



United Nations

# Comprehensive Protection of Civilians Training Materials

for United Nations Peace Operations

Police Version

The United Nations Comprehensive Protection of Civilians (CPOC) Training Materials for United Nations Peacekeeping Operations has been developed by the Integrated Training Service (ITS) of the UN Department of Peace Operations.

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

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

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Police CPOC V1.0

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### **Background**

Since the Security Council first established protection of civilians (POC) as an explicit mandate in 1999, peacekeeping has evolved significantly, growing both in size and complexity. During this period, POC has continuously gained in prominence and today ranks as the priority mandate in a number of peacekeeping operations. While POC has sometimes become the yardstick against which the success of mission is measured, it is arguably also the most challenging mandate to implement.

The Department of Peace Operations has developed a suite of training packages to prepare peacekeepers for their deployment in missions. Amongst these packages are separate so-called Specialised Training Materials on POC, Child Protection and Conflict-Related Sexual Violence. The in-depth examination of these core protection tasks in UN peacekeeping is necessary to train personnel, and in particular those personnel with dedicated protection functions, on effective mandate implementation in the field.

Nevertheless, experience has also shown that these protection tasks, despite their distinct nature, generate significant overlap. This is particularly true at the tactical level, where the assessment of protection threats, as well as the planning for and response to a complex protection crisis, is likely to simultaneously involve elements from the POC, Child Protection and Conflict-Related Sexual Violence realms. In order to reflect these realities and prepare peacekeepers for the multi-dimensional realities on the ground, this training package aims to demonstrate the complex linkages between protection tasks, and provide training guidance on how to prevent, deter and respond to interrelated threats.

### **Aim**

The aim of these training materials is to provide police-contributing countries with a comprehensive training package that combines aspects of POC, Child Protection and Conflict-Related Sexual Violence for police peacekeepers in UN peacekeeping operations. This includes several small exercises as well as a larger scenario-based exercise, which can be run at the end of a course to strengthen participants' understanding how POC, Child Protection and Conflict-Related Sexual Violence considerations impacts police planning processes at the tactical level.

The training package is designed for application in both pre-deployment, job specific and in-mission training. ITS will also mainstream relevant aspects of the CPOC package into existing functional Specialised Training Materials.

## Target audience

This CPOC package is specifically targeted at a priority audience of police decision-makers at the tactical level. While the Conceptual and Legal Frameworks presented herein lend themselves to a wider audience, Module 3 on the Operational Framework was developed with Individual Police officers (IPOs) and Formed Police Units (FPU) Commanders and their staff in mind.

To maximise the relevance of this training package to the target audience, Module 3 on the Operational Framework focuses on how protection considerations should be integrated into the police decision making and planning processes at the tactical level. Existing UN guidance, as well as complementary external guidance, is therefore presented only to the extent it is relevant for tactical level considerations.

## Structure of the training materials

The package is constructed in three modules:

### **Module 1: Conceptual Framework**

- Lesson 1.1: Introduction
- Lesson 1.2: Definitions & Terminology
- Lesson 1.3: Protection Actors
- Lesson 1.4: Principles of POC in Peacekeeping
- Lesson 1.5: Operational Concept
- Lesson 1.6: Mission Challenges
- Lesson 1.7: Special Considerations for Conflict-Related Sexual Violence
- Lesson 1.8: Special Considerations for Child Protection

### **Module 2: Legal Framework**

- Lesson 2.1: International Law
- Lesson 2.2: UN Legal and Policy Framework

Lesson 2.3: Mission Specific Legal Framework

**Module 3: Operational Framework**

Lesson 3.1: Relevant documents for Tactical Planning & Mission POC Strategy

Lesson 3.2: Guidelines for the United Nations Police in Protection of Civilians

Lesson 3.3: The Use of Force in Protection of Civilians

Lesson 3.4: Tactical Decision-Making Process

**Annexes**

- Scenario-based exercise
- Background materials referenced in the package
- Video “Mandated to protect”

## Acknowledgements

ITS would like to thank the subject matter experts from the Department of Policy, Evaluation and Training (DPO), Police Division (OROLSI/DPO) and the Office of the High Commissioner of Human Rights (OHCHR) who provided feedback during the drafting process, and the numerous training personnel from national peacekeeping training institutions in Bangladesh, Benin, Burkina Faso, Cameroon, Denmark, Finland, Germany, Ghana, Indonesia, India, Italy, Mali, Nepal, Nigeria, Norway, Senegal, Sweden and Togo, as well as from MINUSCA, MINUSMA, UNMISS, MONUSCO and UNAMID, who participated in and evaluated the pilot training workshops.

### Contact person

For any proposal of update or improvement of this package, or any questions pertaining to the CPOC Police training materials, please contact the ITS police training team or write to [peacekeeping-training@un.org](mailto:peacekeeping-training@un.org).

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

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# Instructor Guidance



## General considerations for instructors

This package is not a course, but rather a compendium of critical training content for comprehensive protection of civilians in UN peacekeeping. No training material can cover the entire complexity of POC at the tactical level, with all its challenges and activities. The CPOC package should, therefore, be viewed as the baseline to underpin all POC-related training efforts for police peacekeepers. However, when designing a particular course, trainers need to be prepared to adapt these materials to the needs of their audience and the mission to which the participants are deploying. As a result, the duration of training courses delivered based on the CPOC materials may vary significantly.

Concerning necessary competencies for participants to benefit from this training package, it is recommended that personnel receiving this training be proficient in democratic policing principles and expected to perform duties related to POC once deployed to a peace operation. It is also critical for all participants to have received pre-deployment training based on the Core Pre-Deployment Training Materials (CPTM) as a pre-requisite before this training. The CPTM contains fundamental principles, concepts and guidance related to UN peacekeeping, which should be well grasped by trainees before participating in a CPOC course.

The CPTM can be downloaded from: <http://research.un.org/revisedcptm2017>

## Instructor Profile

This training package is best presented by instructors who master the CPTM and have previous experience working in a UN peacekeeping mission with a POC mandate. In particular, experience with police planning for POC at the tactical level is important. Specific knowledge on the actual mission where trainees are to be deployed is advisable, to be able to deliver a targeted course based on real experience. Finally, instructors should be familiar and capable of facilitating scenario-based exercises.






## Training characteristics

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

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

## Symbols legend

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

# Module 1



## Conceptual Framework

### Module 1 at a Glance

#### Aim

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

- Conceptual approach peacekeeping operations take for the protection of civilians;
- Objectives of protection tasks;
- Main protection actors and partners; and,
- How failure to protect civilians undermines the legitimacy and credibility of field missions, and the UN overall.

#### Relevance

Module 1 provides an overview of the conceptual framework related to protection of civilians (POC), conflict-related sexual violence (CRSV), and child protection (CP) in the context of armed conflict. It also examines the key concepts, guiding principles and challenges faced by field Missions.

#### Learning Objectives

Learners will be able to:

- Explain the importance of POC.
- Know the key concepts of POC/CRSV/CP in UN peacekeeping.
- Understand the roles of different protection actors.
- Describe the POC guiding principles.

## Overview

Module 1 comprises of several segments that are structured to help achieve the learning objectives:

- Introduction
- Definitions & Terminology
- Protection Actors
- Principles of POC in peacekeeping
- Operational Concept
- Mission Challenges
- Special considerations for Conflict-Related Sexual Violence
- Special considerations for Child Protection

# Lesson 1.1



## Introduction

### The Lesson



#### Starting the Lesson



To help introduce the topic, consider playing the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from the start (00:03) to minute 04:06. This segment provides an introduction to the topic of POC.

The video can be found in the Annex of Module 1 as well as on YouTube:

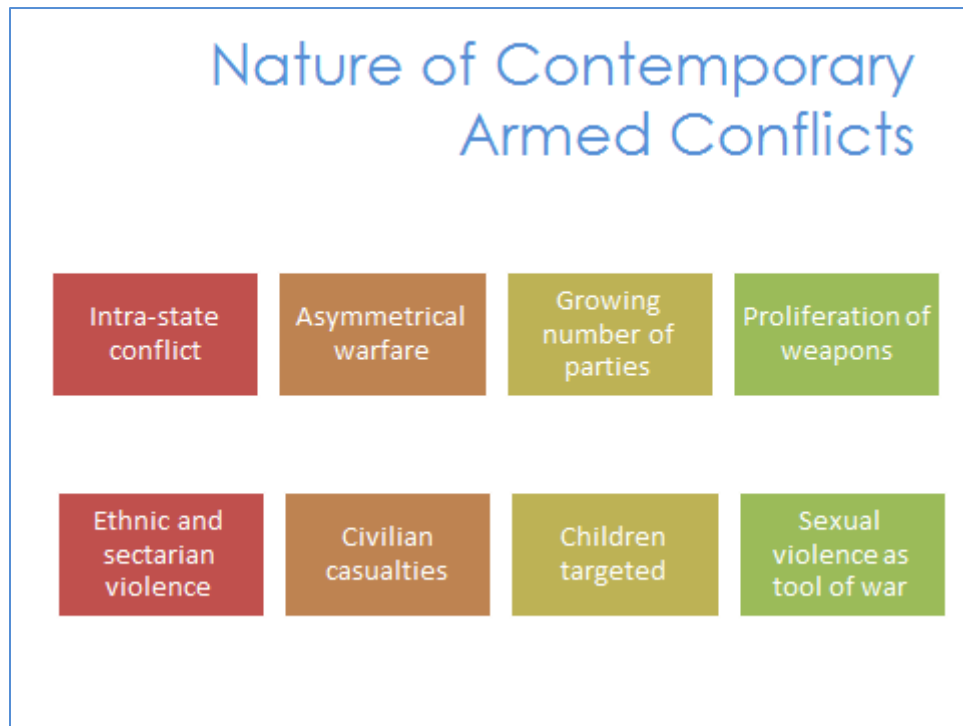
[https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)

*Background: The video was produced jointly by the UN Institute for Training and Research (UNITAR) and the Government of Australia and released in 2011. It discusses POC-related issues such as what the “protection of civilians” term means and what peacekeepers are mandated to do. At several junctures in this Module, the video will help illustrate and explain content.*

Note the particular language of the UN. Learning involves some words, terms and phrases that may be unfamiliar and/or seem awkward. Reassure learners: “Don’t let new language get in the way of learning”. As you move through the training, review the definitions of key words and phrases.

## Introduction

### Slide 6



**Key Message:** Contemporary armed conflicts are characterised by a number of trends.

Contemporary armed conflicts are characterised by a number of trends, including the following:

- Today we see fewer country-versus-country or international armed conflicts. Most ongoing conflicts are internal conflicts over power and resources, social and economic inequality, or ethnic or religious divides. While they often have regional implications, these conflicts are in many cases played out within national borders.
- Intra-state conflict often involves state and non-state actors with different capabilities and resources. Militarily weaker parties resort to asymmetric means, which can include aspects of terrorism or guerrilla warfare.
- While international armed conflicts between states typically have just two or a small number of parties, intra-state conflicts often see a large number of non-state armed groups involved, especially in situations where they further split into competing factions. The larger number of parties to conflict complicates conflict resolution processes.

- Conflicts often spill over across borders – causing influxes of weapons or refugees. Especially the ready availability of weapons now contributes to the ability of armed groups to sustain battle for longer periods.
- Intra-state conflict, even if initially triggered by political grievances such as in South Sudan, can easily take on an ethnic or sectarian dimension. Often manipulated in this way by leaders, conflicts along ethnic and sectarian lines are highly charged and difficult to resolve, leaving a lasting imprint on society.
- Current conflicts are characterised by strongly affecting civilians, directly targeting them or indirectly causing loss of life or livelihoods and denying their fundamental rights. A common characteristic of current conflicts is the frequent occurrence of violations of human rights and international humanitarian law and the disrespect for life and physical integrity of civilians (and civilian objects). Some of the protracted conflict situations the world witnesses today affect civilians through the urbanisation of conflict and long besiegement.
- Children continue to be disproportionately affected by armed conflict. They are recruited and used as child soldiers, abducted, sexually abused and killed and maimed. Attacks on schools and hospitals as well as the denial of humanitarian access further impact children negatively in war. Specific protection concerns must, therefore, be considered to ensure the safety and security of children. Further details on child protection will appear later in the module.
- Parties to conflict are increasingly using sexual violence as a strategic tool of war. Women and girls are the primary target for rape and other forms of sexual violence, but men and boys are also targeted. More details on conflict-related sexual violence will be covered later.

Slide 7

## How conflict affects civilians

- Intentional and unintentional victims of physical harm
- Abuse of basic human rights
- Loss of homes, livestock, access to education, access to healthcare
- Women and children suffer disproportionately
- Social fabric destroyed

**Key Message:** One of the reasons why POC is so important in UN peacekeeping is because of the horrendous consequences conflicts have on civilians.



*Before building the slide, ask participants to list examples of how armed conflict affects civilians.*

Civilians constitute the majority of casualties in warfare. Civilians can become the victims because they are intentionally targeted, but they can also suffer as an unintended consequence of violence.

Violent conflict can lead to violations and abuses of fundamental human rights of civilians, including the rights to life and physical integrity.

Beyond the immediate physical consequences of violent conflict, civilians are also affected because they often lose their homes and become displaced; lose their livestock or means to earn income; lose access to education, healthcare and other basic services if schools, hospitals and other important infrastructure are destroyed.

Women and children suffer disproportionately as a result of armed conflict, violations and abuses, including through the pervasive levels of sexual violence and abuses.

Conflict also spreads hate and destroys the social fabric of communities for many years. This makes it hard to reconcile communities and create sustainable peace.

In summary, civilians suffer terrible consequences from armed conflict, in a variety of ways. Furthermore, the consequences often do not stop when the violence stops, they have a lasting impact on communities and individuals.

**Slide 8**

## Role of the Host Government

- Primary responsibility to protect civilians according to international law
- May lack capability or willingness to carry out this responsibility
- Peacekeepers assume obligation to protect civilians

**Key Message:** The primary responsibility to protect civilians from physical violence rests with the host State.




*Before building the slide, ask participants to explain the role of the host government when it comes to the protection of civilians, and how this translates into reality.*

The primary responsibility to protect civilians from physical violence rests with the host State. Protection of civilians mandates are without prejudice to the primary and sovereign responsibility of the host State. This is consistent with their obligations under international human rights, humanitarian and refugee law and standards (covered in Module 2). The first step in implementing a protection of civilians mandate is to support the government to uphold this responsibility, which should also ensure a sustainable




impact of a mission's actions. In situations of armed conflict, non-state parties to conflict also have a responsibility to protect civilians in the areas they control.

However, host governments have on occasion lacked the capability or willingness to protect their citizens. In these situations, and where deployed, peacekeepers assume the obligation to act unilaterally and protect civilians.

 *Note to Instructor – Some participants will be aware of the Responsibility to Protect (R2P) concept. This will be discussed later in this module.*

**Slide 9**

## Security Council Attention to POC



- Series of thematic resolutions on POC, Conflict-related Sexual Violence and Children and Armed Conflict
- Working group on Peacekeeping Operations on coordination and thematic issues, including POC
- Most missions authorized to “use all necessary means” up to and including the use of deadly force

**Key Message:** It has taken considerable effort and time for the international community to prioritise mandates to protect civilians. In recent years, the Security Council, as the highest authority in questions of international peace and security, has repeatedly stated that failure to protect civilians poses a grave threat to international peace and security.

The Security Council has acted following the increased attention given to POC and related protection mandates:

- In 1999, the first Security Council thematic resolution on the protection of civilians in armed conflict strongly condemned attacks against civilians in armed conflict and called on all parties to comply strictly with their obligations under international

humanitarian, human rights and refugee laws. It stressed the need to address the root causes of armed conflict, including that of gender inequality, to enhance the protection of civilians on a long-term basis. Since then, several Security Council resolutions have further defined the role of peacekeeping in protecting civilians.

- In addition, since 1999, the Council has also adopted several resolutions specifically addressing the issues of Conflict-related sexual violence and Children and Armed Conflict, creating the frameworks of these two specialised protection mandates. Children and Armed Conflict, while a distinct mandate that is not limited to peacekeeping environments, also applies to peacekeeping missions, where it is implemented through Child Protection units. More on this and the particular key resolutions will be discussed in Module 2.
- The Council established an informal Expert Group on POC that meets regularly to discuss POC trends in particular country settings. For instance, they group meets before mandate renewals of the most significant missions to discuss the status of POC implementation and whether changes in the mandate are necessary.
- The Council provides most missions today with the authority to use all necessary means or all necessary action to protect civilians.

## Slide 10

## Evolution of the POC concept in UN Peacekeeping

- Influenced by mass atrocities in the 1990s
- 1999: First explicit POC mandate for a peacekeeping mission
- 2009: POC as priority mandate
- 2010: DPKO-DFS Operational Concept
- 2019: DPO Policy on POC

**Key Message:** Over the decades since the first peacekeeping operations were mandated after World War II, missions always had an inherent task to protect civilians. However, the change of peacekeeping from traditional operations towards multidimensional modern ones changed the outlook in this regard. In particular, the failures to prevent genocides in Rwanda and Srebrenica in the 1990s brought POC to the centre of attention.

In 1999, UNAMSIL became the first peacekeeping mission with a specific Security Council mandate to protect civilians. That same year, the Secretary-General also released his first thematic report on POC. POC continued to command much attention and in 2009, around the 10<sup>th</sup> anniversary of the original UNAMSIL mandate, the Council passed a resolution stating that all missions with a POC mandate have to prioritise POC over other mandated tasks with respect to the distribution of capacities and resources.

While agreement on the importance of POC was established quickly, finding consensus on what peacekeepers are expected to do in the context of POC has been difficult. In 2010, the Departments of Peacekeeping Operations (now DPO) and of Field Support (now encompassed by DOS) developed a commonly agreed upon Operational Concept, and five years later the first Policy on POC in Peacekeeping was created.



Play “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 04:10 to minute 08:44. This segment summarises what the protection of civilians in armed conflict means.

The video can be found in the Annex of Module 1 and on YouTube:

[https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)

## Slide 11

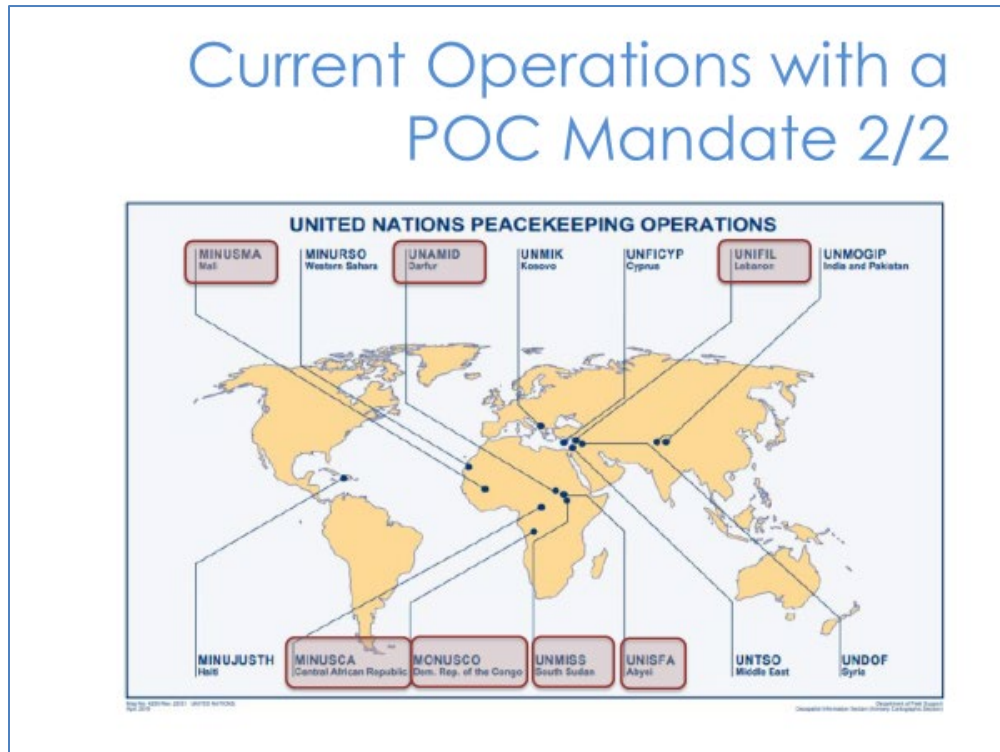
### Current Operations with a POC Mandate 1/2

- Majority of UN peacekeeping missions are tasked with POC mandate
- More than 95 % of peacekeeping personnel are deployed in missions with a POC mandate
- All recently established missions equipped with POC mandate



**Key Message:** Not all peacekeeping missions have a POC mandate. Nevertheless, in the past few years, every new mission that was authorised by the Security Council was given a POC mandate. Additionally, since all the largest missions have a POC mandate, nearly all peacekeeping personnel work in a mission with POC mandate.

Slide 12



At the start of 2020, seven missions had a particular POC mandate: MINUSCA, MINUSMA, MONUSCO, UNAMID, UNIFIL, UNISFA, UNMISS.

In addition, five missions had a specific mandate to protect civilians from conflict-related sexual violence (MINUSCA, MINUSMA, MONUSCO, UNAMID, and UNMISS) and six missions were equipped with specific tasks regarding Child Protection (MINUSCA, MINUSMA, MONUSCO, UNAMID, UNIFIL, and UNMISS).

## Slide 13

## Credibility and Legitimacy

- POC increasingly the yardstick of success for UN peacekeeping
- Failure to protect civilians directly affects the legitimacy and credibility of the UN presence on the ground
- Local and international expectations rise when a UN field mission is deployed

**Key Message:** Above everything else is the fact that failure to protect may result in the loss of civilian life, which is tragic and the most important consequence. But POC is increasingly also coming to define the success and reputation of UN missions, meaning there are implications for the credibility and legitimacy of the United Nations and UN Peacekeeping involved.

Ultimately, failure to protect civilians jeopardises the whole institution of peacekeeping by not achieving the primary mandate, which damages the credibility and legitimacy of peacekeeping at different levels:

- At the strategic level: Diminishes the image of the UN in the eyes of the international community, including citizens and voters around the world, potentially leading to reduced international support to peacekeeping, which in turn can impact political (renewal of mandate, etc.) and donor support;
- At the operational/tactical level: Possibly undermines the political relationship with the host government; difficulties related to the host government consent; lack of support amongst the local population; perception of partiality of the UN;
- At the tactical level: Disappointment or even animosity from the local population can complicate operational tasks, including information gathering, outreach to

key leaders, and security (force protection issues related to base protection, patrolling, observation and other tactical tasks).

**Slide 14**

## Linkages of POC, CRSV and CP

- Linkages in conceptual, legal and operational areas
- Tactical level implementation of POC, Child Protection and CRSV mandates requires similar actions
- Special tasks associated with Child Protection and CRSV mandates remain

**Key Message:** Experience has shown that there are significant parallels in the establishment and implementation of POC, CRSV and CP mandates.

- There are significant linkages between the three mandates in the conceptual, legal and operational areas between the three mandates. Regarding the establishment of the mandate, for instance, CRSV and Child Protection are both mandated through (a) broader obligations under the POC mandate, and (b) through specific thematic Security Council resolutions on Women, Peace and Security and Children and Armed Conflict, respectively. More details on these mandates will be presented later.
- The implementation of all three mandates on the ground creates significant overlap. Complex POC threats, for instance, will likely contain aspects of CRSV and Child Protection as well. As a result, a mission's operational response to such threats requires a holistic approach, which necessitates a solid understanding of the three functions. Likewise, at the tactical level, a physical response to CRSV or Child Protection threats can often follow a similar path to actions in response to POC threats.

- Nevertheless, it is important to note that the implementation of CRSV and Child Protection mandates contains particular aspects that do not apply to POC. From a conceptual perspective, these mandates are broader than POC in peacekeeping and exceed the realm of physical protection. As political mandates, they are mainstreamed through the mission and take effect at different levels. Activities beyond the scope of POC include, for instance, the negotiation of Action Plans with armed forces or groups and the support to monitoring and reporting mechanisms. This training package will not cover the aspects of CRSV and Child Protection that are particular to their mandates and focus instead on the areas of intersection.

## Summary

### **The takeaways from this brief Introduction to CPOC include the following:**

- The nature of modern conflict means that civilians are increasingly becoming a target and suffer horrible consequences;
- The primary responsibility to protect civilians from violence lies with the host government. When it is unable or unwilling to carry out this responsibility, then peacekeeping missions assume the obligation to protect.
- POC has become the priority mandate for peacekeeping, serving as a yardstick for success and affecting the credibility of missions.
- The significant linkages between POC, CRSV and CP mandate implementation demonstrates the need for a comprehensive approach to training on these issues.



# Lesson 1.2



## Definitions & Terminology

### The Lesson



#### Starting the Lesson



*For an interactive start to Lesson 1.2, engage participants to seek their understanding of what protecting civilians means in the specific context of UN peacekeeping.*

*To aid participants' learning, give each participant a copy of Handout 1.2: Relevant Definitions and Terminology (in the Annex). This handout lists some key definitions and terms for POC. Not all of the definitions and terms included in this presentation are in the handout, and a few others were added instead.*

#### Relevance

The effective protection of civilians, child protection and protection from conflict-related sexual violence requires a common understanding of what these concepts mean and what the UN Security Council and Secretariat expect peacekeepers to deliver.

The term “protection”, for instance, has different meanings for different protection actors, which has led to some confusion in the field with regards to what peacekeeping activities constitute “protection of civilians” and how those activities relate to each other.

This lesson will discuss what the concepts of POC, Child Protection and Conflict-related Sexual Violence mean for UN peacekeeping and how they relate to other relevant concepts. It is important to note that other actors (non-UN peacekeeping) dealing with protection issues may have different definitions and understanding of these concepts.

## Definitions & Terminology

### Slide 19

## POC Mandate in UN Peacekeeping

“without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all mission components to prevent, deter or respond to threats of physical violence against civilians within their respective capabilities and areas of deployment through the use of all necessary means up to and including deadly force”

**Key Message:** In many mission settings, implementation of the POC mandate is key to creating a secure and stable environment, which is a core function of peacekeeping under the 2008 UN Capstone Doctrine, a high-level document outlining the principles and guidelines for UN Peacekeeping.

 *Note to instructor – For more information, see a copy of the Capstone Doctrine in the Annex.*

While the Security Council's treatment of POC encompasses all measures aimed at limiting the effects of hostilities on civilians and civilian objects in situations of armed conflict, notable through promoting respect for relevant bodies of law and Security Council resolutions, peacekeeping operations are required, under the POC Mandate, to prioritise the protection of civilians under threat from physical violence.

To do so, they are provided with the authority to afford direct physical protection, including through the use of force under certain conditions. The POC mandate in UN peacekeeping is, therefore, narrower than the broad concept of POC in Armed Conflict and can be defined as follows:

“without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all mission components to prevent, deter or respond to threats

of physical violence against civilians within their respective capabilities and areas of deployment through the use of all necessary means up to and including deadly force” (DPO POC Policy 2019, paragraph 18)

The meaning of key terms such as ‘civilians’ and ‘physical violence’ and the link to human rights violations, in particular of the right to life and physical integrity, will be discussed later in this module.



All peacekeepers – whether civilian, military or police – are expected to promote the protection of civilians in line with this definition throughout their operational functions. To overcome compartmented working methods, coordination is important across all components when approaching protection related tasks.

Before exploring how other actors besides UN peacekeeping define the concept of POC, it is essential to clarify what some of the terms used in the peacekeeping definition mean. The next slides will explain the terms ‘use of force’, ‘civilian’ and ‘physical violence’.

**Slide 20**

## Use of Force

**The gradual use of contingent’s resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators.**



**Key Message:** Force is the use of, or threat to use, physical means to impose one's will. In UN peacekeeping, it is defined as the “gradual use of contingent’s resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators.”

The UN Police, who is authorised to use force in line with the Directives on the Use of Force (DUF), should be familiar with the following terms:

- Proportional Force/Proportionality – The amount of force which is reasonable to be applied based on all the facts known to the individual police officer at the time of the offence and the legitimate law enforcement objectives to be achieved authorised in the mission-specific DUF.
- Legality: Force can only be used within the limitations of the legal framework, including IHL, Security Council mandates, UN ROE, national law, and host state law.
- Accountability - The authority to use force remains a command responsibility, but the individual applying that force retains accountability for their actions to be in accordance with IHL, and the mission-specific DUF. This reinforces the importance of all peacekeepers understanding the concept and principles discussed in this module.
- Necessity – Use of force must be strictly necessary to achieve legitimate law enforcement objectives. In carrying out their duty, UN police as far as possible must apply non-violent means before resorting to the use of force and firearms. Graduated use of force must apply in light of the threat.
- Minimum force – The minimum degree of authorised force that is necessary and reasonable in the circumstances to achieve the authorised objective. A minimum degree of force is applicable whenever force is used. Minimum force can be deadly force, in certain circumstances.
- Non-deadly force – The level of force that is neither intended nor likely to cause death regardless of whether death actually results.
- Deadly force – The level of force which is intended, or likely to cause, death regardless of whether death actually results. This is the ultimate degree of force.
- Distinction – Peacekeepers must distinguish between civilians and combatants.
- Precaution – Peacekeepers must take care to avoid harm to the civilian population.

Slide 21

**Civilian**

DPO POC Policy 2019 (paragraph 20):

“Civilian: For the purposes of this policy and the protection of civilians mandate in peacekeeping, everyone is to be considered a civilian, except persons falling in one of the following categories:

- members of the armed forces;
- members of an organized armed group with continuous combat function; and
- civilians directly participating in hostilities, for such time as they do so.

In case of doubt whether a person is a civilian, that person shall be considered a civilian”

**Key Message:** The distinction of civilians from combatants/fighters is critical for effective POC mandate implementation. Peacekeepers need to understand who they are mandated to protect, even though lines can become blurry in conflict or post-conflict situations.

In general, any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless he or she is a member of armed forces or groups. Members of armed forces or groups that are hors de combat ('out of battle") also enjoy protection under international humanitarian law. In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise. It is essential to understand the context in making this distinction. The distinction can only be made on a case by case basis.

Under international humanitarian law, civilians who are in the possession of arms, for example, for self-defence and the protection of their property but who have not been, or are not currently engaged in hostilities, are entitled to protection. Fighters or combatants from state security forces, affiliated proxies or non-state armed groups may, on the other hand, display no visible signs revealing their status, such as military fatigues. Missions shall therefore carefully analyse, determine and disseminate appropriate guidance on the distinction between civilians and fighters or combatants encountered in their area of responsibility (AOR). In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protection owed to civilians until determined otherwise.

Why is it important to identify civilians? The main reason peacekeepers need to distinguish civilians from combatants is to understand who they must seek to protect in order to implement their protection of civilians mandates. This does not mean, however, that those who are not civilians are enemies of peacekeepers and it does not automatically justify the use of force against them. For example, combatants who are placed hors de combat because of capture or injury must not be the target of military attacks and must be given appropriate medical and other care.

**Slide 22**

**Learning Activity**

## Distinction exercise

- Who of these persons should be considered civilians or combatants?
- Why is the distinction so important?



*Run Learning Activity 1.1 from the annex to this module.*

Slide 23

## Physical Violence

Violations to the right of life and physical integrity under national or international law, including by elements of state and non-state parties to an armed conflict.

Actual or potential physical harm to civilians associated with lawful actions by state or international security forces.

**Key Message:** Physical violence violates the right to life, physical integrity or personal security of civilians.

Physical violence can occur in a variety of ways and from a variety of sources. This includes state and non-state parties to a conflict, but it can also occur in the context of lawful actions taken by state or international security forces.

Examples of physical violence include acts or attempts to kill, torture or maim; forcibly displace, starve or pillage; acts of sexual violence including but not limited to rape and other forms of sexual assault against women, men, girls or boys; recruitment and use child soldiers; abduction or arbitrary detention of persons.

Even though UN peacekeeping interprets POC mandates primarily as the prevention of or response to physical violence against civilians, some activities do not necessarily have a direct link to physical violence, such as the development of state institutions, the restoration of state authority, or the promotion of human rights.

**Slide 24**

## Human Rights and Humanitarian Protection



Encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law.

After exploring the interpretation of POC for the purpose of UN peacekeeping, this slide explains what protection means in the context of human rights and humanitarian action.

Humanitarian action includes the neutral, impartial and independent delivery of short-term, life-saving assistance (food, shelter, medical care etc.) and protection in times of crisis. Compared to POC in UN peacekeeping, the humanitarian community has a different concept of protection. The Inter-Agency Standing Committee, the primary mechanism for inter-agency coordination of humanitarian assistance, defines it as follows:

“Protection broadly encompasses activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, human rights, and refugee law – regardless of their age, gender, social, ethnic, national, religious, or other background.”

Fundamentally, protection encompasses efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected persons and the obligations of duty-bearers under international law are understood, respected, protected and fulfilled without discrimination. This is undertaken through advocacy, mainstreaming and specific and/or specialised protection activities, such as monitoring and reporting, as well as activities aimed at preventing or responding to specific protection risks (e.g. gender-based



violence), violations (e.g. lack of access to documentation) and needs, including for specific vulnerable groups. Activities can thus range from documentation, mine risk awareness training, or psychosocial care for survivors of abuse.

Human rights, meanwhile, follows a rights-based approach that seeks the protection of the full range of human rights of civilians. A broader discussion of human rights and international human rights will follow in Module 2.

While human rights and humanitarian actors seek to prevent and respond to the threat of violence against civilians, the ability to provide physical protection to civilians under threat of violence, including through the use of force, is a unique capability of peacekeepers. Similarly, UN peace operations are uniquely positioned to engage in the long-term political activities that are necessary to establish sustainable peace.


**Slide 25**

## Child Protection



The prevention of and response to abuse, exploitation, and violence against children.

**Key Message:** Child Protection in UN peacekeeping can broadly be defined as the prevention of and response to abuse, exploitation, and violence against children. As peacekeepers, you have a specific role to play in that. You also need to know how to deal with children when you encounter them in your operations.

 *Note to Instructor – The 2017 DPKO-DFS-DPA Child Protection Policy does not contain a DPKO specific definition of Child Protection.*

The POC mandate intersects with the specialised mandate on Child Protection. As per the 2019 DPO Policy on POC (page 9, para 39), one of the guiding principles for implementing POC mandates is mainstreaming child protection concerns: “The protection needs of children must be considered and responded to when implementing the POC mandate. This must be done in complementarity and cooperation with the mission’s Senior Child Protection Adviser and the DPKO/DFS/DPA policy on child protection”.

This includes, but is not limited to, mainstreaming of child protection into all mission components, child protection training of all peacekeeping personnel, monitoring and reporting of grave violations against children, dialogue with parties to conflict to end grave violations against children, and release of children from armed forces and groups.

**Slide 26**

## Sexual and Gender Based Violence (SGBV)

- Any harmful act directed against individuals or groups of individuals on the basis of their gender
- SGBV constitutes a violation of human rights
- SGBV in conflict can become Conflict-related Sexual Violence (CRSV)

**Key Message:** Gender differs from sex; it refers to the socially ascribed differences between males and females. Sexual and Gender-based Violence (SGBV) is considered to be any harmful act or threat thereof directed against individuals or groups of individuals based on their gender. It may include sexual violence, domestic violence, mental violence, trafficking, forced/early marriage and harmful traditional practices. As such it is a violation of human rights.

This kind of violence builds on and prolongs the stereotypes of gender roles in society that deny the human dignity of the individual and stunt human development. The overwhelming majority of the victims/survivors of sexual and gender-based violence are women and girls. SGBV includes much more than sexual assault and rape.

SGBV occurs in both public and private contexts and is mostly rooted in individual attitudes and harmful gender stereotypes that condone SGBV within the family, the community and the State. The root causes and consequences of SGBV, including the pre-existing forms of discrimination that fuel it, must be understood in order to develop appropriate programmes to prevent and respond to this violence.

SGBV in conflict can become Conflict-Related Sexual Violence (CRSV).

**Slide 27**

## Conflict-related Sexual Violence (CRSV)

Incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

CRSV refers to incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern. It can have a direct or indirect nexus with an armed conflict or political strife. The link with conflict may be evident in the profile and motivations of the perpetrator(s); the profile of the victim(s); the climate of impunity/weakened State capacity; the cross-border dimensions; and/or, the fact that it violates the terms of a ceasefire agreement.

**Slide 28**

## Sexual Exploitation and Abuse by UN personnel


- **Sexual exploitation: actual or attempted abuse of a person's vulnerability, differential power or trust for sexual purposes**
- **Sexual abuse: actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions**
- **Zero tolerance policy**

**Key Message:** Sexual Exploitation and Abuse (SEA) by UN peacekeepers is also a form of SGBV and in some circumstances can amount to CRSV. SEA is considered an act of serious misconduct with grounds for disciplinary measures, including summary dismissal.

Sexual exploitation is defined as “actual or attempted abuse of a person's vulnerability, differential power or trust for sexual purposes, including profiting monetarily, socially or politically from the exploitation.” This includes the prohibition of UN personnel from soliciting or engaging in prostitution and the prohibition of any sexual activity with children.

Sexual abuse is defined as actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions. SEA threatens the lives of people that we are to serve and protect.

As UN personnel, your behaviour upholds the confidence and trust of the people you have come to serve. Sexual exploitation and abuse (SEA) is unacceptable behaviour and prohibited conduct for all United Nations and affiliated personnel. The UN follows a strict zero-tolerance policy, meaning that impunity and complacency are not tolerated. If you have knowledge of sexual exploitation and abuse you must report it to one of the following: The commander or the mission's Conduct and Discipline Team.

 *Note to Instructor – The definitions are taken from the UN Glossary on SEA, see Annex for more details.*

**Slide 29**

## Human Rights Violations/Abuses

- **Violations are acts or omissions attributable to the State and its associated entities**
  - Involves failure to implement legal obligations deriving from human rights standards
- **Abuses apply to non-State actors where they exercise control over a given territory and population**

State transgressions of the human rights guaranteed by national, regional and international law are known as human rights violations. They are acts and omissions attributable to the State involving the failure to fulfil legal obligations deriving from human rights standards.

Such acts or omissions might be the responsibility of a States' officials or agents such as police, military, judges, local administrators or parliamentarians while they have been acting in their official capacity.

Under certain circumstances, non-State actors can also assume, voluntarily or not, human rights obligations. These obligations are particularly relevant in situations where

non-State actors exercise some degree of control over a given territory and population, and their conduct thus affects the human rights of the individuals under their control (for example, de facto authorities or certain non-State armed groups). Failure to protect those rights by non-State actors is known as a human rights abuse.

POC mandates are more narrowly focused than human rights mandates, as they primarily consider action to protect civilians from violations of the rights to life and physical integrity, while the latter cover all types of rights by all persons.

**Slide 30**

**Responsibility to Protect – R2P**

- Focuses on four mass atrocities:
  - Genocide
  - Ethnic cleansing
  - War crimes
  - Crimes against humanity
- POC and R2P share legal and conceptual foundations
- R2P goes beyond the principles of peacekeeping (host state consent)

**Key Message:** In response to the crises in Rwanda and Srebrenica, the international community developed a concept that obliged sovereign states to protect its citizens. If a state is “unwilling or unable” to do so, “the principle of non-intervention yields to the international responsibility to protect”.

R2P first emerged in a report of the International Commission on Intervention and State Sovereignty in 2001. R2P addresses four specific types of atrocity crimes. This is significant as it means, for example, that R2P does not cover all violations of human rights, nor suffering caused by natural disasters. The four major crimes are:

- Genocide

- Ethnic cleansing
- War crimes
- Crimes against humanity

In order to advance the implementation of the R2P concept, the Secretary-General released a report in 2009 on “Implementing the Responsibility to Protect” highlighting the following three pillars:

- Every state has the responsibility to protect its population from the four mass crimes.
- The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.
- If a state is failing to protect its population, the international community must be prepared to take appropriate collective action.

While the R2P and the protection of civilians concepts share some common elements, particularly with regard to prevention and support to national authorities in discharging their responsibilities towards civilians, there are fundamental differences.

- First, the protection of civilians is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit Outcome (see General Assembly resolution 60/1).
- Second, there are important differences in their scope. The protection of civilians relates to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity, or that would be considered acts of genocide or ethnic cleansing. Crimes against humanity, genocide and ethnic cleansing may occur in situations that do not meet the threshold of armed conflict.
- POC in UN peacekeeping involves activities that are undertaken based on the three principles of UN peacekeeping operations (i.e. the consent of the parties, impartiality, and the non-use of force except in self-defence and defence of the

mandate). Peacekeeping operations are neither designed nor resourced to stray across the line into enforcement action as envisaged in the R2P concept.

Similarities between R2P and POC in UN peacekeeping include:

- Both emphasise prevention and early warning;
- Both stress that the response is multidimensional, not just military;
- Both maintain that the government has the primary responsibility for safeguarding its citizens; and,
- Both only use military force as a last resort.

One can argue that R2P is a narrower concept than POC, as it only applies in cases of the four mass atrocities mentioned above. However, one can also argue that POC is narrower than R2P, as it does not envision peace enforcement.

### Slide 31

## Vulnerable groups

Those most at risk of facing or suffering from violence, including girls and boys, women, minority groups, refugees, internally displaced, persons with disabilities, the wounded and older persons, and professionals at particular risk.

Vulnerability is a result of characteristics that are multidimensional and can change over time.



**Key Message:** While all civilians may be victims of physical violence and therefore require protection from it, due to resource limitations, missions will need to pay specific attention to individuals or groups most at risk of facing or suffering from such violence.


Vulnerability is a combination of factors that can change over time and depend on specific operational contexts. Frequently, vulnerable groups include girls and boys, women, minority groups, refugees, internally displaced persons, persons with disabilities, the wounded and older persons but also professionals at risk, including human rights defenders, medical personnel, teachers, journalists and humanitarian personnel.

Situations of vulnerability are based on the characteristics of a person's individual and community factors (age, gender, sex, ethnicity, religion, political affiliation, social status) and the factors that can lead to and compound those vulnerabilities (environmental factors, internally displaced person or refugee, geographic location, level of urbanisation, level of state authority and capacity in that area, level of infrastructures). Access to assistance also influences vulnerability, including issues such as language barriers, freedom of movement, social or political barriers to communication with outsiders, gender stereotypes and social norms.

**Slide 32**

Threat

**All situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.**



**Key Message:** Threats of physical violence encompass all acts or situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.

Such situations may include:

- Actual or potential violations to the right of life and physical integrity under national law or international human rights, humanitarian and refugee law, including by state and non-state parties to an armed conflict, inter-communal violence, or other situations of internal disturbance;
- Actual or potential physical harm to civilians associated with lawful actions by state or international security forces;
- Actual or potential physical harm to civilians associated with the presence of mines, explosive remnants of war (ERW), and unexploded ordnance (UXO).

It is important to repeat here that this definition makes no distinction to the source of the threat. POC mandates require action irrespective of the source of the threat (see DPO POC Policy).

For UN peacekeeping missions, in-depth threat assessments are essential for effective POC mandate implementation (see Module 3). Such assessments could include:

- Historical context of violence
- Capabilities and intention
- Perpetrator's motivation for violence



*Ask participants what sources threats of physical violence to civilians can potentially emanate from.*

*Answers should include:*

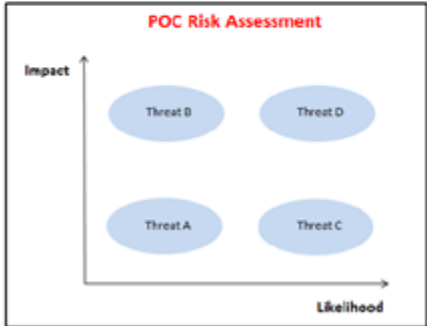
- *Armed groups (or related terms such as militias)*
- *Host State security forces*
- *Third state security forces*
- *International security forces (including those mandated by the Security Council)*
- *Organised community forces*
- *Individual community members*
- *Organised criminal gangs*

Slide 33


Risk

The combination of impact and likelihood associated with an identified threat.

For their prioritization, risks are classified from very low to very high.



The graph, titled "POC Risk Assessment", is a 2x2 matrix. The vertical axis is labeled "Impact" and the horizontal axis is labeled "Likelihood". Four blue ovals represent threats: Threat A is in the bottom-left quadrant (low likelihood, low impact); Threat B is in the top-left quadrant (low likelihood, high impact); Threat C is in the bottom-right quadrant (high likelihood, low impact); and Threat D is in the top-right quadrant (high likelihood, high impact).

 *Note to instructor - The graph on this slide is a sample risk analysis graph, which will be covered in more detail in Module 3.*

**Key Message:** A POC risk is the combination of likelihood and impact of threats on civilians. As such, risk is a function of both the vulnerability of specific groups and the threats they face.

- Impact: Refers to the consequences the materialisation of a threat would have on the civilians at risk.
- Likelihood: Refers to the probability of a threat to materialise. An assessment of the likelihood is based on existing human rights reporting, intelligence and historical analysis.

## Summary

**There is a series of definitions and key terms that peacekeepers need to understand.**

**The takeaways from Definitions & Terminology include the following:**

- Different actors have different interpretations of what POC means and what activities it entails.
- The definition of POC varies between actors involved in protection work. In a simplified form, UN peacekeeping refers to POC as all necessary action, up to and including the use of deadly force, to prevent or respond to threats of physical violence.
- POC in peacekeeping has strong linkages with CRSV, Child Protection and human rights.
- When in doubt whether a person is a civilian, peacekeepers need to consider that person a civilian and afford her or him the necessary protection.

## Distinction of civilians

### RESOURCES

1 flip chart, 10 large pieces of paper, sticky tape

### TIME

Total: 15 minutes

### PREPARATION

Draw two columns on the flip chart, entitle one 'Civilian' and the other 'Combatant/fighter'.

Prepare 10 pieces of paper with the following labels on them:

- Armed man wearing uniform of an armed group
- Wife of the armed man wearing uniform of an armed group
- Unarmed man wearing uniform of an armed group
- Local government official
- Child soldier
- Cook in an armed group
- Nurse at a local hospital
- Journalist
- Man in civilian clothes with a machete walking down the street
- Severely wounded member of an armed group

### EXERCISE

Hold up each piece of paper and ask participants which column on the flip chart this paper should be placed. Discuss each item and ensure agreement amongst the group before sticking it under one of the two columns.

## NOTES TO INSTRUCTOR

Some of the answers will not be clear-cut, demonstrating the challenge of identifying civilians in the field. The following answers should be considered:

- Armed man wearing uniform of an armed group – combatant/fighter
- Wife of armed man wearing uniform of an armed group – civilian
- Unarmed man wearing uniform of an armed group – depends on the context. This man could be an active member of an armed group who simply does not possess a weapon or momentarily does not carry it with him. However, this man could also have turned in his weapon as part of a DDR process is waiting for the next steps. In this case, he has not completed the DDR process and is thus not technically classified as 'civilian'. Nevertheless, for all intents and purposes this person could be disengaged from hostilities and lead a civilian life, thus fitting the definition of a civilian. A decision needs to be made on the ground and considering the local context and experience.
- Local government official – civilian
- Child soldier – combatant/fighter. Despite being members of an armed force or group, child soldiers receive special protection (see later in the module for more detail).
- Cook in an armed group – civilian
- Nurse at a local hospital – civilian
- Journalist – civilian
- Man in civilian clothes with a machete walking down the street – depends on the context. In some conflicts machetes have been used as weapons, but in many places machetes are simply tools to tend fields. A decision needs to be made on the ground and considering the local context and experience.
- Severely wounded member of an armed group – the wound renders the armed group member *hors de combat*, which means s/he enjoys protection from violence.

# Handout 1.2



## Relevant Definitions and Terminology

### Child protection

Refers to the prevention of and response to abuse, exploitation, and violence against children.

### Civilian

Any person who is not or is no longer directly participating in hostilities shall be considered a civilian, unless s/he is a member of armed forces or groups. In case of doubt, the person shall be considered a civilian.

### Civilian casualties – CIVCAS

The intent of international or national conventional military forces, to the extent possible, to protect civilians from the effects of their combat operations.

### Collateral damage

Incidental loss of civilian life, injury to civilians, or damage to civilian property that is not part of an authorised target.

### Conflict-related sexual violence

Incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

### Hostile Act

An action that is likely or is intended to cause death, serious bodily harm, or loss or destruction of property.

### Hostile Intent

The threat of an impending use of force, which is demonstrated through an action or behaviour which appears to be preparatory to a hostile act. Only a reasonable belief in the hostile intent is required before the use of force is authorised.

### Perpetrator

Any individual, group of individuals or institution responsible for violence against civilians.

### Physical violence

Violations to the right of life and physical integrity under national or international law, including by elements of state and non-state parties to an armed conflict. Can also refer to actual or potential physical harm to civilians associated with lawful actions by state or international security forces.

### POC in UN peacekeeping

All necessary action, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.

### Reasonable belief

A belief that a reasonable person would logically and sensibly hold on the basis of the conditions and circumstances as they are known to her/him at that specific point in time.

### Risk

The combination of impact and likelihood associated with an identified threat. For their prioritisation, risks are categorised from very low to very high.

### Sexual and gender-based violence (SGBV)

Any harmful act directed against individuals or groups of individuals on the basis of their gender. SGBV constitutes a violation of human rights. SGBV in conflict can become Conflict-related Sexual Violence (CRSV).

### Sexual exploitation and abuse by UN personnel

Sexual exploitation is the actual or attempted abuse of a person's vulnerability, differential power or trust for sexual purposes. Sexual abuse is the actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions. The UN treats SEA as a conduct and discipline issue and follows a zero-tolerance policy.

### Threat

All situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.



Use of Force

The gradual use of contingent's resources, which ranges from authoritative presence to the conduct of operations that may result in deadly action of current or potential perpetrators

Vulnerable groups

Those most at risk of facing or suffering from violence, including girls and boys, women, minority groups, refugees, internally displaced persons, persons with disabilities, the wounded and older persons, and professionals at particular risk. Vulnerability is a result of characteristics that are multidimensional and can change over time.

# Lesson 1.3



## Protection Actors

### The Lesson



#### Starting the Lesson



To aid participant's learning, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 21:38 to minute 29:56. This segment talks about the importance of planning and coordination between different POC actors.

The video can be found in the Annex of Module 1 as well as on YouTube: [https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)

#### Relevance

UN peacekeeping missions are not the only actors mandated to protect civilians on the ground. There is a wide range of different actors that missions have to coordinate and work with to varying degrees.

Example: In South Sudan in May 2016, the Country Level Operational Presence of organisations responding with emergency programs included 131 different actors. Of those, 46 were directly involved in protection activities. This includes UN Offices, funds agencies and programmes.

Even within peacekeeping missions, we find a complex combination of military, police and civilian components, such as civil affairs, human rights, political affairs and others. Each one of them carries out specific tasks that contribute to POC.

## Protection Actors

### Slide 38

## Protection Actors

- Local communities
- Host authorities
- UN peacekeeping mission
- UN Country Team
- SRSGs on Children and Armed Conflict and on Sexual Violence
- Other non-UN actors

The list of actors on this slide is non-exhaustive, but it includes the main protection actors typically present in a peacekeeping context, and who are covered in this segment.



*Divide participants into groups and ask them to list three tasks that are particular to each of the different protection actors listed on this slide.*

## Slide 39

## Local communities

- Understand best their vulnerabilities and threat environment
- Often existing protection mechanisms
- Peacekeepers build community capacity to protect themselves



**Key Message:** Local communities have a critical role to play in their own protection. Peacekeepers need to engage local community representatives, not only to determine the risks and threats they face, but also to identify ways to empower them. Local communities are not simply clients of peacekeepers, they need to become part of the solution by strengthening their capacity to protect themselves and by increasing their resilience.

The DPO Policy on POC clearly states that actions to protect civilians should be planned in consultation with women, men, girls and boys of the local community and with a view to empowering them and supporting the mechanisms and community-based organisations they have established to ensure their own protection. Addressing the particular vulnerabilities affecting civilians through a thorough protection response will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.

## Slide 40

## Host authorities

- Primary responsibility to protect civilians
- Political will and capacity are required
- Includes military, police and civilian state entities at the central and local levels



**Key Message:** The role of the host State Government has already been discussed – it always has the primary responsibility for protecting civilians within its borders. Political will and capability are the key components that allow host governments to fulfil this responsibility.

At the tactical level, coordination with host authorities is important to allow for protection activities to take place. In circumstances where political will is lacking, this can become a sensitive issue.

Peacekeeping operations with a POC mandate seek to support and strengthen both the capability and willingness of the host state to protect civilians. The DPO Operational Concept for POC (to be discussed in detail later) sets out how missions can achieve this goal across the three tiers of POC action.

Later, in Module 3 - Operational Framework, we will discuss the different police activities undertaken by the UN Police (IPOs and FPU) through the three-tiered approach: Tier I - protection through dialogue and engagement, Tier II – provision of physical protection and Tier III – establishment of a protective environment. UN Police is contributing significantly to all three tiers.

## Slide 41

## UN Peacekeeping Missions

- Established by Security Council
- Unique in the authorization to use force
- POC a whole-of-mission effort
- Temporary presence on the ground
- Cannot succeed in vacuum



**Key Message:** UN Peacekeepers under POC mandates are mandated by the UN Security Council to support or supplement the protection efforts of host-state institutions to protect civilians when required. Peacekeepers have the unique authority among international actors to use force to implement their protection mandate.

Effective POC requires concerted and coordinated action between the military, police and civilian components of a mission under the leadership of the Head of Mission. In that sense, POC is a whole-of-mission effort and everyone needs to work together.

Within the mission, the military and police components retain the monopoly of the use of force, meaning they assume a very particular and important role in the protection of civilians from physical harm. However, no military or police unit can protect civilians in isolation and without the assistance of other mission and non-mission actors.

**Example 1:** If, under extreme circumstances, the local population seeks refuge in UN military bases, the company or battalion might be able to protect those civilians around the base from physical attack but are not capable to provide additional support for a sustained period of time. Hence, the military units need the support of other mission (e.g. support component, human rights, civil affairs) and potentially also non-mission partners (e.g. UNHCR, OCHA) to complement protection efforts.

**Example 2:** Threat assessment information and analysis that is provided by human rights, civil affairs and other units may include profiles of perpetrators as well as relevant trends

and patterns in violence. This is essential knowledge for the situational awareness and planning processes of military and police components.

It is important to keep in mind that peacekeeping missions are intended as temporary institutions. Even though some missions have been around for decades, the overarching objective of missions is to support the establishment of peace and security before withdrawing from the host nation. As such, peacekeeping needs to collaborate and coordinate with those entities. Success is not possible for a peacekeeping operation in isolation.

**Slide 42**

## Protection Roles in a Mission

- Coordinated action required across sections and units
- Specialised functions within a mission include:
  - Senior POC Adviser
  - Women’s Protection Adviser
  - Child Protection Adviser
  - Human Rights components
- Particular role for military and police



**Key Message:** Within this complex structure of a peacekeeping mission, several functions have been designated to play particular roles in the implementation of POC, Child Protection and CRSV mandates. This should not distract, however, from the fact that effective protection requires a whole-of-mission approach, which in turn needs the buy-in of all mission components and units, from the SRSG down to the working level.

On the civilian side, the Senior POC Adviser, the Women Protection Adviser and the Child Protection Adviser play important roles in the coordination of mission activities, advisory to senior mission leadership, analysis of the threat environment, training of peacekeeping personnel, and monitoring and reporting. In the case of Women Protection and Child Protection Advisers, this includes in particular reporting through the specialised reporting mechanisms. Child Protection Advisers importantly also negotiate for the release of

children from armed forces or groups. In addition, Human Rights components are the lead unit within the mission tasked to promote and protect human rights in the host country, jointly with other components across the mission. Human rights investigations and advocacy as well as monitoring and reporting are critical tools in this regard. Other civilian units such as Civil Affairs, Political Affairs, DDR, JMAC and JOC play important roles as well.

Military and Police play a particular role as the only armed actors (this does not apply to all police personnel) in a peacekeeping context. The authorisation of the military to use force to protect civilians from violence is a central aspect of the protection concept as a deterrent and potential response mechanism to perpetrators. Both military and police through their wide deployment and interaction with local authorities and communities are also important avenues through which to identify, monitor and report on threats, violations and abuses against civilians.

The military, in particular, plays an important role in the identification and release of children from armed groups, and works closely with the armed forces or armed groups that signed action plans for the release of children. Likewise, the military assumes an important role during demobilisation processes of armed groups that have recruited children to their ranks.

**Slide 43**



**Key activities of United Nations Police in POC**

- Community-oriented policing
- Early Warning
- Public order and security
- Support to host State police



**Key message:** UN Police prioritise POC activities among their mandated tasks. UN police have limited resources and can neither respond to every situation nor be present in every location where civilians face the threat of violence, therefore POC activities must be prioritised among other tasks while allocating resources.

UN Police have an active duty to protect. Although the host State has the primary responsibility for protecting civilians, in cases where the government is unable, unwilling or otherwise failing to do so, UN Police in missions with POC mandates have both the authority and obligation to act independently to protect civilians under threat of physical violence, irrespective of the source of the threat, including through use of force.

The role of UN police includes advice and support to host-State police with emphasis on prevention, where UN Police also have a critical role to play in strengthening the capacity and willingness of host-State police and other law enforcement agencies to protect civilians.

UN Police take a community-oriented approach to policing. As highlighted in the 2019 DPO POC Policy, positive engagement with the local population is critical for peacekeeping missions and for effective protection. This engagement should be aligned with a mission-wide community engagement strategy and other guidance issued by mission headquarters. This gives UN Police a comparative advantage over the military component in community engagement.

Actions to protect civilians should be planned in consultation with the military component, relevant civilian components and the local communities, with a view to empowering communities and supporting already established protection mechanisms. However, such interaction must be undertaken in a safe and respectful manner, with attention granted to the ability of women, men, girls and boys to share protection threats that concern them most and help identify responses to these threats. Community engagement should not expose persons to risk or cause them harm – particularly those who may be at greatest risk, including the most vulnerable, human rights defenders and/or civil society activists.

**Slide 44**

## Protection Roles in a Mission Military Component

- Physical protection
- Significant role in prevention through
  - Presence
  - Proactive posture
  - High operational readiness
- Information gathering and reporting
- Must act in cooperation with other components

The military component makes a unique contribution to the POC concept of a peacekeeping mission:

- Military peacekeepers are authorised to use force to protect civilians, giving them a special role to play in the POC concept.
- Along with other Mission components, the Military Component plays a significant role in POC, Child Protection and CRSV threats from materialising. Important elements in this context are the military's wide presence, proactive posture and high operational readiness.
- Of all peacekeeping personnel, military peacekeepers have the widest presence in the area of operations. They will gather information in areas where no other peacekeeper has access and report back to the mission. Military peacekeepers are often the first on scene to POC incidents. This includes incidents of child abuse and sexual violence, where their initial response is important to secure the area and ensure the immediate safety and security of the victims.
- Effective POC can only be achieved in cooperation with other sections of the mission, including Police and civilian components.

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Protection Roles in a Mission  
Military Child Protection Officers

- Advise Battalion Commander
- Liaise with child protection actors
- Establish alert system to transmit information received on the six grave violations
- Guidelines and SOPs

**Key Message:** With increasing demands on the military for child protection, it became clear that some structures and processes needed to be put in place within the military component to be able to address these particular protection concerns.

The UN Infantry Battalion Manual requires that the military appoint child protection focal points at the infantry battalion level and at the Force HQ.

The Battalion Child Protection Officer handles all issues related to child protection violations, in particular:

- Advises the Battalion Commander on all issues related to Child Protection
- Liaises with relevant Child Protection actors in the mission
- Establishes an alert system to transmit relevant information, in particular on the six grave violations, in the battalion area of operations. This is important given the critical role of the military in the identification and monitoring of violations.
- Develops guidelines for the battalion on children's issues including detention, conduct during interaction with children and prevention of all forms of exploitation against children including child labour and sexual exploitation. Note that DPKO-DFS has developed an SOP for the detention of children, which will be covered in more detail later.

## Slide 46



Ask participants to discuss which organisations these logos represent, what their main mandates are, and how they relate to POC in UN Peacekeeping.

**Key Message:** The UN Country Team encompasses all the entities of the UN system that carry out operational activities for development, emergency, recovery and transition in programme countries. The Humanitarian Country Team includes agencies with humanitarian programmes, as well as non-UN humanitarian actors.

A large number of UN organisations have been mandated by the international community to protect civilians. This slide only provides a small sample of some of the most important partners for peacekeeping operations, but there are many more UN entities with a presence in the field. In many cases these actors have been in the country long before the deployment of a peacekeeping operation and will stay in the country long after the mission withdraws. Their personnel possess expertise and knowledge that is different from and complementary to peacekeepers, making effective coordination and cooperation a critical factor for success.

- UNHCR (UN High Commissioner for Refugees): The primary purpose of UNHCR is to safeguard the rights and well-being of people who have been forced to flee. Together with partners and communities, UNHCR works to ensure that everybody has the right to seek asylum and find safe refuge in another country. It also strives to secure lasting solutions. In many countries, UNHCR staff work alongside other partners in a variety of locations ranging from capital cities to remote camps and

border areas. They ensure, promote or provide legal and physical protection, and minimise the threat of violence – including sexual and gender-based violence – which many refugees are subject to, even in countries of asylum. They also seek to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus. UNHCR is also the lead for the Protection Cluster in the Cluster system of humanitarian response.

- 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 training and support in the areas of administration of justice, legislative reform, human rights treaty ratification, and human rights education. In most large peacekeeping operations OHCHR is integrated into the field mission.
- UNOCHA (UN Office for the Coordination of Humanitarian Affairs) mobilises 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. At the field level, OCHA supports the Humanitarian Coordinator (HC) in fulfilling his/her leadership responsibilities to ensure an effective and coherent response to the protection and humanitarian assistance needs of affected populations, including through advocacy and resource mobilisation. At the global level, OCHA promotes the protection of civilians through support to the Emergency Relief Coordinator (ERC) mandate, including by drafting the annual Secretary-General report to the Security Council on the Protection of Civilians and preparing briefings to the Security Council.
- 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, and act as lead agency in the reporting of the six grave violations. UNICEF is also responsible for programming on child protection and supports the implementation of action plans.
- UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, aims to advance gender equality and empower women around the world. Created in 2010 by merging previously distinct parts of the UN system, UN Women is now the sole lead entity in the UN system on gender equality.

It is worth noting that the mandates of particular UN entities differ as they emanate from different sources. While peacekeeping missions receive their mandate from the Security Council, other agencies, funds and programmes in the UN system receive their mandates from the General Assembly, ECOSOC and other bodies.

**Slide 47**

## SRSG Children and Armed Conflict & SRSG Sexual Violence in Conflict

- Advocates for Child Protection and on CRSV
- Engage with parties to conflict to obtain commitments to address CAAC/CRSV
- Peacekeeping supports engagement and implementation of these commitments
- Peacekeeping supports monitoring and reporting
- Child Protection Adviser and Women's Protection Adviser as key interlocutors in mission

In addition to the UN Country Team on the ground, peacekeeping missions also maintain working relationships with other UN actors that do not maintain a presence in the field. This includes for instance the Offices of the Special Adviser on the Responsibility to Protect and the Special Adviser on the Prevention of Genocide, as well as the Human Rights Council in Geneva.

Two functions without a field presence, but with particular importance as partners for peacekeeping are the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG CAAC) and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG SVC).

The SRSG CAAC serves as the leading UN advocate for the protection and well-being of children affected by armed conflict. In this role, the SRSG promotes the collection of information about the plight of children affected by war and fosters international cooperation to improve their protection, reports yearly to the Security Council, General Assembly and the Human Rights Council. He/she also reports regularly to the subsidiary body of the Security Council focused on the issue of children and armed conflict. The Office of the SRSG CAAC also engages in direct dialogue with Governments and armed groups to support the development of Action Plans to end and prevent violations against children. In the context of peacekeeping, Child Protection Officers work on the Monitoring and Reporting Mechanism (MRM) to support the reporting requirements of the SRSG CAAC.

The SRSG SVC serves as the United Nations' political advocate on conflict-related sexual violence and is the chair of the network UN Action against Sexual Violence in Conflict. The Office of the SRSG SVC produces an annual report to the Security Council on conflict-related sexual violence, which includes a list of parties to conflict that commit patterns of sexual violence. This listing is the entry point for the SRSG SVC to engage with governments or the leadership of armed groups to obtain commitments to address CRSV. Peacekeeping missions and a Team of Experts support the implementation of these commitments.

The six priorities of the OSRSG SVC are to:


- End impunity for sexual violence in conflict;
- Protect and empower civilians who face sexual violence in conflict;
- Mobilise political ownership by fostering government engagement in developing and implementing strategies to combat sexual violence;
- Increase recognition of rape as a tactic and consequence of war and terrorism;
- Harmonise the UN's response against sexual violence in conflict; and
- Emphasise greater national ownership.


In the context of peacekeeping, the Women Protection Advisers in field missions are tasked with operationalising the Monitoring, Analysis and Reporting Arrangements (MARA) on Conflict-Related Sexual Violence to provide the Office of the SRSG with the systematic, timely, reliable and objective information needed to implement their mandate.


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## Non-UN actors

- Regional organisations
- Parallel forces
- Individual Member States
- Local, national and international NGOs and civil society organisations
- International Committee of the Red Cross (ICRC)



 *Divide participants into groups and take two minutes to list international and regional organisations, NGOs, and other associations that may be present in a peacekeeping context.*

 *Note to instructor – For details of the range of actors in a particular mission area see for example the OCHA information pamphlet on South Sudan “3W: Who does What, Where” in the Annex.*

There is a range of non-UN actors present in any peacekeeping environment.

- Regional Organisations: Organisations such as the European Union, the African Union, the Intergovernmental Authority on Development (IGAD), or the Economic Community of West African States (ECOWAS) can have a presence in the country. For example, the European Union has deployed a training mission to Mali while the UN has a peacekeeping operation MINUSMA on the ground.
- Parallel forces: The Security Council can authorise regional organisations as well Member States to mount operations in a country. For instance, in Central Africa, French forces were deployed parallel to the UN peacekeeping operation MINUSCA.
- Individual Member States: External Member States can play an important role in armed conflict by bringing in their interests and ideas for conflict resolution through



Embassies and Special Envoys. Peacekeeping operations can liaise with Embassies to gain political leverage and exchange views on developments in the area of responsibility.

- Local, national and international NGOs and civil society organisations: Some examples of major international NGOs likely to be in your mission are Care International and OXFAM (who work around the globe to save lives, defeat poverty and achieve social justice); Norwegian Refugee Council (who protect people forced to flee and provide food assistance, clean water, shelter, legal aid, and education); Amnesty International (who promote and protect human rights); and Medecins Sans Frontieres (who deliver emergency medical aid). In addition, there is typically a number of national and local NGOs who work in the field of protection. Civil society organisations can include religious groups, trade organisations or women's groups.
  
- International Committee of the Red Cross: The ICRC is an independent and neutral organisation working worldwide to help civilians affected by conflict and armed violence, and to promote international humanitarian law. The ICRC bases its work on the Geneva Convention and follows an exclusively humanitarian agenda. The ICRC has a hybrid nature. As a private association formed under the Swiss Civil Code, its existence is not in itself mandated by governments. Nevertheless, the ICRC enjoys privileges and immunities comparable to those of the United Nations, its agencies, and other intergovernmental organisations.

**Slide 49**

## Coordination

- **Within mission**
  - POC Strategy
  - POC Coordination mechanisms
  - Joint Protection Teams
  
- **With humanitarian actors**
  - Protection Cluster
  - CMCoord
  - CIMIC
  
- **With local communities**





**Key Message:** Given the large number of protection actors, coordination is critical for effective protection of civilians. This is as true for the different units within a peacekeeping mission, as it is for the range of non-mission actors. As far as the UN System is concerned, it follows an integrated approach. The SRSG and Head of Mission is the highest-ranking UN official in the country, under his or her leadership, the UN family needs to come together and deliver as one.

Mandates and expertise of different non-mission partners may overlap with the UN peacekeeping operation. The mission has to coordinate with all partners to maximise available expertise, capabilities and resources. Without coordination, actions risk falling into a vacuum, contradicting other actors' activities, or simply failing to maximise available resources and skills to become most effective. While the benefits of coordination are obvious, there are legitimate obstacles including different cultures, different mandates, separate governance and accountability mechanisms, or different funding cycles. Coordination occurs at several levels:

- At the mission-level, which is referred to as the whole-of-mission approach: POC requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's POC Strategy (see Module 3). Relevant provisions of the strategy must be mainstreamed and prioritised into the planning and conduct of activities by all components, including through the joint definition of clear, realistic and authorised objectives to eliminate or mitigate threats. Missions must also establish dedicated coordination mechanisms to facilitate coherent action on POC.
- When it comes to the coordination mechanisms in missions, the fact that every mission structure looks different also means that no two coordination mechanisms are exactly the same. We will discuss the standard model in more detail in Module 3, but it looks something like this:
  - The most important mechanism is the Senior Management Group on Protection (SMG-P), which brings together the most senior leaders of a peacekeeping mission, along with the Heads of other relevant UN entities (typically OCHA, UNICEF and UNHCR).
  - At the operational level, the POC Working Group convenes working level staff and is chaired by the POC Adviser.
  - At the sector and regional levels, peacekeeping missions have mechanisms that mirror the SMG-P and the POC Working Group for senior and working levels.
  - The Joint Operations Centre facilitates coordination of mission activities to implement the POC mandate.

- An important tool to enhance coordination across peacekeeping missions are the Joint Protection Teams (JPT). JPTs are integrated field visits of civilian, military and police teams to assess the situation on the ground and evaluate POC activities.
- With humanitarian actors: UN humanitarian agencies and NGOs undertake a broad range of activities in support of the protection of civilians. Close and systematic coordination with these actors, particularly the Protection Cluster, is therefore essential to assess protection priorities and plan activities. To this end, a standard set of mechanisms have been established, some of which we have already touched upon earlier. Humanitarian actors rely upon their neutrality, impartiality and operational independence (humanitarian principles) for their acceptance by all actors and thus their security and ability to access those in need to deliver assistance. Consequently, maintaining a clear distinction between the role and function of humanitarian actors from that of political and military actors, particularly in conflict and post-conflict settings, is a key factor in creating an operating environment in which humanitarian organisations can discharge their mandate effectively and safely. Humanitarian actors are civilians entitled to physical protection under the POC mandate. The Security Council, with UNSC Resolution 1502 (2003) on the protection of humanitarian and United Nations personnel has recognised the risks faced in servicing a protection mandate. Established coordination mechanisms with humanitarian actors include:
  - The Protection Cluster: The Protection Cluster coordinates the activities of the range of humanitarian actors on the ground with regard to the protection of civilians. The Cluster includes relevant UN agencies along with non-UN entities, such as NGOs and civil society organisation. Within the humanitarian response architecture, the Cluster works to improve the predictability, leadership, effectiveness and accountability of response to protection concerns. UNHCR is the Global Protection Cluster Lead Agency, UNICEF is the lead agency for the Sub-Cluster on Child Protection, and UNFPA/UNICEF share the lead role in the Sub-Cluster for Gender-Based Violence. UN peacekeeping missions work closely with the Protection Cluster and Sub-Clusters through POC Advisers, Child Protection Advisers, and Women's Protection Advisers.
  - CMCoord: United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) facilitates dialogue and interaction between civilian and military actors, essential to protect and promote humanitarian principles, avoid competition, minimise inconsistency and, when appropriate, pursue common goals. CMCoord is an ongoing activity, led by OCHA on the humanitarian side and peacekeeping missions on the political side, with the goal of strengthening coordination structures. It helps to develop context-specific policy based on internationally agreed guidelines, and it establishes humanitarian civil-military coordination structures, ensuring staff members are trained to make that coordination work.

- CIMIC: At Force HQ of peacekeeping missions, CIMIC (U9) provides the interface between the military component of a mission and the political, humanitarian, developmental, human rights, and rule-of-law components of the mission, as well as many other non-mission partners in the larger peacebuilding system.
- With local communities: Actions to protect civilians should be planned in consultation with all sections of the local community – including women, men, girls and boys – in particular those in vulnerable or marginalised situations, and with a view to empowering them and supporting the mechanisms and community-based organisations they have established to ensure their own protection. Communities are in the best position to define their own threats and vulnerabilities. Addressing multiple and intersecting forms of discrimination and vulnerabilities affecting civilians, or taking them into account when designing the protection response, will ensure a sustainable impact. Staff must be mindful in their engagement with communities not to expose people to risk or cause harm through their engagement.

**Example:** In 2010, MONUSCO developed the instrument of Community Liaison Assistants (CLA), a category of national staff that are co-located with military contingents and act as an intermediary between them and the local communities. This has enabled the mission to establish a much closer and reciprocal relationship with the population. Due to the success of this approach, MINUSCA, MINUSMA and UNMISS have so far also deployed Community Liaison Assistants.

## Summary

### The takeaways on the Protection Actors include the following:

- Peacekeeping missions are not the only actors mandated to protect civilians.
- Ensuring the protection of civilians requires concerted and coordinated action between uniformed and civilian components of a mission under the mission's protection of civilians strategy. It also requires coordination with non-mission partners.
- Local communities are important stakeholders in their own protection. Too often field missions ignore the involvement of community representatives in the development of protection responses.

# Lesson 1.4



## Principles of POC in Peacekeeping

### The Lesson



#### Starting the Lesson

##### Preface

Strengthening the protection provided by peacekeeping operations is one of the priority areas of the Secretary-General's Action for Peacekeeping initiative (A4P).

The protection of civilians' mandate is guided by a set of legal and practical principles, rooted in the UN Charter, international law and lessons learned from years of DPO-DOS experience. The following is a selection of the principles that apply to all peacekeeping missions with POC mandates.

 *Note to instructor – For more information see 2019 DPO Policy on POC.*

## Principles of POC in Peacekeeping

### Slide 54

Grounded in Int'l Law

- International human rights, humanitarian and refugee law and related standards



- Use of force requires adherence by Rules of Engagement and Directives on the Use of Force

**Key Message:** Use of force requires adherence by Rules of Engagement and Directives on the Use of Force.

POC mandates are a manifestation of the international community's determination to prevent the most serious violations of international humanitarian, human rights and refugee law and related standards, and they should be implemented in both the letter and spirit of these legal frameworks.

POC mandates are complementary to and reinforce a mission's mandate to promote and protect human rights. As a manifestation of this, for example, missions follow a strict Human Rights Due Diligence Policy which stipulates that UN support cannot be provided to partners (such as host authorities) where there are reasons to believe that receiving partners may commit grave violations of international humanitarian, human rights or refugee law.

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## Upholding the Principles of Peacekeeping

- Host State consent
- Impartiality
- Non-use of force except in self-defense or in defense of the mandate



*Ask participants how the implementation of POC mandates could be at odds with the principles of peacekeeping. Points should include non-permissive environment as a challenge to host state consent, and peacekeepers as a potential target as a challenge to impartiality.*

**Key Message:** UN Peacekeeping is fundamentally built on three principles:

- Host State consent
- Impartiality
- Use of force in self-defence or defence of the mandate (including POC)

The implementation of the POC mandate has to be in line with these core principles. This includes, where necessary, the use of force against elements of government forces at the tactical level where such forces are themselves engaged in, or pose an imminent threat of, physical violence against civilians.

In reality, the use of force against elements of government forces will pose a significant challenge for the mission when that same host government's consent is one of the key principles for the presence of the peacekeepers. This and other challenges to implementing a POC mandate are examined later in this Module.

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## Priority Mandate

POC must be prioritized in decisions regarding the allocation and use of available capacity and resources in the implementation of mandates



**Key Message:** As per UNSC Resolution 1894 (2009), all missions mandated to undertake the protection of civilians must prioritise POC in decisions regarding the allocation and use of available capacity and resources. Therefore, within the wide scope of potential situations of physical violence against civilians, the mission must prioritise those situations or incidents of greatest concern and allocate its resources accordingly.

For example, when only one helicopter is available and a decision has to be made whether it should be used to conduct a routine field visit to one part of the mission area or to undertake an emergency recce flight to verify reported POC threats in another part of the mission area, then the POC verification mission needs to be given priority.

As specified in the mandate, and despite POC being a priority, missions can only act within their capabilities and areas of deployment – the mandate does not demand that peacekeepers engage in actions for which they are not equipped. In general, no peacekeeping force will be able to address all threats at all times.



Slide 57

## Primary Responsibility of Governments

- Peacekeepers do not replace the sovereign responsibility of the host State to protect civilians from physical violence
- Non-state parties to conflict may also have a responsibility to protect civilians

**Key Message:** The host state always has the primary responsibility to protect civilians within its borders. This responsibility is not diminished when a peacekeeping mission with a POC mandate is deployed.

The mission's protection of civilians mandate does not replace but rather supports the host state's responsibility. When supporting host states or other non-UN security forces, peacekeeping operations shall apply the UN Human Rights Due Diligence Policy on UN Support to non-UN Security Forces.

Non-state parties to an armed conflict also have certain responsibility under customary IHL, which includes provisions on the protection of civilians.

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## Responsibility of Peacekeepers

Where the host state is deemed unable or unwilling to protect civilians, or where government forces themselves pose a threat to civilians, peacekeepers have an active duty to protect



*Discuss with participants whether peacekeeping missions are allowed to engage host State authorities militarily.*

**Key Message:** Where the state is unable or unwilling to protect civilians, or where government forces themselves pose such a threat to civilians, peacekeepers have the authority and the responsibility to provide such protection within their capabilities and areas of deployment.

Particularly, peacekeepers will act to prevent, deter, pre-empt or respond to threats of physical violence in their areas of deployment, no matter the scale of the violence and irrespective of the source of the threat. This includes host state authorities at the tactical level when they pose a threat to civilians themselves. Of course, missions' limited capabilities and political implications of strategic consent are important considerations in this regard.

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## Active Duty to Protect

- Active duty means missions do not engage in protection only in reaction to an attack



- Activities to protect civilians should be planned, deliberate and on-going.

**Key Message:** The protection of civilians mandate embodies an active duty to protect; missions do not engage in protection only in reaction to an attack. Activities to protect civilians should be planned, deliberate and on-going, and the mission should constantly work to prevent, pre-empt and respond to violence against civilians.

This includes presence in areas under greatest threat, a credible deterrent posture and other activities in accordance with the mandate, the POC strategy and the military and police concepts of operations (CONOPS).

Mission performance in relation to POC activities will be monitored through joint monitoring and evaluation mechanisms on POC, which are further discussed in Module 3.

Slide 60

## Effective Command and Control

- Command and control are critical to save lives and prevent harm being done to civilians



- Responsibility of Force Commander and Police Commissioner to ensure compliance with ROE and DUF

**Key Message:** In missions with a mandate to protect civilians, it is the responsibility of commanders of all contingents to ensure all those under their command understand and comply with the mandate and its associated ROE/DUF. The Force Commander and Police Commissioner are ultimately responsible for their enforcement.

The 2019 DPO Policy on POC in United Nations Peacekeeping states in paragraph 31:

**Under effective leadership, command and control:** Senior leaders in missions and in UN Headquarters are ultimately accountable for the implementation of the POC mandate and must set the strategic direction and ensure accountability for its effective delivery. For uniformed components the Force Commander and Police Commissioner are responsible for the application of the Rules of Engagement (ROEs) and Directives on the Use of Force (DUFs), respectively, and contingent commanders must also ensure all those under their command understand and comply with these as well as this policy.

Failure to protect civilians as a result of weak command-and-control structures or insufficient levels of compliance may lead to the suffering and death of vulnerable individuals and can compromise the overall credibility and effectiveness of the peacekeeping operation in the country. Failure to follow orders must be reported to the UN Secretariat who will inform the concerned Troop- or Police-Contributing Country (T/PCC) and, as appropriate, the Security Council. If the T/PCC fails to rectify the situation, the unit concerned may be repatriated.


Failure to act due to a T/PCCs national limitation or restriction (caveat) is not acceptable. Under the Peacekeeping Capability Readiness System (PCRS), implemented in 2015, any such caveats are to be brought to the notice of UNHQ prior to a unit deploying. If such caveats prevent or limit the T/PCC contingent from acting in accordance with the mandate it may impact on that T/PCC being selected for deployment.

**Example:** On 11 July 2016, armed elements attacked the Hotel Terrain compound in Juba, South Sudan, which at the time housed unarmed humanitarian aid workers and local journalists. Even though the compound is located less than two miles from a major UNMISS base, and despite pleas for help from those under attack, peacekeepers did not intervene until after one local journalist was killed and several aid workers were beaten and raped. The Secretary-General ordered a special investigation into this incident, which found that a lack of leadership in the UN mission culminated in a “chaotic and ineffective response” to the events. The findings of the report eventually led to the Force Commander being relieved from his duties.

**Slide 61**

## Command and control exercise

- What does command and control mean?
- How does a lack of command and control impact police POC operations?





*Run Learning Activity 1.4 from the annex to this module.*

Slide 62

## Gender Perspective

Plans, analyses and activities need to consider how gender-based differences in status and power shape the needs and interests of women and men, girls and boys



**Key Message:** In peacekeeping operations, a gender perspective – the process of understanding and addressing gender-based differences in status and power, and considering how such differences shape the immediate needs, as well as the long-term interests, of women and men, girls and boys – is to be included into all plans, policies, activities, analysis and reports; often referred to as gender mainstreaming. The addition of Gender perspectives as a guiding principle for POC further reinforces the need for proper consideration of gender in POC activities.


Such a perspective will ensure that all actions are tailored to the specific needs of women, girls, boys and men, but are also designed to address the disproportionate impact of conflict and post-conflict situations on girls and women. This includes conflict-related sexual violence (CRSV) and sexual exploitation and abuse (SEA), as one of the root causes of SEA and CRSV is gender inequality and discrimination, which must be addressed comprehensively through the full participation and empowerment of women.

**Examples:** The conduct of searches by both male and female peacekeepers; the importance of including females in all contingents; activities to ensure all peacekeepers engage female community members properly and give them a voice.

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## Kigali Principles (2015)

- Pledge by T/PCCs and financial contributors to create a framework for more effective POC
- Set of principles regarding training, preparedness, command and control, capabilities , and performance of troops
- Initially 9 signatory states, currently 39
- Not legally binding



The principles discussed so far in this section emanate from the DPO Policy on POC. Compliance with them is mandatory for all peacekeeping missions and all personnel. Separately from those principles, 2015 saw the emergence of a set of voluntary pledges, without being legally binding or enforceable, by troop and police contributing countries, called the Kigali Principles.

These Principles were established at a conference hosted by Rwanda in Kigali in 2015, where top troop- and police-contributing countries, top financial contributing countries, UN professionals, scholars and other stakeholders convened to discuss the current state as well as the future of POC in peacekeeping. The purpose of the conference was to find ways to strengthen the ability of UN peacekeeping to protect civilians and identify how Member States can contribute to this goal.

As a result of the conference, a set of 18 pledges was established that troop and police contributing countries can voluntarily sign up to. This set of pledges is voluntary and does not have legal implications or enforcement mechanisms. The initial number of nine signatory states has since grown to around 49, representing nations contributing more than 50% of all peacekeepers currently deployed in the field.

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## Kigali Principles Pledge

1. Conduct pre-deployment training	10. Identify potential threats early
2. Ensure all commanders are trained on POC	11. Enhance arrangements for rapid deployment
3. Prepared to use force	12. Vigilance in monitoring and reporting
4. No caveats	13. Take disciplinary action against own personnel if necessary
5. Notify UN of shortfalls	14. Undertake own AARs
6. Strive to provide capability	15. Highest standard of conduct for own personnel
7. Empower commanders	16. Request regular consultations on mandates
8. No hesitation to act to protect (within ROE)	17. Urge UNSC to match mandates to resources
9. Demand clarity on ROE	18. Call for effective support arrangements to UN ops

This is a short overview of the issues contained in the Kigali Principles. These pledges aim to commit countries to take pro-active steps forward in order to strengthen POC mandate implementation.



*Divide participants into groups and discuss which of these are the most important, or the most difficult to implement.*

## Summary

### Key takeaways regarding the principles underpinning POC mandate implementation in UN peacekeeping include:

- The protection of civilians mandate is guided by a set of legal and practical principles, rooted in the UN Charter, international law and lessons learned. These principles are laid out in the 2019 DPO-DOS Policy on POC.
- These principles apply to all missions with POC mandates.



## Command and Control

### RESOURCES

1 flip chart per group, markers

### TIME

3-5 minutes setting the stage

5-10 minutes brainstorming session

5-10 minutes group presentation

Total: 15-25 minutes

### SETTING THE STAGE

Discuss with participants the general concept of Command and Control (C2). Ask what participant's or other member states use as a definition of Command and Control. How do they differ?

One possible definition is: "The exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission." This definition focuses on the orders given by a Commander.

Another possible definition is: "The exercise of authority and direction by the Commander using mission orders to enable disciplined initiative with intent to enable and empower adaptive leaders." This definition emphasises the development of an initiative.

### EXERCISE - Brainstorming Activity

Divide participants into groups of no more than 8 members.

Pose the following question: **In a mission with a protection of civilians mandate, what are some of the operational effects of ineffective command and control? In other words, what operational challenges can result from a lack of effective command and control when trying to protect civilians?**

Give the groups 10 minutes to develop an answer and present it to the plenary.

### NOTES TO INSTRUCTOR

There are no right or wrong answers, but there will likely be some desire to turn the discussion towards the general effects of lack of command and control, rather

than focusing on the specific operational effects it can have on police operations in the context of POC.

The following answers should be considered:

- Inability to position forces to protect – effective command and control enables military and police units to plan, coordinate, and execute short notice deployments.
- Lack of understanding about vulnerable groups – effective command and control enables shared understanding. Information sharing and gathering occurs when there are clear priorities and resources allocated to the most important requirements.
- Lack of coordination with other mission partners – without effective command and control, it is difficult to synchronise efforts between the various actors in a Peacekeeping mission.
- Lack of initiative by lower levels of the mission – affects the ability of the junior levels to rapidly assess the situation and make decisions. This can prevent timely action in the case of vulnerable civilians.
- Adherence to ROE/DUF – effective command and control is essential to ensuring that military and police units use the appropriate amount of force to solve the problem and protect civilians.

# Lesson 1.5



## Operational Concept

### The Lesson



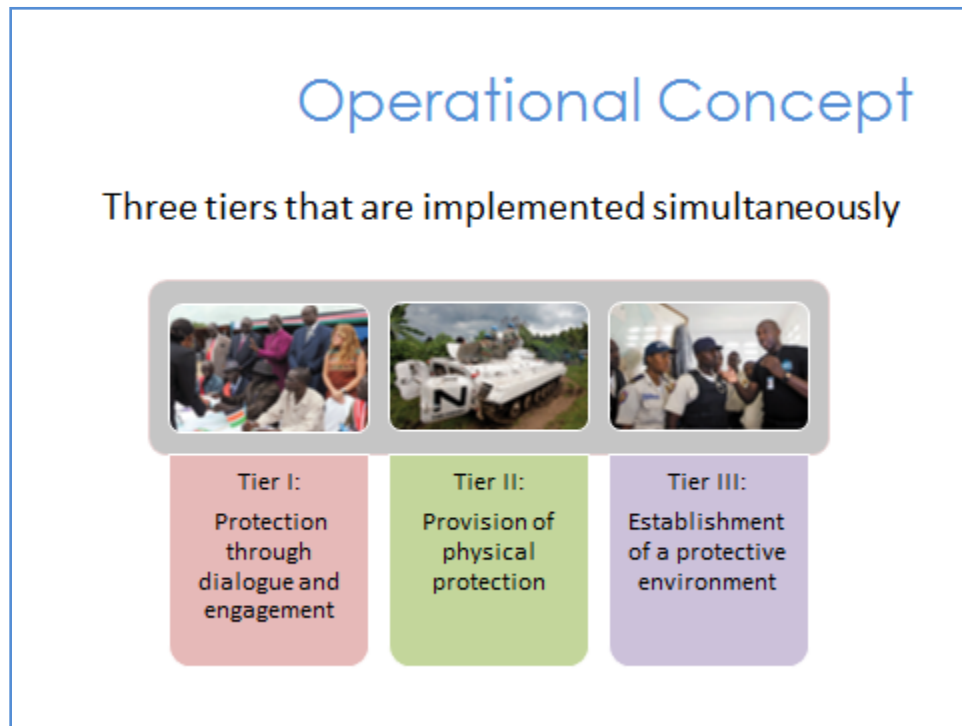
#### Starting the Lesson

##### Background

The operational concept for POC in UN peacekeeping was originally established in 2010 and represents the first agreed upon approach to the implementation of POC mandates in peacekeeping. During the development of the DPKO-DFS Policy on POC in 2015 (and subsequent policies), the operational concept was updated to better reflect the political activities of a mission at the national and sub-national levels.

## Operational Concept

Slide 69



**Key Message:** Multidimensional peacekeeping operations mandated to protect civilians have at their disposal a range of instruments with which to accomplish that task. These instruments fall under three distinct tiers, which are articulated in the following slides. At the heart of it, the three tiers of the operational concept make clear how POC implementation is a whole-of-mission task, requiring coordinated action from all mission components.

The three tiers are mutually accommodating and reinforcing and as such should be implemented simultaneously, in accordance with specific mission mandates and in light of the circumstances on the ground. There is no inherent hierarchy or sequencing between the tiers, and action under all three tiers should emphasise prevention and pre-emption. All components of the mission, including the military, have a role to play in each of the three tiers.

- Tier I: Protection through dialogue and engagement
- Tier II: Provision of physical protection
- Tier III: Establishment of a protective environment



Identify the core tasks of the mission that participants will deploy to and have them list the tasks on a flip chart according to the three tiers.

**Slide 70**

## Tier I: Protection through Dialogue and Engagement

- Dialogue with current or potential perpetrators
- Conflict resolution and mediation between parties to the conflict
- Persuading the government and other relevant actors to intervene to protect civilians
- Public information
- Other initiatives that seek to protect civilians through dialogue and direct engagement

**Key Message:** Tier I activities include dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, advocating with the State, Government and other relevant actors to intervene to protect civilians, public information, reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.

The High-Level Independent Panel on Peace Operations in 2015 assessed the state of UN peacekeeping operations and the challenges they face in addressing the emerging situations. A key recommendation of the panel was to focus on political strategy and prevention, which lend particular support to Tier I activities.

Slide 71

## Tier II: Provision of Physical Protection

- Activities by police and military components involving the use of force to prevent, deter, and respond to situations in which civilians are under the threat of physical violence
- Closely coordinated with civilian sections



**Key Message:** Tier II encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, which help guide the objectives and conduct of military and police operations, including through joint POC planning and coordination structures.

Often when people think of peacekeeping, and in particular the protection of civilians, they think of tier II activities and the physical response missions can resort to. But as the Operational Concept makes clear, this is only one aspect of the tools available to the missions.

## Slide 72

## Tier III: Establishment of a Protective Environment

- Protective environment building activities that are frequently programmatic in nature, broad and designed with committed resources for medium to long-term peacebuilding objectives
- Support the political process, DDR, RoL, SSR, resettlements of IDPs and refugees, humanitarian assistance, etc.

**Key Message:** Tier III activities are frequently programmatic in nature, as well as broad and designed with committed resources for medium- to long-term peacebuilding objectives. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities help to create a protective environment for civilians and are generally planned for independently of the POC mandate.

Most of those activities are undertaken alongside or in coordination with programmes by the United Nations Country Team or Humanitarian Country Team and may include the following elements, consonant with the mission's mandate as provided by the Security Council:

- Support the political process;
- Disarm, demobilise and reintegrate ex-combatants;
- Strengthen the rule of law, including through the promotion and protection of human rights, justice, and safe, secure and humane correctional facilities;
- Fight impunity and strengthen accountability to deter potential perpetrators;
- Support security sector reform;
- Manage stockpiles and dispose of mines, arms and ammunitions;

- Put an end to the illicit exploitation of natural resources;
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs);
- Support the participation of women in conflict prevention, conflict resolution and peacebuilding, and also support the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions;
- Contribute to the creation of security conditions conducive to the civilian-led delivery of humanitarian assistance;
- Coordinate and cooperate with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities;
- Support compensation and rehabilitation of victims;

**Slide 73**

## POC Phases of Response

- POC operations are implemented along four phases
- These phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently

**Key Message:** The ways in which UN peacekeeping missions respond to POC threats can be divided into four phases. The four phases are not sequential and missions will often find



their activities fall into different phases in different parts of the country at the same time, and some of the same activities may take place across all phases.

Module 3 will examine the four phases in more detail. At this stage it is enough to know that the objective of this approach is to either eliminate a threat or mitigate the risk to civilians associated with that threat. It must also be noted that these phases do not necessarily occur in sequential order and may be undertaken simultaneously or independently.

**Slide 74**



Here are the four phases:

- Prevention,
- Pre-emption,
- Response and
- Consolidation (threat has been mitigated/eliminated)

Action is necessary across all four phases, in line with the proactive approach taken by peacekeeping missions. In the prevention and pre-emption phase, the incident has not occurred yet and missions can more effectively avoid violence by acting in these phases.

In the response phase, missions respond to a violent incident that has already occurred, and in the consolidation phase missions support post-conflict activities.

All the tasks we discussed in reference to the three tiers can also be categorised across the four phases.



*Take the same task list used for the three tiers and discuss with participants where they fit into the four phases.*

## Summary

### **Key takeaways regarding the Operational Concept include:**

- As laid out in the 2019 DPO Policy on POC, the Operational Concept is at the heart of POC action in UN peacekeeping. It reflects the whole-of-mission approach that is necessary for effective mandate implementation and groups POC-related activities into three tiers.
- Activities under the three tiers are not sequential and often take place simultaneously.
- Peace operations respond to POC threats in 4 distinct phases that are not necessarily sequential.

# Lesson 1.6



## Mission Challenges

### The Lesson



#### Starting the Lesson



To aid the participant's learning, play the video "Mandated to Protect – Protection of Civilians in Peacekeeping Operations" from minute 14:17 to minute 21:37. This segment talks about the challenges facing UN peacekeepers.

The video can be found in the Annex of Module 1 as well as on YouTube: [https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)



*Divide participants in groups and ask them to note down the main challenges mentioned in this video segment. Which do they think is the most difficult challenge to overcome?*

## Mission Challenges

### Slide 79

## Mission Challenges

- Strategic consent
- Capabilities and limitations
- Expectation management
- Intelligence
- Planning process
- Logistics
- Training
- Command and control
- Coordination

**Key Message:** The implementation of POC mandates is a complex task and faces many obstacles.

This is a partial list of some of the most prominent obstacles missions deal with on an ongoing basis. Some of these challenges were already touched upon during the course of this module, others will be raised for the first time in this course.



*As the slide builds, lead participants through the list and discuss each challenge. Have any participants experienced a mission dealing with one of these challenges? If so, explain to the group how the mission dealt with that challenge.*

Additional challenges not listed on the slide could include:

- Distinguishing civilians – who are peacekeepers mandated to protect?;
- Remaining impartial – not the same as neutrality or inaction;
- Dealing with situations where government forces pose a threat to civilians;
- Considerations on tackling impunity;

- Force Protection;
- Peacekeepers becoming a target;
- Mobility.

# Lesson 1.7



## Special Considerations for Conflict-Related Sexual Violence

### The Lesson



#### Starting the Lesson



Before introducing this topic, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 29:58 to minute 35:09. This segment talks about the importance of paying particular attention to the protection from conflict-related sexual violence and protection of children.

The video can be found in the Annex of Module 1 as well as on YouTube: [https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)

#### Relevance

As discussed earlier, in today’s wars, civilians are not only random, incidental victims of violence, but frequently the targets of it. In contemporary conflict, characterised by an increased civilian-combatant interface, sexual violence is not a side effect but a front-line consideration. Women are frequently the focus of armed conflict – waged for the control of populations, as much as territory.

In recent decades, we have witnessed a rise in the strategic use of brutal forms of sexualised violence against civilian populations to serve specific purposes. Provided with a robust mandate, peacekeepers can play an important role in protecting civilians from sexual violence during armed conflict.

This segment on special considerations for CRSV will cover:

- Background and importance of CRSV;
- Mandate of CRSV; and
- Fundamentals when it comes to implementation.

## Special Considerations for Conflict-Related Sexual Violence

### Slide 83

### Background

- Used as a tactic of war, exacerbates situations of armed conflict and impedes peace and reconciliation
- Often motivated by political or military objectives
- Targets civilian populations: psychological and physical trauma, infections, diseases, humiliation, mutilation, and death

**Key Message:** Conflict-Related Sexual Violence (CRSV) in many conflict and post-conflict situations is one of the worst global protection challenges due to its scale, prevalence and profound impact. Motivated by political, military or psychological objectives to control territory, population or resources, CRSV is frequently and deliberately used to target vulnerable populations.

CRSV inflicts psychological and physical trauma, infections and diseases, humiliation, displacement, and death. The widespread use of sexual violence in conflicts such as in Rwanda, the Former Yugoslavia, and Sierra Leone led to the adoption of UNSC Resolution 1820 (2008). In it, the Council recognised that the deliberate use of sexual violence as a tactic of war exacerbates situations of armed conflict, impeding peace and reconciliation.



*Ask participants to recall the earlier definition of CRSV and who the most likely victims are.*

As discussed earlier, CRSV refers to incidents or patterns of sexual violence in conflict or post-conflict situations which include: rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity, against women, men, girls or boys.

**Slide 84**

## Security Council Mandate

- Six missions with CRSV mandate
- CRSV a separate mandate and part of broader POC agenda
- The mandate usually includes:
  - Provision of specific protection for women and children including through the deployment of CPAs and WPAs
  - Monitoring, help investigating, reporting and preventing sexual violations and abuses
  - Contributing to efforts to identify and prosecute perpetrators

**Key Message:** The United Nations Security Council recognises sexual violence to be a fundamental threat to global peace and security.

The Council has adopted eight Women, Peace, and Security (WPS) resolutions of which five resolutions specifically address CRSV. These resolutions require protection actors, including peacekeepers, to respond to sexual violence with as much determination as they would to any other violation, and with specifically designed tasks and tactics to deal with the specific nature and consequences of this type of violence. Through resolutions that followed UNSCR 1820 (2008), such as resolution 1888 (2009), 1960 (2010), 2106 (2013), and 2242 (2015), the Security Council established the CRSV framework to combat CRSV through prevention, coordinated response, and accountability. We will discuss the content of these resolutions in more detail in Module 2.

UN peacekeeping operations are specifically mandated by the Security Council to address sexual violence from a political, peace and security perspective and stressed the link to mission's mandates to protect civilians. As of 2020, the Security Council has also specifically mandated five peacekeeping missions, namely MINUSCA, MINUSMA, MONUSCO, UNAMID, and UNMISS to prevent and respond to CRSV.

The mandate usually includes (but is not limited to):

- Provision of specific protection for women and children including through the deployment of Child Protection Advisors and Women Protection Advisors (WPA)



who are now integrated with the human rights component as part of the process to consolidate protection functions (and also deployed under the CAAC framework);

- Monitoring, help investigating, reporting and preventing sexual violations and abuses; and,
- Contributing to efforts to identify and prosecute perpetrators.


Additionally, CRSV clauses in mission mandates usually include (but are not limited to) the following:

- Protection of civilians, including from all forms of sexual violence;
- Provision of specific protection for women and children;
- Deployment of WPAs;
- Establishing MARA;
- Monitoring, investigating, reporting and preventing sexual violence violations and abuses; and,
- Contributing to efforts to identify and prosecute perpetrators

**Slide 85**

## Fundamentals

- May be invisible
- Disproportionately affects women and girls
- IDPs vulnerable
- Is under-reported
- Mostly occurs in conjunction with other crimes
- CRSV and SGBV may be prevalent concurrently in a conflict zone
- May manifest as potential, impending or ongoing
- Should not be confused with SEA



When talking about CRSV, we need to keep a few fundamentals in mind:

- CRSV may be widespread, endemic and invisible – hence assume it is taking place and maintain operational readiness;
- CRSV disproportionately affects women and girls – hence ensure their specific protection as a priority;
- CRSV thrives in the midst of gender discrimination and inequality – hence address it in a gender sensitive manner, promoting gender equality, participation and empowerment of women;
- CRSV impacts Internally Displaced Persons (IDP) in greater magnitude – hence design specific protection measures to protect fleeing women and girls as well as those in IDP Camps;
- CRSV is under-reported due to insecurity, fear of perpetrators remaining at large, impunity and a lack of faith in the justice system, social stigma, marginalisation or banishment and cultural issues – hence generate confidence and create conditions to improve reporting and end impunity;
- CRSV mostly occurs in conjunction with other crimes – hence it cannot be addressed effectively in isolation of other human rights violations;

- CRSV and SGBV may be prevalent concurrently in a conflict zone – hence peacekeepers are required to respond to both violations;
- Incidents of CRSV often presage broader violence, and the recurrence of CRSV can establish historic precedence, patterns and trends – hence establish early warning mechanisms to prevent it;
- CRSV may manifest as potential, impending or ongoing dimensions – hence UN peacekeepers are required to respond to all three dimensions appropriately as per Mission-specific Military Concept of Operations (CONOPS) and Rules of Engagement (ROE)/Directives on the Use of Force (DUF);
- CRSV should not be confused with Sexual Exploitation and Abuse (SEA), committed by uniformed and civilian peacekeepers – SEA is a disciplinary issue to be dealt with internally.

**Slide 86**

## Approaches

**Steps to enhance Police responsiveness to CRSV include:**

- Designating CRSV Focal Points
- Operational Support
- Capacity Building and Development of host State police
- Community Engagement
- Criminal Information Analysis
- Monitoring, Mentoring and Advising the host State police
- Police Oversight Mechanism

**Key Message:** Police (and Military) commanders need to develop creative and practical approaches to protect women, girls, men and boys from CRSV.

Some of the steps that enhance responsiveness to combating CRSV are:

- **Designating CRSV Focal Points** within the UN Police Component to work alongside Women's Protection Advisers (WPAs) and other designated focal points (Protection Advisors, Child Protection Advisors, Human Rights Officers, Gender Advisors, etc.) and establish clear reporting lines vis-à-vis civilian staff members;
- **Operational Support and Capacity-Building:** Mission Police Component will have a support role as defined in the mandate. As such the UNPOL response to SGBV/CRSV incidents is limited to the provision of operational support and capacity building of the host State police within reform, restructuring and rebuilding processes. In some situations, where functioning rule of law institutions are absent, UNPOL may be requested to provide interim policing and other law enforcement functions, effectively becoming the police service of the country. They are, among other things, entrusted with powers to arrest, detain and search.
- **Community engagement:** Assisting the host-State police in engaging with communities, especially women, through patrols, regular forums (including female-only community forums), problem solving approaches and outreach programmes aimed to jointly identify SGBV/CRSV threats and solutions for preventive measures. Community-oriented policing programmes help strengthen relations between communities and the host State police over time, which will improve early warning of, and rapid response to SGBV/CRSV threats to civilians.
- **Criminal information analysis:** Assisting the host-State police and the field mission in providing criminal information analysis that is aimed to prevent, deter or mitigate SGBV/CRSV threats to civilians. This includes identifying high risk areas and vulnerable groups.
- **Mentoring of host State police:** Co-location and mentoring of host-State police officers on the investigation and management of SGBV/CRSV cases, as well as on community-oriented policing approaches.
- **Police oversight mechanisms:** Assisting the host-State in establishing police oversight and accountability mechanisms that include community feedback on police performance on SGBV prevention.
- Including CRSV concerns and mandated arrangements in all risk assessments; planning processes; guidance; operational orders; operational coordination as well as training of responses to incidents; during engagement with local communities;
- Responding in a timely, credible, effective and positive manner to CRSV threats; PCC's need to confirm operational readiness prior to sending FPU's, which includes confirming capability and ability to act as per the established training.

## Summary

**The takeaways regarding special considerations for CRSV in particular include:**

- Prevention of CRSV can only be successful if planned in an integrated fashion;
- Command should establish early warning indicators and act upon them;
- Pre-deployment and in-mission training and preparation of all peacekeepers is essential to fully understand the implications of CRSV;
- The Police component needs to take appropriate steps to ensure operational readiness and CRSV responsiveness.

# Lesson 1.8



## Special Considerations for Child Protection

### The Lesson



#### Starting the Lesson



*Ask participants to recall the earlier definition of Child Protection and how they think armed conflict affects children in particular.*

#### Relevance

As discussed earlier, child protection can be defined as the prevention of and response to abuse, exploitation, and violence against children. Peacekeepers have a specific role to play in this context and therefore need to understand the particular vulnerabilities and risks facing children and know how to interact with children.

The protection of children in situations of armed conflict is also mandated as an inherent priority within the broader obligations of the United Nations to protect civilians and put human rights at the centre of peace and security efforts.

## Special Considerations for Child Protection

### Slide 92

### Security Council Mandate

- Security Council includes child protection provisions in relevant mandates
- Child Protection a separate mandate and part of broader POC agenda
- Training a critical component for successful implementation
- Monitoring and reporting on violations

**Key Message:** In resolution 1261 (1999), the Security Council formally acknowledged that the protection of children in armed conflict is a fundamental peace and security concern. By including child protection in its peace and security agenda, it created a role for UN peace operations on this issue.

Similar to CRSV, child protection is now mandated through specific thematic Security Council resolutions on Children and Armed Conflict, as well as by being part of the broader obligation of peacekeepers under the POC mandate.

In UNSC Resolution 1379 (2001), the Council called for the inclusion of child protection provisions in the mandates of UN peace operations and for the deployment of Child Protection Advisers (CPAs). Subsequent resolutions mandating and renewing UN peace operations have reinforced this call, mandating the deployment of child protection capacities in relevant country situations.

In a series of resolutions, the Security Council has also highlighted the importance of training of peacekeepers on CP concerns. UNSC Resolution 2143 (2014) calls for personnel including troop and police contingents to be trained to recognise, report and respond to violations and abuses committed against children and to successfully support child protection activities for better implementation of their respective mandates.



The Security Council has also routinely tasked missions to carry out the monitoring and reporting on the six grave violations against children. This will be discussed in more detail shortly.

**Slide 93**

## Definition of a Child

**Article I of the UN Convention on the Rights of the Child states that a child is “every human being below the age of 18 years”**

**For all peacekeepers and other UN personnel, a child is any person under the age of 18 years**



**Key Message:** No matter what the local laws and traditions dictate, for UN peacekeepers children are girls and boys under the age of 18. The only exception is if local laws stipulate an age higher than 18, in which case the higher age becomes the guideline for UN peacekeepers.

In some cultures, and according to the laws of some host states in which peacekeepers are deployed, a child enters adulthood when he/she gets married, becomes a parent, or earns his/her own income. Maturity is defined by the social role he/she assumes rather than by age. However, peacekeepers must adhere to the internationally accepted definition above. When in doubt, apply the highest standard of protection and assume that person is a child.



Slide 94

## Impact of War on Children Gender Dimension

- The risks of girls and boys can differ based on their distinct gender roles within their societies
- Women and girls face a higher risk of rape and other forms of sexual violence during armed conflict
- The experiences of girls and boys in armed forces and groups differ related to recruitment, identification and reintegration



**Key Message:** Gender can have an impact on the how war affects children. Girls and boys are often more vulnerable to certain kinds of threat and violations based on their distinct gender roles within their societies. For instance, girls are at higher risk of rape and other forms of sexual violence.

Their experience with armed groups can vary as well. For example, girls can assume various roles with them, including as fighters. They can be exposed to sexual and gender-based violence, such as sexual abuse, and may be forced to be the “wives” of commanders and soldiers. In some cases, they even become pregnant and bear the soldiers’ children. This role makes it particularly challenging to identify the girls in demobilisation and reintegration efforts. Girls can be easily overlooked and mistaken to be soldiers’ dependents, especially because many are afraid or unable to speak up. They may also have different needs in the reintegration process due to their different experiences. Peacekeepers should therefore pay special attention to the distinct needs of girls in DDR efforts.

Slide 96

## The Six Grave Violations

- UNSC Resolution 1612 (2005)
- Grave violations against international law
  1. Killing and maiming
  2. Recruitment and use of children as soldiers
  3. Abduction
  4. Rape and sexual violence
  5. Attacks against schools and hospitals
  6. Denial of humanitarian access



The Six Grave Violations against children during armed conflict were outlined by the Security Council in Resolution 1612 (2005). The violations were selected due to their obvious nature and severe consequences on the lives of children, and their ability to be monitored and quantified. The six grave violations against children in armed conflict are breaches of international law – the legal basis for asserting actions in response to such breaches will be covered in Module 2.

Reports of the grave violations are sent to the SRSG CAAC for subsequent reporting to the Security Council and those who have been reported as perpetrators can be brought to justice at the national level or sanctioned by the Security Council. Peacekeepers need to understand the six grave violations because during deployment in a peacekeeping mission, personnel will be expected to monitor the environment and report any violation to the UNPOL Child Protection Focal Point (Police) or other designated reporting channels.

The six grave violations are:

1. Killing and maiming of children: Any action resulting in death or serious injury of children, including shelling, crossfire, cluster munitions, landmines etc.
2. Recruitment and use of child soldiers: Any person below 18 years who has been recruited by armed forces or armed groups as fighters, cooks, porters, spies, for sexual purposes, etc.

3. Abduction of children: The unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child.
4. Rape and other forms of sexual violence against children: Any violent act of a sexual nature to a child, including forced pregnancy and forced abortion.
5. Attacks against schools and hospitals: Physical attacks or threat of attacks on buildings, including targeted or indiscriminate attacks.
6. Denial of humanitarian access to children: Blocking free passage or timely delivery of humanitarian assistance to persons in need (including children).

Not all six grave violations occur with the same frequency. UN peacekeeping personnel are most likely to encounter the following violations:

- Killing and maiming;
- Recruitment and use of children as soldiers;
- Rape and sexual violence;
- Attacks against schools and hospitals.

Slide 97

Learning Activity



**Key Message:** As discussed earlier, the recruitment and use of children as soldiers is not limited to the narrow 'child soldier' image but entails many different functions.



Build the slide and ask the participants what they believe each picture represents.

Illustrations left to right depict children being used for:

- 1) fighter
- 2) cooks
- 3) porter
- 4) sexual bartering
- 5) human shield
- 6) suicide bomber.

[Taken from Roméo Dallaire Child Soldiers Initiative. Child Soldiers: A Handbook for Security Sector Actors, 2012 (Second Edition, 2013).]


**Slide 98**

**Learning Activity**

## Scenario 1

**Dealing with child soldiers**

As you are patrolling, you notice a child with a weapon moving aggressively toward you.



*What should be your response and why?*



Use this slide to generate plenary discussion. How would participants react in this situation? What issues should they consider?

Allow discussions to take place for 5-10 minutes. In case of international participants, elicit responses from different cultures to compare responses.

Highlight the issue and definition of hostile intent/hostile acts and that the commander on the ground will make this determination. Emphasise the need to follow the ROE/DUF at all times. This child may be afraid and running towards UN for help, or s/he may have a hostile intent.

In this scenario, the peacekeepers' dilemma is whether or not to use force. If this is determined to be an imminent threat or a hostile act, force can be used in self-defence, or to protect civilians in defence of the mandate. The context of the situation will guide the commander on the ground in making this determination, (e.g. have child soldiers committed hostile acts against the UN recently? Have child soldiers voluntarily disarmed recently in this area?). If force is to be used, only the

*minimum level of force should be applied to mitigate the hostile act/imminent threat.*

**Slide 99**

**Learning Activity**


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## Scenario 2

**Dealing with child soldiers**

On a patrol you encounter a child soldier who has escaped his captors and seeks your help.

*How should you handle this situation and why?*





*Use this slide to generate plenary discussion. How would participants react in this situation? What issues should they consider?*

*Allow discussions to take place for 5-10 minutes. In case of international participation, you may elicit responses from different cultures to compare responses, should there be differences.*

*The following will usually be the appropriate responses and included in the mission guidance:*

- Disarm and secure the child;*
- Immediately alert the closest Child Protection Adviser or Child Protection Focal Point;*
- Refer to SOPs or mission guidelines developed for the hand-over of children.*

Slide 100

## Dealing with Child Soldiers

- If they pose a threat, be prepared to deal with such situations and follow DUF
- If they pose not threat
  - Do no harm
  - Remember that these children are victims
  - Report through the chain of command



**Key Message:** Peacekeepers who encounter child soldiers, should be aware that he/she is still very much a child – someone who is vulnerable, impressionable, frequently irrational and worthy of protection. However, he/she is also a soldier – and to deny this fact could be detrimental to the safety of the peacekeeper and would not be in keeping with the child's own experience. This may cause a moral dilemma.

Military and Police peacekeepers need to be prepared to deal with situations where they encounter child soldiers. The following principles must be known, understood and applied in all situations:

- Use of Force as a last resort;
- Minimum use of force;
- The peacekeeping principle of non-use of force except for self-defence and in defence of mandate.

A peacekeeper should know that they have to balance the vulnerabilities of a child with the operational necessities. Sometimes, there is no time to take prolonged considerations. Under such extreme circumstances, if grievous bodily harm is feared, the ROEs/DUF will likely authorise the use of lethal force. Not all situations in which peacekeepers encounter child soldiers are equally unexpected or dangerous. When, for example, a peacekeeper is able to plan for the likelihood of encountering a child soldier, he or she will be far better

equipped to juggle the two moral imperatives of protecting innocents and defeating one's enemy. In such cases, when afforded a comparably longer response time, peacekeepers have a responsibility to fight with restraint (and ideally, to pursue the objective of capturing child soldiers alive).

It is important to emphasise that when dealing with children and child soldiers, aggressive or hostile posture by children may not necessarily constitute a threat. The "aggressive" attitude of a child approaching with a weapon is not necessarily a hostile act or intent. It could be a scenario where a child with a gun is simply approaching the UN vehicle and wants the peacekeeper to withdraw.

In situation where child soldiers do not represent a threat, peacekeepers need to:

- Follow the Do No Harm principle.
- Remember that all children associated with armed groups are victims. They suffer from torture and other cruel treatment during their time with the armed forces. But even the recruitment in itself is a crime. So, while children may be combatants or ex-combatants and perpetrators of horrible acts, it is critical to bear in mind that they are also victims for being recruited in the first place.
- Immediately report it through the chain of command. In addition to reporting through the chain of command, peacekeepers should also take good notes of the situation and immediately report the case to the Child Protection Adviser in the mission to decide what action to take.



Slide 101

Learning Activity

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## Scenario 3

Osman is a 15 year old teenager from West Darfur. Until recently, he was attending a high school and he had hoped to graduate next year. He wanted to become a doctor. His father had started raising money to send him to university.

Then, two months ago, there was a raid by a militia in his town and the school was attacked. All students and teachers had to flee and Osman's teacher was killed while trying to protect his students. Osman saw his teacher get killed.

The militia used the school for a few days as a base and then left for another town. Parts of the school have been damaged and there is only one teacher left, not enough for all the students.

Since the attack, Osman has been withdrawn and he has lost appetite. He says he doesn't want to go back to school because there could be another attack. His teacher, whom he admired, is dead. Osman now says he doesn't want to become a doctor anymore and prefers to stay at home and help his father with cattle herding.



Discuss the scenario with participants. Ask the following questions:

1. What have been the consequences of the school attack on Osman?
2. What is likely to be the impact of the school attack on the town's community?


Possible answers could be:

1. What have been the consequences of the school attack on Osman?
  - Osman is distressed from the attack and especially from witnessing his teacher's killing. Osman is more withdrawn and sadder, and he has lost appetite.
  - Osman has lost time in his education and may never graduate.
  - Osman has lost his dream of becoming a doctor.
2. What is likely to be the impact of the school attack on the town's community?
  - Other children will stop attending school and stop their education. The community will suffer from a lack of education of that generation.
  - Other children may be distressed like Osman.

Slide 102

## Other Issues

- Arrest and detain child soldiers only in most extreme circumstances → hand over to CP actor as soon as possible



- Be alert to other relevant violations
- Ensure you fully understand the violations you are expected to report

**Key Message:** In today's peacekeeping environment, peacekeepers are also expected to be alert to other violations relevant in the mission area.

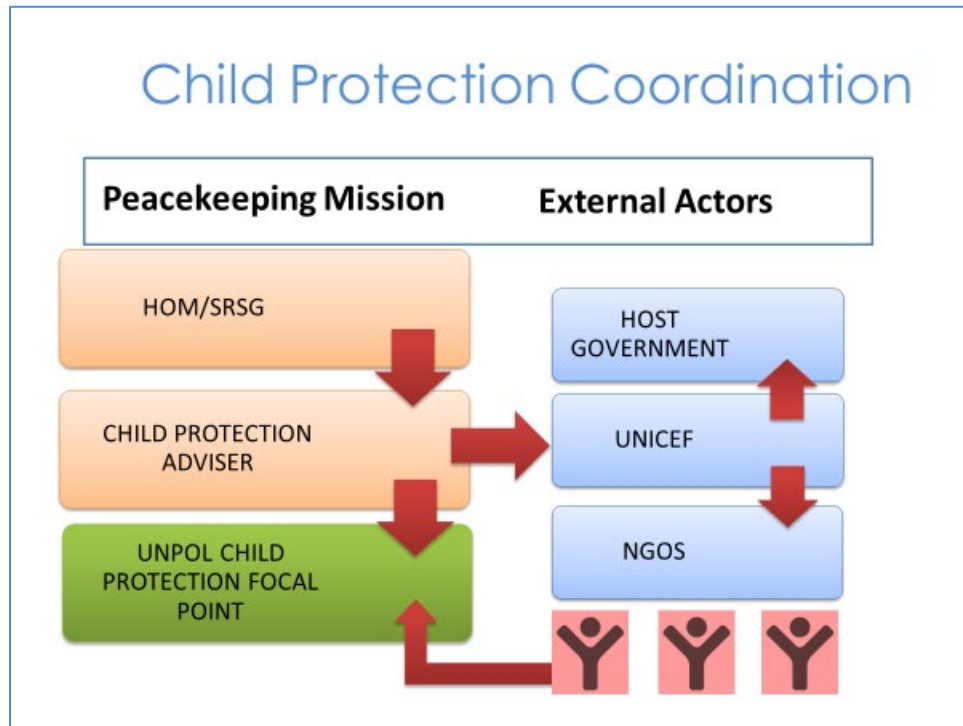
For example, the illegal arrest and detention of children has emerged as a serious concern in conflict settings, often as a result of their alleged association with armed forces or armed groups. They may be considered 'enemies' or 'deserters.' Sometimes in order to protect other civilians, or to protect the child, peacekeepers have to detain a child combatant. Detention of child soldiers by UN police should only be done in extreme circumstances to ensure the safety and well-being of the child. Child soldiers being detained should be released and handed over to a child protection actor immediately.

Forced displacement may also be an issue of concern when it has been related to fear of child recruitment, sexual violence or any of the other grave violations. Armed groups or criminal elements have in some cases taken advantage of the desperate situation of children and the insecure borders by trafficking children for sexual exploitation or domestic labour.

Upon deployment, peacekeepers should ask the Child Protection Adviser (or dedicated CP focal point) for a briefing on the situation of children affected by armed conflict in the particular mission context as situations may differ considerably by country or region. Each component of the mission has responsibilities and has to consider child rights concerns within their respective activities. All peacekeeping personnel – military, police and civilians – must be aware of their responsibilities and receive training on child

protection that enables them to fulfil their role in the mission. Every peacekeeper has to make sure they fully understand the violations they are expected to be alert to.

**Slide 104**



**Key Message:** As discussed earlier, each component of the mission has a role to play in protecting children and promoting their rights. Child Protection Advisers (CPA) are central figures in this process, but they do not carry the sole responsibility.

*Bottom right corner:* When observing a violation against children, a UN police officer on the ground needs to report it in the chain of command. The chain of command will channel the information to the UNPOL Child Protection Focal Point, who will report it to the nearest civilian Child Protection Adviser (CPA).

When the CPA is informed of a child protection incident, he/she liaises with the approved counterpart. This could be advocacy with the government or the armed forces for the release of a child in prison or a child that is with the armed forces. He or she can also inform UNICEF to provide assistance to the child or the family.

These are some examples of specialised units in the national police of conflict and post-conflict countries:

- ❖ Juvenile Police Unit, Afghanistan:

This unit of the Afghan National Police is responsible for investigating all crimes committed against children and by children and is under the command of the Criminal Investigations Department. The unit was created under the influence of the international community.

❖ Family Support Units, Liberia and Sierra Leone:

The Liberian Police Force and the Sierra Leone Police have both created Family Support Units that handle cases of domestic violence and other crimes related to women and children after the establishment of UN peacekeeping missions in these two countries.

❖ Family and Child Protection Unit, Sudan:

The Sudan Police Force created this unit in 2007. It is responsible for investigations and providing psycho-social support to children and their families.

❖ Special Protection Unit, South Sudan:

The South Sudan National Police Service created this unit in 2015 to improve investigations in cases of sexual and gender-based violence.

❖ Brigade de protection des mineurs, Côte d'Ivoire:

The national police of Côte d'Ivoire has a unit for the protection of minors that handles cases involving children.

**Slide 105**

## Child Protection Responsibilities UN Police

UN Police have a crucial role to play in child protection:

- They are deployed to conflict and post-conflict areas where violations of children's rights are prevalent;
- They mentor and train host state police; contribute to the establishment of the rule of law and reform of the security sector;
- They interact with the civilian population, including children, and have a mandate to protect;
- They have a duty to report violations of children's rights.

The tasks listed here are not sequential but should all happen concurrently.

It is important to reach out and establish communication with the CP actors in your area, including the closest Child Protection Adviser, UNICEF and local NGOs with whom peacekeepers can exchange information and build up a level of trust. The first time to contact them should not be in an emergency.

UNPOL must establish and maintain situational awareness on CP threats in the area of responsibility. Threats include the six grave violations discussed in previous slides. The civilian CPA can advise on the threat environment.

Identify all the CP policies issued by the HOPC and implement them accordingly.

Peacekeepers should not look at IDPs as a mass of people but see them as an entity which contains children, as well as adults, and therefore requires specific and relevant responses.

CP training is critical and needs to build on the threats identified earlier.

UNPOL need to maintain zero tolerance on SEA and the use of child labour.



*Note to instructor – In order to encourage the participation of participants; rather than stating examples of child protection mainstreaming, you may wish to ask the learners for examples.*

**Slide 106**

### Child Protection Responsibilities UN Police Child Protection Focal Point

- Point of contact on child protection for all UN Police within the mission
- Ensure that child protection is integrated into the work of UN Police.
- Support the adoption of mission-specific directives and standard operating procedures to inform the actions of United Nations police officers.
- Provide guidance on child sensitive interviewing techniques and community-oriented policing.
- Advocate for compliance with international norms and standards, including those in relation to the apprehension and detention of children.
- Provide support for the prevention and response to violations of children’s rights and abuses against children, including SEA

**Key Message:** The 2017 UN Child Protection Policy insists on the establishment of a designated police child protection focal point at mission headquarters and police child protection focal points in field offices to facilitate coordination and information sharing with CPAs and child protection staff.

The protection of children in situations of armed conflict is an inherent priority within the broader obligations of the UN to protect civilians and put human rights at the centre of peace and security efforts. Protecting children affected by armed conflict is a collective responsibility that requires a collective response: Child Protection should be a priority across the Departments and across missions.

Furthermore, the 2017 Policy on Child Protection in United Nations Peace Operations introduced a provision to ensure that all UN Police officers are trained in, apply and integrate international norms and standards on children’s rights into their work. In addition, the policy insists on the establishment of a designated police child protection focal point at mission headquarters and police child protection focal points in field offices to facilitate coordination and information sharing with CPAs and child protection staff.

Key responsibilities of UN Child Protection Focal Points include:

- Point of contact on child protection for all UN Police within the mission
- 
- Ensure that child protection is integrated into the work of UN Police, including within the mentoring and advising activities, as well as in the capacity building efforts in support of the Host State police
- Support the adoption of mission-specific directives and standard operating procedures to inform the actions of United Nations police officers
- Provide guidance on child sensitive interviewing techniques and community-oriented policing
- Advocate for compliance with international norms and standards, including those in relation to the apprehension and detention of children
- Provide support for the prevention and response to violations of children's rights and abuses against children, including SEA

**Slide 107**

## Special Considerations for Child Protection

- Background
- Six grave violations
- Roles and Responsibilities
- **Interacting with children**

**Key Message:** Peacekeepers have a very clear mandate and authority when it comes to child protection in missions. Ethical attitudes and behaviour can play a major role in how successful peacekeepers will be in carrying out their child protection mandate. Therefore, it is important to briefly review the basic principles for peacekeepers in their

interactions with children in the mission, noting in particular the different circumstances in which such interactions might take place.

**Slide 108**

## Culture and Attitude

- Cultural background and attitude play a major role in peacekeepers' interaction with children and other civilians
- Behaviour that may be acceptable during peace time may lead to dangerous situations in times of conflict
- Always consider the (potentially harmful) consequences of actions when interacting with children



**Key Message:** Cultural background – values and beliefs – can be a major influence on a peacekeeper's attitude and behaviour towards children and other civilians. Being aware of cultural differences between peacekeepers and the local population in the mission area is important to ensure peacekeepers always demonstrate respectful behaviour towards the populations they are asked to protect. In addition, behaviour that may be acceptable during peacetime may lead to dangerous situations in conflict settings.



*Ask participants to think of examples where cultural interactions differ. Points raised should include:*

- *Communication between children and adults, men and women;*
- *Physical contact;*
- *Importance of status in society.*

Peacekeepers may not always be aware of the (potentially harmful) consequences of their own actions when interacting with children. It is therefore important to adhere to the UN's Code of Conduct and the guiding principles on the next slide.



Slide 109

## Guiding Principles

- ① **Do No Harm:** Avoid actions that may place children in danger
- ② **Best Interest of the Child:** Always place the interest of the child first before you act
- ③ **Coordinate and Work with the Experts:** When in doubt ask the child protection specialists



Close proximity and relationship with locals, in particular children, may put children at risk. If peacekeepers interact closely, even though they have good intentions, this interaction may make that child a target.

**Example:** A Peacekeeper who allows a young boy to have access to the Compound or car may make that boy a target for those who may want to use the child as a spy. On the other hand, assistance, such as supplying a local orphanage with surplus food and medical supplies, may in fact make the orphanage a target by rebel groups (who may lack medicine and food and, if you provide it to the children, may make them a target).

Peacekeepers need to keep these key guiding principles in mind when interacting with children:

- Do No Harm: Avoid actions that may place children in danger;
- Best Interest of the Child: Always place the interest of the child first before you act;
- Coordinate and Work with the Experts: When in doubt ask the child protection specialists.

Slide 110


## Zero Tolerance: SEA of Children

### **NO SEXUAL ACTIVITY WITH ANYONE UNDER 18!**

- Knowledge of the age of the child is not relevant
- It does not matter if the child gives consent
- Instruct UNPOL under your command
- Report

To repeat some of the key points:

- Exchange of money, employment, goods, assistance or services for sex, is prohibited.
- Use of children or adults to procure sexual services for others is prohibited.
- The knowledge of the age of the child is not relevant. Ignorance is no excuse.
- It also does not matter if the child gives consent to the act. It is a command responsibility to instruct all peacekeepers regarding this point.
- If a peacekeeper notices any signs of SEA, she/he must report them immediately.

 *Note to instructor – The Conduct and Discipline Unit website page on Enforcement (<https://cdu.unlb.org/UNStrategy/Enforcement.aspx>) makes specific reference to staff members' duty to report and refers to the 2003 SG's Bulletin (<https://cdu.unlb.org/Portals/0/Documents/KeyDoc4.pdf>) on SEA which states, at para 3.2(e):*

*“Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, **he or she must report** such concerns via*

*established reporting mechanisms.”*

## Summary

### **The takeaways regarding special considerations for Child Protection include:**

- For purposes of UN peacekeeping, a child is anyone under the age of 18 years.
- Peacekeepers need to understand that children face specific threats during armed conflict and those threats need to be accounted for in planning and execution of operations.
- The protection needs of boys and girls may differ.
- There are Six Grave Violations against children, which peacekeepers need to monitor and report on.
- Peacekeepers need to know what to report on and who to report to.

# Module 1



## Conceptual Framework

### Slide 114

## Module 1 – Conclusions

- Range of policies, guidelines and principles exist on POC, Child Protection and CRSV
- Mandate implementation is never straightforward and requires targeted approach for each context
- Effective protection of civilians requires coordination and information sharing within and outside the mission
- Peacekeepers need to be proactive and creative, within the boundaries of existing guidance and principles
- Child Protection and CRSV are integral to protection of civilians and require particular consideration

At the conclusion of Module 1, a few concluding points are worth noting:

- A range of policies, guidelines and principles have been developed over time to create a common understanding of POC, Child Protection and CRSV and facilitate the implementation of their mandates.
- Nevertheless, implementation of these mandates is never straightforward, and tailored approaches need to be developed for each context.
- Given the complexity of protection activities, coordination and information sharing with relevant actors within and outside the mission is critical.
- Peacekeepers need to interpret the protection mandates in a proactive and creative manner, within the boundaries of the guidance and principles discussed in this Module.

- Child Protection and CRSV are distinct mandates, but they also form an important part of the POC mandate. As such, peacekeepers need to understand and apply the particular considerations for Child Protection and CRSV at all times.



*Before building this slide, play the video “Mandated to Protect – Protection of Civilians in Peacekeeping Operations” from minute 35:10 to minute 41:55. This segment provides concluding remarks on the material covered in Module 1 and discusses ways in which peacekeeping can adapt moving forward.*

*The video can be found in the Annex of Module 1 as well as on YouTube: [https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I)*

# Module 2



## Legal Framework

### Module 2 at a Glance

#### Aim

The objective of this module is for peacekeepers to understand the key legal framework governing mission-specific and cross-cutting thematic mandates in UN Peacekeeping, and identify its main instruments and content.

At the end of this module you should understand what this legal framework enables/obliges peacekeepers to do as well as what it prevents them from doing according to this comprehensive legal framework.

#### Relevance

Module 2 provides an overview of the legal framework for UN peacekeeping operations. It presents the obligations and authorities provided by international law, the UN legal and policy framework, and the operational legal framework, and discusses their relevance for UN peacekeeping.

#### Learning Objectives

Learners will:

- Identify the key components of international law governing the UN's mandated tasks in peacekeeping
- Understand the relevance of the core legal concepts and norms
- Understand what the legal framework enables/obliges peacekeepers to do and what it prevents peacekeepers from doing

#### Overview

Module 2 examines the legal framework for the conduct of mission-specific and cross-cutting thematic mandates in UN Peacekeeping, which broadly comprises:

- Applicable International Law
- UN Legal and Policy Framework, which essentially refers to the UN Charter, Security Council mandates, agreements the UN concludes with States participating in peacekeeping operations and relevant UN policies
- Mission Specific Legal Framework, including its Security Council Mandate, Rules of Engagement (ROE) and Directives on the Use of Force (DUF)

As we go through the module, it will be useful to keep in mind that the overarching legal framework guides the work, priorities and conduct of peacekeepers in all activities.

This module relates to and expands upon the information presented in Chapter 1.4 in the Core Pre-Deployment Materials on the Legal Basis of UN Peacekeeping.

# Module 2.1



## International Law

### The Lesson



#### Starting the Lesson

##### Overview

This module begins with an overview of how international law impacts the work of peacekeepers with regard to their mandated tasks.

The term 'International Law' commonly refers to a body of law that governs the legal relations between or among States and international organisations. These training materials look at international law as a combination of binding law ("hard law") and non-binding law ("soft law"). Binding law refers to rules that are legally binding and that States must therefore apply, such as treaty law (i.e. conventions, agreements and protocols), as well as customary law. Treaties ultimately become binding through a process of negotiation, adoption and signature, followed by ratification, acceptance, approval or accession.

The components of international law most relevant for the work of peacekeepers are International Human Rights Law, International Humanitarian Law, International Refugee Law and International Criminal Law. At the end of this segment, regional legal regimes will be touched upon briefly.



## International Law

### Slide 6



The slide features the United Nations logo in the top left corner. The title 'What is International Human Rights Law (IHRL)?' is centered in blue text. Below the title is a horizontal line, followed by a bulleted list of four main points. The first point is 'Designed to protect inherent rights of all human beings'. The second is 'Obliges states to respect, protect and fulfil those rights'. The third is 'Human Rights are universal and cannot be taken away'. The fourth is 'IHRL applies', which is followed by two sub-bullets: '- in times of peace and war' and '- primarily to governments'. To the right of the text is a black and white photograph of a large conference room with many people seated at long tables.

- Designed to protect inherent rights of all human beings
- Obliges states to respect, protect and fulfil those rights
- Human Rights are universal and cannot be taken away
- IHRL applies
  - in times of peace and war
  - primarily to governments



*Ask participants who they think are entitled to human rights, and whose responsibility it is to protect them?*

*Answers should include that every human being enjoys the full human rights, and that all state authorities are responsible for respecting and protecting human rights, including the President, Prime Minister, Members of the Judiciary, Executive and Legislative branches.*

**Key Message:** Human rights are universal and everyone in the world is entitled to the same basic fundamental rights. There are also some groups, who may have specific needs or are particularly at risk of discrimination and rights violations who have been given specific rights protections (e.g. children, refugees, indigenous people, persons with disabilities). Human rights are held by individuals and groups (rights-holders) and must be respected, protected and fulfilled by States and State actors (duty-bearers). Human rights are legal and internationally guaranteed through the laws built on the Universal Declaration of Human Rights and other international human rights instruments.

Human rights are protected by most national legal systems and by international law. Although many countries have a long history of protecting certain rights of their nationals, the modern international human rights system was born after the Second World War

when states agreed that one way to prevent horrors like the holocaust was to agree on certain basic rights to which all people should be entitled.

Human rights are inherent to all human beings, whatever our nationality, place of residence, sex, ethnic origin, colour, religion, sexual orientation, language or any other status. We are all equally entitled to our human rights without discrimination.

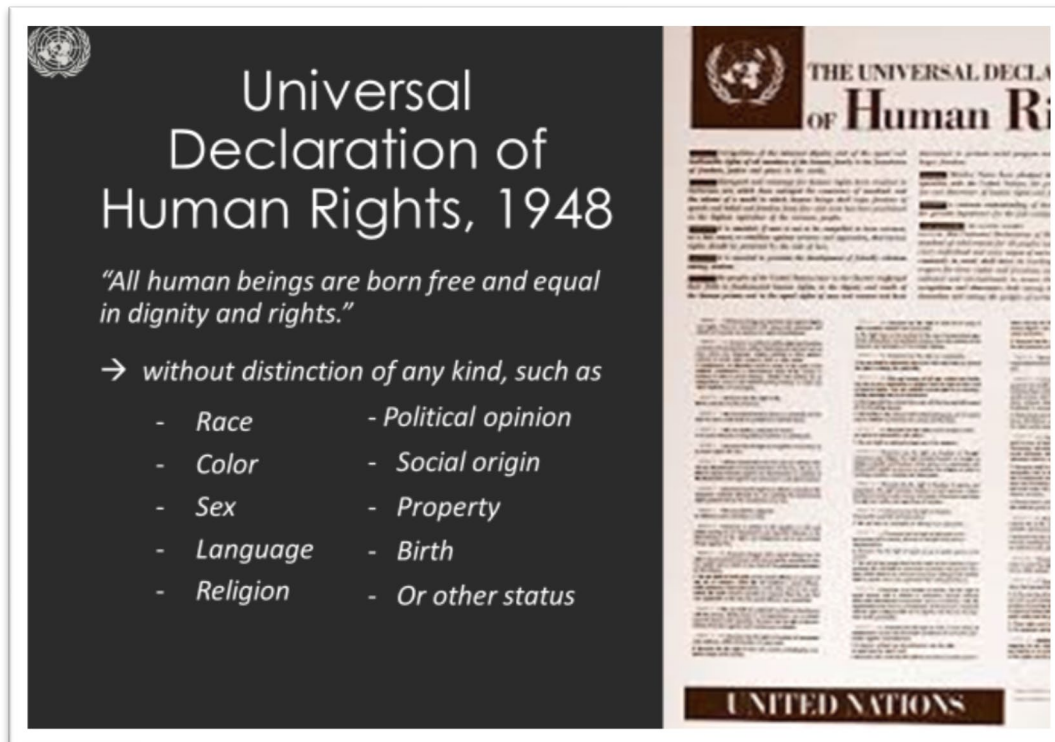
States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

IHRL applies at all times, during war and peace. The primary subjects of IHRL are States, who are obligated to respect, promote and fulfil the human rights and fundamental freedoms of individuals and groups.

It may also be worth noting that human rights are inalienable, interrelated, interdependent and indivisible:

- Human rights are inalienable, in that no one can have his or her human rights taken away, other than in specific situations defined by law (for example, the right to liberty can be restricted if a person is found guilty of a crime by a court).
- Human rights are interrelated, interdependent and indivisible in the sense that the realisation/achievement of one human right is linked to the realisation of the others. For example, in order to be able to express a genuine political opinion through a vote, citizens must have access to a free press, the freedom to form political parties and the freedom to assemble in large groups to protest. Rights such as education, healthcare and an adequate standard of living are essential both to the right to life and the ability to exercise one's freedoms.

Slide 7

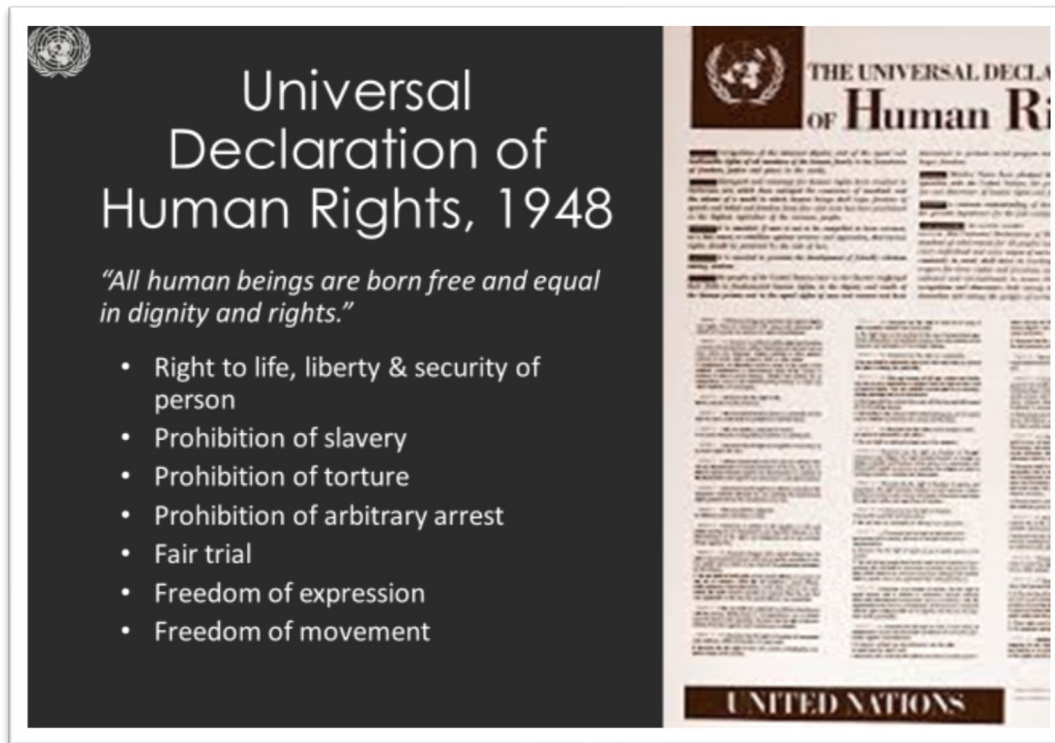


**Key Message:** The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression of rights to which all human beings are entitled. It states that "all human beings are born free and equal in dignity and rights". This means that no distinction can be made based on people's race, colour, sex, language, religion, political or other opinion, racial or social origin, property, birth or other status.

The Universal Declaration of Human Rights initiated a process of rapid development of international human rights law. Its content has also been enshrined in, and continues to inspire, national constitutions and legislation of many States.

Although the Universal Declaration of Human Rights is technically a declaration and not a treaty, many of its provisions represent legal obligations on all States, such as the right to life, prohibition of torture and slavery, and non-discrimination, among others.

Slide 8



The Universal Declaration of Human Rights sets forth 30 fundamental human rights of civil and political, as well as of economic, social and cultural nature, which are to be applied in respect of all human beings.

This slide only shows a few examples of civil and political rights included in the Universal Declaration of Human Rights:

- Life
- Freedom from slavery
- Freedom from torture
- Protection from arbitrary arrest
- Fair trial
- Freedom of expression
- Freedom of movement

Examples of economic, social and cultural rights included in the Universal Declaration of Human Rights:

- Join a trade union
- Education
- Food
- Housing and medical care
- Social security and work
- Equal pay for equal work

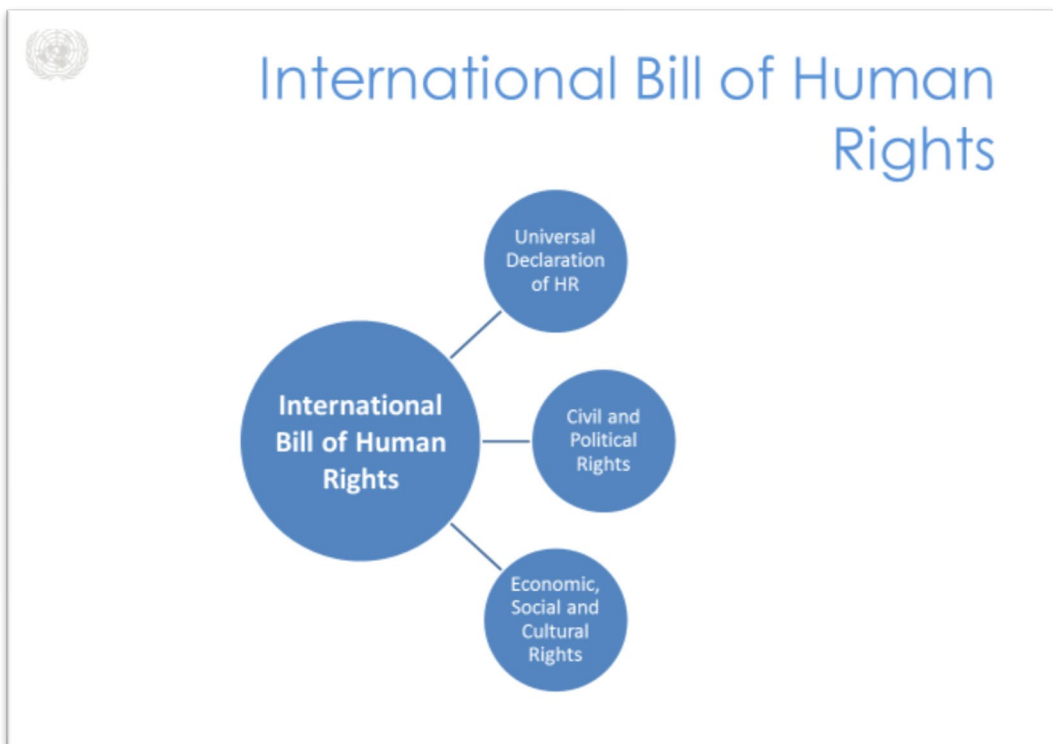


*Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).*

*Give the groups 10 minutes and ask each group to select three rights included in the Declaration and explain why they consider them as fundamental to human beings. In addition, ask participants which human rights they think would be most likely violated or abused in an area where they might be deployed as UN peacekeepers.*

*It was earlier explained that Human Rights are interrelated and interdependent. How are the rights the participants chose interrelated and interdependent?*

**Slide 9**



After the proclamation of the Universal Declaration of Human Rights in 1948, the General Assembly promoted the development of treaties incorporating the human rights standards contained in the Universal Declaration of Human Rights. For a treaty to apply to a particular country, the State must have ratified or otherwise formally adhered to the treaty.

Two treaties were elaborated:

- Covenant on Economic, Social and Cultural Rights, of 1966;
- Covenant on Civil and Political Rights, also of 1966.

In conjunction with the Universal Declaration of Human Rights, the two Covenants and their Optional Protocols are referred to as the “International Bill of Human Rights”.

In addition to the two Covenants, the drive to expand the Universal Declaration of Human Rights contents into legally binding instruments led to the adoption of other human rights treaties. These human rights treaties build on, flesh out and supplement the International Bill of Human Rights, and focus on specialised areas or specific groups, such as women's rights, children's rights, rights of persons with disabilities, rights of migrant workers prohibition of torture, elimination of racial discrimination, among others.

Examples include the Convention on the Elimination of all Forms of Racial Discrimination (1965), Convention on the Elimination of Discrimination Against Women (1979), Convention against Torture (1984) and Convention on Rights of the Child (1989) and its Optional Protocols. There are various other treaties that deal with human rights, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

Member States have established bodies and mechanisms that promote and protect the rights recognised by these treaties and monitor their implementation by State parties. These include, for example, the UN Human Rights Council, which is a subsidiary body of the General Assembly dealing specifically with the promotion and protection of human rights.



*Note to Instructor – For more information on each of these Conventions see the Annex.*

## Slide 10



## IHRL on Child Protection

- **Convention on the Rights of the Child (1989) and its Optional Protocols**
  - Most rapidly and widely ratified HR treaty in history
  - Sets out civil, political, economic, social, health and cultural rights of children
  - Prohibits direct participation in hostilities under age of 18
- **Paris Principles on Children and Armed Groups (2007)**
  - Prevent recruitment, protect children, and support their release from armed forces/groups

**Key Message:** IHRL also contains particular instruments dealing with the rights of children: Convention on the Rights of the Child (1989) and its three Optional Protocols (2000 and 2011).

The Convention on the Rights of the Child is the most rapidly and widely ratified international human rights treaty in history. Due to its wide acceptance, the Convention has changed the way children are viewed and treated – i.e., as human beings with a distinct set of rights instead of as passive objects of care and charity.

The Convention sets out the civil, political, economic, social, health and cultural rights of children. States that have ratified this convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world. States are required to submit periodic reports to the Committee explaining how they are implementing and complying with the Convention.

What is a Child? As discussed in Module 1, in some cultures, children enter adulthood once they marry, become partners or earn their own income. The social role they assume defines maturity, not age. The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. This definition guides actions of all peacekeeping personnel. How do you know whether a person is a child? When in doubt treat them as children and offer them the appropriate protection.

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


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

**Slide 11**



**Convention on the Rights of the Child**

- Rights guaranteed under the Convention include:
  - Non-Discrimination
  - Best interests
  - Right to life
  - Participation
- Additional stipulations under Optional Protocols
  - No recruitment or use of children
  - Prohibition of sale of children, child prostitution and child pornography

 *Note to Instructor – More Information can be found at CPTM 2.7 Child Protection.*

 *Let the slide build and ask participants to explain each principle.*

The Convention guarantees a large number of rights, including for instance the right to:



- Non-Discrimination. All children are equally entitled to all the rights accorded to them in the Convention on the Rights of the Child and other international norms and standards on child protection. No child shall be discriminated on the basis of nationality, race, ethnicity, language, gender, age, religion, physical abilities or any other characteristic or status.
- Best Interests. In all actions concerning children and for all decisions related to children, the best interest of the child must be the primary consideration.
- Right to life, survival and development. Children have the right to live. Governments should ensure that children survive and develop healthily.
- Participation. When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions considered. This Convention encourages adults to listen to the opinions of children and involve them in decision-making.

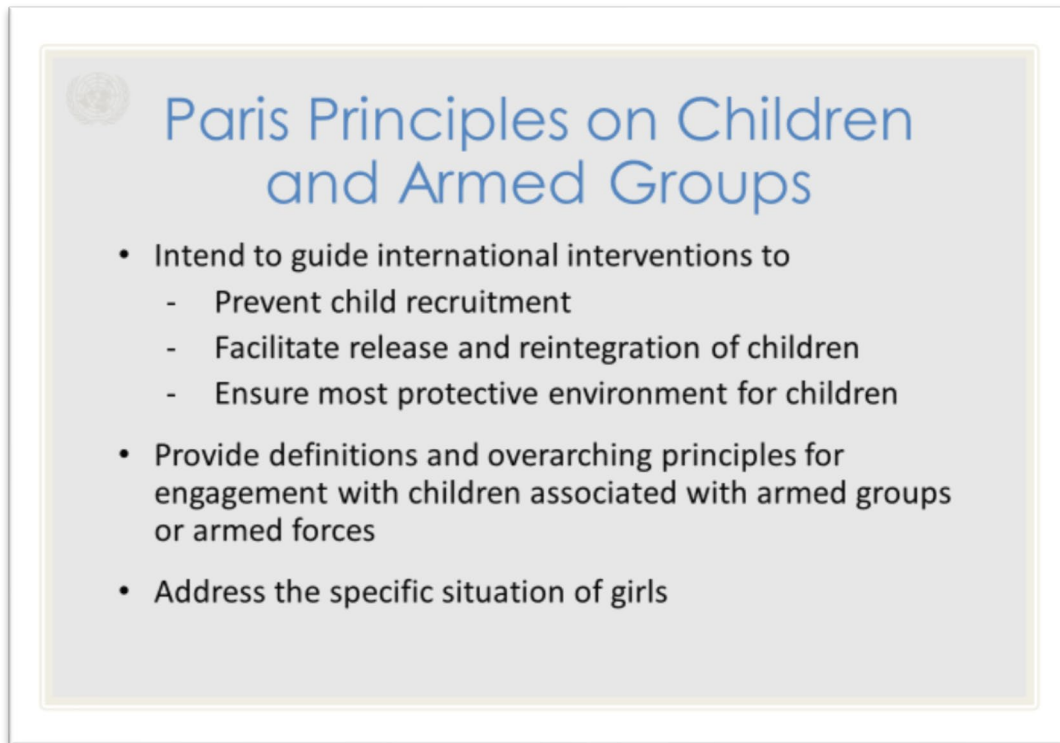
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

- The First Optional Protocol to the Convention requests state parties to take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take direct part in hostilities (Article 1). It prohibits (non-state) armed groups from recruiting or using persons under the age of 18 years in combat under any circumstances and requests state parties to prohibit and criminalise such practices (Article 4).
- The Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both protocols have been ratified by more than 150 states.



*Note to Instructor – There is also a third optional protocol relating to communication of complaints which was adopted in December 2011 and opened for signature on 28 February 2012. It came into effect on 14 April 2014. Although very few countries have ratified the third optional protocol, it is significant as it added an independent complaints mechanism.*

## Slide 12



The Paris Principles were developed by a broad range of stakeholders to influence the behaviour of states (both affected countries and donor governments), human rights actors, humanitarian actors, development actors, military and security actors (state and non-state), as well as international organisations and community-based organisations. While some of these actors have a specific mandate or role in relation to children, all have a role to play and broad responsibility for the rights and wellbeing of children associated with armed forces or groups.

The Principles reflect experience and knowledge from across the globe and are intended to both foster greater programmatic coherence and support and promote good practice. They are designed to guide interventions for the protection and wellbeing of children with the following objectives:

- To prevent unlawful recruitment or use of children;
- To facilitate the release of children associated with armed forces and armed groups and their reintegration into society; and
- To ensure the most protective environment for all children.

While it is clear that no single set of 'best practice' applies in all contexts, these Principles are designed to provide a framework and bring together ideas and approaches, which have been used successfully across the globe.

The Principles and Guidelines also recognise that there are almost always a significant number of girls amongst children associated with armed forces or armed groups. For a range of reasons, however, these girls are rarely provided with assistance. While there are commonalities between the circumstances and experiences of girls and boys, the situation for girls can be very different in relation to the reasons and manner in which they join the armed forces or armed groups; the potential for their release; the effects on their physical, social and emotional well-being; and the ability to reintegrate into civilian life.

The Principles also cover a range of other issues, including children among internally displaced persons and refugees as well as children and justice mechanisms.

**Slide 13**



 **IHRL on Sexual Violence**

- Sexual violence against women is a violation of basic human rights
- Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms equal to men

**Key Message:** International human rights law provides for the right to a life free from sexual violence and from gender-based violence.

Sexual violence, including conflict-related sexual violence, is a gross violation of basic human rights. Acts of sexual violence may violate the right to security of the person and the right to be protected from torture and other ill-treatment, as well as other rights enshrined in international and regional human rights treaties. Sexual violence, including rape, is also recognised as a central element of war crimes and crimes against humanity.

'Gender-based violence' and 'violence against women' are terms that are often used interchangeably, as most gender-based violence is inflicted by men on women and girls.

However, the 'gender-based' aspect of the concept highlights the fact that violence is an expression of power inequalities based on gender. "Violence against women" is understood as a violation of human rights and a form of discrimination against women. It includes all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

According to the CEDAW Committee (general comment 19), the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty. Gender-based violence may breach specific provisions of CEDAW, regardless of whether any provisions expressly mention violence. Gender-based violence against women impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under international human rights law. The right to equal protection according to international humanitarian law, in time of international or internal armed conflict, is recognised.

The Convention on the Rights of the Child provides for children's right to be free from all forms of violence, and stipulates that state parties are obligated to protect children from all forms of sexual exploitation and abuse. The Optional Protocol on the sale of children, child pornography and child prostitution includes the prohibition of child prostitution and child pornography.

#### Slide 14



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

- Human rights are a core pillar of the UN
- Human rights are essential for peace and stability
- Human rights are part of missions' mandate and structure
- Human rights violations can be indicators of threats
- Peacekeepers have a responsibility to ensure the protection and promotion of human rights
- Peacekeepers must be able to recognize and respond to human rights violations

Having explored IHRL and its key components, why do Human Rights matter to UN Peacekeeping? This has already been covered in Lesson 2.3 of the Core Pre-Deployment Materials on the Protection of Human Rights but will be reviewed again here.



*Before building the slide, ask participants why they think Human Rights play an important role for UN Peacekeeping, in particular in the context of the protection of civilians.*

**Key Message:** Human rights are a fundamental part of the normative framework of UN action – the “rule-book” for its activities as well as those of all of its personnel.

Human rights are relevant to UN Peacekeeping in a number of ways, including:

- As set forth in the UN Charter, the purpose of the UN includes to ‘promote and encourage respect for human rights’. Alongside peace and security and sustainable development, the promotion of human rights is a core pillar of the United Nations.
- Since human rights violations are often both a cause and a symptom of many modern conflicts, addressing human rights issues is essential to finding sustainable solutions, and therefore to the success of peace operations.
- As a result, multidimensional UN peace operations include human rights as part of their mandate and structure.
- The effective implementation of human rights mandates and the ability of peace operations to prevent and respond to violations is critical to missions’ credibility.
- Human rights promotion and protection are essential to all UN efforts to prevent conflicts, to achieve and maintain peace, and to assist in peacebuilding. This perspective ensures that UN action is aimed at ensuring respect for human rights in concrete ways for individuals. Human rights protection results when individuals, who otherwise would be at risk of or subject to deprivation of their rights, are able to fully exercise them.
- Consistent with the centrality of human rights in UN action, DPO doctrine requires that all peacekeepers promote and protect human rights through their work. Human rights are a cross cutting responsibility of mission components. This applies and starts with the senior leadership as well as all mission components and their personnel – including military and police. Peacekeepers must act as a positive role model in the countries where they serve.
- All mission personnel have human rights roles and responsibilities. Among other aspects, it implies that mission personnel must be able to recognise violations of human rights and humanitarian law committed by State, and sometimes non-State actors, report on those violations, and be prepared to respond appropriately within the limits of their mandate, functions and competence

 Ask participants to give examples of activities that UNPOL peacekeepers may be asked to carry out to promote and encourage human rights.

Answers should include:

- Record any human rights violations while on duty, including during tasks such as patrolling, observation, searches.
- Report all human rights violations that were observed or where information was received
- Intervene with national law enforcement agencies to ensure respect for human rights in aspects such as arbitrary detention, sexual violence, use of children etc.
- Provide support to human rights staff to facilitate investigations.

## Slide 15



The slide features the United Nations logo in the top left corner. The title "Human Rights Due Diligence Policy" is written in blue text on the left side. To the right of the title, a vertical line separates it from a list of three bullet points. The first bullet point states that peacekeeping support must be consistent with UN principles. The second bullet point states that the HRDDP Policy ensures peacekeepers do not support or collaborate with Host State entities if there are grounds to believe they have violated human rights. The third bullet point states that assessments must be conducted.

- Peacekeeping support must be consistent with UN principles
- HRDDP Policy ensures peacekeepers do not support or collaborate with Host State entities if there are grounds to believe they have violated human rights
- Assessments must be conducted

**Key Message:** Because human rights are so central to the UN, there are several policies governing the role of UN entities in the promotion and protection of human rights. A key

policy is the Human Rights Due Diligence Policy (HRDDP), which was put in place to ensure that the UN does not support or collaborate with host state elements that are involved in human rights violations.

In line with this, all support provided by peacekeeping missions must be consistent with UN principles. Support includes training, capacity building, mentoring, technical cooperation, and financial support.

The HRDDP policy states: "Support to non-UN security forces cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures."

All UN entities that plan to or are already providing support to non-UN security forces must assess the risks involved in providing or not providing such support. This assessment needs to consider the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law. If support is already provided when reliable information about violations is received, peacekeepers must suspend support to the offending elements.

## Summary

### **Key takeaways regarding IHRL include:**

- IHRL is part of the legal framework governing UN peace operations.
- Human rights apply to all human beings, they are non-negotiable and their content does not change. Nobody can take them away.
- Human rights are a core pillar of the UN and all its work, the UN Charter commits to promoting universal respect for human rights. Peacekeepers are obligated to promote and protect human rights through their work.
- Peacekeepers must recognise and respond to human rights violations and abuses. This has implications for the chances of sustainable peace as well as the credibility of the mission.

## Slide 19



## What is International Humanitarian Law (IHL)?

- "Law of War"
- Establishes the responsibilities of actors in armed conflict
- Distinguishes between international and non-international armed conflict
- IHL applies
  - only to situations of armed conflict
  - to all parties of a conflict



**Key Message:** International Humanitarian Law (IHL) consists of rules that apply in situations of armed conflict and seek to regulate the means and methods by which military operations are conducted and protect civilians, the wounded and sick, detained persons, and other persons who are not or are no longer directly participating in hostilities. IHL consists of international treaties and conventions as well as customary rules. Together they specifically aim to address humanitarian issues arising directly from armed conflict, irrespective of whether of an international or a non-international character.

The terms 'international humanitarian law', 'law of armed conflict' and 'law of war' may be regarded as synonymous, but 'international humanitarian law' is most commonly used.

IHL applies to all parties to armed conflicts. The nature of the protection it provides varies and is determined by whether the person in question is a combatant, a person *hors de combat* (wounded or prisoner), or a civilian.

IHL is only applicable in times of armed conflict. It distinguishes between two types of armed conflict:

- International armed conflicts (IACs) are conflicts involving two or more States, or involving a State and a "national liberation movement", regardless of whether a declaration of war has been made or whether the parties involved recognise that there is a state of war.



- Non-international armed conflicts (NIACs) are armed conflicts between the armed forces of a State and organised non-State armed groups, or between such groups. Many armed conflicts today are non-international in nature.


For a situation to be considered a NIAC, the armed groups involved must demonstrate a minimum degree of organisation and the hostilities between the parties must reach a certain level of intensity. This is to distinguish a situation of armed conflict, which is characterised by organised violence between two organised groups, from a situation that only involves sporadic violence by people who are not organised and does not necessarily require the intervention of the armed forces, such as riots and violent demonstrations.

These requirements do not apply to international armed conflicts. An international armed conflict could thus occur by the capture of a single soldier by the enemy State, by occupation of the territory of the enemy State, or even without any violence, such as when a State declares war but does not attack the enemy State.

Rules of IHL bind all parties to a conflict. The law applies when a conflict starts, and then equally to all sides, regardless of who started the fighting, or who is the lawful or unlawful party under the United Nations Charter or the national law. There is no relationship between the legality of a conflict and the application of IHL.

The United Nations, through its principal organs, such as the General Assembly, the Security Council and the Secretariat, and their subsidiary organs, such as the Human Rights Council, peacekeeping operations and the ad hoc international criminal tribunals have also played a central role in ensuring compliance with IHL and accountability for serious violations of IHL.

The International Committee of the Red Cross (ICRC), founded in 1863, acts as the custodian of IHL. The ICRC is an independent, neutral organisation ensuring humanitarian protection and assistance for victims of war and armed violence.

 *Note to Instructor – For more detail regarding the information presented here on IHL see ICRC Advisory Note as well as the ICRC International Humanitarian Law – A comprehensive introduction, both in the Annex.*

## Slide 20



The slide is titled "Core Instruments of IHL" and features a list of three key international humanitarian law instruments. To the right of the text is a black and white photograph of a conference room with delegates from various countries seated at a long table. Nameplates for "INDIA", "ICELAND", and "HUNGARY" are visible on the table. Other nameplates in the background include "GREECE", "INDONESIA", "HOLY-SEE", and "SRI LANKA".

**Core Instruments of IHL**

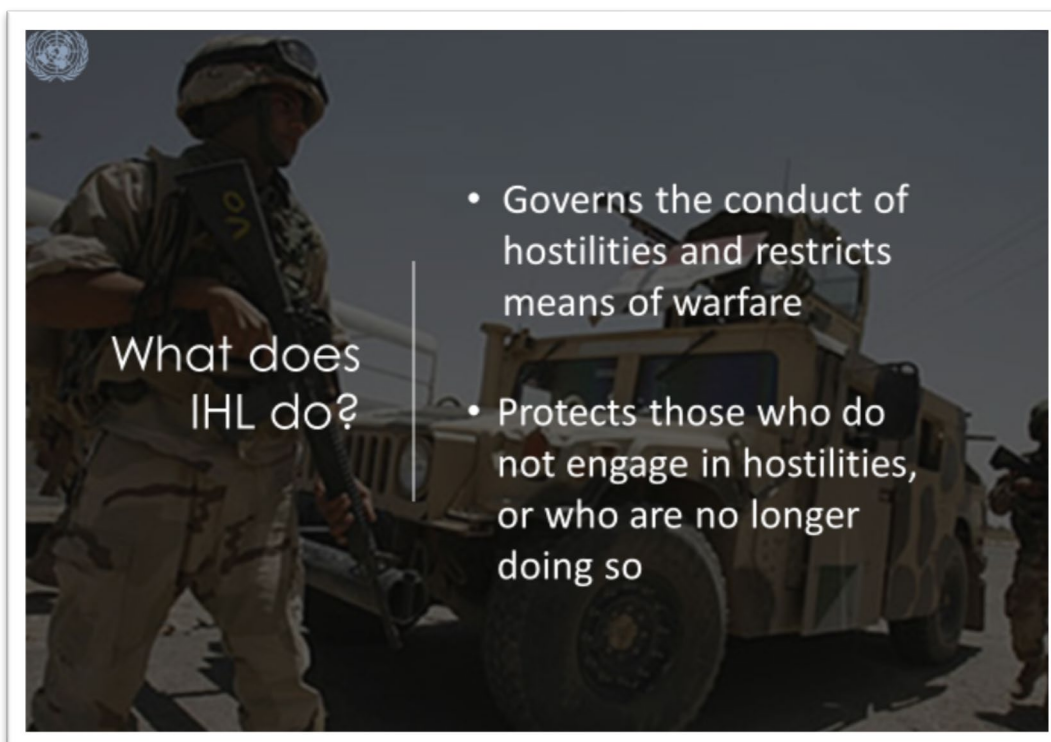
- 1907 Hague Regulations respecting the laws and customs of war on land
- 1949 Geneva Conventions and Additional Protocols
- 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

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

- The 1907 Hague Regulations respecting the laws and customs of war on land, which superseded an earlier related Convention from 1899.
- The Geneva Conventions of 1949 comprise of four treaties, and three Additional Protocols, which, together, establish a comprehensive legal framework in international law regulating the conduct of the parties to armed conflicts. The Geneva Conventions and the Additional Protocols form the core of IHL. The Additional Protocols I and II to the Geneva Conventions supplemented the Geneva Conventions and particularly strengthened the protection of civilians in international and non-international armed conflicts and supplemented the rules that apply in non-international armed conflicts. Additional Protocol III supplemented the rules regulating the use of distinctive emblems (the red crystal, red cross and red crescent).
- The 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its Protocols prohibit or restrict the use of certain weapons (e.g. mines, booby-traps, incendiary weapons) and require the States parties to remove explosive remnants of war.

- Others not listed include the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions, and the Chemical Weapons Convention.

Slide 21



**Key Message:** IHL primarily covers two areas: the conduct of hostilities and the protection of those who are not, or no longer, taking part in fighting.

By governing the conduct of the parties to a conflict, IHL restricts the means of warfare.

- IHL only permits attacks against combatants and military objects. Directing attacks against civilians and civilian objects is prohibited.
- IHL therefore prohibits indiscriminate attacks, i.e., attacks that do not or cannot respect the obligation to distinguish between civilians and combatants and between civilian and military objects. Conflict parties are required to take all possible precautions before launching an attack so that these rules are respected.
- Regarding the means of warfare, IHL restricts the weapons and methods or tactics of warfare that can legally be utilised. Those weapons that may cause superfluous injury or unnecessary suffering are prohibited. This includes for instance the Chemical Weapons Convention (CWC) that outlaws the production, stockpiling, and use of chemical weapons and their precursors.

IHL also requires the parties to the conflict to treat those who do not engage in hostilities, and who are no longer doing so humanely. This includes civilians, the wounded and sick, prisoners-of-war and other detained persons, medical personnel and humanitarian workers. For example, IHL requires parties to conflict to:

- Care for the wounded and sick and to protect medical personnel; and
- Ensure that the dignity of detained persons is preserved, including by allowing visits by ICRC delegates.

**Slide 22**



Basic Principles of IHL

- Distinction of civilians
- Proportionality
- Military necessity
- Unnecessary suffering

**Key Message:** The conduct of hostilities and the protection of non-combatants are defined by four basic principles.



*Divide participants into four groups and give them 10 minutes for each group to define one of the four principles. Ask the groups to brief the plenary and discuss their suggested definitions with all participants. Refer to the explanations below.*

The four basic principles of IHL can be defined as follows:

- Distinction: In order to ensure respect for and protection of the civilian population and civilian objects, parties to the conflict at all times have to distinguish between the civilians and combatants, and between civilian and military objects.

Operations must only be directed at military objects. This principle protects non-combatants.

- Proportionality: Loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. This means that when considering a target, the damage to civilians and their property cannot be excessive in relation to the military advantage gained. Proportionality is not a requirement if the target is purely military. This principle protects non-combatants.
- Military necessity: Every injury done to the enemy, even if permitted by IHL, is excusable only so far as it is absolutely necessary; everything beyond that is criminal. In that sense, while proportionality is not a requirement for military targets, necessity limits the use of force. This principle protects combatants.
- Unnecessary suffering: It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. This relates to the prohibition of certain weapons discussed earlier. This principle protects non-combatants.

**Slide 23**



**Key Message:** IHL affords special protection to various categories of persons who, owing to their sex, age, profession or status, are particularly exposed to certain risks.

These categories are:

- Medical and Religious Personnel
  - Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.
  - Religious personnel exclusively assigned to religious duties must be respected and protected in all circumstances.
  - Both lose their protection if they commit, outside their humanitarian function, acts harmful to conflict parties.
- Members of the Armed Forces assigned (exclusively) to Civil Defense.




*Discuss with participants what they think counts as 'Civil Defense' tasks.*

*The list of Civil Defense tasks is limited to the 15 following tasks:*

1. *Warning;*
2. *Evacuation;*
3. *Management of shelters;*
4. *Management of blackout measures;*
5. *Rescue;*
6. *Medical services – including first aid – and religious assistance;*
7. *Fire-fighting;*
8. *Detection and marking of danger areas;*
9. *Decontamination and similar protective measures;*
10. *Provision of emergency accommodation and supplies;*
11. *Emergency assistance in the restoration and maintenance of order in distressed areas;*
12. *Emergency repair of indispensable public utilities;*
13. *Emergency disposal of the dead;*
14. *Assistance in the preservation of objects essential for survival;*
15. *Complementary activities needed to carry out any of the tasks mentioned above.*

- Special Categories of Persons
  - Women (separate slide to follow)
  - Children (separate slide to follow)
  - Journalists and War Correspondents – Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities. This is applicable in both international and non-international armed conflicts.

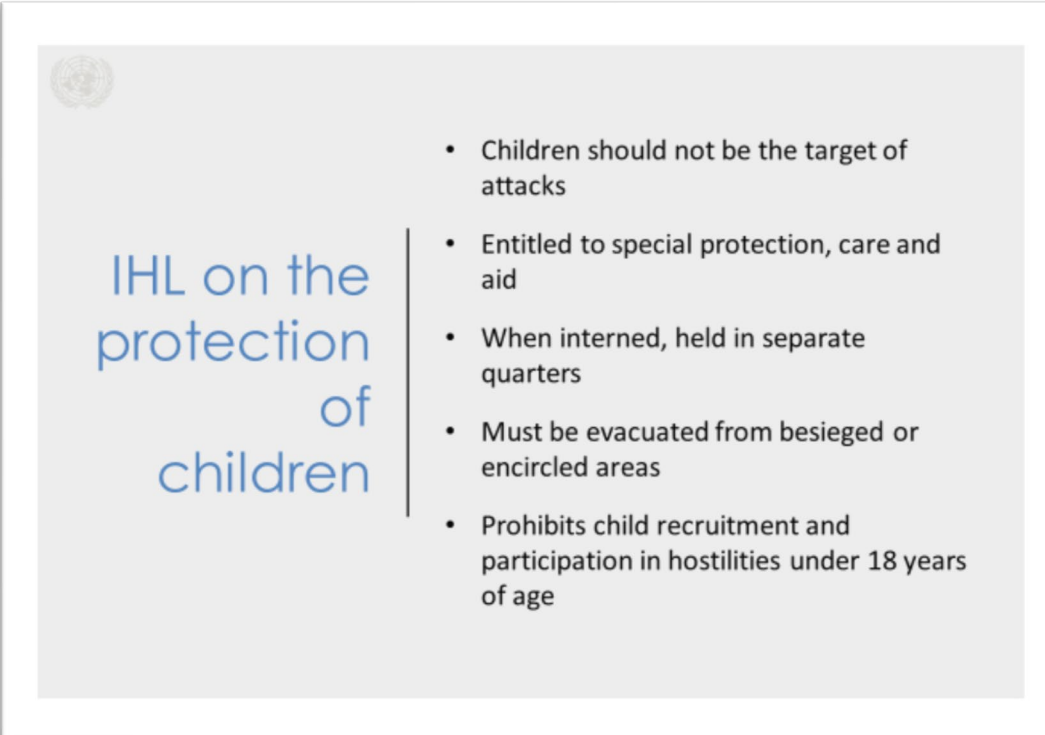
- Displaced persons – Under IHL, persons displaced for security reasons from military operations are entitled to satisfactory conditions of shelter, hygiene, health, safety and nutrition.

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

- Peacekeepers – Customary International Law treats military personnel of peacekeeping forces, which are usually professional soldiers, as civilians. This is because they are not members of a party to the conflict and are deemed to be entitled to the same protection against attack as that accorded to civilians. This protection extends as long as they are not taking a direct part in hostilities, or as long as the peacekeeping operation to which they belong does not become a party to the conflict. Military personnel of peacekeeping forces are entitled to be treated humanely in accordance with the relevant IHL rules that require the humane treatment of civilians and persons no longer in combat. By the same token, objects involved in a peacekeeping operation are considered to be civilian objects, and are consequently protected against attack. Under the Statute of the International Criminal Court, intentionally directing attacks against personnel and objects involved in a peacekeeping mission in accordance with the Charter of the United Nations constitutes a war crime in both international and non-international armed conflicts. This is true as long as those personnel and objects are entitled to the protection given to civilians and civilian objects under international humanitarian law.
- Specially Protected Objects  

Civilian objects: undefended, or open, towns or non-defended localities; Hospital and safety zones, demilitarised zones; neutralised zones (temporary, small, near the frontline; Cultural property; Objects indispensable for the survival of the civilian population (water/energy supply systems); Works and installations containing dangerous forces (dams, dykes, nuclear power plants); The natural environment (widespread, long-term and severe damage).

## Slide 24



IHL on the protection of children

- Children should not be the target of attacks
- Entitled to special protection, care and aid
- When interned, held in separate quarters
- Must be evacuated from besieged or encircled areas
- Prohibits child recruitment and participation in hostilities under 18 years of age

**Key Message:** Children are often the most vulnerable group in any population affected by armed conflict. Orphaned or otherwise left to their own resources, they often have no choice but to seek safety, food and shelter with organised armed groups or criminal gangs, where they can become victims of forced recruitment, slavery and sexual violence. Parties to a conflict must provide children with the care and assistance they require, facilitate their education and religious practice, and protect them against any form of assault.

Specifically, IHL stipulates that:

- Children should not be the target of attacks;
- Due to their particular vulnerabilities, children are entitled to special protection, care and aid;
- Children, when interned, should be held in separate quarters from adults;
- Parties to the conflict must endeavour to conclude local agreements for the removal of children from besieged or encircled areas;
- States must not forcibly recruit children and must take all possible measures to prevent the participation in hostilities by children under 18 years of age.



## Slide 25



**IHL on the protection of women**

- Women are especially protected from sexual violence, including rape and enforced prostitution
- Women are given special protection while detained

**Key Message:** Women are entitled to the same general protection as men during conflict, without discrimination. In addition, women are also entitled to special protection, which considers their specific needs. In time of war, women are often left to take care of children and other dependents on their own and under extremely difficult circumstances. In addition, they are particularly exposed to the risk of sexual violence and abuse by weapon-bearers or organised criminal groups. IHL has been criticised for not providing sufficient protection against this risk, and the term Conflict-Related Sexual Violence is not used in IHL.

However, the fourth Geneva Convention of 1949, their Additional Protocols of 1977 and customary rules of IHL prohibit rape and other forms of sexual violence in times of armed conflict. This rule is a norm of customary international law and binding on all. The prohibition of rape and other forms of sexual violence is covered by the prohibition against cruel treatment and torture. Rape was already expressly prohibited in the Lieber Code of 1863, which outlawed all wanton violence committed against persons in the invaded country, including rape.

IHL also requires that women must be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Moreover, the cases of pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict must be reviewed with the utmost priority. Also, to the maximum extent feasible, the death penalty should not be imposed, and may in any case not be carried out, on such women.

## Slide 26



Why does IHL matter to UN Peacekeeping?

- Special protection for Peacekeepers
- IHL applicable to peacekeepers?
- SG Bulletin: *“Fundamental principles and rules of IHL [...] are applicable to UN forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement.”*



Before building the slide, discuss with participants why they think IHL plays an important role for UN Peacekeeping, in particular in the context of the protection of civilians.

First of all, as mentioned earlier, peacekeepers are afforded special protections by IHL. As such, attacks on peacekeeping personnel are prohibited and breaches can constitute war crimes.

**Key Message:** UN peacekeeping operations are not bound by any IHL treaty, since the UN as an organisation is not party to any IHL treaties, including the Geneva Conventions and their Additional Protocols. However, UN peacekeeping operations are bound by customary rules of IHL which are mostly contained in the “Secretary-General’s Bulletin on the observance by United Nations forces of international humanitarian law”.

As a result, if peacekeeping missions become a party to conflict, either through the use of force in self-defence, or through the conduct of offensive operations as authorised by the Security Council, peacekeepers would be bound by IHL.

In cases where a United Nations peacekeeping operation has become a party to a conflict or where the operation has not become a party to a conflict but individual military personnel engage in military operations in support of, for example, of the host country armed forces, the protection to which peacekeepers are normally entitled would not apply to those peacekeepers and targeting them would not become unlawful

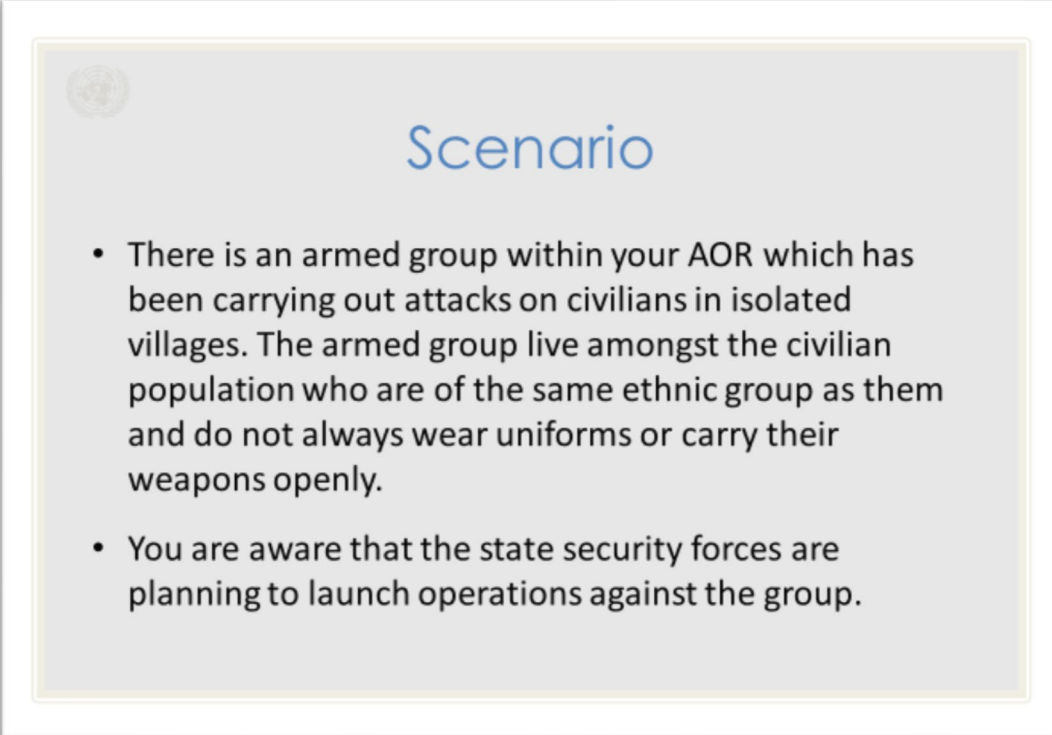
under IHL. This has consequences for the safety of peacekeepers and threatens one of the fundamental tenets of peacekeeping: impartiality.

In addition to the customary rules of IHL and the Secretary-General's bulletin, national laws remain binding for peacekeepers throughout their operations. In case of violations of IHL, members of the military personnel of a United Nations force are subject to prosecution in their national courts.

## Slide 27

### Learning Activity

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A slide titled "Scenario" with a UN emblem in the top left corner. The slide contains two bullet points describing a situation with an armed group in a conflict zone and state security forces planning operations against them.

Scenario

- There is an armed group within your AOR which has been carrying out attacks on civilians in isolated villages. The armed group live amongst the civilian population who are of the same ethnic group as them and do not always wear uniforms or carry their weapons openly.
- You are aware that the state security forces are planning to launch operations against the group.



*Run Learning Activity 2.1: Soldiers or civilians from the annex to this module.*

## Summary

### Key takeaways regarding IHL include:

- IHL is a body of public international law that applies in situations of armed conflict and prescribes means and methods of combat, including limits on the use of certain weapons, and demands the protection of the civilian population.
- IHL also prescribes the treatment of civilians and persons who are *hors de combat*, such as detained persons.
- IHL offers special protections to certain categories of persons, including women, children, the wounded, the sick, as well as medical and relief personnel.
- When a UN mission becomes a party to the conflict, it is bound by IHL. In any case, national laws apply to peacekeepers and violators of IHL and peacekeepers can be prosecuted in national courts for violations of IHL.

## Slide 31



## What is International Refugee Law (IRL)?

- With respect to refugees and asylum seekers, IRL regulates their
  - Definition
  - Status and
  - Rights
- IRL applies
  - In times of peace, war and occupation
  - Primarily to state governments

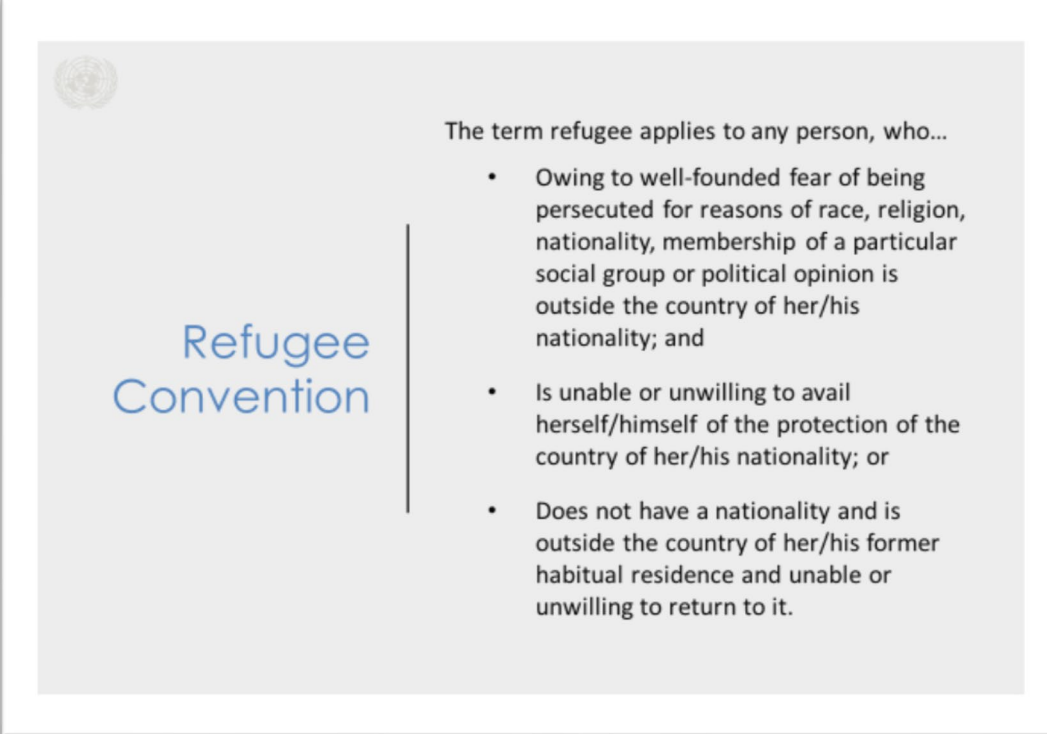



It is the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes, and often even their families, to seek safety in another country. Since, by definition, the governments of their home countries no longer protect the basic rights of refugees, the international community has to step in to ensure that those basic rights are respected.

The 1951 Convention Relating to the Status of Refugees is the foundation of international refugee law. Also referred to as the Refugee Convention, it defines the term “refugee” and sets minimum standards for the treatment of persons who are found to qualify for refugee status.

IRL generally applies in times of peace, war and occupation, and is primarily addressed to States.

Slide 32



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

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

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

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

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

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

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

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

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

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

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

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

## Slide 33



## Rights of Refugees

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



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

Rights of refugees include:

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



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



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

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

### Slide 34

**Internally Displaced Persons (IDPs)**

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

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

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

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

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

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

**Slide 35**



**Human Rights as for any other person**

**Once displaced they retain broad range of rights**

- Economic, social, cultural, civil and political rights
- Right to be protected from physical violence
- Right to education
- Right to freedom of movement and residence
- Right to assistance from competent authorities in voluntary, dignified and safe return, resettlement or integration
- When restitution not possible, the right to compensation or just reparation



*Ask participants to explain which of the listed rights peacekeeping missions are expected to protect? Discuss some of the challenges missions will face in protecting those rights.*

**Key Message:** IDPs, like all human beings, enjoy human rights that are articulated by international human rights instruments and customary law. In situations of armed conflict, moreover, they enjoy the same rights as other civilians to the various protections provided by IHL.

The UN's Guiding Principles on Internal Displacement restate and compile existing international human rights and humanitarian law as they relate to the internally displaced. The Guidelines also attempt to clarify grey areas and gaps in the various instruments with regard to situations of particular interest to the internally displaced.

The Guiding Principles note that arbitrary displacement in the first instance is prohibited (Principles 5-7). Once persons have been displaced, they retain a broad range of economic, social, cultural, civil and political rights, including the right to basic humanitarian assistance (such as food, medicine, shelter), the right to be protected from physical violence, the right to education, freedom of movement and residence, political rights such as the right to participate in public affairs and the right to participate in economic activities (Principles 10-23). Displaced persons also have the right to assistance from competent authorities in voluntary, dignified and safe return, resettlement or local integration, including help in recovering lost property and possessions. When restitution is not possible, the Guiding Principles call for compensation or just reparation (Principles 28-30).

## Slide 36



**Why does Refugee Law matter to UN Peacekeeping?**

- Most peacekeeping missions are mandated with the protection of civilians – refugees and displaced persons are particularly vulnerable
- Missions are often tasked to contribute to conditions conducive for the safe return of displaced persons



*Before building the slide, discuss with participants why they think International Refugee Law plays an important role for UN Peacekeeping, in particular in the context of the protection of civilians.*

The 2008 UN Capstone Doctrine, a high-level document outlining the principles and guidelines for UN Peacekeeping, identifies the promotion of social and economic recovery and development, including the safe return or resettlement of internally displaced persons and refugees uprooted by conflict, as one of the four critical areas to achieving sustainable peace.

Moreover, refugees and IDPs are civilians, and as such fall under the protection of civilians mandate for UN peacekeeping operations. Displaced persons are often particularly vulnerable, making their protection a priority concern for many missions. For example, in UNSCR 2277 (2016), the Council mandated MONUSCO to “Ensure, within its area of operations, effective protection of civilians under threat of physical violence, including by deterring, preventing and stopping armed groups from inflicting violence on the populations, paying particular attention to civilians gathered in displaced and refugee camps”.

In addition to the protection of civilians, peacekeeping operations are often tasked with the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, or other durable solutions to their displacement. A durable solution is achieved when internally displaced persons no

longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
- Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- Sustainable integration in another part of the country (settlement elsewhere in the country)


**Example:** In UNSCR 2295 (2016), the Council mandated MINUSMA to “[...] contribute to the creation of a secure environment for [...] the voluntary, safe and dignified return or local integration or resettlement of internally displaced persons and refugees”.

## Summary

### Key takeaways regarding IRL include:

- The rights of refugees are protected by International Refugee Law, in particular the 1951 Refugee Convention and its 1967 Protocol.
- While there is no particular body of international law dedicated to the protection of the rights of IDPs, they are nevertheless protected under IHRL and IHL.
- In the context of peacekeeping operations, the POC mandate includes refugees and IDPs. In fact, given their particular vulnerabilities, missions often have to prioritise the protection needs of refugees and IDPs.

## Slide 40



What is International Criminal Law (ICL)?

- Deals with the criminal responsibility of individuals for international crimes
- No generally accepted definition of international crimes, however there are some core crimes under jurisdiction of certain international tribunals (genocide, war crimes, crimes against humanity and aggression)
- Allows for the establishment of international tribunals and courts to prosecute perpetrators guilty of the gravest crimes of concern to the international community

**Key Message:** International criminal law is the part of public international law that deals with the criminal responsibility of individuals for international crimes. There is no generally accepted definition of international crimes. A distinction can be made between international crimes which are based on international customary law and therefore apply universally and crimes resulting from specific treaties which criminalise certain conduct and require the contracting states to implement legislation for the criminal prosecution of this conduct in their domestic legal system. The international core crimes, i.e., crimes over which international tribunals have been given jurisdiction under international law, are: genocide, war crimes, crimes against humanity, and aggression.

The Nuremberg and Tokyo trials signalled the birth of present-day international criminal law, i.e., the prosecution of individuals for international crimes before international tribunals. In the early 1990s international criminal law served as foundation for the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) by the UN Security Council. The creation of various international or UN assisted criminal courts and the proposals of the International Law Commission, which resulted in the establishment of the International Criminal Court in 2002, contributed to the rapid development of international criminal law during the last two decades.

There are several institutions of international criminal justice today. The most important institution is the International Criminal Court (ICC), as well as ad hoc tribunals and the International Residual Mechanism for Criminal Tribunals (Mechanism). The Mechanism continues the jurisdiction, rights and obligations and essential functions of the ICTY and

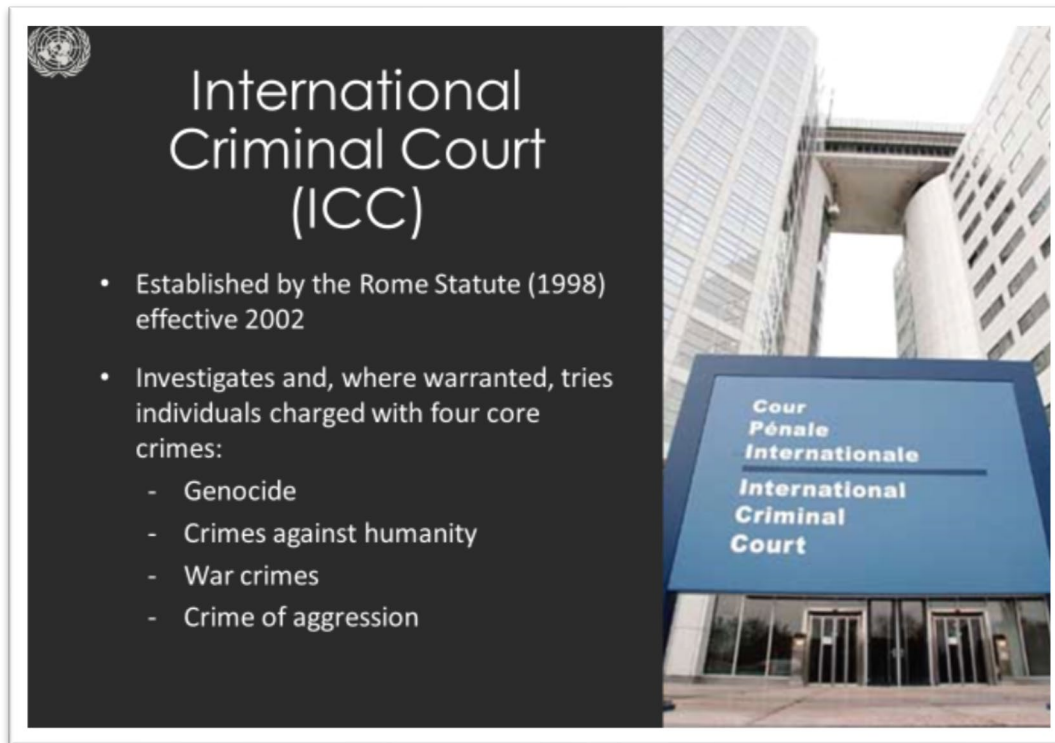
the ICTR.

The ICTY, the Mechanism, and the ICC, have jurisdiction over certain violations of both IHL and IHRL that amount to international crimes.

Apart from these institutions, some "UN assisted" courts and tribunals have been created with the support of the United Nations – judicial bodies with both international and national judges such as:

- Special Court for Sierra Leone (SCSL). Its mandate was to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996). Since the closure of the SCSL in 2013, the Residual Special Court for Sierra Leone carries out its functions;
- Extraordinary Chambers in the Courts of Cambodia (ECCC). Its mandate is to prosecute senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognised by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979);
- Special Tribunal for Lebanon (STL). Its mandate is to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Prime Minister Rafiq Hariri and in the death or injury of other persons. The Tribunal's jurisdiction could be extended beyond the 14 February 2005 bombing if the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005.

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The International Criminal Court (ICC) is an intergovernmental organisation and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as the ICC's foundational and governing document. States that become party to the Rome Statute, for example by ratifying it, become member states of the ICC. Currently, there are 124 states that are party to the Rome Statute and are, therefore, members of the ICC.

The ICC may investigate individuals suspected of involvement in one or more of the four core international crimes:

- Genocide
- Crimes against humanity
- War crimes
- Crime of aggression (the ICC's jurisdiction over this crime is established in theory but has not commenced yet in practice)

To date, the prosecutor of the ICC has opened investigations into 10 situations (two in the Central African Republic' Cote d'Ivoire; Darfur, Sudan; Democratic Republic of the



Congo; Georgia; Kenya; Libya; Mali; Uganda). Where warranted, trials are being held, and the Court's Pre-Trial Chambers have so far publicly indicted 39 people.

**Slide 42**

**Fundamental principles of the ICC**

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

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

The ICC aims to end impunity for any individual's actions in such instances, irrespective of the official capacity of that individual (Article 27).

The ICC has been established as a permanent, independent body – outside the UN system. The ICC may exercise its jurisdiction over crimes allegedly committed on the territory of a State Party (i.e. a State that has ratified the ICC Statute) or where the alleged perpetrator is a national of a State Party.

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

- Referral by State parties

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

**Slide 43**




International Criminal Law (ICL) seeks to end impunity for all perpetrators of international crimes. This includes of course those crimes committed against children. The Rome Statute of 1998, which established the International Criminal Court (ICC) in 2002, recognised “conscripting or enlisting children under the age of 15 and using them to participate actively in hostilities” as a war crime. In the first case before the Court, Thomas Lubanga Dyilo, a former warlord from eastern DRC was found guilty on the charges of recruiting and using child soldiers under the age of 15 in the Ituri conflict from 2002 to 2003.

Likewise, acts of CRSV can fall under the jurisdiction of the ICC. Depending on circumstances, rape, for instance, may be a war crime, a crime against humanity or an act of genocide.

CRSV is also a crime in most national legal systems.

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Why does ICL matter to UN Peacekeeping?

An individual person is responsible and liable under the Rome Statute if that person:

- Commits such a crime [...];
- Orders, solicits or induces the commission [...];
- Aids, abets or otherwise assists [...];
- In any other way contributes [...];
- In respect of the crime of genocide, directly and publicly incites others to commit genocide.

Under Article 25 of the Rome Statute, an individual person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

- Commits such a crime [...];
- Orders, solicits or induces the commission [...];
- Aids, abets or otherwise assists [...];
- In any other way contributes [...];
- In respect of the crime of genocide, directly and publicly incites others to commit genocide.

Slide 45



Why does ICL matter to UN Peacekeeping?

Commanders are responsible for crimes under their command if s/he:

- knew or should have known about the crimes

AND

- failed to take all necessary and reasonable measures to prevent or repress the crimes or to take action for investigation and prosecution

Article 28 of the Rome Statute of the International Criminal Court codified the doctrine of command responsibility. Under this article, military and police commanders carry individual responsibility for crimes committed by forces under their effective command and control if:

- they either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, and
- they failed to take all necessary and reasonable measures within their power to prevent or repress the crimes or submit the matter to the competent authorities for investigation and prosecution.

Commanders can also be held responsible for failure to act. Armed forces or groups are generally placed under a command that is responsible for the conduct of its subordinates. As a result, in order to make the system effective, hierarchical superiors should be held to account when they fail to take proper measures to prevent their subordinates from committing serious violations of international humanitarian law. They may therefore be held to be responsible for criminal activities to which they made no personal contribution. It is also worth noting that superior orders are not a defence for crimes.

Military and Police Commanders also have specific responsibilities regarding the implementation of Rules of Engagement/Directive on the Use of Force.

**Key takeaways regarding ICL include:**

- ICL is part of the applicable legal framework for UN peacekeeping. This means that peacekeepers can be held accountable under its provisions.
- ICL is the foundation for the ICC and international tribunals. The ICC was set up to deal specifically with the four international core crimes: Genocide, crimes against humanity, war crimes, and crimes of aggression.
- Peacekeepers need to keep in mind that individuals can be held responsible for their actions under the Rome Statute; and commanders carry the responsibility for actions of their subordinates if they should have known or failed to take all necessary measures to prevent crimes.

**Slide 49**



In addition to existing international treaties and conventions, national governments have cooperated within their respective regions thus developing or reinforcing legal frameworks. Signatory states are bound by the treaties and their provisions are relevant for peacekeeping missions if they are deployed in the respective regions.

The focus of such regional legal framework is normally on human rights and/or on refugee and IDP rights. Concerning human rights, and in addition to the International Bill of Human Rights, there are three primary regional human rights regimes currently in place. Regional Human Rights Commissions and Courts were established to create oversight mechanisms for these regimes.

The main regional human rights regimes are:

- [Council of Europe] European Convention on Human Rights (1950)
  - Defines and guarantees human rights and fundamental freedoms in Europe
  - Is overseen by the European Court of Human Rights
  
- [The Americas] The American Convention on Human Rights, (1969)
  - Consolidates in the Americas a system of personal liberty and social justice based on respect for the essential rights of man
  - Is overseen by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights
  
- [African Union] African Charter on Human and People's Rights, (1983)
  - Promotes and protects human rights and basic freedoms in Africa
  - Is overseen by the African Court of Human and Peoples' Rights

Similar to the realm of human rights, refugee law has also seen the creation of regional legal regimes. The following are the most prominent examples:

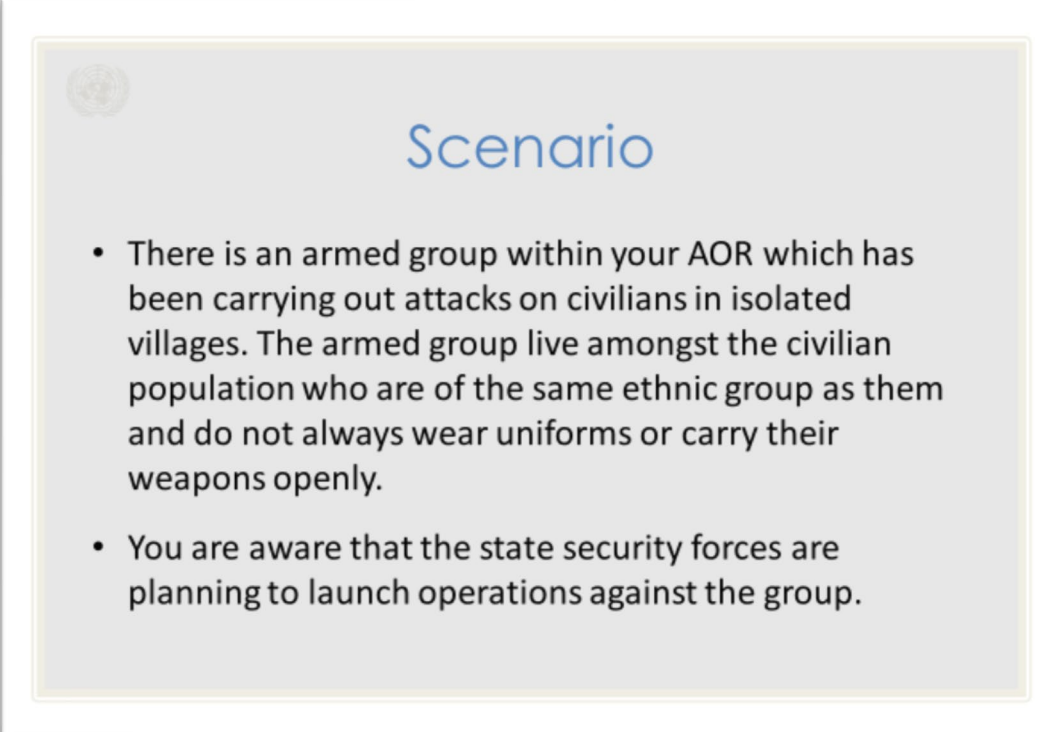
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969);
  - Entered into force in 1974 to address unique aspects of refugees in Africa following wars of independence from colonial powers
  
- Declaration of Cartagena (1984), which was adopted in the framework of the Organisation of American States.
  - Focused on the protection and humanitarian challenges affecting refugees in Central America in the 1980s
  
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)
  - Also known as the Kampala Convention, it specifically establishes state responsibility for the protection and assistance of internally displaced persons, whose displacement is the result of "natural or human made disasters

## Soldiers or civilians

### TIME

Total: 15 minutes

### EXERCISE



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

Scenario

- There is an armed group within your AOR which has been carrying out attacks on civilians in isolated villages. The armed group live amongst the civilian population who are of the same ethnic group as them and do not always wear uniforms or carry their weapons openly.
- You are aware that the state security forces are planning to launch operations against the group.

### NOTES TO INSTRUCTOR

Divide participants in groups and give them 10 minutes to discuss this scenario.

What is there proposed course of action?

There is no single answer that is right or wrong. However, the following elements should be identified in the discussion:

- Distinction between civilians and combatants is the key challenge in this context;
- Protection threats come from both state and non-state parties;

- More information is required, such as the history and previous conduct of the parties involved;
- Activities can be taken under all three tiers of the POC Operational Concept, including outreach to armed group leaders and political engagement with the security forces to alert them of the challenges of this operation;
- Most courses of action are likely to create opportunities and threats for the protection of civilians.



# Handout

# 2.1



## Simplified Version of the Universal Declaration of Human Rights

### Summary of Preamble

The General Assembly recognises that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, human rights should be protected by the rule of law, friendly relations between nations must be fostered, the peoples of the UN have affirmed their faith in human rights, the dignity and the worth of the human person, the equal rights of men and women and are determined to promote social progress, better standards of life and larger freedom and have promised to promote human rights and a common understanding of these rights.

### A summary of the Universal Declaration of Human Rights

1. Everyone is free and we should all be treated in the same way.
2. Everyone is equal despite, for example, differences in skin colour, sex, disability, religion or language.
3. Everyone has the right to life and to live in freedom and safety.
4. No one has the right to treat you as a slave nor should you make anyone your slave.
5. No one has the right to hurt you or to torture you.
6. Everyone has the right to be treated equally by the law.
7. The law is the same for everyone, it should be applied in the same way to all.
8. Everyone has the right to ask for legal help when their rights are not respected.
9. No one has the right to imprison you unjustly or expel you from your own country.

10. Everyone has the right to a fair and public trial.
11. Everyone should be considered innocent until guilt is proven.
12. Everyone has the right to ask for help if under the threat of harm, but no one can enter your home, open your letters or bother you or your family without a good reason.
13. Everyone has the right to travel as they wish.
14. Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.
15. Everyone has the right to belong to a country.
16. No one has the right to prevent you from belonging to another country if you wish to.
17. Everyone has the right to marry and have a family.
18. Everyone has the right to own property and possessions.
19. Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.
20. Everyone has the right to say what they think and to give and receive information.
21. Everyone has the right to take part in meetings and to join associations in a peaceful way.
22. Everyone has the right to help choose and take part in the government of their country.
23. Everyone has the right to social security and opportunities to develop their skills.
24. Everyone has the right to work for a fair wage in a safe environment and to join a trade union. Everyone has the right to rest and leisure.
25. Everyone has the right to an adequate standard of living and medical help if they are ill.
26. Everyone has the right to go to school.

27. Everyone has the right to share in their community's cultural life.
28. Everyone must respect the 'social order' that is necessary for all these rights to be available.
29. Everyone must respect the rights of others, the community and public property.
30. No one has the right to take away any of the rights in this declaration.

# Lesson 2.2



## UN Legal and Policy Framework

### The Lesson



#### Starting the Lesson

##### Overview

Apart from international and national law, peacekeeping missions and their activities in the area of protection of civilians are also governed by the particular legal and policy framework of the UN, which includes:

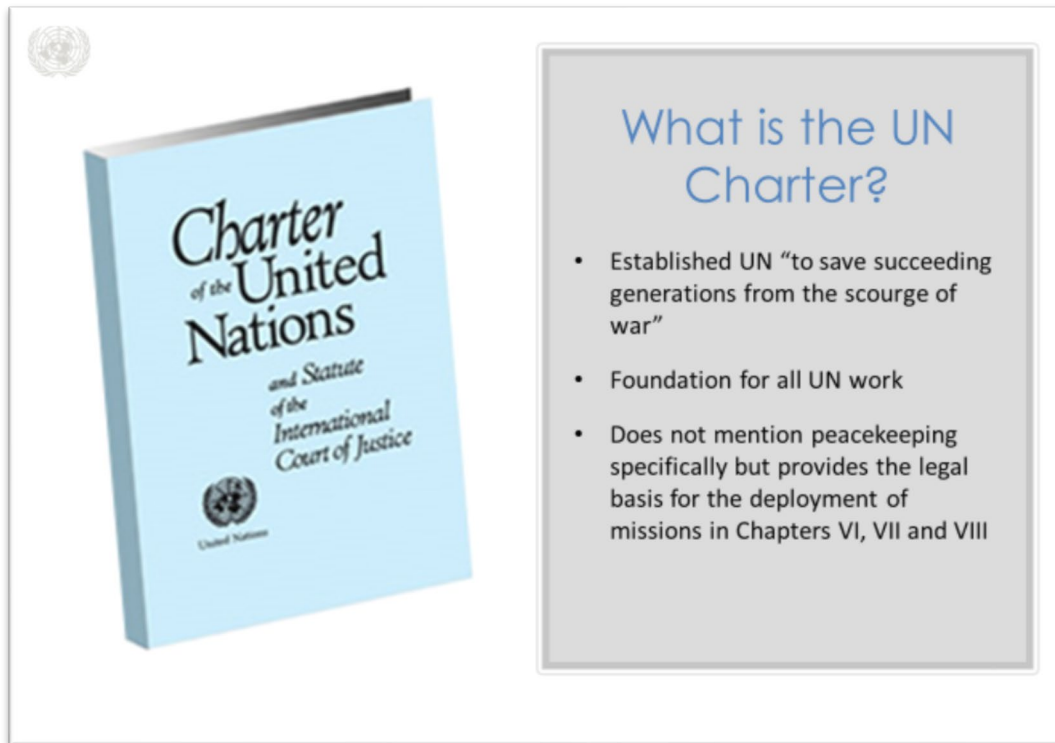
- The Charter of the United Nations
- Security Council resolutions
- The Convention on Privileges and Immunities of the United Nations of 13 February 1946
- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)
- The Agreement with participating States, i.e. the UN Member States who have agreed to contribute troops or police personnel to UN PKOs (“TCC or PCC MOU”)

##### Relevance

The UN Legal and Policy Framework is relevant to understand (i) the legal basis for the UN's deployment in a host country, and (ii) the legal regime that applies to all day-to-day activities in the host country.

## UN Legal and Policy Framework

### Slide 53



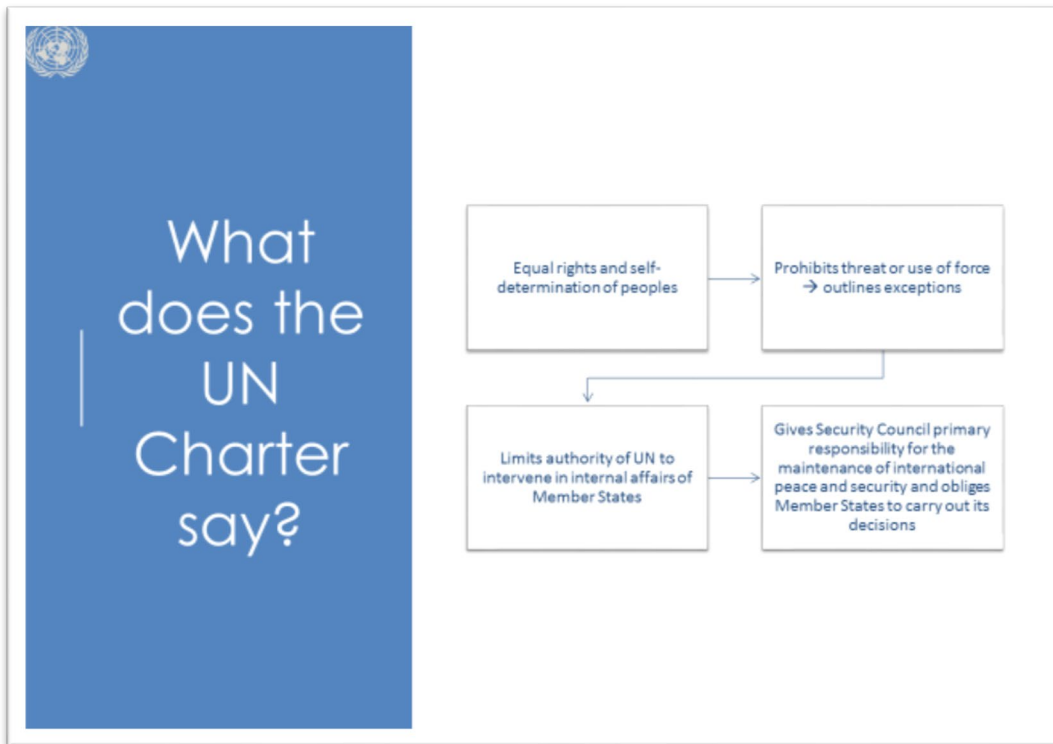
**Key Message:** The Charter of the UN is the founding document of the Organisation and the basis of all the Organisation's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to "save succeeding generations from the scourge of war" and one of its main purposes is to maintain international peace and security. Peacekeeping, although not explicitly provided for in the Charter, has evolved into one of the main tools used by the UN to achieve this purpose.

Interestingly, the UN Charter does not make reference to UN peacekeeping, even though it is today the most expensive and arguably the most visible activity of the UN.

The legal basis for the establishment of a PKO is found in Chapters VI, VII and VIII:

- Chapter VI – Pacific settlement of disputes
- Chapter VII "Action with respect to the Peace, Breaches of the Peace and Acts of Aggression"
- Chapter VIII – Regional Arrangements

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

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

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

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

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

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

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

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

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

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Convention on Privileges and Immunities

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

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

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

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

The Convention also clarifies that the UN enjoys immunity from every form of legal process in its Member States except when the UN has expressly waived its immunity.

Particular privileges and immunities to the UN and its officials include:

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



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

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

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

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

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

If the accused person is a civilian, the Special Representative shall conduct any necessary inquiries and then agree with the Government whether or not criminal proceedings should be instituted.

Individual Police Officers (IPOs) and members of FPU are subject to the jurisdiction of the host country/territory in respect of any criminal offences that may be committed by them in the host country and any disputes/claims of a civil nature not related to the performance of their official functions. (Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers DPKO/CPD/DDCPO/2003/001).

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**Agreement with Host State**

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

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

Before deployment of a peacekeeping operation, the UN and the Host Government sign a Status of Forces or Status of Mission Agreement (SOFA/SOMA) for the establishment of the mission on the Government's territory.

The difference between SOFA and SOMA is that for peacekeeping operations with armed personnel a SOFA is adopted (which applies to all military, civilian and police personnel), while for UN peace operations with only unarmed personnel (for instance Special Political Missions), a SOMA is adopted.

The SOFA/SOMA sets forth the legal framework that regulates the status of the peacekeeping operation and its members in the Host State, including privileges and immunities for UN personnel (see above). Despite privileges and immunities, the peacekeeping operation and its members are under an obligation to respect local laws and regulations. Therefore, such laws and regulations apply to the mission and its members unless expressly or impliedly excluded by the SOFA or other provisions of international law or exempted by the Government.

It is important that peacekeepers respect and follow the national laws of the host country. Failure to abide by host state laws will have consequences to the individual, the T/PCC and the mission's standing. The SRSG / HOM is responsible to the Secretary-General and the Host Country for the conduct of all the Mission's personnel.

SOFAs/SOMAs are modelled after existing templates, adopted by the General Assembly in 1990, and typically:

- State that UN premises in the host country are inviolable and subject to the exclusive control and authority of the UN, which controls access to all its premises.
- Stipulate that UN equipment and vehicles are immune from search and seizure.
- Give the UN the right to un-restricted communication throughout the host country.
- UN has the right to disseminate information on its mandate to the public which is under its exclusive control and cannot be the subject of any form of censorship.
- Supplement the Convention on Privileges and Immunities of the UN discussed earlier, and give “functional immunity” to all peacekeeping personnel, including military and police. However, they also set out certain limitations to existing privileges where this may be appropriate.
- Address criminal offences committed by civilian members of the UN peacekeeping force which will be dealt with by joint decision of the commander of the mission and the local government. Also, if any military member of the UN peacekeeping force commits a criminal offence in the host country, the sending State has exclusive jurisdiction under the SOFA.
- Establish rules and procedures for cooperation between the sending state and the host state such as defining the legal status and arrangements for the UN's use of facilities, transportation and other equipment and communications; requiring UN forces to observe International Humanitarian Law.
- Establish freedom of movement in the country.
- Include a mechanism to resolve disagreements on any of these issues between the host country and the UN.

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## Agreement with Sending State

- T/PCC Memorandum of Understanding (MoU)
  - Legal agreement between the UN and T/PCCs
  - Regulates financial and administrative issues
  - Legal basis for the transfer of command and control
  - Code of conduct and obligations regarding SEA
- General rule: Disciplinary power and criminal jurisdiction over military personnel lies with the sending State


The UN and the sending State, the troop or police contributing country (T/PCC), conclude a Memorandum of Understanding (MoU) governing the contribution of personnel to UN peace operations.

The MoU is a legal agreement detailing the following:

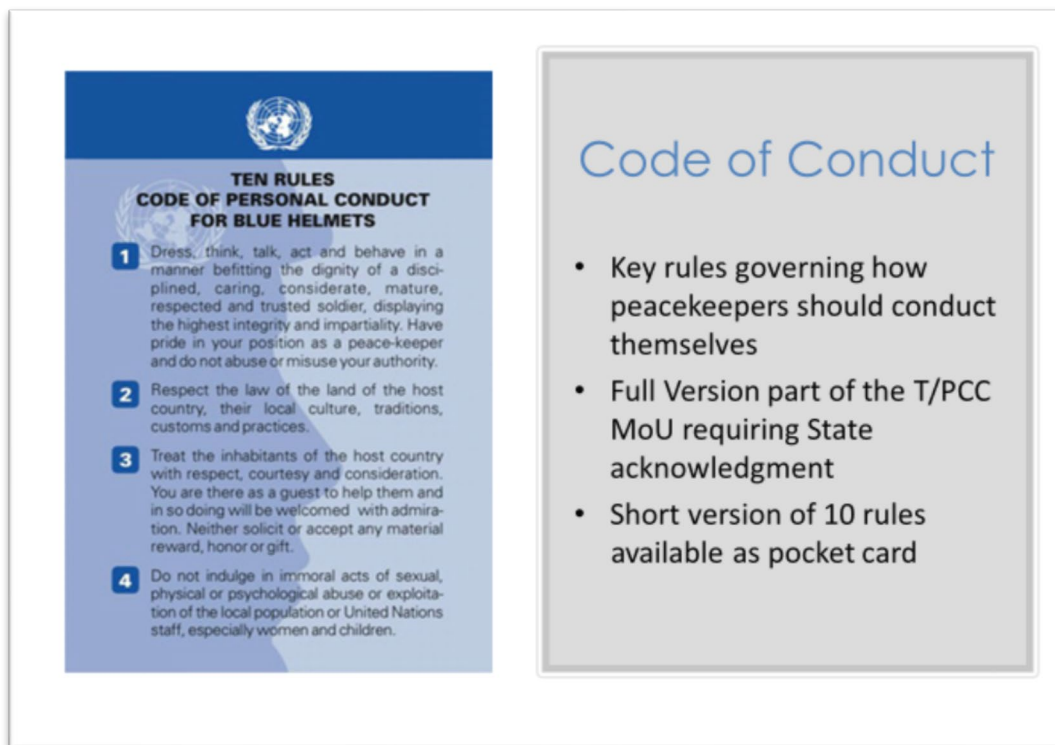
- How the UN will reimburse governments for troops, formed police units (FPUs) or equipment loaned to a peacekeeping operation.
- The obligations of contributing governments to ensure appropriate quality personnel and equipment appropriately trained and prepared for their mission.
- Transfer of authority over a member state's troops or police unit to the UN, as it regulates that the UN Force Commander, or Police Commissioner, shall have operational control over the troops/police contributed.
- Obligations of TCCs/PCCs, commanders, troops and police for prevention of misconduct (which may also amount to crimes), including sexual exploitation and abuse in UN peacekeeping operations (since 2007), and other stipulations regarding the code of conduct.

- For contributed military contingents, the UN respects the principle of the exclusive criminal jurisdiction of the contributing State over the contributed soldiers, for any crimes they may commit while assigned in the field mission.

The MoU is NOT an operational document that dictates operations, locations or types of tasks to be undertaken.

 *Note to Instructor – For more information see Chapter 9 of the Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions in the Annex.*

**Slide 58**



The slide contains two main sections. On the left is a graphic titled "TEN RULES CODE OF PERSONAL CONDUCT FOR BLUE HELMETS" with the UN logo at the top. It lists four numbered rules. On the right is a grey box titled "Code of Conduct" which contains three bullet points summarizing the rules.

**TEN RULES CODE OF PERSONAL CONDUCT FOR BLUE HELMETS**

- 1** Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, caring, considerate, mature, respected and trusted soldier, displaying the highest integrity and impartiality. Have pride in your position as a peace-keeper and do not abuse or misuse your authority.
- 2** Respect the law of the land of the host country, their local culture, traditions, customs and practices.
- 3** Treat the inhabitants of the host country with respect, courtesy and consideration. You are there as a guest to help them and in so doing will be welcomed with admiration. Neither solicit or accept any material reward, honor or gift.
- 4** Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.

**Code of Conduct**

- Key rules governing how peacekeepers should conduct themselves
- Full Version part of the T/PCC MoU requiring State acknowledgment
- Short version of 10 rules available as pocket card

Issues of conduct and discipline have already been covered in Lesson 3.3. of the Core Pre-Deployment Training Materials, this slide is only meant as a brief reminder.

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

and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis for our standards." A short version of the 10 rules is available as pocket card.

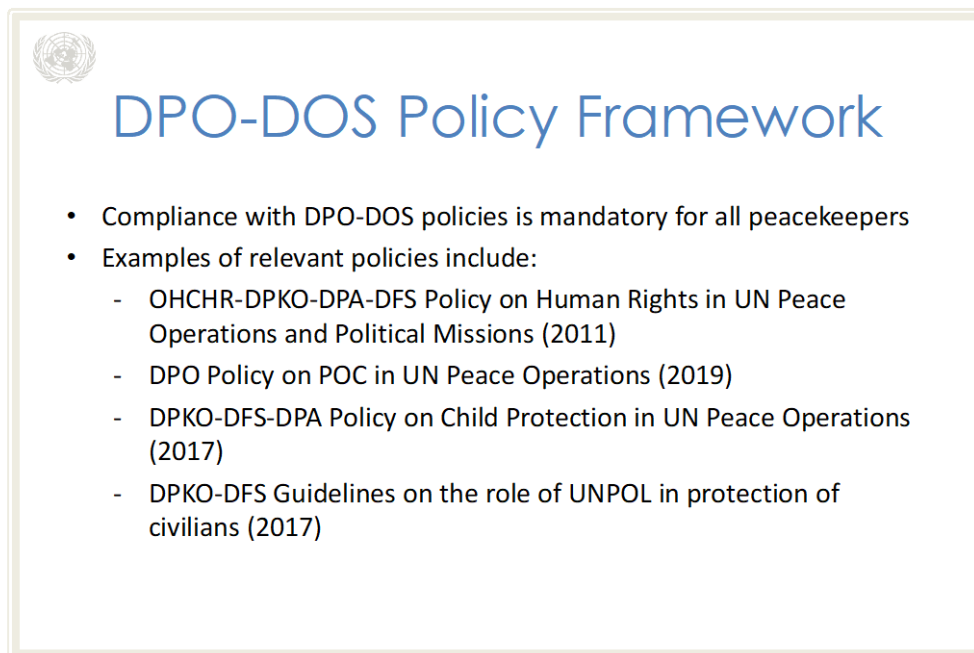
When it comes to conduct and discipline, peacekeeping personnel need to remember that:


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

There are three principles that underpin UN standards of conduct. They are based on UN Core Values and Competencies:

- Highest standards of efficiency, competence and integrity
- Zero tolerance policy on sexual exploitation and abuse
- Accountability of those in command who fail to enforce the standards of conduct

**Slide 59**



 **DPO-DOS Policy Framework**

- Compliance with DPO-DOS policies is mandatory for all peacekeepers
- Examples of relevant policies include:
  - OHCHR-DPKO-DPA-DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
  - DPO Policy on POC in UN Peace Operations (2019)
  - DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations (2017)
  - DPKO-DFS Guidelines on the role of UNPOL in protection of civilians (2017)

The UN Departments for Peace Operations (DPO) and Operational Support (DOS) have an evolving doctrinal framework built on a number of policies and other high-level documents.

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

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

- In 2011, DPKO, DPA, DFS and OHCHR adopted the Policy on Human Rights in United Nations Peace Operations and Political Missions, which provides guidance on how human rights should be integrated into the activities of UN peace operations and political missions, in order to maximise UN actions to address the human rights dimensions of conflict and build a foundation for sustainable peace. The policy sets out the purposes, roles and scope of activity of human rights components of peace operations and political missions.
- The 2019 DPO Policy on the Protection of Civilians in UN Peacekeeping is an update of the 2015 policy and explains the fundamental principles of POC in peacekeeping, identifies and organises the range of POC tasks, guides the development of mission-specific POC strategies, and outlines how missions are expected to assess and respond to POC threats.
- The 2017 DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations is an update of the 2009 policy. It lays out the guiding principles for Child Protection in peacekeeping, defines the roles and responsibilities of peacekeepers in this regard, and gives guidance on planning for Child Protection mandate implementation.
- The 2017 DPKO-DFS Guidelines on the role of United Nations police in protection of civilians assists United Nations Police in effectively fulfilling POC mandates in peace operations as a critical element in the comprehensive, whole-of-mission approach to POC and the wider UN system's approach to protection.

## Summary

### **Key takeaways regarding UN Legal and Policy Framework include:**

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



# Lesson 2.3



## Mission Specific Legal Framework

### The Lesson



#### Starting the Lesson

##### Overview

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

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

As a result, this section will focus on:

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

##### Relevance

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

## Mission Specific Legal Framework

### Slide 65



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

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

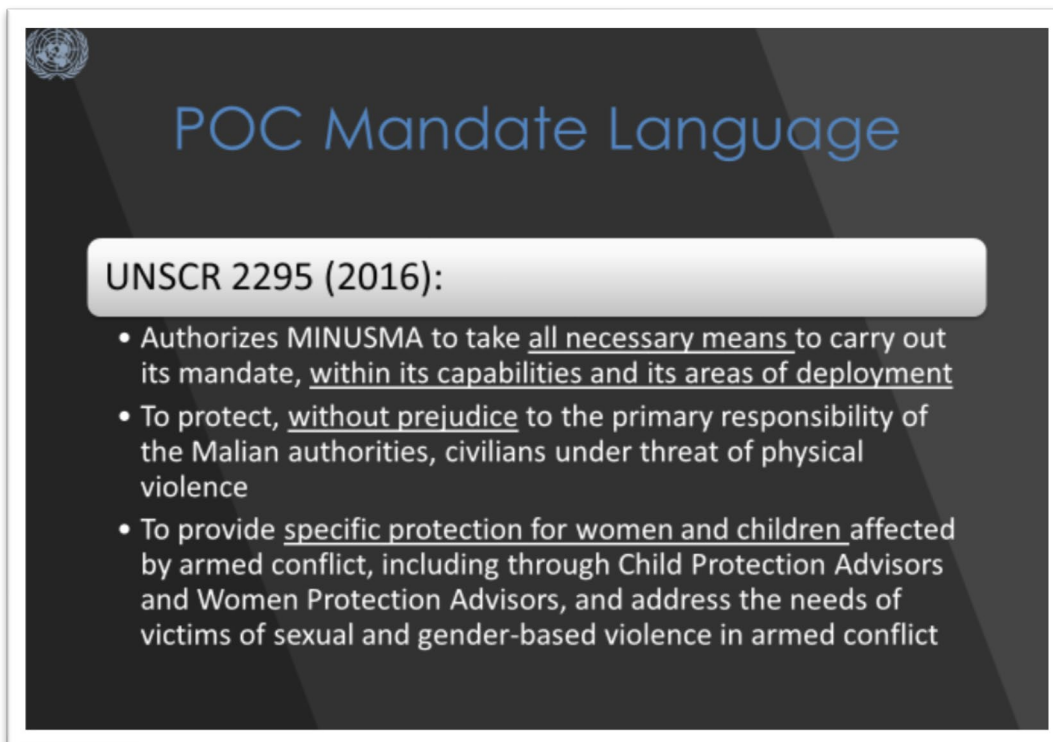
The Security Council resolution also provides the mandate of the PKO, i.e. the tasks assigned to it, including any authorisation to use force. Mandates, or tasks, differ from mission to mission. The range of mandated tasks outlined in a mandate differs between peacekeeping missions, based on the conflict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

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

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

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

**Slide 66**



The slide features a dark background with a light blue title 'POC Mandate Language' and a white box containing the text 'UNSCR 2295 (2016):'. Below this, there are three bullet points detailing the mandate's authorization and objectives. A small UN logo is visible in the top left corner of the slide.


**POC Mandate Language**

**UNSCR 2295 (2016):**

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

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

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

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

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

**Slide 67**

The slide features the UN emblem in the top left corner. The title "Mandate Language 'All Necessary Action'" is displayed in blue text. Below the title is a horizontal line, followed by a bulleted list. To the right of the text is a photograph showing several UN peacekeepers in blue uniforms standing in a room, addressing a group of people seated at tables.

**Mandate Language**  
**"All Necessary Action"**

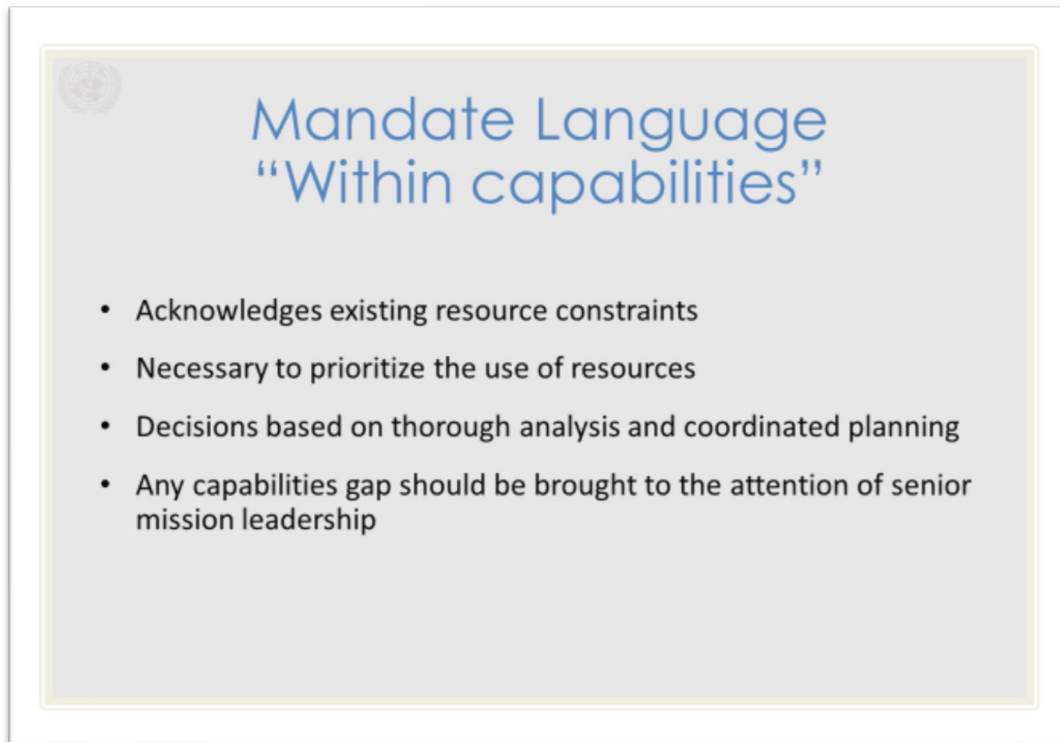
- Authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under threat
- Includes military, civilian and police action

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

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

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

**Slide 68**



**Key Message:** 'Within capabilities' acknowledges resource constraints and demands the prioritisation of resources.

Realistically, a peace operation will not be able to protect everyone everywhere in its area of responsibility. Existing resources, even in large complex missions with thousands of soldiers, are simply not enough when the area is vast, terrain is rough, lines of communications are poor, and logistics challenging. However, this cannot be an excuse for inaction. Peacekeeping missions are obligated to use their resources in the most effective and efficient manner to carry out their mandate. The prioritisation of resources has to be based on a thorough threat and vulnerability analysis, as well as on coherent and coordinated operational and tactical planning. This analysis should be done by all mission components, not just military. Any shortfalls need to be communicated to senior mission leadership, who will bring it to the attention of UNHQ and ultimately the Security Council.

The limited capabilities are also an important aspect of expectation management when it comes to the ability of missions to keep peace. In particular, regarding the local

population, but also regarding the international community, missions need to communicate clearly what they are able to achieve with the existing resources.

**Slide 69**



The slide features the UN emblem in the top left corner. The main text on the left reads "Mandate Language 'Without prejudice...'" in blue. To the right, a vertical line separates this text from a bulleted list of three points. The first point states that the host government holds the primary responsibility for protecting civilians. The second point notes that the host government may not be able or willing to do so. The third point states that host government forces may be a threat to civilians, and that peacekeepers are authorized to take action to protect civilians against host government forces if necessary.

- The Host Government holds the primary responsibility for protecting civilians
- Host Government may not be able or willing to protect its civilians
- Host Government forces may themselves be a threat to civilians
  - Peacekeepers are authorized to take action to protect civilians against Host Government forces if necessary

**Key Message:** According to international law, host governments bear the primary responsibility for the protection of civilians within their borders. Where such mandates apply, UN peacekeepers are mandated to undertake protection activities in support of host government actors, not to replace them. Peacekeepers, however, have the obligation to protect civilians in situations where the host government is unable or unwilling to do so.

Field missions do their best to have the host government engaged on the protection of civilians so the mission can perform a supporting role. However, bearing in mind that missions operate within the principles of peacekeeping, missions are authorised to use force against elements of government forces in accordance with their rules of engagement where such forces are themselves engaging in physical violence against civilians. Due to the possible negative impact on the strategic consent of the host country, the use of force against host country security forces is a complicated matter. It is always preferable to take preventive measures and use political action to obtain compliance with principles of human rights and the use of force by the national security apparatus.

Slide 70



Mandate Language  
“Specific protection  
for...”

- Recognition of the importance of taking particular protection needs of women and children into account
- Security Council can request the deployment of Women Protection and Child Protection Advisors

**Key Message:** The Security Council in some cases tasks peacekeeping operations with the protection of particular groups, especially women and children.

The Council can request the deployment of Women Protection and Child Protection Advisors to advise mission leadership and coordinate protection activities.

Slide 71

United Nations  
Department of Peacekeeping Operations  
Police Division  
DPKO/CPD/2005/00834

11 November 2005

**DIRECTIVE ON DETENTION, SEARCHES AND USE OF FORCE FOR MEMBERS OF FORMED POLICE UNITS ON ASSIGNMENT WITH THE UNITED NATIONS MISSION IN LIBERIA (UNMIL)**

**ROE & DUF**

- Guidance on the use of force
- Includes the use of force in: self-defense; defense of UN staff, facilities and property; and in defense of the mandate
- Guidance on the use of unarmed force, detention, search and seizure
- Defines the weapon state
- Command responsibility

**Key Message:** ROE and DUF are mission-specific and outline the circumstances as to when and how the use of force is authorised in accordance with the mandate of the particular operation as well as international humanitarian law and the laws of armed conflict.

The ROE and DUF are approved by the Under Secretary-General for Peace Operations. They always include the use of force in self-defence. The use of force beyond self-defence depends on the mandate of the operation.

There is a master list of rules contained in the 2000 'UN Guidelines for the Development of ROE for United Nations Peacekeeping Operations'. Annexes to that document include Sample ROE as well as the master list of ROE from which mission-specific ROE are selected.

ROE commonly include:

- Use of force (Rule 1)
- Use of weapons systems (Rule 2)
- Authority to carry weapons (Rule 3)
- Authority to detain, search, disarm (Rule 4)



- Reactions to civil actions or unrest (Rule 5)

ROE also define the weapon state.

The Use of Force is a command responsibility. The Force Commander and Police Commissioner are responsible to make sure that all personnel under their command understand and follow the ROE and DUF. This responsibility also applies to commanders of national contingents.

To ensure the appropriate use of force in peacekeeping operations, TCCs and PCCs should prepare their troops in terms of mind set and skills. TCCs and PCCs must understand and embrace the approved mission-specific ROE/DUF since the appropriate application of these ROE/DUF is mandatory for all deployed military units and UN Police in a peacekeeping operation. All United Nations peacekeepers operate strictly under the United Nations chain of command.

T/PCCs are not permitted to augment, restrict or modify ROE or DUF according to national interpretation(s), nor are T/PCCs allowed to impose any caveats on the authorisations to use force that are contained in the ROE or DUF, without formal consultation with UNHQ and the express written agreement of DPO.



*Select sample ROE from the 2000 'DPKO Guidelines for the Development of ROE for United Nations Peacekeeping Operations' in the Annex and discuss with participants.*

Slide 72



### Principles of the Use of Force

- Graduated
- Last resort
- Necessity
- Proportionality
- Legality
- Accountability



**Key Message:** It is important to keep in mind that the objective of the use of force is to influence and deter, not necessarily to defeat, threats seeking to harm UN personnel, equipment and property or people under protection, such as the civilian population.

In some cases, the use of force may also be authorised to respond to other threats, including those caused by armed spoilers intending to distract the peace process. In 2013, the UN Security Council equipped MONUSCO with the Force Intervention Brigade (FIB), which is specifically tasked to undertake offensive operations. For the purpose of this offensive mandate, the FIB has a different authorisation of the use of force and is able to carry out both joint and unilateral military operations to neutralise armed groups.

The basic principles guiding the use of force are:

- Proportional Force/Proportionality – The amount of force which is reasonable to be applied based on all the facts known to the individual police officer at the time of the offence and the legitimate law enforcement objectives to be achieved authorised in the mission-specific DUF.
- Legality - Force can only be used within the limitations of the legal framework, including IHL, Security Council mandates, UN ROE, national law, and host state law.
- Accountability - The authority to use force remains a command responsibility, but the individual applying that force retains accountability for their actions to be in accordance with IHL, and the mission-specific DUF. This reinforces the importance

of all peacekeepers understanding the concept and principles discussed in this module.

- Necessity – Use of force must be strictly necessary to achieve legitimate law enforcement objectives. In carrying out their duty, UN police as far as possible must apply non-violent means before resorting to the use of force and firearms. Graduated use of force must apply in light of the threat.
- Minimum force – The minimum degree of authorised force that is necessary and reasonable in the circumstances to achieve the authorised objective. A minimum degree of force is applicable whenever force is used. Minimum force can be deadly force, in certain circumstances.
- Non-deadly force – The level of force that is neither intended nor likely to cause death regardless of whether death actually results.
- Deadly force – The level of force which is intended, or likely to cause, death regardless of whether death actually results. The ultimate degree of force.
- Distinction – Peacekeepers must distinguish between civilians and combatants.
- Precaution – Peacekeepers must take care to avoid harm to the civilian population.
- Graduated - Application of increasing levels of force ensures that only the minimal level of force is used. It ensures that excessive force is avoided and minimises the loss of, or damage to, life and property.
- Last resort - Whenever the operational situation permits, every reasonable effort should be made to resolve a potential threat by means other than the use of force. Mediation, negotiation, use of deterrent posture, robust communications are examples.

It must be noted that peacekeepers sometimes may not have enough time to embrace gradual application of force and may have to act immediately by resorting to deadly force to avoid greater harm. This would only apply where the attack, or threat of an attack comes so unexpectedly that even a moment's delay could lead to the death of, or serious bodily injury to, oneself, other United Nations personnel or other persons under the protection of the mission.

Slide 73

Consequences of Failure to Act

- Preventable loss of life or damage to property
- Failure to follow orders may be treated as insubordination
- Repatriation of commanders or whole contingents with associated harm to national reputation

→ Failure to act is NOT an option

**Key Message:** The Head of the UN Police Component should be aware of the full extent of his/her authority to act under the mission mandate and the mission specific rules of engagement. Inherent in the authority to act is a responsibility to act within the capabilities of the peacekeeping operation and its areas of deployment.

Missions with mandates to protect civilians are equipped with a Directive on the Use of Force that provide for both proactive and reactive use of force. As to the use of force to protect civilians under imminent threat of physical violence, mission specific strategies allow for proactive, pre-emptive, preventative and /or deterrent measures, up to and including the use of deadly force.

Failure to act is not an option. Potential consequences include the preventable loss of life or damage to property. Failure to act may be treated as insubordination under conduct and discipline regime, leading to the potential repatriation of commanders or even whole contingents.

It is important to remember that peacekeepers are authorised to act in accordance with the ROE/DUF, and don't need specific written approval to use force in accordance with the ROE/DUF. To be successful, ALL UN Police must have a clear understanding of when, and at what level, force can be used in implementing assigned tasks.

Failure to use force in line with the ROE/DUF, much like the use of excessive force, can negatively impact the mission's success and may raise issues of individual and

organisational responsibility.

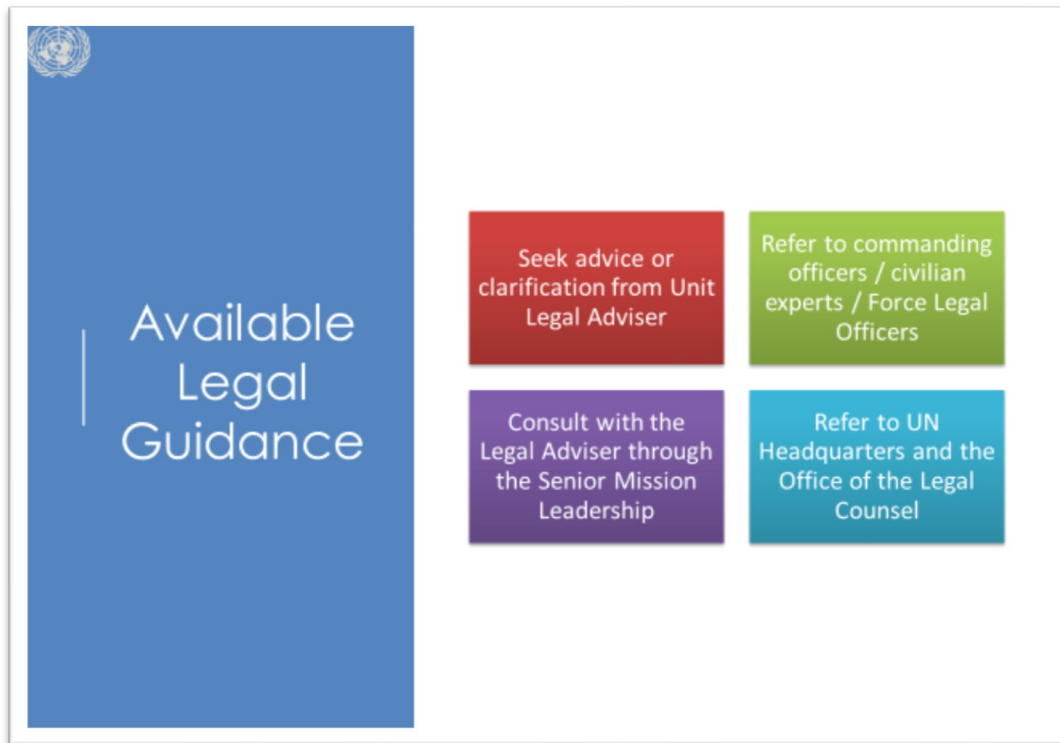


*Case study: Examine and discuss the incidents in UNMISS of 11 July, when gunmen in Juba attacked the Hotel Terrain camp, a private compound close to a peacekeeping base, robbing, beating and raping aid workers and local staff, and killing a local journalist. For more detail see the Executive Summary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

Following another tragic armed attack on a civilian compound in Juba, South Sudan, in July 2016, the UN Secretary-General ordered a special investigation. Extracts taken from the Executive Summary of the special investigation report, which was released publicly, are conveyed below:

- After fighting broke out, the Force and Police components continued to display a risk-averse posture unsuited to protecting civilians from sexual violence and other opportunistic attacks.
- The Special Investigation found that the lack of preparedness, ineffective command and control and a risk-averse or “inward-looking” posture resulted in a loss of trust and confidence – particularly by the local population and humanitarian agencies – in the will and skill of UNMISS military, police to be proactive and show a determined posture to protect civilians under threat, including from sexual violence and human rights violations.
- The Special Investigation made a series of recommendations, including:
  - DPO (then DPKO) to ensure that missions have rigorous contingency plans in place;
  - UNMISS to regularly conduct scenario-based training and rehearsals on mandate implementation, use of rules of engagement and directives on the use of force;
  - All T/PCCs junior and senior commanders should conduct scenario training on the mandate and rules of engagement, and police FPU commanders should be trained on the directives on the use of force during their pre-deployment training;
  - All TCCs to confirm in writing that troops are willing and able to conduct dismounted patrols, including standing patrols by day and night outside the perimeter of UN compounds and POC sites in surrounding areas as ordered by the Force Commander;
  - All personnel of T/PCC to use the rules of engagement to the fullest extent.

Slide 74



There is no room for doubt regarding individual or unit responsibilities in relation to the protection of civilians. As part of any individual or unit's pre-deployment preparation, any doubts must be resolved, and expected actions understood and rehearsed.

This applies equally to individuals as it does to unit commanders since all have obligations and are accountable under the legal framework discussed in this module.

If responsibilities are unclear, do not hesitate to seek advice or clarification from your unit's Legal Adviser. Other sources of clarification can be your commanding officers, Protection of Civilians Officers, Human Rights Officers or Police Legal Officers at HQ in missions. Substantive issues or requests for clarification regarding the UN legal framework, the mission's mandate and/or the mission's ROEs or DUF may additionally be consulted with the mission's Senior Legal Adviser, and/or referred to UN Headquarters and the Office of the Legal Counsel.

Failure to understand the legal obligations does not excuse wrongful action or inaction.

## Summary

### **Key takeaways regarding Mission Specific Legal Framework include:**

- The mission specific legal framework is targeted at individual missions based on the operational environment.
- The Security Council mandate establishes a peacekeeping operation and gives missions and its personnel specific tasks. Given the particular importance for each mission context, peacekeepers must understand their mandate.
- ROE and DUF translate that framework into specific guidance for military and police units and individuals on when, where, and how much force is to be used. T/PCCs are not allowed to impose additional caveats on their personnel serving in peacekeeping missions, unless they are approved in writing by DPO.

# Handout

## 2.3



### UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016

**21 June 2016** – A United Nations independent high-level board of inquiry has completed a special in-depth investigation into how the UN responded this past February to deadly violence in a protection of civilians site in the town of Malakal, in northern South Sudan.

In a note to correspondents, the Office of the Spokesperson for Secretary-General Ban Ki-moon said that a special investigation and a UN Headquarters board of inquiry were convened to review the circumstances of the violence that erupted in the UN Mission in South Sudan (UNMISS) protection of civilians site in Malakal from 17 to 18 February, in which at least 30 internally displaced persons (IDPs) were killed, 123 others were wounded, and a significant portion of the camp was destroyed.

The special investigation, which was tasked with examining the external factors that led to the incident, has identified several factors as having contributed to the attacks, including deep-rooted historical land disputes, the '28 States' Order and the Eastern Nile State Administrative order of 1 February, which dismissed all Shilluk and Nuer civil servants, according to the note.

The investigation determined that the immediate trigger for the attacks was an attempt by two Sudan People's Liberation Army (SPLA) soldiers to smuggle ammunition into the site on 16 February.

The investigation also concluded that external armed elements, some in SPLA uniforms, entered the protection of civilians site during the period and took part in the violence and destruction of parts of the site.

The investigation team requested that the Transitional Government of National Unity hold the individuals responsible and accountable for the violence. The team also provided a number of recommendations to the Government, regional and international actors – including the UN – aimed at preventing such attacks in the future, the note said.

A UN Headquarters-led board of inquiry, which was tasked to look into the Mission's response to the incident, is being finalised. The preliminary report of the board mentions, among others, that a number of issues contributed to the incident.

On the UNMISS response there was confusion with respect to command and control and rules of engagement, and a lack of coordination among the various civilian and uniformed peacekeepers in Malakal at the time of the crisis, the note said.



Further, the board also mentioned that there were unrealistic expectations as to the level of protection that UNMISS could feasibly provide to the 48,000 internally displaced persons in Malakal at the time of the incident.

UN Headquarters is reviewing a number of recommendations made by the board in order to minimise the recurrence of such incidents, including a review of the concept of protection of civilians sites and the performance of troop- and police-contributing countries.

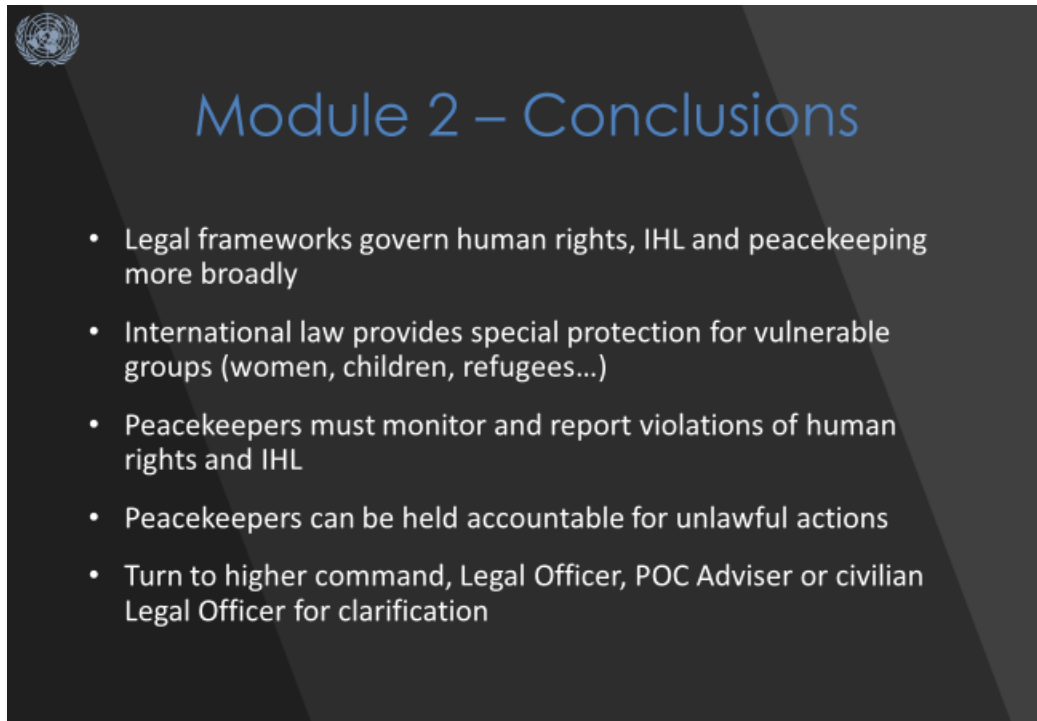
The UN Department of Peacekeeping Operations is engaging on the way forward with concerned troop-contributing countries, the note said.

# Module 2



## Legal Framework

### Slide 78

A dark grey rectangular box containing the text for Slide 78. In the top left corner of the box is a small UN logo. The title "Module 2 – Conclusions" is centered at the top in a light blue font. Below the title is a bulleted list of five points in white text.

**Module 2 – Conclusions**

- Legal frameworks govern human rights, IHL and peacekeeping more broadly
- International law provides special protection for vulnerable groups (women, children, refugees...)
- Peacekeepers must monitor and report violations of human rights and IHL
- Peacekeepers can be held accountable for unlawful actions
- Turn to higher command, Legal Officer, POC Adviser or civilian Legal Officer for clarification

Overall conclusions from Module 2 include:

- Peacekeepers need to understand how international and national legal frameworks governing human rights, international humanitarian law and peacekeeping more broadly affects the work of missions in the field.
- Bodies of international of law provide special protection for those members of communities that are most vulnerable (e.g. women, children, refugees etc.).
- As a key task for peacekeepers, they must ensure to monitor and report violations of human rights and international humanitarian law.
- Peacekeepers do not have impunity from laws of the host or sending State, and may also be held accountable for unlawful activities under international law.

- If ever there is any lack of clarity regarding the legal framework for peacekeeping, or obligations deriving from it, peacekeepers can ask their higher command, the Military or Police Legal Officer, POC Officers, or civilian Legal Officers for advice. Ignorance is not an excuse for a violation of law.

# Module 3



## Operational Framework

### Module 3 at a Glance

#### Aim

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

- Relevant documents for Tactical Planning & Mission POC Strategy;
- Guidelines for the United Nations Police in Protection of Civilians;
- Use of Force in Protection of Civilians.

#### Learning Objectives

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

- Know how to translate conceptual and legal frameworks into appropriate action at the tactical level
- Identify key DPO documents that provide guidance for tactical planning
- Understand how the Protection of Civilians (POC), Child Protection in armed conflict (CP), and Conflict-Related Sexual Violence (CRSV) considerations impact the decision-making process
- Identify key aspects in a threat assessment for POC

#### Overview

Module 3 provides an overview of the strategic and operational framework related to the POC, CP, and CRSV tasks in UN peacekeeping. The module focuses specifically on tactical level considerations.

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

Lastly, this module offers training guidance regarding POC, CP and CRSV considerations from a police planning point of view that should be taken into account during the decision-making process.

# Lesson 3.1



## Relevant documents for Tactical Planning & Mission POC Strategy

### Lesson at glance

#### Aim

To introduce the planning process of POC operations at Mission level.

#### Relevance

- Implementation of Protection of Civilians mandates require an integrated approach;
- Planning for POC should be based on Mission POC strategy;
- Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy;
- The military, police and relevant civilian and support components must be part of the consultation process to ensure that POC is addressed in a comprehensive manner in the POC strategy;
- Specific operational plans and guidance of the different components need to be developed on the basis of the strategy to address specific protection of civilians challenges;
- Each POC operation should be planned on the basis of a proper and updated threat assessment;

Learning objectives: Upon successful completion of the lesson participants will be able to

- Explain how POC considerations impact the planning at operational and tactical level
- Demonstrate how to translate conceptual and legal frameworks into appropriate action at operational and tactical level
- Identify key elements for planning POC operations



## Starting the Lesson

It is recommended that the instructor/facilitator is familiar with the “Manual on Mission-Based Police Planning in Peace Operations (2017), the DPO Policy “The Protection of Civilians in United Nations Peacekeeping” (Ref. 2019.17) and the Guidelines “The role of the United Nations Police in Protection of Civilians” (Ref.2017.12) before delivering this lesson.

For an interactive start of the lesson, the trainer/facilitator could involve participants by asking them the following questions:

- Ask learners whether they are or were involved in planning any police operation at strategic and operational level;
- Ask participants to explain why planning in general is a critical step for successful implementation of mission mandates;
- Ask about activities in past peacekeeping operations.

Time allocated

- 5 Minutes introduction
- 35 minutes presentation with interaction among the participants
- 5 minutes questions and answers

### Introduction - The planning process in general

Planning is defined as a structured process through which a United Nations field mission develops plans to achieve its mandate(s) and in a way that is responsive to the environment. Planning includes elements such as agreeing on objectives, priorities, strategies and activities, and guides the acquisition and allocation of resources to achieve the objectives.

This presentation provides an overview of the planning processes in the UN system with relevance to the implementation of Protection of Civilians (POC) mandates and how they eventually impact operations on the ground. This will help to understand the complexity of planning in the context of UN peacekeeping. The lesson will also explain how the mission police planning process links strategic goals and objectives to operational and tactical goals through a cycle of actions.

Mission-specific planning is part of the broader UN-wide planning process and it is based on the Security Council Resolution and the Mission Concept. At Headquarters, DPO-DOS

will develop a Mission Concept, which is a strategic level articulation of what the field mission will do. Under the Mission Concept are military, police and support concepts.

The Mission Concept:

- provides the overall vision for mandate delivery, sets priorities in order of importance and sequence as well as directs mission components to align and synchronise their activities and plans;
- is a strategic planning document which identifies what the field mission will do to implement its Security Council mandate, considering the mission's role within the broader UN system and international context;
- will also inform the development of a Mission Plan, which is the Mission's operational plan on how to implement the mandate.

Based on the Mission Concept military, police and civilian components will develop their respective concepts that provide more details regarding tasks for each component. The UN Police CONOPS therefore is aligned with the Mission Concept.

Each component in the Mission should have component-level plans such as annual work plans aligned with the overall Mission Concept and Mission Plan.

The Results-Based Budget (RBB) of the Mission is the primary resource management tool at the mission level. It is derived from the Mission's plans for the following year and acts as a strategic tool to measure progress against mandated tasks and stated objectives. RBB is a way of budgeting that uses a logical framework – a chain of relationships – a chain of influences or events – that links inputs to outputs to outcomes. RBB is the basis for programme planning and evaluation. It helps to identify what is necessary to achieve desired outcomes in a planning mode and serves to identify data to collect to monitor and assess performance in the evaluation mode. RBB is linked to the Comprehensive Performance Assessment System (CPAS) of the mission.

Plans should guide implementation and help monitor impact on the ground, should be continuously updated based on evolving conflict analysis and should help determine when a change of course is needed.

The DPKO-DFS Policy on Planning and Review of Peacekeeping Operations (2016) sets out a planning process that is specific to peacekeeping, clarifies roles, responsibilities and decision points, and ensures coherence in planning peacekeeping operations. All strategic planning processes related to peacekeeping operations have to comply with this Policy. The UN Policy on Integrated Assessment and Planning (2013) applies to UN-wide planning processes, but does not specifically address planning for UN peacekeeping missions.

The Manual on “Mission-Based Police Planning in Peace Operations” (2017) aims to define the processes and provide practical advice and guidance for United Nations police planners as well as those supporting police planning in field missions or other crisis situations on how to undertake and better implement Mission-based police planning.

**Slide 2**

## Lesson 3.1: Relevant documents for Tactical Planning and Mission POC Strategy

**Slide 3**

### Learning Objectives

- Demonstrate how to translate conceptual and legal frameworks into appropriate action at the tactical level
- Explain how POC considerations impact the planning at operational and tactical level
- Identify key aspects in a threat assessment for POC planning



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**Key Message:** The Mission POC strategy is an essential planning document for effective POC mandate implementation and for planning POC operations and it specifies roles for interaction between civilian, military and police components.

This graph shows the flow from a Mission's Mandate to the operational and tactical plans including the ones for police elements deployed to field missions. It shows the series of planning processes in peacekeeping missions with emphasis on POC.

The building blocks of any mission include the Security Council Mandate, Mission Concept, Mission Plan, Concept of Operations (CONOPS), as well as the Mission POC Strategy, accompanying plans and the related Operation Orders for Mission Headquarters.

This slide does not show strategic level documents that were covered in the Conceptual and Legal Framework part of this training package (Modules 1+2), such as the 2019 DPO-DOS Policy on POC in UN Peacekeeping, or the 2017 DPKO-DFS Implementing Guidelines on POC for the Police Component.

All planning within the police component must be in line with the Strategic Guidance Framework (SGF).

Slide 5

## Police planning levels

Police operational planning is conducted at the three following levels:

- **Strategic Level** in order to produce the Concept of Operations ( CONOPS )
- **Operational Level** to produce the Operation Plan (OPLAN)
- **Tactical level** in order to produce, if necessary, all subordinate plans/*OPORDERS*

**Key message:** The three levels of planning are closely linked and are based on threat assessment with particular focus on issues that could affect the implementation of the mandate including security of UN personnel and protection of civilians.

Like for other components, for the Police Component in UN Peacekeeping Missions there are three levels of planning, namely: Strategic, Operational and Tactical. Further details on the planning process, particularly at tactical level will be provided later in the module.

The mission CONOPS translates the political intent of the mandate into specific strategies that will guide operational directives and tactical operations. The UN Police CONOPS reflects the Police Adviser's strategic intent, and establishes the broad approach, roles and responsibilities, processes and identification of resource requirements from which to formulate the police component's work, operational, programmatic and projects, and resourcing plans; directives, SOPs and other guidelines in order to implement the mandated policing and other law enforcement tasks of the police component.

Slide 6

## Police planning at operational and tactical level

CONOPS drives the formulation of

- OPLAN
- OPORDER

*OPORDERs are the baseline documents to task  
units for police operations*

**Key message:** The CONOPS translates the political intent of the mandate into specific strategies that will guide operational considerations and directives for further actions at tactical level.

POC planning at operational level is crucial to identify how the police component will implement the mandated tasks identified in the CONOPS based on the mission mandate. The differences between the three different levels of planning have to be made clear to all participants to prevent confusion between the strategic and the operational levels of planning. Similarly, the difference between operational planning and operations planning must be clarified: operational planning refers to planning at mission level and may include more operations and initiatives to be undertaken by the component.

The OPORDERs are the baseline documents to task units for police operations.

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# Mission POC strategy

**Key Message:** A Mission POC strategy is designed to bring coherence in approach, minimise gaps, avoid duplication and maximise the mission's ability to ensure the protection of civilians through the use of its available capacities and assets (civilian, military, police and support elements of the mission).

POC Strategies are mission specific documents which were first requested by the UN Security Council in 2009 and have since become an essential tool for POC mandate implementation in peacekeeping operations. POC strategies need to be consulted with all different stakeholders including the Protection Cluster and UN Country Team (UNCT) to define coordination mechanisms and common priorities. POC Strategies should integrate and align with Action Plans regarding Child Protection and CRSV mandates.

While protection is a core concept of international policing, in a mission context, POC requires the police component to integrate its activities with the mission's overall POC strategy.

Slide 8

## POC strategy

- Essential for effective POC mandate implementation
- Provides
  - strategic direction to all components
  - guidance to draft plans and orders
- Identifies Mission's role under the three tiers

**Key message:** Specific operational plans and guidance need to be developed on the basis of the strategy to address specific POC challenges.

Effective POC requires focused and joint civilian-police-military planning for POC operations, considering potential negative consequences of those actions and required risk- or harm-mitigation.

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## Core Considerations

- Missions with POC mandate develop POC Strategies
- Coordination tool for concerted POC actions
- Work plans for all components need to be aligned with POC Strategy
- Military and Police operation orders fully aligned as well

**Key Message:** Every mission with a POC mandate is required to develop a mission-specific POC Strategy. Comprehensive POC strategies ensure better coordination among different actors who play a role in POC.

As they have been used so far, POC Strategies highlight and further articulate the overall mandated tasks related to POC defined in relevant Security Council Resolutions and outline how the mission plans implement the mandate. By clarifying the role and activities of mission components and modalities of coordination with key partners and other/external stakeholders, comprehensive POC strategies ensure better coordination with other actors working on POC. Senior mission leaders have responsibility in this respect and must remain engaged in the development and implementation of comprehensive POC strategies.

Based on the POC Strategy, each mission component must develop plans that reflect the priorities and responsibilities outlined in the strategy. This includes, among others, the operational plan and orders issued by the military and police components.

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## POC Strategy

- Analyses resources and capacities
- Identifies
  - coordination mechanism
    - Within the mission (e.g. POC WGs, POC task force etc.)
    - With external actors (Host Country, other International actors)
  - Roles and responsibilities within the mission

**Key message:** POC strategies clarify roles and responsibilities of different protection actors within and outside the mission and help to better coordinate POC prevention and response measures.

The consultation process is central for the development of the strategy. All relevant protection actors, including the host authorities and the local population, should be consulted on the development of the strategy, their level of involvement will vary depending on the political and operational context of the mission.

The early engagement of the host government during the consultation process is critical to remind it of its obligations in terms of POC under international human rights law, humanitarian and refugee law. An early engagement will also allow to assess the government's strengths and weaknesses vis-à-vis POC and will help to understand and manage the expectations of the host authorities.

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## Tactical Perspectives

Orders at tactical level are based on the POC Strategy



**Key Message:** The POC Strategy provides guidance to develop orders at the tactical level. In this regard the Heads of mission components need to provide clear guidance about who is expected to do what in a peacekeeping mission, and how and what peacekeepers are expected to protect.

Mission POC strategies are essential for effective POC mandate implementation and specify roles for and interaction among civilian, military and police components. HOPCs supported by their senior staff should actively participate in the development and implementation of the mission's POC strategy under the overall leadership of the Head of Mission to ensure that the police role in POC is taken into proper consideration based on mandated tasks and within the respective means and capabilities.

Moreover, it is essential to identify areas of potential cooperation among the police component and other mission components, especially through information sharing, establishment of liaison functions as well as joint planning and, where applicable, joint operations or preferably mutually supportive operations.

Finally, through a context analysis of the situation in the host state, it is crucial to identify specific POC issues which may pose specific or ad hoc challenges for the mission and its police component.



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## POC Strategy Content

- Purpose, scope and key principles
- Mission threat analysis
- Mission POC action plan
- Roles, responsibilities and coordination mechanisms

**Key message:** Threat analysis is crucial for identifying priorities, assessing vulnerable populations and assigning tasks and responsibilities to the different mission components.

A POC strategy in field missions normally contains the following elements:

- Overview of the POC mandate.
- Scope, purpose and key principles that outline the fundamental aspects of the POC strategy and to whom it applies.
- Threat analysis to identify civilians at risk, priorities, vulnerable populations. The threat analysis should also consider the presence of non-state armed groups, state security forces, and/or international security forces.
- A mission's POC action plan that describes actions that the mission will undertake considering the capacity of other protection actors such as state authorities or national and international humanitarian, human rights and development actors as well as the local population.
- Roles and responsibilities of key actors in the mission, as well as coordination mechanisms between them, need to be clearly defined to facilitate effective POC action.
- A section on evaluating the performance in POC would ideally be included as well. POC indicators have been developed to assist.

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## Threat assessment

### Should include

- capacity and willingness of host-State police and other law enforcement agencies to protect
- location, size and affiliation of vulnerable communities
- location, capacity and intent of spoilers and potential spoilers
- Location of armed groups
- Criminal groups

**Key message:** POC activities must be based on a proper threat assessment.

It is critical that UN Police base their POC activities on a proper threat assessment. This assessment should be part of a mission-wide threat assessment process integrating all available information.

Of relevance to UN Police planning will be, among others:

- the level of capacity and willingness of the host-State Police and other law enforcement agencies to protect;
- the location, size and affiliation of vulnerable communities;
- the location, capacity and intent of spoilers and other armed groups, including those that may be involved in serious and organised crime.

UN Police may also have to protect civilians from threats arising from serious crimes, including criminality with political implications, which may also trigger large-scale instability, or targeted violence and abuses against vulnerable groups, including Conflict-Related Sexual Violence (CRSV) and/or Sexual and Gender-Based Violence (SGBV).

Finally, it must be considered that threats may derive from gross human rights violations – at worst committed by host-State security forces – and a resulting climate of impunity and lawlessness.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 23*

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## POC Threat Matrix

- Lists and prioritizes short/mid-term POC threats to civilians
- Maps specific populations at risk and vulnerabilities affecting them
- Maps protection actors
- Lists and monitors implementation of all short term activities to prevent, pre-empt or respond

**Key Message:** Once POC threats have been identified, analysed and reflected in the POC Strategy, a POC Threat Matrix that includes key early-warning information and responsive action by all mission components must be developed.

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## POC Threat Matrix (continued)

- Identifies mission resources
- Flags gaps in response and recommends corrective action on the response and resources
- Consulted with all elements within the mission and UNCT

**Key Message:** No mission can protect everyone and everywhere. Mission components are therefore required at all levels to jointly determine threats that need to be addressed as a matter of priority in close consultation between different protection actors.

Once POC threats have been identified, analysed and reflected in the POC Strategy, a POC Threat Matrix will be prepared and will include key early-warning information and responsive action by all mission components.

The POC Threat Matrix shall:

- List and prioritise the short and mid-term POC threats to civilians, based on probability of occurrence and potential impact on civilians;
- Map specific populations at risk and their vulnerabilities;
- Map other protection actors (presence, resources etc.);
- List and monitor implementation of all short-term activities conducted to prevent, pre-empt or respond to all priority POC threats, considering the relative capacity of protection actors and the primary responsibility of the State to ensure POC;
- Identify mission resources;
- Flag gaps in response and recommend corrective action on the response and resources.

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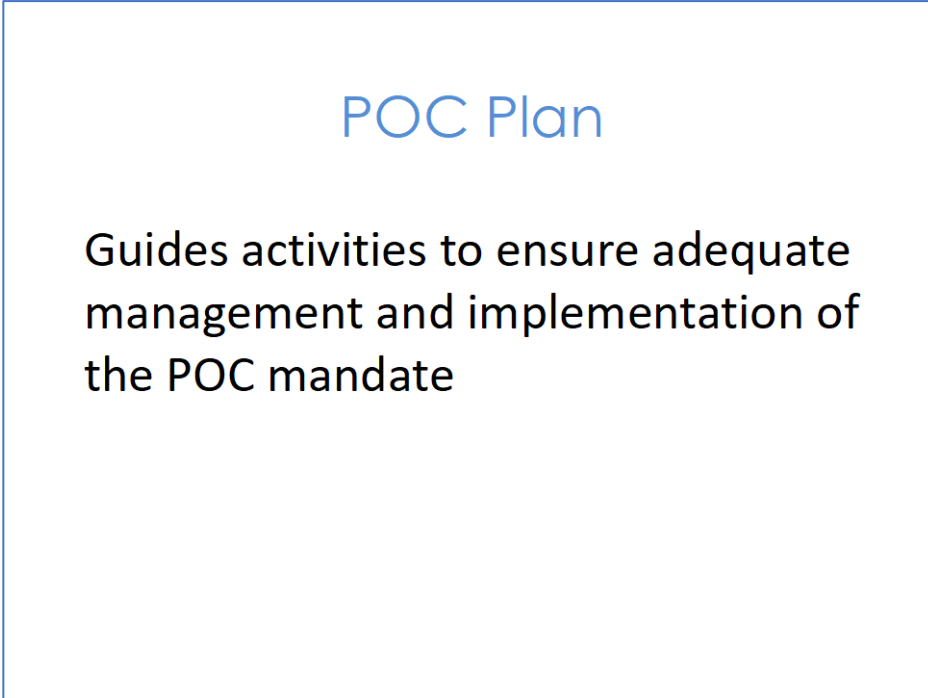
POC Matrix

Locations/ priorities	Threat	Population at risk	Other Protection actors	Mission response activities	Mission responses/ Activities	Recommendations

**Key Message:** The POC Matrix is the result of a joint planning exercise between different peacekeeping actors. The POC Threat Matrix lists and prioritises the short to mid-term POC threats to civilians, based on their probability of occurrence and potential impact on civilians.

The POC Matrix, also referred to as 'Must-Should-Could Matrix', is the result of a joint planning exercise between peacekeeping missions and the humanitarian community. It ranks key areas that are perceived as especially vulnerable to protection threats as being "must protect", "should protect" or "could protect". It is updated by the Protection Cluster and submitted to the highest UN protection coordination mechanism at the country level, which decides on strategic preventive protection measures, including troop deployments.

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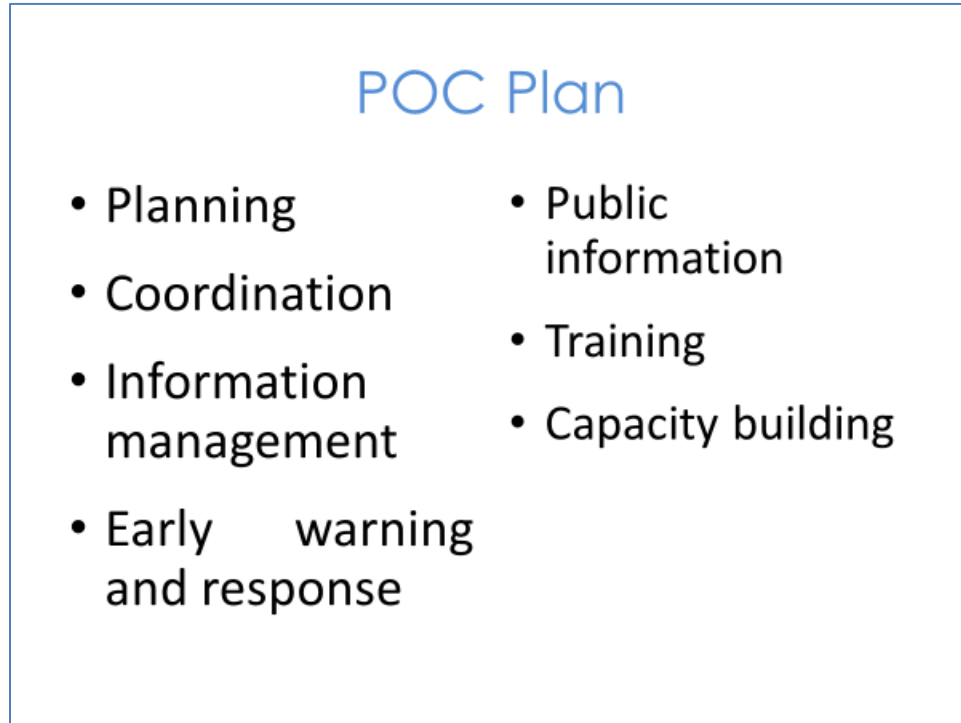
POC Plan

Guides activities to ensure adequate management and implementation of the POC mandate

**Key message:** POC Action Plans outline key activities that should be taken by the mission components to ensure effective POC mandate implementation.

The POC Action Plan guides activities to ensure adequate management and implementation of the POC mandate. It outlines the key activities taken by mission components at the operational and tactical level to ensure the POC mandate is implemented effectively.

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**Key message:** The activities that can be undertaken by the mission and the related tasks should be tailored to the Mission's mandate and operational context.

Listed below are examples of activities that can be undertaken by the mission:

**Planning**

- Draft and update relevant POC related planning documents;
- Deploy all components in line with POC priorities;
- Ensure regular reviews of Mission resources and capabilities for POC, including military, police and civilian presence and deployments;
- Develop and mainstream required risk mitigation mechanisms, including a Standard Operating Procedure for the implementation of the Human Rights Due Diligence Policy on support to non-UN security forces (HRDDP);
- Support national authorities in establishing a vetting framework and mechanism for national military and police, in line with international human rights standards;
- Develop standard operating procedure for the handover of children formerly associated with armed forces and groups, as well as for the rest of the DDR process;
- Regularly monitor the implementation, evaluate impact and report on the implementation of the POC Strategy and operations.

**Coordination**

- Establish required coordination mechanisms, tools and processes within the mission, but also with national and international security forces and relevant humanitarian entities, in particular the Protection Cluster and the Humanitarian Country Team;

- Make use of all available analysis to guide temporary mission deployments, with inputs from the Protection Cluster.

### **Information management**

- Establish and manage POC information management processes, such as early-warning analysis, alerts and reporting;
- Ensure integrated reporting on the protection of civilians, with inputs from all relevant mission components and humanitarian actors as appropriate and relevant;
- Establish and manage POC analysis, reporting, monitoring and evaluation processes;
- Establish the POC monitoring and evaluation mobile team, composed of civilian, military and police POC experts.

### **Early warning and response**

- Develop and regularly review the mission's POC Threat Matrix, in close coordination with the JMAC, JOC and other substantive mission components;
- Manage joint POC early warning tools and projects (joint protection or integrated teams, community liaison assistants, call centres and alert networks, community surveys, etc.).

### **Public information and advocacy**

- Develop a communications strategy on POC, including a public information and influence campaign;
- Engage, through the Humanitarian Coordinator, with the Humanitarian Country Team to ensure public information and messaging is coordinated appropriately.

### **Training**

- Conduct regular in-mission trainings on POC for all substantive sections and components, in close coordination with the IMTC and based on UN training modules;

### **Capacity Building**

- Develop capacity building plans for Host State and international security forces.



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## Planning

- Ensure that the POC strategy is part of the mission integrated approach to POC
- POC planning for police components should be captured in the police Concept of Operations (CONOPS).
- Reflects and is reflected in the police CONOPS and DUF, especially in terms of threat assessments, priorities, and roles and responsibilities that these documents commonly lay out.

**Key Message:** The POC Strategy outlines the key mission-wide planning and guidance documents for POC. It is important that relevant police personnel are familiar with them and understand their impact on police planning processes, including on priorities and resource considerations. Different plans exist and peacekeepers should enquire upon arrival in the mission area to be well informed on the plans and tools available to them.

Police planners should contribute to ensuring that the POC strategy is not created in isolation from other related strategies and planning documents and that it reflects and is reflected in the police Concept of Operations (CONOPS) and Directive on the Use of Force (DUF), especially in terms of threat assessments, priorities, and roles and responsibilities that these documents commonly lay out. POC planning for police components should be captured in the police CONOPS.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 24.*

The DUF for each mission is developed by the UN Police Division at headquarters in consultation with the Office of Legal Affairs (OLA) to define and explain the policy, principles, and responsibilities relating to the use of force, including the limits therein as well as the circumstances under which force could be used in self-defence or defence of the mandate, including POC. The DUF should be used to its full extent in protecting civilians.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 25.*

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## Mission Specific Planning

- The nature of the threat and the associated risk to civilians
- The mission’s ability to address the threat
- The comparative advantages and expected impact the mission
- The possible negative consequences of its actions or inaction

**Key message:** Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy.

The POC policy outlines four main criteria that should be applied fairly consistently in prioritising responses to domestic and transnational threats and in mission-specific contingency planning:



- The nature of the threat and the associated risk to civilians;
- The mission's ability to address the threat – unilaterally or with other protection actors;
- The comparative advantages and expected impact the mission may have in mitigating or eliminating the threat; and
- The possible negative consequences of its actions or inaction.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 29.*

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## Planning References

- POC Action Plan
- POC Matrix



- Capacities and resources for POC action
- Mission POC architecture

**Key Message:** The POC Strategy outlines the key mission-wide planning and guidance documents for POC. It is important that police personnel are familiar with them and understand their impact on planning processes, including on priorities and resource considerations. Different plans exist and peacekeepers should enquire upon arrival in the mission area to be well informed on the plans and tools available to them.

As a general note, among the most important documents are:

- POC Action Plan: Guides activities to ensure adequate management and implementation of the POC mandate. It outlines the key activities taken by mission components at the operational and tactical level to ensure the POC mandate is implemented effectively.
- POC Matrix, also referred to as 'Must-Should-Could Matrix': Results from a joint planning exercise between peacekeeping missions and the humanitarian community. It ranks key areas that are perceived as especially vulnerable to protection threats as being "must protect", "should protect" or "could protect". It is updated by the Protection Cluster and submitted to the highest UN protection coordination mechanism at the country level, which decides on strategic preventive protection measures, including troop deployments.
- Capacities and resources for POC action: As per UN Security Council guidance, POC must be prioritised in decisions regarding the allocation and use of available

capacity and resources in the implementation of mandates. Nevertheless, resources are limited and need to be employed in a strategic manner to ensure priority issues are addressed. In the context of the police component, thorough analysis and tools like the POC Matrix inform deployment planning including unit composition and disposition.

- Mission POC architecture: POC coordination mechanisms vary from mission to mission. They are rather complex and involve personnel at different levels and across all mission components. Even non-mission actors from the UN Country Team need to be included to ensure coordination.

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## Take Away

- Every peacekeeping mission with a POC mandate develops a POC Strategy
- The scope of the strategy is usually limited to the mission but includes coordination mechanisms with other actors

**Key Message:** Each POC mandated field mission is required to develop a mission-specific POC Strategy or include one in the Mission Concept and Mission Plan.

## Summary

### **Key takeaways regarding Relevant Documents for Tactical Planning & Mission POC Strategy include:**

- Each POC mandated field mission is required to develop a mission-specific POC Strategy. The POC environment in each mission is unique and therefore needs a specific strategy to outline the mission's approach to POC implementation;
- A Mission POC strategy is designed to bring coherence in approach, minimise gaps, avoid duplication and maximise the mission's ability to ensure the protection of civilians using its available capacities and assets;
- The POC Strategy provides guidance to develop orders at tactical level. In this regard the Heads of mission components need to provide clear guidance about who is expected to do what in a peacekeeping mission, and how and what peacekeepers are expected to protect;
- The POC Strategy clarifies roles and responsibilities of different protection actors within and outside the mission and helps to better coordinate POC prevention and response measures;
- Even though most POC Strategies target the peacekeeping mission only, coordination with the UN Country Team and other protection actors is vital to making the strategy effective;
- No mission can protect everyone, everywhere. Mission components are therefore required at all levels to jointly determine the priority threats to be addressed;
- Threat analysis is crucial to identifying priorities, assessing vulnerable populations and assigning task and responsibility to the different mission components;
- The POC Matrix is the result of a joint planning exercise between different peacekeeping actors. The POC Threat Matrix lists and prioritises the short to mid-term POC threats to civilians, based on their probability of occurrence and potential impact on civilians;
- Once finalised, the strategy needs to be endorsed by the Head of Mission and the UN Country Team. It will then form the basis for the development of work plans for all components and sections in the mission;
- Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy.

# Lesson 3.2



## Guidelines for the United Nations Police in Protection of Civilians

### Lesson at glance

#### Aim

To present the role of the United Nations Police in Protection of Civilians as highlighted in the related guidelines.

#### Relevance

- SCR 2185 (2014) affirmed the central role of the protection of civilians in the work undertaken by the United Nations Police;
- Protection is a central policing task in domestic settings however circumstances are different in the context of a UN peace operation;
- Effective POC requires focused and joint civilian-police-military planning for all POC actions under the POC Strategy;
- The guidelines are designed to assist United Nations Police in effectively implementing Protection of Civilians (POC) mandates in peace operations as a critical element in the comprehensive, whole-of-mission approach to POC and the wider UN system's approach to protection.

Learning objectives: Upon successful completion of the lesson, participants will be able to

- Explain the protection role of United Nations Police in POC
- Identify UNPOL activities in the three Tiers and each of the four response phases
- Illustrate the integrated approach in POC
- Explain the mechanism of cooperation in case of POC operations along with the civilian and military components



## Starting the Lesson

It is recommended that the instructor/facilitator is familiar with the DPO Policy “The Protection of Civilians in United Nations Peacekeeping” (Ref. 2019.17) and the Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) and the Strategic Guidance Framework (SGF) guidelines.

The instructor/facilitator must keep in mind that POC is a mandated task for every police service in its respective country and highlight the differences between POC in peacekeeping operations and domestic environments.

For an interactive start to the lesson, the trainer/facilitator could consider involving participants by asking the participants the following questions:

- Ask learners whether they have previous POC experience;
- Ask learners who has the main responsibility to protect civilians in the host country and in peacekeeping operations;
- Ask participants to explain why to protect civilians is critical for Peace Operations with a POC mandate.

### Time allocated

- 5 Minutes introduction
- 75 minutes presentation with interaction among the participants
- 35 minutes learning activities
- 10 minutes questions and answers

### Lesson Overview

Module 1 introduced the 2019 DPO POC Policy (the first Policy on POC was published in 2015), which represents the central piece of POC guidance in UN peacekeeping. To translate the Policy to the tactical and operational levels, DPKO-DFS also published the 2017 Guidelines on “The role of United Nations Police in protection of civilians” that will be discussed in more detail during the presentation. The guidelines are aimed at mission and police planners in UN Headquarters and their senior management team, all individual Police Officers, Formed Police Units and other police elements and focus on the role of UN police throughout the three tiers particularly the physical protection of civilians against violence in any form and irrespective of the perpetrator.

Moreover, these guidelines are designed to assist United Nations Police in effectively implementing POC mandates in peace operations as a critical element in the comprehensive, whole-of-mission approach to POC and the wider UN system's approach to protection.

Regarding police planning processes, the guidelines leave enough room for planners and commanders to incorporate changes in the planning and execution of operations as the situation evolves.

These guidelines should be read together with the DPO POC Policy, DPKO-DFS Child Protection Policy, DPKO-DFS Protection of Civilian Guidelines for UN Police, and the OHCHR/DPKO/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions. These policies provide operational guidance on the roles and responsibilities of UN civilian, military and police components in the protection of civilians against threats of physical violence and on the integration of human rights into the activities of United Nations peacekeeping missions.

The Guidelines provide guidance at the:

- Strategic level (UNHQ)
- Operational level (Field HQ)
- Tactical level (Level unit)

The instructor could also consider playing the video “Mandated to protect” which can be found at the following link:

[https://www.youtube.com/watch?v=y8y8\\_GaxC3I](https://www.youtube.com/watch?v=y8y8_GaxC3I).

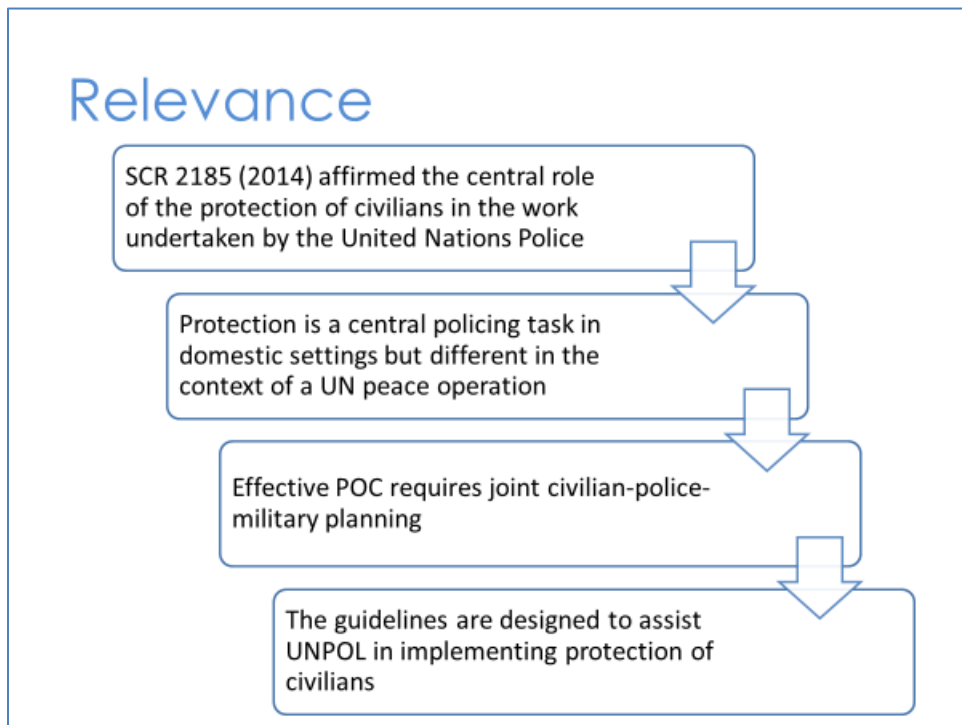
The video could be played in sections for more police focused brainstorming sessions with the participants.



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# Lesson 3.2: Guidelines for UN Police in Protection of Civilians

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## Learning Overview

- Introduction
- Mission and role of UNPOL in POC
- UNPOL planning for POC and key activities
- The three Tiers approach and role of UNPOL
- Four operational phases and UNPOL
- Cooperation with mission components
- Training
- Conclusions

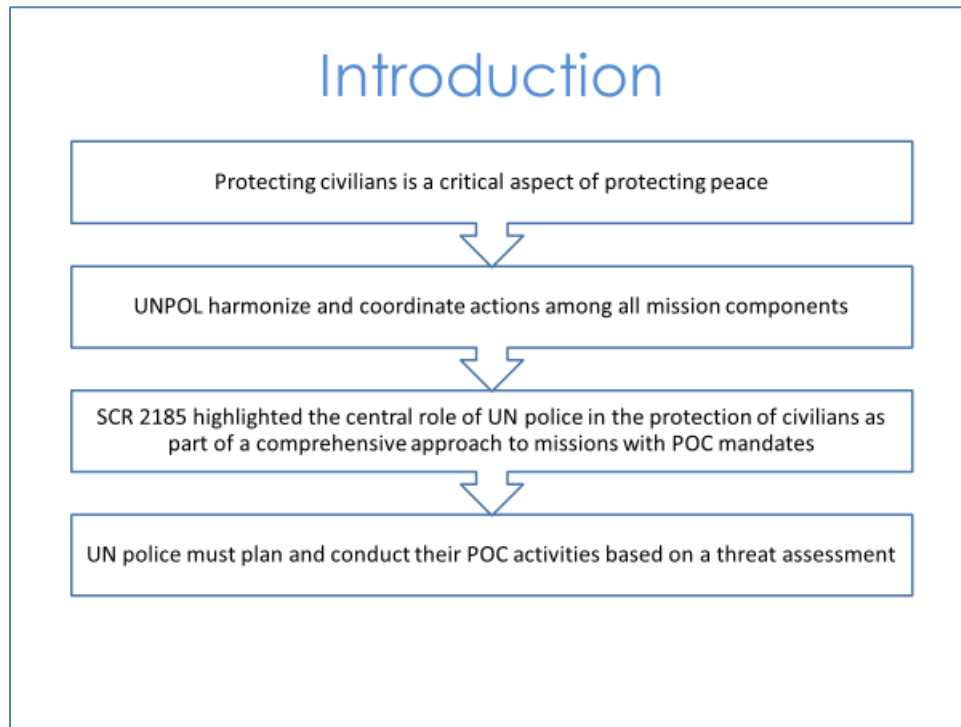
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## Learning Objectives

Learners will be able to:

- Explain the protection role of United Nations Police POC
- Identify UNPOL activities in the three Tiers and each of the four operational phases
- Illustrate the integrated approach in POC
- Explain the mechanism of cooperation in case of POC operations along with the civilian and military components

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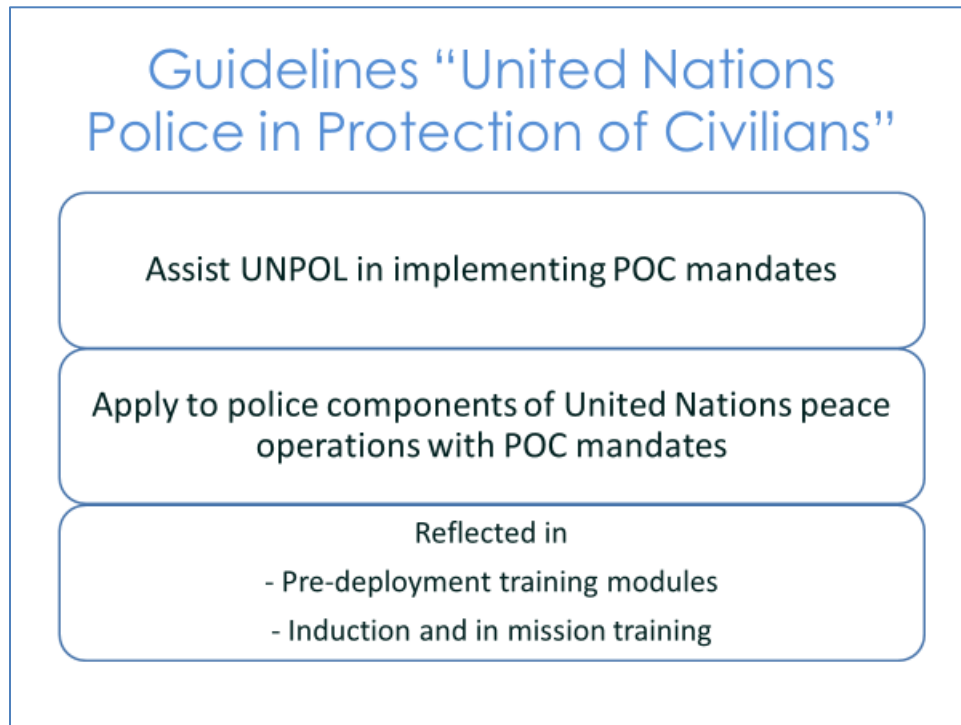
**Key message:** These guidelines are important to outline how UN Police can contribute to POC in a UN peace operation. The guidelines also describe where and how close collaboration with civilian and military components is relevant.

In its resolution 2185 (2014), the Security Council affirmed the central role of the protection of civilians in the work undertaken by United Nations police.

The guidelines should be read in parallel with the related DPKO/DFS Guidelines on police capacity building and development, police operations, police administration and police command (Strategic Guidance Framework for UN Police). HOPCs have, nonetheless, requested guidance from UN headquarters on the parameters of the role of UN Police components in the protection of civilians and on how that role might be determined in the specific circumstances of each mission.

*Ref. Guidelines "The role of the United Nations Police in Protection of Civilians" (Ref.2017.12) paragraphs 6 and 7.*

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**Key message:** The guidelines apply to police components of United Nations peace operations with POC mandates.

Moreover, they also apply to other UN staff members deployed to field missions. Further, they may be useful to police components in all peace operations to inform their broader capacity-building in support of prevention, peacebuilding, and peace sustainment.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 2.*

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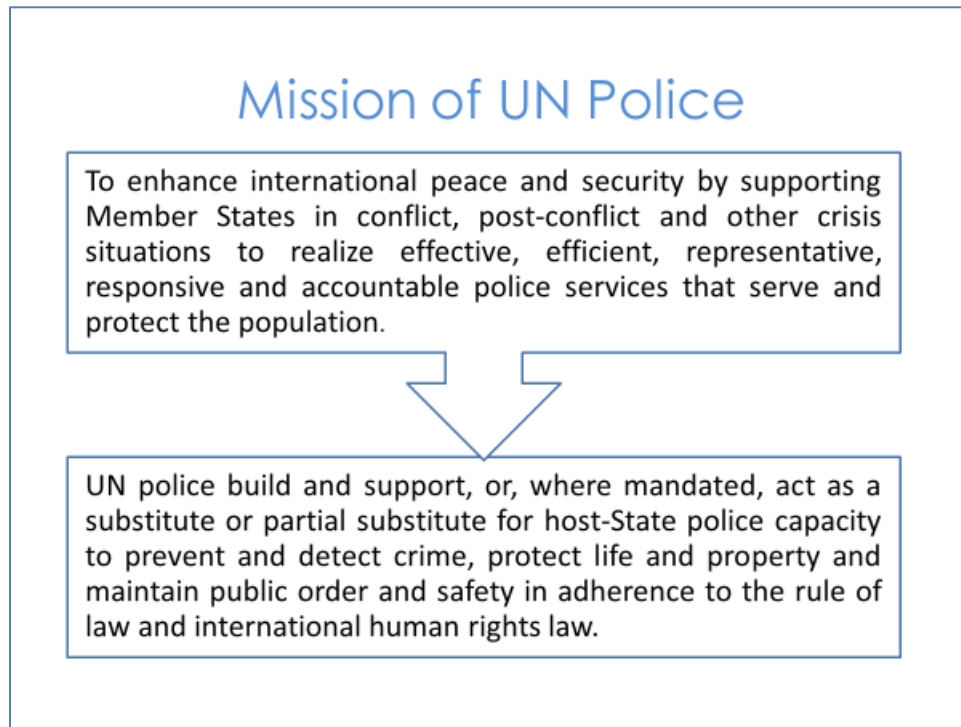
<p>Guidelines "United Nations Police in Protection of Civilians"</p>	<p>Aimed at</p> <ul style="list-style-type: none"><li>• HOPC and SMT</li><li>• HQ &amp; Mission planners</li><li>• All UNPOL personnel</li><li>• Civilian experts</li></ul>
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**Key Message:** The content of the guidelines should be included in modules for pre-deployment training by Member States and induction and in-mission training delivered by missions.

The guidelines are aimed at mission and police planners in UN Headquarters and their senior management team, all individual Police Officers, and Formed Police Units. They focus on the role of UN Police throughout the three tiers, particularly the physical protection of civilians against violence in any form.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraphs 3 & 5.*

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**Key Message:** The mission of the UN Police is to enhance international peace and security by supporting Member States in conflict, post-conflict and other crisis situations to realise effective, efficient, representative, responsive and accountable police services that serve and protect the population.

To that end, UN police build and support, or, where mandated, act as a substitute or partial substitute for host-State police capacity to prevent and detect crime, protect life and property and maintain public order and safety in adherence to the rule of law and international human rights law. UN Police pursue both community-oriented and intelligence-led policing approaches to contribute to POC and human rights; to address, among other things, sexual and gender-based violence, conflict-related sexual violence and serious and organised crime; and to conduct investigations, special operations and electoral security.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 9.*

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## UN Police and POC

- Enhance international peace and security
- Protect and respect human rights
- Respect and promote the primary responsibility of host governments to protect civilians
- Active duty to protect
- Prioritize POC activities among their mandated tasks

**Key message:** UN police respect and promote the primary responsibility of host governments to protect civilians. UN police should support the protection efforts of their interlocutors in host-State police, in full compliance with the HRDDP.

The mission of the UN police is to enhance international peace and security by supporting Member States in conflict, post-conflict and other crisis situations to realise effective, efficient, representative, responsive and accountable police services that serve and protect the population.

In supporting host-State police, UN police must adhere to the UN Human Rights Due Diligence Policy (HRDDP) and observe the steps to be taken by UN entities in providing support to non-UN security forces.

UN police have an active duty to protect. Although the host State has the primary responsibility for protecting civilians, in cases where the government is unable, unwilling or otherwise failing to do so, UN police in missions with POC mandates have both the authority and obligation to act independently to protect civilians under threat of physical violence, irrespective of the source of the threat, including through use of force.

UN Police prioritise POC activities among their mandated tasks. UN Police have limited resources and can neither respond to every situation nor be present in every location where civilians face the threat of violence. Nonetheless, POC must be prioritised in decisions regarding the allocation of available resources among other mandated tasks.

Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraphs 10-16.

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## Protection Domestic and PKO settings

- Protection is a central policing task in domestic settings
- UN police have different authority and resources
- UN police tasks differ from policing in a domestic setting
- In PKOs, physical threats to civilians may be different

**Key Message:** While protection is a core concept of international policing, in a mission context, POC requires the police component to integrate its activities with the mission’s overall POC strategy. Mission POC strategies are essential for effective POC mandate implementation and specify roles for and interaction among civilian, military and police components.



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**Key activities of United Nations Police in POC**

- Community-oriented policing
- Early Warning
- Public order and security
- Support to host State police

**Key message:** UN Police prioritise POC activities among their mandated tasks. UN police have limited resources and can neither respond to every situation nor be present in every location where civilians face the threat of violence, therefore, POC activities must be prioritised among other tasks while allocating resources.

UN Police have an active duty to protect. Although the host State has the primary responsibility for protecting civilians, in cases where the government is unable, unwilling or otherwise failing to do so, UN Police in missions with POC mandates have both the authority and obligation to act independently to protect civilians under threat of physical violence, irrespective of the source of the threat, including through use of force.

The role of UN Police includes advice and support to host-State police with emphasis on prevention, where UN Police also have a critical role to play in strengthening the capacity and willingness of host-State police and other law enforcement agencies to protect civilians.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 13.*

UN Police take a community-oriented approach to policing. As highlighted in the 2019 DPO POC Policy, positive engagement with the local population is critical for peacekeeping missions and for effective protection. This engagement should be aligned with a mission-wide community engagement strategy and other guidance issued by mission headquarters. This gives UN Police a comparative advantage over the military component in community engagement.

Actions to protect civilians should be planned in consultation with the military component, relevant civilian components and the local communities, with a view to empowering communities and supporting already established protection mechanisms. However, such interaction must be undertaken in a safe and respectful manner, with attention granted to the ability of women, men, girls and boys to share protection threats that concern them most and help identify responses to these threats. Community engagement should not expose persons to risk or cause them harm – particularly those who may be at greatest risk, including the most vulnerable, human rights defenders and/or civil society activists.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 18.*

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## Head of UN police component

- Command responsibility
- Contribute to the development and implementation of POC strategy
- Issuance of operational plans (OPLAN) and directives
- Ensure common understanding of Directive on the use of force (DUF)
- Ensure training delivery

**Key message:** Heads of Police Components (HOPCs) have command responsibility. The HOPC has an obligation to ensure that all personnel under his/her command have a common understanding regarding what actions can and cannot be taken to protect civilians under threat of physical violence.

UN Police commanders at all levels and their subordinates are rigorously accountable for observing UN standards of behaviour and code of conduct, including, but not limited to, the provisions related to the prevention of sexual exploitation and abuse and the zero-tolerance policy.

## Module 3 – Lesson 3.2: Guidelines for the United Nations Police in Protection of Civilians

The HOPC has an obligation to exercise full command responsibility for UN Police in his/her component to take all necessary actions and use all necessary means, including through issuance of necessary operational plans (OPLAN) and directives for any necessary and permissible actions, up to and including use of force, to fulfil the POC mandate in accordance with the mandate, DUF, and international human rights law (IHRL).

The HOPC is responsible for ensuring that the mission-specific POC strategy, which should include a vulnerability assessment and contingency plans, fully incorporates the UN Police and reflects their interaction with the civilian and military components in implementing a common, agreed approach to addressing the threats and vulnerabilities facing civilians, including prevention, pre-emption and the mobilisation of rapid-response capabilities.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraphs 17-26.*

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**Key message:** IPOs are some of the main interlocutors with the host-State police, while FPU as a cohesive unit contribute to the protection of civilians by providing a formed response to threats to public order or against civilians.

The roles of various UN Police elements differ as follows:

## Module 3 – Lesson 3.2: Guidelines for the United Nations Police in Protection of Civilians

IPOs are often the main interlocutors with the host-State police and, therefore, have both a presence and a network among host-State police officers and local communities. In most of current missions, they are unarmed. Their roles in POC include: gathering and analysing information related to safety and security to contribute to mission-wide early warning mechanisms; building bridges between the host-State police and the population; police capacity-building and development to establish a protective environment; and advising host-State police in pre-emption and response phases.

Specialised teams consist of experts from one (or a limited number of) Member State(s), with special skills in areas such as investigations, serious and organised crime, sexual and gender-based violence (SGBV) or community-oriented policing. They can support police capacity-building, provide operational reinforcement to host-State police, conduct deterrent patrols, and/or respond independently to non-military physical threats against civilians through use of force.

FPU are more likely to be on the front line of protection (including deterrence), they are armed and they can provide a more robust and cohesive response to threats against civilians. They provide an essential and robust capacity for carrying out, or supporting, policing tasks in the field of POC under austere or high-risk conditions. Moreover, FPU are armed and can carry out high-visibility patrols and provide protection to unarmed patrols or escorts for convoys.

Other formed units may be deployed having various expertise and specialised capacities, which may include, but is not limited to, canine handling, close protection, crime analysis, forensics, investigation, public order management, special weapons and tactics (SWAT), guard units and riverine policing, in accordance with mandated tasks.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 31.*

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UN police contribution to POC

- Analyse threats
- Prevent
- Pre-empt
- Respond to violence against civilians
- Consolidation



**Key message:** UN Police analyse threats and prevent, pre-empt and respond to violence against civilians.

UN Police should work to analyse threats and prevent, pre-empt and respond to violence against civilians. This can be done through presence in areas under greatest threat, a credible deterrent posture and the use of force and/or detention in accordance with the applicable Directives on Detention, Searches and Use of Force. This applies to both IPOs and FPU. While some risk is inherent to UN Police work in crisis situations and police must embrace its duty to protect, UN Police should not place themselves or others in unreasonable danger.

Generally, the DUF will authorise the stopping and detaining of individuals in all situations in which the use of force is authorised. All detentions must be in accordance with the DPKO-DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations (Ref. 2010.6).

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**Key message:** The POC role of UN Police will vary in accordance with the specific Security Council mandate, context and security environment. It is critical that UN police plan their POC activities based on a proper threat assessment.

The assessment should be part of a mission-wide threat assessment process integrating all available information. Such an assessment should lead to the development of an operational framework that guides and facilitates strong collaboration between police and military components.

At operational level, UN Police should engage in joint civilian-police-military planning for all POC actions.

Of relevance to UN Police planning will be: the level of capacity and willingness of host-State police and other law enforcement agencies to protect; the location, size and affiliation of vulnerable communities; as well as the location, capacity and intent of spoilers, potential spoilers and other armed groups, including those that may be involved in serious and organised crime. Violence that entails threats to civilians can take many forms including inter-communal violence, attacks against minority groups, tensions related to refugee/IDP return, conflict between civilian groups, armed militias and/or host-State security forces, or public disorder. At times, armed clashes between host-State security forces and/or armed militias or cross-border armed conflict can spill over and threaten civilians. UN Police may have to protect civilians from threats arising from serious crimes, including criminality with political implications, which may also trigger large-scale instability, or targeted violence and abuses against vulnerable groups, including conflict-

related sexual violence (CRSV) and/or sexual and gender-based violence (SGBV). Finally, threats may derive from gross human rights violations – at worst committed by host-State security forces – and a resulting climate of impunity and lawlessness.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 23.*

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## The three tier approach

UN peace operations undertake POC activities through the following three-tier approach:

- Tier I – protection through dialogue and engagement;
- Tier II – provision of physical protection
- Tier III – establishment of a protective environment

***No inherent hierarchy or sequencing between the tiers***

**Key message:** There is no inherent hierarchy or sequencing between the tiers. UN Police should contribute significantly to all three tiers.

UN peacekeeping operations implement POC activities through a three-tiered approach: Tier I – protection through dialogue and engagement; Tier II – provision of physical protection; and Tier III – establishment of a protective environment. UN Police should contribute significantly to all three tiers.

**Tier I** UN Police can participate in the provision of information and analysis in support of political processes. The police component should support and engage on the political level, particularly on policing issues. The HOPC should maintain relationships with and access to important members of host-State police and related ministries, and in that manner can support political action by the Mission.

**Tier II** Provision of physical protection encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Police components, particularly FPU, have an important role in preventing, deterring and responding to threats of violence against civilian populations through Tier II. UN Police activities to provide physical protection are primarily undertaken by FPU, which provide a formed response to threats to public order or violence against civilians.

**Tier III** The most important role that UN Police undertake in establishing a protective environment is building the capacity and willingness of the host-State police and other law enforcement services to protect civilians. All the tasks that UN Police are mandated to undertake as part of their efforts to reform, restructure and rebuild host-State police and other law enforcement agencies, including (where mandated) vetting, training, mentoring and advising and enhancing oversight and accountability, also inherently aim to establish a protective environment in the long-term.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraphs 39, 42, 43, 43, 45 and 46.*

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## Tier I – Protection through dialogue and engagement

### Examples of UNPOL activities

- Information gathering and analysis in support of political processes
- Liaise and advocate for protection of civilians with host-State authorities
- Strengthen community-oriented policing approaches and promote engagement with communities
- Record and share allegations of violations of human rights

Protection through dialogue and engagement includes dialogue with a perpetrator or potential perpetrator; conflict resolution and mediation between parties to a conflict; persuading the government and other relevant actors to intervene to protect civilians or

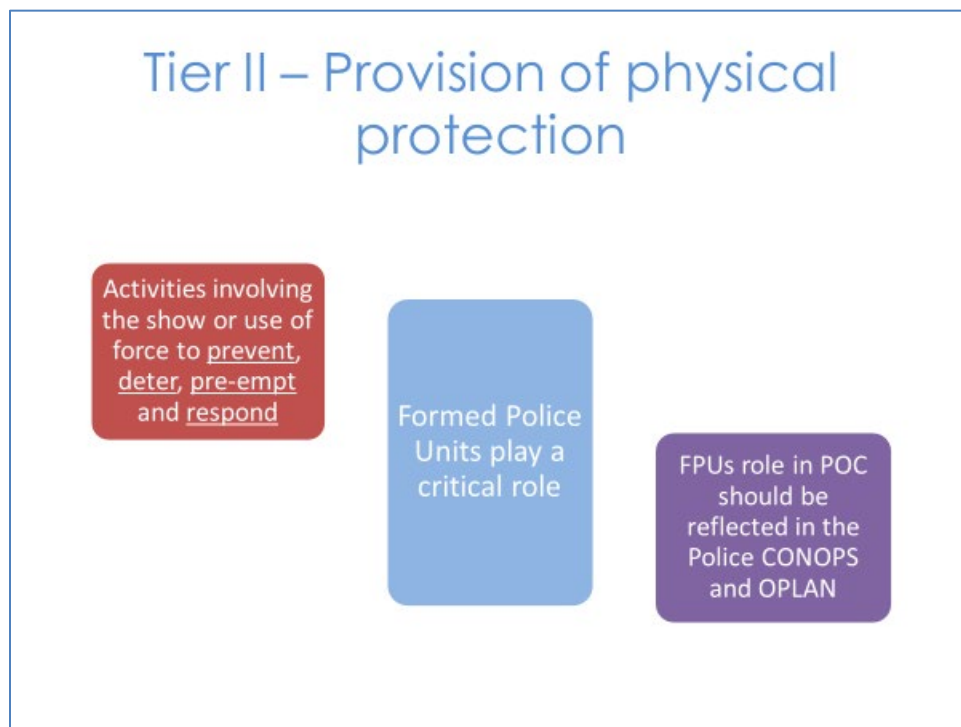


to refrain from committing violations; public information and reporting on POC; and other initiatives that seek to protect civilians through dialogue and/or direct engagement.

UN Police can participate in the provision of information and analysis in support of political processes. The police component should support and engage on the political level, particularly on policing issues. The HOPC should maintain relationships with and access to important members of host-State police and related ministries, and in that manner, can support political action by the mission. UN Police often have access to local communities as well, providing a broad mission presence. These strengths can be leveraged by police components to: (a) interact with host-State police and law enforcement services at all levels to advocate for their appropriate protection responses; (b) gather, record and share information with other mission actors, e.g., on human rights violations; (c) support mission efforts towards local conflict resolution (likely to be led by Civil Affairs); and (d) conduct outreach to communities at risk.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraphs 40 & 41.*

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**Key message:** Police components, particularly FPUs, have an important role in preventing, deterring and responding to threats of violence against civilian populations through Tier II.

Provision of physical protection encompasses those activities by police components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence.

UN Police activities to provide physical protection are primarily undertaken by FPU, which provide a formed response to threats to public order or of violence against civilians. FPU are armed and can carry out preventive high-visibility patrols and provide protection to unarmed patrols or escorts for convoys. Where FPU are deployed, their POC role should be considered at the outset, ideally by the initial Technical Assessment Mission (TAM), and certainly in the drafting of the Mission Concept, the police CONOPS, and the Mission POC strategy. FPU should be assigned tasks in accordance with their particular added value, namely their ability to act as a cohesive unit, their special weapons and equipment, and their specialisation in public order management. IPO also play a role as per the scenarios outlined above in the section on the use of force.

*Ref: Revised Policy Formed Police Units in United Nations Peacekeeping Operations Policy (Ref 2016.10) paragraph 16 and Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraphs 42-44.*

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## Tier II – Provision of physical protection

IPOs can support the provision of physical protection by:

- Working closely with human rights components and civil affairs
- Contributing to the identification of areas and situations for which physical protection measures undertaken by FPU should be prioritised

**Key message:** UN Police activities to provide physical protection are primarily undertaken by FPU, which provide a formed response to threats to public order or of violence against civilians.

Provision of physical protection encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence.

IPOs can support the provision of physical protection by working closely with human rights components, civil affairs, POC advisers and other mission entities in the identification of areas and situations for which physical protection measures undertaken by FPU or the military components should be prioritised.

*Ref. 2016,10 Revised Policy "Formed Police Units in United Nations Peacekeeping Operations" paragraph 16.*

*Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraphs 42, 43 & 44.*

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## Tier II – Examples of UN Police activities to provide physical protection

- Monitor, gather and share information
- Conduct risk and threat assessments taking into account vulnerabilities of civilians
- Patrolling
- Presence at refugee and/or IDP camps
- Human rights monitoring
- Maintain a robust posture and/or high-profile presence in areas of potential threat

**Key message:** FPUs should be assigned tasks in accordance with their added value, namely their ability to act as a cohesive unit, their special weapons and equipment, and their specialisation in public order management.

FPUs can carry out preventive high-visibility patrols and provide protection to unarmed patrols or escorts for convoys. Where FPUs are deployed, their POC role should be considered at the outset and certainly in the drafting of the Mission Concept, the police

Concept of Operations (CONOPS), and the Mission POC strategy. Further, POC tasks assigned to FPU should take into consideration that FPU are a policing element and should not be deployed in situations of “sustained use of firearms or military weaponry,” i.e. responding to threats requiring the engagement of military rules and units. As POC situations may be fluid, effective coordination mechanisms between the police and military components shall be developed where FPU are engaged in POC tier II activities, in accordance with the DPO Policy on Authority, Command and Control (Ref. 2019.23, the DPKO/DFS Policy (revised) Formed Police Units in United Nations Peacekeeping Operations (Ref 2016.10) and the DPKO/DFS Guidelines on Police Command (Ref. 2015.14)

*Ref. Guidelines “The role of the United Nations Police in Protection of Civilians” (Ref.2017.12) paragraphs 42, 43 & 44.*

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## Tier II – Examples of UN Police activities to provide physical protection

- Deploy proactively to strategic locations to deter attacks on civilians
- Provide protective defensive positions around civilian settlements
- Prevent, pre-empt and respond to physical threats
- Stop and detain as set forth in the mandate and DUF

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### Tier III – Establishment of a protective environment

- Building the capacity and willingness of the host-State police and other law enforcement services to protect civilians
- Reform, restructure and rebuild host-State police
- Human rights monitoring and investigations
- Support to the re-establishment of judicial and corrections systems
- Support child protection and SGBV activities

The establishment of a protective environment refers to activities undertaken to create a protective environment for civilians, including good governance, adherence to the rule of law, and authorities that promote, protect and respect human rights. Perhaps the most important role that UN Police undertake in establishing a protective environment is building the capacity and willingness of the host-State police and other law enforcement services to protect civilians. All the tasks that UN Police are mandated to undertake as part of their efforts to reform, restructure and rebuild host-State police and other law enforcement agencies, including (where mandated) vetting, training, mentoring and advising and enhancing oversight and accountability, also inherently aim to establish a protective environment in the long term. Most of those activities are undertaken alongside or in coordination with programmes by the UN Country Team (UNCT) or Humanitarian Country Team.

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 46.*

*See DPKO/DFS Guidelines on Police Capacity-Building and Development (2015.8).*

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**Key message:** UN Police capacity building should increase host State police contributions to the establishment of a protective environment.

In implementing capacity building mandates, the focus will be on:

- Extension of state authority,
- Building capacity of the justice chain,
- Supporting the host State police.

It must be highlighted that UNPOL will consistently apply measures under HRDDP and application of the SGF.

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### The three-tier approach: Operational phases

All three tiers of POC actions are implemented along four operational phases

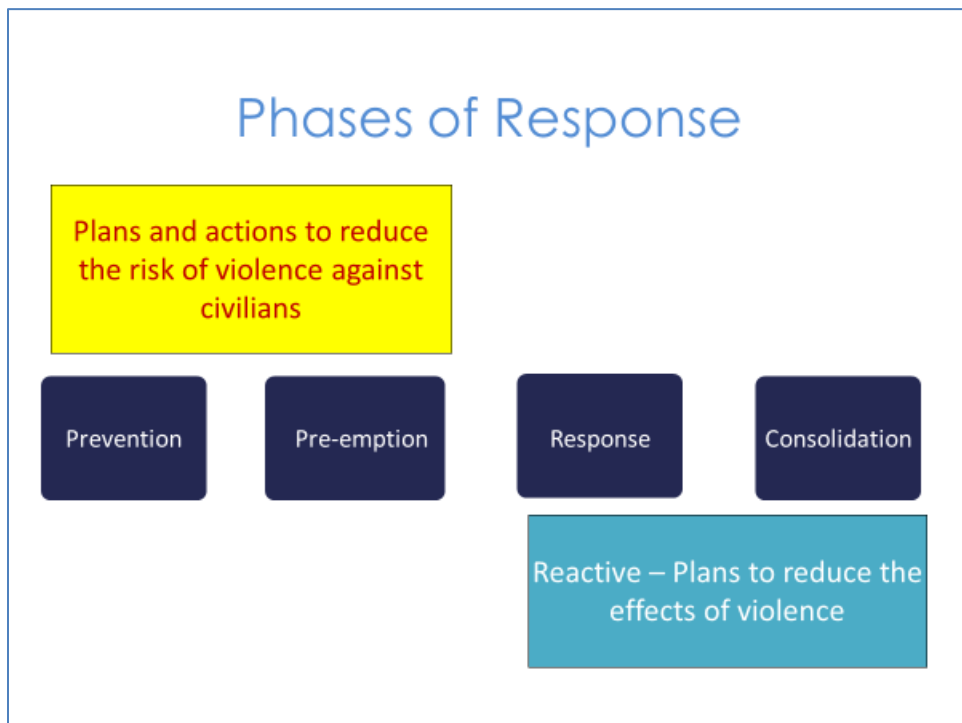
- Prevention,
- Pre-emption,
- Response
- Consolidation

The four phases are not necessarily sequential they can be simultaneous or independent.



**Key message:** All three tiers of POC actions are implemented along four operational phases: (1) prevention, (2) pre-emption, (3) response and (4) consolidation with a view to either eliminating a threat or mitigating the risk to civilians associated with the threat.

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**Key message:** Although these phases are not necessarily sequential and may be seen as simultaneous or independent, it can be useful to view various UN police actions from the three tiers along the four operational response phases.

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## Operational Phases – Learning activity



Prevention



Pre-emption



Response



Consolidation

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## Learning Activity 3.2 a

**Instructions**

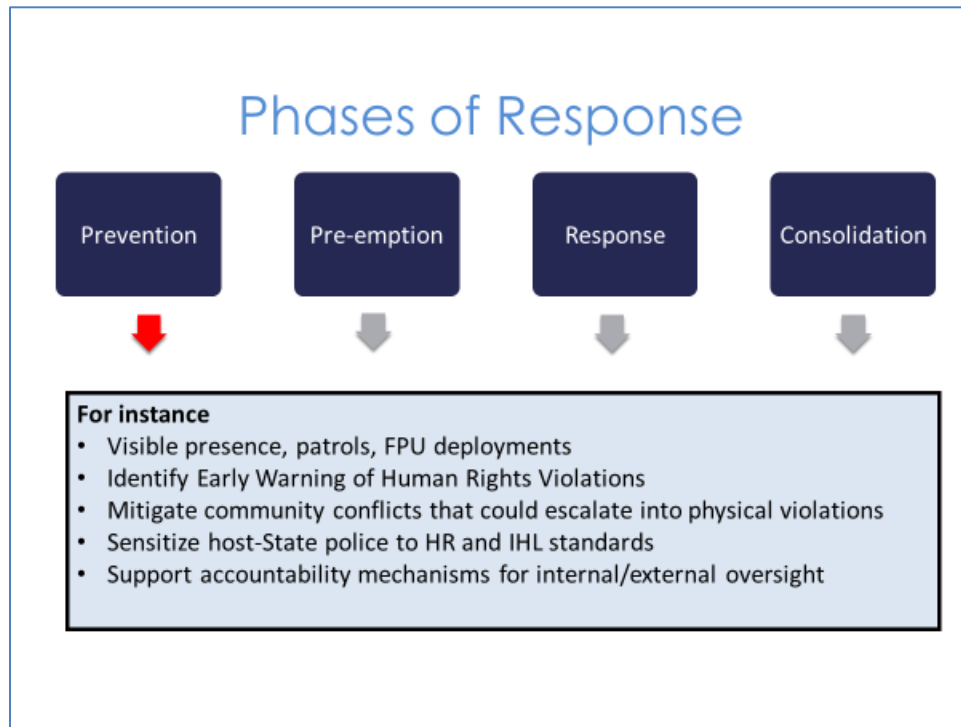
- Consider the four operational phases and identify for each phase tasks for UNPOL
- Once tasks for UNPOL have been identified, list tasks for FPUs, IPOs and/or other UNPOL elements

**Time:** 20 minutes

- Brainstorming: 12 minutes
- Discussion: 8 minutes



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**Key Message:** Civilians are best protected when threats of violence against them are prevented through coordinated action from all mission components. The measures in the phase of prevention are aimed at reassuring the local population of the mission's intent to protect them and intend to resolve potential tensions before a threat develops.

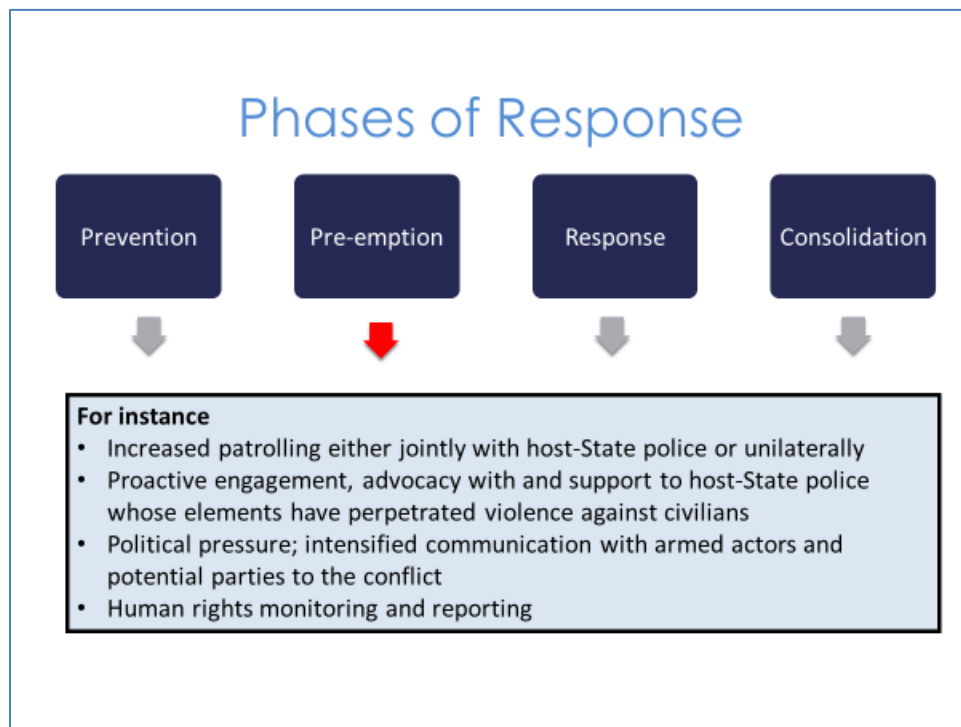
Prevention includes activities undertaken when no specific POC threat has been identified (latent threat). UN police can contribute by:

- Supporting extension of state authority in adherence to the rule of law through monitoring, mentoring, and advising. This should include identification and early warning of human rights violations and efforts to positively affect systemic change.
- Ensuring a visible presence and assuring the population of the mission's intent, commencing dialogue with communities that can support early warning by the communities, host-State and the UN.
- Mitigating community conflicts that could escalate into physical violence, e.g., in cooperation with Civil Affairs or Judicial Affairs working with formal and/or traditional justice mechanisms.
- Ensuring that host-State police and other law enforcement services are sensitised to and have received adequate training in national and international human rights and humanitarian law standards, with practical scenario-based examples.
- As relevant, and in conjunction with UNMAS, endeavour to ensure that host-State police and other law enforcement services are sensitised to and have adequate training on the International Ammunition Technical Guidelines to ensure the safe and secure management of ammunition and weapons.

- Supporting the strengthening of the criminal justice chain, including investigations by police, as well as with other rule of law mission components on prosecution, adjudication, and detention/imprisonment.
- Supporting development and functioning of accountability mechanisms for internal and external oversight, transparency and performance management of host-State police and law enforcement services.
- Leveraging the HRDDP to ensure progress on security sector reform.

Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 48.

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**Key Message:** Where preventive activities prove insufficient, or when heightened risks are detected, more active, pre-emptive measures may be required.

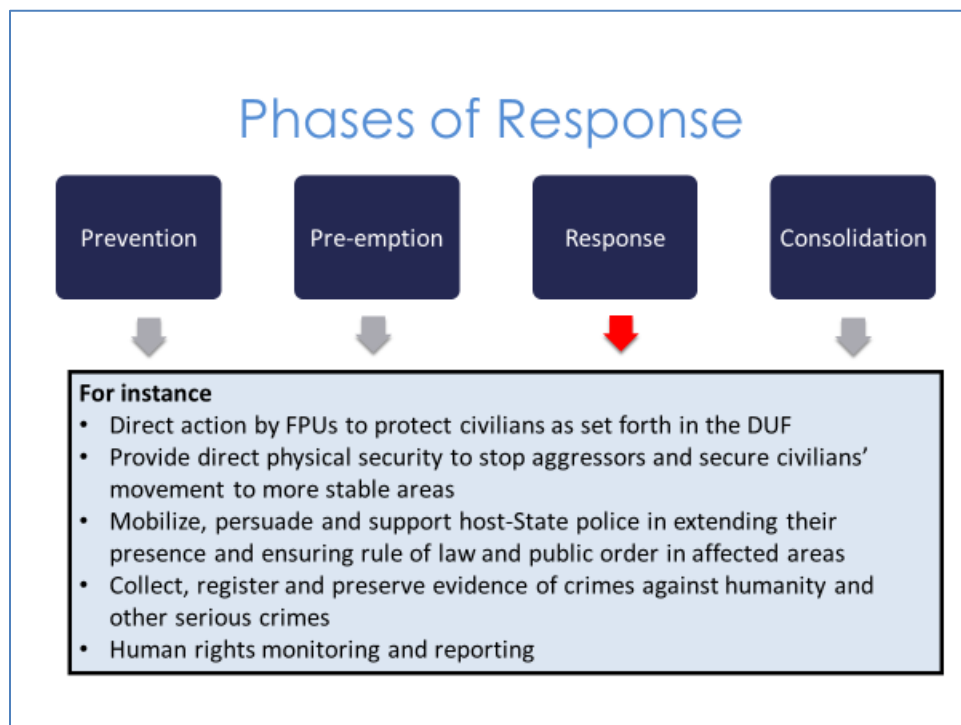
When POC threats have been identified, pro-active measures should be taken to mitigate or eliminate the threats before violence occurs, either by deterring a party or person(s) from committing hostile acts or affecting their capacity to do so. UN police should contribute through:

- Advocating with, persuading, and providing advice and support to host-State police and law enforcement services to extend their presence and ensure rule of law and public order in areas under threat. This may include planning and advisory support and/or operational support to host-State police.

- Conducting patrols, either jointly with host-State police or unilaterally. If the latter, efforts should be made to undertake integrated civilian, military, police patrols if security allows. Such patrols should, where possible, interact with communities and should be targeted (by location and timing) based on inputs from partners, communities and other protection actors.
- Proactive engagement, advocacy with and support to host-State police or law enforcement services whose elements have perpetrated violence against civilians, e.g., activities to support further sensitisation and training, criminal accountability for violations, and reinforced monitoring, reporting, command/control and accountability mechanisms.
- Human rights monitoring and reporting.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 49.*

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**Key Message:** When physical violence is apparent or violent behaviour is already underway, more active measures must be taken to stop physical violence against civilians and compel the aggressor to comply. Direct action by FPUs to protect civilians may be necessary.

In some situations, a POC threat may not have been anticipated or could not be prevented due to a lack of proper capabilities such as communications, intelligence and

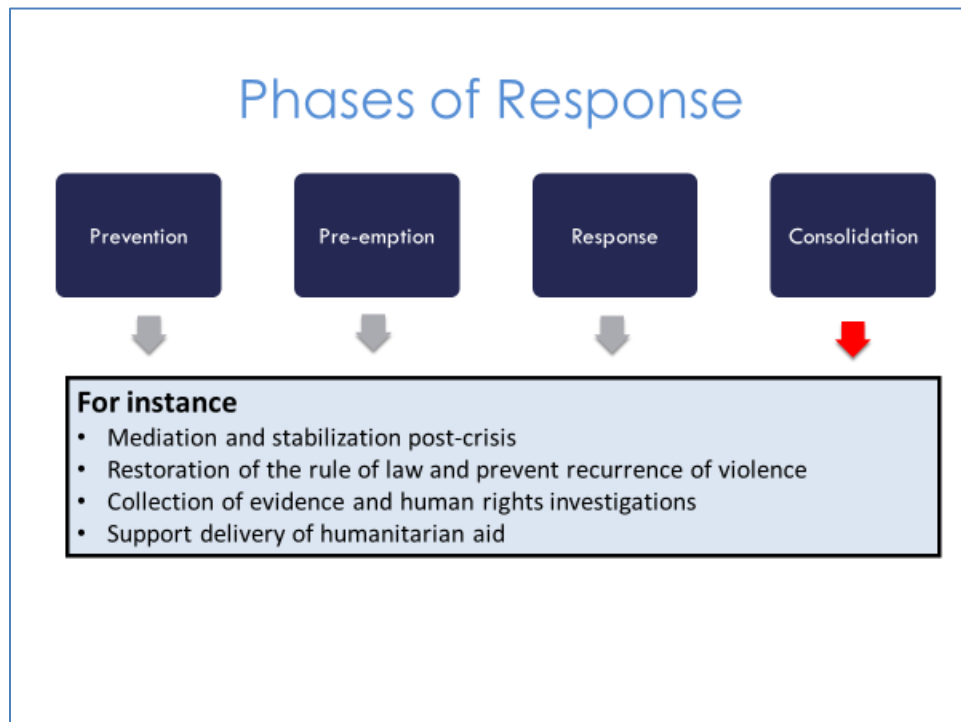
mobility. At this stage, the violent behaviour is already underway and steps must be taken to stop physical violence against civilians and compel the aggressor to comply.

When physical violence is apparent, the mission's aim is to stop the aggressors through political, security or legal means. UN police can:

- Undertake efforts to further mobilise, persuade and support host-State police in extending their presence and ensuring human rights, rule of law and public order in affected areas.
- Provide advice on deployment priorities based on mission analysis.
- Strong advocacy, mentoring and advisory capacity on the part of UN police should be brought to bear at all levels.
- Direct action by FPU to protect civilians as set forth in the DUF.
- Where there is no capacity to stop the aggressors, provide direct physical security to civilians or accompany and secure their movement to more stable areas.
- Where mandated, collect, register and preserve evidence of crimes against humanity, war crimes, genocide and other serious crimes including sexual violence and grave violations of human rights, for subsequent criminal investigation and prosecution of alleged perpetrators at national or international level. UN police should have a distinct comparative advantage here.

Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 50.

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**Key Message:** Activities in the consolidation phase address the stabilisation of a post-crisis situation. The aim is to assist the local population and host authorities to return to a state of normality and to create the conditions in which a return to crisis is diminished.

Consolidation activities are typically multidimensional responses involving political, humanitarian, military and police activities. Because of this, peacekeepers must consult with humanitarian protection partners to ensure complementarity of actions and respect for humanitarian principles.

Activities in this phase typically involve:

- Stabilisation of the post-crisis environment to assist the local population and host nation authorities to normalise the situation;
- Offer protection and reassurance to civilians and local authorities; support the delivery of immediate medical care as appropriate and in consultation with humanitarian partners;
- Collect evidence of violations of international law and notify relevant civilian experts to conduct human rights investigations and promote accountability for violations; assess remedial and preventive measures to help the stabilisation process; draft formal reports for follow-up with relevant authorities.

After violence subsides, UN police will, along with other mission components and the UN Country Team, support return to stability and normalcy, including through activities to:

- Contribute to creating conditions conducive to the voluntary, safe, dignified and sustainable return, location integration or resettlement of refugees and IDPs, notably in conjunction with host-State police as regards security;
- Support restoration of the rule of law and prevent recurrence of violence, including through accountability for violations and effective remedies for the victims, in coordination with other components working on human rights and the rule of law.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 51.*

Slide 56

## Police & military cooperation in POC



Let's work together

Slide 57

## Police - Military cooperation overview

- Military and Police provide physical protection
- As a matter of principle police/military joint operations should be considered as an exception
- Different Techniques, Tactics and Procedures (TTPs) could create difficulties during the conduct of the operations
- Nevertheless circumstances where police/ military components must work in mutual support may occur

**Key message:** As a general rule, personnel, units and sub-units from one uniformed component are not placed under the tactical control of another component. In cases where UN police are operating under military command, they cannot, in any circumstances, exercise authority beyond what is determined in the DUF.

The military and police components are the sole providers of physical protection provided by a mission, and thus their cooperation is essential for Tier II POC action. Military and police peacekeepers often conduct combined or joint activities, when preventing, deterring or pre-empting violence against civilians, including joint (high-visibility) patrols, information gathering, deploying to strategic locations, or even engaging perpetrators of violence.

It is imperative that UN Police maintain a profile distinct from the military to assist in maintaining the moral authority needed for effective policing.

Conflation of military and police roles by the Mission will undermine the good practices that the UN police capacity-building workstream, as well as any SSR and/or rule of law or justice component, attempts to implement with the host-State authorities.

There may be specific conditions, where – with the approval of the SRSG – police and military personnel may serve under a unified and centralised structure commanded by a senior United Nations police officer designated by the HOPC or a military officer designated by the Head of the Military Component (HOMC).

*Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraphs 54 & 55.*

*Ref. 2016,10 Policy (Revised) Formed Police in United Nations Peacekeeping Operations 2016.10 paragraph 47.*

**Slide 58**

Police - Military cooperation  
overview (continued)

Should the operational need arise  
**mutually supportive operations**  
have to be considered

Slide 59



**Key message:** Each mission with a POC mandate should develop specific joint operational guidelines, detailed communication and reporting lines, delineation of responsibilities and tasks.

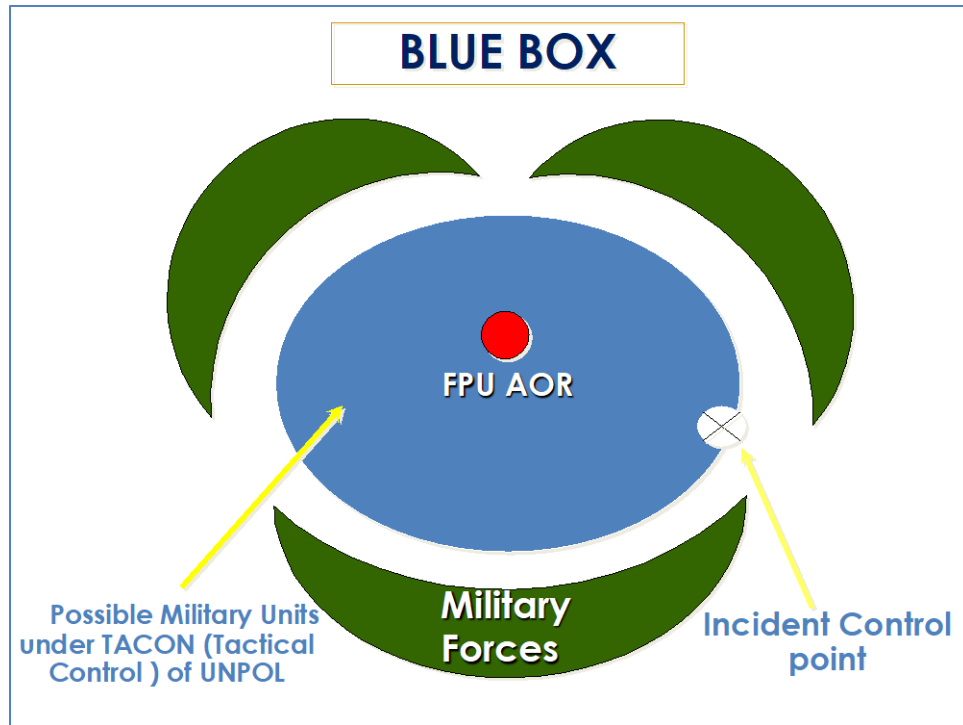
Modalities for cooperation between military and police are broadly outlined in the (2019) DPO/DOS Policy on Authority, Command and Control in United Nations Peacekeeping Operations and the guidelines on police command, including provisions on the primacy of each actor in different broadly defined circumstances.

*Ref. Guidelines "The role of the United Nations Police in protection of Civilians" (Ref.2017.12) paragraph 53.*

*Ref. Policy (Revised) Formed Police Units in Peacekeeping Operations (Ref 2016.10) par 47.*



Slide 60



**Key message:** In case of mutually supportive operations with the military component, respective tactical areas of operations must be established.

In operations with the military component, a police tactical area of operation and surrounding military security support zone should be established to define the respective tactical areas of responsibility.

Police operations are conducted under the tactical control of the designated police commander at the site in the inner tactical area of operation inside the so-called blue box and the military inside the green box. The police shall not transfer primary responsibility for resolving rule-of-law incidents to the military component unless the local threat reaches a level that is determined by the HOPC's delegate at the site of the incident to be beyond police capacity.

The military component can be deployed to support the police operation. Both areas shall be defined in terms of time and space, as outlined in the operational planning documents, and the transfer of authority should be planned in advance. Any component entering the area of responsibility of the other shall be located under the tactical control of the police and military commander present at the site. In such scenarios, a joint command post should be established where representatives of the police and military follow and tactically coordinate the operation.

*Ref. Policy (Revised) Formed Police Units in Peacekeeping Operations (Ref 2016.10) paragraphs 48 & 49.*

Slide 61

## Key Factors for mutually supportive operations

- Understand mission of other components
- Respect independent role of each component
- Awareness of means and capabilities of different components

Slide 62

## Cooperation with other partners

- JMAC/JOC
- Human Rights
- POC Adviser
- Justice and Corrections
- Mine Action
- Civil Affairs
- Public Information
- Humanitarian Country Team

**Key message:** The successful implementation of POC mandates relies on strong coordination and a comprehensive approach by all mission components. Key partners for UN police in POC are highlighted in the slide.

JMAC/JOC support the spectrum of integrated situational awareness and understanding and forecasting, in routine and crisis situations. Whereas the JOC focuses on day-to-day situational awareness, including through the provision of daily integrated reports, special incident reports and crisis response facilitation, the JMAC generates integrated analysis and predictive assessments over the mid- and long-term. Both the JMAC and JOC contribute to and benefit from POC information gathering, collation and analysis. Regular contact between the HOPC and the JOC and JMAC Chiefs is strongly advised.

Human Rights: Close ties to the human rights component are particularly important, as it can collaborate with UN Police on reporting, training and investigations. UN Police also need a continuous exchange with the human rights component in implementation of the Human Rights Due Diligence Policy. UN Police should record all allegations of human rights violations or signs of deterioration or impending violence observed through patrolling, outreach and/or engagement and should report these promptly to the human rights component, based on standard operating procedures that every mission is required to establish. The HOPC should cooperate closely with the head of the human rights component to anticipate, plan, and prepare for possible crises, escalations of violence and upsurges in human rights violations, within limits of capacity and mandate. Interaction with Women Protection and Child Protection Advisers will better inform UN police actions, as well as reporting on violations.

POC Adviser: Their role is to provide advice on the overall implementation of the Mission's POC mandate, supporting Mission leadership in ensuring that POC concerns are appropriately mainstreamed and leading in the development of mission policy on POC. She/he can provide inputs to the police component on its overall POC planning (CONOPS, OPLAN) as well as on contingency planning or specific responses to physical threats to civilians, including in cases of forced displacement or other in extreme circumstances. Further, the POC Adviser should be able to provide guidance on prioritising capacity-building efforts that could have greatest impact on protection of civilians.

Justice and Corrections: As a functioning criminal justice chain is crucial to the longer-term protection of civilians, close cooperation with justice and corrections components is essential in supporting the development of host-State institutions to strengthen their capacity to ensure non-discriminatory protection and accountability. Specific areas of cooperation may include initiatives that strengthen cooperation between police, prosecutors and courts to enhance national capacity to investigate, prosecute and adjudicate atrocity crimes.

Mine Action activities undertaken in missions and coordinated by the United Nations Mine Action Service (UNMAS) support broader POC strategies, notably in creating a protective environment (Tier 3) and providing protection from physical violence (Tier 2). Mine action not only includes detection, survey and clearance of explosive hazards, such as landmines, explosive remnants of war or improvised explosive devices, but also key community-based initiatives related to risk education and confidence building in

national law enforcement institutions, particularly related to weapons and ammunition management.

Civil Affairs: Given the focus on community engagement and unarmed protection approaches, UN Police should develop a strong relationship with the civil affairs component, which can advise on the strategic and policy framework for operations and liaison with communities, helping to ensure cohesion and consistency across local-level mission actors.

Public Information is an important partner in the mission with which UN Police should cooperate on strategic communications and managing expectations, especially in light of the UN Police interaction with communities. Public information – through media, advocacy, and outreach – is critical for explaining to all stakeholders the protection of civilians mandate and managing the expectations of what missions can realistically do to protect civilians. Public information is also a useful tool to remind the authorities, military, and other armed groups about their obligations to ensure the protection of civilians.

Humanitarian Country Team (HCT), the implementation of the mission POC strategy requires close coordination with the HCT (which includes both UN and non-UN humanitarian organisations) and the HCT's Protection Cluster in particular, which may have its complementary but distinct protection strategy. The Protection Cluster can be a source for meta-data regarding areas which could benefit from targeted patrolling as well as information on key protection concerns and trends. Further, UN Police can contribute to survivor-centred protection, which is delivered through multi-sectoral referral pathways across medical, psychosocial and legal service providers, among others, within the Protection Cluster's 'Gender-Based Violence (GBV) Sub-Cluster' and the 'Child Protection Sub-Cluster'.

Slide 63

## Learning Activity 3.2 b

### Instructions

Participants will be divided in groups

Each group has to identify areas where cooperation among different mission components is required

**Time:** 15 min

**Brainstorming:** 9 minutes

**Discussion:** 6 minutes

Slide 64

## POC Training

- UN Police, particularly commanding officers, need a clear understanding of the POC strategy
- Each UN Police Officer should be aware of the role of UN Police in POC
- Each UNPOL should be aware how and when force can and should be used in accordance with the DUF



**Key message:** The HOPC and his/her senior staff should ensure that all UN Police, particularly commanding officers, understand the POC strategy and the specific roles that it establishes for UN Police.

Every officer – whether an IPO or part of a formed unit or team – should be fully briefed on the role of UN Police, either in their role as mentors and advisers and/or how and when they can and should use force in accordance with the DUF.

Induction training and other training for the police component should draw on existing training materials. The HOPC should actively explore with the Force Commander and heads of civilian components whether training on policing concepts can increase the joint capacities of police, civilian and military components engaged in POC, particularly joint civilian, military and police table top exercises and joint field exercises between FPU and the military component.

Ref. Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) paragraph 66.

**Slide 65**

## Learning Activity 3.2 c

### Instructions

Participants will be divided in groups and will answer the following questions:

Which activities do/can UN Police undertake that have greatest impact on:

- Immediate security of civilians?
- Prevention, pre-emption, response?
- The protective environment?

**Time** 10 min

**Brainstorming:** 6 minutes

**Discussion:** 4 minutes

Slide 66

## Take Away

- The POC Guidelines for UN Police provide detailed guidance for strategic, operational and tactical levels
- UN Police have an active duty to protect
- UN Police prioritize POC activities among other mandated tasks

Slide 67

## Take Away (continued)

- Close cooperation with other mission components and local authorities is essential
- Particular attention to the needs of vulnerable groups
- UN police play a role in all the three tiers

## Summary

### Key takeaways regarding “Guidelines for United Nations Police in Protection of Civilians

- The guidelines apply to police components of United Nations peace operations with POC mandates;
- The guidelines are important to outline how UN Police can contribute to POC in a UN peace operation;
- The successful implementation of POC mandates relies on strong coordination and a comprehensive approach by all mission components;
- UN Police respect and promote the primary responsibility of host governments to protect civilians. UN Police should support the protection efforts of their interlocutors in host-State police, in full compliance with the HRDDP;
- UN Police prioritise POC activities among their mandated tasks;
- The HOPC has to ensure that all personnel under his/her command have a common understanding regarding what actions can – and cannot – be taken to protect civilians under threat of physical violence;
- The POC role of UN Police will vary in accordance with the specific Security Council mandate, context and security environment. It is critical that UN Police plan their POC activities based on a proper threat assessment;
- UN Police capacity building should increase host-State police contributions to the establishment of a protective environment;
- Civilians are best protected when threats of violence against them are prevented through coordinated action from all mission components;
- Where preventive activities prove insufficient, or when heightened risks are detected, more active, pre-emptive measures may be required;
- When physical violence is apparent or violent behaviour is already underway more active measures must be taken to stop physical violence against civilians and compel the aggressor to comply;
- Activities in the consolidation phase address the stabilisation of a post-crisis situation. The aim is to assist the local population and host authorities to return to a state of normality;
- Each mission with a POC mandate should develop specific joint operational guidelines, detailed communication and reporting lines, delineation of responsibilities and tasks;
- Where UN police are operating under military command, they cannot, in any circumstances, exercise authority beyond that in the DUF;
- In case of mutually supportive operations with the military component, respective tactical area of operations must be established;
- The successful implementation of POC mandates relies on strong coordination and comprehensive approach by all mission components;
- The HOPC and his/her senior staff should ensure that all UN Police, particularly commanding officers, understand the POC strategy and the specific roles that it establishes for UN Police.



# Lesson 3.3



## Use of Force in Protection of Civilians

### Lesson at glance

#### Aim

The aim of this lesson is to provide participants with an understanding of the relevance of the use of force in protection of civilians outlining the impact that the use, or misuse of force may have on the mission.

#### Relevance

The use of force as a last resort is a critical option to protect civilians under threat of physical violence or when they are actually under attack and a consistent and core element in all Security Council protection of civilians mandates.

Failures to protect civilians may affect the credibility of the mission as well as the United Nations as a whole. Missions are given ambitious mandates and face high expectations, but have limited resources and are faced with myriad constraints that may be beyond the sphere of influence of the mission.

Under the POC mandate, the use of force is authorised against any source of violence as soon as a threat against civilians has been identified.

Missions should be prepared to use force to protect civilians where required, including through proactive military and police operations when this is considered to be the most appropriate and effective response.

Learning objectives: Upon successful completion of the lesson, participants will be able to

- Explain circumstances when force can be used in Protection of Civilians
- Define the principles of use force
- Explain the impact that use, and misuse of force may have on the Mission
- Define the concept of precaution to be considered in particularly during the planning of police operations that may require the use of force



## Starting the Lesson

It is recommended that the instructor/facilitator who delivers this lesson is familiar with the DPO Policy “The Protection of Civilians in United Nations Peacekeeping” (Ref. 2019.17) and the Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12) and the Strategic Guidance Framework (SGF) guidelines, the Revised Formed Police Units policy Ref.2016.10 and United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The instructor/facilitator must keep in mind that UNPOL consistently acts in the law enforcement environment and that there are significant differences to the RoE for the military component. Consequently, the Directive on the Use of Force typically imposes different standards on the use of force than the RoE for the military component.

For an interactive start to the lesson, the facilitator could consider involving participants by asking them the following questions:

- Ask learners why the use of force is a critical issue in protection of civilians;
- Ask learners if they are familiar with the principles of use force;
- Ask participants if they are aware of the difference between DUF and RoE.

### Time allocated

- 5 minutes introduction
- 35 minutes presentation with interaction among the participants
- 5 minutes questions and answers

### Lesson Overview

Under the POC mandate, the use of proactive force is authorised against any source of violence as soon as a threat against civilians has been identified. The use of force should be part of a comprehensive engagement which aims to affect the intent of a perpetrator through both persuasive and coercive means. Missions should be prepared to use force to protect civilians where required, including through proactive military and police operations when this is considered to be the most appropriate and effective response. In this regard the principles of use of force are addressed along with the concept of “precaution” which must be considered in planning operations. The lesson will highlight that use of force is the last resort and law enforcement officials shall apply as far as possible non-violent means before resorting to the use of force and fire arms. On the other hand, the lesson will also bring to the attention of the participants that a failure to use necessary force may result in accountability.

Slide 69

## Lesson 3.3: Use of force by UNPOL in Protection of Civilians

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### Relevance

- Use of force is the last resort to protect civilians
- Failures to protect civilians may affect the credibility of the mission & the UN as a whole
- The use force is authorized against any source of violence as soon as a threat against civilians has been identified.

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## Learning Overview

- Introduction
- Legal and operational perspective
- Principles of use of force
- De-escalation strategies
- Use of fire arms
- Concept of precaution
- Training
- Equipment
- Take away

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## Learning Objectives

Learners will be able to

- Explain circumstances when force can be used in Protection of Civilians
- Define the principles of use force and the concept of precaution
- Explain the impact that use and misuse of force may have on the Mission

Slide 73

## Introduction

- UNPOL exercise powers in accordance with the UNSCR, CONOPS, DUF, etc.
- UNPOL must respect international human rights and criminal justice standards
- Level of authority for UNPOL is spelled out in the Directive on the Use of Force (DUF)
- UNPOL acts in law enforcement environment

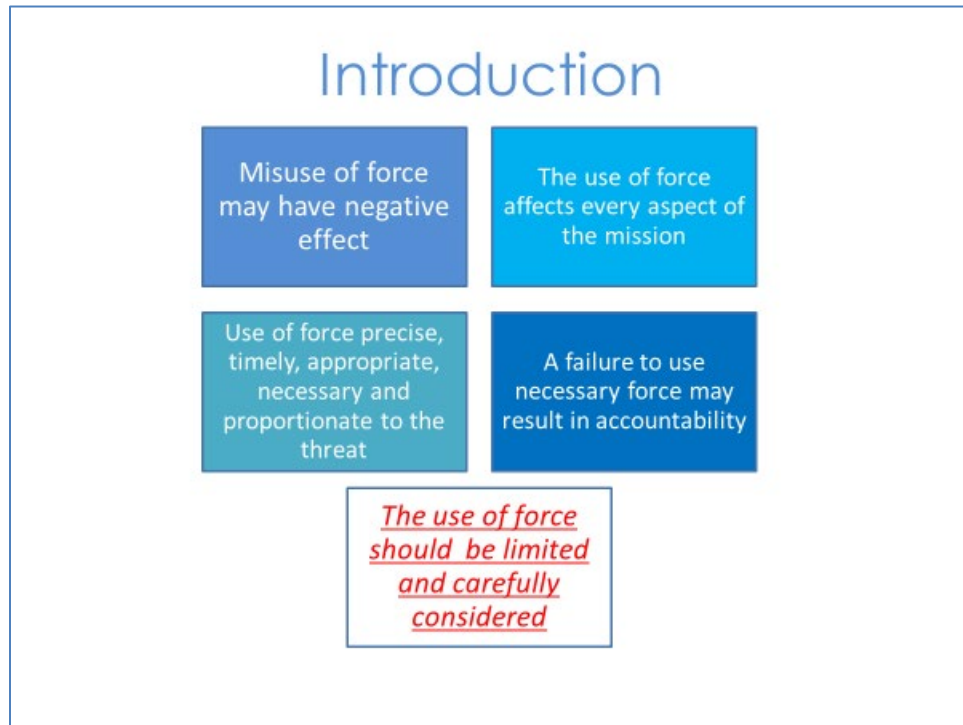
**Key message:** United Nations Police, including FPU, exercise their powers in accordance with the United Nations Security Council Resolution(s) and other official issuances applicable to the mission in which they are assigned. UNPOL consistently acts in the law enforcement environment and there are significant differences to the RoE for the military component.

The United Nations Police must also exercise their functions in strict accordance with international human rights law, UN standards and norms on crime prevention and criminal justice and international policing standards.

It is important to underline that UNPOL consistently acts in the law enforcement environment and there are significant differences to the RoE for the military component. This is also important against the background of some FPU being potentially drawn from militarised gendarmerie forces that operate under very broad use of force powers in their home country.

The DUF will typically impose stricter standards on the use of force than the RoE for the military component (law enforcement v. IHL paradigm). The DUF continues to apply and restrict UNPOL force even if FPU are exceptionally placed under the tactical command of the military component. For their own protection, UNPOL must not become a direct participant in military hostilities.

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**Key message:** A misuse of force may have a negative effect on the consent of the operation and of the mission.

The use of force affects every aspect of the mission and requires continuous review to balance security and mission accomplishments. In some situations, however, the use of force by FPU may be required to defend the mission or protect civilians, and a failure to use necessary force may result in accountability for failing to act. This consideration is particularly relevant since certain UNPOL in some situations may feel so afraid of violating the use of force standards that they fail to act altogether, or they use supposed fear of violating standards as pretext not to put themselves in harm's way.

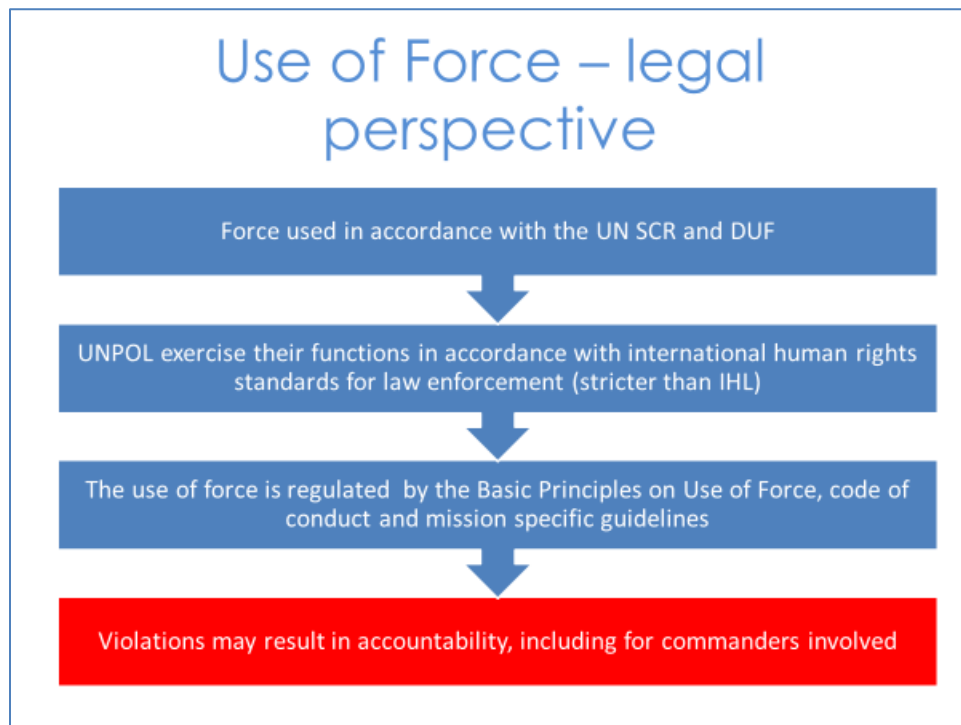
Slide 75

## Use of Force

Use of Force is an issue to be analysed from the following perspectives:

- Legal
- Operational

Slide 76



Slide 77

## Consideration

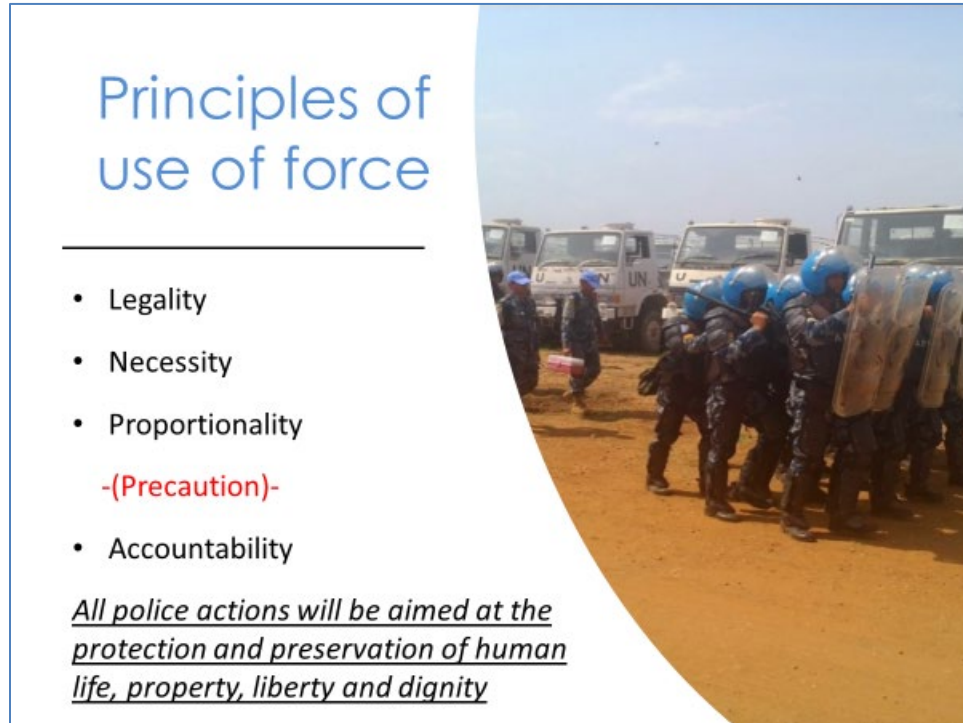
“UNPOL feel in some situations so afraid of violating use of force standards that they fail to act altogether (or they use supposed fear of violating standards as pretext not to put themselves in harm's way)”

The instructor/facilitator presenting this slide should ask participants to provide comments and some reflections on the quote above and make or ask practical examples of circumstances where police officers could be afraid to use force.

Moreover he/she could also highlight the importance of a policy framework for use of force (DUF) that everyone understands, the importance of training and firearms qualification, accountability and reporting mechanism etc.



Slide 78



The slide features a white background on the left with blue text and a photograph on the right. The photograph shows UN police officers in blue helmets and riot gear, some holding shields, standing in a line on a dirt road. In the background, there are several white UN trucks. The title 'Principles of use of force' is in a large blue font. Below it is a horizontal line, followed by a bulleted list of principles. The word 'Precaution' is crossed out with a red line. At the bottom, there is a quote in italics underlined.

## Principles of use of force

- Legality
- Necessity
- Proportionality
- ~~Precaution~~-
- Accountability

*All police actions will be aimed at the protection and preservation of human life, property, liberty and dignity*

**Key message:** The deployment and operations of UNPOL shall always be based on the principles of legality, necessity, proportionality and accountability.

The slides introduce the four principles of the use of force including the concept of precaution which will be explained in more depth later during the presentation as this is a crucial step for commanders while planning POC operations.

The deployment and operations of FPU shall always be based on the principles of legality, necessity, proportionality and accountability and all actions of FPU shall be aimed at the protection and preservation of human life, property, liberty and dignity.

*Ref. Policy (Revised) Formed Police Units in United Nations Peacekeeping Operations (Ref 2016.19) paragraph 68.*

Slide 79



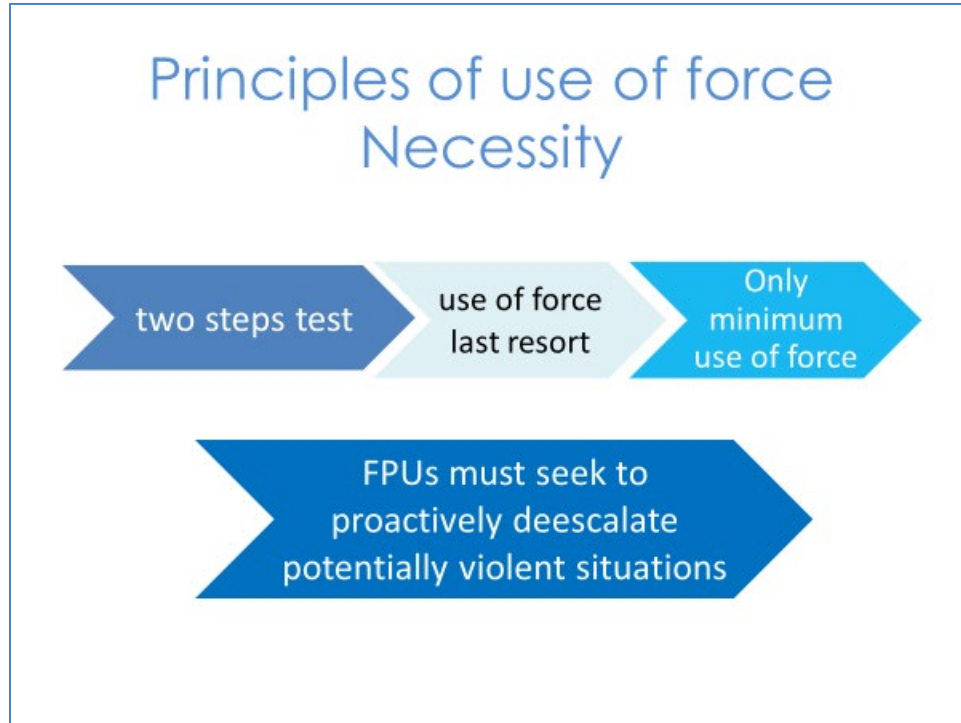
**Key message:** Legality has two components, compliance with international law and sufficiently defined legal basis specific to the police which in peacekeeping emerges from the mandate and DUF.

We would like to start addressing the four principles for use of force from the principle of legality to explain the relevance of Mission Mandate and DUF, which constitute the peacekeeping basic legal framework on the use of force.

Law enforcement officials shall always fulfil the duty imposed upon them by law and in peacekeeping. The mandate and the DUF provide UNPOL with the legal authority to use force within the limits imposed by international human rights law and delineates circumstances and limitations of the use of force in a mission.

The DUF provides also operational guidance on how to accomplish the mission mandate within the constraints of its legal and extra-legal (diplomatic, policy, etc.) parameters.

Slide 80



**Key message:** The use of force is the last resort. Law enforcement officials shall apply as far as possible nonviolent means before resorting to the use of force and fire arms. FPU must seek to proactively deescalate potentially violent situations.

It is important to clarify that necessity entails two principles:

1. **No force if non-forcible means can be employed.** In this regard, the FPU policy is very clear on the need to prioritise de-escalatory measures;
2. **Only minimum use of force necessary.**

It should also be clear that necessity does not require police to take unreasonable risks in that they may forego lesser levels of force if they will not reliably safely reach the legitimate aim.

Secondly, force must be assessed based on the situation at the time, not in hindsight. Example: FPU had good reason to believe that a crowd was prepared to use weapons against them, but in hindsight it turns out that there were no weapons.

If force must be used, law enforcement officials must use only the minimum degree of force necessary. They may use force and firearms only to the degree that less forceful means remain ineffective to reliably and safely achieve the legitimate aim.

Gradation of the level of response and early involvement to prevent the possible escalation of the situation are the norm. Dialogue, mediation, communication-based crowd control strategies and proactive de-escalation strategies must be applied whenever possible. In accordance with the Basic Principles, an escalation in the level of force should only take place if preceding measures have proven ineffective or hold no promise of achieving an authorised objective.

*Ref. Policy (Revised) Formed Police Units in United Nations Peacekeeping Operations (Ref 2016.19) paragraph 72.*

**Slide 81**

## Principles of use of force - Necessity

De-escalation strategies in crowd control:

- Avoid suppression of peaceful assemblies
- Identification and isolation of violent individuals
- Dispersal is not always necessary
- Clear instructions to disperse
- Space & time to disperse
- De-escalation must be trained

The slide focuses on de-escalation strategies to be considered in crowd control operations within an area of operations for UNPOL crowd control operations.

Presenting this slide, the trainer/facilitator should bring to the attention of the participants the following aspects:

- Respect for freedom of assembly – do not participate in suppression of peaceful assemblies;
- Identification and isolation of violent individuals within an otherwise peaceful assembly;
- Distinguish violent demonstrations and unauthorised demonstrations - dispersal is not always necessary;
- Clear and explained instructions to disperse;

- Space & time to disperse;
- De-escalation strategies should be part of in-mission training for FPU's;
- Negotiated management approach;
- Build channels of communication with organisers and crowd members;
- Deploy male and female police officers with a recognisable face & identity;
- Keep riot police in the background;
- Pre-empt tension aggravators (e.g. lack of water, shade etc.)

**Slide 82**



**Key message:** UNPOL will aim to minimise damage and injury to the target persons and respect and preserve human life.

It is important to clarify that proportionality, as defined by IHL, in the policing context is very different than proportionality in the military context.

Firstly, proportionality requires a balance between the applied force to the target person and the legitimate objective to be achieved.

Second, police must not knowingly factor in civilian casualties in their operations (the police cannot bomb a house with target persons if they know that some innocent bystanders such as hostages would die in the operation - whereas the military could bomb the place as long as there is no disproportional loss of civilian life).

Detailed tactics, such as the continuum for the gradation of the use of force, including escalation and de-escalation shall be considered. In all cases, only the minimum necessary level of force should be used. For example, if the threat of serious bodily harm to an FPU member can be safely countered by less-lethal means, these should be used first.

In every case, police and law enforcement officials must identify themselves as such. Any escalation in the use of force must be preceded by clear warnings of the intent to use force and firearms and an effort to ascertain whether warnings have been understood. (Ref. Formed Police Units Revised Policy 2017 paragraphs 73 & 74)

Finally, operations should be planned so that innocent bystanders are not injured or killed. Police operations must not factor in “collateral damage”.

**Slide 83**

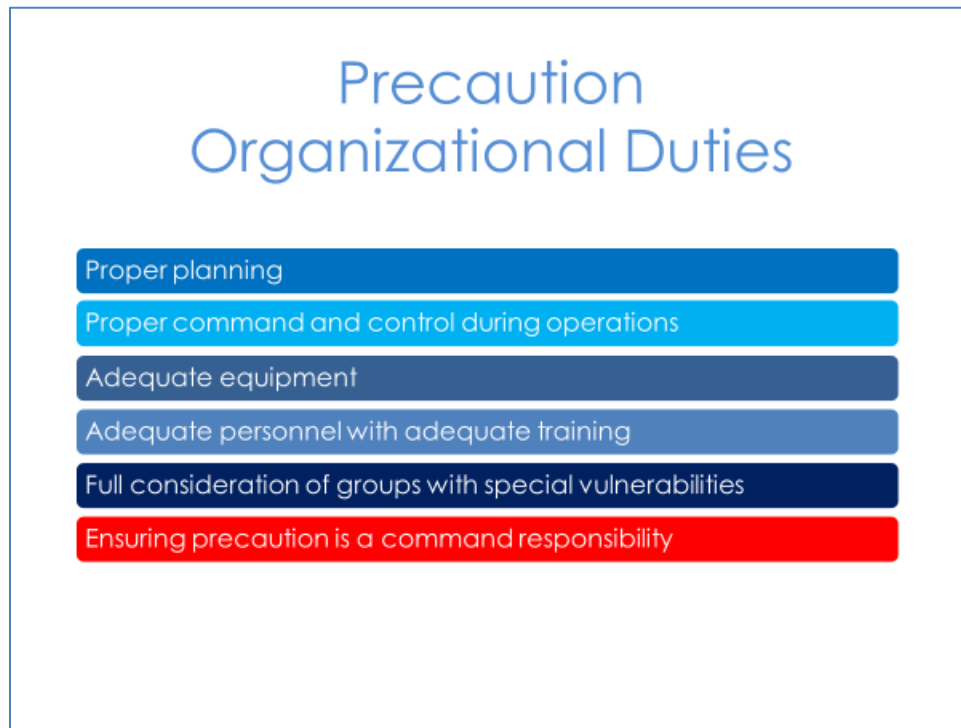
## Use of fire arms

Firearms are to be used only in extreme circumstances:

- Self-defence or defence of others against imminent threat of death or serious injury
- To prevent serious crime that involves a grave threat of life
- Intentional lethal force («shooting to kill») only to protect life against imminent threat

No use of firearms for the sole purpose of protecting the property of the United Nations!

Slide 84



**Key message:** Police officers must not be placed in a position where they have to use more force than would have been necessary if there had been proper planning.

This is a key principle for UNPOL commanders, particularly for FPU commanders. Nowadays this requirement is presented separately, although it could be also seen as implicit to necessity and proportionality.

Precaution requires UNPOL commanders to plan their operations with regard to

- equipment available
- personnel used and orders given
- command and control arrangements
- consideration of particularly vulnerable groups (such as children or elderly persons)

Planning must ensure that officers on the scene are not placed in a situation where they end up having to use more force than necessary for example due to the lack of proper protective equipment or the lack of proper risk and threat assessment.

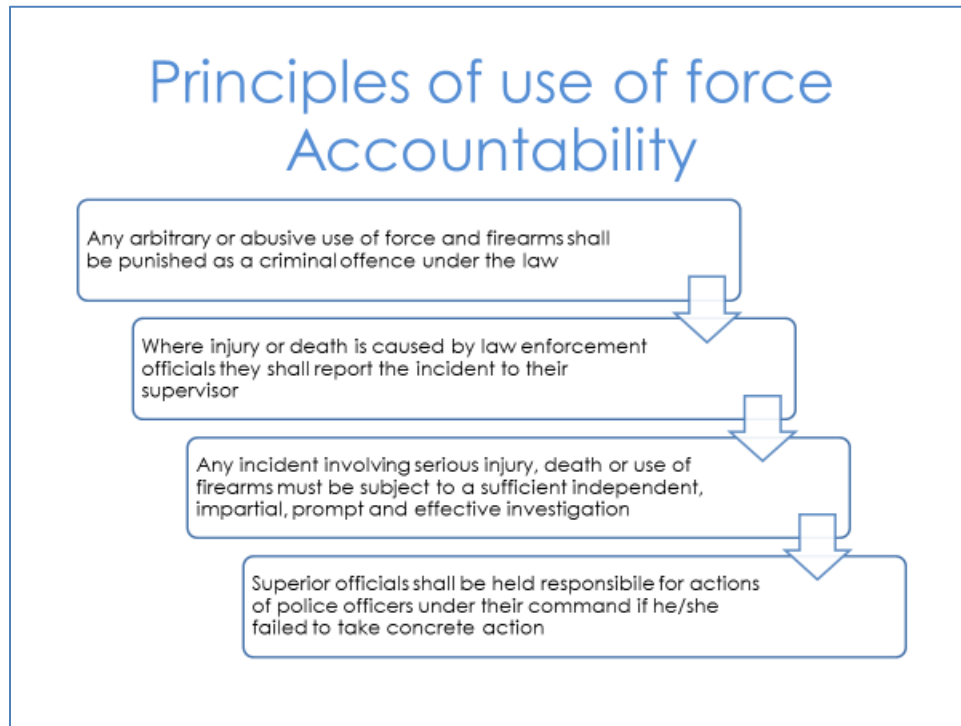
Police officers must not be placed in a position where they must use more force than would have been necessary if there had been:

- Proper planning of operations
- Proper command and control during operations
- Adequate equipment
- Adequate personnel with adequate training

- Full consideration of groups with special vulnerabilities (children, elderly etc.)

**Ensuring precaution is a command responsibility**

**Slide 85**



**Key message:** Any arbitrary or abusive use of force and firearms shall be punished as a criminal offence under the applicable law.

Applicable law can be the International Criminal Justice Standards for Law Enforcement Officials or host-state law.

The Basic Principles for Use of Force and Firearms and the Code of Conduct for Law Enforcement Officials (International Criminal Justice Standards) demand prompt reporting in every instance when a firearm has been discharged or when serious injury or death has been caused by any use of force, including where FPU carry out joint action with host-state police services that use firearms. While further reporting procedures and arrangements are to be defined in mission-specific guidance, incident reports must be written and submitted – in the first instance – to the Deputy-Chief Ops (FPU) every time an FPU has been involved in an operation or action.



Slide 86

## Complying with Use of force Operational perspective

- Risk of hurting innocent bystanders in use of force
- Risk of violence escalation in case of use of force, implying increased risk to UNPOL
- Impact on consent from local population in case of no proper action or abuse of use of force

The trainer/facilitator has to keep in mind and highlight to the trainees that UNPOL has to distinguish between target persons and innocent bystanders.

Slide 87

## Use of force/Equipment

- UNPOL must have adequate protective equipment - essential prerequisite -
- List of authorized equipment is detailed in the DUF
- Safety and security of UN Police is a priority
- Police must be protected to protect civilians

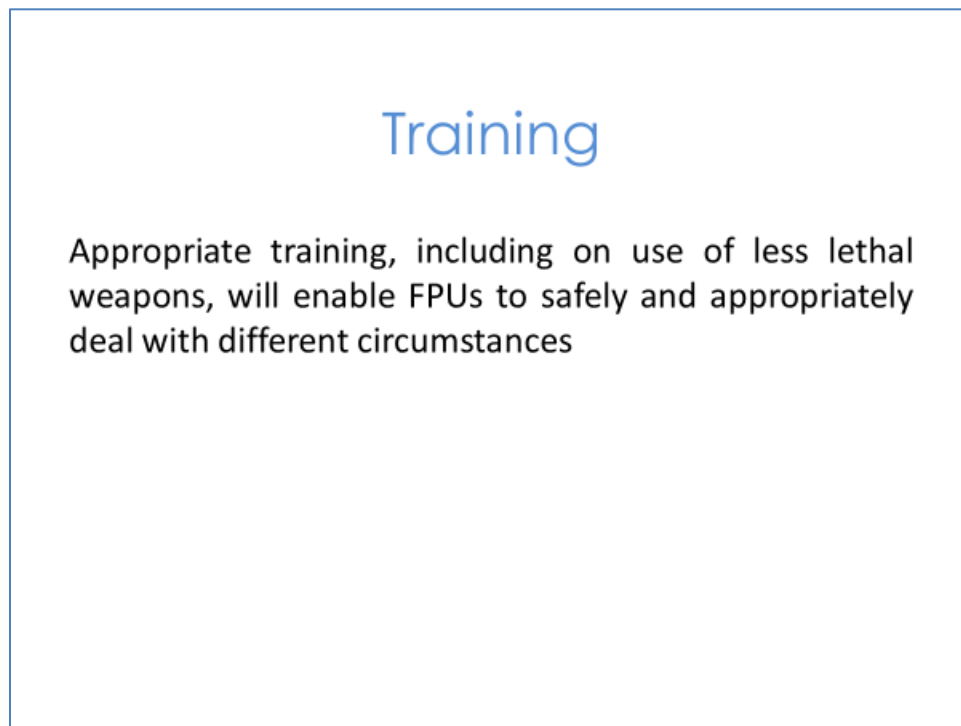
**“The more exposed and unprotected police officers are, the more likely they are to resort to a high level of force”**

**Key message:** To feel secure and apply the absolute minimum use of force UNPOL, particularly FPU members should have adequate protective equipment.

As described in the Basic Principles, the ability to use force appropriately and in accordance with international standards is contingent upon the availability of adequate equipment. FPU members should have adequate protective equipment, including items such as full body armour, helmets and shields. This is an essential prerequisite for the gradation of force and for an FPU to qualify for deployment in a UN peacekeeping operation.

Similarly, an FPU must have a range of weapons – and the skills to use them appropriately – in order to be able to escalate the level of force in a graduated manner, including less-lethal weapons that are defined as devices used to stop, control and restrain individuals while causing less harm than lethal force to the individual as well as the police officer and any bystanders

**Slide 88**



Training

Appropriate training, including on use of less lethal weapons, will enable FPUs to safely and appropriately deal with different circumstances

**Key message:** Appropriate training will enable FPUs to deal with difficult circumstances in line with a controlled approach to the use of force while at the same time protecting the lives of civilians.

In accordance with the Command and Control Policy, the HOPC is responsible for ensuring that FPU members are well-trained and familiarised with the technical elements of the DUF. Readiness standards for FPUs to be deployed in UN peacekeeping operations

should include regulations on the training required before authorising the use of firearms and what type of documentation must be submitted as evidence that training has been completed satisfactorily.

**Slide 89**

## Take Away

- The use of force is the last resort to protect civilians
- Failures to protect civilians may affect the credibility of the mission & the UN as a whole
- Presence and posture as well as early warning are key factors for success
- Ensuring sensitivity to POC, Child Protection and CRSV threats and challenges.
- Force may be required, but must not be excessive.

## Summary

### Key takeaways regarding “The use of force in protection of civilians”

- United Nations police, including FPU, exercise their powers in accordance with the United Nations Security Council Resolution(s) and other official issuances applicable to the mission in which they are assigned;
- A misuse of force may have a negative effect on the host country consent of the operation and of the Mission;
- The deployment and operations of Formed Police Units shall always be based on the principles of legality, necessity, proportionality and accountability;
- Use of force is the last resort. Law enforcement officials shall apply as far as possible nonviolent means before resorting to the use of force and firearms. FPU must seek to proactively deescalate potentially violent situations;
- Gradation of the level of response and early involvement to prevent the possible escalation of the situation are the norm
- UNPOL will aim to minimise damage and injury to the target persons and respect and preserve human life;
- Police officers, particularly FPU members must not be placed in a position where they have to use more force than would have been necessary if there had been proper planning;
- Any arbitrary or abusive use of force and firearms shall be punished as a criminal offence under the law;
- To feel secure and apply the absolute minimum use of force, UNPOL, particularly FPU members, should have adequate protective equipment;
- Appropriate training will enable FPU to deal with difficult circumstances in line with a controlled approach to the use of force while at the same time protecting the lives of civilians.

# Lesson 3.4



## Tactical Decision-Making Process

### Lesson at a glance

#### Aim

To familiarise participants with the decision-making process concepts and phases, enable commanders and their staff to understand the overall framework of the planning process and to enable them to elaborate plans to conduct effective Protection of Civilians police operations at the tactical level.

#### Relevance

Operations, also at tactical level, should never be improvised. The conception of manoeuvre and the associated orders to be executed by UNPOL are the results of a methodical analysis of different factors which lead to a decision which will always be in line with the mission mandate, in accordance with the UN doctrine, subject to the rule of law and coherent with strategic and operational level guidelines and orders.

In any police operation, the planning process will determine resource requirements – personnel and equipment required to perform a specific task. Commanders and their staff need therefore to understand the overall framework of the planning process as well as tactical commanders and their staff must be able to elaborate plans to conduct effective police operations at the tactical level.

This module does not aim to train participants on a certain decision-making process, but rather seeks to highlight how commanders and their staff should integrate protection of civilian considerations into their decision-making process.

Learning objectives: Upon successful completion of the lesson, participants will be able to

- Define a problem
- Illustrate planning methodology
- Show how to generate alternatives
- Use the Decision-Making Process at tactical level, issuing their own OPORDER



## Starting the Lesson

It is recommended that before delivering this lesson the instructor/facilitator is familiar with the DPO Policy “The Protection of Civilians in United Nations Peacekeeping” (Ref. 2019.17) and the Guidelines “The role of the United Nations Police in protection of Civilians” (Ref.2017.12), the Strategic Guidance Framework (SGF) guidelines, the United Nations manual “Mission - based Police Planning in Peace Operations” (Ref. 2017.13).

This module is best presented by an instructor who has extensive field experience both as a planning officer and tactical and/or operational commander of units in peace operations. This will allow him/her to share his/her experience with the group. The instructor should possess adequate training skills and experience.

For an interactive start to the lesson, the trainer/facilitator could consider involving participants by asking the participants the following questions:

- Ask learners why planning is critical for the success of any police operation;
- Ask learners if they are familiar with the decision-making process;
- Ask participants if they are aware of elements which are critical for planning protection of civilians operations.

Time allocated

- 5 minutes introduction
- 75 minutes presentation with interaction among the participants
- 10 minutes question and answers

Lesson Overview

Introduction: to effectively achieve a desired end or goal it is necessary to set forth an orderly and coherent scheme. This is the decision-making process that shall lead to the most suitable plans.

The lesson will introduce the relevance of the decision-making process and the related phases. Once the decision-making process has been introduced the focus will be on tactical considerations for planning protection of civilians operations. Finally, the framework of OPORDER will be introduced to enable commanders at tactical level to make their own plans.

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## Lesson 3.4: Tactical decision-making process

Slide 92

### Relevance

- Commanders and their staff need to understand the overall strategic and operational framework of the planning process
- Tactical Commanders and their staff must elaborate plans to conduct effective police operations at the tactical level

Slide 93

## Learning Overview

- Introduction
- Definition
- Purpose of planning
- Decision-making wheel
- Tactical considerations for planning
- Overview of OORDER

Slide 94

## Learning Objectives

Learners will be able to

- Define a problem
- Illustrate planning methodology
- Show how to generate alternatives
- Use the decision-making process at tactical level, issuing their own OORDER



Slide 95

## Introduction

- Operations are never improvised
- The concept of maneuver and the associated orders are the result of methodical analysis of different factors
- Decision are made in accordance with doctrine and legal basis

Slide 96

## Definition

Effective decision-making is a defined process that helps to identify and select the best action among several alternative options, based on a goal and an evaluation of possible consequences.

**Key message:** Decision-making is the process of making choices by identifying a decision, gathering information and assessing alternative resolutions.

Using a step-by-step decision-making process can help you make more deliberate, thoughtful decisions by organising relevant information and defining alternative options.

**Slide 97**

## Decision and Planning Process

**Analytical and deductive logical process**

- Based on commander's centrality (Commander Led)
- Used for solution of problems pertaining to actions at all levels of responsibility (strategic, operational and tactical) and for all operations

**Key message:** The Decision and Planning Process is the instrument that a Commander and his/her Staff use in planning and analysing activities. It is a cognitive process where each step follows in a logical order from the one before.

Rational decision-making is based on thinking through and weighing the alternatives to come up with the best potential solution.

Planning is an adaptive process that flows with the situation and is a continuous activity. The decision-making process (DMP) is a cyclical procedure, to be repeated according to the changes in the operational environment.

There are different categories of decision-making namely immediate, short-term and long-term decisions. Decisions can also be proactive or reactive.

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## Logical steps to be followed in a DMP

- Defining the situation/decision to be made
- Collection and Analysis of pertinent information
- Consider all possible solutions
- Calculate the consequences of these solutions (pros and cons)
- Choose the best option

**Key message:** The DMP does not represent a rigid scheme, but just a viable guide/mechanism to better address complex situations.

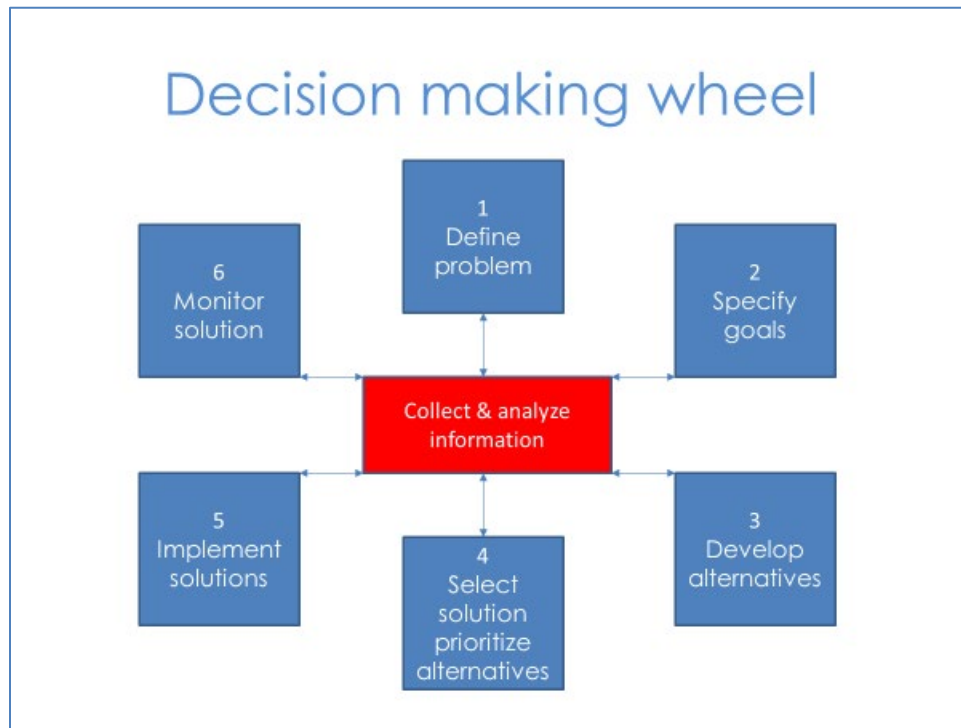
Logical steps to be followed in a DMP are: defining the situation/decision to be made, collection and analysis of pertinent information, consider all possible solutions and pros and cons of each solution.

The first step entails the identification and definition of the problem, considering the overall intent to be achieved through the DMP and the reason at the base of the decision.

For the collection and analysis of the problem there are different means and sources to be considered. This phase of the process can be assisted by standardising the activity through check lists or templates, not to miss any critical sources and, subsequently, to analyse and compare the various pieces of information.

When generating all feasible alternatives, it is critical to consider the pros and cons for each course of action.

Slide 99



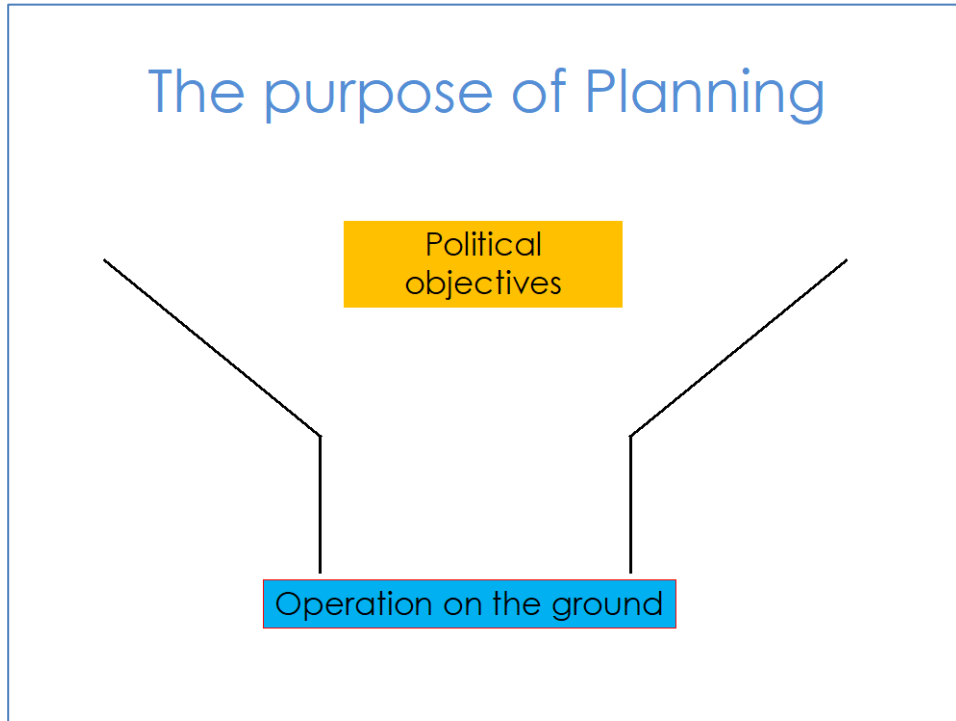
**Key message:** The decision-making process is like a wheel consisting of six 6 steps and the wheel goes around and around until the identified goal is achieved.

The six steps are described as follows:

1. Define the problem: In order to frame the problem, a commander must analyse the information.
2. Specify goals of the decision: Usually multiple goals can arise however we must be sure to be specific and establish a time frame to accomplish them.
3. Develop alternative solutions: If a plan does not work, we always need to have a plan B. When considering alternative solutions, it is important to remember to calculate the resources needed for each option.
4. Select one solution: Once we have identified multiple options, we will pick the one we believe will achieve the goal in the best way. The collection and analysis of information is imperative at this step. If the first solution doesn't work out, we must be ready to have alternatives on standby.
5. Implement solution: Be sure to have a detailed plan and a timeline at this step. This is where effective oversight is key. Specific details on personnel responsibilities and availability should be established to execute the plan properly.
6. Monitor the executed solution: Finally, our choice is receiving feedback on how the plan is or isn't working. If all is going well, the wheel is completed. If not, the wheel keeps spinning and Plan B is implemented.

It is important to note that throughout the process/cycle there is a continuous process of collection and analysis of information.

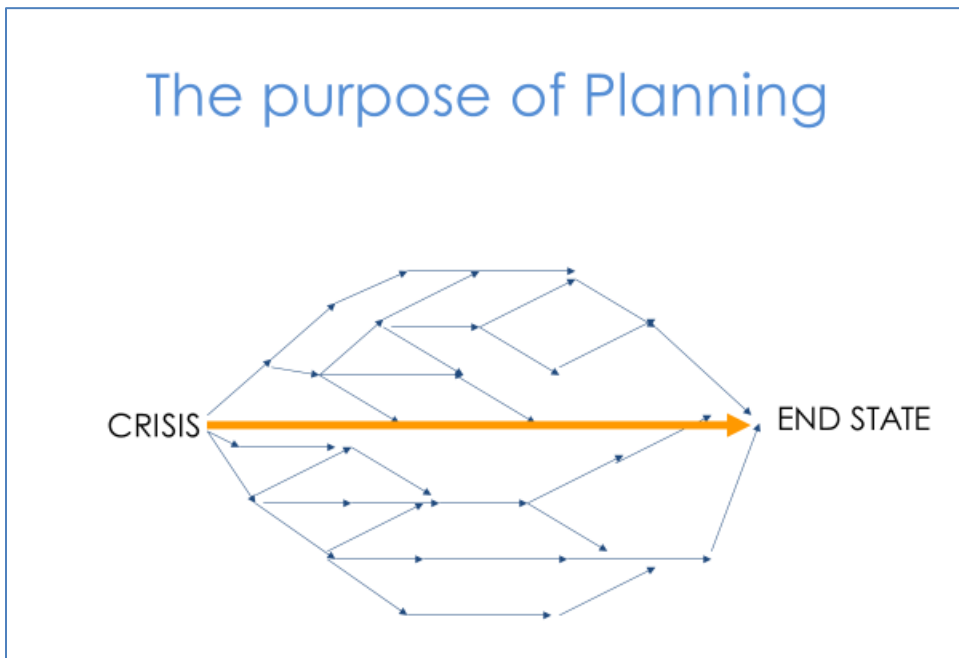
Slide 100



**Key message:** One of the purposes of planning is to translate political and strategic objectives into strategic, operational and tactical police objectives and tasks.

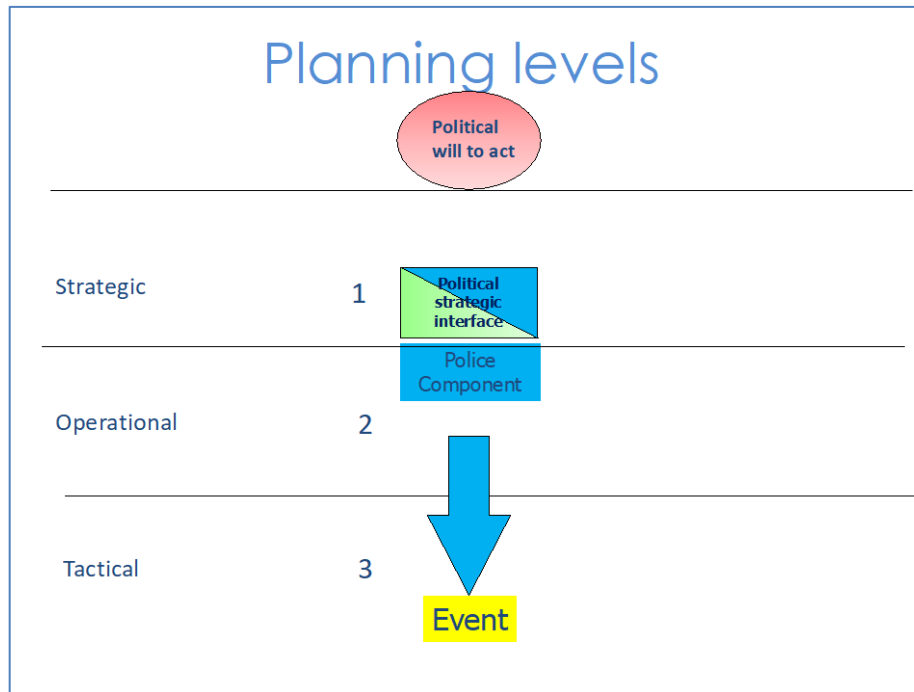
The purpose of the planning is therefore to translate the political will into concrete coherent operations on the ground in the most effective fashion.

Slide 101



**Key message:** A planning architecture provides the basic structure necessary to facilitate the timely, efficient, standardised and coherent development of plans.

**Slide 102**



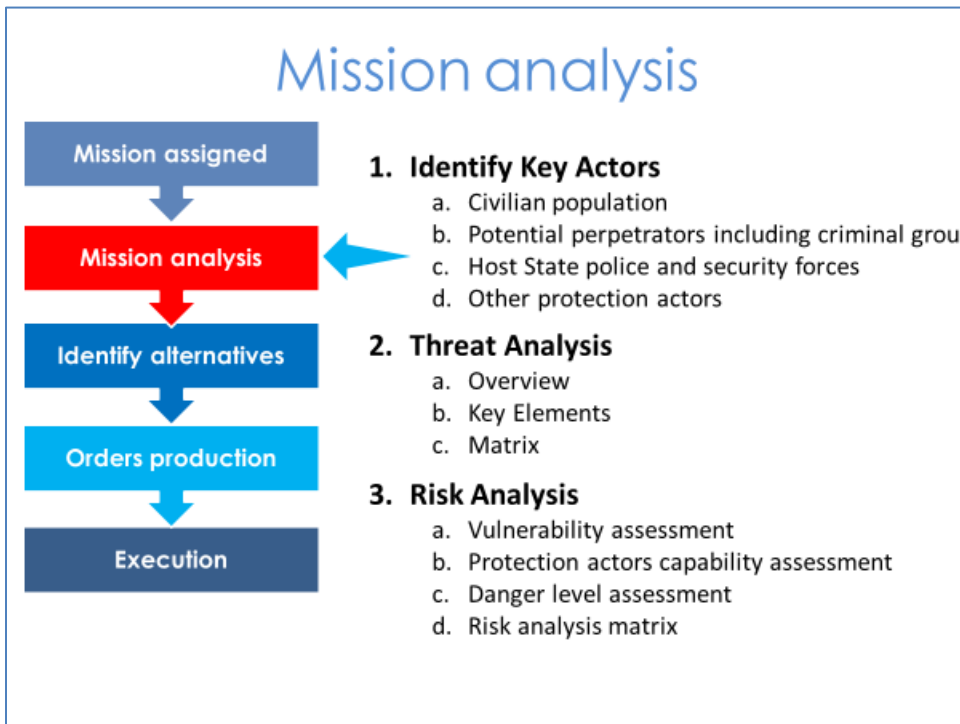
Each level of the echelon, ranging from the Security Council (political) to the assets in the field (tactical units), corresponds to a different authority of command. The complexity of authority, command and control within UN multidimensional peacekeeping operations presents significant challenges for mission planners and managers at both UN Headquarters (strategic) and Mission (operational and tactical) levels.

Slide 103



This section explores in more detail the application of the decision-making process during the planning of POC operations at tactical level.

Slide 104



**Key message:** Once the mission has been assigned, the first step is the mission analysis which consists of three elements, namely identification of key actors, threat and risk analysis. Mission Analysis plays a crucial role as it defines the tactical problem and shows possible courses of action.

Mission analysis is a critical step as it identifies problems and will guide the identification of possible solutions with reference to protection of civilians, Child Protection and CRSV considerations.

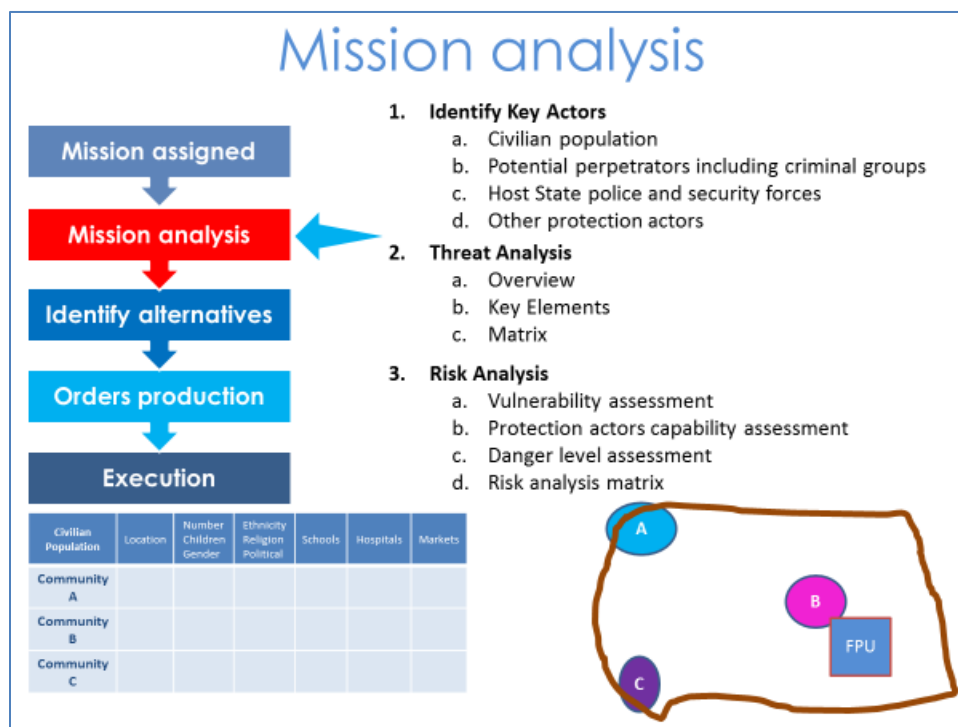
At this stage it is important to focus on the three steps of this phase:

- Identification of key actors in the area of operations, which includes the civilian population, potential perpetrators, host state police and security forces as well as other protection actors;
- Threat analysis which considers the main elements determining the threat environment and results in an overview matrix;
- Risk Analysis determines the risk associated with each threat identified. In order to analyse the risk, planners should assess for each threat the capabilities of the host state police and other security forces, the vulnerability of the civilian population exposed to the threat, and the capability and intent of potential perpetrators. Findings of these assessments should then be reflected in a risk analysis matrix.

For police planners in peacekeeping operations, whilst making their own analysis, they should also consider information provided and analysis undertaken by other mission components, such as the Joint Mission Analysis Centre (JMAC), the Human Rights Component, as well as other relevant protection actors.



Slide 105



**Key message:** Mission Analysis begins with the identification of the key actors in the area of operations.

Introducing the topic, the facilitator should ask participants which information about civilian populations they think is most relevant for Mission Analysis.

From the POC perspective, the first step is to identify the civilian populations in the area. Understanding where civilians are located as well as the areas within and between which they frequently move (for livelihood production or other reasons) is critical. This information will be extremely relevant to identify potential threat areas.

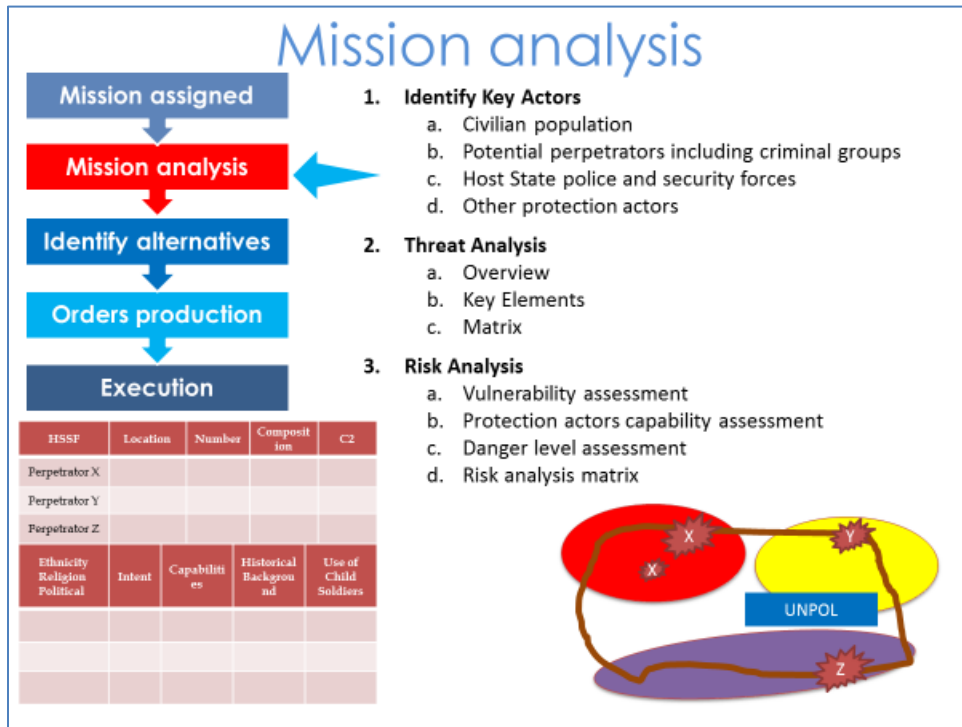
Furthermore, the following should be determined:

- Numbers of civilians, segregated by gender and age;
- Ethnicity, religions and political affiliations and the physical boundaries between each one of these groupings;
- Type of settlement – town, village, farming communities etc.;
- Identification of facilities of tactical importance, such as hospitals, schools, water points, etc.;
- Self-protection mechanisms, as communities have had to protect themselves before the deployment of peacekeeping missions and therefore often have existing mechanisms that peacekeepers can tap into and strengthen;
- Historical background of violence committed and suffered, as feuds with other civilian populations can provide an indication of future violence.

Additionally, identification of civilian leaders at the local level is an important step in this process to gather information, generate confidence, respect and cooperation, and manage expectations.

To facilitate the systematic analysis of the civilian population in the area of operations, it could be useful to develop a matrix like the one shown in the slide. Additionally, it is useful to examine other factors that impact the protection needs of civilian populations, such as health, livelihoods, or shelter for example.

**Slide 106**



The next step in Mission Analysis is the identification of potential perpetrators.

In planning police operations, planners should have the same approach as for the identification of civilian populations using a similar matrix. This will help to identify potential threats. In this regard, the following elements need to be identified:

- Composition, organisation, means and capacity;
- Ethnicity, religions and political affiliations;
- Hostile intent and historical background to understand what conflict patterns have occurred in the past;
- Capabilities to carry out their intentions;
- Use, if any, of child soldiers and women in conflict.

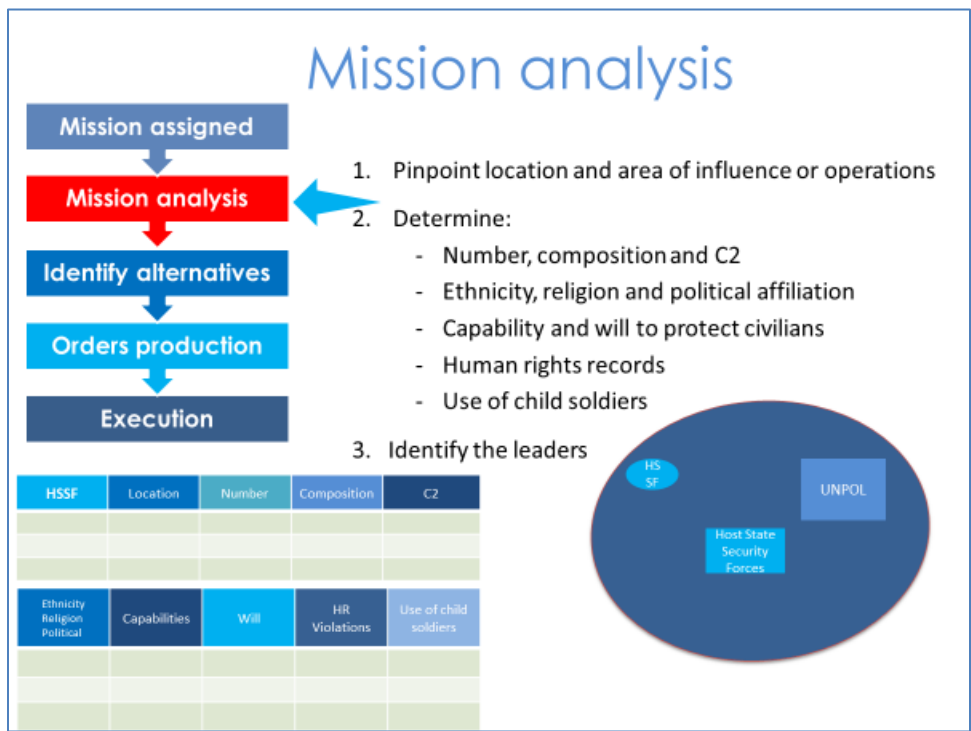
Identification of the leaders of potential perpetrators will also be essential.

Moreover, it is important to determine the location of potential perpetrators. Mapping the locations will facilitate outreach and provide police planners with a sense of which areas could potentially be protected by host security forces, freeing up mission assets for areas with little or no coverage.

In the slide above, the circles indicate the area of influence of potential perpetrators.

To facilitate the systematic analysis of potential perpetrators in the area of operations, the development of a table like the one in the slide could be useful.

**Slide 107**



**Key message:** The identification of host state security forces is critical as host government actors are crucial players in POC, noting that they bear the primary responsibility for the protection of civilians.

The impact of host state security forces on the POC environment is basically determined by their capability and willingness to protect.

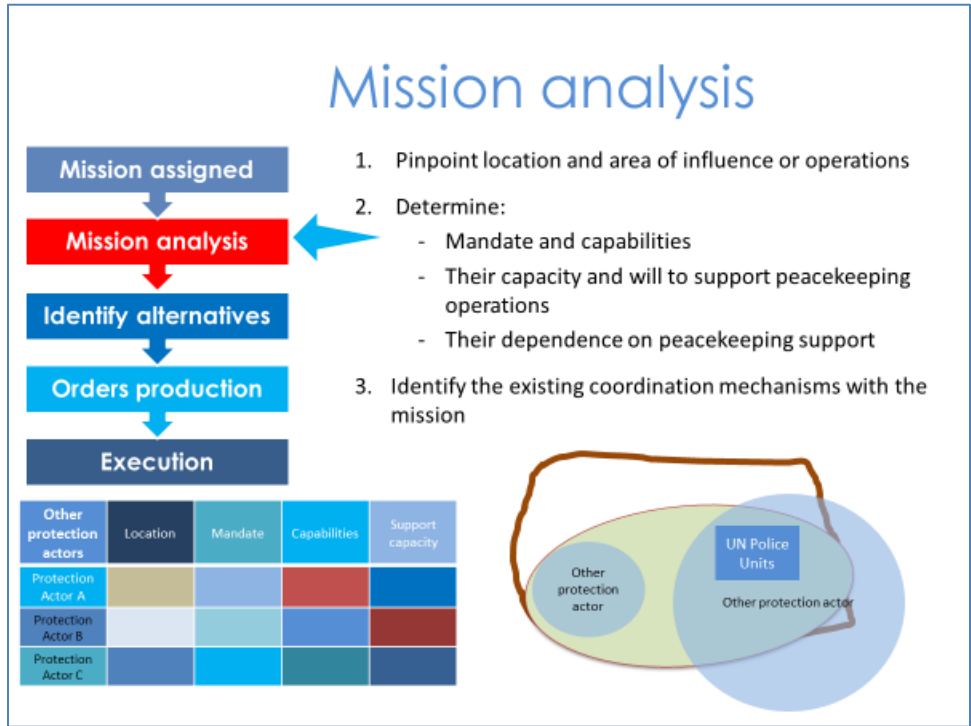
The following elements need to be determined with regard to host state security forces:

- composition and command and control arrangements;
- ethnicity, religions and political affiliations of the troops and their leaders;
- capabilities and willingness to operate to protect civilians in their AO;
- human rights violations, conduct and discipline records;

- Use, if any, of child soldiers.

Identification of the leaders of host state security forces, particularly at the local levels, will be vital.

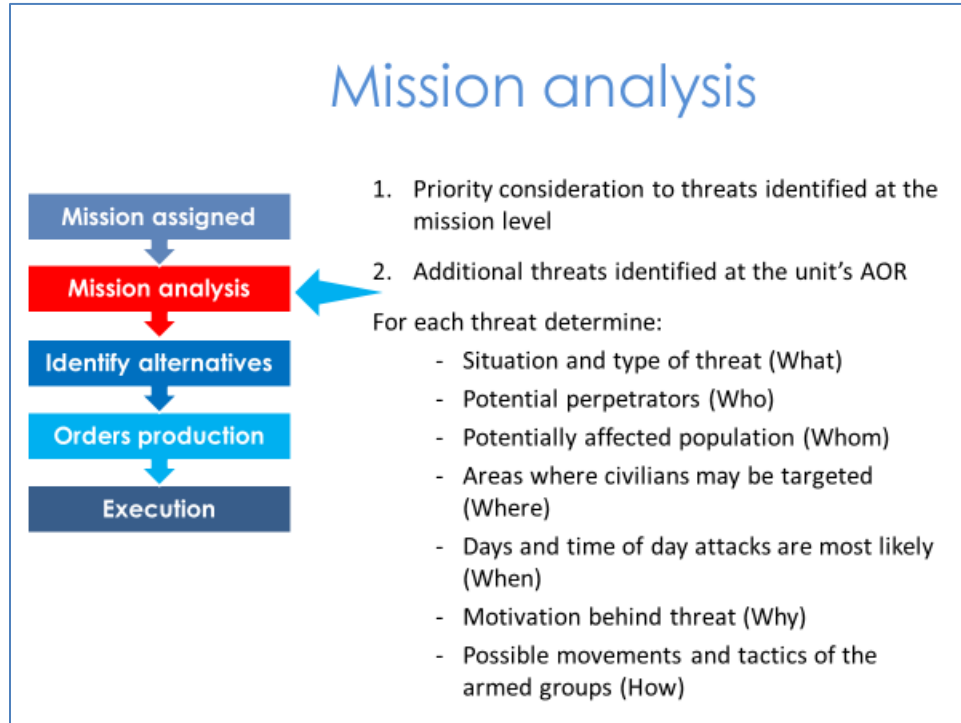
**Slide 108**



As discussed in Module 1, peacekeepers are not the only protection actors in the area of operations. The next step in Mission Analysis is therefore the identification of other actors with a protection mandate, which can include the UN Country Team and non-UN humanitarian partners, NGOs and others.

As it was said before for other key actors, the first step is to determine the locations and areas of influence of the different protection actors. To maximise the potential of complementary activities, planners need to coordinate with the relevant protection actors in their area of operations.

Slide 109



**Key message:** For PKOs, threat assessment is essential for effective POC mandate implementation.

Having identified and analysed the key actors (civilian populations, potential perpetrators, host state security forces, and other protection actors) present in the area of operations, the following step is the threat analysis. This lays the foundation for the formulation of a response plan.

Threats of physical violence encompass all acts or situations that are likely to lead to death or serious bodily injury, regardless of the source of the threat.

For each threat, the following should be determined:

- Situation and type of threat (What);
- Potential perpetrator(s) (Who);
- Potentially affected population (Against whom);
- Areas where civilians may be targeted (Where);
- Days and time of day attacks are most likely (When);
- Motivation behind physical violence (Why);
- Possible movements and tactics of the armed groups (How).

The threat analysis, along with visual tools such as tables and maps, needs to be updated routinely and whenever the situation in the area of operations changes.

A threat assessment should include:

- Historical context of violence;
- Capabilities and intention of perpetrators;
- Perpetrator's motivation;

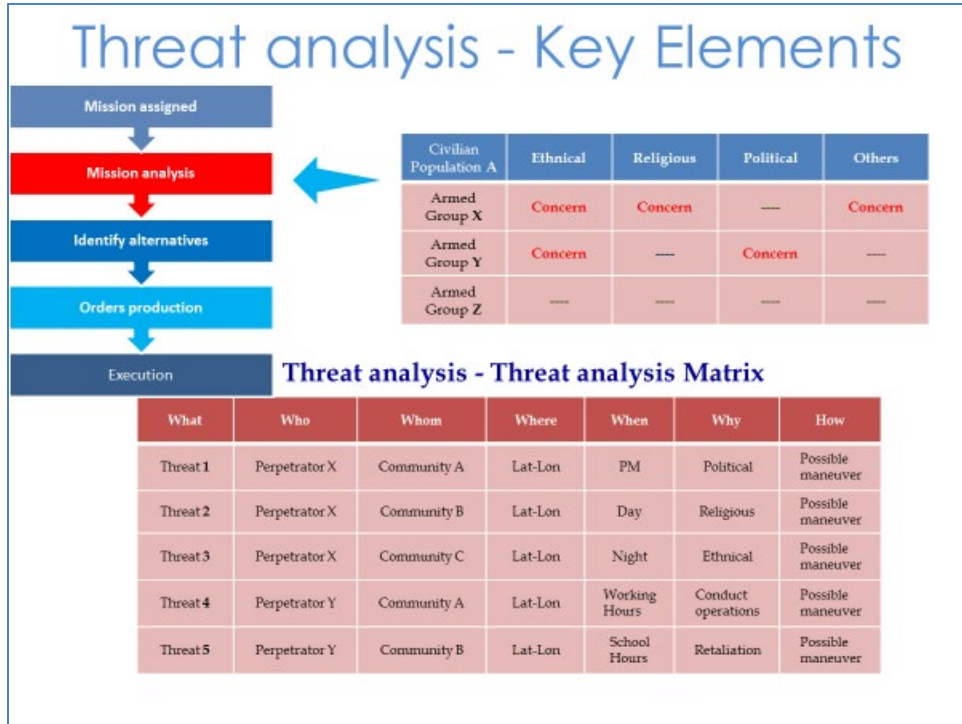
**Slide 110**

The diagram is titled "Mission analysis" in blue text at the top center. It contains three main components: 1. A rounded rectangle on the left titled "Threats" in bold black text. Below the title, it defines "Threat" as "Any factors (actions, circumstances, hazards or events) which have the potential or possibility to cause harm, loss or damage to the operations." 2. A rounded rectangle on the right titled "Example:" in bold black text. It contains two bullet points: "- A potential adversary group with intent to cause harm but with minimal capability is a limited threat." and "- A group with significant capability but no intent poses almost no threat." 3. A rounded rectangle at the bottom center containing the equation "Threat = Capability x Intent" in bold red text.

**Key message:** Threats are a product of both capability and intent.

A potential hostile group with intent to cause harm but with minimal capability is a limited threat, whereas a group with significant capability but no intent poses almost no threat.

Slide 111



The threat analysis needs to include an assessment of connection/relationship between groups in the area of operations.

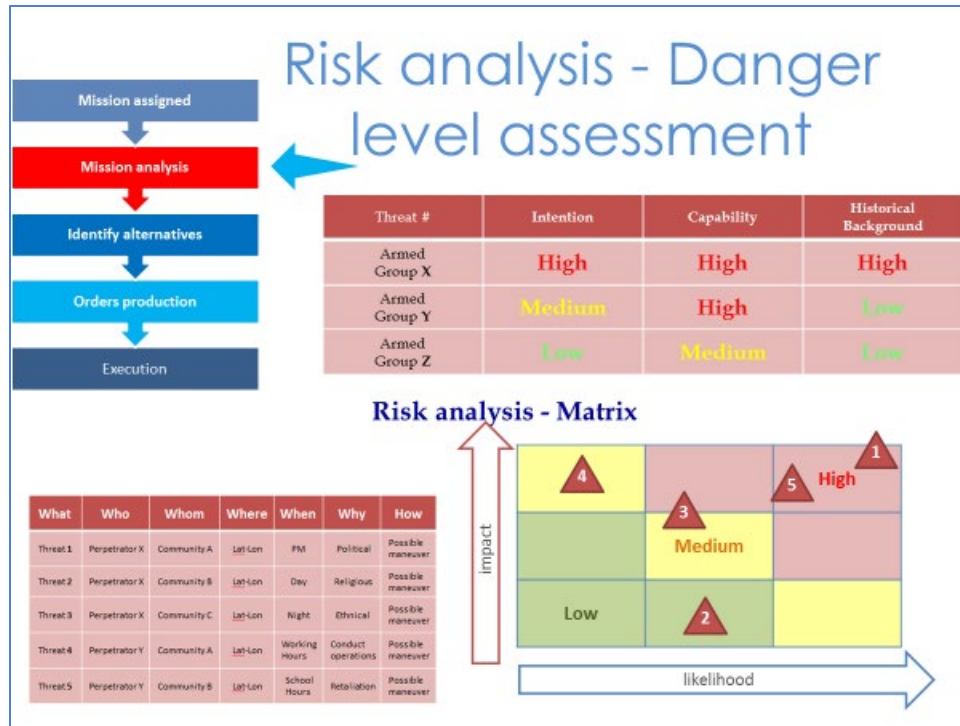
This includes relationships between groups of civilians (communities), between groups of civilians and armed groups, and between armed groups.

Slide 112

### Threat Analysis Matrix

What	Who	Whom	Where	When	Why	How

Slide 113



**Key message:** Missions need to prioritise protection threats in order to identify those situations where their action is most needed. This process is facilitated by a risk analysis, which determines (a) the likelihood a threat materialises, and (b) the impact the threat would have if it materialises.

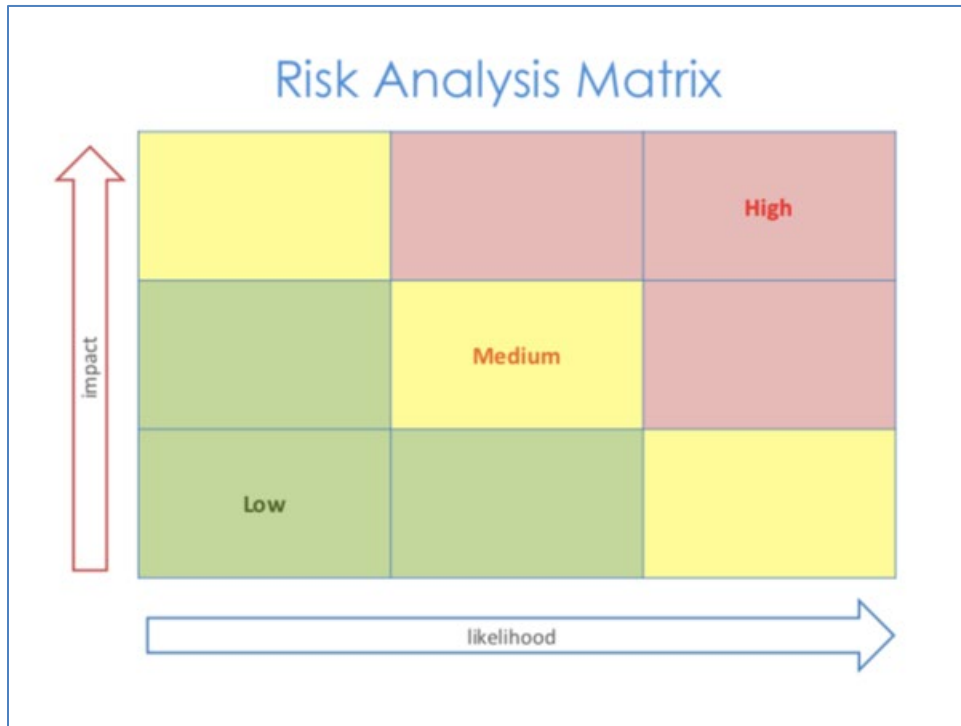
The combination of those two factors allows missions to determine the risk associated with each threat identified. Each of the potential perpetrators can therefore be assessed in terms of how dangerous they are to a particular population group or location. This is measured by assessing their capabilities, intentions and historical background.

As per the 2019 DPO Policy on POC, Missions shall prioritise threats to civilians that pose the highest level of risk to civilians, which will then guide the deployment of resources.

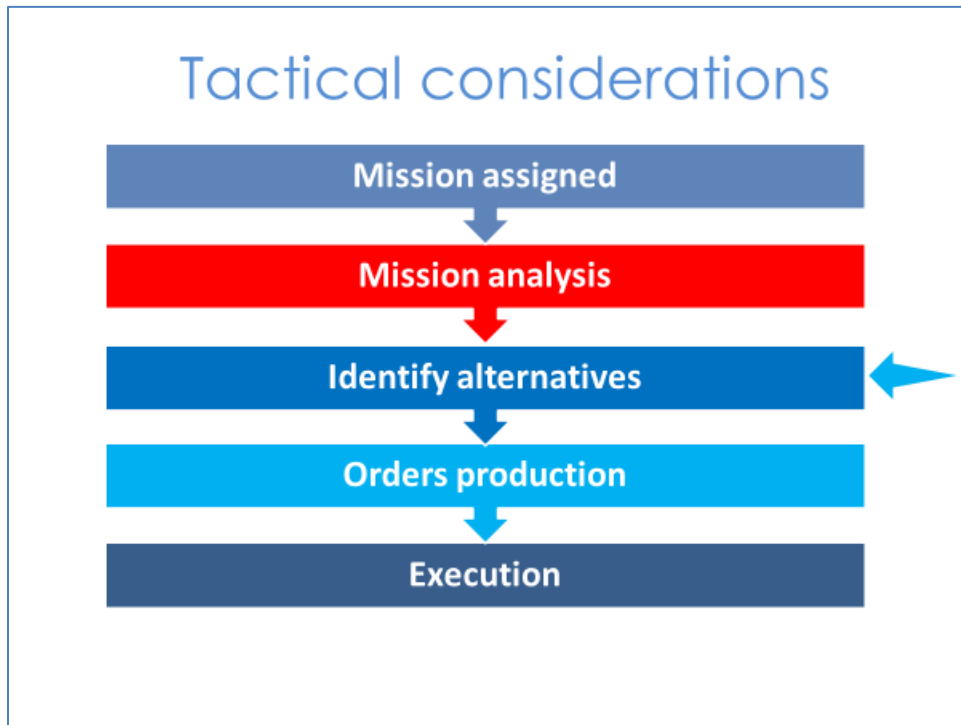
In the sample graph in the slide, the highest priority is assigned to the threat that is the most likely, with the most impact – Threat 1. This threat was previously identified in the threat analysis table as a situation in which Armed Group X constitutes a threat of physical violence against Civilian Population Group A.



Slide 114



Slide 115



Having analysed the mission, planners at this stage develop Courses of Action (CoA) for analysis, comparison and approval. Plans need to be comprehensive and flexible,

identifying the key operational issues and implications of trying to protect civilians in the area of operations. This should be based on operational factors from the Mission Analysis stage and ensure that POC, Child Protection and CRSV considerations are at the centre of developed CoAs.

United Nations Police is one of the mission's components to protect civilians. Assessment of approaches helps planners to determine the role of the UN Police in relation with other mission components in different situations.

When conducting joint operations with the host state, the Human Rights Due Diligence Policy (HRDDP) should be applied.

**Slide 116**

Summary of intended COAs

Threats	Prevention	Preemption	Response	Consolidation

Each COA should include:

- Plans to reduce the likelihood of physical violence;
- Plans to reduce the impact of physical violence in case it will occur;
- Plans to use sources in the most effective way and coordination with other mission components;
- Coordination with protection actors outside the mission (e.g. humanitarian actors, state authorities);
- Consultations with communities at risk are critical to ensure the CoA is comprehensive and represents a thorough analysis of all relevant aspects, including their own protection capabilities.

Basically, COAs aim to reduce or eliminate the risk of physical violence against civilians. Development of COAs is considered under each of the four phases of response. After COAs have been developed, analysed and compared, the commander selects the strongest CoA and presents it for approval to the concerned commander.


Guiding questions for the analysis and comparison of CoAs include:

- Which COA will reduce the threat to civilians?
- Which COA may increase the threat to civilians?
- What are the risks to the mission, and its personnel?

**Slide 117**

**FACTORS**

Main effect  
Restrictive condition  
Imperative



**Key message:** A commander, when adopting a decision, shall take always into account: main effect he/she wants/is mandated to achieve; restrictive conditions (in terms of time, space, resources, opponents, etc.); imperative objective that the commander has to achieve and main effect (which is the overall effect that has to be achieved).

Most of the time, the main effect is to prevent a situation from deteriorating and maintaining a peaceful situation allowing a democratic expression of views by a fraction of the population. This discards the immediate resort to technical modus operandi such as “charge and disperse the crowd and arrest the leaders” even though it might be rendered necessary by the way the situation evolves. The decision-making process aims at understanding what to achieve and how to achieve it.

It is essential that the commander is mindful of the constraints and the objectives of the mission. **Main effect** describes the expected scenario elaborated by the commander/relevant authority in the CONOPS, OPLAN, MIP or Operation Order.

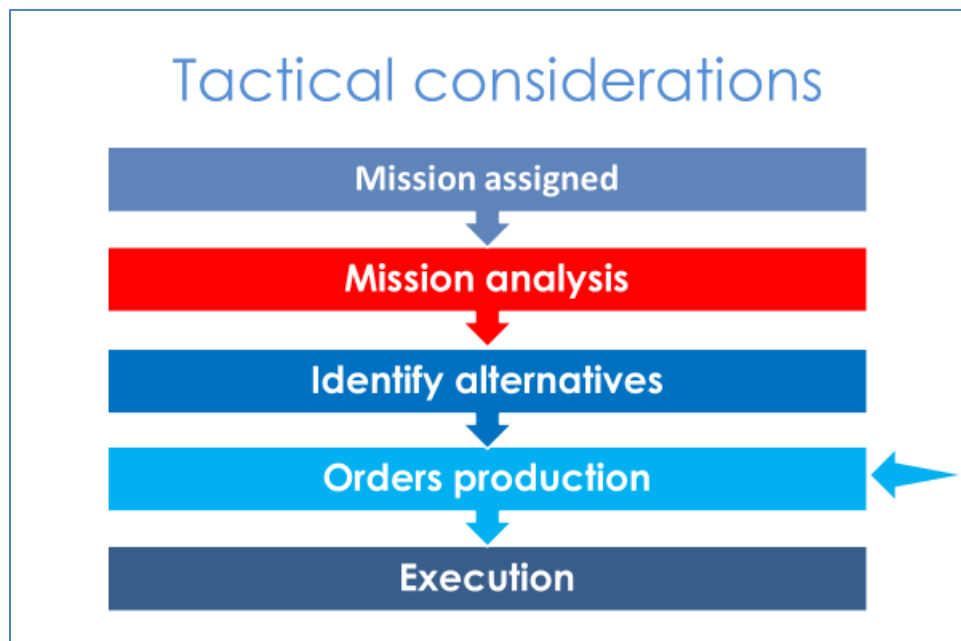
**Restrictive condition or constraints:** These are limitations of the mission imposed on the commander (time, environment etc.). Constraints should not influence the direct success of the mission, but they will have to be considered in the planning documents (OPLAN, OORDER etc.) in order to achieve the mission.

**Imperatives:** These are essential conditions to be met in order to be able to fulfil the mission. For instance, for an FPU, accessing the place where a demonstration will take place is an imperative. If it cannot access the site of expected deployment, it cannot fulfil its mission, (being to protect a public building, prevent a situation from deteriorating...).

The outset of the process foresees the gathering of information. It is of paramount importance to get as much information as possible about the opponents and the general environment in which the operation will have to be conducted. The information is subsequently analysed. Pros and cons of the various possible courses of action are rigorously considered and, at the end, a decision which reflects this reasoning is made. The decision will have the format of an OORDER or will have a more simplified template. Eventually there will be the execution of the order which will in turn lead to evaluation and the cycle commencing again.

We will briefly analyse now some matrixes and templates that could assist the FPU commander and his/her staff in getting through his/her decision-making process.

**Slide 118**



The next step in the decision-making process is to get approval of a CoA and reflect it in the Operations Order (OPORDER).

The steps include:

- Approval of plans by higher command.
- Production of OPORDER, based on final guidance from higher command. The OPORDER describes how a unit will conduct the operation.
- Sub-unit decision-making processes follow the instructions laid out in the OPORDER.

**Slide 119**

## Illustrative Framework of an Operation Order

1. Situation
  2. Mission
  3. Execution
  4. Logistic
  5. Command & Control and communication
- Annexes

For each operation a tactical commander is supposed to produce a formal OPORDER, while in the case of an unexpected emergency or contingency situations the DMP may not be formalised and disseminated to subordinated elements verbally or with graphics/maps.

This slide and the following show a sample of the content of an OPORDER.

A tactical commander usually receives any given police tasks in the form of an OPORDER issued by the Police Commissioner or by his/her delegated person (i.e. the Deputy PC or the Deputy Chief of Operations/FPU coordinator).

In the OPORDER received by the FPU commander the most relevant aspects of the operation are already set forth and they are the result of a planning process. Namely the

task, the location and the time in which the operation will have to be carried out. Also, the outlines of the cooperation with the military component as well as communications and command and control issues are determined in the OORDER received.

**Slide 120**

## Illustrative Framework of an Operation Order

### 1. Situation

- General Information
- Political context
- The Local Police
- Other organizations involved in the area
- Risk assessment
- Threat assesement

**Key message:** A commander, based on the received OORDER, starts his/her tactical planning.

The OORDER received by the FPU commander addresses also the issue of the Command, Control and Signal (i.e. Command and Control organisation and communication instructions).

The OORDER received by the FPU commander reflects the results of the planning process carried out at the Mission HQ level by the police component. The planning of the FPU commander and his/her staff must be rigorously in line and abiding by the contents of the OORDER received.

Sometimes the planning of the FPU commander and his/her staff starts on his/her own initiative or is less formalised and activated by in action superior orders.

Slide 121

## Illustrative Framework of an Operation Order

### 2. Mission

Provide clear, concise definition of the purpose and the nature of the operation

Slide 122

## Illustrative Framework of an Operation Order

### 3. Execution

- Force composition
- Tasks
- Commander's intent
- Concept of operations- how the operation will be conducted
- Area of operation
- Co-ordinating instructions

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## Illustrative Framework of an Operation Order

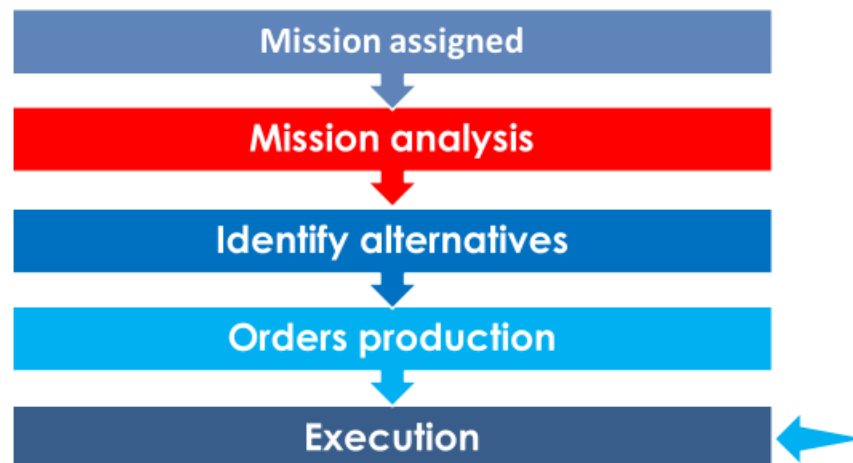
### 4. Service support / Logistic organisation

- Logistics
  - ✓ How logistics support will be carried out
- Movements
- MEDEVAC
- Co-ordination and liaison

Service support information could be included in detail in specific annexes

Slide 124

## Tactical considerations





**Key message:** Execution of POC operations always must consider host state security forces and their willingness and capability to protect civilians.

The final stage of the decision-making process is the execution of the approved CoA.

Execution of POC operations is triggered by different circumstances in different missions. Therefore, it is critical to establish a mechanism to inform the chain of command about situations that may trigger the execution of a CoA. This can include for instance:

- Early warning mechanisms to discover potential threats;
- Local community alert networks;
- Monitoring of armed groups and/or criminal elements and their behaviour or movement;
- Finally, all POC operations should be followed by an After-Action Report.

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**Key Message:** Risk analysis is a critical step in the Mission analysis process.

Mission analysis is a critical step in the development of police plans. Assessment of civilian populations, potential perpetrators, and other protection actors is necessary.

## Summary

- Decision-making is the process of making choices by identifying a decision, gathering information and assessing alternative resolutions.
- The Decision and Planning Process are the instruments that a Commander and his/her Staff use in planning activities. It is a cognitive process where each step follows in a logical order from the one before.
- The DMP does not represent a rigid scheme, but just a viable guide/mechanism to better address complex situations.
- The decision-making process is like a wheel consisting of six 6 steps and the wheel goes around and around until the identified goal is achieved.
- One of the purposes of planning is to translate political and strategic objectives into strategic, operational and tactical police objectives and tasks.
- Once a mission has been assigned, the first step is the mission analysis which consists of three elements, identification of key actors, threat and risk analysis. Mission Analysis plays a crucial role as it defines the tactical problem and shows possible courses of action.
- The identification of host state security forces is critical as host government actors are crucial players in POC, noting that they bear the primary responsibility for the protection of civilians.
- For PKOs, threat assessment is essential for effective POC mandate implementation.
- Threats are a product of both capability and intent.
- Missions need to prioritise protection threats in order to identify those situations where their action is most needed.
- All COAs should include:
  - Plans to reduce the likelihood of physical violence;
  - Plans to reduce the impact of physical violence in case it will occur;
  - Plans to use sources in the most effective way and in coordination with other mission components.
- A commander, when adopting a decision, shall take always into account: main effect he/she wants/is mandated to achieve; restrictive condition (in terms of time, space, resources, opponents, etc.); imperative objective that the commander must achieve and main effect (which is the overall effect that has to be achieved).
- A commander, based on the received OPORDER, starts his/her tactical planning.
- Execution of POC operations always must consider host state security forces and their willingness and capability to protect civilians.

# Module 3



## Operational Framework

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### Module 3 – Conclusions

- Range of policies, guidelines and principles exist on POC, Child Protection and CRSV
- Mandate implementation never straightforward and requires targeted approach for each context
- Effective protection of civilians requires coordination and information sharing within and outside the mission
- Peacekeepers need to be proactive and creative, within the boundaries of existing guidance and principles
- Child Protection and CRSV are integral to protection of civilians and require particular consideration

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

- POC Implementing Guidelines for the Police Component provide a clearer sense of how the POC Policy should be applied by UN Police;
- At all stages of the decision-making process, peacekeepers need to take POC, CP and CRSV considerations into account;
- In the decision-making process, Mission Analysis requires careful examination of key actors in the area of responsibility, their accompanying threats and risks, while having a clear sense of the POC environment.

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

- Scenario-Based Exercise
- Background materials referenced in the package
- Handouts
- Video “Mandated to protect”

**[End of document]**