



Lesson 2.1 United Nations Peace Operations Specific Legal Framework

Learning Outcomes

- List key documents in International Law
- Explain human rights and list examples in International Human Rights Law (IHRL)
- Identify who is protected by International Humanitarian Law (IHL)
- Explain why all armed UN peacekeeping personnel must know the rules of engagement (ROE) or directive on use of force (DUF)

Lesson 2.1 Content

- Importance of the Legal Framework
- Legal Framework for UN peacekeeping operations (UNPKOs)
- UN Charter
- IHRL
- IHL
- ROE & DUF
- Additional Aspects of the Legal Framework

Learning Activity 1

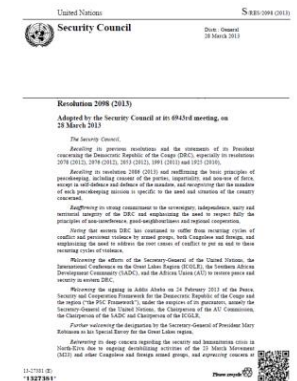
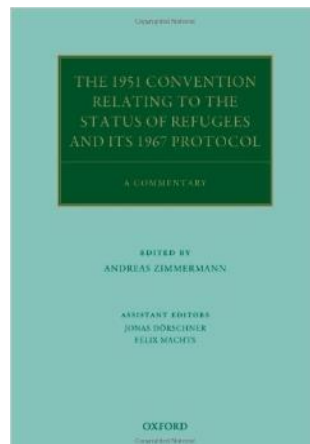
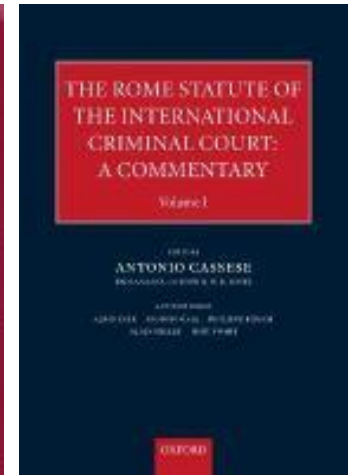
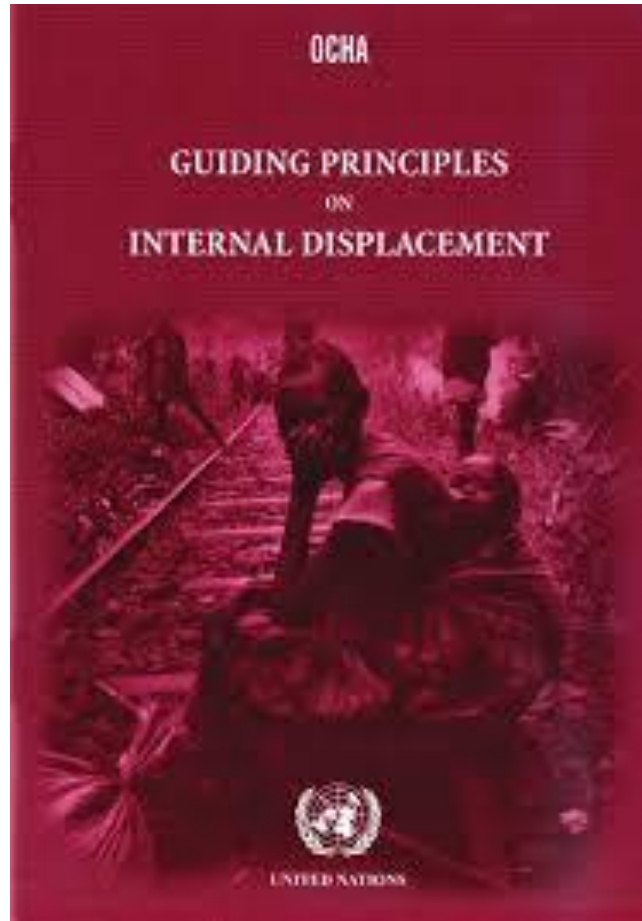
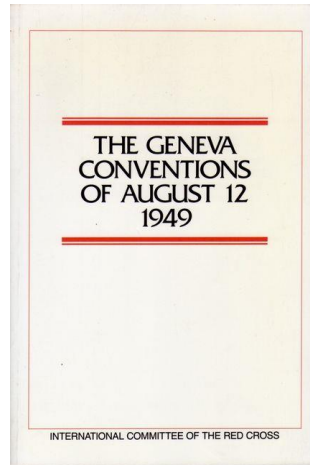
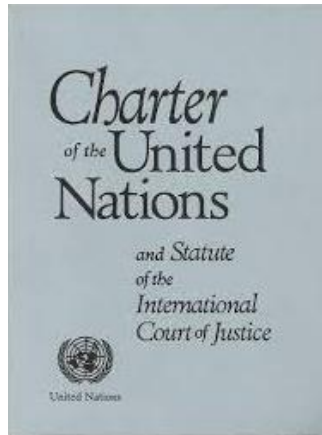
Experiences of Rules and Laws

- **Instructions:**
 - Give examples of rules and laws in society
 - Why are they important?
 - Compare with International Law
- **Time:** 5 minutes
 - Brainstorming: 3 minutes
 - Discussion: 2 minutes

Importance of the Legal Framework

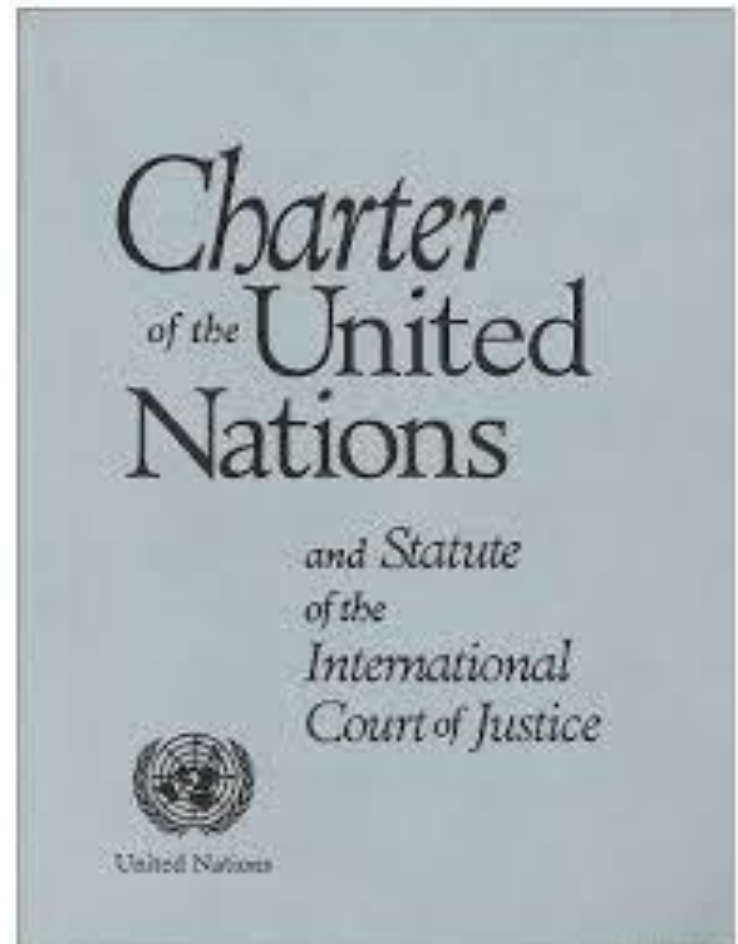
- Legitimacy
- Directs the actions or tasks of UNPKOs
- Guides peacekeeping personnel in official functions and personal conduct

Legal Framework for UN Peacekeeping Operations



UN Charter

- Chapters Indicating Peacekeeping
 - **Chapter I:** Purpose of UN “...to maintain international peace and security”
 - **Chapter V:** Security Council “...primary responsibility for international peace and security...”
 - **Chapter VI:** Outlines range of peaceful measures
 - **Chapter VII:** “Security Council...may take action as may be necessary...”
 - **Chapter VIII:** Involvement of regional partners in maintaining international peace and security



- International Human Rights Law
- International Humanitarian Law (IHL)
- International Criminal Law
- International Refugee Law



Learning Activity 2

International Human Rights Law

Instructions:

- What are “human rights”?
- Give examples
- List examples of international human rights law

Time: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

International Human Rights Law

What are Human Rights?

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



Examples of Human Rights

Examples of **civil and political rights** include the right to:

- Life
- Freedom from torture
- Protection from discrimination
- Freedom of expression
- A fair trial
- Not be held in slavery



Examples of Human Rights

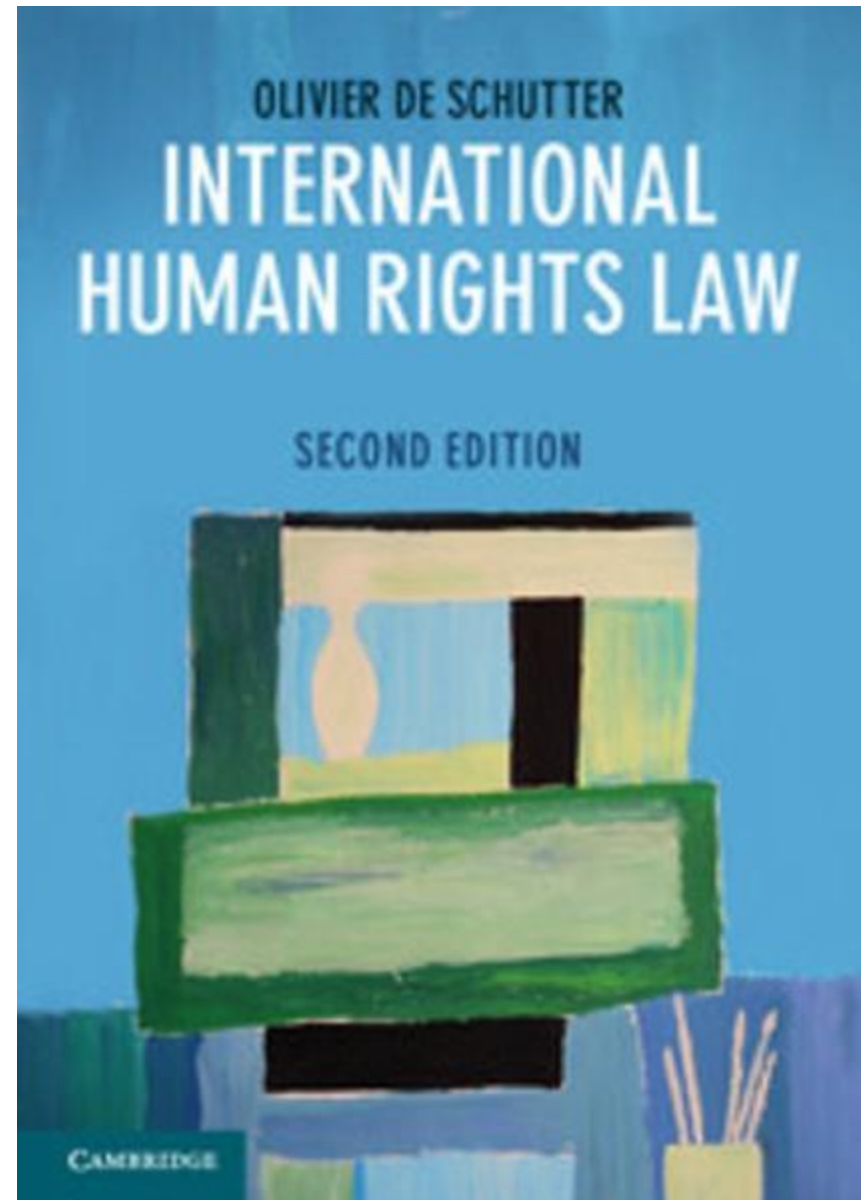
Examples of **economic, social and cultural rights** include the right to:

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

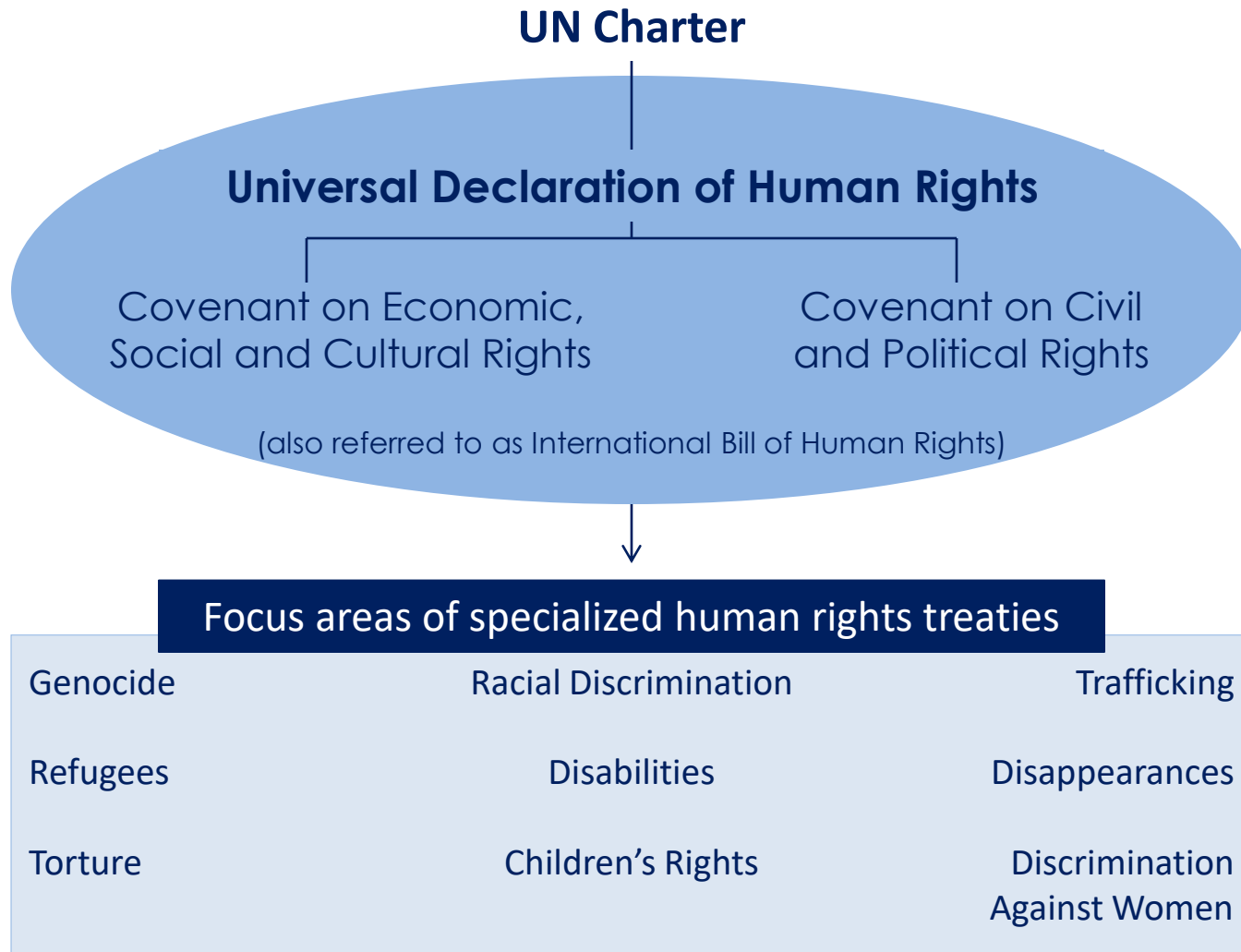


What is International Human Rights Law?

- International Law protecting fundamental human rights of every individual at all times
- **Applies both in war and peace, to all human beings**



Legal Sources



DPO Standard Operating Procedures on Detention in UN Peace Operations (I)

- Arrest & detention powers based on Security Council Mandate and ROE
- SOP triggered once UN has target person under its effective control.
- Due process: Inform person about reason for detention, inventory of items taken from detainees, notification of their family etc.
- Mission's Detention Focal Point must be immediately notified.
- ICRC notified within 36 hours and given access to detainees.
- Foreigners may demand that their consulate is alerted.



DPO Standard Operating Procedures on Detention in UN Peace Operations (II)

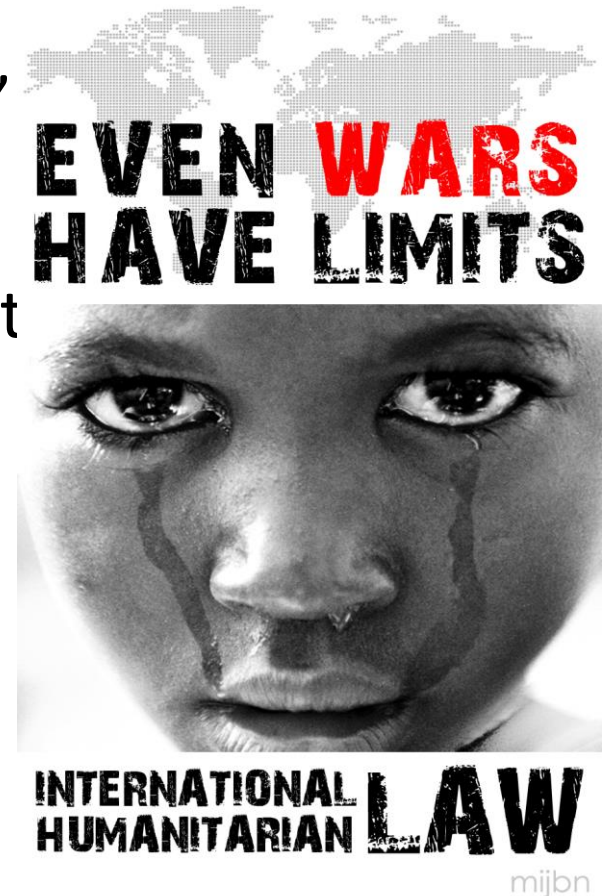
- Detainees(s) must be treated humanely
- Detainees must be separated in line with international standards
- If UN receives any allegations of detainees being subjected to torture or ill-treatment such concerns should be immediately transmitted
- Detainees can't be held for more than 96 hours
- The UN is prohibited from handing over a person to the host state if there is a real risk of that person being subjected to persecution, torture or ill-treatment
- Mission must carry out a conduct an individual risk assessment before any handover



International Humanitarian Law

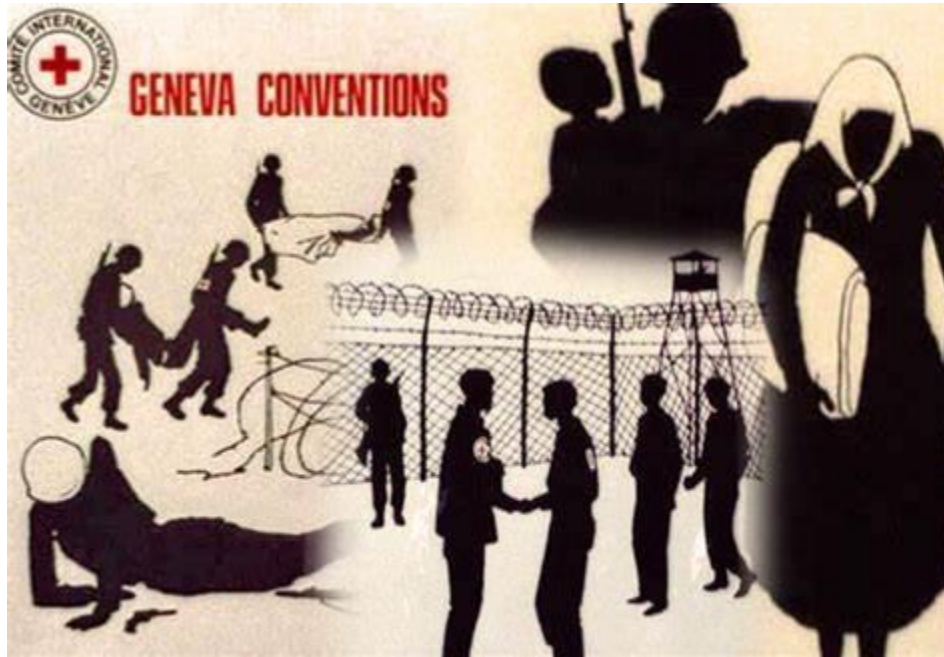
What is IHL?

- “Law of war” or “law of armed conflict”
- **Applies in times of armed conflict**
- Limits negative impact of armed conflict and reduces suffering during war
- Individuals are protected under IHL if they do not engage in hostilities, or are no longer doing so



Legal Sources

- Geneva Conventions and Additional Protocols
- Secretary-General's Bulletin on IHL



Learning Activity 3

International Humanitarian Law – Who should be Protected?

Instructions:

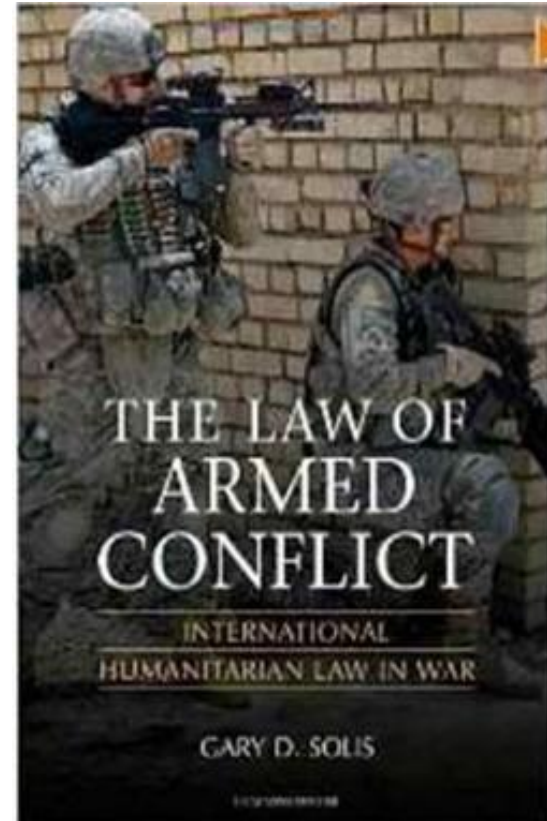
- Consider the images
- Identify “civilians” and “combatants”
- Who should be protected? Why?

Time: 10 minutes

- Group work: 5 minutes
- Discussion: 5 minutes

Essential Rules of IHL

1. Civilian targets cannot be attacked. Attacks only against military objectives.
2. Civilians and anyone no longer taking part in hostilities must be respected and treated humanely.
3. Anyone who surrenders or stops fighting (e.g., wounded) cannot be killed.
4. Torture is prohibited at all times and in all circumstances.



Essential Rules of IHL (cont.)

5. Captured combatants and civilians must be respected and protected.
6. It is forbidden to use weapons or methods of warfare that are likely to cause excessive injury or unnecessary suffering.
7. Wounded and sick must be collected and cared for.
8. Medical personnel and medical establishments, transport and equipment must be respected and protected.



Essential Rules of IHL (cont.)

9. The Red Cross, Red Crescent and Red Crystal emblems are signs of protection and must be respected.
10. Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.



Case Study - IHL

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



Violations to consider:

- Attack directed against hospital/place to care for wounded & sick
- Attack directed against protected persons *hors combat*/wounded
- Duty to collect and care for the wounded and sick
- Human rights to life, health and physical integrity

Learning Activity 4

Use of Force at Home

Instructions:

- Think about your home country
- How is force applied legally at home?
- Is there a difference with UN peacekeeping?

Time: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Rules of Engagement (ROE) & Directive on Use of Force (DUF)

- Guide use of force
- ROE for military personnel, DUF for police personnel
- Guidance in accordance with mandate, UN Charter, International Law



The Importance

- Use of force specific to mission and its mandate
- Differs from national legal restrictions
- Robust for volatile and potentially dangerous environments



Additional Aspects of the Legal Framework

- International Law – International Refugee Law, Guiding Principles on Internal Displacement, International Criminal Law
- Security Council mandate
- National law of host country
- MOU between UN and T/PCCs
- SOMA or SOFA
- The Convention on the Privileges and Immunities of the UN of 1946
- UN Internal Rules, Regulations and Guidance

Summary of Key Messages

- Legal framework includes International Law – UN Charter, IHRL, IHL
- Human rights are universal – “civil and political rights”, “economic, social and cultural rights”
- Individuals are protected under IHL if they do not engage in hostilities, or are no longer doing so
- Know ROE, DUF – use of force is mission-specific, different from national legal restrictions, may be robust



Questions?