

SEMINAR REPORT

REGIONAL SEMINAR ON

**“CONTEMPORARY CHALLENGES IN
INTERNATIONAL HUMANITARIAN LAW (IHL)
RELATED TO UN PEACEKEEPING OPERATIONS”**

Manekshaw Centre, New Delhi, India
09-10 September 2015

Jointly organised by
Centre for United Nations Peacekeeping (CUNPK)
International Committee of the Red Cross (ICRC)

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ICRC

REPORT

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The opinions expressed in this publication are those of the speakers / participants only and do not necessarily reflect the views of the International Committee of the Red Cross



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BACKGROUND

India is the largest cumulative troop contributor to UN peace operations, and has contributed more than 206,000 troops to over 50 UN missions since 1948. With a current strength of more than 8000 troops deployed on seven UN missions (MONUSCO, UNMISS, UNIFIL, UNDOF, UNOCI, MINURSO and MINUSTAH), she is one of the top three troop contributing countries (TCC) to UN missions in the world today.

The Regional Delegation of the International Committee of the Red Cross (ICRC) in New Delhi has been collaborating with the Centre for UN Peacekeeping (CUNPK) in the dissemination of International Humanitarian Law (IHL) to officers attending International and National UN courses, and also to all Indian Army contingents proceeding on UN missions during their pre-deployment training in New Delhi. To deepen this cooperation, both partners elected to expand it through organizing a regional seminar for South Asian TCCs focused on contemporary challenges in IHL with relevance for peacekeeping operations.

THEME AND FOCUS AREAS

The theme of the Regional Seminar was “Contemporary Challenges in International Humanitarian Law (IHL) related to UN Peacekeeping Operations” and it had four sessions as follows:

1. The ICRC and Contemporary challenges in UN Peacekeeping operations across the world and IHL issues.
2. Experiences from UN Missions in Yugoslavia, DRC, South Sudan, UNDOF/other missions. The role of UNPOL.
3. Challenges of the Force Intervention Brigade (FIB), Robust Peacekeeping, Application of Force and Rules of Engagement.
4. Contemporary challenges such as sexual violence, protection of civilians and children in armed conflicts.

PARTICIPATION

There were 60 participants, including serving and retired officers drawn from the Armed Forces of India, Bangladesh, Bhutan, Nepal, Sri Lanka, Maldives, Thailand, Cambodia and Vietnam. Others were from the Indian Police and paramilitary forces, Defence Attaches (DA's) posted to India, representatives of Defence Think Tanks, university students and other interested stakeholders.

INAUGURAL SESSION

Welcome Address by Ms. Mary Werntz, Head of the ICRC Regional Delegation, New Delhi

In her welcome address, Ms. Mary Werntz affirmed that peacekeeping and humanitarian relief operations always complement each other and this explains why the collaboration between the ICRC and the CUNPK is a very natural one. She noted further that over the past decade, the ICRC has disseminated IHL to officers attending international and national UN courses

conducted by the CUNPK in New Delhi, including as part of pre-deployment training for departing Indian Army contingents proceeding on UN missions. It is interactions such as these, she affirmed, that have helped the ICRC and the CUNPK build mutual confidence and trust as the underlying basis of their cooperation.

Opening Remarks by Col Rohit Sehgal, Director CUNPK

In his opening remarks, Colonel Rohit Sehgal drew the attention of the participants to the features of armed conflicts today, pointing out that they are often characterized by ethnicity, regionalism, factionalism and the myopic visions of a few stakeholders. He averred that war-ravaged countries are suffering in more ways than one. While peacekeepers are often called upon to establish peace in difficult situations, establishing a comprehensive long lasting peace by the military or police alone is rarely possible due to the plethora of actions that are required to be undertaken, all simultaneously. These actions are important for creating a better and peaceful world. The peacekeepers tread a tight rope consistent with their Rules of Engagement and keeping International Humanitarian Law in mind. However, newer complexities always pose challenges in difficult situations, and these challenges would go undocumented and would not result in any improvements if they are not discussed at such a platform as this seminar offers.

According to him, since 2005, the CUNPK, through the ICRC, has been imparting valuable inputs on IHL to troops prior to their induction into the mission area. The aspects being covered highlight the important facets of the 1949 Geneva Conventions and the Additional Protocols of 1977. Knowledge of these Conventions is important for each peacekeeper deployed on an active mission and it is the knowledge of IHL, derived from important activities like the Pre Deployment Training and seminars such as these that give value addition to the peacekeepers in complex UN Peacekeeping operations.

On the cooperation between the CUNPK and the ICRC, Col. Rohit remarked that it is the first ever collaboration undertaken anywhere in the world between a peacekeeping training institute and the ICRC. In his opinion, all stakeholders “...have come together to share experiences, apprehensions, and to discover better ways to handle complex situations in UN missions in order to make the world a better place to live in.”

Inaugural Address by Maj Gen JS Sandhu, AVSM, VSM, Officiating DG SD, Indian Army

In his inaugural address, Maj-Gen JS Sandhu noted that the joint seminar organized by the CUNPK and the ICRC is extremely relevant because UN peacekeepers may be required to “use force” to keep peace. Thus, there remains a very thin line between functioning as a peacekeeper and undertaking combat operations while on the same mission.

He drew attention to the Secretary-General's Bulletin, (ST/SGB/1999/13) of 1999 titled “Observance by United Nations

forces of International Humanitarian Law,” noting that it is a comprehensive document which in many ways supplements the 1994 Convention of the Safety of the United Nations and Associated Personnel. Yet, in the emerging dynamics where the world is marred by intra state conflict, ethnic and sectarian violence, regional conflicts, lacking identifiable “State” forces, where rape and violence is used as a tool of war and where civilians - particularly women and children-are targeted, a serious challenge is posed to all persons, he affirmed.

He emphasized that India, traditionally, has always subscribed to and undertaken only peacekeeping operations – whether they are in the ambit of Chapter VI or Chapter VII. This is consistent with national ethos and doctrine respectively. India’s actions also underscore the thinking that “Blue Helmets” operations are only a means to ensuring peace and are by themselves not sufficient enough to end the conflict. However, the recent emergence of new ideas and mechanisms have posed challenges pertaining to the “threshold of conflict” when peacekeepers would be treated as combatants (for example in Somalia- UNISOM II), “limitations of mandates” (for example In Rwanda UNAMIR), “conduct of force under dangerous/ life threatening circumstances”, “ambiguous legal positions and illegal detention” (for example on the Golan Heights- UNDOF), and “conflict related sexual violence” (for example in Bosnia). In his opinion, all these are issues requiring more attention, noting however that irrespective of the situation, condition, commission or omission, all problems have a solution. He canvassed the need to collectively utilise expertise to find answers in order to be better prepared for present and future challenges.

Special Address by Dr. Helen Durham, Director, International Law and Policy, ICRC, Geneva

In her remarks, Dr. Helen Durham said she believed that the seminar brings crucially important issues to the discussion related to peacekeeping operations, and most importantly, their compliance with the law, specifically IHL. She explained that today, the world faces huge challenges with regard to how hostilities are conducted, the protection of civilians, and respect for the law. This situation is exacerbated by asymmetric warfare and the blurred lines between warring parties on the field.

She affirmed that IHL aims to protect the lives and dignity of people who do not, or are no longer participating in hostilities, basically civilians and those out of combat. The ICRC has long standing and fruitful relations with TCCs not only in places where they are deployed, but also while in their countries, and undertakes close coordination with the DPKO at the UN level, through which it contributes from time to time, to the development of the guidelines and policies for UN peacekeepers.

SESSION 1: CONTEMPORARY IHL CHALLENGES IN UN PEACEKEEPING

Panelists:

Dr. Can Akdogan, ICRC, New Delhi (Chair)

Mr. David Maizlish, ICRC HQ, Geneva

Col PP Singh, Director, SD-3, Indian Army

UN Peacekeeping Operations and the ICRC: Challenges and Opportunities: Mr. David Maizlish

David focused on threshold questions of international humanitarian law, namely the determination of when the law applies, to whom it applies, and where it applies. He asserted that determining which aspects of the law (IAC or NIAC) is of critical importance. He reminded participants that a wide range of different laws may apply simultaneously alongside IHL, including international human rights law, and national law of the state or states involved.

According to him national law is often overlooked, submitting that in a country facing non-international armed conflict, natural disasters, or mass migration, forces attached to peace operations need to be aware of these different legal regimes.

The vast majority of conflicts around the world are between states and non-state actors and this is the context in which peacekeeping and humanitarian operations often take place. In the case of an internal conflict occurring long term within a state, one is likely to notice that the environment is simultaneously marked by conflict areas, post conflict areas, peaceful zones, safe zones, cease fire lines etc. In this situation therefore, different laws might be applicable to different areas and the laws applied will be a culmination of national / human rights law, the 4 Geneva Conventions of 1949, and if it applies, Additional Protocol II.

Use of Force: According to David, it is instructive to note that different laws govern the various situations in which the use of force may be necessary, suggesting that the mission structure, mandate and legal regime are not the same thing, and that force commanders must be informed about this in real-time as the battle space or operational theatre evolve.

David also mentioned that *jus ad bellum*, including elements of the UN Charter, refers to the international law regulating the use of force or the threat of force in international relations. It has no influence on the application of international humanitarian law. In the case of humanitarian law, ‘self-defence’ is not considered relevant for the use of types of force. Therefore it is important to determine if the peacekeeping force or humanitarian workers are a party to the conflict and in what capacity – which would then determine the legalities related to the use of force.

Challenges of applying laws and conventions to UN personnel:

There is an unprecedented evolution in the complexity of the

ground realities faced by UN personnel in missions in Africa and West Asia. Some of these are as follows:

- 3 Block War: In the same operation, security personnel have to simultaneously conduct hostile or offensive activity, e.g. FIBs; peacekeeping operations with a mission mandate, undertake disaster management or humanitarian action – all according to international laws and protocols and with multinational forces.

Urban Conflicts: The problem of civilians becoming casualties in case of fighting in urban areas does create special humanitarian problems.

- The concept of the ‘Strategic Corporal’ refers to the ease with which a very low-level error in a theatre that is of prime importance to the global media, could cause strategic level problems for the mission. To prevent this, the lowest ranking soldier needs to understand the nature and complexity of the operation.
- Inter-operable and integrated missions where there are regular and complex military-to-military and military-to-civilian communications and daily interaction, where everything from supplies to equipment is shared - can cause problems when applying or even determining applicable law and in preserving neutral, independent, and impartial humanitarian space.
- In the matter of detention and detainees, Force commanders consult the ICRC for advice on best practices for detentions systems and aspects of these that need to be built into the standard operating procedure (SOPs) at field level.

IHL and Application in UN Peacekeeping Missions: Col PP Singh

Colonel Singh informed participants that peacekeeping has evolved into a flexible, internationally acceptable way of controlling conflict. It has so far prevented local conflagrations from proceeding into a global war. Legal authority is derived by quasi-constitutional interpretation of its charter and the mission function under the international legal personality of the organization. The status of troops is decided by the UN and the host country when missions are mandated by mutual consent. When Missions are put in place with the cardinal principles of impartiality, mutual consent non-use of force – peacekeepers have non-combatant status and are protected civilians.

He however averred that the scenario today is more complex. Present day peacekeeping is witness to a large number of parties to the conflict, which include states, non-state actors (including several layers of these such as tribal warlords, factional leaders). Some of these have little interest in participating in the political process and thus the international community does not have any leverage over them. Conflicts today are more intractable and entrenched, with Africa as the arc of instability, hosting 87% of UN peacekeepers.

Becoming a party to the conflict and the Use of Force: Use of force is the most complex of the cardinal principles. This is largely because its extension to self- defense including in defense of mandate is unclear in scope as well as in concept. Simple use of force in defence of its mandate does not mean that the peacekeeping force has become a party to the conflict.

However, the environment is now highly volatile, highly charged and extremely dangerous, as peacekeepers are sometimes mandated to advance reconciliation and dialogue even in the absence of formal peace agreements. They are deployed in situations where the cooperation of constitutional authorities is not guaranteed. Peacekeepers themselves are faced with threats like IED attacks, ambushes by the armed opposition, including, sometimes, from child soldiers – where excessive use of force could easily result in human rights violations.

International Humanitarian Law (IHL) as applicable to peacekeeping missions: Colonel Singh reiterated the fact that the fundamental goal of humanitarian law is to distinguish between those who are engaged in warfare and those who are not. It is designed to balance humanitarian concern against military necessity, in order to mitigate human suffering. Wherever peacekeeping is done with the 3 basic tenets in mind, IHL is not applicable to the UN or UN missions. IHL applies to each contingent depending on the obligations of the troop contributing country. When UN troops are engaged in combative action they are a party to the conflict - International humanitarian law is also applicable only for the duration of that armed engagement.

He concluded his presentation by saying that UN peacekeepers are considered legitimate military targets when they become party to the conflict, while civilian staff may become collateral damage in the event of attacks on UN bases. High intensity of operations also means more number of casualties amongst the UN troops.

Multinational Operations and Role of Legal Advisors: Afghanistan Experience: Dr. Can Akdogan

Dr. Akdogan (who, during his active military career served as a legal advisor to ISAF/NATO in Afghanistan before joining the ICRC on his retirement) gave a presentation on challenges in multinational military operations in complex contexts.

The focus of his presentation was Rules of Engagement (RoE), Targeting, Detention and the Role of Legal Advisors in multinational military operations, with special reference to the challenges and lessons learned in ISAF operations.

Rules of Engagement are the key issues for the application of law in military operations. Ideally, ROE must be clear and unambiguous and should not create any misunderstanding for the troops on the ground. They should cover DO's and DON'T's for the troops and individual soldiers. However, in the case of Afghanistan, and due to the existence of two different military operations that were

conducted by two different commands (ISAF and “Enduring Freedom”) simultaneously, the fact that they both shared the same Area of Operations created problems regarding implementation.

The mandate of ISAF was to support local authorities to enable them establish the rule of law; while “Operation Enduring Freedom” was tasked with executing a robust mandate and RoE designed to neutralize the insurgency. For commanders on the ground, it was a challenge to plan and execute military operations in such a context, hampering coordination, especially since both had different understanding in the interpretation of “hostile intent,” “hostile act,” “warning shot,” etc.

Targeting in multinational military operations is another complex issue which needs to be handled carefully. Despite having sophisticated and improved assets to gather intelligence, today, military forces still depend heavily on the ground information provided by civilian or military personnel. This could cause the units to make huge mistakes when operating in unfamiliar terrain. This was particularly true for a NIAC situation which Afghanistan presented, as there were many concerns for the commanders and staff officers when selecting and finalizing their target list. Selection of targets must always be in compliance with the law as mistakes in targeting would easily cause public anger and erode public support for the operation.

Furthermore he said, legal, operational and political issues often dot detention in multinational military operations. Detainees have to be treated according to relevant law and basic international standards and also have to be kept in detention centers. This means extra work and responsibility for the troops and commanders. In ISAF operations, detention issues were regulated by ISAF Detention Policy and commanders at all levels were authorised to detain individuals when necessary. However, in practice, detention operations were always a problem for commanders since ISAF operations also had political implications for troop contributing countries. The lack of a properly functioning judicial system in the country prevented detainees from being handed over to local authorities.

According to Dr. Akdogan, legal advisors in the military had only been used for disciplinary and administrative matters for a long time and they were not necessarily involved in operational matters such as planning, targeting and RoE. However, changes in the battlefield and the evolution of warfare created a need for commanders to focus on legal issues related to the conduct of hostilities. This is because in multinational military operations, commanders would need legal support from military lawyers (who also serve them as legal advisors).



Retired as well as serving officers attended the event.



Col. Rohit Sehgal, Director of the Centre for United Nations Peacekeeping, Indian Army, presenting his opening remarks.



Maj. Gen. JS Sandhu, AVSM, VSM, Officiating DG SD, Indian Army.



Top Generals of the Indian Army who variously served as UN Force Commanders were part of a pool of rich facilitators.

SESSION 2: EXPERIENCES FROM UN PEACEKEEPING OPERATIONS

Panel:

Lt Gen Satish Nambiar (Retd)- Chair
Lt Gen IS Singha, DGOL, Indian Army
Ms. Maruti Joshi, Additional SP, ATS, Rajasthan Police
Lt. Col Mahmood, Bangladesh Army
Col Padam Singh, Nepal Army
Lt Col NDKB Niyangod, Sri Lankan Army

Command experience in Yugoslavia: Lt Gen Satish Nambiar (Retd)

According to Gen Nambiar, his experience while serving in UN missions in the former Yugoslavia (UNPROFOR) was a great professional challenge and a high point in his military career which he reflects on with a sense of achievement, satisfaction and fulfillment. It also provided him with a great deal of insight into the political dimension to such operations from the perspectives of political leaders and governments across the world.

Gen. Nambiar informed the audience that he was struck by the dedication of all the contingents from across the world to the United Nations as an organization and to its principles and ideals. He was also struck by the fact that all the personnel, including civilians, were prepared to undergo great difficulties and faced danger without complaint. Despite its challenges, it is his view that there does not appear to be any alternative at the moment to the United Nations as an organization and for that reason, one has to not only just support it, but also make it work and make it work well. He identified some of the challenges on the ground to include distrust and lack of understanding between the uniformed components of the mission (military and the police) and the international civilian staff of the United Nations. This he believed is still a prevalent problem that needs to be dealt with and overcome in a proper fashion.

Furthermore, there are varied standards of training, competence and skills amongst the forces deployed. With the diversity of the force in these missions, one requires a great deal of patience and understanding of their military performance. Another major problem is the lack of adequate equipment. In his opinion, if the UNPK has a chance of making a difference in the prevailing international security environment, the developed world must return to it with trained man power and resources, and these States must be ready to occupy command and senior staff positions as, in his opinion, their reluctance to participate in UN missions is quite unacceptable.

The General opined that from past experience, parties to the conflict will usually try to exploit the UN to their benefit; this is something one can't wish away. Manipulation, lies, deceit, non-adherence to agreement and not keeping faith with assurances are a part of this. This is why one has to have a lot of patience and perseverance to respond to the challenges encountered in such missions he further affirmed. Again drawing from his experience

in the Balkans, he identified the propensity of neighbours and powerful actors in the international arena to indulge in political manipulation of the situation and said this was very unfortunate because they were often the same States that had passed the resolution in the UNSC for setting up the mission. The attitude of other players (especially from regional organisations) in the mission area must be aligned to supporting the mission as well, including in taking up their share of responsibilities, because from his experience during UNPROFOR, certain actors from such organisations were unwilling to commit to executing their part of the mission, even after having being involved in setting up such tasks.

Concluding, the General noted that there were many problems dealing with NGOs and the media because they had a tendency to get into trouble and then expected UN forces / officials to bail them out. As far as dealing with the International Committee of the Red Cross and the UNHCR was concerned, he said that he found most of them quite helpful, which is also because of the rapport he had developed with the senior leadership of both organizations.

Contemporary Challenges in the Middle East related to IHL: Lt Gen IS Singha, Indian Army

General Singha drew the attention of the audience to the fact that there are 4 UN Missions situated in the Middle East. These are the UN Peacekeeping Force in Cyprus – (UNFICYP), the UN Disengagement Observer Force in Syria (UNDOF), the UN Truce Supervision Organisation in Syria-Israel, (UNTSO) and the UN Interim Forces in Lebanon, UNIFIL. The General chose one case study to illustrate his presentation, this being UNDOF, and went on to inform participants that consistent with the 1974 agreement entered into by the parties (Syria and Israel), both sides were to disengage, while a buffer zone was established in the Golan Heights and designated as the “Area of Separation.” The 1974 agreement requires that each side limits its troops to 2000 and that both sides had maintained forces well below optimum level.

The mandate of UNDOF was to monitor an international conflict and maintain credible peace, but the situation has since become quite complex, with many players like Syrian Government Forces, other factions including Hezbollah, Al Nusra, the Free Syrian Army, the IRG and now, IS engaged in the theatre. UNDOF forces have to deal with the repercussions of this internal situation in Syria.

From 2012 onwards, the armed opposition has conducted many incursions into the Area of Separation and thrice attacked border crossings – used to cross-over between Syria and Israel, although they were always beaten back. Peacekeepers became targets of abductions, leading perhaps to the situation where, in 2013, Austria, Canada, Japan and Croatia were to pull their troops out due to such security reasons. This left only India and The Philippines to manage an extremely difficult situation – until troops arrived from Fiji and Nepal.

In such a situation as highlighted here, a force commander

operating under a limited mandate faces an acute dilemma. Should he be a bystander while civilians suffer? In this case in 2013 – UN personnel gave medical aid to civilians, and the impartiality of the UN – which is one of the basic tenets of peacekeeping, was questioned by both the government of Syria and the opposition. However, the force commander decided to act in good faith and continued to give aid to civilians where possible, and equally tried to establish a dialogue with various parties to the conflict to underscore the impartiality of the action of the force.

UN EXPERIENCE- REPRESENTATIVES FROM PARTICIPATING COUNTRIES

(A) Bangladesh- Lt Col Mahmood

Giving a background to the involvement of Bangladesh in UN PKOs since 1989, Colonel Mahmood explained that out of 69 United Nations peacekeeping operations since 1948, his country has successfully been a part of Fifty-nine of them. Currently, 7,730 members of the Bangladeshi Army are involved in PKOs around the world. The speaker himself was involved in two missions and served as Staff Officer at JOG in Sudan with a brief that put him in charge of operational planning. Providing a background to the mission in Sudan, he explained that UNMIS was established on 13 July 2007 under the UNSC resolution in 1769. The Darfur region is situated in the western part of that country, with a population of about 7 million people and occupying an area of 5518 sq. kilometers. The population is made up of about 104 ethnic groups of various cultures and traditions. Administratively, Darfur is divided into 5 states, but after the Peace Agreement of 2007, it was transformed into the Darfur Regional Authority. The conflict there had been going on since February 2003, pitting government forces against several armed opposition groups, while there has been a growth in the militia groups in the region over a course of time. The conflict has been further extended to a wider geographical area than it was at its inception, resulting in increased criminality that has affected many people in the region. As a result of this, there was a loss of 16 peacekeepers in 2013—during the provision of assistance to civil staff of the UN or during distribution of aid to locals.

(B) Nepal- Col Padam Bahadur Singh

Colonel Singh served in UNPROFOR (1994-95), MINUSTAH (2004-2005) and was the Assistant to the Military Adviser to the UN Secretary General from 2008-2009. He later served in UNMIS as a Military Observer on the Sudan-South Sudan border.

In his presentation, Colonel Singh informed participants that Nepal is the 6th largest Troop Contributing Country to the UN, with a total deployment of 105,588 troops across 41 different UN Missions. Sixty Nepalese Army personnel have paid the ultimate price, while 60 others have been injured in sustaining peace. Currently, there are 4374 personnel are serving in 14 UN peacekeeping missions at present. Out of which female peacekeepers are in 14 different UN

missions comprising 2.32% of total Nepalese Army's participation. Nepal has undertaken both Chapters VI and VII missions, as well as missions specifically deployed for the protection of civilians (in Sudan). She strictly enforces zero tolerance for SEA and HR violations.

(C) Sri Lanka- Lt Col NDKB Niyangod

Colonel Niyangod spoke of the experience of Sri Lanka (SRIBAT) in the UN Stabilization Mission in Haiti (MINUSTAH), lunched by the UN on June 1 2004. He informed participants that the mission lasted for a duration of 11 years (finally terminated in 2015). A total of 17,904 troops participated in that mission on a six-month rotational basis. Their pre deployment training included knowledge of ROE, women rights, child protection and child rights and the avoidance of child abuse under International Humanitarian Law and Human Rights. Troops were also made aware of the need to respect the cultural values of the people in the mission area. They were given 'situational training' as well in order to enable them act swiftly and proactively. Mission personnel also participated in simulations on emergency response to natural disasters such as earthquakes. In the initial stages, the situation was not as stable and therefore there was an urgent need to make swift plans to enable mission personnel to react to any eventuality.

The Colonel informed participants that troops had to strictly observe RoE. They also distributed clean drinking water and cooked meals during the cholera outbreak. Other initiatives such as providing furniture for schools, stationery for students, dental help through clinics and blood donation camps were all undertaken. Mission personnel had to overcome various challenges as well, including language barriers and strictly comply with road discipline. SRIBAT wound up its involvement in MINUSTAH on the 16th of May 2015.

Role of UNPOL: Women in UN Peacekeeping: Ms. Maruti Joshi

In her presentation, Ms. Joshi drew a parallel between the work of the Police in its home country and what it does when deployed externally on UN missions, and concluded that these functions are similar. She said that in the mission area, the tasks before the police are contained in the mandate and that over the course of time, this role has increased and now covers training, mentoring and reforming/ restructuring the host police. Using South Sudan as an example, she explained that UN Police personnel were co-located with the South Sudan National Police Service (SSNPS) and were to co-ordinate their work with the SSNPs on all levels and in all sectors of their work sphere as well as to train and mentor them.

The speaker further informed the session that female peacekeepers in the mission played an important role working on the *E principles* of empathize, encourage, engage and empower, and that a women's network was created through co-locating with the SSNPs. A free medical camp was organized by the Indian association in South Sudan along with the help of the SSNPs to help the locals.



Col. PP Singh speaking on IHL and its Application in UN Peacekeeping Missions.



Lt. Gen. Satish Nambiar (Retd.) on the right, chairing the session on Experiences from the UN Peacekeeping Operations with Lt. Gen. IS Singha (Left).



Presentation by Lt Col NDKB Niyangod from Sri Lanka.



A session on Contemporary Challenges on International Humanitarian Law in progress.

SESSION 3: CHALLENGES IN THE APPLICATION OF FORCE

Panelists:

Lt Gen Chandra Prakash (Retd)-Chair
Brig. Gajinder Singh, DDG DD (A), Indian Army
Lt Gen RK Mehta (Retd)
Mr. David Maizlish, ICRC, Geneva

Challenges of the Force Intervention Brigade: Lt Gen Chandra Prakash (Retd)

The Chair and other members of the panel brought their experiences to bear on the subject, making the session quite instructive, informative and illuminating. The following is a summary of the discourse. Using the UN Stabilization Mission in DR Congo (MONUSCO) as a case study, Gen. Prakash informed the audience that it has 20,000 troops, of which 3,069 belong to the Force Intervention Brigade (FIB)

He noted that the most challenging areas are those with the smallest brigade sectors, i.e. north KB and south KB and to some degree, further to the north in the Oriental Province where the Ituri brigade is located. He identified the area of north KB brigade where the FIB is located as the most challenging and intoned that purely from the point of view of the application of force, these 3 provinces were the most difficult mission areas. The General said that in this small area, the peacekeeper density is 1 peacekeeper per 26 kilometres and this is exacerbated by the fact that the riches of the DR Congo are concentrated in these areas.

FIB: COMPOSITION & COMMAND

Gen Prakash highlighted the following:

- The FIB is composed of approximately 3,000 forces from three countries in the Southern African Development Community (SADC) region—Malawi, South Africa, and Tanzania
- Command and control broadly fall under MONUSCO, reflecting the need to avoid overlapping and competing structures in peace support operations.
- The FIB retains some level of autonomy in implementing its mandate, with leeway to carry out its uniquely branded offensive operations.

According to him, MONUSCO is to prevent, mitigate and respond in a timely manner to emerging threats against the population, whilst assisting the GoDRC to establish a monopoly of force and effectively ensure the safety of citizens under its jurisdiction. While Protection of Civilians remains the prime responsibility of the DRC Government, MONUSCO's mandate authorises the mission, first, to protect a maximum number of civilians within available resources in the short term, and second, to reduce the threat of armed groups whilst strengthening state authority and local protection capacities on the long run. According to the General, the problem is that too much focus is given by the mandate to

“prevent, mitigate and respond to threats” and not enough to “reducing threats” and “increasing capacities” – which, according to him, are the actions aimed at addressing the main causes of protection incidents.

Achievements: Strategic

- MONUSCO provides a testimony to the benefits of committed and dedicated collaboration between the UN and such sub-regional and regional bodies like the African Union-AU, SADC, and the International Conference on the Great Lake Regions-ICGLR.
- Positive results are easier to achieve when peacekeeping operations are undertaken cooperatively.

Achievement: Operational

- Placing the FIB under MONUSCO, gives the UN an overarching role in coordinating operations.
- Peacekeepers in the country can be guided by similar doctrine.
- Harmonizes the peacekeeping processes and ensures that the brigade benefits from the support that is accorded to UN peacekeepers.

Operational Challenges / Conclusion

In concluding, Gen. Prakash identified some operational challenges before the force and its potential impact on the reputation of the UN.

- Lack of intelligence
- Being part of MONUSCO, governed by the same bureaucracies and confronted by the same challenges that have bedeviled the United Nations Peacekeeping Force in the DRC since 1999.
- The success of the FIB and its effectiveness depend greatly on the commitment, capability, and professionalism of the national army of DR Congo—the FARDC, especially in joint operations.
- Some key armed groups in the DRC, including the FDLR and the ADF are yet to be disarmed.
- Varied perceptions between FIB and the Framework Brigades.
- Fears on the humanitarian impact of the operations of the force.
- The operations of the FIB contributed to the perception that MONUSCO and UN are becoming increasingly belligerent.
- Focus has primarily been on its political and operational aspects, while the legal issues are of real practical consequence and should be equally given attention.
- An “Intervention Brigade” takes the operation beyond peacekeeping and even peace enforcement, and may create the perception that the UN is “taking sides” in the conflict.
- May also lead to misunderstanding about the robust legal authority to use force under the protection-of-civilians mandate

- Weak humanitarian presence. Harder to quickly scale up large humanitarian operations if required.
- Military operations alone cannot bring much-needed durable solutions to the long-standing problems which have troubled the region and its people for twenty years.
- The international community needs to focus on deeper, uncomfortable issues that have defeated all efforts to bring peace to Eastern DRC until now.

Robust UN Peacekeeping: Brig. Gajinder Singh

In his opening remarks, Brig. Singh reminded his audience that the first UN Missions were primarily “Observer Missions” and essentially monitored the maintenance of the agreed truce between two warring sides.

In 1956, the UN launched the first mission with armed troops called United Nations Emergency Force but even this did not start the use of force. It was in 1956 that the three cardinal principles of impartiality, mutual consent and non-use of force were adopted and the end of the *Cold War* brought an increase in both the number and complexity of United Nations peacekeeping missions.

Due to the changing geo-political environment, peace-keeping missions were deployed to both international and non-international armed conflict theatres. This required a new multidisciplinary approach. Parties to the conflict tended to manipulate the peace process thereby engendering an environment which allowed genocides to be carried out in such places as the Balkans and Rwanda, in the presence of UN troops who became bystanders when such atrocities were being committed. This made the UN rethink many concepts and the idea came about that once deployed, the UN must carry out its task robustly and professionally and UN peacekeepers must be fully equipped to implement their mandate.

Robust Peacekeeping: “Robustness” implies the adoption of various tools which include political, military, negotiation, the media and use of force (as a last resort) to implement the mandate of a mission. Robust peacekeeping then becomes a *political operational strategy* to signal the intention of the UN to carry out its mandate and not cede any initiative to attackers or other threats.

In addressing *legal and conceptual dilemmas*, Brig. Singh identifies some problems faced by robust missions as including the following:

- Robust peacekeeping and protection of civilians vs sovereignty of a state is the main issue. There is another school of thought that maintains that a robust mission violates the cardinal principle of non-use of force which implies that the mission will lose consent and therefore have its impartiality undermined.
- The issue of collateral damage in robust operations remains. This happens because it is sometimes difficult for the UN to identify parties to a conflict especially when such conflict occurs intra-state.
- Rules of Engagement in robust missions are very complicated.

Soldiers come from different nations, possess different education levels and it becomes difficult for everyone to understand the ROE.

- There is the problem of operating with nations who have questionable human rights records.
- The biggest problem is when you have to deal with several parties to the same conflict. If one party withdraws or starts manipulating the process, consent becomes a very big problem such as in the UNAMID mission area. A force of 20,000 is almost ineffectual because of the limited support from the authorities.

Robust peacekeeping is thus the outcome of reforms introduced after the Rwandan and Balkan crises which made the United Nations authorize strong mandates and field strong and large contingents.

The Way Ahead: Robust peacekeeping missions have had only limited success. They are not always effective because of many operational challenges which need to be addressed.

- Usually put together hurriedly at the behest of the United Nations Security Council (UNSC), such missions ironically are often deprived of long term support from the same UNSC which established it. The Council, Secretariat and all the member states must therefore collectively ensure that the mission is a success.
- Over ambitious mandates hamper the effectiveness of a mission. Large mandates divert attention and resources from the main task.
- The five permanent members of the UNSC – the P5 are not providing troops to missions. Their doing so will provide a boost as well as advanced military capability to the mission.
- Doctrinal issues need to be discussed and sorted out.
- Missions are fielded on shoe- stringed budgets. Force Commanders usually do not have reserve troops and lack even expeditionary capability needed during combat/fighting.
- Command and control in the operational area is divided. The Force Commander usually lacks authority over necessary resources and enablers such as transport. A divided command and control hampers the effectiveness of a mission.

Rules of Engagement and Use of Force: Lt-Gen RK Mehta (Retd)

BACKGROUND

Gen Mehta noted the fact that in 2010, a large number of errors had occurred in peacekeeping from the 13 missions of the cold war period and 55 missions that were deployed post-cold war. The Committee that was set up to review this met in the same year and decided that the UN took steps to enhance the ability of its forces to deter through the posture they adopt and the actions that they take.

According to him, the Special Committee recognized the necessity to intensify dialogue among Member States and the Secretariat, including in the forum, on ways and means to enhance the effectiveness of peacekeeping missions. They were also to address the requirement for these missions to enhance their operational effectiveness, threats to the implementation of mandates, safety and security of peacekeeping personnel, and ongoing peace processes, in accordance with the UN Charter and the guiding principles. It was decided that there should be adequate capabilities and clear and appropriate guidelines for peacekeeping missions so that the forces deployed are able to carry out all their mandated tasks.

The General cautioned that it is important never to expect a mandate which is political in nature and content to define one's military task. He opined that providing clarification of the issued mandate is the responsibility of the Department of Peacekeeping Operations (DPKO), and in turn, that of the Military Advisor (MILAD) in consultation with many others (and he said that they will provide a lot of clarity which is not tainted by the political environment within which the mission is located). In his opinion, there has to be some flexibility in politics and in diplomacy as well, and it is important to moderate national sensitivity in a political environment in order to enhance the effectiveness of the peace mission.

RULES OF ENGAGEMENT

For ease of reference, Gen Mehta described 'rules of engagement' as "directives to Operational Commanders and Forces (including individuals who are armed), which delineate the parameters within which force may be used by designated UNPK personnel." Its key denominators are that:

- Use of Force conforms to the ROEs.
- They are tailored to the Specific Mandate of a Mission.

In the opinion of the speaker, while using force, one should remember that it is not to pose a threat to the territorial integrity or political independence of any state and the use of force by any member of a peacekeeping contingent is defined by the armed force. He noted that an army is tailored specifically to meet the requirements of the mission situation and that while there are fundamental principles, there is no universal ROE. In certain situations on the ground, there have been cases when the ROE was changed. He affirmed that commanders often have sufficient authority to act and must possess the mental robustness and ability to foresee a developing situation and prepare to respond appropriately.

Gen Mehta then proceeded to enunciating the inherent rights of the peacekeeping personnel as follows:

- Self Defense
- Provide Protection (first for self, then for UN personnel, UN assets and civilians) - whether part of the mandate or not, there is a moral obligation on the part of the peacekeepers to do something to exercise restraint and control the situation.

ROEs are not designed to give tactical guidance to those who are empowered to use them. They are not empowered to give them task. One has to derive one's own task.

- Security and Freedom of Movement- of self, personnel, fund, programme, agencies and civilians.

Legality, Legitimacy and Restraint- One has to derive the tasks and ensure they conform to legality, but without escalating the situation.

He surmised that the concept of the operation and the force commander's directives should include human rights and certain legal issues. Also, at the mission level, documents should correspond to the issues because the military works on orders.

LEGAL, MILITARY AND POLICY PURPOSE

According to the General, domestic law includes the operational and political factors that shape the mission and it also helps to synchronize the political, diplomatic and military operations as well as that of the host government. A pragmatic view of their capabilities must be taken into consideration as well.

USE OF FORCE

Gen Mehta submitted that 'Use of force' can be described as the employment of any necessary means to bring a volatile situation to a more manageable and or resolved state. It covers actions from simple deployment of UN armed personnel and or contingents in response to a threat situation to those personnel or unit / sub-unit actually using their capabilities to the full.

APPLICATION OF DETERRENCE AND USE OF FORCE

He concluded by saying that one can understand the application of deterrence and the use of force through:

- Operational readiness (A pre-requisite)

Contingency planning is done with the help of all actors such as legal, HR, civilians, the military and the police with approval of the SRSG. It is needed during pre-deployment and in mission evaluation, universality of standards, professionalism, leadership (commitment and accountability), contingency planning and rehearsals and responsive logistics support.

Deterrence and use of force are employed in the following situations:

- When UN Facilities and Civilians are under imminent threat of violence.
- While ensuring a Secure Environment.
- For when the Freedom of Movement of UN Personnel is threatened or restricted.
- For support to the host nation.

- When the peace process is undermined.
- Hampering of Law & Order
- During Pro-active Operations – Intervention Brigade (CORDON & SEARCH, SEARCH & DESTROY, RAIDS, LRPs)

Peacekeeping and Humanitarian Space: Mr. David Maizlish

David explained to the audience that the humanitarian space in a military or peacekeeping operation is the same. Furthermore, he acknowledged that the primary concerns of a commanding General may differ from those of a Lt-Col. in charge of an area of operations. The strategic questions and policies of the mission and its structure, including humanitarian elements, are different from the tactical and operational ones at ground level. To illustrate the point, he showed a picture in which a soldier is seen to be giving water to a child while still holding his rifle. He explained how an operational commander or junior officer might raise questions about how the weapon is being handled, while political leaders and senior command may be preoccupied with the strategic value of community relations in a CIMIC operation, while a humanitarian worker may not likely understand these questions from a military point of view and might instead see in the picture a grave threat to the life of the child (as such contact may put the child in danger, especially if the soldier becomes a target).

PRINCIPLES AND WORKING METHODS

The speaker highlighted the fact that the ICRC and other neutral humanitarian organisations are guided by fundamental principles while providing relief. These include the principles of humanity, impartiality, neutrality, and independence, which guide their humanitarian action. Such humanitarian organisations, including the ICRC, assist all in need, irrespective of religious beliefs, ideological orientation, or political loyalties. The ICRC does not make public comments on the causes of any conflict.

He averred that ‘neutrality’ for humanitarian organisations is more than a principle, and is seen also as a part of the basis of peace keeping operation. The transition to a more robust mission structure can or may create problems for impartiality and for the neutrality of the civilian components attached to the UN mission who are required to be independent in order that they might be able to function and better address the needs of those affected by the situation. Thus there is a certain degree of security exception given to humanitarian organisations to function independently. The concept of neutrality and independence requires humanitarian agencies not only to act without permit, but to be seen to act without permit. In his opinion, this is where one of the first misunderstandings set in about humanitarian workers.



Participants discussing challenges in the application of force



(R-L) Lt. Gen. Chandra Prakash, Maj. Gen. JS Sandhu, and Lt. Gen. RK Mehta listening at one of the sessions.



David Maizlish, ICRC, Geneva, making a point during his presentation on UN peacekeeping Operations and the ICRC - Challenges and Opportunities.



Lt. Gen. RK Mehta (Retd.) during his presentation on Rules of Engagement and Use of Force.

SESSION 4: CONTEMPORARY CHALLENGES IN THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

Chair: Ms. Patricia Barandun, Deputy Representative, UN Women Office for India, Bhutan, Maldives & Sri Lanka

Panel: Ms. Meghan Riley, Development Coordinator, Crisis Management Centre (CMC), Finland

Dr. Lotte Vermeij, Women Protection Advisor, Gender Advisory Section, D.R. Congo

Ms. Fiona Barnaby, Legal Adviser, ICRC, Kuala Lumpur

Contemporary Challenges in Sexual and Gender Based Violence and Consequences: Ms. Meghan Riley

Meghan began her presentation by asserting that UN missions have had a great deal of success in protecting civilians from sexual and gender based violence. She went on to explain that sexual and gender based violence is a terminology that came into wider usage in the 1990s but its definition tends to be a little narrow. She therefore gave the following definition to describe the phenomenon:

“Sexual and Gender-based violence (SGBV) is violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men, boys and girls can be victims/survivors of gender-based violence, women and girls are the main victims/survivors.”

As the international community started getting more involved in efforts to combat sexual violence, the umbrella term ‘Gender Based Violence’ (GBV) gained more acceptance and she pointed out that *sexual violence* is a sub-set of GBV.

Meghan informed participants that *conflict related sexual violence* (CRSV) is another term that has come up lately, focusing on the use of sexual violence as a tool of war. The report of the High Level Independent Panel on operation and UN documents recently highlighted the fact that CRSV is an issue that is prominent in many contexts.

Furthermore, the speaker opined that Sexual Exploitation and Abuse (SEA) has become quite an issue for the UN and refers to abuses committed by international community actors against beneficiary populations.

Protection of civilians

Addressing the issue of protection, she suggested that *protection* is a word that is commonly used and little understood. Different organizations tend to have a very different definition of what is meant by ‘protection.’ She thus broadly defined it as “all necessary action, up to and including the use of force, aimed at preventing or responding to threats of physical violence against civilians, within

capabilities and areas of operations, and without prejudice to the responsibility of the host government to protect its civilians.”

The other two concepts within the three tier framework include:

- Protection through dialogue and engagement - Political process
- Establishing a protective environment

The four key phases are Prevention, Pre-emption, Response and Consolidation.

KEY CHALLENGES

Meghan concluded her presentation by discussing the three key challenges identified as follows:

1) Sexual Exploitation and Abuse

The recent experience in Central African Republic with accusations against UN peacekeepers has brought a lot of introspection. The major problem with sexual violence relate to issues within the UN because it raises concerns of legitimacy and professionalism of the organisation. When the UN is the perpetrator of crimes against civilians, it not only damages the legitimacy of the mission, the legitimacy of the UN, but it also undermines the work of people around the world geared towards attaining peace and worst of all, puts people in danger.

2) Peacekeeper preparedness

The law provides no protection for them if they become victims of sexual violence. The study found that 62 countries, representing almost two-thirds of the world’s population, only recognize female victims of rape; 67 states criminalize men who report abuse; and in 28 countries only males are recognized as perpetrators of sexual violence – not females. The issue is problematic in areas where there are peace keeping missions, such as the Democratic Republic of Congo, Central African Republic and South Sudan (where legal frameworks create additional challenges). In the training context, it is a sensitive issue and culturally taboo.

3) Comprehensiveness

There is a major problem in communication between the various stakeholders and a lot of confusion as to what the different rules and capabilities of different mission functions are. There needs to be a more integrated dialogue and cohesiveness internally to smoothen the processes for better functioning.

Child Protection-Children and Conflict: Dr. Lotte Vermeij

Background

Lotte explained that children are amongst the most vulnerable in

a conflict; almost 50% of forcefully displaced people are children. War violates every right of a child: the right to life, food, shelter, security, education, sexual integrity, non-discrimination and health, etc. Armed conflict takes away a child's right to grow up and develop in peace and security so that he/she can achieve his/her full human potential.

The guiding principles of the UN Convention on the Rights of the Child are broad and universal for all children and emphasize on the best interest of the child, including non-discrimination on the basis of race, gender, colour, religion and ethnicity.

CHILD SOLDIERS

She went on to give the definition of a 'child soldier' and to explain the implications of the phenomenon as follows:

- A 'child soldier' is defined as any child - boy or girl - under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members.
- It includes girls and boys recruited for sexual purposes and/or forced marriage. The definition, therefore, does not only refer to a child who is carrying, or has carried weapons- Cape Town Principals, 1997

The estimated number of child soldiers worldwide is about 250,000. It is difficult to verify the exact number because many of the children are forcibly abducted and recruited. In some rebel groups in the African continent, child soldiers form up to 80% of the group and therefore are very vulnerable to exploitation. The international response to combat the threat has been lacking as there is a sizeable knowledge gap between recruitment and reintegration. She noted that 30-40% of child soldiers in armed groups are girl soldiers and they are used in different capacities. When they're recruited she said, most of them are forcibly married to one of the commanders, while other roles thrust upon them include as wives, mothers, sex slaves, cooks, helpers and in a limited role, as combatants in girl units.

Lotte continued her presentation by listing grave violations and other issues related to the child soldier problem. These are:

1. Recruitment and use of children by armed groups
2. Killing and maiming of children
3. Sexual violence against children
4. Attacks against schools and hospitals
5. Abduction of children
6. Denial of humanitarian access

Recruitment

Children, especially in the context of armed conflict, are vulnerable since they are emotionally immature. Armed groups often target impressionable young teenagers between the age group of 12-14

as they are physically strong enough to undertake combat and the recruitment process is itself accompanied by a lot of violence. In some instances, families are threatened with killing if they object while in other cases, subjects are lured by the promise of power and protection.

The Transformation from Child to Soldier: Socialization within Armed Groups

Majority of children are forcibly recruited, so when they are taken away by these groups, initially they do not want to be there. But the longer they stay with these groups, the more integrated and socialized they become. When they are part of this group, they go through different stages of socialization. Formal socialization involves training and boot camp like in a military set up in order to familiarize the child soldiers with weapons, equipment training and techniques of fighting.

Disarmament Demobilization Reintegration (DDR)

DDR activities are crucial components of both the initial stabilization of war-torn societies as well as their long-term development. The objective of the DDR process is to contribute to security and stability in post-conflict environments so that recovery and development can begin. DDR helps create an enabling environment for political and peace processes by dealing with security problem that arises when ex-combatants are trying to adjust to normal life, during the vital transition period from conflict to peace and development.

Child Protection Challenges

The DDR programmes carried out are for a short duration and therefore due to donor fatigue and other operational contingencies, deeper problems are not addressed. There is a lack of specialized support to facilitate the process of reintegration within the society to carry out psychological counseling and also lack of skilled jobs and employment programmes for the rescued children. There is limited leverage with the international community to make armed groups comply with IHL.

Conclusion / Way Forward

She concluded her presentation by suggesting the following as the way forward.

- Prevention by targeting security issues and education
- Promotion and protection of children's rights
- Coordination military/police/civilian components of Peacekeeping Operations
- DDR: holistic approach
- Cooperation, child soldiers and communities
- Create future hopes, opportunities, purpose

Protection of Civilians (POC) in Armed Conflict: Ms. Fiona Barnaby

Fiona opened her presentation by citing the following quote:

*“Implementation of the protection of civilians (POC) mandate requires **all mission components to work in a coordinated way, each bringing their own unique contribution to the table.** While there is no one uniformed or civilian element that is solely responsible for implementing POC mandates”*

She went on to explain the ICRC’s Protection Policy thus:

“Protection aims to ensure that authorities and other actors respect their obligations and the rights of individuals in order to preserve the safety, physical integrity and dignity of those affected by armed conflict and other situations of violence. Protection includes efforts to prevent or put a stop to actual or potential violations of IHL and other relevant bodies of law or norms.”

Persons taking no active part in hostilities, including persons *hors de combat*, shall in all circumstances be provided fundamental human rights and treated humanely as enshrined in international humanitarian law. Women and children shall be specially protected as they are the main victims of armed conflicts.

Persons deprived of their liberty for reasons related to the armed conflict:

- shall, to the same extent as the local civilian population, be provided with food and drinking water
- be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict
- shall be allowed to practise their religion
- places of internment and detention shall not be located close to the combat zone
- shall have the benefit of medical examinations
- their physical or mental health and integrity shall not be endangered by any unjustified act or omission

Fiona highlighted aspects of the UN Secretary General’s report on PoC, which identified five core challenges as follows:

UN Sec-Gen Report on PoC in Armed Conflict June 2015

1. Enhance Compliance with IHL, especially conduct of hostilities
2. Engage non-State armed groups
3. Strengthen the role of PKOs
4. Humanitarian access
5. Enhance accountability for violations

RECOMMENDATIONS

She concluded her presentation by offering the following recommendations:

Strengthening respect for international law

- The Security Council to remind, condemn, request reports, target measures, develop ways to improve respect

Member States should:

- Adopt national legislation to prosecute genocide, crimes against humanity, war crimes and other serious violations of IHL/IHRL
- Search for, prosecute, or extradite offenders
- Ratify the Rome Statute

CLOSING SESSION

Special Remarks by Mr. Rene Boeckli, Deputy Head of Regional Delegation for India, Bhutan and Maldives, ICRC, New Delhi

In his remarks at the closing session, Mr. Rene Boeckli, Deputy Head of the Regional Delegation of the ICRC in New Delhi, reminded the audience of the fact that the objective of the seminar was to expose them to the challenges soldiers face while using force in the context of peacekeeping operations and highlight why there is a need to better integrate the law into training and education systems of the armed forces involved in such operations. He surmised that the elaborate discussions highlighted the activities undertaken by the ICRC to prevent or significantly minimize IHL violations and were designed to generate awareness on its role in promoting the law. He hoped that with the end of the seminar, the audience has been able to obtain a greater insight and clarity that can help in addressing those challenges arising from IHL. He expressed appreciation to Maj Gen JS Sandhu, Officiating DG SD, Brig Gajinder Singh, DDG SD and Col Rohit Sehgal, Director, CUNPK and his team for the successful conduct of the event. He also acknowledged the role of chairpersons, presenters, participants and ICRC colleagues for taking time out of their busy schedule to attend and to share their views on this important subject.

Vote of Thanks by Brig Gajinder Singh, DDG SD (A), Indian Army

While delivering the vote of thanks, Brig Gajinder Singh explained that throughout the seminar, the organisers tried to provide an open forum for participants to freely share their experiences and debate concepts and opinions with a view to facilitating a frank exchange and sharing of best practices. He affirmed as well that this was accentuated by the experience and knowledge of the lead

discussants, all of whom have occupied important positions in UN missions and within humanitarian operations as well. He noted that participants have been further made aware of the various critical issues that pose a challenge to the success of various PKOs which today are launched in contexts that are dynamic and pose numerous limitations to the modern peacekeeper.

Brig Singh said that the UN now has various approaches at its disposal within the domain of the seminar's focus, ranging from Peacemaking, Peacekeeping to Peace enforcement. The seminar, in his view, did raise various issues that could crop up in the mission area, such as when a peacekeeper may be mandated to "fire" under compelling conditions that may not be within his right to fire back in self defence. He may not be able to distinguish between

the national army and the armed opposition, and may find himself countering a threat from child soldiers. The sharing of experience and knowledge, the interface and interaction through the seminar, would have triggered critical thought processes and this exposure will stand participants in good stead in future endeavours, he affirmed.

In conclusion, he was pleased to note that the aim and objectives of the seminar were largely accomplished, which was very encouraging. He was excited by the level of participation, especially from foreign countries. He was grateful to everyone for generously sharing their rich and varied professional experiences and paid glowing tribute to the joint team of officers from CUNPK and the ICRC for organizing the seminar.



The session on Contemporary Challenges in Protection of Civilians in Armed Conflict underway.



Rene Boeckli, Deputy Head of Regional Delegation, ICRC New Delhi, and Brig Gajinder Singh at the Concluding Session.



Participants gather for a group photograph

ANNEXURES

Programme Agenda

09 September 2015

08:30 – 9:00	Registration Inaugural Session (at Ashoka Hall)		
<i>Glimpses from the field: Exhibits of Peace Keeping</i>			
Session	Agenda	Presenter/Facilitator	Method
09:00 – 09:15	Welcome Address and Setting the Context	Ms Mary Werntz, Head of Regional Delegation, ICRC Delhi	
09:15 – 09:30	Opening Remarks	Col Rohit Sehgal, Director, CUNPK, Indian Army	
09:30– 09:45	Special Address	Dr Helen Durham, Director, International Law and Policy, ICRC, Geneva	Via Pre-recorded video
09:45- 10:00	Inaugural Address	Maj Gen JS Sandhu, AVSM, VSM, Officiating DG SD, Indian Army	
10:00 – 10:10	Group Photograph		
10:10 – 10:30	Tea/Coffee		

Session : 1 (at Taber Conference Hall)

10:30 – 12:45	Contemporary Challenges in IHL		
Chair : Dr. Can Akdogan, ICRC, New Delhi			
Time	Agenda	Presenter/Facilitator	Method
10:30 – 10:40	Introduction of panelists and the topic	Dr. Can Akdogan, ICRC, New Delhi	Panel presentations followed by discussion
10:40 – 11:10	UN Peacekeeping Operations and the ICRC : Challenges and Opportunities	Mr David Maizlish, ICRC, Geneva	
11:10 – 11:40	IHL and its Application in UN Peacekeeping Missions	Col PP Singh, Director SD-3, Indian Army	
11:40 – 12:10	Contemporary Challenges in Middle East related to IHL	Lt Gen IS Singha, DGOL, Former Force Commander, UNDOF	
12:10 – 12:45	Open floor for Comments and Question & Answers		
12:45 – 13:30	Lunch		

Session : 2 (at Taber Conference Hall)

13:30 – 16:00	Experiences from the UN PKOs		
Chair : Lt Gen Satish Nambiar (Retd)			
Time	Agenda	Presenter/Facilitator	Method
13:30 – 13:40	Introduction of panelists and the topic	Lt Gen Satish Nambiar (Retd)	Panel presentations followed by discussion
13:40 – 14:00	Command Experience in Yugoslavia	Lt Gen Satish Nambiar (Retd)	
14:00 – 14:20	Multinational Operations and Role Of Legal Advisors: Afghanistan Experience	Dr. Can Akdogan, ICRC, New Delhi	
14:20 – 14:50	Tea/Coffee		
14:50– 15:20	UN Experience: Sharing presentations	Representative from participating countries	
15:20 – 15:40	Role of UNPOL : Women in peacekeeping the difference it makes	Ms Maruti Joshi, Additional SP (ATS), Rajasthan Police, Former member of UNPOL at South Sudan	
15:40 – 16:00	Open floor for Comments and Question & Answers		
Reception Dinner 20:00 onwards Venue: Manekshaw Center			

Programme Agenda

09 September 2015

Session : 3 (at Taber Conference Hall)

09:00 - 12:45 <i>Challenges in Application of Force</i>			
Chair: Lt Gen Chandra Prakash, Former Force Commander, MONUSCO			
Session	Agenda	Presenter/Facilitator	Method
09:00 – 09:10	Introduction of panelists and the topic	Lt Gen Chandra Prakash, Former Force Commander, MONUSCO	Panel presentations followed by discussion
09:10 – 09:50	Challenges – Force Intervention Brigade	Lt Gen Chandra Prakash, Former Force Commander, MONUSCO	
09:50 – 10:30	Robust UN Peacekeeping	Brig Gajinder Singh, DDG SD (A), Indian Army	
10:30 – 11:00	Tea/Coffee		
11:00 – 11:40	Rules of Engagement and Use of Force	Lt Gen RK Mehta (Retd)	
11:40 - 12:20	Peacekeeping and Humanitarian Space	Mr David Maizlish, ICRC, GVA	
12:20 – 12:45	Open floor for Comments and Question & Answers		
12:45 – 13:30	Lunch		

Session : 4 (at Taber Conference Hall)

13:30 – 15:30 <i>Contemporary Challenges in Protection of Civilians in Armed conflict</i>			
Chair : Ms Patricia Barandun, Deputy Representative UN Women Office for India, Bhutan, Maldives & Sri Lanka			
Time	Agenda	Presenter/Facilitator	Method
13:30 – 13:40	Introduction of panelists and the topic	Ms. Patricia Barandun, Deputy Representative, UN Women	Panel presentations followed by discussion
13:40 – 14:10	Contemporary Challenges in Sexual and Gender Based Violence and Consequences	Ms. Meghan Riley, Development Coordinator, Crisis Management Centre (CMC) Finland	
14:10 – 14:40	Child Protection : Children and Conflict	Dr. Lotte Vermeij, Women Protection Advisor, Gender Advisory Section, MONUSCO, D.R. Congo	
14:40 – 15:10	Protection of Civilians in Armed Conflict	Ms. Fiona Barnaby, Legal Adviser, ICRC, Kuala Lumpur	
15:10 – 15:30	Open floor for Comments and Question & Answers		
15:30 – 16:00	Tea/Coffee		

Session : 5 (at Ashoka Hall)

16:00 - 16:45 <i>Concluding Session</i>			
Time	Agenda	Presenter/Facilitator	Method
16:00 – 16:15	Valedictory and Presentations	CUNPK/ ICRC	
16:15 – 16:30	Special Remarks	Mr Rene Boeckli, Deputy Head of Regional Delegation, ICRC, Delhi	
16:30 – 16:45	Vote of Thanks	Brig Gajinder Singh, DDG SD (A), Indian Army	



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