



United Nations

Specialised Training Materials

Special Forces

For United Nations Military Units in Peacekeeping
Operations

SF V1.2

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

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

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

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Integrated Training Service

Department of Peacekeeping Operations

United Nations

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Background

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

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

Aim

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

Target audience

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

Structure of the training materials

The package is constructed in three modules:

Module 1: Conceptual Framework

Module 2: Legal Framework

Module 3: Operational Framework

Annexes:

- **Annex A:** Power Point Slide Presentations
- **Annex B:** Comprehensive Protection of Civilians (CPOC) Specialised Training Materials (STM)
- **Annex C:** Learning Activity / Table Top Scenario-based 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 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.

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Instructor Guidance



General Considerations for Instructors

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

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

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

Instructor Profile

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

Table Top Exercise (TTX) Considerations

The STMs also include TTXs. These exercises are scenario / situational driven learning activities to help consolidate the learning outcomes and help reinforce the lecture “Take Away”. TTXs provide a learning environment tailored to facilitate discussions. They are set in an informal learning environment where the target audience is able to discuss the principles and concepts of operating in a United Nations Peacekeeping operation 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 procedures, the participants should analyze the situation / scenarios, mission / tasks, and present an analysis of COAs to be executed in a UN peacekeeping operation. The effectiveness of a TTX is derived from the energetic involvement of participants under the guidance, of the experienced instructors and mentors. Instructors should highlight the adequacy of the core elements and principles in operating in support of peacekeeping operations. If need be, instructors should assist the participants in bridging any gaps in this transition from standard military operations toward peacekeeping operations.

Training Characteristics

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

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

Symbols Legend

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

Module 1



Conceptual Framework

Module 1 at a Glance

Aim

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

- Overview and concept of employment of UN Special Forces (SF) units
- Nature of SF units
- Examples of current peacekeeping operations with SF units
- Characteristics of SF units
- Differences between conventional forces and SF units
- Flexibility and adaptability of SF task forces or groups
- SF roles and responsibilities supporting UN Peacekeeping Operations (PKO)

Overview

Module 1 provides an overview of the conceptual framework related to the proper employment of UN SF units to support and help contribute towards a successful achievement of the Mandate. It also examines the nature, characteristics of SF and their complementarity with conventional forces.

Learning Objectives

Participants will:

- Describe the characteristics of UN SF
- Know the key concepts of SF employment
- Understand the roles of different types of forces
- Describe the principles of SF support

Introduction

Slide 1



Key Message: The proper employment of UN Special Forces (SF) can contribute decisively towards successful achievement of the Mission's mandate. To date, SF have deployed to peacekeeping operations in MONUC/MONUSCO in the Democratic Republic of the Congo, ONUB in Burundi, UNAMID in Darfur, Sudan, MINUSMA in Mali and MINUSCA in Central African Republic. The characteristics of SF and their complementarity with conventional forces are essential for their appropriate employment.

The aim of Module 1 and the three associated lessons is to familiarize the trainers by providing an overview and concept of employment of SF in order to employ them in an appropriate manner. Finally, some principles regarding their support are covered. Specifically, this module familiarizes trainers with:

- The nature of UN special operations. It gives some examples of recent or current peacekeeping operations where SF were committed
- Their characteristics
- Their differences and complementarity with conventional forces (CF)
- The flexible and adaptable organizational structures of a SF Task Force or Group
- Their place, role and support in Peacekeeping Operations (PKO)

Introduction / Content

Slide 2

Module 1 Content

- Overview of UN Special Forces (SF)
- SF employment concept
- Principles of SF support

2

Key Message: SF's activities are always conducted in compliance with peacekeeping principles and ethos and always within the context of the Mission's mandate.

Module 1 covers:

- The definition of UN Special Operations
- Employment concept for SF is defined by fundamental principles, modes and criteria
- The Principles of SF support result from the rules defined in *the UN's Generic Guidelines for Troop Contributing Countries (TCCs) deploying military units to the UN Peacekeeping Mission and in the UN's COE manual*

Lesson 1.1



Overview

The Lesson



Starting the Lesson



Instructors ask the participants if they have any SF operational experience in a SF unit during an UN PKO. Have them share small anecdotes of their experience; specifically ask about how it might be different in other operations.

Slide 3



Key Message: As SF are a strategic asset creating effects that contribute to the achievement of strategic and operational-level objectives, it is crucial that a Force Commander (FC) and his key subordinates be aware of their nature, capabilities and limitations.

This overview is focused on:

- Definition of special operations
- How SF can be tailored while offering flexibility in their organizations and structures
- Their main characteristics

Their differences and complementarity with CF

Slide 4

Learning Outcomes

- Explain definition of special operations
- Explain notion of a SF task force or group
- Cite characteristics of SF
- Explain differences between SF and CF

4

Key Message: SF are a Mission force multiplier providing the Head of Military Component (HMC)/FC a technologically advanced and high-readiness asset. Students should understand and consider SF as a unique high effective asset presenting specific characteristics.

As a good training practice, let's review the learning outcomes of this lesson:

- Explain Definition of UN Special Operations
- Explain notion of a "SF Task Force" or "Group" (SFTF/G)
- Cite characteristics of UN SF
- Explain differences and complementarity between SF and CF

At the end of this lesson you should be able to perform the actions described on the slide; take a moment to read and understand the requirements. This may help you to focus on the most relevant aspects.

Slide 5

Content

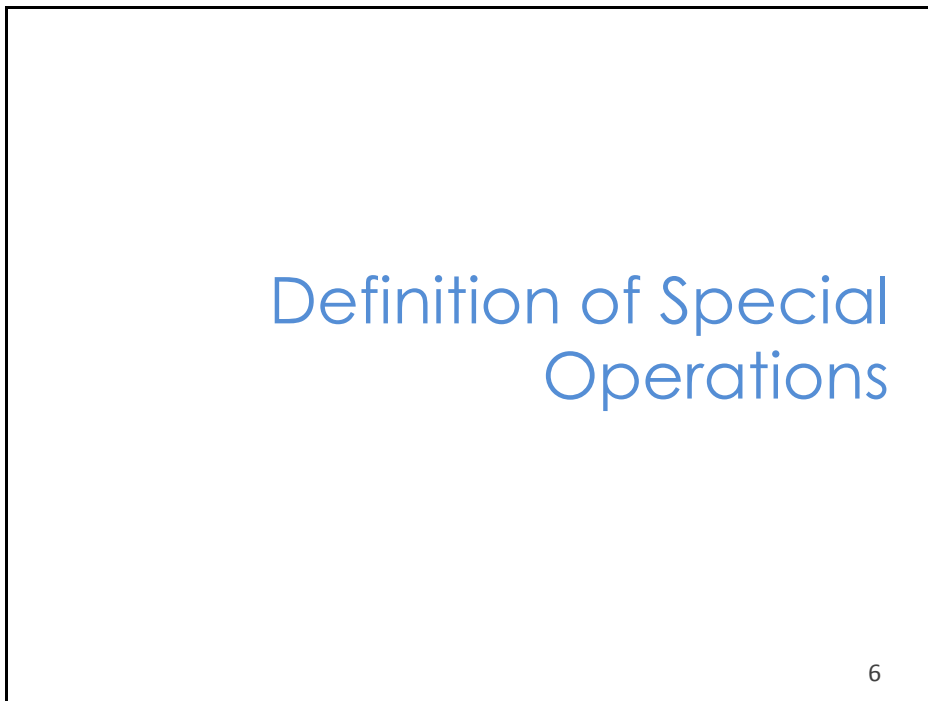
- Definition of special operations
- Notion of SF task force/group
- Characteristics
- SF and Conventional Forces (CF)

5

Key Message: SF are a specifically managed strategic asset which represent a capability that should only be employed for achieving specific strategic objectives. They are not an alternative for CF and should not be used for conventional tasks.

This lesson content defines a general overview of SF's employment. The understanding of this lesson will be relevant to be fully familiarized with the following lessons of this module. Their nature, their flexible organization, their characteristics and plus value in comparison with CF, constitute the bottom line of an appropriate employment of SF in PKO. The Items that will be covered are on the slide.

Slide 6



Key Message: UN Special Operations deliver both strategic and operational level outcomes. Their employment is decided at the FC and Head of Mission level.

UN Special Operations Are:

- Military activities that deliver both strategic and operational level outcomes conducted across a wide range of UN operations
- Performed by specifically designated, organized, trained and equipped forces
- Their employment is decided at the FC and Head of Mission level

Slide 7

Define Special Operations (1/2)

- Selected personnel and units
- Unconventional tactics, techniques
- Independently of CF
- In coordination with CF
- Not to compete, nor substitute with CF

7

Key Message: Even though SF are conducted by highly selected and trained personnel, they are not “better” in all circumstances. Their employment depends on the desired/delivered effects and the degree of political risk.

UN special operations are:

- Military activities conducted by selected personnel using unconventional tactics, techniques, and courses of action
- They may be conducted across a wide range of PKOs
- Recruitment of the personnel is the nations' responsibility, but they have to ensure the personnel is aware of UN ethos and values and are ready to adopt them

SF operations:

- Independently or, in coordination with CF
- They do not compete, nor are they a substitution for CF since they are not conceived to carry out the same tasks
- Relevant and updated INTEL is required

Slide 8

Define Special Operations (2/2)

- Acceptance of political or military risk
- Principle of legitimacy

8

Key Message: SF employment, in certain circumstances, may be decided at the UN Secretary General (SG), political level, due to the acceptance of the level of risks, the legal aspects, and the collateral consequences that might occur in a given operation.

UN Special operations encompass the following parameters:

- Depending on the Mission, circumstances and the desired/delivered effects, politico-legal-military considerations may require the acceptance of a certain level of risks. In fact, UN Special Operations generally deliver strategic or operational- level results
- The Security Council mandate provides the international legitimacy for the presence of a PKO in a particular country. Mission commanders and their subordinates should emphasize that the UN employs SF to counter specific belligerent threats and actions

Slide 9

Tailored SF Organizations

- Modularity and flexible
- Task force or group
- Battalion to company

9

Key Message: Tailoring SF as a “Task Force or Group” offers the FC flexibility to organize the force to better support operations as they pertain to the mission, the threat, and the environment. The framework is modular and flexible, allowing for tailored organizational structures to meet mission requirements.

Tailoring SF as a “TF” or as a “Group” offers the FC multiple advantages:

- Flexibility to organize the Force to better support operations as they pertain to
 - a. Modularity in compliance with the Mission, the threat, the environment, and the capabilities required
 - b. Wide range of options for the FC in terms of SF capability, command and control, technological advantages, and readiness
 - c. Provides a wide range of options in terms of C2, technological and flexible assets
- SF tailored organizations are called “TF” or “Group”
- TF or Group cover the range from a battalion-size level or a company. But battalion and company are normally not used to describe SF

Slide 10



Key Message: SF units inappropriately employed are a misuse of a scarce capacity.

SF inappropriately employed is a misuse of scarce capacity. That is why before employing UN Special Forces units, it is essential that a FC and staff are aware of their capabilities, nature and their limitations. SF are not “the best” use of military forces in all circumstances.

Slide 11

SF Characteristics

- Integrated / clear C2 relationship
- Reliant on enablers
- Precise, discreet, autonomy
- High operational mobility
- Risk mitigation of escalation

11

Key Message: SF are a strategic asset creating effects that support achievement of strategic and operational-level objectives. The achievement of their tasks is conditioned by the reliance on air enablers and clear Command and Control (C2). High operational mobility is a necessity for SF missions.

The main SF characteristics are:

- Integrated in FC's Chain of Command. They are under the OPCON of the FC to create a clear and unambiguous command and control relationship and to ensure full operational integration, mobility and responsiveness
- It is relevant for SF to get the support of enabler capabilities. Dedicated and effective enablers, such as air support or tactical attack helicopters are vital for high effectiveness. It is highly recommended to co-locate SF with aviation and air assets (rotary and fixed wing). It is necessary to define formally pre-planned support in an appropriate Statement of Unit Requirement (SUR)
- Small, precise, discreet, autonomy, and light foot print
- Small size, unique capabilities and self-sufficiency provide additional options to the FC for a military response

- To achieve this precision, Special Operations require detailed planning, mission preparation and rehearsals
- To protect mission execution and operation, during planning and execution of Special Operations, the FC must balance discretion and the potential operational risks of information sharing
- Special Operations are conducted theatre-wide at extended distances from supporting bases. That means to operate with greater autonomy and self-sufficiency in smaller elements

Slide 12

Differences and Complementarity with Conventional Forces (CF)

12

Key Message: SF's employment is quite different from conventional forces (CF).

The UN SF's employment is quite different from CF. The FC, subordinate commanders and staffs must be aware of key operational realities for avoiding mistakes of employment. SF may complement, but must not compete with, nor be a substitute for CF.

Slide 13

Differences / Complementarity

- Soldiers, footprint, logistic support, heavy weapons, protection, layers of C2
- Tactics, techniques, dependence on intel
- Capabilities to coordinate combined arms and joint operations

13

Key Message: SF differ from CF in terms of organization, manpower, techniques and capabilities.

In contrast to the SF characteristics described above, CF are characterized by:

- Larger number of personnel, a medium or large footprint, full spectrum operations, large logistic support and relatively heavier firepower. CF generally have greater capability in ballistic protection (armoured vehicles, mechanized vehicles, etc.), numerous field Headquarters and a layered C2
- CF contrast with the nature of SF techniques, modes of employment, independence from friendly support and dependence on detailed operational intelligence
- Comprehensive environmental and mission capacities, such as air coordination, airspace management, air defense, operational space management, legal advice, force protection, military police, personnel recovery, ground and air safety and counterintelligence, amongst other capabilities

Slide 14

Take Away Lesson 1.1

- SF and CF complementary; no competition or substitute
- Integrated in C2; OPCON to force commander
- Strategic asset to achieve strategic and operational objectives
- Require dedicated enablers / air support

14

Summary

Key Message: The reliance on key enablers is vital to optimize SF employment.

At the end of this lecture, the students should retain the following items on this slide as the key principles of employment of SF:

- Complementarity between SF and CF. No competition, no substitute and integrated C2 (contradicts with the statement in the previous slide)
- In most operational situations, the FC keeps OPCON over SF
- SF are a strategic asset whose aim is to achieve strategic and operational level objectives
- Dedicated and effective enablers (Air support/Tactical AH) are vital for SF effectiveness

Lesson 1.2



Concept of Employment

The Lesson



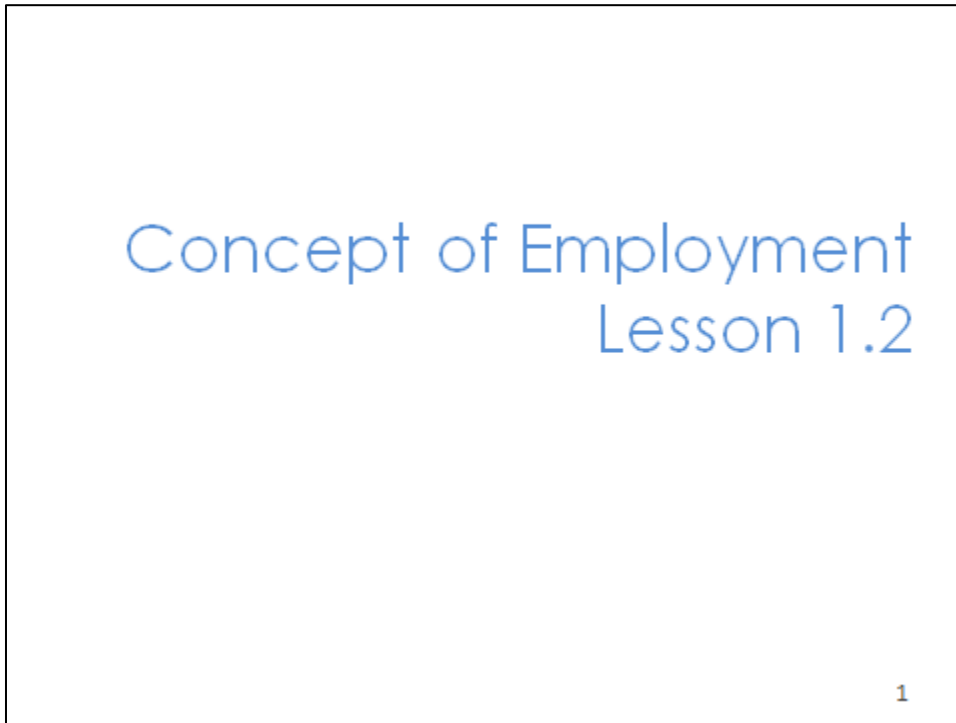
Starting the Lesson



For an interactive start to Lesson 1.2, engage participants to seek their understanding of how best United Nations Military Special Forces Units can be employed in the specific context of UN peacekeeping.

To aid participants' learning prior to the lesson, divide participants in small groups and ask each group to come up with two possible principles for employing SF in UN PKO and record on a chart board or white board.

Slide 1



Key Message: The aim of this lesson 1.2 is to help the FC and their key subordinates to understand that SF adhere to principles of employment that guarantee operational efficiency.

This lesson describes the concept of employment of SF that relies on fundamental principles, modes of operation and mission criteria. It provides a reference for the benefit of FCs, key subordinates and to SF staff officers, serving in UN PKOs.

Slide 2

Learning Outcomes

- List principles of employment
- Explain modes of operations
- Cite mission criteria

2

Key Message: The key operational requirements for SF are based on dedicated High-Value Tasks, access to relevant and updated INTEL and finally, a clear chain of C2.

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

Slide 3

Content

- Employment principles
- Modes of operation
- Mission criteria

3

Key Message: The content of the lesson is organized around the fundamental principles, the modes of operation and finally the mission criteria.

The respect of these fundamental principles, modes of operation and criteria guarantee an optimal operational employment of SF units. To sum-up they are:

- Employment Principles: participation in planning at all levels, early presence, High – Value Tasks, Access to Intelligence, Chain of Command and Control, Security
- Modes of Operation: overt and discreet courses of action
- Mission Criteria that include, permissibility, appropriateness, feasibility, sustainability, and justification

Slide 4

Employment Principles

- Participation at all planning levels
- Early presence
- High value tasks
- Access to intelligence
- Chain of C2

4

Key Message: These principles are to be closely respected for optimal employment of SF units. Of note, these fundamental principles are shaping the content of the operational framework. FC and staffs must keep these in mind when planning and executing special operations using SF. SF units must be integrated into the Force C2 chain and get access to relevant and time-sensitive INTEL.

The employment principles are to be closely respected for optimal employment of SF. These fundamental principles are shaping the content of the Module 3 “operational framework” that we will discuss later in the course.

When the decision of SF employment is taken at the FC level, this high-value operational asset may be involved at any time throughout the operational campaign (before, during and after military action):

- The Commanding Officer and key staff of the SF units will need to be intimately involved in the planning, conduct and control of operations. SF must have access to timely, detailed, tailored and fused all-source intelligence
- SF might be deployed as part of an early forward UN presence to initiate military and civilian liaison, conduct area assessments, augment an early command, control and communications capability, or to advise friendly forces

- It is imperative that SF C2 be closely integrated with the Force C2 through appropriate liaison, communication and information systems

Slide 5

Modes of Operation and Mission Criteria

- Overt / discreet modes of operation
- Permissible
- Appropriate
- Feasible
- Sustainable
- Justified

5

Key Message: One of the SF Task Force Commander's roles is to advise the FC on the pertinence of SF employment. That's the aim of the modes of operation and the mission criteria.

Regarding modes of operation, SF carry out overt or discreet operations. Discretion is a key operational imperative when planning and conducting SF operations, because it preserves the security of the personnel committed and conditions the achievement of the desired/delivered effects. As far as mission criteria are concerned:

- **Permissibility:** The SF mission must be in accordance with the UN mandate and the operation's legal framework
- **Appropriateness:** The mission must have aspects requiring the special skills and capabilities of SF in order to be fully consistent with the operational-level commander's objectives
- **Feasibility:** The mission must be analysed to determine if it can be accomplished by the SF assets available with support from the Mission
- **Sustainability:** Consideration must be given to the duration, distance, and environment and to anticipated consequences
- **Justified:** It should be assessed that, benefits of employing High value and limited numbers of SF measure favourably when balanced with the risks

Slide 6

Take Away Lesson 1.2

- Staff officers involved in planning / C2
- SF not be committed to CF tasks
- SF must rely on real time-sensitive intel
- SF require centralized planning and decentralized execution

6

Summary

Key Message: The above relevant “Take Away” operational parameters represent the core of this lecture and we should be able to address the learning outcomes.

- Key personnel and staff in the FC HQs need to be part of the planning process, monitor / assist / support execution and extraction
- There are different tasks for SF and CFs and the FC must weigh the strategic and operational needs of the organization and decide which military units are trained to execute the tasks in support of the mandate
- SF need many support assets that require centralized planning and coordination; however, once in execution; the SF require time sensitive intelligence and executes in a decentralized manner

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

1 flip chart, 12 Post-its (or 3x5 cards and tape)

TIME

Total: 10 minutes

PREPARATION

Split into two groups and have each group write on 6 Post-Its. Make two columns on chart / white board with the following:

- SF characteristics
- SF employment principles

EXERCISE

Ask each group to write down three characteristics and three principles and post in the appropriate column on the chart / white board. Have the group leader explain. Discuss amongst the groups.

NOTES TO INSTRUCTOR

Check the list and assist / facilitate when necessary.

Lesson 1.3



UN Special Forces Support

The Lesson



Starting the Lesson



For an interactive start to this Lesson, ask the participants to explain the significant differences between UN logistics / CSS and their own country's logistics. Have the groups record results on a chart / white board and review at the end of the lesson.

Slide 1



Key Message: Support for SF in UN peacekeeping operations is unique. It is important that we understand the general principles and who is responsible for which type of support and service.

This lesson describes the UN Mission Logistical Framework and its consequences on UN SF's Support in the execution of their tasks in PKO. It also emphasizes Combat support in special operations and CASEVAC and medical support. It does not lay out the detail procedure but only deals with generic principles.

Slide 2

Learning Outcomes

- Explain the responsibilities of logistics support in a UN mission
- Cite the main principles of the UN support process
- Explain how unique equipment, specific and secure communications, and information systems are provided to SF
- Explain the CASEVAC and medical support process for SF

2

Key Message: Students should be able to explain the above highlighted items of this lesson 1.3.

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

We should keep in mind the main principles of the UN Support process in UN operations. Also to note, CASEVAC and medical support for SF are often committed in military operations with risks involved.

Slide 3

Content

- UN mission logistical framework
- UN support process: pre-deployment to mission area
- Combat support in special operations
- CASEVAC and medical support for SF

3

Key Message: The UN mission logistical framework is defined in several UN capstone documents pertaining to Doctrine in UN PKOs, guidelines for TCCs Deploying Military Units, DPKO/DFS Policies and DPKO/DFS Standard Operating Procedures.

This lecture 1.3 successively describes:

- The UN mission logistical framework
- UN support process: from pre-deployment to the mission area
- Combat support in special operations
- CASEVAC and medical support for SF

Slide 4



Key Message: The UN Mission logistical framework is based on the DMS's responsibilities as one of the three components deployed in UN Missions.

As far as UN logistical framework is concerned it is interesting to identify how SF support is derived from the general policy regarding specific equipment and Medical support. The DMS / CMS's are part of the logistical framework in a UN PKO and key to the SF's support system.

Slide 5

UN Mission Logistical Framework

- Combat Service Support (CSS)
- Director of Mission Support (DMS)
- Chief of Mission Support (CMS)

5

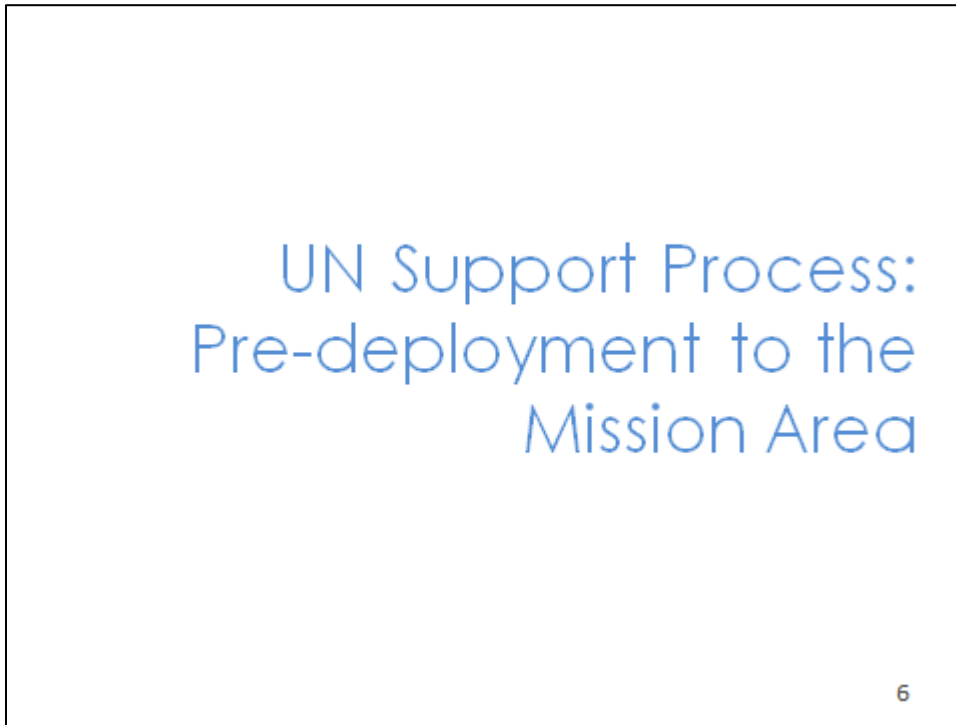
Key Message: UN peacekeeping missions are complex entities, typically made up of thousands of personnel and military units and the DMS is responsible for providing support to the military component. Also, it is important to understand the whole chain of Command in UN missions and the relationship between DMS and FC being well harmonized.

A rough overview of the principles of UN logistical support is narrated below:

- The Head of Mission or Special Representative of the Secretary-General (SRSG) leads the mission and bears overall responsibility for the implementation of the mandate. Under her/him operates the Senior Mission Leadership Team, which normally includes the Director or Chief of Mission Support (DMS/CMS)
- Logistics support, including the Combat Service Support (CSS), is provided by the DMS/CMS who is assisted by a senior military logistician
- Arrangements for logistic support are provided in the UN's Generic Guidelines for TCCs Deploying Military Units to the UN Peacekeeping Mission, and in the UN's COE Manual

- At the component level, the Mission Support Plan is published under the authority of the DMS/CMS. The Mission Support Plan is the authoritative basis for the planning and management of logistics support in the UN Mission

Slide 6



Key Message: Reconnaissance of the Mission theatre of operations conducted by the SF Commander and his staff is important for future success

To optimize the deployment preparation and support, troop contributing country (TCC) reconnaissance (the UN authorized field visit for key commanders and staff prior to unit deployment) and the subsequent Pre-Deployment Visit (PDV) by peacekeeping experts are essential in terms of advisory and anticipation of further support requirements.

Slide 7

UN Support Process: Pre-deployment to Mission Area

- DFS supports military units per the mission support concept
- TCCs ensure best possible preparation
- Unique equipment, self sustainment and reimbursement for contingent-owned equipment
- UN mission and contingent-owned communications and information technology systems

7

Key Messages: The role of DFS in supporting military units is encompassed in the Mission Support Concept. Major equipment, if not in the Contingent-Owned Equipment (COE) Manual, will be treated as “special case” equipment if the situation requires.

The Mission Support Concept underlines the DMS's role. For further discussions on unit-level support the following documents are very useful:

- Contingent Owned Equipment
- The MOU
- The Letter of Assist

During pre-deployment period TCCs fulfil the following responsibilities:

- As with any military unit in UN peacekeeping, TCCs must take advantage of the various opportunities existing prior to deployment to ensure the best possible preparation of personnel and units
- Therefore, reconnaissance conducted by the SF Task Commander and his key subordinates represents a high value

In accordance with the Contingent-Owned Equipment Manual:

- Special minor equipment or consumables are not covered by the standard self-sustainment rates can be handled as “unique equipment”
- These items will be handled through bilateral, special case arrangements between the troop contributor and the UN. For instance, SF operational requirements, such as night vision devices and High Frequency communications may be reimbursed as negotiated with UN Headquarters
- The TF’s internal communications and information systems are provided by each TCC. Nevertheless, equipment for communications between the Mission Headquarters and the SFTF, as well as between the TF and its deployed SFT/G, is provided as UN-Owned Equipment (UNOE)

Slide 8



Key Message: SF generally operate in hostile environments and deep in the Mission area of responsibility. As such, they must be provided with all of their life support requirements.

SF generally operate in hostile and austere environments and always in small units, deployed deep into the Mission area of responsibility, potentially in isolation from other UN Forces and far from any logistical base.

Slide 9

Combat Support in UN Special Operations

- SF must expect to be self-sufficient
- Specialized CSS arrangements are essential
- Includes logistics, rations, fuel
- Strategic deployment movement of contingent owned equipment and personnel
- Medical capabilities

9

Key Message: SF units, more than any other type of unit, must be self-sufficient and “survive by their wits” as they are trained.

SF are deployed deep into the Mission area of responsibility, potentially in isolation from other UN Forces and far from any logistical base. As such, they should not expect to live in hard-walled accommodations when on operations during their deployment, and should expect to provide for themselves most, if not all, of their life support requirements. The UN meets the life support provisions stated in the applicable statement of unit requirements and MOU. In that perspective, a specialized CSS arrangement is essential to support Special Operations and could include specific CSS capabilities and procedures such as airdrop, air resupply, caches, riverine resupply, local resupply, etc. The CSS arrangement must be well prepared and planned during the early stages of Mission planning.

UN support to SF includes, logistics, rations and fuel, strategic deployment, movement of COE and personnel from the home country to the Mission area, as well as support to in-theatre movement of medical capabilities beyond level I.

Slide 10



Key Message: For comprehensive guidance on medical operational, logistical and administrative guidelines for Member States, UN Headquarters and field Missions, the Medical Support Manual 43 for United Nations Peacekeeping Operations is useful.

Moreover, the Medical Support Manual provides information on the command and control structure for integrating medical support in field Missions, CASEVAC/MEDEVAC procedures, and pre-deployment medical screening requirements.

Slide 11

CASEVAC and Medical Support

- SF casualty evacuation
- Detailed CASEVAC planning and training
- Dedicated CASEVAC resources
- Enhanced CASEVAC medical capabilities

11

Key Message: SF often operate in small numbers deep into adversary-held territory making Casualty Evacuation (CASEVAC) operations both critical and challenging.

Relying on Air enabler assets on high readiness is crucial for SF's CASEVAC.
In that perspective:

- SF CASEVAC requires detailed planning and training, pre-arranging for dedicated evacuation resources and providing enhanced medical capability
- During the planning phase of each operation, special attention is given to CASEVAC capabilities, procedures and timing with the Special Operations Advisor to the FC/HMC (typically the UN SFTF/G Commander) and Special Operations Planning and Liaison Elements coordinating to ensure seamless medical support
- SF CASEVAC in deep operations require dedicated aviation assets, intelligence support, local/national liaison capability, logistics support, supplies, infrastructure and related force protection, and ground transportation
- SF units will have their own integral aero medical evacuation teams capable of stabilizing casualties while awaiting CASEVAC and during transportation to the next level of medical care.

- Each SF Task Force Detachment (SFT/D platoon equivalent) may also include a dedicated SF medical team as required. The UN Mission's medical branch must have the necessary flexibility to adequately stock medical supplies and keep the ability to treat SF casualties in Level I hospital.

Slide 12

Take Away Lesson 1.3

- Logistics support including CSS is provided by DMS/CMS
- SF specific operational requirements if not in COE may be reimbursed
- SF units internal CIS is provided by TCC
- SF CASEVAC requires detailed planning and training for dedicated evacuation resources

12

Summary

Key Message: Most important to remember is that SF carry out high risk missions in hostile areas, Medical Support has to be carefully planned and pre-arranged with the DMS's medical resources.

Students should retain the following key principles from this lecture:

- As Logistics support including CSS is provided by the DMS/CMS, the Mission Support Plan of a UN Mission is published under his authority
- If SF specific operational requirements is not in COE, it may be reimbursed as negotiated with UN HQs
- SFTF's or Group internal CIS is provided by TCC

Module 1



Conceptual Framework

At the conclusion of Module 1, a few points are worth noting: the aim of Module 1 and the three associated lessons is to familiarize the trainers by providing an overview and concept of employment of SF in order to employ them in an appropriate manner and that the principles regarding their support are covered.



Finishing the Module



For an interactive finish to Lesson 1.3, Recap the lesson but also Module 1 and engage participants to seek their understanding of the Module.

To aid participants' learning, ask participants how SF units operate in UN peacekeeping operations and how they differ from conventional military operations.

Specifically, ask them for a few examples from the below areas and write them on a butcher board (remember they will be familiar with the subjects):

- *The nature of UN special operations*
- *SF characteristics in UN PKO*
- *The differences and complementarity with conventional forces (CF)*
- *The flexible and adaptable organizational structures of a SF Task Force or Group*
- *SF role and support in Peacekeeping Operations (PK)*

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



The slide features the United Nations logo in the top left corner. The title 'What is International Human Rights Law (IHRL)?' is centered in blue text. Below the title is a horizontal line, followed by a bulleted list. The right side of the slide is partially obscured by a large, curved black graphic that contains a black and white photograph of a conference room with several long tables and chairs, where people are seated and talking.

- 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.

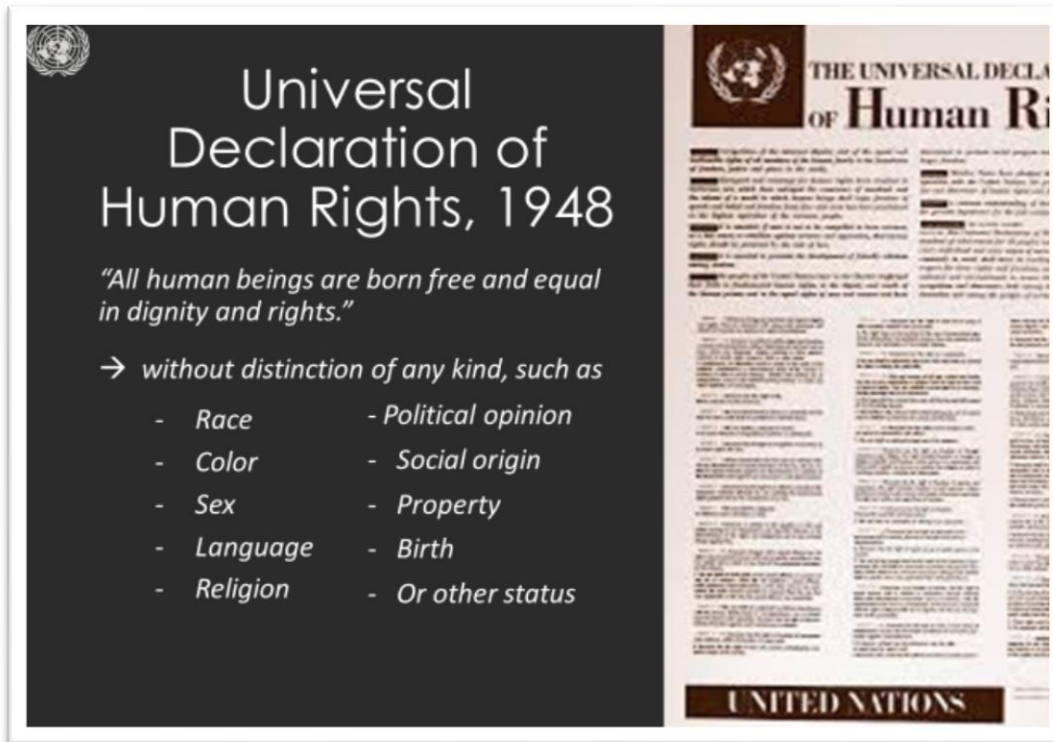
States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

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

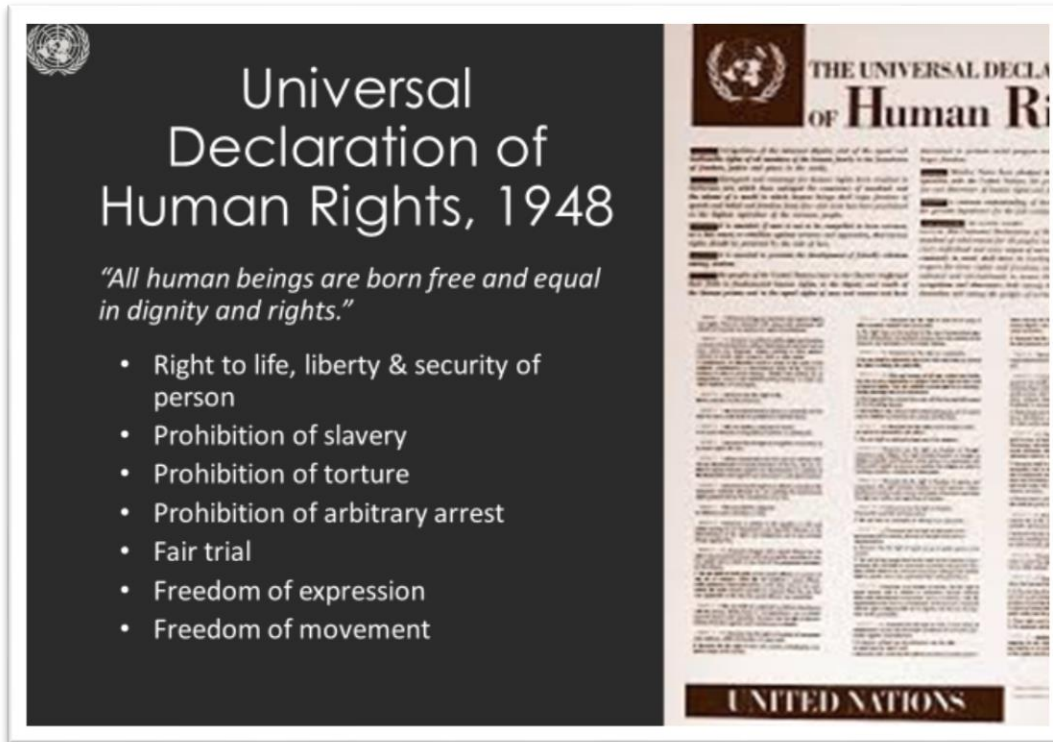


Key Message: The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression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

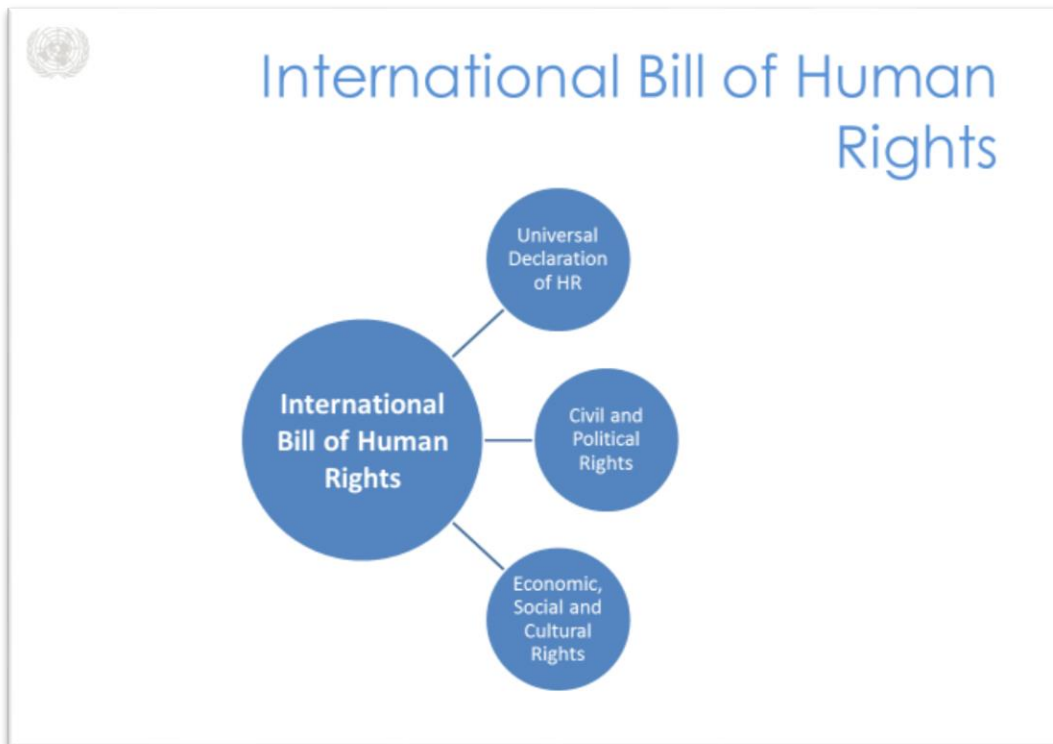


Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).

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.

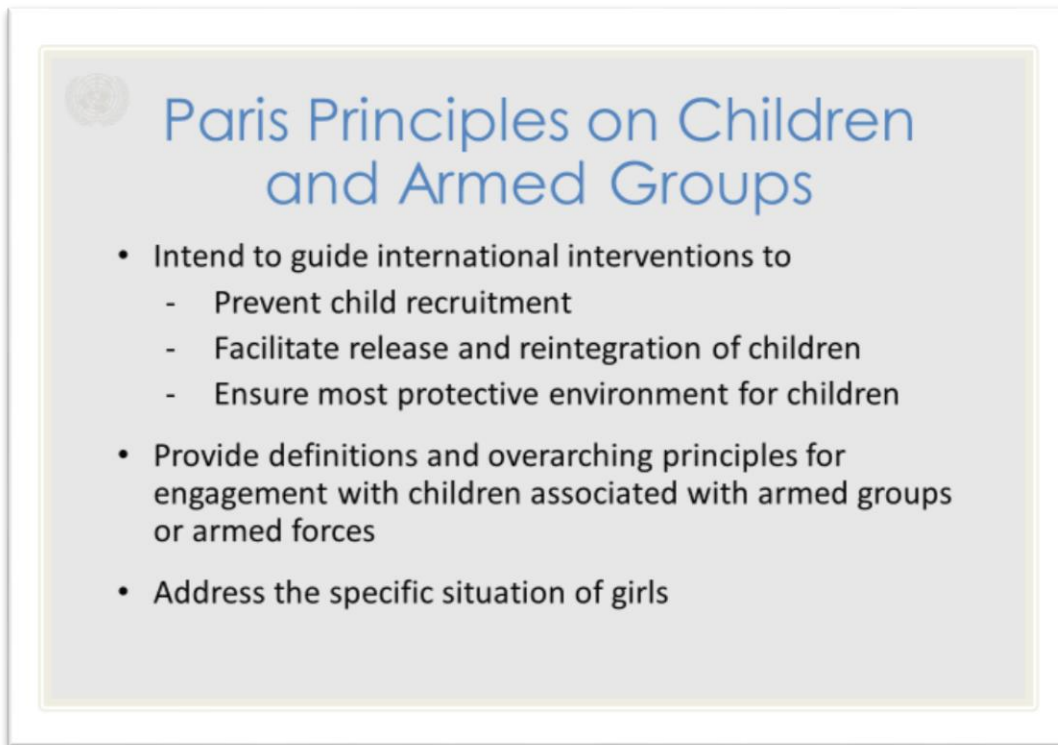
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

- 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 slide features a light blue background with a white border. In the top left corner, there is a small circular logo of the United Nations. The title "Paris Principles on Children and Armed Groups" is centered at the top in a large, blue, sans-serif font. Below the title, there are three main bullet points in black text, each followed by a sub-bullet point. The sub-bullet points are indented to the right of the main bullet points.

Paris Principles on Children and Armed Groups

- Intend to guide international interventions to
 - Prevent child recruitment
 - Facilitate release and reintegration of children
 - Ensure most protective environment for children
- Provide definitions and overarching principles for engagement with children associated with armed groups or armed forces
- Address the specific situation of girls

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



The slide features a light blue background with a white border. At the top left is a small circular icon of the United Nations. The title "Why does Human Rights Law matter to UN Peacekeeping?" is written in a large, blue, sans-serif font. Below the title is a bulleted list of seven points in a smaller, black, sans-serif font.

- 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 logo in the top left corner. The title 'Human Rights Due Diligence Policy' is written in blue text on the left side. To the right, a vertical line separates the title from a bulleted list of three key 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

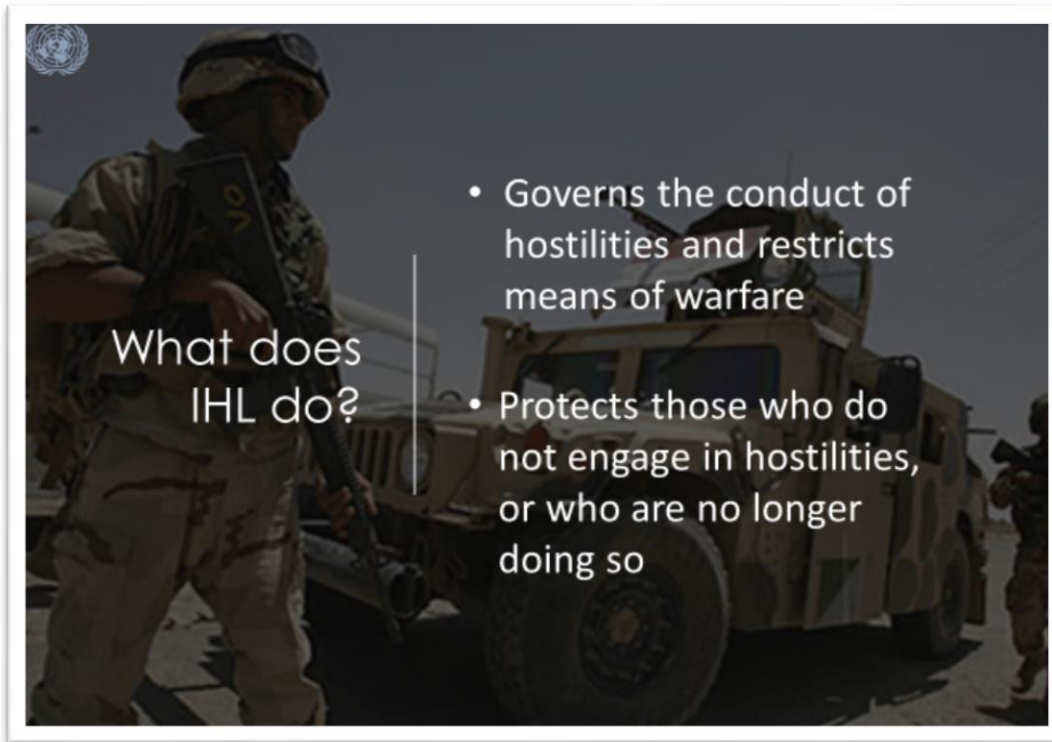


The development of IHL dates back to the 19th century. Important instruments of IHL include:

- 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.



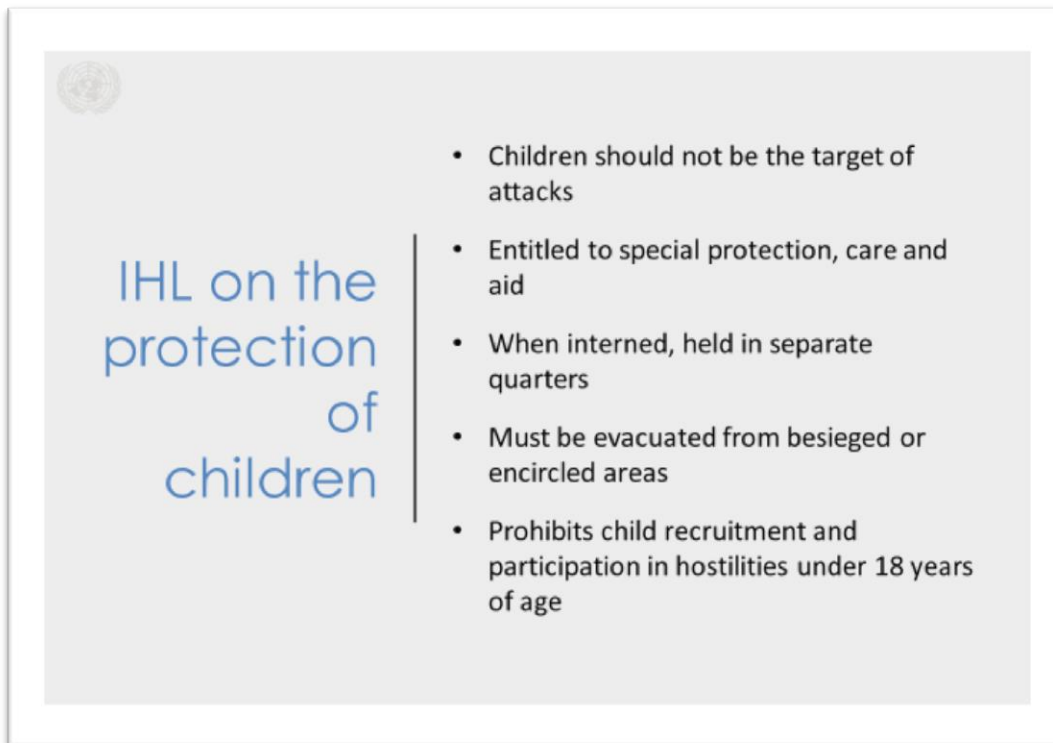
Note to Instructor: Rights of Refugees and IDPs under their specific conventions will be discussed in the section on International Refugee Law.

- 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



IHL on the protection of children

- 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

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

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

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

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

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

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

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

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

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

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

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

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

Slide 33



Rights of Refugees

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



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

Rights of refugees include:

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

- Freedom of Movement

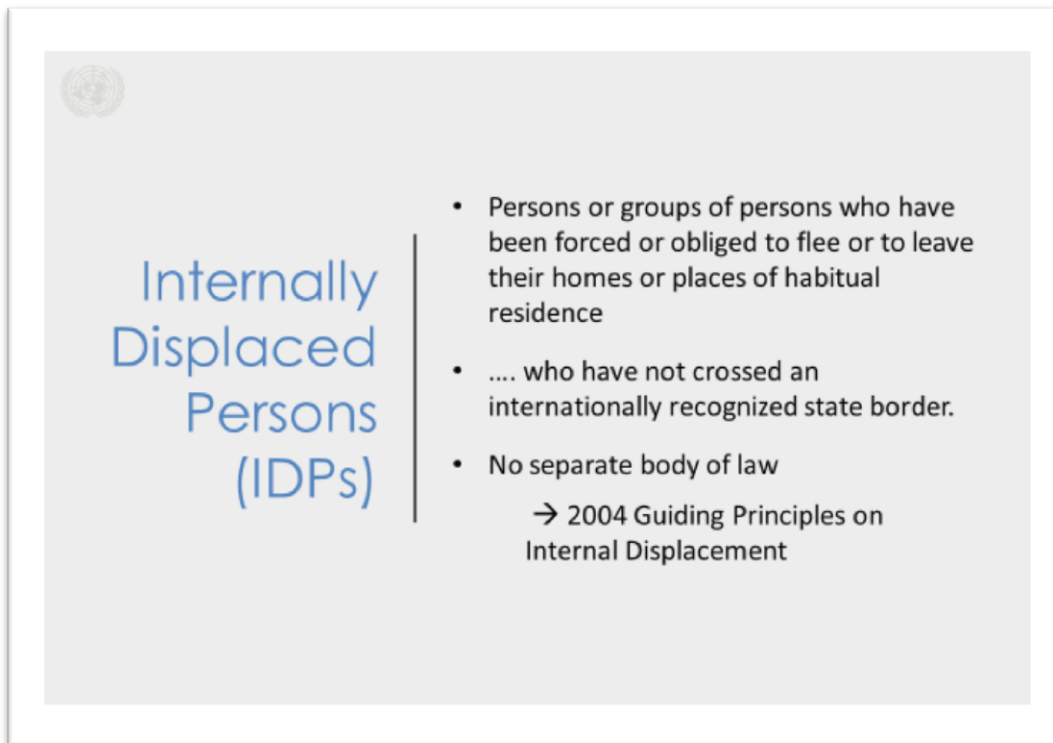
While some provisions envisage a minimum treatment for all refugees (for example, Article 33, on non-refoulement), others extend the treatment enjoyed by nationals to refugees present “within” the country (for example, Article 20, on rationing) and to “refugees lawfully staying in the territory” (for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



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

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

Slide 34



Internally Displaced Persons (IDPs)

- Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence
- who have not crossed an internationally recognized state border.
- No separate body of law
→ 2004 Guiding Principles on Internal Displacement

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

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

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

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

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

Rights of IDPs

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

The slide features a light gray background with a small circular logo in the top left corner. The title 'What is International Criminal Law (ICL)?' is written in blue text on the left side. To the right, a vertical line separates the title from a bulleted list of three points.

- 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

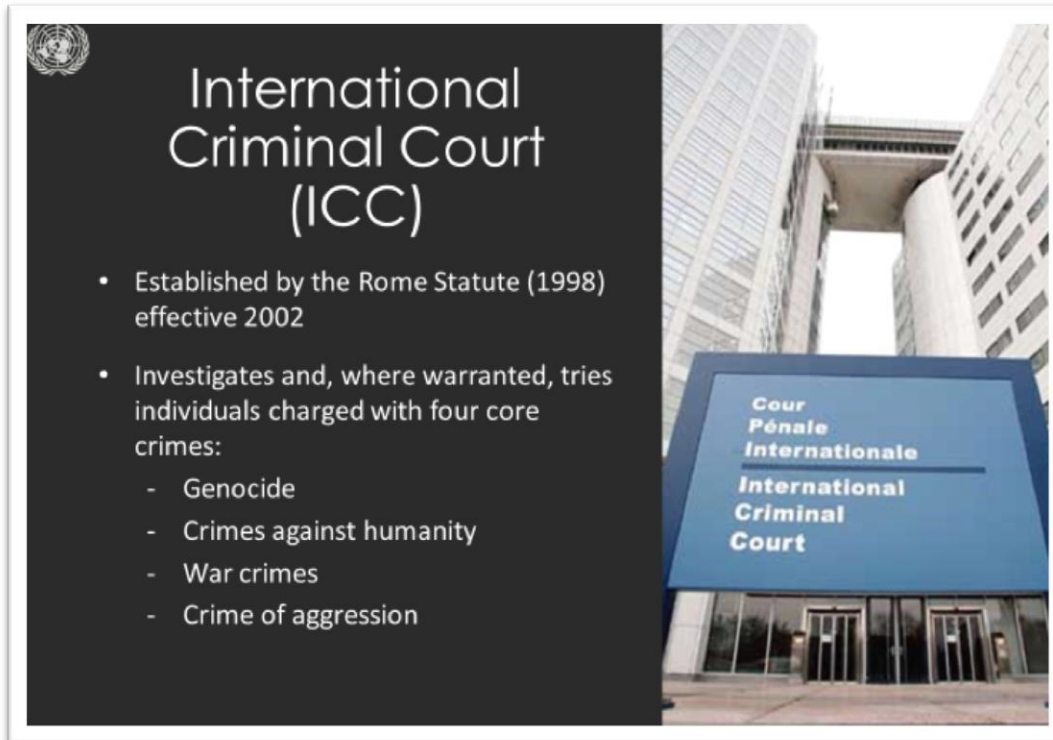
continues the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR.

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



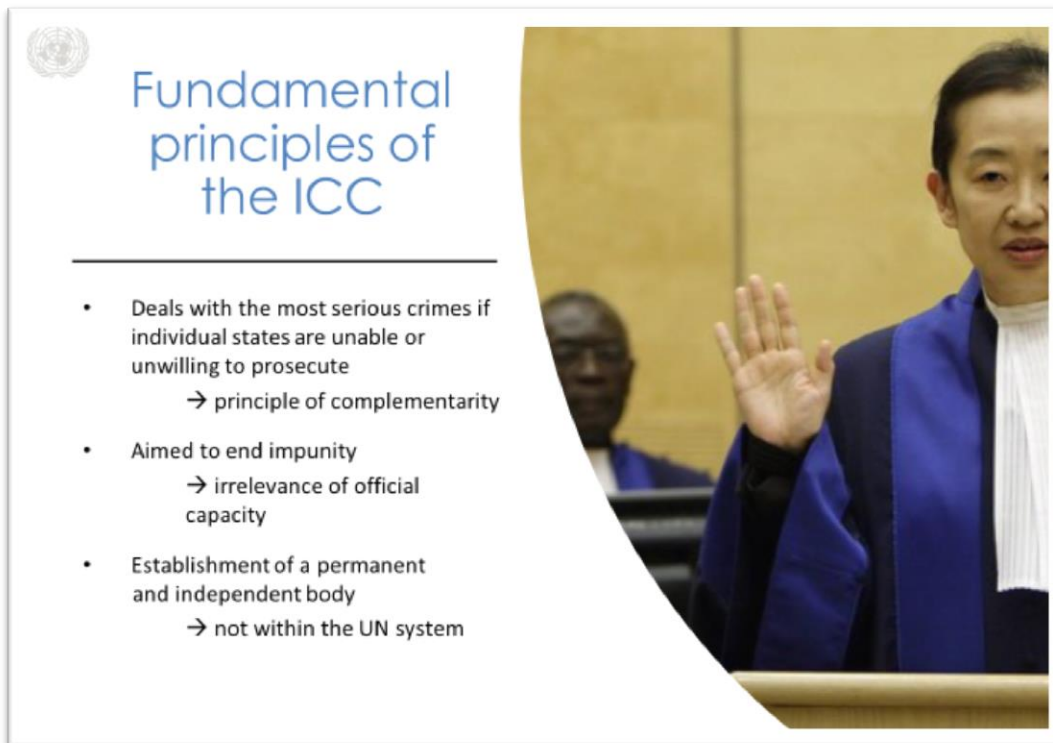
The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as 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 ICC logo. Below the title, three bullet points describe the court's principles. To the right, a photograph shows a woman in a blue judicial robe with her hand raised in a courtroom setting.

Fundamental principles of the ICC

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

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

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

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

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

Slide 43



The slide features a dark green background with white text. At the top left is the United Nations emblem. The title 'ICL on Child Protection and Sexual Violence' is prominently displayed. Below it, a list of five bullet points details the scope of international criminal law. The background image shows two young boys in a rural setting, one in a brown jacket and the other in a dark shirt, standing in a field with tall green plants.

ICL on Child Protection and Sexual Violence

- Seeks to end impunity for all international crimes, including those against children
- CRSV as crime under the Rome Statute
- War Crime
- Crime against humanity
- Act of genocide

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

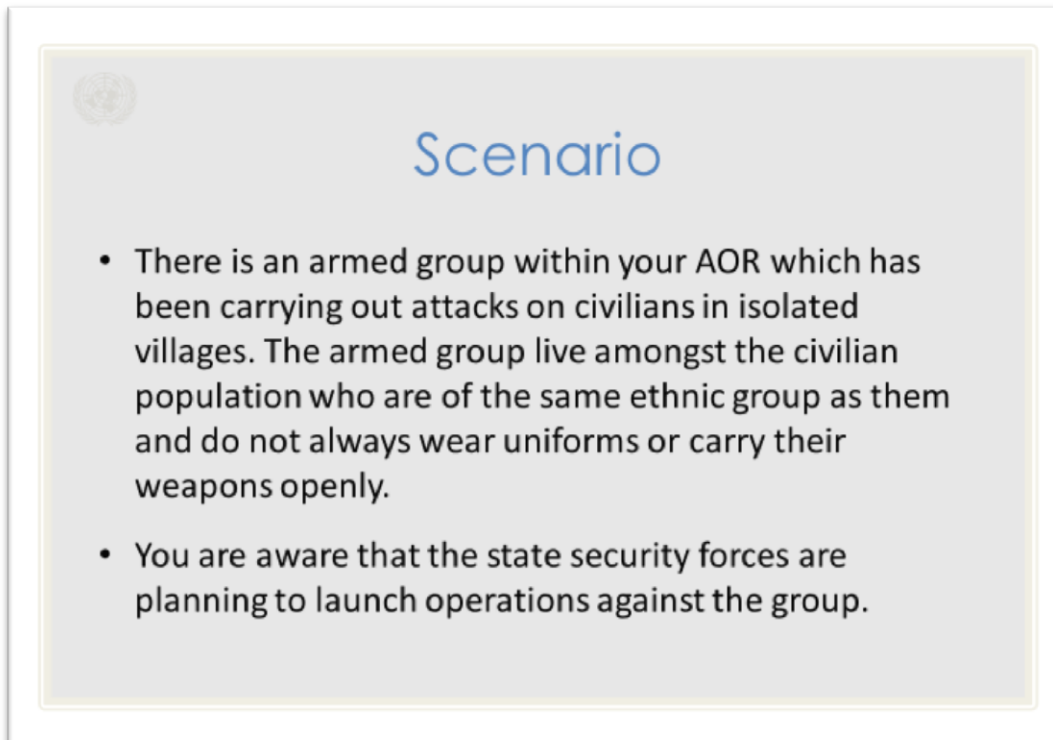
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)
 - Also known as the Kampala Convention, it specifically establishes state responsibility for the protection and assistance of internally displaced persons, whose displacement is the result of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

Soldiers or civilians

TIME

Total: 15 minutes

EXERCISE



The slide features a light blue background with a white border. In the top left corner, there is a small circular emblem of the United Nations. The word "Scenario" is centered at the top in a blue font. Below it, there are two bullet points in black text.

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:

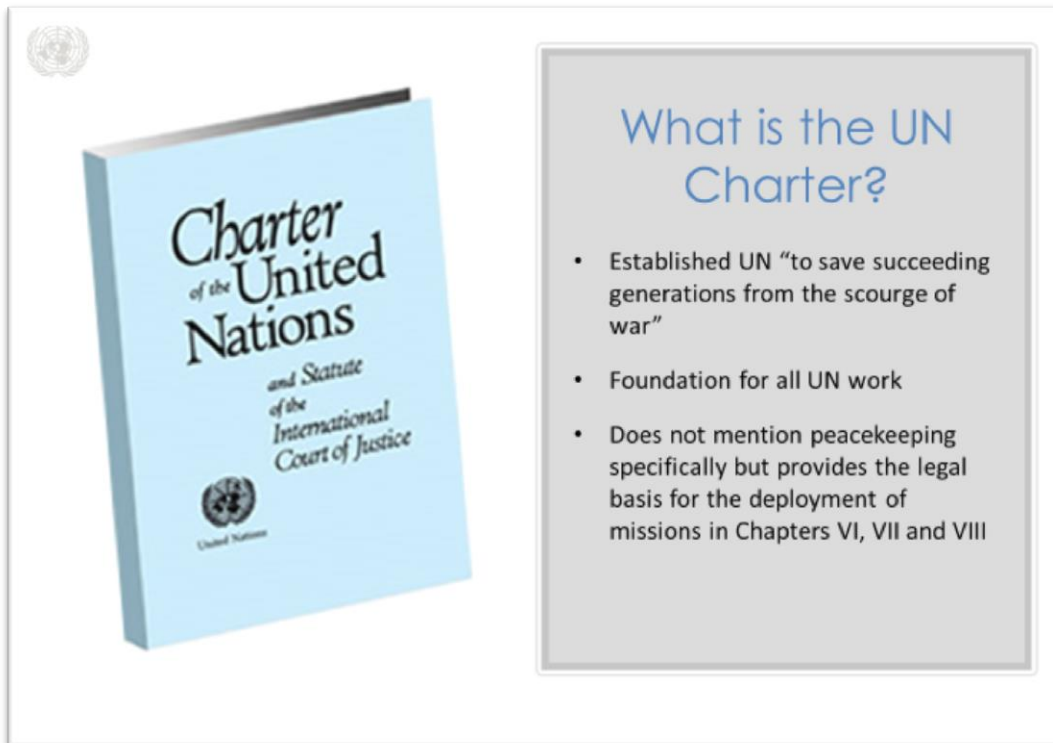
- The Charter of the United Nations
- Security Council resolutions
- The Convention on Privileges and Immunities of the United Nations of 13 February 1946
- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)
- The Agreement with participating States, i.e.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



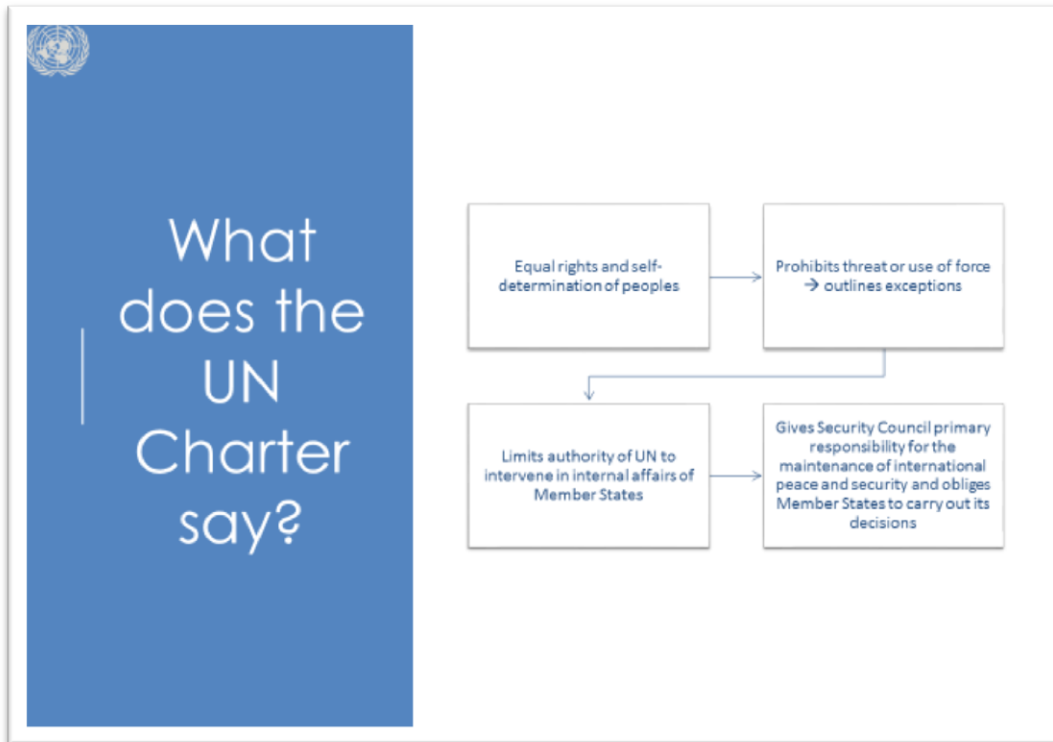
Key Message: The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to "save succeeding generations from the scourge of war" and one of its main purposes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

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

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

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

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

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

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



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

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

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



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

Slide 55

Convention on Privileges and Immunities

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

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

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

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

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

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

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

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

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

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

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

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

Slide 56

Agreement with Host State

SOFA/SOMA is a tailored legal agreement between the UN and the Host Government

- Regulates privileges and immunities for the UN mission and its personnel (functional immunity)
- Regulates application of Host State laws
- Other key provisions typically include exemptions from customs/excise laws and visa requirements

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:

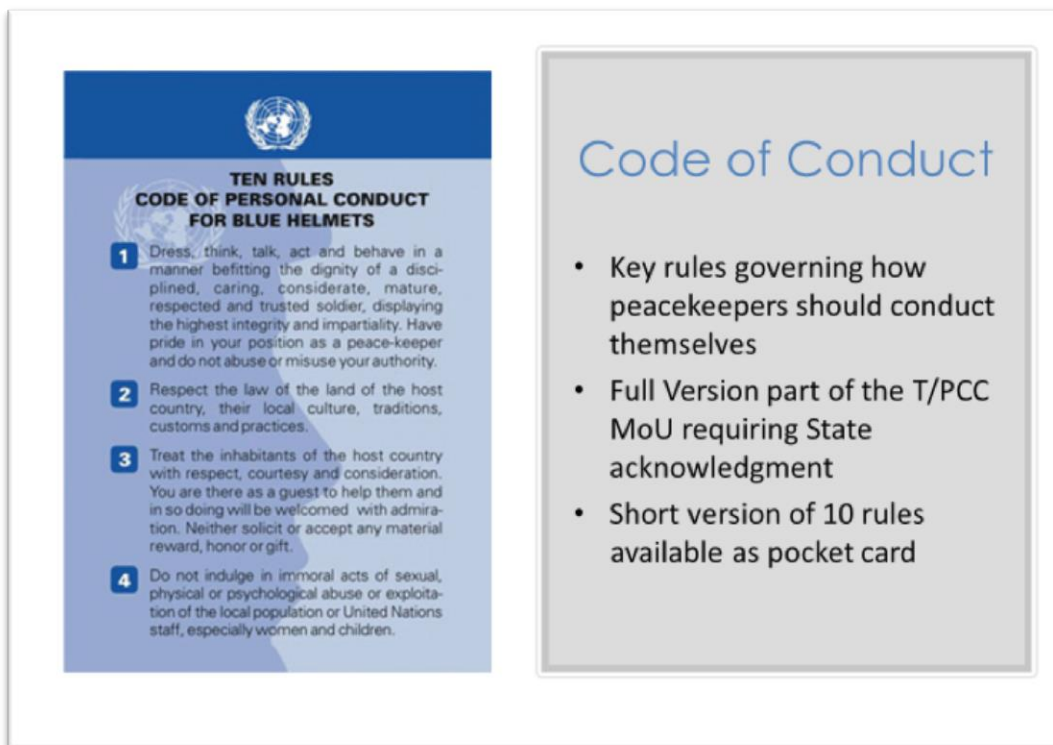
- How the UN will reimburse governments for troops, formed police units (FPUs) or equipment loaned to a peacekeeping operation.
- The obligations of contributing governments to ensure appropriate quality personnel and equipment appropriately trained and prepared for their mission.
- Transfer of authority 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.

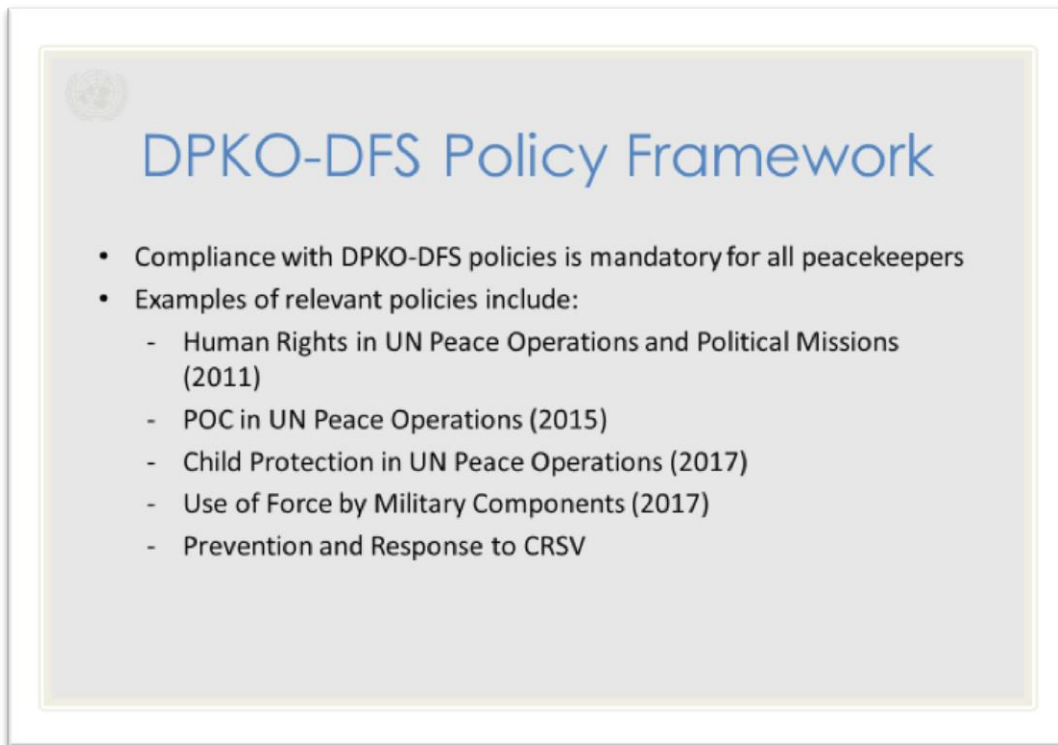
While applicability of the laws of the sending State are limited, as a general rule, disciplinary power (for Police FPU and Military contingents) lies with the sending State. In the case of Military contingents, criminal jurisdiction also lies with the sending State. However, Member States contributing 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

A presentation slide titled "DPKO-DFS Policy Framework" with a UN logo in the top left corner. The slide contains a bulleted list of key points and examples of policies.

- Compliance with DPKO-DFS policies is mandatory for all peacekeepers
- Examples of relevant policies include:
 - Human Rights in UN Peace Operations and Political Missions (2011)
 - POC in UN Peace Operations (2015)
 - Child Protection in UN Peace Operations (2017)
 - Use of Force by Military Components (2017)
 - Prevention and Response to CRSV

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

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

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

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

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

Summary

Key takeaways regarding UN Legal and Policy Framework include:

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

Lesson 2.3



Mission Specific Legal Framework

The Lesson



Starting the Lesson

Overview

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

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

As a result, this section will focus on:

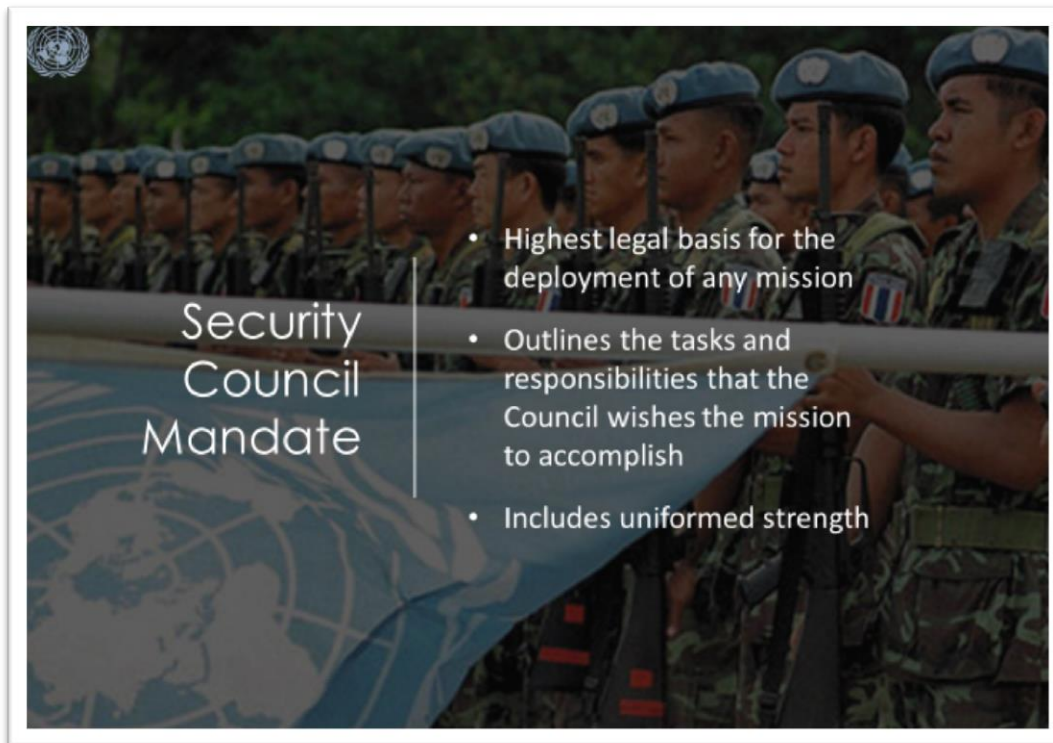
- Security Council mandates for peacekeeping operations
- Rules of Engagement
- Directives on the Use of Force

Relevance

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

Mission Specific Legal Framework

Slide 65



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

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

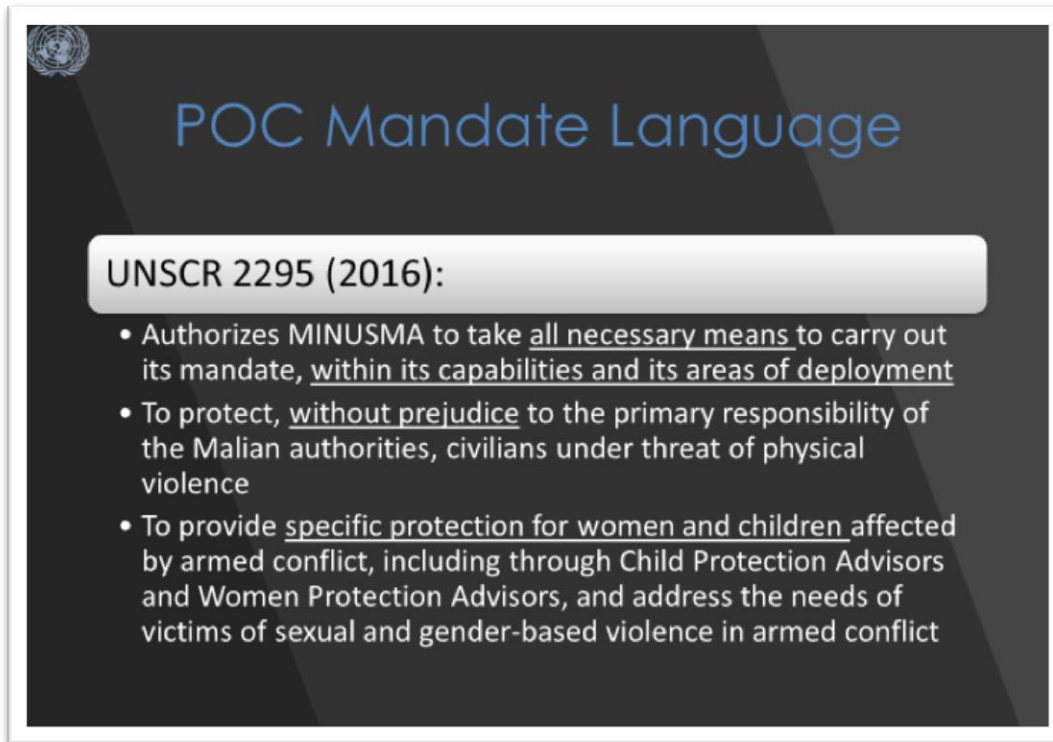
The Security Council resolution also provides the mandate of the PKO, i.e. the tasks assigned to it, including any authorisation to use force. Mandates, or tasks, differ from mission to mission. The range of mandated tasks outlined in a mandate differs between peacekeeping missions, based on the conflict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

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

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

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

Slide 66



The slide features a dark background with a light blue title 'POC Mandate Language' at the top. Below the title is a white rounded rectangle containing the text 'UNSCR 2295 (2016):'. Underneath this, there are three bullet points in white text. The UN logo is visible in the top left corner of the slide.

POC Mandate Language

UNSCR 2295 (2016):

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

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


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



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


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

Slide 67



Mandate Language “All Necessary Action”

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



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

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

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

Slide 68

The slide features a light blue background with a white border. In the top left corner, there is a small circular logo of the United Nations. The main title, "Mandate Language 'Within capabilities'", is centered at the top in a large, blue, sans-serif font. Below the title, there is a bulleted list of four points in a smaller, black, sans-serif font.

- Acknowledges existing resource constraints
- Necessary to prioritize the use of resources
- Decisions based on thorough analysis and coordinated planning
- Any capabilities gap should be brought to the attention of senior mission leadership

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




The slide features a light blue background with a small UN emblem in the top left corner. On the left side, the text "Mandate Language 'Without prejudice...'" is displayed in a blue, sans-serif font. A vertical line separates this text from a bulleted list on the right. The list contains three main points, with the third point having a sub-point indicated by a right-pointing arrow.

- 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



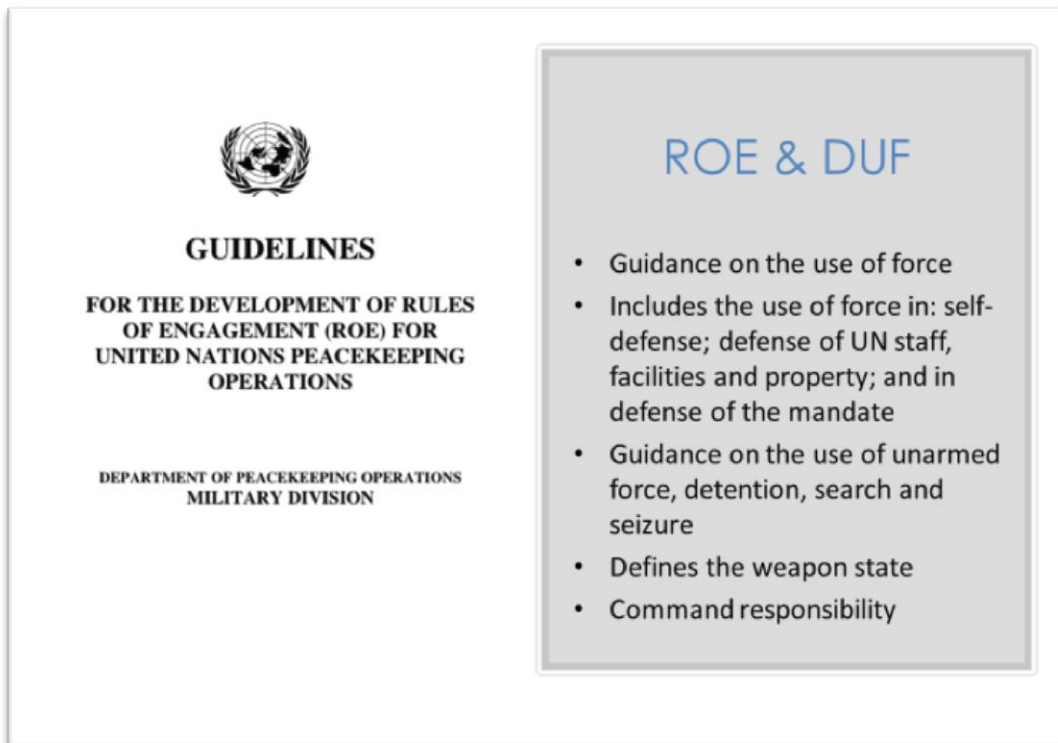
Mandate Language
“Specific protection
for...”

- 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.

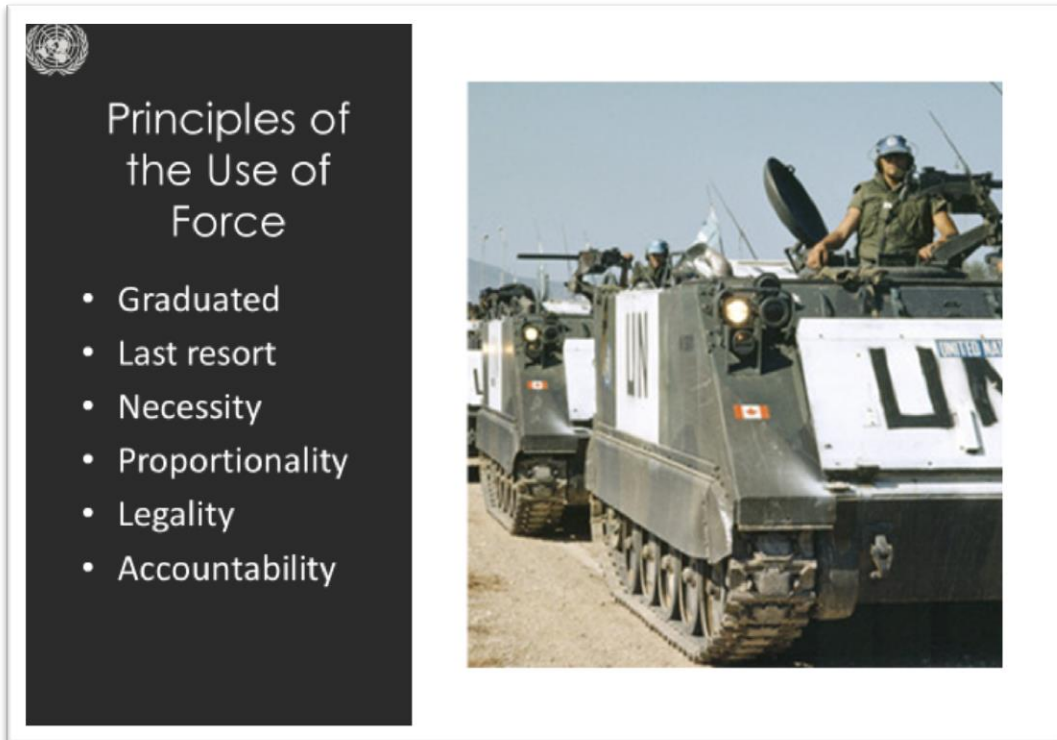
To ensure the appropriate use of force in peacekeeping operations, TCCs should prepare their troops in terms of mind set and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units in a peacekeeping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



The slide features a dark grey background on the left with the United Nations logo in the top left corner. The title 'Principles of the Use of Force' is centered in white text. Below the title is a bulleted list of six principles. To the right of the text is a photograph of a line of UN military vehicles, including an armored personnel carrier with a soldier on top and a tank in the background. The vehicles have 'UNITED NATIONS' and 'UN' markings.

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.



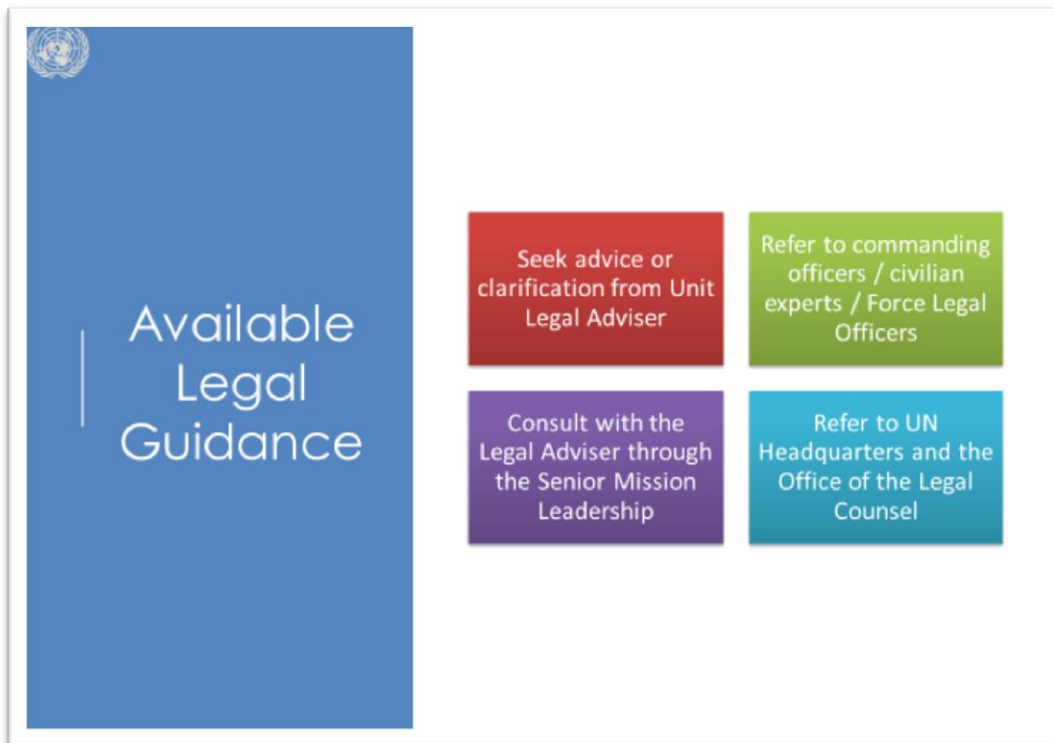
Case study 2: Examine and discuss the incidents in UNMISS of 11 July, when gunmen in Juba attacked the Hotel Terrain camp, a private compound close to a peacekeeping base, robbing, beating and raping aid workers and local staff, and killing a local journalist. For more detail see the Executive Summary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

Module 3 lessons help familiarize the participants with the main capabilities, tasks, the organization and C2 for SF units operating in UN missions / PKOs.

- The minimum capabilities SF should possess to reach the best effectiveness
- The appropriate tasks under the appropriate C2 structure while avoiding traps of inconsistent SFs' employment.

Learning Objectives

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

- Know how to translate conceptual and legal frameworks into appropriate action at the tactical level
- Cite main capacities and understand the specific and rare capacities offered by SF to optimize their employment
- Explain SF's tasks including liaison and engagement and those inappropriate
- Explain Air and Maritime tasks

Overview

Module 3 provides an overview of the strategic and operational framework related to a SF unit, as well as, POC in UN peacekeeping. The module focuses specifically on tactical level considerations.

While this module focuses on the tactical level, the overview of the strategic and operational level documents and concepts provide guidance to tactical level mandate implementation in UN peacekeeping.



Module 3 Operational Framework

1

Key Message: Module 3 describes capabilities and tasks in lesson 3.1; and lesson 3.2 highlights the principles of the SF organization and C2.

Module 3 lessons help us to familiarize with the main capabilities, tasks, the organization and C2 for SF units operating in UN missions / PKOs.



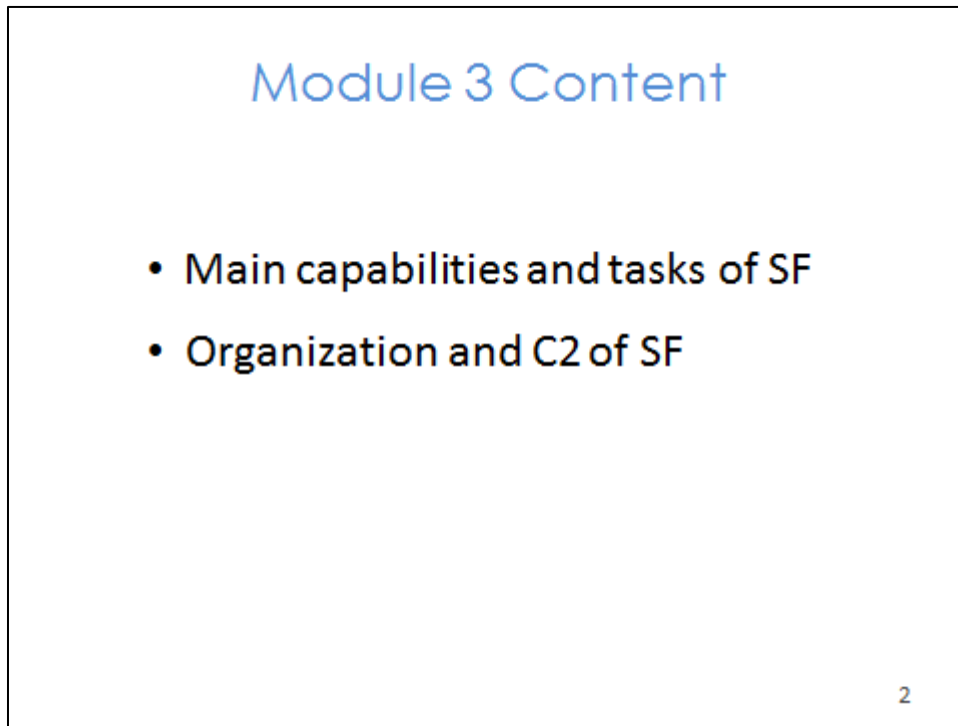
Note to instructor –

It is recommended that Instructors read the document “United Nations Peacekeeping Operations Principles and Guidelines” (also known as the Capstone Doctrine). Additionally, Instructors should be familiar with DPKO Command and Control policy.

You should also have copies of CONOPS where SF have been committed to show the participants samples of tasks assigned to SF during UN PKOs.

Introduction

Slide 2



Module 3 Content

- Main capabilities and tasks of SF
- Organization and C2 of SF

2

Key Message: Module 3 describes capabilities and tasks in lesson 3.1; and lesson 3.2 highlights the principles of the SF organization and C2.

Module 3 lessons help us to familiarize with the main capabilities, tasks, the Organization and C2 for SF units operating in UN missions / PKOs.

- The minimum capabilities SF should possess to reach the best effectiveness
- The appropriate tasks under the appropriate C2 structure while avoiding traps of inconsistent SFs' employment

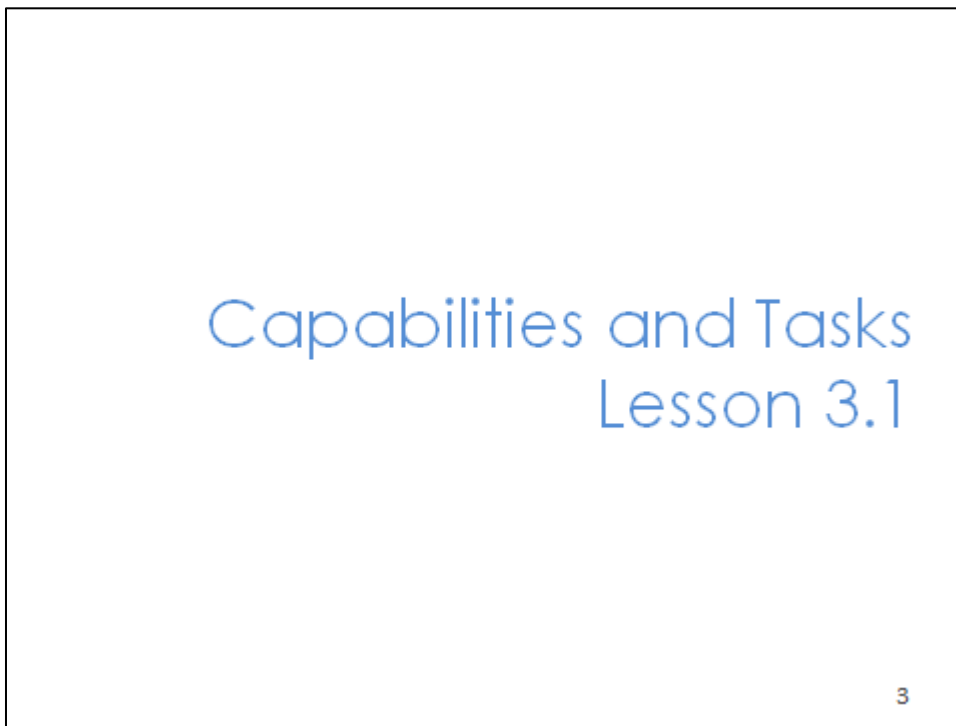
Lesson 3.1



Capabilities and Tasks

The Lesson

Slide 3



Key Message: SF units have specific tasks and capabilities that differ from CF and properly used in accordance with its characteristic, SF units operating in UN peacekeeping operations can effectively assist in accomplishing the UN mandate.

This lesson describe the capabilities and tasks of SF in the execution of its core functions including ones carried out by UN maritime and air SF. Also outlined are the inappropriate tasks in order to avoid waste of energy and scarce capabilities.

SF have various capabilities, including the use of force, to be employed in UN Peace Operations. But they have non-lethal capabilities as well that go beyond the use of force—which in peacekeeping is always a measure of last resort. If force must be used, SF can provide a calibrated, precise, proportional and appropriate capability.

Slide 4

Learning Outcomes

- Cite main capacities and understand the specific and rare capacities offered by SF to optimize their employment
- Explain SF's tasks and those inappropriate
- Explain air and maritime tasks

4

Let's review the learning outcomes for this lesson:

- Cite main capacities and understand the specific and rare capacities offered by SF to optimize their employment
- Explain SF's tasks including liaison and engagement and those inappropriate
- Explain Air and Maritime tasks

At the end of this lesson you should be able to perform the actions described in the slide. Take a moment to read and understand the requirements. This will help to focus on the most relevant aspects of the lesson.

Slide 5

Content

- Main capabilities
- Principal tasks
- Other tasks, air and marine tasks
- Inappropriate tasks

5

Key Message: It is as important to be aware of the most relevant tasks for SF employment while taking into account the fact that SF might be committed in Air and Maritime environments.

This lecture content covers the following topics:

- Main capabilities
- Principal tasks
- Other tasks, Air and Maritime tasks and finally inappropriate tasks.

Slide 6

SF Main Capabilities

- Ingress / egress out of operational areas
- Sustainment in hostile areas
- Interface with cultures and societies
- Operate specific INTEL, SURV and reconnaissance assets
- Cooperate with air enablers
- Provide and operate secure CIS

6

Key Message: To qualify as part of a SF, a TCC's SF element should possess the capabilities described in this slide. Also, being able to cooperate closely with enablers including aircraft is vital for SF units to be responsive.

We must be familiar and have a general understanding of these main capabilities that shape the framework of an appropriate SF employment:

- Enter and depart the operational area by day and night, in all weather conditions and by all means of mobility
- Sustain tactical operational elements in hostile areas
- Interface with other cultures and societies. This task reminds the plus value of an early presence of SF in the theatre to collect INTEL, shape the environment in order to prepare the deployment of the UN Military Force Component

Responsiveness, readiness and efficiency of SF depend on:

- Collection of information by operating specific intelligence, surveillance and reconnaissance assets including unmanned aerial systems. This is one of the most specific and accurate SF capabilities

- Close Cooperation with enablers including utility/attack helicopters and other aircraft. This is certainly the most adequate enablers to provide SF high responsiveness and operational effectiveness
- Providing and operating secure communications and information systems

Slide 7

SF Principal Tasks

- Reconnaissance
- Assigned SO
- Recovery operations
- Hostage rescue operations
- Military assistance
- Liaison and engagement

7

Key Message: Because SF's tasks differ from conventional forces in the level of risk, techniques employed, and the degree of precision used to create a specific effect, the following tasks are unique and appropriate to SF units

To carry out tasks SF personnel's high level of selection is emphasized, their training leads to a better understanding of the operating environment, and the collection of information. For doing that SF may have language skills and cultural knowledge. The necessary coordination between SF and Conventional Forces (CF) is essential for successful operations. Often, SF needs CF support to perform their tasks with high efficiency.

Here are the major tasks:

- Reconnaissance provides specific, well-defined, and time-sensitive information in support of the Force intelligence collection process by using SF's analysis capability. It may be conducted separately, cooperatively, supported by—or in support of conventional forces. They enhance the effectiveness of the Mission's information analysis cell
- Special Reconnaissance activities may include: environment reconnaissance, threat assessment and specific assessment on risk of collateral damages

- Precise operations limited in scope and duration conducted by SF in order to acquire, disrupt, recover, neutralize or disable designated high-value and high-payoff objectives. They include the Assigned UN Special Operations, Recovery Operations, Hostage Rescue Operations
- The neutralization of High Value Individuals or objectives is a sensitive point that requires most of the time a political decision by UN authorities
- Regarding the Hostage rescue task, it should not be conducted by SF except as a last resort and unless high sensitive challenges are at stake and in adherence with UN Security Management System Policies and Guidelines.



Note to Instructor: Review the Security Policy Manual, Chapter 4, "Hostage Incident Management" and UNSMS Guidelines on Hostage Incident Management

Military Assistance supports and influences friendly assets through organized training, advising, mentoring, or the conduct of combined operations, sometimes within the context of wider Security Sector Reform. SF is the appropriate tool to perform Military Assistance to selected host nation special units. These activities may include:

- SF can provide training to designated individuals and units in tactical employment, sustainment and integration of land, air, and maritime skills, provide assistance to designated leaders, and provide training on tactics, techniques, and procedures, thus enabling a nation to enhance its own special military capability
- SF can provide advice and knowledge to designated actors to achieve strategic or operational objectives and improve their performance
- Mentoring: Activities conducted by small teams of subject matter experts working closely with supported local units. Mentoring provides direction and guidance to plan, prepare and conduct operations. Mentoring may also occur during kinetic operations by accompanying host units on missions

SF can liaise and engage with various appropriate factions in the area of responsibility. The information available from various host actors is vital in supporting Special Operations. It supports the overall Mission through the integration of information into the Mission's intelligence process/cycle in order to develop Joint intelligence preparation of the Mission area and support the operations planning process.

Slide 8

SF Tasks Air and Maritime

- AVN in support of SF
- Air operations
- Maritime operations

8

Key Message: Special Operations are primarily conducted to create desired effects on the ground; however, there may be requirements for Special Forces to conduct both air and maritime operations depending on the SF unit's capabilities, the mission and mandate.

Wherever possible, SF should include integral air assets such as tactical fixed- and rotary-wing aircraft and boat support provided by the SF Air and Maritime Task Force Detachments. These capacities are used as such:

- UN AVN assets are used to augment the airlift, fire support, and intelligence, surveillance and reconnaissance capabilities of SF. Because such assets are generally scarce, at the very least SF should be co-located or affiliated with such enablers and the arrangement codified under UN Headquarters-generated SUR and Mission SOPs
- SF Air Operations support each of the SF principal tasks. Under Special Tasks, they provide enhanced air transportation and specialized air to ground force protection. Other special air activities may include insertion and extraction of SF, personnel recovery, and CASEVAC for SF
- SF Maritime Operations are conducted in coastal, riverine and maritime environments. They are characterized by stealth, speed and precision

Slide 9

SF Inappropriate Tasks

- PERSONAL Security Detachment Tasks
- QUICK Reaction Force (QRF)
- RESERVE Force

9

Key Message: The FC should be aware of the plus value and the limitations of SF employment and it is important for the SF commander and staff to advise the FC on the appropriate SF tasks.

In general, because SF are not the best in all circumstances while being a limited asset with special capabilities, SF should not be used for:

- Personnel Security Detachment tasks
- As a QRF because QRFs are better suited for trained infantry units. However, with support from helicopters and infantry or light armoured units, SF could form the advance element of a QRF, reacting quickly and facilitating the commitment of follow-on forces
- As a reserve force since SF have the potential and specialized skills to shape disproportionately the overall operational environment
- Nevertheless SF, directly under the Force or sector commander, may offer an additional quick, mobile and highly skilled force available for suitable Special Operations tasks

SF units are OPCON to the FC, the decision of employment only depends on the FC's decision. If SF are under TACON to Sector Commanders, their appropriate employment remains under the control of the FC who is advised by the SF Commander.



The instructor should take samples of the recent missions MONUSCO-MINUSMA to share inappropriate tasks given to SF.

Slide 10

Lecture Take Away

- SF have joint specific and special capacities
- SF are not elite infantry
- Operate in all conditions to face emerging threats across the AOR
- They rely on air enablers
- Their 3 main tasks: recce, special tasks, military assistance
- Inappropriate tasks: personnel security, QRF, reserve force

10

Summary

Key takeaways regarding Special Forces capabilities and tasks include:

- Operate joint, specific and limited capabilities; they need CF support and assets to operate decentralized deep in the AOR
- They are not an elite force but a force that is trained, designed and equipped to do very specific tasks that CF do not perform
- SF rely heavily on non-organic air enablers for employment (insertion and exfiltration)
- 3 main tasks- Recce, Special tasks, Military Assistance
- SF are not personnel security, QRFs or a reserve force; they can carry out these tasks but it would be a misuse and will keep them from performing tasks they should be doing

Lesson 3.2



Organization of Special Forces

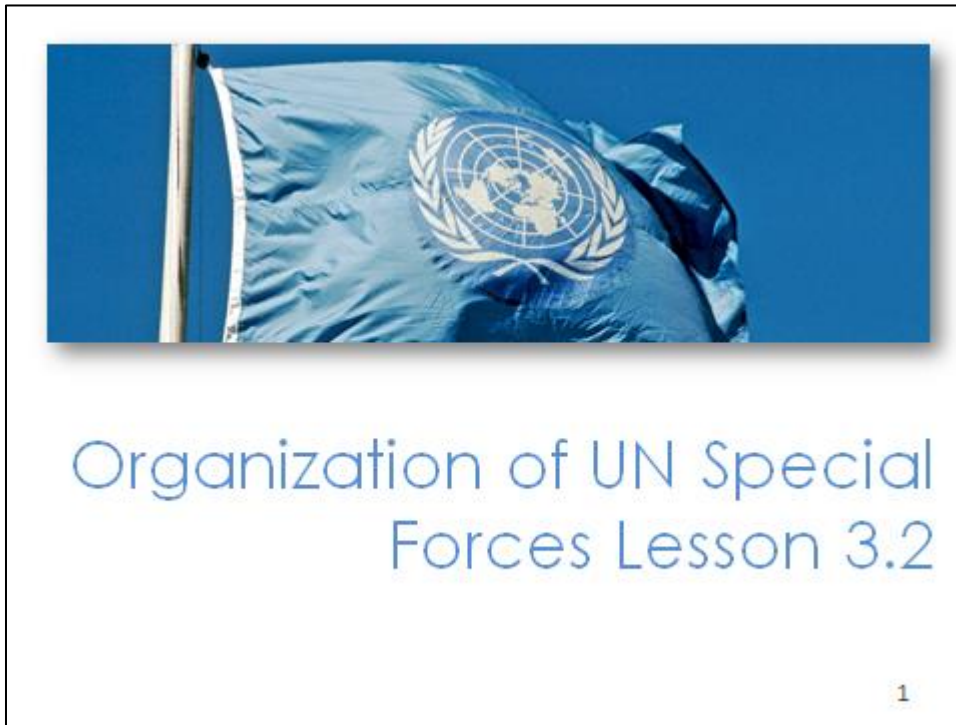
The Lesson



Starting the Lesson


N/A

Slide 1



This lesson is focused on SF organization, Chain of Command, the planning process, the necessary liaison elements they have to deploy, and finally, the coordination SF need with CF.

SF organizations are tailored to achieve the operational level and sometimes strategic effects on the ground. They often are closely coordinated with CF effects and capabilities. SF effectiveness relies on UN enablers support such as Air capabilities. In that perspective, lesson 3.2 emphasizes that the military FC is responsible for the appropriate employment of SF.

 *Note to instructor – recommend that lesson 3.2 be presented by a trainer who has some personal experience in SF or Force HQs of a UN PKO, and has a general knowledge of the UN DPKO Command and Control policies and Force HQs planning experience.*

Slide 2

Learning Outcomes

- Cite the organizational structures of SF and compare with the traditional UN size of a military coy
- Explain how a SF detachment can be deployed and is generally populated by a single nation
- Develop the chain of command in which a SF TF is integrated and its subordination to the FC
- Explain the role of the SF national senior officer and how SF expertise is taken into account in the planning process

2

As a good training practice, let's review the learning outcomes of this lecture. If there is one key point to keep in mind it is the centralized C2 disposition as the most appropriate way to employ SF.

- Explain how to best organize a SF (UN generic) TF and understand their specific special and limited capacities
- Give an example of a SF generic TF structure composed of several detachments able to be deployed on air, land and sea with a sound, solid interoperability framework
- Describe why a SF detachment is best populated with a single member state; and the differences when a Task Group (TG) is required but composed of several detachments and populated by multiple TCCs
- Develop / Explain a centralized C2 structure for a SF TF that is best organized for success and helps the FC exercise OPCON over it
- Explain OPCON and how it allows the FC to assign separate tasks to units and sub-units of the military component as required within the mission area of responsibility, in consultation with the senior national officer of the affected units

- Explain how to ensure full integration into overall mission operations. Further explain how best to ensure SF planning takes place within the Force HQs. It is important to mention that SF expertise must be involved from the beginning of the planning phase of each peacekeeping operation.

Slide 3

Content

- Organization
- C2
- Planning and liaison elements
- Cooperation between SF and CF

3

Key Message: Coherence and efficiency of SF operational value closely depend on flexible tailored structures, C2 disposition, and presence of liaison teams at all HQs levels to ensure proper cooperation with CF.

This lesson will familiarize us with the broader SF organizations that are integrated with the Force and Sector HQs and have a better understanding of the SF organization. The lesson will cover:

- Organization
- Command and Control
- Planning and Liaison Elements
- Cooperation between SF and CF



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

Slide 4

SF Organization

- SF task force (TF) has 3 groups (G) with approx. 550
- HQ, support group, air group and liaison component
- Adjustable organization based on mission requirements
- SF TF / G disclaims SF detachments (SFTF/D - platoon) and teams
- Centralized C2 most appropriate for SF employment

4

Key Message: Depending on the mission and terrain, the organization is adaptable. However, some building blocks of the organization remain substantially constant. The centralized C2 arrangement is the most suitable way for SF employment.

The high flexibility of the SF structures is adjustable based on mission requirements. Generally speaking, the following principles are applied:

- The SF TF battalion (about 550 persons) is based on 3 Groups (Company level about 150 persons) with A HQ, Support group, Air group and liaison component. SF HQs is generally built around a framework unit from one TCC. This helps to ensure continuity and clarity in planning, execution and liaison. The structure is flexible depending on force size and mission requirements. The TF HQs is organized into cells from J1 to J9 as relevant, and the staff officers are Special Operations and Joint experienced
- The SFT/Group disclaims SFT/D (platoon) and teams. SFT/D within a group, represents the lowest level SF tactical level combat element with a tactical command element included. Deployable by air, land, sea or internal waters it conducts Special Reconnaissance, Special Tasks and Military Assistance missions. If the TG is composed of multiple TCCs, each SFTF/D should remain comprised of a single TCC personnel to preserve the utmost tactical requirement for unit coherence

- For an optimized SF employment, the centralized C2 arrangement is the most appropriate organization



For an interactive discussion engage participants to seek their understanding of how might it be best for a TCC to be a framework TCC in a SF TF. That means it generally provides the preponderance of personnel and equipment. For instance, SF framework unit is normally responsible for providing part of the C2, support and CIS capabilities for the SF TF Headquarters.

Slide 5

SF Organization (cont.)

- Fully integrated and controlled into overall plan
- Under overall command of FC
- SF TF HQs (18 personnel) added when 3 groups (or more) engaged simultaneously
- SF air / maritime should include integral air assets

5

Key Message: During SF operations the SF unit (regardless of the level) operates as a subordinate element of the overall Force (military component) and is always integrated in the planning process where Air and/or Maritime assets are involved.

In a UN PKO, SF are part of the mission's military component (along with other military units and branches) and in that perspective:

- SF operations are fully integrated and controlled into the overall plan and are under the overall command of the FC. They are carried out in close coordination with UN civilian substantive and support components and the UN Police
- When 2 or 3 Groups (or more) are engaged simultaneously, a SF TF/G HQs (about 18 persons) is added. It coordinates the different elements on land, on Air (fixed and rotary-wing aircraft), and Maritime (boat support on rivers, lakes, seas...).
- A TG is self-sustaining and generally composed of SF Land and Air/or Maritime assets

Slide 6

SF C2

- FC exercises OPCON over SF
- C2 is centralized
- Circumstances may require a more decentralized
- TACON of SF must not be delegated below the sector/brigade level
- TACON only for limited periods of time

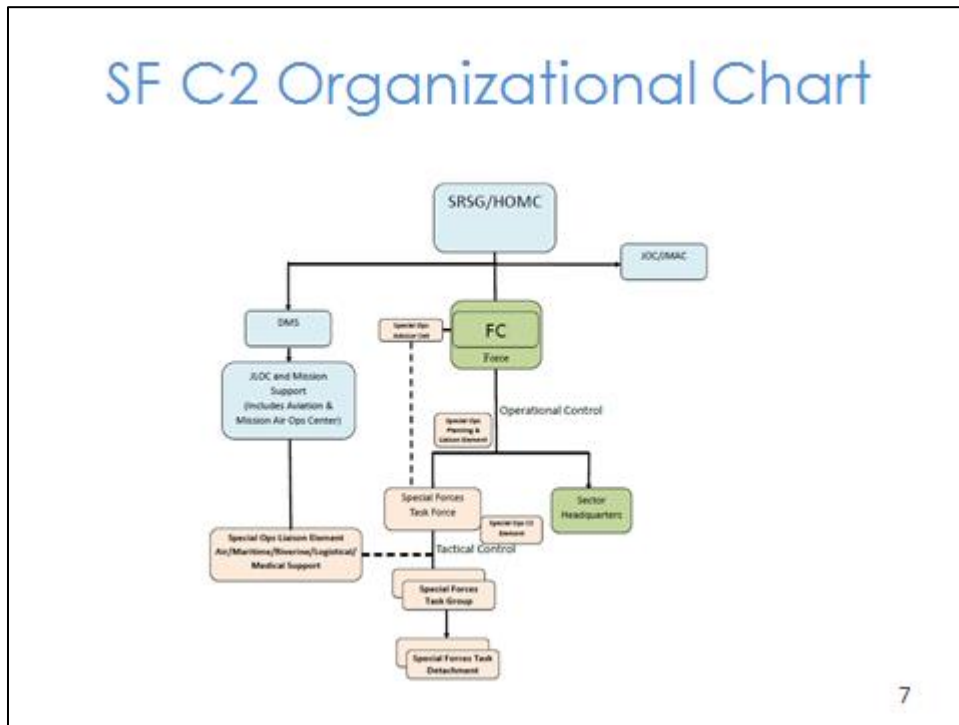
6

Key Message: The FC exercises OPCON over all military personnel in the mission, including SF throughout the Mission area. The principle C2 arrangement for SF in PKO is centralized.

In order to get the most clear and unambiguous chain of command for SF employment:

- The FC exercises OPCON over all military personnel in the mission, including SF. He has the authority to employ SF throughout the Mission area and, as such, SF must prepare for mission-wide commitment
- C2 is centralized; however, mission circumstances may require the reconfiguration of the SF C2 structure into a more decentralized or delegated manner. In such cases, SF unit remains OPCON to the FC but in consultation with the senior national officer (generally the SF TF Commander). SF TF sub-units may be placed in whole or part under TACON of a sector/brigade commander. In that case the SF TF Commander maintains a technical control to ensure the consistency of SF units' employment
- TACON of SF units must not be delegated below the sector / brigade level. When TACON is delegated to this level, it is only for limited periods of time or the duration of a particular operation

Slide 7



Key Message: The centralized C2 is the most appropriate for SF units to ensure readiness, responsiveness and operational efficiency.

The centralized C2 is the most appropriate for SF units to ensure readiness, responsiveness and operational efficiency for specific CF unknown procedures are applied in this organization. Nevertheless this efficiency is conditioned by liaison element teams' presence at the right levels of this centralized C2 organization.

We should keep in mind that the above diagram reflects the core framework and most appropriate organization for SF units. Note the coordination lines and the OPCON and TACON relationships.

Slide 8

SF C2 Cont.

- Must be clear, unambiguous
- Tailored for each mission
- SF expertise must be involved in all planning
- A direct link between SF Commander and FC
- Intelligence / information sharing must occur between SF, CF, police and civilian components
- SF adviser designated to facilitate integration

8

Key Message: SF expertise must be involved in all planning phases of operations. During the operation, time-sensitive Intelligence/information sharing is an absolute imperative between SF, CF, civilian and police components.

For optimal SF employment some fundamental principles need to be respected:

- SF C2 must be clear, unambiguous, tailored and task organized for each peacekeeping mission. For that, the TF must be composed of experienced Special Operations staff officers sometimes augmented by staff personnel including non-SF personnel when required
- SF expertise must be involved in all planning phases. A direct link between SF TF Commander and the FC is crucial. This link depends on the liaison efficiency between the SF TF HQs and the Force HQs. Generally speaking, CF HQs must integrate SF liaison elements and internally develop staff capacity for integrated planning, conduct and support of Special Operations
- Intelligence/information sharing must occur between SF, CF, police and civilian components. SF staff officers are part of the planning, the goals and the expected end states of special operations in order to secure their achievement

- A SF adviser (SF TF Commander) is designated to facilitate the integration of the SF into the Force from the start of the mission planning through the operations in the field. When there is no SF TF present, the Chief of the Special Operations Planning and Liaison Element (SOPLA) can be dual-hatted to fulfil this role

Slide 9

SF Planning and Liaison

- SOPLE
- Conducts integrated / parallel planning with force HQs
- Facilitates intelligence sharing
- Synchronization special operations
- Key role in establishing support arrangements

9

Key Message: At Force Headquarters and Sector Headquarters and when operations require joint participation of CF and SF, liaison elements play a key role for coordination and planning. The Special Operations Planning and Liaison Element (SOPLE) is the dedicated organization to fulfil this requirement.

The SOPLE does the following:

- Conducts integrated and parallel analysis planning with the Force HQs. It contributes to the Force's operations planning in close coordination with the forces
- Facilitating intelligence sharing and synchronization of Special Operations with other operations and coordinates with the mission support component, particularly through the Joint Logistics and Operations Center (JLOC)
- Establishes support arrangements for Special Operations where critical aspects of Special Operations are described and procedures established for logistical support, security, communications, air or land transportation, supply, general services and medical support

Slide 10

SF Planning and Liaison

- Special operations liaison element (SOLE) for aviation
- Aviation support - military utility, observation, and attack helicopters
- Tactical fixed-wing,
- OPCON to FC
- SOLE collocated with military air component HQs or DFS

10

Key Message: Special Operations may require special air capabilities depending on the mission and mandate. Where necessary, the TF will designate personnel to coordinate with relevant command and control HQs and civilian support services, in particular aviation support. The Special operations liaison element (SOLE) for aviation support is dedicated to this role.

SOLE for Aviation Support plays a key role because normally aviation assets and capabilities are not organic to the UN SF units. Aviation is a cornerstone of the special operations; therefore, SF units require close and continuous aviation support liaison and coordination that these elements perform daily. In that perspective the SOLE may be collocated with the military air component HQs, or with the DFS HQs.

Aviation support capacities may include military air units, including tactical fixed-wing aircraft as well as utility, observation and attack helicopters placed OPCON to the FC.

Aviation support can also include a transportation cell in the Field Operations Support unit managing Mission aviation (including military transport helicopters), movement control and MEDEVAC/CASEVAC arrangements. Under this arrangement, aviation support is placed under the authority of the Director / Chief of Mission Support (DMS/CMS)

Slide 11

SF Planning and Liaison

- Special operations command and control liaison element (SOCCLE)
- Coordinates operations with CF HQs
- Collocated with the appropriate CF HQs

11

Key Message: The Special Operations Command and Control Liaison Element (SOCCLE) is a relevant team to get clear, simple and responsive coordination with CF.

Special Operations Command and Control Liaison Element (SOCCLE) ensure unambiguous coordination when CF and SF operate simultaneously. They coordinate with CF HQs to synchronize operations. The SOCCLE will collocate with the CF HQs (sector, battalion, Maritime Force, etc.) when SF units are conducting integrated operations with CF, or operating independently in the CF area of operations.

Slide 12

Cooperation SF and CF

- Integrate SF and CF in early planning
- Robust coordination and clear C2
- Mutual knowledge / common understanding
- Clarify relationships -SF and CF committed same operation (supporting / supported)
- Interoperability and knowledge of UN equipment must be ensured

12

Key Message: SF units normally require support from CF and close coordination between SF and CF is necessary. It is crucial to clarify the relationship between SF and CF when both are committed in the same operation. In every case, interoperability and knowledge of UN equipment are necessary.

To achieve the right and effective level of coordination between SF and CF there are basic principles that must be applied:

- Integrate SF and CF in the early planning stages
- Establish a robust coordination process and a clear chain of command for SF and deploy (permanently or temporarily) a SF advisor (typically the SF TF Commander) with the FC, and Special Operations liaison elements for planning, air, maritime, and C2 at all relevant levels of command
- Develop mutual knowledge and common understanding (regarding capabilities, limitations, planning processes, C2 structure) ideally before deployment and at least prior to any field engagement

According to the Supporting / Supported Principle:

- It is important to clarify the relationship between SF and CF when both are committed in the same operation. In a Special Operation, CF play a supporting role to the SF
- SF often acts within a different timetable and space framework than CF, but always acts in full integration with the Mission's overall effort. In every case, interoperability and knowledge of UN equipment must be ensured.

Slide 13

Take Away Lesson 3.2

- SF are in close coordination / cooperation with UN: civilian, support, military, and police components
- SF detachments should generally remain comprised of a single nation
- The FC exercises OPCON over SF in consultation with the SF national senior officer
- The centralized C2 arrangement is the most appropriate
- SF expertise must be involved in all planning phases

13

Summary

As a take away, students should keep in mind:

- SF operate in close coordination and cooperation with UN civilian, military, support and police components to be effective (also, with host nation)
- SF detachments should remain comprised of a single TCC
- The FC exercises OPCON over SF in consultation with the SF national senior officer (SF TF Commander)
- The centralized C2 arrangement is the most appropriate and effective
- SF expertise must be involved from the beginning of the planning phase

Module 3



Operational Framework

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

- Relevant SF guidance regarding tactical level planning and operations
- An understanding of SF units and their special capabilities can better optimize their employment
- SF operate in close coordination and cooperation with UN civilian, military, support and police components to be effective (also, host nation)
- For the best leverage operational effectiveness, SF detachments should be comprised of a single TCC
- FC exercises OPCON over SF in consultation with the SF national senior officer (SF TF Commander)
- The centralized C2 arrangement is the most appropriate and effective
- SF expertise must be involved in all planning phases

References and the following annexes can be found in separate folders to aid in the delivery of the CPOC modules:

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

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