



United Nations

Specialised Training Materials

Military Logistics Unit

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 that you check for updated versions before a training programme is conducted.

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

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Integrated Training Service

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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 Nation Military Units (UNMU).

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

Aim

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

Target audience

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

Structure of the training materials

The package is constructed in three modules:

Module 1: Conceptual Framework

Module 2: Legal Framework

Module 3: Operational Framework

Annexes:

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

Acknowledgements

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

Contact person

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

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

Table of Contents

Instructor Guidance.....	1
Module 1 – Conceptual Framework	4
Lesson 1.1 UN Logistics Units (MLU) in UN Peacekeeping.....	7
Conceptual Framework Wrap Up	39
Module 2 – Legal Framework	40
Lesson 2.1 International Law	42
Lesson 2.2 United Nation’s Legal and Policy Framework	107
Lesson 2.3 Mission Specific Legal Framework	122
Legal Framework Wrap Up.....	142
Module 3 – Operational Framework	143
Lesson 3.1 MLU Capabilities of MLU.....	146
Operational Framework Wrap Up	178
References, Annexes	179

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 spectrum of complexity in a 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 in 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 of performing 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 to this training. The CPTM contains fundamental principles, concepts and ideas to UN Peacekeeping Operations (UNPKO), which should be grasped by trainees before participating in the specific unit STM course. Instructors should develop and implement an initial written test and final test (post instruction) to reinforce 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 learning outcomes and help reinforce the lessons “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 when operating in a United Nations Peacekeeping operation using the hypothetical, CARANA scenario and unit specific situations. The exercises help participants to better understand the manifestation of integrating units in a peacekeeping environment.




Methodology: Using their national problem solving doctrine, methodology, military decision making processes, troop leading procedure, participants analyze situations, missions and present Courses of Actions (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 experienced instructors and mentors. Instructors should highlight the adequacy of the core elements and principles when operating in support of peacekeeping operations. Instructors should assist participants in bridging gaps in the transition from standard military operations to peacekeeping operations. It is important that instructors emphasize that C2, the support structure, and the coordination with the various actors in a UNPKO can be a challenge.

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
- Trainers should bring examples and antidotes from actual UNPKOs
- Training should be evaluated

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 and concept of Military Logistic Units (MLU)
- Nature and characteristics of MLU
- Support relationships, concept and support framework
- Flexibility and adaptability of MLU support framework
- MLU roles and responsibilities supporting UN Peacekeeping Operations (PKO)
- Roles and responsibilities of key mission leaders and sections
- Employment concept and planning principles

Overview

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

Learning Objectives

Learners will:

- Explain the rationale for the MLU
- Describe the UN logistics support concept
- Define the support delivery models
- Describe the principles of MLU support
- Describe the considerations for support to UN stability operations

Introduction

Slide 1



Key Message: UN Logistics Units (MLU) can contribute decisively and in support towards the successful achievement of the Mission's mandate. To date, MLU have deployed to peacekeeping operations in many of the UN missions. To acknowledge nature, characteristics of MLU and their complementarity with the force and the other components in the mission it is essential for us to be familiar with their conception support framework.

The aim of Module 1 is to provide you with an overview of MLU in order to employ them in an appropriate manner. Finally familiarize you with the conceptual support framework.

Specifically, this module emphasis:

- The nature and employment concept of MLU
- The concept for the MLU
- The logistics responsibilities of key mission leaders and sections
- The flexible and adaptable organizational structures of MLU
- Their place, role and support in Peacekeeping Operations (PKO)
- Planning principles

Slide 2

Module 1 Content

- Concept for UN Military Logistics Units (MLU)
- Logistical responsibilities of key mission leaders and sections
- Logistic planning and implementation principles

2

In this Module that addresses the conceptual framework for MLU operating in a UNPKO, we will cover in one lessons and the content is displayed on this slide.

The lesson will cover in detail the concept for of the UN Military Logistics Unit (MLU), logistical responsibilities of key mission leaders / sections, logistic planning and implementation principles.

Lesson

1.1



MLU Employment Concept

The Lesson



Starting the Lesson



For an interactive start to this Lesson, ask the participants if they have had recent experience in a UNPKO. Ask them to tell the group about their specific challenges with command and control, tasking orders, and the employment of the MLU in a UNPKO.



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



Recommend that instructors review the “DPKO/DFS policy on Authority, Command and Control in United Nations Peacekeeping Operations, (Ref. 2008.4) (February 2008). There are dual authorities for the MLU, the FC has OPCON authority (inherent in OPCON is tasking authority; and 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 concept to work properly.

Slide 3



Lesson 1.1
Conceptual Framework
for the United Nations
Military Logistics Unit (MLU)

3

We will explain the employment concept of a MLU within an integrated UN logistics system. This means from this point forward you must be in the mind-set of starting to wear the Blue Beret that represents the UN. This is the first in a series of lessons and will not cover the entire UN logistics system; only that portion that is related to a MLU operating in UN field Missions. This description of the UN's integrated civilian and military logistics system will be informative for military personnel unfamiliar with UN operations.

In the UN system, enabling units, like the MLU, function as part of a Mission-wide, fully integrated logistics support network within a system predominantly controlled and managed by a civilian structure.

Of note; every time you see or we say the Acronym MLU in all the lessons, we are referring to the United Nations Military Logistics Unit.

Slide 4

Lesson 1.1 Content

- The rationale for the MLU
- The UN logistics support concept
- The support delivery models
- Considerations for support to stability operations
- The roles and responsibilities of key mission leaders and sections
- Elements of logistics planning
- The common logistics implementation principles
- The self sustainment concept

4

Here are the subject areas we will be covering.

Slide 5

Learning Outcomes Lesson 1.1

- Explain the rationale for the MLU
- Describe the UN logistics support concept
- Define the support delivery models
- Describe the considerations for support to stability operations
- Explain the roles and responsibilities of key mission leaders and sections
- Discuss the elements of logistics planning
- Describe the common logistics implementation principles and self sustainment concept

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 the essential roles, C2 and how the MLU fits in the UN structure. Please take a moment to read and understand the requirements.

Slide 6

Rationale for the UN MLU

- Not used in every UN Mission – contingency logistics requirement
- Short notice capable
- UN Life Support Contracts not established – climate, terrain, security
- Can be re-tasked or reduced in size following the establishment of UN Support Contracts
- 1st Line of Support

6

The MLU must be fully integrated into the mission support concept and framework. The MLU has its own unique characteristics that add a critical dimension in the accomplishment of the Mission's mandate.

It is important to understand that the MLU is not always deployed as part of a UN Mission. Instead, it may be deployed only when needed to meet contingency logistics requirements. On occasion this may occur when a military capability is uniquely required, and an example of such is when contractor support cannot be obtained because the security situation is less permissive. (Note: cite a recent example).

MLUs can also be more appropriately employed to meet short-notice requirements when UN life support contracts for rations, fuel and transport are not yet in place, or when the necessary infrastructure for contracted support is being developed in a particularly remote and difficult area.

Once the civilian logistics structure is established, the Mission's MLU may be reduced or re-tasked to other logistics work, given the inherent flexibility of its structure and capability. Significantly, these presentations will clarify the MLU command and control arrangement between the Force Commander and the Mission's Service Delivery structure and key leaders.

Slide 7

UN Logistics Support Concept

- Dedicated support
- Integration of UN owned, contracted and contingent provided resources
- Responsibilities for 1st, 2nd and 3rd Line of Support

7

Within the UN Headquarters, the Department of Field Support is responsible for delivering dedicated support to UN field missions, including personnel, finance, field procurement, logistics support, communications, information technology, and other administrative and general management functions.

At the Mission level, the UN logistics support concept is based on the integration of UN-owned, contracted and contingent-provided resources. All Mission support or service functions, regardless of their origin, are considered common to the Mission as a whole and fall under the responsibility of the Director or Chief of Mission Support, who coordinates second and third-line support to all components and segments of the Mission.

The Director/Chief of Mission Support reports directly to the Head of Mission/Special Representative of the Secretary-General Mission. Resources are distributed to all Mission components based on functional need and assessed priorities. The Director of Mission Support's oversight does not include first-line self-sustainment, for which Troop Contributing Countries/Contingents are responsible.

The predominance of UN Mission military and civilian logistics support personnel and equipment are combined under the civilian authority of the Chief of Service Delivery (formerly known as the Chief, Integrated Support Services), who reports directly to the Director of Mission Support. While first-line self-sustainment UN military logistics resources are controlled and maintained by the respective military contingent commanders, the Chief of Service Delivery manages all second and third-line self-sustainment resources in the Mission area.

The different lines of support are described in terms of transportation responsibilities for bottled water, food and fuel. First-line self-sustainment support is the transportation of said items from battalion level to company level and below; second-line is from sector level to battalion level; third-line is from Mission level to sector; and fourth-line support is from sources outside the mission to the Mission area.

Slide 8

Support Delivery Models

- Lead nation support model
 - Command and Control models
- Host Nation support model
 - Provision of services
- UN civilian lead support model
 - Command and Control

8

I will now discuss these three main support delivery models in some detail.

Lead Nation Support to UN Operations: The lead nation concept involves one or more Nations taking the lead in providing logistical support to a UN Mission. These arrangements usually extend across the operational and tactical levels, but normally not necessarily all levels of the Mission's Service Delivery.

The existence of lead Nation support does not circumvent the role and responsibilities of the Director/Chief of Mission Support, or that of the Chief of Service Delivery. Their roles remain the Mission-level prioritisation and orchestration of support delivery. Moreover, lead Nation support is not confined to those situations in which a new Mission is being established. However, when a lead Nation or Nations undertake the initial provision of logistics support, the UN, following Security Council approval, may (but not necessarily) assume responsibility for the logistical support once the operation is deemed a formal UN-mandated Mission. Due to unique Service Delivery systems and equipment, some elements of support will inevitably remain National and operate in parallel to lead nation arrangements.

Lead Nation support may take the forms of:

A single Nation may provide the human resources (military and/or civilian) and equipment necessary to deliver all Service Delivery required by all Mission elements. That lead Nation would be responsible for command and control of the delivery of such support.

A single Nation may be responsible for command and control of the delivery of support while other Nations contribute resources according to agreement. Such division of effort, while making integration complex, eases the resource load on the lead Nation.

Host Nation Support to UN Missions:

Host Nation support consists of civil and military assistance provided to a Mission that is located in, or transiting, the host Nation's territory and is not normally part of a Status of Force Agreement (SOFA) or Status of Mission Agreement (SOMA). The Mission's support component is responsible for sourcing all goods and services required, and takes the lead in negotiating with the host Nation for the provision of services which includes Government agency support such as telecommunications, railways, airlines, utilities, police and fire services; civilian labour; and facilities for port operations, air transport operations, warehousing and services such as air traffic control and harbour pilots.

The standard, civilian-led UN Support Delivery Model:

Overall Mission-level support priorities are determined by the Senior Management Team including the Head of Mission, Director/Chief of Mission Support and the Force Commander. Under the delegated authority of the Director/Chief of Mission Support, the Chief of Service Delivery determines specific support priorities in compliance with the Senior Management Team's decisions.

The Chief of Service Delivery then orchestrates the Mission's full array of support resources including contractors, host nation and Troop Contributing Country-provided military enabling units to obtain the support required. For support provided by military enabling units, the Chief of Service Delivery works in cooperation with the Force Headquarters to task military enabling units. This tasking is accomplished through the appropriate staff element at Force Headquarters and does not apply to military enabling units in direct support of military operations. Military enabling units in direct support of military operations are OPCON to the Force and Sector Commanders, and focus on their operational needs.

Slide 9

Support to Stability Operations

- Range of stability operations
- Service delivery requirements
- Support model tailoring

9

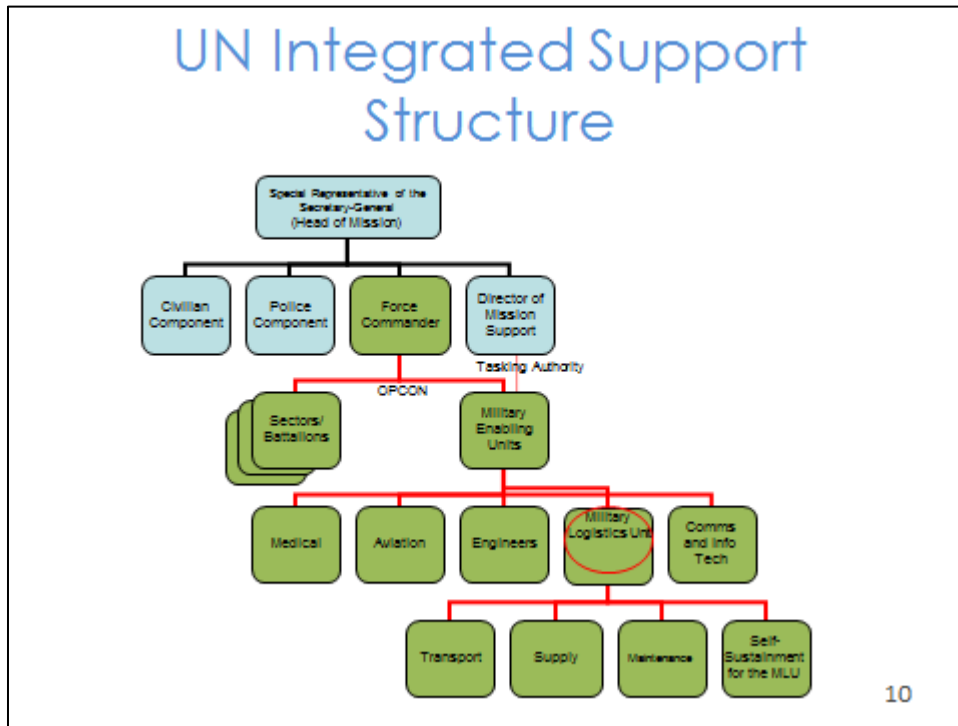
Stability operations range from long-term Service Delivery-focused operations in humanitarian and civic assistance Missions to major short-notice peace enforcement Missions. Inescapably, some UN stability operations may encounter armed conflict and under these circumstances, the support provided by the MLU is particularly valuable. Tailoring an MLU and Service Delivery to the requirements of a stability operation is pivotal to the success of the overall Mission as small, task-organized Service Delivery (including MLU personnel) teams may operate far from UN sources of logistical and other support. In such cases, arrangements must be made during the Service Delivery team's mission planning process to ensure that these teams receive the support they require. These sustainment arrangements may include contracted services and support that may significantly augment MLU and Service Delivery capabilities in major stability operations.

Up until now we have looked at:


- Why we have an MLU
- What models we use
- How the support is provided

So now let us look at how we structure the support on the ground.

Slide 10



As illustrated on this slide, the MLU functions are characteristic of an enabling unit within the Mission's Service Delivery structure. The tasks and mission of the MLU are coordinated by Mission Support (formerly known as the Joint Logistics Operations Centre (JLOC)). The MLU is under the Operational Control (OPCON) of the Force Commander, represented by the green, but day-to-day logistics management and routine taskings of the MLU is the responsibility of the Chief of Service Delivery, represented in blue.

 *Note to instructor; suggest that a hard copy of this slide can be handed out to students and referred to as part of this slide narrative.*

Slide 11

Key Mission Leaders

- Head of Mission
- Head of Military Component
- Director/Chief of Mission Support
- Chief of Service Delivery
- Deputy Chief of Service Delivery
- CO Military Logistics Unit
- National Support Element
- UN Headquarters Staff Support

11

Represented on this side are a number of the key mission leaders and HQ sections that have logistical and financial responsibilities.

Slide 12

Head of Mission

- Senior UN Mission Representative
- Politics
- Operational direction
- Resource allocation within priorities

12

The Head of Mission (HOM), in a peacekeeping operation is the Mission's senior UN representative. HOM reports to the Secretary-General through the Under-Secretary-General of the Department of Peacekeeping Operations.

HOM has overall authority over the activities of the UN in the Mission area and is typically designated as a Special Representative of the Secretary-General (SRSG), leading UN political engagement and speaking on behalf of the UN within the Mission area.

HOM leads and directs the heads of all Mission components and ensures unity of effort and coherence among UN entities in the Mission area.

HOM provides political guidance for mandate implementation and sets Mission-wide operational direction, including taking decisions on resource allocation in the event of competing priorities. HOM also delegates the operational and technical aspects of mandate implementation to the heads of Mission components.

Slide 13

Head of Military Component

- Head of Military Chain of Command
- Command levels
- Technical reporting
- Communications

13

The Head of Military Component (HOMC), reports to the HOM.

HOMC establishes the military operational chain of command in the field, exercises operational control (OPCON) over all military personnel in the Mission and places military units under the Tactical Control (TACON) of military commanders in the operational chain of command.

HOMC maintains technical reporting and communications links with the Military Adviser in the Office of Military Affairs, Department of Peacekeeping Operations (DPKO) at the UN Headquarters. This technical reporting link does not substitute for, nor circumvent, the chain of command between the Under-Secretary-General, DPKO and the HOM, nor does it interfere with decisions taken by the HOM.

Slide 14

Director/Chief of Mission Support

- Authority
- Head of administration
- Compliance
- Principal staff officers

14

The Director/Chief of Mission Support (DMS) is appointed by the Under-Secretary-General for Field Support at UN Headquarters and leads the Mission's Division of Administration. DMS reports to the Head of Mission (HOM) and is accountable to the HOM for the efficient and effective provision of administrative and logistic support to all Mission components. DMS exercises financial authority in consultation with the HOM.

DMS has sole UN authority in the field to commit UN financial resources for any purpose, including any contractual arrangements for the use of local resources, and is accountable for UN-owned assets, property and financial transactions made by the Mission on behalf of the UN.

DMS is responsible for the strict observance of, and compliance with, UN technical and administrative regulations related to the administration of the Mission and logistics management, and advises the HOM on the rules and regulations governing the commitment of UN financial resources to ensure the provision of efficient and effective administrative and logistical support to all Mission components. All financial delegations within a Mission area are under the sole responsibility and authority of the DMS. As such, the MLU commander has no direct financial authority.

DMS carries out functions through two principal staff officers. The first is the Chief of Administrative Services (CAS) who is responsible for personnel, finance, and procurement; and the second is the Chief of Service Delivery (CSD) who manages the logistics component of the Mission.

Quick recap: We have the HOM, Force Commander; Director/Chief of Mission Support (DMS) as equals then subordinate to DMS is the CAS and CSD.

Slide 15

Chief of Service Delivery

- Service delivery planning
- Logistics expert
- Controls logistics resources
- Types of resources
- 2nd and 3rd Line of Support
- Authority over
 - Self accounting units
 - Mission support centre

15

The Chief of Service Delivery is an expert in UN logistics, finance, procurement and administrative procedures. In a typical Mission, the Chief of Service Delivery is assisted by a Deputy Chief of Service Delivery who is typically a seconded serving military or police officer.

The Chief of Service Delivery is responsible for providing logistics support to all Mission components according to the priorities established by the senior Mission management. The Chief of Service Delivery controls all logistics resources in the Mission, which may include:

- UN-owned, commercially contracted and military enabling units which can include logistics, construction engineers, signals, aviation, transportation and medical units
- Services for military and police logistics
- Construction and maintenance engineering
- Military unit medical supplies as part of the DMS logistic responsibility. The remainder of medical support, such as the requirement for Medical Level 1 Hospitals and personnel, is specified in the Mission-specific Statement of Unit Requirement

- Medical; not all UN military units, including the MLU, are required to provide their own Level 1 Hospital and would, in such cases, receive Level 1 support from other Mission units. Levels 2 and above medical support is a Mission responsibility

The Chief of Service Delivery also controls the following logistics resources:

- Movement control
- Communications and information technology
- Supply
- Aviation
- Surface transport
- Geographical Information Services (GIS) in the Mission
- Coordinating Mission Support Centre activities

The Chief of Service Delivery exercises their authority through two key structures: Self-Accounting Units and the Mission Support Centre:

- Self-Accounting Units. The Service Delivery structure consists of a number of sections or Self-Accounting Units performing tasks specific to their area of expertise. In most cases these Self-Accounting Units have significant financial and asset management responsibilities and are directly responsible and accountable to the Chief of Service Delivery for providing technical advice, detailed technical planning and execution of their respective tasks in accordance with Mission support plans. For the purposes of standardization and uniformity, Mission-level changes in sections comprising Service Delivery are not authorized unless an exceptional and compelling reason necessitates deviation. Any such exception requires specific approval by the Under-Secretary-General, Department of Field Support
- Mission Support Centre. The Mission Support Centre acts as the nerve centre and focal point for logistics support coordination in the Mission area. The Mission Support Centre draws its authority from the Chief of Service Delivery. The Chief of the Mission Support Centre serves as an advisor to and implementer for the Chief or Deputy Chief of Service Delivery in such areas as planning, coordination, monitoring and providing feedback on logistics support requirements. All Mission Support Centre instructions carry the Service Delivery Chief's full authority for coordination and execution of approved plans

Slide 16

Deputy Chief of Service Delivery

- Background of proven financial authority and accountability
- Responsible for mission logistics staff officers
- Certifying Officer

16

The Deputy Chief of Service Delivery plays a key role in increasing the Mission Headquarters understanding of both Military and police operational logistic requirements. The Deputy Chief of Service Delivery plans and executes military and police operational logistics.

All Mission logistic staff officers, military and police, ultimately report to the Deputy Chief of Service Delivery, but they remain under the tasking authority of their direct supervisors.

When approved by the UN Headquarters Controller, the Deputy Chief of Service Delivery will have Certifying Officer responsibilities due to his background of proven financial authority and accountability.

Each new Deputy Chief of Service Delivery should be assigned to the Logistics Support Division in the Department of Field Support at UN Headquarters for a week of induction, orientation and familiarisation training prior to deployment.

Slide 17

CO Military Logistics Unit

- Service delivery in support of the Chief of Service delivery plan
- Pre-deployment responsibilities
- Risk assessment
- Resource allocation
- Sustainment requirements

17

Before deploying to the UN Mission's operational theatre, the MLU Commander must ensure to deploy, sustain and regenerate the force. The CO MLU should consider the implications of casualties, consumption, materiel losses and resupply lead time; and then plan, allocate and balance resources accordingly.

A MLU Commander should also evaluate the risks to, and security of, his sustainment equipment and capabilities, communication nodes and links; and adapt a 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.

The MLU Commander bases the Service Delivery Plan (which is a subset of the Mission Support Centre plan) on the overall Force Commander's operations plans and orders. The concepts of operations and support are developed concurrently in coordination with Service Delivery, the MLU Commander and other service component commanders. They and their staff must consider the many support factors that affect the ability of forces to conduct operations.

Slide 18

National Support Element

- Member state augmentation
- Based on national standards
- Non UN support requirements
- Outside UN funding responsibilities

18

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

Slide 19

UN Headquarters Staff Support

- Department of Field Support:
 - Information technology
 - Human resources
 - General administration
- Dedicated communications support

19

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

Equipment for communications between the Mission, Force or Sector Headquarters and the MLU is provided as UN-Owned Equipment (UNOE). UNOE ensures that the MLU has integral, secure, military-grade communications within the Force or Mission's communications network. The MLU internal communications and information systems are provided by the respective TCC as Contingent-Owned Equipment and are used for communications within the unit.



So, let's look at the handout again. We have the HOM, Force Commander; Director/Chief of Mission Support (DMS) as equals then subordinate to DMS is the CAS, CSD CO MLU and the NSE if required by the TCC.

Slide 20

MLU Planning Elements

- Centralised
- Comprehensive
- Tailorable
- Flexible
- Continuous

20

MLU planning, accomplished within the Service Delivery planning structure, should be centralised, comprehensive, tailorable (modular), flexible (scalable) and continuous. Common to all aspects of UN Missions are the requirements for mobility and the interoperability of multinational efforts. Logistics operations for all Missions have common principles for planning and implementation.

Slide 21

Logistics Implementation Principles

- Responsibility
- Foresight
- Flexibility
- Economy
- Simplicity
- Cooperation

21

These common principles for planning and implementation of UN logistics support will be covered over the next two slides, the first six are:

- **Responsibility.** The UN and Troop Contributing Countries have a collective responsibility to ensure that forces deployed on any UN operation are fully equipped and supported. This may be achieved through national or cooperative arrangements and must be clearly agreed upon prior to deployment. Member states and the UN each share responsibility for the care, custody and safeguarding of UN personnel and equipment
- **Foresight.** The administrative planning for any Mission begins well before the commencement of an operation. This includes first identifying resources within or close to the deployment area and obtaining information regarding the infrastructure of the sites concerned. Consideration must be given to any special on-site requirements such as clothing, munitions, accommodation and mobility. Contingency planning for strategic movement should begin at the earliest opportunity
- **Flexibility.** Flexibility in logistics means the ability to adjust operational and logistics plans that will almost inevitably be subject to frequent changes, particularly in the early stages of an operation. In conditions where lines of communication are

subject to disruption, it may be necessary to deviate from pre-set methods and modify standard operating procedures to meet unexpected events

- **Economy.** In any Mission, resources are rarely plentiful and must be used effectively, efficiently and economically. Early integration of all available assets provided by the contributing member states should be a main goal. When possible, this integration must be planned prior to deployment to avoid duplication of resources at the Mission site
- **Simplicity.** The simpler the logistics plan, the easier it is to understand. The greater the understanding of the plan, the more effective cooperation will be between contributing nations, enhancing the speed with which an original plan can be adapted to meet changing circumstances
- **Cooperation.** Cooperation will always be the key to producing a workable UN Mission logistics structure. Levels and standards of support differ by nations. Almost always, there are a variety of nationalities involved with different languages, cultural requirements and capabilities. Cooperation is essential in order to achieve a workable logistics solution

Slide 22

Logistics Implementation Principles cont.

- Sufficiency
- Accountability
- Visibility
- Interoperability
- Integration

22

Sufficiency. The levels and distribution of logistical resources must be sufficient to meet the sustainability and mobility needs of the operational plan. Stock levels should take into account the expected nature and duration of the mission, consumption pattern and lead time for resupply shipments.

Accountability. Accurate accounts must be kept for all assets that are purchased and issued to contingents for the support of a mission. This includes any equipment classified as Contingent-Owned Equipment.

Visibility. Logistics assets are vital to any operation and represent a large monetary investment. It is important that a full audit trail be maintained for all assets dispatched to, in and from the Mission site. In the UN, this audit trail is achieved using a number of methods ranging from barcode and satellite tracking to basic card systems.

Interoperability:

- From its commander's perspective, the UN Military Logistics Unit's employment concept must take into account not only the Mission's command and control and planning processes, but also the numerous external and internal logistics

stakeholders affecting the Mission. Constant coordination with each of these stakeholders is essential

- Interoperability is the capacity to cooperate and function together successfully with units from other Mission Troop Contributing Countries. For an MLU, logistics interoperability can be achieved in various ways to obtain different levels of cooperation and mutual reinforcement. At its lowest level, a degree of interoperability is achieved by developing a shared understanding of doctrine and procedures, supplemented by effective communication links between commanders and staffs so that separate taskings can be coordinated
- More advanced logistics cooperation involves a wider range of communication links, as well as agreed operational doctrine, procedures and protocol. Better interoperability and cooperation for MLU requires common or compatible systems and platforms, shared logistics capabilities and, at the highest level, completely integrated forces sharing compatible equipment, communications and practices

Slide 23

Self Sustainment Concept

- Catering, laundry and cleaning services
- Personnel/administrative services
- Communications and information technology services
- Preventative maintenance and serviceability awareness
- Maintaining internal logistic capacity in an operational state
- On-site repair and maintenance of self-sustainment equipment

The MLU self-sustainment capabilities and tasks include, catering services, laundry and cleaning services, personnel/administrative services, communications and information technology services, preventative maintenance and serviceability awareness, maintaining internal logistic capacity in an operational state and on-site repair and maintenance of self-sustainment equipment.

It is important to understand that the MLU Commander must include these aspects into the force design of the unit and at least in the early stages of a deployment be self-sufficient in these areas.

Slide 24

Lesson 1.1 Take Away

- Deploying a MLU
- Key support organisations
- Where an MLU sits within the support structure
- Support delivery models
- Options for support to stability operations

24

Summary

Finally, we should have a general understanding of these topics; so let us review and discuss the following:

- To understand the higher level rationale of when, where, why and how decisions are made to deploy a MLU
- Identify the key organisations that provide support and responsibilities for the three levels of support
- The MLU within the overarching support structure
- To comprehend the roles, responsibilities and structure of the three support delivery models
- Understand the options for providing logistics support to stability operations

Slide 25

Lesson 1.1 Take Away cont.

- Key mission responsibilities
- National Support Element
- UN HQ staff
- The elements of logistics planning
- The common logistics implementation principles
- The self sustainment concept

25

Summary

Let us review the key staff structure:

- HOM
- The Head of the Military Component
- The Director/Chief of Mission Support
- The Chief of Service Delivery
- The Deputy Chief of Service
- The CO of the MLU
- National Support Element

Summary Continued

Lastly, we covered the five planning elements to be considered, the 11 logistics planning elements and the components of the self-sustainment:

- Centralised
- Comprehensive
- Tailorable
- Flexible, and
- Continuous

The 11 logistics planning principles which are to be taken into account when planning for UN logistics support to missions:

Responsibility	Foresight
Flexibility	Economy
Cooperation	Simplicity
Accountability	Visibility
Interoperability	Sufficiency

The self-sustainment concept which takes into consideration:

- Catering services
- Laundry and cleaning services
- Personnel/Administrative services
- Communications and Information Technology services
- Preventative maintenance and serviceability awareness
- Maintaining internal logistic capacity in an operational state
- On site repair and maintenance of self-sustainment equipment



Learning Activity

For the Module 1 Learning Activity (LA) go to Annex C -STM Learning Activities and TTX and look for the following documents and handouts:

- **Mil Logistics Unit LA Module 1**
- **Mil Logistics Unit LA1 Instructor Notes**
- **Mil Logistics Unit LA1 Student Handout**

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.

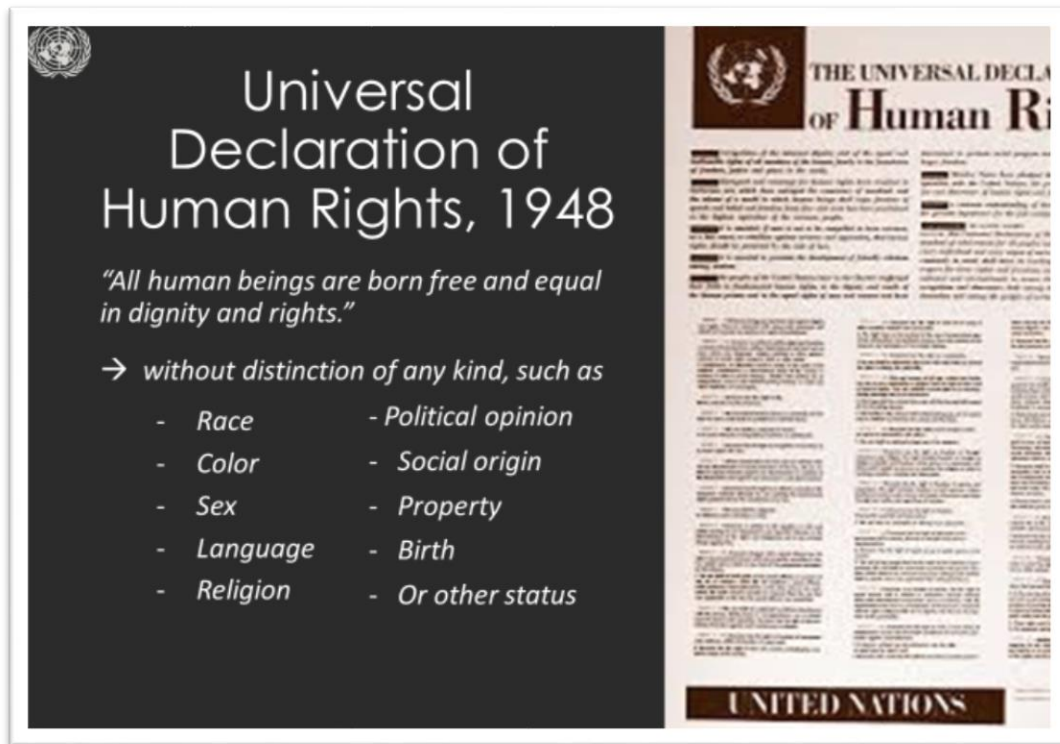
States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

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

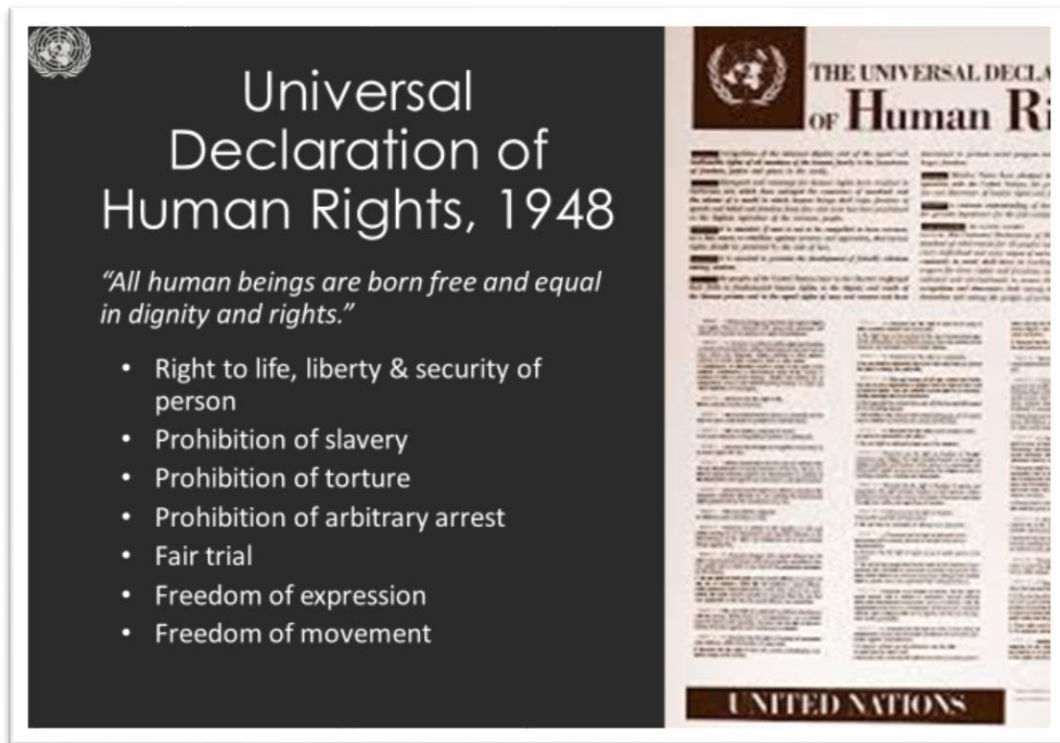


Key Message: The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression 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

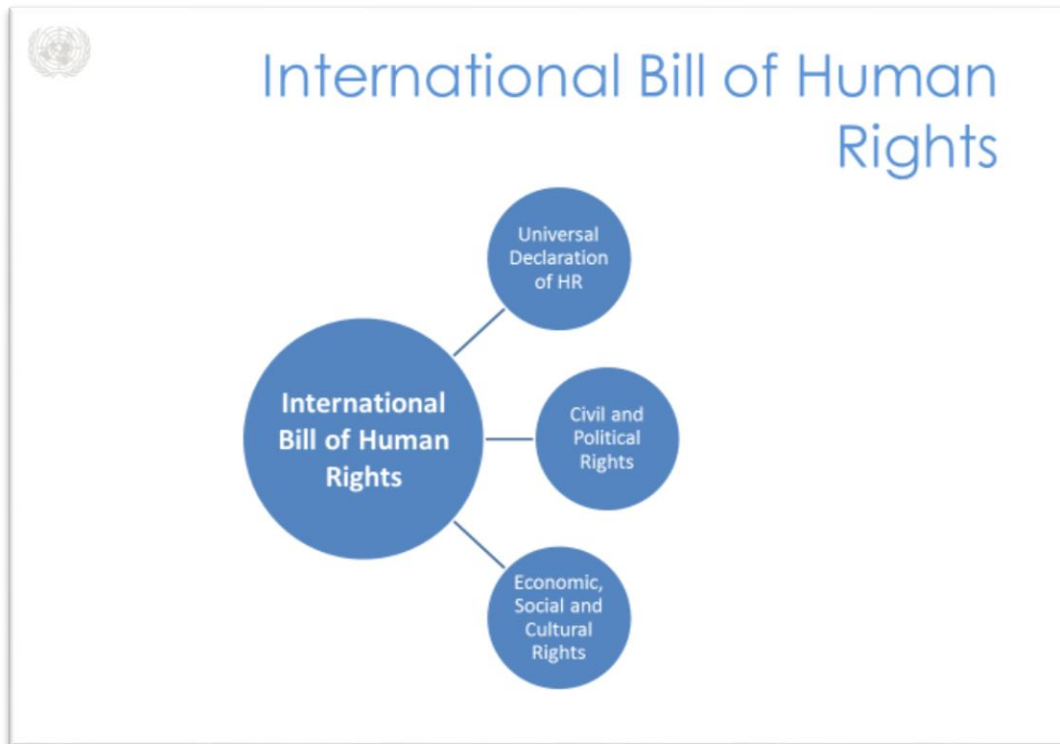


Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).

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


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

Slide 11



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.

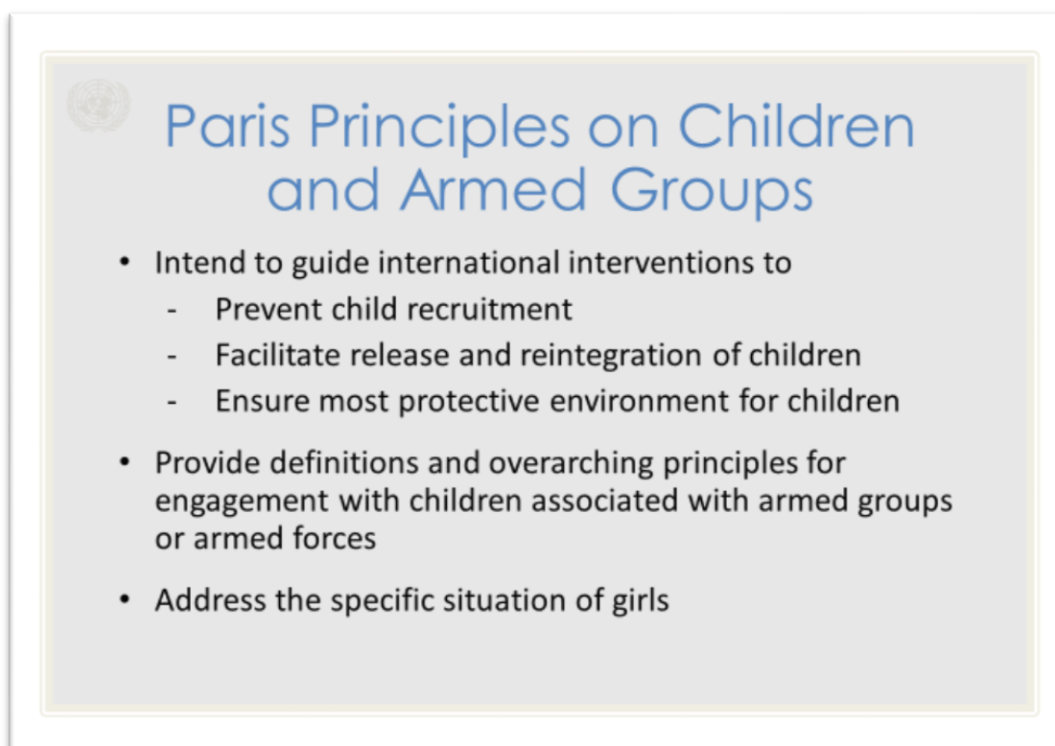
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

- 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



The slide features the United Nations emblem in the top left corner. The title 'Human Rights Due Diligence Policy' is displayed in blue text on the left side. To the right of the title, a vertical line separates it from a bulleted list of three points.

- 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

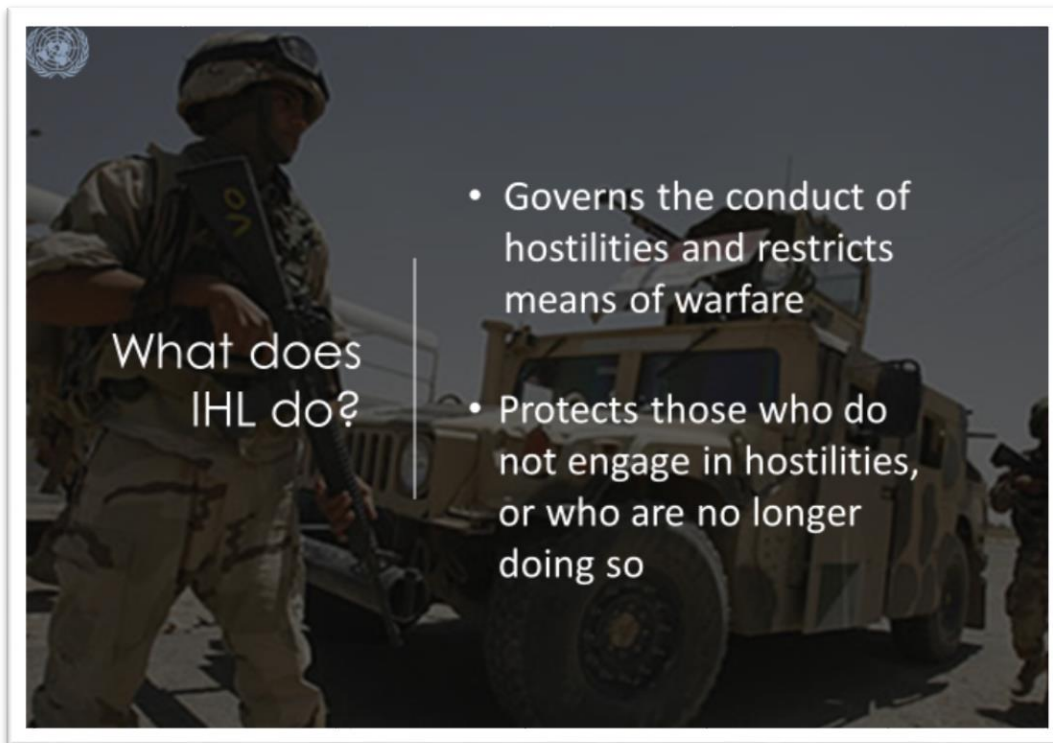


The development of IHL dates back to the 19th century. Important instruments of IHL include:

- 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, with 'IHL' on the first line, 'on the' on the second, 'protection' on the third, 'of' on the fourth, and 'children' on the fifth. A vertical line separates the title from a list of five bullet points on the right. The bullet points are as follows:

- 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

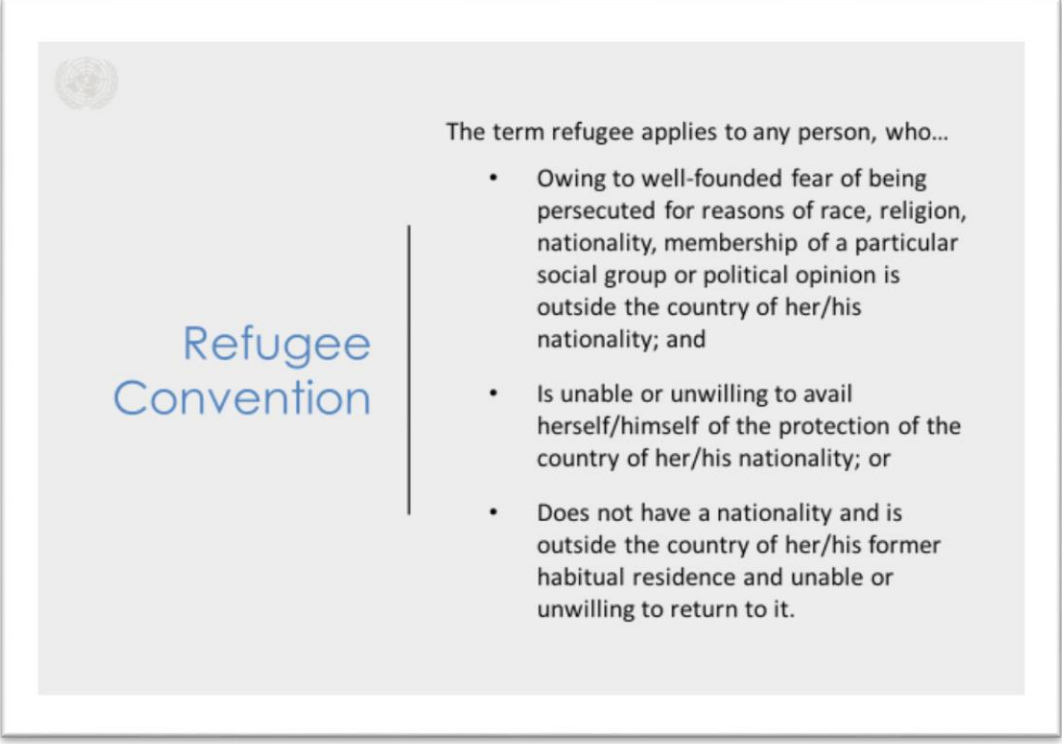


It is the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes, and often even their families, to seek safety in another country. 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. To the right of the title, the text 'The term refugee applies to any person, who...' is 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:

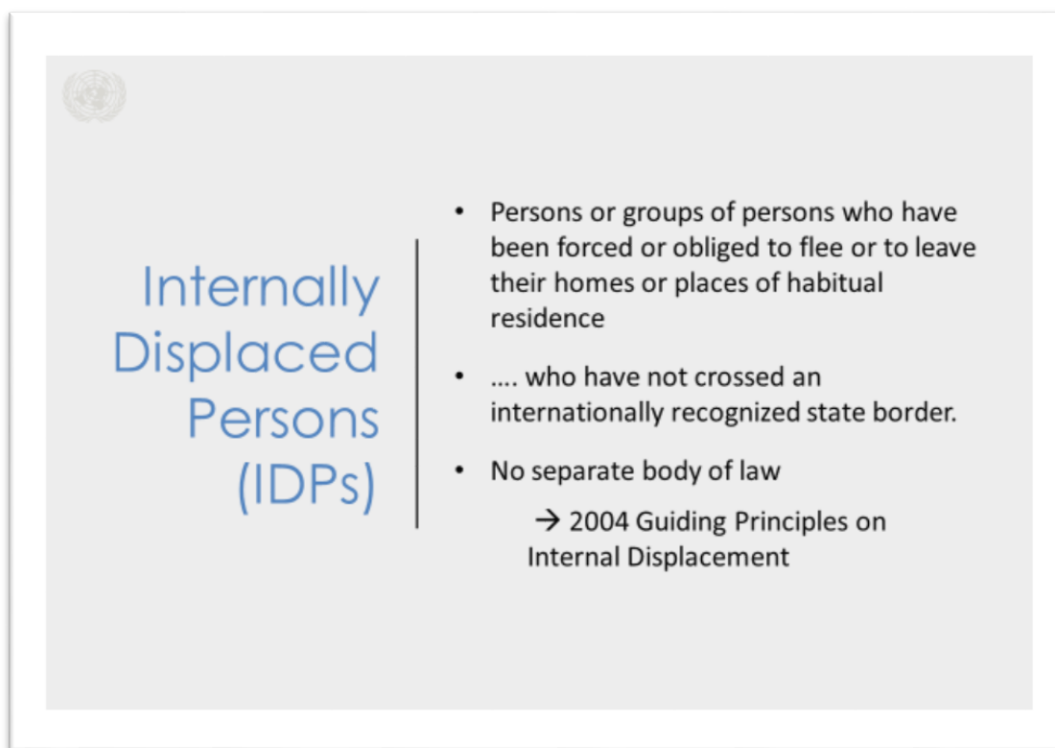
- Prohibition of discrimination for race, religion or country
- Prohibition of Expulsion or Return ("Refoulement")
- Freedom to practice religion
- Right to acquire property
- Access to courts
- Public education
- Assistance
- Freedom of Movement

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.



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

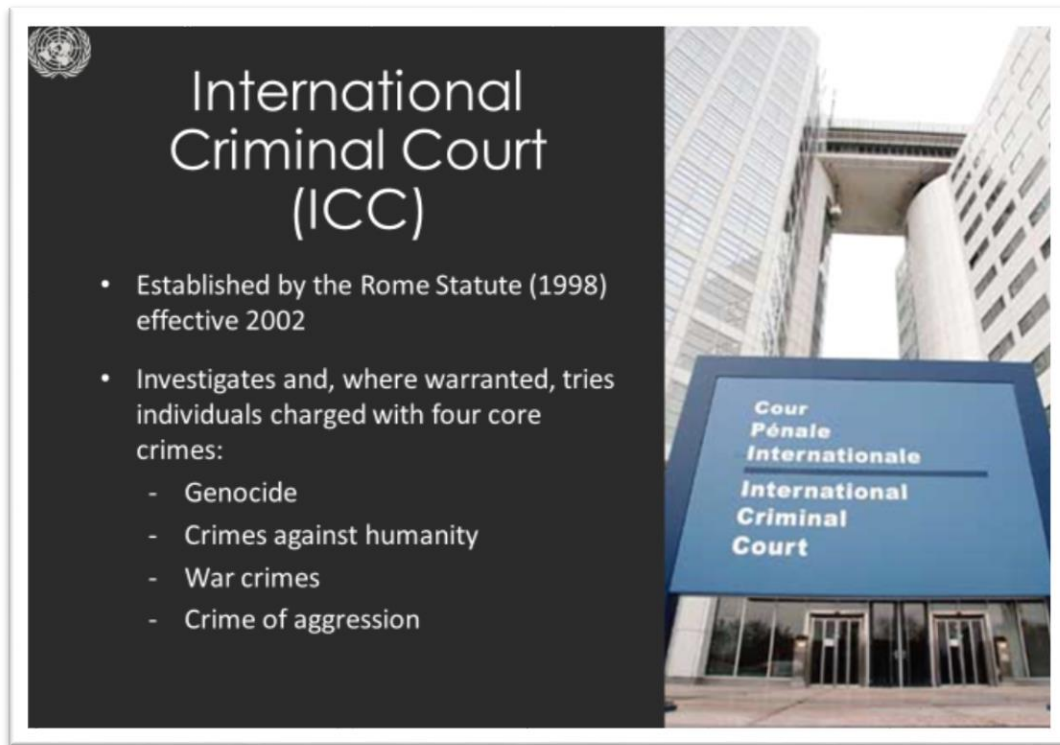
continues the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR.

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



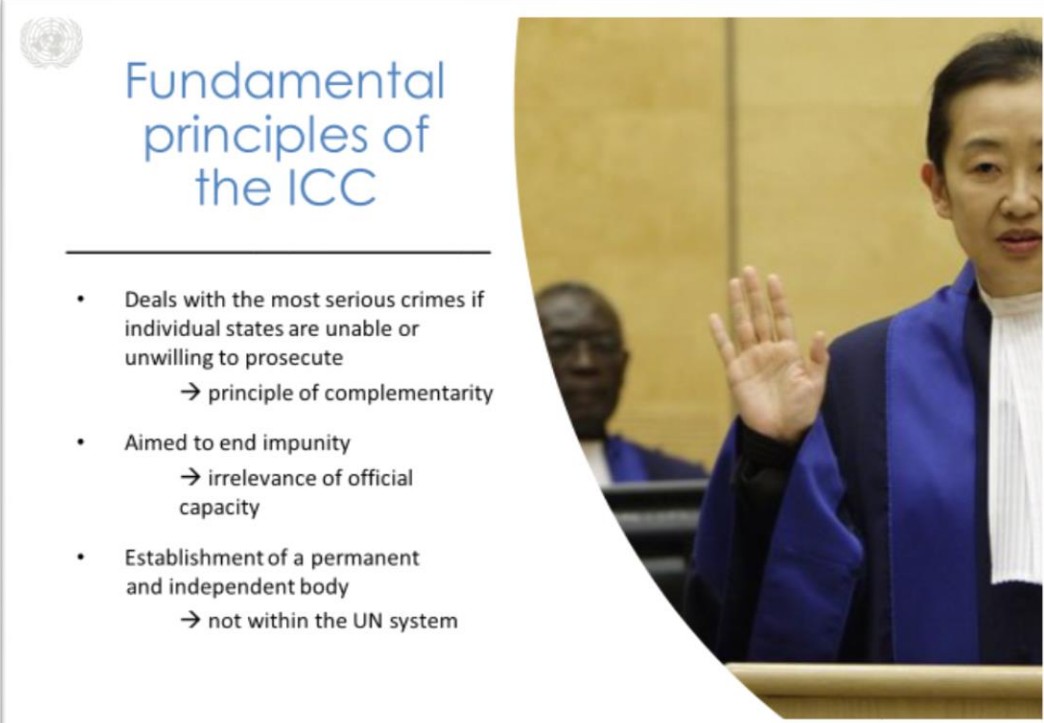
The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as 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, a photograph shows a judge in a blue and white robe gesturing with their hand. The slide lists three key 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

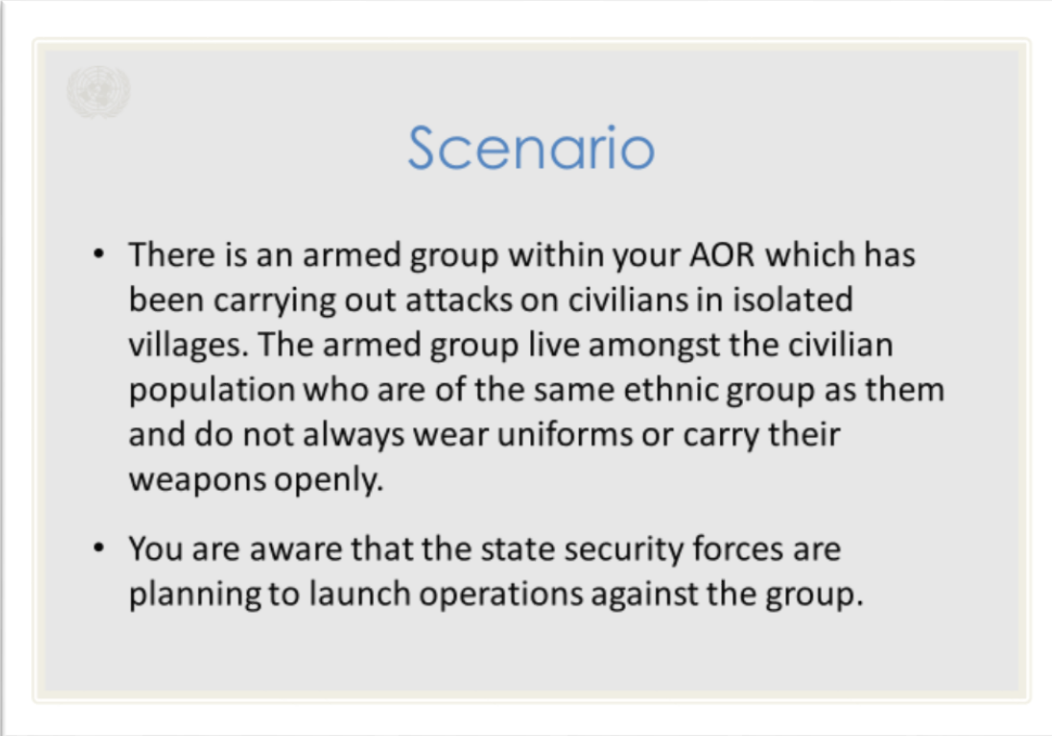
- [African Union] African Charter on Human and People's Rights, (1983)
 - Promotes and protects human rights and basic freedoms in Africa
 - Is overseen by the African Court of Human and Peoples' Rights
- Similar to the realm of human rights, refugee law has also seen the creation of regional legal regimes. 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

EXERCISEA 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, living among the same ethnic group and not always wearing uniforms or carrying weapons openly. The second bullet point states that state security forces are planning to launch operations against the 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:

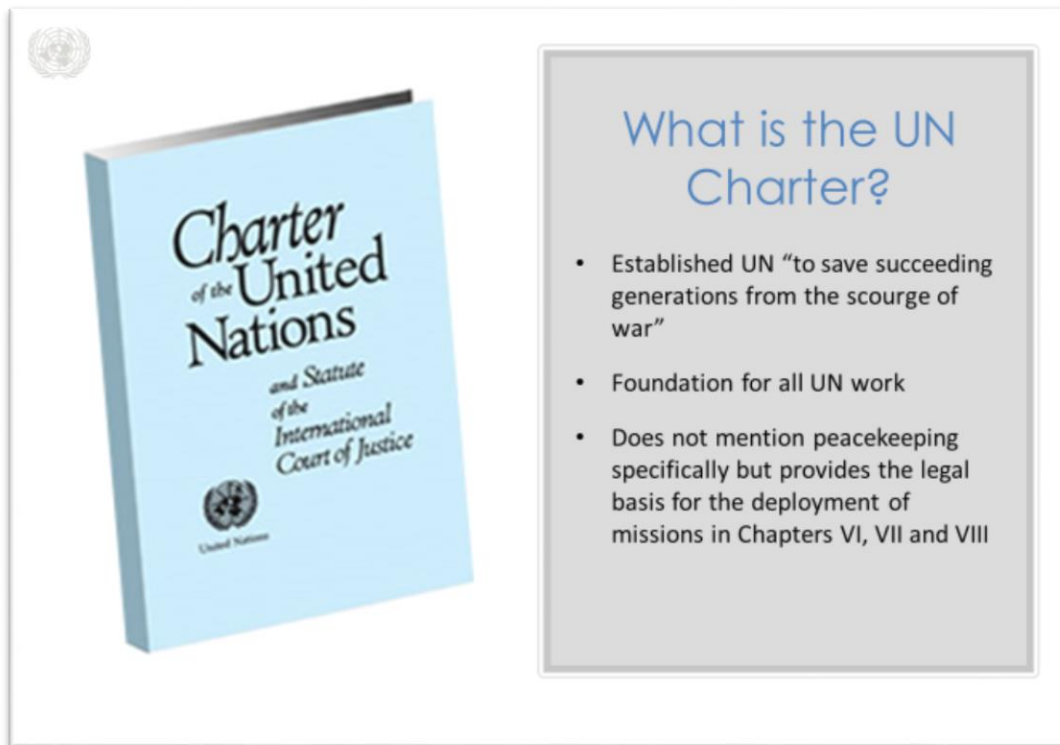
- The Charter of the United Nations
- Security Council resolutions
- The Convention on Privileges and Immunities of the United Nations of 13 February 1946
- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)
- The Agreement with participating States, i.e. 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



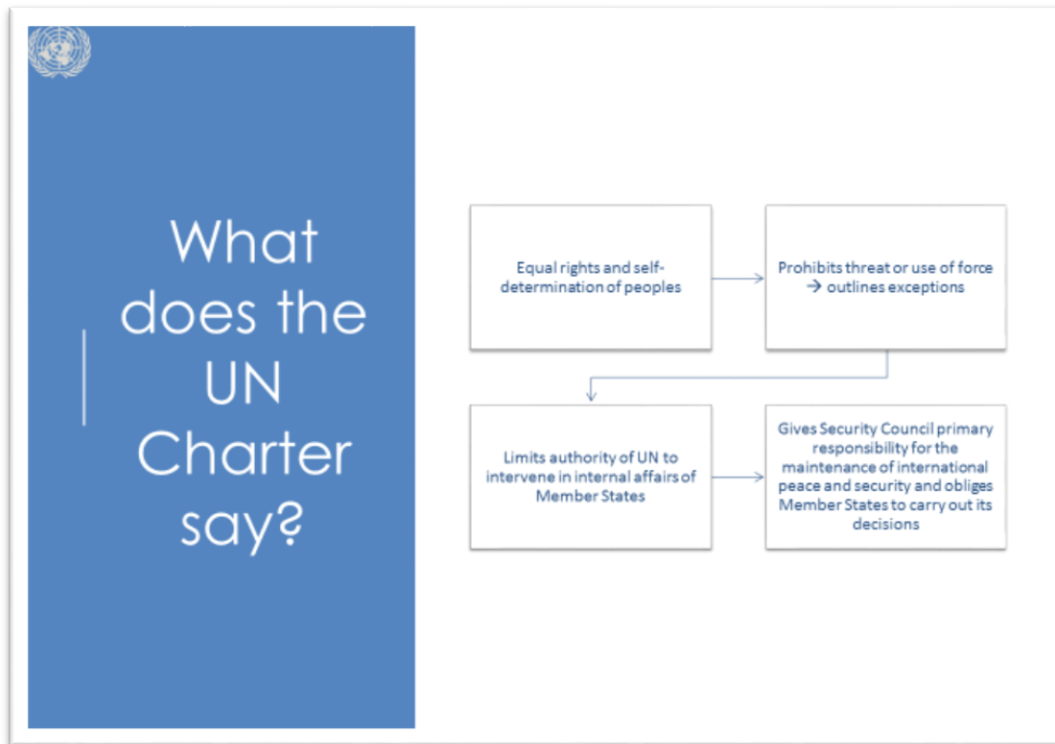
Key Message: The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to “save succeeding generations from the scourge of war” and one of its main purposes 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



- 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.

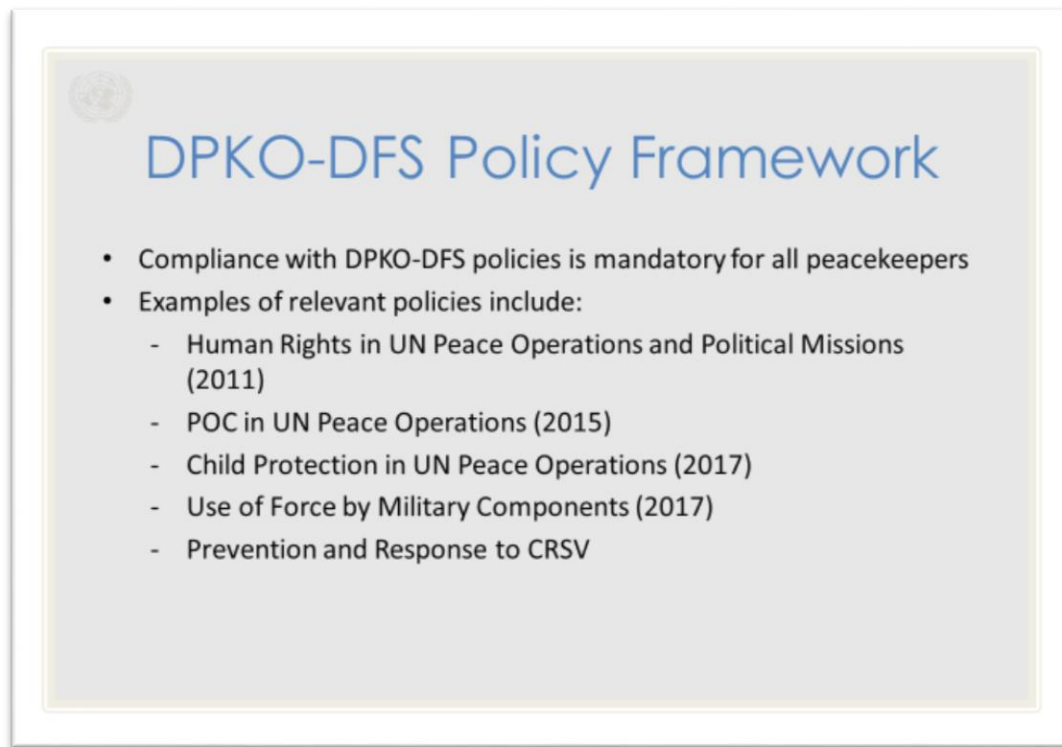
While applicability of the laws of the sending State are limited, as a general rule, disciplinary power (for Police FPU and Military contingents) lies with the sending State. In the case of Military contingents, criminal jurisdiction also lies with the sending State. However, Member States contributing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

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

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

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

Slide 59



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

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

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

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

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

Summary

Key takeaways regarding UN Legal and Policy Framework include:

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

Lesson 2.3



Mission Specific Legal Framework

The Lesson



Starting the Lesson

Overview

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

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

As a result, this section will focus on:

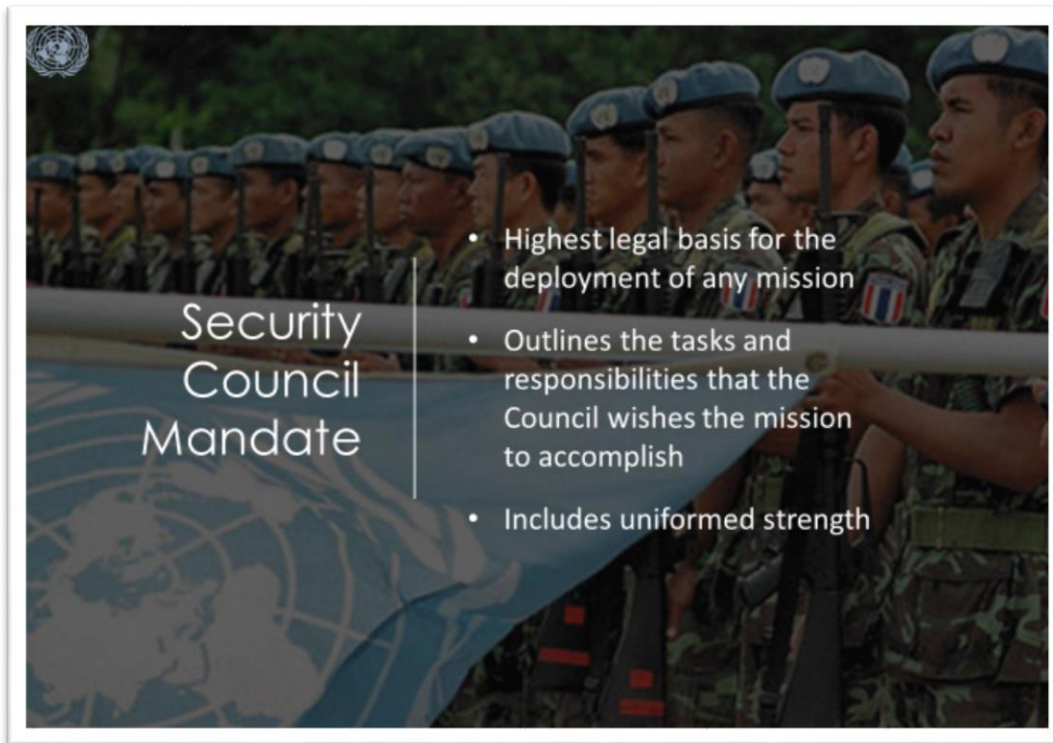
- Security Council mandates for peacekeeping operations
- Rules of Engagement
- Directives on the Use of Force

Relevance

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

Mission Specific Legal Framework

Slide 65



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

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

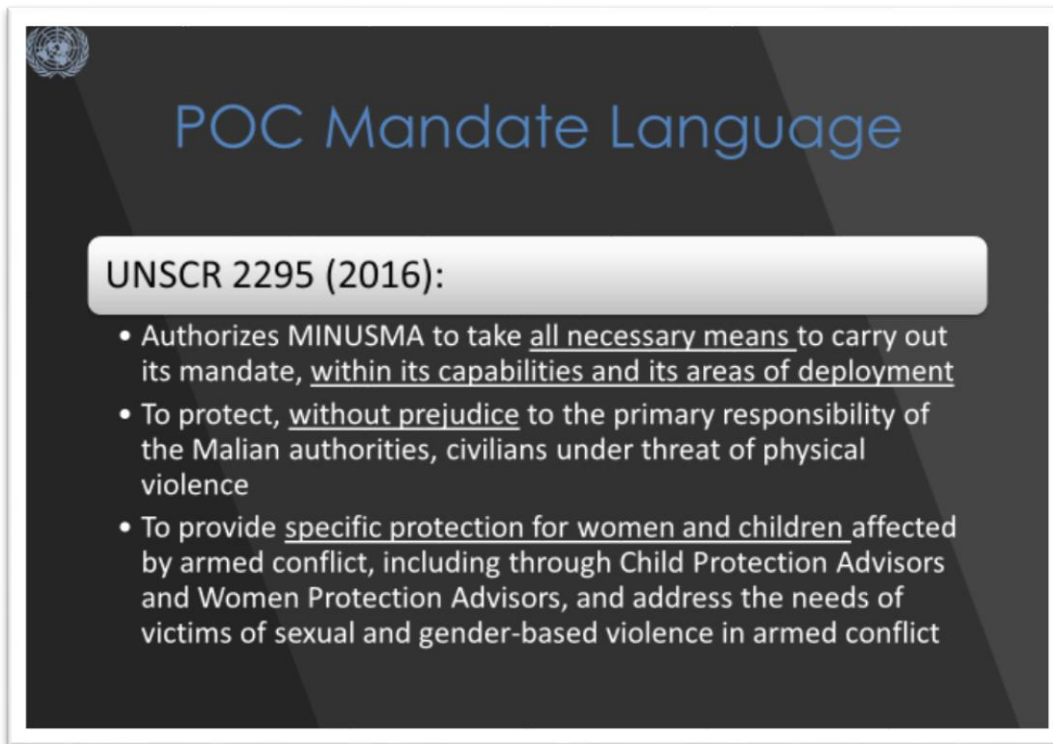
The Security Council resolution also provides the mandate of the PKO, i.e. the tasks assigned to it, including any authorisation to use force. Mandates, or tasks, differ from mission to mission. The range of mandated tasks outlined in a mandate differs between peacekeeping missions, based on the conflict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

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

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

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

Slide 66



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


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



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


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

Slide 67



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

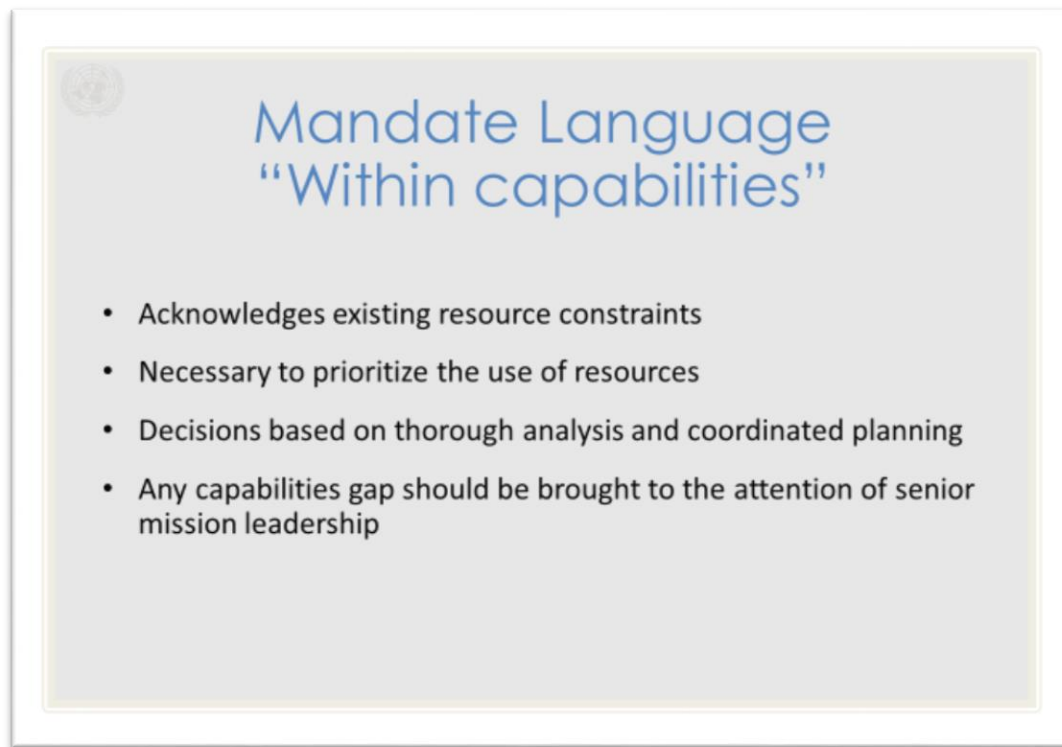


Key Message: The expression “all necessary action” gives the mission authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat. Peacekeepers with a POC mandate are authorized to use force in accordance with the rules of engagement.

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



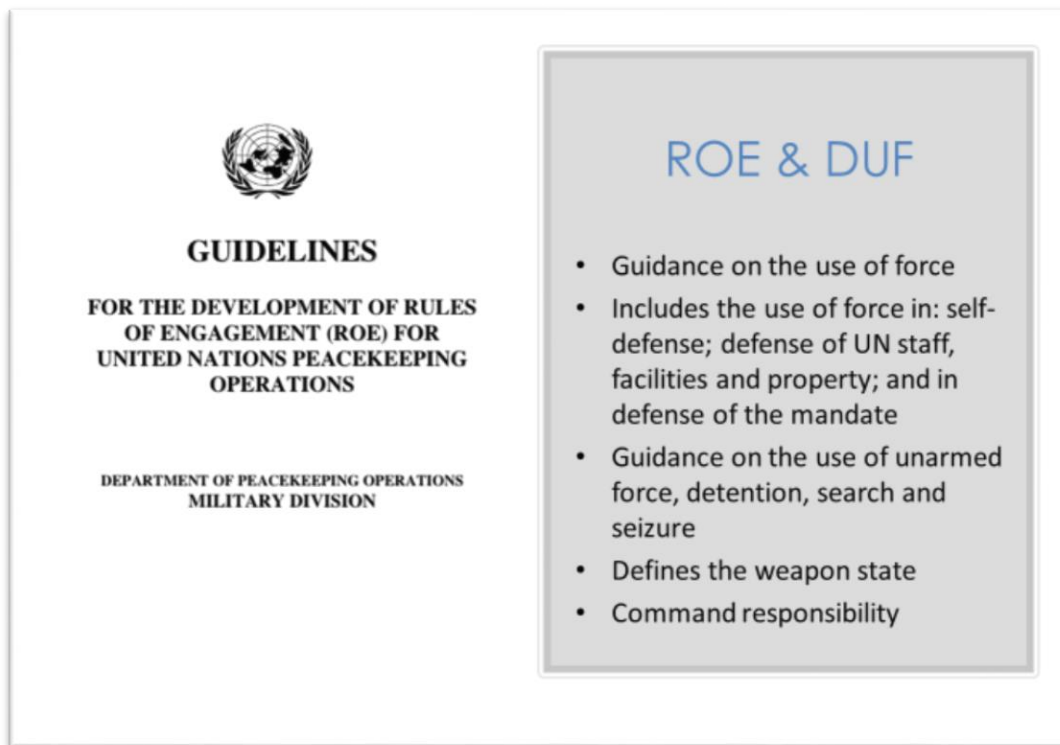
Mandate Language
"Specific protection
for..."

- 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.

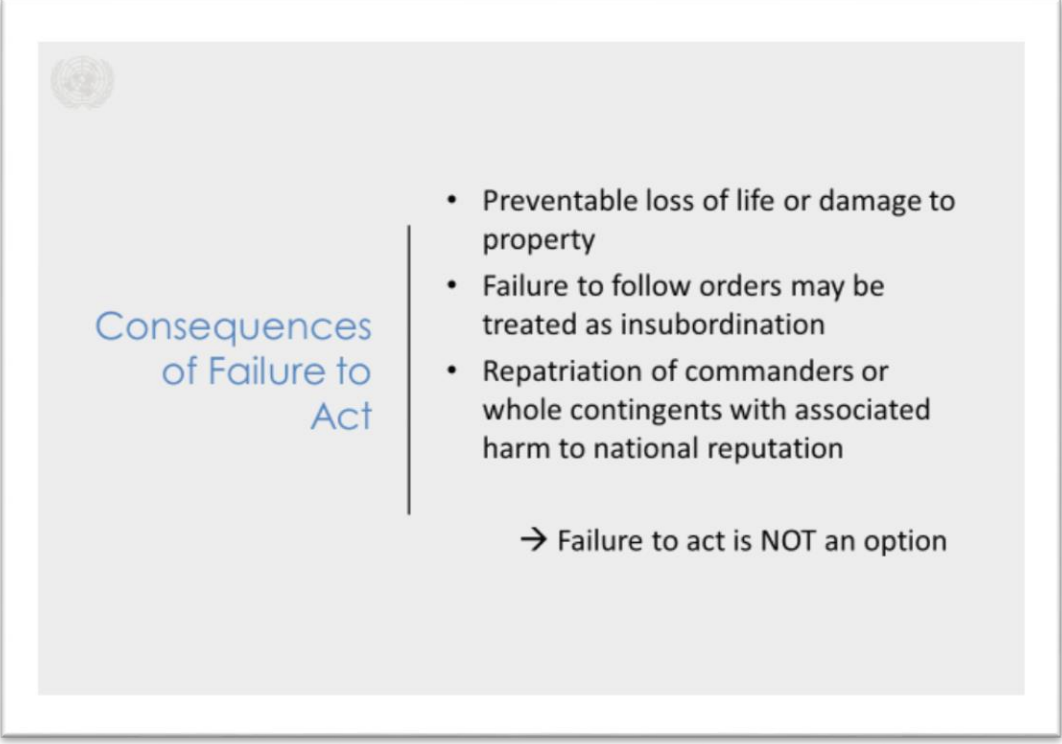
The basic principles guiding the use of force are:

- 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.

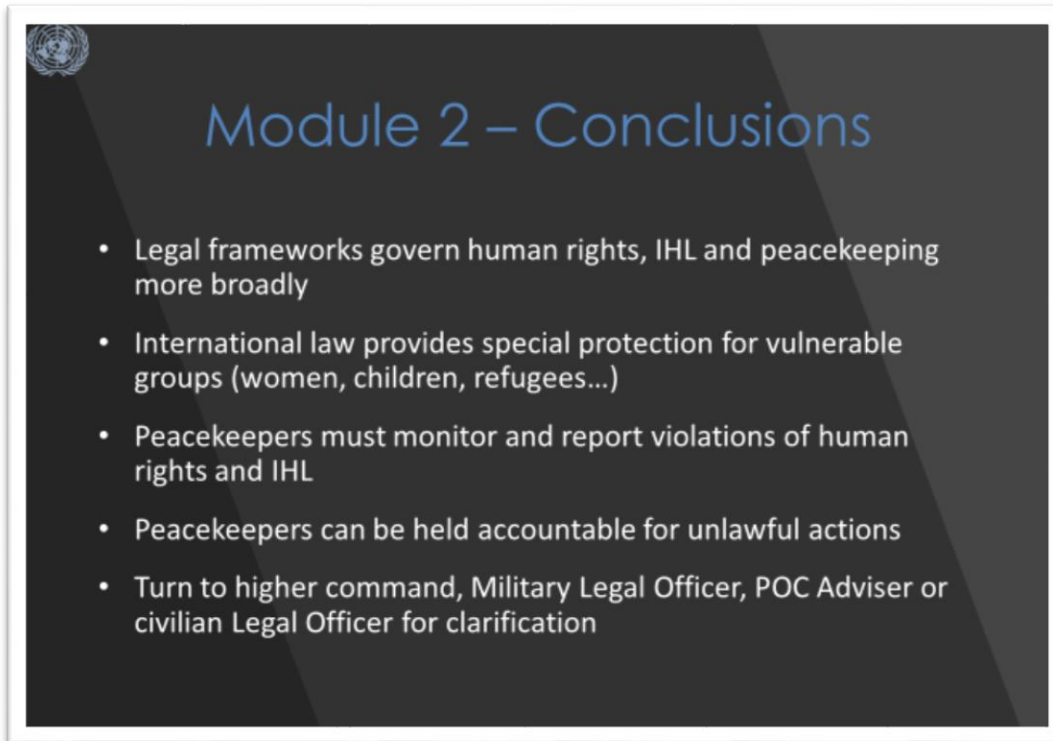
The UN Department of Peacekeeping Operations is engaging on the way forward with concerned troop-contributing countries, the note said.

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 for MLU operating in UN peacekeeping operations.

Learning Objectives

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

- Know the main capabilities, tasks, the Organization for MLU operating in UN missions / PKOs
- Be able to explain the MLU operational framework for logistical support, the tasks which can be perform

Overview

Module 3 provides an overview of the operational framework related to MLU, as well as, a general understanding of how the POC tasks in UN peacekeeping can be applied in a tactical scenario.

While this module focuses on the tactical level employment of MLU, 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 will help us understand the operational framework that includes the capabilities, tasks, and the organization for MLU operating in UNPKOs.



Note to instructor –

It is recommended that Instructors read the document, “United Nations Peacekeeping Operations Principles and Guidelines” (also known as the Capstone Doctrine).



Recommend providing copies of UN CONOPS where a MLU has been committed. These samples should be passed out and discussed. Select samples that show specific tasks assigned to MLU in recent UN PKOs.

Introduction

Slide 2

Module 3 Content

- Capabilities and tasks of a United Nations Military Logistics Unit (MLU)
- Organisation and sustainment requirements of a MLU

2

Module 3 describes capabilities, tasks and organization of the MLU.

Lesson 3.1



Capabilities, Tasks, Organisation

The Lesson



Starting the Lesson

Instructors ask the participants if they have any operational experience in a UN PKO and inquire who has deployed as a member of an UN MLU. Briefly, have them share experiences. Ask participants for five unique characteristics of an operation in a UN PKO that differ from other operations. Record the five items on a chart / white board....Discuss.

Slide 3

Capabilities, Tasks,
Organisation, Sustainment
of a United Nations Military
Logistics Unit (MLU)
Lesson 3.1

3

This lesson defines the detailed capabilities/tasks and organisation of a MLU tailored according to Mission requirements and the generic requirements. We will show how MLU Commanders and staff plan and manage support requirements based on the guidance provided along with a typical organisation, and finally we will review the sustainment requirements.

Slide 4

Lesson 3.1 Content

- Concept of core, scalable and modular asset capabilities
- Generic MLU
- Core assets, capabilities (and tasks)
- Mission planning considerations
- Organisational considerations
- Self sustainment

4

Here is the lesson content. In short, we will describe the core capabilities of an UN MLU and the associated tasks and organisation.

Slide 5

Learning Outcomes Lesson 3.1

- Explain the concept and structure of core, scalable and modular assets
- Describe the MLU core capabilities and tasks
- Define the specialist modular capabilities
- Detail the mission planning considerations for the composition of an MLU
- Understand the self sustainment standards of the MLU

5

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

Slide 6

Core, Scalable and Modular Concept

- Purpose built
- Tailored
- Mission specific
- Specialised requirements
- Cost effective

6

In short, the MLU is an organisation planned for and built to be flexible and tailored. Assets are organised to provide the support required by the Mission.

An MLU must have at its core an ability to provide transport for itself and supported units. It must be self-sufficient in food, water, fuel, shelter and ammunition, maintenance over an extended period of time.

The MLU is built to suit each mission and unique requirements. No one MLU will look the same, because they are tailored for a specific UN Mission. The generic capability includes core assets providing the Mission a wide range of support:

- Transportation
- Supply (including warehouse storage operations)
- Petroleum, oils and lubricants and aviation fuel handling
- Fire fighters
- Vehicle recovery, maintenance and repair; and
- Its own self-sustainment capability

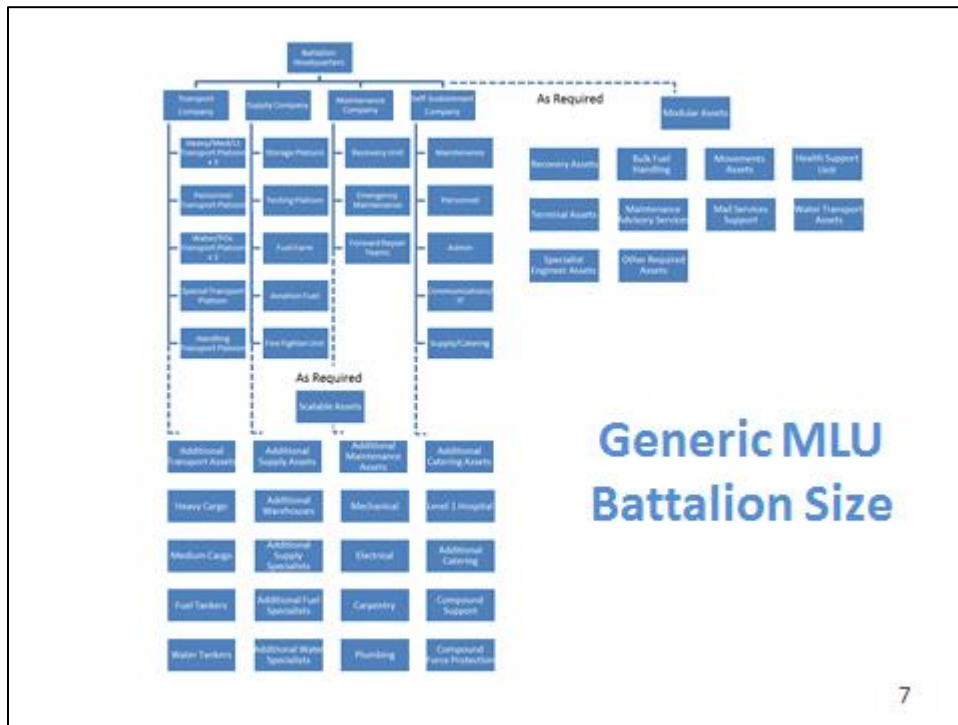
In addition to its core capabilities, when planning the design of an MLU, planners must take into consideration every aspect of the UN Mission to be supported and the unique characteristics of the Mission area itself as this can greatly affect the size and composition of the force.

Additional MLU capabilities to those I just listed include increased quantities of the core asset capabilities (known as scalable assets), and from a design perspective can be influenced for example by geography, climate and the distance between the supported and supporting unit locations.

Targeted requirements are those specialist capabilities (known as modular assets) that fill niche capabilities in a Mission for a specific task or period that is in addition to those of its core capabilities. Specialist or modular logistics requirements are considered in the Mission planning phase and specialist units with those capabilities may be requested from other Troop Contributing Countries (TCC) if they are not available for the primary logistics provider.

The Department of Peace Keeping Operations and Department of Field Services at UN Headquarters perform extensive logistics planning prior to deployment, with the composition of the MLU confirmed well before pre-deployment training. Such planning ensures a suitable logistics capability is employed in a cost-effective manner. TCC are identified as early as possible, including their likely roles and tasks, permitting them to commence their own planning and preparation.

Slide 7



This organisational chart depicts the structure of a generic battalion sized MLU and clearly demonstrates the Core, Scalable and Modular aspects of the unit.

The Core assets are what are considered the standard features of any MLU and from a planning perspective is the starting point for any unit design. Scalable assets will be confirmed by DPKO and DFS during the planning phase and will often include a reconnaissance of the mission area and a detailed understanding of the mission roles and tasks of the supported units prior to final agreement on the design.

The Modular assets are not standardised as their size and function are dependent on specific Mission requirements and may require the support of specific TCC in order to achieve mission success.

Each of these organisational elements will now be examined in turn in the following slides.

Slide 8

MLU Core Assets

- Transport Coy
- Supply Coy
- Maintenance Coy
- Self Sustainment Coy

8

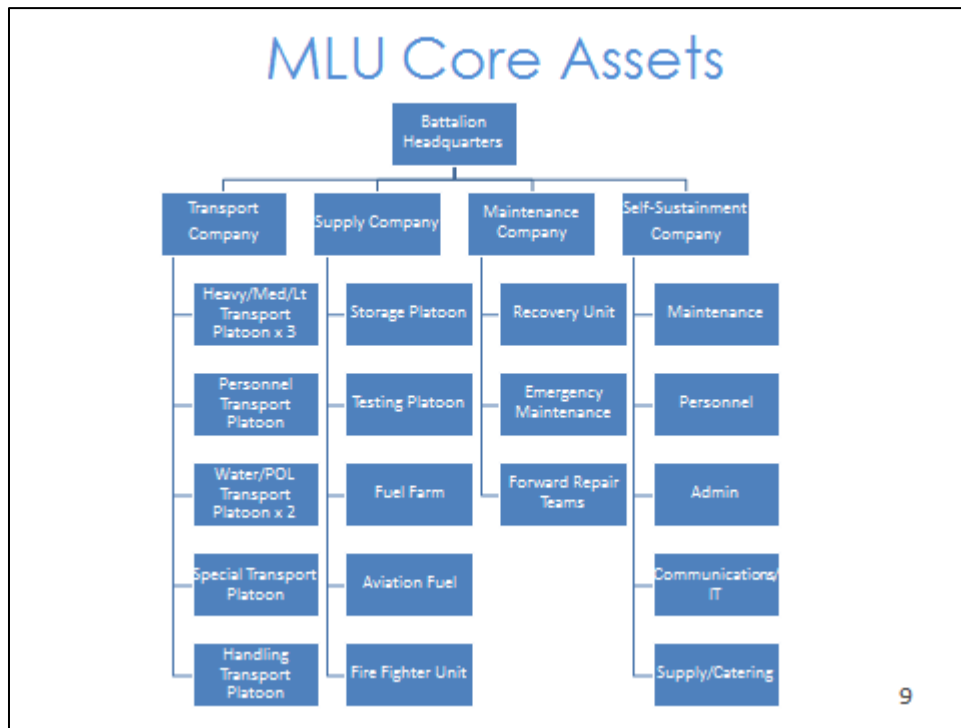
Transport Company - The Transport Company is responsible for the movement of stores, equipment and personnel throughout the area of operations. Transport company elements also enable other service delivery providers to deliver their support and operate throughout the Mission area when UN contracted transport is unable to do so.

Supply Company - The Supply Company conducts procurement, provisioning, warehousing, salvage, disposal and supply control activities concerned with the distribution of food, field rations, bottled water, fuel, UN equipment spare parts and related services required to equip, operate and sustain the UN Mission.

Maintenance Company - Maintenance support activities include materiel maintenance, maintenance engineering, recovery and configuration management to ensure that equipment within the UN force is in top operating condition.

Self-Sustainment Company - The Self-Sustainment Company or better known as the Support Company, consists of all those functions that enable the MLU to function properly. These include maintenance, personnel admin, unit administration, communications / information technology and supply/catering. This support is primarily limited to the MLU and to lesser extent forward elements, but is specifically not designed to support the entire UN Mission.

Slide 9

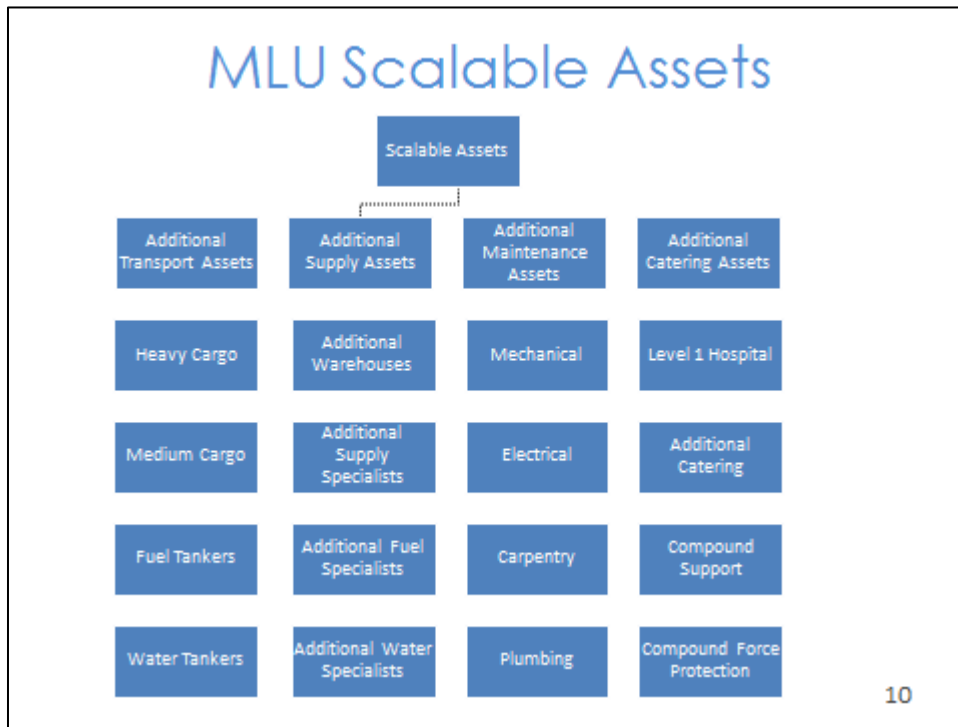


The core assets of the MLU include the essential elements of contingency logistics support: These core assets include transportation, supply, maintenance and self-sustainment.

The strength figures on page 26 of the Manual show a baseline for a typical battalion-size MLU. Actual strength figures may be modified according to unique Mission requirements based on the mission planning considerations outlined in the previous slide, the area of operations and TCC negotiations with the UN.

Now let's look at Scalable assets.

Slide 10



Scalable Assets of MLU are reflected in this table. The size of core MLU capabilities depends on the scope of the task with the variable nature being referred to as scalable assets.

Scale depends on the size of the Mission being supported, size and characteristics of the area of operations, availability and suitability of non-military service providers and specialisation of the logistics elements in the UN Mission. For example, a UN Force operating in a geographically dispersed area of operations with lengthy lines of communication requires a sizeable logistics tail to meet its support requirements.

Other scale considerations would include the presence of armoured or aviation assets that consume an enormous amount of fuel in performing their duties; or the fact that certain environments may be prone to flooding or are influenced by river systems that require amphibious assets, water transport, aviation assets and bridging. Each of these operational factors will influence the logistics organisation and scale of resources required.

The diagram illustrates the scalable assets for consideration when designing an MLU and demonstrates the environmental and operational considerations that need to be considered when confirming things such as personnel numbers, Contingent Owned Equipment (COE) and self-sustainment responsibilities.

Slide 11

Core Capabilities – Transportation (Ground)

- Road- flexible, limited by system, vulnerable, low payload in proportion to personnel
- Rail- Limited infrastructure, efficient for large payloads, ideal for dangerous goods, minimal climate effect, vulnerable and inflexible

11

Transportation is one of the four core capabilities of an MLU. Flexibility is the key to any logistics unit and all forms of transport must be considered when designing logistics support to ensure the supported unit is not limited by logistics shortfalls in capability.

Road transport is flexible and not tied to highly developed terminal facilities. However, logistics vehicles generally have limited cross-country mobility, thus requiring an adequate road system, the construction and maintenance of which may require engineering effort. When large scale, continuous road movement operations are undertaken, a system of one-way routes should be employed to maximize throughput. Vulnerability to air or ground attack can be reduced by concealment, escort and dispersion techniques. Road transport is well-suited to link other transport modes, but it has a relatively low payload in proportion to the personnel required for its operation. Additionally, driver and vehicle endurance is limited, and staging facilities with recovery and repair support will be necessary.

Rail transport, in many theatres where UN peacekeeping operations are deployed, rail infrastructure can be very limited, if not non-existent. Where rail lines are established, rail transport is the most efficient means of transporting large numbers of troops and tonnage over long distances. It requires relatively few personnel for the payload carried, is suitable for the bulk movement of ammunition and heavy equipment forward, and particularly suitable for the evacuation of casualties to the rear. Rail transport is usually able to operate in weather conditions that severely limit other transport modes. However, rail is relatively inflexible as it is restricted to fixed routes and depends on other modes of

transport (like road transport) to operate between railheads and deployed troops. Rail transport is also vulnerable to sabotage ground and air attack.

Slide 12

Core Capabilities – Transport (Air)

- Rapid, covers large distances, restricted size / weight, high maintenance cost
- limited availability
- Strategic considerations
- Tactical considerations

12

Air transport permits the rapid deployment and movement of personnel and cargo to, from and within a UN area of operations and provides tactical mobility for all Mission elements. Air transport is fast and can cover great distances. However, aircraft payloads restrict troops to light scales of equipment that require careful preparation for air movement. Aircraft need intensive maintenance, and it is rare for UN missions to have sufficient aircraft and pilots available to satisfy all air transport requirements. Aircraft use may also be constrained by the tactical air situation, weather and facilities available. Even helicopters, which provide greater flexibility in the movement of personnel and cargo, (particularly in the evacuation of casualties) are limited by low payload and high fuel consumption. Transport aircraft are divided into two categories, strategic and tactical:

- Strategic. Strategic transport aircraft are designed primarily for the carriage of personnel and cargo over long distances, generally from the nation state base into the UN theatre. Strategic air transport operations involve carrying passengers and cargo into and out of a UN area of operations. Strategic air transport encompasses scheduled services, special Missions, air logistics support and CASEVAC / MEDEVAC conducted by military and civilian strategic transport aircraft

- Tactical. Tactical transport aircraft are designed to provide air transport within a UN area of operations. They comprise medium and short-range transport. The air frames may be either fixed- or rotary-wing aircraft. Tactical air transport operations are conducted within a UN area of operations and encompass operations including, air landing operations, airdrop operations, helicopter underslung or internal carriage and CASEVAC / MEDEVAC operations

We looked at road, rail and air transport assets, now let us take a look at water, terminal and movement operations.

Slide 13

Core Capabilities – Transport (Water)

- Water- slow, geographically restricted, vulnerable
- Shipping- economical and efficient long distances, requires terminal facilities, positioning of forces close to operational area
- Port operations- constriction point, an established or expedient port
- Logistics over the shore (LOTS)- constrained by geographic considerations

13

Water transport is slow and restricted to navigable inland and coastal waters. Although it can carry large tonnages and items that are too bulky for other modes, water transport is vulnerable to interception, and providing protection may prove prohibitive. Pilots may be required on some waterways, and seasonal variations such as flood or drought can seriously affect capacities.

Shipping can move large tonnages economically, over long distances with few personnel for the payload carried. It can move a tactically loaded and balanced force of considerable size and then hold it close to an area until it is required. However, movement by sea and inland waterways can be slow and concentrations of shipping are vulnerable to air and sea attack unless well protected. Terminal facilities are required for loading and unloading, and shipping operations are affected by weather. If shipping is a key element of support into UN area of operations, the MLU will need to factor in the distance vehicles will need to travel, route security and the ability to receive stock at a port operation.

(Continued)

Port Operations. Because port capacity can determine the flow of materiel into a UN area of operations, there are key nodal points in the distribution network that provide the initial support to the MLU. Ports may be categorized as an established or expedient port:

- **Established Port.** An established port contains the facilities necessary for basic shipping operations, including berths, materiel handling equipment, and cargo handling areas for dispersion or assembly of cargo.
- **Expedient Port.** An expedient port is one that has no existing facilities and may be a beach or other suitable coastal area that allows landing of personnel and materiel.

Logistics over the Shore (LOTS) Operations. If a UN area of operations does not contain suitable secure, established ports, using an expedient port involving a LOTS operation may be necessary. The UN Force is responsible for selecting suitable beaches for LOTS operations. The UN naval or contracted shipping services provide advice on seaward approaches and beach profile below the high-watermark, either from a beach reconnaissance team or from relevant beach survey reports. Special considerations in LOTS operations include:

- Ships at the anchorage or beach will be more susceptible to the changes in weather, sea state, tide and navigational hazards than in an established port. A suitable area will be required, adjacent to the beach, for the establishment of a transit area, trans-shipment points, traffic circuits and the operation of inter-modal transport
- Sustainability engineering will invariably be necessary for the preparation of beaches and exits to withstand the volume and weight of vehicles and cargo discharged from vessels. Depending on the capacity of beaches and available exits, traffic congestion may restrict the flow of materiel into the UN Mission area of operations
- Although LOTS operations are conducted as unopposed landings, security should not be taken for granted

Slide 14

Core Capabilities – Transport (Management)

- **Transport / Terminal**
 - Choke point, requires efficient management
 - Civil transport infrastructure
 - Requires coordination / control to optimise use
- **Movements-** coordinates and controls the flow of personal and cargo

14

The MLU must support the Mission with the core capability of transportation. This is reliant on the Mission having access to civilian infrastructure, terminal networks for cargo and personnel and the ability to control transport through the distribution network.

Transport Terminals. The efficiency and effectiveness of a transport system depends not only on the various transport modes but also on the transport terminals at which cargo or personnel are loaded, unloaded or cross-loaded. Terminals must be efficiently managed as they are choke points that can significantly reduce the flow of personnel and materiel through the distribution network. Normally, Troop Contributing Country specialists provide terminal management for ports, inland waterways and beaches, as well as at transport nodes along road and rail networks.

Civil Transport Infrastructure. Optimum use should be made of civil transport contractors and the distribution infrastructure, including road, rail and inland waterway networks and terminal facilities in both the UN area of operations and host nation. However, it may be necessary to provide military personnel to assist civil agencies with the coordination and control of both transport and terminal operations in support of the Mission.

Movements, coordinates and controls the flow of personnel and materiel into the UN theatre or area of operations from the Troop Contributing Country and between the host nation and the Mission area of operations. This is done within the UN area of operations in order to meet force flow requirements and to control and coordinate activities in line with operational priorities and timelines. This function is carried out by two distinct but interdependent movement elements. The staff formulates movement policy and plans,

and coordinate and monitor movements in response to requirements and priorities determined by the operations staff, and movement control agencies implement movement instructions issued by the movements staff. They arrange, control and regulate movement so that the movements' staff can be alerted to significant delays or adjustments. Movement control agencies also monitor the progress of movement activities.

Now let's move onto the next core capabilities.

Slide 15

Core Capabilities – Supply and Maintenance

- Supply- warehousing
- Petrols, oils, lubricant management, handling
- Fire response
- Maintenance: recovery, repair, spare parts

15

Supply capabilities and tasks must be prepared to remain flexible and support surge periods in operational tempo. Supply includes the receipts, warehousing and distribution/delivery of goods and materiel to forward operational units. The management of general and technical supplies utilising appropriately qualified staff. Storage, safety testing and accounting of rations (perishable, non-perishable and emergency as well as strategic stock reserves).

Managing petroleum, oils and lubricants including fuel supply management and “Fuel Farm” operations. If supporting air operations, aviation fuel handling and fire response (fire fighters).

Maintenance capabilities and tasks must also be prepared to remain flexible and support surge periods in operational tempo. The operating area and environmental conditions can also significantly increase the maintenance requirements of equipment and will have to be constantly reviewed throughout the deployment period.

Maintenance includes vehicle recovery, including military recovery of heavy military vehicles. Emergency maintenance services, including storage of maintenance and repair spare parts and on-site vehicle repair.



Question: Ask if anybody remembers what the final core capability is?

Slide 16

Core Capabilities – Self Sustainment

- Maintenance
- Personnel
- Administration
- Communications
- Supply
- Catering

16

An MLU needs to be self-sustaining and be managed and supported internally in order for it to provide the appropriate support to the supported units for which it is tasked to support. Self-sustainment includes the maintenance of essential MLU equipment specific to the MLU; this includes things such as manual handling equipment and the infrastructure of the camp itself. General administration includes the management of personnel, admin support, welfare services, financial services and pay. The MLU must re-supply materiel in support of operations and catering support to both itself and supported units.

Slide 17

Self Sustainment Expectations

- MLU self sustainment expectations, part of integrated mission support services concept
- Self sustainment requirements:
 - Statement of Unit requirement
 - UN-TCC memorandum of understanding (MOU)
 - COE
- Initial self sustainment period:
 - Rations, water, petrol, oil, shelter
 - First 30 to 90 days

17

TCCs and their contingents must be clear on what support will be provided by the UN, the support they must provide for themselves and how they both function within the Integrated Mission Support Services Concept. As explained previously, the planning phase of a MLU is crucial to the initial success of the mission. Often the circumstances for the requirement for the creation of an MLU demands that the MLU be self-sustaining during the first phase of the mission and will be outlined in the terms of the Statement of Unit Requirement, UN-TCC Memorandum of Understanding (MOU) and Contingent-Owned Equipment (COE) Manual. The deploying MLU will be required to deploy and ultimately maintain the necessary resources and personnel to support itself administratively and logistically for the duration of the Mission. The requirement to maintain this level of self-sustainment will depend on when the usual UN contracted logistics solution is established and its location and distance from the MLU in the mission area.

The MLU Commander must therefore fully understand the details and differences between the terms of the Statement of Unit Requirement, UN-TCC MOU and COE Manual and their relationship within the Integrated Mission Support Services Concept. Annex A of the Manual is an example of typical and specific initial provisioning and self-sufficiency support requirement. It cannot be over-emphasized that special attention must be given to the detailed requirements for rations, water, shelter, medical support and supplies.

Other considerations for the MLU Commander are the implications of casualties, consumption, materiel losses and resupply lead time; and then plan, allocate and balance resources accordingly. The MLU commander should also evaluate the risks to, and security of, his or her sustainment equipment and capabilities, communication nodes and links; and adapt the 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 18

Self Sustainment Functions

- Catering
- Communications
- Electrical
- Explosive ordnance disposal
- Laundry and cleaning
- Accommodation
- Fire fighting
- Medical
- Area security
- Welfare

18

There are inherent Self-Sustainment functions of the UN MLU. Listed on the screen are those functions most likely to be included in the self-sustainment requirements of the MLU and will be outlined in the terms of the Statement of Unit Requirement, UN-TCC Memorandum of Understanding (MOU) and Contingent-Owned Equipment (COE) Manual. With regards to accommodation this can be broken down into initial, permanent and deployable accommodation and tentage structure requirements.

For initial accommodation the UN Mission may prepare green field sites under austere conditions at the deployment location prior to arrival. The MLU will however, need to deploy with sufficient tentage for all accommodation, storage, offices, ablutions and workshops, etc. Water sources will be arranged by the UN Mission however, the contingent must deploy with sufficient water purification units to produce and consume its own purified water. The Mission will provide Field Defence Stores (FDS) and additional FDS kits for use in mobile operations.

In most circumstances, the UN Mission will strive to provide hard wall accommodation after the initial six-month period using Contingent-Owned Equipment tentage. For deployable accommodation the MLU must deploy with a sufficient quantity of tentage necessary for short-term operational and tactical deployments.

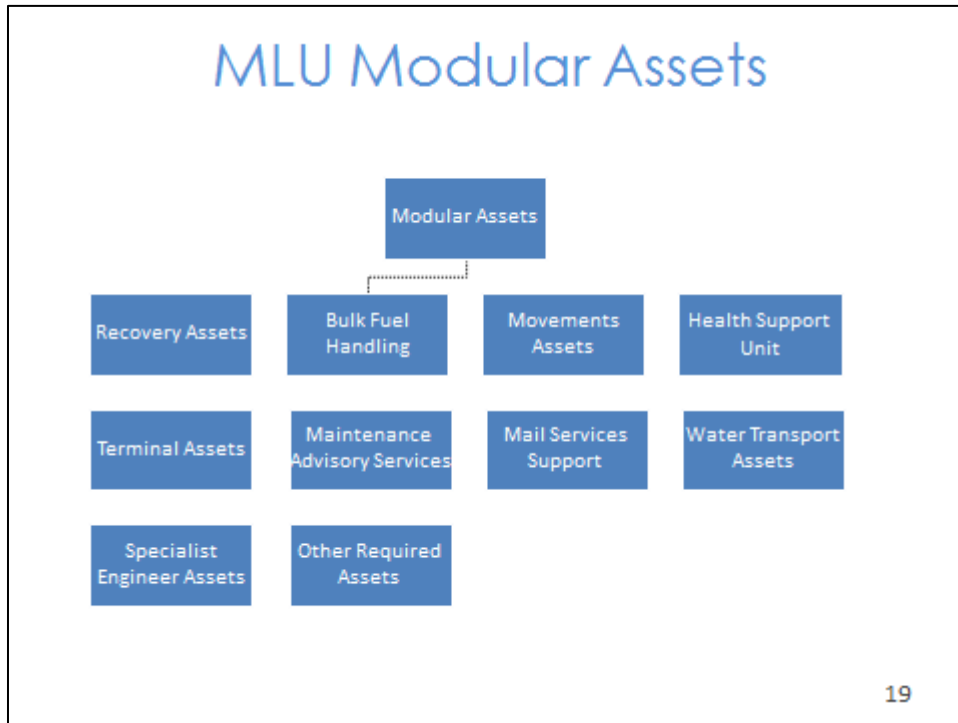
Tentage must include flooring and the ability to heat and cool as appropriate, netting at doors, windows and the inner/outer fly of tents. Double-layered tents with metal pipe frames are recommended due to conditions in the field. It is also recommended to mount the tents on solid foundations to ensure their stability. Deployable accommodation is excluded from this requirement.

The level of internet access, TCC unique equipment and welfare facilities will be different for each MLU and will in most cases be limited by TCC specific requirements for their own personnel and funding.

When the MLU arrives in the Mission area, it is responsible for meeting all its own needs for rations, water, petrol, oil, etc. for between the first 30 to 90 days. This will be confirmed in the terms of the MOU and Statement of Unit Requirement. Typically, equipment is deployed for the duration of the Mission and troop rotations occur every 12 months.

Lastly, we'll move onto modular assets as opposed to core and scalable.

Slide 19



This slide describes the modular assets that are in addition to the essential elements of an MLU and provides additional functionality when required.

Beyond the core and scalable MLU assets, MLU modular assets provide additional functionality in niche capability areas. During the planning process, the extent and nature of additional modular support capability must be accurately assessed so that MLU assets are properly scoped to support the required Mission effort.

Modular assets frequently require specialists to operate and maintain, are often resource-heavy and expensive to acquire and sustain. But modularity provides planners the flexibility to add capability, if required.

For example, as with other modular assets, a "health support unit" is not integral to the MLU but could be added according to Mission needs. A health support unit would provide rapid collection, evacuation and treatment of casualties and the provision of advice to supported commanders on measures designed to promote health and prevent disease. Minor sick and wounded, not requiring further evacuation, could be held for short periods. A health support unit could also provide dental support for the supported Mission. A health support unit typically has no organic surgical capability (that could be added as a modular capability) but would have limited diagnostic facilities.

Slide 20

Modular Assets – Specialist Capabilities

- Health and surgical support
- Legal
- Finance and contracting
- Air dispatch
- Mail
- Specialist engineering support
- Other specialised personnel and equipment as required

20

In contrast to core capabilities that are scalable by design, modular assets provide specialist capabilities that are not otherwise present in the MLU. Specialist modular capabilities can be provided by military, the host nation or contractor sources and may include, but are not limited to, the capacities and tasks provided by:

- Health support unit and surgical health support specialists
- Hospital technicians and preventative medicine experts
- Legal specialists
- Financial / commercial / contracting specialists
- Air / Rail / Ground terminal unit specialists
- Air dispatch elements
- Movements specialists
- Bulk fuel handling specialists
- Mail specialists
- Engineer sustainability support specialists
- Specialized bridging, water, construction engineering
- Water transport personnel and equipment
- Maintenance advisory services
- Specialised recovery personnel and equipment

- Specialized maintenance personnel / equipment for armoured vehicles, aircraft and plant equipment

Slide 21

Mission Planning Considerations

- Urgency of deployment
- Security situation
- Tasks and capabilities required
- Geographic and climatic conditions
- Budget
- Member state participation
 - Troop strength
 - Provision of COE

21

The requirement for a MLU is based on the premise that the traditional UN contracted civilian logistics solution is unable to support the military aspects of the mission. This is based on historical evidence that the process is slow to set up or in some cases unable to source or exceeds funding limits. When this occurs the requirement for a MLU is considered and the decision to go ahead with an MLU will be influenced by the following considerations:

- The urgency of deployment, MLUs are designed for short notice tasks and can deploy logistics support faster than traditional civilian contracted options
- Security situation in the Mission area, MLUs can work in hostile environments whilst maintaining support to front line forces
- Tasks and capabilities required, MLUs provide the UN Logistics planner the Core, Scalable and Modular choice required to design a capability that will meet the operational requirements of the mission
- Geographic and climatic conditions in the Mission area, MLUs have the potential to provide support in all geographic and climatic conditions

- Budget, to generate the most efficient, capable and cost-effective, planners must respond to the aforementioned considerations, with a structure organised around three fundamental elements: core, scalable and modular assets

The level of member state participation, troop strength and the provision of Contingent-Owned Equipment (COE) can also influence the decision to proceed with a MLU. Following pre-deployment visits and the alignment of the force generation process with logistics planning, an MLU force design is confirmed to ensure the MOU between UNHQ and the TCC providing the MLU accurately reflects the capabilities required to support the mission. The MOU will detail with such things as personnel numbers, COE, self-sustainment responsibilities and is a contractual statement of what each of the respective parties will provide.

Determination of financial reimbursement of COE will be based on either a wet or dry lease arrangement. A wet lease is where a TCC provides the vehicles and equipment and provides their own support, spares and maintenance. The TCC will be reimbursed at set wet lease rates. A dry lease is where a TCC provide COE but the UN arranges for its support. Reimbursement will be based on one of the three dry lease arrangements at the dry lease rate.

Slide 22

Medical Support

- Medical capability
 - Level 1 medical support may be provided by another troop contributing country (TCC)
 - Level 2 and 3 evacuation arrangements must be pre-arranged and verified
- CASEVAC / MEDEVAC planning and training
 - Capability will be different for each mission
 - Procedures must be IAW policies and SOPs
 - Training between MLU and medical staff to ensure interoperability

22

Depending on Mission requirements, an MLU may or may not deploy with its own integral Medical Level 1 Hospital. If it does not deploy with its own Level 1 Hospital, then that level of medical support will be provided by another Mission unit or TCC. Higher levels of medical support are a Mission responsibility provided through CASEVAC / MEDEVAC. Each MLU (battalion equivalent) may deploy elements within the Mission area with an attached medical element subject to availability. The ability to evacuate MLU casualties to Level 1, 2 or 3 hospitals must be pre-arranged and verified before each MLU operation.

During the planning phase of each operation, special attention must be applied to the CASEVAC / MEDEVAC capabilities and procedures outlined in the aviation and aviation safety policies, manuals and SOPs. Aviation related activities must also be coordinated with the Missions Aviation and Movement Control Elements and the appropriate staff officers at Sector or Force Headquarters. UN Force/Mission MEDEVAC / CASEVAC assets and Level 1/2/3 Hospitals will provide medical support and should train with the Mission's MLU. CASEVAC / MEDEVAC training is aimed at interoperability with enablers, such as air assets, and other Force elements such as the Quick Reaction Force. When aerial CASEVAC / MEDEVAC assets are not available or appropriate, alternate CASEVAC / MEDEVAC is arranged using Force or Mission assets and procedures. An MLU CASEVAC / MEDEVAC typically involves the MLU making use of all available Sector, Force and Mission capabilities.

Slide 23

Organisational Considerations

- Sustainment coordinated through force HQs, Chief of Service Delivery, and Mission Support Centre
- Transition from the self sustainment period
- MLU supported by Chief of Mission Support with the following:
 - Rations, bulk water, bulk fuel
 - Strategic movement
 - Main supply route
 - Blood and blood product
 - CASEVAC / MEDEVAC

23

All sustainment support for an MLU is coordinated through the Force Headquarters (or Sector Headquarters if the MLU is allotted to a Sector). The MLU must therefore liaise with the Force Headquarters logistics structure (the Office of the Chief of Service Delivery) and through the Mission Support Center, support Operations planning to determine the specific logistics requirements and the associated logistics command and control structures for each operation when the MLU is committed.

Following the initial period of self-sufficiency and in addition to TCC support obligations to their deployed contingent, all other MLU life support and operational requirements are satisfied by the Mission's Director or Chief of Mission Support through the Office of the Chief of Service Delivery.

Following the self-sustainment period the UN contracted logistics solution will provide the following items and services which can include:

- Food rations (storage, cooking and sometimes transportation are a contingent responsibility)
- Bulk raw water (or access to bulk raw water). TCCs are responsible for purification, storage and transport)
- Bulk fuel

- 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 and will be detailed in the applicable MOU
- Blood and blood products
- Casualty / Medical Evacuation (CASEVAC/MEDEVAC) transportation and support for movement of sick and wounded personnel to appropriate medical facilities.
- CASEVAC is the emergency transportation of any injured or sick person, whose condition is life-threatening, to Initial or Medical Treatment Facilities
- MEDEVAC is the movement and en-route care by medical personnel of wounded, injured or ill persons, whose condition is not life-threatening, from the area of operations or other locations to a medical treatment facility

Slide 24

Take Away Lesson 3.1

- MLU must consider mission planning considerations
- The plan dictates size and composition of core, scalable and modular assets
- Self sustainment requirements are confirmed in SoR, MOU and COE
- MLU consist of four core capabilities as a standard planning platform
- Core assets are scalable to meet mission requirements
- Modular / specialist assets are fill capability gaps

24

Summary

Every MLU is based on the same four core capabilities and is designed specifically to meet the unique support requirements for each mission. Bring everything back to basics, what does this all mean:

- The MLU has three distinct capabilities that make up its structure. These are Core, Scalable and Modular. Core and scalable can be broken into four lines of support, with modular broken down into key specialist areas that can be added or removed as required
- Remember the Core capability of an MLU must include four lines of support: transport, support, maintenance and self-sustainment
- Also remember the Core Capabilities of an MLU are scalable by design and form the basis of its ability to support deployed units and must be able to provide the basic logistic requirements: food, water, fuel, shelter and ammunition
- Remember the concept of specialised modular assets fill gaps in standard MLU capabilities and can be added or removed as required according to operational requirements

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 a MLU operating in UN peacekeeping operation
- The main capabilities, tasks, and organization for MLU operating in UN PKOs
- The TTX will give you a better understanding of the MLU support along with the essential planning parameters, roles / tasks which can be performed
- Although the MLU is an enabling unit, we can gain a general understanding of how POC tasks 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 the MLU and while working with other units / actors when it comes to POC tasks in UN Mission
- A focus on the tactical level employment of a MLU and a general overview of the operational level concepts to help your leaders understand the mandate implementation in UN peacekeeping



For the Module 3 Learning Activity (LA) go to Annex C -STM Learning Activities and TTX: Mil Logistics Unit LA Module 3

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 Exercise Table Top (TTX) for a MLU
- **Annex D:** Training Guidance / Training Model
- **Annex E:** Other references and background material

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