



Lesson 2-1

Legal Framework for Peace Operations: General International Law

Learning Objectives

- Apply rules of international law that establish the legal framework for peace operations
- Identify and describe violations of international humanitarian law, human rights law and refugee law that UNMOs may encounter

Hierarchy of norms

UN Charter

Human Rights, IHL, Refugee Law

Security Council Mandate

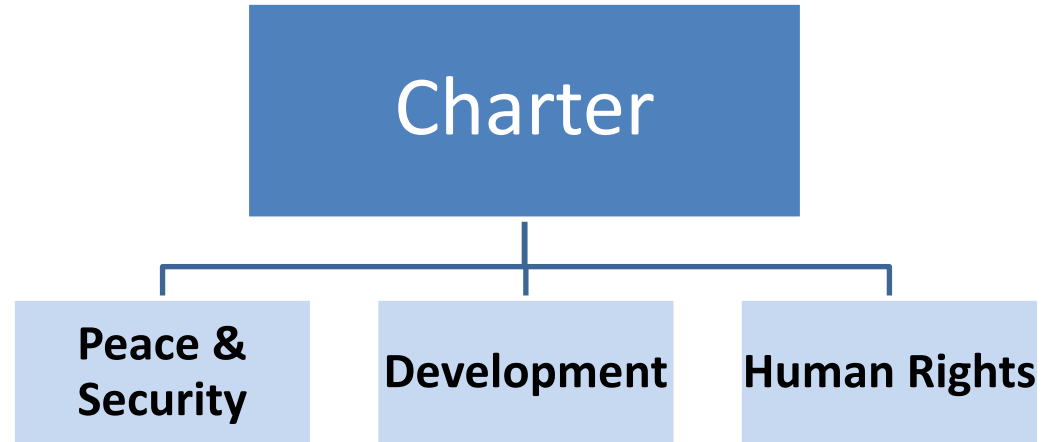
Status of Forces/Mission
Agreement (SOFA/SOMA)

Memorandum of Understanding with
Troop & Police Contributors (MOU)

UN Peacekeeping Policies

Rules of Engagement (ROE) &
other mission specific rules

Peacekeeping under the UN Charter



- Prohibits force by states, except in self-defense or Security Council approval
- Basis for Chapter VI and VII missions
- UN supports international law / human rights



International Human Rights Law (IHRL)

- Dignity, freedom and equality
- Obligations of states
- Also covers non-state armed groups
- During war or other national emergencies
- UNMOs -*ensure human rights- promoted, respected, protected, advanced* ” (**UNMO Guidelines**)



International Humanitarian law (IHL)

- Applies to parties to armed conflict
- Military peacekeepers engaged as combatants
- Regulates conduct of hostilities
- Restricts means of warfare
- Protects those not engaged in hostilities, includes peacekeepers
- All ensure respect IHL



International Criminal Law

- **War crimes**
Grave breaches -Geneva Conventions / serious IHL violations
- **Crimes against humanity**
Inhumane acts
- **Genocide:**
Intent to destroy national, ethnic, racial, religious groups

- **State duty to prosecute**
- **International tribunals**
(e.g. International Criminal Court)



Sources of International Law

International Human Rights Law

- UN Charter
- Human rights treaties
- Universal Declaration of HRL

International Criminal Law

- Int. criminal court
- Customary Int. law

International Humanitarian Law

International armed conflict:

Geneva Conventions
Protocol I

Non-international armed conflict:

Art. 3 Geneva Conventions
Protocol II

Learning Activity: Identifying violations

- Several local sources provide information in a zone with armed group activity.
- Based on the information provided identify possible violations of:
 - International human rights law,
 - International humanitarian law,
 - International criminal law and/or
 - International refugee law?



Case 1 – Cattle herding boy:

“A militia came to steal our cows. We had to flee into the swamps. They were shooting at everyone. We survived on wild plants & swamp water”



International Humanitarian Law: Conduct of Hostilities

- **Distinction** between civilians & combatants
- **Precaution** to minimize risks for civilians
- **Proportionality** to limit incidental harm to civilians



Case 2 – local journalist:

“The HN army prohibits humanitarians to give aid to villagers from a particular ethnic group. They claim that some food will be diverted to rebel fighters. Malnutrition increased drastically , but we are not allowed to report it publicly.”



Case 3- Captured rebel fighter

“The army used heavy artillery to shell our military field hospital. Many of my wounded comrades were killed. Those who survived were captured and were not given any medical care by the army.”



Protected Persons under IHL



- Civilians not directly participating in hostilities
- Medical and religious personnel of armed forces
- Wounded, sick and others *hors combat*
- Prisoners of war & interned armed group fighters
- Peacekeepers (unless engaged in military hostilities)

Case 4 – Girl associated with armed group

“For the young people here, it is just natural to join the rebels. When I was 14 years old, they gave me a gun and told me to shoot a deserter.”



Six Grave Violations against Children in Armed Conflict

(UNSC Resolution 1612) **MUST REPORT**



1. Killing or Maiming
2. Recruitment or use
3. Abduction of children
4. Sexual violence
5. Attacks on schools & hospitals
6. Denial of humanitarian access

Child:
Anyone under
18 years!



Annual UN Secretary-General Report on Children & Armed Conflict

- Tracks grave child violations in countries of concern
- Lists state forces and armed groups who commit child violations

Case 3 – School teacher

“Armed fighters occupied our school. They took some of the girls with them. We could not stop them or they would kill us.”



Conflict Related Sexual Violence

Incidents or patterns **in conflict or post-conflict**

Rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, trafficking

Sexual violence of comparable gravity against **women, men, girls or boys**





Your Responsibilities

- **Identify**
- **Record**
- **Report**
- **Confidential**
- **Refer victims (support)**
- **Intervention to protect**
- **Follow situation**



International Refugee Law



- 1951 Refugee Convention:
 - Fear of **persecution**- race, religion, political opinion etc.
 - International protected status
 - Protected under UNHCR mandate
 - Refugee rights
- 1969 African Refugee Convention
fleeing **armed conflict**
- 1984 Cartagena Declaration on Refugees
fleeing internal conflicts & general violence



Case 6 – Refugee woman

“They are forcing us to go home. But our government will harshly punish us as soon as we cross the border. Our political police often rapes women who are deported.”





Rights of Refugees

- Prohibition of expulsion or return if real risk (“*Refoulement*”)
- Prohibition of discrimination for race, religion or country
- Freedom to practice religion
- Right to acquire property
- Access to courts
- Public education
- Assistance
- Freedom of Movement



Internally Displaced Persons (IDPs)

- Forced to flee (war / natural disaster)
- Have not crossed an international border
- No special international status
- Home state must protect
- Keep human rights & as citizens (e.g. right to vote).
- Protection reinforced by:
 - UN Guiding Principles on Internal Displacement
 - AU Convention on Internal Displacement in Africa

Lesson 2.1 Take Aways

- We should have a general understanding of the UN Charter, human rights, IHL and refugee law because it informs their work
- We must be able recognize, record and report violations, while ensuring due confidentiality for victims and witnesses

Questions?

Learning Activity: Group Discussion

An armed group has often attacked refugees looting their property and abducting young women and girls.

The armed group lives in a village along with civilians of the same ethnic background. The members generally do not wear uniforms.

The state security forces are planning to launch operations to neutralize the group.

How should the operations be conducted to comply with international law?

