INTRODUCTION TO PROTECTION OF CIVILIANS 2

Mandate language and challenges of implementation

Preparatory Notes to Instructors

AIM

To familiarize peacekeeping personnel with:

- Mandate language, the DPKO Operational concept on Protection of Civilians and some of the main challenges of protection.

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 2, participants will be able to:

1. Explain the meaning of critical language in UN POC mandates;
2. Understand the DPKO/DFS Operational Concept on Protection of Civilians;
3. Understand the challenges in the Implementation of POC.

TRAINING SEQUENCE

Introduction to POC 2 is the second session of Module 1, Introduction to Protection of Civilians. This session should be followed by the Introduction to POC 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.

- Protection of Civilians in Armed Conflict, (S/RES/1674), 2006.
- Protection of Civilians in Armed Conflict, (S/RES/1894), 2009.
- Women and Peace and Security, (S/RES/1325), 2000.
- Women and Peace and Security, (S/RES/1960), 2010.

MATERIALS REFERENCED IN THIS MODULE

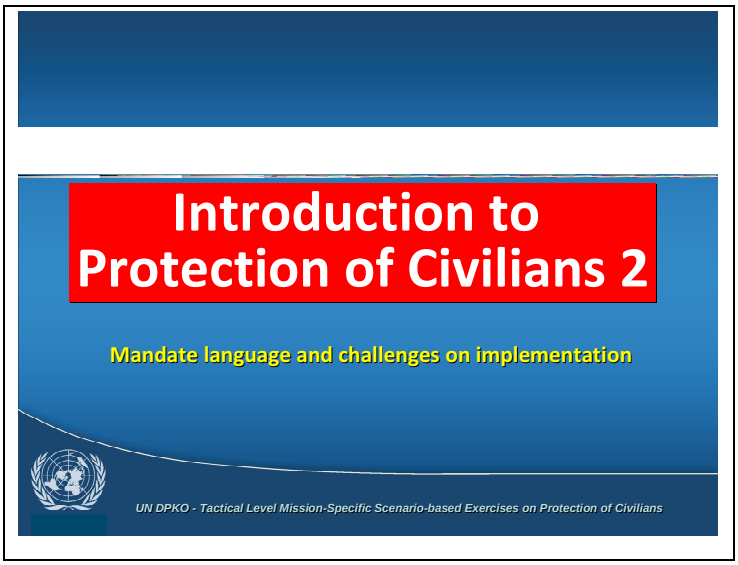
- DPKO/DFS Draft Framework for Drafting Mission-wide Protection of Civilians (POC) strategies in UN Peacekeeping *Operations* (2010)
- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2009)
- DRAFT Explanatory Note on Protection of Civilians Language 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



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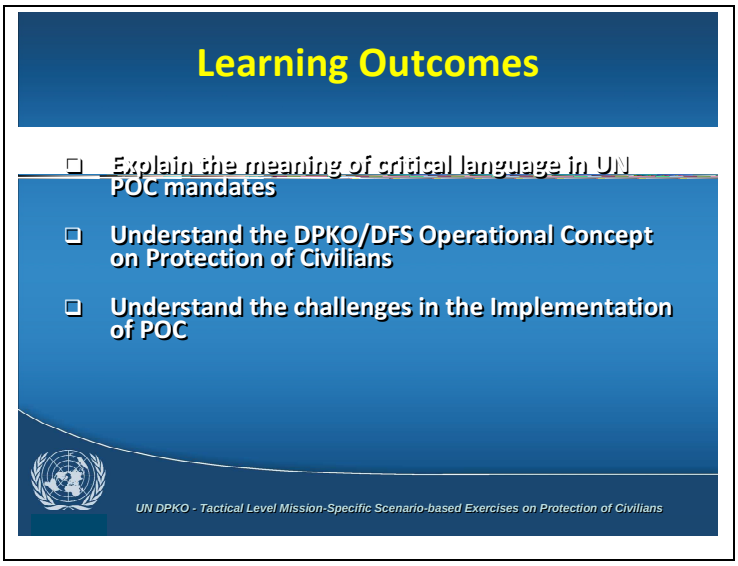

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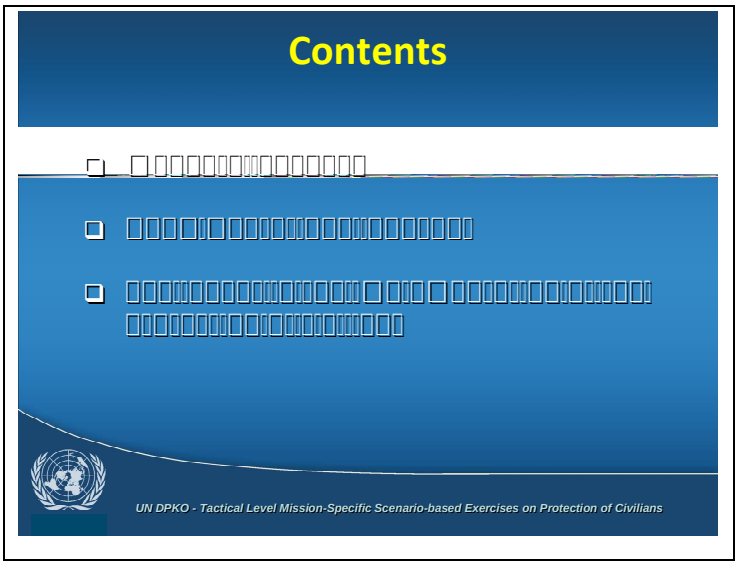
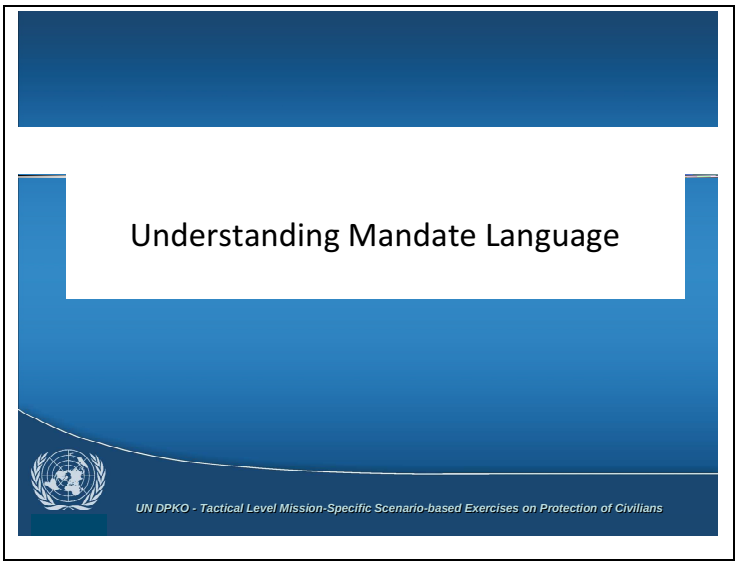


Slide 3

- This presentation aims at discussing how mandate language on POC should be understood by military and police commanders. It also presents the main elements on the DPKO Operational Concept, a fundamental document in the DPKO framework on POC. It is highly necessary that a mission battalion or FPU commander grasps what exactly a particular mandate says on POC from which his/her derived protection tactical tasks come from.

- A detailed discussion on some of the most significant challenges to accomplish POC tasks is also conducted with a view on how those challenges should be seen by tactical commanders and individually deployed military and police personnel.

2. UNDERSTANDING MANDATE LANGUAGE



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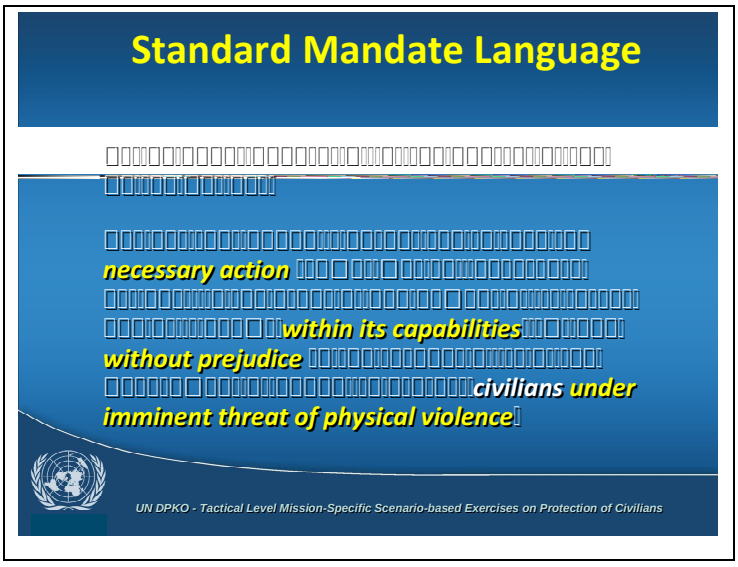


Slide 5

- Since the first mission to have a protection of civilians mandate (UNAMSIL 1999), POC language has evolved consistently.

- UNAMSIL 1999 (Sierra Leone): "…Acting under Chapter VII **of the Charter of the United Nations, decides that in the discharge of its mandate UNAMSIL** *may take the necessary action* **to ensure the security and freedom of movement of its personnel and, *within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence taking into account the responsibilities of the Government of Sierra Leone"***. It was the first POC resolution adopted under Chapter VII and marked a landmark in the conceptual thinking about UN Peacekeeping. The language has been

repeated and expanded upon in subsequent resolutions, which have also tended to repeat the caveat phrases 'within capabilities', 'imminent threat' and 'taking into account the responsibilities' of the host government. Resolutions have increasingly stressed that POC should be the main priority of the mission when it comes to allocation of resources.

- UNMISS 2011 (South Sudan): *"…Acting under Chapter VII* of the Charter of the United Nations…authorizes . . . the following tasks… **Advising and assisting the Government . . . including military and police . . . in *fulfilling its responsibility to protect civilians, in compliance with international humanitarian, human rights, and refugee law*; (v)** Deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, *protecting civilians under imminent threat of physical violence**, in particular when the Government of the Republic of South Sudan is not providing such security***; (vi) Providing security for United Nations and humanitarian personnel, installations and equipment necessary for implementation of mandated tasks,…" Here there it important to note that emphasis is placed on the primary role of the host government to protect its own citizens.

- MONUSCO 2011 (DRC): "…[reiterated] that the Government of the Democratic Republic of the Congo bears primary responsibility for security, peace- building and development in the country, and [encouraged it] to remain fully committed to protecting the civilian population through the establishment of professional and sustainable security forces and the rule of law and respect for human rights,. . . . . ***the protection of civilians must be given priority in decisions about the use of available capacity and resources*** and [encouraging] further the use of innovative measures implemented by MONUSCO in the protection of civilians…". Note that now POC tasks must be prioritized concerning the use of mission resources.

☞ ***Note to Instructor:*** *Remark the fact that currently most of the UN complex missions have POC as the priority mandated task. There are currently (as August 2013) 9 UN DPKO-led peacekeeping operations with POC mandates: UNIFIL, UNMIL, UNOCI, MONUSCO, UNIMISS, UNISFA, MINUSTAH, UNAMID and MINUSMA.*

Slide 6

- A **threat is imminent** from the moment it is identified as a threat, until such a time that mission analysis determines that the threat no longer exists. Threat is analysed at different levels within the mission and tactical military and police commanders need to conduct their own threat assessment. This should be part of the military and police normal information gathering and analysis processes. On the other hand, imminent threat is also defined by the commander on the scene who has the elements to judge on the use of force to protect civilians. Threat will be detailed discussed in the third presentation (Introduction to POC 3).

- The expression "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 an imminent threat. **Peacekeepers with a POC mandate are authorized to use force** in any circumstance in which they believe that a threat of violence against civilians exists.

- Use of force by military and police forces must be supported by adequate intelligence. 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. Battalion and FPU leaders (senior and junior leaders), MILOBs, MLOs and IPOs need to have **close interaction with the local population** and its representatives, to build confidence and to understand their protection demands, vulnerabilities and perceived threats.

Slide 7

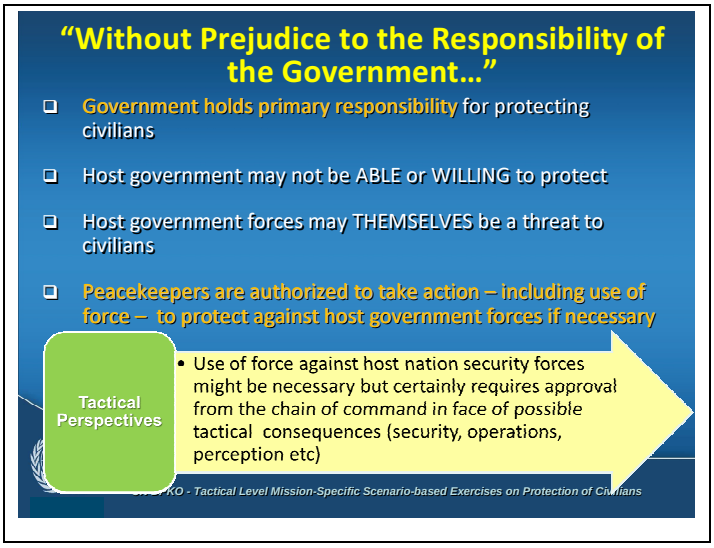
- "Within capabilities" acknowledges **resource constraints and prioritize use of resources** through threat and vulnerability analyses, and coherent operational and tactical planning. Consider also the **impact of action and inaction on the credibility** of the mission and the consent of host state authorities.

  ☞ ***Note to Instructor:*** *It is useful to comment that POC by nature requires the existence of mobility assets, particularly helicopters and fixed wing aircraft. Helicopters are highly necessary to provide immediate response when crisis occur in remote locations. It is useful to comment that, as we will see shortly, the analysis of the POC risks must be derived from analyzing the threats posed to the population and their vulnerabilities.*

- The way the battalion establishes a visible presence and interacts with local actors and adopts a firm posture within its AOR generates a strong impact on the conducting of tactical tasks.

- It is also important to acknowledge that the existing **military resources**, even in large complex missions with thousands of soldiers, are not enough to protect all civilians from imminent threat. It is not rare that a battalion area of operations is huge, terrain is rough, lines of communications are poor, and logistics is challenging and communications inadequate or insufficient. Nevertheless it is expected by the local population that infantry battalions protect

civilians within their areas of responsibilities. Sound planning is always necessary to mitigate these constrains and accomplish tasks.



Slide 8

- **UN peacekeepers are responsible for undertaking protection activities in support of or in parallel with government actors**. In the absence of an effective host government effort peacekeepers may act independently to protect civilians within the mission's area of operations.

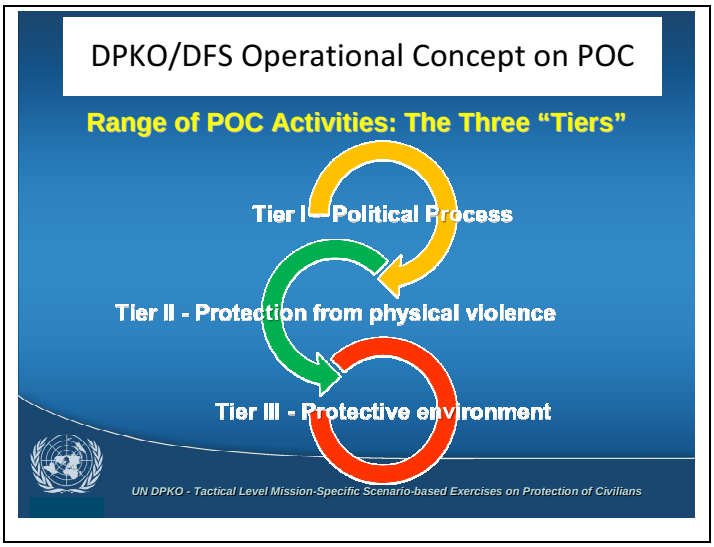
- Field missions do their best to have the host government engaged on the protection of civilians so the mission can perform a supporting role. **However, bearing in mind that missions operate within the principles of peacekeeping, missions are authorized to use force against elements of government forces where such forces are themselves engaging in physical violence against civilians**. Due to the possible negative impact on the strategic consent, the use of force against host country security forces shall have guidance from the FHQ or PHQ. Obviously, force should be use according to the rules of engagement in case of flagrant attack of civilians by host nation security forces.

☞ ***Note to Instructor:*** *It is relevant to note that the use of force against host nation security forces may have negative implications on the host nation consent. 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.

☞ *There may be a number of consequences including the loss of international support and the host country consent.*

3. DPKO OPERATIONAL CONCEPT ON POC



Slide 9

- The DPKO Operational concept is the conceptual framework for the development of mission POC strategies. Contingent, battalion and FPU commanders, as well as MILOBs, MILADs, MLOs and IPOs need to understand the multidimensional nature of protection responses in peacekeeping operations. Mission military, police and civilian components (as human rights, political affairs etc) as well as mission partners (UNCT, NGOs etc) can cooperate in providing optimum protection responses.

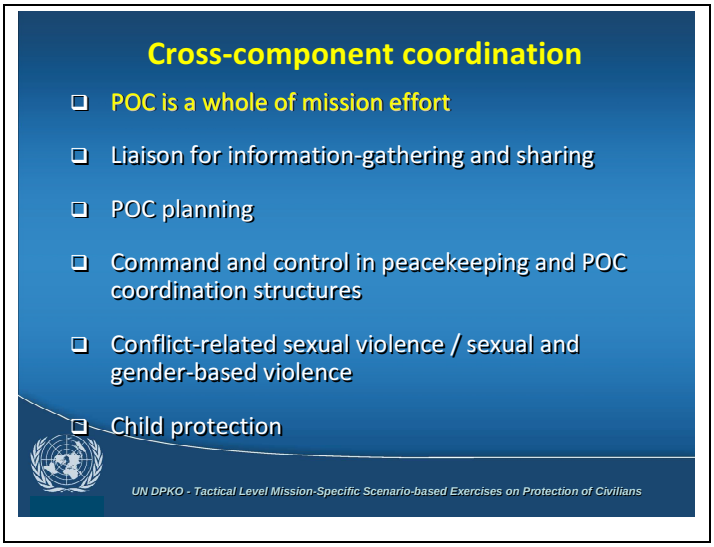
- The operational concept is organized around a three tiered approach to protecting civilians:
  - Tier 1: Protection through political process;
  - Tier 2: Providing protection from physical violence;
  - Tier 3: Establishing a protective environment.

- **Tier I - Protection through Political Process.** Includes the support to political processes (including peace negotiations and agreements, support to the development of governance and institutions and the extension of state authority) which seek to establish a safe, secure

environment where human rights are respected. It also addresses conflict management and support to reconciliation (can include local-level conflict resolution, as well as national or regional processes that seek to address past conflict and restore confidence and community stability).

- **Tier II - Protection from physical violence.** It has to do with establishing a deterrent presence through forward field military, police and civilian deployments and day and night patrols in vulnerable communities and targeted locations (such as markets or schools). It may be accomplished by taking pro-active actions to reduce the vulnerability of civilians through heightened human rights monitoring, political dialogue, conflict mediation and pressure and engagement with potential aggressors, as well as the establishment of physical defensive positions or cordons (e.g. around a community or refugee site) and joint protection teams. It finally may be necessary to act to reduce threats to the local population by conducting pre-emptive deployments or responding to violent attacks with all necessary means including, if necessary, the use of force,(to protect civilians and stabilize the situation.

- **Tier III – Establishing a Protective Environment**. It means: a) To create conditions conducive to the delivery of humanitarian assistance; b) To promote and protect human rights; c) To reduce forcible displacement and create conditions suitable for return; d) To reform the police, judicial and defence sectors of the host country; e) To conduct a national disarmament, demobilization and reintegration programme; and f) To conduct mine action activities.



Slide 10

- **POC is a whole of mission effort**. Military (with the mission monopoly of the use of force) and police components understand that isolated protection actions do not achieve the same results as a coordinated multidimensional response.

- **Liaison for information-gathering and sharing.** POC information should be collected from a multiplicity of sources, to get an accurate picture of threats and vulnerabilities. This relies on liaising with civilian colleagues within the mission, humanitarian partners, the local authorities and the local population. Information collected through routine military activities should inform protection planning. However. POC priority information requirements must be prepared to allow planners to design tactical operations to protect local population.

  ☞ ***Note to Instructor**: A commander should establish a reliable network with key civilian actors in order to increase situational awareness of the entire AOR. A strong network will build trust among all actors.*

- **Planning.** It is important to note that POC strategies help missions to define how each of the mission components contributes to achieving POC as an end-state. For military and police components, the POC strategy will furnish guidance to allow the incorporation of POC into operational level (Mission level: FHQ and PHQ) and tactical level (contingent, battalion, FPU).

- **Command and control (C2) in peacekeeping and POC coordination structures.** It is important to note that as per the DPKO C2 policy, the military and police components shall **coordinate** police/military/joint operations at the tactical level to ensure: a) Coherence of effort in the achievement of the mission plan at the local level; and b) Joint handling of local crisis situations. This arrangement allows for the POC mandate implementation, which relies on a consensus-based approach involving civilian and uniformed components.

  ☞ ***Note to Instructor**: In some missions, coordination structures have been set up that ensure the timely sharing of information between the armed and civilian components; empower senior managers, both civilians and military, with a common set of data necessary for the implementation of the mandate, and strengthen the capacity of military commanders to exercise C2 while not impinging on the integrity of the military chain of command.*

- **Conflict-related sexual violence / sexual and gender-based violence.** To ensure that the military component addresses sexual and gender based violence, in collaboration with others such as the gender component, mission guidance and coordination arrangements are put in place such as establishing SOPs and/or referral arrangements to respond to and report on sexual violence. It is also be possible to undertake preventive physical protection activities, such as specific patrols, or creating trust with the local community through community liaison and outreach.

- **Child protection.** There are a number of actions that military units and individuals can take that contribute to POC and to child protection. This may include observing and reporting on child protection concerns, such as sexual violence, trafficking of children, use of schools for military purposes, or cross-border recruitment of children or informing on restrictions when conducting armed operations.

☞ *DPKO is developing specific training modules on child protection for military and police commanders that will provide supplementary information and guidance on how to proceed regarding issues like child soldiers.*

Slide 11

- In UN peacekeeping, Battalion, Company and FPU Commanders and staff must understand that **protection in a post-conflict environment is performed by a wide range of actors**. The **Host State Government always has the primary responsibility for protecting civilians within its borders.**

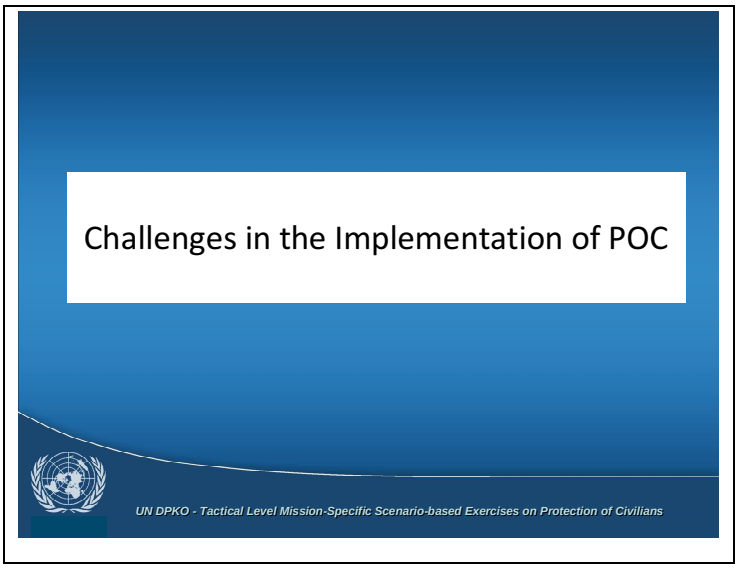
- Other organizations that have been mandated by the international community to provide supplementary protection in support of host government protection responsibilities, include:

  - **UNHCR (UN High Commissioner for Refugees)** which promotes or provides legal protection and humanitarian assistance;
  - **OHCHR (Office for the High Commissioner for Human Rights)** which monitors human rights situations on the ground and implements 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)** promotes and strengthens humanitarian law and universal humanitarian principles and delivers humanitarian assistance;
  - **OCHA (UN Office for the Coordination of Humanitarian Affairs)** mobilizes and coordinates humanitarian action in partnership with national and international actors and conducts advocacy actions;
  - **UNICEF (UN Children's Fund)** engages in Child Protection activities including monitoring and reporting on IHL and human rights violations perpetrated against children in conflict.

- Many non-state actors are also involved in the provision of humanitarian assistance, the monitoring and reporting of human rights abuses 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.**

  ☞ *Coordination amongst these actors, including between peacekeeping missions and independent humanitarian actors, can be challenging. However, it is key to remember that military and police personnel should talk to all partners in the field, because* ***the strength of a joint effort is far greater than an individual impact.***

4. CHALLENGES IN THE IMPLEMENTATION OF POC



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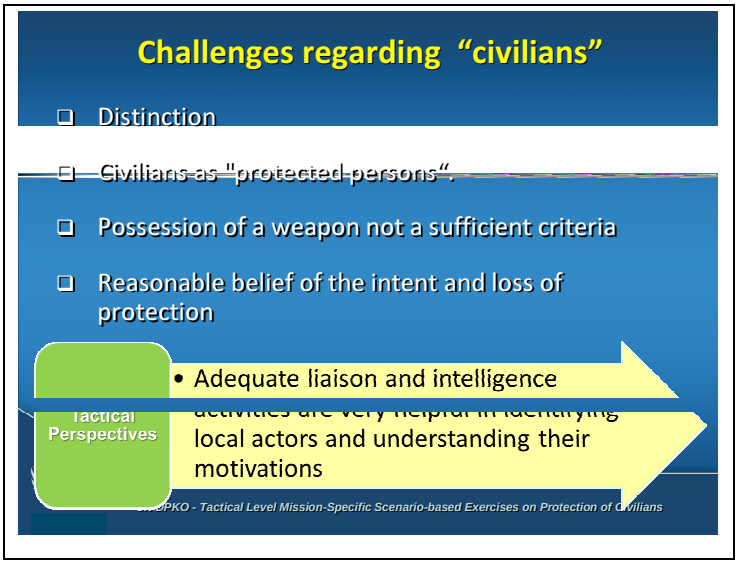


Slide 13

- **Distinction. UN Peacekeepers are expected at all times to make a clear distinction between civilians and those taking part in the hostilities to harm civilians.**

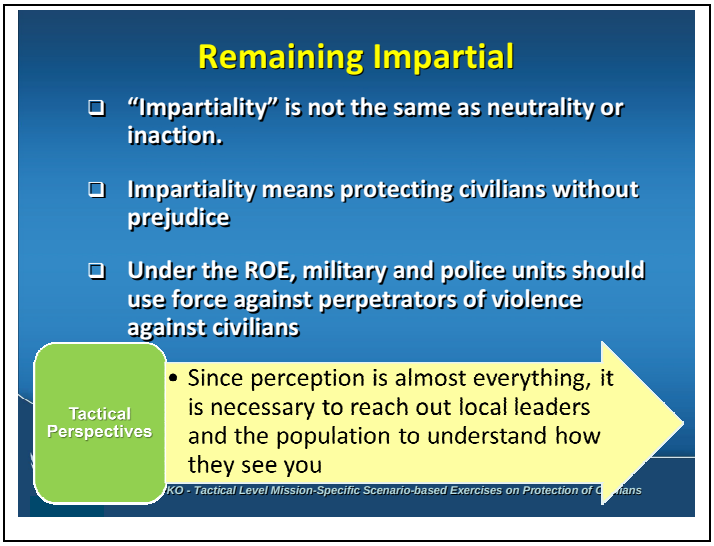
- **Protected persons.** Under IHL, Civilians are "protected persons", meaning that they should be protected against acts of violence and reprisals.

- **Civilians lose this protection only if, and for as long as, they "directly participate in hostilities".** People unlawfully taking part in hostilities are not entitled to protection under the Third Geneva Convention relative to prisoners of war.

- **Possession of a weapon……does not necessarily give a person the status of "combatant."** For instance, in South Sudan, cattle-guarding civilians do carry a weapon for self-defence but are not considered as combatants by virtue of their being armed. However, if they display a hostile intent towards other civilians and threaten to use their weapons against them, then they would become combatants and the Force could take action against them, in line with the ROEs.

- **Reasonable belief.** <u>If individuals instigate violence against another individual or group, or if there is reasonable belief that they are preparing to commit violence, then those individuals are no longer entitled to protection</u>.

☞ *Acknowledging the difficulties many times posed by situations in which civilians are armed but it is not easy to realize their intent, military and police commanders and individuals need <u>to conduct competent and frequent liaison and information gathering</u> activities as a way to facilitate distinction between civilians and combatants. .*



Slide 14

- **Impartiality is not the same as neutrality or inaction. From the UN Capstone Doctrine:** a) **"**UN peacekeepers should be impartial in their dealings with the parties to conflict but not neutral in the execution of their mandate"; b) **"**Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not allow the parties to violate the peace process or the principles of the United Nations". Impartiality is crucial to maintaining the consent and cooperation of the main parties, but should not be confused with neutrality or inactivity.

- **Impartiality means that all civilians will be protected without prejudice** and according to the level of threat against them. This includes the civilian dependents of armed actors.

☞ ***Notes to Instructor:*** *Respecting the ROE, military and police units should use force against a party to conflict that attacks civilians.*

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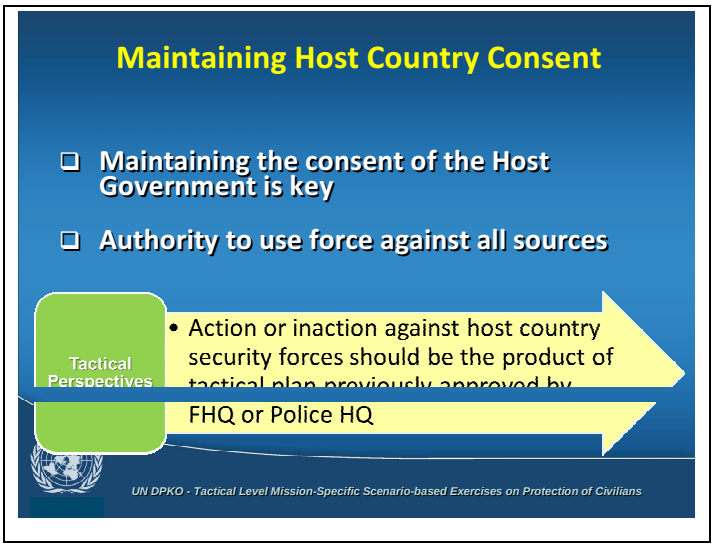


Slide 15

- **Maintaining the consent of the Host Government.** Maintaining the consent of the Host Government is obviously critical to peacekeeping. Peacekeeping means that the field mission is authorized by the host country to operate within its territory under certain rules. In the implementation of its mandate, a United Nations peacekeeping operation must work continuously to ensure that it does not lose the consent of the main parties, while ensuring that the peace process moves forward.

- Peacekeepers should always bear in mind that their actions could have consequences on the Host State consent. That being said, **consequences of action should be weighed against consequences of inaction**.

- **Local consent**. Strategic consent (host country and main parties to conflict consents) does not mean that consent at tactical (local) level is guaranteed particularly if the main parties are internally divided or have weak command and control.

- **Authority to use force.** It is important to bear in mind that peacekeepers operating with a protection of civilians mandate have the authority to intervene – including, if necessary, with the use of force – to protect civilians under imminent threat of violence from all sources, including elements of host state authorities when engaged in violence against civilians.

Slide 16

- **Human Rights Due Diligence Policy on UN support to non-UN security forces**. Support by United Nations entities to non-UN security forces must be consistent with the Organization's Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law.

- **UN support 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. There is a policy that states that the United Nations cannot support non-UN security actors suspected of committing human rights violations.

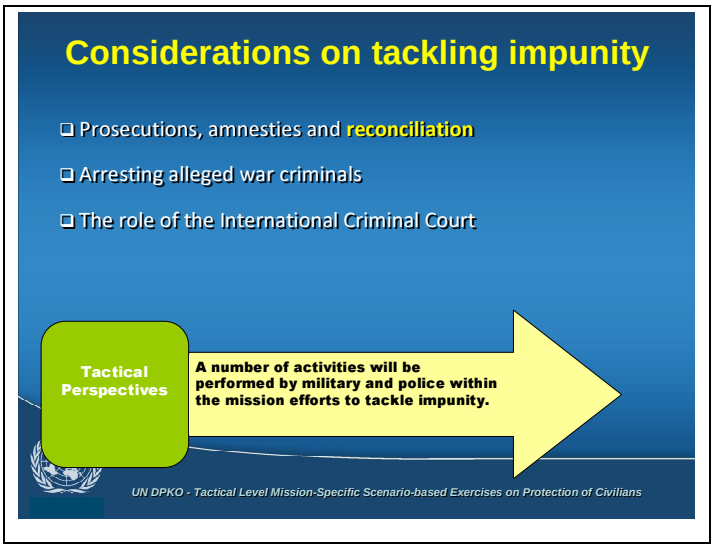
- **Implementation of the HRDDP**. According to the HRDDP an effective framework should consider: a) procedures for monitoring the recipient entity's compliance with international humanitarian, human rights and refugee law; b) procedures for determining when and how to intercede with a view to putting an end to grave violations of any of those bodies of law and for deciding, if need be, upon the suspension or withdrawal of support; and c) general operational guidance, as required, by the respective UN entities to the country level on implementation of the policy.

- **Tactical level contribution to the implementation of the policy.** When military or police commanders are considering providing support to non-UN security actors, make sure this has been discussed with Force or Police Headquarters as appropriate so that the relevant screening actions have been taken.

  ☞ ***Notes to Instructor:*** *According to the HRDDP, "support" does not include: a) training or sensitization regarding international humanitarian, human rights and refugee law; b) standard-setting (e.g. advice on and review of legislation, codes and policies) and capacity support directly related to the implementation and promotion of compliance with human rights laws and standards and to foster democratic governance of security institutions; c) engagement to promote compliance with humanitarian, human rights and refugee law or to negotiate humanitarian access and carry out relief operations; d) mediation and mediation-related support;* and e) MEDEVAC and CASEVAC.

e.g MONUSCO has been supporting the FARDC on the extension of the state authority in DRC while putting into practice the HRDDP principles and recommendations. In August 2013, following clashes in Goma, the MONUSCO Force Commander announced that the

Mission will support the Congolese Armed Forces (FARDC) to establish a security zone around the area of Goma and its northern suburbs.



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- When an agreement is reached and a peacekeeping operation is mandated and deployed, **parties to conflict (and in certain cases the host government) committed crimes and perpetrated violence against the population**. A process of national reconciliation is a tough political achievement and may require amnesty (not to be interpreted as general amnesties for genocide, war crimes against humanity, gross human rights violations etc) and punishment of individuals.

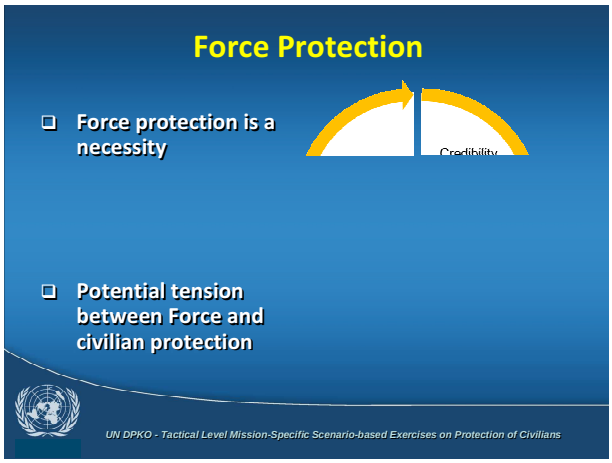
- The root causes of the violence against civilians must be addressed. A UN field mission has civilian components that are assigned to work on important mission-specific issues related to the causes of the conflict and the violence against civilians in close cooperation with the UNCT and other non-mission partners.

- **Tackling impunity** is a huge challenge for several reasons. It requires political engagement and pressure, reform of the host country security sector reform (including justice, corrections and police), arresting and prosecution of war criminals, amongst other important measures.

- The Rome Statute of the International Criminal Court. The ICC prosecutor can initiate an investigation in a country which has ratified the statute or where a national of the state that has ratified it is suspected of crimes included in the statute (The ICC prosecutes these crimes where no national or regional court is able or willing to prosecute or when the Security Council refers the case to the Court). Crimes covered by the Rome Statute, and prosecuted by the ICC – broadly defined as genocide, war crimes (including rape and other sexual violence) and crimes against humanity. An attack on a peacekeeper is a war crime under the Rome Statute (except in situations where peacekeepers are considered to be parties to the conflict).

- **Military and police** will surely participate in a process of national reconciliation (Security and defense sector reforms, DDR etc). They may also be involved in providing support to activities related to tackling impunity like the arrest of war criminals.

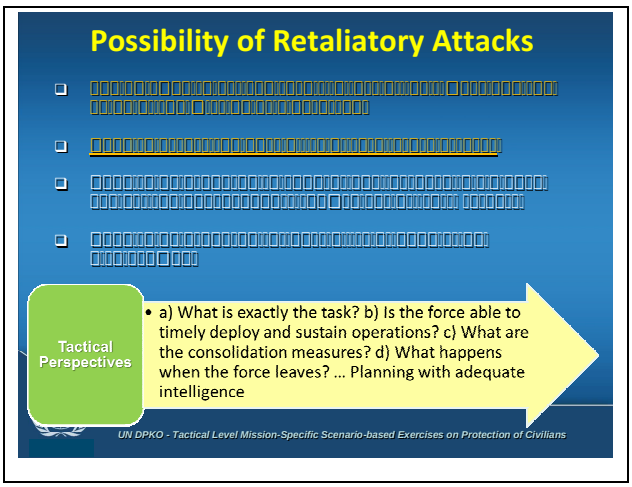
The UNSCR has provide **MONUSCO with a Force Intervention Brigade (FIB)** which is authorized to conduct offensive operations. Amongst the FIB mandated tasks there is a provision to: *"Support and work with the Government of the DRC to arrest and bring to justice those responsible for war crimes and crimes against humanity in the country, including through cooperation with States of the region and the ICC."*



with the local population and local spoilers. Lack of force protection has heavily impacts on the operational capabilities of the military and police contingents to fulfill their tasks.

- **Potential tension between Force protection and the protection of civilians.** Tension may arise between the necessity to protect the force and civilians under threat. Using UN premises for POC purposes may impact safety and security of the Force yet may be the only option to protect civilians from imminent threat. Such difficult decisions depend on the circumstances of the case.

- Any action to be taken has to consider the risks to our safety and the likelihood that the military or police intervention would be able to protect civilians at risk.



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- The dilemma faced by field missions who have **to take action to protect civilians in remote locations where armed groups act freely is remarkable**.

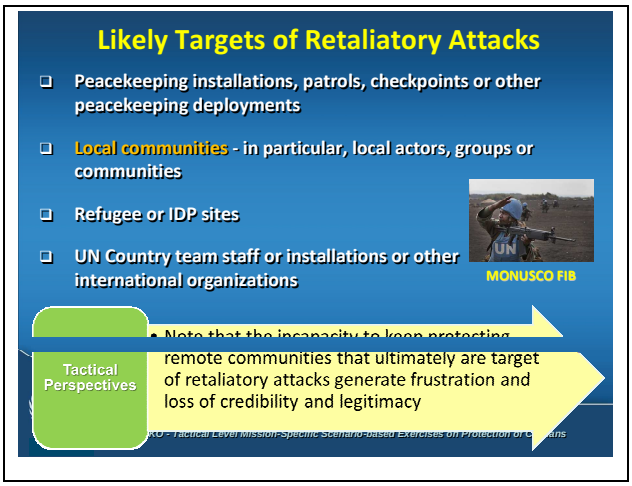
- <u>It is always difficult to operate in these areas where there is a bad combination of poor communications, dirty roads and dense vegetation with scarce mission resources to deploy and sustain to conduct military operations against armed groups</u>**.** Situation is even more difficult if the target area is at the national border and armed groups take advantage of difficult terrain and absence of national security forces to move back and forth freely**.**

e.g On several occasions MONUC (former MONUSCO) deployed military peacekeepers to protect villages or conduct operations aiming at reducing the threat of rebel groups in remote areas of eastern DRC. Retaliatory attacks followed MONUC interventions in Eastern DRC resulting in violence, rapes, abduction and damage to property.

- **Need to assess the possibility of retaliatory attacks**. It is quite important to rightly asses the risk of retaliatory attacks to not deteriorate the situation. A careful examination of the consequences of action and inaction must be carried out before deciding to deploy military forces to conduct tactical operations.

- If an intervention is decided, the field mission has to be prepared to counter any increase in violence against the peacekeepers themselves or 'soft' targets as well as to be prepared for possibility of population displacement.

e.g **Neutralizing armed groups through the MONUSCO Force Intervention Brigade**. From the FIB mandate: *"In support of the authorities of the DRC, on the basis of information collation and analysis, and taking full account of the need to protect civilians and* ***mitigate risk before, during and after any military operation, carry out targeted offensive operations*** *through the Intervention Brigade referred to in paragraph 9 and paragraph 10 above, either* ***unilaterally or jointly with the FARDC, in a robust, highly mobile and versatile manner*** *and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on UN-support to non-UN forces (HRDDP), to prevent the expansion of all armed groups, neutralize these groups, and to disarm them in order to contribute to the objective of reducing the threat posed by armed groups on state authority and civilian security in eastern DRC and to make space for stabilization activities;"*



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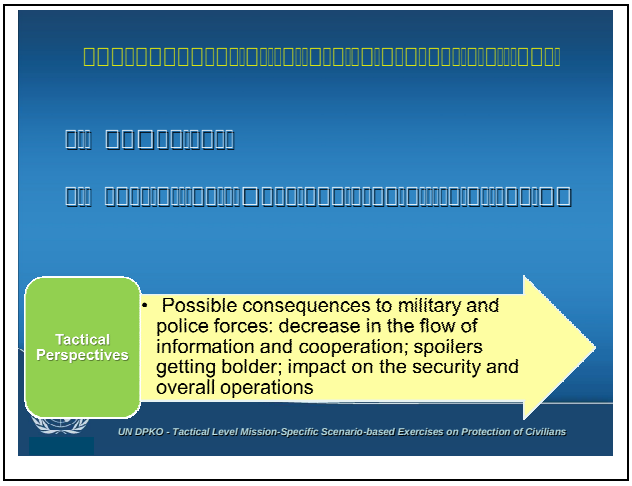
- Retaliatory attacks may look for soft targets like local communities, refugee or IDP camps and the UN Country team staff or installations or other international organizations

- **Peacekeeping installations, patrols, checkpoints or other peacekeeping deployments** are also likely targets of retaliatory attacks.



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- **The failure to protect has political and institutional consequences**, given that it can result in the loss of legitimacy of the peacekeepers in the eyes of the local population and therefore the ability of the PKO to achieve the mission's mandate.

- The inability of peacekeeping missions to address violence against civilians has damaged the standing of the United Nations and threatened to discredit the practice of peacekeeping in general." (OCHA/DPKO Study, p.24)

- Wherever peacekeepers deploy they raise expectations among the local population that the UN will protect them**. Failure to protect civilians is all the more visible at the tactical level since that is where the mission is in the closest contact with the local population.**

- **When such failures happen, military, and eventually police units as FPUs, may fall prisoner to a very difficult environment:** a) the local population ceases to cooperate and may become hostile; b) the information cycle is highly damaged with direct impact on planning of patrolling, observation, liaison and protection activities; c) the spoilers advance their agenda and get bolder**.**

  ☞ ***Notes to Instructor:*** *To break out such negative cycle is an enormous task in face of the perception that the force is not willing or is incapable to protect the local population.*

  ☞ *In such situation, the local population tends to be unfriendly regarding the military and police peacekeepers bringing additional difficulties on information gathering and security.*

5. SUMMARY OF KEY MESSAGES

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

- **POC mandates have evolved since UMASIL 1999**. The UNSC has given UN field missions robust mandates to protect civilians and has made clear that **POC has the priority in the allocation of resources**. Recent mandates have made more and more clear the primary **responsibility of the host government** to protect civilians.

- A threat is imminent from the moment it is identified as a threat, until such a time that mission analysis determines that the threat no longer exists. Threat is analysed at different levels

within the mission and tactical military and police commanders need to conduct their own threat assessment.

- The expression "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 an imminent threat. Use of force is directly related to adequate intelligence.

- "Within capabilities" acknowledges resource constraints and prioritize use of resources trough threat and vulnerability analyses, and coherent operational and tactical planning.

- The **DPKO Operational concept** is the conceptual framework for the development of mission POC strategies. Contingent, battalion and FPU commanders, as well as MILOBs, MILADs, MLOs and IPOs need to understand the multidimensional nature of protection responses in peacekeeping operations.

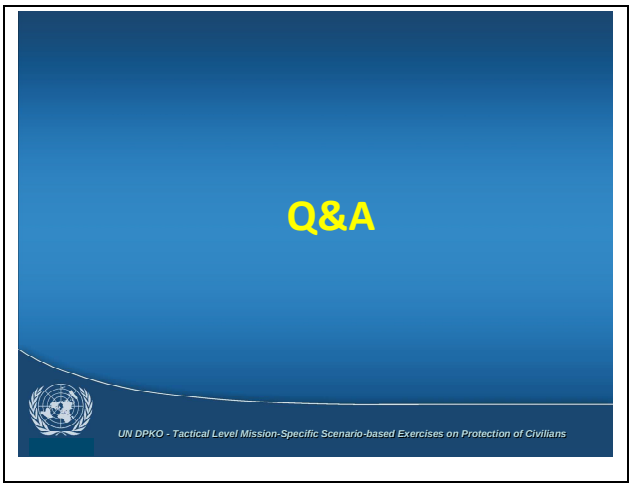
- **POC is a whole of mission effort**. Military (with the mission monopoly of the use of force) and police components understand that isolated protection actions do not achieve the same results as a coordinated multidimensional response.

- Important challenges on the POC are related to the peacekeeping principles:
  - **Impartiality**. Military and police forces must be impartial in relation to the mandate. The battalions and units should not be impartial to a party to conflict who attacks the civilian population.
  - **Consent**. Maintaining the host country (strategic) consent is essential. Sometimes strategic consent does not mean tactical (local) consent and the military and police units and teams must be aware of that.
  - **Minimum use of force as use of force as the last resort**.

- Distinction is a principle of the International Humanitarian Law that must be applied to all situations involving the use of force to protect civilians.

- Support to be given to host country security forces must be aligned with the HRDDP.

- **Good planning based on solid intelligence is the key to conduct tactical tasks to protect civilians**. Military and police courses of action, especially at tactical level (results are always visible) should be assessed regarding the consequences of action and inaction. The possibility of retaliatory attacks must be fully analyzed.


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

Slide 22

ارلش
謝謝
thank you
merci
спасибо
gracia
UN DPKO - Tactical Level Mission-Specific Scenario-based Exercises on Protection of Civilians