

Protection of Civilians



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Cover Photo: UN Photo #575263 by the United Nations Mission in the Republic of South Sudan (UNMISS). Officers of the Japanese contingent of the UNMISS provide water to civilians that have sought refuge at an UNMISS compound on the southwestern outskirts of Juba, fleeing fighting that broke out in the capital city. 17 December 2013.

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Protection of Civilians

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Foreword

Wherever we serve in the world of peacekeeping, peacebuilding, and humanitarian work, all of us share a fundamental responsibility to do more to protect civilians caught up in the horrors of war. In conflicts throughout the world, women, girls, boys, and men are subjected to blatant and frequent violations of international human rights and humanitarian law. The violations include killing, torture, kidnapping, rape, and mutilation. We see forced recruitment, including of children, and the denial of access to medical care and life-saving assistance. We also see displacement, which is so often the catalyst for lasting dependency, destitution, and lost opportunities.

In Africa alone, at least 600,000 civilians in 27 African countries have been massacred in the past two decades. Tens of millions more have been killed in battles, displaced, or perished from indirect causes of such attacks and the continent's armed conflicts.

Civilians are the main victims of many conflicts. An increasing number of United Nations Security Council resolutions have called upon peacekeepers to protect civilians specifically. For many, civilian protection is the essence of peacekeeping. This is a driving rationale behind the unanimously endorsed and UN-mandated "Responsibility to Protect" principle — the idea that governments have a responsibility to prevent and stop genocide, crimes against humanity, war crimes, and ethnic cleansing.

Civilian protection is also a crucial part of creating durable political settlements, as any peace agreement that tolerates continued violence against civilians will not provide a solid foundation on which to build a legitimate and sustainable future.

Let us remember that civilians do not suffer these horrors because they are in the wrong place at the wrong time and become what is still euphemistically referred to as "collateral damage". Civilians suffer more and more frequently because they are deliberately targeted. The protection of civilians is a critical issue. No one serving in the United Nations in the field — as a soldier, police officer, or civilian — can do so effectively without having an understanding of the protection of civilians.

But protecting civilians raises huge challenges. I hope that, through this course, you will learn to understand these challenges and your role in meeting them.

—Mr. Julian Harston, 2016



View a video introduction to this course at www.peaceopstraining.org/videos/432/protection-of-civilians-course-introduction/.

Method of Study

This self-paced course aims to give students flexibility in their approach to learning. The following steps are meant to provide motivation and guidance about some possible strategies and minimum expectations for completing this course successfully:

- Before you begin studying, first browse through the entire course. Notice the lesson and section titles to get an overall idea of what will be involved as you proceed.
 - The material is meant to be relevant and practical. Instead of memorizing individual details, strive to understand concepts and overall perspectives in regard to the United Nations system.
 - Set personal guidelines and benchmarks regarding how you want to schedule your time.
 - Study the lesson content and the learning objectives. At the beginning of each lesson, orient yourself to the main points. If possible, read the material twice to ensure maximum understanding and retention, and let time elapse between readings.
 - At the end of each lesson, take the End-of-Lesson Quiz. Clarify any missed questions by rereading the appropriate sections, and focus on retaining the correct information.
 - After you complete all of the lessons, prepare for the End-of-Course Examination by taking time to review the main points of each lesson. Then, when ready, log into your online student classroom and take the End-of-Course Examination in one sitting.
- » ***Access your online classroom at***
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- Your exam will be scored electronically. If you achieve a passing grade of 75 per cent or higher on the exam, you will be awarded a Certificate of Completion. If you score below 75 per cent, you will be given one opportunity to take a second version of the End-of-Course Examination.
 - A note about language: This course uses English spelling according to the standards of the Oxford English Dictionary (United Kingdom) and the United Nations Editorial Manual.

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LESSON

1

Protection of Civilians in United Nations Peacekeeping



UN Photo #14788 by Eskinder Debebe.

"Our peacekeepers must first and foremost protect civilians from violence." – Ban Ki-moon, Remarks to the Chiefs of Defence Conference, March 2015

In this lesson »

- Section 1.1 What is Protection of Civilians in UN Peacekeeping?
- Section 1.2 Types of Physical Violence Against Civilians
- Section 1.3 Who Provides Protection to Civilians?
- Section 1.4 Background and History of POC in Peacekeeping
- Section 1.5 The POC Mandate and the Authorization to Use Force
- Section 1.6 POC Policy, Basic Guidelines, and Principles

Lesson Objectives »

- Understand and describe the three basic approaches to POC.
- Identify types of violence against civilians, the most vulnerable groups, and various perpetrators.
- Identify main protection actors and explain their roles.
- Understand the background and history of POC in UN peacekeeping.
- Cite the basic documents, policies, and guidelines on POC.
- Understand the meaning of basic principles, definitions, and terminology on POC.



Peacekeeping soldiers from the Nigerian Battalion of the United Nations Mission in Sierra Leone (UNAMSIL) are seen departing the airfield in Sierra Leone headed for Liberia in 2003. 04 August 2003. UN Photo #26558 by United Nations.

The protection of civilians (POC) is one of the most important and visible areas of United Nations peacekeeping activity, and the UN has recognized that peacekeepers regularly sacrifice their safety, and sometimes their lives, in this noble service.¹

The link between the protection of civilians and peacekeeping mandates is vital. First, the wider credibility of peacekeeping depends on the protection of civilians. It is vital that missions are seen to protect civilians. If the local population and outside observers do not believe that civilians are being protected, the momentum towards a lasting peace cannot be built. Just remember the people most affected, the people who live in the midst of conflict, expect to be protected.

1) General Assembly Resolution 68/787, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, A/68/787 (7 March 2014), available from <https://oios.un.org/resources/ga_report/a-68-787-dpko.pdf>.

In missions in Europe, Africa, and the Caribbean, we have seen that failure to put the protection of civilians at the top of the agenda leads to the failure of the mission. Of course, expectations have to be managed. But to manage them, they need to be understood. Without the basic foundation of protection, none of the rest of the tasks can be completed.

UN peacekeepers are not and cannot be alone in the responsibility to protect civilians. They must be joined by all the other protection actors, in particular the host nation, in a combined and coordinated effort.

Second, a sustainable peace requires not only the protection of civilians, but also a genuine feeling among civilians that they are being and will continue to be protected. You cannot move toward legitimate good governance without bringing an end to violence and abuse and dealing with abuses by authority. In short, no medium- or long-term state and institution-building is possible in the presence of continued violence against groups or individuals.

Finally, as has been seen more and more often in the last few years, the entire UN system is judged by what its peacekeepers do — or more often fail to do — in protecting civilians. When people around the world talk of the UN, they often think of blue helmets and berets. The spotlight of the world media and social media is on the performance of men and women in uniform and the civilians in the service of peace around the world. It has never been more important for the UN to be seen as fulfilling its promise to “save succeeding generations from the scourge of war” than it is today.² The protection of civilians has become the measure by which the United Nations is being judged and will be judged in the future.

Section 1.1 What is Protection of Civilians in UN Peacekeeping?

There is no common UN definition of the protection of civilians. The failure to adopt a common understanding is a cause of daily friction between some of the most important parts of the UN system. The General Assembly, the Security Council, Member States, and troop- and police-contributing countries (TCC/PCCs) all may have different views on what exactly the protection of civilians is. A study³ published in December 2009 by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA) said there are three groups among those active in the peacekeeping environment with three different definitions of POC. First, human rights and humanitarian actors follow an approach based on the rights afforded by international law, particularly humanitarian and human rights law, known as the rights-based approach. Second, the development agencies, such as the United Nations Development Programme (UNDP) follow a much broader definition, which effectively includes the protection of civilians within the much broader context of good governance and economic and social developments, known as the “everything you do affects the security of the individual” approach. The third and last group concentrates only on physical violence and the measures needed to protect individuals and groups, if necessary, by force. UN peacekeeping’s concept of the protection of civilians tries to bring all three elements together.

For UN peacekeeping purposes, it is not necessary to fully reconcile these paradigms. Rather, it is important that the operational concept for POC in a UN peacekeeping operation clearly sets out what the

2) United Nations, *Charter of the United Nations*, preamble (26 June 1945), available from <<http://www.un.org/en/sections/un-charter/preamble/>>.

3) This independent study published in December 2009, “Protecting Civilians in the Context of UN Peacekeeping Operations”, was jointly commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. This was the first in-depth study of the way peacekeeping operations protect civilians, and it contains many insights.



*Rwandan children who lost their parents resting at Ndosha camp in Goma. 25 July 1994.
UN Photo #78969 by John Isaac.*

mission is mandated and able to achieve. The concept must be specific enough that it is instructive to those implementing these mandated tasks.

Certain functions of these three paradigms are under the mandate of a UN peacekeeping mission, but a number of them should be implemented by other protection actors. The whole concept of protection of civilians by UN peacekeeping requires careful planning, coordination, and integration of efforts with other players to avoid overlapping, and to let everyone do what they do the best. Humanitarian organizations play essential roles in this regard. UN peacekeeping should not intervene in areas where, for example, humanitarian organizations are already working, but should ensure timely coordination with humanitarian actors where appropriate.

Peacekeeping operations take a **comprehensive approach** in implementing their protection mandate, comprising a full range of strategies and activities.

Unarmed strategies, primarily based on political influence and advocacy, should be at the forefront of UN peacekeeping operations' efforts to protect civilians.⁴ The most effective way to protect civilians is to bring an end to violent conflicts, build trust and confidence of parties in peaceful solutions, and advance peace processes and national reconciliation.

Similarly, missions can successfully protect civilians by providing support and assistance to host government authorities and communities to improve the protective environment for civilians. Missions are often mandated to assist host authorities to build national institutions and capacity in the areas of rule of law, security sector reform, policing and human rights, and assistance to national armed forces, among others. In those situations, United Nations peace operations must ensure that they consistently apply the human rights due diligence policy on United Nations support to non-United Nations security forces.⁵

4) United Nations, Department of Public Relations, *Delegates Express Concern over Safety of Peacekeepers, Civilians amid Rising Targeted Attacks, as Special Committee Concludes General Debate*, Meetings Coverage and Press Releases. GA/PK/225, 17 February 2016, <<http://www.un.org/press/en/2016/gapk225.doc.htm>>.

5) The policy sets out measures that all United Nations entities must take in order to ensure any support they may provide to non-United Nations forces is consistent with the purposes and principles as set out in the *Charter of the United Nations* and with its responsibility to respect, promote, and

Human rights are key to protection. There is a vital need for effective monitoring, reporting, and investigation of human rights abuses in the field. This is not limited to designated Human Rights Officers, but also includes civil affairs officers, police officers, and those who advise on the protection of women and children. The leadership of the mission must be seen to take a leading and very active role in pushing the human rights agenda to the front of the mission's agenda. Presence is all-important. By their presence, international and national organizations can successfully create a safer environment for civilians and greater confidence among the population.

The use of force by UN peacekeeping operations in providing protection to civilians is an option of last resort, and it is a rare occurrence since missions have many other tools at their disposal.⁶ This notion, besides the actual use of force, includes important military protection operations, such as supporting local security forces, securing areas and facilities, evacuating or escorting civilians to safety, and creating security conditions conducive to humanitarian assistance.

Section 1.2 Types of Physical Violence Against Civilians

What types of physical violence are likely to be seen in the area of operations?

This is an extract from the *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* dated 13 August 2015:⁷

“Government forces [in Syria] have directed attacks against the civilian population. The attacks have included widespread shelling and bombardment of civilian-inhabited localities and the targeting of civilians for arrest, detention and disappearance on the basis of their association or perceived opposition to the Government. As part of this widespread attack on the civilian population, in accordance with State policy, Government forces have perpetrated crimes against humanity of murder, extermination, torture, rape, enforced disappearance and other inhumane acts.

Government forces have committed gross violations of human rights and the war crimes of murder, torture, rape, sexual violence and targeting civilians. Government forces disregarded the special protection accorded to hospitals and medical personnel. Indiscriminate and disproportionate aerial bombardment and shelling by Government forces led to mass civilian casualties and spread terror.

encourage respect for international humanitarian law, human rights, and refugee law.

6) General Assembly resolution 68/787, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, A/68/787 (7 March 2014), available from <https://oios.un.org/resources/ga_report/a-68-787-dpko.pdf>.

7) United Nations, Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/30/48 (13 August 2015), available from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_30_48.pdf>.



Internally displaced persons (IDPs) gather to receive food and non-food rations supplied by the World Food Programme (WFP) and the United Nations Children's Emergency Fund (UNICEF) following rebel attacks on their villages in 2008. 20 February 2008. UN Photo #170246 by Tim McKulka.

Anti-Government armed groups have committed the war crimes of murder, execution without due process, torture, hostage-taking and attacking protected objects.

In addition to these war crimes, Jabhat Al-Nusra has recruited and used children in hostilities.

ISIS has directed acts of violence and terror against the civilian population under its control in Raqqah, Dayr Az-Zawr, Hasakah, Aleppo, Hama and Homs governorates. ISIS, a structured group, directs and organizes these acts of violence against civilians, evincing an organizational policy. ISIS has committed murder, torture, rape, sexual slavery, sexual violence, forcible displacement and other inhumane acts as part of a widespread attack on the civilian population, amounting to crimes against humanity.

ISIS has committed war crimes, including murder, execution without due process, torture, hostage-taking, rape and sexual violence, recruiting and using children in hostilities and attacking protected objects, as well as other serious violations of international humanitarian law.

The litany of abuses listed here captures only part of the trauma experienced by Syrian civilians, as the world stands witness."

As can be seen in Syria and other places, it is civilians who are the main victims in areas of armed conflict. They are often deliberately targeted, they are the victims of indiscriminate bombing and other kinds of assault, and they are chosen because of their ethnicity, religion, or political affiliations. All of these examples violate international law.

Civilians are also affected by the consequences of bombardment and attack, such as the destruction of vital infrastructure, hospitals, schools, and water supplies, as well as the destruction of means of survival, such as cattle and crops. Armed groups who are strong because they are present for a short period will tend to create as much fear and destruction as possible as quickly as possible, and their actions can include sexual violence, burning, looting, and general destruction. Thus, all civilians may be at risk in conflict areas, but UN peacekeepers must try to prioritize assistance to those most at risk, including boys and girls, women, minority groups, refugees and IDPs, people with disabilities, the elderly, teachers, journalists, doctors, and nurses, among others. Such prioritization can be very difficult.

The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), for example, identified the following types of violence against local populations in its area of operations: unconventional attacks by non-State armed groups directly targeting or indirectly hurting the civilian population; armed conflicts between non-State armed groups causing threats and forced displacement against specific segments of the population; inter- and intra-community tensions and conflicts; control of territory by non-State armed groups resulting in arbitrary detention and reprisal against the civilian population; armed banditry and organized crime resulting in civilian casualties, reduced freedom of movement for the population, and decreased economic activity; State actors' violations, such as arbitrary arrests, illegal detention, and ill treatment or torture; conflict-related displacement; forced recruitment and use of children by armed groups; the military use of schools; conflict-related sexual violence; lack of access to basic services; civilian casualties as a result of the use of improvised explosive devices (IEDs); increased inter-communal violence; security and rule of law vacuum, and insecurity and crime resulting from the weakness and withdrawal of State authorities; kidnapping and extortion of civilians; and retaliation against civilians "collaborating" with MINUSMA.

Perpetrators of violence against civilians include elements of national and international security forces, non-State armed groups, criminals, and other civilians (e.g. inter-communal violence).

Beyond violations, missions also need to track all casualties resulting from lawful actions by peacekeepers, State security forces, and non-State armed groups. Collateral damage or casualties caused by mines and explosive remnants of war (EWRs) will require special attention in some contexts.⁸

Section 1.3 Who Provides Protection to Civilians?

The protection of civilians is a complex endeavour involving many actors: the host government; local communities; parties to the conflict; humanitarian, human rights, development, and other partners. Each peacekeeping mission is deployed in a specific political and operational environment, with many actors to provide protection. Therefore, it is necessary in each situation to determine the best way the

8) United Nations, Department of Peacekeeping Operations/Department of Field Support, *The Protection of Civilians in United Nations Peacekeeping*, Ref. 2015/07 (1 April 2015), available from <<http://civilianprotection.rw/wp-content/uploads/2015/05/2015-07-Policy-on-PoC-in-Peacekeeping-Operations.pdf>>.

mission could cooperate with all the protection actors.

Main protection actors:

- The Host State government always has the primary responsibility for protecting the civilian population within its borders. This protection should come from State security (military, police, and gendarmerie) and judicial structures.⁹
- In situations of armed conflict, all parties to the conflict, including non-State actors, are responsible under international humanitarian law to respect and protect the civilian population.
- When national authorities and parties to the conflict, including non-State actors, are unable or unwilling to meet these obligations, UN peacekeeping operations, humanitarian organizations, and other protection actors are expected to provide protection and defend the rights of the affected civilian population.
- UN peacekeeping operations with POC mandates are authorized by the Security Council to support or supplement the protection efforts of Host State institutions. Multiple mission¹⁰ components address the protection of civilians. The military and police components, along with civilian components such as civil affairs, human rights, political affairs, and others, have specific mandates regarding POC.

Other organizations with the mandate to provide protection:¹¹

- The Office of the UN High Commissioner for Refugees (UNHCR) provides humanitarian assistance, legal protection, and physical protection to refugees and internally displaced persons.
- The Office of the UN High Commissioner for Human Rights (OHCHR) is engaged in monitoring and reporting human rights violations and supports the host nation authorities, especially in the judicial and security sector fields.
- The International Committee of the Red Cross (ICRC) is the guardian of international humanitarian law. The mission of the ICRC is to “protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance”, and it works “to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.”¹²
- The UN Office for the Coordination of Humanitarian Affairs (OCHA) mobilizes and coordinates humanitarian assistance to the affected civilian population in disasters and other emergencies, such as armed conflicts.
- The UN Children’s Emergency Fund (UNICEF) monitors and reports on human rights and humanitarian law violations perpetrated against children in armed conflict.
- Many non-governmental organizations (NGOs), both national and international, are also

9) United Nations Department of Peacekeeping Operations, *Introduction to Protection of Civilians: Module 1*, 4, available from <<http://repository.un.org/bitstream/handle/11176/387387/Learning%20Activity.pdf?sequence=4&isAllowed=y>>.

10) “Mission” is understood as a UN peacekeeping operation mandated by the Security Council and does not include UN agencies, funds, and programmes.

11) United Nations, Department of Peacekeeping Operations, *Introduction to Protection of Civilians: Module 1*, 17-18, available from <<http://repository.un.org/bitstream/handle/11176/387387/Learning%20Activity.pdf?sequence=4&isAllowed=y>>.

12) International Committee of the Red Cross, International Review of the Red Cross Reports and Documents, *ICRC Protection Policy*, 1, vol. 90 no. 871 September 2008, available from <<https://www.icrc.org/eng/assets/files/other/irrc-871-icrc-protection-policy.pdf>>.



Fighting between the Congolese Armed Forces (FARDC) and the rebel group known as M23 intensified in Rutshuru Territory of North Kivu province in eastern Democratic Republic of the Congo (DRC) in the summer of 2012. 27 July 2012. UN Photo #521769 by Sylvain Liechti.

involved in providing humanitarian assistance, monitoring and reporting human rights abuses, and rehabilitating and reforming judicial institutions.

- The Global Protection Cluster¹³ (GPC), which is the main inter-agency forum at the global level for standards and policy-setting, as well as collaboration and coordination of activities responding to humanitarian emergencies. UNHCR, the Global Cluster Lead Agency for Protection, chairs the GPC. The GPC and the field protection clusters “participate in the inter-agency coordination mechanisms facilitated by OCHA and regularly update the UN Security Council Informal Expert Group on key protection issues in countries considered by the Council.”¹⁴
- Field protection clusters in countries where there is an active peacekeeping mission “contribute to the development of the mission’s protection strategy and facilitate coordination with [the] mission’s counterparts.”¹⁵ Thus, some degree of interaction and dialogue between these different actors is essential for improving and strengthening their respective protection response.”¹⁶

Peacekeeping mission - Main partners

The main external partners of a peacekeeping mission are the UN Country Team, humanitarian actors, and national, regional, and international partners.

The UN Country Team is a good source of knowledge on States and conflict, and assists in building relationships with key national partners and ensuring peacebuilding activities are carried over into the development phase. It is also a source of financial resources and programming expertise. Peacekeeping missions maintain effective strategic partnership with the UN Country Team, share information with team partners, and ensure that activities are coordinated to achieve maximum impact for the local population.

A peacekeeping mission maintains effective coordination with humanitarian actors, including

13) Protection is one of the 11 Clusters that operate at the global and field level.

14) Global Protection Cluster, *Protection of Civilians*, available from <<http://www.globalprotectioncluster.org/en/areas-of-responsibility/protection-of-civilians.html>>.

15) *Concept Note on the Protection Cluster and the Protection of Civilians in the Democratic Republic of the Congo (DRC)* is available from <http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Democratic_Republic_Congo/files/PC_and_PoC_in_DRC_July_2011_EN.pdf>.

16) Global Protection Cluster, *Protection of Civilians*, available from <<http://www.globalprotectioncluster.org/en/areas-of-responsibility/protection-of-civilians.html>>.

through the Integrated Assessment and Planning (IAP) process. To that end, UN peacekeepers should: understand that humanitarian activities are independent and aimed at saving lives, protecting human dignity, and alleviating suffering; respect and understand humanitarian principles of humanity, neutrality, and impartiality; maintain distinction between the role and functions of the humanitarian actors from that of political and military actors; remember that humanitarian work is generally a civilian activity; and share information transparently and professionally.

The host government is the most important non-UN actor collaborating with a peacekeeping mission because it has the most at stake. The mission must also stay in contact with political parties and factions, religious leaders, women and student associations, academics, professional organizations, and other elements of national civil society. It is essential that potential partnerships with national actors consider “impartiality, representation, inclusiveness, and gender issues”.¹⁷

Other non-UN partners include: international and regional NGOs, Member States’ missions and embassies, and other regional or international political/military actors, such as the African Union (AU), Organization of American States (OAS), North Atlantic Treaty Organization (NATO), European Union (EU), Economic Community of West African States (ECOWAS), etc.

Section 1.4 Background and History of POC in Peacekeeping

For the last 20 years, the United Nations has been called on again and again to prevent or halt a rising tide of systematic violence and atrocities against civilians around the world. These acts have been a catalyst for the Security Council to attempt to bring violence to an end in a number of conflict areas. The failure to prevent genocides in Rwanda, Somalia, and Srebrenica in the early 1990s led to calls for improvement in the effectiveness of the UN response. Urgent change was needed.

The Security Council first identified the protection of civilians as a duty in its own right in 1998 in two reports from the Secretary-General: on peace and conflict in Africa (S/1998/318) and on the protection of humanitarian assistance to refugees (S/1998/883).

In 1999, the first Security Council thematic resolution on the protection of civilians in armed conflict stressed the need to address the root causes of armed conflict — including gender inequality — to enhance the protection of civilians on a long-term basis. Since then, Security Council resolutions have further defined the role of peacekeeping in protecting civilians and the various mandated tasks that contribute to it.

On 12 February 1999, the Security Council addressed protection of civilians with increased seriousness, saying it would respond to situations in which civilians were deliberately targeted (S/PRST/1999/6), and asked for further recommendations from the Secretary-General. Incorporating those recommendations, the Council passed its first resolution on the protection of civilians on 17 September 1999 with Resolution 1265. This resolution stressed the need to comply with international humanitarian law and protect humanitarian personnel.

The Council has adopted 11 presidential statements on the protection of civilians. The second presidential statement, of 15 March 2002, endorsed an aide-mémoire proposed by the Secretary-General to guide Security Council consideration of protection of civilians issues in country-specific

17) Australian Defence Force Warfare Centre, *Resources for 2015 Chilean MEoM-Presentation VTC POTC*, available from <<http://www.defence.gov.au/ADFWC/peacekeeping/unsoc/>>.



A view of the United Nations On-Site Operations Coordination Centre (OSOCC) at the entrance to a transit camp near the Tunisia-Libya border. Thousands of refugees went to the camp in 2011, fleeing ongoing violence in Libya. 05 March 2011. OCHA/UN Photo #466618 by David Ohana.

situations, in particular relating to peacekeeping mandates (S/PRST/2002/6). It listed key objectives for Council action and specific questions for consideration in meeting those objectives. The fifth edition of the aide-mémoire was endorsed by the Council in its 12 February 2014 presidential statement (S/PRST/2014/3).¹⁸

Based on a recommendation from the Secretary-General, the Council created an informal expert group on the protection of civilians in January 2009 at the initiative and under the chairmanship of the United Kingdom. This group meets regularly at the working level in connection with the renewal of relevant UN mandates, receiving briefings by OCHA on key protection issues for consideration in the drafting of country-specific resolutions. Over the years, the Council, through a variety of means such as resolutions, presidential statements, or a letter from its president, has requested periodic reports from the Secretary-General, at intervals ranging between a year and 18 months.

Since 1999, the Secretary-General has issued 11 reports on the protection of civilians in armed conflict.¹⁹ The 2009 report identified the following five core challenges: ensuring compliance with their obligations under international law, in particular the conduct of hostilities, enhancing compliance by non-State armed groups, enhancing the role of peacekeeping and other missions, enhancing humanitarian access, and enhancing accountability for violations.²⁰

The new kind of multidimensional mission has largely replaced old fashioned inter-positional peacekeeping. Modern missions cover virtually all aspects of the responsibilities and activities of the modern State, and the protection of civilians increasingly features high on the list of priorities in almost all the varied activities of the mission.

18) United Nations, Security Council, *Statement by the President of the Security Council*, S/PRST/2014/3 (15 May 2015), available from <http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2014/3>.

19) *Ibid.*

20) United Nations Office for the Coordination of Humanitarian Affairs, *Thematic Areas: Protection*, available from <<http://www.unocha.org/what-we-do/policy/thematic-areas/protection>>.

As part of this effort, UN peacekeeping operations have been explicitly mandated to “protect civilians under imminent threat of physical violence”.²¹ The first mission tasked with this explicit mandate was the United Nations Mission in Sierra Leone (UNAMSIL) in 1999. Security Council Resolution 1270, which created UNAMSIL, mandated the mission to afford protection to civilians under imminent threat of physical violence.²² By 2015, the majority of more than 100,000 uniformed UN peacekeepers deployed worldwide operate with such mandates. To date, the Security Council has issued mandates incorporating a POC requirement in 13 peacekeeping operations, including nine current missions as of 2016.²³ By including the POC mandate in the majority of peacekeeping operations, the Security Council has also consistently authorized operations to “use all necessary means” or “all necessary actions”, up to and including the use of deadly force, to implement that mandate.²⁴

Responding to requests by the Special Committee on Peacekeeping Operations and the Security Council, DPKO and OCHA commissioned an independent study in 2009 by Victoria Holt and Glyn Taylor, with Max Kelly, titled *Protecting Civilians in the Context of UN Peacekeeping Operations*. The UN Secretariat used that document to produce the *Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations* in 2010, drawing on operational experience and lessons learned to that point.

Protection of civilians guidance for UN peacekeepers has developed through experience and the creation of key documents, including:

- *The DPKO/DFS Protection of Civilians Resources and Capabilities Matrix;*
- *The DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies;*
- *The DPKO/DFS Comparative Study on Protection of Civilians Coordination Mechanisms;*
- *The DPKO/DFS-OHCHR Lessons Learned Report on the Joint Protection Team Mechanism in MONUSCO;* and
- *The DPKO/DFS Lessons Learned Note on Civilians Seeking Protection at UN Compounds.*

In April 2015, DPKO and the UN Department of Field Support (DFS) issued the policy on the protection of civilians in UN peacekeeping, which revised and consolidated the operational concept and other key guidance materials. The policy identifies and organizes the range of mandated tasks contributing to the protection of civilians.

Section 1.5 The POC Mandate and the Authorization to Use Force

The UN Security Council is the main body in charge of the maintenance of international peace and security. It sets up UN peacekeeping operations and defines their scope and mandate. Most operations include military and police activities, such as ceasefire monitoring and the patrolling of buffer zones, as

21) United Nations, *Charter of the United Nations*, Chapter VII, (26 June 1945), available from <<http://www.un.org/en/sections/un-charter/chapter-vii/>>.

22) Security Council Resolution 1270, S/RES/1270 (22 October 1999), available from <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SL%20SRES1270.pdf>>.

23) General Assembly resolution 68/787, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, A/68/787 (7 March 2014), available from <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/256/43/PDF/N1425643.pdf?OpenElement>>.

24) United Nations, Department of Peacekeeping Operations/Department of Field Support, *The Protection of Civilians in United Nations Peacekeeping*, Ref. 2015/07 (1 April 2015), available from <<http://civilianprotection.rw/wp-content/uploads/2015/05/2015-07-Policy-on-PoC-in-Peacekeeping-Operations.pdf>>.

well as joint endeavours with regional organizations in the monitoring of broader peace agreements. Missions may also include police activity and civilian activity in the management of elections and the monitoring of human rights.

The Security Council provides the legal authority, strategic direction, and political guidance for all UN peacekeeping operations.²⁵ It is the strategic level of authority, command, and control. Once the Council adopts a resolution approving the mandate of a UN peacekeeping operation, it vests the operational authority for directing the operation in the UN Secretary-General.

The standard wording for a POC mandate often resembles the following:

[The Security Council] “Decides that the mandate of [name of PKO] shall be...to protect, without prejudice to the responsibility of the host Government, civilians under [imminent] threat of physical violence, within its capacities and areas of deployment.”

In January 2013, the Security Council adopted the landmark, comprehensive Resolution 2086 on all aspects of UN peacekeeping. The resolution also addressed the mandate to protect civilians:

“Notes, in this regard, that multidimensional peacekeeping missions may be mandated by the Security Council, inter-alia, to ... Protect civilians, particularly those under imminent threat of physical violence, in conformity with paragraph 16 of its resolution 1674 (2006), within missions’ zones of operation and taking into account their capacities and resources, and support the efforts of the host authorities in protection of civilians from violence, including all forms of sexual and gender based violence, and in this regard, help in building and reforming security sector institutions of the host country that are able to sustainably and consistently protect civilians, while recognizing that protection of civilians is the primary responsibility of the host country...”

Based on the language used by the Security Council, the physical protection of civilians in United Nations peacekeeping is defined as follows: “All necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.”²⁶

The *DPKO/DFS Policy on the Protection of Civilians in United Nations Peacekeeping* provides the following definitions to clarify the protection of civilians mandate and authorization to use force and to improve their understanding among UN peacekeeping personnel. However, these following definitions do not replace or supersede Rules of Engagement or legal advice developed at the mission level, nor the

25) United Nations, Department of Peacekeeping Operations and Department of Field Support, *United Nations Peacekeeping Operations: Principles and Guidelines*, (March 2008), available from <http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf>.

26) United Nations, Department of Peacekeeping Operations/Department of Field Support, *The Protection of Civilians in United Nations Peacekeeping*, Ref. 2015/07 (1 April 2015), available from <<http://civilianprotection.rw/wp-content/uploads/2015/05/2015-07-Policy-on-PoC-in-Peacekeeping-Operations.pdf>>.



Peacekeepers of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) are shown on patrol in Bunagana, a town in the country's North Kivu province, during efforts with government forces to secure the area against rebel attacks. Much of the Kivu provinces saw intense fighting by the M23 rebel group and other militias. 23 May 2012. UN Photo #514868 by Sylvain Liechti.

decisions of senior mission leadership in particular situations.

The definitions that follow are the accepted UN definitions for phrases in UN Security Council language. It is very important to use and understand these definitions since other organizations and agencies have differing definitions and interpretations (for example, the principle of impartiality in UN peacekeeping operations has a different meaning than the principle of impartiality in UN humanitarian operations).

- “Civilian”: Any person who is not or is no longer directly participating in hostilities or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. It is important to remember that, in case of doubt over whether a person is a civilian, that person shall be considered a civilian. The definition of a civilian is different under the customary international humanitarian law, and it stipulates that civilians are persons who are not members of the armed forces.
- “Distinguishing civilians from combatants”: In many operational environments, such as in the Central African Republic, it is almost impossible to distinguish between civilians and armed elements. Civilians may be in the possession of arms, without necessarily having a status of “combatant”. Under international humanitarian law, civilians who are in the possession of arms, for example, for the purpose of self-defence and are not currently engaged in hostilities, are entitled to protection. There will be a need for the mission to constantly monitor the appearance and behaviour of government soldiers and ex-militia members, and the mission must disseminate up-to-date and accurate guidance to the field to enable the identification of these groups. It must be understood that any group must be considered as civilian if there is any doubt.
- “Without prejudice to the responsibility of the government”: The host nation always retains the ultimate responsibility for the protection of its citizens, and that overall responsibility is not diluted by the presence in the country of a UN mission. The mission is there in support, but must act alone if the government proves unable or unwilling to do its duty under international law.

- “Within its capabilities and areas of deployment”: Within the wide scope of possible incidents of physical violence against civilians, the mission must prioritize those situations or incidents of greatest concern and allocate its resources accordingly. As specified in the mandate, it can only act within its capabilities and areas of deployment. The mandate does not demand that peacekeepers engage in actions for which they are not equipped. At the same time, no peacekeeping force will be able to address all protection threats at all times. All missions must employ accurate threat and vulnerability analyses and coherent operational planning to deploy existing resources to maximize their protective effect for at-risk civilians.
- “Threats of physical violence or POC threats”: Encompasses all hostile acts or situations that are likely to lead to death or serious bodily injury, including sexual violence, regardless of the source of the threat. Such situations may include potential or actual physical harm to civilians associated with the presence of mines, explosive remnants of war (ERWs) and remnant improvised explosive devices (IEDs), acts or attempts to kill, torture, or maim, forcibly displace, starve or pillage, commit acts of sexual violence, recruit and use children by armed forces and groups, and abduct or arbitrarily detain persons. Those situations may be caused by elements of State and non-State actors to an armed conflict, inter-communal violence, serious crimes, or other situations of internal disturbance effecting civilians.
- “Hostile act”: An action that is likely, or is intended to cause death, serious bodily harm, or loss or destruction of property.
- “Hostile intent”: The threat of an impending use of force, which is demonstrated through an action or behaviour which appears to be preparatory to a hostile act. Only a reasonable belief in the hostile intent is required before the use of force is authorized.
- “Reasonable belief”: A belief that a reasonable person would logically and sensibly hold on the basis of the conditions and circumstances as they are known to him or her at that specific point in time.
- “Rules of Engagement/Directive on the Use of Force”: Guiding documents, for the military and police components, respectively, which define the degree of force that may be used and the manner in which it may be applied.
- “Collateral damage”: Incidental loss of civilian life, injury to civilians, or damage to civilian property not part of an authorized target.
- “Threat”: Any indication, action, circumstance, or event that may cause harm or damage to the United Nations system, including its personnel, and/or affects its mandate.
- “Imminent threat”: A threat is considered imminent as soon as the mission has a reasonable belief that a potential perpetrator displays a hostile intent, capacity, historical record, and opportunity to inflict physical violence. The term “imminent” does not imply that violence is guaranteed to happen in the immediate or near future or is being carried out. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists.



As a result of the fighting and internal unrest that occurred in the Katanga Province of the Republic of the Congo in 1961, some 35,000 Congolese citizens sought the assistance of the United Nations until they were able to return to their homes. Here, a Swedish guard at the UN-maintained refugee camp studies Swahili with camp children. 08 September 1961. UN Photo #184396 by BZ.

- “Priority threats”: Missions shall prioritize threats that pose the highest level of risk to civilians and may have to arbitrate between different categories of threats. For instance, responding to ongoing instances of low-level violence versus preventing less likely threats that may take a high toll on populations.
- “Risk”: The combination of the impact and likelihood for harm, loss, or damage to the mission’s mandate from the exposure to threats. Risk is the chance of being harmed by the threat. Risks are categorized in levels from Very Low to Very High for their prioritization.

Section 1.6 POC Policy, Basic Guidelines, and Principles

All UN peacekeepers — civilian, military, and police — should familiarize themselves with the following key UN policies and guidelines concerning the implementation of the protection of civilians mandate in the field.

The *DPKO and DFS Policy on the Protection of Civilians (POC) in United Nations Peacekeeping*, which came into force on 1 April 2015, is the key policy document for all UN peacekeepers. It is designed to establish a clear and consistent understanding of the mandate and its implementation across all missions and components, and to provide baseline guidance to missions on core aspects of mandate implementation. This policy incorporates the operational concept on the protection of civilians in peacekeeping.

The *DPKO/DFS Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions* applies to all military personnel deployed in UN field missions with POC mandates. These guidelines focus on the physical protection of civilians against violence in any form, including, but not limited to armed groups, non-State actors, and State actors (where applicable) individually or collectively at the operational and tactical level. They provide room for mission planners and commanders to change the planning and execution of operations as situations evolve on the ground.

These guidelines are useful for key personnel of troop-contributing countries (TCCs), including decision makers and planners, as they train and prepare contingents for a UN peacekeeping mission.²⁷

The *OHCHR/DPKO/DPA²⁸/DFS Policy on Human Rights in UN Peace Operations and Political Missions* (2011)²⁹ and the *Secretary-General Guidance Note on Observance of International Humanitarian Law in Peacekeeping* (1999)³⁰ provide operational guidance on the roles and responsibilities of UN civilian, military, and police on the integration of human rights and international humanitarian law into the activities of United Nations peacekeeping missions. All UN peacekeepers — civilian, military, and police — should know and understand the following legal and practical principles which are guiding the protection of civilians mandate. They apply to all missions with POC mandates.

- “Based on international law”: Missions are given POC mandates in order to prevent egregious violations of human rights law, refugee law, and the standards applicable to these laws. The same laws and international customary law must govern the use of force by the UN. Military and police personnel in missions are also required to abide by the Rules of Engagement (ROE) and Directive on the Use of Force (DUF) of the mission. Important aspects of these rules include proportionality and the avoidance of collateral damage.
- “A priority mandate”: Where the mission mandate specifically includes POC, then POC must be prioritized in all decisions about the use of the mission’s resources. The host government always has the prime responsibility for POC, while the mission assists.
- “A Peacekeeper responsibility”: At the end of the day, when the government is failing in its POC responsibility, peacekeepers take on that responsibility and authority within their capability and areas of deployment.
- “An active duty to protect”: The protection of civilians is not reactive. POC must be pro-active. The mission must be working at all times to pre-empt and prevent violence against civilians.
- “Under effective command and control”: Although the Special Representative of the Secretary-General (SRSG), the Force Commander, and the Police Commissioner have the ultimate responsibility for the actions of members of the mission, they also have a responsibility to ensure that the people under their command understand and comply with the rules.
- “Consonant with the principles of peacekeeping”: Peacekeeping missions still seek to abide by their original principles. Consent of the host government, impartiality, use of force in self-defence and as otherwise authorized by the Security Council, including for the protection of civilians.
- “A whole Mission activity”: POC is the responsibility of both the civilian and uniformed parts of the mission. Their joint activity must be prioritized and coordinated.
- “A comprehensive approach”: All the actors (local, national, regional, and international) involved in protection in the mission area must work together in a coordinated and comprehensive way.

27) United Nations, Department of Peacekeeping Operations and Department of Field Support, *Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions*, (13 February 2015), available from <<http://repository.un.org/handle/11176/89597>>.

28) Department of Political Affairs.

29) United Nations, Office of the High Commissioner for Human Rights, *Human Rights Components of UN Peace Missions*, available from <<http://www.ohchr.org/EN/Countries/Pages/PeaceMissionsIndex.aspx>>.

30) United Nations, Secretary-General’s Bulletin, *Observance by United Nations forces of international law*, ST/SGB/1999/13 (6 August 1999), available from <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/230/42/PDF/N9923042.pdf?OpenElement>>.

- “In cooperation with humanitarian actors and in respect of humanitarian principles”: There must be close coordination with humanitarian actors while taking into account their need to be seen as independent. It is this independence that gives them the freedom to do their job without being seen as compromised by contact with police and military personnel. This is a difficult balance.
- “A community-based approach”: It is vital that the local community is not only involved, but also takes a lead in actions to protect civilians. However, there is a risk of compromising the security of local people in contact with the international community — both military and civilian. This must be taken into account.
- “The gender perspective”: In all missions, the gender perspective is paramount in planning. Unless there is a clear understanding of the gender environment in the host country, then there can be no planning that takes into account the important gender-based differences in status and power which are at the very base of society. In conflict situations, there is almost always a larger impact on girls and women from the effects of violence and the destruction of homes and infrastructure. These differences must be taken into account along with the horrific consequences of conflict-related sexual violence.
- “Undertaken with mainstreamed Child Protection”: All of the Security Council Resolutions on children in armed conflict, as well as all DPKO and DFS Child Protection directives, must be taken into account when missions plan Child Protection activities. This includes the training of all mission members in Child Protection.

Annex A: Ten Rules – Code of Personal Conduct for Blue Helmets

These ten rules are a handy and standard reference for peacekeeping personnel. Conduct and discipline issues are an essential component of pre-deployment and in-mission induction training, which is mandatory for all civilian, military, and police peacekeeping personnel. For more information, visit the UN Conduct and Discipline Unit online at <https://cdu.unlb.org/>.



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.



- 5** Respect and regard the human rights of all. Support and aid the infirm, sick and weak. Do not act in revenge or with malice, in particular when dealing with prisoners, detainees or people in your custody.
- 6** Properly care for and account for all United Nations money, vehicles, equipment and property assigned to you and do not trade or barter with them to seek personal benefits.
- 7** Show military courtesy and pay appropriate compliments to all members of the mission, including other United Nations contingents regardless of their creed, gender, rank or origin.
- 8** Show respect for and promote the environment, including the flora and fauna, of the host country.
- 9** Do not engage in excessive consumption of alcohol or traffic in drugs.
- 10** Exercise the utmost discretion in handling confidential information and matters of official business which can put lives into danger or soil the image of the United Nations.

End-of-Lesson Quiz »

1. **Human rights organizations and humanitarians follow the 'rights based' approach to POC based on:**
 - A. Humanitarian and human rights law
 - B. The UN Charter
 - C. The work of the International Criminal Court
 - D. The mandate of the peacekeeping mission

2. **Development agencies follow a broader definition of POC that includes which of the following elements?**
 - A. Good governance
 - B. The use of force
 - C. Diplomacy
 - D. Physical violence

3. **The third group involved in POC concentrates on physical violence against civilians and advocates in particular:**
 - A. The introduction of new laws
 - B. Training the military
 - C. Training the police
 - D. The use of force when necessary

4. **Civilians are often targeted in armed conflict because of:**
 - A. Their ethnicity
 - B. Their religion
 - C. Their gender
 - D. All of the above

5. **Who has the primary responsibility for the protection of civilians in countries where peacekeeping operations are deployed?**
 - A. The UN
 - B. The international community
 - C. Regional organizations (AU, EU, etc.)
 - D. The Host State government

6. **The Security Council provides which of the following for UN peacekeeping operations?**
 - A. Strategic direction
 - B. On-the-ground orders
 - C. Rules of Engagement
 - D. Concept of Operations

7. **Which was the first UN peacekeeping mission to be explicitly mandated to protect civilians under imminent threat of physical violence?**
 - A. UNPROFOR
 - B. UNTAES
 - C. UNMOGIP
 - D. UNAMSIL

8. **How does the Security Council authorize the use of force in peacekeeping missions?**
 - A. By including the words 'use all necessary means' in the Security Council resolution
 - B. By instructing the Special Representative of the Secretary-General to use force, if necessary
 - C. By instructing the Force Commander to use force, if necessary
 - D. By instructing the UN Police to use force, if necessary

9. **Who are the partners of a peacekeeping mission?**
 - A. The UN Country Team
 - B. The Host State Government
 - C. International and regional NGOs
 - D. Local stakeholders
 - E. All of the above

10. **Which organization is the guardian of international humanitarian law?**

Answer Key provided on the next page.

End-of-Lesson Quiz »

- A. UNHCR (United Nations High Commissioner for Refugees)
- B. OHCHR (United Nations Office of the High Commissioner for Human Rights)
- C. ICRC (The International Committee of the Red Cross)
- D. OCHA (United Nations Office for Coordination of Humanitarian Affairs)

Answer Key »

- 1. A
- 2. A
- 3. D
- 4. D
- 5. D
- 6. A
- 7. D
- 8. A
- 9. E
- 10. C