



United Nations

# Specialised Training Materials

## Military Engineer Units

For United Nations Peacekeeping Operations

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

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

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

This document may be reproduced for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. This document is not to be sold.

All photographs have been sourced from the UN and the public domain, unless otherwise indicated.

© UN 2018

Integrated Training Service

Department of Peacekeeping Operations

United Nations

New York, NY, 10017, USA

## Preface

### **Background**

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

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

### **Aim**

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

### **Target audience**

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

## Structure of the training materials

The package is constructed in three modules:

**Module 1: Conceptual Framework**

**Module 2: Legal Framework**

**Module 3: Operational Framework**

### **Annexes:**

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

## Acknowledgements

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

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

### Contact person

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

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

## Table of Contents

**Instructor Guidance..... 1**

**Module 1 – Conceptual Framework ..... 4**

    Lesson 1.1 Military Engineer Units (ENGRS) in UN Peacekeeping ..... 7

    Lesson 1.2 Concept of Support ..... 26

    Conceptual Framework Wrap Up ..... 46

**Module 2 – Legal Framework ..... 47**

    Lesson 2.1 International Law ..... 49

    Lesson 2.2 United Nation’s Legal and Policy Framework ..... 114

    Lesson 2.3 Mission Specific Legal Framework ..... 129

    Legal Framework Wrap Up.....149

**Module 3 – Operational Framework ..... 150**

    Lesson 3.1 Organization of ENGRS..... 153

    Lesson 3.2 Capabilities and tasks of ENGRS..... 166

    Operational Framework Wrap Up ..... 179

**References, Annexes ..... 180**

# Instructor Guidance



## General Considerations for Instructors

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

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

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

## Instructor Profile

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

## Table Top Exercise (TTX) Considerations

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

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




## Training Characteristics

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

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



## Symbols Legend

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

# Module 1



## Conceptual Framework

### Module 1 at a Glance

#### Aim

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

- Overview , concept and capabilities of UN Military Engineer Units (ENGRS)
- Nature and characteristics of ENGRS
- Support relationships and support framework
- Differences and similarities between Construction Engineer Units and Combat Engineer Units
- Flexibility and adaptability of ENGRS units
- ENGRS roles and responsibilities supporting UN Peacekeeping Operations (UNPKO)

#### Overview

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

#### Learning Objectives

Learners will:

- Describe the capabilities and characteristics of UN ENGRS
- Explain the ENGRS framework and key concepts
- Understand the roles of different types of ENGRS
- Describe the principles of ENGRS support

## Introduction

### Slide 1



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

The aim of Module 1 and the two associated lessons is to provide you an overview of ENGRS in order to employ them in an appropriate manner. Finally familiarize you with their capabilities and support frameworks.

Specifically, this module emphasises:

- The nature of ENGRS
- Their characteristics, capabilities and support relationships
- The types of ENGRS
- The flexible and adaptable organizational structures of ENGRS
- Roles and support in UN Peacekeeping Operations

**Slide 2**

## Module 1 Content

- United Nations military engineer unit (ENGRS) employment concept
- Support for ENGRS

2

In this Module we address the conception framework for ENGRS operating in a UNPKO. We will cover this module in two lessons.

The first lesson describes the Employment Concept for United Nations Military Engineer Units using the DPKO Manual, UNMUM Engineers Chapter 1 as a guide. Later, we will describe the Support mechanisms for the UN Military Engineer Unit in Lesson 2, from Chapter 4.

# Lesson 1.1



## Employment Concept

### The Lesson



#### Starting the Lesson



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



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

**Slide 3**

# Employment Concept for ENGRS Lesson 1.1

3

This is Lesson 1, the “Employment Concept for UN Engineer Units.” Of note; every time you see the Acronym ENGRS in all the lectures, this refers to and is an abbreviation for The United Nations Military Engineer Units. The lesson will be divided into four topics as shown in the next few slides.

**Slide 4**

## Lesson 1.1 Content

- ENGRS roles and organizations
- Command and control, and tasking authority
- Employment for Mission phases
- ENGRS in the UN Mission structure

4

The lesson contains 4 major topics:

- Firstly, I will describe the “Role and Types of UN Engineer Units”
- Secondly, I will explain the “Command and Control, and Tasking Authority” here there are many eccentricities that pertain to the United Nations
- Next, I will explain the “Employment during the Various Mission Phases” or life cycles of a deployment / mission
- And finally, I will explain the “Military Engineers in the UN Mission Structure” at the conclusion of Lesson 1

**Slide 5**

## Learning Outcomes Lesson 1.1

- Describe roles and types of ENGRS
- Explain command and control, and tasking authority
- Explain employment during mission phases
- Explain ENGRS in the UN Mission structure

5

In all good training practices, let's review the learning outcomes. At the end of the lesson our aim is for you to be able to assimilate various types of ENGRS along with their essential roles, capabilities, associated tasks, C2 and how they fit in the UN structure. Please take a moment to read and understand the requirements.



## Slide 6

## Roles of ENGRS

- Enable deployment of the UN Mission
- ENGRS enables mission transition operations
  - Peacekeeping to peacebuilding
  - Mission support to Host Nation development
- Part of effort to improve operating environment

6

Ok, let's move on to Topic 1 the Roles and Types of UN Engineer Units:

- The primary role of the UN Military Engineer Unit is to enable the deployment of the UN Mission allowing the Mission to fulfil its mandate in an effective, efficient and safe manner
- UN Military Engineers enable and assist the Mission through its transition operations from peacekeeping to peacebuilding, and from Mission support to host nation development
- ENGRS is part of the Mission's overall effort to improve the operating environment by building facilities and providing engineer services for the Mission, Force Headquarters, logistics bases, substantive offices and facilities at the Mission's air terminal / port



*Engineers play a major role in building peace after conflict, in establishing the conditions for recovery, and development activities under peacebuilding tasks." If you would like to expand your knowledge base on this subject, I recommend you review the DPKO and DFS, UN Headquarters, New York publication, "A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping; 2009*

**Slide 7**

## Types of ENGRS

- **Combat**
- **Construction**
- **Combination /composite**

7

Here are the types of the UN Military Engineer Units:

- UN member states describe their national military engineer units in terms of “Combat Engineers” and “Construction Engineers”
- UN Military Engineer Units similarly consist of assets and capabilities of both “Combat Engineers” and “Construction Engineers”
- So the mission requirements can result in a UN Military Engineer Unit that is exclusively one type or another, or, a UN Military Engineer Unit that is a combination or “composite” of both. As per the force requirements, units are tailored with capabilities to best accomplish the mission and tasks

Slide 8

## Command and Control

- Under operational control of Force Commander (FC) / Head of Military Component
- FC assigns ENGRS under UN tactical control of a designated commander for specific purposes and periods

8

Well, let's move on to the Topic 2, Command and Control, and Tasking Authority:

- UN Military Engineer Units are under the Operational Control (OPCON) of the Force Commander / Head of Military Component
- The Force Commander / Head of Military Component is further authorised to assign UN Military Engineer Unit elements under the UN Tactical Control of a designated commander for specific purposes and periods
- UN Tactical Control includes the detailed and local direction and control of movement or manoeuvres necessary to accomplish an assigned mission or specific tasks

## Slide 9

## Tasking Authority

- Combat ENGRS are units under direct tasking authority of FC
- Force Engineer, U-8 routinely determine daily priorities
- Force Engineer is focal point for preparing tasking orders consistent with FC priorities

9

Here are some points to remember about the tasking authority over a UN Combat Engineer Unit:

- They are under UN Command and Control policy, Combat Engineer Units are specifically categorized as “combat support units” under the direct tasking authority of the Force Commander/Head of Military Component
- UN Combat Engineer Unit daily tasking priorities are routinely determined by the Force Engineer, U-8
- The Force Engineer is the focal point for preparing UN Combat Engineer Task Orders consistent with Force Commander priorities and Sector Commander requirements



*Recommend that instructors review the “DPKO/DFS policy on Authority, Command and Control in United Nations Peacekeeping Operations, (Ref. 2008.4) (February 2008), to facilitate your understanding. There are dual authorities for Construction Engineers, while the FC has OPCON authority (inherent in OPCON is tasking authority, the Civilian support leadership (Chief, Service Delivery / DMS / CMS) also have tasking authority for the day-to-day tasks / assignments. There has to be a good working relationship between the Mission HQs and FHQs in UN Missions for this to work properly.*

## Slide 10

## Tasking Authority

- Construction ENGRS priorities routinely set by Chief, Service Delivery under authority of Director/Chief of Mission Support (CMS)
- FC remains involved in tasking process through consultation with CMS involving:
  - Mission engineer priorities
  - Budgeting
  - Unit level requirements

10

UN Military Construction Engineer daily tasking priorities are routinely determined by the Chief, Service Delivery under the delegated tasking authority of the Director / Chief of Mission Support, not determined by Force Commander. However, the Force Commander / Head of Military Component remains heavily involved in the military Construction Engineer tasking process through a series of military-civilian consultations between the Force Headquarters and the Office of the Director of Chief of Mission Support involving Mission engineer priorities, budgeting and specific, unit-level tasking requirements. This relationship can be complicated; however, a good working relationship with all actors and interlocutors within the FHQs and UN Mission HQs is essential for success. If issues do come up, it is imperative that they **can resolve the issues at the lowest level.**

## Slide 11


## Tasking Authority

- Composite ENGRS are modular and scalable
- Advantages combat and construction engineers

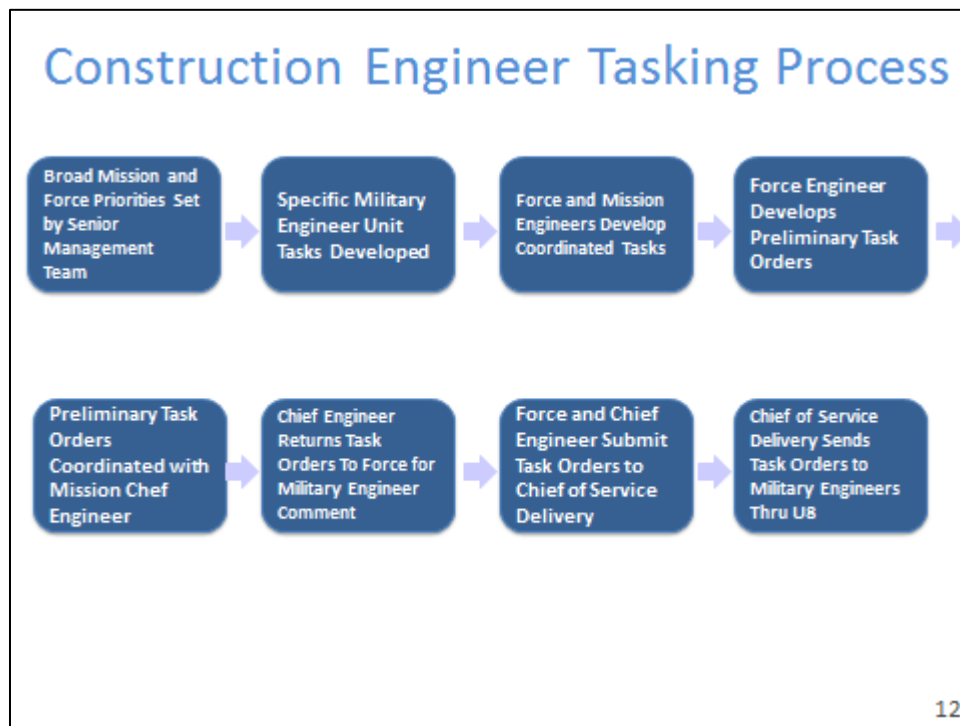
11

This slide outlines the C2 for Composite Engineers:

- The UN Military Composite Engineer Unit is modular and scalable according to Force and Mission requirements, and provides the capability and advantages of both Combat and Construction Engineers
- In keeping with the UN's Command and Control policy, the Combat Engineer Platoon within the UN Military Composite Engineer Unit remains under the direct tasking authority of the Force Commander
- However, Military enabling resources, such as the UN Military Construction Engineer Platoon within the Composite Military Engineer Unit, are under the routine tasking authority of the Director / Chief of Mission Support or their designated subordinates

 The term, “military enabling resources,” is a Department of Field Support term specifically referring to military enabling assets (personnel and equipment) such as construction engineers, signals, aviation, transportation, medical and explosive ordnance disposal units or smaller elements that may be deployed in Mission-controlled tasks. Recommend that the Instructor emphasizes that this dual C2 relationship is complex but an important point of the Tasking Authority for Military Engineer Units. It is imperative that the FC and the Director / Chief of Mission Support and their staffs have a sound working relationship. Good rule is that **routine day-to-day tasks** are given by Director / Chief of Mission Support.

## Slide 12



Here is a diagram to help in the description of the consultative engineer tasking coordination mechanism. This tasking mechanism allows the Mission to consolidate and employ its Engineer resources with the maximum effectiveness and efficiency.

- Step 1. Mission- and Force-level Construction Engineer priorities are, broadly speaking, established by the Mission's senior management, including the FC and Director or CMS, consistent with the Head of Mission's guidance on mandate implementation
- Step 2. Based on these Mission- and Force-level priorities, the Force Engineer, U-8, determines specific UN Military Construction Engineer Unit tasks in consultation with the Mission's Chief Engineer and Chief of Service Delivery
- Step 3. The FHQ and Chief of Service Delivery staff develop coordinated construction engineer tasks in consultation with each other
- Step 4. The Force Engineer is the focal point for preparing UN Military Construction Engineer Unit Task Orders. Preliminary Task Orders are prepared consistent with Mission and Force priorities, developed as described above, and include the details of the engineer work to be done, material requirements, administrative aspects and initial designs and drawings of the projects

(Continued on next page)

- Step 5. The preliminary Task Orders are coordinated with the Mission's Chief Engineer for review and finalization of designs and drawings
- Step 6. Preliminary Task Orders are returned to the Force Engineer by the Mission's Chief Engineer for UN Military Engineer Unit comment. The UN Military Engineer Unit's comments and concerns are then taken into account in the finalization of the Task Orders
- Step 7. The finalized Task Orders are signed by both the Force Engineer and Mission Chief Engineer, and are then submitted to the Deputy Chief and Chief of Service Delivery for approval
- Step 8. Once approved, the Chief of Service Delivery sends the Task Order to the UN Military Construction Engineer Unit for action through the Force Engineer
- Additional Note: In the case of some urgent, Mission-directed tasks to offset any shortfalls in civilian contracting and hasten Mission establishment (such as developing helicopter bases, Level II Hospitals, certain hard-walled accommodation, logistics bases, etc.) taskings may come to the UN Military Engineer Unit directly from the Mission Chief Engineer. However, prior to the tasking, the Chief Engineer will have closely coordinated with the Force Engineer



## Slide 13

## Mission Phase Employment

- Start-up phase:
  - Planning
  - Design
  - Land development
  - Camp construction
  - Infrastructure and facilities
- ENGRS help achieve initial operating capability quickly

13

Let's move on to Topic 3, the "Employment during Mission Phases." During the Mission start-up phase, UN Military Engineers face a variety of requirements involving planning, designing, land development, base camp construction and the provision of basic infrastructure and facilities. Both types of ENGRS provide a vital means of achieving initial operating capability quickly.

## Slide 14

## Mission Phase Employment

- Mandate implementation phase, ENGRS provide combat and construction engineer work
- Transition / liquidation phase ENGRS provide:
  - Strategic peacebuilding support goals
  - Handover, withdrawal and liquidation

14

In the mandate implementation phase, ENGRS continue to provide combat and construction engineer work. In the Mission's transition / liquidation phase, ENGRS can further support Mission strategic peacebuilding goals and the eventual handover, withdrawal and liquidation of assets.

## Slide 15

**United Nations Mission Multidimensional Integrated Disarmament Monitoring in Syria**  
The Department of Field Support  
Combined Construction Engineer Company

Department of Peacekeeping Operations  
Office of Military Affairs  
Military Planning Service

Approved by:  
RSC  
May 2013

Revised Date: 10 April 2014  
Revised by:  
Command: Military Planning Service  
RSC 1.04.2013

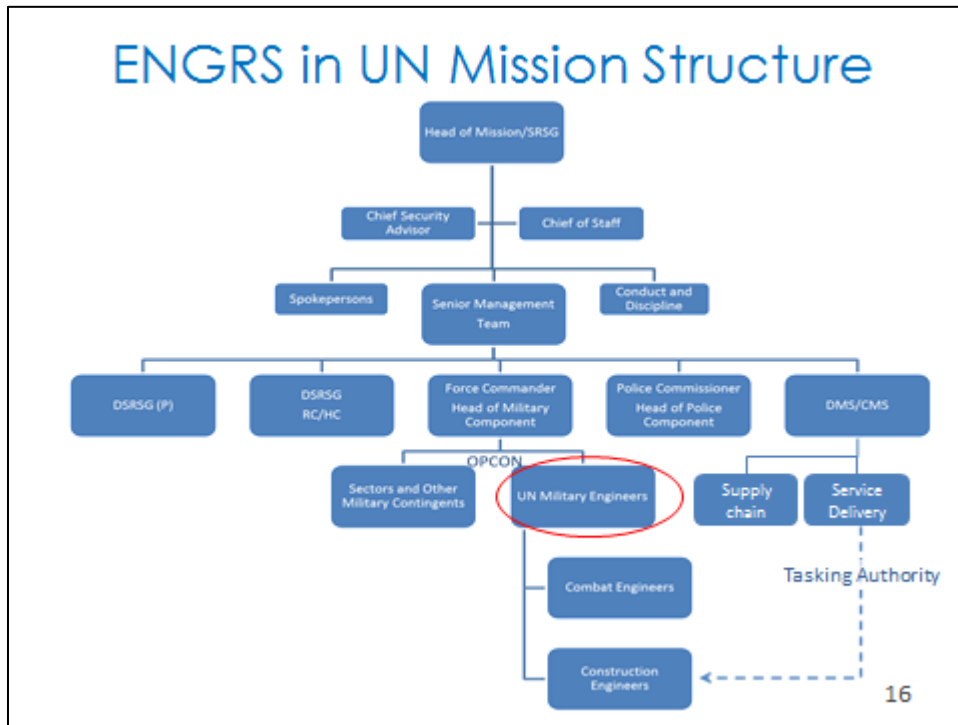
**Statement of Unit Requirement**

Strength	Deployment Location and AOR	Remarks
XXXX	XXXX	<p>1. Vertical construction/placement 2. Horizontal construction/placement 3. Water production/placement 4. Logistics Support Platoon</p> <p>1. Horizontal construction Engineer platoon (H) with one (1) excavator loader, one (1) machine dozer and two (2) dump trucks and an assortment of technical vehicles with military value for technical work. Low support vehicles as required.</p> <p>2. Water production Platoon (W)</p> <p>3. Logistics support platoon, including a maintenance section, signal section, supply section and transportation section (LTC group).</p> <p>and infrastructure including road and bridge construction, earthwork and reconstruction.</p> <p>Construction: New building, physical security perimeter for UN base area.</p> <p>production: road drilling, installation of water production and treatment unit.</p> <p>and the replacement of Temporary Operating Base (TOB) where road work has significantly reduced or potential base area within base area.</p> <p>Status of assets: earth, equipment and repair of equipment (Civil, Gen, etc.)</p> <p>status of existing infrastructure (buildings, water and wastewater).</p> <p>of capabilities in the construction of physical perimeter security for base.</p> <p>construction and production capabilities, including road drilling.</p> <p>of road drilling.</p> <p>status of the unit's ability.</p> <p>support element capable of supporting the Company sub-unit as up to full construction.</p> <p>new Requirements: Major equipment requirements are as Annex C documents are as 10/2013. The actual quantity, composition and status of the COE are subject to TCC negotiations with UNRWA.</p> <p>availability.</p> <p>Construction Engineer Company (CEC) to be located in XXXX and may begin a deployment in a second location in the XXXX AOR. Therefore, Construction Engineer Company must be prepared to deploy to second phase of the XXXX.</p>

15

Here is an example of a "Statements of Unit Requirement" as explained in more detail in Annex A of the UNMUM Engineers. This document enumerates the details of capabilities such as the Mission, Organization, Tasks, Capabilities, Major Equipment Requirement, AOR, Administrative Requirements, Logistics, and Command and Control. All the above is required for optimizing the unit's efficiency in the conduct of operations as mandated for the Mission. The Concepts of Operations (CONOPS) and any future adjustments to the CONOPS may place additional and more specific requirements on the unit.

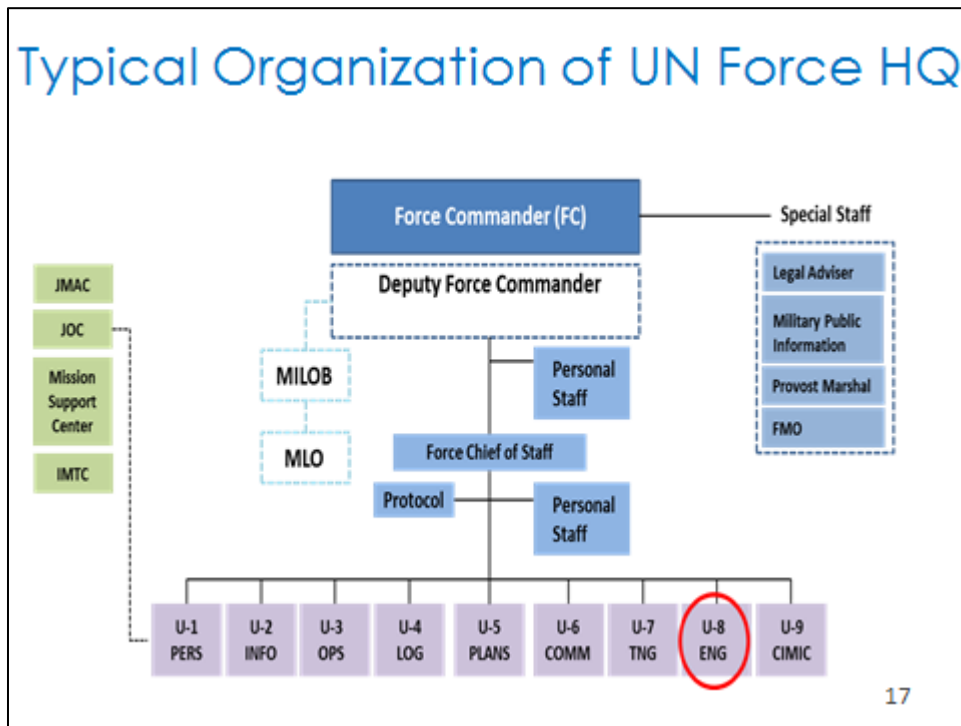
## Slide 16



Ok, we now move on to Topic 4, Military Engineers in the UN Mission Structure:

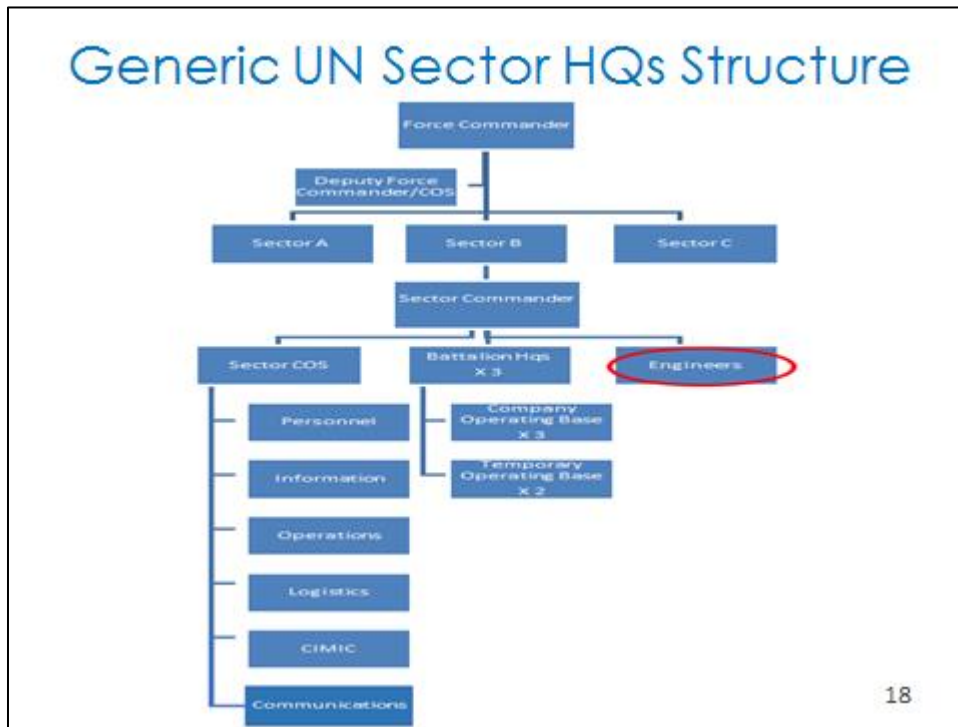
- Here is an organizational structure diagram that will help illustrate the UN Military Engineer Unit in the overall organization. You might say that this is a typical UN Mission Headquarters depicted on the slide and the UN Military Engineer is in the red oval.
- Regardless of whether the unit is a Combat, Construction or Composite unit it is directly subordinate to the Force Commander. In short, the Force Commander has OPCON over all members of the Military Components, and has direct tasking authority over the UN Military Engineer Unit's Combat Engineers
- However, Mission enabling assets, such as the UN Military Engineer Unit's Construction Engineers are under the direct tasking authority of the Director/Chief of Mission Support and his/her designated representatives for routine taskings and the FC still has OPCON of the UN Military Engineer Unit. That is why it is important that the staffs and leadership closely work together to coordinate and achieve mission goals / priorities

## Slide 17



Here is a typical organization for the Force Headquarters. Please note the position of U-8 within the organization of UN Force Headquarters. The Force Headquarters' fundamental role is the command and control of military operations in full support of the Mission's implementation of the mandate. Regardless of the nature of the Mission, every Force Headquarters has common functions executed by functional units and organizations, including the UN Military Engineers. The U-8 staff (shown in the red circle) plan military engineer operations at Force and Sector levels.

## Slide 18



As for Sector HQs, it can have a number of subordinate Sectors and Battalion Headquarters. A typical organization of the Sector Headquarters is shown on the slide. Note the red circle around "Engineers" indicating the UN Military Engineer Unit (if assigned to the Sector) within the overall Sector Headquarters structure.

## Slide 19

## Lesson 1.1 Take Away

- Roles and types of ENGRS
- Command and control, and tasking authority
- Employment during Mission phases
- ENGRS in the UN Mission structure

19

### Summary

At the end of this lesson, the students should retain the following items on this slide as general knowledge. I would like to review the contents of the lesson:

- First, I described the “Role and Types of UN Engineer Units” that is the primary role of the UN Military Engineer Unit is to enable the deployment of the UN Mission allowing the Mission to fulfil its mandate in an effective, efficient and safe manner. The types are Combat, Construction, or a composite of both. All types of Engineer units are organized, equipped and tailored to meet the force requirements
- Secondly, I explained the “Command and Control, and Tasking Authority,” a complex system for tasking with the FC having OPCON authority and the routine tasking authority given to the Director/Chief of Mission Support or designated representative
- Next, I explained the “Employment during the Various Mission Phases” of the life cycle of a deployment and mission
- And finally, I explained the “Military Engineers in the UN Mission Structure”

# Lesson 1.2



## Concept of Support

### The Lesson



#### Starting the Lesson



*For an interactive start to Lesson 1.2, engage participants to seek their understanding of how the support structure / framework might differ for a United Nations Military Engineer Unit in the specific context of UN peacekeeping and those operations they are normally accustomed to within their own national support structure. To aid participants' learning, prior to the lesson have participants work in small groups and ask each group to come up with two items of support that differ in UN PKOs. Record on a chart / white board and discuss.*



**Slide 1**



I would like to start Lesson 2, the Support for ENGRS by describing the four topics shown in the next slide.

**Slide 2**

## Lesson 1.2 Content

- Support expectations and major engineering support
- ENGRS Commander's role
- Self-sustainment of ENGRS
- Sustainment support for ENGRS

2

There are 4 major topics in this lesson. First, we will discuss the Support Expectations and Major Engineering Support. Next, I will explain the commander's role and the concept of Self-Sustainment. And finally, I will explain the Sustainment Support for ENGRS.

**Slide 3**

## Learning Outcomes Lesson 1.2

- Describe support expectations and major engineering support
- Explain ENGRS commander's role
- Explain self-sustainment of ENGRS
- Explain sustainment support for ENGRS

3

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

**Slide 4**

## Support Expectations

- Standards of self-sustainment
  - Statement of unit requirements
  - UN-TCC Memorandum of Understanding (MOU)
  - Contingent-Owned Equipment (COE) manual
- Key documents
  - Statement of unit requirements
  - UN-TCC MOU or Letter of Assist

4

ENGRS are expected to meet the standards of self-sustainment according to the terms of these three documents: the Statement of Unit Requirement, UN-TCC Memorandum of Understanding (MOU) and Contingent-Owned Equipment (COE) Manual. The specifics of what to expect are provided in these key documents and any UN-TCC MOU or Letter of Assist.

## Slide 5

## Major Engineering Support

- TCCs and their contingents' awareness
- Key documents
  - Statement of unit requirements
  - Any UN-TCC MOU or Letter of Assist

5

To avoid having troops arrive unprepared to sustain themselves or their operations, TCCs and their contingents must be aware of what support will be provided by the UN, and what support they must provide for themselves. The specifics of what to expect are provided in key documents such as the Statement of Unit Requirement and any UN-TCC MOU or Letter of Assist.

## Slide 6

## ENGRS Commander's Role

- In consideration of :
  - Casualties
  - Consumption
  - Materiel losses
  - Resupply lead time
- Evaluate the risks and security
- Reduce the impact of unavoidable constraints

6

Let's move on to the Topic 2, the commander's role:

- Before deploying to the UN Mission's operational theatre, the ENGRS commander must ensure that he or she can deploy, sustain and regenerate his or her force
- He should consider the implications of casualties, consumption, materiel losses and resupply lead time; and then plan, allocate and balance resources accordingly.
- An ENGRS commander should also evaluate the risks to, and security of, his or her sustainment equipment and capabilities, communication nodes and links; and adapt his or her plan to reduce the impact of unavoidable constraints on the resources readily available
- The commander should carefully consider UN and TCC guidelines for determining further sustainment requirements

**Slide 7**

## Self-Sustainment of ENGRS

- Responsibility for all its needs for 90 days:
  - Rations
  - Water
  - Petrol
  - Oil, etc.

7

OK, let us move on to topic 3 the Self – Sustainment of ENGRS. When ENGRS arrive in the Mission area they are responsible for meeting all their own needs for rations, water, petrol, oil, etc. for the first 30 to 90 days, depending on the terms of the MOU and Statement of Unit Requirement.

**Slide 8**

## Self-Sustainment of ENGRS

- Subject to MOU negotiations, ENGRS may be required to self-sustain in the following areas:
  - Catering
  - Communications
  - Electrical
  - Explosive Ordnance Disposal
  - Laundry and cleaning
  - Accommodation
  - Medical

8

Here is a general list of items and services that ENGRS might have to self-sustain. This is subject to MOU negotiations. ENGRS may be required to self-sustain in the following areas: Catering, Communications, Office, Electrical, explosive Ordnance Disposal, Laundry and cleaning, Accommodation, and Medical.



## Slide 9

## Sustainment Support for ENGRS

- Coordinated through Sector and Force Headquarters
- Must communicate with:
  - Sector and Force HQ logistics structure
  - Office of the Chief, Service Delivery and
- Mission Support Center
- Life support and operational requirements:
  - The Mission's Director
  - Chief of Mission

9

On this slide we describe the logistics coordination structure:

- Sustainment support for ENGRSs is coordinated through the Sector and Force Headquarters
- ENGRS must therefore liaise with both the Sector and Force Headquarters logistics structure (DCOS Operations Support, U-4 LOG, U-1 PER)
- The Office of the Chief, Service Delivery and the Mission Support Centre (formerly the Joint Logistics Operations Centre (JLOC))
- Life support and operational requirements are fulfilled by the Mission Director or chief of mission support

## Slide 10

## Sustainment Support for ENGRS

- The UN provides the following items and services:
  - Food rations
  - Bulk raw water (or access to bulk raw water)
  - Bulk fuel
  - Strategic movement
  - Main supply route
  - Blood and blood products
  - Interpreters
  - Casualty Evacuation/Medical Evacuation

10

The UN provides the following items and services:

- Food rations- storage, cooking and sometimes transportation are a contingent responsibility
- Bulk fuel, Bulk raw water (or access to bulk raw water). TCCs are responsible for purification, storage and transport
- Strategic movement of Contingent-Owned Equipment and personnel from the home country to the Mission area of operations
- Main supply route, road/other infrastructure upkeep and mine clearing. Minor engineering and routine upkeep is a TCC responsibility. Readers should consult the applicable MOU
- Based on operational need, military units use military and/or civilian interpreters provided by their TCCs, or locally-employed interpreters who are normally contracted and provided by the Mission's Director/Chief of Mission Support.
- Casualty Evacuation/Medical Evacuation (CASEVAC/MEDEVAC) transportation and support for movement of sick and wounded personnel to appropriate medical facilities

Slide 11

## Sustainment Support for ENGRS (Medical & CASEVAC/MEDEVAC)

- ENGRS- their integral Medical Level 1 Hospital
- Mission (CASEVAC/MEDEVAC) and higher levels of medical support
- Attached medical element
- Transportation of casualties to hospitals pre-arranged and verified

11

- ENGRS typically deploy with their own integral Medical Level 1 Hospital
- Higher levels of medical support are a Mission responsibility provided through CASEVAC/MEDEVAC
- Each ENGRS (company equivalent) may deploy elements within the Mission area with an attached medical element subject to availability, if required
- The ability to evacuate ENGRS casualties to Level 1, 2 or 3 hospitals must be pre-arranged and verified before each ENGRS mission

**Slide 12**

## Sustainment Support for ENGRS

(UNHQ Staff Support)

- DFS provides support:
  - Financial Reimbursements
  - Logistical Support Services
  - Communications and Information Technology
  - Human Resources
  - General Administration

12

The Department of Field Support (DFS) at UN Headquarters provides dedicated support to peacekeeping field Missions in the areas of financial reimbursements, logistical support services, communications and information technology, human resources and general administration

. Support is delivered to field Missions and TCC contingents through DFS and its Mission Directors/Chiefs of Mission Support and their subordinate staff.

Slide 13

## Sustainment Support for ENGRS (Wet and Dry Lease)

- Wet lease
  - Contingent deploys with its COE
  - Maintenance is contingent's responsibility
- Dry lease
  - Contingent deploys with its COE
  - UN arranges for the support

13

Under wet lease arrangements, a contingent deploys with its COE and is responsible for its maintenance and support. Under dry lease arrangements, a contingent deploys with its COE but the UN arranges for its support.

## Slide 14

## Sustainment Support for ENGRS (Letter of Assist)

- Deploys, rotates, repatriates using its capacity
- A special need arises
- Items or services not covered in MOU
- TCC contributes aircraft or vessels

14

- Primary logistics support for a contingent comes from national military logistics sources under TCC control. Civilian contractors, arranged by the TCC, may also provide support. Major items of equipment may accompany deploying units, or the UN may provide them in the Mission area as mentioned before. The UN may also satisfy specific support requirements not already included under an MOU or available through commercial contract
- LOAs are used when: A TCC deploys, rotates or repatriates its personnel and equipment using its own capacities
- A special need arises for essential equipment or services that are not available through normal sources of supply
- The items or services required by the Mission are not covered by an MOU
- A TCC contributes aircraft or vessels to a Mission

**Slide 15**

## Sustainment Support for ENGRS (Pre-Deployment Visit)

- Conducted by DPKO to ensure that contingents are correctly equipped
- Conducted once a MOU agreement is reached

15

In view of the financial and operational significance of ensuring that contingents are correctly equipped, DPKO arranges to conduct Pre-Deployment Visits (PDVs)/inspections before deployment. PDV's are usually conducted once the troop contributor and UN Headquarters reach an MOU agreement. This MOU covers personnel, major equipment, self-sustainment and Mission factors, and is a contractual statement of what each of the respective parties will provide.

## Slide 16

## Sustainment Support for ENGRS (Status of Forces Agreements)

- Status of Forces Agreement (SOFA):
  - terms of support
  - legal rights
- SOFAs also codify:
  - rights, privileges and immunities
  - Mission's obligations

16

- From a logistical perspective, the Status-of-Forces Agreement (SOFA) specifies the terms of support provided by the host state to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations. DPKO, in coordination with DFS, is responsible for negotiating SOFAs with the host state
- SOFAs also codify relations between the UN Mission and host state describing "the rights, privileges and immunities of the Mission and its personnel and the Mission's obligations to the host government"
- SOFAs govern the legal status of troops and civilian personnel deployed to the Mission in the host state, and specify the legal immunity for UN personnel with regard to the settlement of claims, the modalities for the exercise of civil and criminal jurisdiction over military and civilian Mission members, as well as provisions relating to freedom of movement, taxes, customs, immigration controls, radio frequencies, flight clearances and permission to wear uniforms and carry weapons
- Under the typical terms of a SOFA, "military personnel are immune from criminal prosecution by the host state for crimes committed on its territory, but may still be subject to the criminal jurisdiction of their national authorities.



Slide 17

## Sustainment Support for ENGRS (National Support Elements)

- Augment their contingents
- Personnel / equipment beyond MOU
- No UN reimbursement
- NSE considered as part of TCC
- Total strength of NSE specified in MOU

17

- With prior UN approval, Member States providing military and/or police personnel to UN Missions may augment those personnel with a National Support Element
- A National Support Element includes personnel and equipment in addition to those agreed to by the UN and Member State under the terms of the applicable MOU, and/or as described in the Statement of Unit or Force Requirement for the specific field Mission
- As this augmentation is over and above UN requirements, the UN offers no reimbursement or financial liability for National Support Element costs, rotation or self-sustainment
- Nonetheless, for purposes of legal status, National Support Element personnel are considered part of the Member State's military or police unit contingent
- The total personnel strength of the National Support Element will be specified in the applicable MOU between the UN and Member State, and shall be reasonably proportionate to the strength of the contingent

## Slide 18

## Lesson 1.2 Take Away

- Support expectations
- Major engineer support
- ENGRS commander's role
- Self-sustainment of ENGRS
- Sustainment support for ENGRS

18

### Summary

In this lecture, I explained these three topics:

- First, Support Expectations and the Major Engineering Support. When TCCs deploy their troops, It is important to understand what support is provided by the UN and what support contingents must provide for themselves
- Second topic was the ENGRS Commander's role. The Commander considers the implications of casualties, consumption, materiel losses and resupply lead time and evaluates the risks and security, and reduces the impact of unavoidable constraints
- Third topic was Self-Sustainment of ENGRS. As I mentioned during the lecture, when a Military Engineer Unit arrives in the Mission area, it is expected to meet its own needs for up to 90 days
- You must be aware of the terms of the MOU and then make necessary arrangement to self-sustain for the duration stipulated in the MOU
- The last topic was Sustainment Support for ENGRS

---

**Learning Activity****1.2****RESOURCES**

2 flip charts  
Markers

**TIME**

15-20 minutes

**PREPARATION**

Break-up the participants into two groups. Each group take 5-8 minutes to write 5 items / areas of the UN support framework that are very peculiar or significantly representative of the UN support structure that differs from your own countries logistical / support structure. **Example:** DMS / CMS (civilian) leadership has tasking authority at the same time the ENGRS is OPCON to the military C2 structure.

**NOTES TO INSTRUCTOR**

Use this opportunity to help facilitate and bring out the differences in the UN support / logistical framework compared to their own support / logistical framework in their country.

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

# Module 1



---

## Conceptual Framework

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

- A range of policies, manuals, guidelines and principles have been developed over time to create an understanding of military units operating in UN peacekeeping missions
- Nevertheless, the implementation and execution in the mission is never straightforward and a general understanding and an **open, flexible attitude** is needed by the leadership, staff and troops / forces
- When it comes to the conventional framework for the protection of civilians, Peacekeepers need to interpret the protection mandates in a proactive and creative manner, within the boundaries of the guidance and principles discussed in this Module

# Module 2



## Legal Framework

### Module 2 at a Glance

#### Aim

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

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

#### Relevance

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

#### Learning Objectives

Learners will:

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

#### Overview

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

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

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

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

# Module 2.1



## International Law

### The Lesson



#### Starting the Lesson

##### Overview

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

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

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

## International Law

### Slide 6



 What is International Human Rights Law (IHRL)?

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



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

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

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

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



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

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

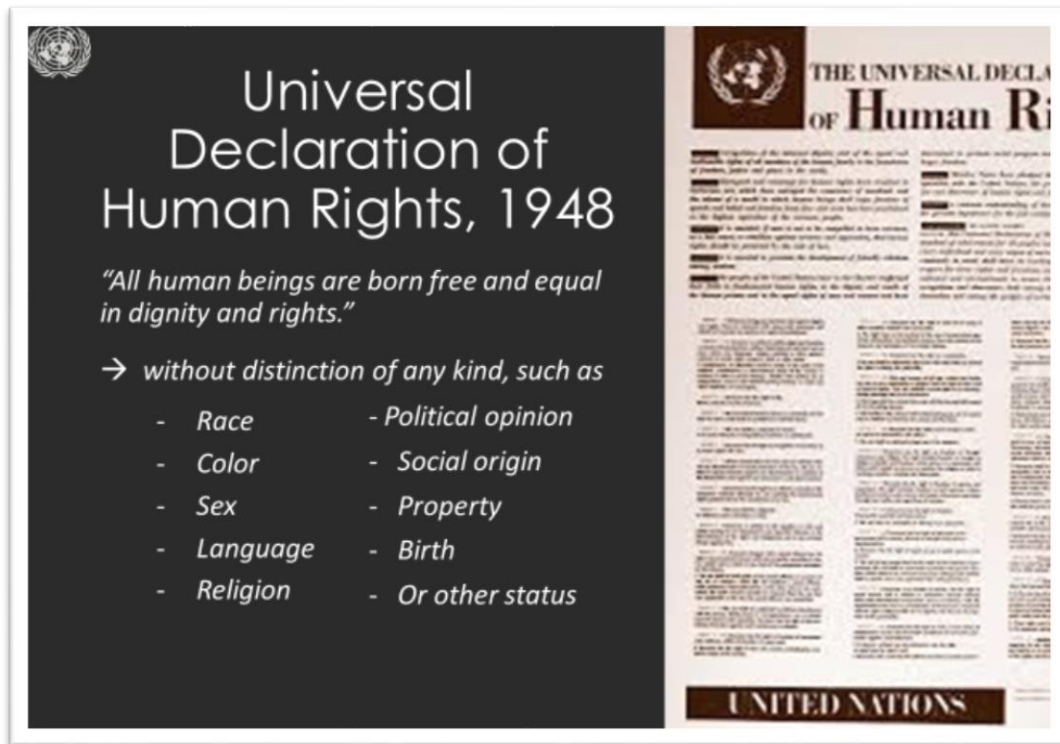
States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

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

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

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

## Slide 7

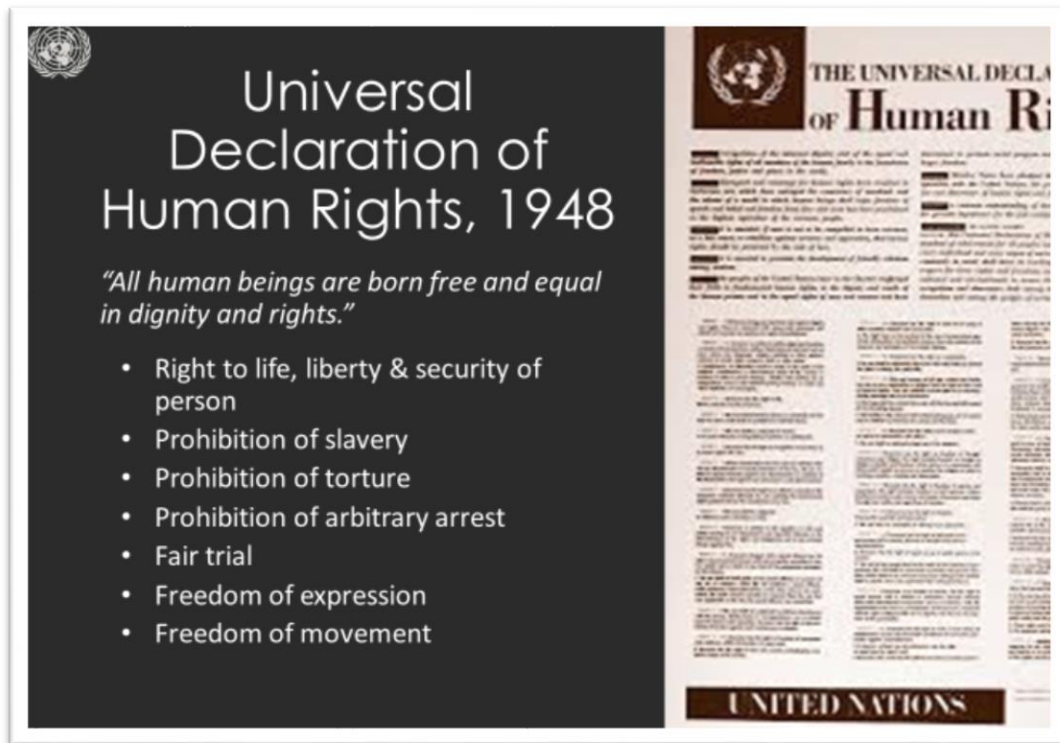


**Key Message:** The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression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

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

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

## Slide 8



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

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

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

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

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

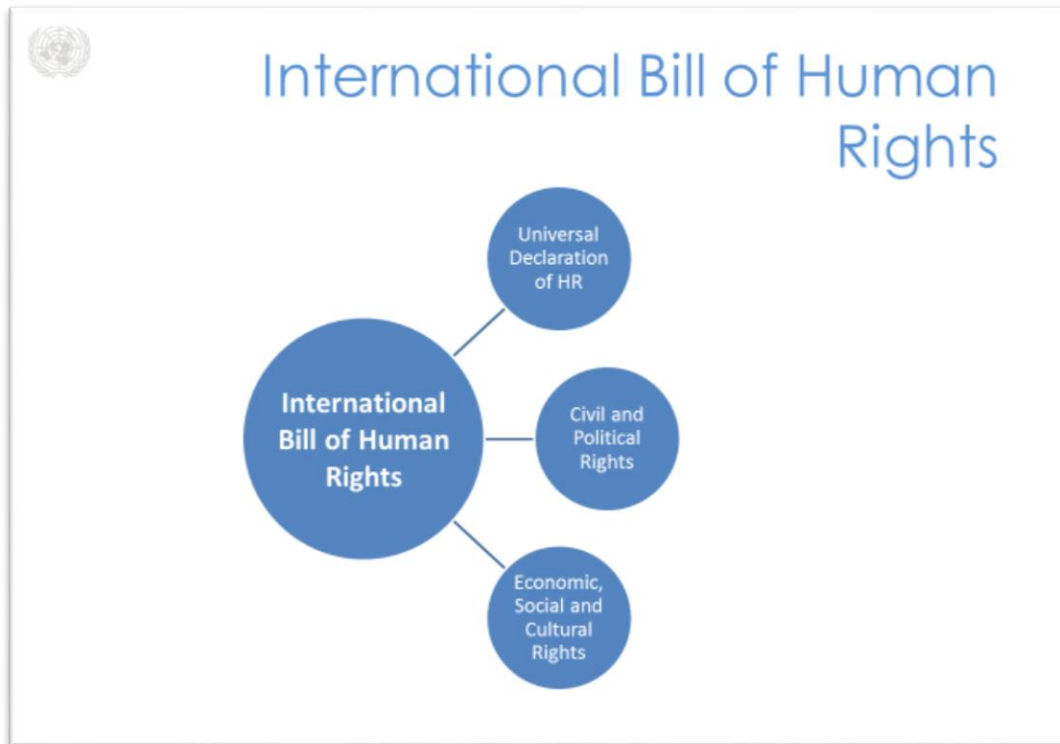


*Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).*

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

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

## Slide 9



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

Two treaties were elaborated:

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

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

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

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

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

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



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

## Slide 10



## IHRL on Child Protection

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

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

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

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

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

The 1<sup>st</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement

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

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



Slide 11



## Convention on the Rights of the Child

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

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

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

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

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

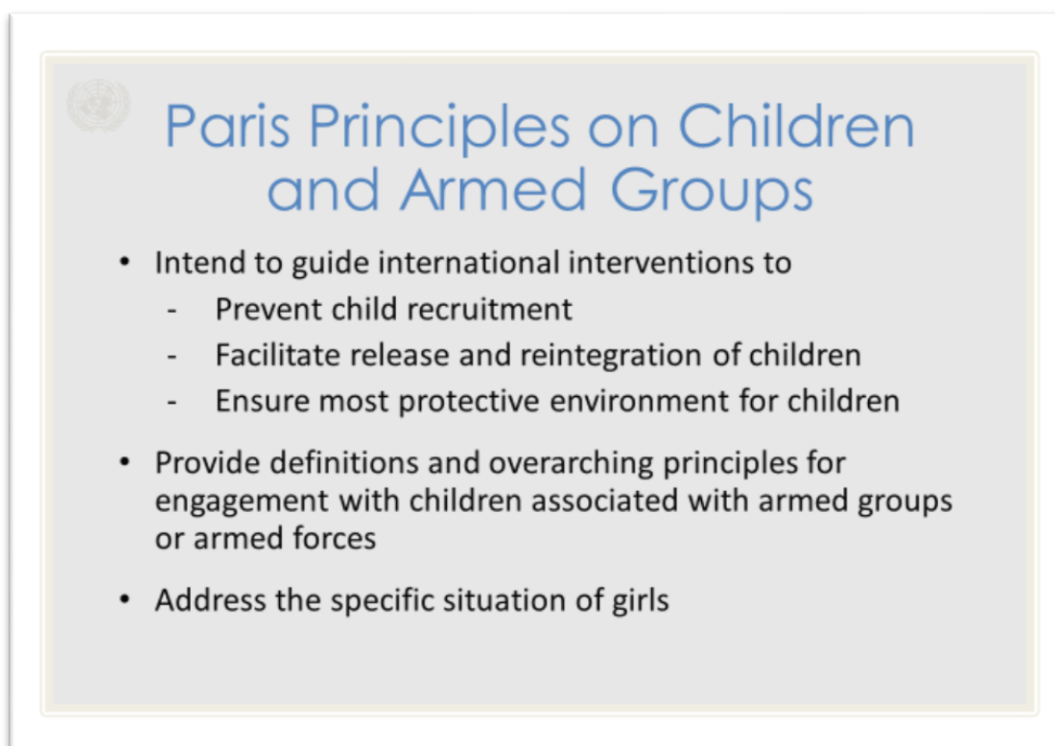
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

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



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

## Slide 12



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

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

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

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

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

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

## Slide 13



## IHRL on Sexual Violence

---

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



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

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

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

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

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

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

## Slide 14



**Why does Human Rights Law matter to UN Peacekeeping?**

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

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



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

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

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

- As set forth in the UN Charter, the purpose of the UN includes to ‘promote and encourage respect for human rights’. Alongside peace and security and sustainable development, the promotion of human rights is a core pillar of the United Nations.
- Since human rights violations are often both a cause and a symptom of many modern conflicts, addressing human rights issues is essential to finding sustainable solutions, and therefore to the success of peace operations.



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



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

*Answers should include:*

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



## Slide 15



Human Rights Due Diligence Policy

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

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

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

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

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

## Summary

### **Key takeaways regarding IHRL include:**

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

## Slide 19



## What is International Humanitarian Law (IHL)?

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




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

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

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

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

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

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

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

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

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

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

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

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



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

Slide 20



## Core Instruments of IHL

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

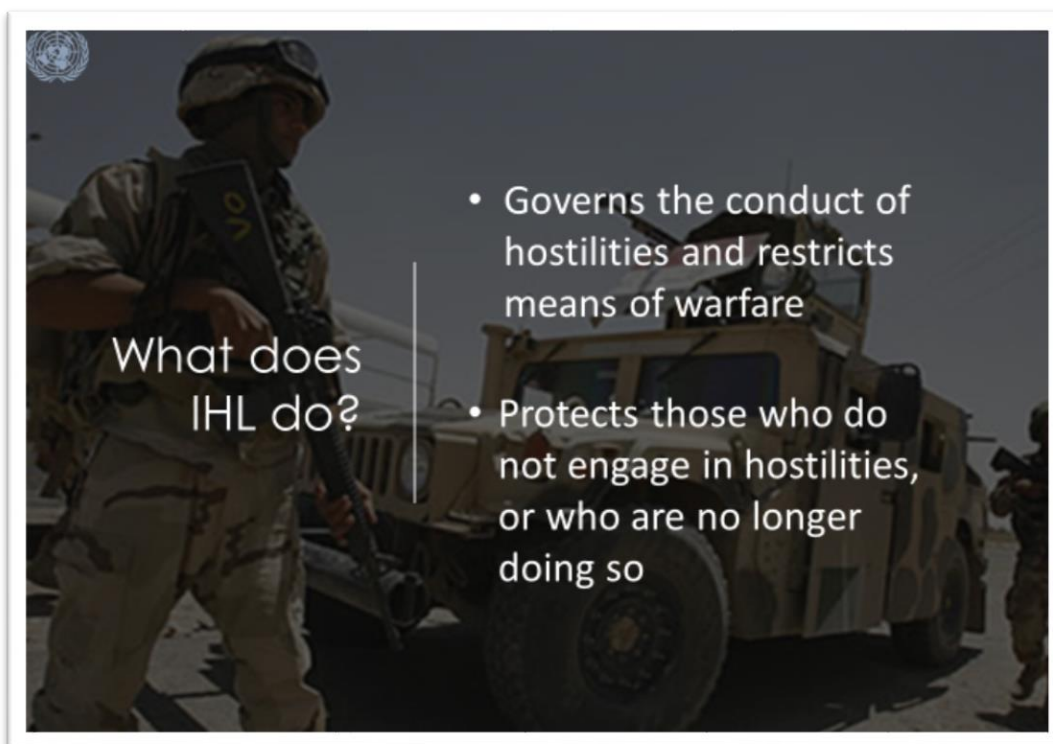


The development of IHL dates back to the 19th century. Important instruments of IHL include:

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

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

Slide 21



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

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

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

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

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

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



Slide 22



## Basic Principles of IHL

- Distinction of civilians
- Proportionality
- Military necessity
- Unnecessary suffering




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



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

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

- Distinction: In order to ensure respect for and protection of the civilian population and civilian objects, parties to the conflict at all times have to distinguish between the civilians and combatants, and between civilian and military objects. Operations must only be directed military objects. This principle protects non-combatants.
- Proportionality: Loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. This means that when considering a target, the damage to civilians and their property cannot be excessive in relation to the military advantage gained. Proportionality is not a requirement if the target is purely military. This principle protects non-combatants.

- Military necessity: Every injury done to the enemy, even if permitted by IHL, is excusable only so far as it is absolutely necessary; everything beyond that is criminal. In that sense, while proportionality is not a requirement for military targets, necessity limits the use of force. This principle protects combatants.
- Unnecessary suffering: It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. This relates to the prohibition of certain weapons discussed earlier. This principle protects non-combatants.

Slide 23



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

These categories are:

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



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

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

1. *Warning;*

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

- Special Categories of Persons

- Women (separate slide to follow)
- Children (separate slide to follow)
- Journalists and War Correspondents – Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities. This is applicable in both international and non-international armed conflicts.
- Displaced persons – Under IHL, persons displaced for security reasons from military operations are entitled to satisfactory conditions of shelter, hygiene, health, safety and nutrition.

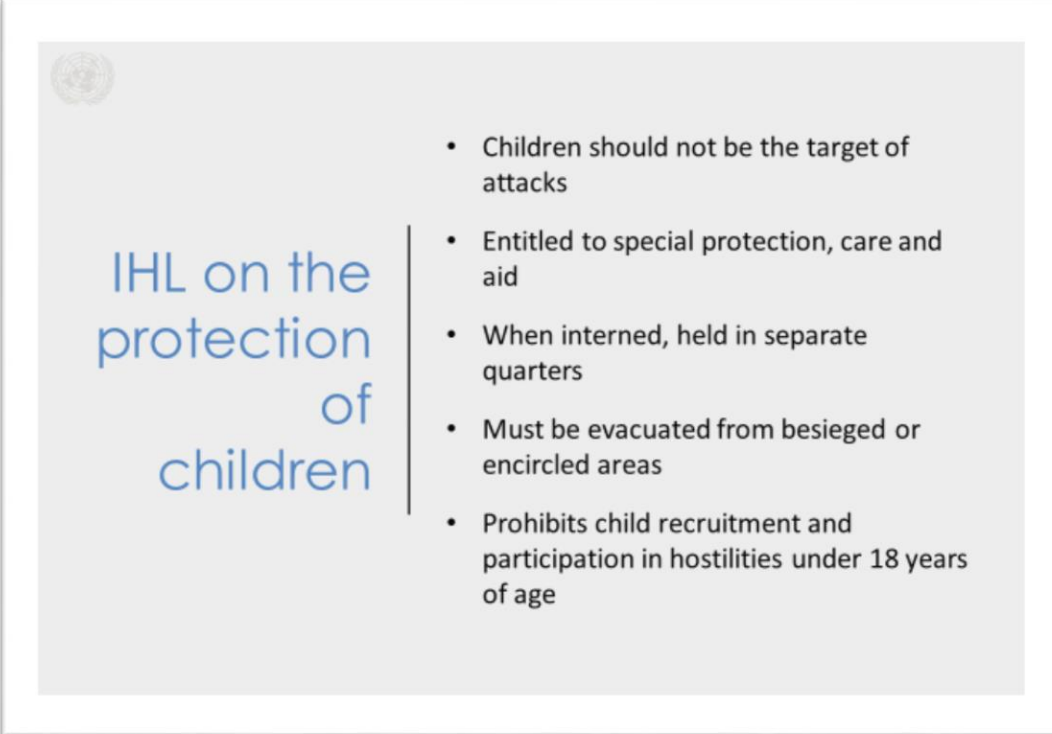


*Note to Instructor: Rights of Refugees and IDPs under their specific conventions will be discussed in the section on International Refugee Law.*

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

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

## Slide 24



The graphic features a light blue background with a small circular emblem in the top left corner. The title 'IHL on the protection of children' is written in a blue, sans-serif font. To the right of the title, a vertical line separates it from a list of five bullet points, each preceded by a small blue square.

- Children should not be the target of attacks
- Entitled to special protection, care and aid
- When interned, held in separate quarters
- Must be evacuated from besieged or encircled areas
- Prohibits child recruitment and participation in hostilities under 18 years of age

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

Specifically, IHL stipulates that:

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

## Slide 25



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

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

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

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

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



## Slide 26



Why does IHL  
matter to  
UN  
Peacekeeping?

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



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

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

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

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

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


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

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

Slide 27

Learning Activity

---



## Scenario

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



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

## Summary

### Key takeaways regarding IHL include:

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

## Slide 31



## What is International Refugee Law (IRL)?

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

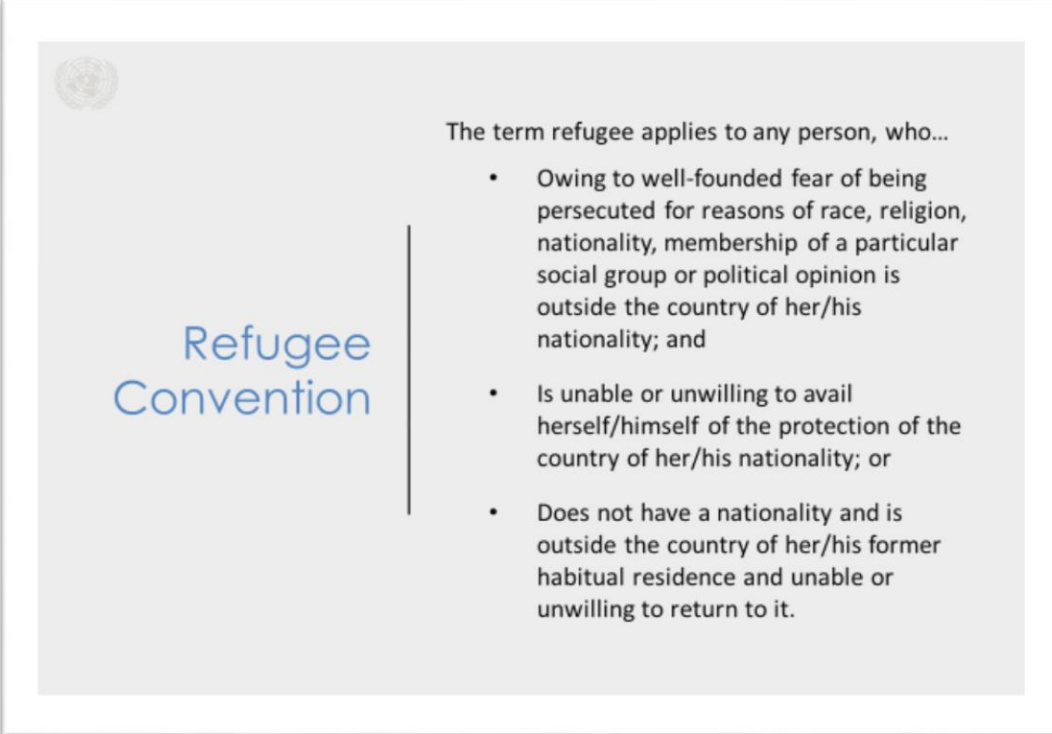


It is the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes, and often even their families, to seek safety in another country.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

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

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

Slide 32

A presentation slide titled 'Refugee Convention' in blue text. On the left is a small circular logo of the United Nations High Commissioner for Refugees. To the right of the title, the text reads 'The term refugee applies to any person, who...' followed by a bulleted list of three criteria for refugee status.

The term refugee applies to any person, who...

- Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of her/his nationality; and
- Is unable or unwilling to avail herself/himself of the protection of the country of her/his nationality; or
- Does not have a nationality and is outside the country of her/his former habitual residence and unable or unwilling to return to it.

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

- owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and
- is unable, or owing to such fear, is unwilling to avail himself of the protection of that country;
- or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (art. 1).

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

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

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

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

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

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

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

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

Slide 33



## Rights of Refugees

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



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

Rights of refugees include:

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



- Freedom of Movement

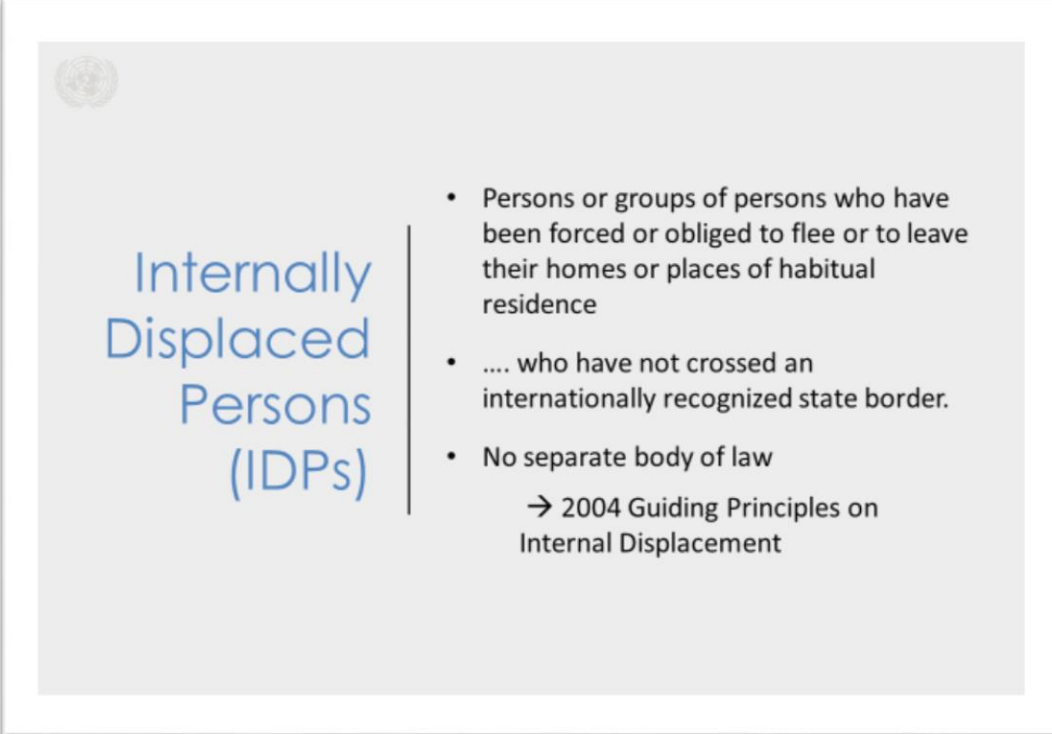
While some provisions envisage a minimum treatment for all refugees (for example, Article 33, on non-refoulement), others extend the treatment enjoyed by nationals to refugees present “within” the country (for example, Article 20, on rationing) and to “refugees lawfully staying in the territory” (for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



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

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

Slide 34



Internally Displaced Persons (IDPs)

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

→ 2004 Guiding Principles on Internal Displacement

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

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

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

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

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

## Slide 35



**Human Rights as for any other person**

**Once displaced they retain broad range of rights**

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

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

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

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



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

## Slide 36



**Why does Refugee Law matter to UN Peacekeeping?**

- Most peacekeeping missions are mandated with the protection of civilians – refugees and displaced persons are particularly vulnerable
- Missions are often tasked to contribute to conditions conducive for the safe return of displaced persons



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

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

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

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

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

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


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

## Summary

### Key takeaways regarding IRL include:

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

## Slide 40



What is International Criminal Law (ICL)?

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

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

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

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



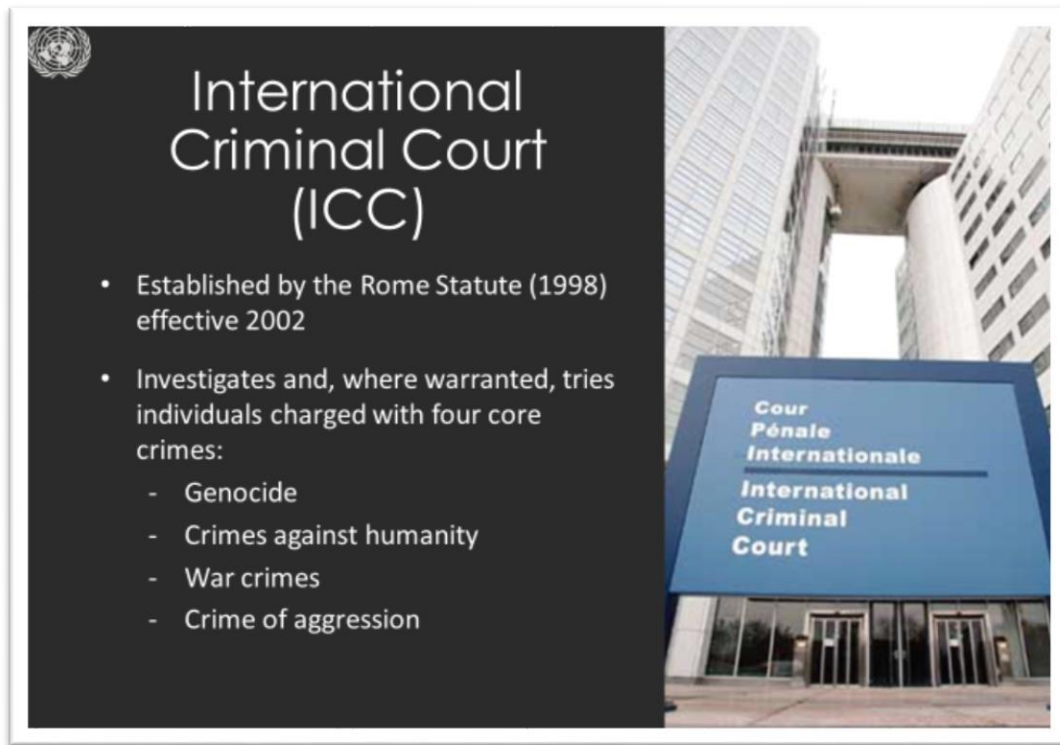
continues the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR.

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

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

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

Slide 41



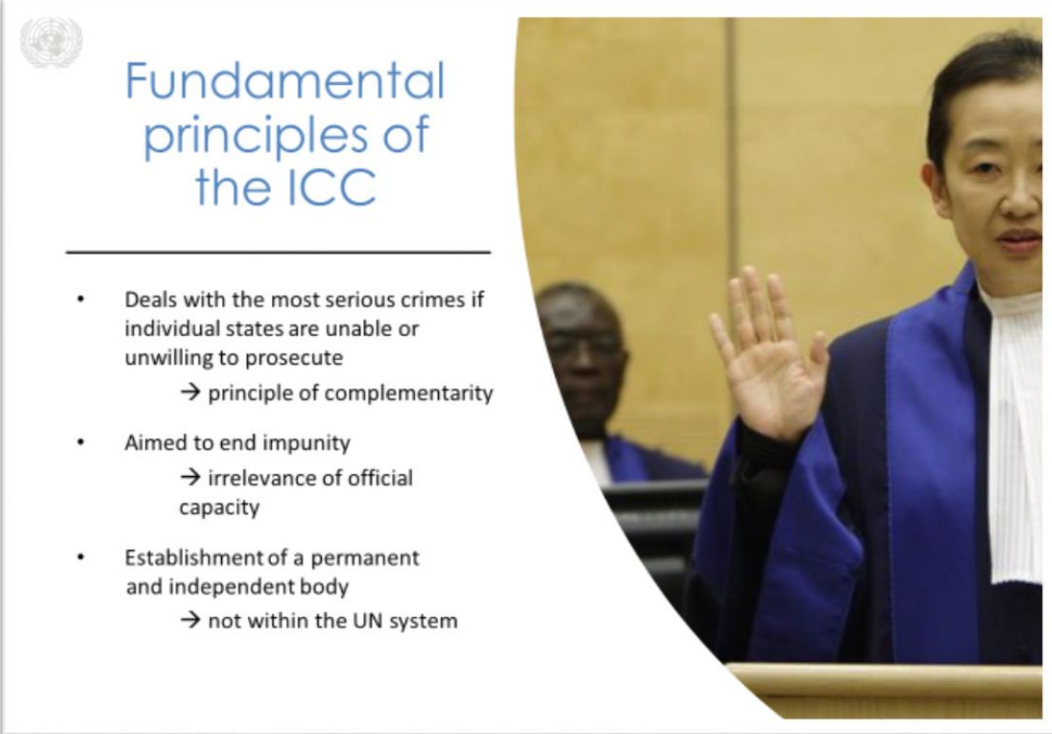
The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as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

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

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

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

## Slide 42



The slide features the title "Fundamental principles of the ICC" in blue text, accompanied by the UN emblem. To the right is a photograph of a woman in a blue judicial robe with her hand raised. The main content is a bulleted list of three principles.

### Fundamental principles of the ICC

- Deals with the most serious crimes if individual states are unable or unwilling to prosecute  
→ principle of complementarity
- Aimed to end impunity  
→ irrelevance of official capacity
- Establishment of a permanent and independent body  
→ not within the UN system

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

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

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

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

Slide 43




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

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

CRSV is also a crime in most national legal systems.

Slide 44



Why does ICL  
matter to UN  
Peacekeeping?

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

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

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

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

Slide 45



Why does ICL matter to UN Peacekeeping?

Commanders are responsible for crimes under their command if s/he:

- knew or should have known about the crimes

AND

- failed to take all necessary and reasonable measures to prevent or repress the crimes or to take action for investigation and prosecution

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

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

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

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

**Key takeaways regarding ICL include:**

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



## Slide 49



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

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

The main regional human rights regimes are:

- [Council of Europe] European Convention on Human Rights (1950)
  - Defines and guarantees human rights and fundamental freedoms in Europe
  - Is overseen by the European Court of Human Rights
- [The Americas] The American Convention on Human Rights, (1969)
  - Consolidates in the Americas a system of personal liberty and social justice based on respect for the essential rights of man

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

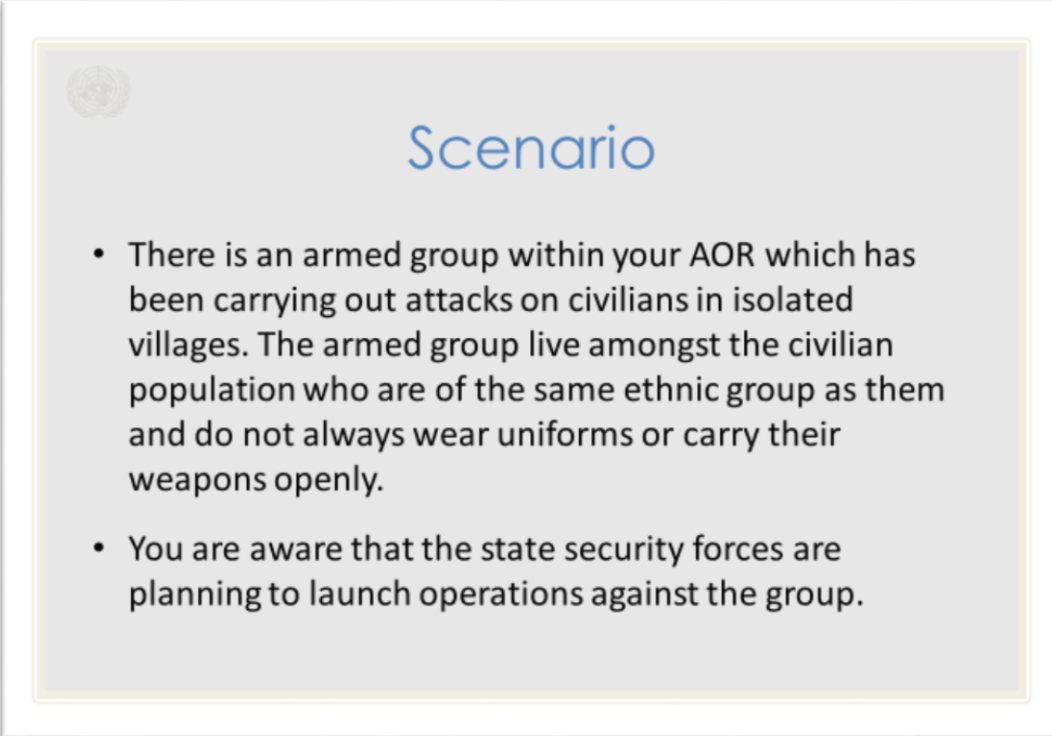
- [African Union] African Charter on Human and People's Rights, (1983)
  - Promotes and protects human rights and basic freedoms in Africa
  - Is overseen by the African Court of Human and Peoples' Rights
- Similar to the realm of human rights, refugee law has also seen the creation of regional legal regimes. The following are the most prominent examples:
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969);
  - Entered into force in 1974 to address unique aspects of refugees in Africa following wars of independence from colonial powers
- Declaration of Cartagena (1984), which was adopted in the framework of the Organization of American States.
  - Focused on the protection and humanitarian challenges affecting refugees in Central America in the 1980s
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)
  - Also known as the Kampala Convention, it specifically establishes state responsibility for the protection and assistance of internally displaced persons, whose displacement is the result of "natural or human made disasters

## Learning Activity

## 2.1

**Soldiers or civilians****TIME**

Total: 15 minutes

**EXERCISE**A presentation slide titled "Scenario" with a light blue background. In the top left corner is a small circular emblem of the United Nations. The title "Scenario" is centered at the top in a large, blue, sans-serif font. Below the title, there are two bullet points in a dark grey font. The first bullet point describes an armed group within a state's Area of Responsibility (AOR) that attacks civilians in isolated villages, blending with the civilian population of the same ethnicity and not always wearing uniforms or carrying weapons openly. The second bullet point states that state security forces are planning operations against this group.

**Scenario**

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

**NOTES TO INSTRUCTOR**

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

What is there proposed course of action?

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

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

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

# Handout

## 2.1



### Simplified Version of the Universal Declaration of Human Rights

#### Summary of Preamble

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

#### A summary of the Universal Declaration of Human Rights

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

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

25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.
27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the 'social order' that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration to take away any of the rights in this declaration.

# Lesson 2.2



## UN Legal and Policy Framework

### The Lesson



#### Starting the Lesson

##### Overview

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

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

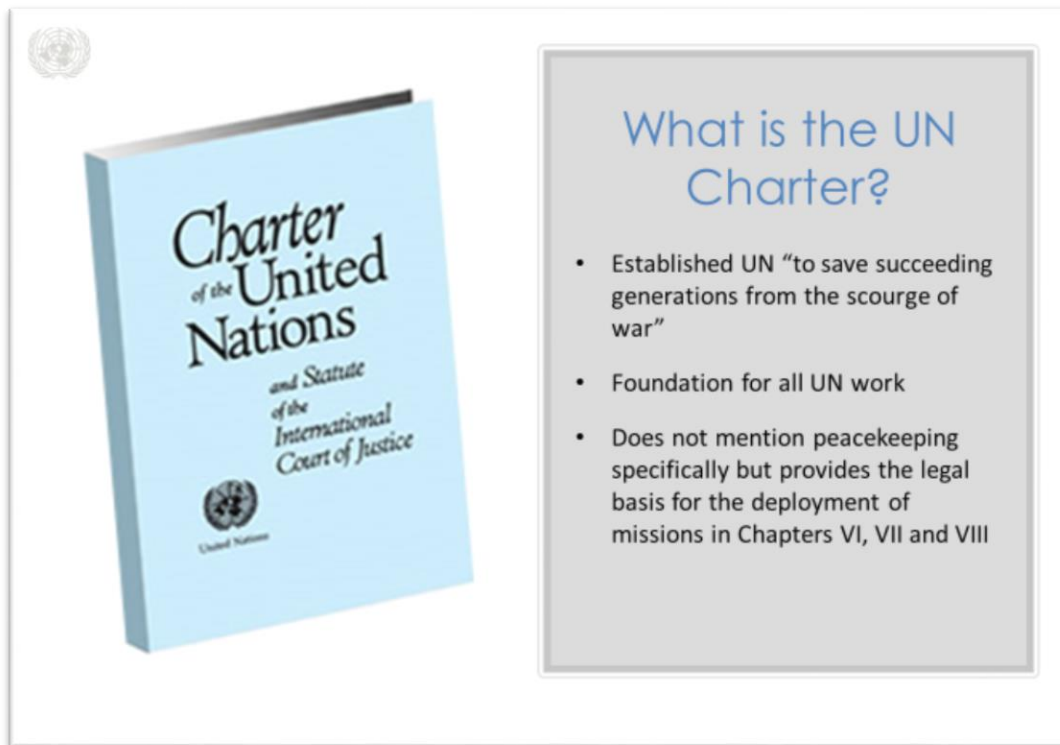
##### Relevance

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



## UN Legal and Policy Framework

### Slide 53



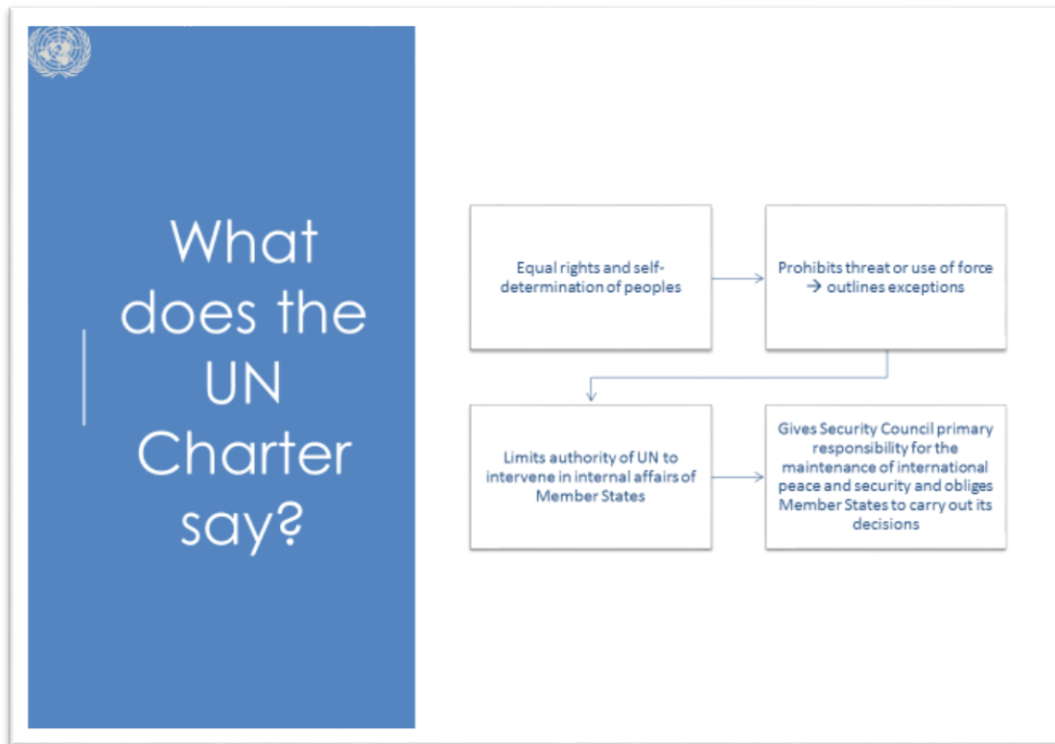
**Key Message:** The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to “save succeeding generations from the scourge of war” and one of its main purposes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

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

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

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

Slide 54



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

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

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

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

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

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



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

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

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



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

Slide 55





Convention  
on Privileges  
and  
Immunities

- Gives UN legal personality in Member States
- Provides immunity for UN from any form of legal process
- May and will be waived by the Secretary-General when in the interest of the Organization

→ Privileges and immunities do not protect from individual responsibilities of peacekeepers

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

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

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

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

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

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

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

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

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

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

Slide 56



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

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

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

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

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

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

Slide 57



## Agreement with Sending State

- T/PCC Memorandum of Understanding (MoU)
  - Legal agreement between the UN and T/PCCs
  - Regulates financial and administrative issues
  - Legal basis for the transfer of command and control
  - Code of conduct and obligations regarding SEA
- General rule: Disciplinary power and criminal jurisdiction over military personnel lies with the sending State

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

The MoU is a legal agreement detailing the following:

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



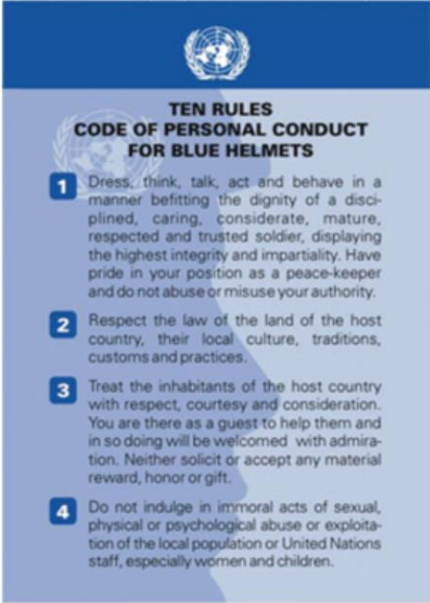
- For contributed military contingents, the UN respects the principle of the exclusive criminal jurisdiction of the contributing State over the contributed soldiers, for any crimes they may commit while assigned in the field mission.

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



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

Slide 58



**TEN RULES  
CODE OF PERSONAL CONDUCT  
FOR BLUE HELMETS**

- 1** Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, caring, considerate, mature, respected and trusted soldier, displaying the highest integrity and impartiality. Have pride in your position as a peace-keeper and do not abuse or misuse your authority.
- 2** Respect the law of the land of the host country, their local culture, traditions, customs and practices.
- 3** Treat the inhabitants of the host country with respect, courtesy and consideration. You are there as a guest to help them and in so doing will be welcomed with admiration. Neither solicit or accept any material reward, honor or gift.
- 4** Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.

## Code of Conduct

- Key rules governing how peacekeepers should conduct themselves
- Full Version part of the T/PCC MoU requiring State acknowledgment
- Short version of 10 rules available as pocket card

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

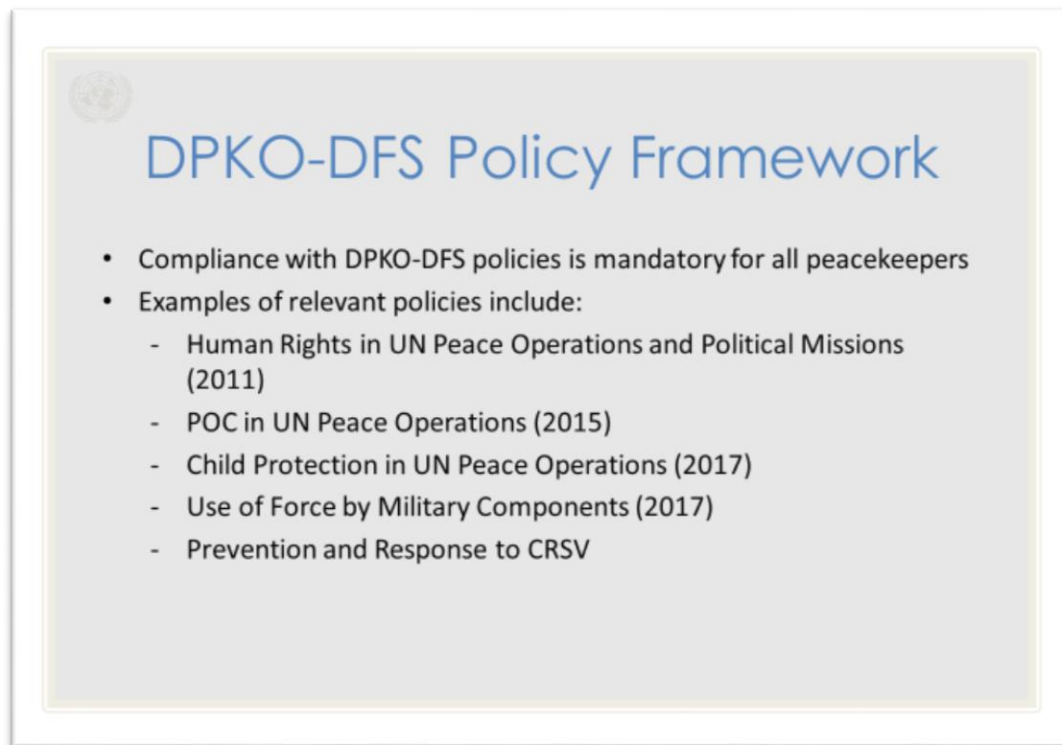
While applicability of the laws of the sending State are limited, as a general rule, disciplinary power (for Police FPU's and Military contingents) lies with the sending State. In the case of Military contingents, criminal jurisdiction also lies with the sending State. However, Member States contributing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

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

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

- There are three principles that underpin UN standards of conduct. They are based on UN Core Values and Competencies:
- Highest standards of efficiency, competence and integrity
- Zero tolerance policy on sexual exploitation and abuse
- Accountability of those in command who fail to enforce the standards of conduct

Slide 59



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

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

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

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

- The 2015 DPKO-DFS Policy on the Protection of Civilians in UN Peacekeeping explains the fundamental principles of POC in peacekeeping, identifies and organizes the range of POC tasks, guides the development of mission-specific POC strategies, and outlines how missions are expected to assess and respond to POC threats.
- The 2017 DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations is an update of the 2009 policy. It lays out the guiding principles for Child Protection in peacekeeping, defines the roles and responsibilities of peacekeepers in this regard, and gives guidance on planning for Child Protection mandate implementation.
- The 2017 DPKO-DFS Guidelines on Use of Force by Military Components in United Nations Peacekeeping Operations outline the constraints and authorities of military and police personnel with regard to the use of force while on duty in UN peacekeeping operations.
- The DPKO-DFS Policy on the Prevention and Response to Conflict-related Sexual Violence is due for release in 2018. It will be the first CRSV Policy and will outline the basic principles, tasks and planning issues to be considered for Women, Peace and Security mandate implementation in peacekeeping.

## Summary

### **Key takeaways regarding UN Legal and Policy Framework include:**

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

# Lesson 2.3



## Mission Specific Legal Framework

### The Lesson



#### Starting the Lesson

##### Overview

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

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

As a result, this section will focus on:

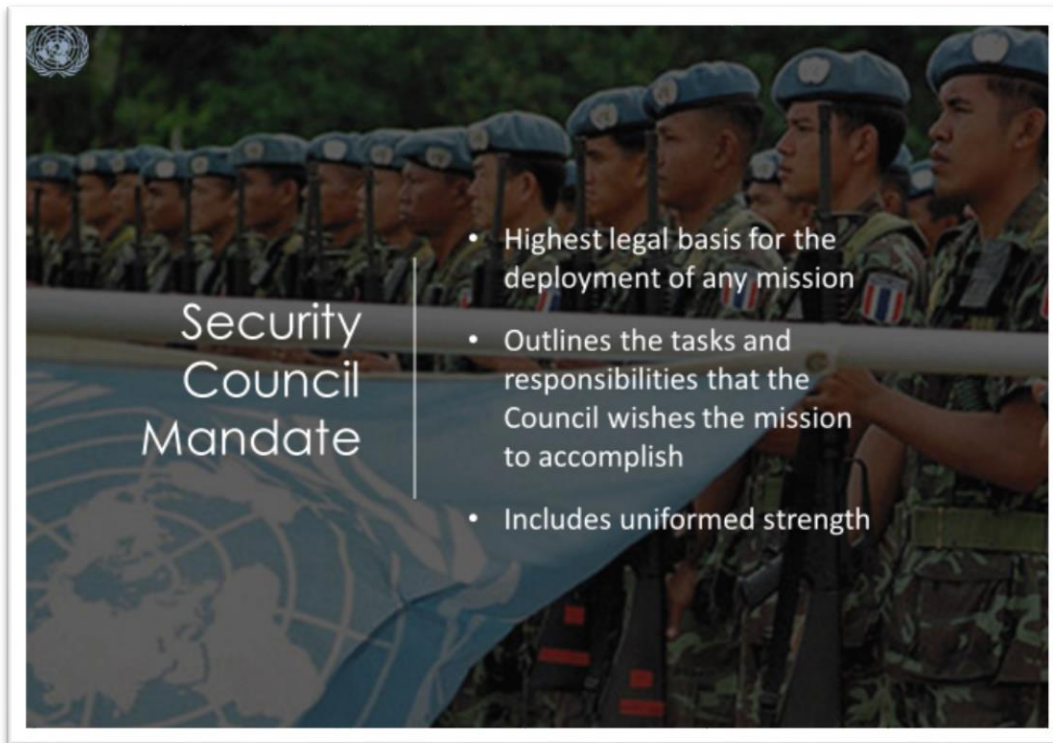
- Security Council mandates for peacekeeping operations
- Rules of Engagement
- Directives on the Use of Force

##### Relevance

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

## Mission Specific Legal Framework

### Slide 65



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

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

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

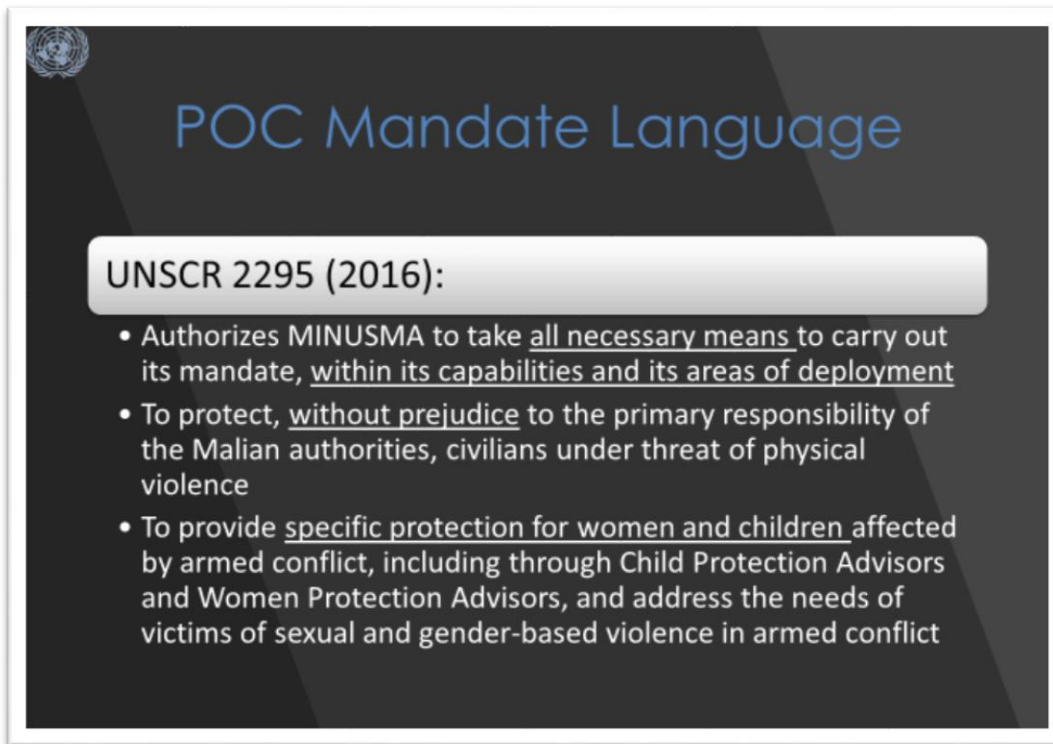


Included in the Security Council resolution that authorizes the deployment of a peace operation are not only the tasks for the mission, but also the maximum uniformed strength of a mission. Like the tasks given to a mission, the Council also routinely reviews the authorized strength of a mission, at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

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

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

Slide 66



The slide features a dark background with a light blue title 'POC Mandate Language' at the top. Below the title, a white box contains the text 'UNSCR 2295 (2016):'. Underneath this box, there is a bulleted list of three points, each starting with a white circle. The first point authorizes MINUSMA to take all necessary means within its capabilities and areas of deployment. The second point is to protect, without prejudice to the primary responsibility of Malian authorities, civilians under threat of physical violence. The third point is to provide specific protection for women and children affected by armed conflict, including through Child Protection Advisors and Women Protection Advisors, and address the needs of victims of sexual and gender-based violence in armed conflict.

## POC Mandate Language

**UNSCR 2295 (2016):**

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

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


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



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


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

Slide 67



## Mandate Language “All Necessary Action”

- Authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat
- Includes military, civilian and police action

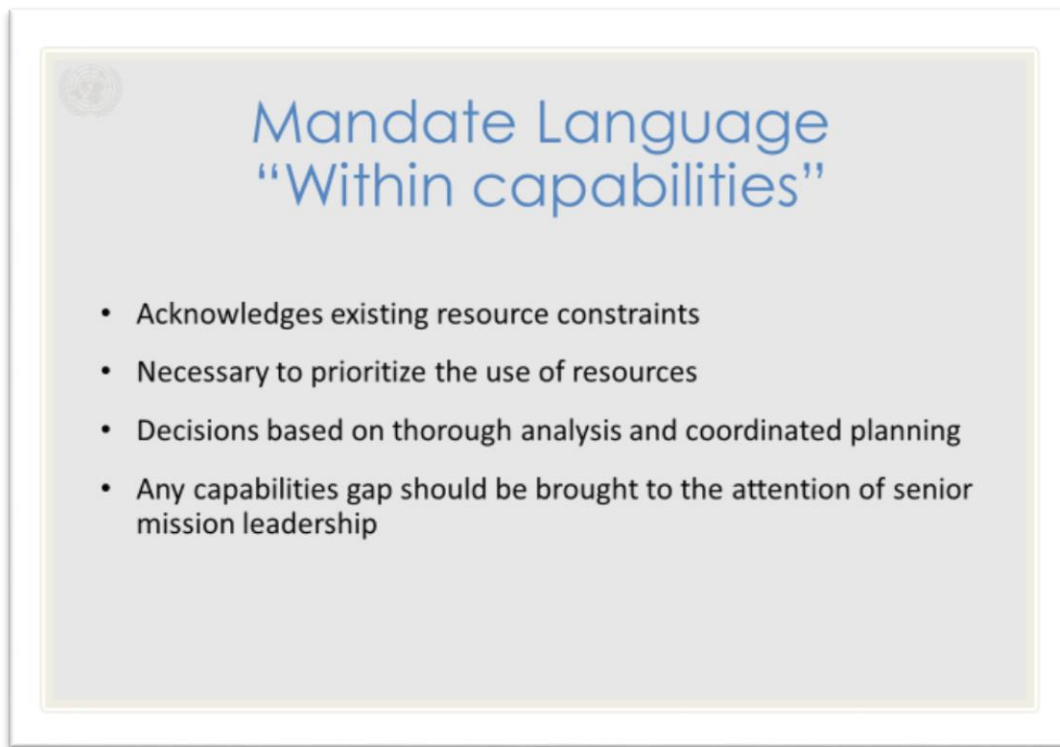


**Key Message:** The expression “all necessary action” gives the mission authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat. Peacekeepers with a POC mandate are authorized to use force in accordance with the rules of engagement.

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

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

Slide 68



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

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

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

Slide 69



Mandate  
Language  
“Without  
prejudice...”

- The Host Government holds the primary responsibility for protecting civilians
- Host Government may not be able or willing to protect its civilians
- Host Government forces may themselves be a threat to civilians
  - Peacekeepers are authorized to take action to protect civilians against Host Government forces if necessary

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

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

Slide 70



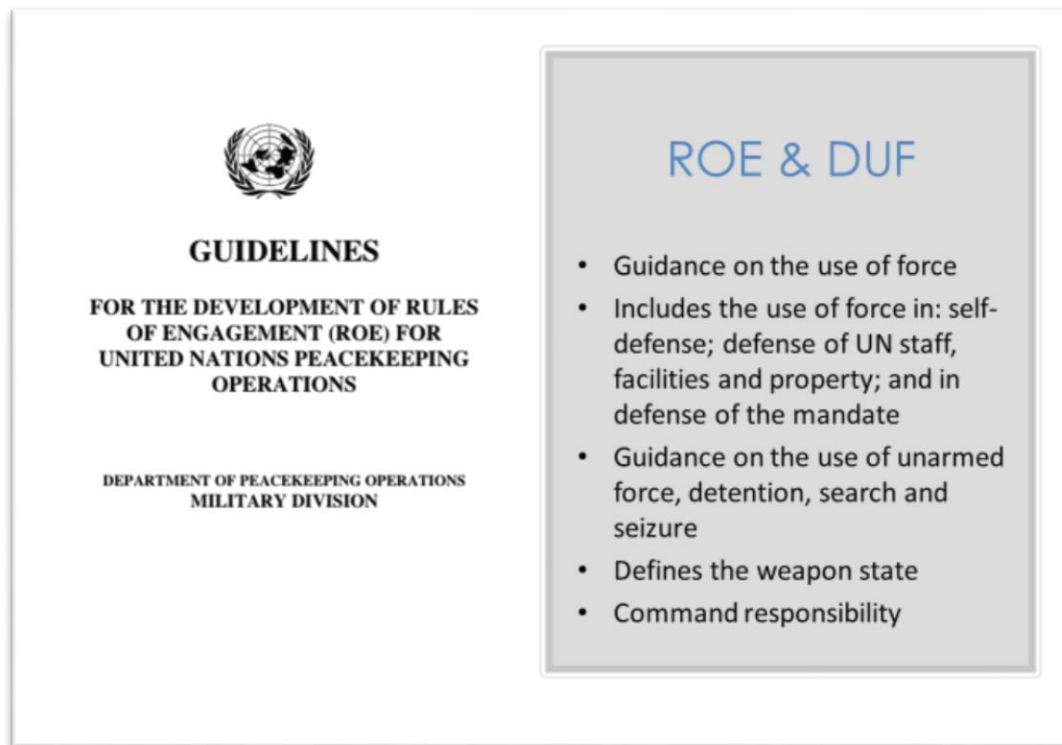
Mandate Language  
"Specific protection  
for..."

- Recognition of the importance of taking particular protection needs of women and children into account
- Security Council can request the deployment of Women Protection and Child Protection Advisors

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

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

Slide 71



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

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

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

ROE commonly include:

- Use of force (Rule 1)
- Use of weapons systems (Rule 2)
- Authority to carry weapons (Rule 3)
- Authority to detain, search, disarm (Rule 4)

- Reactions to civil actions or unrest (Rule 5)

ROE also define the weapon state.

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

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


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



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




Slide 72



## Principles of the Use of Force

- Graduated
- Last resort
- Necessity
- Proportionality
- Legality
- Accountability



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

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

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

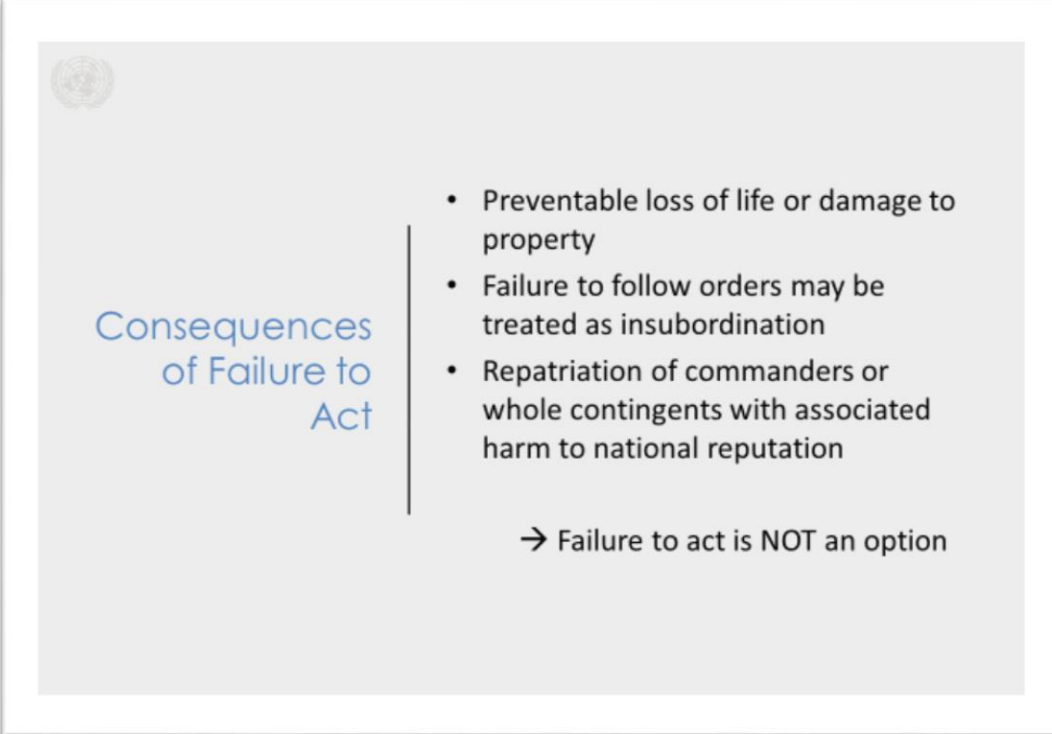
The basic principles guiding the use of force are:

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

- Last resort: Whenever the operational situation permits, every reasonable effort should be made to resolve a potentially hostile confrontation by means other than the use of force. Mediation, negotiation, use of deterrent posture, robust communications are examples.
- Necessity: Force can only be used when absolutely necessary in self-defence, in defence of UN staff, property and equipment, or in defence of the mandate. There is a duty to use reasonable efforts to resolve the situation and achieve the authorised objective without use of force.
- Proportionality: Use no more force than necessary to suppress the threat.
- Legality: Force can only be used within the limitations of the legal framework, including IHL, Security Council mandates, UN ROE, national law, and host state law.
- Accountability: The authority to use force remains a command responsibility, but the individual applying that force retains accountability for their actions being in accordance with IHL, and the mission-specific ROE. This reinforces the importance of all peacekeepers understanding the concept and principles discussed in this module.

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

Slide 73



Consequences of Failure to Act

- Preventable loss of life or damage to property
- Failure to follow orders may be treated as insubordination
- Repatriation of commanders or whole contingents with associated harm to national reputation

→ Failure to act is NOT an option

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

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

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

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

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

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



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

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

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

- The Sector North Commander ordered that troops should use their APCs to engage the SPLA troops by firing back on them and that under no condition should SPLA soldiers enter the Log base. Some troop commanders hesitated about the use of lethal force and sought written authorization for it.
- Moreover, once the security situation began to deteriorate, the Mission, at all levels, failed to manage the crisis effectively. This failure manifested itself in a lack of urgency to enhance the security within and around the POC site, the reluctant attitude of the units of some of the TCCs present in Malakal to be proactive, including requesting written confirmation to use force as in the rules of engagement (ROE); the absence of external perimeter patrolling around the POC sites; and culminating in the abandoning of sentry posts when armed elements were approaching the berm leaving the POC site fully exposed and, ensuring that civilians would be placed in serious risk in the very location to which they had come for protection.
- The Board also found that many of the applicable UN/UNMISS procedures, regulations and rules including on command and control vis-à-vis civilians and uniformed personnel, UNMISS ROEs, Force Directives and Orders were adequate to respond when faced with such an incident, however, they were not properly coordinated, disseminated or understood among the various civilian, military and police components in the mission, nor were they fully/appropriately applied by some of the TCCs deployed in Malakal. Moreover, with regard to the UNMISS military operations, the Board underscored that this was not the first instance in which military units in Malakal had demonstrated an unwillingness to proactively implement ROE, Force Directives and Orders. However, this persistent underperformance had not been reported through the appropriate chain of command.

- The Board concluded that despite relevant guidance, beginning with the Mission's Chapter VII POC mandate and including standing orders on POC operations, and particularly with regard to the ROEs, the TCCs were not adequately trained or familiar with the manner in which they were to respond. The lack of regular, targeted table top exercises was one example of a failing in this regard. The BOI further found that the UNMISS uniformed personnel detailed to protect the POC site were not adequate in number or properly skilled and equipped to fulfil the given mandate.
- On ROE/Contingency preparedness, the BOI recommended that UNMISS military leadership should ensure that training in the practical application of the ROEs and use of force is conducted regularly in accordance with the guidance from the DPKO Military Advisor with a focus on scenarios relevant to the current operational situation in a concrete location.
- The BOI also recommended that the Force Commander and Police Commissioner, in consultation with the SRSG, should immediately take action in cases where units show a lack of knowledge of ROEs or demonstrate a lack of will to use force beyond self-defence. Each case of underperformance of troops and police should be thoroughly investigated and the results reported to the UNHQ and the Permanent Missions of the involved TCCs/PCCs. Decisive action should be taken to hold the TCC contingents accountable, up to repatriating Commanders and/or Units.



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

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

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

- The Special Investigation made a series of recommendations, including:
  - DPKO to ensure that missions have rigorous contingency plans in place;
  - UNMISS to regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force;
  - All T/PCCs junior and senior commanders should conduct scenario training on the mandate and rules of engagement, and police FPU commanders should be trained on the directives on the use of force during their pre-deployment training;
  - All TCCs to confirm in writing that troops are willing and able to conduct dismounted patrols, including standing patrols by day and night outside the perimeter of UN compounds and POC sites in surrounding areas as ordered by the Force Commander;
  - All personnel of T/PCC to use the rules of engagement to the fullest extent.

Slide 74



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

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

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

Failure to understand the legal obligations does not excuse wrongful action or inaction.

## Summary

### **Key takeaways regarding Mission Specific Legal Framework include:**

- The mission specific legal framework is targeted at individual missions based on the operational environment
- The Security Council mandate establishes a peacekeeping operation and gives missions and its personnel specific tasks. Given the particular importance for each mission context, peacekeepers must understand their mandate
- ROE and DUF translate that framework into specific guidance for military and police units and individuals on when, where, and how much force is to be used. T/PCCs are not allowed to impose additional caveats on their personnel serving in peacekeeping missions, unless they are approved in writing by DPKO



# Handout

## 2.3



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

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

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

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

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

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

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

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

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

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

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


The UN Department of Peacekeeping Operations is engaging on the way forward with concerned troop-contributing countries, the note said.

# Module 2



## Legal Framework

### Slide 78



## Module 2 – Conclusions

- Legal frameworks govern human rights, IHL and peacekeeping more broadly
- International law provides special protection for vulnerable groups (women, children, refugees...)
- Peacekeepers must monitor and report violations of human rights and IHL
- Peacekeepers can be held accountable for unlawful actions
- Turn to higher command, Military Legal Officer, POC Adviser or civilian Legal Officer for clarification

Overall conclusions from Module 2 include:

- Peacekeepers need to understand how international and national legal frameworks governing human rights, international humanitarian law and peacekeeping more broadly affects the work of missions in the field
- Bodies of international of law provide special protection for those members of communities that are most vulnerable (e.g. women, children, refugees etc.)
- As a key task for peacekeepers, they must ensure to monitor and report violations of human rights and international humanitarian law
- Peacekeepers do not have impunity from laws of the host or sending State, and may also be held accountable for unlawful activities under international law
- If ever there is any lack of clarity regarding the legal framework for peacekeeping, or obligations deriving from it, peacekeepers can ask their higher command, the Military Legal Officer, POC Officers, or civilian Legal Officers for advice. Ignorance is not an excuse for a violation of law

# Module 3



## Operational Framework

### Module 3 at a Glance

#### Aim

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

#### Learning Objectives

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

- Know the main capabilities, tasks, the Organization for ENGRS units operating in UN missions / PKOs
- Be able to explain the types of engineer support along with their essential planning parameters, the tasks which can be performed by various types of units
- Be able to have an understanding of the essential planning considerations for these tasks for various missions

#### Overview

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

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

## Introduction

### Slide 1



Module 3 lessons help us to understand the main capabilities, tasks, and the Organization for ENGRS units operating in UN missions / PKOs.



*Note to instructor –*

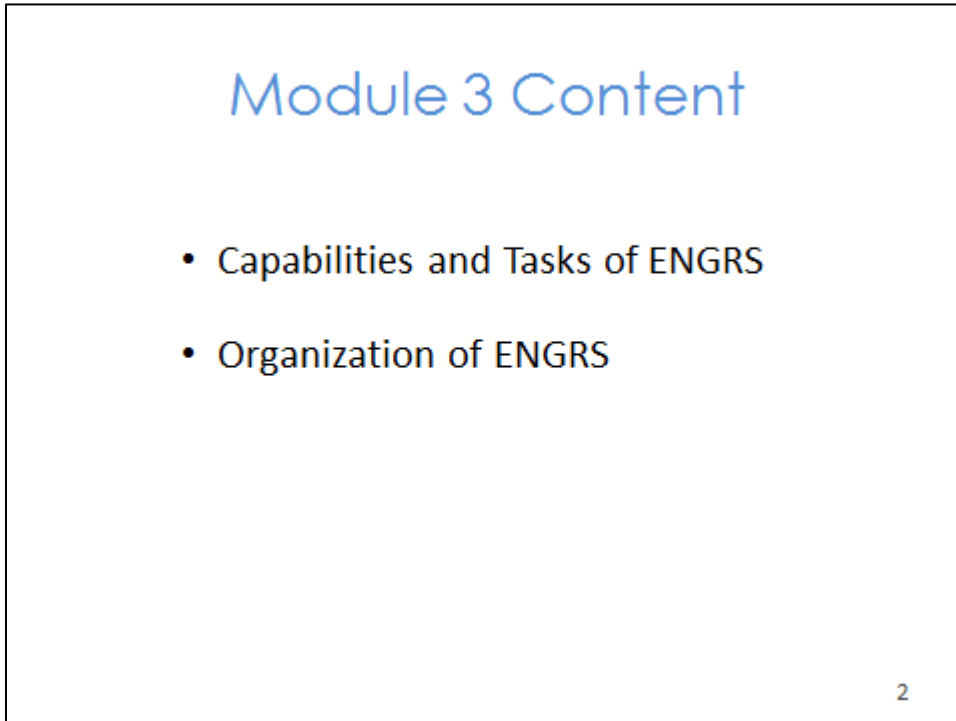
*It is recommended that Instructors read the document "United Nations Peacekeeping Operations Principles and Guidelines" (also known as the Capstone Doctrine). Instructors take a few minutes before the lesson to illustrate and hand out.*



*Recommend that you provide copies of CONOPS where ENGRS have been committed. Required are learning activity Samples of tasks assigned to ENGRS during recent PKO.*

## Introduction

### Slide 2

A presentation slide with a white background and a thin black border. The title 'Module 3 Content' is centered at the top in a blue font. Below the title, there is a bulleted list with two items: 'Capabilities and Tasks of ENGRS' and 'Organization of ENGRS'. In the bottom right corner, there is a small blue number '2'.

## Module 3 Content

- Capabilities and Tasks of ENGRS
- Organization of ENGRS

2

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

# Lesson 3.1



Overview

## The Lesson



### Starting the Lesson

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

*Ask participants for five unique characteristics of operations in a UN PKO that differ from other operations. Record the five unique characteristics on a chart / white board and review at the end of lesson 3.1.*

**Slide 3**

Capabilities and Tasks of  
the UN Military Engineer  
Unit (ENGRS)  
Lesson 3.1

3

This lesson 3.1 describes the capabilities and tasks for UN Military Engineer Units in the execution of engineer support to the Mission.



**Slide 4**

## Lesson 3.1 Content

- Core Capabilities
- Combat Engineering Capabilities and Tasks
- Construction Engineering Capabilities and Tasks
- Support to Mission Partners

4

The lesson contains 4 major topics:

- Firstly, I will describe the “Core Capabilities”
- Secondly, I will explain the “Combat Engineering Capabilities and Tasks”
- Thirdly, I will explain the “Construction Engineering Capabilities and Tasks”
- And finally, I will describe the “Support to Mission Partners” at the conclusion of the Lecture

**Slide 5**

## Learning Outcomes Lesson 3.1

- Describe the core capabilities
- Explain the combat engineering capabilities and Tasks
- Explain the construction engineering capabilities and tasks
- Explain the support to mission partners

5

As in any good training practice, let us review the learning outcomes of this lecture. At the end of this lecture, you should be able to perform these four things described in the slide. Take a moment to read and understand the requirements.

**Slide 6**

## Core Capabilities

- Combat Engineering
- Construction Engineering
- Support to Mission Partners

6

OK, we will move on to Topic 1, Core Capabilities. The core capabilities of the UN Military Engineer Unit include Combat Engineering, Construction Engineering and Support to Mission Partners. I will describe the detail of these core capabilities in the following slides.

## Slide 7

## Combat Engineering Capabilities

- Deploy personnel and equipment
- Provide own force protection
- EOD, IED disposal, counter-mine support
- Establish field defenses, enhance installation security and access control
- Communicate via VHF and HF communications
- Own logistic support element

7

- Combat Engineering requires the capability to deploy military engineer personnel and equipment on short notice into what may be hostile and dangerous environments
- Combat Engineers must be capable of providing their own force protection
- For the Force's own safety, Combat Engineers must also be capable of explosive ordnance disposal and improvised explosive device disposal as well as counter-mine support
- Combat Engineers are required to establish field defenses and enhance installation security and access control
- Typically, Combat Engineers must have the capability to communicate via VHF and HF communications, and have their own logistic support element capable of supporting the UN Military Engineer Unit's platoon-size sub-elements simultaneously in different locations

## Slide 8

## Combat Engineering Task

- Mobility support
  - Road reconnaissance, route preparation
  - Beach landings, improvements to installation  
Access and security
  - Establishment of helipads
- Survivability support
  - Preparation of installation terrain
  - Establishment/improvement of force  
protection obstacle and others
  - Creation of observation posts and check points
  - Technical reconnaissance and surveys

8

- Mobility Support is a principal Combat Engineer task that includes road reconnaissance, route preparation (such as removing or destroying obstacles, river crossing and road clean up), support to beach landings, improvements to installation access and security and the establishment of helipads
- Another principal Combat Engineering task is Survivability Support, which includes preparation of installation terrain, and the establishment/improvement of force protection obstacles, earthworks, shelters and chicanes, creation of observation posts and check points, as well as technical reconnaissance and surveys of existing and prospective installations to include gathering information on water, power supplies, terrain and infrastructure

**Slide 9**

## Combat Engineering Task

- Relocation and re-deployment of Temporary Operating Bases
- Joint operations with other national military contingents, host country security forces and UN Formed Police Units

9

Combat Engineers are also tasked with support to relocation and re-deployment of Temporary Operating Bases, and joint operations with other national military contingents, host country security forces and UN Formed Police Units.

## Slide 10

## Construction Engineering Capabilities

- Tasking authority for daily ops by Director /Chief Mission Support /Chief Service Delivery
- Coordination with Force HQs because FC has OPCON
- Maintenance of access roads, runways, infrastructure
- Construction of physical protection
- Own force protection
- Support to counter-mine and counter-IED
- Disposal of explosive ordnance and IED
- Logistic support element

10

- Construction Engineers are Mission military enabling assets and, while under the Operational Control of the Force Commander/Head of Military Component, are under the direct tasking authority (through the Force Headquarters) of the Director/Chief of Mission Support and his/her designated subordinates such as the Chief of Service Delivery.
- Construction Engineering requires the enhanced capability to provide rehabilitation and maintenance of access roads, runways and existing infrastructure (to include buildings, water supply and wastewater disposal).
- Construction Engineers provide enhanced capabilities in the construction of physical protection measures for UN installations, and like Combat Engineers, must have the capability to provide their own force protection.
- Counter-mine and counter-improvised explosive device support, explosive ordnance disposal and improvised explosive device disposal.
- The UN Military Engineer Unit must also have a logistic support element capable of supporting the Construction Engineers' platoon-size sub-elements simultaneously in different locations.

Slide 11

## Construction Engineering Task

- Permanent / prefabricated structures
- Rehabilitation and repair
- Well drilling
- Surveying

11

Vertical Construction capabilities include the building of permanent and prefabricated structures, the rehabilitation and repair of existing structures, well drilling and surveying.



Slide 12

## Construction Engineering Task

- Horizontal Construction task;
  - Road, bridge and airfield/helipad construction, repair and maintenance
  - Paving projects
  - Drainage projects
  - Earthworks and site preparation
  - Construction and maintenance of boat ramps

12

Horizontal Construction capabilities involve road, bridge and airfield/helipad construction, repair and maintenance. Other tasks are paving, drainage projects, earthworks and site preparation, construction and maintenance of boat ramps.

## Slide 13

## Support to Mission Partners

- Facilitate partners (UN Country Team, local government, international aid agencies, and NGOs) activities and contribute to host nation stabilization and security
- Contribution of ENGRS
  - Construction Support
  - Capacity Building and Training
  - Protection of Civilians
  - Disaster Relief

13

Now let's move on to the Topic 4, the Support to Mission Partners. The purpose of this capability, which includes support to the UN Country Team, local government, international aid agencies and non-governmental organizations, is to facilitate these partner activities and contribute to host nation stabilization and security. The contribution of the UN Military Engineer Unit to this commitment is largely in the tasks associated with Construction Support, Capacity Building and Training, and Disaster Relief.

## Slide 14

## Lesson 3.1 Take Away

- Core capabilities
- Combat engineering capabilities and tasks
- Construction engineering capabilities / tasks
- Support to mission partners

14

## Summary

In this lecture, I explained these four topics:

- First, Core Capabilities of the UN Military Engineer Unit. These are Combat Engineering, Construction Engineering, and Support to Mission Partners
- In the Second, third, and fourth topics, I described the detail of each capability. There are differences between combat engineering capabilities and construction engineering capabilities. While Combat Engineers come under the direct tasking authority of the Force Commander, Construction Engineers are routinely day-to-day tasked by the Director/Chief of Mission Support
- Also, Combat Engineers are expected to have capabilities to operate under hostile conditions. Construction Engineers, do not require such capability.
- Finally, Support to Mission Partners includes four major tasks: construction support, capacity building and training, , and disaster relief. The UN Military Engineer Unit can make great contributions to the Missions, the host nation, and others with their unique engineering capabilities.

# Lesson 3.2



Organization

## The Lesson



### Starting the Lesson



N/A

**Slide 1**

Organization of  
the UN Military Engineer  
Unit (ENGRS)  
Lesson 3.2

1

**Slide 2**

## Lesson 3.2 Content

- Organizing principle
- ENGRS structure
- Personnel and equipment requirements

2

This lecture contains 3 major topics. First, I will describe the “Organizing Principle”. Secondly, I’ll explain the “ENGRS structure”. And finally, I will describe the “Personnel and Equipment Requirements”.

**Slide 3**

## Learning Outcomes Lesson 3.2

- Describe the organizing principle
- Explain ENGRS structure
- Describe personnel and equipment requirements

3

As a good training practice, let us review the learning outcomes of this lecture. At the end of this lecture, you should be able to perform the actions described in the slide. Take a moment to read and understand the requirements.

## Slide 4

## Organizing Principle

- Modular and scalable, based on requirements
- Typically a company size (224-240)
- Elements / platoons added later
- Independent, versatile and interoperable
- Capabilities attached:
  - Security forces
  - Explosive ordnance disposal
  - Counter-mine
  - Well drilling

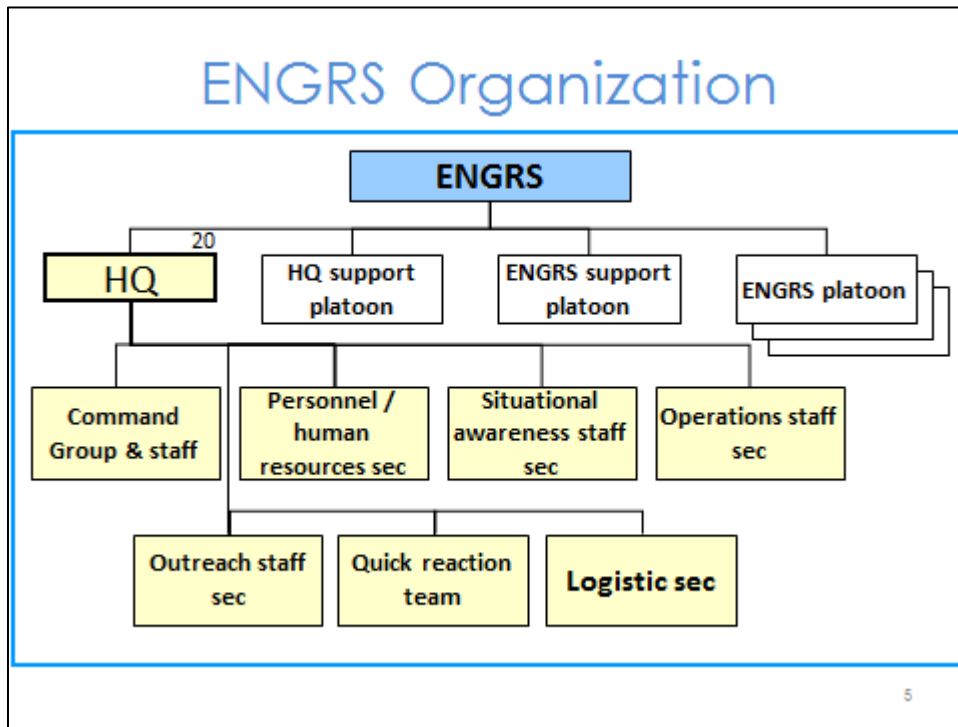
Topic number 1 is the Organizing Principle and it consists of 6 elements:

- Modular means that different types of specialized engineer elements can be added to the overall ENGRS to meet the unique requirements of each Mission
- Scalable means that the number of personnel and amount of equipment within a specialty can be increased or decreased according to need
- Typically an ENGRS company size is from 224 personnel to 240
- An ENGRS organization is based on mission and force requirements
- Depending on the specific circumstances of certain Missions, and as reflected in the UN Infantry Battalion Manual, the Statement of Unit Requirement may sometimes stress the need for UN Military Engineers to be directly embedded in infantry units
- In addition to its modular and scalable design, the UN Military Engineer Unit is inherently capable of independent operations and logistical sustainment, giving it great versatility. Versatility also gives the UN Military Engineer Unit greater interoperability
- Finally, at the broadest level, ENGRS are organized into functional groupings such as Combat Engineers and Construction Engineers. Within each type of UN Military



Engineer Unit, there can be further additional functional groupings such as Explosive Ordnance Disposal, Force Protection, Counter-Mine/Improvised Explosive Device, Establishment of Field Defences, Vertical Construction, Horizontal Construction, Road and Airfield, Technology/Geology/Topography Survey, Well Drilling, etc.

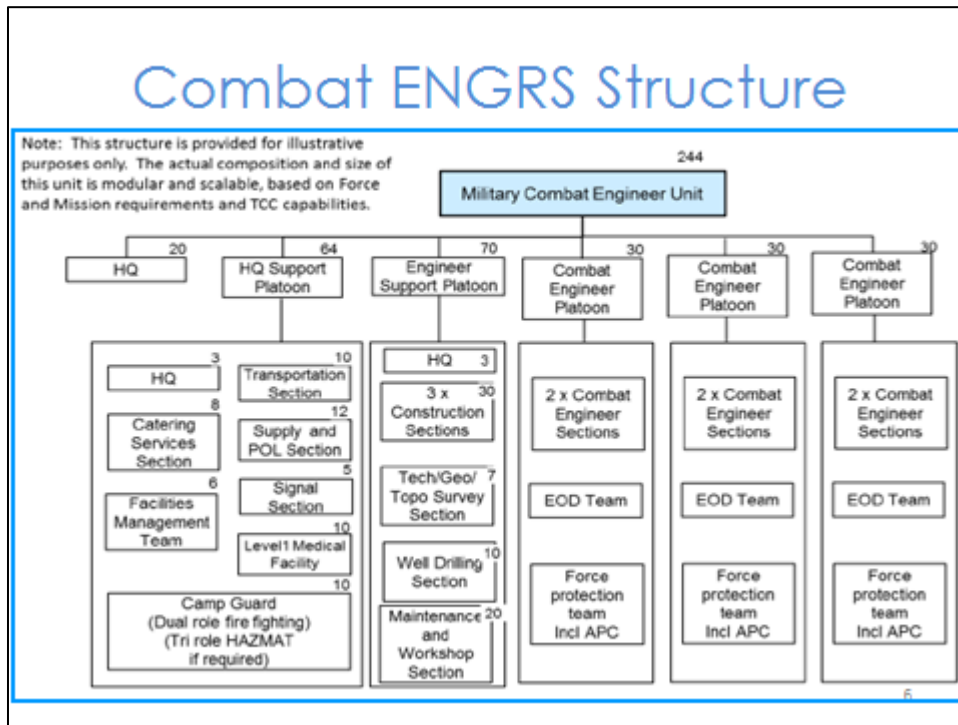
## Slide 5



Here I will explain topic 2, the general ENGRS structure. The ENGRS have a HQs support platoon, ENGRS support platoon, and some ENGRS platoons.

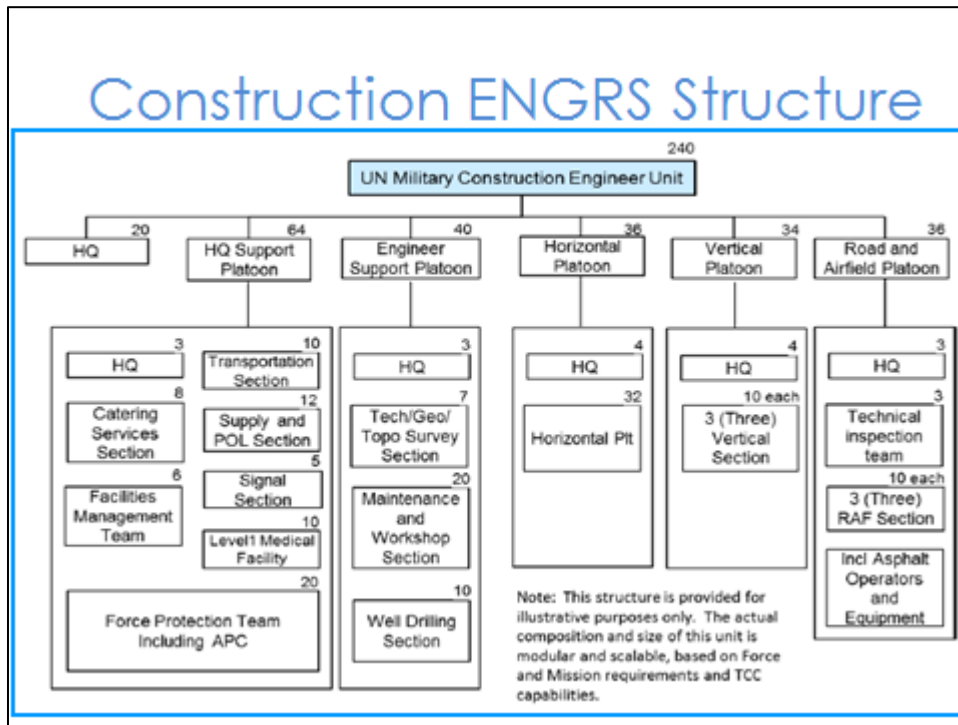
The Major elements of the headquarters are: the Command Group and Staff, Personnel / Human resources, Situational Awareness Staff Section, Operations Staff Section, Quick Reaction Team, and Logistic Staff Section. It is comprised of approximately 20 personnel.

## Slide 6



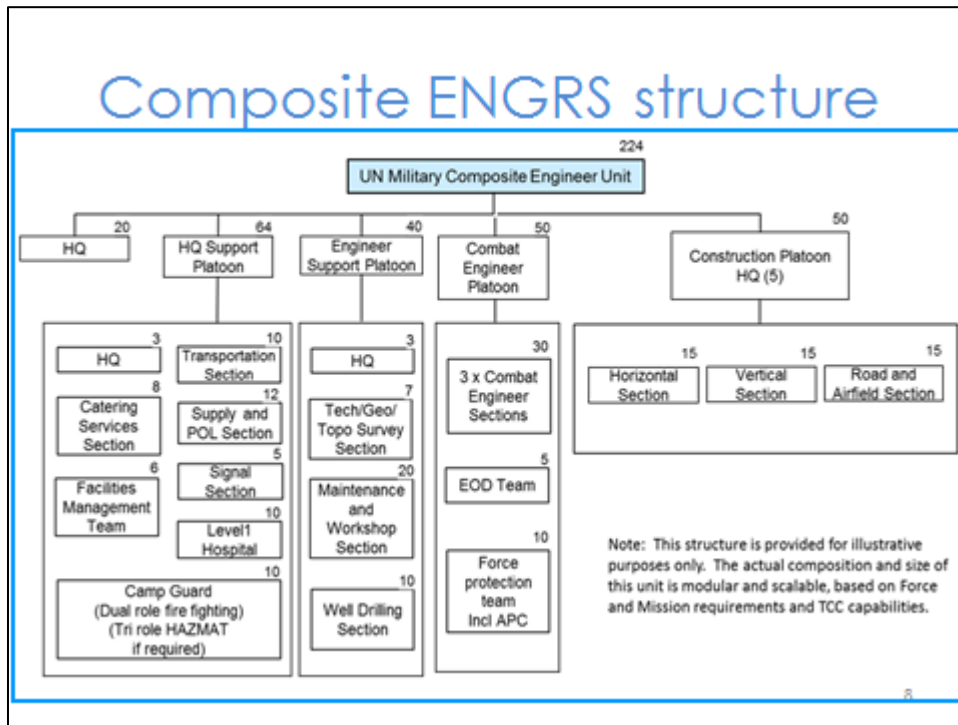
This chart illustrates a generic, company-size UN Military Combat Engineer Unit of approximately 244 personnel. Each Combat Engineer Platoon includes a headquarters element, two Combat Engineer Sections, an EOD Team and a Force Protection Team that has an additional role as a Mine Clearing Team. As this structure is generic, it portrays a possible UN Military Combat Engineer Unit structure, not necessarily any structure currently in a UN Mission. Actual structures deployed will depend on Force requirements and TCC capabilities.

## Slide 7



This chart illustrates a generic, company-size Construction ENGRS of approximately 240 personnel. As this structure is generic, it portrays a possible Construction ENGRS, not necessarily any particular structure currently in a UN Mission. Actual structures deployed will depend on Mission requirements and TCC capabilities.

## Slide 8



The chart in the slide illustrates a generic, company-size Composite ENGRS Unit of approximately 224 personnel. As with the other variations of UN Military Engineer Unit structures, its composition and size are modular and scalable according to Force and Mission requirements and TCC capabilities. Each section of a construction platoon can be task organized to reinforce one another according to Force and Mission requirements.

## Slide 9

## Personnel Requirements

- Rank Structure
- Female Participation
- Special Skills
- Cross – Training
- Communications

OK, let's move on to the Topic 6, Personnel and Equipment Requirements. ENGRS organizations described here are a recommended baseline for planning and preparation purposes at UN, TCC and Combat Mission Headquarters.

When generating a UN Military Engineer Unit, a number of points should be considered. Rank Structure: TCCs have the flexibility to adjust the rank structure according to their national organizational norms. Nevertheless, TCCs must ensure that their personnel have the requisite ability and qualifications:

- Female Participation: TCCs should make every effort to include uniformed female military personnel in the unit as their presence is a significant advantage in situational awareness when coming into contact with the local population
- Special Skills. Staff officers, technical and specialist personnel (such as engineers, surveyors, transportation specialists, workshop, interpreter and medical personnel) should be fully qualified in their respective areas of specialization
- Cross-Training. For the sake of organizational versatility, the UN Military Engineer Unit should cross-train its personnel in related skills to the maximum extent practicable
- Communications. All UN Military Engineer Unit personnel must be able to operate the unit's communications equipment

## Slide 10

Typical Equipment Requirements		
(Company-Size)		Annex C
<u>Major Equipment</u>		
Item	Quantity	Remarks
Personnel		
Strength Ceiling	XXX	
Combat Vehicles		
APC Wheeled Infantry carrier-unarmed (Class II)	4	
Container		
Other containers	18	
Workshop Container	1	

The recommended types and quantity of equipment were established based on typical Mission requirements, best practices and extensive field experience. The recommended types and quantities of equipment are for initial planning purposes only and do not replace authorizations given in a Statement of Unit Requirement after carefully studying Mission-specific requirements, the terms of an MOU, or as otherwise negotiated between the UN and TCC.

## Slide 11

## Lesson 3.2 Take Away

- Organizing principle
- ENGRS structure
- Personnel and equipment requirements

11

### Summary

In this lesson, I explained these three major topics on the slide.

First we discussed the organizing principle. These are a few of the main principles in organizing UN Military Engineer Unit.

- Modular and scalable
- Typically a company size
- Based on mission and force requirements
- Elements / platoons can be added later
- Independent, Versatile, and Interoperable
- Capabilities can be attached:
  - Security forces, EOD, Counter-mine, well drilling

Secondly, we discussed the structure of ENGRS. These were UN Military ENGRS organization, Combat, Construction, and Composite Engineer Units.

Finally, in the last topic, I delineated Personnel and Equipment Requirements. Basically, both personnel and equipment requirements for a specific Mission will be determined based on detailed study of Mission's actual requirements and negotiations between UN and TCC.



# Module 3



---

## Operational Framework Wrap Up

At the conclusion of Module 3, some key elements should become clearer:

- A general understanding of the key operational framework covering ENGRS operating in UN peacekeeping operations
- The main capabilities, tasks, the organization and C2 for ENGRS units operating in UN missions / PKOs
- The TTX will give you a better understanding of engineer support along with the essential planning parameters, roles / tasks which can be performed by various types of engineer units
- A general understanding of how POC tasks (in the different phases) in the UN can be applied in tactical scenarios
- The POC TTX provided you some tools to apply in your decision making process when employing ENGRSs in UN PKOs
- A focus on the tactical level employment of a ENGRS and a general overview of the operational level concepts to help your leaders understand the mandate implementation in UN peacekeeping

**The following annexes and references can be found in separate folders to aid in the delivery of the modules:**

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

**[End of document]**