Module 1

Introduction to Protection of Civilians

INTRODUCTION TO PROTECTION OF CIVILIANS 1

POC basic concepts and overview

Preparatory Notes to Instructors

AIM

To familiarize peacekeeping personnel with:

- DPKO basic concepts on protection of civilians.

AUDIENCE

This module has been designed for UN uniformed personnel at **tactical level to be trained during the pre-deployment training (PDT) phase**, especially battalion and FPU commanders and staff and individually deployed military and police personnel as military observers, military liaison officers, military advisers and individual police officers.

LEARNING OUTCOMES

On completion of Introduction to POC 1, participants will be able to:

1. Describe what is protection and the types of violence facing civilians;
2. Highlight (Identify) protection actors and the role of peacekeepers in preventing and responding to those threats;
3. Explain how and why POC has become a priority objective for UN PKOs;
4. Identify the range of legal rules, authorities and obligations with regards to POC.

TRAINING SEQUENCE

Introduction to POC 1 is the first session of Module 1, Introduction to Protection of Civilians. This session should be followed by the Introduction to POC 2 and 3 and the Learning Activity.

DURATION

Part 1 **Introduction to POC 1**	**Lecture/Presentation**	**Questions/Discussion & Session Assessment**
	40 min.	10 min.
Part 2 **Introduction to POC 2**	**Lecture/Presentation**	**Questions/Discussion & Session Assessment**
	40 min.	10 min.
Part 3 **Introduction to POC 3**	**Lecture/Presentation**	**Questions/Discussion & Session Assessment**
	40 min.	10 min.

Part 4	Explanation of the exercise	Group discussion	Group presentations in plenary
Learning Activity	5 min	45 min	50 min

METHODOLOGY

- The following points outline a suggested methodology. Experienced instructors may choose to use alternative methods and activities to present the material and key messages in this unit. Availability of time may permit additional students to formulate questions after each presentation.
- Training is divided into 50 minute blocks with 10 minute break periods between each block.
- This module will include lecture issues followed by group questions/discussion and learning activities as appropriate.

Part 1, 2 and 3:

- Presentations using the provided PowerPoint slides;
- Informal question and answer periods (as determined by instructor).

Part 4:

- Small group discussion and solution to the requirements of the Learning Activity;
- Short presentations to be made by the small groups, followed by plenary discussion on the questions proposed by the Learning Activity.

INSTRUCTOR PROFILE

Module 1 (Introduction to POC 1, 2, 3 and the Learning Activity) is best presented by an instructor who has personal experience in a peacekeeping operation with a Protection of Civilian (POC) mandate, preferably as battalion and FPU commander or staff or company commander, with a solid understanding of the operational concept of POC and how it's implemented in the mission(s). Instructor should have undergone a formal training course on the UN Core Pre-Deployment Training Materials (CPTM) and UN POC at national or international level.

INSTRUCTOR PREPARATIONS

Required Readings:

- Charter of the United Nations;
- United Nations Peacekeeping Operations Principles and Guidelines (also known as the Capstone Doctrine);
- OCHA/DPKO Study on the Protection of Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges (2009);
- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations;
- DPKO/DFS (Draft) Framework for Drafting Mission-wide Protection of Civilians (POC) Strategies in UN Peacekeeping Operations;
- OCHA Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians;
- DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations;
- DPKO/DFS Guidelines for Integrating a Gender Perspective Into the Work of the United Nations Military in Peacekeeping Operations;
- DPKO/DFS Guidelines for Integrating a Gender Perspective Into the Work of the United Nations Police in Peacekeeping Operations;

- DPKO/DFS Policy on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations;
- Analytical and Conceptual Framing of Conflict Related Sexual Violence (UN Action Against Sexual Violence in Conflict);
- Secretary General's Bulletin on the Observance by United Nations forces of International Humanitarian Law;

Equipment:

- Computer and provided session slides;
- Projector and screen for slides.

Materials:

- Copies of the *Draft Framework for Drafting Mission-wide Protection of Civilians (POC) strategies in UN Peacekeeping Operations* and of the *DPKO Protection of Civilians Operational Concept* (one per participant). For copies, please download the electronic file at:

http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/Home.aspx

PARTICIPANT PREPARATIONS

All participants must have a strong familiarity with the following:

- UN Core Pre-deployment Training Materials;
- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations;
- DPKO/DFS (Draft) Framework for Drafting Mission-wide Protection of Civilians (POC) Strategies in UN Peacekeeping Operations.

ADDITIONAL RESOURCES

Security Council Resolutions (please download from http://www.un.org/en/documents/):

- Concerning Children and Armed Conflict, (S/RES/1612), 2005.

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- Women and Peace and Security, (S/RES/1960), 2010.

MATERIALS REFERENCED IN THIS MODULE

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- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2009)
- DRAFT Explanatory Note on Protection of Civilians Language in Security Council Mandates for Peacekeeping Missions
- Henry L Stimson Center, Military Planning to Protect Civilians: Proposed Guidance for United Nations Peacekeeping Operations, Washington, D.C, (2011)
- Integrated Mission Planning Process Guidelines: Role of the Field; Integrated Planning for UN Field Presences
- Mission Start-up Field Guide for Senior Mission Managers of United Nations Peacekeeping Operations (2008)
- OCHA Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians
- OCHA/DPKO Study on the Protection of Civilians in UN Peacekeeping Operations (2009)
- DPKO/DFS Guidelines for Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping
- Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates (2012)

SYMBOLS LEGEND

	Note to the Instructor (Some background information for consideration and mention)
	Speaking Points (The main points to cover on the topic). Ideally the speaking points are presented in the instructor's own words.
	Mission Specific (A point where the session will benefit from mission specific information
e.g	Example (Stories that illustrate a point or key message)
?	Sample questions (A list of potential questions to pose to participants)
	Handout (Indicates a handout is provided to participants at this point)
	Film (A film that is suggested as either a core or optional activity)
	Core Learning Activity (An activity that is strongly recommended for inclusion)
+	Optional Learning Activity (An activity that can be used if there is time and it is appropriate for the participant group. Guidelines for these activities are provided at the end of the unit or part – as indicated in the text)
	Key summary points (Key messages that are worth repeating at the end of the session. Alternatively, the instructor can ask participants what are the main messages they are taking from the session. Instructors can then fill in any points that have been missed.)

Session Notes

1. INTRODUCTION

Slide 1

Optional Learning Activity: Film "Mandated to Protect"

Instructor Guidance Notes

- This learning activity intends to present an overview of DPKO protection of civilians. The film **"Mandated to Protect"** offers in a logical and sequential way the most important concepts and ideas on POC for DPKO-led field missions. It contains short statements from senior UN and Member States leaders, field operators and local population of host countries. It is a valuable tool to introduce the subject.

- After projecting the movie (45 min), a 30 min plenary discussion could be conducted to capture the first impressions and questions from the audience. A white board should be used to record those impressions and doubts and at the end of Module 1, and before starting the mission-specific modules with scenarios, the instructor could get back to the board and return to the students' initial views on protection of civilians.

- The film "Mandated to Protect" can be obtained by peacekeeping training institutions with the DPKO/Integrated training Service (ITS) through the Permanent Mission in New York. Please contact ITS staff (peacekeeping-training@un.org). It was already distributed to more than 45 different TCC/PCCs through ITS regional training of trainers courses.

Slide 2

Slide 3

- This presentation intends to set the relevant POC principles and ideas adopted by DPKO. It aims at discussing protection, types of violence and main protection actors, amongst other aspects.

- It also intends to discuss the importance of POC for modern peacekeeping operations and how failure to protect the host country's population decisively affects the mission, peacekeeping and ultimately the United Nations.

- It finally and briefly presents some international legal instruments and a first discussion on the use of force which will be deepened later in presentations 2 and 3.

2. BACKGROUND AND IMPORTANCE OF POC IN UN PEACEKEEPING OPERATIONS

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- UN peacekeeping has evolved significantly from the early cease-fire monitoring missions of the Cold War. A spate of intra-state wars in the 1990s, where civilians became deliberate targets propelled the Protection of Civilians (POC) to the forefront of international concern. The press and public opinion held the Security Council responsible for genocide in Rwanda (1994) and Bosnia (1995) for not having taken better preventative or responsive action.

- **In 1999, the SC then passed its first resolution on POC**. Since then 12 peacekeeping missions have been deployed, 11 of which have been authorized to protect civilians under imminent threat of physical violence. In 2009, the Security Council requested Missions to prioritize the protection activities in their decisions about the use of capacities and resources.

- Over the last 15 years POC **has evolved from a diffuse concept to a disseminated idea** amongst the members of the international community. Such evolution was triggered by mistakes and horrible failures to respond to huge crisis in particular in Rwanda and Bosnia as mentioned before. **POC became a priority agenda and a recognized important issue** due to the efforts led by different actors, including the UN Security Council, the Department of Peacekeeping Operations (DPKO) and the humanitarian community.

- Nevertheless POC still generates a degree of controversy. Different forms of protection sometimes lead to different understandings by different protection actors.

- **Currently DPKO has a framework comprised of a significant amount of doctrine**. Relevant documents as the *DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, the DPKO Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations, the DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations and the DPKO/DFS Protection of Civilian (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates*, among others, assist Member States and field missions to tackle and implement POC.

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- There are currently 9 missions with POC mandates. MINUSMA is the most recent addition to the list. The POC tasks vary according to each field mission specific mandate. Older missions as UNIFIL (1978) and MONUC (1999) had their mandates altered to respond to political and crisis situations and to incorporate POC as a mandated task.

- Currently, more than 90% of peacekeepers are deployed in missions with such mandates.

3. WHAT IS PROTECTION OF CIVILIANS

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- In the absence of a common UN position on the protection of civilians by UN peacekeeping operations, a wide range of views regarding what protection of civilians means for UN peacekeeping missions took root. **An independent study on the protection of civilians in UN peacekeeping operations commissioned by DPKO and OCHA** illuminated that actors within and external to the field missions generally subscribe to one of three paradigms to frame their understanding of POC in UN peacekeeping.

- In general there are three visions on protection.

  a) The **first group sees protection as a broad concept encompassing international humanitarian law and human rights law**, similar to the Inter-Agency Standing Committee[5] definition of protection as "encompassing all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law." This is the paradigm utilized by most humanitarian and human rights actors (rights-based approach).

  b) The **second group believes that POC is fundamentally about ensuring that civilians are safe from physical harm** (Physical protection from harm);

  c) **The third group believes that POC is the inherent end result of peacekeeping** (Stabilization and peace building as durable forms of protection) and that it is therefore redundant as a distinct mandated task.

☞ ***Note to Instructor:*** *UN Multidimensional peacekeeping operations incorporate ALL THREE interpretations of protection.*

Slide 9

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☞ ***Note to Instructor:*** *Pose the following question to the class: Based on quote and your own experiences, what types of violence are likely to see in the area of operations?*

- Military and police must recognize the different types of violence that occur in post-conflict situations where UN field missions are operating. Realizing the consequences brought by

violence on the local population it is the first step to later on identify threats and establish protection responses.

4. WHO PROVIDES PROTECTION TO CIVILIANS

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- The **primary role of the host state government** is also embedded in the standard mandate language associated with Protection of Civilians mandates**.**

- There a number of UN field missions` components dealing with POC and a number of actors outside of the mission addressing POC. **Coordination amongst these actors—particularly between the political and military actors and the UN and independent humanitarian actors— can be challenging.**

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Main protection actors:

a) The **Host State Government** always has the primary responsibility for protecting civilians within its borders. This protection should emanate from the full range of state security (military, police, and gendarmerie) and judicial structures;

b) **UN field missions** have a range of protection actors distributed amongst the components. Besides the military and police components, civilian components, such as civil affairs, human rights, political affairs and others, have specific mandates regarding POC. **UN Peacekeepers** under POC mandates are authorized by the UN Security Council to support or supplement the protection efforts of host-state institutions in cases where international peace and security is deemed to be at risk.

- The **Military Component** retains the monopoly of the use of force in the peacekeeping missions and its units are the tools to protect civilians from physical harm; however, no military or police unit can sustain protection without the assistance of other mission and non-mission actors.

e.g One good example to be mentioned refers to **crisis in which local population seek refuge in UN military bases**; the company or battalion might be capable to protect those civilians around the base from physical attack but are not capable to logistically support them for a large amount of time; hence, the military units needs the presence of other mission (human rights and civil affairs) and non-mission partners (UNHCR, OCHA) to provide the other types of protection actions.

c) **Other organizations** that have been mandated by the international community to provide supplementary protection in support of host government protection responsibilities include:

- **UNHCR (UN High Commissioner for Refugees)** staff work in urban areas, host communities and refugee or IDP sites. They attempt to promote or provide legal and physical protection, and minimize the threat of violence to displaced people. They also seek to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus.
- **OHCHR (Office for the High Commissioner for Human Rights)** is engaged in monitoring human rights situations on the ground and implementing projects, such as technical trainings and support in the areas of administration of justice, legislative reform, human rights treaty ratification, and human rights education.
- **ICRC (International Committee of the Red Cross)** is the guardian of International Humanitarian Law. The mission of the ICRC is to "…protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles …" (ICRC Protection Policy, p. 1)
- **UNOCHA (UN Office for the Coordination of Humanitarian Affairs)** mobilizes and coordinates humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies, advocate for the rights of people in need, promote preparedness and prevention, and facilitate sustainable solutions.
- **UNICEF (UN Children's Fund)** engages in Child Protection activities, preventing and responding to violence, exploitation and abuse. They monitor and report on IHL and human rights violations perpetrated against children in conflict.

d) Many **non-state actors** are also involved in the provision of protection related services (humanitarian assistance) the monitoring and reporting of human rights abuses (human rights monitors and advocacy organizations) and the rehabilitation and reform of judicial institutions. These are typically referred to as non-governmental organizations (NGOs) international non-governmental organizations (INGOs) and other civil society organizations.

☞ ***Note to Instructor:*** *The composition of mission joint assessment teams should include representatives from a broad range of mission units – human rights and other civilian, police and military units – as well as UN Country Team representatives, wherever possible.*

5. POC AS A PRIORITY

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- It has taken quite some effort and time, from previous crisis and the genocides Rwanda (1994) and Srebrenica (1995) to the humanitarian crisis in Darfur, for the international community discuss and implement concepts on protection or civilians. Nowadays, it is absolutely clear that protection of civilians is a must and the horrible experiences and lack of action can not be tolerated anymore.

- The global communication net and information flow make **any POC crisis**, even in remote places, **to get immediate international attention**. If a peacekeeping mission is deployed, there is high **expectation** that those thousands of peacekeepers, particularly soldiers, will be able to protect the civilian population from physical harm.

- The UN Security Council has articulated the link between sexual violence and the restoration of peace and security, which **require protection actors, including peacekeepers, to respond to sexual violence with as much determination as they would to any other**

atrocity, and with specifically designed tasks and tactics to deal with the specific nature and consequences of this type of violence.

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- As discussed before, nine peacekeeping missions currently have POC mandates: UNMISS, UNAMID, UN Interim Security Force for Abyei (UNISFA), MONUSCO, MINUSTAH, UNOCI, UNIFIL, UNMIL and MINUSMA. **Together involve over 100,000 soldiers**.

- **POC is increasingly coming to define the reputation of UN missions**. As said before, expectations are high when a field mission is deployed in a post-conflict environment and does not deliver its protection tasks, especially the protection of civilians from physical threat. It severely affects legitimacy and credibility.

- All peacekeepers – whether civilian, military or police – are expected to promote and protect human rights through their functions including in situations of imminent threat of physical violence. However civilian, military and police components have tended to work in a compartmented fashion when approaching protection related tasks.

- Above everything else is the obvious fact that protection of civilians save lives and prevent other crimes like abduction or related to conflict related sexual violence.

6. FAILURE TO PROVIDE PROTECTION OF CIVILIANS

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- The consequences are very serious and can vary according to the field mission. Ultimately failure to protect civilians puts in jeopardy the whole institution of peacekeeping and causes immense damage to the image of the United Nations.

- **At strategic level:** Diminishing of international support to the field missions with possible impact on political (renewal of mandate etc) and donor support;

- **<u>At operational level</u>:** Possible undermining of the political relationship with the host government, difficulties related to the host government consent, lack of population support, perception of lack of impartiality, credibility and legitimacy in risk;

- **<u>At tactical level</u>:** operational issues regarding animosity from local population, affecting information gathering, liaison, key leaders outreach and security (force protection issues related to base protection, patrolling, observation and other tactical tasks).

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- The MONUSCO example briefly describes a sequence of mission responses that mixed reactive and pro-active activities, most of them ad-hoc responses. The Force Intervention Brigade is the latest effort to address POC issues and will be discussed later on following presentations.

- In general in the past field missions made ad hoc decisions to address POC challenges whenever they appear with the mission available resources and lack of a doctrinal approach. **In the recent years a number of positive developments took place**:

  - Development of a doctrinal framework comprised of the DPKO Operational Concept and several other associated documents;
  - Robust mandates designed by the UNSC to cope with protection challenges in mission environments;
  - DPKO efforts training to produce POC training materials for different levels and audiences;
  - DPKO/DFS and Member States efforts to give field missions human resources and equipment to enhance the protection capabilities.

- A **UN Peacekeeping Operation now receives better guidance from the UNHQ and develops and issues a Mission POC Strategy**. Mission components adjust their concept of operations and work plans to the POC strategy and develop guidance, directives, orders and plans to ensure consistency and implementation by the lower levels (tactical).

  ☞ ***Note to Instructor:*** *The international community granted MONUSCO with a Force Intervention Brigade (FIB) that has a specific mandate and special protection capabilities that will be discussed in the following presentations.*

7. LEGAL ASPECTS

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- The slide outlines a number of legal instruments that form the core legal framework for field missions to operate. Military and police units and individuals, in particular commanders and staff, should be aware of the relevant elements of these legal documents and the mission plans and directives.

- For military units knowledge of the mission Rules of Engagement (as for the FPUs the DUF) is a vital document. **Understanding and being trained to apply the ROEs** is essential to be fully capable to perform the battalion operational tasks under this legal framework. In practical

terms, it requires **extensive practical training on the ROEs**. As an example, a single isolated infantry patrol commanded by a lieutenant or NCO must properly react to an incident that requires the use of force under the principles contained in the ROEs.

- Experience shows that in peacekeeping missions there is no lack of clarity on operational and tactical guidance for military units. The Mission Concept (plan for the entire mission), the Military CONOPS (plan for the military component), military operation order (order for the military implement tactical level actions), Force Commander Directive on the Use of Force, Rules of Engagement and other directives and orders provide sufficient operational guidance. **The challenge on the use of force does not reside in lack of clarity or guidance**; the issue is to conduct effective pre-deployment training for battalion key leaders who have the authority to use force as well as soldiers trained to adequately respond to the orders given. Another important aspect is to have **skilled military leaders** commanding units, subunits, platoons and squads. The **same rationale is applicable to the Police Component** and Formed Police Units with their peculiarities.

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- **All UN Peacekeepers** (including UN civilian staff) have an inherent right to defend themselves, if necessary, by using force - up to and including deadly force. This is a reality since the first UN field missions (Chapter VI) on the grounds of the principle of self-defence.

- Peacekeepers who are authorized under a Chapter VII mandate to use force to implement the mandate, including to protect civilians under imminent threat of violence are **authorized to** use all means - up to and including the use of force – to prevent, pre-empt, and respond effectively to acts of or imminent threat of violence against civilians**.**

☞ ***Notes to Instructor:*** *There are also other factors analysed in military and police planning processes related to mission, adversaries, terrain, time, public opinion, leadership etc.*

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- The list of obligations and prohibitions comes from the International Humanitarian Law, Human Rights Law, Refugee Law and relevant UN documents (e.g. SOFA) and guidance on the code of conduct of peacekeepers such as the Ten Rules**.**

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- Military and police personnel follow the chain of command and normally receive guidance and orders from higher leaders.

8. SUMMARY OF KEY MESSAGES

☞ ***Note to Instructor:*** *Outline the main points that have been covered during the session.*

- Over the last 15 years POC has evolved **from a diffuse concept to a disseminated idea** amongst the members of the international community. Such evolution was triggered by mistakes and horrible failures to respond to huge crisis in particular in Rwanda and Bosnia as mentioned before. **POC became a priority agenda** and a recognized important issue due to the efforts led by different actors, including the UN Security Council, the Department of Peacekeeping Operations (DPKO) and the humanitarian community.

- In general there are three visions on protection.

  - Protection as a broad concept encompassing international humanitarian law and human rights law, (rights-based approach);

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- **Main protection actors**. There a number of UN field missions` components dealing with POC and a number of actors outside of the mission addressing POC. Coordination amongst these actors—particularly between the political and military actors and the UN and independent humanitarian actors— can be challenging.

  - The Host State Government always has the primary responsibility for protecting civilians within its borders;

  - UN field missions have a range of protection actors distributed amongst the components.

    - The Military Component retains the monopoly of the use of force in the peacekeeping missions and its units are the tools to protect civilians from physical harm; however, no military or police unit can sustain protection without the assistance of other mission and non-mission actors.

  - UN agencies and many non-state actors are also involved, as NGOs and INGOs and other civil society organizations.

- **Importance of POC**. First of all the **human dimension** of the protection by actually saving lives and preventing crimes. **Credibility and legitimacy of the mission** and the UN are in the line due to the high expectations that the local population and the international community have on the field mission capacity to protect civilians. Global networks where fast **communications provide ample visibility of the facts on the ground** maximize the effects of success and failure to protect civilians. **POC is increasingly coming to define the** reputation of UN missions.

- In general in the past field missions made ad hoc decisions to address POC challenges whenever they appear with the mission available resources and lack of a doctrinal approach. **In the recent years a number of positive developments** took place as the development of a doctrinal framework, robust mandates, efforts on training and efforts on equipping the field missions to protect civilians.

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UN DPKO - Tactical Level Mission-Specific Scenario-based Exercises on Protection of Civilians

Slide 29

Module 1

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POC basic concepts and overview

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AUDIENCE

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LEARNING OUTCOMES

On completion of Introduction to POC 1, participants will be able to:

1. Describe what is protection and the types of violence facing civilians;
2. Highlight (Identify) protection actors and the role of peacekeepers in preventing and responding to those threats;
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MATERIALS REFERENCED IN THIS MODULE

- DPKO/DFS Draft Framework for Drafting Mission-wide Protection of Civilians (POC) strategies in UN Peacekeeping *Operations* (2010)
- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2009)
- DRAFT Explanatory Note on Protection of Civilians Language in Security Council Mandates for Peacekeeping Missions
- Henry L Stimson Center, Military Planning to Protect Civilians: Proposed Guidance for United Nations Peacekeeping Operations, Washington, D.C, (2011)
- Integrated Mission Planning Process Guidelines: Role of the Field; Integrated Planning for UN Field Presences
- Mission Start-up Field Guide for Senior Mission Managers of United Nations Peacekeeping Operations (2008)
- OCHA Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians
- OCHA/DPKO Study on the Protection of Civilians in UN Peacekeeping Operations (2009)
- DPKO/DFS Guidelines for Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping
- Protection of Civilians (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC Mandates (2012)

SYMBOLS LEGEND

☞	Note to the Instructor (Some background information for consideration and mention)
🗨	Speaking Points (The main points to cover on the topic). Ideally the speaking points are presented in the instructor's own words.
	Mission Specific (A point where the session will benefit from mission specific information
e.g	Example (Stories that illustrate a point or key message)
?	Sample questions (A list of potential questions to pose to participants)
🗒	Handout (Indicates a handout is provided to participants at this point)
🎥	Film (A film that is suggested as either a core or optional activity)
	Core Learning Activity (An activity that is strongly recommended for inclusion)
+	Optional Learning Activity (An activity that can be used if there is time and it is appropriate for the participant group. Guidelines for these activities are provided at the end of the unit or part – as indicated in the text)
🗝	Key summary points (Key messages that are worth repeating at the end of the session. Alternatively, the instructor can ask participants what are the main messages they are taking from the session. Instructors can then fill in any points that have been missed.)

Session Notes

1. INTRODUCTION

Slide 1

Optional Learning Activity: Film "Mandated to Protect"

Instructor Guidance Notes

- This learning activity intends to present an overview of DPKO protection of civilians. The film **"Mandated to Protect"** offers in a logical and sequential way the most important concepts and ideas on POC for DPKO-led field missions. It contains short statements from senior UN and Member States leaders, field operators and local population of host countries. It is a valuable tool to introduce the subject.

- After projecting the movie (45 min), a 30 min plenary discussion could be conducted to capture the first impressions and questions from the audience. A white board should be used to record those impressions and doubts and at the end of Module 1, and before starting the mission-specific modules with scenarios, the instructor could get back to the board and return to the students' initial views on protection of civilians.

- The film "Mandated to Protect" can be obtained by peacekeeping training institutions with the DPKO/Integrated training Service (ITS) through the Permanent Mission in New York. Please contact ITS staff (peacekeeping-training@un.org). It was already distributed to more than 45 different TCC/PCCs through ITS regional training of trainers courses.

Slide 2

Slide 3

- This presentation intends to set the relevant POC principles and ideas adopted by DPKO. It aims at discussing protection, types of violence and main protection actors, amongst other aspects.

- It also intends to discuss the importance of POC for modern peacekeeping operations and how failure to protect the host country's population decisively affects the mission, peacekeeping and ultimately the United Nations.

- It finally and briefly presents some international legal instruments and a first discussion on the use of force which will be deepened later in presentations 2 and 3.

2. BACKGROUND AND IMPORTANCE OF POC IN UN PEACEKEEPING OPERATIONS

Slide 4

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- UN peacekeeping has evolved significantly from the early cease-fire monitoring missions of the Cold War. A spate of intra-state wars in the 1990s, where civilians became deliberate targets propelled the Protection of Civilians (POC) to the forefront of international concern. The press and public opinion held the Security Council responsible for genocide in Rwanda (1994) and Bosnia (1995) for not having taken better preventative or responsive action.

- **In 1999, the SC then passed its first resolution on POC**. Since then 12 peacekeeping missions have been deployed, 11 of which have been authorized to protect civilians under imminent threat of physical violence. In 2009, the Security Council requested Missions to prioritize the protection activities in their decisions about the use of capacities and resources.

- Over the last 15 years POC **has evolved from a diffuse concept to a disseminated idea** amongst the members of the international community. Such evolution was triggered by mistakes and horrible failures to respond to huge crisis in particular in Rwanda and Bosnia as mentioned before. **POC became a priority agenda and a recognized important issue** due to the efforts led by different actors, including the UN Security Council, the Department of Peacekeeping Operations (DPKO) and the humanitarian community.

- Nevertheless POC still generates a degree of controversy. Different forms of protection sometimes lead to different understandings by different protection actors.

- **Currently DPKO has a framework comprised of a significant amount of doctrine**. Relevant documents as the *DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations, the DPKO Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations, the DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations and the DPKO/DFS Protection of Civilian (POC) Resource and Capability Matrix for Implementation of UN Peacekeeping Operations with POC mandates*, among others, assist Member States and field missions to tackle and implement POC.

Slide 6

- There are currently 9 missions with POC mandates. MINUSMA is the most recent addition to the list. The POC tasks vary according to each field mission specific mandate. Older missions as UNIFIL (1978) and MONUC (1999) had their mandates altered to respond to political and crisis situations and to incorporate POC as a mandated task.

- Currently, more than 90% of peacekeepers are deployed in missions with such mandates.

3. WHAT IS PROTECTION OF CIVILIANS

Slide 7

Slide 8

- In the absence of a common UN position on the protection of civilians by UN peacekeeping operations, a wide range of views regarding what protection of civilians means for UN peacekeeping missions took root. **An independent study on the protection of civilians in UN peacekeeping operations commissioned by DPKO and OCHA** illuminated that actors within and external to the field missions generally subscribe to one of three paradigms to frame their understanding of POC in UN peacekeeping.

- In general there are three visions on protection.

  a) The **first group sees protection as a broad concept encompassing international humanitarian law and human rights law**, similar to the Inter-Agency Standing Committee[5] definition of protection as "encompassing all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law." This is the paradigm utilized by most humanitarian and human rights actors (rights-based approach).

  b) The **second group believes that POC is fundamentally about ensuring that civilians are safe from physical harm** (Physical protection from harm);

  c) **The third group believes that POC is the inherent end result of peacekeeping** (Stabilization and peace building as durable forms of protection) and that it is therefore redundant as a distinct mandated task.

☞ ***Note to Instructor:*** *UN Multidimensional peacekeeping operations incorporate ALL THREE interpretations of protection.*

Slide 9

Slide 10

☞ ***Note to Instructor:*** *Pose the following question to the class: Based on quote and your own experiences, what types of violence are likely to see in the area of operations?*

- Military and police must recognize the different types of violence that occur in post-conflict situations where UN field missions are operating. Realizing the consequences brought by

violence on the local population it is the first step to later on identify threats and establish protection responses.

4. WHO PROVIDES PROTECTION TO CIVILIANS

Slide 11

- The **primary role of the host state government** is also embedded in the standard mandate language associated with Protection of Civilians mandates**.**

- There a number of UN field missions` components dealing with POC and a number of actors outside of the mission addressing POC. **Coordination amongst these actors—particularly between the political and military actors and the UN and independent humanitarian actors— can be challenging.**

Slide 12

Main protection actors:

a) The **Host State Government** always has the primary responsibility for protecting civilians within its borders. This protection should emanate from the full range of state security (military, police, and gendarmerie) and judicial structures;

b) **UN field missions** have a range of protection actors distributed amongst the components. Besides the military and police components, civilian components, such as civil affairs, human rights, political affairs and others, have specific mandates regarding POC. **UN Peacekeepers** under POC mandates are authorized by the UN Security Council to support or supplement the protection efforts of host-state institutions in cases where international peace and security is deemed to be at risk.

- The **Military Component** retains the monopoly of the use of force in the peacekeeping missions and its units are the tools to protect civilians from physical harm; however, no military or police unit can sustain protection without the assistance of other mission and non-mission actors.

e.g One good example to be mentioned refers to **crisis in which local population seek refuge in UN military bases**; the company or battalion might be capable to protect those civilians around the base from physical attack but are not capable to logistically support them for a large amount of time; hence, the military units needs the presence of other mission (human rights and civil affairs) and non-mission partners (UNHCR, OCHA) to provide the other types of protection actions.

c) **Other organizations** that have been mandated by the international community to provide supplementary protection in support of host government protection responsibilities include:

- **UNHCR (UN High Commissioner for Refugees)** staff work in urban areas, host communities and refugee or IDP sites. They attempt to promote or provide legal and physical protection, and minimize the threat of violence to displaced people. They also seek to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus.
- **OHCHR (Office for the High Commissioner for Human Rights)** is engaged in monitoring human rights situations on the ground and implementing projects, such as technical trainings and support in the areas of administration of justice, legislative reform, human rights treaty ratification, and human rights education.
- **ICRC (International Committee of the Red Cross)** is the guardian of International Humanitarian Law. The mission of the ICRC is to "…protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles …" (ICRC Protection Policy, p. 1)
- **UNOCHA (UN Office for the Coordination of Humanitarian Affairs)** mobilizes and coordinates humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies, advocate for the rights of people in need, promote preparedness and prevention, and facilitate sustainable solutions.
- **UNICEF (UN Children's Fund)** engages in Child Protection activities, preventing and responding to violence, exploitation and abuse. They monitor and report on IHL and human rights violations perpetrated against children in conflict.

d) Many **non-state actors** are also involved in the provision of protection related services (humanitarian assistance) the monitoring and reporting of human rights abuses (human rights monitors and advocacy organizations) and the rehabilitation and reform of judicial institutions. These are typically referred to as non-governmental organizations (NGOs) international non-governmental organizations (INGOs) and other civil society organizations.

☞ ***Note to Instructor:*** *The composition of mission joint assessment teams should include representatives from a broad range of mission units – human rights and other civilian, police and military units – as well as UN Country Team representatives, wherever possible.*

5. POC AS A PRIORITY

Slide 13

- It has taken quite some effort and time, from previous crisis and the genocides Rwanda (1994) and Srebrenica (1995) to the humanitarian crisis in Darfur, for the international community discuss and implement concepts on protection or civilians. Nowadays, it is absolutely clear that protection of civilians is a must and the horrible experiences and lack of action can not be tolerated anymore.

- The global communication net and information flow make **any POC crisis**, even in remote places, **to get immediate international attention**. If a peacekeeping mission is deployed, there is high **expectation** that those thousands of peacekeepers, particularly soldiers, will be able to protect the civilian population from physical harm.

- The UN Security Council has articulated the link between sexual violence and the restoration of peace and security, which **require protection actors, including peacekeepers, to respond to sexual violence with as much determination as they would to any other**

atrocity, and with specifically designed tasks and tactics to deal with the specific nature and consequences of this type of violence.

Slide 14

- As discussed before, nine peacekeeping missions currently have POC mandates: UNMISS, UNAMID, UN Interim Security Force for Abyei (UNISFA), MONUSCO, MINUSTAH, UNOCI, UNIFIL, UNMIL and MINUSMA. **Together involve over 100,000 soldiers**.

- **POC is increasingly coming to define the reputation of UN missions**. As said before, expectations are high when a field mission is deployed in a post-conflict environment and does not deliver its protection tasks, especially the protection of civilians from physical threat. It severely affects legitimacy and credibility.

- All peacekeepers – whether civilian, military or police – are expected to promote and protect human rights through their functions including in situations of imminent threat of physical violence. However civilian, military and police components have tended to work in a compartmented fashion when approaching protection related tasks.

- Above everything else is the obvious fact that protection of civilians save lives and prevent other crimes like abduction or related to conflict related sexual violence.

6. FAILURE TO PROVIDE PROTECTION OF CIVILIANS

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- The consequences are very serious and can vary according to the field mission. Ultimately failure to protect civilians puts in jeopardy the whole institution of peacekeeping and causes immense damage to the image of the United Nations.

- **At strategic level:** Diminishing of international support to the field missions with possible impact on political (renewal of mandate etc) and donor support;

- **<u>At operational level</u>:** Possible undermining of the political relationship with the host government, difficulties related to the host government consent, lack of population support, perception of lack of impartiality, credibility and legitimacy in risk;

- **<u>At tactical level</u>:** operational issues regarding animosity from local population, affecting information gathering, liaison, key leaders outreach and security (force protection issues related to base protection, patrolling, observation and other tactical tasks).

Slide 17

Slide 18

- The MONUSCO example briefly describes a sequence of mission responses that mixed reactive and pro-active activities, most of them ad-hoc responses. The Force Intervention Brigade is the latest effort to address POC issues and will be discussed later on following presentations.

- In general in the past field missions made ad hoc decisions to address POC challenges whenever they appear with the mission available resources and lack of a doctrinal approach. **In the recent years a number of positive developments took place**:

  - Development of a doctrinal framework comprised of the DPKO Operational Concept and several other associated documents;
  - Robust mandates designed by the UNSC to cope with protection challenges in mission environments;
  - DPKO efforts training to produce POC training materials for different levels and audiences;
  - DPKO/DFS and Member States efforts to give field missions human resources and equipment to enhance the protection capabilities.

- A **UN Peacekeeping Operation now receives better guidance from the UNHQ and develops and issues a Mission POC Strategy**. Mission components adjust their concept of operations and work plans to the POC strategy and develop guidance, directives, orders and plans to ensure consistency and implementation by the lower levels (tactical).

  ☞ ***Note to Instructor:*** *The international community granted MONUSCO with a Force Intervention Brigade (FIB) that has a specific mandate and special protection capabilities that will be discussed in the following presentations.*

7. LEGAL ASPECTS

Slide 19

Slide 20

- The slide outlines a number of legal instruments that form the core legal framework for field missions to operate. Military and police units and individuals, in particular commanders and staff, should be aware of the relevant elements of these legal documents and the mission plans and directives.

- For military units knowledge of the mission Rules of Engagement (as for the FPUs the DUF) is a vital document. **Understanding and being trained to apply the ROEs** is essential to be fully capable to perform the battalion operational tasks under this legal framework. In practical

terms, it requires **extensive practical training on the ROEs**. As an example, a single isolated infantry patrol commanded by a lieutenant or NCO must properly react to an incident that requires the use of force under the principles contained in the ROEs.

- Experience shows that in peacekeeping missions there is no lack of clarity on operational and tactical guidance for military units. The Mission Concept (plan for the entire mission), the Military CONOPS (plan for the military component), military operation order (order for the military implement tactical level actions), Force Commander Directive on the Use of Force, Rules of Engagement and other directives and orders provide sufficient operational guidance. **The challenge on the use of force does not reside in lack of clarity or guidance**; the issue is to conduct effective pre-deployment training for battalion key leaders who have the authority to use force as well as soldiers trained to adequately respond to the orders given. Another important aspect is to have **skilled military leaders** commanding units, subunits, platoons and squads. The **same rationale is applicable to the Police Component** and Formed Police Units with their peculiarities.

Slide 21

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Slide 23

- **All UN Peacekeepers** (including UN civilian staff) have an inherent right to defend themselves, if necessary, by using force - up to and including deadly force. This is a reality since the first UN field missions (Chapter VI) on the grounds of the principle of self-defence.

- Peacekeepers who are authorized under a Chapter VII mandate to use force to implement the mandate, including to protect civilians under imminent threat of violence are **authorized to** use all means - up to and including the use of force – to prevent, pre-empt, and respond effectively to acts of or imminent threat of violence against civilians**.**

☞ ***Notes to Instructor:*** *There are also other factors analysed in military and police planning processes related to mission, adversaries, terrain, time, public opinion, leadership etc.*

Slide 24

Slide 25

Slide 26

- The list of obligations and prohibitions comes from the International Humanitarian Law, Human Rights Law, Refugee Law and relevant UN documents (e.g. SOFA) and guidance on the code of conduct of peacekeepers such as the Ten Rules**.**

Slide 27

- Military and police personnel follow the chain of command and normally receive guidance and orders from higher leaders.

8. SUMMARY OF KEY MESSAGES

☞ ***Note to Instructor:*** *Outline the main points that have been covered during the session.*

- Over the last 15 years POC has evolved **from a diffuse concept to a disseminated idea** amongst the members of the international community. Such evolution was triggered by mistakes and horrible failures to respond to huge crisis in particular in Rwanda and Bosnia as mentioned before. **POC became a priority agenda** and a recognized important issue due to the efforts led by different actors, including the UN Security Council, the Department of Peacekeeping Operations (DPKO) and the humanitarian community.

- In general there are three visions on protection.

  - Protection as a broad concept encompassing international humanitarian law and human rights law, (rights-based approach);

  - The **second group believes that POC is fundamentally about ensuring that civilians are safe from physical harm** (Physical protection from harm);

  - **The third group believes that POC is the inherent end result of peacekeeping** (Stabilization and peace building as durable forms of protection) and that it is therefore redundant as a distinct mandated task.

- **Main protection actors**. There a number of UN field missions` components dealing with POC and a number of actors outside of the mission addressing POC. Coordination amongst these actors—particularly between the political and military actors and the UN and independent humanitarian actors— can be challenging.

  - The Host State Government always has the primary responsibility for protecting civilians within its borders;

  - UN field missions have a range of protection actors distributed amongst the components.

    - The Military Component retains the monopoly of the use of force in the peacekeeping missions and its units are the tools to protect civilians from physical harm; however, no military or police unit can sustain protection without the assistance of other mission and non-mission actors.

  - UN agencies and many non-state actors are also involved, as NGOs and INGOs and other civil society organizations.

- **Importance of POC**. First of all the **human dimension** of the protection by actually saving lives and preventing crimes. **Credibility and legitimacy of the mission** and the UN are in the line due to the high expectations that the local population and the international community have on the field mission capacity to protect civilians. Global networks where fast **communications provide ample visibility of the facts on the ground** maximize the effects of success and failure to protect civilians. **POC is increasingly coming to define the** reputation of UN missions.

- In general in the past field missions made ad hoc decisions to address POC challenges whenever they appear with the mission available resources and lack of a doctrinal approach. **In the recent years a number of positive developments** took place as the development of a doctrinal framework, robust mandates, efforts on training and efforts on equipping the field missions to protect civilians.

- **For military units knowledge of the mission Rules of Engagement (as for the FPUs the DUF) is a vital document**. Understanding and being trained to apply the ROEs is essential to be fully capable to perform the battalion operational tasks under this legal framework. In practical terms, it requires extensive practical training on the ROEs.

Slide 28

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resourcehub.unlb.org
UN DPKO - Tactical Level Mission-Specific Scenario-based Exercises on Protection of Civilians

Slide 29