no-fault incident. There is no additional reimbursement and no other claims are receivable in case of equipment loss or damage in such incidents<sup>13</sup> (see the definition of “no-fault incident” in chapter 6);

(b) **Hostile action/forced abandonment:**

(i) In cases of loss or damage resulting from a single hostile action or forced abandonment, troop/police contributors will assume liability for each item of equipment when the collective generic fair market value (GFMV) is below the threshold value of \$250,000;

(ii) For major equipment lost or damaged as a result of a single hostile action or forced abandonment, the United Nations will assume liability for each item of major equipment whose GFMV equals or exceeds \$250,000 or for major equipment lost or damaged when the collective GFMV of such equipment equals or exceeds \$250,000.<sup>14</sup> The value of the loss or damage is determined using the GFMV. The reimbursement is made at the GFMV rates less the equipment use charge and any other environmental and intensified operational use payment made by the United Nations for that equipment.<sup>15</sup>

19. Troop/police contributors cannot file claims against the United Nations for loss or damage to spare parts, minor equipment and consumables. These are covered either by the mission-approved hostile action/abandonment factor, which is applied to the spare parts component of the wet lease as well as the self-sustainment rates,<sup>16</sup> and/or by the no-fault incident factor, included in the dry/wet lease rates.<sup>16</sup>

20. In case of loss or damage during transportation, the party making transportation arrangements is responsible for loss or damage incurred during transportation.<sup>17</sup> The loss and damage issue has been clarified and is to be applied to ensure that troop/police contributors are reimbursed where significant damage

<sup>11</sup> A/C.5/49/70, annex, para. 46 (g).

<sup>12</sup> A/C.5/52/39, para. 75.

<sup>13</sup> A/C.5/49/70, annex, appendix I.A, para. 2 (f).

<sup>14</sup> A/C.5/52/39, para. 66 (a) and (b).

<sup>15</sup> A/C.5/49/70, annex, para. 47 (b) (v).

<sup>16</sup> Ibid., para. 47 (a) and *ibid.*, appendix I.A, para. 2 (f).

<sup>17</sup> A/C.5/52/39, paras. 68 (a) (b).

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occurs to COE during transportation. Significant damage is defined as damage where the repairs amount to 10 per cent or more of the GFMV of the item of equipment.<sup>18</sup>

21. The United Nations has no responsibility for reimbursement where loss or damage is due to wilful misconduct or negligence by members of the troop/police contributor as determined by a board of inquiry convened by a duly authorized personnel of the United Nations, the report of which has been approved by the responsible United Nations official.

22. Major equipment can be provided to the United Nations by one troop/police contributor to be used, at the request of the United Nations, by another troop/police contributor. In these cases, major equipment provided to a United Nations peacekeeping mission by a troop/police contributor and used by another troop/police contributor shall be treated with due diligence, care and attention. The user troop/police contributor shall be responsible for reimbursing the providing troop/police contributor, through the United Nations, for any damage that may occur, whether as a result of wilful misconduct, gross negligence or negligence by personnel of the user troop/police contributor.<sup>19</sup> The principles and procedures dealing with these instances will be negotiated and included in the MOU and supplementary arrangements between the United Nations and troop/police contributors.

23. Unless otherwise specifically provided in the MOU, loss or damage to special case equipment shall be treated in the same manner as other major equipment.

24. Where equipment is provided under wet lease arrangement, the method of calculation for damage is the reasonable cost of repair. Equipment which has suffered damage is to be considered a total loss when the cost of repair exceeds 75 per cent of the GFMV.

## Mission factors

25. Mission factors are intended to compensate troop/police contributors for extreme operating conditions in the mission area, where conditions impose significant and additional hardship, and are to be applied to the lease rates as follows:

(a) **An extreme environmental condition factor** not to exceed 5 per cent of the reimbursement rates for major equipment and for self-sustainment;

(b) **An intensified operational conditions factor** not to exceed 5 per cent of the reimbursement rates for major equipment and for self-sustainment;

(c) **A hostile action/forced abandonment factor** not to exceed 5 per cent of the reimbursement rates for self-sustainment and the spare parts element (or half of the maintenance rate) included in the wet lease rate.

26. Mission factors, which may vary for different regions within the mission area, may be determined by the technical survey team and should be reviewed during the different phases of the mission. The factors are subject to change depending on changes to the mission mandate and the prevailing conditions in the mission area,

<sup>18</sup> Ibid., para. 68 (c).

<sup>19</sup> [A/C.5/55/39](#), para. 50.

subject to modalities contained in chapter 7.<sup>20</sup> The United Nations or troop/police contributors can request a review of the mission factors whenever the conditions in the mission have changed sufficiently to warrant a review.<sup>21</sup>

27. If a natural disaster occurs in a mission area, it is the responsibility of the United Nations to determine the extent of the natural disaster in whole or in part. Thereafter, as circumstances permit, the United Nations shall make an assessment of the situation and review the factors and sub-factors to be re-evaluated in accordance with the conditions, within the limits of the existing mission factor ceilings. The possible changes in the mission factors will be temporary and will be maintained during the period that the United Nations recognizes the significantly changed circumstances. Reimbursement due to the re-evaluation of the mission factors will be paid for the period for which the United Nations determines the changed circumstances exist.<sup>22</sup>

## Verification and control

28. The verification and control procedures are intended to ensure that the terms of the MOU between the United Nations and the troop/police contributor are met by both parties at the outset and throughout the period of effect of the MOU. Major equipment and self-sustainment standards are defined to ensure operational capability. These standards are promulgated in General Assembly documents and listed in chapter 3.

29. Verification and control will be carried out as follows:

(a) **Arrival inspection.** The arrival inspection is to take place immediately upon arrival and to be completed within one month. Where equipment and personnel are already in the mission area when the MOU is concluded, the first inspection will be carried out on a date to be jointly determined by the mission and contingent authorities and is to be completed within one month of that date:

- (i) Major equipment will be inspected to ensure that categories and groups and the number delivered correspond with the MOU and that it is operational;
- (ii) A troop/police contributor representative must explain and demonstrate the agreed self-sustainment capability. Self-sustainment will be inspected with a view to an assessment of the operational capabilities of the equipment and services;
- (iii) The United Nations must also demonstrate that where the United Nations has agreed to provide self-sustainment, it does so to the same standards as those approved by the General Assembly and expected of troop/police contributors;

(b) **Operational readiness inspection.** This inspection must be carried out at least once in every six month period of the contingent's deployment in the mission area, and anytime the mission believes the equipment or services do not meet the

<sup>20</sup> [A/C.5/68/22](#), para. 108 (ii).

<sup>21</sup> [A/C.5/52/39](#), para. 69 (b); [A/53/944](#), para. 17, and [A/C.5/68/22](#), para. 108 (a) (ii).

<sup>22</sup> [A/C.5/65/16](#), para. 132.

## Chapter 2

standards. The condition of the major equipment and self-sustainment will be inspected with a view to assess whether the capability is sufficient and satisfactory;

(c) **Repatriation inspection.** This inspection shall account for all major equipment of the troop/police contributor to be repatriated and verify the condition of the major equipment provided under the dry lease arrangement. The inspection shall also ensure that no United Nations-owned equipment is part of the equipment being repatriated;

(d) Other verifications or inspections deemed necessary by the Force Commander or the Secretariat.

30. The main purpose of the inspection is to verify that the terms and conditions of the MOU have been met, and to take corrective action when required. At every stage of peacekeeping operations, time and manpower are short, and excessive time cannot be spent beyond that required to determine that the minimum requirements have been met by the troop/police contributor or the United Nations in each area.<sup>23</sup>

## Major equipment

31. A wet lease is a COE reimbursement system where the troop/police contributor assumes responsibility for maintaining and supporting major and minor items of equipment deployed. The troop/police contributor is entitled to reimbursement for providing this maintenance support.<sup>24</sup>

32. A dry lease is a COE reimbursement system whereby the troop/police contributor provides equipment to a peacekeeping mission and the United Nations assumes responsibility for maintaining the equipment or the United Nations arranges with a third party for maintenance of the equipment. Where a third party provides maintenance services, the third party will be reimbursed the maintenance portion of the wet lease rate. Dry lease equipment may be operated either by the equipment-owning country, another country or the United Nations. The contractual relationship is between the United Nations and the equipment-owning country or the United Nations and the equipment-operating country.<sup>25</sup> Issues of third-party liability will be the subject of supplementary arrangement or addendum to the MOU.<sup>26</sup>

## Self-sustainment

33. Discussions between the United Nations and troop/police contributors will result in an agreement on the capabilities to be provided by the United Nations and the contingent being deployed. As a starting point for negotiation, the United Nations will identify and request from troop/police contributors those self-sustainment capabilities it cannot provide. The right of troop/police contributors to provide any or some categories of self-sustainment will be taken into consideration

<sup>23</sup> [A/C.5/49/70](#), annex, appendix III, para. 7.

<sup>24</sup> [A/C.5/49/66](#), annex, annex II, para. 16.

<sup>25</sup> *Ibid.*, para. 4.

<sup>26</sup> [A/C.5/55/39](#), para. 50.



during the negotiation of the MOU.<sup>27</sup> However, the United Nations has a responsibility to ensure that any self-sustainment services provided by a troop/police contributor meet minimum operational capabilities; are compatible with other troop/police contributors where interface is required; and that the cost to the United Nations is similar to what it would have cost the United Nations to arrange centrally for the provision of these self-sustainment services.

34. Only those services specifically agreed in the MOU to be provided by troop/police contributors will be reimbursable monthly, at the rates listed in chapter 8, based on the actual troop strength up to the personnel ceiling agreed to in the MOU.

35. Where a contingent is employing major equipment in providing its self-sustainment support, the troop/police contributor is not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement.<sup>28</sup> There may be instances where a troop/police contributor provides services such as communications, medical, engineering on a force level as force assets. In such cases, there may be entitlement to reimbursement for major equipment whereas the same items at the unit level would be considered as minor equipment and incorporated into the self-sustainment reimbursement.<sup>29</sup> These instances will be negotiated and indicated in annexes B and C to the MOU where applicable. In case of a contingent being required (if mutually agreed upon) to change location of any base camp (unit or sub-unit level) due to an operational or logistics/administrative requirement, the troop- or police-contributing country may submit a claim to the United Nations for reimbursement of the extra and reasonable costs to reinstall the self-sustainment services under its responsibility (e.g., accommodation, tentage, field defence stores, Internet, catering, etc.).<sup>30</sup>

## Reimbursement during withdrawal

36. Upon withdrawal of a contingent, a plan is to be developed to coordinate the timely departure of troop/police unit and equipment. Troop/police reimbursements will continue at full rates until departure in accordance with the withdrawal plan. Reimbursement for major equipment leases will be paid at the level of 50 per cent of the agreed rates in the MOU until the equipment departure date. Reimbursement for self-sustainment rates will be reduced by 50 per cent and will be calculated upon remaining deployed troop strengths until all contingent personnel have departed the mission area.<sup>31</sup> When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date in home country, the troop/police contributor will be reimbursed by the United Nations at the dry lease rate from the expected arrival date until the actual arrival date.<sup>32</sup>

<sup>27</sup> Ibid., para. 67 (a).

<sup>28</sup> Ibid., para. 77.

<sup>29</sup> [A/C.5/49/70](#), annex, paras. 3, 8 and 10.

<sup>30</sup> [A/C.5/65/16](#), para. 122 (b).

<sup>31</sup> [A/C.5/52/39](#), para. 70.

<sup>32</sup> Ibid., para. 75.

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**Dispute resolution**<sup>33</sup>

37. The United Nations peacekeeping operation shall establish a mechanism within the mission to discuss and resolve amicably by negotiation in a spirit of cooperation the differences arising from the application of the MOU. This mechanism shall be comprised of two levels of dispute resolution:

(a) **First level.** The Chief of Mission Support and the Contingent Commander will attempt to reach a negotiated settlement of the dispute;

(b) **Second level.** Should negotiations at the first level not resolve the dispute after the receipt by one party of the other party's request for such settlement, a representative of the Permanent Mission of the Member State and the Under-Secretary-General for Peacekeeping Operations or his representative shall, at the request of either party, attempt to reach a negotiated settlement of the dispute.

38. Disputes that have not been resolved, as provided in the paragraph above after the receipt by one party of the other party's request for first level settlement, may be submitted to a mutually agreed conciliator or mediator appointed by the President of the International Court of Justice, failing which the dispute may be submitted to arbitration at the request of either party. Each party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the Chairman. If within 30 days of the request for arbitration either party has not appointed an arbitrator or if within 30 days of the appointment of two arbitrators the third arbitrator has not been appointed, either party may request the President of the International Court of Justice to appoint an arbitrator. The procedures for the arbitration shall be fixed by the arbitrators, and each party shall bear its own expenses. The arbitral award shall contain a statement of reasons on which it is based and shall be accepted by the parties as the final adjudication of the dispute.<sup>34</sup> The arbitrators shall have no authority to award interest.<sup>35</sup>

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<sup>33</sup> Ibid., para. 67.

<sup>34</sup> Office of Legal Affairs memorandum dated 17 January 2001, paras. 3 and 4.

<sup>35</sup> Office of Legal Affairs memorandum dated 15 November 2000, para. 4.

**Annex A****Definitions<sup>1</sup>**

1. **Accepted United Nations readiness standards** means that every unit/formation, ship, weapon system or equipment must be capable of performing the missions or functions for which it is organized or designed to enable the mission's mandate to be achieved.
2. **Consumables** means supplies of a general nature, consumed on a routine basis. Consumables include combat supplies, general and technical stores, defence stores, ammunition/explosives and other basic commodities in support of major equipment as well as in support of minor equipment and personnel.
3. **Contingent** means all formed units, personnel and equipment of the troop/police contributor deployed to the mission area under this memorandum.
4. **Contingent-owned equipment** means major equipment, and minor equipment and consumables deployed, and operated by the troop/police contributor's contingent in the performance of peacekeeping operations.
5. **Environmental conditions factor** means a factor applicable to the reimbursement rates for major equipment and for self-sustainment to take into account the increased costs borne by the troop/police contributor for extreme mountainous, climatic and terrain conditions. This factor is only applicable under conditions of significant anticipated additional costs to the troop/police contributor. The factor is determined at the outset of the mission by the technical survey team, and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.
6. **Explosive ordnance disposal (EOD)** means, in the context of force EOD, the detection, identification, onsite evaluation, rendering safe, recovery and final disposal of unexploded ammunition. It is conducted on behalf of the mission by a specialist unit as a force asset. Force EOD operations may conduct activities in all or part of the mission area. It may also include ammunition that has become hazardous by damage or deterioration.<sup>2</sup>
7. **Explosive ordnance disposal (EOD)** means, in the context of self-sustainment, EOD conducted by a unit within its accommodation/camp area.<sup>3</sup>
8. **Force Commander** means the officer, appointed under the authority of the Secretary-General, responsible for all military operations within the mission.
9. **Forced abandonment** means actions resulting from a decision approved by the Force Commander/Police Commissioner or his authorized representative or a provision in the rules of engagement which results in the loss of custody and control of equipment and supplies.

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<sup>1</sup> [A/C.5/49/66](#), annex, annex II, and [A/C.5/49/70](#), annex, appendix VI.

<sup>2</sup> Implementation/experience-based definition developed by the Office of Mission Support (previously the Field Administration and Logistics Division).

<sup>3</sup> [A/C.5/52/39](#), para. 82 (a).

## Chapter 2, annex A

10. **Force majeure** means acts of God, war, insurrection or other acts of a similar nature or force.<sup>4</sup>
11. **Generic fair market value (GFMV)** means equipment valuations for reimbursement purposes. It is computed as the average initial purchase price plus any major capital improvements, adjusted for inflation and discounted for any prior usage, or the replacement value, whichever is less. The generic fair market value includes all issue items associated with the equipment in the performance of its operational role.
12. **Government** means the Government of the participating State.
13. **Head of Mission** means the Special Representative/Commander appointed by the Secretary-General with the consent of the Security Council responsible for all United Nations activities within the mission.
14. **Hostile action** means an incident from the action(s) of one or more belligerents, which has a direct and significant negative impact on the personnel and/or equipment of a troop/police contributor. Different activities may be characterized as a single hostile action when these activities can be related to each other on common ground.
15. **Hostile action/forced abandonment factor** means a factor applied to each category of self-sustainment rates and to the spares element (or half of the estimated maintenance rate) of the wet lease rate to compensate the troop/police contributor for loss and damage. The factor is determined at the outset of the mission by the technical survey team, and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.
16. **Incremental transportation factor** means a factor to cover the incremental costs of transportation of spare parts and consumables under the wet lease system or lease for maintenance in increments of 0.25 per cent of the leasing rate for each complete 800 kilometres (500 miles) distance, beyond the first 800 kilometres (500 miles), along the consignment route between the port of embarkation in the home country and the port of entry in the mission area. For landlocked countries or countries where equipment is moved by road or rail to and from the mission area, the port of entry in the mission area will be an agreed border crossing point.
17. **Initial provisioning** means a logistics support arrangement in a peacekeeping mission whereby the troop/police contributors provide rations, water and petrol, and oil and lubricants to the contingent/unit on a reimbursable basis. Reimbursement will be made to troop/police contributors upon submission of a claim supported by invoices and other appropriate supporting documentation, subject to a review of the reasonableness of the claim in terms of the types and quantities of commodities provided in comparison with United Nations provisioning scales in the mission area. Normally, initial provisioning for contingents/units is required only for the initial deployment of the contingent/unit, and for a limited period (30-60 days), until the United Nations is able to provide these consumables. The requirement for initial provision of water, rations and fuel will be specified in troop/police contributor

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<sup>4</sup> A/C.5/65/16, para. 101.

guidelines, and the United Nations provisioning scales for the commodities required will be provided to troop/police contributors before deployment.<sup>5</sup>

18. **Intensified operational condition factor** means a factor applicable to the reimbursement rates for major equipment and for self-sustainment rates to compensate the troop/police contributor for increased costs resulting from the scope of the task assigned, the length of logistics chains, non-availability of commercial repair and support facilities, and other operational hazards and conditions. The factor is determined at the outset of the mission by the technical survey team, and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.

19. **Lease of major equipment:**

(a) **Dry lease** means a contingent-owned equipment reimbursement system where the troop/police contributor provides equipment to the mission and the United Nations assumes responsibility for maintaining the equipment. The troop/police contributor is reimbursed for the non-availability of its military resources for its national interest of deployed major and associated minor equipment;

(b) **Wet lease** means a contingent-owned reimbursement system where the troop/police contributor provides and assumes responsibility for maintaining and supporting deployed major items of equipment, together with the associated minor equipment. The troop/police contributor is entitled to reimbursement for providing this support.

20. **Loss or damage** means a total or partial elimination of equipment and/or supplies resulting from:

- (a) A no-fault incident;
- (b) The actions of one or more belligerents;
- (c) A decision approved by the Force Commander/Police Commissioner.

21. **Maintenance rate** means the reimbursement rate to compensate the Government for maintenance costs comprising spare parts, contracted repair, and third and fourth line maintenance that is required to keep major equipment items operational to the specified standards, and return the item to operational condition upon return from the mission area. The costs of personnel involved in first and second line maintenance is excluded from the rate, as they are reimbursed separately. The rate includes an incremental transportation rate to cover general transportation costs of spare parts. This rate forms part of the “wet lease” rate.

22. **Major equipment** means major items directly related to the unit mission as mutually determined by the United Nations and the troop/police contributor. Major equipment is accounted for either by category or individually. Separate reimbursement rates apply for each category of items of major equipment. These rates include reimbursement for minor equipment and consumables in support of the item of major equipment.

23. **Minor equipment** means equipment in support of contingents, such as catering, accommodation, non-specialist communication and engineering and other

<sup>5</sup> A/C.5/68/22, para. 116 (a).

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mission-related activities. Specific accounting of minor equipment is not required. Minor equipment is divided into two categories: items designed to support major equipment; and items that directly or indirectly support personnel. For personnel-related minor equipment, rates of reimbursement for self-sustainment apply.

24. **Misconduct** means any act or omission that is a violation of United Nations standards of conduct, mission-specific rules and regulations or the obligations towards national and local laws and regulations in accordance with the status-of-forces agreement where the impact is outside the national contingent.<sup>6</sup>

25. **Mission-specific rules and regulations** means, mindful of national caveats, standard operating procedures, directives and other regulations, orders and instructions issued by the Head of Mission, Force Commander or Director/Chief of Mission Support of the United Nations peacekeeping mission in accordance with the United Nations standards of conduct; they shall contain information on applicable national and local laws and regulations.<sup>6</sup>

26. **No-fault incident** means an incident resulting from an accidental occurrence or negligent conduct, but not including acts attributable to wilful misconduct or gross negligence, on the part of an operator/custodian of equipment.

27. **Operational ammunition** means ammunition (including aircraft self-defence systems such as chaff or infrared flares) that the United Nations and troop/police contributors agree to deploy to the mission area so that it is readily available for use in the event of need. Ammunition expended for operational training/exercise beyond accepted United Nations readiness standards on the authority of and at the specific direction of the Force Commander, in anticipation of an operational requirement, will be considered operational ammunition.

28. **Police Commissioner** means the officer, appointed under the authority of the Secretary-General, responsible for all police operations within the mission.

29. **Predeployment visits** are visits by Department of Peacekeeping Operations/Department of Field Support/field mission teams, comprising representatives from appropriate functional areas (Force Generation Service, Police Division, Field Budget and Finance Division, Logistics Support Division, etc.), to Member States' countries. They are undertaken to assist Member States to prepare their contingents for deployment and to ensure that Member State contributions meet the operational requirements of the mission and deployment timings.

30. **Preliminary fact-finding inquiry** means the preservation of evidence necessary to ensure that a national or United Nations investigation can be successfully carried out at a later stage. While the inquiry may involve the collection of written statements, it will not normally include the interviewing of witnesses or other persons involved.<sup>6</sup>

31. **Self-sustainment** means a logistics support concept for troop contingent/police unit in a peacekeeping mission whereby the contributing State provides some specific or all logistics support to the contingent on a reimbursable basis.

<sup>6</sup> A/61/19 (Part III), annex, pp. 6-7, item 4, paras. 28-33.

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32. **Serious misconduct** is misconduct, including criminal acts, that results in, or is likely to result in, serious loss, damage or injury to an individual or to a mission. Sexual exploitation and abuse constitute serious misconduct.<sup>6</sup>

33. **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.<sup>6</sup>

34. **Sexual exploitation** means any actual or attempted abuse of a position of vulnerability, power differential or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.<sup>6</sup>

35. **Unique equipment** means any special minor equipment or consumables not covered in the above self-sustainment rates and will be handled as unique equipment. These items will be handled on a bilateral special case arrangement between the troop contributor and the United Nations.

**Annex B****Examples of possible arrangements for provision of major equipment and maintenance****Option 1. Wet lease**

1. Troop/police contributor provides major equipment and maintenance.

**Logistics**

2. Troop/police contributor provides:
  - (a) Major equipment;
  - (b) Related minor equipment;
  - (c) Workshop equipment including tools;
  - (d) Spare parts and consumables;
  - (e) Maintenance personnel.
3. United Nations provides accommodation including storage facilities and utilities.

**Finance**

4. Troop/police contributor receives reimbursement for wet lease based on rates established in General Assembly documents.

**Option 2. Wet lease**

5. One troop/police contributor provides major equipment; makes bilateral arrangements with another troop/police contributor to maintain the equipment; and enters into a wet lease with the United Nations.

**Logistics**

6. First troop/police contributor provides major equipment.
7. Second troop/police contributor provides:
  - (a) Minor equipment;
  - (b) Workshop equipment including tools;
  - (c) Spare parts and consumables;
  - (d) Maintenance personnel.
8. United Nations provides accommodation including storage facilities and utilities to both troop/police contributors.

**Finance**

9. First troop/police contributor receives reimbursement for wet lease based on scales in General Assembly documents.



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10. United Nations has no obligation for equipment or services with second troop/police contributor.

**Option 3. Dry lease**

11. Troop/police contributor provides major equipment.

12. United Nations maintains equipment.

**Logistics**

13. Troop/police contributor provides major equipment.

14. United Nations provides:

- (a) Minor equipment;
- (b) Workshop facilities, equipment and tools;
- (c) Spare parts and consumables;
- (d) Maintenance personnel.

15. United Nations provides accommodation including storage facilities and utilities to troop/police contributor.

**Finance**

16. Troop/police contributor receives reimbursement for dry lease based on scales in General Assembly documents.

17. United Nations pays for:

- (a) Minor equipment;
- (b) Workshop facilities, equipment and tools;
- (c) Spare parts and consumables;
- (d) Maintenance personnel.

**Option 4. Dry lease**

18. One troop/police contributor provides major equipment.

19. United Nations arranges with another troop/police contributor to provide maintenance.

**Logistics**

20. First troop/police contributor provides major equipment.

21. Second troop/police contributor provides:

- (a) Minor equipment;
- (b) Workshop equipment and tools;
- (c) Spare parts and consumables;
- (d) Maintenance personnel.

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22. United Nations provides accommodation including storage facilities and utilities to both troop/police contributors.

**Finance**

23. First troop/police contributor receives reimbursement for dry lease based on scales in General Assembly documents.

24. Second troop/police contributor receives reimbursement for maintenance rate based on scales in General Assembly documents.

**Option 5. Dry lease**

25. Troop/police contributor provides major equipment under a dry lease arrangement and requests the United Nations to provide maintenance.

26. United Nations enters into agreement with contractor to maintain equipment.

**Logistics**

27. Troop/police contributor provides major equipment.

28. Contractor provides:

- (a) Minor equipment;
- (b) Workshop facilities, equipment and tools;
- (c) Spare parts and consumables;
- (d) Maintenance personnel.

29. United Nations provides accommodation including storage facilities and utilities to troop/police contributor.

**Finance**

30. Troop/police contributor receives reimbursement for dry lease based on scales in General Assembly documents.

31. United Nations pays contractor for maintenance costs, including spare parts, consumables as per agreement with contractor.

**Chapter 3****Standards, verification and control of contingent-owned equipment for major equipment and self-sustainment****Contents**

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## Introduction

1. Reimbursement is dependent upon verification that the material and services provided meet the undertaking of the troop/police contributor in its signed MOU with the United Nations.

## Purpose

2. The purpose of these principles and procedures is to define the means by which the United Nations will ensure, in conjunction with the troop/police contributor, that the required standards in quantity and quality of material and services for which reimbursement will be sought are met.<sup>1</sup>

## Guiding principles

3. The verification and control procedures are intended to ensure that the terms of the MOU between the United Nations and the troop/police contributor are met by both parties at the outset and throughout the period of effect of the MOU. Major equipment and self-sustainment standards are defined in terms of operational capability for each category/subcategory rather than on the details of a prescriptive list of the type and levels of equipment required.<sup>2</sup> These standards of operational capability are promulgated in General Assembly documents and listed in annexes A and B to the present chapter. Unless specifically required by the standards for a self-sustainment category, as detailed in annex B to chapter 3, the provision of specific types, numbers or capabilities of equipment needed to meet the standards for a self-sustainment category, for reimbursement purposes, is to be based on meeting the operational requirements agreed between the United Nations and the troop- or police-contributing country and reflected in the MOU.<sup>3</sup>

4. The United Nations, in conjunction with the respective contingents or delegated authority designated by the troop/police contributor, is responsible for ensuring that the equipment and services provided by troop/police contributors meet the requirements of the peacekeeping operation and are provided in accordance with the MOU entered into by the United Nations with the troop/police contributor. In order to do so, the United Nations will verify the status, condition and quantity of the equipment and services provided. This control is implemented in cooperation between the United Nations and the troop/police contributor in accordance with the terms of the MOU for the provision of military personnel, equipment and services.<sup>4</sup>

5. The United Nations Inspection/Verification Team, which may be composed of United Nations staff members and military personnel, assigned by the Head of Mission or by an official acting on his/her behalf must be assigned to the Inspection Team for a sufficient period of time to ensure continuity in the control activities. The troop/police contributor must designate a person at each unit/contingent who is a responsible point of contact with the United Nations Inspection/Verification Team

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<sup>1</sup> [A/C.5/49/70](#), annex, appendix III, para. 2.

<sup>2</sup> [A/C.5/55/39](#), para. 63, and [A/C.5/52/39](#), para. 76 (c).

<sup>3</sup> [A/C.5/65/16](#), para. 136 (a).

<sup>4</sup> [A/C.5/49/70](#), annex, appendix III, para. 3.

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for verification and control matters.<sup>5</sup> The MOU is a signed document between a troop/police-contributing country and United Nations Headquarters and any change in classification of equipment should be agreed on a bilateral basis. The COE Verification team in the field may forward any observation to the Secretariat but has no prerogative to change the classification of major equipment agreed upon by United Nations Headquarters and the troop/police-contributing country. The troop/police-contributing country and United Nations Headquarters should engage in bilateral negotiations to resolve any disputes.<sup>6</sup>

6. In the conduct of the verification process, a “reasonability” view is to be employed when assessing the yielded results, including whether positive steps have been taken towards fulfilment of the MOU, that is to say the troop/police contributor and the United Nations have taken all reasonable measures and have met the spirit of the MOU, if not the full substance, and have also taken into account the importance of the subject and length of period where the MOU has not been fulfilled. The guiding principle in determining “reasonability” is whether the material to be provided by the troop/police contributor as well as by the United Nations will meet its military/police function at no additional cost to the United Nations or the troop/police contributor, other than those provided for in the MOU.<sup>7</sup> However, in verifying medical services at any level, all medical equipment, consumables and personnel required to maintain the capacities and capabilities stated as the medical self-sustainment standards in annex B to the present chapter must be present.<sup>8</sup>

7. The results of the control process are to be used by the United Nations and the troop contributor as a basis of consultative discussions at the lowest level possible, in the mission areas, in order that capabilities provided by the troop/police contributor meet the operational requirement of the mission. However, the control process in medical matters is one of quality assurance to ensure that all United Nations troops and staff in a peacekeeping mission are offered medical services according to the standards stated in annex B to the present chapter. Arrival inspection must ascertain the medical preparedness and vaccination status of all United Nations troops/police.<sup>9</sup> The process also serves to determine, where a minimum standard of quantity or quality of material and services has not been provided, the corrective actions required, including adjustment to the agreed eligibility for reimbursement. Alternatively, the parties, given the degree of non-fulfilment of the MOU, may seek to renegotiate the terms and conditions in the MOU.<sup>10</sup>

### Inspection standards and criteria

8. The inspection teams when verifying major equipment and self-sustainment will apply the standards approved in General Assembly documents,<sup>11</sup> detailed in annexes A and B to the present chapter. These standards are also included in the memorandum of understanding (MOU) between the troop/police contributor and the United Nations.

<sup>5</sup> Ibid., para. 4.

<sup>6</sup> [A/C.5/65/16](#), para. 94.

<sup>7</sup> [A/C.5/49/70](#), annex, appendix III, para. 5.

<sup>8</sup> [A/C.5/55/39](#), annex III.B, para. 5.

<sup>9</sup> Ibid., para. 6.

<sup>10</sup> [A/C.5/49/70](#), annex, appendix III, para. 6.

<sup>11</sup> Ibid., appendices I and II; [A/C.5/52/39](#), paras. 76-89; and [A/C.5/54/49](#), paras. 60 and 86.

## Conduct of verification inspections

9. Inspections will be conducted within the framework of the above principles. The main purpose of the inspection is to verify that the terms and conditions of the MOU have been met, and to take corrective actions when required. At every stage of peacekeeping operations, time and manpower are short, and excessive time cannot be spent beyond that required to determine that the minimum requirements have been met by the troop/police contributor or the United Nations in each area.<sup>12</sup>

## Types of inspections in the verification process

10. The verification process provides for inspections at three separate stages. It is mandatory that such inspections be conducted on arrival and on repatriation. Arrival inspections must cover the scope of equipment and services for which reimbursement is sought in the MOU. It is the responsibility of the United Nations to ensure that operational readiness of equipment and/or services specified in the MOU are verified. Operational readiness inspections may be conducted with little notice when conditions exist that give rise to concern that the terms of the MOU are not being met. Such inspections may be restricted in scope to specific areas of concern, as decided by the United Nations.<sup>13</sup>

### A. Arrival inspection<sup>14</sup>

11. The inspection of major equipment will take place immediately upon arrival in the mission area and must be completed within one month. The United Nations, in consultation with the troop/police contributor, will decide the time and place. Where equipment and personnel are already in the mission area when the MOU is concluded, the first inspection will be carried out on a date to be jointly determined by the mission and contingent authorities and is to be completed within one month of that date. A troop/police contributor representative must explain and demonstrate the agreed self-sustainment capability. In the same way, the United Nations must give an account of the services provided by the United Nations as stipulated in the MOU. The arrival inspections will include the following:

(a) Major equipment will be counted/inspected in order to ensure categories and groups and the number delivered corresponds with the MOU and that they are in operationally serviceable condition,<sup>15</sup> including painting in United Nations colours, upon arriving in theatre for use in its primary role;

(b) In the case of dry lease, the equipment will be inspected to determine whether the equipment condition is acceptable in accordance with established standards. This is compared with the consumption of spares and repair costs, ensuring that spares, etc., are provided and used according to the MOU;

<sup>12</sup> A/C.5/49/70, annex, appendix III, para. 7.

<sup>13</sup> Ibid., para. 8.

<sup>14</sup> Ibid., paras. 9-12.

<sup>15</sup> Ibid., appendix I.A, para. 23.

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(c) Areas where the unit has a “self-sustainment” responsibility will be inspected within six months with a view to an assessment of the operational capabilities of the equipment and services;

(d) The Government may request a United Nations team to advise or consult on matters pertaining to major equipment and/or self-sustainment, and the United Nations will normally request a predeployment visit to the home country of the troop/police contributors.

12. In the event that the United Nations has not carried out the arrival inspection, for whatever reason, the obligation of the United Nations to pay the charges for equipment from the date of arrival remain unchanged and should be carried out immediately.

13. United Nations Headquarters may be requested by a participating troop/police contributor to send a team to advise and consult with regard to the provision of services.

14. In order to reduce operational delays, United Nations Headquarters may with the concurrence with the troop/police contributor send a team to carry out a predeployment visit (PDV) in the home country or where the equipment is located. This does not, however, replace the inspection that must be conducted on arrival.

#### **B. Operational readiness inspections<sup>16</sup>**

15. Operational inspections will be implemented according to operational requirements during the stay of the units in the mission area. These inspections include:

(a) Major equipment will be counted/inspected in order to classify the equipment into categories and groups and to ensure that the agreed number is present and used appropriately;

(b) Major equipment will be inspected to ensure that it is operational to the extent agreed to in the MOU. The United Nations considers that unsafe vehicles endanger the life of personnel and jeopardize the effectiveness of a mission and should not be considered operationally serviceable. The Chief Transportation Officer will review vehicle safety and make recommendations to the Director/Chief, Mission Support and Force Commander/Police Commissioner on this issue;

(c) In the case of a dry lease, a determination will be made as to whether the condition of the equipment, i.e., its maintenance status, is acceptable. This is compared with the consumption of spares and repair costs, ensuring that spares, etc., are provided and used according to the MOU;<sup>17</sup>

(d) Areas where the unit has a “self-sustainment” responsibility will be inspected with a view to an assessment of whether the sustainment capability is sufficient and satisfactory.

<sup>16</sup> Ibid., appendix III, para. 13.

<sup>17</sup> Ibid., para. 13 (c).



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**C. Repatriation inspection<sup>18</sup>**

16. The United Nations shall carry out an inspection at the time of repatriation of the contingent or component thereof from the mission area. The inspection shall:

- (a) Account for all major equipment of the troop/police contributor to be repatriated;
- (b) Verify the condition of major equipment provided under the dry lease arrangement to ensure that only equipment of the troop/police contributor is being repatriated.

When circumstances prevent the United Nations from conducting a repatriation inspection, consideration should be given to using the last validated inspection.

**D. Other inspections and reporting<sup>19</sup>**

17. Additional verifications or inspections deemed necessary by the Head of Mission (or the delegated authority) or United Nations Headquarters, such as standard operational reporting, may be implemented as follows:<sup>20</sup>

(a) **Standard operational reporting.** Standard operational reports are performed at the unit/contingent level by the unit/contingent on a monthly basis using a standardized form. These reports are maintained by the unit/contingent for presentation to the United Nations Inspection Team upon request. The report must describe the actual state of equipment and services provided by the unit and the United Nations;

(b) **Inspection reporting.** The United Nations Inspection Team will conduct periodic inspections. The reporting period will be decided between United Nations Headquarters and the mission. An inspection report i.e., verification report, is prepared by the United Nations Inspection Team after each inspection of a unit/contingent. The report describes the result of the inspection. The report is examined together with the unit and signed by the contingent representative. Where a unit has to fully or partially redeploy within a mission area, the time of the next periodic inspection in the new location will be carried out on a date to be jointly determined by the mission and the unit authorities;<sup>21</sup>

(c) **Claim status reporting.** Claim status reporting is provided by the United Nations to the troop/police contributor upon request. The report shows monthly payments and/or debt as well as balance at the time of reporting.

18. Inspection and verification procedures are continually being monitored and improved to take into account experiences/lessons learned in different missions and at United Nations Headquarters while implementing the decisions of the General Assembly in this area.

19. Verifications, inspection and control files are to be maintained at United Nations Headquarters, the force headquarters, the troop/police contributor and the unit.

<sup>18</sup> Ibid., para. 14.

<sup>19</sup> Ibid., paras. 15-19.

<sup>20</sup> [A/C.5/55/39](#), annex III.B, para. 16.

<sup>21</sup> [A/C.5/65/16](#), para. 119.

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Chapter 3**Dispute resolution**

20. After other possibilities have been tried, disputes concerning the interpretation of the results of verification inspections which may affect the eligibility for reimbursement by a troop/police contributor, or for any other reason, and other types of dispute shall be conducted using the dispute procedure approved by the General Assembly,<sup>22</sup> which is detailed in chapter 2 and part of the model MOU.

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<sup>22</sup> [A/C.5/49/70](#), annex, appendix III, paras. 3-7 and 20; and [A/C.5/52/39](#), para. 67.

**Annex A****Principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements<sup>1</sup>****Purpose**

1. There are verifiable standards by which both dry and wet leases are applied and subsequently reimbursed. The following standards, and associated definitions, are designed to apply to the equipment listed in annex A to chapter 8. The standards, stated in terms of operational requirements,<sup>2</sup> are designed to be generic in nature to fit the widest range of equipment.

**Principles**

2. The following principles are applicable to all equipment:

(a) Equipment arriving in theatre must be in a serviceable condition for use in its primary role and must already be painted with United Nations markings. Ambulances and other vehicles dedicated to the transport of medical staff or medical supplies should be clearly marked with a symbol placing it under the protection of the Geneva Convention.<sup>3</sup> Any requirement to assemble the equipment due to shipping constraints will be completed by the contingent at its own expense as part of the deployment process. This will include the addition of petrol, oil and lubricants removed for the purpose of transportation;

(b) All associated minor equipment, checklists or load list items required for use with the equipment in the performance of its role will accompany the equipment or be in clearly identifiable cargo for inclusion with the equipment on arrival in theatre;

(c) Under the wet lease reimbursement, the contributor is responsible for the provision of replacement equipment, spare parts, maintenance, and contracted repair. A basic 2 per cent transportation factor for the resupply of spare parts and consumables is included in the wet lease rate. This 2 per cent rate is further increased by 0.25 per cent for each complete 500 mile or 800 kilometre segment, beyond the first 500 mile or 800 kilometre segment, along the consignment route between the port of embarkation and the arrival point in the mission area;<sup>4</sup>

(d) To meet serviceability standards, contingents have the option to maintain an additional 10 per cent of the MOU authorized quantities of major equipment to be deployed and redeployed with the contingent. The United Nations will be responsible for the associated deployment and redeployment as well as painting/repainting costs. However, a troop/police contributor will not receive wet or dry lease reimbursement for overstocks;<sup>5</sup>

(e) A “reasonability” view is to be employed when assessing whether a performance standard has been met. However, the capabilities, staff and medical

<sup>1</sup> [A/C.5/49/70](#), annex, appendix I.A.

<sup>2</sup> [A/C.5/52/39](#), annex, para. 76 (c).

<sup>3</sup> [A/C.5/55/39](#), annex III.B, annex A, para. 2 (a).

<sup>4</sup> [A/C.5/49/70](#), annex, para. 46 (c), and appendix I.A, para. 1 (c).

<sup>5</sup> *Ibid.*, para. 46 (f), and para. 2 (c).

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equipment and the capability to perform emergency medical procedures according to the standards for medical self-sustainment stated in annex B to the present chapter must be present at all times.<sup>6</sup> Troop/police contributors and the United Nations should not be penalized when non-performance results from the operational situation in the mission area;<sup>7</sup>

(f) Any equipment damaged in transit will be the responsibility of the party responsible for making the transportation arrangements (see chap. 4 for details);

(g) The term “special case” should be reserved for major equipment for which a reimbursement rate has not been established in the COE Manual. “Special case” major equipment should be of a value greater than US\$ 1,000 (collective value of all items in the set), with a life expectancy greater than one year,<sup>8,9</sup> and that value alone should not determine whether equipment is treated as a special case (see chap. 5 for details).<sup>10</sup>

3. The United Nations inspection team will use the MOU in verifying the type and quantity of major equipment provided by the troop/police contributor. The MOU is a signed document between a troop/police-contributing country and United Nations Headquarters and any change in classification of equipment should be agreed on a bilateral basis. The COE Verification team in the field may forward any observation to the Secretariat but has no prerogative to change the classification of major equipment agreed upon by Headquarters and the troop/police-contributing country. The troop/police-contributing country and Headquarters should engage in bilateral negotiations to resolve any disputes.<sup>11</sup>

4. A third party maintaining equipment of another troop/police contributor is to meet the same performance standards as a troop/police contributor providing maintenance of its own equipment.

5. Where a contingent is employing major equipment for self-sustainment support, the applicable troop/police contributor is not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement.<sup>12</sup> There may be instances where a troop/police contributor provides services such as communications, medical, engineering on a force level as force assets in which case there may be an entitlement to reimbursement for major equipment whereas the same items at the unit level would be considered as minor equipment and incorporated into the overall self-sufficiency cost base.<sup>13,14</sup> These instances will be specified in annexes B and C to the MOU where applicable.

### Standards

6. The following standards are to be verified by the mission COE-inspection team.

<sup>6</sup> [A/C.5/55/39](#), annex III.B, annex A, para. 2 (e).

<sup>7</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 2 (h).

<sup>8</sup> [A/C.5/58/37](#), paras. 47 and 48.

<sup>9</sup> [A/C.5/62/26](#), para. 57 (a).

<sup>10</sup> *Ibid.*, para. 57 (b).

<sup>11</sup> [A/C.5/65/16](#), para. 94.

<sup>12</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 15, and [A/C.5/52/39](#), para. 77.

<sup>13</sup> [A/C.5/49/70](#), annex, appendix I.A, paras. 3, 8 and 10.

<sup>14</sup> [A/C.5/49/66](#), annex, annex III, para. 6.

### Communications equipment

7. The provision of communications equipment for dry/wet lease reimbursement will be applied to communications' contingents providing services on a force level, that is, above the battalion or contingent level. The service must be available to all units as designated by the mission headquarters and will be included in the MOU. The MOU will specify the technical specifications to be used.<sup>15</sup>

8. The equipment must be sufficient to provide the basic communications network desired by the mission. A backup capability must be retained in theatre to ensure uninterrupted service. The backup equipment will deploy and redeploy with the contingent.

9. When higher-level communication capabilities are required by non-communication units and not reimbursable under the self-sustainment rate for communications (e.g., Inmarsats), the equipment must be authorized in the MOU in which case it will be reimbursable as major equipment in the same manner as for a communications unit. An Inmarsat used for national rearlink purposes is a national responsibility and is not reimbursable.

### Electrical

10. This equipment is for the provision of main source generating power for base camps, company or larger dispersed locations, or specialist units requiring large power sources greater than 20 kVA (e.g., medical facilities, maintenance workshops). It is to include all associated minor equipment, consumables and wiring harnesses, and cabling to connect end-users. Lighting fixtures, accommodation circuits and wiring are reimbursable under the electrical self-sustainment rate. When troops or specialist units from one contingent are deployed with another contingent, the responsibility for supplying the power, with a sufficient backup capacity, must be defined in the MOU of both parties.<sup>16</sup>

11. Base camp main generators and generators supplying medical facilities will have a backup capability running in parallel. The backup capacity must at all times be sufficient to cover medical needs and must be connected to the vital areas of the medical facilities, giving these facilities first priority.<sup>17</sup> The combination of the output of the two generators is used to determine the reimbursement rate. In this case, an uninterrupted "around-the-clock" capability is required for all base camp main generators. Related wiring and cabling, circuit panels and transformers are to be repaired or replaced within two hours. Single generators (i.e., not running in parallel) will operate with a maximum of three hours of servicing, refuelling or repair within a 24-hour period.<sup>18</sup>

12. Generators supplying medical facilities must have a backup capability running in parallel as well. The backup capacity must at all times be sufficient to cover medical needs. When troops/police or medical units from one troop/police contributor are deployed and operating with a contingent of another troop/police

<sup>15</sup> A/C.5/49/70, annex, appendix I.A, para. 3.

<sup>16</sup> A/C.5/55/39, annex III.B, annex A, para. 10.

<sup>17</sup> Ibid., para. 11.

<sup>18</sup> A/C.5/49/70, annex, appendix I.A, para. 7.

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contributor, the responsibility for supplying power with a sufficient backup capacity will be negotiated on a case-by-case basis and indicated in annex B to the MOU.

### Engineering

13. The major equipment rates will be paid for major equipment used in engineering tasks in support of the mission. The contingent and its capability must be authorized under the MOU.

14. Engineering equipment will be maintained to ensure its immediate availability for use as deployed.

15. When an engineering unit is tasked to conduct demining/force EOD on behalf of the mission as a force asset, the equipment will be reimbursed as major equipment, where applicable, as agreed in the MOU.<sup>19</sup> Ammunition and explosives consumed in demining/force EOD operations or, where the Force Commander authorizes and directs special training beyond accepted United Nations readiness standards, are reimbursable upon presentation of a claim and certification from the mission.<sup>20</sup> Since the cost of ammunitions and explosives associated with special case major equipment items, such as demolition explosives used in demining/force EOD, are not included in the calculation of monthly wet lease rates, an incremental transportation factor is not included to reimburse the cost of transportation for the replenishment. Consequently, the United Nations will reimburse for the transportation cost of the deployment, redeployment as well as replenishment of those specific ammunitions and explosives used for demining/force EOD tasks at force level using force asset major equipment.

16. Sourcing and procurement of consumables, installation of materials and minor equipment expended and left behind for a task, such as drilling pipes, small pumps, asphalt, gravel, etc., are to be dealt with under a specific LOA.<sup>21</sup> In addition, excessive costs incurred as a result of exceptional wear and tear caused by operation of the equipment in unduly harsh conditions are to be dealt with under an LOA.<sup>22</sup>

### Medical and dental

17. Only medical equipment provided as per United Nations standards and authorized in the MOU will be reimbursed as medical equipment.<sup>23</sup>

18. The medical equipment stipulated in the MOU is applicable wherever medical equipment is used for the provision of medical services providing level 1, level 1+ (enhanced by laboratory module, dental module, aero-medical evacuation module, forward surgery module, or combination of these modules), level 2, level 2+ (enhanced by orthopaedic module, gynaecology module, and additional internal medicine module or any combination of these modules) and level 3<sup>24</sup> services according to United Nations standards, which includes general medicine, internal

<sup>19</sup> Ibid., para. 8.

<sup>20</sup> [A/C.5/49/66](#), annex, para. 48 (c), p. 16.

<sup>21</sup> [A/C.5/65/16](#), para. 115 (a).

<sup>22</sup> Ibid., para. 115 (b).

<sup>23</sup> [A/C.5/54/49](#), annex VIII, sect. B2, "Chapter 3, annex A, paragraph 13"; *ibid.*, annex VIII, appendices I and II; and [A/C.5/55/39](#), annex III.B.

<sup>24</sup> [A/C.5/65/16](#), paras. 151 and 152.

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medicine, surgical, other medical specialties as agreed, dental, hygiene, dispensary, blood testing and processing, X-ray, laboratory ward and stabilization/life-saving measures and capabilities and evacuation to the next level.<sup>25</sup>

19. The contingents must have sufficient medical equipment as stipulated in the United Nations standards for level 1, level 1+ (enhanced by laboratory module, dental module, aero-medical evacuation module, forward surgery module, or combination of these modules), level 2, level 2+ (enhanced by orthopaedic module, gynaecology module, and additional internal medical medicine module or any combination of these modules) and level 3<sup>24</sup> medical services in order to provide the respective outpatient and inpatient care, basic and advanced diagnostic services, basic and advanced lifesaving, basic and advanced surgical capacities and capabilities, sufficient resupply capabilities, as well as casualty evacuation/medical evacuation capabilities and capacities in the mission area as per the MOU. Requested medical equipment must be provided and maintained in a fully operational condition, maintaining an aseptic and sterile environment as per the World Health Organization (WHO) requirements in order to ensure uninterrupted medical support and an adequate standard for medical services, including evacuation capabilities.<sup>26</sup>

20. Level 1 or 1+ medical facilities are considered “force assets” and thus are available to all members of a United Nations mission.<sup>27</sup> Therefore, level 1 or 1+ medical equipment is eligible for reimbursement at the major equipment rate of “level 1 or 1+ medical facilities” listed in chapter 8.

21. The medical facilities are reimbursed for each level of medical capabilities, i.e. level 1, level 1+ (enhanced by laboratory module, dental module, aero-medical evacuation module, forward surgery module, or combination of these modules), level 2, level 2+ (enhanced by orthopaedic module, gynaecology module, and additional internal medicine module or any combination of these modules) or level 3.<sup>24</sup> These medical facilities and modules are reimbursed for major equipment provided as long as the equipment meets the standards. The costing of each medical facility module, and therefore the related reimbursement rates, is based on the generic fair market value (GFMV) of each piece of medical equipment required by the module as recommended by the 2011 Working Group.<sup>28</sup> The lists of equipment per module include all medical equipment required for the separate levels; in addition, the GFMV is adjusted by using a level 2 hospital as the anchor value to set the same GFMV of identical equipment across the various levels of medical facilities and modules. The new recommendations include specifically: adding a portable X-ray machine and an ultrasound machine to the major equipment list of level 2 hospitals, applying the new GFMV of \$30,000 for an ultrasound machine consistently to the lists of level 2 and 3 hospitals (using a level 2 hospital as the anchor value), providing the definition and composition of the level 2+ facilities and establishing new monthly reimbursement rates for two level 2+ modules of gynaecology and orthopaedics. Non-medical equipment required to meet the medical standards (e.g. generators above 20 kVA, ambulances, general hygiene facilities and water purification system) are listed separately for the purpose of

<sup>25</sup> A/C.5/54/49, annex VIII, sect. B2, “Chapter 3, annex A, paragraph 13”.

<sup>26</sup> Ibid., “Chapter 3, annex A, paragraph 14”.

<sup>27</sup> A/C.5/55/39, para. 96.

<sup>28</sup> A/C.5/65/16, paras. 138 and 144.

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reimbursement. The revised medical equipment requirements for each medical facility and module are shown in the appendices to this chapter.<sup>29</sup>

22. Medical modules deployed independently will be reimbursed as separate entities under major equipment.<sup>24</sup>

23. In preparing the verification reports for medical facilities, the quality, capacity and capability, as defined in the standards, are the overriding considerations.<sup>30</sup> Therefore, an expert medical opinion concerning the operational impact of any shortfall, discrepancy or corrective action or substitution undertaken will be required before deduction may be made to the reimbursement.

### Observation equipment

24. Under a wet lease, observation equipment will be maintained to ensure “round-the-clock” operability, as applicable, at all observation outposts. Routine calibration of equipment must be performed.<sup>31</sup>

25. Under a dry lease arrangement, the United Nations is responsible for providing sufficient spare parts and equipment to maintain the same level of serviceability at the observation posts.

### Accommodation

26. Semi-rigid structures are soft-sided, hard frame facilities that can be moved (i.e., dismantled and shipped). Rigid structures are defined as hard walled or prefabricated facilities that may be attached to local utilities/services but can be easily dismantled and moved.

27. Containers are mobile shelters used for a specific purpose/service. There are three basic types of containers: truck mounted, trailer mounted and sea containers. Truck-mounted containers can be dismantled and operated separately from the vehicle. Trailer-mounted containers need not be dismantled, but are not reimbursed as trailers in the vehicle category. Sea containers must be maintained to international standards (i.e., certified for shipping) in order to be eligible for reimbursement.<sup>32</sup>

28. If a container is used as part of the support provided under a self-sustainment rate (e.g., dental, catering), its use is not reimbursable as major equipment, but is covered by the applicable self-sustainment rate.<sup>33</sup>

29. Accommodation rates include all minor equipment and consumables associated with the primary function of the facility.

### Aircraft

30. Owing to the special nature of aircraft, the type, quantity and performance criteria will be stipulated separately in letters of assist. The air operations unit of the mission is responsible for monitoring and reporting the performance of aircraft. In

<sup>29</sup> Ibid., paras. 143, 144 and 147-152.

<sup>30</sup> [A/C.5/55/39](#), para. 98 (a).

<sup>31</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 12.

<sup>32</sup> Ibid., para. 15.

<sup>33</sup> Ibid., and [A/C.4/52/39](#), para. 77.



the interests of generating a more consistent set of conditions in letters of assist (LOA) for the provision of a military aviation capability and to encourage more complete utilization of military capabilities, the United Nations will reimburse the cost of ammunition expended in maintaining aircrew weapons proficiency for armed helicopters during the year. Details of weapons training exercises, including the quantity and types of ammunition allocated per pilot, will be based on national/United Nations requirements, and reimbursement rates for this ammunition are to be included as an attachment to the LOA. Reimbursement for ammunition expended during actual hostilities shall be at the same rate. The United Nations is responsible for providing a firing range in the mission area of operations or at a suitable alternative location (subject to a bilateral agreement between the Government and United Nations).<sup>34</sup>

### Armaments

31. Crew-served weapons must be operationally serviceable at a 90 per cent rate. Serviceability includes sighting and calibration of weapons and periodic test firing as permitted in the mission area. The United Nations defines a crew-served weapon as any weapon operated by more than one designated soldier.<sup>35</sup> Ammunition for sighting, calibration, test firing and training is a consumable and is included in the wet lease maintenance rate. Therefore, training ammunition is a national responsibility unless the Force Commander/Police Commissioner specifically authorizes and directs special training beyond accepted United Nations readiness standards.<sup>36</sup> When weapons are provided through the United Nations, sufficient United Nations spare parts stock will be maintained in-theatre to ensure the serviceability standards.<sup>37</sup>

32. The United Nations will reimburse contributing countries for deploying ammunition to and from the mission area.<sup>38</sup> Since the cost of ammunition/missiles, associated with major equipment items such as anti-air, anti-armour and howitzer, and explosives used with major equipment, are not included in the calculation of monthly wet lease rates, an incremental transportation factor is not included to reimburse the cost of transportation for the replenishment. Consequently, the United Nations will reimburse for the transportation cost of the deployment, redeployment and replenishment of those specific ammunition and for ammunition or explosives used with major equipment. Additionally, the United Nations will reimburse ammunition and explosives expended on training beyond accepted United Nations readiness standards authorized and directed by the Force Commander/Police Commissioner, but not for other training/exercises within accepted United Nations readiness standards for which ammunition is considered a consumable covered in the wet lease rates or the monthly rate reimbursed under troop cost for personal weapon. Ammunition expended on operations or special training authorized and directed by the Force Commander will be reported in the reports of the Force Commander/Police Commissioner at the conclusion of individual operations and be reimbursed the initial price of ammunition on presentation of a claim by the

<sup>34</sup> [A/C.5/65/16](#), para. 104.

<sup>35</sup> Military Planning Service e-mail dated 9 August 2001.

<sup>36</sup> [A/C.5/49/66](#), annex, para. 48 (c).

<sup>37</sup> [A/C.5/49/70](#), appendix I.A, para. 18.

<sup>38</sup> [A/C.5/49/66](#), annex, para. 48 (a).

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Government and an operational ammunition expenditure certificate from the mission. Reimbursement will be made for ammunition that becomes unserviceable while in the mission area. However, troop/police contributors are responsible for deploying ammunition with an expected life in excess of the anticipated length of deployment.<sup>39</sup>

**Naval vessels**

33. Owing to the special nature of vessels, type, quantity and performance criteria will be stipulated separately in letters of assist.

**Vehicles**

34. The inspection team is responsible for verifying the equipment to ensure it is classified according to the description/category provided in documents [A/C.5/49/70](#) and [A/C.5/55/39](#).

35. Commercial pattern vehicles are defined as those vehicles that are readily available from a commercial source. Effective 1 July 2011, all newly deployed commercial vehicles brought to new and existing missions must be equipped with standard seat belts. The cost will be borne by the troop- or police-contributing country. Troop- and police-contributing countries are encouraged to install standard seat belts for already deployed commercial vehicles. This option should not be mandatory and the costs will be borne by the country.<sup>40</sup>

36. Military pattern vehicles are specifically engineered and designed according to precise military/police specifications and are built to satisfy particular military/police mission applications. The 2004 Working Group on Contingent-Owned Equipment developed a checklist to determine whether a commercial pattern vehicle could qualify for a military pattern rate of reimbursement in appendix 14 to annexes A and B to chapter 3.<sup>41</sup> In cases where the original vehicle is of a commercial pattern, the vehicle may be considered as “military pattern” for reimbursement purposes under COE, subject to MOU negotiation and are to be indicated in annex B to the MOU. Issues of whether or not an upgrade to commercial equipment entitles a troop/police contributor to military pattern equipment reimbursement are to be dealt with during the MOU negotiation at United Nations Headquarters, with paramount importance accorded to operational requirements and the principle of “reasonableness” in resolving disagreements.

37. The definition of police armoured protected vehicles and police crowd control vehicles is as follows:<sup>42</sup>

(a) A police armoured protected vehicle is an armoured vehicle with cross country capability, used to transport a police section of 8 to 12 people with full crowd control gear. It is a multi-purpose public order vehicle and provides protection against small arms. This vehicle is designed for both urban and rural operations and can be used in many roles including as a routine armoured patrol vehicle. There is no weapon system integrated with the vehicle;

<sup>39</sup> Ibid., para. 48 (a), (b) and (d); [A/C.5/49/70](#), annex, appendix I.A, para. 19.

<sup>40</sup> [A/C.5/65/16](#), para. 117.

<sup>41</sup> [A/C.5/58/37](#), annex I.B.2.

<sup>42</sup> [A/C.5/65/16](#), para. 113.

(b) A police crowd control vehicle is a protected vehicle (minimum 4×4) designed for operations in urban and rural environments, with the capacity to transport a police section of 9 to 12 people with full crowd control gear. It must provide protection against non-explosive hand projectiles. One crowd control system (teargas launcher, for example) may be integrated within the vehicle. There is no weapon system integrated with the vehicle. A police crowd control vehicle should allow all responding personnel to travel in the same vehicle platform, for easy communication and delivery of orders, operational planning, preparation of equipment and disembarkation as a unit or team, among other things. For security and operational reasons, there must be more than one entry/exit for the personnel travelling on the platform. The vehicle's entry/exit openings shall be large enough to facilitate the embarking/disembarking of the security personnel in full riot control gear. Communications between the team leader, the driver and the crowd control operators/team members must be assured at all times by direct verbal or voice commands, rather than over the radio or the telephone. The vehicle must have the capability to deliver teargas munitions in a 360° arc of fire. All glazing, openings, front headlights, rear tail lights, emergency bar(s), light(s), public address system and siren(s) must be protected by steel meshing. The vehicle must be equipped also with the following basic tools for police public order operations:

- (i) Two (2) portable fire extinguishers (fire types ABC) of medium capacity;
- (ii) One (1) fire blanket;
- (iii) One (1) bolt-cutter;
- (iv) One (1) Halligan bar and door ram (for door breaching);
- (v) One (1) iron hook and chain or rope (for barricade removal and dragging or pulling).<sup>43</sup>

(c) A water cannon truck is a self-propelled water tanker with a minimum capacity of 2,500 litres that is equipped with a high-pressure water, jet pulse system cannon or cannons. These vehicles may be armoured or soft-skinned (depending on the mission's force requirements) in order to provide adequate protection for the entire operating crew. All glazing, openings, front headlights, rear tail lights, emergency bar(s), light(s), public address system and siren(s) must be protected by steel meshing. The truck can be upgraded for additional payload, such as scanners, video or image recording, front plough, foam or chemical dye marking, tear gas or smoke disperser and projectors or launchers. Water cannon trucks are normally used by security forces for public order management operations.<sup>44</sup>

38. In the case of a dry lease where the United Nations is responsible to maintain the major equipment or arrange for the maintenance of major equipment by a third party, a review of maintenance and spare parts will be conducted to determine if the cost of maintenance exceeds the maintenance rate included in the generic "wet lease" rate. In such situations, an initial assessment is required to determine if the cost of overrun is attributable to environmental or operational conditions. If the cost overrun is not attributable to local conditions but rather to the condition of the equipment, a report shall be submitted to United Nations Headquarters explaining

<sup>43</sup> A/C.5/68/22, para. 102.

<sup>44</sup> Ibid., para. 104 (a).

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the situation, indicating which category of equipment is subject to maintenance overrun and by what amount. In such cases the United Nations may reduce the dry lease reimbursement rate to the troop/police contributor by the amount in excess of the estimated maintenance rate included in the generic wet lease.<sup>45</sup>

39. The equipment authorized in the MOU must include all minor equipment, checklist items (jacks, driver's tools, spare tire, etc.) and consumables (less fuel) associated with the vehicle.

40. **Wet lease.** Under the conditions of a wet lease, when the total number of operationally serviceable (i.e., available for use) vehicles is less than 90 per cent of the quantity authorized in the MOU in a vehicle subcategory, the reimbursement will be reduced accordingly.<sup>46</sup>

41. A vehicle will be considered operationally unserviceable if it is unavailable for normal mission use for a period of time in excess of 24 hours. A contingent can hold limited operational stocks (up to 10 per cent of authorized quantity) designed as immediate replacement for vehicles lost or damaged beyond in-theatre repair capability.<sup>47</sup>

42. **Dry lease.** Under the conditions of a dry lease, the vehicle will be provided in an operationally-serviceable condition, with all minor equipment and checklist items, for immediate use upon arrival in the mission area. The United Nations is required to maintain operational serviceability at a minimum rate of 90 per cent of the agreed quantity in a vehicle subcategory. A vehicle will be considered operationally unserviceable if it is unavailable for normal mission usage for a period of time in excess of 24 hours. Serviceability below 90 per cent, due to the United Nations inability to maintain, might require downward adjustments to contingent tasks/missions without a corresponding reduction to other reimbursements adversely affected by reduced activity rates.<sup>48</sup> The United Nations is responsible for returning the vehicle to the troop/police contributor in the same level of operational serviceability, with all minor equipment and checklist items, as originally provided.

43. **Weapons systems.** Weapons systems on all vehicles are to be serviced to ensure that the capability to perform the mission is maintained. On combat vehicles, operational serviceability is required for the main weapon and its associated fire control system. If either the weapon itself or the fire control system is inoperable, then the vehicle is considered not in service and not eligible for reimbursement.<sup>49</sup> Crew-served weapon is any weapon operated by more than one designated soldier.

44. **Painting.** To be considered serviceable for the United Nations operations, all vehicles must be painted white with appropriate United Nations markings. If this painting is not completed before deployment, reimbursement may be withheld until the standard is reached unless United Nations Headquarters has specifically authorized an exception to this requirement.<sup>50</sup> Reimbursement for painting will be

<sup>45</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 26.

<sup>46</sup> Ibid., para. 23.

<sup>47</sup> Ibid., para. 24.

<sup>48</sup> Ibid., para. 25.

<sup>49</sup> Ibid., para. 27.

<sup>50</sup> Ibid., para. 28.

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calculated using the standard rates per type/category of equipment,<sup>51</sup> multiplied by the quantity of equipment authorized in annex B (major equipment provided by the Government) in the MOU plus an additional 10 per cent where applicable, upon confirmation by the mission through verification reports (arrival or periodic) or other means that the major equipment items were painted. Reimbursement for painting will be based on major equipment departing the mission as per the departure verification reports.

45. For special cases, if the equipment can be logically fitted or agreed between the United Nations and a troop/police contributor at the time of the MOU negotiation, into one of the existing categories, the painting/repainting rate applicable to the existing categories will apply. Otherwise, reimbursement for painting/repainting will be based on presentation of invoice of actual costs.<sup>52</sup> The ratio of painting to repainting has been determined at 1:1.19, i.e., costs for repainting are reimbursable up to 1.19 times the rates for painting.<sup>53</sup>

46. Reimbursement for painting/repainting for major equipment not identified separately in annex B to the MOU but used in the performance of self-sustainment capabilities such as containers, communication vehicles, etc, should be submitted through a separate claim showing the applicable category of self-sustainment, the type and quantity of equipment. These claims will be reviewed to assess that the type and quantity of major equipment used for self-sustainment is required and reasonable and to establish where possible a logical link with existing major equipment items for which standard rates were determined. If no logical link to existing major equipment exists, the claim will be reviewed and negotiated on a case-by-case basis.

47. **Canine Unit, all types — special case.** A canine unit is a security unit comprising a dog and a dog handler with unique skills and capabilities in support of peacekeeping operations. Operations may require the use of more than one canine unit.<sup>54</sup>

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<sup>51</sup> [A/C.5/55/39](#), para. 56.

<sup>52</sup> *Ibid.*, para. 56 (a).

<sup>53</sup> *Ibid.*, para. 56 (b).

<sup>54</sup> [A/C.5/68/22](#), para. 99 (a).

**Annex B****Principles of verification and performance standards for minor equipment and consumables provided under self-sustainment****Introduction**

1. Self-sustainment is defined as logistics support for contingents in a peacekeeping mission area whereby the troop/police contributor provides some or all categories of logistics support to the contingent on a reimbursable basis. A contingent may be self-sufficient for various categories, depending on the ability of the United Nations to provide the necessary support and the contingent's own capabilities. The modular concept of self-sustainment is based on the principle that troop/police contributors cannot be partially self-sustaining in any given category. The required self-sustainment categories and any supplementary arrangements will be indicated in the respective MOU.

**Purpose**

2. There are verifiable standards by which the self-sustainment categories are provided and subsequently reimbursed. The following standards, and associated definitions, are designed to apply to the categories of self-sustainment listed in annex B to chapter 8. The standards, stated in terms of operational capabilities, are designed to be generic in nature leaving the details and the means of delivery of the capabilities to be discussed between the United Nations and the troop/police contributors.<sup>1</sup>

**Principles**

3. The overarching principle regarding self-sustainment is for all troop/police contributors and contingents to adhere to the commitments made in their respective MOU to provide the agreed operational capability. Discussions between the United Nations and the troop/police contributors deploying the contingent will result in an agreement on the self-sustainment capabilities to be provided.<sup>2</sup> As a starting point for negotiation, the United Nations will identify and request from troop/police contributors those self-sustainment capabilities it cannot provide. The right of troop/police contributors to provide any or some categories of self-sustainment will be taken into consideration during the negotiation of the MOU.<sup>3</sup> However, the United Nations has a responsibility to ensure that any self-sustainment services provided by a troop/police contributor meets the minimum operational capabilities; are compatible with other troop/police contributors where interface is required; and that the cost to the United Nations is similar to what it would have cost the United Nations to arrange centrally for the provision of these self-sustainment services. Unless specifically required by the standards for a self-sustainment category, as detailed in annex B to chapter 3, the provision of specific types, numbers or capabilities of equipment needed to meet the standards for a self-sustainment category, for reimbursement purposes, is to be based on meeting the operational

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<sup>1</sup> A/C.5/55/39, para. 63.

<sup>2</sup> Ibid., para. 67 (a) (i).

<sup>3</sup> Ibid., para. 67 (a).

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requirement agreed between the United Nations and the troop- or police-contributing country and reflected in the MOU.<sup>4</sup>

4. When determining which party is to be responsible for the provision of the self-sustainment category, the cultural requirements of troop-and police-contributing countries will be taken into consideration and a general principle of reasonability shall apply.<sup>5</sup>

5. Only those services specifically agreed upon in the MOU to be provided by troop/police contributors will be reimbursable, at the rates listed in chapter 8, using the actual troop strength up to the personnel ceiling agreed upon in the MOU. The inspection team will refer to the respective MOU to determine the categories of self-sustainment to be provided by each contingent.

6. To be eligible for reimbursement for any self-sustainment category or subcategory, a contingent must provide all minor equipment, maintenance and consumables associated with that specific category or subcategory. Categories are subdivided to ensure flexibility and to reimburse troop/police contributors only for the minor equipment and consumables provided. Should a contingent obtain self-sustainment services from another contingent, reimbursement will be made to the troop/police contributor providing the services unless other bilateral arrangements have been made. When the United Nations provides that service or part thereof, the troop/police contributor does not receive reimbursement for the applicable category or subcategory. A troop/police contributor may choose to procure some minor equipment and consumables from another troop/police contributor on a bilateral basis, or from a civilian contractor, in which case the troop/police contributor remains eligible for reimbursement as long as it meets the operational capability and standards for the categories of self-sustainment.

7. Troop/police contributors are to take note that, in order not to disrupt the operational effectiveness of a mission, it may require significant lead-time for the United Nations to arrange for procurement and support for some self-sustainment categories. Therefore, it is of paramount importance that the United Nations be informed as soon as it becomes known to the troop/police contributors that a troop/police contributor will not be able or does not wish to continue providing one or some of the self-sustainment capabilities negotiated in the MOU. In these cases, the United Nations and the troop/police contributor will have to agree to an amendment to the MOU in order for the United Nations to take responsibility for the provision of self-sustainment categories that cannot be sustained by troop/police contributors.

8. Where a contingent is employing major equipment for self-sustainment support, the applicable troop/police contributor is not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement.<sup>6</sup> There may be instances where a troop/police contributor provides services such as communications and engineering on a force level, in which case there may be an entitlement to reimbursement for major equipment<sup>7</sup> whereas the same items at the unit level would be considered as minor equipment and incorporated into the overall

<sup>4</sup> A/C.5/65/16, para. 136.

<sup>5</sup> Ibid., para. 128 (b) (27) (d).

<sup>6</sup> A/C.5/55/39, para. 77.

<sup>7</sup> A/C.5/49/70, annex, appendix I.A, paras. 3, 8 and 10.

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self-sufficiency cost base and self-sustainment reimbursement.<sup>8</sup> These instances will be negotiated and indicated in annexes B and C to the MOU where applicable.

9. Troop/police contributors are responsible for transportation related to resupply of contingents for consumables and minor equipment necessary for the provision of self-sustainment. The rates approved for self-sustainment include a generic premium of up to 2 per cent to compensate for the cost of transportation of self-sustainment resupply. Troop/police contributors are not eligible to additional reimbursement for the transportation of resupply of self-sustainment items.<sup>9</sup>

10. In the case of a contingent being required (if mutually agreed upon) to change location of any base camp (unit or sub-unit level) due to an operational or logistics/administrative requirement, the troop- or police-contributing country may submit a claim to the United Nations for reimbursement of the extra and reasonable costs to reinstall the self-sustainment services under its responsibility (e.g., accommodation, tentage, field defence stores, Internet, catering, etc.).<sup>10</sup>

### Standards

11. The inspection team is responsible for verifying the categories or subcategories of self-sustainment agreed to in the MOU to assess if the standard of operational requirement approved by the General Assembly is being fulfilled.<sup>11</sup> In the same way, the United Nations must give an account of the services provided by the United Nations as stipulated in the MOU.<sup>12</sup>

### Catering

12. To receive the catering self-sustainment reimbursement rate the contingent must be able to feed its troops with cold and hot meals in a clean and healthy environment. The contingent must:<sup>13</sup>

- (a) Provide kitchen facilities and equipment, including supplies, consumables, dishes and cutlery for the camps they are responsible for as detailed in the MOU;<sup>14</sup>
- (b) Provide deep freeze (14 days where required), cold (7 days) and dry food storage for kitchen facilities;
- (c) Provide kitchen facilities with hot dishwashing capabilities;
- (d) Ensure that kitchen facilities have hygienic equipment that maintains a clean and healthy environment.

Where refrigerated trucks (non-static) are required this will be reimbursed separately under major equipment.<sup>15</sup>

<sup>8</sup> A/C.5/49/66, annex, annex III, para. 6.

<sup>9</sup> A/C.5/49/70, annex, para. 46 (g).

<sup>10</sup> A/C.5/65/16, para. 122 (b).

<sup>11</sup> Standards are from A/C.5/49/70, annex, appendix II.A, as amended subsequently by the General Assembly (see A/C.5/55/39, annex III.B, annex B, paras. 7-45).

<sup>12</sup> A/C.5/49/70, annex, appendix III, para. 1.

<sup>13</sup> A/C.5/54/49, para. 60 (a).

<sup>14</sup> A/C.5/55/39, para. 67 (b).

<sup>15</sup> A/C.5/54/49, note to para. 60 (a).



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13. The unit is responsible for maintaining and servicing its kitchen facilities, including all catering equipment, repair parts and supplies such as dishes and cutlery. When the United Nations provides this service to an equivalent standard, the unit does not receive reimbursement for this category.<sup>16</sup>

14. Food, water and petrol, oil and lubricants are not included in the reimbursement rates as the United Nations normally provides them. When the United Nations is unable to provide those items or for initial provisioning, reimbursement will be made by the United Nations upon presentation of a detailed claim. The claim will be reviewed at United Nations Headquarters and should include the details of the provisioning requested as per the Guidelines to troop-contributing countries or other specific documented request from the United Nations as well as any other supporting substantiation.

### Communications<sup>17</sup>

15. The telephone is the preferred means of communications for the contingent; it will be utilized as much as possible for internal communications within the headquarters, and with non-mobile sub-elements and sub-units of the contingent located in the main base camp. The requirement for VHF/UHF-FM and HF communications within the area of operations will be determined during the site survey and is subject to negotiation with the troop/police contributor. The standards for each communication's subcategories are defined below, in order of usage preference. To receive the communications self-sustainment reimbursement rate, the contingent must meet the following criteria:

(a) **Telephone.** The contingent will utilize the telephone as its primary means of internal communications within the main base camp. The contingent headquarters and stationary sub-elements (such as offices, workspaces, observation posts, guard posts, etc.) and sub-units, located at the main base camp, will be wired into the telephone system, as early into the operation as possible, in order to maximize the use of telephonic communications. The telephone system that is deployed should have the ability to interface with the telephone system that is provided on the mission level. The interface could be on the most simple level (i.e., two-wire trunk or better). This would then allow the contingent the ability to access the local telephone system, in cases where such systems are available. Reimbursement will be based upon the number of personnel in the main base camp and those elements of the contingent at other locations that are served by authorized contingent-provided telephone services. To receive the self-sustainment reimbursement rate, the contingent will:

- (i) Provide, install, operate and maintain a switchboard and telephone network that is capable of maintaining telephonic communications within the main base camp;
- (ii) Provide, install and maintain adequate numbers of telephone instruments to the contingent and its sub-units and sub-elements within the area of operations (this includes all cable, wire, and connectors, and other hardware that may be required);

<sup>16</sup> A/C.5/49/70, annex, appendix II.A, para. 2.

<sup>17</sup> A/C.5/52/39, appendix IV.

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(iii) Provide a sufficient stock of spare parts and consumables to support operations, and the repair or replacement of malfunctioning equipment;

(b) **VHF/UHF-FM communications.** VHF/UHF-FM communications will be used as the primary means of radio communications with sub-units and sub-elements of the contingent that are in a tactical or mobile environment, and thus unable to communicate via telephonic means. While VHF/UHF-FM communications may be used by the contingent as a means of backup communications to the telephone, this type of usage in itself is not a sufficient reason for reimbursement. Reimbursement will be based on the number of personnel in the contingent. To receive the self-sustainment reimbursement rate, the contingent will:

(i) Maintain one command-and-control net down to the sub-unit (section/squad) level;

(ii) Maintain one administrative net;

(iii) Maintain one dismounted patrol and security net or other primary non-vehicle mounted net;

(iv) Provide a sufficient stock of spare parts and consumables to support operations and the repair or replacement of malfunctioning equipment;

(c) **HF communications.** HF communications will be used as the primary means of communications with sub-units and sub-elements of the contingent that are operating within the area of operations that are beyond range of VHF/UHF-FM communications assets and are operating in a tactical or mobile environment, and thus unable to communicate via telephone or VHF/UHF-FM. While HF communications may be used as a backup means of communications to the telephone or to VHF/ UHF-FM communications, this type of usage in itself is not a sufficient reason for reimbursement. Additionally, the use of HF communications solely as a means of national rear-link will not be reimbursed. Reimbursement will be based on the authorized number of personnel in the sub-units and sub-elements of the contingent operating within the areas of operations beyond the range of VHF/UHF-FM communications assets and are operating in a tactical or mobile environment, and thus unable to communicate via telephone or VHF/UHF-FM. To receive the self-sustainment reimbursement rate, the contingent will:

(i) Communicate with sub-units and sub-elements of the contingent that are in a tactical or mobile environment, and thus unable to communicate via telephonic means, and beyond the range of VHF/UHF-FM base station communications;

(ii) Provide a command-and-control net using non-vehicular mounted HF communications equipment;

(iii) Provide a sufficient stock of spare parts and consumables to support operations and the repair or replacement of malfunctioning equipment.

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**Office<sup>18</sup>**

16. To receive the office self-sustainment reimbursement rate, the contingent must provide:

- (a) Office furniture, equipment and supplies for all unit headquarters staff;
- (b) Office supplies and services to personnel within the contingent;
- (c) Electronic data processing and reproduction capability, including necessary software, to run all internal headquarters correspondence and administration, including necessary databases.

17. The unit is responsible for maintaining and servicing its offices, including all equipment, repair parts and supplies.

18. The rate is to be applied against the total contingent population.

19. The United Nations could provide this capability as a complete self-contained function subject to the agreed overarching principles stated above.<sup>19</sup>

**Electrical**

20. To receive the electrical self-sustainment reimbursement rate the contingent must provide decentralized electrical power from generators. The decentralized power must:

- (a) Ensure stable power supply to small sub-units such as observation posts and small troop camps for company, platoon or section level;
- (b) Provide redundant emergency backup when the main power supply, provided through larger generators, is interrupted;
- (c) Provide all necessary electrical harnesses, wiring, circuitry and lighting sets.

21. This is not the primary electrical power supply for larger units, which is covered under the major equipment rate.

22. The United Nations could provide this capability as a complete self-contained function subject to the agreed overarching principles stated above.<sup>20</sup>

**Minor engineering**

23. To receive the minor engineering self-sustainment reimbursement rate the contingent must be able, within its accommodation areas, to:

- (a) Undertake non-field defensive minor construction;
- (b) Handle minor electrical repairs and replacement;
- (c) Undertake repairs to plumbing and water systems;
- (d) Conduct minor maintenance and other light repair work; and

<sup>18</sup> Ibid., para. 81.

<sup>19</sup> [A/C.5/55/39](#), para. 67 (c).

<sup>20</sup> Ibid., para. 67 (d).

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- (e) Provide all related workshop equipment, construction tools and supplies.

The minor engineering reimbursement rate does not include garbage and sewage collection. Garbage collection from a centralized location per unit is a United Nations responsibility.

24. Repair and maintenance of the United Nations-owned equipment is the United Nations responsibility with reference to appendix 16. Any variations or contingencies not covered in the guidance document would be dealt with on a case-by-case basis by the United Nations and the contributing countries, with the reasonability clause being applied in such cases.<sup>21</sup>

25. Chapter 3, appendix 16 provide examples of tasks and responsibilities in minor engineering and major engineering in various circumstances.<sup>21</sup>

### **Explosive ordnance disposal**

26. To receive the EOD self-sustainment reimbursement rate the contingent must have the capability for EOD to secure the unit's accommodation area.<sup>22</sup> The contingent must have the ability to:

- (a) Locate and evaluate unexploded ordnance;
- (b) Dismantle or destroy isolated ordnance that is considered a threat to the contingent's safety;
- (c) Provide all related minor equipment, personal protective clothing, and consumables.

Ammunition used for disposing of unexploded EOD under self-sustainment is included in consumables and is not reimbursable separately.

27. EOD self-sustainment is only reimbursable when the United Nations has established an operational requirement and specifically requested that service be provided. The requirement for this support will not exist in all missions and should be determined on a case-by-case basis.

28. Demining and EOD equipment should perform in compliance with International Mine Action Standards (IMAS).<sup>23</sup>

29. When a troop/police contributor providing force-level engineering support is tasked to provide EOD sustainment support to another troop/police contributor's accommodation areas, the contingent performing the EOD support will receive EOD sustainment reimbursement for the population of the supported contingent.<sup>24</sup>

30. Disposal of significant quantities of ordnance, for example large-scale demolitions resulting from surrendered ammunition and minefields, will be handled by engineering contingents provided by the United Nations.

31. The requirement for EOD self-sustainment should be reviewed 18 months after forces are deployed. If the review determines there is no longer a requirement for

<sup>21</sup> [A/C.5/65/16](#), para. 124.

<sup>22</sup> [A/C.5/52/39](#), para. 82 (a).

<sup>23</sup> [A/C.5/65/16](#), para. 110.

<sup>24</sup> [A/C.5/52/39](#), para. 82 (b).

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EOD self-sustainment, the troop-contributing country will continue to be reimbursed during the six-month period after the official communication to the contingent is made. After this period, the self-sustainment EOD capability will be repatriated at United Nations cost. During this six-month period, the troop-contributing country can negotiate an amendment to the MOU.<sup>25</sup>

**Laundry<sup>26</sup>**

32. To receive the laundry self-sustainment reimbursement rate the contingent must:

- (a) Provide laundry services for all military/police and personal clothing services, including dry-cleaning of operationally required specialist clothing (if any);
- (b) Ensure all laundry facilities have hygienic equipment that allows a clean and healthy environment to be maintained;
- (c) Provide all related equipment, maintenance and supplies.

When a contingent is geographically dispersed and the United Nations is able to provide laundry to only a portion of the contingent, the troop- or police-contributing country will receive the laundry self-sustainment rate for those personnel not serviced by the United Nations.

**Cleaning<sup>27</sup>**

33. To receive the cleaning self-sustainment reimbursement rate the contingent must:

- (a) Provide cleaning of facilities for all contingent personnel;
- (b) Ensure all facilities have hygienic equipment that allows a clean and healthy environment to be maintained, i.e., cleaning of accommodation and office areas;
- (c) Provide all related equipment, maintenance and supplies.

When a contingent is geographically dispersed and the United Nations is able to provide cleaning services to only a portion of the contingent, the troop- or police-contributing country will receive the cleaning self-sustainment rate for those personnel not serviced by the United Nations.

**Tentage**

34. To receive the tentage self-sustainment reimbursement rate the contingent must have the ability to (read in conjunction with the Guidelines to troop-contributing countries):

- (a) House personnel in tented accommodations. Tentage includes flooring and the ability to heat and cool, as appropriate;<sup>28</sup>

<sup>25</sup> A/C.5/65/16, para. 126.

<sup>26</sup> Ibid., para. 128 (b) 26.

<sup>27</sup> Ibid., para. 128 (b) 27.

<sup>28</sup> A/C.5/55/39, para. 67 (f) (iv).

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(b) Provide ablutions capability under tentage, in which case the ablution facilities will be reimbursed under major equipment;<sup>29</sup>

(c) Provide temporary offices/workspace in tentage.

35. The United Nations can provide this capability as a complete self-contained function subject to the agreed overarching principles for the provision of self-sustainment categories.<sup>30</sup> When the United Nations notifies a troop/police contributor prior to the contingent deploying that this capability is not required, the troop/police contributor will not receive reimbursement for this category. Contingents will initially receive tentage reimbursement for up to six months if not accommodated by the United Nations. If the United Nations confirms that the capability is required, the deploying contingent will continue to decide if it is to provide its own tentage capability, and be reimbursed accordingly.<sup>31</sup> If a contingent is accommodated in hardwall accommodation but is required to retain a tentage capability for part of the unit to satisfy a mobility requirement, the quantity of tentage agreed upon may be reimbursed as major equipment following negotiations between the troop/police contributor and the United Nations.

36. The United Nations can provide this capability as a complete self-contained function subject to the agreed overarching principles stated above. When the United Nations is unable to provide permanent, semi-rigid or rigid accommodation for a contingent after six months in tents, the troop/police contributor will be entitled to receive reimbursement at both the tentage and accommodation self-sustainment rates. This combined rate will continue until personnel are housed to the standard specified under the accommodation rate.<sup>32</sup> The Secretariat may request a temporary waiver of the application of this dual payment principle for these short-duration missions where the provision of hard accommodation is demonstrably and clearly impractical and not cost-effective.<sup>33</sup>

### Accommodation

37. To receive the accommodation self-sustainment reimbursement rate the troop/police contributor must (read in conjunction with the Guidelines to troop-contributing countries):

(a) Purchase or construct a permanent rigid structure to accommodate the contingent's personnel. This structure is fixed with heating, lighting, flooring, sanitation and running water. The rate is based on a standard of nine square metres per person;

(b) Provide heaters and/or air conditioners for the accommodation as required by the local climatic conditions;

(c) Provide furniture for eating facilities where necessary;<sup>34</sup>

(d) Provide offices/workspaces in permanent rigid structures;<sup>35</sup>

<sup>29</sup> Ibid., para. 67 (f) (iii).

<sup>30</sup> Ibid., para. 67 (f) (ii).

<sup>31</sup> Ibid., para. 67 (f) (i).

<sup>32</sup> [A/C.5/52/39](#), para. 84.

<sup>33</sup> Ibid., para. 85.

<sup>34</sup> [A/C.5/55/39](#), para. 67 (g).

<sup>35</sup> [A/C.5/62/26](#), para. 85.

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(e) To ensure proper crew rest and safe conduct of flights, either the United Nations or the troop-contributing country (as agreed) should make every effort to provide aircrews of aviation contingents with the following accommodations: pilots (as stipulated in the letter of assist) — standard single room accommodation; aircrew (air gunner/engineer/masters, etc.) — to be accommodated in two-person rooms.<sup>36</sup>

38. When the United Nations provides accommodation to an equivalent standard, the troop/police contributor does not receive reimbursement for this category.

39. Warehouses and equipment storage are not included in the accommodation self-sustainment reimbursement rate. This will be handled either through the semi-rigid and rigid structures reimbursed as major equipment or on a bilateral special-case arrangement between the troop/police contributor and the United Nations.

40. When the United Nations is unable to provide accommodation to an equivalent standard and the contingent rents a suitable structure, the troop/police contributor will be reimbursed the actual rental cost on a bilateral special case arrangement between the troop/police contributor and the United Nations.

#### **Basic firefighting capability<sup>37</sup>**

41. To receive the basic firefighting self-sustainment rate, the contingent must:

- (a) Provide sufficient basic firefighting equipment, i.e., buckets, beaters and fire extinguishers, in accordance with the International Fire Code, as amended;
- (b) Provide all necessary minor equipment and consumables.

#### **Fire detection and alarm capability<sup>37</sup>**

42. To receive the fire detection and alarm self-sustainment rate the contingent must:

- (a) Provide sufficient fire detection and alarm capability equipment, i.e., smoke detectors and fire alarm systems, in accordance with the International Fire Code, as amended;
- (b) Provide all necessary minor equipment and consumables.

#### **Medical**

43. In implementing the following principles and standards, the following definitions are used:

- (a) Medical equipment. Accountable major equipment (see footnotes in appendices 2.1, 3.1, 4.1, 5, 6, 7, 8, 9 and 10)<sup>38</sup> for the provision of medical support in United Nations medical facilities;

<sup>36</sup> A/C.5/65/16, para. 122 (a).

<sup>37</sup> A/C.5/62/26, para. 105.

<sup>38</sup> A/C.5/55/39 and Corr.1, annex III.B, annex B, para. 31 and A/C.5/65/16, paras. 151 and 152.

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(b) Drugs. Drugs produced according to World Health Organization (WHO) standards and consumed in the provision of medical support in United Nations medical facilities;

(c) Medical supplies. Expendable supplies and minor equipment (see footnotes) in appendices 2.1, 3.1, 4.1, 5 and 6 consumed in the provision of medical support in United Nations medical facilities;

(d) Medical self-sustainment. The supply and resupply of drugs and medical supplies for the provision of medical support in United Nations medical facilities;

(e) High-risk mission. A mission with a high incidence of endemic infectious diseases for which no vaccinations exist. All other missions are considered “normal-risk mission”.<sup>39</sup> This definition is for use in determining eligibility for reimbursement of the self-sustainment rate for “high-risk areas (epidemiological)”;

(f) For the purpose of establishing eligibility for medical care through United Nations mission medical facilities, the following personnel are considered part of a United Nations mission:<sup>40</sup>

- (i) United Nations-formed military police and United Nations-formed police units;
- (ii) United Nations military and United Nations police personnel not members of formed units;
- (iii) United Nations international civilian staff;
- (iv) United Nations Volunteers;
- (v) Locally employed United Nations staff, where applicable.

44. When troop/police contributors are deployed on United Nations peacekeeping operations and they provide semi-rigid or rigid structures for level 2 and/or 3 medical facilities, these items are reimbursed separately as major equipment, i.e., containers and camp units. If the troop/police contributor builds permanent structures, the United Nations will reimburse the troop/police contributor under major equipment. See chapter 8, annex A, Accommodation equipment, Rigid structures, Camp unit (medium and large for levels 2 and 3 medical facilities, respectively).<sup>41</sup>

45. In the interim, reimbursement for rigid and semi-rigid structures is to be based on major equipment in accordance with chapter 8, annex A, Accommodation equipment, Rigid structures, and Semi-rigid structures, Camp unit (medium and large for levels 2 and 3 medical facilities, respectively). The Secretariat is directed to apply this interim measure based on the breakdown below:<sup>42</sup>

- (a) Semi-rigid structures are for containerized medical facilities:
  - (i) Level 2 equates to a camp unit medium;
  - (ii) Level 3 equates to one each of a camp unit, medium and large;

<sup>39</sup> Ibid., chap. I, para. 95.

<sup>40</sup> Ibid., para. 97.

<sup>41</sup> [A/C.5/62/26](#), para. 115 (a).

<sup>42</sup> Ibid., para. 115 (b).



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- (iii) Ablution units will be reimbursed as major equipment;
- (b) Rigid structures are for hard-walled medical facilities:
  - (i) Level 2 equates to a camp unit, medium;
  - (ii) Level 3 equates to one each of a camp unit, medium and large;
  - (iii) Ablution units will be reimbursed as major equipment.

46. Medical support and security are essential at all times; therefore, a troop/police contributor cannot be partially self-sustaining in the medical self-sustainment subcategories. Level 1 medical care is a troop/police contributor responsibility; however, each level 1 facility is to provide medical support and care to all United Nations staff permanently or temporarily in their area of responsibility.<sup>43</sup> As a matter of principle, this occasional level 1/1+ care should be provided in an emergency with no fee; however, a troop/police contributor may choose to seek reimbursement for services rendered; therefore, there is a requirement to document and register emergency services provided.<sup>44</sup> All United Nations medical facilities are responsible for emergency medical services for all United Nations troops and United Nations staff in their area of responsibility. Except in emergencies, specialists and level 2, 2+ and 3 facilities can request a referral from a level 1/1+ facility before accepting a patient.<sup>45</sup>

47. Medical support facilities are often called upon by the mission headquarters to provide care to United Nations and other authorized personnel for whom they are not receiving reimbursement under self-sustainment. In these circumstances, the medical facility is entitled to seek reimbursement for the associated costs by applying a fee-for-service for the medical care provided. The agreed procedures and fee-for-service rates are listed in appendix 11 to annex B to chapter 3. Care provided to non-eligible personnel (e.g., local civilian population) by a troop/police contributor is not reimbursable by the United Nations.

48. A troop/police contributor that cannot provide all medical capabilities according to the standards listed in annex B to chapter 3 must advise the Secretariat during the negotiation of the MOU and in all cases prior to deployment.<sup>45</sup>

49. A contingent commander must inform the mission immediately if a troop/police contributor, while deployed, finds that it cannot adequately supply medical equipment, drugs or consumables under self-sustainment. If the troop/police contributor cannot find another contributor to offer resupply on a bilateral basis, the United Nations must take over the resupply of drugs, consumables and medical supplies permanently. The responsibility to provide medical personnel and medical services remains with the troop/police contributor. Medical self-sustainment will not be reimbursed from the day the troop/police contributor cannot provide full self-sustainment resupply.<sup>46</sup>

50. To ensure that all personnel receive the medical care that they are entitled to and to ensure that there is an effective and equitable system for reimbursement for

<sup>43</sup> A/C.5/55/39, annex III.B, annex B, para. 1.

<sup>44</sup> Ibid., para. 103.

<sup>45</sup> Ibid., annex III.B, annex B, para. 34.

<sup>46</sup> Ibid., annex III.B, para. 4.

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medical self-sustainment, all uniformed personnel, police and military, shall be assigned to medical facilities being responsible for their medical care. The assignment can be as part of a unit (for formed units) or on an individual basis (United Nations police, military observers and Headquarters staff). Each individual shall be assigned to a level 1 and 1+ facility, and/or a level 2 and 2+ facility and/or a level 3 facility, where applicable.

51. It is the responsibility of the Chief Medical Officer/Force Medical Officer to ensure that all personnel are informed upon entry into the mission as to the medical facilities responsible for their care, and to ensure that all medical facilities are notified as to who is assigned to the facility. The same information/notification must be given whenever individuals and units move from the area of responsibility of one facility to that of another.

52. On the fifteenth day of each month a list stating the number of uniformed personnel assigned to each medical facility shall be forwarded to the Field Budget and Finance Division/Memorandum of Understanding and Claims Management Section, with a copy to the Logistics Support Division/Medical Support Section.

53. All United Nations civilian staff shall be assigned to medical facilities in the same manner as uniformed personnel; however, this will not create eligibility for reimbursement under self-sustainment, unless this is explicitly stated in the MOU. Alternatively fee-for-service might apply.<sup>47</sup>

54. All United Nations level 2, 2+ and 3 medical facilities must be equipped and staffed to receive and treat all United Nations personnel regardless of gender, religion or culture, preserving the dignity and individuality of all patients.<sup>48</sup>

55. Medical staff must be at the forefront in promoting HIV awareness, its method of infection and the prevention of spread. No medical staff or patient will be discriminated against due to verified or suspected HIV. Testing in a United Nations facility must be voluntary and confidential, and no HIV test will be performed without there being a system of counselling.<sup>48</sup>

56. The reimbursement for self-sustainment medical services, including medical related minor equipment, tools, supplies and consumables, will be made at the rate of self-sustainment for the level of service provided and be calculated on the total personnel strength of the units/contingents for which a medical facility is responsible as agreed in the MOU (the actual strength numbers will be used for calculation of reimbursement).<sup>49</sup>

57. If a troop/police-contributing country provides medical services to United Nations standards, which includes services of more than one level, these levels shall be accumulated accordingly.<sup>50</sup> However, when a level 3 medical facility covers an area where there is no medical facility providing level 2 or 2+ medical services, the level 2, level 2+ and level 3 self-sustainment rates are not accumulated. The level 2, 2+ and 3 combined self-sustainment rate is to be used and the calculation of the

<sup>47</sup> FALD/LCS Fax OPS/ADM-120 dated 24 May 2001.

<sup>48</sup> [A/C.5/55/39](#) and Corr.1, annex III.B, para. 34.

<sup>49</sup> [A/C.5/54/49](#), annex VIII, p. 53, chap. 3, annex, para. 13.

<sup>50</sup> *Ibid.*, p. 53, para. B.1, remark.

reimbursement is to be based on the actual troop strength of those contingents assigned to the level 3 medical facility for level 2, 2+ and 3 medical care.<sup>51</sup>

58. To be eligible for reimbursement for the medical self-sustainment rate, the medical facility must provide medical self-sustainment, including all related staff, equipment, drugs and supplies (to include “epidemiological high-risk-areas” requirements), for basic, level 1, 1+, level 2, 2+, level 3, storage for blood and blood products, and high-risk areas as agreed in the MOU. The level of equipment must meet United Nations standards as specified in the “United Nations Levels of Medical Support” (A/C.5/54/49, appendices I and II to annex VIII, as amended by A/C.5/55/39, annex III.B, paras. 31-36, and A/C.5/62/26, annexes III.C.1 to III.F.1) for a medical facility and indicated in the MOU. Drugs and consumables must meet WHO standards.<sup>52</sup>

59. In preparing the verification reports for medical self-sustainment, the quality, capacity and capability, as defined in the standards, are the overriding considerations.<sup>53</sup> Therefore, an expert medical opinion concerning the operational impact of any shortfall, discrepancy or corrective action or substitution undertaken, will be required before deduction may be made to the reimbursement.

60. A summary of the United Nations standards for each level of medical service of self-sustainment rates is shown below. Complete details of the United Nations standards of medical services are stipulated in chapter 3, annexes A and B, appendices 1 to 10.<sup>54</sup> Additional information on the immunization policy, malaria prophylaxis, vector control, HIV/AIDS and sexually transmitted diseases are included in appendix 12 to annexes A and B to the present chapter.<sup>55</sup>

(a) **Basic level (first aid)**

Comprises the basic immediate first aid provided to a casualty by the nearest person on-site, at the point of injury. The following requirements must be met:<sup>56</sup>

(i) **Training in basic first aid.** United Nations peacekeepers must have basic knowledge of and be trained in basic first aid, in accordance with chapter 3, annexes A and B, appendix 1. The training must, at a minimum, cover (a) cardiopulmonary resuscitation; (b) bleeding control; (c) fracture immobilization; (d) wound dressing and bandaging (including burns); (e) casualty transport and evacuation; and (f) communication and reporting;

(ii) **Individual basic first aid kits.** United Nations peacekeepers should carry a personal field or battle dressing and medical disposable gloves. At the discretion of the troop-contributing country, combat gauze (impregnated with haemostatic agent) and a combat application tourniquet may be added to the kit.

<sup>51</sup> A/C.5/55/39, annex III.B, para. 106.

<sup>52</sup> A/C.5/54/49, p. 53, para. B.2, “Chapter 3, annex A, para. 14” and A/C.5/55/39, annex III.B, annex B, para. 36.

<sup>53</sup> A/C.5/55/39, para. 98 (a).

<sup>54</sup> Ibid., annex III.A, pp. 57-78, and A/C.5/65/16, paras. 151-152, annex 7.4-annex 7.9.

<sup>55</sup> Ibid., annex III.C, pp. 111-114.

<sup>56</sup> A/C.5/62/26, para. 118 (a).

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In addition, a note should be added to reflect that reimbursement is covered under troop cost reimbursement.<sup>57</sup>

(iii) **Basic first aid kits for troop/police contributor vehicles, and other facilities.** A basic first aid kit must be provided to all troop/police contributor vehicles, workshops and maintenance facilities, all kitchen and cooking facilities, and any other area where the Force Medical Officer deems it necessary. These kits must contain the items set out in chapter 3, annexes A and B, appendix 1.1.

Member States may opt to augment the above-mentioned minimum standards. This is a national prerogative, which must not lead to additional costs to the United Nations.

(b) **Level 1 medical facility**<sup>58</sup>

(i) **Definition.** It is the first level of medical care that provides primary health care, and immediate lifesaving and resuscitation services. Normally included within basic level 1 capabilities are: routine sick call and the management of minor sick and injured personnel for immediate return to duty, as well as casualty collection from the point of injury/wounding and limited triage; stabilization of casualties; preparation of casualties for evacuation to the next level of medical capability or the appropriate level of medical facility depending on the type and gravity of the injuries; limited inpatient services; advice on disease prevention, medical risk assessment and force protection within the area of responsibility. A level 1 medical facility is the first level of medical care where a doctor/physician is available. A level 1 medical facility may be United Nations-owned (United Nations level 1), contingent-owned (troop/police contributors) or commercially contracted;

(ii) **Capacity.** Provides treatment to 20 ambulatory patients/day, temporary holding capacity of 5 patients for up to 2 days and will hold medical supplies and consumables for 60 days;

(iii) **Capability**

- Provides casualty collection and evacuation to higher levels of medical care (level 2, 2+ and/or level 3)
- Handles routine sick calls and the management of minor sick and injured personnel
- Implements disease, non-battle injury and stress-preventive measures
- Is responsible for education and promotion of awareness and prevention of the spread of HIV in the area of responsibility
- Offers emergency medical services to all United Nations personnel in the area of responsibility
- Provides medical services based on troop/police strength up to battalion level.

<sup>57</sup> A/C.5/68/22, para. 143 (a).

<sup>58</sup> Ibid., paras. 136-139.

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(iv) **Composition.** The minimum composition and number of level 1 medical personnel are listed below. The actual composition and number of level 1 medical personnel may vary depending on the operational requirements and is agreed in the MOU. However, basic manpower includes the capability of splitting the level 1 medical support facility into two forward medical teams:

- 2 x medical officers
- 6 x paramedic/nurses
- 3 x support staff.

(c) **Level 1+ medical facility**<sup>59</sup>

In accordance with specific mission requirements, a level 1 medical facility can be enhanced to level 1+ by the addition of supplementary capabilities. Additional capabilities that enhance the medical support facilities are reimbursed separately, in accordance with the COE Manual and the MOU. Examples of additional capabilities include:

- Primary dental care
- Basic laboratory testing
- Preventive medicine
- Surgical capability (forward surgical module) — only in exceptional situations, dictated by the exigencies of medical service support; additional patient holding capacity and deployment should be based only on the requirements of the Department of Peacekeeping Operations/ Department of Field Support
- Aero-medical evacuation team.

(d) **Level 2 medical facility**<sup>60,61</sup>

(i) **Definition.** Level 2 is the next level of medical care and the first level where basic surgical expertise is available, and life support services and hospital and ancillary services are provided within the mission area. A level 2 medical facility provides all level 1 capabilities and, in addition, includes capabilities for: emergency surgery, damage control surgery, post-operative services and high-dependency care, intensive care resuscitation and inpatient services; also, basic imaging services, laboratory, pharmaceutical, preventive medicine and dental services are provided; patient record maintenance and tracking of evacuated patients are also minimum capabilities required for a level 2 medical facility;

(ii) **Capacity.** Performs 3 to 4 surgical operations per day, and provides hospitalization of 10 to 20 sick or wounded for up to 7 days, 40 outpatients per day and 5 to 10 dental consultations per day and will hold medical supplies, fluids and consumables for 60 days;

<sup>59</sup> Ibid., p. 38.

<sup>60</sup> A/C.5/55/39, annex III.B, annex B, para. 35 (c).

<sup>61</sup> A/C.5/62/26, pp. 38-40.

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(iii) **Capability**

- Provides advanced specialist medical care to stabilize seriously injured personnel for transport to level 3 medical facility
- Administers blood and blood products according to the compatibility of blood groups and rhesus factors, using approved hygiene methods to prevent contamination
- Provides climate-controlled storage and transport capability (cold chain) to prevent the deterioration or contamination of blood and blood products
- Performs blood testing and grouping
- Can, if agreed in the MOU, supply specialist services according to the needs of the mission (e.g., gynaecologist, specialist in tropical medicine, stress counsellor)
- Can provide a specialist team for collecting seriously injured personnel from the site of injury and escort patients in serious condition to higher-level care this team might be tagged as an aero-medical evacuation team
- Provides medical and dental services based on troop/police strength up to brigade level.

(iv) **Composition.**<sup>62</sup> The minimum composition and number of level 2 medical personnel are listed below. Actual numbers may vary depending on the operational requirements, and as agreed in the MOU:

- 2 x general surgeons
- 1 x anaesthetist
- 1 x nurse anaesthetist (or equivalent)
- 1 x internist
- 1 x general physician
- 1 x commanding officer
- 1 x senior medical officer
- 1 x dentist
- 1 x dental assistant
- 1 x dental technician
- 1 x hygiene officer (or equivalent — public health officer)
- 1 x pharmacist
- 1 x pharmacist technician
- 1 x head nurse
- 2 x critical/intensive care nurses

<sup>62</sup> [A/C.5/68/22](#), para. 141.

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- 12 x nurses/paramedics
- 1 x preoperative nurse
- 1 x charge nurse
- 1 x X-ray technician
- 1 x radiographer
- 1 x lab technician
- 2 x lab technologist
- 2 x aero-medical team officer
- 4 x aero-medical team nurses/paramedics
- 2 x ambulance drivers
- 1 x medical storeman
- 1 x medical records officer
- 1 x company sergeant major
- 1x company quartermaster sergeant major
- 1 x hygiene officer
- 1 x hygiene assistant
- 1 x administrative officer
- 1 x administrative clerk
- 2 x cooks
- 1 x plant mechanic
- 1 x electrician
- 1 x electro-medical technician
- 1 x radio technician
- 1 x radio operator
- 1 x fridge and air conditioning mechanic
- 1 x driver mechanic
- 1 x vehicle mechanic
- 1 x sanitary duty man

(e) **Level 2+ medical facility**<sup>63</sup>

The level 2 capability can be enhanced to level 2+ by augmentation with additional capabilities. Additional capabilities that enhance the medical support facilities are reimbursed separately, in accordance with the COE Manual and MOU. Examples of additional capabilities include:

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<sup>63</sup> Ibid., p. 40.

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I. Orthopaedic module<sup>64</sup>

## 1. Treatment capability

- Formulate plans and procedures for orthopaedic surgery services. With the hospitalizing days extended to 21 days, able to manage orthopaedic surgery services
- Reduce and immobilize closed fractures with a plaster or fibreglass cast or splint
- Reduce and immobilize fractures by open reduction or internal fixation under fluoroscopic guidance
- In cases where the injury is an open (compound) fracture or complex fracture associated with vascular or neurological damage, with the aim to save life and limb, the ideal treatment should be stop or control the bleeding, stabilize the fracture and evacuate to a higher level hospital
- Examine, diagnose and treat diseases and injuries of musculoskeletal system by surgical and conservative means
- Determine procedures for preoperative and post-operative care.

## 2. Manpower requirement

- 1 x orthopaedic surgeon
- 1 x orthopaedic operation assistant
- 1 x physiotherapist.

*(Note: Anaesthetist and nurses are included in the manpower requirement for level 2 hospitals.)*

II. Gynaecology module<sup>65</sup>

## 1. Treatment capability

- Examine, diagnose and treat common diseases and injuries of female reproductive system by surgical and conservative means
- Perform common gynaecology emergency operations only.

## 2. Manpower requirement

- 1 x gynaecologist

*(Note: Anaesthetist, operation assistant and nurse are included in the manpower requirement for level 2 hospitals.)*

III. Additional internal medicine module<sup>66</sup>

## 1. Treatment capability

- Diagnose and treat common internal diseases, including cardiac, respiratory, nervous, digestive and other internal diseases and infectious diseases

<sup>64</sup> A/C.5/65/16, annex 6, sect. I.

<sup>65</sup> Ibid., annex 6, sect. II.

<sup>66</sup> Ibid., annex 6, sect. III.



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- Provide treatment care for complex cases and critical medical conditions such as septicaemia, meningitis, cerebrovascular disease and cardiac emergencies with the assistance of advanced clinical laboratory tests
  - Prescribe care for complex dermatological cases together with surgical specialties
  - Coordinate internal medicine services with other medical activities.
2. Manpower requirement
- 1 x general physician/internist
  - 1 x cardiologist
  - 1 x lab technician
  - 2 x nurses.

## IV. Additional diagnostic imaging module

The 2011 Working Group recommended that further definition of the module be addressed at a later stage and ultrasound machines and portable x-ray machines be added to the revised list of mandatory equipment of level 2 medical facilities. CT scanners, however, should be handled as special case equipment under current arrangements.<sup>67</sup>

A level 2 or 2+ medical facility may be a contribution of a troop/police contributor, a United Nations owned-medical facility, or commercially contracted.

(f) **Level 3 medical facility**<sup>68,69</sup>

(i) **Definition.** It is the third and highest level of medical care deployed within a mission area. At this level, all capabilities of a level 1, 1+, 2 and 2+ medical facility are provided as are capabilities for multidisciplinary surgical services, specialist services and specialist diagnostic services, increased high-dependency care capacity, extended intensive care services and specialist outpatient services. A level 3 medical facility may be contributed by a troop/ police contributor, or provided by a national or regional hospital in the mission area or by a commercial contractor;

(ii) **Capacity.** Able to perform 10 surgical operations per day, and provides hospitalization of 50 patients for up to 30 days, 60 outpatient consultations per day, 20 dental consultations per day and 20 X-rays and 40 lab tests per day; and will hold medical supplies and consumables for 60 days;

(iii) **Capability**

- Provides advanced services in surgical, intensive care, dental (emergency dental surgery), laboratory, X-ray, ward and pharmaceutical capabilities
- Administers blood and blood products according to the compatibility of blood groups and rhesus factors, using approved hygiene methods to prevent contamination

<sup>67</sup> Ibid., para. 148 (a) and 149.

<sup>68</sup> A/C.5/55/39, annex III.B, para. 35 (d).

<sup>69</sup> A/C.5/62/26, pp. 40 and 41.

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- Provides climate-controlled storage and transport capability (cold chain) to prevent the deterioration or contamination of blood and blood products
- Performs blood testing and grouping
- Can, if agreed in the MOU, supply specialist services according to the needs of the mission (e.g., gynaecologist, specialists in tropical medicine, stress counsellor)
- Can provide a specialist team for collecting seriously injured personnel from the site of injury and escort patients in serious condition to higher-level care
- Provides medical and dental services based on troop/police strength as operationally defined.

(iv) **Composition.** The minimum composition and number of level 3 medical personnel are listed below. The actual composition and number of level 3 medical personnel may vary depending on the operational requirements, and as agreed in the MOU:

- 4 x surgeons (minimum 1 orthopaedic)
- 2 x anaesthetists
- 6 x specialists
- 4 x physicians
- 1 x dentist
- 2 x dental assistants
- 1 x hygiene officer
- 1 x pharmacist
- 1 x pharmacist assistant
- 50 x nursing staff (composition as required):
  - 1 x head nurse
  - 2 x intensive care nurses
  - 4 x operating theatre nurses
  - 43 x nurses/medics/paramedics
- 2 x radiological assistants
- 2 x laboratory technicians
- 14 x maintenance and support staff.

(g) **Blood and blood products**

(i) Blood and blood products will be provided by the United Nations according to United Nations standards, including transport, testing, handling and administration, unless the level 2, 2+ or 3 medical facility troop/police-

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contributor believe it necessary to negotiate the issue.<sup>70</sup> In such instances, this will be negotiated on a case-by-case basis and reflected in annex C to the MOU;

(ii) The United Nations will provide climate-controlled storage and transport capability (cold chain) to prevent the deterioration or contamination of blood and blood products;

(iii) Administers blood and blood products according to the compatibility of blood groups and rhesus factors, using approved hygiene to prevent contamination;

(iv) Performs blood testing and grouping.

(h) **High-risk areas (epidemiological)**<sup>71</sup>

To be eligible for high-risk area (epidemiological) self-sustainment, troop/police contributors must provide medical supplies, chemoprophylaxis and preventive health measures in areas with a high incidence of endemic infectious disease, for which there is no vaccine. The minimum standards for high-risk areas (epidemiological) can vary according to the region in which United Nations peacekeepers are deployed and are based on the risk posed to United Nations peacekeepers:

(i) The self-sustainment reimbursement covers the provision and sustainment of the following, at a minimum:

a. Prophylactic pharmaceuticals (anti-malarials). The prophylactic treatment of malaria is a national responsibility, as stipulated in [A/C.5/60/26](#), chapter 3, annex B, paragraph 50, and chapter 3, annexes A and B, appendix 7, paragraph 6;

b. Personal preventive health equipment and consumables (head mosquito net, repellent);

c. Man-portable preventive health equipment and consumables (foggers, pesticides). The use of pesticides will conform to international environmental law;

(ii) Other preventive measures, which are covered elsewhere in the COE Manual, must be taken into account:

a. Individual mosquito nets, conforms to chapter 9, annex A, soldier/police kit;

b. Encouragement of body-covering clothing, conforms to chapter 9, annex A, soldier's/police kit;

c. Rodent control measures are part of basic hygiene procedures for large amounts of food and waste disposal areas (chapter 3, annex B, catering, paragraph 10, subparagraph (d) refers).

(i) **Dental facility**

(i) Provides dental care to maintain the dental health of unit personnel;

<sup>70</sup> [A/C.5/54/49](#), para. 86 (h).

<sup>71</sup> [A/C.5/62/26](#), para. 128.

## Chapter 3, annex B

- (ii) Provides basic or emergency dental procedures;
- (iii) Maintains a sterilization capability;
- (iv) Conducts minor prophylactic procedures;
- (v) Provides oral hygiene education to mission personnel.

61. The administration of vaccinations, as recommended by the United Nations, is a national responsibility. The United Nations will provide necessary information on what kind of vaccination and preventive measures will be given to all United Nations personnel prior to deployment. If any United Nations personnel deploy without proper vaccinations and prophylaxes, the United Nations will provide necessary booster shots and prophylaxes. In this case, the United Nations will deduct any expenses for initial vaccinations, which could have been initiated prior to deployment from the self-sustainment payment of troop/police-contributors.<sup>72</sup>

### Observation

62. To receive the observation self-sustainment rate the contingent must be able to carry out observations throughout their area of operation. The standards for each of the three subcategories are as follows:

- (a) **General observation:** Provide handheld binoculars for general observation use;
- (b) **Night observation:**
  - (i) Provide the capability for passive or active infrared, thermal, or image intensification night-time line of sight visual observation;
  - (ii) Be capable of detecting, identifying and categorizing persons or items within a range of 1,000 metres or more;
  - (iii) Be able to conduct night-time patrols and intercept missions.

The United Nations can provide the night observation capability as a complete self-contained function subject to the agreed overarching principles stated above.<sup>73</sup>

- (c) **Positioning:** Be able to determine the exact geographical location of a person or item within the area of operations through the combined use of global positioning systems and laser rangefinders.

The reimbursement for the observation category is based on meeting the operational requirements.

63. The contingent must provide all related equipment, maintenance and supplies. Night observation and positioning rates will be reimbursed only when requested by the United Nations.<sup>74</sup>

<sup>72</sup> A/C.5/54/49, p. 58, para. B14.

<sup>73</sup> A/C.5/55/39, para. 67 (h).

<sup>74</sup> A/C.5/49/70, annex, appendix II.A, para. 30.

**Identification**

64. To receive the identification self-sustainment rate the contingent must be able to:

- (a) Conduct surveillance operations with photographic equipment, such as videotape and single lens reflex cameras;
- (b) Process and edit the obtained visual information;
- (c) Provide all related equipment, maintenance and supplies.

When the United Nations provides this service to equivalent standards, the unit does not receive reimbursement for this category.

**Nuclear, biological and chemical protection**

65. To receive the nuclear, biological and chemical (NBC) protection self-sustainment rate the contingent must be able to operate fully protected in any NBC threat environment. This includes the ability to:<sup>75</sup>

- (a) Detect and identify NBC agents with appropriate detection equipment at the unit level;
- (b) Conduct initial decontamination operations for all personnel and personal equipment in a NBC threat environment;
- (c) Provide all personnel with the necessary NBC protection clothing and equipment (e.g., protective mask, coveralls, gloves, personal decontamination kits, injectors);
- (d) Provide all related equipment, maintenance, and supplies. NBC protection will only be reimbursed when requested by the United Nations.<sup>76</sup>

**Field defence stores**

66. To receive the field defence stores self-sustainment reimbursement rate the contingent must:

- (a) Secure own base camps with adequate field defence facilities (e.g., barbed-wire fences, sandbags and other field defence obstacles);
- (b) Establish early warning and detection systems to protect contingent premises;<sup>77</sup>
- (c) Prepare self-defence fortification works (e.g., small shelters, trenches and observation posts) not tasked to specialized engineering contingents;
- (d) Provide all related equipment, maintenance and supplies.

67. The United Nations can provide this capability as a complete self-contained function subject to the agreed overarching principles stated above.<sup>78</sup> A guide to the stores required for providing a suitable level of field defence for a contingent of 850 personnel can be found in appendix 13 to annexes A and B to the present chapter.

<sup>75</sup> [A/C.5/52/39](#), para. 88.

<sup>76</sup> [A/C.5/49/70](#), annex, appendix II.A, para. 34.

<sup>77</sup> [A/C.5/55/39](#), para. 67 (i) (i).

<sup>78</sup> *Ibid.*, para. 67 (i) (ii).

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**Miscellaneous general stores**

68. To receive the self-sustainment reimbursement rate for each of the three subcategories of miscellaneous general stores a contingent must provide:

(a) **Bedding:** bed linen, blankets, mattress covers, pillows and towels. Sleeping bags may be an acceptable substitute for bed linen and blankets. Sufficient quantities must be provided to allow for rotation and cleaning;

(b) **Furniture:** bed, mattress, nightstand, table light and locker for each person, or other appropriate furniture to provide an adequate living space;

(c) **Welfare.**<sup>79</sup> Appropriate levels of equipment and amenities across the spectrum of welfare to include entertainment, fitness, sports, games and communications must be provided in quantities appropriate to the number of troops at their respective locations in the mission area. Verification as to whether appropriate standards have been provided will be based on the agreed troop/police contributors' welfare arrangements between the troop/police contributors and the Secretariat, and detailed in the MOU, annex C, appendix 2;

(d) **Internet access.**<sup>80</sup> appropriate levels of equipment and bandwidth in the peacekeeping mission:

(i) Verification as to whether appropriate quantities of equipment have been provided will be based on Internet requirements agreed between the troop/police contributors and the Secretariat, and as detailed in the MOU, annex C, appendix 2;

(ii) The Internet is to be established by the troop/police contributors and not linked to existing United Nations communications systems;

(iii) A guide to the standard required for providing Internet access can be found in appendix 15 to annexes A and C to the present chapter.

**Unique equipment**

69. Any special minor equipment or consumables not covered in the above self-sustainment rates will be handled as unique equipment. These items will be handled on a bilateral special case arrangement between the troop/police contributor and the United Nations.<sup>78</sup>

<sup>79</sup> A/C.5/62/26, para. 93 (c).

<sup>80</sup> Ibid., para. 93 (d).

Appendices to annexes A and B

Appendix 1

United Nations levels of medical support: basic level (first aid) requirement and standard <sup>1</sup>

<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement<sup>1</sup></i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
“Buddy aid” <sup>a</sup> by non-medical personnel Skills 1. Cardiopulmonary resuscitation 2. Bleeding control 3. Fracture immobilization 4. Wound dressing and bandaging (including burns) 5. Casualty transport and evacuation 6. Communication and reporting	2 casualties	Nil	Medical level basic first aid kit <sup>b</sup> Personal field mask (optional)	Nil	US\$ 2.17 <sup>c</sup>	Host nation will prepare the servicemen with the required medical skills.  The servicemen will be trained to a sufficient level of proficiency as stipulated in the guidelines disseminated by the Medical Support Section. <sup>d</sup>

*Note:* The items “personal field/battle dressing” and “medical disposable gloves” as well as the optional “combat gauze (impregnated with haemostatic agent)” and optional “combat application tourniquet” included in the “Individual basic first aid kit” mentioned in paragraph 60 (a) (ii) form part of the soldier’s/police kit — mission-specific recommended requirement. They are included under and reimbursed as part of troop cost reimbursement, not self-sustainment, and no additional separate reimbursement is included in the self-sustainment rate (see [A/C.5/68/22](#), paras. 143 (c) and (d)).

<sup>a</sup> “Soldier” level or “buddy” aid refers to the basic first aid skills that every peacekeeper should have.  
<sup>b</sup> See appendix 1.1 for a detailed list of items in the first aid kit, which should be in vehicles and facilities.  
<sup>c</sup> [A/C.5/68/22](#), annex 2.  
<sup>d</sup> See appendix 2.1 to the Medical Support Section guidelines.

<sup>1</sup> [A/C.5/68/22](#), para. 143 (b).

## Chapter 3, annexes A and B, appendix 1.1

**Appendix 1.1****Medical level basic first aid kit**

<i>Serial No.</i>	<i>Item</i>	<i>Quantity</i>
1	First aid pouch or box	1
2	Field dressing (small)	5
3	Field dressing (large)	1
4	Burns dressing	1
5	Triangular bandages	5
6	Sterile gauze pads	10
7	Roller bandages/gauze (roll)	5
8	Sterile cotton wool (100g pack)	1
9	Wound cleansing solution (bottle)	1
10	Adhesive tape (roll)	2
11	Safety scissors (super shear)	1
12	Pocket mask	1
13	Gloves, size 7½ and 8 (pairs)	2
14	Arterial tourniquet	1

1. The following facilities are required to have at least one first aid kit:
  - (a) All vehicles;
  - (b) All workshops and maintenance facilities;
  - (c) All kitchens and cooking facilities;
  - (d) Any other area where the Force Medical Officer deems it necessary.
2. Replenishing used and expired items within first aid kits is the responsibility of the personnel using the above facilities. New supplies may be obtained from the medical unit supporting the facility, with the authorization of the respective medical unit commander.
3. Member States may choose to augment the above-mentioned minimum standards. This is a national prerogative, which must not lead to additional costs to the United Nations.



## Appendix 2

United Nations levels of medical support: level 1 (primary health and emergency care)  
requirement and standard

<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement<sup>a</sup></i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
Scope 1. Maintenance of airway 2. Ventilation 3. Haemorrhage control 4. Advanced life support 5. Treatment of shock 6. Correction of dehydration 7. Fracture immobilization 8. Wound management 9. Burns management 10. Infection control 11. Pain control 12. Minor surgery, e.g., toilet and suture; nail avulsion; and removal of corns 13. Treatment of common/minor illness 14. Stabilization for evacuation 15. Evacuation	Treatment of 20 ambulatory patients per day  Holding capacity of 5 patients for up to 2 days  Medical supplies for 60 days	2x medical officers 6x medics/nurses (Able to split into 2x forward medical teams, each with 1x medical officer and 3x medics/nurses) 3x support staff	Emergency resuscitation equipment and drugs <sup>a</sup>  Fluids Splints and bandages Surgical sets for minor surgical procedures Field dispensary Stretchers	Tentage Containers Building (if available) Deployment will be subdivided into 3 main areas Resuscitation and stabilization Treatment and minor surgery Holding/observation	Epidemiological low-risk areas Level 1 US\$ 16.01 <sup>b</sup>	The level 1 unit must be able to split into 2 x forward medical teams.  All equipment must be portable.  The weight, size and shape of packs should enable one person to carry them.  All equipment must be transportable by helicopter.

Notes: Battalion or regimental aid station equivalent.

Dependency up to battalion level.

Actual composition and number of level 1 medical personnel may vary depending on the operational requirements as agreed upon in the MOU.

<sup>a</sup> See appendix 2.1 for a detailed equipment list.

<sup>b</sup> [A/C.5/68/22](#), annex 2.

## Chapter 3, annexes A and B, appendix 2.1

## Appendix 2.1

Level 1 medical facility<sup>1</sup>

(United States dollars)

Facility	GFMV <sup>a</sup>	Item	Quantity	GFMV <sup>a</sup>
A. Administration, logistics and communications	4 163	i. Furniture <sup>b</sup>	Adequate	
		ii. Stationery/Documentation <sup>b</sup>	Adequate	
		iii. Computer/Printer <sup>b</sup> (optional, where possible or feasible)	1 set	
		iv. Telephone <sup>b</sup> (optional, where possible or feasible)	1 line	
		v. Facsimile <sup>b</sup> (optional, where possible or feasible)	1 line	
		vi. VHF/UHF communications <sup>b</sup>	Suitable to mission	
		vii. Storage (boxes, cupboards, etc.) <sup>b</sup>	Adequate	
		viii. Standby generator (portable) <sup>c</sup>	1	4 163
B. Consultation, treatment and emergency	68 840	i. Desk and chairs <sup>b</sup>	1 set	
		ii. Examination couch <sup>c</sup>	1 set	306
		iii. Essential diagnostic equipment <sup>c</sup>	2 sets	
		Stethoscope <sup>c</sup>		218
		Ophthalmoscope <sup>c</sup>		1 088
		Otoscope <sup>c</sup>		1 088
		ECG machine <sup>c</sup>		10 881
		Reflex mallet <sup>c</sup>		218
		Thermometers <sup>c</sup>		109
		Sphygmomanometer <sup>c</sup>		218
		Gynaecological speculum <sup>c</sup>		653
		Proctoscope <sup>c</sup>		653
		Measuring tape <sup>c</sup>		22
		Torch <sup>c</sup>		44
		Examination lamp <sup>c</sup>		4 352
		Miscellaneous <sup>c</sup>		2 176
		iv. X-ray view box <sup>c</sup>	1	1 088
		v. Minor treatment/dressing sets <sup>b</sup>	Adequate quantity consumables	
		vi. Resuscitation trolley (fully equipped) <sup>c</sup>	2 set	4 352
		vii. Intubation set <sup>c</sup>	2 set	3 264
		viii. Coniotomy set <sup>c</sup>	2 set	1 088
		ix. Defibrillator <sup>c</sup>	2	17 409
		x. Oxygen delivery system <sup>d</sup>	2	435
		xi. Suction unit <sup>c</sup>	2	2 176

<sup>1</sup> A/C.5/68/22, paras. 136-139.

## Chapter 3, annexes A and B, appendix 2.1

		xii. Nebulizer <sup>c</sup>	2	435
		xiii. Perfusion stands <sup>c</sup>	2	435
		xiv. General purpose sets <sup>c</sup>	3	578
		xv. Sets for chest tube insertion, catheterization and venous "cut-downs" <sup>c</sup>	2 set	1 306
		xvi. Infusion pump <sup>c</sup>	2	9 793
		xvii. Pulse oxymeter <sup>c</sup>	1	3 264
		xviii. Pulse oxymeter (portable) <sup>c</sup>	1	193
C. Pharmacy	870	Refrigerator for drugs <sup>c</sup>	1	870
		i. Analgesics <sup>b</sup>	Adequate and essential in variety to support battalion for 60 days	
		ii. Antipyretics <sup>b</sup>		
		iii. Antibiotics <sup>b</sup>		
		iv. Drugs for common respiratory conditions <sup>b</sup>		
		v. Drugs for common gastrointestinal conditions <sup>b</sup>		
		vi. Drugs for common musculoskeletal conditions <sup>b</sup>		
		vii. Drugs for common cardiovascular conditions <sup>b</sup>		
		viii. Drugs for other common illnesses <sup>b</sup>		
		ix. Resuscitation drugs and equipment (including narcotics) <sup>b</sup>		
D. Sterilization	4 163	Field autoclave sterilizer <sup>c</sup>	1	4 163
E. Inpatient care	4 527	i. Collapsible beds <sup>c</sup>	5	1 301
		ii. Crutches <sup>c</sup>	2 pairs	218
		iii. Trolley for drugs <sup>c</sup>	1	2 176
		iv. Utensils for feeding patients <sup>c</sup>	5 sets	833
F. Transportation. Two fully equipped ambulance will be reimbursed as major equipment in annex B to MOU		i. Fully equipped ambulances <sup>c</sup> Doctor's bag <sup>c</sup> Oxygen delivery system <sup>d</sup> Automated external defibrillator portable <sup>c</sup> Pulse oxymeter (portable) <sup>c</sup> Suction pump <sup>c</sup> Resuscitation drugs <sup>c</sup> Helicopter landing site marking equipment (smoke grenades, luminous sticks/sheets, etc.) <sup>c</sup> Emergency lighting <sup>c</sup>		
		ii. Communication equipment (VHF/UHF) <sup>c</sup>	Adequate	
		iii. Vehicle maintenance equipment <sup>c</sup>	1 set	
		iv. First-aid kit <sup>b</sup>	1 set	
		v. Furniture and stationery <sup>b</sup>	Adequate	

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G. Miscellaneous	6 244	i. Doctor's bags <sup>c</sup>	2 sets	3 122
		ii. Paramedic/nurse's bags <sup>c</sup>	3 sets	3 122
	<b>88 808</b>			<b>88 808</b>

*Note:* GFMV = generic fair market value.

<sup>a</sup> As agreed by the Phase V Working Group (see [A/C.5/54/49](#)), the laboratory has been deleted from level 1 medical facilities.

<sup>b</sup> Reimbursed under self-sustainment.

<sup>c</sup> Reimbursed under major equipment as a part of the level I reimbursement rate.

<sup>d</sup> [A/C.5/68/22](#), para. 139 (d).

## Appendix 3

### United Nations levels of medical support: level 2 (basic field hospital) requirement and standard

<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement</i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
1. Triage, resuscitation and stabilization	3 to 4 surgical operations per day	2x general surgeons 1x anaesthetist	Standard operating theatre fixtures and equipment <sup>a</sup>	1. Hospital (a) Reception/admin	Epidemiological low-risk areas Level 2 US\$ 21.40 <sup>b</sup>	The level 2 facility must be able to configure at least 2 forward medical teams capable of resuscitating and treating casualties onsite.  Each of these teams comprises 1x doctor and 2x nurses/medics.  There must be provision made for sufficient and suitable portable equipment and packs in order to perform this role.
2. Life and limb saving surgical interventions, e.g.: Laparotomy Thoracocentesis Appendectomy Wound exploration Fracture debridement	Hospitalization of 10 to 20 sick or wounded at any one time	1x nurse anaesthetist (or equivalent) 1x internist 1x general physician	Standard intensive care unit equipment <sup>a</sup>	(b) 2x outpatient consultation rooms (c) 1x pharmacy (d) 1x radiography room		
	Up to 7 days of hospitalization for each patient	1x commanding officer 1x senior medical officer	Essential laboratory and radiography equipment <sup>a</sup>	(e) 1x laboratory (f) 1x dental treatment room (g) Dental X-ray room		
3. Anaesthesia (general and regional)	Up to 40 outpatient consultations per day	1x dentist 1x dental assistant		(h) 1x emergency/resuscitation/anaesthesia/recovery room		
4. Advanced life support and intensive care		1x hygiene officer (or equivalent-public health officer)		(i) 1x operating theatre		
5. Treatment and observation of common medical conditions and infectious disease	5 to 10 dental consultations per day	1x pharmacist		(j) 1x sterilization room		
6. Essential pharmaceutical support		1x pharmacist technician		(k) 1 or 2x 10 bed wards		
7. Basic dental service	10 X-rays and 20 laboratory tests per day	1x head nurse 2x critical/intensive care nurses		(l) 1 to 2 bed intensive care unit		
Pain relief		12x nurses/paramedics				
Simple extractions		1x preoperative nurse				
Simple fillings	Medical supplies for 60 days	1x charge nurse				
Infection control		1x X-ray technician (or equivalent) 1x radiographer				

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<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement</i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
8. Basic laboratory facility		1x laboratory technician		2. Support services		
Blood group and cross matching		2x lab technologists		(a) Kitchen		
Leucocyte count		2x aero-medical team medical officers		(b) Laundry		
Erythrocyte sedimentation rate, etc.		4x aero-medical team nurses/ paramedics		(c) Supply storage facility		
Gram staining		2x ambulance drivers		(d) Maintenance room		
Blood film		1x medical storeman		(e) Communication		
Urine analysis		1x medical records officer		(f) Transportation (ambulance/air evacuation)		
9. Basic diagnostic radiography		1x company sergeant major		(g) Generator room		
10. Hygiene control and prevention of disease		1x hygiene officer		(h) Fuel storage		
11. Evacuation of casualties to level 3 and level 4 facilities		1x hygiene assistant		(i) Staff room		
		1x administrative officer		(j) Water sanitation/ water disposal		
		1x administrative clerk		3. Accommodation		
		2x cooks		(a) Tentage		
		1x plant mechanic		(b) Containers		
		1x electrician		(c) Fixed shelters		
		1x electro-medical technician				
		1x radio technician				
		1x radio operator				
		1x fridge and air conditioning mechanic				
		1x driver mechanic				
		1x vehicle mechanic				
		1x sanitary duty man				
		<b>Total: 63 staff</b>				

Notes: Regional medical support in a mission area with emergency surgical capabilities.

Dependency up to brigade level.

Actual composition and number of level 2 medical personnel may vary depending on the operational requirements as agreed upon in the MOU.

<sup>a</sup> See appendix 3.1 for a detailed equipment list.

<sup>b</sup> A/C.5/68/22, annex 2.

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## Appendix 3.1

Level 2 medical facility<sup>1</sup>

(United States dollars)

Facility	GFMV	Item	Quantity	GFMV
I.A. Outpatient services		i. Furniture <sup>a</sup>	Adequate	
		ii. Stationery/documentation <sup>a</sup>	Adequate	
		iii. Computer/printer <sup>a</sup>	1 set	
		iv. Telephone <sup>a</sup>	2 lines	
		v. Facsimile <sup>a</sup>	1 to 2 lines	
B. Consultation rooms (2)  per room; 12 165	24 329	i. Desk and chairs <sup>a</sup>	1 set per room	
		ii. Examination couch <sup>b</sup>	1 per room	2 611
		iii. Essential diagnostic equipment <sup>b</sup>	2 sets per room	
		Stethoscope <sup>b</sup>		218
		Ophthalmoscope <sup>b</sup>		1 088
		Otoscope <sup>b</sup>		1 088
		ECG machine <sup>b</sup>		10 881
		Reflex mallet <sup>b</sup>		218
		Thermometers <sup>b</sup>		109
		Sphygmomanometer <sup>b</sup>		218
		Gynaecological speculum <sup>b</sup>		653
		Proctoscope <sup>b</sup>		653
		Measuring tape <sup>b</sup>		22
		Torch <sup>b</sup>		44
		Examination lamp <sup>b</sup>		4 352
		Miscellaneous <sup>b</sup>		2 176
		iv. Documentation and stationery <sup>a</sup>		
C. Pharmacy	4 135	i. Analgesics <sup>a</sup>	Adequate quantity and essential variety to support 40 outpatients per day for a period of 60 days. The list of drugs is listed in the Medical Support Manual for United Nations Peacekeeping Operations	
		ii. Antipyretics <sup>a</sup>		
		iii. Antibiotics <sup>a</sup>		
		iv. Drugs for common respiratory conditions <sup>a</sup>		
		v. Drugs for common gastrointestinal conditions <sup>a</sup>		
		vi. Drugs for common musculoskeletal conditions <sup>a</sup>		
		vii. Drugs for common cardiovascular conditions <sup>a</sup>		
		viii. Drugs for other common illnesses <sup>a</sup>		
		ix. Resuscitation drugs (including narcotics) <sup>a</sup>		
		x. Refrigerator for drugs <sup>b</sup>	1	870
		xi. Refrigerator for blood/blood products <sup>b</sup>	1	3 264

<sup>1</sup> A/C.5/65/16, annex 7.2 and A/C.5/68/22, annex 5.2.

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D. Radiography room	183 489	i. X-ray machine <sup>b</sup>	1 set	70 725
		ii. Automatic film processor (or dark room) <sup>b</sup>	1 set	21 761
		iii. X-ray table <sup>b</sup>	1 table	4 352
		iv. X-ray view box <sup>b</sup>	1	1 088
		v. Protective equipment for staff and patients <sup>b</sup>	2 sets	5 005
		vi. Other films, cassettes and stands for standard views <sup>b</sup> Skull X-rays Chest X-rays Abdominal X-rays Limb X-rays Long limb views	Adequate quantities	5 440
		vi. Ultrasound machine <sup>b</sup>	1	30 047
		vii. Mobile X-ray Machine <sup>b</sup>	1	45 070
E.	47 657	i. Basic blood analyser and related equipment (Hb, blood count, blood biochemistry, etc.) <sup>b</sup>	1 set	27 202
		ii. Kits for HIV and other relevant tests <sup>a</sup>	5 sets each	
		iii. Microscope <sup>b</sup>	2 sets	6 528
		iv. Centrifuge <sup>b</sup>	1 set	3 264
		v. Urinalysis kit <sup>a</sup>		
		vi. Incubator <sup>b</sup>	1	5 440
		vii. Laboratory supplies (tubes, reagents, etc.) <sup>a</sup>	Adequate	
		viii. Glucometer <sup>b</sup>	1	1 088
		ix. Refrigerator <sup>b</sup>	1	870
		x. Freezer <sup>b</sup>	1	3 264
II. Dental services consultation, treatment and X-ray  Without X-ray; \$112,071	160 599	i. Dental chair, electrical <sup>b</sup>	1 set	70 725
		ii. Equipment for treatment <sup>b</sup> Extraction <sup>b</sup> Filling <sup>b</sup> Other basic treatment <sup>b</sup>	Adequate for 5 to 10 patients per day	3 264
		iii. Drilling unit <sup>b</sup>	1 set	21 761
		iv. Furniture <sup>a</sup>	Adequate	
		v. X-ray equipment <sup>b</sup>	1 set	27 202
		vi. Automatic developer <sup>b</sup>	1 set	16 321
		vii. Protective equipment <sup>b</sup>	2 sets	5 005
		viii. Dental sterilizer <sup>b</sup>	1 set	16 321
III. A. Surgery/ anaesthesia emergency resuscitation/ anaesthesia/recovery	96 468	i. Desk and chairs <sup>a</sup>	2 to 3 sets	
		ii. Examination couch <sup>b</sup>	2 sets	2 611
		iii. Essential diagnostic equipment Stethoscope <sup>b</sup>	2 sets	218
		Ophthalmoscope <sup>b</sup>		1 088



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		Otoscope <sup>b</sup>		1 088
		ECG machine <sup>b</sup>		10 881
		Reflex mallet <sup>b</sup>		218
		Thermometers <sup>b</sup>		109
		Sphygmomanometer <sup>b</sup>		218
		Gynaecological speculum <sup>b</sup>		653
		Proctoscope <sup>b</sup>		653
		Measuring tape <sup>b</sup>		22
		Torch <sup>b</sup>		44
		Examination lamp <sup>b</sup>		4 352
		Miscellaneous <sup>b</sup>		2 176
		iv. X-ray viewer <sup>b</sup>		1 088
		v. Minor treatment/dressing set <sup>a</sup>	Adequate	
		vi. Resuscitation trolley (fully equipped) <sup>b</sup>	2 sets	4 352
		vii. Intubation sets <sup>b</sup>	2 sets	3 264
		viii. Coniotomy set <sup>b</sup>	2 sets	1 088
		ix. ECG machine <sup>b</sup>	1 set	5 440
		x. Defibrillator <sup>b</sup>	1 set	8 705
		xi. Portable ventilator/oxygen delivery system <sup>c</sup>	1 set	7 072
		xii. Pulse oximeter <sup>b</sup>	1 set	3 264
		xiii. Suction unit <sup>b</sup>	1 set	1 088
		xiv. Nebulizer <sup>b</sup>	1 set	218
		xv. Backboards/vacuum mattress <sup>b</sup>	2 sets	7 616
		xvi. Excision/suture sets <sup>b</sup>	3 sets	5 223
		xvii. Perfusion stands <sup>b</sup>	3 sets	653
		xviii. Sets for chest tube insertion, catheterization and venesection <sup>b</sup>	2 sets each	1 306
		xix. Anaesthetic gas supply system <sup>b</sup>	To support 3-4 operations/day	21 761
		xx. Drugs and consumables required for induction of anaesthesia (including local and regional anaesthesia) and post-operation recovery <sup>a</sup>		
B. Operating theatres	148 957	i. Operating tables <sup>b</sup>	1	15 233
		ii. Operating theatre lamps <sup>b</sup>	2	13 057
		iii. Anaesthesia machine <sup>b</sup>	1	54 403
		iv. Oxygen and anaesthetic gases <sup>a</sup>	Essential	
		v. Diathermy machine <sup>b</sup>	1	8 705
		vi. Suction unit for body fluids <sup>b</sup>	1	4 352
		vii. Laparotomy sets <sup>b</sup>	Quantity to support 3-4 operations per day	11 969
		viii. Thoracotomy sets <sup>b</sup>		
		ix. Craniotomy sets <sup>b</sup>		

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		x. Wound exploration sets <sup>b</sup>		
		xi. Amputation sets <sup>b</sup>		
		xii. Fracture fixation sets and fixation equipment <sup>b</sup>		
		xiii. Appendectomy and general purpose sets <sup>b</sup>		
		xiv. Disinfection equipment <sup>b</sup>	Adequate	4 352
		xv. Resuscitation/monitoring equipment trolley with drugs <sup>b</sup>	1 set	2 176
		Defibrillator <sup>b</sup>		8 705
		Ventilator <sup>b</sup>		7 072
		Intubation sets <sup>b</sup>		1 632
		Infusion pump <sup>b</sup>		4 896
		Suction pump <sup>b</sup>		1 088
		Pulse oximeter <sup>b</sup>		3 264
		Oxygen delivery system <sup>c</sup>	2	435
		xvi. Patient transport/transfer trolley <sup>b</sup>	2	7 616
		xvii. Surgical consumables <sup>a</sup>	To support 3-4 operations/day	
C. Sterilization room	58 538	i. Autoclave sterilizer <sup>b</sup>	1 set	43 523
		ii. Boiler <sup>b</sup>	1	4 352
		iii. Disinfection equipment <sup>b</sup>	1 set	7 616
		iv. Fire extinguisher <sup>b</sup>	1	
		v. Furniture and supplies <sup>b</sup>	Adequate	
		vi. Machine for cleansing surgical instruments <sup>b</sup>	1 or 2	3 047
IV. Wards A. General multidiscipline wards	48 746	i. Collapsible multipurpose hospital beds <sup>b</sup>	20 beds	21 761
		ii. Orthopaedic traction equipment <sup>b</sup>	2 sets/ward	10 445
		iii. Mini dispensary (trolley) <sup>b</sup>	1 per ward	2 611
		iv. Essential medical supplies and equipment for inpatient care <sup>a</sup>	Adequate quantity based on number of beds (20)	
		v. Furniture, office supplies, etc. <sup>a</sup>		
		vi. Crutches <sup>b</sup>	4 sets	435
		vii. Wheelchairs <sup>b</sup>	2 sets	2 611
		viii. Cloth patients <sup>b</sup>	1 set	10 881
B. Intensive care ward	40 150	i. Intensive care hospital beds <sup>b</sup>	2 beds	3 264
		ii. Resuscitation/monitoring equipment <sup>b</sup>	1 set	
		Trolley with drugs <sup>b</sup>		2 176
		Defibrillator <sup>b</sup>		8 705
		Ventilator <sup>b</sup>		7 072
		Intubation sets <sup>b</sup>		1 632
		Infusion pump <sup>b</sup>		4 896
		Suction pump <sup>b</sup>		1 088
		Multiline vital signs monitor <sup>b</sup>		10 881

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		Oxygen delivery system <sup>c</sup>		435
V. Support services A. Catering	26 114	i. Cooking equipment <sup>b</sup> Stoves Ovens Boilers Cooking pots, pans, utensils, etc.	To cater for 20 inpatients	21 761
		ii. Serving equipment <sup>b</sup>		1 088
		iii. Cooking equipment <sup>a</sup> Stoves Ovens Boilers Cooking pots, pans, utensils, etc.	To cater for hospital staff	
		iv. Serving equipment <sup>a</sup>		
		v. First-aid kit <sup>a</sup>		1 set
		vi. Dishwashers <sup>b</sup>		1
		vii. Cleaning equipment <sup>b</sup>		1 set
		viii. Fire extinguisher <sup>a</sup>		2
B. Laundry for hospital use	4 896	i. Washing machines <sup>b</sup>	2 machines	3 264
		ii. Clothes dryer <sup>b</sup>	1 machine	1 632
		iii. Detergents and supplies <sup>a</sup>	Adequate	
C. Storage/supplies room	18 062	i. Storage shelves <sup>b</sup>	Adequate quantity	10 881
		ii. Storage cupboards/cabinets <sup>b</sup>		5 440
		iii. Refrigerator <sup>b</sup>		1 741
D. Maintenance	5 440	i. Equipment and tools for maintenance of equipment and infrastructure <sup>b</sup>	1 set	5 440
		ii. First-aid kit <sup>a</sup>	1 set	
E. Communications room		i. Telephone <sup>a</sup>	2 sets	
		ii. Internal telephone system <sup>a</sup>	1 set	
		iii. Facsimile machine <sup>a</sup>	1 set	
		iv. Computer with e-mail <sup>a</sup>	1 set	
		v. Furniture and stationery <sup>a</sup>	Adequate quantity	
		vi. VHF/UHF radio for communication with forward medical teams <sup>a</sup>	1 set	
F. Transportation Two fully equipped ambulances. Will be reimbursed as major equipment in annex B to the MOU		i. Fully equipped ambulances <sup>b</sup> Doctor's bag <sup>b</sup> Oxygen delivery system <sup>c</sup> Automated external defibrillator portable <sup>b</sup> Pulse oxymeter (portable) <sup>b</sup> Suction pump <sup>b</sup> Resuscitation drugs <sup>b</sup>		

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		Helicopter landing site marking equipment (smoke grenades, luminous sticks/sheets, etc.) <sup>b</sup> Emergency lighting <sup>b</sup>		
		ii. Communication equipment (VHF/UHF) <sup>b</sup>	Adequate	
		iii. Vehicle maintenance equipment <sup>b</sup>	1 set	
		iv. First-aid kit <sup>a</sup>	1 set	
		v. Furniture and stationery <sup>a</sup>	Adequate	
G. Generator room Two sets of standby generators will be reimbursed as major equipment in annex B to the MOU		i. Standby generators (>20 KVA) <sup>b</sup>	2 sets	
		ii. Maintenance equipment <sup>b</sup>	1 set	
		iii. First-aid kit <sup>a</sup>	1 set	
		iv. Fire extinguisher <sup>a</sup>	1	
H. Fuel storage		i. Fuel for generators <sup>a</sup>	1 week's supply	
		ii. Fire extinguishers <sup>a</sup>	2 sets	
I. Staff room		i. Lounge furniture <sup>a</sup>	1 set	
		ii. Other furniture <sup>a</sup>	Adequate	
		iii. Coffee maker/other beverage appliances <sup>a</sup>	1 set	
J. Water, sanitation and waste disposal. Will be reimbursed as major equipment in annex B to MOU		i. Toilet facilities and sanitation system <sup>b</sup>	Adequate for 20 inpatients and 50 outpatients	
		ii. Toilet facilities and sanitation system <sup>b</sup>	Adequate for staff	
		iii. Shower facilities and system <sup>b</sup>	For inpatients	
		iv. Water supply for hospital facilities, reverse osmosis <sup>b</sup>	Adequate	
		v. Refuse disposal facilities and system <sup>b</sup>	Adequate	
K. Miscellaneous	43 527	i. Medical disposables (contaminated) collection and disposal system <sup>b</sup>	Adequate	10 881
		ii. Biological waste disposal system <sup>b</sup>	Adequate	10 881
		iii. Hand washing facilities and systems for hospital staff <sup>b</sup>	As per hygiene requirement	21 766
	<b>911 107</b>			<b>911 107</b>

Note: GFMV = generic fair market value.

<sup>a</sup> Reimbursed under self-sustainment.

<sup>b</sup> Reimbursed under major equipment as a part of level II reimbursement rate.

<sup>c</sup> A/C.5/68/22, para. 139 (d).

## Appendix 4

### United Nations levels of medical support: level 3 (advanced field hospital) requirement and standard

<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement</i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
<p>As per level 2</p> <p>In addition:</p> <ol style="list-style-type: none"> <li>1. Full multidiscipline surgical facilities with post-operative care</li> <li>2. Full laboratory services</li> <li>3. Extended investigative radiological capabilities, including ultrasound</li> <li>4. Full pharmaceutical services</li> <li>5. Extended dental treatment to include emergency dental surgery</li> </ol>	<p>Up to 10 surgical operations per day</p> <p>Hospitalization of 50 patients at any one time</p> <p>Up to 30 days of hospitalization for each patient</p> <p>50-60 outpatient consultations per day</p> <p>10 dental consultations per day</p> <p>20 X-rays and 40 laboratory tests per day</p> <p>Medical supplies for 60 days</p>	<p>4x surgeons (minimum 1x orthopaedic surgeon)</p> <p>2x anaesthetists</p> <p>6x specialists</p> <p>4x physicians</p> <p>1x dentist</p> <p>2x dental assistants</p> <p>1x hygiene officer</p> <p>1x pharmacist</p> <p>1x pharmacist assistant</p> <p>50 nursing staff:</p> <p>1x head nurse</p> <p>2x intensive care nurses</p> <p>4x operating theatre nurses</p> <p>43x nurses/paramedics</p> <p>2x radiology assistants</p> <p>2x laboratory technicians</p> <p>14x maintenance and support staff</p> <p><b>Total: 90 staff</b></p>	<p>Standard operating theatre fixtures and equipment<sup>a</sup></p> <p>Standard intensive care unit equipment<sup>a</sup></p> <p>Essential laboratory and radiography equipment<sup>a</sup></p> <p>2x dental chairs and equipment<sup>a</sup></p>	<ol style="list-style-type: none"> <li>1. Hospital: <ol style="list-style-type: none"> <li>(a) Reception/ administration</li> <li>(b) 3 to 4x outpatient consultation rooms</li> <li>(c) 1x pharmacy</li> <li>(d) 1x radiography room</li> <li>(e) 1x laboratory</li> <li>(f) 1x dental treatment room (2 chairs)</li> <li>(g) Dental X-ray room</li> <li>(h) 1x emergency/ resuscitation/ anaesthesia/recovery room</li> <li>(i) 2x operating theatres</li> <li>(j) 1x sterilization room</li> <li>(k) 2x 25 bed wards (or any configuration for 50 beds)</li> <li>(l) 1 to 4 bed intensive care unit</li> </ol> </li> <li>2. Support services <ol style="list-style-type: none"> <li>(a) Kitchen</li> <li>(b) Laundry</li> <li>(c) Supply storage facility</li> <li>(d) Maintenance room</li> </ol> </li> </ol>	<p>Epidemiological low-risk areas</p> <p>Level 3</p> <p>US\$ 25.53<sup>b</sup></p>	<p>The level 3 facility must have the capability of forming small forward medical teams (1x doctor and 2x nurses/medics) with portable resuscitation equipment and portable supplies and consumables.</p>

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<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement</i>	<i>Infrastructure requirement</i>	<i>Reimbursement rate (per capita per month)</i>	<i>Remarks</i>
				<ul style="list-style-type: none"> <li>(e) Communications</li> <li>(f) Transportation (ambulance/air evacuation)</li> <li>(g) Generator room</li> <li>(h) Fuel storage</li> <li>(i) Staff room</li> <li>(j) Water/sanitation/water disposal</li> </ul> 3. Accommodation <ul style="list-style-type: none"> <li>(a) Tentage</li> <li>(b) Containers</li> <li>(c) Fixed shelters</li> </ul>		

*Notes:* Fully deployed advanced field hospital.

Dependency as operationally defined.

Of the 4 general surgeons, there should preferably be at least 1 with experience/training in performing craniotomies and 1 with experience/training in urology. The internists should preferably have specialized knowledge in cardiology and tropical medicine.

Actual composition and number of level 3 medical personnel may vary depending on the operational requirements as agreed upon in the MOU.

<sup>a</sup> See appendix 4.1 for a detailed equipment list.

<sup>b</sup> [A/C.5/68/22](#), annex 2.

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## Appendix 4.1

Level 3 medical facility<sup>1</sup>

(United States dollars)

Facility	GFMV	Item	Quantity	GFMV
I.A. Outpatient services		i. Furniture <sup>a</sup>	Adequate	
		ii. Stationery/documentation <sup>a</sup>	Adequate	
		iii. Computer/printer <sup>a</sup>		
		iv. Telephone <sup>a</sup>	2 lines	
		v. Facsimile <sup>a</sup>	1 to 2 lines	
B. Consultation rooms (4)  per room:  \$12 165	48 658	i. Desk and chairs <sup>a</sup>	1 set per room	
		ii. Examination couch <sup>b</sup>	1 per room	5 223
		iii. Essential diagnostic equipment <sup>b</sup>	2 sets per room	
		Stethoscope <sup>b</sup>		435
		Ophthalmoscope <sup>b</sup>		2 176
		Otoscope <sup>b</sup>		2 176
		ECG machine <sup>b</sup>		21 761
		Reflex mallet <sup>b</sup>		435
		Thermometers <sup>b</sup>		218
		Sphygmomanometer <sup>b</sup>		435
		Gynaecological speculum <sup>b</sup>		1 306
		Proctoscope <sup>b</sup>		1 306
		Measuring tape <sup>b</sup>		44
		Torch <sup>b</sup>		87
		Examination lamp <sup>b</sup>		8 705
		Miscellaneous <sup>b</sup>		4 352
		iv. Documentation/stationery <sup>a</sup>	Adequate	
C. Pharmacy	8 269	i. Analgesics <sup>a</sup>	Adequate quantity and variety to support 50-60 outpatients per day for a period of 60 days. The list of drugs is listed in the Medical Support Manual for United Nations Peacekeeping Operations	
		ii. Antipyretics <sup>a</sup>		
		iii. Antibiotics <sup>a</sup>		
		iv. Drugs for common respiratory conditions <sup>a</sup>		
		v. Drugs for common gastrointestinal conditions <sup>a</sup>		
		vi. Drugs for common musculoskeletal conditions <sup>a</sup>		
		vii. Drugs for common cardiovascular conditions <sup>a</sup>		
		viii. Drugs for other common illnesses <sup>a</sup>		
		ix. Resuscitation drugs, including narcotics <sup>a</sup>		
		x. Refrigerator for drugs <sup>b</sup>	2	1 741
		xi. Refrigerator for blood/blood products <sup>b</sup>	2	6 528

<sup>1</sup> A/C.5/68/22, annex 5.3.

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Facility	GFMV	Item	Quantity	GFMV		
D. Radiography room	217 140	i. X-ray machine <sup>b</sup>	2 sets	141 449		
1 X-ray machine: \$140 323 2 X-ray machines: \$217 140		ii. Automatic film processor (or dark room) <sup>b</sup>	1 set	21 761		
		iii. X-ray table <sup>b</sup>	1 table	4 352		
		iv. X-ray view boxes <sup>b</sup>	2	2 176		
		v. Protective equipment for staff and patients <sup>b</sup>	4 sets	10 010		
		vi. Other films, cassettes and stands for standard views <sup>b</sup> Skull X-ray Chest X-ray Abdominal X-ray Limb X-rays Long limb views	Adequate quantities	7 344		
		vii. Ultrasound machine <sup>b</sup>	1 set	30 047		
		E. Laboratory	93 006	i. Blood analyser and related equipment (Hb, LPC, biochemistry, etc.) <sup>b</sup>	2 sets	54 403
1 set of analysers: \$65 804	ii. Kits for HIV and other blood tests <sup>a</sup>	5 sets each				
	iii. Microscope <sup>b</sup>	3 sets		9 793		
	iv. Centrifuge <sup>b</sup>	2 sets		6 528		
	v. Urinalysis kit <sup>b</sup>	Adequate				
	vi. Incubator <sup>b</sup>	1		5 440		
	vii. Laboratory supplies <sup>a</sup>	Adequate				
	viii. Glucometer <sup>b</sup>	2		2 176		
	ix. Blood gas analyser <sup>b</sup>	1 set		10 530		
	x. Bacterial culture material <sup>a</sup>	Adequate				
	xi. Refrigerator <sup>b</sup>	1		870		
	xii. Freezer <sup>b</sup>	1		3 264		
II. Dental services	261 354	i. Dental chair, electrical <sup>b</sup>	2 sets	141 449		
1 dental chair: \$160 599 2 dental chairs: \$261 354		ii. Equipment for treatment: Extraction <sup>b</sup> Filling <sup>b</sup> Other basic treatment <sup>b</sup>	Adequate for 10 patients/day	6 528		
		iii. Drilling unit <sup>b</sup>	2 sets	43 523		
		iv. Furniture <sup>a</sup>	Adequate			
		v. X-ray equipment <sup>b</sup>	1 set	27 202		
		vi. Automatic developer <sup>b</sup>	1 set	16 321		
		vii. Protective equipment <sup>b</sup>	4 sets	10 010		
		viii. Dental sterilizer <sup>b</sup>	1 set	16 321		
		III.A. Surgery/ anaesthesia, emergency room and recovery	155 746	i. Desk and chairs <sup>a</sup>	2 to 3 sets	
		ii. Examination couch <sup>b</sup>		3 sets	3 917	
		iii. Essential diagnostic equipment <sup>b</sup> Stethoscope <sup>b</sup> Ophthalmoscope <sup>b</sup> Otoscope <sup>b</sup>		3 sets		326
						1 632
	1 632					
Without duplication \$77 873						



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Facility	GFMV	Item	Quantity	GFMV
		ECG machine <sup>b</sup>		16 321
		Reflex mallet <sup>b</sup>		326
		Thermometers <sup>b</sup>		163
		Sphygmomanometer <sup>b</sup>		326
		Gynaecological speculum <sup>b</sup>		979
		Proctoscope <sup>b</sup>		979
		Measuring tape <sup>b</sup>		33
		Torch <sup>b</sup>		65
		Examination lamp <sup>b</sup>		6 528
		Miscellaneous <sup>b</sup>		3 264
		iv. X-ray viewers	3	3 264
		v. Minor treatment/dressing set <sup>a</sup>	Adequate	
		vi. Resuscitation trolley (fully equipped) <sup>b</sup>	2 sets	4 352
		vii. Intubation sets	4 sets	6 528
		viii. Coniotomy set <sup>b</sup>	4 sets	2 176
		ix. ECG machine <sup>b</sup>	2 sets	10 881
		x. Defibrillator <sup>b</sup>	2 sets	17 409
		xi. Portable ventilator/oxygen cylinder <sup>b</sup>	2 sets	14 145
		xii. Pulse oximeter <sup>b</sup>	2 sets	6 528
		xiii. Suction unit <sup>b</sup>	2 sets	2 176
		xiv. Nebulizer <sup>b</sup>	2 sets	435
		xv. Backboards/vacuum mattress <sup>b</sup>	4 sets	15 233
		xvi. Excision/suture sets <sup>b</sup>	6 sets	10 445
		xvii. Prefusion stands <sup>b</sup>	4-6 sets	1 306
		xviii. Sets for chest tube insertion, catheterization and venesection <sup>b</sup>	4 sets each	2 611
		xix. Anaesthetic gas supply system <sup>b</sup>	To support up to 10 operations/day	21 761
		xx. Drugs and consumables for induction of anaesthesia (including local and regional anaesthesia) and post-operation recovery		
B. Operating theatres (2)  1 operating theatre:  \$151 949	303 898	i. Operating tables <sup>b</sup>	1 per operating theatre	30 466
		ii. Operating theatre lamps <sup>b</sup>	2 per operating theatre	26 114
		iii. Anaesthesia machine <sup>b</sup>	1 per operating theatre	108 807
		iv. Oxygen and anaesthetic gases <sup>a</sup>	Essential	
		v. Diathermy machine <sup>b</sup>	1 per operating theatre	17 409
		vi. Suction unit for body fluids <sup>b</sup>	1 per operating theatre	8 705
		vii. Laparotomy sets <sup>b</sup>	Sufficient quantity to support up to 10 operations per day	29 922
		viii. Thoracotomy sets <sup>b</sup>		
		ix. Craniotomy sets <sup>b</sup>		
		x. Wound exploration sets <sup>b</sup>		
		xi. Sets for amputations <sup>b</sup>		

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Facility	GFMV	Item	Quantity	GFMV
		xii. Fracture fixation sets and fixation equipment <sup>b</sup>		
		xiii. Appendectomy and general purpose sets <sup>b</sup>		
		xiv. Disinfection equipment <sup>b</sup>	Adequate	8 705
		xv. Resuscitation/monitoring, equipment	1 set per operating theatre	
		Trolley with drugs <sup>b</sup>		4 352
		Defibrillator <sup>b</sup>		17 409
		Ventilator <sup>b</sup>		14 145
		Intubation sets <sup>b</sup>		3 264
		Infusion pump <sup>b</sup>		9 793
		Suction pump <sup>b</sup>		2 176
		Pulse oximeter <sup>b</sup>		6 528
		Oxygen delivery system <sup>c</sup>	2 per operating theatre	870
		xvi. Patient transport and transfer trolley <sup>b</sup>	2 per operating theatre	15 233
		xvii. Surgical consumables <sup>a</sup>	To support up to 10 operations/ day	
C. Sterilization room	114 030	i. Autoclave sterilizer <sup>b</sup>	2 sets	87 046
		ii. Boiler <sup>b</sup>	2 sets	8 705
		iii. Disinfection equipment <sup>b</sup>	2 sets	15 233
		iv. Furniture and supplies <sup>a</sup>	Adequate	
		v. Machine for cleansing surgical instruments <sup>b</sup>	1 or 2	3 047
IV.A. Wards	108 372	i. Collapsible multipurpose hospital beds <sup>b</sup>	50 beds (25 per ward)	54 403
		ii. Orthopaedic traction equipment <sup>b</sup>	4 seats per ward	20 891
		iii. Mini dispensary (trolley) <sup>b</sup>	1 per ward	5 223
		iv. Essential medical supplies and equipment for inpatient care <sup>a</sup>	Adequate for number of beds	
		v. Furniture, office supplies, etc. <sup>a</sup>	Adequate	
		vi. Crutches <sup>b</sup>	8 sets	870
		vii. Wheel chairs <sup>b</sup>	4 sets	5 223
		viii. Cloth patients <sup>b</sup>	2 sets	21 761
B. Intensive care wards	80 300	i. Intensive care hospital beds <sup>b</sup>	4 beds	6 528
		ii. Resuscitation/monitoring equipment <sup>b</sup>	2 sets	
		Trolley with drugs <sup>b</sup>		4 352
		Defibrillator <sup>b</sup>		17 409
		Ventilator <sup>b</sup>		14 145
		Intubation sets <sup>b</sup>		3 264
		Infusion pump <sup>b</sup>		9 793
		Suction pump <sup>b</sup>		2 176
		Multiline vital signs monitor <sup>b</sup>		21 761
		Oxygen delivery system <sup>c</sup>		870

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Facility	GFMV	Item	Quantity	GFMV
V.A. Support services	63 652	i. Cooking equipment <sup>b</sup> Stoves Ovens Boilers Cooking pots, pans, utensils, etc.	To cater for 50 inpatients	54 403
		ii. Serving equipment <sup>b</sup>		2 720
		iii. Cooking equipment <sup>a</sup> Stoves Ovens Boilers Cooking pots, pans, utensils, etc.	To cater for hospital staff	
		iv. Serving equipment <sup>a</sup>		
		v. First-aid kit <sup>a</sup>	1	
		vi. Dishwashers <sup>b</sup>	2	4 352
		vii. Cleaning equipment	2 sets	2 176
		viii. Fire extinguisher <sup>a</sup>	2	
B. Laundry for hospital use	8 161	i. Washing machines <sup>b</sup>	3 machines	4 896
		ii. Clothes dryer <sup>b</sup>	2 machines	3 264
		iii. Detergents and supplies <sup>a</sup>	Adequate	
C. Storage/supplies room	27 093	i. Storage shelves <sup>b</sup>	Adequate	16 321
		ii. Storage cupboards/cabinets <sup>b</sup>	Adequate	8 161
		iii. Refrigerator <sup>b</sup>	2 or 3	2 611
D. Maintenance	10 881	i. Equipment and tools for routine maintenance of equipment and infrastructure <sup>b</sup>	2 sets	10 881
		ii. First-aid kit <sup>a</sup>	1 set	
E. Communications room		i. Telephone <sup>a</sup>	2 sets	
		ii. Internal telephone system <sup>a</sup>	1 set	
		iii. Facsimile machine <sup>a</sup>	1 set	
		iv. Computer with e-mail <sup>a</sup>	1 set	
		v. Furniture and stationery <sup>a</sup>	Adequate	
		vi. VHF/UHF with link to commanding officer and forward medical teams <sup>a</sup>	1 set	
F. Transportation  Two fully equipped ambulances will be reimbursed as major equipment in annex B to the MOU		i. Fully equipped ambulances <sup>b</sup> Doctor's bag <sup>b</sup> Oxygen delivery system <sup>c</sup> Automated external defibrillator portable <sup>b</sup> Pulse oxymeter (portable) <sup>b</sup> Suction pump <sup>b</sup> Resuscitation drugs <sup>b</sup> Helicopter landing site marking equipment (smoke grenades, luminous sticks, sheets, etc.) <sup>b</sup> Emergency lighting <sup>b</sup>		
		ii. Communication equipment (VHF/UHF) <sup>b</sup>	Adequate	

## Chapter 3, annexes A and B, appendix 4.1

Facility	GFMV	Item	Quantity	GFMV
		iii. Vehicle maintenance equipment <sup>b</sup>	1 set	
		iv. First-aid kit <sup>b</sup>	1 set	
		v. Furniture and stationery <sup>a</sup>	Adequate	
G. Generator room		i. Standby generator (>20 kVA) <sup>b</sup>	3 sets	
Three sets of standby generators will be reimbursed as major equipment in annex B to the MOU		ii. Maintenance equipment <sup>b</sup>	1 set	
		iii. First-aid kit <sup>a</sup>	1 set	
		iv. Fire extinguisher <sup>a</sup>	1	
H. Fuel storage		i. Fuel for generators <sup>a</sup>	1 week's supply	
		ii. Fire extinguishers <sup>a</sup>	2 sets	
I. Staff room		i. Lounge furniture <sup>a</sup>	1 set	
		ii. Other furniture <sup>a</sup>	Adequate	
		iii. Coffee maker/other beverage appliances <sup>a</sup>	1 set	
J. Water, sanitation and waste disposal will be reimbursed as major equipment in annex B to the MOU		i. Toilet facilities and sanitation system <sup>b</sup>	For 50 inpatients + 50 outpatients	
		ii. Toilet facilities and sanitation system <sup>b</sup>	Adequate for staff	
		iii. Shower facilities and system <sup>b</sup>	For inpatients	
		iv. Refuse disposal facilities and system <sup>b</sup>	Adequate	
		v. Water supply for hospital facilities, reverse osmosis <sup>b</sup>	Adequate	
K. Miscellaneous	43 527	i. Medical disposables (contaminated) collection and disposal system <sup>b</sup>	Per hygiene requirement	10 881
		ii. Biological waste disposal system <sup>b</sup>	Adequate	10 881
		iii. Hand-washing facilities and systems for staff <sup>b</sup>	Adequate	21 766
<b>Total</b>	<b>1 544 087</b>			<b>1 544 087</b>

<sup>a</sup> Reimbursed under self-sustainment.

<sup>b</sup> Reimbursed under major equipment as a part of Level III reimbursement rate.

<sup>c</sup> A/C.5/68/22, para. 139 (d).

## Appendix 5

**Laboratory only facility<sup>1</sup>**

(United States dollars)

<i>Facility</i>	<i>Item</i>	<i>Quantity</i>	<i>Generic fair market value</i>
Laboratory	i. Basic blood analyser and related equipment (Hb, blood count, blood	1 set	27 202
	ii. Kits for HIV and other relevant tests <sup>a</sup>	5 sets each	
	iii. Microscope <sup>b</sup>	2 sets	6 528
	iv. Centrifuge <sup>b</sup>	1 set	3 264
	v. Urinalysis kit <sup>a</sup>		
	vi. Incubator <sup>b</sup>	1	5 440
	vii. Supplies (tubes, reagents, etc.) <sup>a</sup>		
	viii. Glucometer <sup>b</sup>	1	1 088
	ix. Refrigerator <sup>b</sup>	1	870
	x. Freezer <sup>b</sup>	1	3 264
			<b>47 657</b>

<sup>a</sup> Reimbursed under self-sustainment.<sup>b</sup> Reimbursed under major equipment as a part of laboratory only facility reimbursement rate.<sup>1</sup> A/C.5/65/16, annex 7.4. and A/C.5/68/22, annex 5.4.

## Chapter 3, annexes A and B, appendix 6

## Appendix 6

**Dental only facility<sup>1</sup>**

(United States dollars)

<i>Facility</i>	<i>Item</i>	<i>Quantity</i>	<i>Generic fair market value</i>
Dental services consultation, treatment and X-ray Without X-ray: \$112,071	i. Dental chair, electrical <sup>b</sup>	1 set	70 725
	ii. Equipment for treatment <sup>b</sup>	Adequate for 5 to 10 patients per day	3 264
	Extraction <sup>b</sup>		
	Filling <sup>b</sup>		
	Other basic treatment <sup>b</sup>		
	iii. Drilling unit <sup>b</sup>	1 set	21 761
	iv. Furniture <sup>a</sup>	Adequate	
	v. X-ray equipment <sup>b</sup>	1 set	27 202
	vi. Automatic developer <sup>b</sup>	1 set	16 321
	vii. Protective equipment <sup>b</sup>	2 sets	5 005
	viii. Dental sterilizer <sup>b</sup>	1 set	16 321
			<b>160 599</b>

<sup>a</sup> Reimbursed under self-sustainment.<sup>b</sup> Reimbursed under major equipment as a part of Dental only facility reimbursement rate.<sup>1</sup> [A/C.5/65/16](#), annex 7.5. and [A/C.5/68/22](#), annex 5.5.

## Appendix 7

**Aero-medical evacuation module<sup>1</sup>**

(United States dollars)

<i>Facility</i>	<i>GFMV (sum)</i>	<i>Item</i>	<i>Quantity</i>	<i>GFMV (unit)</i>
Aeromedical evacuation module	41 853	Ventilator	1	7 072
		Defibrillator	1	8 705
		Intubation equipment set	1 set	2 081
		Nasogastric tubes set	1 set	156
		Suction equipment	1	1 088
		Spinal boards	1	312
		Scoop stretchers	1	416
		Head blocks	1	156
		Neck braces	1	44
		Splint for limbs and body	1	833
		Spider harness (straps for securing patient)	1	312
		Intercostal drain kit set	1 set	416
		Ambu-bags (resuscitation bags and masks) set	1 set	312
		Oxygen delivery system <sup>a</sup>	2	435
		Infusion pump, portable	1	4 896
		Multiline vital signs monitor	1	10 881
		Emergency bag, doctor/nurse/paramedic	3	1 967
		Vacuum mattress with harness	1	1 769
	<b>41 853</b>			<b>41 853</b>

*Notes:*

1. Intubation equipment set should include laryngoscope with blades, emergency tracheotomy kits and endotracheal tubes.
2. All the items are reimbursed under major equipment.
3. The equipment is for one team.
4. Staffing: The aero-medical evacuation team should consist of two sub-teams, each consisting of at least one physician and two nurses/paramedics specialized or trained in aero-medical evacuation.

<sup>a</sup> [A/C.5/68/22](#), para. 139 (d).

<sup>1</sup> [A/C.5/65/16](#), annex 7.6. and [A/C.5/68/22](#), annex 5.6.

## Chapter 3, annexes A and B, appendix 8

## Appendix 8

**Forward surgery module<sup>1</sup>**

(United States dollars)

<i>Facility</i>	<i>GMFV (sum)</i>	<i>Item</i>	<i>Quantity</i>	<i>GMFV (unit)</i>
Forward surgery module	161 374	Operating table	1	15 233
		Operating theatre lamps (portable)	2	13 057
		Autoclave sterilizer (one step 10-15l) with basket	1	4 163
		Anaesthesia machine	1	54 403
		Oxygen and anaesthesia gases	Essential	
		Diathermy machine	1	8 705
		Suction unit for body fluids	Adequate	4 352
		Disinfection equipment	1	7 616
		Resuscitation/monitoring equipment trolley with drugs	1	2 176
		Defibrillator	1	8 705
		Ventilator	1	7 072
		Intubation sets	1	1 632
		Infusion pump	1	4 896
		Pulse oximeter	1	3 264
		Oxygen delivery system <sup>a</sup>	2	435
		Patient transport/transfer trolley	1	3 808
		Surgical consumables	To support 2 operations/day	

<sup>1</sup> A/C.5/65/16, annex 7.7. and A/C.5/68/22, annex 5.7.



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		Appendectomy and general purpose sets	1	5 724
		Thoracotomy set	1	6 765
		Wound exploration set	1	5 724
		Alligator nasal forceps, serrated jaws 5 1/2"	1	3 642
		Cylinder for presentation of sterile forceps D=4 cm	1	
		Eye, lancet for foreign bodies	1	
		Eye, magnet	1	
		Laryngeal mirrors, small	1	
		Laryngeal mirrors, large	1	
		Laryngeal mirrors, medium	1	
		Nasal specula 5 3/4" large	1	
		Nasal specula 5 3/4" medium	1	
		Nasal specula 5 3/4" small	1	
		Needle holder 5", Mayo-Hegar	1	
		Nipper, 5 1/2", spring	1	
		Retractor, Alm, 1/8" prongs	1	
		Ring cutter	1	
		Scissors, bandage 7 1/4"	1	
	<b>161 374</b>			<b>161 374</b>

*Note:* Staffing: the forward surgery team should consist of one general surgeon, one anaesthetist and three nurses.

<sup>a</sup> [A/C.5/68/22](#), para. 139 (d).

## Chapter 3, annexes A and B, appendix 9

## Appendix 9

**United Nations levels of medical support: gynaecology requirement and standard**

(United States dollars)

<i>Treatment capability</i>	<i>Treatment capacity</i>	<i>Staffing requirement</i>	<i>Equipment requirement</i>	<i>Infrastructure requirements</i>	<i>Reimbursement rate (per female person per month)</i>
Gynaecology basic examination	Up to 15 outpatient consultations per day	1 gynaecologist	Basic gynaecology equipment	1 x outpatient consultation rooms	\$2.12

## Appendix 9.1

### Gynaecology module<sup>1</sup>

<i>Facility</i>	<i>GFMV</i>	<i>Item</i>	<i>Quantity</i>	<i>GFMV</i>
Gynaecology module	10 850	i. Gynaecological chair <sup>a</sup>	1	2 855
		ii. Gynaecological equipment set <sup>a</sup>	1 set	4 006
		iii. Colposcope <sup>a</sup>	1	4 006
	<b>10 867</b>	<b>10 867</b>		

*Note:* GFMV = generic fair market value.

<sup>a</sup> Reimbursed under major equipment as a part of gynaecology module reimbursement rate.

<sup>1</sup> [A/C.5/65/16](#), annex 7.8. and [A/C.5/68/22](#), para. 131 (b).

## Chapter 3, annexes A and B, appendix 10

## Appendix 10

**Orthopaedic module<sup>1</sup>**

(United States dollars)

Facility	GFMV	Item	Quantity	GFMV
Orthopaedic module	57 575	i. Basic orthopaedic instrument set <sup>a</sup>	1 set	3 717
		ii. Mobile C-arm fluoroscope <sup>a</sup>	1	40 062
		iii. Orthopaedic traction kit <sup>a</sup>	2	4 281
		iv. Short wave therapy unit <sup>a</sup>	1 set	9 515
	57 575	57 575		

*Note:* GFMV = generic fair market value.<sup>a</sup> Reimbursed under major equipment as a part of orthopaedic module reimbursement rate.<sup>1</sup> [A/C.5/65/16](#), annex 7.9. and [A/C.5/68/22](#), annex 5.9.

## **Appendix 11**

### **Administrative procedures for “fee-for-services” reimbursement**

1. The Mission shall settle fee-for-service claims from the troop/police contributor only upon receipt of a monthly invoice delivered to the Mission Force/Chief Medical Officer, who represents the Director/Chief of Mission Support.
2. Fee-for-service reimbursement shall be accepted on presentation of the invoice from the troop/police contributor to the Mission, which includes:
  - (a) Full name and United Nations-ID number of the patient;
  - (b) Dates of treatment;
  - (c) Service given according to the attached schedule;
  - (d) Individual spreadsheets for patient’s United Nations status/category of employment.
3. The documents listed below are to be sealed in an envelope marked “Medical: in Confidence” and addressed to the Chief Medical Officer, who is responsible to the Director/Chief of Mission Support for the appropriate maintenance of confidentiality and record-keeping:
  - (a) Diagnosis, according to the World Health Organization International Classification of Diseases and Related Health Problems code system;
  - (b) A copy of any associated referral from a United Nations primary care Medical Officer or health specialist.
4. The Director/Chief of Mission Support is responsible for all fee-for-service reimbursements to the troop/police contributor and for reclaiming the fees from United Nations personnel with insurance coverage (where applicable).

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**Fee-for-service schedule<sup>1</sup>**

(United States dollars)

<i>Code</i>	<i>Type of services</i>	<i>Fee</i>
A	General practitioner	30
B	Specialist on referral	40
C	Nurse (for medical procedures)	20
D	Vaccination/medication/drugs	Actual cost
E	X-ray (referral, image only)	25
F	X-ray with contrast (referral, image only)	65
G	Lab (referral, tests only)	25
H	Dental consultation, emergency only (includes dental X-rays)	65
I	Hospital bed per 24-hour period	80
J	United Nations personnel entry examination (inclusive tests and X-ray for pre- and post-deployment)	125

*Notes:*

1. The fees include consumables utilized during the consultation.
2. Labs or X-ray services rendered are to be billed separately from the consultation fee (with the exception of dental X-rays and United Nations personnel entry examinations, where they are included in the fee).
3. There is to be no patient co-payment charged. The troop/police contributor medical facility bills the mission for the full amount and is reimbursed accordingly.
4. Actual vaccination cost is the cost the medical facility paid to obtain the vaccine stock.

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<sup>1</sup> [A/C.5/68/22](#), para. 145.

**Fee-for-service reimbursement for medical support services**

United Nations Peacekeeping Operations (name) \_\_\_\_\_

Contingent's name (type of medical facility): \_\_\_\_\_

United Nations status by category (contingent, formed police unit, military observer, United Nations police, United Nations civilian) \_\_\_\_\_

SEQ#	Patient's name		Patient's UN-ID number	Referral note	A	B	C	D	E	F	G	H	I	J	Total cost
					GP	SR	N	V/M/D	X-ray	XRC	Lab	Dental	Hosp	Exam	
	Surname	First			\$30	\$40	\$20	Actual \$	\$25	\$65	\$25	\$65	\$80	\$120	
1	Example		PKF-BDN-00-0000												
2															
3															
4															
5															
6															
<b>Total balance due</b>															

Commanding officer hospital:

(Signature)

Name (Please print)

Date:

United Nations Civilian/Military  
Personnel Officer:

(Signature)

Name (Please print)

Date:

Chief Medical Officer:

(Signature)

Name (Please print)

Date:

Certifying Officer (Finance):

(Signature)

Name (Please print)

Date:

## Appendix 12

### Procedures for immunization, malaria and HIV

#### Immunization policy

1. The United Nations recommends the vaccination and chemo prophylaxis requirements within a mission area, which should be the minimum observed by all troop/police contributors here. These requirements are divided into those that are:

(a) **Mandatory.** Vaccinations required to meet international health regulations or national requirements stipulated by the host country for travel into the mission area are considered mandatory. In the case of yellow fever, vaccination is required for people travelling from countries with risk of yellow fever transmission and for people travelling to mission areas with risk of yellow fever transmission. In view of its high cost, reimbursement for yellow fever vaccination could be sought through submission of claims before the vaccinated contingent members depart from the mission areas. Since all claims submitted to United Nations Headquarters will be verified by the mission before reimbursement is made, it is important that the WHO International Certificate of Vaccination or equivalent document containing the immunization details for each peacekeeper be made available to the Mission Medical Service on arrival in the mission;

(b) **Recommended.** Vaccinations recommended by WHO or by the Department of Peacekeeping Operations for travel to a region with certain diseases (e.g., hepatitis A, Japanese encephalitis, meningitis). While most recommended vaccines are covered under reimbursement for troop/police cost, in view of its high cost, reimbursement for Japanese encephalitis could be sought through submission of claims before the vaccinated contingent members depart from the mission areas.<sup>1</sup> Since all claims submitted to United Nations Headquarters will be verified by the mission before reimbursement is made, it is important that the WHO International Certificate of Vaccination or equivalent document containing the immunization details for each peacekeeper be made available to the Mission Medical Services on arrival in the mission;

(c) **Standard/Childhood.** Standard childhood vaccinations, including boosters, are provided routinely to the general population and to military/police personnel and are not specifically required for peacekeeping, e.g., diphtheria, pertussis, tetanus and poliomyelitis. This type of vaccine is a national responsibility;

(d) **Optional.** Additional vaccinations that are administered as a national requirement of a troop/police contributor, but which are not mandatory for entry into the mission area under international or host country health regulations, and which have not been specifically recommended by the Department of Peacekeeping Operations, e.g., rabies, anthrax and seasonal human influenza. Such vaccines will not be reimbursed by the United Nations;

(e) **Special case vaccination.** Additional vaccinations or drugs that are required against new or emerging infections encountered in the mission area and are not reimbursed under previous categories, e.g., the antiviral drug Ribavirin for

<sup>1</sup> [A/57/774](#), paras. 21 and 22.



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Lassa fever, and Oseltamivir or Tamiflu for avian influenza. These will be provided by the United Nations or reimbursed through the submission of claims for actual costs.

2. It is a national responsibility (and at national expense) to ensure that all personnel have received at least the initial dose of mandatory and recommended vaccinations before deployment into the mission area. The immunization status of each individual is to be properly documented for monitoring by the respective contingent doctor. It would be ideal if each member of the contingent were provided with the WHO international certificate of vaccination or its national equivalent.

3. Should a multiple dose immunization regimen not be completed prior to deployment, the United Nations has the responsibility for subsequent vaccinations, including administration of booster doses, if required. The mission headquarters will procure the required vaccines in this instance, with the assistance of the Medical Support Section. The United Nations will recover the cost of the above vaccines from the troop/police contributors.

4. Should troops deploy into a mission area without the required vaccinations, they will be provided by the supporting medical unit, but all costs incurred will be deducted from the reimbursement to the troop-contributing country. The Force Medical Officer is required to submit a record of all vaccinations administered in the field, indicating the names, United Nations identification numbers and nationalities, as well as the types and doses of vaccinations given.

5. Failure to follow United Nations-recommended immunization and chemo prophylaxis policies may result in the denial of entry into the host country, as well as rejection of any resulting medical claims and compensation.

**Malaria prophylaxis and vector control**

6. Malaria is endemic in most tropical countries, particularly in Africa, South America and South Asia, with 400 million individuals infected and 1.5 million dying from the disease each year. It is one of the major diseases affecting peacekeepers and an important cause of morbidity and mortality. This indicates a general lack of awareness of the disease among peacekeepers, as well as inadequate or incorrect use of environmental and personal protection. Prevention of malaria is further hampered by delays in diagnosis by doctors unfamiliar with the disease, the development of *Anopheles* mosquitoes resistant to standard insecticides and resistant-strains of plasmodia. To date, there is also no effective vaccine against the organism. Steps that should be taken to control the disease include:

(a) Avoid setting up camp locations near stagnant water bodies (e.g., marshes, ponds);

(b) Routine inspection and destruction of mosquito-breeding sites in the camp vicinity. The use of oiling is recommended, while organophosphate insecticides should be considered for water bodies rich in vegetation;

(c) Residual spraying of insecticides on both internal and external walls and windowsills to destroy resting adult mosquitoes. This is more effective than space spraying, and should be conducted at least once every three months. Hand-operated

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compression sprayers are generally adequate and organophosphate, carbamate or synthetic pyrethroids can be used;

(d) Proper use of mosquito bednets and appropriate dressing after dusk. Impregnation of bednets and even clothing with Permethrin or similar compound has been shown to increase protection against mosquitoes. This should be repeated every six months;

(e) The obligatory use of insect repellents after dusk, with repeat applications at night if the soldier is on duty. N, N-Diethyl-m-toluamide (DEET)-based repellents are recommended, particularly sustained released formulations and ointments;

(f) Supervision and even enforcement of malaria prophylaxis. Mefloquine (Lariam) (250 mg per week) is generally recommended for most mission areas, while Doxycycline (100 mg daily) is advised for individuals with Glucose-6-phosphate dehydrogenase (G6PD) deficiency or allergy to quinine-based drugs. *It is a national responsibility to ensure that the recommended prophylaxis is commenced prior to deployment in the mission area. Following deployment, continuation of prophylaxis will be provided by the medical unit supporting the contingent;*

(g) Where diagnosis of malaria is suspected or confirmed, it is recommended that the patient be treated at a level 2 or 3 medical facility, where adequate monitoring and laboratory capacities<sup>2</sup> are available;

(h) Health education is the key to raising awareness about malaria and to debunk misconceptions about the disease (e.g., the harmful effects of prophylaxis), as well as to reinforce the need for adequate preventive measures.

### **HIV/AIDS and sexually transmitted diseases**

7. Sexually transmitted diseases (STDs) and AIDS are occupational diseases affecting the military, including United Nations peacekeeping troops and observers. Prevalence rates of as high as 10 to 30 per cent have been found among military personnel, including certain troop-contributing countries to peacekeeping missions. This rate is estimated to be two to five times higher than the respective general population, and has been known to be as high as 50 times during deployment in a conflict area.

### **Risk factors**

8. The following factors contribute to the particular vulnerability of deployed peacekeepers to STDs and AIDS, which arise largely from contact with infected sex workers:

- (a) Lengthy periods away from home and separation from regular sex partners;
- (b) Influence of alcohol and peers;
- (c) Less inhibitions and restrictions in new country;

<sup>2</sup> A/C.5/68/22, para. 116 (b).

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(d) Money in the pockets, with less opportunity to spend it during operational deployment;

(e) Risk-taking ethos and behaviour in the military, which is part of the make-up of any soldier;

(f) Ready access to sex workers near campsites and frequented off-duty areas;

(g) In some situations, higher tendency for drug abuse and the lack of access to sterile hypodermic needles;

(h) Higher chance of exposure to infected blood in the operational environment, either from fellow peacekeepers or the local population, particularly for medical personnel.

9. STD, HIV infection and AIDS are largely preventable through proper health education and training, as well as through the issue of personal protection (condoms) to individual peacekeepers. An effective AIDS prevention programme will limit further spread of the disease among peacekeepers and to the local population. Elements of such a programme include:

(a) Health education on the risks of HIV/AIDS and to debunk myths and misconceptions regarding the disease. This is to be reinforced by publications, posters and other means of communications;

(b) AIDS prevention training for peacekeepers prior to and during their deployment in United Nations peacekeeping operations, with emphasis on proper use of prophylaxis and moderation of behaviour in “risky” situations;

(c) Supervised regular distribution of condoms to all peacekeepers, both male and female, particularly before time off or leave. It is a national responsibility to ensure that troops deploy with an adequate supply of condoms. Additional condoms may be obtained from the medical unit supporting the contingent or through a United Nations channel;

(d) Making HIV testing available and accessible to all United Nations peacekeepers and staff members deployed in the field. Counselling services by medical staff should be made available for infected individuals if this is so requested;

(e) Promoting greater awareness among medical personnel and adopting “universal precautions” in handling patients, particularly during resuscitation and intravenous procedures. Ensuring the proper disposal and decontamination of medical wastes and consumables.

10. Further information regarding AIDS can be obtained from the booklet, “Protect Yourself, and Those You Care About, Against HIV/AIDS”, published jointly by the Department of Peacekeeping Operations and the Joint United Nations Programme on HIV/AIDS (UNAIDS). This is distributed to all military observers, civilian police monitors and military contingents serving in peacekeeping missions.

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## Appendix 13

### Guidelines for field defence stores for peacekeeping forces (infantry battalion)<sup>a</sup>

Items	Unit	Quantity required		Remarks
		Company	Battalion	
Concertina wire	Roll	266	1 600	Triple standard concertina
Ground locking pegs	Each	1 596	9 600	6 pegs per concertina wire roll
Barbed wire	Roll	30	180	
Binding wire (1.5 mm x 25 kg)	Roll	15	90	
Pickets				
Angular iron pickets (long)	Each	800	4 800	6' (182 cm)
Angular iron pickets (medium)	Each	50	300	4' (121 cm)
Angular iron pickets (short)	Each	250	1 500	2' (61 cm)
Sandbags (40 x 70 cm)	Each	5 000	30 000	
Gabions (1.5 x 0.5 x 0.5 m: 3 cells)	Each	50	300	Hesco Bastion or FLEXMAC
Corrugated galvanized iron sheets (0.7 mm x 0.9 m x 3.0 m)	Sheet	100	600	
Polyethylene film (black)	Roll	50	300	0.3 mm x 1.5 m x 30 m
Nail				
Nail 2" (5 cm)	Kg	10	60	
Nail 4" (10 cm)	Kg	10	60	
Nail 6" (15 cm)	Kg	10	60	
Timber				
Timber (2" x 4" x 12')	Each	120	720	Shelter/bunker, barricade, post
Timber (2" x 12" x 12')	Each	30	180	
Timber (4" x 4" x 12')	Each	80	480	
Plywood				
Plywood (1/4" x 4' x 8')	Sheet	30	180	Shelter/bunker, barricade, post
Plywood (5/8" x 4' x 8')	Sheet	30	180	
Plywood (3/4" x 4' x 8')	Sheet	50	300	
Tools				
Wire cutter	Each	3	18	
Gauntlets (gloves)	Pair	12	72	
Axes	Each	3	18	
Sledgehammer	Each	6	36	
Power chain saw	Each	2	12	
20' ISO container (used)	Each	2	12	Shelters/bunkers
<b>Subtotal</b>				

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<i>Items</i>	<i>Unit</i>	<i>Quantity required</i>		<i>Remarks</i>
		<i>Company</i>	<i>Battalion</i>	
Sea freight cost at 15 per cent				
<b>Grand total</b>				

<sup>a</sup> A/C.5/55/39, para. 65 (n): “annex ... should be included as an appendix to the Contingent-Owned Equipment Manual to provide a simple guide to the minimum level of stores required to provide a suitable level of field defence.”

*Notes:*

1. Assumptions:
  - (a) Infantry battalion: strength (850), 3 rifle companies, 1 mechanized company and headquarters and log company (page 2-2, tables of organization and equipment, United Nations Standard).
  - (b) Operational concept: base camp defence along perimeter with protective wires only.
    - Triple standard concertina wires for perimeter defence
    - 1,000 metres perimeter per company
    - Total required length of protective wires: 1,000 (perimeter) x 1.20 = 1,200 metres
    - Additional requirements of tactical and supplementary wires: 300 metres of Double apron (4-2 pace)
    - Total requirements for battalion: 6 x company's requirements (5 companies + 1 for reserve stores).
  2. Packed by infantry company's requirement in 2 each 20 foot ISO containers.
  3. This standard requirement is assumed for an initial six month period per battalion.
  4. Battalion reserve calculated for one infantry company.

## Chapter 3, annexes A and B, appendix 14

**Appendix 14****Factors in deciding whether a commercial pattern support vehicle should be paid as a military pattern equivalent**

<i>Serial</i>	<i>Key sign</i>	<i>List of changes</i>	<i>Note</i>
1	+	Fitted for military radio and antenna mounting plus radio system (VHF/HF)	1 and 2
2	▲	Winch ... kilogram with accessories	1 and 4
3	X	Country mobility (4 x 4, 6 x 6, 8 x 8, etc.)	1
4	■	Auxiliary ... Volt power outlet/adaptor	1 and 3
5	■	Additional ... Volt power outlets (minimum 2 pieces)	1
6	■	Spot light ... Volts	1
7	■	Roof mounted working lights (minimum 2 pieces)	1
8	●	Weapons stowage clamps and/or ammunition box storage	1
9	●	Cargo tie down loops and cargo fastening equipment	1
10	●	Jerry can or equivalent mounts for extra fuel	1

*Notes:*

1. Serial 1 must be present always and then any 5 from the remaining list.
2. Magnetic antenna holding accepted.
3. Dependent upon which voltage the vehicle uses.
4. Winch capable of pulling the weight of the vehicle it is fixed to and its normal combat load.

*Key:*

- + Communication system — always
- ▲ Off-road capability
- Electrical changes
- Cargo and storage
- X Dependent upon operational requirement

**Appendix 15****Guidelines for Internet access**

The guide below is based on a battalion of 800 personnel deployed in up to 3 locations.

<i>Equipment</i>	<i>Quantity</i>
Internet access equipment	3
Computers	7
Printers	3
Appropriate levels of maintenance, spare parts and bandwidth for the equipment mentioned above	

## Appendix 16

### Guidance document on responsibilities under minor engineering<sup>1</sup>

#### A. General

1. Military and formed police units deployed to United Nations peacekeeping field missions are generally self-sustained in “minor engineering”. Troop- and police-contributing countries are reimbursed if services provided are satisfactory according to the standards of this manual. This arrangement is reflected in the memorandum of understanding (MOU) between the United Nations and the Government contributing resources to the field mission.
2. While minor engineering works are the responsibility of each formed unit, major engineering works are the responsibility of the field mission. For this purpose, field missions make available United Nations assets, formed military engineering units and/or contractors.
3. To enhance consistency across field missions and formed units in the execution of minor engineering tasks, this guidance provides examples of typical engineering tasks and clarifies who is generally responsible.

#### B. Definition of “minor engineering”

4. The definition of “minor engineering” is given in annex B to chapter 3 of the COE Manual and reiterated in all MOUs:

(a) To receive the minor engineering self-sustainment reimbursement rate the contingent must be able, within its accommodation areas, to:

- (i) Undertake non-field defensive minor construction;
- (ii) Handle minor electrical repairs and replacement;
- (iii) Undertake repairs to plumbing and water systems;
- (iv) Conduct minor maintenance and other light repair work; and
- (v) Provide all related workshop equipment, construction tools and supplies;

(b) The minor engineering reimbursement rate does not include garbage and sewage collection. Garbage collection from a centralized location per unit is a United Nations responsibility.

#### C. Implementation

5. Minor engineering is part of a formed unit’s own logistical support and should be provided for all personnel up to or above the ceiling in the MOU. To be eligible for reimbursement in minor engineering, a formed unit must provide all minor equipment, maintenance and consumables associated with this category and the work it requires.

<sup>1</sup> [A/C.5/65/16](#), annex 4.



**Chapter 3, annexes A and B, appendix 16**

6. Formed units normally deploy trained craftsmen, workshops and tools, spare parts and consumables to carry out minor engineering tasks. Occasionally, formed units will recruit national workers or contractors to conduct minor engineering tasks or augment their minor engineering capabilities under own arrangement, liability and expense. Such arrangements are not in conflict with the guidance provided in the COE Manual.
7. Formed units that are self-sustained in minor engineering are responsible for minor construction, repairs and replacement, and maintenance and supplies in accordance with the generic performance standard above, and must be proactive in the area of minor engineering. A request for minor engineering works through the field mission will therefore be rejected as a general rule.
8. Likewise, field missions should not undertake minor engineering works with formed units self-sustained in minor engineering unless it is clear that the formed unit does not have or has been temporarily bereaved of the required capability to solve the task at hand. If that is the case, support should be provided by the field mission in accordance with overall priorities following coordination with the Chief COE Unit on a cost-recovery basis agreed to by the Commanding Officer. In more extreme cases, support can be provided based on a declaration by the Commanding Officer of the formed unit that the formed unit is no longer self-sustained in minor engineering. This will be reported as part of the regular COE inspection reporting for reimbursement purposes to United Nations Headquarters. The implication will be that the troop-contributing country will not be reimbursed for minor engineering until its capacity to conduct minor engineering works has been restored.
9. This also applies to formed units occupying temporary camps. The purpose of minor engineering must be to allow for necessary services irrespective of circumstances to ensure reasonable living conditions for the formed unit personnel at all times and that the formed unit is able to operate in a safe environment.
10. It should be noted that units which receive field mission support in minor engineering or fail to demonstrate that they are willing or capable to carry out minor engineering tasks cannot be regarded as self-sustained in minor engineering. Underperformance will be discussed in the field mission's COE/MOU Management Review Board for suitable action.

**D. Guiding examples of tasks and responsibilities**

11. Tables 1-3 below provide examples of tasks and responsibilities in minor engineering and major engineering in various fields:
  - (a) Table 1. Minor engineering responsibilities when the United Nations is responsible for field defence stores;
  - (b) Table 2. Minor engineering responsibilities during development and maintenance of camp area;
  - (c) Table 3. Minor engineering responsibilities when the United Nations provides accommodation.

Table 1

**Minor engineering responsibilities when the United Nations is responsible for field defence stores**

<i>Field defence stores</i>	<i>Field mission</i>	<i>Minor engineering by formed unit</i>
<b>Construction</b>	<ul style="list-style-type: none"> <li>▪ Erect adequate perimeter walls and/or barbed wire fences with access (boom gates, metal gates, other), perimeter lighting and other early warning systems as per security assessment</li> <li>▪ Provide lights inside the camp</li> <li>▪ Construct observation platforms and self-defence fortification works (e.g. small shelters and trenches and bastions)</li> <li>▪ Painting and United Nations markings on external surfaces</li> <li>▪ Construct dams, ditches, canals, or drainage or similar permanent structure if required as per security assessment</li> <li>▪ Removal of vegetation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide a self-fortification plan</li> <li>▪ Connect perimeter lights and other early warning systems and lights with main COE Manual.</li> </ul>
<b>Maintenance and repair</b>	<ul style="list-style-type: none"> <li>▪ Conduct structural and major repairs, e.g. major repairs to fences and walls and platforms, and replacement of perimeter lights in case of damage</li> <li>▪ Major paint works</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conduct inspection and daily repairs of perimeter wall/fence, lights, observation platforms and fortification works, e.g. patching of small holes in fence, necessary electrical and carpentry work, minor paint works as per building maintenance standard</li> </ul>
<b>Consumables/supplies</b>	<ul style="list-style-type: none"> <li>▪ Provide all related minor equipment and consumables for construction, maintenance and repair, e.g. concertina wire, barbed wire, CGI sheets, pickets, nails, ground locking pegs, light bulbs, paint, sandbags, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None. Consumables are a United Nations responsibility</li> </ul>
<b>Tools and personnel</b>	<ul style="list-style-type: none"> <li>▪ Provide all tools and personnel for construction and major repairs and maintenance works</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide guidance with respect to fortification plan</li> <li>▪ Provide all personnel and tools for daily inspection and minor repairs</li> </ul>

Table 2

**Minor engineering responsibilities during development and maintenance of camp area**

<i>Camp area</i>	<i>Field mission</i>	<i>Minor engineering by formed unit</i>
<b>Construction</b>	<ul style="list-style-type: none"> <li>▪ Removal of major vegetation, ground levelling, ground stabilization (gravel, hardstand, compacting)</li> <li>▪ Ground work for tentage<sup>a</sup></li> <li>▪ Drainage installations (installations or construction of collection pools, soak pits, outlets, underground drain installations)</li> <li>▪ Grading of surface</li> <li>▪ Provision of water source (well, river, lake, external supply) and storage if no COE storage is available as per MOU</li> <li>▪ Installation of United Nations-owned equipment, i.e. generators, water and waste treatment plants, fuel storage, computers, telephone and communication lines, etc.</li> <li>▪ Provide technical guidance for installation of United Nations-owned equipment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Construct concrete platforms, slabs and sheds for generators (COE and UNOE), vehicle wash areas, gymnasium, and other</li> <li>▪ Installation of COE generators and power connection/distribution to accommodation area, office and workshops, kitchens, perimeter lights, water treatment plants, medical facility, etc.</li> <li>▪ Installation of COE water treatment plants with storage and internal distribution to end users (ablutions, kitchen, laundry facility, hospital and work areas, dining and accommodation, etc.)</li> <li>▪ Connect COE field ablutions to United Nations provided sewage facility</li> <li>▪ Installation of COE fuel storage;</li> <li>▪ Construction of guard posts, ammunition storage, shades, garbage collection points and centralized safe storage;</li> <li>▪ Minor vegetation removal, landscaping within own camp area (lawn, flowers, lamps) and dust stabilization</li> <li>▪ Construction of signs and minor paint works</li> <li>▪ Other minor construction works such as outdoor sports facilities, weights for gymnasium, car ramps, flag poles with platforms, vehicle wash points, barbeque area, etc.</li> </ul>

<i>Camp area</i>	<i>Field mission</i>	<i>Minor engineering by formed unit</i>
<b>Maintenance and repair</b>	<ul style="list-style-type: none"> <li>▪ Conduct structural and major repairs to ground work, drainage and water supply</li> <li>▪ Collection of garbage and hazardous waste from centralized formed unit location</li> <li>▪ UNOE generators, water and waste treatment plants</li> </ul>	<ul style="list-style-type: none"> <li>▪ Removal of minor vegetation (small bushes, grass, etc.)</li> <li>▪ Daily inspection and maintenance of all drainage, water supply, and ground</li> </ul>
<b>Consumables/supplies</b>	<ul style="list-style-type: none"> <li>▪ Gravel and sand for ground repairs following erosion and other repair requirements</li> <li>▪ Minor equipment and consumables for structural and major repairs to drainage installations</li> <li>▪ United Nations-owned equipment in support of formed unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide all related minor equipment and consumables for minor construction works, maintenance and repairs (cement, gravel, sand, nails, screws, fittings, fertilizers, liquids, electrical wires, fuses, light bulbs, pipes and hoses, filters, etc.</li> <li>▪ Consumables for the formed unit's minor engineering works may under exceptional circumstances be issued (as the situation allows) by the field mission against cost recovery</li> </ul>
<b>Tools and personnel</b>	<ul style="list-style-type: none"> <li>▪ Provide all personnel and tools for major construction works and structural and major repairs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Trained personnel (carpenters, plumbers, electricians) and all relevant tools</li> </ul>

<sup>a</sup> Concrete pads for tents are not a mandatory requirement. What is required is adequate protection against flooding, access, etc. This could be provided by building up earth mounds, providing drainage ditches, protective bunds etc. In some circumstances concrete pads may be the most cost-effective and may be the only solution. In either way, the United Nations is responsible for the provision of the site, protected as above, as this scale of task is considered beyond the integral capability of most units and is not covered under the self-sustainment categories mentioned. For engineering units that do have the capacity for the work, they could be expected to prepare their own sites as well as sites for other formed units, for tentage, with required material supplied by the United Nations.

Table 3

**Minor engineering responsibilities when the United Nations provides accommodation<sup>a</sup>** (i.e. prefabricated hard-wall buildings like Corimec, Agmin and Shellbox, conventional hard-wall buildings and prefabricated soft-wall buildings)

<i>Accommodation</i>	<i>Field mission</i>	<i>Minor engineering by formed unit</i>
<b>Construction</b>	<ul style="list-style-type: none"> <li>▪ Foundation works and erection and assembly of accommodation units, office and work space, and ablutions</li> <li>▪ Construction/re-construction/refurbishment to United Nations standard for living space, office/work space including kitchen and laundry facility</li> <li>▪ Installation of floor/wall/roof panels, doors, windows, footings, netting, heating/cooling</li> <li>▪ Building utilities installation (electrical wiring and fixture installation, water supply and waste water removal)</li> <li>▪ Internal and external painting of United Nations provided accommodation and work space, United Nations markings, as necessary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide an accommodation plan which allows for effective use of United Nations provided accommodation while ensuring satisfactory living conditions of formed unit personnel</li> </ul>
<b>Maintenance and repair<sup>b</sup></b>	<ul style="list-style-type: none"> <li>▪ Repair and replacement of building elements (floor, walls, roof panels, doors, windows, footings)</li> <li>▪ Major repair works to building utilities (electrical wiring and fixture installations, water supply and waste water removal)</li> <li>▪ Major paint works</li> <li>▪ Preventive maintenance — periodic inspection and testing of all elements and fixtures, fastening of loose fixtures (door handles, window brackets, hinges, electrical wiring and fixtures), repair or replacement of broken/damaged items (window panes, electrical wiring and fixtures, door handles, hinges), repairs of toilets and showers</li> <li>▪ Minor paint works and repairs to painted surfaces</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cleaning<sup>c</sup> — daily sweeping and washing of floors, wash basins, showers, water closets, and urinals; Washing of walls, window cleaning, removal of lime stone in toilets and showers, faucets and shower heads, etc.</li> <li>▪ Cleaning — daily cleaning of drains, plumbing installations and fixtures, electrical installations, and fixtures including surface wiring</li> </ul>

Accommodation	Field mission	Minor engineering by formed unit
Consumables/supplies	<ul style="list-style-type: none"><li>▪ Provide all spare parts and consumables related to maintenance and repairs except cleaning materials</li></ul>	<ul style="list-style-type: none"><li>▪ Provide cleaning materials</li></ul>
Tools and personnel	<ul style="list-style-type: none"><li>▪ Provide all personnel and tools for construction and assembly works and installations and major repairs</li><li>▪ Provide all personnel and tools for daily maintenance work</li></ul>	
Other	<ul style="list-style-type: none"><li>▪ Provide furniture for eating facilities, where necessary (Supply Section)</li></ul>	<ul style="list-style-type: none"><li>▪ Maintain furniture</li></ul>

<sup>a</sup> It should be noted that in order to minimize the risk of fire there can be **no use** of additional electrical appliances, no open fires, no cookers, no coffeemakers, no gas cookers and no smoking in United Nations provided accommodation.

<sup>b</sup> In cases in which the United Nations is unable to carry out repairs and maintenance or provide special spare parts, troop and police contributors, with the prior agreement of the United Nations as to the scope of work required, may carry out the required repairs and maintenance using spare parts provided by the United Nations or purchased by troop and police contributors. Troop and police contributors shall be entitled to reimbursement of the actual and reasonable costs of carrying out the repairs and maintenance upon presentation of supporting documentation and a claim ([A/C.5/68/22](#), para. 114).

<sup>c</sup> Note that these standards also apply to the self-sustainment category of cleaning.

## Chapter 4

**Chapter 4****Preparation, deployment/redeployment and transportation of contingents**

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Chapter 4**Introduction**

1. In its resolution 50/222, the General Assembly approved a new method of reimbursement to troop/police-contributing countries for the utilization of major equipment of COE, and for the reimbursement of self-sustainment based on the authorized contingent strength while participating in peacekeeping missions. In support of that policy, the MOU between the troop/police contributor and the United Nations finalized prior to deployment will state the number of personnel and the required equipment authorized to participate in a peacekeeping mission. This directive prescribes the policy concerning the reimbursement of transportation costs associated with the deployment, rotation and redeployment of a contingent. Additional details are provided in the Guidelines to troop-contributing countries for each peacekeeping mission.

**Preparation costs**

2. Prior to deployment all authorized equipment is to be prepared by the troop/police contributor to a fully operational and fully serviced state. All costs associated with preparing authorized equipment to additional standards defined by the United Nations for deployment to a mission under the wet or dry lease (e.g., painting, United Nations marking, winterizing) and returning equipment to national stocks at the conclusion of a mission (e.g., repainting to national colours) will be reimbursed by the United Nations. Reimbursement will be calculated using the standard rates of painting/repainting costs listed in the appendix to annex A to chapter 8. The reimbursement will be limited to the equipment agreed in the MOU, plus 10 per cent overstock, where applicable. The cost of repairs, however, is not reimbursable when equipment is provided under a wet lease as this is included in the wet lease rate.<sup>1</sup>

3. The special cost of preparing and refurbishing specialist equipment leased for a relatively short duration will not be included in the wet/dry lease system but will be separately negotiated between the United Nations and the contributing country.<sup>2</sup>

**Deployment and redeployment of personnel**

4. The United Nations is responsible for the deployment and repatriation (including regular rotations) of contingent personnel authorized in the MOU. The United Nations will normally make the necessary arrangements with the troop/police contributor and appropriate carriers. When a troop/police contributor offers to provide transportation, or when the United Nations is unable to provide the required transportation, the United Nations may request the troop/police contributor to provide the transportation to and from the mission area, under the terms of a letter of assist (LOA). In such cases, the United Nations will reimburse the troop/police contributor the associated cost up to the estimated amount that would have been incurred had the United Nations provided those services (normally the lowest bidder meeting the transportation requirement), or provide reimbursement at a rate agreed to between the United

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<sup>1</sup> A/C.5/49/70, annex, appendix I.A, para. 2 (e).

<sup>2</sup> A/C.5/49/66, annex, para. 23.



Nations and the troop/police contributor. More details are provided in the Guidelines to troop-contributing countries.

5. The troop port of exit/entry shall be agreed and noted in the MOU. Troops will be redeployed to the agreed port of exit/entry. The troops may be returned to another location nominated by the troop/police contributor; however, the maximum cost to the United Nations will be the cost to the agreed originating location. Where a rotation uplifts troops from a different port of exit this port shall become the agreed port of entry for these troops. Any additional costs incurred due to a request from troop/police contributors to change the port of exit/entry will be the responsibility of the troop/police contributor. In the event of the troop/police contributor deploying more personnel than authorized in this MOU, the extra cost will be borne by the troop/police contributor. There is no entitlement for reimbursement of landing fees as the United Nations considers landing fees as direct taxes from which the Organization is exempt pursuant to section 7 (a) of the Convention on the Privileges and Immunities of the United Nations.<sup>3</sup>

6. Reimbursement for troop costs will continue at full rates until departure in accordance with the drawdown plan.

7. United Nations Headquarters will develop an indicative, mission-specific, personal equipment listing for each mission (appendix to annex A to the MOU) as part of the mission planning process. This listing is to be discussed with each contingent before starting each mission and to be included in the Guidelines to troop-contributing countries issued for each mission.<sup>4</sup> The personal equipment and kit agreed upon should be available to personnel prior to deployment.

## Deployment and redeployment of equipment

8. The United Nations is responsible for the deployment and repatriation of contingent-owned major and minor equipment, including spare parts and consumables as noted in the MOU, or as outlined in the Guidelines to troop-contributing countries. The port of embarkation/disembarkation shall be agreed upon and noted in the MOU. For landlocked countries or countries where equipment is moved by road or rail to the mission area, the port of embarkation/disembarkation will be an agreed border crossing.<sup>5</sup> The United Nations will normally make the necessary transportation arrangements with the troop/police contributor and appropriate carriers. When a troop/police contributor offers to provide the transportation, or when the United Nations is unable to provide the required transportation, the United Nations may request the troop/police contributor via a letter of assist to provide that transportation to and from the mission area. In such cases, the United Nations will reimburse the troop/police contributor the associated cost up to the estimated amount that would have been incurred had the United Nations provided those services, normally the lowest bidder meeting the transportation requirement, or provide reimbursement at a rate agreed to between the United Nations and the troop/police contributor.

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<sup>3</sup> Office of Legal Affairs memorandum dated 12 June 2001.

<sup>4</sup> [A/C.5/52/39](#), para. 78.

<sup>5</sup> [A/C.5/54/49](#), para. 67 (c).

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9. For movements into, within and out of a mission's area of operations, the United Nations is responsible for the coordination of all mission movement control operations, including obtaining the necessary permissions and authorizations from the appropriate authorities in the host country.<sup>6</sup>

10. Documented costs related to loading and unloading major equipment prior to deployment and after repatriation will be reimbursed by the United Nations and are to be included in the letter of assist. These same costs for additional major equipment deployed by a troop/police contributor will not be eligible for reimbursement unless the deployment has prior approval from the United Nations. All other associated cost is met on the basis of the letter of assist.<sup>7</sup> When transportation is provided by military/police means, the incremental cost is eligible for reimbursement, except the labour cost of military/police personnel.

11. The United Nations may request a troop/police contributor to provide petroleum, oils and lubricants, particularly during the start-up phase. In these circumstances, reimbursement will be made via a letter of assist.<sup>8</sup>

12. For major equipment, transportation shall be provided for the level listed in the MOU. A troop/police contributor is allowed to exceed the quantity of major equipment by up to 10 per cent to allow for backup major equipment. The United Nations will be responsible for the cost of transportation on deployment and repatriation for the equipment level authorized in the MOU as well as for the 10 per cent backup major equipment.<sup>9</sup> In the event of the troop/police contributor deploying more equipment than authorized in the MOU, the extra costs will be borne by the troop/police contributor.

13. Reimbursement for major equipment will be in effect at full rates until the date of cessation of operations by a troop/police contributor or termination of the mission and thereafter be calculated at 50 per cent of the rates agreed in the MOU until the equipment departure date.<sup>10</sup>

14. Reimbursement for self-sustainment will be in effect at full rates until the date of cessation of operations by a troop/police contributor or termination of the mission and thereafter be reduced to 50 per cent of the rates agreed in the MOU calculated upon the remaining actual deployed troop strengths until all contingent personnel have departed the mission area.<sup>10</sup>

15. When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date, the troop/police contributor will be reimbursed by the United Nations at the dry lease rate from the expected arrival date until the actual arrival date.<sup>11</sup>

<sup>6</sup> A/C.5/65/16, para. 106 (a) (i).

<sup>7</sup> A/C.5/55/39, para. 60 (b) and (c).

<sup>8</sup> A/C.5/49/66, annex, para. 21.

<sup>9</sup> A/C.5/49/70, annex, appendix I.A, para. 2 (d).

<sup>10</sup> A/C.5/52/39, para. 70.

<sup>11</sup> Ibid., para. 75.

## Inland transportation

16. The United Nations is responsible, on initial deployment and repatriation, for the cost of inland transportation of authorized major equipment and initial provisioning of associated spare parts from and to its agreed originating location and an agreed port of embarkation/disembarkation. The originating location and the port shall be agreed upon and noted in the MOU. The authorized equipment will be redeployed to the agreed originating locations. Any additional cost will be the responsibility of the troop/police contributor. The United Nations may make arrangements for the transport to and from the originating base, however the Government will be responsible for items other than major equipment. The United Nations will be responsible only for paying the inland transportation costs, on initial deployment and subsequent repatriation of the equipment, for the major equipment levels stipulated in the MOU, plus the backup vehicles to a maximum of 10 per cent of such authorized levels. Any additional cost will be borne by the troop/police contributor.<sup>12</sup>

17. The reimbursement for inland transportation costs, including packing and crating material, will be assessed and reimbursed using procedures similar to those employed for a letter of assist. Therefore, troop/police contributors intending to request reimbursement for inland transportation are responsible for contacting the Logistics Support Division of the Department of Field Support prior to the deployment to discuss arrangements and agree in advance on the conditions and costs eligible for reimbursement.<sup>13</sup>

18. The following factors, similar to those used for letter of assist procedures, will be taken into consideration:<sup>14</sup>

- (a) Climate changes en route to the point of embarkation;
- (b) Environmental changes;
- (c) Border crossing (crossing from one State to another for the purpose of transiting to a point of embarkation);
- (d) Changes in transportation mode (from road to rail, different rail gauges, road to water, etc.).

19. When transportation is provided by military means, the incremental cost is eligible for reimbursement, except the labour cost of military personnel.<sup>15</sup>

20. On deployment and redeployment, the United Nations will provide packing/crating materials or reimburse for the cost of packing/crating materials, exclusive of labour costs, as a preventive measure against loss or damage to equipment.

21. Expenses associated with inland transportation of resupply of spare parts and consumables associated with major equipment under wet lease arrangements and minor equipment and consumables associated with self-sustainment are not eligible

<sup>12</sup> [A/C.5/49/70](#), annex, para. 46 (d)-(g).

<sup>13</sup> [A/C.5/55/39](#), para. 60 (a).

<sup>14</sup> *Ibid.*, para. 60 (a) (i)-(iv).

<sup>15</sup> *Ibid.*, para. 60 (c).

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to additional reimbursement beyond that provided in the wet lease.<sup>16</sup> There is no inland transportation reimbursement for spare parts or consumables under the dry lease arrangements.

22. The United Nations will not reimburse the cost of transporting troops from various parts of the contributing country to the assembly point at the port of exit/entry.

### Rotation of equipment

23. Contingent-owned equipment brought in to a peacekeeping mission area is expected to remain for the duration that the troop/police contributor participates in that mission, and will not be rotated with contingent personnel. Therefore, costs related to the transportation of equipment to meet national operational or maintenance requirements, including third or fourth line maintenance, are a national responsibility and not eligible for reimbursement by the United Nations,<sup>17</sup> except as provided for in paragraphs 24 and 25 below.<sup>18</sup> The United Nations will be responsible only for reimbursing a troop/police contributor for transportation costs of extra equipment brought into a mission area when mutually agreed. In such cases, United Nations Headquarters will issue an amendment to the MOU. Transportation costs will be arranged in the same manner as that for other movements as described above.

24. Certain categories of major equipment under prolonged deployment to peacekeeping missions which are non-operable, or for which continued maintenance is not economical in the mission area, can be considered for rotation at United Nations expense at the discretion of a mission contingent-owned equipment/memorandum of understanding management review board (CMMRB) in consultation with the applicable contingent commander, on the basis of operational requirements within the mission. These categories are as follows: armoured personnel carriers (tracked), armoured personnel carriers (wheeled), engineering vehicles and support vehicles (military pattern).

25. To be eligible for consideration, equipment must have been continuously deployed in peacekeeping operations for at least seven years or 50 per cent of its estimated useful life, whichever comes earlier. Equipment to be rotated at United Nations expense shall be treated by the United Nations as if it were contingent-owned equipment being repatriated at the end of the contingent's deployment to a mission area. Replacement equipment shall be treated as equipment being deployed under the contingent's initial deployment to a mission area.<sup>19</sup>

### Transportation of spare parts and consumables

26. Other than on initial deployment and repatriation, transportation of spare parts associated with the maintenance of major equipment under the wet lease arrangement is a national responsibility as the monthly estimated maintenance rate,

<sup>16</sup> [A/C.5/49/70](#), annex, paras. 46 (b)-(e) and (g).

<sup>17</sup> *Ibid.*, para. 46 (f).

<sup>18</sup> [A/C.5/68/22](#), para. 90 (a).

<sup>19</sup> *Ibid.*

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within the wet lease rate, is increased by 2 per cent to cover such costs. This rate is further increased by an incremental transportation factor of 0.25 per cent for each complete 500 miles or 800 kilometres (after the first 500 miles or 800 kilometres) along the consignment route between the port of embarkation and the port of entry to the mission area.<sup>20</sup> For landlocked countries or countries where equipment is moved by road or rail to and from the mission area, the port of embarkation/disembarkation will be an agreed border crossing point. In order to determine the incremental transportation factor, the United Nations and the troop/police contributor will agree to a distance to be considered for reimbursement at the time of negotiation of the MOU, and note that distance in the MOU. The distance is determined using the sea consignment route unless it is determined that a different route is necessary. The conversion rate to be used in computing the distance is 1.6091 kilometre to 1 statute mile and 1.852 kilometre to 1 nautical mile. The lease rates will then be calculated accordingly.

27. Transportation cost of minor equipment, spare parts and consumables associated with self-sustainment, other than that incurred for initial deployment and repatriation, are not reimbursable as the self-sustainment rates include a premium of 2 per cent transportation factor to compensate such expenditures.<sup>21</sup> Therefore the additional incremental transportation factor is not applicable to self-sustainment.

28. The costs associated with intra-mission transportation will be absorbed by the missions where there is a requirement to transport spare parts and consumables from authorized points of entry to a mission to other destinations within the mission area. The United Nations field missions will entertain all reasonable requests for movement within the mission area using any available transportation resources including United Nations assets, commercial assets and/or troop- or police-contributing country assets.<sup>22</sup>

29. Subsequent to notice of withdrawal, a contingent will draw down its spare parts and consumables to ensure that only minimum quantities are being returned with the equipment on redeployment.

### Loss, damage or injury in transit

30. Liability for loss or damage during transportation will be assumed by the party arranging the transportation.<sup>23</sup> Transportation means all transportation arrangements along the consignment route arranged by the United Nations.<sup>24</sup>

31. Loss or damage incurred during transportation is reimbursed where significant damage occurs to COE during transportation. Significant damage is defined as damage where the repairs amount to 10 per cent or more of the generic fair market value or of the item of equipment.<sup>25</sup>

<sup>20</sup> [A/C.5/49/70](#), annex, sect. IV, para. 46 (c).

<sup>21</sup> *Ibid.*, para. 46 (g) and appendix II, sect. B, note 1.

<sup>22</sup> [A/C.5/65/16](#), para. 106 (a) (iii).

<sup>23</sup> [A/C.5/49/66](#), annex, para. 50, and [A/C.5/52/39](#), para. 68 (a).

<sup>24</sup> [A/C.5/52/39](#), paras. 68 (a) and (b).

<sup>25</sup> *Ibid.*, para. 68 (c).

**Annex<sup>1</sup>****Letter of assist: definition, usage, other matters, contents****Definition of a letter of assist**

1. A letter of assist is defined as follows:

(a) A letter of assist (LOA) is a legally binding contractual document between the United Nations and a Government. It provides the appropriate authority for procurement of services on behalf of the United Nations;

(b) The LOA will specify whether the United Nations will provide services from the Government or requests the Government to provide these directly to a Mission;

(c) The LOA will also specify how reimbursement will be made.

**Uses of a letter of assist**

2. A letter of assist is used when:

(a) A special need arises for essential equipment or services that are not available through normal sources of supply in the mission area, and a contingent's home country is the only logical source of supply;

(b) The items or services required by the mission are not covered by the MOU;

(c) A troop-contributing country contributes aircraft or vessels to a mission;

(d) A troop-contributing country will carry out the deployment/redeployment of personnel and equipment using its own capacities;

(e) A troop-contributing country will carry out the rotation of personnel using its own capacities.

**Other matters**

3. Other matters concerning the letter of assist include the following:

(a) An LOA is required either by United Nations Headquarters or the troop-contributing country;

(b) All supplies and equipment must be requested through the Mission supply system. United Nations Headquarters will approve or reject the request;

(c) Equipment/services must be authorized (operationally needed) by the mission Force Commander;

(d) An LOA can involve services such as transportation of personnel/equipment or equipment not covered in the MOU;

(e) An LOA is finalized by United Nations Headquarters and signed by the United Nations and the Government.

<sup>1</sup> [A/C.5/65/16](#), para. 101.

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Chapter 4, annex**Contents of a letter of assist**

4. The letter of assist comprises the cover letter and the general terms and conditions. The cover letter and general terms and conditions constitute the entire LOA:

(a) The cover letter may include, but is not limited to, the following elements:

- LOA number
- Country/United Nations mission/year/LOA number for the specific mission
- The purpose of the letter of assist
- Requirements
- What kind of service or equipment
- Reimbursement
- Overall regulations for reimbursement

(b) The general terms and conditions may include, but are not limited to, the following elements:

- Services
- Reimbursement
- Detailed regulations regarding time frame for payment, invoices, receipts and relevant division/department at United Nations Headquarters
- Aircraft call signs (if the provision is for air transportation)
- Facilities provided by the United Nations
- Reporting accidents or incidents
- Safety
- Claims and insurance
- Tax exemption
- Circumstances for changes by the Government or by the United Nations
- Termination
- Future commitments
- Modifications
- Settlement of disputes
- Privileges and immunities
- Force majeure.

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**Special concerns****Rotation of units (personnel only)**

5. When rotating units (personnel only), the United Nations will ask the troop- or police-contributing country, whether the rotation shall be carried out by the United Nations or by the country under an LOA. If it is decided that the country will carry out the rotation, the country will forward a request for an LOA, including the expected costs for the rotation. The United Nations will then evaluate the costs and send a reply to the country that the United Nations either:

- (a) Accepts the cost, which then will be the ceiling in the LOA, or;
- (b) States that the costs are too high, and that the ceiling will be fixed to a particular amount.

6. When the rotation is carried out, the troop- or police-contributing country will forward a claim, including a copy of the invoices, to the United Nations:

- (a) If the actual costs are higher than the ceiling in the LOA, the country will be reimbursed the amount mentioned in the LOA;
- (b) If the actual costs are lower than the ceiling in the LOA, the country will be reimbursed the actual costs.

**Aircraft**

7. When contributing aircraft, the troop-contributing country shall draw attention to the following:

- (a) Aircrew, ground maintenance staff and base equipment will normally be covered under an MOU;
- (b) Accommodation of aircrew (only) (to be negotiated);
- (c) Operational flight time (to be negotiated);
- (d) Reimbursement (samples of reimbursement issues to be negotiated):
  - Costs per flying hour
  - Costs for the deployment and redeployment
  - Costs for painting the aircraft
  - Costs for airport services
  - Tax exemption;
- (e) Conditions for reimbursement, such as providing invoices and receipts and satisfactory performance.

**Vessels**

8. When contributing vessels, the troop-contributing country shall draw attention to the following:

- (a) Crew, ground maintenance staff and base equipment (major equipment, minor equipment and self-sustainment) will normally be covered under an MOU;



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- (b) Operational time frame — normally 24/7 (to be negotiated);
- (c) Requirement to rotate or replace the vessel in conjunction with operational capabilities (to be negotiated);
- (d) Reimbursement (samples of reimbursement issues to be negotiated):
  - Costs for each consecutive period of operational duty
  - Cost for transit days, deployment and redeployment to/from the area of operations
  - Cost for harbour service
  - Tax exemption;
- (e) Conditions for reimbursement, such as providing invoices and receipts and satisfactory performance.

## Chapter 5

**Chapter 5****Special case equipment**

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## Introduction

1. The authorized rates of reimbursement for generic items are specified in document [A/C.5/49/70](#) (as amended). However, there are items of equipment listed in the same document, which are annotated as special equipment. This chapter outlines the procedure to negotiate an MOU with the equipment-providing country and to determine a rate of reimbursement for special case equipment other than aircraft and ships.
2. The requirements for special equipment such as aircraft and ships are not covered in the present chapter, but continue to be the subject of negotiations and arrangements via letters of assist.

## Definition

3. Special case equipment is major equipment for which, because of the uniqueness of the item, its high value or the lack of a generic group, a standard rate of reimbursement has not been defined in the tables of reimbursement. Special case major equipment should be of a value greater than US\$ 1,000 (collective value of all items in the set), and with a life expectancy greater than one year. The value alone should not determine whether equipment is treated as a special case.<sup>1</sup>

## Procedure

4. When the United Nations requests a troop/police contributor to provide equipment of a specialized nature or function for which reimbursement rates have not been authorized, the troop/police contributor will be requested to complete the attached application form, and submit it to United Nations Headquarters/Department of Field Support/Field Budget and Finance Division for review and approval. The Field Budget and Finance Division will, with the assistance of the Force Generation Service and the Logistics Service Division, review the troop/police contributor submission and determine an acceptable rate of reimbursement for the equipment requested using the suggested elements outlined in document [A/C.5/49/70](#), annex, appendix I.C. The Department of Field Support will advise the troop/police contributor of the acceptable rate of reimbursement.
5. The equipment-providing country will be requested to indicate its willingness and ability to provide the requested equipment at the specified rate. An MOU shall be signed between the United Nations and the equipment-providing country listing the special equipment and the agreed rates of reimbursement, the purpose of the equipment and the period for which it is required in the mission area.
6. If the General Assembly approves a generic reimbursement rate for a “special case” item, the said item can no longer be considered or reimbursed as a “special case”.<sup>2</sup>

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<sup>1</sup> [A/C.5/62/26](#), para. 57 and annex I.C.1.

<sup>2</sup> [A/C.5/65/16](#), para. 92 (b).

## Chapter 5

**Loss or damage**

7. **No-fault incident factor.** For special equipment, not currently incorporated into the wet and dry lease system, special arrangements between the United Nations and the country will apply.<sup>3</sup> The no-fault incident factor will be the same as items of a similar type for which wet and dry lease rates have been promulgated.<sup>4</sup>

8. Unless specifically negotiated arrangements have been included in the MOU, loss or damage to special case equipment shall be treated in the same manner as other major equipment.

9. When loss of or damage to special equipment occurs, the contingent commander will ensure that the reporting requirements contained in chapter 6 apply.

**Determination of rates**

10. The monthly rates of reimbursement will be calculated using the formula for the rates approved by the General Assembly as follows:

(a) **Dry lease rate.** The generic fair market value, divided by the estimated useful life in years divided by 12, plus the no-fault incident factor for loss, multiplied by the generic fair market value, divided by 12;

(b) **Wet lease rate.** The dry lease rate (calculated above) plus the estimated monthly maintenance costs provided by the troop- or police-contributing country.<sup>5</sup>

11. **Mission factors.** The mission factors will be applied, where applicable, to the wet or dry lease rates to compensate for the potential increased wear and tear in the mission area.

12. Revision of the reimbursement rates for special case equipment should be linked to the average revision granted by the Working Group on a triennial basis to major equipment.<sup>6</sup>

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<sup>3</sup> [A/C.5/49/70](#), annex, para. 47 (a).

<sup>4</sup> Ibid., appendix I.C, para. 2.

<sup>5</sup> [A/C.5/65/16](#), para. 96 (e).

<sup>6</sup> Ibid., para. 96 (d).

**Annex****Application for special case reimbursement of major equipment under a wet or dry lease arrangement**

1. Based on a request received from the United Nations, \_\_\_\_\_ [troop/police contributor] is able to provide the following item of major equipment on a \_\_\_\_\_ [wet and/or dry] lease basis:

**Provide name, detailed description and quantity**

Note: Please provide the name of the manufacturer, the make and model and any other information to assist the United Nations in reviewing the application and making a comparison with other similar equipment. This comparison and assessment is necessary to make a recommendation for approval of a “special case” fair market value and monthly reimbursement. Please provide a picture.

2. The following information is provided to assist the United Nations in calculating a (wet and/or dry lease) rate(s):

**Wet and dry lease requests**

**Generic fair market value:** \_\_\_\_\_ [currency]

This amount takes into consideration the initial purchase price, major capital improvements, a factor to recognize the effects of inflation and a factor to discount prior use.<sup>1</sup>

**Estimated useful life in years (based on normal operations in home country):** \_\_\_\_

**Wet lease requests only**

**Estimated monthly maintenance costs:** \_\_\_\_\_ [currency]

This figure is to be based on the spares, contracted repair, third and fourth line maintenance and the estimated monthly cost of petrol, oil and lubricants required to keep the item operational to the specified standards and return the item to operational condition upon return from the mission area. The cost of personnel involved in the first and second line maintenance is excluded from the figure as these are reimbursed under the General Assembly approved troop cost. This estimate is based on normal operations.

**Estimated monthly use:** \_\_\_\_\_ [kilometres, miles or hours]

This data is required only when seeking wet lease reimbursement for special case vehicles or equipment requiring petrol, oil and lubricants. This factor will be used to ensure the estimated monthly maintenance and estimated monthly petrol, oil and lubricants use reported above are based on a similar activity rate to the estimate prepared for the mission area.

<sup>1</sup> A/C.5/49/70, annex, appendix II.C, para. 1 (a).

## Chapter 6

**Chapter 6****Procedures for reimbursement for loss or damage of  
contingent-owned equipment**

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## No-fault incidents

1. A no-fault incident is defined as an incident resulting from a mishap that is not attributable to wilful misconduct or gross negligence on the part of an operator/custodian of equipment. This includes, inter alia, vehicle accidents and thefts.<sup>1</sup>
2. The wet lease/dry lease rates include a no-fault factor to cover loss of or damage to equipment in a no-fault incident. There is no additional reimbursement and no other claims are receivable in case of equipment loss or damage in such incidents.<sup>2</sup>
3. The United Nations does not assume additional financial responsibilities resulting either from the inability to make payments for contingent-owned equipment owing to lack of funding or from “no-fault” losses when an insurance factor has been included in the usage charge agreed to in the MOU with the troop/police contributor.<sup>3</sup>

## Loss, damage or injury in transit

4. Liability for loss or damage during transportation will be assumed by the party arranging the transportation.<sup>4</sup> Transportation means all transportation arrangements along the consignment route arranged by the United Nations.<sup>5</sup>
5. Loss or damage incurred during transportation are reimbursable only when significant damage occurs to COE during transportation arranged by the United Nations. Significant damage is defined as damage where the repairs amount to 10 per cent or more of the generic fair market value (GFMV) of the item of equipment.<sup>6</sup>

## Liability for damage to major equipment owned by one troop/police contributor and used by another troop/police contributor

6. Major equipment can be provided to the United Nations by one troop/police contributor to be used, at the request of the United Nations, by another troop/police contributor. In these cases, the following principles will apply:<sup>7</sup>

(a) Adequate training is necessary to ensure that a user is qualified to operate unique major equipment such as armoured personnel carriers. The United Nations will be responsible for ensuring that this training is conducted and providing funding for the training. The arrangements to provide and conduct this training are to be negotiated among the United Nations, the troop/police contributor providing the major equipment and the troop/police contributor using the major

<sup>1</sup> A/C.5/49/70, annex, appendix VI, para. 1.

<sup>2</sup> Ibid., appendix I.A, para. 2 (f).

<sup>3</sup> A/53/465, para. 53 (c), A/53/944, para. 28 and General Assembly resolution 54/194, para. 6.

<sup>4</sup> A/C.5/49/66, para. 50 and A/C.5/52/39, para. 68 (a).

<sup>5</sup> A/C.5/52/39, annex, para. 68 (a) and (b).

<sup>6</sup> Ibid., para. 68 (c).

<sup>7</sup> A/C.5/55/39, para. 50.

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equipment. The results of the negotiation are to be reflected in the respective MOUs;

(b) Major equipment provided to a United Nations peacekeeping mission by a troop/police contributor and used by another troop/police contributor shall be treated with due diligence. The user troop/police contributor shall be responsible for reimbursing the providing troop/police contributor, through the United Nations, for any damage that may occur, whether as a result of wilful misconduct, gross negligence or negligence by personnel of the user troop/police contributor;

(c) Any incident involving damage shall be investigated and processed according to the application of United Nations rules and regulations;

(d) The above-mentioned principles and procedures shall be taken into account by the Secretariat when establishing or amending MOUs between the United Nations and troop/police contributors.

### Hostile action or forced abandonment

7. **Hostile action** is defined as an incident of short or sustained duration resulting from the action(s) of one or more belligerents that has a direct and significant hostile impact on the personnel and/or equipment of a troop/police contributor. A single hostile action may be characterized when different activities can be related to each other by means of time, place or tactical/strategic considerations, as acknowledged by the Force Commander/Police Commissioner.<sup>8</sup>

8. **Forced abandonment** is defined as actions resulting from a decision approved by the Force Commander/Police Commissioner or his authorized representative or a provision in the rules of engagement which results in the loss of custody and control of equipment and supplies.<sup>9</sup>

9. Troop/police contributors are responsible for major equipment loss or damage resulting from a single hostile action or forced abandonment when the collective value for loss or damage is less than the threshold value of \$250,000. For major equipment lost or damaged as a result of a single hostile action or forced abandonment, the United Nations will assume liability for each and every item of major equipment whose generic fair market value equals or exceeds \$250,000 or for the major equipment lost or damaged when the collective generic fair market value of such equipment equals or exceeds \$250,000. No upper limit should be placed on justified claims.<sup>10</sup>

10. When a troop/police contributor submits a claim for loss or damage in excess of \$250,000, the method of calculation is the generic fair market value approved by the General Assembly, less the equipment use charge, i.e., dry lease rate and any other environmental and intensified operational use payment made by the United Nations for that equipment.<sup>11</sup>

<sup>8</sup> A/C.5/49/70, annex, appendix VI, para. 2.

<sup>9</sup> Ibid., para. 3.

<sup>10</sup> A/C.5/52/39, para. 66 (a) and (b).

<sup>11</sup> A/C.5/49/70, annex, para. 47 (b) (v).



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11. A troop/police contributor cannot file claims against the United Nations for loss or damage to spare parts, minor equipment and consumables. These are covered either by the mission-approved hostile action/abandonment factor, which is applied to the spare parts component of the wet lease as well as the self-sustainment rates<sup>12</sup> and/or by the no-fault incident factor, included in the dry/wet lease rates.

12. When equipment is provided under a wet lease arrangement, the method of calculation for damage shall be the reasonable cost of repair. Equipment that has suffered damage will be considered a total loss when the cost of repair exceeds 75 per cent of the generic fair market value.<sup>13</sup>

13. A mission-approved hostile action/forced abandonment factor determined by the technical survey team at the initiation of the mission is applied to each category of the self-sustainment rates and to the spares element (or one half) of the estimated maintenance rate of the wet lease rate and is not to exceed 5 per cent of the rates.<sup>14</sup> This factor is intended to compensate troop/police contributors for potential loss and damage below the value of \$250,000. The same factor will apply to all troop/police contributors in the mission area, and will be indicated in the MOU between the United Nations and each respective troop/police contributor.

14. The procedures for determining this factor are included in chapter 7.

### Wilful misconduct or negligence

15. The United Nations has no responsibility for reimbursement where loss and damage is due to wilful misconduct or negligence by members of the troop/police contributor as determined by a board of inquiry convened by a duly authorized personnel of the United Nations, the report of which has been approved by the responsible United Nations official.<sup>15</sup>

16. In applying the term “gross negligence”, consideration will be given, as appropriate, to the criteria set out in the legal opinion of 30 June 1981, including its attachment, published in the *United Nations Juridical Yearbook 1981*, pages 165 and 166.<sup>16</sup>

### Special case equipment

17. For special case equipment not currently incorporated into the wet and dry lease system, special arrangements between the United Nations and the country will apply.<sup>17</sup> The no-fault incident factor for special cases will be the same as items of a similar type for which wet and dry lease rates have been promulgated.<sup>18</sup>

<sup>12</sup> Ibid., para. 47 (a) and *ibid.*, appendix I.A, para. 2 (f).

<sup>13</sup> Ibid., annex, para. 47 (b) (vi).

<sup>14</sup> Ibid., para. 47 (b) (vii).

<sup>15</sup> Ibid., annex, para. 47 (c).

<sup>16</sup> Office of Legal Affairs memorandum dated 15 November 2000, attachment 2, para. 2.

<sup>17</sup> [A/C.5/49/70](#), annex, para. 47 (a).

<sup>18</sup> Ibid., appendix I.C, para. 2.

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18. Unless special negotiated arrangements have been stated in the MOU, loss or damage to special case equipment shall be treated in the same manner as other major equipment. At the time of the arrangements being made for special equipment, the value of the equipment and the lease rate will be determined and indicated in the MOU.

19. Aircraft and vessels are not covered in the COE Manual, but continue to be the subject of negotiations and arrangements via letters of assist.

**Reporting loss or damage**

20. Upon the occurrence of loss or damage of major equipment resulting from hostile action or forced abandonment whose aggregate value equals or exceeds \$250,000, contingents are to submit a report to the Director/Chief, Mission Support of the mission detailing the circumstances and include a listing of the major equipment lost or damaged. The Director/Chief, Mission Support or his delegated representative shall, with the assistance of the Force Commander, verify the report and investigate the circumstances. The mission shall immediately advise United Nations Headquarters (Department of Field Support/Field Budget and Finance Division) of any such occurrences.

21. Troop/police contributors incurring loss or damage of major equipment as a result of hostile action/forced abandonment are to submit a claim to United Nations Headquarters listing the major equipment lost or damaged. Missions are to provide copies of investigations and boards of inquiry reports into the loss or damage of major equipment belonging to troop/police contributors as a result of hostile action/forced abandonment to Headquarters.<sup>19</sup> The value of the loss or damage and reimbursement shall be calculated as indicated above.

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<sup>19</sup> [A/C.5/68/22](#), para. 116 (c).

## Chapter 7

**Chapter 7****Procedures for determining mission factors**

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## General

1. Mission factors are increments to the reimbursement rates for major equipment and self-sustainment (minor equipment and consumables) to compensate troop/police contributors for specific conditions prevailing in the area of responsibilities that cause unusual wear and tear, shorter life of equipment, increased maintenance costs and/or risk of damage and loss to the equipment. Increments are included in mission budgets developed after a technical survey.<sup>1</sup> Mission factors are applicable to all contingents in a mission area, and subject to review should circumstances change.<sup>2</sup> Compensation for costs borne by troop/police contributors in those circumstances would be limited to the rates set for that mission. Note that such increments would be proposed only under conditions of significant anticipated additional costs to a contingent. Three mission factors have been defined as follows:<sup>3</sup>

(a) An extreme environmental factor not to exceed 5 per cent of the wet/dry lease rate and the self-sustainment. A specific factor is to be recommended by the initial United Nations technical survey team for approval taking into account elements such as extreme mountainous, climatic and terrain conditions;

(b) An intensity of operations factor not to exceed 5 per cent of the wet/dry lease rate and the self-sustainment. A specific factor is to be recommended by the initial United Nations technical survey team for approval taking into account elements such as the scope of the task assigned, the length of logistics chains, the non-availability of commercial repair and support facilities and other operational hazards and conditions;

(c) A hostile/forced abandonment factor not to exceed 5 per cent of the spares element of the wet lease rate (or half of the estimated monthly maintenance cost when the spares cost cannot be calculated separately)<sup>4</sup> and the self-sustainment to compensate for the cost of losses borne by contingents for minor equipment, spare parts and consumables.<sup>5</sup>

2. The mission factors may be determined by the technical survey team and should be reviewed during different phases of the mission. The factors are subject to change depending on changes to the mission mandate and the prevailing conditions in the mission area, and should be reviewed at least once every three years. Whenever a review is conducted, due consideration should be given to the suitability of assigning different mission factors for specific geographic areas within a mission or consolidating geographic areas for which different mission factors were previously assigned. The United Nations or troop/police contributors can request a review of the mission factors whenever the conditions in the mission have changed sufficiently to warrant a review. Different mission factors may be calculated and applied to different geographic areas within a mission area, if recommended.<sup>6</sup>

<sup>1</sup> A/C.5/49/70, annex, para. 49.

<sup>2</sup> A/C.5/52/39, para. 69, and A/53/944, para. 17.

<sup>3</sup> A/C.5/49/70, annex, paras. 49 (a) and (b); *ibid.*, appendix II.B, note a (a); and *ibid.*, appendix II.C, paras. 4 (a) and (b); and A/C.5/49/70, *ibid.*, para. 34.

<sup>4</sup> A/C.5/49/70, annex, appendix II.C, para. 4 (a).

<sup>5</sup> *Ibid.*, annex, para. 33 (b).

<sup>6</sup> A/C.5/52/39, paras. 69 (a) and (b); A/53/944, para. 17; and A/C.5/68/22 para. 108 (a) (iii).

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3. If a natural disaster occurs in a mission area, it is the responsibility of the United Nations to determine the extent of the natural disaster in whole or in part. Thereafter, as circumstances permit, the United Nations shall make an assessment of the situation and review the factors and sub-factors to be re-evaluated in accordance with the conditions, within the limits of the existing mission factors ceilings. The possible changes in the factors of the mission will be temporary and will be maintained during the period that the United Nations recognizes the significant changed circumstances. Reimbursement due to the re-evaluation of the mission factors will be paid for the period for which the United Nations determines the changed circumstances exist.<sup>7</sup>

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<sup>7</sup> [A/C.5/65/16](#), para. 132.

**Annex A****Decision sheet to calculate extreme environmental conditions in a mission area**

Evaluator (rank, name)	Mission area or country	Day/month/year
		/ /

**1. General**

1. The purpose of this decision sheet is to assist the evaluator in determining environmental condition factors in mission areas, which are introduced to compensate troop/police-contributing countries for the impact of exceptional and extreme conditions which result in shorter equipment life and increased maintenance costs. This factor, not to exceed 5 per cent, is to be applied to the wet/dry lease rate and the self-sustainment rates.
2. This decision sheet is to be used by the technical survey team visiting the peacekeeping area at the beginning of a mission together with the decision sheet for evaluating the factor for intensified operational conditions, and the decision sheet for evaluating the factor to compensate for hostile action or forced abandonment.
3. Upon returning from the survey mission, the technical survey team is to submit this report to the military/police adviser and the Under-Secretary-General for Field Support for review and approval. The resulting factor is to be indicated in the MOU.
4. Although the elements cannot be totally assessed objectively, some assistance to this effect is provided. The evaluator will also have to base the assessment on military experience and common judgement to complete this evaluation.

**2. Elements**

5. The following conditions which might contribute to premature wear and tear of the equipment and increased maintenance costs are to be analysed:

**A. Terrain profile**

6. The following terrain profiles have been identified for consideration in this mission factor:

(a) **Mountainous:** If the terrain can be characterized as rough mountains, i.e. steep gorges, peaks and substantial rock outcrop, allocate points for the difference in altitude between the base camps and the average elevation of the outposts. If not applicable, put zero.

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<i>A. Average change in elevation</i>		<i>B. Percentage of area of responsibility affected</i>	
Less than 800 metres	0	Small portion (10-29%)	4
800 to 1 600 metres	1	Substantial, but less than half (30-49%)	3
1 600 to 2 400 metres	2	Substantial, and more than half (50-69%)	2
Over 2 400 metres	3	Majority of area of responsibility (70-100%)	1

Divide the points in A with the points in B for the extension of the mountainous area as portion of the area of responsibility.

Result (with one decimal): \_\_\_\_\_

(b) **Desert conditions:** If the terrain can be characterized as desert, loose sand and sharp rocks are the main factors of the terrain profile. One method of assessing these factors is to allocate points for trafficability based on average speed with off-road type vehicles. If not applicable, put zero.

<i>A. Average speed of travel</i>		<i>B. Percentage of area of responsibility affected</i>	
Less than 10 kilometres/hour	3	Small portion (10-29%)	4
10 to 15 kilometres/hour	2	Substantial, but less than half (30-49%)	3
15 to 25 kilometres/hour	1	Substantial, and more than half (50-69%)	2
Over 25 kilometres/hour	0	Majority of area of responsibility (70-100%)	1

Divide the points in A with the points in B for the extension of the desert area as portion of the area of responsibility.

Result (with one decimal): \_\_\_\_\_

(c) **Swampy, jungle and comparable conditions.** If the terrain is characterized as densely covered by swamps, jungle or terrain of comparable difficulty, and the area will have to be negotiated by patrols and resupply traffic, allocate 4 points and divide by the points allocated for the percentage of the area of responsibility under such conditions as below. If not applicable, put zero.<sup>1</sup>

<sup>1</sup> A/C.5/68/22, para. 108 (a) (i).

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<i>Percentage of area of responsibility</i>	
Small portion (10-29%)	4
Substantial, but less than half (20-49%)	3
Substantial, and more than half (50-69%)	2
Majority of area of responsibility (70-100%)	1

Result (with one decimal): \_\_\_\_\_

**Total terrain profile** \_\_\_\_\_

## B. Climatic conditions

7. Out of the many possible climatic subgroups, the following have been singled out as warranting consideration for inclusion in the extreme environmental conditions factor.

8. If the mission area is subject to the subgroups below, allocate points within the allowed range for compatibility with the subgroup of the actual average daily high or low temperature, humidity or rainfall and months of duration. If not applicable, put zero.

(a) **Extreme:**

(i) *Tropical equatorial climate*: Temperature — average daily high 29 degrees Celsius or above all 12 months of the year. Humidity — average morning humidity 80 per cent or more, or average precipitation over 100 millimetres, all 12 months of the year;

or

(ii) *Tundra climate*: Temperature — average daily low under minus 10 degrees Celsius for each of the coldest five months.

(b) **Substantial:**

*Tropical monsoon climate*: Temperature — average daily high of 29 degrees Celsius or more all 12 months of the year. Humidity — average morning humidity 80 per cent or more, or average daily precipitation over 100 millimetres for five to six months of the year.

(c) **Moderate:**

*Tropical dry climate*: Temperature — average daily high 25 to 40 degrees Celsius over the year. Precipitation — a maximum of three months with over 50 millimetres average monthly precipitation.



<i>Climatic conditions</i>	
<b>Extreme</b> Tropical equatorial or tundra climate	3
<b>Substantial</b> Tropical monsoon climate	2
<b>Moderate</b> Tropical dry climate	1

### C. Road conditions

9. If roads, bridges or ferries are especially poor and impeding communications between base camps and resupply points, allocate points for main plus secondary roads as follows. If not applicable, put zero.

<i>1. Main road conditions</i>	
Few hardened main roads/bridges	1
Few dirt main roads/ferries	2
No main roads	3

plus

<i>2. Secondary road conditions</i>	
Several secondary dirt roads	0
Very few secondary dirt roads	1

10. Divide the sum of these points with points for the extension of the area with poor roads as portion of the area of responsibility.

<i>3. Percentage of the area of responsibility</i>	
Small portion (10-29%)	4
Substantial, but less than half (30-49%)	3
Substantial, and more than half (50-69%)	2
Majority of the area of responsibility (70-100%)	1

Result (with one decimal): \_\_\_\_\_

## Chapter 7, annex A

**3. Summary**

<i>Factors</i>	<i>Points allocated</i>
A. Terrain profile (max. 10 points)	
B. Climatic conditions (max. 3 points)	
C. Road conditions (max. 4 points)	
<b>Total</b>	

11. The environment factor, in percentage points, equals the total points divided by 3.4, as it must not exceed 5 per cent. The percentage is to be rounded off to one decimal (i.e., 4.1 per cent).

%
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**Annex B****Decision sheet to calculate hostile action/forced abandonment factor in a mission area**

Evaluator (rank, name)	Mission area or country	Day/month/year
		/ /

**1. General**

1. The purpose of this decision sheet is to assist the evaluator in determining a factor in mission areas which is introduced to compensate troop/police-contributing countries for the impact of hostile action or forced abandonment. This factor, not to exceed 5 per cent, is to be applied to the spares element of the wet lease rate (or half of the estimated monthly maintenance cost when the spares cost cannot be calculated separately)<sup>1</sup> and the self-sustainment rates to compensate for the costs of losses borne by contingents for minor equipment, spare parts and consumables.<sup>2</sup>
2. This decision sheet is to be used by the technical survey team visiting the peacekeeping area at the beginning of a mission together with the decision sheet for evaluating the factor for intensified operational conditions, and the decision sheet for evaluating the factor to compensate for extreme environmental conditions.
3. Upon returning from the survey mission, the technical survey team is to submit this report to the military adviser/political adviser and to the Under-Secretary-General for Field Support for review and approval. The resulting factor is to be indicated in the MOU to be signed with the respective troop/police contributor.
4. Although the elements cannot be totally assessed objectively, some assistance to this effect is provided. The evaluator will also have to base the assessment on military experience and common sense to complete this evaluation. When assessing the risk for hostile action and potential forced abandonment, the standards of the traditional chapter VI peacekeeping operations must be kept in mind.

**2. Elements****A. Criminal activities, such as theft and robbery**

5. Occasional cases of theft occur in mission areas. If, however, criminal activities such as theft or robbery are frequent, allocate points as follows. If not applicable, put zero.

<sup>1</sup> A/C.5/49/70, annex, appendix I.C, para. 4 (a).

<sup>2</sup> Ibid., annex, para. 33 (b).

## Chapter 7, annex B

Is there an effective national police force to control criminal activities? If no, allocate	2
Will or has disarmament of factions taken place? If no, allocate	1
Is there acceptance by the local authorities of banditry? If yes, allocate	2
Is there a frequent occurrence of banditry involving other United Nations agencies and non-governmental organizations? If yes, allocate	3
<b>Total</b>	

**B. Potential for hostile engagement of United Nations forces by identified factions or combatants participating in the peace process**

6. In a traditional peacekeeping operation the parties have agreed to settle disputes without the use of force. However, they are not always able to keep this obligation, and some outbursts of violence are expected because the parties are or are perceived to be provoked. Factions within the parties or local warlords might retain armed elements not controlled by the parties signing the peace agreement. Threats to United Nations peacekeepers might increase if the parties have the habit of using weapons, such as artillery or home-made rockets, indiscriminately or if they often seek increased protection by taking up positions close to United Nations observation posts.

Are the combatants equipped with sufficient heavy weapons such as mortars, medium to heavy machine guns to inflict damage to United Nations equipment and facilities? Allocate points as follows:	
Few heavy weapons and not in range of United Nations forces	1
Some heavy weapons but not normally in range of United Nations forces	2
Well equipped with heavy weapons but not in range of United Nations forces	2
Well equipped with heavy weapons and in range of United Nations forces	3
Are the combatants committed to a lasting peace? If no, allocate	1
Is there a history of disintegration of ceasefire or peace agreements? If yes, allocate	3
Have there been officially sanctioned and frequent attacks on other United Nations agencies or non-governmental organizations? If yes, allocate	3
<b>Total</b>	

## Chapter 7, annex B

**C. Distribution of uncontrolled or unmapped minefields**

7. Mines are one of the main threats in missions areas where fighting has occurred. These weapons are normally laid without proper registration and markings. If so, allocate points as follows. If not applicable, put zero.

Few mines posing no immediate threat to the mission	1
Main and secondary roads not mined, but field and open areas are mined	1
Main roads and secondary areas are suspected of being mined	3
Heavy demining is required to secure the area	3
<b>Total</b>	

**D. Potential for hostile engagement of United Nations forces by unidentified factions or by individuals or groups other than peace process participants<sup>2</sup>**

8. Operating in an increasingly complex security environment, the United Nations peacekeepers are now exposed to threats from more diverse sources. Individuals or groups identified by the United Nations and/or groups not party to the peace process and who are often unidentified, who employ hostile/terrorist methods in the area of operations or other regions of the host nation, might seek to attack civilians or targets of international organizations like the United Nations, constituting threats to United Nations peacekeeping assets.

Is there a presence of the aforementioned individuals or groups in host nation outside the area of operations? If yes, allocate	1
Is there a presence of the aforementioned individuals or groups within the area of operations? If yes, allocate	2
Has there been indiscriminate hostile action against civilians by the aforementioned individuals or groups in regions of the host nation outside the area of operations? If yes, allocate	1
Has there been indiscriminate hostile action against civilians by the aforementioned individuals or groups in regions of the host nation within the area of operations? If yes, allocate	2
Has there been hostile action by the aforementioned individuals or groups on NGOs and/or international organizations other than the United Nations in the host nation? If yes, allocate	2
Has there been hostile action by the aforementioned individuals or groups on United Nations personnel and agencies in the host nation? If yes, allocate	3
<b>Total</b>	

## Chapter 7, annex B

**3. Summary**

9. Enter the points allocated above in this summary table.

<i>Factor</i>	<i>Maximum</i>	<i>Points allocated</i>
Criminal activities	8	
Potential for hostile engagement of United Nations forces by identified factions or combatants participating in the peace process	10	
Distribution of uncontrolled or unmapped mines	6	
Potential for hostile engagement of United Nations forces by unidentified factions, or by individuals or groups other than peace process participants	11	
<b>Total</b>		

10. The hostile action/forced abandonment factor in per cent equals the total points divided by 7, as it must not exceed 5 per cent. The percentage is to be rounded off to one decimal (4.1 per cent).

Hostile action/forced abandonment factor:

Hostile action/forced abandonment factor:

	%
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**Annex C****Decision sheet to calculate intensified operational conditions in a mission area**

Evaluator (rank, name)	Mission area or country	Day/month/year
		/ /

**1. General**

1. The purpose of this decision sheet is to assist the evaluator in determining an intensity of operations factor in mission areas, which is introduced to compensate troop/police-contributing countries for the impact of exceptional and extreme conditions which result in shorter equipment life and increased maintenance costs. This factor, not to exceed 5 per cent, is to be applied to the wet/dry lease rates and the self-sustainment rates.
2. This decision sheet is to be used by the technical survey team visiting the peacekeeping area at the beginning of a mission, together with the decision sheet for evaluating the factor for extreme environmental conditions, and the decision sheet for evaluating the factor for hostile action or forced abandonment.
3. Upon returning from the survey mission, the technical survey team is to submit this report to the military adviser/political adviser and to the Under-Secretary-General for Field Support for review and approval. This resulting factor is to be indicated in the MOU.
4. Although the elements cannot be totally assessed objectively, some assistance to this effect is provided. The evaluator will also have to base the assessment on military experience and common sense to complete this evaluation.

**2. Elements**

5. The following conditions which might contribute to premature wear and tear of the equipment and increased maintenance costs are to be analysed:

**A. Size of area of responsibility**

6. The average battalion/unit in a peacekeeping mission is given an area of responsibility within which it is deployed in company and platoon size camps. If the unit has been given intensive tasks, e.g., controlling a ceasefire between two opposing parties, it will also be deployed in a line of observation and squad size checkpoints.
7. Allocate points if the area of responsibility for the average battalion size unit is significantly larger than a normal area which for a unit with intensive tasks is assessed to be not more than 1,000 square kilometres and for units with extensive tasks, e.g., monitoring a peace agreement, is assessed to be not more than 10,000 square kilometres. If not applicable, put zero.

## Chapter 7, annex C

Area of responsibility is 2-4 times the normal maximum size	2
Area of responsibility is 5 times the normal maximum size or more	4

**Allocation**

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**B. Length of logistics chains**

8. The resupply of battalions/units will normally be performed by logistic units provided by the mission. When contingents, in exceptional situations, will have to haul the resupply themselves, and this is performed over significantly longer distances than normal, this would qualify for inclusion in the intensity operational usage factor.

9. If the battalions/units with own means have to haul major parts of their resupply over a distance significantly longer than the normal 100 kilometres, allocate points as follows. If not applicable, put zero.

<i>Average distance of travel</i>	
Distance to base 200-300 kilometres	1
Distance 300-500 kilometres	2
Distance 500-800 kilometres	3
Distance greater than 800 kilometres	4

10. If the battalions/units only have to haul parts of their resupply, divide these points with the point allocated for the percentage of resupply hauled.

<i>Percentage of supplies hauled</i>	
Small portion (10-29 per cent)	4
Substantial, but less than half (30-49 per cent)	3
Substantial, and more than half (50-69 per cent)	2
Majority of supply (70-100 per cent)	1

Result (with one decimal): \_\_\_\_\_

**C. Infrastructure**

11. Normally you would expect to find available fixed structures to be acquired for repair workshops, storage and headquarters in the area of responsibility. If such facilities are scarce allocate points as follows.



## Chapter 7, annex C

<i>Availability of infrastructure</i>	
Sufficient facilities	0
Few facilities located outside battalion area of responsibility	2
Sufficient fixed structures but without technical support such as electricity, oil drain, cranes, etc.	2
Few fixed structures but without technical support	3
No fixed structures	4

Result (with one decimal): \_\_\_\_\_

### 3. Summary

12. Enter the points allocated above in this summary table and correct the figures if required as the resulting factor cannot exceed 5 per cent.

<i>Factor</i>	<i>Points allocated</i>
A. Size of area of responsibility (maximum 4 points)	
B. Length of logistics chain (maximum 4 points)	
C. Availability of infrastructure (maximum 4 points)	
<b>Total</b>	

13. The intensified operational conditions factor (in per cent) equals the total points divided by 2.4, as it must not exceed 5 per cent. The percentage is to be rounded off to one decimal (i.e., 3.6 per cent).

%
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**Annex D****Example of calculation of mission factor****Contingent-owned equipment**

Environmental condition factor	Applies to whole basic rate (dry and wet lease rates)	
Intensity of operations factor	Applies to whole basic rate (dry and wet lease rates)	
Hostile action/forced abandonment factor	Applies to half of the maintenance rate (wet and maintenance only)	<a href="#">A/C.5/49/70</a> , para. 46 (c),
Incremental transportation factor*	Applies to maintenance rate only (wet and maintenance only)	and <i>ibid.</i> , annex;

\*Compensates for the length of logistics chain for transportation of spare parts resupply.

1 nautical mile = 1.85 kilometres

1 statute mile = 1.61 kilometres

First 800 kilometres or 500 miles to be subtracted; then divided by 800 kilometres (or 500 miles).

Take the integer (only complete 800 kilometres or 500 miles) of the result and times 0.25. This is the percentage to be used as the incremental transportation factor.

**Note:**

The incremental transportation factor is **not** a mission factor, however it is listed here to show the calculation methodology.

**Self-sustainment**

1. Incremental transportation factor does not apply to self-sustainment.
2. Environmental condition factor, intensity of operations factor and hostile action factor added together applies to the whole basic rate.

### Contingent-owned equipment

## Self-sustainment

<sup>a</sup> Env = Environmental condition factor.  
Int = Intensity of operations factor.  
Hos = Hostile action/forced abandonment factor.  
Inc = Incremental transportation factor.

## Chapter 8

**Chapter 8****Reimbursement rates for major equipment and self-sustainment**

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## Introduction

1. The tables included in the present chapter show the rates approved by the General Assembly as presented in Phase III Working Group recommendations (A/C.5/49/70, dated 20 July 1995), amended to incorporate the rate increases and changes/additions of major equipment recommended by post-Phase V Working Group as approved by the General Assembly in its resolution 55/274 of 14 June 2001, additional major equipment recommended by the 2004 Working Group on COE in its report (A/C.5/58/37, dated 19 April 2004) and approved by the General Assembly in its resolution 59/298 of 22 June 2005, the rate changes and additional major equipment recommended by the 2008 Working Group on COE (A/C.5/62/26, dated 14 March 2008) and approved by the General Assembly in its resolution 62/252 of 20 June 2008 and the rate changes and additional major equipment recommended by the 2011 COE Working Group (A/C.5/65/16, dated 2 March 2011) and approved by the General Assembly in its resolution 65/292 of 26 August 2011. Reimbursement rates for major equipment wet and dry leases, self-sustainment rates and related provisions for loss and damage, extreme environmental conditions, intensity of operations and hostile/forced abandonment conditions are to be reviewed on a triennial<sup>1</sup> basis.

2. The reimbursement payable will be adjusted when equipment listed in the MOU is taken out of service or returned to the home country, except when equipment is rotated at the troop/police contributors' expense to meet the national requirement and is being replaced by equipment of the same type. When the contingent fails to meet the operational standards, reimbursement for self-sufficiency may be reduced accordingly.

## Major equipment and related minor equipment/consumables

3. Reimbursement for major equipment is based on the concepts of dry lease and wet lease which are defined as follows:

(a) *Dry lease.* A contingent-owned equipment reimbursement system where the troop/police contributor provides equipment to a peacekeeping mission and the United Nations assumes responsibility for maintaining the equipment (or arranging with a third party for maintenance of the equipment). Under the dry lease, costs associated with categories of deployed minor equipment are reimbursable. Dry lease equipment may be operated either by the equipment-owning country or another country. The contractual relationship is between the United Nations and the equipment-owning country and/or the United Nations and the equipment-operating country;<sup>2</sup>

(b) *Wet lease.* A contingent-owned equipment reimbursement system where the troop/police contributor assumes responsibility for maintaining and supporting deployed major and minor items of equipment.

4. The reimbursement rates are based on the generic fair market value (GFMV) of major equipment. The GFMV is defined as equipment valuation for

<sup>1</sup> A/C.5/54/49, para. 26.

<sup>2</sup> A/C.5/49/66, annex II, para. 4.

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reimbursement purposes. It is computed as the initial purchase price plus any major capital improvements, adjusted for inflation and discounted for any prior usage; or the replacement value, whichever is less. The GFMV includes all issue items associated with the equipment in the performance of its operational role.

5. If equipment has been provided by one country but, at the request of the United Nations, is used by another country, the general concepts of the wet/dry lease continue to apply and the United Nations will be responsible for the equipment until its return to the providing country. However, reimbursement for the contingent-owned equipment would be arranged by a trilateral or bilateral MOU between the United Nations and the using country and/or the providing country.<sup>3</sup> In these instances, under a wet lease arrangement a providing country has a responsibility to maintain 90 per cent operational serviceability. When the total number of operationally serviceable vehicles is less than 90 per cent of the quantity authorized in the MOU, the reimbursement will be reduced accordingly,<sup>4</sup> as is the case in instances where a country provides major equipment for its own usage.<sup>5</sup>

6. The monthly dry lease rate is calculated as follows: (GFMV divided by estimated useful life and divided by 12) plus (GFMV multiplied by no-fault incident factor divided by 12).<sup>6</sup>

7. The components of the modular wet lease system include all four elements as follows:<sup>7</sup>

(a) *Equipment usage charge* (i.e., dry lease);

(b) *Spare parts*. An average cost associated with the use of repair parts to support the equipment is added to the equipment usage charge. This cost includes an incremental transportation factor, based on distance zone modules, to account for costs associated with maintaining a spare parts inventory in the mission area and transporting spare parts into the mission area;

(c) *Maintenance*. An average cost associated with maintaining the equipment in the mission area to the standards established by the United Nations, regardless of the means used by the contingent to provide this service, is added to the equipment usage charge. This includes a factor for periodic repair and overhaul and for the provision of test equipment, tools and consumables, but is exclusive of the costs of contingent military personnel for whom reimbursement is provided in General Assembly resolution 45/258 of 3 May 1991. The maintenance costs for dry lease vehicles should not exceed the associated maintenance rates under a wet lease. If this situation occurs, an initial assessment will determine if the cost overrun is attributable to environmental or operational factors. If this is not the case, the United Nations may reduce the dry lease reimbursement rate accordingly;<sup>8</sup>

(d) *Related minor equipment*. An average cost associated with minor equipment necessary to support the major equipment, but not reimbursed under

<sup>3</sup> Ibid., annex, para. 49.

<sup>4</sup> [A/C.5/55/39](#), para. 42.

<sup>5</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 23.

<sup>6</sup> Ibid., appendix II.B, notes a (b).

<sup>7</sup> [A/C.5/49/66](#), annex, para. 46 (c), and paras. 20 (a)-(c).

<sup>8</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 26.

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another category, is also added to the equipment usage charge. This includes a factor to account for potential loss or damage;

8. When the United Nations cannot provide petrol, oil and lubricants, the troop/police contributor will be reimbursed at standard monthly rates as approved by the General Assembly or through a letter of assist for special case equipment.<sup>9</sup>

9. When the United Nations provides a component of support under the wet lease system, the contributing country is not entitled to reimbursement for that specific component.<sup>10</sup>

10. In the event a troop/police contributor is requested to provide a specialist unit for unique or force-level tasks that exceed standard equipment usage rates, a bilateral MOU may be required between the troop/police contributor and the United Nations. The MOU may set a new reimbursement rate, even if a specific piece of major equipment has already been given a standard rate.<sup>11</sup>

11. Where a contingent is employing major equipment for self-sustainment support, the applicable troop/police contributor is not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement.<sup>12</sup> There may be instances where a troop/police contributor provides services such as communications, medical, engineering on a force level in which case there may be an entitlement to reimbursement for major equipment,<sup>13</sup> whereas the same items at the unit level would be considered as minor equipment and incorporated into the overall self-sufficiency cost base.<sup>14</sup>

12. Reimbursement is limited to those items of major equipment (including associated minor equipment and consumables) specifically agreed to by the United Nations. Should a contingent provide less major equipment or self-sustainment than that stipulated in the MOU, the reimbursement to the troop/police contributor will be adjusted accordingly. Additional items deployed by contingents are not reimbursable unless authorized through additional negotiations between the United Nations and the troop/police contributor or as covered under extraordinary charges in the MOU between the United Nations and the troop/police contributor prior to deployment of the equipment.<sup>15</sup> The United Nations undertakes to provide self-sustainment services and related minor equipment as negotiated in the MOU.

13. Upon withdrawal of a contingent, a plan is to be developed to coordinate the timely departure of troop/police contingents and equipment following the cessation of operations. Troop/police reimbursements will continue at full rates until departure in accordance with the drawdown plan. Reimbursement for major equipment leases will be at 50 per cent of the rates agreed in the MOU, until the equipment departure date.<sup>16</sup>

<sup>9</sup> A/C.5/49/66, annex, para. 21, and A/C.5/49/70, annex, appendix I.B.

<sup>10</sup> A/C.5/49/66, annex, para. 46 (d).

<sup>11</sup> A/C.5/49/70, annex, appendix I, para. 2 (g).

<sup>12</sup> A/C.5/52/39, para. 77, and A/C.5/49/70, annex, para. 15.

<sup>13</sup> A/C.5/49/70, annex, paras. 3, 8 and 10.

<sup>14</sup> A/C.5/49/66, annex, annex III, para. 6.

<sup>15</sup> A/C.5/49/66, annex, para. 46 (a).

<sup>16</sup> A/C.5/52/39, para. 70.

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**Self-sustainment**

14. Where a contingent is employing major equipment in providing sustainment support, the applicable troop/police contributor is not entitled to major equipment reimbursement, but only to the applicable self-sustainment reimbursement.<sup>17</sup> There may be instances where a troop/police contributor provides services such as communications, engineering on a force level in which case there may be an entitlement to reimbursement for major equipment<sup>18</sup> whereas the same items at the unit level would be considered as minor equipment and incorporated into the overall self-sufficiency cost base.<sup>19</sup>

15. Should a contingent receive self-sustainment services from another contingent, the self-sustainment rates will be paid to the contingent providing the services.

16. Upon mission drawdown, a plan is to be developed to coordinate the timely departure of troop/police contingents and equipment following the cessation of operations and termination of a mission. Troop/police reimbursements will continue at full rates until departure in accordance with the drawdown plan. Reimbursement for self-sustainment rates will be reimbursed at 50 per cent of the rates agreed in the MOU and will be calculated based on the actual remaining deployed troop/police strengths until all contingent personnel have departed the mission area.<sup>20</sup> In the case of a contingent being required (if mutually agreed upon) to change location of any base camp (unit or sub-unit level) due to an operational or logistics/administrative requirement, the troop- or police-contributing country may submit a claim to the United Nations for reimbursement of the extra and reasonable costs to reinstall the self-sustainment services under its responsibility (e.g., accommodation, tentage, field defence stores, Internet, catering, etc.).<sup>21</sup>

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<sup>17</sup> [A/C.5/49/70](#), annex, appendix I.A, para. 15, and [A/C.5/52/39](#), para. 77.

<sup>18</sup> [A/C.5/49/70](#), annex, appendix I.A, paras. 3, 8 and 10.

<sup>19</sup> [A/C.5/49/66](#), annex, annex III, para. 6.

<sup>20</sup> [A/C.5/52/39](#), para. 70.

<sup>21</sup> [A/C.5/65/16](#), para 122 (b).



## Annex A

Reimbursement rates for major equipment for dry or wet lease<sup>a</sup>

(United States dollars)

<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Communications equipment</b>							
VHF/UHF-FM transceivers							
Air-ground base station transceivers AM/FM	<b>33 647</b>	7	281	406	<b>687</b>	0.2	
Microwave links	<b>83 278</b>	10	551	708	<b>1 259</b>	0.2	
Mobile stations for trunking systems	<b>533</b>	9	5	5	<b>10</b>	0.2	
Paging equipment	<b>2 265</b>	10	20	19	<b>39</b>	0.2	
Portable MTSX for trunking	<b>2 274</b>	8	20	24	<b>44</b>	0.2	
Repeaters	<b>3 439</b>	7	24	42	<b>66</b>	0.2	
VHF alarm units	<b>2 207</b>	9	12	21	<b>33</b>	0.2	
VHF multiplex channels	<b>51 260</b>	10	149	436	<b>585</b>	0.2	
HF equipment							
Antennas, log periodic — directional high power	<b>24 975</b>	24	7	91	<b>98</b>	0.2	
Base receiver, HF high power	<b>8 067</b>	7	23	97	<b>120</b>	0.2	
Base station transmitter, HF high power	<b>21 878</b>	7	38	264	<b>302</b>	0.2	
Phone patch interlink	Special case						
Satellite equipment							
Earth station — non-redundant	Special case						
Earth station — redundant	Special case						
Earth station hub	Special case						
Earth station sub-hub	Special case						
Inmarsat type A — portable earth station	<b>44 032</b>	7	33	543	<b>576</b>	0.5	
Inmarsat type M — portable earth station	<b>20 043</b>	7	30	247	<b>277</b>	0.5	
Inmarsat type C — portable earth station	<b>13 935</b>	7	24	172	<b>196</b>	0.5	
Satellite receivers/TVRO	<b>162 894</b>	9	147	1 535	<b>1 682</b>	0.2	
UPS satellite station	<b>527</b>	9	5	5	<b>10</b>	0.2	
VSAT earth station, global TX/RX	<b>209 334</b>	9	206	1 973	<b>2 179</b>	0.2	
Telephone equipment							
Telephone exchange large, 1-1,100 lines	<b>423 041</b>	15	103	2 421	<b>2 524</b>	0.2	

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Telephone exchange PABX 1-100 lines	<b>68 226</b>	12	48	485	<b>533</b>	0.2	
Cryptofax	<b>3 403</b>	7	4	41	<b>45</b>	0.2	
Cyphering equipment	Special case						
Airfield support equipment							
All radars	Special case						
Approach systems/lighting	Special case						
Control tower	<b>4 461 885</b>	20	12 903	19 335	<b>32 238</b>	0.2	
Navigation systems	<b>1 980 429</b>	10	5 804	16 834	<b>22 638</b>	0.2	
Miscellaneous — communications							
Underwater communication systems	Special case						
Antenna towers	<b>5 270</b>	20	11	23	<b>34</b>	0.2	
UPS 10 kVA and up	<b>8 716</b>	10	88	74	<b>162</b>	0.2	
<b>Electrical</b>							
Generators — stationary and mobile							
20-30 kVA	<b>42 104</b>	12	141	310	<b>451</b>	0.5	309
31-40 kVA	<b>44 575</b>	12	183	328	<b>511</b>	0.5	432
41-50 kVA	<b>58 836</b>	12	184	433	<b>617</b>	0.5	555
51-75 kVA	<b>71 462</b>	12	197	526	<b>723</b>	0.5	771
76-100 kVA	<b>76 044</b>	12	218	560	<b>778</b>	0.5	1 080
101-150 kVA	<b>87 015</b>	12	289	619	<b>908</b>	0.2	1 543
151-200 kVA	<b>113 998</b>	15	439	652	<b>1 091</b>	0.2	2 160
201-500 kVA	<b>163 836</b>	14	548	1 003	<b>1 551</b>	0.2	3 086
Greater than 500 kVA	Special case						
<b>Engineering equipment</b>							
Assault boat and motor (Zodiac type)	<b>16 198</b>	8	151	175	<b>326</b>	0.5	240
Bridging boat	<b>175 981</b>	25	1 166	660	<b>1 826</b>	0.5	775
Bridging sets (Bailey or equivalent, set of 100 feet)	<b>465 505</b>	39	5 626	1 033	<b>6 659</b>	0.1	
Compactor plate	<b>527</b>	5	4	9	<b>13</b>	0.5	
Concrete cutter	<b>5 124</b>	15	77	31	<b>108</b>	0.5	
Concrete mixer machine, below 1.5 m <sup>3</sup>	<b>1 844</b>	8	33	19	<b>52</b>	0.1	
Concrete mixer machine, above 1.5 m <sup>3</sup>	<b>7 773</b>	10	105	68	<b>173</b>	0.5	

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Concrete vibrator	1 447	12	25	11	36	0.5	
Dewatering pumps, up to 5 HP	1 815	10	13	16	29	0.5	
Ferry boats (river crossing)	633 400	20	1 120	2 903	4 023	0.5	900
Pontoons/pontoon bridge (interior/ramp section)	438 243	10	647	3 835	4 482	0.5	
Quarry equipment, complete	Special case						
Recce (reconnaissance) boats	31 520	10	272	276	548	0.5	258
Scissor/cantilever-type bridge (up to 20 metres)	99 632	10	580	872	1 452	0.5	
Sewage treatment plant and equipment	39 132	15	45	234	279	0.5	
Survey equipment, including total station	12 247	15	91	73	164	0.5	
Survey equipment, Theodolite type	6 703	15	10	40	50	0.5	
Well drilling rig	412 000	20	1 710	1 888	3 598	0.5	200
Water pumps <sup>b</sup>	5 035	9	13	49	62	0.5	
Water treatment plant (reverse osmosis water purification unit (ROWPU) or equivalent), equipment, tanks and bladders, up to 2,000 litres per hour, storage up to 5,000 litres	55 371	10	378	484	862	0.5	
Water treatment plant (ROWPU or equivalent), equipment, tanks and bladders, over 2,000 litres per hour, storage up to 20,000 litres	88 016	10	1 392	770	2 162	0.5	
Water treatment plant (ROWPU or equivalent), equipment, tanks and bladders, over 7,000 litres per hour, storage up to 42,000 litres	383 960	10	2 799	3 360	6 159	0.5	
<b>Water storage equipment</b>							
Water storage, 5,000-7,000 litres	1 154	7	11	14	25	0.1	
Water storage, 7,001-10,000 litres	1 621	7	16	19	35	0.1	
Water storage, 10,001-12,000 litres	1 777	7	18	21	39	0.1	
Water storage, 12,001-20,000 litres	5 117	7	51	61	112	0.1	
Water storage, greater than 20,000 litres	5 800	7	57	70	127	0.1	
<b>Logistics equipment</b>							
Fuel farm (2 pumps, tanks and/or bladders, pipelines, filters) 152,000 litres	53 002	10	87	464	551	0.5	36
Fuel farm (2 pumps, tanks and/or bladders, pipelines, filters) 76,000 litres	35 527	10	77	311	388	0.5	36

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Fuel storage, under 500 litres	<b>2 290</b>	12	11	17	<b>28</b>	0.5	
Fuel storage, 501-5,000 litres	<b>3 013</b>	12	15	22	<b>37</b>	0.5	
Fuel storage, 5,001-10,000 litres	<b>3 622</b>	12	17	27	<b>44</b>	0.5	
Fuel storage, greater than 10,000 litres	<b>5 280</b>	12	19	39	<b>58</b>	0.5	
<b>Demining and EOD equipment<sup>c</sup></b>							
Remote control bomb disposal equipment	Special case						
Metal detectors	<b>3 224</b>	5	32	54	<b>86</b>	0.1	
Mine detector (capable to measure shape or explosive content in addition to metal content)	<b>10 579</b>	5	104	177	<b>281</b>	0.1	
Bomb locator	<b>7 518</b>	5	74	126	<b>200</b>	0.1	
EOD suit — Light (minimum V50 rating of 1,000 for the chest and groin)	<b>6 917</b>	5	66	116	<b>182</b>	0.1	
EOD suit — Heavy (minimum V50 rating of 1,600 for the chest and groin)	<b>10 755</b>	5	107	180	<b>287</b>	0.1	
Demining protective helmet and visor	<b>204</b>	2	17	9	<b>26</b>	0.1	
Demining protective shoes	<b>508</b>	2	6	21	<b>27</b>	0.1	
Demining protective vest/jacket	<b>682</b>	3	6	19	<b>25</b>	0.1	
Demining protective apron/trousers	<b>683</b>	3	6	19	<b>25</b>	0.1	
Reinforced gloves (pair)	<b>147</b>	2	2	6	<b>8</b>	0.1	
<b>Demining personal protection set<sup>c</sup></b>							
Demining protective helmet and visor	<b>212</b>	2	17	9	<b>26</b>	0.1	
Demining protective shoes	<b>509</b>	2	6	21	<b>27</b>	0.1	
Demining protective vest/jacket or demining protective apron/trousers (alternatives)	<b>651</b>	2	0	27	<b>27</b>	0.1	
Reinforced gloves (pair)	<b>147</b>	2	2	6	<b>8</b>	0.1	
<b>Set total</b>	<b>1 519</b>	<b>2</b>	<b>25</b>	<b>63</b>	<b>88</b>	<b>0.1</b>	

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Riot control equipment</b>							
Personal equipment (without gas mask) — set of 10 — applicable to military contingents with riot control tasks only <sup>d</sup>							
Elbow, knee and shoulder protection	<b>4 668</b>	2	23	196	<b>219</b>	0.5	
Helmet with visor	<b>3 064</b>	2	16	129	<b>145</b>	0.5	
Shield (plastic, transparent)	<b>4 654</b>	2	24	196	<b>220</b>	0.5	
Baton	<b>2 967</b>	2	15	125	<b>140</b>	0.5	
Without gas mask							
<b>Set total</b>	<b>13 353</b>	2	78	646	<b>724</b>	0.5	
Personal equipment (with gas mask) — set of 10 — applicable to military contingents with riot control tasks only							
Elbow, knee and shoulder protection	<b>4 668</b>	2	23	196	<b>219</b>	0.5	
Helmet with visor	<b>3 064</b>	2	16	129	<b>145</b>	0.5	
Shield (plastic, transparent)	<b>4 654</b>	2	24	196	<b>220</b>	0.5	
Baton	<b>2 967</b>	2	15	125	<b>140</b>	0.5	
With gas mask	<b>9 508</b>	2	49	400	<b>449</b>	0.5	
<b>Set total</b>	<b>24 861</b>	2	127	1 046	<b>1 173</b>	0.5	
<b>Platoon equipment<sup>e</sup></b>							
Teargas launcher (set of 4)	<b>4 970</b>	10	24	43	<b>67</b>	0.5	
Loudspeakers (set of 3)	<b>378</b>	10	8	3	<b>11</b>	0.5	
Handheld searchlights (set of 6)	<b>576</b>	10	1	5	<b>6</b>	0.5	
Handheld metal detectors (set of 6)	<b>527</b>	5	3	9	<b>12</b>	0.5	
Flare/Signal pistol (set of 3)	<b>582</b>	5	3	10	<b>13</b>	0.5	
Taser (advanced pistol) (set of 1)	<b>637</b>	5	3	11	<b>14</b>	0.5	
<b>Set total</b>	<b>7 670</b>	5/10	42	81	<b>123</b>	0.5	

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Other riot control equipment<sup>b,f</sup></b>							
Searchlights and generators	<b>3 630</b>	10	18	32	<b>50</b>	0.5	
Automatic (TG) grenade launcher (set of 3)	<b>6 397</b>	10	31	56	<b>87</b>	0.5	
Public address system (set)	<b>1 233</b>	10	24	11	<b>35</b>	0.5	
<b>Military Police/Police traffic kit (set)</b>							
Alcohol detector	<b>754</b>	5	5	13	<b>18</b>	0.5	
Laser speed gun	<b>1 530</b>	5	17	26	<b>43</b>	0.5	
<b>Set total</b>	<b>2 285</b>	5	22	39	<b>61</b>	0.5	
<b>Canine Unit<sup>b</sup></b>							
Canine Unit, all types	Special case						
<b>Aircrew kit (only for crew members)<sup>b,g</sup></b>							
Coverall (aircrew) (set of 2)	290	5	0	5	<b>5</b>	0.1	
Flight gloves	22	2	0	1	<b>1</b>	0.1	
Aircrew bag	44	3	0	1	<b>1</b>	0.1	
Flight jacket	145	4	0	3	<b>3</b>	0.1	
Flight Shoes	40	2	0	2	<b>2</b>	0.1	
Earplugs	2	n/a	0	0	<b>0</b>	0.1	
Sunglasses (aircrew)	38	3	0	1	<b>1</b>	0.1	
Flight helmet	1 100	6	0	15	<b>40</b>	0.1	
<b>Set total</b>	<b>1 681</b>	n/a	25	28	<b>53</b>	0.5	
<b>Medical and dental<sup>h,i</sup></b>							
Level 1 hospital	<b>88 808</b>	5	444	1 488	<b>1 932</b>	0.1	
Level 2 hospital	<b>911 107</b>	5	4 556	15 261	<b>19 817</b>	0.1	
Level 3 hospital	<b>1 544 087</b>	5	7 720	25 863	<b>33 583</b>	0.1	
Laboratory only <sup>j</sup>	<b>47 657</b>	5	238	798	<b>1 036</b>	0.1	
Dental equipment set	<b>160 599</b>	5	803	2 690	<b>3 493</b>	0.1	
Aero-medical evacuation module	<b>41 853</b>	5	209	701	<b>910</b>	0.1	
Forward surgery module	<b>161 374</b>	5	807	2 703	<b>3 510</b>	0.1	
Gynaecology module <sup>b</sup>	<b>10 867</b>	5	54	182	<b>236</b>	0.1	
Orthopaedic module <sup>b</sup>	<b>57 575</b>	5	288	964	<b>1 252</b>	0.1	
CT-scanner <sup>b</sup>	Special case						

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Observation equipment</b>							
Area equipment — observation							
Artillery locating equipment	Special case						
Ground surveillance radar/system	Special case						
Thermal imaging systems — aerial version	<b>133 872</b>	8	489	1 417	<b>1 906</b>	0.2	
Thermal imaging systems — ground version	<b>110 572</b>	8	489	1 170	<b>1 659</b>	0.2	
Personal equipment — observation							
Night observation devices — tripod mounted	<b>13 785</b>	8	21	149	<b>170</b>	0.5	
Binoculars — tripod mounted	<b>8 956</b>	10	11	78	<b>89</b>	0.5	
<b>Accommodation equipment</b>							
Tents for deployable squad, 8-10 personnel <sup>b</sup>	<b>3 823</b>	5	10	64	<b>74</b>	0.2	
Tents for deployable platoon, 35 personnel <sup>b</sup>	<b>12 914</b>	5	96	217	<b>313</b>	0.2	
Semi-rigid structures							
Camp unit, medium (50 persons)	<b>32 723</b>	5	126	551	<b>677</b>	0.2	
Camp unit, large (150 persons)	<b>627 828</b>	8	2 246	6 645	<b>8 891</b>	0.2	
Maintenance workshop	<b>31 899</b>	7	126	385	<b>511</b>	0.2	
Office, communications and command posts	<b>32 083</b>	7	127	387	<b>514</b>	0.2	
Warehousing and storage	<b>32 016</b>	7	126	386	<b>512</b>	0.2	
Rigid structures							
Camp unit, small (5 persons)	<b>5 400</b>	12	39	38	<b>77</b>	0.2	
Camp unit, medium (50 persons)	<b>80 468</b>	15	467	460	<b>927</b>	0.2	
Camp unit, large (150 persons)	<b>339 601</b>	15	1 958	1 943	<b>3 901</b>	0.2	
Office, communications and command posts	<b>20 525</b>	15	118	117	<b>235</b>	0.2	
Ablution facilities (50 persons)	<b>9 855</b>	10	87	84	<b>171</b>	0.2	
Containers							
Medical	Special case						
Dental	Special case						
Workshop	<b>62 616</b>	9	146	590	<b>736</b>	0.2	
Refrigeration/freezer/food storage	<b>35 902</b>	6	51	505	<b>556</b>	0.2	
Insulated storage	<b>49 785</b>	12	46	354	<b>400</b>	0.2	
Ammunition magazine (storage)	<b>23 542</b>	9	39	222	<b>261</b>	0.2	

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Communications and command posts	<b>155 098</b>	12	189	1 142	<b>1 331</b>	0.5	
Other containers	<b>7 645</b>	10	7	65	<b>72</b>	0.2	
<b>Aircraft</b>							
All aircraft <sup>k</sup>	Letter of assist						
<b>Armaments</b>							
Crew-served machine guns (up to 10 mm)	<b>9 484</b>	25	7	36	<b>43</b>	0.5	
Crew-served machine guns (11-15 mm)	<b>15 749</b>	25	9	59	<b>68</b>	0.5	
Mortars (up to 60 mm)	<b>2 362</b>	25	4	9	<b>13</b>	0.5	
Mortars (61-82 mm)	<b>12 656</b>	25	9	47	<b>56</b>	0.5	
Mortars (83-122 mm)	<b>21 414</b>	25	13	80	<b>93</b>	0.5	
Recoilless gun	<b>16 887</b>	25	20	63	<b>83</b>	0.5	
Anti-air weapons launchers	Special case						
Anti-air missile launchers	Special case						
Anti-armour missile launchers	Special case						
Anti-tank grenade launcher (light, 60-80 mm)	<b>1 601</b>	25	10	6	<b>16</b>	0.5	
Anti-armour grenade launcher (medium, 81-100 mm)	<b>9 038</b>	24	8	35	<b>43</b>	0.5	
Howitzer light towed	Special case						
Howitzer medium towed	Special case						
<b>Naval vessels</b>							
All naval vessels <sup>k</sup>	Letter of assist						
<b>Tanks<sup>i</sup></b>							
Main battle tank, medium (up to 50 tons)	<b>1 564 373</b>	25	4 609	5 866	<b>10 475</b>	0.5	
Main battle tank, heavy (over 50 tons)	<b>1 745 211</b>	25	5 894	6 545	<b>12 439</b>	0.5	
Tank, recovery vehicle	<b>1 479 351</b>	25	4 193	5 548	<b>9 741</b>	0.5	
All other tanks	Special case						
Armoured infantry fighting/airborne/special vehicle	Special case						

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Armoured personnel carriers — tracked<sup>1</sup></b>							
Infantry carrier — unarmed/dozer (class I)	<b>590 745</b>	25	3 723	2 215	<b>5 938</b>	0.5	525
Infantry carrier — unarmed/dozer (class II)	<b>309 203</b>	25	2 091	1 160	<b>3 251</b>	0.5	525
Infantry carrier — armed (class I)	<b>819 443</b>	25	4 987	3 073	<b>8 060</b>	0.5	525
Infantry carrier — armed (class II)	<b>616 993</b>	25	4 226	2 314	<b>6 540</b>	0.5	525
Infantry carrier — armed (class III)	<b>379 736</b>	20	2 336	1 740	<b>4 076</b>	0.5	525
Missile equipped	<b>1 154 314</b>	15	6 251	6 894	<b>13 145</b>	0.5	300
Mortar	<b>618 038</b>	25	2 438	2 318	<b>4 756</b>	0.5	300
Recovery	<b>865 877</b>	24	3 062	3 367	<b>6 429</b>	0.5	375
Air defence	Special case						
Command post	<b>1 008 719</b>	25	2 698	3 615	<b>6 313</b>	0.3	150
Air liaison outpost/forward air control/artillery	Special case						
Radar	Special case						
Ambulance rescue	<b>706 318</b>	25	3 049	2 649	<b>5 698</b>	0.5	375
Cargo	<b>564 314</b>	25	4 175	2 116	<b>6 291</b>	0.5	525
<b>Armoured personnel carriers — wheeled<sup>1</sup></b>							
Infantry carrier — unarmed (class I)	<b>572 385</b>	25	3 199	2 385	<b>5 584</b>	1.0	450
Infantry carrier — unarmed (class II)	<b>311 221</b>	24	1 701	1 340	<b>3 041</b>	1.0	450
Infantry carrier — armed (class I)	<b>776 060</b>	25	4 394	3 234	<b>7 628</b>	1.0	450
Infantry carrier — armed (class II)	<b>645 395</b>	25	3 675	2 689	<b>6 364</b>	1.0	450
Infantry carrier — armed (class III)	<b>368 583</b>	20	2 123	1 843	<b>3 966</b>	1.0	450
Missile equipped	<b>1 069 194</b>	15	4 261	6 831	<b>11 092</b>	1.0	225
Mortar	<b>588 433</b>	24	1 954	2 534	<b>4 488</b>	1.0	225
Recovery	<b>656 420</b>	24	3 703	2 826	<b>6 529</b>	1.0	450
Air defence	Special case						
Command post	<b>782 262</b>	24	1 281	2 912	<b>4 193</b>	0.3	75
Air liaison outpost/forward air control/artillery	Special case						
Radar	Special case						
Ambulance rescue	<b>577 896</b>	24	2 672	2 488	<b>5 160</b>	1.0	338

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
<b>Carrier — oversnow<sup>1</sup></b>							
Infantry carrier	<b>173 426</b>	15	3 090	1 036	<b>4 126</b>	0.5	105
Infantry carrier — armoured	<b>279 031</b>	20	4 508	1 279	<b>5 787</b>	0.5	263
General purpose (snowcat)	<b>40 891</b>	15	1 464	237	<b>1 701</b>	0.3	146
Missile equipped	<b>732 015</b>	12	4 763	5 266	<b>10 029</b>	0.3	60
Command post	<b>241 234</b>	15	1 319	1 400	<b>2 719</b>	0.3	30
<b>Reconnaissance vehicles<sup>1</sup></b>							
Reconnaissance vehicle — tracked	<b>288 035</b>	22	4 058	1 211	<b>5 269</b>	0.5	438
Reconnaissance vehicle — wheeled up to 25 mm	<b>282 420</b>	25	4 142	1 177	<b>5 319</b>	1.0	600
Reconnaissance vehicle — wheeled over 25 mm and up to 50 mm	<b>395 616</b>	25	4 232	1 648	<b>5 880</b>	1.0	600
Reconnaissance vehicle — wheeled over 50 mm and up to 100 mm	<b>710 210</b>	25	4 835	2 959	<b>7 794</b>	1.0	600
Reconnaissance vehicle — wheeled over 100 mm	Special case						
<b>Self-propelled artillery</b>							
Light howitzer	<b>974 977</b>	30	1 538	2 790	<b>4 328</b>	0.1	45
Medium howitzer	<b>1 068 714</b>	30	1 707	3 058	<b>4 765</b>	0.1	45
Heavy howitzer	Special case						
<b>Support vehicles (commercial pattern)</b>							
All-terrain vehicle	<b>6 876</b>	5	5	119	<b>124</b>	0.8	1
Ambulance — truck	<b>61 070</b>	9	330	606	<b>936</b>	0.8	80
Ambulance — armoured/rescue	<b>160 513</b>	10	220	1 445	<b>1 665</b>	0.8	96
Ambulance (4 x 4)	<b>77 194</b>	8	570	856	<b>1 426</b>	0.8	80
Automobile, sedan/station wagon	<b>10 929</b>	5	119	189	<b>308</b>	0.8	120
Automobile (4 x 4)	<b>15 791</b>	8	388	175	<b>563</b>	0.8	300
Buses (12 passengers and less)	<b>28 518</b>	6	503	415	<b>918</b>	0.8	300
Buses (13-24 passengers)	<b>39 703</b>	8	742	440	<b>1 182</b>	0.8	240
Buses (greater than 24 passengers)	<b>136 337</b>	12	853	1 038	<b>1 891</b>	0.8	200
Snowmobile	<b>6 674</b>	6	5	97	<b>102</b>	0.8	1
Motorcycles	<b>3 479</b>	4	19	75	<b>94</b>	0.8	6
Truck, utility/cargo (under 1.5 tons)	<b>20 876</b>	5	243	362	<b>605</b>	0.8	240
Truck, utility/cargo (1.5-2.4 tons)	<b>27 272</b>	7	288	343	<b>631</b>	0.8	300

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Truck, utility/cargo (2.5-5 tons)	<b>45 450</b>	9	333	451	<b>784</b>	0.8	360
Truck, utility/cargo (5-10 tons)	<b>82 653</b>	10	552	744	<b>1 296</b>	0.8	400
Truck, utility/cargo (over 10 tons)	<b>128 597</b>	12	786	979	<b>1 765</b>	0.8	400
Truck, pallet loading	<b>60 527</b>	12	1 044	461	<b>1 505</b>	0.8	480
Truck, maintenance light	<b>49 359</b>	5	143	856	<b>999</b>	0.8	240
Truck, maintenance medium	<b>85 111</b>	8	251	943	<b>1 194</b>	0.8	150
Truck, maintenance heavy	<b>245 184</b>	12	266	1 866	<b>2 132</b>	0.8	140
Truck, water (up to 5,000 litres)	<b>88 659</b>	12	653	675	<b>1 328</b>	0.8	504
Truck, water (over 5,000 litres and up to 10,000 litres)	<b>91 891</b>	12	651	699	<b>1 350</b>	0.8	504
Truck, water (over 10,000 litres)	<b>95 038</b>	12	674	723	<b>1 397</b>	0.8	504
Truck, crane (up to 10 tons)	<b>144 239</b>	20	172	697	<b>869</b>	0.8	100
Truck, crane heavy lift (up to 25 tons)	<b>204 008</b>	20	264	986	<b>1 250</b>	0.8	100
Truck, recovery (up to 5 tons)	<b>143 532</b>	10	585	1 292	<b>1 877</b>	0.8	270
Truck, refrigerator (under 20 feet)	<b>58 071</b>	10	61	523	<b>584</b>	0.8	34
Truck, refrigerator (20 feet and over)	<b>63 017</b>	10	62	567	<b>629</b>	0.8	34
Truck, tanker (up to 5,000 litres)	<b>101 837</b>	13	1 630	721	<b>2 351</b>	0.8	1 440
Truck, tanker (over 5,000 litres and up to 10,000 litres)	<b>102 067</b>	13	1 645	722	<b>2 367</b>	0.8	1 440
Truck, tanker (over 10,000 litres)	<b>168 393</b>	16	1 879	989	<b>2 868</b>	0.8	1 520
Truck, tractor	<b>100 816</b>	12	1 024	767	<b>1 791</b>	0.8	540
Truck, tractor heavy (over 50 tons cap)	<b>179 792</b>	15	691	1 119	<b>1 810</b>	0.8	1 950
<b>Support vehicles (military pattern)</b>							
Motorcycles	<b>9 012</b>	8	101	100	<b>201</b>	0.8	48
Ambulance	<b>93 559</b>	10	362	842	<b>1 204</b>	0.8	140
Jeep (4x4) with military radio	<b>40 704</b>	10	943	366	<b>1 309</b>	0.8	300
Truck, utility/cargo (jeep type) (under 1.5 tons)	<b>32 497</b>	10	852	292	<b>1 144</b>	0.8	300
Truck, utility/cargo (1.5-2.4 tons)	<b>46 324</b>	10	910	417	<b>1 327</b>	0.8	300
Truck, utility/cargo (2.5 to 5 tons)	<b>80 885</b>	11	933	667	<b>1 600</b>	0.8	360
Truck, utility/cargo (6-10 tons)	<b>135 958</b>	14	1 099	900	<b>1 999</b>	0.8	480
Truck, utility/cargo (over 10 tons)	<b>178 545</b>	17	1 225	994	<b>2 219</b>	0.8	344
Truck, maintenance light	<b>90 355</b>	11	526	745	<b>1 271</b>	0.8	360
Truck, maintenance medium	<b>116 417</b>	14	718	771	<b>1 489</b>	0.8	200

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Truck, maintenance heavy	<b>277 534</b>	17	915	1 545	<b>2 460</b>	0.8	151
Truck, water (up to 5,000 litres)	<b>174 456</b>	20	994	843	<b>1 837</b>	0.8	336
Truck, water (over 5,000 litres and up to 10,000 litres)	<b>178 438</b>	20	1 013	862	<b>1 875</b>	0.8	336
Truck, water (over 10,000 litres)	<b>177 253</b>	20	1 058	857	<b>1 915</b>	0.8	336
Truck, crane (up to 10 tons)	<b>145 780</b>	18	211	772	<b>983</b>	0.8	70
Truck, crane (10 to 24 tons)	<b>219 965</b>	20	342	1 063	<b>1 405</b>	0.8	100
Truck, crane (over 24 tons)	Special case						
Truck, recovery (up to 5 tons)	<b>147 034</b>	18	1 535	779	<b>2 314</b>	0.8	420
Truck, recovery (greater than 5 tons)	<b>383 769</b>	18	1 822	2 033	<b>3 855</b>	0.8	300
Truck, refrigerator (under 20 feet)	<b>103 861</b>	15	150	646	<b>796</b>	0.8	70
Truck, refrigerator (20 feet and over)	<b>121 665</b>	15	148	757	<b>905</b>	0.8	70
Truck, tanker (up to 5,000 litres)	<b>121 501</b>	18	981	644	<b>1 625</b>	0.8	320
Truck, tanker (over 5,000 litres and up to 10,000 litres)	<b>209 415</b>	18	741	1 109	<b>1 850</b>	0.8	320
Truck, tanker (over 10,000 litres)	<b>219 342</b>	18	769	1 162	<b>1 931</b>	0.8	320
Truck, tractor (up to 40 tons tow)	<b>139 766</b>	16	798	821	<b>1 619</b>	0.8	490
Truck, tractor (41 to 60 tons tow)	<b>160 054</b>	18	1 466	848	<b>2 314</b>	0.8	330
Truck, tractor (over 60 tons tow)	Special case						
<b>Communications vehicles</b>							
Truck, communications light	<b>49 770</b>	12	556	366	<b>922</b>	0.5	30
Truck, communications medium	Special case						
Truck, communications heavy	Special case						
Trailer, communications suite	Special case						
Mobile trunking system	Special case						
Air liaison outpost/forward air control/tactical air control post, wheeled	Special case						
<b>Police vehicles</b>							
Police crowd control vehicle <sup>b</sup>	<b>155 015</b>	20	317	749	<b>1 066</b>	0.8	80
Police armoured protected vehicle <sup>b</sup>	<b>296 096</b>	24	1 621	1 275	<b>2 896</b>	1.0	450
Specialized public order management vehicle <sup>b</sup>							
Truck, water cannon, soft skin, from 2,500 litres and up to 5,000 litres	<b>120 000</b>	20	1 148	510	<b>1 658</b>	0.1	336

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Truck, water cannon, soft skin, from 5,000 litres and up to 10,000 litres	<b>170 000</b>	20	1 163	723	<b>1 886</b>	0.1	336
Truck, water cannon, soft skin, over 10,000 litres	<b>190 000</b>	20	1 206	808	<b>2 014</b>	0.1	336
Truck, water cannon armoured	Special case						
<b>Engineering vehicles</b>							
APC engineer — tracked	<b>693 894</b>	25	2 475	2 891	<b>5 366</b>	1.0	300
Bulldozer, light (D4 and 5)	<b>53 309</b>	12	1 034	375	<b>1 409</b>	0.1	348
Bulldozer, medium (D6 and 7)	<b>152 633</b>	15	1 631	861	<b>2 492</b>	0.1	540
Bulldozer, heavy (D8A)	<b>298 705</b>	19	2 094	1 335	<b>3 429</b>	0.1	570
Crane, mobile light (up to 10 tons)	<b>129 649</b>	15	518	731	<b>1 249</b>	0.1	142
Crane, mobile medium (11-24 tons)	<b>249 273</b>	15	620	1 406	<b>2 026</b>	0.1	269
Crane, mobile heavy (25-30 tons)	<b>322 092</b>	17	905	1 606	<b>2 511</b>	0.1	350
Crane, mobile heavy (over 30 tons)	Special case						
Firefighting truck	<b>168 042</b>	20	158	714	<b>872</b>	0.1	22
Front end loader, light (up to 1 cubic metre)	<b>59 123</b>	12	1 138	416	<b>1 554</b>	0.1	257
Front end loader, medium (1-2 cubic metres)	<b>94 644</b>	12	1 482	665	<b>2 147</b>	0.1	257
Front end loader, heavy (2-4 cubic metres)	<b>178 333</b>	15	1 755	1 006	<b>2 761</b>	0.1	450
Front end loader, tracked	<b>169 779</b>	12	1 444	1 193	<b>2 637</b>	0.1	582
Front end loader, special (over 4 cubic metres)	Special case						
Grader, general purpose	<b>142 433</b>	19	1 681	637	<b>2 318</b>	0.1	504
Grader, special purpose	Special case						
Mine-clearance system — vehicle mounted	Special case						
Roller, self-propelled	<b>105 488</b>	17	788	526	<b>1 314</b>	0.1	211
Roller, towed	<b>37 667</b>	15	620	212	<b>832</b>	0.1	57
Road sweeper	<b>98 325</b>	15	627	554	<b>1 181</b>	0.1	72
Sawmill, mobile	Special case						
Snowblower, truck	<b>200 749</b>	12	605	1 411	<b>2 016</b>	0.1	75
Industrial tractor light	<b>45 360</b>	12	939	319	<b>1 258</b>	0.1	282
Truck, dump, up to 10 cubic metres (civilian pattern)	<b>61 222</b>	12	692	466	<b>1 158</b>	0.8	140
Truck, dump, up to 10 cubic metres (military pattern)	<b>154 521</b>	15	625	961	<b>1 586</b>	0.8	140
Truck, dump, large (over 10 cubic metres)	<b>242 831</b>	18	1 845	1 144	<b>2 989</b>	0.1	525
Truck, folding pontoon bridge	<b>168 823</b>	18	55	796	<b>851</b>	0.1	20

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Truck, launched bridge (scissor type)	99 064	18	52	467	519	0.1	20
M2 rig, pontoon bridge	Special case						
Truck, pile driver	49 239	15	71	278	349	0.1	24
Truck, drill rig	64 554	15	78	364	442	0.1	24
Drill rig, self-propelled	222 113	20	695	944	1 639	0.1	450
Truck, sewer cleaning	131 993	15	91	744	835	0.1	110
Excavator (up to 1 cubic metre)	104 541	15	1 180	589	1 769	0.1	309
Excavator (above 1 cubic metre)	288 125	17	1 566	1 436	3 002	0.1	492
Workshops, truck, heavy engineering equipment	124 126	19	400	555	955	0.1	52
<b>Material handling equipment</b>							
Forklift, light (up to 1.5 tons)	30 683	10	416	258	674	0.1	90
Forklift, medium (over 1.5 tons and up to 5 tons)	58 117	12	706	408	1 114	0.1	96
Forklift, heavy (over 5 tons)	105 821	12	936	744	1 680	0.1	108
Forklift, container	361 205	12	377	2 538	2 915	0.1	68
Container, lifter, self-propelled	121 786	12	452	856	1 308	0.1	3
Forklift, rough terrain (up to 1.5 tons)	87 353	10	443	735	1 178	0.1	78
Forklift, rough terrain (over 1.5 and up to 5 tons)	128 168	12	651	901	1 552	0.1	91
Forklift, rough terrain (over 5 tons)	181 400	12	767	1 275	2 042	0.1	360
<b>Aircraft/airfield support equipment</b>							
Truck, aircraft refuelling	119 543	15	454	674	1 128	0.1	50
Forklift, aircraft unloading	67 099	12	171	472	643	0.1	41
Firefighting, crash and rescue light	232 153	20	648	987	1 635	0.1	123
Aircraft loading vehicle	146 685	15	1 456	827	2 283	0.1	26
Semitrailer, aircraft refuelling	60 499	15	375	341	716	0.1	1
Trailer, aircraft loading	9 544	15	344	54	398	0.1	1
Runway sweeper	283 519	17	1 037	1 413	2 450	0.1	52
Truck, aircraft stairs	58 590	15	145	330	475	0.1	40
Tractor, aircraft towing	104 551	15	389	590	979	0.1	75
Auxiliary power unit (small capacity)	90 584	10	279	762	1 041	0.1	20
Auxiliary power unit (large capacity)	258 083	17	379	1 287	1 666	0.1	20
Truck, de-icing	221 558	15	620	1 249	1 869	0.1	37

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<i>Category of equipment</i>	<i>Generic fair market value</i>	<i>Estimated useful life in years</i>	<i>Maintenance rate</i>	<i>Monthly dry lease</i>	<i>Monthly wet lease</i>	<i>No-fault incident factor (percentage)</i>	<i>Monthly non-United Nations Petroleum, Oil and Lubricants (POL)</i>
Truck, food servicing	<b>106 088</b>	15	300	598	<b>898</b>	0.1	37
Snowplow	<b>108 220</b>	17	288	540	<b>828</b>	0.1	79
Snowblower	<b>221 851</b>	15	632	1 251	<b>1 883</b>	0.1	88
<b>Trailers</b>							
Light cargo single axle	<b>5 438</b>	10	50	49	<b>99</b>	0.8	6
Medium cargo single axle	<b>12 082</b>	12	62	92	<b>154</b>	0.8	6
Light cargo multi-axle	<b>16 964</b>	12	264	129	<b>393</b>	0.8	6
Medium cargo multi-axle	<b>21 216</b>	15	276	132	<b>408</b>	0.8	6
Heavy cargo multi-axle	<b>31 383</b>	18	335	166	<b>501</b>	0.8	8
Heavy cargo (20 tons)	<b>64 152</b>	18	343	340	<b>683</b>	0.8	8
Water trailer (up to 2,000 litres)	<b>15 209</b>	12	201	116	<b>317</b>	0.8	12
Water trailer (2,000-7,000 litres)	<b>19 688</b>	15	262	123	<b>385</b>	0.8	8
Water trailer (over 7,000 litres)	<b>22 107</b>	15	320	138	<b>458</b>	0.8	5
Fuel trailer (up to 2,000 litres)	<b>21 350</b>	12	490	162	<b>652</b>	0.8	12
Fuel trailer (2,000-7,000 litres)	<b>37 699</b>	15	447	235	<b>682</b>	0.8	8
Fuel trailer (over 7,000 litres)	<b>67 433</b>	15	436	420	<b>856</b>	0.8	5
Compressor trailer	<b>53 541</b>	12	232	408	<b>640</b>	0.8	8
Servicing trailer	<b>14 431</b>	12	232	110	<b>342</b>	0.8	12
Flatbed up to 20 tons	<b>26 448</b>	18	315	140	<b>455</b>	0.8	10
Flatbed over 20 tons	<b>35 558</b>	20	365	172	<b>537</b>	0.8	5
Lowbed up to 20 tons	<b>48 147</b>	18	545	255	<b>800</b>	0.8	10
Lowbed 20-40 tons	<b>63 721</b>	20	537	308	<b>845</b>	0.8	5
Heavy equipment/tank transporter	<b>299 348</b>	30	159	1 031	<b>1 190</b>	0.8	1
Semi-trailer refuelling	<b>53 103</b>	20	587	257	<b>844</b>	0.8	6
Semi-trailer water	<b>48 504</b>	20	341	234	<b>575</b>	0.8	6
Semi-trailer refrigerator (under 30 feet)	<b>51 265</b>	20	338	248	<b>586</b>	0.8	6
Semi-trailer refrigerator (30 feet and over)	<b>56 243</b>	20	336	272	<b>608</b>	0.8	6
Semi-trailer van	<b>32 192</b>	20	223	156	<b>379</b>	0.8	6
Mine-clearance system trailer mounted	Special case						
Bridging system	Special case						
Trackway surfacing outfit	<b>62 175</b>	18	36	329	<b>365</b>	0.8	1
Trailer, floodlight set with generators (4 lights, 9 m pole, 7 kw generator)	<b>23 400</b>	10	175	205	<b>380</b>	0.5	15

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Pallet loading system	<b>5 211</b>	15	238	32	<b>270</b>	0.8	12
Welding trailer <sup>b</sup>	<b>49 177</b>	10	100	443	<b>543</b>	0.8	6

*Notes:*

The increases approved by the General Assembly have been applied to the generic fair market value (GFMV) and the maintenance rates, from which the dry lease and wet lease rates are derived by the formula established by the Phase III Working Group. This allows for clarity and transparency of calculations in future reviews. The formulas for calculating the dry and wet lease rates are as follows: monthly dry lease rate: (GFMV/useful life/12) + (GFMV x no-fault incident factor/12) and monthly wet lease rate: (GFMV/useful life/12) + (GFMV x no-fault incident factor/12) + monthly maintenance rate (see [A/C.5/49/70](#), appendix I.B, notes).

The monthly wet lease rates of reimbursement are calculated by adding the approved dry lease rate plus the estimated monthly maintenance cost. Corrections have been made to account for arithmetic accuracy.

<sup>a</sup> All rates are effective 1 July 2014.

<sup>b</sup> New major equipment recommended by the 2014 Working Group in annex 1.1 of its report ([A/C.5/68/22](#)) has been included as approved.

<sup>c</sup> Demining and explosive ordnance disposal (EOD) equipment should perform in compliance with International Mine Action Standards.

<sup>d</sup> Individual components of the category “Riot control equipment: personal equipment (without gas mask) — set of ten” are based on the approved rates of the category “Riot control equipment: personal equipment (with gas mask) — set of 10”, in accordance with the report of the Working Group ([A/C.5/68/22](#)).

<sup>e</sup> A correction has been made for the following items in the “Riot control platoon” equipment category, which were inadvertently mislabelled in the report of the Working Group ([A/C.5/68/22](#)): signal pistol (set of 3); handheld searchlights (set of 6); and handheld metal detectors (set of 6).

<sup>f</sup> The category “Other riot equipment” is included in accordance with [A/C.5/68/22](#) para 106, (a) to (c).

<sup>g</sup> Specialized equipment for aviation aircrew included in line with the recommendations of the Working Group ([A/C.5/65/16](#), paras. 133 and 134; [A/C.5/68/22](#), para. 92 (c)).

<sup>h</sup> The maintenance rate for all medical modules is calculated at 0.5 per cent of the generic fair market value (GFMV) ([A/C.5/55/39](#), para. 118 (c)).

<sup>i</sup> GFMV for medical equipment was adjusted to set the same GFMV of identical equipment across the various levels of medical facilities and modules using level 2 as the anchor value ([A/C.5/65/16](#), paras. 138, 144, 148 and 150).

<sup>j</sup> GFMV for “laboratory only” is determined as a laboratory for a level 2 hospital ([A/C.5/55/39](#), annex III.A).

<sup>k</sup> In chapter 3, annex A, paragraphs 30 and 33, it is stated that owing to the special nature of aircraft and naval vessels, type, quantity and performance criteria will be stipulated separately in letters of assist.

<sup>l</sup> The rates for the categories for armoured personnel carriers (APCs) and tanks are to be regarded as interim until the next GFMV review. To determine in which class an APC or tanks are to be placed, the GFMV of the class of APCs or tank closest to the actual value of the APC or tank from the troop/police contributor will be used ([A/C.5/55/39](#), para. 40).



## Chapter 8, annex A, appendix

## Appendix

**Painting/repainting rates<sup>a</sup>**

(United States dollars)

<i>Major equipment</i>	<i>Generic fair market value</i>	<i>General Assembly approved rates</i>	
		<i>Painting</i>	<i>Repainting</i>
<b>Electrical</b>			
Generators — stationary and mobile			
20-30 kVA	42 104	<b>221</b>	<b>324</b>
31-40 kVA	44 575	<b>221</b>	<b>324</b>
41-50 kVA	58 836	<b>221</b>	<b>324</b>
51-75 kVA	71 462	<b>221</b>	<b>324</b>
76-100 kVA	76 044	<b>334</b>	<b>352</b>
101-150 kVA	87 015	<b>334</b>	<b>352</b>
151-200 kVA	113 998	<b>334</b>	<b>352</b>
201-500 kVA	163 836	<b>362</b>	<b>407</b>
Greater than 500 kVA	Special case	<b>362</b>	<b>407</b>
<b>Engineering equipment</b>			
Assault boat and motor (Zodiac type)	16 198	<b>567</b>	<b>735</b>
Bridging sets (Bailey or equivalent, set of 100 feet)	465 505		
Well drilling rig	412 000		
Quarry equipment, complete			
Recce (reconnaissance) boats	31 520	<b>567</b>	<b>735</b>
Sewage treatment plant and equipment	39 132		
Bridging boat	175 981	Special case	Special case
Pontoons/pontoon bridge (interior/ramp section)	438 243		
Ferry boats (river crossing)	633 400		
Scissor/cantilever type bridge (up to 20 metres)	99 632		
Water treatment plant (reverse osmosis water purification unit (ROWPU) or equivalent), equipment, tanks and bladders, up to 2,000 litres per hour, storage up to 5,000 litres	55 371		
Water treatment plant (ROWPU or equivalent), equipment, tanks and bladders, over 2,000 litres per hour, storage up to 20,000 litres	88 016		
Water treatment plant (ROWPU or equivalent), equipment, tanks and bladders, over 7,000 litres per hour, storage up to 42,000 litres	383 960		
<b>Accommodation equipment</b>			
<b>Semi-rigid structures</b>			
Camp unit, medium (50 men)	32 723		
Camp unit, large (150 men)	627 828		
Maintenance workshop	31 899		

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
Office, communications and command posts	32 083		
Warehousing and storage	32 016		
<b>Rigid structures</b>			
Camp unit, small (5 men)	5 400		
Camp unit, medium (50 men)	80 468		
Camp unit, large (150 men)	339 601		
Office, communications and command posts	20 525		
Ablution facilities (50 men)	9 855		
<b>Containers</b>			
Medical	Special case		
Dental	Special case		
Workshop	62 616	859	1 366
Refrigeration/freezer/food storage	35 902	859	1 366
Insulated storage	49 785	859	1 366
Ammunition magazine (storage)	23 542	859	1 366
Communications and command posts	155 098	859	1 366
Other containers	7 645	659	1 005
<b>Aircraft</b>			
All aircraft	Letter of assist		
<b>Naval vessels</b>			
All naval vessels	Letter of assist		
<b>Combat vehicles</b>			
<b>Tanks</b>			
Main battle tank, heavy (over 50 tons)	1 745 211	Special case	Special case
Main battle tank, medium (up to 50 tons)	1 564 373	Special case	Special case
Tank, recovery vehicle	1 479 351	Special case	Special case
All other tanks	Special case	Special case	Special case
Armoured infantry fighting/airborne/special vehicle	Special case	Special case	Special case
<b>Armoured personnel carriers — tracked</b>			
Infantry carrier — unarmed/dozer (class I)	590 745	1 825	2 253
Infantry carrier — unarmed/dozer (class II)	309 203	1 825	2 253
Infantry carrier — armed (class I)	819 443	1 825	2 253
Infantry carrier — armed (class II)	616 993	1 825	2 253
Infantry carrier — armed (class III)	379 736	1 825	2 253
Missile equipped	1 154 314	1 825	2 253
Mortar	618 038	1 825	2 253

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
Recovery	865 877	<b>1 825</b>	<b>2 253</b>
Air defence	Special case	<b>1 825</b>	<b>2 253</b>
Command post	1 008 719	<b>1 825</b>	<b>2 253</b>
Air liaison outpost/forward air control/artillery	Special case	Special case	Special case
Radar* <sup>b</sup>	Special case	<b>1 825</b>	<b>2 253</b>
Ambulance rescue	706 318	<b>1 825</b>	<b>2 253</b>
Cargo	564 314	<b>1 825</b>	<b>2 253</b>
Armoured personnel carriers — wheeled			
Infantry carrier — unarmed (class I)	572 385	<b>1 825</b>	<b>2 253</b>
Infantry carrier — unarmed (class II)	311 221	<b>1 825</b>	<b>2 253</b>
Infantry carrier — armed (class I)	776 060	<b>1 825</b>	<b>2 253</b>
Infantry carrier — armed (class II)	645 395	<b>1 825</b>	<b>2 253</b>
Infantry carrier — armed (class III)	368 583	<b>1 825</b>	<b>2 253</b>
Missile equipped	1 069 194	<b>1 825</b>	<b>2 253</b>
Mortar*	588 433	<b>1 825</b>	<b>2 253</b>
Recovery	656 420	<b>1 825</b>	<b>2 253</b>
Air defence*	Special case	<b>1 825</b>	<b>2 253</b>
Command post	782 262	<b>1 825</b>	<b>2 253</b>
Air liaison outpost/forward air control/artillery	Special case		
Radar	Special case		
Ambulance rescue	577 896	<b>1 825</b>	<b>2 253</b>
Carrier — oversnow			
Infantry carrier	173 426	<b>1 825</b>	<b>2 253</b>
Infantry carrier — armoured	279 031	<b>1 825</b>	<b>2 253</b>
General purpose (snowcat)	40 891	<b>1 825</b>	<b>2 253</b>
Missile equipped*	732 015	<b>1 825</b>	<b>2 253</b>
Command post*	241 234	<b>1 825</b>	<b>2 253</b>
Reconnaissance vehicles			
Reconnaissance vehicle — tracked	288 035	<b>1 296</b>	<b>1 356</b>
Reconnaissance vehicle — wheeled up to 25 mm	282 420	<b>1 296</b>	<b>1 356</b>
Reconnaissance vehicle — wheeled over 25 mm and up to 50 mm	395 616	<b>1 296</b>	<b>1 356</b>
Reconnaissance vehicle — wheeled over 50 mm and up to 100 mm	710 210	<b>1 296</b>	<b>1 356</b>
Reconnaissance vehicle — wheeled over 100 mm	Special case		
Self-propelled artillery			
Light howitzer	974 977		
Medium howitzer	1 068 714		

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
Heavy howitzer	Special case		
<b>Support vehicles (commercial pattern)</b>			
All-terrain vehicle	6 876	227	305
Ambulance — truck	61 070	891	1 012
Ambulance — armoured/rescue	160 513	873	970
Ambulance (4x4)	77 194	873	970
Automobile, sedan/station wagon	10 929	873	970
Automobile (4x4)	15 791	873	970
Buses (12 passengers and less)	28 518	894	961
Buses (13-24 passengers)	39 703	1 185	1 314
Buses (greater than 24 passengers)	136 337	2 033	2 262
Snowmobile	6 674	227	305
Motorcycles	3 479	227	305
Truck, utility/cargo (under 1.5 tons)	20 876	891	1 012
Truck, utility/cargo (1.5 to 2.4 tons)	27 272	891	1 012
Truck, utility/cargo (2.5 to 5 tons)	45 450	1 195	1 443
Truck, utility/cargo (6 to 10 tons)*	82 653	1 195	1 443
Truck, utility/cargo (over 10 tons)	128 597	1 427	1 792
Truck, pallet loading*	60 527	1 195	1 443
Truck, maintenance light	49 359	1 195	1 443
Truck, maintenance medium	85 111	1 195	1 443
Truck, maintenance heavy	245 184	1 195	1 443
Truck, water (up to 5,000 litres)	88 659	1 195	1 443
Truck, water (over 5,000 litres and up to 10,000 litres)	91 891	1 195	1 443
Truck, water (over 10,000 litres)	95 038	1 195	1 443
Truck, crane (up to 10 tons)	144 239	1 427	1 792
Truck, crane heavy lift (above 10 tons and up to 25 tons)	204 008	1 427	1 792
Truck, recovery (up to 5 tons)	143 532	1 195	1 443
Truck, refrigerator (under 20 feet)	58 071	1 195	1 443
Truck, refrigerator (20 feet and over)	63 017	1 195	1 443
Truck, tanker (up to 5,000 litres)	101 837	1 195	1 443
Truck, tanker (over 5,000 litres and up to 10,000 litres)	102 067	1 427	1 792
Truck, tanker (over 10,000 litres)	168 393	1 427	1 792
Truck, tractor (up to 50 tons)	100 816	1 195	1 443
Truck, tractor heavy (over 50 tons cap)	179 792	1 195	1 443

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
<b>Support vehicles (military pattern)</b>			
Motorcycles	9 012	227	305
Ambulance	93 559	873	970
Jeep (4x4) with military radio	40 704	873	970
Truck, utility/cargo (jeep type) (under 1.5 tons)	32 497	891	1 012
Truck, utility/cargo (1.5 to 2.4 tons)	46 324 5 843	891	1 012
Truck, utility/cargo (2.5 to 5 tons)*	80 885 79 676	1 195	1 443
Truck, utility/cargo (over 5 tons and up to 10 tons)*	135 958 402	1 195	1 443
Truck, utility/cargo (over 10 tons)*	178 545	1 427	1 792
Truck, maintenance light	90 355 89 621	1 195	1 443
Truck, maintenance medium	116 417 02	1 195	1 443
Truck, maintenance heavy	277 534 6 741	1 195	1 443
Truck, water (up to 5,000 litres)	174 456 2 023	1 195	1 443
Truck, water (over 5,000 litres and up to 10,000 litres)	178 438 6 915	1 195	1 443
Truck, water (over 10,000 litres)	177 253	1 195	1 443
Truck, crane (up to 10 tons)	145 780	1 427	1 792
Truck, crane (10-24 tons)	219 965	1 427	1 792
Truck, crane (over 24 tons)	Special case	1 427	1 792
Truck, recovery (up to 5 tons)	147 034	1 195	1 443
Truck, recovery (greater than 5 tons)	383 769	1 427	1 792
Truck, refrigerator (under 20 feet)	103 861	1 195	1 443
Truck, refrigerator (20 feet and over)	121 665	1 195	1 443
Truck, tanker (up to 5,000 litres)	121 501	1 427	1 792
Truck, tanker (over 5,000 litres and up to 10,000 litres)	209 415	1 427	1 792
Truck, tanker (over 10,000 litres)	219 342	1 427	1 792
Truck, tractor (up to 40 tons tow)	139 766	1 427	1 792
Truck, tractor (41-60 tons tow)	160 054	1 427	1 792
Truck, tractor (over 60 tons tow)	Special case	1 427	1 792

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
<b>Communications vehicles</b>			
Truck, communications light	49 770	1 195	1 443
Truck, communications medium	Special case	1 195	1 443
Truck, communications heavy	Special case	1 195	1 443
Trailer, communications suite	Special case	1 195	1 443
Mobile trunking system	Special case	Special case	Special case
Air liaison outpost/forward air control/tactical air control post, wheeled	Special case	Special case	Special case
<b>Police vehicles</b>			
Police crowd control vehicle <sup>c</sup>	155 015	894	961
Police armoured protected vehicle <sup>c</sup>	296 096	1 825	2 253
Truck, water cannon, soft skin, from 2,500 litres and up to 5,000 litres <sup>d</sup>	120 000	1 195	1 443
Truck, water cannon, soft skin, from 5,000 litres and up to 10,000 litres <sup>d</sup>	170 000	1 195	1 443
Truck, water cannon, soft skin, over 10,000 litres <sup>d</sup>	190 000	1 195	1 443
Truck, water cannon armoured <sup>d</sup>	Special case		
<b>Engineering vehicles</b>			
APC engineer — tracked	693 894	1 825	2 253
Bulldozer light (D4 and 5)	53 309	1 630	1 825
Bulldozer medium (D6 and 7)	152 633	1 630	1 825
Bulldozer heavy (D8A)	298 705	1 630	1 825
Crane mobile light (up to 10 tons)*	129 649	1 427	1 792
Crane mobile medium (11 to 24 tons)*	249 273	1 427	1 792
Crane mobile heavy (25-30 tons)*	322 092	1 427	1 792
Crane mobile heavy (over 30 tons)*	Special case	1 427	1 792
Firefighting truck	168 042	1 630	1 825
Front end loader light (up to 1 cubic metre)	59 123	1 514	1 716
Front end loader medium (1-2 cubic metres)	94 644	1 514	1 716
Front end loader heavy (2-4 cubic metres)	178 333	1 514	1 716
Front end loader tracked	169 779	1 514	1 716
Front end loader special (over 4 cubic metres)	Special case		
Grader, general purpose	142 433	1 514	1 716
Grader, special purpose	Special case		
Mine-clearance system — vehicle mounted	Special case		
Roller, self-propelled	105 488	1 514	1 716
Roller, towed	37 667	811	1 029
Road sweeper	98 325	1 514	1 716
Sawmill mobile	Special case		

## Chapter 8, annex A, appendix

<i>Major equipment</i>	<i>Generic fair market value</i>	<i>General Assembly approved rates</i>	
		<i>Painting</i>	<i>Repainting</i>
Snowblower, truck	200 749	<b>1 630</b>	<b>1 825</b>
Industrial tractor light	45 360	<b>1 514</b>	<b>1 716</b>
Truck, dump, up to 10 cubic metres (civilian pattern)	61 222	<b>1 630</b>	<b>1 825</b>
Truck, dump, up to 10 cubic metres (military pattern)	154 521	<b>1 630</b>	<b>1 825</b>
Truck, dump, large (over 10 cubic metres)*	242 831	<b>1 630</b>	<b>1 825</b>
Truck, folding pontoon bridge	168 823	<b>1 427</b>	<b>1 792</b>
Truck, launched bridge (scissor type)	99 064	<b>1 427</b>	<b>1 792</b>
M2 rig, pontoon bridge	Special case		
Truck, pile driver*	49 239	<b>1 427</b>	<b>1 792</b>
Truck, drill rig*	64 554	<b>1 427</b>	<b>1 792</b>
Drill rig, self-propelled*	222 113	<b>1 427</b>	<b>1 792</b>
Truck, sewer cleaning	131 993	<b>1 195</b>	<b>1 443</b>
Excavator (up to 1 cubic metre)	104 541	<b>1 514</b>	<b>1 716</b>
Excavator (above 1 cubic metre)	288 125	<b>1 514</b>	<b>1 716</b>
Workshops, truck, heavy engineer equipment	124 126	<b>1 427</b>	<b>1 792</b>
<b>Material handling equipment</b>			
Forklift, light (up to 1.5 tons)	30 683	<b>811</b>	<b>1 029</b>
Forklift, medium (up to 5 tons)	58 117	<b>811</b>	<b>1 029</b>
Forklift, heavy (over 5 tons)	105 821	<b>811</b>	<b>1 029</b>
Forklift, container	361 205	<b>1 514</b>	<b>1 716</b>
Container lifter, self-propelled*	121 786	<b>811</b>	<b>1 029</b>
Forklift, rough terrain (up to 1.5 tons)*	87 353	<b>811</b>	<b>1 029</b>
Forklift, rough terrain (over 1.5 tons and up to 5 tons)*	128 168	<b>811</b>	<b>1 029</b>
Forklift, rough terrain (over 5 tons)*	181 400	<b>811</b>	<b>1 029</b>
<b>Aircraft/airfield support equipment</b>			
Truck, aircraft refuelling*	119 543	<b>1 427</b>	<b>1 792</b>
Forklift, aircraft unloading*	67 099	<b>811</b>	<b>1 029</b>
Firefighting, crash and rescue light*	232, 153	<b>1 630</b>	<b>1 825</b>
Aircraft loading vehicle*	146 685	<b>1 195</b>	<b>1 443</b>
Semi-trailer A/C refuelling*	60 499	<b>1 294</b>	<b>1 537</b>
Trailer, aircraft loading*	9 544	<b>540</b>	<b>630</b>
Runway sweeper*	283 519	<b>1 195</b>	<b>1 443</b>
Truck, aircraft stairs*	58 590	<b>891</b>	<b>1 012</b>
Tractor, A/C towing*	104 551	<b>1 195</b>	<b>1 443</b>
Auxiliary power unit (small capacity)*	90 584	<b>873</b>	<b>970</b>
Auxiliary power unit (large capacity)*	258 083	<b>873</b>	<b>970</b>

## Chapter 8, annex A, appendix

Major equipment	Generic fair market value	General Assembly approved rates	
		Painting	Repainting
Truck, de-icing*	221 558	1 195	1 443
Truck, food servicing*	106 088	1 195	1 443
Snowplow*	108 220	1 630	1 825
Snowblower*	221 851	1 630	1 825
<b>Trailers</b>		<b>905</b>	<b>967</b>
Light cargo single axle	5 438	540	630
Medium cargo single axle	12 082	540	630
Light cargo multi-axle	16 964	905	967
Medium cargo multi-axle	21 216	905	967
Heavy cargo multi-axle	31 383	1 294	1 537
Heavy cargo (20 tons)	64 152	1 294	1 537
Water trailer (up to 2,000 litres)	15 209	905	967
Water trailer (2,000 to 7,000 litres)	19 688	1 294	1 537
Water trailer (over 7,000 litres)	22 107	1 294	1 537
Fuel trailer (up to 2,000 litres)*	21 350	1 294	1 537
Fuel trailer (2,000 to 7,000 litres)	37 699	1 294	1 537
Fuel trailer (over 7,000 litres)*	67 433	1 294	1 537
Compressor trailer	53 541	540	630
Servicing trailer*	14 431	905	1 537
Flatbed up to 20 tons*	26 448	905	1 537
Flatbed over 20 tons	35 558	1 294	1 537
Lowbed up to 20 tons	48 147	1 294	1 537
Lowbed 20-40 tons	63 721	1 294	1 537
Heavy equipment/tank transporter*	299 348	1 294	1 537
Semi-trailer refuelling*	53 103	1 294	1 537
Semi-trailer water	48 504	540	630
Semi-trailer refrigerator (under 30 feet)	51 265	1 294	1 537
Semi-trailer refrigerator (30 feet and over)	56 243	1 294	1 537
Semi-trailer van*	32 192	1 294	1 537
Mine-clearance system trailer mounted	Special case	Special case	Special case
Bridging system	Special case	Special case	Special case
Trackway surfacing outfit	62 175	905	967
Pallet loading system*	5 211	905	967
Welding trailer <sup>c</sup>	49 177	540	630

(Footnotes on following page)



## Chapter 8, annex A, appendix

(Footnotes to Chapter 8, annex A, appendix)

*Note:* Reimbursement for painting will be calculated using the list of major equipment in annex B to the MOU multiplied by the applicable reimbursement rates upon confirmation by the mission through verification reports (arrival or periodic) or other means that the major equipment items were painted. Reimbursement for repainting will be based on major equipment departing the mission as per the departure verification reports.

Painting/repainting reimbursement for generic major equipment for which a standard rate was not determined and for “special case major equipment” should be agreed at the time of the MOU negotiation. Alternatively, a claim should be submitted after the painting/repainting has occurred for review and calculation of an appropriate reimbursement.

Reimbursement for painting/repainting for major equipment not identified separately in annex B to the MOU but used in the performance of self-sustainment capabilities such as containers, communication vehicles, etc., should be submitted through a separate claim showing the applicable category of self-sustainment, and the type and quantity of equipment. These claims will be reviewed to assess that the type and quantity of major equipment used for self-sustainment is required and reasonable and to establish where possible a logical link with existing major equipment items for which standard rates were determined. If no logical link to existing major equipment exists, the claim will be reviewed and negotiated on a case-by-case basis.

<sup>a</sup> The painting/repainting rates are as in [A/C.5/55/39](#), annex I.C. These rates are effective 1 July 2001. GFMV rates are as per [A/C.5/65/16](#).

<sup>b</sup> Where a logical link could be made, the standard painting/repainting rates have been applied to other generic major equipment, in order to ensure consistency and expediency of reimbursement. For ease of identification, the major equipment items for which the painting/repainting rates were derived from other similar/logically linked major equipment are marked with an asterisk (\*).

<sup>c</sup> Rates for new items are as per [A/C.5/65/16](#), annexes 1.1 and 1.2.

<sup>d</sup> Rates for new items as per [A/C.5/68/22](#), para. 104 (b).

## Chapter 8, annex B

## Annex B

**Reimbursement rates for self-sustainment<sup>a</sup>**

(United States dollars)

**Requirements**

For period starting \_\_\_\_\_

Factors: Environmental: _____ Intensified operational: _____ Hostility/forced abandonment: _____	Monthly rate (excluding factors)	Monthly rate (including factors)	Personnel strength ceiling	Monthly reimbursement (including factors)
Catering	28.37			
Communications				
VHF/UHF-FM	47.15			
HF	17.87			
Telephone	15.40			
Office	22.72			
Electrical	27.35			
Minor engineering	17.74			
Explosive ordnance disposal	8.46			
Laundry and cleaning				
Laundry	9.40			
Cleaning	14.02			
Tentage	26.46			
Accommodation	41.20			
Basic firefighting	0.23			
Fire detection and alarm	0.16			
Medical				
Basic	2.17			
Level 1	16.01			
Level 2 (including dental and lab)	21.40			
Level 3 (including dental and lab)	25.53			
Level 2 and 3 combined (including dental and lab)	35.77			
High-risk areas (epidemiological)	9.07			
Blood and blood products	2.28			
Laboratory only	4.56			
Dental only	2.76			
Gynaecology <sup>b</sup>	2.12			
Observation				
General	1.44			
Night observation	24.25			
Positioning	5.72			

## Chapter 8, annex B

<i>Factors: Environmental: _____ Intensified operational: _____ Hostility/forced abandonment: _____</i>	<i>Monthly rate (excluding factors)</i>	<i>Monthly rate (including factors)</i>	<i>Personnel strength ceiling</i>	<i>Monthly reimbursement (including factors)</i>
Identification	1.20			
Nuclear, biological and chemical protection	26.77			
Field defence stores	34.12			
Miscellaneous general stores				
Bedding	17.69			
Furniture	23.06			
Welfare	6.69			
Internet access	3.14			
Unique equipment	Special case			

<sup>a</sup> These rates are effective 1 July 2014.

<sup>b</sup> [A/C.5/68/22](#), para. 131 (a), for female personnel only.

## Chapter 9

### Memorandum of understanding

In its resolution 59/300 of 22 June 2005, by approving the recommendations of the Special Committee on Peacekeeping Operations, the General Assembly requested the Secretary-General to submit a revised draft model memorandum of understanding taking into account the recommendations of the Special Committee in part two, paragraph 39, of its report ([A/59/19/Rev.1](#)), the report on a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations ([A/59/710](#)) and General Assembly resolution 59/287 of 13 April 2005. By its resolution 61/267, the General Assembly approved the report ([A/61/19](#) (Part I)) of the Special Committee on Peacekeeping Operations on its second resumed session of 2006 and the MOU text that was subsequently proposed by the Special Committee in [A/61/19](#) (Part III) dated 12 June 2007.

**Generic model for military contingent****Memorandum of understanding between the United Nations and the Government of [...] contributing resources to [the United Nations peacekeeping operation]**

*Whereas*, [the United Nations peacekeeping operation] was established pursuant to Security Council resolution \_\_\_\_\_.

*Whereas*, at the request of the United Nations, the Government of \_\_\_\_\_ (hereinafter referred to as the Government) has agreed to contribute personnel, equipment and services for a [type of contingent/unit] to assist [United Nations peacekeeping operation] to carry out its mandate,

*Whereas*, the United Nations and the Government wish to establish the terms and conditions of the contribution,

*Now, therefore*, the United Nations and the Government (hereinafter collectively referred to as the Parties) agree as follows:

**Article 1**  
**Definitions**

1. For the purpose of this memorandum of understanding, the definitions listed in annex F shall apply.

**Article 2**  
**Documents constituting the memorandum of understanding**

2.1 This document, including all of its annexes, constitutes the entire memorandum of understanding (hereinafter referred to as the MOU) between the Parties for the provision of personnel, equipment and services in support of [United Nations peacekeeping operation].

2.2 Annexes:

A. Personnel

1. Requirements
2. Reimbursement
3. General conditions for personnel

Appendix. Soldier's kit — mission-specific recommended requirement

B. Major equipment

1. Requirements
2. General conditions for major equipment
3. Verification and control procedures
4. Transportation

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5. Mission usage factors
6. Loss and damage
7. Loss and damage in transit
8. Special case equipment
9. Liability for damage to major equipment owned by one troop contributor and used by another troop contributor
- C. Self-sustainment
  1. Requirements
  2. General conditions for self-sustainment
  3. Verification and control procedures
  4. Transportation
  5. Mission-related usage factors
  6. Loss and damage
- Appendix 1. Self-sustainment services distribution of responsibilities
- Appendix 2. List of items provided by troop contributor under self-sustainment subcategories “welfare” and “Internet access”
- D. Principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements
- E. Principles of verification and performance standards for minor equipment and consumables provided under self-sustainment
- F. Definitions
- G. Guidelines (aide-mémoire) to troop-contributing countries<sup>1</sup>
- H. We are United Nations peacekeeping personnel
- I. Environmental policy for United Nations field missions<sup>2</sup>

### Article 3 Purpose

3. The purpose of the present memorandum of understanding is to establish the administrative, logistics and financial terms and conditions to govern the contribution of personnel, equipment, and services provided by the Government in support of [United Nations peacekeeping operation] and to specify United Nations standards of conduct for personnel provided by the Government.

<sup>1</sup> Annex G is mission specific and is not included in the present document. It is distributed separately in advance of deployment.

<sup>2</sup> Annex I is not included in the present document. It is distributed separately.

#### **Article 4**

##### **Application**

4. The present MOU shall be applied in conjunction with the Guidelines to troop-contributing countries.

#### **Article 5**

##### **Contribution of the Government**

5.1 The Government shall contribute to [United Nations peacekeeping operation] the personnel listed in annex A. Any personnel above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

5.2 The Government shall contribute to [United Nations peacekeeping operation] the major equipment listed in annex B. The Government shall ensure that the major equipment and related minor equipment meet the performance standards set out in annex D for the duration of the deployment of such equipment to [United Nations peacekeeping operation]. Any equipment above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

5.3 The Government shall contribute to [United Nations peacekeeping operation] the minor equipment and consumables related to self-sustainment as listed in annex C. The Government shall ensure that the minor equipment and consumables meet the performance standards set out in annex E for the duration of the deployment of such equipment to [United Nations peacekeeping operation]. Any equipment above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

#### **Article 6**

##### **Reimbursement and support from the United Nations**

6.1 The United Nations shall reimburse the Government in respect of the personnel provided under this MOU at the rates stated in article 2 of annex A.

6.2 The United Nations shall reimburse the Government for the major equipment provided as listed in annex B. The reimbursement for the major equipment shall be reduced in the event that such equipment does not meet the required performance standards set out in annex D or in the event that the equipment listing is reduced.

6.3 The United Nations shall reimburse the Government for the provision of self-sustainment goods and services at the rates and levels stated in annex C. The reimbursement for self-sustainment shall be reduced in the event that the contingent does not meet the required performance standards set out in annex E, or in the event that the level of self-sustainment is reduced.

6.4 Reimbursement for troop costs will continue at full rates until departure of the personnel.

6.5 Reimbursement for major equipment will be in effect at full rates until the date of cessation of operations by a troop contributor or termination of the mission and

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thereafter be calculated at 50 per cent of the rates agreed in this MOU until the equipment departure date.

6.6 Reimbursement for self-sustainment will be in effect at full rates until the date of cessation of operations by a troop contributor or termination of the mission and thereafter be reduced to 50 per cent of the rates agreed in this MOU calculated upon the remaining actual deployed troop strengths until all troop personnel have departed the mission area.

6.7 When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date, the troop contributor will be reimbursed by the United Nations at the dry-lease rate from the expected arrival date until the actual arrival date.

**Article 7**  
**General conditions**

7.1 The parties agree that the contribution of the Government as well as the support from the United Nations shall be governed by the general conditions set out in the relevant annexes.

**Article 7 bis**  
**United Nations standards of conduct**

7.2 The Government shall ensure that all members of the Government's national contingent are required to comply with the United Nations standards of conduct set out in annex H to the present memorandum of understanding.

7.3 The Government shall ensure that all members of its national contingent are made familiar with and fully understand the United Nations standards of conduct. To this end, the Government shall, inter alia, ensure that all members of its national contingent receive adequate and effective pre-deployment training in those standards.

7.4 The United Nations shall continue to provide to national contingents mission-specific training material on United Nations standards of conduct, mission-specific rules and regulations, and relevant local laws and regulations. Further, the United Nations shall conduct adequate and effective induction training and training during mission assignment to complement pre-deployment training.

**Article 7 ter**  
**Discipline**

7.5 The Government acknowledges that the Commander of its national contingent is responsible for the discipline and good order of all members of the contingent while assigned to [United Nations peacekeeping operation]. The Government accordingly undertakes to ensure that the Commander of its national contingent is vested with the necessary authority and takes all reasonable measures to maintain discipline and good order among all members of the national contingent to ensure compliance with the United Nations standards of conduct, mission-specific rules



and regulations and the obligations towards national and local laws and regulations in accordance with the status-of-forces agreement.

7.6 The Government undertakes to ensure, subject to any applicable national laws, that the Commander of its national contingent regularly informs the Force Commander of any serious matters involving the discipline and good order of members of its national contingent, including any disciplinary action taken for violations of the United Nations standards of conduct or mission-specific rules and regulations or for failure to respect the local laws and regulations.

7.7 The Government shall ensure that the Commander of its national contingent receives adequate and effective pre-deployment training in the proper discharge of his or her responsibility for maintaining discipline and good order among all members of the contingent.

7.8 The United Nations shall assist the Government in fulfilling its requirements under paragraph 7.3 above by organizing training sessions for commanders upon their arrival in the mission on the United Nations standards of conduct, mission-specific rules and regulations and the local laws and regulations.

7.9 The Government shall use its welfare payments to provide adequate welfare and recreation facilities to its contingent members in the mission.

#### **Article 7 quater Investigations**

7.10 It is understood that the Government has the primary responsibility for investigating any acts of misconduct or serious misconduct committed by a member of its national contingent.

7.11 In the event that the Government has prima facie grounds indicating that any member of its national contingent has committed an act of serious misconduct, it shall without delay inform the United Nations and forward the case to its appropriate national authorities for the purposes of investigation.

7.12 In the event that the United Nations has prima facie grounds indicating that any member of the Government's national contingent has committed an act of misconduct or serious misconduct, the United Nations shall without delay inform the Government. If necessary to preserve evidence and where the Government does not conduct fact-finding proceedings, the United Nations may, in cases of serious misconduct, as appropriate, where the United Nations has informed the Government of the allegation, initiate a preliminary fact-finding inquiry of the matter, until the Government starts its own investigation. It is understood in this connection that any such preliminary fact-finding inquiry will be conducted by the appropriate United Nations investigative office, including the Office of Internal Oversight Services, in accordance with the rules of the Organization. Any such preliminary fact-finding inquiry shall include as part of the investigation team a representative of the Government. The United Nations shall provide a complete report of its preliminary fact-finding inquiry to the Government at its request without delay.

7.13 In the event that the Government does not notify the United Nations as soon as possible, but no later than 10 working days from the time of notification by the

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United Nations, that it will start its own investigation of the alleged serious misconduct, the Government is considered to be unwilling or unable to conduct such an investigation and the United Nations may, as appropriate, initiate an administrative investigation of alleged serious misconduct without delay. The administrative investigation conducted by the United Nations in regard to any member of the national contingent shall respect those legal rights of due process that are provided to him or her by national and international law. Any such administrative investigation includes as part of the investigation team a representative of the Government if the Government provides one. In case the Government nevertheless decides to start its own investigation, the United Nations provides all available materials of the case to the Government without delay. In cases where a United Nations administrative investigation is completed, the United Nations shall provide the Government with the findings of the investigation, and the evidence gathered in the course of said investigation.

7.14 In the case of a United Nations administrative investigation into possible serious misconduct by any member of the national contingent, the Government agrees to instruct the Commander of its national contingent to cooperate and to share documentation and information, subject to applicable national laws, including military laws. The Government also undertakes, through the Commander of its national contingent, to instruct the members of its national contingent to cooperate with such a United Nations investigation, subject to applicable national laws, including military laws.

7.15 When the Government decides to start its own investigation and to identify or send one or more officials to investigate the matter, it shall immediately inform the United Nations of that decision, including the identities of the official or officials concerned (hereafter “National Investigations Officers”).

7.16 The United Nations agrees to cooperate fully and to share documentation and information with appropriate authorities of the Government, including any National Investigations Officers, who are investigating possible misconduct or serious misconduct by any member of the national contingent of the Government.

7.17 Upon the request of the Government, the United Nations shall cooperate with the competent authorities of the Government, including any National Investigations Officers, that are investigating possible misconduct or serious misconduct by any members of its national contingent, by liaising with other Governments that are contributing personnel in support of [a United Nations peacekeeping operation], as well as with the competent authorities in the mission area, with a view to facilitating the conduct of those investigations. To this end, the United Nations shall take all possible measures to obtain consent from the host authorities. The competent authorities of the Government shall ensure that prior authorization for access to any victim or witness who is not a member of the national contingent, as well as for the collection or securing of evidence not under the ownership and control of the national contingent, is obtained from the host nation competent authorities.

7.18 In cases where National Investigations Officers are dispatched to the mission areas, they lead the investigations. The role of the United Nations investigators in such cases will be to assist the National Investigations Officers, if necessary, in the

conduct of their investigations in terms of identification and interviewing of witnesses, recording witness statements, collection of documentary and forensic evidence and provision of administrative as well as logistical assistance.

7.19 Subject to its national laws and regulations, the Government shall provide the United Nations with the findings of investigations conducted by its competent authorities, including any National Investigations Officers, into possible misconduct or serious misconduct by any member of its national contingent.

7.20 When National Investigations Officers are deployed in the mission area, they will enjoy the same legal status as if they were members of their respective contingent while they are in the mission area, or host country.

7.21 Upon the request of the Government, the United Nations shall provide administrative and logistics support to the National Investigations Officers while they are in the mission area or host country. The Secretary-General will provide, in accordance with his authority, financial support as appropriate for the deployment of National Investigations Officers in situations where their presence is requested by the United Nations, normally the Department of Peacekeeping Operations, and where financial support is requested by the Government. The United Nations will request the Government to deploy National Investigations Officers in high-risk, complex matters and in cases of serious misconduct. This paragraph is without prejudice to the sovereign right of the Government to investigate any misconduct of its contingent members.

#### **Article 7 quinquies** **Exercise of jurisdiction by the Government**

7.22 Military members and any civilian members subject to national military law of the national contingent provided by the Government are subject to the Government's exclusive jurisdiction in respect of any crimes or offences that might be committed by them while they are assigned to the military component of [United Nations peacekeeping operation]. The Government assures the United Nations that it shall exercise such jurisdiction with respect to such crimes or offences.

7.23 The Government further assures the United Nations that it shall exercise such disciplinary jurisdiction as might be necessary with respect to all other acts of misconduct committed by any members of the Government's national contingent while they are assigned to the military component of [United Nations peacekeeping operation] that do not amount to crimes or offences.

#### **Article 7 sexiens** **Accountability**

7.24 If either a United Nations investigation or an investigation conducted by the competent authorities of the Government concludes that suspicions of misconduct by any member of the Government's national contingent are well founded, the Government shall ensure that the case is forwarded to its appropriate authorities for due action. The Government agrees that those authorities shall take their decision in the same manner as they would in respect of any other offence or disciplinary infraction of a similar nature under its laws or relevant disciplinary code. The

Government agrees to notify the Secretary-General of progress on a regular basis, including the outcome of the case.

7.25 If a United Nations investigation, in accordance with appropriate procedures, or the Government's investigation concludes that suspicions of failure by the contingent Commander to:

- (a) Cooperate with a United Nations investigation in accordance with article 7 quater, paragraph 7.14, it being understood that the Commander will not have failed to cooperate merely by complying with his or her national laws and regulations, or the Government's investigation; or
- (b) Exercise effective command and control; or
- (c) Immediately report to appropriate authorities or take action in respect of allegations of misconduct that are reported to him are well founded;

The Government shall ensure that the case is forwarded to its appropriate authorities for due action. The fulfilment of these aspects shall be evaluated in the contingent Commander's performance appraisal.

7.26 The Government understands the importance of settling matters relating to paternity claims involving a member of its contingent. The Government will, to the extent of its national laws, seek to facilitate such claims provided to it by the United Nations to be forwarded to the appropriate national authorities. In the case that the Government's national law does not recognize the legal capacity of the United Nations to provide such claims, these shall be provided to the Government by the appropriate authorities of the host country, in accordance with applicable procedures. The United Nations must ensure that such claims are accompanied by the necessary conclusive evidence, such as a DNA sample of the child when prescribed by the Government's national law.

7.27 Bearing in mind the contingent Commander's obligation to maintain the discipline and good order of the contingent, the United Nations, through the Force Commander, shall ensure that the contingent is deployed in the mission in accordance with the agreement between the United Nations and the Government. Any redeployment outside the agreement will be made with the consent of the Government or contingent Commander, in accordance with applicable national procedures.

#### **Article 7 septies** **Environmental compliance and waste management**

7.28 Troop-contributing countries will endeavour to ensure that all members of the national contingent conduct themselves in an environmentally conscious manner and act in support of and in compliance with United Nations environmental and waste management policies and procedures, as set out in annex I (Environmental policy for United Nations field missions) to the present memorandum of understanding.

7.29 The United Nations will endeavour to provide assistance to national contingents to enable them to comply with United Nations environmental and waste

management policies and procedures. Such assistance shall include providing national contingents with mission-specific briefings, induction and continuing training on field mission procedures regarding environmental and waste management policies and procedures.

### **Article 8** **Specific conditions**

8.1 Environmental condition factor: \_\_\_\_\_

8.2 Intensity of operations factor: \_\_\_\_\_

8.3 Hostile action/forced abandonment factor: \_\_\_\_\_

8.4 Incremental transportation factor: The distance between the port of embarkation in the home country and the port of entry in the mission area is estimated at \_\_\_\_\_ miles ( \_\_ kilometres). The factor is set at \_\_\_\_\_ per cent of the reimbursement rates.

8.5 The following locations are the agreed originating locations and ports of entry and exit for the purpose of transportation arrangements for the movement of troops and equipment:

Troops:

Airport/port of entry/exit: \_\_\_\_\_  
(in the troop-contributing country)

Airport/port of entry/exit: \_\_\_\_\_  
(in the area of operations)

*Note:* The troops may be returned to another location nominated by the troop contributor, however, the maximum cost to the United Nations will be the cost to the agreed originating location. Where a rotation uplifts troops from a different port of exit this port shall become the agreed port of entry for these troops.

Equipment:

Originating location: \_\_\_\_\_

Port of embarkation/disembarkation: \_\_\_\_\_  
(in the contributing country)

or

Border crossing at embarkation/disembarkation: \_\_\_\_\_  
(in the contributing country when landlocked or moving by road/rail)

Port of embarkation/disembarkation: \_\_\_\_\_  
(in the mission area)

### **Article 9** **Claims by third parties**

9. The United Nations will be responsible for dealing with any claims by third parties where the loss of or damage to their property, or death or personal injury,

was caused by the personnel or equipment provided by the Government in the performance of services or any other activity or operation under this MOU. However, if the loss, damage, death or injury arose from gross negligence or wilful misconduct of the personnel provided by the Government, the Government will be liable for such claims.

#### **Article 10**

##### **Recovery**

10. The Government will reimburse the United Nations for loss of or damage to United Nations-owned equipment and property caused by the personnel or equipment provided by the Government if such loss or damage (a) occurred outside the performance of services or any other activity or operation under this MOU, or (b) arose or resulted from gross negligence or wilful misconduct of the personnel provided by the Government.

#### **Article 11**

##### **Supplementary arrangements**

11. The parties may conclude written supplementary arrangements to the present MOU.

#### **Article 12**

##### **Amendments**

12. Either of the Parties may initiate a review of the level of contribution subject to reimbursement by the United Nations or to the level of national support to ensure compatibility with the operational requirements of the mission and of the Government. The present MOU may only be amended by written agreement of the Government and the United Nations.

#### **Article 13**

##### **Settlement of disputes**

13.1 The [United Nations peacekeeping operation] shall establish a mechanism within the mission to discuss and resolve, amicably by negotiation in a spirit of cooperation, differences arising from the application of this MOU. This mechanism shall be comprised of two levels of dispute resolution:

(a) First level. The Director/Chief, Mission Support, in consultation with the Force Commander/Police Commissioner and the Contingent Commander will attempt to reach a negotiated settlement of the dispute;

(b) Second level. Should negotiations at the first level not resolve the dispute, a representative of the Permanent Mission of the Member State and the Under-Secretary-General, Department of Field Support, or his or her representative shall, at the request of either Party, attempt to reach a negotiated settlement of the dispute.

13.2 Disputes that have not been resolved as provided in paragraph 13.1 above may be submitted to a mutually agreed conciliator or mediator appointed by the

President of the International Court of Justice, failing which the dispute may be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within thirty days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedures for the arbitration shall be fixed by the arbitrators, and each Party shall bear its own expenses. The arbitral award shall contain a statement of reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute. The arbitrators shall have no authority to award interest or punitive damages.

#### **Article 14**

##### **Entry into force**

14. The present MOU shall become effective on [date]. The financial obligations of the United Nations with respect to reimbursement of personnel, major equipment and self-sustainment rates start from the date of arrival of personnel or equipment in the mission area, and will remain in effect until the date personnel, and serviceable equipment depart the mission area as per the agreed withdrawal plan or the date of effective departure where the delay is attributable to the United Nations.

#### **Article 15**

##### **Termination**

15. The modalities for termination shall be as agreed to by the Parties following consultations between the Parties.

IN WITNESS WHEREOF, the United Nations and the Government of \_\_\_\_\_ have signed this memorandum of understanding.

*Signed* in New York, on \_\_\_\_\_, in two originals in the English language.

For the United Nations

For the Government of [troop contributor]

\_\_\_\_\_  
Under-Secretary-General  
Department of Field Support

\_\_\_\_\_  
Permanent Representative  
Permanent Mission of [troop contributor]

**Annex A****Personnel****1. Requirements**

1. The Government agrees to provide the following personnel:

For the period starting: \_\_\_\_\_

<i>Unit/Sub-unit</i>	<i>Number of personnel</i>	<i>Capability</i>
Mission headquarters staff		Staff officers
Contingent headquarters		National command and control
Infantry battalion		Headquarters company, one light infantry company, one reconnaissance company
Engineer squadron		Force level vertical and horizontal construction
Helicopter squadron		Utility lift with aircrew and maintenance staff
Transport platoon		Force level and troop-carrying capability
Logistics group		Integral personnel, transport, supply maintenance, medical and financial support to the contingent
Military police platoon		Integral security and investigation support
Military information support team		Media, liaison and translation services
<b>Total</b>		

*Note:* The Government may provide additional personnel as a national command element or national support element at its own expense. There will be no payment for troop costs, rotation or self-sustainment and no other financial liability for the United Nations for national support element personnel.

**2. Reimbursement**

2. The Government will be reimbursed as follows:

- (a) Troop costs at the rate of \$1,332 per person per month from 1 July 2014;
- (b) Troop costs at the rate of \$1,365 per person per month from 1 July 2016;
- (c) Troop costs at the rate of \$1,410 per person per month from 1 July 2017.

3. Deduction may be made to troop personnel reimbursement in respect of absent and non-functional major equipment listed in this memorandum of understanding (MOU), in accordance with General Assembly resolution 67/261, section II, paragraph 11.

4. The contingent personnel will receive directly from the peacekeeping mission a daily allowance of \$1.28 plus a recreational leave allowance of \$10.50 per day for up to 15 days of leave taken during each six-month period.



### 3. General conditions for personnel

5. The Government shall ensure that the personnel it provides meets the standards established by the United Nations for service with [United Nations peacekeeping operation], inter alia, with respect to rank, experience, physical fitness, specialization, and knowledge of languages. The personnel shall be trained on the equipment with which the contingent is provided and shall comply with whatever policies and procedures may be laid down by the United Nations regarding medical or other clearances, vaccinations, travel, shipping, leave or other entitlements.

6. During the period of their assignment to [United Nations peacekeeping operation], the Government shall be responsible for payment of whatever emoluments, allowances and benefits may be due to its personnel under national arrangements.

7. The United Nations shall convey to the Government all pertinent information relating to the provision of the personnel, including matters of liability for loss or damage to United Nations property and compensation claims in respect of death, injury or illness attributable to United Nations service and/or loss of personal property. Claim for death and disability incidents will be handled in accordance with General Assembly resolution 52/177 of 18 December 1997. Guidelines for submitting claims arising from death and disability incidents are included in [A/52/369](#) of 17 September 1997.

8. Any personnel above the strength authorized in this MOU are a national responsibility, and not subject to reimbursement or support by the United Nations. Such personnel may be deployed to the [United Nations peacekeeping operation], with prior approval of the United Nations if it is assessed by the troop contributor and the United Nations to be needed for national purposes, for example to operate the communications equipment for a national rear link. These personnel shall be part of the contingent, and as such enjoys the legal status of members of the [United Nations peacekeeping operation]. The troop contributor will not, however, receive any reimbursement in respect of this personnel and the United Nations will not accept any financial obligation or responsibility in connection with such personnel. Any support or services will be reclaimed from reimbursement due the troop contributor.

9. Personnel deployed at the request of the United Nations for specific tasks of limited duration may be covered by supplementary arrangements to this MOU as appropriate.

10. National civilian personnel provided by the Government who are serving as part of a formed body of troops shall be assimilated with unit members of formed bodies of troops for the purpose of this MOU.

11. The general administrative and financial arrangements applicable to the provision of military and other personnel shall be those set forth in the Guidelines to troop-contributing countries in annex G.

**Appendix****Soldier's kit — mission-specific recommended requirement****Soldier's kit**

In order to meet the minimum operational requirements the following is a list of recommended items. The actual mission-specific requirements will be discussed and agreed upon during MOU negotiations.

**Example of requirements for infantry contingent**

<i>Description</i>	<i>Quantity</i>
Personal safety and security items	
Personal weapon	1
Combat helmet	1
Basic flak jacket (fragmentation vest)	1
Uniform items	
Combat jacket, light weight	2
Shirt, long sleeves	2
Undershirts	4
Combat trousers, light weight	2
Pocket handkerchief	6
Boot, desert combat	1 pair
Summer socks	4 pairs
Raincoat	1
Shorts	2
Underpants	4
Suspenders	1
Hand towel	2
Equipment items	
Sleeping bag	1
Travelling bag	1
Toothbrush	1
Dining knife	1
Spoon	1
Fork	1
Mess tin	1
Drinking mug	1
Cleaning brush	2
Water canteen	1
Individual mosquito net	1

<i>Description</i>	<i>Quantity</i>
Flashlight	1
Survival kit	1
First aid kit	1
Combat gauze (impregnated with haemostatic agent)	1
Combat application tourniquet	1
Field or battle dressing	1
Medical disposable gloves	1
Compass	1
Additional items	
As required and negotiated	1

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**Annex B****Major equipment****Country — type of unit****1. Requirements****Method of reimbursement: wet/dry/lease**

(United States dollars)

For the period: \_\_\_\_\_

Factors: Environmental: \_\_\_\_\_

Intensified operational: \_\_\_\_\_

Hostility/forced abandonment (applied only to half of the maintenance rate): \_\_\_\_\_

Incremental transportation (applied only to maintenance rate): \_\_\_\_\_

<i>Equipment item</i>	<i>Quantity</i>	<i>Monthly rate (excluding factors)</i>	<i>Monthly rate (including factors)</i>	<i>Total monthly reimbursement (including factors)</i>

**2. General conditions for major equipment**

1. The major equipment provided under this MOU shall remain the property of the Government.
2. Major equipment deployed for short periods for specific tasks shall not form part of this MOU, or it shall be negotiated and agreed upon separately in supplementary arrangements to this MOU.
3. Reimbursement for major equipment will be in effect at full rates until the date of cessation of operations by the troop contributor or termination of the mission and thereafter be reduced to 50 per cent of the rates agreed in this MOU until the major equipment items have departed the mission area.

4. To meet serviceability standards, contingents have the option to maintain an overstock of up to 10 per cent of the agreed authorized quantities and have this overstock deployed and redeployed with the contingent. The United Nations will assume the cost of deployment and redeployment and painting/repainting of the overstock, but the troop contributor will not receive wet or dry lease reimbursement for any overstocks.

5. Costs associated with preparing authorized equipment to additional standards defined by the United Nations for deployment to a mission under the wet or dry lease arrangements (such as painting, United Nations marking, winterizing) are the responsibility of the United Nations. Similarly, costs for returning authorized equipment to national stocks at the conclusion of a mission (such as repainting to national colours) are also the responsibility of the United Nations. Costs will be assessed and reimbursed on presentation of a claim based on the authorized equipment list contained in this MOU. Painting/repainting expenses will be reimbursed using the standard rates of painting/repainting for major equipment authorized in the MOU. The cost of repairs is not reimbursable when the equipment is provided under a wet lease, as repairs are included in the maintenance portion of the wet lease rate.

### **3. Verification and control procedures**

6. The main purpose of verification and control procedures is to verify that the terms and conditions of the bilateral MOU have been met, and to take corrective action when required. The United Nations is responsible, in coordination with the contingent or other delegated authority designated by the troop contributor, to ensure that the equipment provided by the Government meets the requirements of [the United Nations peacekeeping operation] and is provided in accordance with annex D to the MOU.

7. The United Nations is therefore authorized to verify the status, condition and quantity of the equipment and services provided. The Government will designate a person, normally identified through his function, who is the responsible point of contact for verification and control matters.

8. A principle of reasonability is to govern the verification process. It is to be assessed if the Government and the United Nations have taken all reasonable measures to meet the spirit of the MOU, if not the full substance, and also taken into account the importance of the subject and length of period when the MOU has not been fulfilled. The guiding principle in determining reasonability is whether the material to be provided by the Government as well as by the United Nations will meet its military/police function at no additional cost to the United Nations or the Government, other than those provided for in the MOU.

9. The results of the control process are to be used as a basis of consultative discussion at the lowest level possible in order to correct the discrepancies or decide corrective action, including adjustment of the agreed eligibility for reimbursement. Alternatively, the parties, given the degree of non-fulfilment of the MOU, may seek to renegotiate the scope of the contribution.

10. The verification process for major equipment consists of the following types of inspections:

(a) **Arrival inspection:**

(i) The inspection of major equipment will take place immediately upon arrival in the mission area and must be completed within one month. The United Nations, in consultation with the troop contributor, will decide the time and place. Where equipment and personnel are already in the mission area when the MOU is concluded, the first inspection will be carried out on a date to be jointly determined by the mission and contingent authorities and is to be completed within one month of that date;

(ii) The Government may request a United Nations team to advise or consult on matters pertaining to major equipment and/or self-sustainment. The United Nations will normally request a predeployment visit to the home country of the troop contributors;

(b) **Operational inspection:**

(i) The operational inspections, carried out by duly designated representatives of the United Nations, will be implemented according to operational requirements during the stay of units in the mission area. The major equipment will be inspected to ensure that categories and groups as well as the number delivered still correspond with this MOU and is used appropriately;

(ii) The inspection will also determine if the operational serviceability is in accordance with the specifications mentioned under performance standards listed in annex E;

(c) **Repatriation inspection:**

The repatriation inspection is carried out by duly designated representatives of the United Nations when the contingent or a component thereof leaves the mission to ensure that all major equipment provided by the Government, and only that, is repatriated, and to verify the condition of equipment provided under the dry lease concept;

(d) **Other inspections and reporting:**

Additional verifications or inspections deemed necessary by the Force Commander/Police Commissioner, Director/Chief of Mission Support or United Nations Headquarters, such as those required to support standard operational reporting, may be implemented.

The United Nations may request a predeployment visit to the troop/police contributors' home country to assist the troop contributor to prepare for deployment and to verify the suitability of the major equipment and self-sustainment capabilities proposed for deployment.

#### 4. Transportation

11. The United Nations, in consultation with the Government, will make arrangements for, and meet the costs related to, deployment and redeployment of contingent-owned equipment, from and to an agreed port of embarkation/disembarkation and the mission area either directly or, if transport is to be provided by the Government, under a letter of assist. For landlocked countries, or countries where equipment is moved by road or rail to and from the mission area, the port of embarkation/disembarkation will be an agreed border crossing point.

12. Troop contributors are responsible for transportation of resupply of spare parts and minor equipment related to major equipment, and for rotating equipment to meet national requirements. The monthly estimated maintenance rates of the wet lease rates already include a generic 2 per cent premium for such transportation. In addition, a distance related increment is applied to the maintenance rates. The distance related increment is 0.25 per cent of the estimated maintenance rate for each complete 500 miles (800 kilometres), beyond the first 500 miles (800 kilometres) distance along the consignment route between the port of embarkation in the troop-contributing country and the port of entry in the mission area. For landlocked countries or countries where equipment is moved by road or rail to and from the mission area, the port of entry will be an agreed border crossing point.

13. No separate reimbursement for transportation of spare parts is provided for beyond that covered under the wet lease procedures.

14. Costs related to the rotation of equipment to meet national operational or maintenance requirements will remain ineligible for reimbursement by the United Nations. Certain categories of major equipment under prolonged deployment to peacekeeping missions which are non-operable, or for which continued maintenance is not economical in the mission area, can be considered for rotation at United Nations expense at the discretion of a mission contingent-owned equipment/memorandum of understanding management review board (CMMRB) in consultation with the applicable contingent commander, on the basis of operational requirements within the mission. These categories are as follows: armoured personnel carriers (tracked), armoured personnel carriers (wheeled), engineering vehicles and support vehicles (military pattern).

15. To be eligible for consideration, equipment must have been continuously deployed in peacekeeping operations for at least seven years or 50 per cent of its estimated useful life, whichever comes earlier. Equipment to be rotated at United Nations expense shall be treated by the United Nations as if it were contingent-owned equipment being repatriated at the end of the contingent's deployment to a mission area. Replacement equipment shall be treated as equipment being deployed under the contingent's initial deployment to a mission area.

16. The United Nations is responsible for the costs of inland transportation of major equipment between an agreed originating location and the port of embarkation/disembarkation. The United Nations may make transport arrangements to and from the originating base; however, the Government will be responsible for costs for other than major equipment. Reimbursement of the costs of inland

transportation made by the troop contributor for major equipment will be made upon presentation of a claim prepared in accordance with a letter of assist, which will be negotiated in advance of the transportation.

17. The United Nations will be responsible for the cost of transportation on deployment and redeployment of the equipment level authorized in this MOU and of backup equipment up to equipment level authorized in this MOU. In the event of the troop contributor deploying more equipment than authorized in this MOU plus 10 per cent backup, the extra costs will be borne by the troop contributor.

18. When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date, the troop contributor will be reimbursed by the United Nations at the dry lease rate from the expected arrival date until the actual arrival date.

## 5. Mission usage factors

19. Mission usage factors as described in annex F, if applicable, will be applied to the reimbursement rates for major equipment.

## 6. Loss and damage

20. When deciding reimbursement for loss and damage, a distinction between no-fault incidents and hostile action/forced abandonment must be made:

(a) **No-fault incidents.** The wet lease/dry lease rates include a no-fault factor to cover loss of or damage to equipment in a no-fault incident. There is no additional reimbursement and no other claims are receivable in case of equipment loss or damage in such incidents;

(b) **Hostile action/forced abandonment:**

(i) In cases of loss or damage resulting from a single hostile action or forced abandonment, troop contributors will assume liability for each and every item of equipment when the collective generic fair market value is below the threshold value of \$250,000;

(ii) For major equipment lost or damaged as a result of a single hostile action or forced abandonment, the United Nations will assume liability for each and every item of major equipment whose generic fair market value equals or exceeds \$250,000 or for the major equipment lost or damaged when the collective generic fair market value of such equipment equals or exceeds \$250,000.

21. Where equipment is provided under wet lease, the method of calculation for damage is the reasonable cost of repair. Equipment, which has suffered damage, is to be considered a total loss when the cost of repair exceeds 75 per cent of the generic fair market value.

22. The United Nations has no responsibility for reimbursement where loss and damage is due to wilful misconduct or gross negligence by members of the troop contributor as determined by a board of inquiry convened by a duly authorized



official of the United Nations, the report of which has been approved by the responsible United Nations official.

**7. Loss and damage in transit**

23. Liability for loss or damage during transportation will be assumed by the party making the arrangements. Liability for damage only applies to significant damage. Significant damage means damage where the repairs amount to 10 per cent or more of the generic fair market value of the item of equipment.

**8. Special case equipment**

24. Unless otherwise specifically provided in the MOU, loss or damage to special case equipment shall be treated in the same manner as other major equipment.

**9. Liability for damage to major equipment owned by one troop contributor and used by another troop contributor**

25. Major equipment can be provided to the United Nations by one troop contributor to be used, at the request of the United Nations, by another troop contributor. In these cases, the following principles will apply:

(a) Adequate training is necessary to ensure that a user is qualified to operate unique major equipment such as armoured personnel carriers. The United Nations will be responsible for ensuring that this training is conducted and to provide funding for the training. The arrangements to provide and conduct this training are to be negotiated between the United Nations, the troop contributor providing the major equipment and the troop contributor using the major equipment. The results of the negotiation are to be reflected in the respective MOUs;

(b) Major equipment provided to a United Nations peacekeeping mission by a troop contributor and used by another troop contributor shall be treated with due diligence. The user troop contributor shall be responsible for reimbursing the providing troop contributor, through the United Nations, for any damage that may occur, whether as a result of wilful misconduct, gross negligence or negligence by personnel of the user troop contributor;

(c) Any incident involving damage shall be investigated and processed according to the application of United Nations rules and regulations.

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## Annex C

## Self-sustainment

## 1. Requirements

(United States dollars)

For period starting: \_\_\_\_\_

<i>Factors:</i> <i>Environmental:</i> _____ <i>Intensified operational:</i> _____ <i>Hostility/forced abandonment:</i> _____	<i>Monthly rate</i> <i>(excluding factors)</i>	<i>Monthly rate</i> <i>(including factors)</i>	<i>Personnel strength</i> <i>ceiling</i>	<i>Monthly</i> <i>reimbursement</i> <i>(including factors)</i>
Catering	28.37			
Communication				
VHF/UHF-FM	47.15			
HF	17.87			
Telephone	15.40			
Office	22.72			
Electrical	27.35			
Minor engineering	17.74			
Explosive ordnance disposal	8.46			
Laundry and cleaning				
Laundry	9.40			
Cleaning	14.02			
Tentage	26.46			
Accommodation	41.20			
Basic firefighting	0.23			
Fire detection and alarm	0.16			
Medical				
Basic	2.17			
Level 1	16.01			
Level 2 (including dental and lab)	21.40			
Level 3 (including dental and lab)	25.53			
Level 2 and 3 combined (including dental and lab)	35.77			
High-risk areas (epidemiological)	9.07			
Blood and blood products	2.28			
Laboratory only	4.56			
Dental only	2.76			
Gynaecology	2.12			
Observation				
General	1.44			
Night observation	24.25			

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<i>Factors:</i> <i>Environmental:</i> _____ <i>Intensified operational:</i> _____ <i>Hostility/forced abandonment:</i> _____	<i>Monthly rate</i> <i>(excluding factors)</i>	<i>Monthly rate</i> <i>(including factors)</i>	<i>Personnel strength</i> <i>ceiling</i>	<i>Monthly</i> <i>reimbursement</i> <i>(including factors)</i>
Positioning	5.72			
Identification	1.20			
Nuclear, biological and chemical protection	26.77			
Field defence stores	34.12			
Miscellaneous general stores				
Bedding	17.69			
Furniture	23.06			
Welfare	6.69			
Internet access	3.14			
Unique equipment	Special case			

## 2. General conditions for self-sustainment

1. The minor equipment and consumables provided under this MOU shall remain the property of the Government.
2. Reimbursement for self-sustainment will be in effect at full rates until the date of cessation of operations by a troop contributor or termination of the mission and thereafter be reduced to 50 per cent of the rates agreed in this MOU calculated upon the remaining actual deployed troop strength until all contingent personnel have departed the mission area.

## 3. Verification and control procedures

3. The United Nations is responsible, in coordination with the contingent or other delegated authority designated by the troop contributor, to ensure that the equipment provided by the Government meets the requirements of the [United Nations peacekeeping operation] and is provided in accordance with annex C to the MOU.
4. Thus the United Nations is authorized to verify the status, condition and quantity of the equipment and services provided. The Government will designate a person, normally identified through his/her function, who is the responsible point of contact for verification and control matters.
5. A principle of reasonability is to govern the verification process. It is to be assessed if the Government and the United Nations have taken all reasonable measures to meet the spirit of the MOU, if not the full substance. The guiding principle in determining reasonability is whether the material to be provided by the Government as well as by the United Nations will meet its (military/police) function at no additional cost to the United Nations or the Government, other than those provided for in this MOU.
6. The result of the control process is to be used as a basis of a consultative discussion at the lowest level possible in order to correct the discrepancies or decide corrective action including adjustment of the agreed eligibility for reimbursement.

Alternatively, the parties, given the degree of non-fulfilment of the MOU, may seek to renegotiate the scope of the contribution. Neither the Government nor the United Nations should be penalized when non-performance results from the operational situation in the mission area.

7. The verification process for personnel-related minor equipment and consumables comprise three types of inspections:

(a) **Arrival inspection.** The first inspection will take place immediately upon arrival in the mission area and must be completed within one month. A person authorized by the Government must explain and demonstrate the agreed self-sustainment capability. In the same way the United Nations must give an account of the services provided by the United Nations as stipulated in this MOU. Where self-sustainment services are already in the mission area when the MOU is concluded, the first inspection will be carried out on a date to be jointly determined by the mission and contingent authorities and is to be completed within one month of that date;

(b) **Operational inspection.** The operational inspections will be implemented according to operational requirements during the stay of units in the mission area. Areas where the contingent has self-sustainment responsibilities may be inspected with a view to an assessment of whether the sustainment capability is sufficient and satisfactory;

(c) **Other inspections and reporting.** Additional verifications or inspections deemed necessary by the Force Commander/Police Commissioner, the Director/Chief, Mission Support or United Nations Headquarters, such as standard operational reporting, may be implemented. When a unit has to fully or partially redeploy within a mission area, the time of the next periodic inspection in the new location will be carried out in a date to be jointly determined by the mission and the unit authorities.

#### 4. Transportation

8. Costs related to the transportation of minor equipment and consumables provided under the self-sustainment system are reimbursed by a 2 per cent transportation increment included in the rates listed in annex C. No other transportation cost is eligible for reimbursement for transportation of self-sustainment items.

#### 5. Mission-related usage factors

9. Mission usage factors as described in annex F, if applicable, will be applied to the reimbursement rates for self-sustainment.

#### 6. Loss and damage

10. Loss or damage to self-sustainment items is not reimbursable by the United Nations. These incidents are covered by the no-fault incident factor and by the mission-approved hostile action/forced abandonment factor (where a mission factor has been deemed necessary), which are applied to the spare parts component of the wet lease as well as the self-sustainment rates.

**Appendix 1****Self-sustainment services distribution of responsibilities**

<i>Country:</i> <i>Unit:</i>	<i>[Country]</i> <i>[Type of unit]</i>	<i>Remarks</i>
<i>Total number of contingent personnel:</i>	TBD	
<i>– Staff officers:</i>	TBD	[indicate who provides self-sustainment]
<b>Category</b>		
Catering	TBD	
Communication		
VHF/UHF-FM	TBD	
HF	TBD	
Telephone	TBD	
Office	TBD	
Electrical	TBD	
Minor engineering	TBD	
Explosive ordnance disposal	TBD	
Laundry	TBD	
Cleaning	TBD	
Tentage	TBD	
Accommodation	TBD	
Basic firefighting	TBD	
Fire detection and alarm	TBD	
Medical		
Basic	TBD	
Level 1	TBD	
Level 2 (including dental and lab)	TBD	
Level 3 (including dental and lab)	TBD	
Level 2 and 3 combined (including dental and lab)	TBD	

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<i>Country: Unit:</i>	<i>[Country] [Type of unit]</i>	<i>Remarks</i>
High-risk areas (epidemiological)	TBD	
Laboratory only	TBD	
Dental only	TBD	
Blood and blood products	TBD	
Gynaecology	TBD	
Observation		
General	TBD	
Night observation	TBD	
Positioning	TBD	
Identification	TBD	
Nuclear, biological and chemical protection	TBD	
Field defence stores	TBD	
Miscellaneous general stores	TBD	
Bedding	TBD	
Furniture	TBD	
Welfare	TBD	
Internet access	TBD	
Unique equipment	TBD	

*Note:* TBD = to be determined.

**Appendix 2****List of items provided by troop contributor under self-sustainment subcategories “welfare” and “Internet access”**

Country: \_\_\_\_\_

**Welfare**

Welfare stores should be available to all contingent troops, in headquarters, and detached units/sub-units.

Welfare stores should include, but are not limited to, the following items:

<i>Equipment</i>	<i>Item</i>	<i>Quantity</i>	<i>Remarks</i>
Audio/visual entertainment equipment	DVD		
	VCR		
	Television		
	Computer and computer games		
Fitness equipment	Free weights		
	Exercise machines		
Team sports equipment	Soccer		
	Football		
	Basketball		
Individual sports equipment	Tennis		
	Table tennis		
	Badminton		
	Handball		
Library	Books		
	Periodicals		
	Board games		
Other equipment (pertinent to contingent's culture)			

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**Internet access**

	<i>Item</i>	<i>Quantity</i>	<i>Remarks</i>
Internet access equipment			
Computers			
Peripherals	Webcams		
	Microphones		
	Scanners/printers		
Appropriate levels of maintenance (spare parts and bandwidth for the equipment mentioned above)			

*Note:* COE verification teams will follow the principles of reasonability and flexibility in assessing troop contributor's compliance with the standards for "welfare" and "Internet access" subcategories.



## **Annex D**

### **Principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements**

The principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements, as described in chapter 3, annex A, are applicable to the present chapter and should be included as annex D to the memorandum of understanding to be signed with troop contributors.

**Annex E****Principles of verification and performance standards  
for minor equipment and consumables provided  
under self-sustainment**

The principles of verification and performance standards for minor equipment and consumables provided under self-sustainment, as described in chapter 3, annex B, are applicable to the present chapter and should be included as annex E to the memorandum of understanding to be signed with troop contributors.

## **Annex F**

### **Definitions**

The definitions given in chapter 2, annex A, are applicable to the present chapter and should be included as annex F to the memorandum of understanding to be signed with troop and police contributors.

**Annex G****Guidelines (aide-mémoire) to troop-contributing countries**

Annex G is mission-specific and is not included in the present document. It is distributed in advance of deployment.

## Annex H

### We are United Nations peacekeeping personnel

The United Nations Organization embodies the aspirations of all the people of the world for peace.

In this context, the Charter of the United Nations requires that all personnel must maintain the highest standards of integrity and conduct.

We will comply with the Guidelines on International Humanitarian Law for Forces Undertaking United Nations Peacekeeping Operations and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis of our standards.

We, as peacekeeping personnel, represent the United Nations and are present in the country to help it recover from the trauma of a conflict. As a result, we must consciously be prepared to accept special constraints in our public and private lives in order to do the work and pursue the ideals of the United Nations Organization.

We will be accorded certain privileges and immunities arranged through agreements negotiated between the United Nations and the host country solely for the purpose of discharging our peacekeeping duties. Expectations of the international community and the local population will be high, and our actions, behaviour and speech will be closely monitored.

We will always:

- Conduct ourselves in a professional and disciplined manner, at all times
- Dedicate ourselves to achieving the goals of the United Nations
- Understand the mandate and mission and comply with their provisions
- Respect the environment of the host country and endeavour to comply with United Nations environmental and waste management policies and procedures
- Endeavour never to litter or improperly dispose of any material or equipment
- Respect local laws, customs and practices and be aware of and respect culture, religion, traditions and gender issues
- Treat the inhabitants of the host country with respect, courtesy and consideration
- Act with impartiality, integrity and tact
- Support and aid the infirm, sick and weak
- Obey our United Nations superiors/supervisors and respect the chain of command
- Respect all other peacekeeping members of the mission regardless of status, rank, ethnic or national origin, race, gender or creed
- Support and encourage proper conduct among our fellow peacekeeping personnel

- Report all acts involving sexual exploitation and abuse
- Maintain proper dress and personal deportment at all times
- Properly account for all money and property assigned to us as members of the mission
- Care for all United Nations equipment placed in our charge.

We will never:

- Bring discredit upon the United Nations or our nations through improper personal conduct, failure to perform our duties or abuse of our positions as peacekeeping personnel
- Take any action that might jeopardize the mission
- Abuse alcohol, use or traffic in drugs
- Make unauthorized communications to external agencies, including unauthorized press statements
- Improperly disclose or use information gained through our employment
- Use unnecessary violence or threaten anyone in custody
- Commit any act that could result in physical, sexual or psychological harm or suffering to members of the local population, especially women and children
- Commit any act involving sexual exploitation and abuse, sexual activity with children under 18, or exchange of money, employment, goods or services for sex
- Become involved in sexual liaisons that could affect our impartiality or the well-being of others
- Be abusive or uncivil to any member of the public
- Wilfully damage or misuse any United Nations property or equipment
- Use a vehicle improperly or without authorization
- Collect unauthorized souvenirs
- Participate in any illegal activities, corrupt or improper practices
- Attempt to use our positions for personal advantage, to make false claims or accept benefits to which we are not entitled.

We realize that the consequences of failure to act within these guidelines may:

- Erode confidence and trust in the United Nations
- Jeopardize the achievement of the mission
- Jeopardize our status and security as peacekeeping personnel and
- Result in administrative, disciplinary or criminal action.

## **Annex I**

### **Environmental policy for United Nations field missions**

Annex I is not included in the present document. It is distributed separately.

**Generic model for formed police unit****Memorandum of understanding between the United Nations and the Government of [...] contributing resources to [the United Nations peacekeeping mission]**

*Whereas*, the United Nations [United Nations peacekeeping mission] was established pursuant to \_\_\_\_\_,

*Whereas*, at the request of the United Nations, the Government of \_\_\_\_\_ (hereinafter referred to as the Government) has agreed to contribute personnel, equipment and services for a formed police unit to assist the United Nations [United Nations peacekeeping mission] to carry out its mandate,

*Whereas*, the United Nations and the Government wish to establish the terms and conditions of the contribution,

*Now therefore*, the United Nations and the Government (hereinafter collectively referred to as the Parties) agree as follows:

**Article 1  
Definitions**

1. For the purpose of this memorandum of understanding, the definitions listed in annex F shall apply. Any references to the term contingent in the definition section or in any annexes shall be deemed to mean the formed police unit. Similarly any references to troops shall be deemed to mean the members of the unit.

**Article 2  
Documents constituting the memorandum of understanding**

2.1 This document, including all of its annexes, constitutes the entire memorandum of understanding (hereinafter referred to as the MOU) between the Parties for the provision of personnel in support of [United Nations peacekeeping mission].

## 2.2 Annexes:

## A: Personnel

- 1 - Requirements
- 2 - Reimbursement
- 3 - General conditions for personnel

Appendix 1. Individual kit for members of formed police unit — mission-specific requirement

## B: Major equipment

- 1 - Requirements
- 2 - General conditions for major equipment
- 3 - Verification and control procedures



## Chapter 9

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- 4 - Transportation
- 5 - Mission usage factors
- 6 - Loss and damage
- 7 - Loss and damage in transit
- 8 - Special case equipment
- 9 - Liability for damage to major equipment owned by one police contributor and used by another police contributor

Appendix 1. Special case reimbursement

C: Self-sustainment

- 1 - Requirements
- 2 - General conditions for self-sustainment
- 3 - Verification and control procedures
- 4 - Transportation
- 5 - Mission-related usage factors
- 6 - Loss or damage

Appendix 1. Self-sustainment services — distribution of responsibilities

Appendix 2. Self-sustainment services — welfare items and Internet access

- D: Principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements
- E: Principles of verification and performance standards for minor equipment and consumables provided under self-sustainment
- F: Definitions
- G: Observance by United Nations forces of international humanitarian law
- H: Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission
- I: Guidelines for formed police units on assignment with peace operations<sup>1</sup>
- J: Directives for disciplinary matters involving civilian police officers and military observers
- K: We are United Nations peacekeeping personnel
- L: Environmental policy for United Nations field missions.<sup>2</sup>

<sup>1</sup> Annex I is distributed separately.

<sup>2</sup> Annex L is not included in the present document. It is distributed separately.

**Article 3****Purpose**

3. The purpose of the present memorandum of understanding is to establish the administrative, logistics and financial terms and conditions to govern the contribution of personnel, equipment, and services provided by the Government in support of [United Nations peacekeeping mission] and to specify United Nations standards of conduct for personnel provided by the Government.

**Article 4****Application**

4. The present MOU shall be applied in conjunction with the Guidelines for formed police units on Assignment with peace operations.

**Article 5****Contribution of the Government**

5.1 The Government shall contribute to [United Nations peacekeeping mission] the personnel listed in annex A. Any personnel above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

5.2 The Government shall contribute to [United Nations peacekeeping mission] the major equipment listed in annex B. The Government shall ensure that the major equipment and related minor equipment meet the performance standards set out in annex D for the duration of the deployment of such equipment to [United Nations peacekeeping mission]. Any equipment above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

5.3 The Government shall contribute to [United Nations peacekeeping mission] the minor equipment and consumables related to self-sustainment as listed in annex C. The Government shall ensure that the minor equipment and consumables meet the performance standards set out in annex E for the duration of the deployment of such equipment to [United Nations peacekeeping mission]. Any equipment above the level indicated in this MOU shall be a national responsibility and thus not subject to reimbursement or other kind of support by the United Nations.

**Article 6****Reimbursement and support from the United Nations**

6.1 The United Nations shall reimburse the Government in respect of the personnel provided under this MOU at the rates stated in article 2 of annex A.

6.2 The United Nations shall reimburse the Government for the major equipment provided as listed in annex B. The reimbursement for the major equipment shall be reduced in the event that such equipment does not meet the required performance standards set out in annex D or in the event that the equipment listing is reduced.

6.3 The United Nations shall reimburse the Government for the provision of self-sustainment goods and services at the rates and levels stated in annex C. The reimbursement for self-sustainment shall be reduced in the event that the contingent does not meet the required performance standards set out in annex E, or in the event that the level of self-sustainment is reduced.

6.4 Reimbursement for police costs will continue at full rates until departure of the personnel.

6.5 Reimbursement for major equipment will be in effect at full rates until the date of cessation of operations by a police contributor or termination of the mission and thereafter be calculated at 50 per cent of the rates agreed in this MOU until the equipment departure date.

6.6 Reimbursement for self-sustainment will be in effect at full rates until the date of cessation of operations by a police contributor or termination of the mission and thereafter be reduced to 50 per cent of the rates agreed in this MOU calculated upon the remaining actual deployed police strengths until all police personnel have departed the mission area.

6.7 When the United Nations negotiates a contract for the repatriation of equipment and the carrier exceeds a 14-day grace period after the expected arrival date, the police contributor will be reimbursed by the United Nations at the dry-lease rate from the expected arrival date until the actual arrival date.

## **Article 7**

### **General conditions**

7.1 The parties agree that the contribution of the Government as well as the support from the United Nations shall be governed by the general conditions set out in the relevant annexes.

7.2 The Government certifies that none of the personnel provided by it pursuant to this MOU have ever been convicted of, or are currently under investigation or being prosecuted for, any criminal or disciplinary offence, or acts which may amount to human rights violations, with the exception of minor traffic violations (driving while intoxicated or dangerous or careless driving are not considered minor traffic violations for this purpose). The Government also certifies that it is not aware of any allegations against any of its personnel that they have committed or been involved, by act or omission in the commission of any acts that amount to violations of international human rights law or international humanitarian law.

7.3 The Government shall use its welfare payments to provide adequate welfare and recreation facilities to personnel of the formed police unit in the mission.

## **Article 7 bis**

### **United Nations standards of conduct**

7.4 The Government shall ensure that all the personnel of the formed police unit provided by it pursuant to this MOU are made familiar with Annexes G to K thereto and are provided with adequate and effective pre-deployment training in the United Nations standards of conduct, as set forth in those annexes.

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7.5 The Government shall ensure that all the personnel of the formed police unit provided by it pursuant to this MOU are required to comply with the United Nations standards of conduct, as set forth in annex G, the Secretary-General's bulletin on Observance by United Nations forces of international humanitarian law (ST/SGB/1999/13); annex H, the Secretary-General's bulletin on Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission (ST/SGB/2002/9); annex I, Guidelines for formed police units on assignment with peace operations; annex J, Directives for disciplinary matters involving United Nations police officers and military observers; and annex K, We are United Nations peacekeeping personnel, as well as mission-specific rules and regulations and the obligations towards national and local laws and regulations in accordance with the Agreement between the United Nations and the Government of [host State] on the [status-of-forces agreement/status-of-mission agreement].

7.6 The United Nations shall continue to provide to personnel of the formed police unit mission-specific training material on United Nations standards of conduct, mission-specific rules and regulations, and relevant local laws and regulations. The United Nations shall conduct adequate and effective induction training and training during mission assignment to complement predeployment training.

7.7 On commencement of assignment with the United Nations, each individual member of the formed police unit shall sign an individual letter of undertaking for members of units entitled "Undertaking and Declaration by Experts on Mission" referring to the United Nations standards of conduct as referred to in paragraph 37 of annex I hereto, including the provisions contained in the Secretary-General's bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) as made applicable to individuals assigned with the United Nations as experts on mission. Each individual member of the unit shall also sign a self-attestation that he/she has not committed, been convicted of, nor prosecuted for, any criminal offence nor has been involved, by act or omission, in the commission of any violation of international human rights law or international humanitarian law or to state the reasons why he/she is not in a position to make such an attestation.

#### **Article 7 ter** **Discipline**

7.8 The Government acknowledges that the Commander of the formed police unit is responsible for the discipline and good order of all members of the unit while assigned to [United Nations peacekeeping mission]. The Government accordingly undertakes to ensure that the Commander of the unit is vested with the necessary authority and takes all reasonable measures to maintain discipline and good order among the members of the unit and to ensure compliance with United Nations standards of conduct, mission-specific rules and regulations and obligations under national and local laws and regulations in accordance with the [United Nations peacekeeping mission] [status-of-forces agreement/status-of-mission agreement].

7.9 The Government undertakes to ensure, subject to any applicable national laws, that the Commander of the formed police unit regularly informs the Police Commissioner/Head of the Police Component of [United Nations peacekeeping

mission] of any matters involving the discipline and good order of members of the unit, including any disciplinary action for violations of the United Nations standards of conduct or mission-specific rules and regulations or for failure to respect local laws and regulations.

7.10 The Government shall ensure that the Commander of the formed police unit receives adequate and effective pre-deployment training in the proper discharge of his or her responsibility for maintaining discipline and good order among all members of the unit.

7.11 Without prejudice to the Government's disciplinary authority under its national laws, the personnel of the formed police units shall be subject to the United Nations procedures for breaches of conduct as set forth in annexes I and J to this MOU.

#### **Article 7 quater Investigations**

7.12 The United Nations will inform the Government, without delay, of all serious allegations of misconduct involving any personnel of the formed police unit.

7.13 In the event that the Government receives an allegation of misconduct involving any personnel of the formed police unit, it shall without delay inform the United Nations.

7.14 The United Nations shall have the right to investigate any forms of misconduct committed by personnel of the formed police unit. Any such investigations shall be conducted by the appropriate United Nations investigative office, including the Office of Internal Oversight Services, in accordance with the rules of the Organization. The Government undertakes to ensure that no individual against whom there are allegations of any forms of misconduct is repatriated before the conclusion of the investigation by the United Nations and a determination is made regarding the appropriate action to be taken in the matter.

7.15 The right of the United Nations to investigate any form of misconduct committed by personnel of the formed police unit is without prejudice to the right of the Government to separately investigate any form of misconduct by its personnel or the right of the host State to investigate crimes, under its domestic criminal laws, in accordance with the procedures established under the [United Nations peacekeeping mission] [status-of-forces agreement/status-of-mission agreement].

7.16 The Government undertakes to cooperate with the United Nations in the exchange of information and in facilitating the conduct of investigations.

#### **Article 7 quinquies Exercise of jurisdiction**

7.17 Members of formed police units are civilian police as referred to in the [United Nations peacekeeping mission] [status-of-forces agreement/status-of-mission agreement]. Accordingly, they have the status of experts on mission for the United Nations. While they enjoy immunity in respect of their official acts in accordance with article VI of the Convention on the Privileges and Immunities of the United Nations, such immunity may be waived by the Secretary-General in appropriate

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cases in accordance with that Convention. In the event of such a waiver, they may be subject to legal proceedings instituted by the relevant authorities of the host State in accordance with the procedures established under the [United Nations peacekeeping mission] [status-of-forces agreement/status-of-mission agreement].

7.18 In the event that legal proceedings are instituted by authorities of the host State against a member of the formed police unit in connection with an alleged criminal offence, and the Secretary-General certifies that the individual does not enjoy immunity in respect of such prosecution or decides to waive any applicable immunity, the Government undertakes to cooperate with the relevant authorities of the host State in connection with such legal proceedings.

7.19 If for any reason the prosecution of a member of the formed police unit accused of a crime of a serious nature does not take place in the host State, the Government shall take the necessary action to prosecute the concerned individual in accordance with its national laws. For that purpose, in accordance with General Assembly resolution 66/93, entitled “Criminal accountability of United Nations officials and experts on mission”, the Government is requested to establish, to the extent that it has not yet done so, jurisdiction over crimes, particularly those of a serious nature, as known to its existing domestic criminal laws, committed by members of its formed police units while serving in United Nations peacekeeping operations, at least where the conduct as defined in the law of the Government also constitutes a crime under the law of the host State.

7.20 The Government further assures the United Nations that it shall exercise such disciplinary jurisdiction as might be necessary with respect to all other acts of misconduct committed by any members of the unit while they are assigned to [United Nations peacekeeping mission] that do not amount to crimes or offences.

**Article 7 sexiens**  
**Accountability**

7.21 The United Nations shall notify the Government if a United Nations investigation concludes that allegations of any form of misconduct by any member of the formed police unit are well founded. The United Nations shall also notify the Government of any administrative measures taken and shall provide a complete report of the findings of the investigation and the evidence gathered in the course of the investigation.

7.22 Without prejudice to the jurisdiction of the host State, the Government shall ensure that the case of any form of misconduct is forwarded to its appropriate authorities for due action. The Government shall take all appropriate measures to ensure that the person responsible is held accountable. The Government agrees to inform the Secretary-General on a regular basis about the progress in dealing with all cases of any form of misconduct by its personnel, including the final outcome of such cases.

7.23 If a United Nations investigation, in accordance with appropriate procedures, concludes the Commander of the formed police unit has failed to:

(a) Cooperate with a United Nations investigation in accordance with article 7.14, it being understood that the Commander will not have failed to cooperate merely by complying with his or her national laws and regulations; or

(b) Exercise effective command and control; or

(c) Immediately report to appropriate authorities, including the Police Commissioner/Head of the Police Component of mission, or take action in respect of allegations of misconduct that are reported to him are well founded.

The Government shall ensure that the case is forwarded to its appropriate authorities for due action. The fulfilment of these aspects shall be evaluated in the Commander's performance appraisal.

7.24 The Government understands the importance of settling matters relating to paternity claims involving a member of its formed police unit. The Government will, to the extent of its national laws, seek to facilitate such claims provided to it by the United Nations to be forwarded to the appropriate national authorities. In the case that the Government's national law does not recognize the legal capacity of the United Nations to provide such claims, these shall be provided to the Government by the appropriate authorities of the host State, in accordance with applicable procedures. The United Nations must ensure that such claims are accompanied by the necessary conclusive evidence, such as a DNA sample of the child when prescribed by the Government's national law.

#### **Article 7 septies**

##### **Environmental compliance and waste management**

7.25 Troop- and police-contributing countries will endeavour to ensure that all members of the national contingent conduct themselves in an environmentally conscious manner and act in support of and in compliance with United Nations environmental and waste management policies and procedures, as set out in annex L (Environmental policy for United Nations field missions) to the present memorandum of understanding.

7.26 The United Nations will endeavour to provide assistance to national contingents to enable them to comply with United Nations environmental and waste management policies and procedures. Such assistance shall include providing national contingents with mission-specific briefings, induction and continuing training on field mission procedures regarding environmental and waste management policies and procedures.

#### **Article 8**

##### **Specific conditions**

8.1 Environmental condition factor: \_\_\_\_\_

8.2 Intensity of operations factor: \_\_\_\_\_

8.3 Hostile action/forced abandonment factor: \_\_\_\_\_

8.4 Incremental transportation factor: \_\_\_\_\_

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8.5 The following locations are the agreed originating locations and ports of entry and exit for the purpose of transportation arrangements for the movement of police and equipment:

Police:

Airport/port of entry/exit: \_\_\_\_\_

Airport/port of entry/exit (in the area of operations): \_\_\_\_\_

*Note:* The police may be returned to another location nominated by the police contributor, however, the maximum cost to the United Nations will be the cost to the agreed originating location. Where a rotation uplifts police from a different port of exit this port shall become the agreed port of entry for these police.

Equipment:

Originating location: \_\_\_\_\_

Port of embarkation/disembarkation: \_\_\_\_\_

Port of embarkation/disembarkation (in the mission area): \_\_\_\_\_

**Article 9****Claims by third parties**

9. The United Nations will be responsible for dealing with any claims by third parties where the loss of or damage to their property, or death or personal injury, was caused by the personnel or equipment provided by the Government in the performance of services or any other activity or operation under this MOU. However, if the loss, damage, death or injury arose from gross negligence or wilful misconduct of the personnel provided by the Government, the Government will be liable for such claims.

**Article 10****Recovery**

10. The Government will reimburse the United Nations for loss of or damage to United Nations-owned equipment and property caused by the personnel or equipment provided by the Government if such loss or damage (a) occurred outside the performance of services or any other activity or operation under this MOU, or (b) arose or resulted from gross negligence or wilful misconduct of the personnel provided by the Government.

**Article 11****Supplementary arrangements**

11. The parties may conclude written supplementary arrangements to the present MOU.



**Article 12****Amendments**

12. Either of the Parties may initiate a review of the level of contribution subject to reimbursement by the United Nations or to the level of national support to ensure compatibility with the operational requirements of the mission and of the Government. The present MOU may only be amended by written agreement of the Government and the United Nations.

**Article 13****Settlement of disputes**

13.1 [United Nations peacekeeping mission] shall establish a mechanism within the mission to discuss and resolve, amicably by negotiation in a spirit of cooperation, differences arising from the application of this MOU. This mechanism shall be comprised of two levels of dispute resolution:

(a) First level. The Director/Chief of Mission Support, in consultation with the Police Commissioner and the Commander of the formed police unit, will attempt to reach a negotiated settlement of the dispute;

(b) Second level. Should negotiations at the first level not resolve the dispute, a representative of the Permanent Mission of the Member State and the Under-Secretary-General, Department of Field Support, or his/her representative shall, at the request of either Party, attempt to reach a negotiated settlement of the dispute.

13.2 Disputes that have not been resolved as provided in paragraph 13.1 above may be submitted to a mutually agreed conciliator or mediator appointed by the President of the International Court of Justice, failing which the dispute may be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within thirty days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedures for the arbitration shall be fixed by the arbitrators, and each Party shall bear its own expenses. The arbitral award shall contain a statement of reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute. The arbitrators shall have no authority to award interest or punitive damages.

**Article 14****Entry into force**

14. The present MOU shall become effective on [date]. The financial obligations of the United Nations with respect to reimbursement of personnel, major equipment and self-sustainment rates start from the date of arrival of personnel or equipment in the mission area, and will remain in effect until the date personnel, and serviceable equipment depart the mission area as per the agreed withdrawal plan or the date of effective departure where the delay is attributable to the United Nations.

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**Article 15**  
**Termination**

15. The modalities for termination shall be as agreed to by the Parties following consultations between the Parties.

IN WITNESS WHEREOF, the United Nations and the Government of \_\_\_\_\_ have signed this Memorandum of Understanding.

Signed in New York, on \_\_\_\_\_ in two originals in the English language.

For the United Nations

For the Government of [police contributor]

\_\_\_\_\_  
Under-Secretary-General  
Department of Field Support

\_\_\_\_\_  
Permanent Representative  
Permanent Mission of [police contributor]

**Annex A****Personnel****1. Requirements**

1. The Government agrees to provide the following personnel:

For the period starting: \_\_\_\_\_

<i>Unit/sub-unit</i>	<i>Number of personnel</i>	<i>Capability</i>
Formed police unit		

*Note:* The Government may provide additional personnel as a national support element at its own expense. There will be no payment for troop costs, rotation or self-sustainment and no other financial liability for the United Nations for national support element personnel.

**2. Reimbursement**

2. The Government will be reimbursed as follows:

- (a) Troop costs at the rate of \$1,332 per person per month from 1 July 2014;
- (b) Troop costs at the rate of \$1,365 per person per month from 1 July 2016;
- (c) Troop costs at the rate of \$1,410 per person per month from 1 July 2017.

3. Deduction may be made to police personnel reimbursement in respect of absent and non-functional major equipment listed in this MOU, in accordance with General Assembly resolution 67/261, section II, paragraph 11.

4. Police personnel will receive directly from the peacekeeping mission a daily allowance of \$1.28 plus a recreational leave allowance of \$10.50 per day for up to 15 days of leave taken during each six month period.

**3. General conditions for personnel**

5. The Government shall ensure that the personnel it provides meet the standards established by the United Nations for service with [United Nations peacekeeping mission], inter alia, with respect to rank, experience, physical fitness, specialization, and knowledge of languages. The personnel shall be trained on the equipment with which the contingent is provided and shall comply with whatever policies and procedures may be laid down by the United Nations regarding medical or other clearances, vaccinations, travel, shipping, leave or other entitlements.

6. During the period of their assignment to [United Nations peacekeeping mission], the Government shall be responsible for payment of whatever emoluments, allowances and benefits may be due to its personnel under national arrangements.

7. The United Nations shall convey to the Government all pertinent information relating to the provision of the personnel, including matters of liability for loss or damage to United Nations property and compensation claims in respect of death, injury or illness attributable to United Nations service and/or loss of personal property. Claim for death and disability incidents will be handled in accordance with General Assembly resolution 52/177 of 18 December 1997. Guidelines for submitting claims arising from death and disability incidents are set out in [A/52/369](#) dated 17 September 1997.

8. Any personnel above the strength authorized in this MOU are a national responsibility, and not subject to reimbursement or support by the United Nations. Such personnel may be deployed to [United Nations peacekeeping mission], with prior approval of the United Nations if it is assessed by the police contributor and the United Nations to be needed for national purposes, for example to operate the communications equipment for a national rear link. These personnel shall be part of the contingent, and as such enjoys the legal status of members of [United Nations peacekeeping mission]. The police contributor will not, however, receive any reimbursement in respect of this personnel and the United Nations will not accept any financial obligation or responsibility in connection with such personnel. Any support or services will be reclaimed from reimbursement due the police contributor.

9. Personnel deployed at the request of the United Nations for specific tasks of limited duration may be covered by supplementary arrangements to this MOU as appropriate.

10. National civilian personnel provided by the Government who are serving as part of a formed body of troops/police shall be assimilated with unit members of formed bodies of troops/police for the purpose of this MOU.

11. The general administrative and financial arrangements applicable to the provision of military and other personnel shall be those set forth in the Guidelines for formed police units and assignment with peace operations in annex I.

**Appendix****Individual kit for members of formed police units — mission specific requirement**

In order to meet the minimum operational requirements the following is a list of items to be included in the individual kit:

<i>Description of items</i>	<i>Quantity</i>
Uniform	
Police jacket, lightweight	2
Shirt, long sleeves	2
Undershirts	4
Police trousers, lightweight	2
Pocket handkerchief	6
Boots (jungle)	1
Summer socks	4
Shorts	2
Whistle	1
Raincoat	1
Underpants	4
Hand towel	2
Suspenders	1
Personal equipment	
Sleeping bag	1
Travelling bag	1
Toothbrush	1
Dining knife	1
Spoon	1
Fork	1
Mess tin	1
Drinking mug	1

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<i>Description of items</i>	<i>Quantity</i>
Cleaning brush	2
Water canteen	1
Compass	1
Flashlight/torchlight	1
Survival kit	1
First aid kit	1
Individual mosquito net	1
Back pack (80 litres)	1
Equipment	
Personal weapon	
Police baton	
Handcuffs (metallic)	
Hearing protection	
Reflector jacket	
Goggles	
Headscarf	
Pepper spray	
Personal safety and security items	
Riot control gloves	
Riot control helmets	
Bullet proof helmets (ballistic level IV)	
Bullet proof vest (threat level IV)	
Crowd control shield	
Gas mask/filters (filter shelf life-minimum 3 years) — Gas masks shall be provided with spare filters	
Legs/arms protections	

## **Annex B**

### **Major equipment**

Please refer to annex B in the MOU for military contingents.

## **Annex C**

### **Self-sustainment**

Please refer to annex C in the MOU for military contingents.

## **Annex D**

### **Principles of verification and performance standards for major equipment provided under the wet/dry lease arrangements**

Please refer to annex D in the MOU for military contingents.

## **Annex E**

### **Principles of verification and performance standards for minor equipment and consumables provided under self-sustainment**

Please refer to annex E in the MOU for military contingents.

## **Annex F**

### **Definitions**

The definitions given in chapter 2, annex A, are applicable to the present chapter and should be included as annex F to the MOU to be signed with police contributors.

## **Annex G**

### **Bulletin on Observance by United Nations forces of international humanitarian law**

The Secretary-General, in his bulletin on the Observance by United Nations forces of international humanitarian law ([ST/SGB/1999/13](#)), which entered into force on 12 August 1999, set out fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control.

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**Annex H****Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission**

By its resolution 56/280 of 27 March 2002, the General Assembly adopted the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, set out in the bulletin of the Secretary-General dated 18 June 2002 ([ST/SGB/2002/9](#)). The Regulations entered into force on 1 July 2002.

**Annex I****Guidelines for formed police units on assignment with peace operations\*\*\*\***

Annex I is mission-specific and is not included in the present document. It is distributed separately in advance of deployment.

**Annex J****Directives for disciplinary matters involving civilian police officers and military observers**

The purpose of the directives is to establish United Nations procedures to be followed for alleged breaches of conduct by civilian police officers and military observers in the mission areas of peacekeeping and in other field operations.

**Annex K****We are United Nations peacekeeping personnel**

Please refer to annex H in the memorandum of understanding for military contingents.

**Annex L****Environmental policy for United Nations field missions**

Annex L is not included in the present document. It is distributed separately.



**Chapter 10****Responsibilities under the contingent-owned equipment system of reimbursement****Contents**

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## **A. Headquarters responsibilities**

### **Under-Secretary-General for Peacekeeping Operations**

1. Approve the concept of operations prepared by the Military Adviser/Police Adviser in consultation with the Under-Secretary-General for Field Support, and, utilizing an integrated approach, periodically review the capabilities of contingents, their major and minor equipment holdings and their self-sustainment capabilities needed to meet the operational requirements of the mission.

### **Under-Secretary-General for Field Support**

2. Review the concept of operations prepared by the Military Adviser/Police Adviser and, utilizing an integrated approach, and in consultation with the Under-Secretary-General for Peacekeeping Operations, periodically review the capabilities of contingents, their major and minor equipment holdings and their self-sustainment capabilities needed to meet the operational requirements of the mission.

3. Co-approve, with the Military Adviser/Police Adviser, the mission factors developed by the technical survey team and review and co-approve any subsequent amendments.

4. Sign the memorandum of understanding (MOU) with troop/police contributors on behalf of the United Nations.

### **Military Planning Service of the Office of Military Affairs and the Strategic Policy and Development Section of the Police Division**

5. Prepare and periodically review the concept of operations and the force requirement statements and statements of unit requirements of a peacekeeping mission, in terms of units/contingents, personnel, major equipment, self-sustainment and, in consultation with the Logistics Support Division and the Information and Communications Technology Division, logistical support, including the requirement for explosive ordnance disposal (EOD) self-sustainment, in consultation with the United Nations Mine Action Service.

6. In consultation with other offices as appropriate, prepare the rules of engagement and the directive on use of force for peacekeeping missions.

7. Lead the technical survey team using the guidelines contained in the COE Manual and, in consultation with the Logistics Support Division, prepare a recommendation regarding the mission factors for a mission and at any subsequent mission factors review, for review and co-approval by the Military Adviser/Police Adviser and the Under-Secretary-General for Field Support. Assess requests for mission factor reviews received from a field mission, contingent commanders or Permanent Missions to the United Nations and, in consultation with the Logistics Support Division and the United Nations Mine Action Service, as appropriate, make a recommendation to the Military Adviser/Police Adviser and the Director of the Logistics Support Division as to whether a review of mission factors should be undertaken. The Military Adviser/Police Adviser is to review and co-approve, with the Under-Secretary-General for Field Support or the delegated authority, the mission factors developed by the technical survey team and review and co-approve any subsequent amendments. In all cases, mission factors must be reviewed every

three years. Initiate and lead, in consultation with the United Nations Mine Action Service, the review of the requirement for EOD self-sustainment 18 months after the forces are deployed, and provide this determination to the Field Budget and Finance Division/Memorandum of Understanding and Claims Management Section for amendment to the MOU as applicable.

**Force Generation Service of the Office of Military Affairs and the Selection and Recruitment Section of the Police Division**

8. Force Generation Service of the Office of Military Affairs and the Selection and Recruitment Section of the Police Division generate the military and police components of peacekeeping missions, including contingents and police units and individuals, ensuring that potential contingents and police units have the operational capabilities as specified in the concept of operations and force requirement statement; act as the primary point of contact with the Permanent Missions to the United Nations for all military/police contributions; and issue formal requests to troop/police contributors for specific units/contingents contributions. Once the troop/police contributors and the Service agree in principle to a contribution, the process of negotiating an MOU is initiated by the Field Budget and Finance Division/Memorandum of Understanding and Claims Management Section.

9. Based on the approved concept of operations, force requirement statements, statements of unit requirements, rules of engagement and directive on use of force, identify the operational requirements of a peacekeeping mission, in terms of units/contingents, personnel, major equipment and logistical support, and prepare, in consultation with the Logistics Support Division and other appropriate offices, draft positions for personnel, major equipment and self-sustainment responsibilities for consolidation by the Field Budget and Finance Division and negotiation with the troop/police contributors. Provide input and comments to the Logistics Support Division and United Nations Mine Action Service, as appropriate, on self-sustainment categories directly related to operations.

10. Review troop/police contributors' submissions for special case equipment, in consultation with the Logistics Support Division and the Field Budget and Finance Division. In consultation with the Logistics Support Division, the United Nations Mine Action Service and other services, as applicable, make a recommendation as to whether the special case equipment meets the mission's operational requirements. The Chief of the Force Generation Service and/or the Chief of the Selection and Recruitment Section of the Police Division provide concurrence on the special case for further concurrence by the Director of the Field Budget and Finance Division and the Director of the Logistics Support Division and for negotiation with the troop/police contributors. Review, in consultation with the Logistics Support Division, and process applications for painting waiver for approval by the Military Adviser and/or the Police Adviser.

11. In consultation with the Logistics Support Division and the Field Budget and Finance Division, identify shortfalls in contingent major equipment and self-sustainment capabilities, and take the lead to follow up with the troop/police contributors and peacekeeping missions to ensure corrective actions are taken, if required.

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12. Review the final draft of the MOU and provide concurrence to the Field Budget and Finance Division.
13. In accordance with the policy and standard operating procedures of the Department of Field Support, the Force Generation Service and the Selection and Recruitment Section of the Police Division, initiate, organize and lead the team for predeployment visits and assessment and advisory visits to Member States.
14. In consultation with the Logistics Support Division, identify the implications on operations arising from changes in logistics support requirements within a peacekeeping mission.

**Logistics Support Division and the Information and Communications Technology Division**

15. In consultation with the Military Planning Service, the Selection and Recruitment Section of the Police Division and other offices as appropriate, identify the requirements of a peacekeeping mission for major equipment relating to the provision of logistics support, e.g., engineering, communications, medical, transport, aviation, supply and cartographic, and provide this information to the Field Budget and Finance Division for inclusion in the draft MOU for negotiation with the troop/police contributors.
16. In consultation with the Military Planning Service, the Selection and Recruitment Section of the Police Division and other offices as appropriate, and taking into account the capability of the United Nations to provide self-sustainment services to contingents, recommend the allocation of responsibility (United Nations or the troop/police contributors) for providing self-sustainment services to contingents, to the Field Budget and Finance Division for inclusion in the draft MOU for negotiation with the troop/police contributors.
17. In consultation with the Office of Military Affairs and the Police Division and other offices as appropriate, identify the implications for logistics support requirements arising from changes in operational requirements within a mission area.
18. Assist the Military Planning Service and the Strategic Policy and Development Section of the Police Division as part of the technical survey team to develop the mission factors and assist in the review of proposed amendments.
19. Review the troop/police contributors' special case submissions for major equipment. In consultation with the Force Generation Service, the Selection and Recruitment Section of the Police Division and other offices as appropriate, make a recommendation as to whether the special case equipment meets the logistics support requirements of the mission, and on the reasonability of the cost of the item, useful life and monthly maintenance cost submitted by the troop/police contributors. Provide concurrence on special case equipment to the Field Budget and Finance Division for negotiation with the troop/police contributors.
20. Act as the focal point, at Headquarters, for the implementation and management of the MOU in field missions:
  - (a) Develop and promulgate policies, procedures and guidelines to ensure that effective and efficient mechanisms are available to field missions to implement

and manage the MOU, including consistent inspection processes and verification reporting, in consultation with other offices as appropriate;

(b) Act as the liaison point between field missions and the Field Budget and Finance Division to obtain clarification from field missions on discrepancies/shortfalls identified in the verification reporting. Provide advice and recommendations in the functional areas of expertise of the Logistics Support Division and the Information and Communications Technology Division to assist the Field Budget and Finance Division to assess the eligibility of the troop/police contributors for reimbursement where shortfalls/discrepancies have been identified in the verification reporting;

(c) In consultation with the Force Generation Service, the Selection and Recruitment Section of the Police Division, other offices as appropriate and field missions, review verification reporting and identify shortfalls in logistics-related self-sustainment and major equipment and assist the Service, as the lead office, to follow up with the troop/police contributors and missions to ensure corrective actions are taken, where required;

(d) Participate in MOU negotiations with the troop/police contributors and provide concurrence to MOU to the Field Budget and Finance Division;

(e) Participate in predeployment visits, assessment and advisory visits and briefings to Member States.

#### **Field Budget and Finance Division/Memorandum of Understanding and Claims Management Section**

21. Based on the recommendations and comments provided by the Office of Military Affairs, the Police Division, the Logistics Support Division, the Information and Communications Technology Division, the United Nations Mine Action Service and other services as appropriate, prepare draft MOU for negotiation with the troop/police contributors.

22. Initiate and lead the MOU negotiations with the troop/police contributors for deployment of troops and equipment in peacekeeping operations by coordinating the inputs from the Force Generation Service, the Police Division, the Logistics Support Division and other offices, as appropriate, for the drafting of the MOU. Act as a focal point for communications between the Permanent Missions of troop/police contributors and the Secretariat for any questions/clarifications regarding the MOU and subsequent amendments, where applicable.

23. Where the negotiation process leads to requests for changes in the text of the model MOU, consult the Office of Legal Affairs where the changes requested appear substantial to obtain a formal opinion to submit to the Under-Secretary-General for Field Support.

24. Act as the focal point for clarification of General Assembly resolutions, in consultation with expert advice where required, on the policies and procedures concerning reimbursement and control of contingent-owned equipment of the troop/police contributors participating in peacekeeping missions.

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25. Act as the Secretariat focal point for the Contingent-Owned Equipment Working Groups, preparing related reports to the legislative bodies and, in consultation with other offices as appropriate, updating the COE Manual.
26. Prepare estimated costs for major equipment and self-sustainment for inclusion in budget proposals. Revise costs and budget proposals where changes are required as a result of negotiation with the troop/police contributors or as a result of position changes from the United Nations.
27. Calculate and process the certification of the reimbursement to the troop/police contributors.
28. Review the troop/police contributors' submissions for special case for major equipment. Calculate the wet, dry and maintenance rates in accordance with the guidelines in the COE Manual. Forward special case submissions to relevant offices at Headquarters for review and comments on reasonability of submissions and for negotiation with the troop/police contributors.
29. Participate in pre-deployment visits to Member States and conduct briefings to Permanent Missions and visiting delegations on COE/MOU processes.

**Office of Legal Affairs**

30. Review the specific MOU where changes and amendments requested are substantial and provide recommendations.
31. Review and provide recommendations for dispute resolution with the troop/police contributors, where required.

**B. Peacekeeping mission responsibilities****Special Representative of the Secretary-General/Head of Mission**

32. In consultation with the Force Commander/Police Commissioner, the Director/Chief of Mission Support and Contingent Commanders, periodically review the capabilities of contingents, their major and minor equipment holdings and their self-sustainment capabilities needed to meet the operational requirements of the mission.

**Force Commander/Police Commissioner**

33. In consultation with the Director/Chief of Mission Support and Contingent Commanders, periodically review the capabilities of contingents, their major and minor equipment holdings and their self-sustainment capabilities needed to meet the operational requirements of the mission and make recommendations to the Secretariat in regard to corrective actions that may be required.
34. In consultation with the Contingent Commanders, assist the Director/Chief of Mission Support to establish appropriate mechanisms and procedures to ensure the efficient and effective administration and management of memorandums of understanding/letters of assist between the United Nations and the troop/police contributors. Assist the Director/Chief of Mission Support to ensure that verification inspections are conducted in accordance with the schedules and procedures

established by the Secretariat. Review and co-approve verification reporting with the Director/Chief of Mission Support and Contingent Commanders, including arrival, periodic, operational readiness and departure verification reporting.

35. In consultation with the Director/Chief of Mission Support, ensure that shortages, surpluses and unserviceabilities of major and minor equipment and discrepancies in self-sustainment capabilities identified during inspections are the subject of follow-up action with the Contingent Commanders and that corrective actions are taken, where possible at the local level. In consultation with the Director/Chief of Mission Support report persistent shortfalls, surpluses, unserviceabilities and other discrepancies to the Secretariat (Office of Military Affairs, Police Division, Logistics Support Division, Information and Communications Technology Division, United Nations Mine Action Service, Field Budget and Finance Division and other offices, as appropriate) and recommend corrective action.

36. In consultation with the Contingent Commanders, assist the Director/Chief of Mission Support to ensure that the field mission provides self-sustainment services as required in the MOU and other support services to contingents. Advise the Director/Chief of Mission Support of changes in the level of support the military/police component of the mission is able to provide to a contingent.

37. In consultation with the Contingent Commanders, assist the Director/Chief of Mission Support to investigate and report to the Secretariat (the Field Budget and Finance Division) any loss of or damage to contingent-owned equipment that could be subject to reimbursement by the United Nations. Assist the Head of the Mission or the Under-Secretary-General for Peacekeeping Operations<sup>1</sup> to conduct boards of inquiry and, if appropriate, local property survey boards on losses or damage to contingent-owned equipment arising out of hostile action/forced abandonment.

38. Authorize the use of ammunition and explosives to meet training standards beyond accepted United Nations readiness standards and, in consultation with the Director/Chief of Mission Support and the Contingent Commanders, verify the use of ammunition and explosives expended for operational purposes. Prepare and co-sign Operational Ammunition Expenditure Certificates with the Director/Chief of Mission Support and Contingent Commanders.

39. In consultation with the Director/Chief of Mission Support and Contingent Commanders, attempt to have disputes resolved at the lowest possible level locally and, in consultation with the Director/Chief of Mission Support, report to the Secretariat any dispute that cannot be resolved locally.

#### **Director/Chief of Mission Support**

40. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, establish appropriate mechanisms and procedures to ensure the efficient and effective administration and management of the MOU/LOA and implement the MOU/LOA in the peacekeeping mission on behalf of the Secretariat.

<sup>1</sup> [A/C.55/68/22](#), para. 116 (d).

## Chapter 10

41. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, ensure that the field mission provides self-sustainment services as required by MOU/LOA and other appropriate support. Advise the Secretariat of changes in the level of support the mission is able to provide to contingents.
42. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, review and co-approve verification reports, including arrival, periodic, operational readiness and departure verification and ensure that verification reports, are forwarded to the Secretariat (the Field Budget and Finance Division) in accordance with the schedules and procedures established by the Secretariat.
43. In consultation with the Force Commander/Police Commissioner, establish a mission contingent-owned equipment and memorandum of understanding management review board (CMMRB) in accordance with the Guidelines for the field verification and control of contingent-owned equipment and management of memoranda of understanding to review, in accordance with the schedules and procedures established by the Secretariat, the capabilities of contingents, their major and minor equipment holdings and their self-sustainment capabilities needed to meet the operational requirements of the mission; undertake the mandatory review of self-sustainment EOD 18 months after initial deployment and the review of mission factors as required; and make recommendations to the Secretariat in regard to corrective actions that may be required.
44. In consultation with the Force Commander/Police Commissioner, ensure that persistent shortages, surpluses, unserviceabilities of major equipment and discrepancies in self-sustainment capabilities identified during verification inspections or by the review board are the subject of follow-up action with the Contingent Commanders and that corrective actions are taken, where possible, at the local level. In consultation with the Force Commander/Police Commissioner, report persistent shortfalls, surpluses, unserviceabilities and other discrepancies to the Secretariat (Office of Military Affairs, Police Division, Logistics Support Division, Information and Communications Technology Division, United Nations Mine Action Service, Field Budget and Finance Division and other offices, as appropriate) and recommend corrective action.
45. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, investigate and report to the Secretariat any loss of or damage to contingent-owned equipment that could be subject to reimbursement by the United Nations. In consultation with the Head of Mission or the Under-Secretary-General for Peacekeeping Operations,<sup>2</sup> conduct boards of inquiry and, if appropriate, local property survey boards on losses or damage to contingent-owned equipment arising out of hostile action/forced abandonment.
46. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, verify the use of ammunition and explosives expended for operational purposes or to meet training standards beyond accepted United Nations readiness standards, which have been authorized and directed by the Force Commander/Police Commissioner. Co-sign an Operational Ammunition Expenditure

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<sup>2</sup> [A/C.55/68/22](#), para. 116 (d).



Certificate with the Force Commander/Police Commissioner and the Contingent Commanders, and forward the certificate to the Secretariat (the Field Budget and Finance Division).

47. In consultation with the Force Commander/Police Commissioner and Contingent Commanders, attempt to have disputes resolved at the lowest possible level locally. Report to the Secretariat any dispute that cannot be resolved locally.

### **Contingent Commander**

48. Ensure the contingent, within the resources provided to it by the troop/police contributors, meets its obligations under the MOU/LOA.

49. In consultation with the Force Commander/Police Commissioner, assist the Director/Chief of Mission Support to establish appropriate mechanisms and procedures to ensure the efficient and effective administration and management of the MOU/LOA between the United Nations and the troop/police-contributing country.

50. Review and co-approve, with the Director/Chief of Mission Support and the Force Commander/Police Commissioner, verification reporting, including arrival, periodic, operational readiness and departure verification reporting and assist the Director/Chief of Mission Support to ensure that verification inspections are conducted in accordance with the schedules and procedures established by the Secretariat.

51. In consultation with the Force Commander/Police Commissioner and the Director/Chief of Mission Support, ensure that shortages, surpluses and unserviceabilities of major and minor equipment and discrepancies in self-sustainment capabilities identified during verification inspections or by the Review Board are the subject of follow-up with national authorities and, where possible, corrective actions are taken at the local level. In consultation with the Force Commander/Police Commissioner and the Director/Chief of Mission Support, attempt to have disputes resolved at the lowest possible level locally. Report to national authorities any dispute that cannot be resolved locally.

52. In consultation with the Force Commander/Police Commissioner, assist the Director/Chief of Mission Support to ensure that the field mission provides services as required in the MOU/LOA. Advise the Force Commander/Police Commissioner and the Director/Chief of Mission Support of changes in the capabilities the contingent is able to provide in terms of personnel, major and minor equipment and self-sustainment.

53. Report to the Force Commander/Police Commissioner and the Director/Chief of Mission Support any loss or damage to contingent-owned equipment resulting from hostile action or forced abandonment. In consultation with the Force Commander/Police Commissioner, assist the Director/Chief of Mission Support to investigate and report to the Secretariat (Field Budget and Finance Division) any loss of or damage to contingent-owned equipment that could be subject to reimbursement by the United Nations. Assist the Head of Mission or the Under-Secretary-General for Peacekeeping Operations<sup>3</sup> to conduct boards of inquiry and, if

<sup>3</sup> [A/C.55/68/22](#), para. 116 (d).

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**Chapter 10**

appropriate, local property survey boards on losses or damage to contingent-owned equipment arising out of hostile action/forced abandonment.

54. In consultation with the Force Commander/Police Commissioner and the Director/Chief of Mission Support, periodically review the capabilities of the contingent, its major and minor equipment holdings and its self-sustainment capabilities needed to meet the operational requirements of the mission, and make recommendations to the Force Commander/Police Commissioner and the Director/Chief of Mission Support in regard to corrective actions that may be required.

55. Report to the Force Commander/Police Commissioner and the Director/Chief of Mission Support the use of ammunition and explosives expended for operational purposes or to meet training standards beyond accepted United Nations readiness standards, which have been authorized and directed by the Force Commander/Police Commissioner. Co-sign, with the Force Commander/Police Commissioner and the Director/Chief of Mission Support, an Operational Ammunition Expenditure Certificate detailing the use of ammunition and explosives expended for operational purposes or for training beyond accepted United Nations readiness standards.

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# **United Nations Infantry Battalion Manual**

**Volume I**



DEPARTMENT OF PEACEKEEPING OPERATIONS  
DEPARTMENT OF FIELD SUPPORT

AUGUST 2012

# **United Nations Infantry Battalion Manual**

**Volume I**



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DEPARTMENT OF FIELD SUPPORT

AUGUST 2012



The first UN Infantry Battalion was deployed as part of United Nations Emergency Force (UNEF-I). UN infantry soldiers march in to Port Said, Egypt, in December 1956 to assume operational responsibility.



'The United Nations Infantry Battalion is the backbone of United Nations peacekeeping, braving danger, helping suffering civilians and restoring stability across war-torn societies. We salute your powerful contribution and wish you great success in your life-saving work.'

**BAN Ki-moon**  
**United Nations Secretary-General**





## Preface

I am very pleased to introduce the United Nations Infantry Battalion Manual, a practical guide for commanders and their staff in peacekeeping operations, as well as for the Member States, the United Nations Headquarters military and other planners.

The ever-changing nature of peacekeeping operations with their diverse and complex challenges and threats demand the development of credible response mechanisms. In this context, the military components that are deployed in peacekeeping operations play a pivotal role in maintaining safety, security and stability in the mission area and contribute meaningfully to the achievement of each mission mandate. The Infantry Battalion constitutes the backbone of any peacekeeping force and as such, its training, equipment and deployment is of great importance to the Troop-Contributing Countries, the mission leadership and the United Nations Headquarters alike.

To further improve the preparations, operational readiness and efficiency of the United Nations Infantry Battalions, the Department of Peacekeeping Operations and the Department of Field Support, with the support of Member States, peacekeeping missions, and partners throughout the United Nations system, have embarked on producing this Manual. By illustrating relevant strategic and operational issues, combined with guidelines on tactical employment of a United Nations Infantry Battalion, the Manual attempts to capture and consolidate all relevant dimensions of peacekeeping operations in a single reference document. I expect this to contribute to further enhancement of performance in the field.

I would like to express my sincere gratitude to the Member States, United Nations system partners, field missions, training institutions, and other peacekeeping practitioners and stakeholders for the dedicated support and substantial contribution they have provided in the development of this Manual. I further compliment the Office of Military Affairs for spearheading the initiative.

The United Nations Infantry Battalion Manual is a living document. As such, the Department of Peacekeeping Operations and the Department of Field Support will continue to refine and update this Manual to ensure its relevance to the changing operational environment and to meet the aspirations of the Member States and the United Nations.

**Hervé Ladsous**

Under-Secretary-General for Peacekeeping Operations





## Credits

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## Purpose and Scope

The purpose of this first edition of the United Nations Infantry Battalion Manual (UNIBAM) is to provide peacekeeping battalion commanders, their staff, company commanders and sub-unit leaders with a reference guide in support of their planning and conduct of operations to execute a United Nations (UN) mandate. As such, this Manual focuses on capability standards, tasks, a generic Table of Organization and Equipment, and operational readiness self-evaluation tools for a fully mission capable peacekeeping battalion.

While this Manual is primarily written for UN Infantry Battalions, it will also serve as a guide for national and United Nations Headquarters (UNHQ) planners and for those who train, support, and utilize UN Peacekeeping Infantry Battalions. It is designed to assist battalion commanders in the field and in the reorientation of their battalion from a national military entity into an integral part of a unified UN peacekeeping operation.

The Manual is based on UN official guidance including lessons learned, feedback from field missions and former battalion commanders, input from peacekeeping practitioners who have supported or operated with UN peacekeeping battalions and active consultation with the Troop-Contributing Countries (TCCs). It is a body of thought on how UN peacekeeping battalions could operate as an integral part of a UN Sector or Force Command. It does not attempt to impose solutions on TCC's training, operations or force structures, neither is it an instrument for selection.

Those TCCs experienced in peacekeeping operations can utilize the tools in the UNIBAM to augment national manuals. TCCs that are new to UN peacekeeping can use the Manual as a guide to build and field effective and capable peacekeeping battalions over time.

Creating a single structure to fit all peacekeeping scenarios is unrealistic. However, creating organizational models, as depicted in this Manual, equipped and prepared to defined standards and able to adapt structurally to fit the unique demands of a given mission mandate and TCC organiza-



tional structure is a significant benefit to TCCs and the UN. These models should not be considered as an “end state”, but as a “starting point”, whereby organizational elements can be “plugged in” or “plugged out”, as required. In the end, actual battalion structures shall be in accordance with the Memorandum of Understanding (MOU) between the UN and TCCs.

The UNIBAM consists of two volumes. Volume I of the UNIBAM focuses on peacekeeping oriented conceptual aspects pertaining to various UN policies, battalion capability standards, tasks in general, organization, evaluation and training requirements. Volume II covers in greater detail tasks, capability standards and self-evaluation checklists along with various templates and annexes as practical guidelines for execution of the functional responsibility.

The importance of training, as condition for a high-level performance in the field, cannot be stressed enough. Especially the training for the battalion commander, staff and company commanders, as mentioned in Chapter 10, requires close attention. Mission-specific, scenario-based modules are available and should be used to the maximum extent possible, not just during the predeployment phase but also in the field upon deployment.

In peacekeeping operations, the military components comprise units from different TCCs with different language, culture and professional ethos working together to maintain peace. This Manual establishes a common frame of reference which will bolster the interoperability.

Ultimately, it is the battalion commander, the well exercised and dedicated staff and a force of disciplined, motivated and well-trained soldiers that establish the flexibility and capabilities required for an infantry battalion to succeed in its UN mission.

## Background

The concept for this UN Infantry Battalion Manual originated as part of a comprehensive agenda for peacekeeping capability development, which seeks to bolster the interoperability and effectiveness of mission assets by matching existing UN Policies and Guidance with capability-based peacekeeping operations. This agenda was introduced in 2009 within the context of the “New Horizon” peacekeeping reform initiative and has been identified by Member States and the Secretariat as a central pillar of the collective effort to strengthen United Nations peacekeeping. It seeks to



build agreement around a vision for United Nations peacekeeping that places performance at the heart of operations.

The UNIBAM has been elaborated through a comprehensive process of consultation and collaboration among peacekeeping contributors, the United Nations Secretariat and field missions. This process has included a series of workshops and informal discussions and a review of UNIBAM content through a Technical Reference Group composed of Member State “subject matter experts” on infantry battalion peacekeeping operations, within permanent missions, their national counterparts, field missions, peacekeeping training centres, and the Secretariat.









## Principles, Policies and Framework

### 2.1 : General.

United Nations peacekeeping has evolved, particularly following the end of the Cold War in the 1990s, into one of the main tools used by the international community to manage complex crises that pose a threat to international peace and security. In recent years, UN peacekeeping operations have become multidimensional in nature, composed of a range of components, including military, police, political affairs, rule of law, human rights, reconstruction, public information, child protection and gender. Peacekeeping is no longer purely a military responsibility. Moreover, peacekeeping has also become more multinational, with an increasing number of TCCs.

### 2.2 : Purpose.

The purpose of this chapter is to give an overview of the United Nations principles, policies and framework, as applicable to peacekeeping operations that are overarching and cross cutting in nature. It provides strategic direction and establishes operational guidance for a greater understanding of divergent issues at the infantry battalion level.

### 2.3 : History of UN Peacekeeping Operations.

UN peacekeeping is based on the principle that an impartial presence on the ground can ease tensions between hostile parties and create space for political reconciliation. Peacekeeping might bridge the gap between the cessation of hostilities and a durable peace, but only if the parties to a conflict have the political will to reach this goal. Initially developed as a means of responding to inter-state conflict, peacekeeping has increasingly been used in the aftermath of intra-state conflicts and civil wars, which are often characterized by multiple armed factions with differing political objectives and fractured lines of command.

With the multidimensional aspect in mind, a battalion should be prepared to undertake diverse operational and non-operational tasks in a multi-





national, multicultural and multilinguistic environment. Increasingly, the Security Council has authorized the military components of peacekeeping operations to use force beyond self-defence to achieve certain mandated objectives, including but not limited to the protection of civilians. There are also a number of areas, such as mission support and security and safety of personnel, which remain essential to the success of peacekeeping, regardless of a particular mission's mandate.

#### Reference:

- Handbook on UN Multidimensional Peacekeeping Operations, 2003 (Foreword, The Evolution of Peacekeeping, United Nations).

## 2.4 : United Nations.

The United Nations is an international organization whose stated aims are facilitating cooperation in international law, international security, sustainable development (socio-economic and environmental), social progress, human rights, and achievement of world peace. Peacekeeping operates within a changing physical, social, economic and political environment. There is the need for flexibility to address an evolving set of issues. Success is never guaranteed, particularly as UN peacekeeping missions are usually deployed in the most physically and politically difficult environments.

## 2.5 : The Basic Principles of UN Peacekeeping.

Three basic principles have and continue to set UN peacekeeping operations apart as a tool for maintaining international peace and security:

- Consent of the parties.
- Impartiality.
- Non-use of force except in self-defence and defence of the mandate.

These principles are inter-related and mutually reinforcing. It is important that their meaning and relationship to each other are clearly understood by all those involved in the planning and conduct of UN peacekeeping operations, so that they are applied effectively.

**2.5.1 : Consent of the Parties.** UN peacekeeping operations are deployed with the consent of the main parties to the conflict. This requires a commitment by the parties to a political process (including a cease-fire agreement) and their acceptance of a peacekeeping operation mandated to support



that process. The consent of the main parties provides with the necessary freedom of action, both political and physical, to carry out mandated tasks. In the absence of such consent, a UN peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace. In the implementation of its mandate, a UN peacekeeping operation should work continuously to ensure that it does not lose the consent of the main parties, while ensuring that the political process moves forward.

This requires that all peacekeeping personnel have a thorough understanding of the history and prevailing customs and culture in the mission area, as well as the capacity to assess the evolving interests and motivation of the parties. The absence of trust between the parties in a post-conflict environment can, at times, make consent uncertain and unreliable. The peacekeeping operation should continuously analyze its operating environment to detect and forestall any wavering of consent. A peacekeeping operation should have the political and analytical skills, the operational resources, and be able to take the necessary action to manage situations where there is an absence or breakdown of local consent. In some cases this may require, as a last resort, the use of force.

**2.5.2 : Impartiality.** UN peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties, and should not be confused with neutrality or inactivity. UN peacekeepers should be impartial and even-handed in their dealings with the parties to the conflict, but not neutral in the execution of their mandate. Notwithstanding the need to establish and maintain good relations with the parties, a peacekeeping operation must scrupulously avoid activities that might compromise its image of impartiality.

The need for even-handedness towards the parties should not become an excuse for inaction in the face of behaviour that clearly works against the peace process. Just as a good referee is impartial, but will penalize infractions, a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds.

A mission should not shy away from a rigorous application of the principle of impartiality for fear of misinterpretation or retaliation, but before acting it



is always prudent to ensure that the grounds for acting are well-established and can be clearly communicated to all. Failure to do so may undermine the peacekeeping operation's credibility and legitimacy, and may lead to a withdrawal of consent for its presence by one or more of the parties. Where the peacekeeping operation is required to counter such breaches, it must do so with transparency, openness and effective communication as to the rationale and appropriate nature of its response.

**2.5.3 : Non-use of Force Except in Self-defence and Defence of the Mandate.** UN peacekeeping operations are not an enforcement tool. However, they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defence and defence of the mandate. The UN peacekeeping environments are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population.

In such situations, the Security Council has given mandates authorizing certain missions to “use all necessary means” to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. By proactively using force in defence of their mandates, these United Nations peacekeeping operations have succeeded in improving the security situation and creating an environment conducive to longer-term peacebuilding in the countries where they are deployed. Force should be used only as a measure of last resort, when other methods of persuasion have been exhausted, and an operation must always exercise restraint when doing so.

The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians and not to seek their military defeat. It should be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate. Peacekeepers should always be mindful of the need for an early de-escalation of violence and a return to non-violent means of persuasion. Since use of force has political implications, decisions and judgements concerning its use will need to be made at the appropriate level within a mission, based on a combination of factors including mission capability; public perceptions; humanitarian impact; force protection; safety and security of personnel; and the effect on national and local consent for the mission.



**2.5.4 : Other Success Factors.** UN peacekeeping operations continue to be guided by the basic principles of consent, impartiality and the non-use of force except in self-defence and defence of the mandate. In order to succeed, UN peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population, and should promote national and local ownership, in order to contribute to the achievement of a sustainable peace.

**2.5.5 : Legitimacy.** International legitimacy is one of the most important assets of a UN peacekeeping operation. It is derived from the fact that it is established after obtaining a mandate from the UN Security Council, which has primary responsibility for the maintenance of international peace and security. The uniquely broad representation of Member States further strengthens this international legitimacy. So too does the fact that the operations are directed by the UN Secretary-General, an impartial and well-respected international figure, committed to upholding the principles and purposes of the Charter.

The manner in which a UN peacekeeping operation conducts itself may have a profound impact on its perceived legitimacy on the ground. The firmness and fairness with which the mission exercises its mandate, the circumspection with which it uses force, the discipline it imposes upon its personnel, the respect it shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy. Peacekeeping missions must always be aware of and respect national sovereignty. As legitimate government structures emerge, the role of the international actors may well need to diminish quickly. They should seek to promote national and local ownership, be aware of emerging local capacities, and be sensitive to the effect that the behaviour and conduct of the mission has upon the local population.

**2.5.6 : Credibility.** The credibility of a UN peacekeeping operation is a direct reflection of the international and local communities' belief in the mission's ability to achieve its mandate. Credibility is a function of a mission's capability, effectiveness and ability to manage and meet expectations. Ideally, in order to be credible, a UN peacekeeping operation should deploy as rapidly as possible, be properly resourced, and strive to maintain a confident, capable and unified posture. Early establishment of a credible presence can help to deter spoilers and diminish the likelihood that a mission will need to use force to implement its mandate.



To achieve and maintain its credibility, a mission should therefore have a clear and deliverable mandate, with resources and capabilities to match; and a sound mission plan that is understood, communicated and impartially and effectively implemented at every level. The deployment of a mission will generate high expectations among the local population regarding its ability to meet their most pressing needs. A perceived failure to meet these expectations may cause a UN peacekeeping operation to become a focus for popular dissatisfaction, or worse, active opposition. The ability to manage these expectations throughout the life of a peacekeeping operation affects the overall credibility of the mission. Accordingly, the maintenance of credibility is fundamental to the success of a mission.

**2.5.7 : Promotion of National and Local Ownership.** National and local ownership is critical to the successful implementation of a peace process. In planning and executing a UN peacekeeping operation's core activities, every effort should be made to promote national and local ownership and to foster trust and cooperation between national actors. Effective approaches to national and local ownership not only reinforce the perceived legitimacy of the operation and support mandate implementation, but also help to ensure the sustainability of any national capacity once the peacekeeping operation has been withdrawn.

Partnerships with national actors should be struck with due regard to impartiality, wide representation, inclusiveness and gender considerations. National and local ownership should begin with a strong understanding of the national context (socio-political and economic context). A Peacekeeping operation may be obliged, in the short-term, to take on important State-like functions, such as the provision of security and the maintenance of public order. However, these functions should be conducted in a consultative manner. The aim should be always to restore, as soon as possible, the ability of national actors and institutions to assume their responsibilities and to exercise their full authority, with due respect for internationally accepted norms and standards. In building national capacity, women and men should have equal opportunities for training. Targeted efforts may need to address gender inequalities.

It is important for all members of the battalion to have a clear understanding of the UN principles and the time tested success factors and inculcate them in the performance of the peacekeeping tasks.

**Reference:**

- United Nations Peacekeeping Operations, Principles and Guidelines, 2008.



## 2.6 : Legal Framework of Peacekeeping.

The Charter of the United Nations was signed, in San Francisco, on 26 June 1945 and is the foundation document for all the United Nations work. The United Nations was established to “save succeeding generations from the scourge of war” and one of its main purposes is to maintain international peace and security. The Charter gives the United Nations Security Council primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a United Nations peacekeeping operation. The legal basis for such action is found in Chapters VI, VII and VIII of the Charter. While Chapter VI deals with the “Pacific Settlement of Disputes”, Chapter VII contains provisions related to “Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression”. Chapter VIII of the Charter also provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security.

Promoting and encouraging respect for human rights and fundamental freedoms for all, are purposes of the United Nations as defined by its Charter. The UN commitment towards human rights in the Charter was followed by the development of international human rights law which is an integral part of the normative framework for United Nations peacekeeping operations. The Universal Declaration of Human Rights, which sets the cornerstone of international human rights standards, emphasizes that human rights and fundamental freedoms are universal and guaranteed to everybody.

United Nations peacekeeping operations must be conducted in full respect of human rights and should seek to advance human rights through the implementation of their mandates. This point of doctrine has important operational implications for the work of UN military components, which are expected to promote and protect human rights while performing tasks such as patrolling, observation, liaison with host country military counterparts, training of local armed forces, etc. It is important that military personnel deployed in UN peace operations be trained and prepared to take up these functions.

International humanitarian law is known also as “the law of war” or “the law of armed conflict”, and aims to limit the effects of armed conflicts for humanitarian reasons by restricting the means and methods of armed conflict. International humanitarian law aims to protect persons who are not or are no longer taking part in hostilities, the sick and wounded, prisoners and



civilians, and to define the rights and obligations of the parties to a conflict in the conducts of hostilities. International humanitarian law is contained in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. International humanitarian law also includes conventions and treaties that prohibit the use of certain weapons and military tactics and protect certain categories of people and goods, as well as the protection of cultural property and the environment during armed conflict. The Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law of 6 August 1999 (ST/SGB/1999/13) sets out the fundamental principles and rules of international humanitarian law that are applicable to UN peacekeepers.

#### References:

- Charter of the United Nations, 1945.
- DPKO/DFS United Nations Peacekeeping Operations, Principles and Guidelines, 2008.

## 2.7 : Early Peacebuilding Activities.

**General.** The early peacebuilding strategy (The Contribution of UN Peacekeeping to Early Peacebuilding: A DPKO-DFS Strategy for Peacekeepers) provides guidance to UN peacekeepers on prioritizing, sequencing and planning critical early peacebuilding tasks. Priority initiatives are those that advance the peace process or political objectives of a mission and ensure security and/or lay the foundation for longer-term institution building. Sequencing will be determined in each setting, based on the feasibility of executing priority tasks.

These initiatives are undertaken in a phased manner, commencing with pre-deployment activities followed by operational initiatives, which may commence simultaneously and further two principal objectives:

- **Track 1.** Activities that provide security, facilitate and build confidence in a peace process, and provide space for other UN and international actors.
- **Track 2.** Initiatives that help to consolidate the peace process and facilitate a smooth peacekeeping exit by laying the foundation for longer-term institution building.

**Critical Risk/Success Factors.** Factors critical to the success of priority early peacebuilding initiatives include political will at national, regional, international levels; local knowledge through in-depth assessments; clear and



achievable mandate supported with adequate financing; strong leadership; partnerships that reflect clear roles, comparative strengths and integrated approaches; national and local ownership; popular engagement in prioritization; availability of appropriate skills and equipment; and rapid deployment capacity.

### Role of Military.

In most cases, military peacekeepers will be the first to deploy to a region in the aftermath of conflict. The Force Generation process to obtain new peacekeepers can only begin following authorisation from the UN Security Council and this invariably imposes a delay in initial deployment. Military enablers are also key at the early stages, to provide critical transport, medical and engineer assets. The immediate mandate of military peacekeepers will be to support the restoration of security and to provide a secure environment within which the humanitarian agencies and others can operate.

**Track 1.** activities for military peacekeepers are likely to include the provision of security at specific locations, such as national institutions, key installations, IDP camps, or working with UN Police (if deployed at this stage) in containing public disorder. Military peacekeepers will quickly establish a patrolling routine that can do much to calm a volatile situation, reassure the population, and provide a visible demonstration of external support in a time of need. As UN Police arrive, patrolling is likely to be done jointly, with the lead gradually shifting to the UN Police as the situation calms. Engagement will subsequently be made with key national civil and military leaders to provide reassurance and mutual awareness and understanding. Patrolling can then be expanded, and may include targeted patrols addressing recurrent human rights violations such as sexual and gender-based violence. This could, for example, include escorting women to gather firewood or crops, when they would otherwise routinely be attacked or assaulted.

**Track 2.** initiatives may include support to or training of some national forces, and could even be a step towards joint operations, if so mandated, as seen in the Democratic Republic of the Congo. These activities require basic military skills, which are then adapted to the peacekeeping environment to provide effective protection of civilians. Special-to-mission skills also need to be included in core military training to optimise effectiveness upon arrival in theatre, and these can include language training, training in specialist skills such as long-range patrolling and communications, and effective liaison with other contingents and factions. Reporting skills are





also vital, to enable military components to ensure that accurate and timely information is provided to the the Force HQ (FHQ), the Joint Operations Centre (JOC) and Joint Military Analysis Cell (JMAC) to inform the senior leadership. Other skills that can be developed include integrated planning, public information and Civil Military Cooperation (CIMIC).

This strategy aims to improve the capability of peacekeeping operations to deliver predictably, effectively and accountably in the complex areas of security, basic service provision, support to political processes, restoration and extension of state authority.

#### References:

- The Contribution of UN Peacekeeping to Early Peacekeeping: A DPKO/DFS Strategy for Peacekeepers, 2011.
- Peacekeeping and Peacebuilding: Clarifying the Nexus, September 2010.
- Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict, A/63/881-S/2009/304.
- United Nations Peacekeeping Operations – Principles and Guidelines, 2008.

## 2.8 : Human Rights.

The maintenance of international peace and security and international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all are purposes of the United Nations as defined in the Charter. Respect for human rights is itself fundamental to the promotion of peace and security, and a unified United Nations approach to these ends is essential to the fulfilment of these two Charter-mandated objectives. Human rights violations are a constant feature of conflict situations in which peace operations are deployed. The protection and promotion of human rights are essential elements of United Nations efforts to prevent conflicts, to maintain peace, and to assist in post-conflict reconstruction endeavors, and due attention to human rights aspects of these various forms of responses is instrumental to the success of United Nations work in these areas. United Nations peacekeeping operations are increasingly multi-dimensional, with the frequent inclusion of human rights mandates and components, tasks and duties.

Commanders and soldiers have to realize that they do have roles and responsibilities in monitoring, promoting and protecting human rights through their functions and it is therefore essential to establish effective cooperation with the mission's Human Rights Officers in order to promote the human rights common agenda. Stronger partnerships between



human rights and military components can significantly strengthen peace operations' capacity to protect and lead to more timely threat assessments and effective advocacy with potential spoilers and human rights violators. They ultimately lead to better situational awareness and also peacekeepers' self-defence, as a deterioration of the human rights situation may signal a change of attitude and tactics by belligerent forces.

Military human rights responsibilities are spelt out in the DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions, notably its provisions concerning the UN Military (paragraphs 84-88):

- Military play an important role in recording relevant human rights information, such as allegations or signs of risks of human rights violations (e.g., killings, rape, etc.), while performing patrolling, checkpoints and searches. Such allegations should be promptly shared with the human rights component for verification, investigation and follow up.
- All military personnel are required to be able to recognize a human rights violation and be prepared to intervene in accordance with the mandate and Rules of Engagement (ROE). In this regard, senior military commanders have two main responsibilities:
  - ★ Ensure that procedures are in place to guide peacekeepers' operations when confronted with human rights violations.
  - ★ Ensure that military personnel receive adequate training prior to deployment to develop a satisfactory level of understanding on how the implementation of their tasks intersects with human rights and to prepare them for these responsibilities.
- Military can provide important support to human rights staff by providing escort and/or military expertise in the conduct of human rights investigations. Military/human rights cooperation can also take the form of joint patrols or joint advocacy with alleged human rights perpetrators to stop those violations.
- Positive examples of military personnel contributions to human rights in peace operations settings can be found in a lessons learnt report compiled by the UN Office of the High Commissioner for Human Rights (OHCHR) – Human Rights Integration in the Work of UN Military Components (2010).

#### Reference:

- DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions, September 2011.



## 2.9 : Safety and Security.

The primary responsibility for the security and protection of personnel employed by the UN system organizations, their recognized dependants and the organizations' property rests with the host government. Without prejudice to the above and while not abrogating host government from its obligations in this respect, the United Nations has a duty as an employer to reinforce and, where necessary, supplement the capacity of the host government to fulfil these obligations in circumstances where United Nations personnel are working in areas which are subject to conditions of insecurity and which require mitigation measures beyond those which the host government can reasonably be expected to provide.

Under Article 97 of the Charter of the United Nations, the Secretary-General is the Chief Administrative Officer of the Organization. The Secretary-General delegates to the Under- Secretary-General of the Department of Safety and Security (DSS) the authority to make executive decisions relevant to the direction and control of the United Nations security management system and the overall safety and security of United Nations personnel, premises and assets at both field and HQ locations. The DSS has overall responsibility for all safety and security matters for the United Nations worldwide.

The DSS is responsible for managing and responding to safety and security concerns at all UN facilities and installations. However, military peacekeepers also have the responsibility for ensuring the security of themselves and their equipment, as well as the security of other UN personnel, especially the civilian staff. The DSS promulgated Framework of Accountability specifies the responsibilities and accountabilities of United Nations officials and personnel at various levels of appointments. Specifically all UN peacekeepers are responsible for:

- Completing appropriate safety and security training.
- Conducting in a manner that does not endanger themselves or others.
- Reporting all safety and security incidents to the security focal point as soon as possible.
- Complying with all United Nations safety and security regulations and procedures whether on or off duty.
- Wearing your UN Pass on an outermost garment within visible range at all times while on UN grounds.



In addition:

- Battalion Commanders should coordinate and liaise with the Safety and Security Officer/Focal Point in the area of operations (AO).
- Infantry battalions should restore and preserve the safety and security environment in the AOR proactively.

**Reference:**

- United Nations Security Management System, 2008.

## **2.10 : Protection of Civilians.**

Civilians continue to be the victims of human rights and International Humanitarian Law (IHL) violations in armed conflict. In the UN peacekeeping environment, the Security Council has mandated a number of peacekeeping operations with the mandate to protect civilians under imminent threat of physical violence. This challenging mandate is often the yardstick by which the international community, and those whom peacekeeping endeavors to protect, judge peacekeepers worth. These aspects will be addressed more in detail in Chapter 6.

In close coordination with other mission components, tasks related to the protection of civilians (POC) are carried out by the UN force on a daily basis. Commanders at all levels have to be aware of and have the responsibility to act upon existing threats to the population and their vulnerabilities and should incorporate relevant aspects of POC into the planning and implementation of their tasks. These aspects will be addressed in chapter 6 in more detail.

**Reference:**

- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2009).

## **2.11 : Gender.**

To enhance the role played by women in the maintenance of international peace and security, the UN Security Council has, to date, adopted four specific resolutions on women, peace and security: resolution 1325 (2000), resolution 1820 (2008), resolution 1888 (2009), resolution 1889 (2009) and resolution 1960. These mandates require that peacekeeping missions boost women's participation in post-conflict decision-making processes, prevent sexual violence, protect individuals, including women and girls, increase the presence of female peacekeeping personnel, and systematically train all peacekeepers to address gender issues in their work.



Against this backdrop, the performance of military tasks in multidimensional peacekeeping missions has increasingly come to require engagement with local populations. Identifying and responding to any differential impact of the work of military peacekeepers on different groups in the local population is, therefore, a necessary strategy for ensuring that the security concerns of women, men, girls and boys are adequately addressed throughout all phases of a peacekeeping mission. The approach requires harnessing the professional expertise of male and female military personnel to achieve optimum operational effectiveness.

#### References:

- DPKO/DFS Guidelines on Integrating a Gender Perspective into the Work of United Nations Military in Peacekeeping Operations, March 2010;
- DPKO/DFS Policy on Gender Equality in Peacekeeping Operations, 2010.

## 2.12 : Sexual Violence in Conflict.

The military component of peacekeeping operations play a vital role in the protection of women and children as part of its mandated task of protecting human rights, including in situations of imminent threat of physical violence. This means not only protecting women and men from sexual violence itself, but also being aware of the community dynamics at play regarding the social and economic reinsertion of survivors, and providing the necessary support. In support of these goals, the military is encouraged to recruit more women to address this critical aspect of security in peacekeeping operations, and more importantly to ensure that all UN personnel understand that enhancing women's safety also enhances mission success.

Enhancing effectiveness of the response to sexual violence as part of the challenges of conflict is an emerging field in peacekeeping and has been receiving increasing attention by the Security Council. The UN has provided clear examples and guidelines for uniformed peacekeepers on addressing conflict related sexual violence that increased awareness will lead to an improvement on the ground. The blue helmet must remain an emblem of hope, peace and progress for all civilians – men and women, boys and girls. The issue of protecting civilians from conflict-related sexual violence is not only a military task, but one that also requires the participation of a wide range of stakeholders to build a safe and secure environment.

Coordination of each unit's tasks should include all relevant mission components such as human rights, gender, child protection and members of



the UN Country Team (UNCT) in order to ensure that efforts to combat sexual and gender-based violence are multi-dimensional and harness the full capacity of the UN system, rather than working in silos. Civil Military Cooperation (CIMIC) officers can also act as an effective link between the force, humanitarian agencies and civilian components, such as human rights monitors for liaison and information management, to keep commanders apprised of protection activities, including with respect to sexual violence.

When sexual violence is used strategically for military or political gain, and/or is widespread and/or systematic, it is recognised as a war crime, a crime against humanity and as a constituent component of genocide which can impede the restoration of peace and security (refers to UN Security Council Resolutions 1820, 1888 and 1960). The Security Council has therefore introduced arrangements into the UN agenda to prevent and address sexual violence which include: a Special Representative of the Secretary-General on Sexual Violence in Conflict; a Monitoring, Analysis and Reporting Arrangement on conflict-related sexual violence to ensure improved prevention, response and accountability; the use of early warning indicators regarding conflict-related sexual violence; Women's Protection Advisers; a dialogue process for "commitments" with parties to the armed conflict to prevent and address incidents of sexual violence committed by the parties; and a listing (naming and shaming) procedure in the annual report of the Secretary-General of parties to conflict credibly suspected of committing conflict-related sexual violence (refer to Chapter 6 on POC). Emphasis has been placed on preventing sexual violence, improving coordination of partners and services for victims of sexual violence, and ensuring accountability for incidents of sexual violence.

#### Reference:

- Addressing Conflict-Related Sexual Violence, An Analytical Inventory of Peacekeeping Practice, 2010.

### 2.13 : Child Protection.

Protection of children in armed conflicts is a fundamental peace and security concern which is highlighted by eight Security Council resolutions on children and armed conflict (1261 of 1999, 1314 of 2000, 1379 of 2001, 1460 of 2003, 1539 of 2004, 1612 of 2005, 1882 of 2009 and 1998 of 2011). In addition, the Security Council has included specific provisions for the protection of children in several mandates of United Nations peacekeeping



operations. These resolutions and mandates require peacekeeping missions to undertake several activities to promote child protection, namely:

- Monitoring and reporting grave violations committed against children.
- Negotiating action plans for the release of children from armed groups, and other grave violations.
- Ensuring that all peacekeeping personnel are trained on child protection issues.

The DPKO-DFS Policy, Ref. [2009.17] on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations dated 1 June 2009 provide detailed guidance on how all peacekeeping missions should work to integrate the protection of children in their work. Child Protection Advisers (CPAs) deployed in peacekeeping missions provide guidance, advice and support on child protection issues.

The military has a special role to play in promoting the protection of children in their areas of operation and in preventing violations, exploitation and abuse. Relevant issues that need to be considered by unit commanders include, but are not limited to, grave violations committed against children such as recruitment and use of children by armed forces and groups, rape and grave sexual violence, killing and maiming, abductions, attacks on schools and hospitals and denial of humanitarian access as well as child sensitive Disarmament, Demobilization and Reintegration (DDR), and detention of children.

Therefore, special attention must be paid to the protection needs of girls and boys who are extremely vulnerable in conflict. Important issues that require compliance by infantry battalions are:

- Children should not be put in the direct line of danger or used in information-gathering in military operations.
- Where children are captured or separated from armed groups, they should not be interrogated.
- When a child needs to be interviewed to establish evidence, civilian mission personnel, where present the child protection officer, should conduct the interview. Girls should preferably be interviewed by a woman.
- SOPs should be followed for the immediate hand-over to child protection actors.
- Schools shall not be used by the military in their operations.



- Military personnel should refrain from all forms of exploitation and abuse of children.
- The use of children under the age of 18 by the UN mission (including the Infantry Battalion) for purposes of labour or other rendering of services is strictly prohibited (DPKO/DFS policy on the prohibition of child labour in UN peacekeeping operations).

Where the mission has a child protection component, information on violations should be transmitted to the child protection officers. Information sharing protocols should be established with the child protection team taking into account confidentiality and the sensitivity of dealing with children's issues. To facilitate this, cooperation and to ensure sustained attention to child protection issues, the military should appoint child protection focal points within their structures in the field and at HQ level to coordinate and work closely with the UN Child Protection unit.

#### References:

- The DPKO-DFS Policy, Ref. [2009.17] on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations dated 1 June 2009.
- DPKO/DFS Policy on the Prohibition of Child Labour in UN Peacekeeping Operations.

## 2.14 : Human Trafficking.

The occurrence of trafficking in peacekeeping areas of deployment is actively combated by the UN not only because it is a serious crime and a human rights violation, but also because of its very negative impact on the mission's legitimacy and its ability to achieve mandate implementation. Human trafficking is the illegal trade of human beings for the purposes of reproductive slavery, commercial sexual exploitation, forced labour, or a modern-day form of slavery. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, was adopted by the United Nations in 2000. It is an international legal agreement which is included in the United Nations Convention against Transnational Organized Crime. Any involvement of peacekeeping personnel in human trafficking or any other form of sexual abuse or exploita-





tion constitutes an act of serious misconduct and grounds for disciplinary measures, such as dismissal or repatriation.

#### References:

- United Nations Office on Drugs and Crime, Vienna, ST/SGB/2004/6, 15 March 2004.
- Tool 9.17 Conduct of Peacekeepers and Other Law Enforcement Personnel.
- Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary, 2010.

### 2.15 : HIV/AIDS Awareness.

HIV/AIDS continues to remain a formidable global challenge. More than 38 million people are living with HIV and AIDS, and millions more become infected each year. Medication now exists that can provide highly effective treatment though not a cure for AIDS. Recognizing that conflict and post-conflict areas are high-risk environments for the spread of HIV among peacekeepers and the community, UN Security Council Resolutions 1308 (2000) and 1983 (2011), underscore the importance of HIV/AIDS awareness training and prevention initiatives for UN peacekeepers. DPKO has developed modules on HIV/AIDS as part of predeployment training for TCCs. Mission-specific HIV/AIDS awareness is also included in induction upon arrival in the mission area along with other DPKO HIV interventions and services such as voluntary confidential counseling and testing (VCCT), condom programming and post-exposure prophylaxis (PEP) kits. Commanders shall nominate personnel for peer education training conducted by the HIV Unit, which shall be repeated to keep step with troop rotations.

#### Reference:

- DPKO/DFS Ref. [DPKO/DFS 2007/11] The Role and Functions of HIV/AIDS Units in United Nations Peacekeeping Operations and United Nations Security Management System, 2008.

### 2.16 : Conduct and Discipline.

The UN expects all peacekeepers to conduct themselves in a manner that befits mandates given to serve and protect, as envisaged in the Charter of the United Nations. The need to maintain the highest standards of integrity for all UN personnel is enshrined in the Charter.

UN peacekeepers undertake to conduct themselves in a professional and disciplined manner at all times, respect local laws, customs and practices, treat host country inhabitants with respect, courtesy and consideration



and act with impartiality, integrity and tact. The UN has a zero-tolerance policy with respect to sexual exploitation and abuse (SEA). UN rules forbid sexual relations with prostitutes and with any persons under 18, and strongly discourage relations with beneficiaries of assistance.

Sexual exploitation is defined as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another”. Sexual abuse is defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”. In his report to the General Assembly in 2002, the former Secretary-General Kofi Annan said: “Sexual exploitation and abuse by humanitarian staff cannot be tolerated. It violates everything the United Nations stands for. Men, women and children displaced by conflict or other disasters are among the most vulnerable people on earth. They look up to the United Nations and its humanitarian partners for shelter and protection. Anyone employed by or affiliated with the United Nations who breaks that sacred trust must be held accountable and, when the circumstances so warrant, prosecuted”.

Reiterating obligations contained in the Memorandum of Understanding between the United Nations and TCCs, the Secretary-General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse provides that:

- Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent. Mistaken belief in the age of a child is not a defence.
- Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance.
- Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged.



- Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same entity or not and whether or not within the United Nations system, he or she should report such concerns via established reporting mechanisms.
- United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Commanders at all levels have a particular responsibility to support and develop systems that maintain this environment.

The Battalion Commander is responsible for the discipline and good order of all members of his/her unit, while assigned to United Nations' peacekeeping operations. This responsibility includes ensuring that all members of the national military contingent abide by the United Nations standards of conduct, mission-specific rules and regulations or the obligations towards national and local laws and regulations. The United Nations standards of conduct, as applicable to members of military contingents, are laid out in "We are the United Nations Peacekeeping Personnel" attached as [Annex A](#) (Vol. II, p. 243 of the UNIBAM). The actions to be taken to deal with disciplinary proceedings at the battalion level are amplified at [Annex B](#) (Vol. II, p. 246 of the UNIBAM).

Members of national military contingents are subject to their Government's exclusive jurisdiction in respect of any crimes or offences and to their Government's disciplinary jurisdiction in respect of all other acts of misconduct or serious misconduct.

#### References:

- DPKO/DFS Ref. 2011.01, Standard Operating Procedure on Implementation of Amendments on Conduct and Discipline in the Model Memorandum of Understanding, 2011.
- Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse [ST/SGB/2003/13].
- Memorandum of Understanding between the UN and TCCs (including Annex H of the MOU) A/61/19 (Part III).

## 2.17 : Cultural Awareness.

"Cultural shocks" are not unusual phenomena. They are merely the natural response of an individual when he/she is taken from a familiar environment to a new one, a process that may cause some discomfort or disorientation. Cultural awareness is the ability of an individual to look outside and



be aware of the cultural values and customs of the culture that we are in. What may be normal and acceptable to a group of people may be unusual or unacceptable in another culture. When one is in the company of people from a different culture, each individual should be aware of their beliefs and customs, and respect them. Developing cultural awareness results in an ability to understand, communicate with, and effectively interact with people across cultures.

An infantry battalion should understand the cultural diversities and sensibilities in a mission area (both UN mission entities and the local population) and ensure that all ranks respect and conduct themselves based on the guidelines and best practices.

#### Reference:

- Ethics in Peacekeeping, 2005.

### 2.18 : Civil Society.

Civil society actors, (including international civil society, non-governmental actors, potential implementing partners of UN, Agencies, Funds and Programmes [AFPs], etc.) represent a critical pillar for sustaining the peace process in fragile post-conflict countries. In most cases, even prior to the establishment of a peacekeeping mission, some local civil society actors will be at the forefront of efforts to find a peaceful resolution to the conflict. Equally, some sectors of civil society will have contributed to fuelling the conflict by overtly taking sides with the warring groups. Against this backdrop, there is the need for peacekeepers to engage with civil society actors in their areas of operation and engage with women and girls to ensure that their security concerns, vulnerabilities and needs are also addressed. Where necessary, their advice should be taken into consideration when planning military operations.

#### References:

- United Nations Peacekeeping Operations – Principles and Guidelines, 2008.
- Engaging Civil Society in Peacekeeping, 2007.

### 2.19 : Civil Affairs.

Usually deployed at the local level, Civil Affairs components facilitate the implementation of peacekeeping mandates sub-nationally and work to strengthen social and civic conditions necessary for peace. Civil Affairs Officers are often the primary interface between the mission and local interlocutors performing a variety of essential tasks.



A key characteristic of Civil Affairs components is their flexibility, their ability to adapt to different needs at different times and in different places. Conditions vary dramatically between peace missions and Civil Affairs have taken on a range of tasks and roles over the years to reflect the needs of these different missions. While tasks vary significantly, the DPKO/DFS Policy Directive on Civil Affairs (April 2008) sets out three core roles that are performed, depending on the mandate and the situation on the ground:

- **Role 1:** Cross-mission representation, monitoring the progress of the peace process and mandate implementation at the local level; provide the mission leadership with information about the local environment, conduct conflict analysis and early warning about local conflict, including efforts to protect civilians.
- **Role 2:** Confidence-building, conflict management and support to the development of political space are integral to UN Peacekeeping and central to civil affairs work. Through this role, Civil Affairs actively support the development of social and civic conditions conducive to sustainable peace and popular engagement and confidence in the peace process.
- **Role 3:** Support to the restoration and extension of state authority to stabilize fragile states has become an area of work in which Civil Affairs Officers have been increasingly engaged through the support to state institution and to good governance practices at the sub-national level.

**Quick Impact Projects (QIPs).** United Nations peacekeeping operations often implement QIPs, which are small-scale projects, used to establish and build confidence in the mission, its mandate, and the peace process, thereby improving the environment for effective mandate implementation. QIPs may take a number of forms, including infrastructure assistance or short-term employment generation activities, often these QIP are implemented with the collaboration of military forces.

The identification of suitable QIPs should consider gender, ethnicity and vulnerability, mindful of issues related to access to or benefit from the project for different sections of the community, such as women, young people, different ethnic groups or marginalized sections of the population. It is important to understand that such projects are not a substitute for humanitarian and/or development assistance. It is critical not to support projects that could be used to further political, ideological or religious objectives. For example, avoid building churches or mosques or directly supporting political parties.



The Battalion and company commanders should streamline their plans and activities in consonance with the civil affairs policies (including QUIPs) to ensure synergy and deliver the desired impact.

#### References:

- United Nations Peacekeeping Operations – Principles and Guidelines, 2008.
- DPKO/DFS Policy Directive on Civil Affairs (April 2008).
- Civil Affairs Handbook (April 2012).
- DPKO/DFS Policy Directive on Quick Impact Projects (February 2007).
- DPKO/DFS Guidelines on Quick Impact Projects (March 2009).

## 2.20 : Humanitarian Aspects.

Modern peacekeeping operations are often referred to as multidimensional operations because they include methods and missions that fall outside the traditional scope of peacekeeping. Functions include the facilitation of political peace processes, assistance to DDR, support the organization of elections, protect and promote human rights and assistance in restoring the rule of law. In addition, there are often a number of areas in which the role of peacekeeping operations is limited to facilitating the activities of other actors within and outside the United Nations system.

While the responsibility for the provision of humanitarian assistance rests primarily with the relevant civilian United Nations specialised agencies, funds and programmes, as well as the Red Cross/Red Crescent Movement and the range of international and local NGOs, peacekeeping operations are frequently mandated to support the provision of humanitarian assistance by providing a secure and stable environment within which humanitarian actors may carry out their activities. Such support to humanitarian operations may entail assisting or safeguarding the delivery of food and medical supplies, or the protection of civilians.

The dialogue, coordination and consultation with humanitarian actors by the military units is key to helping alleviate humanitarian concerns regarding the danger of compromising the real and perceived neutrality, impartiality and independence of humanitarian action, by political decisions and military activities concerning humanitarian operations. Mission/Force/Battalion leadership should be conscious of the fundamental need to maintain the civilian character of humanitarian assistance, and shall be asked to ensure that the use of military mission assets to support humanitarian assistance is appropriate, timely, unique in capability and



availability, based on identified needs, in conformity with international law and humanitarian principles, as well as internationally established guidelines, such as the Oslo Guidelines, the Guidelines on the use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines) and country/context-specific guidance where present. Commanders have to be prepared to participate in the dialogue with humanitarian actors. Potential tasks depend very much on the mission set up and the local actors.

#### References:

- Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines).
- Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines).

### 2.21 : United Nations Country Team (UNCT).

The UN Country Team (UNCT) is composed of representatives of operational UN agencies, funds and programmes that carry out operational activities for development, emergency recovery and transition, within a particular country or territory. The UNCT ensures inter-agency coordination and decision-making at the country level. To improve and harness the cooperation, coordination and collaboration between peacekeeping missions, UN agencies/ UNCT and external partners, particularly in an integrated mission, the Resident Coordinators (RC)/Humanitarian Coordinators (HC) have been designated as the Deputy Special Representative of the Secretary-General (DSRSG) as part of the mission organization. Such an arrangement ensures integration and synergy amongst all actors in the field and fosters congruency and continuity between peacekeeping and peacebuilding efforts. Some of the elements that constitute UNCT include UNDP, UNHCR, UNHCHR, UN AID, UNICEF, UN Women, UNFPA, WHO, WFP, ILO, IMF/WB and the like. Important functions of UNCT include:

- Facilitating mutually supportive and coordinated activities of the UN system in the mission area by developing a clear and shared understanding of priorities based on the overall goal, identifying complementarities with the mission mandate and integrating its collective expertise into the overall political strategy.
- Creating greater strategic coherence and an effective transition from emergency relief to recovery, reconstruction, institution-building and longer term capacity-building.



- Facilitating implementation of timely, effective and well-coordinated humanitarian and developmental assistance which are also important elements of the mission mandate that are not covered in the mission's budget.
- Ensuring that mission planning and operations management are compatible with long-term national development goals and accordingly spearheads efforts for a return to normal economic activity at the community and national levels.
- Linking the different dimensions of peacebuilding to include the political, development, humanitarian, human rights, rule of law, social and security aspects to integrate into a coherent support strategy.
- Engaging a broad range of actors, including the national authorities, the local population, international financial institutions, NGOs, etc., in a long term peacebuilding effort by creating conditions for transition.
- The provision of security and protection arrangements for the staff of the UN funds, programmes and specialised agencies.
- A critical source of information concerning the local situation for a mission as the UNCT have often operated in the area for many years and maintain a widespread network of personnel and contacts.
- Monitoring and reporting on the impact of armed conflict on vulnerable groups, especially such as women and children.
- As per mission exit strategies, acting as a successor to take over and continue to build sustainable peace in post-conflict situations.

UN Infantry Battalions are expected to liaise with the elements of UNCT in their respective AOR and coordinate functions, security and/or any other support, as per operational requirement/environment as per mission policy.

## 2.22 : Civil Military Coordination.

In United Nations peacekeeping operations, the role of UN Civil Military Coordination (CIMIC) is the operational and tactical coordination between the UN military and civilian partners, among them the civilian components of UN field missions, UN Police, UN agencies, funds and programmes, host national government, non-governmental organizations, and grass-roots organizations in line with their principles.





Within the UN integrated missions context, the focus is on coordination across the political, security, development, human rights and humanitarian dimensions, and rule of law. The UN-CIMIC concept is a military staff function in support of the Commander and the mission. UN Humanitarian-Civil-Military Co-ordination (UN-CMCoord), on the other hand, is a purely humanitarian function for humanitarian organizations and the wider humanitarian community. UN-CIMIC and UN-CMCoord should complement each other on the ground. Key to this is to have a good understanding of the roles and responsibilities of the functions. As defined by the Inter-Agency Standing Committee (IASC), UN-CMCoord is “the essential dialogue and interaction between civilian and military actors in humanitarian emergencies necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate, pursue common goals.”<sup>1</sup> As defined and as practiced, UN-CMCoord is therefore a continuing process of dialogue guided by humanitarian principles.

#### References:

- United Nations Peacekeeping Operations – Principles and Guidelines, 2008,
- Civil Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC), 2010.
- IASC Reference Paper on Civil-Military Relationship in Complex Emergencies, 28 June 2004.

### 2.23 : Rule of Law.

The Rule of Law, in its most basic form, is the principle that no one is above the law. The rule follows logically from the idea that truth, and therefore law, is based upon fundamental principles which can be discovered, but which cannot be created through an act of will. The most important application of the rule of law is the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedural steps that are referred to as due process. The principle is intended to be a safeguard against arbitrary governance, whether by a totalitarian leader or by mob rule.

The battalion commander should ensure that his troops abide by the laws of the host country, and do not do anything to tarnish the image of the UN.

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<sup>1</sup> IASC Reference Paper on Civil-Military Relationship in Complex Emergencies, 28 June 2004.



They should respect the local population, their culture and customs, and should never treat them with contempt. The predeployment training and in-mission training should include training on rule of law.

UN Infantry Battalions should have an integrated approach in execution of their MET, involving civilian partners in furtherance of the mission mandate. It should foster partnership, collaboration and an inclusive outlook with others partners in the AOR.

#### Reference:

- United Nations Peacekeeping Operations – Principles and Guidelines, 2008.

## 2.24 : Security Sector Reform.

It is essential that reform of a country's security sector takes place once a conflict has come to an end. It is vital for sustainable peace and development that people feel safe and secure, and has confidence in their State. The United Nations supports security sector reform (SSR) to ensure the development of effective, efficient, affordable and accountable security institutions. It is a process led by national authorities, and the reform should be undertaken without discrimination and with full respect for human rights and the rule of law.

No single model of a security sector exists. However, the UN considers that security sectors usually include structures, institutions and personnel responsible for the management, provision and oversight of security. These could include defence, law enforcement, corrections, information services and institutions responsible for border management, customs and civil emergencies. In some cases, elements of the judicial sector responsible for cases of alleged criminal conduct and misuse of force are included. The security sector should also include management and oversight bodies and, in some instances, may involve informal or traditional security providers.

The reform of a country's security sector is essential in post-conflict contexts. In those settings, making people feel safe and secure and (re)-building confidence between the State and its people are vital for sustainable peace and development. In other contexts, SSR can even prevent conflicts or crises from emerging or resurging, and it is also a process that many States undertake on a regular basis to respond to emerging threats or potential internal or external pressures. In the field, SSR teams in various missions support national authorities to:



- Facilitate national SSR dialogues.
- Develop national security and defence policies, strategies and plans.
- Strengthen oversight, management and coordination capacities.
- Articulate security sector legislation.
- Mobilize resources for SSR-related projects.
- Harmonize international support to SSR.
- Education, training and institutional capacity building.
- Monitor and evaluate programmes and results.

**Defence Sector Reform Policy.** The Defence Sector Reform (DSR) Policy guides UN staff engaged in support to Member States undertaking defence sector reform efforts. The UN support to national DSR efforts dates back to 2003 and the Security Council mandates have included DSR elements in at least five peacekeeping operations, while other UN actors have provided support on the basis of requests from Member States. However, this support was often times ad hoc and suffered from a lack of common principles, norms and approaches. In response to this deficit and following the request by the UN General Assembly, the DSR policy draws upon lessons learned and best practices from past endeavours and outlines the parameters and components of the UN's support to national DSR efforts, including elements for any mission concept, core tasks and constraints. The policy also highlights linkages between DSR and the broader processes of SSR, rule of law, early peacebuilding and longer-term development, among other priorities.

From the Organization's experience, it has become evident that an effective, efficient, accountable and affordable defence sector (an important component of the broader security sector) is essential for sustainable peace and development and should be considered an important dimension of UN assistance to Member States. In 2012, the policy will start to be implemented and sensitization and predeployment training packages for UN military staff will be developed. This includes DSR doctrine based on experience and lessons learned from our peacekeepers.

UN Infantry Battalions may have a limited role in providing training and other security support to the host security forces, within the overall DSR policy of the mission

#### References:

- Defence Sector Reform (DSR) Policy, 2011.
- Report of the Secretary-General Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform (A/62/659).



## 2.25 : Disarmament, Demobilization and Reintegration (DDR).

The objective of the DDR process is to contribute to security and stability in post-conflict environments so that recovery and development can begin. DDR helps create an enabling environment for peace processes by aiming to deal with the post-conflict security problem that arises when ex-combatants (men and women) are left without livelihoods or support networks, other than their former comrades, during the vital transition period from conflict to peace and development. Through a process of removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into society, DDR seeks to support ex-combatants so that they can become active participants in the peace process. In addition to combatants within formal armed groups, today's DDR programmes often also include a focus on informal armed groups such as gangs and militias, as well as entire communities affected by violence.

In the typical operational environment in which United Nations peace-keeping missions take place, the primary contribution made by the military component of a mission to a DDR programme, if it has been mandated to do so, is to provide security. The military component could also contribute through the gathering and distribution of information specifically related to a DDR programme, as well as monitoring and reporting on security issues. Specialist military ammunition and weapon expertise could contribute to the technical aspects of disarmament.

In addition, military capabilities could be used to provide various aspects of logistic support, including camp construction, communications, transport and health, if spare capacity is available. It should be noted that unless specific planning for military DDR tasks has taken place, and forces generated accordingly, then military logistic capacity cannot be guaranteed. It is essential to the successful employment of any military capability in a DDR programme that it must be included in planning, be part of the endorsed mission operational requirement, be specifically mandated and be properly resourced. If this is not the case, the wider security-related function of the military component risks being negatively affected.

Battalion commanders should ensure that military personnel are trained on the military's role in DDR and approach these tasks in a gender sensitive manner. In the pre-deployment phase they should request for assistance from Integrated Training Services (ITS) and the DDR Section at UNHQ



and from the mission DDR and SSR office, while deployed. With DDR, the military may support with the establishment of camps, the collection of weapons and the establishment of programmes to enable ex-combatants transit into civil life or be integrated into national armies.

#### References:

- Refer to IDDRS 4.10 on Disarmament and IDDRS 4.20 on Demobilization.)
- Module 4.40: “UN Military Roles and Responsibilities” in the Integrated Disarmament, Demobilisation and Reintegration Standards, 2006.
- DDR Web—( [www.unddr.org](http://www.unddr.org) ).

## 2.26 : Mine Action.

Mine action entails more than removing landmines from the ground. It includes actions ranging from teaching people how to protect themselves from danger in a mine-affected environment to advocating for a mine-free world. Mine action is not just about landmines. In many countries, unexploded ordnance (UXO), poses an even greater threat to people’s safety. UXO comprises bombs, mortars, grenades, missiles or other devices that fail to detonate on impact but remain volatile and can kill if touched or moved. Mine-action programmes address problems of landmines, UXO and “explosive remnants of war”, which includes UXO and “abandoned ordnance”, or weapons left behind by armed forces when they leave an area.

Military commanders have to be aware that civilian or other military units may be deployed in their AOR and be coordinated by a UN Mine Action Coordination Centre (MACC) with units and teams tasked with mine and UXO clearing. It is important to set up a communication link with the MACC in order to ensure an information-flow between the mine-clearing elements and the military unit.

#### Reference:

- Mine Action and Effective Coordination: The United Nations Inter-Agency Policy (6 June 2005).

## 2.27 : Elections.

Elections are formal decision-making process by which a population (women and men) chooses an individual to hold public office. Elections have been the usual mechanism by which modern representative democracy operates. Elections may fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government. Electoral



reform describes the process of introducing fair electoral systems where they are not in place, or improving the fairness or effectiveness of existing systems. The battalion commander should note that, as part of the peacebuilding process in a post-conflict country, the UN may supervise elections and the battalion is likely to be tasked to support the process (provide overall security cover, including taking into consideration the different threats which may face women and men, escort of election staff and ballot boxes, guarding polling booths, logistics support, etc.) as part of the overall mission strategy.

#### Reference:

- Web ([www.un.org/en/peacekeeping/issues/electoralassistance.shtml](http://www.un.org/en/peacekeeping/issues/electoralassistance.shtml))

## 2.28 : Environment.

Environmental sustainability is part of the mandates of most United Nations organizations to help countries to develop and implement good environmental and natural resources management nationally and internationally. Environmental sustainability is also the seventh UN Millennium Development Goal. It is therefore important that any UN peacekeeping operation and its personnel operate in accordance with these UN goals in order to lead by example. To this end, since 2009 the DPKO and DFS have a dedicated Environmental Policy for UN Field Missions, which covers key areas such as energy, wastewater, water, waste, hazardous substances, wild animals and plants, and cultural and historical resources management.

The Environmental Policy clearly states that “All personnel shall conduct themselves in accordance with this document”, and also gives specific responsibility to the military officer to implement it. The Force Commander appoints a military officer to serve as the environmental focal point within the military component to liaise with the Mission Environmental officer. The military environmental focal point coordinates actions on environmental issues within the military component. The UN Infantry Battalion also has an environmental officer to coordinate implementation and provide environmental oversight.

It is the responsibility of the battalion commander to ensure that his/her troops are trained/aware of their environmental duties, do not degrade the environment in their area of responsibility, and liaise with the environmental focal point of the mission military component in order to implement the



mission environmental objectives. Main duties deriving from the Environmental Policy that the Infantry Battalion has to implement are the following:

- Containment basins with enough capacity have to be placed under all fuel tanks and fuel collection points.
- All wastewater has to be treated prior to being discharged to the nature.
- No burn pit. Segregation of waste (including hazardous waste) has to be undertaken for recycling and/or proper disposal in accordance with mission environmental objectives.
- Bring empty (plastic) water bottles used during patrols back to camps for proper disposal (Do not throw away bottles/wraps directly into nature).
- Undertake energy conservation measures: switch off all appliances, lights and air conditioning. Avoid vehicles idle time as much as possible.
- Undertake water conservation measures, especially in water scarce areas.
- Do not bring any plant/seeds from country of origin which is not endemic to country of deployment, and vice versa.
- Do not acquire wild plants and animals, live or dead. Avoid using charcoal.
- Know where the cultural, religious and historical sites are, and behave according to local sensitivities.

**Note:** Chapter 7 (Mission support) also highlights particular areas for contingents to look at re-mitigation of environmental impacts.

The battalions could also set an example to the local population on environmental management through activities such as tree planting and/or recycling projects, where appropriate and in accordance with the mission's QIPs policy and priorities. Natural resources may also be one of the drivers of the conflict, e.g., illegal exploitation of high-value and/or competition of scarce natural resources. It is thus important that the battalion is not seen as contributing to fuel the conflict by interfering with natural resources (e.g., using charcoal) and/or being seen as a "resource competitor" (e.g., water in water scarce areas) by the local population.

#### References:

- DPKO/DFS Environmental Policy for UN Field Missions, 2009.6.
- Draft DPKO/DFS Environmental Guidelines for UN Field Missions (2007).



## 2.29 : Public Information.

Public communications and information in a peacekeeping mission are directed by the Civilian Public Information Office/Section. This Office is usually headed by a Director or Chief, who develops a mission-wide public information strategy, advises the SRSG/Head of Mission on communication issues and coordinates all public information and outreach activities.

The key elements of Public Information in the UN peacekeeping context are:

- Public communications and information is a strategic force multiplier.
- One mission, one voice (civilian, military, police).
- Strategic and operational cooperation with civilian Public Information Officer (CPIO); partnership between Force Commander and the civilian director of CPIO.
- Timeliness of media work: brief early, brief often, brief regularly, correct misinformation, prepare for crisis communications, plan with the civilian CPIO.
- Media and communications are essential in cases of sexual exploitation and abuse involving military personnel, whilst maintaining the confidentiality of the victim: seek guidance from the civilian director of CPIO.
- Force generation: liaise with DPKO public affairs section at HQ to ensure effective communication products to assist in the outreach to TCCs.
- Internal communications across the military component.

The civilian director of public information will liaise with the military component to ensure communication efforts are integrated in order to achieve one mission – one voice. Public communications should be a strategic force multiplier, helping civilian and uniformed components of the mission to achieve their common objectives. The Force Commander should appoint an adequately skilled senior military public information officer and, when appropriate, additional public information officers (including photographer/videographer). In missions with large regional offices, the Force Commander should consider appointing PIO focal points within all regional offices.

Internal communications across the military component are also important. All serving military should be aware of the mission mandate, strategic goals and standards of conduct, including the importance of maintaining



the confidentiality and anonymity of victims of sexual violence. The director of public information can advise the Force Commander on internal communications, but is not responsible to conduct these within military components.

### 2.30 : Partnership.

In the peacekeeping mission area of operations there might be military units present from Member States, coalitions and regional organisations like, African Union (AU), European Union (EU) and North Atlantic Treaty Organisation (NATO). These deployments are either on invitation by the host nation, such as bi-lateral agreements on provision of security, training support etc. or mandated by the Security Council in support of the peacekeeping operation. The cooperation, coordination and integration of different military units in the peacekeeping mission area, will be defined through resolutions, agreements and orders and the UN Infantry Battalion Commander needs to take this into account, when planning and executing operations.











## Mandate, Directives and Orders

### 3.1 : General.

The composition of a UN peacekeeping operation depends on the mandate which the Security Council dictates in the light of the objectives to be achieved in the conflict area. In recent years, there has been a trend towards the deployment of multi-dimensional peacekeeping operations rather than the traditional operations focused primarily on ensuring and monitoring the separation of opposing armed forces. The command of peacekeeping operations is vested in the Secretary-General under the authority of the Security Council. The Secretary-General delegates the overall responsibility for the conduct and support of these operations to the Under-Secretary-General for Peacekeeping Operations, i.e. the Head of the Department of Peacekeeping Operations (DPKO).

### 3.2 : Purpose.

This chapter focuses on the peacekeeping mission structure at the operational level and describes the mission mandate, integrated strategic framework, concept of operations, operational orders, force generation, legal framework, generic mission organizational structures, command and control arrangements and other support measures. It provides a broad peacekeeping mission framework in which an infantry battalion will be functioning in accomplishment of the mandate.

### 3.3 : Mandate.

United Nations peacekeeping operations are deployed on the basis of a mandate from the United Nations Security Council. The tasks that a United Nations peacekeeping operation will be required to perform are set out in the Security Council resolution. Security Council mandates differ from situation to situation, depending on the nature of the conflict and the specific



challenges it presents. When United Nations peacekeeping operations are deployed to support the implementation of a cease-fire or a more comprehensive peace agreement, Security Council mandates are influenced by the nature and content of the agreement reached by the parties to the conflict.

Without prejudice to the inherent right of self-defence, the Security Council may and increasingly has authorized UN PK operations to use force beyond self-defence to achieve certain mandate objectives, including but not limited to the protection of civilians. The DPKO provides political and executive direction to UN peacekeeping operations around the world and maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates. A generic structure of the DPKO and the role and functions of the Office of the Military Affairs (OMA) is displayed at [Annex D](#) (Vol. II, p. 260 of the UNIBAM).

### **3.4 : Mission Concept and Integrated Strategic Framework.**

Alongside the Mandate, the Mission Concept, including the Military Strategic Concept of Operations, Police Concept of Operations (CONOPS) and the Mission Support Plan, provides a common vision and framework for the UN Mission action. In order to maximize efficiency and effectiveness of the UN presence, the mission develops an Integrated Strategic Framework (ISF) with other UN interlocutors (such as the UN Country Team) to articulate a joint long term strategy. The ISF identifies the strategic objectives and the expected results that the UN should collectively achieve in a particular mission area.

### **3.5 : Military Strategic CONOPS.**

In the implementation of the Security Council mandate for a UN peacekeeping operation, the military strategic CONOPS articulates the strategic intent for the utilization of military capabilities to achieve an overall objective. The CONOPS should be consistent with the overall Mission Concept and should drive the formulation of component-level operational plans. As part of the CONOPS, the military capabilities and the composition of the force are stated in the Statement of Force Requirements (SFR). Following the SFR, the Statement of Unit Requirements (SUR) is produced for each unit of the force. The SUR includes mission, tasks, organization, equipment and personnel.

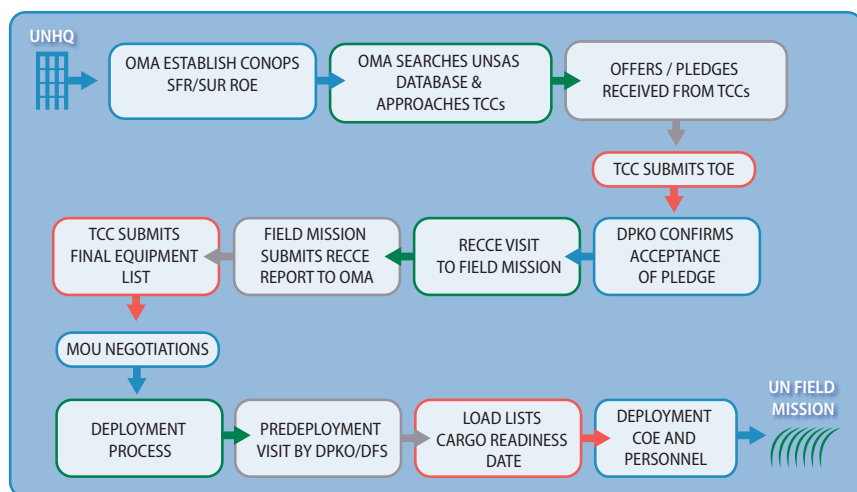


**3.5.1 : SFR.** The SFR will normally consist of one of the following:

- A force consisting of contingent troops with or without United Nations Military Observers (UNMOs) and/or Military Advisers or Military Liaison Officers (generic: United Nations Military Expert on Mission – UNMEMs).
- An observer mission comprising UNMOs / UNMEMs only.

**3.5.2 : Force Generation.** The requirements are generated through the Force Generation Process. DPKO/OMA starts the generation through the United Nations Standby Arrangements System (UNSAS) database, where an updated record of pledges, made by interested TCCs, is maintained. In addition, offers and pledges made by TCCs through formal/informal correspondence with DPKO and interaction between senior UN and national leadership are also considered. In the selection, numerous perspectives are taken into account, such as, political aspects, human rights, past performance, deployment timelines, resource availability, capabilities, training and readiness, limitations and acceptance by host nation/conflicting parties, to mention some. If selected, the TCC submits a Table of Organization and Equipment (TOE) and staff-list and DPKO confirms the acceptance of the pledge/offer.

The sequence of generating units and individuals in peacekeeping missions is graphically represented below:





### 3.6 : Rules of Engagement.

Rules of Engagement (ROE) are issued by the USG/DPKO for each particular peacekeeping operation and provide the authority for the use of force and explain the legal framework, policies, principles, responsibilities and definitions of the ROE. ROEs must always be compliant with human rights and international humanitarian law, which are superior sources. ROE are directions to operational commanders, which delineate the parameters within which force may be used by the military component of the peacekeeping operation while executing its mandated tasks. They are founded on the relevant Security Council resolution(s).

Where issued as prohibitions; they are orders not to take specific actions. Where issued as permissions, they are the authority for commanders to take certain specific actions if they are judged necessary to achieve the aim of the peacekeeping operation. While remaining predominantly defensive in nature, the ROE allow for offensive action, if necessary, in order to ensure the implementation of the tasks mandated by the Security Council. The ROE also provide definitions of the circumstances in which the use of force, including deadly force, may be justified.

The ROE are governed by the purposes of the Charter of the United Nations and relevant principles of international law, including the Law of Armed Conflict. Military personnel are required to comply with International Law, including the Law of Armed Conflict, and to apply the ROE in accordance with those laws. ROE are addressed to the Force Commander, who is then responsible for issuing them to all subordinate commanders. While ensuring understanding, application and compliance with the ROE is the responsibility of commanders at all levels. The Force Commander is ultimately responsible for the enforcement of the ROE. A model ROE for the military component for peacekeeping missions is given at [Annex C](#) (Vol. II, p. 251 of the UNIBAM).

### 3.7 : Directive for the Head of the Military Component.

The directive for the Head of the Military Component (HoMC) is issued by the UN Headquarters and provides guidance and direction on the organizational and administrative responsibilities that a HoMC is required to exercise in the performance of his/her duties. Operational guidance and direction with respect to the employment of the military component is provided in the mission-specific CONOPS.



### 3.8 : Status of Forces Agreement/Status of Mission Agreement.

A Status of Forces Agreement (SOFA) or a Status of Mission Agreement (SOMA) is an agreement between a host country and the United Nations which embodies the consent of the host State to the presence of the peacekeeping operation on its territory and regulates the status, privileges and immunities of the peacekeeping operation in the host country.

Under the provisions of the SOFA or SOMA, a government hosting a UN body or entity, including a peacekeeping operation, is responsible for ensuring the safety and security of the peacekeeping operation, its personnel, premises, and property and to take measures to protect members of the peacekeeping operation and its personnel, premises and property from attack or any action that prevents them from discharging their mandate. The SOFA or SOMA also provides that all members are obliged to respect local laws and regulations and to refrain from any action or activity incompatible with the impartial and international nature of their duties.

Other provisions include issues like unrestricted freedom of movement, the wearing of uniforms, the carrying of arms, entry and exit into the country, immunity from legal process, and exemption from taxation. One of the most important provisions is the one which provides that military personnel of national contingents assigned to the military component of a peacekeeping operation are subject to the exclusive jurisdiction of their respective participating States in respect of any criminal offences which may be committed by them.

### 3.9 : Force Operations Order.

The Force Operations Order (OPORD) is developed from the CONOPS. Generally, the OPORD will be generated at a FHQ and issued to subordinate formations/sectors for executing the responsibility. Each subordinate military element, as they receive the OPORD, will develop their own orders.

In order to operate effectively in a dynamic mission environment, the military component should be flexible, pro-active and responsive. In order to achieve this, there is a need for reserves on all levels and use of both permanent and temporary bases to support operations. This will enable the force to undertake patrols, engage with the local population and deter spoilers. These activities will ensure support of the mission overall and other components. The military posture is driven by a comprehensive security





assessment, the identification of allocated tasks and the level of resources available.

The UN Infantry Battalion Commander, together with his/her battalion, needs an expeditionary mindset, willing to establish a temporary presence, employing reserves, and/or the relocation of elements of, or the entire, battalion when required. Company-size operating bases are considered the smallest that can be established permanently. However to enable operational flexibility, temporary operating bases of a platoon size unit may be established to expand the presence on a temporary basis.

### 3.10 : Command and Control Arrangements.

Military personnel contributed by Member States to a UN peacekeeping operation remain under the jurisdiction of their national armed forces. However, the operational authority over these forces and personnel is transferred to the unified UN command and control and vested in the Secretary-General. UN operational authority includes the authority to issue operational directives within the limits of a specific mandate, the mission area and for an agreed period of time, with the stipulation that an earlier withdrawal of a contingent would require the contributing country to provide adequate prior notification.

In some situations, where the peacekeeping operation is carrying out a strictly military mandate, the HoMC may also be the designated Head of Mission. The HoMC<sup>2</sup> is responsible to the SRSG for the implementation of the tasks assigned to the military component. The HoMC, when not serving as the HoM, reports to the HoM. The Force Commander (FC) exercises “operational control” over all military personnel, including military observers, in the peacekeeping operation. The FC may delegate “operational control” of the military observers to the Chief Military Observer (CMO). In many missions, the Deputy Force Commander (DFC) also acts as CMO. Commanders of the different contingents that make up the UN peacekeeping force report to the FC on all operational matters and should not be given or accept instructions from their own national authorities that are contrary to the mandate of the operation.

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<sup>2</sup> The term HoMC is used for both FC and any other Commander of a Military Component, for instance, a Commander in Observer or Liaison Mission.



The HoMC will establish the military operational chain of command, as follows: HoMC; Division; Brigade/Sector; Battalion; Company and sub-units. Where such defined military structure does not exist, the HoMC will establish the necessary chain of command as appropriate to the military deployment in the mission. This military operational chain of command shall be issued as a Field Command Framework. The HoMC shall ensure that staff officers are not placed in command of formations or units. Commanding officers have to be aware of the existing chain of command.

**United Nations Operational Authority.** It is the authority transferred by the member states to the United Nations to use the operational capabilities of their national military contingents, units, Formed Police Units and/or military and police personnel to undertake mandated missions and tasks. Operational authority over such forces and personnel is vested in the Secretary-General, under the authority of the Security Council. "United Nations Operational Authority" involves the full authority to issue operational directives within the limits of (1) a specific mandate of the Security Council; (2) an agreed period of time, with the stipulation that an earlier withdrawal of a contingent would require the contributing country to provide adequate prior notification; and (3) a specific geographic area (the mission area as a whole).

The 'United Nations Operational Authority' does not include any responsibility for certain personnel matters of individual members of military contingents, such as pay, allowances, and promotions etc. These functions remain a national responsibility. In regard to disciplinary matters, while the discipline of military personnel remains the responsibility of the troop contributing countries, the United Nations may take administrative steps in case of misconduct, including repatriation of military contingent members and staff officers as per the revised model MOU, A/61/19 part III.

As regards to the Experts on Mission, including United Nations police officers and military observers, the United Nations would take administrative actions and disciplinary measures in accordance with the UN Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers (DPKO/CPD/DCP0/2003/001, DPKO/MD/03/00994 of 2003, issued vide Code Cable 1810 dated 1 July 2003 and amended vide Code Cable 2697 dated 7 October 2005) and the General Assembly resolution on Criminal Accountability (N62163).

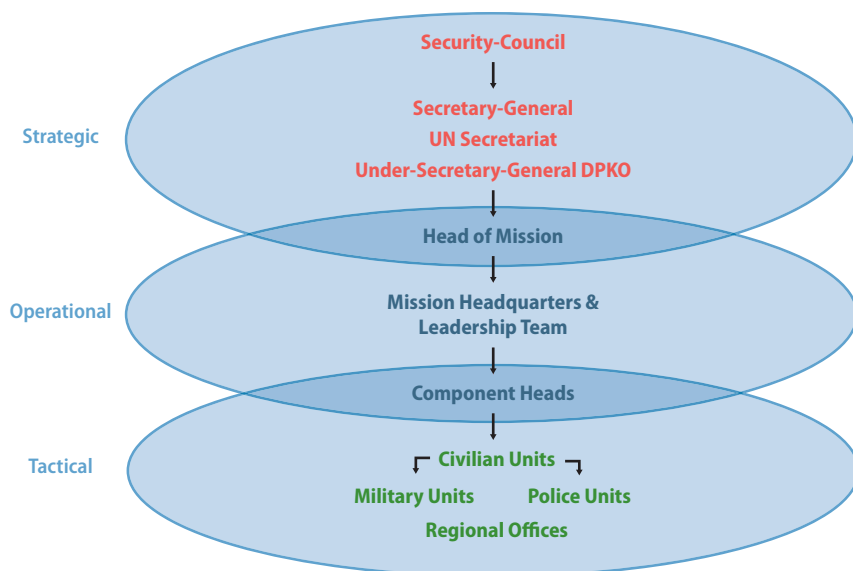


**Definitions.** Important terms with reference to command and control are defined as follows:

- **Command.** The authority vested in a Military leader for the direction, coordination and control of military forces/personnel. Command has a legal status and denotes functional and knowledgeable exercise of military authority to attain military objectives or goals.
- **United Nations Operational Control.** The authority granted to a Military Commander in a United Nations Peacekeeping Operation to direct forces assigned so that the Commander may accomplish specific missions or tasks which are usually limited by function, time, or location (or a combination), to deploy units concerned and/or military personnel, and to retain or assign Tactical Command or Control of those units/personnel. Operational Control includes the authority to assign separate tasks to sub-units of a contingent, as required by operational necessities, within the mission area of responsibility, in consultation with the Contingent Commander and as approved by the UN HQ.
- **United Nations Tactical Command.** The authority delegated to a military or police commander in a United Nations Peacekeeping operation to assign tasks to forces under their command for the accomplishment of the mission assigned by higher authority.
- **United Nations Tactical Control.** The detailed and local direction and control of movement, or manoeuvre, necessary to accomplish missions or tasks assigned. As required by operational necessities the Head of Military Component (HoMC) may delegate the Tactical Control of assigned military forces personnel to the subordinate sector and or unit commanders.
- **Administrative Control.** The authority over subordinate or other organizations within national contingents for administrative matters such as personnel management, supply, services and other non-operational missions of the subordinate or other organizations.



## Levels of Authority, Command and Control in UN Peacekeeping.



### References:

- United Nations, Department of Peacekeeping Operations Department of Field Support, Ref. 2008.4, Policy on "Authority, Command and Control in United Nations Peacekeeping Operations", February 2008.
- Handbook on UN Multidimensional Peacekeeping Operations, United Nations 2003, Chapter V: Military Command and Control.

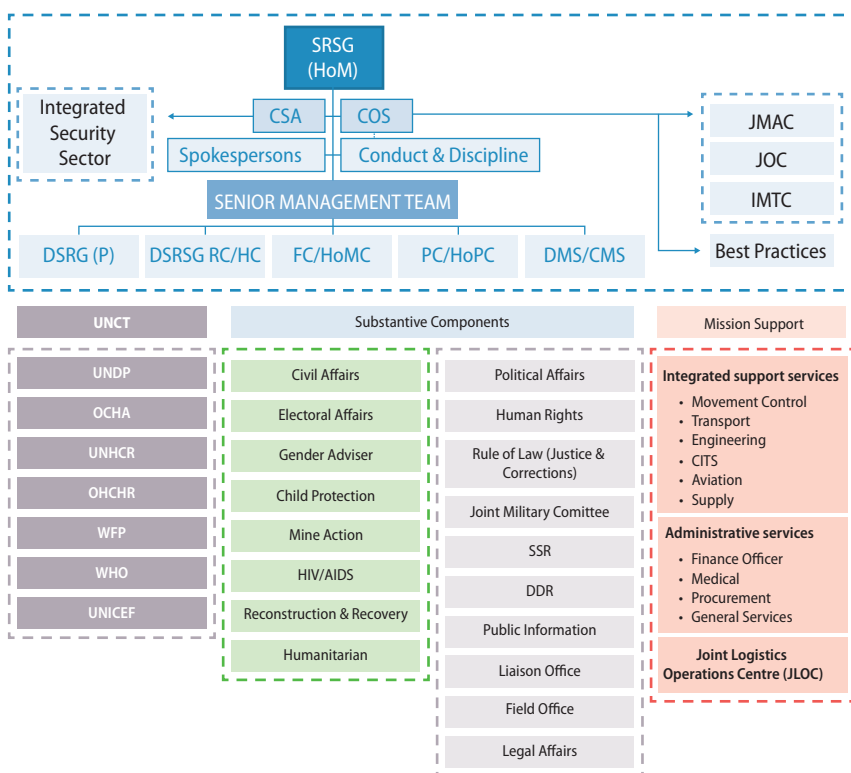
### 3.11 : Mission Organization.

The arrangements established by the United Nations to direct and manage its peacekeeping operations are distinct from those of other organizations, particularly those only deploying a military capability. This is largely due to the fact that United Nations peacekeeping has evolved into a complex, multi-dimensional enterprise with an integrated structure, involving personnel from a wide range of nationalities, disciplines and professional cultures pursuing multiple lines of activity. Multi-dimensional, integrated missions include civilian, police and military components under the leadership of a civilian Head of Mission. In some cases, even relations outside the mission area exist, such as inter-mission cooperation which could be of relevance especially for military formations.



### 3.11.1 : Generic Mission Organization.

A Peacekeeping Mission HQ comprise the senior management team, the integrated decision making and support structures and various substantive components. A generic structure of Mission HQ is depicted below for reference:



**Note:** The Mission HQ will also be interacting and coordinating with UNCT, through the DSRSG RC/HC.

**3.11.2 : Interaction with Mission Entities.** It is incumbent upon the peacekeeping operation to regularly meet and share information with all actors and to the extent possible, harmonize activities by seeking their input into the mission's planning process. The battalion commander has to be familiar with the setup of the UN, international and national NGO, and host Nation authorities in the battalion AOR.



### References:

- United Nations Peacekeeping Operations, Principles and Guidelines (Capstone Doctrine). Chapter 7, Managing United Nations Peacekeeping Operations.
- Handbook on UN Multidimensional Peacekeeping Operations, United Nations 2003. Chapter IV: Public Information Cooperation and Coordination with Key Partners.

## 3.12 : Military Component.

**3.12.1 : General.** UN peacekeeping operations have grown in complexity and scope from mainly military observer missions to multidimensional operations overseeing the implementation of comprehensive peace agreements. The tasks of the UN military components have become increasingly complex because conflicts in which they intervene no longer involve national military forces alone but irregular forces, guerrilla factions and even armed criminal gangs. Consequently, the military capability under UN command has also changed and is no longer lightly armed, which was typical during the Organization's first 40-50 years of peacekeeping.

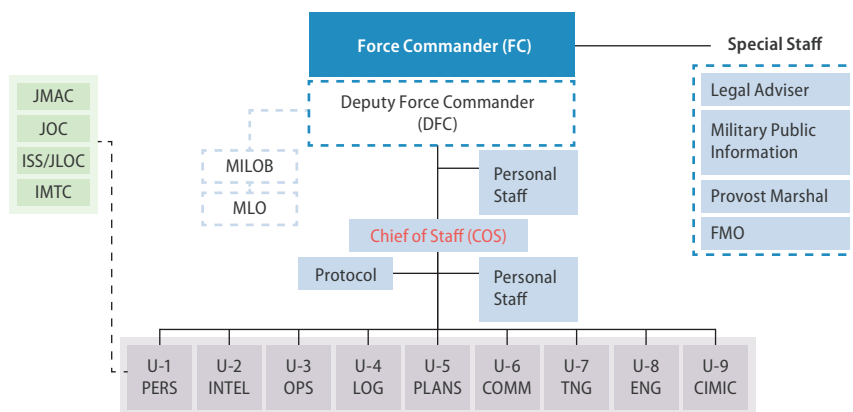
**3.12.2 : Role.** The primary function of the military component is usually to provide a secure environment so that other elements of the peace process can be implemented, including the monitoring of human rights, national reconciliation and institution-building. Military components of UN peacekeeping operations increasingly have to work in conjunction with the military forces of other entities, such as regional organizations or international military coalitions and host military units. In this regard, due care must be taken to the risk that human rights violations may be committed by these forces and UN support must be provided in conformity with the Secretary-General's Human Rights Due Diligence Policy on UN Support to non-UN Security Forces. The increasing number of participating actors and the widening scope of work in multidimensional



peacekeeping operations require a broader interface between military and non-military components.

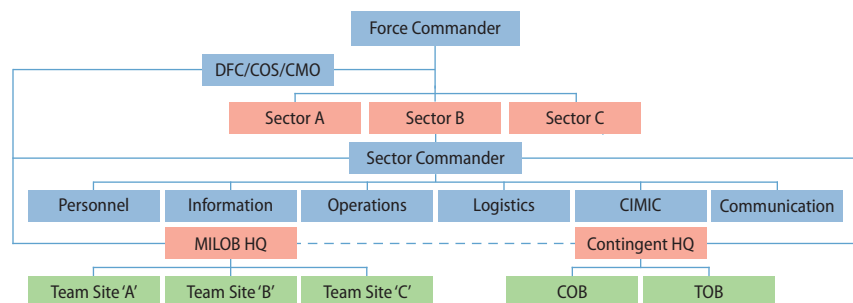
**3.12.3 : Force HQ.** The fundamental role of the FHQ is the command and control of the mission's military operations in support of the implementation of the mission's Mandate. Regardless of the nature of the mission, every FHQ has common functions executed by functional groups. A typical generic organization of the Force and Sector HQ is depicted below for reference:

### Generic Organization of Model Force HQ



**3.12.4 : Sector/Brigade HQ.** The FHQ will have a number of Sector/Brigade HQs responsible for the execution of the mandate in a specified operational area, under which the infantry battalions will execute the assigned tasks. A typical generic organization of the Sector/Brigade HQ is depicted below for reference:

### Generic Organization of Model Sector HQ





#### Reference:

- Handbook on UN Multidimensional Peacekeeping Operations, United Nations 2003, Chapter V: Military.

### 3.13 : Inter-Mission Cooperation.

Inter-Mission Cooperation (IMC) involves deployment or provision of operational and logistics assets of a particular mission in support of another mission for quick response in a crisis situation or filling the gap of a needed capability. It increases the UN operational flexibility, timely response and optimisation of resources. IMC is an interim solution in anticipation of possible force generation and is based on a politico-legal-military process involving the Security Council, UN HQ, TCCs, Mission HQ and the host nation. At the battalion level, there is no change in the modalities of conducting peacekeeping operations as part of IMC, except the change in command and control arrangements at mission level (National command and control remains intact), geographic location and operational environment.

### 3.14 : Knowledge Management.

Military commanders must clearly articulate and support the organization's expectation to learn and share knowledge through the use of standardized knowledge sharing tools. Military commanders should be aware of both the military and civilian best practice capacity and resources available in their mission, including the Peacekeeping Policy and Practice Database (PPDB); and, the Best Practices Toolbox. The PPDB contains lessons learned, best practices and approved peacekeeping policy and guidance; the Toolbox contains document templates and guidance for After Action Reviews (AAR), Handover Notes, End of Assignment Reports (EoAR), Survey of Practice and Lessons Learned. The PPDB and Toolbox are available from the Peace Operations Intranet (POINT).

The FHQ Best Practice Officer (BPO) will be responsible for facilitating organizational learning and improvement. Specifically, he/she is responsible for:

- Establishing, coordinating and providing guidance to a network of military best practice focal points.
- Ensuring the use of the standardized tools for the capture of lessons and best practices.





- Processing and analyzing best practice reports to identify major trends and issues.
- Sharing trends and emerging issues with the Military Commander and DPKO-DFS Policy and Best Practices Service.
- Maintaining a repository of lessons and best practices and share such lessons and practices with DPKO-DFS Policy and Best Practices Service.

UN Infantry Battalions shall have a battalion BPO, who will function in coordination with the Sector/FHQ BPO. The infantry battalion BPO is responsible for:

- Ensuring military personnel are aware of the DPKO Knowledge Sharing Policy.
- Ensuring military personnel responsibilities for compliance and contributions to the organizational learning and improvement of UN peacekeeping operations.
- Coordinating and conducting seminars on UN peacekeeping best practice approach and tools.
- Developing guidance to facilitate implementation and consistency in the use of BP tools (AAR, Lessons Learned, EoAR and Handover Notes).
- Ensuring timely completion of AAR, EoAR, Handover Notes and Lessons Learned.
- Serving as facilitator, as needed, for AAR and Lessons Learned.
- Providing Force/Sector HQ with completed AAR, Lessons Learned, EoAR and Handover Notes for inclusion in the PPDB.

**Reference:**

- (<https://point.un.org/UNHQ/SitePages/POHome.aspx>)

### **3.15 : Legal Aspects.**

During the conduct of peacekeeping operations, every Battalion Commander should ensure that personnel of his/her unit are properly educated about their legal rights and obligations. The unit commander should, inter alia, focus on the following legal aspects:

- Are all personnel sensitised to abide by the provisions of International Humanitarian Law and respect International Human Rights Law?
- Do all personnel understand the relevant local laws of the host nation, their customs, traditions and practices?



- Do the soldiers know the existing UN SOP concerning detention by UN personnel and are fully aware of the legal process for dealing with detainees?
- Are all ranks sensitized about the provisions, contained in SOFA/SOMA, ROE and all other Mission-specific UN Policies/SOPs, guidelines, administrative orders, etc.?
- Are they aware of the scope and nature of the privileges and immunities they enjoy?
- Does the unit have an effective internal oversight mechanism to monitor conduct of personnel, report any acts of alleged misconduct or serious misconduct, carry-out necessary investigations, discipline the involved individuals in order to ensure judicious disposal of cases? Attention is drawn to Chapter 9, Article 7 of the COE Manual 2011 read with A/61/19 (Part III) and GA/RES/61/267B.
- Is everyone aware of the UN policy concerning command and control mechanism in the mission area?
- Has everyone been fully acquainted with the overall UN legal mechanism concerning conduct and discipline and immunity matters?
- Have the important UN rules/regulations and policies/SOP been translated in TCCs national language for easy understanding of the soldiers?
- Are all personnel trained and adhere to conduct and discipline especially provisions concerning the special measures for protection from Sexual Exploitation and Abuse?

### 3.16 : Logistic Support.

Logistic support may come from several sources. Primary logistic support for the infantry battalion will come from a national military logistic support unit under the control of the TCC. Civilian contractors may also provide support. Major items of equipment may accompany deploying units or the United Nations may provide these in the mission area. The Department of Field Support (DFS) provides dedicated support to peacekeeping field missions in the areas of financial reimbursements, logistics, information, communication and technology (ICT), human resources and general administration to help missions promote peace and security. While support is delivered to the field missions, and in turn the TCCs, through DFS, the determination of financial reimbursement to UN Member States for



COE, etc. is established through the Contingent Owned Equipment (COE) Working Group and the UN legislative bodies. The details of this reimbursement at the Contingent-specific level are included in the Memorandum of Understanding (MOU). The MOU is the primary source of modalities of logistics support for a battalion in peacekeeping missions.

#### References:

- Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual) A/C.5/66/8, dated 27 October 2011.
- LCS/SUPPLY/GT Sourcing of UNOE Weapons and Ammunition in Peacekeeping Operations, 25 September 2002.
- DPKO/DFS Ref. 2008.26 DPKO/DFS Fuel Operations Manual for Peacekeeping Missions.

### 3.17 : Medical Support.

The health and well-being of members of United Nations peacekeeping operations depend on planning, co-ordination, execution, monitoring and professional supervision of excellent medical care in the field. UN peacekeeping operations are characterized by unique features that impact fundamentally on the provision of medical support. These include:

- Political complexity and dynamic nature of peacekeeping operations.
- Geographic, demographic, cultural and linguistic variations within mission areas.
- Specific prevailing epidemiological and disease patterns.
- Multi-national participation in peacekeeping operations, with varying national standards of training, operational procedures, equipment and supplies.

Gender, cultural and religious sensitivities should be considered in the development of a medical support plan for each mission to meet specific operational demands. These should remain flexible to adapt to changing demands and circumstances. These plans should be acceptable to the respective Mission HQ and the participating TCCs, and are to be approved at the HQ level by DPKO. Adaptation to the national system in place may be necessary.

#### Reference:

- Medical Support Manual, 2012.
- Medical Support Manual for Peacekeeping Operations, (09/12/1999).



### 3.18 : Welfare.

The provision of welfare and recreation facilities is an essential part of ensuring a “healthy” working, living and recreational environment for all categories of UN personnel serving in peacekeeping operations. Such an environment is essential to the successful implementation of a mission mandate, as well as to promote good conduct and discipline. A Welfare and Recreation Committee will be established at the Mission HQ. The HoM shall designate regional welfare and recreation teams to implement the work plan of the Mission HQ Welfare Committee in the regions. As a minimum, the regional welfare and recreation teams shall include representatives of the civilian, police and military components of the mission. However, it does not preclude welfare arrangements made by battalions themselves.

#### Reference:

- United Nations Peacekeeping Operations – Principles and Guidelines.

### 3.19 : Result Based Budgeting.

Result Based Budgeting (RBB) is a management approach focused on achieving results; a broad management strategy aimed at changing the way UN agencies operate, with improving performance and achieving results as the central orientation. RBB is about formulating programme budgets driven by a number of desired results, articulated at the outset of the budgetary process, and against which actual performance is measured at the end of the annual financial year for the Support Account and in the biennium for the regular budget.

The process is defined by programme formulation and resources justification that involve a set of predefined objectives<sup>3</sup>, expected results, outputs, inputs (activities) and performance indicators which constitute a ‘logical framework’. The framework identifies expected results that justify resource requirements, which are derived from, and linked to outputs to be delivered, with a view to achieving such results. Finally, the actual performance in achieving results is measured by predefined performance indicators, and it is presented to legislative bodies in a form of performance reports.

**3** Objectives should be SMART - **Specific** – concrete, detailed, and well defined, **Measurable** – numbers, quantity, and comparisons, **Attainable**- achievable and actionable, **Realistic** – considers resources, and can be achieved, **Time bound** – a defined time line in which activities are to be achieved



Each UN peacekeeping mission will develop its own annual RBB framework and resources requirements that would be developed and agreed to well in advance of the deployment of the unit to the mission. The infantry battalion, as an integral and important baseline instrument of UN peacekeeping operations, will play its role in achieving these defined outcomes and performance indicators. The battalion that is deployed will be the implementing agent of predefined objectives and indicators and will rarely have a direct input into defining these because of the budgetary process and the tenure of deployment of the unit. However, it is expected that through best practices processes and lessons learnt from the units, that the objectives and expected achievements of the RBB will be refined and adopted.













## Capabilities

### 4.1 : Introduction.

To function effectively in a complex and multidimensional mission environment, an infantry battalion needs to have multifaceted operational capability duly resourced with a correct mix of capacities of specialised personnel and equipment profile. The UN Infantry Battalion is configured with a specific focus to enhance operational efficiency for integrated employment in accordance with peacekeeping mission requirements. Building on the conventional infantry capabilities, the multidisciplinary non-organic entities in the UN Infantry Battalion are designed to complement the peacekeeping specific tasks and responsibilities.

In the peacekeeping context, “capability” is operationally defined as the ability and readiness to deliver against a reasonable standard. It encompasses the combination of capacities (personnel and equipment), preparedness (organization, process and training), and logistics sustainment required to accomplish assigned tasks.

### 4.2 : Purpose.

The purpose of this chapter is to lay down core capability standards required of the UN Infantry Battalion and its subordinate units to plan, organize, equip, train, deploy and conduct peacekeeping operations in support of the mission mandate.

### 4.3 : Role and Responsibilities.

The primary role of a UN Infantry Battalion is to restore and maintain a stable and secure environment in the battalion Area of Responsibility (AOR) as per relevant mission Operation Orders (OPORD). The AOR for the battalion and its subordinate units will be well defined and demarcated based on the capability of the battalion in terms of troops, resources, the extent





of their static and mobile area of influence, operational necessities, terrain imperatives, lines of communication, expectations of the local people and, most of all, the achievement of operational objectives. As a corollary, the battalion assets should be able to ensure freedom of movement, protect civilians and UN personnel, property, facilities and installations in the AOR. In addition to performing peacekeeping tasks (both operational and non-operational), the battalion should be trained to plan and conduct conventional offensive and defensive operations to protect the mandate and restore any adverse situation in the mission area.

#### **4.4 : Core Capabilities.**

The eight core capabilities envisaged for the UN Infantry Battalion, in order to perform its role, responsibilities and mission essential tasks as per mandate and Concept of Operations (CONOPS) are:

**4.4.1 : Command, Control and Communications (C3).** Battalion assets capable of:

- Exercising effective command and control of all subordinate and attached elements and resources with dependable, responsive and dynamic conventional C3 apparatus adapted to peacekeeping environment.
- Establishing clear channels of command and control with responsibilities and accountability for all subordinate elements and allocation of resources as per task.
- Maintaining effective control of ongoing operations in accordance with plans, directives and policies, and to direct events through the timely passage of orders in order to deliver effect.
- Undertaking operations in all weather conditions, by day and night, 24/7 in a designated AOR to perform mission essential tasks.

**4.4.2 : Firepower.** Battalion assets capable of:

- Having organic and attached weapons to protect, deter, dominate, or mitigate likely threats in its AOR in either lethal or non-lethal manner.
- Self-sufficiency in organic support weapons at Company Operating Base/ Temporary Operating Base (COB/TOB) level (with all the operational elements) and be able to employ the company support weapons on mobile platforms.
- Flexibility in deploying and grouping/re-grouping battalion support weapons as per tactical and ground situations.



- Processing and directing indirect fire and/or fire from attack helicopters when needed.

#### **4.4.3 : Mobility.** Battalion assets capable of:

- Exercising 24/7 unimpeded, safe, and secure freedom of movement for the battalion assets, UN elements and local population throughout the battalion AOR in all weather conditions, by day and night.
- Moving tactically and non-tactically to position military force to the most advantageous location by foot, motorized/APC, riverine or aerial means by the desired time.
- Conducting proactive mobile operations to dominate area of operations, monitor and verify peace arrangements, maintain visible presence in areas of potential threat, enhance security, encourage confidence with the local population and support the mission security framework.
- Maintaining protected mobility and rapid reaction capability at company and battalion levels for executing mandated tasks/dealing with any situational emergency.
- Securing a safe passage in a designated area for a specific duration with integral resources.

#### **4.4.4 : Force Protection.** Battalion assets capable of:

- Providing individual and collective force protection to all mission elements in the AOR, from direct and indirect threats.
- Establishing protective measures by effective combination of risk analysis, physical security, tactical measures, procedural measures, environmental and preventive medicine measures.
- Sensitization of all personnel to deliver measured and calibrated responses without collateral damage as per peacekeeping operational norms.

#### **4.4.5 : Tactical Information.** Battalion assets capable of:

Acquiring, processing, analyzing, and passage of tactical information proactively at battalion and company level with dedicated staff and multiple resources (including the use of early warning indicators).

- Maintaining 24/7 situational awareness for planning and executing battalion peacekeeping tasks, force protection, and protection of civilians (women, girls, boys and men).



- Integrating and optimising technological support to gain tactical and operational advantage and to support timely and coherent decision-making to further mission objectives.

**4.4.6 : Sustainment.** Battalion HQ and COBs to:

- Have fully self-sufficient and independently sustained logistic capability (to include food, water, accommodation, hygiene and sanitation (for women and men), mobility resources, repair and recovery, preventive maintenance, medical support, welfare, waste management, etc.).
- Support and accomplish unit operations through timely, effective, and enduring provision, stocking and replenishment.

**4.4.7 : Interoperability.** Battalion assets capable of:

- Operating effectively and efficiently in an integrated manner, either in a national or multinational context or in a multi-agency domain.
- Well coordinated C3 arrangements and interoperable communication systems for joint operations.
- Expertise in vernacular and mission language skills.
- Establishing Standardized Operating Procedures (SOP), common standards and foster shared vision.

**4.4.8 : Civil Interaction.** Battalion assets capable of:

- Undertaking outreach and engagement with the local population including women's groups and other civil society actors, through well coordinated and resourced Civil Military Coordination (CIMIC), welfare activities, gender-sensitive Quick Impact Projects (QIP), support to humanitarian operations, if requested, by the Humanitarian Country Team through the Resident/Humanitarian Coordinator (RC/HC) and other essential assistance at battalion and company levels.
- Providing effective leadership through commanders and staff in liaison, coordination and integration with other civilian elements within the mission, UN CIMIC Focal Point, UN agencies, funds and programmes, host national government, international organizations, NGOs and the host national civilian, security forces and local organizations.
- Coordinating and integrating with other actors in the field to address specific emergent issues affecting the population and carry out constructive engagement of all sections of the society in furtherance of the mandate.



- Liaising with the Civilian and Military Gender Advisers will help engagement with women from the local community, support gender sensitive protection arrangements and promote their participation and empowerment.

## 4.5 : Capability Standards.

**4.5.1 : General.** The UN Infantry Battalion should be capable of planning and conducting its designated mission essential tasks within the framework of the envisaged role and responsibility in furtherance of the mandate. The expected capability standards are peacekeeping operations specific, mandate and task oriented, measurable/quantifiable and are within the capacity of the UN Infantry Battalion and its subordinate units. The capability standards applicable at battalion, company and platoon levels described in succeeding sections are suggestive in nature and adaptable to different missions as per conditions on ground.

**4.5.2 : Employment Concept.** The operational parameters for employing the UN Infantry Battalion focus on the following interlinked aspects:

The Infantry Battalion composed of three or four self-sufficient Infantry Company Groups (ICG) capable of deploying and operating independently to execute mission essential tasks, roles and responsibilities as per mandate in the battalion AOR.

- The Companies with organic capabilities execute static and mobile operations from defensible, independent and logistically self-sustaining Company Operation Bases (COB) and Temporary Operating Bases (TOB).
- Maintain inherent rapid capability to establish/relocate static and mobile bases/posts to gain operational advantage and respond to dynamic situations with Quick Reaction Force/Teams (QRF/QRT) and reserves to stabilize any adverse situation/deteriorating security situation.
- Capability to group and regroup subordinate units and weapon platforms/systems (Mechanized elements, Infantry Mortars (IM), mobile Medium Machine Guns (MMG)/Automatic Grenade Launchers (AGL) detachments, etc.) for operational flexibility and cohesive employment for specific missions.
- Capability to take additional elements as attachments and detach elements as need be in support of other contingents in the mission, with clear C3 arrangements.



- The battalion as a whole will be responsible and accountable for conducting peacekeeping operations in the designated AOR with its assets and the companies will be responsible for their respective assigned AOR, under the battalion for conducting peacekeeping operations, within the framework of the Mandate and CONOPS.
- A UN Infantry Battalion has an obligation to execute its peacekeeping responsibility 24/7, day and night, for the period that it is deployed in a mission area.

#### 4.5.3 : Battalion Level Capabilities.

- **Mission Essential Tasks (MET).** The battalion and its subordinate units be trained, equipped and capable of performing the operational and non-operational METs in the designated AOR as per the mission Mandate, CONOPS and OPORD, within the organic resources. All commanders and staff should be capable of planning and conduct of the assigned tasks effectively.
- **Command Post.** Battalion HQ capable of deploying and sustaining a temporary Tactical Command Post by road or by air.
- **Force Reserve.** If earmarked as force reserve, train, equip and be capable of executing mission level tasks as per OPORD effectively to restore any adverse situation.
- **QRF.** Maintain and provide a composite company group as reserve/quick reaction force to be ready to move:
  - ★ Within two (02) hours to operate anywhere in the battalion AOR within integral resources.
  - ★ Within six (06) hours, anywhere in the mission AOR, with integral or additional mission resources.
  - ★ Within 24 hours for Inter-Mission Cooperation (IMC), supported by mission resources (conditions apply).
- **Reserves.** Be capable of detaching up to two companies (including QRF Company within 24 hours) for limited duration within 72 hours to deploy/conduct tactical operations anywhere in the mission area, with integral resources (mobility, firepower, C3 and self-sustaining capabilities) or with support of mission assets (helicopter/fixed wing aircraft, surface transport and additional logistics support), also under separate command and control arrangements.



- **Air Mobility.** The reserves (including QRF) and a platoon per company be trained and equipped to be air transported (helicopter or fixed wing aircraft).
- **Reinforcement.** Maintain ability to absorb under operational control and provide logistics support for additional one or two companies from another TCC contingent to operate within the battalion AOR.
- **Special Tasks.** Maintain a well trained and resourced platoon QRT to undertake special tasks including heli-borne operations in-mission area within two (02) hours.
- **QRT.** Maintain a platoon QRT at company level to be deployed anywhere in the battalion AOR.
- **TOB.** Be capable of establishing a TOB with a company or a platoon with including with appropriate facilities (including for other UN civilian and police personnel if required and separate for female staff), capable of sustaining for 30 days using organic resources and assisted by UN.
- **Long Range Patrol (LRP).** Be capable of undertaking minimum one (01) LRP with platoon strength for minimum seven days within integral resources and for longer duration with mission support to extend/out-reach UN presence and deter potential spoilers.
- **Joint Patrols.** Undertake minimum five (05) composite joint patrols with mission police or civilian components for specific mission or as part of outreach and engagement or as per ground requirement.
- **Operational Activities.** Be capable of establishing eight (08) Check Points (CP) and undertake fourteen (14) section level/six (06) platoon level (or a mix of both) patrolling activity within the battalion AOR in a 24 hour cycle as minimum operational engagement.
- **Re-deployment.** Be capable of relocation and re-deployment of operating bases where operational role has significantly reduced to potential threat areas within integral resources.
- **Joint Operations.** Be capable of undertaking joint operations with other national contingents, host country security forces and UN Formed Police Units.
- **Mobility.** Be capable of providing protected/motorised mobility to all operational elements and weapon systems of the battalion for speed of action and enhanced reach.



- **Battalion Operations Centre.** Maintain a 24/7 static and/or mobile Battalion Operations Centre (BOC) with electronic tracking equipment, communication arrangements including hotline and Video Tele-Conferencing (VTC) facilities to the Company Operations Centre (COC) and to next higher HQ for real time monitoring, control and coordination of operations. The functional modalities of the BOC are explained in [Annex E](#) (Vol. II, p. 264 of the UNIBAM).
- **Civil Unrest.** One company at battalion level and one platoon at company level be equipped and capable of responding to civil unrest.
- **Situational Awareness.** The Battalion HQ and Subordinate HQ up to platoon level, be capable of gaining early warning and generating situational awareness in the respective AOR.
- **Civil Interaction.** Battalion HQ staff and the COBs capable of extensive outreach and engagement of the local population and other actors in the AOR.

#### 4.5.4 : Company Level Capabilities.

- **MET.** Be able to perform designated mission essential tasks (operational and non-operational) either independently or as part of the battalion level operations in the company AOR.
- **QRF.** If designated as QRF Company, be ready to move in two (02) hours with integral or outside assistance (e.g., helicopters) to deploy in a designated area to conduct operations in the battalion AOR or within six (06) hours anywhere in the mission AOR or within 24 hours on IMC.
- **Reserve.** If designated as reserve company to deploy or conduct operations anywhere in the mission AOR, be ready to move within 72 hours with integral and/or battalion and/or mission resources.
- **Re-deployment.** Be prepared to get redeployed with a combined effort of air assets and surface transportation means within 48 hours to anywhere in battalion AOR.
- **Reinforcement.** Company HQ be capable of receiving, coordinating and operationally employing additional one or two platoons from other national contingents (including C3 and interoperability coordination).
- **Air Mobility.** Company HQ and all infantry platoons trained, task organised and equipped to undertake helicopter mounted operations with a platoon, within two (02) hours and a company (less a platoon) within six (06) hours.



- **Special Tasks.** If tasked, train and equip one platoon to conduct special helicopter borne operations.
- **QRT.** Maintain readiness to launch one self-contained reserve platoon as QRT within 30 minutes with integral transport to be deployed anywhere in the battalion AOR.
- **Local Reaction.** Maintain “Local Quick Reaction” capability with a platoon to be ready to move within ten (10) minutes.
- **Immediate Action.** The COB be capable of immediate action/response readiness at all times as per perceived threat. Other than the guards on duty, the personnel of the COB be able to “Stand To” to deal with any threat in two (02) minutes.
- **TOB.** Be capable of establishing a TOB with a composite platoon capable of sustaining for a specified duration using either organic resource and/or with mission assets.
- **LRP.** Be capable of undertaking LRP with a composite platoon for minimum seven (07) days within integral resources and for longer duration with mission support.
- **Joint Patrols.** Undertake minimum two (02) composite joint patrols in a week (with mission police or civilian components) for specific mission or as part of outreach and engagement as per operational requirement.
- **Operational Activities.** Be capable of establishing two (02) CPs and undertake four (04) Section level/two (02) Platoon level (or a mix of both) patrolling activity within the Company AOR in a 24 hours cycle as minimum operational engagement.
- **Situational Awareness.** Be capable to maintain proactive situational awareness and tactical information database of the AOR with dedicated organic resources and additional battalion assets.
- **Protection.** Be capable of protecting the COB, UN property and personnel from all kinds of physical threat by layered obstacles, sentry posts, and entry exit control and by fire and observation.
- **Mobility.** Be able to move all operational elements and the Company Command Post on organic transport and Armoured Personnel Carriers (APC) to conduct robust mobile operations in the battalion AOR.
- **Equipment Profile.** Have effective day and night observation, electronic surveillance and support weapon platforms for force protection for all operational elements.





- **Operation Centre.** Establish a static or mobile operation centre (with VTC and hotline facility) to monitor and coordinate all the operations in the company AOR.
- **Civil Interaction.** Be able to exercise effective interoperability and civil interaction skills and conduct joint operations with other elements (UNPOL, civilian mission components, UN agencies, local police and security forces, etc.) in the mission.
- **Civil Unrest.** Maintain a platoon, trained and equipped to respond to civil unrest in the company or battalion AOR.

#### 4.5.5 : Platoon Level Capabilities.

- **MET.** Be able to perform the designated mission essential tasks (operational and non-operational) either independently or as part of the company level operations with integral C3, firepower, mobility and logistics resources.
- **Air Mobility.** Be trained and equipped to undertake air transported (fixed wing aircraft), heli-mounted or heli-borne (if tasked) operations as per situation.
- **QRT.** Be able to react within specified time within the company or battalion AOR.
- **TOB.** Establish a TOB/Patrol Base/OP as per specific task for 14 days or beyond with the support of organic resources and mission assets.
- **LRP.** Be able to undertake LRP anywhere in the battalion AOR for duration of seven (07) days with integral resources.
- **Operational Activities.** Be able to establish one (01) CP and undertake two (02) section level patrolling activities or one platoon level patrol in a 24 hours cycle.
- **Equipment Profile.** Have night vision goggles, GPS and inter-communication means (with redundancy) up to section level.
- **Outreach and Engagement.** Platoon and sections capable of exercising effective interoperability and civil interaction skills and conduct joint operations with other elements in the mission.



**4.5.6 : Stocking Capabilities.** The battalion and subordinate units will maintain the following minimum logistics stocking capabilities:

Serial	Category	Battalion Level	COB Level	TOB Level	Remarks
a	Ammunition	As per Guidelines on Levels of Ammunition for Peacekeeping Operations of September 2002 issued by OMA/DPKO			Or as specified by Field Missions / DFS
b	Ration (Dry and Tinned)	07 Days	07 Days	7 Days	
c	Drinking Water	Minimum 07 Days Bottled Water at Mission/Battalion/ Company Level		As per SOP	
d	Bulk Water	Minimum 03 Days Bulk Water at COB Level		As per SOP	
e	Medicines	03 Months	01 Month		
f	Petroleum, Oil and Lubricants (POL)	As per guidelines			
g	Spares/expendable	03 Months	01 Month		
h	General Stores	03 Months	01 Month		

**Note:** The timings, figures and tactical groupings are only suggestive in nature and do not override the mission-specific SOPs.

## 4.6 : Conclusion.

Based on mission environments and operational requirements, Office of Military Affairs (OMA) prepares the Statement of Force and Unit Requirements. The mission, tasks, organization, equipment and personnel requirements for the UN Infantry Battalion is described in the Statement of Unit Requirement. UN Infantry Battalions are required to execute the mission essential tasks within their capability in a given operational environment. The basic capability standards for the UN Infantry Battalion and its subordinate units will be supplemented with detailed criteria and checklists for commanders in Chapter 3, in Vol. II of this Manual. Achieving and maintaining these standards through deliberate force generation, careful resource allocation, integrated training and realistic rehearsals by the battalion is a prerequisite to ensure effective performance in the mission area.





## Tasks

### 5.1 : Introduction.

Operations conducted by military contingents in a peacekeeping mission should remain within the framework of the mission mandate with adherence to the core principles of consent, impartiality, and use of force in self-defence or in defence of the mandate and as otherwise authorized by the Security Council. The proactive, robust and determined posture of the battalion displayed through static deployments and dynamic prophylactic operations are critical for the success of a mission. Therefore, an infantry battalion plays a pivotal role in providing required stability in the AOR by performing its mandated tasks through people friendly and austere operations to gain moral ascendancy and establish faith of all parties to the conflict in the peace process.

### 5.2 : Purpose.

The purpose of this chapter is to provide information to the battalion commander, battalion HQ staff and the company commanders concerning the envisaged peacekeeping tasks to be undertaken in a mission area. It will facilitate planning and preparation, composing task organising groups, conducting task-oriented training and equipping the unit and subordinate units to perform the task effectively. In addition, it will aid the Sector and Force leadership in a mission area in correct employment of the battalion resources.

### 5.3 : Infantry Battalion Tasks.

An Infantry Battalion in a mission area is required to restore and maintain a safe and secure environment and freedom of movement to facilitate execution of the mandated objectives by a variety of peacekeeping oriented tactics, techniques and procedures. The Statement of Force/Unit Requirements, Mandate, Force Commander's Directive, the CONOPS and Operational Orders



will clearly outline the “Mission Essential Tasks” that are to be executed by the battalion in a designated AOR, subject to the applicable ROE. The following sixteen tasks have been identified as peacekeeping related tasks from which mission-specific essential tasks could be drawn out for a particular mission based on its particular mandate and operational environment. The detailed task descriptions including the purpose, planning considerations, modalities of execution, organizational and logistics support aspects for each task in a peacekeeping context are described in Vol. II of the Manual.

**5.3.1 : Primary Tasks.** Primary tasks are the basic tasks which form part of routine infantry battalion tasks to maintain visibility, observation and monitoring of activities, conduct of robust mobile and control operations, support protection of civilians activities and CIMIC activities, etc. These are:

- Patrolling.
- Observation Post.
- Check Point.
- Outreach and Engagement.
- Situational Awareness.
- Cordon and Search.
- Convoy and Escort.
- Operation Base.

**5.3.2 : Support Tasks.** The support tasks require specialised organizational and resource augmentation in support of the larger peacekeeping effort in a mission area. These are:

- Disarmament and Demobilization.
- Critical Infrastructure and Assets Protection.
- Crowd Management.
- Detention.

**5.3.3 : Other Tasks.** These are tasks that are specific to a particular operational situation for which an Infantry Battalion need to be trained and prepared, and include:

- Buffer Zone.
- Joint Operations.
- Reinforce/Relief.
- Extract/Evacuate.



In the performance of the above mentioned mission essential tasks, a UN Infantry Battalion may be required to detect and neutralize mines/UXOs and IEDs within the capability. Considering the increased threat of IED attacks against UN peacekeepers in complex peacekeeping missions, a suggested methodology of handling IEDs is attached as [Annex I](#) (Vol. II, p.282 of UNIBAM).

## 5.4. : Task Descriptions.

The brief descriptions of the battalion tasks to be executed in a peacekeeping context are described in succeeding sections.

### Primary Tasks

#### 5.4.1 : Patrolling.

Patrolling by multiple means (foot, mounted, vessels and heli-borne) is a core peacekeeping task. It is a means and method to promote UN visibility by robust posturing, to generate confidence in the peace process by establishing rapport and bridging the gap with the local people, to provide wide area mission security and protection, to identify threats to civilians, to facilitate freedom of movement and to support wider mandate implementation. Patrolling tasks are mission-specific and are stipulated in the mission Operational Orders and Standard Operating Procedures (SOPs). When planned effectively and executed robustly and intelligently, patrols can impart important tactical advantage for the force. Patrol planning and execution should conform to the mission CONOPS and OPORD.

Typically, patrolling activities may be undertaken for any one of the following purposes or a combination of these different objectives to include but not limited to: gain situational awareness and tactical information (including threats to civilian protection); to observe, monitor, supervise and verify cease fire lines/compliance of agreements/troop deployments and interpose amongst warring factions; observe and report on movements of other armed groups; inspect existing or abandoned positions; conduct inspections or verifications; investigate incidents; carry out reconnaissance to gather or confirm information; conduct route reconnaissance; establish a physical link and maintain lines of communication between adjoining but relatively isolated UN positions; establish mobile OPs/CPs, cover ground/gaps that fixed OPs and CPs cannot observe or



observe from isolated/unoccupied OPs; TOBs/Forward Operation Bases (FOB) or LRPs in specific areas to ensure an extended UN presence and to deter potential spoilers and human rights violators; conduct Joint Monitoring Team Patrols (including women) and for specific purposes; establish and maintain freedom of movement for UN forces and local population as per mandate; establish liaison with local leaders (men and women) and factions; reassure and protect isolated/threatened communities and displaced people; women at risk and in rural areas and who are moving for farming/agriculture, water/firewood collection or to market; provide protection to local population travelling without UN escort; to monitor curfews; to demonstrate the presence and visibility of the UN to all parties in the AOR.

**Note:** Detailed task description of Patrolling is at Vol. II, p. 27 of the UNIBAM.

#### 5.4.2 : Observation Post.

An Observation Post (OP) is a manned peacekeeping position established to monitor and observe a certain area, object or event. An OP can be permanent, temporary, static, or mobile. Reports from OPs provide timely, accurate, and relevant information to higher HQ and adjacent units. Observing and reporting from OPs is a cornerstone peacekeeping operations task. A thorough analysis of accurate and timely OP observations and reports provide the battalion commander and staff with critical information required for recording and understanding developing situations that effect UN peacekeeping operations missions.

The purposes of an OP are to observe and report all relevant activities in the observation area to higher headquarters through established SOPs and to adjacent OPs or units as required or appropriate. It facilitates increased security in the Area of Operations (AO) by demonstrating a vigilant and visible peacekeeper presence to all parties and populations in the area; monitoring movement in and around airspace, coastal areas, airfields, buffer zones (BZ), cease-fire lines (CFL) boundaries, borders, and protected zones; counting of special traffic, such as military vehicles, tanks, Armored Personnel Carriers (APC), artillery, etc. monitoring of activities of parties involved in the conflict and all other abnormal or suspicious activities including armed actors suspected of sexual violence and other human rights violations; monitoring of violations of international agreements or



conventions; observing BZ and De-militarized Zone (DMZ) restrictions and support other battalion operations as required.

**Note:** Detailed task description of OP is at Vol. II, p. 37 of the UNIBAM.

#### 5.4.3 : Checkpoint.

A Checkpoint (CP) is a manned and self-contained position deployed on a road or track to observe/check, inspect/search personnel or vehicles, prevent the trafficking of women and girls and the control of movement into and out of a designated area (e.g., buffer zone or DMZ, or a specific area in a Company AOR). A CP can be either permanent or temporary. Permanent CPs are established on the main access routes and these cannot be moved or closed without the authority of the Force Commander. Temporary checkpoints (vehicle based or foot based mobile CPs) may be set up on minor routes, for a specific duration, usually on the authority of the Battalion Commander.

CP is an important control measure undertaken by the infantry battalion to monitor and control movement, as well as to institute preventive security checks. CPs may generally include the UN Police and/or local police and civil administration officials. In addition, in particular situations, experts from the civilian components of the mission (e.g., DDR, public information, etc.) may also be positioned along with the CP. The CP personnel should have good cultural awareness, respect local customs and traditions, have functional linguistic ability and conduct in a friendly and professional manner.

**Note:** Detailed task description of CP is at Vol. II, p. 43 of the UNIBAM.

#### 5.4.4 : Outreach and Engagement.

The creation and maintenance of a safe and secure environment that promotes peace, recovery and developmental process is the key responsibility of the battalion. The security, protection and empowerment of women are fundamental in order to achieve democratic governance. Therefore, the various commanders and staff in the battalion should maintain an excellent, cooperative relationship with other actors in a field mission and have good liaison with the local government authorities, including women in leadership and women's organizations, and parties to the conflict.

The aim of Outreach and Engagement is to reach out to all sections of the population, remote geographical locations in the AOR and the various





power centres to generate trust and faith in the peace process by undertaking genuine and purpose oriented confidence-building measures to establish normalcy, alleviate sufferings of the deprived, gain an understanding of the threats and vulnerabilities the local population faces, and find a sustainable solution.

Outreach and engagement comprises all actions taken by the battalion elements to carry out constructive and active engagement of the local population and other actors in the field (including women and youth groups, host civilian authorities, military and police organizations; the parties to the conflict and spoilers), the Civil Military Co-ordination (with UN system entities and other partners – IOs, ROs, NGOs, etc.), welfare activities and the planned Quick Impact Projects undertaken by the battalion in the AOR and coordinated as part of an integrated and comprehensive mission level effort.

**Note:** Detailed task description of Outreach and Engagement is at Vol. II. p. 49 of the UNIBAM.

#### 5.4.5 : Situational Awareness.

To create and maintain a peaceful and secure environment in the mission, military commanders at all levels require timely information to plan, prevent or respond appropriately to various challenges. The efficient gathering and processing of information and its dissemination, therefore is critical to the success of peacekeeping operations. To be effective, an Infantry Battalion should proactively acquire and deliberately analyse the information about the operational conditions in the mission area of responsibility.

UN Infantry Battalions often operate in hazardous and unpredictable conflict environments where establishing situational awareness is a critical task. Situational Awareness (SA) comprises knowledge, understanding and anticipation. Ensuring effective SA involves establishing information requirements; collecting and verifying information; collating information in data banks; analysing the information; and disseminating it to concerned parties in real time.

At the battalion level, the focus of information management is to corroborate the existing information, acquire and analyse changes in attitudes and perceptions, identify likely triggers and threats to civilians, and provide early warning (including with respect to threats of sexual violence and the specific requirements related to protection of women and girls) and to the mission leadership to assess the situation and institute preventive measures. Information on operational challenges and ability to constructively engage with



the local population and other key players contributes to force protection and prevent hindrance in execution of mandated tasks of the battalion. The ability to act faster than spoilers to a peace process is of paramount importance. Within its AOR, the battalion should strive to dominate the information landscape and anticipate the likely developments and react accordingly.

**Note:** Detailed task description of Situational Awareness is at Vol. II, p. 61 of the UNIBAM.

#### 5.4.6 : Cordon and Search.

A cordon and search operation is conducted to isolate a designated area to secure a targeted search where illegal objects, activities or wanted persons are expected to be, based on specific information. The purpose of search is to send a clear and consequent signal that any attempt to ignore applying regulations and laws will not be accepted and to increase the stability in the area by removing weapons, etc. that could be used against the peacekeeping units or against parties to the conflict.

In peacekeeping operations, the task would include locating and confiscating illegal weapons or war like stores (explosives, equipments, and materials); to find and confiscate contraband materials; to arrest and detain suspects, unauthorized personnel and wanted criminals or persons countering the reconstruction of peace and stability; to protect potential targets by timely action; to obtain evidence on ongoing illegal activities; to build confidence of the local population (especially of women) and deny access to belligerents to the area or population; to help advance demobilization and deter violence and risks of gross human rights violations and to display UN resolve to enforce the mandate for the furtherance of peace and security.

Invariably, the battalion cordon and search forces will also comprise women UN military/UNPOL or local police personnel, Military Police and local police personnel, civilian and military interpreters, CIMIC and situation awareness officers. It could also be grouped with an EOD team and working dogs to assist the operations. Local population should be informed about the reason for the effort and cordon and search operations should be linked to appropriate targeted welfare and CIMIC activities (medical assistance, distribution of food and basic necessities, assistance to the elderly, women and children, etc.) in support of well-being and confidence-building.



Gaining and maintaining the trust of local women is critical. Relevant mission civilian focal points should be consulted in order to ensure that any assistance/programming is appropriate and in accordance with identified mission priorities. No operation without actionable tactical information, since failing to disclose illegal activities will decrease the credibility of the force.

Troops should be prepared to face local resistance in differing forms including, but not limited to lack of cooperation, civil disobedience, peaceful resistance, stone pelting, physical assault, IED initiation, sniper fire, riot, or armed resistance from the local population, militia or regular armed forces. The force should be clear on modalities for effecting arrest, detention and turnover to the police in a peacekeeping environment, as per relevant SOPs and guidance documents. Any threat to the troops should be addressed tactically as per ROE. All efforts must be taken to avoid human rights violations and collateral damages. A post search damage assessment should be carried out to institute measures to mitigate any damages as per Mission SOP's. Battalion should carry out contingency planning to anticipate potential reprisals against the civilian population as a result of cordon and search operations. Exemplary conduct and respect for local customs must be adhered to. When possible, local leaders and/or elders should be consulted.

**Note:** Detailed task description of Cordon and Search is at Vol. II, p. 73 of the UNIBAM.

#### 5.4.7 : Convoy and Escort.<sup>4</sup>

Convoy operations are conducted to organize and escort a column of vehicles to facilitate a secure and frictionless movement from a designated start point to an intended destination. They are carried out for movement of UN personnel (civilians or military or both); force logistics supply; administrative convoys of deployed troops; movement of humanitarian aid and personnel; movement of election staff and equipment; escort for very important dignitaries and movement of refugees/displaced persons (including women and children), or prisoners/detainees. Threats may manifest themselves in the form of obstacles (unattended), roadblocks

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<sup>4</sup> Humanitarian convoys should only be provided upon request from humanitarian actors. Please refer to the Use of Military or Armed Escorts for Humanitarian Convoys, IASC Discussion Paper and Non-Binding Guidelines on the Use of Military or Armed Escorts for Humanitarian Convoys, 14 September 2001.



(held by belligerents), mines and a variety of IEDs, penetration by other unauthorized vehicles, demonstrations or attacks by crowd, hostage taking, pilfering, stand-off fire including sniper fire, ambush, attack and plunder, traffic accidents and mechanical breakdowns.

Group the convoy with interpreters, mine protected vehicles, wheeled APC's, mobile IED jammers, ambulance, recovery vehicle and strengthen other utility trucks against small arms and IED threat. Key personnel should have appropriate linguistic skills to communicate with local counterparts. Whenever possible, women military personnel and interpreters may be grouped with the escort party. Thorough briefing and rehearsal, tactical move without complacency, display of distinctive signs and operational readiness for spontaneous and rapid response will add to the successful conduct. Where required, selective picketing, road clearance, aerial surveillance and contingency planning to reinforce or extract the personnel in the convoy should be undertaken. When faced with a potentially threatening situation caution should always be exercised and restraint employed to prevent escalation and negotiate an appropriate resolution while maintaining tactical balance.

**Note:** Detailed task description of Convoy Operations and Escort is at Vol. II, p. 83 of the UNIBAM.

#### 5.4.8 : Operation Base.

The establishment and maintenance of a secure and functional base of operations for the battalion and its sub-units is an important responsibility of the battalion commander. UN infantry battalions, in contrast to conventional infantry battalions, do not manoeuvre in offensive and defensive operations. UN infantry battalions and their sub-units operate from and return to static bases, which are also called COB. In addition, a TOB may be established for a specific purpose and duration as per operational necessities. Therefore, it is a prerequisite that battalion operational bases are secure and functional before the battalion and its sub-units can achieve overall mission success in the conduct of other battalion tasks. Secure bases also serve as the planning, administrative, and logistic hubs of UN mission support in the battalion AO.

Operational bases are established and maintained as secure locations for conducting operations and logistics support activities. Battalion and sub-unit operational bases should be dispersed and self-supporting projec-



tion platforms that enable operational coverage throughout the battalion AO. In most instances, UN Infantry Battalions establish or deploy to static base camps for the duration of their deployment. The commander must therefore carefully consider site suitability for an extended time as well as operational and environmental requirements as factors for site selection. These considerations are also applicable when selecting sites for TOB. Camp security requires the camp commander and troops to be prepared to respond to all feasible man-made and environmental contingencies that may affect base security and maintenance.

**Note:** Detailed task description of Operation Base is at Vol. II, p. 93 of the UNIBAM.

## Support Tasks

### 5.4.9 : Disarmament and Demobilization.

Disarmament, Demobilization and Reintegration (DDR) involves disarmament (removal of weapons), demobilization (disband military structures), reinsertion (transition from soldier to civilian and reinsertion into the community) and reintegration (giving viable economic alternatives). In addition, a DDR process may assist in bringing about basic change (adjust attitudes over time) and building a basis for the future (change attitudes of the next generation). The goal of DDR is to enhance and consolidate security in support of the political process so that post-conflict reconstruction and wider recovery can begin.

Primary responsibility for DDR programmes rests with national actors (host government or interim government, political parties, armed groups, local police and military, civil society) and in many contexts the United Nations supports the national actors in the establishment of a dedicated body for DDR matters (frequently called a DDR Commission). The UN's role is to support the DDR process as an impartial actor through the provision of technical expertise, advice to the national authorities and different types of resources (personnel, funds, logistics, etc.). Within the mission, the civilian DDR component plays a lead role and in general employs only unique military capabilities such as communications, aviation, engineering, and medical and logistic support.

However, an Infantry Battalion as a whole or in part may become either directly involved in the conduct of disarmament and demobilisation as per the mission mandate or may be tasked to provide assistance to the larger civilian effort. The tasks for an Infantry Battalion in support of dis-



armament and demobilization are based on the integrated gender sensitive DDR strategy specified in the Mission Concept of Operations.

Tasks may include creation and maintenance of a stable and secure environment in the AOR including maintaining freedom of movement; supporting disarmament (establish and man checkpoints, collection, registering, guarding weapon and ammunition storage sites and destruction of arms and ammunitions); supporting demobilization (including security for assembly and cantonment areas, escort duties and patrolling, providing transportation and safe custody of weapons and ordnance collected, maintaining law and order in the camps); gathering and disseminating information pertaining to DDR in coordination with the Joint Operations Centre (JOC) and Joint Mission Analysis Centre (JMAC) and carry out public information and sensitization campaigns as per mission policies and directives, monitoring and reporting on the progress of the DDR Programme, provide focal points (including women to reach out to women, combatants, dependents, etc.) for establishing contact with target groups or associated to target groups; provide special expertise and support (weapon/ammunition, communication, EOD and aviation assets); proactive engagement of armed groups including spoilers/belligerents; escort foreign forces and their weapons out of the country; assistance to UNMOs and UN Police when specially tasked; provide logistic/administrative support to the programme; support infrastructure creation; provide essential support to DDR staff (transportation, security, escort, communication, essential logistic cover, etc.) and facilitate reintegration.

**Note:** Detailed task description of Disarmament and Demobilization is at Vol. II, p. 103 of the UNIBAM.

#### 5.4.10 : Critical Infrastructure and Assets Protection.

As part of the major responsibility of restoring, creating and preserving safety and security in the AOR, a UN Infantry Battalion may be involved in protection of various international organizations, as well as public and civilian infrastructure and assets that are vital to the peace process. These are identified, analysed and decided upon at the mission HQ level in consultation with the host national authorities and based on the risk assessment and operational conditions prevailing. These may include, various international/regional organizations, NGOs, host governmental offices and institutions, law enforcing entities, centres of basic amenities (power gen-



eration, water, etc.), lines of communication, communication centres, and the like, which may have an impact in the peace process.

Danger or damage to such assets may have serious functional and political implications for overall stability and security, as well as economic functioning and therefore may need to be protected temporarily by the UN forces until the host national security forces or agencies are capable of taking on the responsibility. Such functions have high public visibility and impact on the attitude of local people towards the UN and mission entities. The battalion should therefore take utmost care to prevent any untoward incident.

**Note:** Detailed task description of Critical Infrastructure and Assets Protection is at Vol. II, p. 117 of the UNIBAM.

#### 5.4.11 : Crowd Management.

A peacekeeping mission is deployed in the aftermath or against the backdrop of a heightened conflict situation, reflecting possible lawlessness, dysfunctional legal institutions and an ineffective police organization. Local populations may undertake demonstrations in towns and villages to air their concerns, project problems or protest issues that directly or indirectly affect them. Such gatherings, though mostly political and peaceful in nature, may turn violent, leading to disturbances/riots. The target of such demonstrations may be the host government, socio-political or ethnic groups, or the peacekeeping mission itself.

In principle, the responsibility for restoration and maintenance of law and order lies with the host state, with operational support or advice provided by a UN Formed Police Unit or with the UN police, in accordance with the mandate. UN police are usually in the lead for coordinating actions with local UN HQ, civil and police authorities. In the exceptional case that civil authorities are unable to cope, military assistance may be needed as long as the mandate permits action and the ROE specify the use of crowd management means by the military. It should be stressed that commanders are to request the presence of police personnel through the quickest means possible if not at the scene in an outbreak.

Crowd management is a sensitive operation requiring human rights compliance, training, appropriate equipment and clear command and control arrangements, to manage a calibrated and appropriate response to a volatile situation. It is important to allow the legitimate expression of views by



the assembled crowd, while preventing escalation, casualties and collateral damage.

An infantry battalion may be faced with crowd management in four particular situations:

- When charged with securing the perimeter of the tactical area of operation within which the host-State police and/or UN police are managing public order.
- When the situation is beyond the control of the host-State police and/or UN police and has evolved into a public disorder.
- When host-state police or UN police are not available or present at the time and cannot reach the area in a reasonable period of time.
- When called upon to protect UN staff, facilities, equipment, installations or institutions.

Crowd management is followed by civil police legal action, which may be reflected in procedures like registration of criminal cases, arrests, search and seizure and subsequent prosecution action in the courts. The civil and UN police are trained and equipped to handle these activities and battalion commanders should readily use this expertise in situations wherever necessary.

Whether carried out by UN or host-State police or by military peacekeepers, the graduated use of force in crowd control will be guided by the mandate and expressed within relevant operational documents (CONOPS, ROE, OPOD and DUFs). Advance planning and preparation, readiness to deal with various contingencies, allocating and maintaining adequate resources in terms of dedicated and trained troops, transport and specialized equipments, establishing a joint HQ to coordinate and integrate planning and conduct of operations, coordination and communication arrangements with all other actors in public order management, adherence to ROE and Directives on Use of Force, key leader engagement, incorporating female interpreters and military/police personnel in the forces, etc. are some of the important facets of crowd management in the UN peacekeeping operations context.

**Note:** Detailed task description of Crowd Management is at Vol. II, p. 123 of the UNIBAM.





### 5.4.12 : Detention.

Detention and handover of prisoners is governed by “Detention in United Nations Peace Operations Interim Standard Operating Procedures”, dated 25 January 2011, which describes standards for handling persons detained by UN personnel in UN PK operations. This document dictates that detained personnel are handled humanely in a manner that is consistent with applicable international human rights, and refugee law, norms, and standards.

The Interim SOP applies to missions for which such authority has been mandated by the Security Council or General Assembly and its application shall be in compliance with Mission-specific military rules of engagement, Status of Forces Agreements (SOFA) and Status of Mission Agreements (SOMA), police directives on the use of force, and applicable international human rights, humanitarian and refugee law, norms and standards. Due consideration will also be taken of supplementary guidance issued by the Head of Mission or his/her delegate. While the Interim SOP provides internal operational guidance, it does not address issues of criminal procedures which are governed by the laws of the respective host State.

Procedures and principles involved with the battalion’s detention and turnover of detained personnel are detailed in the Interim SOP which is in operation until such a time as a final SOP is approved.

**Note:** Detailed task description of Detention is at Vol. II, p. 137 of the UNIBAM.

## Other Tasks

### 5.4.13 : Buffer Zone.

A buffer zone (BZ) is an area established between belligerents and civilians that is protected and monitored by battalion peacekeeping forces and where disputing or belligerent forces and attacks on each other and the civilian population have been excluded. Battalion forces operate and monitor the BZ, including ceasefire line, to reduce the risk of renewed conflict. Establishing and maintaining a BZ is one of the main framework tasks in peacekeeping operations and may be the primary mission of a UN Infantry Battalion. The specific concept for force employment will be derived from the guiding mandate and will reflect the legal framework for either a Chapter VI or Chapter VII operation. New conflicts may require an initial entry peacekeeping battalion to conduct UN Chapter VII level



interposition operations in combination with other forces as a buffer and confidence-building measure.

BZ operations contribute to a stable and secure environment in which civilian agencies can achieve the long-term political and economic goals of the peace accord or United Nations mandate. A BZ can be local or transit the length of an entire country or countries. Battalion BZ operations are directed by UN CONOPS and its higher HQ which often establish battalion AOR with very specific sectors of responsibility, with elaborate verification systems, and responsibilities aimed to limit the amount of belligerent forces and weapons in layered areas up to the buffer zone. Agreements and treaties may also establish an elaborate system of rules, inspections, and apparent monitoring capability that battalion forces should enforce or document in order to ensure compliance by belligerent parties.

**Note:** Detailed task description of Buffer Zone is at Vol. II, p. 147 of the UNIBAM.

#### 5.4.14 : Joint Operations.

A UN Infantry Battalion may be required to carry out joint operations with UN Police and/or host police and/or host military forces, in support of peacekeeping operations. This section primarily deals with joint operations with UN police, with relevant amplifications on the modalities of conducting joint operations with host police and military forces.

Maintaining "Law and Order" is primarily a host nation responsibility. However, more often, there is a general breakdown of public order, with dysfunctional police and other security functions combined with non-existent or ineffective local administration. In such cases, UN Police play a vital role in providing advice, training, equipping and in certain cases taking on the responsibility temporarily to maintain law and order.

In most peacekeeping missions the UN Police components in the form of Individual Police Officers (IPO) and Formed Police Units (FPUs) operate in an integrated manner with other mission entities. Specific roles and responsibilities are laid down for all entities in a mission area. In addressing some critical issues, the military and police will operate jointly to accomplish common objectives or provide complementary support to their respective functions. The battalion chain of command and staff should recognize the capability of the UN Police and the strong interdependence of each other in a peacekeeping environment to develop collaborative strategies to bridge the functional gap and ensure convergence of effort. Visibility



of UN Police and/or Local Police enhances the legitimacy and credibility of the force. Particularly, during the stabilization phase of a peacekeeping operation, the complementary actions of both military and police facilitate outreach and engagement and restoration of safety and security. The battalion should take the initiative to liaise, coordinate and integrate to develop a coherent and comprehensive joint plan.

Due consideration should be given to the Secretary-General's policy on human rights due diligence on UN support to non-UN security forces. This policy requires all UN entities - including peacekeeping operations - contemplating providing support to non-UN security forces (for instance in the course of joint operations) to identify risks of grave human rights violations. Should these risks exist, peace operations are required to engage in a dialogue with the recipient entity to identify measures to eliminate or minimise that risk. Should grave violations occur after UN support is provided, peace operations should intercede with the relevant national authorities with a view to bring those violations to an end. However, if the situation persists, the UN is required to suspend or withdraw support from elements committing those violations.

**Note:** Detailed task description of Joint Operations is at Vol. II, p. 155 of the UNIBAM.

#### 5.4.15 : Reinforce/Relief.

##### **Part I: Reinforcement.**

A UN Infantry Battalion or its sub-unit may be tasked to carry out reinforcement or receive reinforcement in support of emergent vulnerable/deteriorating situations in peacekeeping operations. Reinforcement may take place for the purposes of interposition between warring factions, reinforcement of a COB within the battalion AOR, support and extract own troops under threat in performance of their duty, reinforce another contingent COB or military components in the process of execution of tasks, execute any mission related contingency tasks, assist host security forces when requisitioned or mandated or may be tasked to reinforce a potential threat area as an independent entity within the mission or even outside the mission AOR as part of Inter-Mission Cooperation. Timely employment of the force either pre-emptively when threat is imminent or when it has manifested would reflect UN resolve and solidarity in preventing a threat from emerging or deteriorating.



Maintaining dedicated, trained reserve forces in operational readiness, adequately configured with enablers and force multipliers, supported by fastest means of transportation for rapid action, aided by real time tactical information of ground situation, supported by effective C3 arrangements, deliberate planning, preparations and rehearsals and drills for link up are some of the critical aspects of reinforcement operations in a mission area.

### **Part II : Relief in Place.**

The purpose of relief in place is to relieve all or part of the force in a designated AOR by an incoming force. The underlying principle in relief operations is to sustain a level of operational capability while transferring the operational responsibility from one force to another and ensure the continuity of operations. Relief can be carried out as a routine time bound relief, to replace an existing force in an emergency, to take up part of the operational responsibility when situation demands and during change of role between two forces.

Coordination with Department of Field Support for movement and arrival/operational readiness/repatriation inspections (assessed value and numbers of COE being deployed or moved out), reconnaissance by command elements and key personnel, the dispatch of advance party, arrangements for movement, reception, guidance and deployment of the main body, security arrangements, joint familiarization with AOR and operational role, modalities for transfer of responsibility, and movement of outgoing unit and its repatriation has to be centrally coordinated by the local UN HQ concerned with the relieving and relieved units. Logistics sustainment for the move and for initial stages should be catered until routine replenishment from local dependency resumes.

**Note:** Detailed task description of Reinforce/Relief is at Vol. II p. 169 of the UNIBAM.

### **5.4.16 : Extract/Evacuate.**

#### **Part I : Extract.**

A UN Infantry Battalion may be confronted or tasked with the extraction of military peacekeepers, UN personnel or civilians (personnel from international organizations, NGOs, host nationals, etc.) who are either detained, taken hostage or under imminent threat. In such situations, the battalion is required to ensure rapid and spontaneous action from the nearest COB or the military element operating in the vicinity to safeguard UN or associated personnel. Extraction involves the mobilisation of appropriate force to the place of incident/action, negotiation to resolve the issue or release, isolation, containment and domination of the incident location, physical



extraction by military means as per rules of engagement and directives on the use of force and conduct of organized move out from the location. Maintaining centralised QRF/QRT at both battalion and COB levels, grouping enablers and force multipliers for rapid mobility and tactical support, effective tactical information management, proactive and prophylactic security measures, key leader engagement and negotiations to diffuse the situation, incorporation of local police, measured and calibrated tactical action to retain control of the situation are some of the important facets which need to be considered.

## **Part II : Evacuate.**

The deterioration of the security situation in a country and the resultant relocation or evacuation in a mission area encompass all the UN elements in the country and entails fine judgement of mission leadership, high degree of situational awareness, capability to respond adequately and flexibly in emergencies. In a UN peacekeeping mission, the HoM acts as designated official for ensuring safety and security of all the staff members, contingents and volunteers. A security management team is formed with the FC/DFC, DOA, UNDP/other relevant UN officials (most UN agencies, programmes and funds) and military components. The HoM functions in consultation with the mission crisis management team regarding significant security related incidents.

All UN Peacekeeping Missions have an overall security plan for managing security of its personnel which is coordinated and implemented centrally. It describes the various security measures to be taken and arrangements to be followed in the event of serious criminality or emergency situations such as hostilities, internal disorder or natural disasters. The “Mission Security Plan” lays down the responsibilities of specific individuals, the actions to be carried out and the sequence to be followed to execute evacuation and involves review of security situation and ensuring safety of UN personnel, preparation of contingency plans for movement and concentration of personnel and eventual evacuation to safe areas/safe heavens and coordination of all communication and transport resources for optimum utilization in case of an emergency. The role of military component in establishing dominance to ensure protection in vulnerable areas is very crucial in the implementation of the plan. More often, military contingent bases will act as temporary staging areas, where all UN personnel will concentrate. They will then be escorted to designated safe areas by military contingents.

**Note:** Detailed task description of Extract/Evacuate is at Vol. II, p. 175 of the UNIBAM.











## Protection of Civilians

### 6.1 : Background.

Over 90 percent of UN peacekeeping personnel are currently deployed in missions that the Security Council has mandated to “protect civilians under imminent threat of physical violence”<sup>5</sup>. The UN Protection of Civilians (POC) mandates are without prejudice to the responsibility of the host government. The host nation, local population and international community often measure the value of a peacekeeping operation, as well as the legitimacy and credibility of the UN, based on its success in protecting civilians. There are a number of actors in the mission area who contribute to the POC. However, the military component of the mission has a unique role to play in protecting civilians from physical violence. In this respect, missions with the POC mandate are authorized to use “all necessary means” to prevent, pre-empt and respond to POC concerns, including the use of force.

### 6.2 : Purpose.

The purpose of this chapter is to outline the peacekeeping approach to protecting civilians, and the role that battalions can play in protecting them and contains some key considerations to take into account when doing so. Further details on how specific tasks of the battalion contribute to POC are provided in Chapter 2 of Volume II. This chapter is most applicable for battalions deployed to peacekeeping missions with the mandate to “protect civilians under imminent threat of physical violence”.

### 6.3 : Comprehensive Approach to POC.

In addressing POC concerns, peacekeeping operations need to utilize the full range of the tools (civilian, military and police) at their disposal. In this

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<sup>5</sup> This Chapter only applies to battalions that are deployed to missions with this Security Council mandated task.





respect, the protection of civilians is a whole of mission effort. The DPKO-DFS Operational Concept on POC in UN peacekeeping illustrates how peacekeeping operations address POC through three tiers of action. These three tiers are mutually accommodating and should be taken forward simultaneously, in accordance with the priorities of the mission and in light of the circumstances on the ground. The specific roles that battalion commanders and staff can play in these tiers are elaborated below.

**6.3.1 : Tier 1–Protection Through Political Process.** The protection of civilians will be one of the key elements of the senior mission leadership's political engagement with the parties. Battalion commanders and battalion staff will have an important role to play in supporting these efforts by building confidence with the parties to the conflict at the local level and in preventing POC incidents.

**6.3.2 : Tier 2–Providing Protection from Physical Violence.** Most of the tasks highlighted under Chapter 5, Vol. I will be undertaken in support of this tier. Lessons indicate that projecting mission presence, including through standing military patrols and other force deployments, is one of the most visible and reassuring forms of security that a mission can provide to the local population. The battalion may be required to use force to protect civilians from violence.

**Phases.** This tier can be categorized into 4 phases, as indicated below. The phases are not necessarily sequential, but can be undertaken simultaneously or independently, depending on the nature or imminence of the threats.

- **Phase 1–Assurance and Prevention:** The measures in this phase are aimed at reassuring the local population of the mission's intent to protect them, largely through routine, passive measures. Conducting routine tasks by the battalion, such as patrols and information gathering and analysis are fundamental elements of this phase. Public information activities and key leader engagement are also important supporting efforts. Regular communication with the local population is essential.
- **Phase 2–Pre-emption:** Where measures under Phase 1 prove insufficient, or when heightened risks are detected, more active pre-emptive measures may be required. The military component will have to deploy forces and an increase in proactive, high-visibility patrolling could be employed. Increased liaison with government and non-government armed actors, and potential parties to a conflict, enhanced human rights monitoring, reporting, and



advocacy, as well as heightened political pressure should also be employed during this phase in order to deter violence against civilians.

- **Phase 3–Response:** When the threat of physical violence to civilians is apparent, and if actions under Phases 1 and 2 are not sufficient, more active measures aimed at deterring potential aggressors from conducting hostile acts may be necessary. The role of the military component will be critical in this phase. Direct military action should be considered as an option, such as the interposition of peacekeepers between a vulnerable population and hostile elements or the use of force as a last resort when the population is under imminent threat of physical violence.
- **Phase 4–Consolidation:** This range of activities addresses the stabilization of a post-crisis situation. The aim is to assist the local population and host authorities to return to a state of normalcy, and create the conditions in which a return to crisis is diminished.

**6.3.3 : Tier 3–Establishing a Protective Environment.** Peacekeeping operations undertake several activities to help establish an environment that enhances the safety and supports the rights of civilians. In this context, the battalion may be called upon to assist the mission in its implementation of DDR and SSR activities.

## 6.4 : Key Considerations.

The implementation of POC mandates in UN peacekeeping operations brings to light a number of complexities. Some of these areas include the challenge of prioritizing protection tasks over other mandated tasks, maximizing the use of limited resources, the application of force to protect civilians, including women and girls from sexual violence, and balancing the responsibility of the host authorities to protect civilians with the mission's mandate to do so. While senior mission leadership grapples with these complex issues, the following are key considerations for battalion commanders when fulfilling their responsibilities in the field.

**6.4.1 : Support to the Host Government.** As stated in the Operational Concept, the protection of civilians is primarily the responsibility of the host government and the mission is deployed to assist and build the capacity of the government in the fulfilment of this responsibility. However, in cases where the government is unable or unwilling to fulfil its responsibility, Security Council mandates give missions the authority to act independently to protect



civilians. Bearing in mind that missions operate within the principles of peacekeeping and in accordance with the mandate, missions are authorized to use force against any party, including elements of government forces, where such elements are themselves engaged in physical violence against civilians.

POC tasks undertaken by UN peacekeeping missions must reflect and uphold the principles of UN peacekeeping, namely, consent of the host government and the main parties to the conflict, impartiality, and the non-use of force except in self-defence and in defence of the mandate. Furthermore, missions are bound to respect and promote international human rights law, international refugee law and international humanitarian law. When the mission is providing support to non-UN security actors, the assistance must also be consistent with the UN's Purposes and Principles of the UN Charter and conditional on the host State's ability to assume its obligations under international law. Further guidance for such support is outlined in the "Secretary-General's Human Rights Due Diligence Policy on non-UN security forces".

**6.4.2 : Consent.** The strategic consent of the host government, as well as of the main parties to the conflict is a principle of United Nations peacekeeping. Without that consent, UN peacekeeping operations are not in a position to effectively carry out their mandates. Nevertheless, at the tactical and operational levels, armed elements of the main parties may be responsible for threatening civilians with physical violence, and peacekeeping operations are mandated to respond.

It is important that missions engage from the outset with the main parties through political channels to convey a clear message of the mission's mandate and intent to protect civilians and of the possible consequences for those who perpetrate violations of international law against civilians. Furthermore, battalion commanders need to be aware of and, if needed, inform parties about the political consequences that come with specific violations of international humanitarian law (sexual violence, child recruitment, attacks on schools and hospitals, killing and maiming of children, etc.).

Institutional structures to ensure information exchange and liaison between the mission and the national authorities at all levels, including between political and security officials, are critical. If the situation worsens or escalates to unmanageable proportions, the battalion commanders must raise their concerns through the senior mission leadership, to the level of the UN HQ and/or the Security Council. If the strategic consent of the main parties, especially



the host government, is withdrawn, a peacekeeping environment no longer pertains. In such circumstances, any further action by the international community would be determined by the Security Council.

#### 6.4.3 : Understanding the Security Council Mandate Language on POC.

Security Council language on POC often authorizes the mission to take “all necessary action to protect civilians under imminent threat of physical violence”.

- “Necessary action” does not only refer to military action. It includes a range of civilian, police and military actions. As such, any preventative, pre-emptive, or responsive actions may be taken to avert, mitigate or respond to an identified threat.
- Effective prevention and pre-emption activities do not necessarily require the use of force. However, credible deterrence is based on the readiness to use force and the readiness to use force.
- A threat of violence against a civilian is considered “imminent” from the time it is identified as a threat, until such a time the mission can determine that the threat no longer exists. Peacekeepers with a POC mandate are authorized to use force in any circumstance in which they believe that a threat of violence against civilians exists.

The battalion commanders and their subordinate commanders and staff officers should refer to the mandate, the Concept of Operations, the ROE and international legal instruments when making decisions about their activities in the field. If peacekeepers have questions about the application of these instruments while undertaking their activities, these questions should be referred to their commanding officers and the mission’s legal adviser. If necessary, they may have to refer their questions to UN HQ.

**6.4.4 : Civilians and Combatants.** UN peacekeepers are expected at all times to make a clear distinction between civilians and combatants and between civilian objects and military objects. Under International Humanitarian Law, civilians are “protected persons” – they cannot be targeted and their life and dignity must be respected. Civilians are presumed not to directly participate in hostilities and are therefore entitled to full protection from attack. Civilians lose this protection only if, and for as long as, they “directly participate in hostilities”. The simple possession of a weapon does not necessarily give a person the status of “combatant”. Civilians who are in possession of arms (for example, for the purpose of self-defence or



the protection of their property, etc.), but who are not currently engaged in “hostilities” are entitled to protection.

**6.4.5 : POC Risk Assessment and Prevention.** Preventative action is the best form of protecting civilians. In undertaking their peacekeeping tasks, battalions are required to have a strong understanding of the threats faced by the population and their vulnerabilities (details of how to conduct such a POC risk assessment is highlighted in the DPKO/DFS Framework for Drafting Comprehensive POC Strategies in UN Peacekeeping Operations). These threats should be assessed from a gender sensitive perspective in order to address the threats against women, girls, boys and men, which will vary for example according to age, sex, ethnicity or religion. Such analysis should feed into the mission’s prioritization of the POC risks and mission’s mitigating measures to be addressed in coordination with other actors in the area of operations.

**6.4.6 : Children.** The United Nations have established special protection framework, the Monitoring and Reporting Mechanism (MRM) for children in armed conflict, which involves peacekeeping missions up to the members of the Security Council. In this framework, battalions play a key role as the first point of action. As eyes and ears on the ground, the battalion may witness the recruitment and use of children as child soldiers, sexual violence, killing and maiming of children, attacks on schools and hospitals, or abductions of children. If there are specific incidents that are brought to the attention of the battalion in relation to children, the military should inform the nearest child protection officer in the mission or alert the child protection agency (e.g. UNICEF) to send a trained monitor. However, the military should not directly interrogate the children or investigate the incident.

Under Security Council Resolutions 1539, 1612, 1882 and 1998, parties who commit the so-called six grave violations can be named and shamed by the Secretary-General, and the Security Council may impose sanctions against them.

**6.4.7 : Conflict-related Sexual Violence.** The Security Council has recognized that when sexual violence is used or commissioned as a tactic of war, or is used as part of a widespread or systematic attack against the civilian population, it can exacerbate armed conflict, and may impede the restoration of international peace and security (Security Council Resolutions 1820, 1888 and 1960 (Women, Peace and Security)). In order to address



this issue, the Security Council has introduced a strong accountability framework, and has highlighted the necessity to prevent and respond to such acts of sexual violence in order to contribute to the maintenance of peace and security. Under resolution 1960, parties to armed conflict credibly suspected of perpetrating sexual violence, can be named the Secretary-General. This information can be used by the Sanctions Committees.

Where conflict-related sexual violence is taking place, military battalions have a key role to play. Specifically, they will contribute by preventing the occurrence of conflict-related sexual violence and reporting threats and incidents through the appropriate chain of command. If there are specific incidents that are brought to the attention of the battalion in relation to sexual violence, the military should inform the nearest gender and/or human rights officer in the mission so that the appropriate response/action can be initiated. However, the military should not interrogate the women or investigate the incident directly.

**6.4.8 : Resources and Capabilities.** Security Council resolution 1894 (2009) has directed that protection of civilians activities should be given priority in decisions about the use of available resources and capacity in peacekeeping missions. Peacekeeping operations will always be faced with resource and capability constraints. Therefore, Battalion Commanders, in coordination with senior mission leadership, must be prepared to make decisions on how to prioritize the use of certain key resources and capabilities to fulfil the mission's POC mandate. The DPKO-DFS POC Resources and Capability Matrix will be useful in this regard.

**6.4.9 : POC Strategy.** Security Council resolution 1894 (2009) has also requested all peacekeeping missions with a POC mandate to draft mission-specific POC strategies. Battalion commanders and staff need to be engaged in the early stages of the POC strategy development and revision process, as the strategy will articulate the mission's POC priorities based on the risk assessment, key coordination structures and the roles and responsibilities of relevant POC actors, including UN humanitarian actors. The DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies in UN peacekeeping operations provides a template and outlines a set of practical reminders for the development for such strategies. These POC strategies should be aligned with the vision and priorities set out by the Integrated Strategic Framework and other planning documents<sup>6</sup>.

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<sup>6</sup> For details on the Integrated Strategic Framework, please refer to the UN IMPP Guidelines: Integrated Planning for Field Presence.



**6.4.10 : Interaction with the Local Community.** The local community's (women and men) perception of the security situation is critical in understanding the POC threats it faces. As such, sustained dialogue with the local population, such as internally displaced, refugees, women and children, is necessary to identify the threats posed to them and their vulnerabilities, and to understand how the mission can support existing protection capacities within the local community. The information collected through such interaction should inform the appropriate protection response by the mission. This dialogue will also assist in communicating to the population what the mission can and cannot do to protect them. Consultations with the local population should include women, key civil society groups and boys and girls. The use of language assistants and women civilian staff and/or female military and police personnel on patrols and assessment missions has, at times, enabled troops to enhance their communication with the population.

**6.4.11 : Coordination with UN Police.** The battalion may be called upon to plan and coordinate with the UN Police component, especially where a situation may escalate to the level of a threat of a military nature. In circumstances that may require the sustained use of firearms or military weaponry, the military component should have primacy in support of or in cooperation with relevant host authorities. Details of such cooperation and coordination with the UN Police component are articulated in the DPKO/DFS Policy on Formed Police Units in UN Peacekeeping Operations and the DPKO-DFS Policy on Authority, Command and Control in UN Peacekeeping Operations. In this regard, refer to Vol. II, Chapter 2.11 on Crowd Management and 2.14 on Joint Operations.

**6.4.12 : Key UN and Non-UN POC Actors.** . In addition to ensuring a joint approach on POC of mission components (e.g., with human rights, child protection, gender, civil affairs, police, women protection advisors), the senior mission leadership is required to establish effective coordination and communication arrangements with UN and other agencies on POC. Humanitarian protection actors often have useful information and analysis which contribute to the peacekeeping operation's efforts to protect civilians and vice versa. However, keep in mind, that often protection information is sensitive and cannot be shared. The Protection Cluster, which is usually led either by UNHCR or OHCHR, is the standard forum through which the humanitarian community coordinates on protection issues. Upon deployment, the battalion commander should identify the existing coordination mechanisms with humanitarian actors and ascertain how



the military could best engage with them so as to ensure that there is a useful exchange of information and analysis, and modalities to provide support to humanitarian actors. COBs/TOBs should also interact with the Protection Clusters, which may be functioning at the sector levels.

**6.4.13 :In-mission POC Training.** Battalions should regularly conduct in-mission training, including on POC. DPKO/DFS recently finalized a training module on POC in UN peacekeeping, which includes 12 scenario-based exercises. While TCCs are already being encouraged to integrate them into their existing predeployment programmes, troops should regularly conduct in-mission training on POC to familiarize themselves with the context in which they are deployed. The POC experts in the mission and the trainers in the Integrated Mission Training Centres, who are trained on these modules, may be a useful resource for the troops. Additionally, battalions should carry out crisis management exercises based on potential scenarios to retain operational readiness and early response capabilities.

**6.4.14 : List of Key UN Guidance and Training Documents Relevant for POC.** PKO-DFS Operational Concept on POC in UN Peacekeeping (April 2010).

- DPKO-DFS POC Resources and Capability Matrix (February 2012).
- Secretary-General's Human Rights Due Diligence Policy on Non-UN Security Forces (July 2011).
- DPKO-DFS Specialized Training Materials on POC and Prevention and Response to Conflict-related Sexual Violence (November 2011).
- DPKO-DFS Operational Concept on POC in UN Peacekeeping (April 2010).
- DPKO/DFS Framework for Drafting Comprehensive POC Strategies in UN Peacekeeping Operations (April 2010).
- DPKO/DFS Policy on Formed Police Units in UN Peacekeeping Operations (March 2010).
- DPKO-DFS Policy on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations (June 2009).
- DPKO-DFS Policy on Authority, Command and Control in UN Peacekeeping Operations (February 2008).







## Mission Support

### 7.1 : Introduction.

#### Department of Field Support (DFS).

The Department of Field Support (DFS) was established by the UN General Assembly in 2007 to strengthen the capacity of the organization to manage and sustain global peace operations. DFS provides dedicated support to peacekeeping operations, special political missions and other field presences in the areas of budget and finance, logistics, human resources, general administration, and information, and information and communication technology (ST/SGB/2010/2). DFS has five main offices in UN Headquarters in New York:

- **Offices of the Under-Secretary-General (USG) and the Assistant Secretary-General (ASG).** The Office of the USG and the Office of the ASG provide executive support to the USG and the ASG and, in addition to their personal staff, include the Global Field Support Strategy Team; the Senior Leadership Appointment Section; the Conduct and Discipline Unit; the Audit Response and Board of Inquiry Section; the Field Procurement Liaison Team; and the Air Transport Section.
- **Field Personnel Division.** The Field Personnel Division (FPD) designs, recruits, develops and maintains a civilian workforce for field operations.
- **Field Budget and Finance Division.** The Field Budget and Finance Division's (FBFD) mission is to provide peace operations with financial support services to ensure appropriate funding and responsible stewardship of funds. The Division includes the Budget and Performance Reporting Service and the Memorandum of Understanding and Claims Management Section. The Division is responsible for the overall management of the contingent-owned equipment (COE) system, the coordination of negotiations and preparation of Memorandum of Understandings with troop and police contributing countries, and the reimbursement of the provision of COE (Major Equipment and Self-Sustainment) and other claims. The Division also calculates and certifies all COE Letters of Assist



and Death and Disability claims for military contingents and formed police units and provides claims status updates.

- **Information and Communications Technology Division (ICTD).** The ICTD provides strategic, secure ICT services and solutions to field operations. The Division supports command, control, communications and computer functions, including coordination for military and police elements in field operations. The Division is comprised of the Field Communications and Information Technology Operations Service and the Field Technology and Security Operations Section. This Division is described in further detail in Volume II.
- **Logistics Support Division.** The Logistics Support Division (LSD) implements and monitors policies and procedures for all logistics issues in field operations, including planning and programme support; supply; engineering; contingent-owned equipment and property management; and cartographic and medical support, while minding the environmental footprint in the mission area. The Division also ensures the movement of military and civilian personnel and cargo to and from field missions by air, land and sea. The Division consists of two services: the Strategic Support Service and the Strategic Transport Service (<https://point.un.org/SitePages/lsd.aspx>).

## 7.2 : Purpose.

The Mission Support Chapter deals with broad logistics concepts in support of peacekeeping missions, highlighting the tasking/financial authority and the infantry battalion support structure (including the support capabilities, COE and MOU aspects, various administrative policies, movement and deployment of infantry battalion, etc.).

## 7.3 : Mission Support Concept.

**Logistics Concept.** The UN peacekeeping logistics support concept is based on the integration of UN-owned, contracted and contingent-provided resources. All mission support or service functions, regardless of their origins, are considered common to the mission as a whole and fall under the responsibility of the Director of Mission Support (DMS)/Chief of Mission Support (CMS), who liaises with all components and segments of the mission.



**Tasking Authority.** On behalf of the DMS/CMS, the Chief of Integrated Support Services (CISS) exercises tasking authority over all assigned uniformed logistics personnel and enabling units comprising medical, signal, logistics, construction engineering (except combat / field engineers), transportation and movements units, including military transport helicopters within the peacekeeping mission.

#### Reference

- DPKO/DFS Policy on Authority, Command and Control in United Nations Peacekeeping Operations, 2008.04).

**Goods and Services.** Common goods and services, include, but are not limited to the following:

- Medical, environmental health and, if specified, dental services.
- Construction and management of accommodation.
- Civil engineering projects.
- Environmental advice.
- Geographical Information System (GIS) services.
- Movement Control (MOVCON) and Air Transport services.
- Surface transportation services including riverine and/or coastal transportation.
- Installation and operation of communications and IT services.
- Accounting, storage and distribution of assets, materials and other life support commodities like fuel, water, rations.

**Financial Authority.** Only the DMS/CMS has the authority to commit mission financial resources for any purpose including making contractual arrangements for the use of local resources/services. All requirements for such resources/services should be addressed through the Joint Logistics Operations Centre (JLOC). These may include, but are not limited to, accommodation, POL (including aviation fuels), fresh rations, combat rations, water supply, equipment rental, public service facilities and civilian labour.

## 7.4 : Infantry Battalion Support Structure.

**7.4.1 : Initial Provisioning and Stock Holdings.** During the initial deployment, TCCs are to provide on a reimbursable basis initial provisioning of water, rations, fuel, oil and lubricants for a limited period, until the UN is able to provide these consumables. All formed contingents are to bring



the following levels of stock holdings to the mission area, unless requested otherwise by DFS/DPKO:

Initial Stock Holdings to Mission Area (To be determined for each particular mission)	
Composite/Field/Combat Rations	7 days food rations and minimum 7 days bottled water. Advance parties should be fully self-sustainable for drinking water.
Fuel and specific Lubricants	All vehicle fuel tanks are to be filled as per the applicable international regulations. Specific lubricants that are outside the normal UN stock for the first weeks are to be carried.
Ammunition and Explosives	Refer to "Guidelines on Levels of Ammunition for Peacekeeping Operations" September 2002, issued by OMA/DPKO.
Medical Supplies	Minimum of 60 days of medical supplies and consumables.
Spare/Repair Parts	Under wet lease arrangements, UN will provide transportation for spare parts for 90 days on initial deployment, after which it is a national responsibility.

- **Rations.** The UN arranges through a commercial contract, the supply of fresh, frozen, chilled and dry rations. The TCCs should order the initial supply of fresh, frozen, chilled and dry rations through LSD/DFS no less than 60 days prior to arrival.
- **Water.** The battalion should have water treatment and testing capability and bring company-scale water treatment plants with sedimentation, filtration and disinfecting capability, which meet WHO standards.
  - ★ The UN standardized scale to assure the health and maintain the duty performance of troops is as follows:

Type	Quantity
Safe drinking water (WHO Guidelines)	Potable water 4.5 litres/person/day x 7 days
Treated bulk water for cleaning, shower, ablutions and other uses	80.0 litres/person/day x 3 days

- ★ **Water Transport.** The battalion will need sufficient water trucks/trailers to transport raw water from the source to contingent camps. Water trucks are not to be used as part of the TCC water storage plan.
  - ★ **Water Storage.** Separate static water storage for drinking and bulk water is to be provided by the TCC. Storage capacities should be adequate to cater for three days water per person.
  - ★ **Waste Water.** All wastewater has to be treated prior to being discharged to the nature. Coordination with the civilian component is crucial.
- **POL.** Mission HQ will arrange a commercial "turnkey" contract for the supply, storage and delivery of bulk POL for vehicles, aircraft, and other





fuel using equipment such as generators and heaters. The storage and internal distribution within the battalion is a national responsibility and should comply with UN regulations for logging and distribution. Containment basins with sufficient capacity have to be placed under all fuel tanks and fuel collection points.

- **Additional Requirements of Rations, Water, POL and Other Supplies.** DFS will advise TCCs of any requirement for additional rations, potable water, POL and other supplies to be brought by military units at the time of initial deployment during the deployment planning and MOU negotiation.
- **Vehicles and Major Equipment.** Vehicles and major equipment should be in serviceable condition for use in its primary role and should be painted white overall with black UN markings. Ambulances and other vehicles dedicated to medical staff or medical supplies should be marked as per the Geneva Convention. UN will provide third party liability insurance cover for all COE vehicles. TCCs should forward details of all vehicles and equipment with their chassis and engine numbers to the receiving mission at the earliest possible time, before arrival for arrangements of insurance and number plates. All contingents are to deploy with integral repair and recovery capability to conduct the level of repair and recovery for contingent-owned vehicles as required by the MOU.

#### 7.4.2 : Categories of Support Capabilities.

**General Requirements.** In the mission area the battalion is expected to meet the standards of self-sustainment detailed in accordance with the terms of the MOU, SFR/SUR and as per the COE Manual (Chapter 9, Annex E). It will include the capability to provide and maintain the necessary resources and personnel to support the contingent administratively and logistically for the duration of the mission. Categories of self-sustainment needs to be deployed by TCCs will be based on “Statement of Unit Requirements”, the logistical support available from the Mission or other Units. A summary of self-sustainment categories are as follows:

- **Catering.** Each contingent should provide catering equipment, including kitchen, crockery and cutlery, storage capacity for cleaning equipment, and fresh (14 days), dry (28 days), chilled (14 days), and frozen rations (21 days), facilities for washing and storing utensils at each contingent location. All food storage facilities must include appropriate temperature monitoring/control devices ([Reference: DPKO/DFS Food Rations Management Guidelines](#)).



- **Communications.** Equipment for communications between the Mission HQ and the Sector/Battalion HQs, is provided by the UN as UNOE. The UN also provides a telephone network, within the Mission HQ and down to Battalion HQ level. The UN may provide communications down to the individual force level, or independent sub-units as required. The battalion is responsible for the rear link communications from the UN mission to the home country and for internal communications.
- **Office.** The battalion is expected to be self-sustained in this category as per the standards laid out in the COE Manual.
- **Electrical.** The battalion has to provide for its own major power generators above 20 KVA to meet the main power generating requirements, established at a standard scale of 2.5 KVA per person. It will be reimbursed as major equipment. The battalion should provide decentralized power for small sub-unit locations and provide redundant emergency back up. The UN provides diesel fuel for generators. The common operating voltage and frequency for field missions is 220 volt and 50Hz.
- **Minor Engineering.** Battalions deployed to the UN peacekeeping missions are generally self-sustained in "Minor Engineering". Chapter 3, Annexes A and B, Appendix 16 of COE Manual (2011) explains the scope of the Minor Engineering Self-Sustained category and division of responsibilities between TCC and the UN. The battalion must be able, within its accommodation areas, to undertake non-field defensive minor construction, handle minor electrical repairs and replacement, undertake repairs to the plumbing and water system, and to conduct minor maintenance and provide all related workshop equipment, construction tools and supplies.
- **Explosive Ordnance Disposal (EOD).** When EOD self-sustainment is required from the Battalion, the contingent must have the capability for EOD to secure the unit's accommodation areas.
- **Laundry.** The Battalion is to provide laundry services for all military and personal clothing services, (including the related equipment, maintenance and supplies) for all contingent personnel and ensure that all facilities have hygienic equipment that allows maintenance of a clean and healthy environment.
- **Cleaning.** Each contingent should provide cleaning facilities (including the related equipment, maintenance and supplies) for all contingent



personnel and ensure that all facilities have hygienic equipment that allows maintenance of a clean and healthy environment.

- **Tentage.** The battalion should be fully self-sustained in tentage, which includes tentage for temporary offices/workspaces and ablutions facilities (under tentage), for at least the first six months after its arrival. The UN will usually provide hard walled/semi-rigid accommodation, according to established UN scales, as soon as possible with priority given to those units whose roles involve operations from generally static locations. If the UN has not provided hard walled/semi-rigid accommodation after six months under tentage, the TCC will be entitled to reimbursement for both Tentage and Accommodation self sustainment. Due to their mobility requirements, some units which have been provided with UN hard walled/semi-rigid accommodation may need to retain a tentage capability (typically sufficient tentage for one Maneuver Company per battalion). The retained tentage will be included in the MOU as a major equipment item. Particular attention should be given to separate accommodation and ablution facilities for female personnel in all contingents.
- **Accommodation.** Normally, the UN will provide hard walled/semi-rigid accommodation to all contingents. However, the TCC may elect to provide this self sustainment capability to their contingents themselves. To receive the accommodation reimbursement rate, the TCC must purchase or construct permanent rigid structures to accommodate the contingent's personnel, fixed with heating and/or air conditioners, lighting, flooring, sanitation and running water and equipped with furniture where necessary for eating facilities and office/workspace. If the UN is unable to provide accommodation to an equivalent standard and the TCC rents suitable structures, the TCC will be reimbursed actual rental costs, on a bilateral special case arrangement between the TCC and the UN.
- **Firefighting.** Each battalion should provide sufficient basic firefighting equipment, fire detection and alarms, necessary minor equipment and consumables.
- **Medical.** The battalion is expected to be self-sustained in this category as per the standards laid out in the COE Manual, Chapter 3, para 43 to 61.
- **Observation.** The battalion should be able to carry out observation throughout their area of operation and to meet standards for general observation, night observation and positioning sub-categories.





- **Identification.** Each battalion must be able to conduct surveillance operations, process and edit the obtained visual information, and provide all related equipment, maintenance and supplies.
- **Field Defence Stores.** TCC is responsible for the field fortification of their camp, perimeter, accommodation and facilities using UN provided Field Defence Stores, minor electrical and their self-sustained engineering and labour capabilities.
- **High Risk Areas (Epidemiological).** High Risk Areas (Epidemiological) is a sub-category of the “Medical” self-sustainment category and the responsibility for its provision is agreed through the MOU. This covers medical supplies, chemoprophylaxis and preventive measures against common diseases found in the mission area, where there are no available vaccines. The provisions include but are not limited to malaria prophylactics, insect repellent, fogging solutions and chemicals, insecticides, rat poison, animal traps and other vector control measures.
- **Miscellaneous General Stores.** The Battalion is expected to be self-sustained under bedding, furniture, welfare, internet access sub-categories as per the standard laid out in the COE Manual, Chapter 3, para. 68.
  - ★ **Bedding.** Battalion personnel should have bed linen, blankets, mattress covers, pillows and towels. Sleeping bags may be an acceptable substitute for bed linen and blankets. Sufficient quantities must be provided to allow for rotation and cleaning.
  - ★ **Furniture.** The battalion should provide sufficient furniture including, bed, mattress, nightstand, table light and locker for each person, or other appropriate furniture to provide an adequate living space.
  - ★ **Welfare.** Appropriate levels of equipment and amenities across the spectrum of welfare to include entertainment, fitness, sports, games and communication must be provided in quantities appropriate to the number of troops at their respective locations in the mission area. Verification as to whether appropriate standards have been provided will be based on the agreed welfare arrangements between the TCC and the Secretariat, and detailed in Appendix 2 to Annex C to the MOU. An infantry battalion is entitled to USD 6.73, per person, per month for welfare in the unit.
  - ★ **Internet Access.** TCCs are encouraged to deploy with appropriate equipment and bandwidth necessary to provide voice and e-mail communications for their troops as a welfare measure. Internet access



is to be established by the troop/police contributors and not linked to existing United Nations communication systems.

- **Unique Equipment.** Any special minor equipment or consumables not covered in the above self-sustainment rates will be handled as unique equipment. These items will be handled on bilateral special case arrangements between the troop/police contributor and the UN.

**Note:** For more details on the verification and performance standards for minor equipment and consumables provided for each self-sustainment category, refer to the COE Manual, Chapter 3, Annex B.

### 7.4.3 : Engineering Support.

- **Deployment.** Deployment discussions may resolve that a military engineer company will deploy in lieu of one Infantry Company for an agreed period. This deployment would occur to allow the TCC to establish the battalion's infrastructure facilities. An environmental baseline survey needs to be undertaken for each location to ensure that these are in accordance with the mission environmental objectives (refer Chapter 2, Section 2.23, Environment, for more information).
- As per the Global Field Support Strategy, the UN is to establish a wastewater collection/disposal system and solid waste management programme at all troop deployment sites. It is important that contingents observe practices in accordance with the mission environmental objectives. For example, the segregation of waste (including hazardous waste) has to be undertaken for recycling and/or proper disposal in accordance with mission guidance, not using open burn pits and treatment of wastewater prior to discharge into the nature.
- The engineer company would be in direct support of the infantry battalion and may be deployed during the start-up phase of a mission for the following reasons:
  - ★ In case a particular mission does not have the full capacity to undertake required engineering tasks and additional support is agreed.
  - ★ When the battalion is establishing a new base or bases and additional engineer support is required.

After completing its assigned tasks and as per the mission plan, the engineer company would be replaced by the TCC with one infantry or one motorized company.

- **Battalion Engineering Requirements.** Battalion engineering requirements are initially to be managed within battalion resources. Require-



ments beyond battalion resources are to be clearly identified and presented through the battalion engineer officer to the Force Engineer who will, in consultation with the mission's Chief Engineer, resolve the way forward including human resources, equipment and material.

- **Major Military Engineering Tasks.** Major military engineering tasks are a mission responsibility and are included in the mission's master engineering plan. The resources for engineering tasks are allocated based on mission priorities. The Force Engineer manages the military engineering tasks in coordination with the mission Chief Engineer, including the employment of military engineer companies.

#### 7.4.4: Contingent Owned Equipment (COE)/Memorandum of Understanding (MOU).

**General.** The types and number of COE are determined based on the levels established in this document, as well as the mission-specific guidelines to TCCs and the contingent-specific MOU. Verification of the COE, as per the MOU, is conducted on a regular basis including, upon arrival in the mission area, routinely throughout a battalion's deployment, and upon repatriation. Reimbursement is provided based on the completion of these verifications in accordance with the procedures detailed in the COE Manual. It is the contingent commanders responsibility to review and endorse (sign) all verification reports.

- **MOU Discussions.** Following the completion of the MOU discussions at UN HQ, the TCC should fax a list of any additional logistic support requirements to the LSD/DFS. Once the list is agreed upon, the UN is able to make alternative arrangements for known deficiencies in supplies and equipment.
- **Contingent Owned Equipment Verifications.** (COE Manual, Chapter 3, para. 10 and followings). The major equipment categories and self-sustainment capabilities brought in theatre by the battalion are subject to various on-site inspections, as described below:
  - ★ **COE Arrival Inspection.** This inspection is to take place immediately upon arrival and to be completed within one month. Where equipment and personnel are already in the mission area when the MOU is concluded, the first inspection is carried out on a date to be jointly determined by the mission and contingent authorities and is to be completed within one month of that date.



- ★ **COE Periodic Inspections.** The COE Unit of the field mission provides an Inspection Team to conduct periodic inspections. The reporting period is decided after consultation between the UN HQ and the mission, but is usually done quarterly. An inspection report, called verification report, is prepared by the Inspection Team after each inspection. The report describes the result of the inspection and is examined together with the battalion staff and signed by the Battalion representative and the FC. In a case where the Battalion has to fully or partially redeploy within a mission area, the time of the next periodic inspection in the new location will be carried out on a date to be jointly determined by the field mission and the Battalion Commander.
- ★ **Monthly Serviceability Reports.** Standard operational reports are drafted at the Battalion level on a monthly basis using a standardized form. These reports are maintained by the battalion for presentation to the COE Inspection Team upon request. The report must describe the actual state of equipment and services provided by the battalion and the UN.
- ★ **COE Operational Readiness Inspection (ORI).** ORIs must be carried out at least once in every six months during the battalion's deployment in the mission area, and any time the field mission believes the equipment or services do not meet the required standards. The condition of the major equipment and self-sustainment will be inspected with a view to assess whether the capability is sufficient and satisfactory.
- ★ **COE Repatriation Inspection.** This inspection shall account for all major equipment of the TCC to be repatriated and verify the condition of the major equipment provided under the dry lease arrangement, if any.

**7.4.5 : National Command/National Support Element.** A TCC may provide additional personnel as a National Support Element (NSE) at its own expense and with prior approval of the UN. There will be no payment for troop costs, rotation or self-sustainment and no other financial liability for the UN for NSE personnel. For legal purposes, these personnel shall be considered as part of the contingent. Personnel deployed at the request of the UN for specific tasks of limited duration may be covered by supplementary arrangements to MOU as appropriate. Civilian personnel provided by TCC who are serving as a part of formed body of troops shall



be assimilated with battalion. NSE personnel will be provided with UN ID, accoutrements, license plates, etc. However, they are not authorized any UN Medal. Typical NSE tasks may include:

- Communication between the battalion and its home country (at National expense).
- Contact point for battalion personnel members on national matters.
- Postal Office for the battalion, to and from the home country.
- Travel office for the battalion.
- Service office for the battalion personnel.
- National paymaster and money exchange office.
- Maintenance of records of reimbursement, including COE procedures.
- Handling of arrival and replacement of approved COE.
- Organization of national visits approved by UN HQ to the mission area.
- Support for hospitalized battalion personnel.
- Organization of national social activities.
- Coordination of supplies from national sources.
- Maintenance for all COE and any national equipment, in accordance with the MOU.

**7.4.6 : Letter of Assist (LOA).** Arrangements may be made by the UN to meet specific support requirements not included under an MOU or available through a commercial contract, to be met through a LOA. It is a contracting method by which the UN arranges for the provision of special supplies or services from a Member State. LOAs are used when:

- A TCC is to carry out the deployment or repatriation of their personnel and equipment using its own capacities.
- A TCC is to carry out the rotation of their personnel 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 are not covered by an MOU.
- A TCC contributes aircraft or vessels to a mission.

#### **7.4.7 : Administrative Policies.**

- **Personnel.** TCCs shall ensure that the personnel it provides meet the standards established by the UN for service with the mission, inter alia,



with respect to rank, experience, physical fitness, specialization and knowledge of languages. The personnel shall comply with UN policies and procedures regarding medical or other clearances, vaccinations, travel, shipping, leave or other entitlements. The personnel shall be trained on the equipment with which the battalion is provided. Personnel with charges of criminal offences or international human rights law or international humanitarian law violations pending against them shall not be eligible for nomination and shall not be deployed as members of a UN military contingent.

- **Medical Standards.** Personnel assigned to peacekeeping missions could be exposed to hazardous conditions not normally associated with peacetime service. Moreover, due to a stressful and changed working environment, there is a potential of aggravation of any pre-existing medical conditions. Therefore, special considerations should be given to personnel with a history of medical problems.
- **Pre-deployment Medical Preparations.** A standard list of predeployment medical preparation conducted for their peacekeeping personnel prior to their deployment should be made available to DFS by the TCCs. This shall include any clinical examinations, X-rays and laboratory tests, as well as all vaccinations administered. The administration of vaccinations, as recommended by the UN, is a national responsibility. The UN will provide necessary information on what kind of vaccination and preventive measures will be given to all UN personnel prior to deployment.
- **Repatriation of Individuals.**
  - ★ **Repatriation on Compassionate Grounds.** The FC may recommend to the SRSG, the early repatriation of individuals before completion of his/her tour of duty for compassionate reasons, at the UN expense. Upon such recommendation, the CMS/DMS will make the necessary travel arrangements. Grounds for compassionate repatriation may include:
    - Critical or dangerous illness or injury of a close family member having a relation of the first degree (parent, spouse or child).
    - Critical or dangerous illness or injury of a brother, sister or other close relative who is the sole surviving relative of the individual.
    - Attending the funeral of one of the above-mentioned.
  - ★ **Early Repatriation.** If an individual is repatriated upon national request or for either failure to meet the necessary requirements or for disciplinary reasons, all costs associated with his travel home and arrival of his



replacement to complete the tour of duty will be at the expense of the national government.

- ★ **Medical Repatriation.** Battalion members may be repatriated to their home country if they are assessed to be unfit for duty for the next 30 days, or if they require treatment that is not available in the mission.
- ★ **Repatriation on Discipline Ground.** Personnel involved in discipline cases prior to the rotation (even as witnesses) who are subject of a board of Inquiry (BOI), shall remain behind for the inquiry and return to home country upon completion of BOI.
- **Repatriation of Remains (Death of a Battalion Member).** In the unfortunate event of the death of a member while serving in a peacekeeping mission, all costs and arrangements associated with the return of the remains to the home country and travel of a replacement to the mission area are performed by the UN.
- **Death and Disability Claims.** Guidelines for the submission of death and disability claims can be found in General Assembly documents A/52/369 of 17 September 1997 and A/63/550 of 17 November 2008.
- **Clothing and Personal Equipment.** All battalion personnel are to be equipped in accordance with Appendix 1 to Annex A of the MOU and their National scales of issue, including helmets and protective body armour/fragmentation jackets/vests. The UN will provide UN blue beret, field cap, metal badge, cloth shoulder patch, olive drab armlet and neck scarf. Requirements for UN accoutrements are to be placed at least eight (08) weeks prior to deployment.
- **Personal Identification.** Battalion personnel should be in possession of identification (e.g., national passport) in accordance with their national regulations. UN peacekeeping mission identification cards will be issued to all members on arrival in a mission area.
- **Leave.** Battalion members are entitled to 2.5 days/month (15 days/6 months; 30 days/12 months) as actual leave.

## 7.5 : Movement of TCC Personnel and Contingent Owned Equipment.

**7.5.1 : General.** The Movement Control Section (MCS) of DFS/LSD will coordinate transportation for deployment, rotation and repatriation. The normal mode of transportation for personnel is by air, and for equipment by



sea. The MCS in the respective field mission will coordinate movements within the mission area between the Airport/Seaport of Disembarkation (APOD/SPOD) and the battalion AOR. The UN provides the transportation to/from the mission area for TCC personnel upon deployment, rotation and repatriation and for COE upon deployment and repatriation only. In coordination with the UN, TCCs may provide this service via a Letter of Assist. Battalion should plan its order of movement to ensure that personnel, deploying in the first phase of each movement, are capable of assisting with subsequent arrivals of their contingent.

**7.5.2 : Predeployment Planning and Information Requirements.** Subject to the mode of transportation, the MCS requires the movement information at least six (06) weeks, but preferably eight (08) weeks, prior to the planned movement or readiness date. Each TCC is requested to provide DFS with the following information:

- Address in the home country to which UN accoutrements will be delivered.
- Cargo load lists of air and sea shipments.
- List of equipment and stores being provided, including vehicles by type and quantity.
- List of equipment and/or stores the TCCs are unable to provide.
- Postal address in the home country.
- Copy of the national ration scale.
- List of the personal clothing, gear and equipment as well as personal weaponry and ammunition, which are issued under national regulations.
- Point of contact with the TCC Military HQs who has the authority to deal direct with DFS on deployment/re-deployment details.

**7.5.3 : Deployment/Rotation/Repatriation Movement Operations.** COE will only be moved at UN expense on deployment to and on repatriation from the mission area. The UN will arrange the movement of equipment from the point of arrival to the contingent's HQ camp in the area of operations. This movement is to be assisted by the TCC providing drivers and operators of the COE. Contingent personnel are rotated a maximum of once every six months at UN expense. Movement of an advance party comprised of up to 10 percent of the unit's strength, to affect an operational handover of the unit should be coordinated with DPKO/OMA. During rotations, only personnel are moved; COE is passed from the previous contingent to the new contingent in accordance with the MOU/LOA.





- **Baggage Entitlements for Battalion Personnel.** The following summarizes personal baggage entitlements for military contingents:
  - ★ For 12 months of tour of duty the entitled personal baggage is 100 kgs/0.6 m<sup>3</sup> per person.
  - ★ For less than 12 months the entitled personal baggage is 45 kgs/0.3 m<sup>3</sup>.
- **Loading.** Passenger and/or cargo loading conditions:
  - ★ IATA safety rules apply to embarking passengers and/or cargo.
  - ★ Personal weapons may be carried and stowed in the aircraft hold.
  - ★ Limited small arms ammunition (class 1.4S only) may be carried and stowed in the aircraft according to IATA safety regulations.
  - ★ TCC shall provide passenger manifest, Cargo manifest and Dangerous Cargo manifest.
- **Movement by Airlift.** The following information is required by the MCS:
  - ★ Place of embarkation, name and location of the airport of embarkation.
  - ★ Number of troops to be moved and dates the troops are ready for airlift.
  - ★ Point of contact in the TCC to coordinate the movement.
- If cargo is authorized for airlift by DPKO/DFS, the following information is required:
  - ★ Complete and accurate cargo load lists using the UN standard format.
  - ★ Cargo readiness dates.
  - ★ Confirmation that drivers will accompany vehicles on the airlift.
  - ★ Complete Dangerous Cargo information on any of the nine classes of DG.
  - ★ Any requirement for ground transport at the destination airfield.
  - ★ Consignor details for their shipment.
- **Cargo Movement by Sealift.** The following information is required by the MCS:
  - ★ Requirement for pre-carriage of cargo from unit location to the loading port.
  - ★ Preferred Seaport of Embarkation (SPOE).
  - ★ Date cargo is ready for collection at origin and/or loading at port.
  - ★ Complete and accurate cargo load lists using the UN standard format.
  - ★ Complete Dangerous Cargo information on any of the nine classes of DG.
  - ★ Requirement, if any, for passengers/supercargoes.



- ★ Point of contact in the TCC to coordinate the movement.
- ★ Consignor details for their shipment.
- **Dangerous Cargo.** The identification, packing, labelling and documentation of Dangerous Cargo rest with the shipper (the TCC). Dangerous Cargo that does not comply with the IMDG/IATA regulations will not be permitted on board UN chartered ships or aircraft.

## 7.6 : Conclusion.

Information provided in this section is subject to change and may be further clarified, or updated, during the Force Generation Process and specifically during predeployment activities, including the MOU negotiation. Refer to the policies and/or reference documents listed below for further guidance.

### References:

- Generic TCC Guidelines, 2012.
- COE Manual 2011.
- DPKO/DFS Environmental Policy for UN Field Missions (2009.6).
- DPKO/DPS Policy on Authority. Command and control in United Nations Peacekeeping Operations, 2008.04
- Draft DPKO/DFS Environmental Guidelines for UN Field Missions (2007).
- Guidelines on levels of ammunition for peacekeeping operations of September 2002, issued by OMA/DPKO.
- Guidelines for Death and Disability Claims—General Assembly document A/52/369 of 17 September 1997.
- UN ForceLink (<https://cc.unlb.org/>) MovCon tool for TCC deployments/rotation/repatriation.
- UN Field Mission Liquidation Manual.
- International Maritime Dangerous Goods (IMDG) Code.
- [International Air Transport Association](#) Dangerous Goods Regulations (IATA DGR).
- <https://point.un.org/sitepages/lcd.aspx>.
- DPKO/DPF Food Rations Management Guidelines.





## Organization and Equipment

### 8.1 : Introduction.

The UN Infantry Battalion organizational structure comprises three or four Infantry Company Groups (ICG) and a Support Company with strength of 850 personnel for deployment in most of the multidimensional peacekeeping missions. The organizational structure focuses on building and enhancing various multifaceted peacekeeping capacities expected of the battalion in a mission area by incorporating key capabilities to augment the performance. The organization is adaptable in its force composition and equipment profile to specific mission requirements and is flexible to adjust to the TCC organizational structure by plug in or plug off modules.

Based on the capability-driven approach, the force configuration of the battalion will depend on the number of concurrent designated tasks to be executed; the size of the force element conducting these tasks; the peacekeeping specific key capabilities, specialised skills and capacities required; the operational environment (pragmatic current and future threat analysis and mission mandate and objectives); the terrain imperatives and geographical spread/separation of deployment. It will be further complemented by the force-driving and underpinning variable factors of mobility, firepower and force protection requirements in a mission area.

### 8.2 : Purpose.

The purpose of this chapter is to lay down a base model organizational structure and equipment profile for a UN Infantry Battalion, adaptable and modifiable to specific mission requirements. It will provide guidance and assistance to the battalion commanders, the TCCs, the senior force and sector HQ leadership and staff in various missions and the DPKO and the DFS at the UN HQ in planning, structuring, equipping and employing the battalion in various multidimensional peacekeeping operations.



## 8.3 : Organizational Profile.

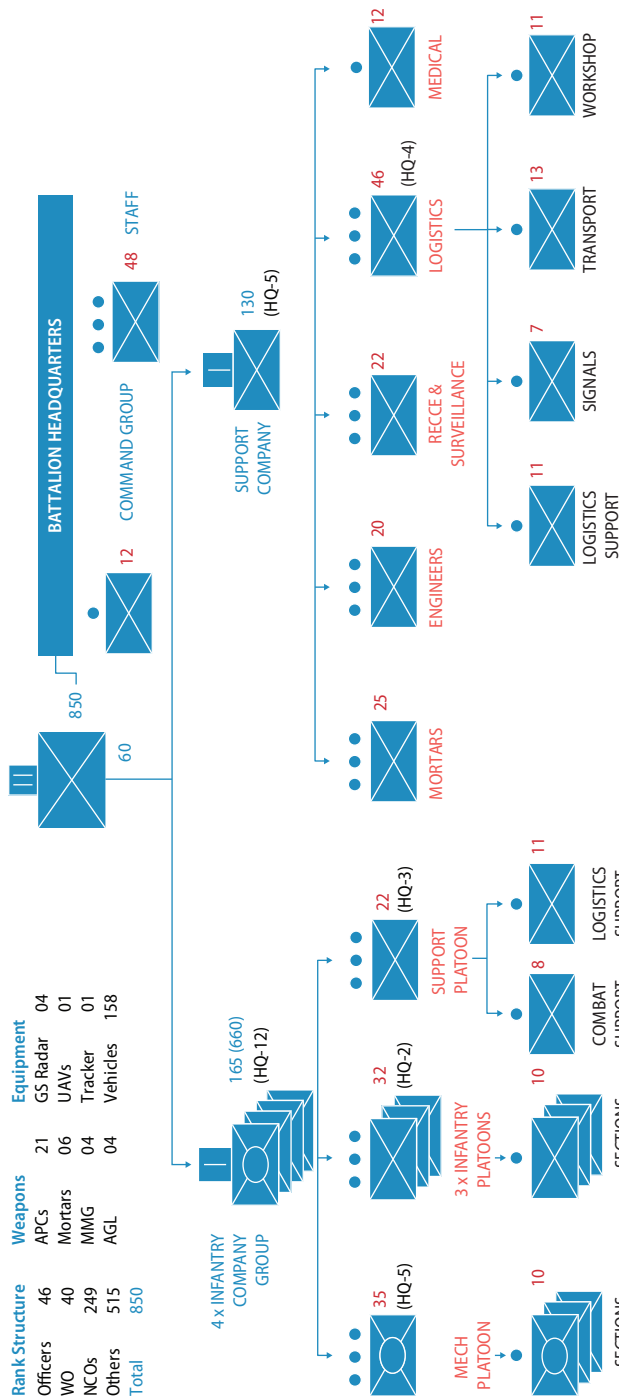
**8.3.1 : General.** The UN Infantry Battalion organization is designed on a modular structure with independent operational capability and logistic sustainment to be versatile and capable of performing multifaceted tasks unique to the peacekeeping environment. Various technical and skilled personnel, and specialised equipment enhancements in core capabilities suggested in the organization are designed for optimal performance in the mission area.

**8.3.2 : Features.** . The battalion will generally be deployed in three to four dispersed and self-sustained static operating bases from which it executes mission essential tasks by proactive robust mobile or static operations in all terrain, weather and visibility conditions to accomplish the mission. Some of the major features of the UN Infantry Battalion organization includes, maintaining inherent C3 capability up to section level; direct and indirect fire support capability augmented by mobile platforms up to platoon level; having credible protected mobility at company level; capability to rapidly mobilize all operational elements with integral transport; state of the art technological enhancements in surveillance, observation, monitoring, tracking and communication means; qualitative, specialized and self-sustained logistic support structure; dynamic and responsive potential to carry out outreach and engagement; peacekeeping-oriented structured and systematic capability building; maintaining high state of operational mission readiness, including the capability to conduct conventional offensive and defensive operations for the protection of the mandate, etc.

**8.3.3: UN Infantry Battalion Organizational Structure.** The organizational structure of the base model UN Infantry Battalion is shown below, followed by the detailed structure of the Battalion Headquarters, Support Company and the Infantry Company Group:



8.3.3.1 : UNITED NATIONS INFANTRY BATTALION ORGANIZATION - BASE MODEL

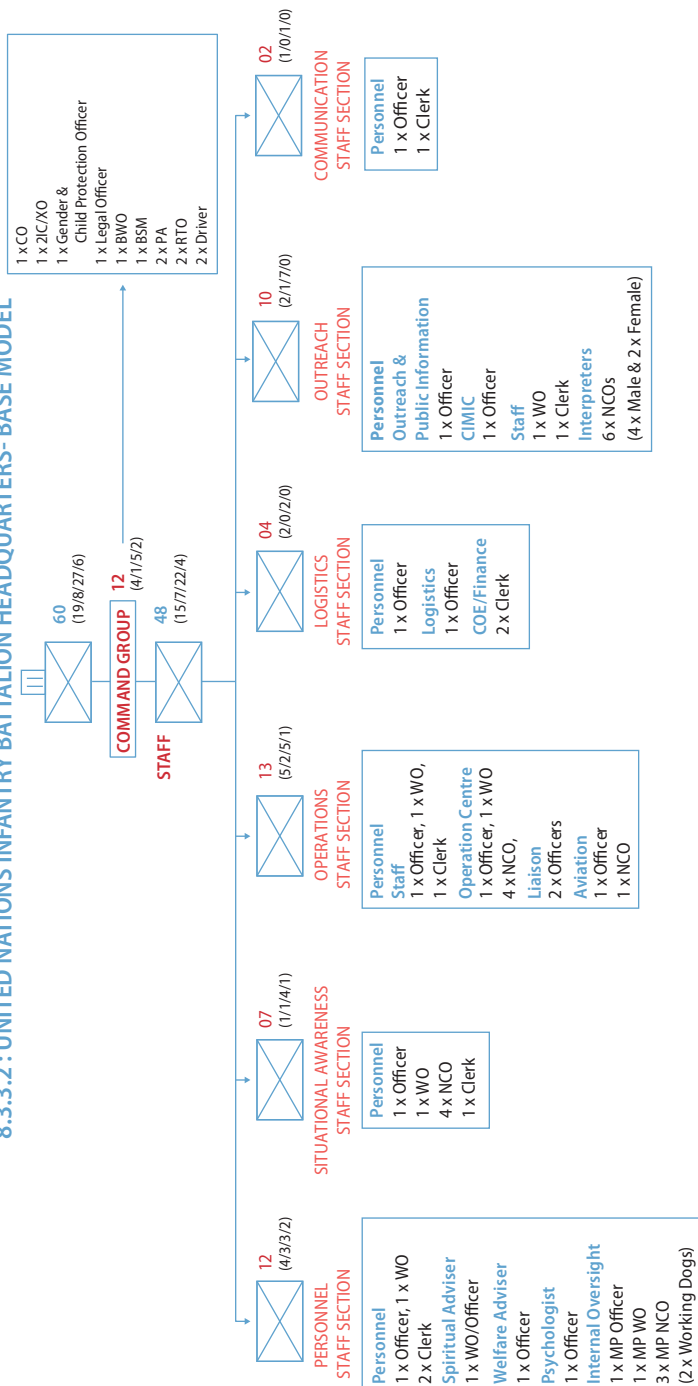


Notes:

- \* Personnel and equipment are only a suggested figure for planning and preparations.
  - \* Maximum multi-tasking recommended.
  - \* Selection of battalion leadership and personnel is vital for effective performance.
- \* May consist of 3 or 4 companies.
  - \* Each company with 3 or 4 platoons.
  - \* Configuration based on mission operational requirements, TCC capabilities and MOU negotiations.



### 8.3.3.2 : UNITED NATIONS INFANTRY BATTALION HEADQUARTERS- BASE MODEL



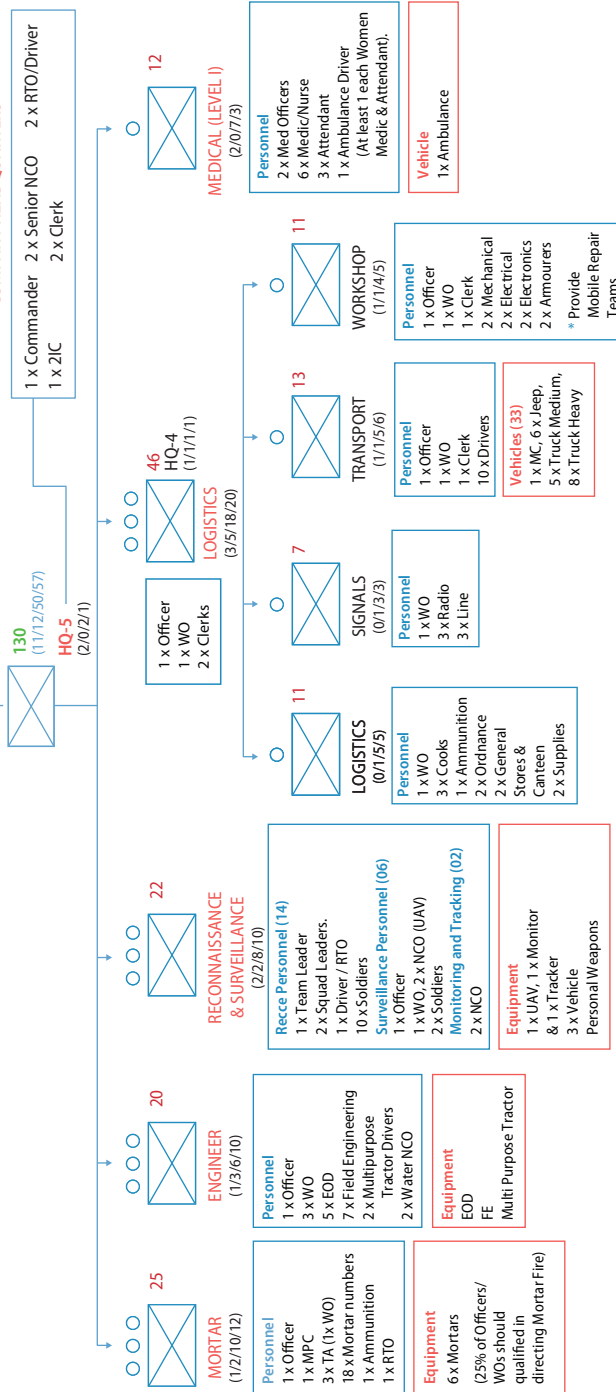
#### Notes:

- \* Multifaceted staff.
- \* Adequate female staff encouraged.
- \* Select experienced and qualified staff.
- \* Ensure cross training and effective integration.



### 8.3.3.3 : UNITED NATIONS INFANTRY BATTALION HEADQUARTERS- BASE MODEL SUPPORT COMPANY

#### COMPANY HEADQUARTERS



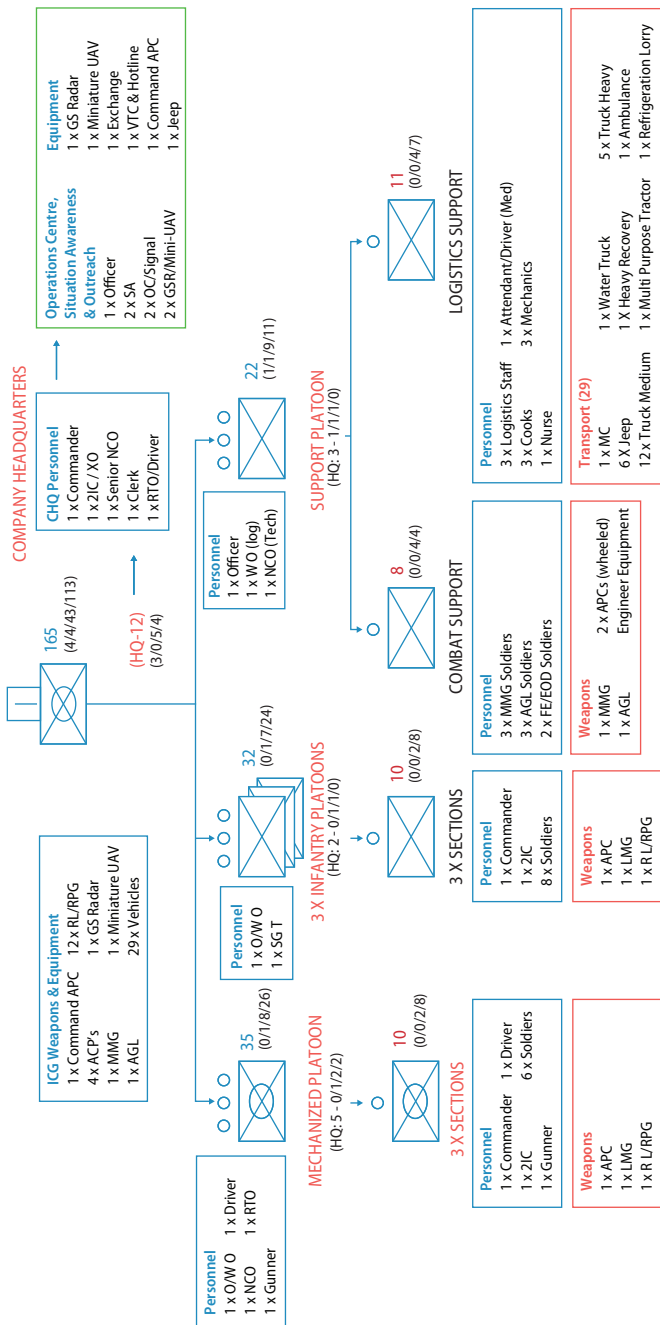
#### Notes:

- \* Trained, specialised and qualified personnel.
- \* Undertake additional responsibilities when not employed in primary task.
- \* Security and administrative support for Battalion HQ when co-located ICG is out on operations.
- \* Coordinate all logistics support aspects of ICGs and any other independent detachment operating away from static bases.





### 8.3.3.4 : UNITED NATIONS INFANTRY BATTALION HEADQUARTERS- BASE MODEL INFANTRY COMPANY GROUP



#### Notes:

- \* High mobility & robust structure.
- \* Plug in/plug off module.
- \* Additional support weapons based on operational requirements.



**8.3.4 : Battalion HQ.** The Battalion HQ comprises sixty (60) personnel consisting of nineteen (19) Officers, eight (08) Warrant Officers, twenty seven (27) Non Commissioned Officers and six (6) enlisted personnel.

- **Command Group.** The battalion commander will be assisted by the Second-in-Command/ Executive Officer (2IC/XO), Battalion Senior Warrant Officer and Senior NCO in exercising his/her operational and administrative command responsibility. The Battalion Command Group will be assisted by a Legal Officer (for managing legal affairs of the unit), and a Gender and Child Protection Officer as advisers.
- **Battalion HQ Staff.** The battalion staff will function under the 2IC/XO and on his or her behalf, the Operations Officer will coordinate functions of all other staff sections. The staff will be responsible for planning, organizing, staffing, directing, controlling and sustaining all operational and administrative responsibilities of the battalion as per Standard Operating Procedures of the unit and the mission. Adequate representation of women in the staff should be ensured. The staff officers should be qualified in their respective field and should be cross trained to take on additional responsibilities as per Unit SOPs. In addition to conventional responsibilities, some of the important functions of the respective staff sections relevant in a peacekeeping environment are listed below:
  - ★ **Personnel/Human Resources Staff Section.** Personnel Staff Section comprises the Personnel Officer and staff, a Spiritual Adviser, a unit Welfare Adviser, a Psychologist and an Internal Oversight Officer and staff (military police personnel). It is responsible for personnel administration and welfare, morale and motivation and maintaining conduct and discipline in the unit. The Military Police with a working dog will also provide support cover for detecting IED, weapons, etc. in support of the battalion engineer EOD team
  - ★ **Situations Awareness (SA) Staff Section.** The SA Staff Section comprises one Officer, one Warrant Officer and four NCOs, to coordinate tactical information acquisition, collation, corroboration and dissemination for effective situational awareness of the AOR. They are augmented with dedicated personnel, surveillance devices and communication systems up to the ICG level. The Reconnaissance and Surveillance Platoon with real time monitoring and image analysis capability in the Support Company and SA Cell in the ICGs assist the section in maintaining the tactical information base. The section will also coor-



dinate activities of the Community Liaison Assistants and Community Alert Networks for timely passage/sharing of information.

- ★ **Operations Staff Section.** Operations Staff Section comprises an Operations Officer, Battalion Operations Centre staff, Liaison Officers and an Aviation Cell. The section coordinates all operational activities and movements within the AOR, carries out liaison, coordinates air movements and maintains the “Operations Centre” (with tracking and video-conferencing facility) in 24/7 operational readiness. It will coordinate employment of QRTs, QRF and Reserves as per operational situation. It is responsible for ensuring overall safety and security of personnel, materials and information. The section will establish and maintain liaison with neighbouring contingents and with the immediate higher HQ for coordination and control of activities. This section also will organize and coordinate negotiations and employment of interpreters in conjunction with the outreach and engagement staff. Important guidelines for carrying out negotiations and use of interpreters are given at [Annex F](#) and [Annex G](#) (Vol. II. p. 268 and p. 274 respectively of UNIBAM).
- ★ **Logistics Staff Section.** Logistics Staff Section comprises a Logistics Officer and a COE/Finance Officer. The section will coordinate all logistic support for the unit per MOU arrangements to plan, provision, stock and turnover; replenish supplies and stores; repair/replace and equipment management. It will ensure proper maintenance, serviceability and inspection of both UNOE and COE on the charge of the unit. It manages all financial transactions and accounting of the unit. The Logistics Officer will be in charge of the unit movement control (MOV-CON) and will act as “Environmental Focal Point”.
- ★ **Outreach Staff Section.** The Outreach Staff Section comprises an Outreach and Engagement/Public Information Officer (Outreach and Media Focal Point) and a CIMIC Officer (Humanitarian and CIMIC Focal Point). It coordinates with other mission components and undertakes appropriate outreach and engagement activities with the local population through confidence-building measures, community engagements, CIMIC/QIP/Welfare activities, public information and media management and key leader engagement. It will employ the battalion interpreters (four male and two female) appropriately in conjunction with local interpreters (minimum four per ICG). In close coordination with other civilian mission components, such as Civil Affairs and



Human Rights, it will establish liaison with the various humanitarian actors and other local stakeholders including spoilers and host security forces.

- ★ **Communications Staff Section.** Ensure provision and maintenance of multiple voice and data communication network with higher HQ and subordinate elements with redundancy.
- **Protection.** The Battalion HQ and Support Company will be co-located with an ICG which will provide incidental protection.
- **Quick Reaction.** The Battalion HQ at all times will maintain one Quick Reaction Team capable of executing special tasks. At each COB, a Platoon QRT will be maintained by respective companies to be employed by the Battalion HQ. The ICG co-located with the Battalion HQ will act as Quick Reaction Force.

**8.3.5 : Support Company.** The Support Company comprises 130 personnel consisting of eleven (11) Officers, twelve (12) Warrant Officers, fifty (50) Non Commissioned Officers and fifty seven (57) enlisted personnel. Being specialist in nature, all ranks of the company should be qualified in their respective functional specializations. The composition of the Support Company is given below:

- **Company HQ.** Responsible for providing operational support (with enablers) and logistics cover to the battalion under self-sustainment and coordinates the provisioning of UN mission support as per the MOU.
- **Mortar Platoon.** The platoon is equipped with six Infantry Mortars for providing indirect fire support and illumination cover to the battalion COBs. Based on the operational requirements and commander's appreciation, the mortar platoon may either be centrally kept or deployed at section level at COBs. The platoon operates under the Operations Staff Officer. At least 25 percent of Officers and WOs should be trained as Mortar Fire Controllers.
- **Engineer Platoon.** The Engineer Platoon operates under the Operations Staff Section. It provides and coordinates field engineering support to all COBs/TOBs and OPs, provides and maintains water supply and wastewater treatment systems, sets up solid waste (including hazardous) segregation areas, manages and provides electricity (static and generator based, including containment basins), maintenance of accommodation and allied infrastructure, emergency mine, IED and UXO clearance and provides engineering assistance to CIMIC/welfare activities as part of



outreach and engagement. The Engineer Officer will also act as “Engineer Adviser” to the battalion commander.

- **Reconnaissance and Surveillance Platoon.** The platoon operates under the Operations Staff Section. It has a specially trained Reconnaissance Section (which can also act as a special QRT) and a Surveillance Section with a tactical Unmanned Aerial Vehicle (UAV) and a communication monitor. The Surveillance Section coordinates the employment of Ground Surveillance Radars (GSR) and the miniature UAVs of the ICGs. The platoon activities are also coordinated with the SA Staff Section.
  - **Logistics Platoon.** The platoon operates under the Logistics Staff Section. It comprises Logistics Section, Signal Section, Transport Section and a Field Workshop. It provides the sustainment and maintenance cover to the battalion and its subordinate units.
    - ★ **Logistics Section.** It coordinates provision and stocking of all categories of supplies, general stores, ordnance stores, ammunition, rations, and hygiene and sanitation stores.
    - ★ **Signals Section.** The section operates under the Communications Staff Section. It is responsible for establishing and maintaining unit and mission communication network as per SOPs and will handle the IED mobile jammer and the communications monitor at battalion level.
    - ★ **Transport Platoon.** Operates under the Operations and Logistics Staff Sections and provides technical assistance, recovery cover and dedicated drivers to support essential services. It also monitors the maintenance and repair of vehicles attached with the ICGs and ensures minimum serviceability standards.
    - ★ **Field Workshop.** The Field Workshop is responsible for providing the repair and recovery cover to the battalion (weapon, instruments, signal and engineer equipment, vehicles, etc.). It also coordinates the maintenance and repair of all small arms and equipment. It will provide Mobile Repair Teams to ICGs as required.
- Note:** All personnel of the Transport Section and Field Workshop should be qualified drivers (Dual Trade).
- **Medical Section.** The Battalion Level I Medical Clinic organization is based on the COE Manual 2011 Edition specifications, with an ability to deploy two Forward Medical Teams if required. For COBs that are deployed away from the support distance of the Battalion Level I Clinic, additional two paramedics/nurses may be included in accordance with



the MOU and operational requirements. The clinic functions under the Personnel Staff Section; it provides immediate life-saving medical support at the battalion level, ensures medical cover self-sufficiency of all ICGs and coordinates surface and air evacuation of casualty. It comprises two medical officers, six paramedics, three support staff (laboratory technician, dispenser and medical clerk) and an ambulance driver. The medical staff should have at least one each female medic and attendant. The section coordinates medical support and evacuation with the ICG Medical Detachment (one each of medic and attendant with an ambulance). The Level I Clinic may be required to provide medical assistance to civilian personnel in the AOR also. Depending on operational requirements, geographic separation and points of deployments, a UN Infantry Battalion may be grouped with an additional Level 1 medical facility.

**8.3.6 : Infantry Company Group (ICG).** An ICG comprises 165 personnel to include four (04) Officers, five (05) Warrant Officers, forty three (43) Non Commissioned Officers and one hundred and thirteen (113) enlisted personnel. The battalion may consist of either a three-company model or a four-company model, each with four platoons (1 x Mechanized Platoon and 3 x Motorized Rifle Platoons) and one Support Platoon with organic C3, fire power and mobility capabilities. With four Platoons, an ICG is able to undertake continuous and concurrent task-lines optimally to enhance the operational reach and visibility in the AOR. Based on the mission requirements and envisaged role, ICGs are responsive, adaptable, flexible and self-reliant up to the Section level in all respect. The important features of the ICG are:

- **Company HQ.** The Company HQ comprises the command post/Company Operations Centre, a Ground Surveillance Radar detachment and signals personnel. The Operations Centre will be mobile (motorized or wheeled APC based as per situation). It has the capability to acquire and process tactical information for augmenting situational awareness, conduct independent operations with logistics self-sustainment in the AOR and carry out effective outreach and engagement. The enhanced night vision and surveillance capabilities, effective communication systems and a balanced weapon profile of the ICG, optimizes the performance. The command responsibility will be exercised by the company commander. The company second-in-command, in addition to assisting the company commander, will also act as focal point/responsible for Outreach and Engagement, Situational Awareness, Gender, Child Protec-



tion, Environmental Issues, Company Welfare and Knowledge Management (database on Best Practices and Lessons Learnt).

- **Mechanized Platoon.** It acts as a rapid reaction platoon with protected mobility and firepower, complements motorized platoon operations where required, displays robust force capability and enhances operational presence and dominance in the company AOR.
- **Motorized Platoons.** Capable of undertaking robust mobile/on foot/Heli-transported operations with organic direct and indirect weapon systems and transport.
- **Support Platoon.** The Platoon HQ has an officer to coordinate the operational and logistics support of the company, aided by a Warrant Officer (Logistics) and a technical NCO. The Combat Support Section comprises a detachment of Medium Machine Gun (MMG) and Automatic Grenade Launcher (AGL) systems with mobile platform (Jeep based) and two Field Engineering/EOD specialists, provides operational support to the company. The Logistics Support Section provides the field kitchen; operation of water plants; provision and stocking of all types of supplies and ordnance stores; management of accommodation, ablutions and laundry; provision, maintenance and repair of the organic transport and provision of life-saving medical cover.

## 8.4 : Technology.

A capability-driven approach moves away from a “number-intensive” strategy to one that focuses on the skills, capacity and willingness of personnel, as well as high technology state-of-the-art equipment to deliver required results. Therefore, the significant developments in the field of military technology should reflect in the configuration of military components for the peacekeeping missions to gain operational advantage and enhance performance in the mission area. Details of some of the equipment that can augment peacekeeping performance are given in [Annex L](#) (Vol. II, p. 316 of the UNIBAM).

## 8.5 : Equipment Profile.

The suggested details of arms, instruments, equipment and stores for the UN Infantry Battalion is worked out with reference to the Contingent Owned Equipment Manual of 2011 and is laid out category wise with its



distribution to various tactical entities. These numbers have been established after due deliberations on the best practices and mission operational and logistics requirements.

However, the items and numbers suggested in the table are only for reference and do not replace the authorization given in the COE Manual. TCCs have the flexibility to adapt or modify the requirements during the MOU negotiation stage, based on the Status of Force Requirement. Equipment or stores that are not part of the current COE Manual may be provided by the TCCs. Some of the items which may not be available with certain TCCs, can be procured gradually, may be sourced through a bi-lateral arrangement with a third country, and/or may be provided by the UN on an interim basis as reflected in the MOU.

**Preventive Maintenance.** An infantry battalion should ensure high state of maintenance and serviceability of all weapons, instruments and equipment in the mission area. Poor maintenance and low serviceability (with resultant reduction in reimbursement) will adversely impact operational performance, particularly during critical times. Regular and periodic preventive maintenance, timely repairs and inspections by commanders at all levels will ensure optimum equipment readiness and performance.

**Note:**

- The UN Infantry Battalion organization is a suggested organization for planning and preparation purposes at the UN HQ, field missions and the TCCs. Actual force configuration will be based on the “Statement of Unit Requirements”, MOU Negotiations and operational imperatives of the specific mission concerned.
- Deployment of women as part of the battalion is particularly essential, for example, in areas affected by mass displacement, abductions, and conflict-related sexual violence.









### 8.5.1 : TABLE OF PERSONNEL.

SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
PERSONNEL											
1	Officer @	19	11	04	03	01	0	0	0	46@	@ Tenable by both Officers and Warrant Officers
2	Warrant Officer @	08	12	05	0	01	01	01	0	40@	
3	NCO	27	50	43	05	09	07 (# 08)	01 (# 02)	02	249	# Mechanized Platoon
4	Private	06	57	113	04	11	24 (#26)	02	08	515	
5	Grand Total	60	130	165	12	22	32 (# 35)	04 (# 05)	10	850	
				4 x Companies			16 x Platoons		48 x Sections		

#### Notes:

- 1. Rank Structure.** TCCs have flexibility to adjust the rank structure according to their organizational structure, but should ensure that the personnel have the requisite ability and are qualified in their respective fields. However, the minimum rank specified for Commanding Officer is Lieutenant Colonel, Company Commanders should be Major and Staff Officers should be Captains.
- 2. Women Participation.** Adequate uniformed female military (or police personnel) should be included in the staff, interpreters and other operational and logistics duties of the battalion.
- 3. Special Skills.** The battalion staff officers, Support Company command elements and personnel (Mortar, Engineer, Reconnaissance and Surveillance, Logistics (Signals, Transport and Workshop) and the Medical Platoons and Sections) should be qualified in their respective technical staff/operational role.
- 4. Drivers.** Logistics and operational soldiers (other than specific personnel authorised in driver category) will double hat the responsibility of driving the vehicles on their charge. The battalion should train and test adequate personnel for driving skills.

- 5. Communication.** All personnel should be able to operate communication equipments and have functional vernacular linguistic capability.
- 6. NSE.** Concurrence of the UN for additional strength as part of NSE over and above the strength of 850 will be obtained.
- 7. Interpreters.** In addition to six (06) military interpreters, each ICG and the battalion HQ will have four (04) local interpreters (total 20 local interpreters), who will also complement the outreach and engagement and situational awareness responsibilities.
- 8. Working Dog.** The Military Police in Battalion HQ will have a working dog (specially trained for IED/ explosive detection).



## 8.5.2: TABLE OF EQUIPMENT.

SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY		COMPANY		SUPPORT PLATOON		PLATOON		SECTION	GRAND TOTAL	REMARKS
			COMPANY	TOTAL	HQ	TOTAL	HQ	TOTAL					
ARMAMENTS & ACCESSORIES													
1.	Rifle	30	90	120	07	12	25/27	01/03	08	600	Personal Weapons as authorized		
2.	Carbine/Auto Rifle	20	28	38	03	06	07/08	01/02	02	200			
3.	Pistol	08	14	07	02	03	00/02	00/02	-	50			
4.	Crew Served Machine Gun	01	03	12			03		01	52	Light Machine Gun (up to 10 mm)		
5.	Portable Rocket Propelled Grenade Launcher / Rocket Launcher	01	03	12			03		01	52	RPG / RL up to 84 mm		
6.	Platoon Mortars			04				01		16	To be carried additionally if required (up to 60 mm)		
7.	Crew Served Machine Gun			01		01				04	Medium Machine Gun With Day & Night Sight Vehicle/APC Mounted (11 – 15 mm)		
8.	Automatic Grenade Launcher			01		01				04	<sup>1</sup> With Day & Night Sight Vehicle/APC Mounted		
9.	Infantry Mortar		06							06	With Accessories		
10.	Sniper System	01	01	01						06	<sup>1,3</sup>		



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
ARMAMENTS & ACCESSORIES											
11.	Rifle Scope (Day)	01	03	12			03		01	52	1
12.	Rifle Scope (Night)	01	03	12			03		01	52	1
13.	Flare Gun	01	01	04			01	01		18	
14.	Range Finder		02	01						6	
15.	APCs Wheeled / Tracked			04	04					16	Armoured Personnel Carrier
15	Mobile Command post	01		01	01					05	Wheeled APC Based

Remarks:

- 1 Items if available in the TOE of the TCC Infantry Battalion Organization.
- 2 Items that may be used, only if host State permits the operational use.
- 3 Items which may not be paid through COE reimbursement if not authorized.
- 4 Beneficial to carry to the mission but not covered under the COE reimbursement.



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
ELECTRONIC EQUIPMENTS / INSTRUMENTS											
16.	Compass	02	10	22	02	04	04	01	01	100	
17.	Binoculars	05	12	22	02	04	04	01	01	105	
18.	Night Vision Devices	02	10	22	02	04	04	01	01	100	Man Portable
19.	Binocular / Spotter Scope	02	03	05	01		01			25	- Do- Tripod Mounted
20.	Night Observation Device	01	03	05		01	01			25	02 x Reserve Tripod Mounted
21.	GPS Man Portable	03	03	16		04	04	01	01	70	02 x Reserve
22.	GPS Vehicle Mounted									160	1 All Vehicles
23.	Electronic GPS Tracking System	01								01	1,2
24.	Video Conferencing System	01	02	01						07	1,3
25.	Surveillance Radars			01						04	1,2
26.	Sensors	02		02						10	1,2
27.	Tactical UAV	01								01	1,2
28.	Miniature UAVs			01	01					04	1,2
29.	Digital Camera	02	03	12			03		01	53	1,3
30.	Video Camera	01	02	04			01			19	1,3
31.	Search Light	03	03	26	02		04	01	01	110	02 x Reserve
32.	Flood Lights	04			04					20	04 x Reserve
33.	Thermal Imaging Ground System			01						04	1

#### Notes:

- \* UAV's & Ground Surveillance Radars will be taken only if available with TCC's, required in the mission area and agreed upon in the MOU.
- \* For observation devices, GPS and range finders refer to Chapter 9, Annex E, Paragraph 62 of COE Manual.



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
SIGNAL EQUIPMENTS											
34.	Satellite Phone	02	02	02						12	3 01 Reserve
35.	Radio Stations	01	01	01						06	01 Reserve
36.	Exchange EPABX	01	01	01						06	Minimum 100 Lines
37.	Cell Phones @		03					01	01	120	4
38.	VHF Radios \$									110	
39.	HF Radios %									40	
40.	Telephones	10	10	5						40	1
41.	Monitor		01							01	1,2
42.	Ground to Air Communication Radio	02		01	01					06	Aviation Cell & COB to communicate with helicopter pilots

Notes:

- @ Cell Phones under TCC arrangements and where communication infrastructure is available in the mission area. (distribution - 48 x Sections, 16 x Platoons, 03 x Support Company, 1 x QRT, 28 x Officers, 20 x Special Appointments, 04 x Reserve).
- \$ VHF Radios Distribution - 48 x Sections, 16 x Platoons, 03 x Support Company, 01 x QRT, 5 x COB Exchanges, 28 x Officers, 5 x Special Appointments, 04 x Reserve.
- % HF Radios Distribution - 16 x Platoons, 03 x Support Company, 01 x QRT, 05 Company Exchanges, 05 x Command Net, 05 x Transport Platoon, 05 x Out Stations/ Reserve
- # Signal communication monitor with battalion exchange for maintaining radio watch.
- \* In addition, UN will provide communication equipment as part of UNOE category as per at Annex H (Vol. II, p. 278 of the UNIBAM).



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
TRANSPORT											
43.	Jeep 4x4	05	06	06	02	03		01 (Mech Pl)		35	1
44.	Truck Utility / Cargo 2.5/5 Ton	02	05	12	01	01	03 (Per Pl 01 (Mech PL)		01 (x 3)	55	1
45.	Truck Utility / Cargo 7/10 Ton	02	08	05		02		01 (Per Pl) (x 4)		30	
46.	Water Tanker		02	01		01				06	10,000 Litres
47.	Water Trailers		04	02		02				12	2000 / 7000 Litres
48.	Trailers Light		04	02		02				12	Medium Cargo
49.	Fuel Tanker		02							02	10,000 Litres
50.	Fuel Trailers		02	01		01				06	2000 - 7000 Litres
51.	Motor Cycle		01	01	01					05	1
52.	Recovery Light		01							01	
53.	Recovery Heavy		01	01		01				05	
54.	Repair Lorry		01							01	Truck Maintenance
55.	Engineer Tractors		01	01		01				05	Multipurpose
56.	Fork Lifts Light		01							01	
57.	Fork Lifts Heavy		01							01	



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
TRANSPORT											
58.	Ambulance Light		01							01	
59.	Ambulance Heavy		01	01		01				05	(APC Based)
60.	Refrigeration		02	01		01				06	Lorry
61.	APCs Recovery		01							01	
	Total	09	33	29	04	11	03/04	01/02	03	158	

**Notes:**

1. Jeep & Truck Utility – Preferably include adequate number of Up Armoured and Mine protected Vehicles with facilities for mounting automatic weapon system as required.
2. Modify all other troop carrying vehicles for protection against small arms fire and IED/Mine blast if the operational situation demands.
3. One Jeep modified to accompany for battalion mobile command post.
4. All vehicles to be fitted with a Radio and GPS.
5. All vehicles to have hitch, tow and self-recovery facility (winch if available).
6. Minimum 30 percent of the Battalion personnel should be trained, tested and qualified drivers, in addition to the Transport Section and Field Workshop Personnel of Support Company and the mechanics of the ICG's.





SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
ENGINEER EQUIPMENTS											
62.	Remote Control Bomb Disposal Device		01							01	1
63.	Explosive Vapour Detector		01							01	
64.	Electronic Circuit Bomb Detector		01							01	
65.	IED Jammer		01							01	1 Neutralize IED
66.	Deep Search Mine Detector		02	01						06	
67.	Hand Held Metal Detectors		04	02						12	
68.	Exploder Dynamo									01	
69.	Prodders		04	02						12	
70.	Under Carriage Inspection Mirror		02	01						06	
71.	Assorted Explosives & Stores		30 KG							30 KG	Fuses, Cords, Devices



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
ENGINEER EQUIPMENTS											
72.	Bomb Disposal Suit & Equipments		01							01 Set	
73.	EOD Suit & Equipments		01							01 Set	
74.	Field Water Pumps		02	01						06 Sets	01 Reserve
75.	Field Defence Stores for COBs		01	01						06 Sets	
76.	Pioneer Tool Kit		01							01 Set	
77.	Chain Saw		02							02	
78.	Field Engineering Stores									05 Sets	Provided by UN
79.	Spike Belts		06	06						30	

Notes:

1. Engineer Section capable of Emergency Mine/UXO/IED clearance and Bomb/ Explosive Disposal.
2. Detection equipment at company level and neutralisation to be carried out by specialised personnel from Engineer Platoon or with assistance from the mission Mine Action Coordination Centre.
3. Field Engineering, water supply and capability to support Quick impact projects.
4. Vehicle mounted IED Jammer to accompany convoy as per operational requirements.



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
GENERATORS & ELECTRIFICATION											
80.	51-75 KVA	02	03	* 03						17	* 4 x ICGs
81.	41- 50 KVA		02							02	Level I Hospital
82.	31-40 KVA	@ 02	# 03	* 03						17	Reserve for TOBs Operational Base
83.	15-20 KVA	05	02	02						15	Towed / portable for mobile operations
84.	7.5-11 KVA	02	03	03						17	
85.	2.5-5 KVA	05	02	02						15	
86.	Electrical Accessories for COBs & Reserve									07 Sets	(Wires, holders, bulbs and other stores, flood lights)



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
CROWD/ RIOT CONTROL EQUIPMENTS											
87.	Megaphone									One Company	Public Announcement
88.	PA System									Set and Three Platoon Sets	
89.	Tear Gas Launcher									As per current COE Manual	
90.	Stun / Smoke Grenade										
91.	Protective Shield										
92	Elbow, Knee Shoulder protection										
93.	Helmet With Visor										Face Shield Ballistic
94.	Gas Mask										
95.	Baton										
96.	Signal Pistol/ Taser										
97.	Barricade Stores										



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
WATER STORAGE PUBLIC TREATMENT EQUIPMENT											
98.	Water Treatment Plants		01	01						05 Sets	1
99.	Water Treatment Devices		4	4						20 Sets	1
100.	500 Litres	5	4	4						25	
101.	1000 Litres	4	3	3						18	
102.	3000 Litres	2	2	2						12	
103.	Bladders	10	4	4						30	05 Reserve
104.	Jerri Can		33	5						53	Vehicles
FUEL OIL AND LUBRICANTS STORAGE											
105.	Barrels		30	15						90	
106.	Jerri Can		33	05	05					53	

# Note:

Temporary accommodation/tents for living, storage, offices and miscellaneous purposes for the battalion should be catered.



SERIAL	NOMENCLATURE	BHQ	SUPPORT COMPANY	COMPANY TOTAL	COMPANY HQ	SUPPORT PLATOON	PLATOON TOTAL	PLATOON HQ	SECTION	GRAND TOTAL	REMARKS
MISCELLANEOUS STORES											
107.	Heliborne Operational Stores		01		01 Set		01 Set			05 Sets	As per operational requirement
108.	Fire Fighting Equipments	01	01	01						06 Sets	
109.	Field Kitchen	01	02	01						07 Sets	TCC Pattern
110	Laundry Equipment	01	01	01						06 Sets	
111.	Field Ablution Facility	01	01	01						06 Sets	
112.	Medical Equipments	01								01 Set	
113.	Containers	05	04	04						25	
114.	Tents/Portable Shelters									For complete battalion	TCC Pattern <sup>1</sup>
115.	IT & Office Equipment									As Required	

**Note:** The battalion as a whole and ICGs independently must be equipped and fully self-sufficient in tentage for operational deployment away from static locations for specified number of days based on the operational situation, throughout the period of deployment. Necessary arrangements for portable small tents (pup tents/bivouacs) for small detachments will also be carried under TCC arrangement.

## 8.6 : Variants.

Based on the mission requirement and operational environments, a UN Infantry Battalion may be configured as a purely Mechanized Infantry Battalion or as a purely Motorized Infantry Battalion. The suggested organization for both these variants is appended at page 156 and 157:

## 8.7 : Conclusion.

The UN Infantry Battalion is configured with peacekeeping-oriented, task-organized, self-sustained and independent operational capabilities to optimize the personnel, equipment and capacity mix in accomplishment of the mandated objectives in a complex and multidimensional mission environment. An infantry battalion that is well resourced and adequately trained to carry out people friendly operations with dynamic and versatile battalion leadership can support the peace process in a significant manner.

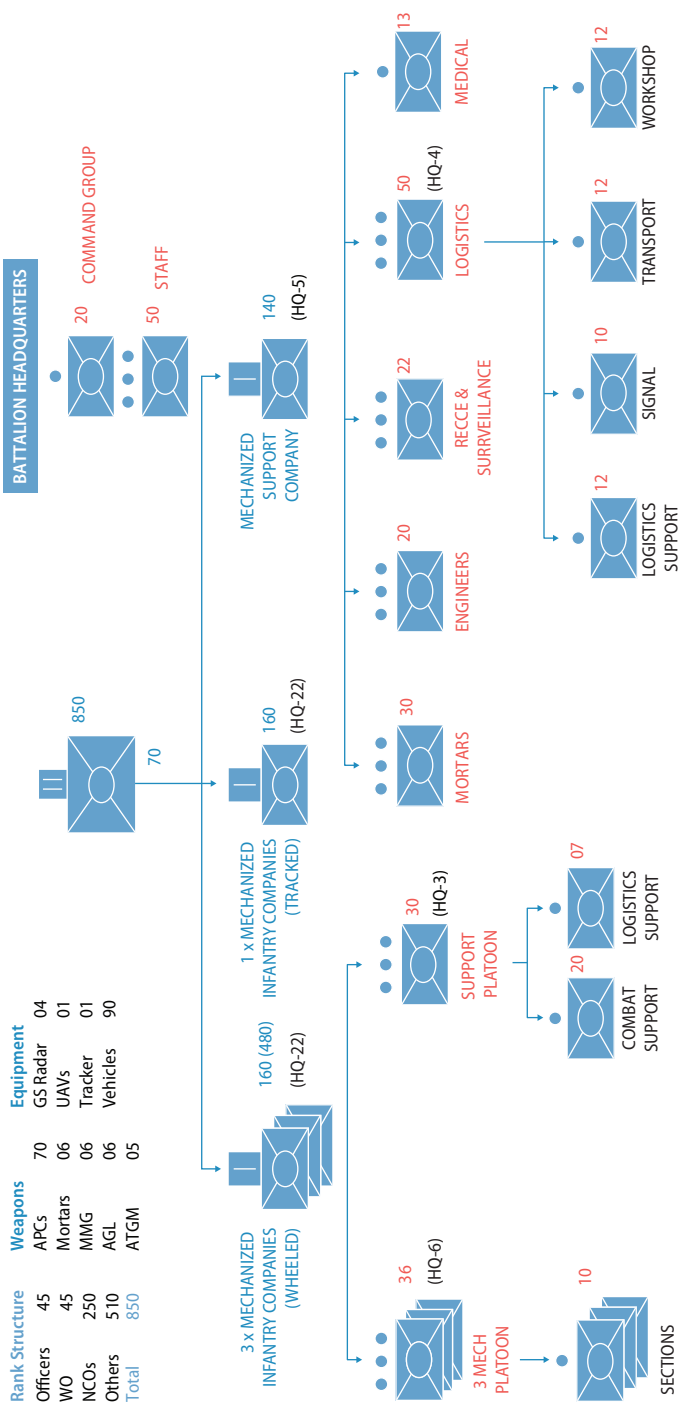






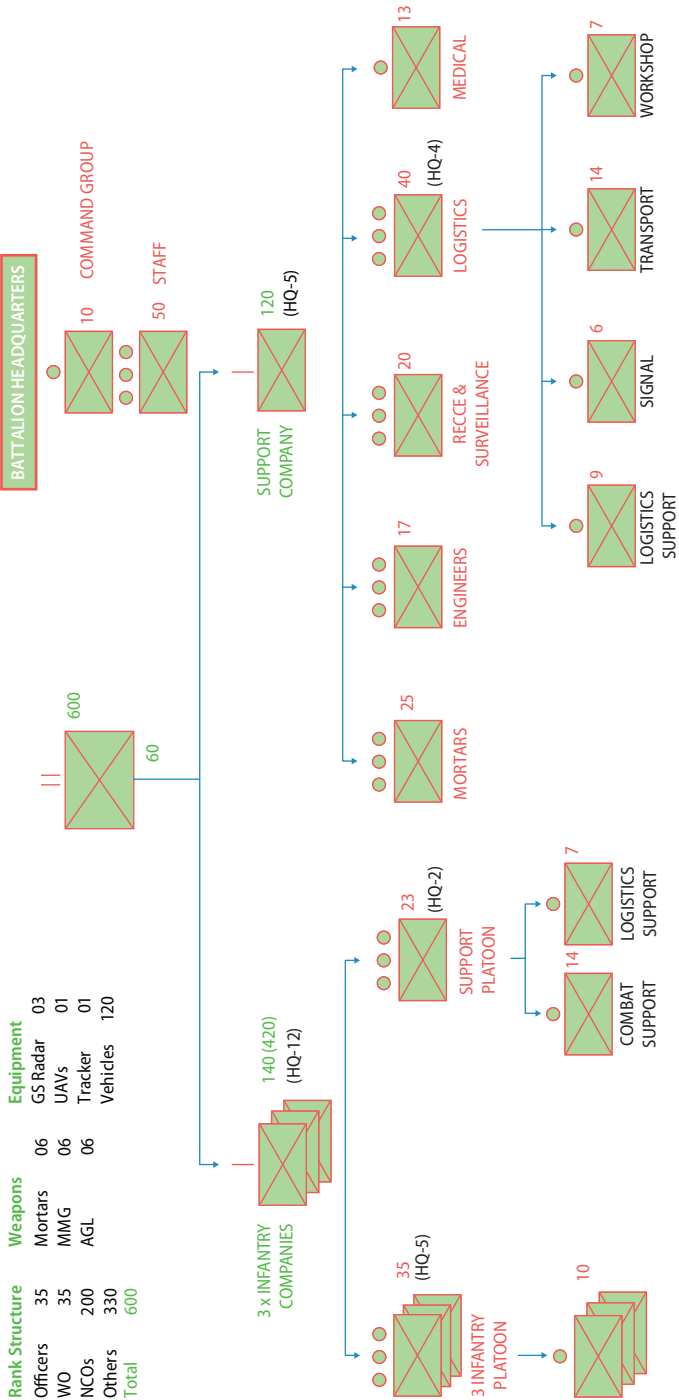


### 8.6.1 : Variant - A (Heavy) UN MECHANIZED INFANTRY BATTALION ORGANIZATION.





8.6.2 : Variant - B (LIGHT) UN INFANTRY BATTALION ORGANIZATION







## Deployment

### 9.1 : Introduction.

The process of deployment begins with the selection of a TCC by the UN, which can supply a fully mission capable battalion for a UN peacekeeping operation and ends when a battalion repatriates to its country of origin. A battalion is considered either an initial entry battalion, which deploys with all equipment, or a rotational battalion that replaces another one already deployed with equipment in place/pre-positioned in the area of operation.

To support any TCC, DPKO/OMA has issued generic TCC Guidelines. This document, with inputs from other entities in DPKO and DFS, provides TCCs with information on administrative, logistics and political issues prior to deployment in a field mission.

### 9.2 : Purpose.

This chapter provides the input for the TCC and the battalion commander on what they should know, consider and act on, through the deployment phases following the selection. It consists of predeployment, deployment (including Transfer of Authority), re-deployment and repatriation.

### 9.3 : Deployment Timeline.

When selected, a deployment timeline is established and agreed through consultations between TCC and UN. The timeline is crucial, deploying the capabilities in concert with the operational needs. The timeline is closely monitored by DPKO and DFS.

### 9.4 : Predeployment.

**9.4.1 : TCC Force Generation.** A UN Infantry Battalion is configured and generated by the TCC in accordance with the SUR. It is envisaged that a TCC may generate the unit based on the following three primary configurations:

- **Priority I.** An organic Infantry Battalion with additional non-organic elements.



- **Priority II.** A mix of infantry subordinate units from several infantry units with additional non-organic elements.
- **Priority III.** An organic arm unit (non-infantry) with a mix of infantry personnel and other non-organic elements.

Considering the operational challenges and situational requirements, it is preferable to provide a cohesive, infantry based peacekeeping battalion. It is pertinent to note that the requirement projected through SUR is based on the premise that the TCCs will provide an organic infantry battalion duly augmented with additional elements as given in Priority I. Provision of a composite battalion (as given in Priority II and III) should be resorted to only in unavoidable circumstances.

**9.4.2 : Self-Sustainment and Reimbursement.** The Contingent Owned Equipment (COE) system was created to support TCCs that deploy units that can provide and maintain their own equipment, and be fully self sustaining in all of the categories explained in the COE manual. Rates are approved by the General Assembly to reimburse TCCs monthly for equipment and personnel.

**9.4.3 : TCC Reconnaissance (recce) and Final Equipment List.** When there is mutual agreement between the UN and the TCC on units to be deployed, in accordance with the SUR, a TCC recce to the mission area will be authorized and coordinated accordingly. A Policy Directive and an SOP on the subject explains the procedure to be followed in a TCC recce. It is expected that the TCC will initially bear the cost and be reimbursed by the UN, following deployment. A recce report should be agreed by both the field mission and the TCC. The field mission then submits the mutually agreed recce report to DPKO, which is followed by submission of the final equipment list by the TCC. DFS-MCMS will use the final equipment list as the basis of the draft MOU which will be negotiated at the UN HQ. Once a TCC military capability is deployed, there is no reimbursement by the UN for a subsequent relieving infantry battalion recce. It is strongly advised that every rotation is supported by a recce, giving the Battalion Commander the best pre-conditions possible.

**9.4.4 : Memorandum of Understanding (MOU) Negotiation Process.** The MOU Negotiation process begins after the Office of Military Affairs identifies a TCC, which has agreed to deploy its unit to a UN peacekeeping mission. These negotiations are conducted by a team from the TCC and concerned UN HQ staff from various departments and offices consisting of the experts in the field of Force Generation, the Logistics Support the DFS Field Budget



and Finance Division/MOU & Claims Management Section (FBFD/MCMS). FBFD/MCMS routinely process the claims for reimbursement of major equipment, self-sustainment, painting/repainting of major equipment, death and disability of contingent members (contingent troops and Staff Officers), and claims for LOA. MOU negotiations, and other meetings, are usually handled by this team, with OMA in lead. Normally, there is a separate MOU for each unit to be deployed.

The single reference for MOU negotiations is the COE Manual. The MOU consists of the main text and seven annexes, of which only Annexes A, B and C are negotiated. Annex A specifies the number of contingent troops in the unit, and includes the Soldiers Kit List; and it will mention any National Support Element (NSE) jointly agreed to by the UN and the TCC. Annex B covers all authorized major equipment. Annex C specifies all authorized and requested Self-sustainment categories. Annex G refers to the TCC Guidelines. It is essential that the representative(s) should be familiar with MOU/COE procedures before negotiations begin. The MOU is not an operational document and does not state operational requirements. Normally, the MOU process does not include the Battalion Commander.

**9.4.5. : Predeployment Visit (PDV).** After the MOU is signed and the training and preparations of the Infantry Battalion has commenced, a PDV is conducted by a team comprising key staff from DPKO/OMA, DFS and the mission. This team visits the TCC and verifies that the troops and equipment are up to the required UN standards. Shortfalls, if any, are indicated and commitment is sought from the TCC to rectify any deficiencies within a specified timeframe. The aim is to confirm that the major equipment is to be deployed is in accordance with the negotiated MOU, and that the unit can meet the demands specified in the Statement of Unit Requirements. Prior to TCC departure, the PDV report should be agreed by the TCC and the PDV team. The PDV team also plays an advisory role in support of the TCC.

#### Reference:

- Policy Directive on Predeployment Visits (05/10/2005).

**9.4.6 : MOU Finalization.** Once the PDV is completed and any changes to the MOU are jointly accepted by the TCC and the Secretariat representatives, the MOU can be finalized by FBFD/MCMS. Annexes A, B and C of the MOU, will be reviewed in detail in the light of the conclusions and recommendations triggered by the PDV. MCMS internally circulates the final draft MOU to obtain concurrence from LSD and OMA. Once internal clearance is



complete, concurrence from the Permanent Mission of the TCC is sought. Finally, two originals of the final MOU are forwarded to the USG DFS for signature and onward transmission to the Permanent Representative of the Permanent Mission of the TCC for signature. TCCs are reimbursed “troop” costs with effect from their contingent’s arrival in the mission area, regardless of whether or not the MOU has been signed by the TCC. Reimbursement for major equipment does not start until the MOU has been signed, funds are available and the unit has effectively deployed with the negotiated equipment that will be verified upon arrival by the Mission’s COE Verification Team.

A change to the CONOPS, mission strength, and other factors can result in amendments to the MOU. Consultations between TCC and UN precede any amendment of the MOU.

## 9.5: Deployment.

**9.5.1: Load Planning Information.** TCCs have the option of having the UN arrange the deployment of their units’ personnel and equipment or, alternatively, arranging the deployment of their own personnel and/or equipment themselves under UN Letter of Assist (LOA). Should a TCC choose to arrange a deployment themselves, reimbursement is based on the lower figure of the TCC requested reimbursement or what it would have cost the UN to arrange (generally by commercial means). If the deployment is arranged by the UN, the DFS Movement Control Section (MOVCON) arranges the movement using a mode of transport (road, rail, sea or air) commensurate with practicality and the required deployment date.

The deployment of contingent personnel is usually done by air. The contracting process for UN arranged personnel or cargo movement, from the time accurate and workable cargo and passenger information is received from a TCC until a transportation asset is placed in a TCC home country, takes approximately 6 weeks. It is essential that the TCC provide an accurate General Cargo Load List, an accurate Dangerous Goods Load List, a confirmation on the number of contingent personnel to be deployed and a confirmation of equipment and personnel readiness to deploy before any contract action can be taken. It is important to note that any delay in receiving this essential information will result in a corresponding delay in the deployment.



**9.5.2 : Transfer of Authority.** When national contingents and military observers come under the control of a United Nations designated commander, the transfer of “operational authority” must be completed immediately. Generally, this transfer action occurs when uniformed personnel and units arrive in a mission area. If required, as dictated by operational necessities, the transfer of authority may be completed at a unit’s home station (before deployment in the area of operations) or at an intermediate staging base. However, the exact timing of the transfer of authority will be decided at the time of negotiations between United Nations and national authorities. Contributing Member States negotiate with UN HQ (DPKO-DFS) the specific date and location that the UN will assume ‘UN Operational Authority’ over their uniformed personnel and units.

TCCs are required to confirm, in an official communication to UN HQ (DPKO), when and where the transfer of ‘UN Operational Authority’ over their uniformed personnel units will occur, noting the composition and strength of groups or formed units. When UN ‘Operational Authority’ over uniformed units and personnel is withdrawn from the UN, the contributing Member State is again required to officially inform UN Headquarters (DPKO). The Operational Authority over Military and Police ‘Experts on Mission’, which includes Military Observers and Individual Police Officers/advisers, is considered to be automatically transferred to the UN when a contributed ‘Expert on Mission’ reports to the designated United Nations authority for his/her duties in the operational area of responsibility. The operational authority is reverted back to the respective national authorities on completion of assignment with the United Nations, or at the time of repatriation.

**9.5.3 : Handover.** Handing over of responsibility should be carefully planned and coordinated without compromising operational requirements. The considerations and modalities of handing over are described in Vol.II, Chapter 2, Section 2.15, Relief in Place and Reinforcement.

## **9.6 : Re-deployment.**

Re-deployment of a UN infantry Battalion may be carried out within a mission area or in adjacent mission area based on the operational requirements. The re-deployment might be temporary or definite. The process is the following:

- In-mission planning and consultation, and with adjacent mission when applicable.





- Force Commander coordinates the requirement with the UNHQ.
- Once coordination is finalized OMA will notify the Permanent Mission of the concerned TCC in New York.
- Handover to possible follow-on force and assuming responsibility of the new AOR.

In the new AOR, the battalion may move to existing UN compounds, or to entirely new camps. In either case, it is the responsibility of the DMS to ensure preparation of the camps, either before the move or after if the operational requirements demand an immediate deployment, and that logistic support will be organized in a proper manner.

The transport of the containers and COE will be organized by the Mission MOVCON and the battalion vehicles will usually move by organized convoys. The movement of the APC's and other heavier vehicles may be organized differently in order to save on engines hours and maintenance operations.

## 9.7 : Repatriation

The repatriation of a battalion may occur for a number of reasons. These include, amongst others:

- Decision by the Government of the TCC's to withdraw;
- Decision made by the UN Secretariat for either operational or disciplinary reasons, or because the PKO downsizing military component to prepare the transition to a stabilization or a political mission.

If the TCC elects to withdraw, the Secretariat receives the notification from the Permanent Mission of the TCC in New York. The Secretariat will then determine if a replacement unit is required and commence generation. Concurrently, it will liaise with the DMS/MOVCON to arrange the repatriation.

If the decision to repatriate emanates from the Secretariat, the latter handles the notification to the concerned Government and any subsequent discussion on the technicalities of the repatriation will commence. DMS/MOVCON will require at least six weeks for being able to put contracts in place for the movement of personnel and cargo back to the home country. Once agreed, the repatriation will follow a time line established by the mission.



In case, the Contingent wants to leave behind camp equipment it installed at a cost, and wishes to sell it to the UN, the negotiation will take place between the DMS and the representative designated by the Government. Likewise, selling unmovable infrastructure equipment to the relieving contingent (if it is contributed by a different TCC) stems from a bilateral agreement to be negotiated between both TCCs representatives.

Donating or selling COE to the host Government is a bilateral operation to be negotiated between the host Government and the TCC designated representatives. In any case, the Contingent Commander will take special care to ensure that waste management and any de-pollution operations are completed before the departure of the contingent.

## 9.8 : Battalion Deployment Checklist.

### 9.8.1 : Predeployment:

- Select and prepare troops and equipment in accordance with the SUR.
- Complete all documentation required well in time (TOE and staff list).
- Be well versed with the various documents pertaining to the preparation and deployment in the field.
- Preparation and conduct of recce.
- Ensure that all personnel and equipment are prepared and ready for the PDV, in accordance with DPKO requirements.
- Ensure that all deficiencies are met and all observations made by the PDV team are rectified prior to the move to the mission area.
- All packing is done as per specifications and accurate load lists are prepared in detail.

### 9.8.2: Deployment.

- Loading is done in time as per the agreed schedule.
- Personnel are ready for deployment with personal equipment, medical clearance, and up-to-date paperwork.
- Transfer of Authority to UN.
- Hand-over in mission, ensuring continuity of operations.

### 9.8.3 : Re-deployment.

- Arrange for a recce of the new AOR in the mission area.
- Receive the operational order from the higher HQ including necessary environmental background information. Establish liaison with existing UN entities and UN military units, if applicable.



- Ensure all necessary support will be ready for the new AOR: security conditions, accommodation, supplies, food, water, fuel, field defences, etc.
- Check on the conditions of transport of the COE and personnel (security, timing).
- In case the contingent (troops only) is replacing a previously deployed contingent from the same TCC, ensure that all documentation, including medical examination etc. is completed in all respects, well in time.
- Hand-over in mission, ensuring continuity of operations.

## 9.9 : Guidance to TCCs.

It is the responsibility of the TCC to ensure that each member of the UN Infantry Battalion it nominates has not been convicted of, or is not currently under investigation or being prosecuted for, any criminal offence, including violations of international human rights law or international humanitarian law. In the case of nominees who have been investigated for, charged with or prosecuted for any criminal offence but were not convicted, the National Government is requested to provide information regarding the investigation(s) or prosecutions concerned. The TCC is also requested to certify that it is not aware of any allegations against the nominated members that they have committed acts that may amount to violations of international human rights law or international humanitarian law.

Some of the additional points to be kept in mind are:

- TCCs are encouraged to familiarize themselves with UN systems and procedures in advance of making a pledge.
- When making pledges, TCCs are asked to provide as much detail of the equipment being offered as possible. This helps DPKO in making a more accurate assessment of the capabilities of the TCC.
- TCCs are encouraged to be as prepared as possible beforehand. They are given generic SURs to compare possible requirements and assets available. TCCs are encouraged to maintain constant liaison with DPKO regarding emerging requirements and are asked to keep OMA well informed about realistic timelines regarding approval of political/military leadership, procurement of equipment and availability for shipment to the mission area.
- TCCs are responsible for ensuring that selected personnel strictly adhere to the code of conduct and highest standards of professionalism and integrity.



- At times, TCCs are ready with the major equipment and manpower, but lack self-sustainment equipment such as field kitchens, ablution units, water purification plants, tents and shelters. Such deficiencies impact readiness and delay deployment to the field. Therefore, timely provisioning action for self-sustainment equipment is required.
- TCCs should endeavour to remain abreast of the existing/future capability gaps so as to make timely offers to the UN.
- TCCs with trained troops and ready resources often enjoy preference.

### Reference:

- UN ForceLink (<https://cc.unlb.org/>) MovCon tool for TCC deployments/rotation/repatriation.
- Generic TCC Guidelines, 2012.







## Training

### 10.1 : Introduction.

All UN peacekeeping training should be oriented toward, and contribute to improving mandate implementation. In order to ensure that all peacekeeping personnel have a common understanding of UN peacekeeping and are able to function in an integrated manner once deployed, the same principles and standards shall apply to both predeployment training delivered by Member States to military and police personnel and to training provided by the United Nations to peacekeeping personnel upon deployment.

Within the DPKO, the Integrated Training Service (ITS), as part of the Policy, Evaluation and Training Division (DPET), is responsible for providing peacekeeping training standards for all phases of training, based on departmental priorities and policies, lessons learned and best practices. It disseminates required standards to all peacekeeping training partners, including Member States and field missions.

Training of infantry battalions is a national responsibility. UN Infantry Battalions are normally regular or composite infantry units trained by the national training systems within the parameters set by the ITS/DPKO in consultation with Member States. Therefore, peacekeeping training is administered to an infantry unit already capable of undertaking a full range of tasks, in order to re-orientate its operational capacities to operate in a peacekeeping operational environment. The peacekeeping operational environment, which has an integrated framework with different components operating under a shared mandate and a set of objectives, will typically differ from the national (conventional operational environment) one. To address the issue up front in addition to this Manual, "Mission Specific Training Modules" have also been developed, which when applied to training will help transform/re-align a particular infantry battalion to the tasks/challenges with particular reference to peacekeeping operations.

### 10.2 : Purpose.

The purpose of this chapter is to provide an overview of the suggested methodology of conducting training of UN Infantry Battalions during the predeployment, induction and on-going phases, various steps, timings and standards that are currently in practice.



### 10.3 : Peacekeeping Training.

Broadly defined, peacekeeping training is any training activity which aims to enhance mandate implementation by equipping UN military, police and civilian personnel, both individually and collectively, with the knowledge, skills, and attitudes to enable them:

- To meet the evolving challenges of peacekeeping operations in accordance with DPKO/DFS principles, policies, and guidelines as well as lessons learnt from the field.
- To perform their specialist functions in an effective, professional, and integrated manner.
- To demonstrate the core values and competencies of the United Nations.

### 10.4 : Peacekeeping Training Phases.

Peacekeeping Training is divided in three phases:

**10.4.1 : Pre-Deployment Training (PDT).** PDT refers to generic, specialised, and where appropriate mission-specific peacekeeping training that is based on United Nations standards and takes place prior to deployment to field operations. This training is delivered by Member States to military and police personnel and formed units in their home country. For a UN Infantry Battalion, this is the most important and essential phase in which the unit should become proficient in peacekeeping techniques to deliver its operational outcomes in the field, preferably based on mission-specific aspects. In this phase, an infantry battalion re-orientates itself from conventional training to peacekeeping training aiming at achieving a high degree of readiness to be deployed in a peacekeeping mission.

**10.4.2 : Induction Training.** Induction training refers to training delivered to military, police and civilian personnel on arrival in peacekeeping missions. It is intended to supplement, the predeployment training. For an infantry battalion deployed in the mission, this phase should consist of a short orientation training of 1 to 2 weeks duration (depending on the time available for the component specific induction training). Such training is delivered by selected battalion training officers or key leaders who have already undergone a Training of Trainer (ToT) course organised by the Integrated Mission Training Cell (IMTC) prior to the induction training. The capacity of IMTCs to carry out the ToT course varies according to the mission.



**10.4.3 : Ongoing Training.** Ongoing training refers to any training or learning activity for military, police, or civilian peacekeeping personnel undertaken during their duty assignment, subsequent to induction. For a UN Infantry Battalion this phase may or may not be implemented depending on the availability of resources and time. Such training can take a form of maintenance of standards or remedial training (e.g. live firing exercises, scenario-based exercises). The Force Commander Training Directive is issued annually and provides mission-specific operational training guidance to deployed infantry battalions on how to address possible gaps and to reinforce existing capabilities. Joint training in the mission area is highly desirable to attain interoperability with other components (UN Police, civilians and other partners) and should also be an object of guidance from the Mission leadership.

## 10.5 : UN Infantry Battalion Training.

Training for a UN Infantry Battalion is a national responsibility and may vary according to national peculiarities and resources. However, there are fundamental training characteristics that should be respected when preparing to deploy to a peacekeeping mission:

- Training should be realistic: all necessary efforts shall be fulfilled to replicate possible real situations that the battalion might face on the ground.
- Training should be mission-specific: there is a need to bring the mission operational reality to the training environment.
- Individual and collective training should be focused on interaction with different mission elements, mission partners and other actors present in the area of operations.
- Training methodology should be based on practice.
- Training should be undertaken exclusively based on applicable mission ROE.

Training on mission-specific aspects is essential to prepare the Unit for the challenges in the mission area. Therefore, all efforts should be made to incorporate, as much as possible, mission-specific aspects in the predeployment training phase. Mission-specific guidance can be obtained from documents issued by the OMA/DPKO (Statement of Unit Requirements and Guidelines to TCCs amongst others) and Integrated Training Service (Predeployment Information Packages), as well as by field missions (Force Commander Train-





ing Directive). A reconnaissance in the battalion AOR by the incoming battalion commander and staff is always recommended as an excellent means to bring mission-specific content to the battalion predeployment training.

## 10.6 : UN Infantry Battalion Training Programme.

A suggested training programme for a UN Infantry Battalion individual (commander, staff and key leaders) and collective (staff and troops) audiences is depicted below:

Home country				Mission area	
Pre-deployment				Induction	On-going
Step 1	Step 2	Step 3	Step 4		
Reinforcement on basic/ common infantry capabilities and skills as applicable to peacekeeping	Training on UN peacekeeping capabilities and skills	Training on mission-specific capabilities and skills  (Including scenario based training for sub units and below)	Conducting a battalion mission-specific field exercise	Battalion key leaders training of trainers course	* Training on scenario-based exercises for battalion staff * Maintenance of capabilities and skills * Training aiming at interoperability with other components * Remedial training
Suggested Timings					
2 weeks	3 to 4 weeks	4 to 5 weeks	2 to 3 weeks	3 to 4 days	Unit tour of duty

These timings (approximately three months) are the basic minimum required for a fully trained conventional infantry battalion to train the battalion for developing peacekeeping operations orientation, prior to deployment. The assembling, grouping and equipping the battalion should be done prior to the minimum proposed period for predeployment training.

It is envisaged that, in total approximately 6 to 7 months will be required for a infantry battalion to train and prepare for the peacekeeping operations. Preferably, a UN Infantry Battalion, impending deployment, should have completed step 4, minimum a fortnight prior to actual deployment. The induction and on-going training in the mission area will be coordinated by the FHQ and guided by Force Commanders Training Directive.



## 10.7 : Training Standards.

Training for a UN Infantry Battalion shall observe and comply, as a minimum, with the existing UN training standards:

UN Training Standard	Audience	Objective	Remarks
<b>Core Pre-deployment Training Materials (CPTM)</b> <b>Unit 1</b> – A Strategic Overview of UN Peacekeeping <b>Unit 2</b> - The Establishing and Functioning of UN Peacekeeping Operations <b>Unit 3</b> - Effective Mandate Implementation <b>Unit 4</b> - Standards, Values and Safety of UN Personnel	* Generic individual and collective training. * All peacekeepers, from the Battalion Commander to the enlisted soldier.	* To present the essential knowledge required by all peacekeeping personnel – military, police or civilian – to function effectively in a United Nations (UN) peacekeeping operation.	* This training package must be tailored to the needs of each battalion specific audience (Commander and staff; junior leaders; troops, etc.). * It is recommended to insert mission-specific content in the CPTM presentations and learning activities.
<b>Specialised Training Materials for Military Staff Officers</b> <b>Module 1</b> - The Organization and Basic Staff Procedures In UN Mission HQ <b>Module 2</b> - Legal Aspects of UN PK Operations <b>Module 3</b> - Integrated Mission Planning Process (IMPP) <b>Module 4</b> - Information Gathering <b>Module 5</b> - Military Decision Making Process <b>Module 6</b> - UN Logistics at Work <b>Module 7</b> - Introduction to Crisis Management <b>Module 8</b> - Staff Officers' Integrated Exercise	* Generic individual training. * Military Staff Officers at Force and Sector Headquarters	* To prepare individual military staff officers to perform in a complex field mission HQ.	* This training package contains all necessary contents to prepare individual staff officers for peacekeeping operations. * Battalion staff training on these materials would be highly beneficial.
<b>Specialised Training Materials for UN Infantry Battalions</b> <b>Module 1</b> - CPX <b>Module 2</b> - MONUSCO <b>Module 3</b> - UNAMID <b>Module 4</b> - UNMISS	* Mission-specific collective training. * Battalion Commander, Staff and Company Commanders	* To familiarize the Battalion Command element with specific mission operational aspects and to properly react to possible critical situations.	* This training package intends to prepare the Battalion Command and Staff elements to the challenges posed by complex operational environments in specific peacekeeping missions.



## 10.8 : List of Relevant Training Documents.

Besides the training materials described in this chapter, the following list of training documents may be of value to infantry battalion commanders and their staff to better understand the peacekeeping training system, its participants' roles and responsibilities, and available resources.

**10.8.1 : Policy on Training for all United Nations Peacekeeping Personnel (2010).** This policy expresses the guiding principles and defines training roles, responsibilities and procedures in peacekeeping training.

**10.8.2 : Policy on Support to Military and Police Pre-deployment Training for UN Peacekeeping Operations (2009).** This policy defines peacekeeping standards, the provision of mission-specific information and training guidance, the process for training recognition, mobile training support teams and conducting of training of trainer's courses, and opportunities for information-sharing regarding peacekeeping training.

**10.8.3 : Guidelines on Roles and Training Standards for UN Military Staff Officers (2009).** These guidelines contain the core roles and skills of UN military staff officers and provide guidance to support the Heads of Military Components on the operational employment of military staff officers.

**10.8.4 : SOP on Training Recognition (2009).** This SOP gives clear guidance on how to request, review and provide official recognition of courses conducted by Member States.

**10.8.5 : SOP on Mobile Training Support Team (2009).** This SOP provides instructions for initiating, organizing and deploying UN mobile training support teams in order to direct support Member States military and police training.

**10.8.6 : SOP on Training of Trainers Courses (2009).** This SOP provides guidance on how to initiate, organize and conduct training of trainers' courses to support Member States and familiarising national trainers with new UN standards.

**10.8.7 : Predeployment Information Packages (PIP).** Mission-specific information will be contained in the PIPs, that are produced for each mission, to include useful information on the host country and mission information such as the mandate, the composition of the UN Country Team, conflict dynamics and culture.

### Reference:

- These documents are available at the Peacekeeping Resource Hub website: (<http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/Home.aspx>).











## Operational Readiness and Self-evaluation

### 11.1 : Introduction.

Being the mainstay of multidimensional peacekeeping missions, a UN Infantry Battalion executes mandated tasks in a highly challenging and complex environment which often imposes tremendous operational constraints. To prepare and respond appropriately in pursuit of mission objectives in a professional and calibrated manner, it is imperative to maintain high standards of “Operational Readiness” by the battalion, including through “Self-evaluation”, amongst many other evaluation practices in vogue.

The operational readiness of a UN Infantry Battalion will encompass the synergistic capabilities of the conventional and peacekeeping standards; the tactics, techniques and procedures; the organization and equipment; training; morale, motivation and will; the responsiveness and leadership at all levels. Compliance with the minimum specified criteria and standards will contribute to high a state of operational readiness and help to project a more credible and deterrent posture, including the use of force in the mission area.

### 11.2 : Purpose.

This chapter lays down the methodology, structure and key evaluation criteria/standards required at the infantry battalion level. The “Self-evaluation” approach is built around the existing well-established practices of maintaining operational readiness and evaluation standards of the TCCs, combined with the UN policies and best practices to develop comprehensive peacekeeping oriented guidelines. It will be useful to DPKO planners, the mission leadership, TCCs and the Battalion Commander to organize, train, prepare, deploy and perform effectively on ground. The purpose of formalizing Operational Readiness and Self-evaluation is to assist the TCCs and Infantry Battalion Commanders to ensure operational readiness of a fully mission-capable and task-oriented battalion for peacekeeping operations for a specific mission by:

- Providing guidelines to the TCC and the Battalion Commander on the suggested methodology to carry out self-evaluation with measurable and quantifiable criteria and standards.



- Laying down measures to be taken during predeployment and in-mission evaluation.
- Providing timely evaluation to enable appropriate mid-course corrective actions well ahead of deployment.
- Facilitating planning, training and other preparations for peacekeeping operations.

### 11.3 : UN Assistance.

DPKO and the mission leadership play a supporting role to guide and facilitate achievement of operational readiness and also in conducting self-evaluation of the unit in the following manner:

**11.3.1 : DPKO.** DPKO (OMA & DFS) to promote self-evaluation, operational readiness and commitment to UN standards through the following measures:

- Guide, assist, facilitate or supplement TCC efforts in evaluation with a flexible and accommodative approach.
- Provide training assistance through the Integrated Training Service.
- Coordinate training and assistance through third party support.
- Conduct Predeployment Visit (for initial deployment only) to check availability and quality of equipment and to satisfy that provisions in the SUR/MOU are implemented.
- Provide Operational Advisory Teams of Military Planning Service/Office of Military Affairs to guide and assist emerging TCCs (for other TCCs assist on request).
- An independent senior level function in the DPKO will assist to assess and review the operational readiness and, monitor and report on the efficiency and effectiveness of the uniformed personnel in the implementation of mandated tasks, in compliance with UN policies, practices and standards.

**11.3.2 : Mission Leadership.** The mission leadership to coordinate and provide the following assistance:

- Inform TCCs on performance goals for the battalion, pre-deployment preparation requirements and mission-oriented training requirements.



- Coordinate pre-deployment reconnaissance, organize in-mission induction training through IMTCs, provide logistic support and lay down unambiguous operational tasks, roles and responsibilities for the battalion.
- Maintain ROE standards and coordinate additional operational mission support to the battalion.
- Carry out in-mission operational performance and logistics capability evaluation of the battalion, as and when required.
- Guide and support TCC and the battalion to improve shortfalls and adopt mid-course corrections and take actions at respective mission hierarchy on evaluation findings.
- Facilitate rotation schedules and smooth transfer of authority of operational role.

#### 11.4 : Self-evaluation Foundations.

In addition to the UN Infantry Battalion Manual, the following UN peace-keeping documents provide guidelines and standards with which infantry battalions are to comply for the self-evaluation and operational readiness:

- TCC Specific UN Peacekeeping Operations Manuals, Guidelines and SOPs.
- Mission Mandate, Memoranda of Understanding, Status of Forces Agreement and Rules of Engagement.
- Statement of Force/Unit Requirement issued by OMA.
- Mission Concept of Operations, Operational Directives and Orders, Operational Plans, SOPs and mission-specific case studies, etc.
- Generic Guidelines for Troop-Contributing Countries Deploying Military Units (2012), the COE Manual 2011 and Guidelines on the Peacekeeping Training (2011).
- Lessons Learnt and Best Practices of current and past peacekeeping missions.
- Information obtained during the Battalion Command Group reconnaissance visit and feedback from the unit being relieved.
- After Action Reports and End of Assignment Reports of units and various commanders.





## 11.5 : Methodology.

These guidelines are adaptable and to be used in consonance with the respective TCC military ethos, tradition, professional values and standards which cumulatively lay the foundation for achieving the mandated tasks in a mission area.

- **Functional Specializations.** A UN Infantry Battalion is expected to have a blend of three well-defined, comprehensive and self-sufficient functional specializations prior to deployment in a mission area. Firstly, it should have achieved a high level of basic infantry skills and operational capability at the conventional level; secondly, the battalion should specialize in UN peacekeeping generic aspects through reorientation and specific peacekeeping skill development; and thirdly, it should develop mission-specific, task-oriented expertise and capabilities. The synergistic capability and the optimal application of these three elements, comprehensively and collectively, contribute to mission effectiveness. Weakness in any one of these functional areas will adversely affect the performance of the battalion in the field.
- **Parameters.** The benchmarks for self-evaluation are based on measurable and quantifiable criteria and standards which are specific, achievable, realistic and time bound in nature.
- **Dedicated Team.** Training, preparing and maintaining operational readiness is a command responsibility. However, the battalion should be assisted by a dedicated team earmarked by the TCC for carrying out the training and support evaluation (e.g., a nominated field formation HQ, national peacekeeping training centre or national peacekeeping experts or practitioners).
- **Graduated Evaluation.** The evaluation may be conducted in a graduated manner in level (individual soldier–staff–commanders) and in activity (crew-section-platoon-company-battalion) in a task oriented manner to systematically build expertise and integrate capabilities for synergistic application.
- **Resources.** Adequate resources in terms of training area, trainers, ammunition for live firing, equipments/instruments for training akin to the mission environment will augment operational readiness.
- **Two Way Process.** The guidelines not only facilitate self-evaluation, but also act as a tool for the TCC and the battalion commander to take meas-



ures to plan, procure, train and provide the necessary support to the battalion.

- **Means of Evaluation.** The UN policies, directives, SOPs and guidelines; checklists on criteria and standards; informal assessments and formal evaluation through live firing, rehearsals and exercises are some of the suggested means.

## 11.6 : Foundations and Precursors that Assist Self-evaluation.

**11.6.1 : Predeployment.** Self-evaluation is a continuous and concurrent process in which the command element is expected to institute measures and build the organizational capacities to achieve the desired mission-specific capability through well defined means. It is assumed that an infantry battalion is well trained and assessed in basic military skills and conventional offensive and defensive tactics, techniques and procedures against specific national military standards prior to concentration for peacekeeping orientation training. An infantry battalion may undertake the following activities prior to the DPKO organised Predeployment Visit:

- Ensure timely assembly, grouping, and equipping of the infantry Battalion as per SUR and MOU.
- Conduct mission-specific scenario-based peacekeeping training.
- Develop mission-specific; task oriented, individual and collective expertise and capabilities.
- Identify shortcomings and institute remedial measures to support enhancement of capabilities.
- Utilise trainers and experienced peacekeepers from battalions that have recently returned to the country to train the new battalion awaiting deployment.
- Develop operational coherence through graduated integration through Company level task-oriented exercise, leading to UN peacekeeping operations command post rehearsals/exercises (including staff exercises) and culminating in battalion level collective rehearsals/exercise.
- Carry out timely adjustments/mid-course corrections.
- Final pre-deployment rehearsal of the entire battalion by national peacekeeping experts under TCC arrangements with role playing.



- Ensure continuation of training of rotation troops waiting at home country for deployment to the mission area.

**11.6.2 : In-mission.** Suggested methodology of maintaining operational readiness and carrying out self-evaluation are:

- Terrain familiarization, induction training and task-oriented rehearsals.
- Preferably carry out the first in-mission evaluation in the second month of deployment to validate and match the standards achieved prior to the deployment and operational performance in the mission in respective tasks, roles and responsibilities. This can be followed by quarterly/half yearly evaluations as per mission norms.
- Continuous and simultaneous monitoring and review of performance in-mission by the battalion command element and mission leadership is vital to maintain excellence.
- Identify the probable weak segments and institute periodic selective evaluations to administer corrective actions.
- Reassess the capabilities and skills when the mission operational situation changes or when there is a gap in ground reality and performance.
- Take particular note of clearly visible performance capability gaps during critical times and adverse situations and address them instantaneously.
- Validate key appointments in command and staff channel to match responsibility and potential, and provide guidance and support where required.
- Visit by TCC team from capital, comprising military officials and peace-keeping experts to monitor and validate unit performance.

## **11.7 : Self-evaluation Parameters.**

**11.7.1. Structure.** An infantry battalion's operational readiness can be evaluated based on distinct parameters like organizational structure, operational standards, the capability to perform mission essential tasks and non-military mission tasks, standards achieved in training, administrative and logistic standards, etc. This evaluation will address different levels within the battalion to include individuals, task oriented groups, sub-units, staff, commanders (section to battalion commanders) and analyze the task-oriented activities at the Section, Platoon, Company and Battalion HQ level. To assist this process, a comprehensive and consolidated peacekeep-



ing specific checklist for commanders is given in Section 3.5, p. 188, Chapter 3, Vol. II of the UNIBAM.

**11.7.2 : Predeployment Self-evaluation.** The suggested major determining factors (key pointers) for evaluation of operational readiness of an Infantry Battalion is summarized and given below:

Serial	Determining Factors	Evaluation	Remarks
a	<b>Conventional Skills.</b> Are all personnel (soldiers, staff and commanders) of the battalion trained and capable of performing basic infantry skills and conventional offensive and defensive, day and night, all weather operations in accordance with the national standards prior to the deployment in the mission area?		
b	<b>Generic Peacekeeping Skills.</b> Are all personnel (soldiers, staff and commanders) of the battalion trained on and sensitized to the generic policy guidelines and directives of conducting peacekeeping operations? Do they demonstrate a clear understanding of these guidelines and directives?		
c	<b>Mission-specific Peacekeeping Skills.</b> Are all personnel (soldiers, staff and commanders) of the battalion trained, equipped and organized to perform mission essential tasks as per peacekeeping norms?		
d	<b>Organization.</b> Is the unit organized in task oriented groups with support structure as per the force requirement?		
e	<b>Leadership.</b> Is the battalion chain of command capable, responsive and made accountable to deliver in a peace-keeping environment?		
f	<b>Staff.</b> Is the Battalion staff integrated, trained and capable of planning, organizing, coordinating and directing the multifaceted operational and non-operational tasks of the battalion in the peacekeeping environment?		
g	<b>Capabilities.</b> Does the unit maintain required standards in core capability functions of C3, mobility, firepower, tactical information, interoperability, civil interaction, logistic sustainment and force protection?		
h	<b>Training.</b> Has the Battalion undertaken peacekeeping-oriented and mission-specific training and achieved requisite standards as per UN guidelines?		
i	<b>Resources.</b> Is the unit carrying or in possession of the required number of personnel, arms, ammunition, equipment, accessories, spares, unit stores and expendables as per MOU and mission requirements?		



Serial	Determining Factors	Evaluation	Remarks
j	<b>Equipment Management.</b> Does the unit maintain minimum serviceability state of 90 percent and has the capability to organize preventive maintenance and repair/recovery in situ?		
k	<b>Weapons, Instruments &amp; Vehicles.</b> Are all weapons zeroed, instruments calibrated, vehicles maintained and inspected and certified for correctness and functionality as per required standards?		
l	<b>Logistics.</b> Are the COBs configured for independent and self-sustained logistics capability (food, water, accommodation, hygiene & sanitation, transport, medical, etc.)?		
m	<b>Medical.</b> Do all the personnel meet the requisite medical standards and have been inoculated as per mission requirements?		
n	<b>Integrity.</b> Are all members of the unit aware of applicable UN rules, regulations, and code of conduct and have demonstrated the highest standard of professionalism and integrity?		
o	<b>Morale and Motivation.</b> Are the troops well motivated to operate in a complex, restrictive, multinational and multidimensional environment and maintain high morale?		
p	<b>Welfare.</b> Does the unit maintain high standards of troop welfare as per national standards and mission requirements?		
q	<b>Legal.</b> Do the unit personnel and commanders clearly understand the responsibility to adhere, promote and protect the legal framework for UN Peacekeeping Operations with specific reference to SOFA/SOMA, ROE, Human Rights and Humanitarian Law, other relevant international legal statutes and the host national law?		
r	<b>Evaluation.</b> Has the unit carried out a formal self-evaluation of the battalion, have shortcomings been rectified, and have the TCC authorities certified the unit to be fit for deployment in the mission on time?		



**11.7.3 : In-mission Evaluation Parameters.** In addition to the determining factors mentioned in the preceding table, the battalion commander will have the following determinants in the mission area:

Serial	Criteria	Evaluation	Remarks
a	<b>Performance.</b> Does the unit perform all the mission essential tasks effectively as per peacekeeping norms and mission SOPs?		
b	<b>Shortcomings.</b> Has the unit taken remedial/corrective actions on shortcomings/gaps in performance/resources observed by the unit, COE team or the mission leadership?		
c	<b>On The Job Training.</b> Does the chain of command institute measures for on the job training of all personnel to maintain qualitative performance?		
d	<b>In-mission Training.</b> Is the Battalion carrying out periodic in-mission refresher, task oriented and mission-specific training as per IMTC guidelines?		
e	<b>Serviceability.</b> Is the unit carrying out preventive maintenance and repairs in time and replace items which are unserviceable?		
f	<b>Conduct and Discipline.</b> Does the unit continue to maintain high standards of conduct and discipline of all ranks?		
g	<b>Outreach and Engagement.</b> Has the unit been able to establish good rapport and effective interface with the local population through CIMIC, QIP and welfare activities?		

## 11.8 : Conclusion.

TCCs should streamline and formalize procedures and methodology to carry out their own evaluation and develop detailed standards and check-lists, focusing on the peacekeeping operational and logistics preparedness, set against the expected UN standards and assess the correct level of readiness of the unit. Gaps in capabilities should be addressed at the apex level expeditiously and meaningfully to ensure timeliness and effectiveness of the force being deployed. Constraints in terms of finance/budget, infrastructure, equipment, specialised personnel and/or operational training should be addressed gradually within the national capacities or with support of a third party to meet the mission requirements. Where possible, the UN will also complement the effort of the TCC in meeting the standards. A realistic, honest and transparent evaluation by the TCC will ultimately contribute in deploying a fully mission capable battalion to a mission area.



United Nations Infantry Battalion:  
Protection, Peace and Prosperity







# **United Nations Infantry Battalion Manual**

**Volume II**



DEPARTMENT OF PEACEKEEPING OPERATIONS  
DEPARTMENT OF FIELD SUPPORT

AUGUST 2012

# **United Nations Infantry Battalion Manual**

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DEPARTMENT OF FIELD SUPPORT

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## Introduction

1. Volume II (Vol. II) is the stand-alone, comprehensive and capability-based portion of the UN Infantry Battalion Manual (UNIBAM). This volume provides Battalion Commanders, staff, and Company Commanders with best practice baseline information that is normally required to plan, lead and manage battalion peacekeeping operations.

2. Vol. II supports the “Purpose and Scope” outlined in Chapter 1, Vol. I of the UNIBAM. The contents in the volume are designed to assist key leaders in their planning and preparations, training and equipping, organizing and evaluating and in execution of command and control responsibilities related to UN Infantry Battalions. As such, this volume provides the functional details of the battalion key leaders and staff sections, mission essential task descriptions, checklists for commanders and staff and various annexes to amplify specific issues.

3. The descriptions, considerations and standards outlined in the Vol. II are peacekeeping-specific and provide guidance on the methodology of conduct of peacekeeping operations by a UN Infantry Battalion. The contents provided in the Manual are broad guidelines and are baseline tactics, techniques and procedures (TTP), adaptable to specific mission environments. Particularly, the capability standards and criteria outlined in the Vol. II of the Manual are the minimum expectations to be achieved for effective performance in the field. The Troop-Contributing Countries (TCCs) and infantry battalions may develop their own TTPs and exhaustive standards and checklists, based on specific mission requirements.

4. The abbreviations used in the UNIBAM and a detailed list of references are attached at [Annex N and O](#), Vol. II, p. 324 and p. 329 of the UNIBAM respectively for ready reference.



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**Note:** New policies/guidelines/amendments issued from time to time prior to the first review will be uploaded in the web as an addendum to the UN Infantry Battalion Manual on as required basis.





## UN Infantry Battalion Key Leader Functions

### 1.1 : Introduction.

The UN Infantry Battalion is comprised of a dynamic command structure, multifaceted staff support, an integrated Support Company and three or four Infantry Company Groups. The detailed organizational structure, the table of personnel and equipment and brief description of responsibilities are depicted in Vol. I, Chapter 8, p. 76 of the UNIBAM.

### 1.2 : Purpose.

The purpose of this chapter is to detail the primary functions of battalion key leaders and other organizational elements.

### 1.3 : Command and Control Structure.

UN peacekeeping operations are conducted under unified UN command and control. While the Force Commander has operational control and responsibility, the Battalion Commanders and subordinate unit commanders should exercise effective command and control at their respective levels. An Infantry Battalion may operate under a UN Brigade or Sector HQ or directly under the Force HQ. The battalion will have a well-defined AOR to conduct peacekeeping operations and may be employed or redeployed anywhere in the mission AOR as per operational requirements.

### 1.4 : Organization and Functions.

#### 1.4.1 : Battalion HQ.

The Battalion HQ includes the Battalion Command Group and the Battalion Staff.





#### 1.4.1.1 : Battalion Command Group.

The Battalion Command Group consists of the Commanding Officer, the Executive Officer (XO) or Second in Command (2IC), the Senior Warrant Officer, the Senior Sergeant Major, Personal Assistants, Radio Operators and Drivers. The Battalion Command Group will be assisted by a Legal Officer (for managing legal affairs of the unit) and a Gender/Child Protection Officer as advisers.

**Battalion Commander.** The Battalion Commander has the command responsibility for the overall conduct of peacekeeping operations in the battalion AOR and for the accomplishment of the assigned missions as per Operations Order. In this regard, the Battalion Commander should:

- Exercise authority that a commander in military service lawfully exercises over subordinates by virtue of rank and assignment with resolve, care and skill.
- Employ skills developed by professional study, constant practice, and considered judgement to fulfil command responsibilities through decision-making and leadership.
- Visualize and plan operations by specifying the intent, directions and guidance to achieve battalion tasks.
- Continually assesses all activities within command and AOR, in order to maintain situational awareness in support of sound decision-making.
- The UN Peacekeeping Infantry Battalion Commander's knowledge, experience and personality determine how he/she interacts with the unit. The Battalion Commander drives processes through mission command, establishes a command climate for the unit, prepares and commands the unit for operations and assesses subordinates. The commander refines the battalion's command and control system as necessary. He/she establishes a system to meet the unique demands that he places on the unit, balancing the abilities and personalities of subordinates and the capabilities of the equipment in the UN Peacekeeping Infantry Battalion.
- Ensure training of battalion staff to execute operational plans in his/her absence and institute cross-training among the staff.
- State his/her intent to subordinates in a clear and concise manner, laying out the mission, terms of reference, and resources, subject to applicable mission-specific rules of engagement.



- Be responsible for conduct and discipline of the unit.
- Perform outreach and engagement tasks as required in the process of interacting with other actors deployed in the battalion AOR, the higher HQ, and visiting delegations.
- Ensure that gender is mainstreamed and operationalised throughout the tasks of the battalion.
- Provide timely, relevant and substantive information to higher HQ Staff and Operations Centres.
- Ensure continuity of operations with her/his replacement through written Handover Notes and an End of Assignment Report and organizational learning and improvement through the identification of lessons and good practices (refer to [Annex K](#), Vol. II, p. 306 of the UNIBAM).

**Battalion Executive Officer(XO)/Second in Command(2IC).** The battalion XO/2IC exercises the duties of chief of staff and coordinates the staff work, operations and logistics. Battalion XO/2IC's primary duties include:

- Exercise command in the absence of the Battalion Commander.
- The XO/2IC transmits the commander's decision and coordinates the execution with the staff and subordinate units.
- Integrate and synchronize staff activities to optimize command and control of battalion operations.
- Directly supervise the battalion's main command post operations centre.
- Oversee the synchronization of information management within the battalion.
- Act as the "Human Rights Focal Point", between the human rights component and the battalion. XO/2IC will be responsible for developing and overseeing implementation of SOPs aimed at:
  - ★ Ensuring prompt information sharing with the human rights component regarding any relevant human rights information recorded while performing various tasks (e.g., patrolling, observation and checkpoint etc.).
  - ★ Guiding peacekeepers' action, should they be confronted with ongoing human rights violations (in line with the DPKO/OHCHR/DPA/DFS Policy on Human Rights).
- Monitor and coordinate public information and media management in the battalion AOR.



- Closely monitor administrative and logistics issues within the battalion.
- Manage commander's critical information requirements.
- Plan and ensure that individual and collective training of the battalion is conducted.
- Be responsible for unit security including safety and security of personnel, material and information.
- Be responsible for coordinating the monitoring, restoration and maintenance of safety and security in the battalion AOR.
- Act as the battalion custodian of best practices and lessons learnt, share/disseminate relevant details to all concerned and incorporate them in battalion procedures and activities. In addition, provide inputs to the mission's best practices/knowledge management focal point.
- Execute any other duties as directed by the commander.

#### **Legal Officer.**

- Sensitize all ranks on the legal framework of the peacekeeping operation with particular reference to MOU, SOFA, ROE, human rights, sexual exploitation and abuse, gender sensitization, and host country legal aspects and customs.
- Provide legal advice to the Battalion Commander in accordance with OLA policies and mission SOPs.

**Gender Adviser.** The Military Gender Adviser is responsible for coordinating and guiding implementation of SC Mandates on Women Peace and Security in the work of the infantry battalion. Under the leadership of the Battalion Commander, the Gender Adviser/Focal Point will work to support the operational integration of gender and coordinate with the Military Focal Point at Mission HQ and the civilian Gender Adviser to the mission. Responsibilities include:

- Provide advice on gender-sensitive strategies and appropriate responses to support women's protection, including from sexual violence.
- Liaise with women in the local community in order to identify women's and girl's vulnerabilities and needs in relation to their physical protection.
- Provide training on gender awareness.
- Provide input to reporting on threats and violations, including sexual violence and analysis of women and girls protection mechanisms.



- Handle SEA related issues co-jointly with the legal and internal oversights officer.
- Coordinate with Military Gender Focal Point at Force/Mission HQ.

**Child Protection Officer.** The Child Protection Officer in the Battalion Command Group is responsible for implementing the following tasks:

- Advise the Battalion Commander on all issues related to the protection of children.
- Act as a liaison between child protection actors and the battalion.
- Handle all issues related to child protection violations, including establishment of an alert system to transmit through command channel and also to the child protection unit/section, pertaining to information received on any of the six grave violations especially the recruitment or use of children by armed forces or armed groups, the killing or maiming of children, sexual violence, attacks on schools and hospitals, abductions of children, and the denial of humanitarian access.
- Coordinate with Military Child Protection Focal Point at Force/Mission HQ.

The Child Protection Officer should furthermore:

- Develop and oversee the implementation of specific SOPs on the hand-over of child soldiers captured in operations or those who have surrendered to the peacekeeping force.
- Develop guidelines for the battalion on children's issues including detention, conduct during the interaction with children and prevention of all forms of exploitation against children including child labour and sexual exploitation.

**Note:** At the UN Infantry Battalion level, the responsibility of "Gender and Child Protection" will be performed by a single officer, under the supervision of the XO/2IC.

#### 1.4.1.2 : Battalion Staff.

The Battalion Staff consists of the Personnel Staff Section, the Situational Awareness (SA) Staff Section, the Operations Staff Section, the Logistics Staff Section, the Outreach Staff Section and the Communications Staff Section. All staff elements assist the commander with planning, organizing, employing and sustaining the battalion.

**Personnel Staff Section.** The Personnel Staff Section consists of the Personnel Officer and staff, a Spiritual Adviser, a unit Welfare Adviser and staff,



and an Internal Oversight Staff (military police personnel with a working dog). The Personnel Staff Section's responsibilities are to:

- Maintain unit strength and conducting personnel actions.
- Identify and report critical human resources issues to the commander and higher HQ.
- Supervise medical, legal, safety and civilian labour assets.
- Ensure smooth rotation of personnel into and out of the battalion AOR.
- Handle routine day-to-day tasks such as preparing battalion status and strength reports, monitoring and preparing and orders, scheduling and other administrative support as required.
- Act as staff point of contact for mail, UN inspections, public affairs, and legal or disciplinary actions.
- Coordinate and report the Medical Section's actions, supervise casualty evacuation, and handling of injured and sick personnel.
- Coordinate religious support and spiritual counselling to the battalion.
- Maintain gender disaggregated manpower chart.
- Keep the commander informed of section matters, which may affect operations and force protection.

The specific responsibilities of the Spiritual Adviser, Welfare Adviser, Psychologist and Internal Oversight Cell are as follows:

**Spiritual Adviser.** The Spiritual Adviser has the following responsibilities:

- ★ Facilitate and coordinate religious and spiritual support to battalion personnel.
- ★ Act as confidential adviser to the Battalion Commander on the spiritual fitness, and ethical and moral health of the command.
- ★ Advise the Battalion Commander on the impact of command policies on indigenous religions.
- ★ Provide privileged and sensitive personal counselling and religious teachings to the unit's command, soldiers and authorized civilians.

**Welfare Adviser.**

- ★ Advise the Battalion Commander, Battalion Staff and the Company Commanders in unit welfare (collective and individual) measures.
- ★ Monitor compliance of UN standards on unit welfare.
- ★ Plan, coordinate and implement welfare measures in the battalion.



## Psychologist.

- ★ Act as confidential adviser to the Battalion Commander on all matters related to mental health, morale and motivation of the unit.
- ★ Provide confidential counselling/support to the needy/identified personnel of the battalion.

**Internal Oversight Cell.** The Internal Oversight Cell consists of five military police personnel. Its responsibilities are to:

- ★ Enforce strict conduct and discipline as per UN standards.
- ★ Investigate and process disciplinary violations.
- ★ Maintain liaison and coordination with host police and UN police.

**Situational Awareness Staff Section.** Tactical information and situational awareness based on all source tactical information collection and analysis is one of the commander's most important decision-making tools and augments safety and security in the mission area. Information and operations have a dynamic relationship in that information drives peacekeeping operations and successful operations generate additional information. Peacekeeping operations conducted without accurate information may lessen the credibility and legitimacy of the mission in the eyes of the populace and other principal actors in the AOR. The SA Staff Section consists of seven (07) personnel who are experts in information management and maintaining SA. The section's responsibilities are to:

- Provide timely and accurate information analysis and products in support of the commander, staff and subordinate units.
- Supervise and coordinate collection, processing, production and dissemination of tactical information from all sources and integrate it into operational planning and tasking.
- Sources include patrols, outreach and engagement with the local population, observation posts, checkpoints, gender and child protection focal points and company SA and outreach cells. In addition, information summaries from higher HQ, ground and aerial reconnaissance assets, ground surveillance radar (GSR) and local media assets.
- Make analytical assessments on when and where threat, non-combatant, terrain and weather effects will occur.
- Maintain Battalion AOR situation map in the OC with details of Priority Information Requirements (PIR), a time event chart, a coordinate's regis-



ter, a pattern analysis and plot sheet, an association matrix, an activities matrix, a threat capabilities and courses of action chart, and other such tools to assist the commander and staff in conducting predictive analysis

- Provide analysis on the threats to the population and their vulnerabilities (including those specific to women and children), especially when the mission is mandated to protect civilians under imminent threat of physical violence.
- Coordinate staff inputs for integration into SA analysis for staff planning, decision-making, targeting and threat assessments.
- Plan and manage information, surveillance and reconnaissance (ISR) operations (including GS Radar and UAV tasking and employment) in coordination with the Operations Section.
- Participate in key leader engagement meetings.
- Coordinate with Outreach Section for better integration of tactical information collection and reporting.
- Prepare gender-disaggregated data and situation reports from reconnaissance missions and company reports as appropriate.
- Act as the focal point for receiving and reporting indicators of counter information and reconnaissance directed against the battalion, information and operational security training, map procurement/distribution, and storage and control of any sensitive or classified information.

**Operations Staff Section.** The Operations Staff Section is the commander's primary staff for planning, coordinating, prioritizing, and integrating all battalion operations. It consists of the Operations Officer and staff, the Operations Centre Staff, the Liaison Officers and Aviation Staff. The section's responsibilities are to:

- Ensure effective functioning of Battalion Operations Centre.
- Plan, prepare and produce the battalion operations orders, control current operations, and coordinate critical support operations as required, with the other staff sections.
- Collect and disseminate information to the Company Operations Centres and other relevant operational elements.
- Maintain details of locations and activities of other UN contingents/peacekeeping elements and humanitarian actors.
- Coordinate with the SA Section to develop and synchronizes the ISR collection plan.



- Update the reconnaissance plan, threat condition levels and all other operations based on the latest predictive analysis.
- Provide the daily operational update to the commander and staff (including information related to specific threats against women, girls and children).
- Ensure overall safety and security of personnel, materials and information.
- Identify, capture, compile and share lessons identified and good practices following main events/operations at battalion level.

**Command Post/Operations Centre (CP/OC).** The CP/OC maintains the 24/7 flow of information. Operations Centre responsibilities include:

- ★ Receive and send messages and transmissions and maintain a message log.
- ★ Collate, synthesize, analyse and disseminate information.
- ★ Maintain SA map and the progress of operations and monitor friendly force movement and locations.
- ★ Remain in radio contact with all operational elements, neighbouring units and higher HQ.

**Liaison Cell.** The Liaison Cell is comprised of two officers. They should have good communication skills in mission and local languages. Responsibilities of the liaison cell include:

- ★ Normally augmented with interpreter support (including female interpreters, if needed).
- ★ Facilitate and coordinate the operations of the battalion with other units or agencies as directed by the Battalion Commander.
- ★ Keep other contingents or higher HQ informed of status, disposition, and location of battalion components and assists coordinating operations with other units.
- ★ Assist Outreach Section in coordinating operations with governmental and non-governmental organizations, women's groups and other civil society actors as required.
- ★ Liaise with host military, police and militias when tasked.
- ★ Coordinate operations with host police and UN Formed Police Units.
- ★ Liaise with the other Focal Points (Gender, Child Protection, etc.) and UNCT.





**Air Operations Cell.** It consists of one officer and one non-commissioned officer (NCO). Responsibilities of Air Operations Cell include:

- ★ Plan and coordinate airlift, heli-borne and MEDEVAC operations.
- ★ Supervise the palletizing of equipment and supplies, loading and securing.
- ★ Prepare and maintain personnel and equipment manifests.

**Logistics Staff Section.** The Logistics Staff Section comprises logistics, finance and COE staff. Its responsibilities are to:

- Provide logistic planning and support to the battalion.
- Provide timely and accurate logistical information to commanders, staff, Battalion Operational Centre and the higher HQ.
- Coordinate the provision and replenishment of all types of supplies to the various company and temporary operating bases (COBs/TOBs).
- Coordinate the preventive maintenance and repair of all weapons, equipments and vehicles.
- Ensure adequate and proper storage facilities for food items and other unit stores.
- Coordinate transportation of personnel with Operations Section.
- Assist Operations Section with logistics input for preparation of battalion operation order.
- Manage unit finances and accounting of United Nations and contingent owned equipment (UNOE/COE).
- Provide the daily logistics update to the commander and staff.
- Ensure gender-sensitive planning to provide appropriate and separate facilities for the deployment of uniformed and civilian female personnel.

**Outreach Staff Section.** Outreach Staff Section plays a vital role in supporting battalion peacekeeping operations and objectives through its interface and outreach to key leaders and populations within the battalion's AOR including women community leaders. Outreach is essential to gain the support and trust of the local population (especially women) to improve the understanding of local dynamics as well as to identify the most relevant interlocutors in the area. It also helps in developing important information database about the AOR that are relevant for peacekeeping operations. The section coordinates the conduct of outreach operations with local communities, belligerent factions and key leaders, who often communicate in



different languages. It is important to integrate women's perspectives and liaise with women in the local community to build and maintain trust. To that effect it is crucial that the outreach section is able to draw on female personnel and interpreters. The Outreach Section responsibilities are to:

- Maintain cooperation and coordination with the mission Civil Affairs components, which is crucial to ensure consistency, effectiveness, and coordination of action.
- Establish and maintain communications and build rapport with key leaders (including female leaders) and populations.
- Establish a Civil Military Operations Centre (CMOC) if required.
- Provide information to SA Section on CMOC meetings and activities.
- Set information collection as a priority during all outreach activities.
- Sensitise the commanders, staff and subordinate units on the concerns of the civilian including women's and children's protection needs.
- Maintain regular contact with and bridge communication gaps with civilian actors (including women's groups), and the leaders of belligerent factions/groups.
- Facilitate negotiations with civilian actors and belligerent factions.
- Coordinate and process compensation claims to civilians, if any.
- Formulate outreach and engagement plans, collection of information, tasking and monitoring of outreach activities of sub-units.
- Plan and coordinate public relations and media management functions.
- Liaise with host military and police when tasked.
- Liaise and coordinate information with the Military Gender Adviser/ Focal Point.

**Communications Staff Section.** The Communications Staff Section has the following responsibilities:

- Advise the commander and staff on all communication matters.
- Monitor and direct communications and IT activities.
- Formulate operational communication plans and IT plans and projects.
- Plan and supervise the integration of the unit communications system into the systems of higher, lower and adjacent HQs.
- Supervise the maintenance of communications equipment.



- Maintain communications network flowchart in the OC and prepare a maintenance and support plan.
- Advise the commander and staff on the electronic countermeasures (ECM) and develop procedures for countering it.
- Ensure all communications channels are operational at all times.
- Establish communications security throughout the battalion.
- Maintain and update data transmission hardware and software.
- Provide the daily communications update to the commander and staff.
- Oversee compatibility of communication assets between the battalion elements and others (police, civilian agencies, etc.)

### 1.4.3 : Battalion Support Company.

The Battalion Support Company consists of a Company HQ, Mortar Platoon, Engineer Platoon, Reconnaissance and Surveillance Platoon, Logistic Platoon (Logistics Section, Signals Section, Transport Section and Field Workshop), and a Medical Section (Level I Field Hospital). This company provides information, fire support, protection and sustainment to the battalion.

**Support Company HQ.** The Support Company HQ consists of five (05) personnel including two officers. It provides operational and logistics support to the Battalion HQ and coordinates the logistics sustenance of all the COBs and TOBs. The Mortar, Engineer, Reconnaissance and Surveillance Platoons provide operation support to the battalion, employed either centrally or as per tactical situation.

**Mortar Platoon.** The Mortar Platoon consists of one (01) officer, two (02) warrant officers ten (10) NCOs and twelve (12) enlisted soldiers. The platoon is equipped with six (06) infantry mortars for providing indirect fire support and illumination cover to the battalion. Based on the operational requirements and commanders' appreciation, the mortar platoon may be either centrally kept or deployed in section level at COBs. At least 25 percent of Officers and WOs should be trained in directing Mortar Fire. When not employed in on their primary role, the platoon personnel will complement other operational activities of the support company and serve as an additional QRT.

**Engineer Platoon.** The Engineer Platoon consists of one (01) officer, two (02) warrant officers, seven (07) NCOs and ten (10) enlisted personnel. The



platoon has EOD, field engineering, minor construction and water supply management capabilities. Important responsibilities are as follows:

- Engineer officer will also act as engineer staff officer to support Battalion HQ Staff.
- Provide technical advice in EOD, field engineering, construction, etc.
- If under self-sustainment, provide basic trade capabilities of plumbing, electrical and carpentry to repair and maintain the battalion facilities.
- Advise the commander on employing engineer assets in mobility, counter mobility and survivability roles to include destruction of IEDs, UXOs and mines.
- Operate earth moving machinery/multipurpose tractors.
- Plan and direct base construction and improvement projects, such as, defences, observation posts and entry control points (ECP).
- EOD technicians operate in conjunction with the battalion dog team.
- Advise on force protection measures against improvised explosive devices (IED) and vehicle born IEDs (VBIED).
- Assist targeted CIMIC/Quick Impact Projects (QIP) where required.
- Plan and monitor operation base master planning and construction.
- Advise on the allocation of engineer resources in the AOR.
- Provide environmental oversight and implementation, and liaise with the environmental focal point of the mission military component and the Mission Environmental Officer

**Reconnaissance and Surveillance Platoon.** The Battalion Reconnaissance and Surveillance Platoon consists of two (02) officers, two (02) warrant officers, eight (08) NCOs and ten (10) enlisted soldiers. It has a specially trained Reconnaissance Section, which can also act as a special QRT and a Surveillance Section with a UAV and an electronic monitor. The Surveillance Section will coordinate the employment of GS Radars of the ICGs. Its responsibilities include:

- Conduct initial reconnaissance of new areas to which battalion assets will deploy.
- Conduct reconnaissance to gain information in support of Priority Information Requirements.
- Act as a QRT to deal with immediate contingencies as directed by the Battalion Commander.



- Occupy temporary positions from which it can relay information to the battalion Operations Centre.
- Conduct ISR operations as directed by the SA Staff Section in consultation with the Operations Staff Section.
- Adopt a gender-sensitive approach to the security of women and girls.

**Logistics Platoon.** The Logistics Platoon consists of the Logistics Section, the Signals Section, the Transport Section and the Field Workshop. It provides the sustainment and maintenance cover to the battalion and its subordinate units. It has three (03) officers, five (05) warrant officers, eighteen (18) NCOs and twenty (20) enlisted personnel.

- **Logistics Section.** The Logistics Section provides support for running the field kitchen and unit canteen, provision and distribution of supplies and expendables, and maintenance of weapons, management of ordnance and general stores for the battalion.
- **Signals Section.** The Signals Section is responsible to maintain uninterrupted line and radio communications with all the static bases and mobile operational elements in the battalion AOR. It will operate the battalion exchange and ensure communications with HQ, the subordinate units and other lateral military entities. The section will remain in radio contact with all operational elements, neighbouring units and higher HQ, and maintain hotlines and Video Tele-Conferencing (VTC) facility with the higher HQ situation centre/operations centre and Company Operations Centres at all times.
- **Transport Section.** The Transport Section is responsible for operating all essential vehicles of the battalion and coordinating the transport fleet management of various ICGs. It will coordinate the preventive maintenance and repairs with the Field Workshop.
- **Field Workshop.** The Field Workshop is responsible for providing repair and recovery cover to the battalion (weapons, instruments, signals and engineer equipment, vehicles, etc.). It will have specially trained technicians (mechanical, electrical, electronics, armourers, etc.).

**Note:** All personnel of the Transport Section and Field Workshop should be qualified drivers (Dual Trade).

- **Medical Section.** The Medical Section consists of two (02) medical officers, six (06) paramedics, nurses or nursing assistants, three (03) attendants (normally a laboratory technician, dispenser and medical clerk) and one (01) ambulance with a driver with the capabilities described in the



Medical Support Manual. This may be considered as the minimum composition of the Level 1 Medical Section. The numbers may vary depending on the operational requirements, and as agreed in the Memorandum of Understanding (MOU). The Medical Section provides Level I medical care to the battalion. It provides immediate life-saving and resuscitation capabilities, along with routine clinical care. In the case of serious injury, the Medical Section must be able to stabilize patients and prepare them for transport to higher level facilities. The Medical Section is mobile, and shall be able to deploy into remote field locations, in whole or half strength. Each ICG will have a paramedic, nurse or medic trained in the equivalent of advanced trauma life support to ensure patients can be stabilized and prepared for evacuation. The Medical Section Commander will act as health adviser to the Battalion Commander and staff; and provides HIV/AIDS counselling to all ranks. The Medical Section Commander's responsibilities are as follows:

- Responsible for the day-to-day operations of his/her Medical Unit and for the services it provides to the supported UN population dependency.
- Oversees medical services provided by the battalion and ensures that this meets the standards described in the UN Contingent Owned Equipment (COE) Manual and the Medical Support Manual.
- Coordinates medical logistics support to the battalion with the SMO and/or the respective national support and logistics elements.
- Oversees implementation of preventive medicine, hygiene and environmental health measures within the battalion AOR.
- Oversees medical training and health education of all personnel in the unit, including HIV/AIDS prevention.
- Compiles statistics and prepares reports as required by the CMO/FMO for submission to UN HQ.
- Provides professional supervision to and responsible for the welfare and conduct of medical staff in the Unit.
- In particular, the Medical Section shall:
  - ★ Develop battalion SOPs that ensure uncontaminated drinking water is supplied to and consumed by PK soldiers; ensures proper control of unit waste (both human waste and trash); prevents weather-related problems such as cold weather injuries, frostbite, trench foot, and immersion foot; heat related injuries, such as, heat exhaustion, heat stroke, and sunburn; ensures protection against vector-borne diseases,



infestations, and poisonous flora and fauna such as snakes, scorpions, and vegetation that causes skin irritation and ensures strict implementation of the battalion rest plan.

- ★ Assist in casualty collection and medical evacuation from the ICGs to the next level of medical cover.
- ★ Supply and inspect medical aid bags and provide in-mission first aid (combat lifesaver) training to battalion personnel.

**Note:** Depending on operational requirements, geographic separation and points of deployments, a UN Infantry Battalion may be grouped with an additional Level 1 medical facility to provide for at least one medical officer, and a combination of at least three nurses, paramedics or nursing assistants, with an ambulance support as required to ensure evacuation of casualties to a medical facility within one hour following injury.

#### **1.4.4 : Infantry Company (Mechanized/Motorized).**

The detailed organization and structure of an Infantry Company Group (ICG) is covered in Chapter 8 of Vol. I of UNIBAM. Each ICG is configured with a Mechanized Platoon, three Rifle Platoons (Motorized) and a Support Platoon, to make it self-sustaining both operationally and logistically. Being a versatile and tactically integrated group, the ICG has multifaceted capabilities suitable to peacekeeping operations in accordance with the mandate. Organic firepower, enhanced day and night observation and surveillance capabilities, dedicated interpreters and situational awareness staff for outreach and engagement, protected mobility for quick response, engineer and signal specialists and effective inter-communication systems, enable and enhance the potential of the ICG to obtain optimal operational reach and increased visibility. Based on the mission requirements and envisaged role, the ICG is easily adaptable, flexible and self-reliant up to the section level in all respects.









## Tasks

### 1.1 : Introduction.

A UN Peacekeeping Infantry Battalion should execute common core tasks in order to accomplish assigned missions. This chapter provides details for the resourcing, planning and execution of these tasks.

### 1.2 : Purpose.

The purpose of this chapter is to provide information to the UN Infantry Battalion Commander and staff concerning the core battalion peacekeeping tasks with the purpose, planning considerations, modalities of conduct in a peacekeeping environment and the related generic capability standards. The description of these tasks provides the Battalion Commander with a reference guide for use in evaluating and training the battalion during predeployment and in-mission deployment.









## 2.1 : Patrolling

### 2.1.1 : General Description.

Patrolling is a core peacekeeping task and can create or support a number of tactical effects required by the commander. It is a means and method to promote a visible presence of the UN in a mission area for the purposes of outreach, restoring and maintaining a safe and secure environment, establishing credibility and legitimacy of the mission and acting as a deterrence. Patrolling should display a friendly but robust posture to establish rapport, generate faith, build confidence and trust in the UN effort. When planned and executed robustly and intelligently, patrols can impart important tactical advantages for the force. Patrols provide wide area mission security and protection across the area of responsibility and contribute positively to force protection and mandate implementation.

Active patrolling is required to achieve and maintain complete freedom of movement. All military and civilian police components undertake patrolling in one form or another. Any movement between UN bases, regardless of the intended task or purpose, may be considered to be a patrol in order to ensure that sufficient planning and coordination takes place. A patrol should always retain its tactical balance and be capable of executing operational tasks to address any threat that may endanger the execution of the mandate (particularly where the physical safety of civilians is concerned including protection of women and girls from sexual violence).

Regular, visible patrols, particularly those that interact with the local community, reassure the local civilian population of the mission's intent to protect them. Through routine interaction with the local community, patrols are one of the military component's most important means of gaining an understanding of the threats that civilians face. This information is critical for missions with protection of civilians' mandates, as they are required to prevent attacks on civilians from occurring.

### 2.1.2 : Basic Tasks.

Specific patrol tasks will be described in greater detail in Mission Standard Operating Procedures (SOPs). Subject to the relevant mandate, typically these tasks include the following activities:





- Reassure and protect isolated/threatened communities and displaced persons especially women and children at risk and deter potential spoilers and human rights violators.
- Observe, monitor, supervise and verify ceasefire lines/compliance of agreements/troop deployments and interpose between warring factions.
- Observe and report on movements of other armed groups.
- Inspect existing or abandoned positions.
- Conduct inspections or verifications.
- Investigate incidents (within context, capability and level).
- Carry out reconnaissance to gather or confirm information.
- Record observed allegations of human rights violations for sharing with the human rights component for verification and follow-up.
- Establish a physical link and maintain lines of communication between adjoining but relatively isolated UN positions.
- Establish mobile OPs/CPs to observe areas that fixed OPs and CPs cannot observe and/or observe from isolated/unoccupied OPs.
- Establish TOBs/FOBs or long range patrols in specific areas to ensure extended UN presence and to deter potential spoilers.
- Conduct Joint Monitoring Team Patrols (including a mix of women and men) for specific purposes.
- Establish and maintain freedom of movement for UN forces as per mandate.
- Establish liaison and contact with local leaders (including female leaders), societal factions and local population.
- Interact with local communities to gain an understanding of the threats to their physical safety. Recognise early-warning indicators for sexual and gender-based violence.
- Provide protection to local population travelling without UN escort especially for women travelling to and from regular destinations (e.g., markets, fields, water sources).
- Monitor curfews.
- Demonstrate the presence and visibility of the UN and act as deterrence to all parties in the AOR.
- Conduct Route Reconnaissance.



- Conduct CIMIC tasks when necessary and support CIMIC teams and operators from other units tasked in the AOR.
- Escort or conduct joint patrolling with UN civilian components (Gender, CP, CA, PI, HR, etc.) and UN police/local police or military elements.
- Create a safe and secure environment for the provision of humanitarian assistance.
- Conduct patrols in areas that have been identified as at risk routes for women.
- Carry out patrolling by aerial insertion to address inaccessible areas and patrolling with riverine/naval assets.

### 2.1.3 : Planning Considerations.

Patrol planning and execution at battalion level should reflect the higher commanders' intent and is a tool to gain mission essential and critical information. It should conform to the mission CONOPS and OPORD. Patrol planning, execution and reporting should follow a set procedure to ensure that all mission requirements are attended to and achieved. Important issues to be kept in mind are:

- **Situational Awareness.** Patrols are the primary means of gathering and disseminating information and contribute to maintenance of real time situational awareness. Patrols should be planned to achieve operational tasks in support of and driven by the objectives of the mandate, CONOPS, Operational Orders and Battalion Operational Plans. Patrols should be employed based on information-led targeting with due considerations to the prevailing operational environment and the challenges in the mission area. Patrols should be cognisant of the threats, terrain restrictions and operational constraints in which they have to operate.
- **Command, Control and Communications.** Whatever the composition or level of patrolling activity, it should be centrally controlled by the battalion and well integrated/coordinated with other operational activities at the sector and force level. An adequate redundancy of communications should be catered for, to deal with emergencies. Command and control responsibility has to be clearly stipulated, especially when operating as part of joint monitoring teams and while escorting UNMOs.
- **Visibility.** In addition to facilitating achievement of mandated objectives, patrols are the most common means to display visibility of the UN



and help to establish faith and credibility through effective interaction with civilians. Interaction with women's groups is essential to understand and mitigate risks to women and girls and to access information related to threats against "at-risk" populations. Patrolling should be increased in areas where reports of violent incidences against women occur and where there is a high level of female-headed households.

- **Security.** Patrols should be capable of self-protection and use force in tactically adverse situations and in hostile environments to deter potential threats within the parameters of Rules of Engagement and directives on use of force. However, they should exercise restraint and maturity in dealing with even extremely provocative situations.
- **Awareness of other mission components' working modalities:** When escorting UNMOs and CIMIC teams, they should remain discretely visible. Similarly, when escorting and working with human rights officers, they should be aware of key issues pertaining to their working modalities (e.g., confidentiality).
- **Preparations and Rehearsal.** Patrol leaders should ensure thorough operational and administrative preparations, detailed briefing and realistic rehearsals to respond appropriately to various contingencies.
- **Civil Military Interface.** Being the eyes and ears of the mission, patrols should be able to facilitate effective civil military interface and meaningful outreach and engagement. The patrols should also be targeted for outreach and engagement with women in the community.
- **Grouping.** Women interpreters and women military personnel will invariably be grouped with the patrols when interaction with local women is expected.
- **Joint Patrolling.** Joint patrolling with human rights and other civilian components has become an increasing practice in several peace operations. It offers the advantage of building on complementary expertise and develops a shared understanding of threats and vulnerabilities.
- **Important Planning Parameters.**
  - ★ Define the mission and objectives of the patrol and develop a coherent and integrated patrol plan.
  - ★ In the case of joint patrols, consult with other mission components and agree on working modalities (including issues of communication), priorities and objectives.



- ★ Avoid predictability. Routes, timings, frequency and composition should be varied on a daily basis.
- ★ Study the general situation in the area of responsibility and the behaviour and potential courses of action of armed groups, locals and government officials towards UN forces and against each other in areas through which the patrol may pass. Capitalize on available human rights information in the mission, which provide useful inputs on belligerents' modus operandi and potential threats and vulnerabilities against the population.
- ★ Study previous patrol reports for information of use to the patrol (e.g., going conditions, obstacles, problems encountered, etc.).
- ★ Study areas where heightened threats to the safety of civilians may exist to factor into the patrol plan.
- ★ Consider local language and plan to include an interpreter in patrols when necessary.
- ★ Confirm local procedures in use by the opposing armed forces in the area and by the local civilian police.
- ★ Identify restrictions imposed on patrol movement under the Status of Forces Agreement and identify the locations of control and checkpoints, boundaries, etc. Mark these clearly on patrol maps along with the positions of the respective lines of forward defences.
- ★ Identify permanent or temporary road restrictions in the area of patrolling.
- ★ Identify areas that need special permission to enter or to pass through.
- ★ Identify areas that will make it difficult to communicate or terrain that would make communication impossible and take necessary remedial actions.
- ★ Identify and coordinate with other UN activities, OPs/CPs or patrols in the area and confirm their tasks.
- ★ Notify flanking units, OPs, other patrols and any intermediate control posts en-route particularly if the patrol is crossing ceasefire lines or buffer zones.
- ★ Identify routes prone to mine threat and preferably avoid movement on unused roads/tracks. Use roads that are commonly used by locals.





- ★ Plan and coordinate the routes to be followed, including alternate routes out of the area in the event roadblocks or restrictions are encountered.
- ★ Plan for places (UN-positions) to use for safety if the situation so requires.
- ★ Plan localities to be visited (including where specific threats to women exist) and the action to be followed at each locality.
- ★ Make out an approximate time schedule for the patrol. If night operations are required, carry out the required preparation and coordination.
- ★ Identify critical information needed for situational awareness.
- ★ Cater for contingency of quick reaction teams, casualty evacuation by helicopters/vehicles, etc.
- ★ Consult the Early-warning Indicators on sexual violence to identify factors associated with risk.
- ★ Consider that communication channels are likely to be monitored and adjust security of communications accordingly.
- ★ Conduct a careful and thorough briefing on the task (including restrictions or limitations that are currently in force).
- ★ Select and check equipment, vehicles and other administrative necessities.
- ★ Brief the HQ duty officers who will monitor the patrol to provide information on task, composition, route, timings, communication, coordination and control aspects and actions during emergency.
- ★ Draw on satellite imagery, where available, during planning.

#### 2.1.4 : Conduct.

**General.** Patrol should strictly comply with the operational plan for its security.

- Patrols should adhere to principle of impartiality and to the international character of the mission.
- Patrols must fully understand and adhere to the UN Zero-Tolerance Policy on Sexual Exploitation and Abuse.
- Progress of the patrol is to be centrally monitored and coordinated by higher HQ.



- Maintain effective inter-communication and remain in continuous contact with the base, control HQ and other elements in the AOR.
- Look for tell tale signs, such as, the absence of children or normal activities around a village that arouse suspicion.
- Be alert of any threat and operate cautiously as per best practices of peacekeeping operations. If threatened, do not capitulate; stand your ground tactically and negotiate. In an emergency, contact the control HQ using the mission emergency code words.
- Quick reaction teams are to be on standby.
- Ensure the security of all maps, documents and equipment.
- Ensure personal safety and security by proper field craft and protective clothing.
- Strengthen all security vehicles against small arms fire and IED threat.
- Do not attempt to overtake mobile military vehicles or convoys.
- Follow mission SOPs for crossing friendly lines, link up and establishing identity with CPs, OPs and other UN Patrols en route.
- Refrain from diverging from the original patrol plan in order to investigate unscheduled incidents or situations without obtaining approval of HQ.
- Be vigilant when people speak and interact freely with the patrol.
- An interpreter may be grouped with a patrol if, the situation so demands and take the necessary precautions not to expose them to retaliation.
- If access to an area is denied by the military or police element of host country, or any other groups, ascertain more details on the reasons and authority for such a denial and inform the HQ for further confirmation with the unit Liaison Officer.

**Record Observations.** Maintain a written and photographic record of time and grid reference of all observations (including threats to the civilian population) made during the patrol. Draw sketches where these are helpful. Record any changes in terrain, dispositions and civilian activity. Maps should be updated with all the terrain and infrastructural changes

**Patrol Debriefing.** After return, conduct a collective and detailed debriefing to derive vital information for the commanders without delay. Prepare an after action review to capture best practices and areas of improvement



for the future. Information related to the safety and well-being of the local population should be communicated to the relevant civilian components.

**Reporting.** Report relevant information as per task in a timely, accurate, clear and concise manner, substantiated with evaluations and assessments, to support higher commanders' decision-making. Supplement such information with a detailed written report with sketches, photographs and/or diagrams as necessary. Information on violations committed against the civilian population such as the presence of children in armed groups, reports of killings or sexual violence, attacks on schools and hospitals, and other violations on which the peacekeeping mission is mandated by the Security Council to report, should be signalled to all relevant civilian components.

### 2.1.5 : Organization.

A battalion with its integral companies deployed in independent and self-sustaining operating bases will primarily use patrols to carry out its operational tasks. Centralised assets and capabilities of the battalion (reconnaissance, mobility support, outreach and engagement teams, fire support capabilities, etc.) are attached or provided to the sub-units as per operational necessities.

- **Personnel.** Patrol size varies from a company group to a buddy team to an adequately resourced platoon or company. Patrolling may be carried out on foot, vehicle/APC mounted or by air. As in multidimensional integrated missions, additional grouping of UNMOs and other specialists/staff from civilian components, including gender experts and female interpreters may also accompany a patrol as Joint Monitoring Teams.
- **Equipment.** In normal circumstances, an infantry component shall carry their personal arms and ammunition and associated operational equipment as per the level of grouping. Additional specialist equipment and capabilities may be grouped temporarily with the companies based on task by the battalion.

### 2.1.6 : Support.

Patrols should be capable of administratively sustaining themselves for the task and duration of the patrol under all weather conditions and should:



- Ensure wearing of distinctive identification signs for both day and night patrolling.
- Have communication equipment including satellite phone with adequate spare batteries.
- Have adequate food and water.
- Obtain and coordinate medical support and attachments.
- Obtain transportation support and ensure preventive maintenance and checks.

*(Suggested task capability standards are at p. 215)*







## 2.2 : Observation Post

### 2.2.1 : General Description.

The Observation Post (OP) is a manned peacekeeping position established to monitor and observe a certain area, object or event. An OP can be permanent, temporary, static, or mobile. Reports from OPs provide timely, accurate, and relevant information to higher HQ, adjacent units and other mission components in the sector. Observing and reporting from OPs is a cornerstone peacekeeping operations task. A thorough analysis of accurate and timely OP observations and reports provide the Battalion Commander and staff with critical information required for recording and understanding developing situations that effect UN peacekeeping missions.

### 2.2.2 : Basic Tasks.

The basic tasks of an OP are to:

- Observe and report all activities in the observation area to higher HQ through established SOPs and to adjacent OPs or units as required or appropriate.
- Increase security in the Area of Operations (AOR) by demonstrating vigilant and visible peacekeeper presence to all parties and populations especially women in the area.
- Monitor movement in and around airspace, coastal areas, airfields, buffer zones (BZ), ceasefire lines (CFL) boundaries, borders and protected zones.
- Count special traffic, such as, military vehicles, tanks, armored personnel carriers (APC), artillery, etc.
- Monitor activities of parties involved in the conflict and all other abnormal or suspicious activities, including threats to civilians. Be aware of the use of women as “porters” in transporting illegal weapons.
- Monitor violations of international agreements or conventions.
- Observe and record human rights and international humanitarian law violations and promptly share information with the human rights component.
- Observe BZ restrictions.
- Support other battalion operations as required.





### 2.2.3 : Planning Considerations.

OPs are established and manned as early as possible in a new AOR as they serve as the eyes and ears of the missions, the Battalion Commander and staff. The battalion and its deployed companies should immediately establish Temporary Observation Posts (TOP) as an initial priority of work.

- **Location.** Terrain that maximizes observation, threat analysis and probable courses of actions (COA), defensive requirements, and logistical sustainment should be taken into account when deciding on OP location and force structure.
- **Coordination.** Coordinate OP establishment with other peacekeeping units, civilian actors, belligerent and friendly forces, as well as with national and non-governmental organizations and agencies in the AOR. Conduct liaison and establish rapport with belligerent forces and the local population (including women) under observation.
- **Observation.** Preferably, an OP should allow 360 degrees/maximum observation and monitoring, 24 hours a day, under all weather and light conditions.
- **Observation Equipment.** An OP location should have appropriate observation and communication equipment with adequate back up and power source.
- **Protection.** OP position should be defensible under all weather and light conditions. The entry/exit, protection and evacuation procedures should be well established as per unit SOP.
- **Logistics.** The OP should have adequate supplies, potable water, ammunition and transportation to sustain itself for the duration.
- **Reporting.** An OP should be able to provide timely, accurate and relevant reports to higher HQ. Information reported should be verified and corroborated by multiple sources and documented through imagery and other forms of electronic media.
- **Early-warning Indicators.** OP personnel should be trained in recognising early-warning indicators for sexual and gender-based violence.
- **Environment.** OP occupation and maintenance must not degrade the environment (e.g., appropriate waste management and disposal, precautions against deforestation, etc.) or living conditions of the local population (facilitating women's access to natural resources).



- **Additional Capacity.** OP infrastructure, logistics and administration should be capable of supporting additional UN Personnel if required and provide security to endangered civilian populations within its capacity.
- **Training.** Train and equip designated OP personnel to effectively observe, monitor and report. Ensure OP personnel are trained to operate and maintain OP equipment at the operator level.
- **Temporary Observation Posts.** TOPs are invariably used to cover areas and events of a temporary nature that cannot be covered from fixed OPs. Their operation may range from for a few hours to several days. TOPs may be manned by foot patrols, vehicle patrols, APCs or other deployed troops.

#### 2.2.4: Conduct.

- **Reconnaissance.** Initial reconnaissance and site survey to determine optimal OP locations should be carried out. In addition, survey and reconnaissance the area to be observed and monitored.
- **OP Location Design.** Determine OP design to include troop shelters (gender specific), defences, structures for field sanitation and hygiene, supply storage, entry control points (ECP), medical facilities, helipad/parking areas as appropriate, sheltered cooking and dining areas, human waste and garbage disposal facilities, sheltered generator sites, motor pool, religious facilities, etc.
- **Deployment.** Based on the operational parameters, threat perception, task, reconnaissance, timelines and logistics requirements, requisition troops, supplies, equipment, and transportation and deploy the OP as per mission SOP.
- **Display of UN Insignia.** Conspicuous UN markings on installations, vehicles and personnel are a source of protection.
- **Protection.** Establish a perimeter surrounding the OP that incorporates early-warning systems, devices and sensors to cover blind spots outside of the perimeter. Establish ECPs for visitors to the OP and exit points for OP personnel only known to peacekeepers.
- **Observation.** Establish observation, monitoring, and reporting criteria and site observation means/equipments (OP Tower, vantage point, OP view point, etc.).
- **Vigilance.** OP vigilance should remain constant and without distraction.





- **Alert procedures.** Redundancy of communications and alert signals within the OP and with the higher HQ should be established for emergency situations.
- **Reinforcement and Support.** Coordinate fires, air support, QRF, and MEDAVAC support with battalion or force assets as necessary in the event of an emergency situation.
- **Serviceability.** All communication, lighting and monitoring equipment should be maintained at a fully mission capable level.
- **Rest and Relief.** Plan proper relief for 24/7 observation and monitoring with adequate reserves.
- **ROE.** OP personnel must strictly follow ROE and limitations on the use of force.
- **Reporting.** Accurate, timely and relevant reporting (including sex disaggregated reporting) is a primary function of an OP. An observation not reported may have a significant negative impact on the security of the unit and mission accomplishment.

### 2.2.5 : Organization.

- **Strength.** The number of personnel assigned to an OP is determined by mission, threat conditions, time constraints, logistics requirements and availability of troops.
- **Command and Control.** The OP should have an established chain of command.
- **Documentation.** All OPs should maintain OP logs and if required carry out digital recording of events.

### 2.2.6 : Support.

- **Infrastructure.** An OP location should have infrastructure for accommodation, ablutions, lighting, sustenance and protection. Continually improve and maintain OP infrastructure to include shelters, sanitation and hygiene facilities, water points, cooking and eating areas protected from inclement weather, and OP drainage and garbage disposal works that do not degrade the environment or living conditions of the local population.
- **Weapons/Equipment/Stores.** The OP will have both UNOE and COE observation and communication equipment as per mission SOP and



ground requirements. All equipment should be serviceable, well maintained and accounted for during handing and taking over. The OP will also have vehicles to perform its task and for logistics sustenance. In case the security situation demands, an OP location may have additional weapon systems.

- **Stocking.** An OP location should be stocked with adequate food, water, fuel and other logistics stores including spares for self-sustainment.
- **Medical.** Being an independent entity, an OP should have an emergency medical kit for first aid and may be prepared to hold casualties for a short duration until evacuated.
- **Maintenance.** An OP should be capable of maintaining and attending to minor repairs to equipment and vehicles and should be stocked and equipped accordingly.
- **Health and Hygiene.** The commander of the OP will ensure proper health and hygiene of OP personnel as per SOP.

*(Suggested task capability standards are at p. 216)*







## 2.3 : Checkpoint

### 2.3.1 : General Description.

A Checkpoint (CP) is a manned and self-contained position deployed on a road or track to observe/check, inspect/search personnel or vehicles and control movement into and out of a designated area (e.g. buffer zone or DMZ, or a specific area in a Company AOR). A CP can be either permanent or temporary. Permanent checkpoints are established on the main access routes and cannot be moved or closed without the authorization of the Force Commander. Temporary checkpoints (vehicle based or foot based mobile CPs) may be set up on minor routes, for a specific duration, usually with authorization of the Battalion Commander.

### 2.3.2 : Basic Tasks.

CPs are set up to display UN will and capacity to exercise control and facilitate the following activities:

- Project UN presence and operational reach to all parties and the population in the area to reassure and build confidence.
- Control movement in and out of a designated area in support of the overall safety and security in the AOR and to protect civilian population (movement of ethnic groups, refugees, IDPs, including women, vulnerable population, etc.). To that end, information collected through checkpoints should be referred to relevant stakeholders through pre-determined information-management structures and processes.
- Control movements into/out of a DMZ, particularly during a crisis.
- Facilitate routine activities for livelihood and maintaining freedom of movement in the AOR based on consultation with the local population and in line with the POC strategy.
- Prevent smuggling of weapons, ammunition, explosives and other illegal/contraband material, drugs or items.
- Confiscate illegal items and apprehend the persons carrying them.
- Prevent illegal armed personnel or groups from passing through a particular area.
- Carry out specific survey, monitoring and information-gathering activity and share observations with relevant stakeholders through pre-determined information-management structures and processes.



- Carry out specific vehicle/personnel search.
- Detain criminals or wanted personnel.
- Act as an OP as part of the peacekeeping force's observation plan.
- Control movement of crowds, enforce a curfew and/or detain criminals, wanted personnel and known offenders as part of public order management.
- Dominate the area of responsibility around the control point.

### 2.3.3 : Planning Considerations.

- **Purpose.** Being a control measure, the deployment of a CP or temporary CP should be done only if operationally necessary and should aid freedom of movement, protection of civilians and establish a safe and secure environment. Special care should be taken to prevent any harassment of the local population and to remain respectful of local customs.
- **Location.** Siting of a CP should take into consideration the space required to conduct various activities, domination of the area by observation, terrain configuration to prevent bypassing and defensibility.
- **Grouping.** Depending on the purpose, security situation and operational requirement, the CP may be composed of interpreters, EOD personnel, female military/police personnel, medical attendants, UN Police, sniffer dogs, host military/police/ representatives of local civil authorities and the APCs (with protected mobility and firepower) for deterrence.
- **Legality.** Commanders and troops should clearly understand the legal aspects pertaining to ROE for meeting certain legal requirements in conduct of tasks.
- **Coordination with Civil Authorities.** Support for a CP by civil authorities reinforces legitimacy and credibility. The special powers of local police to search, arrest and seize; and its ability to identify criminals, etc., will help better coordination and functioning of the CP.
- **Reinforcements.** Reinforcements to deal with emergency/crisis situations should be planned, coordinated and troops earmarked to respond rapidly.
- **Knowledge.** CP personnel should have good civic knowledge with regard to personal identity cards, vehicle documents, government authorities' seal and signatures, data of local population etc. Only a trained, alert and



intelligent CP soldier can quickly identify a problem or anomaly and take appropriate action.

- **Contingency Planning and Rehearsals.** Likely scenarios and operational challenges that could be encountered in the CP should be analysed, SOPs and drills established and well rehearsed to respond effectively.
- **POC.** Coordination should be ensured with relevant actors on POC considerations, such as, location of routes for livelihood activities and information-management processes. Female uniformed personnel, community liaison staff and language staff should be included as part of CP.

### 2.3.4: Conduct.

- **Composition.** A CP will invariably be composed of the following elements:
  - ★ Command element (for control and coordination of activities).
  - ★ Control element (barrier sentries and guides to control the flow of personnel and traffic).
  - ★ Monitoring element (observes and alerts the CP from a vantage point).
  - ★ Search element (men and women to search/frisk personnel and vehicles).
  - ★ Protection element (provide close protection to all other elements).
  - ★ Reserve element (to respond to any crisis situation).
- **Actions.** A CP should ensure the following actions for efficient conduct:
  - ★ Carry out detailed preparations and briefing of all personnel including any attached elements.
  - ★ CP should be clearly identifiable from a distance with UN markings and insignia.
  - ★ CP should be clearly marked with warning/cautionary notes or sign postings in vernacular language/s, to guide the personnel and traffic to waiting area, search area, detention area, etc.
  - ★ Ensure protection arrangements of CP personnel and UN assets including vehicles.
  - ★ CP area should be well demarcated with obstacles (hard and barbed wire), barricades and sign boards at the entry, waiting, search, detention, exit areas.





- ★ Measures to reduce speed of vehicles (road bumps, etc.) and to canalize the traffic and personnel should be taken.
- ★ CP should be in continuous communication with the control HQ and should cater for effective inter-communication with all the elements of the CP.
- ★ All personnel to observe local customs to avoid offending the local population.
- ★ CP should have a local alarm scheme to alert all elements of the CP.
- ★ All vehicles and pedestrians should be channelled through the barriers systematically, and checked in accordance with mission SOPs.
- ★ Only the nominated search personnel (including women) will carry out frisking or searching of the vehicles and their actions will be covered by the protection element.
- ★ Checking will be carried out within the barriers in the search area by the civil police (including female police) if available, otherwise by barrier sentries or NCOs.
- ★ Suspicious vehicles may be searched with the EOD personnel and the sniffer dog.
- ★ Detainees should be segregated and carefully guarded.
- ★ If required, the CP should be able to quickly and effectively block the road to prevent any passage including forced passage.
- ★ The commander should maintain a log of all important events and incidents.
- ★ The commander must carefully assess the effect of his/her controls and take timely actions to ensure smooth and frictionless conduct.

### 2.3.5 : Organization.

A CP can be established by a self-sufficient and independent tactical group ranging from a section to a platoon, depending on the task, situation and operational requirement. All CP activities will be centrally coordinated at the battalion level and control will be exercised at company level. Due to concurrent execution of other tasks, a COB may only be able to take out a platoon level CP or 2 or 3 Section level CPs. CPs should be appropriately configured and grouped with additional personnel to augment its efficacy as mentioned in paragraph 2.3.3.



### 2.3.6 : Support.

A CP should be supported with the following:

- Vehicles for mobility.
- Means of communication.
- Stores for self-protection (barricades, sand bags, wire obstacles, lighting arrangements – flood lights, flash lights, etc.).
- Stores for guidance and control (warning boards, loud hailers, guiding tapes/ropes, road markers, etc.).
- Logistics sustenance (food, water, first aid kit, waste/recycling bins, etc.) for the duration.
- Engineer stores (EOD stores, detectors, under carriage inspection mirrors, etc.).

*(Suggested task capability standards are at p. 218)*









## 2.4 : Outreach and Engagement

### 2.4.1 : General Description.

The creation and maintenance of a safe and secure environment in the AOR that promotes peace, recovery and development is a key responsibility of the battalion. Therefore, commanders and staff in the battalion should maintain an excellent, cooperative relationship with other actors in the field and have good liaison with the local government authorities and parties to the conflict.

The aim of Outreach and Engagement is to reach out to all sections of the population, remote geographical locations of the AOR and the various power centres with a view to generate trust and faith in the peace process. To achieve that, the battalion should undertake genuine and purpose-oriented confidence-building measures to establish normalcy, alleviate suffering of the deprived, mitigate the threats and vulnerabilities the local population faces, and to find a sustainable solution in close coordination with other relevant stakeholders.

Outreach and engagement comprises all actions taken by the battalion elements to carry out constructive and active engagement of the local population and other actors in the field. This includes host civilian authorities, military and police organizations; the parties to the conflict and spoilers, the Civil Military Coordination (with UN system entities and other partners – IOs, ROs, NGOs, etc.), welfare activities and the planned Quick Impact Projects undertaken by the battalion in the AOR as part of a integrated and comprehensive mission level effort. Contingents are also required to work closely with civilian elements of the mission including Human Rights, Child Protection, UNHCR, etc. and interaction may have to take place at the tactical level between patrol commanders and representatives of protection activities.

### 2.4.2 : Basic Tasks.

As custodians of peace and stability, the infantry battalion has a major role to perform to ensure correct and timely implementation and achievement of the mandated objectives. The battalion will perform Outreach and Engagement through the following primary functions.



#### 2.4.2.1 : Operational.

- **Enhance Visibility.** Conduct robust mobile operations, extensive patrolling (including standing and long-range patrols) and establishment of TOBs to increase operational reach to inaccessible or remote areas to dominate, deter and enhance security to the populace.
- **Create and Maintain Safe and Secure Environment.** Battalion operational activities are directed to restore, create and maintain a safe and secure environment in which all sections of the population can live without fear and with full freedom and also to ensure the peace process remains on track.
- **Protection of Civilians.** POC, based on a comprehensive mission-wide strategy to include joint planning, coordination with other protection actors, information sharing, risk analysis and conduct of MET, assumes importance at battalion level. As battalions go about their daily work, it is essential that they interact with the local communities they come in contact with. This will help to establish trust, manage expectations of the local community by indicating the extent of the mission's capabilities regarding the protection of civilians, and gain a more comprehensive understanding of the threats and vulnerabilities facing civilians in the mission area. Regular outreach and engagement with local communities will also help to determine how early-warning mechanisms can be established to inform the military component of imminent threat of violence to civilians.
- **Stabilisation.** Address sanctuaries of possible aggressors or spoilers and engage with their leadership to conform to the peace process.
- **Liaison.** Carry out liaison with the various factions.
- **Protection from Mines.** Carry out emergency Mine/UXO/IED clearance in AOR in conjunction with Mission MACC, mark minefields and conduct mine-awareness training.
- **Support DDR.** Facilitate and support Disarmament, Demobilisation and Reintegration efforts of the Mission DDR component including provision of security cover, logistics support and conduct proactive disarmament operations as mandated/authorized.



#### 2.4.2.2 : Societal.

- **Humanitarian.** Provide a safe and secure environment to create the necessary security conditions for the provision of humanitarian assistance. If appropriate, and at the request of humanitarian actors, the use of military and mission assets to support humanitarian assistance should be based on identified humanitarian needs, timely, unique in capability and availability.
- **Protect Vulnerable Sections of the Society as a Whole.** Identify societal vulnerabilities with particular focus to ethnic/religious/sectarian groups, women, children and the elderly; and take measures to prevent threat manifestation and protect from danger.
- **Protection of Women.** The battalion should pay particular attention to prevent, mitigate or reduce sexual and gender based violence, and sexual violence used as a tactic of war as well as prevent any sexual exploitation and abuse in the AOR; the battalion should be informed and trained on local referral arrangements (with local contact details for response services) regarding incidents of sexual violence.
- **Protection of Children.** Battalion should ensure protection of children.
- **Ensure Freedom of Movement.** Ensure freedom of movement for livelihood and other routine activities including specific protection of women's daily activities (collecting wood, water, travelling to market, etc. without fear of life or danger).
- **Key Leader Engagement.** Engage key leaders (including women) in the AOR to include social elites, community bodies, religious heads, tribal/ethnic chieftains, political heads, factional leaders and local governmental officials/police and military authorities to find amicable solutions and to prevent any triggers that may endanger the peace and tranquillity in the AOR.
- **Protection of the Environment.** The battalion should pay attention to prevent and mitigate environmental impacts of its operations.

#### 2.4.2.3 : Organizational.

- **Support Local Administration.** Assistance to the local administration (though limited in scope for the military, but yet very important) to comply with the principles of good governance and maintenance of public law and order may be carried out as required. The battalion should estab-



lish links with the local and provincial level authorities for coordination and integrated efforts. Ensure that the support to and collaboration with the national/local security sector promotes a gender-sensitive approach and adheres to United Nations Human Rights Due Diligence Policy. Support to local administration should be systematically coordinated with relevant civilian components and UN agencies.

- **Support Early Peacebuilding Activities.** Facilitate and support the early peacebuilding activities undertaken by the mission and the larger humanitarian and international community for faster recovery and sustained development.
- **Civil Military Coordination.** It provides for effective interface between the battalion and the political, humanitarian, developmental, human rights, gender, child protection and rule of law components of the mission in the AOR and others in the larger peacebuilding system. It is always coordinated at the highest level and the battalion will be responsible for its own AOR. It helps to build trust and close working partnership with all actors.
- **Quick Impact Projects (QIPs).** QIPs are small scale, low cost projects that are planned and implemented within a short time frame. The primary objective of QIPs is to build confidence in the mission, mandate or the peace process. In order not to jeopardize humanitarian access, implementation of a QIP project requires close coordination and consultation with the Humanitarian Country Team.
- **Public Information Campaigns.** The battalion can play a vital role in support of the mission public information campaign through its static deployments and mobile operational elements to disseminate information and gather feedbacks from the targeted population.
- **Media Management.** The local media has to be carefully and proactively managed to create a positive atmosphere and prevent negative publicity in consonance with the mission policy. Commanders and troops of the battalion should be cognizant of the flash points and other socio-cultural sensitivities that could be exploited by the media and institute appropriate measures.

**2.4.2.4 : Battalion Level.** All outreach and engagement activities at the battalion level should be in coordination and coherence with mission priorities.





- **Winning Hearts and Minds.** Targeted use of undertaking confidence-building measures and people oriented non-military initiatives aimed at perception management and to establish close contact and build trust, confidence and credibility in the battalion's role.
- **Welfare Activities.** Carry out socially productive, gender-sensitive and creative welfare activities to address immediate needs of the women, girls, boys and men to foster normalcy in day to day life.
- **Community Engagement.** With good conduct, genuine efforts to help the populace, undertaking initiatives for societal reconciliation and upholding the UN principles, the battalion should play a key role in changing attitudes over time.

### 2.4.3 : Planning Considerations.

- **Characteristics of Civilian Entities.** Take into consideration that these independent entities have their own specific agendas, outlook, attitudes and approach to functioning and problem solving, which may not be in consonance with military ways of functioning.
- **Problem Areas.** When working with civilian entities, main problem areas to be resolved are the information sharing, joint planning and task sharing aspects.
- **Support to Humanitarian Agencies.** Considerations for providing military support to humanitarian agencies upon request from the HCT through the HC/RC, are that the capability required should be unique to the military, that it cannot be provided in a timely manner by the civilian set up and the use of military should be a last resort and time-limited. The start and duration of any support to UN humanitarian activities should be determined by the HC upon the request or consent by the affected Sovereign State.<sup>1</sup>
- **Military Role.** The battalion may support the humanitarian effort or play a complementary role with the Humanitarian Agencies. Involvement in direct assistance should be weighed on a case-by-case basis and only if it satisfies the criteria of last resort. Activities should focus on indirect assistance and infrastructure support missions.<sup>2</sup>

1 Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies, March 2003, Revision 1, para. 34.

2 Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies, March 2003, Revision 1, para. 38.



- **Responsibility.** Civilian authorities will coordinate all non-security/humanitarian effort. Control of humanitarian activity will remain with humanitarian community, and the battalion assets will remain under normal chain of command and control.
- **Integration and Synergy.** The battalion should take the lead in integrating efforts of all actors in the field and promote synergy to optimise effects on the beneficiaries.
- **Cultural Awareness.** Understand cultural and attitudinal sensitivities and respect local customs, traditions and practices.
- **Language Skills.** Knowledge of local language is an asset to establish rapport and bridge the communication gap.

#### 2.4.4 : Conduct.

Outreach and engagement with all sections of society enhances the credibility of the battalion with local actors, promotes the legitimacy of the UN presence, and encourages parties in a conflict to work towards a peaceful settlement. Engaging women specifically is a useful operational tool to build trust and enhance the credibility with the local population.

**2.4.4.1 : Operational Support.** The battalion should expand its security influence and strive for persistent presence beyond static deployments. It should destabilise factions that seek sanctuary in areas beyond reach and perpetrate violence. Battalion operations should aim to dominate, deter and prevail upon aggressors/spoilers to the peace process and build a safe and secure environment in the AOR for the humanitarian agencies to provide assistance, encourage IDPs to voluntarily return and reassure the population of their protection, especially women.

**2.4.4.2 : Battalion Assistance.** Battalion may provide assistance to civilian entities by providing static security, escort for convoys, provision of transport, communication services and logistics support for specific purpose and duration, field engineering support, medical aid, casualty evacuation, etc.

**2.4.4.3 : Civil Military Coordination.** It is the system of interaction involving exchange of information, negotiation, de-confliction, mutual support and planning at all levels between the military elements and humanitarian/developmental organizations and the local civilian communities including women's organizations to achieve UN mandated objectives. The infantry



battalion, while taking a lead role in providing security, also have to take on support roles to civilian-led mandated tasks, including those assigned to UN Police.

Therefore, all commanders should have a solid understanding of the aims and objectives of civilian components and the broader strategic, political and social context within which it takes place, and of ways in which the battalion can make a constructive contribution. In this context, at the battalion level, two main reasons to undertake UN-CIMIC activities are for – first, to support management of the operational and tactical interaction between military and civilian actors in all phases of peacekeeping operations; and second, to support creating an enabling environment for the implementation of the mission mandate by maximizing the comparative advantage of all actors operating in the mission area.

UN-CIMIC shall liaise with the UN-CMCoord focal point to ensure that coordination takes place between humanitarian and military actors. In all cases, regardless of the mission or status of the military force, there will be a requirement for the sharing of information. Critical areas for coordination include security, logistics, medical, transportation and communications.<sup>3</sup>

**2.4.4.4 : Quick Impact Projects.** QIPs are small-scale, rapidly implementable projects of benefit to the population. These projects are used by UN peacekeeping operations to establish and build confidence in the mission, its mandate, and the peace process, thereby improving the environment for effective mandate implementation. Projects shall be devised and/or selected according to one or more of the following criteria:

- Contribution to promoting acceptance of the mandated tasks of the mission amongst the population and/or supporting the credibility of the mission by demonstrating progress in the implementation of these tasks where confidence is lacking.
- Contribution to building confidence in the peace process, and/or building support for the peace process, including through demonstrating early dividends of stability to the population.
- Contribution to improving the environment for mandate implementation by generating support for the mission including through addressing immediate needs of the population.

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<sup>3</sup> Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies, March 2003, Revision 1, para. 50-54





It is important to have stakeholder consultation (including the RC/HC and HCT), close monitoring and/or implementation to cover entire cycle, and consider the principles of local ownership, gender, culture, environment and context sensitivity. QIPs help to build confidence through opening communication channels and interface between the battalion and host communities. Some of the projects that are undertaken as QIPs are:

- Construction of roads and tracks, bearing in mind possible environmental impacts.
- Construction of infrastructural and support facilities (camps, schools, furniture, clinic, etc.).
- Provision of basic amenities (water, pond/well, toilet, electricity, radios, etc.).
- Provision of recreational facilities (sports ground and equipment).
- Construction of employment-generating infrastructure (mills, small-scale factories etc.).
- Ensure that QIPs targeting communities are gender sensitive, take into consideration female participation/access, and contribute towards women's empowerment and protection.

**2.4.4.5 : Welfare Activities.** To help restore normalcy and to win the hearts and minds of the local people, welfare activities are undertaken by the battalion by targeting the basic social needs of the people. Consult the Military and Civilian Gender Advisers in order to ensure a gender-sensitive approach.

- Medical camps.
- Promote cultural activities.
- Provide vocational training for economic self-sustenance (in particular target women).
- Provide basic essential support for daily sustenance of the destitute.
- Rehabilitation training and support.
- Organising sports and games at local level.

#### **2.4.4.6 : Important Guidelines.**

- Promote cooperation and coordination.



- Avoid competition, duplication (resources and effort), conflict of interest and minimize inconsistency and pursue common goals when appropriate.
- Avoid direct humanitarian assistance operations.
- Overcome challenges in interoperability and differences in perception (humanitarian principles are different).
- Avoid compromising humanitarian activities.
- Promote inclusive outlook, consultation with all stakeholders, shared partnership, local ownership and collaborative leadership to achieve common objectives.
- Do not transgress into domain of others and respect their individuality.
- For QIPs and welfare initiatives make intelligent decision-making.
- Harmonize differences and synergise capabilities.
- Mitigate possible negative environmental impacts to avoid negative public perception.

#### **2.4.4.7 : Measures to Achieve Effective Outreach and Engagement.**

- Carry out continuous and constructive interactions and interface with all sections of the local population and all other actors in the field.
- Liaison and communication with key leaders is important to influence a positive and sustainable outcome.
- Ensure timely information acquisition and sharing with concerned authorities and actors
- Carry out informal meetings to develop personal rapport. Employ female military personnel to engage women in the community to build rapport and trust.
- Develop and cultivate consensus and mutual understanding for all parties concerned including women and men from the community.
- Remember that security, development and diplomacy are interdependent issues and important at even battalion level.
- Be resilient and accommodative to accept other actors' views and standpoint.
- Work for convergence of vision and shared goals.
- Never make promises that cannot be achieved. The battalion should take utmost care in managing local expectations.

- The support provided by the battalion should be sustainable and purposeful.

### 2.4.5 : Organization.

Each mission will have a Deputy SRSg (often also taking on the functions of the Resident and/or Humanitarian Coordinator) who is responsible for coordination at mission level. He/she might be assisted by an integrated civil-military staff, Civil-Military Coordination Officers and Liaison Officers, the OCHA, the UN/Humanitarian Country Team, and the CAOR. At the mission level, a Joint Civil-Military Operations Centre also would be established. The battalion will function in an integrated and cohesive mission set up and is expected to carry out lateral functional coordination with other stakeholders up to the COB level.

### 2.4.6 : Support.

The battalion organic resources have the capability to undertake meaningful Outreach and Engagement in all functional areas. However, for Quick Impact Projects and certain welfare initiatives, additional financial and material support will be provided as per mission policy.

*(Suggested task capability standards are at p. 219)*











## 2.5 : Situational Awareness

### 2.5.1 : General Description.

To create and maintain a peaceful and secure environment in the mission, military commanders at all levels require timely information to plan, prevent or respond appropriately to various challenges. The efficient gathering and processing of information and its dissemination, therefore is critical to the success of peacekeeping operations. To be effective, an infantry battalion should proactively acquire and deliberately analyse the information about the operational conditions in the mission area of responsibility. It is critical that this information should be reported to higher HQ, disseminated within the battalion and shared with relevant stakeholders, through the command and functional channels.

UN Infantry Battalions often operate in hazardous and unpredictable conflict environments where establishing situational awareness is a critical task. Situational Awareness (SA) involves maintaining information databanks and further continues to set priority information requirements, acquire relevant inputs, collate and corroborate to process the inputs, analyse and share/disseminate accurate information to all concerned in real time.

At the battalion level the focus of information management is to corroborate the existing information, acquire and analyse changes in attitudes and perceptions, identify likely triggers, threats to civilians, and provide early-warning to the mission leadership to assess the situation and institute preventive measures, (taking into consideration the necessary protection of women and girls). Information on operational challenges and the ability to engage local population and other key players constructively contributes to force protection and prevents hindrance in execution of mandated tasks of the battalion. Ability to act faster than spoilers in a peace process is of paramount importance. Within its AOR, the battalion should strive to dominate the information landscape and foresee the likely developments and to react accordingly.

### 2.5.2 : Basic Tasks.

The ultimate aim of maintaining an effective situational awareness is to establish a safe and secure environment, protect the civilians, protect UN personnel and property and protect the mandate for a sustainable peace.



Effective SA helps to generate a comprehensive picture of the operating environment and enhances the quality of decision-making for accomplishment of a variety of mandated tasks. It provides ability to take proactive measures to prevent rather than react to situations. At battalion level, the following issues need to be tackled to achieve effective SA:

- Constant surveillance and monitoring of the operational situation utilizing authorized resources available in the battalion (technical and human).
- Generate real time and accurate information for planning and execution of mandate.
- Carry out realistic “Risk/Threat Analysis” to identify and assess vulnerabilities to the peace process, the population and various mission elements from the spoilers and other actors.
- Recording and sharing with the human rights component of allegations of human rights violations and early signs of possible violence against civilians to assist in protection of civilians.
- Provide early-warning (e.g. on conflict, threat to civilians, sexual violence etc.) to higher HQ/leadership to help decision-making and to initiate preventive or mitigation actions.
- Undertake preventive/stabilization actions within AOR based on predictive analysis.
- Carry out engagement with key leaders (including women) to assess intentions and changes in attitudes to help take preventive actions.
- Carry out grass-roots engagement with the local population at battalion and company level to establish rapport, create accessible human information channels, develop faith and credibility in battalion’s intent and conduct, thereby, generate trust and hope in the peace process.
- Monitor migration, internal displacement, refugee movements, etc.
- Maintain contact with spoilers and splinter groups to analyze their capabilities and intentions. Create environment of trust to motivate them to join the peace process.
- Monitor activities, capabilities and intentions of the opposing parties and of neutral sympathizers. Female military personnel can work with the community to access this information from local women.
- Every member of the battalion should understand their role as “eyes and ears” of the mission to contribute as information gatherers for the unit.



### 2.5.3 : Planning Considerations.

**2.5.3.1: General.** The process of information gathering and SA is complex and yet crucial in a peacekeeping environment. Tactical failures can have disastrous strategic or political ramifications on the peace process and stability and impact on the safety and security of the mission itself. More often than not, the action or reactions of various parties to the conflict to situations is ambiguous, unpredictable and volatile, demanding a proactive and reliable SA to respond appropriately and in a timely manner. The battalion also should be cognizant of politico-socio-economic, factional and humanitarian implications of their efforts in maintaining an information edge. The battalion should not be fixated with operational information requirements alone, but should endeavour to develop a comprehensive and all-encompassing information effort in support of the peacekeeping mission needs.

Synchronization of military information process at the battalion level, based on formalization of threat/risk assessment and information-collection plan, tasking collection, analysis (interpretation and prediction), and dissemination/sharing and reporting process is an important part of the information-planning process. As part of the Peacekeeping Information Preparation of AOR, following considerations assume importance:

- **Adherence to Information Gathering Principles.** The SA staff at battalion level should ensure accuracy, timeliness, utilization of authorized multiple sources, set priorities; and carry out liaison and coordination with all other entities in the field to gain relevant information.
- **Information Acquisition.** The methodology of information management for effective SA should conform to the principles and spirit of the United Nations and within the confines of the peacekeeping mission mandate and operational requirements. Special care needs to be emphasised to prevent violation of host national interests, laws and privacy in the employment of means and methods of information gathering.
- **Information Security.** Information acquired should be guarded from all belligerent parties to a conflict, to ensure that impartiality is not compromised, that civilians are not put at risk, and the consent of the parties maintained and fostered. It is critical that information about the identity of victims of rape and abuse are kept confidential. At the battalion level, information security (protect from unauthorized access, use, disclosure, disruption, modification, perusal, inspection, recording or destruction)





and confidentiality has to be maintained and disseminated/shared only on a “need to know” basis.

- **Mission Information Management.** The Joint Operations Centre (JOC) is the ‘information hub’ at the mission level. The JOC is responsible for monitoring and reporting on the situation throughout the mission’s AOR on a 24/7 basis. Military operational information and situational information acquired by the military component should be reported to the JOC through the Force HQ. Drawing on all sources of information, including mission components, the Joint Mission Analysis Centre (JMAC) is responsible for producing integrated analysis, as a basis for enhanced mission planning and decision-making; and for assessing threats to the implementation of the mission’s mandate. The JOC and JMAC coordinate the information processing cycle at the mission level. The Force HQ Information Branch Staff (J2) will guide the battalion in its SA activities, and facilitate interaction with the JOC and JMAC.
- **Priority Information Requirements (PIR).** The JMAC will lead on determining the mission leadership’s PIRs and on that basis develop a Collection Plan with application across the mission. The Battalion Commanders should ascertain higher commander’s PIRs to support military decision-making and generate additional Battalion Information Requirements (BIR) as a basis for planning, tasking and processing information. It should also take into consideration the availability of analysis tools which may include, for example, early-warning indicators regarding sexual violence.
- **SA Plan.** Based on the mission PIRs and BIRs, the battalion SA staff in coordination with the Operations staff will prepare detailed SA Plan indicating information requirements, information acquisition, timelines and guidelines. The SA plan should also take into consideration the availability of analysis tools, which may include for example early warning indicators regarding sexual violence.
- **Peacekeeping Information Preparation of AOR.** Peacekeeping Information Preparation (PIP) of AOR is a systematic, continuous process of analyzing the risks, challenges and operational environment in a specific peacekeeping conflict zone or geographical area to describe the operational environment and its effects on the battalion. It is designed to support staff estimates and military decision-making process. This process helps the commander to selectively apply responses and optimize the effect of the battalion capabilities at critical points in time and



space in the AOR by determining the likely capabilities, vulnerabilities and options available to potential aggressors, spoilers or parties to the conflict and the courses of action open to the battalion.

- It is a continuous process which consists of four steps:
  - ★ Define the peacekeeping environment.
  - ★ Describe the peacekeeping conflict zone's effects.
  - ★ Analyze and evaluate the challenges and risks (including risks to civilians) in the battalion AOR.
  - ★ Determine various courses of action.
- Battalion Information staff will carry out a proactive "PIP" of AOR by using multiple resources to collect and corroborate, managing inflow of information, evaluation of predictive information reports, profile the personalities involved, monitor the operational situation, updating the history of the conflict, monitor the media and political scene and analyze the motives of various parties and leadership.
- **Databank.** Battalion should prepare databanks containing the background knowledge of the mission area and causes of the conflict, terrain analysis and implications (lay of the ground, vegetation, going conditions, weather effect on terrain), security issues (tactical positions and strength of belligerents, DMZ, minefields, ERW, etc.), local culture customs and practices and how it relates to the operational environment, and the operational peculiarities of the Battalion AOR. One set of the databank should be available at the immediate HQ also.
- **Technology.** Apply authorized information-gathering technology in a judicious manner. Remember, peacekeeping generally involves a low technology environment and more reliance on human inputs.

**2.5.3.2 : SA Requirements.** The SA requirement for a battalion in a peacekeeping environment will be guided by the mission mandate, PIRs and Collection Plan, and may include the following:

- Historical background and regional, religious, ethnic/sectarian, cultural, socio-economic and political dynamics that have an impact in the mission.
- Location (including deployments), strength, organizational structure, equipment profile, support facilities (including foreign support), inter group nexus and rivalry, attitude towards the population and UN, and the capabilities of parties to the conflict.



- Tactics used by belligerents for political/military gain e.g., abduction, forced labour, sexual violence, recruitment, forced displacement, etc.
- Personalities, motives and intentions of opposing faction commanders.
- Spoiler/splinter groups, their support structure, factional tensions and competing claims.
- Likely humanitarian and gender effect of the conflict and areas where these could manifest.
- Report humanitarian situation/needs of the local people to humanitarian actors.
- Understand political dynamics and likely triggers that can escalate into breakdown of peace.
- Appreciate “Law and Order” indicators (organized crime, human trafficking, SGBV/CRSV, domestic violence, smuggling, ethnic/religious sensibilities, local groups, criminal gangs, warlords, trouble makers, etc.).
- Appreciate tribal/ethnic dynamics and identify escalatory interplays with potential to spiral out of control.
- Assess and identify specific vulnerabilities to civilians, including children, women, elderly and ethnic/sectarian groups as part of POC.
- Information on violations committed against the civilian population such as the presence of children in armed groups, reports of killings, sexual violence, attacks on schools and hospitals and violations for which the peacekeeping mission is tasked by the Security Council to report on should be signaled to relevant civilian components such as child protection, human rights, etc.
- Efficacy of Disarmament, Demobilization and Reintegration process.
- Local attitudes, emotions, opinions, identities, sensibilities, key players and their role in the situation. Include the attitudes of women who can play a key role in encouraging both negative and positive sentiments in the community.
- Analyze perspectives, perceptions, expectations, and concerns of the population about the conflict situation, their security and the UN roles.
- Facilitate effective dissemination and analyze the impact of ideas and themes of the mission “Public Information” campaign and activities of Civil Affairs.



- Responding to Requests for Information generated from the mission JOC and JMAC, and verification of information, as requested by the mission JOC and JMAC.

### 2.5.3.3 : Counter-Information Management.

Battalion should analyse and address vulnerabilities to its information documents, procedures, personnel and IT systems, through counter information best practices, threat assessments, security awareness training, internal monitoring and investigations of lapses. SA staff should protect the confidentiality of the information and its source.

### 2.5.4 : Conduct.

A UN Infantry Battalion with its organic capability carries out multiple operational activities to accomplish its mandated tasks, roles and responsibilities in the AOR by projecting its operational reach and visibility to the people and opposing parties to the conflict. In doing so, the battalion elements are in continuous and intimate contact with the population and have become an invaluable source to generate human information for the mission as such. Important aspects of maintaining SA at battalion level are:

- **Observation and Overt Information.** The attached MILOBs, Battalion OPs (including mobile OPs and Air OPs) and CPs, the COBs and TOBs, routine, special and long-range patrols, etc. provide overt information about the AOR.
- **Reconnaissance and Liaison.** Specific reconnaissance and planned liaison is carried out to evaluate the situation on the ground.
- **Human Information.** The primary source of gathering information at a battalion level is its human resources. At battalion and company level, the importance of engaging with local interlocutors should be emphasized for gaining relevant information regarding risk, vulnerabilities and possible hindrances to the peace process. Every tactical detachment/group, while performing its mission will also be specifically tasked for gaining priority human information for the commander as well as for updating the existing information. Women are the "heart" of the community and as such have access to vital information that can be utilized



by the military for operational necessity. Creating linkages and building relationships with women in the community can assist in this.

- **Briefing and Debriefing.** At battalion and company level daily briefing and debriefing of all personnel and elements that were out on operational/logistics/outreach activities are crucial to ensure that information is correctly processed. Maintain a record of all relevant inputs for future reference.
- **Community Support.** The battalion and COBs should establish a respectful, trusting and cordial relationship with the local communities and have “Community Liaison Agents” (CLA) and “Community Alert Networks” (CAN) in place for early-warning and to gain information on their concerns and vulnerabilities. It is important to ensure that where feasible, female CLAs are recruited to promote interaction with women and girls, and ensure that CAN is supported.
- **Formal Interactions and Key Leader Engagements.** The Battalion Commander, staff and company commanders should carry out formal interactions/interface with social elites, political leaders, religious heads, women leaders, ethnic chieftains, leaders of spoilers/splinter groups and other local governmental authorities including Departmental/Provincial Health, Gender and Social Affairs offices. Interactions with various victims and power centres are also useful to assess the attitudes and motives. Ensure that the information analysis of all such interactions are recorded and reported through proper channels.
- **Informal Interactions.** Most of the ground information is generated during informal interactions in the process of patrolling or in performance of other battalion tasks. Therefore, up to the Platoon Commander’s level, the methods and importance of gaining information should be stressed upon. Specially trained SA personnel at company level should be grouped with patrols as required. Female military personnel should be involved to converse with local women.
- **Interpreters.** The military interpreters on listening watch and the local interpreters providing the interface is also a good source of obtaining information. However, local interpreters should be carefully employed to avoid information leakage/security lapses/ selective or misrepresentation of information.
- **Mission Components.** Mission components (Political Affairs, Civil Affairs, Public Information, Human Rights, DDR, SSR, Mine Action, UN Police,



DSS, etc.) who are in contact with the people and various leaders are also a major source of early-warning information and may provide a true picture about the undercurrents in a mission area.

- **Host Nation.** Host national security and information apparatus would be a good source to obtain relevant inputs, though they will be very selective in sharing any data.
- **Open Sources.** Information obtained through internet data mining, Google Satellite Maps, BBC Monitoring, local print and electronic media, academics, intelligentsia, interaction with host civilian and military authorities, etc. complement hard information obtained from the human sources.
- **Other Agencies.** The UN Country Team (particularly OCHA and UNDP), International Organizations (e.g. ICRC, HR Monitors) and NGOs are a major source of factual information in specific fields due to the fact that these organizations are present in the conflict zone for a long time.
- **Technical Means.** At the battalion level, the tactical UAV, signal communication monitoring system and ground surveillance radars provide the electronic data inputs for information management (as per Statement of Unit Requirement, MOU and SOFA/SOMA). Additional information from higher HQ and other sources would help consolidation of Battalion PIP.
- **Information Collection Plans.** Drawing on the mission Collection Plan, the mission PIRs and the BIRs, the battalion and companies will prepare a detailed information collection plan to fill the gaps in information and to carry out predictive analysis. This includes the PIR with specific questions, probable indicators, sources, discipline, tasking, timelines and methodology of collecting the information.
- **Additional Support.** Geographical Information System (GIS) with digital maps, and overlays, air and satellite imagery, etc. are useful for the information management.
- **Reliability.** All efforts should be taken to ensure corroboration of the information for its reliability and trustworthiness.
- **Conduct and Outreach.** Respect for the local population and their culture, genuine welfare-oriented assistance by the battalion, impeccable conduct of all personnel, and meaningful and sincere outreach, etc. will create a social commitment and a conducive environment in which information flow would be automatic with trust and faith.

### 2.5.5 : Organization.

The battalion chain of command, up to Platoon Commander, should be cognizant and responsive to the information management requirements and constraints in the UN peacekeeping environment. The information staff should be specially trained, qualified and experienced in information management, air/satellite photo interpretation and in handling GIS and should have a peacekeeping orientation. Dedicated and trained SA personnel with vernacular linguistic expertise are authorized at both battalion and company level to assist the staff and commanders.

### 2.5.6 : Support.

The following assets will complement battalion information management:

- Tactical UAV and signal communication monitor at battalion Level.
- Each ICG with integral miniature UAVs.
- Ground Surveillance Radar with each COB.
- Secured voice and data communications channel for transmission of sensitive information to the mission leadership.
- IT with GIS support.
- High power digital cameras.
- Mission specific SOPs, standard collection plan template, assessment and reporting forms and other documentation.

*(Suggested task capability standards are at p. 219)*











## 2.5 : Situational Awareness



### 2.6.1 : General Description.

A Cordon and Search Operation is generally launched on specific information, designed to secure a location suspected of hiding unauthorized personnel and equipment. The concept of search covers a systematic, focused and well-defined investigation of houses, vehicles, objects, areas or persons in order to determine character and magnitude of illegal objects and/or activities. During searches force is not used except in self-defence and protection of own troops/property and civilians, and therefore, ROE and mandate are to be complied with. The purpose of search is to send a clear and consequent signal that any attempt to ignore applying regulations and laws will not be accepted and to increase the stability in the area by removing weapons or other warlike stores that can be used against civilians, the parties to the conflict or against the mission personnel. Military peacekeepers engaging in Cordon and Search Operations must adhere to human rights standards and need to have a clear understanding of the applicable law, acceptable courses of action and effective tactics.

### 2.6.2 : Basic Tasks.

Subject to the relevant mandate, the primary tasks involved in conducting Cordon and Search Operations in a peacekeeping mission environment are:

- To locate and confiscate illegal weapons or warlike stores (explosives, equipments, materials and supplies).
- To find and confiscate contraband materials.
- To arrest and detain suspects, unauthorized personnel and wanted criminals or persons countering the reconstruction of peace and stability in compliance with the ROEs.
- To protect potential targets, particularly civilians under threat of physical violence.
- To obtain evidence to ongoing illegal activities.
- To build confidence of the people and deny access to belligerents to the area or population.



- To display UN resolve to enforce the mandate for the furtherance of peace and security.
- To help faster demobilization and check ethnic violence.
- To conduct joint operations with host nation security forces and police if mandated.

**2.6.3 : Planning Considerations.** Important planning considerations for conduct of Cordon and Search Operations in the peacekeeping environment are:

- **Preconditions.** Prima facie information of confirmed illegal presence or activities or a verified suspicion is a precondition for conduct of a search (since it may result in local resentment and loss of credibility if the outcome is not positive). Furthermore, the legal provisions and implication, and special procedures for involving the local police or UNPOL will have to be determined.
- **Situational Awareness.** Establish intimate contact with important dignitaries, influential people and other members of local populace to generate timely, valuable and actionable information to stabilise the situation.
- **Information Led Operations.** Preferably, such operations should be launched only on specific information. Therefore, all efforts to collect collate and corroborate relevant information and evidence beforehand to facilitate correct decision-making. Where required, inputs from additional surveillance means (Satellite Imagery, UAV, Ground Surveillance Radars and Communication Monitors, etc.) may be resorted to.
- **Secrecy.** Maintain secrecy of all operational plans and ensure discrete preparations for the conduct. Take measures to prevent any leakage of confidential or otherwise sensitive information through civilians employed in the COBs, local interpreters, rumors among the soldiers, reconnaissance around the target, etc. While maintaining general operational readiness, preparations, training, rehearsals, the conduct should appear to be spontaneous rapid and effective.
- **Surprise.** Maintain surprise in conduct of search operations in its target area, force involved and composition, timing and direction of concentration to prevent premature smuggling out of illegal objects, escape of wanted persons, etc. Disseminate information only to those who need to know at appropriate time and involve other agencies and resources only as late as possible.



- **Flexibility.** Retain operational flexibility to meet any contingencies or reaction of the local population and the specific conditions in the area.
- **Proactive Threat Management.** Assess the normal reaction pattern in the area, possibility of risk of escalation as a consequence of changed attitude and likely reactions to flash points or sudden provocative tense situations due to misunderstandings to arrive at likely threat manifestations. Therefore, take necessary steps to arrest, neutralize or contain individuals, groups or organizations who may try to encourage a negative reaction among the local population.
- **Reserves.** Maintain reserves at the battalion level for quick reinforcement or deployment in addition to having reserves at the target area to deal with crowd control or to meet any other eventuality.
- **Support and Availability of Local Officials.** Since the local population is involved, the support of civil administration authorities and the local police is an imperative for efficient conduct and positive outcome. Necessary liaison, coordination and rapport will have to be built over time to establish good working relations and to foster faith, credibility and trust in the battalion's legitimate operational conduct in support of the overall peace process. Utilise the Military Gender Adviser in outreach to women officials.
- **Respect Religious and Local Customs.** Conduct of personnel carrying out search should be exemplary. Inhabitants, village elders and local personnel must be present during the search. This helps in avoiding misunderstanding at a later stage.
- **Professional behaviour.** Subject to international human rights standards, respect the local customs, practices, conditions and habits and conduct in a professional, mature and people (gender) friendly manner. Do not do anything that may be perceived as an offensive act and exercise extreme restraint and caution in all reactions. Consult with local women on effective engagement with women in the community. Ensure that the methodology of conduct, behaviour reflects that of UN standards and reactions do not hurt sentiments or self-respect of the people or incur damage to their property. Take necessary steps to reimburse or mitigate the damages, if any, as per Mission SOP's.
- **People Friendly Operations.** Conduct of Cordon and Search Operations should be carried out in a friendly manner, without harassment to the



local people and they should be well informed about the reason and cause of the purpose of the effort.

- **Outreach.** The operation should possibly terminate in some welfare-oriented civic action programme, provision of medical aid, etc. supporting the overall CIMIC Plan.
- **Human Rights Compliance.** Searches should only be conducted when necessary to achieve a legitimate objective, should not be arbitrary and should be based on a reasonable suspicion that an offence has been or is about to be committed, and should not be used in a discriminatory manner against specific sections of the population. Women should be searched by female peacekeepers and due care should be taken to ensure that searches do not unduly infringe on fundamental rights such as freedom of movement, right to privacy, respect for human dignity.
- **Prepare to Deal with Negative Reactions.** On a moderate scale, a force can expect pronounced cooperation and friendliness from a crowd, or on a negative scale, it may face armed resistance against the search. In certain conditions a force may encounter lack of will to cooperate and resistance from the local population, militia, regular armed forces, etc. This may escalate the mob mentality and display of discontent, leading to problems ranging from stone pelting, civilian disobedience, riot, physical assault and/or initiation of IED attacks and even regular combat. Prior information helps to configure the force and adopt techniques to deal with such threats.
- **Concentration of force.** Ensure timely, rapid concentration of right quantum of force based on the threat level.
- **Thoroughness.** The search should be thorough, and failing to disclose illegal activities will decrease the credibility of the force.
- **Concurrent Activities.** Checkpoints and patrols also may be tasked to carry out specific searches of personnel and vehicles in conjunction with the Cordon and Search. Women military/police personnel must be included for searches of women.
- **Search of women.** Women police or military personnel should be employed for search operations where women are involved.
- **Medical Support.** Adequate resources for provision of medical aid to the troops, casualty evacuation means and support CIMIC actions should be catered for.



- **Training.** Commanders and troops should be well trained and rehearsed to execute the task in a careful and deliberate manner without human rights violations, negative fallouts and collateral damage.
- **Record.** Always record actions by the search party with still and digital cameras, and take clearances or no-damage certificates once the search is terminated.

#### 2.6.4 : Conduct.

**2.6.4.1 : General.** Cordon and Search Operations involve movement and securing a designated target area, carrying out the actual search and follow up actions. Movement may be carried out directly from the COBs or the troops from various locations concentrated at an assembly area, preferably during darkness, based on the operational requirement and then move to a release point to launch various components to cordon and secure the target area. The deployment is done sequentially from outer to inner while moving in and vice versa while moving out of the target area. The force should fully isolate the area, secure tactically, establish control, close in and conduct systematic search, maintain reserve, report on progress of operation and termination to the HQ and carry out welfare activities where possible.

##### 2.6.4.2 : Methodology.

- **Target area.** A specific area is designated to secure a targeted search where illegal objects, activities or wanted persons are expected to be.
- **Outer Cordon.** Outer cordon primarily prevent unwanted persons from entering or leaving the target area without permission or smuggling illegal items out of the area. The outer cordon is established by means of MCPs, OPTs and/or stationary OPs as close to the target area as possible in order to reduce the amount of units.
- **Inner Cordon.** Inner cordon is established to secure the search and to control movement in connection with the target area. The inner cordon is therefore placed in connection to the limit of the target area. Penetration and search is started only when the inner cordon is established. Outer and inner cordon may, in certain situations, be merged if the level of threat from outside is low or where the warning time to the unit is long.





- **Person Search.** Always search a suspect in public view, (unless the suspect is a woman – in this case, the suspect should be searched in an enclosed environment by only uniformed women personnel) inform reason for search and give opportunity to surrender any prohibited items voluntarily. Let the suspect stand naturally with his/her feet slightly apart and arms down. Searcher should be of the same sex and protected by a guard of the same sex. Use hand held metal detectors if need be, frisk the body, cloths, any baggage and observe reactions of the suspect. Question the suspect if need be and in case of doubt, handover to the local police to further interrogate in full compliance with the Interim SOP on Detention in UN Peace Operations. If the suspect is a female then hand over to only women police officers.
- **Vehicle Search.** Vehicle searches are undertaken to arrest/detain a wanted criminal or a suspect, confiscate illegal weapons or material transportation or to protect potential targets by intercepting. Stop all vehicles, interact quickly, carry out a cursory check, randomly select vehicles for detailed checks and conduct search in the presence of their owner. When suspicion is aroused, segregate the vehicle, and carry out a thorough search with the help of working dogs and other detection assets. Where required use EOD and take assistance of the local police in confiscation or arrest.
- **House Search.** Establish an outer and inner cordon. Ensure all entry exit points are closely guarded. Request all inmates to step out of the house. Question and confirm if any illegal material hidden or suspected person hiding inside the house. If voluntarily disclosed presence, have the item confiscated or person arrested. If not, let the head of the family lead the search team in to the house (if the head of family is a woman then take a man from the family or the village head). This will also serve as guarantee for peacekeepers against accusations that they may have illegally seized any property. Never touch switches or other suspicious objects. Move in tactically but ensure no damage to property. If need be use working dogs, EOD team and police. Continue close observation of activities within the house from a vantage point to identify any suspicious or threatening move. Question the head of the family once again inside the house. Ensure video/digital camera coverage of the activities, assess damage if any, and take a no-damage certificate from the head of family. If any item is confiscated/person arrested, hand it/him over to the police for further interrogation. In case of firing or IED threat, take tactical



actions as per ROE. Confiscated weapons may be dismantled, deposited or destroyed as per mission SOPs.

### 2.6.5 : Organization.

**2.6.5.1 : Structure.** Due to wide ramifications of the impact, planned Cordon and Search Operations in peacekeeping environment should invariably be conducted at battalion level and in certain cases may be delegated to COB level with additional support. Where platoon strength or a patrol party get involved in a spontaneous search situation, necessary reinforcements should be moved immediately. Cordon and Search force, may be organized into four groups:

- **Command Group** comprising a commander, signals personnel, interpreters (including women), EOD team, local police, medical support personnel and recorder.
- **Security Group** comprising of outer and inner cordon.
- **Search Group** comprising search and clear group (commander, scouts and searchers), covering group (secure exterior entry/exit points) and segregation group (detention and material collecting point).
- **Reserve Group** centrally located for dealing with contingencies.

### 2.6.5.2 : Additional Elements.

- **Medical Support.** Provide medical assistance and medicines to the locals and particularly attend to the old and infirm in addition to providing medical cover to the force.
- **EOD Team.** Keep EOD team centrally and employ, where there is a suspicion or actual existence of threat, to carry out reconnaissance, locate, disarm/neutralize and destroy any unexploded devices, booby traps or IEDs.
- **Police Units.** UN Formed Police Units, UN Military Police and local police personnel (including women) are invariably co-opted for the search to carry out interrogation of suspects, arresting wanted criminals, preparation of confiscation documents, assist house searches, assist in maintenance of law and order, crowd control, public announcements and assembling the personnel if required, search of women and children, etc.



- **Military or Police Working Dogs.** Specially trained working dogs can be used as search dogs to trace objects including weapons, ammunition, drugs, etc. or as a show of force.
- **CIMIC/Welfare Personnel.** As per Mission SOP.

### 2.6.5.3 : Command and Control.

The Battalion Commander or the designated company commander will retain overall command and control based on the level of operations. Police personnel employed for search operations will remain under operational control of the commander of the search force. Local and military interpreters, CIMIC and situation awareness officers, etc. may also be grouped to draw a positive outcome.

### 2.6.6 : Support.

The force should be self-contained for the duration of the operation in terms of food, water and ammunition and in case of extension of the search; necessary replenishments should have been coordinated before hand. Additional field engineering stores, lighting arrangements, generators, etc. may be required to facilitate effective cordon. Stores and equipment for the targeted welfare activities could build up once the cordon is in place and the search has commenced.

*(Suggested task capability standards are at p. 220)*









## 2.7 : Convoy and Escort

### 2.7.1 : Description.

Operational flexibility of a peacekeeping force depends on its organic capability to logistically sustain itself. In addition, the mandate itself may authorize the mission to protect civilians and have objectives of providing safety, security and freedom of movement to various UN agencies, funds, and programmes, humanitarian aid agencies and others including NGOs operating in the peacekeeping arena. To support it logistically and to provide security to these entities, an infantry battalion may be tasked to organise movement of convoys and provide escorts. Not all convoy operations and provision of escort need the level of planning and preparation highlighted in the chapter. It will primarily depend upon the operational environment in the AOR.

### 2.7.2 : Purpose.

The purpose of conducting convoy operations is to organise and escort, to facilitate a secure and frictionless movement of a group of vehicles from a designated start point to an intended destination for the following purposes:

- Movement of UN Personnel (civilians or military or both).
- Force logistics supply.
- Administrative convoys of deployed troops.
- Movement of humanitarian aid and personnel.
- Movement of election staff and equipment.
- Escort duties for very important dignitaries.
- Movement of refugees/displaced persons or prisoners of war.
- Escort support to local government authorities in specific cases (e.g., money disbursement).

### 2.7.3 : Planning Considerations.

An Infantry Battalion in a peacekeeping mission should be adequately equipped and trained to provide comprehensive convoy security and respond appropriately as per “Rules of Engagement” in challenging and often provocative circumstances to ensure safe and timely transit. They



should be conscious of the material value and safety of the convoy and be cognizant of the vulnerabilities and the effect (positive or negative) of an operational engagement on the overall peace process. Detailed SOPs are evolved in each mission for grouping, timing and security of convoys. Day to day convoy management, whether routine or of special nature, necessitates due deliberations and careful considerations to be effective and successful. Consider the following:

- **Situational Awareness.** As a routine, obtain relevant security related information on activities of belligerents and environmental hazards which may impede the move. Verify and corroborate through cultivated sources and informers on the current situation and likely manifestation of threat. Collect and collate all inputs from the HQ and various other sources.
- **Threat Perception.** Convoys are an attractive target to belligerents and criminals with an aim of restricting freedom of movement, preventing aid material from reaching the intended population or to seize supplies and military equipment. Therefore, it is important to develop a clear understanding of the threat perception through situational awareness and information management.
- **Tactics of Belligerents.** Based on past events and present practices, carry out a realistic assessment of the organizational structure, leadership, strength, weapon and equipment profile, level of deception measures.
- **Constructive engagement.** Proactively engage and forewarn belligerents to abstain from interfering with execution of mandated tasks. Display the capability and will to execute effective security measures.
- **In-mission cooperation.** Liaison and planning with human rights and other civilian mission components is essential in order to agree on priorities, itinerary and escort modalities.
- **Civil Military Cooperation.** Liaison and coordination with the civilian components of the mission, the UN agencies, humanitarian actors and INGOs as well as local authorities, the NGOs, and deployed troops is an important facet. Various military sub-units and elements operating out of the bases should have real time input about the movement of the convoy. The HQ concerned needs to synchronise passage and sharing of information. Liaison with the UN Humanitarian Civil-Military Coordination focal point shall be ensured all along the process. Coordination is



required for planning and information-sharing between the RC/HC/HCT and the mission.

- **Pre-position.** To provide additional security, pre-position patrols or occupy TOBs in vulnerable areas to dominate and deter or to respond quickly.
- **Route.** Route the convoy through secured areas. Identify and carry out reconnaissance of alternate routes for last-minute switching over prior to movement or even during the convoy. Each vehicle should have a route sketch/card.
- **Road Opening.** In certain missions, security situation may demand physical clearance of a road by a combined infantry and engineer component to locate and clear mines/improvised explosive devices or minor blocks/obstacles.
- **Picketing.** A composite group on APC's or helicopters may establish pickets to secure specific areas for a limited period to allow safe passage of a convoy when there is a grave threat of ambush.
- **Movement.** All movements should be centrally controlled and integrated with other operational activities and the existing security grid. A separate movement control organization may be established to coordinate all convoy movements.
- **Traffic Control.** If required, the route may be marked, manned by UN Military Police/guides and establish check posts for effective traffic control. However, their personal security should be taken care of when deployed.
- **Communications.** Cater for redundancy for alternate communications with all concerned (HF/VHF radio sets, satellite and cell phones).
- **Surveillance and Monitoring.** Aerial and ground surveillance of the route and adjacent areas to identify any unusual or suspected activities should be undertaken. Aerial photographs and satellite imagery also may be used where necessary. Movement should be centrally monitored in real time by the HQ concerned by electronic means.
- **Contingency Planning.** Selection of alternate routes, methods and troops for reinforcement, provision of additional combat support, undertaking combat operations and extrication should be carefully deliberated and catered for.
- **Reserves and QRF.** For emergency response, adequate reserves in terms of mobile Infantry Company Group (motorized and APC based) and a





helicopter-borne infantry group (ranging from a platoon to a company) be kept on standby to instantaneously and rapidly respond to any adverse operational situation that is beyond the capability of the escorting infantry component.

- **Use of Force.** Comply with the Mission-specific “Rules of Engagement” and any other guidelines on the “Use of Force” and be capable of delivering a measured and calibrated response to any kind of threat that may emerge in a mission area.
- **Vehicle Security.** Necessary modification for strengthening of vehicles against small arms fire and mine/improvised explosives threat may be taken care of.
- **Knowledge of local language.** The security elements should have elementary conversation skills to negotiate and converse in the vernacular language.
- **Interpreter.** An interpreter should preferably be a part of the leading elements to facilitate negotiations and mediations when required. (When necessary include a female interpreter)
- **First Aid and Medical Evacuation.** Adequate measures and means must be catered for providing immediate first aid and the quick evacuation of casualties.

#### 2.7.4 : Conduct.

- **Likely Threats.** Threats may manifest in the following forms:
  - ★ Obstacles (unattended).
  - ★ Roadblock (held by belligerents).
  - ★ Mines and Improvised Explosives and/or Vehicle-Borne IED.
  - ★ Penetration by other unauthorized vehicles.
  - ★ Demonstrations by crowd.
  - ★ Pelting of stones.
  - ★ Hostage taking.
  - ★ Pilfering.
  - ★ Stand off fire including sniper fire.
  - ★ Ambush.
  - ★ Attack and plunder.



- ★ Traffic accidents and mechanical breakdowns.

(Note that any demonstration or physical threats posed by women alone should not be underestimated as a genuine likely threat and treated with the same amount of precaution as any other threat.)

- **Briefing.** A thorough briefing of all the personnel (escort party, reserves, vehicle drivers and other civilian members) should be conducted by the convoy commander on the route, timing, threat, action on contingencies and method of emergency response. On the other hand, the escort personnel should be made aware by the parties to be escorted of their priorities and working modalities.
- **Marching Order.** Prepare a marching order in correct sequence to ensure security. Position security elements at the lead, middle and end. Consider more security elements if the terrain, threat and length of column make it necessary.
- **Tactical Movement.** All movement and activities should be tactical in nature and without any complacency. Be vigilant, cautious and poised for quick action.
- **Day/Night Move.** Due to security reasons, preferably UN/humanitarian convoys should only move during the day. Night moves may be undertaken in exceptional circumstances by providing additional security cover and good coordination.
- **Time and Distance.** Consider distance to be traversed, number of vehicles and length of the convoy, required gap between vehicles, cruising speed, time past a point and expected time to complete the movement, etc. having impact on the convoy movement and security plan.
- **Avoid Pattern and Predictability.** As a matter of discipline, maintain an irregular pattern in convoy procedures (routes, timings, speed, composition, etc.).
- **Visibility.** Display UN Flags and symbols at the lead, middle and end. Security personnel should be in operational readiness at all times.
- **Convoy Commander.** Senior most military officer will be the Convoy Commander and his/her decisions are binding on all. The commander should position immediately behind the leading elements and move up and down as required for effective command and control and is responsible for communication with HQ, setting the pace, timings, safety and security and for emergency response.





- **Trail Officer.** The convoy second in command located at the rear of the convoy will be responsible for repair, recovery, accident investigation, med aid/casualty evacuation and to keeping the convoy commander informed.
- **Halts.** Based on the distance to be traversed, administrative halts may be scheduled. However, at no point security should be compromised.
- **Unauthorized Vehicles.** Do not allow unauthorized vehicles to enter the convoy. All such vehicles are to be regarded as an attempt to breach the security.
- **Safe Driving.** Take measures to prevent accidents and take special note of local population and their livestock.
- **Rehearsals.** Actions in the event of operational contingencies should be rehearsed based on the envisaged scenarios. Also plan and rehearse actions at embarkation/disembarkation and at halts.
- **Negotiate.** Exercise extreme caution, restraint and maturity to prevent the situation from going out of hand. Avoid a confrontation by negotiating and deft handling without compromising security. However, certain tactical situations may call for a spontaneous and rapid response in self-defence or defence of the mandate.
- **Calling for Fire.** The escort party should be trained to call for indirect fire or attack helicopters fire and be capable of directing them correctly to avoid and/or minimize collateral damage. Necessary signal communication procedures and means should be tied up in advance.
- **Reporting.** Report on the progress of movement based on predetermined phase lines/bounds and manned checkpoints and also on occurrence of any incident.
- **Communication.** Continuous, instantaneous and timely communication and reporting is a vital aspect of convoy management, protection, security and response.

#### 2.7.5 : Organization.

The structure and command and control of the escort party would primarily depend on the threat, terrain and the type of convoy.

- **Strength and Composition.** The strength may vary from an infantry section to a company group with integral protected mobility and engineer resources.



- **Organization.** The convoy will comprise of an advance guard, main body and rear guard. The advance guard will comprise of the leading elements like Mine Protected Vehicle, protection vehicle, interpreter and APCs, followed by convoy commanders group with communication vehicle and security elements. The reserve security elements will be centrally located with the main body and the rear guard with the convoy second in command, recovery vehicle, ambulance and rear security elements will bring up the rear.
- **Formation.** A convoy should be divided into smaller packets of five to seven vehicles according to the threat level, each with its own security element and nominated commander. Formation and distances are adjustable based on the threat and availability of resources.
- **Weapons and Equipment.** Security personnel shall carry their personal weapons and a Light Machine Gun per protection vehicle along with adequate ammunition. In addition, basic infantry equipments like binoculars, compass, maps and other section/platoon level weapons and equipments as required may be carried. In complex missions, the convoy escort may carry Medium Machine Guns, Rocket Launchers, Automatic Grenade Launchers and Mortars considering the threat envisaged.
- **Force Multipliers.** In some multidimensional peacekeeping operations, tactical situation and belligerent's capability may require use of Armoured Personnel Carriers and or even Tanks as part of the robust mandate execution for both escort duty or as QRF. Aviation resources like UAVs, Reconnaissance and Surveillance Helicopters and Attack Helicopters may also be employed where required. Employment of mine protected vehicle, mine/explosive detectors, tracking/explosive detection dogs and jammers will prove useful to enhance operational security.

#### 2.7.6 : Support.

- **Medical.** Include an ambulance with medical personnel certified in accordance with the Medical Support Manual standards to provide advanced first aid, including knowledge in Cardiopulmonary Resuscitation or Basic Life-support and use of Automated External Defibrillator (AED) to stabilise patients and facilitate their evacuation to the nearest medical facility by road or air.
- **Self-Sustenance.** Be self-contained for the movement with regard to ammunition, food and water. Carry some emergency rations.

- **Preventive Maintenance Checks and Readiness of Vehicles.** Prior to movement, necessary serviceability inspections and preventive maintenance should be carried out. Carry all essential fuel and stores with adequate reserves.
- **Repair and Recovery.** A recovery vehicle along with technicians for immediate *in situ* repairs or for recovery should be carried.
- **Additional Measures.** Carrying a public announcement system to communicate with belligerents where required and a video camera to record activities will help.
- **Loading Plan.** Ensure careful loading of vehicles for safety and security.

*(Suggested task capability standards are at p. 221)*









## Task 2.8 : Operation Base



### 2.8.1 : General Description.

The establishment and maintenance of a secure and functional operation base for the battalion and its sub-units is a priority mission of the Battalion Commander. UN infantry battalions, in contrast to conventional infantry battalions, do not manoeuvre in offensive and defensive operations. UN infantry battalions and their sub-units operate from and return to static bases. Therefore, it is a prerequisite that battalion operational bases are secure and functional before the battalion and its sub-units can achieve overall mission success in the conduct of other battalion tasks. These bases also serve as the planning, administrative, and logistic hubs of UN mission support in the battalion AOR.

Operational bases are established and maintained as secure locations for conducting operations and logistics support activities. The battalion and sub-unit operational bases should be dispersed and self-supporting projection platforms that enable operational coverage throughout the battalion AOR. In most instances, peacekeeping infantry battalions establish or deploy to static operation bases for the duration of their deployment. The commander should therefore carefully consider site suitability for an extended time as well as operational requirements as factors for site selection. These same considerations as detailed below should also be considered when selecting sites for Temporary Operational Bases (TOB). Camp security requires the camp commander and troops to be prepared to respond to all feasible man-made and environmental contingencies that may affect base security and maintenance.

### 2.8.2 : Basic Tasks.

**General.** Operation bases are established to support battalion operations throughout its AOR. It involves the following:

- Provide a secure and static firm base for the mobile elements of the battalion to conduct dynamic, relentless and proactive peacekeeping operations in execution of MET.
- Provide protection to the UN personnel of the battalion and other personnel of mission components.



- Facilitate rest and recuperation of personnel, resupply of logistics sustenance, repair and maintenance of equipments and establish facilities to plan and organize operations.
- Deploy in an integrated grid to execute the MET optimally and cover the battalion AOR effectively and facilitate mutual support and synergy.
- Provide a security framework in order to protect civilians.
- Monitor and report on all developments in the AOR that have an implication on the peace process.
- Initiate rapid response to deal with any emergency to contain and restore adverse situations.
- Facilitate effective outreach and engagement; promoting confidence-building measures; generate situational awareness and help establish rapport with the local population.
- Facilitate observation and domination of key terrain, buffer zones, or population centres.
- Safeguard key installations and infrastructure by being closely located.
- Facilitate stockpiling of supplies in support of other UN components.
- Provide a secure environment for other agencies and host nation forces.

### 2.8.3 : Considerations.

- **Deployment.** A balance should be kept between an excessive dispersal of peacekeeping forces and operation bases and a concentration of troops on large bases in order to ensure the security of all battalion assets. Logistic and communication capability requirements should also be met when determining the disposition of battalion forces.
- **Conditions.** Operation base security may have to be designed in accordance with numerous political constraints and stipulations. For example, status of forces agreements (SOFA) between the UN and the host country may prescribe what battalion activities are authorized, what Rules of Engagement (ROE) must be adhered to, and the territorial limits of operation base authority. Commanders should consider whether their unit capabilities and operation base configurations support their mission and that ever-changing environmental circumstances do not constrain security and maintenance.
- **Threat.** Regardless of what type of base the unit establishes, or where, it should be prepared to defend itself and its equipment from attacks,



criminal activity and civil unrest. Attacks may be conventional assaults supported by indirect fire or by unconventional means, such as, covert infiltration or an attack by a suicide bomber(s). Attacks may consist solely of indirect fires or standoff attacks using small arms. Criminal activity may be organized or random attempts to infiltrate the camp in order to pilfer unit equipment and supplies, conduct illicit activity with camp inhabitants, or gather information about camp conditions or security measures in support of future criminal or belligerent activities.

- **Site Selection and Construction.** The site selection for a base is critical. The site should meet two fundamental capability standards, which are to be capable of defending battalion assets and to be capable of serving as a peacekeeping operation projection platform.
- **Reconnaissance.** Commanders and staff should carry out physical reconnaissance and survey of the proposed operational base site as part of predeployment area study assessment. Predeployment site surveys will assist the commander and staff in formulating operation base priorities of work for battalion assets constrained by time, equipment, personnel and security considerations.
- **Mission Analysis.** The requirement to establish a operation base will be the result of a mission analysis of the battalion's primary mission. Mission analysis will indicate what tasks the operation base will support and is capable of supporting. Mission analysis should consider what effects belligerent, social and environmental forces may have on operation base selection and maintenance.
- **Belligerent Forces.** Such forces may be conventional, irregular, or criminal. These forces are always evolving in character and strength yet always have some capacity to threaten the operational base. The base defence should be such that an adequate amount of combat power is required and available to defeat any attack and secure base equipment and supplies. This frees the rest of the force for operations.
- **Social Forces.** These forces comprise local inhabitants, Internally Displaced People (IDP), or other refugees. These forces always place demands on the base and at the same time will take action to prevent the base from negatively effecting their livelihoods, lifestyles and environment. Base site location should consider what proximity to the civilian population is most advantageous in supporting base missions, security, and civil military relations and cooperation. Unless the mission dictates,





bases should not be too close to the civilian population whereby an attack on the base could result in collateral damage or civilian casualties. In any case, security and the fostering of positive civic relations between the local communities dictate that there is no access to the base by civilians that could encourage/elicit activities between soldiers and the local population.

- **Environmental Forces.** Environmental baseline studies on any selected sites are also requested as per UN environmental policy to avoid any possible liabilities once the UN leaves. Environmental forces include weather and terrain. Terrain selected for the base should be defensible and safeguarded from the effects of weather. Primary terrain considerations are:
  - ★ Does the operation base control key terrain or can key terrain outside the operation base control it?
  - ★ Does the camp interfere with local activities and sanitation or safeguard local activities and improve the environmental conditions of the civilian population?
  - ★ Does the camp provide access to good road networks and airfields or can these lines of supply and communication be disrupted through hostile action, civil unrest or weather conditions?
  - ★ Does the camp location provide secure access to resupply and relief?
  - ★ Does the operation base location provide for defensible and adequate water, power and sanitation sources as well as proper waste management?
  - ★ Does the operation base provide enough area for anticipated expansion and improvements to base defence or an area for safeguarding civilians?
  - ★ Does the camp allow for observation and fields of fire and can it be shielded from observation and fields of fire from hostile forces?
  - ★ Does the operation base require engineer unit assets to shape the terrain in order to support the establishment of a fully functional base?
  - ★ Will adverse weather degrade operational capabilities?
  - ★ Will flooding affect operations if the base is in a flood zone?
  - ★ Will drought conditions degrade camp water sources?
  - ★ Will flooding effect base resupply?



- ★ Will adverse weather create unsanitary conditions within the camp or in the local community?
- ★ Does the operation base have adequate shelters to protect soldiers, supplies and equipment from adverse weather including extreme temperatures, torrential rain and sand or dust storms?
- ★ Does the base have dedicated space for waste collection and segregation?
- **Conduct.** A secure camp is also a camp that abides by UN environmental and soldier conduct policy and guidelines. Active and passive security measures provide for an alert and disciplined force and this facilitates positive and lawful relationships between the battalion and the local community.
- **Protection.** Civil unrest can escalate over time or spontaneously and result in the devastation of a camp, injury to battalion personnel, and the cutting off or degradation of water supplies required for survival. Therefore, vigilance and improvements to base security should be continuous and units should be trained, organized and equipped to defend the base at all times and under all environmental conditions against conventional and asymmetric attacks, criminal activity, and civil unrest.

#### 2.8.4 : Conduct.

- **Work Schedule.** Construction of operation base should be undertaken under adequate security cover as per priority laid down by the Battalion Commander/Company Commander. Invariably, an engineer company will form part of the battalion for construction of the bases. However, the UN Infantry Battalion has adequate capability to establish temporary operational bases with its organic engineer elements.
- **Security.** The battalion operational bases should have adequate defensibility against all types of threats expected in a mission environment. As per operational situations, the base may have early-warning devices deployed outside and in the periphery of the base, have a tiered perimeter fence/wall (including barbed wire and concertina coils), perimeter lighting (flood lights), sentry posts, local alarm systems, bunkers, observation towers, weapon emplacements and pits, establishment of surveillance and communication equipments, multiple entry and exit gates, etc. Bunkers/defences will be made in a tiered manner to provide all round



protection in depth. Where required, the living accommodation should be hardened against direct and indirect fires.

- **Operations Centre.** The Base Commander is responsible for the defence of the base. Each base will have an Operations Centre for monitoring and controlling all operational activities. The Operations Centre will be functional 24/7 and will be connected to the battalion HQ Operations Centre through hotline and VTC facilities. It will be responsible to report on incidents instantaneously to the higher HQ. A suggested UN Military Symbols that are currently in use is attached for reference at [Annex M](#), Vol. II, p. 320 of the UNIBAM.
- **Defence.** Base commanders establish a base defence with available forces to provide all-around security. This base defence includes detailed planning and centralized control. Security measures shall also include provisions to evacuate the camp due to man-made or environmental effects as well as protect adjacent civilian communities and IDP camps. Constant and energetic action by peacekeeping forces constitutes a major element of base defence. Vigilance and sound security measures reduce outside interference with operation base as well as C2 of peacekeeping operations. Visible active and passive defence measures dissuade potential threats from attacking or infiltrating the operation base.
- **Security.** Entry and exit to and from operation base should be monitored and controlled.
  - ★ Ensure that there is no scope of thoroughfare or trespassing into the base.
  - ★ Early-warning of hostile actions, criminal activity, or civil unrest provides the base commander time to react to any threat.
  - ★ These measures may include outposts, patrols, ground surveillance radar, alarms, working dogs, remote video monitoring, and air reconnaissance and surveillance platforms.
  - ★ Local friendly civilian contacts and the actions of indigenous personnel near the base also may indicate threats to the base.
  - ★ Security measures employed inside the base may include guard towers, internal roving patrols and guards stationed at key sites.
- **Patrols.** Preferably at least one patrol should be operating in the near vicinity of the base at all times which can respond to any threat to the base from outside. Night patrols are particularly effective as they will keep threats, including threats to civilians, off balance and ensure peace-



keepers can exercise freedom of movement under all visibility conditions and act as confidence-building measures.

- **Coordination.** Base operational and logistics matters, alert procedures, immediate action drills and reactions, etc. will be internally coordinated with all additional elements (UN Civilian Experts, UN Police personnel, etc. if in location) that are deployed within the base. In addition, coordination with other UN entities, the local authorities in the vicinity and the local population should also be carried out.
- **Alarms.** A Standing Operating Procedure should be established specifying alarms for specific contingencies and reactions rehearsed.
- **Mutual Support.** Peacekeepers in operation bases should ensure mutual employment of defensive resources which include fires, observation and manoeuvre elements. Defensive plans provide for the use of all available direct and indirect fire support depending on the force and the mandate.
- **Reserve Force.** Each base should maintain at least platoon strength as reserve/QRT to respond to any threat, including threat to civilians.
- **Asset Protection.** The vehicles, ammunition magazine, fuel dump, armoury and other unit equipment stores should be adequately protected from all types of threat.
- **Helipad.** Depending on the space availability, each base will have a Heli-pad either within the base or in close proximity to the base for both operational and logistics (including evacuation of casualty) purposes.
- **Rest and Relief.** Establishing a work, rest and guard schedule.
- **Hygiene and Sanitation.** Within 24 hours, providing for human waste disposal in accordance with UN environmental guidelines. Installing containment basins under any fuel storage and/or fuelling distribution point to contain oil spills. Setting up sanitary wastewater and solid waste (including hazardous) disposal procedures and functional base drainage patterns that do not degrade or pollute the base, local environment and the civil population. Base commander should ensure the base is in compliance with the United Nations Environmental Policy for UN Field Missions, dated 1 June 2009 and pertinent COE Manual 2011 Edition guidelines. Building healthy, clean and secure living facilities not prone to flooding or infestations. A detailed guide on "Field Sanitation, Hygiene and occupational Safety" is given at [Annex J](#), Vol. II, p. 288 of the UNIBAM.



- **Rehearsal.** All elements of the operation base should be conversant with security aspects and reaction to threat. Necessary preparation, training and rehearsals should be conducted for a cohesive response.

### 2.8.5 : Organization.

Battalion will be deployed in dispersed manner in various COBs/TOBs which are operationally and logistically self-sustained and operate under the integrated C3 of the Battalion HQ.

- All COBs, TOBs and operational elements will be under an integrated C3 network and operate in a cohesive manner.
- Each operation base will maintain guard posts, entry control points, OPs, QRTs and some operational element outside the base at all times.
- Reinforcement and additional support to deal with critical situations will be planned and rehearsed.

### 2.8.6 : Support.

Invariably, the operation base infrastructure will be provided under UN arrangements. Notwithstanding that, an Infantry Battalion should have capability to establish temporary bases within its organic resources. Support requirements shall be determined through MOU negotiations between the TCC and UN HQ.

- **Base Defence Stores.** The details of field defence stores will be provided under UN arrangements as per the Contingent-Owned Equipment (COE) Manual.
- **Close Security.** An operation base should be configured with surveillance, early warning and quick response assets (GSR, sensors, NVDs, CCTV and cameras, biometric devices at entry control, security fencing and perimeter lighting, tiered defensive positions, OP locations, etc.).
- **Stocking.** The base will be stocked with specified reserve scales of dry ration, tinned ration/MRE, water, medicines, ammunition, fuel, oil and lubricants, spares and expendable stores, etc.
- **Water.** Preferably, the water point/source should be in the near vicinity and it should be protected from any sabotage. Care should be taken to ensure the water requirements of the local population are not hampered by the base.



- **Electricity.** In addition to direct electricity connection, the base should have alternate means of generating power as specified in the COE Manual.
- **Routine Administration.** The camp infrastructure and facilities will be in accordance with the TCC guidelines and mission SOPs on the subject. Camp administration shall be in accordance with TCC and UN regulations and guidelines.
- **Replenishment.** Based on the mission logistics support policy, the replenishment may either be done directly under the mission arrangements or be executed through the battalion HQ.
- **Communication.** In accordance with COE guidelines (COE Manual 2011 Edition), camp communications should primarily rely on a landline telephone system. This system may be augmented by loudspeakers, personal mobile phones, battalion radios and other signals as required. In accordance with COE guidelines (COE Manual 2011 Edition), VHF/UHF-FM communications will be used as the primary means of radio communication with sub-units and sub-elements of the battalion that are in a tactical or mobile environment, and thus unable to communicate via telephonic means.
- **Medical Support.** Each operation base will maintain a medical inspection and holding facility with one medic, an attendant and an ambulance to ensure casualties can be evacuated to a medical facility within one hour following injury. The medical section shall be responsible for establishing and enforcing measures for malaria prophylaxis and vector control in accordance with the Medical Support Manual.
- **Fire Hazard.** The base should have adequate fire fighting equipments and institute all fire safety measures to deal with any type of fire hazard (including ammunition and fuel related).

*(Suggested task capability standards are at p. 223)*





## 2.9 : Disarmament and Demobilization



### 2.9.1 : General Description.

The Disarmament, Demobilization and Reintegration (DDR) of ex-combatants is a complex process with political, military, security, human rights, humanitarian and socio-economic dimensions that will need to be supported by multiple components of the Mission. The overarching goal of the UN approach to DDR is to enhance and consolidate security in support of the ongoing political process so that post-conflict reconstruction and wider recovery can begin. Therefore, DDR programmes are often at the nexus of peacekeeping, post-conflict peace-building and development efforts, and involve a variety of national and international, military, police and civilian actors and institutions. Given the complexity of the undertaking, there is a need to involve a broad range of UN agencies, other external actors, local government and civil society with the peacekeeping mission elements for its synchronized application.

If mandated, the primary contribution of the military component of a mission to the DDR programme is to create and maintain a secure environment, observe, monitor and report on security related issues, provide security and assist in the registration of combatants. Military contingents possess a wide range of skills and capabilities that could be vital to support a DDR programme. In UN peacekeeping operations DDR planning, policy and execution is usually led by a civilian DDR component which works closely with the appropriate national counterparts and UN agencies, funds and programmes (e.g., UNDP).

### 2.9.2 : Basic Tasks.

The basic tasks of the military component to the DDR programme could be divided into the following categories:

#### 2.9.2.1 : Security:

- Create and maintain a stable and secure environment.
- Camp/cantonment security, including security of weapons and ammunition that have been handed in or stored as part of a DDR programme.
- Security of disarmament and/or demobilization sites, routes; provision of escorts to movements of those participating in the programme.





- Provision of security to DDR operations (e.g., sensitization) of civilian DDR staff.

#### **2.9.2.2 : Information gathering, reporting, dissemination and sensitization:**

- Information gathering on the locations, strengths and intentions of former combatants.
- Support to public information and sensitization efforts.
- Joint patrols/information gathering with civilian DDR staff.
- Monitoring and reporting on armed groups.
- Capturing, compiling and sharing lessons learned and good practices on DDR related activities.

#### **2.9.2.3 : Specialised weapon and ammunition expertise:**

- Provision of special expertise and support during the disarmament phase.

#### **2.9.2.4 : Logistic support:**

- Provide logistic/administrative support to the DDR staff and for the DDR process if specially tasked.

**Note:** In addition to the above, it should be noted that military observers are often tasked to play a key role in registering either surrendered weapons or combatants joining the DDR programme.

### **2.9.3 : Planning Considerations.**

**2.9.3.1 : Phases.** A typical DDR process consists of the following phases:

- **Disarmament.** Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.
- **Demobilization.** Demobilization is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the



support package provided to the demobilized, which is called reinsertion.

- **Reinsertion.** Reinsertion is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is short-term material and/or financial assistance to meet immediate needs, and can last up to one year.
- **Reintegration.** Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.

**2.9.3.2 : Planning Considerations.** As military resources and assets for peacekeeping are limited and often provided for multiple purposes, it is important to identify DDR tasks for the infantry battalion at an early stage in the mission planning process so that appropriately trained and equipped units are available for the task. For the military, DDR planning is not very different from planning related to other military tasks in a UN peacekeeping operation. Clear guidelines and terms of references on the scope of the involvement of an infantry battalion will be laid down by HQ and adequate coordination mechanisms and integration with other elements should be established. Important considerations at battalion level are:

- **National Ownership and Responsibility.** The primary responsibility for DDR programmes rests with the national actors (DDR processes are often led by a special commission created by the government for that purpose). The UN's role is to support the process as an impartial actor. So, the success of the DDR process depends on the political will of the parties to enter into the process in a genuine manner.
- **Holistic Approach.** Throughout all stages of DDR strategy development, programme planning and implementation, it is important to encourage integration and unity of effort within the UN system and with national actors. Military involvement in DDR should be determined by a



DDR plan, developed under the leadership of the Mission's civilian DDR component, which in turn works closely with the national counterparts directing the process.

- **Mandate.** If the mandate and CONOPS lay down the specific tasks for military support to DDR, then the military components need to be resourced and equipped appropriately so that the wider security-related function of the military component is not badly affected.
- **Prior Planning.** Military logistic capacity cannot be guaranteed unless specific planning for military DDR tasks has taken place, and forces generated accordingly. Therefore, it is imperative to include employment of any military capability in a DDR programme in the planning stage and make it part of the endorsed mission operational requirement.
- **Temporary Dependence.** Use of military capability may be needed where it is uniquely able to fulfil the task (e.g., site security) or where civilian capacity is limited (e.g., engineering). DDR is primarily planned and implemented by the Mission's DDR section, staffed by civilian experts.
- **Use of Contingents.** Planners should use formed units or contingents that have already been deployed, rather than deploying other formed units or contingents for short-term tasks.
- **Joint Assessment Mission.** Military staff officers or DDR staff will participate in joint assessment missions to assist in determining the military operational requirement of technical nature.
- **Mission Concept of Operations.** Once sufficient information is available, a detailed operational requirement of military capability in support of DDR is developed and included in the mission concept of operations as part of an integrated strategy. Tasks will be assigned accordingly.
- **Flexibility.** Since DDR programmes are owned by national governments or transitional governments, the mission plans and CONOPS should be flexible and reviewed, and allow for adjustments during implementation.
- **Situational Awareness.** Gain information relevant for DDR on the armed groups in the AOR with organic resources and also from the other UN components/civilian agencies in location who are familiar with the environment and personalities.
- **Assess and Estimate.** Assess and analyze the expected security tasks to develop own courses of action, work out contingencies and prepare an effective response mechanism. Understand the plan clearly with regard to number of combatants expected to join the programme, the location



of proposed DDR sites, hurdles, security situation, etc. to supplement own responses.

- **Deployment.** By their nature, DDR operations are likely to demand that an infantry battalion will be deployed in dispersed platoon or company-size groups and be working in operational areas where other units have their own tasks and report through a separate chain of command.
- **Coordination and Integration.** DDR programmes call for high levels of cooperation and coordination between the military component and the DDR unit/team and civilian actors. Obstacles to cooperation and coordination originate from the different institutional cultures and mandates of the military component and the civilian DDR unit/team. Understanding each other's roles and limits to become familiar with the different working styles of one another to limit misconceptions, early joint analysis and planning, establishment of joint coordinating mechanisms for information sharing and to monitor progress, close consultation during implementation and mid course corrections to adapt to changes in the mission environment, etc. will enable effective coordination. Joint operating procedures should be developed to guide civilian-military cooperation in DDR tasks.
- **Synergy.** A DDR programme can involve many actors, including UN system agencies, funds and programmes, regional actors, international and national NGOs and corporations, Member States and bilateral partners, development banks, local communities, research and policy centres.
- **Intended Beneficiaries.** The primary beneficiaries of DDR are combatants from security forces and armed groups, as well as associated personnel (for example, women and children associated with armed groups) and sometimes receptor communities at large. The exact target groups are typically defined in a ceasefire agreement, peace treaty or a DDR planning document. Depending on the Mission context and DDR planning parameters, the target groups can include a wide range of individuals and groups, including regular government forces, irregular and opposition forces, police forces, civil defence forces, militias, communities, Children Associated with Armed Forces and Groups (CAAFG), Women Associated with Armed Forces and Groups (WAAFG), youth, armed group abductees, dependents of ex-combatants, wounded and disabled personnel, etc. In addition, foreign forces and their weapons will need to be repatriated with escort as part of a civilian-led activity. Foreign irregulars that are to be escorted out of the country by international

monitors should be subject to the same disarmament requirements as nationals under arms.

- **Safety.** As the destruction of small arms is a time- and resource-consuming process it is important to know how to control and store the small arms collected in a safe and proper way. Appropriate control, storage and destruction methods are necessary to minimise the risk of accidents and disasters. In order to avoid accidents, international regulations should be adhered to and skilled EOD personnel and specialists should be part of the disarmament. Ammunition and explosive materials should be stored at a long distance from populated areas and assembly areas and only special trained personnel should be involved in inspection, collection and destroying of ammunition and explosives. Where possible, consultation with civilian experts from the Mission (DDR, DSR and Mine Action) for incorporation of appropriate safety measures should be taken.

#### 2.9.4 : Conduct.

To be successful, the DDR programme should be well planned integrated, nationally owned, people-centred, gender sensitive, flexible, accountable and transparent.

**2.9.4.1 : Security.** To promote former combatants' confidence in a DDR programme and to ensure the security of other elements of a mission and the civilian population, the UN Infantry Battalion will be responsible to:

- Create and maintain a stable secure environment for the DDR process to take off.
- Provide area security.
- Monitor and report on security related issues.
- Provide security to the DDR personnel, their transport and routes.
- Provide security, including security of weapons and ammunition that have been handed in or stored as part of a DDR programme, and security of disarmament and/or demobilization sites or cantonment areas (whether semi-permanent or mobile).
- Provide security to routes that former combatants will use to enter the programme, and provide escorts to movement of those participating in the programme.
- Create incentives and disincentive for former combatants to join or remain outside a programme by constructive engagement and provide



support to civilian-led focused public information/sensitization campaigns.

- The use of mobile demobilization camps, where the demobilization process moves from location to location so that other military security tasks are not interfered with.

The use of UNMOs in remote situations should be carefully balanced with their security requirements and where necessary supported by an Infantry Battalion.

**2.9.4.2 : Support Disarmament.** Disarmament is an essential first step of demobilization. It involves the collection, documentation (registration), control and disposal (destruction) of small arms, ammunition, explosives, and light and heavy weapons from combatants. Collection of weapons from an armed civilian population may be conducted separately, but not as a part of the DDR process (which is aimed at combatants and goes beyond simple collection activities). Disarmament by a neutral party can only be conducted if all parties to the conflict agree on disarmament of their combatants. The steps in disarmament are weapons survey, weapons collection, weapons storage and weapons destruction. In some cases, based on an agreed policy between the UN and national authorities, serviceable weapons may also be returned for the use of a legitimate national security force. However, it should be noted that weapons destruction remains the preferable option as it negates the possibility of weapons being diverted to unintended uses.

Disarmament entails planning and management of collection sites, weapons management and destruction. Collection of unused landmines may also constitute a component of disarmament and requires close cooperation with the Mine Action component. Disarmament provisions for heavy weapons like artillery, tanks and planes are usually specified in the peace agreement. The main reason for disarmament of combatants is to restore and build the confidence and faith of the people in the political and peaceful settlement of the issues for a sustainable future. Weapons distributed by warring factions and militias have often created a situation in which no group is able to control the use of arms. Lessons from previous instances indicate that initially poor quality or small numbers of weapons will be returned, until confidence in the peace process increases.

**2.9.4.3 : Control.** The control includes the registration of the weapon and the soldier. The collected weapons and ammunition have to be stored prop-



erly in barracks, containers or bunkers and carefully guarded. All weapons have to be marked and registered even if they are destroyed afterwards for the verification of the parties and the UN. Weapons should be stored in a dismantled state (store functional parts and the main body of the weapon separately) to make the weapons unusable even if stolen.

**2.9.4.4 : Weapons Destruction.** Every effort should be made to plan for destruction (of small arms) in the assembly areas. This approach avoids the problems that may arise regarding the safe and secure transportation and storage of large quantities of small arms and light weapons. A profusion of destruction techniques exist, ranging from cheap and simple, to perhaps less reliable and environmentally unfriendly, to advanced, very reliable and relatively costly methods. Expert assistance from Mission EOD, Mine Action Service and DDR component, etc. may be sought by the battalion to carry out safe and reliable destruction.

Burning, shredding and cutting are the simpler methods, whereas industrial disposal and dumping at high seas are more resource consuming methods. Burning is a cheap destruction method for non-explosive items such as small arms, though it is not a recommended option since undamaged metal parts may remain useable. The procedure is labour intensive, but can serve a symbolic or ceremonial purpose in visibly demonstrating the destruction of weapons for the civilian population. Other options include cutting (time consuming) and shredding (quick but expensive), but for these appropriate equipment and training will have to be secured and included at the planning stage.

**2.9.4.5 : Support Demobilization.** Demobilization means the formal and controlled discharge of active combatants from security forces or from an armed group. It determines the terms and conditions of the transitional phase. The process is comprised of detailed planning, massing troops together in camps designated for this purpose (encampment) or barracks, through temporary and permanent centres, subsequent registration of the combatants with an aim to initially downsize to disband completely. The purpose is to count and monitor the soldiers and to prepare them for their discharge and involves some form of compensation or other short-term assistance package to encourage their transition to civilian life/reinsertion into society. It covers sustaining the combatants and generally also transportation, when they return to their home regions. Demobilization takes place on a contractual or statutory basis at stipulated places and is



implemented within a limited time frame. The objective of demobilization is to reduce or completely disband an army or armed group. Experience has shown that if sufficient resources are not allocated by the international society, demobilization and integration is difficult. It is demanding tasks to get sufficient donor money for reintegration programmes and provide the necessary jobs. Typical destabilizing factors during demobilization include idle and poorly controlled armed groups and uncontrolled arms circulation. The short-term aim is to keep the ex-combatants active and involved, to prevent reversion to armed violence or criminality.

**2.9.4.6 : Activities in Assembly Area.** Different names are used for housing in the temporary assembly area: assembly area, cantonment site, encampment site, quartering area, etc. Ex-combatants come from a range of political and economic backgrounds. Adequate security and freedom of movement should be provided for the assembly areas and demobilization camps so that former combatants feel secure enough to start living without their weapons. Value of the effort will depend on period of encampment, goals of programmes, expectations of combatants and appropriate design of programmes. Even a plan for short encampment should have a contingency plan and a budget for activities due to inevitable unplanned delays. Activities prevent boredom, limit frustration, lessen risk of mutinies and riots, and help make time more productive. There are, however, situations in which, for political reasons, combatants have to remain in assembly areas for several months or a year. This time can be used for skills training or other activities that prepare the ex-combatants for civilian life. Such programmes should be linked to reintegration measures. Reinsertion programmes with briefings, counselling and training should take these different personal situations into account and offer targeted assistance for the return to civilian life. Assembly area activities, training, and reinsertion or reintegration measures are conducted by civilian DDR staff and the Mission military component is not expected to play a role.

**2.9.4.7 : Facilitate Reintegration.** Reintegration programmes are assistance measures provided to former combatants that would increase the potential for themselves and their families, economic and social reintegration into civil society. ("You need to replace the soldier's gun with something else"). Reinsertion, repatriation and reinsertion are civilian responsibilities led by the Mission's DDR component and partner organizations. Repatriation of foreign combatants to their countries of origin is a civilian-



led process that has to comply with the relevant international humanitarian and human rights norms.

**2.9.4.8 : Information Gathering and Dissemination.** The Joint Operations Centre (JOC) and Joint Mission Analysis Centre (JMAC) should coordinate and manage the information gathering and reporting task to:

- Seek information on the location, strength and intentions of ex-combatants who may or will become part of a DDR programme.
- Detect whether commanders within armed forces and groups are withholding information about their rank and file.
- Parties to the conflict are often reluctant to fully disclose troop strengths and locations, and it would also be naïve to assume that all combatants fully accept or trust a peace process. As a result, accurate figures on weapons and ammunition expected to be collected during the programme may never be available, so the technical part of the programme should include some flexibility.
- Identify or confirm the presence of women, children or wounded/disabled people within an armed force or group, particularly if these groups are being underreported.
- Due to dispersed deployment across the post-conflict country/region, military can assist by distributing information to potential participants and the local population.
- Unarmed UNMOs as well as civilian mission components can assist in contributing to early-warning and wider information-gathering and information distribution.
- The information-gathering can also be a by-product of its normal operations, e.g., information gathered by patrols and the activities of UNMOs.
- Information from UN system organizations, NGOs, etc. is also valuable.

**2.9.4.9 : Public Information and Sensitization.** Due to its dispersed grid deployment across the conflict area, it can assist distributing information to potential participants and the local population effectively. Planned and monitored by the DDR unit/team and wider mission public information staff, an infantry battalion can assist in the roll-out of public information and sensitization campaigns particularly when command, control and communications in armed forces and groups are poor. It can even encourage all people to inform armed groups on DDR processes.



**2.9.4.10 : Monitoring and Reporting.** Obtain ground inputs through routine operational activities, established surveillance grid, cultivated local sources and informers or specially tasked patrols to ascertain the progress of the programme by effective monitoring and reporting to the DDR staff and the JOC.

**2.9.4.11 : Special Expertise and Support.** Provide specialist military ammunition and weapon expertise to the technical aspects of disarmament and special assets like Engineer (Generic Support and Explosive Ordnance Disarmament) and Aviation resources. Depending on the methods agreed on in peace agreements and plans for future national security forces, weapons and ammunition will either be destroyed or safely and securely stored.

**2.9.4.12 : Logistic Support.** By experience logistics assistance from the military is highly appreciated in any UN mission in the early stages provided nobody else can do the job. However, this task can only be performed, if it has been foreseen in the mandate, considered in the logistics mission analysis and interpreted down into the configuration of the deploying logistics troops. The logistics and related tasks may encompass: providing/supporting demobilization camp construction, aerial /surface transportation means for movement of ex-combatants (including material handling), administration (assistance with registration and disarmament forms), supply support (food, equipment/spare parts, petrol), engineer support if no civilian contractor is available (Including Explosive Ordnance Disposal (EOD), medical care, etc. if spare capacity is available for specific purpose and duration and essential communication support.

**2.9.4.13 : Assist UNMOs.** Assist in performing tasks involving monitoring separation of forces, monitoring withdrawal and disbandment of irregular forces, manning reception centres, registering and collecting weapons, ammunition and explosives, registering ex-combatants and performing investigations. Ideally national authorities (national police) should be responsible for security, but often it is the UN, who performs this task due to the absence of local authorities.

**2.9.4.14 : Assist UN Police.** Help UN Police when needed in administration and security inside the cantonment area and weapon collection programmes.

**2.9.4.15 : Proactive Engagement of Armed Groups.** In coordination with the Mission DDR component, seek out armed groups (which are not con-



forming to agreed modalities or those which are not yet part of the process) proactively to engage and bring them to negotiation and conform to the DDR process. If mandated, the military component may also be involved in supporting operations against armed groups while the DDR component is simultaneously conducting outreach for individual combatants to defect and enter a DDR process. Communication and coordination with the DDR component are vital under such circumstances.

**2.9.4.16 : Focal Points.** Where accessibility to or for the DDR units/staff is limited or when there is a trust deficit, Infantry Battalion elements can be an effective interface and act as a focal point to promote and encourage participation from fence sitters and welcome/direct them for the DDR processes.

**2.9.4.17 : Support Infrastructure Creation.** Help in creating reception centre, transit camps, demobilization centre, rehabilitation camps, vocational training centre, childcare centre, roads, wells, etc. This task is particularly relevant for military engineer units, which may be called upon to perform construction tasks in remote areas or situations where civilian engineering capacity is limited.

## 2.9.5 : Organization.

**2.9.5.1 : DDR Component Structure.** Missions with a DDR mandate contain a DDR component which has a mix of civilian experts (DDR specialists, planning officers, public information officers, operations officers, logisticians, etc.). The DDR component can be supported from a wide range of Mission assets, including construction engineers, aviation resources, demining units, explosive disposal and weapon destruction units, interpreters, unarmed UNMO's and armed contingent troops (with EOD capability) of the peacekeeping force designed to provide security specific to DDR sites, each with its own core competency to support the DDR programme where required. In addition, UN agencies, funds and programmes, such as, UNDP and UNICEF, are typically involved in the reintegration part of the DDR process. Therefore, an Infantry Battalion will be undertaking the DDR support task as part of an integrated and comprehensive programme. Deployments typically take place in platoon or company-size task groups duly assisted by the experts and specialised support personnel.

**2.9.5.2 : Command and Control.** Usually, an infantry battalion remains under normal military command and control arrangements and accord-



ingly, the HQ concerned will direct activities. It is important to distinguish between operational military tasks in support of DDR, which are directed by the military chain of command, and engagement in the often politically sensitive DDR planning and policymaking process, which is led by the civilian Chief of the DDR component and senior Mission leadership. However, while remaining under military command and control, an infantry battalion will be functioning under the overall guidance of civilian DDR staff, JOC and the Chief DDR Officer if specifically tasked for DDR tasks. For support and logistics tasks, the battalion will operate under the guidance of the Mission's Chief/Director of Mission support (CMS/DMS) in case any assistance for DDR task is being provided.

In practice, joint activities between military and DDR components are often pursued at a relatively low level. For example, the DDR component or field team may approach a company commander for support within the company's AOR. The infantry battalion and its Companies have a major role and obligation to support the civilian DDR staff in their AOR and facilitate meaningful and result-oriented implementation of the Mission DDR programmes. UNMOs, Military Staff Officers and Military Liaison Officers are also incorporated into the force command structure and individual military officers although technically part of contingents, serve in staff posts, both within the force HQ and in various specialised positions where they are integrated with civilian staff, e.g., in sections such as Integrated Support Services and DDR Section.

### 2.9.6 : Logistic Support.

The military logistic capabilities can be useful in a DDR programme and their support should be coordinated with units that provide integrated services support to a mission. A less ideal solution would be to reprioritize or reschedule the activities of military elements carrying out other mandated tasks.

*(Suggested task capability standards are at p. 226)*



## 2.10: Critical Infrastructure and Assets Protection



### 2.10.1 : General Description.

As part of the major responsibility of restoring, creating and preserving safety and security in the AOR, an Infantry Battalion may be involved in protection of various international organizations, public and civilian infrastructure and assets that are vital to the peace process. These are identified, analysed and decided upon at the mission HQ level in consultation with the host national authorities and based on the risk assessment and operational conditions prevailing. Danger or damage to such assets may have serious functional and political implications in peaceful coexistence and economic well-being and therefore need to be protected temporarily by the UN forces until the Host National Security Forces or Agencies are capable of taking on the responsibility. Such responsibilities have high public visibility and impact on the attitude of local people towards the UN and mission entities and therefore, the battalion should take utmost care to prevent any untoward incident.

### 2.10.2 : Basic Tasks.

In addition to the mission force protection, an Infantry Battalion may be tasked to provide protection to various international and civilian institutions and infrastructural facilities which are vital to the host nation and need to be preserved for sustained peace. Such infrastructure and assets to be protected include but are not limited to the following:

- **Protect Support Institutions.** UN System entities outside the mission, other International Organizations (ICRC, etc.), Regional Organizations, NGOs working for the protection and benefit of the people, etc. who are under physical threat of violence.
- **Protect Critical Government Infrastructure/Assets.** Local Government HQ, civil authorities, power generation facilities, water works, communication centres, logistics dump, river/seaports, air fields and bases and other sensitive offices/installations which have a direct bearing in essential services and good governance.
- **Protect law enforcing entities.** Judicial institutions, police institutions, correction institutions etc which have a predominant role in restoring and maintaining rule of law.





- **Protect Vital Civilian Assets/Infrastructure.** Important religious sites, structures of cultural/historic value, important city centres, hospitals and schools or areas that provide daily subsistence and livelihood to the local people and protect vulnerable key leaders.
- **Lines of Communication.** Protect critical roads, bridges and defiles to maintain freedom of movement in a chosen area.

### 2.10.3 : Planning Considerations.

Such tasks being beyond the normal military tasks which involve governmental authorities and civilians, detailed planning, coordination and deliberate preparations should be carried out. Important planning considerations are:

- **Situational Awareness.** Carry out a thorough risk/threat analysis based on the tactical information available. Gaps in information should be filled by gaining relevant inputs from other sources.
- **Reconnaissance.** Reconnaissance of the site/facility by key personnel of the protection force prior to deployment should be carried out to analyse the requirements.
- **Protection Responsibility.** In consultation with the local authorities/leadership, the actual protection responsibility needs to be ascertained and defined clearly.
- **Planning and Coordination.** Joint planning and coordination with civilian authorities and the people involved in the asset or infrastructure is essential to integrate the effort and formulate day to day functional procedures and responses during emergencies.
- **Resource Allocation.** Based on the threat analysis and task requirements, necessary resources should be allocated within battalion capability and grouped appropriately. Additional requirements, if any, may be requested from the mission resources and grouped with the battalion assets.
- **Deployment.** Deployment of military personnel should not violate cultural/religious sentiments; infringe freedom of people and lead to perceived political misunderstandings or impact negatively the local environment.
- **Contingency Planning.** The means and methodology of responses to address various contingencies by the protection force and the battalion reserves should be carefully worked out.



- **Logistics Support.** The protection force should be self-sustained in terms of food, water, transport, protection stores, temporary shelters, ablutions, medical support, etc.

#### 2.10.4 : Conduct.

Important aspects that need attention during the conduct stage are as follows:

- **Occupation of Site.** Quietly occupy the site without alerting the local people, preferably at night.
- **Protection arrangements.** Deploy in tiers to cover the extent, create obstacles and barriers as required, both visible and concealed from observation and prepare sentry posts/protection positions as required. Coordinate perimeter fencing, lighting arrangements and entry/exit points.
- **Safety Distance.** Ensure clear safety distance between the sentry post/obstacle lines to the surrounding area as far as possible.
- **Surveillance.** Deploy 24/7 OP and have some elements outside for early-warning. Surveillance should be carried out unobtrusively.
- **Technological Edge.** If necessary, close circuit TV with control station and sensors be established.
- **Access Control.** Access to personnel and vehicles should be controlled. Metal/explosive detectors, undercarriage inspection mirrors, door frame detectors, biometric instruments (finger printing, retina reader, etc.), smart card reader, and working dogs would be useful.
- **Coordination.** Coordination with the inhabitants, if any, functionaries of the infrastructure, and the local authorities should be carried out.
- **Local Alarm Scheme.** Install a local alarm scheme for alerting all the personnel in emergency.
- **Response.** Responses to various contingencies should be pre-planned, rehearsed and coordinated with all military and civilian personnel involved.
- **Reinforcement.** Timely reinforcement by the nearest military installation should be planned and rehearsed.
- **Casualty Evacuation.** The protection force should be able to tend to casualty and be able to evacuate with its own transport or with battalion support.





- **Command and Control.** Battalion HQ should maintain good command and control and monitor all critical situations for timely stabilization.

#### 2.10.5 : Organization.

The responsibility to protect assets or infrastructure will be at battalion level, delegated to respective companies as per AOR. It is generally undertaken by a Platoon strength duly complemented with additional operational assets and logistics support to sustain itself independently to execute the task. Where required, direct command, control and communication arrangements will be defined and established.

#### 2.10.6 : Support.

Some of the support measures required for performing the task are:

- **Engineer Stores.** For lighting, obstacles, sentry posts etc.
- **Communication Arrangements.**
- **Medical.** Nursing assistant with ambulance.
- **Subsistence.** Food, water, emergency rations etc.
- **Field Kitchen.** For provision of food.
- **Shelter.** Temporary accommodation arrangements if not provided at the site.
- **Hygiene and Sanitation.** Ablutions/toilets and solid waste management.
- **Transport.** Utility trucks and protected mobility.

*(Suggested task capability standards are at p. 227)*

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## 2.11: Crowd Management

### 2.11.1 : General Description.

A peacekeeping mission is deployed in the aftermath or against the backdrop of a heightened conflict situation, reflecting possible lawlessness, dysfunctional legal institutions and an ineffective police organization. Local populations may undertake demonstrations in towns and villages to air their concerns, project problems or protest issues that directly or indirectly affect them. Such gatherings, though mostly political and peaceful in nature, may turn violent, leading to disturbances/riots. The target of such demonstrations may be the host government, socio-political or ethnic groups, or the peacekeeping mission itself.

In principle, the responsibility for restoration and maintenance of law and order lies with the host State, with operational support or advice provided by a UN Formed Police Unit (FPU) or with the UN police, in accordance with the mandate. UN police are usually in the lead for coordinating actions with local UN HQ, civil and police authorities. In the case that civil authorities are unable to cope, military assistance may be needed as long as the mandate permits action and the ROE specify the use of crowd management means by the military. It should be stressed that military commanders are to request the presence of police personnel through the quickest means possible if not at the scene in an outbreak.

Crowd management is a sensitive operation requiring, amongst other elements, human rights compliance, training, appropriate equipment and clear command and control arrangements, to manage a calibrated and appropriate response to a volatile situation. It is important to allow the legitimate expression of views by the assembled crowd, while preventing escalation, casualties and collateral damage.

An infantry battalion may be faced with crowd management in four particular scenarios:

- When charged with securing the perimeter of the tactical area of operation within which the host State police and/or UN police are managing public order.
- When the situation is beyond the control of the host State police and/or UN police and has evolved into a public disorder.
- When the host State police or UN police are not available and cannot reach the area in time.



- When called upon to protect UN staff, facilities, equipment, installations or institutions.

Crowd management is followed by civil police legal action, which may be reflected in procedures like registration of criminal cases, arrests, search and seizure and subsequent prosecution action in the courts. The civil (usually) and UN police are trained and equipped to handle these activities and battalion commanders should readily use this expertise in field situations wherever necessary.

Whether carried out by UN or host State police or by military peacekeepers, the graduated use of force in crowd management will be guided by the mandate and expressed within relevant operational documents (ROE and Directives on Use of Force-DUF). Some of the important facets to be kept in mind while carrying out crowd management are; advance planning and readiness to deal with various contingencies, allocating and maintaining adequate resources (dedicated and trained troops, transport and specialized equipments), preparation for establishing a joint HQ to coordinate and integrate planning and conduct of operations, coordination and communication arrangements with all other actors, key leader engagement, incorporating female interpreters of military/police forces, etc. .

### 2.11.2 : Basic Tasks.

**Scenario A.** The most typical scenario is for the police (host State or UN) to have primacy in crowd management. In this scenario, the role of the UN Infantry Battalion may be to assist host State and/or UN police by deploying and controlling a military security support zone surrounding the police area of operation. The senior most UN Police Officer in location exercises tactical control in these situations. The battalion's support role should follow the mission-specific SOP on military-police cooperation in defining the division of responsibility, the respective tactical AOR and the transfer of authority. A joint command post/incident control point is to be established to monitor and coordinate operations.

**Scenario B.** When the public order situation evolves to become public disorder of a military nature, i.e. where there is sustained use of firearms or military weaponry, there is a transfer of authority to the senior most military commander at location to exercise tactical control, since the police primacy as described in Scenario A is no longer sustainable. The military commander may request FPU personnel and/or other security personnel



of the mission to perform specific tasks in support of crowd management. The assignment of FPU personnel should be coordinated with the HOPC or his/her delegate (Chief Operations, Deputy Chief Operations (FPU) or Regional Commander).

**Scenario C.** When local police or UN police is not present, the battalion should monitor and report to the HQ on crowd gathering, and share information with the nearest and relevant host State police and UN police representatives. Part of the situational awareness might be to identify and limit the area of operations. The task might involve protecting host government institutions, civilians and officials. If resources are available, establish perimeter security at an appropriate distance to restrict access and prevent crowd from further swelling. In collaboration with local authorities, it may be possible to identify routes which the crowd can use to easily disperse. Otherwise, the battalion should keep a distance from the crowd, if possible and wait for the crowd to disperse. Authority should be transferred to host State police or UN police at the earliest possible moment in order to restore law and order.

**Scenario D.** When called upon to protect UN staff, facilities, installations or institutions or in protection of battalion COBs, mobile troops and vehicles, the battalion may be required to reinforce, provide security, disperse the crowd and extricate the UN personnel to safety, if required.

### 2.11.3 : Planning Considerations.

**General.** General. Careful planning, deliberate preparations, timely interface and controlled execution will pay rich dividends. Important planning considerations are as follows:

- **Training.** An important part of the pre-planning and preparation is regular joint military-police exercises. Scenario-based training with rehearsals and exercises within the contingent and jointly with the police on various actions for crowd management and dispersal are critical. It should also emphasize command and control arrangements and procedures. There is also a need to test communication equipments and coordinate necessary communication means to overcome interoperability challenges. Furthermore it is to ensure full knowledge and understanding of principles included in the ROE and DUF, and their application.
- **Prognosis.** Carry out an assessment of the likely disturbances, their probable locations and strengths, action needed to prevent them and



any likely tasks or roles envisaged for the battalion. Prior planning to deal with likely situations and contingencies should be carried out.

- **Situational Awareness.** Develop an effective situational awareness network and institute monitoring mechanisms in place for early-warning. Prepare an information-collection plan and estimate the overall situation and mood of the people. Key aspects are the reasons of gathering and messages, the nature and composition, leadership profile of the crowd and the means available to it.
- **Security of Critical Terrain and Infrastructure.** Assess requirement of securing/holding key terrain and infrastructures in accomplishment of the task.
- **Joint HQ/Command Post.** Create joint police and military operational HQ/command post, where appropriate, to establish a joint working mechanism between the civil, police and the military elements in the area for a coordinated response and measures for securing the exercise of command and control.
- **Outreach.** Carry out constructive engagement and liaison with local leaders in advance to discourage initiation or development of any unlawful activity.
- **Gender Issues.** Engage women's groups to understand their particular concerns.
- **Coordination.** Plans (resources and responses) should be well coordinated amongst all responders and implemented in an integrated manner.
- **Processing of Requests.** The channels through which requests for military help is required to be processed should be well defined.
- **Civil Authority.** The arrangements for representatives of the civil authorities, who may be police officers, to join the troops in execution of the responsibility.
- **Troops to Task.** Assess requirement and earmark troops for each task and locality.
- **Reserves.** Assessment and configuration of a reserve force.
- **Joint Reconnaissance.** Carry out joint reconnaissance down to platoon or squad level, if possible.



- **Preparations.** Prepare special stores like public address equipment, barbed wire, knife rests, sandbags, fire fighting equipment and emergency lighting.
- **Resources.** Provision of crowd management equipment, riot control agents and maps for reinforcing units.
- **Coordination.** Coordinate movement, deployment and support to be provided with the local administration and police authorities.
- **Reception.** The reception, briefings, guidance, deployment and administrative support to the reinforcements.
- **Record.** Plan to record/collect evidence with cameras, videos and by written or tape recorded eye witness accounts.
- **Traffic Control.** Plans to divert civil traffic, which should include provision for maintaining cleared routes for use by military reinforcements
- **Interpreters.** Interpreters will be of great help in interacting with the locals to establish contact, engage key leaders and in diffusing situations. Note that interpreters will also need to be trained, fully trusted and protected.

#### 2.11.4 : Conduct.

**General.** The method of execution and the resultant outcome of a Crowd Management Operation are likely to have severe positive or negative ramifications on the entire peace process. An inappropriate response to the crowd can trigger aggravation and greater disturbances. The basis for any posture is a firm, fair and friendly conduct of operations. Regardless of which combination of actors may be present (the UN military alone or in support of the host State and UN police or alone), the UN presence should at all times consider the possible reactions to any proposed or planned actions.

**Measures.** Crowd management operations broadly encompass the following measures:

- Information gathering and sharing.
- Liaise and coordinate with UN police and/or host State police before, during and after the event, for purposes of information gathering, interoperability and protection of human rights. The host State police deals with organizers and leaders often on a daily basis and their understand-





ing and rapport can be a powerful way of managing demonstrations without the use of force.

- Protective measures (alert static and mobile forces, pre-position troops, etc.).
- Preventive measures (show readiness, engage key leaders, negotiations, persuasions, etc.).
- Sustainability measures (logistics support, equipment readiness and ammunition, etc.).
- Contingency measures (evacuation, escalation, use of deadly force).

**Judgement.** A military commander should select the best method of managing a crowd most appropriate to the circumstances. On the one hand, a relatively amiable crowd may be inflamed by an ill judged show of force; while on the other hand, an underestimation of the hostile intent of a crowd and the deployment of an inadequate number of troops could be equally disastrous. The tactics outlined in this section should be used as a guide; the military commander on the spot has to use his/her own judgement as to how to deal with any particular situation.

**Restraint.** The military commanders at all levels should ensure that their tactical actions are consistent with political goals and it is an obligation to respect the rights of unarmed peaceful protesters. Maintain restraint to avoid causing casualties to innocent civilians. Legal, political and humanitarian constraints will also shape the conduct of operations and actions of the battalion should correspond to the ROE. Negative effects of inappropriate tactical actions will be exploited by the media.

**Preliminary Military Action.** Plan in consultation with the UN Police and/or host police and civilian authorities, to concentrate, move and position the troops close to the scene of an anticipated disturbance. It will ensure close monitoring of the situation and the readiness of troops for getting employed. Keep the troops in tactical groups and maintain adequate reserves. A joint HQ should be set up to coordinate and control operations.

**Required Information.** The Infantry Battalion should seek to gain information from all possible sources and establish awareness of the AOR including with regard to the nature of the crowd's grievance, its location, its attitude and the overall situation. At least the information should include:

- Overall situation and the tasks that the military are to perform.
- Command, control and coordination responsibilities, and arrangements.



- Police force locations.
- Route (best direction without interference) to the scene of the incident and rendezvous.
- Nature of disturbance, estimated size of the crowd, its intentions and temper.
- Any relevant topographical details including lighting requirements at night.
- Direction in which the crowd should be dispersed.

**Movement.** Establish liaison with the civil authorities and police force in location prior to movement. Consider the following:

- The route (least interference) and direction by which troops should arrive.
- Whether the move should be ostentatious to show force or unobtrusive.
- The tactics and weapons needed on arrival.
- A rendez-vous where the military and UN police and/or host police commanders can meet: it should be sufficiently clear of the crowd but with a view of the scene of the disturbances.
- Preliminary orders for troops involved.

**Arrival of Military Forces.** Troops should be prepared to intervene the moment they arrive at the scene of the disturbance so that the situation does not deteriorate through unnecessary delay. They should therefore have a well-rehearsed deployment drill. This does not mean that troops should always be used at once. Preferably, the armoured vehicles should not make a premature appearance, which may rob a commander of the advantage he would gain later from the shock effect of their sudden intervention. Troops should never be brought to the scene of a disturbance until their intervention is required.

**Transport.** The following points should be noted:

- **Debussing Point.** If the troops move on transport, debus quickly to a practised drill, away from the area, unless armoured or special vehicles are used and if it is advantageous to debus close to the crowd.
- **Soft-Skinned Transport.** Transport should be left under guard at an appropriate distance. One or two vehicles may carry a small party including policemen along with blocking stores to deal quickly with any specific diversions. These vehicles should be fitted with protection kits and fire proof canopies, and may carry a public address system.



- **Armoured Vehicles.** The use of APCs has a deterrent function since their presence rather than their firepower delivers the impact. Its use should always be considered under the aspect of proportionality and minimum use of force. It is not advised to use tracked vehicles for crowd management purposes, as they may be reported as “tanks” in the media and have a counterproductive effect on the local population.

**Action on Arrival.** There can be no definite sequence of events and most actions take place concurrently and overlap. Troops should take the following actions on arrival:

- Obtain information about the situation from UN police and/or host police/civil authorities, roof-top standing patrols and helicopters
- Assess the best direction to disperse the crowd; some factors affecting would be the mood and intentions of the crowd, the existence of attractive targets and of other crowds, and alternative dispersal routes.
- The method of handling the various elements in the crowd should be decided.
- Preferably do not bottle up the crowd, but give time and room in which those non-violent elements can be separated from trouble makers and dispersed as appropriate.
- The process for coordination with the local authorities should be established.
- Deployment should ensure all around protection to prevent rioters from encircling security forces. It should be decided whether there will be a deterrent value in arresting ring-leaders.
- Bear in mind to warn and persuade without the use of force, particularly when directed at community leaders and use of minimum necessary force.

**Directing/Stopping a Moving Crowd.** It will be usual to deploy troops to halt the progress of a crowd, and such deployment focuses the attention of the crowd, thus distracting attention from other moves by the security forces. It establishes a baseline from which:

- OPs are established and ground reconnaissance carried out.
- Barricades, blocks and cordons may have to be established.
- Every effort is made to identify individuals in the crowd, especially ring-leaders.



**Use of Aircraft and Helicopters.** Depending on the threat posed, aircraft, particularly helicopters, may be employed on the following tasks:

- Reconnaissance to give early-warning of crowd assembly and movement.
- Dominating a crowd by flying or hovering overhead and drowning any speakers who may be addressing the crowd.
- Dropping riot control agent if necessary and reasonable to do so.
- Acting as an airborne command post or radio relay station.
- Positioning OPs on high buildings or lifting troops to the roof-tops of those occupied by crowds or snipers.
- Deployment of quick reaction forces, including search and rescue.
- Public address by means of loudspeakers, photography and night illumination.

**Dispersing Crowds and Riots by Persuasion.** Most demonstrations are lawful and the primary aim of a security force—whether an infantry battalion or a police service—should be to facilitate and allow the demonstration to proceed. In the majority of cases, there will be no need to disperse the crowd. However, a crowd may also shelter agitators who will seek to provoke the security forces into ill-considered, hasty action. Ensure that only minimum necessary force is used to disperse a crowd and that the methods employed are appropriate to its mood and the local situation. The measures, short of using force, include the following:

- **Voluntary Dispersal.** As a first and most effective and least provocative step, unobtrusive discussion with the leaders involved may lead to the orderly dispersal of a crowd. It is important to address responsible members of the crowd and rely on them to influence the remainder. Moreover, it will appear to be voluntary rather than enforced by the security forces.
- **Verbal or Visual Persuasion.** Use hand held/vehicle or helicopter mounted public address system to persuade and warn the crowd in the local language.
- **Important Points.** When adopting any of these methods, the following should be kept in mind:
- **Pleas.** Pleading from a position of moral or physical strength may be a logical and productive stage in the process of dispersal; however, it is more likely that pleas from a position of weakness will produce an adverse effect.



- **Promises.** While promises may produce an immediate and positive result, the longer term results of rash promises made without due authority will be inevitably negative and damaging to the security forces.
- **Observation.** Just maintaining an observation of a crowd should be enough to achieve objectives. The lack of a suitable target, in the shape of the security forces, may cause the crowd to disperse from fear or boredom. The ringleaders may have particular difficulty in inciting the crowd if there is no suitable target for them to attack.
- **Threats.** Any attempt to force a crowd to disperse has to be preceded by clear and repeated warnings of a possible use of force and has to allow sufficient time for the crowd to understand and respond to the warnings. Any abuse or inappropriate action may provoke the crowd and discredit the security forces.
- **Show of force.** A show of force might have a deterrent or an aggravating effect, depending on the specific scenario and on the mood of the crowd. Less provocation can be achieved by posting OPs, particularly on roof-tops and high buildings where they can be seen, so that the crowd becomes aware of a military presence, and individuals may begin to fear being surrounded and decide to leave. Their departure can be infectious and the crowd should be allowed to melt away. While an open show of force may require that all troops available be seen, a more unobtrusive approach should always be backed up by a reserve. This may be needed should an isolated detachment be attacked or surrounded.

**Use of Force.** The use of force in these situations should always be based on the principles of necessity, proportionality/ minimum level of force, legality and accountability and all actions of UN military and police should be aimed at the protection and preservation of human life, property, liberty and dignity. Dialogue and mediation should be applied whenever possible. The use of force is the last resort, when all other means of peaceful de-escalation have failed. Any use of force is to be conducted in accordance with ROE.

**Dealing with Women and Children.** The presence of women and children either in or on the frontline of a crowd may affect operational decisions at the tactical level. Tactics and procedures may be adapted with regard to how women and children are handled physically, which agents and other support are used and how the use of force is restrained. Another factor to keep in mind is the media, as women and children may be involved in



disturbances for publicity purposes, as well as being used as a cover for agitators.

**Records.** Military action in support of the civil authorities may be the subject of subsequent enquiry. It is therefore essential to be able to establish what happened, and a complete record should be kept of all events as they occur. Important aids to keep evidence include photography/videography from ground and air (helicopter) with digital still cameras, video recorders, pocket tape recorder and cell phone recorder. All military commanders should record important events in chronological order in the pocket diary.

**Handling injured persons, casualties and detainees.** The battalion, in conjunction with the police and civil authorities should facilitate/provide first aid and carry out evacuation to the nearest medical facility. Detainees, if any, should be handed over to the UN police and/or host police as early as possible as per Interim SOP on Detention.

### 2.11.5 : Organization.

**Structure.** Crowd management situations may be encountered by a squad/section to a platoon/company level group either in static or mobile mode. One company at battalion level and a platoon each at company level should be equipped with public order management equipments and stores. However, all ranks of the battalion should be trained and undergo joint exercises with the police.

#### **Equipment.**

- Organic equipments and UN field uniform, and should not include weaponry like rifles, etc. until and unless the level of threat is elevated to one of a military nature.
- Crowd management batons and shield, body protection, gas mask, disposable handcuffs, crowd management helmet with facial protection.
- “Non-Lethal Weapons” such as OC-spray (Oleoresin Capsicum), CS-gas (tear gas), tear gas launchers, tear gas hand grenades, smoke grenades, water cannons, and flash and bang/stun grenades. It should be noted that the use of rubber bullets by UN police units has been banned by DPKO.
- Vehicles/APCs reinforce the display of a massive and determined strength.
- Handheld loud speakers and video or digital cameras.

- Stores for barricading.
- Working dogs (crowd management dogs).
- Handheld metal detector according to the nature of the operation/task.
- Availability of language assistant has to be considered to facilitate the understanding of the crowd and for tactical negotiation with the crowd.

#### 2.11.6 : Support.

All troops should be administratively self-contained for food, water and ammunition. An ambulance with medical attendants and casualty evacuation measures should be coordinated. Necessary replenishment should be catered for sustaining the force for the expected duration of the operations.

*Note:*

- The modalities of conducting joint operations are covered under Chapter 14, Joint Operations.
- The authorization of Crowd Management Equipment for platoon and company strength is in the COE Manual 2011.

*(Suggested task capability standards are at p. 228)*













## 2.12: Detention

### 2.12.1 : General Description.

UN Personnel in missions are sometimes required under the terms of their mandates to detain persons in application of mission-specific military rules of engagement or police directives on the use of force and related matters issued by the DPKO. It is required that detained persons be handled humanely and in compliance with military specific rules of engagement and Status of Mission Agreements, police directives on the use of force and applicable international human rights, humanitarian and refugee law, norms and standards. The operational framework for detentions within UN peacekeeping operations is provided by "Detention in United Nations Peace Operations Interim Standard Operating Procedures", dated 25 January 2010. The ISOP remains applicable until such a time that final SOPs are approved. However, the ISOP does not address issues of criminal procedures which are governed by the relevant laws of the host State, and are not applicable to missions with executive mandate or interim law enforcement function, where handling of detainees will be governed by the law applicable in the Mission area.

### 2.12.2 : Circumstances for Detention.

An Infantry Battalion may be constrained/called upon to detain suspected persons or criminals in the following circumstances:

- While conducting Cordon and Search Operations.
- At the Checkpoint.
- When a person commits an offence in the presence of a patrol against any vulnerable section of the society (women, children, elderly, etc.).
- When grave danger or reasonable threat to life is imminent or exists.
- As part of support to law and public order management.
- Whilst carrying out proactive disarmament.
- In protection of UN personnel and property where danger is imminent.
- When an intrusion/trespass or attempt to commit an infraction or violation in UN premises takes place.



### 2.12.3 : General Principles.

Any person detained by UN personnel shall be released or handed over to national law enforcement officials of host state or other national authorities as soon as possible.

Detained persons are entitled to rights provided in international human rights, humanitarian and refugee law, norms and standards.

The fundamental principles and rules of international humanitarian law are applicable to UN forces when actively engaged as combatants in situations of armed conflict to the extent and for the duration of that engagement<sup>4</sup>.

### 2.12.4 : Planning Considerations.

Procedures for handling detained personnel shall be in compliance with mission-specific military rules of engagement, Status of Forces Agreements (SOFA) and Status of Mission Agreements (SOMA), police directives on the use of force, and applicable international human rights, humanitarian and refugee law, norms and standards.

- **Rights of Detainee.** The detainee has the right to know the reason for detention, designate a family member and or other representative person to be notified of the detention, to make complaint on condition or treatment during the detention, to make claim/compensation for bodily injury/damage to property arising from detention and to receive an inventory of items taken and have them returned under certain conditions.
- **No Discrimination.** Detainees shall not be subjected to any discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, sexual orientation or identity, association with a national community, property, birth, disability or other status.
- **Prohibition.** Detained persons shall not be subjected to torture and cruel, inhuman or degrading treatment or punishment.
- **Provision of Food and Water.** Adequate food shall be provided at the usual hours and as reasonably practicable in accordance with accepted

<sup>4</sup> Secretary-General's Bulletin, Observance by the UN Forces of International Humanitarian Law, ST/SGB/1999/13, 6 August 1999.



religious practices, customs and tradition. Clean drinking water will be made available at all times.

- **Detention Focal Point (DFP).** DFP is authorized to inquire into and provide advice on matters of detention, and has unimpeded access to records.
- **Safety.** Safety and well-being of a detainee shall be the responsibility of the UN personnel and will be ensured until release or handover to national authority.
- **Health and Hygiene.** Provision of clean clothing, good sanitary facilities and access to fresh air and regular exercise to be ensured.
- **Use of Force.** Force will be used strictly in accordance with international standards on the use of force, mission specific military ROE, and police directives on the use of force and related matters..
- **Physical restraints.** Shall only be used as a precaution during transfer/handover, on medical grounds, and by order of the CO, and only purpose-designed hand/flexi cuffs shall be used and hands kept to the front. Circumstances for physical restraints as per the SPO para. 27 must be taken note of.
- **Privacy and Accommodation.** Protection from public curiosity and privacy of accommodation based on age, sexual orientation, ethnicity, religion or any other criteria shall be ensured.

## 2.12.5 : Conduct.

### *Taking and Handling Detained Persons.*

- **Commencement of Detention.**
  - ★ At the time detention commences, the detainee shall be notified orally of the reason of detention and a written statement explaining the reason for detention and notifying of rights will be read to and given to the detainee at the earliest practical time.
  - ★ A Commanding Officer will ensure delivery of UN detention, release, transfer and/or handover form delivered to the Detention Focal Point, Chief of HR Component and HOM within 36 hours. He/she will also within 36 hours provide a written notification to ICRC with basic information on the detainee, reason, date, time and place of detention.
  - ★ A “Detained Persons Register” shall be maintained on initial details of detention and updated to reflect any material change of circumstances.



- ★ The detainee shall be photographed for identification and to record any injury or matter relating to his/her well being.
- ★ A person designated by the detainee shall be notified of the detention as soon as possible.
- **Medical Examination.** Conduct medical screening of a detainee immediately on commencement of detention or prior to release, and when force has been used against the detainee, or after allegations of abuse or ill-treatment, or when detainee is injured or unwell and when necessary to ascertain physical or mental illness. Consent of the detainee (except when mentally unstable or underage) and legitimate medical reasons are required to carry out medical examination. (Refer to para. 32 to 40). If a child, medical examination shall only be conducted with additional consent of parent or appropriate adult relative or guardian except if deemed necessary by the medical personnel. Children, elderly persons, persons with physical and mental disabilities, pregnant or nursing mothers, shall be monitored and given priority of care. A report with details of the medical examination including treatment provided and recommended shall be provided to the detainee on release.
- **Questioning.** Questioning is governed by mission-specific ROE. In any case, on request for identity and address, detainee's responses shall be recorded including decline/refusal to answer and the identity of UN personnel present at that time.
- **Searches.** UN personnel are authorized to search detained persons for arms, ammunition, explosives, drugs and any other item that may cause harm or damage persons or property. Search will be conducted with respect and consideration of gender, age, and sensitivity to race, religion, culture and disability. UN male personnel may search female detainees in exceptional circumstances at the commencement of detention, for imperative security reasons (e.g., reasonable belief that the female is carrying a weapon) or when no female UN personnel are available to conduct the search.
- **Confiscation/Deposition of Items.** All items in the possession of the detained person shall be taken and registered in the Detained Persons Property Register. Items of security/investigative interest shall be confiscated and dangerous items may be destroyed upon the approval of the commanding officer. A detailed description of such items will be maintained including photography and filming prior to destruction. All per-



sonal items not confiscated or ordered destroyed will be returned to the detainee upon release or transfer to the national authority at the time of handover.

- **Children.** A child may only be detained as a last resort and for the shortest possible time and separate from other detainees unless with members of family except where this is against the child's best interest. The nearest kin shall be notified as soon as possible and arrangement made for regular visitation by adult relatives/guardian. A child will only be handed over to the national authorities on their written commitment that the child will not be recruited for participation in hostilities, or the lack of which the child will be set free and the HOM advised of the refusal accordingly.
- **Foreign National.** A detained foreign person shall be informed of their right to communicate to and be accessed by the respective embassy, consulate or diplomatic representatives for purpose of such communication.
- **Refugees/Stateless persons or persons under the protection of an international organization.** These persons have a right to communicate orally or in writing with representatives of the competent international organization, and will be provided with the necessary contact information and means to accomplish contact.
- **Media and Public Information.** All media inquiries to be directed to missions designated Public Information Focal Point. No information shall be disclosed to the media without the authorization of the HOM or their representative
- **Disclosure of Information.** Information to host State/State of nationality should only be given with the approval of HOM in accordance with applicable procedures including SOFA/SOMA. Unauthorized disclosure of information under any circumstances including photographs, film relating to detained persons is strictly forbidden.
- **Serious Illness or Death.** Commanding officer shall immediately notify and consult qualified UN medical personnel and transmit oral and written information to HOM or delegate with copy to DFP, Chief of HR Component of the mission and the ICRC. In the case of death, the family of the detainee or other appropriate person must be notified as soon as possible with cause of death and arrangements for handing over the body. A written notification shall immediately be sent by the HOM to the USG/



DPKO. A timely investigation of the death shall be undertaken in accordance with existing procedures.

- **Transfer.** Based on operational requirements a detainee may be transferred from one Commanding Officer to another Commanding Officer with due considerations to place of residence, access to family, etc. with appropriate documentation copied to the DFP and Chief of the Human Rights component. Items of the detained person (other than those confiscated) shall be transferred along and records updated to reflect the transfer.
- **Complaints.** The detainee has the right to complain orally or in writing regarding treatment or the conditions of detention and such complaints will be recorded in the Detained Persons Complaint Register and will be reported to DFP with a copy to Chief of HR Component of the mission. The HOM will ensure investigation of all complaints and the CO will be responsible for prompt investigation of all cases that do not constitute allegations of misconduct.

### Release and Handover.

- **Length of Detention.** Within 48 hours, the detained person should be either released or handed over to the national authorities. Detainees may be held for an additional 24 hours if on transit and in the process of handover to the national authorities. Custody beyond 72 hours may only be undertaken on a written request from and for temporary detention on behalf of the national authorities, in discharge of a mandate to assist national law enforcement agencies to this effect, or when the HOM considers detention reasonable and appropriate to discharge the mandate in relation to the specific case.
- **Release.** Release should be effected as soon as the detention is no longer warranted by completing information contained in the UN detention, release, transfer or handover form. A completed form shall be submitted to the HOM copied to the DFP and Chief of Human Rights component, and a copy of the statement of release shall be provided to the released detainee.
- **Handover.** Handover to national authorities will be effected within the stipulated timelines on the length of detention. In case of substantial grounds indicating real risk to detained persons from national authorities of torture, ill-treatment, persecution, subjection to death penalty or





arbitrary deprivation of life; the UN shall not handover but rather release the detainee. If national authorities decline to accept handover, the detainee may be released. A detained person is entitled to a copy of the Statement of Handover. Until handover or release, the detainee remains the responsibility of the UN personnel engaged in the handover/release.

- **Reporting of Handover.** CO will provide communication to the national authorities the identity; date, time, place of detention; reasons for detention; place of handover and identity of national authority who received the handover. A copy of the UN Detention, Release, Transfer and/or Handover Form will be submitted to the HOM, DFP and Chief of HR Component, and the Detained Persons Register and the Detained Persons Property Register updated accordingly. A copy of the statement of handover with contents explained in a language understood by the detainee shall be provided to him or her at the time of handover.
- **Return of Items.** Items except for those deemed dangerous and intended to be destroyed should be either handed over to the detained person or signed for by the national authority and records updated accordingly.
- **Documents.** The Battalion will maintain the following registers:
  - ★ Detained Persons Register.
  - ★ Detained Persons Property Register.
  - ★ Detained Persons Complaints Register.
- **Reporting.** Detentions will be reported immediately on occurrence, through daily and weekly situation reports, and half-yearly reports will be submitted on number and reason for detentions, any mission specific operational and administrative issuances, and other information related to detentions and evaluation of the implementation of the ISOP.

#### 2.12.6 : Organisation.

The rules and methodology of detention must be clearly known up to the Platoon Commander Level. The Commanding Officer and Company Commanders will ensure that all those under their authority and command who handle detained persons receive sufficient training to understand and apply the detention procedures and prevent any potential embarrassments social, political and legal implications from detention-related incidents. It is prudent to coordinate as much as possible with the UN and local police to avoid unnecessary legal repercussions. Detention guards should be well trained and adequately briefed to prevent embarrassing situations



e.g., escape, suicide attempt, assault on guard, etc. Human rights components and ICRC shall be granted unconditional access to detainees and be notified of and have access to documents relating to detentions, releases, transfers and handover of detainees.

#### 2.12.7 : Support.

Battalion will ensure the following:

- **Detention Cell.** Each COB and the Battalion HQ will have detention cells as per mission SOPs. These cells will be provided with sleeping arrangements, good ventilation and adequate lighting.
- **Basic Amenities.** Food, water, recreation facilities and toilet facilities will be provided. Religious scriptures should be accessible to the detainees.

*(Suggested task capability standards are at p. 230)*







## Task 2.13: Buffer Zone



### 2.13.1 : General Description

A Buffer Zone (BZ) is primarily established to separate the warring factions by interposing UN peacekeeping forces to reposition or withdraw the opposing forces back to a predetermined and agreed upon line of deployment and creation of a demilitarized buffer zone under UN control with a view to restore international peace and security. The main purpose of establishing a BZ would be to maintain a visible presence and dominate the BZ with robust force projection to preserve the sanctity of the buffer zone by preventing any violation of ceasefire/peace agreement clauses, effective aerial, mobile and static monitoring and surveillance of the area, carrying out investigations of any violations and finding a negotiated/mediated settlement or resolution of disputes and protection of the civilians in the BZ.

### 2.13.2 : Basic Tasks.

The following important activities encompass the BZ operations:

- **Tactical Deployment.** Deploy tactical sub-units and detachments (both permanent and temporary) to effectively cover the entire frontage.
- **Monitoring.** Observe, monitor, supervise and verify the cessation of hostilities/ceasefire/Truce/armistice agreements, compliance of agreements, troop deployments, etc.
- **Interposition.** Interpose between opposing forces to stabilize the situation, where formal peace agreements are not in force.
- **Supervision.** Supervise the implementation of the disengagement agreement.
- **Repositioning of Belligerent Forces.** Accompany and support opposing forces to redeploy/withdraw to agreed dispositions and subsequent adherence to military status quo.
- **Control of BZ.** Ensure no presence of military personnel, weapons, installations and activities, assist in securing the respective areas/line to prevent/intervene entry/intrusion without consent of military personnel, arms or related material in the Buffer Zone.





- **Civilian Activities.** Monitor Crossing/Control Points across buffer zone for safe and orderly passage through by civilians in conjunction with opposing forces. Facilitate daily subsistence and routine activities of civilians in the buffer zone.
- **Contain.** Prevent/contain violations/cross border attacks/isolated incidents taking place and if taken place, prevent it from escalating in to major conflicts.
- **Investigation.** Follow up on complaints by investigations.
- **Proactive Deployment.** Proactive troop deployment to prevent an incident or its recurrence.
- **Area of Limitations.** Visit, monitor and ascertain compliance of activities periodically in stipulated “Areas of Limitations” (where military restrictions on deployment of body of troops and weapons systems and massing of troops not permitted).
- **Interface and Coordination.** Act as go-betweens for the hostile parties with good liaison, close contact and effective coordination.
- **Assist Establishment of Local Authority.** Assist/coordinate with local Government/belligerent parties in restoring its effective authority in respective areas.
- **Assist in Good Governance.** Facilitate good governance in the area of separation/buffer zone, contribute to maintenance and restoration of law and order and policing, establish interface with the inhabitants and help resumption of routine civilian activity (farming, electricity, water, medical support) for establishing normalcy.
- **Assist Other Entities.** Assist/support formed military police elements, formed UN police elements/UNPOL, UN agencies in the area and other international organizations when tasked.
- **Mine Awareness.** Support mine awareness, identify and mark mine-fields, and help in clearance of mines and unexploded ordnance.
- **Facilitate Humanitarian Access.** Extend assistance to help ensure humanitarian access to civilian populations, provision of medical aid and facilitate voluntary and safe return of displaced personnel.
- **Reconciliation and Rapprochement.** Play an active and constructive role which is critical in preventing a recurrence of hostilities/to prevent flash point, detrimental to the peace process and work towards a comprehensive political solution.



- **Assist Negotiation and Mediation.** Assist UN mediator and undertake mediation and negotiation when tasked or required.
- **Other Activities.** Facilitate exchange of prisoners, refugees, IDPs, dead bodies and to retrieve livestock.

### 2.13.3 : Planning Considerations.

- **Situational Awareness.** Tactical information gathering for realistic situational awareness about the dispositions, operational activities, tactics and potential problem areas pertaining to the opposing forces.
- **Threat Level.** Regardless of the situation on the ground, the battalion should perform generic, synchronized and supporting tasks in both high and low-threat environments, whether they are operating under a Chapter VI or Chapter VII mandate.
- **Planning and Preparations.** Meticulous planning, preparation and execution by battalion staff and companies.
- **Liaison and Coordination.** Extensive coordination of moving in and deployment with the opposing forces to overcome identification issues (distinctive day and night signs), deployment areas, movement schedules and on communication matters.
- **Deployment.** A battalion should maintain visible presence throughout the zone and have complete freedom of movement for its forces.
- **C3.** Command, Control and Communications, capable of working in a hostile, unpredictable and fluid environment and exercise effective control on the activities of the belligerents and to establish efficient communication with all relevant stakeholders.
- **Observation.** The static and mobile operational elements of the battalion should have unobstructed ground, sea and air observation of the zone to be fully effective in maintaining a BZ.
- **Operations.** The battalion may have to establish a BZ in an environment/ AOR in which there is no stable peace. This may require peacekeeping battalions to conduct active operations around the buffer zone in order to provide space in which to operate.

### 2.13.4 : Conduct.

Maintenance of the sanctity and integrity of the buffer zone from illegal and unauthorized entry/activities, active and intimate monitoring of the



activities of the belligerents, carrying out investigations of any violations and finding a negotiated/mediated settlement of disputes are important facets that need to be taken care of by the UN troops deployed on ground. Important aspects that need attention during conduct stage are:

- **Reconnaissance.** Based on the operational requirement carry out a ground reconnaissance by the key elements of the battalion. During the visit, liaise and coordinate with various actors in the area and finalise the movement, deployment and sustenance.
- **Preparations.** The battalion should task organize its subordinate units as per operational environment and the threat analysis and establish tactics, techniques and procedures to accomplish assigned peacekeeping tasks.
- **Training.** Training and rehearsal to ensure operational readiness to perform the Mission Essential Tasks should go on concurrently and should continue once deployed.
- **Movement.** Movement into the buffer zone should be well coordinated with all parties concerned to avoid mistaken identity and operational challenges. All movements will be tactical, systematic (simultaneous or sequential based on operational situation) and centrally controlled.
- **Deployment.** Deployment of static and robust mobile forces (to include COBs, TOBs, OPs, CPs, control points, patrols, etc.) to monitor and carry out surveillance of the AOR of operations, based on the tasking of the battalion will be executed rapidly to retain operational balance and prevent further deterioration of the situation. Due attention should be paid to force protection aspects.
- **Conduct of Operations.** Battalion may be required to operate in a volatile and highly charged and restrictive environment with caution and constraints. Therefore, proactive operations will have to be conducted as per assigned "Mission Essential Tasks" based on ROE and Directives on Use of Force. Through the static and mobile bases, project and sustain concurrent domination of the area. Care should be taken to prevent occurrence of an untoward incident and/or contain the event from further escalation. Use of force is always as a last resort, and therefore the battalion should constructively engage the belligerents through liaison, negotiation, mediation, reconciliation and robust posturing to effectively conduct peacekeeping operations.



- **QRF.** Maintain company/platoon level QRF/QRTs for rapid response to prevent a violation or restore an adverse situation.
- **C3.** Effective C3 capability to meet peculiar buffer zone environment, duly complemented by IT infrastructure and situational awareness support staff is essential.
- **Flexibility.** Maintain adequate mobile reserves capable of expeditious redeploying (including helicopter mounted/landed operations) in the AOR to stabilize critical situations by interposing. Where possible keep the operational elements mobile.
- **Logistics Sustenance.** The battalion should be self-sustained both operationally and logistically up to the sub-unit level and all operational elements should be self contained/supporting.
- **Situational Awareness.** Battalion should acquire, collate, process the tactical information to institute proactive measures to influence the environment and outcome of activities and have efficient situational awareness capability up to the lowest level. Battalion should carry out day and night monitoring and surveillance of the area, undertake foot and vehicle mounted patrols, utilise conventional electronic means and aerial platforms to maintain situational awareness.
- **Liaison and Coordination.** Establish liaison and interaction with all parties concerned to bridge the communication gap and protect the mandate. Where required, the battalion should co-opt and coordinate with all non-organic assets such as Police, military working dogs, MAS specialists, UNMOs, specialists from other mission components etc.
- **Civil Interaction.** In addition to protecting the civilian population in the buffer zone, the battalion may undertake CIMIC, Quick Impact Projects and other welfare oriented programmes in support of and in consonance with the mandate. It should also undertake EOD tasks/mobility tasks and emergency mine or UXO clearance in the AOR.

### 2.13.5 : Organization.

The UN Infantry Battalion with four Infantry Company Groups is task organized to perform Buffer Zone Operations. The organizational imperatives of Buffer Zone operations necessitate an augmented observation and monitoring capability, effective C3 apparatus with high mobility robust elements conducting proactive operations to deal with fluid and often



unpredictable nature of operational conditions, particularly in the initial stages.

### 2.13.6 : Support.

All operational elements and static bases in the buffer zone will be self-sustained in all respects. Some issues that need attention in the peacekeeping context are;

- Preventive maintenance of observation and surveillance equipments to ensure optimum serviceability.
- Stocking of static bases and mobile elements to retain flexibility.
- Maintain an effective medical support infrastructure and speedy evacuation means.

*(Suggested task capability standards are at p. 230)*







## 2.14: Joint Operations



### 2.14.1 General Description.

A UN Infantry Battalion may be required to carry out joint operations with UN police and/or host police and/or host military forces, in support of peacekeeping operations. This section primarily deals with joint operations with UN police, with relevant amplifications on modalities of conducting joint operations with host police and military forces.

Conflict and post-conflict countries are often characterized by a collapse of public law and order and major security and human rights deficits leading to the erosion of public confidence in the security sector. The presence of a UN Peacekeeping Force, which includes the military contingents and UN Police, contributes to restoring popular confidence in the host-state police<sup>5</sup> and rule of law structures as a whole.

By promoting a service-oriented culture, community interaction and citizen participation, UN Police personnel support the host State police in regaining the trust of the communities they serve, which is a key factor for the effective functioning of the national police. Ultimately, the greatest community confidence builder is visible professional efforts by the host State police leading to tangible improvements in security. Since the police are the most visible arm of the state, this promotes trust in the government more broadly. UN police can play a vital role in providing advice, training, equipping and in certain cases temporarily take on the responsibility to maintain law and order.

In most peacekeeping missions the UN police component operates in an integrated manner with other mission entities. A UN police component can consist of individual police officers (IPOs) and – where they are authorised and deployed – Formed Police Units (FPU). Both together form what is referred to as UNPOL. There are specific roles and responsibilities laid down for all entities in a mission area and in addressing some critical issues, the military and police have to operate jointly to accomplish common objectives or provide complementary support to their respective functions.

The battalion chain of command and staff should consider the capability of the UN police and the strong interdependence of each other in peacekeep-

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<sup>5</sup> Given that a number of United Nations Member States do not have a single national police service the term host State will be used throughout the report to encompass metropolitan, provincial/state and federal/national police and other law enforcement agencies.



ing environment to develop collaborative strategies to bridge the functional gap and ensure convergence of effort. Visibility of UN Police and/or local police enhances effective establishment of rule of law and the legitimacy and credibility of the mission as a whole, the peacekeeping force and of the good governance of host authorities. Particularly, during the stabilization phase of a peacekeeping operation, the complementarities of both military and police would facilitate better outreach and engagement and faster restoration of safety and security. Needless to say, the battalion should take the initiative to liaise, coordinate with the corresponding police entities to develop a coherent and comprehensive joint plan.

### 2.14.2 : Circumstances for Joint Operations.

Joint operations entail the battalion personnel operating with UN police to accomplish a common objective or in support of each other. Joint operations may take place in the following circumstances:

- When the UN police require military assistance to execute their functions.
- When the battalion require support of police in conduct of its operational activities.
- When the operational situation escalates beyond the capacity of UN police.
- When mandated to provide support to host Security Forces.

### 2.14.3 : UN Police : Role and Responsibilities.

**2.14.3.1 : General.** Police-related aspects of Security Council mandates fall broadly into the following three categories:

- Support for the reform, restructuring and rebuilding of national police and other law enforcement agencies.
- Operational support to host-state police and other law enforcement agencies, including through the deployment of formed police units.
- Interim policing and other law enforcement.

In addition, many recent mandates include specific reference to promoting and protecting human rights and protection of civilians, which highlight the integral part UN police play in implementing mission-wide tasks. For example, they might perform the following tasks if mandated:

- Assist host State police in developing a community-oriented approach.



- Mentor and train host State police officers.
- Provide specialised training in different types of investigations.
- Help host State police and other law enforcement agencies to address transnational crime.
- Support the reform, restructuring and rebuilding of host State police and other law enforcement agencies.
- Facilitate financial and material assistance for the refurbishment of facilities and the procurement of vehicles, communication equipment and other law enforcement equipment.
- In the rare case of an “interim policing” mandate, UN police is responsible for all policing and other law enforcement functions and has a clear authority and responsibility for the maintenance of law and order (including powers to arrest, detain and search).
- UN IPOs and FPU support host State police and law enforcement agencies in the execution of their functions.
- Play a key role in the protection of United Nations personnel and facilities.

**2.14.3.2 : Formed Police Units.** FPUs are defined as cohesive mobile police units, providing support to UN operations and ensuring the safety and security of UN personnel and missions, primarily in public order management. FPUs work in support of the establishment and maintenance of safe, democratic and human rights abiding communities by delivering professional, responsive and more effective policing in accordance with the mandate. FPUs consist of approximately 140 police officers, deployed as a group to undertake public order management, protect UN staff and facilities and provide operational support to host-state police where a formed response is required. FPUs are rapidly deployable, well equipped and trained, self-sufficient and able to operate in “high-risk” environments to act as a cohesive body capable of responding to a wide range of contingencies including enforcing the law and dealing with threats to public order. However, the FPU personnel usually do not have law enforcement authority, i.e. they may stop, detain and search individuals, but do not have powers of arrest.

FPUs are a tool that can and should be fine-tuned to support police operations in the context of peacekeeping operations. The exact composition, including number of units and addition of specialised capacities, equip-



ment requirements, command and control arrangements and tasks of the FPU will be determined in the strategic assessment phase of the Integrated Mission Planning Process (IMPP). Specific tasking is detailed when component concepts of operation (CONOPS) are drawn up, in accordance with the mandate of the mission and specific directives issued by the DPKO.

#### 2.14.4 : Basic Tasks.

**2.14.4.1 : General.** The joint operations have to be carried out within an integrated framework with well-defined roles and responsibilities. The division of labour will vary in each case but will broadly follow the below description. The contribution of the military and the police respectively is based on their comparative advantages. The infantry battalion should utilize the legal authority—where relevant—and functional expertise of the UN Police in handling public safety issues. Similarly, UN police should combine its effort with the military component to exploit the latter's wider operational reach, enormous resources and force potential. Following are the basic tasks that may be undertaken as part of joint operations between the military and UN police:

- **Protection of Civilians.** In each mission with a protection mandate, POC is a system-wide responsibility in which each component undertakes respective functions in the integrated mission structure. In the battalion AOR, the Battalion Commander and the responsible UN police representative should take part in all relevant coordination mechanisms and implement their respective POC responsibilities in accordance with agreed priorities. This includes joint measures such as establishing joint foot patrols with POC focus at night in high risk areas/sites (often at the request of local women and organizations), establishment of early-warning and early response mechanisms and strengthening the local protection mechanism.
- **Joint Risk Assessments and Analysis.** On a routine basis, the battalion leadership and the police counterpart should share information and/or conduct joint risk assessments and analysis, with the participation of host-state police as appropriate.
- **Stabilization Operations.** In the battalion AOR, the Battalion Commander should take the lead in stabilization operations against possible aggressors or spoilers aimed at restoring safety and security and free-



dom of movement. UN police and or local police can play a supporting role as necessitated by operational requirements.

- **Patrolling.** Military and police can conduct joint patrols (monitoring, assessments, etc.) particularly when interaction with local population and outreach and engagement is involved. Patrolling should be sensitive to the needs of vulnerable groups and can, for example, specifically include female police or military officers.
- **Reinforcement.** In grave situations and danger to life and property is expected, the military should reinforce the location or extricate police personnel to safety.
- **Provide Security during Outreach.** To outreach remote areas or inaccessible areas where police deployment is non-existent, the military should provide additional security cover to the isolated police patrols and posts.
- **EOD Cover.** Battalion EOD capability should also cover requirements of police.
- **Checkpoint.** As part of CP to facilitate checking, questioning, detaining, etc. police would be highly useful.
- **Cordon and Search.** For conduct of cordon and search, the UN police and local police personnel (including women) should be incorporated since it is a highly sensitive operation in which civilians are involved. Arrest, detention, confiscation, management of public order, etc. require police support.
- **Public Law and Order Management, including Crowd Control Operations.** At times, the UN Police may require additional support from the military to complement their effort in maintaining law and order. In the event of military entities, personnel or assets including the static and mobile elements faced with handling of crowd, the battalion would need support of the police to diffuse and control the situation. When the situation is beyond the control of the police, the battalion is expected to undertake crowd control operations on its own.
- **Check HR Violations.** Battalion operational assets will work together with the police in monitoring, promoting and preserving basic human rights and undertake joint operations against perpetrators of human rights violations in close coordination with human rights officers.





- **Investigations.** Host-state and/or UN police have primacy when it comes to carrying out specific investigations in the mission area and can assist military with their expertise, where appropriate.
- **Countering Organized Crime.** An infantry battalion due to operational reach and dynamic mobile operations can complement the police effort in countering transnational organized crime, which may also include illegal extraction and commerce of natural resources, again as directed by the host State and/or UN police.
- **Natural Disasters.** With enormous man and material resources and logistics capabilities, an infantry battalion can provide emergency support in conjunction with the host-state and/or UN police to effectively manage disasters (earthquakes, floods, etc.).
- **Monitoring a Disputed Border or a Buffer Zone.** Police can assist the military in maintaining vigil, law and order, control of movements, investigations, transnational crime, etc. in a buffer zone/Demilitarized Zone.
- **Community Support.** The military with its traditional role (CIMIC, Winning Hearts and Mind, confidence-building efforts, community security measures, etc.), in conjunction with the UNPOL and/or local police would be vital for maintaining a high level of safety and security in the AOR.
- **Assist Local Police.** In the absence of UN police or until UN police is fully effective, the battalion entities may undertake limited scale training and mentoring to improve their efficacy. Including host State police (men and women) in conducting various mission essential tasks of the battalion would be highly useful to display legitimacy, extension of government authority and establishment of rapport with the population.

**2.14.4.2 : Host Nation Police Forces.** Given that the host State police has the primary responsibility for law and order in the vast majority of cases, elements of the host-state police personnel should be incorporated with battalion elements where the situation so demands and where it is operationally feasible. Host nation police is a major asset to help the battalion in executing civil functions including interrogation, arrest, detention, where legal implications are involved and their knowledge of local circumstances and their role as an interface with local communities. However, the battalion must comply with the Secretary-Generals Human Rights Due Diligence Policy on UN Support to non-UN Security Forces, while operating with host nation security forces or police. The participation of women as members of



the national police is essential and should be encouraged. Most missions have provided assistance to host nations to train and develop public order managing police entities with the support of UN Police and may be working in conjunction with the FPU, when the military is also requisitioned. Therefore, additional coordination and integration with local police forces will have to be carried out by the military.

#### **2.14.4.3 : Joint Operations with/Support to Host Nation Military Forces.**

In certain multidimensional peacekeeping missions, an Infantry Battalion may be required to conduct joint operations and/or provide support to the military forces of the Host Nation. Such support/joint operations will be strictly in accordance with the mission mandate and the conditions specified in the Secretary-General's Human Rights Due Diligence Policy on non-UN security forces (July 2011). In such missions, a UN Infantry Battalion may be required to carry out the following activities:

- Conduct joint operations if mandated to do so as per overall mission strategy.
- Support in joint planning and execution, fire support, medical support, logistics, etc. as defined in mission-specific policy.
- Organize formal non-combat training courses (e.g., training of paramedics).
- Supervise training and mentoring of host military and auxiliary security services personnel in basic military and security aspects and in respect for and promotion of human rights in accordance with international professional standards, norms, security needs of the society and the state).
- Guide national security services to operate lawfully (respect for rule of law of the country and IHL).
- Assist in improvement in delivery of security services to address and prevent sexual and gender based violence.
- Coordinate, assist and ensure proper border management by parties concerned.
- Assist/train elements involved in dealing with civil emergencies/disasters.
- Facilitate identification and disarmament of illegal armed groups, prevention of illegal infiltration, controlling violent spoilers and criminal elements in the battalion AOR.



- Identify potential drivers and spoilers to the reform process, analyze their role and assess likely future course and report to the HQ on the political momentum that may affect the success of the process.
- Assist local authorities in reintegration of retrenched personnel and disposal of surplus military equipment.
- Build awareness on role of defence institutions with in the state, human rights, gender, international humanitarian law, etc.

#### 2.14.5 : Planning Considerations.

Important planning considerations are as follows:

- **Unity of Effort.** Peacekeeping challenges demand collaborative partnership between all components of the mission, particularly between the military and the UN police. Therefore, unity of effort, shared outlook and common goals are imperative facets for success. Commanders at all levels should envisage and analyze scenarios where joint operations would become necessary and work out modalities for its execution.
- **Command and Control.** Military and police elements will function under respective commanders on ground and overall coordination will be carried out by the HQ which has the primacy in the operations. However, during crisis, a uniformed unit or sub-unit of one component may be placed temporarily under command of another component.
- **Liaison and Coordination.** Effective liaison and coordination at all levels (commanders, staff and functional groups) is the hallmark of success in joint operations. Commanders of tactical entities should overcome differences in perception, difficulties in coordination and challenges in implementation by developing consensus and working for a common purpose.
- **Information Sharing.** Military and police should have an effective and reliable system of early-warning and sharing of tactical information, laterally at respective levels. Joint mechanisms such as the Joint Operations Centre (JOC) and Joint Mission Analysis Centre (JMAC) should be effectively made use of.
- **FPU Capabilities.** Unless they have an executive mandate, FPUs are not considered as law enforcement officers under the legislation of the host country and their prerogatives are consequently limited: they may, how-



ever, stop, detain and search individuals in accordance with the mandate of the mission and specific directives issued by the DPKO.

- **Joint HQ.** For integrated planning and implementations, a joint HQ/ command post should be created which can monitor progress of operations and carry out timely adjustments in the conduct.
- **Joint Training and Rehearsals.** To function in an integrated manner, joint operational SOPs should be adopted by the mission and regular training, rehearsals and exercises, including simulations, should be undertaken. Lessons learned in addressing such situations of public disorder as well as through exercises should be shared and necessary steps for better coordination and integration should be instituted.
- **Mutual Respect.** Battalion should foster mutual respect and better understanding of each others role and the imperative of mutual interdependence and ensure non-interference in each others domain.
- **Communication.** Communication between the military and police components are always an interoperability challenge. Adequate measures to ensure intercommunication with redundancy must be ensured at mission level. Exchange of radio sets, liaison officers, using compatible communication equipments and utilisation of local communication networks (including cell phones) would be beneficial. Use of common language and terminology is of utmost importance since both elements have their respective terminologies. Where necessary, interpreters may be used to overcome communication hurdles.
- **Protective Clothing and Masks.** When military elements are employed in support of police, where the police has used or likely to use non-lethal weapons like OC-spray (Oleoresin Capsicum), CS-gas (tear gas), etc. the military personnel should have requisite protective clothing and masks.
- **Resources.** One company at battalion level and a platoon each at company level should be equipped with public order management equipments and stores. However, all ranks of the battalion should be trained in carrying out joint operations, particularly the crowd control operations.
- **Incident Control Point.** A joint control will be set up at the site of the incident to effectively integrate and coordinate employment of resources and execution of the task.
- **Link Up.** Link up plan between both the components should be carefully worked out to include link up point, methodology of link up, identification, reception, guidance, briefing and movement for deployment.



- **Female Police Officers.** Peacekeeping operations demand active involvement of uniformed women (military and particularly police) in support of joint operations and in order to outreach to local women and girls who are victims of trafficking/sexual and gender-based violence.

#### 2.14.6 : Conduct.

Major challenges in conducting joint operations are in the sphere of interoperability to include operational role, standards, procedures and techniques; command, control and communication; and the mindset. Therefore, both the military and police personnel need to carefully integrate and coordinate effectively to operate successfully in a peacekeeping environment. Important issues that merit coordination and understanding are:

- **Command and Control.**
  - ★ **Military Lead.** In situations of public disorder of a military nature, where there is sustained use of firearms or military weaponry, the battalion should have primacy in addressing such situations in support of or in cooperation with relevant host State agencies, as applicable. The HOMC or sector/unit commander may request FPU personnel and/or other security personnel of the mission to perform specific missions or tasks. In these situations, the most senior Military Commander in location (at the site of the incident) will exercise tactical control and have overall command. The assignment of FPU personnel must be coordinated with the HOPC or his/her delegate (Chief Operations, Deputy Chief Ops (FPU) or Regional Commander).
  - ★ **UN Police Lead.** In situations of public disorder of a non-military nature, where there is no sustained use of firearms or military weaponry, the FPU should have primacy in addressing such situations in support of or in cooperation with host State law enforcement agencies, as applicable. The HOPC or his/her delegates (Chief Operations, Deputy Chief Operations (FPU) or Regional Commander) may request personnel of the military component and/or other security personnel of the mission to perform specific missions or tasks. In these situations, the United Nations Police Officer designated by the HOPC or his/her delegates at the location of the incident will exercise tactical control and have overall command. The assignment of military personnel must be coordinated with the Head of the Military Component (HOMC) or Sector or Battalion Commander, as applicable.



- ★ The above-mentioned arrangements should not result in any operational delays to address situations of public disorder. In this regard, standard operating procedures should be adopted by the mission and regular training and exercises, including simulations, should take place on a regular basis.
- **Tactical AOR.** Both components will have a designated tactical area of responsibility which is well defined in the planning stage itself to avoid confusion. In mutually supportive operations with the military component, a police tactical area of operation and surrounding military security support zone will be established to define the respective tactical area of responsibility. Police operations are conducted under the tactical control of the designated police commander on the spot in the inner tactical area of operation. The police will not transfer primary responsibility for resolving “rule of law” incidents to the military component unless the local threat reaches a level that is determined by the HOPC’s delegate in location (at the site of the incident) to be beyond police capacity. In the surrounding security zone, the military component can be deployed to support the police operation. Both areas shall be defined in terms of time and space, as outlined in the operational planning documents, and the transfer of authority will be planned in advance. In such scenarios, a joint command post should be established where representatives of the police and military follow and tactically coordinate the operation.<sup>6</sup>
- **Functional Responsibility.** Within the overall framework of joint operations, the division of responsibility should be worked out and defined. Responsibility in terms of specific task, resources, locations, timelines, C3 arrangements, coordination aspects and logistics support should be clearly laid down.
- **Briefing and Coordination.** Detailed joint briefing and final rehearsals will be useful to overcome interoperability challenges.
- **Identification.** Both components should have clearly laid down physical and electronic communication identification procedures to prevent untoward incidents.
- **Transfer of Responsibility.** Modalities of cooperation and clear benchmarks that indicate when the transition is to take place shall be stipulated in mission-specific documents, developed in advance and approved jointly by the HOMC and the HOPC. Handovers in deteriorating and improving situations should also be prepared in advance with

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<sup>6</sup> The approach described is also known as the “Blue Box-Green Box” concept in which the “blue” and the “green” represent the police and the military respectively.



joint military-police exercises and training. The police will only transfer primary responsibility for resolving “rule of law” incidents to the military component, when the local threat reaches a level that is determined by the HOPC’s delegate in location (at the site of the incident) to be beyond police capacity.

- **Command Responsibility.** The Battalion Commander and the commander conducting the operations should ensure people-friendly operations and conduct as per ROE and Directives on Use of Force. Critical activities should be personally monitored and firmly controlled to prevent or minimise collateral damages.

#### 2.14.7 : Organization.

Depending on the mission of the joint operations, the battalion assets will be employed either to conduct operations as a lead force or provide necessary support to the UN Police as per requirement. The COBs will maintain liaison and coordination of all activities in their respective AOR with the police counterparts. Battalion HQ will carry out overall planning, coordination and integration of all resources in the battalion AOR. From the mission resources, attack helicopters, utility and air observation helicopters, aerial photographs/satellite imageries and real time tactical information etc. may be obtained as per requirement. Adequate standby reserves will be maintained for quick reaction.

#### 2.14.8 : Support.

Battalion entities have self-sufficient operational and logistics capabilities to undertake joint operations. As far as possible, both components should be self-contained for the duration of operations. However, for prolonged employment, the component which has primacy in the task will be responsible for logistics support of the support element. Special emphasis need to be taken for coordinating casualty treatment and evacuation. Battalion should provide additional logistics cover in terms of transport, food, water, etc. to the police in case required.

##### *Note:*

- The modalities of conducting Crowd Control Operations are covered under Chapter 11, Crowd Control Operations.

*(Suggested task capability standards are at p. 234)*











## 2.15 : Reinforce/Relief

### 2.15.1 : Introduction.

An Infantry Battalion may get involved in conducting “Relief in Place and or Extrication” of peacekeepers and other civilians in a mission area depending on the operational environment and security conditions. Both operations though similar in many ways, are uniquely disparate in both planning and execution aspects. The Task is explained in two parts: Part I deals with Relief in Place and Part II deals with Reinforcement in the succeeding paragraphs.

### Part I : Reinforce

### 2.15.2 : General Description.

A Peacekeeping Infantry Battalion or its sub-unit may be tasked to carry out reinforcement or receive reinforcement in support of emergent vulnerable/deteriorating scenarios in peacekeeping operations/situations requiring pre-empting imminent violence against civilians. Reinforcement may be done for the purposes of interposing between warring factions, reinforcement of a COB within the battalion AOR, support and extricate own troops under threat in performance of their duty, reinforce another contingent COB or military components in the process of execution of tasks, execute any mission related contingency tasks, assist host security forces when requisitioned or mandated or may be tasked to reinforce a potential threat area as an independent entity within the mission or even outside the mission AOR as part of Inter-Mission Cooperation. Timely employment (pre-emptively, when imminent or on occurrence) reflects UN resolve and solidarity in resolving or preventing a threat from manifesting or deteriorating.

### 2.15.3 : Planning Considerations.

- **Mission.** The mission should be specific, clearly laid out and within the capability of the battalion.
- **Information Gathering.** Ensure routine physical and electronic monitoring of activities and gain early-warning of impending/actual ground situation inputs through Community Liaison Assistants and Community Alert Network.



- **Discrete Planning.** Analyse and evaluate implications of alarming the parties to the dispute and risk escalation.
- **Coordination.** Liaise and coordinate with all elements that are likely to get involved in the conduct (local government officials, social elites, local police, etc.) in advance and tie up passage of information and support.
- **Preparations and Rehearsals.** The force employed should be adequately resourced, prepared and trained based on likely scenarios and contingencies and rehearsed realistic conditions.
- **Self Sufficiency.** The force employed for operations should be self-sufficient in terms of fire-power and logistics including transportation (for specific duration after which local dependency will be effective).
- **Dedicated Force.** Ensure earmarking dedicated personnel, trained and equipped to conduct operations maintain them in high state of readiness.
- **Response.** Battalion and the HQ concerned should facilitate rapid response (terrain accessibility, air/surface mobility and operational readiness).
- **Reserves.** Recreate reserves once available troops are committed to meet various contingencies once operation commences.
- **Caveats.** National caveats (if applicable) on willingness to operate only under certain conditions.

#### 2.15.4 : Conduct.

- **Situational Awareness.** Well informed on developments, threat and establish monitoring mechanisms.
- **Composition.** Force composition should be based on task and threat.
- **Grouping of Enablers and Force Multipliers.** Augment with enablers and force multipliers where necessary (engineers, air assets, surveillance assets, interpreters, etc.).
- **Availability.** Keep preferably uncommitted with no fixed ground deployment.
- **Readiness.** Force on standby readiness and keep concentrated. Issue timely warning order and preposition resources (helicopters/Vehicles/ APCs) for quick mobility.
- **Movement.** Coordinated, integrated and centrally controlled movement and employment.
- **Response.** Clear tasking, detailed briefing and rapid action.



- **Reception.** Exchange of liaison officers, communication arrangements, link up, reception, provision of guides, movement and deployment in earmarked area.
- **C3.** Clearly demarcated AOR and well-defined channels of command, control and communication.
- **Logistics.** Coordinate and resume local logistics dependency and medical support at the earliest.
- **Exit.** Plan for safe and secure move back once the task is completed.

## Part II : Relief

### 2.15.5 : General Description.

The purpose of relief in place is to relieve all or part of the force in a designated AOR by an incoming force. The underlying principle in relief operations is to sustain a level of operational capability while transferring the operational responsibility from one force to another and ensure continuity of operations. Relief can be carried out as a routine time bound relief, to replace an existing force in an emergency, to take up part of the operational responsibility when the situation demands and during change of role between two forces.

### 2.15.6 : Planning Considerations.

In a peacekeeping environment, the important issues to be considered are:

- **Mission.** Understand the mission and responsibilities clearly in terms of operational tasks, the designated AOR and the static deployment areas.
- **Information Gathering.** Based on the mission assigned, gather information pertaining to the AOR with specific focus on operational environment, tactical information on various belligerents and spoilers, terrain and weather conditions, socio-cultural inputs, deployment areas, etc.
- **Timeframe.** Adequate timeframe for transition has to cater for reconnaissance, movement, deployment and familiarisation for assuming the operational responsibility and settle the incoming unit.
- **Liaison and coordination.** Early liaison and coordination with relevant HQ, staff and the unit to be relieved will pay rich dividends. Carry out liaison and coordination with local UN HQ and the unit being relieved



with regard to reconnaissance, sending of advance parties, movement of main body, reception and link up, guidance and deployment administrative sustenance and security responsibilities during move and deployment.

- **Movement.** Timely provisioning/arrangement for various means of transportation are critical to ensure smooth process of relief. Arrange transportation for the move of advance party and main body.
- **Handing Taking Over.** Formalise the load tables based on the assets/items that are being taken over at the new location and accordingly finalise the individual and unit stores to be carried for relief.
- **Transfer of Responsibilities.** The UN HQ concerned will give clear guidelines on the actual timing and conditions for the transfer of responsibilities.
- **Command and Control.** The command and control arrangements during moving in, familiarisation, deployment and moving out should be clearly laid down.
- **Security.** Security arrangements and responsibilities for the incoming and outgoing units during the moving in/out and relief process have to be coordinated and tied up well in advance.
- **Logistics Sustenance.** Unit needs to arrange for the logistic support for the move and carry sufficient reserves as per mission SOPs to sustain until routine replenishment resumes.

### 2.15.7 : Conduct.

Important aspects to be coordinated and ensured during conduct stage are:

- **Initial Inspection.** Coordinate with Department of Field Support for movement and initial/arrival inspection (assessed value and numbers of COE being deployed).
- **Reconnaissance.** Time permitting, the command elements and other essential personnel of the battalion should undertake an initial reconnaissance. It should be coordinated by the HQ concerned.
- **Advance Party.** Subsequent to the reconnaissance, an advance party comprising of the nucleus element of all companies and key personnel should be sent well in time to coordinate handing taking over and to coordinate reception of the unit.





- **Move of Main Body.** Move of main body will be centrally coordinated by the HQ concerned with additional support for transportation, logistics support, security, etc.
- **Reception.** The Unit being relieved will ensure link up, reception and guidance of the incoming unit to respective locations as per deployment plan.
- **Familiarization.** Incoming unit will undergo a familiarization with the AOR and operational role jointly with the outgoing unit personnel.
- **Transfer of Responsibility.** Once familiarization and handing/taking over of assets are completed, the operational responsibility will be transferred to the incoming unit which must be clearly recorded and supervised by the superior UN HQ.
- **Redeployment.** Followed by a repatriation inspection, the security arrangements and transportation for move and outgoing unit will be centrally coordinated for its redeployment.

#### 2.15.8 : Organization.

A battalion as a whole or in part may get involved in the conduct of either relief in place or reinforcement or both, depending on the operational environment and ground situation. Both the operations will be centrally controlled and coordinated at the local UN HQ level and accordingly the Battalion will be responsible to execute the assigned mission.

#### 2.15.9 : Support.

While UN Infantry Battalions are designed to be self-sufficient in all respects, where required the mission resources like additional surface transport, helicopter/fixed wing lift and logistics supply will be provided as need be. The battalion should be self contained for the move and for a specified duration to sustain itself in the new deployment area, after which routine replenishment will resume.

*(Suggested task capability standards are at p. 235)*





## 2.16 : Extract/Evacuate

### 2.16.1 : Introduction.

An Infantry Battalion may get involved in extraction and/or evacuation of peacekeepers and other civilians in a mission area depending on the operational environment and security conditions. Both operations though similar in many ways, are equally disparate in both planning and execution aspects. The task is explained in two parts: Part I deals with Extractions and Part II deals with Evacuation in the succeeding paragraphs.

### Part I : Extract

### 2.16.2 : General Description.

A UN Peacekeeping Infantry Battalion may be confronted with or tasked for extraction of military peacekeepers, UN personnel or civilians (personnel from international organizations, NGOs, host nationalities, etc.) who are either detained, taken hostage or under imminent threat of physical violence. In such situations, the battalion is required, subject to the rules of engagement, to ensure rapid and spontaneous action from the nearest COB or the military element operating in the vicinity to safeguard and extricate the UN personnel or associated personnel.

### 2.16.3 : Basic Tasks.

- Mobilise appropriate force level to the place of incident/action.
- Negotiate release.
- Isolate, contain and dominate the location.
- Physical extraction by military means as per Rules of Engagement and guidelines on the use of force.
- Conduct organized move out from the location.

### 2.16.4 : Planning Considerations.

Important planning parameters include the following:





- **Situational Awareness.** Effective situational awareness to identify vulnerabilities and danger areas to either avoid unnecessary move or move always with adequate protection.
- **Security.** An Infantry Battalion should institute proactive measures to ensure safety and security of UN personnel (routine operational activities, activating community liaison teams, key leader engagement, obtaining tactical information on the belligerents, pre-positioning of troops, robust posturing to deter any misadventure by belligerents, etc.).
- **Centralised Control.** In a mission area ensure that all movements are coordinated and centrally controlled.
- **Monitoring.** Own movements and activities of the belligerents or locals have to be effectively monitored in real time (human and electronic means) and an effective system of feedback should be established.
- **Contingency Planning.** Analyse the threat and vulnerabilities and work out detailed contingency plans to respond to various situations.
- **Communication.** All vehicles and personnel detachments should have communication system to contact the HQ in any emergency.
- **Operational Readiness.** Earmark dedicated task-oriented tactical groups at each COB and retains a central QRF at the Battalion HQ as reserve for quick response. The reserves and other various mobile tactical elements operating in the vicinity should maintain operational readiness for instantaneous action. They should be grouped with adequate mobility and operational capability, including enablers.
- **Brief.** Ensure a detailed briefing prior to the mission along with all the elements that are taking part in the operation.
- **Rehearsal.** Carry out training and rehearsals for precision effect and to avoid collateral damage.
- **C3.** Lay down Command, Control and Communication arrangements in advance.
- **Mobility.** Cater for rapid mobility (surface or by air) to address the location/area immediately.
- **Coordinate.** Coordinate with local police/UN Formed Police Units in location and the UN political affairs officers to facilitate negotiations and defusing the situation.



- **Constructive Engagement.** Continuous and effective liaison and political engagement of the belligerent leadership to prevent an incident is vital.
- **Employment of Military Means.** Ensure adherence to guidelines on “Use of Force and ROE” and take measures to prevent collateral damage or civilian casualty as far as possible.

### 2.16.5 : Conduct.

- **Task Force.** Keep a task organized force centrally with specialised personnel and adequate enabling resources.
- **Mobility.** Retain capability for rapid mobility (helicopter, APCs or by vehicles).
- **Integrated Operations.** Plan for employing multiple tactical groups to complement each other.
- **C3.** Establish clear command, control and communication arrangements to manage the crisis.
- **Real Time Information.** Have tactical information and ground inputs (including from mission components) to obtain advance warning of the treat manifestation.
- **Tasking.** All COBs to be tasked for extrication and the nearest one to be employed quickly duly supported by the battalion QRT/reserve.
- **Employment of Enablers and Force Multipliers.** Augment with enablers and force multipliers where necessary (engineers, air assets, surveillance assets, interpreters, etc.).
- **Key Leader Engagement.** Key leader engagement at appropriate level and negotiations with belligerents to continue simultaneously.
- **Local Support.** Involve local dignitaries and influential elder people (women and men) in the society to de-escalate and prevent situation from deteriorating.
- **Coordination with Police.** Request local police/UN Formed Police Unit as the case may be to assist where required.
- **Coordinate Response.** Be in continuous communication with the personnel in problem and advice on response, if required. The soldier or commander on ground is always the best judge with regard to self-defence.



- **Negotiate.** Once in location, talk and negotiate your way through to release or extract the personnel.
- **Warn and Constructively Engage.** If not possible, warn the belligerents that you are authorized to use force, including deadly force. Concurrently build up additional force if required to display force projection and force belligerent to yield to UN stand. Call the leaders for a meeting at your camp at a later time.
- **Use of Force.** If situation not diffusible and turns hostile use force as per ROE.
- **Follow-Up.** Extricate, de-escalate situation, tend to casualty if any and move out of the area at the earliest.
- **Damage Assessment.** Ensure respect for human rights and international humanitarian law; avoid and in any event minimize collateral damages (civilian personnel and property).
- **Record.** Maintain record (photographs, videography, witnesses, etc.) and continuous reporting to the HQ.

## Part II : Evacuation

### 2.16.6 : General Description.

In the mission cycle, sometimes there could emerge a sudden security situation that may prompt an immediate evacuation of UN personnel deployed independently in smaller groups to safe areas or may even lead to evacuation of HQ, logistics installations, military contingents or other UN system entities. Therefore, the Battalion should be trained and ready to assist and support the overall evacuation plans to be put into effect. Deterioration of security situation in a country and the resultant relocation or evacuation in a mission area also encompass all the UN elements in the country and entails fine judgement by mission leadership, high degree of situational awareness, operational capability to respond adequately in emergencies and flexibility in implementation. Notwithstanding own preparations and readiness to deal with security issues, the host government has the ultimate responsibility for the safety and security of UN peacekeeping operation and its personnel in a mission area.



### 2.16.7 : Basic Tasks.

- Liaise and coordinate with mission components and other UN elements in AOR for developing an integrated evacuation response.
- Protect vulnerable UN elements in the AOR.
- Ensure timely shifting of vulnerable elements to a safe staging area.
- Establish safe areas/safe corridors for sequential extrication of evacuees.
- Provide security and logistics support of a staging area.
- Coordinate and execute systematic evacuation of personnel and essential material.
- Maintain safety and security of UN personnel as per ROE until completion of evacuation even to the extent of using force.
- Battalion elements to be evacuated only after all other UN elements have been evacuated.

### 2.16.8 : Planning Considerations.

- **Overall Responsibility.** Overall responsibility for the safety and security of UN personnel lies with UNSG assisted by USG DSS. In a UN peacekeeping mission, the SRSG/FC acts as designated official (DO) for planning and ensuring safety and security of all the staff members, contingents and volunteers.
  - ★ A Security Management Team chaired by DO, comprising Heads of Mission Components and the Heads of the UN Agency, Funds and Programmes is responsible for instituting various security measures and arrangements to be followed in the event of serious criminality or emergency situations such as hostilities, internal disorder or natural disasters.
  - ★ SRSG/FC function in consultation with a security (crisis) management team to discuss significant security related incidents.
- **Mission Security Plan.** All UN Peacekeeping Missions have an overall mission security plan for managing security of its personnel and is planned, coordinated and implemented centrally. The mission security plan lays down responsibilities of specific individuals, the actions to be carried out and the sequence to be followed when evacuation has to be undertaken. Three important steps for planning and implementation of evacuation involves:
  - ★ Review of security situation and ensure safety of UN personnel.



- ★ Preparation of contingency plans for move and concentration of personnel and eventual evacuation to safe areas/safe heavens.
- ★ Coordination of all communication and transport resources for optimum utilization in case of an emergency.
- **Important Planning Parameters.**
  - ★ **Monitoring.** Situational awareness and monitoring for timely review and accurate assessment.
  - ★ **Crisis Management.** Comprehensive and coordinated Mission Security Plan for effective crisis management.
  - ★ **Logistics.** Apportioning responsibilities and resources (communication, transport, logistic support).
  - ★ **Coordination.** Dissemination of plans to all components.
  - ★ **Evacuation Means.** Identification of staging areas (safe heavens), safe routes for surface movement or helipads/air strips by air lift or a port of embarkation for river/sea evacuation.
  - ★ **Security.** Establishing military dominance to ensure protection in vulnerable areas.

### 2.16.9 : Conduct.

**General.** As part of a broader security risk management strategy, the Designated Official may temporarily remove UN peacekeepers, personnel and/or eligible family members from an area or situation of unacceptable risk as a means of managing that risk (i.e., avoiding the risk). In an emergency situation or a security situation where the safety and security of the UN is threatened there are three basic options for avoiding risk used by the United Nations Security Management System:

- **Alternate Work Modalities (temporary closure of UN premises).** Alternate Work Modalities are defined as measures that limit or totally remove the number of personnel or family members at a specific location(s), short of official relocation or evacuation, with the view to limit or remove their exposure to a sudden situation that creates unacceptable residual risk.
- **Relocation.** Relocation is defined as the official movement of any personnel or eligible dependant from their normal place of assignment or place of work to another location within their country of assignment for the purpose of avoiding unacceptable risk. Relocation is a risk avoidance



measure that can be applied to all personnel and eligible family members.

- **Evacuation.** Evacuation is defined as the official movement of any personnel or eligible dependant from their place of assignment to a location outside of their country of assignment (safe haven country, home country or third country) for the purpose of avoiding unacceptable risk. Evacuation is applied only to internationally recruited personnel and their eligible family members.

**Implementation.** The Designated Official, in consultation with the Security Management Team, may recommend the relocation or evacuation of personnel and/or eligible family members when residual risks are deemed unacceptable, regardless of the security level. After assessing the situation, the Under-Secretary-General for Safety and Security makes a recommendation to the Secretary-General for approval of evacuation or relocation. Actions, chains of command, channels of communication and responsibilities will be laid down in the guidelines for the preparation of the mission wide security plan. The role of military component is very crucial in the implementation of the plan. More often, military contingent camps will act as temporary staging areas, where all UN personnel will concentrate. They will then be escorted to designated safe areas under escort by military contingents.

#### 2.16.10 : Organization.

A UN Infantry Battalion with its integral resources including enablers is capable of executing the task of extraction effectively. Where required (when the task is beyond the capability of a battalion), additional resources in terms of helicopters, reserves and specialised troops will be employed by the Sector HQ. However, evacuation being a force responsibility, it would be centrally controlled, coordinated and executed at the force and sector level. A UN Peacekeeping Infantry Battalion may be tasked and held accountable to implement the evacuation plan as per clearly defined roles. The Battalion HQ and COBs act as focal points to coordinate and execute evacuation plans in respective AOR.

#### 2.16.11 : Support.

Extraction operations are undertaken within the organic logistic capabilities of the battalion. In support of executing the mission Evacuation Plan,

an Infantry Battalion is required to provide the following logistics support to the people being supported from within its organic structure:

- Living accommodation (temporary arrangements, separate for men and women).
- Provision of basic necessities (food, water, medical support, hygiene and sanitation etc.).
- Provision of transport (utility trucks, helipad facilities, etc.).
- Provide security (in the process of assembling and concentrating at a COB, while in the staging area, and during movement).

*(Suggested task capability standards are at p. 236)*













## Capability Standards

### 3.1 : Introduction

It is incumbent upon Battalion Commanders and subordinate leaders to constantly conduct formal and informal “Operational Readiness Self-evaluations” of their unit in order to maintain a fully mission capable battalion. UN Peacekeeping Infantry Battalions are military organizations governed by UN and national rules, regulations, policies, and capability standards. UN peacekeeping relies upon battalions that are capable of conducting peacekeeping operations in accordance with measureable and quantifiable capability standards in order to accomplish mandated peacekeeping mission tasks.

Prior to deployment in the mission area, infantry battalions should achieve required standards that are expected of them to meet the challenges of peacekeeping effectively. The self-evaluation model of the UNIBAM will facilitate the TCC and the Battalion Commander to ensure deployment of a fully mission capable unit in the mission area. Battalions meeting these capability standards provide assurance to themselves, the UN, and to adjacent battalions that they can be relied upon to execute the MET effectively.

### 3.2 : Purpose

This chapter defines capability and standards for an infantry battalion in peacekeeping operations and provides generic guidelines in the form of checklists to the TCCs and the battalion chain of command to carry out self-evaluation. In this regard, refer to p. 183 of Vol. I of UNIBAM.

### 3.3 : Definitions

**Capability.** In the context of capability standards for a UN Peacekeeping Infantry Battalion, “capability” is operationally defined as the ability and



readiness to deliver against a reasonable standard. It encompasses the combination of capacities (human and material), readiness (organization, process and training), and sustainment (support, logistics) required to accomplish assigned tasks.

**Standard.** A “standard” is a level of quality or excellence attained by an individual or a group of people against an accepted norm by which actual measureable attainments are judged. Common baseline operational standards for uniformed battalion peacekeepers are specific, measurable, achievable and attributable, relevant and realistic, time-bound, timely, traceable and targeted.

### **UN Infantry Battalion Operational Readiness Evaluation Checklist.**

A Battalion Readiness Evaluation Checklist is a compilation of common baseline operational standards for uniformed battalion peacekeepers deployed to UN peacekeeping operations. These capability standards can in turn be combined with TCC capability standards for use as a basis for improved training guidance and assistance, identification of equipment requirements and common evaluation approaches, as well as more targeted and effective capacity-building support for troop contributing countries by third party donors.

The UN Peacekeeping Infantry Battalion Readiness Evaluation Checklists in this Manual may be used by the Battalion Commander to evaluate the readiness of the battalion, TCC peacekeeping operations trainers and national authorities, and UN Force Commanders in the field in order to establish a common standard for a fully mission capable UN Peacekeeping Infantry Battalion.

The capability standards may be modified or augmented as appropriate depending on the battalion’s mission. TCCs and Force Commanders may find this checklist valuable for the development of their own self-evaluation priorities. Guidelines on how a TCC conducts a readiness inspection of its units are governed by national rules and regulations.

### 3.4 : Layout.

The self-evaluation of operational readiness checklists based on capability standards described in this chapter is divided into the following categories:

- Conventional, generic peacekeeping and mission specific standards (p. 188).
- Capability standards for a peacekeeper and various commanders and battalion staff personnel (p. 192).
- Operational, logistics and miscellaneous capability standards (p. 200).
- Capability standards for battalion tasks (p. 215).

In the longer term, these generic capability standards may be used by the UN to bolster the effectiveness and interoperability of various peacekeeping components and thus enable more targeted capacity-building support to TCCs by third country training and equipping partners to meet identified capability requirements.





### 3.5 : UN Infantry Battalion Capability Standards and Criteria

#### Checklist for Commanders

SERIAL	STANDARD/CRITERIA	REFERENCE	EVALUATION	REMARKS
3.5.1 : Conventional Military Skill Capability				
1	Does the soldier maintain physical fitness required for active military service?	As per National Military Standards		
2	Is the soldier medically fit and does not have any category restriction on employment in operational duties?			
3	Has the soldier been trained and tested to perform basic infantry skills (including live firing, observation techniques, guarding, escorting, holding a static post, fire and move technique, conducting night operations, etc.)?			
4	Has the soldier been trained and tested at individual and collective level to undertake minor tactical operations at section and platoon level (day and night patrolling etc.).			
5	Has the soldier, subordinate units and the battalion as a whole been trained and tested for conducting conventional offensive and defensive operations?			
6	Has the unit undergone specialised infantry skills training to augment multi-role capability (heliborne/heli-lifted operations, Cordon and Search Operations etc.)?			
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3.5.2.: GENERIC UN CAPABILITY			
3.5.2.1 : Policies and Practices UN Documents. Do the commanders down the channel and battalion HQ Staff understand the responsibility and accountability based on the following UN Directives, Policies and Plans?			
9	Mission Directives, CONOPS, OP Directives, Operational Plans and SOPs	Latest policies, guidelines, SOPs and mission specific documents	
10	Mission Specific Legal framework for peacekeeping Operations (MOU, OPORD and ROE)		
11	Statement of Unit Requirement issued by OMA/DPKO		
12	Tables of Organization and Equipment - 2009		
13	Contingent Owned Equipment Manual 2011 and FGS Generic Guidelines for TCCs – 2008		
14	UN Infantry Battalion Manual		
15	Relevant SGB's		
16	Secretary-General's Human Rights Due Diligence Policy on UN Support to non-UN Security Forces.		
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3.5.2.2 : UN Generic Peacekeeping Orientation				
Are all commanders and troops trained and sensitized on the following aspects relevant for conduct of peacekeeping operations?				
19	Understand and adhere to UN standards of conduct, as applicable to members of military contingents.			CPTM
20	Have instituted channels and systems for internal oversights and reporting of acts of possible misconduct or serious misconduct as per battalion SOP and peacekeeping best practices (conduct and discipline)?			
21	Is trained, understands and recognises the Zero-tolerance policy of Sexual Exploitation and Abuse by UN personnel, the role of gender aspects and its integration into the work of the military and steps to prevent/protect women and girls from SGBV/CRSV?	ST/SGB 2003/13		
22	Is cognizant of the responsibility to protect vulnerable sections (including women and children) of the population.			
23	Have taken measures to ensure child protection.			
24	Have ensured that the battalion employs no child labour (civilians below 18 years of age).			
25	Have taken measures to prevent human trafficking.			
26	Understand and promote respect for Human Rights and Humanitarian Law and is able to recognize a human rights violation and is prepared to intervene in line with mandate and competency.	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
27	Undergone cultural awareness and sensitization to handle diversity effectively.			
28	Understand and respect host country law, customs and practices			
29	Has functional knowledge of mission language and host country vernacular language.			
30	Is adept with mission public information policy including media management.			
31	Understand responsibility and duties with regard to Environmental Management in the mission area.	Environmental Policy for UN field missions (2009.6)		



32	Methods and means of outreach and engagement including CIMIC, welfare and Quick Impact Project activities.			
33	Guidelines on military role and responsibility in supporting early peacebuilding tasks.			
34	Adept with awareness of Safety and Security in the Field.	UN Hand Book		
35	Awareness and Prevention of HIV/AIDS.	TCC Guidelines P: 35, COE Manual 2011		
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3.5.2.3 : Mission Specific Capability				
38	Does the unit perform all the mission essential tasks effectively as per peacekeeping best practices and Mission SOPs?			Mission-specific modules
39	Has the unit taken remedial/corrective actions on shortcomings/gaps in performance/resources observed by the unit, COE team or the mission leadership?			
40	Does the Battalion carry out periodic in mission refresher task oriented and mission specific training as per IMTC guidelines?			
41	Does the unit carry out preventive maintenance and repairs in time and replace unserviceable items?			
42	Does the unit continue to maintain high standards of conduct and discipline in rank and file?			
43	Has the unit been able to establish good rapport and effective interface with the local population through CIMIC, QIP and welfare activities?			
44	Does the unit have adequate participation of uniformed women (military/police/interpreters, etc.) personnel to assist in patrolling, cordon and search, demobilization of female combatants, interaction with local population, etc?	SC Resolution 1325 (2000)		
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5.3.3 : CAPABILITY OF PEACEKEEPER AND COMMANDERS			
3.5.3 : 1 Checklist for Peacekeeper.			
47	Does the soldier maintain highest standards of integrity and conduct as a UN peacekeeper?	UNIBAM TCC Guidelines 2008	
48	Does the soldier understand the concept of Zero-tolerance for sexual exploitation and abuse?		
49	Does the soldier have a UN Specified uniform, protective clothing (helmet and protective vest), personal weapon with accessories and ammunition and individual kit?	UNIBAM COE Manual 2011 TCC Guidelines 2008	
50	Have any inadequacies as a potential for a peacekeeper been identified and if so mid- course corrective action instituted?		
51	Has the soldier been adequately sensitized on the code of conduct including Do's and Don'ts of the UN peacekeeping in the mission area?	UN Charter, Staff Rules and Regulations and Code of Conduct Guidelines	
52	Are the soldier's common peacekeeping understanding, tactical ability and weapon proficiency adequate to understand and interpret the mission rules of engagement and prevent excessive use of force or lead to collateral damage?		
53	Is the soldier conscious of the cultural sensibilities and environmental impact of all his/her actions?	Environmental Policy for UN field missions (2009.6)	



54	Does the soldier understand legal aspects pertaining to the mission, host country and relevant international laws (human and humanitarian laws and other statutes), and has he/she been trained on his/her human rights roles and responsibilities as per UN policy?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights	
55	Has the peacekeeper been put through all specified peacekeeping orientation training and tested in a graduated manner at individual, crew, collective (company and battalion level) and tested for competency at successive stages.		
56	Has the soldier been put through periodic mission task-orientated training including firing to maintain required standards (to prevent degradation of standards or develop complacency)?		
57	Is the soldier trained and capable of handling other section/platoon support weapons (e.g., LMG/RL) and instruments/equipments (e.g., NVD) in an emergency?		
58	Does the soldier have basic functional linguistic skills in mission and vernacular language?		
59	If earmarked as a driver, is the soldier trained and capable of safe all weather, day and night driving and know how to carry out preventive maintenance/minor repairs of the vehicle? Does he understand the mission area traffic rules and regulations?		
60	Is the soldier proficient in his/her trade work (armourer, cook, clerk, etc.)?		
61	Does the soldier have the capability to administer basic first aid for himself and his colleagues and carry the necessary kit?	TCC Guidelines 2008 p. 29	
62	Is the soldier able to self-sustain for 72 hours whenever employed for peacekeeping tasks outside the COB?		
63	Is his/her personal health and hygiene of high standards?		
64	Has the soldier undergone required medical checks and inoculation as per procedures?		
65	Is the soldier screened and confirmed by the battalion that he/she has not been responsible for any human rights and international humanitarian law violations?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights	



66	Is the soldier in possession of the personal documentation (Passport and Visa, UN and military Identity Card, health card and stores issued card and other pocket cards/handouts on code of conduct, Do's and Don'ts, hostage incident card, ROE card, vernacular language card etc in national language) for the mission?			
67	Has he/she been made responsible, accountable and responsive as per the assigned role and appointment in the company?			
68	Does the soldier maintains high morale and is well motivated?			
69	Is the soldier trained in general field hygiene including water purification, prevention of climatic injury, STD/HIV awareness and prevention, gender awareness and IHL?	TCC Guidelines 2008 p. 29		
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3.5.3.5 : Crew/Specialist Skills/Capabilities				
72	Have all support weapons and surveillance crew members' undergone integrated operational training as a crew and with other tactical sub-units?	UNIBAM		
73	Are all crew members trained and capable of replacing one another in emergencies to perform the tasks equally well?			
74	Are all specialist trade personnel qualified in the designated job, trained, tested and proficient in their respective field as required in a peacekeeping mission (engineer personnel, signal personnel (including radio operators), clerks, drivers, technicians (electrical, electronic, mechanical and armourers) logistics store holders and technicians, nursing assistants etc.)?			
75	Do the battalion maintain 100 percent reserve trained and tested personnel for crew and specialist skilled category at all levels?			
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3.5.3.6 : Section Commander : Is the Section Commander capable of and responsible for?				
78	Executing mission essential tasks as per role and responsibility within the platoon.	UNIBAM		



79	Undertake independent operations to include gender- sensitive patrolling, establishment of OP and CP, joint monitoring, interaction with the local population, etc.			
80	Ensuring adherence to UN Principles, legal framework, methodology of conducting peacekeeping operations, respect for local culture, code of conduct and "Do's and Don'ts" in a mission area.			
81	Ensuring adequate levels of understanding by section personnel of their roles and responsibilities to promote and protect human rights and ensure they are able to recognize human rights violations and understand how implementation of military tasks intersects with human rights?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
82	Exercise caution, restraint and maturity in performing operational tasks based on ROE.			
83	Ensuring safety and security of UN personnel and property within capability even to the use of force (including lethal force).			
84	Ensuring adequate personnel trained for use of radio, provision of first aid, driving vehicle and in basic vernacular linguistic skills.			
85	Carrying out daily inspections of personnel and equipment for mission effectiveness, briefing and debriefing and training and rehearsal for the assigned tasks.			
86	Carrying out regular preventive maintenance and ensure logistics sustenance including emergency rations for execution of various tasks.			
87	Maintaining operational readiness of the section at all times.			
88	Ensuring high standards of morale and motivation of the section personnel and coordinate welfare measures.			
89	Undertaking negotiations and handle a deteriorating situation until reinforced.			
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3.5.3.4 : Platoon Commander : is the Platoon Commander capable and responsible for?				
92	Executing mission essential tasks as per role and responsibility within the Company as per mission SOP's and Operations Order.	UNIBAM		



93	Undertaking independent operations to include establishment of TOB, LRP, reinforcement, extrication, joint patrolling and monitoring, escort duties, coordinated outreach and engagement activities at Company level, etc.			
94	Ensuring that all ranks in the platoon are cognizant and conversant with the generic and mission specific guidelines and parameters in conduct in a mission area.			
95	Maintaining operational readiness of the personnel, equipment and vehicles for rapid mobilization as a QRT.			
96	Have adequate trained personnel including reserves as special weapon handlers, radio operators, drives, field nursing assistants, and key personnel with vernacular and mission language skills.			
97	Ensuring responsive chain of command, apportion responsibilities make them accountable and monitor and control activities to effectively perform in the mission area.			
98	Ensuring morale, motivation and welfare of the personnel.			
99	Carrying out briefing and debriefing, and training and rehearsal for the assigned tasks.			
100	Protecting UN personnel and property and protect civilians who are at risk within the capability.			
101	Handle an adverse situation including crowd control within the means and until reinforcement arrives.			
102	Communicate and negotiate well at local level with spoilers, possible aggressors and local civilians.			
103	Conduct joint operations with various mission entities, host civil and security agencies and other actors for specific tasks.			
104	Handle local interpreters, women contingent/police personnel and village/society elites effectively.			
105	Recognize human rights violations and understand how military peacekeepers are expected to intervene should they be confronted with such violations; understand how human rights intersect with other military tasks.	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
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3.5.3.5 : Company Commander : Is the Company Commander capable and responsible for?			
		UNIBAM	
108	Carry out company level independent operations to include Cordon and Search Operations, protection of civilians, assist host authorities in public order management including crowd control, reinforcement, extrication, evacuation, establishment of TOB, redeployment to potential threat areas, assist disarmament and demobilization, emergency mine/UXO clearance, etc.		
109	Undertake QRF/reserve actions as part of battalion level operations either independently or in support of other entities by all means of transportation.		
110	Undertake enforcement operations in protection of the mandate if tasked.		
111	Carry out "Key Leader Engagement" to prevent emergence of critical situations or to contain a deteriorating situation in AOR.		
112	Carry out "Outreach and Engagement" by constructive confidence-building measures/initiatives, vibrant people oriented CIMIC/QIP/Welfare activities.		
113	Ensure force protection, protection of civilians, freedom of movement by creating a secure and safe environment in the company AOR by proactive posturing and prophylactic relentless operations.		
114	Protect and promote respect for and adherence of human rights, international law (humanitarian law, statutes and covenants) and the host national law (customs, traditions, practices and environment). Able to recognize human rights violations and understand how military peacekeepers are expected to intervene should they be confronted with such violations; understand how human rights intersects with other military tasks.	DPKO/OHCHR/ DPA/DFS Policy on Human Rights	
115	Prevent gender and child abuse and atrocities and violence, human and weapon trafficking, violations against women, girls, men and boys (includes sexual violence), sex trafficking, socio-economic exploitation by any host or foreign national perpetrators.		
116	Carry out joint operations with UNPOL/UN FPU and/or host police or security forces.		
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3.5.3.6 : Battalion Commander : Is the Battalion Commander Capable and Responsible for?			
119	Restore and maintain safe and secure environment and freedom of movement in AOR?	UNIBAM	



120	Institute measures and means to maintain effective situational awareness to preclude deterioration of situation, carry out prognosis of evolving situations and to undertake proactive prophylactic and comprehensive measures?			
121	Undertake responsible actions with tolerance for ambiguity in dealing with fluid situations in the best interest and spirit of UN ethos and highest military traditions?			
122	Play a vital role in coordination and integration of all actors in the field for synergistic effort for furtherance of the mandate?			
123	Prepare battalion operational plan and undertake independent operations with battalion elements as per CONOPS and Operations Order?			
124	Ensure operational readiness to undertake independent operations within the mission area or as part of Inter-Mission Cooperation with specified troops and timeline?			
125	Undertake enforcement actions to protect the mandate?			
126	Establish integrated HQ with civil and police authorities to coordinate and conduct joint operations?			
127	Ensure force protection and protection of civilians.			
128	Carry out "Outreach and Engagement" including "Key Leader Engagement"?			
129	Promote respect for and adherence to human rights and international humanitarian law. Ensure that military peacekeepers understand how human rights intersect with their tasks and are able to recognize human rights violations and intervene within their mandate, competency and ROEs.	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
130	Have an understanding of the host national law (customs, traditions and practices) and its implications in the conduct of operations by the sub-units and personnel of the battalion?			
131	Prevent gender and child abuse and atrocities and violence, human and weapon trafficking, human trafficking, socio-economic exploitation by any host or foreign national perpetrators?			
132	Ensure the battalion chain of command up to section level made accountable and responsive to peacekeeping operational requirements?			
133	Ensure all personnel are clear and cognizant of their responsibilities and obligations as peacekeepers in the mission area?			



134	Ensure institution of measures to prevent conduct and discipline violations (including criminal or illegal activities, Sexual Exploitation and Abuse, exploitation of children etc)?			
135	Monitor and investigate all aberrations thoroughly and that appropriate disciplinary action is taken, in accordance with the provisions of the Standard Operating Procedure on Implementation of Amendments on Conduct and Discipline in the Model Memorandum of Understanding [DPKO/DFS Ref. 2011.01].			
136	Carry out peacekeeping oriented predeployment and in mission refresher training?			
137	Ensure all personnel in the battalion comply with provisions of mission mandate, SOFA, ROE, CONOPS and Operations Order, etc.?			
138	Promote respect for host country law, culture, customs, traditions, practices and environment?			
139	Ensure logistic self-sustainability of the battalion with integral resources and with UN assistance.			
140	Ensure the COE and UNOE are well maintained and operationally serviceable?			
141	Ensure health, hygiene, welfare, morale, motivation and personal administration of all ranks in the battalion?			
142	Ensure continuity of operations through proper written documents (handover notes) before he hands over the battalion to his replacement?			
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3.5.3.3.7 : Staff				
145	Does the staff have skills and capability in planning, organising, directing, coordinating and controlling the operational and logistics activities of the battalion both during normal times and during crisis?	UNIBAM		
146	Does the staff have adequate communication, office support and reporting infrastructure and equipments to obtain/disseminate reports and information from subordinate units and to submit accurate and timely reports to higher HQ?			
147	Is the staff capable of processing requests for, coordination and employment of force multipliers (e.g., attack helicopters, utility helicopters etc.)?			





148	Does the battalion have a centralized monitoring system and coordinating mechanism to control all operational and logistics activities and movements?			
149	Are the respective section staff personnel well trained in their role, understand the responsibility in the mission organizational structure and competent to function in a multinational, multi-cultural and multi-linguistic peacekeeping environment effectively?			
150	Does the staff have the initiative and dynamism to plan and coordinate operational and administrative support to the battalion?			
151	Does the staff disseminate/share relevant information with all static and mobile elements in real time frame to ensure awareness?			
152	Have each section of the staff prepare a plan for execution and deliberated on contingency planning?			
153	Does the staff follow UN conventions on correspondence and mission SOPs?			
154	Does the staff maintain expertise in establishing liaison and interface with other stakeholders in the AOR and the local population to coordinate and integrate activities?			
155	Does the staff ensure the functions of planning, organizing and directing activities in the battalion effectively?			
156	Does the staff have an effective personal documentation procedure including details of personal particulars, the will, next of kin, health, discipline, finances, etc?			
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<b>Miscellaneous</b>				
3.5.4 : OPERATIONAL CAPABILITY (Based on OMA/MPS Statement of Force/Unit Requirement, CONOPS, OPORD and Mission-specific Operational Plans and the UNIBAM Capability Standards)				
3.5.4.1 :Battalion Level Operational Capabilities				
159	Are all the subordinate units and the battalion as a whole been trained, equipped and capable of performing the operational and non operational METs as specified in the CONOPS and OPORD?	Chapter 4, UNIBAM		



160	Are all commanders (up to platoon) and the Battalion HQ staff qualified, trained and proficient in planning, coordinating, directing and controlling execution of MET in peacekeeping environment effectively?			
161	Is the Battalion HQ capable of deploying and sustaining a temporary Tactical Command Post (TCP) by road or by air for minimum 14 days?			
162	If earmarked as force reserve, have the battalion tactical groups been trained, equipped and capable of executing mission level tasks as per CONOPS and OPORD to restore any adverse situation?			
163	Does the battalion maintain operational readiness to detach two companies for limited duration within 72 hours to deploy/conduct tactical operations anywhere in the mission area?			
164	Are the reserve sub-units prepared to deploy outside the Battalion AOR under separate command and control arrangements for limited duration?			
165	Does the battalion QRF Company have the capability to maintain readiness to move? - Within two (02) hours to operate anywhere in the battalion AOR. - Within six (06) hours anywhere in the mission AOR. - Within 24 hours for Inter-Mission Cooperation (IMC).			
166	Has the battalion trained and equipped the reserves (including QRF) and a platoon per company be to be air transported for deployment or to undertake tactical operations?			
167	Does the battalion maintain a trained and resourced platoon QRT to undertake special tasks including heli-borne operations in-mission area within two (02) hours?			
168	Does the battalion maintain minimum a platoon QRT at each ICG level as battalion reserve to be deployed anywhere in the battalion AOR?			
169	Are the Battalion Command Group and the staff capable and organized to exercise tactical control of additional two companies and the force multipliers for specific operation?			
170	Do all static and temporary bases of the battalion maintain capacity to absorb minimum 50 percent additional elements under the operational control and provide logistics support?			
171	Is the battalion organised and maintain readiness to execute operational re-deployment or relocation within its integral resources?			



172	Is the Battalion Operations Centre organized, equipped and active to coordinate, monitor, control and respond to operational challenges?			
173	Does the battalion maintain an effective system of acquiring tactical information and maintaining situational awareness?			
174	Does the battalion have early-warning systems and mechanisms in place to facilitate pre-emptive actions?			
175	Does the battalion have capability to provide protected/motorised mobility to all operational elements and weapon systems of the battalion?			
176	Is the battalion capable of establishing a TOB with a company or a platoon for a period of 30 days or as specified using COE and assisted by UN?			
177	Are the infantry platoons of the battalion trained and equipped to undertake LRP for minimum of seven days?			
178	Is the battalion trained, organised and planned to undertake minimum five (05) composite joint patrols with other mission components or civilian experts for specific or as part of outreach and engagement?			
179	Is the battalion planned and organized to establish eight (08) Checkpoints (CP) and undertake fourteen (14) section level/six (06) platoon level (or a mix of both) patrolling activity in a 24 Hour cycle?			
180	Is the battalion organized, trained and coordinated for joint operations with other national contingents, host country security forces and UN Formed Police Units.			
181	Is the battalion capable of establishing effective information-sharing and partnerships with mission components?			
182	Is the Battalion Command Group, staff, subordinate commanders and earmarked troops organised and capable of carrying out extensive outreach and engagement of the local population?			
183	Are all subordinate units trained to handle civil unrest? Does the battalion maintain crowd control equipment for strength of two companies?			
184	Is the battalion capable of undertaking environmental baseline studies when establishing camps?			
185	Is the battalion capable to conduct AAR process IOT identify, capture and share BP and LL through among its maneuver elements and higher HQ?			Annex K of UNIBAM



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3.5.4.2 : Company Level Operational Capabilities									
188	Is the company organised, equipped, trained and capable to perform designated mission essential tasks (operational and non-operational) either independently or as part of the company level operations?				Chapter 4, UNIBAM				
189	If designated as reserve company, be ready to move within 72 hours with integral and/or battalion and/or mission resources.								
190	As a QRF Company, does it have the capability to maintain readiness to move? - Within two (02) hours to operate anywhere in the battalion AOR. - Within six (06) hours anywhere in the mission AOR. - Within 24 hours for Inter-Mission Cooperation (IMC).								
191	Does the company maintain operational readiness to get redeployed within 48 hours anywhere in battalion AOR?								
192	Does the company maintain operational readiness to deploy or conduct operations anywhere in the mission AOR for limited duration within 72 hours?								
193	Are the company and its subordinate personnel trained, organised and equipped to undertake helicopter mounted operation with a platoon within two (02) hours and a company less a platoon within six (06) hours?								
194	Is the Company HQ be capable of receiving, coordinating and operationally employing additional one or two platoons from other national contingents (efficacy of C3 and inter-operability aspects)?								
195	Does the company maintain a trained, equipped and capable platoon for execution of special tasks including heli-borne operations?								
196	Are all platoons trained to perform the role of QRTs and maintain a readiness to launch within 30 minutes with integral transport?								
197	Is the company capable of establishing a TOB with a composite Platoon capable of sustaining for specified duration using either COE and/or with mission assets?								



198	Is the company trained, equipped and capable of undertaking Long Range Patrol with a composite platoon for minimum seven (7) days within integral resources and for longer duration with mission support?			
199	Are all platoons capable of executing "Local Quick Reaction" capability with readiness to move within ten (10) minutes?			
200	Is the company planned and organized to undertake minimum two (02) composite joint patrols (with mission police or civilian components) in a week, for specific task or as part of outreach and engagement?			
201	Is the company organised and capable of establishing two (02) CPs and undertake four (04) section level/two (02) platoon level (or a mix of both) patrolling activity in a 24 Hour cycle as minimum operational engagement?			
202	Are all personnel of the battalion trained, organised and capable of immediate action readiness (Stand To) in two (02) minutes?			
203	Is the Company Operations Centre organized, equipped and active to coordinate, monitor, control and respond to operational challenges?			
204	Does the company maintain an effective and proactive system of acquiring tactical information and maintaining situational awareness?			
205	Is the company organised and prepared to protect the COB, UN Property and personnel from all kinds of physical threat by layered obstacles, sentry posts, and entry exit control and by fire and observation?			
206	Are all operational elements and the Company Command Post mobile on organic transport and Armoured Personnel Carriers (APC) to conduct dynamic mobile operations in the battalion AOR?			
207	Does the company maintain high readiness through effective day and night observation, electronic surveillance and support weapon platforms for force protection?			
208	Are the personnel of the company able to exercise effective interoperability skills and conduct joint operations with other elements (UNPOL, civilian mission components, UN Agencies, Local Police and Security Forces etc.)?			



209	Are the earmarked personnel of the company organised and capable of carrying out extensive outreach and engagement of the local population?			
210	Are all platoons of the company trained to respond to civil unrest and at least one platoon equipped with crowd control equipments?			
211	Has the company been trained on human rights and international humanitarian law and notably how to recognise human rights violations and intervene in line with mandate, ROEs and capacity; how human rights intersect with their tasks and how to cooperate closely with the mission human rights component?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
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3.5.4.3 : Platoon Level Operational Capabilities				
214	Is the platoon trained, equipped, organised and capable to perform the designated mission essential tasks (operational and non-operational) either independently or as part of the company level operations with integral C3, firepower, mobility logistics resources?	Chapter 4, UNIBAM		
215	Is the platoon trained and organised to undertake heli-mounted or heli-borne (if tasked) operations?			
216	Does the platoon maintain operational readiness to react as QRT within specified time as per tasking within the Company or Battalion AOR?			
217	Is the platoon organised and equipped to establish a TOB/Patrol Base/OP as per specific task for 14 days or beyond with the support of organic resources and mission assets?			
218	Is the platoon organised and equipped to undertake LRP anywhere in the battalion AOR for duration of seven (07) days with integral resources?			
219	Is the platoon organised and equipped to establish one (01) CP and undertake two (02) section level patrolling activities or one (01) platoon level patrol in a 24 hour cycle?			
220	Does the platoon have specified numbers of weapons, instruments and equipments for operational performance in serviceable condition?			
221	Are all sections of the platoon trained and organised to conduct joint operations with other elements in the mission?			



222	Do the platoon HQ and the sections have the ability to carry out outreach and engagement independently or jointly with other elements?				
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3.5.5 : Training Requirements and Standards					
225	Has the battalion conducted basic individual and collective infantry training up to and including company level, with special attention for weapons training (small arms, heavy machine gun/small cannon turret weapons, and short and medium range anti-tank weapons), basic cordon and search procedures?				TCC Guidelines, 2008 and UNIBAM
226	Are the sub-units trained in the use of helicopters?				
227	Have the unit conducted briefings on the Rules of Engagement (ROE) to be observed by the Mission, rules of impartiality and honesty, rules for behaviour and techniques on how to react when being obstructed by hostile elements, etc?				
228	Has all personnel been imparted instructions on the mandate and organization of the Mission and the area of operations?				
229	Have all personnel been imparted instructions on geographical, historical and cultural background of the local inhabitants and the neighbouring countries, including the origins of the current situation, religious aspects, customs and taboos, etc?				
230	Has the unit received pre-deployment training on conduct and discipline for military personnel?	(Core Pre-deployment Training Material Module 4)			
231	Have the unit conducted induction training on conduct and discipline for military personnel, including information on mission-specific rules and regulations or the obligations towards national and local laws and regulations, and conducted specific training on Sexual Exploitation and Abuse and the UN 'zero-tolerance' policy in this regard?				
232	Has the unit conducted exercises in short and longer term manning of operational checkpoints and patrol missions (including the use of night vision equipment), basic communication and voice procedure training?				



233	Has all personnel been briefed and imparted instructions on how to manage the environment properly in their daily operations?			
234	Have all the personnel undergone practical and operational human rights training aimed at providing military peacekeepers with an understanding of their human rights roles and responsibilities in UN peacekeeping operations?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights –para 29 and 85.		
235				
236				
3.5.6 : Logistics Capability				
237	Is the unit carrying or in possession of the required number of personnel, arms, ammunition, equipment, accessories, spares, unit stores and expendables as per MOU and mission requirements?	Chapter 4, UNIBAM		
238	Are the COBs configured for independent and self-sustained logistics capability (Food, water, accommodation, hygiene and sanitation, transport, medical, etc.)?			
239	Has the unit streamlined procedures for daily logistics sustenance and routine replenishment as per mission logistics plan within integral resources?			
240	Does the unit maintain field kitchen facility with adequate running and reserve rations (dry and fresh rations, MRE/composite emergency rations etc.) as per specified quantity and have grease traps?			
241	Does the unit have an efficient system of daily sustenance of water to include water plant, storage facility and supply system for providing potable drinking/cooking/sanitation water in specified quantity as per the COE Manual 2011 and TCC guidelines of 2008?			
242	Does the unit maintain capability to install field water pump and provide temporary water supply for its companies and platoons until main supply is provided/restored?			
243	Does the unit have a system in place for wastewater treatment prior discharge?			
244	Does the unit have a system in place for waste segregation?			
245	Does the unit have containment basins under all fuel tanks and fuel collection points?			
246	Does the unit carry out turnover of rations and ammunition on a periodic basis?			





247	Has the unit carried out periodic testing of medical instruments and equipments for correctness and expiry date medicines removed from the bins?			
248	Have the unit and subordinate units equipped with temporary field accommodation stores (tents, etc.) to support itself logistically for short duration?			
249	Does the unit has adequate and safe storage facilities for ration, water, FOL, general and ordnance stores, ammunition, mechanical transport stores, engineer stores, etc?			
250	Does the unit have reserve stocks of water, food, emergency ration, medicines, spares (for weapons, equipments and vehicles), and general and ordnance stores, FOL, etc?			
251	Has the unit carried out necessary scheduled preventive maintenance of all operational stores and have adequate maintenance and reserve spares?			
252	Does the unit have required capability to carry out repairs (in situ and mobile) and recovery of vehicles?			
253	Are all the weapons, instruments and equipments inspected, zeroed/calibrated?			
254	Are all the troops equipped with necessary protective clothing (protective vest and helmet)?			
255	Does the unit maintain a movement control organization to plan and organize move of personnel?			
256	Are the personnel and unit finances properly accounted for and judiciously used?			
257	Does the unit have an effective system of personal documentation and administration?			
258	Does the unit maintain an efficient postal service?			
259	Has the unit carried out remedial actions as suggested in the quarterly COE inspection in the mission area?			
260	Does the unit maintain an updated load list and list of dangerous cargo list?			
261	Does the unit maintain 10 percent additional equipment, vehicles, stores to cater for unserviceable stores/equipment out of action until replenished?			
262	Has a detailed load table for personnel baggage, unit equipment and stores been worked out as per UN parameters?			
263	Does the unit carry/in possession of required ammunition for peacekeeping operations?			



264	Is the unit carrying/in possession of minimum 10 percent reserve of all equipments and stores over and above the agreed upon quantities as per MOU to cater for unforeseen equipment out of action/un-serviceability/breakdown etc.?				
265	Does the unit maintain reserve stocks in the following category: Water - Dry ration - Composite ration/MRE - Expendable stores - FOL - Spares (weapon, equipment and vehicle) - Medicines -				As per missions requirements
266	Does the unit have separate facilities accommodation, ablutions, etc. for women?				
267					
268					
3.5.6.1 : Medical					
269	Do all personnel meet the laid down criteria of medical fitness for deployment in a mission area and have been inoculated/immunized as per norms and mission requirements?	National and UN Medical Standards. TCC Guidelines of 2008, p. 33.			Medical Support manual 2012
270	Are all personnel trained and equipped in providing emergency first aid?	COE Manual 2011.			
271	Does each section have minimum one (01) field nursing assistant with medical kit?	COE Manual 2011.			
272	Do all COBs have life-saving resuscitation capability and means of surface and aerial evacuation of casualty?				
273	Does Battalion HQ have expert medical support with minor surgery and life saving resuscitation capability with means of surface and aerial (with mission support) evacuation of casualty?				



274	Does the unit have timely provisioning and stocking of medicines and are replacement of life expired medicines periodically carried out?			
275	Does the battalion maintain personal health cards for each individual (including blood group and allergy details)?			
276	Does the unit have a HIV/AIDS counsellor?	TCC Guidelines 2008 p. 29		
277	Does the unit have women medic/nurse and attendant; and maintains separate facility for medical investigation and holding?			
278	Does the unit have an Environmental Focal Point to liaise with the appointed official for the environment in the military component of the mission?			
279				
280				
3.5.6.2: Water Arrangements				
281	Does each COB have a water treatment/purification plant (1,000 litres per hour to 2,000 litres per hour) with sedimentation, filtration and disinfecting process or reverse osmosis and adequate storage and distribution facility (COE/UNOE)?			
282	Does the unit have trained personnel in treating and testing raw water (meet WHO standards and fit for human consumption)?			
283	Does a COB maintain three (03) days intake storage and 5,000 litres of output storage?			
284	Does the unit have minimum two (02) days bottled water as reserve stock?			
285	Does the unit have water storage capacity (with acceptable food grade materials) of minimum 170 litres per person?			
286	Does the unit have adequate water tankers and trailers for self-sustainment of the COBs			
287	Does the unit engineer section have the capability to provide water points with field pumps?			
288	Does each COB have a proper wastewater collection/treatment/disposal system (Special case)?			



289						
290						
3.5.6.3 : Personal and Crew Served Weapons						
291	Are the weapons inspected and certified by the armourer for serviceability (barrel, firing and safety mechanisms)?					
292	Has greasing and oiling of the weapon parts been carried out?					
293	Does the weapon have necessary accessories (day and night sights, laser aiming pointers, sling, magazines, cleaning kit, tool kit with additional firing pin, muzzle cover, spare batteries for sights, etc.)?					
294	Have all weapons zeroed, day and night sights adjusted/calibrated and batteries (including spares) charged?					
295	Are the weapons equipped with authorized ammunition in good condition (new lot and not rusty)?					
296	Are the weapon index card/history sheet been maintained?					
297	Is the weapon given on charge of an individual for maintenance and accountability?					
298	Are the weapons and ammunition kept under proper storage?					
299						
300						
3.5.6.4 : Mechanical Transport						
301	Have all vehicles been painted in white overall and display black UN letters on all four sides and on top prominently?	COE Manual 2011 TCC Guidelines 2008			(Min. 30 cm wide and 45 cm height)	
302	Have all the national markings been removed from the vehicles?					



303	Are the vehicles of the agreed pattern (including 4 x 4) and category as per MOU?				
304	Are the vehicles fitted with HF radio sets for communication?				
305	Are the vehicles inspected and certified for serviceability (electrical, fuel supply and transmission system) and road worthiness?				90 percent and 24 Hour Rule
306	Are the vehicles modified against small arms/IED threats as per mission requirements?				
307	Are the vehicles fitted with a GPS?				
308	Are the vehicles equipped with fast moving spares, spare tyres, pick axe and Shovels, spare FOL, spare water, emergency lighting arrangements, breakdown indicators, first aid kit and the repair tool kit?				
309	Are the vehicles fitted with speed governors, rear view mirrors, rear sensors, fog lamps, indicators and alarm for left/right turns and reverse?				
310	Have the tyre rotation, wheel alignment and headlight adjusting been carried out?				
311	Are the vehicles' fuel tanks topped up, greasing as per correct grade carried out, battery in good condition with correct level of distilled water, break fluid, engine oil, radiator water levels topped up, tyre pressures and condition checked?				
312	Are the vehicles provided with tow hook and tow chain/winch facility for self-recovery?				
313	Do the vehicles undergo daily, weekly and periodic maintenance tasks as part of preventive maintenance checks and the records maintained?				
314	Are the vehicle log books and car dairies maintained properly?				
315	Are the vehicles on charge of an individual peacekeeper for responsibility, accountability and safe driving?				
316	Are the odometers (vehicles) and hour-reading meters operational in all vehicles and generators to efficiently track fuel consumption? (For efficient record of fuel consumption, UN may install FUEL LOG on all contingent vehicles and equipment.)				
317					
318					



3.5.6.5 : Fire Precaution				
319	Does the unit have a fire alarm system and possess adequate fire fighting equipments?			
320	Does the unit have SOP on fire fighting with clearly spelt out responsibilities and drills?			
321	Does the unit carry out regular fire fighting practices?			
322	Does the unit carry out regular inspection to identify fire hazards and institute remedial measures?			
323	Does the unit have fire points established near ammunition magazine, FOL dump and armoury, battalion stores and other key areas?			
324				
325				
3.5.7 : Legal Aspects				
	Are all personnel sensitized to abide by International Humanitarian Law and International Human Rights Laws?	DPKO/OHCHR/ DPA/DFS Policy on Human Rights		
326				
327	Do all personnel understand the local laws of the host nation, their customs, traditions and practices?			
328	Are all ranks sensitized about the provisions, contained in the SOFA, ROE, MOU and all other mission specific UN Policies/SOPs, etc.?			
329	Does the unit have an effective internal oversights mechanism to monitor conduct of personnel, report possible misconduct or serious misconduct, carry out necessary investigations, discipline the involved individuals in order to ensure judicious disposal of cases?			
330	Does the Battalion Commander fully understand his/her specific role/obligation under the overall UN legal mechanism concerning conduct and discipline matters?			
331	Have the important relevant rules and regulations been interpreted in national language for easy understanding of the soldiers?			
332				
333				



3.5.8 : Welfare : Does the unit maintain high standards in?				
334	Recreational facilities and arrangements (sports/games facilities, TV and music systems, reading materials, etc.).			
335	Quality and variety of food.			
336	Living conditions (bathing and toilet facilities, laundry, lighting and ventilation, communications and Internet facility, etc.).			
337	Quality of personal dress and equipment.			
338	Management of individual finances.			
339	Provision of Internet, ISD and mailing facilities for the troops.			
340				
341				
3.5.9 : Morale and Motivation : Do the unit personnel maintain high standards in?				
342	Conduct and discipline as per UN standards (with minimal indiscipline cases).			
343	Turn out, both on and off parade.			
344	Maintain cheerful disposition.			
345	Display pride, self-respect, camaraderie and esprit de corps.			
346	Good camp layout (Perimeter fencing, accommodation, field kitchen arrangements, hygiene and sanitation arrangements including ablutions, etc.).			
347	Operational readiness and equipment management.			
348	Establish good rapport and gain reputation amongst locals.			
349				
350				



## 3.6 : UN Infantry Battalion Capability Standards for Tasks

### Task 2.1 : Patrolling

Task Specific Capability	Capability Standards
Force Protection	<p>Company/Battalion QRF is prepared to support patrol defence/extraction. Patrol reviews ROE and route and rehearses actions if attacked prior to initiation of patrol.</p> <p>Patrol personnel provide for all around 360 degrees defensible security, 24 hour a day, under all weather and light conditions.</p> <p>Patrol has rehearsed SOPs for defence and evacuation.</p>
Sustainment	<p>Patrol personnel have adequate supplies, potable water, ammunition, fuel, and transportation to sustain itself for the duration of the patrol and in all threat levels.</p>
C3	<p>Company commander determines requirements for the patrol and verifies requirements with the battalion staff.</p> <p>Progress of patrol is monitored utilizing patrol boundaries, phase lines, key terrain, and contact points.</p> <p>Patrol has an established chain of command with clear lines of C2.</p> <p>Patrol maintains constant, reliable, redundant, and secure communication with the next superior authority and other adjacent battalion patrols as the situation dictates.</p> <p>Radio and telephone transmissions are encrypted or encoded as required. Interpreters are attached to the patrol who can communicate in the local language and dialect, and the patrolling units language.</p>
Protect Environment	<p>Patrols should not degrade the environment or living conditions of the local population through containment of oil spills, water, wastewater and proper waste management.</p> <p>Wildlife is prohibited to buy/sell. Bring empty (plastic) water bottles used during patrols back to camps for proper disposal (Do not throw away bottles/wraps directly into nature).</p>
Mobility	<p>Patrol leaders, through digital or conventional map reconnaissance identify tentative patrol routes, rally points, contact points, and phase lines and patrol leaders brief company commander of these locations prior to initiation of patrol.</p> <p>All patrol plans and routes are briefed by the patrol leader to the stay behind commander and /or appropriate staff members.</p> <p>Patrol uses formation and appropriate technique of movement, adjusting the technique as required by mission, threat, time, terrain, troops available, and civil considerations.</p> <p>Patrol locates and plots minefields and obstacles along the route.</p>





Civil Interaction	<p>All patrol members should be sensitive (including gender sensitive) and respectful to local norms and customs.</p> <p>Patrol members should present a professional and alert posture.</p> <p>Patrol has on call capability to support other battalion missions and assets including: other patrols and battalion/company activities protect or detain individuals act as a communications relay for long range battalion communications.</p>
Interoperability	
Information	<p>Company commander and leaders involved with patrol, gain and maintain situational awareness using information that is gathered from battalion staff, company situational awareness teams, maps, information summaries, situation reports, and other available information sources.</p> <p>Patrol members are debriefed by key staff members and/or the commander as appropriate immediately after each patrol in order to extract and consolidate pertinent information relevant information and answers to PIR.</p> <p>Patrols should maintain all around 360 degrees observation under all weather and light conditions throughout the duration of the patrol.</p> <p>Patrol members should pay special attention to children and signal disturbances (such as child soldiers) to the Battalion's Child Protection Officer.</p>
Firepower	<p>Patrol has capability to defend itself in all threat conditions against all feasible threat COA's.</p> <p>Patrol has coordinated air and indirect fire support targeting with battalion assets.</p>
Monitor, Verify, and Report	<p>Patrol personnel should provide timely, accurate and relevant reports to higher HQ.</p> <p>Information reported is verified by multiple sources and documented through imagery and other forms of electronic media.</p>
Operate and Maintain Equipment	<p>Patrols should initiate operations with 100 percent operationally capable equipment.</p> <p>Patrol maintains spare parts, batteries, electrical supply and water purification capabilities.</p> <p>Patrol members are trained to use, maintain and repair their equipment at the operator level.</p>



## Task 2.2 : Observation Post

Task Specific Capability	Capability Standards
Observe	OP allows all around 360 degrees observation and monitoring, 24 hour a day, under all weather and light conditions.
Monitor, Verify and Report	OP personnel provide timely, accurate and relevant reports to higher HQ. Information reported is verified by multiple sources and documented through imagery and other forms of electronic media.
Force Protection	OP personnel provide for all around 360 degrees defensible security, 24 hours a day, under all weather and light conditions. OP force has rehearsed SOPs for OP defence and evacuation.
Operate and Maintain Equipment	Maintains observation, monitoring, and communications equipment at 100 percent operationally capable. Maintains spare parts, batteries and electrical supply. OP personnel are trained to use, maintain and repair equipment at the operator level.
Sustainment	OP personnel and their relief force have adequate supplies, potable water, ammunition and transportation to sustain themselves for an established amount of time in all threat levels. Adequate fire fighting and first aid materials are on site.
C3	OP has an established chain of command with clear lines of C2 (especially with a multinational OP). OP maintains constant, reliable, redundant and secure communication with the next superior authority and other Ops as the situation dictates. Radio and telephone transmissions are encrypted or encoded as required.
Protect Environment	OP occupation and maintenance should not degrade the environment or living conditions of the local population.
Mobility	Battalion forces and support assets have unencumbered access to OP. OP forces maintain freedom of movement in their area of operation. Battalion/company has capability to reposition OPs as required.
Civil Interaction	OP has established rapport and communication with civic actors, including women, belligerent factions, and non-UN organization in the AOR.
Interoperability	OP has capacity to support other battalion missions and assets including: support patrols, act as a supply depot, protect or detain individuals, act as a communications relay facility, serve as a medical dispensary, serve as a negotiation centre for interaction with local actors, or support other activities required by the battalion.



Information	OP supports and conducts Information Preparation of the Area of Operations, Surveillance and Reconnaissance. Maintains and disseminates accurate information of activities and events in the AOR in support of battalion processes.
Firepower	OP has capability to defend itself in all threat conditions against all feasible threat COA's. OP has coordinated air and indirect fire support targeting with battalion assets.

### Task 2.3 : Checkpoint

Capability	Standards
C3 and Interoperability	CP commander knows the task and methodology of execution as per battalion SOP. CP commander aware of ROE and implications of host national law. CP command and control set up well coordinated and efficient. CP personnel, equipment and procedures in consonance with interoperability requirements of the mission and necessary coordination with other elements been carried out. Liaison and coordination with civil administration and local police/host military been carried out. All actions centrally monitored, controlled and executed.
Force Protection	Troops adequately protected with body armour against all kinds of threat CP adequately protected against likely threat prevailing in the AOR (against armed threat, small arms, VBIED or Vehicle based suicide bomber etc.)
Mobility	Adequate capability for rapid movement as per situation with organic transport. Protected mobility (APCs) deployed in location as reserve, based on the operational environment.
Firepower	Adequate Support Weapons (deployed on ground and mounted on vehicle to deal with any untoward situation.
Sustainment	Troops and attached elements self contained logistically for the duration of operations (food, water, medicines, weather protection, temporary shelter, ammunition, batteries, etc.). The routine administration requirements taken care of, if it is required to be there for longer periods.



Tactical Information	Battalion organised to acquire and process information from multiple sources to establish a reasonable belief to establish CP. Information Databank is maintained.
Civic Interaction	Carried out prior and post contact with local populace and leaders to establish close rapport or to gain information?
Techniques and procedures	Personnel trained to search vehicles and frisk suspected personnel. Personnel capable of handling arrest and detention Personnel capable of handling an explosive laden vehicle or able to confiscate contraband material. Key personnel have functional vernacular language skills. CP personnel capable of handling emergency drills and casualty care and evacuation. UN Identification marks installed in the CP.

## Task 2.4 : Outreach and Engagement

Capability	Standards
C3 and Interoperability	Battalion and Company HQ have an integrated policy and SOP on outreach and engagement. Effective liaison and coordination with civil administration and local police/host military carried out. Effective communication measures with redundancy with all participants and control HQ established. All actions centrally monitored, controlled and executed.
Force Protection	Troops interacting with local population adequately protected. Other troops on military tasks adequately protected with body armour against all kinds of threat. Actions to counter IED/Sniper/armed threat taken care of. Troops have weather and terrain specific clothing.



Mobility	Adequate capability for rapid movement as per situation by foot, surface transport or by air. Have required protected mobility based on the operational environment.
Firepower	Force equipped with necessary personal and support weapons for measured response in use of force (as per ROE).
Sustainment	Have the ability to self-sustain logistically for the duration of operations.
Tactical Information	Bat talion organised to acquire and process information from multiple sources to establish a reasonable belief to conduct search operations.
Civic Interaction	Establish rapport and contact with local populace and leaders to help smooth conduct and carry out constructive psychological engagement.

## Task 2.5 : Situational Awareness

Capability	Standards
C3 and Interoperability	Battalion structured to process information from an observation post/section level to the Battalion Commander in an effective manner. Effective liaison and coordination with UNCT entities, NGOs, civil administration and local police/host military carried out for obtaining information. Have secured communication means to pass confidential information All information-gathering activities centrally coordinated and monitored by respective commanders.
Force Protection	Troops involved in SA adequately protected and their security issues addressed.
Mobility	Maintain capability to employ GSR vehicle mounted for specific tasks.
Sustainment	SA personnel have the ability to self-sustain logistically for the duration of operations.
Tactical Information	Battalion organised to acquire and process information from multiple sources to establish a reasonable belief to conduct search operations. Have trained GSR and UAV detachments



Civic Interaction	Establish rapport and contact with local populace and leaders to gain early-warning/information.
Techniques and Procedures	SA personnel and commanders up to platoon level capable to interact and obtain human information. Comprehensive Information Data Folder maintained with each Company. Battalion key leaders and the staff capable of engaging interlocutors and Community Liaison Agents for early warning. Battalion maintains ability to interpret satellite imagery or air photos. Detailed risk assessment carried out and developed a comprehensive information collection plan.

## Task 2.6 : Cordon and Search Operations

Capability	Standards
C3 and Interoperability	Mobile command post established to exercise command and control of all elements taking part in the operations Effective liaison and coordination with civil administration and local police/host military carried out. Effective communication measures with redundancy with all participants and control HQ established. All actions centrally monitored, controlled and executed.
Force Protection	Troops adequately protected with body armour against all kinds of threat. Actions to counter IED/Sniper/armed threat taken care of. Troops have weather and terrain specific clothing.
Mobility	Adequate capability for rapid movement as per situation by foot, surface transport or by air. Have required protected mobility based on the operational environment.
Firepower	Force equipped with necessary personal and support weapons for measured response in use of force (as per ROE).
Sustainment	Have the ability to self-sustain logistically for the duration of operations.
Tactical Information	Organised to acquire and process information from multiple sources to establish a reasonable belief to conduct search operations.



Civic Interaction	Establish rapport and contact with local populace and leaders to help smooth conduct and carry out constructive psychological engagement.
Cordon	Has the required force level, force protection, effective C3 and involvement of local police coordinated. Grouping, deployment, link up and other activities integrated and coordinated between outer and inner cordon with the search activities.
Search	Battalion personnel and tactical entities conduct operations in a people friendly manner with out harassment and collateral damages in a systematic manner. Force adequately equipped with necessary weapons, observation equipments and stores to conduct the operations. Has the enablers and local authorities well integrated in the conduct.
Operation Culmination	Battalion assets geared to conduct post search damage assessment, mitigation of damages if any, obtain no clearance certificate, tend to casualty, if any, and conduct civic action programmes. Establish new civilian contacts and build faith and credibility in UN endeavours.

## Task 2.7 : Convoy and Escort

Capability	Standards
C3	Movement tactically organised, centrally coordinated, controlled and monitored by the Battalion HQ (Movement Control) or the designated COB. All UN/security elements on the route alerted and response coordinated. Communication means (HF, VHF, and Satellite) on move, within the convoy, with HQ, aviation elements, reserves and other static and mobile entities en route tied up.
Tactical Information	Battalion organised to acquire and process information from multiple sources to obtain early-warning of an impending situation and analyse local sensibilities. Community liaison teams providing real time inputs to help better situation awareness. Has good knowledge of the belligerent's organizational profile, tactics, capabilities and availability of local support.



Mobility	<p>Ensure 100 percent serviceability of all vehicles, inspection and preventive maintenance carried out, adequate spares, repair and recovery coordinated.</p> <p>Convoy grouped with APCs, strengthened vehicles, mine protected vehicles, etc. for protected mobility.</p> <p>Have motorized and heli-borne reserves for quick response. Necessary reconnaissance of route (including alternative routes) carried out.</p> <p>Escorts have integral personal and support weapons to address 360-degree protection and have the ability to call and direct indirect fire/attack helicopter fire.</p> <p>Escorts trained to respond in a measured and calibrated manner as per ROE.</p>
Firepower	<p>Vehicles strengthened against small arms fire and IED/Mine blasts, etc., troops have adequate weapons and protective clothing and grouped/supported by additional weapon platforms (APCs and Attack Helicopters) and surveillance means.</p> <p>Battalion cater for immediate medical support, casualty evacuation and coordination with hospitals in chain/in the vicinity.</p>
Force Protection	<p>Coordination of movement and sharing of information with humanitarian agencies and NGOs carried out.</p> <p>Liaison with local police authorities established for dealing with adverse situations.</p> <p>Brief all personnel and rehearse drills especially when composed of civilians from multiple agencies.</p>
Interoperability	<p>Have the ability to self-sustain logistically for the duration of operations.</p>
Sustainment	<p>Escort adequately equipped, trained and briefed.</p>
Provide Convoy Escort	<p>Command, control and communication coordinated.</p> <p>Escorts spaced out at the head, middle and at tail as per requirements; vehicles have UN identification and distinguishing signs.</p> <p>Drills for commencing the move and halt coordinated.</p> <p>Have protected mobility to overcome obstacle, ensure security of personnel, vehicles and assets being transported and respond operationally as per Mission SOPs.</p>
Handling of situations	<p>Have envisaged threat and rehearsed reactions to deal with various contingencies.</p> <p>Cognisant of the vulnerabilities and the effect (positive or negative) of an operational engagement on the overall peace process.</p> <p>Execute immediate action tactical drills to secure the convoy when halted and capable of responding as per ROE.</p> <p>Has the capacity to analyse the situation, report to HQ, negotiate and de-escalate the situation and involve outside influence to resolve the issue while maintaining tactical balance.</p> <p>Capable of receiving and employing reserves and local/UN Police in dealing with the situation. Tend to casualties/damages if any.</p>





## Task 2.8 : Operation Base

Task Specific Capability	Standards
Force Protection	<p>Base personnel provide for all around 360 degree outside and inside defensible security, 24 hours a day, under all weather and light conditions.</p> <p>Base force (including QRF) has rehearsed SOPs for base defence and evacuation.</p> <p>Base commander establishes a QRF (QRF element designated, primary and alternate positions established for the QRF. QRF knows routes to places of employment, QRF control measures established, conditions for employment established, link up procedures coordinated).</p> <p>Base commander maintains capability to reinforce or support patrols with fires IAW ROE, higher HQ guidance, and base SOP.</p> <p>Entry control points are designed, manned, and equipped to control all ingress and egress to the base as well as prevent penetration by IEDs and VBIEDs.</p> <p>Presence patrols inside and out of the base actively patrol for gaps in base defence.</p> <p>Operation base equipped with surveillance cameras, CCTV, etc., for day and night close monitoring.</p>
Operate and Maintain Equipment	<p>Base equipment is at a minimum maintained 90 percent operationally capable.</p> <p>Base maintains spare parts, batteries and electrical supply.</p> <p>Base personnel are trained to use, maintain and repair equipment at the operator level.</p>
Sustainment	<p>Base personnel and their relief force have adequate supplies, potable water, ammunition and transportation to sustain themselves for an established amount of time in all threat levels.</p> <p>Adequate fire fighting and first aid materials are on site. UN environmental guidelines in regards to the disposal of all waste/wastewater are followed, same for energy/fuel management.</p> <p>Soldiers maintain a sanitary and healthy camp. Base has an established fire alert and control system (which may simply consist of night guards).</p>
C3	<p>Operational base has an established chain of command with clear lines of C2 (especially with a multinational base).</p> <p>Base maintains constant, reliable, redundant and secure communication with the next superior authority and other bases as the situation dictates.</p> <p>Radio and telephone transmissions are encrypted or encoded as required.</p> <p>All battalion and affiliated base personnel understand actions to take upon established alerts, signals and contingencies.</p>



Task Specific Capability	Standards
Protect Environment	Base occupation and maintenance should not degrade the environment or living conditions of the local population through containment of oil spills, water, wastewater and proper waste management.
Mobility	<p>Battalion forces and support assets have unencumbered access to base.</p> <p>Base forces maintain freedom of movement in their area of operation.</p> <p>Base maintains adequate fuel, lubricants and spare parts to support mobile operations for a minimum of two weeks without resupply.</p>
Interaction with Local Population	<p>Operation base leaders and soldiers are sensitive to local customs and people living in AOR by attending local events, supporting quick impact projects (QIP), and regularly sharing information.</p> <p>Base has established rapport and communication with local actors, belligerent factions, and non-UN organization in the AOR.</p> <p>Base Commander is sensitive and respectful of local community's environmental interests and concerns and takes active measures to ensure the local environment is not degraded by base activities.</p> <p>Base Commander supports Quick Impact Projects, other community projects, and environmental improvement initiatives in the local community with base assets as authorized by higher HQ.</p> <p>Civil-military plans and informational programmes involving the base are coordinated with the peacekeeping operations force staff and relevant civilian components and local authorities, IOs, NGOs and PVOs in order to assess their impact and avoid counterproductive results.</p> <p>Base commander is available for open dialog local authorities, IOs, NGOs and PVOs.</p>
Interoperability	Base has capacity to support other battalion missions and assets including: support patrols, act as a supply depot, protect or detain individuals, act as a communications relay facility, serve as a medical dispensary, serve as a negotiation centre for interaction with local actors, or support other activities required by the battalion.



Information	<p>Base Commander and leaders gain and maintain situational awareness using information that is gathered from battalion staff, company situational awareness teams, maps, information summaries, situation reports and other available information sources.</p> <p>Commander ensures base security patrols understand priority information requirements and reporting procedures.</p> <p>Company leaders review battalion MIPAOR data and provide changes impacting MIPAOR to the battalion information officer/staff (see Chapter XX Situational Awareness for MIPAOR capability standards).</p> <p>Company information gathering network across company AOR (key leaders in government, community, religious affairs, factions, etc. identified and habitual relationships established. Information with key leaders is shared.</p> <p>Key leaders informed of prohibitions and restrictions in regard to operation base and AOR.</p> <p>Reconnaissance and surveillance routes and positions established.</p> <p>All patrols and CIMIC teams debriefed as required.</p>
Firepower	<p>Base has capability to defend itself in all threat conditions against all feasible threats.</p> <p>Base has coordinated air and indirect fire support targeting with battalion assets.</p>
Observation	<p>Base OPs allow all around 360 degrees observation and monitoring. 24 hours a day, under all weather and light conditions.</p>
Monitor, Verify, and Report	<p>Base personnel provide timely, accurate and relevant reports to higher HQ.</p>
Male and Female Facilities	<p>Information reported is verified by multiple sources and documented through imagery and other forms of electronic media.</p> <p>The base has separate and functioning lodging and latrine facilities for males and females.</p>
Evacuation Plan	<p>Coordination for road and air evacuation established.</p> <p>Rendezvous and Rally Points known to all personnel.</p> <p>Rehearsals of plan conducted</p>
Produce and Protect Water Source	<p>Water source protected 24 hours a day, in all weather and light conditions.</p> <p>Water from source protected by sanitation and filtering measures. Water testing conducted on a regular basis.</p> <p>Civilian population does not compete with or is not excluded from limited water resources.</p>



## Task 2.9 : Disarmament and Demobilization

Capability	Standards
C3 and Interoperability	<p>Mobile command post established to exercise command and control of all elements taking part in the operations.</p> <p>Effective liaison and coordination with civil administration and local police/host military carried out.</p> <p>Effective communication measures with redundancy with all participants and control HQ established.</p> <p>All actions centrally monitored, controlled and executed.</p>
Force Protection	<p>Troops adequately protected with body armour against all kinds of threat.</p> <p>Actions to counter IED/sniper/armed threat taken care of.</p> <p>Troops have weather and terrain specific clothing..</p>
Mobility	<p>Have adequate capability for rapid movement as per situation by foot, surface transport or by air.</p> <p>Have required protected mobility based on the operational environment.</p>
Firepower	Force equipped with necessary personal and support weapons for measured response in use of force (as per ROE).
Sustainment	Have the ability to self-sustain logistically for the duration of operations.
Tactical Information	Battalion organised to acquire and process information from multiple sources to establish a reasonable belief to conduct search operations.
Civic Interaction	<p>Rapport and contact with local populace and leaders established to help smooth conduct and carry out constructive psychological engagement.</p>
Provide Security	<p>Grid deployment and capability to establish TOB's.</p> <p>Area domination with patrols.</p> <p>Effective situational awareness.</p> <p>Contingency plans.</p> <p>Liaison and interface.</p>



Disarm	<p>Establish checkpoints for registration and collection.</p> <p>Outreach defiant/inaccessible armed groups.</p> <p>Act as focal point.</p> <p>Capability to store and safeguard arms and ammunition.</p> <p>Destruction of arms and ammunition.</p> <p>Specialised personnel and equipments.</p>
Help Demobilize	<p>Transportation.</p> <p>Establishment of temporary camps.</p> <p>Conduct and coordinate activities in assembly areas.</p> <p>Help to provide security to the camp, maintenance of law and order and emergency administrative support.</p> <p>Reign in defiant armed groups.</p>
Information Management	<p>Establish effective information gathering system/network.</p> <p>Collate, analyse and interpret.</p> <p>Dissemination of information and public information campaign.</p> <p>Establish field-level contact with armed groups and bring them to the programme.</p>



## Task 2.10 : Critical Infrastructure and Assets Protection

Capability	Standards
C3 and Interoperability	<p>Liaison and coordination with civil administration and relevant agency carried out.</p> <p>C3 aspects defined, coordinated and implemented.</p> <p>Communication measures with redundancy with all participants and control HQ established.</p> <p>All actions centrally monitored, controlled and executed.</p>
Force Protection	<p>Troops adequately protected with body armour against all kinds of threat.</p> <p>Actions to counter threat to the installation taken care of.</p> <p>Internal responses and external support in terms of reinforcement catered for.</p>
Mobility	Force provided with adequate transport for operational and logistics sustainment.
Firepower	<p>Force equipped with weapon systems and other combat equipment as per threat analysis.</p> <p>Are the troops briefed and rehearsed for measured response in use of force (as per ROE)?</p>
Sustainment	Have the ability to self-sustain logistically for the duration of deployment?
Tactical Information	<p>Unit has adequate situational awareness and constant flow of information from the vicinity to provide early-warning.</p> <p>Unit organised to acquire and process information from multiple sources.</p>
Civic Interaction	Establish rapport and contact with local populace and leaders to help smooth conduct and to obtain information.



## Task 2.11 : Crowd Management

Capability	Standards
C3 and Interoperability	<p>Mobile command post established to exercise command and control of all elements taking part in the operations.</p> <p>Effective liaison and coordination with civil administration and local police/host military carried out.</p> <p>Effective communication measures with redundancy with all participants and control HQ established.</p> <p>All actions centrally monitored, controlled and executed.</p>
Force Protection	<p>Troops adequately protected with body armour against all kinds of threat.</p> <p>Actions to counter IED/sniper/armed threat taken care of.</p> <p>Troops have weather and terrain specific clothing.</p>
Mobility	<p>Have adequate capability for rapid movement as per situation by foot, surface transport or by air.</p> <p>Have required protected mobility based on the operational environment.</p>
Firepower	Is the force equipped with necessary personal and support weapons for measured response in use of force (as per ROE).
Sustainment	Have the ability to self-sustain logistically for the duration of operations.
Tactical Information	Battalion organised to acquire and process information from multiple sources to establish a reasonable belief to conduct search operations.
Civic Interaction	Establish rapport and contact with local populace and leaders to help smooth conduct and carry out constructive psychological engagement.
Block/Contain	<p>Battalion have the capability in the following to block and contain::</p> <p>Force required.</p> <p>Command and control.</p> <p>Blocking stores.</p> <p>Coordination with police.</p> <p>Monitor and control.</p> <p>Force security.</p>



Impose Curfew	Battalion assets capable of: Deploy static posts. Establish mobile patrolling. Public announcements. Control mechanisms. Coordination with police. Interface/interact/engage civilian leadership. Use of Force.
Disperse a Crowd	Are all commanders and troops conversant with: Control mechanisms. Coordination with the police. Use of crowd control equipments. Adherence to ROE. Monitoring. Tending to civilian casualty. Recording and reporting





## Task 2.12 : Detention

Capability	Standards
C3 and Interoperability	<p>The commanders, staff and operational elements are aware of Policy and modalities of detention and Handover.</p> <p>Liaison and coordination with the police and civil administration and host military carried out.</p> <p>Reporting as per laid down channel and timings have been carried out.</p>
Tactical Information	<p>Unit has developed adequate human sources from the community.</p> <p>Unit organised to acquire and process information from multiple sources.</p>
Civic Interaction	<p>Establish rapport and contact with local populace and leaders to manage after effects of detention carried out.</p> <p>Unit able to get information, early-warning and support from the locals in effecting detention of wanted people.</p>
Detention.	<p>Unit has a clear operational plan of action executed by the staff and various operational elements.</p> <p>Coordination with relevant agencies or actors carried out.</p> <p>Operational teams have police representatives and means of taking under custody.</p>
Holding	<p>Unit has adequate detention facility (separate for men and women).</p> <p>Detention cells have specified facilities.</p> <p>Detainees provided with specified amenities and recreation facilities.</p>



### Task 2.13 : Buffer Zone

Task Specific Capability	Capability Standards
Observe	<p>Battalion OPs, CPs, patrols, aerial surveillance and electronic surveillance allow 360 degrees observation and monitoring, 24 hours a day, under all weather and light conditions.</p> <p>Battalion establishes and maintains squad-sized checkpoints on each vehicular (land or water) avenue of approach into the buffer zone; establish fire-team-sized checkpoints on dismounted avenues of approach.</p> <p>Battalion establishes platoon-sized Forward Operating Bases to control key terrain and avenues of approach within, and adjacent to, the buffer zone.</p>
Monitor, Verify and Report	<p>BZ personnel provide timely, accurate and relevant reports to higher HQ.</p> <p>Information reported is verified by multiple sources and documented through imagery and other forms of electronic media.</p> <p>Monitor and report belligerent parties' adherence to commitments regarding a ceasefire or demilitarized zone.</p>
Force Protection	<p>BZ personnel provide for 360 degrees all around defensible security, 24 hours a day, under all weather and light conditions.</p> <p>BZ force has rehearsed SOPs for OP, CP and Operational Base defence and evacuation.</p>
Operate and Maintain Equipment	<p>BZ force maintains vehicle, weapon, observation, monitoring and communications equipment at 100 percent operationally capable.</p> <p>Battalion maintains daily documentation of equipment status and reports equipment readiness status to its higher HQ at established times.</p> <p>Battalion and dispersed companies and sections maintain spare parts, batteries and electrical supply.</p> <p>OP and CP personnel are trained to use, maintain and repair OP and CP equipment at the operator level.</p>
Sustainment	<p>BZ personnel and their relief force have adequate supplies, potable water, ammunition and transportation to sustain themselves for an established amount of time in all threat levels.</p>



C3	<p>Battalion HQs establishes and maintains command and control of all subordinate elements and operations (Ensure promulgation of all appropriate Commanders' intent statements).</p> <p>Promulgate and enforce rules of engagement; establish coordination measures for all tactical operations; plan for and implement logistics procedures to sustain the force; protect the force.</p> <p>BZ has an established chain of command with clear lines of C2 (especially with a multinational BZ force).</p> <p>BZ maintains constant, reliable, redundant and secure communication with the next superior authority and adjacent friendly forces as the situation dictates.</p> <p>Radio and telephone transmissions are encrypted or encoded as required.</p>
Protect Environment	BZ force occupation and maintenance should not degrade the environment or living conditions of the local population.
Mobility	<p>Battalion forces and support assets maintain unencumbered access to all BZ sectors.</p> <p>BZ forces maintain freedom of movement in their area of operation.</p> <p>Battalion establishes safeguarded corridors in and out of the BZ for approved civilian traffic and BZ residents and workers.</p> <p>The battalion should be prepared to conduct unilateral demining operations within the buffer zone or supervise faction military demining efforts.</p> <p>Vehicles are 100 percent operational, drivers are tested and certified to operate vehicles in all weather and light conditions and over rough terrain, driver/motor pool performs daily preventive service and maintenance checks (PMCS) on the vehicle and this is recorded daily in a PMCS logbook that is signed off on by a motor pool technician.</p>
Interaction with Local Population	<p>BZ force establishes rapport, liaison, and communication with local actors, women's groups, belligerent factions, UN and non-UN organization, and adjacent peacekeeping operations units acting within the battalions Area of Operations (AO).</p> <p>Battalion should be trained and prepared to conduct and/or facilitate negotiations with all area stakeholders as listed above.</p> <p>Battalion and Company HQs conduct regular liaison with local police officials of all factions to jointly resolve potential conflicts at the lowest level, pass information pertinent to the ceasefire to the civilian community, provide protection for civilians who live inside the buffer zone, provide for traffic control, prevent or curtail criminal activity.</p> <p>The Battalion staff and Company HQ should be capable of coordinating military security activities with civilian agencies who are engaged in diplomatic, economic, or informational activities designed to support the overarching goals of the peace operation.</p>
Interoperability	BZ operational bases have the capacity to support other battalion missions and assets including: support patrols, act as supply depots, protect or detain individuals, act as a communications relay facility, serve as a medical dispensary, serve as a negotiation centre for interaction with local actors, or support other activities required by the battalion or UN entities.



Information	<p>Battalion staff and all soldiers support the collection and dissemination of relevant tactical and atmospheric information that the battalion staff and higher HQ can utilize in order to conduct predictive analysis in support of battalion operations.</p> <p>Battalion maintains continuous Information Preparation of the Area of Operations (IPAOR), Surveillance and Reconnaissance.</p> <p>Battalion tactical information/information officer maintains and disseminates accurate information of activities and events in the AOR in support of battalion IPAOR processes.</p> <p>Battalion develops SOPs for information debriefing of each patrol and distributes debriefing reports horizontally and vertically throughout the battalion as well as to higher HQ.</p>
Firepower	<p>Battalion maintains the capability to defend itself in all threat conditions against all feasible and likely threat courses of action (COA).</p> <p>Battalion and Company HQs develop and implement fire-support plans to provide effective targeting of potential and actual threats to the force (include lethal—artillery, mortars, close air and naval support as appropriate—as well as non-lethal (e.g., information operations) fires.</p> <p>All weapons are 100 percent operational, soldiers have been qualified on their individual weapon and individual weapons have been zeroed (sight adjusted) to their soldier operator.</p>



UN Mandate Support	<p>Battalion establishes and maintains visible boundaries of the zones and lines of demarcation.</p> <p>Battalion investigates complaints of violations.</p> <p>Battalion assists as required in the issuance and inspection of identity cards and transport authorizations for BZ civilian personnel, their produce, and marketable goods.</p> <p>Battalion HQ staff plans, executes, and supports battalion-level Joint Military Commission (JMC) activities with faction commanders that have forces, or influence, in or adjacent to the battalion's AOR.</p> <p>Through the JMC (chaired by the peace force Battalion Commander, attended by factional counterparts), jointly mark the zone of separation to readily reveal the coordinated ceasefire line and the boundaries of the buffer zone on each side of the CFL).</p> <p>Leverage the JMC to resolve any confusion between the agreed upon maps of the ceasefire line and the actual situation on the ground;</p> <p>Resolve accusations of ceasefire violations; facilitate the separation of forces by the buffer zone; promote confidence in the ceasefire and conflict resolution (e.g., prisoner exchanges, response to provocations, etc.);</p> <p>Provide military security for civilian confidence-building projects (e.g., infrastructure repair, delivery of essential services, family reunification, economic initiatives, etc.).</p> <p>Conduct AARs for each JMC activity and forward report to higher HQ JMC representative.</p>



## Task 2.14 : Joint Operations

Capability	Standards
C3 and Interoperability	<p>The C2 arrangements well defined and coordinated with police.</p> <p>Joint Operations Centre/HQ established for functional coordination.</p> <p>Incident Control Point established at the site of incident for coordinated employment.</p> <p>Liaison and coordination with civil administration and local police/host military carried out.</p> <p>Effective communication measures with redundancy with all participants and control HQ established.</p> <p>All actions centrally monitored, controlled and executed.</p>
Force Protection	<p>Troops adequately protected with body armour against all kinds of threat.</p> <p>Actions to counter IED/sniper/armed threat taken care of.</p> <p>Troops have weather and terrain specific clothing.</p>
Mobility	<p>Have adequate capability for rapid movement as per situation by foot, surface transport or by air.</p> <p>Have required protected mobility based on the operational environment.</p>
Firepower	<p>Are the force equipped with necessary personal and support weapons and crowd control equipments for measured response in use of force (as per ROE)?</p>
Sustainment	<p>Have the ability to self-sustain logistically for the duration of operations.</p> <p>In case required, is the battalion capable of providing temporary sustainment support to the police component?</p>
Tactical Information	<p>Arrangements for information acquisition and sharing between the two components effective.</p> <p>Regular interaction at respective levels to plan and coordinate activities in place.</p> <p>Coordinate and process information from multiple sources.</p>
Civic Interaction	<p>Establish rapport and contact with local populace and leaders to help smooth conduct and carry out constructive psychological engagement.</p>



## Task 2.15 : Reinforce/Relief

Capability	Standards
C3 and Interoperability	<p>Command and control aspects well defined and coordinated.</p> <p>Battalion and Company mobile command post organised to exercise command and control of all elements taking part in the operations.</p> <p>Multiple communication means with all elements complement the C2.</p> <p>Liaison and coordination with civil administration and local police/host military carried out.</p> <p>Responses and joint operations with other elements planned, coordinated and rehearsed.</p> <p>All actions centrally monitored, controlled and executed.</p> <p>Coordination in terms of reception, information on operational situation and employment coordinated with the troops in location.</p> <p>Unit able to conduct negotiations and mediation with key leaders during a crisis.</p>
Force Protection	<p>Has the unit conducted briefing, preparation and rehearsals of all operational elements moving out?</p> <p>All elements adequately protected with body armour against all kinds of threat, provided requisite mobility (including protected mobility) and have tactical ability to deal with envisaged threat.</p> <p>Actions to counter IED/sniper/armed threat taken care of.</p>
Mobility	<p>Have adequate capability for rapid movement of the force/reserves as per situation by foot, surface transport or by air.</p> <p>Have required protected mobility based on the operational environment.</p>
Firepower	<p>Unit equipped with necessary personal and support weapons in serviceable condition as authorised.</p> <p>All operational elements briefed and aware of conditions for use of force and measured response as per ROE.</p>
Sustainment	<p>Unit has planned, organised and coordinated logistics support during period of relief and subsequent logistics dependency.</p> <p>The reinforcing troops able to self-sustain logistically for the duration of operations.</p>



Situational Awareness	Unit maintains situational awareness to foresee and analyse potential operational challenges and prepared to deal with them. Unit able to get early-warning of a potential threat or evolving ground situation. Unit has adequate information collection/acquiring means (human and electronic) which are real time and accurate. Information acquiring and sharing coordinated with other partners and actors in the AOR.
Civic Interaction	Establish rapport and contact with local populace and leaders to obtain information and help smooth conduct of operations. Carry out constructive confidence-building activities with the local population to obtain their cooperation and goodwill. Ability of unit in key leader engagement prior to and during a crisis to contain and de-escalate the situation.





## Task 2.16 : Extract and Evacuate

Capability	Standards
C3 and Interoperability	<p>All operational movements and logistics activities centrally monitored, controlled and executed.</p> <p>Liaison and coordination with civil administration and local police/host military carried out.</p> <p>Communication measures with redundancy with all operational elements, partners, actors and the control HQ established.</p> <p>Joint training and rehearsals carried out.</p>
Situational Awareness	<p>Early-warning and information gathering mechanism in place.</p> <p>System and means for timely and accurate passage of information and feedback from the local people in place.</p>
Force Protection	<p>Unit has specially trained and equipped QRT to undertake extraction operation.</p> <p>Troops adequately protected with body armour against all kinds of threat.</p> <p>Actions to counter IED/sniper/armed threat taken care of.</p> <p>Ability to provide protection to other mission entities and UN system organizations with security, transport, temporary shelter and sustenance during evacuation.</p>
Mobility	<p>All operational elements have required mobility with protection arrangements.</p> <p>Protected mobility provided to elements based on the operational environment and threat profile.</p> <p>Reserves (QRF/QRT) have adequate capability for rapid movement as per situation by foot, surface transport or by air.</p> <p>Reinforcement and employment of reserves coordinated and rehearsed.</p>
Firepower	<p>Unit equipped with authorized and serviceable weapon systems.</p> <p>Commanders and troops know the ROE and understand the conditions for measured response in use of force.</p>
Sustainment	<p>Unit planned and organised to self-sustain logistically for the duration of operations.</p> <p>Capable of providing emergency logistics support to other UN elements in the AOR as a temporary measure.</p>
Civic Interaction	<p>Establish rapport and contact with local populace and leaders to gain early-warning and situational awareness.</p> <p>Ability to coordinate and co-opt support of civil authority and local populace during emergency.</p> <p>Contingency planning to offset negative impact from lack of cooperation from local people or potential aggressors.</p> <p>Planned and organised to protect vulnerable population under threat.</p>







## Annex : A

(Refers to Vol. I, Chapter 2,  
Section 2.16, p. 30)

### WE ARE UNITED NATIONS PEACEKEEPING PERSONNEL

The United Nations Organization embodies the aspirations of all the people of the world for peace. In this context, the Charter of the United Nations requires that all personnel must maintain the highest standards of integrity and conduct. We will comply with the Guidelines on International Humanitarian Law for Forces Undertaking United Nations Peacekeeping Operations and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis of our standards.

We, as peacekeeping personnel, represent the United Nations and are present in the country to help it recover from the trauma of a conflict. As a result, we must consciously be prepared to accept special constraints in our public and private lives in order to do the work and pursue the ideals of the United Nations Organization. We will be accorded certain privileges and immunities arranged through agreements negotiated between the United Nations and the host country solely for the purpose of discharging our peacekeeping duties. Expectations of the international community and the local population will be high, and our actions, behaviour and speech will be closely monitored.

#### We will always:

- Conduct ourselves in a professional and disciplined manner, at all times.
- Dedicate ourselves to achieving the goals of the United Nations.
- Understand the mandate and mission and comply with their provisions.
- Respect the environment of the host country.
- Respect local laws, customs and practices and be aware of and respect culture, religion, traditions and gender issues.
- Treat the inhabitants of the host country with respect, courtesy and consideration.
- Act with impartiality, integrity and tact.





- Support and aid the infirm, sick and weak.
- Obey our United Nations superiors/supervisors and respect the chain of command.
- Respect all other peacekeeping members of the mission regardless of status, rank, ethnic or national origin, race, gender or creed.
- Support and encourage proper conduct among our fellow peacekeeping personnel.
- Report all acts involving sexual exploitation and abuse.
- Maintain proper dress and personal deportment at all times.
- Properly account for all money and property assigned to us as members of the mission.
- Care for all United Nations equipment placed in our charge.

### **We will never:**

- Bring discredit upon the United Nations or our nations through improper personal conduct, failure to perform our duties or abuse of our positions as peacekeeping personnel.
- Take any action that might jeopardize the mission.
- Abuse alcohol, use or traffic in drugs.
- Make unauthorized communications to external agencies, including unauthorized press statements.
- Improperly disclose or use information gained through our employment.
- Use unnecessary violence or threaten anyone in custody.
- Commit any act that could result in physical, sexual or psychological harm or suffering to members of the local population, especially women and children.
- Commit any act involving sexual exploitation and abuse, sexual activity with children under 18, or exchange of money, employment, goods or services for sex.
- Become involved in sexual liaisons that could affect our impartiality or the well-being of others.
- Be abusive or uncivil to any member of the public.
- Willfully damage or misuse any United Nations property or equipment.
- Use a vehicle improperly or without authorization.



- Collect unauthorized souvenirs.
- Participate in any illegal activities, corrupt or improper practices.
- Attempt to use our positions for personal advantage, to make false claims or accept benefits to which we are not entitled.

**We realize that the consequences of failure to act within these guidelines may:**

- Erode confidence and trust in the United Nations.
- Jeopardize the achievement of the mission.
- Jeopardize our status and security as peacekeeping personnel and;
- Result in administrative, disciplinary or criminal action.





## **Annex : B**

(Refers to Vol. I, Chapter 2,  
Section 2.16, p. 30)

# **CONDUCT AND DISCIPLINE**

## **1. General.**

TCCs have undertaken to ensure that, without prejudice to their national laws, all members of their “National Contingent” comply with the UN standards of conduct. The existing UN SOP on implementation of amendments on conduct and discipline in the MOU between the UN and TCCs, dated 1 March 2011, approved by USGs DPKO/DFS read in conjunction with the MOU (Refer Chapter 9, Article 7 of the COE Manual 2011) between the TCC and the UN, which provides clear guidelines as to how the conduct and discipline issues of contingent members have to be processed or dealt with.

Therefore, it is extremely important for a Battalion Commander that he/she is aware of the relevant rules and regulations/procedures so that the cases of his/her unit personnel could be finalized expeditiously as per existing legal frame work. There might be a situation wherein the Battalion Commander, in a specific mission, besides being a unit commander, may also be the most senior officer, deployed by a TCC. Therefore, he/she should also remain current about the legal obligations, required to be fulfilled by the commander of the national contingent in a UN field mission.

## **2. Purpose.**

The purpose of this Annex is to describe conduct and discipline as a command responsibility with guidelines on specific considerations, actions to be taken, conducting investigation, reporting and taking appropriate action by the Battalion Commanders.

## **3. Considerations for Infantry Battalion Commander/ Contingent Commander.**

- The UN Infantry Battalion Commander/national contingent commander is responsible for the discipline and good order of all members of the contingent. He/she has to regularly inform the HoMC, inter alia, of all acts of alleged misconduct or serious misconduct, as well as any serious matter



involving the discipline and good order of members of his/her national contingent. He/she also have to regularly inform the HOMC of actions taken to prevent and, in accordance with their applicable national laws, any action taken to respond to misconduct or serious misconduct.

- He/she is expected to cooperate with the mission to ensure that all members of the national contingent receive induction and other mandatory training. Guidance from mission Conduct and Discipline Teams (CDTs) will be important in connection with conduct and disciplinary matters/training.
- Members of the military contingent are subject to the exclusive jurisdiction mission of their TCC's national laws, including the military law, in respect of any crimes or offences that might be committed by them while they are assigned to the military component of United Nations peacekeeping.
- TCCs have the primary responsibility for investigating any acts of misconduct or serious misconduct committed by a member of their national contingents. Such investigation must be conducted in accordance with the provisions of the MOU between the UN and TCCs. However, in a specific situation where the administrative investigation is conducted by the UN as provided for in the existing rules, the commander of the national contingent shall, subject to his/her national laws, cooperate fully in UN administrative investigation.
- If a UN administrative investigation or the TCC investigation concludes regarding suspicions of failure on the part of a Battalion Commander/contingent commander to cooperate with a UN investigation, or to exercise effective command and control or to immediately report to appropriate authorities or to take action in respect of allegation of misconduct that are reported to him/her, DFS will request that the concerned TCC bring the case to the attention of the TCCs appropriate authorities for due action. Such matters shall also be reflected in a Battalion Commander/contingent commander's performance appraisal by the HOMC.

#### **4. Actions on Receipt of Information About Misconduct/ Serious Misconduct.**

- Information concerning alleged misconduct or serious misconduct may be received by Mission, TCC or the UN HQ.
- Any information received by the Battalion/Contingent Commander must be immediately brought to the attention of the HoMC.





- On receiving the information concerning the alleged misconduct/serious misconduct, the HOMC communicates the same to HOM and the mission's CDT. The mission informs UNHQ (CDU/DFS, OMA and Office of the Internal Oversight service (OIOS) as appropriate).
- CDTs, with the assistance from OIOS, determine if the allegation is to be qualified as misconduct or serious misconduct.
- UN HQ (CDU/DFS) notifies the TCCs concerned through the Permanent Mission.
- In a situation when the TCC firstly receives the alleged information about misconduct/serious misconduct of any of its contingent member(s), UN HQ (CDU/DFS) is to be notified by the TCC accordingly.

## 5. Safeguarding Evidence and Fact-Finding.

- On occurrence, personnel dealing with the issue shall ensure that evidence, such as, blood and semen samples, that could otherwise be lost due to the passage of time, mishandling, improper collection or storage, may obtain, keep, record and preserve the evidence. This includes the making of a photographic record of locations where the incident is alleged to have taken place and the recording of identification details for potential witnesses. This inquiry may involve collection of written statements but it will not normally include interviewing of witnesses/involved persons.
- Keeping in view the nature of a case and the available evidence, if it is determined that serious misconduct, on the part of a contingent member, has taken place and the TCC concerned, despite being notified, does not conduct fact-finding inquiry, OIOS will determine whether there is a need to conduct a preliminary fact-finding inquiry as per existing rules.
- OIOS may conduct the fact-finding inquiry itself or refer the matter to HOM for such inquiry through appropriate personnel, notably the FMP. However, this preliminary fact-finding inquiry shall include a representative of the concerned TCC, as designated by commander of the national contingent.
- Where the preliminary fact-finding inquiry is carried out by OIOS, it will forward its completed report to the USG/DFS with copy to concerned field mission. HOM forwards original copy of the report to UN HQ (CDU/



DFS). USG/DFS forwards all reports of fact-finding inquiries to the PM of the TCC concerned.

## 6. Investigation.

In addition to notifying the TCC of all allegations of misconduct and serious misconduct for which prima facie grounds are found to exist, the UN will request the TCC to deploy a “National Investigation Officer” (NIO) to conduct an investigation in high risk, complex matters and in cases of serious misconduct, and will request that the investigation be conducted in cooperation with OIOS. This request shall be made without prejudice to the sovereign right of the TCC to investigate any misconduct by its contingent member(s).

### Investigation by TCC.

- When a TCC is notified by the UN about an alleged serious misconduct case and requested to appoint a NIO, TCC has ten working days to inform DFS that it will start its own investigation. On receiving feedback from TCC, DFS will inform OIOS and the field mission about the decision of TCC concerned.
- Where a TCC has been notified by the UN about an alleged misconduct for which the UN has not requested the appointment of NIO, the mission CDT will refer the matter, through HOMC, for investigation by the national contingent with the assistance of appropriate personnel in concerned mission, notably the FMP.
- Where investigations are conducted by TCC, the role of UN investigation personnel will be to assist the NIO(s) as necessary.

### Investigation by the UN.

- Where a TCC decides not to conduct an investigation or where a TCC fails to respond to a notification within ten (10) working days, the UN may proceed to carry out its administrative investigation as per existing rules and procedure. USG/DFS will immediately inform the PM of the TCC and OIOS.
- In the conduct of UN investigation, full respect shall be given to the legal rights that are provided to the accused (contingent member) under national/international laws. In serious misconduct cases, OIOS may either carry out an administrative investigation itself or refer the case to



the concerned mission for conducting such investigation by appropriate personnel, notably by FMP. A representative of the national contingent may be part of any team carrying out administrative investigation, where such a representative is provided by the concerned contingent.

### **Forwarding of Investigation Reports.**

- Where an investigation is carried out by a national contingent or appropriate personnel in the field mission and the report approved by the HOMC, the mission's CDT assists the HOM in reviewing/making recommendations on the report. Finally, the report along with such recommendations is forwarded to UN HQ (CDU/DFS), OIOS as appropriate.
- Where an investigation is carried out by OIOS, it will forward its report to the USG/DFS, with a copy to the concerned HOM. A copy of all reports will also be entered in Misconduct Tracking System (MTS) by CDTs or CDU/DFS, as appropriate.

## **7. Reporting.**

- **Provision of report to the UN.**
  - ★ Subject to their national laws, TCCs have undertaken to provide the UN with the findings of investigation conducted by their national authorities, including NIOs.
  - ★ DFS will request the TCC for provision of such investigation reports.
- **Provision of report to the TCC.** In cases where a UN administrative investigation is conducted, the USG/DFS will provide the PM of the concerned TCC with the findings of, and any evidence gathered in the course of investigation, together with a request that it provide information to DFS on any actions that the national authorities may have taken as a result of the report.

## **8. Repatriation.**

Repatriation of the involved person(s) must be carried out as per existing SOP. The decision to repatriate a member of a national contingent on disciplinary grounds, in all cases, shall be communicated to the mission by the DFS, following approval by OMA/DPKO and based on the recommendation of the HOM.



## Annex C

(Refers to Vol. I, Chapter 3,  
Section 3.6, p. 50)

# MODEL RULES OF ENGAGEMENT

## Purpose

The purpose of this Annex is to lay out a model ROE to describe UN peace-keeping specific engagement rules as applicable to the Military Component.

## Introduction

This document, including all of its Annexes (A–E), constitutes the entire Rules of Engagement (ROE) for the United Nations Organization Mission in Country XX. This document provides the authority for the use of force and explains policy, principles, responsibilities and definitions of the ROE. These ROE are directions to operational commanders, which delineate the parameters within which force may be used by designated United Nations personnel during the UN peacekeeping operation in Country XX. They are founded on Security Council resolution number------. Where issued as prohibitions, they are orders not to take specific actions. Where issued as permissions, they are the authority for commanders to take certain specific actions if they are judged necessary to achieve the aim of the Mission. While remaining predominantly defensive in nature, the ROE allow for offensive action, if necessary, in order to ensure the implementation of the tasks assigned to Mission XX military component. The ROE also provide definitions of the circumstances in which the use of force by Mission XX military personnel may be justified. In addition to the main document, the key elements are attached as follows:

1. Annex A - Authorised Numbered ROE for MISSION XX.
2. Annex B - Definitions.
3. Annex C - Supporting directions and procedures, including those for challenging, warning shots, search and apprehension.
4. Annex D - Weapon States.
5. Annex E - Aide-mémoire.



## Authority

The powers and authority of Mission XX are provided for in Security Council resolution Number -----, and all subsequent resolutions of the Security Council on Mission XX. They must be exercised in a manner consistent with Mission XX Mandate.

## Mission

relevant provisions of Security Council resolutions that set out the circumstances in which force may be used by Mission XX to implement its mandate are set out in annex A – “Authorised Numbered ROE for MISSION XX.”

## Execution of ROE

### Principles

#### 1. General.

(a) The conduct of MISSION XX military operations is controlled by the provisions of international law.

(b) Mission XX military personnel must operate within the framework of this document, which has been formulated in accordance with the parameters set out in Security Council resolution Number -----.

(c) Mission XX ROE provide direction to commanders at all levels, governing the use of force within the Mission Area. They define the degree of force that may be used and the manner in which it may be applied. They are designed to ensure that the application of force is controlled and legal. The ROE inform commanders of the constraints imposed and the degrees of freedom they have, in the course of carrying out their mission.

(d) The ROE are to be translated in a clear and concise way into the language(s) of each participating nationality. Throughout the conduct of military operations, where armed force is to be used, Mission XX military personnel must comply with the international legal principles of proportionality, the minimum use of force and the requirement to minimise the potential for collateral damage.

(e) While the ROE may restrict the manoeuvre and operation of specific weapons systems, they do not describe specific doctrine, tactics and procedures; or address safety-related restrictions.



2. **International Law, including Law of Armed Conflict.** MISSION XX military personnel are required to comply with International Law, including the Law of Armed Conflict (LOAC), and to apply the ROE in accordance with those laws.

3. **Self-Defence.**

(a) **Nothing in these ROE negates a Commander's right and obligation to take all necessary and appropriate action for self-defence. All personnel may exercise the inherent right of self-defence.**

(b) Pre-emptive self-defence against an anticipated attack must be supported by credible evidence or information that justifies a reasonable belief that hostile units or persons are about to attack.

(c) Self-defence against a hostile force(s) may be exercised by individuals or by individual units that are under attack or in danger of being attacked, as well as by other UN forces that are able to assist those individuals or individual units. Potentially hostile forces which are beyond the range of their known weapon systems or which are not closing on friendly forces are not to be attacked without authority from a superior commander or clear and credible evidence or information that justifies a reasonable belief that a hostile act from those forces is imminent.

4. **Military Necessity.** The principle of military necessity authorizes the use of only that force which is required to accomplish the authorized objective. Military necessity does not and cannot authorize acts that are otherwise prohibited under international law, including the law of armed conflict.

5. **Alternatives to the Use of Force.** Whenever the operational situation permits, every reasonable effort must be made to resolve a potentially hostile confrontation by means other than the use of force (e.g., through negotiations or assistance from the local authorities).

6. **Duty to Challenge and Warn.** Before resorting to the use of force, every reasonable step must be taken to deter a party(s) or person from committing a hostile act. The procedure required by the UN to challenge and warn is given at Annex C.

7. **Duty to Identify Target - Observe Fire.** Assured identification of hostile forces prior to engagement is required. Unobserved indirect fire is prohibited. Firing procedures are given at Annex C.



## 8. Duty to Use Minimum and Proportional Force.

(a) Any force used must be limited, in its intensity and duration, to that which is necessary to achieve the authorized objective. In some circumstances, operational urgency may dictate the immediate use of deadly force.

(b) The use of force must be commensurate with the level of the threat. However, the level of response may have to be higher than the level of the threat in order to minimise UN casualties and civilian casualties.

(c) Commanders should, where appropriate, consider the use of alternatives to the use of physical force, such as, deception, psychological methods, negotiation and other non-lethal means, including the deployment or manoeuvre of larger forces in order to demonstrate resolve.

**9. Avoidance of Collateral Damage.** When force is used, all feasible precautions are to be taken with a view to avoiding and in any event to minimizing, collateral damage.

**10. Duty to Report.** Each and every confrontation resulting in a detention, or involving the use of deadly force, is to be reported through the chain of command as soon as possible, whether it results in casualties or not. More details are contained in Annex C.

**11. Right to Maintain Position.** MISSION X military personnel may maintain their position and equipment when confronted with a hostile act or intent. In such circumstances, they may also use necessary force, as authorised in these ROE.

## 12. Use of Force Beyond Self-Defence.

(a) Use of force beyond self-defence may only be applied in the circumstances set out in paragraph 2 of Annex A of these ROE and is subject to the conditions set out in these ROE.

(b) The Force Commander, or the commander to whom the authorisation has been delegated, retains direct control over the use of force in these circumstances.

**Applicability.** The ROE set out in this document apply to all military personnel assigned to the military component of MISSION XX as authorised by the Security Council.

## Responsibility of Force Commander and Subordinate Commanders

1. The implementation of these ROE is a command responsibility. These ROE are addressed to the Force Commander, who is then responsible for issuing them to all subordinate commanders.



2. The Force Commander and his/her subordinate commanders are not permitted to exceed these ROE, but may, when and as appropriate, authorise more restrictive limits on the actions of assigned forces, subject to United Nations Headquarters (UN HQ) approval. A commander may issue these ROE as received from UN HQ, may add additional guidance or amplification, or may incorporate them into appropriate orders or instructions.

3. All commanders have an obligation to seek clarification if these ROE are considered to be unclear or inappropriate for the military situation.

4. It is the responsibility of the commanders of all national contingents to ensure that all those under their command understand these ROE. To assist in this process, they must issue a ROE Aide-Mémoire (Blue Card), translated into the language(s) appropriate for their own contingent, to each individual under their command. This must be done before the contingent can be considered to be fully operational.

5. Training in the application of these ROE is the responsibility of commanders at all levels. ROE training sessions should be conducted on a regular basis and, at a minimum, once per month and whenever MISSION X military personnel, including individual replacements or reinforcements as authorised by the Security Council, are deployed into the Mission Area.

**ROE Contravention.** The following procedures apply in dealing with ROE contravention:

1. Any ROE contravention is to be reported to DPKO at UN HQ through the UN chain of command, by the quickest possible means.

2. Flanking and subordinate commands should be informed, if the consequences are likely to affect them.

3. Remedial measures, including training, should be taken in order to avoid reoccurrence.

4. Any contravention must be subject to a formal investigation. The Force Commander is to convene a board of inquiry (BOI), which is to forward its findings to the Under-Secretary-General for Peacekeeping Operations as soon as possible.

**Security Classification.** The ROE should be classified as **CONFIDENTIAL**.

**ROE Changes.** These ROE can only be amended or changed with the authority of the Under-Secretary-General for Peacekeeping Operations.

Under-Secretary-General  
for Peacekeeping Operations





Annex A  
(Mission XX ROE)

**RULES OF ENGAGEMENT FOR MISSION XX  
AUTHORIZED NUMBERED RULES  
SECURITY COUNCIL RESOLUTION**

1. The mandate of the United Nations Mission in the Country XX (Mission XX) is set out in Security Council resolution Number -----.

**AUTHORIZATION TO USE FORCE**

2. Acting under Chapter VII of the Charter, the Security Council has authorized MISSION XX to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the following tasks:

- (a) xxxx
- (b) xxxx

**SPECIFIC RULES OF ENGAGEMENT FOR MISSION XX**

3. The following ROE have been authorized for use by armed personnel serving in Mission XX:

**Rule 1 - Level of Force**

Use of force, up to and including deadly force, is authorized:

Use of force, excluding deadly force, is authorized:

**Rule 2 - Use of Weapon Systems**

**Rule 3 - Authority to Carry and Deploy Weapons**

**Rule 4 - Authority to Detain, Search and Disarm**

**Rule 5 - Duty to Release or Hand-over Detained Persons to Appropriate Authorities**



Annex B  
(Mission XX ROE)

## **RULES OF ENGAGEMENT FOR MISSION XX : DEFINITIONS**

1. **Civil Unrest.**
2. **Collateral Damage.**
3. **Cordon.**
4. **Force.**
  - (a) Armed Force.
  - (b) Deadly Force.
  - (c) Minimum Force.
  - (d) Unarmed Force.
5. **Hostile Act.**
6. **Hostile Intent.**
7. **Loaded Weapon.**
8. **Persons under the Protection of MISSION X.**
9. **Positive Identification.**
10. **Pre-emptive Self-Defence.**
11. **Proportionality.**
12. **Reasonable Belief.**
13. **Self-Defence.**
14. **UN Personnel.**
15. **Warning Shots.**



Annex C  
(Mission XX ROE)

## RULES OF ENGAGEMENT FOR MISSION XX SUPPORTING DIRECTIONS AND PROCEDURES

### GENERAL

**1. Identification.**

**2. Civil Action.**

- (a) xxxx
- (b) Prohibitions.

**3. Weapons/Weapon Systems Restrictions.**

Serial	Weapons/Weapon Systems/Targets	Release Authority	Lowest Level of Delegation
--------	--------------------------------	-------------------	----------------------------

4. xxxx

### WARNING PROCEDURES

**5. General.**

**6. Graduation.**

- (a) Verbal Negotiation and/or Visual Demonstration.
- (b) Unarmed Force.
- (c) Charge Weapons.
- (d) Warning Shots.
- (e) Armed Force.

**7. Opening Fire without Warning.**

### FIRING PROCEDURES

**8. Warning Procedure.**

**9. Procedures during Firing.**

**10. Procedures after Firing.**

- (a) Medical Assistance.
- (b) Recording.
- (c) Reporting.

### SEARCH AND APPREHENSION PROCEDURES

**11. Authority to Stop and Search.**

**12. Search Procedure.**

**13. Authority to Apprehend.**

**14. Detention procedures.**



Annex D  
(Mission XX ROE)

## RULES OF ENGAGEMENT FOR MISSION XX : WEAPON STATES

**General.**

**Graduated Weapon States.**

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Annex E  
(Mission XX ROE)

## RULES OF ENGAGEMENT FOR “MISSION XX” TROOPS : AIDE-MEMOIRE

**General Rules for Use of Force:**

1.        xxxx
2.        xxxx

### SPECIFIC RULES FOR USE OF FORCE

**You are authorized to use force, up to and including deadly force:**

xxxx



## Annex D

(Refers to Vol. I, Chapter 3,  
Section 3.3, p. 48)

# DEPARTMENT OF PEACEKEEPING OPERATIONS AND OFFICE OF MILITARY AFFAIRS

## General.

1. The Department of Peacekeeping Operations (DPKO) provides political and executive direction to UN Peacekeeping operations around the world and maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates. The Department works to integrate the efforts of UN, governmental and non-governmental entities in the context of peacekeeping operations. DPKO also provides guidance and support on military, police, mine action and other relevant issues to other UN political and peacebuilding missions. The Under-Secretary-General for the Department of Peacekeeping Operations is Mr. Hervé Ladsous.

## Purpose.

2. The purpose of this Annex is to highlight the role, responsibilities, and main entities of DPKO and OMA to develop a general understanding of the strategic structure and command and control mechanisms at UNHQ level.

## Main Offices/Divisions of DPKO.

3. The four main entities of the DPKO are:

**3.1: Office of Operations (OO).** The main role of the Office of Operations is to provide political and strategic policy and operational guidance and support to the missions. The OO is regionally organized and the cross-cutting management of missions is carried out in an integrated way, via Integrated Operational Teams (IOTs) in which all relevant functionalities (political, military, police, logistics, etc.) are included. The military input is provided through Military Liaison Officers (MLOs) representing the Military Adviser. The Assistant Secretary-General (ASG) of Office of Operations also acts as Deputy Head of DPKO.



**3.2: Office of the Rule of Law and Security Institutions.** The Office of the Rule of Law and Security Institutions (OROLSI) was established in 2007 to strengthen the links and coordinate the Department's activities in the areas of police, justice and corrections, mine action, the disarmament, demobilization and reintegration of ex-combatants and [security sector reform](#).

**3.3: Office of Military Affairs.** The Office of Military Affairs (OMA) is responsible for deploying the most appropriate military capability in support of United Nations objectives; and to enhance performance and improve the efficiency and the effectiveness of military components in United Nations Peacekeeping missions. It coordinates with IOT of OO for military related matters.

**3.4: Policy, Evaluation and Training Division.** The Division of Policy, Evaluation and Training (DPET) provides an integrated capacity to develop and disseminate policy and doctrine; to develop, coordinate and deliver standardized training; to evaluate mission progress towards mandate implementation; and to develop policies and operational frameworks for strategic cooperation with various UN and external partners.

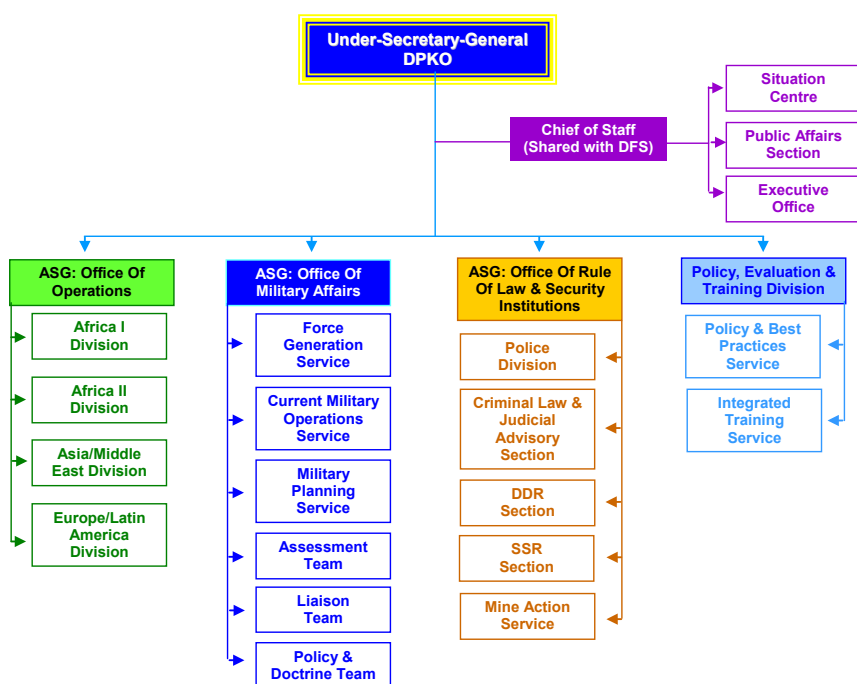
#### **Office of Military Affairs (OMA).**

**4. Overview.** The OMA is the principle arm of DPKO for military matters. OMA is headed by an Assistant Secretary-General, a serving military officer with the rank of Lieutenant General as Military Adviser (MILAD). OMA includes the Military Adviser, the Deputy Military Adviser, the Chief of Staff and a number of seconded officers (currently 116 in total) and civilian staff. The key responsibilities of OMA are:

- Advise UN leadership, missions and member states and troop contributing countries on all military issues.
- Identify required military capabilities.
- Generate adequate military capabilities.
- Monitor and provide oversight of current operations and UN HQ crisis response.
- Coordinate with regional and sub-regional organizations, and UN Agencies, Funds and Programmes.
- Contribute to UN HQ crisis response.
- Develop/integrate peacekeeping operations policies and doctrines as applicable to Military Component.
- Provide military strategic assessments and maintain information database.



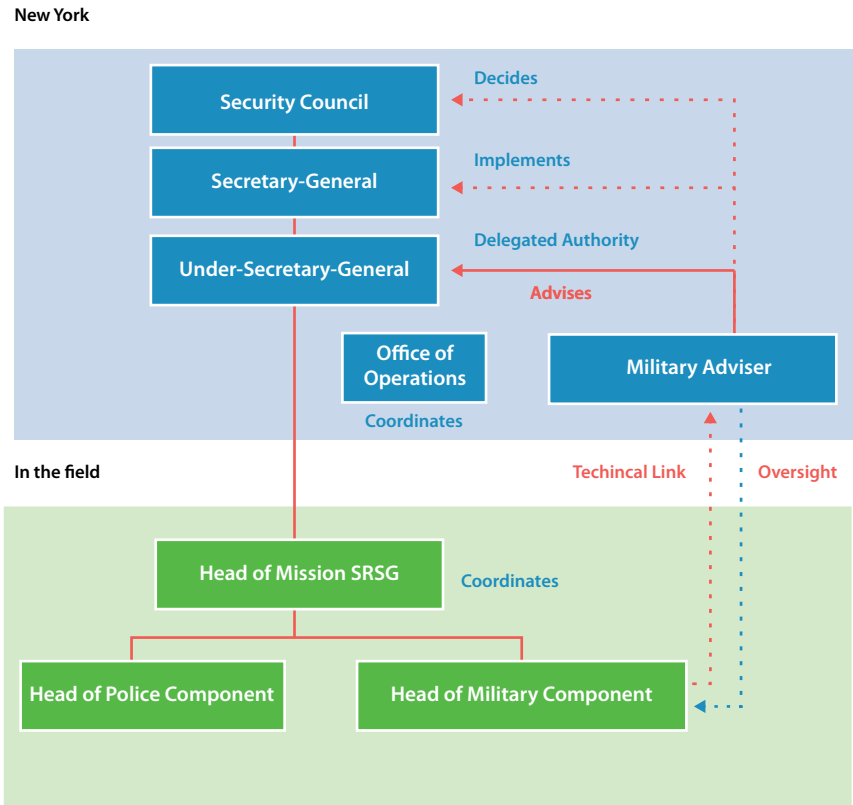
## 5. DPKO Organizational Structure.





6. The Command and Control and Reporting Lines.

The command and control arrangements within the UN HQ and with a field mission are depicted below.







## Annex E

(Refers to Vol. I, Chapter 4,  
Section 4.5.3, p. 74)

# OPERATIONS CENTRE

## Purpose.

1. The operational constraints of peacekeeping environment in terms of new terrain, presence of multiple actors, sensitivity in public interaction, need for mature and calibrated response, unpredictable safety and security situations and the fact that a single negative incident could have wide ramifications to the peace process, entails maintaining effective command and control of activities by the commanders at all levels. Therefore, it is an imperative to establish an Operations Centre both at the battalion and company levels to monitor, coordinate and control all activities and responses for the execution of Mission Essential Tasks (MET) and logistics sustenance of the battalion.

## Configuration and Set Up.

2. **General.** An Operations Centre is a Command, Control, Communication and Information centre designed to ensure coordination, integration and timely passage of information and orders in accordance with operational plans and commander's intention. Infantry Battalions are expected to establish Operations Centre at the Battalion HQ and in all the COBs. In addition, the battalion HQ and companies should have mobile command posts based on APCs and/or trucks to coordinate and control operations in close proximity with the troops on ground as per situational requirements.

3. **Battalion Operations Centre (BOC).** The BOC will function under a dedicated Operation Centre Officer assisted by one Warrant Officer and four NCOs and two signal personnel. The BOC should have the following arrangements for effective functioning:

- Maps and Satellite Imageries. (Situation Maps, Situational Awareness and Information Map, Operations Map, CIMIC Map, Working Map, sketches/enlargements, Air Photos and Satellite Imageries).
- Operational plans, patrolling plans, schedule of events, information collection plan, etc.



- Electronic GPS Tracking System to monitor movements of all elements of the battalion.
  - Video Tele-Conferencing (VTC) Facility.
  - A forward, rear and lateral voice and data communication link with redundancy.
  - Hotline Communication to next higher HQ, the Company Operations Centres (COC) and neighbouring contingents using existing communication mediums.
4. **Company Operations Centre (COC).** The COC will function under a dedicated Company Operation Centre Officer assisted by six NCOs. The COC should have the following arrangements for effective functioning:
- Maps and Satellite Imageries. (Situation Maps, Terrain Map, Situational Awareness and Information Map, Operations Map, CIMIC Map, Working Map, sketches/enlargements, Air Photos and Satellite Imageries).
  - VTC Facility (where possible).
  - Ground Surveillance Radar (to be used within the parameters laid down).
  - A forward, rear and lateral voice and data communication link with redundancy.
  - Hotline Communication to the Battalion Operations Centre using existing communication mediums (where possible).
5. **Joint Operations.** When conducting joint operations with police or other entities, a Joint HQ or control station will be established and co-located with the BOC/COC as the case may be.

### Responsibilities.

6. The BOC and COCs must maintain utmost vigil at all times and are accountable for coordination and control of all activities and institute rapid responses in critical situations. Major responsibilities of the Operations Centre in a peacekeeping environment are:

- **Command and Control.**
  - ★ The BOC and COC will be under the direct supervision of XO/2IC and Company 2IC respectively.
  - ★ The functional control at both levels will be maintained by the Operational Staff Section, which will be co-located with the BOC.

- ★ Reporting to the higher HQ will take place both through the command and staff channel.
- **Readiness.**
  - ★ Maintain a 24/7 static Operations Centre at battalion and company levels.
  - ★ Maintain Mobile Command Post at battalion and company levels.
  - ★ An Officer or a WO with minimum three NCOs will be manning the BOC and an Officer/WO with two NCOs will be manning COC at all times.
  - ★ Ensure direct hotline communication and VTC with all commanders in the channel.
- **Routine.**
  - ★ Remain in radio contact and in listening watch with all operational and logistics elements to ensure immediate reporting of occurrence of incidents.
  - ★ Receive and send messages and transmissions and maintain a message log.
  - ★ Maintain liaison with neighbouring contingents and with the immediate UN higher HQ for coordination and control of activities.
  - ★ Maintain contact with liaison officers and coordinate own actions.
  - ★ Provide situational updates and daily reports to the Operations Staff Section and the Battalion Commander.
- **Oversight.**
  - ★ Coordinate and monitor all operational and administrative movements in real time.
  - ★ Monitor, coordinate and control MET/peacekeeping operations.
  - ★ Monitor progress and guide ongoing operations by passage of information simultaneously to commanders on ground and higher commanders.
  - ★ Coordinate and control joint operations.
  - ★ Monitor and coordinate helicopter movements for operational, administrative and MEDEVAC purposes.
- **Situational Awareness.**
  - ★ Maintain peacekeeping information databank.



- ★ Act as an information collection, processing and sharing/dissemination hub.
- ★ Monitor UAV employment and processing of information.
- ★ Coordinate with COC in analysing inputs from GS Radar data inputs.
- **Response.**
  - ★ Ensure readiness of QRF and QRT as per SOP at all times.
  - ★ Alert all COBs, TOBs, operational elements operating outside the static bases and other routine columns on occurrence of any incident and coordinate their movement/employment as per planned response.
  - ★ Coordinate and control employment of QRF/QRT as proactive deployment or as reinforcements.
  - ★ Monitor critical situations and develop appropriate responses within the battalion resources and the mission resources (force multipliers and reserves, etc.).
  - ★ Ensure recreation of reserves once existing reserves are committed.
  - ★ Assist Chain of Command in exercising operational coordination and control.

### Integration.

7. The BOC will be integrated with the JOC/Operations Staff at the Sector/Brigade HQ through VTC and hotline communication systems. The Mission JOC and JMAC will also have a direct access up to the COC during critical times as laid down by the respective mission leadership.



## Annex F

(Refers to Vol. I, Chapter 8,  
Section 8.3.4, p. 134)

# NEGOTIATIONS

### General.

1. The goal of negotiation and mediation in the context of peacekeeping operations are to bring parties together in order to reach agreements to which all parties have concurred in order to de-escalate and resolve conflicts. Negotiations are an integral aspect of all operations conducted by the battalion. Negotiations occur throughout the course of each day of deployment at all levels of the command. It is therefore essential that all battalion personnel involved in negotiations understand negotiation goals and techniques. Mediation is a part of negotiation whereby battalion personnel act as neutral go betweens to facilitate communication between two or more opposing parties. Negotiation and mediation may be conducted independently but more normally as an adjunct to other conflict resolution activities.

2. Negotiation and mediation may be conducted as part of a deliberate process or as an immediate response to a life-threatening incident. In these cases, it is important to remember that the negotiator representing the battalion may be perceived as part of the problem. In all cases, it is vital that battalion negotiators identify who key leaders are in any party, the goals of these individuals or groups, and the topics and rewards which can lead to agreement or alternatively disagreement. The battalion should ensure that the security of all parties involved in negotiations with the battalion is provided with security en route to, during, and after negotiations.

### Purpose.

3. The purpose of this Annex is to describe the importance and the modalities of conducting negotiation and mediation by the battalion peacekeepers in the mission area.



## Negotiation Categories.

**4. Support to Humanitarian Assistance.** Battalion negotiators may be called upon to assist other representatives of the UN or humanitarian agencies in order to establish access to assess humanitarian assistance resources. In this case, negotiations can include a variety of actors to include but limited to representatives of the host government, local military or police leaders, civic leaders, businessmen, and religious leaders. Such agreements should make decisions on methods of supply and distribution of humanitarian supplies with all parties along the distribution route that can impact on the ability of providers to distribute aid.

**5. Support to Military Agreements.** Battalion personnel may have to negotiate the terms and conditions on which opposing parties in the battalion AOR will function in support of political or humanitarian agreements. Battalion negotiators involved with establishing and maintaining ceasefires may consist of three stages:

- Getting the parties to reach an internal political agreement that they want a ceasefire.
- Achieving a military agreement on how to conduct the ceasefire.
- Negotiating a workable implementation of the agreement on the ground.

## Characteristics of Battalion Negotiators.

6. Important characteristics of battalion-level negotiators are:

- Negotiators should have the sufficient rank, status and credibility compared with the rest of the parties.
- Negotiators should be able to maintain rapport and regular liaison between all parties involved in negotiations.
- Negotiators should be trained in practices and methodologies necessary to ascertain what factors will lead to compromise and ultimate settlement of disputes.
- Battalion negotiators should always remain cognizant of UN goals for a negotiated settlement in their AOR.
- Battalion negotiators should remain impartial and not pick sides in a disagreement.



- Negotiators should be trained and practiced in the use of interpreters and translators (see [Annex G](#), Interpreters).

### Guidelines.

7. There are no fixed principles for negotiation but there are several essential features of any negotiation that are useful guidelines for achieving results that can be further developed. These are:

- **Impartiality.** If parties believe a negotiator is no longer impartial, their trust, cooperation, and open-hearted relationship will be lost and negotiations probably will be unsuccessful.
- **Long-Term View.** Negotiators should recognize that it takes time to change from opposing positions to common ground and to establish a culture of negotiations in which the parties become used to meeting and solving small problems together in preparation for handling crises and tackling larger problems. A short-term negotiating success, won by conceding an apparently small point, may be damaging and set a long-term precedent.
- **Imagination.** Imagination and lateral approaches are vital for the identification of common ground between the parties, development of incentives and disincentives, and finding ways to overcome the many barriers in conducting successful negotiations.
- **Acting with Determination.** The parties will have more at stake and may have fewer constraints on their actions than negotiators from the international community. Faced with parties under emotional pressure, the negotiator or representative should also be prepared to act with determination.
- **Cultural Awareness.** Negotiators should be aware of how cultural issues may inflict on their negotiations.
- **Human Rights.** If involved, commanders and staff of the battalion must ensure that peace negotiations, peace agreements and their implementation take into account and incorporate human rights standards such as the non acceptance of blank amnesties.

### Process.

8. **General.** The selection of individuals, or groups of individuals, who are acceptable to the parties, is fundamental to the successful conduct of



negotiations. There are three essential stages in the process of negotiation and mediation:

- (a) Stage 1 – Preparation.
- (b) Stage 2 – Conduct.
- (c) Stage 3 – Follow-Up.

**9. Stage 1 - Preparation.** A clear aim should be defined to determine what is to be achieved. This will take into account many factors including the objectives and capabilities of the belligerents as well as a realistic judgement of what is possible. In practice, the initial aim may be no more than to get competing factions to meet, and future objectives may be discussed and refined during subsequent meetings.

Specific preparations will include researching the background, history and status of the issue to be discussed to help the negotiator or mediator to identify those arguments that the belligerent parties may employ. Identification of options, limitations, minimum requirements, areas of common interest, and possible compromises are essential. The negotiator has to be clear on those points that should be won or protected and those that may be used as bargaining chips. If possible, a thorough study of the participants who will attend the meeting should be made. This should include their cultural origin, personality, authority, influence, habits and attitudes. If hosting the meeting, specific arrangements should take account of the following:

- **Location.** In the conduct of formal negotiations or mediation the site should be secure and neutral. Other important considerations of the location are accessibility, communications and comfort. In the control of an incident those persons relevant to defusing the problem should be identified and persuaded to conduct negotiations away from those more immediately involved in the incident.
- **Administration.** Administrative organization should include such items as arrival and departure arrangements, and the provision of parking, communications, meals and refreshment. The meeting should have an agenda, a seating plan and note-takers, perhaps supplemented with interpreters and other advisers on specialist subjects. Separate rooms will probably be required by each party to allow them to confer in private. Amenities such as drinks and food that participants are comfortable with should be provided to participants before, during, and after the





negotiations as parties may have travelled far under harsh conditions to get to the negotiations.

- **Attendance.** Attendance should be at an appropriate and equal rank level. Offence may be caused if senior representatives from one faction are required to meet with junior representatives from another. To avoid unmanageable numbers attending, the size of each party should, where possible, be agreed upon beforehand. A policy on the carriage of weapons and protection teams should be announced in advance.

10. **Stage 2 - Conduct.** In mediations the PSF force representative will act as a go-between to the parties of the conflict. In negotiations the PSF representative will act as an interest holder. The first item on any agenda should be for the participants to agree upon the purpose of the meeting. If hosting the occasion, the PSF representative should offer the customary salutations and exchange of courtesy and to ensure that all parties are identified and have been introduced to each other. Refreshments should normally be offered or received. Introductory small talk is essential to make the participants feel more at ease. Some basic guidelines for conducting negotiations are as follows:

- **Preserve Options.** The opposing sides should be encouraged to give their views first. This will enable the negotiator to re-assess the viability of his/her position. If possible, he should avoid taking an immediate stand and he should never make promises.
- **Restraint and Control.** Belligerent parties are often deliberately inflexible. They may distort information and introduce false problems to distract attention from discussions that might embarrass them. Visible frustration, impatience, a patronizing manner, or anger at such may undermine the negotiator's position. Loss of face is likely to increase the belligerence of faction leaders. Wherever possible, respect should be shown for the negotiating positions of other parties. Speakers should not be interrupted; unless incorrect information and matters of principle are to be corrected, with appropriate evidence. Facts should take preference over opinions. Whilst remaining impartial, the negotiations should be conducted in a firm, fair and friendly manner. Don't give any information about the opposite side, which can be of value to the counterpart. Always be restrained if the counterpart expresses anything about battalion peacekeepers or the morale, methods, politics of the opposite side, etc. Try to get the counterpart to accept a possible solution.



- **Argument.** If necessary, the negotiator should remind participants of previous agreements, arrangements, accepted practices and their own pronouncements. However, this should be done tactfully and accurately with regard to facts and detail.
- **Compromise.** Partial agreement or areas of consensus should be carefully explored for compromise solutions. Related common interests may offer answers to seemingly intractable differences.
- **Linkage.** Linkage is the connecting of aims to each other. For example, making the achievement of one aim a precondition to achieving another.
- **Summary.** Negotiation and mediation should be finalized with a summary of what has been resolved. The summary has to be agreed upon by all participants and, if possible, written down and signed by each party. Time and place for further negotiation should also be agreed upon. The outcome and the process of the meeting should be handled with discretion.

**11. Stage 3 - Follow-up.** Effective follow-up is as important as successful negotiation. Without a follow-up, achievements by negotiation or mediation could be lost. The outcome of the negotiations or mediation has to be promulgated to all interested parties. Background files should be updated with all relevant information, including personality profiles of the participants. Agreements have to be monitored, implemented or supervised as soon as possible.





## Annex G

(Refers to Vol. I, Chapter 8,  
Section 8.3.4, p. 134)

# INTERPRETERS

## Introduction.

1. Interpreters are used to bridge the language barrier between the battalion and different groups of the local population in the AOR. Interpreters are a necessary force multiplier and an effective force protection aid when used efficiently. However, all battalion personnel must be able to speak in local language to warn/interact as per procedures and according to ROE. Interpreters are used to:

- Translate in negotiations between the battalion and local representatives at all levels.
- Support patrols, OP's and CP's with direct language translation capacity.
- Interpret local media sentiments toward Battalion presence and operations.

## Purpose.

2. The purpose of this Annex is to describe how interpreters support battalion operations and how to best utilize interpreters.

## General.

3. Usually a battalion will work in a foreign language environment which causes communications problems between the battalion personnel and the local population. In some cases, there may be more than one language or dialect used in the mission area. The battalion's ability to communicate with the local population is often a prerequisite for accomplishing battalion missions. This will be the case starting from the sentry who is approached by locals, bringing forwards all types of questions, all the way to the Battalion Commander who needs to negotiate with civilian and military leaders at his/her level. The only way to overcome this challenge is to use interpreters to assist in the communication. Battalions will either use military



or civilian interpreters from their TCC or locally employed interpreters, who should normally be contracted and provided by the Mission Management Support (MMS), according to operational needs.

### Considerations.

4. TCC military or civilian interpreters are usually nationally trained and have proficiency with at least one language in the battalion AOR. Because of their TCC affiliation and trustworthiness, TCC interpreters should be used when sensitive issues are negotiated.

- Locally employed interpreters are locals with a high enough language proficiency in the battalion's language or a third language that battalion members and the local interpreter can communicate in. Local interpreters should be evaluated on a daily basis for their trustworthiness and the accuracy of their message. The battalion should also consider the safety of the local interpreter. Strong consideration should be given to the utilization of both male and female interpreters so that battalion personnel can engage with the local population. Local interpreter considerations include:
  - How loyal is the local interpreter to battalion interests and personnel considering that the interpreter lives in the area and will continue to do so after the battalion repatriates. Is the interpreter likely to be pressured by other local citizens to provide information about the battalion to threats, criminals, and other entities?
  - How will the battalion provide for the safety of the local interpreter if the interpreter is operating with the battalion under high threat conditions?
  - How accurate are the translations of the interpreter? Does the interpreter misrepresent battalion communications to local actors? Is the interpreter impartial or does his/her interpretations pursue a personal agenda? Is such a level of risk or demonstrated poor performance acceptable to the battalion asset for whom the interpreter is working for?
  - Is the interpreter acceptable to the local actor that a battalion member will talk to? Does the interpreter have the proper role and status in his/her community to act as an interpreter for the battalion when dealing with high-level local personages? Is the interpreter of the right age, gender or sex to be a credible interpreter to a local party?



- What are the interests of the interpreter? Can battalion assets avoid becoming engaged with a personal or business (black market) relationship with the interpreter that may be looked upon unfavourably by the local community during and after the battalion's deployment? Will the close relationship between the interpreter and battalion personnel result in providing the interpreter with information to take advantage of or blackmail battalion personnel?
- Misbehaviour, lack of proficiency or trustworthiness, or other eventual failures of local contracted interpreters, should be reported for their eventual replacement.

### Organization.

5. Interpreters should be available at all levels of the battalion organization. All patrols should have an interpreter and this could be a male or female interpreter or both depending on the goals of the patrol. All battalion installations should maintain interpreters. However, the battalion and companies should determine what access the interpreter is to have on battalion installations.

### Guidelines in Employing Interpreters.

6. Important guidelines in employing interpreters are:

- Generally, as a best practice, talk directly to the party and not to the interpreter. Ideally, the interpreter can stand to the side and interpret so that he/she does not become the centre of the conversation.
- Be aware of the body language signals the party displays to the interpreter's interpretation. This can give the battalion member just as many clues about how successful his/her message is being received by the other party than the interpreter's translation.
- Ideally, rehearse with the interpreter the message to convey to the party in order to get the interpreter in the proper frame of mind and in order to work out culturally acceptable messages.
- Use short sentences. Don't expect a local interpreter to remember a paragraph or longer discourse from a battalion member or the party you are trying to communicate with.
- Ideally, review the results of the interpretation with the interpreter outside of the presence of the party. The interpreter can provide local insight



to hidden meanings and cultural contexts conveyed in messages that may not have been apparent during the actual conversation.

- Do not let the interpreter take charge of the conversation or meeting.
- Make sure that the interpreter and all parties are provided with amenities and breaks in order to establish and maintain rapport with all parties involved in the conversation. Refreshments go a long way to break down communication barriers and establish respect between all parties.





## Annex H

(Refers to Vol. I, Chapter 8,  
Section 8.5.2, p. 145)

# ICTD/DFS INFORMATION GUIDE

## Introduction.

1. The Information and Communications Technology Division (ICTD) has overall responsibility and oversight for the provision of telecommunications and information technology services to all the Department of Field Support (DFS) supported field missions. This mandate is executed in the field missions by a Communications and Information Technology Section (CITS) headed by a chief, designated as the Chief Communications and Information Technology Section (CCITS). In some large Missions CITS is a Service and it is referred to as ICTS or CITS.

## Purpose.

2. The purpose of this Annex is to provide an overview of the Information and Communications Technology (ICT) facilities and services provided to Troop Contributing Countries (TCC) by the United Nations (UN) in field missions. It also clarifies the roles and responsibilities of both the UN and the TCCs in the field.

## Information Communications Technology Division Overview.

3. The Information and Communications Technology Division (ICTD) at UN HQ provides strategic direction, exercises oversight and takes policy decisions for ICT delivery in the field, aligned with the Secretary-General's vision and ICT strategies. ICTD carries out these functions by ensuring reliable and secure ICT communications support combined with IT Infrastructure and services to support field missions in their programme delivery. ICTD assists in supporting Command and Control capabilities for military and police contingents (mission HQs only). In addition, ICTD develops implements and supports IT applications/systems that are not provided through existing enterprise systems.



## Memorandum Of Understanding.

4. MOU for ICT equipment and services falls under the umbrella of the overall MOU between the UN and TCCs. This MOU is a negotiated, formal agreement that establishes the responsibility and standards for the provision of personnel, major equipment and self-sustainment support services for both the UN and the contributing country. The MOU is signed between the TCCs and the UN prior to deployment.

### Key Points:

5. The key points to be kept in mind are:

- Communications between UN HQ New York and the Mission HQ, also between Mission/Force HQ and the Sector/Battalion HQs, will be provided by the UN as United Nations-Owned Equipment (UNOE).
- The UN will also provide a telephone network, within the Mission HQ and down to Battalion HQ level.
- The UN will provide communications down to individual force level, or independent subordinate units.
- The rear link communications from the UN mission to the TCC and internal and tactical communications within the battalion is its own responsibility.
- Battalion should deploy fully equipped with suitable equipment for internal communications and to establish telephone communications from the UN missions to their respective countries and for access to Email /Internet for personal or welfare purposes.
- However, based on exceptional circumstances, the mission may extend the PIN Code facility to TCC's for welfare calls only on a cash-recovery basis.

### Scale of Issue.

6. There are stipulated scales of issue for UNOE which is issued to TCCs to achieve a seamless flow of communications between various HQ, the battalion and its companies and other entities. Any other assistance outside the scale of issue will be deducted from the TCCs reimbursement on COE. It is important to note that the scale can change from mission to mission and can also vary depending on established operational requirements. For clarity, the approved ICTD/CITS ratio is as shown below:



Equipment	Infantry Battalion	Independent Company
Telephone lines	5	2
Telephone sets	5	2
Fax machine	1	1
Handheld radios	8	4
Equipment	Infantry Battalion	Independent Company
HF base station	2	2
VHF/UHF base station	2	2
HF mobile radio	4	2
VHF/UHF mobile radio	4	2
DC-DC converter	4	2
Satellite phone	1	1
Desktop computer	4	2
Desktop printer	4	2
Digital sender	1	1

**Notes:** At the start-up phase of the mission, contingents will be issued with one (01) satellite phone per contingent. Once the UN Private Telephone Network is established this satellite phone should be used for backup purposes only.

- Mobile radios are to be issued only in scenarios where UN vehicles are provided to the battalion or contingent-owned vehicles require mobile connectivity to the UN radio network for operational reasons such as ambulances, escorting vehicles and vehicle recovery.
- DC-DC converters are to be issued only if the mobile radios will be installed in contingent owned vehicles that operate with 24 volts.
- Clarity on ICT support and services available to peacekeeping battalions are contained in the United Nations Military Peacekeeping Battalion ICT Training Booklet.

### Reference:

More information can be found in the division's website: <http://ictd.dfs.un.org/Ps/Home.aspx>

### ICTD Services.

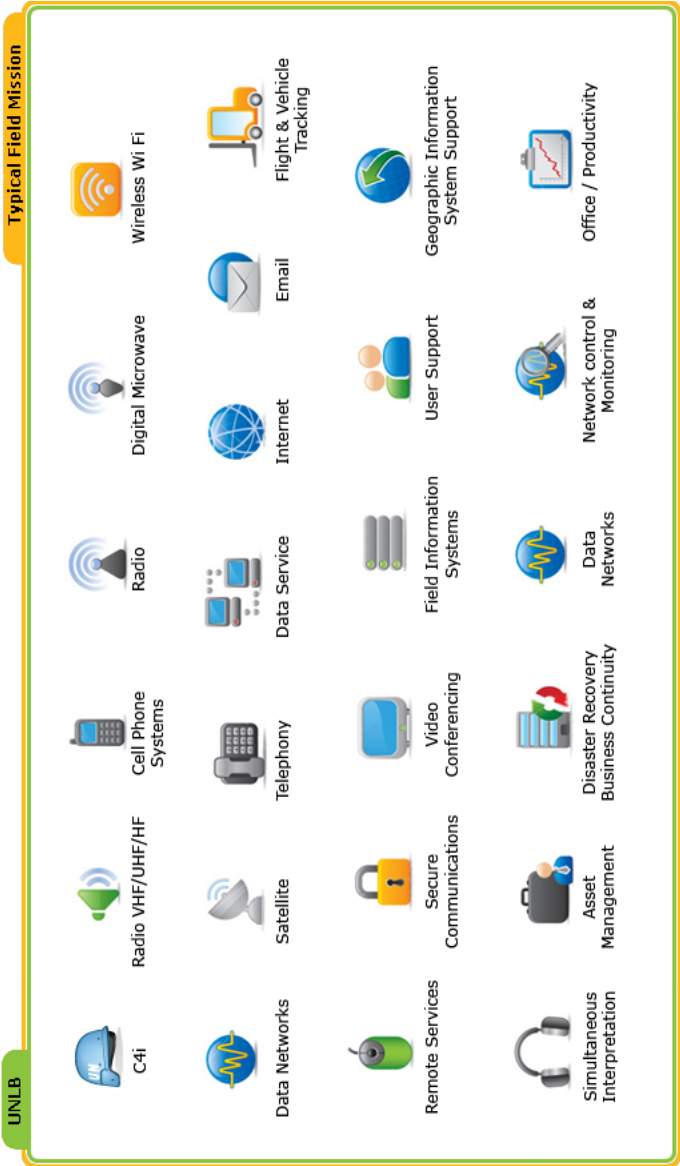
7. Below are some of the services ICTD at UN HQ delivers to field missions:





**CITS Services.**

8. The services CITS provides are dependent on the specific entitlements and operational requirements of the users. Military components have level services specifically defined in the Memorandum of Understanding (MOU) between the United Nations and the TCC. Some of the services CITS provides to clients in field missions are:





## Annex I

(Refers to Vol. I, Chapter 5,  
Section 5.3.3, p. 81)

# UN HANDLING OF IMPROVISED EXPLOSIVE DEVICES (IED)

## Introduction.

1. In missions that have experienced armed conflict, the military contingents may be confronted with considerable quantities of landmines, Unexploded Ordnance (UXO) Improvised Explosive Devices (IED) and other Explosive Remnants of War (ERW) which are scattered around as a major safety hazard to civil population, live stock and the peacekeepers alike resulting into a large number of casualties. Particularly, the IEDs have become a deadly weapon of choice of asymmetric forces against UN peacekeeping forces as well as civilians. Therefore, UN Infantry Battalions should adapt the peacekeeping procedures and day to day activities to reflect the threat and ensure applying the basic safety and security principles to substantially reduce the risk of accidents involving mines/UXOs/IEDs.

## Purpose.

2. This annex details how to prevent, detect, defeat and mitigate IED threats.

## Improvised Explosive Device.

3. **Definition.** An IED is a device placed or fabricated in an improvised manner incorporating destructive, -lethal, noxious, pyrotechnic, or incendiary chemicals and designed to destroy, incapacitate, harass, or distract. It may incorporate military stores, but is normally devised from non-military components.

## Prevention.

4. Prevention consists of measures and actions taken to lower the likelihood of an IED event occurring and affecting the United Nations and requires coordination across all levels of command.



- Information exchange and management consists of noting, collating, and reporting significant events which could increase the likelihood of an IED incident. Significant events can include, but are not limited to historical IED attacks, unsecured explosive remnants of war (ERW), manufacturing homemade explosives (HME), and comments made by local nationals regarding the targeting of peacekeeping personnel with IEDs.
- Information exchanged with peacekeeping personnel in the mission allows entities an opportunity to adjust accordingly field mission attitudes and procedures to reduce the likelihood and an IED incident.
- Travel and route planning consists of modifying the conditions of travel so as to fall outside a predictable pattern of travel. IED incidents generally require reconnaissance and preparation of an often-used route, in order to effectively engage peacekeeping personnel and property. Accordingly, changing travel routes, times of departure and vehicle types reduce the risk of IED incidents.
- Defensive measures consist of protection measures for lodging and work areas which discourage vehicle- and person-borne IED attacks. Barriers to entry consisting of large immovable objects (large landscaping boulders) placed appropriately around peacekeeping buildings provide significant barriers against vehicle-borne IEDs. Access control limits non-peacekeeping access to peacekeeping facilities. Limits can discourage intended person-borne IED attacks through proper entry control procedures. Barriers to entry and access control discourage and reduce the likelihood of IED incidents.
- Security-awareness programmes consist of an all encompassing approach to reduce IED incidents. IED identification and awareness training, measuring the prevailing local attitude toward peacekeeping personnel and the historical use of IEDs in the area are examples of successful programmes. Security-awareness programmes encourage peacekeeping personnel to incorporate IED security into daily activities.

## Preventive Actions:

5. Important preventive actions to be taken are as under:

- Avoid routine behaviour.
- If possible vary routes and timings.



- Calculate and plan according to threat assessments such as hotspot areas, entities, earlier incidents, possible targets, etc.
- Train procedures for action during discovery or attack with IEDs.
- Act vigilant and be aware of out of the ordinary behaviour and IED-linked indicators.
- Assume that all attacks with IEDs are followed up with ambushes or further IEDs.
- Keep a safe distance between vehicles in convoys.
- Adjust the speed of the vehicles according to the situation and threat assessment.
- Be aware of canalizing terrain.

## Detection.

6. Close-range detection of IEDs remains the specialty of “high risk” search teams. However, the UN Infantry Battalion configuration and equipment profile is designed with basic functional “Counter IED” capability. In a UN peacekeeping context, it should be noted that the UN mine action teams, while undertaking de-mining or EOD activity, may detect and locate IEDs by chance, whether directed against them or not. Therefore, any peace-keeping strategy should address the problem of such ‘chance’ finds and put in place appropriate procedures for teams to follow, such as, marking, evacuation, cordoning and liaison with the IED-Defeat (IEDD) team when it arrives to undertake EOD action. Such action should be regarded as ‘passive’ and not be seen as an offensive EOD action.

Furthermore, a UN Infantry Battalion may be encountered with targeted IED threat, which requires maintenance of situational awareness, careful threat analysis and institution of preventive and defensive measures in the day to day conduct of peacekeeping operations.

## Basic Techniques Employed by Aggressors When Using IED.

7. The following basic techniques are often used by aggressors:

- Canalize traffic or transports at road junctions, bridges, tunnels, other vehicles etc to lower the targets speed and increase the possibility of a hit.



- Open areas are easy for the aggressors to supervise which gives them warning time, opportunity to escape and hard-defined firing points.
- “Come on” technique by using objects, which drawss attention, and stop or trap targets to a specified kill zone.
- Booby-traps connected to different types of items/equipment.

### IED Indications:

8. Indications of IEDs are the presence of abnormal activities and the absence of normal activities. IEDs are usually camouflaged as daily life items to be placed without attention. Examples include:

- Garbage bags and cardboard boxes on the road shoulders.
- Standing, broken or abandoned vehicles.
- Soft packs and cases.
- Holes in the road.
- Glass fiber models of natural objects as e.g. rocks.

### IED-Defeat.

9. IED Defeat should be considered a component of EOD. IED Defeat operators are by extension EOD operators who have undergone specific selection and certified training to deal with the requirements of an IED Defeat task. It involves positive EOD actions against the IED or IED components once placed or found. These actions may include, but are not limited to, placing a disruptive charge, the use of cutting equipment or moving to a safe area for further action.

### Mitigation.

10. Mitigation consists of detonation defensive measures such as blast/ballistic protection and standoff distance. These measures provide protection against IEDs should a detonation occur near UN peacekeeping personnel and facilities. Implementation of physical mitigation measures lowers the impact of an IED incident with the use of blast and ballistic protection and standoff distance.

**Blast and Ballistic Protection.** It provides security against the shock wave and flying fragmentation and debris from a detonation. Examples of blast

and ballistic protection include HESCO barriers, window laminates, and sandbags.

**Standoff Distance.** Standoff distance is a purposeful separation between the target of an IED incident and the IED that allow the effects of a detonation to dissipate before affecting peacekeeping personnel and facilities.

- Standoff distance for facilities can be accomplished with the use of barriers and traffic flow control to minimize vehicle access to buildings.
- Stand off distance for personnel can be accomplished by giving wide margin to suspect IED emplacements whether on foot or in a vehicle.
- The greatest protection that can be given to a static position is distance from the potential seat of any explosion. The most likely target area for an IED attack could be the entry and exit points, especially for vehicles, and visible vulnerable points such as headquarter buildings or helicopter landing sites that attract indirect fire. Therefore it is necessary to maintain a significant distance between vehicle search areas and the actual entry/exit point.
- Likewise, specific measures should be undertaken to protect vulnerable points, such as, safe havens' or bomb shelters and maintain sufficient distances from secondary hazard areas; for example ammunition or fuel storage areas.
- It is an imperative that vehicles in areas with a high IED threat, keep adequate distance from UN peacekeepers, facilities and critical infrastructure in a mission area.

## Training.

11. Training encompasses all those measures that prepare a UN Infantry Battalion to conduct operations in an IED threat environment. These measures include detailed IED awareness training, preparation of documentation such as recognition handbooks, co-ordinated Standard Operating Procedures (SOPs) to direct what actions to take in an IED environment and dissemination of lessons learned. The following points may be kept in mind while conducting training:

- The content of IED training for the UN Infantry Battalion has many of the same features, as that is provided for military personnel deploying to "high risk" areas.



- However, training in a UN peacekeeping context must focus on avoidance; that is the ability to use good information to predict what might happen next, feed this into the training process so that IED attack patterns can be recognized, areas or routes of highest risk identified and, in simple terms, the risk of personnel coming into contact with IEDs minimized.
- Training must be information and operations-driven. It is of little use to train personnel to avoid IEDs if there is no prediction of where or what perpetrators might use, no knowledge of IED sign or if methods of avoidance compromise operational effectiveness.
- Preparing for actions after an IED incident is critical to minimizing the effects of IEDs. Crisis action planning consists of post IED-attack actions, e.g., medical response, personnel evacuation, and immediate actions after attack.
- Planning for these actions prior to an IED attack allows UN peacekeeping personnel to prepare to limit the impact of an IED incident.
- Training measures also consist of rehearsing courses of action of IED response action developed in the crisis action response plans. Rehearsals of post-attack actions provide the battalion personnel the confidence and ability to respond to the post-attack chaos.
- Training is necessary to ensure timely medical response to injured personnel and actions that do not further put UN Infantry Battalion personnel and facilities at risk.
- Implementation of training measures minimises the effects of and IED incident.
- When stopping a vehicle define the area and begin the search of the area in a five meters radius visual before you stop. Begin with the ground and continue with higher levels. Continue to search a radius of 20 meters, first from distance and then in the terrain. Be aware of other threats, e.g. mines.





## Annex J

(Refers to Vol. II, Chapter 2,  
Section 2.8.4, p. 99)

# FIELD SANITATION, HYGIENE, ENVIRONMENTAL AND OCCUPATIONAL SAFETY

## Introduction.

1. Training and enforcing compliance with preventive medicine measures (PMM) and environmental safety and occupational health (ESOH) measures in the battalion is a command responsibility. Preventive medicine incorporates medical screening, immunization, disease prophylaxis, vector control, hygiene and sanitation. ESOH incorporates stress management training and mitigation; driver training, safe driving, vehicle and equipment maintenance sight, hearing, and other physical protection measures from machinery, noise, and hazardous material; and protection from sexually transmitted disease.

2. Compliance with PMM and ESOH measures starts in predeployment training with thorough medical examinations of all battalion peacekeepers to ensure all soldiers are physically and mentally fit for deployment and that they are not carriers of pathogens that can infect fellow peacekeepers and the population in the deployment AOR. Training continues with the establishment of daily routines to prevent disease and non-battle injuries through the development of disciplined practices to maintain field hygiene, sanitation, environmental and occupational safety throughout the battalion's deployment and repatriation.

3. Battalion maintenance of field hygiene and sanitation as well as the proper application of occupational health safety standards in accordance with the UN environmental policy protects the local population and environment from degradation and disease due to peacekeeper negligence. Not protecting the local population and environment through adequate hygiene and sanitation control measures or through operational safety measures can have devastating effects on the local population. Such negative effects can adversely impact the UN mission and reputation in the battalion AOR and around the world.



## Purpose.

4. This Annex is designed to provide guidance to individual peacekeepers, unit commanders, unit leaders, and those responsible in the battalion's health and welfare on applying unit-level Preventive Medicine Measures (PMM) and Environmental Safety and Occupational Health (ESOF) measures for the prevention of disease and Non-Battle Injuries (DNBI).

## Medical Threat and Principles of PMM and ESOH Measures.

**5. Medical and Occupational Safety threats.** The medical and occupational safety threats include:

- Heat.
- Cold.
- Arthropods and other animals.
- Food- and water-borne diseases.
- Toxic chemicals/materials/waste.
- Noise.
- Non-battle injury.
- Vehicle and machinery accidents.
- The unfit service peacekeeper.
- Lack of rest and recreation to combat stress and failure to recognize it in self and others.
- Alcohol and/or drug abuse.
- Sexually transmitted diseases.

**6. Principles of PMM and ESOH Measures.** The PMM and ESOH measures include:

- Battalion Commander and key leaders identify potential health and welfare risks to personnel in the deployment AOR prior to deployment and throughout the deployment and then devise and implements mitigation strategies to overcome risks.
- Peacekeeper performs individual techniques of PMM and ESOH.
- Chain of command plans for and enforces PMM and ESOH.
- Responsible members of health and welfare teams (usually unit medical personnel) train peacekeepers in PMM and ESOH and advise the com-



mander and unit leaders on implementation of unit-level PMM ESOH prevention and treatment. Contact with the military component's environmental focal point has to be done to get related instructions.

- Battalion and company safety officers and senior personnel train and enforce proper use of safety equipment and clothing and the proper handling and maintenance of food, water, equipment and material (e.g., vehicles, machinery, weapons, waste, and chemicals).
- The Battalion Senior Medical Officer is typically delegated the responsibility for implementing PMM and ESOH measures with assistance and enforcement by battalion leaders. It is that senior medical officer's task to monitor immunization status of troops under their care, as well as to directly manage any required vaccination or disease prevention program. This includes the distribution of anti-malarial tablets, the establishment of an aggressive HIV prevention and containment programme, and health inspections of food, water and sanitation. In addition, they are responsible for health education and medical training, which is generally conducted by medical personnel they supervise.
- Failure to apply the principles of PMM and ESOH can result in mission failure, alienate or cause harm to the local population, or turn the local population against peacekeepers.

## **7. Preventive Medicine Measures.**

### **7.1: Heat Injuries.**

- Heat injuries include heat exhaustion, heatstroke, dehydration and sunburn which lead to reduced work performance, injury, death, and degraded mission capability.
- Methods to avoid heat injuries include acclimatization, the drinking of adequate amounts of potable water and protection from direct sun.
- Drinking adequate quantity of water is a must to prevent heat injury and soldiers should take every opportunity to fill canteens at every opportunity with treated water.
- The colour and volume of the urine stream is a good indicator of a soldier's hydration status. If a soldier's urine stream is dark yellow and the volume is small or if stools are hard and small than a soldier is not drinking enough water. Soldiers should drink enough water to maintain a clear or light yellow urine stream.



- Rest and eating adequate meals also mitigate heat casualties. Ensure that soldiers receive adequate nutrition and rest.
- Ensure that soldiers have adequate, clean, and well-ventilated clothing and sunscreen to combat heat injuries. However, when there is a threat from biting insects, soldiers should keep their shirtsleeves down and pants bloused inside boots.
- Regular laundering of soldier uniforms protects soldiers from environmental conditions and improves morale. Battalions in new operation bases without laundry facilities should supply soldiers with wash buckets, detergent, and laundry line for cleaning and drying clothing on at least a weekly basis. Adequate length 4-6mm nylon laundry line gives soldiers alternatives to drying their clothes on the ground, vegetation and barbed wire surrounding camps.

## 7.2: Cold Injuries.

- Cold injuries include frostbite, hypothermia, trench foot, and immersion foot which also lead to reduced work performance, injury, immobilization of body parts, death, and degraded mission capability
- Frostbite and hypothermia can occur when temperatures are at or near freezing and these conditions can be accelerated with exposure of skin to winds.
- Trench foot and immersion foot result from prolonged exposure to a wet, cold condition, or the outright immersion of feet in cool or cold water. At the upper range of temperature, exposure of 12 hours or longer usually results in immobilization of a peacekeeper's feet which prevents him from performing duties and creates a burden for the command which should evacuate the soldier and care for him until recovery.
- Cold injury prevention consists of keeping soldiers warm and dry with layered and clean clothing, maintaining adequate nutrition and hydration with treated water, providing warming tents, and rotating guards or others performing inactive duty.
- Foot protection is key requirement for soldier mobility. Soldiers should deploy with enough boots and socks to allow for changing when socks and boots become wet. All soldiers should be provided with waterproof over boots in environments where they will encounter high levels of surface water in the conduct of their routine duties.



- Soldiers operating in freezing or near freezing conditions should be provided with adequate gloves or mittens and inserts to prevent numbness and frostbite which will prevent soldiers from operating their weapons or taking measures to defend themselves from environmental and human threats.

### **7.3: Protection from Arthropods, Rodent and Other Animals of Medical Importance.**

- Poor sanitation and improper waste management/disposal greatly increase the disease vector potential of common pests such as flies and rodents which can result in diarrheal disease epidemics. Battalion leaders should ensure that soldiers avoid the temptation to ignore or relax sanitation standards throughout their deployment and in the field and enforce good waste management as per the UN requirements.
- Safeguarding soldier health from environmental conditions inside and outside is during day and night and while working, resting, eating, and sleeping is a force multiplier that directly impacts operations.
- It is incumbent upon leaders to ensure that their soldiers have and use adequate skin insect repellent and mosquito netting as no peacekeeper is immune from diseases carried by arthropod vectors. One of the most threatening insects encountered by peacekeepers is the mosquito which carries malaria as well as yellow and dengue fever. Whereas there is a vaccine for yellow fever, there is none for malaria or dengue. Malaria and dengue have debilitated thousands of peacekeepers. Steps that should be taken to control these diseases include:
  - ★ Wear clothing over legs and arms and liberally use insect repellent in malaria and dengue infested areas.
  - ★ Avoid setting up camp locations near insect/arthropod breeding areas such as stagnant water bodies (marshes, ponds, water filled holes, etc.) and areas with high grass or vegetation. Clear vegetation in and around camps.
  - ★ Drain or fill in temporary standing water sights in occupied areas (empty cans, used tires, or puddles and wheel ruts after rain).
  - ★ Routine inspection and destruction of mosquito breeding sites in the camp vicinity. The use of oiling is recommended, while organophosphate insecticides should be considered for water bodies rich in vegetation.



- ★ Regular residual spraying of insecticides (in accordance with instructions and approved time schedules) on both internal and external walls, window sills, and areas where water collects to destroy resting adult mosquitoes.
- ★ Properly use mosquito bed nets when sleeping. Impregnate bed nets and even clothing with Pyrethrum or similar compound which provides increased protection against mosquitoes. Reapply repellent compounds as directed per the repellent's instructions.
- ★ Enforce obligatory use of insect repellents after dusk, with repeat applications at night when a soldier is on duty. DEET-based sustained released repellent lotions and ointments (NN-diethyl-m-toluamide) are recommended.
- ★ Supervision and enforcement of malaria prophylaxis is a national responsibility.
- Directions for the use of skin, clothing, and area insecticides and lice removing solutions should be scrupulously followed.
- Soldier's skin should be covered with clean clothing when arthropod threats are high.
- Regular washing of uniforms not only helps prevent heat injuries and improves morale but also removes arthropods and their eggs which may be attached to uniforms (such as lice nits).
- Ensure that soldiers in high arthropod threat areas sleep under mosquito nets.
- All soldiers should be trained to take precautions to prevent spider, scorpion and centipede bites. Soldiers should always shake out and inspect clothing, shoes and bedding before use.
- Soldiers should check the area where they plan to sit or lay down, including field latrines seats where spiders and scorpions may be resting. Soldiers should always use a ground cover such as a poncho over areas where they sit or lay down in order to avoid direct contact with the ground and vegetation where these creatures live.
- Snakes pose the same threats as arthropods do and peacekeepers should take the same precautions to avoid getting bit. As a general rule, soldiers should not handle, play with, or disturb snakes or other wildlife. If bitten, the soldier should try to kill the snake and bring it's head to the medical treatment facility ensuring that the snake is dead, the dead snake is han-



dled from a distance, and the snake cannot bite again (snakes can inflict fatal bites by reflex action after their death).

- Rodent control and elimination is vital battalion task.
  - ★ Worldwide, rats and mice spread over 35 diseases. These diseases can be spread to humans directly, through handling of rodents, through contact with
  - ★ rodent feces, urine, or saliva, or through rodent bites. Diseases carried by rodents can also be spread to humans indirectly, through ticks, mites or fleas that have fed on an infected rodent.
  - ★ All battalion personnel should make an effort to eliminate sources of rodent food and shelter. Such methods include:
    - ★ Utilization of covered trash containers, not just plastic or paper bags.
    - ★ Do not leave food out to include birdfeed and garbage.
    - ★ Store firewood and lumber at least 12 to 18 inches off the ground.
    - ★ Keep grass cut around buildings and along fences.
    - ★ Dispose of fallen fruit from trees and shrubs that fall into the base.
    - ★ Seal holes in walls, pipes and utility lines.
    - ★ Carefully follow directions for rodenticides.
- It is incumbent upon the Battalion Commander, unit leaders, and members of the battalion field sanitation team to inspect and enforce food storage, preparation, and disposal standards that combat costly spoilage and disease due to weather and animal threats.

#### **7.4: Poisonous Plants and Toxic Fruits.**

Peacekeepers may encounter poisonous plants and toxic fruits they are not familiar with. The thorns, leaves and fruits can cause significant harm to peacekeepers, ranging from minor wounds to rapidly fatal poisoning. Soldiers should be made aware of new environmental threats they may encounter. Protective measures from harmful vegetation and fruits include:

- Wearing proper clothing including gloves, inhalation protection, and eye protection when working around or with poisonous and thorny plants and with herbicides or controlled burnings to eradicate noxious and dangerous vegetation in and around the base of operations.
- Training soldiers to recognize poisonous plants and avoid areas where they grow.



- Only eating plants, parts of plants, or fruit that are known to have been approved by battalion medical personnel.
- Not putting grass or woody twigs or stems into mouths as they may be poisonous.

### **7.5: Food-, Water-, and Waste-Borne Diseases and Illnesses.**

Prevention of food-, water- and waste-borne diseases requires a combined UN and TCC effort and responsibility to ensure quality control for procurement, storage and preparation of food, as well as for the supply of potable water and a shared effort to ensure high standards of sanitation and proper management and disposal of wastes. Although not directly responsible, the battalion senior medical officer and other contingent medical personnel should assist logistics, engineering and hygiene inspection personnel in maintaining these standards.

Infectious diarrhoea that can cause varying levels of incapacitation and discomfort to peacekeepers results from contamination of water and food by bacteria, viruses and parasites. Such water- and food-borne diarrheal diseases are a major concern to the battalion because they can be spread to large numbers of peacekeepers simultaneously with disastrous consequences for battalion readiness. Parasites (amoebas, *Guardia*, and tapeworms) consumed in water or undercooked food, especially meat and fish, can cause prolonged illness. Diarrhoea, especially when vomiting or fever is present, can cause dehydration that soldiers also should recover from in order to effectively perform their duties and remain healthy.

### **7.6: Measures to Avoid Water Based Illnesses.**

- Battalions should train peacekeepers at all levels on how to properly treat water and battalion leaders should enforce the discipline that all soldiers should only drink and cook with treated water that is free from bacteria, viruses, parasites, and other contaminants such as toxic metals and chemicals.
- Water may be properly purified by a variety of methods from the individual soldier canteen level to the camp support level. Methods include boiling, use of chemicals, and use of manual and mechanic filtration systems. These methods are in numerous military and equipment manuals in possession of most TCCs.





- TCCs should make sure their battalions are supplied with the proper supplies and equipment to purify water when UN water treatment assets are not initially or readily available.
- Inspect all water containers for contamination and clean all water containers with properly treated water before filling them with treated fresh water. Containers may contain debris, garbage, or other contaminants that can pollute water over time.

### **7.7: Measures to Avoid Food Based Illnesses.**

- Wash hands thoroughly with soap and drinking (potable) water or hand cleanser prior to touching eating utensils or food and after handling any item that can potentially transfer germs.
- Wash mess kits and eating utensils with treated water and a disinfectant solution set aside for this purpose after eating. Not doing so is a sure way for a soldier to get diarrhoea.
- The battalion and its soldiers should not buy or handle foods, drinks, or snacks from civilian vendors unless food from that vendor is approved by medical or preventive maintenance personnel.
- Wild or bush meat should be especially avoided as it may not be properly cooked and may contain parasites or a pathogen, (such as the Ebola virus) that could cause incapacitation or death.
- Inspect and clean all food prior to cooking and eating.
- Inspect all cans and food packets prior to use. Discard all cans with leaks or bulges. Discard food packets with visible holes or obvious signs of deterioration.
- Locate latrines as far from food operations (100 metres or more) and water sources.

### **7.8: Measures to Avoid Waste-Borne Diseases.**

- Battalions and dispersed companies should be in compliance with established UN environmental policies for the management and disposal of waste for the main duties deriving from the Environmental Policy that the Infantry Battalion has to implement.
- The DPKO and DFS have published dedicated environmental policies and guidelines for UN Field Missions that detail how the battalion



should manage human and other waste, wastewater and hazardous substances. All battalion personnel are required to conduct themselves and handle their waste in accordance with these guidelines.

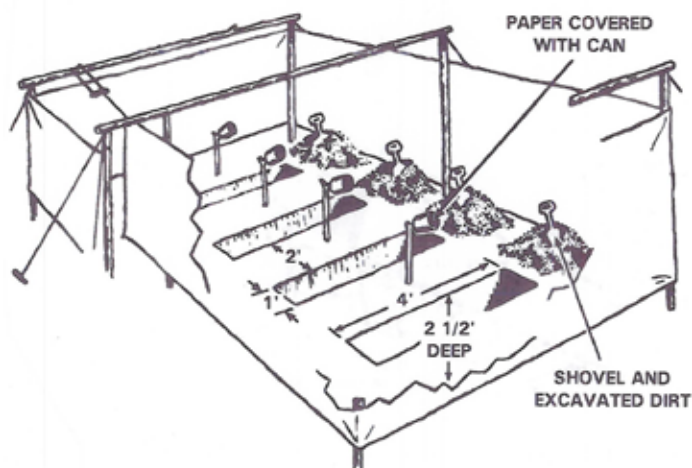
- Many environments that the UN forces find themselves, due to conflict or remoteness from public sanitation works, have weakened or no infrastructure to accommodate the sanitation needs of the additional population of UN personnel. A battalion's improper treatment and disposal of solid waste and/or wastewater and its violation of sanitation and environmental guidelines found in UN publication *DPKO-DFS-Environment Policy*, 11 May 2009 and its associated guidelines may have grave consequences for UN personnel and the local population as well as on the public perception of the UN mission.
- Therefore, it is incumbent upon the Battalion Commander to ensure that all battalion bases of operation and soldiers comply with UN established methods for handling and disposing of waste/wastewater. Battalions following mandatory guidelines in this publication demonstrate positive, preventative and enduring actions that minimize the risk to the health and safety of peacekeepers, UN staff and the civilian populations that the battalion is mandated to protect.
- Temporary field expedient methods of human waste disposal while battalion personnel are on the move (and without proper toilet and waste facilities) may include the use of a small hole in the earth (20 cm deep), at least 30 metres from any water streams, to bury faeces and garbage that are not bagged and transported to a proper disposal site. This waste should be covered immediately to prevent flies from spreading germs from waste to peacekeeper food and buried deep enough to keep unwanted animals from digging up the faeces and trash or frequenting the peacekeepers bivouac area. Proper disposal of waste from temporary battalion camps and break sites in the field establish proper health conditions and present a positive message to the communities in which peacekeepers work.
- The management and disposal of battalion medical waste requires special attention as such waste is considered hazardous wastes. Medical waste includes all bio-medical wastes such as limbs, organs, blood and blood-stained materials, needles, syringes, pharmaceuticals and



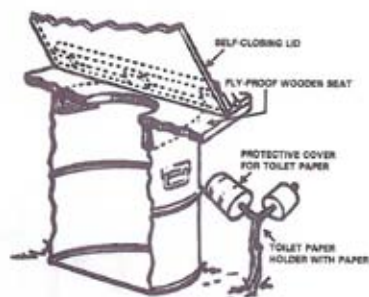
any medical associated such as X-ray fluids. Battalion medical waste should be disposed of either by incineration, other suitable methods (e.g., sterilization, microwave methods, and electro-thermal deactivation) or by local contracts with medical agencies of the host nations.

- Regardless of the chosen mode of disposal, it is pertinent that medical authorities ensure the disposal method does not present any immediate or future danger to personnel or the local population. Proper methods to handle medical waste include the use of disposable gloves when working with biological materials, use of coveralls or aprons to protect skin and clothing, the wearing of protective goggles, glasses or face-masks to prevent eye and internal contamination.
- Other hazardous waste such as POL, tyres, electronic waste, batteries, etc. should not be buried and should be segregated and handled in a very careful way. Segregation of waste before choice of disposal is the key to proper management. The battalion has to coordinate disposal actions of these hazardous wastes through the military environmental focal point with the mission HQ and the mission's environmental officer.
- At times, battalion elements may be required to establish temporary bases before UN support agencies can establish waste disposal facilities. In such cases, temporary solutions to last several days are required to prevent environmental degradation and to keep camp areas clean before facilities to handle human waste can be established in accordance with UN environmental and medical standards.
- Many military manuals worldwide provide examples and guidelines for improvised solutions for the maintenance of field hygiene and sanitation in start up operation bases and bivouac sites. Examples of three (03) site-specific human waste disposal methods common to militaries are below. Such solutions normally require just shovels and scrap material to set up for the protection of waste-borne disease illness. These are short-term solutions only and must be replaced by proper facilities as soon as possible.

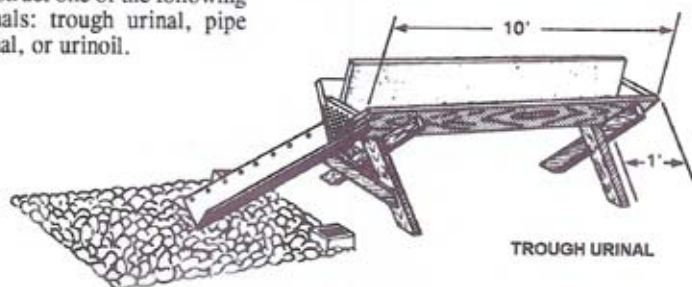
**Straddle trench latrine**—Used on short bivouacs and field training exercises. Two trenches per 100 males and three trenches per 100 females.



**Burn-out latrine**—Use where water table is too close to the surface of the ground for digging a pit latrine, or stay is for an extended period.



**Urinals**—For male latrines, construct one of the following urinals: trough urinal, pipe urinal, or urinoil.





- It is incumbent upon the Battalion Commander to ensure that the battalion takes actions to integrate environmental measures into its planning and operations in order to avoid and minimize the impact of activities carried out by the mission and its staff on the environment and to protect human health from such environmental impacts. This includes battalion observance of national environmental laws, regulations and local customs (if feasible in support of the mission mandate) governing the environment in general or those governing specific subjects such as health, nature and natural resources, wild life conservation, forestry as well as any UN related policies and guidelines and missions specific environmental objectives. It is therefore important to liaise with the Mission Environmental Officer and/or Military component's environmental focal point.
- It also includes the requirements to clean temporary waste sites and permanent waste sites that are no longer in use to their natural state in accordance with UN environmental guidelines; to conduct environmental impact studies at the battalion level on battalion waste disposal management that consider impacts on aspects such as water table, soil and air contamination effects on the operation base and local community; and the requirement to consult with any operations base property owners as well as local property owners and citizens.

### **7.9: Personal Hygiene and Physical and Mental Fitness.**

Maintaining hygiene and physical fitness does not just start when peacekeeping soldiers begin predeployment training and stop when soldiers begin their deployment. These activities play a vital role throughout deployment by keeping a peacekeeper physically and mentally fit to perform their peacekeeping missions. It is incumbent upon Battalion Commanders to ensure that their peacekeepers of both genders initially deploy with enough hygiene and recreation supplies to support hygiene, physical fitness and mental health. Peacekeepers deploying to mission locations where key hygienic supplies are not likely to be resupplied or are in short demand should prepare to deploy with enough items they require to last them their entire deployment (e.g., prescription pills, sanitary napkins or tampons for females, razors for males). Considerations to keep soldiers fit and healthy for peacekeeping duties include:

- Ensure key battalion leaders and health personnel inspect soldiers and facilities such as kitchens, medical facilities and latrines on a daily basis to



enforce their daily cleaning and proper hygiene, sanitation, and occupational safety in and around operational bases and in the field.

- Develop, publish, and enforce an SOP on measures to maintain an environment with good hygiene and sanitation at battalion HQ, company, and team site locations. SOPs should include procedures reporting of unsatisfactory and unsafe infrastructure and acts and procedures to request and implement corrective action.
- Develop and implement an enduring awareness campaign on hygiene, public health and sanitation related issues.
- Monitor the immunization status and malaria and other prophylaxis of all uniformed personnel in the battalion. Take corrective action to ensure prescribed standards are maintained in accordance with immunization and prophylaxis regimens.
- Battalion officers should inspect food preparation and storage areas as well as ensure proper food handling and transportation on a daily basis. Officers and assigned medical personnel should conduct routine examination and certification of kitchen personnel, including bacteriological examination of stools for pathogens.
- Battalion medical personnel should immediately investigate and combat any suspected outbreak of food poisoning or gastroenteritis and report causes to their commander.
- The Battalion Commander with the aid of the chief medical officer should establish battalion policies concerning the procurement and consumption of local food and water by the battalion, sub-units, and individual soldiers.
- Develop policies and SOPs for the disposal of wastes/wastewater, including human and hazardous wastes (including medical).
- Ensure that logistics and medical personnel conduct regular and daily checks on the quality of the production and storage of potable water.
- Develop aggressive command strategies that that discourage unprotected sex and sexual relations between peacekeepers and locals. This is especially important when soldiers deploy with the HIV virus or deploy to areas with high rates of HIV. Such an aggressive zero-tolerance battalion policy in regards to avoidance of sexual exploitation and abuse (SEA) has the added benefit of putting the battalion in good standing with local leaders and protects the battalion and the UN from issues stemming from SEA or the proliferation of sexually transmitted diseases.



- Maintain peacekeeper physical fitness and cleanliness as clean and fit peacekeepers are less likely to get sick or injured.
- Discourage the sharing of personal hygiene equipment by ensuring soldiers have enough stock of hygienic items on hand and available or that soldiers deploy with enough hygienic items to see them through the resupply.
- Ensure soldiers prevent tooth decay and gum infections on long deployments through dental examinations immediately prior to and during deployments. Ensure soldiers are provided with an adequate supply of dental care supplies.
- Ensure all soldiers drink enough fluids and female soldiers in particular are provided with enough latrine privacy so that they are not inhibited from eliminating urine when they need to. This prevents female urinary tract infections which is one of the most frequent medical problems face in the field.
- Ensure soldiers get adequate sleep in clean and mosquito free environments and those peacekeepers only sleep in designated areas. Soldiers should never sleep in running vehicles or on or under vehicles that may run over them or cause carbon monoxide poisoning.
- Peacekeepers should be trained to recognize the signs and symptoms of stress in themselves and the soldiers around them. Ways to reduce and build resistance to stress which effect peacekeeper mental health and job performance include teaching soldiers how to relax quickly, encouraging soldiers to talk about any issues that are causing stress, establishing activities to reduce stress such as providing soldiers regular access to athletic equipment, videos, books, and Internet/phone access.

## **8. Environmental Safety and Occupational Health (ESOH).**

### **8.1: General**

ESOH is a cross-disciplinary area concerned with protecting the safety, health and welfare of the battalion's soldiers. Establishing and taking appropriate ESOH measures fosters a safe work environment for battalion personnel as well as for the local population and environment. Occupational hazards to peacekeepers typically fall into the following four broad categories:



- Chemical hazards which arise from excessive airborne concentrations of mists, vapours, gases and solids (fumes and dusts).
- Physical hazards which include exposures to excessive vibration, noise, ionising and non-ionising radiation, temperature extremes, infrared or ultraviolet light (e.g., welding), ergonomic hazards such as lifting, electrical hazards, such as, frayed electrical cords, and injuries resulting from, for example cuts, needle sticks.
- Biological hazards which are caused by living organisms that, upon exposure, may cause infections to humans such as HIV, hepatitis, Lassa Fever, Dengue Fever, TB, SARS, etc.
- Psychosocial stress hazards such as shift work, sexual harassment, verbal and physical violence, and actual or perceived danger encountered in the battalion AOR.

Good practices to prevent hazards from harming peacekeepers are generally easy to mitigate through minor construction works, the use of safety equipment (such as hearing protection, gloves and goggles), and the establishment of easily accessible safety features as well as policies and practices that enable corrective action. Illness due to HIV/AIDS and sexually transmitted infections and injury due to vehicle accidents are two particular ESOH hazards which effect battalion peacekeepers worldwide. Therefore, it is a command responsibility to control and mitigate these in the battalion.

## **8.2: HIV/ AIDS and Sexually Transmitted Infections.**

Sexually transmitted infections (STIs) and HIV are particularly devastating occupational diseases that affect UN battalion peacekeeping troops and the local population they live amongst. Current UN policy, in accordance with ST/Secretary-General Bulletin/2003/13, establishes that the UN has a zero-tolerance policy with respect to sexual exploitation and abuse (SEA) and dictates, "United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children,...; sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal", "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority of consent locally..."; and exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrad-





ing or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance”.

STIs and HIV infections are largely preventable through proper health education and training. Elements of such a programme include detailing risk factors which contribute to the particular vulnerability of deployed peacekeepers to STIs and AIDS:

- Lengthy periods away from home and from regular sex partners.
- Influence of alcohol, recreational drugs, and peers in deployments where the zero-tolerance policy on SEA, alcohol and recreational drug consumption is not fully enforced.
- Less inhibitions and restrictions in new country.
- Money in the pockets, with less opportunity to spend this during operational deployment.
- Risk-taking ethos and behaviour in the military, which is part of the make-up of many soldiers regardless of nationality.
- Easy access to sex workers near campsites and off-duty areas.
- In some situations, higher tendency for drug abuse.

### 8.3: Road Traffic Accidents.

Road conditions can be unpredictable in the battalion AOR. Drivers should be trained and licensed to operate, conduct self-extraction, and conduct operator level maintenance on the vehicle they drive. All vehicles are required to be in good repair prior to use and be equipped with safety equipment. Road accidents are caused by three main factors:

- Human Factors (Road Users). The statistics show that 92 percent of road accidents have been caused by road users who infringed the traffic law, for instance driving faster than limited speed, driving carelessly, getting drunk during driving, etc.
- Road Defect. One part of road accident has been caused by road/bridge infrastructure, which is not yet in the appropriate safety to standard, for example, potholes in the road.
- Vehicle Defect. Vehicles have caused road accident because their owners did not properly maintain and regularly inspect the vehicle during the operation. So the road accident occurred due to brake failure, tire blow-out, power steering failure and headlight failure.

**Road Safety Programme.** Most traffic accidents occur due to driver and supervisor errors. Basic components of a road safety programme include:



- Commander's emphasis on road and vehicular safety.
- Clearly documented safety regulations and Standard Operating Procedures (SOPs) which are understood by all drivers and vehicle occupants. These measures have to be strictly enforced (e.g., speed limits, use of seat-belts, alcohol control, vehicle breakdown drill).
- Establish certified driving training programmes and standards for military and heavy vehicles new as well as experienced drivers deploying on UN missions.
  - ★ Drivers are trained, tested, and certified to operate vehicles in all weather and light conditions and over rough terrain that replicates conditions in AOR.
  - ★ Battalion maintains a pool of at least two trained and certified soldiers with additional skills as driver/operators for each vehicle in its inventory.
  - ★ Drivers drive with assistant driver on hand. Drivers are trained to respond to and report accidents and vehicle injuries IAW mission SOPs.
  - ★ Driver is trained, tested, to perform operator-level emergency repairs including but not limited to self-extraction, tire repair and changing, towing, etc.
- The establishment and conduct of regularly scheduled maintenance that is accountable and closely supervised.
  - ★ Driver and motor pool personnel perform daily Preventive Maintenance Checks and Services (PMCS) prior to the operation of any vehicle and a record of this is maintained in the logbook assigned to the vehicle.
  - ★ PMCS as a minimum shall include a quick visual inspection and walk around of the vehicle to ensure that the tires are properly inflated and that brake, signal lights, headlights are working properly, and no obstructions or personnel are obstructing vehicle movement; petroleum, oil and lubrication levels are at the full level.
  - ★ Vehicle being driven contains emergency repair, fire extinguisher, emergency triangles, and first aid equipment that is complete and in good working order.



## Annex K

(Refers to Vol. II, Chapter 1,  
Section 1.4.1.1, p. 9)

# AFTER ACTION REVIEWS AND HANDOVER NOTES

## Guidelines for After Action Reviews.

1. **Definition.** An After Action Review (AAR) is a discussion of an action, activity or project that allows a team to reflect on what happened, why it happened, what was learned, what follow-up action should be taken and how it can be done better next time. Ideally, AARs should be a routine part of any action, activity or project with a view towards making recommendations for improving the efficiency and effectiveness of the organization.

2. **Purpose.** The purpose of AARs is to inform future projects and actions (either by the same team or by others in the same or other missions) by identifying lessons and actionable recommendations. AARs should be conducted in a spirit of openness and learning—they are not performance reviews and should not be conducted in order to allocate blame (or credit), but rather to encourage honest evaluation by practitioners. AARs allow a team to capture lessons immediately following a (phase of a) project or action. AARs can also contribute to team-building.

3. **Who.** AARs should be conducted by units or teams. All members of the unit or team (regardless of their rank or status), or in the case of a very large team someone representing each key aspect, should participate. If a project or action was carried out closely with another office or unit, they may be invited to participate as well. However, the larger the group, the more difficult it is to maintain an open environment for the exercise.

A facilitator could be appointed to promote discussion, draw out lessons learned, and ensure that an open environment is maintained throughout the exercise. The facilitator should be someone who was not closely involved in the project or action, and who will have no interest in the project in the foreseeable future, so s/he can remain objective. At the same time, it should be someone who has some knowledge of the subject matter and issues under discussion. The facilitator should not criticize any comments and should avoid personalizing the issues.



In field missions, the Best Practices Officer (BPO) will act as the facilitator as well as other staff members as they become familiar with how to conduct AARs. Although other officers undertake facilitation, the BPO is always available to assist or advise.

4. **When.** AARs should be conducted immediately (usually within two weeks) following a project or action (or a phase of a project or action), while the team is available and memories are fresh. AARs should be conducted after activities that fulfil any of the following conditions, but should also primarily be included as part of the BPO work plan:

- The activity is an identified Departmental priority for which HQ is developing, or planning to develop, guidance and policy.
- The activity/project will recur over time within the mission or office (e.g., budget or planning exercises).
- The activity constitutes a major event for the mission or office (e.g., resolving a hostage crisis).
- A similar activity/project is likely to take place at some point in another mission or office where the staff members can benefit from each others' experience (e.g., an ambush, a DDR exercise, a donor conference, organizing elections, a budget process, etc.).

The length of an AAR can vary, depending on the project or action reviewed. If possible, AARs should be conducted periodically throughout a project or action, so that the phase or activity to be reviewed is not overwhelming.

#### 5. **How.**

**Initiation of an AAR.** Any team/office/unit member can suggest the convening of an AAR, as well as the BPO and the head of mission. The team should:

- Decide on whether to ask for a facilitator.
- If no facilitator is needed, decide who would be the discussion leader (preferably not the team leader).
- Identify a note-taker, who will summarize the AAR at the end and prepare the report.
- Decide on the length of the AAR (e.g., 30 minutes, 2 hours, half-day, etc.).
- Decide when to hold the AAR.



6. **Who.** All involved in the activity at all levels. Those who cannot attend the AAR and wish to contribute may be interviewed beforehand by telephone or through other means of communication.

## AAR

7. **Introduction.** At the outset, the facilitator or discussion leader goes over the purposes and principles of an AAR, emphasizing that it is a learning exercise and not a performance evaluation. The facilitator or discussion leader should encourage a spirit of openness and trust and point out that all members will be treated as equal participants regardless of grade level.

7.1. **Process Mapping and Methodology.** The facilitator/discussion leader refers the group to the Guidance Framework to identify the specific “peace-keeping processes” that were involved in the action, activity or project. If possible, the facilitator could conduct a process mapping exercise with the group to clearly define how the processes fits together, including a discussion of key points in the overall action that were critical to its success or failure. Existing process guidance should be referred to, and conformity or divergence between how the process was conducted and official guidance should be noted and explained.

To help other colleagues avoid having to “reinvent the wheel”, the AAR should summarize the methodology, sequence and tools used by the team in the course of the project. The purpose is to provide a clear and concise account of how the activity was carried out for the benefit of future colleagues conducting the same process in the same or another mission. Useful project documents such as checklists, staffing tables, terms of reference, planning documents, assessment sheets, etc. should be gathered and attached as annexes. This portion of the AAR, being quite factual, may be done ahead of the AAR meeting and constitutes a useful way for a facilitator to get briefed on the event prior to the AAR meeting.

7.2. **Review of Objectives and Deliverables.** The facilitator/discussion leader then asks a set of questions that help identify what the team had set out to do in the project/action and whether those objectives were met. Typical questions are: “What did we set out to do?” “What was supposed to happen?” “What did we actually achieve?” “What actually happened?”. At this point, the participants do not yet explore why the objectives were met or not met. It may be useful to use a flowchart or identify specific tasks, deliverables or decision points.



**7.3. Identification of “Best Practices”.** The facilitator/discussion leader asks a number of questions that attempt to identify best practices in the project/action. For example, the facilitator/discussion leader may ask “What went well? Why?” or “What are things that are worth repeating in a similar project? Why?” It is more constructive to start out with identifying these best practices rather than focus at first on what went wrong and will create an environment in which discussion is likely to flow more freely.

**7.4. Identification of Areas of Improvement.** The facilitator/discussion leader asks questions that help identify areas of improvement. Typical questions are: “What could have gone better? Why and how?” “What should we do differently next time? Why and how?” The questions should not focus on the negative but rather on how things could be improved for future projects and actions. If participants are not forthcoming, the facilitator/discussion leader may ask each member to write his/her comments anonymously, which will then be shared with the whole group. Another useful discussion tool could be to ask the members to rate the project/action on a scale of 1 to 10 and ask them to describe what would have made it a “10” for them.

**7.5. Identification of Actionable Recommendations.** In reviewing all of the above questions, the team should identify a number of actionable recommendations for similar projects and actions in the future. The recommendations should be specific, clear, actionable and achievable. For example, instead of “More time is needed for planning”, the recommendation should say, “Allocate at least three meetings over a period of two weeks for planning.” Recommendations that could be applied DPKO/DFS system wide should be specifically listed and directly correlated to address a specific issue.

**7.6. Documenting the AAR and Sharing the Lessons.** The note-taker summarizes the learning identified in the AAR session. The document should not exceed 2-3 written pages and should focus on specific actionable recommendations. However, annexes, including the process map created in step 2 and any other illustrative flowcharts, are strongly encouraged.

## After the AAR

8. The note-taker shares the AAR with team members and facilitator to ensure that the learning is accurately reflected. The note-taker submits the AAR to all team members, the mission Best Practices Officer (if available),



and the relevant office at UN HQ and to PBPS at [peacekeeping-bestpractices@un.org](mailto:peacekeeping-bestpractices@un.org). Although the drafter should ensure that the AAR reflects the views of the participants, the AAR does not have to be cleared by senior management since it represents a personal learning account by individual staff members or teams. It is absolutely necessary, however, that the AAR be endorsed by the team.

**9. Follow-up.** PBPS will periodically review all After Action Reviews and, in consultation with relevant offices, provide an analysis of recommendations with potential system wide impact. Missions and individual offices are also encouraged to follow up on the recommendations contained in AARs in view of improving their effectiveness in real time.

**10. Comments received on the AAR.** Comments on AARs are welcome, and a specific section has been included in the template to insert comments received from readers after the AAR has been posted. Practitioners may write to [peacekeeping-bestpractices@un.org](mailto:peacekeeping-bestpractices@un.org) mentioning their name, function, mission and the title of the report they are commenting on. Comments will be added to the report and a new version will be uploaded on the Peace Operations Intranet.

**11. Archive and Access.** The relevant office at HQ and the Policy and Best Practices Service will keep a copy of the AAR. PBPS will make AARs available to all staff, at HQ or in the field, through the Peace Operations Intranet.

## **12. After-Action Review Template**

Name of event/project:

Date of AAR:

**Date or Duration of event/project:** If the AAR covers only part of a project, this should be indicated.

### **Team members:**

List all team members of the project (by title and/or name), then identify those who participated in the AAR.

### **Individual who called the AAR:**

### **Individual who facilitated/led the discussion at the AAR:**

**Background.** Background to the event or project under review. This section could include a brief history of the project or event and facts and figures.

**Objectives of the event/project.** Indicate what the intended or stated objective of the event/project was. If there is no consensus among the participants about the exact objective, this should be noted here.



Achievements/results of the event/project. Summarize the main achievements and results of the event/project. Include achievements that led towards meeting the objective, as well as other unintended results (positive or negative).

Process Mapping and Methodology. This section should include references correlating the processes involved in the action to the Guidance Framework (e.g., 2000 Series: HQ Support to Operations/Command and Control and Executive Direction/Field Roles and Responsibilities). If possible, a process map should be included to describe the sequence of actions leading to the final result. Existing guidance on the process should be referred to, and conformity or divergence between how the process was conducted and official guidance should be noted and explained.

Help colleagues avoid having to “reinvent the wheel” by summarizing the methodology and tools used by the team in the course of the project. The purpose of this section is to provide an account of how the activity was carried out using what tools in view of facilitating replication in another mission. Useful project documents such as checklists, staffing tables, terms of reference, planning documents, assessment sheets, etc. should be attached as annexes.

**Best practices/what worked well.** Note activities or approaches that worked well. Specifically, note approaches/activities that, in the group’s opinion, could or should be adopted or repeated by others conducting a similar exercise in the future.

**Lessons learned/what did not work well or could be improved.** Note activities or approaches that proved to be problematic. Specifically, note activities or approaches that should be avoided by others conducting a similar exercise in the future.

**Quotes from the AAR.** Note memorable and highly descriptive quotes from the AARs. Select the quotes on the basis of how representative they are. They should succinctly describe the learning that occurred in the AAR.

### **Specific Actionable Recommendations.**

Mission-Level. Provide recommendations on how best to execute the event/project under review. Recommendations should be action oriented. For example, when the “what did not work well” section above includes “We had no clue what was expected of us”, the recommendation could be





“define and distribute the objectives of the tasks well in advance of the project”.

DPKO/DFS-Level. Include actions that should either be repeated or avoided in a similar event or project in other missions or DPKO/DFS HQ, paying particular attention to how things should be done differently to improve the overall event/project. Recommendations that could be applied in DPKO/DFS system wide should be specifically listed and directly correlated to address a specific issue. Identify areas where policy development could provide a solution.

**Keywords associated with this AAR.** Identify some keywords to be associated with the AAR for search purposes.

**Background documents.** List relevant background documents, such as, a project proposal, project management documents, or any available guidance relevant to the activity or project.

**Contacts.** List a contact person (or people) for follow up questions. Include names, titles, phone numbers and e-mail addresses.

**Comments received on AARs.** Comments on this AAR are welcome. If you would like to add a comment, please write to [peacekeeping-bestpractices@un.org](mailto:peacekeeping-bestpractices@un.org) mentioning your name, function, mission and the title of the report you are commenting on. Your comments will be added to this report and a new version will be uploaded on the Peace Operations Intranet.

### 13. Mission Handover Notes

13.1 : Definition. Handover Notes are documents created by staff members who are about to leave their positions, either temporarily or permanently, to assist their successor to carry out their duties.

**13.2 : Purpose.** To provide the staff member’s successor with key knowledge and information regarding the position so that the transition period is as short and smooth as possible.

**13.3 : Who.** Any staff member who is about to leave his/her position, and holds a post that will continue to exist within the mission, is required to write a handover note. They shall be written even when a staff member is leaving his/her position to assume new duties within the same mission or office. In the case of a temporary absence, particularly if the absence is



longer than four weeks, it is strongly suggested that the staff member shall agree with the supervisor on whether a handover note should be written and if so how detailed it needs to be. A staff member who was temporarily covering the functions due to a colleague's absence shall also write a handover note to ensure a smooth transition back.

**13.4 : When.** Handover notes shall be finalized during the week before the staff member leaves his/her position. Ideally, there should be a period of overlap with the staff member's successor. If this is not possible, the staff member should send the handover note to his/her successor before departing and supplement the note with phone conversations or by e-mail. The staff member should also leave a handover note with his/her supervisor. When staff members assume duties at new positions, they should request a handover note from their supervisor, if one was not already received.

**13.5 : How.** Handover notes should be no longer than 3-4 pages, excluding attachments. They should be factual rather than analytical. Handover notes of Section Chiefs are required to be accompanied by a list of, and a CD containing, all the manuals, standard operating procedures, guidance and training modules and all materials that his/her section produced. The attached template should be used. Sections of the template that do not apply to the staff member may be ignored.

**13.6 : Reporting.** The departing staff member should provide a copy of the handover note to his/her successor and his/her supervisor. Handover notes are a required step of the mission check-out process. The supervisor should indicate that they received a handover note from the staff member during the check-out process (for example, on check-out forms or in a separate note to Personnel).

**13.7 : Distribution, Archive and Access.** The successor, his/her office and the mission's Personnel section shall maintain a copy in the files. If the information and knowledge is still valid and relevant, the successor may pass it on to the next successor, along with his/her own handover note. Handover notes may be widely shared, with the consent of the author. They are not intended as confidential documents nor are they distributed through the Peace Operations Intranet due to their temporary nature.



## 14. Handover Note Template

**Name:**

**Index number:**

**Job Title:**

**Date of Handover Note:**

**Duration of Assignment (includes start and end date):**

**Brief Description of Duties:**

This section may be kept brief when up-to-date terms of reference (TOR) are attached.

.....

.....

**Supervisor and reporting procedures:**

**Regular/recurring meetings, reports or procedures:**

.....

.....

**Key Documents/reference material to read (attach when possible):**

.....

.....

**Status of recent and current activities/projects/reports/meetings:**

Name of project/report/meeting:

Status.

Action needed.

Partners.

Budget (if applicable).

Critical issues/challenges/priorities.

Repeat as many times as necessary. Indicate priority projects.

**Where to find files (hardcopy and electronic):**

**Calendar of major activities and/or events (optional):**

**Contacts (internal and external):**



Name	Organization	Phone	E-mail	Comments

**Your contact information after departure:**

Phone:

E-mail:

Fax:

Suggested attachments:

TOR/Job description.

Mission/Office staffing table, division of labour, organization table.

Key documents relevant for the position.

For section chiefs only: all SOPs, manuals and training modules and relevant materials.

**Signature and Date**

## Annex L

(Refers to Vol. I Chapter 8,  
Section. 8.4, p. 138)

# HIGH TECHNOLOGY EQUIPMENTS

## 1. Purpose.

The purpose of this Annex is to highlight some of the high technology equipment (but not limited to) that potentially enhance operational efficiency of military peacekeepers in performance of peacekeeping operations.

## 2. Helmet Cameras.

**Purpose.** To facilitate real time recording of information at the site of operations.

**Equipment Features.**



**Specifications.** High Definition, Light Weight, Built in Battery Pack, 5 hours and beyond recording capacity, Quick to Start, Easy to Mount.

**Cost.** Between 90\$ to 300\$.

## 3. Tactical UAV.

**Purpose.** Facilitate real time monitoring and relaying of critical information in support of peacekeeping operations in real time with live inputs.

**Equipment Features.**





**Specifications.** VTOL, Miniaturized/hand held, Compact, Automatic Flight Control, Direct Relay, Light Weight, Day and Night Sensors, Smart Imaging Technology, Long Range, Autonomous Operation,

**Cost.** Low cost (market price).

#### 4. Ground Surveillance Radar.

**Purpose.** To provide early-warning of threat to COBs and Force Protection.

**Equipment Features.**



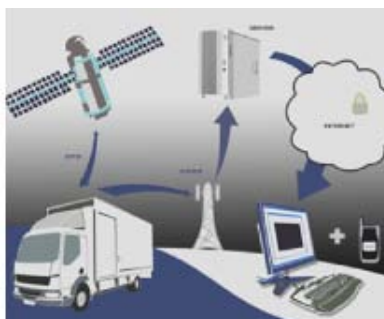
**Specifications.** Locate and identify personnel and vehicle movements, Minimum 2000 Metres Range, Man-portable and with Alternate Power Source.

**Cost.** Market price.

## 5. Electronic Tracker.

**Purpose.** To track and monitor all personnel, vehicle and helicopter movements based on a digital map located in the Battalion Operations Centre.

**Equipment Features.**



**Specifications.** Real time tracking of GPS, Satellite Monitoring, Digital Map Display, Process 300 entities.

**Cost.** Market price.

## 6. Mine Protected Vehicle.

**Purpose.** Provide protection from mines, UXOs and IEDs.

**Equipment Features.**



**Specifications.** Protection from Mine/UXO/IED Blast, Ballistic Protection, High Protected Mobility, 4x4 Configurations, Turret Weapon Mountable.

**Cost.** Market Price.

## 7. Bullet Proof Vehicle.

**Purpose.** For escort duties, faster protected (Ballistic) mobility, Deterrence Value, Close Support.

**Equipment Features.**



**Specifications.** Ballistic Protection, Protected Mobility, 4x4 Configurations, Turret and Sideways Weapon Mountable.

**Cost.** Market Price.







## Annex M

(Refers to Vol. II, Chapter 2  
Section 2.8.4, p. 98)

# UN MILITARY SYMBOLS

## Purpose.

The purpose of this annex is to familiarise with UN Military Symbols that are in use in the UNHQ and the field missions, which can be adapted by UN Infantry Battalions to complement national military symbols for use in peacekeeping operations.

## UN Military Map Symbols.

1. UN Guidelines for the publications of maps and use of symbols is governed by UN Publication ST/AI/189/Add.25/Rev.1. The basic symbols depicted below are generally in use at UN HQ and UN Field Missions.

Equipment Symbols				Mines	
	Light	Medium	Heavy		
Automatic Weapon				Antipersonnel (AP) Mine	
Mortar				Antitank (AT) Mine	
Antitank gun				Antitank Mine with Anti Handling Device	
Rocket Launcher				Directional Mine (Claymore Type) Arrow shows the Direction of Effects	
Gun				Unspecified Mine	
Howitzer				Mine Cluster	
Tank					
Aircraft / Aerial Vehicles				Minefields	
Reconnaissance				Completed Minefield (Unspecified Mines).	
Transport				Unspecified	
				Booby Trap	



## United Nations Deployment Symbols

	Actual location
	Proposed/Provisional location
	Group
	Section
	Platoon
	Company, Battery
	Battalion
	Regiment
	Brigade
	Division
	Corps
	Army
	Force Headquarters (FHQ)
	Brigade / Sector Headquarters
	Battalion Headquarters
	Headquarters
	Logistics
	Support
	Operation Base
	Temporary Operation Base
	Company Operation Base
	Platoon Operation Base
	Observation post
	Team site
	Check Point (Bottom point or an extension is exact location).
	Helipad
	Airfield

## Military Components

	Infantry
	Field Artillery
	Fixed Wing Aviation
	Communications
	Maintenance
	Recce
	Armour
	Mechanized
	Engineers
	Level 2 Field Hospital
	Level 3 Field Hospital
	Transport
	Ammunition
	Ordnance
	Helicopter Support
	Attack Helicopter
	Marine
	Formed Police Unit
	Special Force
	United Nations Police
	United Nations Military Observers
	Quick Reaction Force
	Force Reserve Battalion
	Force Reserve Company
	Bridging Company
	Demining
	United Nations Military Police
	Mortar Platoon
	Unmanned Aerial Vehicle
	Ground Surveillance

## Boundaries

	Sector boundary
	Inter-battalion boundary
	Company boundary

## Colour code for symbols

1. Blue for all UN elements
2. Green for all friendly forces
3. Black for neutral / other entities
4. Red for spoilers / aggressor
5. Yellow for unknown

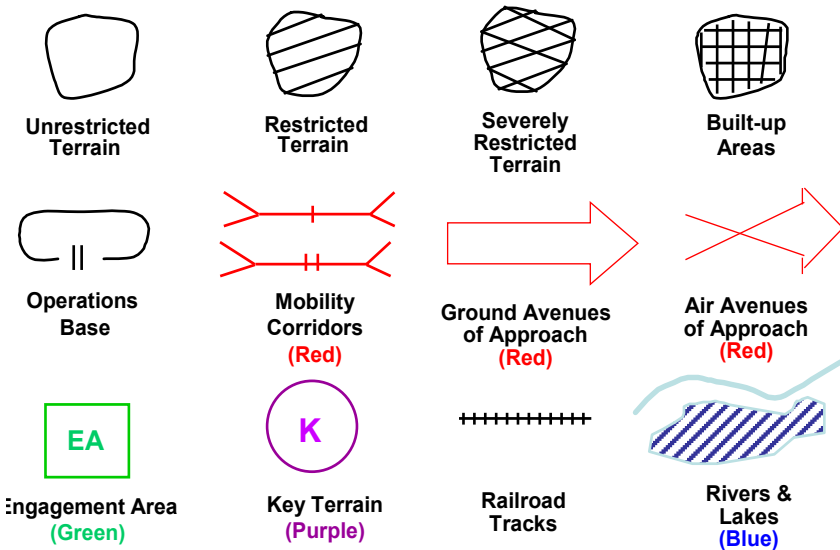


## Other Map Symbols.

2. All UN military components use a system of codified symbols to enable battalion staff to mark maps, charts, electronic displays and sand models. These symbols depict the location and activities of UN forces, UN agencies, and other relevant actors in the mission area. Military Map symbols can also show some basic information about UN forces, such as, a unit's location, ID, role, type, size, weapon's capabilities, and locations of weapon systems.

3. Currently, military components assigned to different UN missions use a variety of symbols to represent such as key terrain, obstacles, mobility corridors, hospitals, fire stations, Internally Displaced Persons (IDP) camps, religious buildings and sites, historical sites, types of roads, waterways, built up areas, vegetation, open areas, NGO/IO HQ, etc. Some of the most common and recognizable military map symbols used by many military components participating in UN peacekeeping operations are depicted below. The use of universal UN map symbols will facilitate standardization of the depiction of peacekeeping operations at UN HQ, Field Missions and contingents.

### Mobility and Obstacle Symbols



NOTE: Ensure all graphics & symbols are listed in the Legend.



Affiliation Symbols.

4. Affiliation refers to the status of a particular entity (civilian or military) in the battalion AOR. The basic affiliation categories are Unknown, Friend, Neutral and Hostile. A green rectangle frame denotes friendly affiliation; a black square frame denotes neutral affiliation, a red diamond frame denotes hostile or potential threat affiliation and a yellow quatrefoil frame denotes unknown affiliation.

Friendly	Neutral	Hostile	Unknown
			





## Annex N

(Refers to Vol. II, Introduction,  
Section 4, p. 3)

### ABBREVIATIONS

Serial	Abbreviation	Meaning
1	AAR	After Action Review
2	AFP	Agencies, Funds and Programmes
3	AGL	Automatic Grenade Launcher
4	AO	Area of Operations
5	AOR	Area of Responsibility
6	APC	Armoured Personnel Carrier
7	BIR	Battalion Information Requirements
8	BOC	Battalion Operations Centre
9	BOI	Board of Inquiry
10	BPO	Best Practices Officer
11	BZ	Buffer Zone
12	C3	Command, Control and Communication
13	CAN	Community Alert Network
14	CAO	Chief Administrative Officer
15	CDT	Conduct and Discipline Team
16	CDU	Conduct and Discipline Unit
17	CASEVAC	Casualty Evacuation
18	CFL	Ceasefire Line
19	CISS	Chief Integrated Support Services
20	CLA	Community Liaison Assistant
21	CMO	Chief Military Observer
22	CMOC	Civil-Military Operations Centre
23	CMS	Chief Mission Support
24	COB	Company Operating Base
25	COC	Company Operations Centre
26	COE	Contingent Owned Equipment
27	CONOPS	Concept of Operations
28	CP	Checkpoint
29	CPIO	Chief Public Information Officer
30	DDR	Disarmament, Demobilization and Reintegration
31	DFC	Deputy Force Commander
32	DFP	Detention Focal Point



33	DFS	Department of Field Support
34	DMS	Director of Mission Support
35	DMZ	Demilitarized Zone
36	DOA	Director of Administration
37	DPET	Division for Policy, Evaluation and Training
38	DPKO	Department of Peacekeeping Operations
39	DSR	Defence Sector Reform
40	DSRSG	Deputy Special Representative of the Secretary-General
41	DSS	Department of Safety and Security
42	DUF	Directives on Use of Force
43	EoAR	End of Assignment Report
44	EOD	Explosive Ordnance Disposal
45	ERW	Explosive Remnants of War
46	FBFD	Field Budget and Finance Division
47	FC	Force Commander
48	FCOS	Force Chief of Staff
49	FGS	Force Generation Service
50	FHQ	Force Headquarters
51	FPU	Formed Police Unit
52	FOB	Forward Operational Base
53	FOL	Fuel, Oil and Lubricants
54	GIS	Geographic Information System
55	GPS	Global Positioning System
56	HC	Humanitarian Coordinator
57	HIV/AIDS	Human Immunodeficiency Virus /Acquired Immune Deficiency Syndrome
58	HoM	Head of Mission
59	HoMC	Head of Military Component
60	HoPC	Head of Police Component
61	HQ	Headquarters
62	IASC	Inter Agency Standing Committee
63	ICG	Infantry Company Group
64	ICTD	Information and Communications Technology Division
65	IDP	Internally Displaced People
66	IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
67	IED	Improvised Explosive Device
68	IM	Infantry Mortars
69	IMC	Inter-Mission Cooperation
70	IMPP	Integrated Mission Planning Process



71	IMTC	Integrated Mission Training Cell
72	IMTF	Integrated Mission Task Force
73	IO	International Organization
74	OIOS	Office of Internal Over Sights Services
75	IOT	Integrated Operational Team
76	ISS	Integrated Support Service
77	JMAC	Joint Mission Analysis Centre
78	JLOC	Joint Logistics Operations Centre
79	JOC	Joint Operations Centre
80	LMG	Light Machine Gun
81	LOA	Letter of Assist
82	LOGOPS	Logistics Operations
83	LRP	Long Range Patrol
84	LSD	Logistics Support Division
85	MACC	Mine Action Coordination Centre
86	MCDA	Military and Civil Defence Assets
87	MCMS	MOU and Claims Management Section
88	MCOS	Mission Chief of Staff
89	MEDEVAC	Medical Evacuation
90	MET	Mission Essential Tasks
91	MILAD	Military Adviser
92	MLO	Military Liaison Officer
93	MMG	Medium Machine Gun
94	MOA	Memoranda of Agreement
95	MOU	Memorandum of Understanding
96	MOVCON	Movement Control
97	MP	Military Police
98	MPS	Military Planning Service
99	MRM	Monitoring and Reporting Mechanism
100	MTS	Misconduct Tracking System
103	NCO	Non Commissioned Officer
104	NGO	Non Governmental Organization
105	NSE	National Support Element
106	OCHA	Office of Coordination of Humanitarian Affairs
107	OHCHR	Office of the High Commissioner For Human Rights
108	OLA	Office of Legal Affairs
109	OMA	Office of Military Affairs
110	OO	Office of Operations
111	OP	Observation Post
112	OPCON	Operational Control



113	OPORD	Operations Order
114	PC	Police Commissioner
115	PDT	Predeployment Training
116	PDV	Predeployment Visit
117	PEP	Post Exposure Prophylaxis
118	PIP	Predeployment Information Packages
119	PIR	Priority Information Requirement
120	PM	Permanent Mission
121	POC	Protection of Civilians
122	POINT	Peace Operations Intranet
123	PTIP	Peacekeeping Tactical Information Preparation
124	PPDB	Peacekeeping Policy and Practice Database
125	QIP	Quick Impact Project
126	QRF	Quick Reaction Force
127	QRT	Quick Reaction Team
128	RC	Resident Coordinator
129	RL	Rocket Launcher
130	RO	Regional Organization
131	ROE	Rules of Engagement
132	RPG	Rocket Propelled Grenade
133	2IC	Second-In-Command
134	SA	Situational Awareness
135	SEA	Sexual Exploitation and Abuse
136	SOFA	Status of Forces Agreement
137	SOMA	Status of Mission Agreement
138	SOP	Standard Operating Procedures
139	SMSG	Special Representative of the Secretary-General
140	SSR	Security Sector Reform
141	SUR	Statement of Unit Requirements
142	TCC	Troop Contributing Country
143	TOB	Temporary Operating Base
144	TOE	Table of Organization and Equipment
145	UN	United Nations
146	UN-CIMIC	United Nations Civil Military Cooperation
147	UN-CMCoord	United Nations Civil Military Coordination
148	UNCT	United Nations Country Team
149	UNIBAM	United Nations Infantry Battalion Manual
150	UNIBAT	United Nations Infantry Battalion
151	UNICEF	United Nations International Children's Emergency Fund
152	UNDP	United Nations Development Programme





153	UNHCR	United Nations High Commissioner for Refugees
154	UNLB	United Nations Logistics Base
155	UNMAS	United Nations Mine Action Service
156	UNMO	United Nations Military Observer
157	UNOE	United Nations Owned Equipment
158	UNPKO	United Nations Peacekeeping Operations
159	UNPOL	United Nations Police
160	UNSAS	United Nations Standby Arrangements System
161	UNSCR	United Nations Security Council Resolution
162	UXO	Un-Exploded Ordnance
163	VBIED	Vehicle-Borne Improvised Explosive Device
164	VCCT	Voluntary Confidential Counselling and Testing
165	VTC	Video Tele-Conferencing
166	WO	Warrant Officer
167	XO	Executive Officer





## Annex O

(Refers to Vol. II,  
Introduction,  
Section 4, p. 3)

## REFERENCES

1.	Charter of the United Nations, 1945. ( <a href="http://www.un.org/en/documents/charter/index.shtml">http://www.un.org/en/documents/charter/index.shtml</a> ).
2.	Handbook on UN Multidimensional Peacekeeping Operations, 2003.
3.	DPKO/DFS United Nations Peacekeeping Operations Principles and Guidelines, 2008.
4.	DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions, September 2011.
5.	United Nations Security Management System, 2008.
6.	DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2009).
7.	DPKO/DFS Guidelines on Integrating a Gender Perspective into the Work of United Nations Military in Peacekeeping Operations, March 2010.
8.	DPKO/DFS Policy on Gender Equality in Peacekeeping Operations, 2010.
9.	Addressing Conflict-Related Sexual Violence, An Analytical Inventory of Peacekeeping Practice, 2010.
10.	DPKO-DFS Policy, Ref. [2009.17] on Mainstreaming the protection, rights and well-being of children affected by armed conflict within UN Peacekeeping Operations, 01 June 2009.
11.	DPKO/DFS policy on the prohibition of child labour in UN peacekeeping operations.
12.	United Nations Office on Drugs and Crime, Vienna, 2004.
13.	Conduct of peacekeepers and other law enforcement personnel (Tool 9.17).



14.	SOP on Implementation of Amendments on Conduct and Discipline in the Model Memorandum of Understanding Between UN and TCCs. (DPKO/DFS Reference 2011.01).
15.	The Role and Functions of HIV/AIDS Units in United Nations Peacekeeping Operations and United Nations Security Management System, 2008. (DPKO/DFS Reference 2007.11).
16.	Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse [ST/SGB/2003/13], 2003.
17.	Memorandum of Understanding between the United Nations and Troop Contributing Countries (including Annex H to the MOU) [A/61/19 (Part III)].
18.	Ethics in Peacekeeping, 2005.
19.	Engaging Civil Society in Peacekeeping, 2007.
20.	Civil Affairs - (DPKO/DFS Policy Directive on Civil Affairs (April 2008)).
21.	Civil Affairs Handbook, 2012.
22.	Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines, November 2007).
23.	Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines – November 2007).
24.	IASC Reference Paper on Civil-Military Relationship in Complex Emergencies, 28 June 2004.
25.	Civil Military Coordination in UN Integrated Peacekeeping Missions (UN-CIMIC), 2010.
26.	DPKO/DFS Policy Directive on Quick Impact Projects (QIPs), 12 February 2007.
27.	DPKO/DFS Guidelines on Quick Impact Projects (QIPs), 01 March 2009 (Under Review).
28.	DPKO/DFS Environmental Policy for UN Field Missions, 2009.6.
29.	Draft DPKO/DFS Environmental Guidelines for UN Field Missions, 2007.
30.	Defence Sector Reform Policy (UN DPKO/DFS Reference 2011.17).



31.	Report of the Secretary General ‘Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform’ (A/62/659).
32.	UN DDR Web - ( <a href="http://www.unddr.org">www.unddr.org</a> ).
33.	Integrated Disarmament, Demobilisation and Reintegration Standards, 2006. (IDDRS Module 4.10 on Disarmament, IDDRS Module 4.20 on Demobilization and IDDRS Module 4.40 on UN Military Roles and Responsibilities).
34.	Mine Action and Effective Coordination: The United Nations Inter-Agency Policy, June 2005.
35.	Peacekeeping and Peacebuilding: Clarifying the Nexus, September 2010.
36.	Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict, A/63/881-S/2009/304, 2009.
37.	United Nations, Department of Peacekeeping Operations and Department of Field Support, Ref. 2008.4, Policy on “Authority, Command and Control in United Nations Peacekeeping Operations”, February 2008.
38.	LCS/SUPPLY/GT Sourcing of UNOE Weapons and Ammunition in Peacekeeping Operations, 25 September 2002.
39.	DPKO/DFS Fuel Operations Manual Fuel Operations for Peacekeeping Missions (DPKO/DFS Reference 2008.26).
40.	Medical Support Manual for Peacekeeping Operations, 2012.
41.	DPKO-DFS Operational Concept on POC in UN peacekeeping, April 2010.
42.	DPKO/DFS Framework for Drafting Comprehensive POC Strategies in UN Peacekeeping Operations, April 2010.
43.	DPKO-DFS POC Resources and Capability Matrix, February 2012.
44.	DPKO/DFS Policy on Formed Police Units in UN Peacekeeping Operations, March 2010.
45.	DPKO-DFS Policy on Authority, Command and Control in UN Peacekeeping Operations, February 2008.
46.	DPKO-DFS Specialised Training Materials on POC and Prevention and Response to Conflict-related Sexual Violence, November 2011.



47.	DPKO-DFS Policy on mainstreaming the protection, rights and well-being of children affected by armed conflict within UN Peacekeeping Operations, June 2009.
48.	Secretary-General's Human Rights Due Diligence Policy on non-UN security forces, July 2011.
49.	Peace operations Intranet (DPKO & DFS) - ( <a href="https://point.un.org/SitePages/dfs.aspx">https://point.un.org/SitePages/dfs.aspx</a> ).
50.	COE Manual, 2011.
51.	Generic Guidelines for TCCs Deploying Military Units to UN Peacekeeping Missions (07/03/2008).
52.	SOP on Policy and SOP on Boards of Inquiry (28/05/2008).
53.	Notification of Casualties in Peacekeeping Operations and Political and Peacebuilding Missions (NOTICAS - 03/06/2006).
54.	Policy on UN Medal (29/08/2000).
55.	Interim SOP on Detention (25/01/2010).
56.	Medical Support Manual for Peacekeeping Operations (09/12/1999).
57.	Policy Directive on Contributing Country Reconnaissance Team Visits (05/10/2005).
58.	SOP on Planning and Implementing Contributing Country Reconnaissance Visits (05/10/2005).
59.	Policy Directive on Predeployment Visits (05/10/2005).
60.	SOP on Planning and Implementing Predeployment Visits (05/10/2005).
61.	Policy on Training for all UN Peacekeeping Personnel (01/05/2010).
62.	Policy on Knowledge Sharing (01/05/2009).
63.	UN ForceLink ( <a href="https://cc.unlb.org/">https://cc.unlb.org/</a> ) MovCon tool for TCC deployments/ rotation/repatriation.
64.	DPKO/DFS Environmental Policy for UN Field Missions (2009.6).
65.	Draft DPKO/DFS Environmental Guidelines for UN Field Missions (2007).
66.	UN Field Mission Liquidation Manual.



67.	International Maritime Dangerous Goods (IMDG) Code.
68.	<a href="http://www.iata.org/ps/publications/dgr/Pages/index.aspx">International Air Transport Association</a> - Dangerous Goods Regulations (IATA DGR) Manual, 2012. ( <a href="http://www.iata.org/ps/publications/dgr/Pages/index.aspx">http://www.iata.org/ps/publications/dgr/Pages/index.aspx</a> )
69.	Guidelines on levels of ammunition for peacekeeping operations issued by OMA/DPKO, September 2002.
70.	Guidelines for Death and Disability Claims - General Assembly document A/52/369, 17 September 1997.
71.	United Nations Peacekeeping Web – ( <a href="http://www.un.org/en/peacekeeping/">http://www.un.org/en/peacekeeping/</a> ).
72.	Electoral Assistance Web – ( <a href="http://www.un.org/en/peacekeeping/issues/electoralassistance.shtml">www.un.org/en/peacekeeping/issues/electoralassistance.shtml</a> ).
73.	Peacekeeping Resource Hub website - ( <a href="http://www.peacekeeping-bestpractices.unlb.org/PBPS/Pages/Public/Home.aspx">http://www.peacekeeping-bestpractices.unlb.org/PBPS/Pages/Public/Home.aspx</a> ).
74.	Pocket Reference Guide for Military Commanders in Peacekeeping Operations. UN DPKO Web – ( <a href="http://ppdb.un.org">http://ppdb.un.org</a> ).
75.	OMA ( <a href="http://www.un.org/en/peacekeeping/sites/oma/index.html">http://www.un.org/en/peacekeeping/sites/oma/index.html</a> ) .
76.	UN Documents ( <a href="http://www.un.org/en/documents/">http://www.un.org/en/documents/</a> ) .
77.	UN Police – ( <a href="http://www.un.org/en/peacekeeping/sites/police/">http://www.un.org/en/peacekeeping/sites/police/</a> ).
78.	UNDPKO/DFS Reference 2009.32, Policy (Revised) on Formed Police Units in UN Peacekeeping Operations.
79.	UNDPKO – Police Division Reference DPKP/PD/2006/00015 Dated 08 May 2006 On Guidelines for Formed Police Units on Assignment with peace operations.
80.	Policies and Practices Database - ( <a href="https://point.un.org/SitePages/PolicyAndPractices.aspx">https://point.un.org/SitePages/PolicyAndPractices.aspx</a> ).
81.	UN Department of Safety and Security (DSS) – ( <a href="https://dss.un.org/dssweb/">https://dss.un.org/dssweb/</a> ).
82.	ICTD Web – ( <a href="http://ictd.dfs.un.org/Pages/Home.aspx">http://ictd.dfs.un.org/Pages/Home.aspx</a> ).









United Nations Infantry Battalion:  
Safety, Security and Stability

