

Lesson 1.4



Legal Framework for UN Peacekeeping

Aim, Relevance and Learning Outcomes

Aim

To explain the legal framework for UN peacekeeping operations and emphasize parts of international law important to peacekeeping personnel.

Relevance

As a peacekeeping personnel member, you are an informal **ambassador for the UN** and your country in everything you do. You are also a **role model**.

As an informal ambassador you are deployed to represent the UN and carry out its important responsibilities. As a role model you encourage others by setting a good example.

As an informal ambassador and a role model, it is important for you to **know what you can and cannot do**. The legal framework for UN peacekeeping operations provides this knowledge.

This lesson focuses on international law as an important part of UN peacekeeping's legal framework.

You must not violate international human rights law or international humanitarian law. Under no circumstances should UN peacekeepers be involved in sexual violence or the exploitation of women, children or the local population.

Slide 1



1.4 Legal Framework for UN Peacekeeping 

Aim

- To explain the legal framework for UN peacekeeping operations and emphasize parts of international law important to peacekeeping personnel

Relevance

- As peacekeeping personnel, you are an informal ambassador of the UN and your country. You are also a role model.
- It is important you know what you can and cannot do. The legal framework provides this knowledge.
- You must not violate international human rights law or international humanitarian law.

UN CPTM 2025 Slide 1

Learning Outcomes

Learners will be able to:

1. Describe the legal framework governing UN peacekeeping operations, and the key sources and documents that support them.
2. Explain the concept of human rights and the role of international human rights law (IHRL) in governing armed conflict in both international and non-international contexts.
3. Describe international humanitarian law (IHL) and explain why it is sometimes referred to as the laws of war or laws of armed conflict.
4. Explain the rules of engagement (ROE) and the directive on the use of force (DUF) as they relate to the activities of UN peacekeepers.

Slide 2



1.4 Legal Framework for UN Peacekeeping 

Learning Outcomes

1. Describe the legal framework governing UN peacekeeping operations, and the key sources and documents that support them.
2. Explain the concept of human rights and the role of international human rights law (IHRL) in governing armed conflict in both international and non-international contexts.
3. Describe international humanitarian law (IHL) and explain why it is sometimes referred to as the laws of war or laws of armed conflict.
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UN CPTM 2025 Slide 2

Lesson at a Glance



Minimum lesson duration: 45 minutes (including *Learning Activity 1.4.1*).

The Lesson	Pages	Slides
Importance of the Legal Framework	4–5	3
Required Learning Activity 1.4.1: Experiences of Rules and Laws	5	-
Legal Framework for UN Peacekeeping Operations	6–7	5
The Charter of the United Nations	8–10	6
International Human Rights Law	10–14	7–12
International Humanitarian Law	15–19	13–16
Rules of Engagement and Directive on the Use of Force	19–21	17
Additional Aspects of the Legal framework	21–28	23–25
Lesson Closing	29	26
Handout – Summary of Key Messages	30–31	-

Optional Learning Activities

Optional Learning Activity 1.4.2: International Human Rights Law	<i>See 1.4 Learning Support</i>
Optional Learning Activity 1.4.3: International Humanitarian Law – Who is Protected?	



Trainer Tips: See *1.4 Learning Support* for tips on starting the lesson, learning activity instructions, optional learning activities, learning evaluation and references.

The Lesson

Importance of the Legal Framework



Trainer Tips: Remind learners that UN peacekeeping is guided by the core principles introduced in earlier lessons, and by international law. Principles, rules and laws set standards for peacekeepers as well as for ordinary citizens and groups. One purpose of UN peacekeeping is to bring greater order and safety to people in situations of violent conflict where laws are being broken and ignored.

Slide 3



1.4 Legal Framework for UN Peacekeeping 

Importance of the Legal Framework

- Provides legitimacy
- Directs the actions and tasks of UN peacekeeping operations
- Guides peacekeeping personnel in official functions and personal conduct



UN CPTM 2025 Slide 3



Key Message 1: The legal framework is the set of rules and laws that direct the actions, tasks and conduct of peacekeeping operations and their personnel.

The legal framework is important because:

- **It gives legitimacy.** The UN does not undertake any peacekeeping operation without clear authority to do so. Authority brings the power and legitimate right to undertake peacekeeping actions.
- **It directs the actions and tasks of the peacekeeping operation.** UN peacekeeping operations are directed to promote and protect human rights and other international law. Respect for human rights has positive effects on peace. Peacekeeping personnel have a responsibility to ensure the special protection of certain groups who are vulnerable or who suffer discrimination,

such as women, minorities, children, refugees, people living with disabilities and internally displaced persons (IDPs). Protection of civilians under threat has become a core part of UN peacekeeping mandates.

- **It guides peacekeeping personnel in their official functions and personal conduct.** The UN expects the same high standards in the private behaviour of peacekeeping personnel as in their professional lives. Authorities deal with cases of misconduct firmly, fairly and quickly. This includes cases of serious misconduct such as sexual exploitation and abuse.

Required Learning Activity 1.4.1

Slide 4



1.4 Legal Framework for UN Peacekeeping

Required Learning Activity 1.4.1: Experiences of Rules and Laws

Purpose: To focus learner attention on the importance of international law

Time: 10 minutes

UN CPTM 2025Slide 4

Experiences of Rules and Laws	
Method	Visuals, brainstorm
Purpose	To focus learner attention on the importance of international law
Time	5–10 minutes
See <i>1.4 Learning Support</i> for instructions	

Legal Framework for UN Peacekeeping Operations

Slide 5



1.4 Legal Framework for UN Peacekeeping 

Hierarchy of UN Laws and Policies

Relevant to Peacekeeping Operations

- The Charter
- International Human Rights, Humanitarian and Refugee Laws
- A Security Council Mandate
- A Status of Forces or Status of Mission Agreement (SOFA/SOMA)
- A Memorandum of Understanding (MOU) between the UN and Troop- and Police-Contributing Countries (TCC/PCC)
- UN Rules and Regulations
- Rules of Engagement (ROE) and Directive on the Use of Force (DUF)

UN CPTM 2025 Slide 5



Key Message 2: All UN personnel serving in peacekeeping missions are subject to binding legal rules, starting with those in the Charter of the United Nations.

Slide 5 shows a hierarchy of norms that apply to peacekeeping. A hierarchy arranges related points in order of importance with the most important at the top.

At the top of the hierarchy of norms guiding peacekeeping is the **Charter**, which serves as the UN's constitution and applies to all Member States.

Fundamental norms of general international law are also at the top of the hierarchy. The UN Security Council is obligated to respect these norms in issuing mandates and in its own practice. A peacekeeping mission cannot be mandated to attack civilians or push refugees back to places where their lives are at risk. This would breach fundamental norms of international human rights, humanitarian and refugee law.

The legal framework for UN peacekeeping operations includes:

- International law including the Charter, international human rights law (IHRL), international humanitarian law (IHL), international refugee law and international criminal law.
- A Security Council mandate for each mission.
- The national laws of the host country and of the troop-contributing countries (TCCs) and police-contributing countries (PCCs) (see more below).

- A memorandum of understanding (MOU) between the UN and the TCCs and PCCs and another between the UN peacekeeping operations and host state defence or security forces and other regional organizations (see example later on).
- A status of mission agreement (SOMA) or status of force agreement (SOFA) between the UN and the host State.
- The Convention on the Privileges and Immunities of the United Nations of 1946.
- UN internal rules, regulations and guidance.
- Rules of engagement (ROE) and directive on the use of force (DUF).

National laws governing TCCs and PCCs are particularly important in relation to misconduct. The TCCs and PCCs laws hold perpetrators accountable because they have exclusive criminal jurisdiction.



Example – Memorandum of understanding between a UN Peacekeeping Operation and Host State

Following UN Security Council resolution 2364 (2017), para. 20 (a) (ii), MINUSMA and the Government of the Republic of Mali agreed on 8 November 2017 on an “MOU on the cooperation and mutual support between MINUSMA and the armed forces component of the [Malian Defense and Security Forces] MDSF” to support the implementation of the defence and security measures provided for in the Peace Agreement and support for the redeployment of the MDSF in central and northern Mali. MINUSMA also entered into MOUs with the European Union Training Mission (EUTM), Barkhane and other regional organizations. (Barkhane was a counter-insurgency operation from August 2014 to November 2022, led by the French military against Islamist groups in the Sahel Region of Africa.)



Trainer Tips: Recap for learners that international law includes:

- *International human rights law*
- *International humanitarian law*
- *International criminal law*
- *International refugee law.*

The Charter of the United Nations



Trainer Tips: Invite learners to brainstorm what they recall about the Charter from the content of earlier lessons. Note key points on a flipchart sheet and reinforce them. Review earlier coverage so you are familiar with different chapters of the Charter and specifics that relate to peacekeeping. Reinforce the point that the Charter is the cornerstone of the legal framework for UN peacekeeping, together with international law.

Slide 6



1.4 Legal Framework for UN Peacekeeping 

The Charter of the United Nations – Chapters Relevant to Peacekeeping

- I** Outlines that the purpose of the UN is “to maintain international peace and security”
- V** Outlines that the Security Council has “primary responsibility for the maintenance of international peace and security”
- VI** Outlines peaceful measures available to the UN for settling disputes and dealing with armed conflict
- VII** Outlines that the “Security Council may take action by air, sea or land forces as may be necessary”
- VIII** Outlines the involvement of regional partners in maintaining international peace and security.

UN CPTM 2025 Slide 6



Key Message 3: The Charter is a source of authority and legitimacy for UN peacekeeping. While the Charter does not use the word peacekeeping, some articles and chapters link to it. The legal basis for UN peacekeeping is mainly found in Chapters VI and VII.

The chapters in the Charter linked to UN peacekeeping include Chapters I, V, VI, VII and VIII.

- Chapter I outlines the “Purposes and Principles” of the UN. Article 1 says that one purpose of the UN is “to maintain international peace and security”.
- Chapter V covers the Security Council. The **Security Council has “primary responsibility for the maintenance of international peace and security ... The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII...”**
- Chapter VI deals with the “Pacific Settlement of Disputes”. This chapter outlines **peaceful measures** available to the UN for settling disputes and dealing with armed conflict.

- Chapter VII provides for “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.” It states that “The Security Council... **may take such action by air, sea, or land forces as may be necessary** to maintain or restore international peace and security”. This chapter also outlines other ways of making States change their behaviour.
- Chapter VIII deals with “Regional Arrangements”. It gives ways for groups of countries in the same area to work together to maintain international peace and security.

Chapters VI and VII of the Charter

Traditional peacekeeping operations have been called Chapter VI missions. Multidimensional operations oriented towards the use of force have been called Chapter VII missions. These references to Charter chapters are inaccurate and misleading. When the Security Council authorizes a peacekeeping operation, it does not have to refer to a specific chapter of the Charter.



***Trainer Tips:** You may have to directly dispel misperceptions that a peacekeeping operation’s authority to use force is directly linked to an explicit reference to Chapter VII of the Charter.*

The Security Council often refers to Chapter VII of the Charter when authorizing peacekeeping operations or peace enforcement action in volatile post-conflict settings. This reminds Member States and the parties to a conflict of their obligation to comply with Security Council resolutions.

A peacekeeping operation’s authority to use force is not linked to an explicit reference to Chapter VII of the Charter in the Security Council mandate. No matter which chapter it references, if any, an appropriately worded Security Council mandate provides the true basis for the legitimate use of force by personnel serving in a UN peacekeeping operation.

The authority to **use force** in certain situations is also guided by:

- The Mission’s concept of operations (CONOPs)
- The rules of engagement (ROE)
- The directive on the use of force (DUF).

Referring to a UN peacekeeping operation as a Chapter VI or Chapter VII mission is inaccurate and misleading. Peacekeepers are encouraged to avoid these references to prevent misunderstanding.



Trainer Tips: The Universal Declaration of Human Rights (UDHR) turned 75 in 2023. An inspiring 1.5 min introduction to the Declaration is available on Slide 7. Consider using to introduce the theme. Test the sound levels before the lesson commences.

Slide 7



1.4 Legal Framework for UN Peacekeeping 

What is the Declaration of Human Rights?



UN CPTM 2025 Slide 7

International Human Rights Law

Slide 8



1.4 Legal Framework for UN Peacekeeping 

What are Human Rights?

Human Rights Are:

- Rights inherent to all human beings, whatever our nationality, 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.



UN CPTM 2025 Slide 8



Key Message 4: The UN promotes and protects human rights, including through peacekeeping. **Human rights are universal**, which means they apply equally to every person.

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

Inherent means that something exists as permanent and essential.

Gender describes socially constructed differences in attributes and opportunities associated with being female or male, for example, and to the social interactions and relations between women and men.

Sex refers to the different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes and hormones.

Human rights are universal: every person has them. They are indivisible: different rights support and reinforce each other and cannot be separated. No one can take away a person's human rights. A person's human rights may be violated, but legally they cannot be taken away or denied.

More information and definitions will be covered in Module 2, *Lesson 2.3 Human Rights* and *Lesson 2.7 Women, Peace and Security*.

Slide 9



1.4 Legal Framework for UN Peacekeeping 

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, and not be held in slavery

"...human rights is under siege around the world. Universal values are being eroded.....the rule of law is being undermined. Now more than ever, our shared duty is clear.....let us stand up for human rights - for everyone, everywhere..."

Secretary-General António Guterres

UN CPTM 2025 Slide 9



Key Message 5: Human rights include civil and political rights. Examples are the right to life, freedom from torture, freedom of expression and a fair trial.



Trainer Tips: Consider reading out the quote from Secretary-General António Guterres on Slide 9.

Slide 10



1.4 Legal Framework for UN Peacekeeping 

Examples of Human Rights

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

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

UN CPTM 2025 Slide 10



Key Message 6: Human rights include economic, social and cultural rights. Examples include the right to education, food, housing, medical care and equal pay for equal work.

Slide 11



1.4 Legal Framework for UN Peacekeeping 

What is International Human Rights Law?

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



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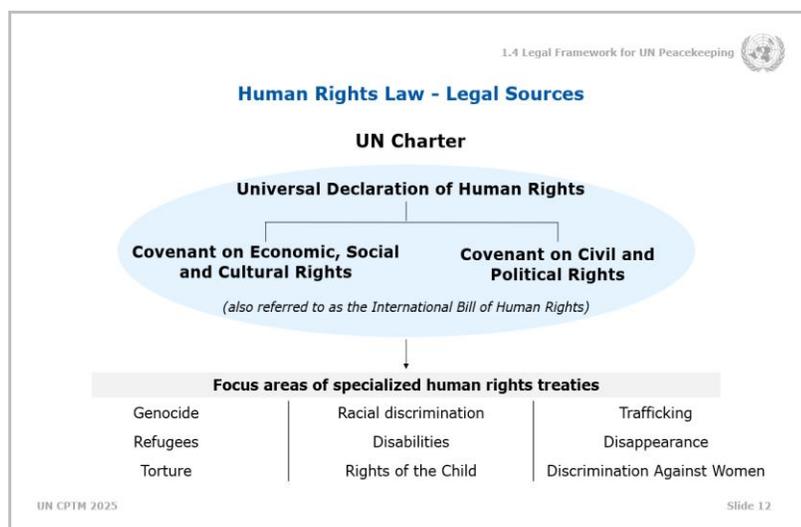
Key Message 7: International human rights law (IHRL) is international law that protects the fundamental human rights of every individual always, including during armed conflict. IHRL applies to all human beings of all ages in all situations, in peace and in war.

IHRL specifically protects certain types of human rights and groups of people who are vulnerable or suffer discrimination. Women and children are two groups with such special protection measures.

Vulnerable groups include:

- Refugees
- Internally displaced persons (IDPs) and forced migrants: people who have fled their homes because of armed conflict, persecution, human rights violations or natural disasters
- Minorities: groups with a common ethnicity, religion or language different from the majority population
- Detainees: persons in detention, awaiting trial or serving a judicial sentence
- Persons living with disabilities: people injured or maimed (an injury is when you are hurt but can recover, whereas when you are maimed, you are hurt and a part of your body is permanently removed or damaged) or living with physical or mental disabilities
- Migrant workers, women, children and the elderly.

Slide 12



Key Message 8: International Human Rights Law (IHRL) is enshrined in the Charter and other international treaties and conventions. The International Bill of Human Rights is the cornerstone document for human rights. It has three main parts:

- The Universal Declaration of Human Rights (UDHR)
- The Covenant on Economic, Social and Cultural Rights
- The Covenant on Civil and Political Rights.

The International Bill of Human Rights is the cornerstone document for human rights. It is made up of:

- The Universal Declaration of Human Rights (UDHR), adopted in 1948
- The Covenant on Economic, Social and Cultural Rights, adopted in 1966
- The Covenant on Civil and Political Rights, adopted in 1966.

Together, the Charter of the United Nations and the International Bill of Human Rights underscore that human rights and fundamental freedoms are universal, guaranteed to everybody. All human beings are:

- Born free and equal
- Endowed with reason and conscience
- To act towards one another in a spirit of brother- and sisterhood.

The Charter had already committed all Member States to promote, respect and follow human rights and fundamental freedoms for all, without distinction by race, sex, language or religion (Articles 1 and 55). Other human rights treaties later supplemented the International Bill of Human Rights. These focused on specialized areas, for example, the prevention of genocide and torture and the protection of vulnerable groups.



Examples – Legal Human Rights Instruments that Address Specific Issues

- The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- The Convention on the Elimination of All Forms of Discrimination against Women (1979)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- The Convention on the Rights of the Child (1989)
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).



Trainer Tips: *During armed conflict, international humanitarian law determines how force is to be used within the mandate. Additional information on international humanitarian law, rules of engagement and directives on the use of force is given below.*

International Humanitarian Law

Slide 13



1.4 Legal Framework for UN Peacekeeping 

What is International Humanitarian Law?

- Laws of war or laws 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

UN CPTM 2025 Slide 13



Key Message 9: International humanitarian law (IHL) is also known as the “laws of war” or the “laws of armed conflict”. The goal of IHL is to limit the humanitarian impact of armed conflicts and to lessen suffering during wars. Most IHL provisions apply only in times of armed conflict.

International humanitarian law (IHL) is sometimes referred to as the “laws of war” or “laws of armed conflict”. The goal of IHL is to limit the impact of armed conflicts on people and lessen suffering during violent conflicts and wars. Most IHL provisions apply only in times of armed conflict.

Some provisions about States’ obligations also apply in peacetime, such as obligations to:

- Disseminate IHL
- Integrate legal advisers
- Conduct legal reviews of weapons and means and methods of warfare.

Armed conflict refers to **both international and non-international armed conflicts**.

- **International armed** conflict involves two or more opposing States.
- **Non-international or internal armed conflict** involves one or more States against organized non-State armed groups, or conflict between such groups.



Trainer Tips: *Remind learners of the terms inter-State conflict and intra-State conflict.*

Point out the similarity of these terms with the terms international armed conflict and non-international or internal armed conflict, which are specific to IHL.

Underline that nowadays most contemporary UN peace operations are deployed to a non-international armed conflict.

IHL protects those who do not engage in hostilities, or who are no longer doing so. This includes civilians, the wounded, prisoners, medical personnel, chaplains, media professionals and humanitarian workers.

IHL upholds the fundamental rights of civilians, victims and non-combatants in an armed conflict.

IHL also restricts the means and methods of warfare. It does not allow the use of certain weapons because they cause unnecessary injury or suffering.



Examples – Weapons that cause unnecessary injury or suffering

- Incendiary, chemical or biological weapons
- Weapons that explode in fragments intended to injure people and that cannot be detected under the skin by X ray
- Laser weapons that blind people.

IHL outlaws' certain methods of war. One of these is perfidy, which is when someone pretends to be entitled to protection under IHL as a strategy against the enemy. Perfidy includes false use of the distinctive emblems of the Red Cross or the United Nations. Starvation and indiscriminate attacks are also outlawed methods of war.

The rules of IHL are binding and apply to all parties to armed conflicts. However, they do not cover internal tensions or disturbances such as riots, or isolated and sporadic acts of violence. The law applies when a conflict starts, and then applies equally to all sides, regardless of who started the fighting.

Slide 14



1.4 Legal Framework for UN Peacekeeping

Humanitarian Law - Legal Sources

- **The Geneva Conventions (1949) state agreements about how states and people will behave in times of war and conflict and contain the main rules of IHL**
- **Including:**
 - The principles of proportionality and necessity
 - The prohibition to inflict suffering



UN CPTM 2025



Slide 14



Key Message 10: The four Geneva Conventions and two Additional Protocols contain the main rules of international humanitarian law (IHL).

The four Geneva Conventions (1949) and two Additional Protocols (1977) lay out points of agreement about how States and people will behave in times of war and conflict. The Geneva Conventions and Additional Protocols contain the main rules of IHL.

IHL also includes other conventions and treaties to protect cultural property and the environment during armed conflict.

Slide 15



1.4 Legal Framework for UN Peacekeeping

Essential Rules of International Humanitarian Law

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 attacked.
4. Torture is prohibited at all times and in all circumstances.
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.

UN CPTM 2025

Slide 15

IHL's core fundamental principles are:

- The distinction between civilians and combatants
- The prohibition to attack those *hors de combat* (this means 'out of combat', i.e. those that are sick, wounded or otherwise not able to perform combat duties)
- The prohibition to inflict suffering
- The principle of necessity
- The principle of precaution to minimize risks for civilians
- The principle of proportionality (which prohibits attacks when they cannot avoid causing harm to civilians or civilian objects that is greater than the military advantage they could win).

All UN peacekeepers are required to apply these fundamental principles of IHL. The slides outline the essential rules and ways to apply them.

Slide 16



1.4 Legal Framework for UN Peacekeeping 

Essential Rules of International Humanitarian Law

7. Wounded and sick must be collected and cared for.

8. Medical personnel and medical establishments, transport and equipment must be respected and protected.

9. The Red Cross, Red Crescent and Red Crystal emblems are symbols of assistance and must be respected.

10. Prevention and prosecution of war crimes covers attacking civilians, recruiting children as soldiers, torturing prisoners and sexual violence.


INTERNATIONAL COMMITTEE
OF THE RED CROSS

UN CPTM 2025 Slide 16



Key Message 11: UN peacekeepers must respect and comply with the six fundamental principles of international humanitarian law (IHL) and related rules.



Trainer Tips: The rules make reference to the Red Cross, Red Crescent and Red Crystal emblems. Ask learners if they know these emblems or symbols and the organization they represent. Be ready to quickly clarify details on the International Red Cross and Red Crescent Movement and their emblems. The International Red Cross and Red Crescent Movement

is a global humanitarian network that helps people facing conflict and disaster. The Movement includes:

- The International Committee of the Red Cross (ICRC)
- The International Federation of Red Cross and Red Crescent Societies
- 192 National Red Cross and Red Crescent Societies.

Seven core principles guide the Movement's ethical practices: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. The Movement has three globally recognized symbols – the Red Cross, the Red Crescent and the Red Crystal. These emblems are symbols of assistance to people in situations and times of violent conflict and disaster. More information can be found on the ICRC website under 'who we are'.

Rules of Engagement and Directive on the Use of Force

Slide 17



1.4 Legal Framework for UN Peacekeeping 

Rules of Engagement (ROE) and Directive on the Use of Force (DUF)

- Guides the **use of force** and include constraints and latitudes (scope)
- ROE guides military and DUF police component
- In accordance with the Security Council mandate, the Charter and international laws



UN CPTM 2025 Slide 17



Key Message 12: The rules of engagement (ROE) and directive on the use of force (DUF) guide the use of force according to the Charter and the Security Council mandate. These legally binding documents are internal to the UN and comply with international humanitarian law (IHL) and international human rights law (IHRL).

The rules of engagement (ROE) guide the military component. The directive on the use of force (DUF) is for the police component, within which formed police units (FPUs) may be authorized to carry arms.

The ROE and DUF:

- Apply specifically to military and police personnel, respectively
- Detail how and when a peacekeeping mission can use force: details include constraints and latitudes (scope) in using force and the right to self-defence
- Clarify different levels of force to use in different circumstances
- Provide practical guidance to commanders, including on needed authorizations
- Are mission-specific documents that apply to a particular mission and mandate.

ROE:

- Outlines the authority of armed UN military personnel to use force in mandate implementation
- States when force may not be used by armed UN military personnel
- Applies to all armed military personnel and units in the mission.

DUF:

- Indicates whether UN police are armed
- States when they have legal authority to use force
- Applies to all armed police personnel and units such as FPUs in a mission.

Slide 18



1.4 Legal Framework for UN Peacekeeping 

The Importance of the Legal Framework

- Use of force is specific to a mission and its mandate
- Differs from TCCs and PPCs' national legal restrictions
- ROE and DUF must be robust enough to retain credibility and have freedom of action to implement the mandate



UN CPTM 2025 Slide 18



Key Message 13: The rules on the use of force must be very clear to armed UN military and police personnel. They need to know the rules of engagement (ROE) and directive on the use of force (DUF). The use of force may differ from the legal restrictions in force in troop- and police-contributing countries.

It is important for all peacekeepers to **clearly understand** the ROE and DUF because:

- The use of force is specific to a mission and its mandate. Armed military and police personnel must be aware of how such force is to be applied in the field.
- Contemporary peacekeeping operations are often deployed to volatile and potentially dangerous environments. The ROE and DUF will be robust enough for a UN peacekeeping operation to: (a) retain credibility, and (b) have freedom of action to implement the mandate.
- Troop-contributing countries (TCCs) and police-contributing countries (PCCs) may have national legal restrictions on the use of force. They must inform the Department of Peace Operations (DPO) and the military or police commander of any restrictions to avoid problems.

Mission leadership ensures that all relevant personnel in a mission know the ROE and DUF and apply them uniformly. UN military and police commanders are responsible for all personnel under their command knowing the ROE or DUF.

DPO briefs TCCs and PCCs. It provides key documents including the concept of operations (CONOPS), ROE and DUF through Member State permanent missions in New York. Permanent missions are diplomatic representatives of a country to the UN.

Additional Aspects of the Legal Framework



Trainer Tips: Assess the needs of your learner group to decide on the level of detail appropriate for the following material. Conduct and Discipline is covered in Module 3.

In addition to peacekeeping specific legal frameworks such as Security Council resolutions, memorandums of understanding (MOU) between the UN and the TCCs and PCCs, host State agreements and UN conventions and rules and regulations, other international laws are also part of the legal framework.

These include international criminal law and international refugee law.

Slide 19



1.4 Legal Framework for UN Peacekeeping 

Peacekeeping Specific Legal Frameworks

- **Security Council Mandate**
 - Highest legal basis for the deployment of any mission
 - Outlines tasks and responsibilities which the council expects the mission to accomplish

- **Peacekeepers must respect the national laws and customs of the host country**

UN CPTM 2025 Slide 19

Security Council mandate: Security Council mandates were introduced in earlier lessons. To review:

- A Security Council mandate gives international legitimacy to the presence of a peacekeeping operation in a country
- The mandate is the legal basis for all actions or tasks the operation undertakes, including the use of force
- The mandate sets out the tasks of a UN peacekeeping operation and the total number of personnel for completing the tasks
- Mandated tasks align with and link to international law and peace agreements.

National laws of the host country: Peacekeepers must respect the national laws of the host country, as well as local customs and culture.

Slide 20



1.4 Legal Framework for UN Peacekeeping 

Peacekeeping Specific Legal Frameworks

MOU between the UN and the TCC or PCC

- How the UN will reimburse for troops, FPU or equipment loaned
- Obligations of TCCs and PCCs to ensure appropriate quality of personnel and equipment
- Obligations for prevention of SEA in UN peacekeeping operations

Host State Agreements (SOMA/SOFA)

- Legal document signed by the UN and Host State
- Regulations of questions concerning the presence of forces
- Privileges and immunities for UN mission and personnel

UN CPTM 2025 Slide 20

Memorandum of understanding (MOU) between the UN and a TCC or PCC:

The MOU is a legal agreement detailing:

- How the UN will reimburse governments for troops, FPU or equipment loaned to a peacekeeping operation
- The obligations of contributing governments to ensure appropriate quality personnel and equipment
- The obligations of TCCs and PCCs, commanders, troops and police to **prevent sexual exploitation and abuse** in UN peacekeeping operations, which have been enforced since 2007.

Host State Agreements: Status of Force Agreement/Status of Mission Agreement

- In peacekeeping operations **with armed personnel**, the UN has a status of force agreement (SOFA) with the host state and applies to all personnel.
 - An example of a SOFA is available on the UNMISS website.
- For UN peacekeeping operations or SPMs **with only unarmed personnel**, the UN has a status of mission agreement (SOMA) which applies to all mission personnel.
- These legal agreements give functional immunity to all peacekeeping personnel on the basis of the *Convention on the Privileges and Immunities of the UN* – covering military and police who are not technically UN staff.
- The agreements define the legal status and arrangements for
 - The UN's use of facilities, transportation and other equipment and communications
 - Freedom of movement in the country.
- They include a mechanism to resolve disagreements on these issues between the host country and the UN.

Slide 21



1.4 Legal Framework for UN Peacekeeping 

What is a Status of Forces Agreement (SOFA)?

- **An international agreement between:**
 - A State or international organization sending military and other forces
 - A State which has consented to receive those forces
- **Defines obligations of forces sent**
- **Defines immunities from receiving State law and privileges the receiving State will provide**

UN CPTM 2025 Slide 21

Slide 22



1.4 Legal Framework for UN Peacekeeping 

Peacekeeping Specific Legal Frameworks

- **The Convention on the Privileges and Immunities of the UN of 1946**
 - Functional immunity from arrest, detention and seizure
 - Immunity from legal process for official actions and words
- **UN Internal Rules, Regulations and Guidance**, including on conduct and discipline

UN CPTM 2025 Slide 22

The Convention on the Privileges and Immunities of the UN of 1946

- The Convention gives legal status to the UN and its subsidiary bodies. It provides certain privileges and immunities to the UN and its officials to fulfil the organization's purpose and allow personnel to do their jobs without interference.
- The Convention covers immunity from the legal process for words spoken or written and actions taken in an official capacity. It also covers immunity from personal arrest or detention.
- Privileges and immunities are granted in the interests of the UN, not for the personal benefit of individuals.
- **The Secretary-General has the right and the duty to waive the immunity** of any official or expert in any case where, in his or her opinion, the immunity would impede the course of justice and could be waived

without prejudice to the interests of the UN. **Serious consequences apply to all involved in misconduct.**

UN Internal Rules, Regulations and Guidance

- More detailed guidance to peacekeeping personnel is found in UN and mission directives and rules
- A key reference includes the **UN rules and regulations on conduct and discipline of peacekeeping personnel**, covered in Module 3.

Slide 23



1.4 Legal Framework for UN Peacekeeping 

Additional Aspects of the Legal Frameworks

International Criminal Law (ICL)

- Governs prosecution of individuals for international crimes
- Defines the most serious crimes of international concern – genocide, crimes against humanity, war crimes and the crime of aggression
- States duty to prosecute perpetrators of war crimes, crimes against humanity and genocide
- International tribunals may have jurisdiction to prosecute (e.g. International Criminal Court)



UN CPTM 2025 Slide 23

International Criminal Law: International Criminal Law governs the prosecution of individuals for international crimes. The Rome Statute of the International Criminal Court (ICC) came into force on 1 July 2002. It defines the most serious crimes of international concern: genocide, crimes against humanity, war crimes and the crime of aggression.

- **War crimes** are serious violations of IHL, committed as part of a plan or policy on a large scale. These occur in international (inter-State) and non-international (intra-State) armed conflict. War crimes include:
 - Murder
 - Torture or inhumane treatment
 - Taking of hostages
 - Intentionally directing attacks against the civilian population
 - Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals
 - Pillaging – in other words, violent robbery

- Rape, sexual slavery, forced pregnancy or any other form of sexual violence
- Conscripting or enlisting children aged 15 and under into armed forces or armed groups to participate in hostilities.
- **Crimes against humanity** are serious crimes committed as part of a widespread or systematic attack against civilians. Crimes against humanity can also occur in peacetime, similar to the crime of genocide.

The Rome Statute of the ICC specifies three elements of a war crime:

- A physical element, which includes the commission of “any of the following acts”:
 - Murder
 - Extermination
 - Torture
 - Rape or other sexual violence
 - Enforced disappearances
 - Extermination
 - Slavery
 - Forced transfer of populations.
- A contextual element: “when committed as part of a widespread or systemic attack directed against any civilian population”.
- A mental element: “with knowledge of the attack” – the perpetrator acts with knowledge of the attack against civilian population and his or her action is part of that attack.
- **Genocide** refers to any of the following acts committed with the intent to destroy a national, ethnic, racial or religious group, in whole or in part:
 - Killing members of the group
 - Causing serious bodily or mental harm to members of the group
 - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
 - Imposing measures intended to prevent births within the group
 - Forcibly transferring children of the group to another group.

Slide 24



1.4 Legal Framework for UN Peacekeeping 

Additional Aspects of the Legal Frameworks

Protection of Displaced Persons under International Law

- The 1951 Convention Relating to the Status of Refugees is the foundation of international refugee law
- International refugee law guarantees the human rights of refugees and spells out States' obligations to protect refugees living in their territory
- UN guiding Principles on internal displacement identify rights and guarantees for the protection of internally displaced persons (IDPs)



UN CPTM 2025 Slide 24

The 1951 Convention Relating to the Status of Refugees is the foundation of International Refugee Law which defines a refugee as a person who:

- Has fled his or her country
- Has crossed an international border
- Lives in a different country
- Cannot return home because of probable persecution based on race, religion, nationality, political opinion or membership in a particular group.

International refugee law guarantees the human rights of refugees and spells out States' obligations to protect refugees living in their territory.

The Guiding Principles on Internal Displacement: Internally displaced persons (IDPs), like refugees, have fled their homes and cannot return, but they have not crossed an international boundary.

The Guiding Principles of Internally Displaced Persons identify rights and guarantees for the protection of IDPs.

Slide 25



1.4 Legal Framework for UN Peacekeeping 

Additional Aspects of the Legal Frameworks

International Criminal Court

- The International Criminal Court (ICC) investigates, where warranted.
- Tries individuals charged with the gravest crimes against humanity
- Governed by the Rome Statute
- The first permanent international criminal court
- A court of last resort, mandated to prosecute perpetrators of the most serious crimes – if committed after 1 July 2002

UN CPTM 2025 Slide 25

The International Criminal Court (ICC): investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. Governed by an international treaty called the Rome Statute, the ICC is the world’s first permanent international criminal court.

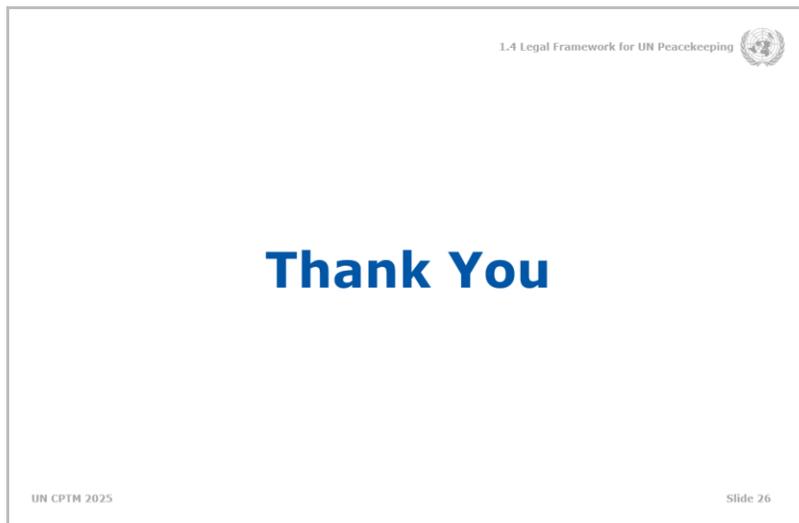
124 countries have ratified the ICC. The ICC is a court of last resort. It has the mandate to prosecute perpetrators of these most serious crimes if they occurred after 1 July 2002.



Key Message 14: Additional legal documents that apply to peacekeeping include international refugee law, guiding principles on internal displacement and international criminal law.

Lesson Closing

Slide 26



Trainer Tips: *If you have time, summarize the lesson, recalling the aim and learning objectives. Mention that the key messages support the learning objectives. Ask participants if they have questions. Ensure you distribute the Handout – Summary of Key Messages to all participants.*

Handout - Summary of Key Messages

Key Message 1: The legal framework is the set of rules and laws that direct the actions, tasks and conduct of peacekeeping operations and their personnel.

Key Message 2: All UN personnel serving in peacekeeping missions are subject to binding legal rules, starting with those in the Charter of the United Nations.

Key Message 3: The Charter is a source of authority and legitimacy for UN peacekeeping. While the Charter does not use the word “peacekeeping”, some articles and chapters link to it. The legal basis for UN peacekeeping is mainly found in Chapters VI and VII.

Key Message 4: The UN promotes and protects human rights, including through peacekeeping. **Human rights are universal**, which means they apply equally to every person.

Key message 5: Human rights include civil and political rights. Examples are the right to life, freedom from torture, freedom of expression and a fair trial.

Key Message 6: Human rights include economic, social and cultural rights. Examples include the right to education, food, housing, medical care and equal pay for equal work.

Key Message 7: International human rights law (IHRL) is international law that protects the fundamental human rights of every individual, always, including in armed conflict. IHRL applies to all human beings of all ages in all situations, in peace and in war.

Key Message 8: International human rights law (IHRL) is enshrined in the Charter and other international treaties and conventions. The International Bill of Human Rights is the cornerstone document for human rights. It has three main parts:

- The Universal Declaration of Human Rights (UDHR)
- The Covenant on Economic, Social and Cultural Rights
- The Covenant on Civil and Political Rights.

Key Message 9: International humanitarian law (IHL) is also known as the “laws of war” or the “laws of armed conflict”. The goal of IHL is to limit the humanitarian impact of armed conflicts and to lessen suffering during wars. Most IHL provisions apply only in times of armed conflict.

Key Message 10: The four Geneva Conventions and two Additional Protocols contain the main rules of international humanitarian law (IHL).

Key message 11: UN peacekeepers must respect and comply with the six fundamental principles of international humanitarian law (IHL) and related rules.

Key Message 12: The rules of engagement (ROE) and directive on the use of force (DUF) guide the use of force according to the Charter and the Security Council mandate. These legally binding documents are internal to the UN and comply with international humanitarian law (IHL) and international human rights law (IHRL).

Key Message 13: The rules on the use of force must be very clear to armed UN military and police personnel. They need to know the rules of engagement (ROE) and directive on the use of force (DUF). The use of force may differ from the legal restrictions in force in troop- and police-contributing countries.

Key Message 14: Additional legal documents that apply to peacekeeping include international refugee law, guiding principles on internal displacement and international criminal law.