



United Nations

Specialised Training Materials

Military Police Units

for United Nations Peacekeeping Operations

The Specialised Training Materials (STMs) for United Nations Peacekeeping Operations were developed by the Integrated Training Service (ITS) of the UN Department of Peacekeeping Operations and Department of Field Support.

This version has been released for use by Member States in their pre-deployment training for United Nations Peacekeeping Operations. The suite of STM products will be regularly updated to be fully responsive to the needs on the ground. Therefore, we strongly suggest to check for updated versions before a training programme is conducted.

The latest STM versions 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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Integrated Training Service

Department of Peacekeeping Operations

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Background

The UN Departments of Peacekeeping Operations and Field Support have developed a suite of training packages to prepare peacekeepers for their deployment in missions. Amongst these packages is the Specialised Training Materials for specific United Nation Military Units (UNMU).

Initially, the Office of Military Affairs (OMA) developed 11 Military Unit Manuals (UNMUM) designed to provide unit and sub-unit commanders as well as peacekeeping staff and other personnel with a Reference Guide on how to prepare specific military units to undertake their tasks in United Nations peacekeeping operations. The manuals cover the areas of Aviation, Engineers, Force Headquarters Support, Logistics, Maritime, Military Police, Recce, Riverine, Signals, Special Forces and Transport. The Integrated Training Service (ITS) followed up these manuals with the production of 10 Specialised Training Materials (STMs) in collaboration with subject matter experts from 10 Member States.

Aim

The aim of these training materials is to provide troop-contributing countries with a comprehensive training package that combines the Conceptual, Legal, and Operational Frameworks for specific type units. The STMs also mainstream relevant aspects of the Protection of Civilians into frameworks / material. The STMs include small exercises, as well as a larger more comprehensive scenario-based exercise, which can be run at the end of a course to strengthen participants' understanding how to better operate in a UN Peacekeeping environment. The training packages are designed for application in both pre-deployment and in-mission training.

Target audience

The priority target audience of this STM package are military decision makers, staff officers, and tactical level unit leaders. However, leadership at all levels who supervises, supports and coordinates with the specific unit may benefit from this material.

Structure of the training materials

The package is constructed in three modules:

Module 1: Conceptual Framework

Module 2: Legal Framework

Module 3: Operational Framework

Annexes:

- **Annex A:** Power Point Slide Presentations
- **Annex B:** Comprehensive Protection of Civilians (CPOC) Specialized Training Materials (STM)
- **Annex C:** Learning Activity / Scenario-based Table Top Exercise (TTX) for Military Police Units
- **Annex D:** Training Guidance / Training Model
- **Annex E:** References and background material

Acknowledgements

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Military Police Unit- Islamic Republic of Pakistan
Military Engineering Unit- Japan
Force Headquarters Support Unit- Republic of the Philippines
Military Logistics Unit- Commonwealth of Australia
Maritime Task Force- Federative Republic of Brazil
Military Police Unit- Italian Republic
Military Riverine Unit- Oriental Republic of Uruguay
Military Signal Unit- Republic of India
Special Forces Unit- French Republic
Military Transport Unit- People's Republic of Bangladesh

Contact person

For any proposal of update or improvement of this package, or any questions pertaining to the CPOC training materials, please contact the project leader Mr. Rafael Barbieri (barbieri@un.org) or write to 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 the site regularly.

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Instructor Guidance



General Considerations for Instructors

This package is a compendium of critical training content for specific units operating in UN peacekeeping. No training material can cover the entire complexity of the peacekeeping environment, with all its challenges, complexity, and activities. The STM package should therefore be viewed as the baseline to underpin related training efforts for military peacekeepers. However, when designing a particular course, trainers need to be prepared to adapt these materials to the needs of their audience. As a result, the duration of training courses delivered based on the materials may vary greatly.

Concerning necessary competencies for participants to benefit from this training package, it is recommended that personnel receiving this training be proficient in basic military tasks (individually and collectively) at the tactical and technical levels. As such, it is expected that a battalion staff officer be fully capable to perform as a staff officer before receiving the instruction. It is also critical for all participants to have received the Core Pre-Deployment Training Materials (CPTM) as a pre-requisite before this training. The CPTM contain fundamental principles, concepts and ideas to UN peacekeeping, which should be well grasped by trainees before participating in the specific unit STM course. It is also, recommended that instructors develop and implement an initial written test and final test (post instruction) to reinforce the learning objectives and evaluate the training level / knowledge of participants.

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

Instructor Profile

This training package is best presented by instructors who master the STM and have previous experience working in a UN peacekeeping mission. In particular, experience with the specific unit at the tactical level is important. Possessing knowledge of the particular mission where trainees are to be deployed is advisable, so as to be able to deliver a targeted course based on real experience. Finally, instructors should be familiar and comfortable with facilitator-based instruction and facilitating scenario-based Table Top Exercises (TTX).

Table Top Exercise (TTX) Considerations

Contained in the STMs are TTXs. These exercises are scenario / situational driven learning activities to help consolidate the learning outcomes and help reinforce the lectures' "Take Away". TTXs provide a learning environment tailored to facilitate discussions. They are set in an informal learning environment where the target audience is able to discuss the principles and concepts of operating in a United Nations Peacekeeping Operations using the fictitious CARANA scenario and unit specific situations. The exercises help participants to better understand the manifestation of integrating units in a peacekeeping environment.




Methodology: Using their national problem-solving doctrine, methodology, military decision making processes, troop leading procedure, analyze the situation / scenarios, mission / tasks, and present an analysis of COAs to be executed in a UN peacekeeping operation. The effectiveness of a TTX is derived from the energetic involvement of participants under the guidance of the experienced instructors and mentors. Instructors should highlight the adequacy of the core elements and principles of operating in support of peacekeeping operations. If need be, instructors assist the participants in bridging any gaps in this transition from standard military operations toward peacekeeping operations. It is important that instructors emphasize that C2, the support structure, POC, and the coordination with various actors in a UNPKO can be a challenge and more complex.

Training Characteristics

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

- Training should be interactive and encourage the participation of trainees.
- Training should be mission-specific; where possible, it is advisable for trainers to bring in examples from UN missions.
- 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 familiarize participants with the:

- Overview, concept and capabilities of UN Military Police Units (MP)
- Nature and characteristics of MP
- Support relationships and support framework
- Differences and similarities of law and order and enforcement concepts
- Flexibility and adaptability of MP units
- MP roles and responsibilities supporting UN Peacekeeping Operations (UNPKO)

Overview

Module 1 provides an overview of the conceptual framework related to MP operating in a UNPKO to support the successful achievement of the Mandate. It also examines the nature and characteristics of MP, and their support to forces in UN Missions.

Learning Objectives

Learners will:

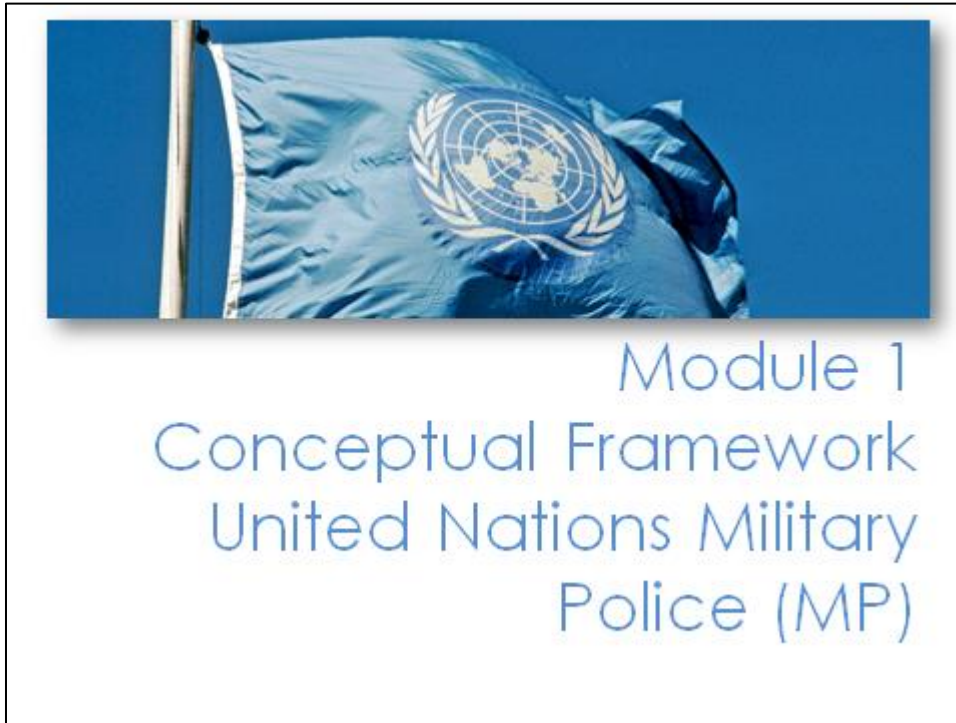
- Describe the capabilities and characteristics of UN MP
- Explain the MP framework, key concepts and MP principles
- Understand the roles and functions of MP units
- Describe the principles of MP support
- Generally understand investigations, law and order, and confinement operations

Abbreviation

In all lessons the abbreviation “MP” is used for UN Military Police Units.

Introduction

Slide 1



Key Message: UN Military Police Units (MP) can contribute decisively and in support towards the successful achievement of the Mission's mandate. To date, MPs have deployed to peacekeeping operations in most UN missions. To acknowledge the nature, the characteristics of MP and their complementarity with the force and the other components in the mission, it is essential for us to be familiar with their capabilities, support and safety systems, concepts and safety framework.

The aim of Module 1 and the three associated lessons is to provide an overview of MP in order for them to be employed in an appropriate manner. Finally, Module 1 aims to familiarize learners with their capabilities, support and safety mechanisms / framework. Specifically, this module familiarizes learners with:

- The nature of MP, their employment and support frameworks
- Their employment in the field, coordination framework, and key individuals
- Their different types of core functions
- The flexible and adaptable nature of MPs
- Their place, role and support in Peacekeeping Operations (PKO)

Slide 2

Module 1 Content

- Employment Concept
- Support

This Module addresses the conceptual framework for MP operating in a UNPKO. It will cover in three lessons the content displayed on this slide.

Lesson 1.1



Employment Concept- Roles and Core Functions

The Lesson



Starting the Lesson



For an interactive start to Lesson 1.1 ask the participants to tell the group about specific challenges they faced in UNPKO missions with regard to command and control, tasking orders and employment of MP units.



Note to instructor – it is recommended that this lesson 1.1 be presented by a trainer who has personal experience in a MP unit or in a Force HQs of a UNPKO. It is also important that the instructor has a general knowledge of the Policy for Authority, Command and Control in United Nations Peacekeeping Operations (Reference 2008.4).

Slide 3

Employment Concept for
the United Nation Military
Police (MP)
Lesson 1.1

This lesson describes the general employment concept for the MP in the execution of its core functions including police, security, detention and mobility support operations.

The role of Provost Marshal is well outlined and the MP ethos and legal authority are discussed. This lesson also outlines the framework for employment in the field with reference to the coordination with other entities, such as civilian police services.

Slide 4

Lesson 1.1 Content

- Mandate and MP roles
- Force Provost Marshal
- MP principles and core functions

Roles and mandates of UN MP, the figure of the Force Provost Marshal, principles and core functions of MP are the focal points of the lesson.

Slide 5

Learning Outcomes Lesson 1.1

- Explain the role of MP
- Define the Force Provost Marshal
- List UN MP principles and core functions

The aim of the lesson is for learners to be able to assimilate the various types of MP along with their essential roles, capabilities, associated tasks, basic aircraft types and maintenance requirements.

Slide 6

Mandate

- **UNSC Resolutions and relative mandates are different**
- **Missions are tailored accordingly**

UN peacekeeping operations are deployed on the basis of a mandate related to a UN Security Council resolution that also outlines the tasks.

The composition of a UN peacekeeping operation depends on the mandate, which is set by the Security Council based on the objectives to be achieved in the conflict area. Mandates differ according to the nature of the crisis and the UN strategic objectives. It is important to note that the Protection of Civilians (POC) is inherent and always stated in UN mandates. You will receive more information on POC in Module 2 and in the CPOC STM.

Slide 7

Roles

- Close and general support to the force
- Force Provost Marshal / MP advisor
- Integration and coordination

MP plays the role of close and general support to the Force that sees the Force Provost Marshal as the key figure, especially leading integration and coordination with other actors. This slide represents the major roles for MP:

- MPs are essential means of enforcing command and control for Missions leaders. UN MP are centrally controlled and employed in close support to forward deployed assets and in general support to the remainder of the Force.
- Their tasks are selected and prioritized by the Force Provost Marshal or senior UN MP Advisor in accordance with the Force Commander's guidance and coordinated throughout the Force Headquarters staff.
- As advised by the Force Provost Marshal, the Force Commander decides on the most suitable location and distribution of UN Military Police personnel.
- Successful UN MP support depends on the proper integration of UN Military Police activities at every level and phase of operations.
- UN MP works in close coordination with UN civilian substantive and support components such as DSS/Mission Security and the UN Police (UNPOL), including Formed Police Units

Slide 8

Force Provost Marshal

- Force Commander's special staff
- Advisor on all police, law enforcement-related issues
- Senior MP officer
- Can be dual-hatted as MP Commander

This slide describes some aspects of the role of Force Provost Marshal: staff role, advisor, seniority and dual-role as Commander:

- The Force Provost Marshal serves on the Force Commander's special staff.
- He/she should be the senior MP officer in the command, preferably in the rank of Colonel.
- He or she assists the Force Commander in exercising command and control over assigned UN MP personnel by ensuring the proper coordination and synchronization of MP assets.
- The Force Provost Marshal provides advice on all MP-related issues.
- He/she may also be dual-hatted as a UN MP Unit commander.

Slide 9

Force Provost Marshal

- Assists in C2 of assigned MP
- Coordination / synchronization police functions and activities
- Staff planner for MP functions

This slide describes other aspects of the role of Force Provost Marshal as C2 enabler, police functions coordinator and staff planner.

He or she assists the Force Commander in exercising command and control over assigned UN MP personnel by ensuring the proper coordination and synchronization of UN MP assets. He or she is heavily involved in the staff planning process, coordinating Military Police activities at all levels and phases of the Mission.

Slide 10

Force Provost Marshal Responsibilities

- Track, monitor and inform on MP
- Staff planner / orders input
- Training internal staff
- Liaison (authorities, police, IO)

From the tasks assigned some responsibilities follow like tracking, monitoring and informing on MP issues, planning and ordering MP operations, training and liaising. Force Provost Marshal responsibilities may include:

- Advising the Force Commander and Force Headquarters staff on proper police functions and tasks;
- Providing recommendations to the Force Commander and Force Headquarters staff on UN MP support to the military (in particular), other components of the mission (in general) and host nation in accordance with Mission-specific requirements for specialized tasks such as customs, investigations, forensics, detention, civil disturbance and close protection operations;
- Participation as the senior MP Advisor during staff working groups;
- Tracking, monitoring and providing information on the status of UN MP forces at hand;
- Recommending future employment of UN MP forces to meet operational requirements;
- Developing the required input for the Force Commander's orders, to include annexes and appendices;

- Ensuring the Force Provost Marshal staff is properly trained;
- Conducting liaison and sharing information with civilian authorities, host nation police and international organizations.

Slide 11

Force Provost Marshal Responsibilities

- Advises FC/ FHQ staff on police functions / capabilities
- Provides recommendations for specialized tasks: investigations, forensics
- Staff work as senior MP advisor

Here are more Force Provost Marshal responsibilities continued from the last slide.

Slide 12

Force Provost Marshal- Responsibilities

- **Discipline and good-conduct**
- **Joint fact finding activities**
- **Investigations on misconduct**
- **Support national investigations**
- **Support Office of Internal Oversight Services**

This slide continues to illustrate the Force Provost Marshal responsibilities; in more detail:

- Taking measures to promote and ensure good conduct and discipline throughout the Force;
- Ensuring, including in cooperation with other Mission investigation entities, that required fact-finding activities, in particular those needed for the purpose of Boards of Inquiry to be conducted by the mission, are carried out;
- Ensuring, including in cooperation with other Mission investigation entities, that investigations to be carried out by the United Nations in instances of misconduct involving military personnel, other than military contingent personnel and military staff officers, are carried out;
- Ensuring, including in cooperation with other Mission investigation entities, that investigations to be carried out by the United Nations in instances of misconduct involving military contingent personnel and military staff officers, when member states have declined or not conducted such investigations, are carried out;

- Ensuring, including in cooperation with other Mission investigation entities, that required support is provided to investigations conducted by Troop Contributing Countries or the Office of Internal Oversight Services.

Slide 13

Force Provost Marshal- Liaison

- In coordination with Mission
- Host Nation (HN) law enforcement
- HN security authorities
- Non-UN police agencies

Force Provost Marshall responsibilities continued.

Slide 14

Force Provost Marshal-Liaison

- Establishes professional relationships
- Fosters info-sharing / problem-solving
- Uses local language assistants
- Proper agreements and policies

Force Provost Marshal responsibilities continued.

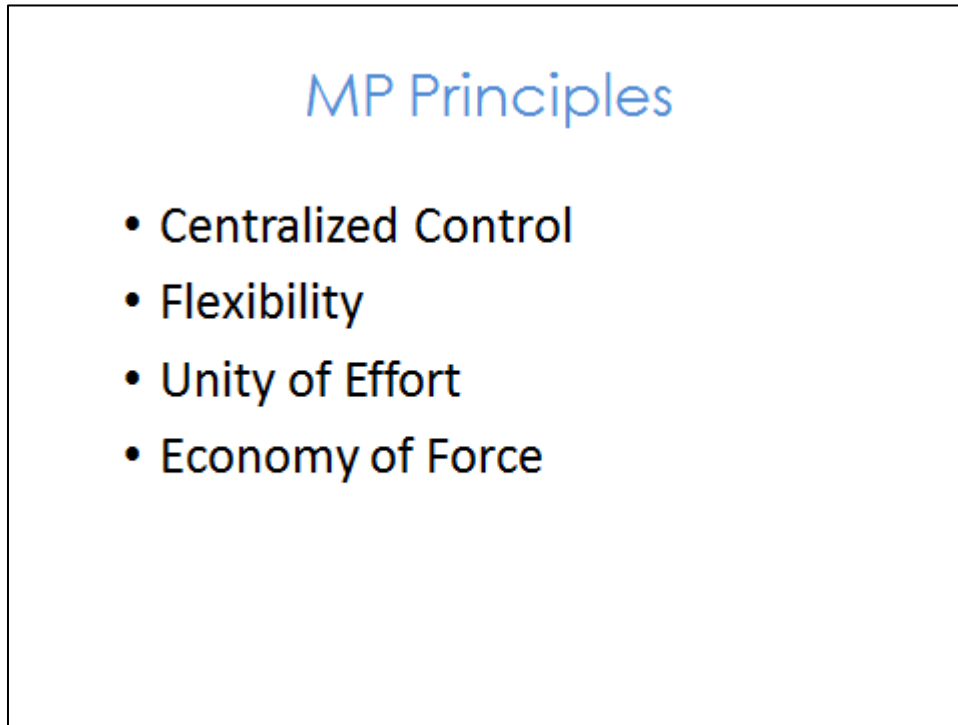
Slide 15

Force Provost Marshal-Liaison

- Understands UN Mission, MP doctrine
- Knowledge of HN culture and police capabilities
- Understands UNPOL, DSS, Mission security organizations and capabilities

Here is the final slide on the Force Provost Marshall.

Slide 16



These are the key MP principles:

- **Centralized Control:** UN MPs are centrally controlled to ensure coordination and optimal use of a highly specialized but limited resource. Tasks are assigned by the Force Commander through the Force Provost Marshal/Senior Military Police Advisor and UN Military Police unit commander. Careful consideration must be given to the appropriate command relationship between tasked Military Police and their supported units, especially before detaching Military Police elements from their parent organizations.
- **Flexibility:** MP units are more easily integrated into UN Force Headquarters plans when retained under the command of their parent MP unit. Maintaining the original command relationship facilitates the rapid reallocation of Military Police resources to meet ever-changing priorities throughout the Mission's area of operations.
- **Unity of Effort:** MP activities should be coordinated with all relevant Mission and external entities to harmonize efforts toward a common objective, avoid working at cross purposes and reduce duplication of effort.

- Economy of Force: This principle refers to the judicious deployment and distribution of MP towards the Mission's primary objective. Economy of force is based on the military principle of using all available power, in this case MP, in the most effective way possible on the highest priority tasks, thereby minimizing the expenditure of limited Military Police assets on secondary tasks. Although desirable, UN MP units do not normally have the capacity to maintain an uncommitted reserve. When efforts to prioritize and combine tasks have been exhausted, support from Higher Level MP units may be required.

Slide 17

MP Principles

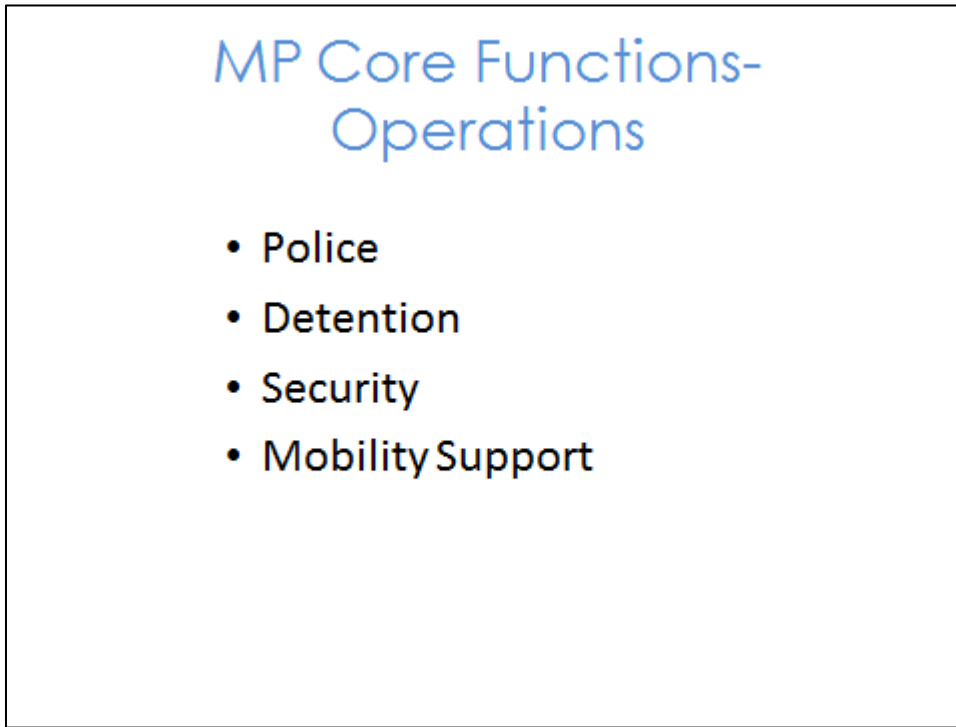
- Cooperation
- Mobility
- Communications

Here the MP principles continued:

- **Cooperation:** The interaction between internal and external entities is regulated by Mission standard operating procedures, Status of Forces Agreements and legal provisions. Beyond the stipulated obligations, cooperation between units reinforces strengths and contributes to organizational cohesiveness and esprit-de-corps. When assigned to other units, MPs form an integral part of the supported organization. Unified, cooperative action at all levels of command with contingents, Troop Contributing Countries, UNPOL, DSS/Security, governmental and non-governmental agencies and civilian organizations is essential.
- **Mobility:** The most important UN MP capability, enhancing command and control and giving UN MP the ability to react quickly to changes in Force priorities or operational conditions.
- **Communications:** Under the right circumstances, the information gathered by a single MP patrol can have strategic importance. Military operation plans and decisions across the full spectrum of UN activities depend on timely and accurate transmission of information vital to decision makers. Combined with their specialized skills and mobility, MP personnel must be equipped with

communications equipment linking them to their headquarters, supported units and the entire Mission emergency response network.

Slide 18



MP Core Functions-
Operations

- Police
- Detention
- Security
- Mobility Support

This slide shows the MP Core functions.

Slide 19

Police Operations

- **Military law and order enforcement**
- **Investigations**
- **Confinement operations**
- **Customs activities**

Police Operations comprehend all those activities carried out by MP enforcing law and order, along with investigations, confinement operations and custom activities. UN MP assist the Force Commander in maintaining discipline and enforcing the UN standards of conduct by ensuring that all military personnel maintain the highest standards of behavior.

At the tactical level, MP Operations are typically more intensive during the pre- and post-hostility phases. UN Military Police may be authorized to coordinate with competent host nation police forces and international police organizations especially where the UN Police are not present. The UN Mission mandate will specify the required legal framework and authorizations.

Slide 20

Detention Operations

- Legal references
- SOPs
- Detention in UN Peace Operations, 25 Jan 2010

Detention operations are conducted with strict observance of law, SOP and UN standards.

Detention Operations:

- Detained personnel should come under the control of UN Mission Security or if not available, UN Police/UN Military Police. UN Military Police (and other military component personnel) may arrest and detain civilians within the Mission area of operations if authorized by the UN Security Council Mandate, in accordance with the applicable Status of Forces Agreement (SOFA) and the DPKO Interim Standard Operating Procedures, Detention in United Nations Peace Operations, 25 January 2010.
- This DPKO Interim SOP is the UN's authoritative reference for detention in UN Peace Operations, providing procedures that ensure that persons detained by United Nations personnel are handled humanely and in a manner that is consistent with applicable international human rights, humanitarian and refugee law, norms and standards.
- Another key reference is the DPKO-DFS/Criminal Law and Judicial Advisory Service Policy on Prison Support in United Nations Peace Operations.

- The Force Commander is responsible for ensuring that all Mission military component personnel are aware of and respect the rights of detained personnel while in UNPKOs. They must comply with the DPKO Interim SOP on Detention, and also military contingent detention tactics, techniques and procedures, while in UN Peace Operations, must comply with this reference.

Slide 21

Security Operations

- Assistance to an higher level of security
- Specialized skills

Security Operations:

- Security measures are a command responsibility and the UN MP, usually through the Force Provost Marshal/Senior Military Police Commander or Advisor, provide advice and planning assistance contributing to a higher level of protective security.
- UN MPs ensure a more secure environment by employing specialized skills to augment the Mission's efforts to protect itself from hostile intent and aggression.
- The UN MP implementation of security measures before and during operations provides commanders and leaders at all levels vital tactical benefits.

Slide 22

Mobility Support Operations

- MP ensure uninterrupted flow of traffic in AOR
- Traffic regulation enforcement
- Assistance in control of tactical movement

Mobility Support Operations:

- UN MPs ensure an uninterrupted flow of traffic and freedom of movement within the Mission area of operations.
- Mobility support operations are conducted by efficient traffic management, including traffic regulation enforcement and refugee and population movement control.
- UN MPs assist in the control of tactical unit movements under the planning and guidance of the Force Provost Marshal/Senior Military Police Commander or Advisor.

Slide 23

Take Away Lesson 1.1

- UN MP as close/general support to the force
- Force Provost Marshall staff's implementing FCO's guidelines/orders

Summary

At the end of this lesson, the students should retain the following items on this slide as a general knowledge of the capabilities and equipment required for MPs. Take away for the participant from this lesson is a reasonable understanding / clarity on the role of the Force Provost Marshall, and the general MP principles, and the close / general support type tasks for the MPs.

Lesson 1.2



Employment Concept

The Lesson



Starting the Lesson



For an interactive start to Lesson 1.2, engage participants to seek their understanding of how the support structure / framework might differ for a United Nations Military Police Unit operating in a UNPKO and operations they know within their own national support structure. To aid participants' learning, prior to the lesson have participants work in small groups and ask each group to come up with two items of support that differ in UN PKOs. Record on a flipchart / white board and discuss.

Slide 1

Employment Concept-
United Nations Military Police (MP)
Lesson 1.2

This lesson continues to describe the employment concept for the MP in the execution of its core functions.



Note to instructor – recommend that this lesson 1.2 be presented by a trainer who has some personal experience in MP or Force HQs of a UNPKO, and has a general knowledge of the Policy for Authority, Command and Control in United Nations Peacekeeping Operations (Reference 20084.) Ideally the instructor should have had deployed to a UNPKO.

Slide 2

Lesson 1.2 Content

- Prioritized and coordinated operations
- Employment in the field
- Coordination with other police and civilian law enforcement entities
- MP professional ethos
- Legal authority

Here are the topics that will be covered in this lesson.

Slide 3

Learning Outcomes Lesson 1.2

- Explain how operations are prioritized and coordinated
- Explain field employment and coordination with other police and civilian law enforcement
- Describe the professional ethos
- Explain legal authority

The Learning outcomes are the ability of participants to explain the basics of coordination and prioritisation of operations, even in reference to other police services, describe the general guidelines of field employment, elaborate on professional ethos and explain legal authority.

Take a moment to read and understand the requirements. This will help to focus on the most relevant aspects of the lesson which are mainly conceptual.

Prioritized and Coordinated Operations

- Prioritized by FC
- Within framework of Mission plan, CONOP, FHQs orders
- Staffed / coordinated through Force HQs

The Force Commander (FC) has a crucial role in prioritization of operations staffed through the HQ. The FC is advised by: the Force Provost Marshal, the Senior MP Commander, and the MP Operations Advisor.

The operations are prioritized by the Force Commander and coordinated with the overall UN Mission plan through the Force Headquarters staffing process. Staff coordination is critical to avoid operational conflicts and provide full situational awareness within the UN Mission.

Field Employment

- Core functions: police, security, detention, mobility support
- Surveillance of high profile groups
- Observation
- Searches
- Checkpoints
- Ceasefire monitors
- Confiscate Illegal items

This slide outlines some of the capabilities of the MP field employment.

Apart from core functions of police operations illustrated by the first bullet on the slide that includes; security, detention and mobility support, and additional MP support functions that include:

- Surveillance of high profile groups,
- Observation,
- Searches,
- Operating checkpoints,
- Monitoring ceasefires,
- Confiscating weapons.

Field Employment

- Train civilian police
- Convoy escort
- Joint patrolling
- Force protection EOD/IEDD
- Support to military working dogs
- Evidence collection, examination, preservation

This slide outlines some capabilities of the employment in the field:

- UN MP may assist civilian police authorities by providing advice, mentoring and training-
- UN MP perform support tasks that can include convoy escort, support to the deployment of human rights officers and other civilian personnel, joint patrolling, rule of law enforcement and Protection of Civilians from physical violence.
- Typical activities can also include support to explosive ordnance disposal/improvised explosive device disposal (EOD/IEDD) with force protection (through the establishment of outer security cordons), military working dogs (for explosives detection and general policing) and the collection, examination and preservation of evidence.

Field Employment- Critical Conditions

- Mobility support- approach routes
- Continuous mobility support- main routes
- Mobility support- sustainment activities
- Detention tasks
- Mobility support- force reserves
- Mobility support- crossing sites, critical areas

This slide continues to outline some critical conditions of field deployment:

- During periods of heightened violence, MPs operate behind the Force Commander's leading ground units.
- The Force Provost Marshal/Senior MP Advisor and staff advises the Force Commander during Mission staff planning, analysis and orders production on appropriate UN Military Police roles and support to manoeuvre operations.

MP roles during critical operations may include:

- Mobility support on approach routes for the preliminary movement of UN ground forces to their area of operations and eventual assembly areas;
- Continuous mobility support to the leading UN ground force unit, typically on the main routes movement priorities are strictly enforced;
- Mobility support for sustainment activities, providing escort to human rights mobile teams and support the Protection of Civilians from physical violence in the Mission area of operations;
- Detention tasks;
- Mobility support for the Force Reserve units, typically on the main routes and for special replenishment activities;
- Area security tasks in the field;

- Recognise a human rights violation and be prepared to intervene in line with the mandate and in conformity with the Rules of Engagement, as well as their specific roles, responsibilities and limits of their competence and capacity;
- Mobility support at crossing sites and critical points along the axis required for rearward movements.

Field Employment- Phases

- Support management of handover process between arriving and departing units
- Security and movement control in deployment and employment of units

This slide outlines some of the MP capabilities in support to Mission Military Units in transitional phases. MP roles in support to Mission Military Units in transitional phases may regard the management of the handover process between arriving and departing units, primarily by providing additional security and movement control.

Coordination Police and Civilian Law Enforcement

- Local and HN law enforcement
- UN security entities
- International security entities

9

This slide outlines forms of coordination with other police and civilian law enforcement agencies:

- **Local and Host Nation Law Enforcement:** Liaison with all official police forces of the host nation is an essential component of UN MP duties. Local and host nation law enforcement agencies may be of significant assistance saving UN MP time and effort, improving efficiency and providing intimate knowledge of the Mission area of operations, route network and local population. In addition to local police, customs, seaport and airport security personnel will often cooperate, share information and seek UN Military Police assistance.
- **UN Security Entities:** MPs will need to coordinate and liaise with Mission civilian security entities (i.e. UN Police, including Formed Police Units, and UN Mission Security). The Mission's Chief Security Officer will be the point of contact for any coordination and liaison. In some Mission settings, where UN Country Teams are integrated, the United Nations Department of Safety and Security will have a presence. In these cases, the Chief Security Advisor or Security Advisor will act as point of contact for related coordination and liaison.
- **International Security Entities:** MPs may be required to exchange information and coordinate with other international security and police organizations, to include the European Union Police (EUPOL) and the International Criminal Police Organization (INTERPOL).

Slide 10

MP Ethos

- Professional performance
- Adherence to UN standards of conduct
- Respect for HN laws
- Accountability

This slide outlines the meaning of UN MP Ethos.

Professional Performance:

- MPs are professionals who undergo a rigorous national selection process.
- They must abide by codes of conduct and technical standards established by their military and civilian law enforcement institutions.
- It is incumbent upon them to read and embrace all appropriate ROE (Rules of Engagement), regulations, Mission-specific SOPs (Standard Operating Procedures) and SOFA (Status of Forces Agreements) for application throughout the Mission area of operations.
- MPs have the same responsibility as other Mission members to advance human rights through their functions, and to prevent and report violations of international human rights and humanitarian law.
- Adherence to United Nations Standards of Conduct, including Respect for Host Nation Laws.
- MPs carry out their duties in accordance with international law enforcement standards and procedures set out in applicable directives, regulations and orders.

- UN MP conduct themselves in a manner that upholds the reputation of their profession, their country of origin and the United Nations.
- Any act of misconduct is subject to formal review and investigation, potentially resulting in repatriation and further disciplinary action if deemed appropriate by the Troop or Police Contributing Country.

Accountability:

- Key Mission leaders i.e. Force Commander, Force Provost Marshal / Senior MP Commander or Advisor and subordinate UN MP commanders are responsible for fostering a professional and accountable UN Military Police service.
- UN Military Police and their chain of command are accountable for their actions and subject to audit, investigation and, if necessary, administrative or disciplinary action UN MP plans should include clear, detailed descriptions of their roles and responsibilities and should be signed by the commander authorizing the UN MP mission.
- Any person can file a complaint against a member of the UN MP without fear of retribution. Even a member of the UN MP conducting or supervising an investigation can file a complaint against another member of the UN MP for improper interference in the conduct of an investigation. UN MP abide by specific Mission-established procedures to process and report complaints and take corrective actions. UN MP are responsible for ensuring that they provide accurate guidance to anyone seeking information on the procedures to file a complaint in accordance with each Mission's standard operating procedures.

Slide 11

Legal Authority

- International law
- Security Council Resolutions, UN mandate
- Protection of civilians
- Respect HN's laws and customs

The legal basis for any UN peacekeeping Mission is international law as expressed in the UN Charter, Security Council Resolutions authorizing the Mission and, most specifically, the UN Mission mandate designating specific tasks. Those tasks in most cases include the Protection of Civilians, the use of force beyond self-defence to protect human rights.

More instruction and a TTX on the Protection of Civilians can be found in Annex B of these STM.

Slide 12

Take Away Lesson 1.2

- MP as close / general support to the force
- Force Provost Marshall staff's implementing FCO's guidelines / orders
- MP principles and ethos inspire operations in the field with regards to civilians
- MP functions must be carried out in coordination with other relevant actors and interlocutors

12

Summary

The above relevant "Take Away" topics are part of the conceptual framework for the employment of MPs and represent the core of this lesson. Learners should be able to address these learning outcomes. Take a few minutes to address and discuss each one of these bullets.

Learning Activity**1.2**

RESOURCES

2 flip charts
Markers

TIME

15-20 minutes

PREPARATION

Break-up the participants into two groups. Each group takes 5-8 minutes to write 5 items / areas of the UN support framework that are very peculiar or significantly representative of the UN support structure that differs from their own countries logistical / support structure.

Example: DMS / CMS (civilian) leadership has tasking authority. At the same time the MP is OPCON to the military C2 structure.

NOTES TO INSTRUCTOR

Use this opportunity to help facilitate and bring out the differences in the UN support / logistical framework compared to national support / logistical frameworks.

Reinforce the fact that participants may face support / logistic challenges in the mission.

Lesson 1.3



Support


The Lesson



Starting the Lesson

N/A.

Slide 1



Support for the
United Nations
Military Police (MP)
Lesson 1.3

- This lesson describes the support concept for the MP in the execution of its core functions, starting with reference to the role of the UN MP Unit's Commander.
- The analysis of major engineering support is explained, as well as the requirements for self-sustainment of the UN MP Unit.
- An in-depth presentation is reserved for Medical and MEDEVAC/CASEVAC Support.
- All aspects of support are taken into consideration, such as support to the UN HQ, communication and information technology, and financial reimbursement.
- Planning support and force generation are described along with the Wet and Dry Lease concept.
- Relevant documents for planning support are also explained.

Slide 2

Lesson 1.3 Content

- MP commander's support expectations
- Major engineering support and self-sustainment
- Medical and CASEVAC / MEDEVAC support
- UN HQ and MS support

Here is the content that will be covered during this lesson: the expectations of the UN MP Commander, engineering and medical support, mission's and host nations' responsibilities.

Slide 3

Lesson 1.3 Content

- Wet and dry lease
- Memorandum of Understanding
- Letter of Assist
- Pre-Deployment visits
- Status of Forces Agreement
- National Support Elements

This lesson also focuses on some fundamental legal documents and arrangements for assuring necessary support in the Mission.

Slide 4

Learning Outcomes Lesson 1.3

- Describe self-sustainment, sustainment support and responsibilities
- Detail major engineering requirements
- Explicate the concept of medical support
- Describe UN HQ and MSS support to MP

As a good training practice, let's review the learning outcomes of this lesson. At the end of this lesson learners should be able to perform the actions described in the slide. Take a moment to read and understand the requirements. This will help to focus on the most relevant aspects of the lesson that are mainly conceptual in nature.

Slide 5

Learning Outcomes Lesson 1.3

- Explain equipment and support provision by MS
- Illustrate a Memorandum of Understanding (MOU)
- Describe a Letter of Assist
- Explain UN DPKO Pre-Deployment visits
- Explain logistical aspects of SOFA

The slide continues to review the learning outcomes of this lesson.

Slide 6

Support expectations

- Self-sustainment standards
- Needs of admin /l ogistical resources and personnel
- Balanced UN / TCC support
- Detailed requirements - i.e. rations, water etc.

- The MP Commander's support expectations are listed here (self-sustainment, human resources, balanced support, detailed requirements).
- The MP Unit is expected to meet the standards of self-sustainment according to the terms of the Statement of Unit Requirement, UN-TCC MOU and Contingent-Owned Equipment (COE) Manual.
- The deploying MP Unit is also required to have and maintain the necessary resources and personnel to support itself administratively and logistically for the duration of the Mission (apart from where supplemented by the UN).
- To avoid having troops arrive unprepared to sustain themselves or their operations, TCCs and their contingents must be clear on what support will be provided by the UN, and what support they must provide for themselves (see Annex A to the Manual for an example of typical and specific initial provisioning and self-sufficiency support requirements).
- The specifics of what to expect are provided in key documents such as the Statement of Unit Requirement and any UN-TCC MOU or Letter of Assist.

- It cannot be over-emphasized that special attention must be given to the detailed requirements for rations, water, shelter, medical/veterinary and supplies for both military personnel and military working dogs, if present.

Slide 7

Role of MP Commander

- Planning -deploy, sustain and regenerate
- Risks and security evaluation
- Sustainment of equipment and capabilities
- Communications and IT

On this slide the role of the MP Commander in terms of support planning and risk / security evaluation is explained:

- Before deploying to the UN Mission's operational theatre, the MP Unit Commander must ensure that he or she can deploy, sustain and regenerate his or her force.
- The commander should consider the implications of casualties, consumption, materiel losses and resupply lead time; and then plan, allocate and balance resources accordingly.
- A MP Unit commander should also evaluate the risks to, and security of his or her sustainment equipment and capabilities, communication nodes and links; and adapt his or her plan to reduce the impact of unavoidable constraints on the resources readily available.
- The commander should carefully consider UN and TCC guidelines for determining further sustainment requirements.

Slide 8

Major Engineering Support

- Pre-deployment support
- UN-TCC negotiations
- Identification of major engineering requirement

Major Engineering Support must be planned during pre-deployment negotiation and early identification of requirements:

- Before deployment, UN-TCC negotiations should include any MP Unit requirement for major military engineering such as secure parking spaces and physical barriers for force protection.
- Early identification of major engineering requirements is essential to reach full operational capability as soon as possible, especially when MP Units are establishing their facilities in new locations.
- Major Military engineering tasks are a Mission responsibility and included in the Mission's master engineer plan.

Slide 9

Self-Sustainment

- 30-90 days of self-sustainment
- Reference to MOU negotiations

MP Units should plan for 30-90 days of self-sustainment:

- When the UN Military Police Unit arrives in the Mission area it is responsible for meeting all its own needs for rations, water, petrol, oil, etc. for the first 30 to 90 days, depending on the terms of the MOU and Statement of Unit Requirement.
- Typically, equipment is deployed for the duration of the Mission and troop rotations occur every 12 months.
- Subject to MOU negotiations, the UN Military Police Unit may be required to self-sustain in different areas.

Slide 10

Self-Sustainment

catering, communications office electrical minor engineering, EOD laundry tentage accommodations fire detection and alarms	medical CBRN defence field defense stores miscellaneous general stores internet access unique equipment welfare items basic fire-fighting equipment.
--	---

This slide lists some of the major areas for self-sustainment and services.

Initial Accommodation: The UN Mission will prepare green field sites under austere conditions at the deployment location. The contingent will need to deploy with sufficient tents for all accommodation, storage, offices, ablutions and workshops, etc. Water sources will be arranged by the UN Mission; the contingent will deploy sufficient water purification units to produce and consume its own purified water. The Mission will provide Field Defense Stores (FDS) and additional FDS kits for use in mobile operations.

Permanent Accommodation: The UN Mission will strive to provide rigid and semi-rigid accommodations after the initial six-month period in Contingent-Owned Equipment tents; failing to do so, the UN Mission will pay a penalty rate of reimbursement until pre-fabricated accommodation can be provided.

Deployable Accommodation: The contingent must deploy with a sufficient quantity of tents necessary for short-term operational and tactical deployments.

Tent Structure: Tentage must include flooring and the ability to heat and cool as appropriate; and netting at doors, windows and the inner/outer fly of tents. Double-layered tents with metal pipe frames are recommended due to conditions in the field. It is also recommended to mount the tents on cement or wooden foundations to ensure their stability.

Deployable accommodation noted in the paragraph above is excluded from this requirement:

- Basic fire-fighting equipment
- Fire detection and alarms
- Medical: observation and treatment identification
- Defense against Chemical, Biological, Radiological and Nuclear Weapons
- Field defense stores
- Miscellaneous general stores
- Internet access
- Unique equipment
- Welfare items

Slide 11

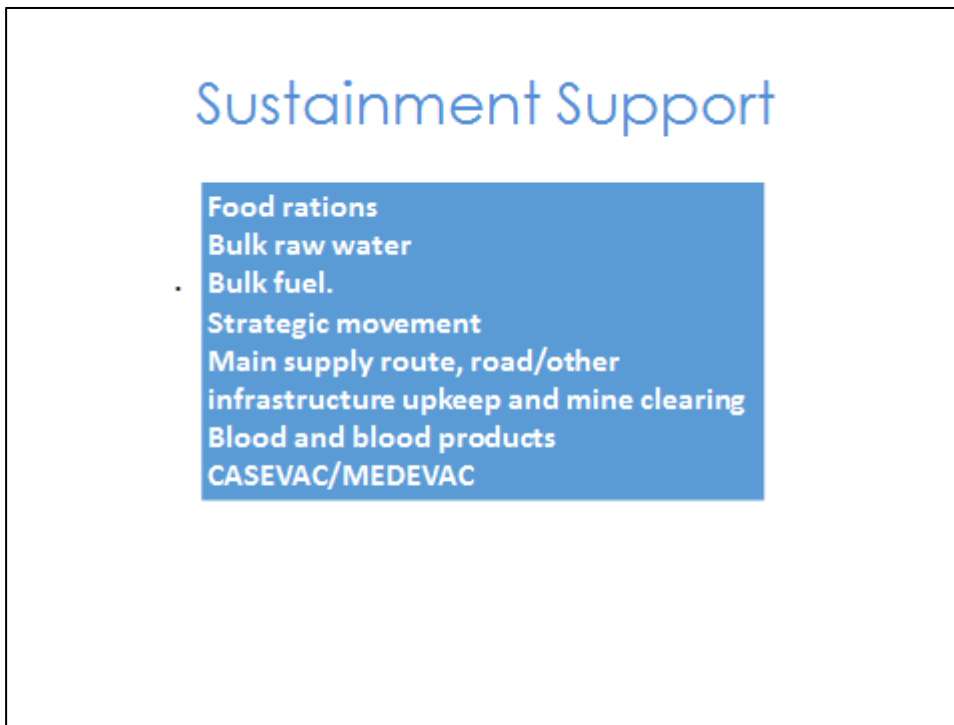
Sustainment Support

- Coordination through FHQ
- Liaison with FHQ logistical structure
- DCOS Ops, Support, U-4 LOG, U-1 PER
- Chief of Service Delivery
- Mission Support Center

Sustainment support for MP Units is coordinated through the Force Headquarters (or Sector Headquarters if the MP Unit is allotted a Sector). The UN Military Police Unit must therefore liaise with the Force Headquarters logistics structure (DCOS Operations Support, U-4 LOG, U-1 PER), the Office of the Chief of Service Delivery and the Mission Support Center (formerly the Joint Logistics Operations Centre (JLOC)).

Following the initial period of self-sufficiency and in addition to TCC support obligations to their deployed contingent, all other MP Unit life support and operational requirements are satisfied by the Mission's Director or Chief of Mission Support through the Office of the Chief of Service Delivery.

Slide 12



This slide describes UN provided items and services:

- Food rations (storage, cooking and sometimes transportation are a contingent responsibility)
- Bulk raw water (or access to bulk raw water; TCCs are responsible for purification, storage and transport)
- Bulk fuel
- Strategic movement of Contingent-Owned Equipment and personnel from the home country to the Mission area of operations
- Main supply route, road/other infrastructure upkeep and mine clearing minor engineering and routine upkeep is a TCC responsibility. Leaders should consult the applicable MOU.
- Blood and blood products

- Casualty Evacuation/Medical Evacuation (CASEVAC/MEDEVAC) transportation and support for movement of sick and wounded personnel to appropriate medical facilities.

Slide 13

Medical Capability

- Medical Level 1 Hospital
- Higher levels of medical support Mission's responsibility -CASEVAC / MEDEVAC
- Medical support to small units

Depending on Mission requirements, a MP Unit may or may not deploy with its own integral Medical Level 1 Hospital. If it does not deploy with its own Level 1 Hospital, then that level of medical support will be provided by another Mission unit. Higher levels of medical support are a Mission responsibility provided through CASEVAC/MEDEVAC.

Each MP Unit (company equivalent) may deploy elements within the Mission area with an attached medical element subject to availability. Medical personnel should be assigned to small MP elements if they operate in remote areas, hostile environments or locations with elevated epidemic risks.

If the MP unit does not have an integrated medical support element, as in the case of small MP detachments in remote locations, the medical support will be arranged with the Mission Support Centre. The ability to evacuate MP Unit casualties to Level 1, 2 or 3 hospitals must be pre-arranged and verified before each MP Unit operation.

Slide 14

CASEVAC / MEDEVAC

- CASEVAC / MEDEVAC planning
- Capabilities, procedures and timings
- Mission medical training to MP

During the planning phase of each operation, special attention must be given to available CASEVAC/MEDEVAC capabilities, procedures and timing with the appropriate staff officers at Sector or Force Headquarters.

UN Force/Mission MEDEVAC/CASEVAC assets and Level 1/2/3 Hospitals provide medical support and need to train with the MP Units. CASEVAC/MEDEVAC training is aimed at interoperability with enablers, such as air assets and the Quick Reaction Force.

When aerial CASEVAC/MEDEVAC assets are not available or appropriate, alternate CASEVAC/MEDEVAC is arranged using Force or Mission assets. This typically involves MPs making use of all available Sector, Force and Mission capabilities.

Slide 15

UN HQ & Mission Staff Support

- Dedicated support
- DFS
- Financial reimbursement
- Logistical support
- Services, communications and IT
- Human resources and general administration

The Department of Field Support (DFS) at UN Headquarters provides dedicated support to peacekeeping field Missions in the areas of financial reimbursements, logistical support services, communications and information technology, human resources and general administration. Support is delivered to field Missions and TCC contingents through DFS and its Mission Directors / Chiefs of Mission Support and their subordinate staffs.

Slide 16

Communication IT Support

- Communication equipment UN owned
- Force -integral, secure, military-grade
- Mission network
- Contingent-Owned Equipment:
 - tactical communications
 - welfare IT (internet)

Equipment for communications between the Mission, Force or Sector Headquarters and the MP Unit is provided as UN-Owned Equipment (UNOE). UNOE ensures that the MP Unit has integral, secure, military-grade communications within the Force or Mission's communications network.

At the Mission-level, the UN establishes strategic communications links, providing geospatial information and enabling information exchange throughout the respective Mission. The UN Mission also provides access to the UN network and telephone system at the contingent headquarters.

The operational and internal tactical communications within the unit, and any welfare IT such as internet, is provided as Contingent-Owned Equipment and is the responsibility of the TCC and military contingent, as defined by the respective MOU between the UN and TCC.

Slide 17

Financial reimbursement

- Contingent-Owned Equipment (COE)
- COE Working Group and UN legislative bodies define financial reimbursement
- Details for single contingent are in MOU

The determination of financial reimbursement to UN Member States for Contingent-Owned Equipment (COE) is established through the COE Working Group and UN legislative bodies.

The details of this reimbursement at the contingent-specific level are included in the MOU, which is the primary reference for contingent logistics support (including support for the UN Military Police Units) for each specific peacekeeping Mission.

Slide 18

Financial Reimbursement

- Major equipment not in COE Manual – is “special case
- Maintenance TCC’s responsibility (wet-lease)
- Special minor equipment / consumables - not covered by standard self-sustainment rates
- Categorized as “unique equipment” (COE Manual) and reimbursed by UN / TCC bilateral agreements

Financial reimbursement for major equipment, maintenance and minor equipment is addressed on this slide:

- Major equipment (if not in the COE Manual) will be treated as a “special case” if the situation requires.
- Maintenance of this special case equipment is a TCC responsibility if the equipment is under “wet lease”.
- In accordance with the COE Manual, any special minor equipment or consumables not covered by the standard self-sustainment rates may be categorized as “unique equipment.” These items will be reimbursed according to bilateral special case arrangements between the troop contributor and the UN.

Slide 19

DFS Logistics Plan

- Redeploys resources from other locations
- e.g. UN Logistic Base, Brindisi
- Basis for negotiation with potential TCCs

DFS logistics plan redeploys resources and is the basis for negotiations with TCCs:

- The DFS logistics plan is the basis for identifying resources that may be re-deployed from other locations (e.g., UN Logistics Base Brindisi or other field Missions) to support Mission deployment.
- Additionally, the DFS logistics plan forms a basis for negotiations with potential TCCs on the provision of COE that each individual troop contributor is required to bring to the Mission along with applicable self-sustainment services.

Slide 20

Force Generation and Logistics Planning

- Coordination of force generation process with logistics planning
- Needs assessment on data by TCC and DPKO / DFS inspections
- Mitigation of logistical arrangements for MS not possessing equipment
- Wet & dry lease, MOU and letters of assist

The force generation process must consider the logistic plan, along with data collected during inspections:

- It is essential to coordinate the force generation process with logistics planning. This coordination occurs once troop contributors have been identified.
- Problems that troop contributors may face in equipping or supporting their contingents are identified and staffed for resolution at UN Headquarters. Problems are assessed based on a combination of the data given by the TCC and inspections carried out by DPKO and DFS personnel.
- The UN Department of Field Support recognizes that many Member States do not possess all of the equipment needed for a particular UN Mission and have therefore put in place mitigating logistical arrangements such as the purchase of UNOE, “wet” and “dry” leases, memoranda of understanding and letters of assist.

Slide 21

Wet and Dry Lease

- Options for provision of major equipment and support
- Allow MS to have required capability
- Option chosen directly linked to rate of reimbursement

The Wet and dry lease system is described in terms of options and possibilities. In order to ensure that units being offered by Member States come with the required capability, there are a number of options for the provision of major equipment and its support. These options come under the headings of “wet and dry lease” and the option chosen is directly linked to the rate of reimbursement.

Slide 22

Wet Lease

- Contingent deploys with equipment
- Contingent responsible for maintenance / support
- TCC provides equipment; reimbursement set rates
- TCC provides equipment, second party provides support
- reimbursement goes to TCC that reimburse second

Wet lease is an option for contingents deployed with their own equipment and taking care of support and maintenance. Under wet lease arrangements, a contingent deploys with its COE and is responsible for its maintenance and support. Typically, the preference for all parties is for the straight wet lease arrangement. This arrangement can be achieved in one of two ways:

- The troop contributor provides the vehicles and equipment, related minor equipment, workshop support, spares, and maintenance personnel. The troop contributor is reimbursed at set rates.
- One troop contributor provides the major equipment and a second party, under a bilateral arrangement, provides the support. In this case, the troop contributor deployed to the Mission area and operating the equipment is reimbursed by the UN. The second party is reimbursed, if at all, by bilateral arrangement without UN involvement or responsibility.

Slide 23

Dry Lease

- Contingent deploys COE and UN arranges support
- Support options for TCC :
 - UN reimbursement TCC at dry lease rate
 - Another MS reimbursement at dry lease rate
 - TCC scales laid down for maintenance and support
 - Contractor; receives reimbursement dry lease rate

Under dry lease arrangements, a contingent deploys with its COE but the UN arranges for its support. This slide shows some of those arrangements. The next slide will go into more detail.

Slide 24

Memorandum of Understanding

- Contractual statement
- Cover reimbursement for
 - personnel costs
 - major equipment
 - self-sustainment costs

The Dry Lease arrangement can be achieved in a number of ways:

- Under the first, the troop contributor provides the equipment and the UN takes responsibility for the support, spares and maintenance. The troop contributor receives reimbursement, but at the dry lease rate.
- The troop contributor provides the equipment and the UN arranges for another Member State to provide the support. The former receives reimbursement at the dry lease rate and the latter on scales laid down for maintenance and support.
- The troop contributor provides the equipment, receives reimbursement at the dry lease rate and the UN provides the support via commercial contractor.

Slide 25

Memorandum of Understanding

- Liability by UN
- Loss / damage equipment due to hostile action / force abandonment
- UN reimburses loss or damage if exceeds \$250,000.

The MOU is designed to cover reimbursement for personnel costs, major equipment and self-sustainment costs. Under the MOU, liability is borne by the UN. The COE manual states that in the case of loss or damage of equipment due to hostile action or force abandonment, the UN is responsible for reimbursement to the Member State in cases where the loss or damage exceeds \$250,000. Where the loss or damage is less than \$250,000, the Member State assumes responsibility.

Slide 26

Letter of Assist

- Contracting provides support not in MOU
- UN acquires special supplies or services

Primary logistics support for a contingent comes from national military logistics sources under TCC control. Civilian contractors may also provide support. Major items of equipment may accompany deploying units, or the UN may provide them in the Mission area. The UN may also satisfy specific support requirements not already included under an MOU or available through commercial contract. These support requirements may be met by a contracting method known as a Letter of Assist (LOA), by which the UN acquires special supplies or services from a Member State. LOAs are used when:

- A TCC deploys, rotates or repatriates its personnel and equipment using its own capacities;
- A special need arises for essential equipment or services that are not available through normal sources of supply;
- The items or services required by the Mission are not covered by an MOU;
- A TCC contributes aircraft or vessels to a Mission.

Slide 27

Pre-Deployment Visits

- DPKO ensures correct equipment
- Conducted after MOU between TCC and UN

In view of the financial and operational significance of ensuring that contingents are correctly equipped, DPKO arranges to conduct Pre-Deployment Visits (PDVs)/inspections before deployment. PDV's are usually conducted once the troop contributor and UN Headquarters reach an MOU agreement. This MOU covers personnel, major equipment, self-sustainment and Mission factors, and is a contractual statement of what each of the respective parties will provide.

Slide 28

Status of Force Agreement

- Logistical perspective specifies:
 - Support by host state
 - legal rights UN personnel
 - Legal rights for operations
- DPKO/ DFS responsible for negotiating

Status of Forces Agreement is an agreement with the Host Nation including also some logistical aspects:

- From a logistical perspective, the Status-of-Forces Agreement (SOFA) specifies the terms of support provided by the host state to the UN Mission, as well as the legal rights of the UN Mission's personnel and operations.
- DPKO, in coordination with DFS, is responsible for negotiating SOFAs with the host state.
- SOFAs also codify relations between the UN Mission and host state describing “the rights, privileges and immunities of the Mission and its personnel.
- The Mission's SOFAs govern the legal status of troops and civilian personnel deployed to the Mission in the host state, and specify the legal immunity for UN personnel with regard to the settlement of claims, the modalities for the exercise of civil and criminal jurisdiction over military and civilians.
- Mission members, as well as provisions relating to freedom of movement, taxes, customs, immigration controls, radio frequencies, flight clearances and permission to wear uniforms and carry weapons.

- Under the typical terms of a SOFA, “military personnel are immune from criminal prosecution by the host state for crimes committed on its territory, but may still be subject to the criminal jurisdiction of their national authorities”.

Slide 29

National Support Element

- Provided by MS as an augment of TCC contingent
- UN approves
- Provides logistical and administrative services with national standards of support
- No reimbursement from UN

The National Support Element is an augment of the contingent providing logistical and admin services:

- With prior UN approval, Member States providing military and/or police personnel to UN Missions may augment those personnel with a National Support Element.
- Member States may choose to organize National Support Elements to provide their deployed contingents administrative and logistical services with national standards of support that may exceed or differ from the stated UN requirement.
- A National Support Element includes personnel and equipment in addition to those agreed to by the UN and Member State under the terms of the applicable MOU, and/or as described in the Statement of Unit or Force Requirement for the specific field Mission.
- As this augmentation is over and above UN requirements, the UN offers no reimbursement or financial liability for National Support Element costs, rotation or self-sustainment.
- For purposes of legal status, National Support Element personnel are considered part of the Member State's military or police unit contingent.

- The total personnel strength of the National Support Element will be specified in the applicable MOU between the UN and Member State, and shall be reasonably proportionate to the strength of the contingent.

Slide 30

Take Away Lesson 1.3

- Planning support is fundamental for the success of the Mission
- Many options for reimbursements exist

Summary

Students should retain the following key principles from this lesson. Let us review these topics:

- Planning support is fundamental for the success of the mission
- The unit has self-sustainment responsibilities
- There are several methods of reimbursement
- PDVs, SOFAs, and NSEs all help support a unit

Module 1



Conceptual Framework

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

- A range of policies, manuals, guidelines and principles have been developed over time to create an understanding of military units operating in UN peacekeeping missions.
- Planning support is fundamental for the success of the mission and units have self-sustainment responsibilities.
- MP units must carry out their operations in coordination with relevant actors and interlocutors in the host nation and the UN Mission.
- MP principles and ethos help inspire and provide a professional beacon for MP units to operate in UN PKOs.
- The composition of a UN peacekeeping operation depends on the mandate, which the Security Council dictates in light of the objectives to be achieved in the conflict area. Mandates differ according to the nature of the crisis and UN strategic objectives.
- Nevertheless, the implementation and execution in the mission is never straightforward and a general understanding and an **open, flexible attitude** is needed by the leadership, staff and troops / forces.

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 an authority provided by international law, the UN legal and policy framework, and the operational legal framework, and it 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 organizations. 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 key points. The background of the slide 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.

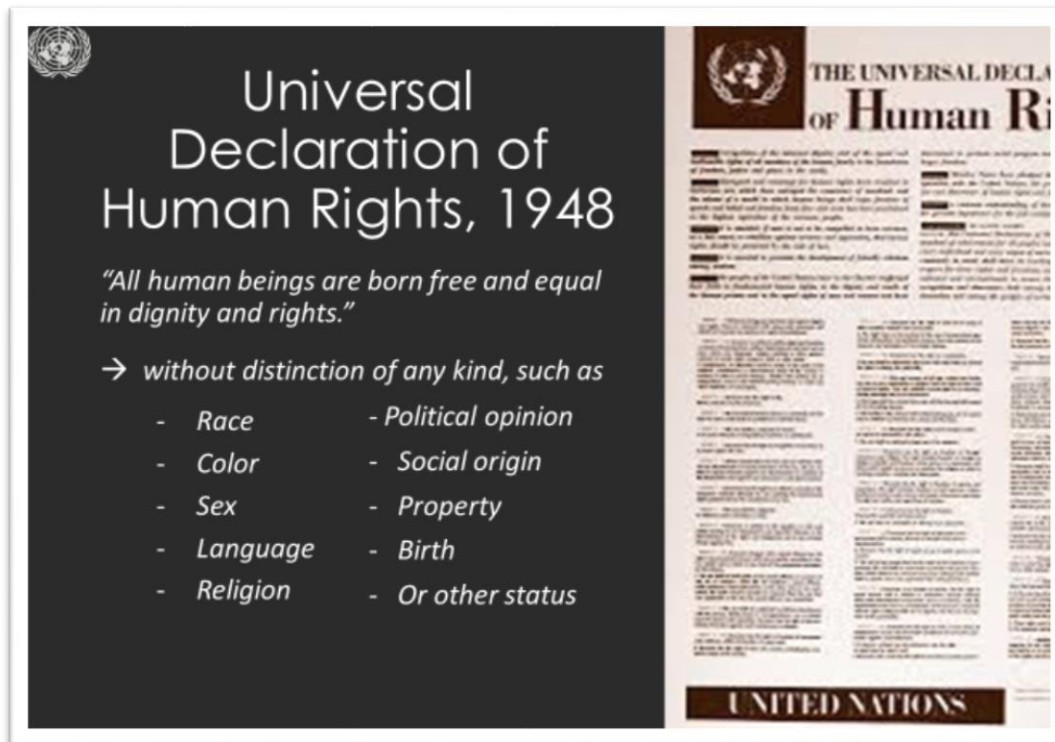
States must respect, protect and fulfil those rights. Violations can occur through both action and inaction of state parties.

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 realization/achievement of one human right is linked to the realization 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

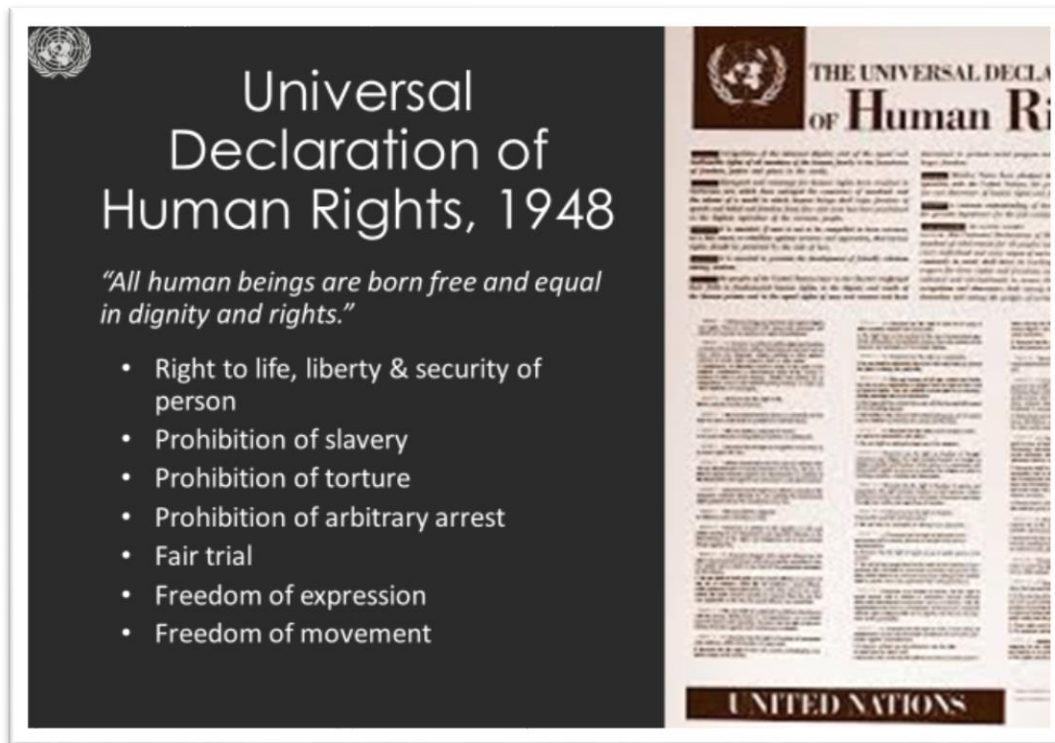


Key Message: The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948, following its development by the UN Human Rights Commission under the chair of Eleanor Roosevelt. The Universal Declaration of Human Rights represented the first global expression 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

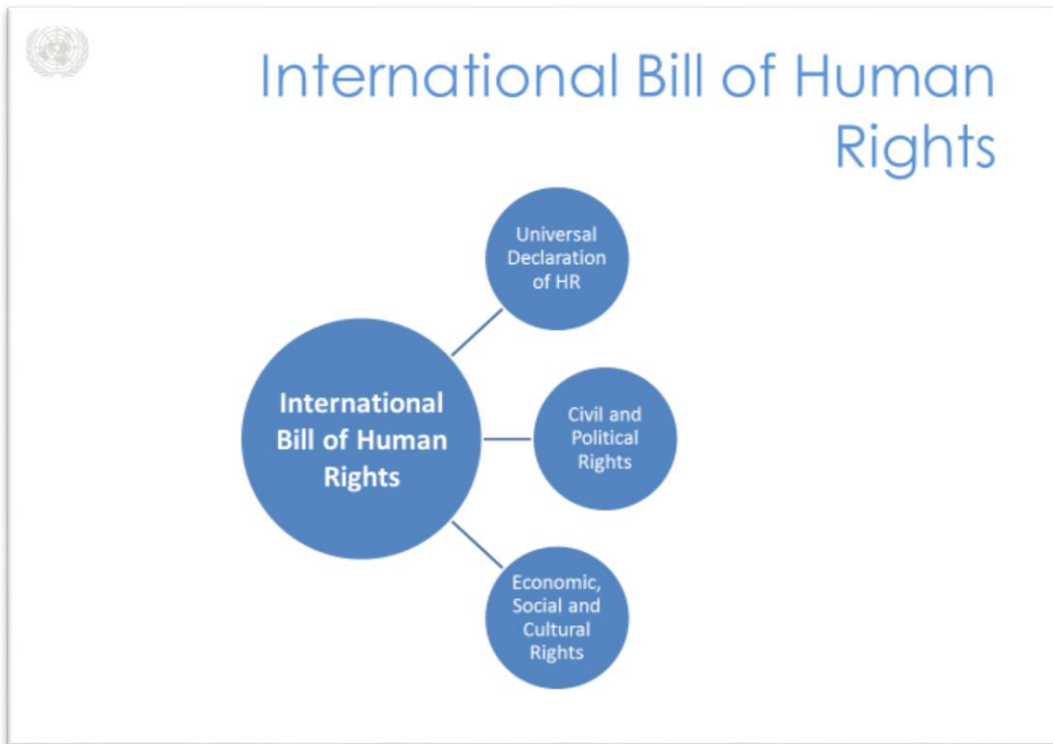


Divide participants into three groups and provide them with copies of Handout 2.1: Simplified Version of the Universal Declaration of Human Rights (see annex).

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 specialized 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 recognized 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 1st 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.



The slide features the United Nations logo in the top left corner. The title 'Convention on the Rights of the Child' is displayed in blue text. Below the title, a list of rights is provided, divided into two sections: 'Rights guaranteed under the Convention include:' and 'Additional stipulations under Optional Protocols'. To the right of the text is a photograph of a group of diverse children, some looking towards the camera and others looking slightly away.

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 taken into account. This Convention encourages adults to listen to the opinions of children and involve them in decision-making.

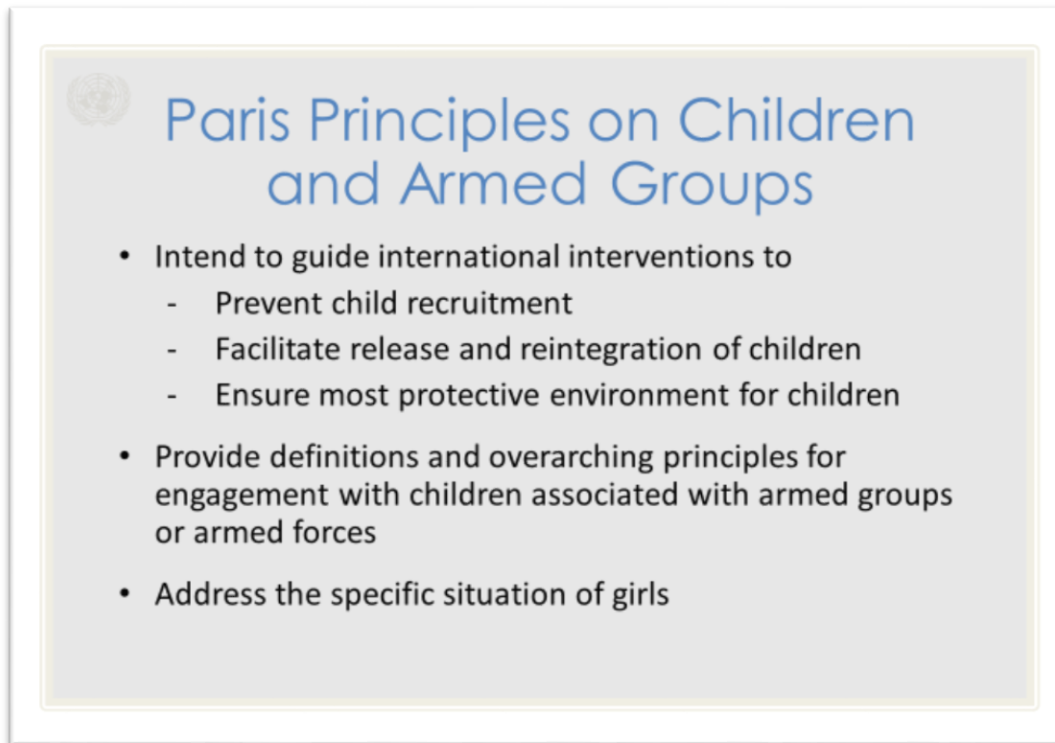
The Optional Protocols to the Convention stipulate additional obligations for signatory states.

- 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 criminalize 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 organizations and community-based organizations. 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.



 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 recognized.

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.



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, DPKO 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 recognize 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 military 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, or checkpoint controls.*
- *Report all human rights violations that were observed or where information was received.*
- *Intervene with armed groups or national security forces to ensure respect for human rights in aspects such as arbitrary detention, sexual violence, use of children etc.*
- *Provide escorts to human rights staff to facilitate investigations.*
- *Develop plans for possible crises to ensure rapid response.*

Slide 15



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 conduct an assessment of the risks involved in providing or not providing such support. This assessment needs to take into account 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 recognize 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 recognize that there is a state of war.

- Non-international armed conflicts (NIACs) are armed conflicts between the armed forces of a State and organized 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 organization and the hostilities between the parties must reach a certain level of intensity. This is to distinguish a situation of armed conflict, which is characterized by organized violence between two organized groups, from a situation that only involves sporadic violence by people who are not organized 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 organization 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



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

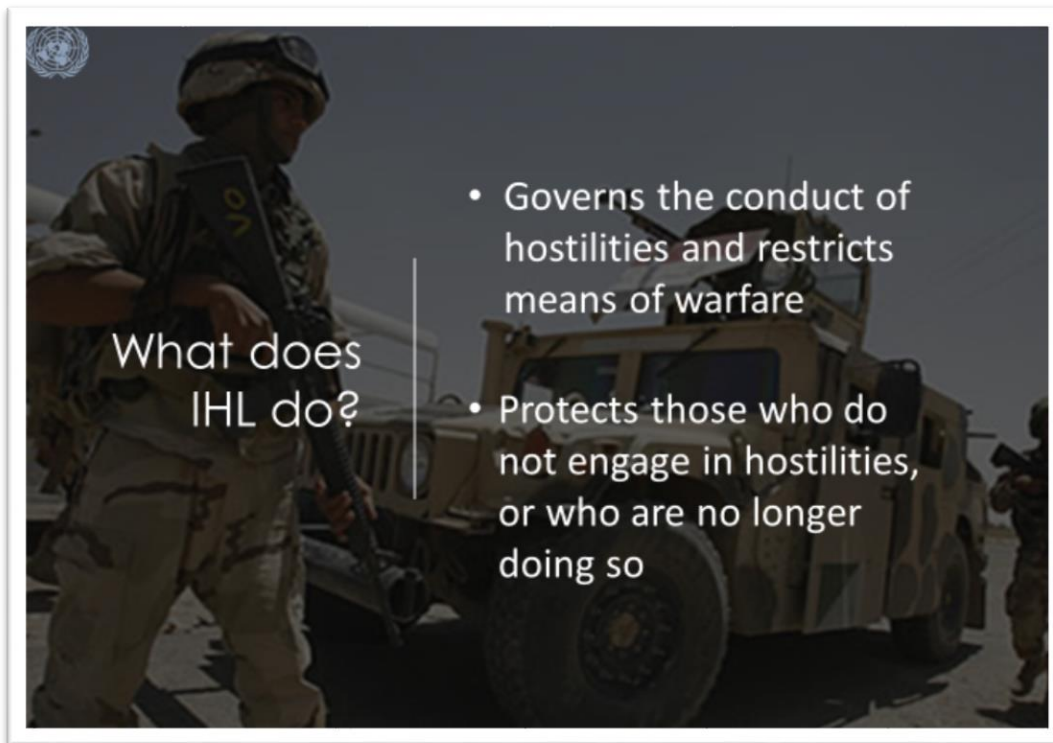


The development of IHL dates back to the 19th century. Important instruments of IHL include:

- 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 utilized. 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.



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 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.



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.

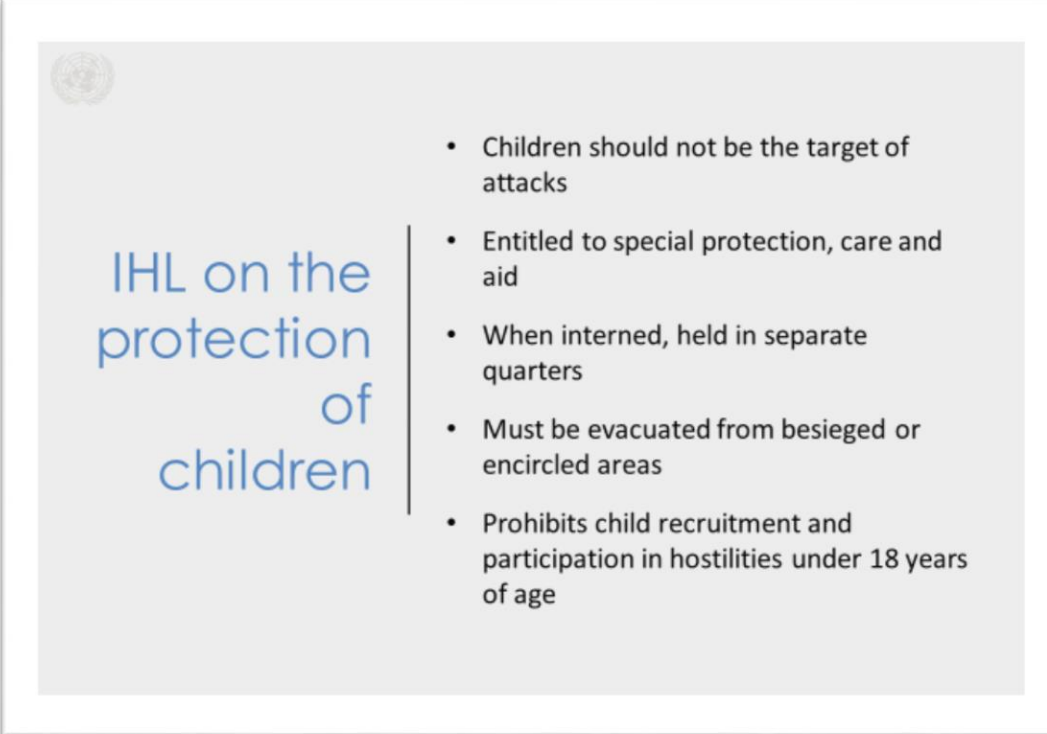
- Peacekeepers – Under customary International Law State practice treats military personnel of peacekeeping forces, which are usually professional soldiers, as civilians because they are not members of a party to the conflict

and are deemed to be entitled to the same protection against attack as that accorded to civilians, 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 human 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, as long as they 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, demilitarized zones; Neutralized 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 organized 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



Key Message: Women are entitled to the same general protection, without discrimination, as men during conflict. Women are also entitled to special protection, which takes into account their specific needs. However, more has to be done. In time of war, women are often left to take care of children and other dependents and under extremely difficult circumstances. They are exposed to the risk of sexual violence and abuse by weapon-bearers and criminal groups. IHL has been criticized for not providing sufficient protection against this risk. The term conflict-related sexual violence is not used in IHL.

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 may also be 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.



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 organization 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-defense, 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



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 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

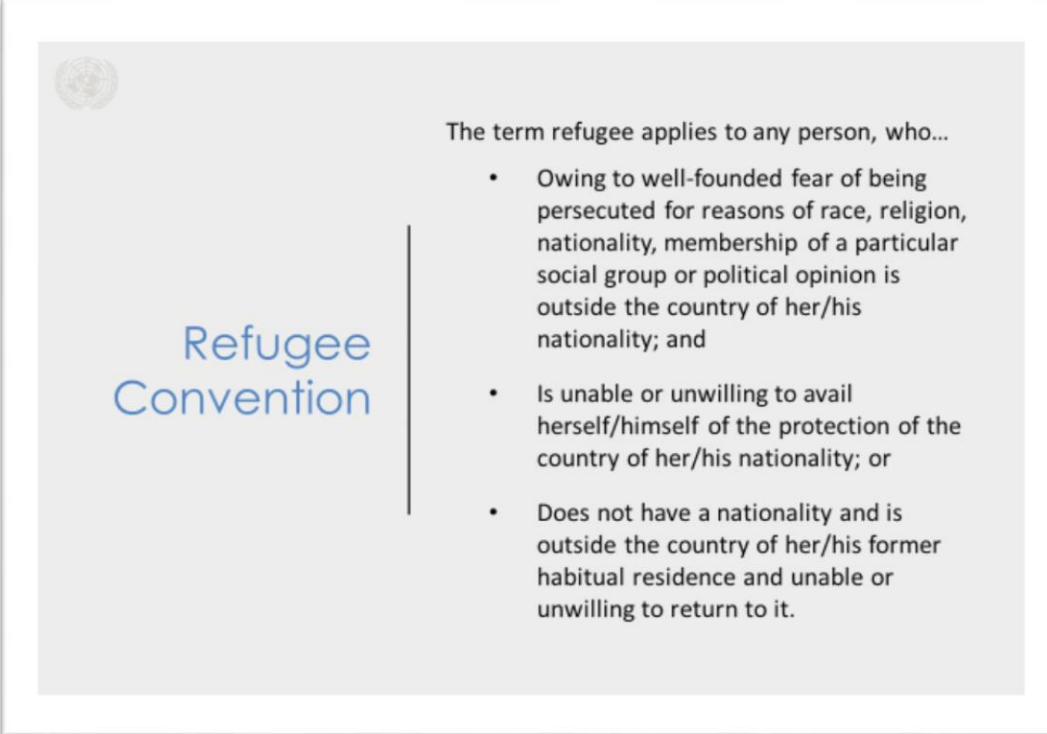



It is the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes, and often even their families, to seek safety in another country. 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 recognized refugees, and provides an important basis for standards of treatment for asylum-seekers (who may later be recognized 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:

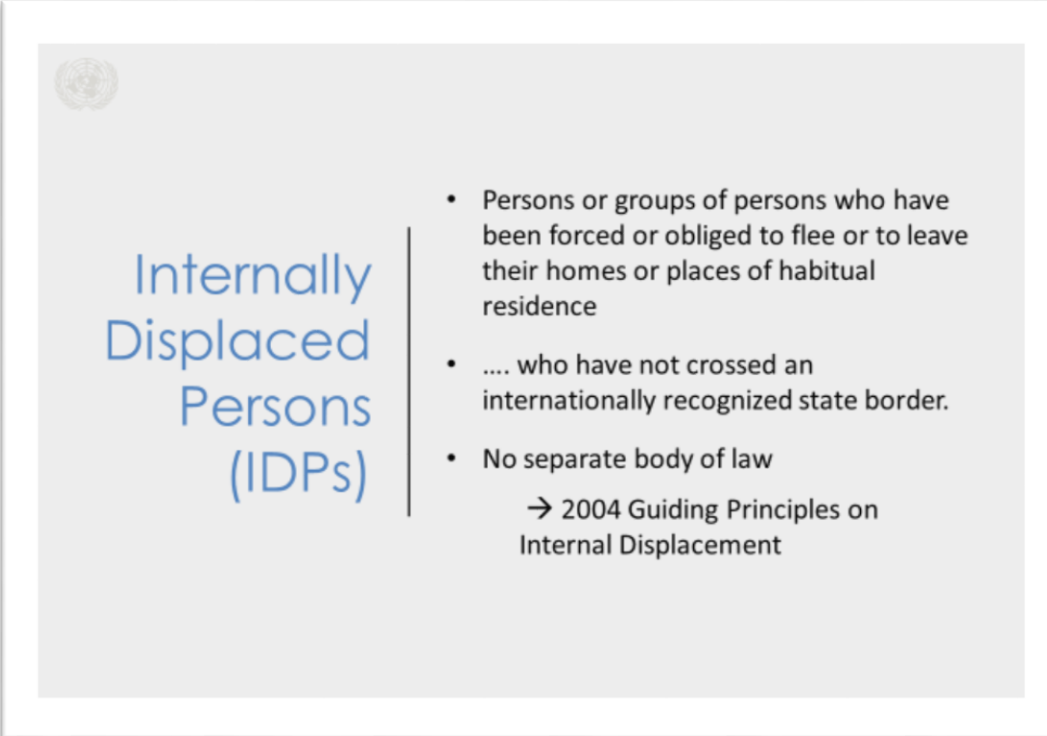
- Prohibition of discrimination for race, religion or country
- Prohibition of Expulsion or Return (“Refoulement”)
- Freedom to practice religion
- Right to acquire property
- Access to courts
- Public education
- Assistance
- Freedom of Movement

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.



The slide features the United Nations logo in the top left corner. The title 'Internally Displaced Persons (IDPs)' is written in blue text on the left side. To the right, a vertical line separates the title from a bulleted list of three points. The first point describes IDPs as persons or groups forced to flee their homes. The second point states they have not crossed an international border. The third point notes the absence of a separate body of law, with a reference to the 2004 Guiding Principles on Internal Displacement.

- 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, generalized 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, apart from 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.

Rights of IDPs

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

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).




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.

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 prioritize the protection needs of refugees and IDPs.

Slide 40

The slide features a light gray background with a small circular logo in the top left corner. The title 'What is International Criminal Law (ICL)?' is written in blue text on the left side. To the right, a vertical line separates the title from a bulleted list of three points.

- Deals with the criminal responsibility of individuals for international crimes
- No generally accepted definition of international crimes
- 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 criminalize 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

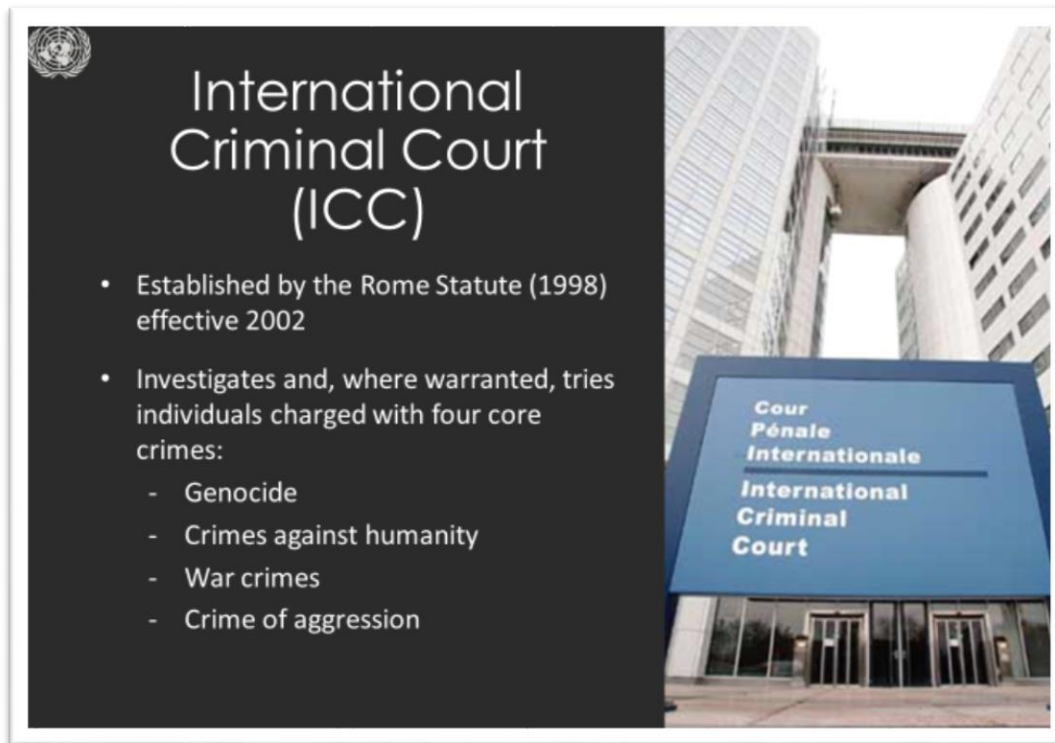
continues the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR.

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 recognized 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.

Slide 41



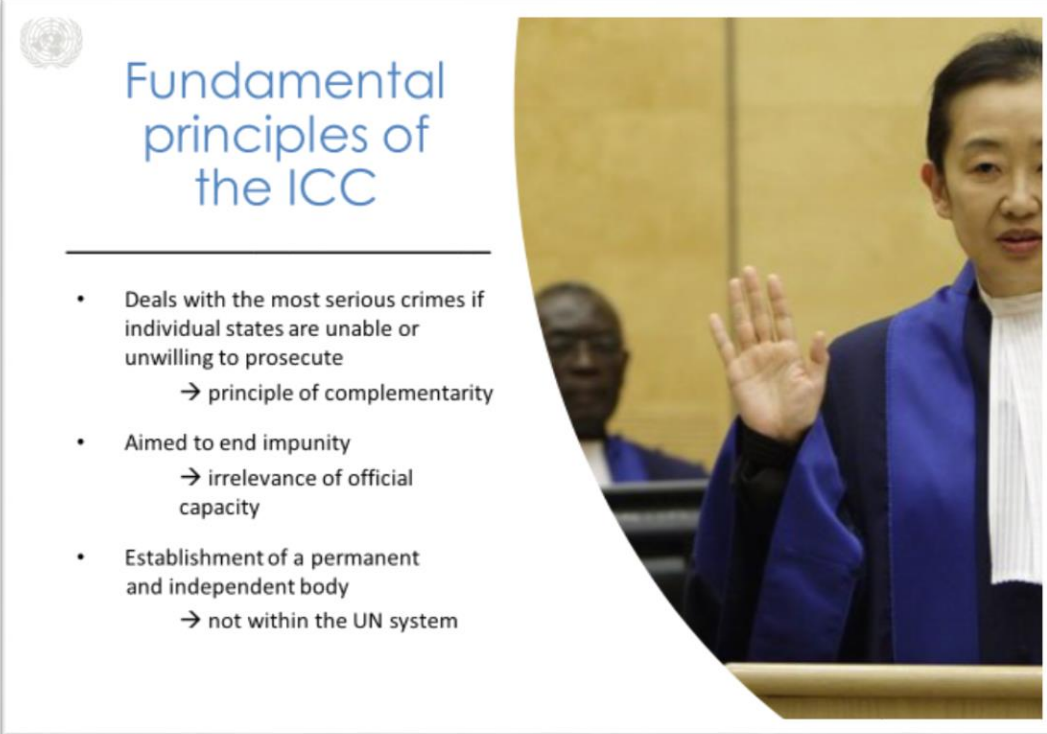
The International Criminal Court (ICC) is an intergovernmental organization and international tribunal, with its seat in The Hague in the Netherlands. The ICC began functioning on 1 July 2002, the date that the Rome Statute entered into force. The Rome Statute is the multilateral treaty that serves as 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



The slide features the title "Fundamental principles of the ICC" in blue text, accompanied by the ICC logo. Below the title, three bullet points describe the court's principles, each with a sub-point. To the right, a photograph shows a woman in a blue judicial robe with her hand raised in a courtroom setting.

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



ICL on Child Protection and Sexual Violence

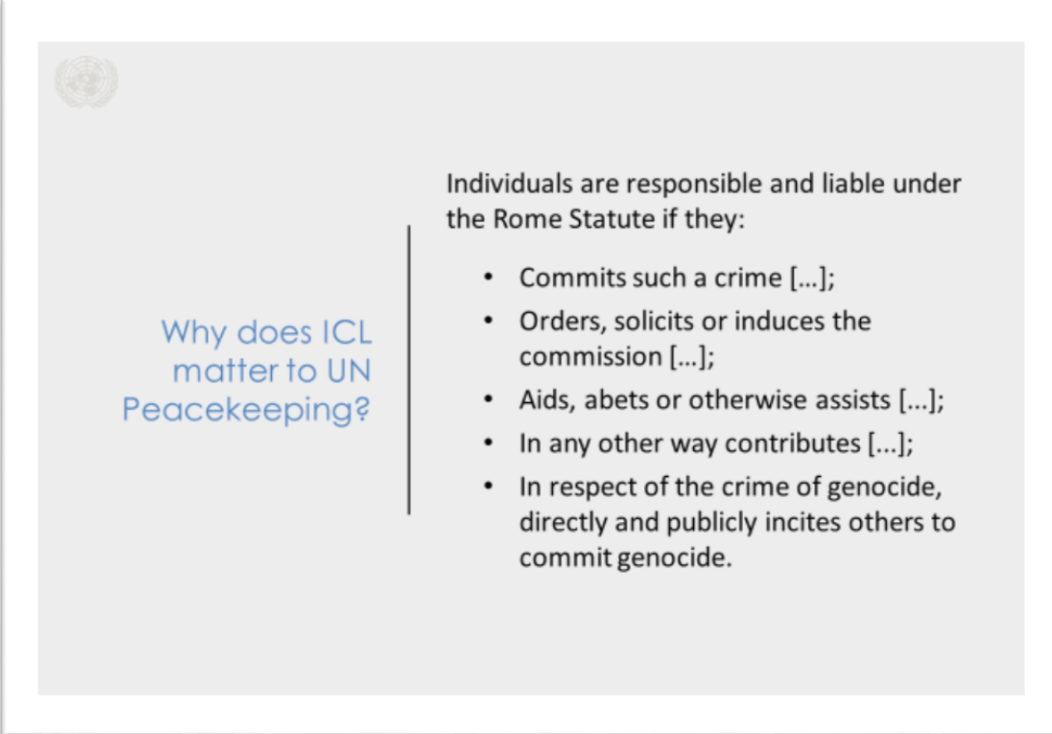
- Seeks to end impunity for all international crimes, including those against children
- CRSV as crime under the Rome Statute
- War Crime
- Crime against humanity
- Act of genocide

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, recognized “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.

Slide 44



Why does ICL matter to UN Peacekeeping?

Individuals are responsible and liable under the Rome Statute if they:

- 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 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 take action. 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 Commanders also have specific responsibilities regarding the implementation of Rules of Engagement.

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 Organization of American States.
 - Focused on the protection and humanitarian challenges affecting refugees in Central America in the 1980s

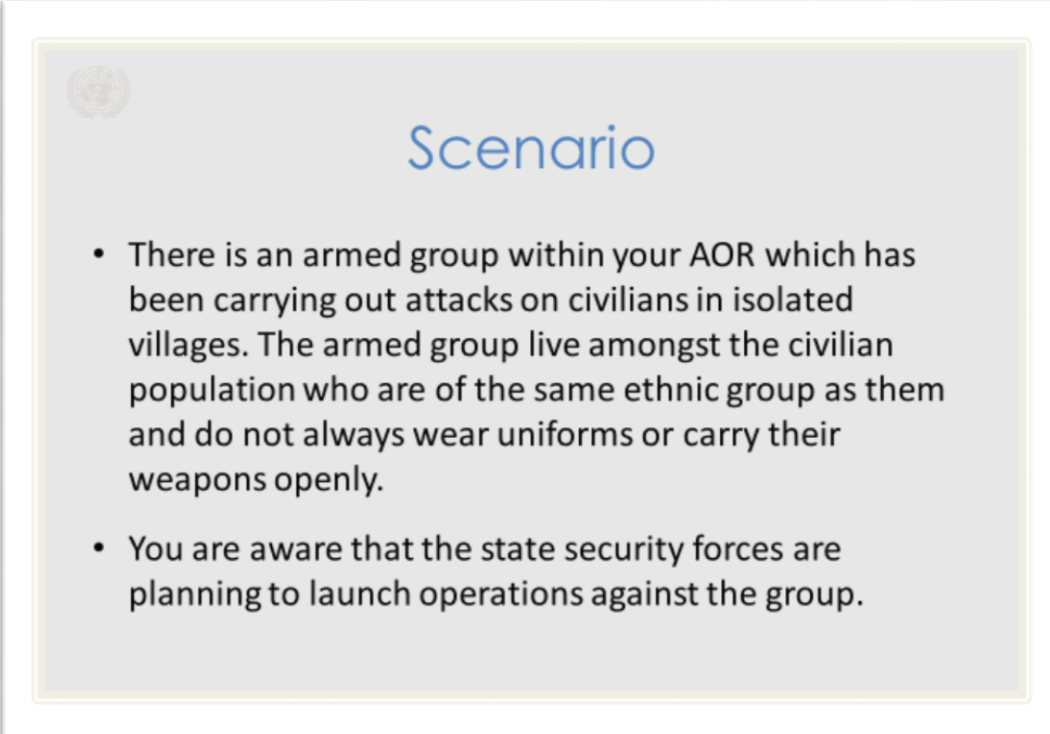
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)
 - Also known as the Kampala Convention, it specifically establishes state responsibility for the protection and assistance of internally displaced persons, whose displacement is the result of "natural or human made disasters

Soldiers or civilians

TIME

Total: 15 minutes

EXERCISE



The slide features a light blue background with a white border. In the top left corner is the United Nations emblem. The word "Scenario" is centered at the top in a blue font. Below it, two bullet points are listed in black text.

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 recognizes 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 differences in skin colour, sex, disability, religion, language for example.
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 proved.
12. Everyone has the right to ask for help if someone tries to harm you, 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 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:

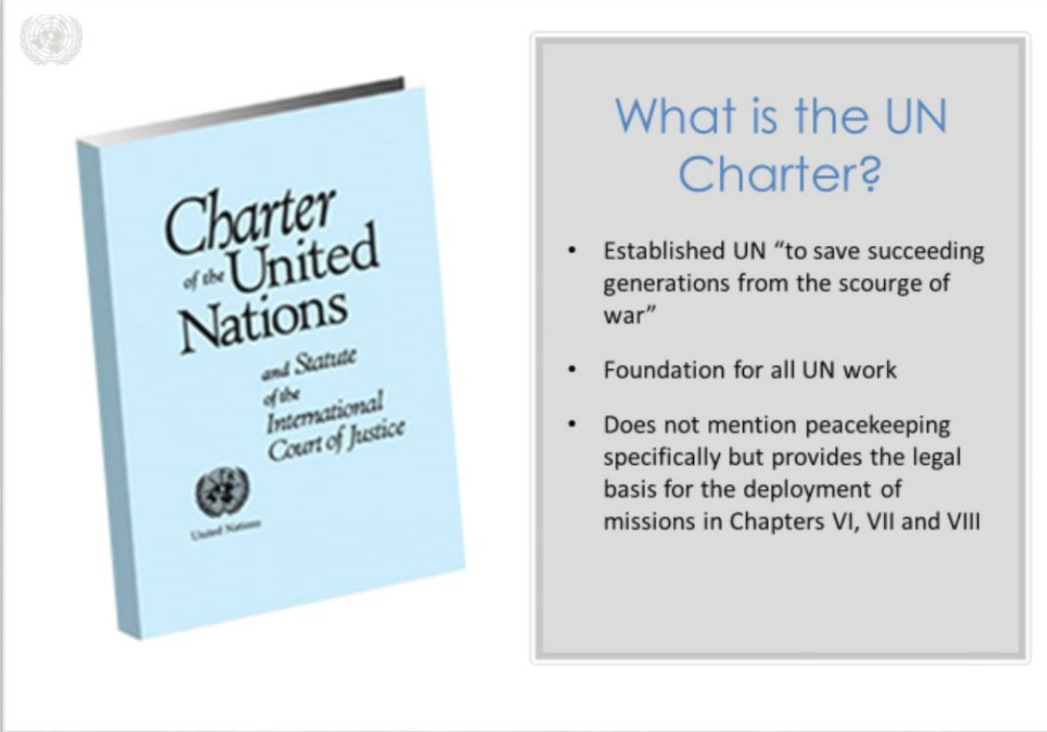
- The Charter of the United Nations
- Security Council resolutions
- The Convention on Privileges and Immunities of the United Nations of 13 February 1946
- The Agreement with host States, i.e. Status of Forces or Status of Mission Agreement (SOFA or SOMA)
- The Agreement with participating States, i.e. 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



The slide is titled "What is the UN Charter?". On the left, there is a 3D rendering of a light blue book titled "Charter of the United Nations and Statute of the International Court of Justice" with the United Nations logo. On the right, a grey box contains the following text:

- Established UN "to save succeeding generations from the scourge of war"
- Foundation for all UN work
- Does not mention peacekeeping specifically but provides the legal basis for the deployment of missions in Chapters VI, VII and VIII

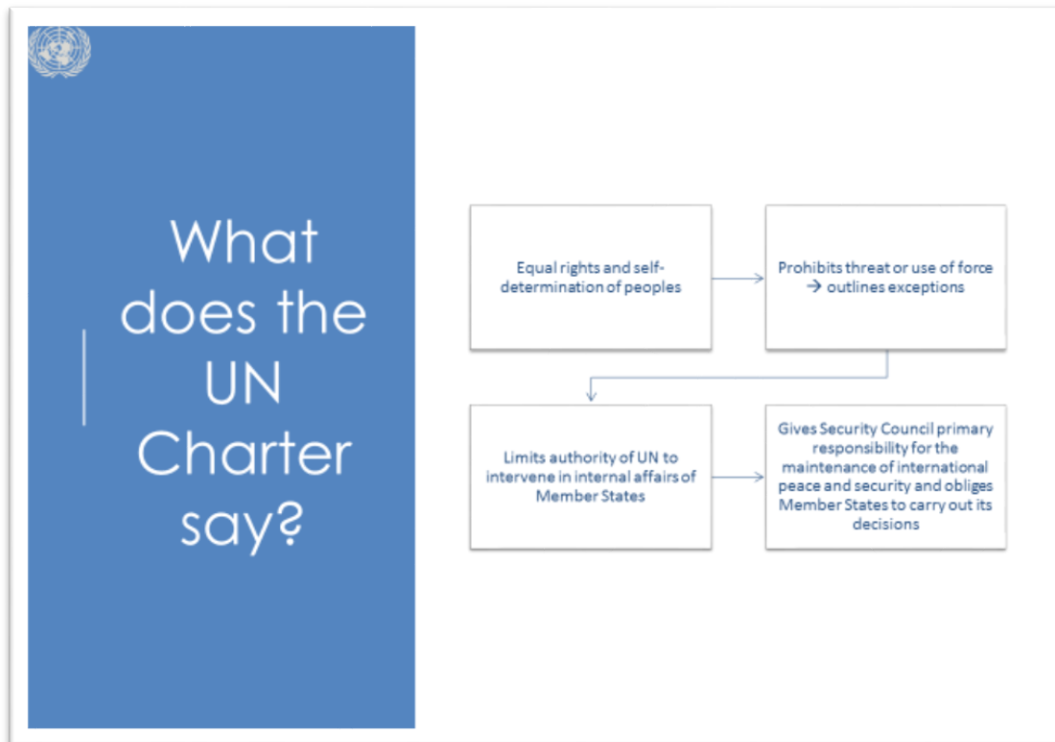
Key Message: The Charter of the UN is the founding document of the Organization and the basis of all the Organization's work. It was signed in San Francisco on 26 June 1945 by 50 Member States. The UN was established to "save succeeding generations from the scourge of war" and one of its main purposes 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

Slide 54




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:
 - Authorization by the Security Council: As per Article 39 of the UN Charter, the UN Security Council may authorize 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-defense: Article 51 establishes the right of self-defense.
- Regarding the first case, authorization of force by the Security Council, the political nature of such decisions makes it often improbable for such an authorization 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 authorizing action.

- The right of a state to undertake a self-defense 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-defense 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 authorized peace operations based on Chapter VII.
- Chapter VIII deals with partnerships and the involvement of regional organizations.

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

Slide 55

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. Members of the military component of UN peacekeeping missions are subject to the exclusive jurisdiction of their respective participating states. Thus, they cannot be prosecuted in the Host State for crimes they commit.

Slide 56

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.

Slide 57

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

**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

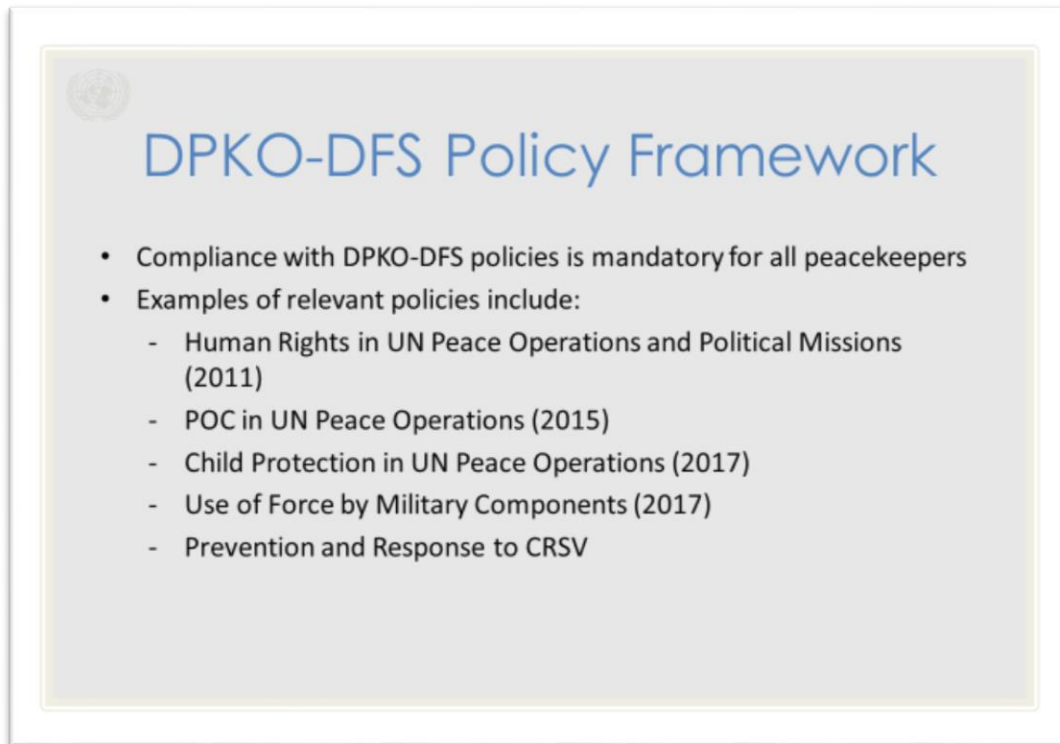
Issues of conduct and discipline have already been covered in Lesson 3.3. of the Core Pre-Deployment Training Materials, this slide is only meant as a brief reminder.

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 jeopardize 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



The UN Departments for Peacekeeping Operations (DPKO) and Field Support (DFS) 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 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 maximize 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 2015 DPKO-DFS Policy on the Protection of Civilians in UN Peacekeeping explains the fundamental principles of POC in peacekeeping, identifies and organizes 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 Use of Force by Military Components in United Nations Peacekeeping Operations outline the constraints and authorities of military and police personnel with regard to the use of force while on duty in UN peacekeeping operations.
- The DPKO-DFS Policy on the Prevention and Response to Conflict-related Sexual Violence is due for release in 2018. It will be the first CRSV Policy and will outline the basic principles, tasks and planning issues to be considered for Women, Peace and Security mandate implementation in peacekeeping.

Summary

Key takeaways regarding UN Legal and Policy Framework include:

- The UN Charter is the foundation and basis for all UN work across the Organization. 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:

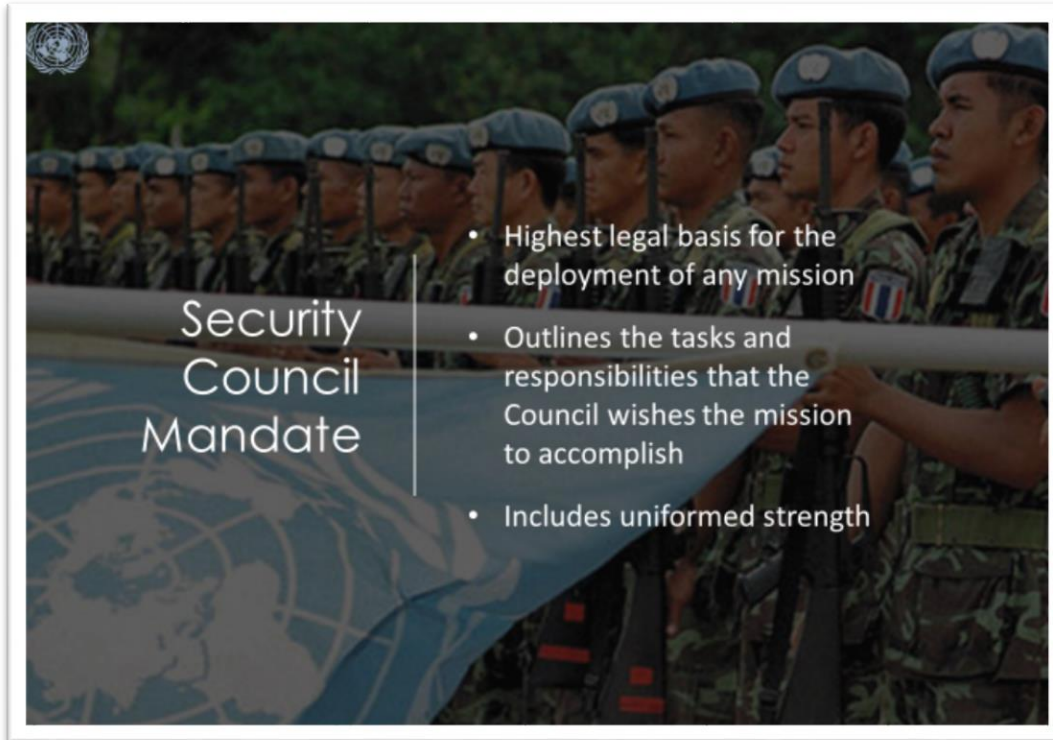
- Security Council mandates for peacekeeping operations
- Rules of Engagement
- Directives on the Use of Force

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 authorizes 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.

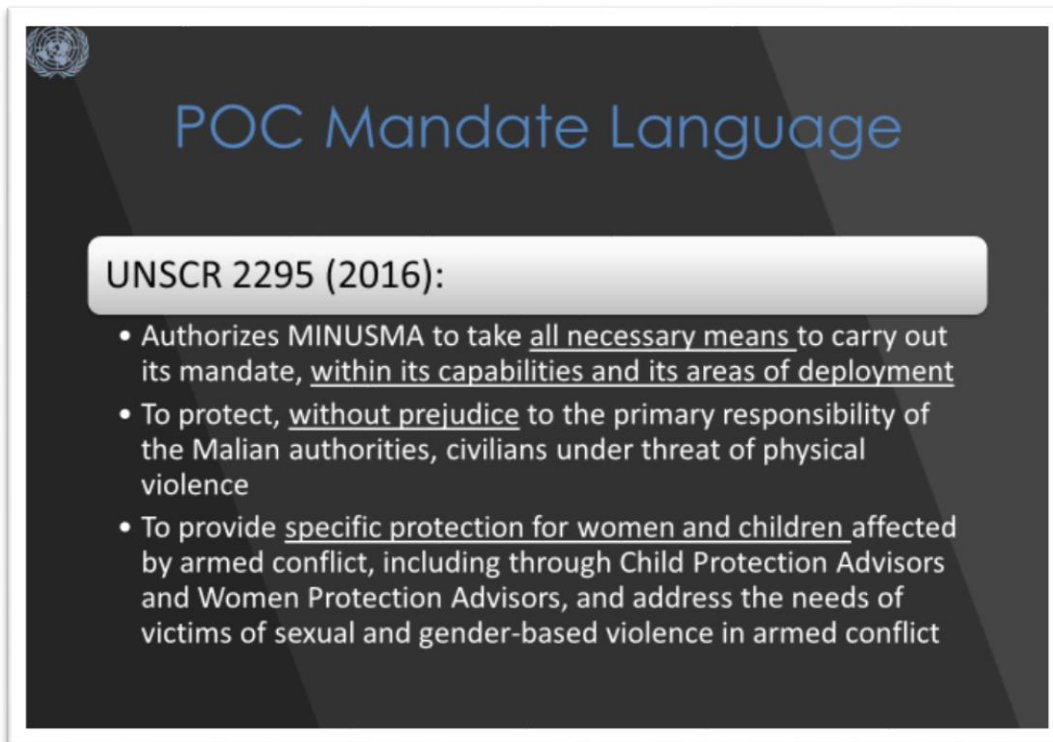
The Security Council resolution also provides the mandate of the PKO, i.e. the tasks assigned to it, including any authorisation to use force. Mandates, or tasks, differ from mission to mission. The range of mandated tasks outlined in a mandate differs between peacekeeping missions, based on the conflict 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 authorizes 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 authorized 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, three bullet points are listed in white text. The 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



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 authorized 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

The slide features a light blue background with a small UN emblem in the top left corner. The title "Mandate Language 'Within capabilities'" is centered in a large, blue, sans-serif font. Below the title is a bulleted list of four points in a smaller, black, sans-serif font.

Mandate Language "Within capabilities"

- Acknowledges existing resource constraints
- Necessary to prioritize the use of resources
- Decisions based on thorough analysis and coordinated planning
- Any capabilities gap should be brought to the attention of senior mission leadership

Key Message: 'Within capabilities' acknowledges resource constraints and demands the prioritization 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 prioritization 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, vis-à-vis the local population, but also vis-à-vis the international community, missions need to communicate clearly what they are able to achieve with the existing resources.

Slide 69



The slide features a light gray background with a small UN emblem in the top left corner. On the left side, the text "Mandate Language 'Without prejudice...'" is displayed in a blue, sans-serif font. A vertical line separates this text from a bulleted list on the right. The list contains three main points, with the third point having a sub-point indicated by a right-pointing arrow.

- 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 authorized 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



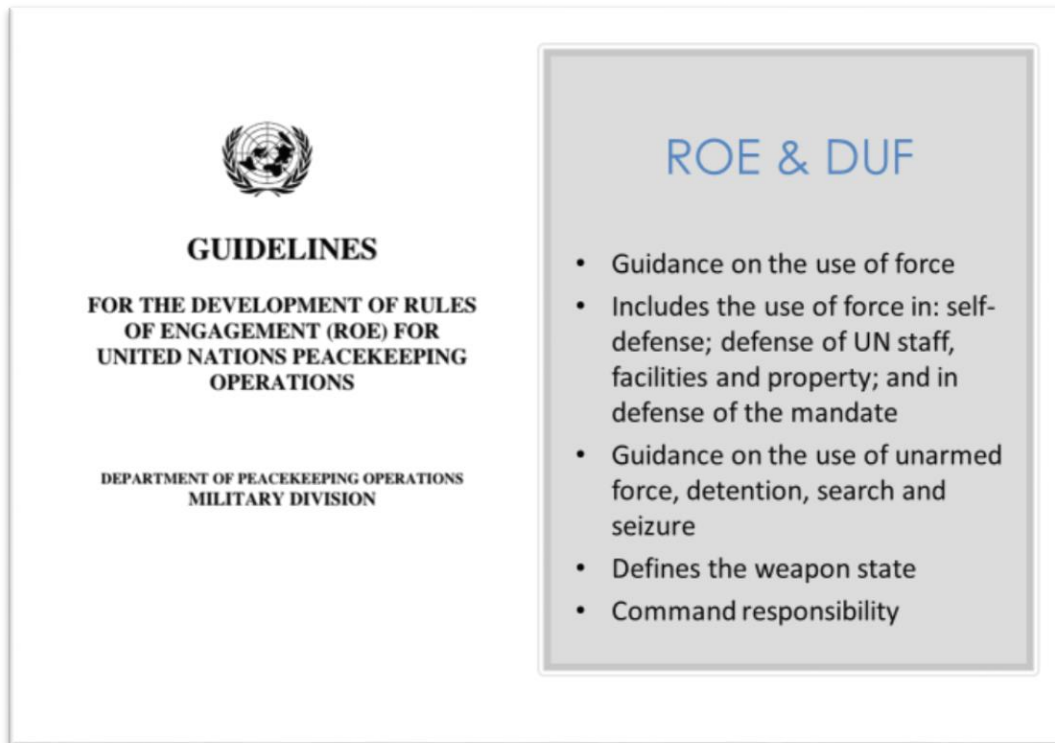
Mandate Language
“Specific protection
for...”

- 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



Key Message: ROE and DUF are mission-specific and outline the circumstances as to when and how the use of force is authorized 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 Peacekeeping 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 should prepare their troops in terms of mind set and skills. TCCs must understand and embrace the approved mission-specific ROE since the appropriate application of these ROE is mandatory for all deployed military units 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 authorizations to use force that are contained in the ROE or DUF, without formal consultation with UNHQ and the express written agreement of DPKO.




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.



Principles of the Use of Force

- Graduated
- Last resort
- Necessity
- Proportionality
- Legality
- Accountability



DPKO and DFS released new Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations in early 2017. The Guidelines provide clarity on the appropriate use of force at the tactical and operational levels of UN peacekeeping operations. The Guidelines are intended to mitigate hesitation, accelerate decision making, improve performance and ultimately protect lives and property.

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 authorized 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:

- **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 minimizes 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 potentially hostile confrontation by means other than the use of force. Mediation, negotiation, use of deterrent posture, robust communications are examples.
- Necessity: Force can only be used when absolutely necessary in self-defence, in defence of UN staff, property and equipment, or in defence of the mandate. There is a duty to use reasonable efforts to resolve the situation and achieve the authorised objective without use of force.
- Proportionality: Use no more force than necessary to suppress the threat.
- 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 being in accordance with IHL, and the mission-specific ROE. This reinforces the importance of all peacekeepers understanding the concept and principles discussed in this module.

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.

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: UN Force Commanders should be aware of the full extent of their 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 rules of engagement 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 authorized to act in accordance with the ROE, and don't need specific written approval to use force in accordance with the ROE. To be successful, ALL commanders and troops 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, much like the use of excessive force, can negatively impact the mission's success and may raise issues of individual and organizational responsibility.



Case study 1: Discuss with participants how peacekeepers' interpretation of the ROE relate to the incident in UNMISS of 17/18 February 2016, when gunmen in military uniforms stormed the UNMISS POC site in the north-eastern town of Malakal, firing on civilians and setting shelters ablaze. The attack on the camp, where about 48,000 people were sheltering, left at least 40 dead and 123 wounded. Nearly 20,000 people lost their homes after they were torched by the attackers based on the occupants' tribal affiliation. For more details see Handout 2.3: UN Press Release on the Special Investigation into the Malakal Violence of 17-18 February 2016 in the Annex.

Following an armed attack on an IDP camp in Malakal, South Sudan, which was under the protection of UNMISS, a Board of Inquiry found inadequacies in peacekeepers' response and a lack of understanding of the rules of engagement by some. The final report points at failures of the UN as well as TCCs.

From the UN's Board of Inquiry (BOI) report:

- The Sector North Commander ordered that troops should use their APCs to engage the SPLA troops by firing back on them and that under no condition should SPLA soldiers enter the Log base. Some troop commanders hesitated about the use of lethal force and sought written authorization for it.
- Moreover, once the security situation began to deteriorate, the Mission, at all levels, failed to manage the crisis effectively. This failure manifested itself in a lack of urgency to enhance the security within and around the POC site, the reluctant attitude of the units of some of the TCCs present in Malakal to be proactive, including requesting written confirmation to use force as in the rules of engagement (ROE); the absence of external perimeter patrolling around the POC sites; and culminating in the abandoning of sentry posts when armed elements were approaching the berm leaving the POC site fully exposed and, ensuring that civilians would be placed in serious risk in the very location to which they had come for protection.
- The Board also found that many of the applicable UN/UNMISS procedures, regulations and rules including on command and control vis-à-vis civilians and uniformed personnel, UNMISS ROEs, Force Directives and Orders were adequate to respond when faced with such an incident, however, they were not properly coordinated, disseminated or understood among the various civilian, military and police components in the mission, nor were they fully/appropriately applied by some of the TCCs deployed in Malakal. Moreover, with regard to the UNMISS military operations, the Board underscored that this was not the first instance in which military units in Malakal had demonstrated an unwillingness to proactively implement ROE, Force Directives and Orders. However, this persistent underperformance had not been reported through the appropriate chain of command.
- The Board concluded that despite relevant guidance, beginning with the Mission's Chapter VII POC mandate and including standing orders on POC

operations, and particularly with regard to the ROEs, the TCCs were not adequately trained or familiar with the manner in which they were to respond. The lack of regular, targeted table top exercises was one example of a failing in this regard. The BOI further found that the UNMISS uniformed personnel detailed to protect the POC site were not adequate in number or properly skilled and equipped to fulfil the given mandate.

- On ROE/Contingency preparedness, the BOI recommended that UNMISS military leadership should ensure that training in the practical application of the ROEs and use of force is conducted regularly in accordance with the guidance from the DPKO Military Advisor with a focus on scenarios relevant to the current operational situation in a concrete location.
- The BOI also recommended that the Force Commander and Police Commissioner, in consultation with the SRSG, should immediately take action in cases where units show a lack of knowledge of ROEs or demonstrate a lack of will to use force beyond self-defence. Each case of underperformance of troops and police should be thoroughly investigated and the results reported to the UNHQ and the Permanent Missions of the involved TCCs/PCCs. Decisive action should be taken to hold the TCC contingents accountable, up to repatriating Commanders and/or Units.



Case study 2: 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:
 - 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.



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 Military Legal Officers at Force 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 DPKO

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 finalized. 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 minimize 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

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, Military 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 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 objective of this module is for peacekeepers to understand the key operational framework covering Military Police (MP) operating in UN peacekeeping operations.

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. At a practical level, after the completion of Module 3, participants will:

- Know the main capabilities, tasks, the Organization and Command & Control (C2) for MP units operating in UN missions / PKOs.
- Be able to explain the types of MP support along with their essential planning parameters, the roles / tasks which can be performed by units with their standard and specialized equipment.
- To have an understanding of the essential planning considerations for these roles and tasks for various missions.

Overview

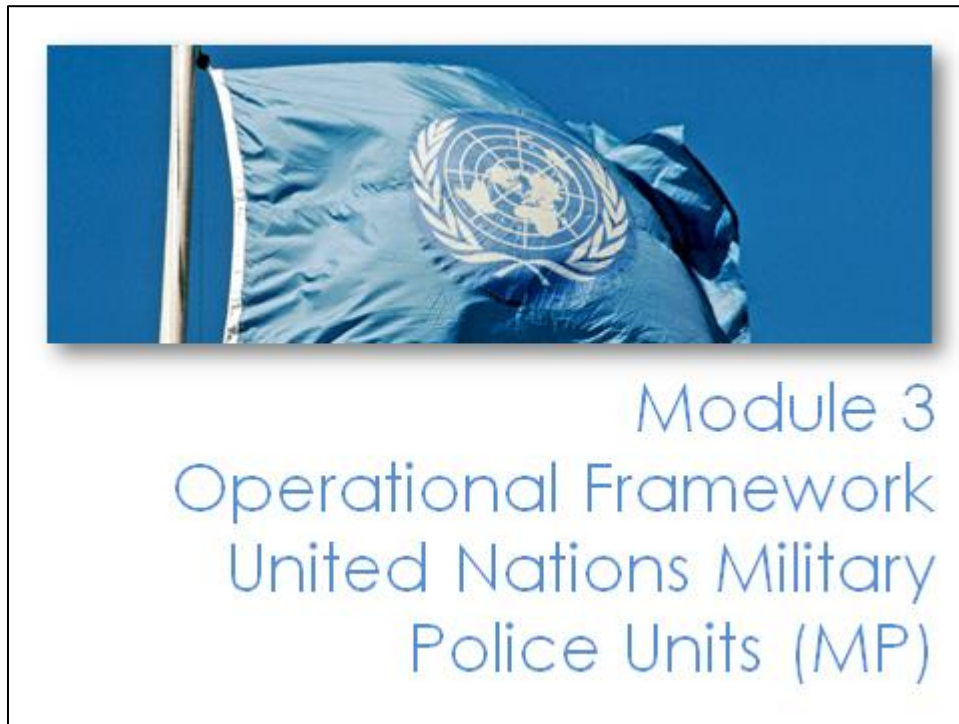
Module 3 provides an overview of the operational framework related to MPs, as well as, a general understanding of how the POC tasks in UN peacekeeping can be applied in a tactical scenario. This module focuses specifically on command and control and tactical level considerations.

The module describes the general operational concept for UN Military Police Units with their special enabling capabilities and tasks. We will cover all the different types of MP operations.

While this module focuses on the tactical level employment of an MP unit, it also provides a general overview of the operational level concepts to help leaders understand mandate implementation in UN peacekeeping.

Introduction

Slide 1



Module 3 lessons help us familiarize the operations, tasks, main capabilities, organization and C2 for MP units operating in UN missions / PKOs.

In lesson 3.1 we describe the types of MP operations and core tasks; lesson 3.2 highlights capabilities and tasks and the organization / structure of MP units; and lesson 3.3 focuses more on the C2 of the MP company, its principles and equipment.



Note to instructor

It is recommended that Instructors read the document “United Nations Peacekeeping Operations Principles and Guidelines” (also known as the Capstone Doctrine).

Additionally, it is suggested for instructors to take a few minutes before the lesson to illustrate and hand out copies of a CONOPS where MP have been committed. This is proposed for comparative purposes in the learning activity “Samples of tasks assigned to MP during recent PKO”.

Slide 2

Module 3 Content

- Capabilities and MP operations
- Military law and order enforcement tasks
- Organization and structure
- Command and control

In addition to familiarization with the operations, tasks, main capabilities, the organization and C2 for MP units operating in UN missions / PKOs, we will also be highlighting:

- Military law and order enforcement tasks.
- Minimum capabilities MP should possess.
- The appropriate tasks under the appropriate C2 structure while avoiding traps of inconsistent MPs' employment.

Lesson 3.1



Capabilities and Tasks

The Lesson



Starting the Lesson

Instructors may want to ask the participants if they have any operational experience in a UN PKO and inquire who has been deployed as a member of a UN Military Police Unit.

Briefly, have them share their experiences and specifically ask about how operations might be different in a UN PKO compared to other operations.

Ask participants for five unique characteristics of operation in a UN PKO that differ from other operations. Record the five items on a chart / white board and review at the end of the lesson.

Slide 3



Capabilities and Tasks
United Nations Military
Police Units (MP)
Lesson 3.1

This lesson describes the capabilities and tasks of UN Military Police. The core capabilities of Mobility Support, Security, and Detention as well as MP operations are explained in detail. The lesson also includes Support Tasks of the UN Military Police, such as response to civil disturbances and DDR (Disarmament, Demobilization and Reintegration) programmes.

Slide 4

Lesson 3.1 Content

- Mobility support operations
- Security operations
- Detention operations
- Military police operations
- Core tasks for each capability

Specifically, this lesson will cover all the above.

Slide 5

Learning Outcomes Lesson 3.1

- **Describe MP capabilities and related tasks**

At the end of this lesson you should be able to describe MP capabilities and related tasks. Take a moment to understand this outcome. This may help you to focus on the most relevant aspects during this lesson.

Slide 6

Mobility Support Operations

- Movement facilitation
- Route selection, recon, movement control
- Geospatial Information Service (GIS)

Mobility Support Operations are comprehensive:

- UN MP Mobility Support capabilities are an essential part of UN Mission ground operations.
- UN MP facilitate movement along lines of communication by assisting in route selection, area and zone reconnaissance and physical movement control.
- Geospatial Information Services provide GIS and mapping products in order to assist UN Military Police in route selection, reconnaissance and movement control activities.
 - Such products include aggregated geospatial data related to terrain, vegetation, road/bridge access, security and other substantial data related to the specific mobility support operations tasks.
 - In addition, GIS products can be complemented with near-real time satellite imagery analytical products and potentially, with image or video stream from unmanned aerial vehicles (UAVs).
 - Moreover, cross-reference of GIS products with coordinates provided by navigation aid devices for Mission vehicles such as global positioning

systems (GPS), in route reconnaissance and movement control, significantly enhances mobility support to ground movement.

Slide 7

Security Operations

- Coordination with other security providers
- Specialized security skills
- Convoy
- Infrastructures
- Air marshal
- Close protection
- Information security

Security Operations need to be coordinated with all security providers and require specialized skills:

- Security is a fundamental capability requirement of all UN military personnel. However, it is not the function of UN MP to serve as guards. UN MP conduct security operations in full coordination with the Mission's other key security elements to include the UN Security Office, UN Police, Formed Police Units, Explosive Ordnance Disposal/Improvised Explosive Ordnance Disposal (EOD/IEDD) and local security agencies/forces.
- UN MP can contribute specialized security skills by augmenting convoy security efforts with enhanced area and route security operations; and by increasing existing military component efforts to secure key infrastructure such as airports and government buildings through liaison between the Mission staff, local authorities and the civilian population to obtain and share threat information and risk assessments.

- UN MP may also serve in Air Marshal and Close Protection roles if they have the required specialized training.
- Similarly, some UN Military Police contingents may have specialized information security skills that can supplement and enhance Force security operations.
 - Information security deals with organizational, procedural, physical and technical measures designed to safeguard all types of information. This applies to information that is verbal, in the form of documents, electronic or GIS products and maps and in any operational environment.
 - UN MP may contribute to information security through their support to the accreditation process for information system networks, the provision of forensic computer expertise (when available) to protect against malicious intrusions and their role supporting crime scene protection.
 - Breaches of information security may include, but are not limited to any of the following: unauthorized disclosure, modification, destruction, interruption or loss.

Slide 8

Detection Operations

- Criminal detainee management
- Arrest and detention operations

Detention Operations in regards to criminal detainee management and arrest/detention activities:

- When possible, criminal detainee management should be under host nation control. However, if necessary, UN MP should be prepared to arrest and detain civilians within the Mission area when the host nation is unable or unwilling to do so.
- The Force Commander is responsible for detention oversight and ensuring that detained persons being held by the Mission are treated in accordance with the DPKO Interim SOP “Detention in United Nations Peace Operations, 25 January 2010”.
- All military units performing arrest and detention functions are under the operational control of the military detention commander (typically a UN MP Officer) appointed by the Force Commander.
- In addition, in accordance with the DPKO Interim SOP on Detention, the Head of Mission will appoint a Detention Focal Point who is a senior staff member with legal expertise who is not under the authority, command and control of the Head of Military or Police Components.
- The Mission's Force Provost Marshal or senior Military Police advisor and/or detention commander, in close cooperation with the Force Commander's legal advisors, assist in detention planning and providing advice and detention expertise along with the Head of Mission's Detention Focal Point.
- Arrest and detention operations are high profile activities conducted in close coordination with relevant Mission components such as the human rights and corrections components, as well as with international organizations such as the International Committee of the Red Cross.
- Both MP and other trained military and corrections component personnel may perform detention guard functions.

Slide 9

Military Police Operations

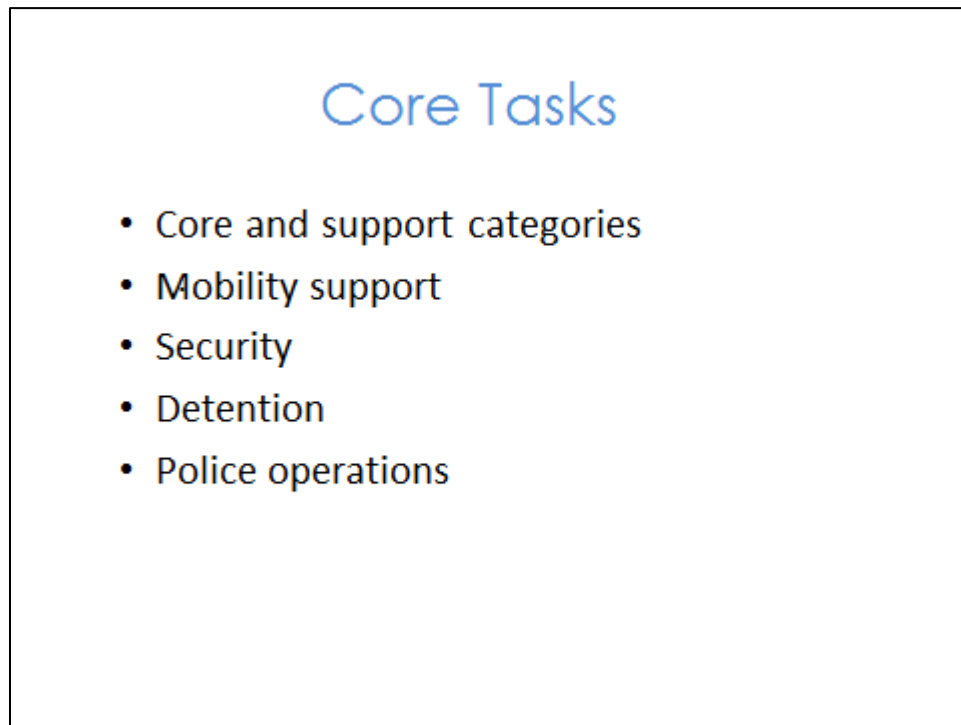
- Maintenance of discipline
- Investigations of incidents
- Role of contingent MP elements
- Cyber criminal investigations

Military Police Operations include maintenance of discipline, incident and cyber-criminal investigations.

- Troop Contributing Countries usually deploy an MP element as an organic part of their main military contingent for the maintenance of discipline and investigation of incidents involving their contingent's own military personnel.
- Contingent MP Elements are not part of the UN MP Unit. They serve a Military Police function focusing on their contingent, and provide their contingent commanders specialist skills in planning, operations and training.
- Contingent MP can be expected to provide their contingent commanders law enforcement advice and capabilities contributing to crisis management. As directed by the Force Headquarters, in coordination with the contingent commander, these contingent Military Police may also be involved in measures to promote and ensure discipline for members of the Force.
- Moreover, the ubiquitous presence of computers, mobile telephones and other forms of information technology means that these devices are often involved in criminal activity.

- Crime-related cyber activity could involve exploitation in both criminal intelligence and evidence gathering cases.
- While the overall responsibility for information technology and cyber security remains with the Mission's civilian support structure, UN MP may provide advanced criminal investigative cyber skills to support the Mission's overall security effort.

Slide 10



Essential UN MP tasks, like its capabilities, are divided into core and support categories. Each of these categories is similarly sub-divided into the tasks of mobility support, security, detention and police operations.

Slide 11

Mobility Support Operations Tasks

- Route enforcement
- Reconnaissance
- Surveillance
- Traffic accident management
- Refugee control and advice
- Point of entry / exit operations
- Military convoy escort

Mobility Support Operations Tasks regards different types of MP activities as listed in the slide. MPs conduct mobility support operations throughout the Mission area of operations as assigned by the Force Commander and in coordination with the Mission's movement control office.

MP authority in the conduct of these operations applies to all Mission personnel and can apply to local civilians if authorized by prior agreement with the host nation.

Mobility support operations consist of planning, monitoring, traffic and personnel control to include:

- Route enforcement, reconnaissance/surveillance, and signage ;
- Traffic accident management;
- Refugee control and advice;
- Point of entry/exit operations;
- Military convoy escort.

Slide 12

Route Enforcement, Reconnaissance/Surveillance, Signage

- Regulating and limiting traffic
- Traffic control points
- Patrols
- Enforcing UN driving regulations
- Monitoring the UN Mission road network
- Identification of alternative routes

Route Enforcement, Reconnaissance/Surveillance and Signage regard regular and tactical-level traffic control.

- Route enforcement consists of regulating and limiting traffic flow by establishing traffic control points, mobile patrols, holding areas, roadblocks and speed control radar checkpoints.
- This includes enforcing UN driving regulations and traffic circulation plans in order to keep routes clear for vital UN movements.
- Reconnaissance/surveillance consists of continuously monitoring the UN Mission road network for traffic restrictions, the effects of weather, road damage and any other obstacles to the efficient flow of traffic.
- The identification of alternative routes and detours is a key element of this aspect of mobility support. The physical presence of UN Military Police is not always possible or necessary, and can be augmented by carefully placed road signs along the road network.

Slide 13

Traffic Accident Management

- Traffic accident investigations involving UN vehicles
- First aid
- Traffic regulations
- Accident scene preservation, securing evidence, statements from witnesses
- Prevention of accidents
- Coordination with local police

Traffic Accident Management is the most comprehensive of all the acts regarding safety and investigation.

- MPs are called to any traffic accident involving UN vehicles or personnel within the Mission area of operations. They conduct traffic accident investigations to determine cause and fault in order to assist the UN administrative review process, especially in those incidents involving claims made against the UN military component.
- Trained MP personnel experienced in the specialized skills of gathering evidence and conducting accident analysis should investigate traffic accidents.
- On arrival, the UN MP, in close coordination with local police (when and if possible), take all necessary precautions to avoid escalating tensions in the situation. Tasks include first aid, traffic regulation, accident scene preservation and prevention of additional accidents, securing evidence and taking statements from witnesses.
- MPs coordinate accident scene efforts including medical treatment, recovery operations and liaison with civilian police. When UN military personnel are involved in an accident, the MP inform the contingent's senior national commander in Mission.

Slide 14

Refugee Control and Advice

- Refugees, IDPs or evacuated persons
- Refugees: person who leaves its country due to a well-founded fear of persecuted
- Race, religion, political opinion or armed conflict
- Control fleeing populations
- Direction, security

A refugee is a person who leaves their country due to a well-founded fear of being persecuted for reasons of race, religion, political opinion or because an armed conflict has erupted.

Refugee control and advice means the following:

- During the conduct of UN military operations, it may be necessary to control fleeing populations, guiding them to areas where civil authorities or the Mission can provide some degree of protection.
- Population flow control is intended to prevent interference with UN military operations and protect fleeing populations from injury.
- Population flow control measures depend on whether the operation is developed in friendly or hostile territory, the protection responsibilities assumed by local authorities, the presence and activities of international organizations, and the efforts of governmental and non-governmental organizations.
- For UN MP tasks, there are three types of population flows: Refugees, Internal Displaced Persons (IDPs), and Evacuated Persons.

Slide 15

Refugee Control and Advice

- Internally Displaced Persons (IDPs): similar to refugees, but internally displaced
- Evacuated Persons: forced to leave their normal place of residence for security reasons
- Primary task: humanitarian assistance
- UN CIV-MIL coordination

A Refugee is different from an Internal Displaced Person (IDP) or an evacuated one:

- Internally Displaced Persons - similar to refugees, but internally displaced persons have not left their country, only their normal place of residence.
- Evacuated Persons - people forced to leave their normal place of residence because their security cannot be ensured (e.g., bomb threats), or because military requirements must prevail.

Refugee Control has as a primary task of humanitarian assistance and requires UN CIV-MIL coordination:

- When population flow controls are in place, humanitarian assistance is the primary task. The host nation and specialised agencies, such as the UN High Commissioner for Refugees, have primary responsibility for supporting fleeing populations.
- UN Civil-Military Coordination and MP units gain special relevance in supporting humanitarian operations since they significantly influence civilian attitudes and behavior when controlling population movements.
- UN MP are well suited for controlling fleeing populations given their knowledge of the local road network and experience in working with civilian populations.

- MP control fleeing populations by guiding their movements, reporting refugee status to appropriate authorities and conducting liaison with host nation and refugee agencies.
- MP establish traffic control points, roadblocks, checkpoints, holding areas, transit routes, emplace temporary route signs at critical points and, if necessary, deploy mobile UN MP teams.
- MP advise commanders on the provision of population security, movement and administration of refugee collection points and camps.

Slide 16

Point of Entry / Exit Operations

- Variations of mobility support and security operations
- Organizing entry /exit of UN troops to / from Mission Area

Point of entry/exit operations are variations of mobility support and security operations designed to organize the entry and exit of UN troops to and from the Mission area of operations. Point of entry/exit operations can take place at any seaport, airport or border crossing where UN troops are moving into or out of the UN Mission area of operations.

Slide 17

Security Operations Tasks

- Convoy Security
- Key Infrastructure Security
- Air Marshal Operations
- Personnel Security
- Close Protection Security

Security Operations can be related to all the areas where MPs provide support to the Force. Shown on this slide is a list of some of the key tasks. We will go into more details in the following slide.

Slide 18

Convoy Security Tasks

- Threats along the route
- Coordination
- Emergency actions
- Recovery of damaged/inoperable vehicles
- Convoy speeds
- Primary / alternate routes
- Escort of convoys carrying weapons
- Convoy release or transfer points

Depending on the threat, convoys of mission essential material may be vulnerable as a high-value target. MPs tailor their convoy security procedures according to the threat and items being transported. MP units can enhance the Force Commander's freedom of movement by maintaining security in the area through which the convoy passes, or by conducting security along a specific route for a designated period of time during which multiple convoys pass unimpeded. Convoy security tasks and planning considerations include:

- All threats along the convoy route. While improvised explosive devices and ambushes have been the most frequent and challenging threats in recent years, other threats, both natural and man-made, may exist and must be mitigated.
- Coordination is required with friendly forces along the convoy route, including UN aid stations, refueling points and immediate response forces responsible for the route being traversed.
- In the event of hostile acts, emergency actions must be clarified, explained in depth and rehearsed.
- Plans must be made to recover damaged or inoperable vehicles along the convoy route.
- Convoy speeds and intervals must be identified and enforced taking into consideration the load carried by each vehicle.

- Primary and alternate routes appropriate to the threat, convoy size, maneuverability, load height and weight must be planned even if the routes are not the most direct.
- Special consideration must be given to escorted convoys carrying weapons and ammunition. Compliance with host nation laws is required and, in the absence of such laws, UN safety rules prevail particularly with regard to local population safety.
- Preparations must be made for procedures at convoy release or transfer points where the convoy has reached a secured area, or when crossing the area of operations/responsibility of other UN military units.

Slide 19

Key Infrastructure Security Tasks and Planning Considerations

- Airports, seaports, government buildings, dams
- Info-gathering
- Control measures
- Electronic sensors
- Reconnaissance patrols
- Military dogs
- Traffic control around perimeter
- Vehicles inspection

Under certain circumstances, the UN military component, including some aviation airframes, may be required to provide security for key host nation infrastructure such as airports, seaports, government buildings, dams and power supply installations. MPs can augment a wider UN military component security effort by intensifying the security presence in areas of greatest risk. Key MP Infrastructure security tasks and planning considerations include:

- Gathering and sharing information on threats to key infrastructure, to include liaison with UN Mission staff, local authorities and the civilian population to obtain detailed threat and risk assessments of vulnerable areas. Information collected should be

turned over to the Mission information management center such as the Joint Mission Analysis Center or similar office through the chain of command for more detailed, Mission-wide application and analysis.

- Establishing access and identification controls in the absence of previously existing or degraded control measures.
- Reinforcing existing access and identification controls using check points and roadblocks.
- Using electronic sensors, when available, to protect important sites.
- Conducting reconnaissance patrols around the infrastructure perimeter to detect and/or provide early warning of threat activity.
- Using military working dogs to deter and detect threat activity around access and perimeter control checkpoints.
- Controlling traffic around the perimeter, enforcing prioritized and controlled pedestrian and vehicular movement in and around key infrastructure.
- Providing support to immediate response forces within or around the perimeter.
- Conducting thorough inspection of vehicles and other transports in and out of key locations as part of checkpoint operations.
- Restricting access to sensitive areas, as determined by proper authorities, using access control points and roadblocks.

Slide 20

Air Marshal Operations Tasks

- UN MP specially trained teams
- Detect and search for dangerous materials
- Close-in aircraft security

Air Marshal Operations require specialized teams able to detect and search dangerous materials and to provide close aircraft security.

- Air Marshal Operations involve teams of specially trained UN MP who maintain discipline and secure personnel and cargo aboard selected UN aircraft.
- Air Marshals are trained to detect and search for dangerous materials that could endanger UN personnel aboard these aircraft.
- MPs serving as Air Marshals deter and counter threats to aircraft and passengers by performing close-in aircraft security and advising aircrews on force protection measures.
- Air Marshals must be prepared to operate independently without backup. Air Marshals have an expanding role in air security, working closely with other law enforcement agencies to accomplish the mission.

Slide 21

Personnel Security Tasks

- Security vetting
- Identification control
- Close protection security

Personnel security involves all measures designed to counteract the threat posed by hostile or subversive elements and individuals. MPs are one of the tools the Mission and Force can use to enhance personnel security by conducting security vetting and identification control.

Slide 22

Security Vetting Tasks

- Applicants for UN employment
- Feasible process
- Criminal records checks
- Questionnaires
- Biometric data
- Interviewing
- Public information
- Medical screening

Military Police, in coordination with other UN security entities, host nation police and other authorities may be used to conduct security vetting of local personnel applying for UN Mission employment in order to deter, detect and eliminate potential hostile acts and security risks. Tasks and planning considerations for Security Vetting include:

- Designing a feasible process that respects rule of law and human rights standards;
- Local police criminal records checks;
- Registration of applicant's biometric data (depending on national considerations);
- Administering applicant's employee questionnaire;
- Interviewing applicants from a security standpoint and obtaining applicant references for further validation;
- Checking public records and credit agencies for information on the applicant;
- Ensuring medical screening is conducted in order to evaluate the mental state and physical health of the applicant, particularly with regard to infectious diseases.

Slide 23

Identification Control Tasks

- Personal recognition using UN ID cards
- identification checks on UN installations
- assessments of the visitor and identification center
- random searches of vehicles and personnel
- security presence at entry and exit points

Identification controls are established at UN Missions and military installations to provide personal recognition using UN ID cards, including biometrics where available. UN Military Police may assist in identification control tasks to include:

- Conducting identification checks on UN installations or assisting security personnel at entrance and exit points;
- Providing oversight and conducting assessments of the Visitor and Identification Center (if requested);
- Conducting random searches of vehicles and personnel in accordance with the Mission's security level procedures;
- Augmenting the security presence at entry and exit points during high traffic hours or elevated security threat levels.

Slide 24

Close Protection Security Tasks and Planning Considerations

- To protect both Mission / UN and non-Mission / non-UN VIPs
- National responsibility
- Advance teams
- Identification checks on UN installations
- Assessments of the visitor and identification center
- Random searches of vehicles and personnel
- Security presence at entry and exit points

Close Protection Security includes protecting UN authorities as well as non-Mission/non-UN VIPs. It can be a national responsibility and require appropriate information.

- UN MP may be tasked to conduct or support Close Protection to protect both Mission/UN and non-Mission/non-UN VIPs from assassination, kidnapping, and injury.
- UN MP conducting or supporting Close Protection must be able to react instantly, securing and evacuating VIPs in case of attack.
- UN MP must be properly trained and equipped for this highly specialized task. All Close Protection operations must be coordinated with DSS/Mission Security to ensure seamless support and situational awareness.
- Close Protection security for non-Mission/non-UN High Threat or Very Important Persons (VIPs) is a national responsibility and procedures vary from nation to nation. VIPs are likely targets due to their rank, official position, symbolic value and vulnerability. Close Protection teams being supported by UN MP may include civilian and/or military personnel, depending on the position of the person being protected.
- Advance Teams: National Close Protection authorities may send advance teams to conduct reconnaissance in the UN Mission area prior to the VIP visit. Coordination with UN Security, including UN MP, facilitates VIP movements and

coordination for additional security measures to include medical stations and special communications call-signs and radio frequencies.

- It is not unusual for several VIPs to simultaneously visit the same part of the Mission area, so communications between UN Security and MP and the advance teams is critical to avoid confusion.

Tasks and planning considerations for MPs conducting or supporting Close Protection operations include:

- Obtaining in-depth threat assessments of the Mission area of operations, especially any site to be visited by the VIP, prior to the advance team's arrival. Additionally, updated threat assessments should be obtained immediately prior to any VIP movements.
- Using military working dogs to detect explosives/explosive devices in meeting areas or briefing rooms prior to the VIP's arrival. Once the dogs scan an area it must be secured for the duration of the VIP visit. Close coordination with EOD/IEDD personnel is mandatory.
- Conducting/supporting advance team reconnaissance of UN Mission sites the VIP will visit in close coordination with the UN site owner.
- Providing additional UN MP in support of VIP visits is often required because VIPs sometimes travel with other VIPs and large entourages. The number of persons being protected under these circumstances frequently requires additional UN MP to support the VIP's national Close Protection team.
- Military police from the VIP's UN contingent and other local forces may also be requested to provide the needed security for large numbers of visiting personnel.

Slide 25

Detention Operations Tasks and Procedures

- Capture, detention and repatriation of detainees
- Imprisoned / interned person
- Arrest
- Imprisoned/interned person
- Detained person

Detention Operations involve capture, detention and repatriation of detainees:

- During the course of their duties, UN MP may be required to detain, intern, escort, transfer or release detainees.
- Detention operations are resource-intensive tasks and planners must take the additional personnel and facility requirements into consideration for both short and long-term detention operations.
- Detention operations may include the capture, detention and repatriation of detainees.
- For the sake of clarity, the term 'arrest' means the act of apprehending a person for the alleged commission of an offence, or as required by the decision of competent authority.
- An imprisoned or interned person is any one deprived of personal liberty as a result of conviction for an offence.
- A detained person is anyone deprived of personal liberty, except as a result of conviction for an offence.

- UN MP may be involved with arrest, internment and detention under the overall description of Detention Operations. See the “DPKO Interim SOP on Detention Operations” for authoritative descriptions of detention operations tasks and procedures.

Slide 26

Detention Operations Tasks and Procedures

- Statements of Detention
- Intake of detained persons
- Detention Focal Point
- Safety
- Health and hygiene
- Use of force and physical restraints
- Privacy and accommodation

This and the next two slides list some Detention Operations Tasks and Procedures.

Slide 27

Detention Operations Tasks and Procedures

- Notification of detention and visitation
- Prohibition of discrimination
- Prohibition torture, cruel, inhuman treatment
- Provision of food and water
- Medical services
- Questioning of detained persons
- Searches of detained persons and items taken
- Children

This slide lists additional Detention Operations Tasks and Procedures.

Slide 28

Detention Operations Tasks and Procedures

- Foreign nationals
- Refugees / persons under protection international organization
- Photographs and records concerning detained persons
- Media and public information
- Disclosure of information, detention registers
- Serious illness or death
- Transfer
- Reporting, training
- Provision of resources

Here is the final slide that lists the Detention Operations Tasks and Procedures.

Slide 29

Take Away Lesson 3.1

- UN MP has different capabilities and tasks
- UN MP can perform its duties in support of the Force and other LE agencies and /or organizations

Summary

At the end of this lecture, the students should be able to list and understand the different capabilities and tasks assigned to UN MP. In short, MP can perform multiple tasks with different capabilities. Each of them requires specialized skills. These operations can be performed in support not only of the UN mission, but also in support of the host nation and other entities.

Lesson 3.2



Additional Capabilities and Tasks

The Lesson

Slide 1



Capabilities and Tasks United Nations Military Police (MP) Lesson 3.2

This lesson is a continuation of lesson 3.1. In this lesson we will describe additional capabilities and tasks of UN Military Police Units.

Slide 2

Lesson 3.2 Content

- Military law and order enforcement
- Investigations
- Confinement operations
- Customs activities

Specifically, Lesson 3.2 will address military law and order enforcement, investigations, confinement operations and customs activities.

Slide 3

Learning Outcomes Lesson 3.2

- Outline MP operations tasks
- Describe tactical and technical procedures for implementing MP operations

At the end of this lesson participants should be able to outline the broad range of MP operations tasks and describe tactical and technical procedures for implementing MP operations.

Slide 4

Military Police Operations Tasks

- Support to commanders at all levels, enforce military discipline and rule of law
- MP operations include:
 - Military Law and Order Enforcement
 - Investigations
 - Confinement Operations
 - Customs Activities.

Military Police operations are focused on enforcing military discipline and rule of law. MP operations tasks support commanders at all levels to enforce military discipline and rule of law, thus contributing to the effectiveness and reputation of the UN Mission and, in particular, its military component.

MP operations include: Military Law and Order Enforcement, Investigations, Confinement Operations and Customs Activities.



It is recommended that instructors ask students to share their UNPKO experiences and have them explain how they differ from routine tactical tasks. An example may include investigations and confinement operations that require special training.

Slide 5

Military Law and Order Enforcement

- **Military law enforcement operations focus on:**
 - UN military component personnel behaviour
 - compliance with Mission provisions (ID cards, driving licenses, ...)
 - wearing of uniform
 - force protection
 - enforcement of security
 - conduct of non-military component personnel

Military law enforcement operations focus on:

- UN military component personnel behaviour in compliance with the UN standards of conduct, Mission and Force regulations and standard operating procedures and, as appropriate, the host nation legal framework.
- Compliance with Mission provisions concerning identification cards, UN driver's licenses and other relevant documents.
- Correct wearing of the military uniform and use of equipment.
- Force protection measures, including vehicle movement restrictions.
- Enforcement of security and misconduct prevention measures, including curfews, authorizations to go off-post, and monitoring areas that Mission authorities have placed out-of-bounds or off-limits.
- Conduct of non-military component personnel inside UN military installations and vehicles (e.g. visitors and local employees) who must be in accordance with site rules and regulations governing visitor passes, access to restricted areas and other personnel controls.

Slide 6

Military Law and Order Enforcement

- Locations for military law enforcement operations
- Cooperation with local institutions

The location for MP operations and coordination with local institutions are described here:

- Military law enforcement is executed within and outside UN military installations by vehicle and foot patrol. The main effort is on off-post, non-military areas frequented by UN military personnel, for example, markets, public transport, bars and restaurants.
- When operating in such areas, UN Military Police cooperate with local civilian police, municipality and other authorities to exchange information and coordinate patrols, including time, location and joint patrols.
- When a public area (such as restaurants, bars and bus transport) is owned by a civilian person or company, the owner's approval is sought, if appropriate.

Slide 7

Military Law and Order Enforcement- Other Tasks

- Planning, conducting and supervising cordons
- Supervising the entire event area and its participants
- Providing VIP security
- Prevention of disturbances
- Access control

Military law enforcement also includes the following UN Military Police tasks at official events:

- Planning, conducting and supervising cordons;
- Supervising the entire event area and its participants;
- Providing VIP security;
- Prevention of disturbances;
- Access control.

Slide 8

Military Law and Order Enforcement

- UN MP jurisdiction
- Authority granted to UN MP:
 - Enforcing orders and regulations
 - Require formal identification
 - Directing drivers of UN military vehicles

Subject to any provisions in the applicable Status of Forces agreement, UN Military Police have jurisdiction over all UN military component members, equipment and installations within the Mission area of operations.

In some cases, this authority can be extended by the Head of Mission to include UN personnel beyond the military component.

This jurisdiction ensures an adequate response by MP to all situations in which the safety of local and Mission personnel, or the security of property, are threatened including all measures to identify and prevent such a threat from materializing.

It is a TCC responsibility to inform its military contingent members of MP jurisdiction and authority.

The following authority is granted to all UN MP, and all Mission military component members are obliged to cooperate and obey their orders:

- Checking and enforcing orders and regulations of the UN military component within Mission military installations and in public beyond the installation.
- Stopping all Mission military component personnel to require formal identification such as UN identification card, driver's licence and vehicle registration.

- Requiring those stopped to provide information in response to questions relating to a specific UN Military Police mission.
- Giving orders or issuing information regarding the security situation in a specific area.
- Directing, stopping and giving orders to drivers of UN military vehicles.

Slide 9

Military Law and Order Enforcement

- Detention of UN military personnel
- For serious crimes, uncertain identification, protection

Detention of UN Military personnel occur for serious crimes, uncertain identification and/or for protection. Detaining UN military personnel takes place when circumstances require and no other solution is appropriate or available.

Normally, UN military contingents detain their own nationals under the terms of the UN-TCC MOU. However, under certain circumstances, UN Military Police may be required to detain UN military personnel, such as when suspects are:

- In the process of committing or attempting to commit a serious crime such as murder, manslaughter, rape, the unauthorized use of firearms, robbery, causing serious bodily harm, kidnapping or human trafficking and smuggling; especially when detention is necessary to prevent the suspect from escaping, to prevent further commission of the offence or to preserve evidence.

- Not in possession of a valid UN identification card or try to leave the scene without permission.
- In need of protection themselves or to protect others.

Slide 10

Military Law and Order Enforcement

- Investigating and reporting incidents and offences
- Searching UN Mission installations and property to ensure the safety
- Searching detainees
- Seizing items
- Denying access

MP have specific jurisdiction and authority for any other relevant reasons that are in the interest of good order and discipline of the UN military component. This authority includes:

- Investigating and reporting incidents and offences.
- Searching UN Mission installations and property to ensure the safety and security of personnel and material.
- Searching detainees and their immediate belongings, any person who is to be escorted to a detention or confinement facility, or any person who is entering or leaving a UN installation/property if required for security reasons.
- Seizing items, which may be used to harm UN personnel, personnel in custody or those under UN protection within the Mission, such as seizing drugs, weapons, alcohol and pornography.

- Denying access to specially designated areas if required for security or other reasons.

Slide 11

Military Law and Order Enforcement- Investigations

- Investigations by MP
- TCC involvement
- Cooperation with organizations -UN, international, host nation security organizations
- Principles
- Most common types of investigations
- Conduct of investigations

This slide illustrates some of the aspects of investigations carried out by MP.

Slide 12

Military Law and Order Enforcement- Investigations

- Preliminary investigations
- Collect and preserve evidence
- Misconduct of military and civilian personnel

This slide lists other aspects of investigations, with further detail below:

- MP may be called upon to conduct preliminary investigations in support of UN administrative review process such as those envisaged under the Policy on Boards of Inquiry.
- MP may be called upon to collect and preserve evidence that could be lost in advance of an investigation to be conducted by a TCC, as envisaged in the section below.
- MP may be called upon to conduct investigations in instances of misconduct involving military personnel, other than members of military contingents and military staff officers, for which the UN has the authority to conduct such investigations, when such investigations are not conducted by the Office of Internal Oversight Services.
- Similarly, MPs may be called upon to conduct investigations in instances of misconduct involving members of military contingents and military staff officers when TCCs have declined or failed to exercise their primary authority to conduct such investigations, and that such investigations are not conducted by the Office of Internal Oversight Services.

- Whenever possible, an incident should be handled by the MP from different TCCs than those personnel involved in the incident to ensure neutrality and equal application of MP procedures. Nonetheless, the case is transferred to the MP or other national authorities of the TCC concerned as soon as possible. TCC national requirements must be respected and the investigation conducted in a way that permits its results to be used in national disciplinary or judicial proceedings.
- To ensure adherence with national requirements, and to make the investigation more transparent to the TCC concerned, UN DPKO/DFS authorities may request the participation of a national representative from the TCC to work closely with the UN MP. Whenever more than one TCC is involved, a joint investigation should be coordinated by the Force Provost Marshal.
- MP, under the authority of the Head of Mission and direction of the Force Provost Marshall, may be directed to conduct investigations, or support investigations conducted by other investigative entities, in instances of misconduct involving civilian or police personnel from the Mission.

Slide 13

Military Law and Order Enforcement- Investigations

- Troop Contributing Country involvement
- Both UN MP and TCC joint investigations
- Support TCC investigation

This slide describes the relationship between investigations carried out by a Troop Contributing Country and MP:

- TCCs have primary jurisdiction to conduct investigations in instances of misconduct involving members of military contingents and military staff officers. In such instances, and until a TCC has indicated that it declines to investigate or failed to do so, the involvement of MPs should be limited to collect and preserve evidence that could be lost in advance of an investigation to be conducted by a TCC. However, this shall not prevent UN MP from conducting required preliminary investigations in support of United Nations administrative review process such as those envisaged under the Policy on Boards of Inquiry.
- UN MP may be called upon to support and assist in investigations being conducted by TCCs and by the Office of Internal Oversight Services.

Slide 14

Military Law and Order Enforcement- Investigations

- Cooperation with organizations
- UN, international, host nation security organizations
- Jurisdiction and investigative responsibilities
- Investigative support from UN

This slide describes the cooperation of UN MP with other entities:

- Jurisdictions and investigative responsibilities must be clearly defined and understood by all legal authorities as early as possible. As the Mission leadership deems appropriate, UN MP cooperate with other UN entities, international and host nation security organizations when investigating cases involving UN military component personnel or property.

- The personal data of UN members must not be released to local authorities unless authorized by the Head of Mission or Force Commander, or as agreed in official arrangements such as the SOFA or Mission SOPs.
- Some investigations may require special equipment or skills not currently available to the investigating UN MP. Under these circumstances, the Force Provost Marshal is authorised to request investigative support from other UN entities, international or host nation security organizations depending on existing agreements.
- Questions concerning such agreements, or other legal issues, should be addressed to the Force Legal Advisor (and Director/Chief of Mission Support if there are financial implications) and a final decision made by the Head of Mission or Force Commander.
- In the event that other international or national agencies are investigating the same case as the UN Military Police, the Force Provost Marshal will seek Force Commander/Head of Mission guidance to de-conflict investigative responsibilities.

Slide 15

Military Law and Order Enforcement- Investigations

- Investigative principles are important
- Quick response
- Prevention of further threats
- Thoroughness and accuracy
- Impartiality
- Comprehensive reports
- Due process

This slide lists investigative principles in conducting investigations.

Slide 16

Military Law and Order Enforcement- Investigations

- Criminal investigations
- Disciplinary investigations
- Security investigations
- Traffic accident investigations

This slide describes the most common types of investigations:

- Criminal investigations to determine relevant circumstances of a criminal offence against UN personnel or property.
- Disciplinary investigations to determine breaches of duty regulations.
- Security investigations to determine breaches of security regulations, including the compromise of classified documents and material.
- Traffic accident investigations involving UN personnel and/or UN vehicles to determine the cause and fault of traffic accidents involving UN military component personnel or property.

Slide 17

Military Law and Order Enforcement- Investigations

- Initial actions
- Investigative tasks
- Investigation reports

This slide illustrates the phases for the conduct of investigations. Investigations involve complex requirements ranging from initial actions at the crime or incident scene, to the presentation of evidence and investigative reports at a board of inquiry or court.

Slide 18

Conduct of Investigations Initial Actions

- Save lives
- Request emergency services.
- Prevent unauthorised access.
- Prevent suspects from leaving the scene.
- Collect documentation and preserve evidence
- Maintain evidence chain of custody
- Gather information-victims, witnesses, suspects
- Inform contingent commander via chain of command

Every member of the UN Military Police should be able to conduct routine investigations. Complex or more sensitive investigations may require special crime scene investigators who are specially trained and equipped for the task. Regardless of the investigation's complexity, the initial actions indicated in the slide are taken by those UN Military Police who arrive first at the scene.

Slide 19

Investigative Tasks

- Information gathering
- Processing places and people
- Evaluating and analysing information, evidences, clues
- Presentation

Depending on the specific nature of the case, and applicable law, the following investigative tasks are those most commonly performed by UN Military Police.

Information gathering by:

- Observation and surveillance of people, places and information technology.
- Questioning, interrogating and taking statements from victims, suspects, witnesses and other human sources of information.
- Taking photographs, drawing sketches, screening audio, video or other electronic and written records.
- Taking fingerprints, handwriting, blood/other bodily fluid and DNA (Deoxyribonucleic Acid) samples.
- Conducting fast and simple chemical identification of drugs, explosives, other hazardous materials (both solid and liquid) in collaboration with Chemical, Biological, Radiological or Nuclear (CBRN) Defense or EOD/IEDD teams.
- Administering drug and alcohol tests.

MP processes places and people by searching the incident scene, related sites, property and suspects involved and documenting and preserving evidence.

MP evaluates and analyses information and evidence obtained, and continues the investigation as necessary.

MP submits investigative reports, official statements and court testimony.

Slide 20

Investigation Reports

- Importance of investigations reports
- Contents
- Supporting documentation

Each investigation conducted by MP must be documented by an official investigation report submitted to the Force Commander and national authorities of the TCC concerned. The purpose of the investigation report is to provide the UN, TCC and other legal authorities, the MP determination of the facts surrounding any accident or incident of misconduct or criminality. The investigation report serves as a basis for administrative, disciplinary or judicial proceedings by the UN or TCC as appropriate, and is the basis upon which insurance claims are resolved.

At a minimum, investigation reports contain:

- Who was involved? (Victims, witnesses, suspects, suspects for aiding/abetting, others of interest)
- What happened? (A detailed description of the incident)
- Where did it happen? (Actual place and other locations involved)
- When did it happen? (Exact date and time or period of incident)

- How did it happen? (Circumstances/criminal method of operation and timeline of events surrounding the incident)
- Why did it happen? (Cause of the accident or criminal motive)
- Notification of UN MP Circumstances. (Date and time under which the incident was reported or observed)
- Actions taken by the UN Military Police, including any subsequent action to be taken.

Supporting Documentation; all relevant supporting documentation obtained during an investigation must be attached to the investigation report as an annex or appendix. Such documents include:

- Statements taken from victims, witnesses, suspects and other relevant sources.
- Photographs of the crime scene, accident site, or damaged property.
- Sketches illustrating the situation at the incident site.
- Other attachments including copies of forms, certificates, medical documents, physical evidence, etc.

Slide 21

Confinement Operations

- Temporary incarceration of UN military personnel
- MP duties
- Requirements:
 - Shelter
 - Guard
 - Safety, food, medical care
 - Separation from detainees
 - Written record

Confinement is the temporary incarceration of UN military personnel under the sole authority of the TCC concerned. UN military component personnel may be confined if they attempt, commit or are suspected of committing a crime such as murder, serious bodily harm, sexual assault, robbery and arson, or if they pose a serious threat to others, themselves or property.

MP can be tasked with confinement duties if the Mission's military contingent commander determines that the contingent does not have the capacity to impose the confinement, and the contingent's national authorities consent to UN MP assuming the confinement task. The Head of Mission or Force Commander may also task UN MP to confine military component personnel sentenced by their commanders according to national military or other applicable law. Soldiers suspected of a serious crime or breach of military regulations, awaiting repatriation to their home country, may also be taken into custody by UN MP. Whenever possible, the confinement task will be performed by MP who are members of the TCC contingent concerned, and confinement procedures pertaining thereto must be in accordance with national requirements.

When conducting confinement operations, UN Military Police must meet the following minimum requirements:

- Appropriate shelter and clothing consistent with that provided to UN military personnel in the Mission area of operations.

- Sufficient guard presence to maintain discipline and prevent escape.
- Detainee safety and security against any hazards.
- Adequate food and medical care to maintain the detainee's physical and mental health.
- Strict and permanent separation of detainees from individuals of opposing forces and civilian criminals.
- Return detainee to the concerned TCC authorities as soon as possible.
- Maintain a written record of the detainee's time in confinement including the exact date and time the detainee was taken into custody, an inventory of any personal belongings temporarily confiscated by UN Military Police, any significant incidents during confinement and the exact date and time when the detainee was transferred to national authorities.

Slide 22

Customs Activities

- Enforcing customs and related security regulations
- Cooperation with the transiting UN military contingents
- Prevention of unauthorised or illegal import/export
- Preventing breaches of international aviation regulations
- Checking of travel and identification documents

This slide introduces Support Tasks for Custom Activities.

Slide 23

Military Law and Order Enforcement- Support Tasks

- MP response to civil disturbances
- MP support to Disarmament, Demobilization and Reintegration (DDR)

- Civil disturbances include massive and violent local population reaction to local concerns or the UN Mission itself. Responsibility for maintaining and restoring law and order lies with the host nation. However, the host nation can receive operational support or advice from the Mission's Formed Police Unit (FPU), UN Police or UN Force. UN MP may be tasked to provide additional support in responding to civil disturbances.
- Crowd and riot control operations must be carried out in strict compliance with the Mission mandate, and all necessary preparations and tasks carried out in close cooperation with host nation law enforcement agencies whenever possible.
- MP response to civil disturbances must be clearly authorised by the Head of Mission or Force Commander. When UN MP support FPUs or UN Police during public disorders of a non-military nature (where there is no sustained use of firearms or weapons) the FPU and UN Police have primary responsibility.
- The most senior UN Police Advisor/Commander or FPU Commander at the incident location exercises tactical control and has overall on-scene command. When non-police UN military forces engage in responding to public disorder of a military nature (where there is sustained use of firearms or weapons), the FPU and UN Police are in a supporting role, and tactical control and overall on-scene command is with the most senior military commander present.

- Depending on the size of UN MP elements available, at least one UN MP representative should be present at the command post/incident control point regardless of which Mission element has primacy and on-scene command.

Slide 24

MP Response Civil Disturbances

- Response to massive, violent local population
- Clarity in authorization, functions defined
- Info-gathering
- Patrolling
- Traffic control
- Enforcement of curfew
- Documentation
- Apprehending rioters

UN MP may be tasked with overall management of the civil disturbance, or with providing only specific functions as guided by the Mission's approved use of force and Rules of Engagement. MP tasks in support of responding to civilian disturbance include:

- Gathering information and conducting liaison with other UN Force and police elements, as well as local police and security services, on the nature, participants and purpose of the disturbance.
- Patrolling potential assembly areas used by protesters and rioters.
- Controlling traffic to ensure freedom of movement on UN routes and to divert civilian traffic away from the civilian disturbance.
- Conducting surveillance/enforcement of curfew hours and other security-related restrictions, such as establishing restricted areas and the prohibition of firearms.
- Documenting the disturbance through photography, video recording, etc.

- Apprehending rioters or any person suspected of criminal offences.

Slide 25

MP Response Civil Disturbances

- Escort apprehended persons
- Employing non-lethal weapons, military working dogs
- Providing a reserve element
- Preventing violence against people or sites
- Conducting / securing negotiations with key leaders
- Show of force, provide reserve element
- Restricting access to designated areas
- Separating/ isolating rioters from peaceful demonstrators
- Dispersing unauthorised gatherings

This slide lists some other tasks of UN MP when responding to civil disturbances. These are MP tasks in support of responding to civilian disturbance:

- Escorting apprehended persons.
- Employing non-lethal weapons such as batons, pepper-spray, water cannons and rubber bullets (when authorized).
- Using military working dogs.
- Providing a reserve element for other UN forces or police units.
- Protecting personnel or installations threatened by rioters.
- Conducting and/or securing negotiations with key crowd leaders.

Slide 26

Support to DDR

- **Disarmament:** handing over weapons
- **Demobilization:** disbanding military structures
- **Reintegration:** transition and reinsertion
- **Registration:** Register weapons, collection and disposal of firearms not registered

This slide lists some other tasks of UN MP when supporting the Disarmament, Demobilization, and Reintegration (DDR) process:

- The DDR process consists of the handing over of combatant weapons (disarmament), the disbanding of military structures (demobilization) and the transition and reinsertion (reintegration) of combatants to civilian life.
- Depending on the Mission's mandate, the UN military component may be tasked to conduct or support DDR operations led by local or international authorities such as the host nation government or UN Police/UN DDR Section.
- During disarmament and demobilization operations, the emphasis is on registration, collection and disposal of firearms not registered or authorised by legitimate local or international authorities.
- UN MP may be in the lead and provide the main body of forces for disarmament and demobilization in only very specific, limited situations such as those involving small numbers of ex-combatants with limited combat effectiveness. Otherwise, additional UN military force personnel will be needed to process and accommodate the ex-combatants.

- Aside from disbanding ex-combatant military organizations, demobilization operations may also require the search for and apprehension of war criminals, ultimately transferring them to the custody of the appropriate authorities.

Slide 27

DDR MP Support Tasks

- Info-gathering
- Protecting UN officials, cordon security
- Security planning for local UN HQ
- Traffic control
- Escorting people turning in weapons
- Escorting confiscated weapons
- Protecting registration or collection facilities
- Enforcing security and guarding collection sites
- Registering personnel turning in weapons and storing
- Interrogating

MP support disarmament and demobilization with special capabilities like traffic patrols, documentation and protection teams. They conduct the following tasks:

- Gathering information concerning locations and personnel belonging to armed groups.
- Protecting UN officials during negotiations with representatives of armed groups or during information campaigns.
- Contributing to traffic and security planning for the local UN Mission Headquarters.
- Controlling traffic along access routes to the registration or collection sites.
- Providing cordon security of assembly areas and cantonment sites.
- Escorting people turning in weapons to ensure their safe passage from designated areas, such as assembly areas and villages, to the registration or collection sites.

- Escorting confiscated weapons from the registration or collection sites to designated storage or disposal facilities.
- Protecting registration or collection facilities to prevent hostile acts by opposing elements, including mobile patrols in the vicinity of such facilities.
- Guarding and controlling access of registration or collection sites.
- Enforcing security inside areas designated for registration or collection.
- Registering personnel turning in weapons, ammunition or explosives to include their identity information; photographs and fingerprints; and weapons, ammunition or explosives surrendered.
- Registering and documenting storage or disposal of confiscated arms.
- Interrogating personnel if the origin or previous use of their arms is the subject of UN interest.

Slide 28

MP Supporting Reintegration

- Ex-combatants acquire civilian status, reintegrate into society
- MP patrols
- MP information gathering
- MP assist and cooperation with local police

Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time frame, primarily taking place in communities at the local level.

During reintegration, UN MP may conduct routine patrols, information gathering and cooperate with local police in designated areas to provide the Mission Headquarters relevant information on human rights, social, economic and security conditions.

Slide 29

Take Away Lesson 3.2

- MP operations cover a large scale of different activities
- MP can perform duties in support of the force and other law enforcement agencies, host nation and international organizations

Summary

The slide highlights the most important take away for the students from this lesson which are to be familiar and understand the framework of MP operations. MP can perform multiple tasks with different capabilities. Each of them requires specialized skills. These operations can be performed in support not only of the UN mission, but also of other entities.

Lesson
3.3



Organization of the United Nations Military Police

The Lesson

Slide 1

Organization of the United
Nations Military Police (MP)
Lesson 3.3

This lesson describes the organization and equipment of the MP. It will start from the Command and Control structure, go through the UN Force HQ and explain the differences between MP Platoons in its organization. It will end with the list of MP equipment.

Slide 2

Lesson 3.3 Content

- Command and Control (C2)
- UN MP Company and organizing principles
- UN MP Platoons
- UN MP equipment

C2 principles, MP organization principles and equipment will be the contents of this lesson.

Slide 3

Learning Outcomes Lesson 3.3

- Describe the MP structure
- Explain MP Command and Control (C2)
- Illustrate a UN Force Headquarters with MPs
- Explain differences between MP platoons
- List MP equipment

By the end of this lesson, participants should be able to describe the structure of MP units, explain C2, draft a HQ picture, explain differences between MP platoons and list MP equipment.

Slide 4

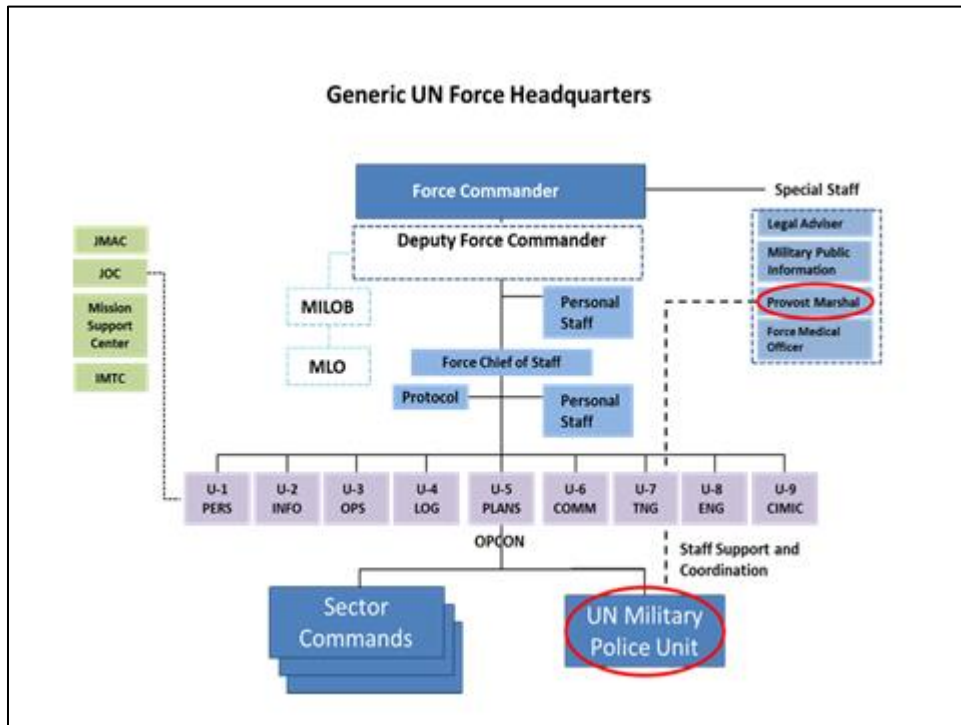
Command and Control (C2)

- Company-size organizations
- Scalable and modular structure
- Independent operational capabilities
- Under Force Commander's operational control (OPCON)

The Command and Control functions of MP units are:

- Normally deployed at Force level, UN Military Police units are company-size organizations based on a scalable and modular structure with highly independent operational capabilities.
- The UN Military Police Unit is under the operational control (OPCON) of the Force Commander.
- A UN battalion or sector command may occasionally have an assigned Military Police section or detachment (larger than a section). While advantageous to the supported command, careful consideration should be given to the need for decentralized distribution of Military Police assets as it does limit their availability for other tasks throughout the Mission area.
- The Force Commander is advised by a Force Provost Marshal, a military police officer typically in the rank of Colonel, who also provides Force-level staff support to the UN Military Police Company Commander, typically a Captain or Major.

Slide 5



This slide illustrates the organization chart of UN Force HQ. Note the relationships between the Force Provost Marshall and the MP Unit shown in the diagram.

Slide 6

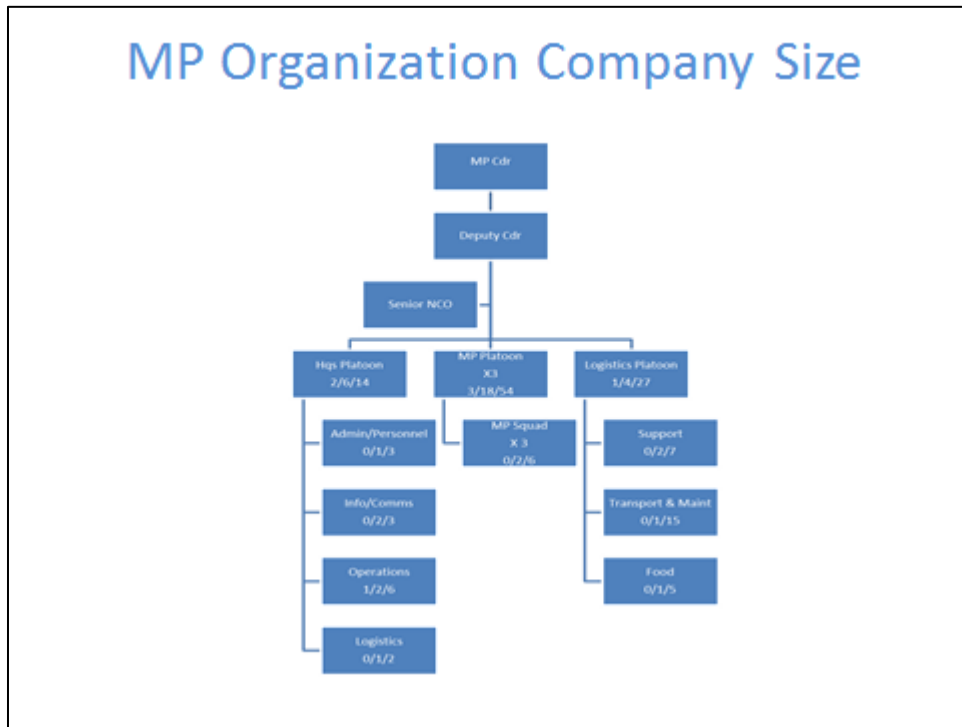
MP Company

- 3 or more platoons
- Commander: Captain / Major
- 132 total personnel
- 8 officers, 29 NCOs, 95 enlisted
- Tailored to specific mission requirements

This slide illustrates the manning and structure of a MP Company:

- The size and structure of the UN Military Police unit will vary for each operation according to the designated task and conditions.
- The basic building block for MP units and their employment is the section, a task-organized element of the MP squad. When two or more squads are combined, a MP platoon is formed, commanded by a MP lieutenant or captain.
- Three or more platoons are combined to form a MP company, commanded by a MP captain or major. The MP company is approximately 132 persons which typically includes a 3 person headquarters, a MP headquarters platoon of approximately 22 persons, three MP platoons of approximately 25 persons each, and a logistics platoon of approximately 32 persons.

Slide 7



The size and structure of the UN Military Police is illustrated in the slide.

Slide 8

Company Headquarters Platoon

- 3 cells (total of 22 MPs)
- Administration and personnel
- Information and communications
- Operations and logistics

This slide describes the functions and manning of some Staff Cells of an MP Company; administration and personnel, information and communications, operations and logistics. The key cells and functions of the company headquarters platoon include:

- Administration and Personnel Cell: responsible for company personnel administration, morale, welfare and motivation, and documenting issues concerning company conduct and discipline.
- Information and Communications Cell: responsible for information management of company archives and databases as well as classified/sensitive material security. Maintains the company communications network.
- Operations Cell:
 - Coordinates the company's operational activities and movements within the Mission area of responsibility.
 - Conducts liaison, coordinates and maintains the UN Military Police operations centre on a 24 hours, 7 days a week basis.
 - Coordinates employment of UN Military Police quick reaction teams and reserves in accordance with the operational situation.

- Responsible for coordinating all company capabilities to ensure the overall safety and security of UN Military Police personnel, materials and information.
- Establishes and maintains liaison with neighbouring UN military contingents, and with the immediate higher headquarters, for coordination and control of UN Military Police activities within those of the Mission's military component.
- Logistics Cell:
 - Provides company-level staff supervision for the company's logistics activities.
 - Works closely with the Logistics Platoon and coordinates all logistics support for the unit in accordance with the UN-TCC Memorandum of Understanding governing the company's logistical arrangements.
 - Ensures the proper maintenance, serviceability and inspection of both UN and contingent-owned equipment held by the company.
 - Manages all company logistics-related financial transactions and accounting.
 - The cell's Logistics Officer is in charge of the company's movement control (MOVCON) and serves as the environmental focal point

Slide 9

MP Platoon

- UN Military Police duties
- Formed by 25 MPs
- Divided into scalable and modular squads / teams / sections
- Tailored for specific duties

This slide describes the organization and manning of an MP Platoon:

- The Military Police platoons are the operational platoons comprised of personnel directly involved in the performance of UN Military Police duties.
- The Military Police platoons are further divided into scalable and modular squads/teams/sections tailored for specific duties such as traffic control, accident investigation and response, luggage inspections, security escorts, special investigations, and any other police tasks required.
- Sufficient numbers of investigators should be made part of these platoons to meet their operational requirements.

Slide 10

Logistic Platoon

- Logistical operations
- 3 Sections
- Support; transport / maintenance; and food
- Formed by 32 MP personnel

This platoon performs the company's logistical operations and consists of three key sections:

- Support Section: coordinates the general logistics and medical care support of the company; stocks and provides all authorized supplies and ordnance; and manages accommodations, lavatories and laundry.
- Transport and Maintenance Section: provides, maintains and repairs the company's organic transportation vehicles and equipment.
- Food Section: provides the company's field kitchen and operates the potable water plants.

Slide 11

Standard Equipment

- Adjustable to mission requirement
- According to DPKO force requirements
- Personnel
- Containers
- Support vehicles (commercial / military)
- Trailers
- Electrical-generators-stationary-mobile
- Detention equipment
- Tents

On this slide we show the standard list of MP equipment requirements. Standard MP requirements in terms of equipment are adjustable depending on Mission needs and the Statement of Unit Requirements, but normally the equipment includes:

- Containers
- Support vehicles (commercial/military)
- Trailers
- Electrical-generators-stationary-mobile
- Detention equipment

Slide 12

Special Equipment

- Rubber bullets (DPKO guidance)
- Sirens
- Blue flashing lights

Here is the list of special MP equipment requirements, such as rubber bullets and others.

Rubber Bullets: the carriage and use of rubber bullets and bean bag rounds by non-military UN Police personnel, including Formed Police Units, is strictly prohibited by DPKO/Office of Rule of Law and Security Institutions. However, currently, some UN military contingents possess rubber bullets/bean bag rounds, others do not. DPKO is considering the future use of rubber bullets and bean bag rounds by UN military units (including Military Police). Force Commanders should therefore seek DPKO/Office of Military Affairs guidance before authorizing the use of rubber bullets, bean bag rounds or alternative ammunition such as soft kinetic projectiles.

Other Special UN Military Police Equipment Requirements: the UN may provide Military Police equipment such as sirens, blue flashing lights, public address systems and radio communications for foot and mounted patrols. This should be verified in the UN-TCC MOU.

Slide 13

TCC Equipment Responsibilities

- Personal weapons
- Dedicated transportation
- Night vision and GPS
- Digital cameras
- Specialist equipment (i.e. forensic)
- MP recognition brassards
- English language training

TCCs are responsible to ensure that their UN Military Police personnel and contingents deploy with the following equipment and or skill set; let's highlight a few of these:

- Dedicated transportation. All vehicles and equipment deployed by MP must use only diesel fuel as this will be the only ground fuel available in the Mission area.
- Night vision and global positioning system (GPS) devices in sufficient numbers for all UN Military Police patrols.
- The full range of Military Police specialist equipment, including crime investigation equipment and cameras.
- UN Mission MP are recognized by black brassards with white letters reading, "MP".
- Sufficient English language fluency (written and oral) for investigations and reporting.

Slide 14

Take Away Lesson 3.3

- MP are different in functions
- C2 structure is peculiar to the mission
- MP units have special equipment

Summary

Specific MP roles / tasks require specific type units with a dedicated C2 chain and the necessary standard and special equipment.

Module

3



Operational Framework Wrap Up

At the conclusion of Module 3, some key elements should have become clearer:

- A general understanding of the key operational framework covering MP operating in UN peacekeeping operations;
- The main capabilities, tasks, the organization and C2 for MP units operating in UN missions / PKOs;
- The TTX gives you a better understanding of MP support along with their essential planning parameters, roles / tasks and equipment used by MP companies to perform MP operations in the field;
- The essential planning considerations for these roles and tasks;
- A general understanding of how POC tasks (in the different phases) in UN can be applied in tactical scenario;
- The module focuses on the C2 and tactical level considerations.
- The POC TTX provided you tools to apply in the decision-making process when employing MPs in UNPKOs.
- A focus on the tactical level employment of a MP and a general overview of the operational level concepts to help your leaders understand the mandate implementation in UN peacekeeping.

The following annexes and references can be found in separate folders to aid in the delivery of the modules:

- **Annex A:** Power Point Slide Presentations
- **Annex B:** Comprehensive Protection of Civilians (CPOC) Specialized Training Materials (STM)
- **Annex C:** Learning Activity / Scenario-based Table Top Exercise (TTX) for UN Military Police Units
- **Annex D:** Training Guidance for UN Military Police Units / Training Model
- **Annex E:** Other references and background material

[End of document]